

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1155 Pilgrim Road
Plymouth WI 53073

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



April 10, 2013

Mr. Tim Detzer, Environmental Engineer
Milwaukee County
Department of Administrative Services
2711 West Wells Street
Milwaukee, WI 53208

Subject: Building on a Historic Fill Site Exemption Approval
Zoo – Bliffert Property
10733 West Bluemound Road
FID 241494110 BRRTS# 07-41-368901

Dear Mr. Detzer:

We have received your request for a grant of exemption from regulation under ch. NR 506.085, Wis. Admin. Code. Your application includes an evaluation that the historic fill material poses a threat to human health and the environment due to soil and groundwater contamination. The Department is satisfied that the contamination is being addressed through a site investigation and remedial action plan. The County is working closely with the Department toward site closure. The non-organic nature of the historic fill material does not pose a threat to methane gas generation. The Department is issuing this conditional grant of exemption from the prohibitions contained in ch. NR 506.085, Wis. Admin. Code, provided you comply with the conditions of this grant of exemption. This grant of exemption is limited to the proposed development described in your application, a parking lot and park entrance with related ticket booths and concessions. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval.

Please review the information contained in the publication *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* PUB-RR-685 to assist you in preventing environmental or safety problems during and after development.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements including site closure under ch. NR 726. If you have any questions concerning this letter, please contact Thomas A. Wentland at 920-892-8756 Ex. 3028.

Sincerely,

Pamela a. Mylotta, Supervisor
Remediation and Redevelopment Section
Southeast Region

Cc: City of Milwaukee Building Inspection

BEFORE THE

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. Milwaukee County owns the property at 10733 West Bluemound Road, Milwaukee, Wisconsin.
2. The Milwaukee County Engineering Department has submitted a request received February 19, 2013, for an exemption from the prohibition in ch. NR 506.085, Wis. Admin. Code.
3. Historically the site was filled with non-organic material consisting of foundry sand and cinders.
4. The nature of the fill material does not present a risk of methane gas generation.
5. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has the authority under s. NR 500.08(4), Wis. Admin. Code to issue an exemption from the prohibition in s. NR 506.085, Wis. Admin. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.
2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Admin. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Admin. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under s. NR 500.08(4), Wis. Admin. Code, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to Milwaukee County, from the prohibition in ch. NR 506.085, Wis. Admin. Code for development on a property which contains solid waste as proposed in the submittal received February 19, 2013 subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Admin. Code.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in ch. NR 500.03(55), Wis. Admin. Code.
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in ch. NR 500.03(62), Wis. Admin. Code.
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in ch. NR 500.03(62), Wis. Admin. Code, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard in ch. NR 140, Wis. Admin. Code.
5. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in ch. NR 445.03, Wis. Admin. Code.
6. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard in ch. NR 720, Wis. Admin. Code.
7. The development construction activities shall be coordinated with the approved remedial response actions and shall not prevent the completion of the approved remedial response actions.
8. This grant of exemption should not be construed as a site closure under ch. NR 726.
9. This exemption shall transfer with changes in property ownership. In accordance with s.289.46(2), Stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal activity occurred may not undertake any activities on the land which may cause a significant threat to public health, safety or welfare. The Department of Natural Resources should be contacted to discuss any proposed changes to avoid activities that could violate the statute.

This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval. The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

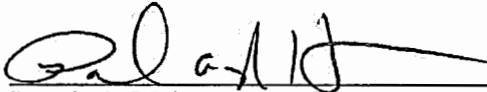
NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to section 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: April 10, 2013

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

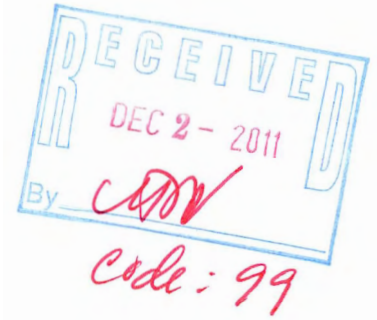


Pamela A. Mylotta, Supervisor
Remediation and Redevelopment Section
Southeast Region



Thomas A. Wentland
Waste Management Engineer
Remediation and Redevelopment Section
Southeast Region

DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS
Milwaukee County



Victoria Stovall
WI DNR SER
2300 N. Dr. Martin Luther King. Jr. Dr.
Milwaukee, WI 53212

Subject: Request for Status Update County Zoo/Former Bliffert Site, 10001 W.
Bluemound Road, Milwaukee FID #241494110, WDNR #02-41-000655

Dear Ms. Stovall,

This letter is in response to the Department of Natural Resource's request for status update for the above-referenced Zoo/Bliffert property.

Milwaukee County acquired the site through condemnation and is currently exercising the Local Government Unit (LGU) exemption from Wisconsin's Spill Law for the property. The County requested a General Liability Clarification Letter from the WDNR in 2002. In a response to the 2002 request, the Department requested information as to the planned development for the site before a clarification letter could be sent. At this time there is no concrete development plan for the property.

At such time that a development plan is prepared Milwaukee County will work with the Department and take necessary actions to reduce to acceptable levels any substantial threats from contamination on the property. At this time there is no public access to the property.

Please contact me at (414) 278-2988 or tim.detzer@milwcnty.com if you have any questions.

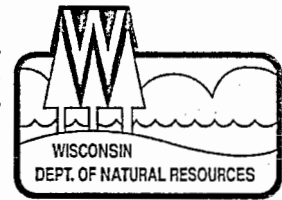
Sincerely,

A handwritten signature in blue ink that reads "Tim Detzer".

Tim Detzer, P.E.
Environmental Engineer

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
John Hammen, Acting Regional Director
Telephone 414-263-8500
FAX 414-263-8606
TTY Access via relay - 711



October 18, 2011

Mr. Tim Detzer
Milwaukee County DPW
City Campus, Room 216
2711 W. Wells Street
Milwaukee, WI 53208

Subject: Request for Status Update County Zoo/Former Bliffert Site, 10001 W. Bluemound Road,
Milwaukee FID # 241494110, WDNR #02-41-000655

Dear Mr. Detzer:

On December 13, 2002, the Wisconsin Department of Natural Resources (DNR) sent you a letter in response the request for a "General Liability Clarification Letter" for the above-referenced site. In the letter, the DNR requested additional information. To date, no response to the letter has been received.

As the RP for this property, you have certain legal responsibilities, as outlined in Section 292.11(3), Wisconsin Stats., also known as the hazardous substances spills law. Section 292.11(3) states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of the State.

In order to move to DNR case closure, please have your consultant prepare and submit documentation on the status of this case. If you do not have a consultant, please notify the department in writing within the next thirty days as to your intentions to submit the requested documentation. **A lack of response to this letter may result in the initiation of formal enforcement action.**

Forward the current status of the case, and all future correspondence to:

Victoria Stovall
WI DNR SER
2300 N Dr Martin Luther King, Jr Dr
Milwaukee WI 53212-3128

If you have any questions regarding this letter, please feel free to contact me.

Sincerely,

BINYOTI AMUNGWAFOR
(414) 263-8607
Binyoti.Amungwafor@wisconsin.gov
Remediation and Redevelopment Program

cc: File

FID NUMBER 24/494/110
BRRTS Number 03-41-005/50
Site Name Bliffert Lumber Co. Property #2 - Fmr
Reviewer Chris Saari

- BRRTS tracking is up to date or you have updated it
- BRRTS Contact information in the WHO Module is up to date or you have updated it

Action to be taken:

- RP Letter (2)
- Transfer to Commerce (76) - Site is classified as a Low or Medium Risk
- Push Letter (200)
- Fee Letter (99) - Requesting: that a GIS package be prepared and appropriate fees paid
 - GIS Package
 - Fees _____
 - Other: _____
- Other Actions or file notes - (provide comments below)
- No Action Required - (provide detailed rationale below)

Refer to 02-41-000655 for BRRTS entries
2002-10-18 682 see 07-41-368901
2002-12-13 684 See 07-41-368901

- Push letter should confirm status of LGLL exemption

03-41-005150 BLIFFERT LUMBER CO PROPERTY #2 - FORMER

Location Name: BLIFFERT LUMBER CO PROPERTY #2 (FORMER)

Activity Start Date: 1995-06-16

Activity End Date:

Address: 10733 W BLUEMOUND RD

Activity Type: LUST

Muni: WAUWATOSA

Zip: 53226

File Location:

Region: SE

Region of Management: SE

Commerce No:

County: Milwaukee

DATCP Case No:

DATCP Spill No:

FID: 241494110

EPA Cerclis ID:

Acres:

Right-of-Way Acres > 100

Activity Address:

Location Comment:

Comment:

Activity

Comment:

- Transferred to Commerce
- Transferred to DATCP
- Transferred to WM
- Tracked by Commerce
- Created by Commerce
- PECFA Eligible
- PECFA 80K
- PECFA 80K Failure
- Above Ground Storage Tank
- Co-Contamination
- VPLE at Location
- VPLE Inactive
- General Property at Location
- Drycleaner
- Superfund
- Superfund NPL
- Status Unclear (Mask BOTW)
- Geo-Located
- On GIS Registry

Other Activities at this Location

Activity Detail No	Type	Activity Detail Name	Start Date	End Date
02-41-000655	ERP	MILWAUKEE ZOO/BLIFFERT LUMBER	1980-01-01	
07-41-368901	GENERAL PROPERTY	BLIFFERT LUMBER CO PROPERTY #2 (FORMER)	2002-10-18	

Actions

Action Date	Code	Action Name / Comment	Audit
1995-06-16	1	Notification	Added 01/02/1996 by INIT_LOAD
1997-05-15	99	Miscellaneous RERANK TO HIGH	Added 05/19/1997 by FARLEM
2003-10-16	99	Miscellaneous/2 COMM 47.338 RECAST TO CLOSURE LTR	Added 10/16/2003 by HNATJ

Documents

Energy Act Details

Geo-Location

PLSS: SW 1/4 of the SW 1/4 of Sec 29, T07N, R07E

WTM X: Y:

Lat: Lon:

Impacts

- Soil Contamination** Added 01/04/1996 by INIT_LOAD
SOIL CONTAMINATION
- Free Product** Added 12/30/1999 by S71584
1999 Survey of Petroleum Discharge Case Files

Priority

High 05/19/1997 00:00:

Risk

High Assigned: 12/30/1999 Added 12/30/1999 by S71584

Substances

Who

RP is Milwaukee County Dept. Public Works

03-41-005150 BLIFFERT LUMBER CO PROPERTY #2 - FORMER

Project Manager is NANCY RYAN

Title: HYDROGEOLOGIST

Address: 2300 N DR MARTIN LUTHER KING JR DRIVE

Phone: (414) 263-8533

Fax: (414) 263-8550

E-Mail: nancy.ryan@wisconsin.gov

MILWAUKEE

WI 53212

State of Wisconsin
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Southeast Region Headquarters
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Victoria Stovall
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cc: File