

From: William Bertsche <WBertsche@bgcmanitowocounty.org>
Sent: Friday, August 21, 2020 9:44 AM
To: Adam Tegen
Cc: Beggs, Tauren R - DNR
Subject: RE: Manitowoc- Mlrro Site

Thanks Adam, much appreciated!

Bill Bertsche

Executive Director
Boys & Girls Club of Manitowoc County
PO Box 756
Manitowoc, WI 54221-0756
Tel: 920-470-8063
WBertsche@bgcmanitowocounty.org



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From: Adam Tegen <ategen@manitowoc.org>
Sent: Friday, August 21, 2020 9:38 AM
To: William Bertsche <WBertsche@bgcmanitowocounty.org>
Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: Re: Manitowoc- Mlrro Site

Good morning,

I will also be in touch with our local storm water expert to determine the extent of necessary storm water infrastructure to help get a better read on this. I will hopefully be able to provide something next week.

Adam

Sent from my iPad

On Aug 21, 2020, at 8:46 AM, William Bertsche <WBertsche@bgcmanitowocounty.org> wrote:

Thanks Tauren, this was very helpful! I will contact Sue about water retention.

Have a great weekend!

Bill Bertsche

Executive Director
Boys & Girls Club of Manitowoc County
PO Box 756
Manitowoc, WI 54221-0756
Tel: 920-470-8063
WBertsche@bgcmanitowocounty.org

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From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Friday, August 21, 2020 8:11 AM
To: William Bertsche <WBertsche@bgcmanitowocounty.org>
Cc: Adam Tegen <ategen@manitowoc.org>
Subject: RE: Manitowoc- Mlrro Site

Hi Bill,

From the data that we do have at the property so far, there are chlorinated volatile organic compounds (CVOCs) detected in soil and groundwater on the site at concentrations which can potentially cause a vapor issue for any new occupied structures that would be constructed at the site. For new building construction, it is always highly recommended that a vapor mitigation system be installed during construction at a site with CVOCs because it is less expensive to do it during construction than finding out later a system is needed and retroactively having to install a vapor system later (link to Vapor Mitigation in Construction of New Buildings Fact Sheet: <https://dnr.wi.gov/topic/Brownfields/documents/vapor/navfac.pdf>). What is recommended is installing a passive system that can be converted to an active system if needed. Assessment of vapors would need to occur after the building is constructed to determine if vapors are a concern that would warrant turning on the vapor mitigation system. These systems are also generally a good thing to have in newly constructed buildings for other reasons such as radon and I believe some municipalities are now requiring mitigation systems be installed in new construction.

As for whether a pond is needed for water retention, I am not the expert in that category, so I unfortunately can't answer that. If a stormwater pond is needed on-site, there are ways to construct the pond to prevent infiltration of contaminants. This has been done at other contaminated sites and there likely would be generation of contaminated soil that would have to be properly managed and/or disposed. The DNR Storm Water Program may be able to help you answer whether a pond would be needed. Sue Larson (Susan.Larson@wisconsin.gov, 920-303-5449) is the stormwater contact for Manitowoc County.

Regards,

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Tauren R. Beggs

Phone: (920) 510-3472

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: William Bertsche <WBertsche@bgcmanitowoccounty.org>

Sent: Thursday, August 20, 2020 1:19 PM

To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>

Cc: Adam Tegen <ategen@manitowoc.org>

Subject: RE: Manitowoc- Mirro Site

Hi Tauren,

Just wondering, is it likely any kind of build on the Mirro Site would require a Vapor Recovery System? I have heard they can be extremely expensive for the 15000-22000 square foot building we are considering there. We also are curious about water retention expectations, just have gotten very few answers to that. If it requires a pond and you have to dig down, you would risk exposing contaminants. This is a concern, yet it's hard to get answers on that. Adam, maybe you know more about that??

Thanks,

Bill Bertsche

Executive Director

Boys & Girls Club of Manitowoc County

PO Box 756

Manitowoc, WI 54221-0756

Tel: 920-470-8063

WBertsche@bgcmanitowoccounty.org

<image001.jpg>

From: Beggs, Tauren R - DNR
Sent: Monday, July 6, 2020 10:31 AM
To: 'William Bertsche'
Cc: Ashenfelter, Barry J - DNR; Prager, Michael A - DNR; Chronert, Roxanne N - DNR (Roxanne.Chronert@wisconsin.gov)
Subject: RE: Manitowoc- Mlrro Site

Hi William,

I think we will need to have further discussions on this with the City and DNR and I will need to do more follow up with DNR staff on this. Now that the enforcement conference has been completed with Newell, DNR is trying to get the follow up documentation (post-enforcement conference) completed, so there will be more clarity once that is done. I think there could be a “trigger point” for this site, but each redevelopment scenario on a contaminated site is pretty site-specific. I would say in general after case closure is always a good time to turn over a property to new ownership because the new owner would only be obligated to maintain the continuing obligations (such as maintaining a cap over the contamination, etc.), since the investigation and remediation would already have been completed. For any time before case closure a clarification letter request with fee is highly recommended. In this scenario, I’m thinking a General Liability Clarification Letter will probably be the most beneficial. In general, for any fee related requests submitted to DNR, there is a 60 day turnaround time; however, DNR does try to get them quicker than that if possible.

A call between you, the City, and DNR after the enforcement documentation is finalized and sorted out would likely be a good next step.

I had a nice holiday weekend, hope you did as well!

Regards,

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

Tauren R. Beggs

Phone: (920) 366-5739 (Temporary Work Number)

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Sent: Thursday, July 2, 2020 3:11 PM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Cc: Ashenfelter, Barry J - DNR <Barry.Ashenfelter@wisconsin.gov>
Subject: RE: Manitowoc- Mlrro Site

Hi Tauren,

Thanks for the great information. It looks like the city of Manitowoc is not interested in a long-term lease. They would prefer to do a short-term lease with some trigger point set when the land would be turned over to the Boys and Girls Club. They are not interested in being long-time land owners. They have a lot of property like this in the city and would prefer to get it off the books instead of adding more

to the books. At least that is my take. So in our discussions it sounds like during the construction process we would lease and thus the liability would fall under the LGU, but upon completion of the construction, DNR case closure, or some other defined significant point, ownership of the property would be transferred to the Boys and Girls Club. We are fine going down this path, just not sure about language for the trigger point that would lead to the transfer of the property. Is there a natural point at which the DNR gives the all clear that we could use as the trigger point for such an exchange? We are just continuing to try and formulate a formal offer to the city for the property and are trying to figure out the verbiage to protect our interests and are in line with the remediation processes that will be taking place.

On another note, I know there was notice of violation sent to Newell. That meeting was slated for Monday. Not sure how that went, but this brought attention to what you mentioned about the clarification letter. In the scenario I mentioned above, would we want to get the Lease Clarification Letter or the General Liability Clarification Letter? How long would it take to get these letters once the application is completed?

Thanks for your ongoing help. Have a great relaxing weekend! Stay safe!

Bill Bertsche

Executive Director
Boys & Girls Club of Manitowoc County
PO Box 756
Manitowoc, WI 54221-0756
Tel: 920-470-8063
WBertsche@bgcmanitowoccounty.org



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From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Monday, June 15, 2020 3:30 PM
To: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Cc: Ashenfelter, Barry J - DNR <Barry.Ashenfelter@wisconsin.gov>
Subject: RE: Manitowoc- Mlrro Site

Hi William,

I have discussed your questions with some of my other coworkers in my program that often work with the local government unit (LGU) exemption and lease agreements, and they have recommended the following topics/language that should be incorporated into a lease agreement:

- Non-Interference with Investigation and Remedial Action Activities. The Boys and Girls Club (B&GC) agrees to not interfere with the City's actions being taken under Wis. Stat. ch. 292 and the Wis. Admin. Code chs. NR 700 rule series on the property for investigation and remediation/cleanup.
- Maintaining the LGU exemption. As owner, the City intends to maintain the LGU exemption for historic contamination found at the property under Wis. Stat. s. 292.11(9)(1m) while B&GC occupies the property.
- Responsibility for "New" Contamination. B&GC agrees to perform necessary steps in response to any contamination B&GC may cause at the property after the commencement date of the lease. The City agrees to maintain control of the historic contamination present at the property.
- Responsibility of Continuing Obligations. B&GC agrees to follow any continuing obligations that would be applied to the property (examples: maintaining a cap over contamination, properly managing any contaminated soil or other solid waste generated by B&GC, etc.)

DNR would be happy to have follow up conversations with you and the City of Manitowoc to assist further with this process and the overall redevelopment of the property. DNR does also offer a more formal review process of lease agreements, which includes a formal request submitted with a \$700 fee. You can read more about this formal review process in the following DNR guidance document: *Lease Letters: Clarifying Environmental Liability When Leasing Property* (Link: <https://dnr.wi.gov/files/PDF/pubs/rr/RR620.pdf>).

If you have any other questions, please let me know.

Regards,

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Tauren R. Beggs

Phone: (920) 366-5739 (Temporary Work Number)

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: William Bertsche <WBertsche@bgcmanitowocounty.org>

Sent: Monday, June 8, 2020 12:09 PM

To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>

Subject: RE: Manitowoc- Mirro Site

Hi Tauren,

Since our conversation my Site Team has met in regard to the Mirro Site and we have been discussing the possibility of doing a lease agreement to maintain the LGU exemption. There were a few questions that came from the group that I thought you could help better answer:

- 1.) What would the DNR need to see in a lease agreement that would allow the city to maintain the LGU Exemption even though it is leasing the property to us? Does that lease need to include certain things required by the DNR?
- 2.) Would there be a sample lease agreement done in another community that we could utilize as a template? Is there anything you can send our way to help us with this?

I'm just looking for as much info as possible to help us work through this lease option. Thanks for any help you can give us with this.

Have a great day!

Bill Bertsche

Executive Director
 Boys & Girls Club of Manitowoc County
 PO Box 756
 Manitowoc, WI 54221-0756
 Tel: 920-470-8063
WBertsche@bgcmanitowoccounty.org



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From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Monday, June 1, 2020 8:26 AM
To: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Subject: RE: Manitowoc- Mlrro Site

Hi William,

This link to BRRTS on the Web (DNR's Remediation & Redevelopment Program public database) will take you to the case for this site:

<https://dnr.wi.gov/botw/GetActivityDetail.do?siteId=574700&adn=0236545108>. Scroll all the way down to the PDF for the Site Investigation Report, dated 2020-03-23. Screenshot is below to show the report you are looking for:

| | | | |
|--|----|--|-------------------------------|
| 2020-03-23 | 37 | Site Investigation Report (SIR) Received (non-fee) | ADDITIONAL SITE INVESTIGATION |
| For Code 37: 20200323_37_SIR.pdf Click to Download or Open | | | |

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From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Monday, June 1, 2020 8:26 AM
To: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Subject: RE: Manitowoc- Mlrro Site

Hi William,

This link to BRRTS on the Web (DNR's Remediation & Redevelopment Program public database) will take you to the case for this site:
<https://dnr.wi.gov/botw/GetActivityDetail.do?siteId=574700&adn=0236545108>. Scroll all the way down to the PDF for the Site Investigation Report, dated 2020-03-23. Screenshot is below to show the report you are looking for:
<image002.png>

Regards,

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Tauren R. Beggs

Phone: (920) 366-5739 (Temporary Work Number)

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Sent: Friday, May 29, 2020 2:57 PM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: RE: Manitowoc- Mlrro Site

Hi Tauren,

Thanks for taking the time to meet with me yesterday. It was much appreciated. I did go into the DNR site and looked for the information you were displaying. I didn't find anything recent that looked like that. Was that something they submitted awhile back? Do you know what report that was from? There were a bunch on there. I liked those maps and would use them with my team. Thanks for any help you can give.

Have a great weekend!

Bill Bertsche

Executive Director

Boys & Girls Club of Manitowoc County

PO Box 756

Manitowoc, WI 54221-0756

Tel: 920-470-8063

WBertsche@bgcmanitowocounty.org

<image001.jpg>

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From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Tuesday, May 26, 2020 1:37 PM
To: William Bertsche <WBertsche@bgcmanitowocounty.org>
Subject: RE: Manitowoc- Mlrro Site

Does Thursday at 3pm work for you?

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Tauren R. Beggs

Phone: (920) 366-5739 (Temporary Work Number)

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: William Bertsche <WBertsche@bgcmanitowocounty.org>
Sent: Friday, May 22, 2020 12:30 PM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: RE: Manitowoc- Mlrro Site

Hi Tauren,

Thanks for getting back to me. I could do most anytime next Wednesday or Thursday. Pick a time that is best for you on one of those days and I will make it work.

Thanks!

Bill Bertsche

Executive Director

Boys & Girls Club of Manitowoc County

PO Box 756

Manitowoc, WI 54221-0756

Tel: 920-470-8063

WBertsche@bgcmanitowocounty.org

<image001.jpg>

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From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Friday, May 22, 2020 11:59 AM
To: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Subject: RE: Manitowoc- Mirro Site

Hi William,

Thanks for reaching out. I would be happy to discuss this site with you. We will have to look at mid to late next week to chat, so please let me know some dates/times that would work for you. Due to Memorial day and assisting my supervisor with onboarding for new hires, today and next week Tuesday are completely booked for me.

Regards,

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Tauren R. Beggs

Phone: (920) 366-5739 (Temporary Work Number)

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: William Bertsche <WBertsche@bgcmanitowoccounty.org>
Sent: Thursday, May 21, 2020 11:09 AM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: Manitowoc- Mirro Site

Hi Tauren,

Hope all is well with you. I called your phone # and it said the best way to reach you was by e-mail. Recently, the City of Manitowoc agreed to negotiate with us on the use of the Mirro Site for a future Boys and Girls Club. We are excited about this possibility as the site is located perfectly for our youth most in need, it is central to the schools, and it would provide green space for programming needs. We are aware that it is a brownfield and there are some contaminant issues. I was hoping to talk with you in person to get your thoughts/concerns in regard to putting a Boys and Girls Club on the site.

In talking with the city we realize there is a need for PCB clean-up and potential PFAS issues. They agreed to clean-up the PCB material and would cap with clean material any areas disrupted or remediated. They plan to leave the cement slab that was the floor of

the building as a cap for anything else including PFAS. We do worry about what that could mean for the Club now and in the future.

They also currently have an LGU, I was also wondering if that is something that could even be transferred to us.

I was hoping we could talk by phone about this. You have probably dealt with a lot of situations like this, so I would really value your thoughts and opinions in regard to this. My phone number is 920-470-8063. I would appreciate your time and any insights you could give in regard to this.

Thanks so much! Have a great day!

Bill Bertsche

Executive Director

Boys & Girls Club of Manitowoc County

PO Box 756

Manitowoc, WI 54221-0756

Tel: 920-470-8063

WBertsche@bgcmanitowoccounty.org

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