

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

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
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TTY Access via relay - 711



Case file copy

March 11, 2014

Mr. Stan Fronczak
Brew City Enterprises, LLC
4021 S. Kinnickinnic Ave
St. Francis, WI 53235

Subject: Case File Review
MPL Corp. Wire & Metal Specialties site at
4021 S. Kinnickinnic Ave, St. Francis, WI
WDNR FID# 241039920 BRRTS# 02-41-184461

Dear Mr. Fronczak:

The Department of Natural Resources (Department) has recently performed a case file review for the site identified above. The purpose of this letter is to notify you how the Department plans to proceed.

On August 14, 2013, the Department sent Ms. Irene Chyrka, as a representative of Brew City Enterprises, LLC, a Notice of Non-Compliance for failing to comply with the Hazardous Substances Spills Law. Following receipt of this letter, you, Mr. Stan Fronczak, as a representative of Brew City Enterprises, LLC, and the current owner of the on-site business, Badger Metal Finishing and Coatings Inc., contacted the Department to notify us that you possessed some legal documents that were not included within our files. During our meeting on January 14, 2014, you provided copies of the Real Estate Lease and the Commercial Offer to Purchase with Rider.

We have reviewed these documents, specifically the Rider of the Commercial Offer to Purchase, with our Enforcement Specialist. While the Department understands that MPL Realty, as the former property owner, agreed to complete the site investigation, perform remedial action, if necessary, and obtain closure, this case remains open and the reported contamination must be addressed.

The "Spills Law" in Wisconsin State Statute 292.11 is as follows:

"A person who *possesses* or *controls* a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state."

After consideration, the Department has identified Brew City Enterprises, LLC, for which you are a representative, as the possessor/controller of the contamination. Therefore, the Department requests that you take the necessary actions that the Spills Law requires. Due to the language in the Rider of the Commercial Offer to Purchase, we recommend you review this document with your legal counsel.

At this point, we are requesting that you move forward with the environmental work that was requested by the Department in the January 6, 2009 letter to William Puchner, with MPL Realty. (See enclosure.) Please submit

documentation that you have hired an environmental consultant within 60 days of this letter and a work plan with how you plan to proceed.

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant and understanding the cleanup process.

All correspondence regarding this case should be sent to:

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

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

If you have questions regarding this letter, please contact Michele Norman. From this point forward, she will serve as your point of contact with the Department. She can be contacted at 414-263-8546 and michele.norman@wisconsin.gov.

Sincerely,



Sam E Graber
Hydrogeologist, Remediation & Redevelopment

cc: DNR case file