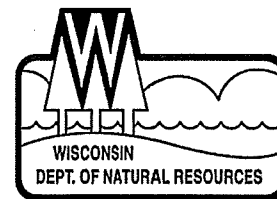


State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



October 11, 2012

Brown Street III, LLC
Attn: Mr. Paul Marks
400 West Erie Street, Suite 401
Chicago, IL 60654

Subject: Ability to Pay Documentation Related to 301 East Brown Street Milwaukee, WI

FID: 341065230
BRRTS: 03-41-373872

Dear Mr. Marks:

Thank you for attending the NOV telephone conference with myself and Saji Villoth, Enforcement Specialist, on Wednesday October 10, 2012. We presented a brief history of the site starting from 2002 when STS Consultants reported a discharge to the environment and the Department's issuance of a responsible party letter in October 2002. The results of STS's site investigation showed that the site had soil and groundwater contamination above the Department's standards for trichloroethene (groundwater), lead, PVOcs, and PAHs in soil. The nonresponse to the Department's Notice of Noncompliance in December 2010, and then issuance of the Notice of Violation letter dated July 25, 2012. Since all company records are in archive, you may be providing additional information after review of these records. Because you and Mr. Paul Dincin stated that the Brown Street III, LLC has no revenue to complete a site investigation and remediation if there isn't additional documentation for this site from previous work done on this site, we offered to you the Department's Ability-to-Pay process.

Therefore, the Department is offering you an opportunity to demonstrate that you are financially incapable of paying for the required work by completing the enclosed form and providing the following information. I have enclosed a financial disclosure form, which needs to be accurately completed and signed. Along with the financial disclosure form you will need to include copies of your last three years federal tax filings. Lastly, you will need to complete and return the IRS Form 8821, which authorizes Shelley Fox to request copies of your federal taxes for the last three years. Page two of the Form 8821 includes instructions as to how to complete each line. This form will allow Ms. Fox to access your tax information through the Internal Revenue Service in the event of a discrepancy with what you've initially submitted and therefore determine your ability to pay for site remediation.

Due to the personal identifying information on these forms, DO NOT fax these documents. Please mail all information to:

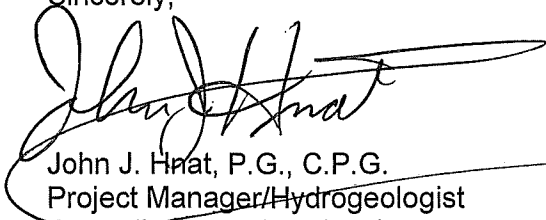
WDNR – RR
Shelley Fox
PO Box 7921
Madison, WI 53707-7921

Within thirty (30) days from the date of this letter, please submit the requested information. If you fail to submit the requested information, then I will assume you are no longer interested in claiming you cannot perform the work due to financial reasons.

The Department will review, verify, and analyze the information you submit. The Department will contact you if additional information or clarification is needed. Upon completion of the verification and analysis, the Department will contact you with our determination.

Please feel free to contact me to discuss this letter at the number shown below. With regards to Ability-to-Pay questions, please contact Shelley Fox at (608) 266-5798.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Hnat", with a long horizontal flourish extending to the right.

John J. Hnat, P.G., C.P.G.
Project Manager/Hydrogeologist
Remediation and Redevelopment
414-263-8644

Enclosures: Tax Information Authorization Form 8821, IRS
Individual Ability To Pay Claim Financial Data Request Form

C: Shelly Fox, WDNR, Madison
WDNR SER Files