



May 20, 2022

Robert Jenior  
Jenior-Bagneski, LLC  
N85W16345 Arthur Avenue  
Menomonee Falls, WI 53051  
*Via Electronic Mail Only* to Robert.jenior@yahoo.com

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended  
Bay Cleaners – SW door, 201-207 South Main Street, Thiensville, Wisconsin  
BRRTS #: 02-46-587191, FID #: 246042170

Dear Mr. Jenior:

On April 21, 2022, 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 Dave Lennon from Moraine Environmental, Inc. (Moraine) on May 4, 2022, 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.

#### **Site Investigation/Remedial Action Summary**

Moraine submitted a site investigation report (SIR) with a fee to the DNR on October 12, 2021. The SIR included soil, groundwater and vapor sampling data collected during the site investigation. A remedial excavation up to 11 feet below ground surface was conducted on the south side of the onsite building to remove the highest chlorinated volatile organic compound (CVOC) impacted soil. The soil was taken to a landfill for disposal. Residual soil and groundwater contamination was identified around the perimeter of the excavation. The DNR sent comments on the SIR in a letter dated December 10, 2021. The DNR requested the collection of additional groundwater samples to determine trends and plume stability, additional vapor samples, information about sumps and drains in the building and information about the offsite stormwater pond (pond). The DNR concurred that the soil investigation was complete.

A site investigation addendum report (SIR-Addendum) was submitted to the DNR on March 1, 2022. The SIR-Addendum included additional groundwater data from all groundwater monitoring wells and a sample from the pond. Vinyl chloride was identified above its Wis. Admin. Code ch. NR 140 Enforcement Standard (ES) in groundwater monitoring well MW-2. Moraine collected an additional groundwater sample from this well in January 2022, lab results were below detection limits for vinyl

chloride and all CVOCs in this sample. Vinyl chloride and cis-1,2-dichloroethene were identified in the pond sample. An additional round of vapor samples was collected from beneath the building, results showed all contaminants below vapor risk screening levels (VRSLs). Moraine provided additional information about the pond that identified it as a natural wetland area, hydraulically connected to the groundwater and downgradient from the groundwater plume. No sumps were identified in the building. Three floor drains were identified in the building, one drain was identified in the Bay Cleaners portion of the building. Moraine discussed the low level contamination near the drain, and did not recommend additional sampling.

The DNR concurs that the vapor investigation is complete, migration pathways do not need to be further investigated, and the potable well does not need to be sampled again.

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

Additional work is necessary to meet the requirements for case closure because the site investigation, per Wis. Admin. Code ch. NR 716, is incomplete.

#### **A. Groundwater and Pond Sampling per Wis. Admin. Code § NR 726.05**

The DNR is requesting groundwater samples be collected at well MW-2 where vinyl chloride was identified above its ES in the December 2021 sampling round and at well SP/SD-4. The trends in these wells are not stable. An additional sample should also be collected from the pond. Compare the pond sample results to the standards found in Wis. Admin. Code ch. NR 105. If the contaminants are not found in NR 105, use the Wis. Admin. Code ch. NR 140 standards.

#### **B. Sediment Sampling per Wis. Admin. Code § NR 716.11.**

Moraine identified the pond as being hydraulically connected to the groundwater and downgradient from the groundwater plume. The DNR is requesting the collection of a sediment sample from the pond to determine whether the groundwater plume has impacted the sediment. The sediment sample should be collected from a four foot core with samples collected at the surface and at depth with at least one duplicate collected at one of the intervals. For the sediment data, you should compare the results to the standards found in the Consensus-Based Sediment Quality Guidelines (RR-088).

### **Activity Name Change**

The DNR concurs that the probable source of the identified contamination appears to be from dumping dry cleaner solvents outside the man door on the south side of the Bay Cleaners portion of the building. This site has been renamed as “Bay Cleaners – SW door” to identify the source of contamination for this BRRTS activity. The new name should be referenced on all future correspondence for this site.

### **Documentation Revisions for Case Closure**

The DNR is requesting the following documentation revisions to the closure packet:

- Table A.3: Remove saturated samples SP-4 at 7 feet, SP-5 at 8 feet, SP-6 at 12 feet, OE-5 and OE-6.
- Figure B.3.a: Remove red line in cross section identifying residual soil contamination. Revise to include red stripes in legend.
- Figure B.3.b: Remove “J” flagged data as these concentrations are not considered exceedances per Wis. Admin. Code § NR 140.14(3). Revise the contour line.

### **Schedule**

**Within 60 days of the date of this letter, by July 20, 2022, a site investigation work plan per Wis Admin. Code § NR 716.09 (1) should be submitted detailing the proposed additional work.**

**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, Alice Egan at 414-639-4007 and [alice.egan@wisconsin.gov](mailto:alice.egan@wisconsin.gov). 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](http://dnr.wi.gov), search: RR-102, for more information.

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

Sincerely,



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cc: Dave Lennon, Moraine (electronic)