



March 28, 2022

Ms. Jennifer S. Dorman  
Environmental Program Associate  
Remediation & Redevelopment Program-  
Southeast Region  
Wisconsin Department of Natural Resources  
1027 W. St. Paul Avenue  
Milwaukee, WI 53233  
[Jennifer.Dorman@wisconsin.gov](mailto:Jennifer.Dorman@wisconsin.gov)

Re: N49 W6337 Western Road, Cedarburg, WI 53012  
BRRS 02-46-588930

Dear Jennifer:

I am writing on behalf of Mercury Marine in response to the Wisconsin Department of Natural Resources' ("WDNR's") responsible party correspondence dated January 25, 2022 ("DNR Letter"). Given the unique facts noted in this letter, we believe this letter constitutes a sufficient response to the DNR Letter.

Note that Mercury Marine has not owned or operated at the property located at N49 W6337 Western Road, Cedarburg, WI 53012 (the "Property") for over 40 years. Mercury Marine did not conduct the work at the Property that led to the filing of the Spill Notice, had no notice of any investigation of the Property, did not hire Kapur, Inc. ("Kapur") and never authorized Kapur to submit a notice to the WDNR on behalf of Mercury Marine.

Brunswick Corporation (of which Mercury Marine is a division) sold the Property to Russell Bratt in 1982. The Bratt family operated the Scot Pump business on the Property beginning in 1982 until 2017. Based on the Phase I Environmental Site Assessment prepared by Kapur Inc. for the Property in October 2021, we understand that during its nearly 40 years of operation at the Property, Scot Pump used TCE in its operations, and generated various solvent waste including TCE waste. We also understand that the Scot Pump business was recently sold and began operations at another location. The ownership of the Property then changed to Jackson Western LLC, a single-member LLC owned by William Bratt, formerly of Scot Pump.

We appreciate that the WDNR has also issued a Responsible Party letter to Jackson Western LLC, the current owner of the Property. We suggest that the DNR should also be inquiring about the operations of Scot Pump, the company that operated on the Property and used TCE *for nearly the last 40 years*. The DNR Letter requests that both Jackson Western LLC and Mercury Marine initiate a number of activities to respond to the reported contamination, including hiring a consultant, scoping a work plan, and conducting field investigation activities on the Property. From the DNR website, it appears that Mr. Bach of P2 Development Company, as a party “considering acquiring the Property” participated in a “Technical Assistance” meeting with the DNR on January 5, 2022. Interestingly, on January 25, 2022, the date of the DNR Letter, Kapur filed a Site Investigation Work Plan with the DNR for this Property, on behalf of P2 Development Company.

It appears that parties unrelated to Mercury Marine are hoping to draw the company into a site investigation and cleanup based on the unauthorized submission of a Spill Notice by a consultant that simply names Mercury Marine as a Responsible Party.

We have reached out to Jackson Western LLC with respect to this matter and have requested any and all information the company has with respect to Scot Pump’s operations and use of TCE at the Property, as well as the recent transfer of ownership and potential additional sale. We have also requested all information related to the recent work of Kapur, and any additional work that may be planned. There is limited information available on the DNR website and without the cooperation of Jackson Western LLC, Mercury Marine has no ability to evaluate the work that has been done to date, the work that is proposed to be completed, and the relative potential contributions of various parties to any contamination that may be identified on the Property.

Mercury Marine is proud of its corporate commitment to the Cedarburg community and to the environment. In 1993, 11 years after it sold the property, Mercury Marine conducted a detailed soil and groundwater investigation at the Property at the WDNR’s request that concluded that TCE identified in soil at the Property was not impacting City of Cedarburg wells. The investigation included an extensive analysis of hydraulic connectivity between various City of Cedarburg wells using pump tests and a review of interactions between the surficial and deep aquifers in the area. This documentation was submitted to the WDNR, and to our knowledge, WDNR did not initiate any further action with respect to the Property at that time. As the DNR is well aware, Mercury Marine has also been addressing contamination in Cedar Creek for over 20 years, and the extensive cleanup activities and community amenities funded by Mercury Marine speak volumes about the company’s commitment to the community and respect for the environment.

But Mercury Marine has not operated at this site for 40 years. Scot Pump has operated at the Property for nearly the last 40 years and there is no dispute that they used TCE in their operations. Mercury Marine has no relationship with Jackson Western LLC, Scot Pump, P2 Development Company, or Kapur, a consultant that has been engaged by one or more of them.

The requirements of the DNR Letter appear to have been met – a consultant has been hired at the site, and the consultant has submitted a Site Investigation Work Plan. Mercury Marine will continue to try to engage with the current owner of the Property to understand the issues related to the Property. At this time, there is no further work that Mercury Marine can do – on property that it has no access to, for an investigation that necessarily has to review the operations of Scot Pump for the last 40 years, and in the face of an investigation that has already been planned by an unrelated potential purchaser of the Property.

This correspondence serves as Mercury Marine's response to the responsible party letter dated January 25, 2022. Mercury Marine will continue to coordinate with the applicable parties with respect to the Property and the required investigation and remediation activities.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Craig Dousharm". The signature is written in a cursive style with a long horizontal line extending to the right.

Craig Dousharm  
Environmental Engineering Manager  
Mercury Marine  
(920) 929-5955