



May 18, 2017

Mr. Frank Cumberbatch
MLK LLC
c/o Bader Philanthropies, Inc.
233 N. Water Street, 4th Floor
Milwaukee, WI 53202

Subject: 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. 4th Street, Milwaukee, WI 53212
BRRTS # 02-41-578975 / FID # 341285010 (3318 N. MLK Jr. Drive)
BRRTS # 02-41-578976 / FID # 341285120 (3314 N. MLK Jr. Drive)
BRRTS # 02-41-578977 / FID # 341285230 (3300 N. MLK Jr. Drive)

Dear Mr. Cumberbatch:

On March 28, 2017, the Wisconsin Department of Natural Resources (DNR) received a *Site Investigation Report & Remedial Action Plan* (the Report) submitted by The Sigma Group (Sigma), for the proposed Bader Philanthropies Inc. Headquarters location at 3300, 3306, 3314, and 3318 N. Martin Luther King Jr. Drive & 3317, 3323, and 3333 N. 4th Street, Milwaukee (the Property). According to the Report, the seven contiguous parcels are in the process of being combined by a Certified Survey Map for redevelopment. The Report has identified the presence of polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals contamination at the Bader Headquarters location. The Report concludes the site investigation work has adequately characterized soil and groundwater to allow for an evaluation of potential risks to human health and the surrounding environment in relation to WDNR regulations and the proposed site redevelopment plan. In addition, the Report indicates that the proposed remediation activities will limit and reduce risks to human health and the environment. A fee was paid to the DNR to review the submittal and provide a written response. As part of the request, a technical assistance meeting was held at the DNR Southeast Region Headquarters in Milwaukee on April 6, 2017, with representatives from Sigma, Foley & Lardner LLP, MLK LLC c/o Bader Philanthropies, Inc. (MLK LLC), and DNR.

Site Investigation Review

The DNR has reviewed the Report and has determined the site investigation to be complete. Please be aware the review of the site investigation relates only to contamination that has been currently identified at the Property. Obvious signs of contamination observed during site development activities or at any other time during the project must be reported to the DNR. Additional investigation may be required to define the degree and extent of newly discovered release areas. A determination will also need to be made as to whether a proposed remedial action plan will adequately address newly discovered contamination. Impacted soil excavated from these areas must be properly characterized before being managed onsite or disposed of offsite. Proper storage, handling, and transport of this material must comply with the requirements outlined in Wis. Admin. Code § NR 718.

Soil Management Plan Review

The soil management plan (SMP) proposes a soil cut volume of approximately 3,000 cubic yards being generated from the new basement/foundation excavations for the building additions on the east end of the 3318 N. Martin Luther King Jr. Drive building, preparations and reconstruction of the shallow subgrade beneath the new asphalt parking lot, and stripping shallow soil in the green space areas to accommodate the thickness of the engineered barrier soil cover system. According to the Report, one targeted remedial soil excavation will be performed around soil borings GP-7/GP-7R to remediate lead and PAH impacts. The excavation will be backfilled with non-impacted soil from the deeper portion of the building addition basement excavation. The remainder of the excavation and adjacent green space area throughout the southern portion of the Property will be capped with clean soil as part of the engineered barrier soil cover system. A separate Wis. Admin. Code § NR 718.12 Contaminated Soil Management Request was submitted by Sigma on March 28, 2017 and approved by DNR in a May 12, 2017 approval letter.

Based on our review, the DNR approves the conceptual SMP to address soil management activities proposed on the Property. Approval is conditional upon the following:

- 1) The DNR must be provided with a 7 day notice prior to commencing soil management activities.
- 2) If the temporary storage requirements in Wis. Admin. Code § NR 718.05 (3) cannot be met, the general storage requirements of Wis. Admin. Code § NR 718.05 (2) must be followed, or an exemption to portions of Wis. Admin. Code § NR 718.05 (2) must be approved for onsite stockpiles.
- 3) Soil management shall be completed within 1 year of the effective date of this letter unless a written extension of this condition is obtained from the DNR.
- 4) Storm water or groundwater that accumulates within excavations will be properly characterized, and the appropriate approvals and permits will be obtained, prior to disposal.
- 5) MKL LLC shall comply with requirements of Wis. Admin. Code § NR 718.12 (2) (d) and (e).
- 6) The proposed management of contaminated material at the site is expected to meet the criteria of Wis. Admin. Code § NR 726.13 (1) (b) 1 to 5.
- 7) If indicators of previously unknown contamination are identified during the proposed activities, work in that area will be temporarily stopped until these materials can be properly characterized and segregated for proper disposal. The DNR shall be notified within 24 hours of discovering material that is not consistent with the contaminant characteristics that have been previously reported to the DNR for the Property. The material must be segregated and tested to determine the proper disposal.
- 8) The DNR does not require you to obtain approval prior to importing clean soil or recycled concrete to the site for construction purposes, but it can provide concurrence upon request. If you require concurrence, you will need to provide documentation as to the source of the imported material, the amount imported, and the locations where the material was used as part of the final reporting for this project.
- 9) 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 from which

contaminated material was removed, and where the material was placed. Updated figures that depict the final extent of residual contamination must be included as part of this documentation.

- 10) Waste material (non-soil) taken offsite must be managed as solid waste following the requirements of Wis. Admin. Code § NR 500 through NR 538, (the solid waste rules administered by the DNR Waste Program). A low hazard exemption can be requested for managing other waste offsite 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 DNR reserves the right to require the submittal of additional information or to modify or revoke this soil management approval if MLK LLC fails to comply with the requirements of the soil management plan or the above conditions. The DNR 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

Remedial Action Plan Review

According to the Report, the proposed remedial actions are based on the initial Phase II ESA information and site investigation data collected through February 2017 and the planned non-industrial reuse of the site, which includes headquarter offices for Bader Philanthropies, Inc. and associated parking lot and green space areas. The Report indicates that based on the redevelopment plans and consideration of other factors such as technical feasibility, economics, time constraints, and sustainability, it was determined that the site remediation work will incorporate the following activities: abandonment of groundwater monitoring wells, observation and documentation of two buildings to be razed, limited soil excavation and disposal at a licensed landfill for elevated lead and PAH impacts at soil boring GP-7, disposal of soil generated during construction at the site under Wis. Admin. Code § NR 718 at the former Lakefield Sand and Gravel property (May 12, 2017, approval letter from DNR), engineered barrier construction, and Geographic Information System (GIS) Registry documentation for residual subsurface impacts that will remain at the time of case closure. A SMP will be implemented during construction activities to ensure residual soil contamination will be properly managed if excavated or removed.

Based on our review of the submitted documentation, the DNR approves of the conceptual approach detailed in the Report to address environmental concerns currently identified on the Property. The approval is contingent upon as to whether additional remediation actions will be required to address any newly discovered contamination during development activities and/or supplemental Wis. Admin. Code § NR 716 site investigation.

We appreciate your efforts to restore the environment at these sites. If you have any questions regarding this determination or anything outlined in this letter, please contact me at (414) 263-8524 or by email at trevor.nobile@wisconsin.gov.

Sincerely,



Trevor Nobile, P.G., CPG
Project Manager - Hydrogeologist
Remediation & Redevelopment Program

cc: Adam Roder, The Sigma Group, 1300 W. Canal St, Milwaukee, WI 53233 (electronic)
DNR SER File