

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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November 16, 2000

Mr. James Orth
1776 Development Corporation
10201 W. Lincoln Avenue, Suite 405
West Allis, WI 53227

FID#241645030 RR/ERP
BRRTs# 02-41-000035

Subject: Case Closure for Chromium and Sulfate - Parcel 4
Former Trostel Tannery Commerce Street Site

Dear Mr. Orth:

On November 2, 2000, your request for closure of the chromium and sulfate releases at the site described above was received by the Wisconsin Department of Natural Resources and a revision to the proposed site barrier operation and maintenance plan was received November 16, 2000. After careful review of the closure request, the Department has determined that the chromium and sulfate contamination on the site from the former tanning operations in and around the building, appears to have been investigated and remediated to the extent practicable under site conditions. The residual groundwater data indicates your site meets the criteria for exemptions under Chapter NR 140 Wis. Adm. Code. These releases will be closed under s. NR 726.05, Wis. Adm. Code. You have also proposed specific remedial actions for the residual lead in soil in one part of the site and to provide protective cover for the building demolition debris buried in the footprint of the former building. The Department concurs with the proposed actions and revised site barrier operation and maintenance plan for the lead area and the building demolition debris area. If the remedy for these areas is carried out as proposed, these issues will also be eligible for closure under chapter NR 726.

Chapter NR 140 Wisconsin Administrative Code Exemptions

Chromium. Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for chromium at MW-4, MW-5 and MW-6, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met because the activities generating chromium on the property have ceased and removal actions were taken in source areas on Parcel 4 of the former site. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for chromium at MW-4, MW-5 and MW-6 at this site. This letter serves as your exemption.

Sulfate. Recent groundwater monitoring data at this site indicates exceedances of the NR 140 enforcement standard for sulfate at MW-4, MW-5 and MW-7. The Department may grant an exemption for a substance of public welfare concern, pursuant to s. NR 140.28(3)(a), Wis. Adm. Code, if actions have been taken to achieve the lowest possible concentration for that substance which is technically and economically feasible and the existing or anticipated increase in the concentration of that substance does not present a threat to public health or welfare.

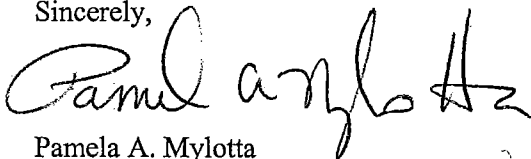
Based on the information you provided, the Department believes that the above criteria have been or will be met because activities generating the sulfate have ceased at the property and removal actions were conducted in source areas on Parcel 4 of the former site. Therefore, pursuant to s. NR 140.28(3)(a), Wis. Adm. Code, an exemption to the enforcement standard for sulfate in MW-4, MW-5 and MW-7. This letter serves as your exemption.

Please be aware that the release cases closed by this letter may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

With regard to the proposed remedial actions, please re-submit the deed restriction language for final review following completion of the proposed remedy and prior to posting of the restriction on the deed.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 414-263-8758.

Sincerely,



Pamela A. Mylotta
Hydrogeologist, Remediation & Redevelopment Program
Southeast Region, Milwaukee Service Center

cc: Steve Karklins – DG/2, Madison
Bruce Keyes – Foley & Lardner