From: Reynolds, Mackenzie H - DNR
Sent: Friday, October 4, 2024 8:53 AM
To: terrytaper218@gmail.com
Subject: FW: 5750 W Fond Du Lac Ave Property BRRTS# 02-41-562317
Attachments: 20240625_15_NOI_Deed_Aff.pdf; 2nd NON for 5750 W Fond du Lac Ave Milwaukee - Letter Only.pdf; 20240320_3_NON.pdf; 20240108_200_Push_Action.pdf; 20150206_2_RP_Ltr.pdf

Good morning Terry,

Below is the email I sent in August and the attachments included. Please provide another update by November 8th.

Thank you,
Mackenzie

Mackenzie Reynolds
she/her/hers
Phone: 608-400-9934
mackenzie.reynolds@wisconsin.gov

Our core values include professionalism, integrity, and customer service.
Please visit our survey to provide feedback on your experience interacting with any DNR employee.

From: Reynolds, Mackenzie H - DNR
Sent: Tuesday, August 27, 2024 1:23 PM
To: inctntlogistics@gmail.com
Subject: RE: 5750 W Fond Du Lac Ave Property BRRTS# 02-41-562317

Good afternoon,

Please provide a status update by October 4th, 2024, including your mailing address, and your plans to address the contamination reported to the DNR in 2014. Additionally, attached are the letters I previously attempted to send you.

Thank you,
Mackenzie

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Mackenzie Reynolds
she/her/hers
Phone: 608-400-9934
mackenzie.reynolds@wisconsin.gov

From: Reynolds, Mackenzie H - DNR
Sent: Monday, August 19, 2024 3:13 PM

To: inctntlogistics@gmail.com
Subject: 5750 W Fond Du Lac Ave Property BRRTS# 02-41-562317

Good afternoon,

Thank you for reaching out regarding the site listed above. I have included some links to begin the process of investigation and cleanup of contamination at the site.

- Selecting an Environmental Consultant https://widnr.widen.net/s/gjzcrc8qdw/rr502
- List of Environmental Services Contractors https://apps.dnr.wi.gov/botw/GetContractors.do
- NR 700 Process and Timeline https://widnr.widen.net/s/tfw7f2qg59/rr967

Please let me know if you have any questions.

Thank you,
Mackenzie

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Mackenzie Reynolds
she/her/hers
Hydrogeologist – Remediation and Redevelopment
Wisconsin Department of Natural Resources
1027 W St Paul Ave
Milwaukee, WI 53233
Phone: 608-400-9934
mackenzie.reynolds@wisconsin.gov

dnr.wi.gov

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W Saint Paul Ave.
Milwaukee, WI 53233

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

January 8, 2024

Living Epistle Church of Holiness Inc
Terry Taper
3401 N 35th St.
Milwaukee WI, 53216

SUBJECT: Status Update Request for 5750 W Fond Du Lac Ave Property
5750 W Fond Du Lac Ave., Milwaukee, WI 53216
BRRTS#02-41-562317, FID# 241408090

Dear Mr. Taper:

On February 6, 2015, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge on the above-referenced site. The DNR has not received information concerning your efforts to respond to this hazardous substance discharge since the *Notification For Hazardous Substance Discharge and Site Assessment Data* was submitted on July 17, 2014. The DNR requests that a written status update confirming the hiring of a qualified environmental consultant be submitted by **February 7, 2024.**

Legal Responsibilities:
Your legal responsibilities are defined in statute and in administrative code. The hazardous substances spill law, Wis. Stat. § 292.11(3), states "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 Code (Wis. Admin. Code) chapters NR 700 to NR 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure.

Special Vapor Intrusion Concern with Trichloroethylene:
Contamination that includes trichloroethylene ("TCE"), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Because TCE is a contaminant of concern at the site, assessment of the vapor intrusion pathway and the actions requested below should be prioritized and completed as soon as possible. For additional information regarding the potential health risks associated with TCE, see the attached Department of Health Services fact sheet "TCE in the Air." For an overview on VI, see "What is Vapor Intrusion?" (RR-892). For more information, go to dnr.wi.gov and search "vapor." Additional technical guidance on VI is available in "Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin" (RR-800).

Vapor Screening Assessment Needed:
A vapor intrusion screening assessment has not been provided to the DNR to date. Perform a vapor intrusion screening assessment to determine whether vapor sampling is warranted at the site and/or off-site properties. Site specific information such as contaminant type, concentrations, preferential pathways, and distances from receptors should be considered in the screening assessment. Guidance regarding the performance of vapor intrusion screening assessments can be found in the DNR document, "Addressing Vapor Intrusion at Remediation

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and Redevelopment Sites in Wisconsin" (RR-800). This vapor screening assessment should be included in the written status update requested above.

Additional Information:
Submit the status update to the DNR using the RR Program Submittal Portal at dnr.wi.gov (search "RR submittal portal" or use this direct link: https://dnr.wi.gov/topic/Brownfields/Submittal.html). Questions on using this portal can be directed to the Project Manager below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (https://dnr.wi.gov/topic/Brownfields/Contact.html)

All other correspondence regarding this site should be directed to the DNR Project Manager, mackenzie.reynolds@wisconsin.gov or by mail to:

Mackenzie Reynolds
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
1027 W St Paul Ave
Milwaukee, WI 53233

The DNR is requesting that within 30 days, by **February 7, 2024**, you inform the DNR in writing of your intentions to return this case to compliance by hiring a qualified environmental consultant and submitting a status update.

If you have questions, please do not hesitate to contact me at 608-400-9934 or mackenzie.reynolds@wisconsin.gov. Thank you for your cooperation.

Sincerely,

Mackenzie Reynolds

Mackenzie Reynolds
Hydrogeologist- Remediation & Redevelopment Program
Southeast Region

Enclosures:
February 6, 2015, Responsible Party Letter from DNR
TCE in the Air – Wisconsin Department of Health Services
p02480.pdf (SECURED) (wisconsin.gov)
What is Vapor Intrusion? – DNR
RR892.pdf (widen.net)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee WI 53233

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

March 20, 2024

CERTIFIED MAIL # 7017 1450 0001 2129 1179

Living Epistle Church of Holiness Inc.
Attn: Mr. Terry Taper
5224 W. Luebbe Ln.
Milwaukee, WI 53223

Subject: Notice of Non-Compliance: Action Required by April 20, 2024
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
5750 W. Fond Du Lac Ave Property, Milwaukee, WI 53216
BRRTS #: 02-41-562317, FID #: 241408090

Dear Mr. Taper:

This letter is to notify you that you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On February 6, 2015, the Wisconsin Department of Natural Resources (DNR) notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. That letter is attached for your reference.

Cory Katzban, with The Sigma Group, Inc. (Sigma), submitted a Notification for Hazardous Substance Discharge (notification) to the DNR on July 14, 2014. The notification indicated soil and groundwater on the subject property was contaminated with volatile organic compounds (VOCs) and metals (arsenic). Sigma recommended additional site investigation activities to determine the extent of contamination at the property.

The DNR understands the property was previously occupied by Heaven Scent Cleaners, a dry-cleaning facility. Chlorinated compounds, specifically tetrachloroethene (PCE) and trichloroethene (TCE), have been identified at the site in the soil and groundwater. TCE is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in the air. Vapors can migrate from contaminated soil or groundwater along preferential pathways and enter occupied buildings through vapor intrusion (VI). Since TCE is a contaminant of concern at the site, assessment of the vapor intrusion pathways should be prioritized and completed as soon as possible. To the DNR's knowledge, no further work has been completed at the property since Sigma completed the limited investigation.

The DNR sent follow-up letters requesting site updates on May 28, 2015, and January 8, 2024. It is the DNR's understanding that none of the requested information has been provided. Additionally, no semi-annual reports to share site progress have been submitted to the DNR since 2015.

Notice of Non-Compliance
Please be aware that the DNR may initiate enforcement action against you for failure to comply with Wis. Stat. ch. 292. Your legal responsibilities are defined both in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 754 and are also described in the February 6, 2015 letter. In particular, Wis. Stat. § 292.11(3), 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.

In the DNR's most recent letter to you, dated January 8, 2024, you were requested to submit a written status update confirming the hiring of a qualified environmental consultant by February 7, 2024. The requested information has not been submitted; therefore, you are in non-compliance with state regulations. This letter serves as your Notice of Non-Compliance.

Guidance for meeting statutory requirements is available in code. Wis. Admin. Code chs. NR 700 - 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Ch. NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code ch. NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

Notice of Potential Deed Affidavit
If you elect not to move forward with the necessary response actions at your site, the DNR intends to file a deed affidavit on the property per Wis. Admin. Code § NR 728.11(2), which states:

> Where the department has information to demonstrate that the source of contamination is on the property and the property owner or other responsible party has failed to take adequate response action, the department may record an affidavit at the office of the register of deeds for the county in which the property is located…"

This affidavit would provide notice to the public, and any prospective purchaser, of the existing contamination and the environmental liability associated with the property.

Response Requested
The DNR requests that by April 20, 2024, you submit a written status update confirming the hiring of a qualified environmental consultant.

Please understand that you are in non-compliance and will remain in non-compliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. ch. 292 to address this contamination will cause the DNR to take appropriate enforcement action.

Additionally, with regards to the potential deed affidavit, you must respond by April 20, 2024, and either indicate that the property will be promptly investigated and remediated in compliance with applicable statutes and rules or provide information which clearly demonstrates that there is no environmental contamination on the property (Wis. Admin. Code § NR 728.11(2)(a)).

If you have questions, please contact the DNR Project Manager, Mackenzie Reynolds at Mackenzie.Reynolds@wisconsin.gov or at (608) 400-9934. Thank you for your attention to this matter.

Sincerely,

Michele R. Norman

Michele R. Norman
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Encl.
Reported Contamination at 5750 West Fond du Lac Avenue Milwaukee, WI, February 6, 2015

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

WISCONSIN
DEPT. OF NATURAL RESOURCES

August 13, 2024

Living Epistle Church of Holiness Inc.
Attn: Mr. Terry Taper
5224 W. Luebbe Ln.
Milwaukee, WI 53223

Subject: Notice of Intent to File Notice of Contamination Affidavit per Wis. Admin. Code § NR 728.11
5750 W. Fond du Lac Ave. Property, 5750 W. Fond du Lac Ave., Milwaukee, WI 53216
BRRTS #: 02-41-562317, FID #: 241408090

Dear Mr. Taper:

On March 20, 2024, the Department of Natural Resources (DNR) sent you a letter requesting a site update for the above referenced Property. The DNR did not receive an adequate response to the previous request within the allotted timeframe.

In accordance with Wis. Admin. Code § NR 728.11(2)(b), you are hereby notified that the DNR intends to record an affidavit at the county register of deeds office giving notice of contamination at the Property at 5750 W. Fond du Lac Ave., Milwaukee, WI, unless you **respond to this second letter in writing, within 30 days of receiving this letter, informing the DNR of your plans to finish the necessary environmental response actions at this site.** As part of this response, please include the name and contact information of your environmental consultant.

In accordance with Wis. Admin. Code § 728.11(2)(c), if an acceptable response is not received within the time period set forth in this letter, the DNR may, as soon as practicable but in no case less than 15 days after the 30-day deadline, record the Notice of Contamination affidavit at the office of the register of deeds for the county in which the Property is located. A copy of the Notice of Contamination affidavit to be filed is enclosed with this letter.

Your prompt attention to this request is appreciated. If you have any questions regarding this notice or how to move your site forward through the regulatory clean-up process, please contact the DNR Project Manager, Mackenzie Reynolds at (608) 400-9934, or by email at Mackenzie.Reynolds@wisconsin.gov.

Sincerely,

Michele R. Norman

Michele R. Norman
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Enc:
Copy of Deed Affidavit to Be Filed

Document Number	NOTICE OF CONTAMINATION

In Re: See attached legal description.

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Recording Area

Name and Return Address
Lien and Deed Affadavit Coordinator
Remediation and Redevelopment (RR/5)
PO Box 7921
Madison WI 53707-7921

2490701000
_____
Parcel Identification Number (PIN)

I, Christine Sieger, being first duly sworn, state that:

1. I am the Bureau Director, employed by the Wisconsin Department of Natural Resources (hereinafter "the department").

2. I have, or Mackenzie Reynolds, Hydrogeologist, has personal knowledge of the facts herein set forth and believe the same to be true.

3. The department has determined that contamination has been discharged to soil and groundwater at the above described property ("the Property"), and that the contamination identified on the Property has not been adequately defined or remediated. Additional information may be found by visiting the Bureau of Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW), currently at dnr.wi.gov (search: "BOTW"), by searching for 02-41-562317 in the "BRRTS No."

4. Per Wis. Admin. Code § NR 728.11(2), the department has sent all required notices to the property owner and any mortgagee as applicable at the time of this recording advising that the department has made a decision to record a notice of contamination for the Property at the Register of Deeds office. The department did not receive an acceptable response from the property owner within the time period set forth in the notice.

5. Because the department believes the contamination identified on the Property at the time of this recording will continue to discharge to the environment, the public and prospective purchasers of the Property are hereby notified per Wis. Admin. Code § NR 728.11(3) of potential environmental liability for investigation and remediation of contamination under Wis. Stat. § 292.11(3).

Signature: _____
Printed Name: Christine Sieger

Subscribed and sworn to before me
this _____ day of _____, 20__.

_____
Notary Public, State of _____
My commission _____

This document was drafted by the Wisconsin Department of Natural Resources.

DRAFT

Legal description:

Lot One (1), Block One (1), Longview, being a subdivision of a part of the Southwest Quarter (SW1/4), Section Two (2), Township Seven (7) North, Range Twenty-one (21) East, City of Milwaukee, Milwaukee County, Wisconsin; EXCEPT that part thereof bounded and described as follows: Commencing at a point in the Northwest corner of Lot 1 in Block 1 of Longview, being a subdivision of a part of the SW1/4, Section 2, Township 7 North, Range 21 East, said point also lying in the present South line of West Congress Street; running thence South along the West line of Lot 1, aforesaid, 10.54 feet to a point in the Southwesterly line of Lot 1; thence Southeasterly along the Southwesterly line of Lot 1 aforesaid, 25.00 feet to a point; thence Northwesterly 53.18 feet to a point in the North line of said Lot 1, said point lying 62.00 feet East of the Northwest corner of said Lot 1; thence West along the North line of Lot 1 aforesaid, 62.00 feet to the Point of Commencement.

DRAFT

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

WISCONSIN
DEPT. OF NATURAL RESOURCES

June 25, 2024

CERTIFIED MAIL # 9589 0710 5270 0495 1801 54

Living Epistle Church of Holiness Inc.
Attn: Mr. Terry Taper
5224 W. Luebbe Ln.
Milwaukee, WI 53223

Subject: Notice of Intent to File Notice of Contamination Affidavit per Wis. Admin. Code § NR 728.11
5750 W. Fond du Lac Ave. Property, 5750 W. Fond du Lac Ave., Milwaukee, WI 53216
BRRTS #: 02-41-562317, FID #: 241408090

Dear Mr. Taper:

On March 20, 2024, the Department of Natural Resources (DNR) sent you a letter requesting a site update for the above referenced Property. The DNR did not receive an adequate response to the previous request within the allotted timeframe.

In accordance with Wis. Admin. Code § NR 728.11(2)(b), you are hereby notified that the DNR intends to record an affidavit at the county register of deeds office giving notice of contamination at the Property at 5750 W. Fond du Lac Ave., Milwaukee, WI, unless you **respond to this second letter in writing, within 30 days of receiving this letter, informing the DNR of your plans to finish the necessary environmental response actions at this site.** As part of this response, please include the name and contact information of your environmental consultant.

In accordance with Wis. Admin. Code § 728.11(2)(c), if an acceptable response is not received within the time period set forth in this letter, the DNR may, as soon as practicable but in no case less than 15 days after the 30-day deadline, record the Notice of Contamination affidavit at the office of the register of deeds for the county in which the Property is located. A copy of the Notice of Contamination affidavit to be filed is enclosed with this letter.

Your prompt attention to this request is appreciated. If you have any questions regarding this notice or how to move your site forward through the regulatory clean-up process, please contact the DNR Project Manager, Mackenzie Reynolds at (608) 400-9934, or by email at Mackenzie.Reynolds@wisconsin.gov.

Sincerely,

Michele R. Norman

Michele R. Norman
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Enc:
Copy of Deed Affidavit to Be Filed