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

March 21, 2017

Mr. Mark Geronime
MRMC Thermal Services, Inc.
8700 W. Watertown Plank road
Milwaukee, WI 53226

Subject: Liability Clarification and "No Action Required" Determination at
Milwaukee Regional Medical Center (MRMC) Power Plant, 9250 W. Watertown Road,
Lot 2 of CSM 8723, Milwaukee, Wisconsin
DNR FID#241027050
General Property BRRTS#07-41-578880 No Action Required BRRTS#09-41-578879

Dear Mr. Geronime:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at 9250 W. Watertown Road, Lot 2 of CSM 8723, Milwaukee, Wisconsin (the Property). The Property consists of approximately nine acres of land located in Milwaukee county, identified by tax parcel number 3739999027. Refer to the attached Figure 1. Sample Location Map for a map of the Property.

Summary Determination

Hazardous substance discharges have occurred on the Property. However, the Wisconsin Department of Natural Resources (DNR) has determined that no response actions are required. The DNR has made this determination based on the data made available to the DNR and the criteria in s. NR 716.05, Wis. Admin. Code.

Request

On January 30, 2017, Adam Roder of The Sigma Group (Sigma) requested on behalf of MRMC that the DNR issue a liability clarification letter under s. 292.55, Wis. Stats. This letter contains a determination as to whether response actions are needed under the ch. NR 700 Wisconsin Administrative Code rule series based on the discharge of one or more hazardous substances at the Property. The DNR received the fee for providing assistance, in accordance with s. NR 749.04(1), Wis. Adm. Code.

In order for the DNR to make this determination, you have requested a review of the following documents:

- Notification for Hazardous Substance Discharge (Non-Emergency Only) – WDNR Form 4400-225
- Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request – WDNR Form 4400-237
- Supplemental Phase II Environmental Site Assessment dated July 22, 2016, prepared by Sigma

- No Action Required Determination Request dated January 30, 2017, prepared by Sigma

The DNR has examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

The Property is currently occupied by an active power plant owned by MRMC Thermal Services. MRMC purchased the Property from We Energies in April 2016. A pre-purchase Phase II Environmental Site Assessment was conducted by Sigma at the Property in 2014. The Phase II investigation identified volatile organic compounds (VOCs), polycyclic hydrocarbons (PAHs) and lead contamination on the Property in soil and groundwater. Subsequent investigation was conducted and following a remedial soil excavation in the southwest portion of the Property, in January 2016 DNR issued case closure for the identified releases. That closed case is tracked by DNR as BRRTS# 02-41-563358. In anticipation of planned plant improvements involving soil disturbance, Sigma conducted additional investigation of soil and groundwater in order to develop a soil management plan for material disturbed during construction activities.

In June 2016, Sigma advanced eleven soil borings on the Property in areas of proposed excavations for underground storage tanks, potential utility excavations and other locations. Samples were collected at various depths and analyzed for one or more parameters including VOCs, PAHs, RCRA metals, and hexavalent chromium. Reworked soil was evident in surficial soils at most locations and non-soil inclusions (coal fragments, brick fragments) were also noted in seven of the borings. Low level hexavalent chromium was detected in two of the six samples tested at estimated concentrations that exceed the non-industrial residual contaminant level (RCL) based on direct contact. The Property use is currently and will continue to be industrial. Soil collected from one boring location (GB-04), out of the five sampled for VOCs, PAHs and RCRA metals, contained low level, estimated concentrations of VOCs (below RCLs), slightly elevated lead and PAHs exceeding direct contact RCLs. The soil boring log for GB-04 indicates the presence of fill material with coal fragments in the sampled interval. This suggests that the observed contamination is likely related to the fill material and does not represent a contaminant release to native soil.

Groundwater was sampled from seven small diameter wells and analyzed for VOCs, PAHs and RCRA metals. Arsenic was detected at slightly elevated concentrations in three of the samples and barium was detected in the sample collected from the GB-04 location. Given the lack of similar impacts in the soil samples, these concentrations suggest background conditions. No VOCs were detected in groundwater above laboratory detection limits.

Liability Determination

The Wisconsin Hazardous Substance Spill Law, s. 292.11, Wis. Stats., commonly called the Spill Law, requires those who cause, possess or control a hazardous substance discharge to "take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state." Section 292.55, Wis. Stats., authorizes the DNR to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges may have occurred on the Property. However, based on the criteria in s. NR 716.05(2)(a), Wis. Adm. Code, and the criteria in ss. NR 708.09 (1) and (2), Wis. Adm. Code, the DNR has determined that no response action, including further site investigation activities, is required under the NR 700, Wis. Adm. Code rule series to respond to these identified discharges.

As with any property, if soil or fill material is excavated in the future, the Property owner at the time of excavation must determine whether the material is considered a solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules.
The DNR does not approve Phase I or Phase II ESAs because rules have not been established in Wisconsin to define what constitutes an adequate Phase I ESA or Phase II ESA. The DNR does use as guidance the American Society for Testing and Materials ("ASTM") International Standard Guide for Environmental Site Assessments: Phase I Environmental Site Assessment Process (E1527-13) and Phase II Environmental Site Assessment Process (E1903-11).

The number and location of monitoring points, the types of media sampled, the number of samples collected, and the laboratory analysis performed are a matter of professional opinion. All areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. Therefore, the DNR can only respond to the information and data as presented in the reports and cannot predict what might be discovered in the future and the consequences of those discoveries.

This letter relates and refers only to those conditions described above and to information and data you submitted to the DNR in your request for this letter. The DNR makes no determination concerning the presence or absence of hazardous substances, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the DNR becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the DNR will evaluate that data at that time to determine if any response actions are required. Whenever possible, the DNR requires the person who caused the discharge to take the appropriate response actions.

Since there is no action required for this case, the DNR will identify this site activity as a "No Action Required" determination. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) No Action Required identification number for this activity is shown at the top of this letter. The DNR tracks information on all case determinations such as this letter in a DNR database that is available on the Internet at: http://dnr.wi.gov/topic/Brownfields/botw.html

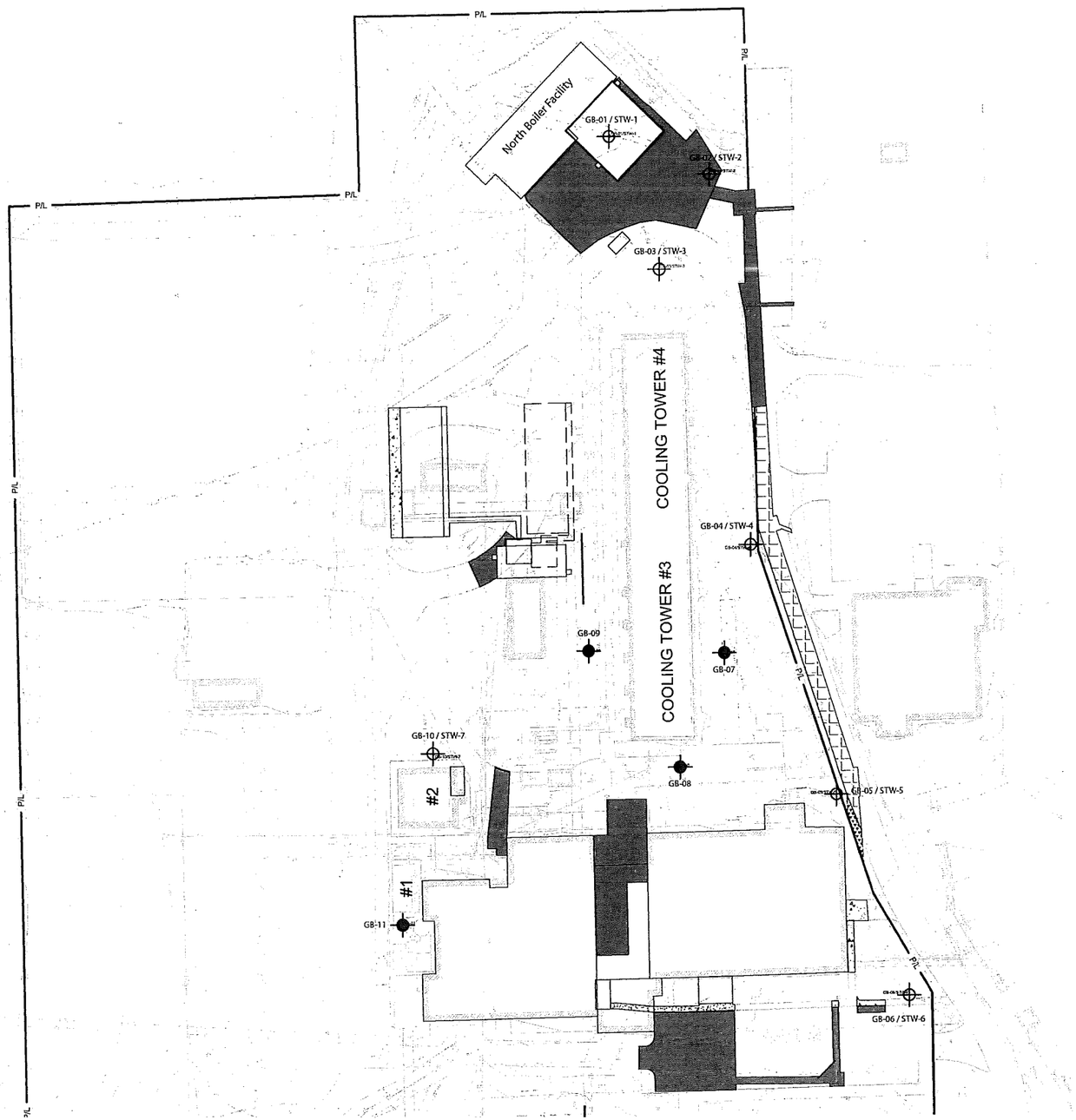
If you have any questions, please contact me at (414) 263-8533, by writing to the address at the top of this letter or by email to nancy.ryan@wisconsin.gov.

Sincerely,

Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment Program

Attachment: Figure 1. Sample Location Map

c: Margaret Brunette, DNR



LEGEND

- GEOPROBE SOIL BORING/TEMPORARY WELL (SIGMA, JUNE 2016)
- GEOPROBE SOIL BORING (SIGMA, JUNE 2016)

LOCATIONS GPS SURVEYED (SIGMA - 6/28/2016)

N

GRAPHIC SCALE

0 50' 100'

TO OBTAIN LOCATIONS OF PARTICIPATING UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

CALL DIGGERS HOTLINE
1-800-242-8511
TOLL FREE

NO STATUTE REQUIRES MORE THAN 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

MILW. AREA 259-1181

THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.

THE SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

MRMC THERMAL
9250 W WATERTOWN PLANK RD
WAUWATOSA, WISCONSIN

SAMPLE LOCATION MAP
SUPPLEMENTAL PHASE II

NO.	REVISION	DATE	BY

DRAWING NO. 16245-Supplemental Phase II Plan Map.dwg
DRAWN BY:
DATE:
PROJECT NO: 16245
CHECKED BY:
APPROVED BY:
SHEET NO.:

FIGURE 1

File: I:\MRMC\16245 Thermal Addt Ph II ESA\050 CAD\C - Civil\500 Production - Civil Plans\503-Site Dimension Plan\16245-Supplemental Phase II Plan Map.dwg