

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

December 12, 2008

Certified No.: 7007 1490 0003 1778 3441

Mr. Jagdishar Singh
PSK Investments, LLC
N61 W14445 Brook Side Drive
Menomonee Falls, WI 53051

Subject: Reopening BRRTS Activity Number 03-41-095653: the Former Mobil Oil Station 05-H4A, 9922 West Capitol Drive, Milwaukee, WI Case File.

FID: 241136060

Dear Mr. Singh:

This letter is to notify you that the Wisconsin Department of Natural Resources ("the Department") has reconsidered its position on whether the former BRRTS activity number (03-41-095653) should be reopened. Based on the information regarding site conditions that has become available to the Department during recent investigation of the site under an open BRRTS case (No. 03-41-546764), the Department has determined to reopen the historic case, under the authority of s. NR 726.09, Wis. Adm. Code.

Investigation and Remediation

The investigation and remediation of the site (under both BRRTS activity numbers) should continue until full closure for both activity numbers has been completed. For the site investigation, additional soil borings and groundwater monitoring wells must be completed to define the degree and extent of contamination in soil and groundwater. This should include but is not limited to the utility corridor in the alleyway north of the gas station and church, and underneath the church property.

Once the site investigation is complete, the remediation should commence. As you know, there is a problem with vapor intrusion caused by the gasoline contamination that migrated from the site to underneath the church. The Department implemented efforts to begin to address this problem by installing a vapor extraction system at the church, and will likely seek cost recovery against you for this work. Additional work is necessary to eliminate gasoline migration impacts on Grace Church. The two current venting systems, on the west and north sides, are only a temporary solution for the vapor intrusion into the basement of the church. Impacts to Grace Church and their students from gasoline vapors are unacceptable from a public health and safety stand point. Thus, we want to emphasize that it is vital for you to implement a remedy to deal with the vapor intrusion problem as expeditiously as possible. If an acceptable remedy is not implemented in a timely manner, the Department will move ahead with enforcement and may proceed with additional remedial work itself and seek reimbursement for its costs from you.

Please understand that the vapor intrusion problem at the church is the most immediate concern, but that it is not the entire problem. Additional investigation and a proposed remedial action plan for the

gasoline contamination at the gas station property itself will be necessary before case closure may be considered.

As part of this letter, the Department is offering you an opportunity to demonstrate that you are financially incapable of paying for the required work by completing the enclosed form and providing the following information. I have enclosed a financial disclosure form, which needs to include copies of your last three years of federal tax filings. Lastly, you will need to complete and return the IRS Form 8821, which authorizes Shelly Fox to request copies of your federal taxes for the last three years as provided in the June 3 2008 letter to you. Page two (2) of the Form 8821, includes instructions as to how to complete each line. This form will allow Ms. Fox to access your tax information through the Internal Revenue Service in the event of a discrepancy with what you've initially submitted and therefore determine your ability to pay for site remediation.

Due to the personal identifying information on these forms, **DO NOT** fax these documents. Please mail all information to:

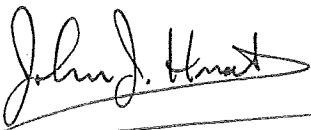
WDNR-RR
C/o Shelly Fox
P O Box 7921
Madison, WI 53707-7921

Within ten (10) days from the date of this letter, please submit the requested information. If you fail to submit the requested information, then the Department will assume you are no longer interested in claiming you can not perform the work due to financial reasons.

The Department will review, verify, and analyze the information you submit. The Department will contact you if additional information or clarification is needed. Upon completion of the verification and analysis, the Department will contact you with our determination.

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 the Remediation and Redevelopment Program Assistant Vicky Stovall (414-263-8688) at the above address.

Sincerely,



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

Enclosures: INDIVIDUAL ABILITY TO PAY CLAIM

C: Donald P. Gallo & Pamela H. Schaefer, Reinhart Boerner Van Deuren S.C.
Tom Cabush, Kasdorf, Lewis & Swietlik
Monte Weiss, Deutch & Weiss, LLC
Pastor Frank Susler, Grace Christian Fellowship Church
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