



March 14, 2023

Cecelia Annex LLC
Attn: Rick Wiegand
624 North 24th Street
Milwaukee, WI 53233

Subject: Approval to Manage Contaminated Soil under Wis. Admin. Code § NR 718.12
817 North 27th Street and 2734 W Wells St Historic Fill
817-831 North 27th Street and 2734 West Wells Street, Milwaukee, WI
DNR BRRTS Activity #: 02-41-591126, FID #: 341347600

Dear Mr. Wiegand:

On September 30, 2022, Stephen Meer of The Sigma Group (Sigma) submitted a Materials Management Plan on your behalf requesting to manage 400 cubic yards of contaminated soil on the same site from which it will be excavated in accordance with Wis. Admin. Code NR 718.12. The Wisconsin Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

The almost 28,000 square feet building on site was constructed in the 1920s with two floor drains installed on the ground floor in the 1940s. The building has been used for various commercial purposes, most notably as an auto repair shop in the mid-20th century. The Site Investigation (SI) included soil, groundwater, and vapor sampling. Samples were analyzed for volatile organic compounds (VOCs), polyaromatic hydrocarbons (PAHs), and RCRA metals. The Materials Management Plan (MMP) addresses the movement and reuse of soil with PAH impacts related to the historic fill. Plans to renovate the site building and construct a new parking lot will generate 400 cubic yards of soil impacted with PAHs and Lead. An approval through Wis. Admin. Code NR 718.12 has been requested to manage the contaminated soil on site where it will be used as backfill after site redevelopment.

Wis. Admin. Code § NR 718.12 Approval

This letter grants an approval to manage contaminated soil under Wis. Admin. Code § NR 718.12 on site. Approval is based on the following:

Compliance with Locational Criteria

Managing contaminated soil in areas of the site identified on Figure 14 of the Materials Management Plan will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).

Characterization of Soil to be Excavated

Soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including VOCs, PAHs and RCRA metals, from areas most likely to contain residual contamination. Based on an estimated volume of 400 cubic yards of material, and a sampling frequency of one sample per 100 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) was met.

Submittal of a Soil Management Plan

A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12 (2) (b) and (c), was provided to the DNR.

Assessment of Risk Posed by Soil Management

The proposed management of solid waste at the 817-831 North 27th Street and 2734 West Wells Street Property is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

Notice Provided Prior to Commencing Soil Management Activities

Per Wis. Admin. Code § NR 718.12 (2), the DNR was provided with written notice at least seven days prior to commencing the proposed material management.

Requirement of Continuing Obligations

You have acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated material on your property as proposed.

The current property owner of the 817-831 North 27th Street and 2734 West Wells Street Property, and any subsequent property owners, must comply with the following continuing obligations at this site, established under Wis. Admin. Code § NR 718.12 (2) (d), to ensure that conditions will remain protective. DNR staff will conduct periodic, pre-arranged inspections to ensure that the conditions included in this letter and Cap Maintenance Plan are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § NR 718.12 approval meet the requirements of Wis. Admin. Code § NR 718.12 (2) (e) and are available in PDF on the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) and RR Sites Map (RRSM), to provide public notice of remaining contamination and continuing obligations. Both BOTW and RRSM are available at dnr.wi.gov, search "WRRD."

More information on responsibilities related to continuing obligations can be found in the DNR publication "Continuing Obligations for Environmental Protection" (RR-819), which can be found at dnr.wi.gov, search "RR-819."

Please send written notifications and inspection reports, if required, in accordance with the following requirements to Hera Hulsey.

Send documents to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>). More information on submitting electronic documents can be found in the DNR publication "Guidance for Electronic Submittal for the Remediation and Redevelopment Program" (RR-690), which can be found at dnr.wi.gov, search "RR-690."

Residual Soil Contamination

If contaminated soil that was managed as proposed in the Materials Management Plan is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the material is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718 with DNR pre-approval. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil and solid waste may pose a hazard, and special precautions may be necessary to prevent a health threat to humans.

If material that will be managed under this approval includes solid waste other than soil, it may be required to obtain approval from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085.

The location(s) where contaminated soil is proposed to be managed at the 817-831 North 27th Street and 2734 West Wells Street Property is depicted on the attached Soil Management Map, Figure 14, August 25, 2022.

Maintenance of a Cover

An engineered cover is proposed to be installed and maintained over contaminated soil that will be managed at the 817-831 North 27th Street and 2734 West Wells Street Property as proposed in the Materials Management Plan. A draft Maintenance Plan is attached, which describes the inspection and maintenance activities that will apply to the proposed barrier. An updated maintenance plan must be provided to the DNR once the barrier has been constructed if changes are required and must address actual site conditions per Wis. Admin. Code § NR 724.15 (3) (h). A map is attached which shows where contaminated soil is proposed to be managed and the extent of the proposed cover. Once constructed, inspections of the engineered barrier will be required per Wis. Admin. Code § NR 724.13), and submittal of inspection reports may also be required per Wis. Admin. Code § 727.05 (1) (b) 3. Notification to the DNR is required before changing to a non-industrial use if the cover is approved for industrial land use, per Wis. Admin. Code § NR 727.07 (3) to ensure that the cover will be protective for that use.

The draft Maintenance Plan prohibits certain activities in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining soil contamination. The following activities are prohibited on any portion of the property where the engineered barrier is required, unless prior notification is provided to DNR to determine whether further action may be necessary to protect human health, safety, or welfare of the environment (§ NR 727.07):

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to single-family residential use.

Other Information

- 1) Any hazardous substance discharge discovered during contaminated soil management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.

- 2) Contaminated soil management activities approved by this letter are scheduled to be completed in spring and summer of 2023. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of contaminated soil activities shall be provided within 60 days of the completion of this project. The documentation must comply with the requirements of Wis. Admin. Code § NR 724.05 (2) and § NR 724.15 (3). Documentation must include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05(2) (e) 1.
 - b. Owner contact and property location information for the 817-831 North 27th Street and 2734 West Wells Street Property.
 - c. Maps, drawings and cross sections that depict how contaminated soil was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the contaminated soil management plan and the conditions in this approval.
 - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the management activity.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the 817-831 North 27th Street and 2734 West Wells Street Property.
 - h. A revised cover maintenance plan, if needed.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

- 4) This approval is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the submitted Materials Management Plan. Any contaminated soil that is excavated or otherwise disturbed at the 817-831 North 27th Street and 2734 West Wells Street Property, not covered under this or another approval, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 599. The management of contaminated soil on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 799.
- 5) Cecelia Annex LLC is responsible for obtaining any local, federal or other applicable state permits to carry out the project.

All remediation sites are included in DNR's BRRTS database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity # 02-41-591126 and the related BRRTS activity # 02-41-589189. Actions relating only to the management of contaminated material are tracked in the BRRTS system under activity # 02-41-591126.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact the DNR Project Manager, Hera Hulsey, by calling (262) 612-9127, or by email at hera.hulsey@wisconsin.gov.

Sincerely,

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2724-2734 W Wells St Historic Fill
817-831 North 27th Street and 2734 West Wells Street, Milwaukee, WI
DNR BRRTS Activity #: 02-41-591126

Timothy G. Alessi
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments:

- Soil Management Map, Figure 14, August 25, 2022
- Draft Cap Maintenance Plan

cc: Stephen Meer, Sigma (electronic)