



September 18, 2020

File Ref BRRTS: 07-68-586463
09-68-586481

Mr. Dan Duchniak
Waukesha Water Utility
115 Delafield Street
Waukesha, WI 53187

Subject: Liability Clarification and “No Action Required” Determination,
per Wis. Admin. Code NR § 716.05(2).
Nike Missile Launch Site, County Highway D, Waukesha, Wisconsin
Parcel #: WAKC1300986

Dear Mr. Duchniak:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at County Highway D, Waukesha, Wisconsin (“the Property”). The Property consists of approximately 25 acres of land located in Waukesha County, identified by tax parcel number WAKC1300986. Refer to the attached Figure 2: Site Plan Map and Figure 3: Site Map with Historic and Proposed Uses for site maps of the Property.

Summary Determination

Hazardous substance discharges or environmental pollution have occurred on the Property as indicated by the presence of cadmium and polycyclic aromatic hydrocarbons (PAH) detected in soil samples and volatile organic compounds in groundwater. However, the Wisconsin Department of Natural Resources (“the department”) has determined that no response actions are required. The department has made this determination based on the data made available to the department and the criteria in Wis. Admin. Code § NR 716.05.

Based on the data provided, there is no evidence that selenium detected in soil samples throughout the site resulted from hazardous substance discharges that occurred on the Property. No response actions are required to address the occurrence of selenium.

Request

On September 1, 2020, The Sigma Group, Inc. requested on your behalf that the department issue a liability clarification letter under Wis. Stat. § 292.55. The letter contains a determination as to whether response actions are needed under the Wis. Admin. Code NR 700 rule series based on the discharge of one or more hazardous substances or presence of environmental pollution at the Property. The department received the fee for providing assistance, in accordance with Wis. Admin. Code § NR 749.04(1).

For the department to make this determination, you have requested a review of the following documents:

- Discharge notification form submitted to the department on August 18, 2020
- 6-130 D7 Former Nike Missile Launch Site at Rempe-Nike, Booster Pumping Station, No Further Action Request, August 2020, The Sigma Group, Inc.

The department examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

The Property was operated as a Nike missile launch site from the late 1950’s through 1971. Facilities on the Property included a warhead storage building, missile assembly building, pump house, generator building, fallout shelter, and ready building. The City of Waukesha stored gravel, woodchips, topsoil, and other yard maintenance materials on the Property after operations at the missile base were suspended. Water utility facilities, including a water tower, reservoirs, and a booster pumping station, are now proposed to be constructed on a portion of the Property near where the former ready building and fallout shelter were located. Soil and groundwater samples were collected at the Property in April 2020 to assess environmental conditions prior to construction scheduled later this year.

As depicted on the attached Figure 3: Site Map with Historic and Proposed Uses, twelve soil borings were advanced in April 2020 in areas where hazardous substances discharges may have occurred from past activities. One of the soil borings, SB-2, was converted to a groundwater monitoring well. Soil borings SB-2 and SB-6 were advanced near a former fuel oil underground storage tank and septic system drain field that serviced the former ready building. Soil samples collected from these boring contained PAHs at concentrations below Wis. Admin. Code ch. NR 720 residual contaminant levels (RCLs). Cadmium was also detected in the soil sample collected from SB-6 at a depth of 10-12 feet at a concentration greater than the RCL for the protection of groundwater but only slightly above its established background threshold value (1.16 mg/kg vs. 1 mg/kg) and may not be an environmental contaminant. The groundwater sample collected from MW-1 contained trace concentrations of VOCs, PAHs, and barium at concentrations below the Wis. Admin. Code ch. NR 140 preventative action limit. These contaminants have been attributed to a discharge from the former fuel oil tank.

The majority of soil samples collected from eleven borings advanced on the property in April 2020 had concentrations of selenium at concentrations in excess of the RCL for the protection of groundwater. Based on the widespread occurrence of this compound with little horizontal or vertical variation, a lack of a contaminant source that would result in elevated concentrations of only this substance, and that concentrations found on the Property are similar to those detected in other locations within the project area, the department agrees that the selenium is naturally occurring and not the result of a hazardous substance discharge.

Liability Determination

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754 require those who are responsible for a hazardous substance discharge or environmental pollution to take actions necessary to respond to the contamination. Wis. Stat. § 292.55, authorizes the department to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges or environmental pollution has been discovered on the Property. However, based on the criteria in Wis. Admin. Code § NR 716.05(2)(a) and Wis. Admin. Code §§ NR 708.09 (1) and (2), the department has determined that no response actions, including further site investigation activities, are required under Wis. Admin. Code chs. NR 700-754 to respond to these identified discharges or environmental pollution. In addition, selenium detected at the site does not appear to be the result of a hazardous substance discharge or environmental pollution; further site investigation or response actions are not required under Wis. Admin. Code chs. NR 700-754 to address this substance.

Managing Excavated Soil

Soil samples collected in April 2020 have not identified soil that must be managed as a non-exempt waste if excavated. The selenium, and possibly cadmium, concentrations detected in the soil samples collected from this Property could be attributed as being natural occurring and not as contaminants. As outlined in department guidance RR-103, "Exempt Soil Management: A Self-Implementing Option for Soil Excavated During a Response Action", soil containing PAH compounds below RCLs can be managed as an exempt waste. Excavated material with indicators of contamination discovered during excavation on the Property cannot be managed as exempt waste. The generator of the waste will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal of the material complies with applicable standards and rules. Any hazardous substance discharge discovered during material management activities must be reported to the department following the requirements of Wis. Admin. Code ch. NR 706.

As with any environmental assessment, all areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. This letter relates and refers only to those conditions described above and to information and data you submitted to the department in your request for this letter. The department makes no determination concerning the presence or absence of hazardous substances or environmental pollution, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the department becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the department will evaluate that data at that time to determine if any response actions are required. Whenever possible, the department requires the person who caused the discharge to take the appropriate response actions.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the beginning of this letter. The department tracks information on all case determinations such as this letter in a department database that is available online at dnr.wi.gov and search: "BOTW". Since there is no action required for this case, the department will identify this site activity as a "No Action Required" determination.

If you have any questions, please contact me at (414) 405-0764, by writing to the address at the top of this letter or by email to paul.grittner@wisconsin.gov.

Sincerely,





Paul Grittner
Hydrogeologist - Remediation & Redevelopment Program
Southeast Region

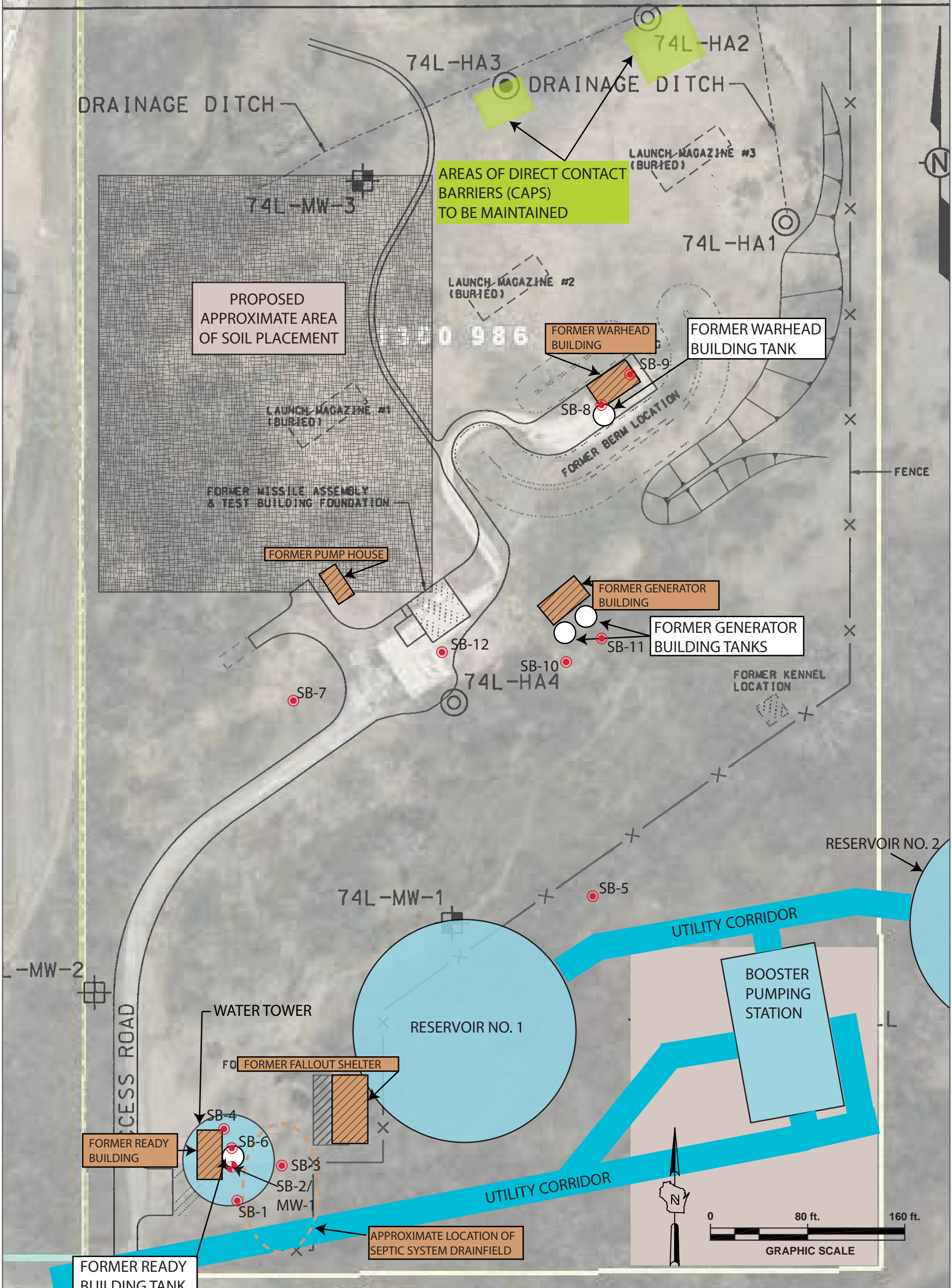
Attach: Figure 2: Site Plan Map, 3/25/2020, The Sigma Group, Inc.
Figure 3: Site Map with Historic and Proposed Uses, 5/18/2020, The Sigma Group, Inc.

cc: Margaret Brunette, DNR
Kristin Kurzka, The Sigma Group, Inc., 1300 W. Canal Street, Milwaukee



LEGEND	
	Geoprobe Soil Boring
	Monitoring Well

Historic Site Use, Potential Sources, and Historic Environmental Investigation are indicated with black line text and drawing (source: STS, 1997, not to scale).



Project: 16439
 Directory: CAD
 Filename: 16439 Master Map_Nike vertical 11x17.ai
 Created By: ASL/ESP
 Date: 05/18/2020



SITE MAP WITH HISTORIC AND PROPOSED USES
 FORMER NIKE MISSILE LAUNCH SITE COUNTY HIGHWAY D, WAUKESHA, WI

FIGURE
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