



May 26, 2020

Mr. John Gackstetter
Hendricks Commercial Properties
525 Third Street, Suite 300
Beloit, Wisconsin 53511

Transmitted by electronic copy

Subject: Technical Assistance Response for a Preliminary Decision
Post Closure Modifications for Riverbend Stadium, formerly known as
Former WP& L Coal Gas Site, 111 Shirland Avenue, Beloit, Wisconsin
BRRTS Number 02-54-001302 (Property Parcel Numbers 135-40073 and 135-40080)
and Former Country Store West Site, 202 Shirland Avenue, Beloit, Wisconsin
BRRTS Number 03-54-202856 (Property Parcel Numbers 135-40020, 135-40025, 135-40030)

Dear Mr. Gackstetter:

The Wisconsin Department of Natural Resources (“Department”) has received your request for a preliminary post closure modification approval submitted by Brownfield Environmental Engineering (Brownfield) on behalf of Hendricks Commercial Properties and the Riverbend Stadium Authority Inc. The City of Beloit (Beloit) and the Riverbend Stadium Authority Inc. are the applicants on record. The request is dated May 3, 2020 and was received by the Department on May 4, 2020. The fees are for providing review and response in accordance with s. NR 749.04(1), Wis. Adm. Code.

The Department has reviewed your request for and offers a preliminary approval of the Post Closure Modification (PCM) request. It is our understanding that the former WP&L Coal Gas property with a previous address of 111 Shirland Avenue now consists of 217 Shirland Avenue, 55 Water Street, a portion of 225 Shirland Avenue, and a portion of 101 Shirland Avenue. The Riverbend Stadium will have a new street address of 217 Shirland Avenue when it is completed. The former Country Store West property was located at 202 Shirland Avenue. These properties are part of the Riverbend Stadium project which consists of seven parcels (135-40030, 135-40025, 135-40020, 135-40005, 135-40080, 135-40073, and 135-40060) in Wisconsin and three parcels (0405152001, 0405151001, and 0406277001) in Illinois. The combined parcels are collectively referred to here as the “Property”.

The Department is issuing this technical assistance response as the preliminary step for a PCM approval. A soil management plan (SMP) was included in the May 3, 2020 PCM request. This response for a preliminary PCM approval and approval of the SMP is limited to those parcels located within the State of Wisconsin and to the proposed redevelopment described in the submittal as the development of a baseball stadium and associated infrastructure. The proposal includes soil management, site regrading, utility installation, building construction and athletic field construction. If you are considering changes to the Property beyond those described in the application, a new application must be submitted to the Department for approval.

The Department reviewed the following documents to make the preliminary approval determinations:

- Development at Historic Fill Site or Licensed Landfill Exemption Application Form 4400-226, prepared by Brownfield, dated May 3, 2020 and received by the Department on May 4, 2020.

- Recommended Template for Request to Manage Materials under Wis. Admin. Code § NR 718.12 or NR 718.15 Form 4400-315, prepared by Brownfield, undated and received by the Department on May 4, 2020.
- Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request Form 4400-237, prepared by Brownfield, dated May 3, 2020 and received by the Department on May 4, 2020.
- Soil Management Plan Riverbend Stadium – Beloit WI 53511, prepared by Brownfield, dated April 24, 2020 and received by the Department on May 4, 2020.
- Hazardous Materials Health and Safety Plan Riverbend Stadium, 217 Shirland Avenue, Beloit Wisconsin, prepared by GZA, dated May 3, 2020 and received by the Department on May 4, 2020.
- Limited Phase II Environmental Site Assessment, Riverbend Stadium – Beloit, WI 53511, prepared by Brownfield, dated March 16, 2020 and received by the Department on May 4, 2020.
- Phase I Environmental Site Assessment, 55 Water St. and 217 Shirland Ave., Beloit, WI 53511, prepared by Brownfield, dated April 16, 2020 and received by the Department on May 4, 2020.
- Additional information submitted by email on May 11, 2020.
- Department files for the Former WP& L Coal Gas Site and Former Country Store West, BRRTS Numbers 02-54-001302 and 03-54-202856.

The Department provides the following summary concerning the Property:

- The Property contains seven parcels (135-40030, 135-40025, 135-40020, 135-40005, 135-40080, 135-40073, and 135-40060) in Wisconsin.
- The Property is primarily vacant land with a bike path and Mill Street cutting through the north side of the site. The south side of the site (south of Shirland Avenue) is utilized by the City of Beloit Sewer/Water Department. The Illinois-Wisconsin border is located on the south side of the Site.
- The proposed development of a baseball stadium and associated infrastructure is planned. The proposal includes site regrading, utility installation, building construction and athletic field construction.
- Historically, the area was the location of a coal gas manufacturing plant on the 111 Shirland Avenue (property parcel numbers 135-40073 and 135-40080) and a gas station and convenience store at 202 Shirland Avenue (property parcel number 135-40020). The former coal gas manufacturing plant was later occupied by a wastewater treatment plant by the City of Beloit. Wastewater treatment ceased at the property in 1991.
- The WP&L case, BRRTS Number 02-54-001302, was closed by the Department on May 29, 2007 with residual soil and groundwater contamination and a continuing obligation to maintain a cap.
- The Country Store West case, BRRTS 03-54-202856, was closed by the Department on January 3, 2006 with residual soil and groundwater contamination and a continuing obligation to maintain a cap.

Summary of Proposed Materials Management Activities

Redevelopment of the Property located in Beloit, Wisconsin includes removing the existing caps at 202 Shirland Avenue (former Country Store West), 217 Shirland Avenue, 55 Water Street, a portion of 225 Shirland Avenue, and a portion of 101 Shirland Avenue (former WP& L Coal Gas Site with a previous address of 111 Shirland Avenue), management of contaminated soil, regrading the site, and constructing a baseball stadium, associated infrastructure and parking with associated landscaping. A passive vapor control system will be installed beneath the occupied first floor spaces and adjacent ballfield.

Some dewatering may be necessary for foundation and utility construction. Brownfield will assist the excavation contractor with obtaining approval from the City of Beloit and the Department's Water Quality Program to discharge contaminated groundwater from construction dewatering to the sanitary sewer, surface waters, storm sewers, pits, or to the ground surface. An oil-water separator will be used, if necessary, to ensure that residual oil is not discharged to the sanitary sewer. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed. The submitted PCM plan proposed that the contaminated groundwater removed will be managed on

site, discharged to the Rock River under permit from the Department including testing, or collected in totes or large tank for offsite disposal and treatment.

The Department has reviewed the SMP that was included in the May 3, 2020 submittal as appendices E and H. The SMP proposed to manage the excavated materials which contain polycyclic aromatic hydrocarbon (PAH) and volatile organic compound (VOC) contaminated soil north of Shirland Avenue and petroleum volatile organic compound (PVOC) contaminated soil south of Shirland Avenue. Excavated soils will be placed back in the trench if suitable or used on site. Most of the surface grading work will be in the existing soil cap layer. Following construction activities, all existing soils and the existing soil cap will be under the new engineered barrier which will consist of the proposed improvements (playing field, buildings, sidewalks, and paved surfaces. All new green spaces will have a minimum of three feet of clean soil. Any impacted materials that cannot be reused on site will be transported by a licensed hauler to an approved landfill. The SMP's use of contaminated soils and other waste materials as fill is in accordance with s. NR 718, Wis. Adm. Code. Additional information can be obtained in Department guidance RR 060, "Management of Contaminated Soil and Other Solid Wastes Wis. Admin. Code §§ NR 718.12 and NR 718.15" available through the following link: <https://dnr.wi.gov/files/PDF/pubs/rr/RR060.pdf>.

A cap maintenance plan will be submitted to the Department for review and approval.

The PCM is given a **preliminary approval** subject to the following conditions:

1. Management of excavated soil in conformance with the submitted soil management plan shall be completed within one year of the effective date of this letter unless a written extension of this condition is obtained from the Department.
2. Hendricks Commercial Properties and the Riverbend Stadium Authority Inc./Brownfield shall manage excavated material in conformance with the soil management plan and shall notify the Department within 24 hours of discovering material that is not consistent with the contaminant characteristics that have been reported to the Department or if there are visual or olfactory indications of a contaminant discharge. That material must be segregated and tested to determine appropriate disposal options.
3. If areas of unanticipated soil contamination or discovery of underground storage tanks, piping, drums, etc. are encountered, the Department shall be notified within 24 hours and appropriate actions to investigate, evaluate and deal with the situation shall be proposed. Notification of discharge shall be submitted to the Department in accordance with s. NR 706.05(1).
4. Hendricks Commercial Properties and the Riverbend Stadium Authority Inc./Brownfield is responsible for obtaining any local, federal or other applicable state permits to carry out this project. The project will involve the disturbance of 21.16 acres of land. If more than one acre of land is disturbed, a stormwater permit may be required. Contact the Department's Stormwater Manager to determine what, if any, permit is needed.
5. Hendricks Commercial Properties and the Riverbend Stadium Authority Inc./Brownfield shall comply with requirements of s. NR 718.12(2)(d) and (e) Wis. Adm. Code as needed or appropriate.
6. Hendricks Commercial Properties and the Riverbend Stadium Authority Inc. shall submit a documentation report to the Department within 90 days of substantial completion of the redevelopment project. The report shall contain the following items:
 - As-built drawings documenting compliance with the above conditions of approval;
 - A narrative description of how the above conditions were accomplished including relevant documentation;
 - Color photographs documenting construction aspects addressed in this approval;
 - Documentation of excavation and soil placement activities. The report shall include the description of the total volume and final location/disposition of relocated material;
 - Documentation attesting to the nature of any imported clean fill, the total volume and final location of imported clean fill; and

- A letter under the seal of a professional engineer registered in the State of Wisconsin certifying that the project has been constructed in substantial compliance with the above conditions and explaining any deviations from the approved plans.

This preliminary PCM approval applies only to those parcels associated with this Property that are located within the State of Wisconsin and makes no determination on the parcels located within the State of Illinois. The Department reserves the right to require the submittal of additional information or to modify or revoke this preliminary PCM approval if Hendricks Commercial Properties and the Riverbend Stadium Authority Inc. fail to comply with the requirements of the proposed PCM approval request. The Department also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found which would warrant modification or revocation of this approval. This approval is only applicable if Hendricks Commercial Properties and the Riverbend Stadium Authority Inc. proceeds with the Property development as is proposed.

If you have any questions regarding this letter, please contact Janet DiMaggio at (608) 275-3295.

Sincerely,

A handwritten signature in blue ink, appearing to read "St L Martin".

Steven L. Martin, P.G.
South Central Region Team Supervisor
Remediation and Redevelopment Program

cc: Bradley Brown, Brownfield Environmental Engineering Resources (e-copy)
Kristen Parker, Chapman and Cutler, LLP (e-copy)
Drew Pennington, City of Beloit (e-copy)
Janet DiMaggio, Remediation & Redevelopment Program, DNR (e-copy)