

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1155 Pilgrim Rd.
Plymouth WI 53073-4294

Scott Walker, Governor
Cathy Stepp, Secretary
John Hammen, Acting Regional Director
Telephone 920-892-8756
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June 14, 2011

Ms. Karen Dettmer
Redevelopment Authority of the City of Milwaukee
809 N Broadway # 1
Milwaukee, WI 53202-3617

Subject: Conditional Grant of Exemption for the Development Where Solid Waste was Disposed
BRRTS # 07-41-557077 FID # 341200530

Ms. Dettmer:

We have received your request for a grant of exemption from regulation under s. NR 506.085, Wisconsin Administrative Code (WAC). Your application includes an evaluation that there is currently soil and groundwater contamination in excess of applicable standards at this location. Methane gas was also reported to be present. Based on the fact that the proposed development is to landscape the site the Department is issuing this general grant of exemption from the prohibitions contained in ch. NR 506.085, WAC, for the property at 1027 N. Edison Street, Milwaukee, Wisconsin. You must comply with the conditions of this grant of exemption in order to maintain the exemption. This grant of exemption is limited to the proposed changes, landscaping a vacant lot, as described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval.

Please review the information contained in the publication *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* PUB-RR-685 to assist you in preventing environmental or safety problems during and after development.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements. If you have any questions concerning this letter, please contact Thomas A. Wentland at 920-892-8756 Ex. 3028.

Sincerely,

A handwritten signature in black ink that reads 'James A. Schmidt'.

James A. Schmidt, Supervisor
Remediation and Redevelopment Section
Southeast Region

Cc: Sigma Engineering
City of Milwaukee, Building Insp.

BEFORE THE

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. The Redevelopment Authority of the City of Milwaukee owns the property located at 1027 N. Edison Street, Milwaukee, Wisconsin.
2. Based on information provided by the applicant, solid waste in the form of wood, glass, cinders and brick is present on the site.
3. Sigma Engineering, on behalf of the Redevelopment Authority of the City of Milwaukee has submitted a request for exemption received May 19, 2011 for an exemption from the prohibition in ch. NR 506.085, WAC.
4. Methane gas is present on the site.
5. Based upon the evaluation provided to the Department, development at the property is not expected to cause future exceedances of applicable soil and groundwater standards.
6. The Department further concurs that if the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has the authority under ch. NR 500.08(4), WAC to issue an exemption from the prohibition in ch. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.
2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, WAC, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, WAC, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under ch. NR 500.08(4), WAC, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to the Redevelopment Authority of the City of Milwaukee from the prohibition in ch. NR 506.085, WAC for development on a property which contains solid waste as proposed in the application received May 19, 2011 subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, WAC.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in ch. NR 500.03(55), WAC.
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in ch. NR 500.03(62), WAC.
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in ch. NR 500.03(62), WAC, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application in ch. NR 140, WAC.
5. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in ch. NR 445.03, WAC.
6. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard in ch. NR 720, WAC.
7. This grant of exemption should not be construed as a site closure under ch. NR 726, WAC.
8. The development construction activities shall be coordinated with the approved remedial response actions and shall not prevent the completion of the approved remedial response actions.
9. This exemption applies to the proposed landscaping of the southern portion of the property. Since methane is present at the property a new exemption application will be required if in the future the northern and/or southern portion of the property is redeveloped.
10. This exemption shall transfer with changes in property ownership. In accordance with s.289.46(2), Stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal activity occurred may not undertake any activities on the land which may cause a significant threat to public health, safety or welfare. The Department of Natural Resources should be contacted to discuss any proposed changes to avoid activities that could violate the statute.
11. This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval.

The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

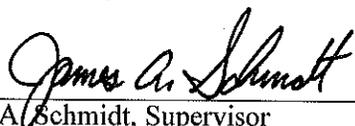
NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

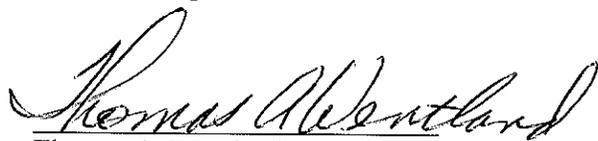
For judicial review of a decision pursuant to section 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: 6-21-2011

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



James A. Schmidt, Supervisor
Remediation and Redevelopment Section
Southeast Region



Thomas A. Wentland
Waste Management Engineer
Remediation and Redevelopment Section
Southeast Region