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April 4, 2007

Mr. Binyoti Amungwafor
Wisconsin Department of Natural Resources
2300 North Martin Luther King Jr. Drive
Milwaukee, WI 53212



Re: Request for Variance on Remedial Action Bids
Redi-Quick Dry Cleaners, West Allis, Wisconsin
BRRTS # 02-41-000676

Dear Mr. Amungwafor:

This letter is submitted on behalf of Dorothy G., Inc., and requests that the Department of Natural Resources authorize an exemption, pursuant to Wis. Admin. Code § NR 169.23(10), from the requirement to provide at least three bids for work to be performed using the Dry Cleaner Environmental Repair Fund (DERF), as required by § NR 169.23(2). Specifically, we request that the Department accept the two bids submitted in response to our Request for Bids as satisfying the requirements of the regulation, and preserving eligibility for reimbursement for the remedial scope of work.

As you know, the investigation of the Redi-Quick site was funded by the Department under DERF. In November 2006, we received authorization from you to solicit bids for the remediation phase. At that point in time, the City of West Allis and DNR were also working on this project being funded through a Ready for Reuse loan. We therefore waited until the Ready for Reuse issues were resolved, so that we could incorporate that factor into the Request for Bid Proposals (RFB). Additionally, you kindly reviewed our RFB to ensure that it satisfied DERF and Ready for Reuse requirements.

Beginning in January 2007, we contacted several potential consultants to determine interest in the RFB. As a result of that effort, we identified and sent the RFB to five interested and qualified consultants. The RFB was issued on February 16, 2007.

We had initially requested bids within two weeks. At the request of two consultants, we extended the bid submittal date by one week, to March 9, 2007.

Three of the consultants ultimately decided not to submit bids. Two consultants expressed a concern over the investment necessary to prepare the bid proposal, in particular the level of effort necessary to prepare a remedial action options report (RAOR). A third consultant decided not to



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submit a bid because of internal workload and the time necessary to prepare the bid. Therefore, despite our reasonable efforts to obtain three bids, we received only two bids.

We have since reviewed those two bids. Our review and recommendations are contained in a separate letter to you. The two bids were similar in several respects. They both recognized the significant site constraints that limit the available remedies. In particular, the high concentration and depth of PCE in the narrow area between the Redi-Quick building and neighboring residence preclude substantial source removal through excavation as a remedial option and limit the availability of alternative remedies. Accordingly, both bids focused on treatment through in-situ chemical injection as the primary means of achieving closure. Additionally, both bids are well below the limits of the DERF funding eligibility. We therefore believe that the bids are variations on the most cost-effective approach to remediation within the limitations of the site.

We would like to have the work performed during warm, dry weather this summer. Additionally, we would like the work to be completed as soon as possible because the contaminant plume extends to the neighboring residential property.

For these reasons, we request and encourage the Department to exempt Dorothy G from the requirement to obtain a minimum of three bids, and authorize the selection of the preferred bid based on the two submitted bids.

Please let me know if you require any further information.

Sincerely,

AXLEY BRYNELSON, LLP

Carl A. Sinderbrand
CAS:gmk

cc: Mr. Sam Gruichich