



January 8, 2021

Bradley Benson (via email to benson.bradley@epa.gov)
Great Lakes National Program Office
U.S. Environmental Protection Agency
77 W Jackson Blvd.
Chicago, IL 60604

Subject: Wisconsin DNR Comments on Superior Water Light & Power GLLA Application

Dear Bradley,

Thank you for the invitation and opportunity to hear the presentation by Superior Water Light & Power to the GLLA Technical Review Committee for a feasibility study and remedial design for contaminated sediments in the St Louis River Area of Concern (AOC). Wisconsin generally supports the application and welcomes partnerships to address contaminated sediments. DNR requests that GLNPO and DNR technical staff evaluate the slip adjacent to the proposed project to assure that the Legacy project will fully address the extent of beneficial use impairments in the immediate area. The current proposed project addresses the area and impacts that can be attributed to Superior Water Light & Power; however, the GLLA project in the AOC may need to extend beyond this area to address BUIs in the slip. Specific comments follow.

Superior Water Light & Power (SWL&P) is the responsible party under Wisconsin Statutes chapter 292 for discharges of hazardous substances from a former manufactured gas plant (MFP) to soil, groundwater, and surface water (i.e., sediment). Per Wisconsin law, SWL&P power is required to take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects of the discharge to the air, lands, and waters of the State of Wisconsin. Wisconsin DNR tracks the regulatory case for the SWL&P MGP site under the Bureau of Remediation and Redevelopment Tracking System (BRRTS) number 02-16-275446.

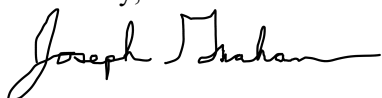
The SWL&P site is not regulated under CERCLA and DNR is the authorized regulatory agency. Therefore, any Great Lakes Legacy Act project for this site needs to meet both the administrative and substantive requirements of state laws and regulations. For the remediation of contaminated sediments at this site, this includes, but is not limited to, Wis. Admin. Code chapters NR 700 to NR 799. More specifically, the proposed feasibility study needs to meet the requirements for a remedial action options report (RAOR) in NR 722, and the design, implementation, and operation, and maintenance of the remedial action needs to comply with NR 724. Responsible parties requesting technical assistance, such as review, input, or approval, of the RAOR or design documents, are required to pay fees according to the schedule in NR 749. DNR will make reasonable efforts to expedite reviews of project submittals and provide technical assistance for this site when such requests are accompanied by the required fees.

The application identifies a PAH cleanup goal of 12.2 mg/kg. DNR supports the use of this level at the SWL&P site since it is protective of human health & the environment, allows removal of beneficial use impairments, and is consistent with other GLLA projects in the St Louis River AOC. We also recommend that before initiating a feasibility study, GNLPO and SWL&P identify the specific remedial action objectives and vet these with stakeholders.

DNR requests that GNLPO consider expanding the project scope to include investigation of the entire slip and the assessment of any actions necessary to remediate sediment mercury contributions to beneficial use impairments including but not limited to fish consumption advisories, degraded benthic communities, and restrictions on dredging activity. A single mobilization for sediment remediation over the entire slip would maximize the environmental benefits at reduced cost compared to segregated projects for different portions of the slip.

Thank you again for the opportunity to be part of the conversation and your consideration of these comments. We value our partnership with GLNPO and the collective results to restore the environment of the Great Lakes and their tributaries.

Sincerely,

A handwritten signature in black ink that reads "Joseph Graham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph Graham
Contaminated Sediment Expert

Cc: Scott Cieniawski, GLNPO
Judy Fassbender, DNR/Madison
Steve Galarneau, DNR/Madison
Cherie Hagen, DNR/Spooner
Chris Saari, DNR/ Ashland
John Sager, DNR/ Superior
Matt Steiger, DNR/Superior