



November 20, 2023

Mr. Joe Grimes
DP 95th Street, LLC
9550 West Higgins Road
Rosemont, IL 60018
Via Electronic Mail Only to: jgrimes@dermody.com

Subject: Liability Clarification and “No Action Required” Determination Letter
LogistiCenter at Pleasant Prairie, 8000 95th Street, Pleasant Prairie, WI 53158
Parcel #: 92-122-164-0014
BRRTS Activity Name: Logisticenter East Soil Pile
BRRTS #: 07-30-586163, 09-30-593406 FID #: 230006260

Dear Mr. Grimes:

The Wisconsin Department of Natural Resources (DNR) received a liability clarification and a “No Action Required” determination request from Christopher Thompson of Braun Intertec Corporation (Braun) on behalf of DP 95th Street, LLC on October 19, 2023 (Request). The Request was submitted with the appropriate review fee for the site location (Property) identified above. The purpose of this letter is to provide DP 95th Street, LLC clarification as to environmental liabilities and current environmental conditions at the Property. Wisconsin Statutes (Wis. Stat.) § 292.55(1)(d)1 authorizes the DNR to issue a letter to a person seeking assistance concerning the liability of a person owning or leasing a property for environmental pollution at a property, the type and extent of environmental pollution at a property, the adequacy of an environmental investigation, or any other matter related to a request for assistance. This type of letter contains a DNR determination as to whether response actions are needed under Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700 to 799 based on the discharge of one or more hazardous substances, or the presence of environmental pollution at the Property. The DNR based this letter on review of environmental reports and other documents that were provided in the Request:

- Liability clarification letter request, completed Form 4400-237, signed October 16, 2023, including a cover letter and attachments.
- Discharge notification form submitted to the DNR on October 27, 2023;
- *Phase I Environmental Site Assessment*, May 31, 2023, Braun.

Also reviewed were DNR files for WI Electric Power Pleasant Prairie Stn (BRRTS # 09-30-527479).

PROPERTY USE

The Property consists of an approximately 200-acre parcel of land that was formerly part of a power plant facility that ceased operation in 2018. Former features included cooling towers, small buildings, lagoons, a railroad spur and a coal pile. The Property is currently partially vegetated and vacant of structures. A large soil pile, approximately 400,000 cubic yards, generated at the time of power plant development, circa 1980, is located on the eastern side of the Property. Approximately 45,000 cubic yards of soil from the eastern portion of the pile are planned to be used as material within a right-of-way (ROW) as part of redevelopment of the larger former power plant property. The remaining stockpiled soil will be redistributed over the Property prior to its development as a warehouse complex.

Refer to the attached Figure 4 for a map of the Property.

BACKGROUND AND ENVIRONMENTAL SUMMARY

The Property is bounded by a railroad ROW to the east, commercial property to the south, and former power plant property to the west and north. The Property is located within the Village of Pleasant Prairie and DP 95th Street, LLC is the current owner of the Property. The Request concerns the eastern portion of the large soil pile present on the Property from which soil samples were collected for characterization.

A Phase I Environmental Site Assessment (ESA) was performed by Braun in 2023 to evaluate past uses of the Property as being sources of environmental contamination associated with historical use of the Property. The Phase I ESA described the Property as being undeveloped agricultural land prior to power plant construction. At that time native soil from the Property was generated from creating lagoons and other infrastructure. The soil was placed on the east side of the Property and remained in place for approximately 43 years as a large soil pile. The ESA identified coal combustion residue as a potential recognized environmental concern (REC) if encountered in the soil pile, and as a historic REC following planned removal and disposal at a WEC landfill north of the Property if any material was encountered during development.

As part of redevelopment of the former power plant facility, approximately 50,000 cubic yards of soil from the eastern side of the soil pile were identified as a potential fill material source for the Koesl Court ROW contingent on soil characterization. Soil samples were collected at 2-foot intervals to depths of 18 feet below ground surface from 28 test pits within the eastern side of the soil pile. The soil was primarily silty clay with some layers of former topsoil encountered. Being above the surrounding land surface groundwater was neither expected nor encountered in the test pits. A total of 181 soil samples were submitted for laboratory analysis of polycyclic aromatic hydrocarbons (PAHs) and Resource Conservation and Recovery Act (RCRA) metals.

Numerous PAHs were detected in soil samples, many at concentrations between the limit of detection and the limit of quantitation. Only two samples had PAHs above respective Wis. Admin. Code Ch. NR 720 Residual Contaminant Levels (RCLs), benzo(a)pyrene above direct contact RCL in one sample and chrysene above the groundwater pathway RCL in both samples. The presence of isolated PAHs above RCLs is considered insignificant. Silver and selenium were detected in some samples above their respective groundwater pathway RCLs and several samples had arsenic at concentrations above the Background Threshold Value (BTV). Lead was present in one sample above the BTV. Considering the concentrations and distribution of metals in the soil samples and occurrence in the native soil of the area, the metal concentrations in the soil samples do not appear to be indicative of a significant discharge at the Property. The areas of the Property investigated are shown on the attached Figure 4.

The Request indicated the characterized soil from the eastern portion of the soil pile will be used for fill material within the top 4 feet of the development street ROW, with some soil being placed where utilities are constructed within the ROW easement. The DNR concurs this would be an appropriate reuse of the soil material as described in the Request.

DETERMINATIONS

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 to 799 require those who are responsible for a hazardous substance discharge or environmental pollution to take actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air,

lands or waters of the state. Wis. Stat. § 292.55 authorizes the DNR 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 information provided at this time and the criteria in Wis. Admin. Code § NR 716.05(2)(a) and Wis. Admin. Code §§ NR 708.09(1) and (2), the DNR has determined that no response actions, including further site investigation activities, are required under Wis. Admin. Code chs. NR 700 to 799 to respond to the identified discharges or environmental pollution.

Soil Management

As described above, low-level contamination was shown to be present in the soil pile on the eastern side of the Property. The concentrations of PAHs and metals detected in the soil do not require further action at this time, but this soil may require management as a solid waste if it is excavated in the future. The property owner at the time of excavation must determine whether the material is considered solid or hazardous waste and ensure that any storage, grading, excavation or disposal is in compliance with applicable regulations. Soil that meets the criteria to be considered “exempt soil” may be managed without DNR approval. See *Exempt Soil Management: A Self-Implementing Option for Soil Excavated During a Response Action under Wis. Admin. Code chs. NR 700 through NR 750 Applicability (RR-103)* for more information (visit dnr.wi.gov, search “RR-103”). Contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718 with prior DNR approval.

As with any environmental assessment, some areas of the Property were not assessed, the number of samples collected were limited based on professional judgment and financial considerations, and environmental 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 DNR in your request for this letter. The DNR makes no determination concerning the presence or absence of hazardous substances or environmental pollution on the Property other than those identified in the documents and reports listed above, which you submitted to the DNR. In the future, if the DNR becomes aware of new information concerning the contaminants referenced above or the presence of any other contaminants on the Property, the DNR will evaluate that data at that time to determine if any response actions are required.

CLOSING

This letter, site and case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search “BOTW.” Use the BRRTS ID # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching “RRSM.”

If you have any questions regarding this letter, please contact me at (414) 207-2179, or at adam.mcilheran@wisconsin.gov.

Sincerely,

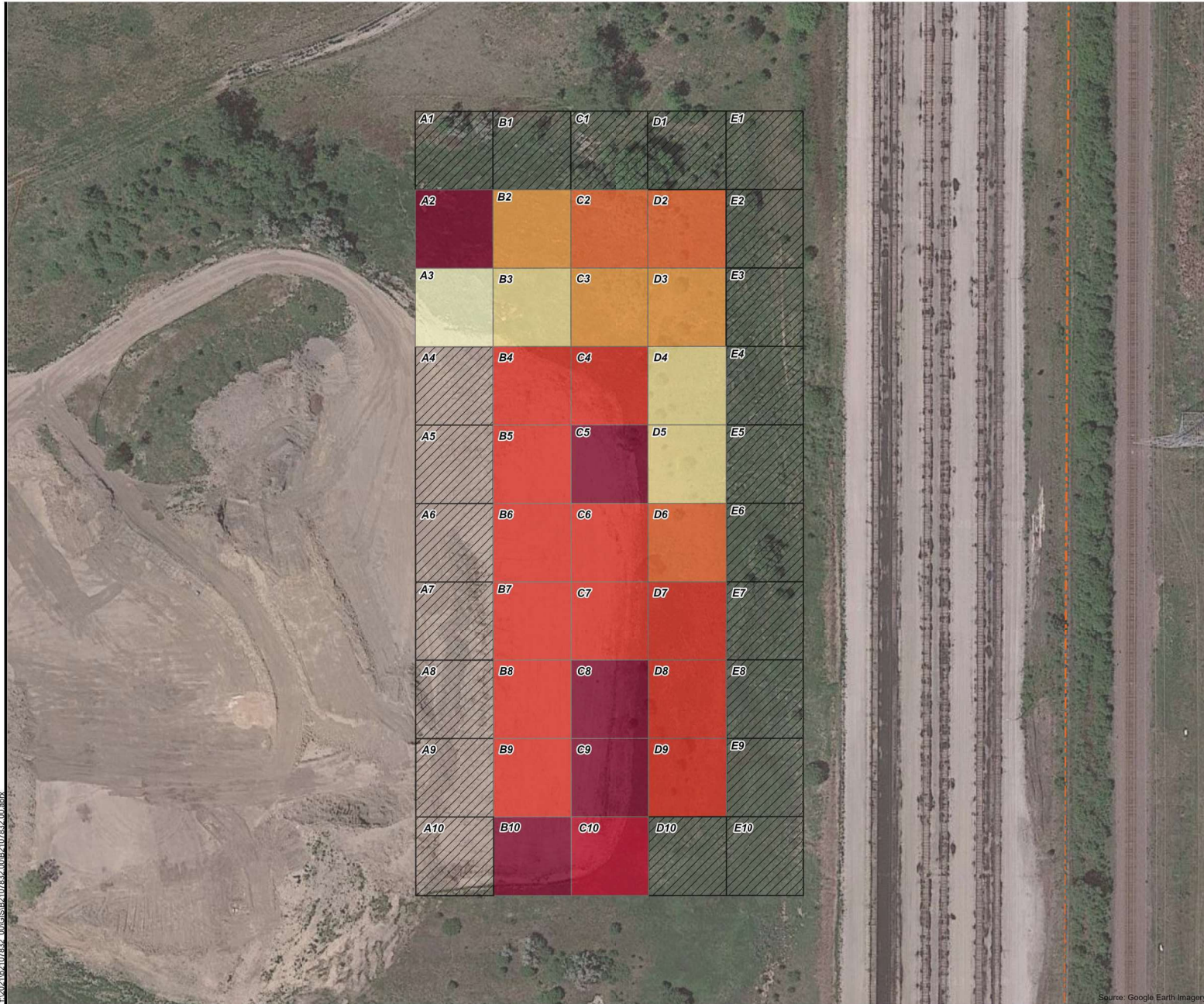


Adam S. McIlheran
Hydrogeologist
Remediation and Redevelopment Program

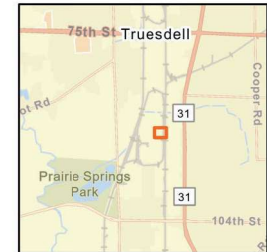
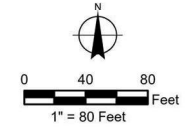
Attachment: Figure 4, Depth of Stockpile Confirmation Sampling, 8/1/2023, Braun

cc: Christopher Thompson, Braun Intertec Corporation – cthompson@braunintertec.com
Margaret Brunette, DNR, Remediation and Redevelopment Program –
Margaret.Brunette@wisconsin.gov
Michael Prager, DNR, Remediation and Redevelopment Program –
Michael.Prager@wisconsin.gov

SER file



- Approximate Site Boundary
- Terminal Depth of Confirmation Sampling:
- 8 Feet
- 10 Feet
- 11 Feet
- 12 Feet
- 15 Feet
- 16 Feet
- 17 Feet
- 18 Feet
- Sampling Not Conducted



Drawing Information
Project No:
B2107832.00
Drawing No:
F4 Stockpile Sampling
Drawn By: ZS
Drawn Drawn: 8/1/2023
Checked By: BF
Last Modified: 8/4/2023

Project Information
LogistiCenter at
Pleasant Prairie
8000 95th Street
Pleasant Prairie,
Wisconsin

**Depth of
Stockpile
Confirmation
Sampling**

Figure 4

4/2024/10/21/07832_00/GIS/B4/07832_00/B4/07832_00.mxd

Source: Google Earth Imagery