



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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February 3, 2005

Mr. Donald Fritzke
10003 W. ~~Carmen Avenue~~
Milwaukee, WI 53225

File Ref: FID#241170270
BRRTs#02-41-278106

16065 Hwy "W"
Crivitz, WI 54114

Subject: DERF Proposal for Completion of Site Investigation, Remediation and Closure
Report Preparation for Former Colony Dry Cleaners
10003 W. Carmen Avenue, Milwaukee

Dear Mr. Fritzke:

The Department has received a cost estimate for the Former Colony Dry Cleaners for completing the site investigation and requesting site closure, submitted on your behalf by United Engineering Consultants (UEC) in November 2004. The correspondence indicated that site work had previously been conducted for the DERF program by Sigma Environmental Services, and that UEC is to replace Sigma for the completion of the site investigation. The Department approved an initial scope of work for Sigma's proposed site investigation in January 2002 and also approved the cost estimate of \$19,985 for that proposed work. In July 2003, the Department approved a work plan addendum by Sigma, which proposed conducting seven additional soil borings at the site, with a cost estimate of \$10,881. In December 2003, the Department approved a work plan addendum for three additional soil borings with a cost estimate of \$1843. The Department views this submitted cost estimate as a change order request, requiring Department approval prior to initiation of the propose work.

As indicated to your consultant, the Department may approve a request to change consultants in order to conduct additional site investigation activities through the DERF program, without requiring additional consultant bids, provided the requirements of ch. NR 169 are followed. You will need to revise your change order request to meet these requirements. Because the code requires that the consultants used for site investigation work be chosen through the specified consultant selection process, you need to request specific approval to use this consultant, who was not evaluated in the original consultant selection. You will be requesting a variance under s. NR 169.29, Wis. Adm. Code to the requirement in ss. NR 169.23(3)(d)1 and 169.23(2)(b) to obtain competitive bids from 3 consultants for this work. You need to provide justification for the variance. As part of the justification, please have your consultant provide information to demonstrate that their proposal will meet the following code requirements:

- a. s. NR 169.28(3)(d)2.: requires that the consultant will bill for the additional services at the same or lower per-unit price at which the originally approved consultant (Sigma) agreed to provide equivalent services in their initial proposal.
- b. s. NR 169.23(5): requires a clear description and itemization of the consultant and contract services to be performed. Have your consultant provide more detail for this item, specifying the number of borings, monitor wells, samples and analyses to be performed, indicating these locations on a map that also contains the previous sample locations and results. You may want to assess how much overlap will occur in the billing for report preparation, as this will be reviewed at the time you submit a claim for reimbursement.
- c. s. NR 169.23(7): requires that certain work items to be billed on an hourly or per unit basis.
- d. s. NR 169.23(9): describes the certifications to be included with each proposal.

In order to focus the site investigation towards better defining the extent and degree of contamination, identifying receptors, and evaluating remedial options, please have your consultant review their proposal to be sure it addresses the following:

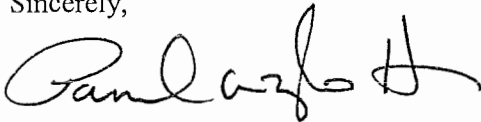
1. The potential sources for the contamination found at the site have not been identified. This is essential for completing a successful investigation and for developing and evaluating remedial options.
2. Pathways and mechanisms for transporting the contaminants away from source areas need to be evaluated. This means looking at the location and depth of manmade pathways such as sewer and water laterals, as well as evaluating the nature of the subsurface materials.
3. Groundwater monitoring points need to be located near or closely down-gradient of source areas.

The DERF code requires that the site investigation be completed and a remediation proposal and cost estimate be approved prior to moving forward with remedial actions. The proposal submitted indicates it is for remediation as well as investigation. It is too early to propose remedial actions for the site, so please have your consultant revise their proposal to indicate that they will evaluate remedial options, if ch. NR 169 still requires it at the time they begin to prepare the site investigation report.

Finally, the proposal by UEC includes time to be spent preparing a DERF submittal. The Department may reimburse for eligible costs associated with technical report preparation, but may not reimburse for costs associated with preparation of the DERF reimbursement application. Your consultant should itemize these proposed costs separately, so we and you are able to keep track of eligible and non-eligible costs. These costs should not be included in reimbursement requests.

I hope these comments assist you in preparing your revised request for a change order. If you have any questions, please contact me at (414) 263-8758.

Sincerely,



Pamela A. Mylotta, Hydrogeologist
Remediation & Redevelopment Program
Southeast Region, Milwaukee Service Center

C: Tim Anderson – UEC
SER Casefile