



November 18, 2016

File Ref BRRTS: 07-41-578451

Mr. Michael Klein
KC Franklin Partners LLC
c/o Klein Development
4425 W. Mitchell Street
Milwaukee, WI 53214

Subject: Liability Clarification
Boys and Girl Club (FMR), 1632 N. Franklin Place, Milwaukee, Wisconsin
Parcel#: 3590626000
DNR FID#: 341282260

Dear Mr. Klein:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at 1632 N. Franklin Place, Milwaukee, Wisconsin ("the Property"). The Property consists of approximately 1 acre of land located in Milwaukee County, identified by tax parcel number 3590626000. Refer to the attached Figure 2, Site Layout Map (Key Engineering Group Ltd., 9/27/16) for a site map of the Property.

Summary Determination

Hazardous substance discharges have occurred on the Property. The Wisconsin Department of Natural Resources ("the Department") has determined that a "No Action Required" determination would not be an appropriate response to address the identified contamination. The Department has made this determination based on the data made available to the Department and the criteria in s. NR 716.05, Wis. Admin. Code.

Request

On October 28, 2016, Katherine Juno of Key Engineering Group, Ltd. requested on your behalf that the Department issue a liability clarification letter under s. 292.55, Wis. Stats. The letter contains a determination as to whether response actions are needed under the ch. NR 700 Wisconsin Administrative code rule series based on the discharge of one or more hazardous substances at the Property. The Department received the fee for providing assistance, in accordance with s. NR 749.04(1), Wis. Adm. Code.

In order for the Department to make this determination, you have requested a review of the following documents:

- Phase I Environmental Site Assessment Report , January 22, 2014, Key Engineering Group Ltd.;
- Request for No Action Required, October 28, 2016, Key Engineering Group Ltd.

The Department has examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

Historical records indicate that early uses of the Property in the late 1800s and early 1900s included a park and skating rink. The property was then used as a "ward yard" where street cleaning equipment and coal for local residents was stored. The ward yard moved to another location in 1935 and the Property was subsequently used for storage. In 1950 the Boys Club of Milwaukee constructed a large facility on the Property that included a gymnasium, swimming pool, kitchen, classrooms, a library, and offices. The Boys and Girls Club stopped using the facility in the mid-1980s. The building reportedly remained vacant until the Property was purchased in 1988 by the Jesus Soul Saving Traveling Mission Church. The Church occupied the facility through 2012, when it could no longer afford to maintain the building. The Church did continue to use the structure for storage. The building originally had two boilers installed in the basement that ran on fuel oil. The oil was stored in a 15,000 gallon Underground Storage Tank (UST) located outside the building on the southeast corner of the Property.

The 15,000 fuel oil UST was removed from the site in 2016. Three soil samples were collected from below the tank for analysis of volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs). PAHs were detected in the sample collected under the center of the tank (sample TC) at concentrations exceeding s. NR 720, Wis. Admin. Code, Residual Contaminant Levels (RCLs). The site was further assessed by the collection of environmental samples from three soil borings, four groundwater monitoring wells, and four near-surface locations advanced in the vicinity of the former tank location. PAH soil contamination was identified in a soil sample collected at GP-2 (located near the southeast corner of the former UST), and in all near surface soil samples. Groundwater samples were collected from each monitoring well for analysis of VOCs and PAHs. PAHs were initially detected in the sample collected from MW-1 at concentrations greater than the NR 140 Enforcement Standards. This well was resampled a month later to confirm these impacts. PAH concentrations detected in the confirmation sample were considerably lower and only one compound exceeded the preventive action limit. A request was made to the DNR on your behalf to review the results of the environmental assessment and to provide a determination as to whether further investigation or cleanup is needed or if the contamination is not significant and warrants a 'no action required' determination.

Analysis of soil samples collected from TC and GP-2 suggests that a release of fuel oil has contaminated soil located near the former UST. Widespread shallow soil contamination at this property is indicative of a separate release not associated with the former UST. As the owner of the Property you are required to report these releases to the DNR immediately upon discovery (s. NR 706.05, Wis. Admin. Code). A "Notification For Hazardous Substance Discharge" (DNR Form 4400-225) should be submitted to document these releases. As soil contamination has been identified on the Property, you are also required to conduct a site investigation (s. NR 716.05, Wis. Admin. Code) to define the degree and extent of the contamination and determine if any remedial actions are required to address it.

Soil contamination associated with the former UST appears to be located at a depth that will not pose a direct contact risk and does not appear to be impacting groundwater. The apparent lack of an immediate risk does not preclude you from the requirement to complete the site investigation. You must determine the extent of soil contamination associated with the UST release. Additional sampling may be needed if the extent cannot be determined based on available data. The monitoring well network should also be assessed, based on the extent of soil contamination and groundwater flow direction, to determine if it is adequate to investigate potential groundwater impacts. No additional groundwater monitoring will be required to address the UST release if the monitoring wells were installed in appropriate locations to investigate the release. At this time it does not appear that contamination associated with the UST will pose a risk through vapor intrusion. It is important that the extent of contamination be defined and documented so that future property owners and occupants are aware of its existence and will address it appropriately if site conditions change or if soil is disturbed in the future.

PAH concentrations identified in the near surface samples exceed RCLs for the protection of direct contact and the protection of groundwater. The extent of this contamination is not defined as all samples collected in near-surface soils were impacted. A site investigation must be completed to determine the extent of near surface contamination and what actions will be needed to ensure site conditions will remain protective in the future and that, if disturbed, contaminated material will be properly managed. Soil contamination was attributed to incidental coal fines mixed in with soil. However, the boring logs do not indicate that a significant amount of buried waste was identified at this site and that PAH impacted soil should be addressed as a release by a hazardous substance.

Liability Determination

The Wisconsin Hazardous Substance Spill Law, s. 292.11, Wis. Stats., commonly called the Spills Law, requires those who cause, possess or control a hazardous substance discharge to "take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state." Section 292.55, Wis. Stats., authorizes the Department to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges have occurred on the Property. Based on the criteria in s. NR 716.05(2)(a), Wis. Adm. Code, and the criteria in ss. NR 708.09 (1) and (2), Wis. Adm. Code, the Department has determined that a "No Action Required" determination would not be an appropriate response to address the identified contamination. The DNR will send the current property owner a 'Responsible Party' letter that outlines the steps that must be taken to address the identified contamination. A DNR ERP case will be opened in response to near-surface soil contamination and a DNR LUST case will be opened in response to the fuel oil release. A closure request can be submitted to the DNR once the site investigation has been finished and the need for remedial actions assessed and, if needed, completed. A Final Case Closure letter will be issued by the DNR once the site investigation and remedial actions are complete. Unless shallow soil contamination is removed from the site, a remedial action will be required (such as a soil barrier) to eliminate the risk to human health from contact with the contamination. The Final Case Closure will require the maintenance of the remedy over near surface contaminated soil and the residual contamination will be documented on the DNR GIS registry. A 'No Action Required' letter would not impose these requirements and is not issued to sites where a significant amount of contamination is present. A closure request will not be required if additional information obtained during future site investigation activities is presented to the DNR that suggests that a "No Action Required" determination is warranted for the identified contamination and the DNR agrees with this determination.

The number and location of monitoring points, the types of media sampled, the number of samples collected, and the laboratory analysis performed are a matter of professional opinion. All areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. Therefore, the Department can only respond to the information and data as presented in the reports and cannot predict what might be discovered in the future and the consequences of those discoveries.

This letter relates and refers only to those conditions described above and to information and data you submitted to the Department in your request for this letter. The Department makes no determination concerning the presence or absence of hazardous substances, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the Department becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the Department will evaluate that data at that time to determine if any response actions are required. Whenever possible, the Department requires the person who caused the discharge to take the appropriate response actions.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification numbers for this activity is shown at the top of this letter. The Department tracks information on all case determinations such as this letter in a Department database that is available on the Internet at: <http://dnr.wi.gov/topic/Brownfields/botw.html>

If you have any questions, please contact me at (414) 263-8541, by writing to the address at the top of this letter or by email to paul.grittner@wisconsin.gov.

Sincerely,



Paul Grittner
Hydrogeologist
Remediation & Redevelopment Program

Attachment: Figure 2, Site Layout Map, September 27, 2016, Key Engineering Group, Ltd.

cc: Katherine Juno, Key Engineering Group, Ltd., 735 N. Water St., Suite 510, Milwaukee, WI 53202 (electronic)
Margaret Brunette, WDNR (electronic)



LEGEND

- ⊕ Monitoring Well Locations
- × Soil Sample Locations
- ⊙ Direct Push Soil Probe Locations

SCALE IN FEET

30' 0 30'

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FIGURE 2
SITE LAYOUT MAP
BOYS & GIRLS CLUB
1632 N FRANKLIN PLACE
MILWAUKEE, WISCONSIN

DESIGNED BY	TLS	DATE	9/27/16
DRAWN BY	BLN	PROJECT	6005-0975
APPROVED BY	TLS	SHEET NO.	
<small>CABLE.COM PROJECTS 1000-0975 BOYS AND GIRLS CLUB WISCONSIN</small>			