

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

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Telephone 414-263-8500
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April 30, 2013

Ms. Irene Chyrka
Brew City Enterprises, LLC
4021 S. Kinnickinnic Ave
St. Francis, WI 53235

SUBJECT: Responsible Party Letter and Request for Status Update
MPL Corp. Wire & Metal Specialties site at 4021 S. Kinnickinnic Ave, St. Francis, WI
WDNR FID #241039920 BRRTS #02-41-184461

Dear Ms. Chyrka:

The Department of Natural Resources (DNR) is undertaking a project to address open environmental contamination sites that have been inactive for several years. We are sending letters to those property owners to determine the status of these cases and to request additional work, if necessary.

In our review of the above referenced property, contamination was reported to the DNR on April 1, 1998, following an environmental site assessment for a proposed sale. A variety of investigation and remediation activities have occurred on-site. In 2008, the DNR received a closure request, however this request was denied because additional rounds of groundwater sampling were required to demonstrate that natural attenuation would bring the groundwater into compliance with groundwater quality standards established in Wisconsin Administrative Code chapter NR 140. The most recent communication in the case file includes a letter, dated Oct. 27, 2011, from the DNR to the property owner at the time, Mr. William Puchner with MPL Realty, requesting an update for actions taken to address the impacted groundwater. Our file contains no response to this DNR request from 2011. This issue remains open and requires action.

Milwaukee County assessment records confirm that Brew City Enterprises, LLC is the current property owner, for which you are the Registered Agent with the State of Wisconsin. Based on this information, we believe you are responsible for investigating and restoring the environment at the above site under Section 292.11, Wisconsin Statutes.

Under Section 292.11 of the Wisconsin Statutes, a person who possesses or controls a hazardous substance release (e.g., the owner of the property where a spill has occurred) is required to take actions necessary to restore the environment to the extent practicable. **This letter is to notify you of your responsibility under s. 292.11, Wis. Stats., as the current owner of the property, to address contamination at the site.**

Please review the information below. This letter describes your legal responsibilities and explains what you need to do to investigate and clean up the contamination.

Legal Responsibilities

Your legal responsibilities are defined both in statute and in administrative codes.

700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take

To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first steps to take:

1. Within the next **30 days**, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant or document that you are eligible for a lender liability exemption under s. 292.21 Wis. Stats. If you do not take action within this time frame, the Department may initiate enforcement action against you.
2. Within the next **60 days**, your consultant should submit a Status Update report for the site, including any work completed and a schedule for any remaining work. The consultant must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current DNR technical guidance documents.

Submit the requested documentation and all future correspondence, in writing, to:

Victoria Stovall
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N Dr Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Correspondence should include the "Subject" name and file reference numbers listed above.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the Department's internet site. You may view the information related to this site at any time (<http://dnr.wi.gov/topic/Brownfields/botw.html>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the Department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

Additional Information for Site Owners

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information about liability clarification letters, post-cleanup liability and more.

If you have any questions regarding this letter, please contact me at (414) 263-8546.

Sincerely,

A handwritten signature in blue ink that reads "Michele R. Norman".

Michele R. Norman, Hydrogeologist
Remediation and Redevelopment Program

cc: DNR case file