

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee WI 53212-3128

Scott Walker, Governor  
Cathy Stepp, Secretary  
John Hammen, Acting Regional Director  
Telephone 414-263-8500  
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TTY Access via relay - 711



July 20, 2011

Mr. Charles Cass  
OHM Holdings, LLC – Oconomowoc  
N41 W27760 Ishnala Trail  
Pewaukee, WI 53072

Subject: Dry Cleaner Environmental Response Program (DERP) Reimbursement Application  
One Hour Martinizing – Oconomowoc, 36929 Plank Road, Oconomowoc, WI  
**WDNR FID#268087380 BRRTS#02-68-551911**

Dear Mr. Cass:

On July 12, 2011, the Department received a reimbursement application for costs associated with the site investigation conducted at the above-referenced site. Unfortunately, the application is not signed and no cover letter was attached allowing us to identify the application preparer. We cannot process the claim as submitted so I am returning the document to you and, as discussed in our phone call today, suggest that you and/or KPRG review the reimbursement request and amend it as necessary to ensure that all requested reimbursement items are eligible expenses.

Ineligible costs are described ch. NR 169 Wis. Adm. Code and the s.292.65 Wis. Stats. Costs incurred in exceedance of previously approved costs may be eligible for reimbursement up to \$3,000 if the conditions of ch. NR 169.23(3)(d) Wis. Adm. Code are met. Costs associated with tasks conducted without prior approval in exceedance of \$3,000 will likely not be eligible for reimbursement. You may also wish to add site investigation scoping costs to your reimbursement request. These costs are for activities which pre-dated the site investigation bid approval and would be eligible for reimbursement if deemed reasonable.

Please re-submit the reimbursement application with a cover letter and explanation of requested reimbursement for costs that exceed the approved budget. Please also ask KPRG to submit the following information: groundwater monitoring well development forms, site investigation certification page and documentation of soil and groundwater investigative waste disposal.

I understand that you intend to change your consulting firm in order to pursue insurance coverage for environmental cleanup costs. In order to maintain DERP eligibility, section NR 169.23(8) requires that eligible applicants select a consultant through a bidding process. For your information I have enclosed a September 2, 2009 internal memorandum to DERF project managers which provides information on consultant selection requirements and insurance claims. Given the difficulty you face in trying to meet the bid requirement, you may request the Department to issue a variance to this requirement which, if approved, would allow you to use a particular consultant without soliciting bids. To continue eligibility in the DERP program, once you have received Department approval of consultant selection (either through the bid process or variance), they should submit for approval, a scope of work and cost estimate to conduct the additional site investigation activities described in my October 13, 2010 letter to you and any other activities they propose to conduct at the site. Regardless of whether you continue to participate in DERP, you are required to complete the site investigation and conduct remedial actions as needed to clean up this site following the ch. NR 700 Wis. Adm. Code series.

Please do not hesitate to contact me at (414) 263-8533 if you have any questions or concerns regarding this letter. The Department appreciates the efforts you have taken to investigate the environment at this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy D. Ryan". The signature is fluid and cursive, with the first name being the most prominent.

Nancy D. Ryan, Hydrogeologist  
Remediation and Redevelopment

Cc: SER case file

Patrick Allenstein, KPRG – electronic copy

Catherine Burrow, WDNR DERP Fund Manager – electronic copy

Attachment