

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



Jun 21, 2013

Certified No.: 7007 3020 0000 6829 3755

Bishop's Creek Community Development Corporation  
Attn: Bishop Sedgwick Daniels  
3500 Mother Daniels Way  
Milwaukee, WI 53209

Subject: Filed Deed Affidavit for the Property Located at 4763 North 32nd Street Milwaukee, WI

FID: 341005770  
BRRTS: 02-41306192, 02-41-553373, and 03-41-556393

Dear Bishop Daniels:

On June 3, 2013, the Wisconsin Department of Natural Resources ("the Department") filed the Deed Affidavit at the Milwaukee County Register Deeds Office for the property described above. The Department filed this document because of the failure to provide to the Department work plans and start dates to resolve the following open issues for this site:

- BRRTS Activity 02-41-553373 – Building #3 south footing chlorinated solvent discharge
- BRRTS Activity 03-41-556393 – Building #1 (student dormitory) fuel oil discharge
- BRRTS Activity 02-41-306192 – Complete site contamination closure
- 1,604-foot well abandonment per Section NR 812.26, Wisconsin Administrative Code

A copy of the filed document is attached to this letter: DOC #10254429 – Notice of Contamination

Additionally, because of the potential of vapor intrusion into Building No. 1, from the fuel oil discharge, which is currently a "student dormitory", indoor air sampling must be completed and demonstrate that the building is safe for human occupancy before use since the entire site is still considered contaminated until the site goes through and completes the Department's closure process.

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 me at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read 'John J. Hnat'.

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

C: Steve Tinker – Wisconsin DOJ, Madison - email  
Saji Villoth – WDNR Enforcement & Science, SER  
Marcus Smith – Customer Service & Licensing  
Al Rabin – WEDC, Madison - email  
WDNR SER Files

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\* 1 0 2 5 4 4 2 9 \*

DOC.# 10254429

Document Number

NOTICE OF CONTAMINATION

RECORDED 06/03/2013 08:35AM

JOHN LA FAVE

REGISTER OF DEEDS

Milwaukee County, WI

AMOUNT: 30.00

FEE EXEMPT #:

Legal Description of the Property:

Certified Survey Map No. 8099: A division of part of Lot B of Block 21 of North Milwaukee Townsite Company's Addition No. 2, in the Northwest 1/4 of the Northeast 1/4, Section 1, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin

Recording Area

STATE OF WISCONSIN,

COUNTY OF Milwaukee

Name and Return Address:

John J, Hnat, CPG, PG

Wisconsin Dept. of Natural Resources

2300 Dr M L King Dr

Milwaukee, WI 53212

230-0701-1000

Parcel Identification Number (PIN)

I, Pamela A. Mylotta, being first duly sworn, state that:

1. I am a Remediation and Redevelopment Program Supervisor, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its Southeast Regional Office in Milwaukee, Wisconsin.
2. John J. Hnat, Project Manager/Hydrogeologist, employed by the Wisconsin Department of Natural Resources at its Southeast Regional Office in Milwaukee, Wisconsin, has personal knowledge of the facts herein set forth and believes the same to be true.
3. Bishop's Creek Community Development Corporation ("BCCDC") located at 3500 Mother Daniels Way in Milwaukee, Wisconsin, owns the property located at 4763 North 32<sup>nd</sup> Street in Milwaukee, Wisconsin. The Wisconsin Department of Natural Resources (WDNR) Facility Identification Number (FID) for this property is 341055770. The WDNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) tracking numbers for the property includes three environmental issues for the property: Leaking Underground Storage Tank (LUST) No. 03-41-556393, Environmental Repair Program (ERP) No's. 02-41-553373 and 02-41-306192. Exhibit "A" attached, indicates the areas of environmental discharges that have not been fully investigated and/or remediated.
4. On May 9, 2002, WDNR issued a Responsible Party (RS) letter (Certified No. 7000 0520 0015 3993 2877) to Edward Kaiser, the previous owner, for BRRTS No. 02-41-306192. This letter listed petroleum contamination in soil above Chapter NR 720, Wis. Adm. Code, Table 1 values for residual contaminant levels (RCLs) based on protection of groundwater, metal contamination in soil above Chapter NR 720, WAC, Table 2 values for residual contaminant levels based on human health risk from direct contact related to land use (industrial), and metal contamination in groundwater that is above Chapter NR 140,

## AFFIDAVIT

In Re: Property Located in the  
City of Milwaukee, Milwaukee County, Wisconsin  
Described above.

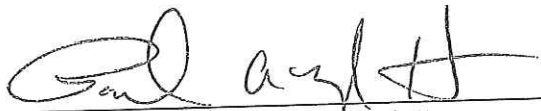
- Wis. Adm. Code, groundwater quality standards. This BRRTS activity number was issued for the entire site. The letter directed the RP to follow all statutes and codes to investigate and remediate this discharge into the environment per Section 292.11(3) Wis. Stats, Chapters NR 700 through NR 746, Wis. Adm. Code, and Chapter NR 140, Wis. Adm. Code.
5. During 2004, Bishop Sedgwick Daniels of the Holy Redeemer Institutional Church located at 3500 West Mother Daniels Way (West Stark Street) in Milwaukee, Wisconsin purchased the property from Edward Kaiser.
  6. On March 17, 2009, WDNR issued a Responsible Party letter to Bishop Sedgwick Daniels, Holy Redeemer Institutional Church for a chlorinated solvent discharge from an underground pipe during demolition of the Building #3 South Footing area (BRRTS No. 02-41-553373). The laboratory results from the discharge liquid consisted of 1,1,2-trichloroethane (4.29 parts per billion), 1,1-dichloroethene (10.2 ppb), acetone (172 ppb), benzene (49.5 ppb), cis-1,2-dichloroethene, tetrachloroethene (PCE) at 354 ppb, trichloroethene (TCE) at 125 ppb and vinyl chloride (1.4 ppb). During additional contaminated soil removal, 715 tons of material was excavated and transported offsite for disposal. The letter directed the Responsible Party to follow all statutes and codes to investigate and remediate this discharge into the environment per Section 292.11(3) Wis. Stats, Chapters NR 700 through NR 746, Wis. Adm. Code, and Chapter NR 140, Wis. Adm. Code.
  7. On November 30, 2010, WDNR issued a Responsible Party letter (Certified Letter No. 7007 3020 0000 6917 6767) to Bishop Sedgwick Daniels, Holy Redeemer Church, for a fuel oil discharge into the soil and groundwater on the northeast corner of Building #1 (currently a reconditioned student dormitory). Fuel oil was observed floating on top of groundwater. Laboratory analysis of the contaminated soil indicated a Diesel Range Organic exceedance of 25,000 parts per million (ppm) that is above the Section NR 720.09(4), Wis. Adm. Code, generic residual contaminant level. The letter directed the Responsible Party to follow all statutes and codes to investigate and remediate this discharge into the environment per Section 292.11(3) Wis. Stats, Chapters NR 700 through NR 746, Wis. Adm. Code, and Chapter NR 140, Wis. Adm. Code. The BRRTS activity number for this discharge is 03-41-556393.
  8. There is a 1,604-foot high-capacity well drilled into dual sandstone aquifers that is located on the property that has not been properly abandoned by BCCDC and is in violation of Section NR 812.26, Wis. Adm. Code. On November 30, 2010, Water Well Solutions videotaped the well prior to abandonment. Videotaping stopped at 366-feet below ground surface (bgs) due to an obstruction. BCCDC has been notified via certified letter (March 2012) and by a Notice of Noncompliance in April 2012, to abandon this well. The WDNR received a letter from Municipal Well & Pump dated August 25, 2012, signed by Daren Daniels, Project Administrator, approving the costs to abandon this well. The abandonment of this well has not been completed.
  9. On June 7, 2012, the WDNR issued a Notice of Violation (NOV) (Casetrack No. 2012-SEEE-016) to Bishop's Creek Community Development Corporation, located at 3500 Mother Daniels Way Milwaukee, Wisconsin. The letter stated that BCCDC is in violation of state regulations regarding well abandonment (Section NR 812.26, Wis. Adm. Code), investigation, and remediation (Chapter 292.11, Wis. Stats.) of fuel contaminated soils and groundwater. A meeting was conducted on June 30, 2012 that discussed the high-capacity well abandonment, fuel oil spill, chlorinated solvent discharge, and site wide soil/groundwater contamination.
  10. March 12, 2013, the Responsible Party has not completed abandonment of the 1,604-foot well, investigated and remediated the fuel oil spill underneath Building #1, completed the site closure of the

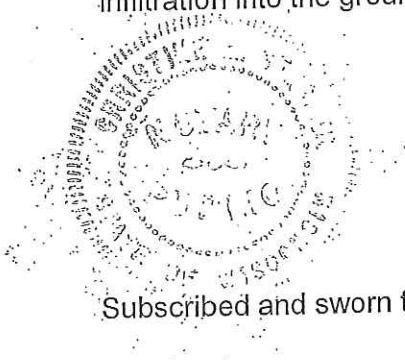
**AFFIDAVIT**

In Re: Property Located in the  
City of Milwaukee, Milwaukee County, Wisconsin  
Described above.

chlorinated solvent discharge located at the southwest corner of Building #3, and final closure for the property.

- 11. On March 20, 2013, the Department sent a certified letter (7010 1670 0002 3141 3019) to Bishop's Creek Community Development Corporation, located at 3500 Mother Daniels Way Milwaukee, Wisconsin. This letter discussed the three open environmental cases for the site (03-41-556393, 02-41-553373, and 02-41-306192), and the 1,604-foot well that has not been abandoned per Section NR 812.26, Wisconsin Administrative Code. Bishop's Creek Community Development Corporation did not respond to this letter within 30-days on receipt (March 21, 2013).
- 12. On April 19, 2013, the Department sent a certified letter (7010 1670 0002 3141 3026) to Bishop's Creek Community Development Corporation, located at 3500 Mother Daniels Way Milwaukee, Wisconsin. This was the last letter to Bishop's Creek Community Development Corporation requesting the works plans and start dates to resolve the environmental issues for the site. Bishop's Creek Community Development Corporation did not respond to this letter.
- 13. Current and future property owners will be required to complete a site investigation and remediation of this property as required in the WDNR Chapter NR 700, Wis. Adm. Code, series and any applicable guidance's issued by WDNR.
- 14. The Department believes that the above-described contamination currently found in the soil and groundwater on the Property with the above legal description will require subsequent purchasers of the Property to maintain a cap under s. 292.12, Wis. Stats., to prevent exposure to contaminated soil and infiltration into the groundwater.

  
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 Pamela A. Mylotta

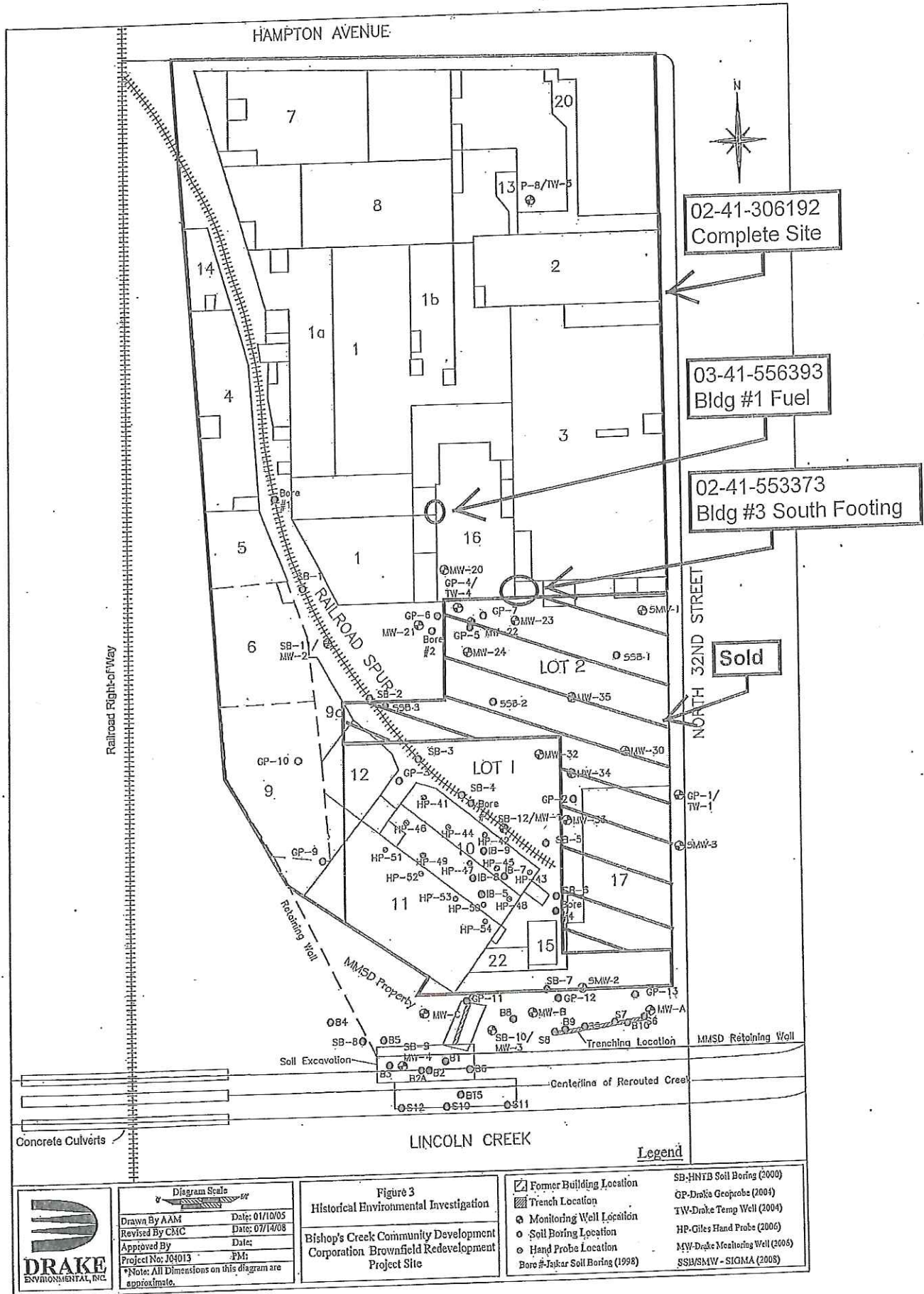


Subscribed and sworn to before me this 28<sup>th</sup> day of May, 2013.

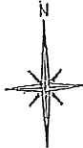
Christine M. Geogier  
 Notary Public, State of Wisconsin  
Christine M. Geogier

My commission expires on: May 4, 2014

Exhibit "A"  
FID: 341055770



HAMPTON AVENUE



02-41-306192  
Complete Site

03-41-556393  
Bldg #1 Fuel

02-41-553373  
Bldg #3 South Footing

Sold

NORTH 32ND STREET

RAILROAD SPUR

LINCOLN CREEK

Legend



Diagram Scale  
 Drawn By AAM Date: 01/10/05  
 Revised By CMC Date: 07/14/08  
 Approved By Date:  
 Project No: 104013 PM:  
 \*Note: All Dimensions on this diagram are approximate.

Figure 3  
 Historical Environmental Investigation  
 Bishop's Creek Community Development Corporation  
 Brownfield Redevelopment Project Site

- ◻ Former Building Location
- ▨ Trench Location
- Monitoring Well Location
- Soil Boring Location
- Hand Probe Location
- Bore # Jukar Soil Boring (1998)
- SB-HNTB Soil Boring (2000)
- GP-Drake Geoprobe (2004)
- TW-Drake Temp Well (2004)
- HP-Giles Hand Probe (2006)
- MW-Drake Monitoring Well (2005)
- SSB/SBW - SIGMA (2005)