

Section 1 – General Information and Fees

Identify the purpose of the exemption by checking each box that applies:

- Manage contaminated soil on the same response action site from which it was generated (§ NR 718.12).
- Manage contaminated soil at a site or facility that is different from the response action site from which it was generated (§ NR 718.12).
- Manage other solid waste at the same site from which it was generated (§ NR 718.15).

If none of the above boxes are checked, the proposed waste management activity cannot be exempted through Wis. Admin. Code § NR 718. Management of waste material from a site other than a response action site may be allowed after obtaining a “low hazard exemption” from the DNR Waste and Material Management Program. Guidance on a ‘low hazard exemption’ request is located: <http://dnr.wi.gov/files/PDF/pubs/wa/wa1645.pdf>.

Identify the applicable Wis. Admin. Code § NR 749 DNR review fees for this submittal by checking the applicable “On-Site Management Fee.” If material will be managed at a site or facility other than where it was generated, also select the appropriate “Off-Site Management Fee.” Record the combined fee sums in the space provided below.

NR 749 Fees for Requesting Wis. Admin. Code §§ NR 718.12 Soil or NR 718.15 Exemption			
Soil or Waste Managed on the Generating Property			
Action	Action Fee	WRRD Fee	On-Site MGMT Fee
Interim Actions per NR 708.11, with SMP and CO applied at other site/facility	\$700	No fee	<input type="checkbox"/> \$700
Remedial Action Plan approval, with SMP, without residual soil CO	\$1050	No fee	<input type="checkbox"/> \$1050
Remedial Action Plan approval, with SMP, with residual soil CO	\$1050	\$300	<input type="checkbox"/> \$1350
SMP submitted separately from a RAP or CO modification, without residual soil CO	\$700	No fee	<input type="checkbox"/> \$700
SMP submitted separately from a RAP or CO modification, with residual soil CO	\$700	\$300	<input checked="" type="checkbox"/> \$1000
Closed Sites: CO modification action, with SMP, without residual soil CO	\$1050	No fee	<input type="checkbox"/> \$1000
Closed Sites: CP modification action, with SMP, with residual soil CO	\$1050	\$300	<input type="checkbox"/> \$1350
Soil Managed on a Site or Facility other than the Generating Property			
Action	Action Fee	WRRD Fee	Off-Site MGMT Fee
Interim Actions per NR 708.11, with SMP and CO applied at other site/facility	\$700	\$350	<input type="checkbox"/> \$1050
Interim Actions per NR 708.11, with SMP and no CO applied at other site/facility	\$700	No fee	<input type="checkbox"/> \$700
All other Actions (Remedial actions, modifications to CO, etc.) with residual soil CO	\$700	\$300	<input type="checkbox"/> \$1000
All other Actions (Remedial actions, post closure modifications, etc.) with no residual soil CO	\$700	No fee	<input type="checkbox"/> \$700
Total of On-Site Management Fee and Off-Site Management Fee			\$ 1,000

Other: If the request does not conform to one of the options above, summarize the request below and the fee that is being paid:

- 1) **SMP** – A Soil Management Plan submitted in accordance with NR 718.12 (1) and (2) or NR 718.15.
- 2) **“With residual soil CO”** - site will have a residual soil continuing obligation (e.g. engineering control, cap, or cover) applied at the source property at the end of the applicable action; remedial action approval, or approval by an addendum to the closure letter.
- 3) **“Without residual soil CO”** - site that will not have a residual soil continuing obligation applied at the source property at the end of the applicable action.
- 4) **WRRD** – Wisconsin Remediation and Redevelopment Database

Section 2 –Property and Contact Information

Fill in all applicable portions of this section.

A. Information About the Site or Facility From Which Material is Proposed to be Excavated – Complete all applicable boxes							
BRRTS No. 02-41-552940				BRRTS Activity (Site) Name Burnham Canal			
Response Action Site Address 1640 West Bruce Street				VPLE No. Not Applicable			
City Milwaukee				Parcel ID No. 4269988110			
State Wisconsin				FID No. 241213720			
County Milwaukee				Zip Code 53204			
WTM Coordinates				WTM Coordinates Represent			
X: 688552		Y: 285821		Source Area <input type="checkbox"/>		Parcel Center <input checked="" type="checkbox"/>	
SW	¼	NE	¼	Sec: 31	T: 07	R: 22	E/W: E
Latitude: 43.02640 N				Longitude: -87.93122 W			
Current Zoning: PD - Planned Development				Current Land Use: Paved upland area and Burnham Canal from western terminus to 11th Street Bridge			

The Wis. Admin. Code §§ NR 718.12 and/or NR 718.15 exemption(s) will be issued to the Wis. Admin. Code § NR 700 responsible party identified below and to the owner of the receiving site or facility, if different than the generating site. If there is more than one responsible party or property owner, include the information requested below for each as a separate document and attach to this document. If the responsible party is not the owner of the site or facility, provide that information below.

B. Responsible Party Information			
Responsible Party (RP) Name(s) Miller Compressing Company		Company Name Miller Compressing Company	
Signature(s) Jon Spigel			Date
Mailing Address 1640 West Bruce Street	City Milwaukee	State WI	ZIP Code 53204
Phone # (include area code) (414) 290-6520		Email Jon.Spigel@altertrading.com	

C. Owner Information for Site or Facility From Which Material is Proposed to be Excavated from, if Different than Responsible Party			
Responsible Party (RP) Name(s) Same as Responsible Party (See Section 2B above)		Company Name	
Signature(s)			Date
Mailing Address	City	State	ZIP Code
Phone No. (include area code)		Email	

Fill in this next section if someone other than the responsible party and/or facility owner is preparing this submittal.

D. Requestor Information				
Last Name Walter	First Mark	Organization/Business Name O'Brien & Gere Engineers, Inc. (OBG)		
Signature(s) Mark Walter			Date	
Mailing Address 234 W. Florida St., Fifth Floor		City Milwaukee	State WI	ZIP Code 53204
Phone No. (include area code) (414) 837-3563		Email mark.walter@obg.com		
<p>Check the box that describes the requestor's relationship to the generating property:</p> <p><input type="checkbox"/> Is the property owner's agent or consultant</p> <p><input type="checkbox"/> Is renting or leasing the property</p> <p><input type="checkbox"/> Is developing the property</p> <p><input checked="" type="checkbox"/> Other, describe relationship: <u>Is the responsible party's agent or consultant</u></p>				

E. Contact Information For Questions About this Request		
Last Name	First	Organization/Business Name
Mailing Address		Email
City	Phone No. (include area code)	
State	Zip Code	Relationship to Requestor (Same, Consultant, Developer, Etc.): Same - See Requestor Information in Section 2D Above

F. Information About the Site or Facility Where Contaminated Soil Will Be Disposed, if at a Different Location Than The Site or Facility From Which it Was Generated

Select if Same as Generating Property (and skip remainder of section)

BRRTS No.		BRRTS Activity (Site) Name	
Receiving Site or Facility Address		VPLE No.	
City		Parcel ID No.	
State		FID No.	
County		Zip Code	
WTM Coordinates		WTM Coordinates Represent	
X:		Source Area <input type="checkbox"/> Parcel Center <input type="checkbox"/>	
Y:			
1/4	1/4	Sec:	T: R: E/W:
Latitude:		Longitude:	
Current Zoning:		Current Land Use:	

G. Receiving Site or Facility (Source Property or Off-Site Property) Owner Information

Provide the following information for the owner of the receiving site or facility. If there is more than one property owner include the information requested below for each as a separate document and attach to this form.

Property Owner Name(s) Miller Compressing Company c/o Jon Spigel	Company Name Miller Compressing Company		
Mailing Address 1640 West Bruce Street	City Milwaukee	State WI	ZIP Code 53204
Phone No. (include area code) (414) 290-6520	Email Jon.Spigel@altertrading.com		

Section 3 – Waste Characterization

Address the following items to describe the contaminated soil and/or other solid waste material that will be managed under this plan and demonstrate that it has been adequately characterized. Attach your responses to these items at the end of this document.

- A. Describe the material proposed to be managed, including its general makeup, physical characteristics, the homogeneity of the material, the proportion of soil to other solid waste, and any other pertinent descriptors.
- B. Describe the historic and current land use of the site or facility where the contaminated soil or other solid waste originates. State how this site or facility is zoned.
- C. Total volume of contaminated soil and/or other solid waste to be managed (cubic yards):
- D. Describe identified contaminants and the source(s). Indicate whether contaminant concentrations exceed Wis. Admin. Code § NR 720 Residual Contaminant Levels. Include a summary table, map with sample locations, and relevant laboratory data.
- E. Describe the sampling activities conducted to characterize the material including where the samples were collected from, how sample locations were chosen, the sampling methods used, and when sampling activities were conducted.
- F. Explain how the sampling activities adequately characterized the contaminated soil or other solid waste proposed to be managed. Indicate whether the samples were analyzed for all contaminants previously identified at the site or facility where the material will be generated and analyzed for all contaminants potentially present at the site or facility considering current and historic land use. Discuss how samples were collected from areas most likely to be contaminated and from material that will actually be managed under this exemption.
- G. Total number of samples collected from this material and analyzed for contaminants of concern.

- H. Rate of sample collection per volume (samples/cubic yard).
- I. Wis. Admin. Code § NR 718.12(1)(e) requires that samples collected to characterize soil be collected at a rate of one sample per 100 yards (for the first 600 yards) and one sample for each additional 300 yards of material, with a minimum of 2 samples. If DNR pre-approved an alternative sampling plan, describe how the sampling that was conducted complied with a pre-approved plan. Provide the date the sampling plan was pre-approved and the name of the DNR person who approved the plan.

Section 4 – Project Description/Material Management Plan

Address the following items to describe the material management activities proposed to take place. Attach your responses to these items at the end of this document.

- A. Describe the waste management activities that will require a Wis. Admin. Codes §§ NR 718.12 or NR 718.15 exemption. Provide details on how and where waste material will be generated, transported and placed. Describe the depth of the proposed excavation of contaminated soil or other solid waste, and the depth that it will be placed at the receiving site. Describe any response actions proposed for the receiving site or facility to address the relocated contaminated material (such as the construction of a cap). Confirm the proposed material management will comply with Wis. Admin. Code § NR 726.13(1)(b) 1 through 5. Discuss how material management activities will fit in with the overall property remediation and/or development plans.
- B. Summarize the proposed schedule for implementation of the material management plan including anticipated start and end dates.
- C. Describe any procedures that have been established, or methods that will be used, to identify previously undocumented contamination during the completion of this project (such as instrument field screening, visual inspections, etc.). Also describe any contingency procedures that have been established to address unexpected contamination. The discovery of a previously unknown contaminant release on a property must be immediately reported to the DNR using the ‘Notification for Hazardous Substance Discharge (non-emergency)’ form.
- D. Summarize how the proposed management activities will prevent or minimize adverse environmental impacts and potential threats to human health and welfare, including worker safety, by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management.

Section 5 - Receiving Site or Facility Information

Describe the site or facility receiving the waste material by addressing the following items. Where applicable, attach your responses to these items at the end of this document.

- A. Is the receiving site or facility the same as the generating site? _____ Yes _____ No
- B. Describe the historic, current and proposed land use of the site(s) or facility(s) where the contaminated soil or other solid waste will be managed. How are these site(s) or facility(s) zoned?

C. Identify current uses of all properties adjacent to the site or facility. Check all that apply.

Agricultural	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW
Industrial	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW
Recreational	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW
Residential	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW
Undeveloped	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW
Commercial	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW
Other	<input type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	<input type="checkbox"/> NE	<input type="checkbox"/> NW	<input type="checkbox"/> SE	<input type="checkbox"/> SW

Describe 'Other' property use below:

- D. Briefly describe any previous environmental site investigations or remedial actions conducted at the site or facility. Describe the environmental condition of the portion of the receiving site or facility where waste will be placed including what contaminants are present, the environmental sampling conducted in that area, and whether identified contaminant concentrations exceed applicable standards.
- E. Describe any environmentally sensitive areas at or near the site or facility where the contaminated soil will be managed.
- F. Describe any other features of this property not addressed above that influence its suitability for the disposal of the contaminated soil or other solid waste.
- G. Briefly discuss the geology and hydrogeology of the receiving site or facility, including information from any previous remedial investigations and well logs or well construction records from nearby wells. Also, provide the information requested below indicating whether the response is based on regional or site specific information:

Depth to Bedrock (ft. below ground surface): _____ Regional Site Specific

Bedrock Type: Sandstone Limestone/Dolomite Metamorphic/Igneous

High Groundwater Level (ft. below ground surface): _____ Regional Site Specific

Groundwater Flow Direction: _____ Regional Site Specific

Section 6 – Locational Criteria

Indicate if excavated waste material will be placed in any of the following locations:

- Within a floodplain.
- Within 100 feet of any wetland or critical habitat area.
- Within 300 feet of any navigable river, stream, lake, pond, or flowage.
- Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.
- 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.

If any of the above boxes are checked, an exemption from the indicated criteria must be requested as described below. If none of the above boxes are checked, and the proposed placement of waste material will not otherwise pose a threat to the public health, safety, or welfare of the environment, the proposed management activities will comply with the location criteria of Wis. Admin. Code § NR 718.12(1)(c) and you may skip ahead to Section 7.

Include an explanation of why granting an exemption to the Wis. Admin. Code § NR 718.12(1)(c) locational criteria will not cause a threat to public health, safety, welfare and the environment by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management. Consider the quantity and characteristics of the waste being managed, the geologic and hydrogeological characteristics of the receiving site, the unavailability of other environmentally suitable alternatives, and whether the activities will comply with other state and federal regulations including other portions of Wis. Admin. Code §§ NR 700 to NR 754. Attach your response to the end of this document.

Section 7 – Additional Information Required for Non-Metallic Mine Receiving Sites or Facilities

Complete this section if the proposed disposal facility is a non-metallic mine.

A. Current depth to groundwater at facility (feet below ground surface): _____

B. Has the facility been dewatered to allow mining? Yes No

If yes, indicate the expected natural groundwater level when dewatering is terminated (feet below ground surface): _____

C. Is waste proposed to be placed within 10 feet of the natural water table? Yes* No

** If yes, placement of the waste will not comply with Wis. Admin. Code §§ NR 503.08(1)(e) and NR 503.08(2)(d) .*

D. Include a copy of the reclamation plan indicating the placement of low level contaminated material is acceptable.

E. Describe any design criteria established for the disposal site, include restrictions on material placement, engineered barrier requirements, etc. Attach your response to this item at the end of this document.

Section 8 – Continuing Obligations at Receiving Site or Facility

Check the applicable boxes to indicate which continuing obligations will be specifically required to address the waste material being managed on the receiving property:

No Continuing Obligations

Residual Soil Contamination:

If contaminated soil managed under this soil management plan 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.

Contaminated soil may be managed in accordance with Wis. Admin. Code § NR 718, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose a hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans. A historic fill exemption is required prior to construction of any structures over fill materials.

Depending on site-specific conditions, construction over contaminated soils or groundwater may also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

- Maintenance of a cover:
A soil cover/engineered cover/other has been placed over remaining contamination and this cover must be maintained. Inspections will be required, and submittal of inspection reports may be required. Certain activities which would disturb the cover or barrier will be prohibited. If the cover is approved for industrial land use, notification of the DNR is required before changing to a non-industrial use, to determine if the cover will be protective for that use. A maintenance plan is attached, which describes the maintenance activities to be required. If the DNR requires changes to the maintenance plan, an updated maintenance plan must be provided at the completion of the soil disposal action. A map is attached which shows the location of the extent of contaminated materials and the extent of the cover.
- Use of Industrial Land Use Soil Standards:
Industrial soil standards have been applied for the site receiving the contaminated materials. The DNR must be notified if the property land use will change from industrial use to a non-industrial land use. Additional investigation and remediation may be required prior to the change in land use to ensure the site conditions are protective for the planned land use.
- Vapor: Future Actions to Address Vapor Intrusion:
While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a non-industrial use, vapor intrusion may be a concern. The DNR must be notified before construction of a building or changing the use of an existing building to non-industrial use. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.
- Site specific condition:
Describe the site specific condition:

Section 9 – Figures

Attach to this form figures that clearly depict the items listed below. All maps should be drawn to scale not larger than 1 inch equal to 100 feet and labeled with the site or facility name and address. The location of the property and the specific disposal area must be provided in sufficient detail to allow DNR personnel to inspect these areas in the future. Providing a 'cut/fill' map that clearly depicts how much material will be removed or added to different areas of the involved property(ies) and depicting how material will be moved across the site is highly recommended. Providing cross sections that depict site conditions before and after soil management activities is also recommended.

- The boundaries of each property involved in the project as well as named and unnamed roads or access points, buildings and other surface features, underground utilities, land uses on adjacent properties, and known and potential sources of hazardous substances.
- The location of wetlands, critical habitat areas, floodplains, surface water bodies, water supply wells, or other possible receptors located near or within the area where material will be managed.
- The lateral extent and depth of planned excavation, grading, or otherwise disturbed areas.
- The lateral extent and thickness of excavated material placement locations.
- Soil sample locations at the generating and receiving sites. Depict applicable soil contaminant

concentration data and sample depths. Indicate the extent of contamination exceeding a RCL.

- Depth to groundwater.
- The extent of any performance standards (such as a barrier or cap) that will be required at the completion of management activities.

Section 10 - Additional Attachments

The following documents are recommended for inclusion with a Wis. Admin. Code § NR 718.12 or a Wis. Admin. Code § 718.15 exemption request. Indicate which of these documents are applicable to this request by checking the boxes below. Submit copies of the indicated documents with this document.

- A table summarizing the analytical results of all soil/waste samples collected at the generating site or facility that meets the requirements of Wis. Admin. Code § 716.15(4)(e). Clearly indicate which of these samples were collected from material that is proposed to be managed.
- The analytical package for all samples listed on the above table. The package should include the sample results, chain of custody, sampling methods, and QA/QC data.
- A maintenance plan for any performance standard needed to address the material proposed to be managed. The plan should follow the format found in [DNR Form 4400-202, Attachment D](#).
- A copy of the reclamation plan for the receiving site or facility if it is a nonmetallic mine. Confirm the plan allows for acceptance of contaminated soil by marking relevant plan sections.
- Power of Attorney (if applicable, see Section 12).
- Deed for the property receiving the contaminated soil and or waste. If a certified survey map or plat map is referenced by this deed then also include those documents. If a map is not referenced in the deed, provide a copy of a parcel map depicting the property boundaries.


Section 11 - Certification Statements

All exemption requests submitted to manage contaminated soil or other solid waste as an interim action or remedial action under Wis. Admin. Code §§ NR 708 or NR 722 must be prepared by, or prepared under, the supervision of a professional engineer. The professional engineer who prepared or supervised this exemption request should complete the following section.

Environmental Consultant Information	
Firm Name O'Brien & Gere Engineers, Inc.	
Mailing Address 234 W. Florida St., Fifth Floor	State WI
City Milwaukee	ZIP Code 53204

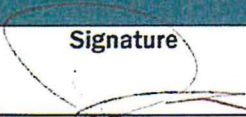
Wis. Admin. Code § NR 712, entitled “Personnel Qualifications for Conducting Environmental Response Actions,” establishes minimum standards for experience and professional qualifications for persons who perform certain environmental services. This law applies to work conducted under Wis. Admin. Code § NR 718, unless specifically exempted.

Note: The following certification must be attached to confirm the Wis. Admin. Code § NR 718 exemption request was prepared by or under the supervision of a professional engineer under Wis. Admin. Code § NR 712.07.

Professional Engineer Information			
Last Name Walter		First Name Mark	
Mailing Address 234 W. Florida St., Fifth Floor		City Milwaukee	State WI
ZIP Code 53204		Phone No. (include area code) (414) 837-3563	
Email mark.walter@obg.com		<p>"I hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.</p> <p>It is my professional opinion that the proposed soil management activity will not cause environmental pollution nor cause any other significant risk to public health, safety or welfare."</p>	
Signature 	Date 6/15/18	Wisconsin Registration Number 42458	

Section 12 - Signatures

Each receiving site or facility property owner's signature must be included as part of this request. Attach additional copies of the signature page, if needed. If one of the owners of the receiving site or facility is acting on behalf of other owners, a power of attorney form or statement must be signed and attached to this agreement clearly granting the agent the authority to accept the contaminated soils on behalf of all other owners of the receiving site or facility whose signatures are not included on this agreement.

Owner(s) of Property Where Material is Placed		
Print Name Jon Spigel	Signature 	Date 6-15-18
Print Name	Signature	Date
Print Name	Signature	Date
Print Name	Signature	Date

I understand that by signing this application I certify that I will follow the conditions and limitations required by law and specified in the exemption issued to me as owner of the site or facility that will receive the contaminated soil. Further, I certify that the contaminated soil proposed to be managed under this exemption will be at a property that meets the definition of “site” or “facility” under Wis. Stats. Chapter 292 and Wis. Admin. Code Chapters §§ NR 700 – 754, and I understand that the material must be managed any time in the future as a solid waste with the department’s approval. I understand that this exemption will be tracked in the Wisconsin Remediation and Redevelopment Database, and if required, will include maintenance and inspection by me of any continuing obligations, such as maintaining an engineering control or barrier over the contaminated material, and will also be subject to inspection by the department. I understand that the conditions on my site or facility may be subject to Wis. Stats. Chapter 709, Disclosures by Owners of Real Estate. I believe that the legal description for all properties where material will be managed is included with this submittal.

RR Program Contacts

General questions regarding Wis. Admin. Code §§ NR 718.12 and 718.15 exemptions should be made to:

- Statewide: Paul Grittner, Paul.Grittner@wisconsin.gov, (608) 263-8541
- Northeast Region: Kristen Dufresne, Kristen.Dufresne@wisconsin.gov, (920) 662-5443
- Northern Region: Chris Saari, Chris.Saari@wisconsin.gov, (715) 685-2920
- South Central Region: Mike Schmoller, Michael.Schmoller@wisconsin.gov, (608) 275-3303
- Southeast Region:
 - Nancy Ryan, Nancy.Ryan@wisconsin.gov, (414) 263-8533
 - Linda Michalets, Linda.Michalets@wisconsin.gov, (414) 263-8757
- West Central Region: Matt Thompson, Matthew.Thompson@wisconsin.gov, (715) 839-3750

This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call for more information. Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711

RESPONSES (IN BLUE) TO SECTIONS 3 THROUGH 10

Section 3 – Waste Characterization

Address the following items to describe the contaminated soil and/or other solid waste material that will be managed under this plan and demonstrate that it has been adequately characterized. Attach your responses to these items at the end of this document.

A. Describe the material proposed to be managed, including its general makeup, physical characteristics, the homogeneity of the material, the proportion of soil to other solid waste, and any other pertinent descriptors.

Description - The material proposed to be managed is sediment from the west end of the Burnham Canal. The material to be managed on-site excludes sediment designated to be removed from the West End Dredge Area, as specified in the United States Environmental Protection Agency (USEPA)-approved Explanation of Significant Differences/Record of Decision (ESD/ROD) Design and shown on the attached figures. The ROD-specified sediments will be removed, stabilized, and disposed at a landfill per the EPA-approved Design. This request applies specifically to sediment excavated outside the footprint of (or east of) the West End Dredge Area. The proposal is to manage the excess material from the betterment conveyance channel and then cap this material, as shown on the attached Sheet C035. Sheet C035 and the attached cross-sections indicate the channel area where material will be excavated and the area to receive the excavated channel materials.

The voluntary betterment will consist of approximately five feet of aggregate fill material in most areas, to be placed on top of the one-foot ESD/ROD Remedial Subaqueous Aggregate Cap. In the area of the riprap apron and conveyance channel to be constructed adjacent to combined sewer outfall (CSO) 194 (formerly CSO 211), the voluntary betterment will consist of two feet of riprap, or material meeting the Wisconsin Department of Transportation (WisDOT) Select Crushed Material Specification, underlain by nonwoven geotextile.

Physical Characteristics

- Average particle size distribution of the Canal sediment is 56.2% silt, 29.4% clay, 13.7% sand, and 0.7% gravel.
- A representative geotechnical sample collected near the west end of the Canal mainly consisted of gravel particles with very little silt and clay.

B. Describe the historic and current land use of the site or facility where the contaminated soil or other solid waste originates. State how this site or facility is zoned.

The Burnham Canal was constructed in the late 1800s to provide water access to industries located in the southern portion of the Menomonee River Valley. The Canal was a federally authorized navigation channel dredged and maintained by the USACE. In the mid-1980s, Congress declared the area where the ESD/ROD and voluntary betterment will be placed a federal non-navigable waterway. This removal of federal jurisdiction allowed construction of a street-level fixed bridge at 11th Street. After construction of the 11th Street bridge, navigation in the Canal west of the 11th Street Bridge is limited to smaller water craft (e.g. canoes, fishing boats, etc.).

From the early 1970s through the mid-1980s, Miller Compressing Company (Miller) operated a wire reclamation furnace approximately 75 to 100 feet west of the Canal terminus (the west end) for copper wire recycling. Operation of this furnace ceased around 1986 or 1987. Other historic Miller operations in the area included non-ferrous recycling operations and shearing and bailing activities. The shearing and bailing activities were discontinued and non-ferrous operations were relocated and consolidated to other areas of Miller's property.

The site is currently zoned as PD – Planned Development. The planned development district is intended to allow flexibility in land development; promote creativity, variety, and environmental sensitivity; and encourage development compatible with its surroundings and consistent with the City of Milwaukee's comprehensive plan.

Current use of other surrounding properties is industrial/commercial.

C. Total volume of contaminated soil and/or other solid waste to be managed (cubic yards):

The total volume of contaminated sediment (other solid waste) to be managed by relocation within the Canal is approximately 1,400 cubic yards.

D. Describe identified contaminants and the source(s). Indicate whether contaminant concentrations exceed Wis. Admin. Code ch. NR 720 Residual Contaminant Levels. Include a summary table, map with sample locations, and relevant laboratory data.

Contaminant presence, source, nature and extent is well defined by the prior referenced RI/FS work done under USEPA's Superfund Alternatives Sites program, summarized as follows:

- Miller's former wire reclamation furnace is a source of copper and a portion of the elevated polycyclic aromatic hydrocarbons (PAH) concentrations detected in Canal sediment. This section of the canal also receives and has received sewer inputs from various urban and industrial areas/activities unrelated to historic or current Miller operations.
- Concentrations of representative samples of sediment to be managed are included in the attached Sediment Analytical Results Table. Note that comparisons to Wis. Admin. Code ch. NR 720 Residual Contaminant Levels (RCLs) are not included because these RCLs apply to soil concentrations and, per Wisconsin Act 21, are not applicable for comparison to sediment concentrations.

E. Describe the sampling activities conducted to characterize the material including where the samples were collected from, how sample locations were chosen, the sampling methods used, and when sampling activities were conducted.

Sediment cores were originally collected at 13 locations in the Canal by prior investigators. Samples from eight locations (SED-1 through SED-5 and SED-11 through SED-13) were submitted for laboratory analysis. Locations are shown on the attached figures. Lexan® tubes were used and the cores were split into three sampling intervals for chemical analysis; samples were collected from 0-1 foot, from 1-3 feet, and from 3-5 feet. Cores were also collected near potential source areas along the Site. Sediment samples were analyzed by Severn Trent Laboratories, Inc. (STL), Pittsburgh, Pennsylvania, for the volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), polychlorinated biphenyls (PCBs), metals, dioxins/furans, and total organic carbon (TOC). Two samples were also analyzed for Toxicity Characteristic Leaching Procedure (TCLP) metals and SVOCs to evaluate waste characteristics. Surface samples (0 to 6 inches) from locations SED-2, SED-3, SED-5, SED-12, and SED-13 were collected and analyzed for simultaneously extracted metals (SEM) and acid volatile sulfides (AVS) to evaluate potential bioavailability of the metals present in the sediments to benthic organisms.

Additional sediment samples were collected from the Canal in December 2007 for the following purposes:

- Verify distribution of contaminants upstream (west) of the 11th Street Bridge;
- Refine the lateral distribution of contaminants around and downstream of the 11th Street Bridge;
- Assess the vertical distribution of contaminants to evaluate potential concentration changes; and
- Confirm physical characteristics of the sediments.

Between December 10 and 12, 2007, ASCI Corporation (Bay City, Michigan) collected sediment cores from 20 locations in the Burnham Canal using a vibracore. Locations are shown on the attached figures. Sediment sampling locations SED-101 through SED-108 were located west of 11th Street. Distribution of the 2007 sampling locations was based on the 2006 results, which showed decreasing concentrations in the vicinity of 11th Street.

2007 sediment cores extended at least five feet below the bottom of the Canal. Sediments were subdivided into one-foot or two-foot intervals for analytical purposes based on depth. The 0-1-foot interval was collected to assess concentrations to which the benthic community is exposed. The core continued to be subdivided in two-foot intervals thereafter as listed below:

- 0-1 foot;
- 1-3 feet; and
- 3-5 feet, etc.

Samples were homogenized in disposable aluminum pans and placed in the appropriate sample containers. Sediment samples were analyzed by Test America, Pittsburgh, Pennsylvania (formerly Severn Trent and the same laboratory used by prior investigators in 2006) for metals, PAHs, and TOC.

The Statement of Work (SOW) for the Remedial Design (RD) required that additional data be collected to complete the RD for the selected remedy. To fulfill this requirement, additional data was collected in anticipation of preparing the preliminary design of the proposed remedial action. This 2011 Pre-Design investigation was used to refine delineation of the elevated copper concentration in Canal sediments, both horizontally and vertically; and to physically characterize Canal sediments.

Pre-Design sediment cores were collected at nine locations and submitted for laboratory analysis of copper and PAHs. Pre-Design samples included SED-121 through SED-130. Locations are shown on the attached figures. Clear plastic tubes were used to retrieve the sediment samples and the samples were split into three sampling intervals for chemical analysis, as described above for previous investigations. Sediment samples were analyzed by Pace Analytical Services, Inc. of Green Bay, Wisconsin.

F. Explain how the sampling activities adequately characterized the contaminated soil or other solid waste proposed to be managed. Indicate whether the samples were analyzed for all contaminants previously identified at the site or facility where the material will be generated and analyzed for all contaminants potentially present at the site or facility considering current and historic land use. Discuss how samples were collected from areas most likely to be contaminated and from material that will actually be managed under this exemption.

USEPA, with the involvement of WDNR, approved the RI/FS and RD/RA for the Site. Sampling initially addressed a wide range of contaminants. Based on this sampling, contaminants of concern (COCs) were determined as well as areas affected by the COCs. Information from prior work is included below for completeness.

- COCs associated with prior releases from the former wire reclamation operations were copper and PAHs (naphthalene in particular).
- Initial investigations analyzed a broad range of potential contaminants based on current and historic site uses.
- Later investigations focused on defining the horizontal and vertical limits of elevated COCs to prepare for the remedial action.
- Sampling characterized the west end of the Canal with subsequent sampling targeting areas most likely to be/known to be affected.

G. Total number of samples collected from this material and analyzed for contaminants of concern.

A total of nine representative samples were taken from the area to be addressed under this exemption. The samples were analyzed for COCs (PAHs and copper).

H. Rate of sample collection per volume (samples/cubic yard).

The rate of sample collection per volume is approximately equal to 1 sample per 160 cubic yards. (9 samples for 1,400 cubic yards).

I. Wis. Admin. Code § NR 718.12(1)(e) requires that samples collected to characterize soil be collected at a rate of one sample per 100 yards (for the first 600 yards) and one sample for each additional 300 yards of material, with a minimum of 2 samples. If DNR pre-approved an alternative sampling plan, describe how the sampling that was conducted complied with a pre-approved plan. Provide the date the sampling plan was pre-approved and the name of the DNR person who approved the plan.

Nine representative samples from the area is consistent with the sampling frequency suggested by WDNR Publication RR-060, Management of Contaminated Soil and Other Solid Wastes Wis. Admin. Code §§ NR 718.12 and NR 718.15

Section 4 – Project Description/Material Management Plan

Address the following items to describe the material management activities proposed to take place. Attach your responses to these items at the end of this document.

A. Describe the waste management activities that will require a Wis. Admin. Code §§ NR 718.12 or NR 718.15 exemption. Provide details on how and where waste material will be generated, transported and placed. Describe the depth of the proposed excavation of contaminated soil or other solid waste, and the depth that it will be placed at the receiving site. Describe any response actions proposed for the receiving site or facility to address the relocated contaminated material (such as the construction of a cap). Confirm the proposed material management will comply with Wis. Admin. Code §§ NR 726.13(1)(b) 1 through 5. Discuss how material management activities will fit in with the overall property remediation and/or development plans.

To maintain storm water flows in the Canal, build the betterment, and maintain the ROD approved cap as designed, a channel will need to be formed at the base of the Canal east of the West End Dredge Area. The channel base will be excavated to a maximum depth of approximately seven feet as shown on the attached Sediment Reuse Plans.

The sediment to be excavated to create the channel is not required to be removed per the Remedial Design (USEPA cap). The relocated sediment will be capped as required by the Remedial Design. In addition, voluntary betterment fill will be placed on top of the EPA cap.

The waste management activities requiring a Wis. Admin. Code § NR 718.15 exemption include placing the excavated sediment on top of the existing sediment surface. As shown on the attached Site Maps, the maximum distance sediment is planned to be moved is approximately 225 feet. The relocated sediment will assist in leveling out the western portion of the Canal. In particular, greater variations exist in the western portion of the Canal based on surface elevations from a 2017 bathymetry survey. As shown on the attached Sediment Reuse Plans, reused sediment generally will be placed within an elevation range of approximately -16 City of Milwaukee Datum (CMD) to -6 CMD.

Sediment sample SED-4 was collected from the area where excavated sediment will be placed. SED-4 sample concentrations are similar to the representative concentrations of contaminants found in the sediment to be moved. As such, the proposed movement of sediment will not increase COC levels in downstream locations.

The means and methods used to move sediment within the Canal will be determined by the site contractor and will comply with the conditions of the project's Wisconsin Chapter 30 permits. Establishing a consistent sediment surface elevation will result in more consistent cap, betterment, and channel side slope elevations.

Moving sediment also reduces the amount of fill material required to be imported to the site and placed within the Canal to complete construction, thus reducing disturbance to the site and the Canal. This plan also reduces the amount of material to be landfilled.

The proposed material management complies with Wis. Admin. Code §§ NR 726.13(1)(b)1 through 5.

B. Summarize the proposed schedule for implementation of the material management plan including anticipated start and end dates.

Site mobilization is anticipated to begin in summer or fall 2018. The anticipated duration of site mobilization to the start of management of excavated sediment within the Canal is approximately three months. The anticipated duration of management of excavated sediment within the Canal is up to one month. If material management activities do not conclude prior to winter, these activities may either continue throughout the winter or be suspended until the following spring. The planned sequence of work is as follows:

- Mobilization
- Establishment of Environmental Controls
- Removal of Chain-link Fence
- Clearing and Grubbing
- Installation of Silt Curtain(s), Steel Sheet Pile Wall on West Side of 11th Street Bridge, and Best Management Practices (BMPs)
- Construction of Stabilization Area, if needed, for Sediment Excavated from West End Dredge Area
- Excavation of Sediment, Soil, and Debris (including surveying, sampling, and sediment relocation within the Canal)
- Stabilization of Dredged Sediment/Debris for Landfill Disposal
- Landfill Disposal of Sediment, Soil, and Debris

C. Describe any procedures that have been established, or methods that will be used, to identify previously undocumented contamination during the completion of this project (such as instrument field screening, visual inspections, etc.). Also describe any contingency procedures that have been established to address unexpected contamination. The discovery of a previously unknown contaminant release on a property must be immediately reported to the DNR using the 'Notification for Hazardous Substance Discharge (non-emergency)' form.

Methods - The remedial design incorporates site preparation and waterway impact avoidance, minimization, and mitigation elements protective of human health, public utility, and natural surface waters. The remedial design describes measures to be used to protect short-term water quality. Features included are:

- Temporary silt curtains will be used to control migration of sediment outside of the project area as shown in Detail 1 on the attached Sheet C040. Silt curtains will be installed on the downstream side of the dredge/sediment relocation areas and/or near the 11th Street Bridge and will either be anchored or moored to shore.
- A steel sheet pile wall will be installed at the west side of the 11th Street Bridge, which will contain suspended sediment that may migrate downstream. The wall will remain extended above the water surface during sediment removal and fill material placement activities to serve as a turbidity barrier. Ultimately the wall will be cut off below the water surface, at the approximate elevation of the top of the betterment material, to allow for flow through the Canal.
- Care in operations will minimize short-term water quality impacts. Dredge bucket positioning will be monitored to strategically make partial cuts of the sediment. The sediment at the west end of the Canal consists of gravel particles with very little silt and clay. These sediment types are conducive for excavation and will contribute less resuspension than fine grained sediment types. In addition, the rate at which the bucket is raised and lowered to and from the target depth and the rate at which the bucket opens and closes will be controlled to minimize sediment disturbance.

Sampling - Prior to in-water dredge operations, surface water grab samples will be collected for laboratory analysis of turbidity and total suspended solids (TSS). Turbidity downstream of erosion and sediment control features at the 11th Street Bridge shall not exceed 70 Nephelometric Turbidity Units (NTUs) above baseline turbidity measurements. A monitoring point will also be established during construction approximately 600 feet

east of the 11th Street Bridge to assess potential water quality influences not attributable to the project. The Field Engineer will notify the Project Superintendent if elevated turbidity levels due to the project are observed and the Remedial Contractor will evaluate and modify in-water operations and/or BMPs. This may include installation of an additional silt curtain, installation of an additional turbidity barrier, or reducing speed of excavation, sediment relocation, and/or propulsion equipment.

Contingency - A Contingency Plan, which includes procedures to address unexpected contamination resulting from unplanned spills of contaminated material, severe weather, and fire during project activities, was previously provided to WDNR and is available for resubmittal upon request. Certain of the procedures outlined in the Contingency Plan may be applicable to the proposed sediment management activities within the Canal. These procedures include, but are not limited to, the following:

- Notify the USEPA and WDNR Spill Hotline if over the Reportable Quantity (RQ). Reportable quantities are defined in Wis. Admin. Code ch. NR 706 and 40 C.F.R §§ 117 and 302.
- Notify emergency response personnel to contain the spill and initiate cleanup procedures. Specific actions to be taken at the scene of the spill (*e.g.* containment, controls, monitoring, sampling)

These contingencies are unlikely, as the operations will occur within an in-water/in-place contained area as described herein.

D. Summarize how the proposed management activities will prevent or minimize adverse environmental impacts and potential threats to human health and welfare, including worker safety, by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management.

The proposed management activities will prevent or minimize adverse environmental impacts and potential threats to human health and welfare, including worker safety. Each potential exposure and migration pathway of concern is addressed below.

Direct Contact Exposure: Not a pathway of concern, other than temporary remediation worker exposure which is covered by approved OSHA compliant health and safety protocols. The managed material will be substantially covered by the cap with clean betterment material placed on top.

Vapor Intrusion: Not a pathway of concern, other than temporary remediation worker exposure which is covered by approved OSHA compliant health and safety protocols. Volatile compounds are not a significant concern and the managed material will be covered by the cap and overlying clean betterment material placed on top.

Ground Water: Not a pathway of concern at this site.

Surface Water: The proposed sediment management activities are protective of the surface water pathway both for short term and long-term exposure. The remedial design incorporates site preparation and waterway impact avoidance, minimization, and mitigation elements that are protective of surface waters as described above. The approved cap design effectively contains and is protective for the known underlying sediment conditions for the long term.

Sediment: The proposed sediment management activities are protective of the sediments, surface water pathway both for short term and long-term exposure. As discussed above, sediment removal will establish a new sediment surface. The removed sediment will be placed a maximum distance of 225 feet away, on sediment with similar contaminant concentrations. As such, the proposed movement of sediment will not increase sediment surface concentrations within the Canal. Additionally, the Remedial Subaqueous Aggregate Cap and voluntary betterment fill material will be placed throughout the project area, including the areas of sediment removal and reuse.

Section 5 - Receiving Site or Facility Information

Describe the site or facility receiving the waste material by addressing the following items. Where applicable, attach your responses to these items at the end of this document.

A. Is the receiving site or facility the same as the generating site? Yes No

B. Describe the historic, current and proposed land use of the site(s) or facility(s) where the contaminated soil or other solid waste will be managed. How are these site(s) or facility(s) zoned?

See Section 3B.

C. Identify current uses of all properties adjacent to the site or facility. Check all that apply.

Agricultural

Industrial

Recreational

Residential

Undeveloped

Commercial

Other

Describe 'Other' property use below:

D. Briefly describe any previous environmental site investigations or remedial actions conducted at the site or facility. Describe the environmental condition of the portion of the receiving site or facility where waste will be placed including what contaminants are present, the environmental sampling conducted in that area, and whether identified contaminant concentrations exceed applicable standards.

See Section 3E.

E. Describe any environmentally sensitive areas at or near the site or facility where the contaminated soil will be managed.

There are no environmentally sensitive areas at or near the site where the contaminated sediment will be managed.

F. Describe any other features of this property not addressed above that influence its suitability for the disposal of the contaminated soil or other solid waste.

There are no other features of this property not addressed above that influence its suitability for the disposal of other solid waste.

G. Briefly discuss the geology and hydrogeology of the receiving site or facility, including information from any previous remedial investigations and well logs or well construction records from nearby wells. Also, provide the information requested below indicating whether the response is based on regional or site-specific information:

The regional geology of Milwaukee County consists of Paleozoic sedimentary bedrock units overlain by unconsolidated Quaternary deposits. Regional bedrock strata dip east. Unconsolidated Quaternary units include ground and end moraine deposits, which are 50 to 200 feet thick. Deposits found in the vicinity of the Canal are till, unstratified clay, silt, sand, and gravel. Undifferentiated Silurian dolomite (the Niagara aquifer) bedrock is beneath and is 75 feet or more below ground surface (bgs).

The surrounding property is generally flat with a mild slope towards the Canal on all sides. Surface elevation along the Canal bank is approximately 1.9 feet CMD. Elevations at the west end of the Canal range up to approximately 3.7 feet CMD. Away from the Canal, elevations on the north and south side are approximately 5.9 feet and 9.4 feet CMD, respectively.

Groundwater in Milwaukee county is generally less than 10 to 15 feet bgs. Regional flow is to the east towards Lake Michigan. Depth to groundwater below the ground surface near the west bank of the Canal was recorded during groundwater sampling activities conducted in November and December 2017, at approximately 2.5 to 3.1 feet. Regional topography/drainage generally slopes east, and groundwater flow frequently mimics surface topography. The Canal water surface was observed during field investigations to be -3.15 feet CMD and -1.69 feet CMD in February 2008 and November 2011, respectively. Canal water surface elevations were also recorded during groundwater sampling activities conducted in November and December 2017, at +0.71 and +0.52 feet CMD, respectively.

The Burnham Canal generally flows from west to east because of storm water or combined sewer outfalls. The flow direction of the Canal reverses frequently due to seiche effect in Lake Michigan or boat traffic in the harbor. Flow from storm sewer outfalls (SSOs) and CSOs were considered to be the sole inflow to the Canal. Since the construction of the “deep tunnel” to manage storm water runoff, the volume of discharge from CSOs into the Canal has been reduced.

See Section 3.A for physical description of Canal sediments.

Depth to Bedrock (ft. below ground surface): _____75 or more_____ Regional Site Specific
Bedrock Type: Sandstone Limestone/Dolomite Metamorphic/Igneous
High Groundwater Level (ft. below ground surface): _____2.5_____ Regional Site Specific
Groundwater Flow Direction: __East(Regional)/East to Varied (Site Specific) __ Regional Site Specific

Section 6 – Locational Criteria

Indicate if excavated waste material will be placed in any of the following locations:

- Within a floodplain.
- Within 100 feet of any wetland or critical habitat area.
- Within 300 feet of any navigable river, stream, lake, pond, or flowage.
- Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.
- 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.

If any of the above boxes are checked, an exemption from the indicated criteria must be requested as described below. If none of the above boxes are checked, and the proposed placement of waste material will not otherwise pose a threat to the public health, safety, or welfare of the environment, the proposed management activities will comply with the location criteria of Wis. Admin. Code § NR 718.12(1)(c) and you may skip ahead to Section 7.

Include an explanation of why granting an exemption to the Wis. Admin. Code § NR 718.12(1)(c) locational criteria will not cause a threat to public health, safety, welfare and the environment by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management. Consider the quantity and characteristics of the waste being managed, the geologic and hydrogeological characteristics of the receiving site, the unavailability of other environmentally suitable alternatives, and whether the activities will comply with other state and federal regulations including other portions of Wis. Admin. Code chs. NR 700 to NR 754. Attach your response to the end of this document.

Granting an exemption to the Wis. Admin. Code § NR 718.12(1)(c) locational criteria will not cause a threat to public health, safety, welfare and the environment. See Section 4.D.

Section 7 – Additional Information Required for Non-Metallic Mine Receiving Sites or Facilities – **NOT APPLICABLE**

Complete this section if the proposed disposal facility is a non-metallic mine.

A. Current depth to groundwater at facility (feet below ground surface): _____

B. Has the facility been dewatered to allow mining? Yes No

If yes, indicate the expected natural groundwater level when dewatering is terminated (feet below ground surface): _____

C. Is waste proposed to be placed within 10 feet of the natural water table? Yes* No

* If yes, placement of the waste will not comply with Wis. Admin. Code §§ NR 503.08(1)(e) and NR 503.08(2)(d).

D. Include a copy of the reclamation plan indicating the placement of low level contaminated material is acceptable.

E. Describe any design criteria established for the disposal site, include restrictions on material placement, engineered barrier requirements, etc. Attach your response to this item at the end of this document.

Section 8 – Continuing Obligations at Receiving Site or Facility

Check the applicable boxes to indicate which continuing obligations will be specifically required to address the waste material being managed on the receiving property:

No Continuing Obligations

Residual Soil (Sediment) Contamination:

If contaminated soil managed under this soil management plan 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.

Contaminated soil may be managed in accordance with Wis. Admin. Code § NR 718, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose a hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans. A historic fill exemption is required prior to construction of any structures over fill materials.

Depending on site-specific conditions, construction over contaminated soils or groundwater may also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

Maintenance of a cover:

A soil cover/engineered cover/other has been (will be) placed over remaining contamination and this cover must be maintained. Inspections will be required, and submittal of inspection reports may be required. Certain activities which would disturb the cover or barrier will be prohibited. If the cover is approved for industrial land use, notification of the DNR is required before changing to a non-industrial use, to determine if the cover will be protective for that use. A maintenance plan is attached, which describes the maintenance activities to be required. If the DNR requires changes to the maintenance plan, an updated maintenance plan must be provided at the completion of the soil disposal action. A map is attached which shows the location of the extent of contaminated materials and the extent of the cover.

Use of Industrial Land Use Soil Standards:

Industrial soil standards have been applied for the site receiving the contaminated materials. The DNR must be notified if the property land use will change from industrial use to a non-industrial land use. Additional investigation and remediation may be required prior to the change in land use to ensure the site conditions are protective for the planned land use.

Vapor: Future Actions to Address Vapor Intrusion:

While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a non-industrial use, vapor intrusion may be a concern. The DNR must be notified before construction of a building or changing the use of an existing building to non-industrial use. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

Site specific condition:

Describe the site specific condition:

Section 9 – Figures

Attach to this form figures that clearly depict the items listed below. All maps should be drawn to scale not larger than 1 inch equal to 100 feet and labeled with the site or facility name and address. The location of the property and the specific disposal area must be provided in sufficient detail to allow DNR personnel to inspect these areas in the future. Providing a ‘cut/fill’ map that clearly depicts how much material will be removed or added to different areas of the involved property(ies) and depicting how material will be moved across the site is highly recommended. Providing cross sections that depict site conditions before and after soil management activities is also recommended.

- The boundaries of each property involved in the project as well as named and unnamed roads or access points, buildings and other surface features, underground utilities, land uses on adjacent properties, and known and potential sources of hazardous substances.
- The location of wetlands, critical habitat areas, floodplains, surface water bodies, water supply wells, or other possible receptors located near or within the area where material will be managed.
- The lateral extent and depth of planned excavation, grading, or otherwise disturbed areas.
- The lateral extent and thickness of excavated material placement locations.
- Soil sample locations at the generating and receiving sites. Depict applicable soil contaminant concentration data and sample depths. Indicate the extent of contamination exceeding a RCL.
- Depth to groundwater.
- The extent of any performance standards (such as a barrier or cap) that will be required at the completion of management activities.

Section 10 - Additional Attachments

The following documents are recommended for inclusion with a Wis. Admin. Code § NR 718.12 or a Wis. Admin. Code § 718.15 exemption request. Indicate which of these documents are applicable to this request by checking the boxes below. Submit copies of the indicated documents with this document.

- A table summarizing the analytical results of all soil/waste samples collected at the generating site or facility that meets the requirements of Wis. Admin. Code § 716.15(4)(e). Clearly indicate which of these samples were collected from material that is proposed to be managed.
- The analytical package for all samples listed on the above table. The package should include the sample results, chain of custody, sampling methods, and QA/QC data.

Analytical laboratory reports for samples listed on the above table have been previously submitted to the WDNR and are available for resubmittal upon request.

- A maintenance plan for any performance standard needed to address the material proposed to be managed. The plan should follow the format found in [DNR Form 4400-202, Attachment D](#).

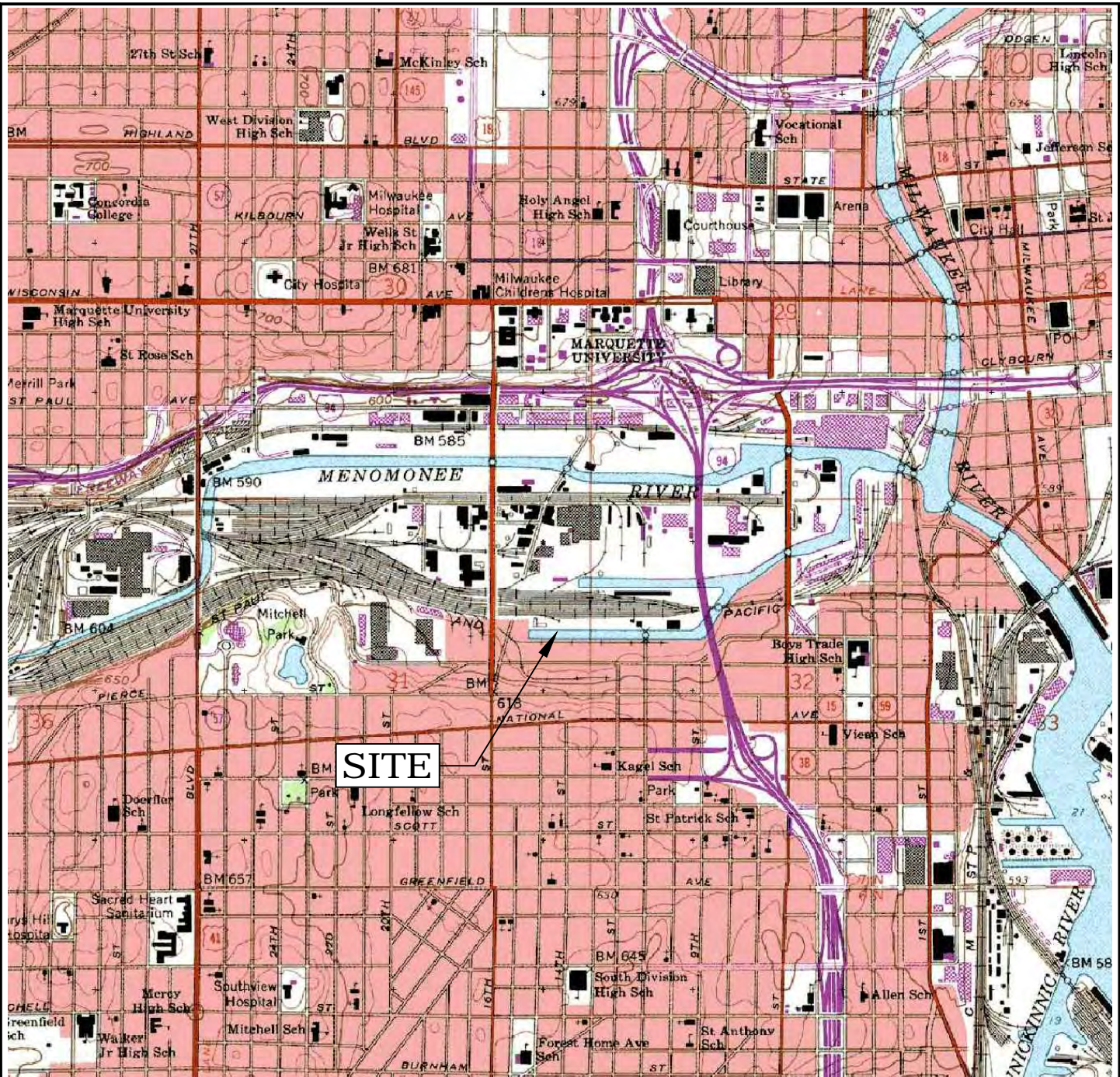
The official maintenance plan will be submitted as Attachment D of Case Closure Request (DNR Form 4400-202), to be submitted following completion of the remedial action and voluntary betterment construction.

- A copy of the reclamation plan for the receiving site or facility if it is a nonmetallic mine. Confirm the plan allows for acceptance of contaminated soil by marking relevant plan sections.

Power of Attorney (if applicable, see Section 12).

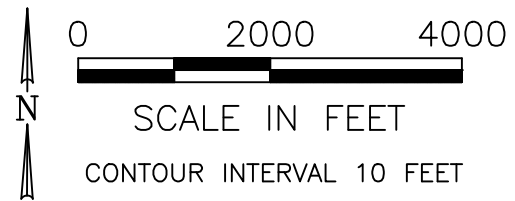
Deed for the property receiving the contaminated soil and or waste. If a certified survey map or plat map is referenced by this deed then also include those documents. If a map is not referenced in the deed, provide a copy of a parcel map depicting the property boundaries.

SITE MAPS



SITE

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

FIGURE NO.
1



FINAL DESIGN REVISION 2
 BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
 MILLER COMPRESSING COMPANY
 MILWAUKEE, WISCONSIN

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

Jul 25, 2016 3:25pm PLOTTED BY: rboeten SAVED BY: ddudd
 Y: Mapping\Projects\2117\CAD\7-1\2117-7-A01.dwg Layout1
 IMAGES: Y: Mapping\Projects\2117\CAD\SOURCE\MILWAUKEE.pgs
 XREFS: Y: Mapping\Projects\2117\CAD\SOURCE\QUAD.pgs



APPROXIMATE AREA OF SEDIMENT TO BE EXCAVATED AND REUSED WITHIN THE CANAL

APPROXIMATE AREA OF EXCAVATED SEDIMENT REUSE WITHIN THE CANAL

UNPAVED COVER AREA (2,782 SF)

CANAL / AGGREGATE CAP AREA (176,202 SF)

BURNHAM CANAL

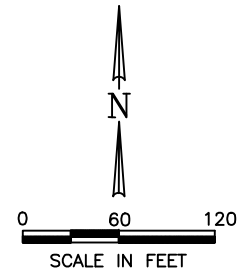
WEST END DREDGE AREA (4,861 SF)

PAVED CAP AREA (3,643 SF)

BRUCE STREET

11TH STREET

- CSO-210 COMBINED SEWER OUTFALL
- RIPRAP
- SUBAQUEOUS AGGREGATE CAP



- SOURCE NOTES:
1. THE DIGITAL DRAWING IMAGE WAS CREATED FROM BING MAPS FOR ARCGIS DESKTOP. (c) 2010 MICROSOFT CORPORATION AND ITS DATA SUPPLIERS.
 2. COORDINATES BASED ON MILWAUKEE COUNTY COORDINATE REFERENCE SYSTEM NAD 83(97).

DRAWN BY:	DMD	DATE:	07/29/16
CHECKED BY:	Y_Z	DATE:	07/29/16
APPROVED BY:	RJB	DATE:	07/29/16
DRAWING NO:		2117-7-B02	
REFERENCE:			

**BURNHAM CANAL
SITE LAYOUT AND VICINITY**
CONSTRUCTION QUALITY ASSURANCE PROJECT PLAN (CQAPP)
REVISION 2
BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
MILLER COMPRESSING COMPANY
MILWAUKEE, WISCONSIN

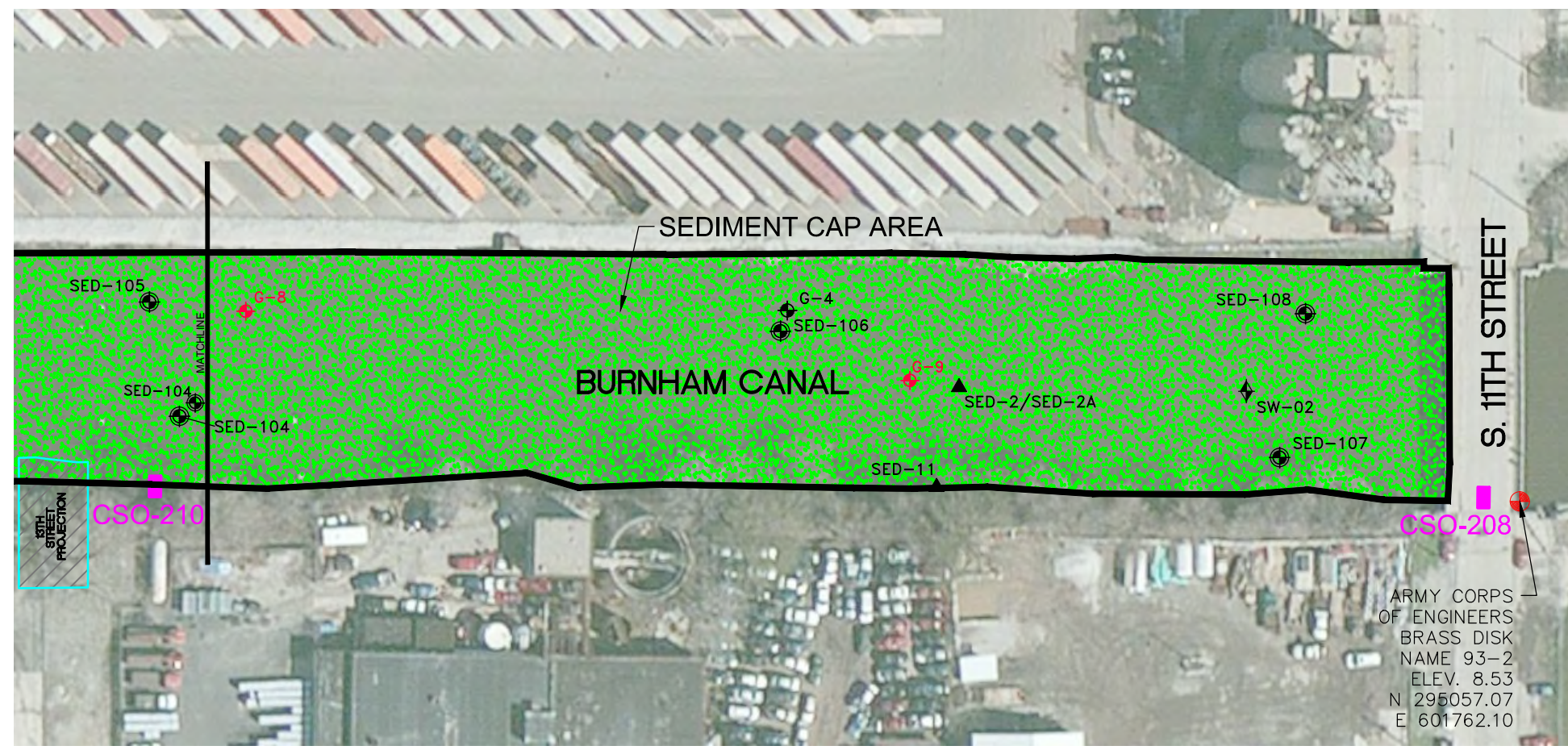
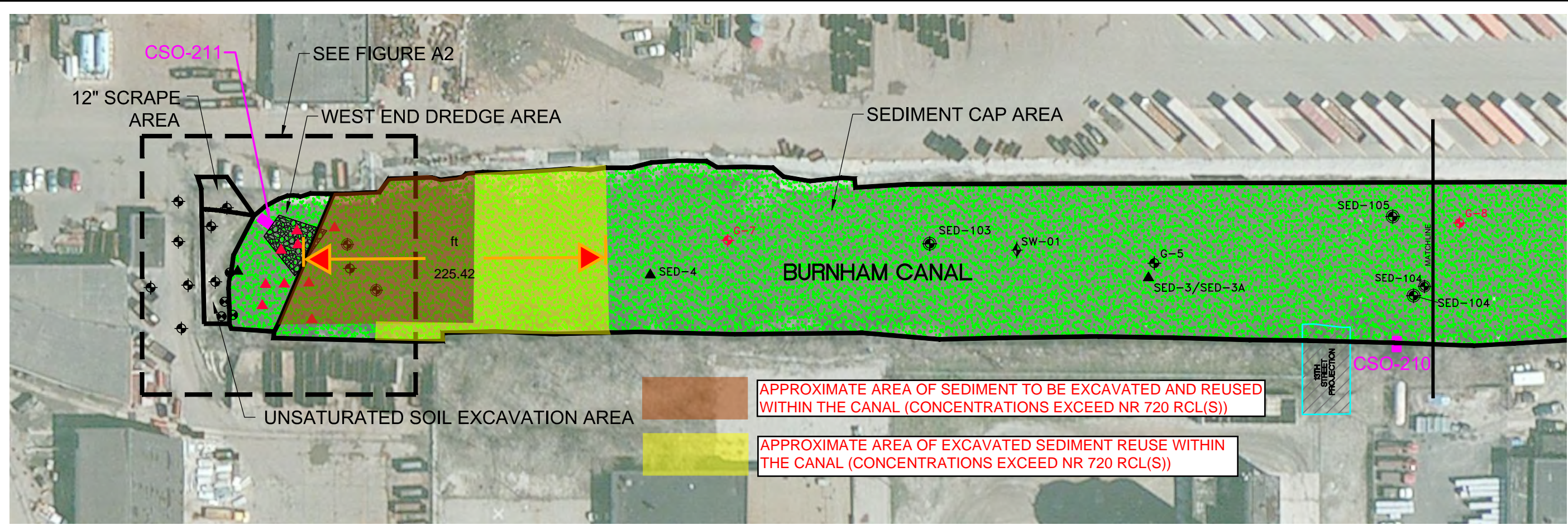


PROJECT NO.
21177.1

FIGURE NO.
2

Jul 26, 2016 8:56am PLOTTED BY: rboeten SAVED BY: rboeten
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Jan 14, 2016 6:30pm PLOTTED BY: dduda SAVED BY: dduda
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 IMAGES: Y:\Mapping\Projects\2117\CAD\SOURCE\Brig_Aerial_2010.tif;
 XREFS:



- CSO-207 COMBINED SEWER OUTFALL
- APPROXIMATE LOCATION OF 9TH AND 13TH STREET IF EXTENDED TO CANAL
- REMEDIATION AREAS
- SEDIMENT CAP
- RIPRAP
- SOIL BORING LOCATION (7/2009)
- SURFACE WATER SAMPLE LOCATION (12/2007)
- HAND AUGER LOCATION (12/2007)
- SEDIMENT SAMPLE LOCATION, APPROX. (2006)
- SED-102 SEDIMENT SAMPLE LOCATION (2007)
- G-6 GEOTECHNICAL SAMPLE LOCATION (2007)
- G-7 PRE-DESIGN GEOTECHNICAL SAMPLE LOCATION (11/2011)
- SED-126 PRE-DESIGN SEDIMENT SAMPLE LOCATION (11/2011)

ARMY CORPS OF ENGINEERS
 BRASS DISK
 NAME 93-2
 ELEV. 8.53
 N 295057.07
 E 601762.10

SCALE IN FEET

SOURCE NOTE:
 THE DIGITAL DRAWING IMAGE WAS CREATED FROM BING MAPS FOR ARCGIS DESKTOP. (c) 2010 MICROSOFT CORPORATION AND ITS DATA SUPPLIERS.
 COORDINATES BASED ON MILWAUKEE COUNTY COORDINATE REFERENCE SYSTEM NAD 83(97).

DRAWN BY:	DMD	DATE:	01/14/16
CHECKED BY:	RJB	DATE:	01/14/16
APPROVED BY:	RJB	DATE:	01/14/16
DRAWING NO.:	REFERENCE: .		

SAMPLE LOCATIONS

BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
 FINAL DESIGN
 MILLER COMPRESSING COMPANY
 MILWAUKEE, WISCONSIN

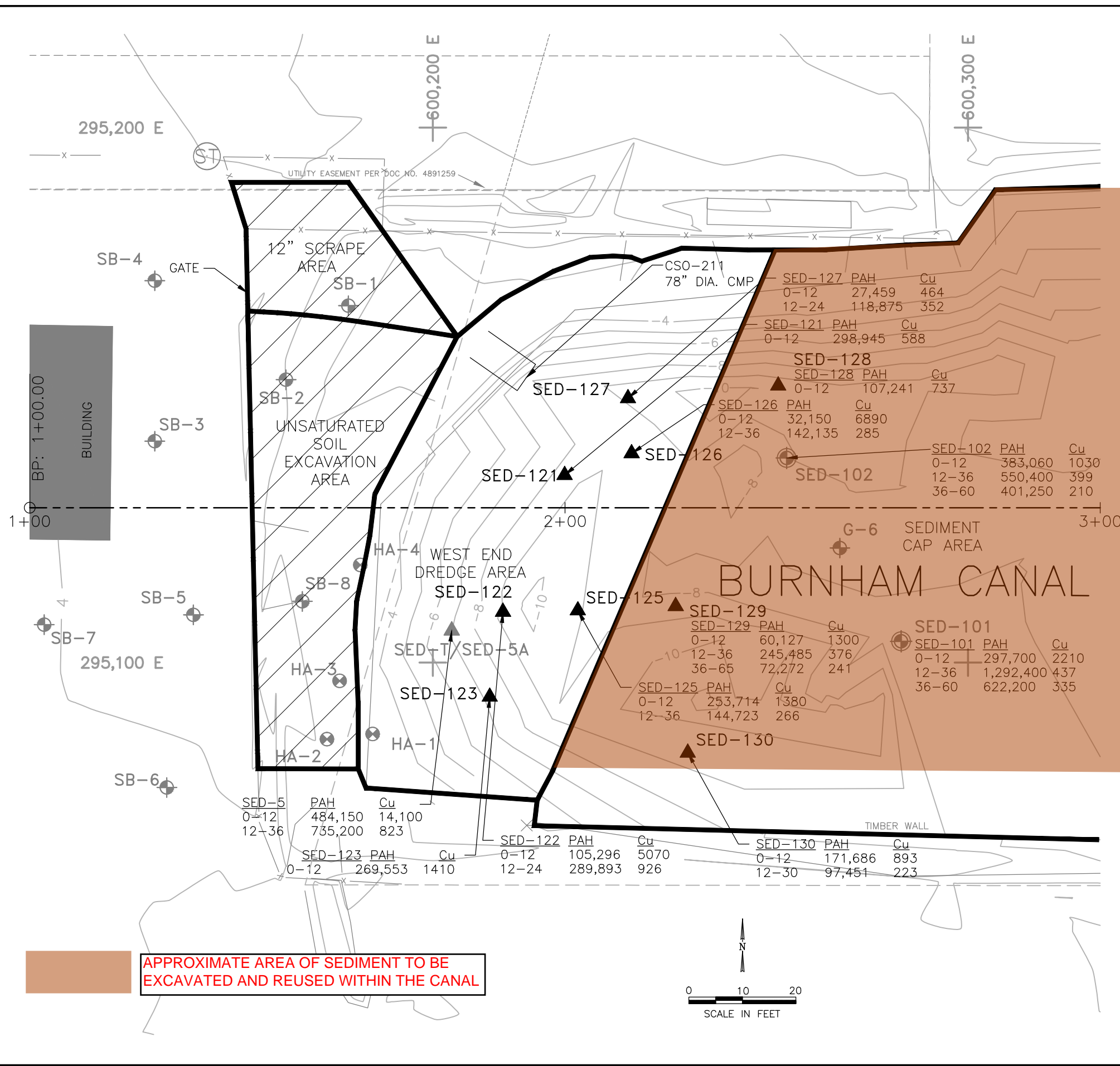


NATURAL RESOURCE TECHNOLOGY

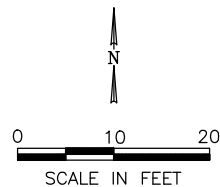
PROJECT NO.
2117/7.0

FIGURE NO.
A1

Mar 28, 2013 7:16am PLOTTED BY: ndraskovich SAVED BY: ndraskovich
 Y:\Mapping\Projects\2117\CAD\3-1 Final Design Report\2117-31-BA02.dwg Layout1
 IMAGES:
 XREFS:



APPROXIMATE AREA OF SEDIMENT TO BE EXCAVATED AND REUSED WITHIN THE CANAL



	CONTOURS (BY OTHERS)
	MAJOR CONTOUR
	MINOR CONTOUR
	RIGHT-OF-WAY (R.O.W.)/ PARCEL LINE
	SECTION LINE
	SOIL BORING LOCATION (7/2009)
	HAND AUGER LOCATION (12/2007)
	SEDIMENT SAMPLE LOCATION, APPROX. (2006)
	SEDIMENT SAMPLE LOCATION (2007)
	PRE-DESIGN SEDIMENT SAMPLE LOCATION (11/2011)
	FENCE
	BUILDING

SAMPLE LOCATION	PAH	Cu
SAMPLE INTERVAL (in.)	µg/kg	mg/kg
SED-127	PAH	Cu
0-12	27,459	464
12-24	118,875	352
SED-121	PAH	Cu
0-12	298,945	588
SED-128	PAH	Cu
0-12	107,241	737
SED-126	PAH	Cu
0-12	32,150	6890
12-36	142,135	285
SED-102	PAH	Cu
0-12	383,060	1030
12-36	550,400	399
36-60	401,250	210
SED-126	PAH	Cu
0-12	60,127	1300
12-36	245,485	376
36-65	72,272	241
SED-101	PAH	Cu
0-12	297,700	2210
12-36	1,292,400	437
36-60	622,200	335
SED-5	PAH	Cu
0-12	484,150	14,100
12-36	735,200	823
SED-123	PAH	Cu
0-12	269,553	1410
SED-122	PAH	Cu
0-12	105,296	5070
12-24	289,893	926
SED-130	PAH	Cu
0-12	171,686	893
12-30	97,451	223

SOURCE NOTE:

- EXISTING CONDITIONS OUTSIDE OF THE BURNHAM CANAL APPROXIMATE EDGE OF WATER CREATED FROM DIGITAL BASE FILE TM601D50.DWG/TM601D50RED, SURVEYED BY NATIONAL SURVEY & ENGINEERING ON 07/18/2007
- EXISTING CONTOURS WITHIN THE BURNHAM CANAL APPROXIMATE EDGE OF WATER SURVEYED BY KAPUR, 02/05/2008.
- COORDINATE SYSTEM IS BASED ON NAD 83 HARN WISCRS MILWAUKEE COUNTY FEET. THE VERTICAL DATUM IS = TO THE NGVD 1929 MINUS 580.603.

DRAWN BY:	NWD	DATE:	03/26/13
CHECKED BY:	RJB	DATE:	03/26/13
APPROVED BY:	RJB	DATE:	03/29/13
DRAWING NO: 2117-31-BA02			
REFERENCE: .			

SEDIMENT SAMPLE LOCATIONS AND RESULTS
 BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
 FINAL DESIGN
 MILLER COMPRESSING COMPANY
 MILWAUKEE, WISCONSIN



NATURAL
 RESOURCE
 TECHNOLOGY



PROJECT NO.
 2117/3.1

FIGURE NO.
 A2

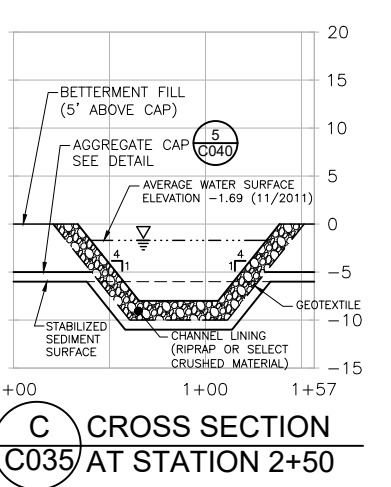
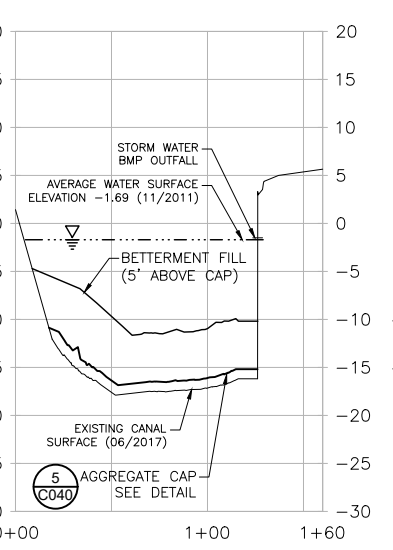
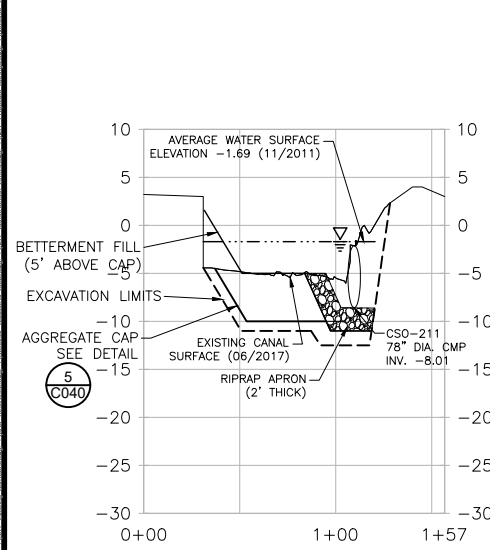
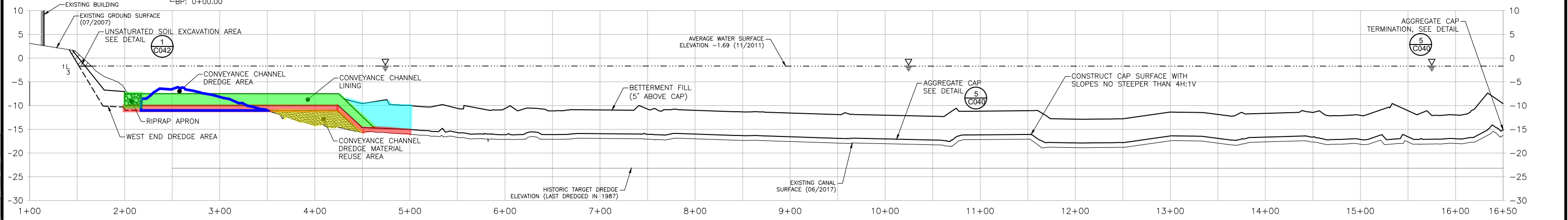
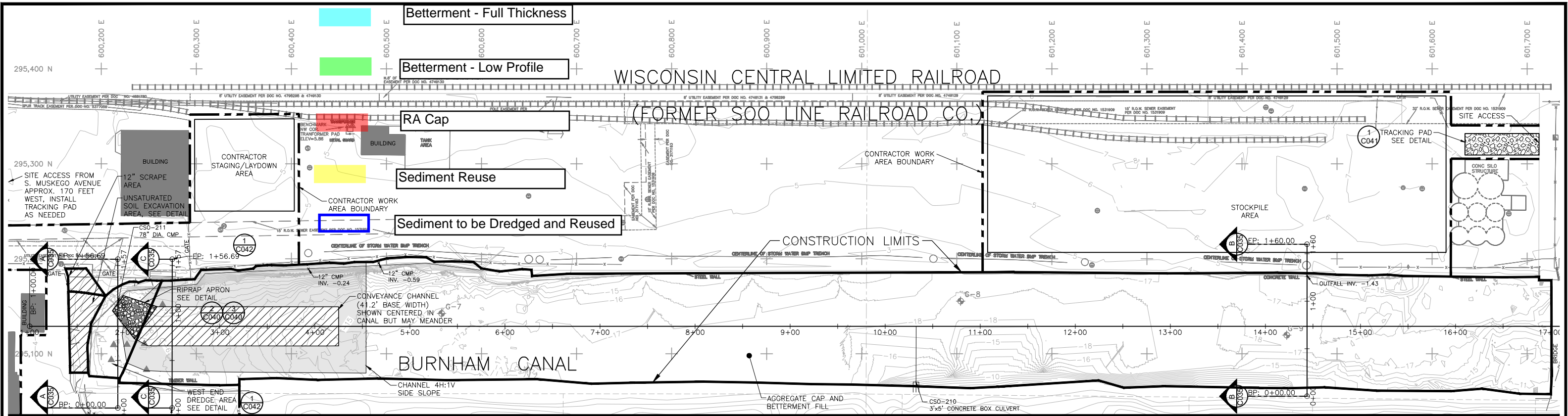
SEDIMENT ANALYTICAL RESULTS TABLE

**Sediment Analytical Results - Total PAHs, Naphthalene, Copper, and Lead
Burnham Canal, Milwaukee, Wisconsin**

Sample No.	Sample Date	Location		Sample Interval, inches	Total PAHs, µg/kg	Naphthalene, µg/kg	Copper, mg/kg	Lead, mg/kg
		North	East					
SED-2	5/23/2006	295,116	601,472	0 - 12	108,460	850	270	906
SED-2	5/23/2006	295,116	601,472	12 - 36	218,450	450	429	1,170
SED-2	5/23/2006	295,116	601,472	36 - 60	158,160	850	161	618
SED-3	5/23/2006	295,114	600,872	0 - 12	224,400	<8,500	1,180	1,350
SED-3	5/23/2006	295,114	600,872	12 - 36	391,180	780	468	1,250
SED-3	5/23/2006	295,114	600,872	36 - 60	273,600	<11,000	449	1,420
SED-4	5/23/2006	295,117	600,500	0 - 12	223,000	<8,400	2,060	1,530
SED-4	5/23/2006	295,117	600,500	12 - 36	359,900	1,000	304	754
SED-4	5/23/2006	295,117	600,500	36 - 48	245,600	2,500	270	645
SED-5	5/23/2006	295,106	600,204	0 - 12	484,150	750	14,100	1,680
SED-5	5/23/2006	295,106	600,204	12 - 36	735,200	<27,000	823	1,540
SED-11	5/24/2006	295,065	601,461	0 - 12	112,740	330	377	881
SED-101	12/12/2007	295,104	600,288	0 - 12	297,700	410	2,210	1,210
SED-101	12/12/2007	295,104	600,288	12 - 36	1,292,400	1,800	437	1,480
SED-101	12/12/2007	295,104	600,288	36 - 60	622,200	<6,900	335	1,460
SED-102	12/12/2007	295,138	600,266	0 - 12	383,060	1,100	1,030	1,530
SED-102	12/12/2007	295,138	600,266	12 - 36	550,400	<6,200	399	1,340
SED-102	12/12/2007	295,138	600,266	36 - 60	401,250	1,700	210	958
SED-103	12/12/2007	295,140	600,709	0 - 12	162,170	430	770	1,100
SED-103	12/12/2007	295,140	600,709	12 - 36	350,830	930	454	1,180
SED-103	12/12/2007	295,140	600,709	36 - 60	361,600	1,100	369	1,590
SED-103	12/12/2007	295,140	600,709	84 - 102	147,200	1,100	148	577
SED-104	12/12/2007	295,101	601,070	0 - 12	45,760	<990	275	278
SED-104	12/12/2007	295,101	601,070	12 - 36	78,650	250	762	801
SED-105	12/12/2007	295,160	601,054	0 - 12	54,100	<850	522	434
SED-105	12/12/2007	295,160	601,054	12 - 36	93,310	300	319	509
SED-105	12/12/2007	295,160	601,054	36 - 60	102,380	260	201	444
SED-106	12/12/2007	295,145	601,380	0 - 12	24,850	<950	368	470
SED-106	12/12/2007	295,145	601,380	12 - 36	117,690	270	260	918
SED-106	12/12/2007	295,145	601,380	36 - 60	140,000	960	349	1,100
SED-106	12/12/2007	295,145	601,380	60 - 84	191,170	1,600	222	935
SED-107	12/13/2007	295,080	601,638	0 - 12	153,650	300	332	1,070
SED-107	12/13/2007	295,080	601,638	12 - 36	82,500	220	260	949
SED-107	12/13/2007	295,080	601,638	36 - 60	128,130	570	207	1,190
SED-107	12/13/2007	295,080	601,638	60 - 72	31,170	280	97	711
SED-108	12/13/2007	295,154	601,651	0 - 12	25,437	97	299	451
SED-108	12/13/2007	295,154	601,651	12 - 36	51,200	200	362	665
SED-108	12/13/2007	295,154	601,651	36 - 60	132,550	470	279	929
SED-108	12/13/2007	295,154	601,651	60 - 84	80,500	560	89	636
SED-108	12/13/2007	295,154	601,651	84 - 108	151	2	7	7
SED-108	12/13/2007	295,154	601,651	108 - 132	15	<6.7	7	5
SED-121	11/9/2011	295,135	600,225	0 - 12	298,945	2,280	588	--
SED-122	11/9/2011	295,109	600,213	0 - 12	105,296	378	5,070	--
SED-122	11/9/2011	295,109	600,213	12 - 24	289,893	1,050	926	--
SED-123	11/9/2011	295,094	600,211	0 - 12	269,997	723	1,410	--
SED-125	11/9/2011	295,110	600,227	0 - 12	253,714	867	1,380	--
SED-125	11/9/2011	295,110	600,227	12 - 36	144,723	1,140	266	--
SED-126	11/9/2011	295,139	600,237	0 - 12	32,150	215	6,890	--
SED-126	11/9/2011	295,139	600,237	12 - 36	142,135	1,710	285	--
SED-127	11/9/2011	295,149	600,236	0 - 12	27,543	416	464	--
SED-127	11/9/2011	295,149	600,236	12 - 24	118,875	1,910	352	--
SED-128	11/9/2011	295,152	600,265	0 - 12	107,241	537	737	--
SED-129	11/10/2011	295,111	600,245	0 - 12	60,127	169	1,300	--
SED-129	11/10/2011	295,111	600,245	12 - 36	245,485	1,080	376	--
SED-129	11/10/2011	295,111	600,245	36 - 64.8	72,272	815	241	--
SED-130	11/9/2011	295,083	600,248	0 - 12	171,686	1,200	893	--
SED-130	11/9/2011	295,083	600,248	12 - 30	97,451	1,760	223	--

 Sample Representative of Sediment to be Dredged and Reused
 Sample Representative of Sediment on which Dredged Sediment for Reuse will be Placed

SEDIMENT REUSE PLANS



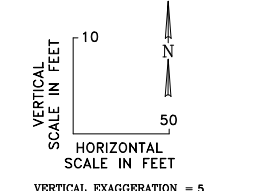
— 10 —	PRECONSTRUCTION CONTOUR	● SED-102	SEDIMENT SAMPLE LOCATION (2007)	— G —	GAS
- - - -	RIGHT-OF-WAY (R.O.W.)/ PARCEL LINE	● G-6	GEOTECHNICAL SAMPLE LOCATION (2007)	— G-7 —	PRE-DESIGN GEOTECHNICAL SAMPLE LOCATION (11/2011)
- - - -	SECTION LINE	● G-7	PRE-DESIGN GEOTECHNICAL SAMPLE LOCATION (11/2011)	▲	PRE-DESIGN SEDIMENT SAMPLE LOCATION (11/2011)
- - - -	CONTRACTOR WORK AREA	— x —	FENCE	— S —	SANITARY SEWER
~ ~ ~ ~	TREES & BRUSH	— B —	BUILDING	— STH —	STORM SEWER
●	SOIL BORING LOCATION (7/2009)	— OHW —	OVERHEAD WIRE	○	MANHOLE
◆ SW-01	SURFACE WATER SAMPLE LOCATION (12/2007)	— TEL —	TELEPHONE	●	CATCH BASIN
◆ HA-4	HAND AUGER LOCATION (12/2007)	— ELC —	ELECTRIC	—	RAILROAD TRACKS
▲ SED-T/SED-SA	SEDIMENT SAMPLE LOCATION, APPROX. (2006)	— W —	WATER MAIN		

CONSTRUCTION NOTES:

1. THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.
2. LIMITS OF WEST END UNSATURATED SOIL AND DREDGE AREA DEPENDENT ON WATER ELEVATION, TO BE VERIFIED PRIOR TO WORK.

SOURCE NOTES:

1. EXISTING CONDITIONS NORTH AND WEST OF THE BURNHAM CANAL APPROXIMATE EDGE OF WATER CREATED FROM DIGITAL BASE FILE TM601D50.DWG/TM601D50RED, SURVEYED BY NATIONAL SURVEY & ENGINEERING ON 07/18/2007.
2. EXISTING CONTOURS WITHIN THE BURNHAM CANAL BASED ON BATHYMETRY SURVEY COMPLETED BY THE U.S. ARMY CORPS OF ENGINEERS ON 06/27/2017.
3. COORDINATE SYSTEM IS BASED ON NAD 83 HARN WISCONSIN COUNTY FEET. THE VERTICAL DATUM IS EQUAL TO THE NGVD 1929 ELEVATION MINUS 580.603.
4. CONTOURS SOUTH OF THE CANAL FROM MCAMLIUS (MILWAUKEE COUNTY AUTOMATED MAPPING AND LAND INFORMATION SYSTEM) DATA TYPE: ARCGIS MAP SERVICE, SERVER: [HTTP://MAPS.MILWAUKEECOUNTY.ORG/ARCGIS/SERVICES](http://MAPS.MILWAUKEECOUNTY.ORG/ARCGIS/SERVICES).



CONTACT DIGGERS' HOTLINE PRIOR TO ANY UNDERGROUND WORK ON-SITE
CALL 811 OR (800) 242-8511
(262) 432-7910
(877) 500-9592 (EMERGENCY ONLY)

A CROSS SECTION C035 AT STATION 1+93

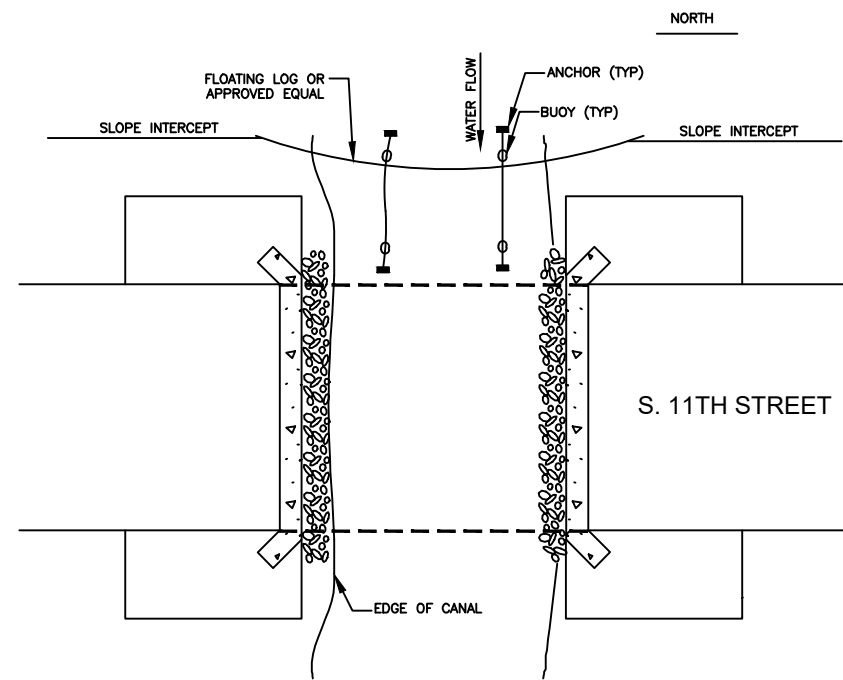
B CROSS SECTION C035 AT STATION 14+44

C CROSS SECTION C035 AT STATION 2+50

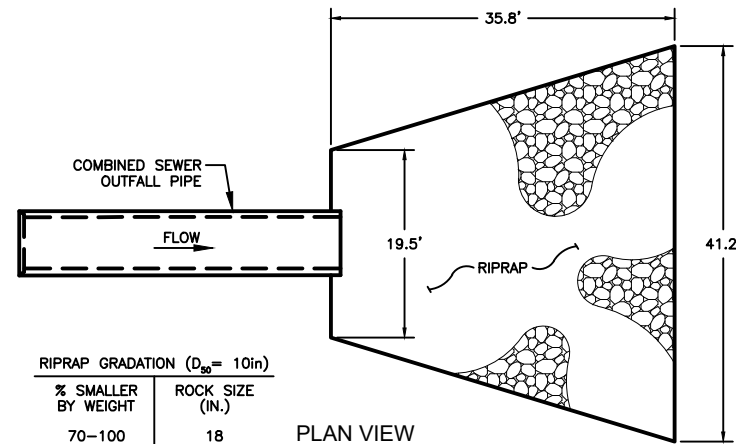
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4.	ISSUED FOR AGENCY REVIEW	07/29/16	RJB
3.	ISSUED FOR AGENCY REVIEW	02/02/16	RJB
2.	ESD MODIFICATIONS ISSUED FOR AGENCY REVIEW	01/15/15	RJB
1.	ISSUED TO ADDRESS AGENCY COMMENTS	07/19/13	RJB
0.	ISSUED FOR AGENCY REVIEW	03/29/13	RJB
REVISION:		DATE:	APP'D BY:



PROJECT NO. 67830/910	PROFILE AND CROSS SECTIONS	BURNHAM CANAL REMEDIATION VOLUNTARY BETTERMENT AGGREGATE FILL MATERIAL PLACEMENT REVISION MILLER COMPRESSING COMPANY CITY OF MILWAUKEE, WISCONSIN	SHEET NO. C035
DRAWN BY: DMD 05/04/15			
CHECKED BY: Y_Z 02/02/16			
APPROVED BY: RJB 02/02/16	DRAWING NO: D2117C035-04.DWG		REFERENCE: SEE INFO BLOCK



PLAN VIEW

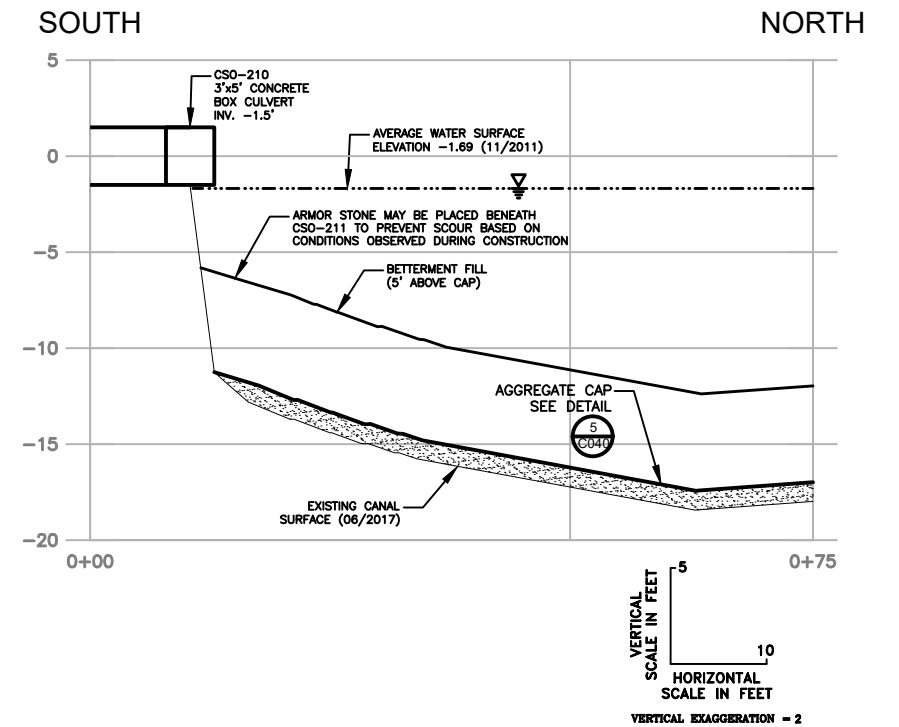


PLAN VIEW

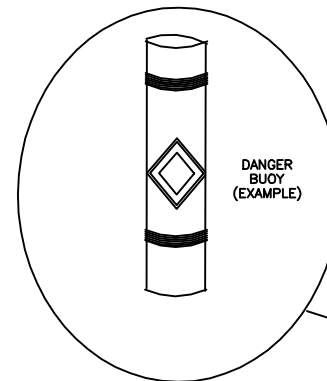
RIPRAP GRADATION (D ₅₀ = 10in)	
% SMALLER BY WEIGHT	ROCK SIZE (IN.)
70-100	18
50-70	14
35-50	10
2-10	3

2 RIPRAP APRON DETAIL
C040

NOT TO SCALE



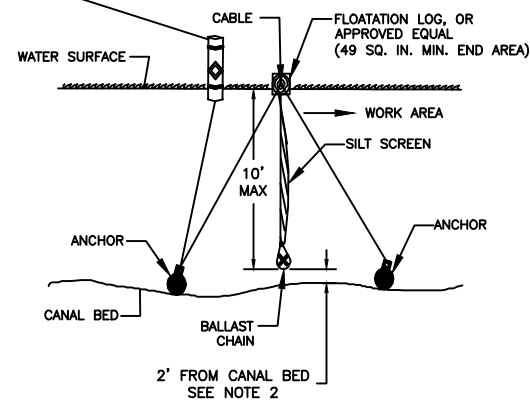
4 CROSS SECTION THROUGH CS0-210
C040



SEE NOTE 3

GENERAL NOTES:

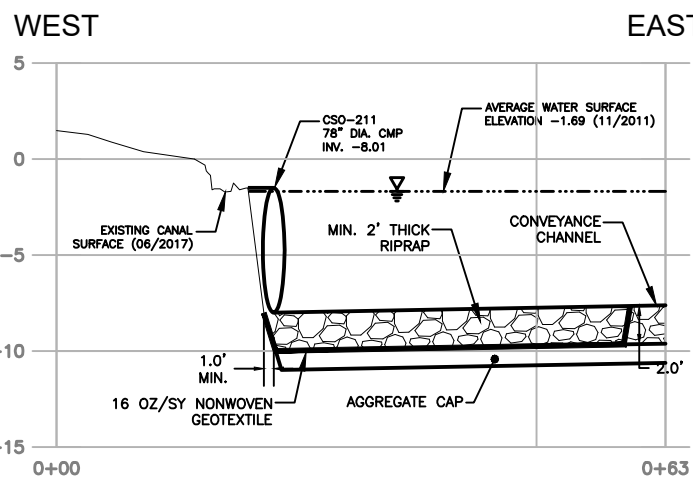
1. DETAILS OF CONSTRUCTION, MATERIALS AND WORKMANSHIP NOT SHOWN ON THE DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE WDNR TECHNICAL STD. 1070.
2. 2' SHALL BE MAINTAINED DURING CONSTRUCTION PERIOD.
3. USE AS DIRECTED BY COAST GUARD OR WDNR WHEN WORKING IN NAVIGABLE WATERWAYS.



CROSS SECTION

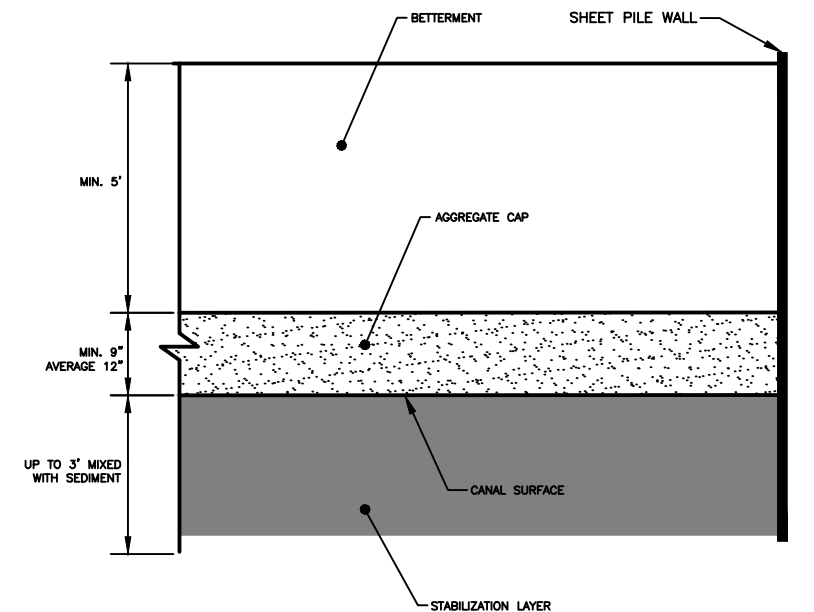
1 SILT CURTAIN DETAIL
C040

NOT TO SCALE



3 CROSS SECTION THROUGH CSO-211
C040

VERTICAL SCALE IN FEET
HORIZONTAL SCALE IN FEET
VERTICAL EXAGGERATION = 2



5 AGGREGATE CAP PROFILE AND EAST END TERMINATION DETAIL
C040

NOT TO SCALE

6.			
5.	VOL. BETTERMENT MOD. ISSUED FOR AGENCY REVIEW	DRAFT	
4.	ISSUED FOR AGENCY REVIEW	07/29/16	RJB
3.	ISSUED FOR AGENCY REVIEW	02/02/16	RJB
2.	ESD MODIFICATIONS ISSUED FOR AGENCY REVIEW	01/15/15	RJB
1.	ISSUED TO ADDRESS AGENCY COMMENTS	07/19/13	RJB
0.	ISSUED FOR AGENCY REVIEW	03/29/13	RJB
REVISION:		DATE:	APP'D BY:



O'BRIEN & GERE ENGINEERS, INC

PROJECT NO.	67830/910
DRAWN BY:	DMD 05/04/15
CHECKED BY:	Y_Z 02/02/16
APPROVED BY:	RJB 02/02/16

DETAILS

BURNHAM CANAL REMEDIATION
VOLUNTARY BETTERMENT AGGREGATE FILL MATERIAL PLACEMENT REVISION
MILLER COMPRESSING COMPANY
CITY OF MILWAUKEE, WISCONSIN

DRAWING NO: D2117C040-04.DWG
REFERENCE: SEE INFO BLOCK

SHEET NO.
C040

PROOF OF OWNERSHIP AND ZONING MAP

Map Milwaukee: Property Information

Search... Sign in ?

I want to...

All Layers

520 S MUSKEGO AV

Zoom to Feature | Pan to Feature | Create a Report | Copy to Drawing | Add to Selected
Export Feature Attachments

Details | Attributes | Links

Owner: MILLER COMPRESSING COMPANY
Taxkey: 4269988110
Layer: Parcels - MPROP_lite

250ft
100m

Milwaukee DOA.ITMD.GIS | City of Milwaukee DOA.ITMD.GIS | City of Milwaukee, Wisconsin | City of Milwaukee, Wisconsin | City of Milwaukee

Map Milwaukee: Property Info 520 S MUSKEGO AV

Search... Sign in ?

I want to... Zoom to Feature Pan to Feature Create a Report Copy to Drawing Add to Selected Export Feature Attachments

Field Name	Field Value
Address	520 S MUSKEGO AV
Taxkey	4269988110
House number - low	520
Street direction	S
Street name	MUSKEGO
Street type	AV
Current assessment - total	1131100
Owner name 1	MILLER COMPRESSING COMPANY
Owner mailing address	700 OFFICE PARKWAY
Owner city, state	ST LOUIS MO
Owner zip code	63141
Building type	
Number of units	0
Building area (sq ft)	
Year built	
Number of rooms	
Lot area (sq ft)	547796
Zoning code	PD
Land use code	5093
Land use group	5
Owner occupied (O/N)	N
Census tract	186800
Census block	1094
Zip code	532040000
Police district	3
Aldermanic district	12
Historic code (if apl)	
Years tax delinquent (if apl)	99999
GIS_DATETIME	2/19/2018 1:01:15 AM

520 S MUSKEGO AV

Owner: MILLER COMPRESSING COMPANY
Taxkey: 4269988110
Layer: Parcels - MPROP_lite

Add To Selected View Additional Details

Milwaukee DOA.ITMD.GIS | City of Milwaukee DOA.ITMD.GIS | City of Milwaukee, Wisconsin | City of Milwaukee, Wisconsin | City of Milwaukee, Wisconsin

Assessment Detail and Listing Characteristics

Taxkey	Premise Address	Nbhd	Plat	Assessment County	Class
4269988110	520-524 S MUSKEGO AV	6300	42605	Milwaukee	Manufacturing

Ownership Information	Conveyance	Assessment Information			
MILLER COMPRESSING COMPANY C/O ALTER TRADING CORP ATTN JEFF SAMET 700 OFFICE PARKWAY ST LOUIS MO 63141	Deed Type		Year	Current	Previous
	Date		Land	- N/A -	660100
	Fee	0.00	Imprv	- N/A -	471000
	<i>Name or Address Change: 2014-09-05</i>		Total	- N/A -	1131100

Org Year	Drop Year	Zoning	Ald. District	Census
		PD	12	186800-

Legal Description

LANDS IN NE 1/4 SEC 31-7-22 COM N LI W BRUCE ST & E LI S MUSKEGO AV-TH E 50'-TH NELY 140'-TH E 60'-TH SWLY 140'-TH E 402.48'-TH N 340' TO C/L BURNHAM'S CANAL-TH E ALG SD C/L TO E LI SD 1/4 SEC-TH N TO S LI RR ROW-TH W ALG SD S LI 997.9' TO E LI S MUSKEGO AV-TH SWLY ALG SD LI TO PT OF COM & THAT PART OF LOT 5 SUBD & PART'N OF NW 1/4 SEC 32-7-22 LYING BETW W LI SD LOT 5 & W LI S 11TH ST & N LI BURNHAM'S CANAL & S LI RR ROW

Manufacturing Property Attributes Not Available

Permits		Sale History	Assessment History	Tax Balance	About Site
Data Provided By Assessor Query From: 98.103.215.98					



Real Estate

View Bill

[View bill image](#)

As of

Bill Year 2017

Bill 99602

Owner MILLER COMPRESSING COMPANY

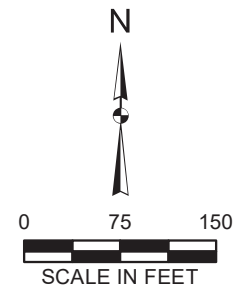
Parcel ID 4269988110

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	1/31/2018	\$3,435.33	\$3,435.33	\$0.00	\$0.00	\$0.00
2	2/28/2018	\$3,435.20	\$3,435.20	\$0.00	\$0.00	\$0.00
3	3/31/2018	\$3,435.20	\$3,435.20	\$0.00	\$0.00	\$0.00
4	4/30/2018	\$3,435.20	\$3,435.20	\$0.00	\$0.00	\$0.00
5	5/31/2018	\$3,435.20	\$3,435.20	\$0.00	\$0.00	\$0.00
6	6/30/2018	\$3,435.20	\$3,435.20	\$0.00	\$0.00	\$0.00
7	7/31/2018	\$3,435.20	\$3,435.20	\$0.00	\$0.00	\$0.00
8	8/31/2018	\$2,343.71	\$2,343.71	\$0.00	\$0.00	\$0.00
9	9/30/2018	\$2,343.71	\$2,343.71	\$0.00	\$0.00	\$0.00
10	10/31/2018	\$2,343.71	\$2,343.71	\$0.00	\$0.00	\$0.00
TOTAL		\$31,077.66	\$31,077.66	\$0.00	\$0.00	\$0.00

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Y:\Mapping\Projects\211217\MapXD\Appendix G\Figure 2_Zoning Map.mxd Author: dduda, Date/Time: 2/1/2016, 2:26:06 PM



- Zoning**
- Industrial - Mixed (IM)
 - Industrial - Heavy (IH)
 - Planned Development (PD)

Zoning data source: Map Milwaukee ArcIMS Map Server:
<http://gis.milwaukee.gov/website/mm1/viewer.htm>
 Aerial Photo Source: © 2013 Microsoft Corporation

DRAWN BY/DATE:
DMD 05/04/15
 REVIEWED BY/DATE:
Y Z 02/02/16
 APPROVED BY/DATE:
RJB 02/02/16

BURNHAM CANAL ZONING

INSTITUTIONAL CONTROL IMPLEMENTATION AND ASSURANCE PLAN (ICIAP)
 REVISION 3
 BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
 MILLER COMPRESSING COMPANY
 MILWAUKEE, WISCONSIN

PROJECT NO: 2117/7.0

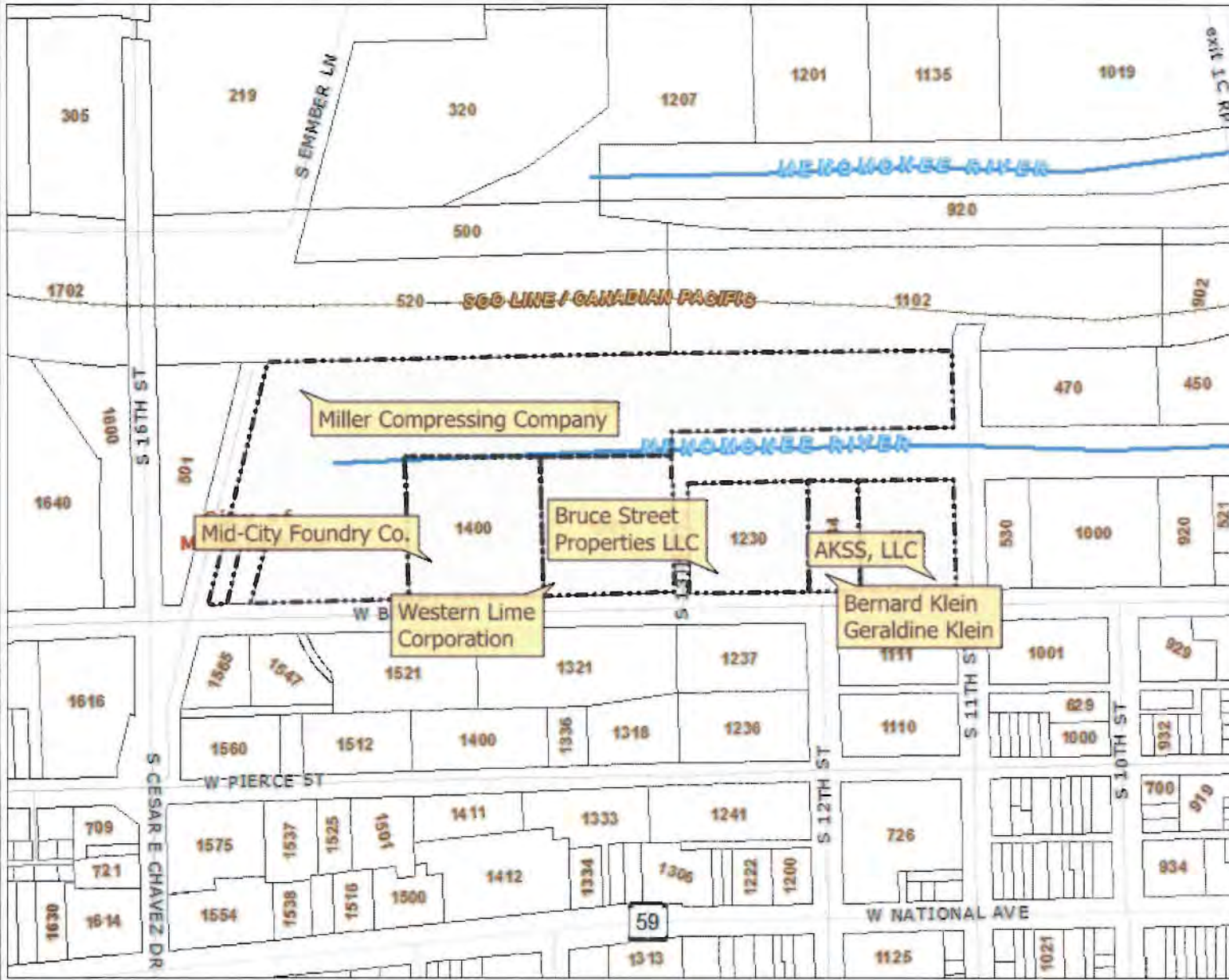
FIGURE NO: 2



RIPARIAN OWNERS LIST



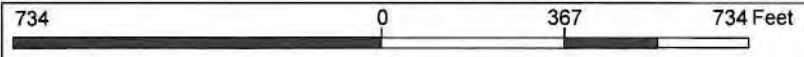
Burnham Canal Adjoining Property Owners



Legend

- County Boundary
- Highways, to 8k
- Street Centerlines, 0k to 8k
- Railroad 8k
- Water 8k
- Rivers 8k
- Airport 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels

1: 4,402



DISCLAIMER: This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.

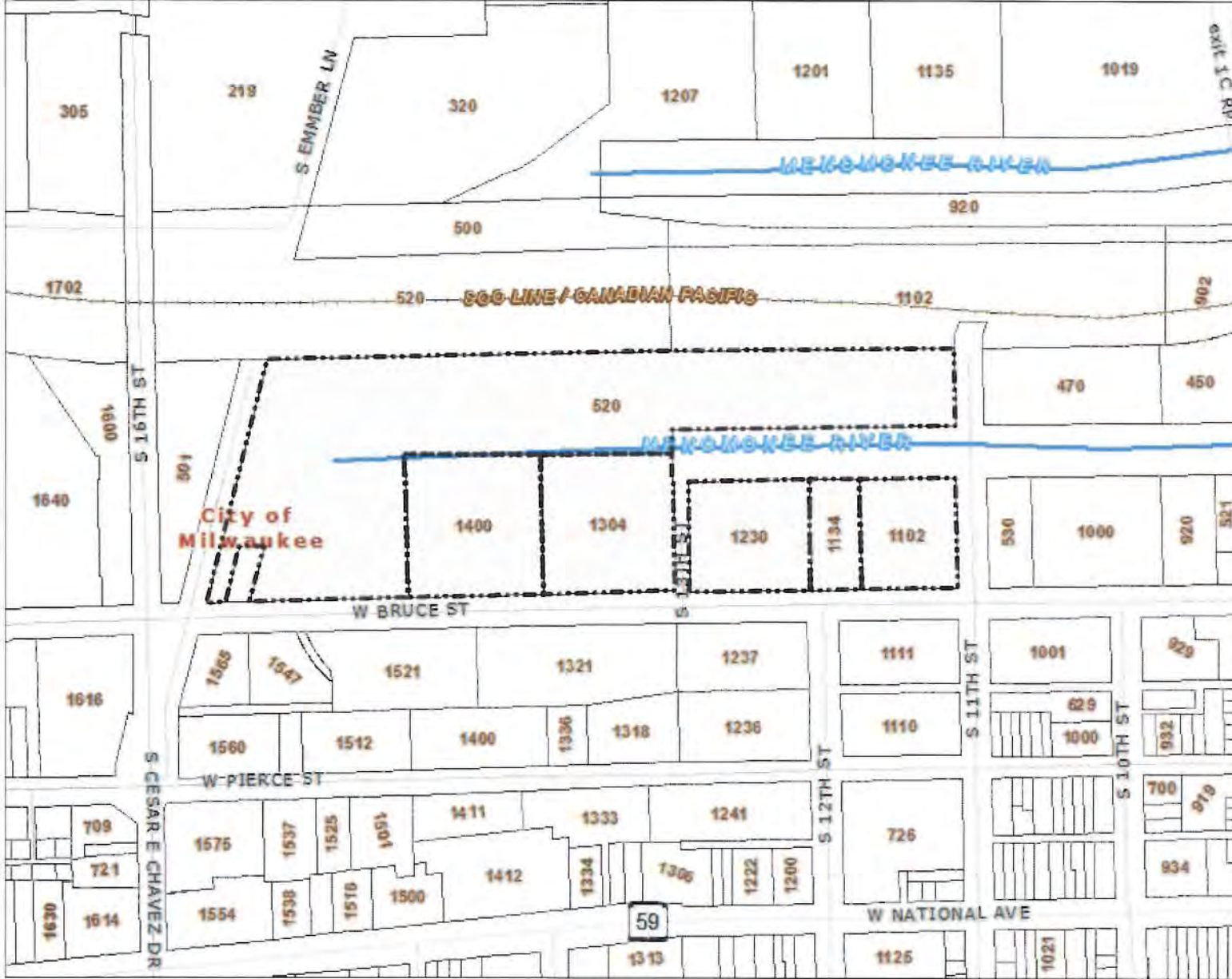
Notes



Burnham Canal Adjoining Property Owners

Legend

- County Boundary
- Highways, to 8k
- Street Centerlines, 0k to 8k
- Railroad 8k
- Water 8k
- Rivers 8k
- Airport 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels



1:4,402



734 0 367 734 Feet

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Notes

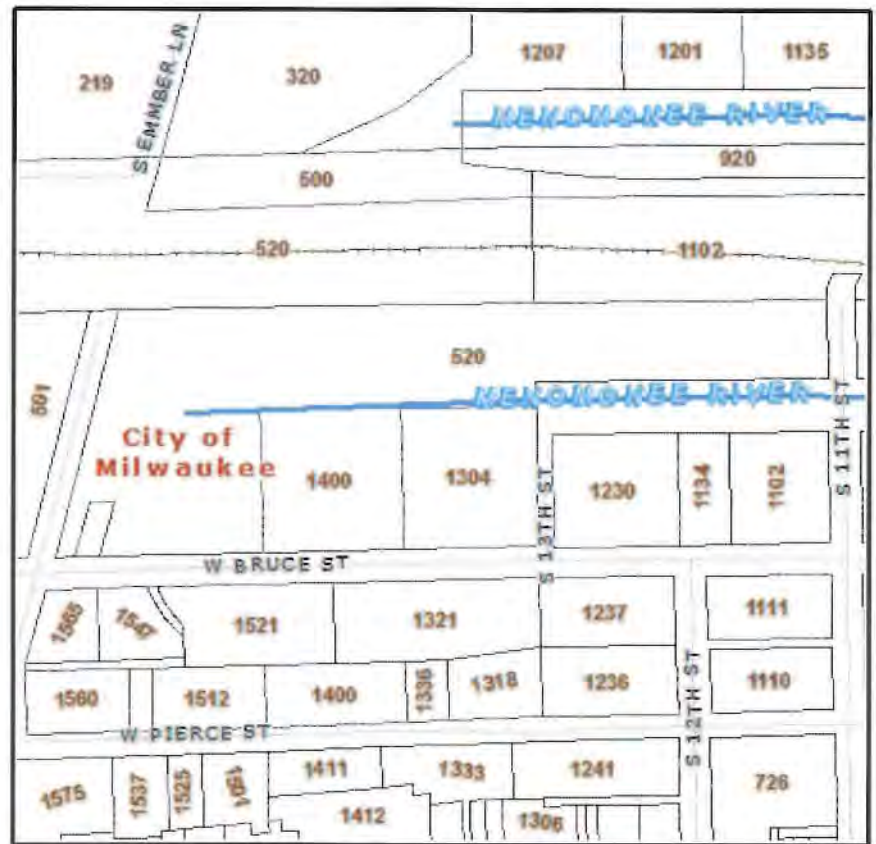
Milwaukee County Land Information Parcel Report

TAXKEY: 4269988110

Report generated 2/14/2013 1:16:23 PM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 4269988110

Record Date: 11/17/2012

Owner(s): MILLER COMPRESSING COMPANY

Address: 520 S MUSKEGO AVE

Municipality: Milwaukee

Acres: 12.46

Assessed Value: \$1,055,700

Parcel Description: MANUFACTURING

Zoning Description:

Legal Description: LANDS IN NE 1/4 SEC 31-7-22 COM N LI W BRUCE ST & E LI S MUSKEGO AV-TH E 50'-TH NELY 140'-TH E 60'-TH SWLY 140'-TH E 402.48'-TH N 340' TO C/L BURNHAM'S CANAL-TH E ALG SD C/L TO E LI SD 1/4 SEC-TH N TO S LI RR ROW-TH W ALG SD S LI 997.9' TO E LI S MUSKEGO



Parcel photo

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

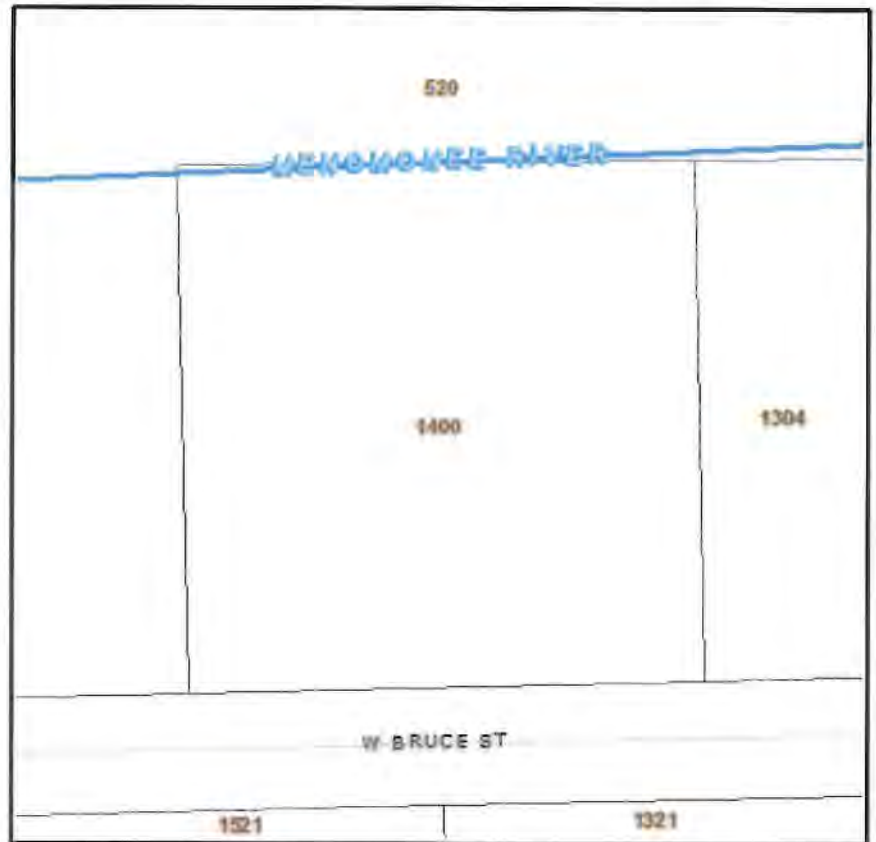
Milwaukee County Land Information Parcel Report

TAXKEY: 4269985000

Report generated 2/14/2013 1:17:06 PM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 4269985000

Record Date: 11/17/2012

Owner(s): MID-CITY FOUNDRY CO

Address: 1400 W BRUCE ST

Municipality: Milwaukee

Acres: 2.71

Assessed Value: \$310,300

Parcel Description: MANUFACTURING

Zoning Description:

Legal Description: LANDS IN NE 1/4 SEC 31-7-22 LAND BETW C L BURNHAM'S CANAL & EXTD W-SECTION LINE-W BRUCE ST & S MUSKEGO AVE W 340.60' OF E 659.60' & SUBJ TO RR EASEM'T BID #26



Parcel photo

Milwaukee County Land Information Parcel Report

TAXKEY: 4269986000

Report generated 2/14/2013 1:17:46 PM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 4269986000

Record Date: 04/18/2012

Owner(s): WESTERN LIME CORPORATION

Address: 1304 W BRUCE ST

Municipality: Milwaukee

Acres: 2.36

Assessed Value: \$738,000

Parcel Description: COMMERCIAL

Zoning Description:

Legal Description: LANDS IN NE 1/4 SEC 31-7-22 LAND BETW C L BURNHAM'S CANAL & EXTD W-SECTION LINE-W BRUCE ST & S MUSKEGO AVE E 319' SUBJ TO RR EASEM'T BID #26

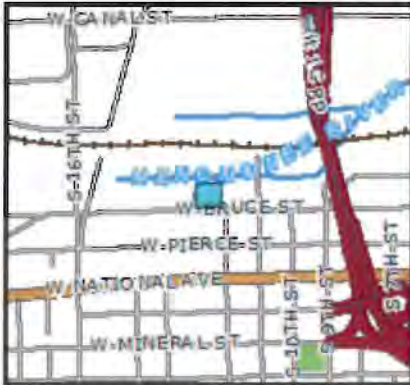


Parcel photo

Milwaukee County Land Information Parcel Report

TAXKEY: 4270427000

Report generated 2/14/2013 1:18:27 PM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 4270427000

Record Date: 04/18/2012

Owner(s): BRUCE STREET PROPERTIES LLC

Address: 1230 W BRUCE ST

Municipality: Milwaukee

Acres: 2.07

Assessed Value: \$604,000

Parcel Description: COMMERCIAL

Zoning Description:

Legal Description: SUBD & PART'N OF NW 1/4 SEC 32-7-22 PART OF LOT 5 BETW BURNHAM'S CANAL-S 11TH ST-W BRUCE ST-S 13TH ST BEING VAC BLKS 162-163 & 164 IN PETER MC MARTIN'S SUBD-ALL EXC E 366.48' & SUBJ TO RR EASEM'T BID #26



Parcel photo

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Milwaukee County Land Information Parcel Report

TAXKEY: 4270426000

Report generated 2/14/2013 1:19:03 PM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 4270426000

Record Date: 04/18/2012

Owner(s): BERNARD KLEIN
GERALDINE KLEIN
C/O KLEIN PROPERTIES

Address: 1134 W BRUCE ST

Municipality: Milwaukee

Acres: 0.81

Assessed Value: \$206,200

Parcel Description: COMMERCIAL

Zoning Description:

Legal Description: SUBD & PART'N OF NW 1/4 SEC 32-7-22 PART OF LOT 5 BETW BURNHAM'S CANAL S 11TH ST W BRUCE ST S 13TH ST BEING VAC BLKS 162 163&164 PETER MC MARTIN'S SUBD W 128.98' OF E 366.48' SUBJ TO RR EASEM'T BID #26



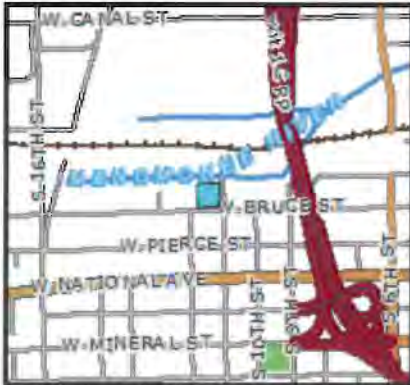
Parcel photo

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Milwaukee County Land Information Parcel Report

TAXKEY: 4270425000

Report generated 2/14/2013 1:19:36 PM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 4270425000

Record Date: 04/18/2012

Owner(s): AKSS, LLC

Address: 1102 W BRUCE ST

Municipality: Milwaukee

Acres: 1.50

Assessed Value: \$611,000

Parcel Description: COMMERCIAL

Zoning Description:

Legal Description: SUBD & PART'N OF NW 1/4 SEC 32-7-22 PART OF LOT 5 BETW BURNHAM'S CANAL S 11TH ST W BRUCE ST S 13TH ST BEING VAC BLKS 162 163&164 PETER MC MARTIN'S SUBD E 237.50' SUBJ TO RR EASEM'T BID #26



Parcel photo

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

AUTHORIZATION FOR FILLING APPLICATION
("Agency Agreement")

Background

1. This Agency Agreement relates to that certain Easement Agreement made and effective as of May 30, 2017, recorded with the Register of Deeds for Milwaukee County on June 5, 2017 ("Easement Agreement") under which Bernard and Geraldine Klein (hereafter, "Property Owner") granted an easement to Miller Compressing Company ("Miller Compressing") to allow Miller to conduct EPA Required Remediation (as defined in the Easement Agreement) associated with the Burnham Canal.

2. The Easement Agreement allows, among other things, Miller Compressing to place fill in those portions of Property Owner's property located within the Burnham Canal.

3. Wis. Stat. § 30.12 only allows the property owner (not the easement holder) to apply for a permit from the State of Wisconsin authorizing filling activity in a navigable waterway (the "Chapter 30 Permit").

4. In order to implement the EPA Required Remediation, this Agency Agreement is intended to serve as a grant of limited authority to Miller Compressing to file the Chapter 30 Permit application on behalf of Property Owner and to designate Miller Compressing as responsible for compliance with the Chapter 30 Permit terms and conditions.

Limited Agency Agreement

5. Property Owner authorizes Miller Compressing to act as the agent of Property Owner for the limited purpose of filing a Chapter 30 Permit application and receiving a Chapter 30 Permit for the placement of fill in the Burnham Canal.

6. Miller Compressing is responsible for complying with the terms and conditions of the Chapter 30 Permit and for filing any and all reports, documents or data required by the Chapter 30 Permit. Property Owner will cooperate with Miller Compressing to fulfill requirements of the Chapter 30 Permit, if any, that reasonably require input from or action by Property Owner. Such cooperation shall be at no cost to Property Owner.

7. In the event Property Owner sells or transfers ownership of all or part of the property in the Burnham Canal after the effective date of this Agency Agreement, Property Owner will notify the new owner of the existence of this Agency Agreement.

8. Property Owner authorizes Miller Compressing to list this Agency Agreement in the Wisconsin Department of Natural Resources ("WDNR") Registry maintained under Wis. Stat. § 292.12.

9. Miller Compressing agrees that its activities in connection with the Chapter 30 Permit are included within the EPA Required Remediation for purposes of the Easement Agreement and that the release, indemnity and limitation in Section 13(ii) of the Easement Agreement apply to any breach or failure to comply by Miller Compressing with the

terms and conditions of the Chapter 30 Permit. This indemnity shall extend to any subsequent owner of the property that agrees to and adopts this Agency Agreement and promptly notifies Miller Compressing in writing that it has done so.

10. Property Owner shall promptly notify Miller Compressing in writing of any claims subject to the indemnity and will cooperate with Miller Compressing in defending or resolving such claims. Miller Compressing may settle or compromise any such claims without prior approval of the Property Owner, provided the terms and conditions of the settlement do not impose a material restriction on the use of Property Owner's property.

11. This Agency Agreement, including the indemnity in Section 9, will terminate upon the date ("Closure Date") that WDNR grants closure of the Burnham Canal remediation site under Wis. Admin. Code ch. NR 726, except that any indemnifiable claim for which Miller Compressing has received written notice from Property Owner and is pending as of the Closure Date shall survive.

12. Notices required under this Agency Agreement shall be sent to the following:

Miller Compressing Company
Attention: John Spigel
1640 West Bruce Street
Milwaukee, WI 53204

Bernard and Geraldine Klein
c/o: Randy Klein
P.O. Box 241777
Milwaukee, WI 53224

With a copy to:

Thompson Coburn LLP
Attention: Halpin J. Burke
One US Bank Plaza
St. Louis, MO 63101

13. Any amendments to this Agency Agreement shall be in writing signed by both parties.

14. The laws of Wisconsin shall apply to this Agency Agreement.

MILLER COMPRESSING COMPANY

BERNARD AND GERALDINE KLEIN

By

Its


U.P.

By



Dated

12/15/17

Dated

1-8-18

**AUTHORIZATION FOR FILLING APPLICATION
("Agency Agreement")**

Background

1. This Agency Agreement relates to that certain Easement Agreement made and effective as of May 30, 2017, recorded with the Register of Deeds for Milwaukee County on June 5, 2017 ("Easement Agreement") under which AKSS, LLC (hereafter, "Property Owner") granted an easement to Miller Compressing Company ("Miller Compressing") to allow Miller to conduct EPA Required Remediation (as defined in the Easement Agreement) associated with the Burnham Canal.

2. The Easement Agreement allows, among other things, Miller Compressing to place fill in those portions of Property Owner's property located within the Burnham Canal.

3. Wis. Stat. § 30.12 only allows the property owner (not the easement holder) to apply for a permit from the State of Wisconsin authorizing filling activity in a navigable waterway (the "Chapter 30 Permit").

4. In order to implement the EPA Required Remediation, this Agency Agreement is intended to serve as a grant of limited authority to Miller Compressing to file the Chapter 30 Permit application on behalf of Property Owner and to designate Miller Compressing as responsible for compliance with the Chapter 30 Permit terms and conditions.

Limited Agency Agreement

5. Property Owner authorizes Miller Compressing to act as the agent of Property Owner for the limited purpose of filing a Chapter 30 Permit application and receiving a Chapter 30 Permit for the placement of fill in the Burnham Canal.

6. Miller Compressing is responsible for complying with the terms and conditions of the Chapter 30 Permit and for filing any and all reports, documents or data required by the Chapter 30 Permit. Property Owner will cooperate with Miller Compressing to fulfill requirements of the Chapter 30 Permit, if any, that reasonably require input from or action by Property Owner. Such cooperation shall be at no cost to Property Owner.

7. In the event Property Owner sells or transfers ownership of all or part of the property in the Burnham Canal after the effective date of this Agency Agreement, Property Owner will notify the new owner of the existence of this Agency Agreement.

8. Property Owner authorizes Miller Compressing to list this Agency Agreement in the Wisconsin Department of Natural Resources ("WDNR") Registry maintained under Wis. Stat. § 292.12.

9. Miller Compressing agrees that its activities in connection with the Chapter 30 Permit are included within the EPA Required Remediation for purposes of the Easement Agreement and that the release, indemnity and limitation in Section 13(ii) of the Easement Agreement apply to any breach or failure to comply by Miller Compressing with the

terms and conditions of the Chapter 30 Permit. This indemnity shall extend to any subsequent owner of the property that agrees to and adopts this Agency Agreement and promptly notifies Miller Compressing in writing that it has done so.

10. Property Owner shall promptly notify Miller Compressing in writing of any claims subject to the indemnity and will cooperate with Miller Compressing in defending or resolving such claims. Miller Compressing may settle or compromise any such claims without prior approval of the Property Owner, provided the terms and conditions of the settlement do not impose a material restriction on the use of Property Owner's property.

11. This Agency Agreement, including the indemnity in Section 9, will terminate upon the date ("Closure Date") that WDNR grants closure of the Burnham Canal remediation site under Wis. Admin. Code ch. NR 726, except that any indemnifiable claim for which Miller Compressing has received written notice from Property Owner and is pending as of the Closure Date shall survive.

12. Notices required under this Agency Agreement shall be sent to the following:

Miller Compressing Company
Attention: John Spigel
1640 West Bruce Street
Milwaukee, WI 53204

AKSS, LLC
Attention: Steven Wyderka
1102 West Bruce Street
Milwaukee, WI 53204

With a copy to:

With a copy to:

Thompson Coburn LLP
Attention: Halpin J. Burke
One US Bank Plaza
St. Louis, MO 63101

AKSS, LLC
Attention: Andy Wyderka
1102 West Bruce Street
Milwaukee, WI 53204

13. Any amendments to this Agency Agreement shall be in writing signed by both parties.

14. The laws of Wisconsin shall apply to this Agency Agreement.

MILLER COMPRESSING COMPANY

AKSS, LLC

By

Its


J.P.

By

Its


Andrew Wyderka

Dated

1-8-18

Dated

1-7-2018

**AUTHORIZATION FOR FILLING APPLICATION
("Agency Agreement")**

Background

1. This Agency Agreement relates to that certain Easement Agreement made and effective as of May 30, 2017, recorded with the Register of Deeds for Milwaukee County on June 5, 2017 ("Easement Agreement") under which Graymont Western Lime Inc. (hereafter, "Property Owner") granted an easement to Miller Compressing Company ("Miller Compressing") to allow Miller to conduct EPA Required Remediation (as defined in the Easement Agreement) associated with the Burnham Canal.

2. The Easement Agreement allows, among other things, Miller Compressing to place an Aggregate Cap (as defined in the Easement Agreement) in those portions of Property Owner's property located within the Burnham Canal. The Aggregate Cap is fill for the purposes of Wis. Stat. § 30.12.

3. Wis. Stat. § 30.12 only allows the property owner (not the easement holder) to apply for a permit from the State of Wisconsin authorizing filling activity in a navigable waterway (the "Chapter 30 Permit").

4. In order to implement the EPA Required Remediation, this Agency Agreement is intended to serve as a grant of limited authority to Miller Compressing to file the Chapter 30 Permit application on behalf of Property Owner and to designate Miller Compressing as responsible for compliance with the Chapter 30 Permit terms and conditions.

Limited Agency Agreement

5. Property Owner authorizes Miller Compressing to act as the agent of Property Owner for the limited purpose of filing a Chapter 30 Permit application and receiving a Chapter 30 Permit for the placement of fill in the Burnham Canal.

6. Miller Compressing is responsible for complying with the terms and conditions of the Chapter 30 Permit and for filing any and all reports, documents or data required by the Chapter 30 Permit. Property Owner will cooperate with Miller Compressing to fulfill requirements of the Chapter 30 Permit, if any, that reasonably require input from or action by Property Owner. Such cooperation shall be at no cost to Property Owner.

7. In the event Property Owner sells or transfers ownership of all or part of the property in the Burnham Canal after the effective date of this Agency Agreement, Property Owner will notify the new owner of the existence of this Agency Agreement.

8. Property Owner authorizes Miller Compressing to list this Agency Agreement in the Wisconsin Department of Natural Resources ("WDNR") Registry maintained under Wis. Stat. § 292.12.

9. Miller Compressing agrees that its activities in connection with the Chapter 30 Permit are included within the EPA Required Remediation for purposes of the Easement

Agreement and that the release, indemnity and limitation in Section 13(ii) of the Easement Agreement apply to any breach or failure to comply by Miller Compressing with the terms and conditions of the Chapter 30 Permit. This indemnity shall extend to any subsequent owner of the property that agrees to and adopts this Agency Agreement and promptly notifies Miller Compressing in writing that it has done so.

10. Property Owner shall promptly notify Miller Compressing in writing of any claims subject to the indemnity and will cooperate with Miller Compressing in defending or resolving such claims.

11. This Agency Agreement, including the indemnity in Section 9, will terminate upon the date ("Closure Date") that WDNR grants closure of the Burnham Canal remediation site under Wis. Admin. Code ch. NR 726, except that any indemnifiable claim for which Miller Compressing has received written notice from Property Owner and is pending as of the Closure Date shall survive.

12. Notices required under this Agency Agreement shall be sent to the following:

Miller Compressing Company
Attention: John Spigel
1640 West Bruce Street
Milwaukee, WI 53204

With a copy to:

Thompson Coburn LLP
Attention: Halpin J. Burke
One US Bank Plaza
St. Louis, MO 63101

Graymont Western Lime Inc.
Attention: John Maitland
200 – 10991 Shellbridge Way
Richmond, BC V6X 3C6
Canada

With a copy to:


Graymont Western Lime Inc.
Attention: Vice President, General
Counsel and Corporate Secretary
200 – 10991 Shellbridge Way
Richmond, BC V6X 3C6
Canada

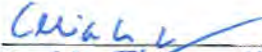
13. Any amendments to this Agency Agreement shall be in writing signed by both parties.

14. The laws of Wisconsin shall apply to this Agency Agreement.

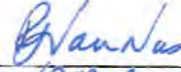
MILLER COMPRESSING COMPANY

GRAYMONT WESTERN LIME INC.

By 
Its U.I.

By 
Its Celia Johnson, Vice President
General Counsel & Corporate Secretary
Dated January 2, 2018.

Dated 1-8-18

By 
Its VP HR & Corporate Services.

Dated January 2, 2018.

Dated 1-9-18

Dated 1/04/2018

AUTHORIZATION FOR FILLING APPLICATION
("Agency Agreement")

Background

1. This Agency Agreement relates to that certain Easement Agreement made and effective as of May 30, 2017, recorded with the Register of Deeds for Milwaukee County on June 5, 2017 ("Easement Agreement") under which Mid-City Foundry Co. (hereafter, "Property Owner") granted an easement to Miller Compressing Company ("Miller Compressing") to allow Miller to conduct EPA Required Remediation (as defined in the Easement Agreement) associated with the Burnham Canal.

2. The Easement Agreement allows, among other things, Miller Compressing to place fill in those portions of Property Owner's property located within the Burnham Canal.

3. Wis. Stat. § 30.12 only allows the property owner (not the easement holder) to apply for a permit from the State of Wisconsin authorizing filling activity in a navigable waterway (the "Chapter 30 Permit").

4. In order to implement the EPA Required Remediation, this Agency Agreement is intended to serve as a grant of limited authority to Miller Compressing to file the Chapter 30 Permit application on behalf of Property Owner and to designate Miller Compressing as responsible for compliance with the Chapter 30 Permit terms and conditions.

Limited Agency Agreement

5. Property Owner authorizes Miller Compressing to act as the agent of Property Owner for the limited purpose of filing a Chapter 30 Permit application and receiving a Chapter 30 Permit for the placement of fill in the Burnham Canal.

6. Miller Compressing is responsible for complying with the terms and conditions of the Chapter 30 Permit and for filing any and all reports, documents or data required by the Chapter 30 Permit. Property Owner will cooperate with Miller Compressing to fulfill requirements of the Chapter 30 Permit, if any, that reasonably require input from or action by Property Owner. Such cooperation shall be at no cost to Property Owner.

7. In the event Property Owner sells or transfers ownership of all or part of the property in the Burnham Canal after the effective date of this Agency Agreement, Property Owner will notify the new owner of the existence of this Agency Agreement.

8. Property Owner authorizes Miller Compressing to list this Agency Agreement in the Wisconsin Department of Natural Resources ("WDNR") Registry maintained under Wis. Stat. § 292.12.

9. Miller Compressing agrees that its activities in connection with the Chapter 30 Permit are included within the EPA Required Remediation for purposes of the Easement Agreement and that the release, indemnity and limitation in Section 13(ii) of the Easement Agreement apply to any breach or failure to comply by Miller Compressing with the

terms and conditions of the Chapter 30 Permit. This indemnity shall extend to any subsequent owner of the property that agrees to and adopts this Agency Agreement and promptly notifies Miller Compressing in writing that it has done so.

10. Property Owner shall promptly notify Miller Compressing in writing of any claims subject to the indemnity and will cooperate with Miller Compressing in defending or resolving such claims. Such cooperation shall be at no cost to Property Owner. Miller Compressing may settle or compromise any such claims without prior approval of the Property Owner, provided the terms and conditions of the settlement do not impose a material restriction on the use of Property Owner's property. Prior to Miller Compressing's settlement or compromise of any claim subject to the indemnity, Miller Compressing shall provide notice of and written documentation of the proposed settlement or compromise to Property Owner, for Property Owner's review and comment. Property Owner agrees to conduct such review promptly.

11. This Agency Agreement, including the indemnity in Section 9, will terminate upon the date ("Closure Date") that WDNR grants closure of the Burnham Canal remediation site under Wis. Admin. Code ch. NR 726, except that any indemnifiable claim for which Miller Compressing has received written notice from Property Owner and is pending as of the Closure Date shall survive.

12. Notices required under this Agency Agreement shall be sent to the following:

Miller Compressing Company
Attention: John Spigel
1640 West Bruce Street
Milwaukee, WI 53204

Mid-City Foundry Co.
Attention: Richard J. Wieland
1521 West Bruce Street
Milwaukee, WI 53204

With a copy to:

With a copy to:

Thompson Coburn LLP
Attention: Halpin J. Burke
One US Bank Plaza
St. Louis, MO 63101

Mid-City Foundry Co.
Attention: Darin Costello
1521 West Bruce Street
Milwaukee, WI 53204

13. Any amendments to this Agency Agreement shall be in writing signed by both parties.

14. The laws of Wisconsin shall apply to this Agency Agreement.

MILLER COMPRESSING COMPANY

MID-CITY FOUNDRY CO.

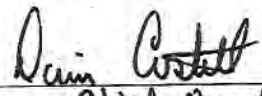
By

Its


J.P.

By

Its


Darin Costello
Chief Operating Officer

**AUTHORIZATION FOR FILLING APPLICATION
("Agency Agreement")**

Background

1. This Agency Agreement relates to that certain Easement Agreement made and effective as of May 30, 2017, recorded with the Register of Deeds for Milwaukee County on June 5, 2017 ("Easement Agreement") under which Bruce Street Properties, L.L.C. (hereafter, "Property Owner") granted an easement to Miller Compressing Company ("Miller Compressing") to allow Miller to conduct EPA Required Remediation (as defined in the Easement Agreement) associated with the Burnham Canal.

2. The Easement Agreement allows, among other things, Miller Compressing to place fill in those portions of Property Owner's property located within the Burnham Canal.

3. Wis. Stat. § 30.12 only allows the property owner (not the easement holder) to apply for a permit from the State of Wisconsin authorizing filling activity in a navigable waterway (the "Chapter 30 Permit").

4. In order to implement the EPA Required Remediation, this Agency Agreement is intended to serve as a grant of limited authority to Miller Compressing to file the Chapter 30 Permit application on behalf of Property Owner and to designate Miller Compressing as responsible for compliance with the Chapter 30 Permit terms and conditions.

Limited Agency Agreement

5. Property Owner authorizes Miller Compressing to act as the agent of Property Owner for the limited purpose of filing a Chapter 30 Permit application and receiving a Chapter 30 Permit for the placement of fill in the Burnham Canal.

6. Miller Compressing is responsible for complying with the terms and conditions of the Chapter 30 Permit and for filing any and all reports, documents or data required by the Chapter 30 Permit. Property Owner will cooperate with Miller Compressing to fulfill requirements of the Chapter 30 Permit, if any, that reasonably require input from or action by Property Owner. Such cooperation shall be at no cost to Property Owner.

7. In the event Property Owner sells or transfers ownership of all or part of the property in the Burnham Canal after the effective date of this Agency Agreement, Property Owner will notify the new owner of the existence of this Agency Agreement.

8. Property Owner authorizes Miller Compressing to list this Agency Agreement in the Wisconsin Department of Natural Resources ("WDNR") Registry maintained under Wis. Stat. § 292.12.

9. Miller Compressing agrees that its activities in connection with the Chapter 30 Permit are included within the EPA Required Remediation for purposes of the Easement Agreement and that the release, indemnity and limitation in Section 13(ii) of the Easement Agreement apply to any breach or failure to comply by Miller Compressing with the



terms and conditions of the Chapter 30 Permit. This indemnity shall extend to any subsequent owner of the property that agrees to and adopts this Agency Agreement and promptly notifies Miller Compressing in writing that it has done so.

10. Property Owner shall promptly notify Miller Compressing in writing of any claims subject to the indemnity and will cooperate with Miller Compressing in defending or resolving such claims. Miller Compressing may settle or compromise any such claims without prior approval of the Property Owner, provided the terms and conditions of the settlement do not impose a material restriction on the use of Property Owner's property.

11. This Agency Agreement, including the indemnity in Section 9, will terminate upon the date ("Closure Date") that WDNR grants closure of the Burnham Canal remediation site under Wis. Admin. Code ch. NR 726, except that any indemnifiable claim for which Miller Compressing has received written notice from Property Owner and is pending as of the Closure Date shall survive.

12. Notices required under this Agency Agreement shall be sent to the following:

Miller Compressing Company
Attention: John Spigel
1640 West Bruce Street
Milwaukee, WI 53204

Bruce Street Properties, L.L.C.
Attention: James Capen
1228 West Bruce Street
Milwaukee, WI 53204

With a copy to:

Thompson Coburn LLP
Attention: Halpin J. Burke
One US Bank Plaza
St. Louis, MO 63101


13. Any amendments to this Agency Agreement shall be in writing signed by both parties.

14. The laws of Wisconsin shall apply to this Agency Agreement.

MILLER COMPRESSING COMPANY

BRUCE STREET PROPERTIES, L.L.C.

By


Its V.P. o p c

By


As President

Dated

1-8-19

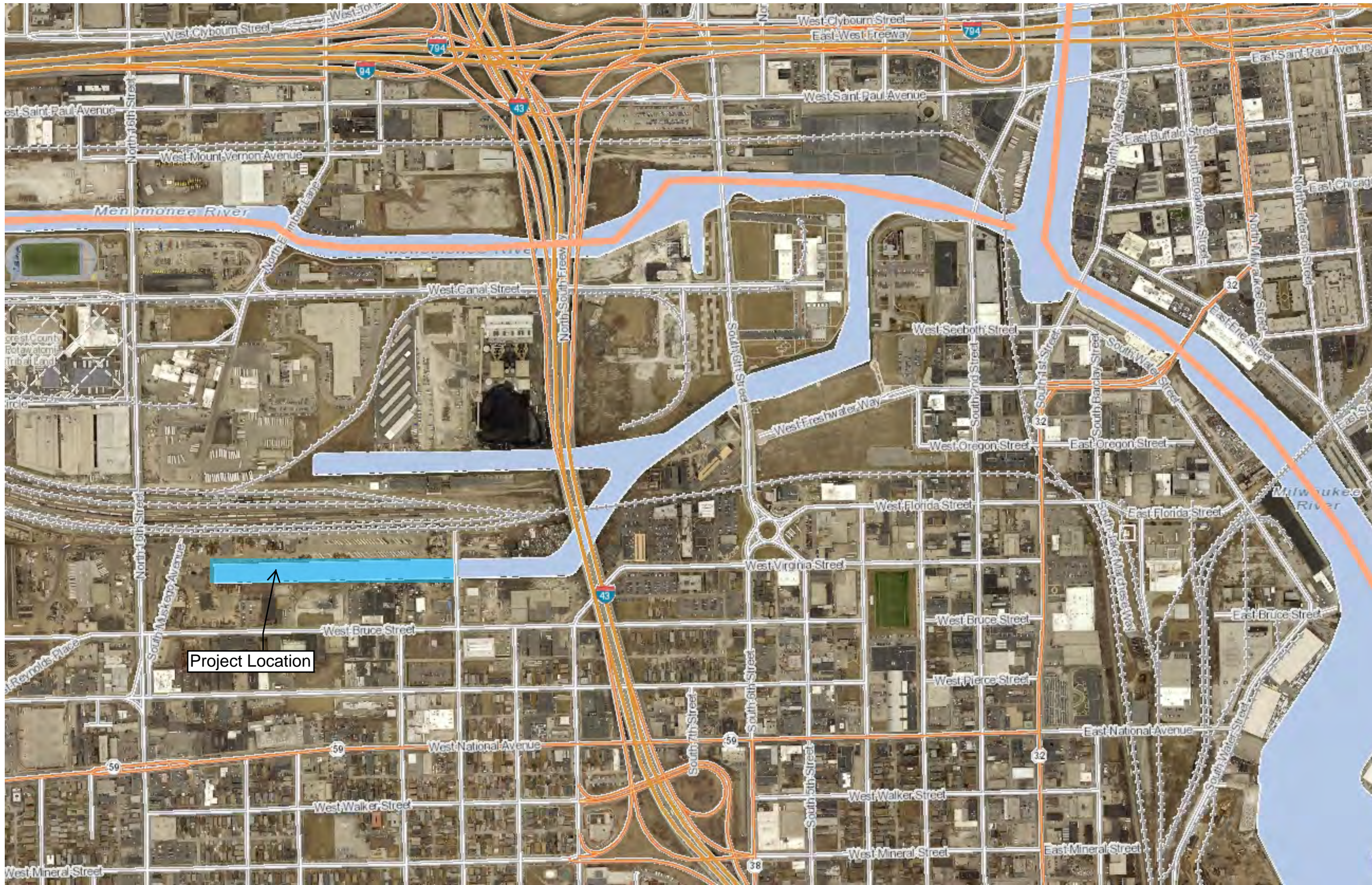
Dated

12/20/17

WETLAND AND FLOODPLAIN ASSESSMENT



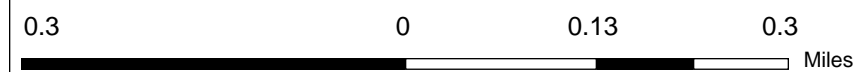
Surface Water Data Viewer Map



Legend

- Dams**
 - Dams with FERC License
 - Dams
- Floodplain Analysis Lines**
 - Other
 - Flood Insurance Study
 - Letter of Map Revision
 - Case By Case Analysis
 - Bridge
- Floodplain Analysis Points**
 - Other
 - Flood Insurance Study
 - Letter of Map Revision
 - Case By Case Analysis
 - Bridge
- Wetland Class Points**
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
- Filled Points**
 - Filled Points
- Wetland Class Areas**
 - Wetland
 - Upland
- Filled Areas**
 - Filled Areas
- Other Features**
 - NRCS Wetspots
 - Wetland Indicators
 - Municipality
 - State Boundaries
 - County Boundaries
- Major Roads**
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads**
 - County HWY
 - Local Road
- Railroads**
 - Railroads
- Tribal Lands**
 - Tribal Lands
- Rivers and Streams**
 - Rivers and Streams
 - Intermittent Streams
 - Lakes and Open water
- Index to EN_Image_Basemap_Leaf_Off**
 - Index to EN_Image_Basemap_Leaf_Off

Project Location



1:7,920

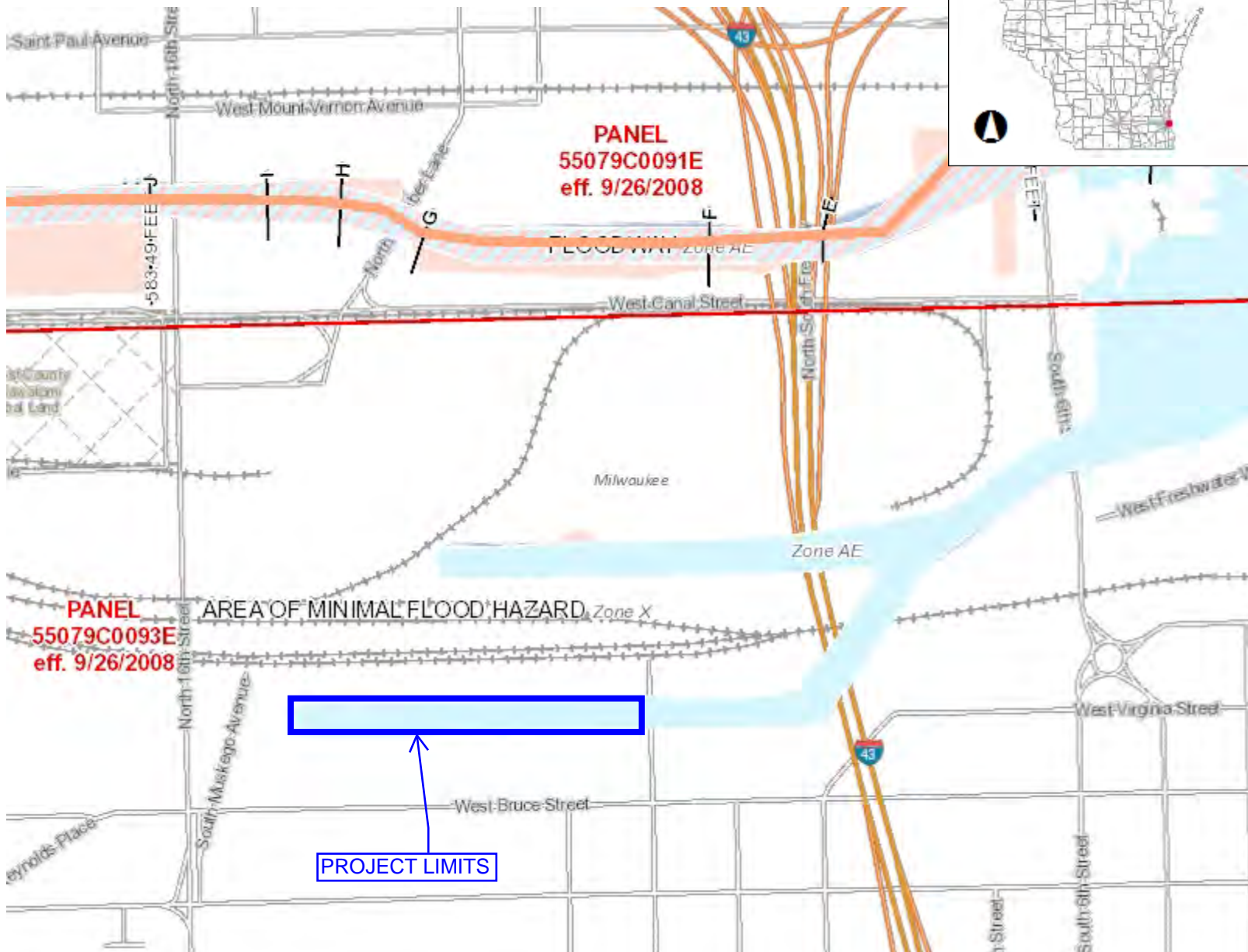
NAD_1983_HARN_Wisconsin_TM

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Notes

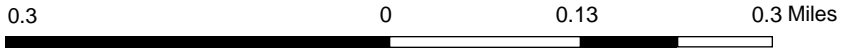


Surface Water Data Viewer Map



- ### Legend
- Dams**
 - Yellow square: Dams with FERC License
 - Red square: Dams
 - Record Flood Levels**
 - Red circle: Record Flood Levels
 - Floodplain Analysis Lines**
 - Orange line: Other
 - Light orange line: Flood Insurance Study
 - Purple line: Letter of Map Revision
 - Dark red line: Case By Case Analysis
 - Red line: Bridge
 - Floodplain Analysis Points**
 - Yellow circle: Other
 - Light orange circle: Flood Insurance Study
 - Purple circle: Letter of Map Revision
 - Red circle: Case By Case Analysis
 - Red line with cross-ticks: Bridge
 - FIRM Panels**
 - Red outline: FIRM Panels
 - Cross-Sections**
 - Black line: Cross-Sections
 - Flood Hazard Boundaries**
 - Grey line: Other Boundaries
 - Red line: Limit Lines
 - Blue line: SFHA / Flood Zone Boundary
 - Flood Hazard Zones**
 - Light blue square: 1% Annual Chance Flood Hazard
 - Blue square with diagonal lines: Regulatory Floodway
 - Blue square with cross-hatch: Special Floodway
 - Yellow square: Area of Undetermined Flood Hazard
 - Orange square: 0.2% Annual Chance Flood Hazard
 - Dark grey square: Future Conditions 1% Annual Chance Flood Hazard
 - Black square with diagonal lines: Area with Reduced Risk Due to Levee
 - County Boundary**
 - Grey outline: County Boundary
 - Municipality**
 - Yellow outline: Municipality

Notes



NAD_1983_HARN_Wisconsin_TM

1: 7,920

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**THREATENED AND ENDANGERED RESOURCES
ASSESSMENT**

Mark Walter

From: Burzynski, Marsha B - DNR <Marsha.Burzynski@wisconsin.gov>
Sent: Wednesday, November 22, 2017 1:02 PM
To: Mark Walter
Subject: RE: Burnham Canal Endangered Resources and Historical/Cultural Resource Reviews

Hi Mark. Thanks for sending the info. I did a preliminary NHI (endangered resources) screen and didn't find anything we need to worry about for this project. I will let our permitting folks know about the screen for endangered resources so they can access the information during permit review/issuance. As for the Archaeological, etc. our State Archaeologist is assisting me with the review. His initial review also does not show impact/or known resources that would be affected by the project. I asked for him to provide written information confirming the findings. Since this is a project with some federal jurisdiction, he will be working with the State Historic Preservation Officer to give us confirmation and further instructions (if any). Stay tuned. I'll provide the archaeological confirmation after I receive it.

M

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Marsha Burzynski
Phone: (414) 263-8708
Marsha.burzynski@wisconsin.gov

From: Mark Walter [mailto:Mark.Walter@obg.com]
Sent: Monday, November 13, 2017 1:51 PM
To: Burzynski, Marsha B - DNR <Marsha.Burzynski@wisconsin.gov>
Cc: Todd Lewis <Todd.Lewis@obg.com>; Parsons, Laurie <Laurie.Parsons@obg.com>; MThimke@foley.com; Joe Kovacich <joekovacich@hotmail.com>
Subject: Burnham Canal Endangered Resources and Historical/Cultural Resource Reviews

Hi Marsha,

Thanks so much for taking the time to meet with us on 11/1 to discuss the Burnham Canal projects. It was great to put faces to names and we believe the meeting was very productive. As discussed, I've attached a 24K USGS topo map with the project area outlined to assist you with proceeding with the Endangered Resources (ER) and Historical/Cultural Resources reviews. Please let me know if you have any comments or questions. We look forward to collaborating with WDNR as we continue with these projects.

Thanks again,

Mark



Mark D. Walter, PE
NRT, an OBG Company | Environmental Engineer
234 W. Florida Street, Fifth Floor

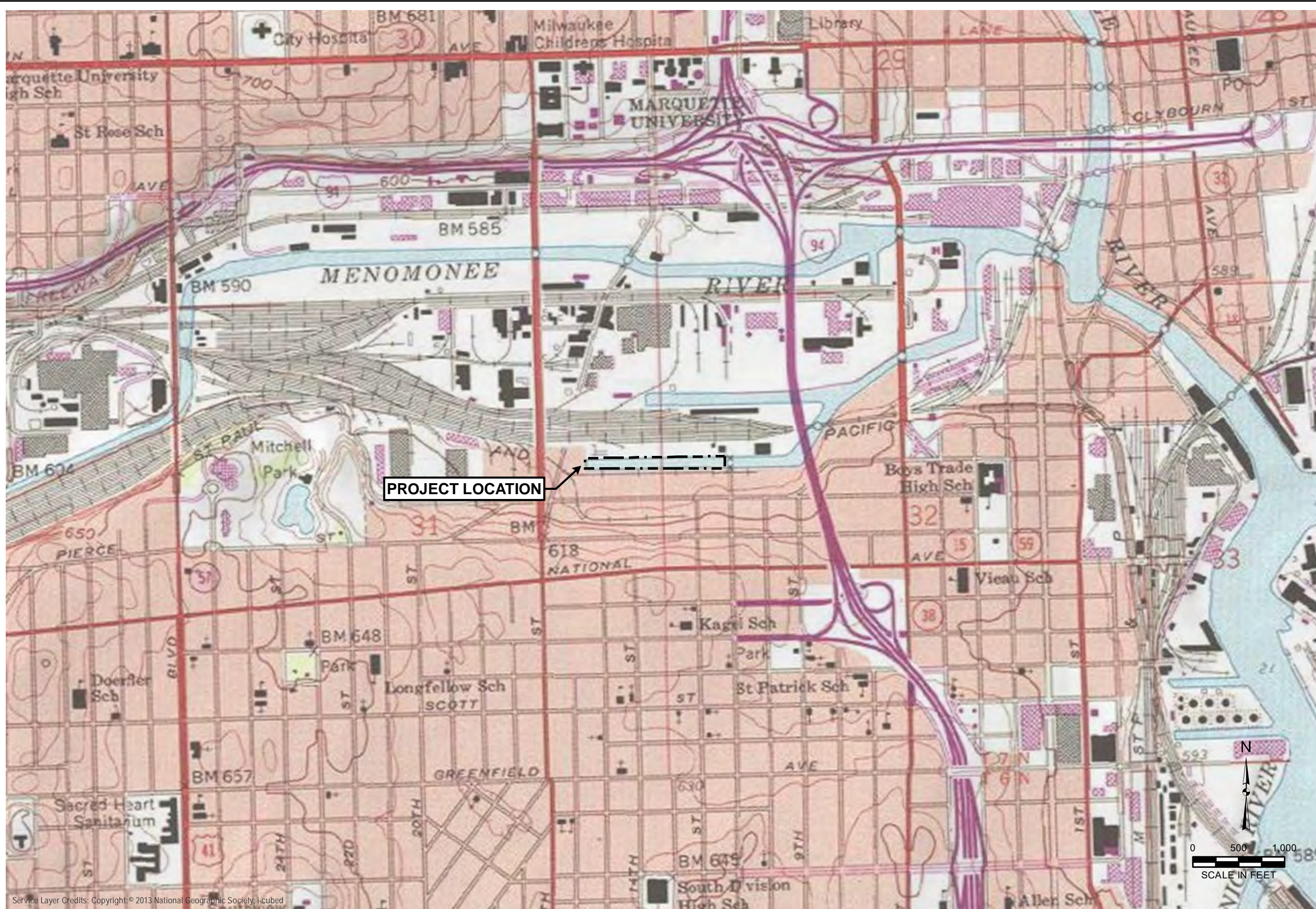
Milwaukee, WI 53204

414-837-3563 | c 608-220-2480

Mark.Walter@obg.com | www.obg.com/nrt

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SDS 11/1/17
REVIEWED BY/DATE:
MDW 11/1/17
APPROVED BY/DATE:
MDW 11/3/17

PROJECT LOCATION MAP

BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
MILLER COMPRESSING COMPANY
MILWAUKEE, WISCONSIN

PROJECT NO: 2117

FIGURE NO: 1



Y:\Mapping\Projects\2117\TMD\Figure_1_Project Location Map.mxd Author: stolzes Date/Time: 11/3/2017, 10:53:04 AM



Endangered Resources Preliminary Assessment

Created on **10/11/2017**. This report is good for one year after the created date.

Results

Endangered resources are present and the species present are legally protected. **Further actions are required to ensure compliance** with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats.) and the Federal Endangered Species Act (16 USC ss 1531-43). Therefore you should request an Endangered Resources Review <http://dnr.wi.gov/topic/ERReview/Review.html>.

Project Information

Landowner name

Project address

Project description

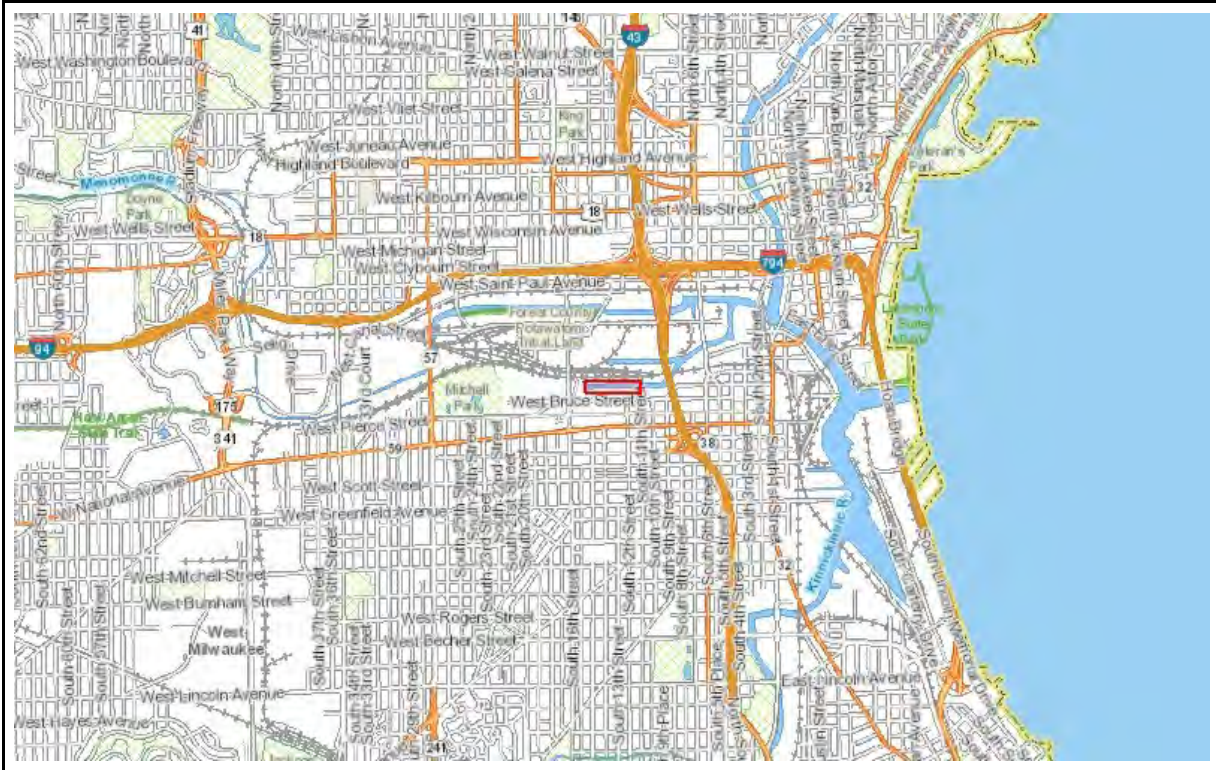
Project Questions

Does the project involve a public property? Yes

Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project? No

Is there any federal involvement with the project? Yes

Is the project property in Managed Forest Law or Managed Forest Tax Law? No



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<https://dnrx.wisconsin.gov/nhiportal/public>

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921

**HISTORICAL AND CULTURAL RESOURCES
ASSESSMENT**

REQUEST FOR SHPO REVIEW AND COMMENT ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation and Public History, 816 State Street, Madison, WI 53706

RECEIVED
DEC 07 2017

Please Check All Boxes and Include All of the Following Information, as Applicable:

I. GENERAL INFORMATION

RY:

- This is a new submittal.
- This is supplemental information relating to Case #: _____, and title: _____
- This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is _____

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): EPA
- b. State Agency Contact Person: MJ DUDZIK
- c. Phone: 414.263.8617 FAX: 414.263.8617
- d. Return Address: 2300 N MLK Drive, Milwaukee, WI 53212
- e. Email Address: mark.dudzik@wi.gov
- f. Project Name: BURNHAM CANAL PROJECT
- g. Project Street Address: _____
- h. County: MI City: Madison Zip Code: _____
- i. Project Location: Township 7, Range 22E, E/W (circle one), Section 31 & 32, Quarter Sections _____
- j. Project Narrative Description—Attach Information as Necessary.
- k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- Historic Properties are not located within the project APE. Attach supporting materials.
- Historic Properties are located within the project APE. Attach supporting materials.

III. FINDINGS


- No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them).
- The proposed undertaking will have an effect on one or more historic properties located within the project APE.

Authorized Signature:  Date: 11.30.2017

Type or print name: MJ DUDZIK, DNR

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- Agree with the finding in section III above.
- The proposed undertaking will result in an adverse effect to one or more historic properties.
- WHS requires negotiation with the state agency to resolve the adverse effect.
- Object to the finding for reasons indicated in attached letter
- Cannot review until information is sent as follows: _____

Authorized Signature:  Date: 12/21/17

Mark Walter

From: Burzynski, Marsha B - DNR <Marsha.Burzynski@wisconsin.gov>
Sent: Thursday, February 08, 2018 10:27 AM
To: Johnson, Elaine M - DNR; Mark Walter
Subject: FW: MI-7-22-31...WM-EPA...Burnham Canal Project
Attachments: 20180108065619396.pdf

Importance: High

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Marsha Burzynski
Phone: (414) 263-8708
Marsha.burzynski@wisconsin.gov

From: Dudzik, Mark J - DNR
Sent: Monday, January 8, 2018 6:59 AM
To: Burzynski, Marsha B - DNR <Marsha.Burzynski@wisconsin.gov>
Subject: MI-7-22-31...WM-EPA...Burnham Canal Project
Importance: High

PROJECT CLEARED

SHPO/C Brown: 17-1550/MI (21.21.2017) clearance attached ... [*retain copy for project file.*](#)

M

Mark J. Dudzik
Departmental Archaeologist /
Departmental Historic Preservation Officer

Cultural Resource Unit
Bureau of Environmental Analysis & Sustainability
Wisconsin Department of Natural Resources
2300 N. MLK Drive
Milwaukee, WI 53212

phone: 414.263.8617; fax: 414.263.8483
cultural resource website: <http://dnr.wi.gov/topic/Lands/CulturalRes>
email: mark.dudzik@wi.gov

Mark Walter

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Cc: Todd Lewis <Todd.Lewis@obg.com>; Parsons, Laurie <Laurie.Parsons@obg.com>; MThimke@foley.com; Joe Kovacich <joekovacich@hotmail.com>
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Mark



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234 W. Florida Street, Fifth Floor

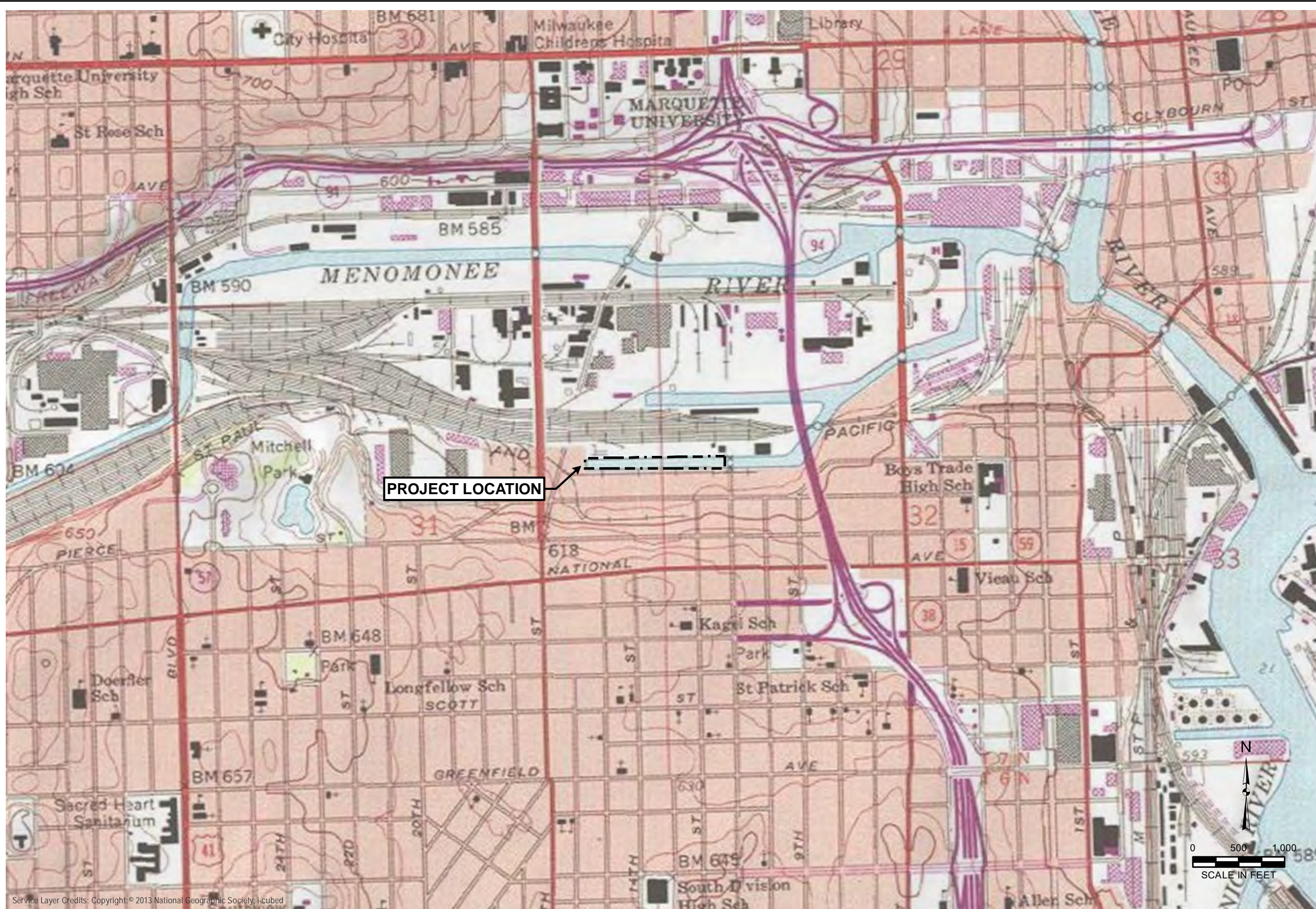
Milwaukee, WI 53204

414-837-3563 | c 608-220-2480

Mark.Walter@obg.com | www.obg.com/nrt

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REVIEWED BY/DATE:
MDW 11/1/17
APPROVED BY/DATE:
MDW 11/3/17

PROJECT LOCATION MAP

BURNHAM CANAL SUPERFUND ALTERNATIVE SITE
MILLER COMPRESSING COMPANY
MILWAUKEE, WISCONSIN

PROJECT NO: 2117

FIGURE NO: 1



Y:\Mapping\Projects\2117\TMD\Figure_1_Project Location Map.mxd Author: stolzes Date/Time: 11/3/2017, 10:53:04 AM