

Borski, Jennifer - DNR

From: Darci Thomas <dthomas@stratifiedmgmt.com>
Sent: Thursday, August 9, 2018 12:52 PM
To: Borski, Jennifer - DNR
Cc: Rob Hoverman
Subject: RE: Response requested by 8/7/18: Barb & Ron's Cleaners (Former), 1700 S. Lawe St., Appleton, WI, BRRTS #02-45-297744

Jennifer,

Sorry I'm a couple days late with this; I was out of the office late last week and early this week. See below in **RED** for responses to your inquiries. Thank you for working through this with us. I hope this information is sufficient for the time being.

Best regards,

Darci Thomas
Director of Property Transaction Services
P. 317.507.7801



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From: Borski, Jennifer - DNR [mailto:Jennifer.Borski@wisconsin.gov]
Sent: Tuesday, July 31, 2018 3:51 PM
To: Darci Thomas <dthomas@stratifiedmgmt.com>
Subject: Response requested by 8/7/18: Barb & Ron's Cleaners (Former), 1700 S. Lawe St., Appleton, WI, BRRTS #02-45-297744

Darsi,

Thank you for your time this afternoon to discuss purchase of this property by Glass Vault, LLC and associated responsibilities. I just confirmed that the letter of responsibility to Glass Vault, LLC was not yet mailed and has been pulled.

Based on our conversation, I understand that the property transaction included some form of an indemnification agreement. Please provide me with the following information by Tuesday, August 7th so that WDNR can issue a tailored letter to Glass Vault, LLC:

1. A synopsis of the indemnification agreement; **There was no indemnity agreement between Ron and Glass Vault; the settlement was made through a third party claims management entity on behalf of Ron and Glass Vault took ownership with the understanding that future continuing obligations would follow the property.**
2. The point of contact for the lead responsible party to address official correspondence; **Please use Rob Hoverman as the contact for the lead RP. I understand Ron wishes to be copied on all correspondence.**
3. Clarification on who has access to the insurance settlement funds that will be used (e.g., escrow account distributed by an attorney; paid directly to Ron Van Asten; transferred directly to Glass Vault, LLC, etc.); and **the funds are being managed by a third party claims entity and are being distributed to EnviroForensics as work is completed.**
4. Any other stakeholder that should be copied on milestone correspondence. **None that I am aware of aside from Glass Vault, Ron, and EnviroForensics.**

If Glass Vault, LLC is the current property owner with indemnification from the previous owner, notification of anticipated continuing obligations will need to be formally issued via certified mail at least 30 days prior to requesting closure. This is another reason why it is important to understand the relationships between all the parties.

As you work with EnviroForensics to sort out what level of effort is anticipated to take this case all the way through the closure process, I'll eventually need to understand whether it is anticipated the settlement funds will be sufficient, or if the State's Dry Cleaner Environmental Response Program (DERP) funds will need to be utilized. We need to talk about DERP well in advance of incurring any costs to be reimbursed through this program if settlement funds will be exhausted. **I will discuss this with Rob further.**

During our conversation we also discussed that the data collected and remediation efforts taken over the life of this case will need to be compiled in the request for closure. Wisconsin has a required form and specific attachments to include in the closure request packet. The form is found at the following link: <https://dnr.wi.gov/files/PDF/forms/4400/4400-202.pdf>. Skimming this form will help you understand the level of effort likely needed by EnviroForensics to gather all this historical data and present it in the required format.

Thank you again for your time today. I look forward to receiving the requested information next week. Let me know if you have any questions as we move through this process together.

We are committed to service excellence.

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

Jennifer Borski

Hydrogeologist – Remediation & Redevelopment Program / Environmental Management

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