



March 19, 2018

Mr. Joel Smullen, AIA  
Marquette University – Facilities Planning & Management  
517 North 14<sup>th</sup> Street  
Milwaukee, WI 53233

Subject: **Updated** Approval of *NR 718.12 Exemption Request and Soil Management Plan*  
Marquette University Athletic and Human Performance Research Center  
1201-1221 W. Wells Street, Milwaukee, Wisconsin  
BRRTS #: 02-41-580746, FID #: 341293920

Dear Mr. Smullen:

On March 2, 2018, the Wisconsin Department of Natural Resources (DNR) received a "*NR 718.12 Exemption Request and Soil Management Plan*" (the Plan), prepared by Ramboll US Corporation (Ramboll), for the property at 1201-1221 W. Wells Street, Milwaukee, Wisconsin (the Property), for the approval under Wis. Admin. § NR 718.12 to allow disposal of excavated contaminated material on the site from which it was excavated. The DNR received all applicable technical assistance fees for providing review and response, in accordance with Wis. Admin. § NR 749.04 (1). Following initial DNR review of the Plan, a telephone conversation was held between DNR and Ramboll on March 7, 2018, to discuss applicable options and modifications to the submittal. In response to the telephone conversation, Ramboll submitted a "*NR 718.12 Exemption Request Modification*" (Plan Modification) to the DNR via email on March 14, 2018. DNR sent an approval letter on March 16, 2018, based on the information provided in the Plan and Plan Modification submittals. A subsequent telephone conversation was held between DNR and Ramboll on March 16, 2018, regarding a modification to the total soil volume to be managed at the Property. In response, Ramboll submitted a "*Second NR 718.12 Exemption Request Modification*" (the Revision) to the DNR via email on March 16, 2018.

### **Summary of Proposed Soil Management Activities**

The Property is located on the campus of Marquette University and is the proposed redevelopment location for the Marquette University Athletic and Human Performance Research Center (AHPRC). Pre-construction investigation activities have identified Polycyclic Aromatic Hydrocarbons (PAHs), Volatile Organic Compounds (VOCs), and metals in the soil and/or groundwater at the Property.

According to the submittals, an estimated 12,500 cubic yards of soil is proposed to be excavated to facilitate the construction of the AHPRC. An estimated 4,200 cubic yards of soil is proposed to be removed during excavation benching to allow for the construction of a basement wall at the Property. Approximately 900 cubic yards of impacted soil generated from the northern excavation benching activities will be disposed of off-site at a licensed solid waste landfill. An estimated 3,300 cubic yards of remaining soil excavated from the western and southern benching areas will be temporarily staged off-site at 1214-1222 W. Wells Street (Former One Hour Valet, BRRTS # 02-41-152248) to allow for the

construction of the basement wall on the Property. Approximately 900 cubic yards of the temporarily staged soils excavated for the southern benching area is proposed to be reused as backfill on the northern portion of the benching excavation area upon completion of the basement wall construction. The remaining temporarily staged soil is proposed to be replaced on the Property at the same location from which it was originally removed. The remaining soil volume excavated during site redevelopment activities will be taken to a licensed solid waste landfill.

The planned AHPRC construction includes a slab-on-grade, two-story space on the northern portion and a full basement on the southern portion of the building. Parking areas will be constructed immediately adjacent to the AHPRC building and in the green space area to the west.

### **Wis. Admin. § NR 718.12 Exemption Request**

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

- 1) Managing contaminated waste material in areas of the site identified on Figure 3 of the Plan will meet the locational criteria listed under Wis. Admin. § NR 718.12 (1)(c), with the exception of the following:
  - Within 3 feet of the high groundwater level

#### Grant of exemption to Wis. Admin. § NR 718.12(1)(c)5

In consideration of the nature of the contaminants, the existing extent of contamination, and the planned management of the material, the DNR grants an exemption to the locational criteria of Wis. Admin. § NR 718.12 (1)(c)5.

- 2) Soil proposed for excavation from the AHPRC is contaminated with PAHs, VOCs, and metals. 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 3,300 cubic yards of material, the sampling protocol described in Wis. Admin. § NR 718.12 (1)(e) has not been met.

#### Grant of exemption to Wis. Admin. § NR 718.12 (1)(e)1

In consideration of site history, subsurface geology, and distribution of residual soil contamination, the DNR grants an exemption to Wis. Admin. § NR 718.12 (1)(e)1.

- 3) The Material Management Plan has been determined to be complete, as defined by Wis. Admin. § NR 718.12(2)(b) and (c).
- 4) The proposed management of contaminated material at the site is expected to meet the criteria of Wis. Admin. § NR 726.13 (1)(b) 1 to 5.
- 5) Documents have been submitted to the DNR that meet the requirements of Wis. Admin. § NR 718.12(2)(e) and will be made available on BRRTS on the Web.
- 6) The DNR was provided with at least 7 days notice prior to commencing soil management activities.

### **Other Information Regarding Contaminated Material Management**

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. § NR 706.
- 2) Material management activities exempted by this letter are scheduled to be completed within one year. Notice should be provided to the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project describing how the activities complied with the approved management plan. The documentation must comply with the requirements of Wis. Admin. § NR 724.15(3) and include:
  - a. A cover letter that contains the information required by Wis. Admin. § NR 724.05(2)(e)1.
  - b. Owner contact and property location information for the AHPRC.
  - c. Maps, drawings, and cross sections that depict how soil was managed.
  - d. A synopsis of the work conducted and an explanation as to how it complied with the Material Management Plan and the conditions in this exemption approval.
  - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
  - f. Any field observations or results of monitoring conducted during the management activity.
  - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the AHPRC.
  - h. A revised cover maintenance plan, if needed.

The DNR reserves the right to request that incomplete documentation be amended as allowed by Wis. Admin. § NR 724.07(2).

- 4) This exemption is granted under Wis. Admin. § NR 718.12 and applies only to the specific activities described within the Plan, Plan Modification, and the Revision submittals. Any material management activities conducted at the Property, not otherwise exempted, must comply with the requirements of the Wis. Admin. §§ NR 500 through 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. §§ NR 700 to 750.
- 5) Solid waste material, other than contaminated soil, that will be disposed at a location other than the site from which it was generated must be managed as required by the solid waste rules. A low hazard exemption can be requested from the Waste and Materials Management Program to manage other solid waste at a non-licensed landfill. If you have any questions regarding solid waste transport, storage, and beneficial use, please contact Jerry Demers, Waste Management Engineer, at (414) 263-8594 or [Gerald.demers@wisconsin.gov](mailto:Gerald.demers@wisconsin.gov).
- 6) Storm water or groundwater that accumulates within excavations should be properly characterized, and the appropriate approvals and permits will be obtained, prior to disposal.
- 7) Marquette University is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision or anything outlined in this letter, please contact me at (414) 263-8524 or by email at [trevor.nobile@wisconsin.gov](mailto:trevor.nobile@wisconsin.gov).

Sincerely,



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

cc: Susan Petrofske, 175 North Corporate Drive, Suite 160, Brookfield, WI 53045 (electronic)  
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DNR SER File