

313-17
File



Department of City Development

Housing Authority
Redevelopment Authority
City Plan Commission
Historic Preservation Commission
NIDC

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

June 26, 2007

Mr. James T. Lindsay
6049 N. 35th Street
Milwaukee, Wisconsin 53209

Re: Final Case Closure Received from the Wisconsin Department of Commerce

Dear Mr. Lindsay:

The Redevelopment Authority of the City of Milwaukee (RACM) received a June 7, 2007 *Final Closure with Land Use Limitations* letter prepared by the Wisconsin Department of Commerce (DCOM) for your property at 3070 N. Dr. Martin Luther King Jr. Drive (Site). The letter indicates that the conditions for final case closure have been met.

Since the asphalt parking lot and building are functioning as engineered caps for residual impacts at the Site, an *Engineering Cap and Building Barrier Maintenance Plan* must be implemented. RACM's consultant, Giles, prepared the plan for you, as the owner and operator, to implement accordingly.

If you have questions regarding the WDNR's closure decision or your responsibilities as the owner and operator of the Site, please feel free to call me at (414) 286-5642.

Sincerely,

Karen C. Dettmer
Senior Environmental Project Coordinator

Attachments

CC: Dave Misky, RACM
Matt Haessly, Real Estate
Kevin Bugel, Giles



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
9316 North 107th Street
Milwaukee, Wisconsin 53224-1121
TDD #: (608) 264-8777
Fax #: (414) 357-4700
Jim Doyle, Governor
Mary P. Burke, Secretary

June 7, 2007

Ms. Karen Dettmer
City of Milwaukee
Redevelopment Authority
809 North Broadway Street
P.O. Box 324
Milwaukee, WI 53202-0324

RE: **Final Closure with Land Use Limitation**

Commerce # 53212-2007-70-A DNR BRRTS # 03-41-521452
Vacant Lot, 3070 North Dr. Martin Luther King Jr. Drive, Milwaukee

Dear Ms. Dettmer:

The Wisconsin Department of Commerce (Commerce) has determined that this site does not pose a significant threat to the environment and human health so long as current and subsequent property owner(s) adhere to the following limitations:

The barrier cap must be maintained in accordance with the enclosed maintenance plan.

Commerce has the authority per section 292.12(2), Wis. Stats., to require the maintenance of a barrier cap at this property. Failure to adhere to this limitation may result in financial penalties from \$10 to \$5,000 per day in accordance with section 292.99(1), Wis. Stats. Commerce may conduct inspections to ensure compliance with the maintenance plan. In the future, you may request that Commerce review *new* information to determine if the cap requirement can be changed or removed.

This site is now listed as "closed" on the Commerce database and will be included on the Department of Natural Resources (DNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual soil and groundwater contamination. It is in your best interest to keep all documentation related to the environmental activities at your site.

Please note that if contaminated soil is excavated in the future, it must be managed in accordance with all applicable state and federal regulations. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

Thank you for your efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 357-4705.

Sincerely,

A handwritten signature in blue ink that reads "Monica Weis".

Monica L. Weis
Senior Hydrogeologist
Site Review Section

Enclosure

cc: Ms. Erika Biemann, Giles Engineering Associates, Inc.

PAVEMENT COVER AND BUILDING BARRIER MAINTENANCE PLAN

April 23, 2007

Property Located at:

3070 North Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212

FID # 341072820, WDNR BRRTS/Activity # 03-41-521452

LEGAL DESCRIPTION: THE NORTH 80 FEET OF THE WEST 57.1 FEET, LOT 11, IN BLOCK 4, ASSESSMENT SUBDIVISION NO. 31, IN THE NORTHWEST ¼ OF SECTION 17, IN TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

TAX # 313-0217-000-5

Introduction

This document is the Maintenance Plan for a pavement cover and building barrier at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing paved surface and slab-on-grade building occupying the area over the contaminated soil on-site. The contaminated near-surface soil is impacted by lead and polynuclear aromatic hydrocarbons (PAHs). The location of the paved surface and building to be maintained in accordance with this Maintenance Plan, as well as the impacted soil are identified in the attached map (Exhibit A).

Cover and Building Barrier Purpose

The paved surfaces and the building foundation over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The paved surfaces and building foundation overlying the contaminated soil and as depicted in Exhibit A will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause or exposure to underlying soils. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be made available for viewing to Commerce or other interested party.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the paved surfaces and/or the building overlying the contaminated or soil are removed or replaced, the replacement barrier must be equally protective. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by Commerce or its successor.

The property owner, in order to maintain the integrity of the paved surfaces and/or the building, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of Commerce.

Contact Information

April 2007

Site Owner and Operator:

James T. Lindsay
6049 North 35th Street
Milwaukee, WI 53209
414-461-4903

Consultant:

Giles Engineering Associates, Inc.
N8 W22350 Johnson Drive, Waukesha, WI 53186
262-544-0118

Commerce:

Monica Weis
9316 North 107th Street
Milwaukee, WI 53224
414-220-5361

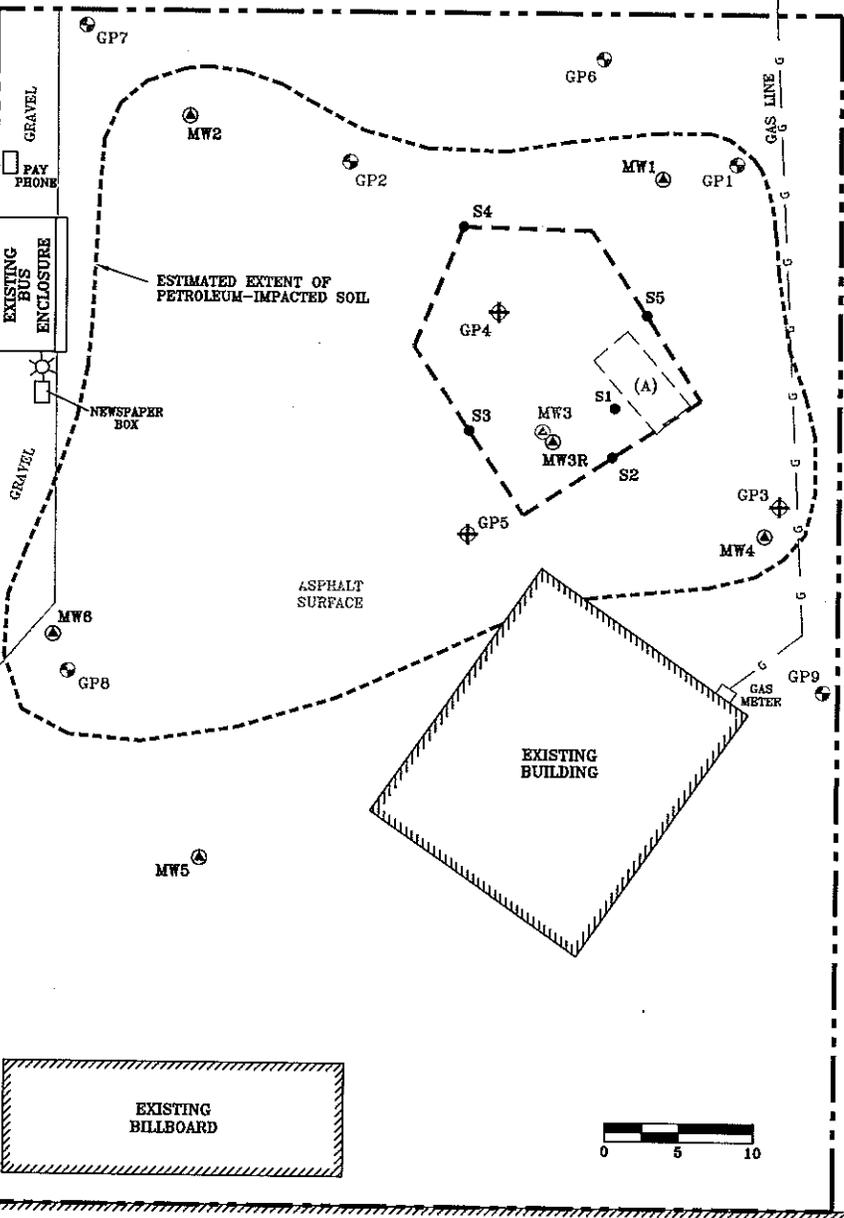
WEST BURLEIGH STREET

SIDEWALK



NORTH DR. MARTIN LUTHER KING JR. DRIVE

TELECOMMUNICATIONS LINE



GENESIS MISSIONARY BAPTIST CHURCH (231)

GRASSY AREA



EXISTING AUTO SALES & SERVICE BUILDING (3084)

LEGEND:

	SOURCE-REMOVAL AREA
	PROPERTY LINE
	CURB LINE
	CENTERLINE
	SOIL BORING
	SOIL BORING / TEMPORARY WELL
	SOIL SAMPLE
	GROUNDWATER MONITORING WELL
	FORMER GROUNDWATER MONITORING WELL
	UNDERGROUND ELECTRIC LINE
	LIGHT POST
	ELECTRIC POLE

LEGEND:

	STOP LIGHT
	FIRE HYDRANT
	MANHOLE
(A)	FORMER GASOLINE UST LOCATION
(231)	CURRENT BUILDING ADDRESS
	BENCHMARK: GROUND LEVEL AT NORTHWEST CORNER OF CHURCH. ASSUMED ELEVATION = 100.0'

GILES ENGINEERING ASSOCIATES, INC.
 N8 W22350 JOHNSON DRIVE, SUITE A1
 WAUKESHA, WI 53186 (262)-544-0118

EXHIBIT A
 EXTENT OF PETROLEUM IMPACTED SOIL
 3070 NORTH DR. MARTIN LUTHER KING JR. DRIVE
 MILWAUKEE, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
ELB	JSZ	1"=10'	04-24-07	---
PROJECT NO.: 1E-0402011			CAD No. 1E0402011L	