

Beggs, Tauren R - DNR

From: Beggs, Tauren R - DNR
Sent: Tuesday, July 12, 2016 10:39 AM
To: 'John Emery'
Cc: Don Brittnacher (Don.Brittnacher@omni.com)
Subject: RE: Follow-up for Allyn Property

Good morning John,

I am so sorry to hear that news. I hope everything goes well with her surgery and rehab. I don't want to put any additional stress on the current situation, so we can just proceed with the vapor testing and see how that turns out. I would agree that the vapor testing in the downstairs living space is what needs to be evaluated at this time and vapor testing upstairs would not be needed unless the indoor air downstairs indicated a problem.

Thanks for getting back to me,

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Tauren Beggs

Phone: (920) 662-5178

Tauren.Beggs@wisconsin.gov

From: John Emery [mailto:emery.ja@gmail.com]
Sent: Monday, July 11, 2016 4:53 PM
To: Beggs, Tauren R - DNR
Cc: Don Brittnacher (Don.Brittnacher@omni.com)
Subject: Re: Follow-up for Allyn Property

Hello Tauren - It will take some time to work thru these issues with Harmon & Vy due another urgent issue. Last week Vy had a major flareup of arthritis in her knee and she can barely walk, so her doctor told her she needed a knee replacement asap. She has been postponing this for years but cannot put it off any longer. That surgery is scheduled for July 26, then she will be in re-hab for quite awhile. Harmon cannot live by himself without supervision so he will stay with her in the nursing home, and the cost for him will be a private-pay situation not covered by Medicare. This is an example of why they need to preserve their personal savings for elder care.

Meanwhile, Don can proceed with vapor testing, as I will be in Algoma on Tuesdays and Fridays tending to their business, so that won't be held up. Also, regarding the second floor apartments, yes they are occupied with tenants. I would hope we would not need to perform vapor testing upstairs unless testing in the downstairs living space indicated a problem, is that correct?

Don will communicate status of vapor testing as we proceed.

Thanks for your understanding,
John

On Fri, Jul 8, 2016 at 2:50 PM, Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov> wrote:

Good afternoon,

Here is what I found out from DNR enforcement and financial staff:

- As I stated previously, I confirmed with the above staff that the DNR does not have the capability to evaluate ability to pay for a LLC unless the case is taken through an enforcement process and gets a judge's ruling.
- Per the Wisconsin state spill law (Wis. Stat. 292.11) a person who possesses or controls a hazardous substance or a person who causes the hazardous substance discharge shall take the actions necessary to restore the environment. Therefore, since the LLC was established in 2014 and the only operator of the dry cleaner since operation began at the dry cleaner was the Allyn's, they could be evaluated as individuals for ability to pay as a causer of the contamination since the hazardous substance discharge occurred while they were operating the dry cleaner. This means the DNR could at least evaluate the individuals' personal finances to determine if the Allyn's are unable to pay as was stated during the meeting. This decision is up to the Allyn's if they would like to provide their personal financial information. If the Allyn's decide to do this, please notify me so I can provide the ability to pay documentation.

It is important to continue with the limited vapor sampling as we discussed during the meeting because that will provide an indication if vapors are a concern, as vapors can cause an acute health risk issue, especially TCE. Wisconsin Department of Health Services (DHS) TCE fact sheet link: <https://www.dhs.wisconsin.gov/publications/p4/p44353.pdf>. After thinking more about the vapor sampling, I would recommend the indoor air sample be collected within the living quarters on the first floor. I think the sub-slab vapor port could still be installed in the source area because: the building is slab-on grade and the soil is primarily sand with some gravel, so the sub-surface below the building is pretty homogeneous.

I forgot to ask at the meeting, are the two apartments on the second floor currently occupied? This was a question I received from DHS. Please let me know when you have a chance.

Thanks,

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