



June 8, 2021

M&E RENTALS LLC
EMIL BOOHER
2536 PLOVER RD
PLOVER WI 54467

Via Electronic Mail Only to emilbooher@hotmail.com

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Continuing Obligation and Property Owner Requirements for Interim Action – Vapor Mitigation System
Donaldsons Cleaners (Former)-E. Edgewood Dr., 1835 E. Edgewood Dr., Appleton, WI
BRRTS #: 02-45-586961, FID #: 445164170
Parcel Identification Number: 311900000

Dear Mr. Booher:

The purpose of this letter is to provide notification that M&E Rentals, LLC, as the current property owner, is responsible for maintaining the vapor mitigation system (VMS) as a continuing obligation at the property located at 1835 East Edgewood Drive, Appleton, Wisconsin, parcel ID number 311900000 (the “Property”). The VMS was installed as an interim action under Wisconsin Administrative Code (Wis. Admin. Code) § NR 708.11 for the Donaldsons Cleaners (Former) – E Edgewood Dr contamination case on the Property. On March 3, 2021, the DNR received a report titled “Sub-Slab Depressurization System Installation Report” which details the construction/installation of the VMS. After DNR review, a request for revisions to the document was made on May 25, 2021 via email (attached). Please note that as of the date of this letter, the revisions have not yet been received by the DNR. The revised documentation should be completed and submitted through the Remediation & Redevelopment (RR) Program Submittal Portal by July 2, 2021.

It is the DNR’s understanding that the causer of the contamination is no longer occupying the rental suite and has not complied with their obligations to investigate and address the contamination; therefore, M&E Rentals, LLC is responsible for conducting routine maintenance and submitting annual VMS inspection logs (attached) for the VMS. The causer of the contamination is currently in the environmental enforcement process for failing to take any response actions at the Property.

The continuing obligation for the VMS at the Property is in accordance with Wisconsin Statute (Wis. Stat.) § 292.12 and Wis. Admin. Code chs. NR 700-799. Continuing obligations are intended to limit exposure to remaining environmental contamination at the Property. The continuing obligation will also apply to future owners of the Property, until the conditions no longer exist.

Information on the continuing obligation associated with this case, including this interim action approval letter, is available in the DNR’s Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) at dnr.wi.gov, search “BOTW.” Enter BRRTS No. 02-45-586961 and then click **Search**. Scroll down and click on the documentation available in portable electronic format (PDF) that is associated with this interim action. The Site may also be seen on the map viewer, RR Sites Map. RR Sites Map can be found online at dnr.wi.gov, search “RRSM.”

The DNR has reviewed and approved the interim action of VMS installation to address the chlorinated volatile organic compound (CVOC) contamination found in sub-slab vapor and indoor air at the Property, based on information submitted by Rob Hoverman of EnviroForensics. The continuing obligation in this letter only addresses the interim action; therefore, further investigation or cleanup is still required to satisfy the remaining requirements of Wis. Admin. Code NR 700 rule series to reach case closure.

SUMMARY OF CONTINUING OBLIGATION

COs are applied at the following location:

ADDRESS (CITY of APPLETON, WI)	COS APPLIED	DATE OF MAINTENANCE PLAN
1835 E. Edgewood Dr.(Source Property)	Vapor Mitigation System	March 2, 2021 (Preliminary)

VAPOR

Continuing Obligation to Address Vapor Contamination

Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater or within preferential pathways into buildings where people may breathe air contaminated by the vapors.

VI - Vapor Mitigation System: (Wis. Stat. § 292.12 (2), Wis. Admin. Code § NR 726.15 (2) (h), (i), (j) or (m)) Vapor mitigation systems are used to interrupt the vapor pathway, thereby reducing or preventing vapors from moving into the building. Soil vapor beneath the building in Suite 101 where the former Donaldson Cleaners operated contains CVOC contamination at levels that would pose a risk to human health, if allowed to migrate into an occupied building on the property.

The property owner shall maintain, operate and inspect the VMS, installed on January 21, 2021. System components must be repaired or replaced immediately upon discovery of a malfunction. See the enclosed map (Figure 1, Sub-Slab Depressurization Layout, 03/02/2021). The property owner shall document inspections on the VMS inspection log (DNR Form 4400-321).

Property Owner Responsibilities (Wis. Stat. § 292.12 & § 708.11, Wis. Admin. Code § NR 727.05)

The Property owner (you and any subsequent Property owner) is responsible for compliance with the continuing obligation in this letter, pursuant to Wis. Stat. § 292.12. You are required to notify anyone who purchases the Property from you of the responsibility to comply with the continuing obligation in this letter, in accordance with Wis. Admin. Code § NR 727.05 (2).

VMS inspection logs (DNR Form 4400-321) for the VMS (attached) must be completed and submitted to the current DNR project manager for this case. These inspections should be conducted no later than September 30th, annually, and submitted following inspection but no later than October 15th, annually.

If you lease or rent the Property to an occupant who will be responsible for maintaining a continuing obligation, you must include that responsibility in a lease agreement, in accordance with Wis. Admin. Code § NR 727.05 (3).

Mr. Emil Booher, M&E Real Estate
Continuing Obligation and Property Owner Requirements for Interim Action
Donaldsons Cleaners (Former)-E Edgewood Dr, BRRTS # 02-45-586961

Please be aware that failure to comply with the continuing obligations may result in enforcement action by the DNR. The DNR intends to conduct periodic inspections to ensure that the conditions included in this letter, including the proper maintenance of the vapor mitigation system, are met.

DNR Notification (Wis. Admin. Code §§ NR 727.07, NR 726.15 (2), Wis. Stat. § 292.12(6))

The Property owner is required to notify the DNR at least 45 days before taking the following actions. The DNR may require additional investigation and/or cleanup actions if necessary to be protective of human health and the environment.

- Before deciding to no longer use the vapor mitigation system, to shut off the fan or the vapor mitigation system, or before making any change to the vapor mitigation system.

Send written notifications and VMS inspection logs to the assigned DNR Project Manager (currently Gwen Saliaries). Annual inspection logs may be sent via email, mail, or through the RR Program Submittal Portal. These inspection logs should be sent following the inspection but no later than **October 15th**, annually. To send documents to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>). More information on submitting electronic documents can be found in the DNR publication “Guidance for Electronic Submittal for the Remediation and Redevelopment Program” (RR-690), which can be found at dnr.wi.gov, search “RR-690.”

The DNR fact sheet, RR-819, “Continuing Obligations for Environmental Protection” explains a property owner’s responsibility for continuing obligations on their property. You may obtain a copy at dnr.wi.gov by searching “RR-819.”

The DNR appreciates your cooperation to restore the environment at this site. If you have any questions regarding this interim action approval decision or anything stated in this letter, please contact the DNR Project Manager, Gwen Saliaries at (920) 510-4343 or Gwen.Saliaries@wisconsin.gov.

Sincerely,



Roxanne N. Chronert
Northeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments:

- DNR e-mail regarding VMS Report Revisions Request (05/25/2021)
- Vapor Mitigation System Inspection Log (DNR Form 4400-321)
- Figure 1, Sub-Slab Depressurization Layout (03/02/2021)

cc: Rob Hoverman, EnviroForensics, (rhoverman@enviroforensics.com)
Kirk Booher, Booher Real Estate (booherrealestate@aol.com)
Gwen Saliaries, DNR (gwen.saliaries@wisconsin.gov)

From: Mitchell, Jeremy A - DNR
Sent: Tuesday, May 25, 2021 10:30 AM
To: Rob Hoverman
Cc: emilboohar@hotmail.com; Kirk Booher (BooharRealEstate@aol.com)
Subject: Donaldson's Cleaners (Former) - E Edgewood Dr (02-45-586961) - VMS Report Revisions

Hello,

Following up on the recent Sub-Slab Depressurization System Installation Report submitted on 03/03/2021. This report, after review with the NER vapor team, will need the following revisions:

1. Please include the DNR Site Name in Subject
2. A separate OM&M Plan (generally an appendix to the IAR or Closure Request) is required per Wis. Admin. Code §§ NR 724.13(1)(c) & NR 724.13(2). Note (2)(k) specifically and ref. [RR-981](#) for a template. The SSDS Installation Report is a document for DNR to verify proper mitigation and for environmental/mitigation professionals to reference for system repairs. The purpose of the OM&M Plan is for the non-technical property owner or tenant(s) to understand the need for the system and exactly what needs to be done to assure the system continues to operate for protectiveness. The OM&M Plan should specify the specific system components: 3 extraction points, mitigation fan, audible alarm, contact for repair or inspection, etc. for the routine inspection by non-technical individuals.
3. Monthly manometer readings & annual inspections are "required" per Wis. Admin. Code § NR 724.13(2)(m) & (n). This should be included in the SSDS Installation Report and OM&M Plan. The current SSDS Installation Report recommends periodic inspection, annually at a minimum. This is not adequate for code compliance or assurance the system will remain protective. For VMS's DNR suggests annual inspection in September prior to the winter heating season when VI is greatest risk in WI.
4. Form 4400-321, *Vapor Mitigation System Inspection Log* needs to be utilized per Wis. Admin. Code § 726.11(2)(d). This form was created specifically for non-technical owners/tenants to understand various system components, what they look like, what to check and when to follow-up. Create a site-specific form utilizing the "+" & "-" buttons on the right of the form (e.g., 3 drop points, no sealed sump, 4 vapor pins remain for PFE) for the owner to use. Site-specific photos recommended.
5. Edit photos to include title, date taken, description of feature, etc. per Wis. Admin. Code § NR 724.13(2)(k) & RR-981.

Also, I wanted to inform you that Mr. Donaldson's lack of action on this matter has resulted in them being referred to DOJ by the Environmental Enforcement program. Ultimately, if the Causer does not take action the responsibility falls on the landowner to move through the NR700 process. To keep this case moving, I recommend that you begin a Phase I. This may also help provide pertinent details with regards to the Enforcement case against Donaldson's and would satisfy the Remediation & Redevelopment's requirements to keep this case moving through the NR700 process. I think this would be an appropriate starting point now that we have taken care of the immediate risk with the vapor mitigation system.

Please let me know if you need to discuss further.

Thanks,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jeremy Mitchell

Hydrogeologist & Backup NER Spills Coordinator

Wisconsin Department of Natural Resources

2984 Shawano Ave., Green Bay, WI 54313-6727

Cell Phone: (920) 366-6830

jeremy.mitchell@wisconsin.gov



Notice: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain vapor-related continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records law [ss. 19.31-19.39, Wis. Stats.].

Directions: This form was developed to provide the results of a site inspection of a vapor related continuing obligation, typically a vapor mitigation system. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. The closure letter may be found in the database, [BRRTS on the Web](#), by searching for the site using the BRRTS ID number, and then looking in the "Action" section, for code 56.

Activity (Site) Name: Donaldsons Cleaners (Former)-E Edgwood Dr

BRRTS No. 02-45-586961

Date of Inspection: _____

When submittal of this form is required, submit an electronic version or a scanned copy of this completed form to the [RR Submittal Portal](#).

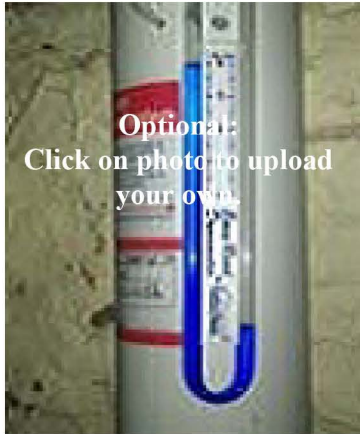
HOW TO USE THIS FORM

The Activity (Site) Name, BRRTS No. and Date of Inspection entered below will auto-populate the table. Complete only the applicable rows/components. Check "Not Applicable" for components that do not apply. For example, if there is no sump sealed and vented as part of the system, check "Not Applicable" in the "NOTES" section for that component.

Multiple components: For systems with multiple components (e.g., two manometers or two fans), add an additional row for that component by clicking the "+" (plus) symbol at the end of the row. After a system component row is added, a "-" (minus) symbol is shown so the added row may be deleted.


Photos: Click on the placeholder photo shown in each row to replace it with your own site-specific photo. Site-specific photos are optional but strongly recommended. Enter specific details and observations within the "NOTES" section to assist the DNR in understanding status of the system components.

SYSTEM COMPONENT	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	DATE:
NAME				WHAT TO FIX?
Manometer or Differential Pressure Gauge	Measures differential pressure between vacuum side of vent pipe and indoor space. This measurement confirms there is a vacuum being pulled by the fan.	Liquid Level on Manometer or Gauge	Liquid level in manometer should be offset (not level with each other).	A change in liquid level indicates a change in the vacuum below foundation. This could be caused by failure of fan, blockage of vent pipe, change in water level below building, or other conditions. Hire a professional to identify cause and repair if needed.

PHOTO 	NOTES: (Record the reading on the gauge. Identify specific building and location description:) <input type="checkbox"/> Not Applicable
	(Empty space for notes)

SYSTEM COMPONENT		DATE:		
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Fan	<p>Fan creates a vacuum and lowers pressure below foundation.</p> <p>The fan also removes soil gases from below foundation for discharge to atmosphere.</p>	<p>Fan Operation</p> <p>Fan Location</p> <p>Motor Noise</p>	<p>Fan is on.</p> <p>Fan mounted outside & secure.</p> <p>Fan motor is quiet (loud motor may indicate problem).</p>	<p>Replace the fan immediately once the fan stops running. Fans typically run for 10-20 years, but it may be less.</p> <p>Replacement fan to have similar specifications as original with respect to flow and vacuum.</p> <p>After a fan is replaced, the system should be evaluated by a mitigation professional to verify effectiveness, which includes pressure readings.</p> <p>Original Fan Make and Model:</p>

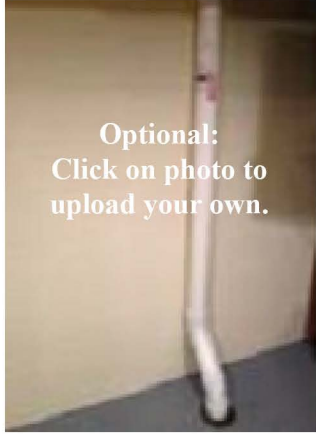
PHOTO

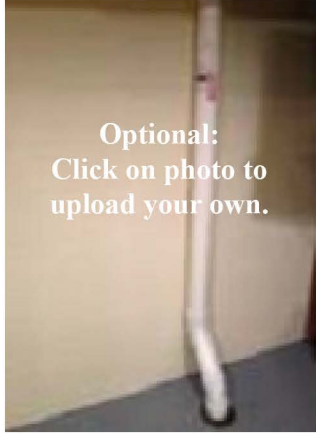


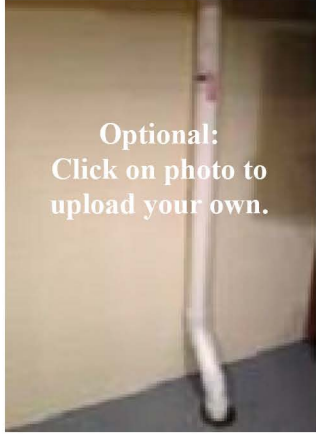
Optional:
Click on photo to
upload your own.

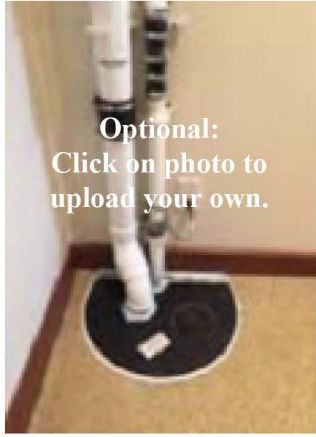
NOTES: (Identify specific building and location description:)

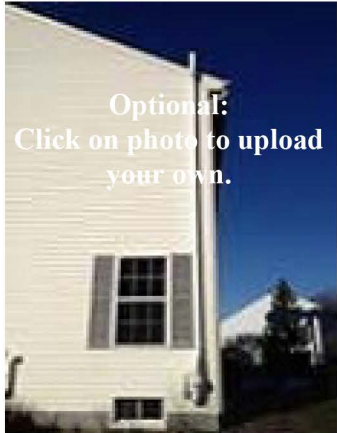
Not Applicable


SYSTEM COMPONENT		DATE:		
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Suction Drop Point w/ Vent Pipe	<p>Suction Point : Soil gases are collected in a void space below the foundation, and tight seal prevents soil gas from getting inside the home.</p> <p>Vent Pipe: Pipe conveys the vacuum from the fan, and collects soil gases for discharge to the atmosphere.</p>	<p>Suction Point Seal</p> <p>Vent Pipe Condition</p>	<p>Seal is air tight around pipe penetration.</p> <p>Vent pipe is connected to fan, has not cracked.</p>	<p>Suction point seal or vent pipe may need to be sealed or replaced if cracks or leaks appear.</p> <p>If any piping or sealing of the system is altered or replaced, the system should be evaluated by a mitigation professional to verify effectiveness, which includes pressure readings.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>		<p>NOTES: (Identify specific building and location description:)</p> <p><input type="checkbox"/> Not Applicable</p> <p>EP-1</p>		


SYSTEM COMPONENT		DATE:		
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Suction Drop Point w/ Vent Pipe	<p>Suction Point : Soil gases are collected in a void space below the foundation, and tight seal prevents soil gas from getting inside the home.</p> <p>Vent Pipe: Pipe conveys the vacuum from the fan, and collects soil gases for discharge to the atmosphere.</p>	<p>Suction Point Seal</p> <p>Vent Pipe Condition</p>	<p>Seal is air tight around pipe penetration.</p> <p>Vent pipe is connected to fan, has not cracked.</p>	<p>Suction point seal or vent pipe may need to be sealed or replaced if cracks or leaks appear.</p> <p>If any piping or sealing of the system is altered or replaced, the system should be evaluated by a mitigation professional to verify effectiveness, which includes pressure readings.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>		<p>NOTES: (Identify specific building and location description:)</p> <p><input type="checkbox"/> Not Applicable</p> <p>EP-2</p>		


SYSTEM COMPONENT		DATE:		
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Suction Drop Point w/ Vent Pipe	<p>Suction Point : Soil gases are collected in a void space below the foundation, and tight seal prevents soil gas from getting inside the home.</p> <p>Vent Pipe: Pipe conveys the vacuum from the fan, and collects soil gases for discharge to the atmosphere.</p>	<p>Suction Point Seal</p> <p>Vent Pipe Condition</p>	<p>Seal is air tight around pipe penetration.</p> <p>Vent pipe is connected to fan, has not cracked.</p>	<p>Suction point seal or vent pipe may need to be sealed or replaced if cracks or leaks appear.</p> <p>If any piping or sealing of the system is altered or replaced, the system should be evaluated by a mitigation professional to verify effectiveness, which includes pressure readings.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>		<p>NOTES: (Identify specific building and location description:)</p> <p><input type="checkbox"/> Not Applicable</p> <p>EP-3</p>		


SYSTEM COMPONENT		DATE:		
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Sealed Sump w/Vent Pipe	<p>Sump Cover: Soil gases are collected in sump and the cover prevents soil gas from getting inside home.</p> <p>Vent Pipe: Pipe transports the soil gas from the sump for discharge to the atmosphere.</p>	<p>Suction Point Seal</p> <p>Vent Pipe Seal Condition</p>	<p>Seal is airtight to floor.</p> <p>Vent pipe is connected to the sump cover and is not cracked.</p>	<p>Sump cover or vent pipe may need to be sealed or replaced if cracks or leaks appear.</p> <p>If any piping or sealing of the system is altered or replaced, the system should be evaluated by a plumber or a mitigation professional to verify effectiveness, which includes pressure readings.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>			<p>NOTES: (Identify specific building and location description:)</p> <p><input checked="" type="checkbox"/> Not Applicable</p>	

SYSTEM COMPONENT				DATE:
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Outdoor Vent Pipe	Pipe transports the soil gas from beneath the foundation for discharge to the atmosphere.	Vent Pipe Condition Vent Pipe Location	Vent pipe remains connected to fan. End of pipe free from obstructions. The exhaust is more than 15 feet from windows or air intakes.	Vent pipe may require replacement, or cleaning to remove ice or debris. If any piping or sealing of the system is altered or replaced, the system should be evaluated by a mitigation professional to verify effectiveness, which includes pressure readings.
PHOTO  <p data-bbox="113 561 422 659">Optional: Click on photo to upload your own.</p>			NOTES: (Identify specific building and location description:) <input type="checkbox"/> Not Applicable	





SYSTEM COMPONENT		DATE:		
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
Foundation Floor	Foundation is a barrier that minimizes soil gas entry into building, and helps fan to work efficiently.	Foundation Condition Foundation Footprint	No penetrating cracks or holes in foundation. Check if there have been alterations or additions to building or footprint.	Seal cracks or other penetrations as you would to prevent water from entering. If building floor plan has changed, notify DNR and contact a mitigation professional to evaluate if modifications to the vapor mitigation system are necessary.
PHOTO			NOTES: (Identify specific building and location description:)	
 <p>Optional: Click on photo to upload your own.</p>			<input type="checkbox"/> Not Applicable	

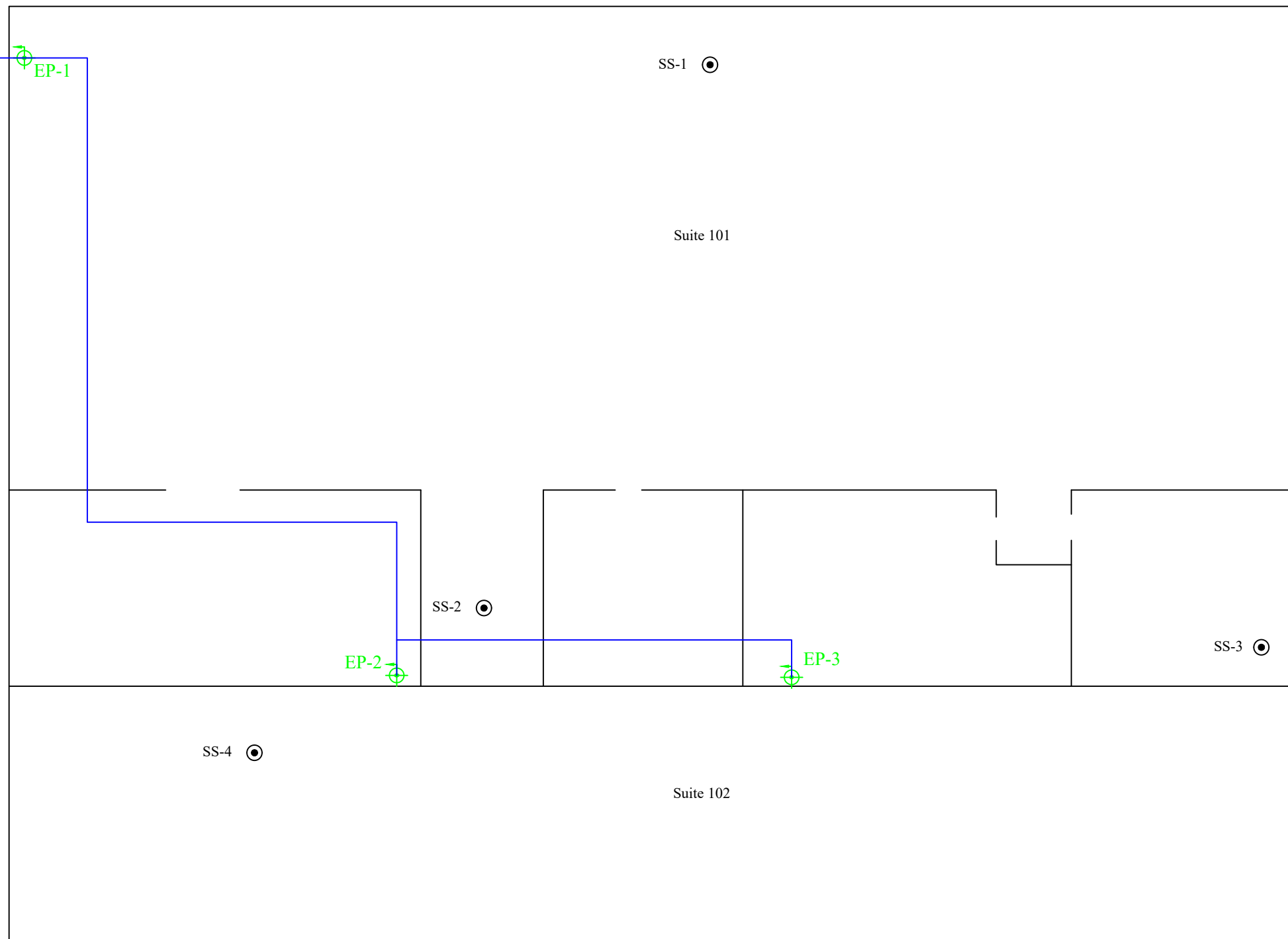
SYSTEM COMPONENT				DATE:
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
<p>Sub Slab Vapor Port</p>	<p>This is a sample port to measure vacuum or take sample of soil gas if needed. It needs to remain sealed when not in use to prevent soil gas entry into the home.</p>	<p>Port Seal/Cap Port Condition</p>	<p>If able to measure the vacuum with a micromanometer, the pressure differential should be at least 0.004 inches of H₂O or at least one Pascal. Port is sealed and capped when not in use.</p>	<p>Repair or replace the seal and cover as needed. Permanently seal hole if sample port is ever removed.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>			<p>NOTES: (If taken, record the pressure differential reading. Identify specific building and location description:) <input type="checkbox"/> Not Applicable</p> <p>SS-1</p>	

SYSTEM COMPONENT				DATE:
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
<p>Sub Slab Vapor Port</p>	<p>This is a sample port to measure vacuum or take sample of soil gas if needed. It needs to remain sealed when not in use to prevent soil gas entry into the home.</p>	<p>Port Seal/Cap Port Condition</p>	<p>If able to measure the vacuum with a micromanometer, the pressure differential should be at least 0.004 inches of H₂O or at least one Pascal. Port is sealed and capped when not in use.</p>	<p>Repair or replace the seal and cover as needed. Permanently seal hole if sample port is ever removed.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>			<p>NOTES: (If taken, record the pressure differential reading. Identify specific building and location description:) <input type="checkbox"/> Not Applicable</p> <p>SS-2</p>	

SYSTEM COMPONENT				DATE:
NAME	WHAT DOES IT DO?	WHAT DO I CHECK?	WHAT SHOULD I SEE?	WHAT TO FIX?
<p>Sub Slab Vapor Port</p>	<p>This is a sample port to measure vacuum or take sample of soil gas if needed. It needs to remain sealed when not in use to prevent soil gas entry into the home.</p>	<p>Port Seal/Cap Port Condition</p>	<p>If able to measure the vacuum with a micromanometer, the pressure differential should be at least 0.004 inches of H₂O or at least one Pascal. Port is sealed and capped when not in use.</p>	<p>Repair or replace the seal and cover as needed. Permanently seal hole if sample port is ever removed.</p>
<p>PHOTO</p>  <p>Optional: Click on photo to upload your own.</p>			<p>NOTES: (If taken, record the pressure differential reading. Identify specific building and location description:) <input type="checkbox"/> Not Applicable</p> <p>SS-4</p>	

Legend

- EP-1  Extraction point
-  Mitigation Fan
- SS-1  Sub-slab sample
-  4" schedule 40 PVC pipe



NOT TO SCALE

SUB-SLAB DEPRESSURIZATION LAYOUT

Former Donaldson's Cleaners - Appleton
 1835 Edgewood Drive
 Appleton, Wisconsin

Date:	3/2/21
Designed:	EB
Drawn:	EB
Checked:	RF
DWG file:	200019-0098



825 North Capital Avenue • Indianapolis, IN 46204
 EnviroForensics.com

Figure	1
Project	200019