



July 13, 2022

Talman Ventures, LLC
Mr. Michael Zacker
4515 Washington Road
Kenosha, WI 53144

Subject: Review of Off-Site Liability Exemption Request for
Heimes Garage (Fmr), 3418 66th St., Kenosha, WI 53142
BRRTS #: 07-30-589231, FID # 230058620

Dear Mr. Zacker:

On January 31, 2022, the Wisconsin Department of Natural Resources (DNR) received the *Off-Site Liability Exemption and Liability Clarification Application (form 4400-201)* (Exemption request), prepared by Midwest Environmental Consulting, LLC. for the property located at 3418 66th St., Kenosha, WI which will be referred to in this letter as the "Property". You have requested that the DNR determine if Talman Ventures, LLC is exempt from Wis. Stats. §§ 292.11(3), (4) and (7)(b) and (c), (commonly known as the "Spill Law"), with respect to the existence of chlorinated volatile organic compounds (CVOCs) in the soil and groundwater that you believe are migrating onto the Property from an off-site source. The Exemption request was submitted with the applicable fee for DNR review and response, per Wis. Admin. Code § NR 749.04 (1). Wis. Stat. Section 292.13 (2) requires the DNR to issue, upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. To make this determination, the DNR has reviewed information about the Property, including soil and groundwater sampling data for the Property and adjacent properties, contained in the following documents:

- *Off-Site Liability Exemption and Liability Clarification Application (form 4400-201)*, by Midwest Environmental Consulting, LLC., dated January 17, 2022
- *PFAS Scoping Statement*, by Midwest Environmental Consulting, LLC, dated March 9, 2021
- *Site Investigation Report*, by Midwest Environmental Consulting, LLC., dated June 8, 2020

Background

The Property is occupied by two single story slab-on grade buildings. The Property was used historically for the bulk storage and distribution of petroleum products and at least seven above ground storage tanks (ASTs) were located on the western portion of the Property. The site also reportedly had two underground storage tanks (USTs) that were used to fuel vehicles and equipment for former solid waste, excavation and landscaping businesses located at the site. Fill material, consisting of foundry sand with variable amounts of clay, bricks and clinkers is reportedly found across the Property. One of the former ASTs was listed as containing solvent.

DNR Review

Based on the review of the documents referenced above the DNR has determined that you do not currently qualify for the off-site liability exemption for the CVOC contamination on the Property because it has not been demonstrated that the discharge of the hazardous substance originated from a source on a property that you do not possess or control per Wis. Stat. 292.13. The CVOC contamination may have originated from sources on the Property. The

former auto repair activities may have used CVOCs and these areas of operation not been evaluated. Additionally, the presence of a historical, 15,000-gallon, unknown solvent AST also represents a potential source that needs to be evaluated.

Next Steps

The CVOC contamination at the Property must be investigated and remediated, per Wis. Admin Code chs NR 700-749, under BRRTS activity number 03-30-409382. If you conduct additional investigation of the contamination that clearly demonstrates that the Property does qualify for the Off-Site Liability Exemption, then you can request a letter at that time.

- **Soil**

Based on the review, no additional soil sampling appears warranted at this time.

- **Groundwater**

Additional groundwater sampling is needed to establish a trend in all wells. Monitoring points MW-5, MW-6 and MW-7 have only been sampled once. As the Property may have had CVOC sources, sampling the groundwater for full VOCs is appropriate. CVOC groundwater results from HP-1W and HP-2W should not be included in the CVOC plume depiction for the site as they did not exhibit Preventive Action Limit (PAL) or Enforcement Standard (ES) exceedances when sampled.

- **Vapor**

Use the additional groundwater sampling data to update the vapor screening for the Property. An update to initial screening evaluation that was submitted as part of the June 8, 2020, *Site Investigation Report*, prepared by Midwest Environmental Consulting, LLC. for CVOCs (vinyl chloride and cis-1,2-Dichloroethane) is warranted. It will be helpful to reference distances identified in DNR Guidance RR-800: *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, dated January 2018, to support conclusions on assessment completeness.

Emerging Contaminants

The DNR has reviewed the March 9, 2021, *PFAS Scoping Statement*, prepared by Midwest Environmental Consulting, LLC. as part of the documentation for BRRTS # 03-30-409382. Based on the information provided, the DNR is not requiring further assessment or investigation of emerging contaminants.

If you have any questions concerning this letter, please contact me, the DNR project manager at 262-202-3838 or by email at Lee.Delcore@wisconsin.gov.

Sincerely,



Lee R. Delcore
Project Manager – Hydrogeologist
Remediation & Redevelopment Program

cc: Mr. Sean Cranley, Midwest Environmental Consulting, LLC., N6395 E. Paradise Road, Burlington, WI 53105