

Jorgensen, Theadora O - DNR

From: Tierney, Raymond <RTierney@scsengineers.com>
Sent: Thursday, February 20, 2020 1:29 PM
To: Delcore, Lee R - DNR; Grace Christian Fellowship; Langdon, Robert
Cc: Hnat, John J - DNR; David G. Peterson; Prosa, Timothy A - DNR; Soyer, Jenna A - DNR
Subject: RE: PECFA submission for Grace Christian Fellowship: #NM10000373
Attachments: 191118_Hnat_Grace Vapor Mitigation Systems.pdf

Lee,

Below is an e-mail I previously sent to Grace Christian regarding their seeking reimbursement work with the PECFA Program for Tom Heine of Radon Abatement's costs.

Regarding the pictures included in Attachment A of our report – SCS Engineers took these pictures. We performed negative pressure testing at Grace, and we also collected sub slab vapor samples. The two figures included in Attachment B were prepared by Radon Abatement.

Please let Rob Langdon or me know if you have any other questions. Thanks.

Ray Tierney, PG
Vice President

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From: Tierney, Raymond <RTierney@scsengineers.com>
Sent: Friday, June 7, 2019 3:59 PM
To: Grace Christian Fellowship <info@gracecf.us>; Jim Susler <jimsusler@gracecf.us>; Tom Heine <Radabt1@wi.rr.com>
Cc: David G. Peterson <DGPeterson@reinhartlaw.com>; Cabush, Thomas A. (tcabush@kasdorf.com) <tcabush@kasdorf.com>; Langdon, Robert <RLangdon@scsengineers.com>
Subject: RE: May 2019 PECFA report

Judy,

Since Tom knows exactly what he did and what he discussed with the DNR, it's probably best if he takes the lead on approaching the DNR to see if any of his work will be reimbursed. Tom please weigh in here – what did your discussion with the DNR include and did you get approval from PECFA for your costs? Did DNR have any recommendations for getting your costs covered? The approval SCS received from PECFA was prior to Tom's company being involved.

PECFA has an application which has to be completed with any claim. Here is a link to their website:

<https://dnr.wi.gov/topic/brownfields/pecfa.html>

Two other items we should discuss:

1. J. Hnat sent an e-mail on May 31, 2019 (copied below) requesting more information from Tom about his work. Tom, you may also want to go over this with J. Hnat and confirm what exactly he wants to receive (e.g., sampling methods, discussion of results, conclusions, recommendations, summary tables, figures, etc.). Feel free to contact me with any follow up questions, or to discuss.
2. Tom mentioned he was going to collect another round of negative pressure readings from the basement in May. Have you done this and can you send me the results, or do you have it scheduled? If not, are you still planning on doing this sampling?

Please feel free to contact me with any questions.

Ray Tierney, PG

Vice President

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Tom,

Thank you for submitting your report on the work completed at Grace Christian Church. I've looked over your report submittal on the Grace Christian Fellowship vapor extraction system, repair, refurbishing, and redevelopment at 9900 West Capitol Drive.

I understand basically what was completed at the church's site, but you may or not know that SCS Engineers proposal dated October 5, 2018 and approved by the DNR on October 12, 2019 did require a summary of methods and findings of the tabulated vacuum and analytical results. The protocols, methods, and reportable findings outlined in the DNR's publication RR-800, "Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin", could have assisted in presenting the final interpretation of the field extension studies and ambient air testing relative to the DNR's vapor action and vapor risk screening levels. The results of your findings should be forwarded to SCS Engineers for interpretation of the results and incorporated into their final report after post SVE groundwater monitoring if you are unable to complete this.

If you have any questions, call or email me at your earliest convenience.

 *J. Hnat, C.P.G., P.G..*

Project Manager/Hydrogeologist

Remediation and Redevelopment Program

Southeast Region Headquarters

Wisconsin Department of Natural Resources

(☎) phone: (414) 263-8644

(☎) fax: (414) 263-8550

(✉) e-mail: John.Hnat@wisconsin.gov

From: Delcore, Lee R - DNR <Lee.Delcore@wisconsin.gov>
Sent: Thursday, February 20, 2020 9:24 AM
To: Grace Christian Fellowship <info@gracecf.us>; Langdon, Robert <RLangdon@scsengineers.com>; Tierney, Raymond <RTierney@scsengineers.com>
Cc: Hnat, John J - DNR <John.Hnat@wisconsin.gov>; David G. Peterson <DGPeterson@reinhardtlaw.com>; Prosa, Timothy A - DNR <Timothy.Prosa@wisconsin.gov>; Soyer, Jenna A - DNR <Jenna.Soyer@wisconsin.gov>
Subject: RE: PECFA submission for Grace Christian Fellowship: #NM100000373

===== This message originated outside of SCS Engineers =====

Ms. Gavin,

In June 2019, when the attached document and email were received, it appeared as if you were copying me on a report from a contractor working on activities related to the pre-approved scope of work that SCS had submitted to move the site forward. The report was filed. Based on your most recent email, you are indicating that the documentation represents a claim for reimbursement. In the PECFA program, only the claimant for a PECFA site can submit eligible 3rd party costs for reimbursement consideration. Per State Statute 292.63(3)(c)1 all of the costs you outlined are over 180 day incurred and would not be eligible unless Jasdisher Singh Kler would incur these costs (pay for them) and resubmit to PECFA for reimbursement as a 3rd party claim. That being said, work scope and cost pre-approval is required. SCS had submitted a scope of work and had expenses pre-approved at a 25%-eligibility reimbursement rate for a scope of work that included work on the sub-slab system at Grace. It is unclear where the costs you outlined fall in the SCS submittal and pre-approved scope of work. I am copying SCS on this email, so they can clarify how these costs fit with within the scope and assist you per the provisions of the settlement agreement you reference.

Thank you for your follow-up,

Lee

We are committed to service excellence.

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

Lee Delcore

Hydrogeologist - Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

1155 Pilgrim Road, Plymouth, WI 53073

Phone: (920) 893-8524

Lee.Delcore@wisconsin.gov



dnr.wi.gov



From: Grace Christian Fellowship <info@gracecf.us>

Sent: Wednesday, February 12, 2020 3:46 PM

To: Delcore, Lee R - DNR <Lee.Delcore@wisconsin.gov>; Hnat, John J - DNR <John.Hnat@wisconsin.gov>; David G. Peterson <DGPeterson@reinhartlaw.com>

Subject: Re: PECFA submission for Grace Christian Fellowship: #NM100000373

Mr. Delcore,

On June 26, 2019 I sent you a PECFA submission on behalf of Grace Christian Fellowship for PECFA Service Contract #NM100000373; report filed 040719. This submission was for the Grace Christian Fellowship expenses we procured in 2019 only-(former years had already been submitted) and paid for in full by Grace for the final remediation work done at Grace. Your email sent me an out of office reply, stating you would respond when you returned. To date, Grace has received no communication from your office regarding this matter.

We have received copies of Ray Tierney's submissions for SCS Engineers (who represent KJG and PSK-the defendants in our case) which show pictures of the work done in Grace's basement, along with submission of their bills. This concerns us, as they did none of the work, (Radon Abatement was our contractor) and we paid all of the bills. We sent Mr. Tierney copies of the same PECFA submission we sent you, yet did not see our bills and payments reflected in his report.

Per our settlement agreement, SCS Engineers was delegated as the "Agent" of KJG and PSK for PECFA purposes and file the necessary documents for reimbursement under PECFA. It later states that KJG/PSK will assign to Grace the right to apply for PECFA funds for damages associated with the Grace Site and the KJG Site so that Grace may apply for PECFA funds to the extent Grace is eligible to do so.

With that being stated, our concern is that our 2019 claim has somehow fallen through the cracks. Please let us know that that isn't so and if it is, what our next step needs to be.

We, as the victim in this entire case, are a small, independent congregation and simply cannot afford to foot this remediation bill, nor should we have to. Please help.

Thank you for your time and consideration of this issue.

Judith Gavin
Director of Operations
Grace Christian Fellowship

On Wed, Jun 26, 2019 at 2:50 PM Grace Christian Fellowship <info@gracecf.us> wrote:

Dear Sir:

Per Mr. Tom Heine of RA Environmental/ Radon Abatement, I am sending you the current remediation expenses of Grace Christian Fellowship for submission for PECFA Service Contract #NM 100000373 for Report filed #040719. Our recent additional expenses to date (solely 2019) are \$54,849.93. I am trusting that Mr. Ray Tierney has already submitted our previous expenses. I have included copies of all cancelled checks. The "supplies" entries were generally paid by Scrip, which was paid for by the "GCS" checks at the end of this report. These reimbursement checks include the noted expenses, but were not limited solely to the PECFA qualified remediation costs. Thus the difference between the cancelled check amounts and receipts submitted. Only the

PECFA qualified expenses are noted on the spreadsheet. Please let me know if you have any questions.

Sincerely,

Judith E. Gavin
Administrator
Grace Christian Fellowship
(please see attached documents)

--



Grace Christian Fellowship

[414-464-9220](tel:414-464-9220) | 9900 West Capitol Drive, Milwaukee, WI 53222
<http://gracecf.us>

--



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From: [David G. Peterson](#)
To: [Delcore, Lee R - DNR](#); "[Grace Christian Fellowship](#)"; "[RLangdon@scsengineers.com](#)"; "[rtierney@scsengineers.com](#)"
Cc: [Hnat, John J - DNR](#); [Prosa, Timothy A - DNR](#); [Soyer, Jenna A - DNR](#)
Subject: RE: PECFA submission for Grace Christian Fellowship: #NM100000373
Date: Tuesday, March 17, 2020 12:39:10 PM
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Dear Lee:

Can you lend a hand on this? Grace Christian should have the ability to recover from PECFA the 25% reimbursable amount that Grace spent to obtain needed test results submitted to the DNR, along with other work on the remediation system at Grace. There was a total of \$54,849.93 spent, of which \$13,712.50 would be the PECFA 25% portion.

We have gotten no assistance in getting this reimbursed, or even a response from anyone as far as I know, and it has been almost 9 months now.

Can you please give me some guidance on what we need to do on this to move this forward?

Thanks, I would really appreciate it.

Regards,

Dave

David G. Peterson

Reinhart Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive, Suite One | Waukesha, WI 53188
Office: 262-951-4527 | Cell: 414-531-7415 | Fax: 262-951-4690
DGPeterson@reinhartlaw.com | [bio](#) | [vCard](#) | [reinhartlaw.com](#)



From: David G. Peterson

Sent: Thursday, February 20, 2020 2:03 PM

To: 'Delcore, Lee R - DNR' <Lee.Delcore@wisconsin.gov>; Grace Christian Fellowship <info@gracecf.us>; 'RLangdon@scsengineers.com' <RLangdon@scsengineers.com>; rtierney@scsengineers.com

Cc: Hnat, John J - DNR <John.Hnat@wisconsin.gov>; Prosa, Timothy A - DNR <Timothy.Prosa@wisconsin.gov>; Soyer, Jenna A - DNR <Jenna.Soyer@wisconsin.gov>

Subject: RE: PECFA submission for Grace Christian Fellowship: #NM100000373

Dear Lee and Ray – can we put these costs incurred by Grace in line for review and reimbursement by PECFA? Lee is correct that some if not all of the work done was needed and within scope of what had been previously approved. Grace contracted directly with the contractor (Tom Heine/RA Environmental/Radon Abatement) in an effort to save money, speed things up, and reduce costs on the project, perhaps not understanding that what Grace was doing was out of the norm. Grace was operating under the impression that SCS had asked Grace to have this work done. In any event the work that was done was needed and was cost effective, and has been useful in moving the project to completion. The results have been utilized and incorporated by SCS, and the costs should be eligible for reimbursement at the 25% rate. Since the invoices and documents were submitted in

June 2019, within the 180 day deadline, the invoices should not be considered stale. To the extent any official PECFA forms need to be completed, let me know. We can get them done. When Grace sent this in to DNR in June 2019, Grace was under the impression it had submitted everything that was needed.

In addition, as mentioned by Ms. Gavin, the right to apply for PECFA reimbursement for costs incurred by Grace has been assigned to Grace by Jagdisher Singh Kler. Also, some or all of these costs may also be eligible for reimbursement as eligible third party claim costs at the 25% rate. This project has been dragging on for years now, and the way Grace has been victimized is very upsetting. It would be nice for Grace to get a small portion of its costs on this (\$13,712.50 of its \$54,849.93) reimbursed.

Please let me know if we should have a call to discuss.

Thanks.

David G. Peterson

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Subject: [EXTERNAL] RE: PECFA submission for Grace Christian Fellowship: #NM100000373

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cracks. Please let us know that that isn't so and if it is, what our next step needs to be.

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Sincerely,

Judith E. Gavin
Administrator

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