



April 30, 2013

Tom Sweet
Moraine Environmental, Inc.
1402 7th Avenue
Grafton WI 53024-2330

Subject: Eligibility of Quality Cleaners, owned by Barb and Jerry Kuehl, for DERF

Dear Mr. Sweet:

Thank you for your letter and technical reports for Quality Cleaners located at 1226 11th Ave., Grafton, WI. Quality Cleaners is owned and has been operated approximately 20 years by Barb and Jerry Kuehl. I have forwarded the technical reports to the Department's Project Manager for this case, John Feeney.

The Kuehl's are closing their dry cleaning business and are interested in selling their property. The Phase II investigation for the property transfer revealed the presence of PCE in soil and groundwater. The Kuehl's would like to know the options available to them to help finance the investigation and cleanup of their property. I discuss these below.

1. Eligibility for the Dry Cleaner Environmental Response Fund (DERF). As licensed dry cleaners that operated after 1997, the Kuehl's were eligible for DERF. However, ss. 292.65(8)(a), Wis. Stats., states that a dry cleaner owner/operator "may not submit an application . . . after August 30, 2008." The Department does not have the authority to waive or vary a statutorily mandated requirement, such as the deadline for application to DERF. The DERF was open to applicants between 1997 and 2008 and a great deal of information and outreach was conducted during that time to make dry cleaners aware of the requirements for entry into the program. Unfortunately, even though the Kuehl's paid their dry cleaner license fees, they are not eligible for reimbursement of their cleanup costs through DERF because they failed to apply for the program before August 30, 2008.
2. Pre-1985 insurance policies. It appears that the Kuehl's did not operate Quality Cleaners prior to 1985. However, if a previous dry cleaner operation existed at 1226 11th Ave., it is possible that the previous dry cleaner may have purchased insurance. If the physical insurance policies can be located, the issuing insurance company may honor the policy and the insurance company may undertake investigation and a certain amount of environmental cleanup.
3. Brownfield Assistance. There is a possibility that certain brownfield financial assistance may be available. Each program has specific eligibility requirements. Some programs must be accessed through the municipality, others through the Wisconsin Economic Development Corporation and a few directly through the Department. In addition, we may have some tools and ideas that have worked for other similar sites where a property owner is trying to sell a property to a new buyer. I recommend that you or the Kuehls contact Michael Prager at 608-261-4927 or michael.prager@wisconsin.gov to discuss the brownfield funding options and other ideas that may be available to assist with your cleanup and the sale of your property.

I hope this is helpful to you. John Feeney, the Project Manager, can assist you with the future site cleanup activities. John's contact information is (920) 892-8756 Ext. 3023 or johnm.feeney@wisconsin.gov. If I can be of further help, please contact me.

Sincerely,

Theresa A. Evanson, P.H.
DERF Team Leader
Theresa.Evanson@wisconsin.gov
608-266-0941

cc. Barb & Jerry Kuehl – 5350 Cascade Dr., West Bend, WI 53095
John Feeney – DNR Plymouth Service Center
Sarah Bradley – CFA/2