



FRIEBERT, FINERTY & ST. JOHN, S.C.
ATTORNEYS AT LAW

Two Plaza East - Suite 1250 • 330 East Kilbourn Ave. • Milwaukee, Wisconsin 53202
Phone 414-271-0130 • Fax 414-272-8191 • www.ffsj.com

WILLIAM B. GUIB
S. TODD FARRIS
TED A. WARPINSKI
LAWRENCE J. GLUSMAN
BRIAN C. RANDALL
CHRISTOPHER M. MEULER
M. ANDREW SKWIERAWSKI
JOSEPH M. PELTZ

February 5, 2015



ROBERT H. FRIEBERT
(1938-2013)

EMERITUS
JOHN D. FINERTY

OF COUNSEL
THOMAS W. ST. JOHN

Ms. Deena Shepherd
Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division – Enforcement & Compliance Assurance Branch
Enforcement Services Section 2, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: General Notice of Potential Liability and Request for Information
Vogue Cleaners Site
2578 Wauwatosa Avenue
Wauwatosa, Milwaukee County, Wisconsin 53213
Site Spill Identification Number: C51R

Dear Ms. Shepherd:

I am writing in response to the above-referenced General Notice Letter issued by EPA to Mr. Ron Collison. Our firm is currently representing Mr. Collison in connection with a responsible party letter issued to him by the Wisconsin DNR (copy attached). On behalf of Mr. Collison, we will also provide your letter to his insurers to determine whether they will provide a defense to him for this matter. For these reasons, it is doubtful that Mr. Collison will be able to completely respond to your letter or the accompanying request for information. However, we will plan to follow up with you on the status of our efforts within the fourteen day period.

If you have any questions, please feel to call me or my colleague, Andy Skwierawski.

Very truly yours,

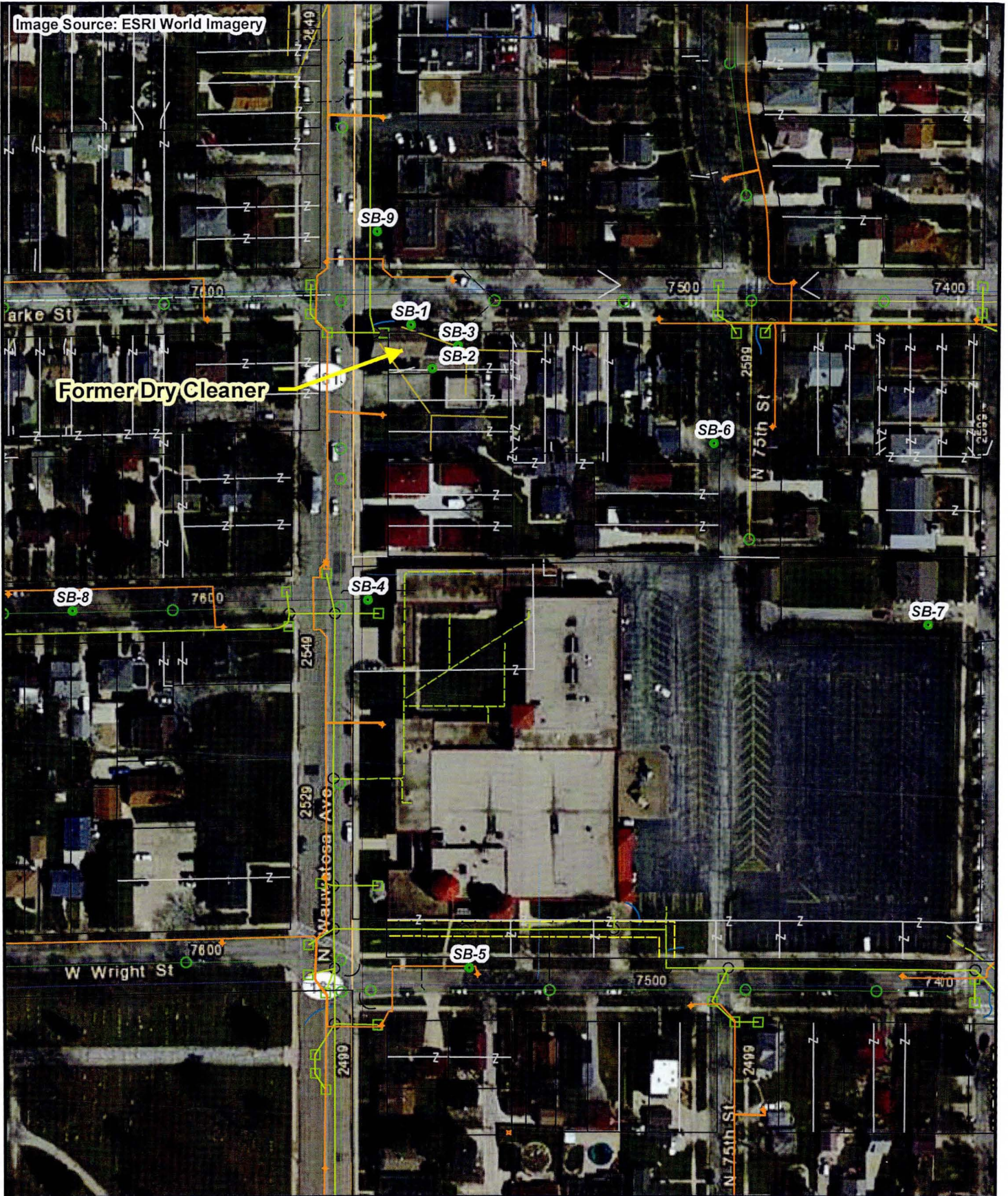
~~FRIEBERT, FINERTY & ST. JOHN, S.C.~~

Ted A. Warpinski
taw@ffsj.com

TAW/ptk
Enclosure

cc: Mr. Ronald Collison
Mr. Dave Dantos
Ms. Nola Hicks
Ms. Gena Larson
Mr. Alan Kesner

Image Source: ESRI World Imagery



FILE: D:\Vogue_Cleaners\mxd\Proposed_Locations.mxd 4/10/2014 3:52:49 PM wojdakon

Legend

- Proposed Sampling Locations
- 0 175 Feet



Prepared For:
U.S. EPA REGION V
 Contract No.: EP-S5-06-04
 TDD: S05-0001-1403-001
 DCN: 2301-



Prepared By:
WESTON SOLUTIONS, INC
 20 North Wacker Drive
 Suite 2035
 Chicago, IL 60606

Figure #
 Proposed Soil Boring Locations
 Vogue Cleaners Site
 Wauwatosa, WI

U.S. ENVIRONMENTAL PROTECTION AGENCY
 POLLUTION/SITUATION REPORT
 Vogue Cleaners - Removal Polrep
 Initial and Final Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 Region V

Subject: POLREP #1
 First and Final POLREP
 Vogue Cleaners
 C51R
 Wauwatosa, WI
 Latitude: 43.0660780 Longitude: -88.0071050

To: Douglas Ballotti, USEPA
 Sam Borries, U.S. EPA
 Jason El-Zein, U.S. EPA
 Rick Karl, USEPA

From: Steve Faryan, OSC

Date: 12/2/2014

Reporting Period: 11/07/2014 to 12/02/2014

1. Introduction

1.1 Background

Site Number:	C51R	Contract Number:	EP-SS-05-02
D.O. Number:	0146	Action Memo Date:	8/28/2014
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	10/6/2014	Start Date:	10/6/2104
Demob Date:	11/7/2014	Completion Date:	11/7/2014
CERCLIS ID:	WIN000502933	RCRIS ID:	
ERNS No.:		State Notification:	WDNR
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

Time Critical Removal Action

1.1.2 Site Description

The Site is located at 2578 N Wauwatosa Avenue, Wauwatosa, Milwaukee County, Wisconsin which was a former dry cleaning facility. The Vogue Cleaners Site is located in a mixed commercial and residential area. The Site is bordered to the north by Clarke Street, a veterinary clinic, and residential properties; to the east by residential properties; to the south by residential properties; and to the west by North Wauwatosa Avenue and residential properties. The Site contains a two-story building and paved parking lot. The Menomonee River is located approximately 1.3 miles south of the Site.

1.1.2.1 Location

The Vogue Cleaners Site is located at 2578 N Wauwatosa Avenue, Wauwatosa, Wisconsin. The geographical coordinates for the Site are 43.0660780 degrees latitude and -88.0071050 degrees longitude

1.1.2.2 Description of Threat

A threat of release of hazardous substances, pollutants, or contaminants exists at the Vogue Site due to the presence of chlorinated solvents in groundwater and soil gas, and chlorinated solvents, ignitable and corrosive chemicals in tanks, drums and containers. EPA documented the presence of hazardous substances and pollutants during its site assessment activities conducted in April 2014. An inventory of the chemicals abandoned in the building was documented during the site assessment.

Soil gas samples collected on the Vogue property showed high levels of tetrachloroethene at 180,000 ug/m³. These high levels of soil gas detected in on site soils have the potential to migrate to neighboring residents.

Soil samples were collected on site and indicated levels of tetrachloroethene as high as 51,000 ug/kg. These high concentrations found in the soil indicate the potential for the migration of contaminants off site.

USEPA conducted a vapor intrusion assessment along the right of way in a one block vicinity of the site and collected indoor air samples and sub-slab samples at three adjacent homes. Although some compounds were detected above the screening levels, none of these compounds were found in sampling conducted on the Vogue Cleaners Property. USEPA consulted with the Wisconsin Department of Public Health and their determination is that there is no vapor intrusion threat caused by the Vogue Cleaners site.

The deteriorating drums and containers were stored in an abandoned building which has caught fire recently. The City of Wauwatosa plans to demolish the building in 2014 and is requesting assistance to remove the hazardous materials.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On January 30, 2014, Symbiont, a subcontractor to the City of Wauwatosa, conducted a Phase II Environmental Site Assessment (ESA) which consisted of advancing eight soil borings on the Site property with the use of a Geoprobe[®] rig. The soil borings were advanced to a total depth of 6 to 15 feet below ground surface (bgs) and the depth to water was 12 feet bgs. One groundwater and two soil samples were collected from each boring. PCE was detected in soil at concentrations ranging from 36.6 to 76,600 micrograms per kilogram (µg/kg) and in groundwater at concentrations ranging from 0.57 to 10,900 µg/L. Although residents have Wauwatosa water supply to their homes, these high levels in the groundwater have the potential to migrate off site and pose a vapor intrusion threat to the nearby residents.

Soil and Soil Gas samples collected on the Vogue Cleaners property by EPA in June of 2014 showed tetrachloroethene levels at 51,000 ug/kg in the shallow core 1-3 depth, and 27,000 ug/kg in the 3-6 foot depths.

The results, documentation and full reports are found in the Phase 1 and Phase 2 reports which are part of the Administrative Record.

The vapor intrusion results and right of way sampling results are found in the Vogue Cleaners Site Assessment report.

2. Current Activities**2.1 Operations Section****2.1.1 Narrative****2.1.2 Response Actions to Date**

From June 30, thru July 2, 2014 U.S.EPA along with the Superfund Technical Assessment & Response Team (START) contractors conducted a vapor intrusion investigation (sub-slab soil gas, ambient and residential indoor air) within residential properties that immediately border the former facility and

conducted an onsite subsurface soil gas investigation to determine the absence or presence of chlorinated solvents and volatile organic compounds (VOC's) associated with the former dry cleaning operations. Results of the sampling did detect some compounds above screening levels but none of these compounds were detected at the Vogue Cleaners property. After consulting with Wisconsin Department of Public health the determination was made that no vapor intrusion threat exists from the Vogue Cleaners Property.

From October 6, to October 8, 2014 U.S. EPA, START and Emergency Rapid Response Services (ERRS) contractors conducted a removal action to identify and remove all hazardous and nonhazardous materials, pollutants and contaminants that could pose an imminent threat to the environment, residential properties and residents that are in proximity to the former dry cleaner.

Removal activities included the removal of waste fuel oil from from an aboveground storage tank (AST) located within the basement of the facility and site reconnaissance to identify, classify and segregate all small containers, drums and pails to confirm the absence or presence of hazardous material, and determine proper waste streams for future off-site disposal. Lab-pack waste streams included fuel oil, sodium metasilicate (commercial auxiliary detergent), Oxalic acid, corrosive powders (Sodium Hydroxide) solid and liquid detergents, paint related wastes, propane cylinders, both polychlorinated biphenyl (PCB) and non PCB containing ballasts and capacitors, aerosols, acidic liquids, elemental mercury (glass ampules within thermostats) and mercury containing (universal waste) fluorescent light bulbs. EPA also identified potentially asbestos containing thermal insulation pipe wrap, floor tiles and associated mastics that will be sampled and addressed accordingly prior to slated demolition activities by the city of Wauwatosa.

During removal activities, START provided technical support, conducted perimeter air monitoring to confirm the absence or presence of fugitive emissions. Conducted air monitoring within the facility to confirm the necessity for personal protection equipment (PPE) upgrades and provided project documentation, health and safety oversight.

USEPA and EQ re-mobilized to the site on 11/17/14 to remove and ship all of the containers to an approved disposal facility, Tradebe Treatment and Recycling, LLC in East Chicago, Indiana. The 14 -55 gallon drums, 10 5 gallon containers, 4 bags of fluorescent light bulbs were properly labeled to meet DOT requirements, loaded, and transported to Tradebe in East Chicago, Indiana.

In addition, one 20 cubic yard roll off of debris was loaded and transported to Waste management in Milwaukee, Wisconsin for landfill. See the disposal chart below for break out of waste streams.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

The owner of the facility, Mr. Ronald Collison is being sent a general notice letter.

2.1.4 Progress Metrics

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
Fuel Oil	Liquid	3- 55 gal drums		recycle	
Detergent	Solid	1- 55 gal drum			landfill
Salt	Solid	2- 55 gal drums			landfill
High PH Solids	Solid	2- 55 gal drums			landfill
Sodium MetaSilicate	Solid	1-55gal drum			landfill
Oxalic Acid	Solid	1-55gal drum			landfill

Paint Waste	Liquid	2-55 gal drums		incinerate	
Ground Water from investigation	Liquid	1-55gal drum		water treatment	
Fuel Oil flammable liquid	liquid	1- 5 gal bucket		incinerate	
PCB Capacitors	solid/liquid	1-5 gal bucket		incinerate	
non-PCB Capacitors	solid/liquid	1-5gal bucket			landfill
Grease	solid	2-5gal buckets			landfill
Sodium Hydroxide	solid	1 5al bucket		water treatment	
Acid Liquid	liquid	1- 5 gal bucket		water treatment	
Bleach	liquid	1-5gal bucket		water treatment	
Propane Cylinders	cylinders	1-5gal bucket		Incinerate	
Investigation Derived Soil	solid	1-55 gal drum			landfill
Non-Hazardous Debris	solid	1- 20 cuyd roll off			landfill
Flourescent Light Bulbs	bulbs	4- Boxes		recycle	
Aerosol's	aerosol containers	1-5 gal bucket		incinerate	

2.2 Planning Section

2.2.1 Anticipated Activities

The City of Wauwatosa has prepared and submitted a Request for Proposal to Demolish the Vogue Cleaners Building. Sampling will be conducted once the building is demolished. If levels are detected in the soil above the USEPA Removal management levels (RML's) then the Removal program will be available to assist.

2.2.1.1 Planned Response Activities

The removal of all hazardous materials, containers and debris is completed. No further response actions are planned until the demolition of the building and sampling is conducted by the City of Wauwatosa.

2.2.1.2 Next Steps

Review the sample results after demoliton of the building

2.2.2 Issues

None

2.3 Logistics Section

NA

2.4 Finance Section

2.4.1 Narrative

Daily cost summaries(1900-55's) were reviewed and signed the OSC.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$16,446.00	\$0.00	\$16,446.00	100.00%
TAT/START	\$18,000.00	\$6,550.00	\$11,450.00	63.61%
Intramural Costs				
USEPA - Direct	\$3,950.00	\$0.00	\$3,950.00	100.00%
Total Site Costs				
	\$38,396.00	\$6,550.00	\$31,846.00	82.94%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

2.5 Other Command Staff**2.5.1 Safety Officer**

See Site Specific Safety Plan

2.5.2 Liaison Officer

NA

2.5.3 Information Officer

NA

3. Participating Entities**3.1 Unified Command**

NA

3.2 Cooperating Agencies

WDNR

City of Wauwatosa

Wauwatosa Health Dept.

Wisconsin Department of Public Health

Agency for Toxic Substances and Disease Registry

4. Personnel On Site

No personnel on site

5. Definition of Terms

No information available at this time.

6. Additional sources of information**6.1 Internet location of additional information/report**

Wisconsin Department of Natural Resources Website

6.2 Reporting Schedule

None_

7. Situational Reference Materials

No information available at this time.

10/07/2014 09:36



