



December 20, 2022

James Fay  
Clement J. Zablocki VA Medical Center  
5000 W. National Ave.  
Milwaukee, WI 53295

Anthony Jazdzyk, PE  
Milwaukee Metropolitan Sewerage District  
260 W. Seeboth St.  
Milwaukee, WI 53204

Via Email Only to: [James.Fay@va.gov](mailto:James.Fay@va.gov)  
[ajazdzyk@mmsd.com](mailto:ajazdzyk@mmsd.com)

Subject: Conditional Approval for Development on a Property where Solid Waste has been Disposed  
Clement J. Zablocki VAMC  
5000 W. National Ave., Milwaukee, WI 53295  
DNR BRRTS Activity #07-41-590890, FID #341041470

Dear Mr. Fay and Mr. Jazdzyk:

The Wisconsin Department of Natural Resources (DNR) reviewed and approves the proposed development on the solid waste disposal facility located at 5000 W. National Ave., Milwaukee, WI, in accordance with Wisconsin Administrative (Wis. Admin.) Code § NR 506.085, subject to the conditions listed in the attached approval. This approval is limited to the specific activities described in the application submitted to the DNR dated November 4, 2022. If any changes or additional activities are considered beyond those described in the application, a new application must be submitted to the DNR for approval.

The proposed activities include the following:

- Constructing a Milwaukee Metropolitan Sewerage District interceptor sewer on the proposed alignment shown on Figure 3, *Locations of Soil Borings and Monitoring Wells*.

This approval does not relieve you of obligations to meet all other applicable federal, state and local permits, or zoning and regulatory requirements. This approval should not be construed as a case closure approval under Wis. Admin. Code ch. NR 726.

If you have questions or concerns regarding this letter, please contact Greg Moll, at (262) 202-3921 or [gregory.moll@wisconsin.gov](mailto:gregory.moll@wisconsin.gov).

Sincerely,



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

Attachments: Conditional Approval  
Figure 3, Locations of Soil Borings and Monitoring Wells

cc: Ajay P. Singh, K. Singh & Associates, Inc. – [asingh@ksinghengineering.com](mailto:asingh@ksinghengineering.com)  
Greg Michael, DNR, Remediation & Redevelopment Program – [greg.michael@wisconsin.gov](mailto:greg.michael@wisconsin.gov)  
Jezamil Arroyo, Milwaukee Inspection Services – [javega@milwaukee.gov](mailto:javega@milwaukee.gov)

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL APPROVAL  
FOR  
DEVELOPMENT ON A PROPERTY WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Wisconsin Department of Natural Resources (DNR) finds that:

1. Clement J. Zablocki VA Medical Center owns the historic fill site located at 5000 W. National Ave., Milwaukee, WI, Parcel #4379999000.
2. Solid waste, specifically, brick, asphalt, metal and possible foundry sand, is present at the property.
3. On November 10, 2022, the DNR received an application from K. Singh & Associates, Inc. (K. Singh) on behalf of Clement J. Zablocki VA Medical Center and Milwaukee Metropolitan Sewerage District for approval to develop on the Clement J. Zablocki VA Medical Center property. The DNR received the review fee of \$700, per Wisconsin Administrative (Wis. Admin.) Code ch. NR 749 on November 10, 2022.
4. The information submitted in connection with the proposed activities includes:
  - a. The Development at Historic Fill Site or Licensed Landfill Application form dated November 4, 2022 and received by the DNR on November 10, 2022.
5. Additional documents considered in connection with the review of the proposed development includes:
  - a. 1) *"Parking Lots 4 & 7 at Clement J. Zablocki VA Medical Center, 5000 W. National Avenue, Milwaukee, WI,"* prepared by The Sigma Group, dated December 22, 2015.
  - b. The DNR's files pertaining to BRRTS activity #02-41-563846.
6. Additional facts relevant to the review of the proposed activities include:
  - a. 1) The non-organic fill material and underlying soil do not appear to present a risk for methane gas generation.
  - 2) The proposed development site is within the open case for BRRTS activity #02-41-563846.
  - b. The submitted application presented a schedule for the project, which provides that the development is expected to be completed in 2023.
7. If the special conditions set forth below are complied with, the proposed development should not interfere with maintenance of the solid waste disposal area or cause a significant threat to public health, safety or welfare or to the environment.

CONCLUSIONS OF LAW

1. The DNR has authority under Wis. Admin. Code § NR 506.085 to approve development at a solid waste facility as defined in Wisconsin Statute (Wis. Stat.) § 289.01(35).
2. The DNR has authority under Wis. Stat. § 289.46(2) to limit its approval under Wis. Admin. Code § NR 506.085 to activities which will not interfere with a closed solid waste disposal facility or cause a significant threat to public health, safety or welfare.

3. The conditions of the approval set forth below are needed to ensure the proposed development does not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety or welfare as required under Wis. Stat. § 289.46(2).
4. In accordance with the foregoing, the DNR has authority under Wis. Admin. Code § NR 506.085 to issue the following approval.

#### CONDITIONAL APPROVAL

The DNR conditionally approves the proposed activities on the Clement J. Zablocki VA Medical Center property subject to the following conditions:

1. All aspects of the proposed activities shall be performed in accordance with the application received by the DNR and the conditions of this approval. In the case of any differences between the approval conditions and the application, the approval conditions shall take precedence.
2. This approval is limited to the activities described in the application received by the DNR on November 10, 2022. Any changes or additional activities beyond those described in the application shall not be implemented without prior written DNR approval (Wis. Admin. Code § NR 506.085).
3. No action related to the proposed activities at the property may be taken which will cause any of the impacts or effects described in Wis. Admin. Code §§ NR 504.04(4)(a) to (f).
4. A report shall be submitted to the DNR within 60 days of completion of the proposed activities that documents the project was completed in accordance with the approved plan and conditions of this approval. The report may be submitted in conjunction with a Wis. Admin. Code § NR 724.15 remedial action construction documentation report. The report shall include:
  - a. Narrative describing work completed in accordance with approval and any problems encountered.
  - b. If waste was encountered, documentation of proper disposal of waste.
  - c. Photo documentation of all aspects of construction.
  - d. An explanation of any deviations from the plan and for documentation of minor field modifications discussed with the DNR.
  - e. A set of as-built plans.
5. This conditional approval should not be construed as a site closure under Wis. Admin. Code ch. NR 726.
6. The proposed activities shall not prevent the completion of remedial response actions required under Wis. Admin. Code chs. NR 700-799 and shall be coordinated with remedial action and/or materials management requirements and related DNR approvals.
7. All fill material and soil underlying the fill material excavated for the interceptor sewer construction activities shall be disposed at a licensed landfill and shall not be re-used at the Clement J. Zablocki VA Medical Center property or any other property.
8. If contamination is encountered during the development activities that is not related to the documented contamination, notification of the contamination shall be submitted to the DNR.

9. Any continuing requirements of the approved plan or the conditions of the approval shall transfer with changes in property ownership.
10. This approval is based on the information available to the DNR as of the date of approval. If the proposed project changes or if circumstances change such that there may be a need to modify this approval, the DNR may ask applicants to provide additional information relating to activities to determine if the approval will need to be modified.

#### NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the DNR, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing DNR decisions.

- For judicial review of the DNR’s decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed or otherwise served by the DNR to file the petition with the appropriate circuit court and serve the petition on the DNR. Such a petition for judicial review must name the “Department of Natural Resources” as the respondent.
- To request a contested case hearing pursuant to Wis. Stat. § 227.42, you have 30 days after the decision is mailed or otherwise served by the DNR, to serve a petition for hearing on the secretary of the DNR. All requests for contested case hearings must be made in accordance with Wis. Admin. Code § NR 2.05(5), and served on the DNR secretary in accordance with Wis. Admin. Code § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Dated: December 20, 2022

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



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



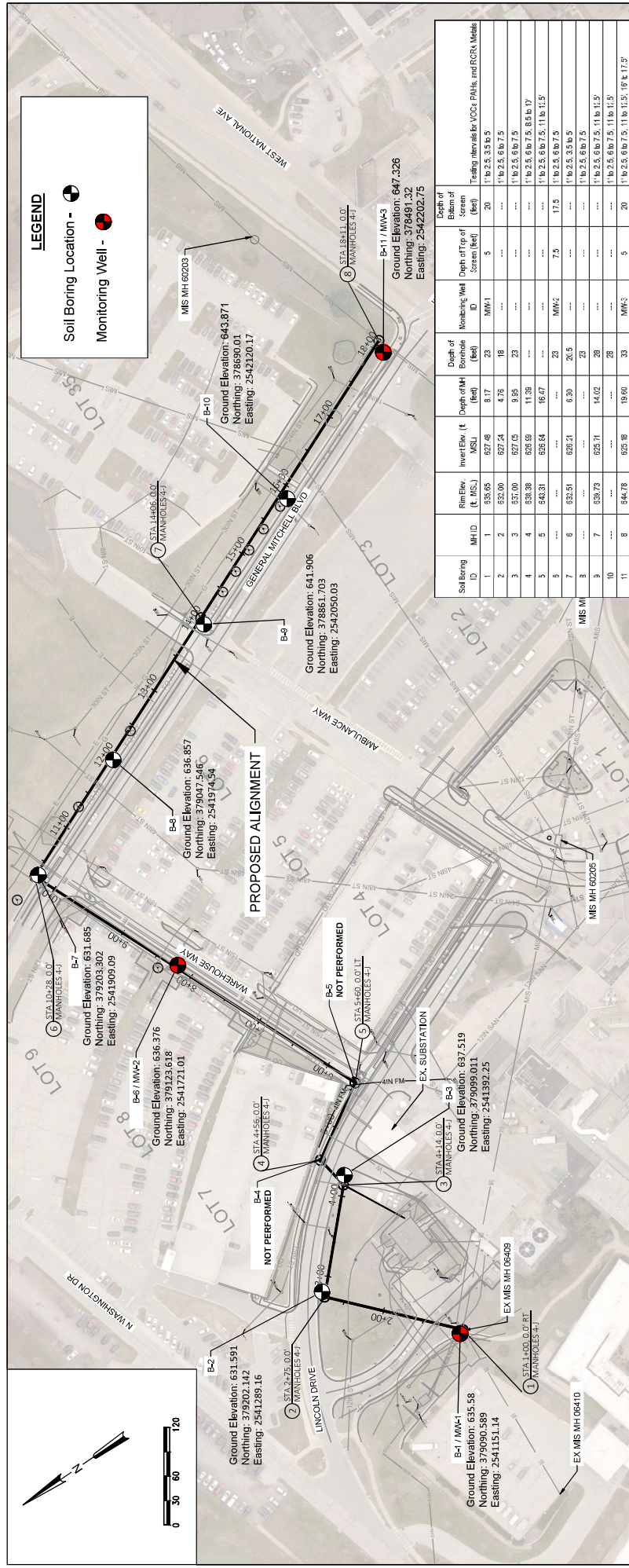
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J. Gregory Moll, P.G.  
Hydrogeologist  
Remediation & Redevelopment Program

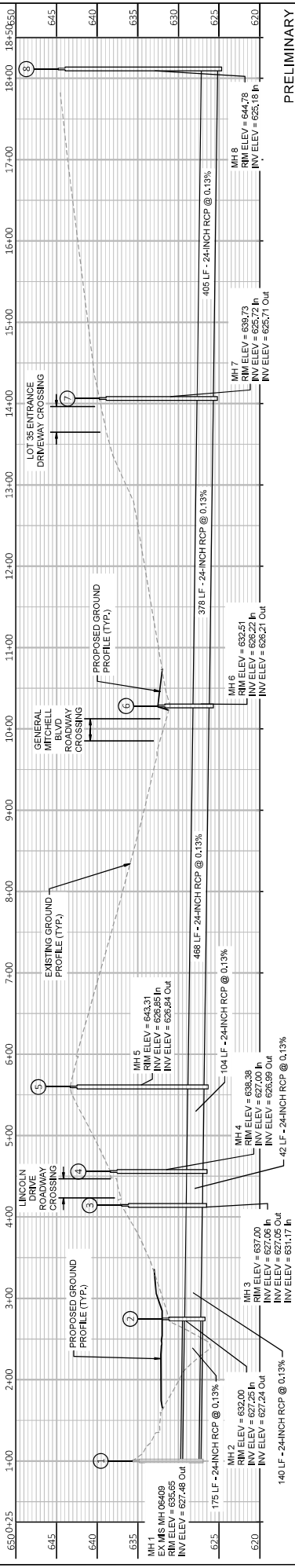
**LEGEND**

Soil Boring Location -

Monitoring Well -



Soil Boring ID	MHD	Rim Elev. (ft. W.S.)	Invert Elev. (ft. MSL)	Depth of MH (feet)	Depth of Borehole (feet)	Depth of Monitoring Well Screen (feet)	Depth of Bottom of Screen (feet)	Testing intervals for VOCs, PAHs, and RCRN Metals
1		636.65	627.48	8.17	23	MW-1	5	1' to 2.5', 3.3' to 5'
2		632.00	627.24	4.76	18			1' to 2.5', 6.6' to 7.5'
3		631.00	627.05	9.95	23			1' to 2.5', 6.6' to 7.5'
4		630.38	626.59	11.39				1' to 2.5', 6.6' to 7.5', 8.5' to 10'
5		643.31	626.64	16.47				1' to 2.5', 6.6' to 7.5', 11' to 17.5'
6		635.51	626.21	6.30	26.5	MW-2	7.5	1' to 2.5', 6.6' to 7.5'
7		637.00	626.21	14.02	28			1' to 2.5', 6.6' to 7.5'
8		644.78	625.18	19.60	33	MW-3	5	1' to 2.5', 6.6' to 7.5', 11' to 17.5', 19' to 17.5'



REV. NO.	DATE	REVISION DESCRIPTION	BY	APP'D

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<p>DRAWING NO.: FIGURE 3</p> <p>SHEET: 02</p> <p>DATE: MARCH 15, 2022</p> <p>CONTRACT: C08222001</p> <p>MISC FILE: PLEESA.FIGURE 2.DWG</p>
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