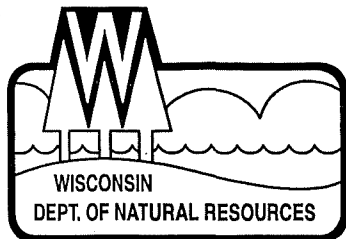


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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5916
FAX 920-492-5859
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December 18, 2003

Dan Pawlitzke
City of Two Rivers
Economic Development
PO Box 87
Two Rivers, WI 54241-0087

Brian Bartoszek
Shaw Environmental & Infrastructure
790 Marvella Lane
Green Bay, WI 54304

Subject: Follow-up to the November 12, 2003, Meeting to discuss grant options for 4 properties along the West Twin River, Two Rivers

Dear Mssrs. Pawlitzke and Bartoszek:

It was a pleasure meeting with you and Greg Buckley (Two Rivers); Richard Schowengert (Shaw); Laurie Egrie and Kathy Erdmann (WDNR) on November 12, 2003. The purpose of our meeting was to discuss grant options for the potential redevelopment of the David White Property (also known as Seneca Oil and/or Petroleum Conservation Inc.) Lesperance, WPS, and US Oil properties. The properties are located in the general vicinity between School Street and the West Twin River in the City of Two Rivers.

I was tasked to investigate the lien on the David White property, the wetlands delineation of all four properties, and any floodplain/floodway issues.

Civil Judgment for Money (Manitowoc County Case Number 1996CV000319):

I reviewed the file and discussed the enforcement history of the David A. White property (BRRS case # 02-36-096500) with our Attorney Joe Renville in Madison. In April 1997, the State Department of Justice filed a Notice and Motion for Default Judgment and Taxation of Costs against David A. White. The Notice was for reimbursement for costs associated with responding to a petroleum spill in August 1994. The response included containerizing and disposing of waste oil and sludge. Circuit Court Judge Darryl Deets granted the default judgment in favor of the state and placed a judgment for money (\$42,915.88) against the defendant David A. White. In essence this has become a lien or a charge against the property with a judgment/lien date of April 25, 1997. We can certainly discuss issuing a satisfaction of the judgment if the City and/or a private party is committed to acquiring and redeveloping the White property.

Subsequent to the 1994 WDNR spill response in 1995 and 1996, the US EPA conducted an extensive removal action that eliminated all immediate threats from hazardous materials at a cost of \$470,000. It is our understanding that US EPA did not place any liens on the property. We can assist you in working with US EPA in providing assurance to the city and any new owners of the property that addresses any concerns and cost recovery and federal liability.

Wetlands Delineation:

On December 3, 2003, I met on site with Mike Hanaway, WDNR Water Regulations and Zoning Specialist, (920) 755-4942, to do a partial "walkover" of the properties of interest to the City of Two Rivers and Shaw Environmental and Infrastructure. The purpose was to discuss likely wetlands delineation and alternative options for uses of the various properties. The following is a synopsis of our discussions and alternatives to assist you in making a decision to continue pursuing investigation, clean up, and development of these properties.

In summary:

- The David White property would have no designated wetlands. Only a small portion of land located along the shoreline of the Lesperance property would be designated as wetlands.
- The WPS and the US Oil properties would have substantial designated wetlands areas: primarily the areas between the river and those areas that are not filled or currently being mowed/cleared.
- The attached air photo provides a gross indication of areas most likely assumed to be designated wetlands.
- There are minor wetland areas between the properties that could likely be permitted to be filled/graded.

Recommendations for the anticipated Phase II and NR 716 field work:

We recommend that your consultant complete a wetlands delineation. Mike Hanaway will then conduct a field audit for concurrence or changes. Please keep in mind that the costs for the wetlands delineation are not reimbursable through a Site Assessment Grant (SAG).

Recommended Enhancements:

Overall: The presence or nearness of the wetlands could be viewed as a wonderful asset to the new development (e.g. "*a natural setting, within convenient city services.*")

A public riverwalk would provide beautiful views across the river. Grants could be obtained to help in building this feature. The public riverwalk, with connection points into the new development, would allow new and as well as current residents to benefit from the new development. The riverwalk could extend from the boat launch downstream to the sidewalk on West River Street.

If excavation of contaminated soil is a preferred remedial alternative, a wetlands dredging permit may be considered, however, filling of wetlands would not be allowed. Dredging may provide opportunities to create shallow wildlife ponds within or adjacent to the development.

David White and Lesperance properties: The riprap along the shore is rather crude and unsightly. It could be removed and a shallow sloping native-vegetation waterfront could be created. Mike Hannaway would be your contact for any needed permits or approvals in this

regard. You may want to keep in mind that the creation of a groomed lawn surface near the shore is discouraged as this attracts geese and contributes to excess nutrients in the river.

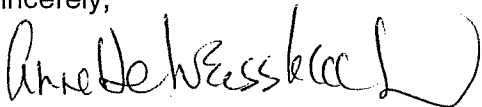
US Oil: Approximately two-thirds of the US Oil property would likely fall under the wetlands designation. The area could be turned into a green space (asset: natural setting) with either joint homeowner ownership or public access. For example, if 36 housing units were built, each homeowner would also own 1/36 of the green space along the river. The homeowner or condo association could levy fees for maintenance of walkways or other features. On the other hand, if it were public access owned by the City, it would be attractive to the several hundreds of homes directly adjacent to the site.

The berms (that once surrounded the above ground tanks) could be lowered to create a more natural looking wetland area by the river. The excavated berm soil could not be used to fill the wetland areas within the bermed areas, but the soil could be reused elsewhere on the to-be-developed areas. Part of the berm network could be converted to trails and new raised trails above the wetland surface could be built as the walkway gets closer to the river. The *Marshlands Walk* near the Kewaunee River just north of the City of Kewaunee is a good example of what this could look like.

Floodplain/Floodway issues: On December 16, 2003, I met with Kristy Rogers, Aquatic Habitat Coordinator, (920) 492-5817, and the contact for floodplain/floodway issues in WDNR Northeast Region. The City of Two Rivers has a Floodplain zoning ordinance. Attached is a portion of the zoning map that shows the 100 and 500-year flood boundaries as well as the floodway and flood fridge for your area of interest. You will need to verify if these maps are still current and valid. Typically, development is restricted in floodway areas. In the floodplain, development has to meet certain restrictions as outlined Wis. Administrative Code.NR 116. Please contact the City of Two Rivers Zoning Administrator or Kirsty Rogers with specific questions.

I hope this provides you with the necessary information needed to further pursue the redevelopment of these four properties. If you have any questions please feel free to contact me at (920) 492-5865 or annette.weissbach@dnr.state.wi.us.

Sincerely,



Annette Weissbach
Hydrogeologist
Remediation and Redevelopment Program

Attach.

Cc: Mike Hanaway – Mishicot WDNR office
Kristy Rogers/Kathy Erdmann - NER

Areas of Interest
Two Rivers, WI



0 0.05 0.1 Miles



AREA NOT INCLUDED

26TH STREET

26TH

RM6

24TH

22ND

20TH

18TH

16TH

STREET

14TH

STREET

12TH

STREET

12TH

ST

WEST

TWIN

RIVER

HAWTHORNE

RM9

SCHOOL STREET

MADISON STREET

STREET

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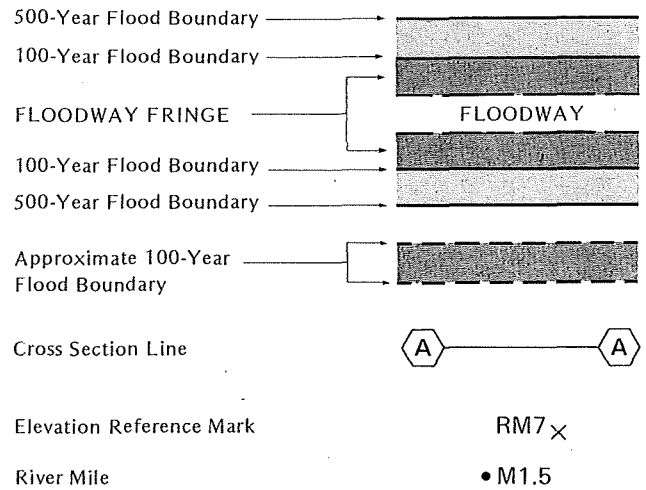
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KEY TO MAP



NOTES TO USER

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations without regard to economic, legal, or political factors.

This map was prepared to support minimum flood plain management regulations; it may not show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.

