



December 28, 2015

Ms. Pam Mylotta
NR Region Program Manager
Wisconsin Department of Natural Resources
2300 N. Martin Luther King Jr. Dr.
Milwaukee, WI 53212

RE: Former Express Cleaners Site (the "Site");
3921-41 North Main Street, Racine, Wisconsin; BRRTS 02-52-547631

Dear Pam:

Please confirm my understanding, based on the outcome of the meeting held December 15, 2015 between the Department of Natural Resources ("Department") and the Ehrlich Family Limited Partnership ("EFLP"), of the Department's position on the following topics:

1. The Department may grant a variance or exemption from any requirement for a Pilot Test.
2. The Department will grant a variance or exemption to the EFLP from any requirement to perform a Pilot Test for the in-situ soil mixing of ZVI and for the ex-situ soil mixing of Cool-Ox, provided a bench-scale test may be required to calibrate the stoichiometry of treatment agent against known contaminant concentrations.
3. The Department agrees that no new bids are required before an existing bid is approved.
4. The Department agrees existing bids may be modified provided that following modification any modified bid would be subject to further review.
5. The Department has not officially rejected any of the bids received in calendar year 2015, so all of the 2015 bids could be considered for approval by the Department, although some bids may require modification to be actually approved by the Department.

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In addition, please clarify the Department's position on the following issues:

- a. Most of the bids propose to treat two contaminated media -- soil above the water table in the unsaturated zone and soil/groundwater beneath the water table in the saturated zone. If one bid proposes to handle one contaminated media in a manner that is not acceptable to the Department but the other contaminated media in a manner that is acceptable to the Department, would the Department allow splitting the award such that one vendor would be approved to treat the saturated zone in a manner that is acceptable to the Department and another vendor would be approved to treat the unsaturated zone in a manner that is acceptable to the Department? For example, one bidder could be approved to excavate contaminated soils above the water table and treat them in dumpsters at the site, while another approved bidder mixed 'ZVI plus carbon source' into soil below the water table.
- b. In requesting a bidder to submit a modification, may the EFLP direct the bidder to use a different generic technology than originally proposed by that bidder?
- c. In requesting a bidder to submit a modification, may the EFLP direct the bidder to establish a particular cleanup goal that would be considered acceptable?
- d. In requesting a bidder to submit a modification, may the EFLP direct the bidder to treat or not treat particular areas of the Site for the bid to be considered further?

I shall await your responses before contacting Nancy Ryan or any of the bidders.

Very truly yours,



William P. Scott

WPS/sv

cc: Darsi Foss