



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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July 10, 2008

Karen Dettmer
Redevelopment Authority of the City of Milwaukee
809 N. Broadway
Milwaukee, WI 53202

Subject: Final Case Closure with Land Use Limitations or Conditions, Garden Park, 821-823
East Locust Street, Milwaukee, WI, WDNR FID# 241974920,
WDNR BRRTS Activity #: 02-41-200001

Dear Ms. Dettmer:

On June 3, 2008, the Southeast Region Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On June 9, 2008, you were notified that the Closure Committee had granted conditional closure to this case.

On June 17, 2008 the Department received correspondence indicating that you have complied with the requirements of closure. The monitoring wells at the site have been properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment has been submitted to the Department of Natural Resources.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

GIS Registry

The conditions of case closure set out below in this letter require that your site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier
- Groundwater contamination is present above Chapter NR 140 enforcement standards
- A soil vapor extraction system must be operated and maintained

Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining

Chapter NR 140, Wis. Adm. Code Exemption

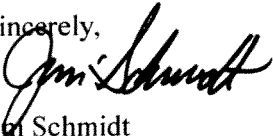
Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for Naphthalene at MW-1R, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28(2) (b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent ~~technically and economically feasible~~
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met as the levels have decreased over time. Therefore, pursuant to s. NR 140.28(2) (b), Wis. Adm. Code, an exemption to the PAL is granted for Naphthalene at MW-1R. This letter serves as your exemption.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Barbara Grundl at 414-263-8564

Sincerely,



Jim Schmidt
Southeast Remediation & Redevelopment Team Supervisor

cc: Erika L. Biemann - Giles Engineering Associates, Inc.
Bill Phelps, DG/2
WDNR SER Case File

contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

Remaining Residual Soil Contamination

Residual soil contamination remains at the eastern edge and potentially under the sidewalk as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Structural Impediments

Structural impediments existing at the time of cleanup, the sidewalk made complete remediation of the soil contamination on this property impracticable. Pursuant to s. 292.12(2) (b), Wis. Stats., if the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of Polynuclear aromatic hydrocarbons (PAH) contamination. If contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If soil in the specific locations described above is excavated, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.