

**From:** [Gallo, Donald](#)  
**To:** [Borski, Jennifer - DNR](#); [bdonaldson@donaldsonscleaners.com](mailto:bdonaldson@donaldsonscleaners.com); "Craig Donaldson" ([donacraig@gmail.com](mailto:donacraig@gmail.com))  
**Cc:** [Williams, Michelle](#); [Langdon, Robert \(RLangdon@scsengineers.com\)](mailto:RLangdon@scsengineers.com); [Chronert, Roxanne N - DNR](#); "Peter van Houwelingen"; "CHaese@ci.neenah.wi.us"; [Ales, Stephen M - DNR](#); [Foss, Darsi J - DNR](#)  
**Subject:** RE: Notice of Noncompliance for Donaldson's One Hour Cleaners (Former), BRRTS #02-71-110797  
**Date:** Thursday, August 31, 2017 12:04:47 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Jennifer;

Sorry if I was not clear. We are proceeding to meet the September 13, 2017 date for submittal of a work plan, schedule and cost estimate. My point is that we are considerably down the road on this cleanup and focused on obtaining case closure. Enforcement and litigation will only distract resources from the cleanup efforts. H&J Investments has approximately 50% of the necessary funding via insurance and DERF funds. We are definitely proceeding to the extent of financial resources currently available and working on additional funding. I really need to speak with legal counsel from WDNR; not to address enforcement but to address some potential cleanup funds. Please advise me who to speak to.

**Donald P. Gallo**

**Partner**

Direct: 262.956.6224

[Donald.Gallo@huschblackwell.com](mailto:Donald.Gallo@huschblackwell.com)

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**From:** Borski, Jennifer - DNR [mailto:[Jennifer.Borski@wisconsin.gov](mailto:Jennifer.Borski@wisconsin.gov)]

**Sent:** Thursday, August 31, 2017 11:03 AM

**To:** Gallo, Donald; [bdonaldson@donaldsonscleaners.com](mailto:bdonaldson@donaldsonscleaners.com); 'Craig Donaldson' ([donacraig@gmail.com](mailto:donacraig@gmail.com))

**Cc:** Williams, Michelle; [Langdon, Robert \(RLangdon@scsengineers.com\)](mailto:RLangdon@scsengineers.com); [Chronert, Roxanne N - DNR](#); 'Peter van Houwelingen'; 'CHaese@ci.neenah.wi.us'; [Ales, Stephen M - DNR](#); [Foss, Darsi J - DNR](#)

**Subject:** RE: Notice of Noncompliance for Donaldson's One Hour Cleaners (Former), BRRTS #02-71-110797

Don,

Thank you for this information. I am very glad to hear that communications continue to try and find a solution for the environmental and economic needs at this site for the sake of this community. With all due respect to you and the Donaldson family, DNR was not aware up until this moment that your office remains involved in this project after the request for closure was submitted or that the Donaldson's are pursuing options to address this site beyond developing a scope of work and beginning to coordinate disposal of the drums. DNR has only received a brief email by SCS on August 29<sup>th</sup> which included no time frame for future action or correspondence. There has been no other communication with the DNR indicating intent to address the many needs at this site.

You will also note by looking at BRRTS on the Web that numerous other notices of non-compliance (NON) have been issued for this site historically at times when progress appeared to again be stalled or time frames were not met. The language in a NON is standard and serves to inform the responsible party that the RR Program may move to involve an environmental enforcement (EE) specialist to assist the site in moving forward. When communications and action resumes, RR simply moves forward together with the RP without the assistance of EE. I assure you the NON is written in earnest to place importance on the need to collaborate and make progress. I would expect that in reading through the lengthy history of this file and the numerous attempts to engage Donaldson's One Hour Cleaners, Inc. in their responsibility for this contamination that you will find the DNR has gone to extensive efforts to keep this site out of the enforcement process. DNR has consistently and repetitively communicated in

writing and verbally to Donaldson's One Hour Cleaners, Inc. and predecessors the actions that are necessary with mixed success over the two decades this site has been open.

Herein lies yet another on-going issue regarding this site. The June 20, 2017 letter denying closure is addressed the Donaldson's One Hour Cleaners, Inc. and it's registered agent Brett Donaldson. The *business* is the identified causer of this contamination and primary responsible party as identified by DNR and supported by the Department of Justice. This was communicated in a letter to Donaldson's One Hour Cleaners, Inc. on January 25, 2013 and is attached for your use. H&J Investments, LLC is included in the June 20, 2017 letter as the owner of the contaminated property. The registered agent for Donaldson's One Hour Cleaners, Inc. and it's predecessors have not routinely corresponded with DNR or completely followed through with action items mutually established at our numerous meetings over the years leaving DNR uncertain of what actions are being contemplated or pursued at this site. While this uncertainty continues to stretch out, a building sits mostly vacant, increasingly dilapidated, a source of frustration for the surrounding community and concern for the City and DNR alike and the contamination remains unaddressed.

The DNR Attorney assigned to the RR Program recently took a position at DOJ and I am not aware of what DNR Attorney has been assigned to the RR Program in the interim. I will follow-up internally to find out who that is; however, it will likely be an interim assignment to an individual that will only be able to respond to specific legal questions. Regardless, the topic of funding is a program issue. The RR Program is able to speak with you directly regarding possible funding sources for this site but, since there is a viable responsible party, I assume the options will be limited. I will talk internally with the RR Program and reach out to you with some information.

I encourage Donaldson's One Hour Cleaners, Inc. to provide a written response to the June 20, 2017 letter by September 13, 2017 as requested in the August 30, 2017 NON. If requested, DNR can arrange for a meeting with all stakeholders for this site to talk through responsibility and options for partnering with the City to meet the environmental and economic needs at this site. It is DNR's long-standing position and intent to continue to work with the responsible party to comply with the requirements of the Spills Law and the NR 700 Rule Series as initiated at this site by Mark Giesfeldt, Bruce Urben, Terry Evanson and me and continued today by Darsi Foss, Steve Ales, Roxanne Chronert and the rest of the RR Program. Please let me know how you would like to proceed.

Respectfully,

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

**Jennifer Borski**

Phone: (920) 424-7887

[Jennifer.borski@wisconsin.gov](mailto:Jennifer.borski@wisconsin.gov)

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**From:** Gallo, Donald [<mailto:Donald.Gallo@huschblackwell.com>]  
**Sent:** Thursday, August 31, 2017 9:53 AM  
**To:** Borski, Jennifer - DNR; [bdonaldson@donaldsonscleaners.com](mailto:bdonaldson@donaldsonscleaners.com); 'Craig Donaldson' ([donacraig@gmail.com](mailto:donacraig@gmail.com)) ([donacraig@gmail.com](mailto:donacraig@gmail.com))  
**Cc:** Williams, Michelle; Langdon, Robert ([RLangdon@scsengineers.com](mailto:RLangdon@scsengineers.com)); Chronert, Roxanne N - DNR; 'Peter van Houwelingen'  
**Subject:** RE: Notice of Noncompliance for Donaldson's One Hour Cleaners (Former), BRRTS #02-71-110797

Jennifer and Roxanne;

H&J Investments is making arrangements for removal of the drums promptly. As you know, our consultant has to sample the contents and present a waste profile to the

landfills for acceptance for landfill disposal. This effort is in process and we will keep you informed. After 21 years of remedial activities and with all the correspondence that has gone back and forth, including all of the issues related to efforts to explore additional funding for the remedial activities noted by WDNR at this site in your denial letter of June 20, 2017. For the record, you now choose to send a Notice of Non-compliance and threaten enforcement. This is a bit disingenuous given your considerable involvement and our numerous communications to discuss this matter. It appears that you are papering the file to protect WDNR's interests and for potential enforcement litigation. Time and efforts would be much better spent working cooperatively on execution of the remedial activities.

We understand that there are 23 offsite properties affected by the release from this facility. And you have been aware of the limited funding remaining for continued remedial activities. Recently, H&J Investments met with the City of Neenah to discuss grant opportunities that the City may have access to and could bring to the table for the funding of the required remedial activities. We estimate the cost of completing the remedial activities to address WDNR's comments in their June 20, 2017 letter to Brett Donaldson and H&J investments, LLC to be approximately \$100,000 and H&J has been working on various funding sources (DERF, insurance, grants) to fund these activities. Robert Landon of SCS Engineers is developing a scope of work that is responsive to you denial letter of June 20, 2017 and an estimated budget and schedule for completing these remedial activities. Concurrently we are working on sufficient funding for this work. Currently H&J Investments LLP only has partial funding available at this time.

Consistent with WDNR's commitment to service, please call or email if you have any concerns or questions that we have not addressed and we will respond promptly. If you could have WDNR legal counsel call me, I would like to discuss some possible funding alternatives. Thank you for your considerations.

**Donald P. Gallo**  
Partner

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[View Bio](#) | [View VCard](#)

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**From:** Borski, Jennifer - DNR [<mailto:Jennifer.Borski@wisconsin.gov>]  
**Sent:** Wednesday, August 30, 2017 12:24 PM  
**To:** [bdonaldson@donaldsonscleaners.com](mailto:bdonaldson@donaldsonscleaners.com); 'Craig Donaldson' ([donacraig@gmail.com](mailto:donacraig@gmail.com))  
([donacraig@gmail.com](mailto:donacraig@gmail.com))  
**Cc:** Gallo, Donald; Williams, Michelle; Langdon, Robert ([RLangdon@scsengineers.com](mailto:RLangdon@scsengineers.com));  
Chronert, Roxanne N - DNR  
**Subject:** Notice of Noncompliance for Donaldson's One Hour Cleaners (Former), BRRTS #02-71-110797

Brett and Craig,

Attached is a Notice of Noncompliance for this site. Hard copies are in the mail to you both. All others should print the attached document if interested in a hard copy.

Please note that a written response is requested within 14 days.

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### Jennifer Borski

Hydrogeologist – Remediation & Redevelopment Program

Wisconsin Department of Natural Resources

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[dnr.wi.gov](http://dnr.wi.gov)





January 25, 2013

Mr. Brett Donaldson  
Donaldson's One Hour Cleaners, Inc.  
110 W. Cecil St.  
Neenah, WI 54956

Subject: Response to January 2013 inquiry regarding  
**Donaldson's One Hour Cleaners**, 110 W. Cecil St., Neenah, WI  
Parcel Identification Number: 80204150100  
**WDNR BRRTS Activity # 02-71-110797**

Dear Mr. Donaldson:

On January 10, 2013, the Wisconsin Department of Natural Resources (the "Department") received an undated letter from you (the "Response") in response to the January 7, 2013 letters of responsibility issued by the Department to Donaldson's One Hour Cleaners, Inc. and H & J Investments, LLC. In the Response, you requested a detailed explanation as to "...why both Janice Donaldson, current officer of H & J Investments, and (you) are listed as responsible parties in continuing the investigation at 110 West Cecil Street, Neenah", Wisconsin (the "Property"). This letter addresses your recent inquiry and reminds you of important next steps and established dates.

It is important to clarify that the business organizations of Donaldson's One Hour Cleaners, Inc. and H & J Investments, LLC are named as the responsible entities and the Department has not presently identified you or Janice Donaldson as personally liable. The January 7, 2013 letters of responsibility were addressed to both of you as registered agents for the responsible entities.

As described in the January 7, 2013 letters of responsibility, under Section 292.01(13), Wisconsin Statutes, a "person" is defined as, "an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency". The hazardous substances spill law, Section 292.11(3), Wisconsin Statutes, 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.

A current property owner is in possession of the hazardous substance released to the Property and is therefore responsible under the spill law. As current property owner, H & J Investments, LLC is a responsible party for the contamination identified at the Property. As such, a letter of responsibility was sent to Janice Donaldson, the registered agent for H & J Investments, LLC.

The Department understands that Donaldson's One Hour Cleaners, Inc. did not exist at the time of the historical release. However, it is understood that Donaldson's One Hour Cleaners did cause the discharge of the hazardous substance released to the Property. In addition, it is understood that Donaldson's One Hour Cleaners, Inc. assumed the business of Donaldson's One Hour Cleaners and therefore assumed all of the assets and liability from Donaldson's One Hour Cleaners. As stated in the spill law, the causer is also a responsible party. As such, a letter of responsibility was sent to you, Brett Donaldson, the registered agent for Donaldson's One Hour Cleaners, Inc.

It is also important to understand that the Department is emphasizing the need for vapor investigations on a state-wide basis. In September 2011, the Department issued letters for all open cases, communicating the importance of performing vapor assessments in accordance with the most recent vapor intrusion guidance document, *Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin*, RR-800, December 2010. Over the past couple of months, Nicole LaPlant of Robert E. Lee & Associates ("REL") and I have talked about a workplan to complete the vapor investigation on and off the Property. However, as of the date of this letter, a workplan has not yet been submitted.

The Department is prepared to perform vapor investigations where responsible parties are unwilling or unable to proceed; however, the Department will also seek recovery for costs incurred pursuant to s. 292.31(8), Wis. Stats. You should also understand that failure to perform the required actions in a timely manner may jeopardize your eligibility for reimbursement of eligible expenses under the Dry Cleaner Environmental Response Program (DERP).

Continuation of the investigation at the Property needs to proceed. As stated in the January 7, 2013 letters of responsibility, by February 6, 2013, you should submit written verification that you have hired an environmental consultant. In addition, by March 8, 2013, your consultant should submit a work plan and schedule for the continued investigation.

Please let me know if you and/or Janice Donaldson would like to meet to discuss the items discussed in this letter further. You can contact me in Oshkosh at (920) 424-7887 or at [Jennifer.borski@wisconsin.gov](mailto:Jennifer.borski@wisconsin.gov).

Sincerely,



Jennifer Borski  
Hydrogeologist  
Remediation and Redevelopment Program

Cc: Janice Donaldson, H & J Investments, LLC

Ecc: Roxanne Chronert, DNR – Green Bay  
Lacey Cochart, DNR – Madison, LS/8  
Terry Evanson, DNR – Madison, RR/5  
Mark Giesfeldt, DNR – Madison, RR/5  
Nicole LaPlant, REL