



September 14, 2016

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

Dear Mr. Bence:

Subject: Approval of your Soils Management Plan, Including Vapor Intrusion Protection, Proposed Saxony Village development at former CMC Heartland & Jacobus Oil Company & Heritage Place Joint Ventures, BRRTS #0267000341 and BRRTS #0267000801.

In 2010 and 2013 the Department of Natural Resources (DNR), and the Department of Agriculture, Trade, and Consumer Protection respectively, imposed institutional controls on the above named properties as part of case closures due to residual contamination being present that posed a potential hazard to future land use. Your proposed use for the Saxony Village development, which includes the above named properties, is apartment housing, which according to the DNR 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 (SMP) for DNR review and approval.

The DNR has reviewed the most current revision of your SMP, Contamination Management Plan, Saxony Village Development, Village of Germantown, Washington County, WI. This revised document was electronically submitted on September 8, 2016. This plan was developed using both historic, and new data from recent investigations at the site. The plan details both on and off-site handling of contaminated, potentially contaminated, and uncontaminated soils, and includes specific steps to prevent vapor intrusion in the new construction. DNR approves this plan, briefly summarized below.

#### Soils Management Steps

- Soils to be excavated with no known impacts (SMP Category A soils), and no indication of contamination from field screening with a photoionization detector (PID), will be re-used on-site.
- Soils to be excavated that are contaminated below residual contaminant levels (RCLs) with laboratory data representation, in accordance with sampling requirements of NR718.12 (SMP Category B soils), will be placed under the planned paved asphalt parking lot or driveway on the east (former remediation areas) part of the former Jacobus site, or properly disposed of at a licensed landfill. This soil will be field screened with a PID and properly disposed of at a landfill if the PID readings are over 50 units.
- Soils to be excavated that are contaminated above the groundwater or residential direct contact RCLs (SMP Category C soils) will be properly disposed of at a landfill. Contaminated soils that may remain in these areas post excavation will be covered with clean soil or pavement.

Vapor Intrusion Pathway Prevention Steps

- Residual contaminated soil that lies closest to Buildings 1 and 4 is to be excavated. The excavation will be backfilled with low permeability soil to act as a barrier between the former remediation sites and the proposed building development.
- Clay plugs will be placed in the new utilities at several locations to prevent the utilities from acting as a conduit for contaminant migration.
- Parking garages in Buildings 1 and 4 will have building code required CO/NO2 ventilation systems.
- The elevator shaft in Building 1 and 4 will be at the center of the building away from the contamination, and will be sealed at the concrete floor.

MCB Investments, LLC & Land 15, LLC & Heritage Place shall submit to the DNR, documentation of excavation and disposal activities within 30 days of completing the disposal activities. This report shall include description of total volume of material transported on-site, and off-site, to include the off-site disposal location. The DNR reserves the right to require the submittal of additional information, or to modify or revoke this soil management approval if MCB Investments, LLC & Land 15, LLC & Heritage Place fails to comply with the requirements of the soil management plan, as proposed. The DNR also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found which would warrant modification or revocation of this approval.

If you have any questions regarding this approval decision, please contact me in writing at the letterhead address, by calling 920-893-8523, or by email at [johnm.feeney@wisconsin.gov](mailto:johnm.feeney@wisconsin.gov).

Sincerely,



John Feeney  
Hydrogeologist  
Remediation and Redevelopment Program

Cc: Himalayan Consultants, Inc.  
SER File