

Pfeiffer, Jane K - DNR

From: Pfeiffer, Jane K - DNR
Sent: Tuesday, April 25, 2023 8:22 AM
To: Shane LaFave; Pratap Singh
Cc: Hoverman, Robert R - DNR; Mylotta, Pamela A - DNR; Lara Page; Hughes, Audra A - DNR; Sparks, Craig C - DNR; Lauren.Harpke@quarles.com; Robert Reineke; Que El-Amin
Subject: Community Within the Corridor - East Block (02-41-263675) - Documentation Status
Attachments: 20230421_99_CWC_email.pdf; 20230421_99_ksingh_email.pdf

Good Morning Shane and Dr. Singh,

Thank you for each of your emails (attached) on 04/21/23 concerning the outstanding documentation requests for the Community Within the Corridor (CWC) East Block site. The DNR understands that the actions that are currently being performed and are planned at the site, as summarized in the 04/19/23 *Emergency Corrective Action Plan for Vapor Mitigation System* (Plan), are time-intensive, and CWC has requested additional time to provide the outstanding documentation, including comprehensive sampling data tables and figures, as summarized in the attached 04/21/23 email from Shane. The DNR will agree to extend the time to provide outstanding documentation to accommodate the implementation of emergency actions at the site. However, as CWC works to identify, assess, and mitigate vapor intrusion pathways and/or sources, CWC must provide complete documentation and a summary of actions taken, including all outstanding documentation, to comply with paragraph 3 of Section 3 of the DNR's 03/31/23 *Emergency Order* (Order). Additionally, the weekly progress reports required in the Order must continue to be submitted each Monday by 4PM. The Order continues to remain in effect.

As you are aware, the DNR is in the process of reviewing and responding to the Plan, which was submitted with a technical assistance fee. The DNR's review and response will be limited to the documentation you have provided. Should you have any questions or need any clarifications concerning the DNR's formal letter response once it is sent, you may contact me to set up a virtual meeting.

Thank you, Jane

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Jane K. Pfeiffer

Hydrogeologist - Remediation & Redevelopment Program
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Phone: (414) 435-8021

jane.pfeiffer@wisconsin.gov



Pfeiffer, Jane K - DNR

From: Shane LaFave <Shane@roerscompanies.com>
Sent: Friday, April 21, 2023 3:58 PM
To: Pfeiffer, Jane K - DNR
Cc: Lauren.Harpke@quarles.com; Que El-Amin; Pratap Singh; Robert Reineke; Sieger, Christine T - DNR; Mylotta, Pamela A - DNR; Hoverman, Robert R - DNR; Sparks, Craig C - DNR; Hughes, Audra A - DNR; Robert Fedorchak; Lara Page
Subject: RE: Community Within the Corridor - East Block (02-41-263675) - Emergency Order Correspondence

Follow Up Flag: Follow up
Flag Status: Completed

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Jane,

Thank you for the opportunity to supplement our responses to the DNR's Emergency Order, as requested in your email of April 13, 2023. Upon receipt, CWC requested our environmental consultant, K. Singh & Associates, Inc. (KSingh) to prepare written responses to the technical requests. That information is included in the link below:

link:  [20230420 - CWC EB VMS As-Builts.pdf](#)

Most notably, the response includes preliminary as-built drawings for the vapor mitigation system as requested.

After discussions with KSingh regarding the attached memorandum, we wanted to provide additional color on certain requested documents:

1. We do not have information necessary to prepare the detailed E-W and N-S cross sections of the vapor mitigation system in Building 1B as requested in the Department's April 4, 2023 email because proper design and construction of the system did not require preparation of cross-sectional information. For your reference, however, KSingh has prepared and included a typical cross section of the system. Additional contextual information regarding soil type and groundwater depth in the area are included in the April 7, 2023, Response to the Emergency Order memorandum, prepared by KSingh.
2. We are not currently able to provide maps showing pressure field extension measurement and air flow reading location, as KSingh has been dedicating their time to identifying the cause of vacuum pressure concerns in the TCE exceedances areas.
3. We have confirmed with KSingh that the vapor barrier location is the same as the hot spot removal locations. (See also pp. 13-14 of the Interim Remedial Action Documentation Report for additional discussion.) Please treat this communication as confirmation that you can rely on the "Hot Spot Removal Area" on the Interim RADR report figures to also represent the vapor barrier locations.

The remaining items requested by DNR in Emergency Order Section III.1 have been provided in this and our previous submittals, including the preliminary as-builts, a typical cross section, confirmation that vapor barriers were installed in same locations as hot spot removal, various figures and specifications for vapor mitigation system components installed

to-date, explanation of minor changes to vapor mitigation design plans, status of vapor mitigation system completion, plan sheets and drawings, results of pilot tests, and additional information on fans, blowers, and valves.

Finally, we would ask that the DNR entertain a meeting with CWC representatives and KSingh for Monday, April 24th at 11:00am or 2:30pm to discuss the various requests and submittals. The scope of material and turnaround times requested by the Department for the documentation requests have been onerous. We would greatly appreciate the opportunity to cooperatively discuss the various outstanding items and ultimately find a timetable agreeable to all parties to get the relevant information completed quickly but also in a manner that balances the large number of urgent tasks being conducted by KSingh and CWC onsite to physically address the underlying vapor concerns necessary to get our residents back in their homes. We would request this meeting also include discussion of a mutually-agreed upon revised deadline and approach for preparation of the requested comprehensive data tables and figures which, as explained in KSingh's forthcoming separate email to the Department today, we will not be able to complete by Monday, April 24th.

Please contact me with any questions.

Shane LaFave

Sr. Vice President of Development

m: 763.300.1861

shane@roerscompanies.com

From: Pfeiffer, Jane K - DNR <jane.pfeiffer@wisconsin.gov>

Sent: Thursday, April 13, 2023 11:57 AM

To: Shane LaFave <Shane@roerscompanies.com>

Cc: Lauren.Harpke@quarles.com; Que El-Amin <que@scott-crawford.com>; Pratap Singh <psingh@ksinghengineering.com>; Robert Reineke <rreineke@ksinghengineering.com>; Sieger, Christine T - DNR <christine.sieger@wisconsin.gov>; Mylotta, Pamela A - DNR <Pamela.Mylotta@wisconsin.gov>; Hoverman, Robert R - DNR <robert.hoverman@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Hughes, Audra A - DNR <audra.hughes@wisconsin.gov>

Subject: Community Within the Corridor - East Block (02-41-263675) - Emergency Order Correspondence

Greetings Shane,

On 04/07/23, the DNR received *Response to Emergency Order for Community Within the Corridor East Block* (the Report), dated 04/06/23, for the above-referenced site. The Report was provided to respond to paragraphs 1 and 2 of Section III of the Emergency Order (attached).

The Report indicates that Greenfire is the subcontractor that installed the VMS and that the as-built drawings for the VMS are not currently available, which were required under the Emergency Order. Additionally, the Report indicates that the extent of the vapor barrier installation was limited to the hotspot soil excavation areas, but these areas are not labeled on a map. Lastly, the Report did not include the cross sections as outlined in the 04/04/23 DNR email (attached).

Provide the as-built map(s), cross sections, map(s) showing vapor barrier location(s), and a complete response to paragraph 1 of Section III of the Emergency Order, as clarified by the DNR in the 04/04/23 email, no later than 04/21/23. Please be aware that if Community Within the Corridor Limited Partnership does not provide the documentation required by the Emergency Order, the DNR may consider proceeding with enforcement, as provided under Wis. Stat. chs. 292 and 299.

As a reminder, please continue to review and implement the requirements in Wis. Admin. Code ch. NR 712, which provides minimum standards of experience and professional qualifications for persons who perform and provide certain services or scientific evaluations associated with environmental response actions.

The feedback provided above is specific to paragraphs 1 and 2 of Section III of the Emergency Order. The Wis. Admin. Code NR 700 process must still be completed following the implementation of the interim actions with respect to the vapor assessment and mitigation efforts.

Please reach out should you have any questions.

Thank you, Jane

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Jane K. Pfeiffer

Hydrogeologist - Remediation & Redevelopment Program

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Pfeiffer, Jane K - DNR

From: Pratap Singh <psingh@ksinghengineering.com>
Sent: Friday, April 21, 2023 4:39 PM
To: Pfeiffer, Jane K - DNR; Shane LaFave; Que El-Amin; Robert Reineke
Cc: Hoverman, Robert R - DNR; Mylotta, Pamela A - DNR; Lara Page; Hughes, Audra A - DNR; Sparks, Craig C - DNR; Lauren.Harpke@quarles.com
Subject: RE: Community Within the Corridor - East Block (02-41-263675) - Weekly Summary Report

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All,

We appreciate the request from Jane/DNR noted below. We typically provide data in this format to DNR based on our previous experience and history with DNR. Having said that, there's a tremendous amount of reporting being required by DNR at this time. In parallel with the required reporting, we are also trying to complete commissioning and get the VMS to achieve design parameters. What we are seeing and what we have stated in the weekly reports is that the system is not achieving design parameters at this time due to various issues that have been documented in the Emergency Corrective Action Plan. There is a limited trend being established with respect to TCE concentrations. By tabulating the data in the requested format below, we would simply be taking additional time away from troubleshooting to format. While we fully respect the DNR's request, we would like to spend more time troubleshooting the system and implementing corrective measures.

Additionally, we understand we have provided a lot of information and data to DNR in the past weeks. We'd like to request a review of that information with written comments in lieu of requesting more data and information. A comprehensive review by the DNR would be invaluable to the entire team (Regulatory Authority/Owner/Engineer team). Having said this, we cannot submit the requested submittal by 4/24/23. We think it's important to state that while we understand DNR review takes a considerable amount of time, collecting this data, analyzing this data, QC-ing this data, and presenting this data takes even more time. We request that the DNR-mandated deadlines take this into account and we adjust reporting requirements accordingly.

Ultimately, our goal is to establish a safe place for residents to return to their homes. In order to best achieve that ultimate goal, we need to be spending our time on the VMS Commissioning and Corrective Measures. We assume the entire team agrees this is the primary goal.

Thank you,

Pratap N. Singh, Ph.D., PE
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KSingh | Engineers
Scientists
Consultants



From: Pfeiffer, Jane K - DNR <jane.pfeiffer@wisconsin.gov>
Sent: Friday, April 21, 2023 12:38 PM
To: Shane LaFave <Shane@roerscompanies.com>; Que El-Amin <que@scott-crawford.com>; Robert Reineke <rreineke@ksinghengineering.com>; Pratap Singh <psingh@ksinghengineering.com>
Cc: Hoverman, Robert R - DNR <robert.hoverman@wisconsin.gov>; Mylotta, Pamela A - DNR <Pamela.Mylotta@wisconsin.gov>; Lara Page <Lara@roerscompanies.com>; Hughes, Audra A - DNR <audra.hughes@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Lauren.Harpke@quarles.com
Subject: RE: Community Within the Corridor - East Block (02-41-263675) - Weekly Summary Report

Hi Shane,

Thank you for your email and for your continued responsiveness. The below-requested **comprehensive** data tables and figures are an important component of the DNR's review of the corrective action plan. The most recent data sampling must be compared to previous data sampling in order to interpret data and evaluate Community Within the Corridor's corrective action plan. It is difficult to compare new data to old data in the absence of comprehensive data tables that include all data and clearly labeled figures that identify all sampling locations. To clarify, the DNR is not asking for a revised/new corrective action plan, but is requesting that these tables and figures be provided as a supplemental standalone submittal to evaluate the corrective action plan.

Moreover, moving forward, when new sampling data is presented to the DNR (in a tabulated data table format), this data should always be presented in comprehensive data tables that include all new data and all corresponding data that was previously collected. These comprehensive data tables can be considered a working document that continues to incorporate new sampling data after each new sampling event. Please also understand that when presenting data tables, it is important to always include corresponding figures showing all sampling locations where data was collected. The data tables and figures should use consistent sample location names (e.g., IA-162) in all submittals.

The DNR grants an extension on the below outlined original due date for this documentation to this Monday (04/24/23) at 4PM. The DNR is working to accommodate the requested expedited review and response to the corrective action plan, and submitting this data will help DNR provide expedited technical review and support to the Community Within the Corridor Limited Partnership.

Thank you, Jane

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Jane Pfeiffer

Phone: (414) 435-8021

jane.pfeiffer@wisconsin.gov

From: Shane LaFave <Shane@roerscompanies.com>
Sent: Thursday, April 20, 2023 4:20 PM
To: Pfeiffer, Jane K - DNR <jane.pfeiffer@wisconsin.gov>; Que El-Amin <que@scott-crawford.com>; Robert Reineke <rreineke@ksinghengineering.com>; Pratap Singh <psingh@ksinghengineering.com>
Cc: Hoverman, Robert R - DNR <robert.hoverman@wisconsin.gov>; Mylotta, Pamela A - DNR <Pamela.Mylotta@wisconsin.gov>; Lara Page <Lara@roerscompanies.com>; Hughes, Audra A - DNR <audra.hughes@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Lauren.Harpke@quarles.com
Subject: RE: Community Within the Corridor - East Block (02-41-263675) - Weekly Summary Report

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Jane,

Please see responses below in red.

Thanks,

Shane LaFave

Sr. Vice President of Development

m: 763.300.1861

shane@roerscompanies.com

From: Pfeiffer, Jane K - DNR <jane.pfeiffer@wisconsin.gov>

Sent: Thursday, April 20, 2023 11:14 AM

To: Shane LaFave <Shane@roerscompanies.com>; Que El-Amin <que@scott-crawford.com>; Robert Reineke <rreineke@ksinghengineering.com>; Pratap Singh <psingh@ksinghengineering.com>

Cc: Hoverman, Robert R - DNR <robert.hoverman@wisconsin.gov>; Mylotta, Pamela A - DNR

<Pamela.Mylotta@wisconsin.gov>; Lara Page <Lara@roerscompanies.com>; Hughes, Audra A - DNR

<audra.hughes@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Lauren.Harpke@quarles.com

Subject: Community Within the Corridor - East Block (02-41-263675) - Weekly Summary Report

Hi Shane,

Thank for your presenting the *Weekly Progress Report for Week Ending 4/15/2023* (Report) for the Community Within the Corridor – East Block on 04/17/23. The Report indicates that an emergency corrective action plan (Plan) will be submitted to the DNR. The Plan was submitted to the DNR last evening (04/19/23) with a technical assistance fee for DNR review and response. Present the following supplemental documentation to accompany the Plan:

1. Comprehensive vapor data tables (indoor air and sub slab) that show all TCE and PCE data collected to date. Provide the raw excel sheets with this data in addition to the PDF versions.

I confirmed with KSingh that all data collected for TCE for indoor air and sub slab vapor has been provided to WDNR already in our previous submissions/communications/daily & weekly reports.

2. Provide compressive figures that clearly label all vapor sample locations. The figure(s) must label **all** sample locations listed in the comprehensive data tables.

I confirmed with KSingh that this information has also been provided. We have sent the WDNR figures showing the units where samples were taken, figures showing sub-slab vapor sampling locations, figures showing indoor air sampling locations, and all test results to date as of the last weekly report. We believe that DNR should be able to provide a review based on this information. To put together a new report with all of this same information, just organized in a different way, is a significant undertaking that would take longer than until 12pm on 4/21/23. We would prefer to instead spend that time working on implementing the corrective actions that are going to solve the issue and get residents back into their homes.

Please understand that the above-requested documentation is important for the DNR to review and respond to the Plan. Until this documentation is submitted, the DNR is unable to perform a comprehensive technical review of the Plan and this may cause unnecessary delays in providing you with a technical assistance response. Therefore, **provide the above-outlined documentation by tomorrow (04/21/23) at 12PM.**

Our request is that the WDNR reconsider this request based on this information having already been provided. If reconsideration is not an option, we would at a minimum ask for more time.

Furthermore, attached is the DNR's 04/06/23 email, which provides feedback concerning the DNR's 03/30/23 and 03/31/23 site visits and additional feedback/information requests. Continue to consider and incorporate the DNR feedback presented in the 04/06/23 email into your weekly summary reports, as applicable. More specifically, as outlined in the DNR's 04/13/23 email (attached), the notification documentation was due in the 04/17/23 weekly progress report. This notification documentation has not been submitted. Therefore, **submit the notification documentation in the weekly summary report that is due next Monday (04/24/23) at 4 PM.**

We will submit the notification documentation by or before this deadline.

Thank you, Jane

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Jane K. Pfeiffer

Hydrogeologist - Remediation & Redevelopment Program

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