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**From:** Ryan, Nancy D - DNR  
**Sent:** Wednesday, March 1, 2017 11:51 AM  
**To:** Bob Neumann <rneumann@csd-eng.com> (rneumann@csd-eng.com)  
**Subject:** FW: Former Blackhawk Tannery Post closure modification notification approval DNR BRRTS#02-41-523714  
**Attachments:** Balckhawk Tannery Closure letter.pdf

Sorry – the attachments

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**From:** Ryan, Nancy D - DNR  
**Sent:** Wednesday, March 01, 2017 11:45 AM  
**To:** 'Bob Neumann'  
**Subject:** Former Blackhawk Tannery Post closure modification notification approval DNR BRRTS#02-41-523714

Mr. Neumann,

The DNR received your February 23, 2017 email and attachments that provide notification to the DNR of a post closure modification to the Former Blackhawk Tannery site at 1000 W. Bruce St., Milwaukee. The original case closure for this site included a continuing obligation to maintain the concrete floors in buildings B and D as shown on the attached Exhibit 1. The other condition applied as a condition of closure is that the property is to remain in industrial use. These conditions were applied based on residual soil contamination.

Your letter describes the work conducted at the site which includes demolition of building B and removal of its concrete floor. We understand that the original site modification plan was to have the existing floor slabs remain in place to be repaved with asphalt over the top of the slabs. However, the slabs were damaged during demolition and subsequently removed. The floor in former building will be re-capped with 4' of asphalt which will occur as soon as weather permits. Existing soils will not be disturbed during this project.

Based on the information provided, we concur that the proposed modification will result in a cover that is equally as protective as the original. Because building B has been removed and the area of pavement to be maintained in that space will be part of a parking lot, once the area has been repaved, DNR will require you submit photo documentation of the new cover and prepare a new site map that identifies the areas where pavement and Building D floor must be maintained. In addition, the Building Floor Maintenance Plan (attached) that was included with the case closure letter should also be revised to describe the repaved area and otherwise updated to indicate that it is the property owner's responsibility to inspect and maintain the caps. Information on continuing obligations can be found on the DNR website at <http://dnr.wi.gov/topic/Brownfields/Professionals.html> and a template plan is available at <http://dnr.wi.gov/files/PDF/pubs/rr/RR980.docx> Please also confirm that the use of the property will remain industrial.

Please submit the requested information to me as soon as the work has been completed. Please call with any questions or for assistance with the maintenance plan.

Regards,

**We are committed to service excellence.**

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

**Nancy D. Ryan**

Hydrogeologist, Bureau for Remediation and Redevelopment  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King, Jr. Dr.

Milwaukee, WI 53212  
Phone: (414) 263-8533  
Fax: (414) 263-8550  
[nancy.ryan@wisconsin.gov](mailto:nancy.ryan@wisconsin.gov)





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8483  
TTY 414-263-8713

January 8, 2007

In Reply Refer To: FID# 341089100  
BRRTS# 02-41-523714  
County of Milwaukee

Mr. Michael Frede  
Blackhawk Development, LLC  
530 S 11<sup>th</sup> Street  
Milwaukee, WI 53204

Subject: Final Case Closure With NR 140 Exemption, 1000 W Bruce St, Milwaukee, WI

Dear Mr. Frede:

On June 30, 2004, your request for closure of the case described above was reviewed by the Department of Natural Resources ("the Department"). The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases.

In a letter dated July 1, 2004, the Department sent a letter to you which indicated that the Department had determined that the petroleum and metals contamination on the site from the former industrial use of the property appeared to have been investigated and remediated to the extent practicable under site conditions and that upon completion of several conditions, the case would be closed. The conditions included submittal of documentation that:

1. Temporary monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code.
2. Any remaining waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department rules.
3. A deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to 1) require maintenance of a surface barrier (existing building foundations) over the remaining soil contamination that is above the industrial direct contact RCL to prevent it from impacting human health and the environment and 2) require that the use of the property remain industrial.

After recording the above referenced deed restriction, you requested Department approval to modify the deed restriction to exclude Lot 1 shown on CSM 7523 from the requirement that the use of the property remain industrial. On August 15, 2006 the Department approved your request and sent a "Written Determination" documenting the Department's decision. On August 31, 2006 the "Affidavit Modifying Restrictions" was recorded.

The required documentation has been received. Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

The following activities are prohibited on any portion of the property where an impervious cap has been placed or where impervious surfaces exist as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for benzene at P-12, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.

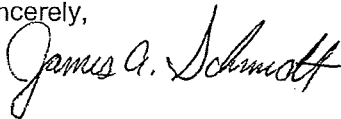
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for benzene at P-12. This letter serves as your exemption.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Andy Boettcher at (414) 263-8541.

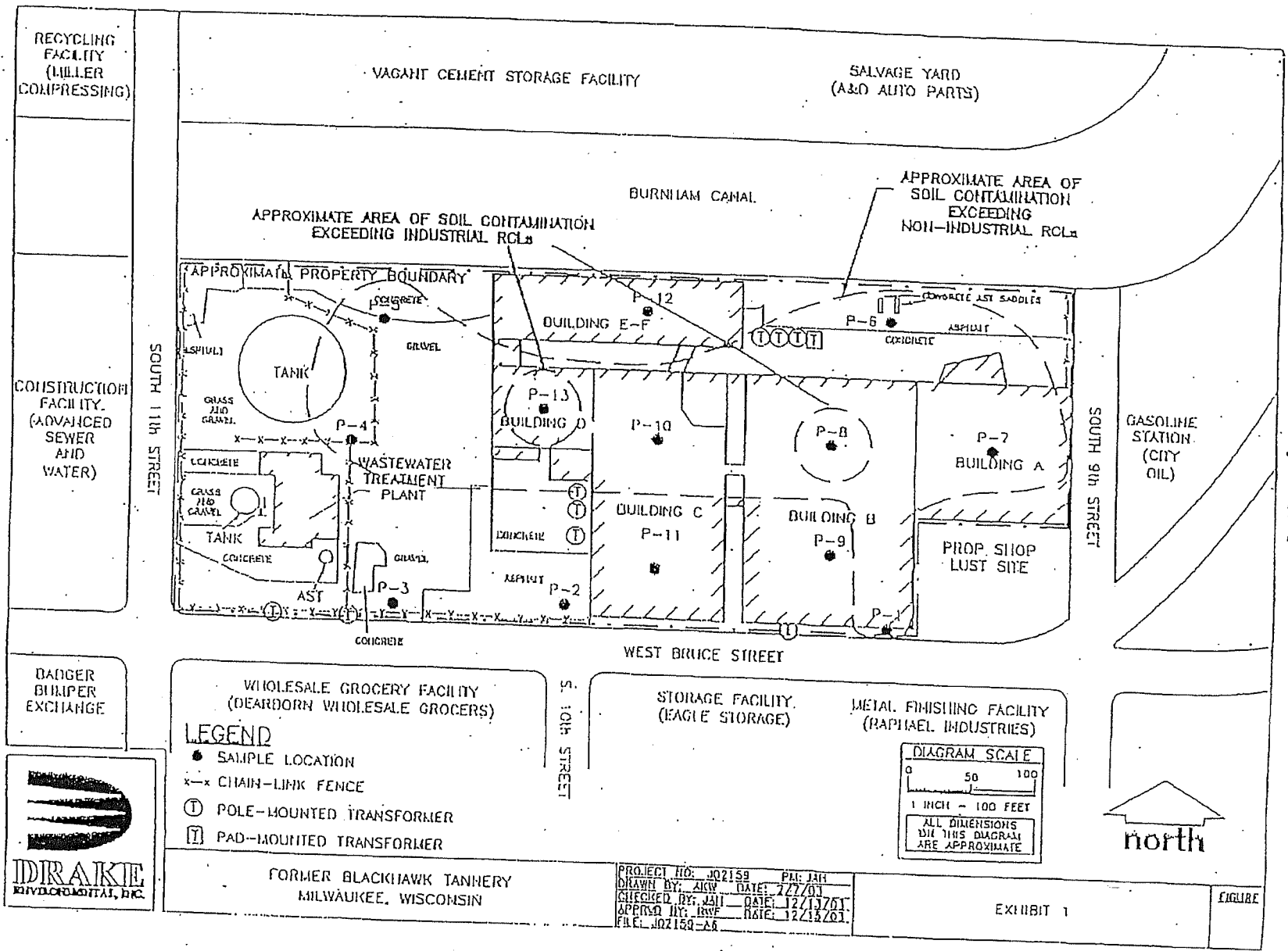
Sincerely,



James A Schmidt  
Southeast Region Remediation & Redevelopment Team Supervisor

cc: SER Case File  
Bill Phelps, DG/2

Attachments: Exhibit 1 (Site Map and Building Floor Maintenance Plan)



RECYCLING FACILITY (MILLER COMPRESSING)

VAGANT CEMENT STORAGE FACILITY

SALVAGE YARD (A&O AUTO PARTS)

APPROXIMATE AREA OF SOIL CONTAMINATION EXCEEDING INDUSTRIAL RCLs

BURNHAM CANAL

APPROXIMATE AREA OF SOIL CONTAMINATION EXCEEDING NON-INDUSTRIAL RCLs

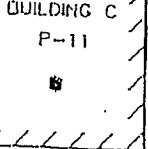
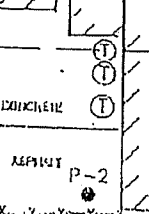
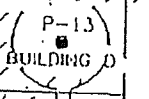
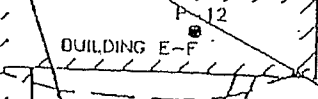
SOUTH 11th STREET

CONSTRUCTION FACILITY (ADVANCED SEWER AND WATER)

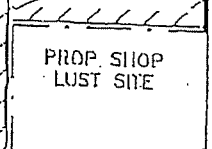
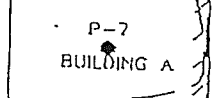
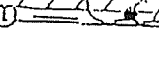
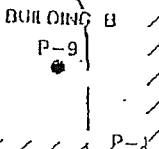
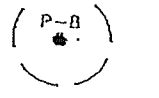
SOUTH 9th STREET

GASOLINE STATION (CITY OIL)

APPROXIMATE PROPERTY BOUNDARY



WEST BRUCE STREET



DANGER BUMPER EXCHANGE

WHOLESALE GROCERY FACILITY (DEARDORN WHOLESALE GROCERS)

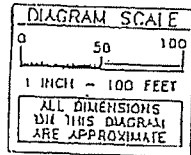
WEST 10th STREET

STORAGE FACILITY (EAGLE STORAGE)

METAL FINISHING FACILITY (RAPHAEL INDUSTRIES)

**LEGEND**

- SAMPLE LOCATION
- x-x CHAIN-LINK FENCE
- Ⓢ POLE-MOUNTED TRANSFORMER
- Ⓜ PAD-MOUNTED TRANSFORMER



FORMER BLACKHAWK TANNERY  
MILWAUKEE, WISCONSIN

PROJECT NO: J02159 PA: JAH  
DRAWN BY: AKW DATE: 12/7/01  
CHECKED BY: JAH DATE: 12/13/01  
APPROVED BY: KWF DATE: 12/13/01  
FILE: J02159-08

EXHIBIT 1

FIGURE

### Building Floor Maintenance Plan

The concrete floor of Building B and the concrete floor of Building D located within the area of contamination as indicated on Exhibit 1 (attached) will be inspected and maintained by Drake Environmental, Inc., 6980 North Teutonia Avenue, Milwaukee, Wisconsin, telephone number (414) 351-1440. The inspection will take place annually during the month of June.

Drake Environmental, Inc., will record the condition of the concrete floor, and if necessary will repair the concrete floor to maintain an impervious surface. Drake Environmental, Inc., will maintain a written record of the annual inspection and repair operations. The records will be kept at 6980 North Teutonia Avenue, Milwaukee, Wisconsin, and will be available for inspection by the Wisconsin Department of Natural Resources upon their request.

If ownership of the property is transferred to another party in the future, Drake Environmental, Inc., shall immediately notify the Wisconsin Department of Natural Resources in writing as to the name, address, and telephone number of the person who will be responsible for continuing to implement the maintenance plan, and shall provide the new location of the written maintenance records.

J02159P

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