



AN ALLETE COMPANY

December 14, 2022

John Sager
Wisconsin Department of Natural Resources
Superior Service Center
1701 N 4th Street
Superior, WI 54880

RE: Response Letter to DNR's Comments on Upland 100% Remedial Design Report Review

Dear Mr. Sager:

On December 9, 2022, Wisconsin Department of Natural Resources (DNR) sent an email to Superior Water, Light and Power (SWL&P), requesting additional information/clarification on the former Manufactured Gas Plant (MGP) 100% Remedial Design (RD) report. SWL&P's responses to those items are included below in bold.

WDNR Item 1:

DNR has identified an issue that needs resolution before providing a source control memo and approval of the 100% design. Section 1.7, page 15, 3rd paragraph, second sentence of the draft 100% Design report Foth states, "Surface water quality adjacent to the Site at the boat slip are not a concern for human and ecological receptors as a result of dilution in Superior Bay (SIR, Foth 2019)." This statement appears to say discharges to the C-Street Slip will continue during and following the remedial action of the upland area. Because the DNR's review of the draft 100% Design is not complete, we do not know if Foth makes other similar statements in the draft 100% Design regarding recontamination of the C-Street slip.

SWL&P Response:

The reference, "Surface water quality adjacent to the Site at the boat slip are not a concern for human and ecological receptors as a result of dilution in Superior Bay (SIR, Foth 2019)", is cited from the Site Investigation Report (SIR), referencing current conditions at the date of the report submittal. The statement was not referring to



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conditions after the extensive remedial action (RA) work. The SIR statement reaffirms that current surface water quality is not an issue even before the upland RA has been implemented. The SIR further discussed “Surface water in the boat slip is also recognized as a receptor, and logically if groundwater and sediment impacts are addressed, the most probably pathways for COCs associated with former MGP operations would also be addressed. However, it is assumed that other sources of impacts to the boat slip that are outside the control of SWL&P will be addressed by others prior to implementation of any remedial activities in the boat slip.”

The reports SWL&P have submitted to date (SIR, RAORs, and RDs) have all described that the upland RA will address recontamination of sediments by the former MGP chemicals of concern (COCs). This has been demonstrated in the calculations and modeling showing approximately 95% of the upland MGP COCs will be removed with the RA. The RD report also describes how this will be demonstrated at the completion of the RA through extensive post RA monitoring and which will necessarily show it complies with NR 726 closure criteria and source control to sediment and surface water before applying for closure.

WDNR Item 2

Also, the DNR’s July 7, 2022 letter to you documenting the DNR’s review of Foth’s April 27, 2022 Draft Remedial Action Options Report – Sediment Area contains the comment:

-Section 5.2.2.1:

Explain how recontamination could take place considering the proposed upland remedial action. This section, and other portions of the RAOR, discuss this potential. If the expected contamination remaining following the upland remedial action is such that recontamination is a possibility, then it is possible a more aggressive remedial action is needed for the upland portion of the site and/or removal of contaminated soil near the head of the slip may make recontamination less likely. Following the active remedial action activities on the upland portion of the site, the DNR will require soil confirmation samples be collected and groundwater monitoring conducted between the air sparge system and the head of the slip to confirm remedial action is successful on this area of the Site.

SWL&P Response:

The engineering studies and reports for both upland and sediment (SIR, RAORs, and RDs) have all described that the upland RA will address recontamination of the sediments by MGP COCs. This has been demonstrated in the modeling showing approximately 95% of the upland MGP COCs will be removed with the RA. The RD report also describes how this will be demonstrated at the completion of the RA and



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how MNA monitoring will have to comply with NR 726 closure criteria and significant source control.

WDNR Item 3:

A required component for a remedial action project under the Great Lakes Legacy Act is that a “site will not suffer significant further or renewed contamination from existing pollution sources causing sediment contamination following completion of a project” ([GLLA Application Accessed 12/09/2022](#)). In plain language, this is more often referred to as the potential “recontamination” of a site. EPA has requested the DNR provide a source control memo affirming this before signing the modification of the project agreement to include source control work in the upland portion of the site. Based on our reading of the 100% design and the Sediment RAOR, Foth indicates there will be continuing hazardous substance discharges to the C-Street slip, and recontamination of the slip is possible. We currently do not have enough information to assess the significance of any potential recontamination.

The DNR requests SWL&P and Foth evaluate the potential, duration, and magnitude of continued hazardous substance discharges to the slip. The evaluation should include a quantification of contaminants and conclusions regarding the potential for hazardous substance discharges to the slip, before, during, and following the active upland remedial action activities.

SWL&P Response:

The engineering studies and reports provided have demonstrated the estimated quantity of contaminants to be removed, areas of influence, and post-closure documentation will demonstrate through post-remediation monitoring that it has achieved the remedial action objectives (RAOs), adequate source control, and NR 700 site closure criteria. The documentation already provided in the SIR, RAOR, and RD consistently demonstrates that source control through the proposed upland remedial action adequately addresses the former MGP contamination and therefore, will no longer be a significant recontamination source to the sediment in the C Street Slip.

WDNR Item 4:

The only basis the DNR has to draft the source control memo is the reports and plans provided by SWL&P and Foth. Since it appears that Foth is suggesting that contaminants will continue to discharge to the slip following the upland remedial action, the DNR is unable to state with certainty that significant recontamination is not a concern. The DNR will prepare a source control memo for the GLLA project following our receipt and review of the requested evaluation.



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SWL&P Response:

SWL&P does not suggest that contaminants from the former MGP operation will continue to discharge to the sediment or surface water following upland RA. SWL&P is confident there is adequate documentation for the DNR to complete review of the 100% upland RD and satisfy EPA's now revised request (revealed on the December 13, 2022 call discussing next steps on the sediment RAOR) to fundamentally state that the upland area was a source of MGP COC contamination to the sediments in the C Street Slip.

Although EPA no longer requires DNR to provide a Source Control memo as part of the Great Lakes Legacy Act agreement, we do believe that DNR review of the 100% Upland RD can be completed and approved without further modification and a source memo can be submitted to the EPA.

SWL&P appreciates the opportunity to provide you with this response to your comments. If you have any additional questions, please contact me at (218) 355-3191 or email gprom@allete.com.

Sincerely,

A handwritten signature in blue ink that reads 'Greg Prom'.

Greg Prom
Senior Environmental Compliance Specialist

cc: Jamie Mehle, SWL&P
Joscelyn Skandel, SWL&P
Erin Hughes, Foth
Steve Garbaciak, Foth
Brian Symons, Foth
Meaghan Kern, EPA
Joseph Graham, DNR
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