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August 13, 2007

W. Kemp Shobe
S. C. Johnson & Son, Inc.
1525 Howe Street
Racine, Wisconsin 53403-2236

Re: ***Community Gardens Environmental Project, 3936 North Bay Drive, Racine, Wisconsin (the "Property")***

Dear Mr. Shobe:

Pursuant to the Access Agreement, I hereby provide S.C. Johnson & Son, Inc. ("S.C. Johnson") with a copy of a workplan to be implemented to follow-up the test results reported in a August 1, 2007 submittal to the Wisconsin Departments of Natural Resources and Health & Family Services. As we have relayed to your Counsel, Ms. Linda Benfield, our client, Ehrlich Family Limited Partnership ("Ehrlich") desires to remove all vegetative growth from the referenced garden on S.C. Johnson Property and dispose of said vegetative material in a licensed off-site sanitary landfill. The following workplan details the scope of that work.

Collection of Vegetative Plant Growth

Prior to commencing this work, Ehrlich will provide S.C. Johnson with notice of intent to perform the work. Ehrlich will arrange for Northern Environmental to dispatch to the Property sufficient personnel to remove all existing garden vegetative material from the Property within one working day. For purposes of this workplan, vegetative material includes growing garden crops, ornamental plants and compost pile. Northern Environmental personnel will remove all vegetative material by hand or with the use of hand tools. All collected vegetative material will be placed in a small roll-off waste container, which shall be staged above the curb off North Bay Drive ahead of Northern Environmental's arrival.

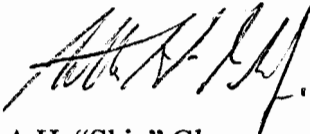
Disposal of Vegetative Material

Once all target vegetative material is collected and containerized, Northern Environmental will arrange for the waste dumpster to be removed from the Property. The collected vegetative material will be hauled to the Kestrel Hawk Landfill where Northern Environmental will personally observe and document the disposal of the contents of the dumpster.

It is our desire to complete the aforementioned work as soon as possible after receipt of written authorization from S.C. Johnson. The removal of the vegetative material will prepare the Property for completion of the next phase of investigations. Northern Environmental has submitted a revised workplan to Mr. Mark Drews of the WDNR for completing more detailed and traditional investigation of off-site facilities surrounding Express Dry Cleaners. Once we have received approval of that workplan from WDNR, we will submit the approved plan to you for further authorization before proceeding.

Sincerely,

DEWITT ROSS & STEVENS, S.C.



A.H. "Skip" Glor
Senior Scientist

cc: Linda E. Benfield, Esq. (Via Email: lbenfield@foley.com)
Mark Drews, Wisconsin Dept. of Natural Resources

AHG/ms

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The work described in the preceding paragraphs regarding "Collection of Vegetative Material" is hereby authorized with the understanding that it will be performed pursuant to and consistent with the terms and conditions of the Access Agreement dated July 19, 2007.

S.C. JOHNSON & SON, INC.

By: _____ Date: _____

Its: _____

Drews, Mark D - DNR

send report to Rob Thiboldeaux

look older results

From: William Otto [OTTOWH@dhfs.state.wi.us]
Sent: Thursday, August 02, 2007 3:43 PM
To: ahg@dewittross.com
Cc: patricia.nagai@ces.uwex.edu; Marcia.Fernholz@cityofracine.org; Nehls-Lowe, Henry L - DHFS; Thiboldeaux, Robert L - DHFS; Warzecha, Charles J - DHFS; bingham@wisc.edu; eandrews@wisc.edu; Drews, Mark D - DNR
Subject: Fwd: Garden of Eatin - Racine

(414) 297-5825

Hi Skip, Thanks for the call. At the bottom of this email is one I sent out this am regarding PCE at the Garden of Eatin Community Garden.

SCJ Way Attorney Linda Benfield Foley + Madras

You stated that the data from your report did not show the uptake of PCE in root crops collected and tested from this garden. This is what we felt would be the case based on our experience over the years with PCE site work and scientific studies. That being said, I just found out that Rob Thiboldeaux from our office, who is on vacation until next week, has been in contact with Mark Drews regarding this site. I would really like him to have the opportunity to review your report. While I can say we feel comfortable about PCE not being taken up by the crops I'm not sure if there are other exposure concerns, such as dermal contact with soils or not.

You had mentioned though that your company and client would like to move ahead with this project yet this week. Regarding the crops remaining in the Garden of Eatin you said that your company would recommend that the crops be harvested and disposed of. That the cost of the crop would be estimated and a check would be written to the appropriate org/non-profit. You were going to discuss this with Patti Nagai with the Racine County Extension.

Considering the desire to move ahead with this site, this plan is acceptable. As suggested during our conversation, Rob, Mark Drews and you can discuss the long-term health issues (if any) associated with this site. For instance, will the community/Extension be allowed to plant a garden there next year? Rob will be in touch with you next week when he returns to the office.

5 to 8' sand layer

Communicate with others?

In the meantime if you have any questions please feel free to contact me. Thanks for calling me and providing your information.

Sincerely,

New proposal 8/10/07 -> 2 walls, 12 Geopipes -> 8' depth - more borings to east

8/9/07 Discussion with Rob

608-267-6844 1:10pm

William H. Otto, R.S., Chief
Health Hazard Evaluation Section
Bureau of Environmental and Occupational Health
Division of Public Health
1 West Wilson Street - Room 150
Madison, WI 53702
Phone - 608-266-9337
FAX - 608-267-4853
ottowh@dhfs.state.wi.us

939-0084

Large signs

- is closed garden is closed

- 1 Disposal of plants? yes - garden produce will be provided to pantry
2 Disallow usage of garden this year? - finish investigation, propose remediation removal of soils
3 require next spring after remediation is complete?

Visit the Bureau of Environmental Health website at: www.dhfs.state.wi.us/eh

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* Rob will review report and send out e-mail or call me back to discuss again. I told him my recommendation to keep public out until next spring and complete investigation and remediation.
8/13/07 11am conference call w. Skip + Rob

>>> William Otto 8/2/2007 11:14:20 AM >>>

Good morning Pam, Chuck suggested I email you to see what information you or others at the DNR might have on this and forward to me

08/02/2007

property, i.e. sampling results, etc.

We were contacted by the UW Extension staff regarding whether or not consuming vegetables from soil with perchloroethylene (PCE) contamination is a health concern. Dr. Pam Nagai, with the Racine County UW-Extension is involved in the garden's operation and is inquiring if this would impact vegetable harvesting. At this point we're not sure if there is PCE contamination on the property where the garden is located. We understand there is a dry cleaning business in a nearby strip mall that has discharged PCE.

Our initial thoughts on this is that there would be no or at the most a negligible health risk from consuming produce where there is this type of contamination. This volatile organic compound is not taken up by root and other vegetable crops. Of course, SC Johnson could still keep the garden closed since it is their property and if they feel there is a risk that is their option.

So if you have any thoughts, data or other information on this site please let us know. We are working with Marcia Fernholz, Environmental Health Director with the City of Racine Health Department. Presently, based on our past experience with this type of contamination we would be in favor of having the property and produce once again made accessible to the community.

Any insight you can provide is appreciated. Thanks, Bill

William H. Otto, R.S., Chief
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