



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Shawano Office  
647 Lakeland Rd.  
Shawano, WI 54166-3843  
TELEPHONE 715-524-2183  
FAX 715-524-3214

April 6, 1998

Mr. Robert Halaska  
Everclean Fabric Care Center  
801 Churchill St.  
Waupaca, WI 54981

Written before  
fee rule went into  
effect  
no fee charged

**COPY**

07-69-231442

Subject: Future Responsibilities and Environmental Liabilities for Cleanup of PCE  
(tetrachloroethylene) Contamination at Former J&J Laundromat, 801 Churchill St., Waupaca, WI.

Dear <sup>Bob</sup> Mr. Halaska:

I am writing to respond to your request regarding the future of the environmental cleanup of property located at 801 Churchill Street in Waupaca, the former J&J Laundromat property. It is my understanding that George Jorgenson still owns the property and that you are renting the property with an option to purchase. Specifically, you want to know what your responsibilities would be as a future owner of the property as well as what restrictions would exist regarding additional building and other property improvements.

1. RESPONSIBILITIES - The Department issued an administrative order to J & J Laundromat in 1991, requiring that J & J undertake additional investigative activities to determine the degree and extent of contamination emanating from the J & J property and to remediate the contamination, as required by s. 144.76, Stats., (now s. 292.11, Stats.). The Department settled with J&J Laundromat in November of 1992. The settlement provided that, the Department would not take any further action against J & J to require it mitigate the PCE contamination that was released at the site prior to the time of the execution of the settlement agreement. Since that settlement, the Department has taken the responsibility for addressing this contamination.

For this particular property, the Department agrees to exercise its enforcement discretion, given the site specific circumstances. The Department can assure you as a potential buyer and any lenders that that it will take no legal action to compel you to take responsibility for all or a portion of the environmental contamination that was known to exist on the property prior to the date of purchase. Any new contamination discovered would be the responsibility of the property owner. I have enclosed a brief summary of the newly created dry cleaners fund that could provide assistance in the event that cleanup is required for PCE contamination not associated with previous settlements between the state and George Jorgenson.

2. ACCESS - The department and its designated agents will need continued access to the property for sampling, and additional investigative and remedial work. The Department hopes to finalize an access agreement with you shortly after you purchase the property, should you choose to purchase it. If such access cannot be agreed to, the Department could exercise its authority to gain such access or determine that the owner is in possession and control of the hazardous substance and therefore responsible for its cleanup. We would notify you prior to needing access and discuss any access with you that may disrupt your business operations.

3. REMAINING SOIL CONTAMINATION AND CASE CLOSURE - The latest investigation revealed significant soil contamination under the building, likely the result of an underground tank. The contents of this tank have been removed and further releases from this tank have thereby been eliminated. Analysis of site conditions, including groundwater monitoring, suggest that the building slab is providing an effective barrier to infiltrating surface water through the contaminated soil minimizing groundwater impacts. The Department will



continue to monitor the groundwater in the vicinity of the building to verify that this barrier is an effective long term remedial option. but will explore active remediation of this area if groundwater becomes impacted from this contamination.

If it is concluded that the building slab, is an effective barrier or engineering control for preventing groundwater impacts, the Department will require that this control remain in place and maintained in lieu or in conjunction with any other remedial action. The property owner will be requested to provide notice of this control and to identify that contamination remains in place at this property through the use of a deed restriction at the time of case closure. The notice will also require maintenance of this barrier and indicate that if the barrier (building slab) is removed, the contaminated soil will need to be remediated to prevent impacts to the groundwater.

4. FUTURE EXPANSION - You have indicated that you plan to further develop the property and need to know what restrictions would be applied regarding removal of soils. The restrictions are as follows:
  - a. The latest investigation revealed contaminated soils under the building likely from the underground tank. Any soils excavated under or directly adjacent (up to 10 feet) and north of the building would need to be sampled and handled appropriately if contaminated.
  - b. Soils away from the building and to the east and northeast above 15 feet are not contaminated above our current soil standards and would not require sampling.
  - c. Soils and groundwater below 15 feet on the property may be contaminated with PCE and would require sampling and special handling if found to be contaminated.

The Department is willing to discuss specific requirements for soil handling as building plans are finalized.

I hope I have addressed your concerns and have given you some level of comfort regarding the purchase of this property. Please contact me at 715-526-430 if you have any additional questions.

Sincerely,



Tom Sturm  
Hydrogeologist  
Remediation and Redevelopment Program

cc: Joe Renville - LC5  
Bruce Urben - NER