

From: Beggs, Tauren R - DNR
Sent: Monday, April 1, 2024 1:37 PM
To: RiverLanding TownHomes
Cc: Byers, Harris; Adam Tegen
Subject: Remedial Action Plan Approval for River Landing, BRRTS # 02-36-593784
Attachments: 20240401_149_RAP_Appr.pdf

Good afternoon Daniel,

Attached is the Remedial Action Plan Approval for the above referenced site.

If you have any questions, please let me know.

Regards,
Tauren

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

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 (preferred contact method during work at home)

dnr.wi.gov



April 1, 2024

River Landing Developers LLC
Attn: Daniel Diederichs
828 Winnetka Ct
Manitowoc, WI 54220
Via Email Only to contact@riverlanding-townhomes.com

SUBJECT: Approval of Remedial Action Plan under Wis. Admin. Code § NR 724.09
River Landing, River Point Drive, Manitowoc, WI
DNR BRRTS Activity # 02-36-593784

Dear Mr. Diederichs:

On January 24, 2024, the Department of Natural Resources (DNR) received a Remedial Action Plan (RAP), submitted on your behalf by Stantec Consulting Services, Inc. (Stantec). The DNR received the fee for providing review and response, in accordance with Wis. Admin. Code § NR 749.04(1).

The River Landing site is a portion of the larger redevelopment area known as the Riverpoint District and was divided into a new parcel, shown as Lot 1 on the attached *Certified Survey Map, Document # 1266038*, dated July 26, 2023. River Landing Developers, LLC acquired the property from the City of Manitowoc Community Development Authority on December 28, 2023. Site investigation activities completed as part of the parent Riverpoint District – LGU case, BRRTS # 02-36-585491, and this subsequently subdivided River Landing case, identified Polycyclic Aromatic Hydrocarbons (PAHs) and Resource Conservation and Recovery Act (RCRA) metals above Groundwater Pathway and/or Direct Contact soil standards with limited sporadic detections of benzene, a volatile organic compound (VOC), above Groundwater Pathway soil standards sitewide in soil and waste fill. This is consistent with what has generally been found across the larger River Point District area in the soil and waste fill. VOCs, PAHs, and RCRA Metals were either initially detected in temporary wells and not subsequently confirmed in permanent wells or were not detected above standards in groundwater. Per- and Polyfluoroalkyl Substances (PFAS) were detected in groundwater above the proposed enforcement standards adjacent to the River Landing site and are inferred to be present on-site.

The RAP consists of redeveloping the site into slab-on grade townhomes, asphalt paved driveways, concrete sidewalks, and greenspace with a minimum of 18 inches of clean soil and six inches of clean topsoil finished with vegetation to prevent direct contact with residual soil contamination, as shown on the attached *Figure 5, River Landing and Proposed Redevelopment*, dated 5/8/2023. A commercial redevelopment on the remaining portion of the parcel is planned in the future and will be submitted under a separate RAP. In order to redevelop the site, the site grade was previously raised an average of 5.5 feet with approximately 3,500 cubic yards of clean imported fill material. As a part of this RAP, an additional 1,000 cubic yards of additional clean structural fill will be used to bring the site to final grade. No impacted soil or waste fill is expected to be encountered as part of the redevelopment, so the RAP did not propose any on-site management of contaminated material. Stantec indicated in the RAP that if contaminated materials are unexpectedly encountered, it will be disposed of off-site at a licensed solid waste landfill.

A passive sub-slab depressurization system will be installed beneath the building slab as part of the redevelopment, which is a conservative best management practice since the proposed building does not screen

in for potential vapor risk with the currently available analytical data. While the installation of a passive sub-slab depressurization system is not a requirement, it is a generally recommended best management practice for development at contaminated sites.

The DNR concurs with the RAP with the following comment:

- A cover is only needed for direct contact because groundwater has been sampled under pervious conditions as part of the site investigation and no contaminants besides PFAS, which are related to an off-site source, have been confirmed in groundwater.

Continuing Obligations

Continuing obligations for remaining soil contamination and cover maintenance are required. The current property owner of the site, and any subsequent property owners, 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. The continuing obligations associated with this remedial action plan approval are:

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Contamination remains in soil and waste fill sitewide. If soil and waste fill is excavated in the future, the property owner at the time of excavation must sample and analyze the material. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment, or disposal complies with applicable standards and rules. Contaminated soil and waste fill may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

Maintenance of a Cover (Wis. Stat. § 292.12(2)(a), Wis. Admin. Code §§ NR 724.13(1) and (2), NR 726.15(2)(d) and/or (e), NR 727.07(1))

The building slab, pavement, concrete, and 18 inches of clean soil and six inches of clean topsoil finished with vegetation as shown on *Figure 5, River Landing and Proposed Redevelopment*, dated 5/8/2023, will act as a cover that needs to be maintained over contaminated soil and waste fill as proposed in the RAP. The purpose of the cover is to prevent direct contact with the residual contaminated soil and waste fill.

The following activities are prohibited on any portion of the property where the cover is required, unless prior notification is provided to DNR to determine whether further action may be necessary to protect human health, safety, or welfare or 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 single-family residential use.

Other Information

- 1) Any hazardous substance discharge discovered during remedial activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) Remedial activities approved by this letter are scheduled to be completed by Fall 2024. Notify the DNR if this schedule will change.

- 3) Unless otherwise directed by the DNR, documentation of remedial 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 remedial action plan and the conditions in this approval.
 - e. A description of any changes made to the planned remedial activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the remedial activity.
 - g. A description of how the new site conditions are protective of human health, safety, welfare, and the environment at the site.
 - h. A cover maintenance plan.

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

- 4) River Landing Developers 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) on the Web database. All documents and project milestones related to the cleanup of this site is listed in the database entries identified by BRRTS Activity # 02-36-593784.

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

Attachments:

- Certified Survey Map, Document # 1266038, dated July 26, 2023
- Figure 5, River Landing and Proposed Redevelopment, dated 5/8/2023

cc: Harris Byers, Stantec Consulting Services, Inc. (Harris.Byers@stantec.com)
Adam Tegen, City of Manitowoc CDA (ategen@manitowoc.org)

CERTIFIED SURVEY MAP

DOC# 1266038

VOL 36

PG 329

LOCATED IN BLOCKS 148, 169, AND 170 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

LEGEND

- = 3/4" x 18" IRON REBAR SET WEIGHING 1.13 LBS/FT
- △ = MAG NAIL SET
- = EXISTING 3/4" IRON ROD
- ▲ = EXISTING MAG NAIL
- (000) = "RECORDED AS" DIMENSION

TOTAL AREA

119,852 Sq. Ft.
2.751 Acres
STREET R/W
58,860 Sq. Ft.
1.351 Acres

STREET DEDICATION NOTE:

All mapped streets within the bounds of this Certified Survey Map are dedicated to the public for street purposes.

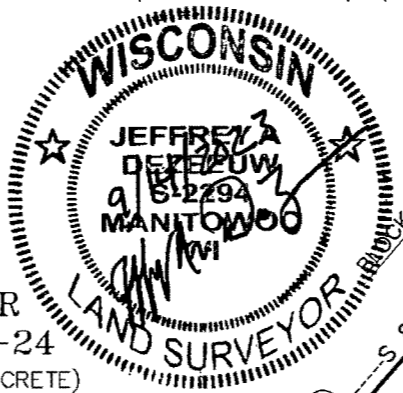
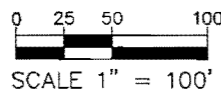
STATE OF WI - MTWC CO
KRISTI TUESBURG REGI DEEDS
RECEIVED FOR RECORD
09/21/2023 1:41:33 PM

Corner Point

A DIVISION OF ACE BUILDING SERVICE

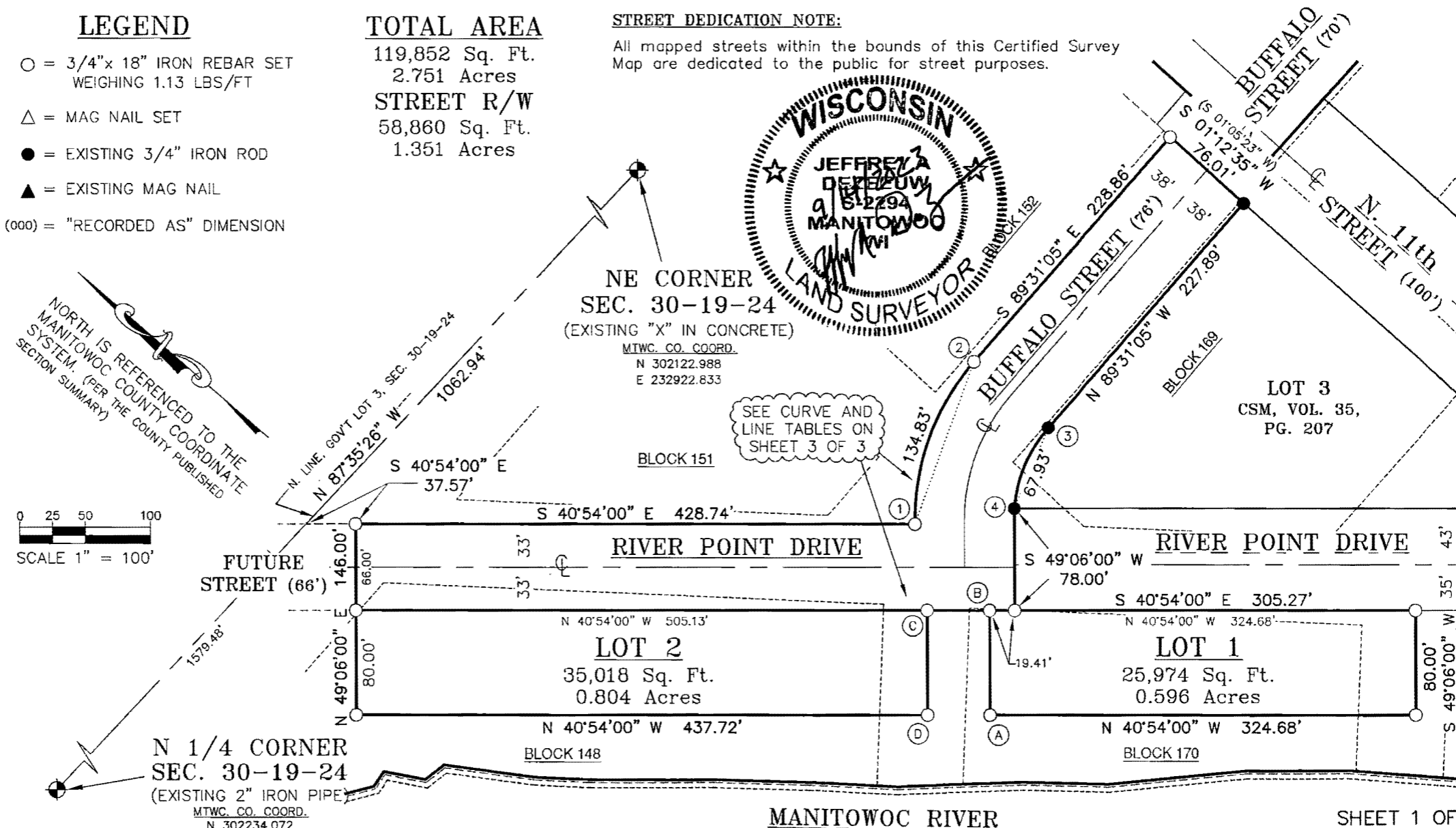
3510 S. 26th Street
Manitowoc, WI 54220
Ph 920.682.6105

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



NE CORNER SEC. 30-19-24 (EXISTING "X" IN CONCRETE)
MTWC. CO. COORD.
N 302122.988
E 232922.833

SEE CURVE AND LINE TABLES ON SHEET 3 OF 3



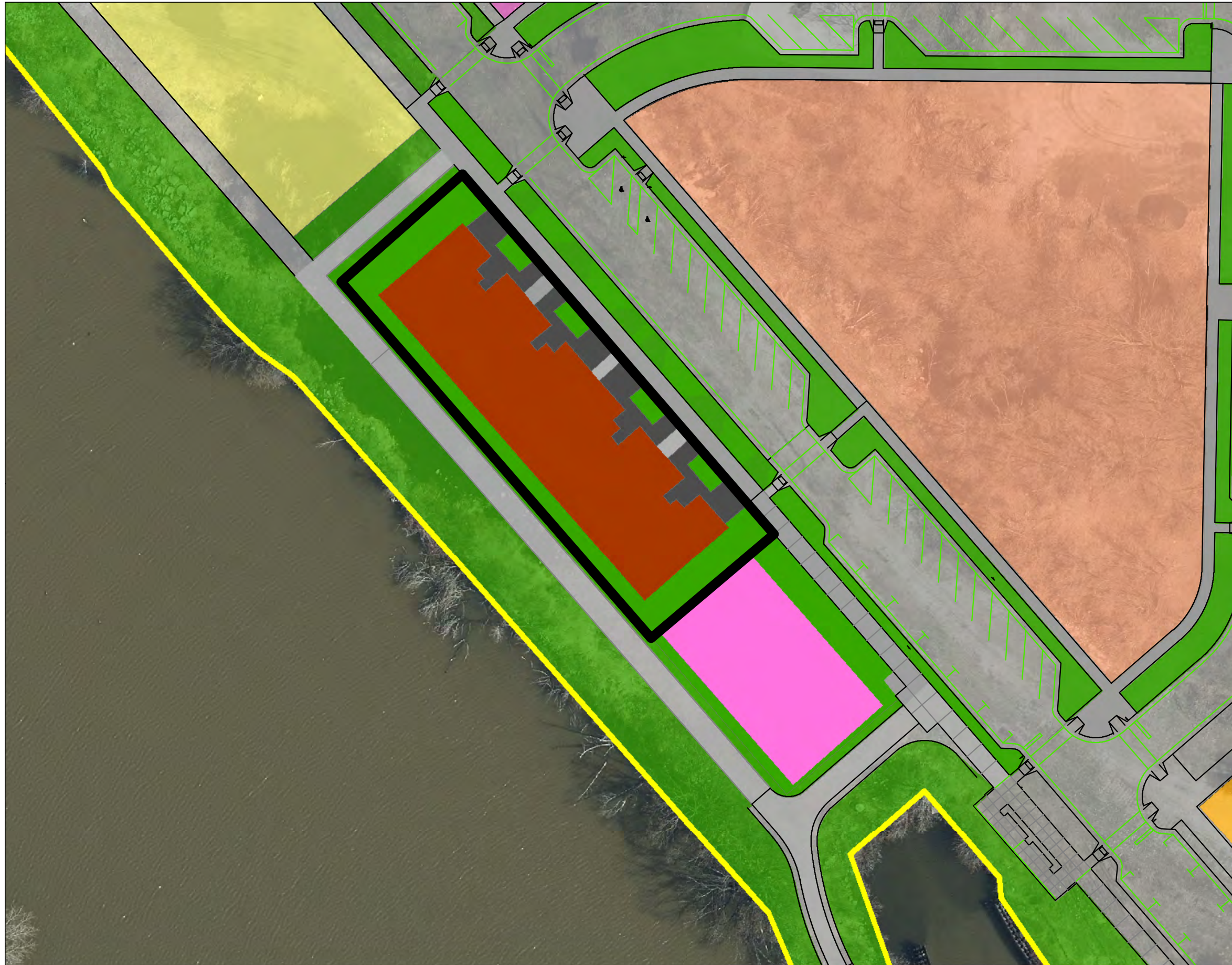


Figure No.
5
 Title
**River Landing and
 Proposed Redevelopment**
 Client/Project
 River Landing
 River Point District
 City of Manitowoc
 0 37.5 75 Feet Prepared by HLB on 5/8/2023

- Legend**
- River Point District
 - N
 - River Landing Water Front Project Area**
 - Townhomes
 - Townhome Reuse Features**
 - Asphalt
 - Proposed Townhomes
 - Concrete
 - Grass
 - Future Redevelopment**
 - Town Homes (2024-2025)
 - Multi-Family (Finishing 2022)
 - Roadway (2021-2024)
 - Landscaping (2024-2025)
 - Multi-Family Residential (2023-2024)
 - Sidewalk (2024-2025)
 - River Walk / Park (2023-2024)
 - Proposed Commercial (2025-2026)
 - Future Commercial (2024-2025)

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

