

From: Michalets, Linda M - DNR
Sent: Wednesday, June 23, 2021 2:57 PM
To: tpeterson@kapurinc.com
Cc: astith@crestoremilwaukee.org
Subject: FW: 1818 W National Ave site, 02-41-583465 Technical Assistance request

Resending this with Andrew Stith's correct email address.

From: Michalets, Linda M - DNR
Sent: Wednesday, June 23, 2021 2:54 PM
To: tpeterson@kapurinc.com
Cc: stith@crestoremilwaukee.org
Subject: 1818 W National Ave site, 02-41-583465 Technical Assistance request

Hello Travis,

I am reviewing your Technical Assistance Request form (received on June 1, 2021) with an Environmental Activities Update (Update) stating that the actions are to support an NFA or to proceed with an NR 726 closure. I am requesting additional information, as numbered below, to clarify and support Kapur's conclusion that no additional investigation activities are warranted and to complete my review.

Materials Management Plan:

On May 10, 2019, the DNR provided a response letter approving the material management activities, based on conditions that included the following:

Historic Fill Material

The DNR's May 10, 2019 letter stated, "If material that will be managed under this exemption includes solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085."

1. In the Discharge Notification Form (received on April 19, 2019), the discharge was described as "Unknown (presumed surface release)" and the substances are VOCs, PAHs and lead. In the Update's Findings and Recommendations section, it states that the contamination is most likely attributed to historic filling (waste fill/foundry sand). A detailed description of the extent of this contaminant source must be provided. Include the boring logs for all sampling conducted for this investigation and describe observations of fill during property redevelopment.
2. If historic fill material is present on this property, then a historic fill exemption was required to build over the waste materials, as stated in the DNR's May 10, 2019 letter. Confirm if an exemption to build on historic fill material was requested.
3. Explain how you determined that the ERP contaminant plume, associated with historic fill material (waste fill/foundry sand), is much smaller than originally estimated using field

screening only for PAH and lead contaminants. Generally, if fill material is the source of PAHs and lead, then either contamination must be inferred wherever fill material is present or on the entire property.

Documentation

The DNR's May 10, 2019 letter stated that documentation of material management activities "must 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 Former NDC Inc./Mega Marts.
- c. Maps, drawings, and cross sections that depict how contaminated material 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 Former NDC Inc./Mega Marts."

Your Update references a Soil Management Plan Completion Report that was received by the DNR on May 4, 2021. This Completion Report did not include the requested cross sections to depict how the contaminated material was managed (e.g., before and after material management activities).

4. Provide cross sections showing sub-surface conditions with the depths and locations of contaminants detected (including the residual contamination associated with the 5 closed LUST cases) and the relationship between the contaminants detected and the presence of fill material.

Your Update includes Pre-Construction Figure 5: Soil Disposal / Relocation Map indicating that the soil in the vicinity of B-21 requires landfill disposal. A Post-Construction Figure 5: Soil Disposal / Relocation Map and Residual Soil Plume Contaminant Plume is also included that indicates the soil in the vicinity of B-21 remains in place. Neither the Completion Report nor the Update include a description or explanation of any changes made to the planned management activity at B-21.

5. Provide a description of the management of soil at B-21. Describe how the new site conditions, specifically allowing the soil at B-21 to remain on-site, are protective of human health, safety, welfare and the environment.

Engineered Barrier:

Your Update mentions that an engineered barrier is in place and will be maintained to address the residual contamination. If a barrier is needed, then an NFA would not be appropriate, as maintenance of a barrier is a continuing obligation after closure. None of the closed LUST sites had caps as continuing

obligations after closure, so this would be a new CO applied to this site. You would have to support closure without a cap to request an NFA.

6. Provide the analytical data (after completion of material management activities) on a site figure that shows where contamination requires maintenance of an engineered barrier. Include the residual contamination associated with the 5 closed LUST cases. For case closure, additional details will need to be provided to conclude that the barriers in place are protective for the contamination that remains.

Passive Venting System:

7. Discuss the reasons why the new building was installed with a passive venting system. Was the new building constructed over known petroleum contamination at the closed petroleum cases? Was a new contaminant source(s) encountered? A figure should be provided that shows where the new building is located in relation to the known residual contamination at the closed cases and in relation to the open ERP site contamination.

In summary, a more comprehensive description of contaminant sources and lateral and vertical extent of contamination must be provided. This requested information will be used to consider if an NFA determination is appropriate or if an NR 716 Site Investigation will be needed before proceeding with an NR 726 case closure request. I will pause my review until the requested information is received.

Let me know if you have any questions about these points.

Thank you,
Linda

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Linda Michalets

she/her/hers

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