



March 15, 2016

Mr. Wayne Wiertzema
Freshwater Plaza Corp.
c/o Wangard Partners, Inc.
1200 N. Mayfair Road, Suite 310
Milwaukee, WI 53226

Mr. Dan Casanova
Redevelopment Authority of the City of Milwaukee
809 N. Broadway
Milwaukee, WI 53202

Subject: Approval for Management of Contaminated soil under ch. NR 718.12 Wis. Adm. Code
Freshwater Plaza Lot 4, Certified Survey Map #8731, Milwaukee, WI
DNR BRRTS#02-41-576420 FID#341267960
Site owner/developer: Redevelopment Authority of the City of Milwaukee, c/o Dan Casanova,
809 N. Broadway, Milwaukee, WI 53202

Dear Mssrs. Wiertzema and Casanova:

On January 29, 2016, the DNR received a request for approval under s. NR 718.12 Wis. Adm. Code to allow disposal of excavated contaminated soil at a location other than that from which it was excavated. The *Soil Management Plan – Technical Assistance Request Freshwater Plaza Lot 4* and the \$700 technical assistance review fee was submitted on behalf of Freshwater Plaza Corp. by The Sigma Group (Sigma).

Proposed soil management activities

Freshwater Plaza Corp. LLC has requested DNR approval to allow on-site reuse of excavated impacted soil at the Freshwater Plaza Lot 4 redevelopment project. Soil on Lot 4 is contaminated with low level polyaromatic hydrocarbons, metals, volatile organic compounds and polychlorinated biphenyls. Approximately 1,000 cubic yards of impacted soil will be disturbed during surface grading in preparation for construction of an interim greenspace area on Lot 4. Soil from high spots on the north side of Lot 4 will be moved to locations farther south on Lot 4 as shown on the attached Overall Cut/Fill Plan. Because final development of this lot is not expected to occur for several years, an interim cap consisting of 3 inches of topsoil and grass has been approved as an interim remedial action to control erosion and prevent direct contact with soil.

Future development of Lot 4 also includes construction of an office building with underground parking, which is expected to generate up to 6,000 cubic yards of impacted soil. As space allows, it is proposed to reuse soil from the basement/foundation/utility excavations under the future parking garage located immediately north of the building and/or beneath other engineered barriers adjacent to the building.

s. NR 718.12 Wis. Adm. Code requirements

s. NR 718.12 (1)(c) Wis. Adm. Code Location Standards: Information submitted to support the soil management request indicates that the disposal site complies with locational criteria so that soil will not be placed or replaced in the following areas:

1. Within a floodplain.

2. Within 100 feet of a wetland or critical habitat area.
3. Within 300 feet of any navigable river, stream, lake, pond or flowage.
4. Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.
5. Within 3 feet of the high groundwater level.
6. At a depth greater than the depth of the original excavation from which the contaminated soil was removed.
7. Where the contaminated soil poses a threat to public health, safety or welfare or the environment.

s. NR 718.12(1)(e) Wis. Adm. Code Soil Characterization: Sigma has utilized soil analytical data collected during site investigations associated with the former Grede Foundry property to characterize soil proposed for relocation. Although the number of samples collected does not meet the specific frequency criteria described in s. NR 718.12(1)(e)1., based on the consistently low contaminant concentrations and similar types and levels of contaminants in the proposed relocation areas, the DNR believes this material has been satisfactorily characterized and therefore grants an exemption to the sampling requirements of s. NR 718.12(1)(e)1.

s. NR 718.12 Wis. Adm. Code Approval

Based on the information provided, the DNR approves the soil management plan for on-site relocation of up to 1,000 cubic yards of contaminated soil generated during grading activities and up to 6,000 cubic yards of soil that may be generated during future construction of the office building and parking garage on Freshwater Plaza Lot 4. Upon completion of the development, all contaminated soil on Lot 4 will be capped with engineered barriers, buildings or pavement.

Conditions of approval

- Soil excavation and on-site replacement shall be completed within 3 years of the effective date of this letter unless a written extension of this condition is obtained from the DNR.
- Freshwater Plaza Corp./Redevelopment Authority of the City of Milwaukee shall manage excavated material in conformance with the approved materials management plan and shall notify the DNR within 24 hours of discovering material that is not consistent with the contaminant characteristics that have been reported to the DNR for the generating site. The material must be segregated and tested to determine proper disposal.
- Freshwater Plaza Corp./Redevelopment Authority of the City of Milwaukee shall not dispose of more than 7,000 cubic yards of excavated soil to other locations on Lot 4 unless written approval is granted by DNR.
- Freshwater Plaza Corp./ Redevelopment Authority of the City of Milwaukee shall submit to the DNR, documentation of excavation and disposal activities within 30 days of completing the disposal activities. The report shall include description of total volume of material transported to disposal site and location of disposal.

DNR reserves the right to require the submittal of additional information or to modify or revoke this soil management approval if Freshwater Plaza Corp./Redevelopment Authority of the City of Milwaukee fails to comply with the requirements of the soil management plan as proposed. The DNR also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found which would warrant modification or revocation of this approval.

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If you have any questions regarding this approval decision, please contact me in writing at the letterhead address, by calling (414) 263-8533, or by email at nancy.ryan@wisconsin.gov.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment

Attachment: Overall Cut/Fill Plan
Cc: Adam Roder, Sigma, electronic copy

