

67



* 1 0 2 1 2 1 1 7 *

DOC.# 10212117

Document Number

NOTICE OF CONTAMINATION

RECORDED 02/04/2013 01:27PM

JOHN LA FAVE

REGISTER OF DEEDS

Milwaukee County, WI

AMOUNT: 30.00

FEE EXEMPT #:

Legal Description of the Property:

Certified Survey Map No. 2322, NE Section 11, Township 8, Range 21E, Parcel 1

STATE OF WISCONSIN,

COUNTY OF Milwaukee

Recording Area

Name and Return Address:

John J, Hnat, CPG, PG
Wisconsin Dept. of Natural Resources
2300 Dr M L King Dr
Milwaukee, WI 53212

0479987001

Parcel Identification Number (PIN)

I, Pamela A. Mylotta, being first duly sworn, state that:

1. I am a Remediation and Redevelopment Program Supervisor, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its Southeast Regional Office in Milwaukee, Wisconsin.
2. John J. Hnat, Project Manager/Hydrogeologist, employed by the Wisconsin Department of Natural Resources at its Southeast Regional Office in Milwaukee, Wisconsin, has personal knowledge of the facts herein set forth and believes the same to be true.
3. Based on information submitted to the Department, the Department has determined that contaminants discharged from the Bella Landscaping, LLC (formerly Hillcrest Landscaping) property to the adjacent WE Energy property, located at 8655 North 43rd Street, in the City of Brown Deer, County of Milwaukee, Wisconsin, which has the above legal description, has contaminated soil and stressed vegetation in the vicinity of a wood pile on the west side property line for hazardous wastes, as shown on the attached site map (Exhibit A) and photographs (Exhibit B, C, and D). Three soil boring locations (Exhibit "A") were analyzed for volatile organic compounds at the six-inch and one-to-two feet below ground surface. Laboratory analysis indicated the following results:
 - Diesel Range Organics (DRO) at the six-inch depth ranged from 340 to 13,000 parts per million (ppm) that is above the Chapter NR 720.09(4)(a), Wisconsin Administrative Code, soil cleanup standard of 100 ppm (subd. 1) and 250 ppm (subd. 2).


In Re: Property Located in the
City of Brown Deer, Milwaukee County, Wisconsin
Described above.

- Diesel Range Organics (DRO) at the one-to-two foot depth ranged from 640 to 2,300 ppm) that is above the Chapter NR 720.09(4)(a), Wisconsin Administrative Code, soil cleanup standard of 100 ppm (subd. 1) and 250 ppm (subd. 2).
 - Soil analysis indicates Benzene is above the Chapter NR 720, Wisconsin Administrative Code, Table 1, residual contaminant level based on protection of groundwater of 5.5 ppb. Benzene occurs at 56 ppb at the one-to-two foot depth.
 - Naphthalene (1,200 ppb) is above the soil cleanup level for Polycyclic Aromatic hydrocarbons (PAHs) groundwater pathway value of 0.4 ppm.
 - Evidence of Polychlorinated Biphenyls (PCBs) Aroclor 1254 (43 ppb to 60 ppb) and Aroclor 1260 (22 ppb) were analyzed in two of the three soil samples.
4. The Wisconsin Department of Natural Resources BRRTS number for this site is 02-41-550899, and the FID number is 341156860.
 5. On October 5, 2007, WE Energies notified Scott Ferguson, Southeast Region Spill Coordinator, of the Wisconsin Department of Natural Resources ("the Department") of contamination being discharged onto their right-of-way from the Bella Landscaping property. The analytical results submitted by WE Energies indicated that Aroclor 1254 and 1260 (PCBs), trimethylbenzene (TMBs), naphthalene, xylenes, benzene, and ethylbenzene have contaminated the soil.
 6. On January 23, 2008, Scott Ferguson notified the Redevelopment and Remediation Section of the Department of the discharge. A Responsible Party letter was sent to Hillcrest Landscaping, attention to Richard Briere, Registered Agent at 8655 North 43rd Street, Brown Deer Wisconsin on February 5, 2008.
 7. On June 4, 2009, the Department sent a certified letter (No. 7007 3020 0000 6917 8556) to Hillcrest Landscaping at 8655 North 43rd Street Brown Deer, Wisconsin reminding them of their legal responsibilities to restore the environment to the extent practicable and minimize the harmful effects from the discharge. The letter also instructed them to provide the name of their environmental consultant that would conduct an environmental site investigation, the work plan and schedule. On June 11, 2009, the Department received the returned certified letter marked "Return to Sender Refused Unable to Forward" stamped on the letter. Online researching of the address for the property resulted in a new owner of the property called Bella Landscaping, LLC.
 8. On June 11, 2009, the Department sent a certified letter (No. 7007 3020 0000 6917 8556) to Bella Landscaping at 8655 North 43rd Street Brown Deer, Wisconsin describing their legal responsibilities under the hazardous spill law, Section 292.11(3) Wisconsin Statutes. The letter also instructed them to provide the name of their environmental consultant that would conduct an environmental site investigation, the work plan and schedule.
 9. On July 9, 2009, BT², Inc. notified the Department that they had been contracted by Bella Landscaping as their environmental consultant.
 10. On September 22, 2009, Christine Straate, Owner and CEO, of Bella Landscaping, notified the Department with a Work Plan and Schedule that would be completed within one month's time.
 11. On August 9, 2012, the Department sent a certified (No. 7010 1670 0002 3141 2906) Notice of

In Re: Property Located in the
City of Brown Deer, Milwaukee County, Wisconsin
Described above.


Noncompliance letter to Bella Landscaping to the attention of Christine Straate located at 8655 North 43rd Street Brown Deer, Wisconsin, reminding them that the Department had not received any information on the site investigation and/or remediation of the property. The Department also requested that within 30-days on receipt of the letter, a work plan, schedule, and start date with the required review fee for document review. This letter was returned to the Department marked, "Unclaimed" with three attempts by the US Postal Service on August 8, August 16, and August 27, 2012.

- 12. On October 17, 2012, the Department sent a Notice of Violation to Christine Straate, Registered Agent for Bella Landscaping located at 8655 North 43rd Street Brown Deer, Wisconsin, requesting an Enforcement Conference.
- 13. On November 19, 2012, the Department discussed the Notice of Violation with Christine Straate, Registered Agent. The Property is in the process of foreclosure and Bella Landscaping is no longer a viable business. The Department informed the Registered Agent that a Deed Affidavit would be filed at the Registered of Deeds Office in Milwaukee County.
- 14. The Department believes that the above-described contamination currently found in the soil on the Property with the above legal description will require subsequent purchasers of the Property to maintain a cap under 292.12, Wisconsin Statutes, to prevent exposure to contaminated soil and infiltration into the groundwater.

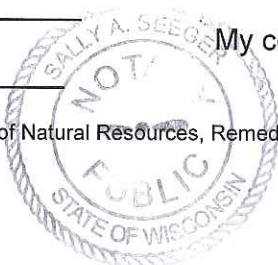


 Pamela A. Mylotta

Subscribed and sworn to before me this January day of 2, 2013.

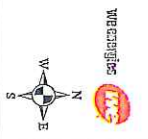
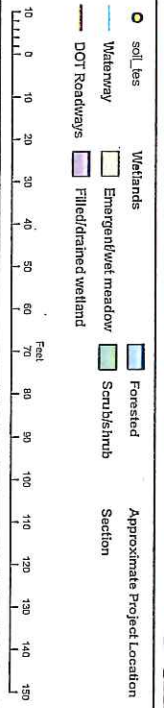


 Notary Public, State of Wisconsin
Milwaukee County



My commission expires on: May 23, 2016

Exhibit "A"



Hillcrest Property
 Exhibit # 2A: General Location and Aerial View
 Source: Southeastern Wisconsin Yr. 2005 Photomapper
 WDNR Mapped Wetland Inventory
 WDNR Waterways
 AHS 9/21/2007



View to the southeast, west side of 8655 N. 43rd Street.
Discharge area visible in the center of the photo.



View directly to the east, looking at the west side of 8655 43rd Street.
Discharge area in the middle of the photo.



View to the southeast, west side of 8655 N. 43rd Street.
Shows flow of discharge from under the bark and debris to the west, and then southward along east side of ROW.



View to the south along east side of ROW.



View to the east from ROW of the discharge area.
Some petroleum odor, and staining of bark and vegetation. No visible oil sheen.



View to the east.
Water in the ditch dug away from the discharge point.