

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,

A handwritten signature in black ink, appearing to read 'P. Mylotta'.

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.

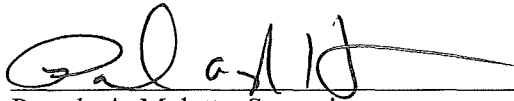
NOTICE OF APPEAL RIGHTS

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