



June 7, 2018

The Couture, LLC
c/o Mr. Joel Aizen
260 E. Highland, Suite 401
Milwaukee, WI 53202

Wisconsin Gas, LLC
c/o Robert A. Greco
333 Everett Street – A231
Milwaukee, WI 53203

Subject: Approval for Management of Contaminated Material under Wis. Adm. Code § NR 718.12

Generating Property: The Couture, 909 E. Michigan St., Milwaukee, WI
Property owner: The Couture, LLC
DNR BRRTS # 02-41-579105 FID # 341286220

Receiving Property: Milwaukee Solvay Coke & Gas – MGP (Alt SF)
311 E. Greenfield Ave., Milwaukee, WI
Property owner: Wisconsin Gas, LLC
DNR BRRTS # 15-41-580686, # 02-41-466662 FID # 241219880

Dear Messrs. Aizen and Greco:

On May 8, 2018, Kevin Bugel of Giles Engineering Associates, Inc. (Giles), submitted the *Ch. NR 718.12 Soil Management Plan (718.12 SMP)*, requesting approval under Wis. Admin. Code § NR 718.12, to manage contaminated soil at the Milwaukee Solvay Coke & Gas – MGP (Alt SF) (Solvay) site. Copies of revised Figure 5 and Figure 6 of the 718.12 SMP were received on June 6, 2018. The Department of Natural Resources (DNR) received applicable technical assistance fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04(1).

Summary of Proposed Material Management Activities

The Couture, LLC proposes to relocate approximately 34,690 cubic yards (CY) of excavated contaminated material from The Couture (Couture) site to the Solvay site in accordance with Wis. Admin. Code § NR 718.12 which exempts the site or facility that accepts the contaminated soil from the solid waste requirements in Wis. Stats. ch. 289 and Wis. Admin. Code chs. NR 500 to NR 538. The proposed redevelopment of the Couture site with a 44-story mixed-use building, will necessitate the excavation of soil and historic fill to a depth of 25 feet below ground surface, generating approximately 64,305 CY of material. Of this volume, 34,690 CY of native soil, located below historic fill material that is present on the site, is proposed to be managed off-site at the Solvay site. The native soil is contaminated with very low level polyaromatic hydrocarbons (PAHs) at concentrations below soil residual contaminant levels (RCLs). No volatile organic compounds were detected in samples collected from native soil. This soil is proposed to be beneficially reused at the Solvay site as capping material for construction of a property-wide soil cover.

Wis. Admin. Code § NR 718.12 Exemption Request

This letter grants an exemption under Wis. Admin. Code § NR 718.12 for the proposed material management activities. Approval of the exemption is based on the following:

- 1) Managing contaminated waste material in areas of the Solvay site identified on the June 6, 2016 Figure 6 of the *718.12 SMP*, will meet the location criteria listed under Wis. Admin. Code § NR 718.12 (1) (c) with the exception of the following:

- Within 300 feet of any navigable river, stream, lake, pond or flowage

Grant of exemption to s. NR 718.12(1)(c)3.

In consideration of the low level contamination, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12 (1) (c)3. and will allow placement of contaminated waste material within 300 feet of a navigable river.

- 2) Material proposed for excavation from the Couture is contaminated with low level PAHs at concentrations below soil RCLs. Soil samples have been collected for analysis of all contaminants previously detected or expected to be present at this site based on past land use and from areas most likely to contain residual contamination. Based on an estimated volume of 34,690 CY of material, and a sampling frequency of 1 sample per 1,577 CY, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) has not been met. However, the DNR has determined that the material has been adequately characterized due to the low contaminant concentrations reported in the samples collected.
- 3) A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), has been provided to the DNR.
- 4) Documents have been submitted to the DNR that meet the requirements of Wis. Admin. Code § NR 718.12(2)(e) and will be made available on BRRTS on the Web.
- 5) The DNR was provided with at least 7 days' notice prior to commencing material management activities.

Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) This exemption is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the submitted *718.12 SMP*. Any contaminated material that is excavated or otherwise disturbed at the Couture, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538, the solid waste rules administered by the DNR's Waste and Materials Management Program. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge and would be required to be addressed following the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.
- 3) The Couture, LLC and Wisconsin Gas, LLC are responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

Wis. Adm. Code § 718.12 Soil Management Approval
DNR BRRTS # 02-41-581016 to # 15-41-580686
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Please let me know if you have any questions or concerns regarding this approval decision by calling (414) 263-8533 or by email to nancy.ryan@wisconsin.gov.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation & Redevelopment Program

Cc: Kevin Bugel, Giles