

## **Pfeiffer, Jane K - DNR**

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**From:** Pfeiffer, Jane K - DNR  
**Sent:** Monday, March 21, 2022 5:00 PM  
**To:** Richard Mazurkiewicz  
**Cc:** Nick Orthmann; Moll, John G - DNR (Gregory)  
**Subject:** Beta-Becher Acquisition Co, LLC (02-41-589088) - Additional Information Requested

Greetings,

On March 17, 2022, the DNR performed a preliminary review of the materials management plan (MMP) and historic fill exemption (HFE) request that were submitted for the above-referenced site with their applicable fees received on March 3, 2022. As we discussed today during our phone call, the DNR understands that the responsible party has requested that a DNR response be provided by March 22, 2022, as earthworks are scheduled to begin this day. However, the DNR is unable to provide a formal review and the requested MMP approval and HFE by this date. The DNR understands this strict redevelopment timeline and is still working to provide your client an expedited response earlier than the standard 60 day time period. At this time, the DNR has the following additional questions and preliminary feedback regarding the MMP and HFE:

### MMP:

1. Confirm whether the Kinnickinnic River is within 300 feet of all areas on the site where soil reuse will occur. If so, then an exemption to the locational criteria presented in Wis. Admin. Code § NR 718.12(1)(c) will be required.
2. Clarify whether any of the soil to be reused on the site may be placed within three feet (ft) of the highwater level. If so, then an exemption to the locational criteria presented in Wis. Admin. Code § NR 718.12(1)(c) will be required.
3. The MMP indicates that the soil to be reused on site will be taken from the NW corner of the site from up to 5-6 ft below ground surface (bgs). Fourteen soil samples were collected from 4-10 ft bgs in the soil reuse area. Considering this sample interval does not provide data for the upper 4 ft bgs, one of the following activities must be conducted:
  - a. Perform additional sampling within the NW corner of the site within the upper 4 ft bgs to characterize the soil that will be reused, or
  - b. Separate the upper 4 ft bgs from the soil to be reused on site and properly dispose of the soil at a licensed landfill.

### HFE:

1. Provide additional information on methane sample collection methods, particularly pertaining to the use of the vapor ports. Justify how this type of sampling is appropriate.

The DNR is still in the process of reviewing the site investigation report and will provide a formal review letter at a later date. Furthermore, it should be noted that it appears that site investigation activities conducted to-date appear to have investigated contamination related to historic fill material and not historic site operations. Therefore, the pending future case closure of this site would exclusively be for the contamination related to historic fill material as the source of contamination.

Once the information is submitted, the DNR will review the info and provide a formal DNR review letter at a later date. Do not hesitate to reach out with any questions, comments or concerns you might have.

Best,

Jane

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**Jane K. Pfeiffer**

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