

Type of Case: LUST ERP 453M 453P

SER Form #1 July 1, 1997

ACTIVITY NO.: 02-68-305374		FID NO.: 268087820	
County: Waukesha		Initial Contact Date: / /	
Site Name: Former Fabricure Property		Send RP Letter ? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Date Mailed: / /	
Address: 323 W. Sunset Dr.		Closure Date: / /	
Municipality: Waukesha, WI		Person/Firm Reporting: <u>VS</u>	
Legal Desc.: 1/4 1/4 Sec Tn Rng E		Phone: ()	
Lat.: Long.:		By: <u>VS</u>	

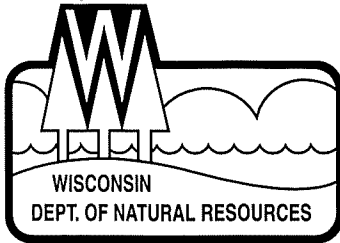
PRIORITY:	FUNDING SOURCE:	ENFORCEMENT AUTHORITY:
<input type="checkbox"/> High	<input type="checkbox"/> RP	<input checked="" type="checkbox"/> Spill Law s. 292.11 Wis. Stats.
<input type="checkbox"/> Medium	<input type="checkbox"/> LTF	<input type="checkbox"/> Envir. Repair Law s. 292.31 Wis. Stats.
<input type="checkbox"/> Low	<input type="checkbox"/> EF	<input type="checkbox"/> Solid Waste NR 500
<input checked="" type="checkbox"/> Unknown	<input type="checkbox"/> SF	<input type="checkbox"/> CERCLA
	<input type="checkbox"/> None	<input type="checkbox"/> Aband. Container s. 292.41 Wis. Stats.
IS THIS LUST CASE	<input checked="" type="checkbox"/> Other (describe below)	<input type="checkbox"/> Other: _____
FEDERALLY FUNDED?	<u>Potentially DERE</u>	<input type="checkbox"/> Wastewater (lagoons)
Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	<input type="checkbox"/> EPA Emergency Response	<input type="checkbox"/> Haz Waste NR600

*****PROGRAMS INVOLVED: (L = Lead, S = Support)*****

<input type="checkbox"/> Abandoned Containers	<input type="checkbox"/> NR 500 Solid Waste	<input type="checkbox"/> Water Supply	<input type="checkbox"/> DATCP
<input type="checkbox"/> LUST	<input type="checkbox"/> Spills	<input type="checkbox"/> Water Resources	<input type="checkbox"/> DCOM
<input type="checkbox"/> NR 600 Hazardous Waste	<input type="checkbox"/> Superfund	<input checked="" type="checkbox"/> Environmental Repair	<input type="checkbox"/> CODE 76

RESPONSIBLE PARTY is a <input type="checkbox"/> Company or a <input checked="" type="checkbox"/> Person Company Name: _____ Contact Person: <u>Inez Zillmer</u> Address: <u>2201 Gulfview Rd.</u> <u>Punta Gorda, FL 33950</u> Phone: () _____ CC: _____	CONSULTANT: Company Name: _____ Contact Name: _____ Address: _____ Phone: () _____ CC: (EG: lab) _____
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IMPACTS: (enter P for potential, K for known) <input type="checkbox"/> Fire/Explosion Threat <input type="checkbox"/> Contaminated Private Well(s) _____ No. of Wells <input type="checkbox"/> Contaminated Public Well <input checked="" type="checkbox"/> Groundwater Contamination <input type="checkbox"/> Soil Contamination <input type="checkbox"/> Surface Water Impacts <input type="checkbox"/> Free Product <input type="checkbox"/> Storm Sewer Contam. <input type="checkbox"/> Sanitary Sewer Contam. <input type="checkbox"/> Air Contamination <input type="checkbox"/> Direct Contact <input type="checkbox"/> Concrete/Asphalt <input type="checkbox"/> Contained/Recovered <input type="checkbox"/> Other: _____ <hr/> NEW FOLDER? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> YOUR INITIALS: _____	SUBSTANCES: #Tanks/containers Size <input type="checkbox"/> Leaded Gas _____ <input type="checkbox"/> Unleaded Gas _____ <input type="checkbox"/> Diesel _____ <input type="checkbox"/> Fuel Oil _____ <input type="checkbox"/> Unknown Hydrocbrn _____ <input type="checkbox"/> Waste Oil _____ <input type="checkbox"/> Metals _____ <input type="checkbox"/> RCRA Haz. Waste _____ <input checked="" type="checkbox"/> VOCs _____ <input type="checkbox"/> Chlorinated Solvent _____ <input type="checkbox"/> PCBs _____ <input type="checkbox"/> Foundry Sand _____ <input type="checkbox"/> Misc. Fill _____ <input type="checkbox"/> Pesticides _____ <input type="checkbox"/> Leachate _____ <input type="checkbox"/> PAHs/SVOCs _____ <input type="checkbox"/> Oil & Grease _____ <input type="checkbox"/> Other _____
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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

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2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
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March 26, 2002

Inez Zillmer
2201 Gulfview Road
Punta Gorda, FL 33950

Subject: Former Fabricare, 323 W. Sunset Dr., Waukesha, WI

Dear Ms. Zillmer:

The City of Waukesha's tax records identify you as the owner of the property at 323 West Sunset Drive in Waukesha, WI. The Department of Natural Resources was informed that tetrachloroethene (or perchloroethene) contamination was discovered at the KFC Restaurant site located at 331 West Sunset Drive (file reference FID #368007200, BRRTS #0768257076). Based on the following reasons it is believed that the tetrachloroethene contamination originated from your site:

1. A phase 1 environmental investigation for the KFC property did not indicate the use of tetrachloroethene.
2. Groundwater flow direction measured at sites near your location is generally from your location toward the KFC location.
3. Tetrachloroethene contamination on the KFC property was not found in shallow soil samples, but was only found near the groundwater interface, indicating that it migrated from another location.
4. Records show that the property at 323 West Sunset Drive was a dry cleaner from 1979 to 1999. Tetrachloroethene is a common cleaning agent used by dry cleaners.

Based on the information submitted to the WDNR, we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law.

This letter describes your legal responsibilities, 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 WDNR.

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. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. 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 three steps to take:

1. Within the next **30 days**, you must submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.
2. Within the next **60 days**, your consultant must submit a workplan and schedule for the investigation. The consultant must follow the WDNR administrative codes and technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at www.dnr.state.wi.us.
3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days per NR 724.13(3). Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.
4. 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://www.dnr.state.wi.us/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with s. 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 to maintain your compliance with the spills law and chs. 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 codes and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Victoria Stovall
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
Box 12436
Milwaukee, WI 53212-0436

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Additional Information for Site Owners:

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Stats.

Financial Assistance:

Funding is available for cleanup at some drycleaning sites. Call the DNR Gina Keenan at (414) 263-8589 for more information on eligibility or visit the RR web site . <http://www.dnr.state.wi.us/org/aw/rr>. You may also contact this person for all other questions regarding this letter.

Thank you for your cooperation.

Sincerely,

Victoria Stovall
Program Assistant
Bureau for Remediation and Redevelopment

Enclosures: 1. Selecting a consultant
2. Fact Sheet 2, VPLE