

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee WI 53212-3128

Tony Evers, Governor  
Preston D. Cole, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



April 7, 2021

George Marek, Esq.  
Quarles & Brady LLP  
411 East Wisconsin Avenue, Suite 2400  
Milwaukee, WI 53202-4426

Subject: Department Withdrawal of Case Closure Request  
Former Midwest Tanning Corp.  
222 North Chicago Avenue (Formerly 1200 Davis Avenue),  
South Milwaukee, WI 53172  
BRRTS #: 02-41-556117; FID #: 241043330

Dear Mr. Marek:

On November 29, 2016, the Wisconsin Department of Natural Resources (DNR) received an incomplete case closure request for case identified above. The closure request was prepared by your consultant, Intertek-PSI. The administrative review was paused on January 24, 2017, and additional information was requested. The DNR has had several communications with Intertek-PSI since 2017, regarding the incomplete closure request. The information required to complete the request was outlined in two emails/letters sent to you and your consultant on August 10, 2017 and October 4, 2019 (enclosed).

More than 60 days have passed since the last request, and the DNR still has not received the required information from you or your consultant. Therefore, the DNR cannot begin a technical review of the case closure request, and your case has been administratively withdrawn.

You will be required to submit a new case closure request package once the deficiencies outlined in the emails/letters referenced above are addressed. The new closure request must also meet the requirements of Wis. Admin. Code chs. NR 700 through NR 754 and ch. NR 140 in effect at the time of the resubmittal. The closure fees previously submitted will be carried forward for the new submittal. Upon receiving a complete case closure request, the DNR will review this site for case closure.

If you have any questions or concerns, please feel free to contact me at 414.405.0752 or [eric.amadi@wisconsin.gov](mailto:eric.amadi@wisconsin.gov)

Sincerely,



Eric Amadi - Hydrogeologist  
Remediation & Redevelopment Program  
Southeast Region, Milwaukee

Department Withdrawal of Case Closure Request  
Former Midwest Tanning Corp., South Milwaukee, WI  
FID #: 241043330; BRRTS #: 02-41-556117

Enclosures:

WDNR, 2017: Former Midwest Tanning Corp., South Milwaukee, WI, dated August 10, 2017

WDNR, 2019: Update - Request to Retract Off-Site Notification Letter for Continuing  
Obligations and Residual Contamination (Form 4400-286)  
Former Midwest Tanning Corp., 222 North Chicago Avenue (Formerly 1200  
Davis Avenue), South Milwaukee, WI, dated October 4, 2019

cc: Patrick Patterson - Intertek-PSI, 821 Corporate Court, Waukesha, WI 53189 (e-mail)  
Larry Raether - Intertek-PSI, 821 Corporate Court, Waukesha, WI 53189 (e-mail)  
SER Case File #: 241043330; BRRTS #: 02-41-556117

**Amadi, Eric A - DNR**

---

**From:** Amadi, Eric A - DNR  
**Sent:** Thursday, August 10, 2017 5:03 PM  
**To:** Patrick Patterson  
**Cc:** Marek, George J. (George.Marek@quarles.com); Norman, Michele R - DNR (Michele.Norman@wisconsin.gov)  
**Subject:** FW: Former Midwest Tanning Corp; South Milwaukee, WI. FID #: 241043330; BRRTS Activity 02-41-556117  
**Attachments:** signed 4400-286(C&NW parcel).pdf; signed 4400-286(City of South Milwaukee).pdf; revised B.2.b.1 Residual Soil Contamination-DC-BTV.pdf; revised B.2.b.2 Residual Soil Contamination-GW.pdf

Hi Pat:

We suggest you draft the letters explaining why the concentrations are no longer cause for a continuing obligation or considered residual contamination. We also offer to review the letters before you send them. Let me know if you have questions. Thanks.

Eric

**We are committed to service excellence.**

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

**Eric Amadi**

Phone: (414) 263-8639

[Eric.Amadi@wisconsin.gov](mailto:Eric.Amadi@wisconsin.gov)

---

**From:** Patrick Patterson [mailto:patrick.patterson@psiusa.com]  
**Sent:** Thursday, July 27, 2017 2:40 PM  
**To:** Norman, Michele R - DNR; Amadi, Eric A - DNR  
**Cc:** George Marek  
**Subject:** FW: Former Midwest Tanning Corp; South Milwaukee, WI. FID #: 241043330; BRRTS Activity 02-41-556117

Hi Michele and Eric,

PSI is compiling the requested data/information for the Midwest Tanning parcel as indicated in the April 17, 2017 email from Eric. With the revisions to the NR720 DC RCLs and the implementation of the Hygienetics Chromium test results indicating that all of the detected Chromium was attributable to Trivalent Chromium, PSI has determined that there is no offsite contamination attributable to the Midwest Tanning Parcel. As a result, PSI and our client would like to retract the notifications of contamination on: (1) the adjoining railroad right of way (ROW), which was related to only Chromium within soils and (2) on the City of South Milwaukee Davis Avenue ROW, which was generally related to Chromium and PAHs in soils. An Arsenic level of 8.1 mg/kg was detected in one of the six sidewall samples collected from along the Davis Avenue ROW, but we believe this level does not justify notification, since the background threshold value (BTV) for Arsenic is 8 mg/kg. We would like to have guidance regarding the retraction process. I have attached the notifications that were sent to the railroad and the City for your review, along with two diagrams showing the City of South Milwaukee-Owned Davis Avenue ROW.

Thank you,  
Pat

**Patrick J. Patterson, P.E., P.G., C.S.T.**

Senior Engineer

PROFESSIONAL SERVICE INDUSTRIES, INC. (PSI)



Building **Better Together.**

821 Corporate Court | Waukesha, WI 53189

Office: 262.521.2125 Fax: 262.521.2471

[patrick.patterson@psiusa.com](mailto:patrick.patterson@psiusa.com) | [www.psiusa.com](http://www.psiusa.com) | [Intertek.com/building](http://Intertek.com/building)

**From:** Amadi, Eric A - DNR [<mailto:Eric.Amadi@wisconsin.gov>]

**Sent:** Monday, April 17, 2017 6:17 PM

**To:** Patrick Patterson <[patrick.patterson@psiusa.com](mailto:patrick.patterson@psiusa.com)>

**Cc:** Larry Raether <[larry.raether@psiusa.com](mailto:larry.raether@psiusa.com)>; Marek, George J. <[George.Marek@quarles.com](mailto:George.Marek@quarles.com)>; Norman, Michele R - DNR <[Michele.Norman@wisconsin.gov](mailto:Michele.Norman@wisconsin.gov)>

**Subject:** RE: Former Midwest Tanning Corp; South Milwaukee, WI. FID #: 241043330; BRRTS Activity 02-41-556117

Hi Pat,

During our April 10, 2017, conference call, we promised to follow up with email. Below are our comments regarding the subject site closure submittal:

**General Comments and in accordance with Form 4400-202 (R/16):**

1. Revise Soil Tables to include chromium species (i.e. chromium valence specific - see attached sample table); For results of chromium species/valence-specific data previously collected at the site, you may review the report, *Notification of Phase II Sampling Results and Request for Case Closure*, dated September 30, 2010, prepared by Sigma Group. Attached also is a response from the Department (dated April 2011), to a staff from your firm regarding species of chromium that need to be analyzed and thus would be acceptable;
2. Soil maps need to show pre-remediation extent of contamination; limits of excavation; post-excavation soil sample locations and contaminants detected;
3. Identify groundwater (GW) and direct contact (DC) RCL exceedances and **extrapolate limits of residuals contamination greater than GW RCLs & DC RCLs (little ellipses may not provide clarity)**;
4. Transfer the extent of contamination iso-contours to a large or site-wide map with site barriers/features shown;
5. Some figures (soil maps; x-sections; etc.) may be revised due to the modifications outlined above;
6. Use distinguishing colors, lines; etc. to minimize confusion when displaying features (i.e. gas utility location; Approx. property line; etc);
7. Need to provide vapor intrusion (VI) assessment, after you put together the residual soil and groundwater contamination maps. Justify sampling/not sampling (in accordance with the Department's vapor assessment guidance, *Addressing vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin, PUB-RR-800*). Explain how the VI pathway is protected and what long term care is needed to maintain this protection. Also state how the property use change might affect the VI pathway.

**Specific:**

Attached is sample GIS registry form (page 1 of 16) showing revised site address and parcel ID No. for use in site tables, maps, etc.

**Midwest Tanning Corp; Former; 1200 Davis Avenue (Current Address: 222 N. Chicago Avenue, South Milwaukee, WI 53172).**

When you have incorporated the suggested comments/revisions into the GIS registry packet, please send a hard copy of revised version for our comment and/or concurrence. We will let you know when to place the final document onto the CD. Let me know if you have any questions. Thanks.

Eric

**We are committed to service excellence.**

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

**Eric Amadi**

Phone: (414) 263-8639

[Eric.Amadi@wisconsin.gov](mailto:Eric.Amadi@wisconsin.gov)

---

PSI - [www.psiusa.com](http://www.psiusa.com) - Offices Nationwide  
Environmental Consulting \* Geotechnical Engineering  
Construction Materials Testing & Engineering \* Industrial Hygiene  
NDE \* Facilities & Roof Consulting \* Specialty Engineering & Testing

This e-mail and any attachments are for the sole use of the intended recipient(s) and may contain confidential and/or privileged material. If you have received this e-mail in error, please contact the sender and delete the material from any computer. You are hereby notified that any unauthorized disclosure, copying, distribution, or use of this transmitted information is strictly prohibited.

**Notification of Continuing Obligations  
and Residual Contamination**

Form 4400-286 (5/15)

**Section B: ROW Notification: Residual Contamination and/or Continuing Obligations - Non-DOT ROWs**

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

1400 Douglas Street  
Omaha, NE, 68179

Dear Mr. Fearnow:

I am providing this notification to inform you of the location and extent of contamination remaining in a right-of-way for which you are responsible, and of certain long-term responsibilities (continuing obligations) for which railroad of Union Pacific may become responsible. I investigated a release of:

unknown petroleum and RCRA metals

on 1200 Davis Avenue (Former), South Milwaukee, WI, 53172 that has shown that contamination has migrated into the right-of-way for which Union Pacific is responsible.

I have responded to the release, and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

**You have 30 days to comment on the proposed closure request:**

The DNR will not review my closure request for at least 30 days after the date of this letter. As an affected right-of-way holder, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the DNR that is relevant to this closure request, you should mail that information to the DNR contact: 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI, 53212, or at [eric.amadi@wisconsin.gov](mailto:eric.amadi@wisconsin.gov).

**Residual Contamination:**

***Soil Contamination:***

Soil contamination remains at:

along the central portion of the western property line and near the southwest corner of the Former Midwest Tanning Corp parcel, which has been developed with a large retail facility.

The remaining contaminants include :

Chromium at concentrations of 87 and 88 mg/kg

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.

The large portion of the known impacted soil fill material in the southwestern area of the large retail property has been removed from the former Midwest Tanning Corp. property and has been covered with pavement and 2 feet of clean fill soils.

If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If you or any other person plan to conduct utility or building construction for which dewatering will be necessary, you or that person must contact the DNR's Water Quality Program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

**Continuing Obligations on the Right-of-Way (ROW) :** As part of the response actions, I am proposing that the following continuing obligations be used at the affected ROW. If my closure request is approved, you will be responsible for the following continuing obligations:

**Notification of Continuing Obligations  
and Residual Contamination**

Form 4400-286 (5/15)

Page 2 of 4

**Residual Soil Contamination:**

If soil is excavated from the areas with residual contamination, the right-of-way holder 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. Contaminated soil may be managed in-place, in accordance with s. NR 718, Wis. Adm. Code, with prior Department approval.

The right-of-way holder needs to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans from ingestion, inhalation or dermal contact.

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

**GIS Registry and Well Construction Requirements:**

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <http://dnr.wi.gov/topic/Brownfields/clean.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. Well drillers need to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

If you have any questions regarding this notification, I can be reached at: (262) 521-2125  
patrick.patterson@psiusa.com

<i>Signature of responsible party/environmental consultant for the responsible party</i>	Date Signed
<i>Patrick Patterson on behalf of Wal-Mart Stores East, LP</i>	10-28-16

**Attachments**

Contact Information

Legal Description for each Parcel:

**Notification of Continuing Obligations and Residual Contamination**

Form 4400-286 (5/15)

C. I. Page

**The affected property is:**

- the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- a deeded property affected by contamination from the source property
- a right-of-way (ROW)
- a Department of Transportation (DOT) ROW

~~Information is confidential under the provisions of the Wisconsin Open Access to Public Records Act.~~

**Contact Information**

**Responsible Party:** The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name Wal-Mart Stores East, LP

Contact Person Last Name Vick	First Angela	MI P	Phone Number (include area code) (479) 204-2042
Address 2001 SE 10th Street	City Bentonville	State AR	ZIP Code 72716
E-mail Angie.Vick@wal-mart.com			

**Name of Party Receiving Notification:**

Business Name, if applicable: C&NW Transportation/Union Pacific Railroad

Title Mr.	Last Name Fearnow	First Austin	MI	Phone Number (include area code) (402) 544-8593
Address 1400 Douglas Street		City Omaha	State NE	ZIP Code 68179

**Site Name and Source Property Information:**

Site (Activity) Name Midwest Tanning Corp. (Former)

Address 1200 Davis Avenue (Former)	City South Milwaukee	State WI	ZIP Code 53172
DNR ID # (BRRTS#) 02-41-556117	(DATCP) ID #		

**Contacts for Questions:**

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party Identified above, or contact:

**Environmental Consultant:** Professional Service Industries, Inc.

Contact Person Last Name Patterson	First Patrick	MI J	Phone Number (include area code) (262) 521-2125
Address 821 Corporate Court	City Waukesha	State WI	ZIP Code 53189
E-mail patrick.patterson@psiusa.com			

**Department Contact:**

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

**Department of:** Natural Resources (DNR)

Address 2300 N. Dr. Martin Luther King Jr. Drive	City Milwaukee	State WI	ZIP Code 53212
Contact Person Last Name Amadi	First Eric	MI	Phone Number (include area code) (414) 263-8639
E-mail (Firstname.Lastname@wisconsin.gov) eric.amadi@wisconsin.gov			



# CONTAMINATION LOCATION MAP


BRRTS No. 02-41-556117  
(C & NW ROW)



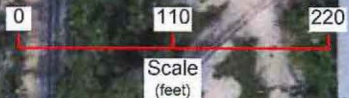
Property Boundary and  
Approximate Extent of  
Engineered Cap/Barrier

Approximate Area of  
Residual Soil Contamination  
C & NW ROW

Legend:

 Approximate Extent of Soil-Impacted Above NR720 BTVs

Adapted from 2015 Google Earth Aerial Photograph



Midwest Tanning Corp (Former)  
1200 Davis Avenue  
South Milwaukee, Wisconsin  
BRRTS No. 02-41-556117

© 2015 Google

N Chicago Ave

Google

**Notification of Continuing Obligations  
and Residual Contamination**

Form 4400-286 (5/15)

**Section B: ROW Notification: Residual Contamination and/or Continuing Obligations - Non-DOT ROWs**

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

2424 15th Avenue  
South Milwaukee, WI, 53172

Dear Ms. Mayzik:

I am providing this notification to inform you of the location and extent of contamination remaining in a right-of-way for which you are responsible, and of certain long-term responsibilities (continuing obligations) for which city of South Milwaukee may become responsible. I investigated a release of:

unknown petroleum and RCRA metals

on 1200 Davis Avenue (Former), South Milwaukee, WI, 53172 that has shown that contamination has migrated into the right-of-way for which city of South Milwaukee is responsible.

I have responded to the release, and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

**You have 30 days to comment on the proposed closure request:**

The DNR will not review my closure request for at least 30 days after the date of this letter. As an affected right-of-way holder, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the DNR that is relevant to this closure request, you should mail that information to the DNR contact: 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI, 53212, or at [eric.amadi@wisconsin.gov](mailto:eric.amadi@wisconsin.gov).

**Residual Contamination:**

***Soil Contamination:***

Soil contamination remains at:

along the north side of Davis Avenue from the western end to about 120 feet to the east

The remaining contaminants include:

Benzo(a)pyrene at concentrations of 29.2 and 56.2 ug/kg; Arsenic at a concentration of 8.1 mg/kg; and Chromium at concentrations of 60.7 and 88 mg/kg

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.

The large portion of the known impacted soil fill material in the above-referenced area has been removed from the former Midwest Tanning Corp. property and has been covered with pavement and 2 feet of clean fill soils.

If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If you or any other person plan to conduct utility or building construction for which dewatering will be necessary, you or that person must contact the DNR's Water Quality Program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>.

**Continuing Obligations on the Right-of-Way (ROW) :** As part of the response actions, I am proposing that the following continuing obligations be used at the affected ROW. If my closure request is approved, you will be responsible for the following continuing obligations:

**Residual Soil Contamination:**

If soil is excavated from the areas with residual contamination, the right-of-way holder 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.
- Contaminated soil may be managed in-place, in accordance with s. NR 718, Wis. Adm. Code, with prior Department approval.

The right-of-way holder needs to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans from ingestion, inhalation or dermal contact.

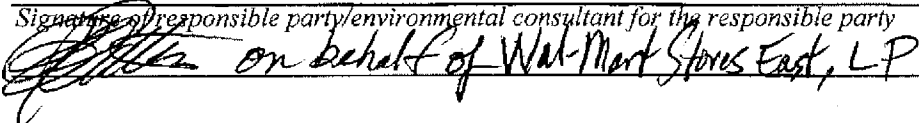
Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when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

**GIS Registry and Well Construction Requirements:**

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <http://dnr.wi.gov/topic/Brownfields/clean.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. Well drillers need to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

If you have any questions regarding this notification, I can be reached at: (262) 521-2125  
patrick.patterson@psiusa.com

<i>Signature of responsible party/environmental consultant for the responsible party</i>  on behalf of Wal-Mart Stores East, LP	Date Signed 10/28/16
--	-------------------------

**Attachments**

- Contact Information
- Legal Description for each Parcel:

**Notification of Continuing Obligations and Residual Contamination**

Form 4400-286 (5/15)

C. I. Page

**The affected property is:**

- the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- a deeded property affected by contamination from the source property
- a right-of-way (ROW)
- a Department of Transportation (DOT) ROW

~~Printed name and address of responsible party and contact information for responsible party (if different from above)~~

**Contact Information**

**Responsible Party:** The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name Wal-Mart Stores East, LP

Contact Person Last Name	First	MI	Phone Number (include area code)
Vick	Angela	P	(479) 204-2042

Address	City	State	ZIP Code
2001 SE 10th Street	Bentonville	AR	72716

E-mail Angie.Vick@wal-mart.com

**Name of Party Receiving Notification:**

Business Name, if applicable: City of South Milwaukee

Title	Last Name	First	MI	Phone Number (include area code)
Ms.	Mayzik	Tamara		(414) 768-8051

Address	City	State	ZIP Code
2424 15th Avenue	South Milwaukee	WI	53172

**Site Name and Source Property Information:**

Site (Activity) Name Midwest Tanning Corp. (Former)

Address	City	State	ZIP Code
1200 Davis Avenue (Former)	South Milwaukee	WI	53172

DNR ID # (BRRS#)	(DATCP) ID #
02-41-556117	

**Contacts for Questions:**

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

**Environmental Consultant:** Professional Service Industries, Inc.

Contact Person Last Name	First	MI	Phone Number (include area code)
Patterson	Patrick	J	(262) 521-2125

Address	City	State	ZIP Code
821 Corporate Court	Waukesha	WI	53189

E-mail patrick.patterson@psiusa.com

**Department Contact:**

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

**Department of:** Natural Resources (DNR)

Address	City	State	ZIP Code
2300 N. Dr. Martin Luther King Jr. Drive	Milwaukee	WI	53212

Contact Person Last Name	First	MI	Phone Number (include area code)
Amadi	Eric		(414) 263-8639

E-mail (Firstname.Lastname@wisconsin.gov) eric.amadi@wisconsin.gov

# CONTAMINATION LOCATION MAP

BRRTS No. 02-41-556117  
(City of South Milwaukee ROW)



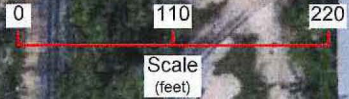
Property Boundary and  
Approximate Extent of  
Engineered Cap/Barrier

Approximate Area of  
Residual Soil Contamination  
ROW of Davis Avenue

Legend:

 : Approximate Extent of Soil-Impacted Above NR720 DC RCLs

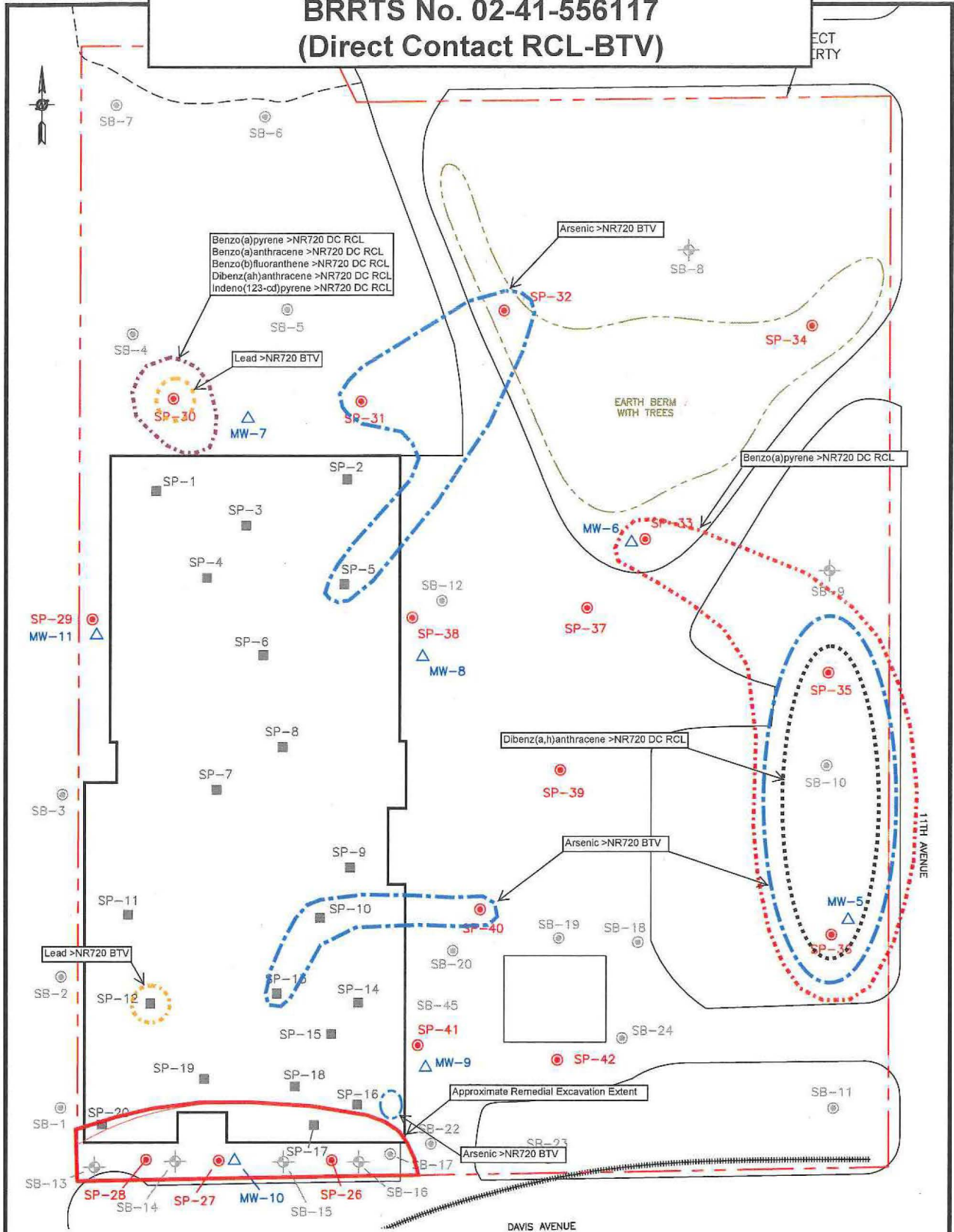
Adapted from 2015 Google Earth Aerial Photograph



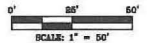
Midwest Tanning Corp (Former)  
1200 Davis Avenue  
South Milwaukee, Wisconsin  
BRRTS No. 02-41-556117

©2016 Google

# B.2.b.1 RESIDUAL SOIL CONTAMINATION BRRTS No. 02-41-556117 (Direct Contact RCL-BTV)



- PSI SAMPLE LOCATIONS
- LEGEND:
- SOIL SAMPLING LOCATION
  - ▲ MONITORING WELL LOCATION
  - INTERIOR PROBE LOCATION
  - ⊙ FORMER SOIL BORING / TEMPORARY WELL SAMPLING LOCATION BY OTHERS
  - ⊙ FORMER SOIL SAMPLING LOCATION BY OTHERS

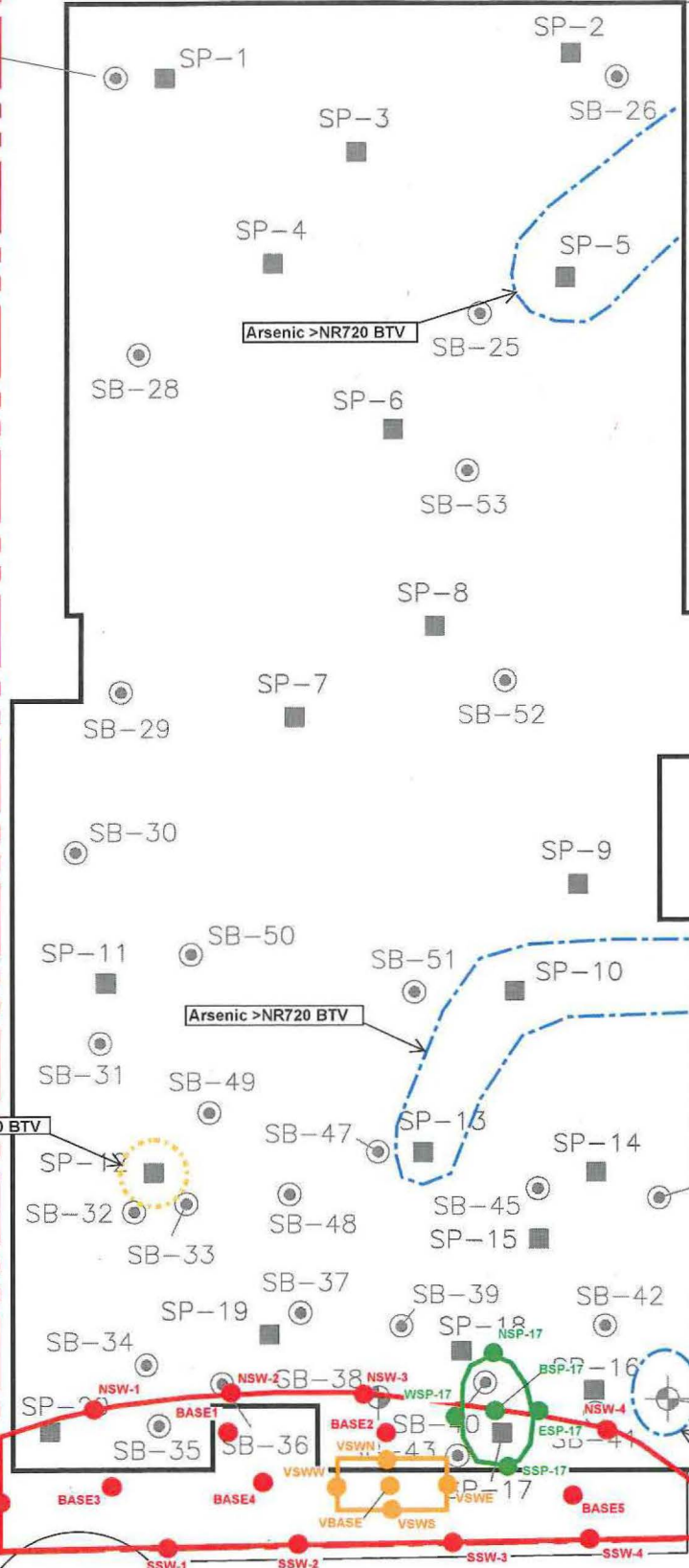


ALL LOCATIONS ARE APPROXIMATE

**B.2.b.2 RESIDUAL SOIL CONTAMINATION**  
**BRRTS No. 02-41-556117**  
**(Detail of Direct Contact RCL-BTV Interior Probes only)**



SB-27



Lead >NR720 BTV

Arsenic >NR720 BTV

SB-46

Arsenic >NR720 BTV

LEGEND: ■ INTERIOR PROBE LOCATION (PSI)  
 Red, Green and Yellow dots excavation sample locations

"SB" Probes Installed by Others



ALL LOCATIONS ARE APPROXIMATE



**Environmental Services**  
 821 Corporate Court  
 Waukesha, Wisconsin 53189  
 (262) 521-2125 (262) 521-2471 fax

Former Midwest Tanning Corp  
 222 N. Chicago Ave (Former 1200 Davis Ave)  
 South Milwaukee, Wisconsin

Checked: P. Patterson	Scale: 1" = 30'	Date: Jun 20, 2017	Figure: 4
Drawn: C. Moran 0054357-1 2017.dwg			



October 4, 2019

George Marek, Esq.  
Quarles & Brady LLP  
411 East Wisconsin Avenue, Suite 2400  
Milwaukee, WI 53202-4426

Subject: Update - Request to Retract Off-Site Notification Letter for Continuing Obligations and Residual Contamination (Form 4400-286)  
Former Midwest Tanning Corp  
222 North Chicago Avenue (Formerly 1200 Davis Avenue),  
South Milwaukee, WI 53172  
BRRTS #: 02-41-556117, FID #: 241043330

Dear Mr. Marek:

The purpose of this letter is to provide an update to your request that the Wisconsin Department of Natural Resources (DNR) approve the retraction letter for an October 2016, "Notification of Continuing Obligation and Residual Contamination" document that was sent to the Union Pacific Railroad company (UPRR). On September 5, 2019, the DNR received your email written in response to the DNR's August 2, 2019 email requesting an update on the retraction of the off-site notification letter to the UPRR, west of the subject site.

You referenced the June 26, 2018, conference call/DNR memo to the file in your email. The memo sets forth the next steps needed to complete the review of the request for offsite UPRR retraction letter as follows:

1. Walmart/PSI would submit a letter report justifying the reason(s) for retraction of offsite notification letter to the UPRR property. Demonstrate that contamination is limited onto the source property and has not extended/migrated onto the off-site UPRR property to the west.
2. The DNR would review the justification/rationale and provide response.
3. After the DNR concurs with the justification/rationale for the offsite UPRR retraction letter, a revised closure package needs to be prepared incorporating the changes and then submitted.

PSI submitted a letter report, *Summary Letter - Hygienetics Test Results, Former Midwest Tanning Corporation Parcel, South Milwaukee, WI (Letter)*, dated August 16, 2018. The Summary Letter presents a comparison between Hygienetics chromium data test results (total chromium and hexavalent chromium) and the PSI total chromium (Total-Cr) data test results. The Summary Letter showed that PSI did not collect samples for hexavalent chromium (hex-Cr) analyses which could have been used to compare with the hex-Cr data results obtained by Hygienetics and justify the presence/absence of hex-Cr at the sampling locations being compared.

Based on the information presented in the Summary Letter, the DNR does not concur with the data comparison used to justify the approval of the off-site UPRR retraction letter. On April 17, 2018, the DNR provided an email to you and PSI with recommendations for a stepped approach to address the off-site issue. The DNR still recommends this approach and has repeated it below:



RE: Update - Request to Retract Off-Site Notification Letter for Continuing Obligation and  
Residual Contamination (Form 4400-286)  
Former Midwest Tanning Corporation Parcel  
BRRTS Activity #: 02-41-556117; FID #: 241043330

Page 2 of 2

1. A stepped approach for sampling and analysis of hex-Cr in groundwater and/or soils - we suggest starting with additional groundwater assessment for hex-Cr that follows the correct protocols for sampling and analysis. If hex-Cr has not migrated into groundwater, then you may be able to justify that the chromium release may have likely remained on the subject property. If hex-Cr is present in the groundwater, then further sampling of soil for hex-Cr will likely be needed;
2. Sample all site wells and determine groundwater flow direction;
3. Provide justification for not conducting TCLP test on the sample with highest Total-Cr (1,100 mg/kg);
4. Evaluate the need for cyanide test.

The DNR appreciates the actions you are taking to restore the environment at this site. If you have any questions regarding this letter, please contact me at 414.263.8639 or at [eric.amadi@wisconsin.gov](mailto:eric.amadi@wisconsin.gov)

Sincerely,



Eric Amadi - Hydrogeologist  
Remediation & Redevelopment Program  
Southeast Region, Milwaukee

cc: Patrick Patterson - PSI, Inc. (via email)  
SER Case File #: 241043330; BRRTS #: 02-41-556117