



April 6, 2021

Mr. Shane LaFave (via electronic mail)  
Community Within the Corridor Limited Partnership  
110 Cheshire Ln., Ste. 120  
Minnetonka, MN 55305

**Subject:** Reopening of Closed Case at  
Community Within the Corridor – East Block  
(Former Wisconsin Industries Pension Plan & Trust)  
2748 N. 32<sup>nd</sup> St., Milwaukee, WI  
DNR BRRTS #02-41-263675, FID #241025400

Dear Mr. LaFave:

On August 3, 2020, the Wisconsin Department of Natural Resources (DNR) received a ‘Request for Post Closure Modification’ (PCM Request), submitted by K. Singh & Associates, Inc. (K Singh), on behalf of the Community Within the Corridor Limited Partnership, for the property described above. Additional sampling was conducted on the property and the results were included as part of the PCM Request. A sub-slab vapor sample detected Trichloroethylene (TCE), 1,1-Dichloroethane and 1,2,4-Trimethylbenzene at concentrations exceeding their respective vapor risk screening levels. A groundwater sample collected found Naphthalene at a significantly higher level than previously detected. A shallow soil sample collected in an area near the building not previously tested found Trichloroethylene, Benzene and Naphthalene above groundwater protection residual contaminant levels, indicating a potential additional area of vapor intrusion risk.

Community Within the Corridor Limited Partnership agreed to conduct a more extensive vapor intrusion investigation for TCE due to redeveloping the former industrial complex into residential multi-family housing. A sub-slab vapor investigation work plan was submitted and approved by the DNR. The results of the additional vapor investigation indicate chlorinated sub-slab vapors are widespread beneath the sub-slab of the building.

Additional soil investigation activities were conducted in February and March 2021. Results indicate numerous residual contaminant level exceedances on areas of the property that were previously uninvestigated. Prior investigations up until this point identified residual contamination from a previously identified chlorinated volatile organic compound (CVOC) release for which for which Wisconsin Industries Pension Plan & Trust was responsible and closed by the DNR on August 26, 2008. The DNR has determined that the newly discovered contamination poses a threat to public health, safety, welfare or the environment and meets the statutory requirements for reopening the previously closed site in accordance with Wis. Admin. Code § NR 727.13.

A response action in the form of additional soil, vapor and groundwater investigation, vapor mitigation and additional remediation is needed to address the contamination that was discovered during the recent site investigation activities. The additional site investigation, mitigation and remediation activities may occur concurrently with the proposed redevelopment construction activities provided the requirements outlined in Wis. Admin. Code chapters NR 700-754 and associated DNR technical guidance documents are followed.

The remainder of this letter describes your legal responsibilities under Wis. Stat. § 292.11 and explains what you need to do to investigate and clean up the contamination under Wis. Admin. Code chs. NR 700-754. It also provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with DNR.

As the owner of the property where residual contamination is found, Community Within the Corridor Limited Partnership is responsible for restoring the environment at the above-described site under Wis. Stat. § 292.11, known as the hazardous substance spills law.

### **Legal Responsibilities:**

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substance spills law, Wis. Stat. § 292.11 (3) states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

### **Special Vapor Intrusion Concern with Trichloroethylene:**

Contamination that includes trichloroethylene (“TCE”), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. TCE is also a breakdown product of tetrachloroethylene (“PCE,” also known as “Perc”), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to [dnr.wi.gov](http://dnr.wi.gov) and search “vapor.” Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, (RR-800).

### **General Recommendations for Responsible Parties:**

The DNR recommends that you:

#### *1. Hire a Qualified Environmental Consultant*

You have indicated that K Singh will be serving as your environmental consultant. Please inform the DNR if any consulting changes are made.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the

timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), enclosed.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

### 3. *Consider the Benefits of a Fee-based Technical Review of your Submittals*

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule and further information on technical assistance is available at [dnr.wi.gov](http://dnr.wi.gov) by searching “brownfield fees.”

### **Required Steps to Take and Documents to Submit:**

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. The following information provides the timeframes and **required** steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

1. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** K Singh conducted additional soil investigation in February and March 2021 and are recommending that a site investigation work plan be prepared to delineate the extent of soil and groundwater contamination in accordance with the requirements of NR 716. The DNR has reviewed that information and will be providing comments in a separate pending letter. Have your consultant submit the work plan for completing the site investigation according to the pending review letter. The consultant must comply with the requirements in the NR 700 rule series and should refer to DNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at <http://dnr.wi.gov/topic/Brownfields/Professionals.html>.
2. **Field Investigation – NR 716.11:** You must initiate the additional site investigation activities within 90 days of submitting the site investigation work plan. If a fee for DNR review has been submitted, the site investigation must begin within 60 days after receiving DNR comments.
3. **Sample Results Notification Requirements – NR 716.14:** You must report sampling results to the DNR, owners, occupants and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.

4. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, you or your consultant must submit a site investigation report to the DNR.
5. **Remedial Actions Options Report – NR 722**: A Remedial Action Plan was submitted to the DNR on March 23, 2021. The DNR will be providing some feedback on this proposal in a separate pending letter. Within 60 days after submitting the Site Investigation Report, you must submit a remedial actions options report (RAOR).
6. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724.
7. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).
8. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

**Additional Information:**

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the DNR's Internet site (BRRTS on the Web). You may view the information related to your site at any time (<http://dnr.wi.gov/topic/Brownfields/wrrd.html>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with Wis. Admin. Code ch. NR 749. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule; do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Attn: Environmental Program Associate  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King Jr. Dr.  
Milwaukee, WI 53212

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers shown at the top of this letter. Electronic submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://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](http://dnr.wi.gov), search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information about liability clarification letters, post-cleanup liability and more.

If you have questions, call the DNR Project Manager Jane Pfeiffer, at (414) 435-8021 for more information or visit the RR Web site at the address above. We will also be able to answer questions at our meeting this coming Friday.

Thank you for your cooperation.

Sincerely,



Pamela A. Mylotta  
Team Supervisor, Southeast Region  
Remediation & Redevelopment Program

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