

OAK CREEK LAKEFRONT ENVIRONMENTAL REPORT
2017

INTRODUCTION

The City of Oak Creek (the “City”) owns approximately 113 acres on Oak Creek’s lakefront. Attached as Figure 1 is a map showing the location of the land owned by the City. Approximately 50 acres of the land is dedicated to a City park with spectacular vistas of Lake Michigan. The park will include a pavilion, gathering spaces, recreational areas and trails. The remaining 63 acres is available for development. Adjacent to the City property is approximately 21 acres owned by the Edison M. Boerke Family Trust, also identified on the attached maps. David Boerke, the current Trustee and the City are working collaboratively to develop these properties. The property owned by the City was previously owned by DuPont and EPEC. After an extensive environmental investigation conducted under the supervision of the Wisconsin Department of Natural Resources (“DNR”), the DNR issued for both the DuPont and EPEC properties a Voluntary Party Liability Exemption (“VPLE”) Certificate of Completion (“COC”). Once the COC was issued, title to the properties was transferred by DuPont and EPEC to the City. Under Wisconsin Law, as long as the environmental rules are followed, any owner of the property that develops the property will not be subject to any further regulatory action by either the DNR or the United States Environmental Protection Agency (“EPA”). Attached to this report is a summary from the DNR of the VPLE Program that applies to most of the City owned properties. Included in this report is an Executive Summary of the environmental rules regarding redevelopment of those properties covered by the VPLE program. Any form of development except for single family homes is allowed on the site. As part of the remediation plans, stormwater treatment facilities are being constructed which eliminate the necessity for stormwater detention basins for the developable parcels. Depending upon the development, the site could be graded in a manner that maximizes views of Lake Michigan and concurrently minimizes off-site soil management.

The properties are as follows:

- City of Oak Creek – 4240 East Ryan Road – 56.23 Acres
- City of Oak Creek – 9180 South 5th Avenue – 56.76 Acres
- Edison M. Boerke Family Trust – 9300 South 5th Avenue – 21.17 Acres

EXECUTIVE SUMMARY

The following is a summary of the rules and regulations imposed by the DNR for the redevelopment of the City properties that are managed under the VPLE program:

- Any developments require notification to the DNR and approval by the DNR. Any form of development except for single family development is allowed.
- All soil disturbance activities on the site must be supervised by a qualified environmental professional engineer (“QEP”).
- The site has a two-foot engineered clay cap. Any disturbance of the two-foot clay cap must be replaced with a DNR approved barrier which can include building slabs, pavement and roadways.
- All excavated soil below the cap must be segregated and either reused on the site under an approved barrier or disposed of at a licensed off-site facility. Given the topography of the land, it is anticipated that most, if not all, soils can be reused on-site.
- The QEP on-site must inspect excavated soils below the two-foot cap for potential contamination.
- Any construction must include a vapor intrusion mitigation system.
- Attached to this report is a map depicting the existing wetlands amenity present on site. This is a conservation area which is required to remain in open space and is not developable.

ENVIRONMENTAL REPORTS

The following reports are available online at _____

- Soil Management Plan – former DuPont property
- Soil Management Plan – former EPEC property
- Deed Restrictions – former DuPont property
- Deed Restrictions – former EPEC property
- Multiple environmental studies conducted by DuPont and EPEC in order to gain VPLE status from the DNR