



October 13, 2021

River North, LLC  
Attn: Alex Allie  
100 Maritime Drive, Suite 3C  
Manitowoc, WI 54220  
Via Electronic Mail Only to [aallie@alliecompanies.com](mailto:aallie@alliecompanies.com)

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  
River North, 1000 River Point Drive, Manitowoc, WI 54220  
BRRTS #: 02-36-588366

Dear Mr. Allie:

On September 17, 2021, the Department of Natural Resources (DNR) received the *Remedial Action Plan & Materials Management Plan*, submitted on your behalf by Stantec Consulting Services, Inc. (Stantec). Subsequent documentation, the *Building Control Technology Design* and email correspondence for removal of residual petroleum contaminated soil, was submitted on September 22, 2021. The documentation referenced above will herein be referred to collectively as the RAP. The RAP includes a request 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).

The River North site is a portion of the area known as the Riverpoint District Phase 1 Development Area and was subdivided into a new parcel, as shown on *Figure 3, Target Property Certified Survey Map*, dated July 26, 2021. Site investigation activities completed as part of the parent Riverpoint District – LGU case, BRRTS # 02-36-585491, and this subsequently subdivided River North case, identified Petroleum Volatile Organic Compounds and Naphthalene (PVOCs + N), Polycyclic Aromatic Hydrocarbons (PAHs), and Resource Conservation and Recovery Act (RCRA) metals above Groundwater Pathway and/or Direct Contact soil standards. 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 redeveloping the site into a multi-family apartment complex, which includes capping the entire site with the apartment building and underground parking garage, hardscape (concrete and asphalt), and landscaping with a minimum of 18 inches of clean soil and six inches of clean topsoil finished with vegetation to prevent direct contact and/or minimize leaching of residual contamination to groundwater (refer to *Figure 2, Groundwater Quality and Proposed Redevelopment (August 2021)*, dated April 21, 2021). In order to redevelop the site, the grade will be raised 2-5 feet across the site with approximately 4,000 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. Soil management to occur on-site is from contaminated soil that will be generated from excavations needed for the building and underground parking garage. Approximately 2,000 cubic yards

of soil contaminated with PAHs and metals will be reused under the surface parking lot (refer to *Figure 13, Grading Plan and Cut/Fill Areas*, dated May 11, 2021). Approximately 790 cubic yards of soil contaminated with PVOCs + N will be excavated and disposed at a landfill (refer to *Figure 1, Test Pits and Proposed Excavation Extent*, dated April 15, 2021). A vapor mitigation system with vapor barrier, sealed sumps, and a vapor barrier in the elevator shaft will be installed as part of the building construction to address any potential vapor intrusion concerns (refer to *Sheet Number C1.01, Sub Slab Depressurization – Foundation Plan*, dated September 15, 2021). Post-construction vapor sampling from vapor ports installed through the slab and underlying vapor barrier will be completed to determine if the vapor mitigation system needs to be operated to mitigate vapors. A clean clay cutoff wall is also planned to be installed in the utility lateral trench at the property boundary to reduce the risk of potential contaminant migration. Any contaminated water that may be encountered during construction will be properly managed.

The DNR concurs with the RAP with the following comments:

- For post-construction sub-slab vapor sampling, sampling should only be conducted for PVOCs and naphthalene.
- Post-construction sampling must take place after the Heating, Ventilation, and Air Conditioning (HVAC) has been running for a minimum of a month.
- An interim action report and Operation, Monitoring, and Maintenance (OM&M) plan will be needed if the system needs to be actively operated as a continuing obligation.

### **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 300 feet of any navigable river, stream, lake, pond or flowage; and
- Within 3 feet of the high groundwater level.

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

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) 3. and 5. 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 volatile organic compounds (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 PVOCs + N were detected in soil, that material is not allowed to be managed on-site. No PCBs were detected. 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 written notice at least seven days prior to commencing the proposed material management.

**Continuing Obligations**

Continuing obligations for remaining soil contamination and cap maintenance are required and will be addressed in more detail in the final case closure letter. 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 continuing obligations for the property. Other continuing obligations may also be applied in the future at the time of final case closure approval.

**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) Dewatering may occur during redevelopment, which will include proper characterization and management as approved by the permitting agency.
- 4) Unless otherwise directed by the DNR, documentation of contaminated soil management activities shall be provided within 60 days of the completion of this project. The documentation must comply with the requirements of Wis. Admin. Code § NR 724.05 (2) and § NR 724.15 (3). Documentation must include:
  - 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 the new site conditions are protective of human health, safety, welfare and the environment at the site.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

- 5) A final cap maintenance plan for the entire property detailing all the required caps for groundwater pathway and direct contact protection needs to be submitted prior to case closure.

Mr. Alex Allie, River North, LLC  
Approval of Remedial Action Plan and Materials Management Plan  
River North, BRRTS # 02-36-588366

- 6) 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.
- 7) River North, LLC 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 # 02-36-588366.

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](mailto:Tauren.Beggs@wisconsin.gov).

Sincerely,



Tauren R. Beggs  
Hydrogeologist  
Remediation & Redevelopment Program

Attachments:

- Figure 3, Target Property Certified Survey Map, dated July 26, 2021
- Figure 2, Groundwater Quality and Proposed Redevelopment (August 2021), dated April 21, 2021
- Figure 13, Grading Plan and Cut/Fill Areas, dated May 11, 2021
- Figure 1, Test Pits and Proposed Excavation Extent, dated April 15, 2021
- Sheet Number C1.01, Sub Slab Depressurization – Foundation Plan, dated September 15, 2021

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

# Figure 3 Target Property Certified Survey Map

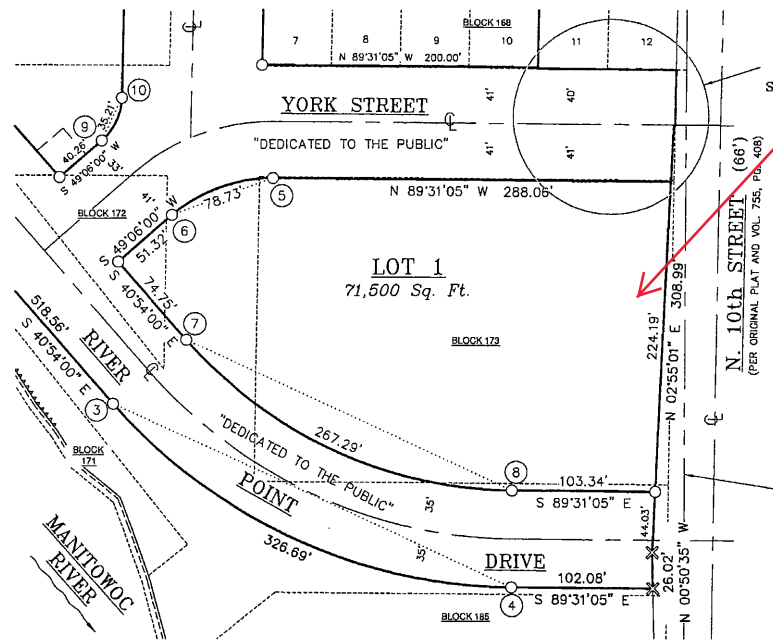
## CERTIFIED SURVEY MAP

DOC# 1240183 VOL 35 PG 208

LOCATED IN BLOCKS 168, 169, 170, 172, AND 173 OF THE ORIGINAL PLAT OF THE CITY OF MANITOWOC AND ADJACENT VACATED STREETS, BEING PART OF GOVERNMENT LOT 3 OF SECTION 30, TOWN 19 NORTH, RANGE 24 EAST, CITY OF MANITOWOC, MANITOWOC COUNTY, WISCONSIN

STATE OF WI - MTWC CO.  
KRISTI TULESBURG REGISTERED  
RECEIVED FOR RECORD  
08/17/2021 2:01:16 PM

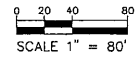
**Corner Point**  
A DIVISION OF ACE SURVEILLING SERVICE  
3100 S. 26th Street  
Manitowoc, WI 54220  
PH 920.682.6105

SEE  
DETAIL  
SHEET 5 OF 6

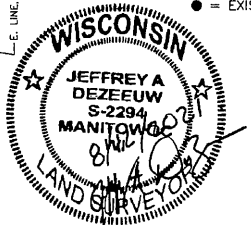
Target  
Property

NORTH IS REFERENCED TO THE  
MANITOWOC COUNTY COORDINATE  
SYSTEM. (PER THE COUNTY PUBLISHED  
SECTION SUMMARY)



### LEGEND

- = 3/4" x 18" IRON REBAR SET WEIGHING 1.13 LBS/FT
- ✕ = SET CHEISED "X" IN CONCRETE
- △ = SET 7" IRON SPIKE
- = EXISTING IRON ROD



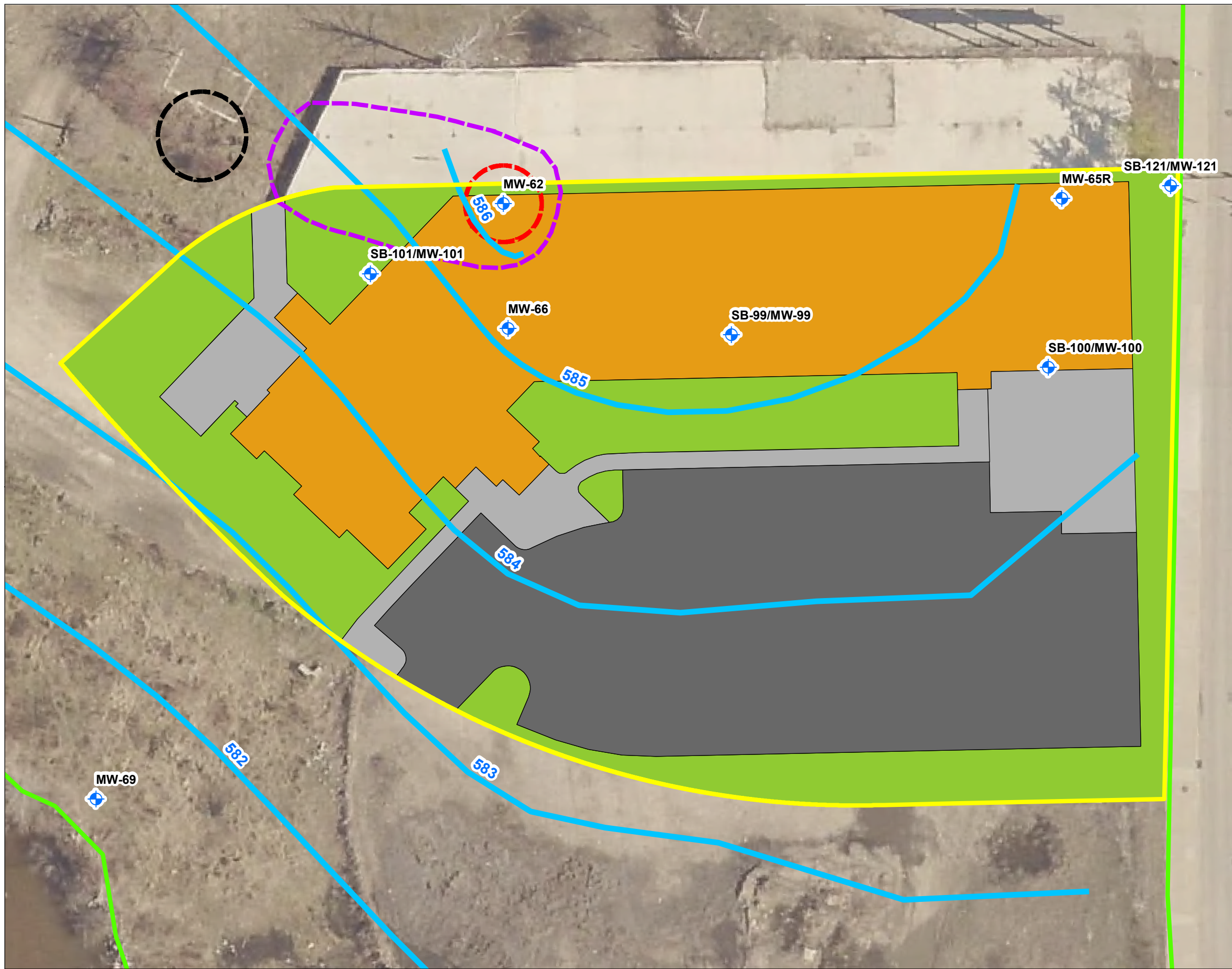


Figure No.  
**2**  
 Title  
**Groundwater Quality and Proposed Redevelopment (August 2021)**  
 Client/Project  
 River North, LLC Project Area  
 1000 River Point Drive  
 City of Manitowoc  
 0 25 50 Feet  
 Prepared by HLB on 4/21/21

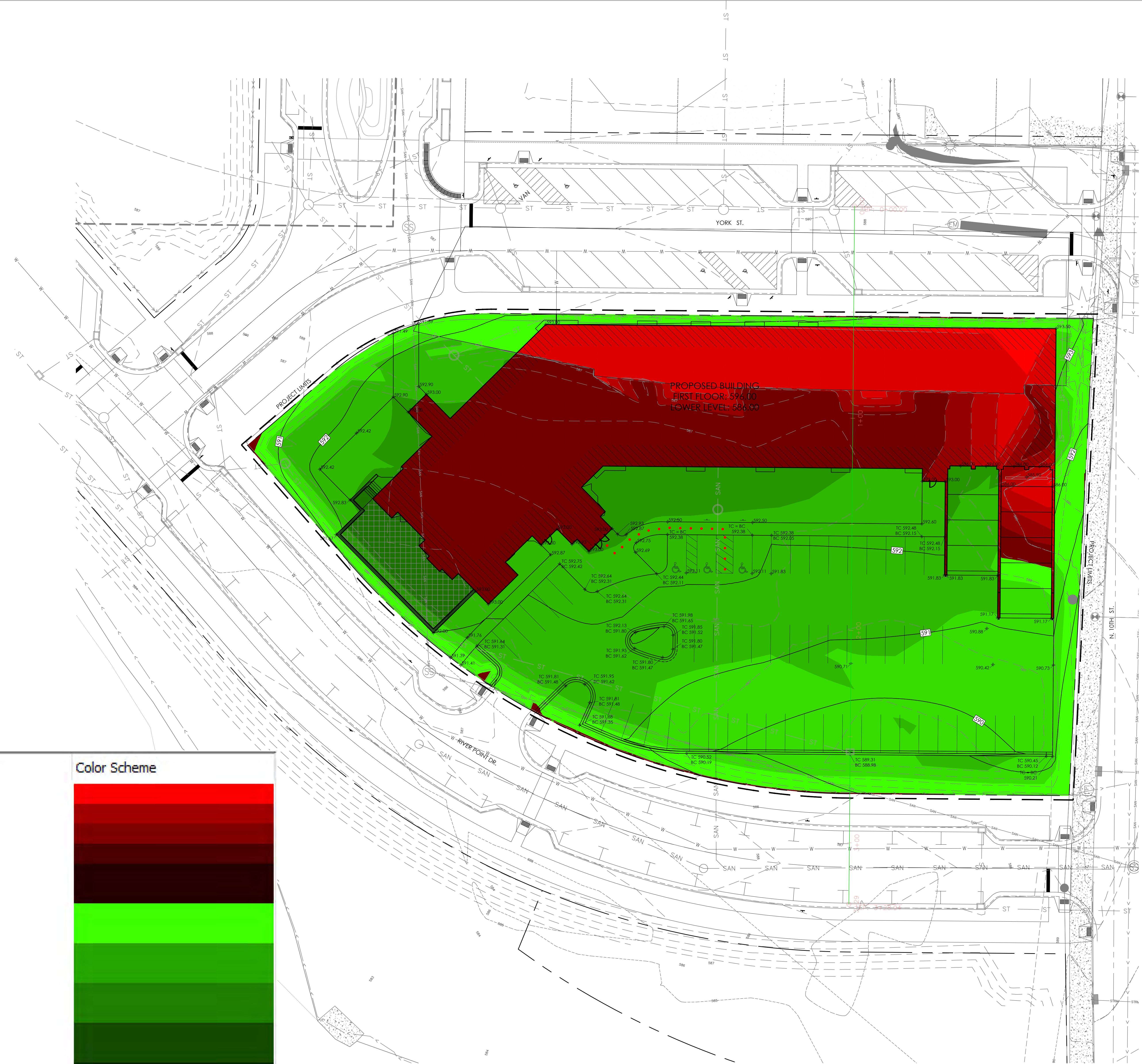
- Legend**
- River North LLC Project
  - River Point District
  - ◆ Monitoring Well (NR 141)
  - Groundwater Elevation (ft amsl)
- Impacts to Groundwater**
- Benzo(b)fluoranthene and Chrysene > PAL (concentrations "J-Flagged")
  - Benzene > ES
  - Petroleum VOCs > PAL
- River North LLC Proposed Redevelopment**
- Asphalt Cap (22,480 sf)
  - Concrete Cap (6,605 sf)
  - Landscaping Cap (19,800 sf)
  - Building Footprint (BCT Extent; 23,327 sf)

NOTE:  
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet  
 2. Orthophotograph: Manitowoc County, 2017



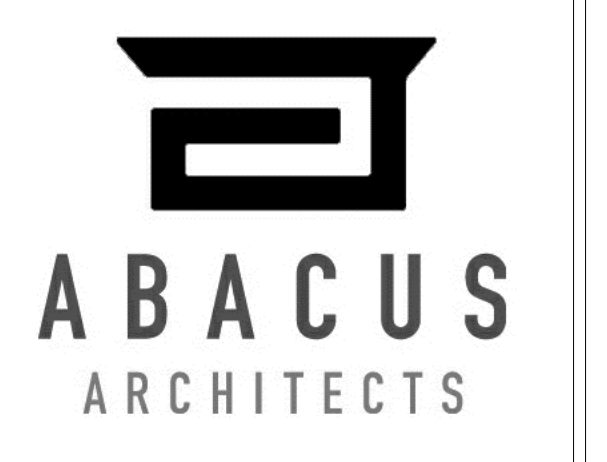
Figure 13 - Grading Plan and Cut/Fill Areas

GRADING LEGEND	
— 591 —	PROPOSED CONTOUR
— 590 —	EXISTING CONTOUR
⊕ 590.00	PROPOSED SPOT ELEVATION
⊕ 590.00±	MATCH EXISTING ELEVATION
⊕ TC 595.00	PROPOSED TOP OF CURB ELEVATION
⊕ BC 594.50	PROPOSED BOTTOM OF CURB ELEVATION
•••••	ADA ACCESSIBLE ROUTE



Minimum Elevation	Maximum Elevation	Color Scheme
-6.00'	-5.00'	Red
-5.00'	-4.00'	Dark Red
-4.00'	-3.00'	Dark Brown
-3.00'	-2.00'	Dark Green
-2.00'	-1.00'	Medium Green
-1.00'	0.00'	Light Green
0.00'	1.00'	Very Light Green
1.00'	2.00'	Lightest Green
2.00'	3.00'	White
3.00'	4.00'	White
4.00'	5.00'	White
5.00'	6.00'	White
6.00'	7.00'	White
7.00'	8.00'	White
8.00'	9.00'	White
9.00'	10.00'	White

Note: This figure was prepared by Abacus Architects and is adapted as Figure 13 for the RAP/MMP. Stantec makes no representation as to the accuracy of the information illustrated on this exhibit.



REVISIONS:

NOTICE TO BIDDERS  
 BIDDERS SHALL REVIEW ALL DRAWINGS AND SPECIFICATION SECTIONS TO DETERMINE THE IMPACT OF OTHER SECTIONS OF WORK ON THEIR OWN WORK.  
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May 11, 2021  
 NEW APARTMENT BUILDING  
**RIVER NORTH APARTMENTS**  
 MANITOWOC, WISCONSIN  
 1135A MICHIGAN AVE. SHEBOYGAN, WI 53081 (920) 452-4444 | 225 EAST ST. PAUL AVE. MILWAUKEE, WI 53202 (414) 837-6450

DRAWN BY: MDW  
 CHECKED BY: JRV

**C**  
**207**  
 PROJ. NO. 2020-55

CUT/FILL EXHIBIT  
 SCALE: 1"=20'

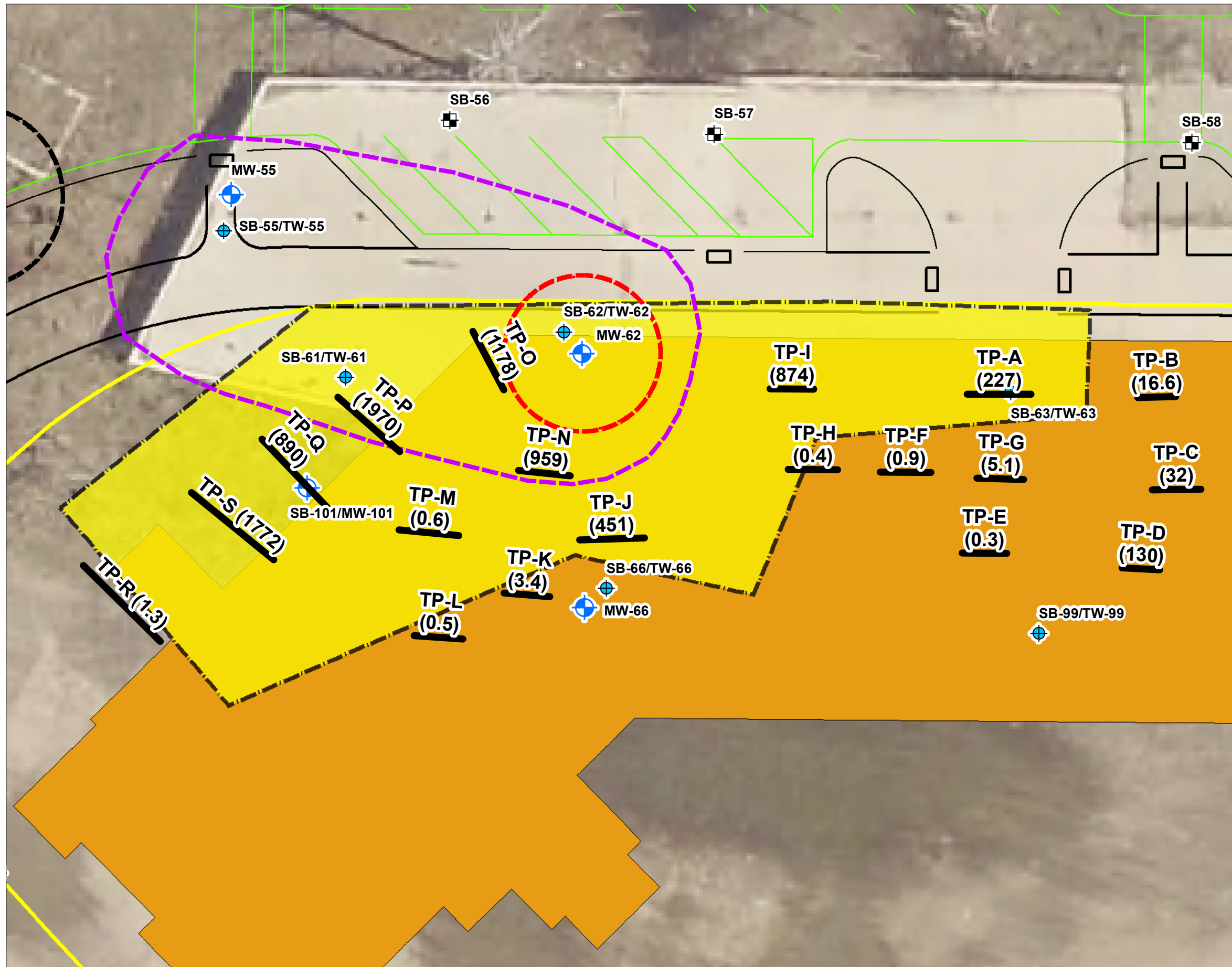
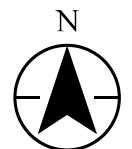


Figure No. **1**  
 Title **Test Pits and Proposed Excavation Extent**

Client/Project  
 River North, LLC  
 1000 River Point Drive  
 City of Manitowoc  
 0 12.5 25 Feet  
 Prepared by HLB on 4/15/2021

**Legend**

- River North LLC Project Area
- Proposed Excavation Area
- Sample Locations**
- Monitoring Well (4)
- Soil Boring (4)
- Soil Boring / Temp Well (6)
- Test Pits (PID Measurements) (19)
- Impacts to Groundwater**
- Benzo(b)fluoranthene and Chrysene > PAL (concentrations "J-Flagged")
- Benzene > ES
- Petroleum VOCs > PAL
- Building Footprint**
- Building Footprint (23,327 sf)



**Notes**  
 1. Coordinate System: NAD 1983 HARN WISCRS Manitowoc County Feet  
 2. Orthophotograph: Manitowoc County, 2017  
 3. PAL = ch. NR 140 WAC Preventive Action Limit; ES = ch. NR 140 WAC Enforcement Standard





