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

Tony Evers, Governor
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June 7, 2021

Ms. Kelly Zylstra,
Waukesha Water Utility
115 Delafield Street
PO Box 1648
Waukesha, WI 53187

Subject: Technical Assistance Request to use Excavated Soil as Exempt
Site 12.17, portion of South West Avenue adjacent to 2000 South West Avenue, Waukesha, WI
DNR BRRTS Activity #(s): 02-68-554922, 02-68-552746, and 07-68-580851
FID #: 268354570; 268005100

Dear Ms. Zylstra:

On January 2, 2019, the Department of Natural Resources (DNR) approved the request for an exemption under Wis. Admin. Code § NR 718.12 to reuse contaminated soil excavated from a portion of South West Avenue (site 12.17, Waukesha) within the same section of right of way. DNR's approval letter noted that at least a portion of the material would meet the criteria for being 'exempt' soil as outlined in 'Exempt Soil Management: A Self-Implementing Option of Soil Excavated During a Response Action" (RR-103). The exemption request was submitted to the DNR before this guidance document was finalized so that option was not considered. On May 20, 2021, you provided the DNR a proposal to manage contaminated soil excavated at site 12.17 as an exempt waste and not as outlined in the 4-230 D2 Phase II Environmental Site Assessment Report (dated November 2018) for which the Wis. Admin. Code § NR 718.12 exemption request was granted.

It is the responsibility of the Great Water Alliance, and any party who excavates soil from within South West Avenue in the future, to characterize and manage soil excavated from this right of way. The DNR concurs that all analytical data collected from this portion of the project meets the criteria for exempt soil as outlined in RR-103 and DNR's December 14, 2018 "Background Assessment for Selenium in Soil" which states that selenium will not be considered when assessing whether soil from certain portions of this project could be managed as exempt. If managed as exempt waste, soil must be reused in a nuisance-free and aesthetic manner and in compliance with the location and performance standards in Wis. Admin. Code § NR 500.08(2).

If indicators of more significant contaminant concentrations are observed within this project precautions must be taken to ensure the excavated material is managed appropriately. Soil not meeting the criteria for exempt waste cannot be managed somewhere other than a facility licensed to accept that material without prior DNR approval.

We appreciate your efforts to protect the environment during the completion of this project. Please contact me, the DNR project manager, if you have any questions regarding this letter. I can be reached at (414) 405-0764, or paul.grittner@wisconsin.gov.

Sincerely,

Paul Grittner
Hydrogeologist
Remediation & Redevelopment Program

cc: Donna Volk, Ramboll US Consulting, Inc., 234 W. Florida St., Fifth Floor, Milwaukee, WI 53204
Craig Bayerl, City of Waukesha, 130 Delafield Street, Waukesha, WI 53188