

From: [Sager, John E - DNR](#)
To: [Gregory Prom \(MP\)](#)
Cc: [Jamie Mehle \(SWLP\)](#); ["Hughes, Erin"](#); [Joscelyn Skandel \(SWLP\)](#); [Saari, Christopher A - DNR](#)
Subject: RE: [EXTERNAL MAIL] Removal of a Structural Impediment
Date: Wednesday, April 12, 2023 4:40:00 PM
Attachments: [image007.png](#)

Greg,

In response to your email from 4/10/23, you are correct that we did discuss the excavation to eliminate the direct contact risk and the DNR is okay with the approach. Also, SWL&P did notify the DNR that the building was being removed and SWL&P is taking action to remediate contamination beneath the former building which partially fulfills your obligations under Wis. Admin. Code § 727.07 and the structural impediment continuing obligation imposed in the December 29, 2022 remedial action design conditional approval letter. One thing to keep in mind is that now that the structural impediment is removed the degree and extent of contamination in both soil and groundwater beneath the former building will need to be defined (see the December 29, 2022 remedial action design conditional approval letter). This can be done following the excavation or in conjunction with other planned drilling or monitoring well installation. The definition does not necessarily need to take place prior to the excavation for remediating the direct contact risk. The DNR does request a brief work plan describing how the degree and extent of contamination beneath the former building will be defined. Depending on the results of the investigation the DNR may require additional remedial action in this area of the site.

You are correct that the DNR guidance references changes to continuing obligations post closure which is typically when continuing obligations are modified. The DNR has the authority to impose continuing obligations at the time of closure and at the time of remedial action or interim action approval (Wis. Stats. § 292.12(2)), and the DNR is required to maintain a database listing sites with continuing obligations under Wis. Stat. § 292.12(3)(a). Under Wis. Stat. § 292.12(3)(b), the DNR is compelled to require the requestor to provide the information necessary for the database listing. Revised information is necessary to reflect the changes in site conditions and continuing obligations since the imposition of those continuing obligations in the December 29, 2022 conditional approval letter.

The issue of changes to the BRRTS database to reflect the changing continuing obligations and the additional investigation will not delay the remedial action. Continue remedial action construction as planned. The issue of timing of continuing obligation modification can be worked on during the remedial action construction. SWL&P is required to document the remedial action under Wis. Admin. Code ch. NR724. That report will contain the documentation of the additional excavation under the former building and also should contain the results of the additional investigation. At that time the DNR will determine compliance with the requirements of the continuing obligations, changes necessary to the continuing obligations and timeframe for documenting the changes.

I hope this clarifies my previous email. Please contact me if you would like to discuss this further.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

John Sager

Hydrogeologist – Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

1701 N. 4th St.

Superior, WI 54880

Phone: (715) 919-7239

john.sager@wisconsin.gov



From: Gregory Prom (MP) <gprom@mnpower.com>

Sent: Monday, April 10, 2023 3:14 PM

To: Sager, John E - DNR <John.Sager@wisconsin.gov>

Cc: Jamie Mehle (SWLP) <JMehle@swlp.com>; 'Hughes, Erin' <Erin.Hughes@foth.com>; Joscelyn Skandel (SWLP) <jskandel@swlp.com>

Subject: RE: [EXTERNAL MAIL] Removal of a Structural Impediment

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

John,

SWL&P is requesting clarification on this as a response from the WDNR was not requested. The modification and updates summarized in the March 13, 2023 letter had all previously been discussed with you.

It was our understanding the WDNR understood and approved of the additional excavation following the building demolition, if the building removal occurred prior to the Remedial Action started. The modifications were documented in the March letter so they could be formalized and filed in the BRRTS database as modifications to the final 100% RAD. The fees for the RAD review have already been paid. The final CO will be prepared at the completion of the RA and submitted with the site closure request along with the site closure fee. There will likely be other modifications to the actual remedial construction activities that may significantly modify the CO when the closure and final CO is requested.

SWL&P wants to follow the proper procedures for this project, but based on our interpretation of the Wisconsin Administration Code, the fees you are requesting are associated with modification post closure and not pre-RA process and therefore are not applicable at this time. Please clarify this and let me know if this is going to complicate SWL&P's ability to move forward with our RA work

that is scheduled to start in April.

Thanks,

Greg Prom

Senior Environmental Compliance Specialist
Minnesota Power/ALLETE
30 West Superior Street
Duluth, Minnesota 55802

Office: 218-355-3191
Cell: 218-461-6856
Email: gprom@allete.com



From: Sager, John E - DNR [<mailto:John.Sager@wisconsin.gov>]
Sent: Thursday, April 6, 2023 3:40 PM
To: Gregory Prom (MP) <gprom@mnpower.com>
Cc: Jamie Mehle (SWLP) <JMehle@swlp.com>; 'Hughes, Erin' <Erin.Hughes@foth.com>
Subject: [EXTERNAL MAIL] Removal of a Structural Impediment

**? Is This
Email
Legitimate**

[EXTERNAL EMAIL] This message was sent from someone outside the company.

Do not click links, download attachments, or reply with personal information unless you recognize the sender and know the content is safe.

Greg,

I have looked over your March 13, 2023 letter documenting SWL&P's planned response to the removal of a structural impediment, the former MGP building, from the site. Since the building demolition is removal of a structural impediment continuing obligation from the BRRTS database, the DNR requires fees under Wis. Admin. Code ch. NR749. I have attached our guidance document on post closure modifications of continuing obligations. Even though

this site is not closed we would still follow the same process that is in the guidance document. I can use your letter dated March 13, 2023 for the information I need to proceed but I do need the NR749 fees submitted prior to issuing a response. Please let me know if you have any questions.

Thanks.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

John Sager

Hydrogeologist – Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

1701 N. 4th St.

Superior, WI 54880

Phone: (715) 919-7239

john.sager@wisconsin.gov



dnr.wi.gov

