



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Headquarters
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December 22, 2010

Brown Street III, LLC
400 West Erie Street, Suite 401
Chicago, IL 60654

Subject: Reported Contamination Reported at the Property Located at 301 East Brown Street Milwaukee, WI STS
Project No. 5-87185EA

FID: 341065230
BRRTS: 03-41-373872

Dear Sirs:

NOTICE OF NONCOMPLIANCE

On August 5, 2010, the Wisconsin Department of Natural Resources ("the Department") requested your cooperation in the continued investigation and remediation of the above described site. The Department included a map and soil contamination results table indicating lead (Pb) and polycyclic aromatic hydrocarbons (PAHs) soil contamination.

The Department requested within 30-days on receipt of this letter a response, in writing, the name, address, and phone number of the environmental consultant that will be completing the site investigation and remediation of the site. The Department has not received any response from your organization since our letter of August 5, 2010.

Therefore, the Department again is requesting your cooperation with the issues found at this site and would like a response from you within 30-days on receipt of this letter indicating the environmental consultant that will continue the investigation and remediation of the site and the work plan schedule.

Please be advised that your failure to respond to this letter in writing will be viewed as an admission that you do not intend to pursue final closure for this site. In that situation, we will recommend further enforcement actions be initiated. Enforcement actions could include the recording of an affidavit at the Milwaukee County Register of Deeds Office indicating contamination remains, while at the same time issuing an administrative order, or making a direct referral to the State Attorney General's Office to recoup our costs, and any associated fees that may have been due. Any referral to the State Attorney General's Office could result in forfeitures.

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. Future correspondence should be sent directly to the Remediation and Redevelopment Program Assistant Vicky Stovall (414-263-8688) at the above address.

Sincerely,

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

C: WDNR SER Files