State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

October 15, 2019

Bayshore Shopping Center Property Owner, LLC
c/o Cypress Equities
8144 Walnut Hill Lane, Suite 1200
Dallas, TX 75231

Subject: Bayshore Mall Soil Management and Cap Modification Request, Bayshore Mall Redevelopment Site, 5899 North Port Washington, Rd Glendale, WI
FID: 241492130 BRRTS: 03-41-552373

Dear Sirs:

The Wisconsin Department of Natural Resources (DNR) is writing this letter pertaining to the former owner Bayshore Town Center, LLC, "Soil Management and Cap Modification Plan" that was submitted by GZA GeoEnvironmental on May 2, 2017 to the DNR's Southeast Regional office. During this time, there was a proposed cap modification and soil management plan for the site at the northern part of the Bayshore Mall property. The submittal requested the DNR's approval of the plans. Attached to this letter is the DNR's response to the proposal dated May 31, 2017.

Because the DNR hasn't received any response to our letter dated May 31, 2017 from Bayshore Town Center, LLC, the DNR is not approving their soil management and cap modification plan as proposed. This letter is to notify you that, as the current owners of Bayshore Mall, any future soil management and cap modification plans to redevelop the property will have to be submitted to the DNR with the appropriate fees.

If you have any questions, please contact me at 414-263-8644, at the address above, or by email: John.Hnat@wisconsin.gov.

Sincerely,

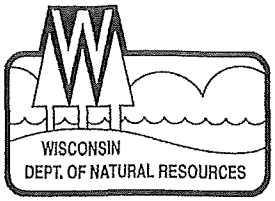
John J. Hnat, CPG, PG
Project Manager/Hydrogeologist
Remediation and Redevelopment Program
Southeast Region

Attachment: Bayshore Mall Soil Management and Cap Modification Request, DNR Letter to Bayshore Town Center, LLC, dated May 31, 2017

cc: John Osborne – GZA GeoEnvironmental, 20900 Swenson Drive, #150, Waukesha, WI 53186
Bayshore Shopping Center Property Owner, LLC, 5800 N. Bayshore Drive, Suite A-256, Glendale, WI 53217
DNR SER Files

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



May 31, 2017

Bayshore Town Center, LLC
Attn: Mr. Kenneth Marshall
5500 New Albany Road, Suite 200
New Albany, OH 43054

Subject: Bayshore Mall Soil Management and Cap Modification Request, Bayshore Mall Redevelopment Site, 5800 North Port Washington Road, Glendale, WI

FID: 241492130
BRRTS: 03-41-552373

Dear Mr. Marshall:

On May 2, 2017, the Wisconsin Department of Natural Resources (DNR) received a Materials Management Plan and Chapter NR 700 Continuing Obligations Modification Request for the above described redevelopment site at Bayshore Mall. Listed below is the DNR's request for additional information and clarification of GZA's continuing obligations modification and soil management plan for Bayshore Mall North End Redevelopment Site. If you have any questions, please call or email me as soon as possible.

Note: The DNR considers the Lydell Apartments location as a separate future redevelopment as stated in the proposal. The DNR is not approving or commenting on any investigative information provided to the DNR in the submitted cap modification and soil management plan in this area.

Continuing Obligations Modification Proposal (Cap Modification)

In order to process this request, additional information to support this request is required as discussed below:

1. Submit a map that combines the current cap with the proposed cap as an overlay map for the site.
2. Provide a map that indicates the proposed location of the underground stormwater detention system and all associated piping for this system.
3. Provide a map that indicates current and proposed underground utilities for the redevelopment area. This map could be a combination map as in item #1.

Soil Management Plan (SMP)

In order to process this request, additional information to support this request is required as discussed below. (For reference below in part, see the attached historic map Figure A-2 from GZA in 2008 that indicates the known and inferred thicknesses of organic and inorganic filled material.)

1. Describe your rationale for your soil and groundwater sampling plan for the redevelopment area. The proposal indicates that redevelopment will involve leveling of the Site with cuts/fills of approximately 1-foot or less across the Site. This will include excavating and moving approximately 2,000 yd^3 during this activity. Please provide a map indicating where the area of material leveling is to be completed. Since material is being removed (graded) and redistributed in the redeveloped area, this material must be further characterized, in accordance with ch. NR 718.12(1)(e), Wisconsin Administrative Code (WAC) for VOCs, metals, and PAHs prior to leveling activities.
2. Provide a map that indicates where the new retail building footings/foundations, new North Mall entrance footings/foundations, underground storm water detention system, and utility installations are to be located and at what depths. The material being excavated and either redistributed or sent to a licensed facility

has to be characterized for VOCs, metals, and PAHs prior to excavation activities for potential contamination. Provide an estimate of the volume of material being removed for offsite or onsite reuse volume and identify proposed onsite relocation areas. Soil proposed to be managed onsite must be characterized, at a minimum, according to the sampling frequency described in ch. NR 718.12(1)(e), WAC.

3. The DNR recommends a review of the soil boring locations indicated on the attached map Figure A-2, for soil boring locations GB-1, GB-2, GB-3, GB-4, GB-5 GB-6, GB-23 and GB-22, that may provide additional site information for items # 1 & 2.
4. Provide information on how excavated contaminated soil will be stored onsite, i.e., describe how ch. NR 718.05, WAC, criteria will be met.
5. Was soil boring analytical data collected for GZ-1, GZ-5, GZ-6, and GZ-11?
6. Was there ever a GZ-2 soil boring location and sample results?
7. Submit the soil/groundwater boring abandonment forms.
8. Soil boring location GZ-10, has a lead concentration of 80,620 ppm at 2 to 3.5-feet below ground surface (bgs), which is above the groundwater pathway, non-industrial direct contact, and background threshold values. It's unknown what the concentration values are from the 0 to 2 foot depth at this location. Characterizing lead concentrations in this area from the 0 to 2-foot horizon would determine if there is a potential for hazardous lead concentrations in the first foot. Since the redevelopment of the site requires an initial leveling of the Site in which cuts/fills of approximately 1-foot or less may occur in this area, the lead contamination (if determined to be a hazardous waste when removed) will have to be managed as hazardous waste and transported to an appropriate licensed facility.
9. Describe the groundwater sampling methods for the site. Were the groundwater results from grab samples or were the samples collected from chapter NR 141 wells?
10. If additional soil sampling in the vicinity of the proposed building or utility corridors indicates the presence of volatile organic compounds (VOCs), assess whether vapor intrusion would be a pathway of concern to occupants of the future building(s).
11. The design, permitting, and approval process for the underground stormwater detention system for the Site is managed by Peter Wood, Water Resources Engineer at the DNR. Please contact him at 262-884-2360, or email at peter.wood@wisconsin.gov. Please copy me on any documentation submitted for this approval process.
12. The exemption to build on an abandoned landfill must be approved before any soil/fill material is disturbed onsite.

Additional information may be required depending on the results of the completed tasks listed above. The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to me at the above address.

Sincerely,

John J. Hnat, P.G., C.P.G.
Project Manager\Hydrogeologist
Southeast Region
Remediation and Redevelopment Program

Attachment: Bayshore Mall Property, Site Plan with Locations of USTs, Drums, Historical Borings, and Fill Extent, GZA GeoEnvironmental, dated September 30, 2008

C: Clair Ruenger & John Osborne – GZA GeoEnvironmental
Kevin Johnson - Hunzinger Construction Company

Bayshore Mall Redevelopment Site
5800 N. Port Washington Road
Glendale, WI
FID: 241492130
BRRTS: 03-41-552373

WDNR SER Files

Notes:
1. This drawing is based on October 8, 2004 Site plan entitled Ground Level Lease Plan provided by Steiner & Associates of Columbus, Ohio.
2. The drawing is based on pre-development Site configuration plans provided to GZA. The final Site configuration varies slightly from what is depicted.
3. Borings GB-1 through GB-37 were completed by Soil Essentials of New Glarus, Wisconsin in January 2005. Borings GB-100 through GB-110 were completed by Probe Technologies of Palmyra, Wisconsin in October 2005. Borings GP-200 through GP-210 were completed by Soil Essentials in May 2007.

LEGEND

- BORING LOCATION
- 3 APPROXIMATE LOCATION OF FORMER USTs
- APPROXIMATE LOCATION OF 4 DRUMS REMOVED 11/05
- ISO-CONTOUR DEPICTING THICKNESS OF ORGANIC AND INORGANIC FILL MATERIAL (DASHED WHERE INFERRED)

0 60 120

REV. NO.	DESCRIPTION	BY	DATE

PROJ MGR: JFK
DESIGNED BY: JFK
REVIEWED BY: JFK

OPERATOR: JAH
DATE: 9/30/08

APPROXIMATE 1" = 200'

0 100' 200' 400'

GZA
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20900 Swenson Dr.Suite 150 •
Waukesha Wisconsin • 53186
Phone (262) 754-2560 • Fax
(262) 754-9711 • www.gza.com

BAYSHORE MALL PROPERTY
GLENDALE, WISCONSIN

SITE PLAN WITH LOCATIONS OF USTs, DRUMS HISTORICAL BORINGS, AND FILL EXTENT

JOB NO.
20.0150985.60

FIGURE NO.
A-2

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Drawing Name: J:\900TO999\150985 Bayshore\June 2008 Site Closure Requests\UST and Drum Closure Request\DRAWINGS\Figure A-2 – Site Plan.dwg Last Modified: Sep 30, 2008 – 8:26am Plotted on: Sep 30, 2008 – 8:30am by