State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

August 22, 2012

Ms. Allison Swanson
Village of Ashwaubenon
2155 Holmgren Way
Ashwaubenon, Wisconsin 54304

Subject: Conditional Closure Decision, With Requirements to Achieve Final Closure, Southern Riverfront Redevelopment Site, 465 Marina Lane, Parcels VA-132-4-1, VA-146-5, VA-146-4, VA-132-4, VA-1399, and Part of VA-1373, VA-1374, & VA-1374-1, Village of Ashwaubenon, Brown County, Wisconsin WDNR BRRTS Activity # 02-05-520114

Dear Ms. Swanson:

On August 20, 2012, the Northeast Regional Closure Committee reviewed your request for closure of the case described above. The committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the committee has determined that the petroleum, metals and PCB contamination in the fill material on the site from unknown sources appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

CAP MAINTENANCE PLANS
Draft cap maintenance plans were provided with the closure request. These plans need to be finalized, signed and returned to the Department. The figure showing the locations of the caps should be revised to include the whole of all the parcels included in this closure review (i.e. the cap should be property line to property line) and generally describe the type of cap present (i.e. asphalt/concrete pavement, building, topsoil & vegetation, and clay, topsoil, and vegetation, etc.). The topsoil and vegetation cap would be the grass area immediately adjacent to Broadway. In addition to the site figure showing the locations and types of the different caps at the site, a site figure showing the remaining soil contamination (as described in the following paragraph) must also be attached. The cap maintenance plans must be specific to the property named, however the figures can for the whole of the site included in this closure review. The temporary sediment basin should be included within the capped area.

REVISED REMAINING SOIL CONTAMINATION FIGURE
Please provide the Department with a revised 11 X 17 inch site figure that clearly shows all of the soil and groundwater sample locations on the site, current parcel lines, and current parcel major features such as buildings, roads, parking lots, retention pond, etc. On the figure, show the remaining PAH contamination as being across the whole of all the parcels included in this closure review. On the figure it should state that the PAH contamination is above the Non-Industrial Direct Contact RCLs under this capped area. On this same figure, show the PCB contamination as being across the whole of all of the parcels included in this closure review. On the figure it should state that the PCB contamination as being below 1 Part per Million (PPM).

Ms. Allison Swanson
August 22, 2012

When the above conditions have been satisfied, please submit the appropriate documentation to verify that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR's Remediation and Redevelopment GIS Registry. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page, visit the RR Sites Map page at: http://dnrmaps.wi.gov/imf/imf.jsp?site=brrts2.

CONTINUING OBLIGATIONS AND RESPONSIBILITIES
As part of the approval of the closure of this case, current and future property owners will be responsible for maintaining and conducting annual inspections of the caps on their property as per the Cap Maintenance Plan. Documentation of the annual inspection will be required to be kept on site. Residual soil contamination exists that must be properly managed should it be excavated or removed.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at the address above, by telephone at 920-662-5161, or by email at alan.nass@wisconsin.gov .

Yours truly,

Alan Thomas Nass, P.G., P.S.S.
Hydrogeologist
Remediation & Redevelopment Program

cc: Roger Miller, P.E., GEI Consultants, Inc., 955 Challenger Drive, Suite A, Green Bay, Wisconsin 54311

Terry Gerbers, G-SKAAT LLC, 480 Pilgrim Way, Suite 1200, Green Bay, Wisconsin 54304-5279

Susan Pfeiffer, TRIVAN LLC, 940 Oak Street, De Pere, Wisconsin 54115

Terry Gerbers, River Boardwalk Development Corporation, 480 Pilgrim Way, Suite 1200, Green Bay, Wisconsin 54304-5279

Scott Smet, 480 Pilgrim Development LLC, 1428 Fox River Drive, De Pere, Wisconsin 54115

David Dewick, 200 South Washington Street, Suite 401, Green Bay, Wisconsin 54301

Terry Gerbers, AB Hospitalities LLC, 480 Pilgrim Way, Suite 1200, Green Bay, Wisconsin 54304-5279

Riverway Marina LLC, 457 Marina Lane, Green Bay, Wisconsin 54304

Barbara Gerarden, 2308 Apple Creek Court, De Oere, Wisconsin 54115