



May 12, 2010

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

William P. Scott, Esq.  
Gonzales Saggio & Harlan, LLP  
225 East Michigan Street, 4th Floor  
Milwaukee, WI 53202

Dear Bill:

Re: Express Cleaners  
3941 North Main Street, Racine, WI  
BRRTS #: 02-52-547631

In your May 4, 2010 letter, you state that after reviewing Terracon's comments on the remedial proposals, you were not convinced that Terracon had raised sufficient concerns to warrant restarting the Request for Proposal process. We would like to add to their summary and provide more specific concerns in the hope that you will seriously reconsider your decision to not seek new remedial action bid proposals.

It is not our intention to recommend a specific remedial technology. We agree that there are a finite number of remedial options, and that the most common and generally effective of them have been proposed. We also believe, however, that the current set of proposals do not offer a comprehensive enough scope of work as there are several tasks and associated costs that were not considered in some of the proposals (i.e., criteria that needs to be included pursuant to NR 169.23).

Though none of the four (4) proposals explain how their remedy will result in compliance with ch. NR 726 pertaining to case closure, we will limit our comments to the deficiencies in RSV's original proposal dated July 24, 2009 and their addendum dated April 1, 2010. These are not subjective criticisms, but valid and necessary tasks and estimated costs necessary to position the site for case closure that are missing from RSV's proposal, including but not limited to:

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1. No contingency cost estimates for handling, transportation and disposal of excavated soils that will likely be classified as hazardous waste;
2. No contingency cost estimates for on-site pretreatment to reduce contaminant levels below landfill disposal standards for hazardous waste;
3. No further utility assessment in the right-of-way in conjunction with the installation of an off-site monitoring well across the street;
4. No discussion or cost estimates for additional soil samples to define horizontal and vertical extent of contamination in the vicinity of MW-8 as required in The Wisconsin Department of Natural Resources ("WDNR") letter dated June 25, 2009, "Approval to Solicit Remedial Action Proposals;
5. No laboratory costs for the measurement of natural attenuation parameters (except dissolved oxygen) in post-remedial groundwater monitoring;
6. Absence of a discussion of a pilot test for EOS injection or justification that a pilot test is not necessary. No injection permitting costs.
7. It is unclear why your May 4, 2010 letter to us states that RSV's proposal is \$119,008 and your May 4, 2010 letter to the WDNR states that RSV's costs are \$122,275 plus \$6,733 in the addendum for additional off-site soil excavation, nearly a \$10,000 discrepancy. Additional costs associated with tasks 1-6 of the above tasks would add considerable costs to the total remedial project.

You also state that another reason to not solicit a new round of proposals is that restarting the process would delay the project. Given that the proposals do not outline many tasks and estimated costs that will be required to bring the site to closure, seeking new proposals that encompass a scope of work that would achieve NR 726 case closure would actually accelerate the process by eliminating future change orders to address these missing tasks. Each change order can add at least four months to a project (preparation and WDNR review of the change order), and it appears that even if only one change order is required, it would result in a longer delay than the time it would take us to request new proposals now which would not be longer than 3-4 weeks.

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Cost savings due to the proposal process also can be significant versus change order costs once an environmental consultant has been selected and is in the process of the work; seems that the responsible party has substantially diminished its bargaining position due to extended delays for competitive pricing.

We believe that if each of us were to solicit proposals from three (3) consulting firms and present a clear and comprehensive scope of work, the proposals may be easier to compare, they will reduce the number of change orders and would not likely result in a substantial cost savings for the DERF program and responsible parties. We believe that there are benefits to have the opportunity to evaluate a greater spectrum of approaches and to better manage remedial costs.

We have put these concerns in writing to Nancy Ryan and have asked her to consider that a new Request for Proposals be issued.

Yours very truly,



Donald P. Gallo

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cc Ms. Nancy Ryan  
Mr. Jerry Archer  
Mr. Mike Arnold