



September 30, 2021

River North, LLC
Attn: Alex Allie
100 Maritime Drive, Suite 3C
Manitowoc, WI 54220

Sent Via E-Copy Only - aallie@alliecompanies.com

Subject: Reported Contamination at River North, 1000 River Point Drive, Manitowoc, WI
DNR BRRTS Activity # 02-36-588366

Dear Mr. Allie:

On September 8, 2021, Harris Byers of Stantec Consulting Services Inc., on behalf of River North, LLC, notified the Wisconsin Department of Natural Resources (DNR) that the Community Development Authority of the City of Manitowoc (CDA) transferred the parcel of land with address 1000 River Point Drive, Parcel ID # 052-000-173-100.00, to River North, LLC on August 27, 2021, for the purpose of Brownfield redevelopment as a multi-family apartment complex. This parcel of land was formerly part of the Riverpoint District open environmental case, BRRTS # 02-36-585491, and has been split into a separate environmental case for redevelopment purposes. Since the CDA's local governmental unit (LGU) environmental liability exemption under Wis. Stat. § 292.11(9)(e) does not transfer to private parties, River North, LLC is now considered a responsible party as the new possessor of the above-described site that has known hazardous substance discharges or other environmental pollution (hereafter referred to as "contamination"). "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03 (56).

This letter outlines the process for investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs to investigate and clean up the contamination.

Legal Responsibilities:

Persons meeting the definition of "responsible party" under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes ("Wis. Stat.") ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

Special Vapor Intrusion Concern with Trichloroethylene:

Contamination that includes trichloroethylene ("TCE"), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low

concentrations in air. TCE is also a breakdown product of tetrachloroethylene (“PCE,” also known as “Perc”), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to dnr.wi.gov and search “vapor.” Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, (RR-800).

General Recommendations for Responsible Parties:

The DNR recommends that you:

1. Properly Submit Reports on Time with Required Information Included

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), *enclosed*.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

2. Consider the Benefits of a Fee-based Technical Review of your Submittals

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule and further information on technical assistance is available at dnr.wi.gov by searching “brownfield fees.”

Required Steps to Take and Documents to Submit:

All mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m). Site investigation activities under Wis. Admin. Code ch. NR 716 have been ongoing at this site, with the most recent Supplemental Site Investigation report submitted to the DNR on September 16, 2021. Any further investigation that may be required must comply with Wis. Admin. Code ch. NR 716.

A Remedial Action Plan & Materials Management Plan under Wis. Admin. Code chs. NR 718 and NR 724 was also recently submitted with a fee to DNR for the proposed multi-family apartment complex redevelopment on September 17, 2021. Supplemental remedial action plan documentation was submitted to the DNR on September

22, 2021. The following steps are additional requirements that still need to be met before DNR can grant case closure:

1. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: As indicated above, a Remedial Action Plan has already been submitted to meet the requirements of Wis. Admin. Code § NR 724.09. The responsible party shall submit all other plans and reports required by Wis. Admin. Code ch. NR 724.
2. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).
3. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

Submittals required under Wis. Admin. Code chs. NR 700-799

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- Ch. NR 708 reports and documentation for any immediate or interim actions.
- Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- Ch. NR 716 work plan(s) and site investigation report.
- Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- Ch. NR 700 semi-annual site progress reports starting six months after notification.

The DNR tracks information on all cleanup sites in a DNR database available at dnr.wi.gov, search “BOTW.” The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Tauren Beggs
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue, Green Bay, WI 54313
Tauren.Beggs@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent 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>).

Please visit the DNR's Remediation and Redevelopment Program web page at dnr.wi.gov, search "Brownfields" for information on seeking financial assistance and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please call the project manager Tauren Beggs at (920) 510-3472 for more information.

Thank you for your cooperation.

Sincerely,



Denise D. Danelski
Environmental Program Associate - Remediation & Redevelopment Program
Northeast Region

Enclosures:

1. [RR-967, NR 700 NR 700 Process and Timeline Overview](#)
2. [RR-674, Environmental Contamination Basics](#)
3. [RR-082, NR 700 Semi-Annual Site Progress Report](#)
4. [RR-081, Wis. Admin. Code ch. NR 712 Qualifications and Certifications](#)
5. [RR-892, What is Vapor Intrusion?](#)

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