



April 8, 2022

Donald Richards  
CDA Housing, Inc.  
600 52<sup>nd</sup> Street, Suite 320  
Kenosha, WI 53140

Building on a Historic Fill Site Exemption Approval  
Beta-Becher Acquisition Company, LLC  
Filer & Stowell Co. Redevelopment  
147 East Becher Street  
Milwaukee, Wisconsin  
BRRTS# 07-41-589480 FID# 241186880

Dear Mr. Richards,

The Wisconsin Department of Natural Resources (Department) received your application for a grant of exemption from regulation under Wis. Admin. Code § NR 506.085 (Application) on March 3, 2022, prepared on your behalf by Ramboll US Consulting, Inc. (Ramboll). The Application includes an evaluation of methane gas detected at low concentrations across the redevelopment area. Ramboll did not recommend additional methane gas sampling or mitigation measures, and does not consider methane gas to be a threat to human health or the environment. The Department understands the contaminated soil fill containing waste material identified by geotechnical and environmental site investigations will be addressed by activities described in the *716 Site Investigation Report and Remedial Action Options Report* (Report), dated February 22, 2022 and the *Materials Management Plan* (MMP), dated February 23, 2022. The Report and the MMP are being tracked under Bureau of Remediation and Redevelopment Tracking System (BRRTS) activity # 02-41-589088.

The Department is issuing this conditional grant of exemption from the prohibitions contained in Wis. Admin. Code § NR 506.085, provided you comply with the conditions of this grant of exemption. This conditional grant of exemption is limited to the redevelopment area shown on the attached Figure 16, *Planned Site Layout (First Floor)*. The proposed redevelopment described in the Application consists of renovating nine existing multi-story buildings; demolishing four portions of existing buildings; constructing two new buildings; and constructing asphalt and concrete paved surfaces, a storm water retention pond, and landscaping. If you are considering additional changes beyond those described in the Application, a new application must be submitted to the Department for approval.

Please review the information contained in publication PUB-RR-685, *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* to assist you in preventing environmental or safety problems during and after development.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements including site closure under Wis. Admin. Code ch. NR 726. If you have any questions concerning this letter, please contact Greg Moll at (262) 202-3921 or [john.moll@wisconsin.gov](mailto:john.moll@wisconsin.gov).

Sincerely,



Pamela A. Mylotta, Supervisor  
Remediation and Redevelopment Program  
Southeast Region

cc: Richard Mazurkiewicz, Ramboll US Consulting, Inc.  
Jezamil Arroyo, City of Milwaukee Inspection Services

Attachment: Figure 16, Planned Site Layout (First Floor)

BEFORE THE

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
CONDITIONAL GRANT OF EXEMPTION  
FOR  
DEVELOPMENT ON A PROPERTY  
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. Ramboll US Consulting, Inc., on behalf of Beta-Becher Acquisition Company, LLC, submitted an application for an exemption from the prohibition in Wis. Admin. Code § NR 506.085 dated on March 3, 2022.
2. Historically the development area was filled with foundry sand and slag, brick, concrete and metal debris.
3. A 716 Site Investigation Report and Remedial Action Options Report and a Materials Management Plan are being reviewed by the Department and are tracked under BRRTS activity # 02-41-589088.
4. The proposed development consists of renovating nine existing multi-story buildings; demolishing four portions of existing buildings; and constructing two new buildings, asphalt and concrete paved surfaces, a storm water retention pond, and landscaping.
5. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in Wis. Stat. §§ 289.01(8) and 299.01(4).

CONCLUSIONS OF LAW

1. In accordance with the foregoing, the Department has the authority under Wis. Admin. Code § NR 500.08(4), to issue the following conditional grant of exemption.
2. The Department has the authority under Wis. Admin. Code § NR 500.08(4) to issue an exemption from the prohibition in Wis. Admin. Code § NR 506.085, if the proposed development will not cause environmental pollution as defined in Wis. Stat. §§ 289.01(8) and 299.01(4).
3. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of Wis. Admin. Code chs. NR 500 to 538, or to assure that environmental pollution will not occur.
4. The conditions set forth below are necessary to ensure compliance with the applicable provisions of Wis. Admin. Code chs. NR 500 to 538, and to assure that environmental pollution will not occur.

## CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues a conditional grant of exemption to Beta-Becher Acquisition Company, LLC from the prohibition in Wis. Admin. Code § NR 506.085, for development on a property which contains solid waste as proposed in the submittal received March 3, 2022, subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in Wis. Admin. Code ch. NR 103.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in Wis. Admin. Code § NR 500.03(55).
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in Wis. Admin. Code § NR 500.03(62).
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in Wis. Admin. Code § NR 500.03(62), or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard in Wis. Admin. Code ch. NR 140.
5. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in Wis. Admin. Code § NR 445.03.
6. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard in Wis. Admin. Code ch. NR 720.
7. No action related to the development of the property may be taken which will cause a discharge of contaminated storm waters or sediment.
8. This conditional grant of exemption should not be construed as a site closure under Wis. Admin. Code ch. NR 726.
9. The redevelopment construction activities shall not prevent the completion of a Wis. Admin. Code ch. NR 716 site investigation and required remediation, and shall comply with an approved Wis. Admin. Code ch. NR 718 materials management plan.
10. This exemption shall transfer with changes in property ownership. In accordance with Wis. Stat. § 289.46(2), any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal activity occurred may not undertake any activities on the land which may cause a significant threat to public health, safety or welfare. The Department should be contacted to discuss any proposed changes to avoid activities that could violate the statute.

This conditional grant of exemption is limited to the proposed changes described in your Application. If you are considering additional changes beyond those described in the Application, a new application must be submitted to the Department for approval. The Department reserves the right to require the submittal of additional information and to modify this conditional grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: April 8, 2022

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



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



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J. Gregory Moll, Hydrogeologist  
Remediation and Redevelopment Program  
Southeast Region

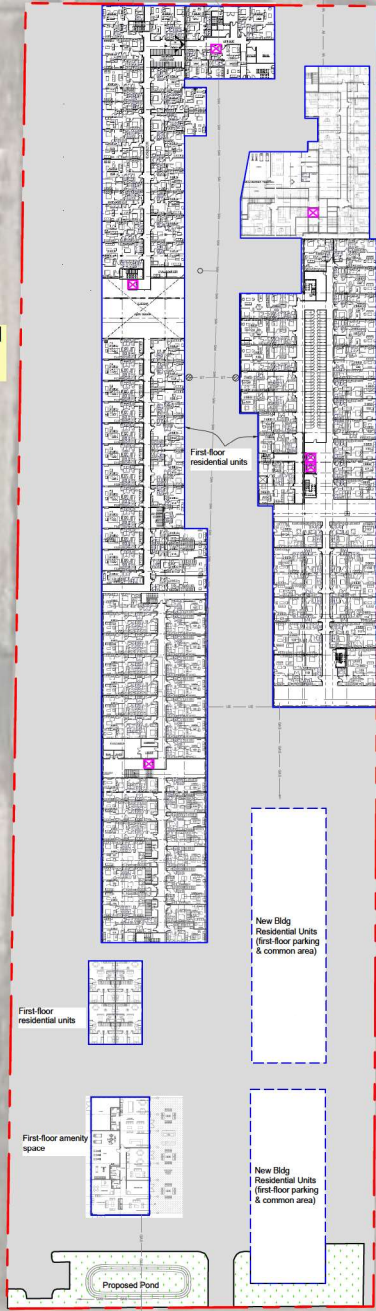
**LEGEND**

- FILER & STOWELL SITE BOUNDARY (APPROXIMATE)
- RENOVATED BUILDINGS
- PROPOSED NEW BUILDINGS
- PLANNED LANDSCAPE AREAS
- PLANNED PAVEMENT OR LANDSCAPED AREAS
- SANITARY SEWER
- UNDERGROUND ELECTRIC UTILITY
- GAS UTILITY
- STORM SEWER
- WATER UTILITY
- ELEVATOR

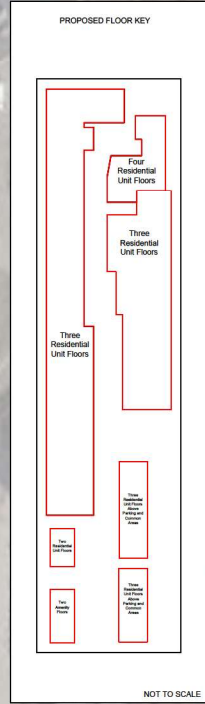


E Becher St

Former Industrial Property



Railroad



0 120  
SCALE IN FEET

W Lincoln Avenue

**PLANNED SITE LAYOUT  
(FIRST FLOOR)**

Filer & Stowell Property  
147 East Becher Street  
Milwaukee, Wisconsin 53207

**FIGURE  
16**

DRAFTED BY: RPM
DATE: 1/19/2022
PROJECT: 169002383