FID 341233740

Mylotta, Pamela A

From: Dennis Reis [dennis.reis@reisllc.com]

Sent: Tuesday, December 06, 2005 12:25 PM

To: Mylotta, Pamela A

Subject: Sec 292.13(2) off-site letter and other issues

Pam:

I understand from your email that you are tied up in a meeting today, so I thought I'd tee up this issue by email. A subsidiary of Johnson Controls purchased a residence on Humboldt Avenue next to the Keefe plant (specifically, 3607-09 Humboldt) from a woman who claimed that she could not sell the property because of the groundwater contamination about which you are aware. There is now a developer who is willing to buy the property, but he would like us to work with him to obtain a Sec. 262.13(2) offsite letter. Assuming that the Johnson Controls subsidiary would apply for the letter and work with the prospective purchaser as to his ongoing duties, can you give me an idea of how long it takes these days to procure the letter?

Second, are you missing anything you need for the Keefe injection permit? If so, let me know so I can move the pilot program forward in the next few weeks.

Third, this is a short update on Badger. We have analyzed the possibilities inside and out and are going to embark on a final round of investigation to determine just how much soil meets residential criteria at the site and how much does not. Based on the results, we're going to come up with a plan intended to address the concerns raised a number of months ago, coupled with developer concerns about marketability. We will keep you in the loop at milestones.

Thanks.

Dennis

Dennis Reis LLC
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Mylotta, Pamela A

From: Dennis Reis [dennis.reis@reisllc.com]
Sent: Monday, August 22, 2005 11:32 AM
To: Mylotta, Pamela A; Thiboldeaux, Robert
Cc: pthomson@entact.com; tslaughter@entact.com; jdennis@tandemdevelopers.com
Subject: Johnson Controls Badger Property
Attachments: Revised Site Plan - Wider Lots.pdf; WDNR meeting discussion.doc

Pam and Rob:

The attached meeting discussion document highlights points I would like to cover tomorrow, in addition to those that anyone else would like to cover. We will have thoughts on each and hope to have a fruitful discussion for putting together a RAP.

Dennis

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Discussion Points
Meeting with Wisconsin Department of Natural Resources

1. Soil Issues
    a. Cleanup standards for residential development
        i. How should standards be set?
            1. Can there be different standards for surface and subsurface?
            2. If so, at what depth does that cutover happen? Does it matter if residuals are under a foundation, where no further digging is likely to occur, versus in uncovered soil, even if at depth?
            3. What are GIS/deed notice/deed restriction repercussions of various scenarios?
        ii. Surface cleanup:
            1. VOCs include ubiquitous levels of methylene chloride in low hundreds ppb and chlorinated solvents (mostly PCE) prevalent along west side of property at levels into the 2 ppm range (with a few detections on the east side, most less than 100 ppb).
            2. Ubiquitous levels of PAHs—most are in the low hundreds ppb, but a few are in the low ppm range.
            3. What is the preferred method for dealing with the surface:
                a. Total removal?
                b. If there is differentiation of surface and depth cleanup standards, can low concentration surface materials be reused at depth?
        iii. Subsurface sampling results:
            1. The eastside samples resemble the surface samples.
            2. The westside samples have pockets, particularly where remediation or removal was not conducted, where there are much higher VOC concentrations.
            3. How do these soils fit into any surface/depth differentiation?
            4. Removal will be the preferred activity for all soils over allowed limits.
    b. Sampling protocol for clean confirmation
        i. What suite of chemicals should be included?
        ii. What sample gathering protocol makes sense?

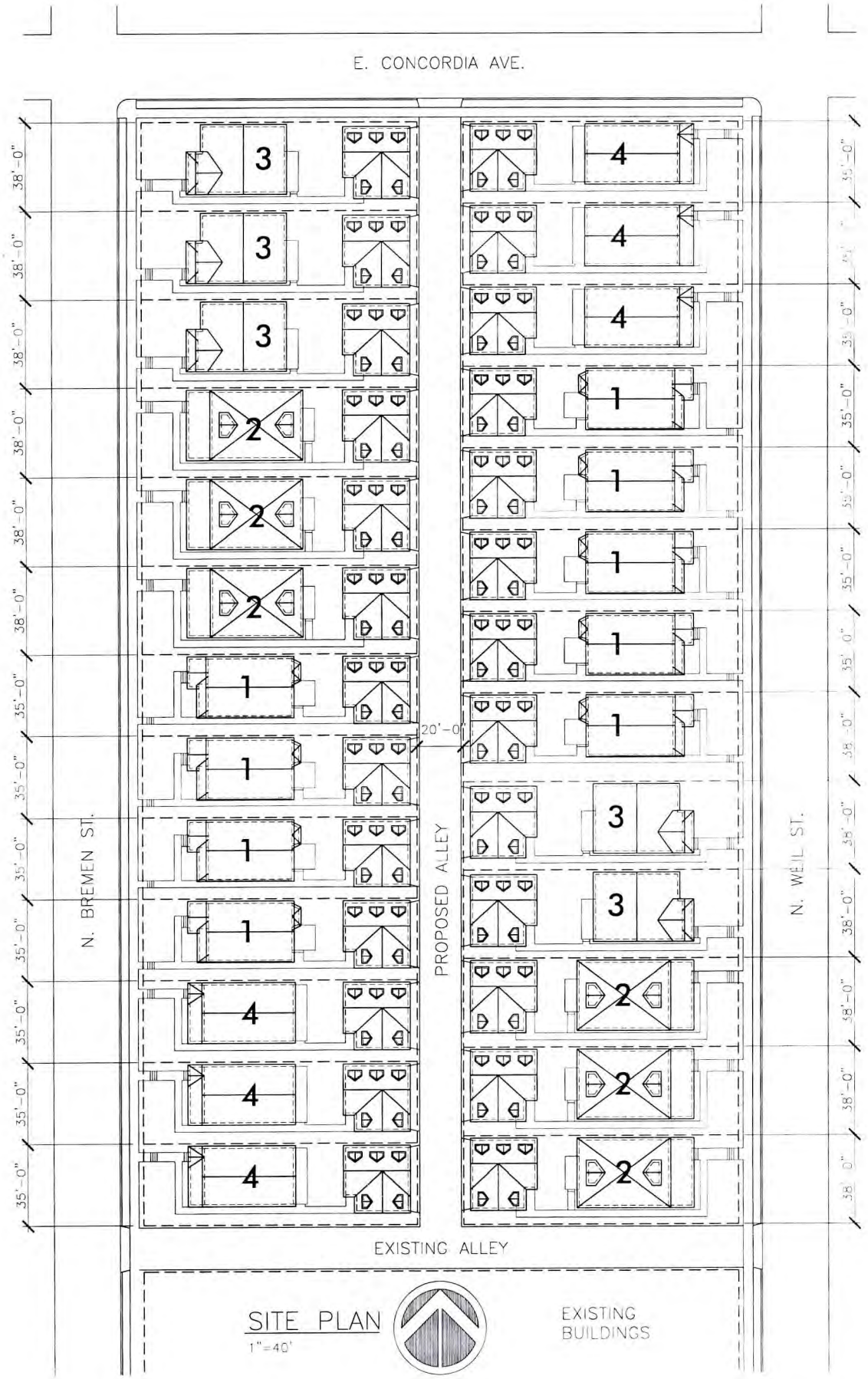
2. Groundwater
    a. Removal and injection scenarios
        i. Eastside levels: There are no concentration levels which would indicate removal or injection would be practical—see next section for discussion of scenarios for addressing low concentration residuals.

ii. Westside levels show that pockets of significant contamination remain. It may be cost effective to dig out some of the areas and to use one or more chemicals on the remaining areas.
iii. What concerns might WDNR have about excavation and removal?
iv. What general concerns does WDNR have about injection regimes?
v. The objective is to reduce all areas to the lowest extent possible under the circumstances. However, there are likely to be residuals above standards in various areas which cannot be easily treated—see next section.
vi. The adjoining homeowners have been cooperative in this process. We intend to address their concerns and may undertake projects in a localized area that would be infeasible over a wider area.

b. Assuming all residuals cannot be removed, longer term requirements
   i. Eastside properties: Chlorinated values have been measured at less than 100 ppb. There have been some vinyl chloride spikes (tens of ppbs) in the past, although higher spikes generally preceded removal of pavement. It is not practical to treat these areas. Under what conditions can these levels remain, and what would be the long term requirements?
   ii. Westside: At what levels of residuals do we cease attempts at treatment and address in the same manner as the east side?
   iii. What are GIS/deed notice/deed restriction repercussions of various scenarios?

c. Residual vapor concerns: What protocol should be followed for addressing WDNR and WDH concerns about the potential for vapor migration?

3. Discussion of scheduling issues
   a. What's the best way to deal with this--VLPE program?
      i. Parameters:
         1. Construction will consist of 26 residences (see accompanying diagram).
         2. The preferred schedule would be the construction of a model with completion in August 2006, followed by building the remaining houses in three phases, ending in spring 2008.
         3. Johnson Controls and the developer are attempting to coordinate building activities and removal/treatment activities in a manner that will minimize double handling of soils.
      ii. If VLPE program is used, can we treat the site as one property and issue partial releases as the properties for each building phase are completed?
   b. What will be WDNR's timing for review of
      i. Initial plan?
      ii. Individual groups of properties after plan implementation?



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Mylotta, Pamela A

From: Dennis Reis [dennis.reis@reisllc.com]
Sent: Thursday, August 18, 2005 12:18 PM
To: Mylotta, Pamela A; Thiboldeaux, Robert
Cc: jdennis@tandemdevelopers.com; tslaughter@entact.com; pthomson@entact.com
Subject: Johnson Controls Badger Property - August 23, 2005 meeting
Attachments: WDNR meeting.doc

Pam and Rob:

Attached is a short agenda with a simple road map of what we would like to talk about next Tuesday. We are finishing up technical bullet points to augment the agenda, which we hope to transmit in the next 48 hours.

I will be present, along with Thad Slaughter and Pat Thomson of Entact, the firm we have retained to guide us in mapping out the pathway to completion. Entact previously demolished the building and performed the interim removal at the site. Jon Dennis of Tandem Developers will also be present, along with Charles Lerman and Paul Dincin of the same company.

If you have any questions before the meeting, please let me know. I assume we should simply show up at your building at the appointed time and give you a call.

Dennis

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