

July 9, 2018

Mr. Steven Dukatt
Carol Investment Corporation
1410 South Clinton Street
Chicago, IL 60607

Subject: Temporary Injection Exemption Request for Sunrise Shopping Center
2410-2424 10th Ave. & 1009 Marquette Ave., South Milwaukee, Wisconsin
BRRTS #'s: 02-41-576336 & 02-41-579429
FID #: 241828620

Dear Mr. Dukatt:

The purpose of this letter is to provide a temporary exemption for the injection of a remedial material into the soils and groundwater. On May 29, 2018, the Wisconsin Department of Natural Resources (WDNR) received a request for a temporary exemption for the in-situ chemical oxidation of RemOx at the Sunrise Shopping Center, 2410-2424 10th Ave. & 1009 Marquette Ave., South Milwaukee, Wisconsin. On July 2, 2018 WDNR received a second request to add a second oxidant, PersulfOx to the original request. The requests were submitted by DAI Environmental, Inc. (DAI), the project's environmental consultant, on behalf of the Carol Investment Corporation, 1410 South Clinton Street, Chicago, IL 60607

The submittal included a \$700 Technical Assistance fee for WDNR review and response. DAI also made a request for a Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit for contaminated groundwater for remedial action operations at the site. A WDNR injection approval and a WPDES permit are required prior to the injection of remedial materials into the subsurface. This temporary exemption is intended to provide assurance to the City of Milwaukee that the proposed in-situ chemical oxidation of RemOx and PersulfOx to be injected in the soils and groundwater proposed for the environmental cleanup conforms to s. 292.12, Wis. Stats.

DAI has proposed a developed injection design that is based on chlorinated volatile organic compounds (CVOCs) within the groundwater and the hydrogeological properties of the site's aquifer. DAI will use RemOx and PersulfOx as the injectates. RemOx and PersulfOx are strong oxidants made up of more than 98.8% potassium permanganate and 90% sodium persulfate which are formulated for use in the remediation of soils and groundwater. The RemOx and PersulfOx solution will be injected through direct push rods and one-inch diameter injection wells using high pressure pumps. The injection areas are: within the 2410 and 2412 tenant spaces and the alley to the west of those tenant spaces, and behind the 2414B tenant space (former heating oil underground storage tank location). RemOx and PersulfOx oxidize chlorinated ethenes and treat polycyclic aromatic hydrocarbons (PAHs). DAI will pilot test and evaluate the treatment of RemOx and PersulfOx to see which of the oxidant is more effective to be applied on the site.

Determination on the NR 812 Wis. Adm. Code Injection Prohibitions:

The injection prohibition under s. NR 812.05, Wis. Adm. Code is not applicable in this case because the proposed action is a WDNR approved activity necessary for the remediation of soils and groundwater. This letter serves as

your approval from the WDNR for the in-situ chemical oxidation of RemOx and PersulfOx at the Sunrise Shopping Center, 2410-2424 10th Ave. & 1009 Marquette Ave., South Milwaukee, Wisconsin.

NR 140 Wis. Adm. Code Temporary Exemption:

The WDNR approval is hereby granted to DAI for the in-situ chemical oxidation of RemOx and PersulfOx at the Sunrise Shopping Center, 2410-2424 10th Ave. & 1009 Marquette Ave., South Milwaukee, Wisconsin, with certain terms and conditions. The expiration date of this temporary exemption must be less than 2-years, per NR 140.28(5)(e)(1), from the date of this letter.

The need to obtain a temporary exemption for the injection of a remedial material for which a groundwater quality standard has not been established is required under s. NR 140.28 (1)(d), Wis. Adm. Code. Based on the information provided by your consultant, it appears the requirements for a temporary exemption for the injection of a remedial material for which a groundwater quality has not been established under s. NR 140.28 (1)(d), Wis. Adm. Code have been or will be met in accordance with s. NR 140.28 (5)(c) and (d), Wis. Adm. Code.

Department approval is granted with the following terms and conditions:

A. General:

1. The remedial action for restoring contaminated groundwater or soils, and any infiltrated or injected contaminated water and remedial materials, shall achieve the applicable response objectives required by s. NR 140.24 (2) or s. NR 140.26 (2), Wis. Adm. Code within reasonable period of time.
2. The type, concentration and volume of substances or remedial material to be infiltrated or injected shall be minimized to the extent that is necessary for restoration of contaminated groundwater.
3. Any infiltration or injection of contaminated water or remedial material into the groundwater shall not significantly increase the threat to public health, or welfare, or to the environment.
4. No uncontaminated or contaminated groundwater, substance or remedial material shall be infiltrated or injected into an area where a floating non-aqueous liquid is present in the contaminated groundwater.
5. There shall be no expansion of soil or groundwater contamination, or migration of an infiltrated or injected contaminated water or remedial material, beyond the edge of previously contaminated areas, except that infiltration or injection into previously uncontaminated areas may be allowed if the WDNR determines that expansion into adjacent, previously uncontaminated areas is necessary for the restoration of the contaminated groundwater, and the requirements of s. NR 140.18 (1), Wis. Adm. Code will be met.
6. All necessary federal, state and local licenses, permits and other approvals are obtained and compliance with all applicable environmental protection requirements is required. A WPDES general permit for Discharge of Contaminated Groundwater from remedial action operation is required for this action.

B. Specific:

7. The remedial materials to be injected to the soils and groundwater shall be limited to the treatment of CVOCs.
8. The remedial material and injection project shall be as described in DAI's request.
9. DAI will notify the Southeast Region WDNR Project Manager, Riley Neumann, of field activities, no less than one (1) week before starting the injection.
10. Include soil vapor screening, using a photoionization detector, as a best management practice as part of the monitoring plan.
11. Remediation progress reports shall be submitted semi-annually, and shall include the groundwater monitoring results. The first report should be submitted not more than three months after the first

injection. Recommendations as to the next phase of sampling and/or the need for additional treatment shall be included in a future report. This report shall be submitted prior to the expiration date of this temporary approval.

12. Any significant changes to the injection process, based on information from the injection groundwater monitoring reports or results, shall be submitted to the WDNR for approval prior to the changes being implemented to the injection and treatment of CVOCs in the groundwater and soils at the Sunrise Shopping Center, 2410-2424 10th Ave. & 1009 Marquette Ave., South Milwaukee, Wisconsin. This includes, but is not limited to adjustments to the volume/mass of the media injected.
13. Modifications to the sampling schedule may be requested.
14. The responsible party may apply to the WDNR for an extension of this approval in the event that future injection/in-situ chemical oxidation activities are required, and the WDNR must receive any extension request before the expiration date of this approval.
15. The WDNR will review all permit extension requests, site-specific data and or any other necessary information.
16. Upon completion of the project, the placement monitoring wells must be abandoned in accordance with s. NR 141.25, Wis. Adm. Code and later topped off with grout or native soils if settling occurs, unless converted to NR 141 complying monitoring wells, or through an alternative approved by the WDNR Project Manager.

Monitoring Conditions:

In addition to your plan, it is your responsibility to meet all of the following approval conditions during your proposed injection procedures at this site. The conditions are:

1. Maintain and follow the Site-Specific Health and Safety Plan in accordance with the Occupation Safety and Health Administration and the United States Environmental Protection Agency health and safety standards for hazardous waste workers.
2. If a chlorinated water source (i.e. municipal water) is used as the make-up water, it shall be filtered through an activated carbon filter or method proposed in your report to remove chlorine.
3. Record the start and stop times and the actual volume of the enhanced treatment/oxidation of CVOCs injected into each injection or delivered to each placement monitoring well.
4. Monitor the ambient air in and around the work area during the proposed enhanced treatment of CVOCs injection process using in-situ blending methods.
5. Monitor the headspace of all injection points prior to the proposed treatment of CVOCs using in-situ blending methods.
6. Monitor the headspace of all groundwater monitoring wells prior to each groundwater monitoring event.
7. Conduct vapor monitoring at the closest proposed monitoring locations, including a measurement of percent (%) LEL every 15 minutes during the first hour of each infiltration event.
8. Immediately notify the WDNR if any new groundwater quality enforcement standards are exceeded during monitoring.
9. Notify digger's hotline and all owners of utility lines if your project requires notification. Also, notify the local fire department prior to injection activities, and ensure that any representatives of these entities be allowed to observe the injection activities as needed. After completing the injection, sample all monitoring wells for applicable parameters quarterly.
10. Ensure that the injection is performed at less than 100 psi or at a reasonable psi which minimizes solution mounding in the aquifer and plume disfigurement.
11. Maintain a log of all field monitoring results and injection/delivering activities.
12. Document and report all project activities and all test results to the WDNR within 60 days of completing the injection activities.

Failure to adhere to the provisions of this temporary exemption may result in WDNR requiring revisions to the remedial action design, operation or monitoring procedures, or the revocation of this exemption and the implementation of an alternative remedial action to restore soil or groundwater quality, or both.

WPDES Permit:

Your proposed discharge is eligible for coverage under the general WPDES permit WI-0046566-06 for Discharge of Contaminated Groundwater from Remedial Action Operations. You are responsible for compliance with the conditions contained in this permit. The permit and an accompanying facts sheet can be downloaded from the WDNR website at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>. The amended water will be injected into the groundwater. No pollutants shall be injected into the groundwater.

Discharges under this permit are required to be consistent with a discharge management plan that has been approved by the WDNR. Your plan, DAI's May 23, 2018 request, will be considered as the required discharge management plan, which specifies analytical sampling of the discharge for CVOCs treatment that will be provided by injection/delivering of the proposed in-situ chemical oxidation of RemOx and PersulfOx to the soils and groundwater at the site. The facility must immediately notify the WDNR if any treated groundwater will be discharged to surface water. Any significant system changes will require WDNR approval.

The WDNR hereby authorizes your pollutant discharge under the general WPDES permit for Discharge of Contaminated Groundwater from Remedial Action Operations (WI-0046566-06) that was granted on June 6, 2018. The following conditions are highlighted for your information:

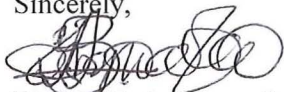
Section. 283.35, Wisconsin statutes authorizes the WDNR to issue general permits for discharges from categories or classes of point sources. If a permittee believes coverage of a facility under a general WPDES permit is not appropriate, the permittee may apply for issuance of an individual WPDES permit pursuant to section-283.35 (2), Wis. Stats. and may petition the WDNR for withdrawal of coverage under the general permit. The individual permit application should indicate which site-specific factors would justify alternate WPDES limits for the operation, Issuance of such a site specific WPDES permit will provide for a 30-day public comment period, and potentially a public informational hearing and/or an adjudicatory hearing. The WDNR may withdraw a facility from coverage under a general permit if it is determined that a discharge is a significant contributor of pollutants to waters of Wisconsin, or in certain other cases set out in s. 283.35, Wis. Stats. In lieu of general permit withdrawal, the WDNR may refer any violation of this permit to the Department of Justice for enforcement under s. 283.89 Wis. Stats. In order to avoid any enforcement action, please read the WPDES permit carefully and comply with the permit requirements.

If you believe you have a right to challenge the WDNR's decision to cover this facility with a WPDES general permit, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review WDNR decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the WDNR, to serve a petition for hearing on the Secretary of the WDNR. Such a petition should identify pollutant(s) that are believed to be not appropriately regulated by the general permit for the specific site. All requests for contested case hearings must be made in accordance with section NR 2.05 (5), Wis. Adm. Code and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats. you have 30 days after the decision is mailed, or otherwise served by the WDNR, to file your petition with the appropriate circuit court and serve the petition on the WDNR. A petition for judicial review must name the WDNR as the respondent.

If you have any questions regarding this letter, please contact me either at 414-263-8607 or by e-mail: Binyoti.Amungwafor@Wisconsin.gov.

Sincerely,



Binyoti F. Amungwafor
Hydrogeologist
Remediation & Redevelopment Program

Cc: Mr. Daniel Traen, DAI Environmental, Inc.
Mr. Tom DePaul, DAI Environmental, Inc.
Mr. Chris Cailles, DAI Environmental, Inc.
Mr. Riley Neumann- RR/SER
Mr. Karl Knutson, Wastewater Specialist/WI-DNR SER General Wastewater Permits
Mr. Brian Austin, WDNR DG/5
Mr. Bill Phelps, WDNR DG/5
Case File #: 241828620