Section 1 – Purpose of Request

Identify the purpose of the request by checking each box that applies:

☒ Manage contaminated soil as part of an interim or remedial action or post-closure modification on the same response action site from which it was generated (Wis. Admin. Code §§ NR 718.12 (1) and (2)).

☐ Manage contaminated soil as part of an interim or remedial action or post-closure modification at a site or facility that is different from the response action site from which it was generated (Wis. Admin. Code §§ NR 718.12 (1) and (2)).

☐ Manage other solid waste other than contaminated soil, as part of a response action, at the same site from which it was generated (Wis. Admin. Code § NR 718.15).

If none of the above boxes are checked, the proposed materials management activity cannot be exempted from solid waste rules under Wis. Admin. Code ch. NR 718. Management of solid waste material generated as a result of a non-NR 700 action may be allowed after obtaining a "low hazard exemption" from the DNR Waste and Material Management Program. Please see the DNR publication "Exempting Low-Hazard Wastes from Solid Waste Regulations" (PUB-WA 1645), which can be found by visiting dnr.wi.gov, search "WA1645."

Section 2 – Applicable Fees

Fees are assessed for each type of Wis. Admin. Code § NR 718.12 or NR 718.15 request (plus database fee) **per site or facility** where contaminated material is excavated or managed. The below tables are provided to assist you in calculating the appropriate Wis. Admin. Code § NR 749 fee required for the review of your submittal.

Identify the Wis. Admin. Code § NR 749 review fees for this submittal by checking the applicable "On-Site Management Fee" in section A, column D. If material will be managed at a site(s) or facility(ies) other than the response action site, also select the appropriate "Off-Site Management Fee" in section B, and indicate the number of applicable receiving sites in column E. Please send a single check to the regional office managing your request. Specific directions will be detailed in your submittal confirmation.

A. Fee Assessed to Excavate or Manage Soil or Other Solid Waste on the Generating Site or Facility

A	B	C	D
Action	**Action Fee**	**Database Fee**	**On-Site Mgmt Fee**
MMP as part of Interim Action per NR 708.11, with residual soil CO	$700	$300	☐ $1000
MMP as part of Interim Action per NR 708.11, without residual soil CO	$700	No fee	☐ $700
MMP as part of Remedial Action Plan approval, with residual soil CO	$1050	$300	☐ $1350
MMP as part of a Remedial Action Plan approval without residual soil CO	$1050	No fee	☐ $1050
Closed Sites: MMP as part of a CO modification action, with residual soil CO	$1050	$300	☐ $1350
Closed Sites: MMP as part of a CO modification action, without residual soil CO	$1050	No fee	☐ $1050
MMP separate from RAP or CO mod, with residual soil CO	$700	$300	☒ $1000
MMP separate from RAP or CO mod, without residual soil CO	$700	No fee	☐ $700

B. Fee Assessed to Manage Soil on a Site or Facility other than the Generating Site or Facility

A	B	C	D	E	F
Action	**Action Fee**	**Database Fee**	**Off-Site Mgmt Fee**	**# of receiving sites subject to action**	**Total for row**
MMP as part of interim action, remedial action, modification to COs, etc., with residual soil CO	$700	$300	☐ $1000		
MMP as part of interim action, remedial action, modification to COs, etc., without residual soil CO	$700	No fee	☐ $700		
Total of Off-Site Management Fee					$0
Total of On-Site and Off-Site Management Fee					**$1,000**

1) **MMP** – A Material Management Plan submitted in accordance with Wis. Admin. Code §§ NR 718.12 (1) and (2) or NR 718.15.
2) "**With residual soil CO**" - site will have a residual soil continuing obligation (e.g. engineering control, cap, or cover) applied at the generating site or facility at the end of the applicable action; remedial action approval, or approval by an addendum to the closure letter.
3) "**Without residual soil CO**" - site that will not have a residual soil continuing obligation applied at the generating site or facility at the end of the applicable action.

Section 3 –Property and Contact Information

A. Information about the generating site or facility (from which material is proposed to be excavated)

BRRTS #(s) (include Materials Management #s and VPLE #s if assigned)	BRRTS Activity (Site) Name(s)	FID #(s)
02-68-535535	Klinke Cleaners - Fox Run	268188910

Response Action Site Address* (physical, not mailing address)
2346 West St. Paul Avenue

City*	State*	Parcel ID #(s)
Waukesha	WI	WAKC1328999001 & 1328999002

County*	ZIP Code*
Waukesha	53188

WTM Coordinates*
X: 661073
Y: 281170

Lat/Long Coordinates decimal degrees
(min. of 6 digits right of decimal, e.g., -89.123456)*
Lat: 44.99012
Long: -88.26952

Coordinates Represent:
(●) Center of Project
( ) Parcel Center

¼* SE ¼* SE Section* 8 Township* 06 N Range* 19 (●) E ( ) W

Current Zoning:	Current Land Use:

B. Responsible Party (RP) of the generating site or facility

The Wis. Admin. Code §§ NR 718.12 or NR 718.15 approval will be issued to the Wis. Admin. Code NR 700 series responsible party identified below and to the owner of the receiving site or facility, if different than the generating site or facility. If there is more than one responsible party or property owner, include the information requested below for each.

Responsible Party (RP) Name*	Organization / Business Name		
Fox Run 3, LLC			
Mailing Address*	**City***	**State***	**ZIP Code***
W233N2847 Roundy Circle West	Pewaukee	WI	53072

Phone # (include area code)*	Email*
(262) 893-1720	bcopeland@vjsdevelopment.com

C. Property owner(s) information for generating site or facility if different than RP

☐ *Check here if the property owner of the generating site or facility is different than the responsible party, and enter the property owner's information below.*

Property Owner Name(s)	Organization / Business Name		
Mailing Address	**City**	**State**	**ZIP Code**

Phone # (include area code)	Email

D. Consultant / contractor information

Consultant / Contractor Name*	Organization / Business Name*		
Bob Cigale	Endpoint Solutions Corp.		
Mailing Address*	**City***	**State***	**ZIP Code***
6871 South Lovers Lane	Franklin	WI	53132

Phone # (include area code)*	Email
(414) 427-1200	bob@endpointcorporation.com

E. Contact information for questions about this request

Contact Name	Organization / Business Name		
Bob Cigale	Endpoint Solutions Corp.		
Mailing Address	**City**	**State**	**ZIP Code**
6871 South Lovers Lane	Franklin	WI	53132
Phone # (include area code)	**Email**		
(414) 427-1200	bob@endpointcorporation.com		

Relationship to the Requestor (Same, Consultant, Developer, Etc.):
Consultant

Section 4 – Results of Analyses Performed and Characteristics of Waste

The following information is necessary for the DNR to review the request for compliance with Wis. Admin. Code §§ NR 718.12 (1) (d) 1, NR 718.12 (2) (b) 2. and NR 718.12 (2) (b) 6. In this section, describe the characteristics of the contaminated soil and/or other solid waste material that will be managed under this request, describe the sampling activities conducted and demonstrate how it has been adequately characterized. Narrative boxes have a limit of 2500 characters. Please attach additional pages if necessary, clearly labeling the section of the form to which you are responding.

A. Enter the total volume of contaminated soil and/or other solid waste to be managed (cubic yards) *:
360

B. Describe the characteristics of the material proposed to be managed,* which may include general makeup, physical characteristics, the homogeneity of the material, the proportion of soil to other solid waste, and any other pertinent descriptors.
In general, soils on the Site consist of native silty fine sand, silt and silty clay. Relatively thin layers of fine sand or crushed limestone fill was encountered beneath the floor slabs, sidewalks and pavements at the Site. The contaminant of concern on the Site is tetrachloroethene (PCE). Concentrations of PCE within the soils to be managed range between 0.042 milligrams per kilogram (mg/kg) to 21.8 mg/kg.

C. Describe the historic and current land use of the generating site or facility where the contaminated soil or other solid waste originates, including how this site or facility is zoned.
Klinke Cleaners operated a dry cleaning facility at the Site which caused the contamination. The dry cleaning facility was limited to an approximately 20 ft by 100 ft slab-on-grade tenant space within the former Fox Run Shopping Center.

D. Describe identified contaminants and the source(s). Indicate whether contaminant concentrations exceed Wis. Admin. Code § NR 720 Residual Contaminant Levels.
The source area is the former 2346 West St. Paul Avenue tenant space. Concentrations of PCE within the soils to be excavated exceed the soil-to-groundwater pathway RCL; however PCE concentrations within the volume of soils to be excavated do not exceed industrial or non-industrial direct contact RCLs.

E. Describe the sampling activities conducted to characterize the material including where the samples were collected, how sample locations were chosen, the sampling methods used, and when sampling activities were conducted.
Once the Site Investigation was completed and the horizontal extent of soil-to-groundwater pathway RCL exceedances had been established, an additional eight (8) GeoProbe soil borings (GP-13 through GP-20) were advanced within areas identified for excavation to the south of the previously established extent of contamination. These soil borings were advanced to the approximately depth of the proposed excavation for the two (2) proposed apartment buildings and the access ramp to the underground parking level. Samples were collected in two (2) ft intervals from each boring location, and were submitted for VOC analysis to provide a vertical delineation of potential contamination within the area of excavation.

F. Explain how the sampling activities adequately characterized the contaminated soil or other solid waste proposed to be managed. Indicate whether the samples were analyzed for all contaminants previously identified at the generating site or facility and analyzed for all contaminants potentially present at the site or facility considering current and historic land use. Discuss how samples were collected from areas most likely to be contaminated and from material that will actually be managed under this request.
Eight (8) GeoProbe soil borings (GP-13 through GP-20) were advanced within areas identified for excavation to the south of the previously established extent of contamination. These soil borings were advanced to the approximately depth of the proposed excavation for the two (2) proposed apartment buildings and the access ramp to the underground parking level. Samples were collected in two (2) ft intervals from each boring location, and were submitted for VOC analysis to provide a vertical delineation of potential contamination within the area of excavation. Soil borings GP-15 and GP-16 were advanced to four (4) ft bgs and soil borings GP-17 and GP-18 were advanced to eight (8) ft bgs within the access ramp to the underground parking, soil borings GP-13 and GP-14 were advanced to eight (8) ft bgs

within the footprint of the central apartment building and soil borings GP-19 and GP-20 were advanced to eight (8) ft bgs within the footprint of the east apartment building. Of the 28 samples submitted for analysis, only the sample collected from the two (2) to four (4) ft bgs interval at the GP-16 location within the access ramp contained a PCE concentration of 0.14 mg/kg and the sample submitted from the six (6) to eight (8) ft bgs interval at the GP-13 location within the central building footprint contained an estimated PCE concentration of 0.042 mg/kg.

G. Enter the total number of samples collected from this material and analyzed for contaminants of concern.
38

H. Enter the rate of sample collection per volume. One sample per 10 yards of contaminated material.

i. Wis. Admin. Code § NR 718.12 (1) (e) requires that samples collected to characterize soil be collected at a rate of one sample per 100 cubic yards (for the first 600 cubic yards) and one sample for each additional 300 cubic yards of material, with a minimum of two samples. If the DNR pre-approved an alternative sampling plan, describe how the sampling that was conducted complied with a pre-approved plan. Please also provide the date the sampling plan was pre-approved and the name of the DNR staff person who approved the plan.

Section 5 – Project description/material management plan

The following information is necessary for the DNR to review the request for compliance with Wis. Admin. Code §§ NR 718.12 (2) (b) (5), (7) and (8). In this section, describe how the contaminated materials will be managed, the proposed schedule for managing the material, and provide sufficient information to justify that the placement of the contaminated materials will meet the requirements of Wis. Admin. Code §§ NR 726.12 (1) (b) 1. to 5. Narrative boxes have a limit of 2500 characters. Please attach additional pages if necessary, clearly labeling the section of the form to which you are responding.

A. Describe the material management activities to take place.* Provide details on how and where the material will be generated, transported and placed. Describe the depth of the proposed excavation of contaminated soil or other solid waste, and the depth that it will be placed at the receiving site or facility. Describe any response actions proposed for the receiving site or facility to address the relocated contaminated material (such as the construction of a cap). Discuss how material management activities will fit in with the overall property remediation and/or redevelopment plans.

Part of the Site redevelopment plan involves the construction of a berm along the northern border of the Site to screen the residential development from the adjoining Eaton manufacturing facility. The berm is proposed to be approximately 20 feet wide, up to six (6) feet tall and extend across the approximately 240 feet of the delineated area of soils containing soil-to-groundwater pathway RCL exceedances for PCE. Assuming an average height of four (4) feet, approximately 710 cubic yards of soil will be required to construct the berm within the extent of contamination.

We propose the 360 cy of contaminated soil requiring excavation as part of the redevelopment scenario be placed in the base of the berm. As significant clean soil will be excavated for the construction of the underground parking levels beneath the three (3) proposed apartment buildings, we propose to place the clean excavated soils over the areas of residual contamination not proposed to be covered with pavement, as well as the excavated soils placed in the base of the screening berm. According to the geotechnical evaluation performed for the proposed apartment buildings, the majority of the clean soils to be excavated consist of low permeability sandy silts and silty sands with varying amounts of clay. As such, it is our opinion these soils will perform adequately as both a direct contact exposure barrier as well as a relatively impervious surface to prevent the migration of precipitation and surface runoff through the residual contaminated soils to the groundwater.

B. Summarize the proposed schedule for implementation of the activities including anticipated start and end dates. *

Excavation of the two (2) apartment buildings located to the south of the delineated area of contamination is tentatively scheduled to occur between April 15, 2021 through May 11, 2021. Site concrete, landscaping and asphalt paving is tentatively scheduled to occur between September 14, 2021 and November 9, 2021.

C. Confirm the proposed management activities will comply with Wis. Admin. Code § NR 726.13 (1) (b) 1. through 5.*

1) The excavated soils will be placed over an area of existing soil-to-groundwater pathway RCL exceedances which will require a barrier. The addition of the excavated soils will not pose any more of a threat to the public health, safety , welfare or the environment than installing a barrier over the existing residual contamination.

2) Historically, groundwater in monitoring wells MW-5, MW-6, MW-11, MW-14 and MW-15 contained ES exceedances for PCE and groundwater in monitoring wells MW-8, MW-12 and MW-13 contained PAL exceedances for PCE. Based on the contaminant concentrations in the soils to be excavated, it is not expected the presence of these soils atop soils containing elevated concentrations will increase PCE concentrations in the groundwater.

3) The excavated soils and the residually contaminated soils will be covered with a layer of pavement or clean soils with vegetation. These covers will prevent the contaminated soils from being transmitted to any nearby surface water bodies.

4) The excavated soils and the residually contaminated soils will be covered with a layer of pavement or clean soils with vegetation. The covers will prevent the volatilization of the contaminants to the air; therefore, no air quality standards will be exceeded.

5) The proposed plan to move the excavated contaminated soils to the proposed screening berm will move contaminated soils away from the proposed buildings; thereby reducing the risk of vapor migration and intrusion.

D. Describe any procedures that have been established, or methods that will be used, to identify previously undocumented contamination during the completion of this project (such as instrument field screening, visual inspections, etc.). Also describe any contingency procedures that have been established to address unexpected contamination.

An environmental professional will be onsite during the excavation activities to assist the general contractor and the earthwork contractor to properly segregate and place contaminated soils within the screening berm. Prior to initiating excavation activities, the delineated extent of contamination within the excavation area will be located in the field using sub-meter accurate survey equipment. Excavated soils within the delineated area will be placed as the first lift of soil in the screening berm within the delineated extent of contamination. Additional lifts of clean material will be placed over the contaminated materials as the excavation proceeds away from the known areas of contamination, such that the final lifts of soils placed on the screening berm will be those excavated the furthest from the known areas of contamination. Documentation of the excavation and placement activities will be documented in a Construction Documentation Report.

E. Summarize how the proposed management activities will prevent or minimize adverse environmental impacts and potential threats to human health and welfare, including worker safety, by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management.

Fox Runs 3, LLC has worked diligently to propose the development plan for the Site in a manner that minimizes the amount of contaminated material that needs to be excavated and transported offsite for disposal. By arranging the proposed development in this manner, Fox Run 3, LLC is minimizing the potential for construction workers and the general public to be exposed to elevated concentrations of contaminated vapors and contaminated dust during the construction process. Furthermore, as residual contamination remains following extensive remedial excavation and in-situ chemical oxidation activities, the movement of a minor quantity of lower concentration contaminated soils to an area requiring a surficial barrier whether or not the material is re-purposed saves valuable landfill space. Lastly, based on the locational placement of the materials and the barrier of clean soil over the material, the potential for direct contact, migration to groundwater, surface water, sediments and other sensitive habitats is reduced to zero.

Section 6 - Receiving site or facility information

The following information is necessary for the DNR to review the request for compliance with Wis. Admin. Code §§ NR 718.12 (2) (c) 3. In this section, describe the site or facility receiving the material by addressing the following items. Narrative boxes have a limit of 2500 characters. Please attach additional pages if necessary, clearly labeling the section of the form to which you are responding.

A. Briefly discuss the geology and hydrogeology of the receiving site(s) or facility(ies), including information from any previous remedial investigations, and well logs or well construction records from nearby wells. Please also provide the information requested below, indicating whether the response is based on regional or site-specific information. *

Depth to Bedrock (ft. below ground surface): _____ ◯ Regional ◯ Site Specific

Bedrock Type: ◯ Sandstone ◯ Limestone / Dolomite ◯ Metamorphic / Igneous

High Groundwater Level (ft. below ground surface): _____ ◯ Regional ◯ Site Specific

Groundwater Flow Direction: _____ ◯ Regional ◯ Site Specific

B. Briefly describe any previous environmental site investigations or remedial actions conducted at the receiving site(s) or facility(ies). Describe the environmental condition of the portion of the receiving site(s) or facility(ies) where material will be placed including what contaminants are present, the environmental sampling conducted in that area, and whether identified contaminant concentrations exceed applicable standards. *

C. Describe any environmentally sensitive areas at or near the receiving site(s) or facility(s) where the contaminated material will be managed.

D. Describe the historic, current and proposed land use of the receiving site(s) or facility(ies) where the contaminated soil or other solid waste will be managed. How are these site(s) or facility(ies) zoned?

E. Identify current uses of all properties adjacent to the receiving site or facility. Check all that apply.

Agricultural	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	
Industrial	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	
Recreational	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	
Residential	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	
Undeveloped	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	
Commercial	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	
Other	☐ N	☐ S	☐ E	☐ W	☐ NE	☐ NW	☐ SE	☐ SW	

Describe “other” property use below:

F. Describe any other features of this property not addressed above that influence the suitability of the receiving site(s) or facility(ies) for the management of the contaminated soil or other solid waste.

Section 7 – Locational criteria

The following information is necessary for the DNR to review the request for compliance with Wis. Admin. Code §§ NR 718.12 (1) (c). Indicate if excavated material will be placed in any of the following locations*:

- ☐ Within a floodplain.
- ☐ Within 100 feet of any wetland or critical habitat area.
- ☐ Within 300 feet of any navigable river, stream, lake, pond, or flowage.
- ☐ Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.
- ☐ Within three (3) feet of the high groundwater level.
- ☐ At a depth greater than the depth of the original excavation from which the contaminated soil was removed.

If any of the above boxes are checked, an exemption from the indicated criteria must be requested as described below. If none of the above boxes are checked, and the proposed placement of material will not otherwise pose a threat to the public health, safety, or welfare or the environment, the proposed management activities will comply with the locational criteria of Wis. Admin. Code § NR 718.12 (1) (c) and you may skip the following question.

Include an explanation of why granting an exemption to the Wis. Admin. Code § NR 718.12 (1) (c) locational criteria will not cause a threat to public health, safety, or welfare or the environment by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management. Consider the quantity and characteristics of the material being managed, the geologic and hydrogeological characteristics of the receiving site or facility, the unavailability of other environmentally suitable alternatives, and whether the activities will comply with other state and federal regulations including other portions of Wis. Admin. Code chs. NR 700 to NR 754.

Section 8 – Additional information for non-metallic mine receiving sites or facilities

If the material to be managed is proposed for use in reclaiming a non-metallic mine, the disposal of such a material must be specifically allowed in the mine's reclamation plan. If not, the reclamation plan needs to be modified prior to DNR approving the management of the contaminated soil at the mine. Complete this section if the proposed receiving site or facility is a non-metallic mine.

A. Current depth to groundwater at facility (feet below ground surface): _____

B. Has the facility been dewatered to allow mining? ◯ Yes ◯ No

If yes, indicate the expected natural groundwater level when dewatering is terminated (feet below ground surface):

C. Is material proposed to be placed within 10 feet of the natural water table? ◯ Yes* ◯ No

If yes, provide information to justify a variance approval under Wis. Admin. Code ch. NR 503.

D. Include a copy of the reclamation plan indicating the placement of low level contaminated material is acceptable.

E. Describe any design criteria established for the disposal site, include restrictions on material placement, engineered barrier requirements, etc.

Section 9 – Continuing obligations at receiving site or facility

The following information is necessary for the DNR to review the request for compliance with Wis. Admin. Code §§ NR 718.12 (2) (d) and (e).Check the applicable boxes to indicate which continuing obligations will be specifically required to address the material being managed on the receiving site or facility. The associated language will appear in the Wis. Admin. Code ch. NR 718 Approval Letter.

☐ No Continuing Obligations

☒ Residual Soil Contamination:

If contaminated soil that was managed as proposed in the material management plan is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 725.05 (l) (d):

- determine if contamination is present,
- determine whether the soil is considered solid or hazardous waste; and
- ensure that any storage, is in compliance with applicable statutes and rules.

Excavated contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose a hazard and special precautions may be necessary to prevent a health threat to humans. A historic fill exemption is required prior to construction of any structures over fill materials.

Depending on site-specific conditions, construction over contaminated soil or groundwater may also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion and means of mitigation should be evaluated when planning any future redevelopment, and measures may need to be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

☒ Maintenance of a cover:

A soil cover/engineered cover/other is proposed to be installed and maintained over contaminated soil. Inspections will be required per Wis. Admin. Code § NR 724.13, and submittal of inspection reports may be required per Wis. Admin. Code § NR 727.05 (1) (b) 3. Certain activities which would disturb the cover or barrier will be prohibited. If the cover is approved for industrial land use, notification of the DNR is required before changing to a non-industrial use, to determine if the cover will be protective for that use per Wis. Admin. Code § NR 727.07 (3). A maintenance plan is attached, which describes the maintenance activities to be required. An updated maintenance plan must be provided to the DNR once the barrier has been constructed if changes are required and must address actual site conditions (Wis. Admin. Code § NR 724.15 (3) (h)). A map is attached which shows the location of the extent of contaminated materials and the extent of the cover.

☐ Use of Industrial Land Use Soil Standards:

Direct contact risk posed by contaminated material managed under this approval was assessed using residual contaminant levels for industrial land use. The DNR must be notified if the property land use will change from industrial use to a non-industrial land use per Wis. Admin. Code § NR 727.07 (3). Additional investigation and remediation may be required prior to the change in land use to ensure the site conditions are protective for the planned land use.

☐ Vapor: Future Actions to Address Vapor Intrusion:

While vapor intrusion does not currently exist, if a building is constructed or reconstructed on this property, or if use of an existing building is changed to a non-industrial use, vapor intrusion may become a concern. The DNR must be notified before construction of a building or changing the use of an existing building to non-industrial use per Wis. Admin. Code § NR 727.07. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time per Wis. Admin. Code §§ NR 722.15 (2) (e) 4 and 5.

☒ Site specific condition:

Describe the site specific condition:
While we do not believe vapor intrusion will be a concern in the proposed buildings based on the proposed locations and the presence of subsurface parking levels acting as a buffer between the subsurface and the occupied spaces, we understand the WDNR will require sub-slab vapor testing following the construction of the buildings immediately south of the area of residual contamination to determine whether vapor intrusion needs to be included in the continuing obligations package.

Section 10 – Figures

Providing figures as part of the material management plan will allow DNR staff to more quickly evaluate the compliance of the request with the requirements of Wis. Admin. Code §§ NR 718.12 (1) and (2) and NR 718.15. The following are recommended figures to be submitted with this request.

The DNR recommends that all maps are drawn to scale not larger than 1 inch equal to 100 feet and labeled with the site or facility name and address. The location of the property and the specific management area should be provided in sufficient detail to allow DNR personnel to inspect these areas in the future. Providing a "cut/fill" map that clearly depicts how much material will be removed or added to different areas of the involved property(ies) and depicting how material will be moved across the site is also highly recommended. Providing cross sections that depict site conditions before and after material management activities is also recommended.

Attach appropriate figures to this form. Use the following checklist to ensure recommended items are included in the attached figures.

- ☐ The boundaries of each property involved in the project as well as named and unnamed roads or access points, buildings and other surface features, underground utilities, land uses on adjacent properties, and known and potential sources of hazardous substances.
- ☐ The location of wetlands, critical habitat areas, floodplains, surface water bodies, water supply wells, or other possible receptors located near or within the area where material will be managed.
- ☒ The lateral extent and depth of planned excavation, grading, or otherwise disturbed areas.
- ☒ The lateral extent and thickness of excavated material placement locations.
- ☒ Soil sample locations at the response action site and receiving site(s) or facility(ies). Depict applicable soil contaminant concentration data and sample depths. Indicate the extent of contamination exceeding a RCL.
- ☒ Depth to groundwater.
- ☐ The extent of any performance standards (such as a barrier or cap) that will be required at the completion of management activities.

Section 11 - Additional Attachments

The following documents are recommended for inclusion with a Wis. Admin. Code § NR 718.12 or a Wis. Admin. Code § 718.15 request. Indicate which of these documents are included in this request by checking the boxes below.

- ☐ A table summarizing the analytical results of all soil/waste samples collected at the generating site or facility that meets the requirements of Wis. Admin. Code § 716.15 (4) (e). Clearly indicate which of these samples were collected from material that is proposed to be managed.
- ☐ The analytical package for all samples listed on the above table. The package should include the sample results, chain of custody, sampling methods, and QA/QC data.
- ☒ A maintenance plan for any performance standard needed to address the material proposed to be managed. The plan should follow the format found in DNR Form 4400-202, Attachment D.
- ☐ A copy of the reclamation plan for the receiving site or facility if it is a nonmetallic mine. Confirm the plan allows for acceptance of contaminated soil by marking relevant plan sections.
- ☐ Power of Attorney (if applicable, see Section 12).
- ☐ Deed for the property receiving the contaminated material. If a certified survey map or plat map is referenced by this deed then also include those documents.
- ☐ Provide a copy of a parcel map depicting the property(ies) boundaries.

Section 12 - Certification Statements

Wis. Admin. Code ch. NR 712, entitled "Personnel Qualifications for Conducting Environmental Response Actions," establishes minimum standards for experience and professional qualifications for persons who perform certain environmental services. All requests submitted to manage contaminated soil or other solid waste as an interim action or remedial action under Wis. Admin. Code chs. NR 708 or NR 722 must be prepared by, or prepared under, the supervision of a professional engineer per Wis. Admin. Code ch. NR 712. The professional engineer who prepared or supervised this request should complete the following section. This law applies to work conducted under Wis. Admin. Code ch. NR 718, unless specifically exempted.

Per Wis. Admin. Code § NR 712.09 (3) (a), the following certification shall be attached to any submittal that is required to be prepared by, or under the supervision of, a professional engineer under s. NR 712.07 (2), (3) or (5):

"I, Mark J.K. Penzkover, hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

Mark J.K. Penzkover, P.E.
Signature, title and P.E. number

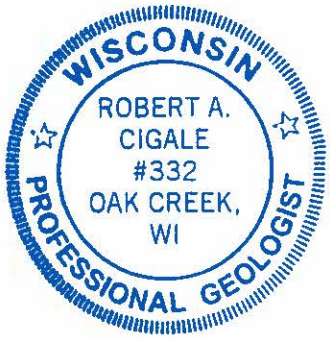
P.E. stamp

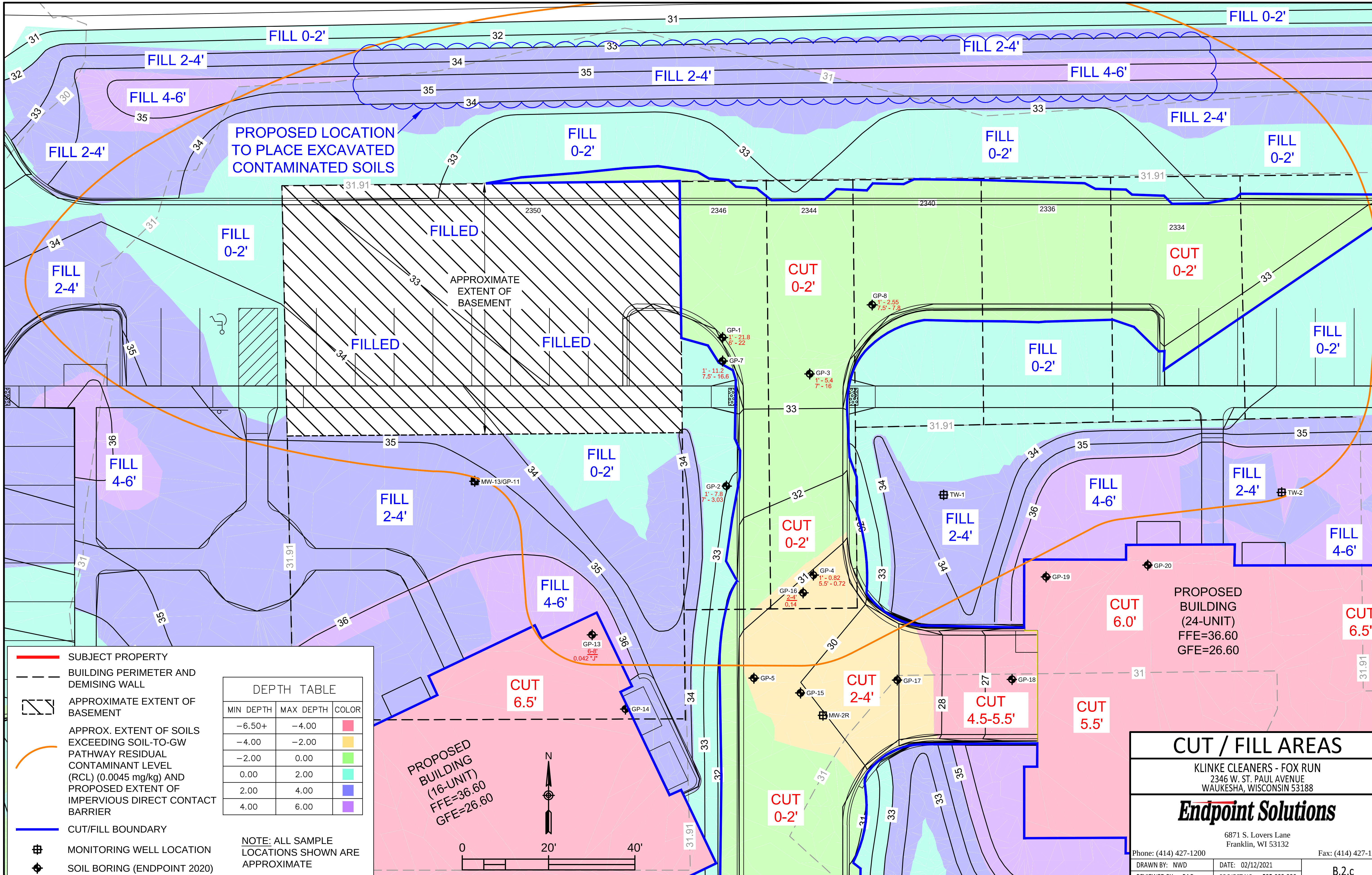
In addition, if the work certified included investigation or evaluation of groundwater conditions, or groundwater related conclusions or recommendations, Wis. Admin. Code § NR 712.09 (3) (b) requires the following certification shall be attached to any submittal that is required to be prepared or to have its preparation supervised by a certified hydrogeologist under s. NR 712.07 (2), (4) or (5):

"I, Robert A. Cigale, hereby certify that I am a hydrogeologist as that term is defined in s. NR 712.03 (1), Wis. Adm. Code, am registered in accordance with the requirements of ch. GHSS 2, Wis. Adm. Code, or licensed in accordance with the requirements of ch. GHSS 3, Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

Robert A. Cigale, P.G.
Signature and title

02/15/2021
Date





DEPTH TABLE		
MIN DEPTH	MAX DEPTH	COLOR
-6.50+	-4.00	
-4.00	-2.00	
-2.00	0.00	
0.00	2.00	
2.00	4.00	
4.00	6.00	

SUBJECT PROPERTY

BUILDING PERIMETER AND DEMISING WALL

APPROXIMATE EXTENT OF BASEMENT

APPROX. EXTENT OF SOILS EXCEEDING SOIL-TO-GW PATHWAY RESIDUAL CONTAMINANT LEVEL (RCL) (0.0045 mg/kg) AND PROPOSED EXTENT OF IMPERVIOUS DIRECT CONTACT BARRIER

CUT/FILL BOUNDARY

MONITORING WELL LOCATION

SOIL BORING (ENDPOINT 2020)

NOTE: ALL SAMPLE LOCATIONS SHOWN ARE APPROXIMATE

CUT / FILL AREAS

KLINKE CLEANERS - FOX RUN
2346 W. ST. PAUL AVENUE
WAUKESHA, WISCONSIN 53188

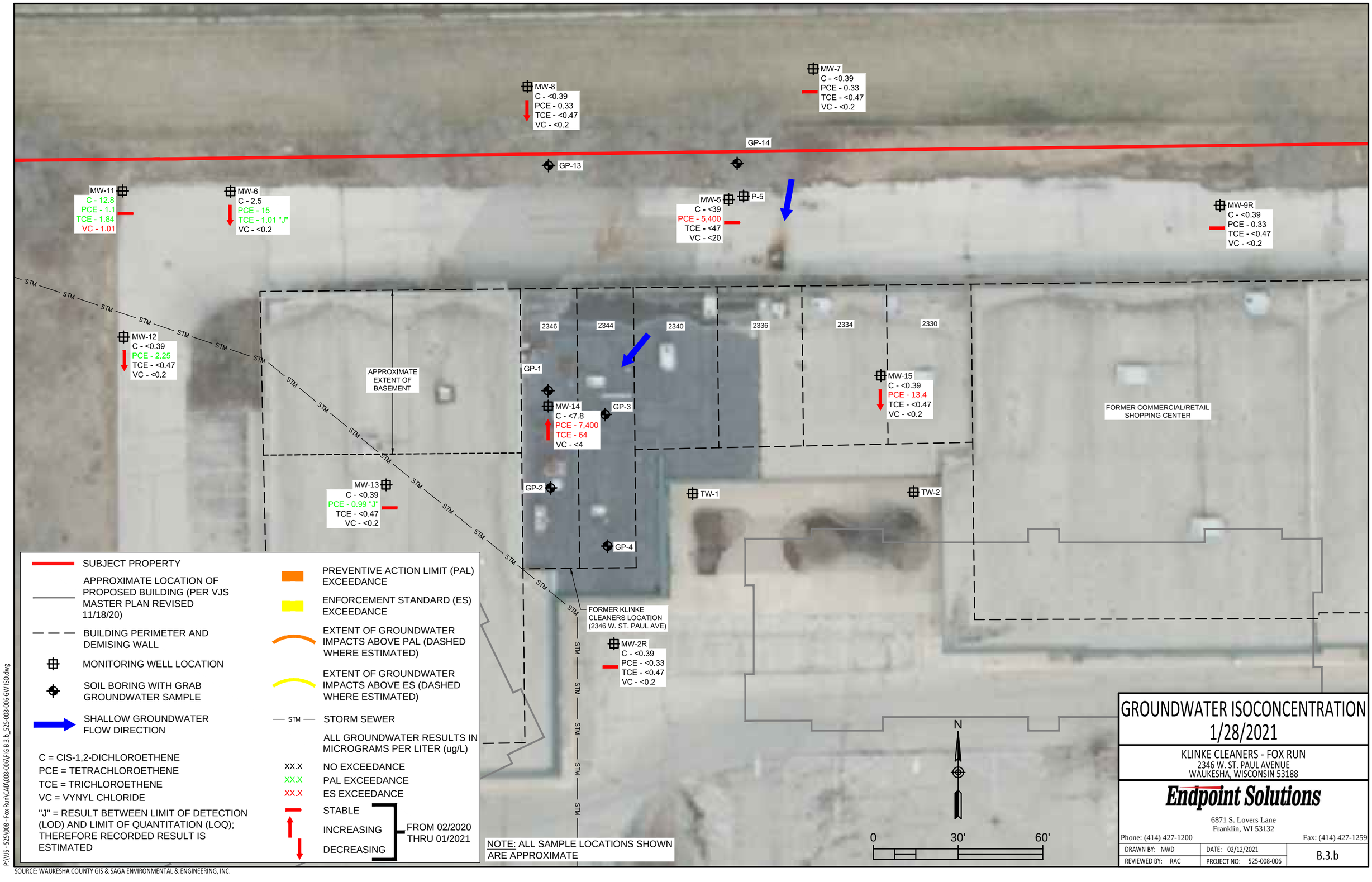
Endpoint Solutions
6871 S. Lovers Lane
Franklin, WI 53132
Phone: (414) 427-1200
Fax: (414) 427-1259

DRAWN BY: NWD | DATE: 02/12/2021
REVIEWED BY: RAC | PROJECT NO: 525-008-006

B.2.c

P:\VIS - 525\008 - Fox Run\CAD\008-006\FIG B.2.c_525-008-006 Cut Fill Areas.dwg

SOURCE: WAUKESHA COUNTY GIS & SAGA ENVIRONMENTAL & ENGINEERING, INC.



GROUNDWATER ISOCONCENTRATION 1/28/2021

KLINKE CLEANERS - FOX RUN
2346 W. ST. PAUL AVENUE
WAUKESHA, WISCONSIN 53188

Endpoint Solutions
6871 S. Lovers Lane
Franklin, WI 53132
Phone: (414) 427-1200 Fax: (414) 427-1259

DRAWN BY: NWD	DATE: 02/12/2021	B.3.b
REVIEWED BY: RAC	PROJECT NO: 525-008-006	

P:\VJS - 525\008 - Fox Run\CAD\008-006\FIG B.3.b_525-008-006 GW ISO.dwg

SOURCE: WAUKESHA COUNTY GIS & SAGA ENVIRONMENTAL & ENGINEERING, INC.

GROUNDWATER FLOW DIRECTION 1/28/2021

KLINKE CLEANERS - FOX RUN
2346 W. ST. PAUL AVENUE
WAUKESHA, WISCONSIN 53188

Endpoint Solutions
6871 S. Lovers Lane
Franklin, WI 53132
Phone: (414) 427-1200 Fax: (414) 427-1259

DRAWN BY: NWD	DATE: 02/12/2021	B.3.c
REVIEWED BY: RAC	PROJECT NO: 525-008-006	

SOURCE: WAUKESHA COUNTY GIS & SAGA ENVIRONMENTAL & ENGINEERING, INC.

P:\VJS - 525\008 - Fox Run\CAD\008-006\FIG B.3.c_525-008-006 GW Flow Direction.dwg

COVER or BARRIER MAINTENANCE PLAN

(to be included in Form 4400-202, as Attachment D)

February 15, 2021

Property Located at:

2346 West St. Paul Avenue, Waukesha, WI 53188

BRRTS #: 02-68-535535, FID #: 268188910

WAKC1328999001 - PT SE1/4 SEC 8 & SW1/4 SEC 9 T6N R19E COM SE COR SE1/4, N 153.02' TO BEG, N56 11'57 E 29.89', N22 19'E 198.74', N23 54'E 260.33',S85 41'32 W 206.36', N 183.94', S88 49'42 W 815',S1 10'18 E 433.16',N88 49'42 E 306.08', S1 10'18E 223.7', N88 49'42E418.32', N56 11'57 E 92.84'TO BEG DOC NO 4246692

Introduction

This document is the Maintenance Plan for a barrier at the above-referenced property in accordance with the requirements of s. NR 724.13 (2), Wis. Adm. Code. The maintenance activities relate to the existing barrier which addresses or occupies the area over the contaminated groundwater plume and residual contaminated soil.

More site-specific information about this property/site may be found in:

- The case file in the DNR SE Region office
- At http://dnr.wi.gov/topic/Brownfields/wrrd.html, which includes:
  - BRRTS on the Web (DNR's internet based data base of contaminated sites)for the link to a PDF for site-specific information at the time of closure and on continuing obligations;
  - RR Sites Map for a map view of the site, and
- The DNR project manager for Waukesha County.

D.1. Descriptions:

(Form 4400-202, Attachment D, Part D1. – brief description of the type, depth and location of residual contamination, description of the system/cover/barrier to be maintained, and its location on the site, maintenance activities, and contact information.)

Description of Contamination

Soil contaminated by tetrachloroethene (PCE) and trichloroethene (TCE) is located at a depth of zero (0) to approximately eight (8) feet in the northwestern portion of the parcel identified above. Groundwater contaminated by PCE, TCE, cis-1,2-dichloroethene and vinyl chloride is located at a depth of approximately eight (8) to 15 feet below the ground surface. The extent of the soil and groundwater contamination is shown on the attached **Figures B.2.b and B.3.c**.

Description of the Barrier to be Maintained

The barrier consists of four-inch (4") thick concrete sidewalks or asphalt pavement parking lots and driveways. The pavement sections are also underlain by approximately six-inches (6") of imported granular base course, such as No. 1 clear stone or crushed traffic bond. Landscaped areas are present between the proposed buildings and the pavements areas, as well as between the pavement and the northern border of the Site. A

berm has also been established along the northern Site border to provide visual and noise screening from the adjoining Eaton manufacturing facility. The barrier over the residually contaminated soils present within landscaped areas will consist of a minimum of one-foot (1') of clean low permeability soil excavated for construction of the underground parking levels, topped with approximately four-inches (4") of topsoil and seeded to prevent erosion. The extent of the various barrier types is depicted on **Figure D.2**.

Cover/Building/Slab/Barrier Purpose

The barrier over the contaminated groundwater plume and residually contaminated soil serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The barrier also acts as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current use of the property, multi-family residential, the barrier should function as intended unless disturbed.

Annual Inspection

The barrier overlying the contaminated groundwater plume and residual soil contamination, as depicted in **Figure D.2** will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into, or exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed and where infiltration from the surface will not be effectively minimized will be documented.

A log of the inspections and any repairs will be maintained by the property owner and is included as D.4, Form 4400-305, Continuing Obligations Inspection and Maintenance Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection log. A copy of the maintenance plan and inspection log will be kept at the site; or, if there is no acceptable place (for example, no building is present) to keep it at the site, at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources (DNR) representatives upon their request.

[Note: *The DNR may, in some instances, require in the case closure letter that the inspection log be submitted at least annually after every inspection. If the case closure letter requires that, then add the following sentence to the paragraph above*: A copy of the inspection log must be submitted electronically to the DNR after every inspection, at least annually.]

Maintenance Activities
(Form 4400-202, Attachment D, Part D1. – Description of Maintenance Actions required for maximizing effectiveness of the cover/barrier/engineered control, feature or other action for which maintenance is required.)

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the

owner in accordance with applicable local, state and federal law.

In the event the barrier overlying the contaminated groundwater plume and residually contaminated soil are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the DNR or its successor.

The property owner, in order to maintain the integrity of the barrier, will maintain a copy of this Maintenance Plan at the site; or, if there is no acceptable place to keep it at the site (for example, no building is present), at the address of the property owner and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cover/Barrier

The following activities are prohibited on any portion of the property where pavement or soil cover is required 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; 6) construction or placement of a building or other structure; or 7) changing the use or occupancy of the property to single-family residential use.

If removal, replacement or other changes to a cover, or a building which is acting as a cover, are considered, the property owner will contact DNR at least 45 days before taking such an action, to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of DNR.

Contact Information
(Form 4400-202, Attachment D, Part 1.) Contact Information, including the name, address and phone number of the individual or facility who will be conducting the maintenance.)

[MONTH & YEAR]

Site Owner and Operator: Fox Run 3, LLC
W233N2847 Roundy Circle West
Pewaukee, WI 53072
262-893-1720

Signature: _____

Consultant: Endpoint Solutions Corp.
6871 South Lovers Lane
Franklin, WI 53132
414-427-1200

DNR: Paul Grittner
2300 North Martin Luther King Jr. Drive
Milwaukee, WI 53202
414-405-0764

D.2 Location Map(s)

Include a location map which shows:

(1) the feature that requires maintenance;
(2) the location of the feature(s) that require(s) maintenance: on and off the source property;
(3) the extent of the structure or feature(s) to be maintained, in relation to other structures or features on the site;
(4) the extent and type of residual contamination; and
(5) all property boundaries.

D. 3 Photographs of Cover/Barrier

Include one or more photographs documenting the condition and extent of the cover/barrier/building/slab at the time of the closure request. Pertinent features must be visible and discernible. Include a title on each photograph, which identifies the site name and location of the feature, and the date on which the photograph was taken.

D.4 Continuing Obligations Inspection and Maintenance Log

Use DNR Fillable Form Form 4400-305

Monitoring Well Maintenance Plan Template

D.1. Descriptions and Contact Information: (Form 4400-202, Attachment D, Part 1.)

Descriptions:

- Provide a description of which wells were kept/required for continued monitoring.
- Provide a description of the well lock, well seal type/materials and condition at the time of closure. Reference the sampling plan.
- Describe the maintenance activities which will be conducted.
- Inspections are to be conducted on a yearly basis. Inspections are recommended in spring after snow and ice are gone. In accordance with s. NR 716.13 (14), Wis. Adm. Code, verify the integrity of the well labels, lock and seal. Determine whether the wells are providing a conduit to the subsurface.
- Describe the actions to be taken if the well label is missing, the well lock is broken, or the well seal is no longer sealing the annular space from surface contamination.
- Describe in which situations the well should be abandoned in accordance with s. NR 141, Wis. Adm. Code.
- Identify where the maintenance plan and inspection report will be located.

Contact Information:

[MONTH & YEAR]
Person Conducting the Inspection and maintenance:
[NAME]
[ADDRESS]
[PHONE #]

Signature: _____

Consultant: [NAME]
[ADDRESS]
[PHONE #]

DNR: [PROJECT MANAGER NAME]
[ADDRESS]
[PHONE #]

D.2. Location Map:

- Provide a location map showing the well location in relation to the property boundaries, buildings, etc. (The site location map from the Site Investigation Report should suffice.) Wells locations are required to be surveyed in accordance with s. NR 141.065 (2), Wis. Adm. Code.

D.3. Photograph of Monitoring Well:

- Include one or more photographs documenting the condition and extent of the well lock and seal the time of the closure request. Pertinent features must be visible and discernible.
- Include a title on each photograph, which identifies the site name and location of the feature, and the date on which the photograph was taken.
-

D.4. Continuing Obligations Inspection and Maintenance Log
Use DNR Fillable Form 4400-305