

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin 53212-3128  
FAX 414-263-8606  
Telephone 414-263-8500  
TTY Access via relay - 711

August 6, 2008

Certified No.: 7007 1490 0003 1778 3410

Bishop Sedgwick Daniels  
Bishop's Creek Community Development Corporation  
4763 North 32nd Street  
Milwaukee, WI 53209

Subject: Continued Security Issues at the Bishop's Creek Redevelopment Project (Former Kaiser Property), North 32nd Street and Hampton Avenue, Milwaukee, WI

FID: 341055770  
BRRTS: 02-41-306192

Dear Bishop Daniels:

On April 7, 2008, the Wisconsin Department of Natural Resources ("the Department") sent a letter with a CD-Disk of the results of our walk through (Mark Davis, WDNR) with Drake Environmental (D J Burns and Chelsea Corson) to George Marek at Quarles & Brady briefly discussing 16 different points of entry to the facility (see enclosure) as an imminent danger to the general public and needed to be secured. The letter stated that when these areas had been secured, that we would like to revisit the facility and document the results on correcting these problem areas. Four months have elapsed since this letter and there has been no response from Bishop's Creek Redevelopment Corporation or Quarles & Brady except for an e-mail reply dated March 14, 2008 from Mr. Marek (see enclosure) stating that Bishop's Creek CDC will conduct further physical evaluation of the site, and take additional steps meant to reduce the risk of trespassing.

On July 28, 2008, Mark Davis met with Bill Cook of Braxton Environmental at the facility to observe abatement activities. The contractor (Braxton) has had problems with the security of his equipment onsite that has caused the contractor to demobilize and remobilize daily due to trespassers. Davis discussed the current condition of the facility to me stating that some of the issues that were observed during our April 7<sup>th</sup> walk through had not been corrected. As of August 4, 2008, there are suppose to be fencing contractors scoping the facility to correct the fencing problems at the facility in order to secure access to this site.

Because the Department has not been notified that the entry points have been addressed, a reinspection of the facility to document the completed work was never scheduled, and with the latest problems with trespassers, the Department will need to inspect the facility again within 30-days from the date of this letter to ensure that the facility is secured, and is no longer an imminent danger to the public. Please have the work completed and schedule another walk through site visit for myself, Mark Davis, and your representative(s) for the week of September 8, 2008.

If you have any questions, please call me at 414-263-8644, or at the address above at Southeast Region Headquarters.

Sincerely,

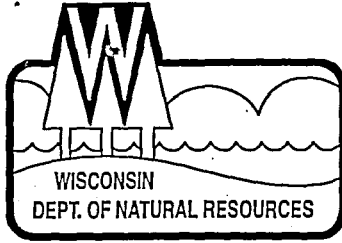


John J. Hnat, P. G., C. P. G.

Project Manager/Senior Hydrogeologist  
Remediation and Redevelopment  
SER HQ

Enclosure: Follow-Up Security Site Walk Letter Dated April 7, 2008 to George Marek  
E-Mail from George Marek to John Hnat dated March 14, 2008

C: Mark Davis, WDNR SER  
Al Rabin, Commerce  
Paul Biedrzycki, City of Milwaukee, Disease Control & Prevention  
Don Schaewe & Ron Roberts, City of Milwaukee, Dept. of Neighborhood Services  
George Marek, Quarles & Brady  
D J Burns & Chelsea Corson, Drake Environmental  
WDNR SER Files



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2300 N. Dr. Martin Luther King, Jr. Drive  
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April 7, 2008

Quarles & Brady  
Attn: George Marek  
Bishop's Creek Development Corporation  
411 East Wisconsin Avenue  
Milwaukee, WI 53202-4497

Subject: Follow-Up Security Site Walk Through at Bishop's Creek Redevelopment Project (Former Kaiser Property), North 32nd Street and Hampton Avenue, Milwaukee, WI

FID: 341055770  
BRRTS: 02-41-306192

Dear Mr. Marek:

First, thank you for responding to my e-mail on March 14, 2008, alerting you to the security problem at the Bishop's Creek Redevelopment Project site. The gate was secured and Drake Environmental had the signs posted on the same day.

On March 28, 2008, D J Burns and Chelsea Corson of Drake Environmental, Mark Davis (WDNR, Air Management), and I conducted a walk through of the property in order to evaluate the security of the rest of the site. We discovered approximately 16 entry sites to the property. Enclosed you will find a CD-Disk containing a Word Document listing the entry points and associated photographs. The 16 entry points are shown on photos #'s 001, 005, 007, 010, 011, 012, 014, 016, 017, 018, 053, 058, 059, 060, 061, and 062. Also, there is a 15 to 20-foot retaining wall along the new spillway on the westside that has rebars jutting out of the concrete wall that can be used to climb onto the property (see Photo #004). This section of the property has no fence securing the site from entry.

As you can see, the site is unsecured, still accessible to the general public, and a threat to public health, safety, and to the environment. Please call or e-mail me when these areas will be corrected so we can revisit the site and document the efforts on securing the area.

If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence.

Sincerely,

John J. Hnat, P. G.  
Project Manager/Senior Hydrogeologist  
Southeast Region  
Remediation and Redevelopment

Enclosure: CD-Disk Bishop Creek Security Photos 3.28.2008

C: Marcus Smith, WDNR SER  
Al Rabin, Commerce  
Don Schaewe and Ron Roberts, City of Milwaukee, Dept. of Neighborhood Services  
D J Burns and Chelsea Corson, Drake Environmental  
WDNR SER Files

Hnat, John J - DNR

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**From:** Marek, George J. [GJM@quarles.com]  
**Sent:** Friday, March 14, 2008 3:56 PM  
**To:** Hnat, John J - DNR  
**Cc:** msgalbr@aol.com; ddaniels@hrcenter.info; ccorson@drake.cc; Daniels Jr., John W.; dburns@drake.cc  
**Subject:** RE: Bishop Creek Update - Imminent Danger

Good afternoon, Jay:

At approximately 3:30 p.m., I spoke with Drake Environmental (D.J. Burns and Chelsea Corson). They informed me that, on behalf of Bishop's Creek CDC, they have posted the 4 sets of signs (described below), along 32nd Street as well as at the most likely other attempted points of entry to the property. Drake told me that when they arrived at the property to post the signs, the gates had already been secured along 32nd Street. Thus, immediate steps have been take to address your concerns about site security.

I wish to emphasize that Bishop's Creek CDC has long taken steps to secure the site and reduce trespassing, including prior fence repairs, installation of "no trespassing signs", and periodic site walk-throughs/monitoring. Additionally, Bishop's Creek has alerted the Milwaukee Police Department of its trespassing concerns, and the Police Department has conducted drive-by monitoring. Nevertheless, at times in the past fencing has been breached, and signs stolen and/or otherwise removed.

It is my understanding that Bishop's Creek CDC will conduct further physical evaluation of the site, and take additional steps meant to reduce the risk of trespassing.

If you have any questions, please do not hesitate to contact me.

George Marek

George J. Marek

*Quarles & Brady*

Quarles & Brady LLP  
411 East Wisconsin Avenue  
Suite 2040  
Milwaukee, Wisconsin 53202

Direct Dial: (414) 277-5537  
Direct Fax: (414) 978-8838  
E-mail: [gjm@quarles.com](mailto:gjm@quarles.com)

*File  
341 055770*

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**From:** Hnat, John J - DNR [mailto:John.Hnat@Wisconsin.gov]  
**Sent:** Friday, March 14, 2008 2:57 PM  
**To:** Melby Jr, John H - DNR; Schmidt, James A - DNR; Koonce, Frances M - DNR; Smith, Marcus L - DNR; Marek, George J.; dburns@drake.cc; Chelsea Corson; Roszak, Deborah - DNR; Rabin, Alan; Ferguson, Scott J - DNR; agoodm@milwaukee.gov; jggows@milwaukee.gov; rrober@milwaukee.gov; dschae@milwaukee.gov  
**Subject:** Bishop Creek Update - Imminent Danger

Gentleman and Ms Corson:

Time: 2:17 PM March 14, 2008

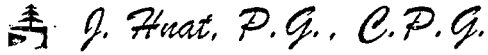
I received a call from Mr. George Marek, Quarles & Brady, at approximately 1:45 PM. Mr. Marek stated that he had called Bishop's Creek about the problem and that the gates will be closed today. He also stated that Drake Environmental will be picking up the signs today.

03/17/2008

receive a call from DJ Burns and Chelsea Corson, Drake Environmental, from the lobby at 1:55 PM. They came to pick up the warning signs. I gave them 4-English, Spanish, and Hmong warning signs. They stated they were on their way to install the signs. DJ Burns, Chelsea Corson, and I will set a date next week to inspect the site.

told all of them I will drive by on my way home tonight to see if the site is secured and the warning signs are up.

If there are any questions, please call.



Project Manager/Senior Hydrogeologist  
Remediation and Redevelopment  
Southeast Region Headquarters  
Wisconsin Department of Natural Resources  
Phone: (414) 263-8644  
Fax: (414) 263-8483  
E-mail: John.Hnat@wisconsin.gov

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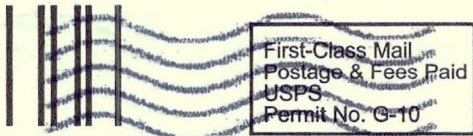
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