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**From:** Pooler, Cary <cary.pooler@aecom.com>  
**Sent:** Tuesday, December 7, 2021 3:09 PM  
**To:** Richard, Philip E - DNR  
**Cc:** Schmidt, Eric; Bradley.S.Nave@chemours.com  
**Subject:** RE: stockpiled soil

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Hi Phil:

Sorry for the delayed response, with the holiday and vacations I was unable to reply earlier. As shown in the photograph below, the stockpiled soil remains covered and is being periodically inspected.



We adjourned our meeting on August 11<sup>th</sup> with the understanding that WDNR was reconsidering the request for continuing obligations and was going to reply with a decision. To restate our position, Chemours feels that the soil should not be subject to continuing obligations because:

1. The soil is not technically “imported” since it was obtained from a surface water drainage that bisects the site and that is being periodically sampled as part of current site investigation work.
2. The purpose of the soil placement is not to prevent direct contact OR to limit migration to groundwater. Thus, the soil is not a “cap.”
3. The concentrations of detected constituent concentrations in the soil are generally consistent with preexisting concentrations detected in soil in the placement area (i.e., the Hay Barn area). While the concentration of 2,4-DNT in soil does exceed groundwater migration criteria, continuing maintenance obligations will not improve the condition of groundwater beneath the site.
4. Because the detected constituent concentrations in soil meet non-industrial RCLs, which are the most stringent in Wisconsin, there is no regulatory driver for continuing maintenance obligations.

5. There is a site-wide, general WPDES construction site storm water runoff permit, which is required for our ongoing soil disturbance work. This permit requires that erosion controls are maintained consistent with the site-wide plan. These include:
  - a. Installation of silt fencing and typical erosion control measures, including routine inspections.
  - b. That the above be maintained until adequate vegetative cover is established.
6. The need for engineering controls and any future ongoing obligations, if any, will be addressed at the time site-wide case closure is requested.

We look forward to WDNR's response.

Sincerely,

**C.E. "Cary" Pooler, III, P.G.**

Associate Vice President/Client Account Manager

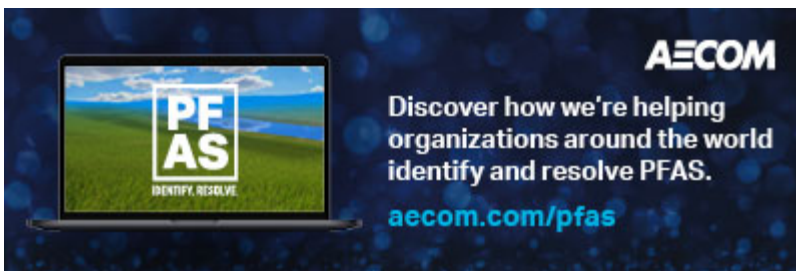
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**From:** Richard, Philip E - DNR <Philip.Richard@wisconsin.gov>

**Sent:** Friday, November 19, 2021 11:43 AM

**To:** Pooler, Cary <cary.pooler@aecom.com>

**Cc:** Schmidt, Eric <Eric.Schmidt@aecom.com>; Bradley.S.Nave@chemours.com

**Subject:** [EXTERNAL] stockpiled soil

Hi Cary,

Checking to see if the WDOT stockpiled soil has been spread out yet? Also haven't heard since our call a couple months ago on the soil management plan, any updates in regards to that?

Thanks,

Phil

*Philip E. Richard*

Hydrogeologist

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