



September 21, 2022

Shane LaFave
Roers Companies/Community Within The Corridor, Limited Partnership
110 Cheshire Lane, Suite 120
Minnetonka, MN 55305

Building on a Historic Fill Site Exemption Approval
Community Within the Corridor – East Block
2748 N. 32nd St., Milwaukee, Wisconsin
BRRTS #07-41-590208 FID #241025400

Dear Mr. LaFave,

The Wisconsin Department of Natural Resources (Department) received your application for a grant of exemption from regulation under Wis. Admin. Code § NR 506.085, prepared on your behalf by K. Singh & Associates, Inc. (K. Singh), in a document titled *“Development at Historic Fill Site or Licensed Landfill Exemption Application,”* dated July 20, 2022 (Application). Historic fill containing waste material was identified by environmental site investigation and will be remediated during construction activities as described in the report titled *“Update to Post Closure Modification Request/Remedial Action Plan”* prepared by K. Singh, dated March 19, 2021. The report is tracked under Bureau of Remediation and Redevelopment Tracking System (BRRTS) open case activity #02-41-263675. Information regarding the potential of the fill material or underlying native soil to generate methane gas was provided by K. Singh after receipt of the Application in an email dated September 3, 2022. K. Singh determined the fill material and underlying soil does not have the potential to generate methane gas.

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. The proposed development described in the Application consists of constructing a ramp for underground parking, concrete and asphalt paved areas, and landscaped areas around existing buildings. This conditional grant of exemption is limited to the proposed areas of development shown on attached Figure 6A, *“Soil Excavation Map”* and Figure 7, *“Engineered Barrier Plan.”* 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. If you have any questions concerning this letter, please contact Greg Moll at (262) 202-3921 or at john.moll@wisconsin.gov.

Sincerely,



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

cc: Daniel K. Pelczar, K. Singh & Associates, Inc.
Robert Reineke, K. Singh & Associates, Inc.
Jezamil Arroyo, City of Milwaukee Inspection Services

Attachment: Figure 6A, Soil Excavation Map
Figure 7, Engineered Barrier Plan

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. K. Singh & Associates, Inc., on behalf of Roers Companies/Community Within The Corridor, Limited Partnership, submitted an application dated July 20, 2022, for an exemption from the prohibitions in Wis. Admin. Code § NR 506.085.
2. Submitted information includes a statement by a Professional Engineer that non-organic fill material and underlying soil does not appear to present a risk for methane gas generation.
3. Historically the property was filled with reworked soil containing foundry sand and cinders.
4. The proposed development consists of constructing a ramp for underground parking, concrete and asphalt paved areas, and landscaped areas around existing buildings.
5. Ongoing site investigation information and an “*Update to Post Closure Modification Request/Remedial Action Plan*” report are tracked under BRRTS activity #02-41-263675.
6. 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 prohibitions 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 an exemption to Roers Companies/Community Within The Corridor, Limited Partnership from the prohibitions in Wis. Admin. Code § NR 506.085, for development on a property which contains solid waste as proposed in the Application dated July 20, 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 development construction activities shall not prevent the completion of a Wis. Admin. Code ch. NR 716 site investigation, shall be coordinated with required remedial response actions, and shall not prevent the completion of approved remedial response actions.
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 the 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: September 21, 2022

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



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



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

REVISIONS	DATE	DESCRIPTION

DRAWN BY: _____
 CHECKED BY: _____
 DATE: 04/29/2021
 SHEET TITLE: SOIL EXCAVATION MAP

FIGURE 6A



SOIL BORINGS AND TEMPORARY WELL LOCATIONS

- VOCs, PAHs, RCRA Metals, PCBs
- VOCs, PAHs, RCRA Metals
- VOCs, SVOCs, RCRA Metals, PCBs, Pesticide, Herbicides
- NR 720 RCL Exceedance Extents
- Confirmatory Sample Location

- LEGEND:
- SECTION CORNER MONUMENT
 - EX. CHISELED CROSS FOUND
 - EX. IRON ROD FOUND
 - EX. IRON PIPE FOUND
 - EX. STORM MANHOLE
 - EX. CATCH BASIN ROUND
 - EX. CATCH BASIN SQUARE
 - EX. SANITARY MANHOLE
 - EX. GAS VALVE
 - EX. AIR CONDITIONER
 - EX. ELECTRIC METER
 - EX. ELECTRIC PEDESTAL
 - EX. TELEPHONE PEDESTAL
 - EX. CLEANOUT
 - EX. POWER POLE
 - EX. MONITORING WELL OR CORR
 - EX. MAILBOX
 - EX. SANITARY MANHOLE
 - EX. UNKNOWN MANHOLE
 - EX. COMBINED SEWER MANHOLE
 - EX. ELECTRIC MANHOLE
 - EX. ELECTRIC TRANSFORMER
 - EX. TELEPHONE MANHOLE
 - EX. GUY WIRE
 - EX. LIGHT POLE
 - EX. SIGN
 - EX. BOLLARD (BOL)
 - EX. WATER VALVE
 - EX. OVERHEAD WIRES
 - EX. BUREAU OF ELECTRICAL SERVICES
 - EX. FENCE LINE
 - EX. COMMUNICATIONS
 - EX. TELEPHONE LINE
 - EX. GAS LINE
 - EX. FIBER OPTICS
 - EX. SANITARY SEWER (SAN)
 - EX. STORM SEWER (STO)
 - EX. WATER MAIN
 - EX. TREE LINE

- ABBREVIATIONS:
- ACC = ACCESS
 - ARC = ARC OF CURVE
 - ASPH = ASPHALT
 - CH = CHORD LENGTH
 - CON = CONCRETE SURFACE
 - CON + CORNER = CORNER SURVEY
 - CON + CENTER = CENTER SURVEY
 - MAP OR MAPPING = MAP OR MAPPING
 - D = DEGREE
 - DEL = DEGREE OF CURVE
 - DIR = DIRECTION
 - EL = ELEVATION
 - EX = EXISTING
 - FIN = FINISH
 - FFE = FINISH FLOOR EL.
 - FIN = FINISH
 - FCD = FINISH FLOOR CONCL. EL.
 - GND = GROUND
 - IP = IRON PIPE
 - IRP = IRON ROD
 - IRP + IRON ROD = IRON ROD
 - N = NORTH
 - NE = NORTH-EAST
 - NAD = NORTH AMERICAN DATUM
 - NO. = NUMBER
 - NOS = NUMBER OF STIMMUS
 - PG. = PAGE
 - QTR = QUARTER
 - RIM = RIM OR TOP POINT
 - R/W = RIGHT OF WAY
 - SEE = SEE
 - SEE SOUTHEAST = SEE SOUTHEAST
 - SEMP = SEWER MAINS
 - SEC = SECTION
 - CTM = C.T.M. (CITY TOWN MAP)
 - LAST = LAST COMMISSION
 - SWP = SURVEYED STATES HIGHWAY
 - SWP = SOUTH WEST
 - U.S.G.S. = UNITED STATES GEOLOGICAL SURVEY
 - VAR = VARIATION
 - VPI = VERTICAL POINT OF INTERSECTION
 - W = WEST

- UNDERGROUND COMBUSTIBLE GAS LINE



SCALE IN FEET
 0 50

SOO LINE RAILROAD

N88° 34' 03" E 296.92'

N04° 05' 33" W 600.61'

N 32ND STREET

S88° 34' 03" W 255.02'

N88° 34' 03" E 255.02'

S88° 34' 03" W 2678.3'

PL. DATE 10/02/21 12:48 PM PLO BY RYAN TOY

FILE NAME: P:\2021\CAD\ENVIRONMENTAL\CAD\SHR\BARRACOW\B-6 & TUDING

