

Notice: Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

Definitions

"Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.

"Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.

"Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

"Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

Select the Correct Form

This form should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do not use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure - GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: dnr.wi.gov/topic/Brownfields/Pubs.html.

Instructions

1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program **and** the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/tr/RR690.pdf>

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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Section 1. Contact and Recipient Information

Requester Information

This is the person requesting technical assistance or a post-closure modification review, that his or her liability be clarified or a specialized agreement and is identified as the requester in Section 7. DNR will address its response letter to this person.

Last Name	First	MI	Organization/ Business Name
Failley	Greg		General Mitchell International Airport
Mailing Address			City
5300 South Howell			Milwaukee
			State
			WI
			ZIP Code
			53207
Phone # (include area code)	Fax # (include area code)	Email	
(414) 747-5713		gfailey@mitchellairport.com	

The requester listed above: (select all that apply)

- Is currently the owner
- Is currently considering selling the Property
- Is renting or leasing the Property
- Is currently considering acquiring the Property
- Is a lender with a mortgage interest in the Property
- Other. Explain the status of the Property with respect to the applicant:

Contact Information (to be contacted with questions about this request)

Select if same as requester

Contact Last Name	First	MI	Organization/ Business Name
Juno	Katherine	M	LF Green Development, LLC
Mailing Address			City
5600 W. Brown Deer Road, Suite 120			Milwaukee
			State
			WI
			ZIP Code
			53223
Phone # (include area code)	Fax # (include area code)	Email	
(262) 719-4508		katejuno@lfgreendevlopment.com	

Environmental Consultant (if applicable)

Contact Last Name	First	MI	Organization/ Business Name
Juno	Katherine	M	LF Green Development, LLC
Mailing Address			City
5600 W. Brown Deer Road, Suite 120			Milwaukee
			State
			WI
			ZIP Code
			53223
Phone # (include area code)	Fax # (include area code)	Email	
(262) 719-4501		katejuno@lfgreendevlopment.com	

Section 2. Property Information

Property Name	FID No. (if known)
General Mitchell International Airport-Former Power Plant and HVAC Building	241280270
BRRTS No. (if known)	Parcel Identification Number
03-41-262107	6409999118
Street Address	City
5300 South Howell Avenue	Milwaukee
	State
	WI
	ZIP Code
	53207
County	Municipality where the Property is located
Milwaukee	<input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of Milwaukee
	Property is composed of:
	<input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels
	Property Size Acres
	1.456

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1. Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No Yes

Date requested by: _____

Reason: _____

2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

No. Include the fee that is required for your request in Section 3, 4 or 5.

Yes. Do not include a separate fee. This request will be billed separately through the VPLE Program.

Fill out the information in Section 3, 4 or 5 which corresponds with the type of request:

Section 3. Technical Assistance or Post-Closure Modifications;

Section 4. Liability Clarification; or Section 5. Specialized Agreement.

Section 3. Request for Technical Assistance or Post-Closure Modification

Select the type of technical assistance requested: [Numbers in brackets are for WI DNR Use]

- No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - Include a fee of \$350. Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- Review of Site Investigation Work Plan - NR 716.09, [135] - Include a fee of \$700.
- Review of Site Investigation Report - NR 716.15, [137] - Include a fee of \$1050.
- Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - Include a fee of \$1050.
- Review of a Remedial Action Options Report - NR 722.13, [143] - Include a fee of \$1050.
- Review of a Remedial Action Design Report - NR 724.09, [148] - Include a fee of \$1050.
- Review of a Remedial Action Documentation Report - NR 724.15, [152] - Include a fee of \$350
- Review of a Long-term Monitoring Plan - NR 724.17, [25] - Include a fee of \$425.
- Review of an Operation and Maintenance Plan - NR 724.13, [192] - Include a fee of \$425.

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - Include a fee of \$700.
- Hazardous Waste Determination - Include a fee of \$700.
- Other Technical Assistance - Include a fee of \$700. Explain your request in an attachment.

Post-Closure Modifications - NR 727, [181]

- Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. Include a fee of \$1050, and:
 - Include a fee of \$300 for sites with residual soil contamination; and
 - Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing obligations.

Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this form.

Section 4. Request for Liability Clarification

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. [Numbers in brackets are for DNR Use]

"Lender" liability exemption clarification - s. 292.21, Wis. Stats. [686]

❖ Include a fee of \$700.

Provide the following documentation:

- (1) ownership status of the real Property, and/or the personal Property and fixtures;
- (2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;
- (3) the date the environmental assessment was conducted by the lender;
- (4) the date of the Property acquisition; for foreclosure actions, include a copy of the signed and dated court order confirming the sheriff's sale.
- (5) documentation showing how the Property was acquired and the steps followed under the appropriate state statutes.
- (6) a copy of the Property deed with the correct legal description; and,
- (7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).
- (8) If no sampling was done, please provide reasoning as to why it was **not** conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292.21(1)(c)2.,h-i., Wis. Stats.:
 - h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real Property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.
 - i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real Property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other containers or in piles or lagoons on the real Property.

"Representative" liability exemption clarification (e.g. trustees, receivers, etc.) - s. 292.21, Wis. Stats. [686]

❖ Include a fee of \$700.

Provide the following documentation:

- (1) ownership status of the Property;
- (2) the date of Property acquisition by the representative;
- (3) the means by which the Property was acquired;
- (4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the Property;
- (5) documentation that the representative has not caused any discharge of a hazardous substance on the Property; and
- (6) a copy of the Property deed with the correct legal description.

Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

- hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];
- Perceived environmental contamination - [649];
- hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or
- solid waste - s. 292.23 (2), Wis. Stats. [649].

❖ Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:

- (1) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).
- (2) current and proposed ownership status of the Property;
- (3) date and means by which the Property was acquired by the LGU, where applicable;
- (4) a map and the ¼, ¼ section location of the Property;
- (5) summary of current uses of the Property;
- (6) intended or potential use(s) of the Property;
- (7) descriptions of other investigations that have taken place on the Property; and
- (8) (for solid waste clarifications) a summary of the license history of the facility.

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Section 4. Request for Liability Clarification (cont.)

Lease liability clarification - s. 292.55, Wis. Stats. [646]

❖ Include a fee of \$700 for a single Property, or \$1400 for multiple Properties and the information listed below:

- (1) a copy of the proposed lease;
- (2) the name of the current owner of the Property and the person who will lease the Property;
- (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the Property;
- (4) map(s) showing the Property location and any suspected or known sources of contamination detected on the Property;
- (5) a description of the intended use of the Property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the Property; and
- (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the Property where a discharge has occurred.

General or other environmental liability clarification - s. 292.55, Wis. Stats. [682] - Explain your request below.

❖ Include a fee of \$700 and an adequate summary of relevant environmental work to date.

No Action Required (NAR) - NR 716.05, [682]

❖ Include a fee of \$700.

Use where an environmental discharge has or has not occurred, and applicant wants a DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.

Clarify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]

❖ Include a fee of \$700.

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

See Attached Narrative

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/Igu.html#tabx4.

Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description; and,
- (3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-105agrmt.pdf).

Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description; and,
- (3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-106agrmt.pdf).

Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

❖ Include a fee of \$1400, and the information listed below:

- (1) a draft schedule for remediation; and,
- (2) the name, mailing address, phone and email for each party to the agreement.

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.

Phase I Environmental Site Assessment Report - Date: _____

Phase II Environmental Site Assessment Report - Date: _____

Legal Description of Property (required for all liability requests and specialized agreements)

Map of the Property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

Groundwater Soil Sediment Other medium - Describe: _____

Date of Collection: _____

A copy of the closure letter and submittal materials

Draft tax cancellation agreement

Draft agreement for assignment of tax foreclosure judgment

Other report(s) or information - Describe: Request for No Further Action

For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

Yes - Date (if known): _____

No

Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at: dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf.

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Section 7. Certification by the Person who completed this form

I am the person submitting this request (requester)

I prepared this request for: GMIA

Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

Katherine M. Funa
Signature

06/04/19
Date Signed

Hydrogeologist
Title

262-719-4501
Telephone Number (include area code)

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Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a [DNR regional brownfields specialist](#) with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>.

DNR NORTHERN REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 223 E Steinfest Rd Antigo, WI 54409

DNR NORTHEAST REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 2984 Shawano Avenue
 Green Bay WI 54313

DNR SOUTH CENTRAL REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 3911 Fish Hatchery Road
 Fitchburg WI 53711

DNR SOUTHEAST REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 2300 North Martin Luther King Drive
 Milwaukee WI 53212

DNR WEST CENTRAL REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 1300 Clairemont Ave.
 Eau Claire WI 54702



DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS No. (if used)
DNR Reviewer		Comments	
Fee Enclosed? <input type="radio"/> Yes <input type="radio"/> No	Fee Amount \$	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		



June 4, 2019

Ms. Jennifer Dorman
Program Assistant
Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212

RE: General Mitchell International Airport-Former Power Plant and Heating, Ventilation, and Air Conditioning (HVAC) Building
5300 South Howell Avenue, Milwaukee, Wisconsin
BRRTs #03-41-262107; FID #241280270

Dear Ms. Dorman:

LF Green is submitting a “*No Further Action*” (NFA) Request for the above referenced Site identified as Bureau for Remediation and Redevelopment Tracking System (BRRTS) #03-41-262107, General Mitchell International Airport (GMIA) Former Power Plant and HVAC Building, 5300 South Howell Avenue, Milwaukee, Wisconsin, shown on attached Figure 1.

BRRTS #03-41-262107- Former Underground Storage Tank (UST)- Former Power Plant and HVAC Building

In 1999, General Mitchell International Airport (GMIA) hired Graef-USA to design a new parking structure and identify the most cost-effective and passenger-friendly location for the building. Subsequent parking structure construction plans included removing the existing power plant, which historically housed the airport’s current HVAC system. In 2000, plans for the 5,000-car parking structure expansion were implemented, and construction plans included demolishing the existing power plant and the southern access road (Old Husteiner Road) and installing a new thoroughfare (Husteiner Road) north of the former power plant shown in attached Figure 2..

During the construction activities, a few pieces of metal debris, which appeared to be remnants of UST tank bottoms from the historical power plant, were encountered in the vicinity of Old Husteiner Road. GMIA retained Kapur and Associates, Inc. (Kapur) to conduct a site assessment of soils in the area of this debris to allow construction to proceed in this area. Kapur collected several soil samples on November 8, 2000 and submitted the samples for laboratory analysis of diesel range organics (DRO). Soil analytical results indicated that the highest DRO concentration was 8.91 milligrams per kilograms (mg/kg), well below the DRO standards of 100 and 250 mg/kg in place at that time. Additionally, several of the results were below the method detection limit for laboratory analysis but above the limit of quantification. Laboratory analytical reports were submitted to the Wisconsin Department of Natural Resources with a notification of contamination on November 3, 2000.

Ms. Jennifer Dorman

June 4, 2019

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The area where the former tank bottoms were encountered was incorporated within the building footprint of the existing parking structure redevelopment. Figure 2 shows the location of the historical UST relative to the existing site features. Given the results of laboratory analysis of soil samples, which indicated little or no contaminants of concern were present in the samples collected, no further investigation or remediation is warranted for this area, and *No Further Action* is appropriate and requested.

LF Green was unable to acquire the submitted laboratory results previously submitted with the original notification.

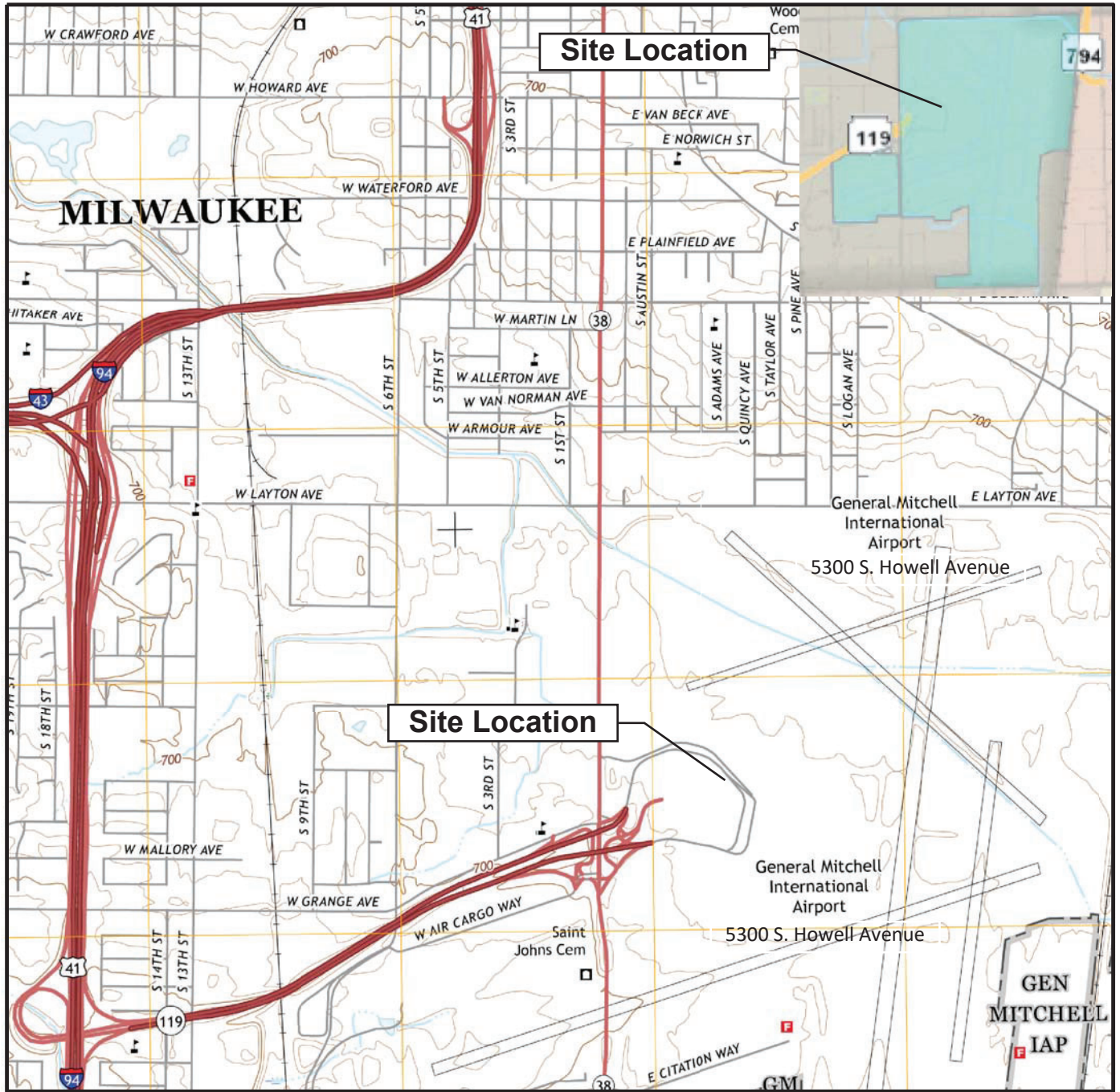
Thank you for your assistance with this project. If you have any questions or comments, please feel free to contact us.

Sincerely,
LF Green Development, LLC



Linda J. Fellenz, President

Attachments as described above.

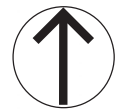


LEGEND

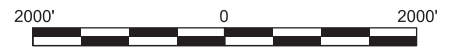
⊕ APPROXIMATE POTABLE WELL LOCATION



QUADRANGLE LOCATION



NORTH



SCALE: 1" = 2000'

FIGURE 1
SITE LOCATION MAP
MITCHELL AIRPORT HVAC BLDG
5300 S. Howell Avenue Milwaukee, WI
 NW 1/4 of the SW 1/4 of Sec 28, T06N, R22E
BRRTS #03-41-262107

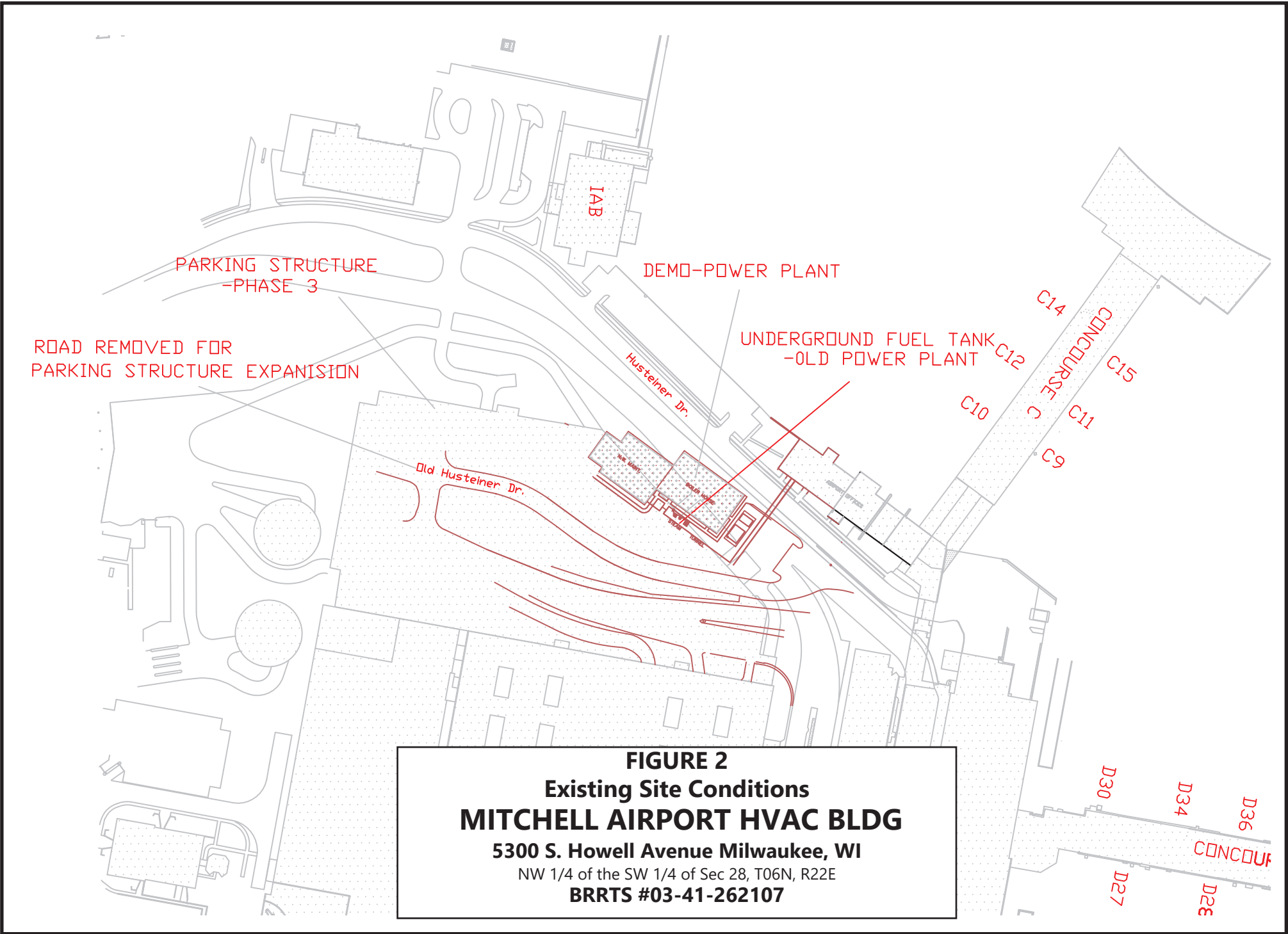


FIGURE 2
Existing Site Conditions
MITCHELL AIRPORT HVAC BLDG
 5300 S. Howell Avenue Milwaukee, WI
 NW 1/4 of the SW 1/4 of Sec 28, T06N, R22E
 BRRS #03-41-262107