

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

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



May 28, 2015

Certified #: 7010 1670 0002 3141 1039

Terry Taper
Living Epistle Church of Holiness
N98 W14678 Elmwood Drive
Germantown, WI 53022

Phone# 262-720-6733

Subject: Reported Contamination at Heaven Sent Cleaners 5750 West Fond du Lac Avenue
Milwaukee, WI

FID: 241408090
BRRTS: 02-41-562317
Tax Key: 249-0701000

Dear Mr. Taper:

On February 6, 2015, the Wisconsin Department of Natural Resources ("the Department") sent you a letter (see attached) describing your legal responsibilities for the site investigation and remediation of the site located at 5750 West Fond du Lac Avenue in Milwaukee. To date, the Department hasn't received a written response from you. Therefore, the Department is requesting that you respond to this letter in writing by June 29, 2015, and provide to the Department all items outlined in my letter dated February 6, 2015, on page two, of that letter.

Failure to respond to this letter will be viewed as an admission that you do not intend to pursue an investigation and remediation of the contamination associated with the 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 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 monetary 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 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 Program

Attachment: February 6, 2015 letter to Living Epistle Church of Holiness, 3401 North 35th St., Milwaukee

C: Mathew Reimer, RACM
WDNR SER Files



February 6, 2015

Living Epistle Church of Holiness
3401 North 35th Street
Milwaukee, WI 53216

Subject: Reported Contamination at 5750 West Fond du Lac avenue Milwaukee, WI

FID: 241408090
BRRTS: 02-41-562317

Tax ID: 249-6701000

Dear Sirs:

On July 14, 2014, the Sigma Group on behalf of the Redevelopment Authority of the City of Milwaukee (RACM) notified the Wisconsin Department of Natural Resources (WDNR) that soil contamination was discovered on the above described property. This included petroleum and non-petroleum (chlorinated solvents).

A responsible party letter was incorrectly sent to the City of Milwaukee indicating that they were responsible for the future site investigation and remedial clean-up.

Based on the information that has been submitted to the DNR regarding this site and tax information for this property, we believe you are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spill law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, Wis. Stats., explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the DNR or the Department of Agriculture, Trade and Consumer Protection (DATCP).

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** 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 waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. The following information provides the timeframes and required steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

5750 W Fond du Lac Ave.
Milwaukee, WI
FID: 241408090
BRRTS: 02-41-562317

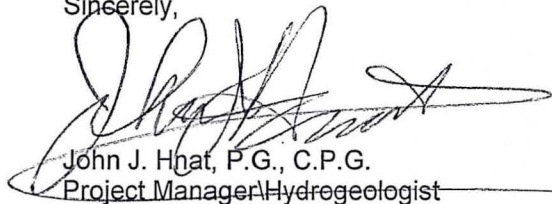
1. Within the next **30 days**, by March 9, 2015, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the DNR may initiate enforcement action against you.
2. Within **60 days**, by March 27, 2015, you must submit a work plan for completing the investigation. The work plan must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current DNR technical guidance documents.
3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. You may proceed with the field investigation upon DNR notification to proceed. If the DNR has not responded within 30 days from submittal of the work plan, you are required to proceed with the field investigation. If a fee for DNR review has been submitted, the field investigation must begin within 60 days after receiving DNR approval.
4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you must submit a Site Investigation Report to the DNR or other agency with administrative authority. For sites with agrichemicals contamination, your case will be transferred to the Department of Agriculture, Trade and Consumer Protection for oversight.
5. Within 60 days after submitting the Site Investigation Report, you must submit a remedial actions options report.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the DNR's internet site. You may view the information related to your site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the department on a specific submittal, please be aware that a review fee is required in accordance with Ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you must complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

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,



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

C:
WDNR SER Files

Enclosures:

5750 W Fond du Lac Ave.
Milwaukee, WI
FID: 241408090
BRRTS: 02-41-562317

Selecting a Consultant – RR-502

<http://dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf>

Environmental Services Contractor List – RR-024

<http://dnr.wi.gov/files/PDF/pubs/rr/RR024.pdf>

VPLE Fact Sheet #2

<http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>

Environmental Contamination Basics, RR-674

<http://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf>

Petroleum Environmental Cleanup Fund Award, Information about PECFA Reimbursement, DNR
Publication RR-942

<http://dnr.wi.gov/topic/brownfields/pecfa.html>

Underground Storage Tanks, Clarifying Local Government Unit's Responsibility to Remove Tanks on
Properties They Own, RR-627 (if applicable)

<http://dnr.wi.gov/files/PDF/pubs/rr/RR627.pdf>

Dry Cleaner Environmental Response Fund (DERF) – Frequently Asked Questions, RR-784

<http://dnr.wi.gov/files/PDF/pubs/rr/RR784.pdf>

Dry Cleaner Environmental Response Fund (DERF) Program Highlights, RR-882

<http://dnr.wi.gov/files/PDF/pubs/rr/RR882.pdf>

RETURN ADDRESS FOR ADDRESSEE TO BE PLACED AT TOP OF ENVELOPE TO THE RIGHT

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Terry Taper
Living Ep: 8th Church of Holiness
N98 W14678 Elmwood Dr.
Germanantown, WI 53022

4a. Article Number

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

5-30-15

5. Received By: (Print Name)

TERRY TAPER

6. Signature: (Addressee or Agent)

X

Terry Taper

8. Addressee's Address (Only if requested and fee is paid)

PS Form 38

7010 1670 0002 3141 1039

Domestic Return Receipt

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30 MAY '15

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Milwaukee
WI 53212



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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 48	

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City, State, ZIP+4 Germantown WI 53022

7010 2000 029T 0102 6E0T T4TE

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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047