

January 30, 2017

David Rosenwald
First Federal Bank of Wisconsin
1617 Racine Ave
P.O. Box 1198
Waukesha, WI 53186

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Lot 2 / Outlot 2 - Fleetfoot Drive, Fleetfoot Drive, Waukesha, WI 53187
DNR BRRTS Activity #: 02-68-578678
FID #: 268668180

Dear Mr. Rosenwald:

The Department of Natural Resources (DNR) considers Lot 2/Outlot 2 – Fleetfoot Drive closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. For residential property transactions, you may be required to make disclosures under s. 709.02, Wis. Stats. Certain continuing obligations also apply to affected property owners or rights-of-way holders. These are identified within each continuing obligation.

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The Southeast (SE) Wisconsin DNR Region Project Manager reviewed the request for closure on January 19, 2017. The DNR Project Manager reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases.

This commercial property contained a portion of a historic landfill and was historically part of a larger property that included the entire landfill and a foundry west of the landfill area. The former foundry property was subdivided and Fleetfoot Drive was constructed through the center of the original property. This site consists of a 1 acre (Lot 2) and a 1.5 acre (Outlot 2) parcel zoned for commercial use. Historic fill associated with landfilling activities, acting as a source for PAH and metals contamination, was excavated and backfilled with clean material as a remedial action in 2008. The excavated area underlies the current Fleetfoot Drive right of way and extends into the western portion of this site. Minor residual soil contamination associated with fill material remains beneath the clean fill on the western portion of the property. Historic fill was removed from the property with the possible exception of a minor area in Outlot 2 next to Fleetfoot Drive. Continuing obligations are in place for this property in order to limit threats to public health. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

GIS Registry

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/clean.html>, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the Geographic Information System (GIS) Registry layer, at the same web address.

DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the Southeast Regional DNR office, 141 NW Barstow Street, Room 180, Waukesha, WI 53188. This letter and information that was submitted with your closure request application, including any maintenance plan and maps, can be found as a Portable Document Format (PDF) in BRRTS on the Web.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which the current property owner, and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats. to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications and inspection reports in accordance with the following requirements to:

Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains beneath the clean fill at this site as indicated on the **attached map** Residual Soil Contamination Map, Figure B.2.b, January 4, 2017. If soil in the specific locations described above 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 to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

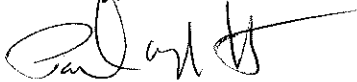
In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact me at (414) 263-8561 or at Pamela.Mylotta@wisconsin.gov.

Sincerely,



Pamela Mylotta
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments:

- Residual Soil Contamination Map, Attachment B.2.b, January 4, 2017

cc: Professional Service Industries Inc.
821 Corporate Ct. Suite 102
Waukesha, WI 53189

DNR Case File