

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8606  
TTY 711

May 4, 2005

FID: 268077480  
BRRTS: 02-68-543070

Jill Fitzgerald  
% Donald P. Gallo, Esq.  
P.O. Box 2265  
Waukesha, WI 53187

Subject: Reported Contamination at the Jill's Dry Cleaners, S74 W16834 Janesville Rd,  
Waukesha

Dear Ms Fitzgerald.:

On April 25, 2005, Donald P. Gallo, Reinhart Boerner Van Deuren s.c. on behalf of Jill's Dry Cleaners notified the Department of Natural Resources (WDNR) that soil and potential groundwater contamination had been detected at the site described above.

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 as a person who is responsible under section 292.11, explains what you need to do to investigate, and clean up the contamination; provides you with information about cleanups, environmental consultants, and possible financial assistance; and working cooperatively with the Department of Natural Resources and Department of Commerce ("Commerce").

### **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 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 should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **60 days**, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 rule series and should refer to WDNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available online 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 Department of Natural Resources has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a site investigation report per s. NR 716.15. As the remedial activities proceed, you or your consultant should also provide a brief progress report at least every 90 days as required by s. NR 724.13(3), Wis. Adm. Code. 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 Department'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 Department on a specific submittal, please be aware that a review fee is required in accordance with ch. 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 a Department 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) may be 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 Program  
Southeast Region

- Enclosures: 1. Fact Sheet  
2. Selecting a consultant  
3. Fact Sheet 2, VPLE  
4. Env. Services Contractors List  
5. Inf. About PECFA Fact Sheet

cc: Greg Olson  
WDNR SER Files

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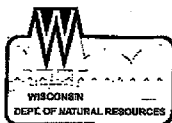
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- E. 3) No answer

- E. 2) Busy
- E. 4) No facsimile connection



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Southeast Region Headquarters  
 Milwaukee Service Center  
 2300 N. Dr. M L King Jr. Drive  
 Milwaukee, Wisconsin 53212  
 FAX 414-263-8716

DATE: 05/11/05 TOTAL PAGE COUNT 3  
(INCLUDING COVER SHEET)

TO: JEFF SPOELLNER FAX# 608 267 0496

COMPANY / AGENCY / REGION: WDNR- GEF2

\*\*\*\*\*

FROM: PAM Mylotta YOU CAN CALL ME AT: 414-263-8758

COMMENTS:

Here's a start:

- ① Jui's Dry Cleaner
- ② OHM, Shorewood

More to come

Pam

## Dry Cleaner Environmental Response Program Potential Claim Notification

Form 4400-210 (R 9/03)

Notice: Use this form to notify the Department of Natural Resources of the potential to submit a reimbursement application to the Dry Cleaner Environmental Response Program (DERP). This form is authorized under s. 292.65, Wis. Stats. and ch. NR 169, Wis. Adm. Code. Completion of this form is mandatory for any person applying for reimbursement from the DERP. Persons who do not submit a completed form will not be eligible for reimbursement under DERP. Personal information will be shared with the Wisconsin Department of Revenue to determine eligibility for DERP claims and for DERP program administration. Information will also be made available to requesters under Wisconsin's Open Records laws (ss. 19.32-19.39, Wis. Stats.) and requirements.

Notification of a potential claim is required prior to conducting a site investigation or any remedial action activity under s. 292.65(4), Wis. Stats. For facilities in operation after October 14, 1997, include the Wisconsin Department of Revenue Dry Cleaning License Number issued under s. 77.996, Wis. Stats. "Dry cleaning facility" means a facility for dry cleaning apparel or household fabrics for the general public. See s. 292.65(1)(d), Wis. Stats., for legal definition.

Complete the following information and **submit it to your DNR regional project manager**. *Copy this form as necessary.*

### Eligibility Information

Was there a release of dry cleaning product from a dry cleaning facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Date Department Notified of Release <b>4/13/05</b>	Notification Method: <input type="checkbox"/> Telephone <input type="checkbox"/> FAX <input checked="" type="checkbox"/> Written
Affected Media (select all that apply): <input checked="" type="checkbox"/> Soil <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water	
Applicant: <input checked="" type="checkbox"/> owns <input checked="" type="checkbox"/> operates <input type="checkbox"/> operated <input type="checkbox"/> subsidiary/parent corporation <input checked="" type="checkbox"/> property owner of licensed facility	
Does your proposed cleanup site have an operating dry cleaning machine? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Date Your Ownership/Operation Started <b>January 1st 1976</b>	For Closed Facilities, Date Last Load Processed <b>N/A</b>
If Operated After 10/14/97, Wisconsin Department of Revenue Dry Cleaning Facility License No. <b>030-0000222132-01</b>	If Dry Store, Date Equipment Removed From Site <b>N/A</b>

### Applicant Information

Owner/Operator Name <b>Jill Fitzgerald</b>		Company Name <b>Jill's Dry Cleaners</b>		
Mailing Street Address and PO Box <b>P.O. Box 321</b>		E-Mail Address <b>jillyfits@aol.com</b>	Federal Employer ID Number (FEIN) <b>391660096</b>	
City <b>Muskego</b>	State <b>WI</b>	ZIP Code <b>53150</b>	Telephone Number <b>262/679 2121</b>	Fax Number <b>262/679 2121</b>

Are there any other responsible persons associated with the cleanup of this facility?  Yes  No **If yes, check association for each:**

- |                                      |                                                                |                                      |                                                                |
|--------------------------------------|----------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Other Owner | <input type="checkbox"/> Property Owner of a Licensed Facility | <input type="checkbox"/> Other Owner | <input type="checkbox"/> Property Owner of a Licensed Facility |
| <input type="checkbox"/> Operator    |                                                                | <input type="checkbox"/> Operator    |                                                                |

Other Responsible Party			Other Responsible Party		
Company Name			Company Name		
Mailing Street Address and PO Box			Mailing Street Address and PO Box		
City	State	ZIP Code	City	State	ZIP Code
Telephone Number			Telephone Number		

### Agent Information

If an agent will be conducting actions per s. 292.65(4)(k), Wis. Stats., complete the following.

Agent Name		Company Name	
Mailing Street Address and PO Box		Telephone Number	Fax Number
City	State	ZIP Code	Date Agent Agreement Signed



## Dry Cleaner Environmental Response Program Potential Claim Notification

Form 4400-210 (R 9/03)

Page 2 of 2

### Facility Information

Facility Name <b>Jill's Dry Cleaners</b>			Company Name <b>JILLS CLEANERS INC</b>		
Facility Location: Street Address <b>574 W16834 Janesville Road</b>			Department of Revenue Dry Cleaner License No. <b>030-0000222132-01</b>		
City <b>Muskego</b>	State <b>WI</b>	ZIP Code <b>53150-9702</b>	License Holder and Company Name <b>JILL FITZGERALD - JILLS ONE HOUR CLEANERS JILLS CLEANERS INC</b>		
Date Dry Cleaning Facility Constructed <b>January 1st 1976</b>			License Holder Federal Employee ID# (FEIN) <b>391660096</b>		

Dry cleaning license and solvent fees have been paid on this facility for the following years (select one):

- October 14, 1997 to Present
  Fees are delinquent on this facility  
 From \_\_\_\_\_ To \_\_\_\_\_
  Facility operation ceased before October 14, 1997 (no fees apply)

1. Has a previous ch. NR 700 cleanup been conducted at this site?  Yes  No  
If so, date of closure letter: \_\_\_\_\_
2. Is there diking around the machine?  Yes  No
3. Is the floor sealed? *(concrete sealed)*  Yes  No
4. At this site, do you anticipate finding contaminants not associated with this dry cleaning facility?  Yes  No
5. Are all wastes that are generated at the dry cleaning facility and that contain dry cleaning solvent managed as hazardous wastes in compliance with ch. 291, Wis. Stats., and 42 USC 6901 to 6991i?  Yes  No
6. Is dry cleaning solvent or wastewater from your dry cleaning machines being discharged into any sanitary sewer or septic tank or into the waters of this state?  Yes  No
7. Is all perchlorethylene delivered to the dry cleaning facility by means of a closed, direct-coupled delivery system?  Yes  No
8. Was the facility constructed after October 14, 1997?  Yes  No
9. Has the applicant ever been referred to the Wisconsin Department of Justice for any violations of Wisconsin laws or rules concerning the use or disposal of dry cleaning solvents?  Yes  No

Comments: (Provide clarification if necessary)

### Certification

I certify that the information above is true and correct to the best of my knowledge.

Applicant Title and Signature <b>Jill Fitzgerald, owner</b>	Date Signed <b>April 19, 2005</b>
Agent Title and Signature	Date Signed

### Department Use Only

Complete, sign and FAX to DERP Grant Manager, CF/8, (608) 267-0496.

Date Received <b>04/25/05</b>	Project Manager Signature <b>Jim Delwiche</b>	BRRS Number <b>02-68-543070</b>	Telephone Number <b>262-574-2145</b>
<b>FID 268077480</b>			