

LeRoy, Bruce J - DNR (BJ)

From: LeRoy, Bruce J - DNR (BJ)
Sent: Thursday, July 23, 2020 9:15 AM
To: 'Ken Ebbott'
Cc: twarpinski@dkattorneys.com; Roger Dulmes (imogenescc@yahoo.com)
Subject: RE: 02-60-552193 IMOGENES CLEANING CENTER

Hello Ken,

Thanks for the update. It's good to see this case moving forward.

You are welcome to continue to manage this project as a DERF site, though the potential for receiving funding for any future claims is growing less and less likely. DERF is funded by license fees paid by dry-cleaners and solvent product fees. As there are fewer and fewer fees collected (pandemic, less demand for dry cleaning) the fund is growing smaller. Prior to the pandemic, we projected an annual 9% to 12% decline in DERF revenue through the sunset date.

The length of time for reimbursement of current claims is already nearing the statutory sunset of June 30, 2032. The claims are paid according to funding availability, so the claims already in line will not be paid for some time, if at all. Since there is no current claim in for this case, any subsequent claims will appear at the end of the current list.

You can view the current claims and payment schedule at dnr.wi.gov/Aid/DERF under the "Fund stats" tab and the "Reimbursement Requests Pending.pdf" document. This website is updated at least quarterly.

Please keep me up to date with cleanup and/or mitigation issues due to funding concerns. It is still the responsibility of the owner/causer to complete investigation/remediation and closure, so we need to keep the case moving forward to avoid enforcement.

Thanks,
BJ

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

B.J. LeRoy, PG

Hydrogeologist – Northeast Region Remediation and Redevelopment
Wisconsin Department of Natural Resources
2984 Shawano Avenue, Green Bay WI 54313-6727
Temporary Pandemic Phone: 920-366-6598
BJ.Leroy@wisconsin.gov



From: Ken Ebbott <ken.ebbott@sand-creek.com>
Sent: Sunday, July 19, 2020 1:29 PM
To: LeRoy, Bruce J - DNR (BJ) <bruce.leroy@wisconsin.gov>
Cc: twarpinski@dkattorneys.com; Roger Dulmes (imogenescc@yahoo.com) <imogenescc@yahoo.com>; Ken Ebbott

<ken.ebbott@sand-creek.com>

Subject: 02-60-552193 IMOGENES CLEANING CENTER

Bruce,

Hello,

I'm the consultant for Roger Dulmes, the Responsible Party for the Imogenes cleaning center site listed above in Sheboygan.

I've been hired to move ahead with the remedial action after a roughly five year delay. The scope at this time is to obtain a round of groundwater samples from the wells, to see where we are at. The remedial action had completed a pilot injection in 2014, and was waiting to move ahead with full scale injection when a funding issue delayed the project.

I was the consultant on the project when I worked at Alpha Terra Science, which became Fehr Graham in 2014. I have since switched firms, and now work for Sand Creek Consultants- contact information is below.

I'll be moving forward on the project. Sand Creek has agreed to match the billing rates previously used on the project that were approved for the WDNR DERF Remedial Action Budget. We do plan to complete the project and seek DERF reimbursement to the extent possible, but insurance coverage is also being sought and may be used for funding instead of DERF. At this point the funding source is not clear, so we will manage it as a DERF project for the time being.

Attached is our proposal showing the scope and budget of roughly \$4000. The total approved budget for this project was \$208,195, and claimed was \$55,853, leaving a remaining DERF approved remedial action budget of \$152,342. Rick Joslin and I went over some budget issues via email a while back, and there are details likely in the project folder.

Once we get a round of groundwater samples as proposed in the attached document, we can revisit the scope and costs with fresh contractor quotes. At that time, budget revisions may be needed.

Let me know if you have any questions or comments, but I think all should be acceptable budget and billing rate-wise for us to proceed on this work and have the charges remain DERF eligible.

If you can send an email that agrees that Sand Creek can move ahead on the project and the charges should be eligible for reimbursement, that would be helpful. We aren't requesting approval of additional funds as there is existing approved funding already established.

Thanks,

Ken

Regards,

Ken Ebbott, PG, CGWP

Senior Project Manager/Senior Geologist

Sand Creek Consultants, Inc. | W5877 Pheasant Lane | Plymouth, WI 53073

main 920.918.9024 | fax 866.608.6473

www.sand-creek.com | ken.ebbott@sand-creek.com

Sand Creek Consultants, Inc. | Environmental and Geological Scientists and Engineers

Solutions in Green Site Remediation, Sustainability, and Phytoremediation since 1995



December 4, 2019

Mr. Roger Dulmes
Imogene's Cleaning Center
1502 Saemann Avenue
Sheboygan, WI 53081

Sent via mail and email to: imogenesc@yahoo.com

Re: Imogene's Cleaning Center
1502 Saemann Avenue
Sheboygan, WI 53081
BRRTS No. 02-60-552193

Subject: Proposal for Continuation of Remedial Action and Hiring of Sand Creek Consultants, Inc. for Groundwater Sampling and Report to WDNR

Dear Roger,

Sand Creek Consultants, Inc. (Sand Creek) is pleased to present you with this proposal to continue on with the environmental remedial action project at your dry cleaning facility. As you know, Mr. Ken Ebbott has been the project manager for the investigation and remedial action, and he now works for Sand Creek out of our Plymouth, Wisconsin office. Mr. Ebbott is fully aware of the site conditions and status, and is the most qualified to carry the project forward.

Project Status

The project investigation has been completed, as has the first step of the planned remedial action, which included completion of a Pilot Test injection of a chemical oxidizer beneath a portion of the dry cleaning building. Installation of a vapor mitigation system in the neighboring building has also been completed.

Following completion of the Pilot Test in 2014, no further actions have been taken, pending identification of a source of viable funding.

The Wisconsin Department of Natural Resources (WDNR) Project Manager, Mr. Richard Joslin, would like to see progress on the project, and recent discussions in October 2019 indicate the WDNR may be more aggressive in their efforts to advance this project.

Budget Status, DERF Program, and Insurance Coverage

We understand you are pursuing historic insurance policy coverage that may fund the cost of the remedial action. A "Policy Find" is being completed and an attorney has been retained.

The site is also enrolled in the Dry Cleaner Environmental Repair Fund (DERF) program, with \$55,853 claimed and fully reimbursed, subject to the \$10,000 DERF deductible. The total site investigation, remediation, and vapor mitigation system budget of \$208,195 has been approved by the WDNR, with \$152,342 remaining after payment of the previously submitted claims.

There are no outstanding invoices that have not been claimed for DERF reimbursement.

While insurance coverage is preferred, because this is a DERF-eligible project, we are willing to meet the previously utilized billing rates for professional staff, materials, and equipment that were originally approved 10 years ago. Changing firms to Sand Creek should not be an issue for maintaining DERF eligibility.

Sand Creek Qualifications

Sand Creek is an environmental consulting firm based in Amherst, Wisconsin, with additional offices in Rhinelander, Cedarburg, and Plymouth, Wisconsin. We have approximately 15 employees of highly experienced and skilled environmental professionals specializing in environmental investigation and remediation services, with particular expertise investigating and remediating agrichemical, dry cleaner, petroleum, and landfill sites. We have licensed professional geologists, engineers, and soil scientists and are fully qualified to complete and submit reports to the WDNR that satisfy all WDNR NR 700 regulations.

For this project, Mr. Kendrick Ebbott will serve as project manager. Mr. Ebbott has completed more than 40 dry cleaner environmental investigation and remediation projects and has obtained case closure on dozens of sites. He has also maintained a 100 percent rate of DERF reimbursement on eligible DERF projects, claiming several million dollars in reimbursement on behalf of his clients. Mr. Ebbott is fully aware of the project specifics, and has completed all aspects of chlorinated solvent investigation and remediation, including chemical injection, monitoring, and vapor mitigation system design, installation, and operation.

Proposed Scope of Work

Sand Creek is willing and able to move forward on this project once a funding mechanism is identified. The previously approved remediation plan of sub-building injection may still be the preferred remediation option for this site, but current site groundwater chemistry conditions and the overall plans for the Property should be evaluated before moving forward.

Updated costs and contractor methods should also be revisited once the current groundwater chemistry has been assessed.

The following tasks are proposed for completion:

- Task 1: Project Management and WDNR Approval of Scope and DERF Funds
- Task 2: Groundwater Sampling from Existing Groundwater Monitoring Wells and Vapor Mitigation System Functional Assessment
- Task 3: Data Evaluation and Report

Details are provided below:

Task 1: Project Management and WDNR Approval of Scope and DERF Funds

This proposal will be sent to Mr. Richard Joslin of the WDNR to obtain his input and approval. Confirmation will be obtained that the previously-approved DERF budget is still in place, and receive approval for transfer of the project to Sand Creek.

Sand Creek understands the need for accuracy and attention to detail, particularly with regard to invoicing on reimbursement projects, and we have an excellent budget tracking process that allows for full reimbursement of expenses on the various reimbursement-program projects.

Task 2: Groundwater Sampling from Existing Groundwater Monitoring Wells and Vapor Mitigation System Functional Assessment

The most recent groundwater samples from the site were obtained on July 30, 2014, approximately six weeks after injection of 1,000 gallons of sodium persulfate beneath the building during the pilot test. Two new downgradient wells (PZ-14 and MW-15) were installed in September 2014 to replace wells destroyed by the Wisconsin Department of Transportation during adjacent highway improvements. These new wells have never been sampled.

A current round of groundwater samples will be obtained from all five NR-141 compliant monitoring wells (MW-7, MW-8, PZ-9, PZ-14, and MW-15) and two small diameter locations inside the building at temporary wells TW-12 and TW-13, if water is present. Stable water elevations will be recorded, and field measurements retained for dissolved oxygen, pH, oxidation-reduction potential, temperature, and conductivity. The groundwater samples will be retained using bailers, with laboratory analysis of VOCs. The indoor wells may be sampled using mini-bailers or tubing and a peristaltic pump.

There is a slab vapor mitigation system running in the basement of the adjacent building to the north that was installed in 2011. The fan was replaced in 2014 or 2015, and should still be functioning. Verification of operation will be noted. If the fan is not operating, we will discuss the situation with you and the WDNR.

Task 3: Data Evaluation and Report

Upon receipt of the laboratory analytical results the concentrations will be compared to historic values. Maps will be prepared showing the groundwater elevations and current groundwater chemistry values, and data tables will be updated to reflect current information.

The information will be provided to the WDNR as an email submittal with a brief discussion of the findings, figures, tables, and a copy of the laboratory analytical report.

The information will be helpful in assessing the needs for changes to the existing approved Remedial Action Plan, but Task 3 does not include preparation of a revised plan or budget. Once the current groundwater chemistry data is received, we can discuss how the information impacts the previously approved plan, and evaluate project needs for completion of the full remedial action.

DERF Required Statements

The site is eligible for participation in the DERF program. As required by the DERF program requirements, we certify that we will complete services in compliance with ch NR 169, NR 140, and the NR 700 to NR 754 rule series. We will make available to the WDNR for inspection and copying, upon request, all documents and records related to the contract services. We have not prepared this bid in collusion with any other consultant submitting a bid on this site. We will perform all services in an ethical, professional, and timely manner.

Sand Creek has and will maintain the necessary insurance and deductible coverages specified by NR169.

Per NR169.23(3)(b), we are fully informed about the project scope, have the expertise to analyze alternatives and design the most suitable response action, and will provide the necessary staff to plan, design, construct, and operate the remedial activity.

Cost Estimate

Sand Creek will complete the scope of work identified above for \$4,041 on a time and materials basis. The estimated costs are broken down as follows:

Task 1: Project Management and WDNR Approval	\$400
Task 2: Groundwater Sampling and Vapor System Assessment	\$1,986
Includes \$440 in laboratory subcontractor charges	
Task 3: Data Evaluation and Report	\$1,655

Further efforts for the full remedial action are beyond the scope of work identified in this proposal, and will be provided and authorized by you prior to implementation.

The DERF rates and fee schedule for this phase of the project are enclosed.

Schedule

We can initiate the work immediately upon signed authorization to proceed. We anticipate the Work Plan can be sent to the WDNR within one to two weeks. The field investigation will require one day.

Laboratory analysis typically requires two weeks for completion, and data analysis, interpretation, and reporting can be completed following receipt of the analytical reports.

The final report can be prepared approximately one to two months from authorization to proceed. If needed, this schedule can be expedited as necessary.

Agreement

A contract will be provided upon agreement to proceed with the proposed scope of work.

Mr. Roger Dulmes/Imogene's Cleaning Center

*Proposal for Continuation of Remedial Action and Hiring of Sand Creek Consultants, Inc. for Groundwater Sampling and Report to WDNR
Sheboygan, Wisconsin*

December 2019

If you have any questions or concerns, please contact me via phone at 920.918.9024 or by email at ken.ebbott@sand-creek.com. Thank you for the opportunity to provide assistance on this project.

SAND CREEK CONSULTANTS, INC.



Kendrick Ebbott, PG
Project Manager

Enclosure: Cost Estimate Detail



Cost Estimate Detail

Project Name & Description: Imogene's Cleaning Center, Dry Cleaner Remediation, Sheboygan, WI

Date: December 4, 2019 **SCC Project No.** Imogene's

Client Contact:

Roger Dulmes - Owner
imogenesc@yahoo.com

Facility Address:

Facility Name **Imogene's Cleaning Center**
 1502 Saemann Avenue
 Sheboygan, Wisconsin

Senior Project Manager:

Mark Dawson

Project Manager:

Ken Ebbott
 Plymouth

ken.ebbott@sand-creek.com
 920.918.9024

Description of Work:

One Round of Groundwater Samples with Brief Update of Data to WDNR

<u>Description</u>	<u>Qty</u>	<u>Units</u>	<u>Rate</u>	<u>Markup</u>	<u>Ext.</u>	<u>Subtotal</u>	
1. Project Management and WDNR Approval						\$	400
Contract, Scope, DERF Approval, Lab Arrangements							
Labor						\$	400
Senior Project Manager	0	hrs	\$95	0%	\$0		
Project Manager	2	hrs	\$95	0%	\$190		
Draftsperson	2	hrs	\$55	0%	\$110		
Administrative Assistant	2	hrs	\$50	0%	\$100		
WDNR Review Fee	0	lump	\$0	0%	\$0		
2. Field Work - Groundwater Sampling One Round, Vapor System Assessment						\$	1,546
Five NR 141 Wells (MW-7, 8, 9, 14, 15); temporary wells (TW-12, 13), one duplicate							
Labor						\$	1,546
Project Manager	4	hrs	\$95	0%	\$380		
Senior Technician	12	hrs	\$65	0%	\$780		
PID	1	day	\$75	0%	\$75		
Field Supplies, Gloves, Ice, Ziplocs, Paper Towels, etc.	1	day	\$25	0%	\$25		
Bailers, Rope	7	each	\$20	0%	\$140		
Multi-Parameter Meter, pH, DO, ORP, Cond, Temp	1	day	\$125	0%	\$125		
WL meter	1	day	\$21	0%	\$21		
3. Data Evaluation and Report						\$	1,655
Summarize results, Submit to WDNR							
Does NOT Include Reassessment/Updated Cost for Remedial Action Plan							
Labor						\$	1,655
Senior Project Manager	1	hrs	\$95	0%	\$95		
Project Manager	8	hrs	\$95	0%	\$760		
Technician	4	hrs	\$65	0%	\$260		
Draftsperson	8	hrs	\$55	0%	\$440		
Administrative Assistant	2	hrs	\$50	0%	\$100		
4. Field Work - Groundwater Sampling One Round, Vapor System Assessment (Lab Only)						\$	440
Five NR 141 Wells (MW-7, 8, 9, 14, 15); temporary wells (TW-12, 13), one duplicate							
Laboratory - fixed base						\$	440
VOC (Water)	8	ea	\$50	10%	\$440		
						\$	400
1. Project Management and WDNR Approval						\$	400
2. Field Work - Groundwater Sampling One Round, Vapor System Assessment						\$	1,546
3. Data Evaluation and Report						\$	1,655
4. Field Work - Groundwater Sampling One Round, Vapor System Assessment (Lab Only)						\$	440
COST ESTIMATE TOTAL:						\$	4,041