State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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April 13, 2017

File Ref BRRTS: 07-68-579188
09-68-579187

Mr. Paul Buffoni
Bravo Company USA
635 Cardinal Lane
Hartland, WI 53029

Subject: Liability Clarification and "No Action Required" Determination at
340 Maple Avenue, Hartland, Wisconsin
Parcel #: HAV 0726980
DNR FID #: 268544540

Dear Mr. Buffoni:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at 340 Maple Avenue, Hartland, Wisconsin ("the Property"). The Property consists of approximately 12 acres of land located in Waukesha County, identified by tax parcel number HAV 0726980. Refer to the attached Figure 1, Samples Locations Map, for a site map of the Property.

Summary Determination

Hazardous substance discharges have occurred on the Property. However, the Wisconsin Department of Natural Resources ("the Department") has determined that no response actions are required. The Department has made this determination based on the data made available to the Department and the criteria in s. NR 716.05, Wis. Admin. Code.

Request

On March 16, 2017, Josh Devenport of KPRG and Associates, Inc (KPRG) requested on your behalf that the Department issue a liability clarification letter under s. 292.55, Wis. Stats. The letter contains a determination as to whether response actions are needed under the ch. NR 700 Wisconsin Administrative code rule series based on the discharge of one or more hazardous substances at the Property. The Department received the fee for providing assistance, in accordance with s. NR 749.04(1), Wis. Adm. Code.

In order for the Department to make this determination, you have requested a review of the following documents:

- Release notification form submitted to the Department on March 16, 2017
- Phase I Environmental Site Assessment, KPRG, December 19, 2016
- Expanded Phase II Letter Report, KPRG, February 22, 2017
- Phase II Letter Report, KPRG, March 1, 2017

- No Action Required Letter Request, KPRG, March 17, 2017

The Department has examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

You are requesting a general liability clarification (and 'No Action Required' determination) as a potential purchaser of the Property. You have submitted the reports listed above that summarize the history of the Property and the results of environmental sampling conducted there.

The Property has been used for manufacturing or commercial purposes since it was first developed in 1955. Earlier, the Property had been used for agricultural purposes. A single building and paved lots are present on the western portion of the Property, the eastern portion is undeveloped. The building is currently used for warehouse storage, but previously housed operations that manufactured plastic toys, made glass neon signs, and conducted screen printing. A historic fill site was identified as being located on the Property, as indicated by BRRTS #09-68-000002, but no information regarding this fill site could be obtained. Considerable paint staining was observed inside the building when it was purchased (2013-2014) indicating spillage had occurred.

Soil and groundwater samples were collected at the Property to determine whether past industrial uses resulted in environment contamination. Soil samples were collected from seven test pits dug in the north-central portion of the property and from eleven soil borings that were mainly advanced inside the building. With the exception of one test pit, samples were not collected from the eastern portion of the property. Sample locations are depicted on the attached Figure 1, Samples Locations Map.

Test pits were advanced on the Property in an attempt to determine if waste fill is present. With the exception of concrete rubble, waste material and other indicators of contamination were not observed in the test pits. Soil samples from all locations were analyzed for metals, polycyclic aromatic hydrocarbons (PAHs), and volatile organic compounds (VOCs). Various metals were detected in soil samples at concentrations generally consistent with background values. Methylene chloride was detected in the soil sample collected at soil boring SB-2 at a concentration of 33.9 ug/kg. This was attributed to being an artifact of laboratory analysis and not an indicator of a release. PAH compounds were detected in various soil samples but only the detection of benzo(a)pyrene at SB-5 (32.4 ug/kg) exceeded a s. NR 720, Wis. Adm. Code residual contaminant level.

Five of the eleven soil borings were advanced below the water table to allow for the collection of groundwater samples through a screen that was temporary placed within the borehole. These samples were analyzed for metals and VOCs. Various metals were detected in these samples at concentrations greater than the s. NR 140, Wis. Adm. Code, Enforcement Standards (ES) and/or Preventive Action Limits (PAL). The highest concentrations were measured at SB-5. A monitoring well was later installed at this location to collect confirmation groundwater samples. Metal concentrations detected in the confirmation samples were considerably lower than what was detected in the initial sample, only the concentration of lead (5.4 ug/L) exceeded the PAL. It was concluded that the initial samples collected at all five boreholes were not representative of actual groundwater conditions as they were not collected from developed wells with filter packs and were all influenced by sediment present within the sample.

Concentrations of metals detected in soil samples are consistent with establish background threshold values and to not suggest that a release of a hazardous substance occurred. Metal concentrations in

groundwater samples appear to be due to naturally occurring metals and are also not indicative of a discharge. Soil contaminated with PAHs in the vicinity of SB-5 is the result of a discharge, but evidence does not suggest that these impacts are significant in degree or extent. The DNR therefore concurs with your request for a 'No Action Required' determination.

Liability Determination

The Wisconsin Hazardous Substance Spill Law, s. 292.11, Wis. Stats., commonly called the Spills Law, requires those who cause, possess or control a hazardous substance discharge to "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 this state." Section 292.55, Wis. Stats., authorizes the Department to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges have occurred on the Property. However, based on the criteria in s. NR 716.05(2)(a), Wis. Adm. Code, and the criteria in ss. NR 708.09 (1) and (2), Wis. Adm. Code, the Department has determined that no response action, including further site investigation activities, is required under the NR 700, Wis. Adm. Code rule series to respond to these identified discharges.

The Department does not approve Phase I or Phase II ESAs because rules have not been established in Wisconsin to define what constitutes an adequate Phase I ESA or Phase II ESA. The Department does use as guidance the American Society for Testing and Materials ("ASTM") International Standard Guide for Environmental Site Assessments: Phase I Environmental Site Assessment Process (E1527-13) and Phase II Environmental Site Assessment Process (E1903-11).

The number and location of monitoring points, the types of media sampled, the number of samples collected, and the laboratory analysis performed are a matter of professional opinion. All areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. Therefore, the Department can only respond to the information and data as presented in the reports and cannot predict what might be discovered in the future and the consequences of those discoveries.

This letter relates and refers only to those conditions described above and to information and data you submitted to the Department in your request for this letter. The Department makes no determination concerning the presence or absence of hazardous substances, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the Department becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the Department will evaluate that data at that time to determine if any response actions are required. Whenever possible, the Department requires the person who caused the discharge to take the appropriate response actions.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The Department tracks information on all case determinations such as this letter in a Department database that is available on the Internet at: http://dnr.wi.gov/topic/Brownfields/botw.html. Since there is no action required for this case, the Department will identify this site activity as a "No Action Required" determination.

If you have any questions, please contact me at (608) 266-0941, by writing to the address at the top of this letter or by email to paul.grittner@wisconsin.gov.

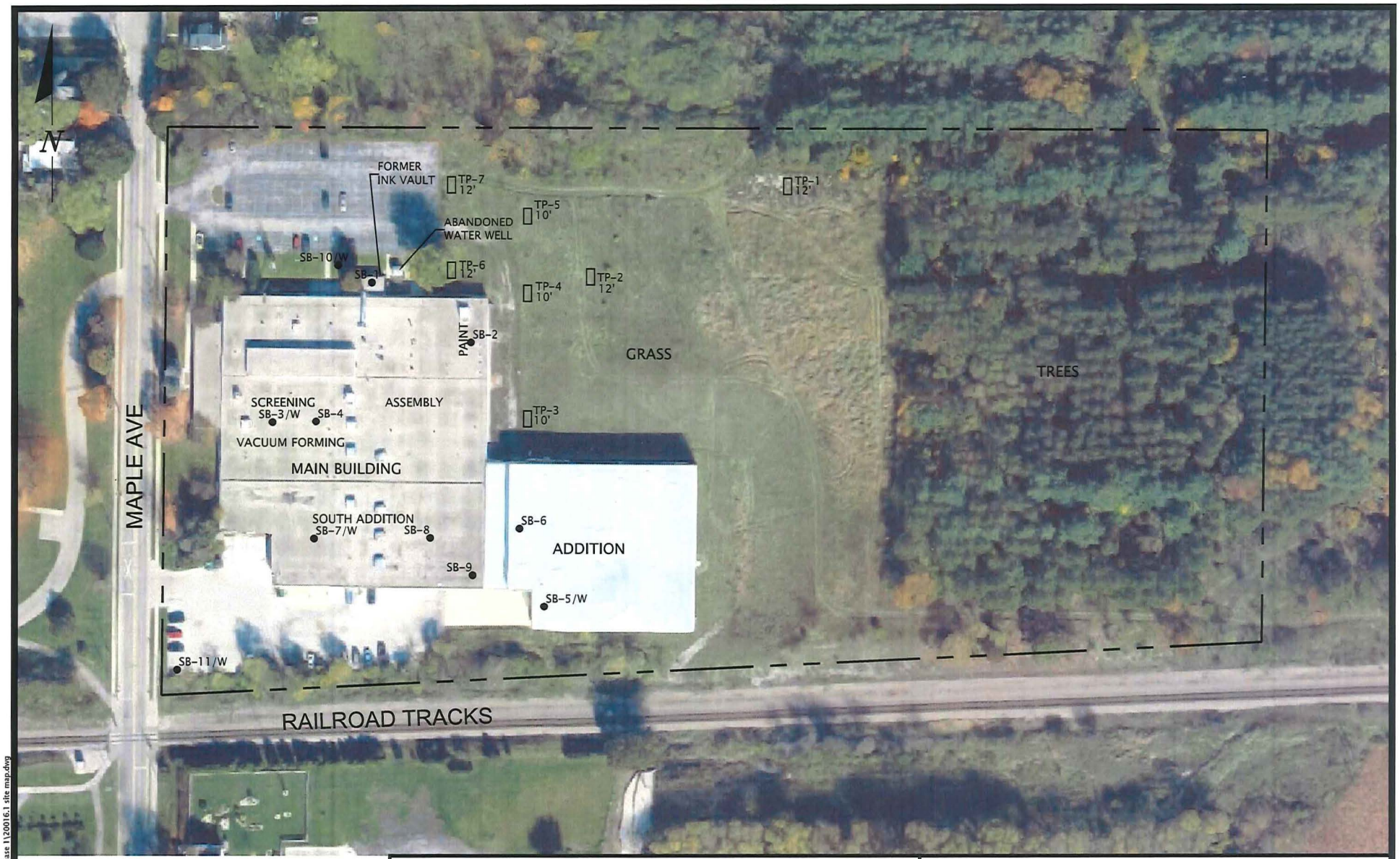
Sincerely,

Paul Grittner
Waste Management Specialist
Remediation and Redevelopment

Attachments: Figure 1, Samples Locations Map, March 7, 2017, KPRG

cc: Josh Davenport, KPRG and Associates, Inc, 14665 W. Lisbon Road, Suite 2B, Brookfield, WI 53055 (electronic)
Pat Crain, Industries for the Blind, Inc, 445 S Curtis Road, West Allis, WI 53214
Margaret Brunette, DNR (electronic)
SER File

ATTORNEY-CLIENT PRIVILEGE



SB-1 PROPOSED SOIL BORINGS LOCATIONS

SB-3/W PROPOSED SOIL BORINGS WITH TEMPORARY WELLS LOCATIONS

PROPOSED TEST PITS LOCATIONS

0 125'

APPROXIMATE SCALE

ENVIRONMENTAL CONSULTATION & REMEDIATION

KPRG

KPRG and Associates, inc.

14665 West Lisbon Road, Suite 2B Brookfield, Wisconsin 53005 Telephone 262-781-0475 Facsimile 262-781-0478

414 Plaza Drive, Suite 106 Westmont, Illinois 60559 Telephone 630-325-1300 Facsimile 630-325-1593

TEST PITS & SOIL BORINGS LOCATIONS

340 MAPLE AVENUE
HARTLAND, WISCONSIN

Scale: 1" = 125' | Date: January 25, 2017

KPRG Project No. 20016.1 | FIGURE 1

W:\projects\bravo company\340 maple ave phase 1\20016.1 site map.dwg