



October 11, 2019

File Ref BRRS: 09-41-550899
07-41-583396
FID: 341156860

CJB, LLC
Attn: Ms. Jennifer Jambor Raninen
8655 North 43rd Street
Brown Deer, WI 53209

Subject: Liability Clarification and "No Action Required" Determination, per Wis. Admin. Code § NR 716.05(2)
Former Hillcrest Landscaping, 8655 North 43rd Street, Brown Deer, WI
Parcel #: 0479987001

Dear Ms. Raninen:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at 8655 North 43rd Street, Brown Deer, Wisconsin ("the Property"). The Property consists of approximately 0.93-acres of land located in Milwaukee County, identified by Tax Parcel Number: 0479987001. Refer to the attached Figure 2, for a site map of the Property.

Summary Determination

Based on the data provided, there is no evidence that hazardous substance discharges have occurred on the Property and the Wisconsin Department of Natural Resources (DNR) has determined that that no response actions are required.

Request

On April 11, 2019, Key Engineering Group (Key) requested on your behalf that the DNR issue a liability clarification letter under Wis. Stat. § 292.55. The letter contains a determination as to whether response actions are needed under the Wis. Admin. Code ch. NR 700 rule series based on the discharge of one or more hazardous substances or presence of environmental pollution at the Property. The DNR received the fee for providing assistance, in accordance with Wis. Admin. Code § NR 749.04(1).

For the DNR to make this determination, you have requested a review of the following documents:

- Fax Notification for Hazardous Substance Discharges, October 5, 2007 WE Energies
- Reported Contamination at Hillcrest Landscaping Co., February 5, 2008, DNR Letter, FID: 341156860, BRRS: 02-41-550899
- Responsible Party Letter and Reported Contamination at Bella Landscaping (Former Hillcrest Landscaping Co.), June 11, 2009, DNR Letter, Certified No.: 7007302000069178556
- Work Plan and Schedule, Bella Landscaping, September 22, 2009
- Notice of Noncompliance Bella Landscaping, August 9, 2012, DNR Letter, Certified No.: 70101670000231412906
- Notice of Chapter 7 Bankruptcy Case Number: 12-36781, Bella Enterprises, LLC, dated November 27, 2012
- Notice of Contamination, Register of Deeds Milwaukee County, WI, Doc. # 10212117, Parcel ID No.: 0479987001, dated February 4, 2013

- Limited Site Assessment Report 8655 N. 43rd Street Brown Deer, WI, Key Engineering Group, dated May 25, 2016
- Modus Design, Inc., Reported Contamination at the Former Bella Landscaping (Hillcrest Landscaping), DNR Letter, dated February 21, 2017
- CJB, LLC, No Action Required Request for the Former Hillcrest Landscaping Co., DNR Letter, dated June 20, 2019
- No Action Required (NAR) Request - § NR 716.05, Technical Assistance, Environmental Liability Clarification or Post-Modification Request, DNR Form 4400-237, Dated April 11, 2019
- Additional Investigation Activities Former Hillcrest Landscaping Company, Key Engineering Group, dated September 18, 2019

The DNR examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

- Former Village of Brown Deer fire station.
- Former Hillcrest Landscaping Company and Bella Landscaping.
- Currently a commercial fitness site.
- WE Energies submitted a Notification for Hazardous Substance Discharge on October 5, 2019, for a hazardous release onto their property right-of-way from the adjacent former Hillcrest Landscaping Company property.
- Key Engineering has completed limited site investigations in 2016 and 2019.

WE Energies soil boring investigation in their right-of-way (2007) indicated Diesel Range Organics (DRO) above the 250 parts per million (ppm) residual contaminant level (RCL) for soils in soil samples analyzed at the depths of six-inches and one to two feet. The DRO soil sample concentrations ranged from 350 ppm to 13,000 ppm in the six-inch sampling depth and 640 ppm to 2,300 ppm from the one to two-foot depths. Naphthalene, benzene, and trimethylbenzenes were greater than their respective soil to groundwater RCLs in two soil samples from six-inches and one to two-foot depths. Volatile organic compounds (VOCs) other than naphthalene, benzene, and trimethylbenzene in two soil samples were not detected in the sample analysis.

Key Engineering submitted a Limited Site Assessment Report in 2016. The results (GP-1 to GP-5) indicated no VOCs, PAHs, or PCBs (polychlorinated biphenyls) to a soil depth of eight to twelve feet. The temporary well (TW-1) indicated "J" flagged results for chrysene, fluoranthene, phenanthrene, and pyrene. Chrysene was indicated above its Preventative Action Level (PAL), but below its Enforcement Standard (ES). There were no detects for VOCs in groundwater.

One offsite sample (WE Energies) location (SS-1) indicated no detected VOCs, but PAHs (Polycyclic Aromatic Hydrocarbons) were detected above their nonindustrial direct contact RCLs for benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene. Benzo(a)pyrene, benzo(b)fluoranthene, and chrysene were detected above their respective soil to groundwater RCLs.

Key conducted an additional investigation (2019) of the underground piping at the west side of the building. A soil sample beneath the piping was analyzed for VOCs, semi-volatile organic compounds (SVOCs), and PCBs. The SVOCs results indicated that benzo(a)anthracene, benzo(g,h,i)perylene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene, and phenanthrene were "J" flagged. Benzo(a)pyrene, benzo(b)fluoranthene, chrysene, fluoranthene, and pyrene were below their respective nonindustrial, industrial, and soil to groundwater RCLs. The pipe was broken open and filled with concrete.

CJB, LLC
8655 N. 43rd St.
Brown Deer, WI 53202
FID: 341156860
BRRTS: 02-41-550899 & 07-41-583396

Since the soil sample results indicated "J" flagged and below respective nonindustrial, industrial, and groundwater RCLs for VOCs, SVOCs, and PCBs, within the sample collected beneath the pipe, the DNR concurs with the No Action Required request per Wis. Admin. Code § NR 716.05.

Liability Determination

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754 require those who are responsible for a hazardous substance discharge or environmental pollution to take actions necessary to respond to the contamination. Wis. Stat. § 292.55, authorizes the DNR to issue clarification letters concerning liability for environmental pollution.

Information you submitted to the DNR indicates that no hazardous substance discharge or environmental pollution has occurred on the Property. Therefore, further site investigation activities are not required, and no response action is required under Wis. Admin. Code chs. NR 700-754.

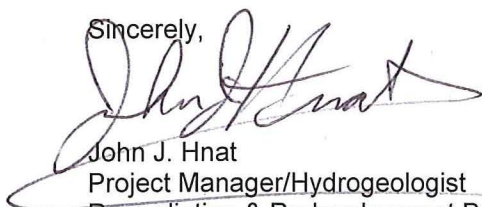
As with any environmental assessment, all areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. This letter relates and refers only to those conditions described above and to information and data you submitted to the DNR in your request for this letter. The DNR makes no determination concerning the presence or absence of hazardous substances or environmental pollution, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the DNR becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the DNR will evaluate that data at that time to determine if any response actions are required. Whenever possible, the DNR requires the person who caused the discharge to take the appropriate response actions.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the beginning of this letter. The DNR tracks information on all case determinations such as this letter in a DNR database that is available online at dnr.wi.gov and search: "BOTW". Since there is no action required for this case, the DNR will identify this site activity as a "No Action Required" determination.

Note: The BRRTS number 02-41-550899 has been changed to 09-41-550899 to reflect the BRRTS activity as "No Action Required".

If you have any questions, please contact John J. Hnat at 414-263-8644, by writing to the address at the top of this letter or by email to: John.Hnat@wisconsin.gov.

Sincerely,



John J. Hnat
Project Manager/Hydrogeologist
Remediation & Redevelopment Program
Southeast Region Headquarters

Attachment:

- Figure 2, Site Detail Map, 8655 North 43rd Street Brown Deer, WI 53209 Key Engineering Group, dated February 15, 2019

cc:

- Nate Piotrowski – Village of Brown Deer Economic Development, Village Hall, 4800 W. Green Brook Dr., Brown Deer, WI 53223
- Chelsea Ames, Key Engineering Group, 735 North Water Street, Suite 510, Milwaukee, WI 53202
- DNR SER Files



| |
|----------------------------|
| Source: Google Earth |
| Date: February 15, 2019 |

FIGURE 2
SITE DETAIL MAP
8655 NORTH 43RD STREET
BROWN DEER, WI 53209