

June 12, 2017

Project Reference #16620

Mr. Trevor Nobile
Wisconsin Department of Natural Resources
Remediation & Redevelopment Program
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Subject: 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. 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

Disposal Property:

Former Lakefield Sand and Gravel Property
7003 W. Good Hope Road, Milwaukee, WI 53223
BRRTS #02-41-548828 / FID #241377070

Dear Mr. Nobile:

As discussed with you on June 9th via telephone, The Sigma Group, Inc. (Sigma) has prepared this letter to request a larger volume of contaminated soil be permitted under the Wisconsin Department of Natural Resources (WDNR) NR 718.12 approval issued in May 2017¹ for the above-referenced Source Property and Disposal Property. Sigma's original NR 718.12 soil management request was submitted on behalf of MLK, LLC (Source Property owner) and SWP Properties, LLC (Disposal Property owner) in March 2017².

The WDNR's May 2017 approval letter included a condition that no more than 3,000 cubic yards (CY) of excavated soil from the Source Property be transported to the Disposal Property unless written approval is granted by the WDNR. The 3,000 CY volume estimate was based on calculations prepared by the civil engineer / architect for the Source Property redevelopment project and presented by Sigma in our March 2017 report. Digging

¹ *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. 4th Street, Milwaukee, WI 53212, Disposal Property: Former Lakefield Sand and Gravel Property - 7003 W. Good Hope Rd., Milwaukee, WI by WDNR (dated May 12, 2017)*

² *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. 4th Street, Milwaukee, WI 53212, Disposal Property: Former Lakefield Sand and Gravel Property - 7003 W. Good Hope Road, Milwaukee, WI 53223 by Sigma (dated March 24, 2017)*

commenced on Tuesday June 6th and Sigma documented the excavation progress; 50 loads were transported to Lakefield Sand and Gravel on June 6th, 50 loads on June 7th, 42 loads on June 8th, and 41 loads on June 9th. As the excavation work progressed, it was evident that the actual soil cut volume would exceed the 3,000 CY estimate with the excavation work yet to remain. On June 8th and 9th, Sigma conferred with the excavation contractor (Rams Contracting Ltd.) and learned that their more detailed excavation volume calculations yielded approximately 4,750 CY of cut soil to be exported to the Disposal Property. The extra volume was primarily attributed to the basement excavation area because (1) the actual excavation depth was approximately 10 to 12 feet below grade (depending on the ground surface elevation) instead of the assumed 8 feet of excavation in the initial estimate, and (2) the sloped sidewalls required for the excavation, and a ramp to be cut to the bottom of the basement to allow for work equipment at the basement level, that were not accounted for in the original estimate.

NR 718.12(1)(e)(1) requires that one soil sample be collected per 100 CY of soil for the first 600 CY of soil and then one sample per 300 CY of soil thereafter. The original estimated quantity of 3,000 CY of soil to be generated at the Source Property required that 14 representative soil samples would be needed to satisfy this sampling frequency. As explained in Sigma's March 2017 report, 19 soil sample locations (including 14 for volatile organic compounds, 19 for polynuclear aromatic hydrocarbons [PAHs], 15 for RCRA metals, 4 for lead and mercury, 3 for water-leachable PAHs, and 2 for water-leachable RCRA metals) had been collected from the Source Property and were representative of the soil to be transported to the Disposal Property. With the current, and more accurate, calculation of 4,750 CY of soil that will need to be removed from the Source Property (excluding the 60 CY of contaminated soil around boring GP-7 that will be hauled to Waste Management's Orchard Ridge Recycling and Disposal Facility for disposal), approximately 19.8 soil samples would be needed to achieve the NR 718.12(1)(e)(1) sampling frequency. Sigma requests that a variance be granted for the 19 soil samples to be considered an adequate number of samples to represent the 4,750 CY of soil.

Sigma, MLK, LLC and SWP Properties, LLC request that the WDNR provide a written approval that up to 4,750 CY (instead of 3,000 CY) of contaminated soil be allowed under the NR 718.12 approval previously granted by the WDNR for this project. We appreciate your prompt attention to this matter and request that you provide a response at your earliest availability. Please call us at (414) 643-4200 if you have any questions.

Sincerely,

THE SIGMA GROUP, INC.



Adam J. Roder, P.E.
Senior Engineer



Randy E. Boness, P.G.
Geoscience Group Leader

cc: Binyoti Amungwafor - WDNR (via email: binyoti.amungwafor@wisconsin.gov)
Frank Cumberbatch - MLK, LLC (via email: frank@bader.org)
Dave Scherzer - SWP Properties, LLC (via email: dscherzer@thesigmagroup.com)