

From: Feeney, John M - DNR
Sent: Thursday, March 31, 2016 9:23 AM
To: tdueppen himalayanllc.com
Cc: Michalets, Linda M - DNR; Ryan, Nancy D - DNR
Subject: RE: Saxony Village - WDNR Comments addressed

Tom, thanks for the new information, and your email response to our letter. We can discuss further on the telephone. Here is our position:

It's unclear where your new borings were in relation to the old maps. I don't still have a copy of the maps from the meeting. Did you overlay the old and new data on a map? From the maps in your SMP it appears that the new borings were placed outside of the area of known old contamination. Submit a data summary map of the old and new data written on the map as part of your SMP.

Submit a map showing areas and depths of soil to be excavated and managed. Indicate the areas and depths on the map, and label those areas as to if managed on site (and where) or offsite. Indicate areas that are to be filled.

Based on concentrations of petroleum contaminants that you found with your recent testing the Department is concerned that soil contamination may extend further to the east from EB-3, EB4, and EB-5 (to where your proposed buildings are) into areas not color coded on prior maps as being contaminated. The Department believes that it is necessary to conduct additional current soil assessment beyond known areas of previous soil contamination to better define your soil management areas.

For any impacted or potentially impacted soils to be managed onsite, you must meet the code requirements for a NR718 exemption, including having an adequate number of samples to represent the soil that is to be managed – one sample for each 100 yds³ for the first 600 yds³ and one sample for each 300 yds³ thereafter; and meet the other code requirements listed in NR718 for location etc (I see you included that information your latest submittal). Furthermore, the Department cannot agree with the movement of contaminated soil onto clean areas without empirical data that documents the level of contamination to be below RCLs.

Please state your specific plans for vapor mitigation beyond the cut-off trench, eg you plan to mitigate vapors with the underground ventilation systems of the parking garages.

We appreciate your client's redevelopment efforts. The Department received your SMP on January 21, 2016 and provided a response in 48 days, on March 8, 2016. Our goal is to provide a response to paid review requests such as this within 60 days.

Thank you for your feedback. The Department strives for good communication and customer service.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

John Feeney, Wisconsin PG #750

Hydrogeologist, Remediation & Redevelopment Program



Hi John,

I have received your response to our Contamination Management Plan (CMP). I have several comments, regarding the general nature of your response letter:

- 1.) Our investigation did not indicate or conclude that soil contamination is more extensive. Our limited investigation was designed to assess current contaminant concerns within the estimated impact boundaries (i.e. required for waste characterization). These impact boundaries were included in the conditional closure documents submitted to your Department in 2010 and 2013, and were transposed over the Saxony development plans at the November 2015 Green Team Meeting and are included in the CMP. What additional information if any do you need?
- 2.) We agree with your recommendation for removing contaminated soil (> 2 feet below grade) at concentrations posing a vapor risk in Environmental Impact Area 1. Based on the CMP, most of the work in this area will be raised by at least two feet, therefore, removal of all impacted soil along the proposed trenches will be planned for off-site disposal.
- 3.) Determining the volume and degree of contaminated soil to be managed on-site can only be estimated. As noted in our CMP, analytical results for soil samples in Environmental Impact Area 2 are limited and dated. Therefore, we would like some consideration in code requirements for characterization and justifications for soil placement.
- 4.) The management of soils presumed cleaned would be all areas within the planned development that are not in Environmental Impact Areas 1 & 2. The current grading plans indicate that excavated soil from the proposed ponds (20 feet max. depth) will be used on-site to increase the grade of the entire development. Most of the buildings will be 4 to 5 feet above the current grade, so the parking garages for Buildings 1, 2, 3, 4, and 5 will be excavated about 6 feet below the current grade. What additional information if any do you need?
- 5) We will provide building construction plans for Buildings 1 and 4, including air exchange calculations. A negative pressure sump can also be added to the building specs.

Please note that most of the general comments in your letter could have been addressed with a few phone calls. A more timely response with any future questions or concerns would be greatly appreciated.

The developer has been waiting almost a decade to proceed on this project and is currently ready to begin construction this Spring.

Please confer with your WDNR team and we will forward you the additional plans and maps referenced above.

Hope to hear from you soon.

Thanks,

TJD