

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
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Green Bay, Wisconsin 54307-0448  
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TTY Access via relay - 711

August 15, 2008

Mr. Mike Nass  
Synergy Investors, LLC  
1043 South Quincy Street  
Green Bay, WI 54301

Subject: Reported Contamination at One Hour Martinizing  
1233 South Military Avenue, Green Bay, Wisconsin  
WDNR BRRTS Activity # **02-05-217270**

Dear Mr. Nass:

On March 31, 1999, the Wisconsin Department of Natural Resources ("WDNR") was notified that chlorinated solvent contamination had been detected at the site described above. Between 1999 and 2007, the soil and groundwater contamination was being addressed by P.F. Fink, Inc. under the Drycleaner Environmental Response Program. Peter Fink, the sole owner and shareholder of P.F. Fink, Inc., died in 2007 leaving nobody the ability to act on behalf of the corporation. Based on this information, the WDNR believes the current property owner, Synergy Investors, LLC, is now responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under Section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR, Department of Commerce ("Commerce") or the Department of Agriculture, Trade and Consumer Protection.

### Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. 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.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

**Steps to Take:**

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. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first steps to take:

1. Within the next **30 days**, by September 15, 2008, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you. **Note: You may want to consider hiring STS/AECOM as your environmental consultant as they were the consultant who received the winning bid under the Dry Cleaner Environmental Response Program when P.F. Fink, Inc. was overseeing the project.**
2. Within the next **60 days**, by October 15, 2008, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in NR 169 and the NR 700 Wis. Adm. Code rule series. The consultant should also adhere to current WDNR technical guidance documents.

In addition, within 30 days of completion of the site investigation, your consultant should submit a site investigation report to the WDNR or other agency with administrative authority.

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 WDNR's internet site. You may view the information related to your site at any time (<http://botw.dnr.state.wi.us/botw/Welcome.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the WDNR on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation and cleanup to maintain your compliance with the spills law, chapter NR 169 and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** 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:

Kristin DuFresne  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
2984 Shawano Avenue  
P. O. Box 10448  
Green Bay, WI 54307-0448  
kristin.dufresne@wisconsin.gov

Unless otherwise requested, please send only one copy of plans and reports. In addition to the paper copy, an electronic copy may also be submitted. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

BRRTS #: 02-05-217270  
Activity Name: One Hour Martinizing  
RP: Mike Nass

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**Additional Information for Site Owners:**

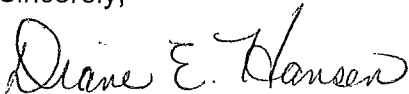
We encourage you to visit our website at <http://dnr.wi.gov/org/aw/rr>, where you can find information on selecting a consultant, financial assistance such as the Drycleaner Environmental Response Program and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Information to help you select a consultant, materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed.

If you have questions, call Kristin DuFresne at 920-662-5443 for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



Diane E. Hansen  
Environmental Program Associate  
Remediation & Redevelopment Program

- Enclosures:
1. Remediation & Redevelopment Program
  2. Dry Cleaner Environmental Response Program: Is the Program for Me?
  3. Dry Cleaner Environmental Response Program
  4. Environmental Contamination – The Basics
  5. Selecting an Environmental Consultant
  6. Environmental Services Contractor List

cc: Paul Garvey, STS/AECOM  
1035 Kepler Drive, Green Bay, WI 54311  
Jillian Steffes, DNR – CF/2  
Kristin DuFresne, DNR - NERH