



Reinhart Boerner Van Deuren s.c.
P.O. Box 2265
Waukesha, WI 53187-2265

N16 W23250 Stoneridge Drive
Suite 1
Waukesha, WI 53188

Telephone: 262-951-4500
Facsimile: 262-951-4690
reinhartlaw.com

May 7, 2010

Donald P. Gallo, Esq.
Direct Dial: 262-951-4555
dgallo@reinhartlaw.com

Ms. Nancy Ryan
Wisconsin Department of Natural Resources
1155 Pilgrim Road
Plymouth, WI 53073

Dear Ms. Ryan:

Re: DERF Remedial Proposals for Express
Cleaners, 3941 North Main Street,
Racine, WI (the "Property")
BRRTS No.: 02-52-547631

We represent PDQ, a former tenant of the Property. PDQ was not a causer of the hazardous substance release nor an owner of the Property. PDQ did sublease the premises to one or more drycleaners. The current Property owner, the Ehrlich Family Limited Partnership ("EFLP") is the named Responsible Party and DERF applicant and has conducted the site scoping and site investigation activities to date. In January, 2010, our client was first notified of a claim and that they may be held liable for a portion of costs incurred to date for this cleanup. They may also be held liable for costs to remediate the Property and they may be subjected to claims from third parties in the future. PDQ would like to be confident in the success of the selected remedy and compliance with the DERF reimbursement program. PDQ wants to be sure that the best remedial option is implemented to achieve WDNR regulatory standards, including claims from governmental agencies and protection from third-party claims. There is considerable public attention focused on the outcome of this cleanup due to a neighboring property that has been used for urban gardens, as well as significant levels of contamination on- and off-site that pose real and perceived risk to human health and the environment.

After conducting a comprehensive Wisconsin Department of Natural Resources ("WDNR") file review, we have concluded that the remedial proposals from which the Responsible Party is seeking approval from the WDNR are missing several key elements in order to meet the criteria of NR 169.23. The March 4, 2009 Request for

Ms. Nancy Ryan
May 7, 2010
Page 2

Remedial Action Bid Proposals ("RFPs") specifically requested that the proposals meet these criteria. Each proposal has been written such that one or more change orders will be necessary to bring the site to closure.

Since, all of the proposals are ten months old, we have requested that the EFLP prepare a new Request for Remedial Action Proposals so that the current proposals and perhaps new proposals could be issued with a more comprehensive and compliant scope of work and perhaps there will be more innovative remedial and cost saving approaches proposed. Specifically, we would want to see the new proposals address several tasks and associated costs including: further utility assessment, natural attenuation parameters in the post-remedial groundwater monitoring program, investigative waste disposal costs estimates, hazardous waste disposal, handling or treatment cost estimates, pilot tests for injection proposals if deemed necessary by the consultant, evaluation of how the chosen remedy will result in NR 726 case closure, post-remedial soil sampling and other activities that may be absent from the current set of proposals.

Since our client was notified, we have had discussions with William Scott, counsel for the Responsible Party. In the spirit of cooperation, we suggested that we work together to solicit new proposals, proposals that may offer different, and perhaps more cost effective remedial alternatives, and reflect the true costs to bring the site to closure. We have asked if we may be able to participate in a new selection process by recommending three of the six environmental consulting firms to whom RFPs will be sent and upon receipt, jointly review and select the best overall proposal which better controls remedial costs and is protective of human health and the environment, consistent with current regulations. We do not believe that the delay of a few weeks at this time will be nearly as time consuming and ultimately as costly as the length of time that the project will be prolonged due to change orders in the future.

After Mr. Scott reviewed our concerns with the current proposals and suggestions on how we could work together for a more positive outcome, he has chosen to continue with the process that was started in March 2009 and has stated that they have recommended RSV to WDNR. This proposal, in particular, causes us great concern. In addition to other elements that we believe are lacking in RSV's proposal, we cannot find cost estimates for handling, transportation and disposal of excavated soils that will likely be classified as hazardous waste, and cost estimates that may be incurred for on-site pre-treatment to reduce levels below landfill disposal standards.

Ms. Nancy Ryan
May 7, 2010
Page 3

These costs will significantly increase the bottom line in RSV's proposal and they have not been considered in the current proposal review. We anticipate a three week delay in the consultant selection process and potentially better proposals that will affect means and methods, performance criteria to reduce change orders and a cost savings for the DERF program and for the responsible parties.

We appreciate your consideration of our concerns. Please contact me at 262-951-4555 if you have any questions or comments. Thank you very much.

Yours very truly,

A handwritten signature in cursive script that reads "Donald P. Gallo".

Donald P. Gallo

REINHART3556515MJS:TMS