Amadi, Eric A - DNR

From:	Amadi, Eric A - DNR
Sent:	Friday, February 02, 2018 6:47 PM
To:	'Jim Hutchens'
Subject:	RE: Area B West Lot 1 - 160 W Town Square Way, Oak Creek, WI. BRRTS #: 02-41-580143
Attachments:	Clsr Scan_02Feb2018_Area B West Lot 1.pdf

Hi Jim:
Below are a few revisions due to oversight The requested revisions are highlighted and also provided on the figures as follows:

1. Figure D.2: revised as shown
2. Figure 1: revise as shown

Please send the revised hard copy for our input. I will let you know when to submit the electronic version. Let me know if you have questions. Thanks.

Eric

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Eric Amadi
Phone: (414) 263-8639
Eric.Amadi@wisconsin.gov

From: Jim Hutchens [mailto:jlhutchens@ramboll.com]
Sent: Tuesday, January 23, 2018 4:20 PM
To: Amadi, Eric A - DNR <Eric.Amadi@wisconsin.gov>
Subject: RE: Area B West Lot 1 - 160 W Town Square Way, Oak Creek, WI. BRRTS #: 02-41-580143

Thanks Eric

From: Amadi, Eric A - DNR [mailto:Eric.Amadi@wisconsin.gov]
Sent: Tuesday, January 23, 2018 3:27 PM
To: Jim Hutchens <jlhutchens@ramboll.com>
Subject: RE: Area B West Lot 1 - 160 W Town Square Way, Oak Creek, WI. BRRTS #: 02-41-580143

Hi Jim:

We received the revisions for the subject site on January 17, 2018. I plan to review the revised submittal next week (during the week of January 29, 2018).

With regards to the referenced "hard copy but not electronic as of yet", submittal for the subject site, you are correct, we requested that you send us the hard copy but hold off on the electronic version. I will let you know when to submit the electronic copy. Please let me know if you have questions. Thanks.

Eric

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Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Eric Amadi
Phone: (414) 263-8639
Eric.Amadi@wisconsin.gov

From: Jim Hutchens [mailto:jlhutchens@ramboll.com]
Sent: Tuesday, January 23, 2018 2:54 PM
To: Amadi, Eric A - DNR <Eric.Amadi@wisconsin.gov>
Subject: RE: Area B West Lot 1 - 160 W Town Square Way, Oak Creek, WI. BRRTS #: 02-41-580143

Eric
Were you able to do a final review on the revisions we sent last week. We submitted hard copy but not electronic as of yet.

Thanks

Jim

From: Amadi, Eric A - DNR [mailto:Eric.Amadi@wisconsin.gov]
Sent: Friday, January 12, 2018 5:53 PM
To: Jim Hutchens <jlhutchens@ramboll.com>
Subject: RE: Area B West Lot 1 - 160 W Town Square Way, Oak Creek, WI. BRRTS #: 02-41-580143

Hi Jim:

Attached are minor changes to the revised GIS packet received on 12/6/2017:

1. Figure B.1.c - RR Sites Map: revise as shown (include the notes highlighted);

2. Figure B.2.A - Soil Contamination with Data Tables: revise as shown (include the correct BRRTS highlighted);

3. F.1 Deed: I have included the deed to show that it referenced CSM 8642. I have also attached a sample of the correct CSM to match the deed (the CSM 8642 is available on the "Milwaukee County Interactive Map");

4. F.3 - Verification of Zoning: Two sets of "verification of zoning" were included. Please remove the duplicate set.

Since a lot of changes have been made to the submittal and in order not to omit any item, I suggest you submit a hard copy (and include all the information) for my review prior to sending an electronic copy. I have also attached a copy of the "waiver of right to comment" for inclusion into the hard copy to be sent for review.

Please let me know if you have questions. Thanks.

Eric

We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Eric Amadi
Phone: (414) 263-8639
Eric.Amadi@wisconsin.gov

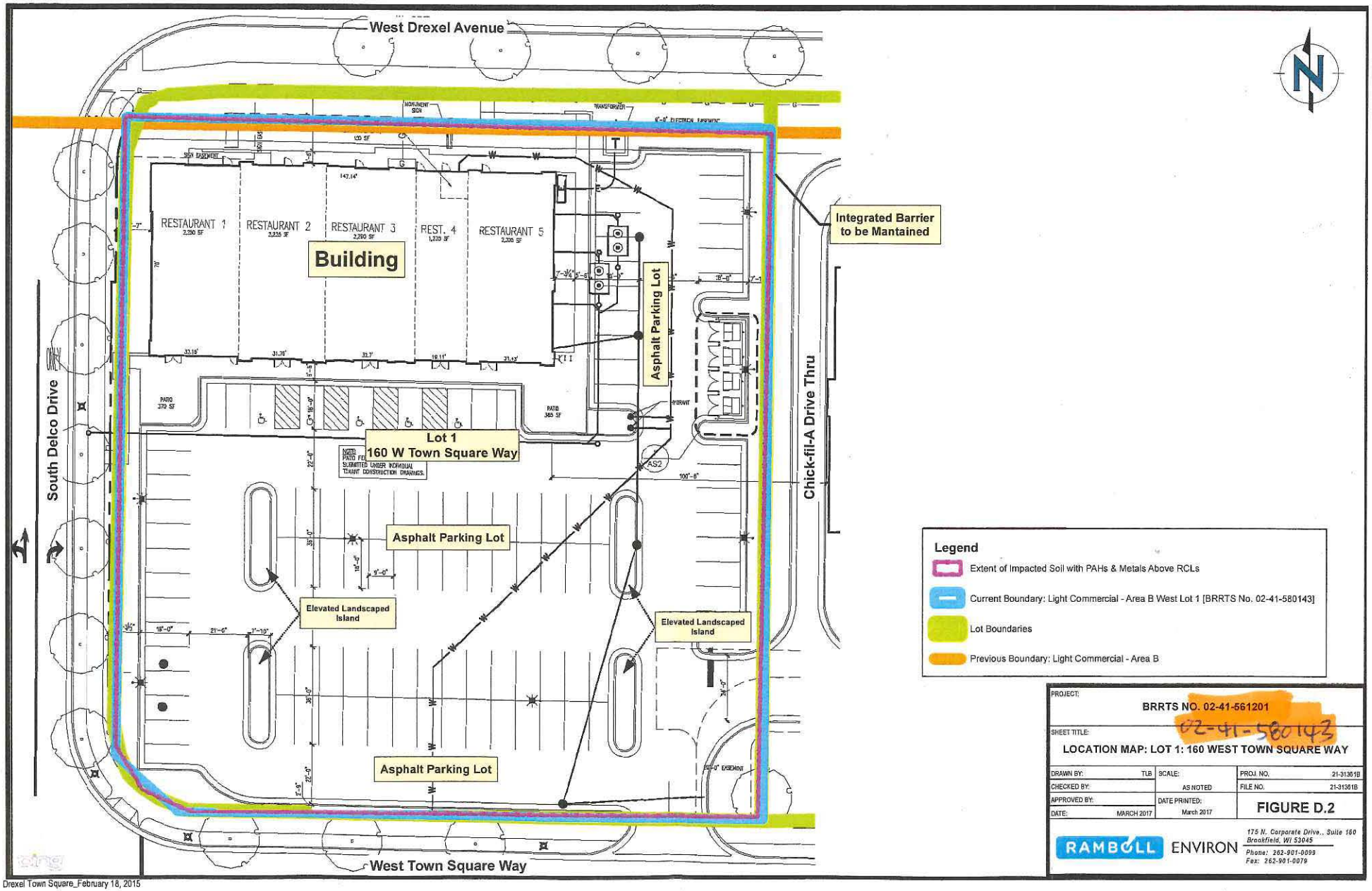
From: Jim Hutchens [mailto:jlhutchens@ramboll.com]
Sent: Friday, January 12, 2018 11:23 AM
To: Amadi, Eric A - DNR <Eric.Amadi@wisconsin.gov>
Subject: Area B West Lot 1 - 160 W Town Square Way, Oak Creek, WI. BRRTS #: 02-41-580143

Eric
I believe you indicated we would have something on this parcel this week. Could you let me know the status

Thanks

Jim

D.2 Location Map



Drexel Town Square_February 18, 2015

Attachment G

Notifications to Owners of Affected Properties

Lot 1 of CSM 8642

160 West Town Square Way

Since the current property owner is not conducting the response action, the current property owner (GMX Midland Oak Creek LLC) was notified by the responsible party (Erica-Nicole Harris with WISPARK, LLC) of continuing obligations and residual contamination.

This notification form (4400-286) and proof of delivery are included. Documents for the source property are included in Attachment F.

The affected property is:

- (●) the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ( ) a deeded property affected by contamination from the source property
- ( ) a right-of-way (ROW)
- ( ) a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name One West Drexel, LLC

Contact Person Last Name	First	MI	Phone Number (include area code)
Harris	Erica-Nicole		(414) 221-5501

Address	City	State	ZIP Code
231 West Michigan Street, ~~Suite~~ P423	Milwaukee	WI	53203

E-mail enharris@wispark.com

Name of Party Receiving Notification:

Business Name, if applicable: GMX Midland Oak Creek, LLC

Title	Last Name	First	MI	Phone Number (include area code)
	Goodman	Andrew		(847) 680-8600

Address	City	State	ZIP Code
3000 Dundee Road Suite 408	Northbrook	IL	60062

Site Name and Source Property Information:

Site (Activity) Name Light Commercial - Area B West Lot 1

Address	City	State	ZIP Code
160 W Town Square Way (fka 7929 S Howell Ave)	Oak Creek	WI	53154

DNR ID # (BRRTS#)	(DATCP) ID #
02-41-580143	

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: Ramboll Environ U.S. Corporation

Contact Person Last Name	First	MI	Phone Number (include area code)
Hutchens	James	L	(262) 901-0095

Address	City	State	ZIP Code
175 N. Corporate Drive, Suite 160	Brookfield	WI	53045

E-mail jhutchens@ramboll.com

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR)

Address	City	State	ZIP Code
2300 North Martin Luther King Drive	Milwaukee	WI	53212

Contact Person Last Name	First	MI	Phone Number (include area code)
Amadi	Eric	A	(414) 263-8639

E-mail (Firstname.Lastname@wisconsin.gov) Eric.Amadi@wisconsin.gov

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

3000 Dundee Road Suite 408
Northbrook, IL, 60062

Dear Goodman:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.
I have investigated a release of:
Low concentrations of VOCs, PAHs and metals from previous industrial use
on 160 W Town Square Way (fka 7929 S Howell Ave), Oak Creek, WI, 53154 that has shown that contamination remains on this source property.
I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify James Hutchens at 175 N. Corporate Drive, Suite 160, Brookfield, WI, 53045 within the next 30 days if the legal description is incorrect.

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 2300 North Martin Luther King Drive, Milwaukee, WI, 53212, or at Eric.Amadi@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:

The responses included
concrete removal and remediation on site, performed concurrently. When work was completed in the former plating/ conformal area the pre-estimated volume of soil was excavated and set aside for later testing. Confirmation samples were then collected and analyzed to determine if additional soil removal was needed. No VOCs were detected in confirmation samples from Area B West Lot 1.
The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Contract for responsibility for continuing obligation:

Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.
GMX Midland Oak Creek, LLC will be responsible for continuing obligations on your property.

Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information.**

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

Soil Contamination:

Soil contamination remains at :
areas across site site beneath the barrier.

The remaining contaminants include:

low levels of Benzo(a)anthracene, benzo(a)pyrene, Benzo(b)fluoranthene, Chrysene, and Dibenz(a,h)anthracene.

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.
PAHs in soil across the site have been addressed with an integrated direct contact cover formed by your building, pavement and landscaping.

Groundwater Contamination:
Groundwater contamination originated at the property located at 160 W Town Square Way (fka 7929 S Howell Ave), Oak Creek, WI, 53154. The levels of
arsenic

contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See the paragraph **GIS Registry and Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

Residual Soil Contamination:
If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

Maintenance of a Cover:

A soil cover/engineered cover/other has been placed over remaining contamination to
limit contact with the soil,
and this cover will need to be maintained. Inspections will be required, and submittal of inspection reports may be required. Certain activities which would disturb the cover or barrier will be prohibited.
If the cover was intended for industrial or commercial use, notification of the DNR may be required before changing the land use to a residential type use, to determine if the cover will be protective for that use.
A maintenance plan is attached, which describes the maintenance activities likely to be required.
An updated maintenance plan will be provided at closure, if the DNR requires changes to the maintenance plan.

A map, figure____1____, is attached, which shows the location of the extent of contamination and the extent of the cover.

Maintenance and Audits of Continuing Obligations:
If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

GIS Registry and Well Construction Requirements:
If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at http://dnr.wi.gov/topic/Brownfields/clean.html. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. Well drillers need to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300–254, is on the internet at http://dnr.wi.gov/topic/wells/documents/3300254.pdf.

Site Closure:
If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at Eric Amadi, Eric.Amadi@wisconsin.gov, (414) 263-8639 . The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (414) 221-5501
enharris@wispark.com

Signature of responsible party/environmental consultant for the responsible party Date Signed 29 Nov 17

Attachments

Contact Information

Legal Description for each Parcel:

Maps:

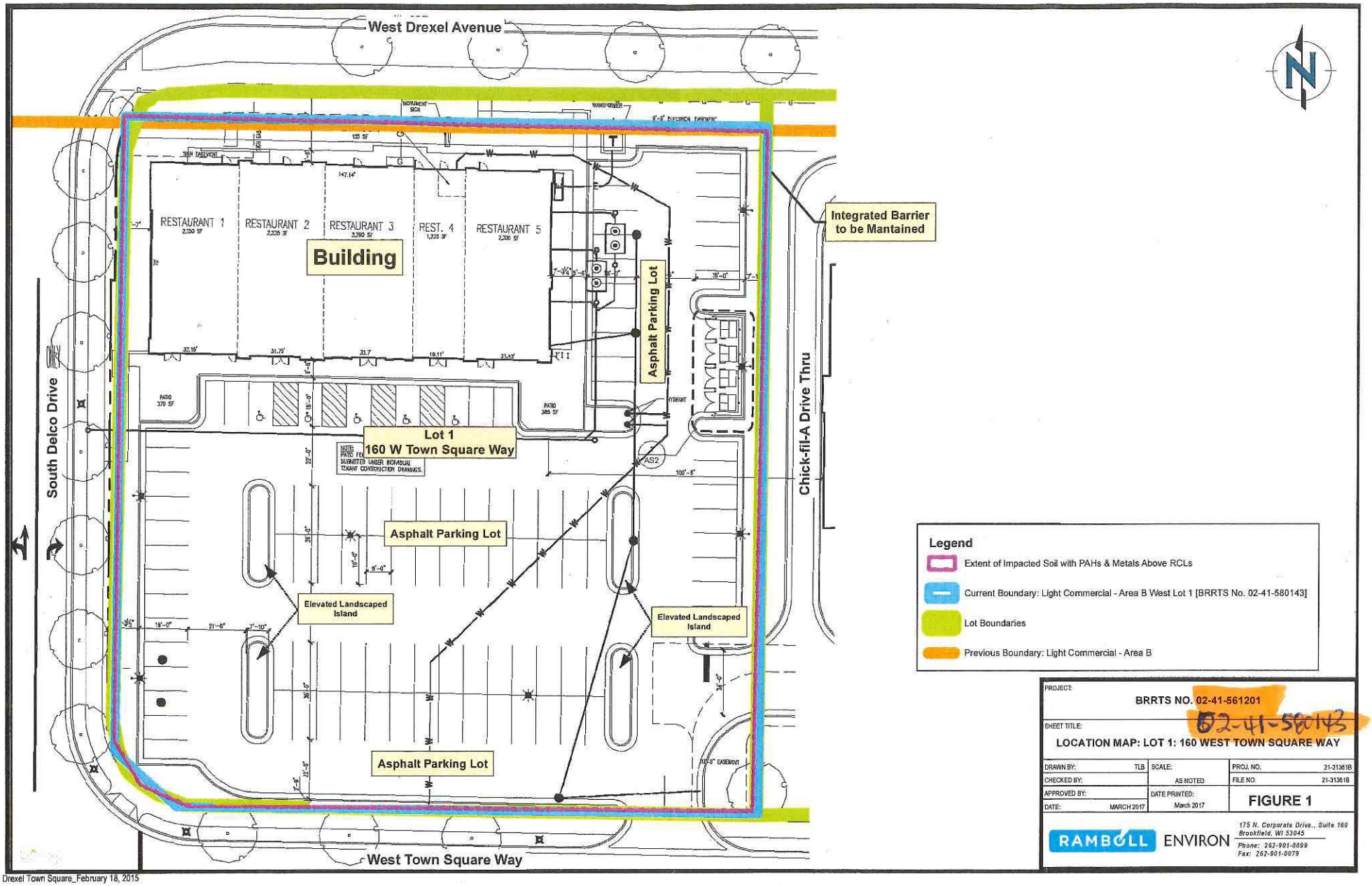
Maintenance plan

Maintenance of a cover Maintenance of a Cover - Maintenance Plan Date 11/27/2017

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater



PROJECT:
BRRTS NO. 02-41-561201
02-41-580143

SHEET TITLE:
LOCATION MAP: LOT 1: 160 WEST TOWN SQUARE WAY

DRAWN BY: TLB	SCALE:	PROJ. NO.	21-31361B
CHECKED BY:	AS NOTED	FILE NO.	21-31361B
APPROVED BY:	DATE PRINTED:	FIGURE 1	
DATE: MARCH 2017	March 2017		

RAMBOLL ENVIRON

175 N. Corporate Drive., Suite 160
Brookfield, WI 53045
Phone: 262-901-0099
Fax: 262-901-0079

Drexel Town Square_February 18, 2015

Waiver of Right to Comment

I have been notified of the residual contamination and my responsibility for continuing obligations at my property located at 160 West Town Square Way in the City of Oak Creek, Milwaukee County, Wisconsin (refer to attached *Form 4400-286, Notification of Continuing Obligations and Residual Contamination*). I understand that, as an affected property owner, I have 30 days to comment on this notification pursuant to NR 725.07, Wisconsin Administrative Code. I am waiving my right to comment.

Andrew S. Goodman
Printed Name

5/1/17
Date

Signature

Andrew S. Goodman
Co-Manager, GMK Real Estate Group, LLC
as Development Agent for
GMK Midland Oak Creek, LLC ("Owner")