



March 20, 2024

CERTIFIED MAIL # 7017 1450 0001 2129 1179

Living Epistle Church of Holiness Inc.
Attn: Mr. Terry Taper
5224 W. Luebbe Ln.
Milwaukee, WI 53223

Subject: Notice of Non-Compliance: Action Required by April 20, 2024
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
5750 W. Fond Du Lac Ave Property, Milwaukee, WI 53216
BRRTS #: 02-41-562317, FID #: 241408090

Dear Mr. Taper:

This letter is to notify you that you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On February 6, 2015, the Wisconsin Department of Natural Resources (DNR) notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. That letter is attached for your reference.

Cory Katzban, with The Sigma Group, Inc. (Sigma), submitted a Notification for Hazardous Substance Discharge (notification) to the DNR on July 14, 2014. The notification indicated soil and groundwater on the subject property was contaminated with volatile organic compounds (VOCs) and metals (arsenic). Sigma recommended additional site investigation activities to determine the extent of contamination at the property.

The DNR understands the property was previously occupied by Heaven Scent Cleaners, a dry-cleaning facility. Chlorinated compounds, specifically tetrachloroethene (PCE) and trichloroethene (TCE), have been identified at the site in the soil and groundwater. TCE is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in the air. Vapors can migrate from contaminated soil or groundwater along preferential pathways and enter occupied buildings through vapor intrusion (VI). Since TCE is a contaminant of concern at the site, assessment of the vapor intrusion pathways should be prioritized and completed as soon as possible. To the DNR's knowledge, no further work has been completed at the property since Sigma completed the limited investigation.

The DNR sent follow-up letters requesting site updates on May 28, 2015, and January 8, 2024. It is the DNR's understanding that none of the requested information has been provided. Additionally, no semi-annual reports to share site progress have been submitted to the DNR since 2015.

Notice of Non-Compliance

Please be aware that the DNR may initiate enforcement action against you for failure to comply with Wis. Stat. ch. 292. Your legal responsibilities are defined both in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 754 and are also described in the February 6, 2015 letter. In particular, Wis. Stat. § 292.11(3), 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.

In the DNR's most recent letter to you, dated January 8, 2024, you were requested to submit a written status update confirming the hiring of a qualified environmental consultant by February 7, 2024. The requested information has not been submitted; therefore, you are in non-compliance with state regulations. This letter serves as your Notice of Non-Compliance.

Guidance for meeting statutory requirements is available in code. Wis. Admin. Code chs. NR 700 - 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Ch. NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code ch. NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

Notice of Potential Deed Affidavit

If you elect not to move forward with the necessary response actions at your site, the DNR intends to file a deed affidavit on the property per Wis. Admin. Code § NR 728.11(2), which states:

Where the department has information to demonstrate that the source of contamination is on the property and the property owner or other responsible party has failed to take adequate response action, the department may record an affidavit at the office of the register of deeds for the county in which the property is located..."

This affidavit would provide notice to the public, and any prospective purchaser, of the existing contamination and the environmental liability associated with the property.

Response Requested

The DNR requests that by April 20, 2024, you submit a written status update confirming the hiring of a qualified environmental consultant.

Please understand that you are in non-compliance and will remain in non-compliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. ch. 292 to address this contamination will cause the DNR to take appropriate enforcement action.

Additionally, with regards to the potential deed affidavit, you must respond by April 20, 2024, and either indicate that the property will be promptly investigated and remediated in compliance with applicable statutes and rules or provide information which clearly demonstrates that there is no environmental contamination on the property (Wis. Admin. Code § NR 728.11(2)(a)).

If you have questions, please contact the DNR Project Manager, Mackenzie Reynolds at Mackenzie.Reynolds@wisconsin.gov or at (608) 400-9934. Thank you for your attention to this matter.

Sincerely,



Michele R. Norman
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Encl.

Reported Contamination at 5750 West Fond du Lac Avenue Milwaukee, WI, February 6, 2015