

December 22, 2017

Mr. Thomas E. Smith
7504 N. 90th Street
Milwaukee, WI 53224

RE: **Second Request for Site Update**

Smith Property, 1102 W. Atkinson Avenue, Milwaukee, WI
WDNR BRRTS # 03-41-506431 PECFA # 53206-3021-02

Dear Mr. Smith:

The Wisconsin Department of Natural Resources (DNR) is undertaking a project to address open environmental contamination sites that have been inactive for several years. We are sending letters to those property owners to determine the status of these cases and to request additional work, if necessary. We appreciate your cooperation and understanding as we try to resolve these old cases.

According to information in the case file, the DNR was notified on August 26, 2003, that petroleum contamination was discovered during removal of one or more gasoline underground storage tanks from the property identified above. Property records from Milwaukee County identify you as the current owner of the subject property. As the property owner, you are responsible for investigating and restoring the environment at the property under Wisconsin Statutes § 292.11, also known as the hazardous substances spill law. This law 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 water of the State.”

This letter is to notify you of your responsibility under Wis. Stats. § 292.11, as the current owner of the property, to address contamination at the site.

On August 14, 2003, a tank closure assessment soil sample was collected from the tank basin and submitted for laboratory analysis. Soil laboratory analytical results attached to the Notification of Petroleum Contamination, submitted to the DNR by Shaw Environmental & Infrastructure, Inc., indicates that contamination was detected above the State standard for gasoline range organics (GRO), confirming that a release from the UST(s) occurred. Therefore, a site investigation is required to determine the degree and extent of contamination to soil and groundwater and whether remediation of the release is required. During our recent review of the case file for the above-referenced property, the DNR found no documentation that an investigation of the petroleum contamination was conducted, and additional information is necessary to address the contamination and move towards case closure.

On November 2, 2017, you spoke with the DNR on the phone about the Request for Site Update letter sent to you on October 19, 2017. You stated you would hire a consultant to investigate the contamination at the above-referenced property, and a list of PECFA-registered consultants and consulting firms was then sent to you on November 3, 2017. No reporting for this site has been received since the telephone conversation on November 2, 2017. Your environmental consultant must submit documentation regarding the status of this case. If you do not have a consultant, notify the DNR in writing within the next **30 days** that you have hired a PECFA-registered consultant to complete the activities required to address the environmental contamination on this property.

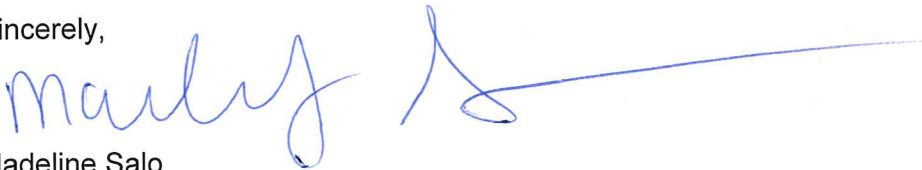
Environmental investigation and cleanup work associated with the petroleum releases at this site are eligible for cost reimbursement under the Petroleum Environmental Cleanup Fund Award (PECFA) program. However, it is important that you are aware that reimbursement funding will not be available after **June 30, 2020**. Any claim submitted after this deadline will not be reimbursed. All reimbursement claims must be submitted to the DNR within 180 days of incurring the eligible costs. Refer to the enclosed PECFA Update, DNR RR-046 that contains important information about the end of the PECFA Program.

Your obligation to address environmental contamination associated with this property continues whether PECFA reimbursement funding is available or not. You are required to complete the work necessary to bring this case to closure. Therefore, it is in your best interest to complete PECFA-eligible cleanup work on your property as soon as possible.

Within 30 days of the date of this letter, by January 21, 2018, inform the DNR of the status of this site in writing. Be aware that periods of inactivity and non-compliance can affect PECFA reimbursement. In addition, the DNR can pursue enforcement actions if you do not respond to his request.

Your prompt attention to this request is appreciated. If you or your environmental consultant has questions regarding this letter or the open environmental case at this property, please contact me through writing at the letterhead address, by phone at (414) 263-8541, or by email at madeline.salo@wisconsin.gov.

Sincerely,



Madeline Salo
Hydrogeologist
Remediation and Redevelopment Program

cc: Andy Alles-DNR, Pamela Mylotta- DNR, Michele Norman- DNR