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

June 4, 2021

Katherine and John Herschede
P.O. Box 11253
Milwaukee, WI 53211
Via Electronic Mail to jkhmilwaukee@gmail.com

SUBJECT: Request for Access for Sampling for Vapor Intrusion at 3633, 3627, 3621 and 3615 North Humboldt Avenue, Milwaukee, WI
Offsite investigation for Johnson Controls Battery Group Inc., 900 East Keefe Avenue, Milwaukee, WI
BRRTS # 02-41-212365; FID # 241032770

Dear Mr. and Ms. Herschede,
On May 13, 2021, GZA GeoEnvironmental, Inc. (GZA) informed the Wisconsin Department of Natural Resources (DNR) that they have been unable to gain access to your properties with addresses 3633, 3627, 3621 and 3615 North Humboldt Avenue after multiple attempts. The purpose of the access is to collect vapor samples in and beneath your buildings to determine whether chlorinated volatile organic compounds (CVOCs) have entered into your buildings. The contamination is from the Johnson Controls Battery Group Inc. site at 900 E. Keefe Avenue with BRRTS #02-41-212365. GZA was hired by Clarios, formerly Johnson Controls, Inc. to investigate and clean up the contamination.

Vapor Intrusion and Trichloroethylene
Vapor intrusion is the movement of vapors from chemicals in the soil or groundwater into the indoor air of a building. It is very similar to the way that radon gas can move into a home or office. At the Johnson Controls Battery Group Inc. site, CVOCs including trichloroethylene (TCE) have been identified in the groundwater above Wis. Admin. Code ch. NR 140 enforcement standards (ESs) to the west of your properties. Groundwater flow has been determined to flow northeast toward your properties. Because of the contaminated groundwater migrating toward your buildings, vapor sampling is needed at your properties.

TCE has acute health risks. The link to the fact sheet from the Department of Health Services for TCE is provided here: https://www.dhs.wisconsin.gov/publications/p02480.pdf.

DNR Request
The DNR is requesting you allow GZA to access your properties to collect vapor samples. In June 2020, a letter from GZA was sent to you that details the vapor sampling that will be conducted at your properties. A copy of the letter is attached. The vapor testing will help us get a better idea as to whether vapors are a concern in your buildings.

If you have questions about the sampling, contact me at 414-639-4007 or by email at alice.egan@wisconsin.gov.

Sincerely,

Alice Egan
Southeast Region Project Manager
Remediation and Redevelopment Program

Attachment:

Request for Access for Indoor Air and Sub-Slab Testing dated June 25, 2020, GZA

Links:

RR-953, *Why Test for Vapor Intrusion?*
RR-954, *What to Expect During Vapor Intrusion Sampling*

Cc: Bernie Fennelon, GZA (email)
Thomas Kettinger, Clarios (email)
Frederick Ganster, C&D Technologies (email)
Derek Benedyk, DTB2 LLC (email)
Curtis Hedman, Ph.D., Division of Public Health, Wisconsin Department of Health Services (email)

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17975 West Sarah Lane
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Brookfield, WI 53045
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F: 262.923.7758
www.gza.com

June 25, 2020 Via Email

JKH 3633 LLC, JKH 3627 LLC, JKH 3621 LLC, and JKN 3615 LLC
P.O. Box 11253
Milwaukee, Wisconsin 53211

Attn: Mr. John Herschede

Re: Request for Access for Indoor Air and Sub-Slab Testing
3633, 3627, 3621, and 3615 North Humboldt Avenue
Milwaukee, Wisconsin

Dear Mr. Herschede:

We are an engineering firm conducting environmental work on behalf of Clarios related to investigation and cleanup of historical impacts at the former Johnson Controls Battery Group (JCBG) property at 900 East Keefe Avenue, Milwaukee, Wisconsin ("Site"). We recently had communications with you regarding access to monitoring wells installed on your properties for the investigation. Clarios has responsibility for completing environmental activities at the Site and hired GZA GeoEnvironmental, Inc. (GZA) to conduct certain activities required by the Wisconsin Department of Natural Resources (WDNR). The WDNR is providing oversight of the investigation and cleanup activities being conducted by Clarios.

As part of the cleanup activities, the WDNR commonly requires assessment for the presence of chemical vapors in nearby buildings that may occur through a process called vapor intrusion. The assessment includes collecting samples of indoor air and soil vapor underlying the house. Therefore, we are requesting your permission to conduct the sampling at the four properties listed above. If you provide access, GZA will conduct the sampling and the results will be provided to you in a letter after the results are received from the laboratory. A Vapor Intrusion Fact Sheet prepared by the WDNR is attached to this letter for your information.

Indoor Air Testing

The indoor air testing consists of the collection of several air samples (at least one from each occupied floor level) in the buildings, including the basements, over a 24-hour period and submission of the samples for laboratory testing. The air samples are collected automatically using steel canisters we place in various locations where they are not to be disturbed for 24 hours. After approximately 24 hours, GZA will pick up the canisters and ship them to a laboratory for testing.

It is common that owners and/or tenants could have various consumer products in the building that can contain similar compounds as those for which we are testing. To avoid potential contamination of the indoor air samples from common household chemical sources, please refer to the attached list of chemicals to be removed from the building and activities to be avoided for at least 48 hours prior to and during the indoor air sampling.

Soil Vapor (Sub-Slab) Testing Beneath the House

Upon completion of the indoor air sampling, soil vapor samples will be collected from two or three locations beneath the floor slab of the lowest level of the building (presumably the basement) to evaluate whether compounds are present in the sub-slab vapor at concentrations greater than WDNR screening levels. The sub-slab soil vapor testing involves drilling small holes (about the size of a quarter) in the lowest floor and installing a sampling port in the hole. A vapor sample will be collected from each sub-slab sampling port for laboratory testing. A thin, steel plate is placed over the sampling port flush to the floor after the sampling is conducted. We will need to sample indoor air and sub-slab

air on at least two occasions. After the WDNR agrees that no more sampling is needed, the sampling ports will be abandoned by removal and the holes sealed.

Schedule

We will contact you to schedule a convenient time for the sampling. The indoor air and sub-slab soil vapor sampling will take place over two consecutive days in each building. The first day will include the preparation and placement of the indoor air sampling canisters, which is expected to take 1.5 to 2 hours in each building. The second day will include the removal of the indoor air canisters, the installation of the soil vapor probes, and the collection of the soil vapor samples, which is expected to take approximately 2 hours for each building.

We will provide you the results of the testing and an explanation of the findings after we receive the results from the laboratory in about two to three weeks. If compounds are detected in the indoor air samples or soil vapor samples from under a house at concentrations that exceed a screening level established by the WDNR, it is common practice to install a standard radon venting system in the building, which while provide ventilation of common radon vapors and also address vapors related to the 900 East Keefe Avenue property. We will contact you for permission to install a vapor mitigation system if the testing indicates that such a system is needed. The assessment described in this letter and the installation of a vapor mitigation system, if required, will be paid for by Clarios.

Authorization

If you consent to GZA performing testing of the indoor air and sub-slab soil vapor in your four buildings, please provide your contact information and sign one of the two copies of the attached access agreement and keep one copy for your files. Return the signed copy to GZA in the enclosed envelope. After we receive the agreement, we will contact you to schedule a time to select sample locations in your home and perform the sampling. We will do our best to work efficiently and minimize our presence at your property.

Questions

If you have questions, please call Bernie or John at (262) 754-2560 or (262) 424 2042 at GZA. You may also contact Ms. Alice Egan of the WDNR (414-263-8626 or alice.egan@wisconsin.gov), if you have any questions related to the investigation; or Mr. Curtis Hedman of the Wisconsin Department of Health Services (WDHS) (608-266-6677 or Curtis.Hedman@dhs.wisconsin.gov), if you have any health-related questions.

On behalf of Clarios, GZA thanks you for your cooperation.

Very truly yours,

GZA GeoEnvironmental, Inc.

Bernard G. Fenelon, P.G.
Senior Project Manager
Hydrogeologist

John C. Osborne, P.G.
Senior Principal
Hydrogeologist

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Attachment: WDNR VI Fact Sheet
List of Chemicals to be Removed and Activities to be Avoided During Sampling
April 10, 2009 Access Agreement

c: Mr. Thomas Kettinger, Clarios
Ms. Alice Egan, Wisconsin Department of Natural Resources
Mr. Curtis Hedman, Wisconsin Department of Health Services

PUB-RR-892
Feb 2014

Wisconsin DNR vapor intrusion quick facts

What is Vapor Intrusion?

Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

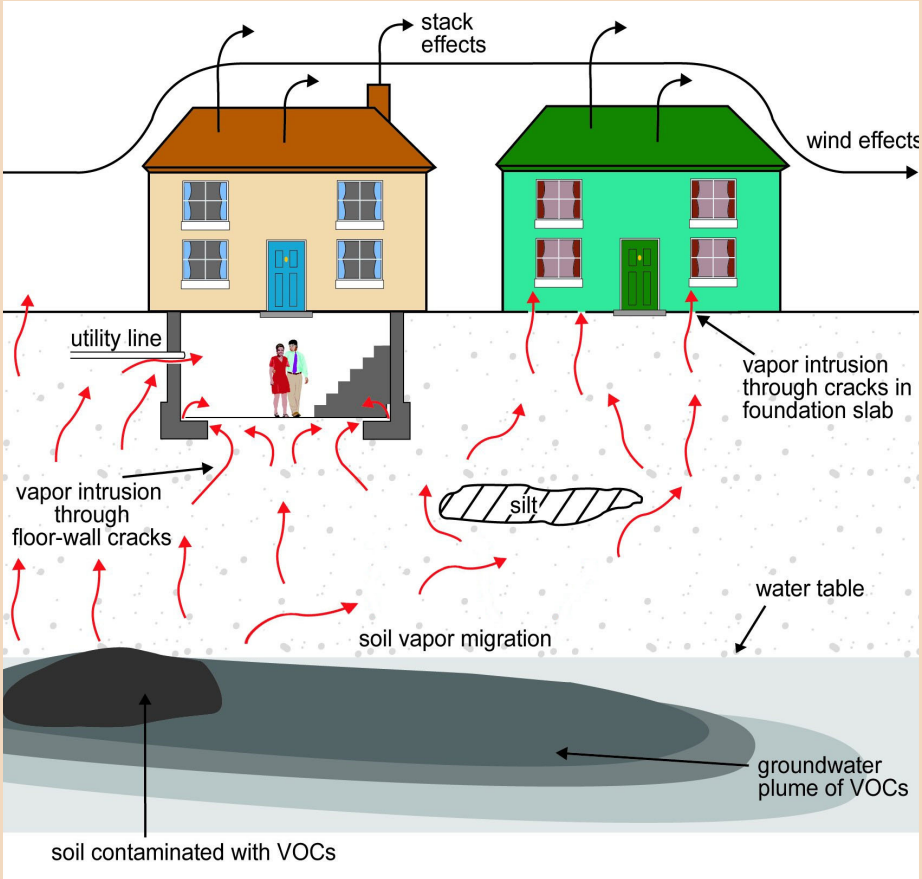
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."

Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "Brownfields"

How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic. www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at **dhs.wisconsin.gov** , search "Vapor." For other health-related questions, please contact your local health department: **www.dhs.wisconsin.gov/localhealth**.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at **dnr.wi.gov/topic/Brownfields/Vapor.html**.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at **dnr.wi.gov/topic/Brownfields/Contact.html** or call the RR Program at (608) 266-2111.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

Materials and Activities List

Materials that must be kept tightly closed or preferably removed, if present in the unit, include the following:

- Dry-cleaned clothing;
- Fumigants/repellants such as moth balls;
- Deodorizers;
- Fuel storage cans or gas-powered equipment;
- Automobile products such as break cleaners, gasoline treatment, fuel system cleaners, etc.;
- Maintenance chemicals such as liquid wrench, oils, solvents, etc.;
- Oil-based paints and paint thinners and removers;
- Fingernail polish and remover;
- Gun cleaners and oils;
- Cleaners such as oven and window cleaners and furniture polishes; and
- Other materials that emit an odor when opened and/or applied.

Activities to be avoided during indoor-air sampling include the following:

- Smoking;
- Airing out the home;
- Bringing home dry-cleaned clothing;
- Remodeling where paints, solvents, adhesives, glues, etc. are used;
- Activities that generate smoke such as candles or cooking with high temperature.

If there are questions about this list please contact Bernard Fenelon at GZA GeoEnvironmental, 262.754.2567

GONZALEZ
SAGGIO
HARLAN

April 15, 2009

Richard A. Frederick, Esq.
1840 North Farwell Avenue
Suite 301
Milwaukee, WI 53202

Re: ***Johnson Controls, Inc. Access Agreement***

Dear Mr. Frederick:

Enclosed please find an originally executed Access Agreement for the Humboldt Properties.

Please contact me if you have any questions.

Sincerely yours,

Edward B. Witte

Enclosure

cc: Aria Klees, w/enclosure
Michael Hanson, w/enclosure
Tim Lafond, w/enclosure
Heather Davis, w/enclosure

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Affiliated with Gonzalez, Saggio and Harlan, L.L.C. and Gonzalez Saggio Harlan LLC

Property Access Agreement

3615 North Humboldt Avenue, Milwaukee, WI 53212
3621 North Humboldt Avenue, Milwaukee, WI 53212
3627 North Humboldt Avenue, Milwaukee, WI 53212
3633 North Humboldt Avenue, Milwaukee, WI 53212

This Property Access Agreement ("Agreement") is entered into as of the date of the final signature below by and between Johnson Controls, Inc. ("JCI") and C&D Technologies, Inc. ("C&D") on the one hand and JKH Properties ("JKH") on the other.

Recitals

Whereas, JKH owns property located at 3615 North Humboldt Avenue, Milwaukee, WI 53212, 3621 North Humboldt Avenue, Milwaukee, WI 53212, 3627 North Humboldt Avenue, Milwaukee, WI 53212, and 3633 North Humboldt Avenue, Milwaukee, WI 53212, (collectively the "Humboldt Properties");

Whereas, in 1999, JCI sold the manufacturing property immediately to the west of the Humboldt Properties (the "Site") to C&D. JCI and C&D have since conducted a groundwater investigation on the Site and have determined that in certain areas the groundwater has been impacted by chlorinated solvents and their degradation products;

Whereas, JCI and C&D seek to conduct further investigation on the Humboldt Properties to determine the nature and extent of contamination on the Humboldt Properties; and

Whereas, the purpose of this Agreement is to obtain JKH's approval for JCI and C&D, and its designees, to access the Humboldt Properties to: (1) install monitoring wells; (2) collect groundwater samples and potentially soil or vapor samples; (3) perform remedial activities, if any; and (4) monitor the remediation progress if remedial activities are identified.

Now, therefore, in consideration of the promises contained in this Agreement, and for other good and valuable consideration, receipt of which is acknowledged, the parties agree as follows:

Agreement

1. The foregoing recitals are hereby incorporated into this Agreement by reference as if fully set forth herein

2. JKH shall provide reasonable access to the Humboldt Properties for JCI/ C&D or its designees to perform investigation and remedial activities, if any, to meet the requirements of the Wisconsin Department of Natural Resources ("WDNR") regarding the presence and/or remediation of any Hazardous Substances. For purposes of this

Agreement, the term "Hazardous Substances" means any substance recognized by WDNR as having an adverse affect on human health or the environment that has migrated from the Site.

3. JCI/C&D will give JKH at least 48-hour notice of the date and time that access is desired by contacting JKH's attorney, Mr. Richard Frederick.

4. JCI/C&D will provide the results of any testing it performs on the Humboldt Properties to JKH through its attorney, Mr. Richard Frederick, within thirty (30) days of testing.

5. JKH may terminate this Agreement upon 30 days' notice to JCI/C&D any time after five (5) months from the date that the final signature is affixed to this Agreement. Notice to JCI/C&D will be considered validly given if sent by certified mail, email, or personal delivery to: Edward (Ned) B. Witte, Gonzalez Saggio & Harlan LLP, 225 East Michigan Street, Milwaukee, WI 53202, ned_witte@gshllp.com.

6. JCI/C&D shall, at their sole cost and expense, promptly restore the Humboldt Properties and repair any and all damage to the Humboldt Properties resulting from the work undertaken pursuant to this Agreement.

7. References in this Agreement to any of the parties shall include all their predecessors, successors, heirs, trustees, beneficiaries, assigns, officers, directors, employees, or designees.

8. For purposes of enforcement or interpretation of the provisions of this Agreement, the Parties agree that the laws of the State of Wisconsin shall be applicable and further agree that any litigation brought for such purposes shall be initiated in the Circuit Court for the County of Milwaukee, Wisconsin.

9. The parties have sought and obtained all legal advice from counsel that they deem necessary prior to entering into this Agreement.

10. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the respective Parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the entity on whose behalf it is indicated that the person is signing.

Johnson Controls, Inc.

By: _____

Name: Jerome D. Okarma

Title: VP, Secy

Date: 4-7-09

C&D Technologies, Inc.

By: E. Sean Griggs

Name: E. Sean Griggs

Title: LEGAL COUNSEL

Date: 4-10-09

JKH Properties

By: _____

Name: John Herschede

Title: Member

Date: April 2, 2009