



August 1, 2017

Mr. Jim Beier
Clement J. Zablocki VA Medical Center
Attn: Facility Management Division
5000 W. National Avenue
Building 70, Room 250E
Milwaukee, WI 53295

Charmoli Holdings, LLC
Mr. Dick and Maxine Charmoli
320 Douglas Lane
Cedarburg, WI 53013

Ponfil Trust
Ms. Jean Ponfil, Mr. Scott Ponfil
224 Aspen Drive
Grafton, WI 53024

Subject: Approval for Management of Contaminated Soil under s. NR 718.12 Wis. Adm. Code

Source Property: Urgent Care Addition located at the Clement J Zablocki VA Medical Center, 5000 W. National Avenue, Milwaukee WI, BRRTS# 02-41-563846, FID# 341041470

Disposal Property: R&R Excavating Site, County Road I, Cedarburg, WI 53012 BRRTS# 15-46-579884, FID# 246105750

Dear Mssrs. Beier, Charmoli, and Ponfil:

On May 18, 2017, Ken Wasemiller of Progressive Construction Services, LLC submitted a "Soil Placement Approval Request for the Proposed VA Urgent Case Addition" to allow disposal of excavated contaminated soil at a location other than that from which it was excavated. The Wisconsin Department of Natural Resources (DNR) received two \$700 technical assistance fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04.

Summary of Proposed Soil Management Activities

Ken Wasemiller of Progressive Construction Services, LLC proposes to dispose of up to 3,400 cubic yards of excavated contaminated soil originating from the Urgent Care Addition located at the Clement J Zablocki VA Medical Center (5000 W. National Avenue, Milwaukee) at the R&R Excavating Site (County Road I, Cedarburg) and to reuse an estimated 200 yards of excavated soil as backfill within the project area. Soil management will be conducted in accordance with Wis. Admin. Code § NR 718.12 which will exempt the R&R Excavating Site from the solid waste requirements in Wis. Stat. § 289, and Wis. Admin. Code §§ NR 500 to 538.

A two-story addition will be built on the south side of the existing Urgent Care Center. Excavations for a parking lot, the building foundations, and utility installations will create excess soil that could not be incorporated into the project. This soil includes silty clay, silty sand, and sand fill which is similar to other fill found elsewhere on the property. Soil samples were collected from the project area for laboratory analysis as fill material in other areas of the property were found to be contaminated with PAHs and metals. Samples analysis indicated that the soil planned to be excavated for this project is contaminated with PAHs and will require special management if disturbed. Excavated material that cannot be reused on site, an estimated 3,400 yards, is proposed to be transported to the R&R Excavating site.

Wis. Admin. Code § NR 718.12 Approval

Information submitted to support the Wis. Admin. Code § NR 718.12 soil management request includes the following:

- "Soil Placement Approval Request for the Proposed VA Urgent Care Addition", 5/15/17, Friess Environmental Consulting, Inc. (Friess)
- Supplemental information provided by Friess on 6/16/17 and 7/31/17.

Based on our review of these documents, and the requirements of § NR 718.12 Wis. Adm. Code, the DNR approves the "Soil Placement Approval Request for the Proposed VA Urgent Care Addition" to dispose of up to 3,400 cubic yards of contaminated soil originating from the Clement J Zablocki VA Medical Center (Urgent Care Addition project) at the R&R Excavating Site and to reuse up to 200 cubic yards of contaminated soil within the project limits. Approval is conditional upon the following:

- 1) Reusing this material in areas of the Barkow Property outlined in Figure 1 of the "NR 718.12 Contaminated Soil Management Request" will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c) with the exception of NR 718.12(1)(c)6. Soil will be managed at the R&R Excavating Site at a depth greater than what it is excavated from at the Clement J Zablocki VA Medical Center.

In consideration of immobile nature of the contaminants in the soil, the future capping that will occur at R&R excavating, and that material is being placed higher above the water table than from where it was generated, DNR grants an exemption to the location criteria of Admin. Code § NR 718.12 (1) (c) 6 and will allow placement of contaminated soil at a depth greater than the depth of the original excavation from which the contaminated soil was removed.

- 2) Based on an estimated volume of 3,600 cubic yards of material, and a sampling frequency of 1 sample per 225 cubic yards, the sampling protocol described in Wis. Admin. § NR 718.12(1)(e) has been met. Soil proposed to be disposed of from the Clement J Zablocki VA Medical Center is contaminated with polycyclic aromatic hydrocarbons. Samples have been collected for analysis of all contaminants previously detected or expected to be present based on past land use and from areas most likely to contain residual soil contamination.
- 3) The Soil Management Plan has been determined to be complete, as defined by Wis. Admin. § NR 718.12(2)(b) and (c).
- 4) The owners of the disposal site (Charmoli Holdings, LLC, and the Ponfil Trust) shall comply with requirements of NR 718.12(2)(d) and (e).

- 5) The proposed management of contaminated material at the R&R Excavating Site is expected to meet the criteria of Wis. Admin. §§ NR 726.13(1)(b)1 to 5. Material that will be imported to this site has contaminant concentrations similar to other soil brought to this facility and will not result in an increased risk to health or the environment. A barrier designed to prevent contact with the impacted soil will be constructed at the facility.
- 6) The Department was provided with 7 days' notice prior to commencing soil management activities.
- 7) No more than 3,400 cubic yards of excavated soil, as outlined in the "Soil Placement Approval Request for the Proposed VA Urgent Care Addition", will be disposed of at the R&R Excavating Site unless written approval is granted by the DNR.
- 8) No more than 200 cubic yards of excavated soil will be reused as backfill on the Clement J Zablocki VA Medical Center unless written approval is granted by the DNR.
- 9) If indicators of previously unknown contamination are identified during soil management activities, work in that area will be temporary stopped until these materials can be properly characterized and segregated for proper disposal.
- 10) Storm water or groundwater that accumulates within excavations will be properly characterized, and the appropriate approvals and permits will be obtained, prior to disposal.
- 11) Soil management activities approved by this letter will be completed within 1 year of the effective date of this letter unless a written extension of this condition is obtained from the DNR.
- 12) Documentation of soil management activities will be provided to the DNR within 30 days of the completion of this project indicating the amount of material managed, locations where contaminated material was removed from, and where the material was placed. Updated figures that depict the final extent of residual contamination must be included as part of this documentation.
- 13) A separate approval request, which would need to include the information listed in Wis. Admin. Code § NR 718.12 would need to be provided to the DNR for review and approval before contaminated soil could be taken to a non-licensed landfill other than the R&R Excavating Site. Any excess material can be disposed of at a licensed landfill facility without prior DNR approval.
- 14) Waste material (non-soil) taken off-site must be managed as solid waste following the requirements of Wis. Admin. § NR 500 through NR 538 (the solid waste rules administered by the DNR's Waste Program). A low hazard exemption can be requested for managing other waste off-site at a property other than a licensed landfill. If you have any questions regarding solid waste transport, storage, and beneficial use, please contact Gerald DeMers (DNR) at 414-263-8594 or gerald.demers@wisconsin.gov.

The Department reserves the right to require the submittal of additional information or to modify or revoke this soil management approval if the Clement J. Zablocki VA Medical Center, Charmoli Holdings, LLC, or the Ponfil Trust fails to comply with the requirements of the soil management plan or

the above conditions. The Department also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found which would warrant modification or revocation of this approval.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this approval decision, please contact me by calling (414) 263-8541, or by email at paul.grittner@wisconsin.gov. Other questions regarding this project can be directed to the DNR Project Manager Greg Michael at (262) 574-2176 or greg.michael@wisconsin.gov.

Sincerely,



Paul Grittner
Hydrogeologist
Remediation and Redevelopment Program

cc: Rick Frieseke, Friess Environmental Consulting, Inc., 6637 North Sidney Place, Milwaukee, WI 53209 (electronic)
Ken Wasemiller, Progressive Construction Services, LLC, 944 North Parker Drive, Janesville, WI 53545 (electronic)
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