



March 3, 2020

Ms. Joanne Kantor
Leather Rich Inc.
PO Box 23
Oconomowoc, WI 53066

Subject: Interim Remedial Action Work Plan - Review and Comments
Leather Rich Inc.
1250 Corporate Center Drive, Oconomowoc, Wisconsin
DNR BRRTS# 02-68-581237/ 06-68-582959 FID# 268414850

Dear Ms. Kantor:

The Wisconsin Department of Natural Resources (DNR) received the November 25, 2019 Interim Remedial Action Work Plan (Report) for the above-referenced site. The Report was submitted on behalf of Leather Rich Inc. by GZA GeoEnvironmental, Inc. (GZA). DNR reviewed the site for the potential of per- and polyfluoroalkyl substances (PFAS) contamination due to the dry-cleaning and fabricare operations at the site and for concurrence with the Voluntary Party Liability Exemption (VPLE) process.

The DNR identified the Leather Rich Inc. site as a potential source for PFAS. The DNR believes this emerging contaminant may be present in soil and groundwater on your property identified above. The DNR has regulatory authority to ask responsible parties to evaluate hazardous substance discharges and environmental pollution including emerging contaminants:

- Wis. Stat. § 292.01 (3) "Discharge" means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- Wis. Stat. § 292.01 (4) "Environmental pollution" means contaminating ... air, land, or waters of the state or making the same injurious to public health ...
- Wis. Stat. § 292.01 (5) "Hazardous substance" means any substance ... which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics ...

Background

This site has been occupied by a dry-cleaning and fabricare facility since 1993. An open contamination case with the DNR's Remediation and Redevelopment Program titled Leather Rich Inc. is tracked as BRRTS # 02-68-581237 and 06-68-582959. Results of site investigation activities completed to-date have identified soil and groundwater contamination from a hazardous substance discharge of volatile organic compounds (CVOCs). The use of PFAS has been associated with dry-cleaning and fabricare operations both nationally and in Wisconsin; this site may be a source of PFAS contamination.

Site Investigation

Site investigation scoping (Wis. Admin. Code § NR 716.07) and a site investigation work plan (Wis. Admin. Code § NR 716.09) require an evaluation of the history of the facility, previous discharges, and uses on the site that may be associated with discharges of hazardous substances. According to Wis. Admin. Code § NR 716.09, the DNR requires that you submit a site investigation work plan that includes an assessment of PFAS, and per Wis. Admin. Code § NR 716.07 (4), all environmental media affected or potentially affected by the contamination must be evaluated.

As stipulated in Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, the work plan should include a written evaluation of potential PFAS compounds that were historically or are presently produced, used, handled, or stored at the site. The evaluation should include any available information on whether any products containing PFAS were used in any process services, the duration of PFAS use, the type of PFAS used, and any areas of the site where PFAS may have been used, stored, or discarded. The site investigation work plan shall follow Wis. Admin. Code § NR 716.09 and shall include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07.

VPLE Review:

DNR completed a comprehensive review of the Report for concurrence with the VPLE process and provides the following comments:

Sources

- Prevent further discharges. Provide information on how systems and operations are being or will be upgraded to prevent future discharges, as required under Wis. Stat. § 292.11(4)(a), since it appears that the current contamination may have originated in the containment area.
- Provide locational information on storage areas and utilities within the building such as floor drains, sewer laterals and other potential pathways for discharges.
- Identify and explain the use of the shed that is north of the building in the fenced area adjacent to the containment area.
- The Leather Rich Inc. website indicates “Scotchgard™, water repel, and stain guard treatments” are offered at this location. The products used in these treatments contain PFAS. Identify and explain operations in the spray room and carpet cleaning room as related to PFAS, and any other operations related to potential PFAS-containing products as described above at this site.

Soil

- The Report identifies the containment area and the area to the west of the containment area as inaccessible. Please be aware that a VPLE Certificate of Completion (COC) cannot be issued unless a complete site investigation to fully identify and delineate contaminants is completed.

Groundwater

- GZA installed two additional monitoring wells and one piezometer.
 - DNR requests that the location of Piezometer PZ-3 have vertical aquifer profiling (VAP) conducted prior to installation of another piezometer. The data will allow the plume to be delineated vertically and will guide the appropriate depth or depths to set the piezometer. A multiport piezometer may be appropriate at this location.
 - DNR requests that a second VAP location be completed near the source. This data will define the plume vertically in the source area.
 - Monitoring well MW-17 at the property line has concentrations that are well above the enforcement standard for both tetrachloroethylene (PCE) and trichloroethylene (TCE); offsite delineation will be required.

- The monitoring well network needs to be surveyed into datum, not a temporary benchmark.
- GZA suggested using the proposed Cycle 10 groundwater quality standards for PCE of 20 µg/L for the enforcement standard (ES) and 0.2 µg/L for the preventive action limit (PAL) in lieu of the current standards in Wis. Admin. Code Ch. NR 140. The proposed Cycle 10 standards are at least two years away from being a published rule and changes may occur prior to implementation. Also, note that Cycle 10 recommends lowering the TCE standards from 5 µg/L to 0.5 µg/L for the ES and from 0.5 µg/L to 0.05 µg/L for the PAL. DNR is unable to recognize any of the recommended levels until the rule is published and in effect. Use the current and applicable groundwater quality standards in Wis. Admin. Code Ch. NR 140.

Vapor

Further vapor assessment is needed.

- Use the sampling data from all media to determine appropriate sampling locations.
- The current office space needs to be evaluated. The TCE concentrations were above industrial vapor risk screening levels (VRSLs) at samples collected next to the office. TCE vapor action levels (VALs) are low due to short-term exposure risks to sensitive populations. See the attached "TCE in the Air" fact sheet from the Wisconsin Department of Health Services.

Migration Pathways

- Provide any as-built drawings for the building that document the containment area details as well as any utilities inside or underneath the building.
- Provide the locations of utilities outside of the footprint of the building, on the property, and those in adjacent rights-of-way.

Receptors

- Identify off-site properties that are potential receptors.
- Identify down-gradient potable wells. Provide documentation of their location and construction.

Other comments

- In all future submittals provide the ch. NR 712 certification page signed by the appropriately licensed individuals as outlined in Wis. Admin. Code § NR 712.09.

Although the site investigation is not complete, GZA proposed to implement an interim action. The DNR concurs with the pilot test of a soil vapor extraction system but suggests waiting on the proposed injection until the information requested above is collected and evaluated.

Schedule

- Proceed with the SVE pilot test and submit results to DNR when the test is complete within as required by Wis. Admin. Code § NR 716.14(2).
- Provide a Site Investigation Work Plan with the above requested information within 60 days of this letter, by May 2, 2020 as required under Wis. Admin. Code § NR 716.09 (1).
- After the additional site investigation activities are approved and completed, DNR expects to receive a comprehensive Site Investigation Report and Remedial Action Plan within 60 days of completion as required by Wis. Admin. Code § NR 716.15(1)(a).

DNR appreciates the efforts Leather Rich Inc. has taken to remediate and investigate this property. Please contact me at 414-263-8563 or at timothy.alessi@wisconsin.gov with any questions or concerns regarding this letter.

Sincerely,



Timothy G. Alessi, P.G.
NR Region Program Manager
Remediation and Redevelopment

Cc: Donald P. Gallo, Axley Brynelson LLP, N20 W22961 Watertown Road, Waukesha, WI 53186
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