



August 31, 2018

Mr. Jon Spigel  
Miller Compressing Company  
1640 West Bruce Street  
Milwaukee, WI 53204

Subject: Approval to Manage Contaminated Material under Wis. Admin. Code § NR 718.15  
Miller Compressing (Burnham Canal) (ALT SF), 1640 West Bruce Street, Milwaukee, WI  
DNR BRRTS Activity #: 02-41-552940, 15-41-581667;  
FID #: 241213720

Dear Mr. Spigel:

On June 26, 2018, Mark Walter of O'Brien & Gere Engineers, Inc. (OBG) submitted a completed 'Recommended Format for Exemption Request' on your behalf requesting to manage 1,400 cubic yards of contaminated material on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.15. The 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).

Contaminated sediment within the western portion of the Burnham Canal is being addressed through limited dredging and offsite disposal of sediment and the installation of a cap over remaining contamination. In order to complete the remediation and to maintain storm water flow through the canal a channel must be formed at the base of the canal east of the West End Dredge Area. To form the channel, 1400 cubic yards of sediment will be excavated and replaced to an adjacent portion of the canal. Polycyclic aromatic hydrocarbon (PAH) and metal contamination was identified in samples collected from sediments within the canal. The approved cover will be installed over both the excavation and reuse areas within the canal.

**Wis. Admin. Code § NR 718.15 Exemption**

This letter grants an exemption from the solid waste requirements in Wis. Stats. § 289 and Wis. Admin. Code §§ NR 500 to NR 538 for the proposed material management activities. Approval of the exemption is based on the following:

- 1) Managing contaminated waste material in areas of the site identified on Figure A1, Sample Locations (1/14/16) included with the completed 'Recommended Format for Exemption Request' will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c), with the exception of the following:
  - Within a floodplain
  - Within 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

**Grant of exemption to s. NR 718.12(1)(c)1, 5, and 6**

In consideration that sediment is being excavated from within a canal and will be replaced in an adjacent portion of the canal under similar conditions (with the exception of that the reuse area is located downslope from the excavation area), and the material will pose no greater risk to human health or the

environment after it is replaced within the canal, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12(1)(c)1, 5, and 6 will allow placement of contaminated waste material within the floodplain, below the waterline, and at a greater depth from which it was excavated.

- 2) Soil samples have been collected for analysis of contaminants previously detected or expected to be present at this site including PAHs and metals from areas most likely to contain residual contamination. Based on an estimated volume of 1,400 cubic yards of material, and a sampling frequency of 1 sample per 160 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12(1)(e) has been met.
- 3) A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), has been provided to the DNR.
- 4) The proposed management of contaminated material at the Miller Compressing (Burnham Canal) (ALT SF) is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13(1)(b)1 to 5.
- 5) Per Wis. Admin. Code § NR 718.12(2), the DNR was provided with at least 7 days' notice prior to commencing to proposed material management.
- 6) You have acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated material on your property as proposed.

#### Continuing Obligations

The current property owner of the Miller Compressing (Burnham Canal) (ALT SF), and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12(2)(d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the "Institutional Control Implementation Plan" are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § 718.15 exemption meet the requirements of Wis. Admin. Code § NR 718.12(2)(e) and are available in Portable Document Format (PDF) on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at <http://dnr.wi.gov/topic/Brownfields/wrrd.html, as having continuing obligations>. All site information is on file at the Regional DNR office located at 2300 N. Dr. Martin Luther King, Jr. Drive, Milwaukee, WI 53212-3128.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources  
Attn: Remediation and Redevelopment Program Environmental Program Associate  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, WI 53212-3128

Site Specific Condition - Residual Sediment Contamination:

If contaminated sediment that was managed as proposed in the completed 'Recommended Format for Exemption Request' is excavated in the future, the property owner at the time of excavation will be responsible for the following:

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

Excavated material may be managed in accordance with Wis. Admin. Code § NR 718, with DNR approval obtained at that time. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a hazard and special precautions may need to be taken to prevent a health threat to humans. If material managed under this exemption included solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials.

The location(s) where contaminated soil is proposed to be managed at the Miller Compressing (Burnham Canal) (ALT SF) site is depicted on the attached Figure A1, Sample Locations (1/14/2016).

DNR approval prior to well construction or reconstruction is required *where contaminated sediment has been 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 Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

Maintenance of a cover:

A cover of approximately five feet of aggregate fill overlying a one-foot gravel remedial subaqueous cap is proposed to be installed and maintained over contaminated solid waste that will be managed at the Miller Compressing (Burnham Canal) (ALT SF) site as proposed in the completed 'Recommended Format for Exemption Request'. Once constructed, inspections of the cover will be required, and submittal of inspection reports may also be required. If the cover is approved for industrial land use the DNR is required to be notified before changing to a non-industrial use, to determine if the cover will be protective for that use. Institutional Controls will be implemented to ensure that the sand cover remains in place and is not disturbed. The Institutional Control Implementation and Assurance Plan (ICIAP) must be updated as part of the remedial design for the Site which will describe the inspection and maintenance activities that will apply to the proposed barrier. The attached Figure A1, Sample Locations (1/14/2016), shows where contaminated material is proposed to be managed and covered. An updated ICIAP must be provided to the DNR once the barrier has been constructed if changes were made to address actual site conditions.

Certain activities will be prohibited in areas of this site where maintenance of a cover or barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the DNR must be notified before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where the cover is required, unless prior written approval has been obtained from the DNR:

- 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 a non-industrial exposure setting.

### **Other Information**

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code § NR 706.
- 2) Material management activities exempted by this letter are scheduled to be completed within one year. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also comply with the requirements of Wis. Admin. Code § 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 Miller Compressing (Burnham Canal) (ALT SF) site.
  - c. Maps, drawings, and cross sections that depict how contaminated material was managed.
  - d. A synopsis of the work conducted and an explanation as to how it complied with the material management plan and the conditions in this exemption 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 Miller Compressing (Burnham Canal) (ALT SF) 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 exemption is granted under Wis. Admin. Code § NR 718.15 and applies only to the specific activities described within the submitted 'Recommended Format for Exemption Request'. Any contaminated material that is excavated or otherwise disturbed at the Miller Compressing (Burnham Canal) (ALT SF) site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code §§ NR 500 through NR 538, the solid waste rules administered by the DNR's Waste and Materials Management Program. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge and would be required to be addressed following the process outlined in Wis. Admin. Code §§ NR 700 to NR 750.
- 5) Miller Compressing Company 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 Bureau of Remediation and Redevelopment Tracking System (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) 02-41-552940. Actions relating only to the management of contaminated material are tracked in the BRRTS system under activity # 15-41-552940.

Miller Compressing (Burnham Canal) (ALT SF)  
1640 West Bruce Street, Milwaukee, WI  
WDNR BRRTS #: 02-41-552940, 15-41-581667  
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We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me by calling (608) 266-0941, or by email at [paul.grittner@wisconsin.gov](mailto:paul.grittner@wisconsin.gov). Other questions regarding this site can be directed to the DNR project manager Margaret Brunette at (414) 263-8557, or [margaret.brunette@wisconsin.gov](mailto:margaret.brunette@wisconsin.gov).

Sincerely,



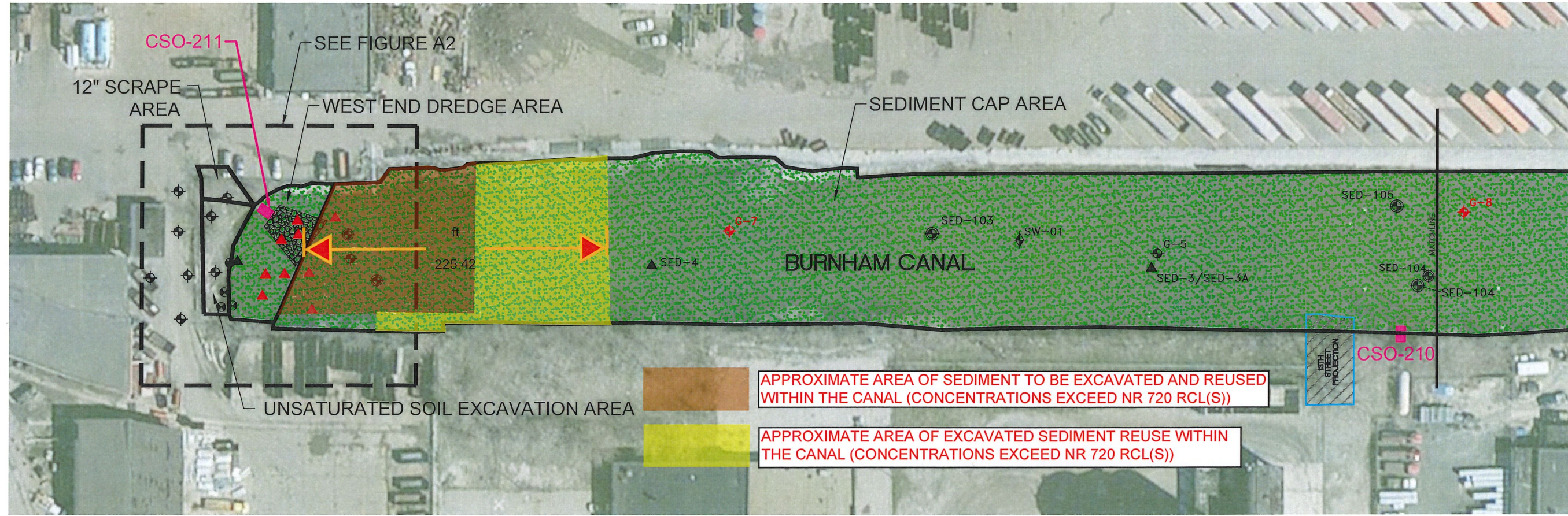
Paul Grittner  
Contaminated Material Management Specialist  
Remediation & Redevelopment Program

Attachments:

- Figure A1, Sample Locations, Natural Resource Technology

cc: Mark Walter, O'Brien & Gere Engineers, Inc., 234 W. Florida Street, Fifth Floor, Milwaukee, WI 53204 (electronic)  
Leah Evison – EPA Region V (electronic)

Jan 14, 2016 6:30pm PLOTTED BY: ddudd SAVED BY: ddudd  
Y: Mapping\Projects\2117\CAD\3-1 Final Design Report\Appendix A\Figures A1\_Sample Locations.dwg Layout  
IMAGES: Y:\Mapping\Projects\2117\CAD\SOURCE\Bing\_Aerial\_2010.tif

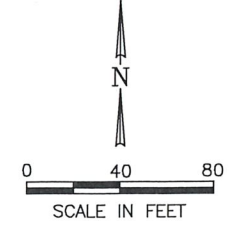


**APPROXIMATE AREA OF SEDIMENT TO BE EXCAVATED AND REUSED WITHIN THE CANAL (CONCENTRATIONS EXCEED NR 720 RCL(S))**

**APPROXIMATE AREA OF EXCAVATED SEDIMENT REUSE WITHIN THE CANAL (CONCENTRATIONS EXCEED NR 720 RCL(S))**



- CSO-207** COMBINED SEWER OUTFALL
  - SED-102** SEDIMENT SAMPLE LOCATION (2007)
  - SED-104** SEDIMENT SAMPLE LOCATION (2007)
  - G-6** GEOTECHNICAL SAMPLE LOCATION (2007)
  - G-7** PRE-DESIGN GEOTECHNICAL SAMPLE LOCATION (11/2011)
  - SED-126** PRE-DESIGN SEDIMENT SAMPLE LOCATION (11/2011)
  - SED-105** SEDIMENT SAMPLE LOCATION (2007)
  - G-4** GEOTECHNICAL SAMPLE LOCATION (11/2011)
  - SED-108** SEDIMENT SAMPLE LOCATION (2007)
  - SED-11** SEDIMENT SAMPLE LOCATION, APPROX. (2006)
  - G-5** GEOTECHNICAL SAMPLE LOCATION (11/2011)
  - SED-3/SED-3A** SEDIMENT SAMPLE LOCATION (11/2011)
  - SED-104** SEDIMENT SAMPLE LOCATION (2007)
  - G-8** GEOTECHNICAL SAMPLE LOCATION (11/2011)
  - SED-104** SEDIMENT SAMPLE LOCATION (2007)
- CSO-207** COMBINED SEWER OUTFALL
  - APPROXIMATE LOCATION OF 9TH AND 13TH STREET IF EXTENDED TO CANAL
  - REMEDIATION AREAS
  - SEDIMENT CAP
  - RIPRAP
  - SOIL BORING LOCATION (7/2009)
  - SURFACE WATER SAMPLE LOCATION (12/2007)
  - HA-4 HAND AUGER LOCATION (12/2007)
  - SED-T/SED-5A** SEDIMENT SAMPLE LOCATION, APPROX. (2006)

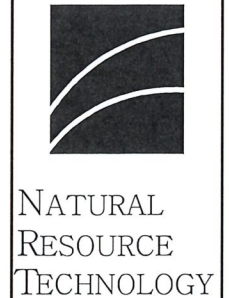


SOURCE NOTE:  
THE DIGITAL DRAWING IMAGE WAS CREATED FROM BING MAPS FOR ARCGIS DESKTOP. (c) 2010 MICROSOFT CORPORATION AND ITS DATA SUPPLIERS.  
COORDINATES BASED ON MILWAUKEE COUNTY COORDINATE REFERENCE SYSTEM NAD 83(97).

DRAWN BY:	DMD	DATE:	01/14/16
CHECKED BY:	RJB	DATE:	01/14/16
APPROVED BY:	RJB	DATE:	01/14/16
DRAWING NO.:		REFERENCE:	

**SAMPLE LOCATIONS**

BURNHAM CANAL SUPERFUND ALTERNATIVE SITE  
FINAL DESIGN  
MILLER COMPRESSING COMPANY  
MILWAUKEE, WISCONSIN



PROJECT NO.  
2117/7.0

FIGURE NO.  
A1