

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

Form 4400-237 (R 10/21)

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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<br>Caya                             | First<br>Ben              | MI<br>MI                      | Organization/ Business Name<br>4132 Holton LLC |
| Mailing Address<br>3866 North Fratney Street  |                           | City<br>Milwaukee             | State<br>WI                                    |
|   |                           |                               | ZIP Code<br>53212                              |
| Phone # (include area code)<br>(262) 370-4616 | Fax # (include area code) | Email<br>ben@spikebrewing.com |  |

The requester listed above: (select all that apply)

- Is currently the owner
  Is considering selling the Property  
 Is renting or leasing the Property
  Is considering acquiring the Property  
 Is a lender with a mortgagee 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<br>Cigale                    | First<br>Bob              | MI                                   | Organization/ Business Name<br>Endpoint Solutions Corp. |
| Mailing Address<br>6871 South Lovers Lane Road |                           | City<br>Franklin                     | State<br>WI   |
|  |                           |                                      | ZIP Code<br>53132                                       |
| Phone # (include area code)<br>(414) 858-1202  | Fax # (include area code) | Email<br>bob@endpointcorporation.com |   |

### Environmental Consultant (if applicable)

|  |                           |                                      |   |
|--|---------------------------|--------------------------------------|---|
| Contact Last Name<br>Cigale                    | First<br>Bob              | MI                                   | Organization/ Business Name<br>Endpoint Solutions Corp. |
| Mailing Address<br>6871 South Lovers Lane Road |                           | City<br>Franklin                     | State<br>WI   |
|  |                           |                                      | ZIP Code<br>53132                                       |
| Phone # (include area code)<br>(414) 858-1202  | Fax # (include area code) | Email<br>bob@endpointcorporation.com |   |

### Attorney (if applicable)

|   |                           |                                   |   |
|---|---------------------------|-----------------------------------|---|
| Contact Last Name<br>Ziemba                           | First<br>Leah             | MI                                | Organization/ Business Name<br>Michael Best & Friedrich LLP |
| Mailing Address<br>1 South Pinckney Street, Suite 700 |                           | City<br>Madison                   | State<br>WI   |
|   |                           |                                   | ZIP Code<br>53703   |
| Phone # (include area code)<br>(608) 283-4420         | Fax # (include area code) | Email<br>lhziemba@michaelbest.com |   |

### Property Owner (if different from requester)

|  |                           |                                |   |
|--|---------------------------|--------------------------------|---|
| Contact Last Name<br>Miskey                      | First<br>David            | MI                             | Organization/ Business Name<br>Redevelopment Authority of the City of Milwaukee |
| Mailing Address<br>809 North Broadway, 2nd Floor |                           | City<br>Milwaukee              | State<br>WI   |
|  |                           |                                | ZIP Code<br>53202   |
| Phone # (include area code)<br>(414) 286-5800    | Fax # (include area code) | Email<br>dmiskey@milwaukee.gov |   |

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## Section 2. Property Information

|  |   |   |                             |
|--|---|---|-----------------------------|
| Property Name<br>4132 North Holton (Former MDCC) |   | FID No. (if known)<br>241228240   |                             |
| BRRTS No. (if known)<br>02-41-000023             | Parcel Identification Number<br>2419982000  |   |                             |
| Street Address<br>4132 North Holton Street       | City<br>Milwaukee   | State<br>WI   | ZIP Code<br>53212           |
| County<br>Milwaukee                              | Municipality where the Property is located<br><input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of | Property is composed of:<br><input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels | Property Size Acres<br>3.71 |

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: 04/22/2022

Reason: Drilling scheduled to commence

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).

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## 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.

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

As part of the planning for the redevelopment of the property, soil borings for geotechnical evaluation need to be performed. The attached Technical Assistance Request provides the details of the methodology to be followed during the advancement of the proposed soil borings.

## 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](http://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.

- 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.

- 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.

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Clarification or Post-Closure Modification Request

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**Section 6. Other Information Submitted**

Identify all materials that are included with this request.

Send both a paper copy of the signed form and all reports and supporting materials, and an electronic copy of the form and all reports, including Environmental Site Assessment Reports, and supporting materials on a compact disk.

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: \_\_\_\_\_

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 Form - Non-Emergency Only (Form 4400-225) is accessible through the RR Program Submittal Portal application. Directions for using the form and the Submittal Portal application are available on the [Submittal Portal web page](#).

**Section 7. Certification by the Person who completed this form**

- I am the person submitting this request (requester)
- I prepared this request for: 4132 Holton LLC  
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.

  
\_\_\_\_\_  
Signature

April 18, 2022  
\_\_\_\_\_  
Date Signed

Principal Consultant  
\_\_\_\_\_  
Title

(414) 858-1202  
\_\_\_\_\_  
Telephone Number (include area code)

# **Endpoint Solutions**

6871 South Lovers Lane  
Franklin, WI 53132  
Telephone: (414) 427-1200  
Fax: (414) 427-1259  
[www.endpointcorporation.com](http://www.endpointcorporation.com)

Mr. Greg Moll  
Hydrogeologist  
Wisconsin Department of Natural Resources  
1027 West St. Paul Avenue  
Milwaukee, WI 53233

April 18, 2022

**Subject: Technical Assistance Request**  
Former MDCC Property  
4132 North Holton Street, Milwaukee, Wisconsin  
BRRTS #: 02-41-000023 / FID #: 241228240

Dear Greg:

As part of the planning for the redevelopment of the property located at 4132 North Holton Street in the City of Milwaukee, Milwaukee County, Wisconsin (the "Site"), soil borings for geotechnical evaluation need to be performed. This Technical Assistance Request provides the details of the methodology to be followed during the advancement of the proposed soil borings.

## **BACKGROUND**

The Site is the former location of the Milwaukee Die Casting Company (MDCC) facility which is the subject of a United States Environmental Protection Agency (USEPA) Enforcement Action Memorandum associated with the presence of high concentrations of polychlorinated biphenyls (PCBs) and chlorinated volatile organic compounds (CVOCs) in the Site soils and groundwater due to historic manufacturing operations. According to public documents regarding the Site, following assessment activities, the Site building was demolished and soils containing concentrations of greater than 100 milligram per kilogram PCBs were excavated, removed and properly disposed offsite by the responsible parties. Following the removal of approximately 20,500 tons of contaminated soils, the removal action excavations were backfilled and three (3) distinct areas on the Site containing varying concentrations of residual PCBs in the soil were established and documented. An area containing residual PCB contamination in the soil between 25 mg/kg and 100 mg/kg was capped with a clay cap ("Clay Cap Area"), an area containing residual PCB concentrations between the industrial direct contact residual contaminant level (RCL) and 25 mg/kg was capped with a soil cover ("Soil Cover Area"), and an area with PCB concentrations less than the industrial direct contact RCL were capped with a topsoil cover ("Topsoil Cover Area"). Due to the residual concentrations of PCBs in the soils, the Site was assigned a low occupancy use limitation in accordance with the self-implemented cleanup and disposal of PCB remediation waste regulations at 40 CFR 761.61.

## PROPOSED SCOPE OF WORK

The Design Engineer has chosen Giles Engineering to perform the Geotechnical Evaluation at the Site. Giles Engineering has proposed to advance a total of seven (7) soil borings to termination depths ranging between 11 and 21 feet below the ground surface (ft bgs). Six (6) of the proposed soil borings will be located within the footprint of the proposed building and one (1) of the proposed soil borings will be located within the proposed paved parking area to the west of the proposed building. All of the soil borings will be located within the Topsoil and Soil Cover Areas. No soil borings are proposed to be advanced within the Clay Cap Area. The approximate locations of the proposed soil borings are depicted on the attached **Soil Boring Location Plan**.

The soil borings will be located in the field using Real-Time Kinetic – Global Positioning System (RTK-GPS) survey instrumentation. Locational (x, y) and ground surface elevation (z) measurements at each boring location will be recorded. Prior to initiating subsurface exploration activities, a Health and Safety Plan (HASP) will be prepared.

The soil borings will be advanced with a truck-mounted hollow-stem auger (HSA) drill rig. Representative soil samples will be collected at regularly intervals employing split-barrel sampling procedures in general accordance with the ASTM International (ASTM) D-1586 standard for standard penetration testing (SPT). The soil profile will be logged for soil type, texture, color, moisture content and unconfined compressive strength by an experienced field geologist.

Soil cuttings generated during the HSA drilling process will be containerized in properly labeled, DOT-compliant steel 55-gallon drums and staged on Site while awaiting disposal. One (1) composite sample per drum of soil will be submitted for PCB analysis. One (1) composite sample from all of the drums combined will be submitted for waste characterization analyses, including, but not limited to: toxicity characteristic leaching potential (TCLP) volatile organic compounds (VOCs); TCLP semi-volatile organic compounds (SVOCs); TCLP 13 Priority Pollutant metals; reactive sulfide and cyanide; pH; unfiltered chlorides; and, flashpoint.

Following completion of the drilling activities, the boreholes will be abandoned with bentonite chips per the requirements included in Wisconsin Administrative Code Chapter NR 141. While damage to the Topsoil and Soil Covers is not expected, if the drilling process causes damage to the Covers, necessary steps will be taken to repair the Cover and reseed the damaged areas.

All downhole sampling equipment (augers, drill rods, split spoons), as well as shovels and boots will be decontaminated with a pressure washer, Alconox wash and clean water rinse prior to leaving the Site. All decontamination-generated wastes (solids and liquids) will be containerized in properly labeled DOT-compliant 55-gallon steel drums and staged on the Site while awaiting disposal. One (1) sample of the decontamination-generated liquids will be analyzed for VOCs, SVOCs and PCBs.

**CLOSING**

We trust the information contained in this Technical Assistance Request is sufficient to allow the WDNR to approve the advancement of the proposed geotechnical soil borings at the Site. If you have any questions regarding the information contained in the attached Request, please feel free to contact me directly.

Sincerely,

**Endpoint Solutions**



Robert A, Cigale, P.G.

Principal

414-858-1202

[bob@endpointcorporation.com](mailto:bob@endpointcorporation.com)

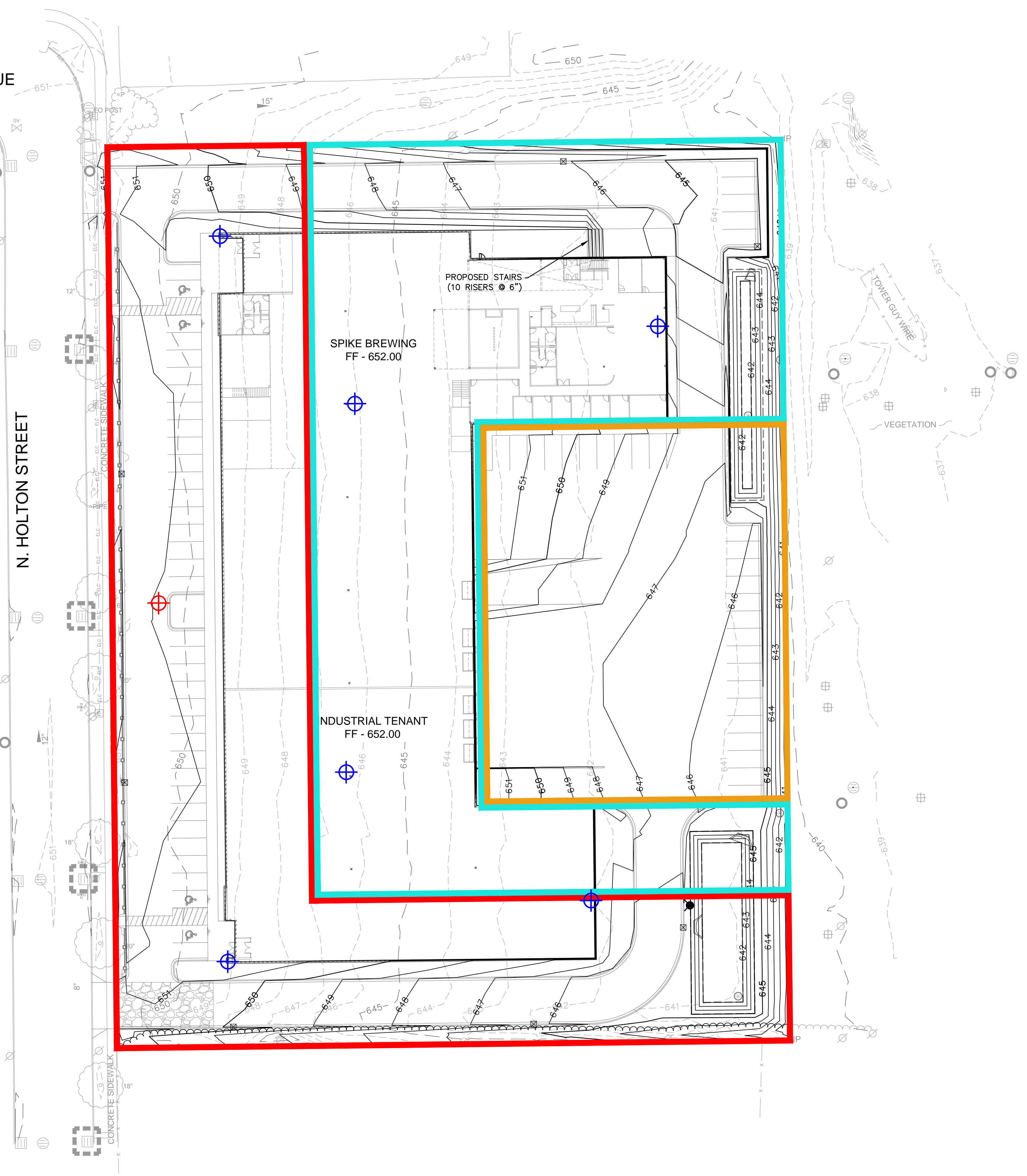
Attachments: Soil Boring Location Plan  
WDNR Form 4400-237  
\$700 Technical Assistance Request Fee






cc: Mr. Ben Caya – Spike Brewing  
Mr. Dave Misky – RACM (pdf)  
Mr. Mat Reimer – City of Milwaukee (pdf)  
Ms. Leah Ziemba – Michael Best & Friedrich (pdf)

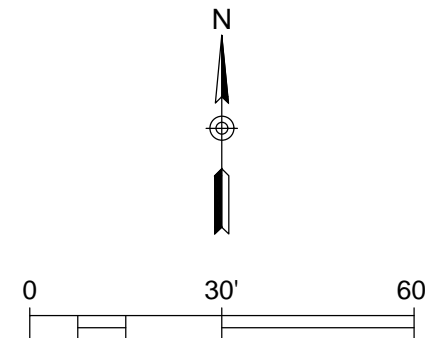


E. HOPE AVENUE  
ASPHALT PAVEMENT

N. HOLTON STREET



|   |                              |
|---|------------------------------|
|  | TOPSOIL COVER AREA           |
|  | SOIL COVER AREA              |
|  | CLAY CAP AREA                |
|  | SOIL BORING LOCATION (11 FT) |
|  | SOIL BORING LOCATION (21 FT) |



SPIKE BREWING PROPOSED DEVELOPMENT

# PROPOSED SOIL BORING EXHIBIT

4132 N. HOLTON STREET  
MILWAUKEE, WISCONSIN

DRAWN BY: NWD DATE: 04/13/2022  
CHECKED BY: JAH  
APPROVED BY: JAH

PROJECT NO. 706-001-006

THIS BAR REPRESENTS ONE INCH ON THE ORIGINAL DRAWING. USE TO VERIFY FIGURE REPRODUCTION SCALE.

SHEET NO.  
**EX 01**

| REV | DATE |
|-----|------|
| 6   |      |
| 5   |      |
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**Endpoint Solutions**  
6871 S. LOVERS LANE  
FRANKLIN, WI 53132  
PHONE: (414) 427-1200