Revised Cap Operations, Maintenance, and Monitoring Plan

Burnham Canal Superfund Alternative Site Milwaukee, Milwaukee County, Wisconsin WDNR BRRTS #: 02-41-246029

EPA ID: WIN000510222

Prepared For: Miller Compressing Company

April 17, 2019



APRIL 17, 2019 | PROJECT #67830

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Prepared for:

Miller Compressing Company

LAURIE L. PARSONS, PE, PH Senior Vice President

MARK D. WÄLTER, PE Project Manager / Senior Engineer

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1 INTRODUCTION

This document contains the Cap Operations, Maintenance, and Monitoring Plan (COMMP) prepared on behalf of Miller Compressing Company (Miller) for the Burnham Canal (described in more detail below). The COMMP addresses three capped areas; the Subaqueous Engineering Control Area, the Unpaved Engineering Control Area, and the Paved Engineering Control Area and the Unpaved Engineering Control Area address soil areas. The Subaqueous Engineering Control Area addresses sediment as defined by Wis. Stat. § 292.01.17g. The Record of Decision/Explanation of Significant Differences (ROD/ESD) cap and betterment are to be constructed at the Burnham Canal Site (Site) in the Menomonee Valley, Milwaukee, Wisconsin (Figure 1).

1.1 SITE BACKGROUND

The Burnham Canal was historically a federally authorized navigation channel dredged and maintained to a depth of 21 feet below Lake Michigan Low Water Datum (i.e., 556.5 feet IGLD 85 or 557.36 feet NVGD 29) by the United States Army Corps of Engineers (USACE). The canal was dredged regularly while it was maintained by the USACE in order to maintain a depth conducive for shipping. In the mid-1980s as industrial activities decreased in the Menomonee Valley, dredging became less frequent with no dredging taking place since the fall of 1987. During this period, the west portion of the channel (i.e., from the 11th Street Bridge to the west) was federally delisted (1986) and the 11th Street Bridge was built, effectively blocking ship traffic from moving upstream. East of the 11th Street Bridge, the canal was further deauthorized on June 10, 2014 to allow for potential construction of an urban wetland in the Burnham Canal (USACE, May 2016). The canal is approximately 1,500 feet from west to east and ranges from approximately 95 feet to 125 feet in width. Water depths in the canal range from a few feet on the western boundary and up to 10 to 15 feet at some locations.

1.2 PURPOSE AND SCOPE

This COMMP addresses the existing paved area (Paved Engineering Control Area), the canal itself (Subaqueous Engineering Control Area) from the western terminus and extending east to the 11th Street Bridge as shown on Figure 2, and the Unpaved Engineering Control Area, which consists of cover material placed on upland soils above the ordinary high-water mark (OHWM) at the western end of the canal. This report sets forth the post-construction maintenance and monitoring requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated continuing obligations for the Site are described in the Long-Term Care Plan (LTCP). Since the Burnham Canal Site is subject to plans approved by the U.S. EPA, this COMMP is designed to be implemented in conjunction with the Institutional Control Implementation and Assurance Plan (ICIAP) for maintenance and monitoring of institutional controls (IC) until the COMMP is superseded. As such, the COMMP addresses all three capped areas.

The Purpose of this COMMP is to outline the necessary post-construction actions in order to maintain, monitor, and properly respond to any changes in the caps that may pose a threat to human health or the environment. As noted above, three cap areas exist, as listed below (Figure 2):

- Paved Engineering Control Area (west of the canal, in the historic location of the wire reclamation furnace)
- Unpaved Engineering Control Area (between the Paved Engineering Control Area and the Subaqueous Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM)
- Subaqueous Engineering Control Area (from the 11th Street Bridge to the west terminus of the canal)

The Paved Engineering Control Area is currently paved with asphalt. This area will remain as is, since it meets the requirements of the existing Cap Maintenance and Hard Surfacing Plan approved by the WDNR on



REVISED CAP OPERATIONS, MAINTENANCE, AND MONITORING PLAN | INTRODUCTION

September 1, 2009 (Appendix A), and will be monitored to ensure that the existing asphalt cap integrity is not compromised. Future monitoring will be performed in accordance with this approved plan.

The Unpaved Engineering Control Area consists of a small area between the Paved Engineering Control Area and the Subaqueous Engineering Control Area as shown on Figure 2. When the remedial action (RA) described in the Construction Quality Assurance Project Plan in Appendix C of the Final Design Report (CQAPP) is implemented, unsaturated soil will be excavated and backfilled with clean material to re-establish preconstruction grades. The Unpaved Engineering Control Area will consist of a soil cover and seeding, as well as riprap underlain by nonwoven geotextile on the reconstructed west bank of the Canal to prevent erosion. Post-construction monitoring of the Unpaved Engineering Control Area will be visual and focus on erosion control.

The largest area associated with this COMMP is the Subaqueous Engineering Control Area. Prior to capping activities, contaminated sediment will be dredged from the West End of the canal to remove the highest concentrations of contaminants of concern (COCs) in this area. After dredging to the design elevations, capping activities will be initiated within the canal and include the dredge area. The functions of the Subaqueous Engineering Control are to provide an isolation layer between possible receptors (e.g., benthic community) and the underlying contaminated sediments, as well as to prevent migration of the COCs (metals and PAHs) into the water column.

This document describes post-construction monitoring and maintenance activities that will be performed for the Paved Engineering Control Area, the Unpaved Engineering Control Area, and the Subaqueous Engineering Control Area considering the Betterment Project. Maintenance and monitoring will be performed in order to ensure that the caps remain intact, physically stable, and protective over time.



2 ROD/ESD CAP AND BETTERMENT DESIGN SUMMARY

2.1 UNPAVED ENGINEERING CONTROL AREA - SUMMARY

Soil will be excavated at the western terminus of the canal. Clean imported cover soil will be placed as backfill along the western bank and will be seeded. Riprap will be placed along the western canal slope for stability purposes.

2.2 PAVED ENGINEERING CONTROL AREA – SUMMARY

The Paved Engineering Control Area already meets the requirements of the existing Cap Maintenance and Hard Surfacing Plan approved by the WDNR on September 1, 2009. As such, the requirements of the approved plan are incorporated into the COMMP (Appendix A).

2.3 SUBAQUEOUS ENGINEERING CONTROL AREA – SUMMARY

Sediment in the canal will be capped using imported aggregate to achieve an average thickness of 12 inches or more, across the entire canal area, with no areas less than 9-inches thick. Prior to placement of the ROD/ESD cap, a stabilization layer will be installed over the canal sediment area. The stabilization layer may consist of up to 48 inches of aggregate to provide a base for constructing the ROD/ESD cap as described in the CQAPP.

There are two combined sewer outfalls (CSO) in the canal. The outfall discharges are identified as CSO 193 (formerly CSO-210) and CSO 194 (formerly CSO-211), as shown on Figure 2. At outfall CSO 193, a riprap apron is unnecessary due to the significant water column depth between the CSO invert and top of Betterment that will dissipate discharge velocity from the CSO. For erosion protection at CSO 194, a riprap apron will be constructed at the outfall. As shown in the Final Design Report plans, the riprap apron at outfall CSO 194 will be 19.5 feet wide at the outfall, extend 36 feet from the outlet, and widen to approximately 41 feet at the end of the riprap apron.

An additional five feet of imported aggregate will be placed on top of the ROD/ESD cap in most areas and, in areas near CSO 194 at the west end of the canal, two feet of riprap or material meeting the Wisconsin Department of Transportation (WisDOT) Select Crushed Material Specification (Select Crushed) underlain by nonwoven geotextile will be placed on top of the ROD/ESD cap. The design specifics for the Betterment work in the canal are set forth in the Chapter 30 permit application for the Betterment Project. The following is a summary of the key aspects of the design that relate to the COMMP:

- 1. To accommodate both the Betterment Project fill placement at the west end of the canal and flow from the CSO 194 (formerly CSO-211), a subaqueous conveyance channel will be constructed on top of the ROD/ESD cap in the western portion of the canal, as shown in Appendix B. The channel will extend approximately 200 feet downstream of the CSO 194 (formerly CSO-211) riprap apron, which will also be constructed on top of the ROD/ESD cap. The channel cross-section will be trapezoidal, with a base width and elevation approximately equal to that of the riprap apron. The channel will be lined with two feet of riprap or Select Crushed, and underlain by nonwoven geotextile, placed on top of the ROD/ESD cap, throughout its cross-section. The channel sides will slope upwards at 4H:1V, terminating at the elevation of the betterment fill material (Appendix B).
- 2. Based on the most recent United States Army Corps of Engineers (ACE) survey of the surface of the canal (2017), the sediment surface elevation is greater on the west end than the elevation observed during the remedial investigation (2008) and used in the remedial design. To allow for flow from CSO 194 (formerly CSO-211), up to seven feet of sediment will be relocated and capped (ROD/ESD cap) to build the subaqueous conveyance channel. The relocation will be conducted pursuant to Wis. Admin. Code ch. NR 718. WDNR approved relocation of sediment associated with subaqueous conveyance channel construction in an August 31, 2018 letter to Miller (Appendix C). U.S. EPA confirmed in an April 30, 2018 email to OBG that the sediment relocation associated with subaqueous conveyance channel construction is not considered a design change by U.S. EPA (Appendix C).



3 CAP MONITORING AND MAINTENANCE

Post-construction monitoring and contingency response actions are required for the cap areas that make up the Site. The three monitoring and maintenance areas include:

- Paved Engineering Control Area (west of the canal, in the historic location of the wire reclamation furnace)
- Unpaved Engineering Control Area (between the Paved Engineering Control Area and the Subaqueous Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM)
- Subaqueous Engineering Control Area (from the 11th Street Bridge to the west terminus of the canal)

Results of monitoring efforts will be recorded and provided to the WDNR in Post-Construction Monitoring Reports. Monitoring activities and responses are described in the following sections for each of the areas.

3.1 PAVED ENGINEERING CONTROL AREA MONITORING

The Site includes a Paved Engineering Control Area at the west end of the canal. The condition of the Paved Engineering Control Area will be documented through visual inspection of the area. Since regular facility operations in this area will continue following construction, future monitoring will be performed in accordance with the existing facility-wide Cap Maintenance and Hard Surfacing Plan approved by WDNR on September 1, 2009 (Appendix A). Annual inspection and maintenance logs will be maintained per the example provided in Exhibit A to the Cap Maintenance and Hard Surfacing Plan.

3.2 UNPAVED ENGINEERING CONTROL AREA MONITORING

The Site includes an unpaved upland soil cap at the west end of the canal. The condition of the Unpaved Engineering Control Area will be documented through visual inspection. No operations occur in this area; therefore, reviews will be performed during the monitoring events for the Subaqueous Engineering Control Area as described in Section 3.3. A modified version of WDNR Form 4400-305 (Appendix D) will be prepared and completed for each inspection event and submitted to the WDNR as an attachment to the Post-Construction Monitoring Reports.

Monitoring will verify the status of the two main components of the Unpaved Engineering Control Area: the vegetative area and the west end Canal slope riprap above the OHWM. In the vegetative zone, monitoring will identify potential erosion and verify vegetative growth. The riprap zone above the OHWM on the west bank of the canal will be inspected to identify potential erosion and any loss of riprap into the canal. If needed, the riprap will be repaired in accordance with the Technical Specifications, provided in Appendix H of the Final Design Report.

3.3 SUBAQUEOUS ENGINEERING CONTROL AREA MONITORING

Monitoring events associated with the construction phase of the project are described in the CQAPP. The post-closure monitoring events are described in the LTCP. The post-construction, pre-closure monitoring events will be conducted as described by this COMMP and reported to the WDNR within 180 days following the monitoring event. An approval request for cessation of COMMP activities will be submitted to the WDNR with the Site closure request. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated post-closure continuing obligations for the Site are described in the Long-Term Care Plan (LTCP)

Post-construction, pre-closure Subaqueous Engineering Control Area and erosion monitoring events will be performed annually. In addition, monitoring will be conducted following abnormal weather events (e.g., rainfall greater than the 25-yr, 24-hr storm event). The 25-year, 24-hour storm events will be defined by the NOAA Precipitation Frequency Data Server (PFDS) at the time of the event (currently >4.56 inches of rainfall within 24 hours). Storm-related monitoring events will occur within 60 days of the storm event, weather conditions permitting. Storm-related monitoring events will satisfy the annual monitoring event requirement, but if an



annual event has already been performed, additional event(s) must be conducted that year if rainfall greater than the 25-year, 24-hour storm event occurs.

3.3.1 Purpose

Post-construction monitoring is designed to verify the remedial action cap remains in place by examining the betterment material placed on top of the remedial action cap. Verification of the presence of the betterment material will confirm that the ROD/ESD cap is in place and, thus, the ROD/ESD remedy remains protective of human health and the environment. Following documentation of construction completion, poling surveys, as described below, will be the primary method to demonstrate that material placed is intact.

3.3.2 Poling Surveys

Bathymetric surveys will have been completed for the ROD/ESD cap during construction, as required by the U.S. EPA approved design. These surveys also will include the Betterment fill. The purpose of the bathymetric surveys is to document the as-built elevations of the ROD/ESD cap and Betterment fill to obtain WDNR approval of construction. The survey methods and results will be incorporated into the Construction Documentation Report to be submitted and reviewed by WDNR under the Negotiated Agreement.

The purpose of post-construction surveys is to demonstrate that the ROD/ESD cap remains in place. Since the ROD/ESD cap will be buried beneath the Betterment Project fill material, a post-construction bathymetric survey of the ROD/ESD cap is not a feasible verification method. The post-construction monitoring requirement will be met by demonstrating that Betterment Project fill material remains in place. If the Betterment Project fill material remains in place, then the ROD/ESD cap also remains in place.

Post-construction verification monitoring events will consist of a poling survey of the Betterment Project fill material, the conveyance channel, and the CSO 194 (formerly CSO-211) riprap apron at approximately 25 verification locations, as shown in Figure 3. A real-time kinematic (RTK) global positioning system (GPS) will be used to navigate to proposed locations and log actual poling locations. The poling rod will be used to confirm the presence of riprap or Select Crushed atop the geotextile in the CSO 194 apron and conveyance channel, and confirm the presence of Select Crushed throughout the rest of the Subaqueous Engineering Control Area. As described in the Technical Specifications included in the Chapter 30 Permit Application for the Betterment project, the majority of Betterment fill material to be placed on top of the ROD/ESD cap will consist of aggregates that entirely pass the 1.5-inch sieve. However, the top few inches of the Betterment fill material (Betterment topping) will consist of coarser aggregate that is equivalent to the WisDOT Spec 312 for Select Crushed Material. If poling indicates that riprap or Select Crushed is not present atop the geotextile in the CSO 194 apron and conveyance channel (bare geotextile), additional evaluation or potential corrective action will be conducted, as necessary. Similarly, if poling indicates the absence of Betterment topping (Select Crushed) in the Subaqueous Engineering Control Area outside of the conveyance channel, additional evaluation or potential corrective action will be conducted, as necessary. A flowchart outlining the requirements for poling survey verification of fill material is provided as Figure 4.

The poling rod will also be used to measure canal water depth atop the voluntary betterment fill material. Water depth will be subtracted from canal water elevation to determine the elevation of the top of the Betterment Project material. Canal water elevation will be measured using a gaging station to be installed during construction. The elevations of the top of Betterment Project material will be compared to the elevations provided in the bathymetric and poling survey(s) completed during construction in the same or similar locations.

Post-Construction Monitoring Reports will be submitted to the WDNR following each monitoring event to document the poling survey results. If the presence of riprap or Select Crushed is not verified at all poling locations, additional evaluation conducted to demonstrate that betterment material remains will be discussed in these reports. If additional evaluation indicates the absence of betterment material, corrective actions, likely to include placement of additional aggregate fill materials in the affected areas, will be discussed in these reports. Inspection logs for the Unpaved Engineering Control Area, as discussed in Section 3.2, will be attached to each Post-Construction Monitoring Report.



3.4 POST-CONSTRUCTION PLAN MODIFICATION PROCESS

The COMMP sets forth the post-construction maintenance and monitoring requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated continuing obligations for the Site are described in the Long-Term Care Plan (LTCP).

Given the potential for additional fill material to be added to the canal above the Betterment (i.e. wetland construction) prior to Site closure, as well as the expectation that post-construction maintenance and monitoring activities will demonstrate that the caps remain intact, physically stable, and protective over time, COMMP modifications may be appropriate as the monitoring occurs. Alternative monitoring and documentation activities associated with the Unpaved Engineering Control Area and the Subaqueous Engineering Control Area, and/or frequency of these activities, may be proposed, as warranted, through a COMMP modification submitted to the WDNR. Proposed alternative COMMP activities and/or schedules would continue to confirm the stability and protectiveness of the caps until the COMMP is superseded.



3.4 POST-CONSTRUCTION PLAN MODIFICATION PROCESS

The COMMP sets forth the post-construction maintenance and monitoring requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated continuing obligations for the Site are described in the Long-Term Care Plan (LTCP).

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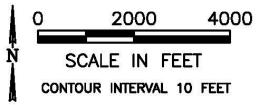


Figures

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SOURCE: EARTHVISIONS U.S. TERRAIN SERIES, © EARTHVISIONS, INC. 603-433-8500. USGS 7.5 MINUTE QUADRANGLE, MILWAUKEE. DATED 1958. PHOTOREVISED 1971.





SITE LOCATION MAP

PROJECT NO. 2117/7.1

DRAWING NO.

2117-7-A01



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BURNHAM CANAL SUPERFUND ALTERNATIVE SITE CAP OPERATIONS, MAINTENANCE, AND MONITORING PLAN **REVISION 3**

> MILLER COMPRESSING COMPANY MILWAUKEE, WISCONSIN

FIGURE NO.

DRAWN: DMD DATE: 05/04/15 CHK'D: Y Z DATE: 02/02/16 APP'D: RJB DATE: 02/02/16

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Jul 12, 2017 2:12pm PLOTTED BY: MillspAM SAVED BY: MillspAM Y: \Mapping\Projects\Z1\Z117\CAD\Z-1\Appendix F COMMP\Z117-Z1-B02.dwg La IMAGES: Y:\AcAData\Projects\Z18\[856\S0URCE\MilwCoGCS_Aerial-Topo_2.tif.

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PROJECT NO.

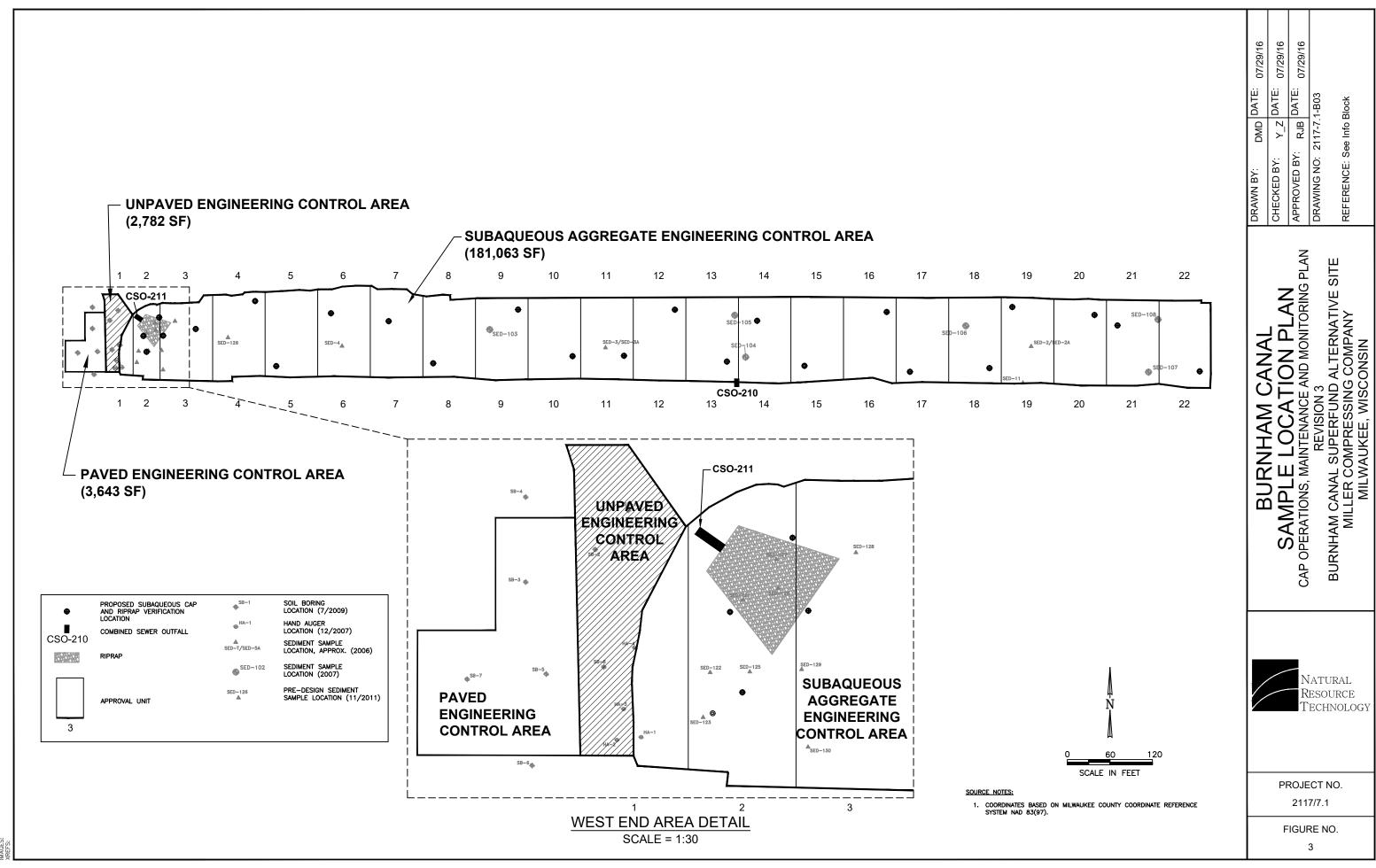
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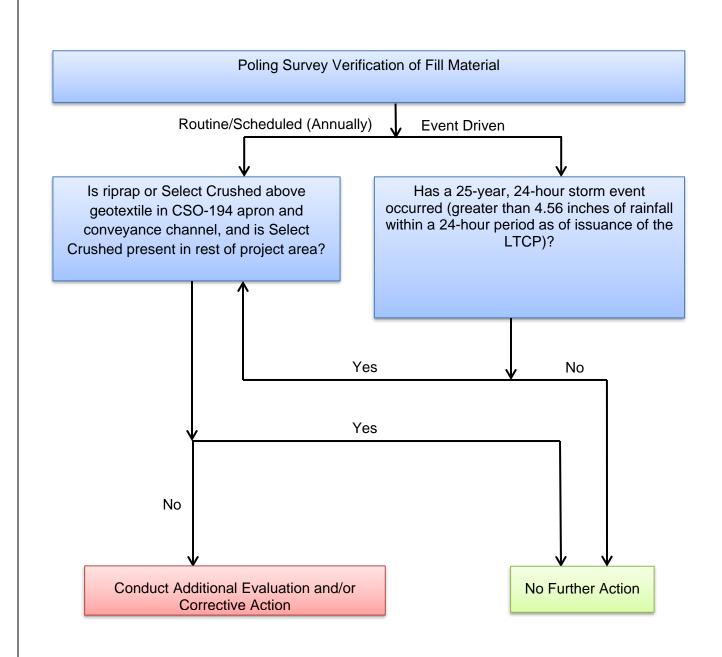
Resource Technology

CAP OPERATIONS, MAINT

BURNHAM CANAL S MILLER CO MILWA

SITE





Notes:

Flowchart developed to summarize COMMP Section 3.3.2

Event driven monitoring events will satisfy the annual monitoring requirement, but annual monitoring will not satisfy the event driven monitoring requirement

Flowchart may be revised with WDNR approval of COMMP modification, per COMMP Section 3.4



POLING SURVEY VERIFICATION OF FILL MATERIAL FLOWCHART

PROJECT NO. 67830.830

BURNHAM CANAL SUPERFUND ALTERNATIVE SITE MILLER COMPRESSING COMPANY MILWAUKEE, WISCONSIN

FIGURE NO.

Appendix A Cap Maintenance and Hard Surfacing Plan

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Gloria L. McCutcheon, Regional Director Southeast Region Headquarters 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee, Wisconsin 53212-3128 FAX 414-263-8606 Telephone 414-263-8500 TTY Access via relay - 711

September 1, 2009

In Reply, Refer to: FID# 241213720 BRRTS# 02-41-246029 BRR/ERP

Mr. Joe Kovacich Vice President-Administration Miller Compressing Post Office Box 369 Milwaukee, WI 53201

Re:

Remedial Action / Hard Surfacing Plan Approval for Miller Compressing Site – Bruce Street Facility, 1640 W Bruce Street, Milwaukee, WI

Dear Mr. Kovacich:

As requested by Miller Compressing, the Wisconsin Department of Natural Resources (Department) has reviewed the Hard Surfacing Plan you submitted, dated June 15, 2009. We also received a request from your attorney, Mark Thimke at Foley and Lardner LLP, dated April 9, 2009. The require review fee was received.

You have requested Department approval of a plan to conduct the capping work in a logical, stepwise fashion consistent with Miller Compressing's business plans and activities. Further, the capping work is intended to address soil contamination impacts associated with scrap operations. The Plan contains a set of capping alternatives for areas that Miller Compressing elects to bring into the hard surfacing program at the Bruce Street facility. A copy of the Cap Maintenance / Hard Surfacing Plan (Plan) including a map (Exhibit B) of the areas that are subject to this letter is attached to this letter.

Background

In 1993, an inspector visiting the Miller Compressing property observed that a customer released liquids onto the ground in the area known as the "West Yard." Miller Compressing investigated and remediated the area in which the release occurred. Following that work, a meeting was held with the Department on January 10, 1996, to discuss the entire West Yard. At the meeting, Miller Compressing proposed to address other portions of the West Yard by hard surfacing/capping the yard as operations would allow. Plans for the hard surfacing/capping work were submitted to the Department on July 1, 1997. As opportunities arose, Miller Compressing undertook work consistent with the 1997 plans. On July 13, 2007, the Department issued a "Plan Approval" letter for hard surfacing of the "West Yard". On December 16, 2008, the Department received documentation that hard surfacing of the "West Yard" had been completed.

Department Concurrence

Over the last several years, the Department has worked closely with Wisconsin metal recyclers to develop a cooperative program for addressing soil contamination associated with historic operations at these sites. The Department acknowledges the importance of recycling operations



in the process of recycling and reusing valuable resources that would otherwise be landfilled. At the same time, the industry recognizes the need to take reasonable actions consistent with the nature of metal recycling to protect the environment. The West Yard is a continuing example of this cooperative effort.

Miller Compressing now plans to install hard surfacing on other portions of the site as the opportunity to complete the hard surfacing/capping work arises in those areas. The hard surface cap will be constructed as follows:

- Currently unpaved operating areas would meet a specification of 5 inches of hard surfacing (concrete or asphalt) in addition to a minimum of 4 to 7 inches of stone base. This specification is similar to that approved by the Department in July 2007 for the "West Yard."
- 2. Existing hard surfaced areas will be improved, if necessary, so as to have a 9 to 12 inch cap. This cap will be a combination of existing hard surfacing and crushed stone base. Existing hard surfaced areas will be improved, if necessary, so as to have a minimum of 5 inches of hard surfacing, asphalt or concrete.
- 3. Landscape areas. There are several landscape areas at the Bruce Street facility. Most of these areas are located along the entrance to the Bruce Street/Greenwood Scale and near Mitchell Park. These areas were not used for scrap operations and will continue to be maintained with mulch, plantings and vegetation.

The Department concurs with the approach of hard surfacing/capping the areas shown on Exhibit B of the Plan. Hard surfacing/capping provides a barrier to direct contact with contaminants that may be found in the soil.

GIS Registry

This site will 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
- Before the land use may be changed from a metal recycling facility, additional environmental work **may be required to** be completed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

This letter and information that was submitted with your Remedial Action / Hard Surfacing Plan 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 the property is listed on the GIS Registry because of remaining 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.

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.

You must pass on the information about these continuing obligations to the next property owner or owners. 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 under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, 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 is 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.

The attached maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department upon request.

Conditions

The Department's concurrence with the hard surfacing/capping program for the West Yard is specifically conditioned on the following:

- 1. The site will continue to be utilized as part of a metal recycling facility;
- 2. Capping of areas of the Bruce Street facility will occur when operations allow for the work to proceed. Some operations are not readily amenable to capping due to the existing placement of equipment. As opportunities allow for capping to occur (for example, relocation of operations, change in activities or an ownership change), Miller Compressing will move ahead with the work.
- 3. The cap will be constructed and documented according to the Plan.
- 4. It is anticipated that the cap design may vary depending upon the nature of the operations in the area being addressed. The cap should be designed to withstand the anticipated use(s) of the area and minimize premature cap degradation.
- 5. Miller Compressing may, on a case-by-case basis, submit area-specific cap designs that vary from the approved designs or which incorporate newly available capping materials. These case-by-case designs will require Departmental pre-approval before they may be used by Miller Compressing.
- 6. Capping activities will be self-implementing. Once completed, Miller Compressing will notify the Department of the area that was capped and the cap design utilized in the area

- (including the type and amount of material that has been added and the pre-existing pavement conditions present prior to final capping).
- 7. For the capped areas, Miller Compressing will comply with the GIS Registry requirements noted above and will notify the next property owner of the requirements set forth in this letter.
- 8. Closure of the site will not be granted until all environmental media are addressed, but for purposes of direct contact risk, capping will be considered sufficient.
- 9. Additional investigation of soil and/or groundwater may be required before this site can be closed per NR 726.

Please note that this letter is not intended to address any issues related to investigation, remediation or any other issues related to the contamination that is the subject of the Superfund Alternatives Program which you are working on with the Environmental Protection Agency (EPA) and Margaret Brunette of the Department.

The Department appreciates efforts to restore the environment at this site. If you have any questions or concerns regarding this letter, please contact Andy Boettcher at (414) 263-8541.

Sincerely,

James A Schmidt

ames a Schmott

SER Remediation & Redevelopment Team Supervisor

CC: Mark Thimke, Foley and Lardner, 777 East Wisconsin Avenue, Milwaukee, WI 53202

Attachment: 1) Cap Maintenance / Hard Surfacing Plan (Plan), dated September 2009

Cap Maintenance / Hard Surfacing Plan

Miller Compressing Company 1640 W. Bruce Street Milwaukee, Wisconsin 53201

FID # 241213720 BRRT# 02-41-246029

This document is the Cap Maintenance / Hard Surfacing Plan (herein referred to as the "Plan") for Miller Compressing's Bruce Street operation in accordance with the requirements of s NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the Plan established with the Wisconsin Department of Natural Resources (WDNR) to cap former/existing scrap handling/processing operations at this location.

More site-specific information about this property may be found in:

- Case file in the WDNR Southeastern regional office (FID# 241213720)
- BRRTS on the Web (http://dnr.wi.gov/org/aw/rr/brrts/index.htm)
- GIS Registry PDF file for further information on the nature and extent of contamination
- The WDNR project manager for Milwaukee County

Description of Contamination

Past scrap handling/processing operations along with past heavy industrial use resulted in elevated levels of RCRA metals, PAHs, petroleum products, PCBs and chlorinated solvents in near surface soils (2-4 feet below ground surface). The purpose of this Plan is to outline the requirements that Miller Compressing Company must follow when it requests that an area be added to the Plan and to describe the inspection and maintenance requirements for the "capped" areas of the site. Miller Compressing must document the compliance with the Plan and must maintain the Hard Surface Cap (herein referred to as the "Cap") agreed to with the WDNR.

Description of Hard Surface Cap

The extent of the Site is outlined on the attached map (Exhibit B) and the extent of the Cap is outlined on the subsequent exhibits designated starting with B (such as B-1, B-2, etc.) as areas are added into the Plan. The Cap will be 9-12 inches thick, consisting of 4-7 inches of suitable sub grade material and a minimum of 5 inches of hard surfacing which maybe asphalt or concrete. A more detailed description of the Cap is described in the WDNR letter dated September 1, 2009.

Page 2 Cap Maintenance / Hard Surfacing Plan Miller Compressing

The proposed Cap over the soil contamination serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. This Cap will 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 as a scrap processing facility, the barrier should function as intended unless disturbed.

Annual Inspection

All areas included in the Plan must be inspected annually, preferably in the spring after all snow and ice has melted and should identify deterioration, cracks or other potential problems that can cause exposure to underlying soils and evaluate damage due to settling, exposure to the weather, wear from traffic or operations, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented in an inspection log which will include recommendations for necessary repairs and the documentation of the completion of those repairs. The inspections will be performed by Miller Compressing or their designated representative. The Hard Surface Cap Inspection and Maintenance Log is attached as Exhibit A. The inspection log will be kept at Miller Compressing Company and available for submittal or inspection by the WDNR representative upon their request during normal business hours.

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 may include patching and filling or larger resurfacing or construction activities. In the event that necessary maintenance activities expose the underlying soil, Miller Compressing Company must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). Miller Compressing Company must notify the WDNR prior to any excavation activities. All soils being removed from the site must be treated, stored and disposed of by Miller Compressing Company in accordance with applicable local, state and federal law.

In the event the Cap overlying the contaminated soils is removed or replaced, the replacement Cap must meet the specifications stated in the WDNR letter dated September 1, 2009. Any replacement Cap will be subject to the same maintenance and inspection guidelines as stated in this Plan unless indicated otherwise by the WDNR or its successor.

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

Page 3 Cap Maintenance / Hard Surfacing Plan Miller Compressing

Prohibition of Activities and Notification of WDNR Prior to Actions Affecting the Cap

The following activities are prohibited on any portion of the property that Miller Compressing Company has selected to include in the Hard Surface Plan, unless prior notification to the WDNR has been made: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure which causes disturbance of the Cap.

Amendment or Withdrawal of Cap Maintenance Plan

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

Contact Information

September 2009

Site Owner and Operator: Miller Compressing Company

1640 W. Bruce Street

Milwaukee, Wisconsin 53204

414-671-5980

Signature:

Name:

Title:

WDNR:

Andrew Boettcher

WDNR SE Regional Office 2300 N. MLK Jr Drive

Milwaukee, Wisconsin 53212-3128

Exhibit A Hard Surface Cap Inspection and Maintenance Log

| Inspection Date | Inspector | Condition of Cap | Recommendations | Has Recommended maintenance from previous inspection been implemented? |
|--------------------|-----------|---------------------|-----------------|--|
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A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF

MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF W. BRUCE STREET 61.50 FEET WEST OF ITS INTERSECTION WITH THE WEST LINE OF THE 16TH STREET VIADUCT; CONTINUING THENCE WEST ALONG SAID NORTH LINE, 11.50 FEET TO A POINT LYING IN THE EASTERLY WALL OF AN EXISTING TWO STORY BRICK BUILDING: THENCE NORTH 0° 40' 30" EAST ALONG SAID EASTERLY WALL AND PARALLEL TO THE 16TH STREET VIADUCT LINE, 69.35 FEET TO A POINT, BEING THE NORTHEAST BUILDING CORNER; THENCE WESTERLY ALONG SAID BUILDING WALL, 7.20 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST ON A LINE 13 FEET FROM AND PARALLEL TO THE CENTERLINE OF AN EXISTING SPUR TRACK, 239.35 FEET TO A POINT IN THE SOUTHERLY WALL OF AN EXISTING CONCRETE AND STEEL BUILDING: THENCE EASTERLY ALONG SAID BUILDING WALL 5.00 FEET TO A POINT, BEING THE SOUTHEAST BUILDING CORNER; THENCE NORTHERLY ALONG THE EASTERLY WALL OF SAID BUILDING, 61.50 FEET TO A POINT, BEING THE NORTHEAST BUILDING CORNER; THENCE WESTERLY ALONG SAID BUILDING WALL, 5.40 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVED LINE (LYING 13 FEET SOUTHERLY OF AND PARALLEL TO THE CENTERLINE OF AN EXISTING SPUR TRACK) 295 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE, 186 FEET, MORE OR LESS, TO A POINT LOCATED 61.50 FEET WESTERLY OF THE WEST LINE OF S. 16TH STREET VIADUCT; THENCE SOUTH 0° 40' 30" WEST AND PARALLEL TO SAID WESTERLY LINE OF S. 16TH STREET, 590.86 FEET TO THE POINT OF COMMENCEMENT. PARCEL D (501-585 S. MUSKEGO AVENUE):

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF W. BRUCE STREET WHERE THE SAME IS INTERSECTED BY THE WESTERLY LINE OF S. MUSKEGO AVENUE: THENCE WEST ALONG THE NORTH LINE OF W. BRUCE STREET, 43-52 FEET TO A. POINT IN THE EAST LINE OF THE 16TH STREET VIADUCT: THENCE NORTH 0° 40' 30" EAST ALONG SAID EAST LINE OF SAID 16TH STREET VIADUCT, 589.80 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY; THENCE SOUTH 89° 32' 30" EAST ALONG SAID SOUTH LINE OF THE RIGHT-OF-WAY OF SAID CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY 210.66 FEET TO THE WESTERLY LINE OF S. MUSKEGO AVENUE; THENCE SOUTH 16° 29' 20" WEST ALONG SAID WESTERLY LINE 613.30 FEET TO THE PLACE OF BEGINNING. PARCEL E (520-524 S. MUSKEGO AVENUE): THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF

MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, WHICH IS BOUNDED BY A LINE COMMENCING AT A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO. MILWAUKEE AND ST. PAUL RAILWAY IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, SAID POINT BEING 712.27 FEET WEST OF THE EAST LINE OF SAID 1/4 SECTION, RUNNING THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILROAD 320.00 FEET TO A POINT IN THE CENTER LINE OF SOUTH MUSKEGO AVENUE; THENCE SOUTH 16° WEST ALONG THE CENTER LINE OF SAID SOUTH MUSKEGO AVENUE TO A POINT WHICH WOULD BE INTERSECTED BY THE NORTH LINE OF A CERTAIN CANAL CALLED THE BURNHAM CANAL AS THE SAME IS NOW PLATTED AND RECORDED, EXTENDED WEST; THENCE EAST ALONG THE NORTH LINE OF SAID CANAL EXTENDED AS AFORESAID TO THE WESTERN TERMINUS OF SAID CANAL AS AT PRESENT CONSTRUCTED. THENCE SOUTH TO THE CENTER LINE OF SAID CANAL 65.0 FEET: THENCE FAST ALONG THE CENTER LINE OF SAID CANAL TO A POINT WHICH. IS 712.27 FEET DISTANT WEST OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE NORTH ON THE WEST LINE OF SAID TRACT, 250.0 FEET TO THE PLACE OF BEGINNING. ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH. RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED BY A LINE COMMENCING AT A POINT IN THE

CENTER LINE OF SOUTH MUSKEGO AVENUE WHERE THE SAME IS INTERSECTED BY NORTH ESTABLISHED DOCK LINE OF SO-

CALLED BURNHAM'S CANAL, EXTENDED; RUNNING

THENCE SOUTH 15-1/2° WEST ALONG CENTER LINE OF SAID SOUTH MUSKEGO AVENUE 70.17 FEET TO A POINT WHERE CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED WOULD INTERSECT THE CENTER OF SAID ROAD; THENCE EAST ALONG CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED, 250 FEET MORE OR LESS TO THE WEST ESTABLISHED DOCK LINE OF SAID CANAL; THENCE NORTH 15-1/2° EAST ALONG WEST ESTABLISHED DOCK LINE 70.17 FEET TO NORTHWEST CORNER OF SAID BURNHAM'S CANAL; THENCE WEST ALONG THE NORTH ESTABLISHED THE DOCK LINE OF SAID BURNHAM'S CANAL EXTENDED 250 FEET MORE OR LESS TO THE PLACE OF BEGINNING. ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED BY A LINE COMMENCING AT A POINT IN THE CENTER LINE OF THE SOUTH MUSKEGO AVENUE WHERE SAME IS INTERSECTED BY NORTH ESTABLISHED DOCK LINE OF SO-CALLED BURNHAM'S CANAL, EXTENDED: RUNNING THENCE SOUTH 15-1/2° WEST ALONG CENTER LINE OF SAID SOUTH MUSKEGO AVENUE 70.17 FEET TO A POINT WHERE CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED WOULD INTERSECT THE CENTER OF SAID ROAD: THENCE EAST ALONG CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED. 250 FEET MORE OR LESS TO THE WEST ESTABLISHED DOCK LINE OF SAID CANAL: THENCE NORTH 15-1/2° EAST ALONG WEST FSTABI ISHFD DOCK LINE 70.17 FEET TO THE NORTHWEST CORNER OF SAID BURNHAM'S CANAL; THENCE WEST ALONG THE NORTH ESTABLISHED THE DOCK LINE OF SAID BURNHAM'S CANAL EXTENDED 250 FEET MORE OR LESS TO THE PLACE OF

ALSO THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT IN THE NORTH LINE OF WEST BRUCE STREET AS IT EXISTED ON DECEMBER 18, 1969, SAID POINT BEING SOUTH 89° 49' 00" WEST 233.52 FEET FROM THE INTERSECTION OF SAID NORTH LINE OF WEST BRUCE STREET WITH THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION; THENCE NORTH 0° 10' 30" EAST AND PARALLEL TO THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION 288.00 FEET TO A POINT; THENCE SOUTH 88° 38' 00" EAST 57.52 FEET TO A POINT, SAID POINT RECORDED AS BEING THE INTERSECTION OF THE WEST AND SOUTH DOCK LINES OF BURNHAM'S CANAL; THENCE NORTH 0° 10' 30" EAST, 52.76 FEET TO A POINT IN THE CENTERLINE OF BURNHAM'S CANAL; THENCE SOUTH 89° 49' 00" WEST ALONG THE EXTENSION OF SAID CENTERLINE OF BURNHAM'S CANAL, SAID LINE BEING PARALLEL TO AND 340 FEFT FROM THE NORTH LINE OF WEST BRUCE STREET. A DISTANCE OF 241.75 FEET TO A POINT IN THE EASTERLY STREET LINE OF SAID SOUTH MUSKEGO AVENUE: THENCE SOUTH 15° 45' 00" WEST ALONG SAID EASTERLY STREET LINE 212.75 FEET TO A POINT: THENCE NORTH 89° 49' 00" EAST AND PARALLEL TO THE NORTH LINE OF WEST BRUCE STREET 110.00 FEET TO A POINT, THENCE SOUTH 15° 45' 00" WEST AND PARALLEL TO THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE 140.00 FEET TO A POINT IN THE NORTH LINE OF WEST BRUCE STREET; THENCE NORTH 89° 49' 00" EAST 168.96 FEET TO THE POINT OF COMMENCEMENT ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SOUTH MUSKEGO AVENUE AND WEST BRUCE STREET; RUNNING THENCE EAST ALONG THE NORTH LINE OF WEST BRUCE STREET, 50 FEET TO A POINT; THENCE NORTHEASTERLY PARALLEL WITH THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE, 140 FEET TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF WEST BRUCE STREET, 50 FEET TO A POINT IN THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE; THENCE

INTERSECTION OF THE NORTH LINE OF WEST BRUCE STREET WITH THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 SECTION: THENCE NORTH AND PARALLEL TO THE SAID EAST LINE 288 FEET: THENCE SOUTH 89° 36' EAST 57.52 FEET TO A POINT: THENCE NORTH 52.76 FEET TO THE CENTER OF BURNHAM'S CANAL: THENCE EAST ON THE CENTER LINE OF SAID CANAL TO THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31: THENCE SOUTH ON SAID EAST LINE TO THE NORTH LINE OF WEST BRUCE STREET; THENCE WEST ON SAID NORTH LINE 233.52 FEET TO THE PLACE OF BEGINNING. ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY IN HE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, SAID POINT BEING 255.285 FEET WEST OF THE EAST LINE OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, RUNNING THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY, APPROXIMATELY 456.985 FEET TO A POINT 712.27 FEET WEST OF THE EAST LINE OF SAID SECTION 31, TOWN 7 NORTH, RANGE 22 EAST; THENCE SOUTH ON A LINE PARALLEL WITH SAID EAST LINE OF SAID SECTION, 250 FEET MORE OR LESS TO A POINT ON THE CENTER LINE OF BURNHAM'S CANAL; THENCE EAST ALONG THE CENTER OF SAID CANAL 456.985 FEET MORE OR LESS TO A POINT 255.285 FEET WEST OF THE SAID EAST LINE OF SAID SECTION: THENCE NORTH 250 FEET MORE OR LESS TO THE POINT OF BEGINNING ALSO PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 31 IN THE CENTER OF THE CANAL LAID OUT ON THE SOUTH SIDE OF THE CENTER LINE OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY, LACROSSE DIVISION, ACCORDING TO THE PLAT ADOPTED BY THE CANAL COMMISSIONERS AND RECEIVED FOR RECORD SEPTEMBER 23, 1869, AND RECORDED IN THE

SOUTHWESTERLY ALONG THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE, 140 FEET TO THE PLACE OF BEGINNING.

ALSO THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22

EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS

COMMENCING AT A POINT IN THE NORTH LINE OF WEST BRUCE STREET, SAID POINT BEING 233.52 FEET WEST OF THE

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 32 WHERE SAME IS INTERSECTED BY THE NORTH ESTABLISHED DOCK LINE OF MENOMONEE RIVER AND CANAL (CALLED BURNHAM CANAL): THENCE EAST ALONG SAID DOCK LINE 154.63 FEET TO A POINT; THENCE NORTH 188.21 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY; THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILWAY 154.63 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 SECTION: THENCE SOUTH ON SAID WEST LINE 186.60 FEET TO THE POINT OF COMMENCEMENT, EXCEPT THE RIGHT OF WAY FOR SWITCH TRACK FROM SAID RAILWAY AND ALSO THE PLANK ROAD RIGHT OF WAY ACROSS THE SAME FOR THE COMMON USE OF ALL PARTIES OWNING LAND IN SAID 1/4 SECTION ADJOINING SAID CANAL AS LAID OUT AND IN USE AT THE DATE OF TWO DEEDS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS MILWAUKEE COUNTY, WISCONSIN, IN VOLUME 677 OF DEEDS ON PAGE 277 AND VOLUME 693 OF DEEDS ON PAGE 135 ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22

EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS

COMMENCING AT A POINT IN THE NORTH ESTABLISHED DOCK LINE OF A BRANCH OF MENOMONEE RIVER AND CANAL

REGISTER'S OFFICE; RUNNING THENCE WEST ALONG CENTER LINE OF SAID CANAL 255.285 FEET; THENCE NORTH TO

SOUTH BOUNDARY LINE OF RIGHT OF WAY OF LACROSSE DIVISION OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY

THENCE SOUTH ALONG THE SAID EAST LINE TO PLACE OF BEGINNING

(ACCORDING TO SAID PLAT); THENCE EAST ALONG SAID BOUNDARY LINE TO THE SAID EAST LINE OF SECTION 31 AFORESAID;

CALLED BURNHAM CANAL, 154.63 FEET EAST OF THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 32: RUNNING THENCE EAST ON SAID DOCK LINE 252.72 FEET TO A POINT; THENCE NORTH 190.83 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY. THENCE WESTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILWAY COMPANY, 252.72 FEET TO A POINT; THENCE SOUTH 189.22 FEET TO THE POINT OF COMMENCEMENT EXCEPTING THE FAST 48 79 FEET THEREOF ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT IN THE NORTHWEST 1/4 OF SECTION 32 AFORESAID ON THE NORTH ESTABLISHED DOCK LINE C MENOMONEE RIVER AND CANAL 358.56 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION; THENCE EAST ALONG SAID DOCK LINE 203.92 FEET TO A POINT: THENCE NORTH 192.44 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO, MILWAUKEE & ST. PAUL RAILWAY; THENCE WESTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILROAD 203.92 FEET TO A POINT: THENCE SOUTH 190.83 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT. EXCEPTING A STRIP OF LAND 32 FEET IN WIDTH ON THE NORTH SIDE OF THE CANAL AFORESAID ADJOINING AND SOUTH OF THE RIGHT OF WAY OF THE CHICAGO. MILWAUKEE & ST. PAUL RAILWAY. SAID RESERVATION BEING MADE FOR THE JOINT AND SEVERAL USE, AT ALL TIMES OF EITHER OR ALL OF THE PARTIES AND THEIR HEIRS AND ASSIGNS NAMED IN DEED RECORDED MAY 19, 1871 IN VOLUME 120 OF DEEDS ON PAGE 468, FOR A SIDE TRACK OF RAILWAY, WAGON ROAD AND SWITCH ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTHWEST 1/4 OF SECTION 32 AFORESAID ON THE NORTH ESTABLISHED DOCK LINE

OF BURNHAM'S CANAL 562.48 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION, AND RUNNING THENCE EAST ALONG

SAID DOCK LINE 145.11 FEET TO A POINT: THENCE NORTH 193.95 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF

WAY OF THE CHICAGO. MILWAUKEE AND ST. PAUL RAILWAY COMPANY; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID

RIGHT OF WAY 145.11 FEET TO A POINT; THENCE SOUTH 192.44 FEET TO PLACE OF BEGINNING.

FD CONCRETE MONUMENT

W/ BRASS CAP CENTER SECTION 31

PARCEL F(1707 W. REYNOLDS PLACE) THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS 856.75 EAST OF THE WEST LINE AND 298.91 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31, SAID POINT BEING ALSO 71.09 FEET SOUTH OF THE SOUTH LINE OF W. BRUCE STREET RUNNING THENCE SOUTHWESTERLY ON AND ALONG A LINE 46.31 FEET TO A POINT WHICH IS 816.75 FEET EAST AND 275.98 FEET NORTH OF THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE SOUTH ON A LINE PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 73.48 FEET TO A POINT WHICH IS 202.50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE EAST ON A LINE WHICH IS 202.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 40 FEET TO A POINT WHICH IS 856 75 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE NORTH ON A LINE WHICH IS 856 75 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 96.41 FEET TO THE POINT OF COMMENCEMENT ALSO THE FAST 50 FEET OF THE NORTH 205 FEET OF THE SOUTH 407 50 FEET OF THE WEST 906 75 FEET OF THE

OF MILWAUKEE, STATE OF WISCONSIN EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION THEREOF: COMMENCING AT A POINT IN THE SOUTH LINE OF W. BRUCE STREET 856.75 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION; RUNNING THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 71.09 FEET TO A POINT; THENCE NORTHEASTERLY ALONG A LINE 57.99 FEET TO A POINT WHICH IS 906.75 FEET EAST OF THE WEST LINE AND 327.58 FEE NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION: THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 42.42 FEET TO A POINT IN THE SOUTH LINE OF W. BRUCE STREET; THENCE WEST ALONG THE SOUTH LINE OF W. BRUCE STREET 50 FEET TO THE POINT OF COMMENCEMENT. ALSO EXCEPT THAT PART LYING NORTH OF THE SOUTH LINE OF

NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

FEBRUARY 24, 2006

TITLE COMMITMENT NO. 1210246

PARCEL G (1547 W. BRUCE STREET): THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE. STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS COMMENCING AT A POINT IN THE SOUTH LINE OF W. BRUCE STREET AND THE SOUTHWESTERI Y LINE OF THE RIGHT-OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL R.R. COMPANY, SAID POINT BEING 944,78 FEET WEST OF THE EAST LINE OF SAID 1/4 SECTION; RUNNING THENCE WEST ALONG SAID SOUTH LINE OF W. BRUCE STREET, 119.68 FEET TO A POINT THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION, 181.00 (MEASURED) TO A POINT IN THE NORTHERLY LINE OF ANOTHER RIGHT-OF-WAY OF THE C. M. ST. P. & P. R.R. COMPANY THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE 204.85 FEET (MEASURED) TO A POINT WHICH IS 200.00 FEET WESTERLY OF THE EAST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION; THENCE NORTHERLY AND RALLEL TO SAID EAST LINE, 52.60 FEET (MEASURED) TO A POINT IN THE SOUTHWESTERLY LINE OF THE C. M. ST. P. & F R.R. COMPANY RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG SAID CURVED RIGHT-OF-WAY LINE, 155 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 31 WHICH IS ASSUMED TO BEAR SOUTH 89°58'19" EAST

MILLER COMPRESSING

THIS SURVEY WAS PREPARED BASED ON CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NOS. 1210246, 1210249, 1210352 AND 1210247, ALL REVISED ON MARCH 31, 2006 AND ALL EFFECTIVE DATES OF MARCH 15, 2006, WHICH LISTS THE FOLLOWING EASEMENTS AND/OR RESTRICTIONS:

SURVEY NO. 162917-RMK

RESTRICTIONS SET FORTH ON THE CERTIFIED SURVEY MAPS DESCRIBED IN SCHEDULE A HEREOF, PROVIDING AS FOLLOWS: "NO LOT OR PARCEL AS HEREON SET FORTH SHALL AT ANY TIME SUBSEQUENT TO THE RECORDING OF THIS MAP BE IN ANY MANNER DIVIDED. DESCRIBED OR CONVEYED SO AS TO RESULT IN LOTS. PARCELS OR BUILDING SITES HAVING DIMENSIONS. AREAS, OR COURSES OTHER THAN AS HEREIN SET FORTH, UNLESS SAID DIVISIONS, DESCRIPTIONS OR CONVEYANCES ARE FIRST APPROVED BY THE COMMON COUNCIL OF THE CITY OF MILWAUKEE. THAT ALL UTILITY LINES TO PROVIDE ELECTRIC POWER AND TELEPHONE SERVICE TO ALL LOTS IN THE CERTIFIED SURVEY MAP SHALL BE INSTALLED UNDERGROUND IN EASEMENTS PROVIDED THEREFORE..

SAID RESTRICTIONS WERE MODIFIED BY RESOLUTION ADOPTED BY THE COMMON COUNCIL ON OCTOBER 21, 1975, A CERTIFIED COPY OF WHICH WAS RECORDED AS DOCUMENT NO. 4970290. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED

- 11. SPUR TRACK AND INGRESS AND EGRESS EASEMENTS SET FORTH ON THE CERTIFIED SURVEY MAPS DESCRIBED IN SCHEDULE A HEREOF. (AFFECTS PARCEL A) AFFECTS SITE BY
- CITY OF MILWAUKEE SEWER EASEMENTS SET FORTH ON CERTIFIED SURVEY MAP NO. 2318 RECORDED AS DOCUMENT NO. 4837903. AFFECTS SITE BY LOCATION - SHOWN
- EASEMENTS AND AGREEMENTS RESPECTING UTILITIES EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 4924844. (AFFECTS PARCEL A) AFFECTS SITE BY

LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED

- 14. EASEMENTS FOR INGRESS AND EGRESS EXECUTED BY AND BETWEEN KALMAN REALTY CORP. A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK A WISCONSIN GENERAL PARTNERSHIP RECORDED AS DOCUMENT NO. 4924845 AS MODIFIED BY AGREEMENT BY AND BETWEEN KALMAN REALTY CORP. A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK A WISCONSIN PARTNERSHIP RECORDED AS DOCUMENT NO. 4983610 AND FURTHER MODIFIED BY AMENDMENT TO AGREEMENT EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 5025801. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION - SHOWN
- 15. UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4976689. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION - SHOWN
- AGREEMENTS AND EASEMENTS RESPECTING RAILROAD TRACKS EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A PARTNERSHIP, RECORDED AS DOCUMENT NO. 4996966. (AFFECTS PARCELS A AND B) AFFECTS SITE BY LOCATION - CANNOT BE PLOTTED, EXHIBIT "A" NOT SUPPLIED

ALTA/ACSM LAND TITLE SURVEY

- EASEMENTS, IF ANY, OF THE PUBLIC OR ANY SCHOOL DISTRICT, UTILITY, MUNICIPALITY OR PERSON, AS PROVIDED IN SECTION 80.32(4) OF THE STATUTES, FOR THE CONTINUED USE AND RIGHT OF ENTRANCE, MAINTENANCE, CONSTRUCTION AND REPAIR OF UNDERGROUND OR OVERGROUND STRUCTURES, IMPROVEMENTS OR SERVICE IN THAT PORTION OF THE SUBJECT PREMISES WHICH WERE FORMERLY A PART OF STREETS AND ALLEYS NOW VACATED. MAY AFFECT SITE BY LOCATION - VACATED STREETS AND ALLEYS SHOWN
- RIGHTS AND EASEMENTS, IF ANY, IN AND TO ANY AND ALL RAILROAD SWITCHES, SIDETRACKS, SPUR TRACKS AND RIGHTS OF WAY LOCATED UPON OR APPURTENANT TO THE SUBJECT PREMISES. MAY AFFECT SITE BY LOCATION - SPUR TRACKS SHOWN
- RIGHTS, IF ANY, WITH RESPECT TO THE MAINTENANCE AND USE OF SEWERS, UTILITY PIPES, CABLES OR CONDUITS WHICH MAY BE INSTALLED UNDER THE SURFACE OF THE SUBJECT PREMISES. MAY AFFECT SITE BY LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED
- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 6291254. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN
- AGREEMENTS DISCLOSED BY ASSIGNMENT EXECUTED BY INTERNATIONAL HARVESTER COMPANY TO VALLEY INDUSTRIAL PARK RECORDED AS DOCUMENT NO. 4718179. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – LOCATION UNCERTAIN, CANNOT BE PLOTTED

UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS

- DOCUMENT NO. 4980070. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION SHOWN RESERVATION SET FORTH IN WARRANTY DEED TO KNOX BUILDING CORPORATION RECORDED AS DOCUMENT NO. 3981560. (AFFECTS PARCEL B) MAY AFFECT SITE BY LOCATION - LOCATION
- OF BULDING 203 AND FIRE ESCAPE UNCERTAIN EASEMENT GRANTED TO CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY CO. RECORDED AS
- DOCUMENT NO. 431460. (AFFECTS PARCEL B) AFFECTS SITE BY LOCATION SHOWN RIGHTS SET FORTH IN WARRANTY DEED RECORDED AS DOCUMENT NO. 623159. (AFFECTS

PARCEL B) AFFECTS SITE BY LOCATION - SHOWN

- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 5398580. (AFFECTS PARCELS B AND C) AFFECTS SITE BY LOCATION – SHOWN
- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4763844. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN

REVISED EASEMENT GRANTED TO THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

PABST, EMIL SCHANDEIN, GEORGE BURNHAM AND JOHN L. BURNHAM, RECORDED IN VOLUME 120.

RECORDED AS DOCUMENT NO. 6321109. (AFFECTS PARCEL C) AFFECTS SITE BY LOCATION -AGREEMENT ENTERED INTO BY AND BETWEEN GEORGE BURNHAM, GUIDO PEISTER, FREDERICK

OF DEEDS ON PAGE 372. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION - SHOWN

- AGREEMENT ENTERED INTO BY AND BETWEEN GUIDO PFISTER, GEORGE BURNHAM, JONATHAN L BURNHAM, FREDERICK PABST, EMIL SCHANDEIN AND THE MILWAUKEE RAILWAY COMPANY RECORDED IN VOLUME 122 OF DEEDS ON PAGE 204. (AFFECTS PARCELS C AND D) AFFECTS SITE
- CONDITIONS AND RESERVATIONS SET FORTH IN WARRANTY DEED TO THE MUSKEGO COMPANY RECORDED AS DOCUMENT NO. 2387898. AS MODIFIED BY AGREEMENT ENTERED INTO BY AND BETWEEN THE MUSKEGO COMPANY, A WISCONSIN CORPORATION AND MUSKEGO REALTY CO. A WISCONSIN CORPORATION RECORDED AS DOCUMENT NO. 3177254. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN
- RIGHT-OF-WAY SEWER EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 1531909. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN
- RIGHT-OF-WAY SEWER EASEMENT GRANTED TO THE CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 1531910. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS
- DOCUMENT NO. 2957625. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION GENERAL IN NATURE, CANNOT BE PLOTTED
- 46. EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 3171163. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN
- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 3184732. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - REFERENCED TO
- BUILDINGS NO LONGER EXISTING, CANNOT BÉ PLOTTED UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN
- ELEPHONE COMPANY RECORDED AS DOCUMENT NO. 3520101. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - BUILDING REFERENCE UNCERTAIN, CANNOT BE PLOTTED UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN
- TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 3852852. (AFFECTS PARCEL E) AFFECTS
- EASEMENT ENTERED INTO BY AND BETWEEN MILLER BROS. REALTY CO. AND MILLER COMPRESSING COMPANY RECORDED AS DOCUMENT NO. 4168074. (AFFECTS PARCEL E) AFFECTS
- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4245753. (AFFECTS PARCEL E) AFFECTS
- SITE BY LOCATION GENERAL IN NATURE, CANNOT BE PLOTTED UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN ELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4749129. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN
- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4749130. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN
- UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4749131. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
- RIGHT OF WAY GRANT GRANTED TO WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4798298. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
- UTILITY EASEMENT GRANTED TO WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4798299. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN

- 57. UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS OCCUMENT NO. 4881780. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
- EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 4891259, AS MODIFIED BY AMENDMENT OF EASEMENTS AND LICENSES RECORDED AS DOCUMENT NO. 6523656.

AFFECTS PARCEL E) AFFECTS SITE BY LOCATION - SHOWN

- GRANT OF EASEMENT AND AGREEMENT ENTERED INTO BY AND BETWEEN THE MUSKEGO ASSOCIATES AND MUSKEGO REALTY CO. RECORDED AS DOCUMENT NO. 5377059. (AFFECTS
- PARCEL E) AFFECTS SITE BY LOCATION SHOWN EASEMENT RECORDED AS DOCUMENT NO. 3237353. AFFECTS SITE BY LOCATION - GENERAL IN

TITLE COMMITMENT NO. 1210249

NATURE, CANNOT BE PLOTTED

- 10A. EASEMENTS, IF ANY, OF THE PUBLIC OR ANY SCHOOL DISTRICT, UTILITY, MUNICIPALITY OR PERSON, AS PROVIDED IN SECTION 80.32(4) OF THE STATUTES, FOR THE CONTINUED USE AND RIGHT OF ENTRANCE, MAINTENANCE, CONSTRUCTION AND REPAIR OF UNDERGROUND OR OVERGROUND STRUCTURES, IMPROVEMENTS OR SERVICE IN THAT PORTION OF THE SUBJECT PREMISES WHICH WERE FORMERLY A PART OF ALLEY NOW VACATED. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
- 11A. COVENANTS SET FROTH ON CERTIFIED SURVEY MAP NO. 4554 AND CERTIFIED SURVEY MAP NO. 6824 RECITING AS FOLLOWS: THAT ALL UTILITY LINES TO PROVIDE ELECTRIC POWER AND TELEPHONE SERVICE AND CABLE TELEVISION OR COMMUNICATIONS SYSTEMS LINES OR CABLES TO ALL PARCELS IN THE CERTIFIED SURVEY MAP SHALL BE INSTALLED UNDERGROUND IN EASEMENTS PROVIDED THEREFORE, WHERE FEASIBLE
- THIS AGREEMENT SHALL BE BINDING ON THE UNDERSIGNED AND ASSIGNS."

AFFECTS SITE BY LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED

12A. COVENANT PROHIBITING LAND DIVISIONS AS SET FORTH ON CERTIFIED SURVEY MAP NO. 2318. AFFECTS SITE BY LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED 13A. UNRECORDED RIGHTS, IF ANY, WITH RESPECT TO THE MAINTENANCE AND USE OF SEWERS,

JTILITY PIPES. CABLES OR CONDUITS WHICH MAY BE INSTALLED UNDER THE SURFACE OF THE

- SUBJECT PREMISES AND NOT RECORDED. AFFECTS SITE BY LOCATION GENERAL IN NATURE, 14A. RIGHTS AND EASEMENTS, IF ANY, IN AND TO ANY AND ALL RAILROAD SWITCHES, SIDETRACKS,
- SPUR TRACKS AND RIGHTS OF WAY LOCATED UPON OR APPURTENANT TO THE SUBJECT PREMISES. AND NOT RECORDED IN THE REGISTER OF DEEDS OFFICE OF MILWAUKEE COUNTY. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
- 15A. UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4976689. AFFECTS SITE BY LOCATION - SHOWN 16A. CITY OF MILWAUKEE SEWER EASEMENT SET FORTH ON CERTIFIED SURVEY MAP NO. 2318,
- RECORDED MAY 3, 1974, IN REEL 783, IMAGE 1056, AS DOCUMENT NO. 4837903. AFFECTS SITE BY
- 17A. EASEMENT FOR INGRESS AND EGRESS SET FORTH ON CERTIFIED SURVEY MAP NOS. 2219, 2318, 4554 AND 6824. AFFECTS SITE BY LOCATION - SHOWN

TITLE COMMITMENT NO. 1210352

10B. EASEMENT RECORDED AS DOCUMENT NO. 1809080. DOES NOT AFFECT SITE BY LOCATION -GENERAL IN NATURE, CANNOT BE PLOTTED

TITLE COMMITMENT NO. 1210247

COVENANT AND AGREEMENT AS SET FORTH ON THE CERTIFIED SURVEY MAP DESCRIBED ON SCHEDULE A HEREOF, AS MODIFIED BY RESOLUTION RECORDED AS DOCUMENT NO. 4970290.

AFFECTS SITE BY LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED

- 11C. EASEMENT RECORDED AS DOCUMENT NO. 4907138. AFFECTS SITE BY LOCATION SHOWN
- ACCORDING TO FLOOD INSURANCE RATE MAP OF THE CITY OF MILWAUKEE, COMMUNITY PANEL NO. 550278 0013C, EFFECTIVE DATE OF NOVEMBER 11, 1985, THIS SITE FALLS IN ZONES A2 (AREAS OF 100 YEAR FLOOD) AND C (AREAS OF MINIMAL FLOODING)
- HE BASIC ZONING INFORMATION LISTED BELOW IS TAKEN FROM MUNICIPAL CODES AND DOES NOT REFLECT ALL REGULATIONS THAT MAY APPLY - SITE IS ZONED PD AND IH
- FRONT SETBACK NONE
- SIDEYARD SETBACK NONE MAXIMUM HEIGHT - NONE

CHICAGO TITLE INSURANCE COMPANY.

DATE OF SURVEY: FEBRUARY 24, 2006

MONUMENT
W/ BRASS CAP
SE CORNER OF

- PD ZONING THIS SITE IS A PLANNED UNIT DEVELOPMENT AND HAS SPECIFIC ZONING REGULATIONS THAT SUPERSEDE REGULAR MUNICIPAL CODE ZONING REGULATIONS. BUILDING SETBACKS AND OFFSET RESTRICTIONS ARE AS APPROVED BY THE CITY OF MILWAUKEE AT THE TIME OF DEVELOPMENT
- REVISION DATE
- REVISED CERTIFICATION REVISION NO.1-RMK
- JPMORGAN CHASE BANK, N.A. ("CHASE"), IT'S SUCCESSORS AND ASSIGNS. CHASE AS ADMINISTRATIVE AGENT FOR THE BENEFIT OF A SYNDICATE OF BANKS, FINANCIAL INSTITUTIONS AND OTHER ENTITIES, INCLUDING CHASE, ARRANGED BY CHASE MILLER COMPRESSING COMPANY, A WISCONSIN CORPORATION.
- THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005 AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7(A), 8, 10, AND 11(A) OF TABLE "A" THEREOF PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION, AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS" WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND

LEGEND IRON PIPE FOUND

REGISTERED LAND SURVEYOR O IRON PIPE SET REGISTRATION NO. S-1316 WISCONSIN CENTRAL LIMITED RAILROAD FORMERLY SOO LINE RAILROAD FORMERLY CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD **PARCEL A** PARCEL A PARCEL E 476,493 sq.ft. 10.9388 acres (N89'30'32"W) PARCEL ' 74,384 sq.ft. 1.7076 acres (WEST 250'±) N89°56'27"W 793.11' N89°28'02"W 705.66' PARCEL A (EAST 456.985') 3.0' WEST (WEST 255.285') _____ CENTER LINE BURNHAM CANAL 1,784,479 sq.ft. UNPLATTED **BURNHAM** CANAL CSM 4554 PARCEL B SOUTH LINE BURNHAM CANAL UNPLATTED UNPLATTED UNPLATTED UNPLATTED T. DESC'D AS 445.00' N0°40'30"E OF LANDS 108.00' W. OF E. LINE OF W. 1/2 OF 8 PARCEL 1 2 CSM 4114 L------SET CROSS N. N89'56'27"W N89'56'27' SET 8' 42.16 W. BRUCE ST O/S CROSS! 119.90' (WEST 119.68') CH B=\$33*29'33"E CSM 6824 UNPLATTED LANDS 16th 0.7030 acres Suite 200

Fax 262-797-7373 16745 W. Bluemound Road

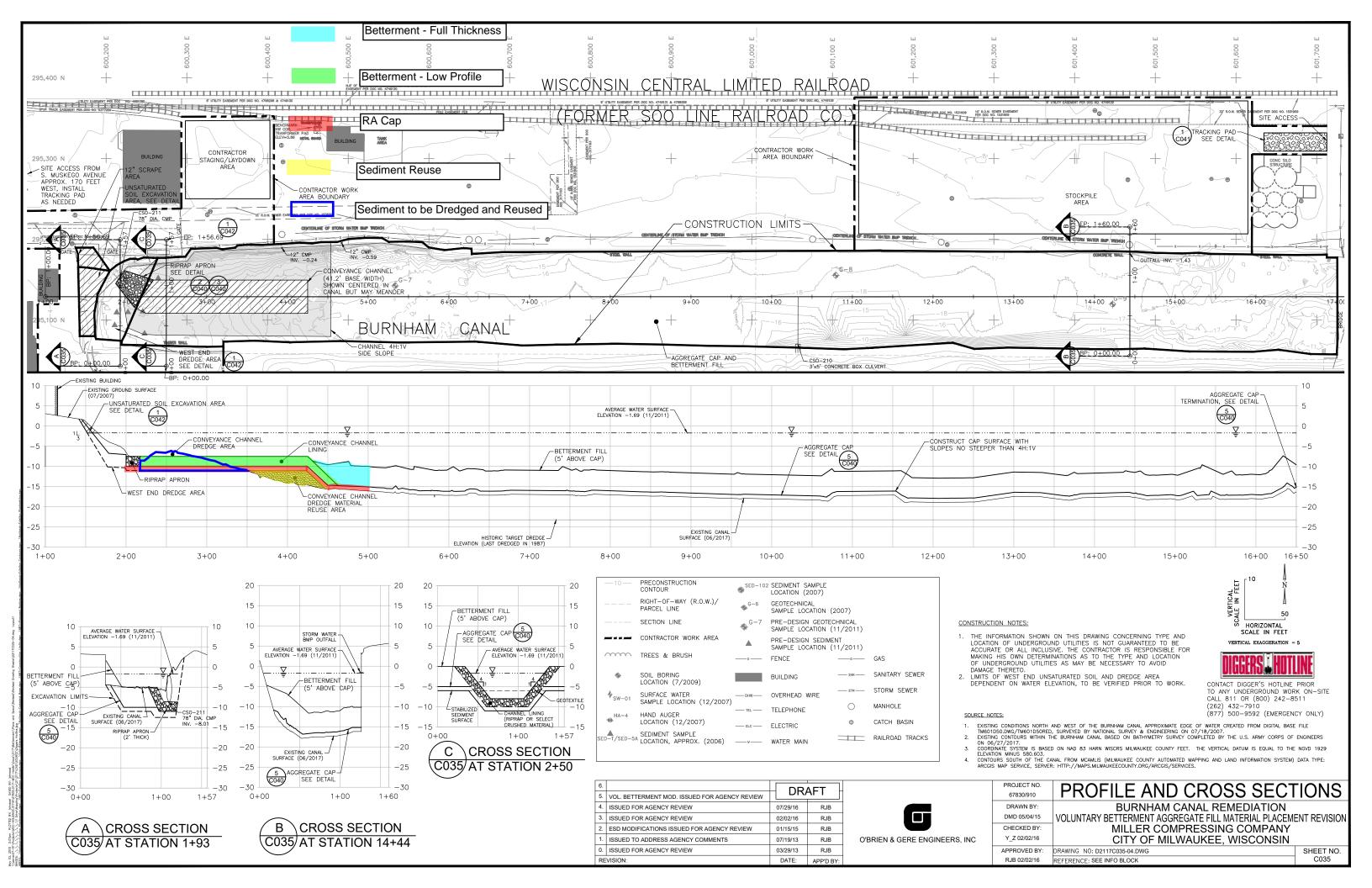
Brookfield, WI 53005-5938 www.nsae.com S:\5162917\dwg\ AS110EXX.dwg\AS111E150

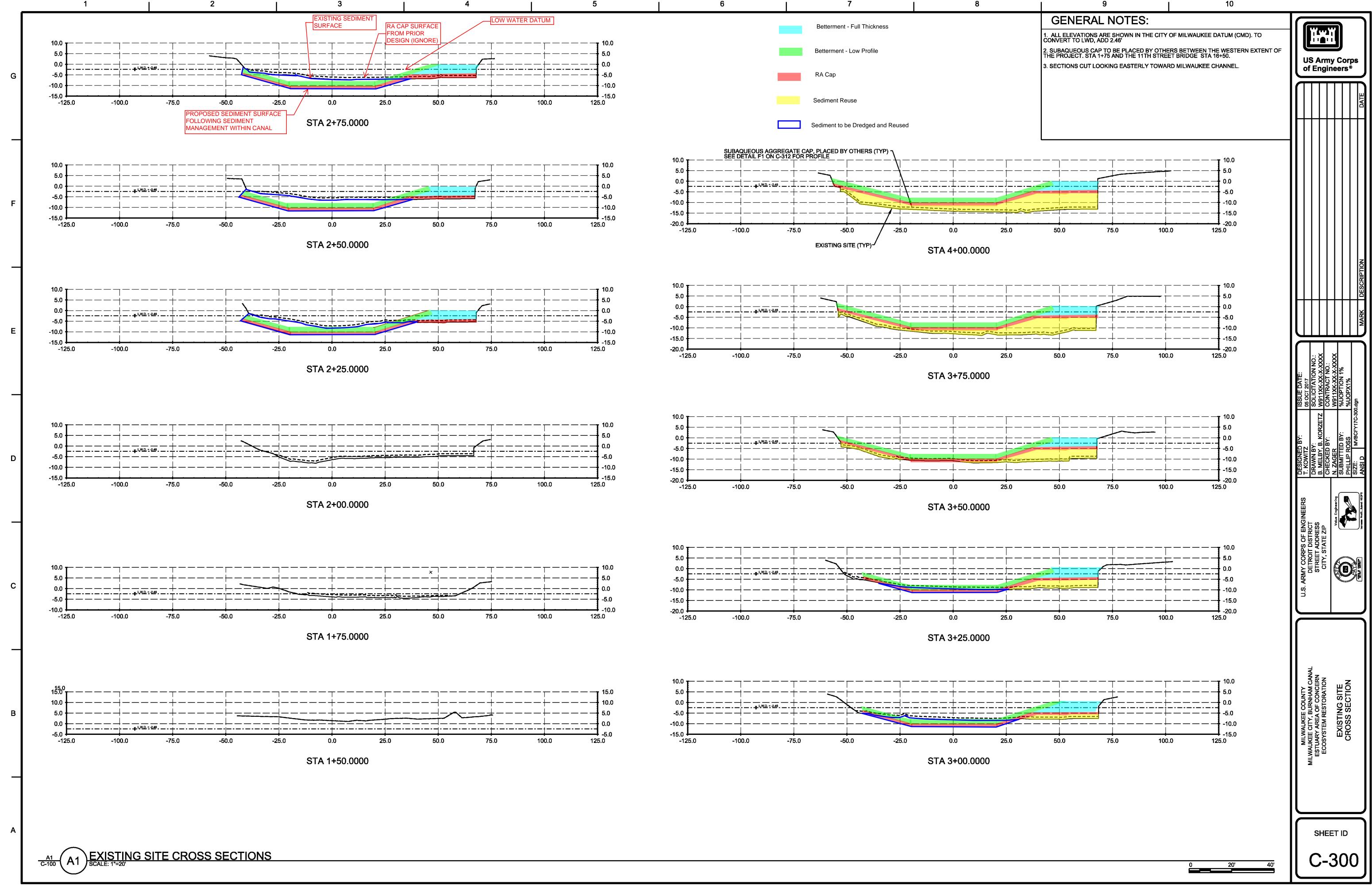
SHEET 1 OF 4

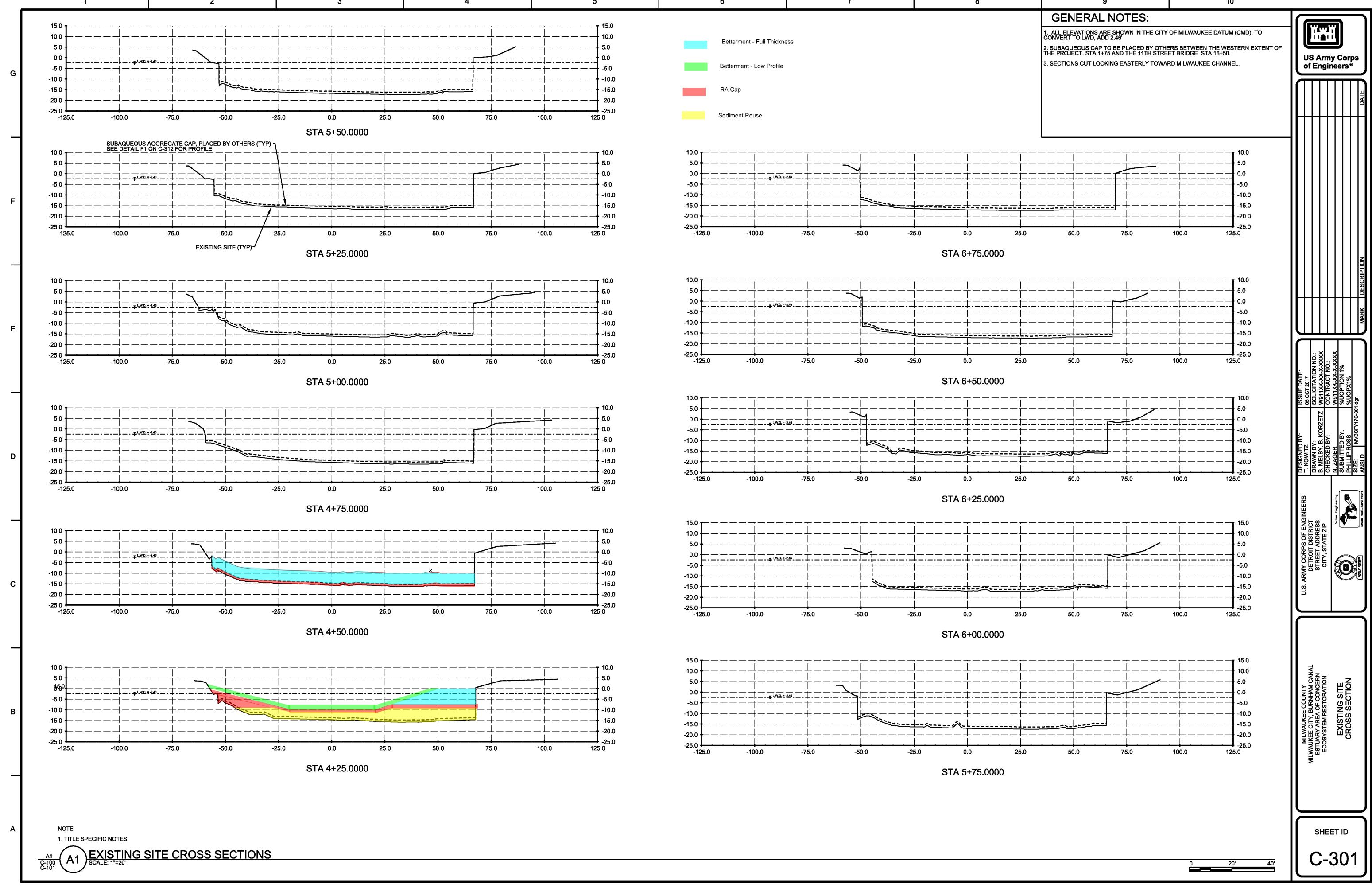
Appendix B

Sheet C035 and Reuse Cross-Sections from NR 718.15 Low Hazard Exemption Request

OBG







Appendix C WDNR and U.S. EPA Sediment Relocation Correspondence

OBG

State of Wisconsin **DEPARTMENT OF NATURAL RESOURCES** 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee WI 53212-3128

Scott Walker, Governor Daniel L. Meyer, Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463



August 31, 2018

Mr. Jon Spigel Miller Compressing Company 1640 West Bruce Street Milwaukee, WI 53204

Subject: Approval to Manage Contaminated Material under Wis. Admin. Code § NR 718.15

Miller Compressing (Burnham Canal) (ALT SF), 1640 West Bruce Street, Milwaukee, WI

DNR BRRTS Activity #s: 02-41-552940, 15-41-581667;

FID #: 241213720

Dear Mr. Spigel:

On June 26, 2018, Mark Walter of O'Brien & Gere Engineers, Inc. (OBG) submitted a completed 'Recommended Format for Exemption Request' on your behalf requesting to manage 1,400 cubic yards of contaminated material on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.15. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04(1).

Contaminated sediment within the western portion of the Burnham Canal is being addressed through limited dredging and offsite disposal of sediment and the installation of a cap over remaining contamination. In order to complete the remediation and to maintain storm water flow through the canal a channel must be formed at the base of the canal east of the West End Dredge Area. To form the channel, 1400 cubic yards of sediment will be excavated and replaced to an adjacent portion of the canal. Polycyclic aromatic hydrocarbon (PAH) and metal contamination was identified in samples collected from sediments within the canal. The approved cover will be installed over both the excavation and reuse areas within the canal.

Wis. Admin. Code § NR 718.15 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stats. § 289 and Wis. Admin. Code §§ NR 500 to NR 538 for the proposed material management activities. Approval of the exemption is based on the following:

- 1) Managing contaminated waste material in areas of the site identified on Figure A1, Sample Locations (1/14/16) included with the completed 'Recommended Format for Exemption Request' will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c), with the exception of the following:
 - Within a floodplain
 - Within 3 feet of the high groundwater level
 - At a depth greater than the depth of the original excavation from which the contaminated soil was removed

Grant of exemption to s. NR 718.12(1)(c)1, 5, and 6

In consideration that sediment is being excavated from within a canal and will be replaced in an adjacent portion of the canal under similar conditions (with the exception of that the reuse area is located downslope from the excavation area), and the material will pose no greater risk to human health or the



Miller Compressing (Burnham Canal) (ALT SF) 1640 West Bruce Street, Milwaukee, WI WDNR BRRTS #: 02-41-552940, 15-41-581667

FID #: 241213720

environment after it is replaced within the canal, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12(1)(c)1, 5, and 6 will allow placement of contaminated waste material within the floodplain, below the waterline, and at a greater depth from which it was excavated.

- 2) Soil samples have been collected for analysis of contaminants previously detected or expected to be present at this site including PAHs and metals from areas most likely to contain residual contamination. Based on an estimated volume of 1,400 cubic yards of material, and a sampling frequency of 1 sample per 160 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12(1)(e) has been met.
- A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), has been provided to the DNR.
- 4) The proposed management of contaminated material at the Miller Compressing (Burnham Canal) (ALT SF) is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13(1)(b)1 to 5.
- Per Wis. Admin. Code § NR 718.12(2), the DNR was provided with at least 7 days' notice prior to commencing to proposed material management.
- 6) You have acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated material on your property as proposed.

Continuing Obligations

The current property owner of the Miller Compressing (Burnham Canal) (ALT SF), and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12(2)(d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the "Institutional Control Implementation Plan" are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § 718.15 exemption meet the requirements of Wis. Admin. Code § NR 718.12(2)(e) and are available in Portable Document Format (PDF) on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html, as having <a href="http://dnr.wi.gov/

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212-3128

Miller Compressing (Burnham Canal) (ALT SF) 1640 West Bruce Street, Milwaukee, WI WDNR BRRTS #: 02-41-552940, 15-41-581667

FID #: 241213720

Site Specific Condition - Residual Sediment Contamination:

If contaminated sediment that was managed as proposed in the completed 'Recommended Format for Exemption Request' is excavated in the future, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present,
- determine whether the material would be considered solid or hazardous waste,
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated material may be managed in accordance with Wis. Admin. Code § NR 718, with DNR approval obtained at that time. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a hazard and special precautions may need to be taken to prevent a health threat to humans. If material managed under this exemption included solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials.

The location(s) where contaminated soil is proposed to be managed at the Miller Compressing (Burnham Canal) (ALT SF) site is depicted on the attached Figure A1, Sample Locations (1/14/2016).

DNR approval prior to well construction or reconstruction is required where contaminated sediment has been managed, in accordance with Wis. Admin. Code § NR 812.09(4)(w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained at http://dnr.wi.gov/topic/wells/documents/3300254.pdf.

Maintenance of a cover:

A cover of approximately five feet of aggregate fill overlying a one-foot gravel remedial subaquous cap is proposed to be installed and maintained over contaminated solid waste that will managed at the Miller Compressing (Burnham Canal) (ALT SF) site as proposed in the completed 'Recommended Format for Exemption Request'. Once constructed, inspections of the cover will be required, and submittal of inspection reports may also be required. If the cover is approved for industrial land use the DNR is required to be notified before changing to a non-industrial use, to determine if the cover will be protective for that use. Institutional Controls will be implemented to ensure that the sand cover remains in place and is not disturbed. The Institutional Control Implementation and Assurance Plan (ICIAP) must be updated as part of the remedial design for the Site which will describe the inspection and maintenance activities that will apply to the proposed barrier. The attached Figure A1, Sample Locations (1/14/2016), shows where contaminated material is proposed to be managed and covered. An updated ICIAP must be provided to the DNR once the barrier has been constructed if changes were made to address actual site conditions.

Certain activities will be prohibited in areas of this site where maintenance of a cover or barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the DNR must be notified before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where the cover is required, <u>unless prior written approval has been obtained from the DNR</u>:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;

Miller Compressing (Burnham Canal) (ALT SF) 1640 West Bruce Street, Milwaukee, WI WDNR BRRTS #: 02-41-552940, 15-41-581667

FID #: 241213720

- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a non-industrial exposure setting.

Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code § NR 706.
- 2) Material management activities exempted by this letter are scheduled to be completed within one year. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also, comply with the requirements of Wis. Admin. Code § NR 724.15(3). Documentation must include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05(2)(e)1.
 - b. Owner contact and property location information for the Miller Compressing (Burnham Canal) (ALT SF) site.
 - c. Maps, drawings, and cross sections that depict how contaminated material was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the material management plan and the conditions in this exemption approval.
 - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the management activity.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Miller Compressing (Burnham Canal) (ALT SF) site.
 - h. A revised cover maintenance plan, if needed.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07(2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.15 and applies only to the specific activities described within the submitted 'Recommended Format for Exemption Request'. Any contaminated material that is excavated or otherwise disturbed at the Miller Compressing (Burnham Canal) (ALT SF) site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code §§ NR 500 through NR 538, the solid waste rules administered by the DNR's Waste and Materials Management Program. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge and would be required to be addressed following the process outlined in Wis. Admin. Code §§ NR 700 to NR 750.
- 5) Miller Compressing Company is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 02-41-552940. Actions relating only to the management of contaminated material are tracked in the BRRTS system under activity # 15-41-552940.

FID #: 241213720

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me by calling (608) 266-0941, or by email at paul.grittner@wisconsin.gov. Other questions regarding this site can be directed to the DNR project manager Margaret Brunette at (414) 263-8557, or margaret.brunette@wisconsin.gov.

Sincerely,

Paul Grittner

Contaminated Material Management Specialist Remediation & Redevelopment Program

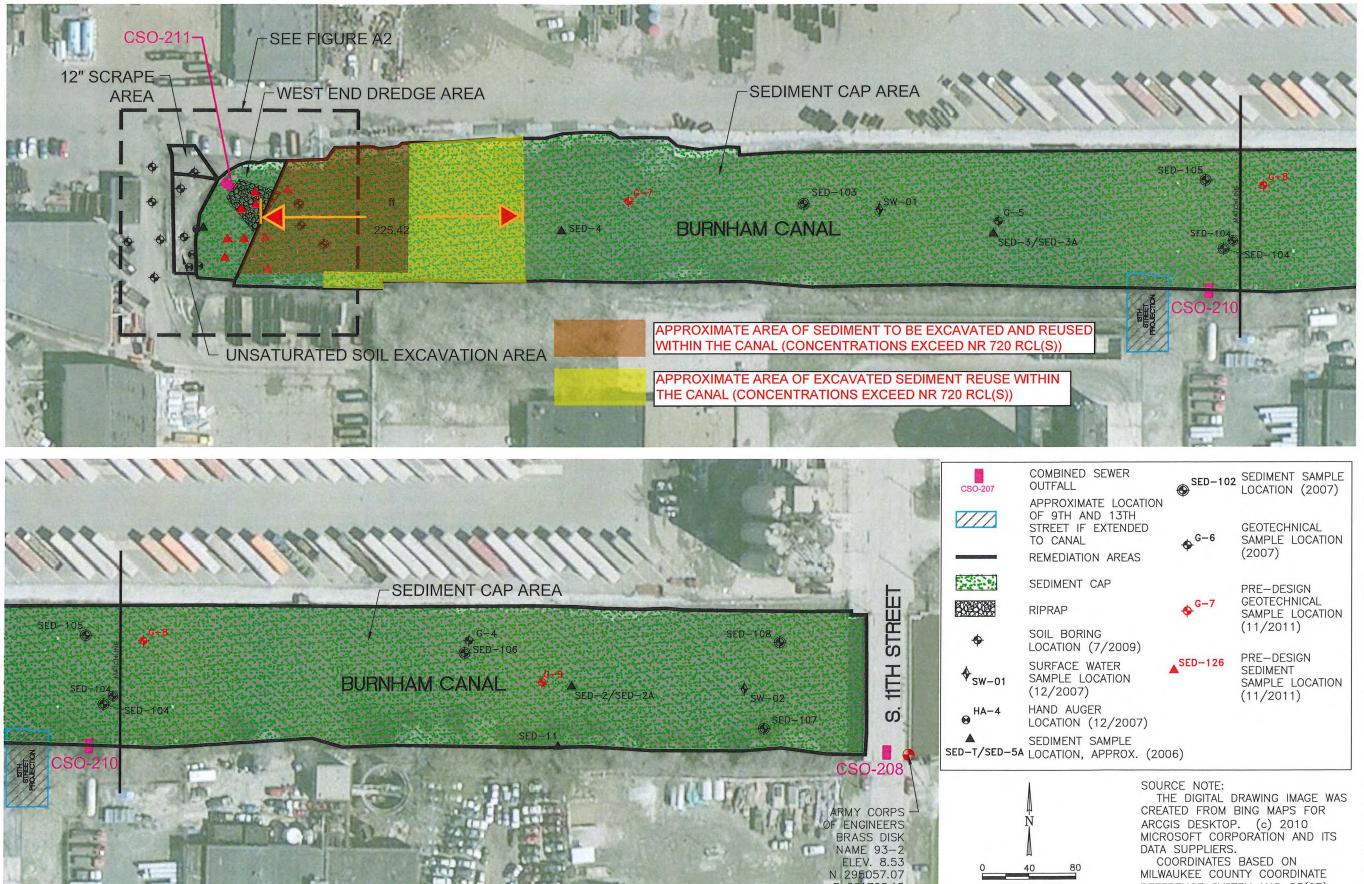
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Attachments:

- Figure A1, Sample Locations, Natural Resource Technology

cc: Mark Walter, O'Brien & Gere Engineers, Inc., 234 W. Florida Street, Fifth Floor, Milwaukee, WI 53204 (electronic)

Leah Evison - EPA Region V (electronic)



E 601762.10

SCALE IN FEET

SITE ALTERNATIVE M CANAL SUPERFUND ALTERNAT FINAL DESIGN MILLER COMPRESSING COMPANY MILWAUKEE, WISCONSIN OCATION AMPI BURNHAM CANAL

01/14/16 01/14/1 01/14/

DMD

RJB RJB

CHECKED BY: APPROVED BY:

Natural RESOURCE

TECHNOLOGY

PROJECT NO. 2117/7.0

FIGURE NO. A1

MILWAUKEE COUNTY COORDINATE

REFERENCE SYSTEM NAD 83(97).

Mark Walter

To: Evison, Leah

Subject: RE: Burnham Canal - EPA

From: Evison, Leah [mailto:evison.leah@epa.gov]

Sent: Monday, April 30, 2018 11:29 AM **To:** Mark Walter < Mark.Walter@obg.com> **Cc:** Laurie Parsons < Laurie.Parsons@obg.com>

Subject: Re: Burnham Canal - EPA

Thanks for the summary. As I mentioned on the phone, I do not consider the implementation adjustments you describe to be design changes. Please continue to coordinate with WDNR as you explore management options for the additional material.

Leah

Leah Evison
US EPA Remedial Project Manager/Region 5
outstationed at
520 Lafayette Rd N
St. Paul MN 55155
evison.leah@epa.gov

St. Paul office 651-757-2898

From: Mark Walter < Mark.Walter@obg.com > Sent: Monday, April 30, 2018 11:00:13 AM

To: Evison, Leah **Cc:** Laurie Parsons

Subject: RE: Burnham Canal - EPA

Hi Leah,

Thank you for your 3/27/18 response and for the discussion earlier this morning. A summary of today's discussion is provided below. As always, please feel free to contact us if you have any questions.

- Sediment designated to be removed from the West End Dredge Area, as called out in the EPA-approved ESD/ROD Design, will be removed, stabilized, and disposed at a landfill per the EPA-approved Design.
- Additional dredging will be performed, outside the footprint of (east of) the West End Dredge Area shown in the EPA-approved ESD/ROD Design, to allow placement of betterment material without obstructing canal hydraulics.
- The ESD/ROD cap will still be constructed in accordance with the EPA-approved Design.
- We will work with WDNR on management (and associated permitting) of sediment to be removed outside the footprint of (east of) the West End Dredge Area shown in the EPA-approved ESD/ROD Design. Management

options to be discussed with WDNR include in-place management of this material within the canal project area, east of the West End Dredge Area shown in the EPA-approved ESD/ROD Design.

Thanks again,

Mark

Mark D. Walter, PE
OBG | Environmental Engineer
414-837-3563 | c 608-220-2480
Mark.Walter@obg.com | www.obg.com

Appendix D

WDNR Form 4400-305
Continuing Obligations
Inspection and
Maintenance Log

OBG

State of Wisconsin Department of Natural Resources dnr.wi.gov

Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 1 of 2

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at http://dnr.wi.gov/botw/SetUpBasicSearchForm.do, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

| Activity (Site) Name | | | | When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter): | | | |
|---|----------------|--|--|---|------|---------------------------------------|---------------------------------|
| Inspections are required to be conducted (see closure approval letter): annually semi-annually other – specify | | | | | | | |
| Inspection Date | Inspector Name | Item | Describe the condition of the item that is being inspected | Recommendations for repair or mainte | reco | Previous mmendations olemented? | Photographs taken and attached? |
| | | monitoring well cover/barrier vapor mitigation system other: | | | 0 | Y ON | OYON |
| | | monitoring well cover/barrier vapor mitigation system other: | | | 0 | Y | OYON |
| | | monitoring well cover/barrier vapor mitigation system other: | | | 0 | Y | OYON |
| | | monitoring well cover/barrier vapor mitigation system other: | | | 0 | Y | OYON |
| | | monitoring well cover/barrier vapor mitigation system other: | | | 0 | Y | OYON |
| | | monitoring well cover/barrier vapor mitigation system other: | | | 0 | Y | OYON |

| BRRTS No. | Activity (Site) Name | 8 | | Continuing Obligation Form 4400-305 (2/14) | ations Inspection and Ma | aintenance Log Page 2 of 2 |
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