

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1155 Pilgrim Road
Plymouth, WI 53073

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



September 13, 2021

Anita Becker, Manager
Hawthorne Manor Inc.
321 Hawthorn Drive
West Bend, WI 53095

SUBJECT: Request for Property Access to Conduct Chemical Vapor Sampling
Related to Former Ol' Tyme Cleaners, 910 S. Main St., West Bend, WI
BRRTS #: 02-67-576350

Dear Ms. Becker,

The Wisconsin Department of Natural Resources (DNR) and the Wisconsin Department of Health Services (DHS) stopped in to talk to you in person at the Hawthorn Manor facility on August 31 regarding access for environmental sampling at Hawthorn Manor due to concerns of contaminant migration from nearby former Ol' Tyme Cleaners, 910 S. Main St., West Bend. It is the DNR's understanding that previous requests to the property owner for sampling access at Hawthorn Manor have not been successful.

This letter is a request that you please have the Hawthorn Manor's facility owner or appropriate party sign the enclosed access request form and return it to former Ol' Tyme's environmental consultant, Aaron Loftberg of Konicek Environmental Consulting LLC, in the envelope provided to allow these environmental professionals on the property to conduct the necessary environmental work. From both a health and liability perspective, it is in all parties' best interest to allow sampling to occur as soon as possible.

Situation Overview

DNR is overseeing an investigation of soil and groundwater contamination at the former Ol' Tyme Cleaners, 910 S. Main St., West Bend. Testing the Hawthorn Manor property would be part of this investigation. Some contamination may, over time, have migrated underground toward the property.

Further, certain types of chemical contamination produce gases that rise through permeable soil and can seep into buildings through cracks, drains and other small openings in basement floors and walls. Buildings with crawl spaces and slab-on-grade foundations can be affected as well. These soil gases mix with indoor air and can be a serious health concern. The process of soil gases getting into buildings is called chemical vapor intrusion, and environmental sampling is necessary to determine if there is a problem.

It is likely that soil gas is present in this situation, and the Hawthorn Manor property is located in an area that should be tested for vapor intrusion. It is possible that chemical vapors may be entering the building.

DNR Recommends Granting Property Access for Sampling Now

DNR highly recommends that the property owner grant access to the property and allow this important health and environmental sampling work to be performed now, rather than risk the property owner taking on the responsibility at a later date.

To allow environmental sampling for chemical vapor intrusion on your property, simply have the property owner or appropriate party complete, sign and return the enclosed "Access Permission Agreement" to Aaron Loftberg in the enclosed envelope at:

Aaron Loftberg
Konicek Environmental, LLC
1032 South Spring St.
Port Washington, WI 53074

within two weeks of the date of this letter. You will then be contacted to schedule a day and time for air and soil gas sampling.

The following issues are important for you to consider in making your final decision about access:

Costs Paid if Access is Granted Now

Currently, Mr. Robert and Mrs. Lois Siedensticker are identified as the parties responsible for environmental contamination on, and migrating from, 910 S. Main St., West Bend, WI. As such, they are required to pay for sampling and mitigation work at potentially affected properties like yours. If you allow access for sampling now these services will be paid for in full.

Potential Health & Real Estate Issues

Allowing access for sampling now, finding out if chemical vapor intrusion is an issue on the property, and following through with any mitigation efforts, if necessary, is clearly the best course of action. It will help answer health questions, limit liability, and demonstrate action to correct a potential issue for purposes of property transactions.

Additional Information Available

Fact sheets on vapor intrusion and related matters are included with this letter for your review. This is a complex issue and you have many things to consider. Please feel free to contact me at any time if you have questions or want to discuss this matter in more detail. I can be reached at 262-416-8643 and johnm.feeney@wisconsin.gov.

Sincerely,



John Feeney, PG
Remediation and Redevelopment Program
Wisconsin Department of natural Resources

Cc: Mr. Aaron Loftberg, Konicek Environmental, Inc.
Ms. Brita Kilburg-Basnyat, Ph.D., Division of Public Health, Wisconsin Department of Health Services

Enclosures:

RR-5456, Access Permission Agreement
RR-892 What is Vapor Intrusion
RR-953 Why Test for Vapor Intrusion
RR-954 What to Expect During Vapor Intrusion Sampling

ACCESS PERMISSION AGREEMENT

I, _____ hereby give permission to Lois and Robert Seidensticker
(Print Name)

and its employees, duly authorized representatives, agents and contractors, to enter upon and have access at reasonable times to the home/business located at

(ADDRESS) _____

and that is owned by _____
(Print Name)

The property is located in the Section 23, Township 11N, Range 19E, Washington, Wisconsin. The access permission is for the following purposes: that Konicek Environmental may advance soil probe(s), install groundwater monitoring well(s), periodically sample groundwater monitoring well(s), perform sub-slab and ambient air vapor sampling, and screen the home/business for vapor intrusion from Chlorinated Solvents located in soil and groundwater, associated with the 910 S. Main Street property located near your property. This permission allows Lois and Robert Seidensticker or its authorized representative to:

- (1) *Install and maintain sub-slab and indoor air vapor probe(s) within the home or business and collect samples annually on a quarterly schedule.*
- (2) *Collect, if necessary, an indoor air sample on each level of the home or business.*
- (3) *Abandon the vapor probe(s) when no longer needed.*
- (4) *Advance soil probe(s) on the property for which access is granted, collect soil samples, and abandonment of probes the same day.*
- (5) *If considered warranted, install and maintain groundwater monitoring well(s) on the property for which access is granted, collect groundwater samples annually on a quarterly schedule, maintain until case closure is granted, and abandon once closure is granted by the Wisconsin Department of Natural Resources (WDNR).*

The permission that is granted shall remain in effect until case closure is granted by the WDNR. If an extension is necessary to complete the work, Konicek Environmental will inform you in writing.

The property owner agrees not to damage or interfere with the use of any vapor probe, soil probe, or groundwater monitoring well installed as permitted herein.

IN WITNESS WHEREOF:

Signature of Property Owner

Date

Print Name

Email Address

Mailing Address

Area Code and Telephone Number

TENANT(S) / LESSEE(S) by UNIT NUMBER, ETC.

Name of Tenant(s)/Lessee(s)

Tenant(s) email address

Tenant(s) phone number

Mail or fax correspondence
regarding this site to:

Konicek Environmental
1032 S. Spring Street
Port Washington, WI
262-284-1728
g_konicek@yahoo.com

What is Vapor Intrusion?



Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

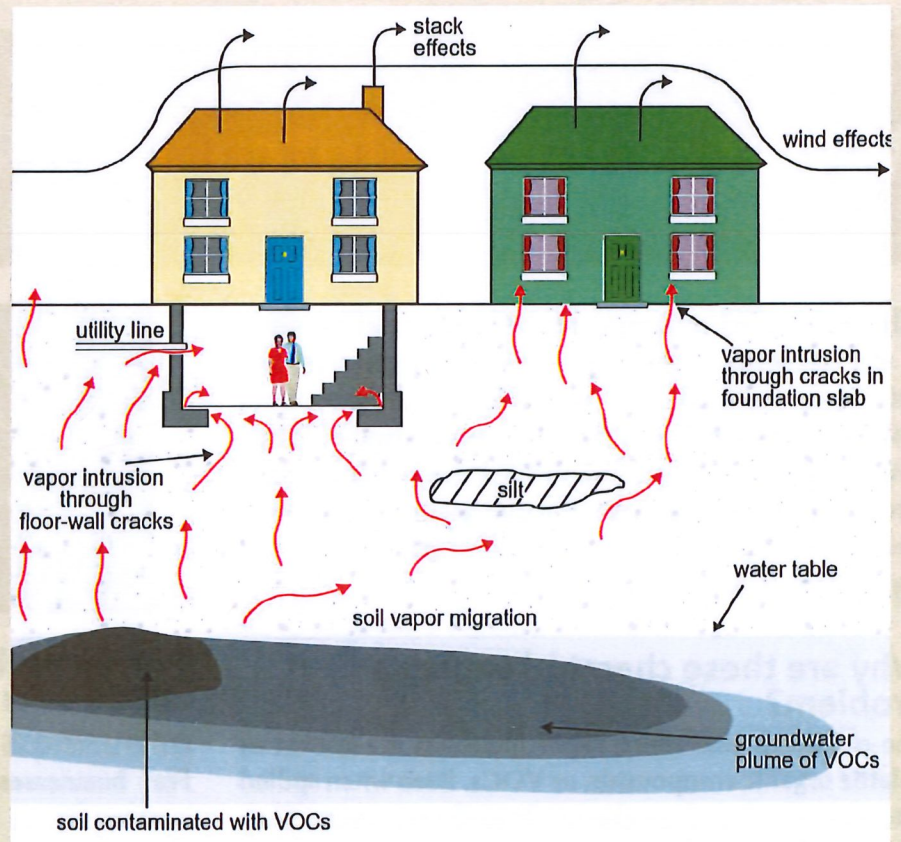
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."



How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic.
www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search "Vapor." For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at dnr.wi.gov/topic/Brownfields/Vapor.html.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at dnr.wi.gov/topic/Brownfields/Contact.html or call the RR Program at (608) 266-2111.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

Why Test for Vapor Intrusion?



Vapor intrusion is likely an unfamiliar term to you, and hearing that your property should be tested for possible chemical vapor intrusion may cause you some concern. That is understandable, and this information sheet is designed to answer basic questions many people have. Please refer to DNR PUB-RR-892, "What is Vapor Intrusion?" for a summary discussion of the term "vapor intrusion."

Most cases of vapor intrusion will pose no immediate threat to your health and safety. However, when other neighborhood properties are contaminated, it is wise to get your home or building tested to determine if there is any cause for concern. If potentially harmful chemical vapors are detected inside your home or building, the Department of Natural Resources (DNR), working in collaboration with other health and environmental professionals, will help you come up with a solution to protect you and your family.

Please consider the following factors when deciding whether to allow access for sampling:

Peace of mind

If there's a chance that chemical vapor or soil gas is seeping into your home or business, testing can determine whether it really is and to what extent. If testing reveals a problem, then steps can be taken to resolve it, making the indoor air you breathe safer for you and your family. Like radon gas, vapors from nearby soil or groundwater contamination can be diverted from beneath your home or office building and safely expelled into the outdoors, thus improving air quality inside your home or building.

The goal of sampling a residence or business is to eliminate as many of the unknowns as possible and safely address any concerns.

Who pays for testing?

You didn't cause this problem, so you don't have to pay for testing just as long as you allow reasonable and timely access to have testing done. The cost of sampling at potentially impacted residences or workplaces, like yours, is covered by the responsible party (the person or business legally obligated to investigate and clean up the contamination). In some cases, it's paid for directly by DNR, the Department of Health Services (DHS), or some other agency. Vapor sampling will be performed by a professional, and samples will be sent to a specialized lab for analysis.

Trained professionals and experts oversee the process

Multiple state and local agencies often work together to determine if vapor intrusion is a potential health risk in an area. The DNR, DHS, local health officials, the responsible party and environmental consultants are working together to ensure that quality samples are taken and that all results are given extensive review. It is important to gather the information in order to adequately understand if or where there may be a risk of vapor intrusion in your neighborhood.

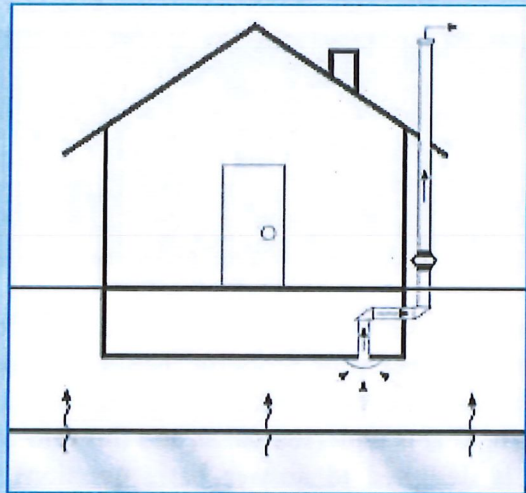


A simple, cost effective solution exists

If vapor intrusion is a problem in a house or building, it can generally be solved by installing a vapor mitigation system. These sub-slab depressurizing systems are similar to those used to eliminate radon gas underneath homes, and have been used for years in a safe and effective manner. If the source of the vapor is tied to a responsible party, they will often pay to have a system installed at your home. The annual upkeep and operation of a typical system is generally less than \$100 per year, mostly for electricity. These annual costs are typically the responsibility of the homeowner.

How will I know if the vapors have been eliminated?

After a vapor mitigation system is installed, follow-up testing of indoor air typically takes place three to six months later. The systems are usually considered permanent fixtures of the building. In cases where the source of the vapor is completely eliminated, the systems should no longer be needed.



If potentially harmful chemical vapor intrusion is detected in a home or business, the most common solution is to install a sub-slab depressurization system. This system captures and redirects soil vapors from below the building foundation before they enter the indoor air. Vapors are vented outside of the building where they disperse into the air and are rendered harmless.

Sub-slab depressurization systems also prevent radon from entering homes, which is an added health benefit in radon-prone areas.

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search "Vapor." For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at dnr.wi.gov/topic/Brownfields/Vapor.html.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at dnr.wi.gov/topic/Brownfields/Contact.html or call the RR Program at (608) 266-2111.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

What to Expect During Vapor Intrusion Sampling



The sampling procedure for vapor intrusion is performed by health and environmental professionals. It involves drilling one or more small holes into the basement or lowest level of your building, collecting a vapor sample from those holes - also called ports - and then sending the sample to a specialized lab for analysis. This is called sub-slab sampling. Sampling professionals try to minimize any inconveniences to you by informing you up front on what to expect and working with your schedule on the days of sampling.

Vapor sampling provides information about the extent of potential contamination in your neighborhood.

Should I be on site for the sampling?

It's up to you. Sampling professionals will need to be let in to install the testing equipment and collect the samples. The arrangements you make are completely dependent on your availability and comfort level with others on your property.

Day 3: The third day is a shorter visit to gather all of the sampling equipment and seal off the ports. Sometimes the port site is left in place in case samples may need to be collected in the future.

How many times will sampling professionals enter my property, and how is sampling done?

In general, you should plan on two or three visits over two or three days. While the actual sampling procedure and schedule may vary, the following provides a typical approach:

Day 1: The first day includes locating suitable locations for port installation, then drilling and installing the ports. This usually takes about an hour or two.

Day 2: The second day involves attaching the collection canister to the port to begin collecting the samples. A 24-hour indoor air sampling kit may also be set up. This visit will also take an hour or two.

Why not take indoor air samples instead of sub-slab samples?

Indoor air quality often changes from day to day, creating misleading assumptions about long-term indoor air quality. Indoor air quality may be affected by vapors given off by household or commercial products including paints, glues, fuels, cleaners, cigarette smoke, aerosol sprays, new carpeting or furniture. Also, any outdoor air that enters the inside of your house may also contain vapors which can alter test results. By itself, indoor air testing will not necessarily confirm that the vapors in the indoor air are entering a building from underground sources. However, indoor air samples are usually collected at the same time as the sub-slab samples for comparison purposes.



What if there is a crawl space instead of a basement?

If there is a crawl space or a basement with a dirt floor, it is not possible to install a port. In these cases, a sample of air is collected from the crawl space or basement over a 24 hour period. Sometimes a port can be installed in the side wall of the foundation.

Who pays for testing, and when will I get the results?

In many cases, the responsible party (the person or business legally obligated to investigate and clean up the environmental contamination) pays for the testing. The responsible party may also pay for the installation of a mitigation system if it is necessary. Sometimes, other parties such as DNR or the Dept. of Health may pay for testing. As long as the property owner provides reasonable and timely access for testing, rarely would they be responsible for the cost.

The laboratory results are usually available in two to four weeks and will be shared with you through a state or local health agency, the Wisconsin DNR, the responsible party or a hired consultant. An explanation of the findings and additional steps to be taken, if any, will also be provided.



A sub-slab vapor sampling system is usually in place for a day or two during the sampling process. The metal canisters (foreground) collect the vapor sample from the port (smaller canister in back of photo). The same canisters can be used to collect indoor air samples.

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search "Vapor." For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at dnr.wi.gov/topic/Brownfields/Vapor.html.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at dnr.wi.gov/topic/Brownfields/Contact.html or call the RR Program at (608) 266-2111.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.