



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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April 4, 2002

BRRTS# 02-68-305374  
FID#: 268087820

Inez Zillmer  
2201 Gulfview Rd  
Punta Gorda, FL 33950

SUBJECT: Reported Petroleum Contamination at 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, 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 #07-68-257076). 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 that 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 cooperatively with the 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](http://www.dnr.state.wi.us).

Once an investigation has established the degree and extent of contamination involved at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

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, Program Assistant  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
2300 North Martin Luther King Drive  
Milwaukee, WI 53212

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:**

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for some of the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled "*Information About PECFA*" for more information on eligibility and regulations for this program. For more information on the PECFA program, please call the Department of Commerce at 608-266-2424 or visit their web site at: <http://www.commerce.state.wi.us/COM/Com-Petroleum.html>.

Funding is also available for cleanup at some drycleaning sites. Call the DNR Victoria Stovall, Program Assistant at (414) 263-8688 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  
Remediation & Redevelopment

- Enclosures:
1. Fact Sheet
  2. Selecting a consultant
  3. Fact Sheet 2, VPLE
  4. Env. Services Contractors List
  5. Ordering inf. On Underground Storage Tanks

C: WDNR case file