State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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July 11, 2023

Beta-Becher Acquisition Company, LCC
c/o: Mr. Donald Richards
4003 80th Street
Kenosha, WI 53142
Via Email Only to donald.d.richards@gmail.com

Subject: Site Investigation Review for Beta Becher Acquisition Co, LLC Historic Fill
147 E. Becher Street, Milwaukee, WI
BRRTS #02-41-589088, FID #241186880

Dear Mr. Richards:

On March 3, 2022, the Wisconsin Department of Natural Resources (DNR) received the *716 Site Investigation Report and Remedial Action Options Report*, prepared by Ramboll US Consulting, Inc. (Ramboll), on your behalf for the above-referenced case. The DNR received the applicable technical assistance fee for providing review and response to this submittal, in accordance with Wis. Admin. Code § NR 749.04(1). On April 14, 2022, the DNR provided a site investigation review letter requesting additional groundwater and vapor sampling along with documentation revisions and additional information. On February 1, 2023, the DNR received the *SIR Addendum and Updated RAOR*, which was presented in response to the April 14, 2022, DNR letter (collectively, the Reports). On May 4, 2023, the DNR received the *Request to Manage Materials under Wis. Admin. Code § NR 718.12 or NR 718.15* (MMP) and *Development at Historic Fill Site or Licensed Landfill Exemption Application* (HFA) with their applicable technical assistance fees. The MMP presented soil sampling results for the site that had not previously been submitted to the DNR for review.

On June 15, 2023, the DNR reviewed the Report, and additional soil data presented in the MMP, for regulatory compliance with Wis. Admin. Code ch. NR 716, and has determined that additional actions and information is needed, as detailed below. The DNR will provide feedback on the MMP and HFA in separate letters.

Site Investigation Review

The DNR provides the following comments concerning the site investigation at the subject site:

1. Degree and extent of contamination in all affected media

   Wis. Admin. Code § NR 716.11(3)(a) states that the purpose of the field investigation is to determine the nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media.

   A. Soil

      i. As requested in the DNR's April 14, 2022, letter, considering the source of contamination for this site is site-wide historical fill material, extend the Wis. Admin. Code ch. NR 720 residual contaminant level (RCL) exceedance lines for soil to the site boundaries for all

soil contamination identified to-date (i.e., volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons, metals, and polychlorinated biphenyls). Include updated figures in future submittals.

B. Groundwater

i. Perfluorooctanoic acid (PFOA) and/or perfluoro-1-octanesulfonic acid (PFOS) were identified above the proposed preventive action limit in groundwater at temporary well locations TW-3, TW-7, TW-10, and TW-14. Based on the current information provided to the DNR, further investigation of PFOS and PFOA in groundwater needs to be conducted.

ii. 1,1,1- Trichloroethane (1,1,1-TCA) was detected in soil, groundwater, and sub-slab vapor across the site. 1,4-dioxane is an emerging contaminant that is considered a co-contaminant with 1,1,1-TCA. Include 1,4-dioxane in future groundwater sampling events.

C. Vapor

i. Due the detections of VOCs identified in soil, groundwater and subslab vapor at the site and the proximity of contamination to the proposed buildings, vapor sampling is warranted after construction of the proposed buildings is complete. Perform subslab vapor sampling at each of the proposed buildings after construction is complete to determine the concentrations of contaminants in subslab vapors. The results of the vapor sampling should be evaluated to determine whether additional sampling, mitigation of the vapor intrusion pathway, and remedial action are warranted. <u>The DNR strongly recommends the vapor sampling requested above be completed prior to building occupancy to avoid potential exposure of future occupants.</u>

2. Notification of hazardous substance discharges

Wis. Stat. 292.11 states that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the DNR immediately of any discharge (not exempted under sub. (9)).

A. The site investigation activities completed to-date have focused on historical fill material present at the site and not historic site operations. Most of the sampling locations were not in areas within the current building footprints where the former long-term industrial operations occurred. If evidence of a hazardous substance discharge, separate from the discharge related to the historical fill material, is identified during site work/demolition or the proposed soil management activities, then the DNR must be notified immediately and the Wis. Admin. Code series NR 700 process must be implemented, as applicable. The DNR strongly recommends that your environmental consultant oversee the proposed soil management activities to help to properly characterize soil being managed through field observations (i.e., visual, olfactory, etc.).

<u>Remedial Action Options Review</u>

The DNR reviewed the remedial action options portions of the Reports for compliance with Wis. Admin. Code chs. NR 722 & 724, and is unable to provide a review of the proposed remedial actions until the site investigation is complete. However, the DNR provides the following feedback to consider:

1. In accordance with Wis. Admin. Code NR 726.05(8)(b), a remedial action must be conducted to reduce the mass and concentration of volatile compounds to the extent practicable and mitigation of the vapor intrusion pathway will be required if contaminant vapor concentrations exceed the applicable vapor risk screening level (VRSL). Remedial action is often more effective and more easily implemented when completed prior to site redevelopment, therefore, you are encouraged to consider remedial actions prior to site redevelopment. Similarly, because subslab vapor conditions under the proposed buildings cannot be verified until they are constructed (see Section 1.C.i. above), and because vapor mitigation is often cheaper and more effective when installed at the time of new construction, including the appropriate vapor mitigation features in the building design is strongly encouraged. The MMP indicates that a passive subslab soil vapor mitigation system (VMS) will be installed beneath the proposed buildings' concrete floor and will be installed beneath a vapor barrier. The future subslab measurement points within the proposed buildings should be installed in a manner that does not compromise the integrity of any vapor barrier that may be installed. The DNR recommends that you follow the vapor barrier manufacturer's recommendations for penetrating and sealing the barrier.

2. The Reports indicate that any VOC-impacted soils, presented on Figure 4, will be disposed of off-site at a licensed landfill. The DNR concurs that these excavations will help to reduce some of the mass and concentration of the identified contamination at the site. Considering the source of the VOCs in soil (i.e., benzene and naphthalene) identified to-date is identified as site-wide historical fill material, and that fill material is generally heterogenous in nature, the VOC impacted soils may be present anywhere within the historical fill material. Therefore, the delineation presented in the Reports (Figure 4) and the MMP (Figure 6) is not representative of the potential VOC impacts in the fill material. As requested in Section 1.A.i. of this letter, revise the VOC RCL exceedance lines to extend to the site boundaries.

Next Steps

Proposed development activities should be planned so that they do not prevent your ability to define the degree and extent of contamination or take any necessary response actions. In consideration of administrative code requirements, the DNR is requesting the implementation of the following schedule:

1. Per Wis. Admin. Code § NR 716.14, submit all sampling results (on appropriately formatted tables) within 10 days of receiving laboratory data.

2. Per Wis. Admin. Code § NR 716.15(1), the DNR requests that a supplemental site investigation report be submitted within 60 days after completing the additional site investigation activities. The applicable Wis. Admin. Code ch. NR 749 technical assistance fee will be required for a formal DNR review and written response. If the additional site investigation results indicate that additional remedial actions are necessary, then present a remedial action options report alongside the supplemental site investigation report, in accordance with Wis. Admin. Code § NR 722.13.

The site investigation is an iterative process. The results of any additional investigation should be evaluated to determine if additional investigation is needed to fully define the degree and extent of contamination in all affected media.

The DNR appreciates the actions you are taking to restore the environment at this site. If you have any questions concerning the site or this letter, please contact me at (414) 435-8021, or by email at jane.pfeiffer@wisconsin.gov.

Sincerely,

Jane K. Pfeiffer
Project Manager – Hydrogeologist
Remediation & Redevelopment Program

cc: Richard Mazurkiewicz, Ramboll, rmazurkiewicz@rambol.com – electronic copy