

**From:** Mitchell, Jeremy A - DNR  
**Sent:** Wednesday, January 20, 2021 12:15 PM  
**To:** Rob Hoverman; Kirk Booher  
**Cc:** emilbooher@hotmail.com; tammy@accounting-offices.com  
**Subject:** RE: Donaldsons Cleaners (former) -E Edgewood Dr - BRRTS Activity #02-45-586961 - Notifications

While it may be appropriate at this time to only notify adjacent suites, I wanted to provide some additional information regarding vapor intrusion. I appreciate the owner taking action to install a vapor mitigation system in the affected suite. That said, it is possible that further testing could show additional concerns or risks to other tenants. For the owner of the Property I have included a short three minute video explaining vapor intrusion. That video can be found [here](#).

It is also important to understand that we have not yet had any cooperation from the causer at this time. Should additional work be necessary and carried out by the State, we are obligated to sample indoor air and notify all tenants of data results.

For RP-funded investigations - Wis. Admin. Code s. NR 716.14(2), states, "Responsible parties shall report all sampling results other than those for water supply wells, to the department and to the property owner, and occupants as appropriate, of the property from which the samples were collected...". This gives the owner some flexibility in their communications with tenants. We would take issue if the RP is not notifying any occupants based on the data but limiting it to the occupant adjacent to the dry cleaner based on the single SSV sample seems reasonable at this point.

There is also s. NR 714.07 to consider regarding requirements for the RP to evaluate the need for notification & participation by considering threats to the public and public concern. S. NR 714.07(3) states, "Notice shall be provided to the public by means designed to reach those members of the public directly or indirectly affected by the discharge of a hazardous substance and the implementation and operation of any proposed or actual remedial action." There is no explicit requirement to notify all the tenants at this time but we could easily get there if further sampling indicates the other occupants may be affected.

The DNR is committed to working with the owner of the Property and other agencies such as DHS and the local health department. In the event that additional exceedances are discovered in other units, there is also the Federal worker right-to-know act which can come into play. So while there is no requirement based on the limited data provided at this time, it may be in the owner's best interest to provide transparency to all tenants in an effort to avoid future complications.

We can have a more in depth discussion about this when we have additional data in hand.

Thanks,

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**Jeremy Mitchell**

Phone: (920 ) 366-6830

[Jeremy.Mitchell@wisconsin.gov](mailto:Jeremy.Mitchell@wisconsin.gov)

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**From:** Rob Hoverman <[rhoverman@enviroforensics.com](mailto:rhoverman@enviroforensics.com)>  
**Sent:** Friday, January 15, 2021 5:09 PM  
**To:** Kirk Booher <[booherrealestate@aol.com](mailto:booherrealestate@aol.com)>; Mitchell, Jeremy A - DNR <[jeremy.mitchell@wisconsin.gov](mailto:jeremy.mitchell@wisconsin.gov)>  
**Cc:** [emilbooher@hotmail.com](mailto:emilbooher@hotmail.com); [tammy@accounting-offices.com](mailto:tammy@accounting-offices.com)  
**Subject:** RE: Donaldsons Cleaners (former) -E Edgewood Dr - BRRTS Activity #02-45-586961 - Notifications

My opinion would be that samples were collected from a vacant space and the only required notification would be to the property owner. We would never collect samples from individual spaces and send all results to individual tenants located on a property. I would not advise my client to do so either. With regard to the RR Guidance, I am well aware of the contents, however, Mr. Booher is not taking this on fully as he is just the owner. Further actions are being taken as matter of best practice to protect future occupants of the former dry cleaner suite and the nearest adjacent suite. The former dry cleaner is located on an end suite, with only one adjacent suite.

Mr. Booher would still expect the cleaners to step up and move the site forward through the RR program prescribed steps. We will be notifying the occupants of the adjacent suite the results of the follow on sampling within the prescribed time period.

**Rob Hoverman**, Northern Midwest Regional Director  
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**From:** Kirk Booher <[booherrealestate@aol.com](mailto:booherrealestate@aol.com)>  
**Sent:** Friday, January 15, 2021 4:53 PM  
**To:** Mitchell, Jeremy A - DNR <[jeremy.mitchell@wisconsin.gov](mailto:jeremy.mitchell@wisconsin.gov)>  
**Cc:** [emilbooher@hotmail.com](mailto:emilbooher@hotmail.com); Rob Hoverman <[rhoverman@enviroforensics.com](mailto:rhoverman@enviroforensics.com)>; [tammy@accounting-offices.com](mailto:tammy@accounting-offices.com)  
**Subject:** Re: Donaldsons Cleaners (former) -E Edgewood Dr - BRRTS Activity #02-45-586961 - Notifications

Thank you. Jeremy, I'm not involved in this property but am just helping my father Emil with some of the communications as he doesn't always get his emails and he has had some health issues so at times has been in the hospital with limited email access.

So as to the time you have referenced below and would have to defer to Rob and Emil as to whether this has occurred or not, and if not to send our the required communications.

Rob, can you comment on this?

Thanks

On Jan 15, 2021, at 4:30 PM, Mitchell, Jeremy A - DNR  
<[jeremy.mitchell@wisconsin.gov](mailto:jeremy.mitchell@wisconsin.gov)> wrote:

Hello Kirk,

Moving forward with this case, I would like to touch on a couple of outstanding items. I haven't received notice that tenants located at the Property have been notified of previous sampling results. I just wanted to point out that if sample data has not yet been shared with your tenants that this is a requirement.

**Sampling results must be sent to the DNR and property owner(s), including owners of off-site properties from which samples have been collected, within 10 days of receipt (Wis. Admin. Code § NR 716.14).**

Please send a list of tenants currently occupying the Property so that we have an accurate account for notification purposes.

Regards,

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**Jeremy Mitchell**

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