

From: Beggs, Tauren R - DNR
Sent: Tuesday, May 14, 2024 8:55 AM
To: Adam Tegen
Cc: Byers, Harris
Subject: RAP/MMP Approval for River Point District - LGU, BRRTS # 02-36-585491 and N. Rapids Rd ROW, BRRTS # 09-36-594418
Attachments: 20240514_149_857_RAP_Appr_MMP_Appr.pdf

Good morning Adam,

Attached is the Remedial Action Plan & Materials Management Plan (RAP/MMP) Approval Letter for the above referenced sites.

If you have any questions, please let me know.

Regards,
Tauren

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Tauren R. Beggs

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May 14, 2024

City of Manitowoc
Attn: Adam Tegen
Community Development Director
900 Quay Street
Manitowoc, WI 54220
Via Electronic Mail Only to ategen@manitowoc.org

SUBJECT: Conditional Approval of Remedial Action Plan under Wis. Admin. Code § NR 724.09 and Approval to Manage Contaminated Soil under Wis. Admin. Code § NR 718.12 at a Different Site or Facility

Generating Property: N Rapids Rd ROW, Manitowoc, WI
BRRTS #: 09-36-594418

Receiving Property: River Point District - LGU, North 10th Street and North 11th Street,
Manitowoc, WI
BRRTS #: 02-36-585491

Dear Mr. Tegen:

On May 1, 2024, the Department of Natural Resources (DNR) received the *Remedial Action Plan & Materials Management Plan* (RAP/MMP), submitted on your behalf by Stantec Consulting Services, Inc. (Stantec). The RAP/MMP requests to manage approximately 10,000 cubic yards of contaminated soil at the River Point District – LGU site in accordance with Wisconsin Administrative (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).

The RAP/MMP consists of installing municipal infrastructure for the proposed Chicago Street right-of-way (ROW) at the River Point District - LGU site, which includes raising the grade 3-10 feet across the ROW by importing approximately 10,000 cubic yards of contaminated soil from the N. Rapids Rd ROW, using additional clean fill for installation of utilities, installation of hardscape (asphalt and/or concrete streetscapes, curbs, and sidewalks) and using a minimum 24 inches of clean soil seeded with grass in the greenspace areas as shown on the attached *Figure 5, Proposed Reuse and Engineered Barriers*, dated 4/15/2024. Since the grade is going to be raised significantly, it is not expected that the existing contaminated soil or waste fill will be encountered within the proposed Chicago Street ROW at the River Point District - LGU site. However, if any contaminated soil is encountered during utility installation, it will be properly characterized and disposed at a licensed landfill.

The DNR concurs with the RAP/MMP with the following comments:

- The overall site investigation at the River Point District – LGU site is not yet complete.
- The DNR will not require a cap maintenance plan for the public road ROW, as it will already be maintained by the municipality as a road ROW.

Wis. Admin. Code § NR 718.12 Approval

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

Compliance with Locational Criteria

Managing contaminated soil on the River Point District - LGU site in the proposed Chicago Street ROW will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c), with the exception of the following:

- Within 300 feet of any navigable river, stream, lake, pond or flowage.

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

In consideration that the contaminated soil from the N. Rapids Rd ROW has similar contamination to what contamination has been found at the River Point District - LGU site and proposed actions are 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 locational criteria of Wis. Admin. Code § 718.12(1)(c)3. and will allow placement of contaminated soil within the proposed Chicago Street ROW at the River Point District – LGU site.

Characterization of Soil to be Excavated

Soil samples were collected from the N. Rapids Rd ROW for analysis of Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs), and Resource Conservation and Recovery Act (RCRA) metals. PAHs, RCRA metals (primarily lead), and one minor detection of benzene were found in soil which were similar in concentration or less than what has been found at the River Point District - LGU site. PAHs were primarily below the cumulative PAH risk value of 1×10^{-5} and lead was primarily in line with or below the background threshold value of 8 mg/kg. Based on the sampling collected in the N. Rapids Rd ROW, the sampling protocol described in Wis. Admin. Code § NR 718.12(1)(e) was not met; however, the DNR has determined that the sampling was representative and the material was adequately characterized due to there being no recognized environmental conditions within or adjacent to the N. Rapids Rd ROW, no field observations of contamination, and no soil fill identified.

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 contaminated soil at the River Point District - LGU 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 contaminated soil management.

Requirement of Continuing Obligations

The current property owner or ROW holder of the River Point District – LGU site acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated soil on their property as proposed.

The current owner or ROW holder of the River Point District - LGU site, and any subsequent property owners or ROW holders, must comply with the following continuing obligation, 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 Wisconsin Statute (Wis. Stat.) § 292.11 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 and search "WRRD."

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, search "RR-819."

Please send written notifications in accordance with the following requirements to DNR Project Manager Tauren Beggs. Send documents to the DNR using the RR Program Submittal Portal at 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, 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, search "RR-690."

Residual Soil Contamination and Future Solid Waste Management

If contaminated soil that is managed as proposed in the RAP/MMP is excavated in the future, the property owner or ROW holder 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 soil 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 ROW 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.

The contaminated soil is proposed to be managed in the Chicago Street ROW at the River Point District site as depicted on the attached *Figure 5, Proposed Reuse and Engineered Barriers*, dated 4/15/2024.

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, search "3300-254."

Other Information

- 1) Any hazardous substance discharge discovered during soil 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 by Summer 2024, with utility installation targeted for winter of 2024 and final grading, paving, and establishing vegetation in 2025. Notify the DNR if this schedule will change substantially.

- 3) Per Wis. Admin Code § NR 708.17, the DNR needs to ensure that actions taken by a local government unit (LGU) are considered protective when the property is developed or put to its intended use. Documentation of RAP/MMP activities can be provided in a Remedial Action Documentation Report (RADR) to meet this requirement, which would describe how the activities complied with Wis. Admin. Code § NR 724.05(2) and § 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 N. Rapids Rd ROW and River Point District - LGU site.
 - c. Maps, drawings, photos, 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 RAP/MMP and conditions in this approval.
 - e. A description of any changes made to the planned RAP/MMP and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the RAP/MMP.
 - g. A description of how new site conditions are protective of human health, safety, welfare, and the environment at the River Point District – LGU site.

- 4) The soil management approved in the RAP/MMP is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the RAP/MMP. Any contaminated soil that is excavated or otherwise disturbed at the N. Rapids Rd ROW and River Point District – LGU 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 and Stantec are 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 each of the involved sites are listed in the database entries identified by BRRTS Activity # 09-36-594418 and 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

Attachment: Figure 5, Proposed Reuse and Engineered Barriers, dated 4/15/2024.

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

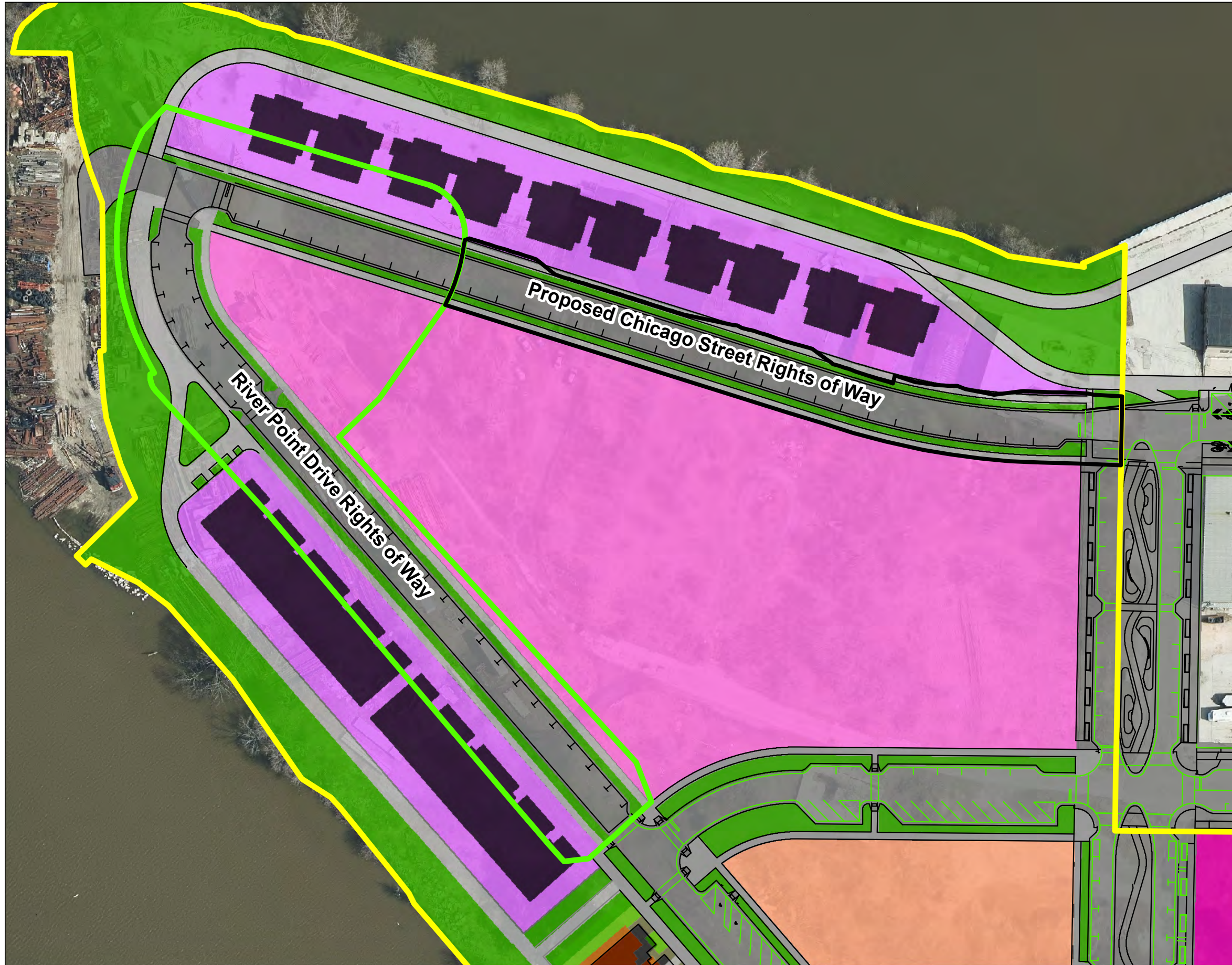


Figure No.
5
 Title
Proposed Reuse and Engineered Barriers
 Client/Project
 Chicago Street Rights of Way
 River Point District
 City of Manitowoc
 0 65 130 Prepared by HLB on 4/15/2024
 Feet

Legend

Chicago Street Rights of Way
 River Point District
 River Point Drive Rights of Way

Proposed Redevelopments

- Notes**
- Buildings (Conceptual)
 - Town Homes (2025-2026)
 - Town Homes (2024-2026)
 - Commercial (Finished)
 - Roadway (2021-2026)
 - Landscaping (2023-2026)
 - Multi-Family Residential (2025-2026)
 - Sidewalk (2025-2026)
 - River Walk / Park (2023-2026)
 - Proposed Commercial (2025-2026)

Notes
 1. Coordinate System: NAD 1983 HARN WISCRS Manitowoc County Feet
 2. Orthophotograph: Manitowoc County, 2020

