



March 15, 2017

Mr. John Stibal
Director of Community Development
7525 W. Greenfield Ave.
West Allis WI 53214

Building on a Historic Fill Site Exemption Approval
1960 South 67th Place, West Allis, Wisconsin
BRRTS# 07-41-262281 FID# 241222520

Dear Mr. Stibal:

We have received your request for a grant of exemption from regulation under Wis. Admin. § NR 506.085. Your application includes an evaluation that the historic fill material may have a potential to cause soil and groundwater contamination. Evaluation of this potential is being addressed under BRRTS# 02-41-183640, and investigation and remediation requirements of the Wis. Admin. Chapter NR 700 series must still be followed. Your application includes an evaluation indicating that methane gas is present at the site. The methane gas will be addressed as part of the proposed development. The Department is issuing this conditional grant of exemption from the prohibitions contained in Wis. Admin. § NR 506.085 provided you comply with the conditions of this grant of exemption. This grant of exemption is limited to the proposed development described in your application, a commercial warehouse. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval.

Please review the information contained in the publication *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* PUB-RR-685 to assist you in preventing environmental or safety problems during and after development.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements including site closure under Wis. Admin. Chapter NR 726. If you have any questions concerning this letter, please contact Thomas A. Wentland at 920-893-8528.

Sincerely,

A handwritten signature in blue ink that reads 'Michele R. Norman'.

Michele R. Norman, Supervisor
Remediation & Redevelopment Program
Southeast Region

cc: City of West Allis Building Insp.
Arcadis

BEFORE THE

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. The Community Development Authority of the City of West Allis owns the property at 1960 South 67th Place, West Allis, Wisconsin.
2. Glenn Rieter, Inc. is in the process of purchasing the property from the Community Development Authority of the City of West Allis.
3. Arcadis U.S. Inc., on behalf of the City of West Allis, has submitted a request received January 31, 2017 for an exemption from the prohibition in Wis. Admin. § NR 506.085.
4. Historically, the site was filled with non-organic material consisting of construction and demolition debris and foundry sand.
5. Methane gas, in low concentrations, is present at the site
6. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in Wis. Stat. §§ 289.01(8) and 299.01(4).

CONCLUSIONS OF LAW

1. The Department has the authority under Wis. Admin. § NR 500.08(4) to issue an exemption from the prohibition in Wis. Admin. § NR 506.085, if the proposed development will not cause environmental pollution as defined in Wis. Stat. §§ 289.01(8) and 299.01(4).
2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of Wis. Admin. Chapters NR 500 to 538, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of Wis. Admin. Chapters NR 500 to 538, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under Wis. Admin. § NR 500.08(4), to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to the Community Development Authority of the City of West Allis from the prohibition in Wis. Admin. § NR 506.085, for development on a property which contains solid waste as proposed in the submittal received January 31, 2017 subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in Wis. Admin. Chapter NR 103.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in Wis. Admin. § NR 500.03(55).
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in Wis. Admin. § NR 500.03(62).
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in Wis. Admin. § NR 500.03(62), or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard in Wis. Admin. Chapter NR 140.
5. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in Wis. Admin. § NR 445.03.
6. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard in Wis. Admin. Chapter NR 720.
7. The development construction activities shall be coordinated with approved remedial response actions and shall not prevent the completion of approved remedial response actions. If further investigation reveals a vapor intrusion problem, the planned development must include a vapor mitigation system.
8. Soil and waste material removed from the site shall be disposed in accordance with an approved Soil Management Plan.
9. This grant of exemption should not be construed as a site closure under Wis. Admin. Chapter NR 726.
10. A passive methane gas extraction system shall be installed under the proposed slab-on-grade building. The extraction system will consist of a 6-inch layer of pea gravel placed beneath the building floor with 4-inch perforated pipe imbedded in the gravel. The stone shall then be covered with a vapor barrier of 15-Stego Wrap and then a filter fabric or sand will be placed over the vapor barrier.
11. This exemption shall transfer with changes in property ownership. In accordance with Wis. Stat. § 289.46(2), any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal activity occurred may not undertake any activities on the land which may cause a significant threat to public health, safety or welfare. The Department of Natural Resources should be contacted to discuss any proposed changes to avoid activities that could violate the statute.

This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval. The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: March 15, 2017

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Michele R. Norman
Michele R. Norman, Supervisor
Remediation & Redevelopment Program
Southeast Region

Thomas A. Wentland
Waste Management Engineer
Remediation and Redevelopment Program
Southeast Region