



March 8, 2016

Scott Bence
MCB Investments, LLC & Land 15, LLC & Heritage Place
W178 N9912 Rivercrest Drive, Suite 101
Germantown, WI 53022

Dear Mr. Bence:

Subject: Proposed Saxony Village development at former CMC Heartland & Jacobus Oil Company
Heritage Place Joint Ventures, Germantown
BRRTS #0267000341 and BRRTS #0267000801

Thank you for your application for a cap/cover modification and soil management plan for redevelopment at these closed contamination sites. In 2013 and 2010, the Wisconsin Department of Natural Resources (DNR), and the Department of Agriculture, Trade, and Consumer Protection, respectively, imposed institutional controls on these properties as part of case closures with residual contamination remaining at the sites that may present potential hazards for future use. The proposed Saxony Village development, which includes the subject line properties, is apartment housing, which according to the enforceable closure letters, requires evaluation and approval from the DNR with regards to soil management and potential vapor intrusion issues. Pursuant to that, your consultant has submitted a soil management plan for DNR review.

The DNR has reviewed your soil management plan and has the following comments/requirements that your consultant must address prior to DNR approval:

General

- Your investigation revealed that soil contamination is more extensive than what was known when the cases were closed. You must determine the extent of previously unknown contaminated soil at the site.
- If you believe this more extensive soil contamination is related to the closed Jacobus site, additional PECFA funding for further site investigation activities may be available. You will need to provide sufficient information to the DNR to support a conclusion that the newly identified contamination is related to the closed LUST case.
- After the extent of remaining contamination is known, you must determine the vapor risk posed to future buildings from contaminated soil left on site. The buildings should have vapor mitigation systems incorporated into their design, if needed.
- Submit a map of historic (from the Jacobus Bulk Plant, and the CMC Heartland Partners sites) and newly discovered soil contamination with your development map overlain. Use text boxes to display soil chemistry and sample collection depth data.

Management of Contaminated Soil on Site

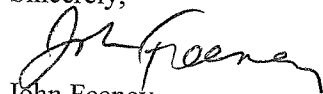
- The DNR recommends that contaminated soil at concentrations that may pose a vapor risk be properly disposed of off-site (in addition to your proposal of off-site disposal of soils contaminated above direct contact standards in the top 2 feet).
- You must collect enough soil samples to meet the code requirement to represent the soil that you manage on site in accordance with section NR 718.12(1)(e), Wisconsin Administrative Code. Your plan must include the volume/tonnage of soils to be managed on site and a table of representative sample results.
- Provide a point-by-point list of how the moved soil meets criteria in sec. NR 718.12(1)(c).
- Your consultant or an environmental technician should be present when managing soils on site.
- Determine the volume of contaminated soil that is to be managed on site, map where this soil will be excavated from. Submit a table of sampling data that represents this soil specifically; explain how the number of samples meets the code requirement for characterization. Indicate on a map where this soil is to be placed, and explain/justify how this soil placement presents no hazard for each exposure pathway.
- Submit a specific plan to address vapor mitigation in addition to your proposed utility trench clay barrier. For example, will the parking garages have ventilation systems that can effectively address vapor mitigation if needed?

Management of Soils Known or Presumed Clean

For soils known or presumed to be clean, please provide a map of where those soils will be excavated from, and where they are proposed to be placed.

If you have any questions about this letter please call me at 920-893-8523.

Sincerely,



John Feeney

Wisconsin Department of Natural Resources

Cc: Himalayan Consultants
SER File