



May 10, 2018

Dr. Blake Wentz  
Milwaukee School of Engineering  
1025 N. Broadway  
Milwaukee, WI 53202

Mr. Bob Paulson  
Wisconsin Gas LLC  
231 W. Michigan Street  
Milwaukee, WI 53203

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

Generating Property: MSOE Diercks Computational Science Hall  
1025 N. Milwaukee St., Milwaukee, WI  
DNR BRRTS #02-41-581016 FID #241343410

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

Dear Mssrs. Wentz and Paulson:

On April 6, 2018, Adam Roder of The Sigma Group (Sigma) submitted the *NR 718.12 Contaminated Soil Management Request (718 Request)* for approval under Wis. Admin. Code § NR 718.12, to manage contaminated soil at the Milwaukee Solvay Coke & Gas – MGP (Alt SF) (Solvay) site. The Department of Natural Resources (DNR) received all 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**

Milwaukee School of Engineering (MSOE) proposes to relocate approximately 7,000 cubic yards (yd<sup>3</sup>) of excavated contaminated material from the MSOE Diercks Computational Science Hall site to the Solvay site. MSOE proposes to manage this material 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. Stat. ch. 289 and Wis. Admin. Code chs. NR 500 to NR 538. MSOE will generate approximately 27,000 yd<sup>3</sup> of soil from excavation work associated with the construction of a four-story building at the MSOE Diercks Computational Science Hall site. 7,000 yd<sup>3</sup> of this material is contaminated with low level polycyclic aromatic hydrocarbons (PAHs) and metals at concentrations below residual contamination levels. This material is proposed to be beneficially reused at the Solvay site as capping material for construction of a property-wide soil cap.

#### **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 in the *718 Request* 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 of 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 material within 300 feet of a navigable river.

- 2) Material proposed for excavation from the MSOE Diercks Computational Science Hall site is contaminated with low level PAHs 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 7,000 yd<sup>3</sup> of material, and a sampling frequency of 1 sample per 250 yd<sup>3</sup>, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) has been met.
- 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 § 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 Request*. Any contaminated material that is excavated or otherwise disturbed at the MSOE Diercks Computational Science Hall, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code Chs. NR 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) MSOE 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, please contact me at (414) 263-8533 or at [nancy.ryan@wisconsin.gov](mailto:nancy.ryan@wisconsin.gov).

Sincerely,



Nancy D. Ryan, Hydrogeologist  
Remediation and Redevelopment Program

Cc: Adam Roder, Sigma