



July 15, 2019

Mr. Robert Rivani
RJR. ML, LLC
1180 South Beverly Drive, Suite 700
Los Angeles
CA 90035-1151

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
Highland Plaza
8530-8600 West Brown Deer Road
DNR BRRTS Activity #: 02-41-579065
FID #: 341286000

Dear Mr. Rivani:

On May 20, 2019 the Wisconsin Department of Natural Resources (DNR) reviewed the closure request for the case identified above. As you are aware, the DNR reviews environmental remediation cases for compliance with applicable laws, including Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 – 754 and whether any further threat to public health, safety or welfare or the environment exists at the site or facility, per Wis. Admin. Code § NR 726.13 (2) (b). As discussed with your consultant on May 23, 2019 by a phone call and meeting with him on June 3, 2019, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726

As noted above, additional work is necessary to meet the requirements for case closure because the sanitary sewer vapor needs to be assessed, and sub-slab vapor sampling needs to be conducted.

Need to Complete Additional Vapor Investigation

Additional site investigation, per Wis. Admin. Code § NR 716.11 (5), is needed to determine whether vapor intrusion is a completed pathway at this site, or if there is a risk of future vapor exposure due to residual contamination. Evaluate source control actions that may be practicable under Wis. Admin. Code § NR 726.05 (8). Install a vapor sampling point north of GP-3 and re-evaluate the pressure field extension testing for the site with the additional data included. Conclusion from the camera shot that showed no breaks/holes on the sanitary sewer is a field qualitative test. Sample vapor from the sanitary sewer line manhole in the alley using an acceptable quantitative sampling method.

Source Removal

There is need to check if the dry-cleaning machines are still storing tetrachloroethylene on-site. If so, this material should be properly removed and recycled or disposed.

Closure Form Revisions

- i. The residual Soil Contamination Map, Figure B.2.b. needs to be revised to show the iso-contour line for RCL exceedances. Extend the contour line of the current exceedances to the southeast direction to be representative of the site conditions.
- ii. The on-site building must be shown on Figure B.2.a and B.2.b. Justify the building as a structural impediment to the investigation per Wis. Adm. Code, § NR 726.05(8). Revise Form 4400 -202, Case Closure to reflect the structural impediment. The proposed cap needs to be extended to the south of its current location as this is part of the site remedy.
- iii. Present a map that shows the sanitary sewer line and depths of any other utilities on-site.
- iv. Revise Figure B.4.a, to reflect any change to the area of vapor contamination above small commercial VRSLs, and to identify the entire building as having the potential for vapor levels between the residential and small commercial VRSLs.

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements.

Until requirements are met, your site will remain “open” and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13. Once the additional work has been completed, documentation should be submitted to the DNR to demonstrate that the applicable requirements have been met, per the timelines above.

Case closure can be reconsidered by the DNR once documentation has been received of a revised case closure resubmittal.

Conclusion

For more information on the closure reconsideration process, please see DNR publication, RR-102, “Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process” by visiting dnr.wi.gov, search: RR-102.

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, Binyoti F. Amungwafor at 414-263-8607 or by e-mail at Binyoti.Amungwafor@wisconsin.gov.

The DNR appreciates your efforts to restore the environment at this site.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Mylotta', with a long horizontal flourish extending to the right.

Pamela A. Mylotta
Team Supervisor, Southeast Region
Remediation & Redevelopment Program

cc: Mr. Robert Langdon, SCS Engineers
Case File, FID #: 341286000