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

January 31, 2025

Joel Aizen
The Couture LLC
260 East Highland Avenue, Suite 401
Milwaukee, WI 53202
Via Electronic Mail Only to jaizen@barrettlo.com

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Case Closure with Continuing Obligations
The Couture, 909 East Michigan Street, Milwaukee, WI 53202
BRRTS # 02-41-579105, FID # 341286220

Dear Mr. Aizen:

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that The Couture case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 to 799 for case closure with continuing obligations (COs). COs are legal requirements to address potential exposure to remaining contamination. No further investigation or remediation is required at this time for the reported hazardous substance discharge and/or environmental pollution.

However, you, future property owners and occupants of the property must comply with the COs as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. You must provide this letter and all enclosures to anyone who purchases, rents or leases this property from you. You may be required to make a real estate condition report disclosure under Wis. Stat. ch 709.

This case closure decision is issued under Wis. Admin. Code chs. NR 700 to 799 and is based on information received by the DNR to date. The DNR reviewed the closure request for compliance with state laws and standards and determined the case closure request met the notification requirements of Wis. Admin. Code ch. NR 725, the response action goals of Wis. Admin. Code § NR 726.05(4), and the case closure criteria of Wis. Admin. Code §§ NR 726.05, 726.09 and 726.11, and Wis. Admin. Code ch. NR 140.

The Couture site was investigated for a discharge of hazardous substances and/or environmental pollution from fill material located sitewide. The site was redeveloped into an apartment building with a parking structure. Case closure is granted for the volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and Resource Conservation and Recovery Act (RCRA) metals as documented in the case file. The site investigation and/or remedial action addressed soil and groundwater. The remedial action consisted of an excavation up to 28 feet below ground surface. Contamination remains in the soil on the south side that is subject to COs for the site.

The case closure decision and COs required were based on the site being used for residential purposes. The site is currently zoned residential. Based on the land use and zoning, the site meets the non-industrial land use classification under Wis. Admin. Code § NR 720.05(5) for application of residual contaminant levels in soil.

SUMMARY OF CONTINUING OBLIGATIONS

COs are applied at the following location:

ADDRESS (CITY, WI)	CO APPLIED
909 E. Michigan Street, Milwaukee, WI (Source Property)	-Residual Soil Contamination

CLOSURE CONDITIONS

Closure conditions are legally required conditions which include both COs and other requirements for case closure (Wis. Stat. § 292.12(2)). Under Wis. Stat. § 292.12(5), you, any subsequent property owners and occupants of the property must comply with the closure conditions as explained in this letter. The property owner must notify occupants for any condition specified in this letter under Wis. Admin. Code §§ NR 726.15(1)(b) and NR 727.05(2).

DNR staff may conduct periodic pre-arranged inspections to ensure that the conditions included in this letter are met (Wis. Stat. § 292.11(8)). If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the closure conditions.

SOIL

Continuing Obligations to Address Soil Contamination

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b), and Wis. Stat. ch. 289)
Soil contamination remains on the south side of the site as indicated on the enclosed map (Figure B.2.b., Residual Soil Contamination Map, January 24, 2025). If soil in the location(s) shown on the map is excavated in the future, the property owner or right of way holder at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner or right of way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners, occupants and right of way holders need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

OTHER CLOSURE REQUIREMENTS

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))
DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking Water and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

DNR NOTIFICATION AND APPROVAL REQUIREMENTS

The DNR may require additional investigation and/or cleanup actions if necessary, to be protective of human health and the environment. The case may be reopened under Wis. Admin. Code § NR 727.13 if additional information indicates that contamination on or from the site poses a threat, or for a lack of compliance with a CO or closure requirement.

SUBMITTALS AND CONTACT INFORMATION

Site, case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search "BOTW." Use the BRRTS # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

Send written notifications to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (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).

CLOSING

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact the DNR Project Manager, Alice Egan at 414-439-6007, or at alice.egan@wisconsin.gov.

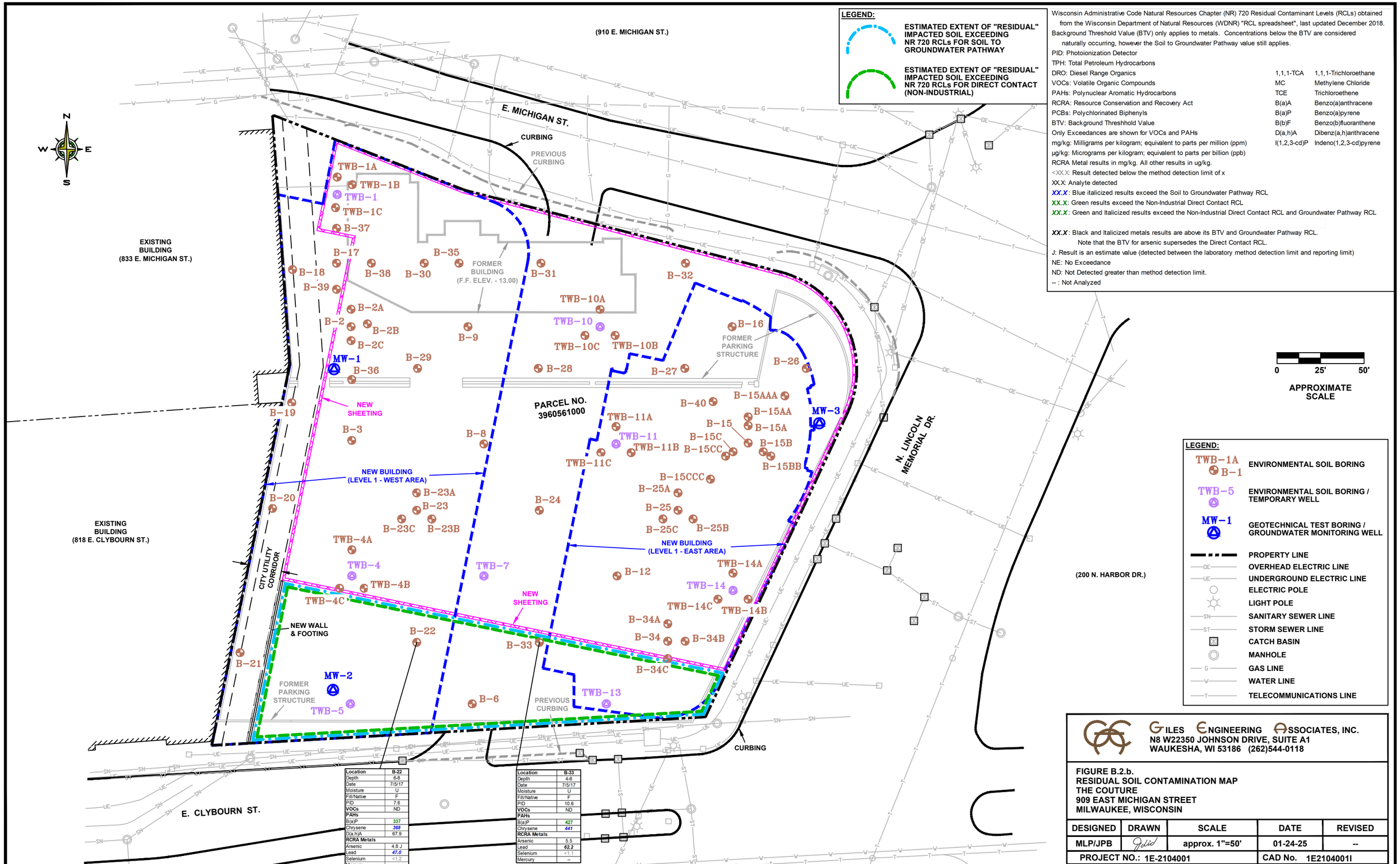
Sincerely,

Michele R. Norman
Team Supervisor
Remediation & Redevelopment Program

Attachment:
Figure B.2.b., Residual Soil Contamination Map, January 24, 2025

cc.
Michelle Peed, Giles Engineering Associates, Inc., mpeed@gilesengr.com

Additional Resources:
The DNR fact sheets can be obtained by visiting the DNR website at "dnr.wi.gov" and searching DNR publication number.
Guidance for Electronic Submittals for the Remediation and Redevelopment Program (RR-690)
Continuing Obligations for Environmental Protection (RR-819)
Environmental Contamination and your Real Estate (RR-973)
Post-Closure modifications: Changes to Property Conditions after a State-Approved Cleanup (RR-987)



LEGEND:

ESTIMATED EXTENT OF "RESIDUAL" IMPACTED SOIL EXCEEDING NR 720 RCLs FOR SOIL TO GROUNDWATER PATHWAY

ESTIMATED EXTENT OF "RESIDUAL" IMPACTED SOIL EXCEEDING NR 720 RCLs FOR DIRECT CONTACT (NON-INDUSTRIAL)

Wisconsin Administrative Code Natural Resources Chapter (NR) 720 Residual Contaminant Levels (RCLs) obtained from the Wisconsin Department of Natural Resources (WDNR) "RCL spreadsheet", last updated December 2018.
Background Threshold Value (BTV) only applies to metals. Concentrations below the BTV are considered naturally occurring, however the Soil to Groundwater Pathway value still applies.
PID: Photoionization Detector
TPH: Total Petroleum Hydrocarbons
DRO: Diesel Range Organics
VOCs: Volatile Organic Compounds
PAHs: Polynuclear Aromatic Hydrocarbons
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PCBs: Polychlorinated Biphenyls
BTV: Background Threshhold Value
Only Exceedances are shown for VOCs and PAHs
mg/kg: Milligrams per kilogram; equivalent to parts per million (ppm)
µg/kg: Micrograms per kilogram; equivalent to parts per billion (ppb)
RCRA Metal results in mg/kg. All other results in ug/kg.
<XX.X: Result detected below the method detection limit of x
XX.X: Analyte detected
XX.X: Blue italicized results exceed the Soil to Groundwater Pathway RCL
XX.X: Green results exceed the Non-Industrial Direct Contact RCL
XX.X: Green and Italicized results exceed the Non-Industrial Direct Contact RCL and Groundwater Pathway RCL

XX.X: Black and Italicized metals results are above its BTV and Groundwater Pathway RCL.
Note that the BTV for arsenic supersedes the Direct Contact RCL.
J: Result is an estimate value (detected between the laboratory method detection limit and reporting limit)
NE: No Exceedance
ND: Not Detected greater than method detection limit.
-- : Not Analyzed

1,1,1-TCA	1,1,1-Trichloroethane
MC	Methylene Chloride
TCE	Trichloroethene
B(a)A	Benzo(a)anthracene
B(a)P	Benzo(a)pyrene
B(b)F	Benzo(b)fluoranthene
D(a,h)A	Dibenz(a,h)anthracene
I(1,2,3-cd)P	Indeno(1,2,3-cd)pyrene

LEGEND:

- TWB-1A / B-1 — ENVIRONMENTAL SOIL BORING
- TWB-5 — ENVIRONMENTAL SOIL BORING / TEMPORARY WELL
- MW-1 — GEOTECHNICAL TEST BORING / GROUNDWATER MONITORING WELL
- PROPERTY LINE
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- ELECTRIC POLE
- LIGHT POLE
- SANITARY SEWER LINE
- STORM SEWER LINE
- CATCH BASIN
- MANHOLE
- GAS LINE
- WATER LINE
- TELECOMMUNICATIONS LINE

Location	B-22
Depth	6-8
Date	7/5/17
Moisture	U
Fill/Native	F
PID	7.6
VOCs	ND
PAHs	
B(a)P	337
Chrysene	***368***
D(a,h)A	67.9
RCRA Metals	
Arsenic	4.8 J
Lead	***47.0***
Selenium	<1.2
Mercury	--

Location	B-33
Depth	4-6
Date	7/5/17
Moisture	U
Fill/Native	F
PID	10.6
VOCs	ND
PAHs	
B(a)P	427
Chrysene	***441***
RCRA Metals	
Arsenic	5.5
Lead	***62.2***
Selenium	<1.1
Mercury	--

GILES ENGINEERING ASSOCIATES, INC.
N8 W22350 JOHNSON DRIVE, SUITE A1
WAUKESHA, WI 53186 (262)544-0118

FIGURE B.2.b.
RESIDUAL SOIL CONTAMINATION MAP
THE COUTURE
909 EAST MICHIGAN STREET
MILWAUKEE, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
MLP/JPB		approx. 1"=50'	01-24-25	--
PROJECT NO.: 1E-2104001			CAD No. 1E2104001I	

Data Tables

Tables that follow are for reference only and were not included in the Department's closure documentation sent to affected parties

Table A.3. Residual Soil Analytical Table
The Couture
909 E. Michigan Street, Milwaukee, Wisconsin
BRRTS #02-41-579105
Giles Project No. 1E-2104001

Sample Location	NR 720 RCLs[1]			BTV[2]	B-22	B-33
Sample Depth (feet bgs)	Soil to Groundwater Pathway	Direct Contact Pathway			6-8	4-6
Sample Date		Non-Industrial Land Use	Industrial Land Use		7/5/17	7/5/17
Saturated/Unsaturated (S or U)					U	U
Fill/Native (F or N)					F	F
PID (instrument units)					7.6	10.6
Detected VOCs (µg/kg)						
1,1,1,2-Tetrachloroethane	53.4	2,780	12,300	Not Applicable	<25.0	<25.0
1,1,1-Trichloroethane	140.2	640,000	640,000		<25.0	<25.0
1,1,2,2-Tetrachloroethane	0.2	810	3,600		<25.0	<25.0
1,1,2-Trichloroethane	3.2	1,590	7,010		<25.0	<25.0
1,1-Dichloroethane	483.4	5,060	22,200		<25.0	<25.0
1,1-Dichloroethene	5	320,000	1,190,000		<25.0	<25.0
1,1-Dichloropropene	NS	NS	NS		<25.0	<25.0
1,2,3-Trichlorobenzene	NS	62,600	934,000		<25.0	<25.0
1,2,3-Trichloropropane	51.9	5	109		<25.0	<25.0
1,2,4-Trichlorobenzene	408	24,000	113,000		<47.6	<47.6
1,2,4-Trimethylbenzene	1,379	219,000	219,000		<25.0	<25.0
1,2-Dibromo-3-Chloropropane	0.2	8	92		<91.2	<91.2
1,2-Dibromoethane (EDB)	0.0282	50	221		<25.0	<25.0
1,2-Dichlorobenzene	1,168	376,000	376,000		<25.0	<25.0
1,2-Dichloroethane	2.8	652	2,870		<25.0	<25.0
1,2-Dichloropropane	3.3	3,400	3,400		<25.0	<25.0
1,3,5-Trimethylbenzene	1,379	182,000	182,000		<25.0	<25.0
1,3-Dichlorobenzene	1,153	297,000	297,000		<25.0	<25.0
1,3-Dichloropropane	NS	149,000	1,490,000		<25.0	<25.0
1,4-Dichlorobenzene	144	3,740	3,740		<25.0	<25.0
2,2-Dichloropropane	NS	191,000	191,000		<25.0	<25.0
2-Chlorotoluene	NS	907,000	907,000		<25.0	<25.0
4-Chlorotoluene	NS	253,000	253,000		<25.0	<25.0
Benzene	5.1	1,600	7,070		<25.0	<25.0
Bromobenzene	NS	342,000	679,000		<25.0	<25.0
Bromochloromethane	NS	216,000	906,000		<25.0	<25.0
Bromodichloromethane	0.3	418	1,830		<25.0	<25.0
Bromoform	2.3	25,400	113,000		<25.0	<25.0
Bromomethane	5.1	9,600	43,000		<69.9	<69.9
Carbon tetrachloride	3.9	916	4,030		<25.0	<25.0
Chlorobenzene	135.8	370,000	761,000		<25.0	<25.0
Chloroethane	226.6	NS	NS		<67.0	<67.0
Chloroform	3.3	454	1,980		<46.4	<46.4
Chloromethane	15.5	159,000	669,000		<25.0	<25.0
cis-1,2-Dichloroethene	41.2	156,000	2,340,000		<25.0	<25.0
cis-1,3-Dichloropropene	0.3	1,210,000	1,210,000		<25.0	<25.0
Dibromochloromethane	32	8,280	38,900		<25.0	<25.0
Dibromomethane	NS	34,000	143,000		<25.0	<25.0
Dichlorodifluoromethane	3,086	126,000	530,000		<25.0	<25.0
Ethylbenzene	1570	8,020	35,400		<25.0	<25.0
Hexachlorobutadiene	NS	1,630	7,190		<25.0	<25.0
Isopropyl ether	NS	2,260,000	2,260,000		<25.0	<25.0
Isopropylbenzene	NS	268,000	268,000		<25.0	<25.0
Methyl tert-butyl ether	27	63,800	282,000		<25.0	<25.0
Methylene Chloride	2.6	61,800	1,150,000		<25.0	<25.0
n-Butylbenzene	NS	108,000	108,000		<25.0	<25.0
N-Propylbenzene	NS	264,000	264,000		<25.0	<25.0
Naphthalene	658.2	5,520	24,100		<40.0	<40.0
p-Isopropyltoluene	NS	162,000	162,000		<25.0	<25.0
sec-Butylbenzene	NS	145,000	145,000		<25.0	<25.0
Styrene	220	867,000	867,000		<25.0	<25.0
tert-Butylbenzene	NS	183,000	183,000		<25.0	<25.0
Tetrachloroethene (PCE)	4.5	33,000	145,000		<25.0	<25.0
Toluene	1,107	818,000	818,000		<25.0	<25.0
trans-1,2-Dichloroethene	62.6	1,560,000	1,850,000		<25.0	<25.0
trans-1,3-Dichloropropene	0.3	1,510,000	1,510,000		<25.0	<25.0
Trichloroethene (TCE)	3.6	1,260	8,410		<25.0	<25.0
Trichlorofluoromethane	NS	1,230,000	1,230,000		<25.0	<25.0
Vinyl chloride	0.1	67	2,080		<25.0	<25.0
Xylenes, Total	3,960	260,000	260,000		<75.0	<75.0
Detected PAHs (µg/kg)						
1-Methylnaphthalene	NS	17,600	72,700	Not Applicable	45.4	169
2-Methylnaphthalene	NS	239,000	3,010,000		53.3	198
Acenaphthene	NS	3,590,000	45,200,000		74.0	<17.7
Acenaphthylene	NS	NS	NS		25.3	128
Anthracene	196,949	17,900,000	100,000,000		187	173
Benzo(a)anthracene	NS	1,140	20,800		321	395
Benzo(a)pyrene	470	115	2,110		337	427
Benzo(b)fluoranthene	478	1,150	21,100		302	298
Benzo(g,h,i)perylene	NS	NS	NS		174	228
Benzo(k)fluoranthene	NS	11,500	211,000		266	439
Chrysene	144	115,000	2,110,000		*368*	*441*
Dibenz(a,h)anthracene	NS	115	2,110		67.9	92.5
Fluoranthene	88,878	2,390,000	30,100,000		707	590
Fluorene	14,830	2,390,000	30,100,000		64.0	25.5 J
Indeno(1,2,3-cd)pyrene	NS	1,150	21,100		164	227
Naphthalene	658	5,520	24,100		48.1 J	148
Phenanthrene	NS	NS	NS		718	551
Pyrene	54,546	1,790,000	22,600,000		735	594
Detected RCRA Metals (mg/kg)						
Arsenic	0.584	1	3	8	4.8 J	5.5
Lead	27	400	800	52	*47.0*	*62.2*
Selenium	0.52	391	5,840	NS	<1.2	<1.1
Mercury	0.208	3	3	NS	--	--
Toxicity Characteristic Leaching Procedure (TCLP) (mg/L)						
Arsenic TCLP	5				--	--
Lead TCLP	5				--	--
PCBs (ug/kg)						
PCB-1016 (Aroclor 1016)	NS	4,110	28,000	---	--	--
PCB-1221 (Aroclor 1221)	NS	213	883	---	--	--
PCB-1232 (Aroclor 1232)	NS	190	792	---	--	--
PCB-1242 (Aroclor 1242)	NS	235	972	---	--	--
PCB-1248 (Aroclor 1248)	NS	236	975	---	--	--
PCB-1254 (Aroclor 1254)	NS	239	988	---	--	--
PCB-1260 (Aroclor 1260)	NS	243	1,000	---	--	--
PCB, Total	NS	5,466	33,610	---	--	--
Detected TPH (mg/kg)						
DRO (C10-C28)	NS	NS	NS	---	--	--

Notes Attached at End of Table

Table A.3.
Residual Soil Analytical Table
The Couture
909 E. Michigan Avenue
Milwaukee, Wisconsin
BRRTS #02-41-579105
Giles Project No. 1E-2104001

Notes:

[1] Wisconsin Administrative Code Natural Resources Chapter (NR) 720 Residual Contaminant Levels (RCLs) obtained from the Wisconsin Department of Natural Resources (WDNR) "RCL spreadsheet", last updated December 2018.

[2] Background Threshold Value (BTV) only applies to metals. Concentrations below the BTV are considered naturally occurring, however the Soil to Groundwater Pathway value still applies.

TPH: Total Petroleum Hydrocarbons

DRO: Diesel Range Organics

VOCs: Volatile Organic Compounds

PAHs: Polynuclear Aromatic Hydrocarbons

RCRA: Resource Conservation and Recovery Act

PCBs: Polychlorinated Biphenyls

BTV: Background Threshhold Value

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Only Exceedances are shown for VOCs and PAHs

mg/kg: Milligrams per kilogram; equivalent to parts per million (ppm)

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RCRA Metal results in mg/kg. All other results in ug/kg.

<XX.X: Result detected below the method detection limit of x

XX.X: Analyte detected

XX.X: Blue italicized results exceed the Soil to Groundwater Pathway RCL

XX.X: Green results exceed the Non-Industrial Direct Contact RCL

XX.X: Green and Italicized results exceed the Non-Industrial Direct Contact RCL and Groundwater Pathway RCL

XX.X: Red and Underlined results exceed the Non-Industrial and Industrial Direct Contact RCL

XX.X: Black and Italicized metals results are above its BTV and Groundwater Pathway RCL. Note that the BTV for arsenic supersedes the Direct Contact RCL.

J: Result is an estimate value (detected between the laboratory method detection limit and reporting limit

B: Analyte detected in the laboratory method blank

NE: No Exceedance

ND: Not Detected greater than method detection limit.

-- : Not Analyzed

NS: No Standard