



July 18, 2017

Mr. Joel Aizen
The Couture LLC
260 E. Highland Ave., Suite401
Milwaukee, WI 53202

SUBJECT: Site Investigation Work Plan Approval
The Couture (former Milwaukee County Transit Center), 909 E. Michigan St.,
Milwaukee, WI
DNR BRRTS#02-41-579105 FID#341286220

Dear Mr. Aizen:

The Wisconsin Department of Natural Resources (DNR) has received the May 15, 2017 *Site Investigation Work Plan* (SIWP) and the June 16, 2017 *Addendum 01 – Ch. NR 718 Soil Management Plan* (Addendum) for the above-referenced site. The reports and \$700 review fee, were submitted on behalf of The Couture, LLC by Giles Engineering Associates (Giles) with a request for DNR review and approval. Based on review of the documents and previously submitted information, DNR provides the following approvals and comments related to site investigation and soil management activities proposed for this site.

Environmental Summary/Development Plans

Environmental investigations conducted at the site have identified soil/fill material contaminated with polyaromatic hydrocarbons (PAHs), select metals and volatile organic compounds (VOCs). The contamination appears to be associated with soil fill and waste fill materials (foundry sand) present at the site and potentially other unknown sources. The fill material ranges from five to fifteen feet in thickness and native soil below the fill does not appear to be impacted. Investigation of groundwater conditions at the site did not identify significant contamination.

DNR understands that this site is planned to be redeveloped with a forty-four-story, mixed-use building with two levels of sub-grade parking. Based on the proposed building design, soil/fill material from virtually the entire property will be excavated to a depth of approximately twenty-five feet. It is expected that the planned excavation should remove all accessible contaminated material from the site.

Giles has submitted the SIWP in compliance with ch. NR 716 Wis. Adm. Code and proposes a comprehensive soil investigation sampling plan that serves to define the extent of contamination at the site but also is designed to provide data needed to determine disposal options for material excavated during construction.

SIWP

DNR approves the SIWP scope of work for additional investigation of soil/fill material. Based on the lack of significant impacts to groundwater collected during the Phase II investigation, and the proposed extensive removal of soil/fill above and below the water table, DNR will not require additional groundwater monitoring. Once the soil/fill excavation has taken place, we believe you can reasonably argue for case closure with no listing on the GIS Groundwater Registry. Monitoring wells may be abandoned at this time.

Soil Management

The SIWP and Addendum include a sampling plan designed to characterize material proposed for excavation to determine appropriate disposal options. These options include disposal at an operating licensed solid waste landfill, an alternative site or facility or unrestricted disposal.

DNR concurs that the proposed sampling plan is a reasonable strategy to determine the level and types of contaminants present in the fill/soil that will be excavated. However, based on results of future investigation, additional samples beyond what has been proposed may be needed if alternative site or facility disposal options are being considered.

The SIWP and Addendum reference ch. NR 718.12 Wis. Adm. Code as the applicable regulation that would allow disposal of contaminated soil at a site or facility other than where it originated. However, ch. 718.12 Wis. Adm. Code does not apply to off-site management of solid waste. Because foundry sand is considered a solid waste, off-site management of the fill would need to be approved under ch. NR 289.43 Wis. Adm. Code via the low-hazard waste exemption. The low-hazard waste grant of exemption review process is similar to and considers the same criteria as those contained in ch. NR 718.12 Wis. Adm. Code so your proposed sampling plan may be appropriate for low-hazard exemption purposes. If you determine that off-site disposal to a non-licensed site or facility is appropriate for some volume of excavated soil/fill, submit a request for a low-hazard waste grant of exemption to Gerald DeMers, Waste Management Engineer, at the DNR Southeast Region office at 2300 N. Martin Luther King, Jr. Dr., Milwaukee, WI 53212 . Follow the process described in DNR Publication PUB-WA 1645 available at <http://dnr.wi.gov/files/pdf/pubs/wa/wa1645.pdf>. The review fee will be invoiced to the person requesting the exemption. As required for either for ch. NR 718.12 Wis. Adm. Code or low-hazard waste grant of exemption requests, you will need to document how the waste characteristics and proposed management approach will not cause environmental pollution and provide sufficient supporting documentation to justify the request. For this site, we suggest it would be helpful to provide items required under ch. NR 716 Wis. Adm. Code, such as cross sections and contaminant iso-concentrations maps. The request should include a material management plan describing how soil/fill excavation will proceed, how excavated soil earmarked for landfill, alternate disposal site or unrestricted use will be identified in the field, stockpiling procedures, dewatering, etc.

DNR appreciates the efforts you are taking to investigate contamination at this property. Please do not hesitate to contact me at (414) 263-8533 or nancy.ryan@wisconsin.gov if you have any questions regarding this SIWP approval or soil management issues.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment Program

Cc: Kevin Bugel, Giles – electronic copy
Gerald DeMers, DNR – electronic copy