



September 22, 2020

Attention: Schawanda Grissom
Phillips Edison & Co.
11501 Northlake Drive
Cincinnati, OH 45249

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
Bright Cleaners, 7249 S. 76th St., Franklin, WI 53132
BRRTS # 02-41-580017, FID # 241928940

Dear Ms. Grissom:

On July 30, 2020, 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). 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.

Background

The site is a former dry-cleaning facility located within the Franklin Centre shopping mall. Dry cleaning operations were conducted on-site from approximately 1995 to November 2018. The tenant space which housed the former dry-cleaning facility (Bright Cleaners tenant space) is currently vacant. Sub-slab vapor samples collected at the site identified tetrachloroethene (PCE) at a concentration exceeding the small-commercial vapor risk screening level (VRSL). A sub-slab depressurization system (SSDS) was installed within the former Bright Cleaners tenant space and actively operated from September 2018 to December 2018. The SSDS components are still in place, but the system has not operated actively since December 2018. Sub-slab vapor samples collected after the SSDS was shut down have not identified any small commercial VRSL exceedances.

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 site investigation is incomplete, and a remedial action has not been completed. Additional site investigation activities and possibly remedial action will be necessary prior to case closure. The DNR requests the submittal of a comprehensive site investigation and interim action report which documents the activities requested below as well as all previous environmental activities completed at the site to date.

1. Preferential Migration Pathway Assessment

Additional assessment of utilities is necessary to complete the site investigation. Complete an assessment to determine whether utilities located at the site are acting as a source of contamination and/or a preferential migration pathway. Provide the location of all floor drains located within the former Bright Cleaners tenant space and the location of utility laterals within the former Bright Cleaners tenant space and adjacent tenant spaces.

2. Soil

Soil samples collected to date have not identified any chlorinated volatile organic compounds (CVOCs) at concentrations in exceedance of regulatory standards. However, the DNR is unable to determine whether the soil investigation is complete. The results of the preferential migration pathway assessment requested above should be evaluated to determine whether soil samples collected to date were collected in appropriate locations and whether additional soil investigation is necessary. The collection of soil samples HA-1, HA-2, and HA-3 has not been documented other than in the closure report. Documentation of these samples along with all other samples collected should be included in a comprehensive Site Investigation Report (SIR). For any soil borings completed to collect soil samples, the DNR requests the completion and submittal of soil boring logs.

3. Groundwater

Groundwater samples collected from permanent monitoring wells to date have not identified any contaminants at concentrations in exceedance of regulatory standards. However, the DNR has determined the groundwater investigation is incomplete, because groundwater samples have not been collected beneath the former Bright Cleaners tenant space to investigate the potential contamination in/near the identified source area and along preferential migration pathways. Install a monitoring well within the former Bright Cleaners tenant space near the location of the former dry-cleaning machine. Additionally, the results of the preferential migration pathway assessment and potential soil sampling requested above should be evaluated to determine whether groundwater samples collected to date were collected in appropriate locations and whether additional monitoring wells are needed. For any monitoring wells installed, the DNR requests the completion and submittal of soil boring logs, as well as the collection of soil samples.

4. Vapor

Sub-slab vapor samples collected at the site identified PCE at a concentration exceeding the small-commercial VRSL. An SSDS was installed within the former Bright Cleaners tenant space and actively operated from September 2018 to December 2018. The SSDS components are still in place, but the system has not operated actively since December 2018. Sub-slab vapor samples collected after the SSDS was shut down have not identified any small-commercial VRSL exceedances. Your environmental consultant, Apex, stated, "The vapor contamination has been addressed by the operation of the SVE (soil vapor extraction) System. The confirmatory vapor samples collected after the operation of the SVE System demonstrate that the system effectively lowered the VOCs beneath the floor slab to concentrations below current standards." The DNR has the following comments/requests regarding the vapor activities:

- a) The post-SSDS shut down vapor data has not been submitted to the DNR other than in the case closure request. These sampling events should be documented in a comprehensive SIR. The report should include a description of the status of the SSDS during these sampling events, including when the fan was shut off and whether the extraction pipes were capped prior to sampling.
- b) The DNR letter, *Review of Revised Remedial Action Options and Design Report*, dated October 5, 2018, states “To determine if the system is not required any longer, shut fan(s) off. Then collect at least three rounds of sub-slab samples (first samples collected 2 to 4 weeks after shut-down; second samples collected 2 to 6 months after shut-down; third samples collected within 1 year after shut-down; and at least two of the samples collected during heating season). See: <http://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>; App. F.”

This requirement has not been satisfied. Two rounds of post-SSDS shut down sub-slab vapor samples were collected from SV-1 and SV-7. The concentrations in these sampling rounds indicate the resulting trend and condition are unstable. To determine whether the SSDS is no longer needed, collect an additional round(s) of sub-slab vapor samples at SV-1, SV-4, and SV-7. In addition, collect a concurrent indoor-air sample from the former Bright Cleaners tenant space. The analysis of these samples should be limited to the contaminants of concern.

- c) Sub-slab vapor sample locations SV-5 and SV-6 are used to delineate the extent of vapor contamination. These locations were sampled once in 2017. Collect an additional round(s) of sub-slab vapor samples along with concurrent indoor-air samples from these locations to confirm vapor concentrations are below regulatory standards. If these sampling ports have been removed, the DNR requests that you install sampling ports closer to the wall which separates these tenant spaces from the dry-cleaning tenant space. The analysis of these samples should be limited to the contaminants of concern.
- d) The DNR requests that you cap the exhaust pipes for a minimum of two weeks prior to conducting the vapor sampling requested above. The purpose of this is to aid in determining whether the inactive SSDS is impacting vapor conditions at the site.
- e) Collect a background ambient air sample concurrent with the indoor-air sampling requested above. The analysis of this sample(s) should be limited to the contaminants of concern.
- f) Provide details regarding the HVAC operation in the former Bright Cleaners tenant space and adjacent tenant spaces. Clarify whether the HVAC system is currently operating and whether it was operating during previous vapor sampling events. Evaluate the potential for the HVAC system(s) to distribute contaminants throughout the facility.
- g) The DNR requests that you indicate the status of the SSDS during sampling events on the vapor analytical table. For example, indicate whether the sample was collected prior to, or after, the installation of the SSDS and whether the system was actively operating at the time of sampling.

- h) The leak testing (shut-in test) conducted on the sampling train between the sample probe and the sample container does not appear to be in accordance with DNR recommendations. The DNR requests that you conduct future shut-in tests in accordance with the DNR procedures contained in the DNR publication, *Sub-Slab Vapor Sampling Procedures* (RR-986).

5. Remedial Action

- a) The vapor mitigation system installed at the site appears to be an SSDS rather than an SVE system. The DNR does not consider the installation of an SSDS a remedial action. In situations where vapors are present above VRSLs, a remedial action is required to reduce the mass and concentration of volatile compounds per Wis. Admin. Code § NR 726.05(8). A remedial action to the extent practicable, reactivation of the SSDS, and commissioning of the SSDS in accordance with the DNR publication, *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin* (RR-800) will be required if the vapor sampling requested above identifies vapors at concentrations in exceedance of the applicable VRSLs.
- b) The *Sub-slab Depressurization System Installation Report*, dated November 6, 2018, states that post-SSDS installation pressure field extension measurements were collected. Provide a table which includes the pressure field extension measurements per Wis. Admin Code § NR 716.15(3)(c). Also include a figure which identifies the locations of the pressure field extension measurements.

6. Other Comments

- a) Provide the dates or approximate dates of when the dry-cleaning machine and associated components were removed from the site.
- b) Attachment C.2 of the closure report states that documentation of investigative waste disposal was not included because “disposal of soil cuttings and development water was handled by tenant.” Investigative waste disposal documentation is required prior to case closure. The DNR requests that this information be provided in a comprehensive SIR.

Please be aware that the SI can be an iterative process and that data results may indicate further assessment is needed to define the degree and extent of contamination. Additionally, dependent on the results of the additional SI, remedial actions must be evaluated and identified, as applicable, per Wis. Admin. Code ch. NR 722.

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements. Submit an SI workplan documenting plans to complete the additional site investigation activities requested above within 60 days per Wis. Admin. Code § NR 716.09 (1) and submit a comprehensive SIR within 60 days of completion of work per Wis. Admin. Code § NR 716.15 (1).

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.

Conclusion

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, Joseph Martinez at 414-218-6042, or by email at joseph.martinez@wisconsin.gov. For more information on the closure reconsideration process, please see DNR publication, *Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process* (RR-102), by visiting dnr.wi.gov, search: RR-102, for more information.

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

Sincerely,



Michele R. Norman
Team Supervisor, Southeast Region
Remediation & Redevelopment Program

cc: Steve Newlin – Apex Companies LLC