

DATE: February 2, 2021

FILE REF: BRRTS # 02-05-000254

TO: Sarah Rolfes – U.S. EPA Region 5

FROM: Department of Natural Resources
Sarah Krueger – Remediation & Redevelopment Program
Bill Fitzpatrick – Remediation & Redevelopment Program

SUBJECT: Green Bay MGP Superfund, WDNR comments on the Letter of Intent to Conduct Early Removal Action DRAFT, dated January 13, 2021

Thank you for the opportunity to provide comment on the Green Bay MGP Letter of Intent (LOI) to Conduct Early Removal Action DRAFT. Below are the Department of Natural Resources' (DNR's) comments. Please contact me if you have any questions.

General Comments:

The purpose of the LOI is to outline an early removal action/interim action near the WPSC Annex building. We support the LOI as a step towards restoring this site. Note that following completion of an interim action, “unless otherwise directed by the department, responsible parties shall initiate and complete a site investigation in accordance with ch. NR 716” (Wis. Adm. Code § NR 708.11(5)). Following completion of the interim action additional remedial action may be required in accordance with Wis. Adm. Code ch. NR 722.

1. Please clarify how the excavation limits will be defined in the field. The LOI should state what field measurements, analytical samples and observations will be used to insure targeted impacted media are addressed in the interim action. During the January 20, 2021 call a process similar to that used for the sediment removal action was proposed; however, the LOI indicates that removal action will not proceed laterally or vertically.
2. Please clarify timing and area of removal action outside of the current cap area. Based on the information presented in the LOI it is our understanding that the removal action within the river walk area will not occur until a redevelopment plan is in place. Additionally, SB-600 is not referenced in the text but has a cumulative risk exceedance for shallow soils.
3. In the development of the Removal Action Work Plan, please consider how physical and analytical verification will be completed. Consider procedures necessary for sampling sidewalls and the bottom of the excavation for situations where worker entry to the excavation may be unsafe.
4. The LOI proposed a remedial criteria of a cumulative cancer risk of 10^{-5} or a non-cancer hazard index of 1. At this point the Department has not accepted these values as the necessary criteria for the upland properties of this site.
5. Please begin to plan for the use of Wisconsin Remediation and Redevelopment Database (WRRD) continuing obligations as institutional controls in order to facilitate and expedite the process with the state, and potentially assist in the property transfer.
6. Additional comments and details on regulations with respect to this interim action will be provided as the work plan is developed.