

**State of Wisconsin**  
DEPARTMENT OF NATURAL RESOURCES  
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January 25, 2018

BRRTS#: 07-17-580786  
02-17-552037

Mr. Eric Swanson  
Acre Management, LLC  
6 Hawthorne Road  
Hopkins, MN 55343

**Subject:** Liability Clarification Letter for a Prospective Purchaser of the Village Cleaner Property, 821 Main St. E, Ave. Menomonie, WI 54751

Dear Mr. Swanson:

### **Purpose**

The Department of Natural Resources ("the Department") has reviewed a request submitted on your behalf by Matt Taylor of Cedar Corp. for a technical assistance/liability clarification letter in response to environmental contamination affecting the Village Cleaners Site at 821 Main St. E, Ave. Menomonie, WI 54751, Dunn County, Wisconsin hereafter referred to as "the Property." The purpose of this letter is to provide you, as a potential purchaser of the property, information concerning the current environmental conditions at the site as well as the level of work remaining to achieve case closure and information concerning post closure obligations when the site achieves closure. The Department received the appropriate fee for providing assistance, as required by s. NR 749.04(1), Wis. Adm. Code.

### **Background**

The Department considered the documents contained in the Site File in making the determinations presented in this letter. The current owners and listed responsible party for this site is Denny and Debbi Bodoh

Village Cleaners is a drycleaner and laundry facility that was constructed during the mid-1960s. Prior to that time, the land parcel was occupied by a residential structure. In June 2008, an environmental consultant conducted a limited site investigation to determine if soil and/or groundwater had been affected by the drycleaner operations. That investigation identified volatile organic compounds (VOC's) specifically tetrachloroethylene (PCE) had been discharged into the soil and groundwater during dry-cleaning activities at the site. The department was notified and a Responsible Party letter was sent to the owners explaining their responsibility to investigate and remediate the contamination.

### **Liability Determinations**

Wisconsin statute, s. 292.11, commonly called the "Hazardous Substance Spills Law", requires those who cause, possess or control a hazardous substance discharge to "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 this state."

The data on file indicates that hazardous substances have been discharged at the Property, impacting both soil and groundwater. Based on the information, additional actions were required at the Property to address soil and groundwater contamination.

### Summary of Environmental Conditions

At that time, the owners, applied for and were accepted into the Dry Cleaner Environmental Response Program which allowed them to access investigation and cleanup funding through the Dry Cleaner Environmental Response Fund (DERF). This reimbursement fund continues to provide reimbursement for approved costs associated with the cleanup.

A soil and groundwater investigation was completed 2011 and the Department determined that based on the investigation results that a remedial action was required to address the soil and groundwater contamination.

In 2013, a remedial action plan was implemented to address the tetrachloroethylene (PCE) contamination of the soils which in turn should reduce groundwater contamination associated with the discharge. The remedial action included the removal of a "hot spot" of near surface impacted soils (71.01 tons) and the installation of a SVE (soil vapor extraction) system.

Since that time, the SVE system has continued to operate and annual groundwater monitoring has been performed. The most recent Remedial Action Progress Report was received in March of 2017. That report documented a downward trend in the concentrations of PCE and related compounds in all monitoring points both air and ground water.

At that time, the owners requested that the information be reviewed to determine if closure was viable and if not what additional actions were needed. The information was reviewed and the following determination made.

1. Continued operation and maintenance of the SVE system is necessary to further reduce soil vapor concentrations and to help reduce groundwater PCE concentrations.
2. Continued groundwater sampling shall be performed to document the contaminant levels in the water.
3. A vapor intrusion pathway evaluation is needed to assess the possibility for migration of vapors into the building and into the surrounding buildings. This is generally completed via a sub slab vapor sampling process. That evaluation has not been completed.

Upon completion of the above referenced activities, the data will be evaluated to determine if case closure is achievable. Factors which will determine if the site meets closure requirements include the soil and groundwater concentrations. Decreasing concentrations or a stable trend in concentration will be evaluated. The vapor intrusion pathway evaluation will allow the Department to determine if a vapor intrusion risk exists and if additional vapor sampling is needed.

Once it has been determined that case closure is achievable, a case closure request will be submitted for review. If the Department finds that that the site meets the requirement for closure the site will be closed with continuing obligations (CO's). The most likely CO's that will be placed on the property are the continued maintenance of the asphalt surface in the area of the remedial excavation. This will help reduce infiltration of surface water through the soil which could possibly impact groundwater further. If the vapor pathway evaluation determines that there is little or no risk then discontinuing the SVE

system will be permitted. If a vapor risk is still present then continued operation of a modified SVE or sub slab mitigation system may be needed.

This is the most likely path to closure that I see for this site. Groundwater concentrations and vapor results will ultimately determine the work needed to achieve closure. If conditions change or new information becomes available that suggests a greater risk than currently thought then more work may be needed.

It is the Department's hope that this letter has been helpful to you in clarifying the environmental liability under the State's Hazardous Substance Spill Law, associated with the contamination that is associated with the Property. If you have any questions or concerns regarding this letter, please contact me directly at 715 684-2914 ext. 1170 or by email at [patrick.collins@wisconsin.gov](mailto:patrick.collins@wisconsin.gov)

Sincerely,



Patrick Collins  
Hydrogeologist  
Remediation and Redevelopment

c: Matt Taylor - Cedar Corp.  
Denny & Debbi Bodoh