

Beggs, Tauren R - DNR

From: Beggs, Tauren R - DNR
Sent: Monday, June 27, 2016 2:17 PM
To: Don Brittnacher (Don.Brittnacher@omni.com)
Cc: 'John Emery'
Subject: RE: Follow up on Vapor Sampling for Allyn Property

To clarify, the meeting was two weeks ago, I mistyped below.

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Tauren Beggs

Phone: (920) 662-5178

Tauren.Beggs@wisconsin.gov

From: Beggs, Tauren R - DNR
Sent: Monday, June 27, 2016 2:16 PM
To: Don Brittnacher (Don.Brittnacher@omni.com)
Cc: 'John Emery'
Subject: RE: Follow up on Vapor Sampling for Allyn Property

Good afternoon,

I have been following up with the enforcement program regarding what was discussed during our in-person meeting last week. I was able to talk to the main enforcement staff contact for my program today. He is likely going to have some additional information for me tomorrow, so I will let you know what I find out once I get more information.

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Tauren Beggs

Phone: (920) 662-5178

Tauren.Beggs@wisconsin.gov

From: Beggs, Tauren R - DNR
Sent: Monday, June 20, 2016 11:03 AM
To: Don Brittnacher (Don.Brittnacher@omni.com)
Cc: 'John Emery'
Subject: Follow up on Vapor Sampling for Allyn Property

Hi Don,

As follow up to our meeting on Friday, June 17, 2016, I called our state vapor intrusion expert for some clarifications on vapor assessment and sampling:

- It is strongly encouraged at residential properties that indoor air sampling be conducted concurrently with sub-slab sampling. An outdoor air (ambient) sample should always be collected concurrent with an indoor air sample. For indoor air sampling any potential household materials in the building that may contain VOCs should be removed 24 hours prior to sampling indoor air.

- The absence of an on-site vapor intrusion concern does not necessarily rule out an off-site migration concern for the vapor intrusion pathway. However, in certain site-specific scenarios, it may potentially be able to be justified to not sample off-site.
- To rule out vapor intrusion at residential properties, DNR recommends two rounds of vapor sampling with at least one round collected between November and March.
- Depending on what is detected in the vapor sampling, additional sampling may be required.
- Vapor sampling should only be analyzed for the contaminants of concern.
- If vapors are present at a property, Chapter NR 722, Wis. Adm. Code requires that an active remedial action at the source be taken to limit or prevent, to the extent practicable, hazardous substance discharges and environmental pollution that may attain or exceed vapor action levels. In certain site-specific scenarios, a remedial action may not be potentially feasible, so a written explanation must be provided to the Department on why a remedial action is not conducted.

Due to the current situation and limited finances for this site, I still think it would be more beneficial to go with the option of vapor sampling. You can refer to *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin (RR-800)* for further guidance. I will be checking with enforcement either today or early this week on potential options regarding evaluation of the LLC. If you have any questions, please feel free to contact me.

Thanks,

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Tauren R. Beggs

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Beggs, Tauren R - DNR

From: Beggs, Tauren R - DNR
Sent: Monday, June 13, 2016 8:05 AM
To: 'John Emery'; Don Brittnacher
Subject: RE: Allyn Property - Potential Meeting

We will plan on that then. Yes, the meeting will take place at the DNR office located at 2984 Shawano Avenue, Green Bay, WI 54313. You can check in at the front desk.

See you then,

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Tauren Beggs

Phone: (920) 662-5178

Tauren.Beggs@wisconsin.gov

From: John Emery [mailto:emery.ja@gmail.com]
Sent: Friday, June 10, 2016 4:36 PM
To: Don Brittnacher
Cc: Beggs, Tauren R - DNR
Subject: Re: Allyn Property - Potential Meeting

Next Friday 6/17 at 11:00 is fine with us. I presume the meeting will be at the DNR office in Howard? Harmon & Vy Allyn will both want to participate with me, and probably my wife Ann also. See you then.

John

On Friday, June 10, 2016, Don Brittnacher <Don.Brittnacher@omni.com> wrote:

11:00 is fine with me.

Don

From: Beggs, Tauren R - DNR [mailto:Tauren.Beggs@wisconsin.gov]
Sent: Friday, June 10, 2016 9:40 AM
To: Don Brittnacher; John Emery
Subject: RE: Allyn Property - Potential Meeting

Let's plan on next Friday June 17th at 11am. I am open anytime that day, so if you prefer a different time, please let me know.

Thanks,

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Tauren Beggs

Phone: (920) 662-5178

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From: Don Brittnacher [<mailto:Don.Brittnacher@omni.com>]

Sent: Friday, June 10, 2016 9:19 AM

To: John Emery

Cc: Beggs, Tauren R - DNR

Subject: RE: Allyn Property - Potential Meeting

John and Tauren,

My next four Fridays are open.

Don

From: John Emery [<mailto:emery.ja@gmail.com>]

Sent: Friday, June 10, 2016 9:03 AM

To: Don Brittnacher

Cc: Beggs, Tauren R - DNR

Subject: Re: Allyn Property - Potential Meeting

Hi Don, hope you're feeling better soon! We drive the folks to Green Bay every Friday for their weekly errands so it would be best if we could meet on a Friday. Late morning between 10:00 & noon would be ideal for us. Let me know if we can make that work.

Thanks, John

On Friday, June 10, 2016, Don Brittnacher <Don.Brittnacher@omni.com> wrote:

Tauren,

I was on vacation two weeks ago in Mexico, and since it was Mexico, I've been sick since. (Mexico is the gift that keeps on giving!) Via cc, John, could you get me some available dates for you and Harmon to meet in Green Bay? Thanks.

Don

From: Beggs, Tauren R - DNR [<mailto:Tauren.Beggs@wisconsin.gov>]
Sent: Friday, June 10, 2016 7:44 AM
To: Don Brittnacher
Subject: Allyn Property - Potential Meeting

Good morning Don,

Have you had a chance to follow up with John regarding a meeting with DNR for the Allyn property? I have been looking into other potential tools that the DNR has to see how we could potentially proceed with this site. I would like to have this meeting prior to any action taken to explain what options may be available to the RP, to better understand what the surrounding properties are in terms of the risk to public for potential vapor intrusion, and to get a better idea of the RP's financial viability of what else they can afford to do (preliminary vapor assessment, sampling, etc.).

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Tauren R. Beggs

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Beggs, Tauren R - DNR

From: Beggs, Tauren R - DNR
Sent: Friday, June 10, 2016 8:38 AM
To: Panzer, Timothy J - DNR; Fox, Shelley L - DNR; Lowery, Jason B - DNR
Cc: Chronert, Roxanne N - DNR
Subject: RE: RP Viability Question

Thanks for the clarification Tim. I will try to get a meeting set up with them to hear what they have to say and go from there. I will just have to wait until they are out of compliance then.

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Tauren Beggs

Phone: (920) 662-5178

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From: Panzer, Timothy J - DNR
Sent: Friday, June 10, 2016 8:28 AM
To: Beggs, Tauren R - DNR; Fox, Shelley L - DNR; Lowery, Jason B - DNR
Cc: Chronert, Roxanne N - DNR
Subject: RE: RP Viability Question

In short, no there is nothing we can do for an LLC. We also would not use the ability to pay process prior to going to enforcement even if it was an individual.

As for using the zone contract, that is a last resort option, not the first one. I think we first need to hear the LLC refuses to do any investigation before the state steps in, if at all.

Thanks,

Tim

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Tim Panzer

Phone: 608-267-2465

timothy.panzer@wisconsin.gov

From: Beggs, Tauren R - DNR
Sent: Friday, June 10, 2016 8:04 AM
To: Fox, Shelley L - DNR; Lowery, Jason B - DNR; Panzer, Timothy J - DNR
Cc: Chronert, Roxanne N - DNR
Subject: RP Viability Question

Good morning,

Is there any way to do some kind of preliminary evaluation of financial viability of a LLC before a case goes to enforcement? The reason I ask is because the site I have has potential vapor intrusion concerns, but the RP is not out of compliance yet, so I wouldn't be able to start the enforcement process at this time. I am hoping that if I could potentially utilize Vapor Intrusion Zone Contracting to do some off-site vapor sampling, it could more quickly evaluate off-site risk and speed up the process of working with RR legal counsel to work towards the

process of evaluation of the LLC's financial viability. Not sure what the VIZC budget looks like for this fiscal year, but hoping Tim can give me an indication of where it is at. I am trying to setup a meeting with the RP and am wondering what preliminary information I may need to get from them in order to justify using VIZC. Please let me know when you have a chance.

Thanks,

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