

**From:** Beggs, Tauren R - DNR  
**Sent:** Friday, September 16, 2022 9:13 AM  
**To:** Adam Tegen  
**Cc:** Cull, Whitney; Byers, Harris  
**Subject:** Material Management Plan Approval Letter for River Point District - LGU, BRRTS # 02-36-585491  
**Attachments:** 20220916\_857\_MMP\_Appr.pdf

Hi Adam,

Attached is the electronic version of the Material Management Plan approval letter for the Shoreline Enhancements/Rock Revetment area of the River Point District Phase 1 Development Area. If you would like a paper copy please let me know.

Have a nice weekend,

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**Tauren R. Beggs**

Hydrogeologist & Northeast Region Land Recycling Expert

Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

2984 Shawano Ave

Green Bay, WI 54313

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

[dnr.wi.gov](http://dnr.wi.gov)



September 16, 2022

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

Subject: Approval to Manage Contaminated Soil On-Site under Wis. Admin. Code § NR 718.12  
River Point District – LGU, North 10<sup>th</sup> Street and Buffalo Street, Manitowoc, WI 54220  
DNR BRRTS Activity # 02-36-585491

Dear Mr. Tegen:

On August 8, 2022, Harris Byers of Stantec Consulting Services Inc. (Stantec) submitted an *Addendum to the Stantec (2021) Remedial Action Plan & Materials Management Plan* (MMP) on your behalf requesting to manage 3,500 cubic yards of contaminated soil on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.12. The Wisconsin Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

This MMP is focused on the enhancement of the shoreline area adjacent to the Manitowoc River within what is considered the Phase 1 Development Area of the River Point District. Contamination is present likely due to the historic placement of contaminated material to raise the grade along the Manitowoc River. Approximately 4,000 cubic yards of material contaminated primarily with polycyclic aromatic hydrocarbons (PAHs) is planned to be excavated from the landward side of a failed dock wall and some areas along the shoreline to make space for placing clean material to act as a cap for direct contact protection, as outlined on the attached Sheet Numbers C1.01 and C1.02, Erosion Control Plan, dated July 13, 2022. Approximately 3,500 cubic yards of material will be dewatered and managed on-site in the southeast portion of the Phase 1 Development Area. Approximately 500 cubic yards will be taken to the landfill. Impervious and pervious caps will be installed as part of the proposed development which will consist of a rock revetment, paved trails, an overlook platform, a dock, a commercial fire ring and soil with vegetation along the Manitowoc River. The pervious cap of soil with vegetation will be primarily 18 inches (13 inches of imported granular or clay fill covered by five inches of topsoil), except for areas along the edge of the river which will only be 12 inches (seven inches of imported granular or clay fill covered by five inches of topsoil) but will have an indicator fabric between the clean and contaminated soil. The caps for the site are only needed to address direct contact with the contaminated soil.

#### **Wis. Admin. Code § NR 718.12 Approval**

This letter grants an approval to manage contaminated soil under Wis. Admin. Code § NR 718.12 on site. Approval is based on the following:

#### **Compliance with Locational Criteria**

Managing contaminated soil in areas of the site identified on Sheet Number C3.02, Grading Plan, dated July 13, 2022, of the MMP will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c), except for the following:

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- Within a floodplain;
- Within 300 feet of any navigable river, stream, lake, pond or flowage;
- Within 3 feet of the high groundwater level;
- Where the contaminated soil poses a threat to public health, safety or welfare or the environment.

#### Grant of exemption to Wis. Admin. Code § NR 718.12 (1) (c) 1., 3., 5. and 7

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., 5., and 7 and will allow placement of contaminated soil material within the areas identified above.

#### Characterization of Soil to be Excavated

As part of the site investigation for the Phase 1 Development Area of the River Point District, soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including volatile organic compounds (VOCs), PAHs, polychlorinated biphenyls (PCBs), and Resource Conservation and Recovery Act (RCRA) metals from areas most likely to contain residual contamination. PAHs and RCRA metals were found in soil above groundwater pathway and/or direct contact standards across the site, with some PCBs and VOCs found in some locations. Two samples were also recently collected from the area of the proposed excavation and detected primarily PAHs above groundwater pathway and direct contact standards. 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 and has similar contamination as the area it will be placed in and will be more protective under a cap.

#### 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 provided 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 written notice at least seven days prior to commencing the proposed material management.

#### Requirement of Continuing Obligations

Stantec acknowledged in the MMP that the management of the contaminated soil will result in continuing obligations. The current property owner of the site, and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12 (2)(d), to ensure that conditions remain protective. DNR staff will conduct periodic, pre-arranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § NR 718.12 approval meet the requirements of Wis. Admin. Code § NR 718.12 (2) (e) and are available in PDF on the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) and RR Sites Map (RRSM), to provide public notice of remaining contamination and continuing obligations. Both BOTW and RRSM are available at [dnr.wi.gov](http://dnr.wi.gov), search "WRRD."

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More information on responsibilities related to continuing obligations can be found in the DNR publication “Continuing Obligations for Environmental Protection” (RR-819), which can be found at [dnr.wi.gov](http://dnr.wi.gov), search “RR-819.”

Please send written notifications in accordance with the following requirements to Project Manager, Tauren Beggs.

Send documents to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://dnr.wi.gov), search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>). More information on submitting electronic documents can be found in the DNR publication “Guidance for Electronic Submittal for the Remediation and Redevelopment Program” (RR-690), which can be found at [dnr.wi.gov](http://dnr.wi.gov), search “RR-690.”

#### Residual Soil Contamination and Future Solid Waste Management

If contaminated soil that is managed as proposed on Sheet Number C3.02, Grading Plan, dated July 13, 2022, of the MMP 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.

If material that will be managed under this approval includes solid waste other than soil, it may be required to obtain approval from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085.

The DNR’s approval prior to well construction or reconstruction is required where contaminated soil was managed, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high-capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program’s regional water supply specialist. This form is available at [dnr.wi.gov](http://dnr.wi.gov), search “3300-254.”

#### Maintenance of a Cover

Impervious and pervious caps to be installed as part of the proposed development will consist of a rock revetment, paved trails, an overlook platform, a dock, a commercial fire ring and soil with vegetation along the Manitowoc River. The pervious cap of soil with vegetation will be primarily 18 inches (13 inches of imported granular or clay fill covered by five inches of topsoil), except for areas along the edge of the river which will only be 12 inches (seven inches of imported granular or clay fill covered by five inches of topsoil) but will have an indicator fabric between the clean and contaminated soil. The caps for the site are only needed to address direct contact with the contaminated soil.

A maintenance plan must be provided to the DNR once the barrier has been constructed that must address actual site conditions per Wis. Admin. Code § NR 724.15 (3) (h). Sheet Numbers C1.01 and C1.02, Erosion Control Plan, dated July 13, 2022, and Sheet Number C3.02, Grading Plan, dated July 13, 2022, of the MMP attached shows where contaminated soil is proposed to be managed and the extent of the proposed cover. Once constructed, inspections of the impervious and pervious caps will be required per Wis. Admin. Code § NR 724.13), and submittal of inspection reports may also be required per Wis. Admin. Code § 727.05 (1) (b) 3.

The conceptual maintenance plan prohibits certain activities in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining soil contamination. The following activities are prohibited on any portion of the property where the impervious and pervious caps are required, unless prior notification is provided to DNR to determine whether further action may be necessary to protect human health, safety, or welfare of the environment (§ NR 727.07):

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital or similar residential exposure settings.

### **Other Information**

- 1) Any hazardous substance discharge discovered during contaminated soil management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) The initial schedule in the MMP was to complete this project by Winter 2022. Per a recent discussion with you, contaminated soil management activities approved by this letter may be delayed to 2023. Notify the DNR if this schedule will change.
- 3) Per Wis. Admin Code § NR 708.17, the DNR needs to ensure that actions taken by a local governmental unit (LGU) are considered protective when the property is developed or put to its intended use. Documentation of MMP 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 MMP per Wis. Admin. Code § NR 724.15 (3), as outlined below:
  - a. A cover letter that contains the information required by 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 soil was managed.
  - d. A synopsis of the work conducted and an explanation as to how it complied with the contaminated soil management plan and the conditions in this approval.
  - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
  - f. Any field observations or results of monitoring conducted during the management activity.
  - g. A description of how new site conditions are protective of human health, safety, welfare, and the environment at the site.
  - h. A cover maintenance plan once the city-owned riverfront development area is completed within the Phase 1 Development Area of the River Point District.

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- 4) This approval is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the submitted MMP. Any contaminated soil that is excavated or otherwise disturbed at the site, not covered under this or another approval, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 599. 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 799.
  
- 5) The City of Manitowoc Community Development Authority is responsible for obtaining any local, federal or other applicable state permits to carry out the project. (Note: A Non-Wetland Water Quality Certification has also been issued for this project by the DNR Waterway Program).

All remediation sites are included in DNR’s 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.

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

Sincerely,



Roxanne N. Chronert  
Team Supervisor – Northeast Region  
Remediation & Redevelopment Program

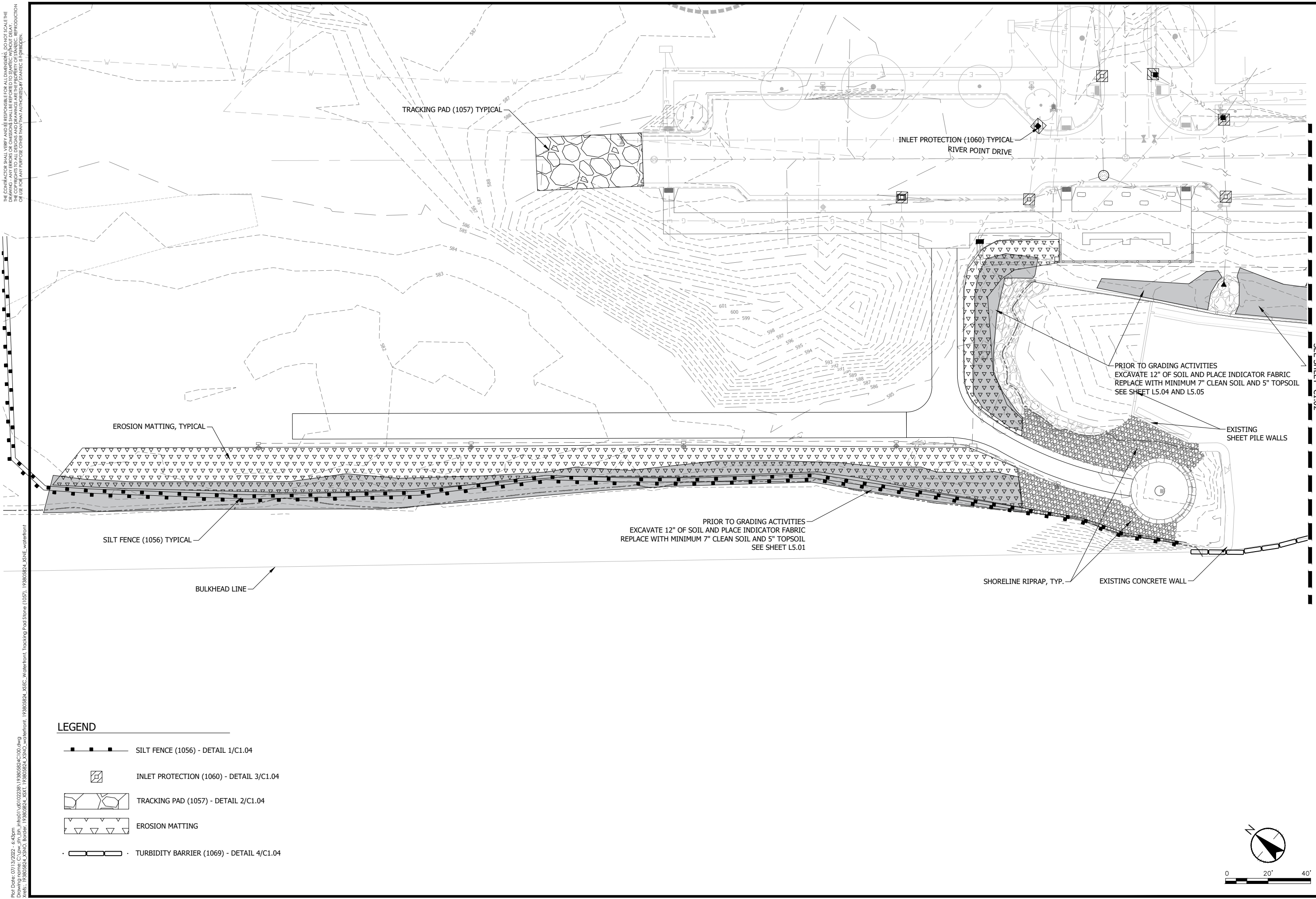
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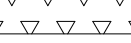
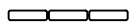
- Sheet Number C1.01, Erosion Control Plan, dated July 13, 2022
- Sheet Number C1.02, Erosion Control Plan, dated July 13, 2022
- Sheet Number C3.02, Grading Plan, dated July 13, 2022

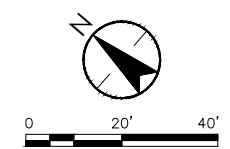
cc: Whitney Cull, Stantec ([Whitney.Cull@wisconsin.gov](mailto:Whitney.Cull@wisconsin.gov))  
Harris Byers, Stantec ([Harris.Byers@wisconsin.gov](mailto:Harris.Byers@wisconsin.gov))

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. REPRODUCTION OF THIS DRAWING FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC IS FORBIDDEN.

Plot Date: 07/13/2022 - 6:43pm  
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 User: jstntec\jstntec



- LEGEND**
-  SILT FENCE (1056) - DETAIL 1/C1.04
  -  INLET PROTECTION (1060) - DETAIL 3/C1.04
  -  TRACKING PAD (1057) - DETAIL 2/C1.04
  -  EROSION MATTING
  -  TURBIDITY BARRIER (1069) - DETAIL 4/C1.04



DATE OF ISSUANCE	
07/13/2022	
NO	REVISION DATE
SURVEY	CENTERPOINT
DRAWN	MF
DESIGNED	JAW
CHECKED	JCB
APPROVED	JAW
PROJ. NO.	193805824
SHEET NUMBER	
<b>C1.01</b>	

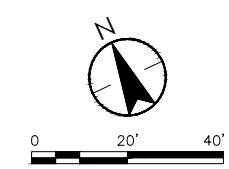
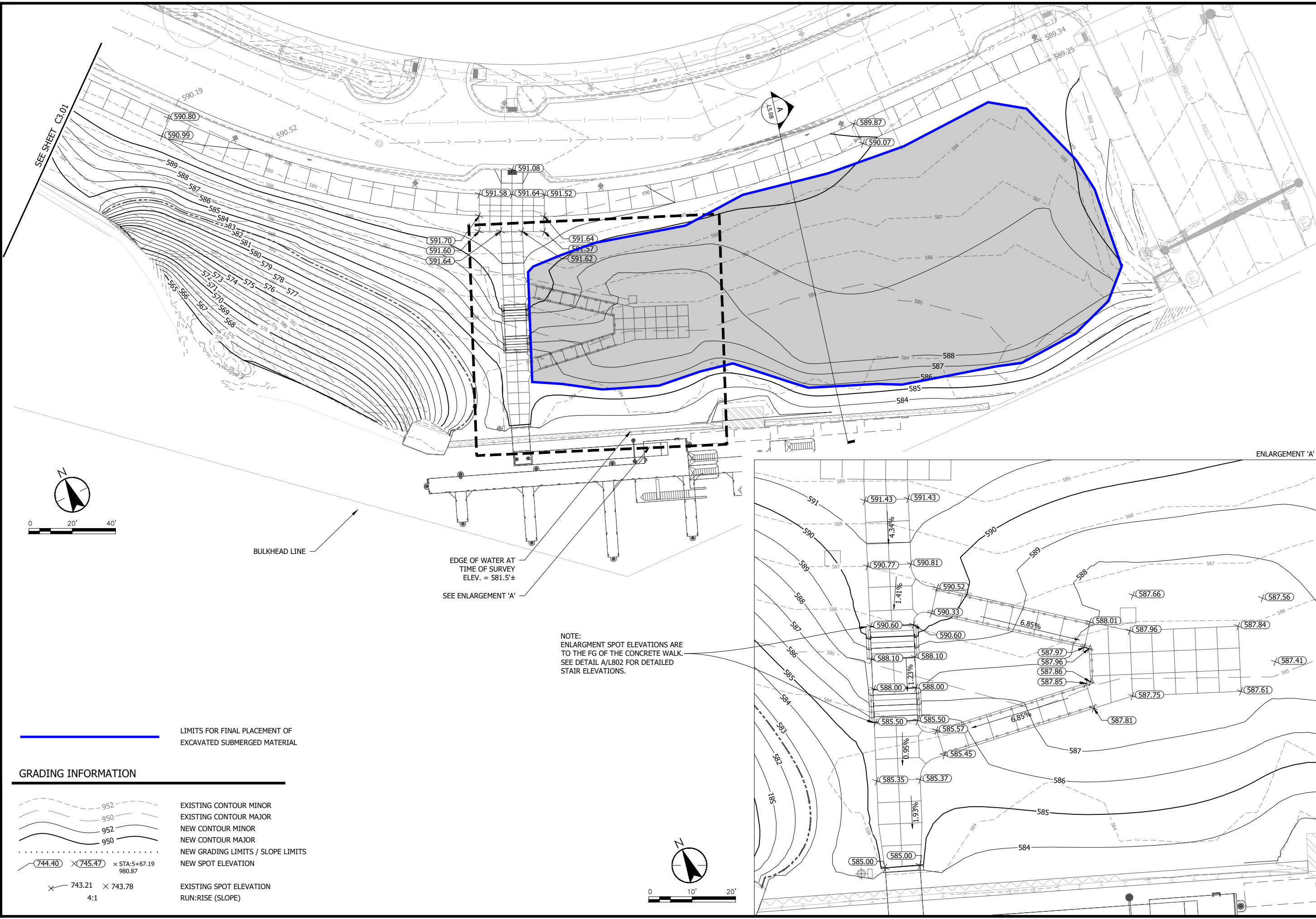
SEE SHEET C1.02





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. REPRODUCTION OF THIS DRAWING FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC IS FORBIDDEN.

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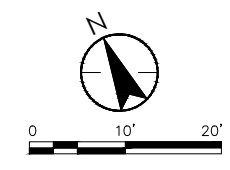
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 SEE ENLARGEMENT 'A'

NOTE:  
 ENLARGMENT SPOT ELEVATIONS ARE TO THE FG OF THE CONCRETE WALK. SEE DETAIL A/L802 FOR DETAILED STAIR ELEVATIONS.

**GRADING INFORMATION**

	LIMITS FOR FINAL PLACEMENT OF EXCAVATED SUBMERGED MATERIAL
	EXISTING CONTOUR MINOR
	EXISTING CONTOUR MAJOR
	NEW CONTOUR MINOR
	NEW CONTOUR MAJOR
	NEW GRADING LIMITS / SLOPE LIMITS
	NEW SPOT ELEVATION
	EXISTING SPOT ELEVATION
	RUN:RISE (SLOPE)

Example:  $\times$  STA: 5+67.19 980.87  
 $\times$  745.47  
 $\times$  743.21  $\times$  743.78  
 4:1



DATE OF ISSUANCE	07/13/2022
NO. REVISION	DATE
SURVEY	CENTERPOINT
DRAWN	JAW
DESIGNED	JAW
CHECKED	JCB
APPROVED	SMM
PROJ. NO.	193805824
SHEET NUMBER	<b>C3.02</b>