State of Wisconsin Department of Natural Resources PO Box 7921, Madison WI 53707-7921 dnr.wi.gov

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18).

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Notice: Use this form to request a written response (on agency letterhead) from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

#### Definitions

- "Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.
- "Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292,55, Wis. Stats.
- "Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.
- "Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

#### Select the Correct Form

This from should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

# Do not use this form if one of the following applies:

- Request for an off-site liability exemption or clarification for Property that has been or is perceived to be contaminated by one
  or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site
  Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the Lender Liability Exemption, s 292.21, Wis. Stats., if no response or review by DNR is requested. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an exemption to develop on a historic fill site or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- Request for closure for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: dnr.wi.gov/topic/Brownfields/Pubs.html.

### Instructions

- Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
- Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
- Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party
  Liability Exemption Program and the questions in Section 2 direct otherwise. Information on to whom and where to send the
  fee is found in Section 8 of this form.
- 4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: <a href="http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf">http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf</a>

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request Form 4400-237 (R 12/18)

Requester Information	cipient Information				
This is the person requesting to	achaical assistance				Jan Brief
	dentified as the requester in S	closur Section	e modification review, that his or her liability 7. DNR will address its response letter to t	be clar	ified or a
Last Name	First	MI		riia pera	OH.
Jursenas	Joe	3,500	Mojo Franklin St LLC	THE STATE OF	
Mailing Address	- Arthur	-	City	State	ZIP Code
530 Franklin Street		1	Oconomowoc	2735	5
Phone # (include area code)	Fax # (include area code)		Émail	WI	53066
(262) 751-4707		8	jjursenas@briohn.com		
The requester listed above: (se	elect all that apply)		D The state of the	-	\$ -
Is currently the owner	12.00.64		☐ le considerina tallia II - B		
Is renting or leasing the I	Property		Is considering selling the Property		
	corectore:	100	Is considering acquiring the Property .	Wall was	
Is a lender with a mortga	gee interest in the Property				
Other. Explain the status	of the Property with respect t	o the :	applicant	S. OF	1 6
E W LANGE				500	5 1985 3
				400	2340
Contact Information (to be	contacted with questions :	about	this request)		
Johract Last Name	First	MI	Organization/ Business Name	ect II sa	me as requesto
Fellenz	Linda	J	LF Green Development, LLC	· Co	4 6
Mailing Address	115.71	-	City.	State	ZIP'Code
5600 W. Brown Deer Road,	Suite 104		Milwaukee	WI	
Phone # (include area code)	Fax # (include area code)	-	Email	WI	53223
(414) 254-4813			lfcllenz@lfgreendevelopment.com	1,31	24
Environmental Consultar	nt (if applicable)		menenzagingreendevelopinent.com	-	1
Contact Last Name	First	MI	Organization/ Business Name	44	
uno	Katherine	M	LF Green Development, LLC	- 100	
Mailing Address			Gity	State	ZIP Code
600 W. Brown Deer Road,	Suite 104	1154	Milwaukee	WI	1, 100
Phone # (include area code)	Fax # (include area code)		Email	WI	53223
(262) 719-4501	0.0000000000000000000000000000000000000		katejuno@lfgreendevelopment.com		4.7 T
			- 2 and Sargicendevelopment.com		1.54
Section 2. Property Informat	ion				111
monerly Name			FID No.	(if know	n) - ' '
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Quick Cleaners (Former)	1500		268189	680	
Quick Cleaners (Former) RRTS No. (if known)			Parcel Identification Number	680	
Quick Cleaners (Former) BRRTS No. (if known) 92-68-280310		14	Parcel Identification Number OCOC0560254	680	1 1
Quick Cleaners (Former) IRRTS No. (if known) (2-68-280310 Street Address		14	Parcel Identification Number	State	ZIP Code
Property Name Quick Cleaners (Former) BRRTS No. (if known) 02-68-280310 Street Address 630 Franklin Street	inicipality where the Property		Parcel Identification Number OCOC0560254 City Oconomowoc		ZIP Code 53066

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request Form 4400-237 (R 12/18)

Section 1. Contact and F	Recipient Information					
Requester Information			-	A STATE OF THE PARTY OF THE PAR		-
specialized agreement and i	g technical assistance or a s identified as the request	post-closur	e modification rev	view, that his or her liability bress its response letter to this	e clari	fied or a
Last Name	First	MI	Organization/ B	Rusiness Name	perso	on.
Jursenas	Joe		930 8 () The same of the party			14
Mailing Address	1,00		Mojo Franklii City	n St LLC		lan -
530 Franklin Street			150 Table 111		State	
Phone # (include area code)	Fax # (include area	code)	Oconomowoc Email	10	WI	53066
262-751-470	7	0000)	1000 1000	nas@Brioln		*****
The requester listed above: (	select all that apply)		0 4.76	Mas Go Diloka	-	ma:
Is currently the owner			Is considering	g selling the Property		
Is renting or leasing th	e Property			g acquiring the Property		
Is a lender with a mort	gagee interest in the Prop	erty				32
Other, Explain the stat	us of the Property with res	need to the	no Francis			
	as or me i roberty with res	pect to the a	applicant:			
Contact Information (to I Contact Last Name	First	MI	Organization/ B	usiness Name	t if san	ne as reques
Fellenz	Linda	J	LF Green Dev	clopment, LLC		
Mailing Address			City		State	ZIP Code
600 W. Brown Deer Roa	The state of the s		Milwaukee	+	WI	53223
Phone # (include area code)	Fax # (include area o	ode)	Email			20065
(414) 254-4813			lfellenz@lfgre	endevelopment.com	7	*
Environmental Consult ontact Last Name						
uno	First	MI	MI Organization/ Business Name			
lailing Address	Katherine	M	M LF Green Development, LLC			
			City	5	State	ZIP Code
hone # (include area code)	Brown Deer Road, Suite 104		Milwaukee WI 5322			53223
	Fax # (include area c	ode)	Email			
(262) 719-4501			katejuno@lfgr	eendevelopment.com		
ection 2. Property Inform	ation		1000	28		
roperty Name	eword in			FID No. (if I	known	)
Duick Cleaners (Former)				268189686		
RRTS No. (if known)			Parcel Identificat	ion Number		
2-68-280310			OCOC0560254			
treet Address			City		State	ZIP Code
30 Franklin Street			Oconomowoc	• 5	WI	
	Municipality where the Pro	perty is loca	ted	Property is composed of:	A	53066 perty Size Acr
	City   Town   Villa			Single tax	1	WIN DIZE ACI

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<ol> <li>Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 6 plan accordingly.</li> </ol>	0 days. Please
● No	- says. 1 10050
Date requested by:	
Reason:	
	£
2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?	
No. Include the fee that is required for your request in Section 3, 4 or 5.  Yes. Do not include a separate fee. This request will be billed separately through the VPLE Program.	
Fill out the information in Section 3, 4 or 5 which corresponds with the type of request: Section 3. Technical Assistance or Post-Closure Modifications; Section 4. Liability Clarification; or Section 5. Specialized Agreement.	
Section 3. Request for Technical Assistance or Post-Closure Modification	
Select the type of technical assistance requested: [Numbers in brackets are for WI DNR Use]	
No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - Include a fee of \$350. Use for a to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-to-like Review of Site Investigation Work Plan - NR 716.09, [135] - Include a fee of \$700.  Review of Site Investigation Report - NR 716.15, [137] - Include a fee of \$1050.	i written respons ime spill event.
Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - Include a fee of \$1050.  Review of a Remedial Action Options Report - NR 722.13, [143] - Include a fee of \$1050.  Review of a Remedial Action Design Report - NR 724.09, [148] - Include a fee of \$1050.  Review of a Remedial Action Documentation Report - NR 724.15, [152] - Include a fee of \$350  Review of a Long-term Monitoring Plan - NR 724.17, [25] - Include a fee of \$425.  Review of an Operation and Maintenance Plan - NR 724.13, [192] - Include a fee of \$425.	10.
Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4	
Schedule a Technical Assistance Meeting - Include a fee of \$700.  Hazardous Waste Determination - Include a fee of \$700.	100-226)
Other Technical Assistance - Include a fee of \$700. Explain your request in an attachment.	3
	* 3
Post-Closure Modifications - NR 727, [181]	1000
Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed sit sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. Inc	e or Property; clude a fee of
Include a fee of \$300 for sites with residual soil contamination; and	
Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor introduced obligations.	usion continuing
Attach a description of the changes you are proposing, and documentation as to why the changes are neede to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, thomas be submitted later in the approval process, on a case-by-case basis).	d (if the change se documents

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Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this

Select the type of liability clarification		
Select the type of liability clarification requested. Use the available space given or attach informs questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. [Num. ]	ation, explanations, or spe	cific
"Lender" liability exemption clarification - s. 292.21, Wis. Stats. [686]	nbers in brackets are for	DNR Use
♦ Include a fee of \$700.		
Provide the following documentation:		
		377
<ol> <li>ownership status of the real Property, and/or the personal Property and fixtures;</li> <li>an environmental assessment, in accordance with s. 292.21, Wis. Stats.;</li> </ol>		39.
(3) the date the environmental assessment was conducted by the lender;	*	
(4) the date of the Property acquisition; for foreclosure actions, include a copy of the signed sheriff's sale.	d and dated court order co	nfirming th
(5) documentation showing how the Property was acquired and the steps followed under the	and the second s	
(6) a copy of the Property deed with the correct legal description; and,	e appropriate state statute	38.
(7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-	(00)	
(8) If no sampling was done, please provide reasoning as to why it was not conducted. Incl environmental assessment or as an attachment to this form, and cite language in s. 292	lude this either in the acco	The second second
h. The collection and analysis of representative samples of soil or other materials in the ground contaminated based on observations made during a visual inspection of the real Property other information available to the lender, including stained or discolored soil or other materials in the ground in areas with dead or distressed vegetation. The collection and analysis of other materials in the ground and shall quantify concentrations.	nd that are suspected of bei or based on aerial photogra	ing phs, or
i. The collection and analysis of representative samples of unknown wastes or potentially haz Property and the determination of concentrations of hazardous waste and hazardous subst containers or in piles or lagoons on the real Property.	tardous substances found o lances found in tanks, drum:	n the real s or other
"Representative" liability exemption clarification (e.g. trustees, receivers, etc.) - s. 292.21, V	Se Out room	
♦ Include a fee of \$700.	/is. Stats. [686]	20
Provide the following documentation:		
(1) ownership status of the Property;	20	
(2) the date of Property acquisition by the representative;		
(3) the means by which the Property was acquired;	V	
(4) documentation that the representative has no beneficial interest in any entity that owns.  (5) documentation that the representative has no beneficial interest in any entity that owns.		2
(5) documentation that the representative has not caused any discharge of a hazardous sub	possesses, or controls the	Property;
(6) a copy of the Property deed with the correct legal description.	stance on the Property; ar	nd :
Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that	etin par	
hazardous substances spills - s. 292.11(9)(e). Wis. Stats. [649];	apply)	
Perceived environmental contamination - [649];		
hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or solid waste - s. 292.23 (2), Wis. Stats. [649].	2.4	
<ul> <li>Include a fee of \$700, a summary of the environmental liability clarification being</li> </ul>	requested, and the follow	vina:
<ol> <li>clear supporting documentation showing the acquisition method used, and the steps followate statute(s).</li> </ol>	wed under the appropriate	9
(2) current and proposed ownership status of the Property; (3) date and means by which the Property		10
(3) date and means by which the Property was acquired by the LGU, where applicable; (4) a map and the ¼, ¼ section location of the Property;		745
(5) summary of current uses of the Property;		
(6) intended or potential use(s) of the Property;		
		50
(7) descriptions of other investigations that have taken place on the Property; and (8) (for solid waste clarifications) a summary of the license history of the facility.		
which is a summary of the facility.		

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		1. 4. 7.	, Page 5 of
Section 4	Request for Liability Clarification (cont.)	COMMEN.	110:00
- Le	ase liability clarification - s. 292.55, Wis. Stats. [646]		
. (1)	Include a fee of \$700 for a single Property, or \$1400 for multiple Properties and the informat	ion listed	below:
1 2/3/	s sop) of the proposed lease,		
(2)	the name of the current owner of the Property and the person who will lease the Property:		
	a description of the lease holder's association with any persons who have possession, control, or of hazardous substance on the Property;		
(4)	map(s) showing the Property location and any suspected or known sources of contamination dete	cted on the	Proportion
375	be used. Explain how the use will not interfere with any future investigation or cleanure at the Property	indicate v	hich areas w
	conducted under s. NR 716, Wis. Adm. Code) that identify areas of the Property where a discharge	estigation	Reports
Genera	or other environmental liability clarification - s. 292.55, Wis. Stats. [682] - Explain your request below Include a fee of \$700 and an adequate summary of relevant environmental work to date.	ow,	rreu., s
□ No	Action Required (NAR) - NR 716.05, [682]		
	Include a fee of \$700.	4.7	
Use	where an environmental discharge has or has not occurred, and applicant wants a DNR determinates essment or clean-up work is required. Usually this is requested after a Phase I and Phase II environ n conducted; the assessment reports should be submitted with this form. This is not a closure letter,	tion that no mental ass	further sessment has
	ify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]	1	
	Include a fee of \$700.		
	e a copy of any closure documents if a state agency other than DNR approved the closure.		
			4
ction 5	Request for a Specialized Agreement		417
ect the ty	/pe of agreement needed, include the appropriate death or	lete Section	ons 6 and 7 o
	at an	abx4.	one o une r o
→ I	cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]		
(4) 5	nclude a fee of \$700, and the information listed below:		
(1) P (2) a	hase I and II Environmental Site Assessment Reports, copy of the Property deed with the correct legal description.	7.	
	ement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]		
4 1	nclude a fee of \$700, and the information listed below:		
(1) P	hase I and II Environmental Site Assessment Reports,		
(2) a			
	copy of the Property deed with the correct legal description.		
ф h	copy of the Property deed with the correct legal description.		
30 S.S.V.	copy of the Property deed with the correct legal description.  tiated agreement - Enforceable contract for non-emergency remediation - s. 292 11(7)(d) and (e). We	/is. Stats. [	630]
	copy of the Property deed with the correct legal description.  diated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), We note that the information listed below:	is. Stats. [	630]
(1) a	copy of the Property deed with the correct legal description.  tiated agreement - Enforceable contract for non-emergency remediation - s. 292 11(7)(d) and (e). We	fis. Stats.	630]

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Identify all materials that are included with this request.	
Send both a paper copy of the signed form and all reports and su and all reports, including Environmental Site Assessment Report	
Include one copy of any document from any state agency files the request. The person submitting this request is responsible for co- reports or information.	
Phase I Environmental Site Assessment Report - Date:	
Phase II Environmental Site Assessment Report - Date:	
Legal Description of Property (required for all liability requests and	specialized agreements)
Map of the Property (required for all liability requests and specialize	ed agreements)
Analytical results of the following sampled media: Select all that ap	oply and include date of collection.
Groundwater Soil Sediment Other n	nedium - Describe:
Date of Collection:	1
A copy of the closure letter and submittal materials	The second secon
Draft tax cancellation agreement	
Draft agreement for assignment of tax foreclosure judgment	
Other report(s) or information - Describe: See Enclosed Letter re	equesting Clarification of Continuing Obligations
For Property with newly identified discharges of hazardous substances of been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code Yes - Date (if known):	
Note: The Notification for Hazardous Substance Discharge (non-emerge dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf.	ency) form is available at:
Section 7. Certification by the Person who completed this form	
l am the person submitting this request (requester)	
I prepared this request for: Mojo Franklin St LLC	
Requester Name	
I certify that I am familiar with the information submitted on this request, a true, accurate and complete to the best of my knowledge. I also certify I this request.  Sunda Julian	nave the legal authority and the applicant's permission to make
Signature	Date Signed
President, LF Green Development, LLC	(414) 254-4813
Title	Telephone Number (include area code)

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# Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a DNR regional brownfields specialist with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: http://dnr.wi.gov/files/PDF/pubs/m/RR690.pdf.

### DNR NORTHERN REGION

Attn: RR Program Assistant Department of Natural Resources 223 E Steinfest Rd Antigo, WI 54409

### **DNR NORTHEAST REGION**

Attn: RR Program Assistant Department of Natural Resources 2984 Shawano Avenue Green Bay WI 54313

### DNR SOUTH CENTRAL REGION

Attn: RR Program Assistant Department of Natural Resources 3911 Fish Hatchery Road Fitchburg WI 53711

# DNR SOUTHEAST REGION

Attn: RR Program Assistant Department of Natural Resources 2300 North Martin Luther King Drive Milwaukee WI 53212

# DNR WEST CENTRAL REGION

Attn: RR Program Assistant Department of Natural Resources 1300 Clairemont Ave. Eau Claire WI 54702



Note: These are the Remediation and Redevelop ment Program's designated regions. Other DNR program regional boundaries may be different.

	-7	DNR Use Only	
Date Received Date Assigned		BRRTS Activity Code	BRRTS No. (If used)
DNR Reviewer		Comments	
Fee Enclosed?	Fee Amount	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		



July 29, 2020

Ms. Pam Mylotta
Team Supervisor
Southeast Region Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King, Jr. Dr.
Milwaukee, WI 53212

Re: Request for Clarification of Continuing Obligations
Quick Cleaners (Former) 530 Franklin Street, Oconomowoc, WI 53066
DNR BRRTS Activity #02-68-280310; FID #268189680

LF Green Development, LLC (LF Green) has prepared this request for Clarification of Continuing Obligations for the property identified as Quick Cleaners (Former), 530 Franklin Street, Oconomowoc, Wisconsin (hereinafter referenced as "the Site" or "the Property"). The Wisconsin Department of Natural Resources (WDNR) previously issued Final Case Closure with Continuing Obligations on July 10, 2017 to Mr. Bob Rummel. LF Green has conducted and documented semi-annual inspections of the Site and vapor mitigation system on behalf of Mr. Rummel in accordance with the approved maintenance plan.

Mojo Franklin St LLC (Mr. Joe Jursenas) recently purchased the Property. Mojo Franklin St LLC is considering future redevelopment of the building and property, which may include increasing the available residential tenant spaces through building alterations or redevelopment. Mr. Joe Jursenas is requesting written clarification from the from WDNR of the continuing obligations associated with the Site.

#### SITE BACKGROUND AND SITE CONDITIONS

The Property is a single 0.75-acre parcel located northwest corner of Franklin and West Jefferson Streets in the City of Oconomowoc, Wisconsin (Tax Key/Parcel Number OCOC0560254). The Property is zoned RMH-Multi-Unit (High) Residential and Mixed-Use Commercial, which was the property zoning at the time of closure. A copy of the city's 2020 zoning map showing the location and zoning of the property is included as Attachment A.

As stated in the closure request, the Site usage at the time of closure included commercial use on the first floor with residential units on the second floor. The Property use remains the same and is occupied by one, approximately 13,721 SQ FT, split-level structure divided into three units. The southeastern portion of the structure is two stories, and the second story unit is occupied by residential tenants. The first floor below this unit is vacant commercial space. The northern and southwestern portions of the building are single-story. The northern portion of the single-story unit is currently occupied by a commercial

woodworking tenant, and the southwestern portion of the unit is vacant. The first-floor commercial units' heating and ventilation system is separate from the second-story residential unit. The building does not have basements or crawl spaces. Parking and drive areas are located on the east and west sides.

Sub-slab vapor sampling was not performed on the Property during the site investigation. As indicated in the closure request, a vapor mitigation system was recommended as part of the clean-up and approved. The active vapor mitigation system was installed within the Site structure in 2013 in accordance with the requirements of NR 724.13(2), Wisconsin Administrative Code, in relation to the groundwater exceedances of chlorinated compounds (vinyl chloride) present on the west side of the structure.

As indicated in the closure request, NR 720 residual contaminant levels (RCLs) for the direct contact pathway were not exceeded on the Site; only the groundwater protection pathway RCL for tetrachloroethene (PCE) was exceeded on the northern portion of the Site. On the west side of the building vinyl chloride was detected in groundwater above the NR 140 Enforcement Standard.

The continuing obligations outlined in the final case closure letter include, but are not limited to:

- Maintaining a cap barrier over the residual soil and groundwater contamination;
- Maintaining, operating and annual inspection of the vapor mitigation system;
- Properly managing any soil excavated from the site; and
- Obtaining DNR approval prior to certain construction activities, surface changes, and changes in occupancy to certain residential settings, and changing the construction of a building that has a vapor mitigation system in place.

#### REQUEST FOR CLARIFICATION

Based on the facts presented above, Mr. Joe Jursenas of Mojo Franklin St LLC is requesting written clarification from the from the WDNR of the continuing obligations:

- The barrier cap specified at the time of closure is not warranted for this Site and is therefore not subject to continuing obligations or maintenance.
- The Property is zoned for residential use, and future development at the Site for residential use will not require WDNR approval.
- Mojo Franklin St LLC will maintain the sub-slab vapor mitigation system unless sub-slab testing
  is completed at the Site and the results indicate that the system is not warranted for the current
  Site building. Mojo Franklin St LLC will notify WDNR prior to changing the construction of the
  building and any changes to the vapor mitigation system. The need for a vapor mitigation system
  for any new construction will be addressed at that time.



- Mojo Franklin St LLC will properly manage any soil excavated from the Site, including characterizing the soil for onsite management in accordance with NR 718 or landfill disposal as solid waste.
- A post-closure modification will be required if changes to the building construction or vapor mitigation system are implemented.

If you have any questions or comments, please feel free to call me at (262) 719-4501 or email me at katejuno@LFGreendevelopment.com.

Sincerely,

LF GREEN DEVELOPMENT, LLC

Katherine M. Juno, P.G.

Attachment

Attachment A: Verification of Zoning





# ATTACHMENT A

**Verification of Zoning** 

