



February 7, 2025

Douglas Ballotti, Director  
Superfund Division  
EPA Region 5  
77 West Jackson Boulevard  
Chicago IL 60604

Subject: Concurrence on the Record of Decision Amendment  
WPSC Marinette Former MGP Superfund Alternative Site

Dear Mr. Ballotti:

The Wisconsin Department of Natural Resources (WDNR) is providing you with this letter to document the WDNR's concurrence with the remedy selected for the Marinette MGP Superfund Alternative site (Site). The WDNR believes the selected remedy complies with Wisconsin Statute and Administrative Code requirements and is protective of human health and the environment. The remedy, as outlined in the July 2024 Proposed Plan and the March Record of Decision (ROD) Amendment, updates the selected remedy outlined in the 2017 ROD.

In 2017 EPA selected a remedy to treat NAPL- and PAH-contaminated soil at the Site. The remedy consisted of excavation and off-site disposal of accessible source material located within the Boom Landing Source Area (BSA) and the waste water treatment plant (WWTP) Zone; installation of horizontal engineered barriers over surficial soil exceeding preliminary remediation goals (PRGs); in-situ treatment of affected groundwater; effectiveness monitoring of the existing reactive core mat (RCM) and dredge inventory remaining after the Non-time Critical Removal Action (NTCRA); and implementation of institutional controls (ICs)/continuing obligations (COs) to manage remaining potential soil, groundwater, soil gas, and sediment risks.

The ROD Amendment is modifying the remedy selected in the 2017 ROD for the WWTP North Source Area (NSA) and the BSA because a Preliminary Design Investigation (PDI) conducted for the Remedial Design (RD) led to the discovery of additional contaminants that could no longer be excavated due to presence of existing structures including utilities and the railroad.

Although the proposed cleanup level established for soil complies with Wisconsin Administrative Code (Wis. Admin. Code) ch. NR 720, the DNR does not concur with EPA's decision not to identify certain Wisconsin statutes and administrative code rules as ARARS for the site, including Wis. Admin. Code § NR 720.12(1)(a), which provides that Residual Contaminant Levels (RCLs) for the protection of human health from direct contact with contaminated soil must be developed "[f]or individual compounds using an excess cancer risk of  $1 \times 10^{-6}$  and a hazard quotient for non-carcinogens of one." The DNR continues to request that Wis. Admin. Code § NR 720.12(1) is identified as an ARAR for the site.

Additionally, while the remedy includes implementation of ICs and COs consistent with Wisconsin Statute (Wis. Stat.) § 292.12 and Wis. Admin. Code chs. NR 726 and 727, the DNR does not concur with EPA's decision not to identify as an ARAR for the Site Wis. Stat. § 292.12(2)(a)-(b), which provides authority to impose COs requiring maintenance of an engineering control, and investigation of residual contamination and performance of any necessary remedial action if a structural impediment is removed that prevented a complete investigation or remedial action at the site such as in the inaccessible source areas at the Site.

EPA issued a letter on July 9, 2024 to the potentially responsible party (PRP), highlighting Wisconsin laws and guidance that are not included as ARARs or To Be Considered (TBC) guidance in Appendix B of the ROD Amendment. The DNR appreciates EPA's efforts to help ensure that the PRP understands and complies with Wisconsin law. WDNR will continue to review site documents to ensure compliance with Wisconsin law.

Thank you for your support and cooperation in addressing the contamination at the Marinette MGP Superfund Alternative site. Please feel free to contact me at 608-422-1148 or Judy Fassbender at 262-804-2132 if you have any questions.

Sincerely,

  
[Christine Sieger \(Feb 7, 2025 13:44 CST\)](#)  
Christine Sieger, Director  
Remediation and Redevelopment Bureau

CC: Sarah Krueger, WDNR  
Margaret Gielniewski, RPM, EPA Region 5

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Final Audit Report

2025-02-07

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