313-17

ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
101 West Pleasant Street, Suite 100A
Milwaukee, Wisconsin 53212-3963
TDD #: (608) 264-8777
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**Jim Doyle, Governor**
**Mary P. Burke, Secretary**

commerce.wi.gov
Wisconsin
Department of Commerce

April 10, 2007

Mr. David Misky
City of Milwaukee
Redevelopment Authority
809 North Broadway Street
PO Box 324
Milwaukee, WI 53202-0324

RE: **Case Closure Consideration with Proposed 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 Mr. Misky:

The Wisconsin Department of Commerce (Commerce) has reviewed the request for case closure prepared by your consultant, Giles Engineering Associates, Inc., for the site referenced above. It is understood that residual soil and groundwater contamination remains on site. This letter serves as written notice that no further investigation or remedial action is necessary.

**Abandonment Requirements**

All monitoring wells must be properly abandoned within 60 days and the appropriate documentation forwarded to Commerce at the letterhead address within 120 days of the date of this letter. Noncompliance with the abandonment requirement and deadline can result in enforcement action and financial penalties. A final closure letter will be sent after the abandonment requirements have been met.

**Land Use Limitation Requirement**

Commerce has determined that this site does not pose a significant threat to the environment and human health as long as the barrier cap (asphalt pavement) at this property is maintained. Residual petroleum concentrations in soil exceeding standards for the protection of human health from direct contact with contaminated soil remains on the northern portion of the site. Therefore, the existing barrier cap must be maintained in accordance with the maintenance plan provided to prevent direct contact with shallow contaminated soil. A copy of a portion of the site figure prepared by Giles, which indicates the approximate area with shallow residual petroleum contamination in soil and the sample barrier cap maintenance plan, prepared by Commerce, are enclosed for your review.

This limitation must be adhered to by the current property owner and any subsequent owner. Failure to adhere to this restriction may result in financial penalties from $10 to $5,000 per day in accordance with section 292.99(1), Wis. Stats.

Acceptance of the limitation to be imposed on the property makes it unnecessary to conduct additional soil remediation activities on the property at this time. In the future, you may request that Commerce

review any new information to determine if the barrier requirement or maintenance plan can be changed or removed. If you do not want this limitation on your property, you must contact the undersigned to determine what remedial activities will be required, at your own expense, to close this case without the cap maintenance requirement.

**Claim Submittal Requirement**

Timely filing of your final PECFA claim (if applicable) is encouraged. If your claim is not received within 120 days of the date of this letter, interest costs incurred after 60 days of the date of this letter will not be eligible for PECFA reimbursement (section 101.143(4)(cc)1.a., Wis. Stats.).

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) 220-5361.

Sincerely,

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 10, 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] [TAX #]

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 [slab on grade] building and other paved surfaces occupying the area over the contaminated groundwater plume or soil on-site. The contaminated [groundwater plume] [or soil] is impacted by [enter list of contaminant(s)]. The location of the paved surfaces and building to be maintained in accordance with this Maintenance Plan, as well as the impacted [groundwater plume] [or soil] are identified in the attached map (Exhibit A).

Cover and Building Barrier Purpose

The paved surfaces and the building foundation over the contaminated [groundwater plume] [or soil] serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. [These paved surfaces and building foundation also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code.] 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 groundwater plume] [or 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 [additional infiltration into] [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.

**Exhibit B**
***BARRIER INSPECTION LOG***

| Inspection Date | Inspector | Condition of Cap | Recommendations | Have Recommendations from previous inspections been implemented? |
|---|---|---|---|---|
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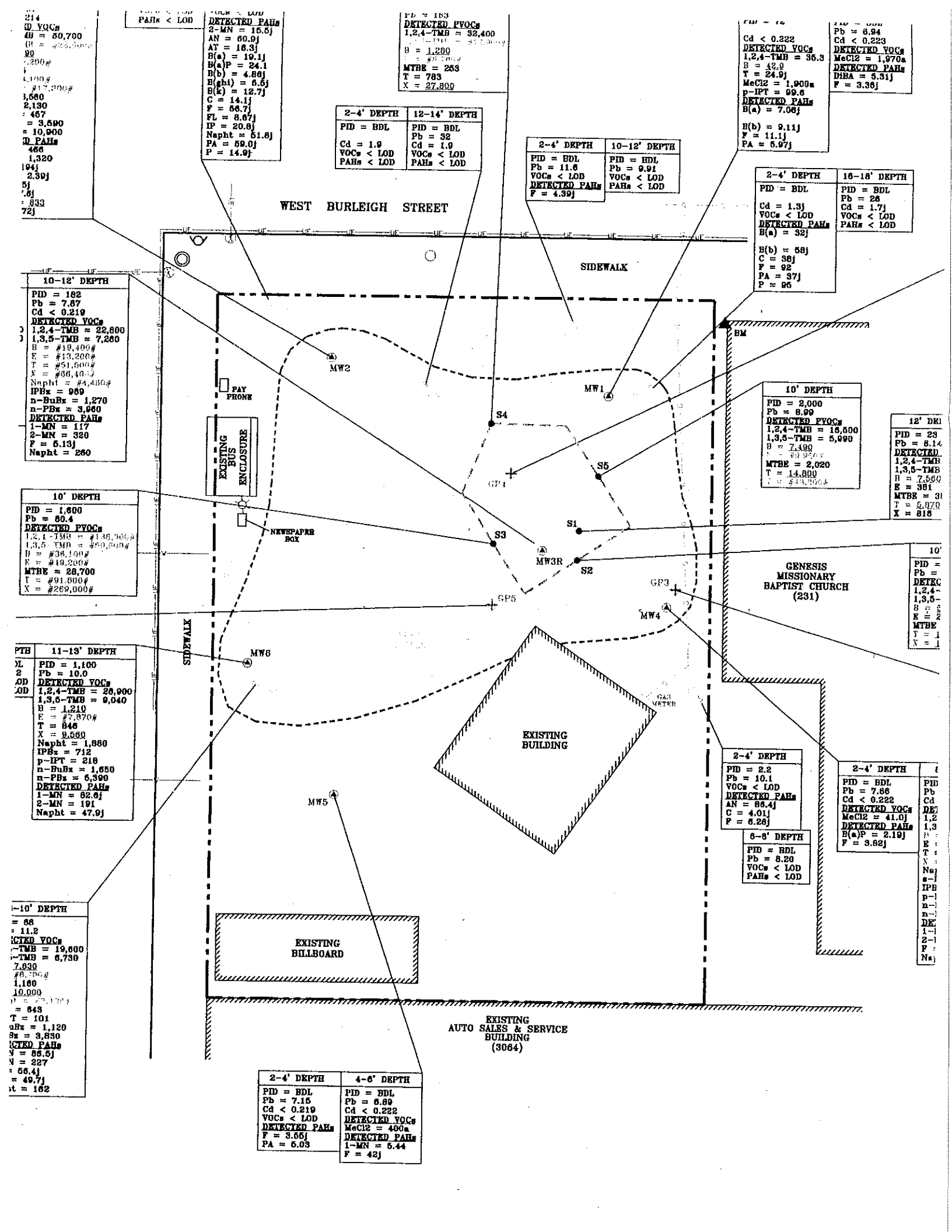
WEST BURLEIGH STREET
SIDEWALK
SIDEWALK
BM
MW1
MW2
MW3R
MW4
MW5
MW6
GP1
GP3
GP5
S1
S2
S3
S4
S5
PAY PHONE
EXISTING BUS ENCLOSURE
NEWSPAPER BOX
GENESIS MISSIONARY BAPTIST CHURCH (231)
EXISTING BUILDING
EXISTING BILLBOARD
EXISTING AUTO SALES & SERVICE BUILDING (3064)
643 METER
PAHs < LOD
DETECTED PAHs
2-MN = 15.5j
AN = 60.9j
AT = 16.3j
B(a) = 19.1j
B(a)P = 24.1
B(b) = 4.86j
B(ghi) = 6.5j
B(k) = 12.7j
C = 14.1j
F = 56.7j
FL = 8.67j
IP = 20.8j
Napht = 51.8j
PA = 59.0j
P = 14.9j
DETECTED PVOCs
1,2,4-TMB = 32,400
B = 1,200
MTBE = 253
T = 783
X = 27,800
2-4' DEPTH
PID = BDL
Cd = 1.9
VOCs < LOD
PAHs < LOD
12-14' DEPTH
PID = BDL
Pb = 32
Cd = 1.9
VOCs < LOD
PAHs < LOD
2-4' DEPTH
PID = BDL
Pb = 11.6
VOCs < LOD
DETECTED PAHs
F = 4.39j
10-12' DEPTH
PID = BDL
Pb = 9.91
VOCs < LOD
PAHs < LOD
Cd < 0.222
DETECTED VOCs
1,2,4-TMB = 36.3
B = 42.0
T = 24.9j
MeCl2 = 1,900a
p-IPT = 99.6
DETECTED PAHs
B(a) = 7.06j
B(b) = 9.11j
F = 11.1j
PA = 5.97j
Pb = 6.94
Cd < 0.223
DETECTED VOCs
MeCl2 = 1,970a
DETECTED PAHs
DiBA = 5.31j
F = 3.36j
2-4' DEPTH
PID = BDL
Cd = 1.3j
VOCs < LOD
DETECTED PAHs
B(a) = 32j
B(b) = 58j
C = 38j
F = 92
PA = 37j
P = 95
16-18' DEPTH
PID = BDL
Pb = 26
Cd = 1.7j
VOCs < LOD
PAHs < LOD
10-12' DEPTH
PID = 182
Pb = 7.87
Cd < 0.219
DETECTED VOCs
1,2,4-TMB = 22,600
1,3,5-TMB = 7,260
B = #19,400#
E = #13,200#
T = #51,600#
X = #66,400#
Napht = #4,480#
IPBz = 969
n-BuBz = 1,270
n-PBz = 3,960
DETECTED PAHs
1-MN = 117
2-MN = 320
F = 5.13j
Napht = 260
10' DEPTH
PID = 2,000
Pb = 8.99
DETECTED PVOCs
1,2,4-TMB = 16,500
1,3,5-TMB = 5,990
B = 7,490
MTBE = 2,020
T = 14,000
10' DEPTH
PID = 1,600
Pb = 80.4
DETECTED PVOCs
1,2,4-TMB = #138,000#
1,3,5-TMB = #50,000#
B = #36,100#
E = #19,200#
MTBE = 28,700
T = #91,500#
X = #269,000#
11-13' DEPTH
PID = 1,100
Pb = 10.0
DETECTED VOCs
1,2,4-TMB = 25,900
1,3,5-TMB = 9,040
B = 1,210
E = #7,870#
T = 946
X = 9,560
Napht = 1,660
IPBz = 712
p-IPT = 218
n-BuBz = 1,650
n-PBz = 5,390
DETECTED PAHs
1-MN = 82.6j
2-MN = 191
Napht = 47.9j
2-4' DEPTH
PID = 2.2
Pb = 10.1
VOCs < LOD
DETECTED PAHs
AN = 86.4j
C = 4.01j
F = 6.26j
6-8' DEPTH
PID = BDL
Pb = 8.20
VOCs < LOD
PAHs < LOD
2-4' DEPTH
PID = BDL
Pb = 7.86
Cd < 0.222
DETECTED VOCs
MeCl2 = 41.0j
DETECTED PAHs
B(a)P = 2.19j
F = 3.82j
2-4' DEPTH
PID = BDL
Pb = 7.15
Cd < 0.219
VOCs < LOD
DETECTED PAHs
F = 3.55j
PA = 5.03
4-6' DEPTH
PID = BDL
Pb = 6.89
Cd < 0.222
DETECTED VOCs
MeCl2 = 400a
DETECTED PAHs
1-MN = 5.44
F = 42j