



April 5, 2021

Ms. Bailey Copeland
Fox Run 3, LLC
W233N2847 Roundy Circle West
Pewaukee, WI 53072

Subject: Approval to Manage Contaminated Soil within the Area of Contamination
Klinke Cleaners Fox Run at 2346 W. St. Paul Avenue, Waukesha, WI
DNR BRRTS Activity # 02-68-535535
FID #: 268188910

Dear Ms. Copeland:

On February 9, 2021, Bob Cigale of Endpoint Solutions Corp. submitted a “NR 718 Material Management Plan” on your behalf requesting to manage 360 cubic yards of contaminated soil on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.12. On March 25, 2021, a request was made to conduct this action using the Area of Contamination rule instead of an exemption through Wis. Admin. Code § NR 718.12. The Wisconsin Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

Excavation will be conducted in the vicinity of the former Klinke Cleaners facility to allow for the construction of two apartment buildings. Excavation required for this project is expected to generate 360 yards of soil contaminated with chlorinated volatile organic compounds, mainly tetrachloroethene. You have requested approval to manage this material within the Area of Contamination (AOC) outlined on the attached Figure B.2.c., Cut / Fill Areas (3/29/2021). Tetrachloroethene impacted soil will be used to form the base of a large berm along the northern edge of the property. Contaminated soil within the berm will be covered with non-contaminated material to form a protective barrier over the material. Management of contaminated soil within the AOC is consistent with the DNR’s guidance document entitled “Guidance for Hazardous Waste Remediation RR-705” and Environmental Protection Agency’s AOC policy document entitled “Management of Investigation-Derived Waste During Site Inspections” and may be conducted as proposed.

Approval of this remedial action is also based on the following considerations:

- Managing contaminated soil within the AOC will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).
- An adequate number of samples were collected from the soil to be excavated to characterize this material. Samples were collected from areas most likely to contain residual contamination and analyzed for all contaminants previously detected or expected to be present at this site, including chlorinated volatile organic compounds.
- The proposed management of solid waste at the Klinke Cleaners Fox Run site is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

You have acknowledged that the continuing obligations described below will be required as a condition of conducted the proposed remedial action. The DNR approves these continuing obligations to ensure that soil consolidated within the AOC will be covered. These obligations will need to be modified prior to case closure to ensure conditions across the entire site are protective and to address any changes to the proposed redevelopment. At a minimum, this will require that the area where a protective barrier must be maintained is extended to easily identifiable visual landmarks outside of the AOC (pavement or building edges, property boundaries, etc.) to ensure that the area requiring maintenance and inspection will be easily identified in the field. This extended area will include a larger extent of the berm, if not the entire feature.

Requirement of Continuing Obligations

The current property owner of the Klinke Cleaners Fox Run site, and any subsequent property owners, must comply with the following continuing obligations at this site, established under Wis. Admin. Code § NR 722.15 (2) (e), to ensure that conditions will remain protective. DNR staff will conduct periodic, pre-arranged inspections to ensure that the conditions included in this letter and draft “Cap or Barrier Maintenance Plan” are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request approval of this remedial action meet the requirements of Wis. Admin. Code § NR 724.09 and are available in PDF on the DNR’s Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) and RR Sites Map (RRSM), to provide public notice of remaining contamination and continuing obligations. Both BOTW and RRSM are available at dnr.wi.gov, search “WRRD.”

More information on responsibilities related to continuing obligations can be found in the DNR publication “Continuing Obligations for Environmental Protection” (RR-819), which can be found at dnr.wi.gov, search “RR-819.”

Send documents to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>). More information on submitting electronic documents can be found in the DNR publication “Guidance for Electronic Submittal for the Remediation and Redevelopment Program” (RR-690), which can be found at dnr.wi.gov, search “RR-690.”

Residual Soil Contamination and Future Solid Waste Management

If contaminated soil that was managed as proposed in the “NR 718 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 727.05 (1) (d):

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

Excavated contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718 with DNR pre-approval. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil and solid waste may pose a hazard, and special precautions may be necessary to prevent a health threat to humans.

If material that will be managed under this approval includes solid waste other than soil, it may be required to obtain approval from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085.

The location(s) where contaminated soil is proposed to be managed at Klinke Cleaners Fox Run is depicted on the attached Figure B.2.c, Cut / Fill Areas, February 12, 2021.

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 may need to 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.

The DNR's approval prior to well construction or reconstruction is required where contaminated soil was managed, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program's regional water supply specialist. This form is available at dnr.wi.gov, search "3300-254."

Maintenance of a Cover

A soil cover is proposed to be installed and maintained over contaminated soil that will be managed at the Klinke Cleaners Fox Run site as proposed in the "NR 718 Material Management Plan". A draft "Cover or Barrier Maintenance Plan" is attached, which describes the inspection and maintenance activities that will apply to the proposed barrier. 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 per Wis. Admin. Code § NR 724.15 (3) (h). A map is attached which shows where contaminated soil is proposed to be managed and the extent of the proposed cover. Once constructed, inspections of the soil cover will be required per Wis. Admin. Code § NR 724.13), and submittal of inspection reports may also be required per Wis. Admin. Code § 727.05 (1) (b) 3. Notification to the DNR is required before changing to a non-industrial use if the cover is approved for industrial land use, per Wis. Admin. Code § NR 727.07 (3) to ensure that the cover will be protective for that use.

The draft "Cover or Barrier Maintenance Plan" prohibits certain activities in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining soil contamination. The following activities are prohibited on any portion of the property where a soil cover is required, unless prior notification is provided to DNR to determine whether further action may be necessary to protect human health, safety, or welfare of the environment (§ NR 727.07):

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to single-family residential use.

Vapor: Future Actions to Address Vapor Intrusion

Chlorinated volatile organic compounds (mainly tetrachloroethene) are present in material proposed to be managed on the Klinke Cleaners Fox Run site in the "NR718 Material Management Plan" at levels that may be of concern for vapor intrusion in the future. The location where this contaminated material is proposed to be managed is depicted on the attached Figure B.2.c., Cut / Fill Areas, February 12, 2021.

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.

Other Information

- 1) Any hazardous substance discharge discovered during contaminated soil management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) Contaminated soil management activities approved by this letter are scheduled to be completed by November 2021. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of contaminated soil management activities shall be provided within 60 days of the completion of this project. The documentation must comply with the requirements of Wis. Admin. Code § NR 724.05 (2) and § NR 724.15 (3). Documentation must include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05(2) (e) 1.
 - b. Owner contact and property location information for the Klinke Cleaners Fox Run site.
 - c. Maps, drawings and cross sections that depict how contaminated soil was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the contaminated soil management plan and the conditions in this approval.
 - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the management activity.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Klinke Cleaners Fox Run site.
 - h. A revised cover maintenance plan, if needed.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

- 4) This approval applies only to the specific activities described within the submitted “NR 718 Material Management Plan”. Any contaminated soil that is excavated or otherwise disturbed at the Klinke Cleaners Fox Run site, not covered under this or another approval, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 599. The management of contaminated soil on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 799.
- 5) Fox Run 3, LLC is responsible for obtaining any local, federal or other applicable state permits to carry out the project.

All remediation sites are included in DNR’s BRRTS database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 02-67-535535

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact the DNR project manager, Paul Grittner, by calling (414) 405-0764, or by email at paul.grittner@wisconsin.gov.

Sincerely,

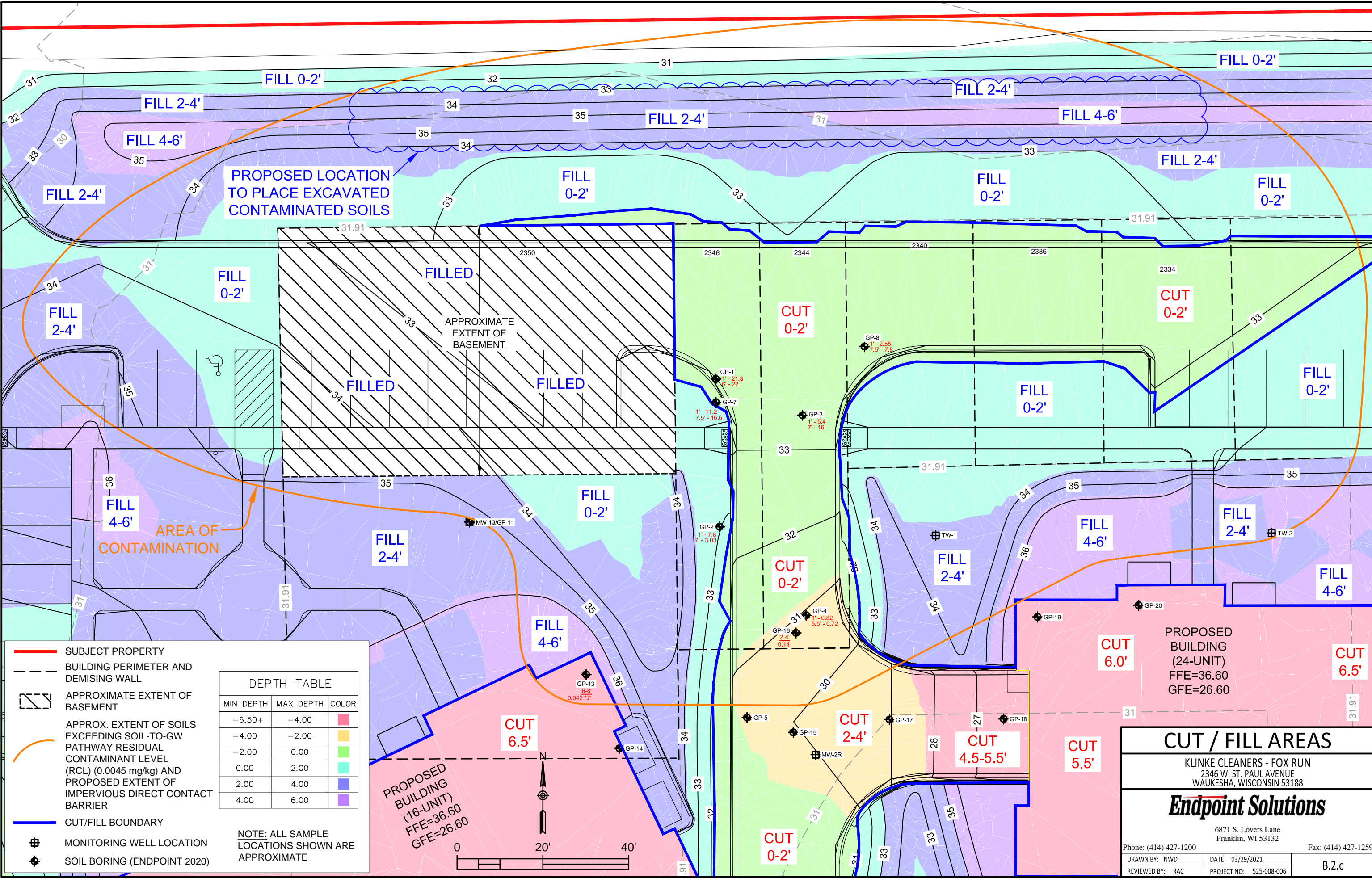


Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments:

- Figure B.2.c, Cut / Fill Areas, March 29, 2021
- Draft Cover or Barrier Maintenance Plan, February 15, 2021

cc: Bob Cigale, Endpoint Solutions Corp., 6871 South Lovers Lane, Franklin, WI 53132



PROPOSED LOCATION TO PLACE EXCAVATED CONTAMINATED SOILS

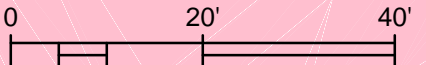
AREA OF CONTAMINATION

PROPOSED BUILDING (16-UNIT)
FFE=36.60
GFE=26.60

PROPOSED BUILDING (24-UNIT)
FFE=36.60
GFE=26.60

DEPTH TABLE		
MIN DEPTH	MAX DEPTH	COLOR
-6.50+	-4.00	Red
-4.00	-2.00	Yellow
-2.00	0.00	Green
0.00	2.00	Cyan
2.00	4.00	Blue
4.00	6.00	Purple

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	DATE: 03/29/2021	Fax: (414) 427-1259
DRAWN BY: NWD	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.

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/wprd.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

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](#)

Draft Only

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:

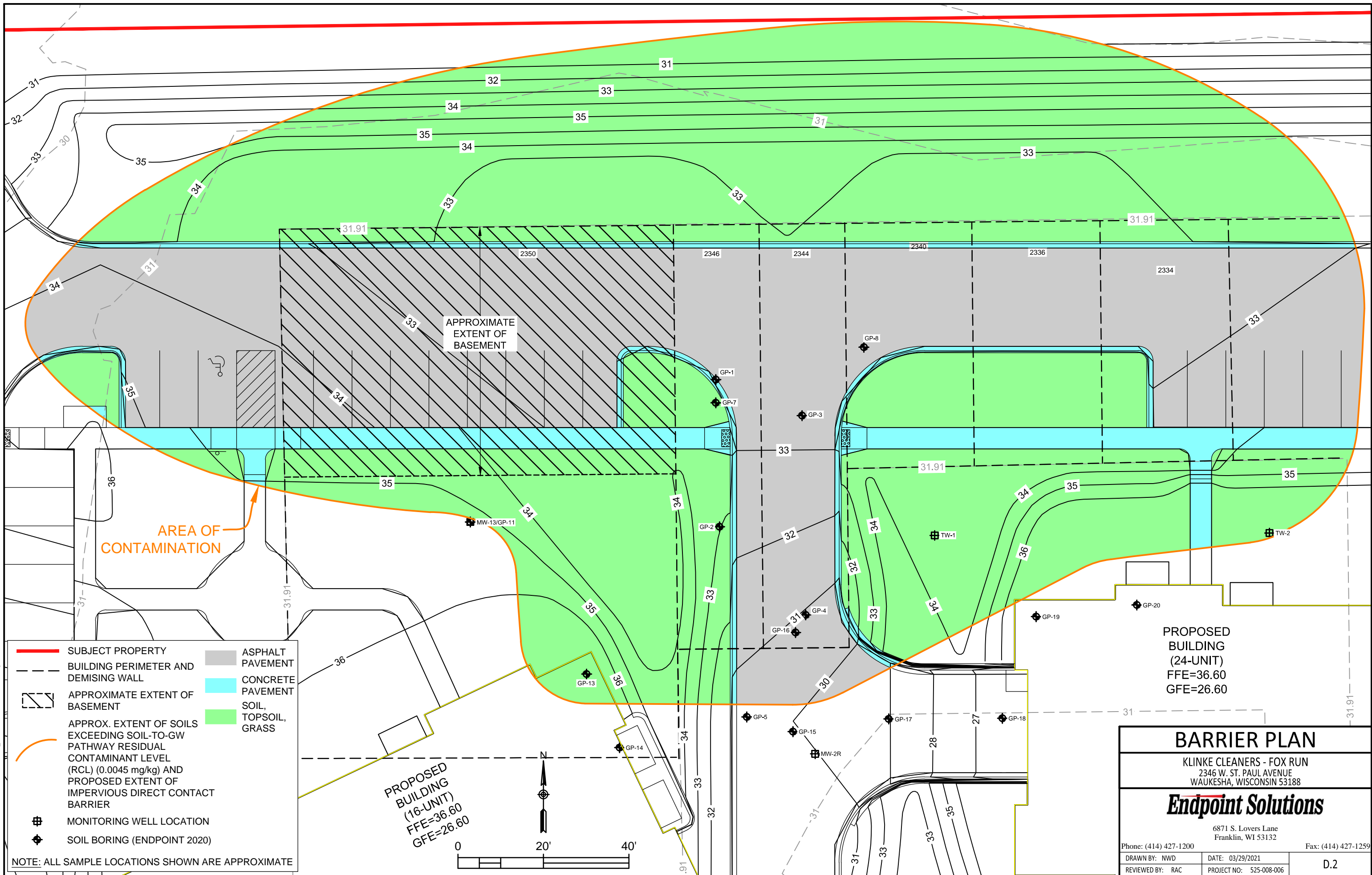
- Provide a location map showing the well location in relation to the property boundaries, buildings, etc. (The site location map from the Site Investigation Report should suffice.) Wells locations are required to be surveyed in accordance with s. NR 141.065 (2), Wis. Adm. Code.

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.
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D.4. Continuing Obligations Inspection and Maintenance Log

Use DNR Fillable [Form 4400-305](#)



P:\VIS - 525\008 - Fox Run\CAD\008-006\FIG D.2_525-008-006 Barrier Plan.dwg

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

BARRIER PLAN		
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: 03/29/2021	D.2
REVIEWED BY: RAC	PROJECT NO: 525-008-006	