



September 17, 2021

City of Manitowoc
Attn: Adam Tegen
Community Development Director
900 Quay Street
Manitowoc, WI 54220

SUBJECT: Conditional Approval of Remedial Action Plan under Wis. Admin. Code § NR 724.09 and Materials Management Plan under Wis. Admin. Code § NR 718.12
Riverpoint District - LGU, North 10th Street and Buffalo Street, Manitowoc, WI 54220
BRRTS #: 02-36-585491

Dear Mr. Tegen:

On August 9, 2021, the Department of Natural Resources (DNR) received the *Remedial Action Plan & Materials Management Plan* (RAP), submitted on your behalf by Stantec Consulting Services, Inc. (Stantec). The RAP includes proposing to manage material on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.12. The DNR received the fee for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

As part of the site investigation activities completed, Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs), Polychlorinated Biphenyls (PCBs), and Resource Conservation and Recovery Act (RCRA) Metals were detected above Groundwater Pathway and/or Direct Contact Standards in soil, benzene was detected in a limited area above an enforcement standard in groundwater, and Per- and Polyfluoroalkyl Substances (PFAS) were detected in groundwater above the proposed enforcement standards at multiple locations across the site. The RAP consists of installing municipal infrastructure, which includes raising the grade 2-8 feet across the right-of-way (ROW) areas with approximately 40,000 cubic yards of clean fill that has been characterized and imported to the site from various municipal road projects or granular fill imported from a quarry (refer to Sheet Number C2.01, *Site Plan – Phase 1*, dated February 25, 2021). The only soil management to occur on-site is from contaminated soil that will be generated from utility installations. Soil contaminated with PAHs, metals, and/or sporadic low-level concentrations of benzene will primarily be reused as trench backfill in the same location it was excavated, but an excess of up to 6,000 cubic yards could potentially be generated. The remaining balance of contaminated soil not able to be reused in the utility trenches is proposed to be moved to the southern portion of the site north and/or south of the proposed Riverpoint Drive, which will be temporarily capped until a permanent cap is put in place as part of future redevelopment (refer to Figure 10, *Proposed Fill Placement Areas*, dated February 25, 2021). Contaminated soil not suitable for on-site reuse will be disposed at a landfill. Future redevelopments will be handled under separate Remedial Action and Materials Management Plans.

The DNR concurs with the RAP with the following comments:

- The overall site investigation is incomplete, but it is adequate enough for the purpose of approving this RAP.
- On-site management of contaminated soil is acceptable based on the known PFAS concentrations and extent in groundwater on-site, so managing the contaminated soil on-site as proposed will not exacerbate existing PFAS impacts.
- In addition to the petroleum impacted soil proposed to be disposed at a landfill, any PCB impacted soil that was found during the site investigation and any chlorinated VOC impacted soil known from the former roundhouse area from the closed case, W C L Turntable Former Roundhouse, BRRTS # 02-36-176478, that will likely be encountered during utility installation in the proposed North 11th Street ROW will also need to be taken to the landfill.
- The DNR will not require a cap maintenance plan for the public road ROWs, as it will already be maintained by the municipality as a road ROW.
- The DNR has determined that a Post-Closure Modification Request for the closed case W C L – Turntable Former Roundhouse, BRRTS # 02-36-176478 will need to be submitted with the RAP for when the remainder of the cap area from the closed case is proposed to be modified during future redevelopment and the change from industrial zoning and land use to a non-industrial zoning and land use.

Wis. Admin. Code § NR 718.12 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stat. ch. 289 and Wis. Admin. Code chs. NR 500 to NR 538 for the proposed contaminated material management activities. Approval of the exemption is based on the following:

Compliance with Locational Criteria

Managing contaminated soil on this site will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c), with the exception of the following:

- Within a floodplain;
- Within 300 feet of any navigable river, stream, lake, pond or flowage; and
- At a depth greater than the depth of the original excavation from which the contaminated soil was removed.

Grant of exemption to Wis. Admin. Code § NR 718.12 (1) (c) 1., 3., and 6.

In consideration of the similar contamination that currently exists across the entire site and the proposed actions being taken to further protect and/or minimize impacts to the environment and direct contact with contaminated soil, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12 (1) (c) 1., 3., and 6. and will allow placement of contaminated soil within the areas identified above.

Characterization of Soil to be Excavated

As part of the site investigation, soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including VOCs, PAHs, PCBs, and RCRA metals from areas most likely to contain residual contamination. PAHs and metals were found in soil above groundwater pathway and/or direct contact standards across the site. For the areas on-site where VOCs and PCBs were detected in soil, that material **is not** allowed to be managed on-site. Based on the site investigation sampling, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) was not met; however, the DNR has determined that the material was adequately characterized due to the identified point sources on-site and shallow soil fill impacts found across the site.

Submittal of a Soil Management Plan

A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12 (2) (b) and (c), was included with the RAP submitted to the DNR.

Assessment of Risk Posed by Soil Management

The proposed management of solid waste at the site is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

Notice Provided Prior to Commencing Soil Management Activities

Per Wis. Admin. Code § NR 718.12 (2), the DNR was provided with at least seven days notice prior to commencing the proposed material management.

Requirement of Continuing Obligations

Stantec acknowledged in the RAP that the management of the contaminated soil for the proposed road ROW and utility installations will result in continuing obligations. The current property owner or right-of-way holder of the site, and any subsequent property owners or right-of-way holders, must comply with the following continuing obligation, established under Wis. Admin. Code § NR 718.12 (2)(d), to ensure that conditions remain protective.

Residual Soil Contamination and Future Solid Waste Management

If contaminated soil that is managed as proposed on Figure 10, *Proposed Fill Placement Areas*, dated February 25, 2021, of the RAP is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the material is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718 with DNR pre-approval. In addition, all current and future property owners or right-of-way holders need to be aware that excavation of the contaminated soil and solid waste may pose a hazard, and special precautions may be necessary to prevent a health threat to humans.

Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) Contaminated soil management activities approved by this letter are scheduled to be completed within 2021 and 2022. Notify the DNR if this schedule will change.
- 3) Some dewatering is anticipated during the installation of the proposed sanitary sewer and water main infrastructure, which will include proper characterization and management as approved by the permitting agency.
- 4) Per Wis. Admin Code § NR 708.17, the DNR needs to ensure that actions taken by a local government unit are considered protective when the property is developed or put to its intended use. Documentation of RAP activities can be provided in a Remedial Action Documentation Report (RADR) to meet this requirement, which would describe how the activities complied with the approved RAP per Wis. Admin. Code § NR 724.15 (3), as outlined below:
 - a. A cover letter that contains the information outlined in Wis. Admin. Code § NR 724.05 (2) (e) 1.

- b. Owner contact and property location information for the site.
 - c. Maps, drawings, and cross sections that depict how contaminated material was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the RAP and conditions in this approval.
 - e. A description of any changes made to the planned RAP and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the RAP.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the site.
- 5) The soil management approved in this RAP is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the RAP. Any contaminated soil that is excavated or otherwise disturbed at the site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538. The management of contaminated soil on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.
- 6) The City of Manitowoc Community Development Authority is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of this site is listed in the database entries identified by BRRTS Activity # 02-36-585491.

The DNR appreciates your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me at (920) 510-3472 or by email at Tauren.Beggs@wisconsin.gov.

Sincerely,



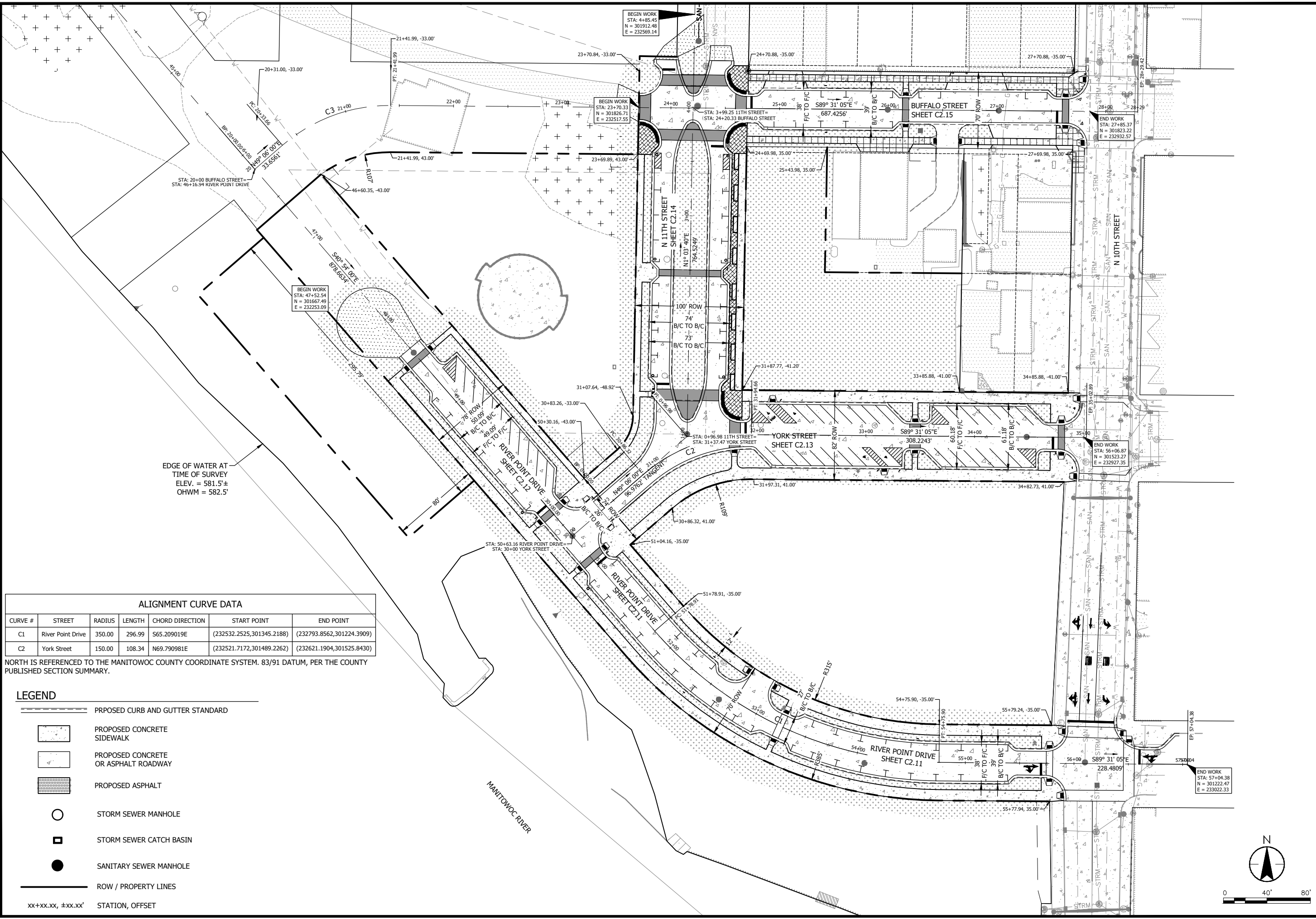
Tauren R. Beggs
Hydrogeologist
Remediation & Redevelopment Program

Attachments:

- Sheet Number C2.01, *Site Plan – Phase 1*, dated February 25, 2021
- Figure 10, *Proposed Fill Placement Areas*, dated February 25, 2021

cc: Harris Byers, Stantec Consulting Services, Inc. (Harris.Byers@stantec.com)

Plot Date: 02/25/2021 - 11:00am
 Drawing Name: V:\1938\active\193805824\CAD\Drawings\193805824C200.dwg
 User: JAW
 Project: 193805824_X3NO.Border
 The contractor shall verify and be responsible for all dimensions. Do not scale the drawing. Any errors or omissions shall be reported to Stantec without delay. No use for any purpose other than that authorized by Stantec is forbidden.



EDGE OF WATER AT TIME OF SURVEY
 ELEV. = 581.5' ±
 OHWM = 582.5'

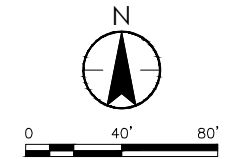
ALIGNMENT CURVE DATA

CURVE #	STREET	RADIUS	LENGTH	CHORD DIRECTION	START POINT	END POINT
C1	River Point Drive	350.00	296.99	S65.209019E	(232532.2525,301345.2188)	(232793.8562,301224.3909)
C2	York Street	150.00	108.34	N69.790981E	(232521.7172,301489.2262)	(232621.1904,301525.8430)

NORTH IS REFERENCED TO THE MANITOWOC COUNTY COORDINATE SYSTEM. 83/91 DATUM, PER THE COUNTY PUBLISHED SECTION SUMMARY.

LEGEND

- PROPOSED CURB AND GUTTER STANDARD
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE OR ASPHALT ROADWAY
- PROPOSED ASPHALT
- STORM SEWER MANHOLE
- STORM SEWER CATCH BASIN
- SANITARY SEWER MANHOLE
- ROW / PROPERTY LINES
- STATION, OFFSET



12075 N. Corporate Parkway, Suite 200
 Mequon, WI 53092
 www.stantec.com

CONSTRUCTION DRAWINGS

SITE PLAN - PHASE 1

RIVER POINT DEVELOPMENT - PHASE 1

CITY OF MANITOWOC

MANITOWOC, WISCONSIN

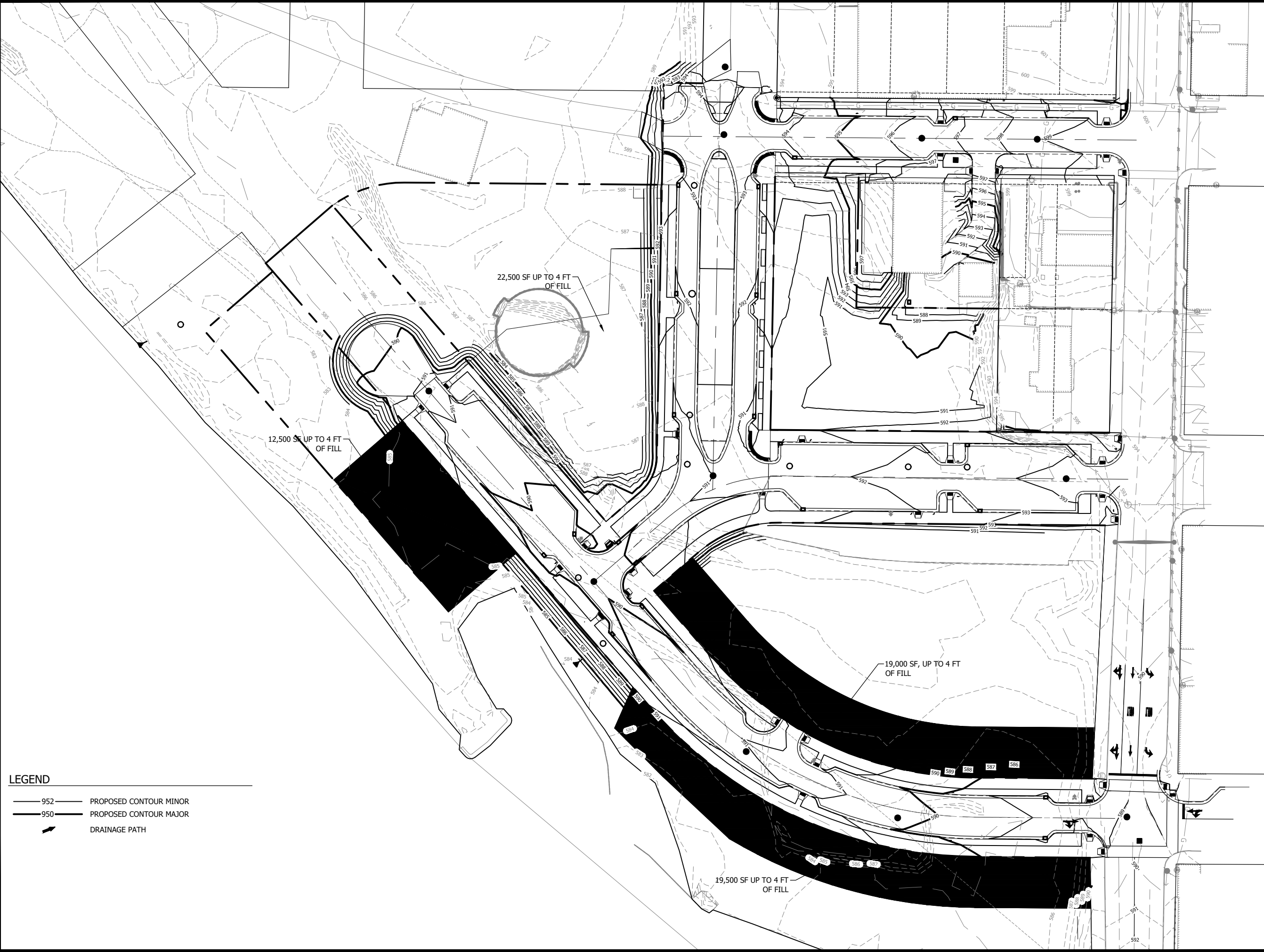
DATE OF ISSUANCE: 02/25/2021

NO. REVISION: DATE:

SURVEY: CORNER POINT
 DRAWN: JMV
 DESIGNED: JMV
 CHECKED: MAB
 APPROVED: JAW
 PROJ. NO.: 193805824
 SHEET NUMBER: **C2.01**

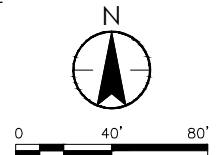
THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY. STANTEC SHALL NOT BE RESPONSIBLE FOR ANY REPRODUCTION OF THIS DRAWING FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC. IS FORBIDDEN.

Plot Date: 02/25/2021 - 11:13am
Drawing name: \\193805824\CAD\Dwg\Sheets\193805824\C300_10.dwg
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LEGEND

- 952 ——— PROPOSED CONTOUR MINOR
- 950 ——— PROPOSED CONTOUR MAJOR
- ➔ DRAINAGE PATH



**CONSTRUCTION
DRAWINGS**

PROPOSED FILL PLACEMENT AREAS
RIVER POINT DEVELOPMENT - PHASE 1
CITY OF MANITOWOC
MANITOWOC, WISCONSIN

DATE OF ISSUANCE
02/25/2021

NO. REVISION DATE

SURVEY	CORNER POINT
DRAWN	JMV
DESIGNED	JJM
CHECKED	MAB
APPROVED	JAW
PROJ. NO.	193805824

SHEET NUMBER
Figure 10