

Borski, Jennifer - DNR

From: Borski, Jennifer - DNR
Sent: Thursday, February 15, 2018 10:45 AM
To: 'Dombrowski, Frank J'
Cc: Musekamp, Walter G; Gazza, Dean; Bartoszek, Brian F; Brian G. Hennings (bhennings@naturalrt.com); Qualls, Rita C
Subject: RE: We Energies Appleton MGP - Cap Maintenance & Materials Handling Plan
Importance: High

Frank,

I discussed your proposal with my supervisor, Roxanne Chronert. Thank you for your patience waiting for our response.

At this time, DNR provides the following comments and instruction:

1. DNR has authority under s. NR 722.17, Wis. Adm. Code to assign a continuing obligation after approval of a remedial action.
2. Documentation requirements for entry on the database are listed under s. NR 726.11, Wis. Adm. Code and include the cap maintenance plan, inspection log, photographs, deed, CSM if available, signed statement and applicable maps and tables.
3. Submit the following:
 - a. a request for other technical assistance utilizing [Form 4400-237](#);
 - b. other technical assistance fee of \$700;
 - c. soil database fee of \$300 for entry on the soil GIS Registry;
 - d. a letter of explanation of the situation, need for the cap maintenance plan prior to case closure and a discussion on requested timing for approval of the plan; and
 - e. the proposed cap maintenance plan and other documentation described under no. 2 above.
4. Cap Maintenance Plan:
 - a. Utilize [RR-980](#) (under Case Closure tab) for the minimum language for the cap maintenance plan and attachments.
 - b. Include addition of an annual cap inspection utilizing [Form 4400-305](#) for submittal to DNR until case closure.
 - c. The language should be modified to reflect that this is an open case.
 - d. References to "Attachment D" should be removed since this will not be attachment D of a case closure request.
 - e. Include a statement communicating that the plan will be replaced upon case closure with a more comprehensive plan to address residual contamination within the Fox River and process for post closure modifications.
 - f. Description of the existing direct contact barrier on the uplands should state it is capping thermally treated soil that was replaced at the site after off-site treatment.
 - g. Lessee's responsibilities for properly managing soil and waste should reference the guidance, Management of Contaminated Soil and Other Solid Wastes [RR-060](#).
 - h. Include a statement that the ISS area may not be penetrated and sediments in the Fox River may not be disturbed without prior written approval from DNR. Contact DNR in advance of request to discuss appropriate process and applicable fee(s).
5. Reference [RR-690](#) for guidance on submittal of a hard copy of the complete request and attachments along with a [single pdf](#) to the regional mailbox (or DNR FTP site) for upload to BRTS.

Northeast Region RR is currently working with several vacancies and a high work load. Please be very specific about when approval of the plan is needed and why to assist with prioritizing our fee-related submittals. Let me know if you have any questions or would like to schedule a call to discuss the information presented in this email.

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

Jennifer Borski

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From: Dombrowski, Frank J [mailto:Frank.Dombrowski@we-energies.com]
Sent: Thursday, December 21, 2017 2:58 PM
To: Borski, Jennifer - DNR <Jennifer.Borski@wisconsin.gov>
Cc: Musekamp, Walter G <Walter.Musekamp@we-energies.com>; Gazza, Dean <Dean.Gazza@appleton.org>; Bartoszek, Brian F <BFBartoszek@integrysgroup.com>; Brian G. Hennings (bhennings@naturalrt.com) <bhennings@naturalrt.com>; Qualls, Rita C <Rita.Qualls@we-energies.com>
Subject: We Energies Appleton MGP - Cap Maintenance & Materials Handling Plan

Jennifer,

We have prepared the attached draft Direct Contact Barrier Maintenance and Materials Management Plan for the Appleton MGP site (Appleton City (Coal Tar) MGP – BRRS Activity # 02-45-000042). As you know, the City of Appleton has approached We Energies regarding the possibility of leasing the property for the purposes of expanding the Ellen Kort Peace Park. Note that the City has reviewed the attached Plan and has indicated that they are in agreement with its provisions and requirements.

It would be most helpful if you could provide guidance (e.g., RR-987?) as to what documentation or additional correspondence the Department may require in order to provide approval for the modified land use. In addition, please let us know what, if any, review fees may be needed to complete the process of obtaining DNR concurrence with this proposal.

Please feel free to contact me at your convenience if there are any questions or if additional information is needed.

Thanks,

Frank Dombrowski
Principal Environmental Consultant

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