



May 17, 2018

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

Mr. Dave Scherzer
SWP Properties, LLC
1300 W. Canal St.
Milwaukee, WI 53233

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
Property Owner: Milwaukee School of Engineering
DNR BRRTS #02-41-581016 FID #241343410

Receiving Property: Lakefield Sand and Gravel – Former
7003 W. Good Hope Road, Milwaukee, WI
Owner: SWP Properties, LLC
DNR BRRTS #15-41-581390 and #02-41-548828 FID #241377070

Dear Messrs Wentz and Scherzer:

On May 4, 2018, Adam Roder of The Sigma Group (Sigma) submitted a *NR 718.12 Contaminated Soil Management Request (718.12 Request)* for approval under Wis. Admin. Code § NR 718.12, to manage contaminated soil at the Lakefield Sand and Gravel – Former (Lakefield) 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 12,000 cubic yards (yd³) of excavated contaminated material from the MSOE Diercks Computational Science Hall site to the Lakefield 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 yd³ of soil from excavation work associated with the construction of a four-story building at the MSOE Diercks Computational Science Hall site. 12,000 yd³ of this material, contaminated with low level polycyclic aromatic hydrocarbons (PAHs) and metals contamination at concentrations above protection of groundwater RCLs and/or direct contact RCLs, is proposed to be used as fill at the Lakefield site. A final soil cover will be constructed over contaminated fill soil at Lakefield.

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 site identified on Attachment 3 of the *718.12 Request* will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).
- 2) Material proposed for excavation from the MSOE site is contaminated with 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 12,000 yd³ of material, and a sampling frequency of 1 sample per 275 yd³, 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) The proposed management of contaminated material at the Lakefield site is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13(1)(b)1 to 5.
- 5) 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.
- 6) The DNR has been provided with at least 7 days' notice prior to commencing material management activities.
- 7) The current owners of the Lakefield site acknowledged that continuing obligations described below will be required as a condition of managing the contaminated material on their property.

Continuing Obligations

The current property owner of the Lakefield site, and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12(2)(d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Certain activities are prohibited in areas of this site where maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the DNR must be notified before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where a soil cover or other barrier is required, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to single-family residential use.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2300 N. Dr. Martin Luther King, Jr. Dr.
Milwaukee, WI 53212

Residual Soil Contamination:

If contaminated soil managed under this soil management plan is excavated in the future, the property owner at the time of excavation will be responsible for the following:

- determining if contamination is present,
- determining whether the material would be considered solid or hazardous waste,
- ensuring that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in accordance with Wis. Admin. Code § NR 718, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose a hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

Maintenance of a cover:

A soil cover will be placed over remaining contamination at the Lakefield site and this cover must be maintained. Inspections will be required, and submittal of inspection reports may be required. Certain activities which would disturb the cover or barrier will be prohibited. If the cover is approved for industrial land use, notification of the DNR is required before changing to a non-industrial use, to determine if the cover will be protective for that use. A draft maintenance plan is attached which describes the proposed maintenance activities to be required. A final maintenance plan must be provided at the completion of the soil disposal action.

The Lakefield site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>, as having continuing obligations. In addition, this letter and all information submitted with your Wis. Admin. Code § NR 718.12 exemption request will be made available in Portable Document Format (PDF) on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>. All site information is on file at the DNR Southeast Region office located at 2300 N. Dr. Martin Luther King, Jr. Dr., Milwaukee.

DNR approval prior to well construction or reconstruction will be required, in accordance with Wis. Admin. Code § NR 812.09(4)(w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

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) Material management activities exempted by this letter are scheduled to be completed by late summer of 2018. 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. Code § NR 724.15(3) and include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05(2)(e)1.
 - b. Owner contact and property location information for the Site name.
 - 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 Lakefield site.
 - h. A final cover maintenance plan.

The DNR may request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07(2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the submitted *718.12 Request*. Any contaminated material that is excavated or otherwise disturbed at the MSOE site, 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 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.
- 5) MSOE and Lakefield are 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 the DNR project manager, Nancy Ryan by calling (414) 263-8533 or by email at nancy.ryan@wisconsin.gov.

Sincerely,



Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachment: *Proposed Cap Maintenance Plan*
cc: Adam Roder, Sigma

CAP MAINTENANCE PLAN

APRIL 2018

PROPERTY LOCATED AT:

7003 W. GOOD HOPE ROAD, MILWAUKEE, WISCONSIN 53223

FORMER LAKEFIELD SAND AND GRAVEL

FID #241377070, WDNR BRRTS #02-41-548828

INTRODUCTION

This Cap Maintenance Plan for the above-referenced property (the "Site") has been prepared in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the 2-foot thick clean soil cover that will cap the Site [the clean soil cover is in varying stages of completion as of April 2018].

More site-specific information about this property may be found in:

- The case file in the Wisconsin Department of Natural Resources (WDNR) Southeast regional office;
- BRRTS on the Web (DNR's internet-based data base of contaminated sites): <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>;
- GIS Registry PDF file for further information on the nature and extent of contamination: <http://dnrmaps.wi.gov/sl/?Viewer=RR%20Sites>; and
- A WDNR project manager for Milwaukee County.

DESCRIPTION OF CONTAMINATION

Soil contaminated by volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), arsenic, cadmium, chromium, lead, mercury, silver, and polychlorinated biphenyls (PCBs) has been identified at variable depth at the Site. The extents of soil contamination is depicted on Figure # [figure(s) to be included with final Cap Maintenance Plan].

CAP MAINTENANCE ACTIONS

Description of the Cap to be Maintained. The cap consists [will consist] of a 1-foot thick (minimum) low-permeability clean soil layer with a hydraulic conductivity of 1×10^{-6} centimeters per second covered with a 1-foot thick (minimum) clean soil layer. This uppermost clean soil layer will then be covered with a 3-inch thick layer of topsoil to accommodate seeding / grass for stabilization as the final usage of the Site will be soccer fields. The cap area is depicted on Figure # [figure to be included with final Cap Maintenance Plan].

Cap Purpose. The cap over the impacted soil serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a direct contact threat to human health. The cap also acts as an infiltration barrier to minimize future soil-to-groundwater contamination migration that could potentially violate NR 140 groundwater

The Sigma Group, Inc.

Former Lakefield Sand and Gravel

Cap Maintenance Plan (April 2018)

quality standards. Based on the current and future use of the Site, the cap will function as intended unless disturbed.

Annual Inspection. The cap overlying the contaminated soil as depicted in **Figure #** will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to or additional infiltration into underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from usage as soccer fields, increasing age, and other factors. Any area where soils have become or are likely to become exposed, and where infiltration from the surface will not be effectively minimized, will be documented.

A log of the inspections and any repairs will be maintained by the property owner and is attached (refer to "Continued Obligations Inspection and Maintenance Log", DNR form 4400-305). The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept at the site and available for submittal or inspection by WDNR representatives upon their request.

Maintenance Activities. If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the exposure hazard so that appropriate personal protection equipment (PPE) can be utilized. The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored, and disposed of by the owner in accordance with applicable local, state, and federal law.

In the event the cap overlying the contaminated soil is removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Cap Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner, in order to maintain the integrity of the cap, will maintain a copy of this Cap Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

PROHIBITION OF ACTIVITIES AND NOTIFICATION OF WDNR PRIOR TO ACTION AFFECTING A COVER OR CAP

The following activities are prohibited on any portion of the property where the cap is required as shown on the attached map, unless prior written approval has been obtained from the WDNR: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

If removal, replacement, or other changes to a cover, or a building which is acting as a cover, are considered, the property owner shall contact the WDNR at least 45 days before taking such action to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wisconsin Administrative Code.

AMENDMENT OR WITHDRAWAL OF MAINTENANCE PLAN

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of WDNR.

CONTACT INFORMATION (as of April 2018)

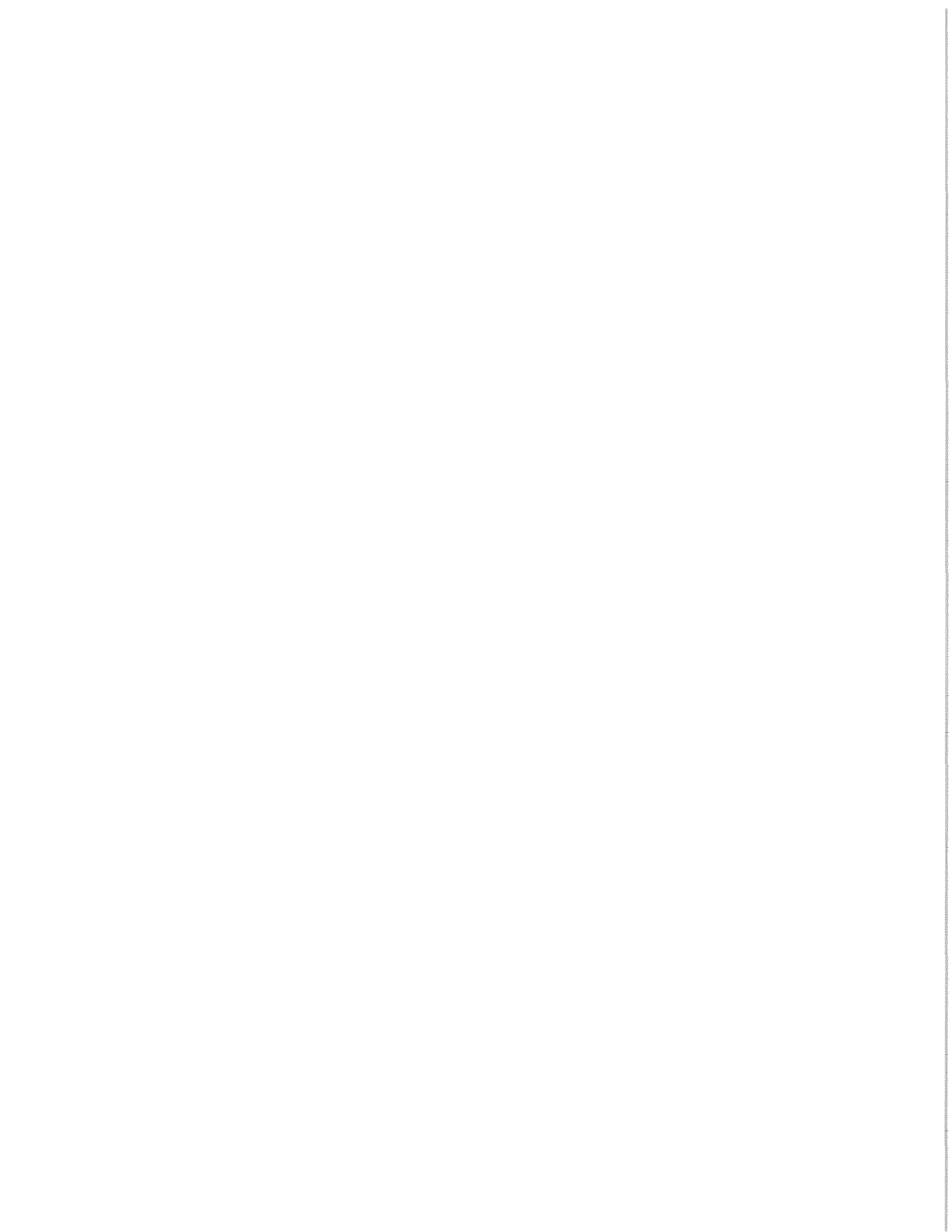
- Property Owner / Responsible Party:
SWP Properties, LLC
1300 W. Canal Street
Milwaukee, WI 53233
Contact: Mr. Dave Scherzer
Telephone: (414) 643-4101
Email: dscherzer@thesigmagroup.com

Signature: _____

- Environmental Consultant:
The Sigma Group, Inc.
1300 West Canal Street
Milwaukee, WI 53233
Telephone: (414) 643-4200
Contact: Ms. Kristin Kurzka
Email: kkurzka@thesimgagroup.com
- WDNR Project Manager:
WDNR Southeast Region
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212
Telephone: (262) 263-8607
Contact: Mr. Binyoti Amungwafor
Email: Binyoti.Amungwafor@wisconsin.gov

Attachments

- Figure # - Soil Quality Map(s) [figure(s) to be updated for final Cap Maintenance Plan]
 - Figure # - Maintenance Location Map [to be generated in the future after final cap construction for final Cap Maintenance Plan]
- Form 4400-305 "Continuing Obligations Inspection and Maintenance Log"



Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name Former Lakefield Sand and Gravel	BRRTS No. 02-41-548828
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Inspections are required to be conducted (see closure approval letter):

annually
 semi-annually
 other – specify _____

When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):

Binyoti.Amungwafor@wisconsin.gov

Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations implemented?	Photographs taken and attached?
		<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
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02-41-548828

Former Lakefield Sand and Gravel

BRRTS No.

Activity (Site) Name

Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

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Date added:

Title: