

From: Beggs, Tauren R - DNR
Sent: Monday, April 1, 2024 1:40 PM
To: RiverLanding TownHomes
Cc: Byers, Harris; Adam Tegen
Subject: Historic Fill Approval for River Landing, BRRTS # 02-36-593784
Attachments: 20240401_402_HF_Exempt_Ltr_River_Landing_Signed.pdf

Good afternoon Daniel,

Attached is the Historic Fill Approval letter for the above referenced site.

If you have any questions, please let me know.

Regards,
Tauren

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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: Conditional Approval for Development on a Property where Solid Waste has been Disposed
River Landing, River Point Drive, Manitowoc, WI
DNR BRRTS Activity # 02-36-593784

Dear Mr. Diederichs:

The Wisconsin Department of Natural Resources (DNR) reviewed and approves the proposed development on the solid waste disposal facility located at the River Landing site, in accordance with Wisconsin Administrative (Wis. Admin.) Code § NR 506.085, subject to the conditions listed in the attached approval. This approval is limited to the specific activities described in the application with fee submitted to the DNR on January 24, 2024. If any changes or additional activities are considered beyond those described in the application, a new application must be submitted to the DNR for approval.

The proposed activities include the following:

- Importing clean material to further raise the grade of the site;
- Redevelopment of townhomes, asphalt paved driveways, concrete sidewalks, and landscaping consisting of 1.5 feet of clean fill and six inches of topsoil completed with turf grass.

This approval does not relieve you of obligations to meet all other applicable federal, state, and local permits, or zoning and regulatory requirements. This approval should not be construed as a case closure approval under Wis. Admin. Code ch. NR 726.

If you have questions or concerns regarding this letter, please contact the project manager, Tauren Beggs, at (920) 510-3472 or at Tauren.Beggs@wisconsin.gov.

Sincerely,

Trevor Nobile, P.G.
Field Operations Director
Remediation & Redevelopment Program

Attachment: Conditional approval

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

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL APPROVAL
FOR
DEVELOPMENT ON A PROPERTY WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Wisconsin Department of Natural Resources (DNR) finds that:

1. River Landing Developers LLC owns the historical fill site located on River Point Drive in Manitowoc, WI. A specific address has not been established yet.
2. Solid waste, specifically foundry sand, is present on the property.
3. On January 24, 2024, the DNR received an application from Stantec Consulting Services Inc. (Stantec) on behalf of River Landing Developers LLC for approval to develop over waste at the River Landing site. The DNR received the review fee of \$700, per Wisconsin Administrative (Wis. Admin.) Code Ch. NR 749 on January 24, 2024.
4. The information submitted in connection with the proposed development activities includes:
 - a. The Development at Historic Fill Site or Licensed Landfill Application form signed on December 28, 2023, and received by the DNR on January 24, 2024.
 - b. The Remedial Action Plan submitted with fee to the DNR on January 24, 2024.
5. Additional documents considered in connection with the review of the proposed development includes:
 - a. The Site Investigation Report submitted with fee to the DNR on January 24, 2024.
 - b. The DNR's files pertaining to River Landing, BRRTS # 02-36-593784.
6. Additional facts relevant to the review of the proposed activities include:
 - a. Stantec indicates that waste encountered at the site does not present a potential for methane gas generation and native peat and other organic deposits that were encountered may generate methane gas; however, the potential for methane gas accumulation is low risk. As a best management practice, a passive sub-slab depressurization system will be installed beneath the proposed building and be designed by an appropriately licensed engineer.
 - b. The associated Remedial Action Plan is certified by a hydrogeologist and professional engineer.
 - c. The associated Remedial Action Plan presented a schedule for the project, which provides that the development is projected to start in Spring 2024 and be completed by Fall 2024.
7. If the special conditions set forth below are complied with, the proposed development should not interfere with maintenance of the solid waste disposal area or cause a significant threat to public health, safety, or welfare or to the environment.

CONCLUSIONS OF LAW

1. The DNR has authority under Wis. Admin. Code § NR 506.085 to approve development over a waste disposal area at a solid waste facility as defined in Wisconsin Statute (Wis. Stat.) § 289.01(35).

2. The DNR has authority under Wis. Stat. § 289.46(2) to limit its approval under Wis. Admin. Code § NR 506.085 to activities which will not interfere with a closed solid waste disposal facility or cause a significant threat to public health, safety, or welfare.
3. The conditions of the approval set forth below are needed to ensure the proposed development does not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety, or welfare as required under Wis. Stat. § 289.46(2).
4. In accordance with the foregoing, the DNR has authority under Wis. Admin. Code § NR 506.085 to issue the following approval.

CONDITIONAL APPROVAL

The DNR conditionally approves the proposed activities on the River Landing site subject to the following conditions:

1. All aspects of the proposed activities shall be performed in accordance with the application received by the DNR and the conditions of this approval. In the case of any differences between the approval conditions and the application, the approval conditions shall take precedence.
2. This approval is limited to the activities described in the application received by the DNR on January 24, 2024. Any changes or additional activities beyond those described in the application shall not be implemented without prior written DNR approval (Wis. Admin. Code § NR 506.085).
3. No action related to the proposed activities at the landfill may be taken which will cause any of the impacts or effects described in Wis. Admin. Code § NR 504.04(4)(a)-(f).
4. A report shall be submitted to the DNR within 60 days of completion of the proposed activities that documents the project was completed in accordance with the approved plan and conditions of this approval. The report may be submitted in conjunction with a Wis. Admin. Code § NR 724.15 remedial action construction documentation report. The report shall include:
 - a. Narrative describing work completed in accordance with approval and any problems encountered.
 - b. If waste was encountered, documentation of proper disposal of waste.
 - c. Photo documentation of all aspects of construction.
 - d. An explanation of any deviations from the plan and for documentation of minor field modifications discussed with the DNR.
 - e. A set of as-built plans.
5. The proposed activities shall not prevent the completion of remedial response actions required under Wis. Admin. Code chs. NR 700-799 and shall be coordinated with remedial action requirements and related DNR approvals.
6. Any continuing requirements of the plan or the conditions of the approval shall transfer with changes in property ownership.

This approval is based on the information available to the DNR as of the date of approval. If the proposed project changes or if circumstances change such that there may be a need to modify this approval, the DNR may ask applicants to provide additional information relating to activities to determine if the approval will need to be modified.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the DNR, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing DNR decisions.

- For judicial review of the DNR’s decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed or otherwise served by the DNR to file the petition with the appropriate circuit court and serve the petition on the DNR. Such a petition for judicial review must name the “Department of Natural Resources” as the respondent.
- To request a contested case hearing pursuant to Wis. Stat. § 227.42, you have 30 days after the decision is mailed or otherwise served by the DNR, to serve a petition for hearing on the secretary of the DNR. All requests for contested case hearings must be made in accordance with Wis. Admin. Code § NR 2.05(5) and served on the DNR secretary in accordance with Wis. Admin. Code § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Dated: April 1, 2024

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Trevor Nobile, P.G.
Field Operations Director
Remediation & Redevelopment Program



Tauren R. Beggs
Project Manager – Hydrogeologist
Remediation & Redevelopment Program