



July 8, 2019

File Ref BRRTS: 07-41-583889
09-41-262107

Mr. Greg Failey
General Mitchell International Airport
5300 South Howell Avenue
Milwaukee, WI 53207

Subject: Liability Clarification and “No Action Required” Determination, per Wis. Admin. Code NR § 716.05(2).
Mitchell Airport HVAC BLDG, 5300 S Howell Avenue, Milwaukee, Wisconsin
Parcel #: 6409999118
DNR FID #: 241280270

Dear Mr. Failey:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at a portion of 5300 S Howell Avenue, Milwaukee, Wisconsin (“the Property”). The Property consists of approximately 1,456 acres of land located in Milwaukee County, identified by tax parcel number 6409999118, and identified on the attached Figure 1, Site Location Map. This determination only applies to the area depicted on Figure 2, Existing Site Conditions.

Summary Determination

Hazardous substance discharges or environmental pollution have occurred on the Property. However, the Wisconsin Department of Natural Resources (“the department”) has determined that no response actions are required. The department has made this determination based on the data made available to the department and the criteria in Wis. Admin. Code § NR 716.05.

Request

On July 1, 2019, Katherine Juno of LF Green Development, LLC requested on your behalf that the department issue a liability clarification letter under Wis. Stat. § 292.55. The letter contains a determination as to whether response actions are needed under the Wis. Admin. Code NR 700 rule series based on the discharge of one or more hazardous substances or presence of environmental pollution at the Property. The department received the fee for providing assistance, in accordance with Wis. Admin. Code § NR 749.04(1).

For the department to make this determination, you have requested a review of the following documents:

- Discharge notification form submitted to the department on November 13, 2000;
- No Further Action Request, June 4, 2019, LF Green Development, LLC
- Additional information regarding the discovery of the contamination provided on June 28, 2019, by LF Green Development, LLC
- Department files for Mitchell Airport HVAC BLDG.

The department examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

In 2000, a 5000-car parking structure expansion was being constructed at the General Mitchell International Airport. The existing powerplant building (where the HVAC system was located) and a portion of Husteiner Road had previously been demolished to make room for the expansion. Metal debris that appeared to be the bottoms of underground storage tanks (USTs) was discovered in the vicinity of the former powerplant during construction. These were thought to be the remnants of fuel oil tanks known located in the area. It is unclear as to why only the tank bottoms were discovered or how the tanks were abandoned or removed. No visual indicators of contamination or petroleum odors were observed near the debris. Several soil samples were collected in the area by the environmental consultant hired by the Airport, Kapur and Associates, Inc. and analyzed for the presence of diesel range organics (DRO). There is no record as to the number or location of these samples. A laboratory report was never provided to the department and is not currently available.

As reported in the discharge notification, one of the soil samples collected at this site had a measurable amount of DRO detected at a concentration of 8.91 mg/kg. It is unclear if this is indicative of a fuel oil release. This concentration was significantly less than the soil standards established for DRO at that time which were either 100 mg/kg or 250 mg/kg. Currently, the department has established no standard for DRO.

A discharge was reported to the department on November 13, 2000 based on the presence of DRO and a case was opened (BRRTS # of 02-41-262107). No further investigation was conducted and there is no record that contaminated soil was discovered or specially managed during construction. On June 7, 2019 the department received a request to consider this case for a 'no further action' determination. As there is no evidence that a remedial action was conducted to address contaminated soil at this portion of the Property the department cannot concur with this request. However, as no evidence has been provided suggesting that a significant release associated with the fuel tanks occurred either, the parking structure and new road have since been built over the area, and that the Property will continue to be used as a major airport in the foreseeable future, the department will be requiring no investigation of the apparent fuel oil discharge. This site will now be tracked in BRRTS as # 09-41-262107 to indicate that no action is required.

Liability Determination

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754 require those who are responsible for a hazardous substance discharge or environmental pollution to take actions necessary to respond to the contamination. Wis. Stat. § 292.55, authorizes the department to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges or environmental pollution has been discovered on the Property. However, based on the criteria in Wis. Admin. Code § NR 716.05(2)(a) and Wis. Admin. Code §§ NR 708.09 (1) and (2), the department has determined that no response actions, including further site investigation activities, are required under Wis. Admin. Code chs. NR 700-754 to respond to these identified discharges or environmental pollution.

As with any environmental assessment, all areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. This letter relates and refers only to those conditions described above and to information and data you submitted to the department in your request for this letter. The department makes no determination concerning the presence or absence of hazardous substances or environmental pollution, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the department becomes aware of new information concerning the contaminants referenced above, or the presence of

other contaminants on the Property, the department will evaluate that data at that time to determine if any response actions are required. Whenever possible, the department requires the person who caused the discharge to take the appropriate response actions.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the beginning of this letter. The department tracks information on all case determinations such as this letter in a department database that is available online at dnr.wi.gov and search: "BOTW". Since there is no action required for this case, the department will identify this site activity as a "No Action Required" determination.

If you have any questions, please contact me at (262) 574-2166, by writing to the address at the top of this letter or by email to paul.grittner@wisconsin.gov.

Sincerely,



Paul Grittner
Hydrogeologist - Remediation & Redevelopment Program
Southeast Region

Attach: Figure 1, Site Location Map, June 4, 2019, LF Green Development, LLC
Figure 2, Existing Site Conditions, June 4, 2019, LF Green Development, LLC

CC: Katherine Juno, LF Green Development, 5600 W. Brown Deer Road, Suite 120, Milwaukee WI 53223
(electronic)
Margaret Brunette, DNR (electronic)

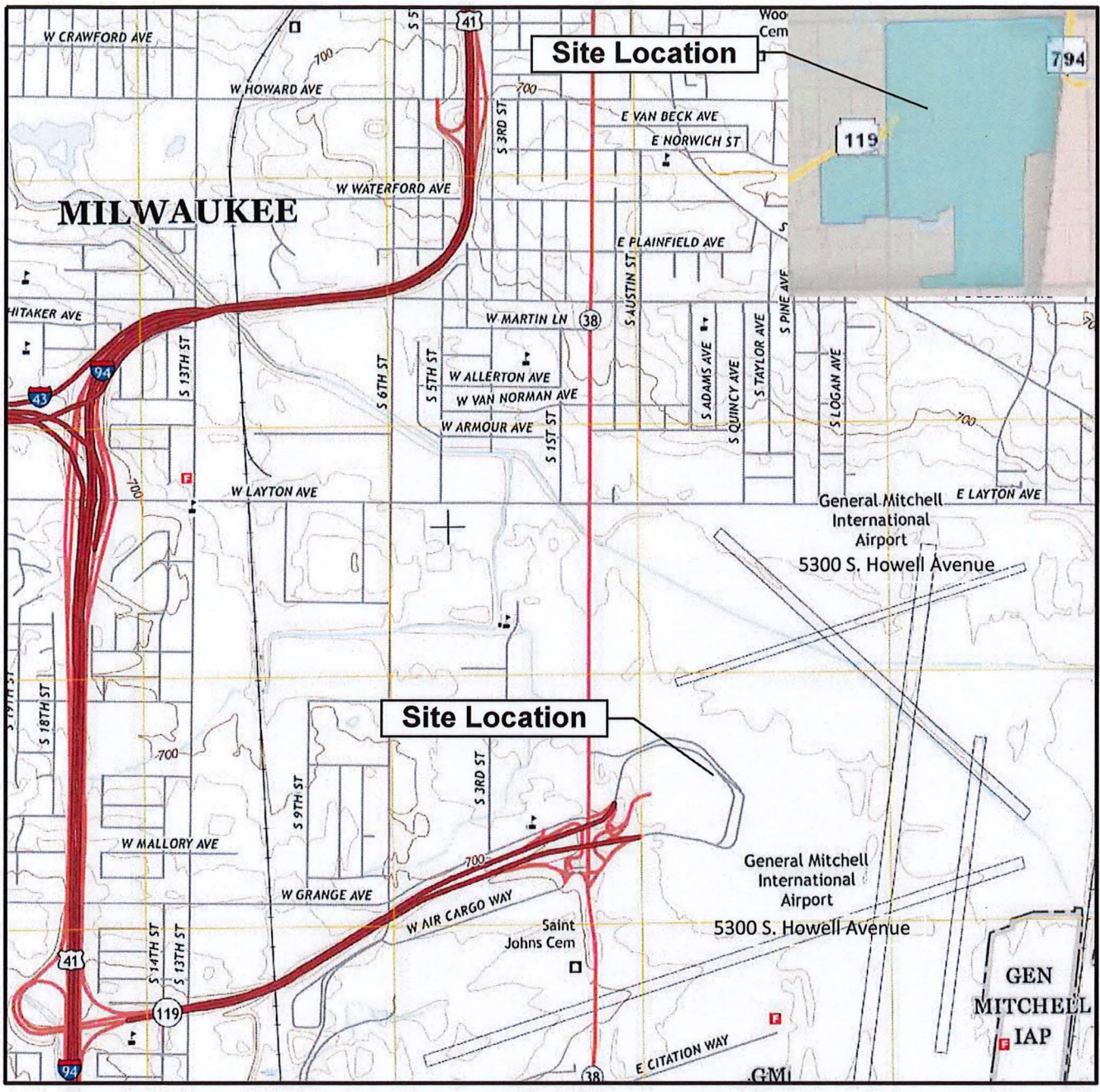


FIGURE 1
SITE LOCATION MAP
MITCHELL AIRPORT HVAC BLDG
5300 S. Howell Avenue Milwaukee, WI
 NW 1/4 of the SW 1/4 of Sec 28, T06N, R22E
BRRTS #03-41-262107

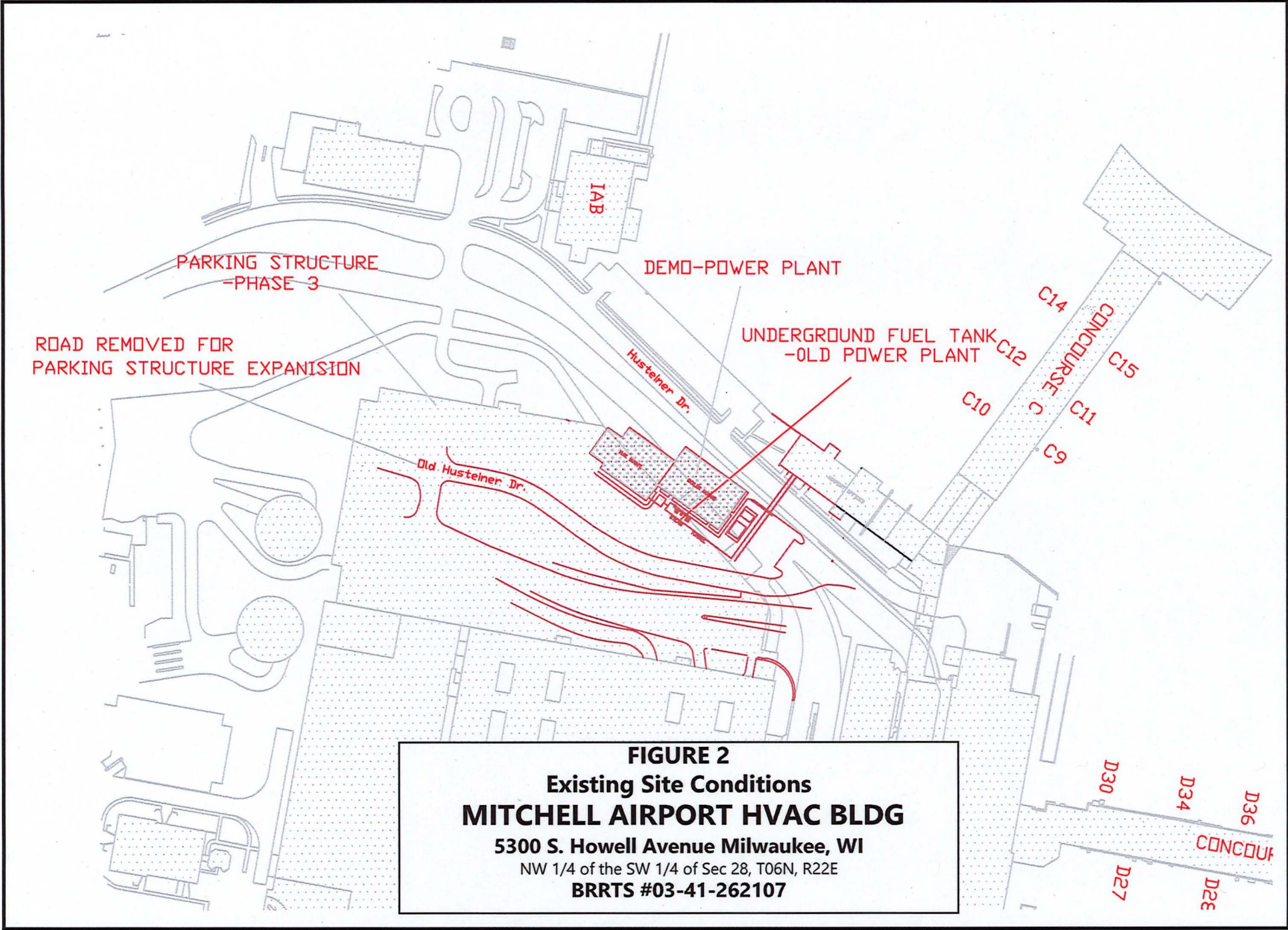


FIGURE 2
Existing Site Conditions
MITCHELL AIRPORT HVAC BLDG
5300 S. Howell Avenue Milwaukee, WI
NW 1/4 of the SW 1/4 of Sec 28, T06N, R22E
BRRS #03-41-262107