

**NEWTON GRAVEL PIT MINUTES**  
**CITY OF MANITOWOC/DNR**  
**November 8, 2016, 1:00 pm**  
**City Hall 2<sup>nd</sup> Floor Conference Room**

Attendees: Dave Henderson, J. Maletzke – AECOM  
Dan Koski, Kathleen McDaniel, Greg Minikel, Karen Dorow – City of Manitowoc  
Tauren Beggs, Liz Heinen – WDNR  
Dave Johnson – WDNR - Absent

1. Potable Well Sampling - October Results

❖ October results, there are two new VC hits at 4005 Thunder Ridge and 4010 Thunder Ridge. They are across the street from each other. They had previous cis hits. Both confirmation sampled, 4010 confirmed VC hit. 4005 did not have VC hit the second time. D. Henderson resampled 4005 Thunder Ridge this morning. For the October sampling event – these are the two notable changes. Everything else remained consistent.

A replacement well was installed the end of July at 3303 Hecker Road which is right across the street from the Gravel Pit. The first two rounds of samples from this well came back clean. The third round came back with carbon disulfide. The lab called Dave to discuss. D. Henderson, after discussion with the City, instructed the lab to run other two sample vials and the second sample went down and the third had no detect. D. Henderson researched carbon disulfide. He provided an ATSDR handout under 1.1 that says it may appear as a naturally occurring compound in marshes. The basement walls are weeping water and floor is wet. There appears to be a spring that flows through basement (e.g. marsh like conditions). D. Henderson confirmed again today that no one is living at the property. Today D. Henderson resampled, ran the hose for a half an hour and purged four five gallon buckets full from the sample port. DNR stated they have not run into it before.

In summary, 4141 Viebahn (landscape business we left well for sampling) had the VC hit on the non-potable well, two new hits, 4005 Thunder Ridge and 4010 Thunder Ridge. Garden on Orchard Lane got sampled. Samples for all properties scheduled were taken.

In terms of going forward, we are at the completion of the approved sampling plan. Looking to DNR for Guidance going forward. City needs to provide a new sampling plan for next year. City is leaning toward annual sampling for 2017. L. Heinen asked when we would come up with the next sampling plan. D. Henderson stated February or March. It will be part of the next proposal to the City after the first of the year. L. Heinen and T. Beggs will discuss.

D. Henderson has the report for the recent sampling event, but is waiting for sample results just taken to complete the report.

Priority IAC (3504 CTH CR) has been very nice. Will need to complete landscaping for them in the spring. The second of three replacement well samples was taken today.

## 2. Groundwater Sampling, Annual Monitoring Well Testing - October Results

❖ 40+ wells were sampled. Almost everything was the same. D. Henderson took out the groundwater flow map showing monitoring wells. D. Henderson reported that we had a couple of new hits at MW-21 and MW-22, which is new. The creek was rather full this time around and it has been wet, the week before it has rained for four days. This might be due to a little groundwater push into the groundwater divide area. The monitoring well behind Yindra (3518 Hecker Road) results keep going down. The well at the gravel pit entrance road is still no detect. Otherwise pretty consistent with past results. D. Henderson has not mapped groundwater flow to see what rain did to the flow yet. D. Henderson and K. Dorow to coordinate letter to Roberts and Mancheski with results of groundwater monitoring for wells on their property. Should probably be sending results to Fricke for wells on his property, but he said don't worry about it.

Creek was high and there were a couple of hits in the staff gauges. Slightly less than last time, but it is being attributed to the higher water level and water flow.

## 5. Permits - WPDES & Chapter 30 With Fish

❖ Sent RAOR into T. Beggs. Received the first round of comments back 90% of the revisions the City is ok with. Discussion after the full meeting today on a couple of items. Revision will be coming to T. Beggs once we settle things out.

In concert with final design, which is going forward right now, we had three permits which we had to deal with; Air Permit, WPDES Permit, and Chapter 30 Permit (outflow from pond permit). The air permit settled out pretty quickly. We do not need a permit as long as we stay within standards. The WPDES Permit we have a disagreement with the permit manager. We have come to an agreement with T. Beggs on how we are going to approach the situation and we are going to apply for general permit and not an individual permit.

Chapter 30 permits we tried to get a permit exclusion for the outfall and a general permit for the pond. A couple of weeks ago D. Henderson met with T. Beggs and C. Webb and she explained why they would be requiring individual permits. For the Chapter 30 Permit we will need to do an individual pond permit and individual outfall permit. As part of the process the WDNR will require some sort of fish screening for the outfall. We are in final design phase with the fish screening. As soon as that is done D. Henderson will apply because C. Webb would like to walk the site as part of the permit process before the snow flies. D. Koski asked why the site visit? T. Beggs said he thought it was part of the permit process. Individual Permit comes with

a public notice. The public notice includes a published local newspaper notice, published on the DNR website on permit list and letter that goes to property owners immediately upstream and downstream. Permit fees \$603 each for those.

### 3. December 3, 2016 Open House

❖K. McDaniel followed up with Newton to see if we can use the town hall. She will report back as soon as she knows. It has not been an issue before so K. McDaniel does not foresee any issue holding it there again this year unless they have something else going on there. They have always been kind enough to let us use it at no charge.

Attendance – in years past we have had State Health, County Health, WDNR, City representatives and AECOM. D. Henderson reported that he may not be here that weekend. If not J. Maletzke will cover from the AECOM standpoint. L. Heinen and T. Beggs will be there. T. Beggs will make contact with state and county health and leave it up to them. He will advise if they will be attending.

L. Heinen asked based on comment cards, what did people appreciate the most about the open house? K. McDaniel said she heard most folks appreciated the opportunity to come and get their questions answered, some didn't have a lot of questions but came to see what was going on and verification from the WDNR that the City is cooperating. She also stated that it seems like each year several bring their mason jar with water requesting it to be sampled. We will put on the postcard that there will not be testing done at this event. Citizens that have questions about water sampling that are outside of our sampling area should contact L. Heinen. The consensus is that residents have appreciated that we are transparent with what is going on and like the opportunity to see if there is going to be anything new. It may also head off questions when construction on the pond begins. Residents will understand what the pond is for and will know what is happening.

Discussion at the meeting should be talking about seeing increased activity at the site in the next year. Construction of the pond and what the pond will be doing. Group was ok with having a graphic of the pond at the meeting. Talk should be about the pond, cap and phytoremediation. D. Henderson will reach out to Forestry Service for their handout on phytoremediation. D. Henderson and K. Dorow will work on the timeline to include what's next for 2017 - pond (groundwater treatment), capping, phytoremediation and 2018 tentative plans and some graphics for the meeting.

D. Henderson spoke with R. Zalesny from the US Forestry Service last week. They are excited about the site and we are still on their commitment list. This was the first year of his study (5 sites). It looks like they will have a season of field work and then the following season planting will take place. Our planting may not start taking place until 2018. The US Forestry Service gets site specific soil samples and then hybridizes the trees from the soil samples. It was suggested that the US Forestry Service be invited to the open house. D. Henderson will reach out to R. Zalesny and ask him if he would be available to attend.

In speaking with R. Zalesny, he said hold off on the sample MOU he sent to us. He has three types of agreements and will get us the one that best fits our situation. D. Henderson reported that they are also working at the Ridgeview Landfill, so they will have two sites in the area.

#### Handouts:

- Comment Cards – The group felt that it would not hurt to do them. We get less and less each year but still a good thing to do. WDNR will take them back to their office, scan them and email to City.
- T. Beggs will bring coloring pages and crayons.
- K. Dorow will take care of muffins/coffee etc. from Kwik Trip.
- Mailing list – use the same list we used in 2015. We will include on the postcard that we will not be sampling water at the event.
- Press release – The WDNR did the press release last year but is not able to do it again this year. The City will send out the press release. T. Beggs gave the approval to continue to use the WDNR logo along with the City logo. K. McDaniel will work on a draft. We will take the media from 9 – 10 am as we have done in the past. Discussion was held on whether we would go from 10 – 12 or 10 – 11 for residents. It was agreed that we would go from 10 – 11 am and if there were still residents we would extend the time. Team would have the wrap up meeting immediately following.

❖ One of the things residents had questions on last year on how to read the results of the testing. K. McDaniel stated that they get a brief explanation in the letter that is sent with the results. D. Koski stated that if there is a hit at a property, for the first one he and K. McDaniel hand deliver the lab report and explain it to them and give the property owner their cards if they have any questions. Questions are about the codes and why is 7 of this ok and .1 of this is bad? That is where we get into what are the numbers based on, health standards and risk. It is nice to be able to talk to them face to face about the results, it helps to dispel their fears.

❖ Another question was from residents outside our affected area wanting to be sampled. It's helpful to show them a map to help them understand they are outside of the affected area.

- Graphics
  - o D. Henderson will bring the big sampling map that was used last year, no addresses. J. Maletzke said they have a map with addresses they can bring along and use if needed.
- L. Heinen will bring her handouts as she has done in the past.
- T. Beggs will check with E. Culhane to see if he is able to attend.

#### 6. Other topics

❖ No other topics.

#### 7. Next meeting?

- ❖ Discussed meeting in February or March. K. McDaniel will send out a meeting invitation for March 2, 2017, 10:00 am.

■ The full meeting ended. T. Beggs stayed to discuss item #4 - RAOR ■

#### 4. RAOR - Report Review Edits

- ❖ D. Henderson and T. Beggs went through as a team on the phone all of the comments on the RAOR. 90% of the comments on T. Beggs review were agreed to. D. Henderson will make changes. In terms of the NR 718 soil management plan discussion, it comes down to what is below water table potentially impacted, and what is above water table unimpacted. Further delineation with additional sampling was requested. City would like to use what is above the water table as clean soil, possibly on the Fricke side to buttress the bluff. The City would need to have an MOU with Fricke and based on a verbal discussion he is open to that. G. Minikel asked about the timing of the MOU with Fricke. D. Henderson would ask permission to survey and follow up with MOU for placement of soil. G. Minikel voiced concerns about staff time for surveying. Mr. Fricke is agreeable to this so we could give him a call when we are ready to survey for permission.

Review of the map for potential placement of clean material was done. There will be another 40,000 cubic yards of material that will need placement at the gravel pit. D. Koski reported that R. Junk requested some clean material be left for DPW projects. D. Koski is waiting to hear back from him on volume.

For the RAOR, we are classifying the material above the water table as clean to use on and off site unrestricted. D. Henderson stated that there is a guidance document on sampling and offered in the original discussion a suggestion of maybe five (5) samples for VOCs, a soil sample above the water table, half way to the depth of the water table in a couple of locations and two samples into the hillside. We would provide the results with the MOU to Mr. Fricke showing we are giving him clean soil. T. Beggs took the conversation back to his office. T. Beggs discussed with J. Fassbender and G. Edelstein, both out of Madison, and they would like 12 samples tested for PAH, PCB, VOCs and a request for RCRA metals for clean soil definition. This is not mandated by the DNR but in a guidance document. D. Henderson feels that the DNR does not have the authority to ask for this, J. Fassbender feels she does have the authority, based on the fact it is a response action (open environmental) site. K. McDaniel asked if J. Fassbender is basing her authority for this from the guidance documents. T. Beggs said that she feels it is part of the NR718, just not well documented. When D. Henderson did the engineering estimate for the request it would be an estimated \$10,000 to \$12,000 for all that is being requested. D. Henderson agrees that it may help the City to do a little bit of testing because you can assure an offsite owner that soil has been tested, but feels it is extreme for DNR to require 12 samples of

all analysis. D. Koski asked what the rationale was for taking so many samples. T. Beggs stated that they use the NR718 to base testing criteria for soil characterization during construction. D. Henderson and T. Beggs discussed five (5) samples pre construction and no sampling during construction because we are not hauling it anywhere. D. Henderson is not sure where we stand with J. Fassbender in terms of clean sampling ahead of time, no clean sampling during construction. T. Beggs thinks that J. Fassbender is on board with pre construction testing, the question is how many and what testing. K. McDaniel indicated that the City would be willing to do some sampling but that is above what the law requires. T. Beggs reported that the regulatory focus shifted and a change was made because they are finding a lot of sites that have gotten into the VPLE Program and when they got to the required assessment testing in Phase II they found that what they brought in (that they thought was clean) turned out not to be clean and that is how this came about. 12 samples is one per 4,000 cubic yards. Five samples would be more like one per 10,000 cubic yards.

Discussion was held on clean soil and if NR718 applies to clean soil. T. Beggs said that clean soil sampling is moving toward the same path as NR718 and the guidance document for both are in draft form: a waste determination needs to be made by the generator of the soil to decide if testing is warranted. In the current code there is currently no definition for clean soils. D. Koski asked if we are being asked to comply based on draft language. T. Beggs said that the DNR interpretation is that clean soil testing is already in the code and the guidance document draft for the addition is making it clearer. D. Koski stated that our elected officials are frustrated because we are doing everything we can to get the remediation started and now we are being held up by additional requirements from the DNR. Next was a sampling soil vs aquifer discussion. Sample of saturated soil, remove water, and test soil. Once soil is excavated, it becomes waste. Based on known concentrations of contaminants within the proposed pond area, there is potential that some of the saturated soil could be classified as hazardous waste. If we are moving to treatment areas should not have to test. Code does not allow that.

Discussion was held on "dirty" soil, saturated (below groundwater soil). D. Henderson talked about the temporary wells are in the area where the pond will be built. Groundwater results for that possibly show high numbers of Vinyl Chloride. NR718 does apply to contaminated soil. If you get to a technical discussion of what is aquifer and what is soil, where do soil standards apply and where do groundwater standards apply? In order to sample the soil, we would be sampling aquifer, but we would be possibly applying a soil standard to it, although we all agree that when we dig it out and use it, it is unsaturated soil. We have been asked to do an analysis of soil from the hotspot area of the groundwater within the pond area to determine whether it is characteristically hazardous waste or not. We would take a sample of aquifer saturated soil, try to get the water out of it, and then take the soil and send it off to the lab. We have not talked about Total or TCLP, but we would probably do one of each. The TCLP dilutes it, mixing it for several hours in a jar and then they test the water that came from the soil. If the water is characteristically hazardous, the waste is hazardous. Why do we need to do this? We are going to take the hot spot soil and put it under the cap and in the future we are going to put SVE on it and even treat it. So why do we even have to test the hot spot soil if we are going to put it under the cap and treat it? D. Koski added that if anything were to come down from there, it

would go into the pond and be treated. T. Beggs said that this is part of working within the confines of the code. The soil in place is not considered waste, it is considered soil with residual contamination. As soon as it is moved around, that is when it is considered waste. T. Beggs agreed that the concept of testing material if it is going to be moved to a different area and treated doesn't make much sense; however, the code does not allow that. If it is not tested and the hot spot is considered hazardous waste, the whole area is hazardous waste. D. Koski asked if we are taking it from the saturated zone how do we know we are testing soil and not residual water. T. Beggs said that it was a hard question to answer and suggested that we should have a conference call with J. Fassbender and G. Edelstein that would be the quickest way to get an answer. D. Koski asked if we are still at an impasse what would the next step be? T. Beggs said he would have to look into that.

D. Henderson said that the estimated budget for the clean soil sampling is \$10,000 - \$12,000. That does not include the hazardous testing. TCLP is \$800 - \$900 a sample and Totals is probably another \$300 a sample. Does the City want to have a discussion on how much we are willing to spend or do we go back to the DNR asking about authority to require this testing and understanding why? What is the pathway forward? As a City team, what are our questions? K. Dorow asked since we are disposing of the material on our site under the cap, is there any discussion that can be had? T. Beggs said D. Henderson, with his experience, could have a discussion with J. Fassbender and felt it is possible she may be willing to negotiate on this point.

D. Henderson would like to have the call with the map in front of them showing the remediation plans and showing the practicality of the site. Maybe a web conference? T. Beggs warned that if it was done in person, there may be additional fees for technical support. D. Koski should also be a part of the conference call. J. Maletzke asked about doing more composite samples? Spread the area a little bit because we are not going that deep. Would that be acceptable or not? It would keep costs down a little but gets you a wider sample range. We would not know exact location but samples would be taken with some order to it. It is a good thought.

City needs to think about how to proceed. Discussion was held about what rationale was used to choose the amount of samples. NR718 was loosely applied for the sampling. Sampling level are chosen based on comfort levels and everyone's comfort level is a little different and how many is enough. T. Beggs said J. Fassbender did bring up that because it is a response action site the DNR has more authority than they would if it was just a utility line where they had to do a place determination. T. Beggs asked if D. Henderson had any precedents that we could go on? He has had some with sampling and some without. It is a moving target with the department changes. T. Beggs said it is a discussion that we need to have with her. She has not been on this site very long and does not have all the history. We may be able to help filling in the questions that she may have.

The City will discuss how they would like to proceed and let D. Henderson know. D. Henderson will talk with T. Beggs to request a conference call. DNR uses SKYPE for web conference calls. AECOM uses WEBEX. We will work on coordinating something for the meeting. D. Henderson

will prepare an agenda with questions for the meeting. D. Henderson, D. Koski, T. Beggs, J. Fassbender and G. Edelstein will participate in the conference call. D. Henderson will wait to get a go ahead from D. Koski on what we are looking for consensus on that will be used in the RAOR. We will get back to T. Beggs in a week to get this scheduled.