

Moll, John G - DNR (Gregory)

From: Ramanauskas, Peter <ramanauskas.peter@epa.gov>
Sent: Friday, June 10, 2022 13:40
To: Robert Cigale; Moll, John G - DNR (Gregory); Mylotta, Pamela A - DNR
Cc: Misky, David; lhziemba@michaelbest.com; Ben Caya; Kondreck, Robert; Steketee, John
Subject: RE: Requested Review Clarification

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The EPA Region Toxic Substances Control Act (TSCA) Polychlorinated Biphenyl (PCB) Program reviewed your June 2, 2022 email and the Request Clarification Letter addressed to the Wisconsin Department of Natural Resources (WDNR) also dated June 2, 2022. On behalf of the current property owner (the Redevelopment Authority of the City of Milwaukee) and the prospective purchaser of the property (4132 Holton LLC) you seek confirmation that the low occupancy¹ limitation that currently applies to the former Milwaukee Die Casting Company (MDCC) Site Property and the caps over residual contamination may be modified. You are requesting this change as required by the June 1, 2018 WDNR Approval of the Remedial Action and Post-Removal Site Control Plan for the Milwaukee Die Casting Company Site, 4132 N. Holton Street, Milwaukee, Wisconsin DNR BRR TS #02-41-000023. This change will facilitate the purchase of the MDCC Site to construct a building for light industrial manufacturing and warehouse space to house Spike Brewing's manufacturing operations.

PCBs at the MDCC Site were remediated under an EPA March 3, 2013 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Settlement Agreement and Order on Consent to meet the TSCA PCB low occupancy cleanup standard under 40 CFR §761.61(a)(4)(i)(B)(3). On April 26, 2022 you provided a Post-Redevelopment Risk Assessment to WDNR and EPA which indicates that the redevelopment of the Site is designed to: avoid disturbing the residually contaminated soils to the extent practicable; avoid construction of an occupied structure over the area containing the highest residual total PCB concentrations in the Clay Cap area (i.e. residually contaminated soils at concentrations up to 100 milligrams per kilogram); and, improve the protectiveness of the existing caps and covers by a combination of increasing the thickness of the clean soil covers and caps, constructing a concrete slab-on-grade building on top of the existing and thickened layers of covers and by constructing pavement sections over the Clay Cap area as well as the Soil and Topsoil Cover areas outside of the proposed building footprint. It is noted that these additions to the existing Cap and Cover will result in thickness of the protective soil covers increasing by an estimated 200% to 463%.

Based on the provided information, EPA concurs that the low occupancy limitation that currently applies to the former Milwaukee Die Casting Company (MDCC) Site Property and engineered barriers may be modified as indicated in the development concept to allow for the specific use of the MDCC Site for light industrial manufacturing and warehouse space as noted in your June 2, 2022 letter. On March 25, 2022, you also submitted a request for a TSCA Coordinated Approval under the One Cleanup Program Memorandum of Agreement between WDNR and EPA. EPA will continue to coordinate with WDNR on that request and resolve remaining questions about the proposed site development design work, materials management plans, and revise the Site continuing obligations as necessary. EPA reserves the right to re-evaluate this decision if the conditions presented in the April 26, 2022 Post-Redevelopment Risk Assessment change.

¹ as defined in 40 Code of Federal Regulations (CFR) §761.3


Regards,

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From: Robert Cigale <bob@endpointcorporation.com>
Sent: Thursday, June 2, 2022 10:56 AM
To: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>; pamela.mylotta@wisconsin.gov
Cc: Ramanauskas, Peter <ramanauskas.peter@epa.gov>; Misky, David <dmisky@milwaukee.gov>; lhziemba@michaelbest.com; Ben Caya <ben@spikebrewing.com>
Subject: Requested Review Clarification

Based on our conversation yesterday afternoon, we understand the Wisconsin Department of Natural Resources (WDNR) was requesting a clarification regarding the approvals requested associated with the proposed redevelopment of the Former Milwaukee Die Casting Company (MDCC) site at 4132 North Holton Avenue. Based on this request, we have prepared the attached letter. In order to move forward with the purchase of the property and to close on the necessary financing for the project, both the City of Milwaukee and the representative lenders are requesting the WDNR and the United States Environmental Protection Agency (USEPA) provide an approval of the viability of the proposed redevelopment of the site as described in the documents previously submitted. The development teams fully understands that ongoing discussions and clarifications of the specific details will be necessary to obtain final approval of the means and methods of construction and continuing obligations; however, at this time, we are asking the WDNR to approve in concept the redevelopment plan for the site and for the USEPA to approve of the future high occupancy use of the redeveloped site.

Thanks, Bob



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