State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Milwaukee WI 53212-3128

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WISCONSIN
DEPT. OF NATURAL RESOURCES

October 18, 2017

Mr. John Q. Hunsicker, Vice President
The Waters of Oak Creek, LLC
1600 Hopkins Crossroad
Minnetonka, MN 55305

Mr. Andrew Vickers, City Administrator
City of Oak Creek
8040 South 6th Street
Oak Creek, WI 53154

Subject: Revised Update and Clarification to Approved NR 718 Exemption Request for Relocation of Soils

Generator Property: Drexel Town Square (Former Delphi Facility), 7929 South Howell Avenue, Oak Creek, WI. BRRTS #: 02-41-559008 / FID #: 241045750

Disposal Property: Former Oak Creek Storage & Handling - Western Parcel, 9006 South 5th Avenue, Oak Creek, WI. BRRTS #: 02-41-548577 / FID #: 241007140

Dear Messrs. Hunsicker and Vickers:

The Department of Natural Resources (DNR) has reviewed the October 10, 2017, submittal, *Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request (TAR), Form 4400-237 (R/15), Drexel Town Square (Former Delphi Facility),* 7929 South Howell Avenue, Oak Creek, Wisconsin, prepared by Professional Services, Industries, Inc. (PSI), on behalf of the Waters of Oak Creek, LLC (The Waters).

The purpose of the submittal is to provide information regarding the proper purchasing entity that will own The Waters real estate. The correct entity is: The Waters of Oak Creek, LLC; 1600 Hopkins Crossroad; Minnetonka; MN 55302; Attention: John Q. Hunsicker, Vice President. It's also the understanding of the DNR that the June 30, 2017, exemption approval previously addressed to The Waters Senior Living Management, LLC (TWSML) should have been addressed to The Waters.

On February 27, 2017, Ramboll Environ US Corporation (Ramboll Environ) on behalf of the City of Oak Creek (City) submitted an exemption request under NR 718 Wisconsin Administrative Code (WAC) for relocation of approximately 30,000 cubic yards (yds^3) of low level contaminated soils from the Drexel Town Square (DTS) property for disposal and re-use on the western parcel of the Oak Creek Storage and Handling (OCSH) site. On May 9, 2017, PSI, on behalf of TWSLM submitted an exemption request under NR 718 WAC for relocation of approximately 10,000 yds^3 of soil from DTS property for disposal and re-use on the western parcel of the OCSH site. The DNR approved the exemption request on June 30, 2017 for TWSML.

Previous Approvals

The DNR previously granted two separate approvals to Ramboll Environ on behalf of the City for management of contaminated soils under NR 718 WAC, for relocation of approximately 60,000 yds^3 of low-level impacted soil from DTS site to the western parcel of the OCSH site. These approvals (dated September 26, 2014 and August 24, 2016) were each for 30,000 yds^3 of soil.

On June 30, 2017, the DNR issued two separate approvals under NR 718 WAC for the relocation. One of the approvals was issued to the City for up to 30,000 yds^3 of soil and the second was issued to the TWSLM for up to 10,000 yds^3 of soil. This brings the total approved soil relocation to 100,000 yds^3. To date, approximately 52,000 yds^3 of soil have reportedly been relocated to the western parcel of the OCSH site.

Clarification

The NR 718 exemption request from the City (dated February 27, 2017) for approval of 30,000 yds^3 of soil was meant to cover up to 10,000 yds^3 of soil from TWSML. Therefore, on July 12, 2017, Ramboll Environ, on behalf of the City, provided a written notice to the DNR and requesting acknowledgement and approval for TWSML to use up to 10,000 yds^3 of the City's 30,000 yds^3 of soil approved in the June 30, 2017, letter addressed to Mr. Andrew Vickers. Combined with the 10,000 yds^3 of soil already approved for TWSML, as stated in the attached June 30, 2017, letter addressed to Ms. Kathleen Conlan-Joyce, this will allow TWSML to dispose of up to 20,000 yds^3 of soil from the lot east of the City Hall on the DTS property to the western portion of OCSH site.

Please be advised that the attached June 30, 2017, approval letter previously addressed to Ms. Kathleen Conlan-Joyce, should have been addressed to the proper purchasing entity that will own the real estate. Thus, this letter provides the update/information for the correct entity. The correct entity is: The Waters of Oak Creek, LLC, 1600 Hopkins Crossroad, Minnetonka, MN 55305, attention: John Q. Hunsicker, Vice President. The City recognizes this will leave approximately 20,000 yds^3 remaining of the approved 30,000 yds^3 of soil.

Therefore, the combined total volume of the 40,000 yds^3 of soil approved for relocation under NR 718.12 Wisconsin Administrative Code, would be relocated as follows:

- The Waters will be approved for relocation of up to 20,000 yds^3 of soil from DTS site to OCSH site.
- The City will be approved for relocation of up to 20,000 yds^3 of soil from DTS site to OCSH site

Section NR 718.12 Wis. Adm. Code Approval

Based on review of the referenced submittal, information from previous approvals, and the requirements of s. NR 718.12 WAC, the DNR approves the updated soil management plan for disposal/relocation of up to 40,000 yds^3 of contaminated soil that was generated from DTS property at the OCSH site. Approval is conditioned upon compliance with the following:

Conditions of Approval

Both The Waters and the City agree to comply with the following:

- Soil relocated from the generating site and placement at the receiving/disposal site shall be completed within one year of the effective date of this letter unless a written extension of this condition is obtained from the DNR.

- The Waters and the City shall not dispose of a combined total volume of more than 40,000 yds^3 of soil, as requested under this revision, from the DTS property to the OCSH site, unless written prior approval is granted by the DNR.

- The Waters and the City shall submit to the DNR documentation of relocation activities within 30 days of completion. The report shall include a description of the total volume of material transported to the disposal site and the location of disposal.

- The OCSH site shall comply with applicable requirements of s. NR 718.12(2)(e), WAC.

- The DNR reserves the right to require the submittal of additional information or to modify or revoke this soil management approval if The Waters, City or the OCSH site fails to comply with the requirements of the soil management plan, as proposed.

- The DNR also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found that would warrant modification or revocation of this approval.

If you have any questions regarding this approval decision, please contact me in writing at the letterhead address; by calling (414) 263-8639; or by email at eric.amadi@wisconsin.gov

Sincerely,

Eric Amadi

Eric Amadi - Hydrogeologist
Remediation & Redevelopment Program
Southeast Region, Milwaukee

Attachment: DNR (2017): Approval for Management of Contaminated Soil under s. NR. 718.12, Wis. Admin. Code, dated June 30, 2017.

cc: James Hutchens - Ramboll Environ (via e-mail)
Troy Giles / Sandra Strack - Reinhart Boerner Van Deuren s.c. (via e-mail)
Larry Haskin - City of Oak Creek (via e-mail)
Erica-Nicole Harris - WISPARK, LLC (via e-mail)
Mike Rehfeldt - PSI, Inc. (via e-mail)
SER Case File #: 02-41-559008 (DTS): FID #: 241045750
SER Case File #: 02-41-548577(OCSH - western parcel): FID #: 241007140

State of Wisconsin
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Scott Walker, Governor
Cathy Stepp, Secretary
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June 30, 2017

Ms. Kathleen Conlan-Joyce
The Waters Senior Living Management, LLC
1600 Hopkins Crossroad
Minnetonka, MN 55305

Subject: Approval for Management of Contaminated Soil under s. NR 718.12 Wis. Adm. Code

Generator Property: Drexel Town Square (Former Delphi Facility), 7929 South Howell Avenue, Oak Creek, WI. BRRTS #: 02-41-559008 / FID #: 241045750

Disposal Property: Former Oak Creek Storage & Handling - Western Parcel, 9006 South 5th Avenue, Oak Creek, WI. BRRTS #: 02-41-548577 / FID #: 241007140

Dear Ms. Conlan-Joyce:

On May 9, 2017, Professional Services, Inc. (PSI) on behalf of The Waters Senior Living Management, LLC, submitted an exemption request under NR 718 Wisconsin Administrative Code (WAC) for relocation of approximately 10,000 yds^3 of soil from the Drexel Town Square (DTS) property for disposal and re-use on the western portion of the Oak Creek Storage and Handling (OCSH) site. The Wisconsin Department of Natural Resources (DNR) received the $700 technical assistance fee in accordance with s. NR 749.04(1), Wis. Adm. Code, for providing review and response. The DNR previously granted two separate approvals to Ramboll-Environ (Ramboll) on behalf of the City of Oak Creek for management of contaminated soils under NR 718 WAC, for relocation of approximately 60,000 yds^3 of low-level impacted soil from DTS site to OCSH site. These approvals (dated September 26, 2014 and August 24, 2016) were each for 30,000 yds^3 of soil. To date, approximately 52,000 yds^3 of soil have been relocated to the OCSH site. There is also a pending request for approval from Ramboll to relocate additional 30,000 yds^3 of soil from DTS site to OCSH site.

Summary of Proposed Soil Management Activities

As indicated above, PSI on behalf of the Waters Senior Living Management, LLC (TWSLM), proposes to dispose of an additional and approximately 10,000 yds^3 of excavated contaminated soil and/or fill material originating from the lot east of Oak Creek City Hall on the DTS property at the OCSH site. The soils proposed for relocation would be excavated from the construction of a four (4) story Waters Senior Living Facility. The proposed soil excavation area is shown on Figure 2: Site and Vicinity, Lot 2 of CSM 8735, Drexel Town Square, Oak Creek, WI 53154 dated 9/6/2016. The proposed soil stockpile/relocation area is shown on Figure 1: Soil Stockpile Areas, Oak Creek Storage and Handling, dated 8/4/2016. TWSLM proposes to dispose of this material in accordance with approved soil management plan and s. NR 718.12 Wis. Adm. Code, which exempts the disposal site from solid waste requirements in ch. 289, Stats. and chs. NR 500 to 538 Wis. Adm. Code. The DNR understands that the relocated soils will require some re-grading once they are in place to achieve consistent depth and slope grades to minimize erosion. Once graded to a stable slope and height not to exceed 8 feet above the base elevation of the site, all of the stockpile areas will be seeded and the vegetation maintained until redevelopment of the site(s) occurs. TWSML will obtain any additional approvals or permits that may be necessary from other DNR programs, such as for erosion control and stormwater management. The total volume (original approvals plus current/revised placement approvals) of relocated soil to the OCSH site will be approximately 100,000 yds^3.

Location Standards: s. NR 718.12 (1)(c) Wis. Adm. Code
Information provided in the soil disposal request indicates that the disposal site complies with the locational criteria of s. NR 718.12(1)(c), Wis. Adm. Code, so that soil will not be placed or replaced in the following areas:

1. Within a floodplain
2. Within 100 feet of a wetland or critical habitat area
3. Within 300 feet of any navigable river, stream, lake, pond or flowage
4. Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well
5. Within 3 feet of the high groundwater level
6. At a depth greater than the depth of the original excavation from which the contaminated soil was removed
7. Where the contaminated soil poses a threat to public health, safety or welfare or the environment.

Soil Characterization
Soil generated from the Waters Senior Living Facility (Waters) is contaminated with low-level polyaromatic hydrocarbons (PAHs) and metals. The number of samples collected to characterize soil proposed for disposal at the OCSH site is approximately one sample for every 209 yds^3. This number is based on samples already collected during the August 2016 Limited Phase II ESA additional sampling on the Waters property by PSI. Due to low level nature of PAHs and metals impacts associated with the soil, the sampling meets the criteria of s. NR 718.12(1)(e) for a rate of one sample per 100 yds^3 for the first 600 yds^3 and one sample collected for each additional 300 yds^3.

Generator Site Information
Property Owner/Responsible Party:
The Waters Senior Living Management, LLC
c/o Kathleen Conlan-Joyce
1600 Hopkins Crossroad
Minnetonka, MN 55305

Generator Property Address
7929 South Howell Avenue
Oak Creek, Wisconsin, 53154
NW ¼ of the NE ¼ of Section 17, Township 05 North, Range 22 East, Milwaukee County, WI
WTM Coordinates: X=690046, Y=271721; 42.8991623 Latitude, -87.9172027 Longitude.

- Volume of contaminated soil to be managed: 10,000 yds^3.

Consultant
Mike Rehfeldt
Professional Services Industries, Inc.
821 Corporate Court
Waukesha, WI 53189

- Proposed schedule for implementation of the soil management plan: The soil is to be moved as soon as possible.

Disposal/Site Relocation Information
Property Owners/Responsible Parties:
Jerry Franke
Oak Creek Lakeside Land Holdings, LLC
c/o WISPARK, LLC
301 West Wisconsin Avenue, Suite 400
Milwaukee, WI 53203

Disposal/Relocation Property Address
Oak Creek Storage and Handling - Western Parcel
9006 South 5th Avenue
Oak Creek, WI 53154
SW ¼ of the NW ¼, Section 24, Township 05 N, Range 22 E, Milwaukee County, WI
WTM Coordinates: X=695528, Y=269767; 42.8803314 Latitude, -87.8507135 Longitude

Section NR 718.12 Wis. Adm. Code Approval
Based on review of the above-referenced submittals, and the requirements of s. NR 718.12 Wis. Adm. Code, the DNR approves the soil management plan for disposal/relocation of up to 10,000 yds^3 of contaminated soil that was generated from DTS property at the OCSH site. Approval is conditioned upon compliance with the following:

Conditions of Approval

- Soil relocated from the generating site and placement at the receiving/disposal site shall be completed within one year of the effective date of this letter unless a written extension of this condition is obtained from the DNR.

- TWSLM shall not dispose of more than 10,000 yds^3 of soil, as requested under this revision, from the DTS property to the OCSH site, unless written prior approval is granted by the DNR.

- TWSLM shall submit to the DNR documentation of relocation activities within 30 days of completion. The report shall include a description of the total volume of material transported to the disposal site and the location of disposal.

- The OCSH site shall comply with applicable requirements of s. NR 718.12(2)(e).

- The DNR reserves the right to require the submittal of additional information or to modify or revoke this soil management approval if the Waters or the OCSH site fails to comply with the requirements of the soil management plan, as proposed. The DNR also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found that would warrant modification or revocation of this approval.

If you have any questions regarding this approval decision, please contact me in writing at the letterhead address; by calling (414) 263-8639; or by email at eric.amadi@wisconsin.gov

Sincerely,

Eric Amadi

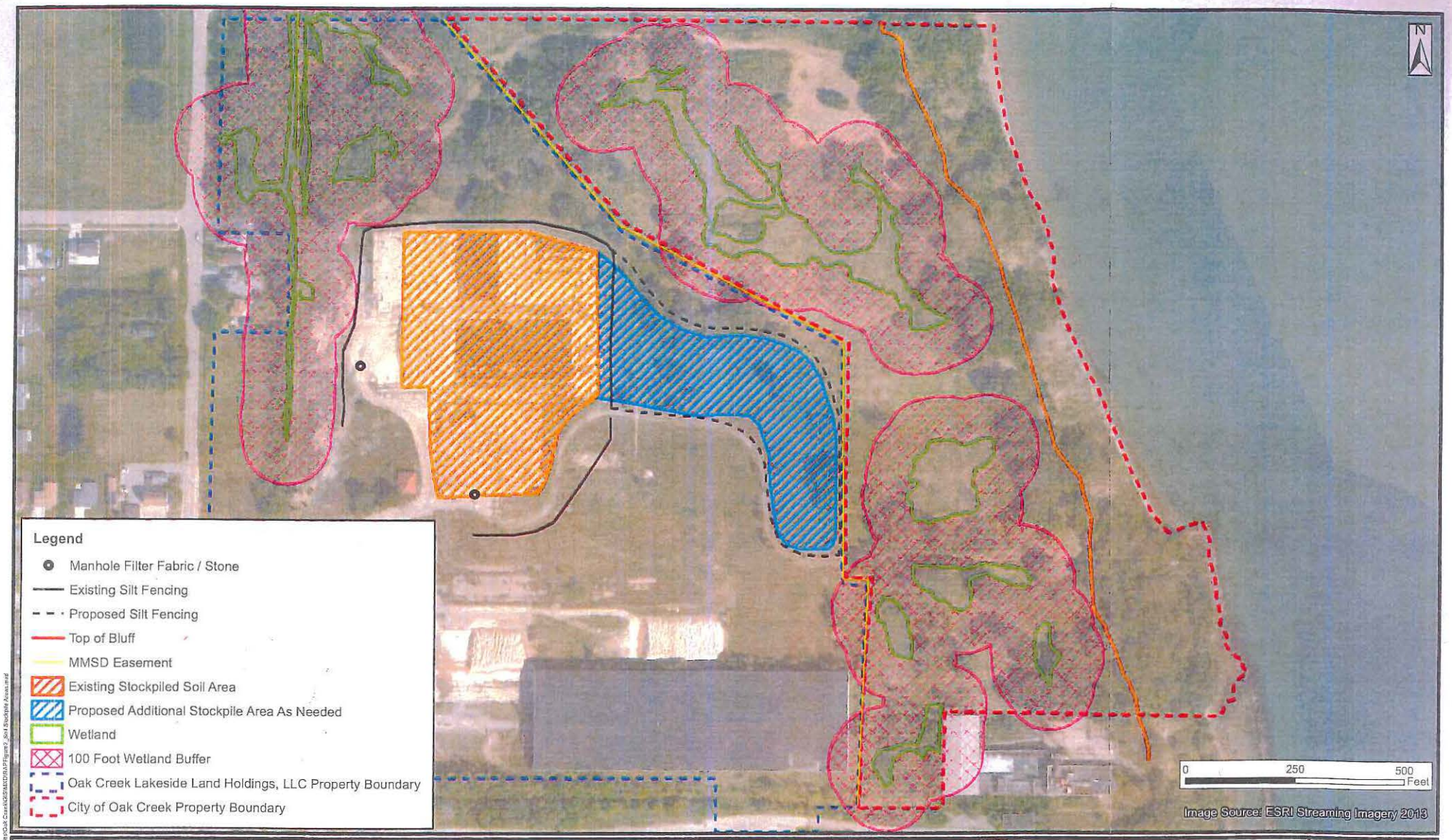
Eric Amadi - Hydrogeologist
Remediation & Redevelopment Program
Southeast Region, Milwaukee

Attachment:

Figure 1: Soil Stockpile Areas, Oak Creek Storage and Handling, prepared by Ramboll-Environ Corporation, dated 8/4/2016.

Figure 2: Site and Vicinity, Proposed Waters Senior Living Facility, Drexel Town Square, Lot 2 of CSM 8735, Oak Creek, WI 53154, prepared by PSI, Inc. dated 9/6/2016.

cc: Mike Rehfeldt - Professional Services Industries, Inc.
Jerry Franke - Oak Creek Lakeside Land Holdings, LLC
Jamie Lambert - Water Division
SER Case File #: 02-41-559008 (DTS): FID #: 241045750
SER Case File #: 02-41-548577(OCSH - western parcel): FID #: 241007140



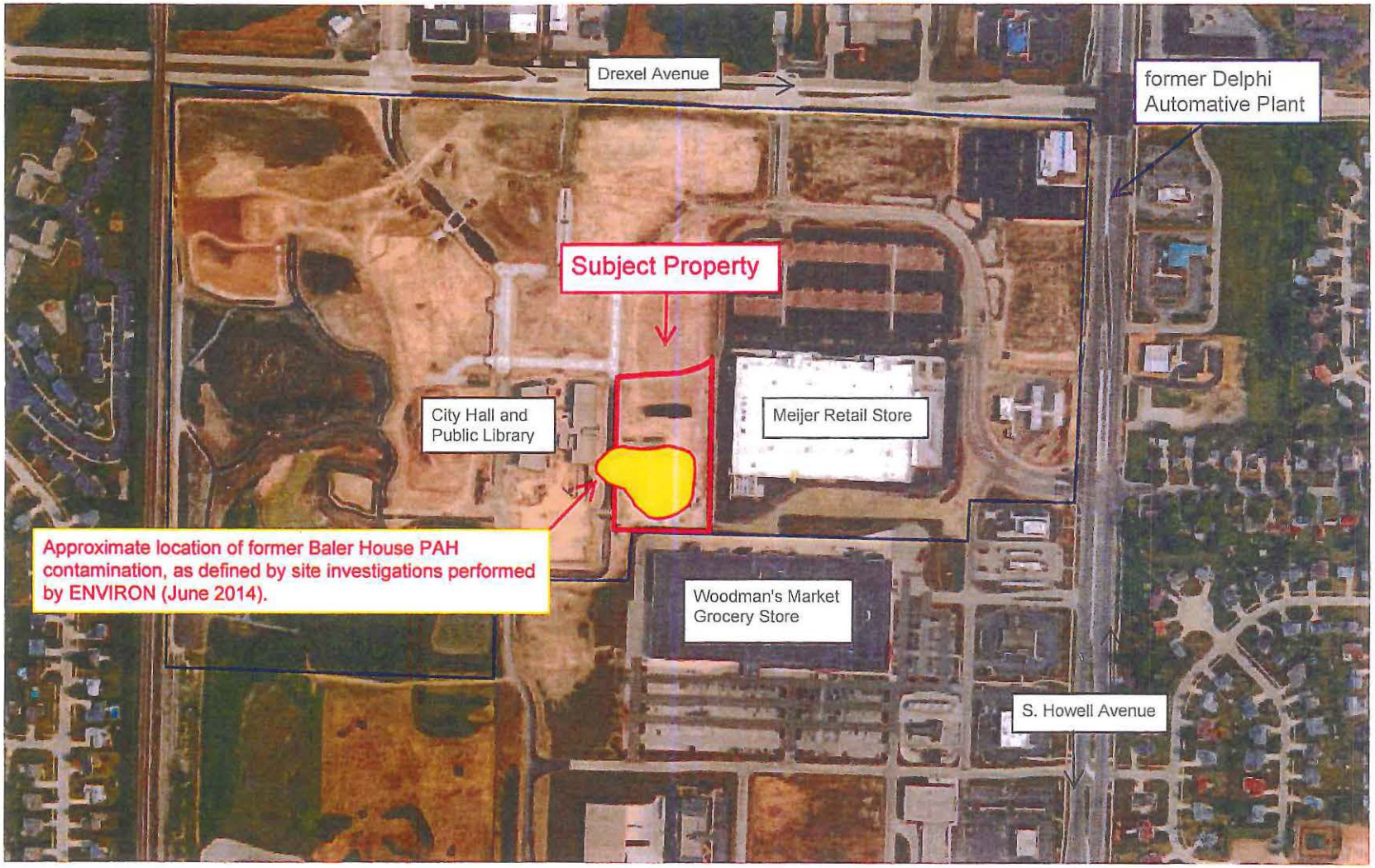
RAMBOLL ENVIRON

DRAFTED BY: JCF | DATE: 8/4/2016

SOIL STOCKPILE AREAS
OAK CREEK STORAGE AND HANDLING
9006 S 5TH AVENUE
OAK CREEK, WISCONSIN

FIGURE
1

PROJECT: 21-35115B



Source: Google Earth, July 2016

psi Information To Build On Engineering • Consulting • Testing	Environmental Services 821 Corporate Court Waukesha, Wisconsin 53189 (262) 521-2125 Fax (262) 521-2471	**Drexel Town Square** Lot 2 of CSM 8735 Oak Creek, Wisconsin 53154	PSI Project Number: 00541240		NORTH
		Figure 2 **Site and Vicinity**	Scale: Not to Scale	Date: 9/6/2016	