



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
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July 2, 2002

Mr. Edward Kaiser, Trustee
Kaiser Properties Trust
1460 Peregrine Point Drive
Sarasota, FL 34231-2327

NOTICE OF VIOLATION

The Department of Natural Resources has reason to believe that Kaiser Properties Trust is in violation of s. 292.11, Wis. Stats., which states, "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."

Milwaukee Metropolitan Sewerage District (MMSD) authorized an "Initial Phase II Environmental Site Assessment" which was completed by HNTB Corporation and submitted to on April 28, 2000. This assessment involved sampling and analysis of groundwater and soil on the property you own at 4763 N. 32nd Street in the City of Milwaukee. The Department did not receive a copy of this report until May, 2002.

Ethylbenzene, xylenes, and toluene were found in soil above the NR 720 Table I standards. Diesel Range Organics (DRO) and Gasoline Range Organics (GRO) were found in soil above the generic residual contaminant levels (RCL) found in s. NR 720.09(4), Wis. Adm. Code. Phenanthrene, a polycyclic aromatic hydrocarbon (PAH), was found in soil above the suggested RCL for groundwater pathways. Lead was found in soil above the NR 720, Table 2 standards.

Preventive action limits (PALs) were exceeded in the groundwater sample for barium and cadmium. The enforcement standard for chromium was exceeded in the groundwater sample.

A responsible party letter was sent to you by the Department on May 9, 2002 and arrived at your office on May 13, 2002. This letter required that you submit written verification that you have hired an environmental consultant within 30 days. Our office has not received this verification. This consultant would develop and submit a workplan and schedule for the investigation of the degree and extent of contamination on your property.

In order to discuss this matter, the following enforcement conference was scheduled and held. Meeting notes are included in this correspondence.

Conference Date: June 26, 2002

Conference Time: 2:00 p.m.

Location: DNR Southeast Region Headquarters
2300 N. Dr. King Drive
Milwaukee, WI 53212

The Department is authorized to seek forfeitures of up to \$5,000 for each day of violation.

If you have any questions, contact me at (414) 263-8671 or John Hnat at (414) 263-8688.

Sincerely,



Debby Koszak
Environmental Enforcement

C: John Hnat SER
ERR/3
Heidi Hopkins SER