

Hanson, David L - DNR

From: Mylotta, Pamela A - DNR
Sent: Wednesday, March 31, 2021 4:23 PM
To: Shane LaFave; Hanson, David L - DNR; Robert Reineke
Cc: Que El-Amin; Martinez, Joseph J - DNR; Pfeiffer, Jane K - DNR; Pratap Singh
Subject: RE: West Block Sub-Slab Vapor and Soils Investigation for CWC Limited Partnership
3212 W. Center St., 2727 N. 32nd St., and 2758 N. 33rd St., Milwaukee, WI 53210

Good afternoon Shane,

Thank you for taking time to discuss the Community Within the Corridor (CWC) project status with me today. David Hanson forwarded me your email requesting the DNR only open one site to investigate the East and West Blocks of the CWC development project. We also discussed the status of the DNR's review of documents and information recently submitted by K. Singh for the East Block property. We anticipate providing a review letter for these submittals within the next week and would like to hold a remote meeting with you and your consultant next Friday (April 9) to discuss our review. I will check our schedules and also contact K. Singh to establish a time for that meeting. The rest of this email further explains our response to your request regarding the number of open "sites" to be established for the project area.

To evaluate and respond to your request, the DNR considered the definition for "site" provided in Wisc. Admin. Code § NR 700.03(56)(b) as "any area where a hazardous substance has been discharged". The response action requirements in Wisc. Admin. Code chs. NR 700 through 749 apply to a "site".

The properties in question contain more than one area where a hazardous substance has been discharged resulting from different sources within the properties. The DNR employs a certain amount of enforcement discretion and flexibility in allowing responsible parties to combine more than one discharge area on a property into one "site". Two main criteria for this are the discharge areas are within one contiguous legal property and the contamination extending from those discharge areas overlap.

West Block. With regard to your request to combine the discharge areas identified in recent sampling within the West Block property with those on the East Block property, neither of the above criteria apply. Therefore, consistent with code and our limits on flexibility, the DNR has determined that the discharges found in the West Block property will be considered a separate additional "site" for response actions under the NR 700 rule requirements. Having recently received the discharge notification form for the West Block property from your consultant, the DNR will be issuing a "Responsible Party" letter to you for the Community Within the Corridor - West Block "site".

East Block. Analytical results and location information for soil samples recently collected from the East Block have now been received as well. As discussed previously with you, based on all the additional the soil and vapor information received for the East Block, the DNR has determined that the previously closed case (BRRTS# 02-41-263675) will be re-opened per Wisc. Admin. Code ch. NR 727 and a separate letter verifying this determination will be provided to you as well. Using our flexibility to assign "sites" on a contiguous property, we will not be opening any additional "sites" for the East Block and this will allow your consultant to continue to conduct investigation and remedial activities in a comprehensive manner for the East Block property. Because the DNR is re-opening the formerly closed case on the East Block, the post-closure modification process will no longer be applicable and all response actions will be evaluated within the NR 700 process to re-close the case. Your consultant need not alter previous submittals to reflect this, but future submittals should not refer to a "post-closure modification". Upon re-opening, we are recommending to change the "site/activity" name to better reflect the project at hand to "Community Within the Corridor – East Block". Please let us know if you have a different recommendation. This name is consistent with the site name given in the Discharge Notification form submitted for the West Block data.

Response actions complying with Wisc. Admin. Code chs. NR 700 to 749 will be required for each of the two sites being opened. Our letters will provide general instructions to follow to comply with the regulatory requirements. Separate submittals should be made for each site, including final closure requests.

I hope this information explains our next steps and why they are being taken. If you wish to discuss this further or you have additional questions about the regulations and DNR authority, please contact me at (414) 374-2423 or pamela.mylotta@wisconsin.gov. I look forward to meeting with you next Friday and hope to get more meeting details to you soon.

Pam

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Pamela A. Mylotta

Southeast Region Team Supervisor – Remediation & Redevelopment Program
Wisconsin Department of Natural Resources

Cell Phone: (414) 374-2423
pamela.mylotta@wisconsin.gov



From: Shane LaFave <Shane@roerscompanies.com>
Sent: Wednesday, March 24, 2021 9:42 AM
To: Hanson, David L - DNR <David.Hanson@wisconsin.gov>; Robert Reineke <rreineke@ksinghengineering.com>
Cc: Que El-Amin <que@scott-crawford.com>; Martinez, Joseph J - DNR <Joseph.Martinez@wisconsin.gov>; Pfeiffer, Jane K - DNR <jane.pfeiffer@wisconsin.gov>; Mylotta, Pamela A - DNR <Pamela.Mylotta@wisconsin.gov>; Pratap Singh <psingh@ksinghengineering.com>
Subject: RE: West Block Sub-Slab Vapor and Soils Investigation for CWC Limited Partnership 3212 W. Center St., 2727 N. 32nd St., and 2758 N. 33rd St., Milwaukee, WI 53210

David,

Following up on my voicemail, I understand from Dr. Singh that the WDNR has requested the notifications be split into West Block and East Block instead of keeping it all as one. In order to get this project closed and under construction we had to bring together 9 different sources of financing, which took almost 4 years of work. Each of those funding sources needed to review the environmental history, reporting, and action plans. All of those funders view this as one project and they are not environmental specialists. If we start splitting things out into two separate Blocks and BRRTS #'s and not keep it all under the same umbrella it's going to create a lot of confusion for those funders and make it that much more difficult to close things out at the end of the project.

I hope that we have demonstrated that we are committed to taking all the right steps to clean up the variety of environmental conditions we've encountered at this project. With the size and complexity of this project anything we

can do to keep simplicity and continuity goes a long way to keep things running smoothly. I respectfully but strongly request that we keep this as one project and not start splitting it out into multiple BRRTS #'s.

Thank you for your consideration.



Shane LaFave
Director of Development
O: 763.285.8795
C: 763.300.1861
shane@roerscompanies.com
roerscompanies.com

From: Hanson, David L - DNR <David.Hanson@wisconsin.gov>
Sent: Friday, March 19, 2021 2:46 PM
To: Robert Reineke <rreineke@ksinghengineering.com>
Cc: Shane LaFave <Shane@roerscompanies.com>; Que El-Amin <que@scott-crawford.com>; Martinez, Joseph J - DNR <Joseph.Martinez@wisconsin.gov>; Pfeiffer, Jane K - DNR <jane.pfeiffer@wisconsin.gov>
Subject: West Block Sub-Slab Vapor and Soils Investigation for CWC Limited Partnership 3212 W. Center St., 2727 N. 32nd St., and 2758 N. 33rd St., Milwaukee, WI 53210

Robert,

Thank you for speaking with me this afternoon regarding the sub-slab and soil analytical data KSingh submitted to the DNR this morning for the West Block CWC property. The results indicate there are previously undocumented hazardous substance discharges on this property. Please submit a completed *Notification For Hazardous Substance Discharge* form to the DNR. The form may be accessed on the DNR website here:

<https://dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf>

The DNR has not yet received the additional soil analytical results for the East Block. As I mentioned on the phone, submit a release notification if those results indicate previously undocumented hazardous substance discharges on that property.

Please contact me if you have any questions.

Regards,

David

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David L. Hanson

Redevelopment Specialist – Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
Southeast Region, Milwaukee Service Center
2300 N. Dr. Martin Luther King Jr. Dr.
Milwaukee, WI 53212
Phone: (414) 639-4156
Fax: (414) 263-8550
david.hanson@wisconsin.gov

