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January 18, 2006

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Writer's Direct Dial:

By Facsimile (414) 263-8606;
Original by Certified Mail;
Return Receipt Requested

(847) 656-6070

State of Wisconsin
Department of Natural Resources
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436

Re: Reported Contamination at the Town 'N' Country Laundromat, Inc.
7513 45th Avenue, Pleasant Prairie, Wisconsin (the "Property")

Dear Sir or Madam:

I am writing this letter on behalf of Mike Silver ("Silver"), the President and sole shareholder of Town N Country Laundromat, Inc. ("TNC"), to address several issues related to the environmental condition of the Property.

TNC acquired the assets of the laundromat located at the Property from Robert O. Kruger d/b/a Town N' Country Laundromat in December 1994, and entered into a new lease for the Property with the owner, Town 'N' Country Building Corporation. Mr. Kruger informed Silver that the Property was contaminated prior to Mr. Kruger's ownership of the laundromat, and that Mr. Kruger converted the dry cleaning system to prevent any future spills or contamination. From the date of acquisition through the date of this letter, TNC has utilized the services of Safety Kleen and its predecessor to remove all tetrachloroethylene and related filters from the Property without any incident of spillage or leakage. (I will forward complete records from Safety Kleen to the Department upon my receipt thereof.) In addition, TNC has fully complied with all licensing requirements imposed by the DNR and has paid all taxes associated with its operation of the laundromat on the Property including, but not limited to, the taxes related to the Dry Cleaner Environmental Response Fund Program ("DERF").

Sometime during either July or August 2005, the Property was sold by the party who had owned the Property during TNC's entire tenancy to a third party purchaser (the "New Owner"). It is my understanding that the New Owner, prior to its acquisition of the Property, performed at least a Phase I, and possibly a Phase II, environmental examination of the Property.

According to D.J. Burns ("Burns") of Drake Environmental, Inc., Craig Yale, one of the principals of the New Owner ("Yale") directed Burns to file a Fax Notification for Hazardous Substance Discharge (the

"Notice") with the Department to report the findings of the Phase I and/or Phase II to the Department. (Copies of Burns' fax cover sheet and the Notice are attached to this letter.) According to Burns, Yale instructed him to list Silver as the "Responsible Party" in the Notice, which Burns did without first speaking or in any way obtaining the prior consent of Silver. When asked why he filed the Notice without Silver's consent, Burns said that Yale told him Silver "was a family friend" and Silver had approved of the filing. In a recent office conference, Yale denied that he referred to Silver as a "family friend", but instead told Burns that Yale and Silver had "mutual friends". Whether Yale told Burns that Silver was a family friend or that they had mutual friends is irrelevant because, in either case, Yale's statement was made to induce Burns to file the Notice without Silver's consent, but in Silver's name so that Yale and the New Owner could obtain financial assistance from DERF to clean up the contamination on the Property. Consequently, Burns filed the Notice with the Department on or about August 4, 2005, without first inquiring as to whether Silver consented to the filing or if Silver was even a Responsible Person.

Subsequently, on or about August 9, 2005, the Department sent a letter (copy enclosed) to Silver, in care of D.J. Burns at Drake Environmental, describing Silver's legal responsibilities related to the environmental condition of the Property. Then, on November 10, 2005, three months after the date of the letter, Yale sent a copy of the Department's letter to Silver. It was at this point in time that all the facts surrounding the filing of the Notice were first presented to Silver.

On December 2, 2005, I sent a letter to Yale (copy enclosed) on behalf Silver and TNC demanding that he immediately retract the incorrect and unauthorized Notice because, based on the facts set forth above, Silver is not a Responsible Person. As of the date of this letter, neither Yale nor Burns have filed a retraction of the Notice. Consequently, on behalf of Silver and TNC, please remove Silver's name from the Notice. In addition, please demand that Yale and Burns re-file the Notice listing the correct person as the Responsible Party.

If you have any questions, please contact me directly.

Sincerely yours,



David W. Silver

Enclosures

cc: Mr. Mike Silver
Mr. Craig Yale (w/out encl.)
Mr. D.J. Burns (w/out encl.)

State of Wisconsin
Department of Natural Resources

FAXED
8-4-05
CWC

**Fax Notification For Hazardous Substance Discharge
(Non-Emergency Only)**

Form 4400-225 (07-03) Page 1 of 2

Emergency Discharges / Spills should be reported via the 24-Hour Hotline: 1-800-943-0003

Notice: Hazardous substance discharges must be reported immediately according to the "Spills Law", s. 292.11 Wis. Stats., Section NR 706.05(1)(b), Wis. Adm. Code, requires that hazardous substance discharges are to be reported by one of three methods: telephoning the Department (toll free Spill Hotline number above), telefaxing a report to the Department or visiting a Department office in person. If you choose to notify the Department by telefax, you should use this form to be sure that all necessary information is included. However use of this form is not mandatory. Under s. 292.99, Wis. Stats., the penalty for violating the reporting requirements of ch. 292 Wis. Stats., shall be no less than \$10 nor more than \$5000 for each violation. Each day of continued violation is a separate offense. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than program administration. However, information submitted on this form may also be made available to requesters under Wisconsin's Open Records Law (ss. 19.31 - 19.39, Wis. Stats.). Confirmatory laboratory data should be included with this form, to assist the DNR in processing this Hazardous Substance Release Notification.

Complete this form. **TYPE or PRINT LEGIBLY.** FAX it to the appropriate DNR region (see next page) **IMMEDIATELY** upon discovery of a potential release from (check one):

- Underground Petroleum Storage Tank System
- Aboveground Petroleum Storage Tank System
- Dry Cleaner Facility (DERP eligibility based on: Facility owner/operator Property owner of licensed facility)
- Other - Describe:

TO DNR, ATTN: R & R Program Assistant		(Area Code) FAX Number (414) 263-8183	
1. Discharge reported by:			
Name DJ BURNS	Firm DRAKE ENVIRONMENTAL	Date FAXed to DNR AUGUST 4, 2005	
Mailing Address S30 SOUTH 11TH STREET MILWAUKEE WI 53204		(Area Code) Phone Number (414) 384-1440	
2. Site Information:			
Name of site at which discharge occurred. Include local name of site/business, <u>not</u> responsible party name, unless a residence / vacant property TOWN 'N' COUNTRY LAUNDRY, INC.			
Location: Include street address, <u>not</u> PO Box. If no street address, describe as precisely as possible, i.e., 1/4 mile NW of CTHs 60 & 123 on E side of CTH 60 7513 45TH AVENUE			
Municipality (City, Village, Township) Specify municipality in which the site is located, <u>not</u> mailing address/city PLEASANT PRAIRIE			
County: KENOSHA	Legal Description: NW 1/4, NE 1/4, Section 11, Tn 1, Range 22 @ / W (circle one)		
3. Responsible Party (RP) and/or RP Representative			
<input type="checkbox"/> Responsible Party Name: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary			
MICHAEL SILVER			
<input checked="" type="checkbox"/> Reported in compliance with s. 292.11(2), Wis. Stats., by a local government exempt from liability under s. 292.11(9)(e), Wis. Stats. For more information see http://dnr.wi.gov/org/law/rr/liability/muni_1.html			
Contact Person Name (if different) DJ BURNS		Phone Number (414) 384-1440	
Mailing Address S30 SOUTH 11TH STREET	City MILWAUKEE	State WI	ZIP Code 53204

(continued)

State of Wisconsin
Department of Natural Resources

**Fax Notification For Hazardous Substance Discharge
(Non-Emergency Only)**
Form 4400-225 (07-03) Page 2 of 2

4. Hazardous Substance Impact Information

Identify hazardous substance discharged (check all that apply):

METALS

- Arsenic
- Chromium
- Lead
- Mercury
- Metals (specify): _____

INDUSTRIAL CHEMICALS

- Ammonia
- Cyanide
- Paint
- PCB's
- VOC's
- Fertilizers
- Pesticide/Herbicide/Insecticide(s)
- Leachate
- RCRA Hazardous Waste

PETROLEUM

- Diesel/Fuel Oil
- Engine Oil/Waste Oil
- Mineral/Transmission/Hydraulic Oil
- Gasoline (Pb/Non-Pb/Unknown)
- Jet Fuel/Kerosene
- MTBE
- VOC's
- PAH's/SVOC
- Petroleum-Unknown Type
- Unknown
- Other (specify): _____

SOLVENTS

- Solvent-Chlorinated
- Solvent-Non Chlorinated
- PERC
- VOC's

Impacts to the environment (enter "K" for known/confirmed or "P" for potential for all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Air Contamination | <input type="checkbox"/> Contamination in Right of Way | <input type="checkbox"/> Sanitary Sewer Contamination |
| <input type="checkbox"/> Co-contamination | <input type="checkbox"/> Direct Contact | <input checked="" type="checkbox"/> Soil Contamination |
| <input type="checkbox"/> Concrete/Asphalt | <input type="checkbox"/> Expanding Plume | <input type="checkbox"/> Storm Sewer Contamination |
| <input type="checkbox"/> Contained/Recovered | <input type="checkbox"/> Fire Explosion Threat | <input type="checkbox"/> Surface Water Contamination |
| <input type="checkbox"/> Contamination Within 1 Meter of Bedrock | <input type="checkbox"/> Free Product | <input type="checkbox"/> Within 100 ft of Private Well |
| <input type="checkbox"/> Contaminated Private Well | <input checked="" type="checkbox"/> Groundwater Contamination | <input type="checkbox"/> Within 1000 ft of Public Well |
| <input type="checkbox"/> Contaminated Public Well | <input type="checkbox"/> Off-Site Contamination | |
| <input type="checkbox"/> Contamination in Fractured Bedrock | <input type="checkbox"/> Other | |

Contamination was discovered as a result of:

- Tank closure assessment
- Site assessment

Other - Describe:
Date

**DUE DILIGENCE ACTIVITIES
BY DRAKE (7/05) ? OTHERS**

Lab results:

- Lab results will be faxed upon receipt
- Lab results are attached

Additional Comments: Include a brief description of immediate actions taken to halt the release and contain or cleanup hazardous substances that have been discharged.

FAX numbers to report non-emergency releases in DNR's five regions are as follows:

Northeast Region (920-662-5197); Attention - RR Program Assistant:

Brown, Calumet, Door, Fond du Lac (*except City of Waupun - see South Central Region*), Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara, Winnebago counties

Northern Region (715-365-8932); Attention - RR Program Assistant:

Ashland, Barron, Bayfield, Burnett, Douglas, Forest, Florence, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn counties

South Central Region (608-275-3338); Attention - RR Program Assistant:

Columbia, Dane, Dodge, Fond du Lac (*City of Waupun only*), Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk counties

Southeast Region (414-263-8483); Attention - RR Program Assistant:

Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha counties

West Central Region (715-839-6076); Attention - RR Program Assistant:

Adams, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, Juneau, LaCrosse, Marathon, Monroe, Pepin, Pierce, Portage, St. Croix, Trempealeau, Vernon, Wood counties

NUJ-19-2004 09:01

11/17/2004 11:07:16

GABRIEL

Environmental Services

Location: 7509 S. 45th Street

Sample Description: B-S (4)
 Sample Date: 11/09/04
 Date Analyzed: 11/11/04
 Collected By: Gabriel
 Method: SW-846-8260B

Sample No.: 2004110051-25
 Date Received: 11/9/2004
 Matrix: Solids
 Analyst: AS
 Units: ug/Kg (Wet wt.)

PARAMETER	RESULT	RL	PARAMETER	RESULT	RL
Acetone	BRL	200	1,3-Dichloropropane	ND	25
Benzene	ND	25	2,2-Dichloropropane	ND	25
Bromobenzene	ND	25	1,1-Dichloropropene	ND	25
Bromochloromethane	ND	25	cis-1,2-Dichloropropene	ND	25
Bromodichloromethane	ND	25	trans-1,3-Dichloropropene	ND	25
Bromoform	ND	50	Ethylbenzene	ND	25
Bromomethane	ND	25	Hexachlorobutadiene	ND	25
n-Butylbenzene	ND	25	2-Hexanone	ND	25
2-Butanone (MEK)	ND	100	Iodomethane	ND	100
sec-Butylbenzene	ND	25	Isopropylbenzene	ND	25
tert-Butylbenzene	ND	25	4-Isopropyl toluene	ND	25
Carbon disulfide	ND	100	Methylene chloride	ND	50
Carbon tetrachloride	ND	25	4-Methyl-2-pentanone	ND	25
Chlorobenzene	ND	25	Methyl tert-butyl ether	ND	25
Chloroethane	ND	50	Naphthalene	ND	25
Chloroform	ND	25	n-Propylbenzene	ND	25
Chloromethane	ND	50	Styrene	ND	25
2-Chlorotoluene	ND	25	1,1,1,2-Tetrachloroethane	ND	25
4-Chlorotoluene	ND	25	1,1,2,2-Tetrachloroethane	ND	25
Dibromochloromethane	ND	25	Tetrachloroethene	12400 E	25
1,2-Dibromo-3-chloropropane	ND	25	Toluene	ND	25
1,2-Dibromoethane	ND	25	1,2,3-Trichlorobenzene	ND	25
Dibromomethane	ND	25	1,2,4-Trichlorobenzene	ND	25
1,2-Dichlorobenzene	ND	25	1,1,1-Trichloroethane	ND	25
1,3-Dichlorobenzene	ND	25	1,1,2-Trichloroethane	ND	25
1,4-Dichlorobenzene	ND	25	Trichloroethene	4560 E	25
Dichlorodifluoromethane	ND	25	Trichlorofluoromethane	ND	25
1,1-Dichloroethane	ND	25	1,2,3-Trichloropropane	ND	25
1,2-Dichloroethane	ND	25	1,2,4-Trimethylbenzene	ND	25
1,1-Dichloroethene	ND	25	1,3,5-Trimethylbenzene	ND	25
cis-1,2-Dichloroethene	2070 E	25	Vinyl chloride	83	50
trans-1,2-Dichloroethene	BRL	25	Vinyl acetate	ND	100
1,2-Dichloropropane	ND	25	Xylenes (total)	ND	50

SURROGATE	%RECOVERY	LIMITS
Dibromofluoromethane	104	79-123
Toluene-d8	77 Q*	88-119
4-Bromofluorobenzene	0*	79-117

Abbreviations: ND= Compound not detected J= Concentration < RL, based on detection limit E= Result exceeds calibration curve
 BRL= Below reportable limits Q= Recovery outside limits Mf= Matrix interference RL= Reporting limit

Comments: Initial dilution factor of 5.
 * High concentration of Tetrachloroethene caused the instrument to stop.

SCREENING ONLY

Date Release Authorized by:

D. Ponek

Danuta Ponek, Organics Laboratory Manager

Date:

11/11/04



CRAIG G. YALE
& ASSOCIATES, INC.

REAL ESTATE

Thursday, November 10, 2005

Mr. Mike Silver
1573 Lancelot
Highland Park, IL 60035

Re: Town 'N' Country Laundromat, Inc.,
7513 45th Avenue, Pleasant Prairie

Dear Mike:

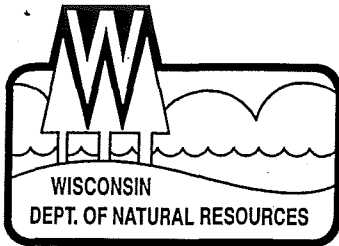
Enclosed is a copy of the letter from the DNR in regards to the above mentioned property. Drake Environmental will be handling this for us.

If you have any questions, please call me.

Sincerely,

Craig Yale, President
CRAIG G YALE & ASSOCIATES, INC

enc/



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

August 9, 2005

FID: 230142990
BRRTS: 02-30-543696

Michael Silver
% DJ Burns
Drake Environmental
530 S. 11th Street
Milwaukee, WI 53204

Subject: Reported Contamination at the Town 'N' Country Laundromat, Inc., 7513 45th Avenue,
Pleasant Prairie

Dear Mr. Silver:

On August 4, 2005, DJ Burns, Drake Environmental on behalf of Town 'N' Country Laundromat, Inc. 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 spill 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.

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: WDNR SER Files

MASON, SILVER,
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Timothy E. Hirsch
OF COUNSEL
Adam E. Berman
Leonard Mason
Nancy L. Nagel

847-656-6000
Fax 847-656-6010

Writer's Direct Dial:

December 2, 2005

By Certified Mail:
Return Receipt Requested

(847) 656-6070

Craig G. Yale
Craig G. Yale & Associates, Inc.
1141 G Lake Cook Road
Deerfield, Illinois 60015

Re: **Mike Silver and Town 'N' Country Laundromat, Inc. ("TNC")**

Dear Craig:

I am writing this letter on behalf of my father, Mike Silver, who is the President of TNC. Through several telephone conversations with D.J. Burns of Drake Environmental, Inc., I have discovered that you directed Mr. Burns to file a Notification for Hazardous Substance Discharge (copy enclosed) on which you instructed Mr. Burns to list Michael [sic] Silver as the "Responsible Party". Mr. Burns followed your direction because you told him that my father was a "family friend" and that the filing would be acceptable to him. The hazardous condition on your property pre-existed TNC's tenancy in the shopping center and TNC has always operated a closed loop system to prevent any further environmental damage. Consequently, neither my father nor TNC is a Responsible Party.

My father never authorized you or anyone else to file this notification on his behalf. Therefore, on behalf of my father and TNC, I hereby demand that you file an immediate retraction of the Notification. If you fail to do so by December 9, 2005, my father and TNC will consider all remedies available including, but not limited to, meeting with the appropriate regulators from the State of Wisconsin.

If you have any questions, please call.

Sincerely yours,



David W. Silver

Enclosures

cc: Mike Silver
Perry J. Snyderman, Esq.