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

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

WISCONSIN
DEPT. OF NATURAL RESOURCES

October 18, 2018

Ms. Caroline Brzezinski – Development Associate
IP Electric Avenue, LLC
N16 W232117 Stone Ridge Drive
Waukesha, WI 53188

Subject: Approval for Remedial Action Plan Report
Approval of Management of Contaminated Material under Wis. Admin. Code § NR 718.12 and/or § NR 718.15
Centennial Place (Former GE Hotpoint).
4775 West Electric Avenue, West Milwaukee, Wisconsin
BRRTS # 02-41-245955, FID # 241013410

Dear Ms. Brzezinski:

On March 29. 2018, the Wisconsin Department of Natural Resources (DNR) received a submittal, "Remedial Action Plan" (RAP). The Report was prepared by your consultant, Arcadis U.S. Inc. (Arcadis) and included documentation for approval under Wis. Admin. Code § NR 718.12 and/or § NR 718.15, to manage contaminated material on the same site from which it was excavated. On September 11, 2018, the DNR held a meeting with you and Arcadis to discuss additional submittals. Additional information was provided to the DNR on October 1, October 11, and October 16, 2018. The DNR received all applicable technical assistance fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04(1).

Previous remedial actions undertaken for the site included injection of treatment chemicals into groundwater to reduce the chlorinated solvent contamination levels, followed by groundwater monitoring to verify the reduction of groundwater contamination.

You have informed the DNR the proposed remedial action plan is not being submitted to meet the requirements for the Voluntary Party Liability Exemption (VPLE) process, as the VPLE applicant is withdrawing from the exemption process. Therefore, this DNR review and approval does not include or cover requirements for the VPLE process.

Summary of Proposed Remedial Action Plan

The RAP proposes the following additional actions to remediate and redevelop the property for industrial use:

- Excavation and disposal of 600 yds^3 contaminated soil,
- On-site relocation of contaminated soil in accordance with Wis. Admin. Code § NR 718.12 through a soil management plan,
- Use of proposed building, pavement, and clean soil with landscaping as a site wide direct contact barrier,
- Installation of a passive or active vapor intrusion mitigation system (post-construction sub-slab sampling will be conducted at installed ports to evaluate if an active vapor system is needed),
- Development of a draft maintenance plan for the site wide direct contact barrier features, and
- Development of a draft maintenance plan for the vapor mitigation system.

The DNR concurs with the proposed remedial actions and approves the RAP in accordance with Wis. Admin. Code § NR 749.07(2).

Summary of Proposed Material Management Activities

IP Electric Avenue, LLC (IP Electric Avenue) proposes to relocate approximately 9,500 cubic yards of contaminated material from the Centennial Place (Former GE Hotpoint), to another location on the same site. IP Electric Avenue proposes to manage this material, in accordance with Wis. Admin. Code § NR 718.12 and/or § NR 718.15 which exempts the facility from solid waste requirements in Wis. Stat. ch. 289 and Wis. Admin. Code chs. NR 500 to NR 538. Soils containing chlorinated volatile organic compounds (CVOCs) over 100 ug/kg will be transported and disposed at a landfill. It is estimated that 600 yd^3 of CVOCs soils will be disposed off-site. Soils below100 ug/kg of CVOCs will be placed under the southern parking lot.

The proposed redevelopment includes the construction of a light industrial building. The building will consist of an 86,500 ft^2 single-story slab on grade structure. The building will not have a basement or crawl spaces. A new asphalt driveway will be constructed, and parking lots located to the northwest and south of the building. The final grades are estimated to be within plus or minus three feet of the current grades.

Wis. Admin. Code § NR 718.12 and/or § NR 718.15 Exemption

This letter grants an exemption under Wis. Admin. Code § NR 718.12 and/or § NR 718.15, for the proposed material management activities. Approval of the exemption is based on the following:

1) Managing contaminated waste material in areas of the site identified on Figure10, Soil Sampling Plan, and Figure 11, Soil Management Plan of the October 16, 2018 RAP will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).

2) Material proposed for excavation from the Centennial Place, (Former GE Hotpoint) is contaminated with volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs) and polychlorinated bi-phenyls (PCBs). Soil samples have been collected for analysis of all contaminants previously detected or expected to be present at this site based on past land use and from areas most likely to contain residual contamination. Based on an estimated volume of 9,500 cubic yards of material, and a sampling frequency of one sample per 300 cubic yards, the sampling protocol described in Wis. Admin. Code § NR718.12 (1) (e) has been met. The DNR concurs that the material has been adequately characterized for management under this exemption.

3) A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), has been provided to the DNR.

4) The proposed management of contaminated material at the Centennial Place (Former GE Hotpoint) is expected to meet the criteri of Wis. Admin. Code §§ NR 726.13(1)(b)1 to 5. Material over 100 ug/kg of CVOCs will be disposed at a landfill and material below 100 ug/kg of CVOCs will be capped, and this will not result to an increased risk to health or the environment.

5) Documents have been submitted to the DNR that meet the requirements of Wis. Admin. Code § NR 718.12(2)(e) and will be made available on BRRTS on the Web.

6) The DNR will be provided with at least 7 days' notice prior to commencing material management activities.

7) The current owners of Centennial Place (Former GE Hotpoint) acknowledged that continuing obligations described below will be required as a condition of managing the contaminated material on their property.

Continuing Obligations for Soil Management

The current owner of the Centennial Place property, and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12(2)(d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in the draft and final maintenance plan are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Certain activities are prohibited in areas of this site where maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the DNR must be notified before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement , the building foundation, or clean soil cover is required, unless prior written approval has been obtained from the DNR:

- 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 non-industrial exposure setting.

Please send written notifications and inspection reports if required in accordance with the following requirements to:

Wisconsin Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Residual Soil Contamination:

If contaminated soil managed under this soil management plan is excavated in the future, the property owner at the time of excavation will be responsible for the following:

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

Contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718, 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 a 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 also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion 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.

The extent of residual soil contamination is depicted on Figure 2, Residual Soil Contamination Map of the October 16, 2018 Remedial Action Plan.

Maintenance of a cover:
Pavement, a building, and clean soil cover will be placed over remaining contamination and this cover must 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 is approved for industrial land use, notification of the DNR is required before changing to a non-industrial use, to determine if the cover will be protective for that use. A draft maintenance plan was included in the October 16, 2018 Remedial Action Plan. A final maintenance plan will be provided upon completion of the remedial action plan and soil management activities.

Vapor: Future Actions to Address Vapor Intrusion:
A building is being proposed for the current remedial action and redevelopment plan. Vapor intrusion risk to this building from in-situ soil remaining beneath the building will be assessed and mitigated in accordance with the Remedial Action Plan.

While vapor intrusion does not currently present a risk in the areas outside the proposed building footprint where contaminated soil is being placed, if a building is constructed in these areas on this property, or if the proposed building is reconstructed or expanded, or if use of a building is changed to a non-industrial use, vapor intrusion may be a concern. The DNR must be notified before construction of a building (beyond the proposed building) or before changing the use of an existing building to non-industrial use. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

CVOCs remain in soil and groundwater, as depicted on Figure 2, Residual Soil Contamination Map of the October 16, 2018 Remedial Acton Plan, at levels that may be of concern for vapor intrusion in the future

This site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html, as having continuing obligations. In addition, this letter and all information submitted with your Wis. Admin. Code § NR 718.12 exemption request will be made available in Portable Document Format (PDF) on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at http://dnr.wi.gov/topic/Brownfields/wrrd.html. All site information is on file at the Regional DNR office located at 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212.

DNR approval prior to well construction or reconstruction is required, 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 Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained at http://dnr.wi.gov/topic/wells/documents/3300254.pdf.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Next Steps and Additional Information

- Vapor Assessment and Mitigation:
    - Provide DNR the sampling plan details prior to conducting the proposed sub-slab and indoor air testing to be carried out during the first 6 months of building operation. Your consultant has informed DNR that the stack vents will be sealed (turbines not operational) during this testing.
    - Provide DNR the sub-slab and indoor sampling results, with their proposed next steps for vapor mitigation, prior to conducting any pressure field extension testing.

- Remedial Construction Documentation Report:
    - Submit a remedial construction documentation report to the DNR within 60 days of completion of the proposed remedial actions, in accordance with Wis. Admin. Code § NR 724.15.

- Soil Management:
    - Include soil management documentation in the remedial construction documentation report.
    - Soil management activities exempted by this letter are scheduled to be completed within one year. Notice should be provided to the DNR if this schedule will change.
    - The exemption is granted under Wis. Admin. Code § NR 718.12 and/or § NR 718.15 and applies only to the specific activities described within the submitted RAP. Any contaminated material that is excavated or otherwise disturbed at the Centennial place, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538, the solid waste rules administered by the DNR's Waste and Materials Management Program. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge and would be required to be addressed following the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.
- VPLE process: This approval does not constitute an approval under the VPLE process. Additional work will be required to meet all criteria for the VPLE process.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact the DNR project manager, Binyoti F. Amungwafor by calling 414-263-8607 or by e-mail at Binyoti.Amungwafor@wisconsin.gov.

Sincerely,

Pamela A. Mylotta
Team Supervisor, Southeast Region
Remediation and Redevelopment Program

cc: Mr. Ben Verburg, Arcadis
Case File # 241013410