State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

August 18, 2020

Derek Benedyk
btd2 LLC
210 South Water Street, #620
Milwaukee, WI 53204

Subject: Reported Contamination at 900 East Keefe Avenue, Milwaukee, WI
DNR BRRTS Activity # 03-41-000356 and 02-41-212365
DNR FID # 241032770

Dear Mr. Benedyk:

On November 18, 1988 and January 21, 1999, the Department of Natural Resources ("department") was notified that "hazardous substance discharges or environmental pollution" were detected at the site described above. Johnson Controls was identified as the responsible party. It's the department's understanding that Johnson Controls Power Solutions was bought by Brookfield Business Partners and renamed Clarios.

Based on the information available to the department regarding ownership of this property, we believe that btd2 LLC is the landowner in possession or control of the hazardous substance discharge or other environmental pollution (hereafter referred to as "contamination") at the above-described site. The term "site" includes the property where the contamination occurred and any other property it has migrated to, pursuant to Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

The purpose of this letter is to inform you of the contamination at the site and notify you that as the possessor and controller of the contamination, you may be held responsible under Wisconsin Statutes ("Wis. Stats.") ch. 292 for the investigation and cleanup of the contamination. At this time, Clarios, as the causer of the contamination, is investigating and cleaning up the site. If the causer continues to make sufficient progress under Wis. Admin. Code chs. NR 700 through NR 754, the department will not seek your involvement in investigation and cleanup; however, if the causer is no longer able or willing to continue progress, the department will require that you take the appropriate response actions.

Legal Responsibilities

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure. For more information on the responsibilities relating to contamination investigation and cleanup, see the enclosed letter to Johnson Controls, dated February 5, 1999.

Under Wis. Stat. ch. 292, continuing obligations may be applied to a property upon the closure of an environmental investigation and cleanup case. Continuing obligations are legal requirements designed to protect public health and the environment from contamination that remains on a property. If the department places

continuing obligations on the property at the time of closure, these obligations will become the property owner's responsibility. For more information, please see the enclosed DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners.*

Additional Information

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search "BRRTS". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Theadora Jorgensen
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212
theadora.jorgensen@wisonsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter**. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents**. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. See the enclosed DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program,* for assistance in proper document submittal.

Please visit the department's Remediation and Redevelopment program website at dnr.wi.gov and search "brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more.

If you have questions, please call the DNR Project Manager at 414-639-4007 or Theadora Jorgensen at 414-263-8541 for more information.

Thank you for your cooperation.

Sincerely,

Alice Egan
Hydrogeologist - Remediation & Redevelopment Program
Southeast Region

Enclosures:

Letter to Johnson Controls, dated February 5, 1999

Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners, DNR publication RR-819

Guidance for Electronic Submittals for the Remediation and Redevelopment Program, DNR publication RR-690

cc: Bernard Fenelon, GZA

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. ML King Jr. Drive, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8483
TDD 414-263-8713

February 5, 1999

BRRTS# : 02-41-212365
Facility ID (FID) #: 241032770
BRR/ERP

TIM LAFOND
JOHNSON CONTROLS
900 E KEEFE AVE
MILWAUKEE WI 53212

SUBJECT: Reported Contamination at your facility

To speed processing, correspondence should reference BRRTS & FID numbers at top of letter.

Dear Mr. LaFond:

On 1-21-99 you informed the Department that soil and groundwater contamination from lead, VOCs and PCBs exists at your address.

Based on information submitted to the Wisconsin Department of Natural Resources (DNR), we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law. Utilizing information submitted to the Department, this case has been assigned to the high priority ranking group.

WDNR Southeast Region Prioritization and Scoring Policy

Due to the DNR workload, we must rank all contamination cases for review priority. Lower priority cases do not have assigned project managers. Responsible parties are required to proceed with investigation and clean-up efforts without DNR oversight. Although the DNR has assigned a high priority status to this case, the site probably will not receive direct DNR oversight until closure. You should begin the required work, submitting plans and reports, including status reports, to this office.

Your responsibilities include investigating the extent of the contamination and selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

Purpose of this letter is: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with DNR.

Legal Responsibilities:
Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11(3) Wisconsin Statutes, 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.

Wisconsin Administrative Codes chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first four steps to take:

1. By 3-19-99, please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this timeline.

2. By 4-29-99, your consultant must submit a work plan and schedule for the investigation. The consultant must follow the DNR administrative codes and technical guidance documents. Please include with your work plan a copy of any previous information that has been completed (such as an underground tank removal report or preliminary soil excavation report).

3. Please inform us what is being done at your site. Submittal requirement timelines depend on the contaminants at the site. As described in s. NR 700.11, if the site meets criteria for a "simple site", progress reports must be submitted semi-annually, beginning 6 months from the initial notification date. If the site meets criteria for a "complex site", the site investigation report and a draft remedial options report must be sent to DNR within 30 days of completion of both reports. Your consultant must clearly document the extent and degree of soil and groundwater contamination and submit a proposal for cleaning up the contamination.

4. For complex sites, per s. NR 724.13(3), you or your consultant must send us a brief report at least every 90 days, starting after the remediation system begins operation. The reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, should conditions warrant, we may require more frequent contact with the Department.

Due to the number of contaminated sites and staffing levels in DNR's Southeast Region, we are unable to provide work plan approvals for investigations or remedial actions. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay investigation and cleanup of your site by waiting for DNR response. We have provided detailed technical guidance to consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address:

Michael Farley, BRR Program Assistant
Wisconsin Department of Natural Resources

Box 12436
Milwaukee WI 53212

Unless otherwise requested, please send only one copy of all plans and reports.

Information for Site Owners:
Enclosed is a list of environmental consultants and some tips on selecting one. If you are eligible for reimbursement of costs under Wisconsin's PECFA program (see last paragraph) you will need to compare at least three consultants' proposals before hiring one. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. Please read this information carefully.

If you are interested in obtaining the protection of limited liability under s. 292, Stats., please call 1-800-367-6076, in DNR's Madison office. The liability exemption under s. 292 Stats., is available to persons who meet the definition of "purchaser" in s. 292 and receive DNR approval for the response actions taken at the property undergoing cleanup. The Department will determine eligibility for this program on a case-by-case basis, prior to the "purchaser" developing a scope of work for conducting a ch. NR 716 site investigation at the property.

Financial Information:
Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. The fund is administered by the Department of Commerce (Commerce). Please contact Commerce at (608) 266-2424 for more information on eligibility and regulations for this program.

Thank you for your cooperation.

Sincerely,

Michael G. Farley
Program Assistant
414-263-8680

PLEASE always refer to both the BRRTS # *and* the FID # on all correspondence. Failure to do so will result in slower processing, which could delay closures, Form 4 approvals and other time-related functions.