

## 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  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
FAX 414-263-8606  
Telephone 414-263-8500  
TTY Access via relay - 711

January 25, 2007

WDNR FID# 241764050  
WDNR BRRTS# 02-41-543384

John Chowanec  
4788 West Grange Ave.  
Greenfield, WI 53220

SUBJECT: Final Case Closure with Land Use Limitations or Conditions  
John Chowanec Property, 2060 North Humboldt, Milwaukee, WI 53202

Dear Mr. Chowanec:

On July 13, 2005, the Wisconsin Department of Natural Resources (WDNR) Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On July 13, 2005, you were notified that the Closure Committee had granted conditional closure to this case.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you or the current property owner and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

Residual soil contamination remains at the site beneath the building as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property 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.

Pursuant to s. 292.12(2) (a), Wis. Stats., the building that currently exists in the location shown on the attached map shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the

groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property 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 during excavation activities to prevent a health threat to humans.

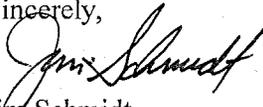
The following activities are prohibited on any portion of the property where [pavement, a building foundation, soil cover, engineered cap or other barrier] is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

[In addition, depending on site-specific conditions, construction over contaminated materials may result in vapor migration into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

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 GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

The Department 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 Barbara Grundl at 414-263-8564

Sincerely,



Jim Schmidt  
SE Remediation & Redevelopment Team Supervisor

cc: Rick Frieseke – EDS  
Michael DeMichele, Willow Tree Development



## 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 53212-3128  
FAX 414-263-8606  
Telephone 414-263-8500  
TTY Access via relay - 711

July 13, 2005

John Chowanec  
4788 West Grange Avenue  
Greenfield, WI 53220

Subject: Conditional Closure Decision with Requirements to Achieve Final Closure  
John Chowanec Property, 2060 North Humboldt, Milwaukee, WI 53202  
WDNR FID# 241764050 WDNR BRRTS # 02-41-543384

Dear Mr. Chowanec:

On July 13, 2005, the Wisconsin Department of Natural Resources(WDNR) reviewed the following documents submitted with your request for closure of the case described above:

- *Phase II Environmental Site Assessment-Proposed Store #01-1399*, June 16, 1997 prepared by Dames and Moore
- *Limited Site Investigation of Jewel-Osco Property(formerly Humboldt Yard)*, February 26, 2001 prepared by J.A. Jones Environmental Services
- *Geotechnical Report and Supplemental Subsurface Investigation-Proposed Residential Development*, September 2001 prepared by Maxim Technologies, Inc.
- *Assessment Report and Supplemental Subsurface Investigation-Proposed Residential Development*, February 2001 prepared by Maxim Technologies, Inc.
- *Phase I ESA*, December 21, 2004 prepared by Key Engineering
- *Phase II ESA* February 8, 2005 prepared by Key Engineering
- *Additional Phase II ESA*, March 16, 2005 prepared by Key Engineering

The WDNR 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 WDNR has determined that the contamination on the site from the fill materials appears to have been investigated and will be 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:

### **MONITORING WELL ABANDONMENT**

The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to Michelle Williams on Form 3300-5B found at [www.dnr.state.wi.us/org/water/dwg/gw/](http://www.dnr.state.wi.us/org/water/dwg/gw/) or provided by the Department of Natural Resources.

### **DEED RESTRICTION FOR CONTAMINATED SOIL**

To close this site, the Department requires that a deed restriction be signed and recorded to

address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to:

- (A) prevent contamination from impacting human health through direct contact.
- (B) prevent contamination from impacting groundwater due to the infiltration of precipitation.

Upon WDNR approval of the draft deed restriction that has been submitted, it must be recorded by the Milwaukee County Register of Deeds. Then you must submit a copy of the recorded document, with the recording information stamped on it, to me. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description or parcel identification number that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.

#### **MAINTENANCE PLAN**

As a condition of this closure, the cap at the site must be maintained to minimize direct contact concerns and/or for groundwater protection. The cover is to be maintained in accordance with the plan that has been submitted to the Department of Natural Resources.

#### **EXCAVATION OF CONTAMINATED SOIL**

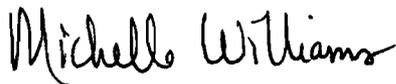
The owner will have to properly store, treat, or dispose of any excavated materials, based upon the results of that characterization, and take special precautions during excavation activities to prevent a direct contact threat to humans. All future owners and occupants of this property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard at the time of excavation.

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 for Soil and Groundwater Contamination of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page, visit <http://maps.dnr.state.wi.us/brrts>.

Please be aware that the 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 to 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)263-8564.

Sincerely,



Michelle Williams  
Hydrogeologist  
Bureau for Remediation & Redevelopment

cc: Rick Frieseke, Environmental & Development Solutions, Inc.  
Michael DeMichele, WillowTree Development  
Mark Treter, Mark Treter Law Firm  
SER file

STATE BAR OF WISCONSIN FORM 1 - 1998  
WARRANTY DEED

Document Number

This Deed, made between Tim Burns, a/k/a  
Tim G. Burns and Sean Burns, a/k/a  
Sean C. Burns, both single persons  
Grantor,  
and John Chowanec, Jr., a single person

Grantee.  
Grantor, for a valuable consideration, conveys to Grantee the following  
described real estate in Milwaukee County, State of Wisconsin  
(the "Property"):

Name and Return Address

John  
2178 N. Riverbend Rd  
Milwaukee, WI 53212

354-0412-100-4

Parcel Identification Number (PIN)

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

Lots 67 and 68, in the Subdivision of Lots 2 and 3, in Section 21,  
Township 7 North, Range 22 East, in the City of Milwaukee, Milwaukee  
County, Wisconsin, except the North 27 feet thereof, conveyed to the  
City of Milwaukee by Deed recorded in Volume 197 of Deeds at Page  
542, for street purposes.

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except  
municipal and zoning ordinances, recorded easements for public utilities,  
recorded building and use restrictions and covenants, general taxes levied  
Dated this 30th day of May, 2002 in the year of closing.

Tim Burns (SEAL)

\* TIM BURNS, a/k/a TIM G. BURNS

Sean C. Burns (SEAL)

\* SEAN BURNS, a/k/a SEAN C. BURNS

AUTHENTICATION

Signature(s) of Tim Burns, a/k/a Tim G.  
Burns and Sean Burns, a/k/a Sean C.  
Burns

authenticated this 30th day of May, 2002

Paul R. Nowakowski

\* PAUL R. NOWAKOWSKI

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney Paul R. Nowakowski

Milwaukee, Wisconsin

(Signatures may be authenticated or acknowledged. Both are not  
necessary.)

ACKNOWLEDGMENT

State of Wisconsin,

County, } ss.  
Personally came before me this \_\_\_\_\_ day of  
\_\_\_\_\_, the above named

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

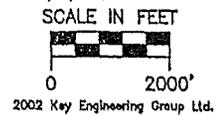
Notary Public, State of Wisconsin  
My commission is permanent. (If not, state expiration date:  
\_\_\_\_\_)

\* Names of persons signing in any capacity must be typed or printed below their signature.





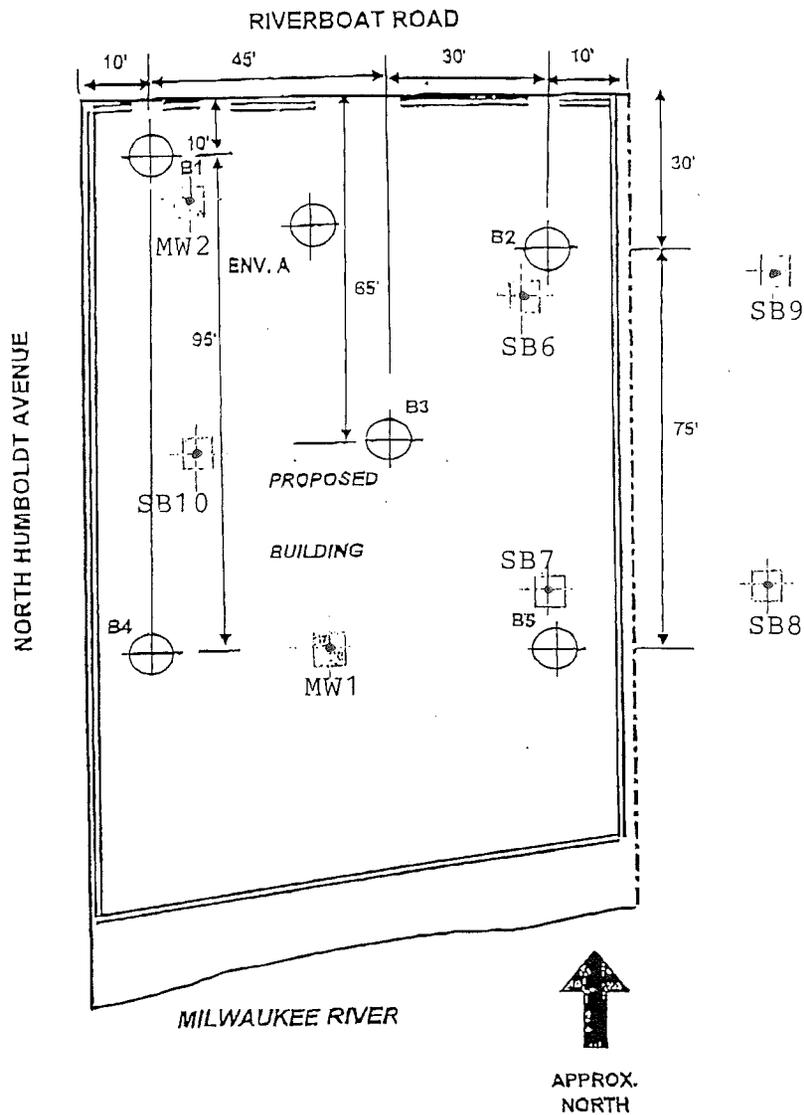
SOURCE:  
 USGS  
 Milwaukee, Wisconsin  
 Quadrangle Map 1958, Revised 1971



DESIGNED BY	DATE
KEK	2/8/05
DRAWN BY	PROJECT
	1412006
APPROVED BY	SHEET NO.
KEK	1
H:\PROJECTS\2004\BEN\1412006\1412006 figure 1 p2.doc	

FIGURE 1  
 SITE LOCATION MAP  
 PHASE II ENVIRONMENTAL SITE ASSESSMENT  
 VACANT LAND  
 2060 NORTH HUMBOLDT BOULEVARD  
 MILWAUKEE, WISCONSIN





**NOTES**

- 1) Sketch Shows Approximate Locations and Dimensions
- 2) Structure Location is Conceptual, Based on "Center Scheme" Alternative Dated 1-17-05
- 3) Scale: Not to Scale
- 4) Boring "Env. A" Layout Was by Others, Symbol Shows Approximate Location

**LEGEND**



= Approximate Boring Location



Monitoring Well



Soil Boring

**FIGURE 1 - BORING LOCATIONS**

Willow Tree Development  
 2060 N. Humboldt Ave.  
 Milwaukee, Wisconsin

TERRACON Project Number 58055002

TABLE 1  
SUMMARY OF SOIL SAMPLE ANALYTICAL RESULTS

VACANT LAND  
2060 North Humboldt Boulevard  
Milwaukee, Wisconsin

PARAMETERS	SAMPLE IDENTIFICATION												GENERIC RCLs	
	B-2	B-3	B-4	B-A	SP-6	SP-7	SP-8	SP-9	SP-10		MW-1	MW-2	PROTECTION OF GROUNDWATER	DIRECT CONTACT (NON-INDUSTRIAL)
Date Collected	1/13/05	1/13/05 *	1/13/05	1/13/05	2/25/05	2/25/05	2/25/05	2/25/05	2/25/05	2/25/05	2/25/05	2/25/05	---	---
Depth (feet bgs)	0-4	9.5-11	7-9	5-7	4-6	4-6	4-6	2-4	10-12	12-14	6-8	4-6	---	---
Detected VOCs (µg/kg)														
Ethylbenzene	61.8	---	<11.3	<11.3	<31	---	<29	<30	---	<30	<30	<29	2,900 (1)	---
Naphthalene	1,150	---	273	337	<62	---	310	<60	---	194	626	240	---	---
n-Propylbenzene	35.5	---	<10.6	<10.6	<31	---	<29	<30	---	<30	<30	<29	---	---
Tetrachloroethene	<17.2	---	<17.2	<17.2	<31	---	<29	<30	---	39	<30	<29	---	---
Toluene	302	---	<11.6	<11.6	<31	---	<29	<30	---	48	<30	41	1,500 (1)	---
1,2,4-Trimethylbenzene	137	---	<10.6	<10.6	<31	---	172	<30	---	48	31	74	---	---
1,3,5-Trimethylbenzene	73.8	---	<10.2	<10.2	<31	---	69	<30	---	<30	<30	<29	---	---
Xylenes	321	---	<10.4	<10.4	<44	---	<40	<42	---	90	<41	137	4,100 (1)	---
Detected PAHs (µg/kg)														
Acenaphthene	6,500	<110	566	11,200	<62	130	264	<60	480	---	3,190	800	38,000 (2)	900,000 (2)
Acenaphthylene	2,550	<219	391	1,390	<110	<100	<98	<100	<500	---	<2,500	<480	700 (2)	18,000 (2)
Anthracene	3,510	<110	340	526	50	201	76	13	542	---	815	1,050	3,000,000 (2)	5,000,000 (2)
Benzo(a)anthracene	5,400	<54.8	825	1,400	120	791	678	37	1,230	---	8,150	2,510	17,000 (2)	85 (2)
Benzo(b)fluoranthene	4,720	<5.48	637	1,260	100	602	402	33	837	---	3,540	1,490	360,000 (2)	88 (2)
Benzo(k)fluoranthene	4,470	<54.8	678	1,320	50	366	241	19	542	---	2,720	1,020	870,000 (2)	880 (2)
Benzo(a)pyrene	2,140	<110	345	650	137	826	448	39	1,180	---	5,670	2,510	48,000 (2)	8.8 (2)
Benzo(g,h,i)perylene	2,340	<110	382	756	100	685	172	39	887	---	2,830	1,710	6,800,000 (2)	1,800 (2)
Chrysene	5,150	<110	744	1,630	99	744	609	35	1,120	---	6,260	2,290	37,000 (2)	8.8 (2)
Dibenz(a,h)anthracene	86.2	<5.48	51.9	123	22	142	82	<9.0	209	---	921	949	38,000 (2)	600,000 (2)
Fluoranthene	12,600	<110	1,520	3,020	275	1,770	2,300	110	3,200	---	21,300	6,510	500,000 (2)	600,000 (2)
Fluorene	1,660	<110	140	171	26	77	276	<12	308	---	2,480	537	100,000 (2)	88 (2)
Indeno(1,2,3-cd)pyrene	3,420	<54.8	665	1,200	95	614	333	31	813	---	2,950	1,600	680,000 (2)	1,100,000 (2)
1-methyl naphthalene	3,240	<110	238	695	<37	177	93	<36	<180	---	1,300	297	23,000 (2)	1,100,000 (2)
2-methyl naphthalene	1,070	<110	663	561	125	838	1,030	<30	1,600	---	11,600	2,290	20,000 (2)	600,000 (2)
Naphthalene	265	<110	<110	<119	41	201	195	<36	<180	---	<880	423	400 (2)	20,000 (2)
Phenanthrene	14,300	<110	1,180	2,530	187	850	2,300	60	2,340	---	17,700	4,460	1,800 (2)	18,000 (2)
Pyrene	8,410	<110	1,240	2,390	275	1,530	1,380	74	2,590	---	14,200	5,140	8,700,000 (2)	500,000 (2)
Metals (mg/l)														
Arsenic	7.26	<2.74	12	3.81	---	---	---	---	---	<8.0	---	---	---	0.039 (1)
Barium	209	<27.4	559	176	---	---	---	---	---	65	---	---	---	---
Cadmium	<0.572	<0.548	2.71	<0.595	---	---	---	---	---	1.2	---	---	---	8 (1)
Chromium	13.9	4.61	24.4	18.7	---	---	---	---	---	12	---	---	---	14 (1) (3)/16,000 (1) (4)
Lead	68.4	<5.48	490	220	---	---	---	---	---	110	---	---	---	50 (1)
Mercury	0.174	<0.0385	0.397	0.165	---	---	---	---	---	0.082	---	---	---	---
Selenium	<2.86	<2.74	<2.75	<2.97	---	---	---	---	---	<4.8	---	---	---	---
Silver	<2.86	<2.74	3.13	<2.97	---	---	---	---	---	<0.40	---	---	---	---

Notes:

- Bold concentrations exceed direct contact non-industrial
- Boxed concentrations exceed protection of groundwater
- not analyzed or no standard established
- \* - sample could not be run
- (1) - NR720 GRCLS
- (2) - Soil Cleanup Levels for PAHS Interim Guidance (WDNR), Publication RR-519-97, April 1996 corrected).
- (3) - hexavalent
- (4) - trivalent
- bgs - below ground surface
- mg/l - milligrams per liter
- PAHs - polynuclear aromatic hydrocarbons
- RCL - residual contaminant level
- µg/kg - micrograms per kilogram
- VOCs - volatile organic compounds

TABLE 2  
SUMMARY OF GROUNDWATER SAMPLE ANALYTICAL RESULTS

VACANT LAND  
2060 North Humboldt Boulevard  
Milwaukee, Wisconsin

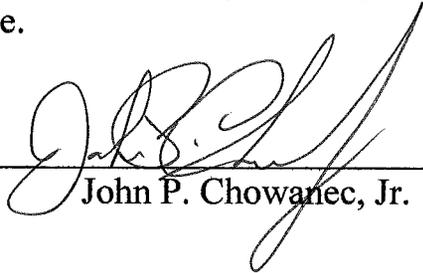
PARAMETERS	SAMPLE IDENTIFICATION		NR 140	
	MW-1	MW-2	ES	PAL
Date Collected	3/3/05	3/3/05	---	---
Detected VOCs (µg/l)				
Bromodichloromethane	<0.20	<b>0.91</b>	0.6	0.06
Chlorodibromomethane	<0.20	0.28	---	---
Chloroform	<0.20	1.6	6	0.6
Metals (µg/l)				
Arsenic	<0.79	<0.79	50	5
Barium	93	77	2,000	400
Cadmium	<0.14	<0.14	5	0.5
Chromium	<2.1	<2.1	100	10
Lead	0.44	<0.44	15	1.5
Mercury	<0.092	<0.092	2	0.2
Selenium	<3.2	<3.2	50	10
Silver	<1.3	<1.3	50	10
PAHs (µg/l)				
Acenaphthene	<0.33	<0.34	---	---
Acenaphthylene	<0.69	<0.70	---	---
Anthracene	0.044	<0.039	3,000	600
Benzo(a)anthracene	0.071	0.063	---	---
Benzo(a)pyrene	0.055	<0.033	0.2	0.02
Benzo(b)fluoranthene	<0.098	<0.10	0.2	0.02
Benzo(g,h,i)perylene	<0.12	<0.12	---	---
Benzo(k)fluoranthene	<0.049	<0.050	---	---
Chrysene	0.054	<0.042	0.2	0.02
Dibenzo(a,h)anthracene	<0.13	<0.13	---	---
Fluoranthene	0.2	0.14	400	80
Fluorene	<0.062	<0.063	400	80
Indeno(1,2,3-cd)pyrene	<0.062	<0.063	---	---
1-Methyl Naphthalene	<0.32	<0.33	---	---
2-Methyl Naphthalene	<0.31	<0.32	---	---
Naphthalene	<0.40	<0.41	40	8
Phenanthrene	0.17	<0.031	---	---
Pyrene	0.13	0.11	250	50

Notes:

Bold concentrations exceed NR 140 PAL  
 Boxed concentrations exceed NR 140 ES  
 --- - not analyzed, not applicable or no standard established  
 ES - enforcement standard  
 PAHs - polynuclear aromatic hydrocarbons  
 PAL - preventive action limit  
 µg/l - micrograms per liter  
 VOCs - volatile organic compounds

**STATEMENT OF PROPERTY OWNER**

I, John P. Chowanec, Jr., am the owner of the property commonly known as 2060 Humboldt Boulevard in the City of Milwaukee, described in the attached deed the legal description, and to the best of my knowledge and belief, the deed and legal description attached hereto is complete and accurate.

  
\_\_\_\_\_  
John P. Chowanec, Jr.

June 28, 2005

STATE OF WISCONSIN     )  
  ) ss.  
MILWAUKEE COUNTY     )

Personally came before me this 28th day of June, 2005, the above named John P. Chowanec, Jr., to me known to be the person who executed the foregoing statement and acknowledge the same.

  
\_\_\_\_\_  
Mark C. Treter  
Notary Public, State of Wisconsin  
My commission is permanent.