



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 711

May 15, 2006

Trent Kohl
Riverfront Power LLC
P.O. Box 2046
Milwaukee, WI 53201-2046

FID# 241807720
BRRTS# 02-41-001126

Subject: Final Case Closure for Brewery Works Development - Parcel 2A, 1434 N. Commerce Street, Milwaukee

Dear Mr. Kohl:

On March 13, 2006, the Wisconsin Department of Natural Resources (Department) notified you that conditional closure was granted to this case. These conditions were the abandonment of any monitoring wells and the disposal of any investigative waste. On April 26, 2006, the Department received correspondence indicating that you have complied with the conditions of closure. Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8366.

Sincerely,

Brenda H. Boyce, PG
Hydrogeologist
Bureau for Remediation & Redevelopment

c: Kevin Brehm – STS Consultants, Ltd.



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March 13, 2006

Trent Kohl
Riverfront Power LLC
P.O. Box 2046
Milwaukee, WI 53201-2046

FID# 241807720
BRRTS# 02-41-001126

Subject: Conditional Case Closure for Brewery Works Development - Parcel 2A, 1434 N.
Commerce Street, Milwaukee

Dear Mr. Kohl:

On February 16, 2006, the Wisconsin Department of Natural Resources (Department) received your request for closure of the case described above. The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Department has determined that the petroleum contamination on the site from the former above-ground fuel oil storage tanks appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

- The monitoring well at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to Ms. Victoria Stovall on Form 3300-5B found at www.dnr.state.wi.us/org/water/dwg/gw/ or provided by the Department of Natural Resources.
- Any remaining waste (soil piles, drilling spoil, and/or purge water) generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Please send a letter advising me that any remaining waste has been removed once that work is completed.

When the above conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>]

If this is a PECFA site, section 101.143, Wis. Stats., requires that PECFA claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement.

Brewery Works Development – Parcel 2A
March 13, 2006
Page 2 of 2

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8366.

Sincerely,

A handwritten signature in black ink that reads "Brenda H. Boyce". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Brenda H. Boyce, PG
Hydrogeologist
Bureau for Remediation & Redevelopment

c: Kevin Brehm – STS Consultants, Ltd.

QUIT CLAIM DEED

Document Number

This Deed, made between Wisconsin Electric Power Company, a Wisconsin corporation

Grantor, and Riverfront Power LLC, a Wisconsin limited liability company

Grantee. Grantor quit claims to Grantee the following described real estate in Milwaukee County, State of Wisconsin:

See Exhibit A attached hereto.

Recording Area

Name and Return Address

Bruce T. Block, Esq. Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. 1000 North Water Street Milwaukee, WI 53203

Part of 361-0314-100-6

Parcel Identification Number (PIN)

This is not homestead property. (is) (is not)

Together with all appurtenant rights, title and interests.

Dated this 17th day of March 2000

Wisconsin Electric Power Company, a Wisconsin corporation

By: Michael James (SEAL)

Michael James Manager of Property Management (SEAL)

AUTHENTICATION

Signature(s)

authenticated this day of

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by S706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Ann K. Comer, Esq.

Quarles & Brady LLP

(Signatures may be authenticated by acknowledgment if necessary)

ACKNOWLEDGMENT

State of Wisconsin,

Milwaukee County

Personally came before me this 17th day of March 2000, the above named

Michael James

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Ann K. Comer

Notary Public, State of Wisconsin My commission is permanent. (If not, state expiration date:)

Exhibit A
(Quit Claim Legal)

The real property conveyed by Deed recorded September 24, 1941, as Document No. 2335831 more particularly described as follows:

All that part of Lot 1, Block 40, in Plat of the Town of Milwaukee on the west side of the river and of that part of West McKinley Avenue now vacated, City of Milwaukee, Milwaukee County, Wisconsin, described as follows, to-wit:

Begin at the intersection of the southwesterly extension of the southeasterly line of Commerce Street with a line parallel to and 8 and 1/2 feet easterly, measured at right angles from the center line of the Milwaukee Trustees' Chestnut Street spur track; thence southerly along said parallel line 27 feet, more or less, to the west face of the Wisconsin Electric Power Company's building located on a part of the aforesaid Lot 1 of Block 40; thence south along said west face 8 feet to an intersection with the easterly property line of the Milwaukee Trustees; thence northerly along said property line 13 feet, more or less, to the south line of vacated West McKinley Avenue; thence west along said Avenue line 8 and 1/2 feet to the east line of Third Street; thence northeasterly along the aforesaid southwesterly extension of the southeasterly line of Commerce Street 24 feet, more or less, to the place of beginning, and containing 130 square feet, more or less.

Together with the vacated Commerce Street abutting.



**PROPERTY ASSESSMENT RESULTS
TAX ACCOUNT BALANCE**

GENERAL INFORMATION

ADDRESS	1442 THRU 1442 N COMMERCE ST
TAXKEY	361-0309-100-9
OWNER	RIVERFRONT POWER LLC C/O BREWERY WORKS
OWNER ADDRESS	1555 N RIVERCENTER DR #204 MILWAUKEE, WI 532120000

ASSESSMENT

	2005	2004
LAND	N/A	\$174,400
IMPROVEMENTS	N/A	\$0
TOTAL	N/A	\$174,400
CURRENT CLASS	SPECIAL COMM'L	

Assessments reflect the estimated value on January 1st .of the indicated year.
The current assessment will be available after April 25.

OTHER PROPERTY INFORMATION

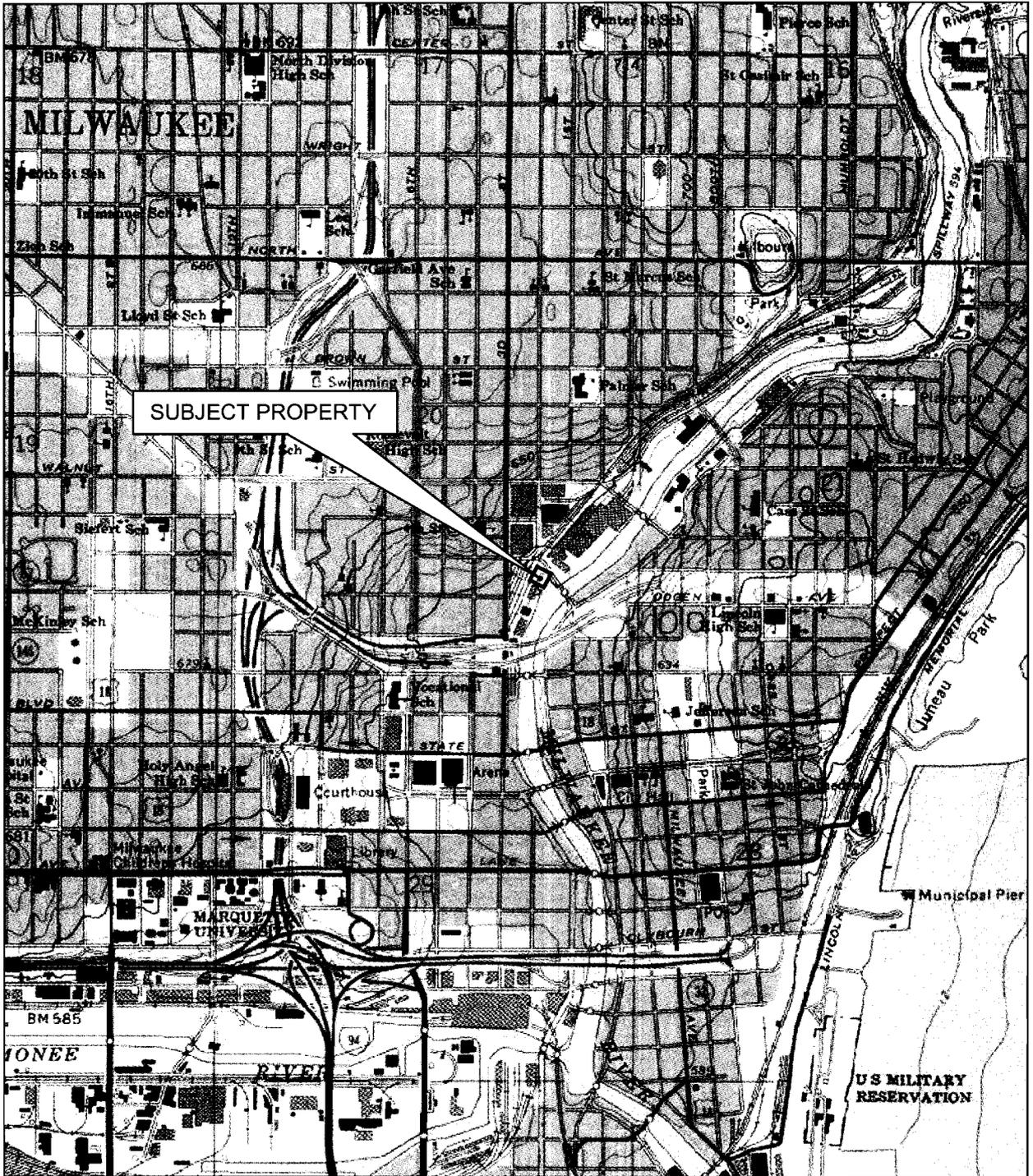
- **LAST CONVEYANCE:**
 - DATE: 00/00
 - TRANSFER FEE: \$0.00 (CLICK HERE FOR FEE EXPLANATION)
- **STORIES: 0.0**
- **RESIDENTIAL BUILDING STYLE:**
- **EXTERIOR WALL TYPE:**
- **YEAR BUILT: 0000**
- **DWELLING UNITS: 0 (CLICK HERE FOR DWELLING UNITS EXPLANATION)**
- **TOTAL SQUARE FEET FLOOR AREA: 0**
 - FIRST FLOOR AREA:
 - SECOND FLOOR AREA:
 - THIRD FLOOR AREA:
 - FINISHED ATTIC AREA:
 - FINISHED HALF STORY AREA:
 - BASEMENT LIVING AREA:
- **ROOM-COUNTS**
 - TOTAL ROOMS: 0
 - BEDROOMS: 0
 - BATHS: 0

- HALF BATHS: 0
 - CENTRAL AIR CONDITIONING: NO
 - BASEMENT: NONE
 - FIRE PLACE:
 - GARAGE TYPE: NONE
 - LOT SIZE: 22943
 - PLAT PAGE: 36112
 - ZONING: C9BA (CLICK HERE FOR ZONING EXPLANATION)
- DESCRIPTION SECS (20 & 29)-7'-22" ELY 15' LOT 6 & VAC ALLEY & FILLED
BLOCK 31 LOTS 4 & 5 & NELY 15' LOT 6 & VAC ALLEY & FILLED
LAND ADJ ON SE & 1/2 VAC N COMMERCE ST ADJ
COMMENT TID #41

For more information contact the Assessor's office at 414-286-3651

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Common Council :: Mayor's Office :: Elected Officials :: Web Polic



0 1000 FEET 0 500 1000 METERS 1 MILE
 Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

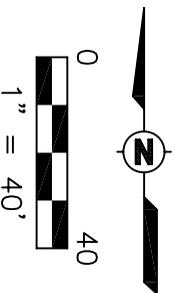
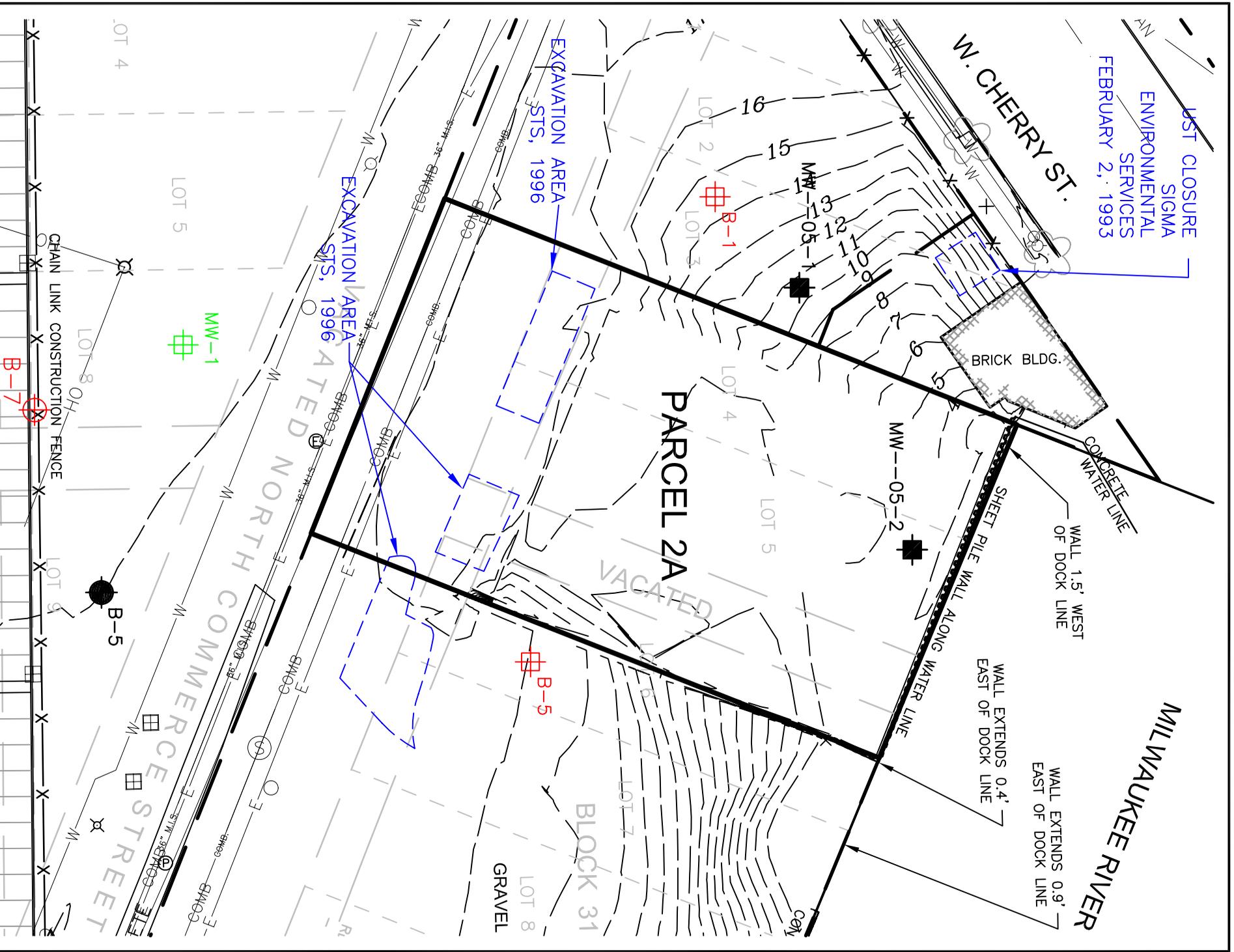
APPROXIMATE SCALE 1" = 2,000'



STS Consultants
 11425 W. Lake Park Dr.
 Milwaukee, WI 53224
 414-359-3030
 www.stsconsultants.com
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**SUBJECT PROPERTY LOCATION MAP
 CASE SUMMARY AND CLOSE OUT REQUEST
 WEPKO BREWERY WORKS DEVELOPMENT
 PARCEL 2A
 1434 N COMMERCE STREET
 MILWAUKEE, WISCONSIN**

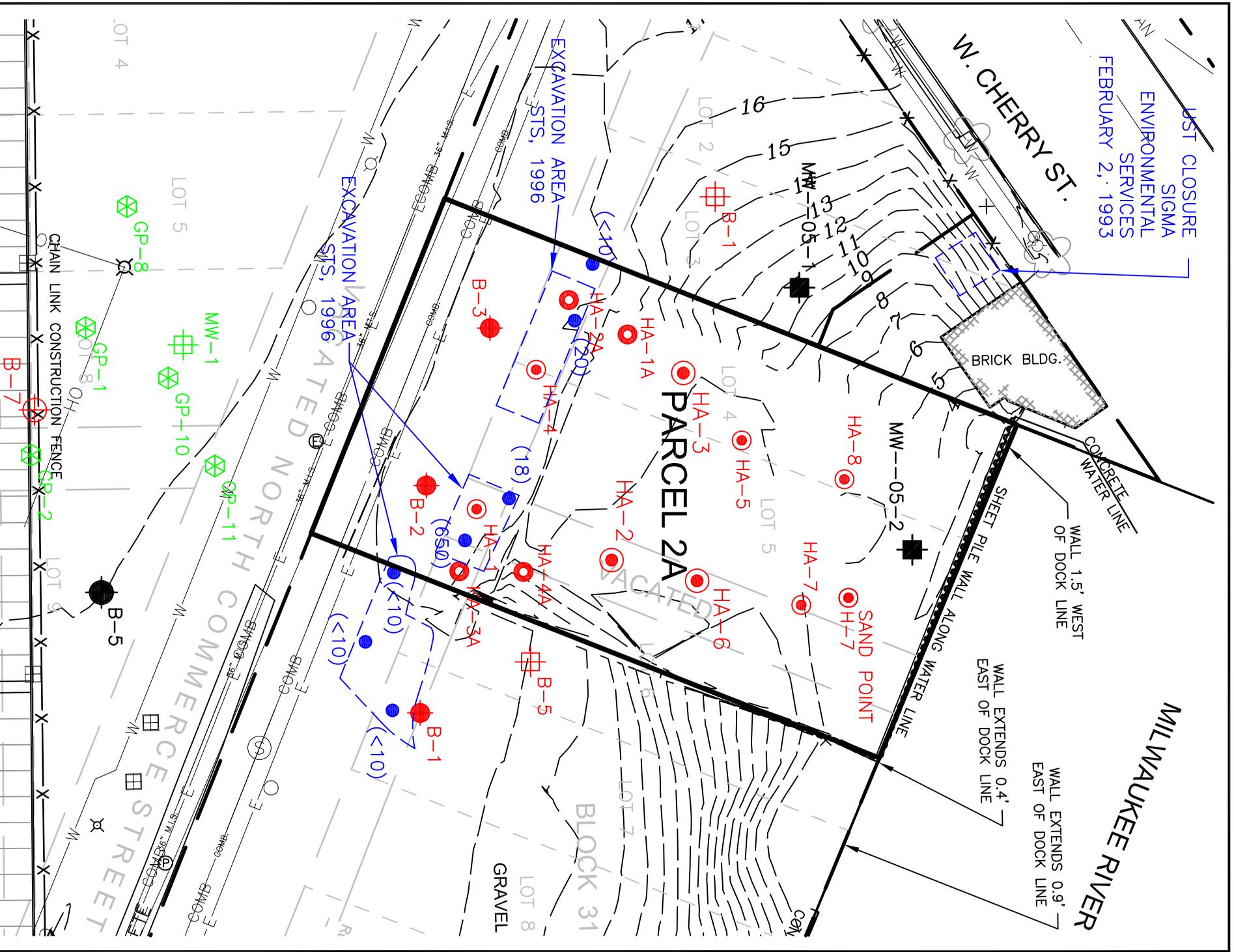
Drawn:	DLM	12/11/2005
Checked:	KLB	12/11/2005
Approved:	KLB	12/12/2005
PROJECT NUMBER	583746XM	
FIGURE NUMBER	1	



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SUBJECT PROPERTY MAP
WEP/CO/BREWERY WORKS DEVELOPMENT
PARCEL 2A
1434 N. COMMERCE STREET
MILWAUKEE, WISCONSIN

Drawn:	CJH	12/12/2005
Checked:	DLM	12/12/2005
Approved:	KLB	12/12/2005
PROJECT NUMBER	83746X0	
FIGURE NUMBER	1	



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SAMPLE LOCATION MAP
WEP/CO/BREWERY WORKS DEVELOPMENT
PARCEL 2A
1434 N. COMMERCE STREET
MILWAUKEE, WISCONSIN

Drawn:	CJH	12/12/2005
Checked:	DLM	12/12/2005
Approved:	KLB	12/12/2005
PROJECT NUMBER	83746X0	
FIGURE NUMBER	2	

Table 2
Soil Sample Analytical Results
WEPCO/Brewery Works Development - Parcel 2A
1434 N. Commerce St.
Milwaukee, Wisconsin
STS Project No. S-83726XL

Parameter	Direct Contact Pathway		NR 720 RCL Ground Water Path ¹⁰	HA-1	HA-2	HA-3	HA-4	HA-5	HA-7	HA-8	HA-1A	HA-2A	HA-3A	HA-3A	HA-3A	HA-4A	B-1	B-1	B-2	B-3	B-3	S-23	S-24	S-25	S-26	S-27	S-28	S-29									
	1.5'-3'	1.5'-3'		0'-1.5'	1.5'-3'	1.5'-3'	3'-4.5'	1.5'-3'	2'-2.5'	0'-1'	1'-1.5'	2'-2.5'	2'-2.5'	4'-4.5'	3'-3.5'	7.5'-9'	15'-16.5'	2.5'-4'	1'-2.5'	10'-11.5'	North Wall	East Wall	8' Floor	8' Floor	8' Floor	2.5' Sidewall	2.5' Sidewall										
	6/4/1993	6/4/1993		6/4/1993	6/4/1993	6/4/1993	6/7/1993	6/7/1993	6/26/1995	6/26/1995	6/26/1995	6/27/1995	6/26/1995	6/26/1995	6/26/1995	6/27/1995	6/26/1995	6/26/1995	6/26/1995	6/26/1995	6/26/1995	6/26/1995	11/3/1995	11/3/1995	11/3/1995	11/3/1995	11/3/1995	11/3/1995	11/3/1995	11/3/1995							
PID Result	NS	NS	NS	40	<1	<1	30	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1								
DRO (mg/kg)	NS	NS	100	15,200 ⁷	54.4	<5	5,200 ⁷	<5.0	<5.0	84.7	<10	96	33.0	<10	<10	<10	140 ⁷	<10	<10	12	<10	650 ⁷	18	<10	<10	<10	<10	<10	20								
PVOCs (ug/kg)																																					
Benzene	(1,160)	(52,000)	5.5	NA	NA	NA	NA	NA	NA	NA	<1.3	<1.2	<1.1	<1.1	<1.1	<1.1	<1.3	<1.3	<1.3	<1.1	<1.2	<1.1	<1.1	<1.1	1.2	0.66 Y	0.55	1.2 Y	<0.37	0.52 Y	0.80 Y						
Ethylbenzene	(1,560,000)	(102,000,000)	2,900	NA	NA	NA	NA	NA	NA	NA	<1.3	<1.2	<1.1	<1.1	<1.1	<1.1	<1.1	<1.3	<1.3	<1.1	<1.2	<1.1	<1.1	<1.1	<1.1	<0.34	<0.36	<0.44	<0.39	<0.39	<0.37						
MTBE	NS	NS	NS	NA	NA	NA	NA	NA	NA	NA	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0						
Toluene	(3,130,000)	(20,400,000)	1,500	NA	NA	NA	NA	NA	NA	NA	<1.5	<1.2	<1.1	<1.1	<1.1	<1.1	<1.3	<1.3	<1.1	<1.2	<1.1	<1.1	<1.1	<1.1	<1.1	0.44 Y	0.42 Y	0.44	1.2	<0.37	0.63 Y						
1,2,4-Trimethylbenzene	(782,000)	(51,100,000)	NS	NA	NA	NA	NA	NA	NA	NA	<1.3	<1.2	<1.1	<1.1	<1.1	<1.1	<1.3	<1.3	<1.1	<1.2	<1.1	<1.1	<1.1	<1.1	<1.1	<0.31	<0.32	<0.39	<0.35	<0.35	<0.33						
1,3,5-Trimethylbenzene	(782,000)	(51,100,000)	NS	NA	NA	NA	NA	NA	NA	NA	<1.3	<1.2	<1.1	<1.1	<1.1	<1.1	<1.3	<1.3	<1.1	<1.2	<1.1	<1.1	<1.1	<1.1	<1.1	<0.31	<0.32	<0.39	<0.35	<0.35	<0.33						
Xylenes-Total	(313,000)	(204,000,000)	4,100	NA	NA	NA	NA	NA	NA	NA	<3.8	<3.5	<3.3	<3.3	<3.4	<3.9	<4.0	<3.3	<3.5	<3.2	<3.3	<1.07	<1.13	<1.38	<1.25	<1.24	<1.23	<1.23	<1.18	<1.18							
PAHs (ug/kg)																																					
Acenaphthene	900,000	80,000,000	38,000	NA	NA	NA	NA	NA	NA	NA	5.4 <	4.9 <	9.4 <	4.7 <	4.6 <	4.8 <	20	1,900 Y	460 <	49 <	4.5 <	4.7 <	290	24 <	7.4 <	6.7 <	6.6 <	6.6 <	130 <								
Acenaphthylene	18,000	360,000	700	NA	NA	NA	NA	NA	NA	NA	3.0 <	2.8 <	5.3 <	2.6 <	2.6 <	2.7 <	3.2 <	800 <	290 <	2.5 <	2.7 <	58	33 <	10 <	9.1 <	9.0 <	9.0 <	170 <	200								
Anthracene	5,000,000	300,000	3,000,000	NA	NA	NA	NA	NA	NA	NA	1.8	95	5.1	0.83	2.2	1.6	3.4	3,000	350	40	1.4	0.15 <	1.1 B	16 B	0.36 <	1.1 B	0.77 YB	11 B	250								
Benzo(a)anthracene	88	3,900	17,000	NA	NA	NA	NA	NA	NA	NA	8.9	190 ⁸	64	3.8	8.5	14	3.5	7,700 ⁸	1,400 ⁸	200 ⁸	4.2	1.2	0.45 Y	75	0.74	0.61	0.64	24	120 ⁸								
Benzo(b)pyrene	8.8	390	48,000	NA	NA	NA	NA	NA	NA	NA	8.8 ⁸	180 ⁸	52 ⁸	4.2	8.9 ⁸	16 ⁸	3.5	6,500 ⁸	1,300 ⁸	200 ⁸	4.9	1.8	5.9	140 ⁸	0.95	0.70	0.55	27 ⁸	180 ⁸								
Benzo(k)fluoranthene	88	3,900	360,000	NA	NA	NA	NA	NA	NA	NA	8.5	170A	59	5.7	10	16	5.1	6,200 ⁸	1,300 ⁸	190 ⁸	5.2	2.0	190	160	2.2	2.0	1.6	31	270								
Benzo(g)hapyrene	1,800	39,000	8,900,000	NA	NA	NA	NA	NA	NA	NA	6.2	120	32	5.7	8.3	11	5.3	3,200 ⁸	720	110	5.2	8.5	19	160	2.2	2.0	1.6	31	270								
Benzo(i)fluoranthene	880	39,000	870,000	NA	NA	NA	NA	NA	NA	NA	5.3	110	35	2.9	5.5	9.2	1.9	3,900 ⁸	790	120	2.6	1.5	1.3	62	0.58 Y	0.54 Y	0.48 Y	13	81								
Chrysene	8,800	390,000	37,000	NA	NA	NA	NA	NA	NA	NA	10	210	73	4.8	11	17	4.8	8,500	1,500	210	5.6	6.0	3.3	89	0.78 Y	0.29 <	0.37 Y	21	120								
Dibenz(a,h)anthracene	8.8	390	38,000	NA	NA	NA	NA	NA	NA	NA	1.0	15 ⁸	4.9	0.67	2.7	1.3	1.6	740 ⁸	110 ⁸	26 ⁸	0.13 <	0.33 Y	1.5	22 ⁸	0.39 <	0.35 <	0.35 <	3.9	27 ⁸								
Fluoranthene	600,000	40,000,000	500,000	NA	NA	NA	NA	NA	NA	NA	19	440	69	8.8	26	32	8.5	19,000	3,500	390	9.6	1.1 Y	1.2	110	0.90 Y	0.92 Y	0.78 Y	50	340								
Fluorene	600,000	40,000,000	150,000	NA	NA	NA	NA	NA	NA	NA	1.0 Y	40	2.7 Y	1.0 Y	2.7	1.5 Y	5.0	1,800	300	20 Y	1.0 Y	1.2 Y	0.96 <	8.9 Y	1.2 <	1.1 <	1.1 <	8.7	27 ⁸								
Indeno(1,2,3-cd)pyrene	88	3,900	690,000	NA	NA	NA	NA	NA	NA	NA	9.4	170 ⁸	44	5.7	6.9	16	4.7	4,700 ⁸	1,100 ⁸	160 ⁸	3.9	2.9	17	200 ⁸	2.8	2.1	1.7	36	280 ⁸								
1-Methylpyrene	1,100,000	70,000,000	23,000	NA	NA	NA	NA	NA	NA	NA	3.0 <	29 Y	5.2 <	2.5 <	2.8 Y	2.6 <	3.1 <	780 <	320 Y	45 Y	2.5 <	2.6 <	33	35 <	10 <	9.5 <	8.4 <	9.3 <	190 Y								
2-Methylpyrene	600,000	40,000,000	20,000	NA	NA	NA	NA	NA	NA	NA	3.7 <	34 <	8.5 <	4.5 Y	3.2 <	3.3 <	7.9 <	2,500 ⁸ Y	320 <	34 <	3.1 <	3.3 <	34	29 Y	5.1 <	4.6 <	4.5 <	4.5 <	87 <								
Naphthalene	20,000	110,000	400	NA	NA	NA	NA	NA	NA	NA	9.3	320	22	6.1	25	13	7.4	13,000 ⁸	2,100 ⁸	200	8.0	2.2 Y	14 B	72 B	1.3 B	1.9 B	0.88 YB	47 B	820 B								
Phenanthrene	18,000	390,000	1,900	NA	NA	NA	NA	NA	NA	NA	16	350	63	8.1	20	26	7.3	16,000	2,600	360	9.2	9.1	14	120	1.6	0.22 <	0.84 Y	44	360								
Pyrene	500,000	30,000,000	8,700,000	NA	NA	NA	NA	NA	NA	NA	NS	86.08	51.8	84.9	89.52	77.57	76.97	74.32	78.7	85.6	90.0	90.92	91.56	88.6	75.8	74.4	91.95	85.9	93.81	89.1	90.86	85.0	70.0	77.3	78.2	78.6	82.1
Total Solids (%)	NS	NS	NS	86.08	51.8	84.9	89.52	77.57	76.97	74.32	78.7	85.6	90.0	90.92	91.56	88.6	75.8	74.4	91.95	85.9	93.81	89.1	90.86	85.0	70.0	77.3	78.2	78.6	82.1								

- Notes:
- RCL - Residual Contaminant Level
 - PID - Photoionization Detector
 - DRO - Diesel Range Organics
 - PVOCs - Petroleum Volatile Organic Compounds
 - PAHs - Polynuclear Aromatic Hydrocarbons
 - Bold indicates concentration exceeds NR 720 RCL
 - mg/kg - milligrams per kilogram, or parts per million
 - ug/kg - micrograms per kilogram, or parts per billion
 - (300) - Calculated generic RCL
 - Generic RCLs for VOCs developed from the US EPA web page for soil screening level calculations using WDNR default input parameters.
 - NA - Not analyzed.
 - NS - No standard/standard not developed
 - Y - Result was between the limit of detection and the limit of quantization.
 - B - The analyte was found in the blank above the limit of detection.
 - < - Result is less than the limit of detection.

Date: _____

Site Name: WEPCO/Brewery Works Dev. – Parcel 2A

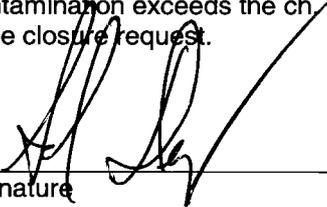
Site Address: 1434 N. Commerce St.

Milwaukee, WI 53212

Responsible Party: Riverfront Power, LLC

Address: _____

I, the above named responsible party, certify that the attached legal description (s) is complete and accurate for all of the property within the contaminated site's boundaries where soil contamination exceeds the ch. NR 720 Generic Residual Contaminant Level at the time of this case closure request.



Signature