State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee WI 53233

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

November 14, 2025

Mr. Tim Detzer
Milwaukee County Dept. of Administrative Services
600 N. Plankinton Avenue, Suite 600
Milwaukee, WI 53203
Via Email Only to: – timothy.detzer@milwaukeecountywi.gov

Subject: Approval to Manage Contaminated Soil and Solid Waste under Wis. Admin. Code § NR 718.12 and § NR 718.15 on Site
Mil County N Lincoln Memorial Lakefront Fill, 1700 N. Lincoln Memorial Drive, Milwaukee WI
DNR BRRTS Activity #(s): 02-41-584510
FID #: 241925640

Dear Mr. Detzer:

On September 3 2025, Kate Juno of LF Green Development, LLC submitted a completed "Recommended Template for Request to Manage Materials" (the Request) on your behalf requesting to manage 7135 cubic yards of soil mixed with a minor proportion of other solid waste on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.12 and § NR 718.15. Supplemental information regarding this request was also provided on September 11, September 22, and October 15, 2025. 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).

Milwaukee County has proposed to replace the dock walls on either side of the flushing channel located between Veterans Park and McKinley Park. After sheet piling is placed soil will be excavated on either side of the channel to an approximate maximum depth of three feet to allow access for installing grouted anchors and rods to support the new dock walls. Topsoil that is excavated during the project will be mostly segregared and disposed of offsite. Topsoil generated from the western end of the project and approximately 7,135 cubics yards of underlying soil fill and other solid waste will be used to backfill the excavations as construction is completed. Material proposed to be excavated is contamianted with polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals. An approval through Wis. Admin. Code NR 718.15 has been requested to replace the excavated material.

Wis. Admin. Code § NR 718.12 and § NR 718.15 Approval

This letter grants an approval to manage contaminated soil and solid waste under Wis. Admin. Code § NR 718.12 and § NR 718.15 on site. Approval for the reuse of topsoil within this project is based on sample data indicating that PAH concentrations on the western end of the project are below direct contact soil standards, that this topsoil will be placed under a minimum six inches of imported non-impacted topsoil, the area where material is being reused is not expected to see high-use, and that the County regularly inspects and maintains its parks. The DNR recommends that topsoil reused on the site be dispersed throughout the project limits, to the extent practicable. Approval is also based on the following:

Compliance with Locational Criteria

Managing contaminated soil in areas of the site identified on Figure 2, Areas Subject to Maintenance, 5/12/25 of the Request will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c), exception for the following:

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- Within 300 feet of any navigable river, stream, lake, pond or flowage
- Within 3 feet of the high groundwater level

Grant of exemption to Wis. Admin. Code § NR 718.12 (1) (c) 3 and 5
In consideration that construction activities will not significantly change existing site conditions and contaminated soil and other solid waste will be capped after being managed, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12 (1) (c) 3 and 5 and will allow placement of contaminated soil material within 300 feet of Lake Michigan with less then 3 feet of separation from the high groundwater level.

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 volatile organic compounds, polycyclic aromatic hydrocarbons, and metals from areas most likely to contain residual contamination. The DNR has determined that the material was adequately characterized.

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 Mil County N Lincoln Memorial Lakefront Fill site 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 Mil County N Lincoln Memorial Lakefront Fill site, 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 the 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 and 718.15 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 in accordance with the following requirements to the DNR Southeast Region Program Specialist for the Remediation & Redevelopment Program.

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 RR program specialist (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the RR Program Specialist 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 and Future Solid Waste Management

If contaminated soil or solid waste that was managed as proposed in the Request 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 and solid waste 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 locations where contaminated soil and solid waste is proposed to be managed at the Mil County N Lincoln Memorial Lakefront Fill site are depicted on the attached Figure 2, Areas Subject to Maintenance, 5/12/25.

The DNR's approval prior to well construction or reconstruction is required where contaminated soil was managed, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program's regional water supply specialist. This form is available at dnr.wi.gov, search "3300-254."

Maintenance of a Cover

An engineered barrier consisting of concrete and asphalt paved areas, soil cover, the dock wall, and other structures owned by the Milwaukee Yacht Club is proposed to be installed and maintained over contaminated soil and solid waste that will be managed at the Mil County N Lincoln Memorial Lakefront Fill site as proposed in the Request. A Cap 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 or solid waste 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 Cap Maintenance Plan prohibits certain activities in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining soil contamination or solid waste. 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 a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital or similar residential exposure settings.

Use of Recreational Land Use Soil Standards

Direct contact risk posed by contaminated material managed under this approval was assessed using residual contaminant levels for recreational land use. The DNR must be notified if the property land use will change from recreational use to a non-recreational land use per Wis. Admin. Code § NR 727.07 (7). Additional investigation and remediation may be required prior to the change in land use to ensure the site conditions are protective for the planned land use.

Other Information

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

2) Contaminated soil and solid waste management activities approved by this letter are scheduled to be completed by Spring 2026. Notify the DNR if this schedule will change.

3) Unless otherwise directed by the DNR, documentation of contaminated soil and solid waste management 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 Mil County N Lincoln Memorial Lakefront Fill site.
    c. Maps, drawings and cross sections that depict how contaminated soil and solid waste was managed.
    d. A synopsis of the work conducted and an explanation as to how it complied with the contaminated soil and solid waste 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 Mil County N Lincoln Memorial Lakefront Fill site.
    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 § NR 718.15 and applies only to the specific activities described within the submitted Request. Any contaminated soil or solid waste that is excavated or otherwise disturbed at the Mil County N Lincoln Memorial Lakefront Fill site, 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 and solid waste 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) Milwaukee Country 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 #(s) 02-41-584510.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me, Paul Grittner, the DNR project manager, by calling (414) 405-0764, or by email at paul.grittner@wisconsin.gov.

Sincerely,

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

Attachments:
- Figure 2, Areas Subject to Maintenance
- Cap Maintenance Plan

cc: Kate Juno, LF Green Redevelopment, Inc. – katejuno@lfgreendevelopment.com
Clifton Janssen, Milwaukee County Dept. of Admin. Services –clifton.jannsen@milwaukeecountywi.gov

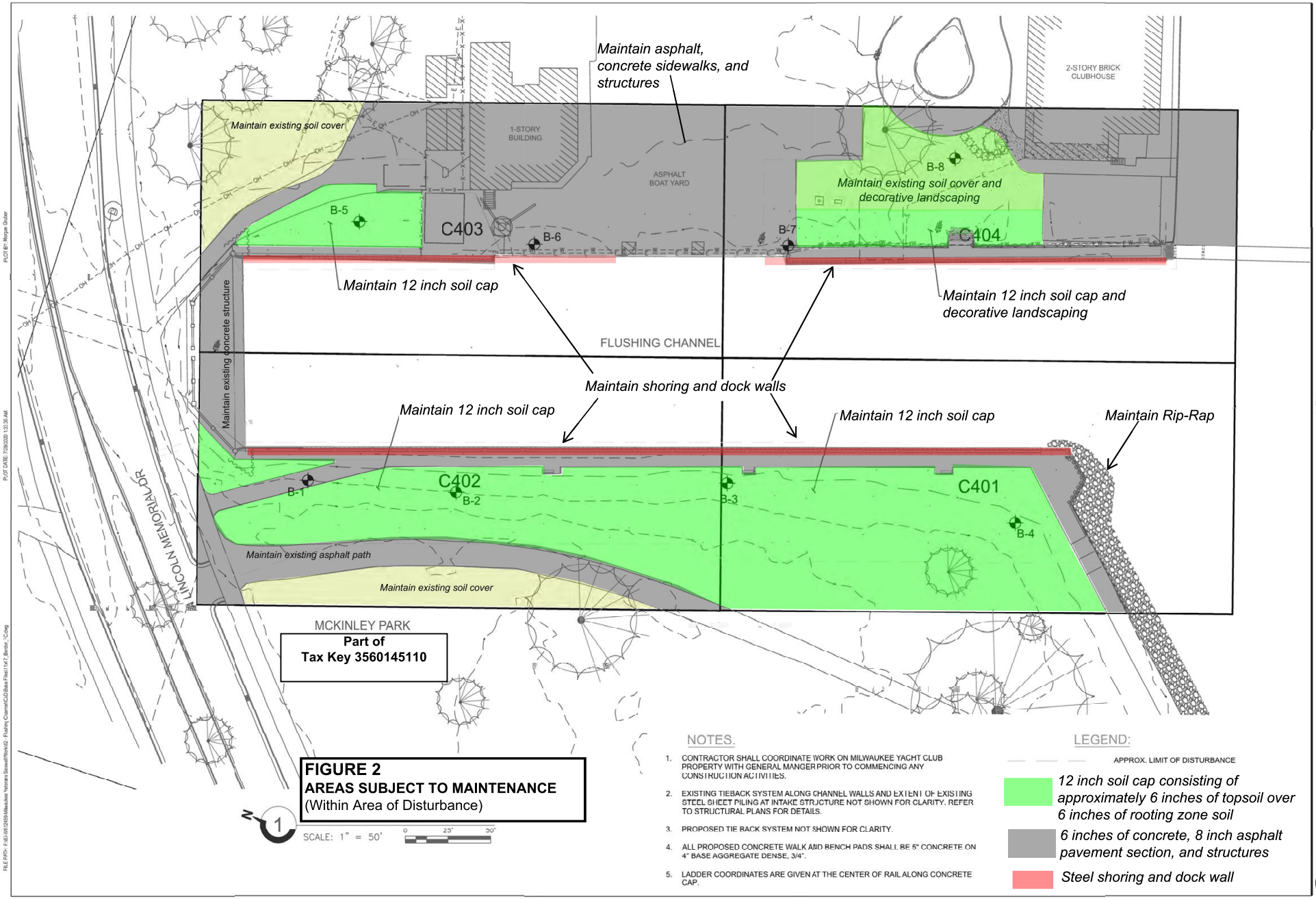

FIGURE 2
AREAS SUBJECT TO MAINTENANCE
(Within Area of Disturbance)

NOTES:

1. CONTRACTOR SHALL COORDINATE WORK ON MILWAUKEE YACHT CLUB PROPERTY WITH GENERAL MANGER PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITIES.
2. EXISTING TIEBACK SYSTEM ALONG CHANNEL WALLS AND EXTENT OF EXISTING STEEL SHEET PILING AT INTAKE STRUCTURE NOT SHOWN FOR CLARITY. REFER TO STRUCTURAL PLANS FOR DETAILS.
3. PROPOSED TIE BACK SYSTEM NOT SHOWN FOR CLARITY.
4. ALL PROPOSED CONCRETE WALK AND BENCH PADS SHALL BE 5" CONCRETE ON 4" BASE AGGREGATE DENSE, 3/4".
5. LADDER COORDINATES ARE GIVEN AT THE CENTER OF RAIL ALONG CONCRETE CAP.

LEGEND:

APPROX. LIMIT OF DISTURBANCE

12 inch soil cap consisting of approximately 6 inches of topsoil over 6 inches of rooting zone soil

6 inches of concrete, 8 inch asphalt pavement section, and structures

Steel shoring and dock wall

REPLACEMENT OF SEAWALL ALONG FLUSHING CHANNEL NEAR MCKINLEY MARINA

MCKINLEY PARK FLUSHING CHANNEL

1750 N. LINCOLN MEMORIAL DR., MILWAUKEE, WI 53202

Milwaukee County Dept. of Administrative Services
FACILITIES MANAGEMENT DIVISION
Architectural, Engineering & Environmental Services
633 WEST WISCONSIN AVENUE, SUITE 1000 MILWAUKEE, WI 53203

DATE: 05/12/2025
PROJECT: WP037201
SITE NO: 780
BUILDING NO: N/A

C400

CAP MAINTENANCE PLAN

October 2025

PROPERTY LOCATED AT:
McKinley Park Flushing Channel
1700 N. Lincoln Memorial Drive
Milwaukee, Wisconsin
BRRTS #02-41-584510; FID #241925640

LEGAL DESCRIPTION:
GLIDDEN & LOCKWOOD'S ADDITION IN NW 1/4 SEC 22-7-22 BLOCK 9 (PART LOTS 2 THRU 18) LYING ELY OF FORMER C NW RR ROW & LANDS ADJ BETW SD SUBD-WLY LI N TERRACE AV-LAKE MICHIGAN-W LI SW 1/4 SEC 22-7-22 EXC (MILW RIVER FLUSHING TUNNEL STATION BETW N LINCOLN MEM DR & 270' SE & PAR WITH SE LI N SUMMIT AV & EXT OF NE LI LOT 4 & SE LI LOT 2 BLK 9 SD SUBD EXT SELY & PIECE OF LAND 250' BY 200.57' KNOWN AS THE OLD COAST GUARD STATION MCKINLEY PARK & STS & DRIVEWAYS)

TAX ID # Part of 3560145110

INTRODUCTION
This document is the Maintenance Plan for a surface cap to prevent direct contact with impacted soil at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing cap occupying the area over the contaminated soil on-site.

More site-specific information about this property may be found in:

- The case file in the Wisconsin Department of Natural Resources (WDNR) Southeast regional office;
- BRRTS on the Web (WDNR's internet-based data base of contaminated sites): https://dnr.wi.gov/botw/GetActivityDetail.do?siteId=6767000&adn=0241584510;
- RR Sites Map/GIS Registry layer for a map view of the site, and
- The WDNR project manager for Milwaukee County.

DESCRIPTION OF CONTAMINATION
Fill soil contaminated with polynuclear aromatic hydrocarbons (PAHs) at concentrations greater than Non-Industrial Direct Contact Residual Contaminant Levels (RCLs), lead exceeding its Non-Industrial Direct Contact RCL, and arsenic at concentrations exceeding its Background Threshold Value (BTV) and thus greater than its Industrial Direct Contact RCLs are located at depths less than four feet of the existing ground surface. Additionally, the fill soil is contaminated with PAHs, arsenic, lead, selenium, silver and mercury exceeding respective Groundwater Pathway RCLs and chromium was detected above its BTV.

Attachment A includes maintenance plan location maps. The property subject to maintenance is shown in Figure 1. The areas subject to maintenance are shown in the attached shown in Figure 2.

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CAP MAINTENANCE ACTIONS

Description of the Cap to be Maintained.

The Cap consists of the asphalt pavements; concrete pavements; a 12-inch vegetated soil cover; the dock wall, and all structures owned and maintained by the Milwaukee Yacht Club; all of which act as a cap to eliminate direct-contact exposure. The Cap is shown in Figure 2, Attachment A. Photographs of the cap to be maintained are included in Attachment B.

Cap Purpose.

The Cap over the contaminated soil serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. Based on the current and future use of the property as a Milwaukee County Park, the barrier should function as intended unless disturbed.

Annual Inspection

The Cap overlying the contaminated soil, as depicted on Figure 2, will be inspected once a year, normally in the spring. The inspections will be performed by the property owner (Milwaukee County). The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. The inspection will include an annual visual inspection from the top of the dock wall to determine if any sloughing or subsidence of soil behind the wall is evident and requires repair. Trees should not be planted near the dock wall to avoid potential deterioration and damage to the shoring and tiebacks. Any trees or bushes that may be planted in the future will encounter contaminated fill which must be managed as solid waste and the cap restored.

A log of the inspections and any repairs will be maintained by the property owner and is included as Attachment B, Continuing Obligations Inspection and Maintenance Log, Form 4400-305. The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection log. A copy of the maintenance plan and inspection log will be kept at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources (DNR) representatives upon their request.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. If necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the Cap overlying the contaminated soil are removed or replaced, the replacement Cap must be equally protective. Any replacement Cap will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the DNR or its successor.

The property owner, to maintain the integrity of the Cap, will maintain a copy of this Maintenance Plan at the address of the property owner and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

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Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cap/Barrier

The following activities are prohibited on any portion of the property where the cover is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing Cover; 2) replacement with another Cap; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure; or 7) changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

If removal, replacement, or other changes to the Cap are considered, the property owner will contact DNR at least 45 days before taking such an action, to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of DNR.

CONTACT INFORMATION (as of August 2025)

Site Owner and Operator:

Milwaukee County
Contact: Tim Detzer
Title: County Conservationist
Telephone: (414) 550-0852 (mobile)
(414) 278-2988 (office)
Email: Timothy.Detzer@milwaukeecountywi.gov

Signature: _____

Consultant:

LF Green Development, LLC
3434 Mill Road, Suite 30
Sheboygan, WI 53083
(414) 254-4813

Signature: _____

WDNR:

Wisconsin Department of Natural Resources
Remediation & Redevelopment Program
1027 West St. Paul Avenue
Milwaukee, WI 53233
Contact: Mr. Paul Grittner
Telephone: (414) 405-0764
Email: paul.grittner@wisconsin.gov

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ATTACHMENTS

Attachment A: Maintenance Plan Location Maps

Figure 1: Property Subject to Maintenance

Figure 2: Areas Subject to Maintenance

Attachment B: Photographs of Cap to be Maintained

Attachment C: Continuing Obligations Inspection and Maintenance Log (Form 4400-305)

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Attachment A

Maintenance Plan Location Maps

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IMAGE SOURCE: Milwaukee County Land Information Office - 2024

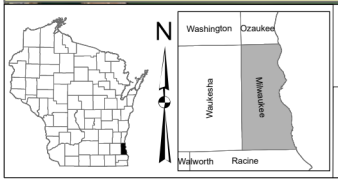

FIGURE 1

SITE LOCATION MAP
MCKINLEY FLUSHING CHANNEL

MIL COUNTY N LINCOLN MEMORIAL
LAKEFRONT FILL
BRRTS #02-41-584510; FID #241925640

REVISIONS	
CHECKED BY:	KJ
DRAWN BY:	TJD
DATE:	01/23/2025
SCALE:	AS SHOWN

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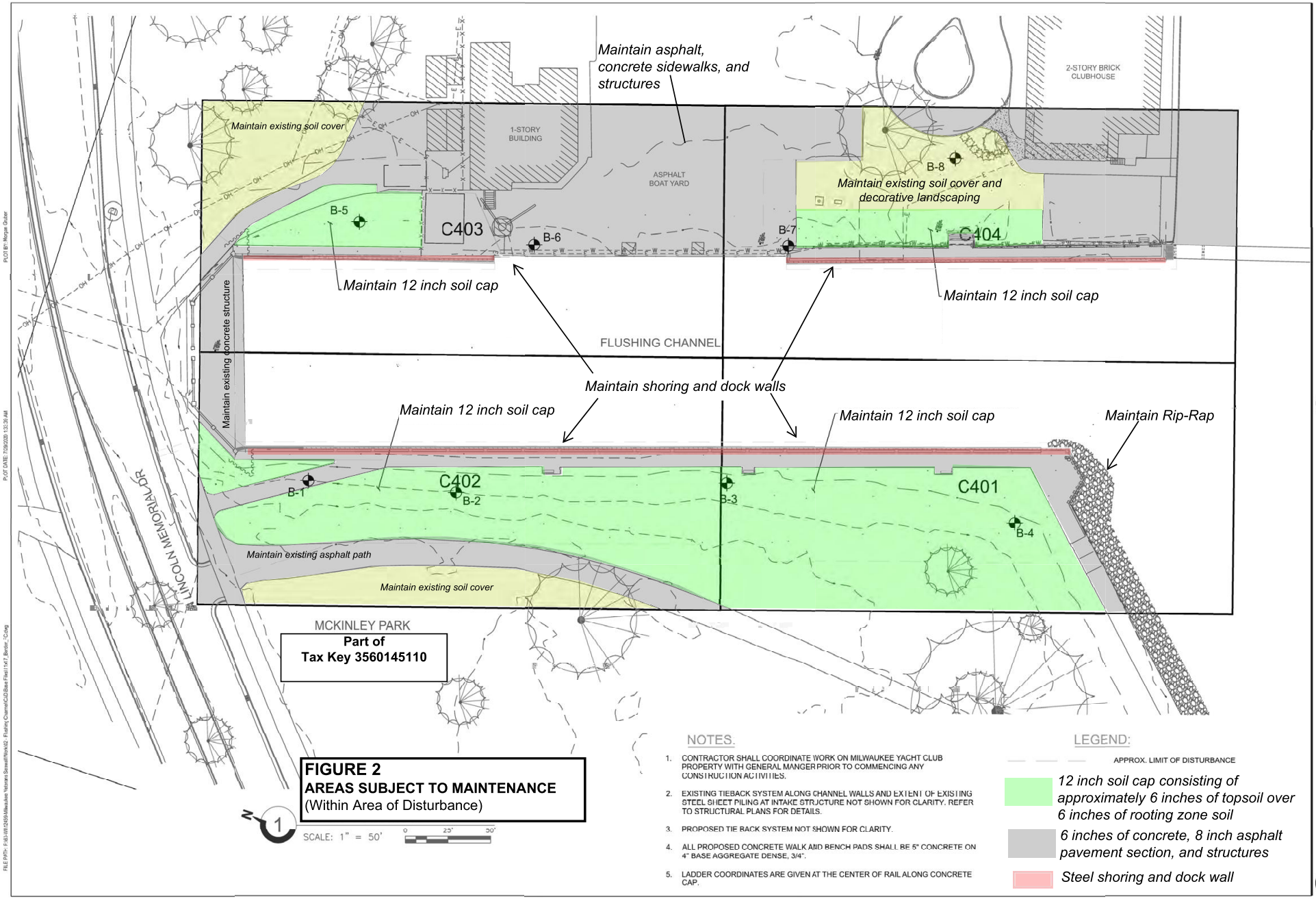
lfgreendevelopment.com
WBE, SBE, WOSB, DBE

LF Green DEVELOPMENT, LLC



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Milwaukee County Dept. of Administrative Services
FACILITIES MANAGEMENT DIVISION
Architectural, Engineering & Environmental Services
633 WEST WISCONSIN AVENUE, SUITE 1000 MILWAUKEE, WI 53203

DATE: 05/12/2025
PROJECT: WP037201
SITE NO: 780
BUILDING NO: N/A

C400