

DATE: August 31, 2022 FILE REF: 02-05-000254

TO: Leah Werner, US EPA Region 5

FROM: Sarah Krueger, WDNR Remediation and Redevelopment Program

SUBJECT: DNR comments on the WPS Green Bay Early Removal Action Work Plan Revision 1 dated August 17, 2022

1. General Comment: A letter will be provided imposing Continuing Obligations (COs) on the site as part of the state's approval of the interim action under authority of Wis. Stat. § 292.12 and Wis. Admin. Code § NR 722.17. The COs at the time of the interim action will include cap (cover) maintenance for protection of human health from direct contact with contaminated soil and for protection of the groundwater pathway, residual soil contamination, future vapor risk, and a sediment engineering control with financial assurance for the cap in the north focus area. Section 4.7 of the text includes several continuing obligations not specifically outlined in Wis. Adm. Code § NR 726, if additional site-specific continuing obligations, different than those listed above, are necessary please provide appropriate documentation and justification.

Additionally, notifications are required to the owner(s) and/or occupant(s) of the properties which will receive a continuing obligation prior to the early (interim) action being implemented. The notifications shall be sent 30 days prior to the interim action approval. WDNR recognizes that the continuing obligations and the area over which they will be applied will be finalized after the action is completed, but requests notification to the off-site property owners prior to the action as required in Wis. Adm. Code § NR 725, and any necessary updates will be provided to the off-site property owners as part of the CO process.

The required documentation, including tables, figures, maintenance plans etc., per Wis. Adm. Code § NR 726.11 will need to be provided to WDNR to impose the continuing obligations and document them in Wisconsin Remediation & Redevelopment Database (WRRD).

2. General Comment: Riparian permission, to satisfy chapter 30 permit equivalency, for the dredging and backfill has not been provided in this revision; however, it is understood that permission for the work will be included as part of the access agreement with the City of Green Bay.