

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 10, 2015

Ms. Marjorie Horvat
NAI MLG Commercial
757 N. Broadway St., Ste. 700
Milwaukee, WI 53202

Subject: New Determination Regarding Investigation of Contamination
No Additional Action Required
Pinecrest Shopping Center, 156-248 S. Pine St., Racine, WI
Old DNR BRRTS # 02-52-564113 New BRRTS#09-52-564113 DNR FID#252202170

Dear Ms. Horvat:

On July 21, 2015, Thomas Campbell of Partner Engineering and Science, Inc., on behalf of NAI MLG Commercial, notified the Wisconsin Department of Natural Resources (DNR) that petroleum contamination had been detected at the site listed above. Based on the information that was initially submitted to the WDNR, you were sent a letter on August 17, 2015 explaining NAI MLG Commercial's obligations for restoring the environment at the referenced site under s. 292.11, Wisconsin Statutes.

This second letter is being sent to notify you, that based on an evaluation of all the information that is now available, the Department has determined that no response action, including further site investigation activities, is required under the NR 700, Wis. Adm. Code rule series to respond to these identified discharges.

The Bureau for Remediation and Redevelopment Tracking System ("BRRTS") will now show the status of the site described above as a "no action required" site. As part of this action, we have assigned the site a new identification number in our tracking system. PLEASE NOTE: Using the new BRRTS identification number identified above, you may view the information related to your site at any time at (<http://dnr.wi.gov/topic/Brownfields/clean.html>) and use the feedback system to alert us to any errors in the data.

If you want a more detailed written response from the Department regarding the "no action required" status, please be advised that under NR 749, Wis. Adm. Code, a \$700.00 fee is required for the general liability clarification letter.

Further correspondence regarding this site should be sent to:

Environmental Program Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King, Jr. Dr.
Milwaukee, WI 53212

Thank you for your cooperation.

Sincerely,

Nancy D. Ryan, Hydrogeologist
Remediation & Redevelopment Program

cc: Thomas Campbell, Partner Engineering and Science, Inc. – electronic copy only



Rationale for No Action Required

Date: November 10, 2015

Date stamped: Original Notification dated July 21, 2015

Name and description of site: Pinecrest Shopping Center, 156-248 (180 S. Pine St.), Burlington, WI

Who is submitting and for whom? Tom Campbell, Partner Engineering and Science, Inc., 2154 Torrance Blvd, Suite 200, Torrance, CA 90501 tcampbell@partneresi.com submitted a Technical Assistance and Environmental Liability clarification Request for No Further Action determination. The request was submitted on behalf of Abeer Ghazaleh, C-III Asset Management LLC, 5221 N Oconnor Blvd, Irving, TX 75039
The Dept. notified Mr. Campbell that we could not issue a NAR (or NFA) and would require additional investigation to determine the significance of identified impacts. Mr. Campbell subsequently submitted a release notification dated July 21, 2015 on behalf of NAI MLG Commercial, Marjorie Horvat (Receiver), 757 N. Broadway St., Suite 700, Milwaukee, WI 53202

What has been submitted? Request for No Further Action; Release Notification; Phase II Subsurface Investigation Report, Pinecrest Shopping Center dated June 3, 2015; Phase II Subsurface Investigation Report Addendum, Pinecrest Shopping Center; well abandonment forms on 11/10/15
The Department issued an RP letter to Marjorie Horvat, NAI MLG Commercial on August 17, 2015.

Description of contamination: The subject property is developed with a strip mall and grocery store. The grocery store is located on a parcel identified as 156 S. Pine St., the strip mall on a parcel with the address of 180 S. Pine St. A Phase II investigation was conducted on the property in December 2014 to evaluate potential environmental impact from three recognized environmental concerns related to a dry cleaner store located in the mall at 180 S. Pine, a former 1,000-gallon fuel oil underground storage tank located on the south side of the grocery store at 156 S. Pine and the historic presence of a gasoline service station on the western side of the 180 S. Pine St. parcel. The State's UST database lists the tank as having been removed in 2000 and a geophysical survey conducted in the area did not detect any evidence of a buried tank. No documentation related to the status of an underground storage system associated with the former gasoline service station is available although the property owner indicated that the tanks had been removed.

The Phase II investigation consisted of the advancement of 8 soil borings in the three areas being investigated and collection of 8 soil and 8 groundwater samples for volatile organic compounds (VOCs) and polyaromatic hydrocarbons (PAHs). Three soil samples were collected and sampled in the area of the dry cleaner store and analyzed for VOCs. No VOCs were detected in the soil samples other than methylene chloride which is assumed to be a laboratory contaminant. Low level concentrations of the dry cleaning solvent tetrachloroethylene were detected in groundwater collected from temporary wells in this location. The observed concentrations are consistent with contaminant levels identified during the full scale investigation of this release. The dry cleaner release (BRRTS#02-52-472623) was investigated and remediated and closed on September 14, 2015.

Low level PAHs were detected in each of the 4 samples collected at the location of the former gas station and the one sample collected in the area of the former 1,000 gallon UST. Sample collection depth at the former gas station area was 10-11 feet and 5-6 feet at the 1,000 gal UST. Groundwater samples collected from temporary

wells installed in the boreholes detected low level benzene (estimated value) and PCE above the ch. 140 Wis. Adm. Code groundwater preventive action limit (PAL) at the 1000 gal UST location and benzene was detected above the PAL in one well at the former gas station location. PAHs were detected above PALs in three of the four samples collected at the former service station location.

In February 2014, 4-NR 141 Wis. Adm. Code-compliant monitoring wells were installed, 1 at the former 1000 gal tank location and 3 at the service station location. These wells were sampled on two occasions. Low level PAHs were detected in the first round. No VOCs or PAHs were detected above laboratory quantitative detection limits in any of the samples collected during the second round of sampling.

In July, 2015, Tom Campbell submitted the results of the Phase II investigations and a request to the Department for a No Further Action determination. The Department requested additional investigation in the former gas station area to determine the significance of the PAH contaminated soil detected at depth from boring B-5 during the Phase II investigation. In August 2015, 5 additional soil borings were advanced and sampled for PAH analysis in the vicinity of B-5. One sample was collected above the depth of the B-5 sample, four were collected at a similar depth surrounding B-5. Very low level PAHs were detected in the four borings surrounding B-5, the majority being reported as estimated values below the laboratory limit of quantitation. The shallower sample collected above the depth of B-5 had no reported PAHs above the limit of quantitation.

Summary: low level PAHs were detected below a depth of 4 feet at the approximate depth of the water table at the location the former 1,000 gallon UST. The former tank has been removed, no groundwater impacts were identified. The low level PAH contamination at 5-6 feet is assumed to be related to the former fuel oil tank and considered to be insignificant.

The PAH contamination identified at the location of the former gasoline service station was detected at a depth of 10-11 feet and vertical and horizontal samples collected to establish the extent and degree of this contamination indicate that the PAH contamination is insignificant.

What is being requested? No Action Required

Conclusions: Grant No Action Required
Rescind RP letter

BRRTS #09-52564113 FID#252202170

Signed: *Nancy Ryan* Date: *11/10/15*

Notification For Hazardous Substance Discharge (Non-Emergency Only)

Emergency Discharges / Spills should be reported via the 24-Hour Hotline: 1-800-943-0003

Notice: Hazardous substance discharges must be reported immediately according to s. 292.11 Wis. Stats. Non-emergency hazardous substance discharges may be reported by telefaxing or e-mailing a completed report to the Department, or calling or visiting a Department office in person. If you choose to notify the Department by telefax or by email, you should use this form to be sure that all necessary information is included. However, use of this form is not mandatory. Under s. 292.99, Wis. Stats., the penalty for violating the reporting requirements of ch. 292 Wis. Stats., shall be no less than \$10 nor more than \$5000 for each violation. Each day of continued violation is a separate offense. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than program administration. However, information submitted on this form may also be made available to requesters under Wisconsin's Open Records Law (ss. 19.31 – 19.39, Wis. Stats.).

Confirmatory laboratory data should be included with this form, to assist the DNR in processing this Hazardous Substance Release Notification.

Complete this form. **TYPE or PRINT LEGIBLY.** NOTIFY appropriate DNR region (see next page) **IMMEDIATELY** upon discovery of a potential release from (check one):

- Underground Petroleum Storage Tank System (additional information may be required for Item 6 below)
- Aboveground Petroleum Storage Tank System
- Dry Cleaner Facility
- Other - Describe: _____

ATTN DNR: **R & R Program Associate**

Date DNR Notified: 07/21/2015

1. Discharge Reported By

Name Tom Campbell	Firm Partner Engineering and Science, Inc.	Phone No. (include area code) (508) 876-2660
Mailing Address 2154 Torrance Blvd, Suite 200, Torrance, CA 90501		Email Address tcampbell@partneresi.com

2. Site Information

Name of site at which discharge occurred. Include local name of site/business, not responsible party name, unless a residence/vacant property. Pinecrest Shopping Center

Location: Include street address, not PO Box. If no street address, describe as precisely as possible, i.e., 1/4 mile NW of CTHs 60 & 123 on E side of CTH 60. 156-248 South Pine Street

use address 180 S. Pine

Municipality: (City, Village, Township) Specify municipality in which the site is located, not mailing address/city.

Burlington

County: Racine	Legal Description: ____ 1/4 ____ 1/4 Sec ____ Tn ____ Range ____	WTM: C E C W X _____ Y _____
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3. Responsible Party (RP) and/or RP Representative

Responsible Party Name: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary.

NAI MLG Commercial

- Reported in compliance with s. 292.11(2), Wis. Stats., by a local government exempt from liability under s. 292.11(9)(e), Wis. Stats.
- For more information see <http://dnr.wi.gov/topic/Brownfields/Liability.html>.

Contact Person Name (if different) Marjorie Horvat (Receiver)	Phone Number (262) 938-4454	Email Address mah@mglcommercial.com	
Mailing Address 757 N. Broadway Street, Suite 700	City Milwaukee	State WI	ZIP Code 53202

Property owner if Different From RP: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary.

Contact Person Name (if different)	Phone Number	Email Address	
Mailing Address	City	State	ZIP Code

**Notification For Hazardous Substance Discharge
 (Non-Emergency Only)**

4. Hazardous Substance Information

Identify hazardous substance discharged (check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> VOC's | <input type="checkbox"/> Diesel | <input type="checkbox"/> PERC (Dry Cleaners) |
| <input type="checkbox"/> PAH's | <input type="checkbox"/> Fuel Oil | <input type="checkbox"/> RCRA Hazardous Waste |
| <input type="checkbox"/> Metals (specify): _____ | <input type="checkbox"/> Gasoline | <input type="checkbox"/> Leachate |
| <input type="checkbox"/> Arsenic | <input type="checkbox"/> Hydraulic Oil | <input type="checkbox"/> Fertilizer |
| <input type="checkbox"/> Chromium | <input type="checkbox"/> Jet Fuel | <input type="checkbox"/> Pesticide/Herbicide/Insecticide(s) |
| <input type="checkbox"/> Cyanide | <input type="checkbox"/> Mineral Oil | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Lead | <input type="checkbox"/> Waste Oil | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> PCB's | <input type="checkbox"/> Petroleum-Unknown Type | |

5. Impacts to the Environment Information

Enter "K" for known/confirmed or "P" for potential for all that apply.

- | | | |
|---|--|--|
| <input type="checkbox"/> Air Contamination | <input type="checkbox"/> Sanitary Sewer Contamination | <input checked="" type="checkbox"/> Soil Contamination |
| <input type="checkbox"/> Co-Contamination (Petroleum & Non-Petroleum) | <input type="checkbox"/> Contamination in Right of Way | <input type="checkbox"/> Storm Sewer |
| <input type="checkbox"/> Contamination Within 1 Meter of Bedrock | <input type="checkbox"/> Fire Explosion Threat | <input type="checkbox"/> Surface Water Contamination |
| <input type="checkbox"/> Contaminated Private Well | <input type="checkbox"/> Free Product | <input type="checkbox"/> Within 100 ft of Private Well |
| <input type="checkbox"/> Contaminated Public Well | <input type="checkbox"/> Groundwater Contamination | <input type="checkbox"/> Within 1000 ft of Public Well |
| <input type="checkbox"/> Contamination in Fractured Bedrock | <input type="checkbox"/> Off-Site Contamination | |
| | <input type="checkbox"/> Other (specify): _____ | |

Contamination was discovered as a result of:

- | | | |
|--|--|--|
| <input type="checkbox"/> Tank closure assessment | <input type="checkbox"/> Site assessment | <input type="checkbox"/> Other - Describe: _____ |
| Date _____ | Date _____ | Date _____ |

Lab results: Lab results will be faxed upon receipt Lab results are attached

Additional Comments: Include a brief description of immediate actions taken to halt the release and contain or cleanup hazardous substances that have been discharged.

A Phase II Investigation Report with lab results was submitted to WDNR on July 21, 2015

6. Federal Energy Act Requirements (Section 9002(d) of the Solid Waste Disposal Act (SWDA))

For all confirmed releases from UST's occurring after 9/30/2007 please provide the following information:

- | Source | Cause |
|---|--|
| <input type="checkbox"/> Tank | <input type="checkbox"/> Spill |
| <input type="checkbox"/> Piping | <input type="checkbox"/> Overfill |
| <input type="checkbox"/> Dispenser | <input type="checkbox"/> Corrosion |
| <input type="checkbox"/> Submersible Turbine Pump | <input type="checkbox"/> Physical or Mechanical Damage |
| <input type="checkbox"/> Delivery Problem | <input type="checkbox"/> Installation Problem |
| <input type="checkbox"/> Other (specify): _____ | <input type="checkbox"/> Other (does not fit any of above) |
| | <input type="checkbox"/> Unknown |

Contact information to report non-emergency releases in DNR's five regions are as follows:

Northeast Region (FAX: 920-662-5197); Attention -- R&R Program Associate: DNRRRNER@wisconsin.gov

Brown, Calumet, Door, Fond du Lac (except City of Waupun - see South Central Region), Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, Winnebago counties

Northern Region (FAX: 715-623-6773); Attention -- R&R Program Associate: DNRRRNOR@wisconsin.gov

Ashland, Barron, Bayfield, Burnett, Douglas, Forest, Florence, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn counties

South Central Region (FAX: 608-273-5610); Attention -- R&R Program Associate: DNRRRSCR@wisconsin.gov

Columbia, Dane, Dodge, Fond du Lac (City of Waupun only), Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk, Walworth counties

Southeast Region (FAX: 414-263-8550); Attention -- R&R Program Associate: DNRRRSER@wisconsin.gov

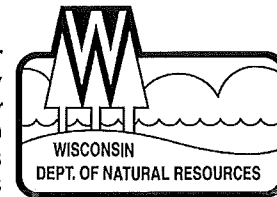
Kenosha, Milwaukee, Ozaukee, Racine, Washington, Waukesha counties

West Central Region (FAX: 715-839-6076); Attention -- R&R Program Associate: DNRRRWCR@wisconsin.gov

Adams, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, Juneau, LaCrosse, Marathon, Monroe, Pepin, Pierce, Portage, St. Croix, Trempealeau, Vernon, Wood counties

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Eric Nitschke, Regional Director
Telephone 414-263-8500
FAX 414-263-8483
TTY 414-263-8713



August 17, 2015

Marjorie Horvat
NAI MLG Commercial
757 N Broadway St, Ste 700
Milwaukee, WI 53202

Subject: Reported Contamination at Pinecrest Shopping Center 156-248 S Pine St
Racine, WI
DNR BRRTS Activity # 02-52-564113
DNR FID #252202170

Dear Ms. Horvat:

On July 21, 2015, Tom Campbell from Partner Engineering and Science, Inc., on behalf of NAI MLG Commercial notified the Department of Natural Resources (DNR) that soil contamination had been detected at the site described above.

Based on the information that has been submitted to the DNR regarding this site, we believe NAI MLG Commercial is responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, Wis. Stats., explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the DNR or the Department of Agriculture, Trade and Consumer Protection (DATCP).

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

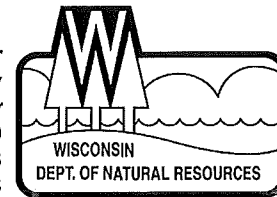
Wisconsin Administrative Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce

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your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. The following information provides the timeframes and required steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

1. Within the next **30 days**, by September 16, 2015, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the DNR may initiate enforcement action against you.
2. Within the next **60 days**, by October 16, 2015, you must submit a work plan for completing the investigation. The work plan must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current DNR technical guidance documents.
3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. If a fee for DNR review has been submitted, the site investigation must begin within 60 days after receiving DNR comments.
4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you must submit a Site Investigation Report to the DNR or other agency with administrative authority. For sites with agrichemicals contamination, your case will be transferred to the Department of Agriculture, Trade and Consumer Protection for oversight.
5. Within 60 days after submitting the Site Investigation Report, you must submit a remedial actions options report.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the DNR's internet site. You may view the information related to your site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you must complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements. All correspondence regarding this site should be sent to:

Victoria Stovall
Environmental Program Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Martin Luther King Dr.
Milwaukee, WI 53212
Victoria.Stovall@wisconsin.gov

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Wisconsin Department of Natural Resources
2300 N. Martin Luther King Dr.
Milwaukee, WI 53212
Victoria.Stovall@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Site Investigation and Vapor Pathway Analysis:

As you develop the site investigation work plan, we want to remind you to include an assessment of the vapor intrusion pathway. Chapter NR 716, Wisconsin Administrative Code outlines the requirements for investigation of contamination in the environment. Specifically, s. NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media". In addition, section NR 716.11(5)(g) and (h) contains the specific requirements for evaluating the presence of vapors in the sub-surface as well as in indoor air.

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the vapor pathway is being ruled out, then the report needs to provide the appropriate justification for reaching this conclusion. If the pathway cannot be ruled out, then investigation and, if appropriate, remedial action must be taken to address the risk presented prior to submitting the site for closure. The DNR has developed guidance to help responsible parties and their consultants comply with the requirements described above. The guidance includes a detailed explanation of how to assess the vapor intrusion pathway and provides criteria which identify when an investigation is necessary. The guidance is available at: <http://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>.

Additional Information for Site Owners:

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Information on Contaminated Lands Environmental Action Network (CLEAN) is enclosed.

If you have questions, call the DNR Project Manager Nancy Ryan at (414) 263-8533 for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,

 FOR

David Hanson
Environmental Program Associate
Remediation & Redevelopment Program

Enclosures:

Selecting a Consultant – RR-502
<http://dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf>

Environmental Services Contractor List – RR-024
<http://dnr.wi.gov/files/PDF/pubs/rr/RR024.pdf>

VPLE Fact Sheet #2

<http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>

Environmental Contamination Basics, RR-674

<http://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf>

cc: Tom Campbell – Partner Engineering and Science, Inc.
WI DNR Case File