#### LETTER OF TRANSMITTAL

RECEIVED

To: Mr. Issac Ross

c/o Mr. Chue Yang, Program Associate Wisconsin Department of Natural Resources 2300 N. Dr. Martin Luther King, Jr. Drive

Milwaukee, WI 53212-3128

Please check the type(s) of documents you have enclosed. Submittals will be tracked and filed based on the information you provide. Include the FID and BRRTS numbers which have been assigned to this site, and identify the intent of the document(s) you are submitting in order to speed processing. Please attach any required fees to this checklist.

From: Adam Roder

The Sigma Group, Inc. 1300 W. Canal Street

Milwaukee, WI 53233

JAN 08 2018

BY: W

Date: January 2, 2018

Site Name: Bader Philanthropies Headquarters

Address: 3300 N. Martin Luther King Jr. Drive

Milwaukee, WI 53212

FID# 341285010

BRRTS # 02-41-578975

YES		oe of Submittal:	OTHER
CHECK	Agreements		FEE
	Tax assignment agreement - ss.75.106(2)(d) & 292.55		\$700
	Tax cancellation agreement - ss. 75.106(2)(d) & 292.55		\$700
	Negotiated agreements - s. 292.11(7)(d)2		\$1,400
	Technical Assistance (s. 292.55)		FEE
	NR 708 No Further Action Letter		\$350
	NR 716 No Further Investigation		\$700
	NR 716 Site Investigation Workplan		\$700
	NR 716 Site Investigation Report		\$1,050
	NR 720 Soil Cleanup Standards/Reports		\$1,050
	NR 722 Remedial Action Options Report		\$1,050
	NR 724 Remedial Design Report		\$1,050
Х	NR 724 Operation and Maintenance Report		\$425
	NR 724 Construction Documentation Reports		\$350
	NR 724 Long-Term Monitoring Plan		\$425
	NR 726 Case Closure Action		\$1,050
	NR 506 Exemption for building on a historic waste site		\$700
	Other Technical Assistance		\$700
	Liability Clarification Letters		FEE
	s. 292.13(3) Off-Site Exemption Letters		\$700
	s. 292.55 Lease Letters - Single Properties		\$700
	s. 292.55 Lease Letters - Multiple Properties		\$1,400
	s. 292.55 General Liability Clarification Letters		\$700
	s. 292.21(1)(c)1.d. Lender Assessments		\$700
	Department Database Fees (ss. 292.12 and 292.57)	A State of the last of the las	FEE
	Sites with groundwater contamination that attains or exceeds ch. NR	140	\$350
	Sites with soil contamination that attains or exceeds ch. 720 RCLs		\$300
	Sites not otherwise addressed in this schedule, where the departme other limitation or condition in accordance with s. 292.12(2)	nt imposes any	\$350
	Cases submitted for closure with monitoring wells not properly aband residual groundwater contamination	doned, without	\$350
· · · · · · · · · · · · · · · · · · ·	Modification or removal of a site or property from the database		\$1,050
	Other / Miscellaneous		

Remarks:





January 2, 2018

Project Reference #16620

Mr. Issac Ross c/o Mr. Chue Yee Yang, Env. Program Associate Wisconsin Department of Natural Resources Remediation & Redevelopment Program 2300 N. Dr. Martin Luther King Jr. Drive Milwaukee, WI 53212 RECEIVED

JAN 08 2018

BY:\_\_//

Subject: Soil Management & Engineered Barriers Documentation

Bader Philanthropies Headquarters - 3300 N. Martin Luther King Jr. Drive,

Milwaukee, WI 53212

BRRTS #02-41-578975 / FID #341285010

Dear Mr. Ross:

On behalf of MLK, LLC, The Sigma Group, Inc. (Sigma) has prepared this letter report to document recent NR 718 soil management and engineered barrier construction activities completed at the above-referenced property (the "Site") between August and mid-November 2017. The Site remediation work was completed in accordance with Sigma's March 2017 Site Investigation Report & Remedial Action Plan¹(SI / RAP) and the Wisconsin Department of Natural Resources (WDNR) May 2017 approval letter². Additionally, the NR 718 soil management work was completed in accordance with Sigma's request letters³ and associated WDNR approvals⁴.

Amendment to NR 718.12 Contaminated Soil Management Volume, Generator Property: Bader Philanthropies Headquarters - 3300, 3306, 3314, and 3318 N. MLK Jr. Drive & 3317, 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, WI 53212... by WDNR (dated June 14, 2017)

<sup>&</sup>lt;sup>1</sup> Site Investigation Report & Remedial Action Plan, Bader Philanthropies Headquarters, 3300, 3306, 3314, and 3318 N. Martin Luther King Jr. Drive & 3317, 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, Wisconsin 53212 by Sigma (dated March 24, 2017)

<sup>&</sup>lt;sup>2</sup> Review of "Site Investigation Report & Remedial Action Plan", dated March 24, 2017, Bader Philanthropies Headquarters - 3300, 3306, 3314, and 3318 N. MLK Jr. Drive & 3317 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, WI 53212 by WDNR (dated May 18, 2017)

<sup>&</sup>lt;sup>3</sup> NR 718.12 Contaminated Soil Management Request, Source Property: Bader Philanthropies Headquarters - 3300, 3306, 3314, and 3318 N. Martin Luther King Jr. Drive & 3317, 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, WI 53212... by Sigma (dated March 24, 2017)

Amendment to NR 718.12 Contaminated Soil Management Volume, Source Property: Bader Philanthropies Headquarters - 3300, 3306, 3314, and 3318 N. Martin Luther King Jr. Drive & 3317, 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, WI 53212... by Sigma (dated June 12, 2017)

<sup>&</sup>lt;sup>4</sup> Approval for Management of Contaminated Soil under Wis. Admin. Code § NR 718.12, Generator Property: Bader Philanthropies Headquarters - 3300, 3306, 3314, and 3318 N. MLK Jr. Drive & 3317, 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, WI 53212... by WDNR (dated May 12, 2017)

#### NR 718 SOIL MANAGEMENT

Sigma's September 2017 update report<sup>5</sup> documented NR 718 soil management activities completed between early June and late August 2017. Through August 25<sup>th</sup>, a total of 319 truckloads of soil from the excavation for the new building basement, the south greenspace area, pier footings on the north side of the building, and column pads in the basement area had been transported from the Site to Lakefield Sand and Gravel.

Since late August, the remaining mass grading / subgrade preparation work beneath the new parking lot areas on the north and northeast portions of the Site (refer to Figure 1) have been completed and an additional 125 truckloads of soil have been transported from the Site to Lakefield Sand and Gravel as summarized in a soil tracking table in Attachment 1. At approximately 10.5 to 11 cubic yards of soil per truckload (which Sigma has been measuring on other recent soil hauling projects with clay-based soils), the 444 total loads of soil exported from the Site to Lakefield Sand and Gravel corresponds to approximately 4,660 to 4,885 cubic yards, which is +/- 100 CY of the 4,750 cubic yards estimated in Sigma's June 12, 2017 letter.

Soil management work was performed under the direction of Sigma personnel and each truckload hauled to Lakefield Sand and Gravel has been accompanied by a unique truck ticket. The NR 718 soil management work completed in October and November 2017 has included:

- October 2, 2017
  - o 54 truckloads of soil were removed from the parking lot subgrade in the north and northeast portions of the Site.
- October 3, 2017
  - 37 truckloads of soil were removed from the parking lot subgrade in the north and northeast portions of the Site.
- October 4, 2017
  - 27 truckloads of soil were removed from the parking lot subgrade in the north and northeast portions of the Site.
- October 5, 2017
  - 4 truckloads of soil were removed from the parking lot subgrade in the northeast portion of the Site.
- November 8, 2017
  - 3 truckloads of soil were removed from the parking lot in the north portion of the Site due to soft subgrade soil conditions.

Photographs of the NR 718 soil management work are included in Attachment 2.

<sup>&</sup>lt;sup>5</sup> Remedial Soil Excavation and Management Update Letter Report, Bader Philanthropies Headquarters - 3300, 3306, 3314 and 3318 N. Martin Luther King Jr. Drive & 3317, 3323, and 3333 N. 4<sup>th</sup> Street, Milwaukee, WI 53212 by Sigma (dated September 22, 2017)

#### **ENGINEERED BARRIER CONSTRUCTION**

Clean Soil Barrier. As mentioned in our September 2017 update report, clean native silty clay from below a depth of 6 feet below ground surface (bgs) within the new building basement excavation was temporarily stockpiled between early-June and mid-July on the eastern portion of the Site (on the former 3317 N. 4<sup>th</sup> Street parcel) for later reuse on-Site. After the NR 718 soil removal and GP-7/GP-7R remedial excavation was completed for the south portion of the Site as of July 19, 2017 (which was documented in the September 2017 report), the stockpiled clean silty clay was used to construct the first 18 inches of the clean soil barrier on the south portion of the Site in late July and August 2017. Soil was placed and compacted by Rams Contracting, Ltd. with heavy equipment across this entire future green space area as shown in Figure 2; photographs are included in Attachment 2. This area of the Site is currently used for outdoor construction staging; topsoil placement and landscaping will take place in spring 2018.

Concrete and Asphalt Pavement. The new concrete curb and gutter and asphalt binder course for the parking lot area, as shown in Figure 2 and a photograph in Attachment 2, were installed in early November 2017. Other concrete sidewalks / building approaches, pervious pavement system in the central parking lot area, and the final asphalt surface layer will be installed in spring 2018.

### **CONCLUSIONS AND RECOMMENDATIONS**

The general Site excavation and preparation work has removed approximately 4,750 cubic yards of soil that has been transported from the Site for disposal at the Lakefield Sand and Gravel property. Engineered barriers have been partially completed at the Site as of mid-November 2017; the remaining engineered barrier construction work will continue in accordance with the SI/RAP, be documented by Sigma, and presented to the WDNR in future a report.

Please contact us at (414) 643-4200 with any questions about this submittal or the project in general.

Sincerely,

THE SIGMA GROUP, INC.

Sarah E. Fernholz, E.I.T.

Staff Engineer

AJR For

Adam J. Roder, P.E. Senior Project Engineer

Adam J. Raler

Randy E. Boness, P.G.

Kanfferen

Geoscience Group Leader

Enclosures:

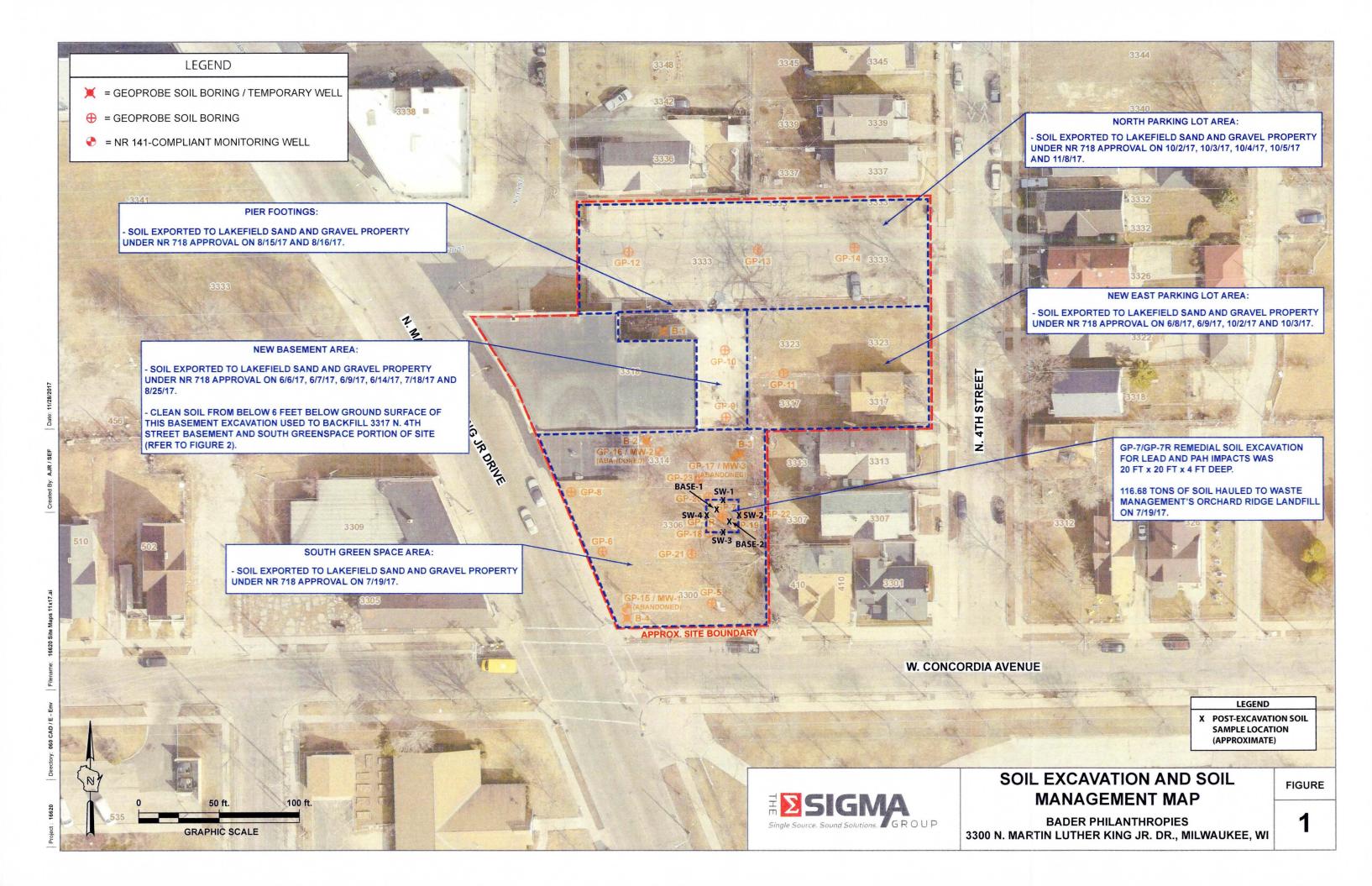
Figure 1 - Soil Excavation and Soil Management Map

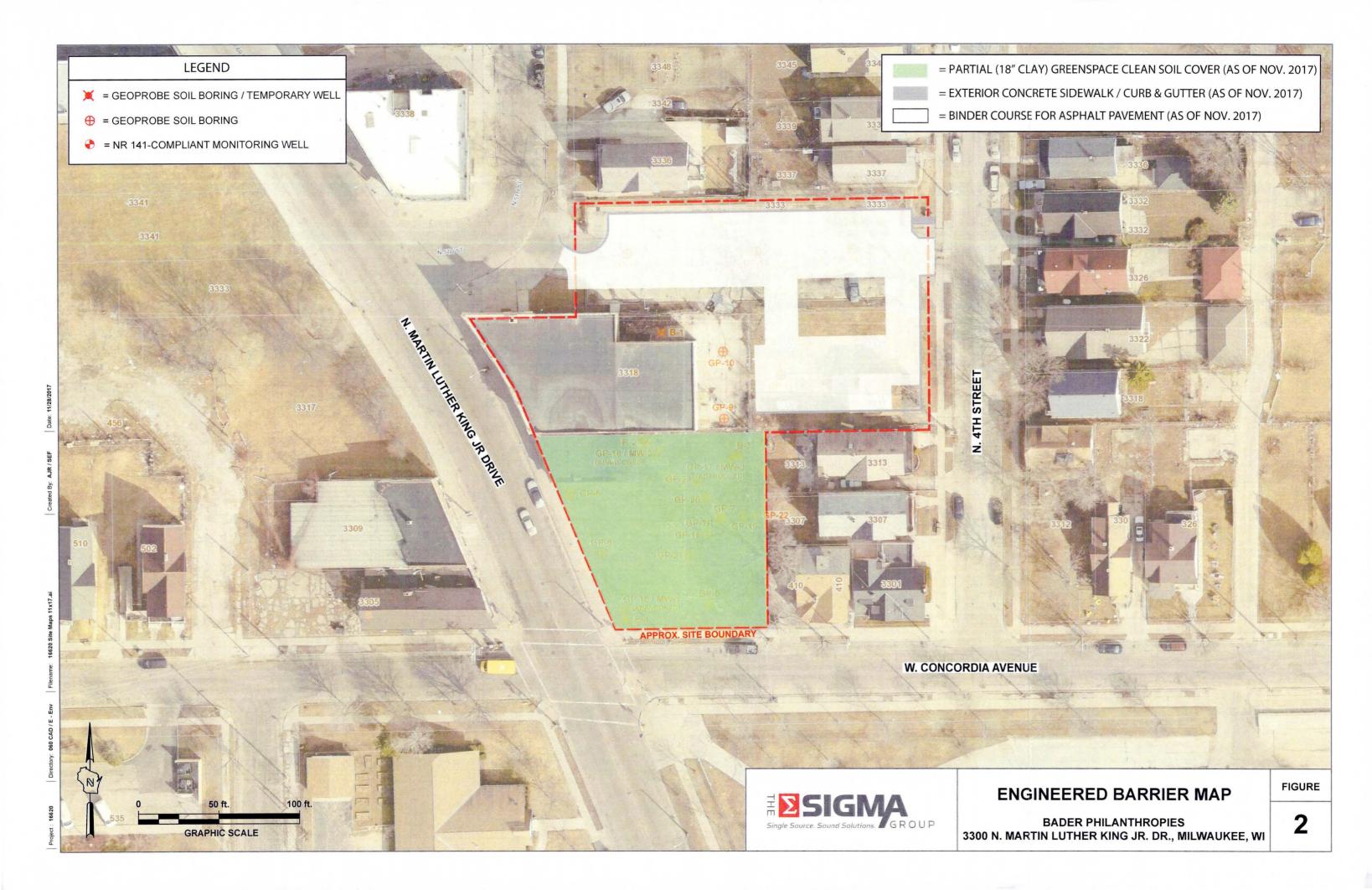
Figure 2 - Engineered Barrier Map

Attachment 1 - Summary of NR 718 Soil Management Activities

Attachment 2 - Soil Management & Remediation Photographs

cc: Mr. Frank Cumberbatch - MLK, LLC (via email: <a href="mailto:frank@bader.org">frank@bader.org</a>)





# ATTACHMENT 1 SUMMARY OF NR 718 SOIL MANAGEMENT ACTIVITIES

## **Summary of NR 718 Soil Management Activities**

# Generator Property: Bader Philanthropies Headquarters - 3318 N. Martin Luther King Jr. Drive, Milwaukee, WI Disposal Property: Former Lakefield Sand and Gravel - 7003 W. Good Hope Road, Milwaukee, WI Sigma Project #16620

Day	Data	Activity	# of Trucks of NR 718 Soil to Lakefield Sand & Gravel
Day	Date 6/6/17	Activity	50
Tues Wed		north part of new basement	50
	6/7/17	north part of new basement	
Thur	6/8/17	new parking lot area east of building	42
Fri	6/9/17	northeast part of new basement, new parking lot area east of building	41
Wed -	6/14/17	east part of new basement	24
Tues	7/18/17	south part of basement, south greenspace area	63
Wed	7/19/17	south greenspace area	40
Tues	8/15/17	pier footing on north side of building	4
Wed	8/16/17	pier footing on north side of building	3
Fri	8/25/17	column pads in basement of building	2
Mon	10/2/17	north-northeast parking lot area	54
Tues	10/3/17	north-northeast parking lot area	37
Wed	10/4/17	north-northeast parking lot area	27
Thur	10/5/17	north-northeast parking lot area	4
Wed	11/8/17	north parking lot area - soft subgrade	3
		Working totals:	444

# ATTACHMENT 2 SOIL MANAGEMENT & REMEDIATION PHOTOGRAPHS





Photo 1: Parking lot subgrade removal in progress in northeast portion of Site on October 2, 2017. View looking to northeast.



Photo 2: Parking lot subgrade removal in progress in northeast portion of Site on October 2, 2017. View looking to east.

Bader Philanthropies Headquarters 3300 N. Martin Luther King Jr. Drive, Milwaukee, Wisconsin





Photo 3: Parking lot subgrade removal (including area for pervious pavers and underlying storm water retention) in progress in northeast portion of Site on October 3, 2017. View looking to south.



Photo 4: Parking lot subgrade removal (including area for pervious pavers and underlying storm water retention) in north-northeast portion of Site on October 3, 2017. View looking to northwest.

Bader Philanthropies Headquarters 3300 N. Martin Luther King Jr. Drive, Milwaukee, Wisconsin





Photo 5: Parking lot subgrade removal in progress in northwest portion of Site on October 4, 2017. View looking to east.

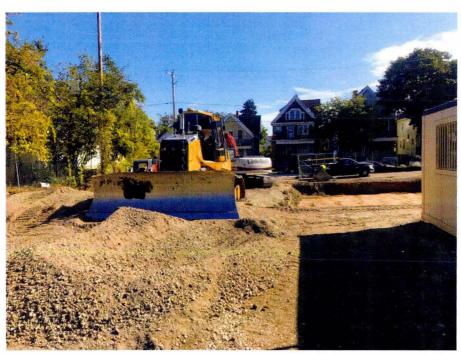


Photo 6: Gravel subgrade being placed in north portion of Site for new asphalt parking lot on October 4, 2017. View looking to east.

Bader Philanthropies Headquarters 3300 N. Martin Luther King Jr. Drive, Milwaukee, Wisconsin





Photo 7: Gravel subgrade placed and compacted in northeast portion of Site for new asphalt parking lot on October 4, 2017. View looking to southeast.

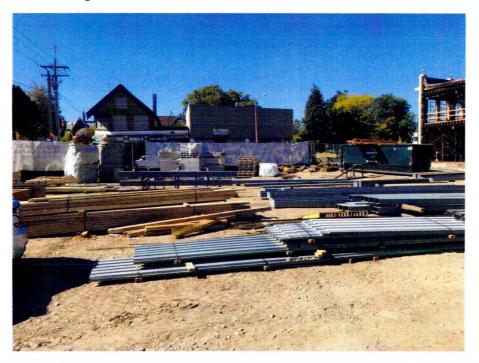


Photo 8: First 18 inches of clay placed for green space soil cover system in south portion of Site (currently used for outdoor staging) on October 4, 2017. View looking to west.

Bader Philanthropies Headquarters 3300 N. Martin Luther King Jr. Drive, Milwaukee, Wisconsin





Photo 9: First 18 inches of clay placed for green space soil cover system in south portion of Site (currently used for outdoor staging) on October 4, 2017. View looking to north.



Photo 10: Asphalt binder course installed in north and northeast portion of Site on November 13, 2017. View looking to east.

Bader Philanthropies Headquarters 3300 N. Martin Luther King Jr. Drive, Milwaukee, Wisconsin

### Ross, Issac A - DNR

From:

Ross, Issac A - DNR

Sent:

Tuesday, December 12, 2017 11:01 AM

To:

'aroder@thesigmagroup.com'

Subject:

New Project Manager

Bader Philanthropies Head Quarters 3300 N Dr. Martin Luther King Jr. Drive DNR BRRTS ID # 02-41-578975 DNR FID # 341285010

Re: New Project Manager

Adam Roder,

Good Morning,

I'm writing this email to inform you of a change of personnel in relation to the above reference property. I will be the new Project Manager for the site and wanted to inform you of this change. Any future correspondence in regards to the referenced property can be addressed to me at:

Mr. Issac Ross Hydrogeologist - Remediation and Redevelopment Program Wisconsin Department of Natural Resources 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee, WI 53212

Phone: (414) 263-8519

Email: Issac.Ross@Wisconsin.gov

I have spent some time reviewing the referenced case file and site history within the RR Program. Please continue to report any updates to the DNR as the project moves forward.

If you have any questions or concerns, please do not hesitate to reach out to me.

Thank You,

Issac

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Issac Ross
Hydrogeologist–Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
Southeast Region – Milwuakee Service Center
2300 N Dr. Martin Luther King Dr
Milwaukee, WI 53212
Phone: (414) 263-8519
Issac.Ross@Wisconsin.gov

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

Scott Walker, Governor Cathy Stepp, Secretary Telephone 414-263-8500 FAX 414-263-8483 TTY 414-263-8713



March 3, 2017

Mr. Frank Cumberbatch Bader Philanthropies Inc. 233 N. Water Street, #4 Milwaukee, WI 53202

Subject:

Reported Contamination at Bader Philanthropies Headquarters

3318 N. Martin Luther King Jr. Drive, Milwaukee, WI 53212

DNR BRRTS Activity # 02-41-578975

DNR FID # 341285010

Dear Mr. Cumberbatch:

On February 23, 2017, Adam Roder from The Sigma Group, on behalf of MLK, LLC notified the Department of Natural Resources (DNR) that soil contamination and potential groundwater contamination had been detected at the site described above.

Based on the information that has been submitted to the DNR regarding this site, we believe MLK, LLC is responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, Wis. Stats., explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the DNR or the Department of Agriculture, Trade and Consumer Protection (DATCP).

### Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

RESPONSIBILITY. A person who possesses or controls a hazardous substance which
is discharged or who causes the discharge of a hazardous substance shall 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 the state.

Wisconsin Administrative Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

#### Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce



your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. The following information provides the timeframes and <u>required</u> steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

- 1. Within the next **30 days**, by April 3, 2017, you should submit <u>written</u> verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the DNR may initiate enforcement action against you.
- 2. Within the next **60 days,** by May 2, 2017, you must submit a work plan for completing the investigation. The work plan must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current DNR technical guidance documents.
- 3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. If a fee for DNR review has been submitted, the site investigation must begin within 60 days after receiving DNR comments.
- 4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you must submit a Site Investigation Report to the DNR or other agency with administrative authority. For sites with agrichemicals contamination, your case will be transferred to the Department of Agriculture, Trade and Consumer Protection for oversight.
- 5. Within 60 days after submitting the Site Investigation Report, you must submit a remedial actions options report.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the DNR's internet site. You may view the information related to your site at any time (<a href="http://dnr.wi.gov/botw/SetUpBasicSearchForm.do">http://dnr.wi.gov/botw/SetUpBasicSearchForm.do</a>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you must complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements. All correspondence regarding this site should be sent to:

Chue Yee Yang
Environmental Program Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Martin Luther King Dr.
Milwaukee, WI 53212
chueyee.yang@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

### Site Investigation and Vapor Pathway Analysis:

As you develop the site investigation work plan, we want to remind you to include an assessment of the vapor intrusion pathway. Chapter NR 716, Wisconsin Administrative Code outlines the requirements for investigation of contamination in the environment. Specifically, s. NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media". In addition, section NR 716.11(5)(g) and (h) contains the specific requirements for evaluating the presence of vapors in the sub-surface as well as in indoor air.

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the vapor pathway is being ruled out, then the report needs to provide the appropriate justification for reaching this conclusion. If the pathway cannot be ruled out, then investigation and, if appropriate, remedial action must be taken to address the risk presented prior to submitting the site for closure. The DNR has developed guidance to help responsible parties and their consultants comply with the requirements described above. The guidance includes a detailed explanation of how to assess the vapor intrusion pathway and provides criteria which identify when an investigation is necessary. The guidance is available at: <a href="http://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf">http://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf</a>.

### Additional Information for Site Owners:

We encourage you to visit our website at <a href="http://dnr.wi.gov/topic/Brownfields/">http://dnr.wi.gov/topic/Brownfields/</a>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Information on Clean Contaminated Lands Environmental Action Network is enclosed.

If you have questions, call the DNR Project Manager Trevor Nobile (414) 263-8524 for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,

Chue Yee Yang

ld FOR

Environmental Program Associate

Remediation & Redevelopment Program

Enclosures:

Selecting a Consultant – RR-502 http://dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf

Environmental Services Contractor List – RR-024 <a href="http://dnr.wi.gov/files/PDF/pubs/rr/RR024.pdf">http://dnr.wi.gov/files/PDF/pubs/rr/RR024.pdf</a>

VPLE Fact Sheet #2 <a href="http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf">http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf</a>

Environmental Contamination Basics, RR-674 <a href="http://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf">http://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf</a>

cc: Adam Roder – The Sigma Group WI DNR Case File