

**From:** Dombrowski, Frank J <frank.dombrowski@wecenergygroup.com>  
**Sent:** Thursday, September 22, 2022 2:49 PM  
**To:** Krueger, Sarah E - DNR; Julie A Zimdars  
**Cc:** Staci L Goetz; Abigail Small; Prasad, Narendra M; Luke, Glenn R; Prasad, Narendra M; Werner, Leah  
**Subject:** RE: City of Green Bay Notification of Affected ROWs/City Master Plan, Feb. 2004 - WPSC Former Green Bay MGP

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Sarah,

Per your email below, for the following reasons, we respectfully decline to provide continuing obligation notifications at this time to Harbinger Development LLC, Georgia Pacific Consumer Products LP, and the City of Green Bay. As detailed in the Early Removal Action Work Plan (RAWP) and as noted in our RTC letter of 8/17/22, the scope of work is limited to a portion of OU1 -- the North Parking Lot area -- and the purpose of the work is to remove all soils from that area that could potentially pose a direct contact or vapor risk for future residential development. The Georgia Pacific property is across the East River, and the Harbinger Associates property is over 600 feet away from where the work will take place. Therefore, on a practical level, the work that will be done pursuant to the RAWP will not take place on nor in any way effect the Georgia Pacific or Harbinger Associates properties. As you are aware, the overall Site is a Superfund Alternative (SA) Site under EPA jurisdiction. Indeed, the BRRTS database for this site notes that site oversight was transferred to the U.S. EPA in 2005, and also references the 2006 RI/FS AOC under which site work to date has been conducted. The SA program uses the same investigation and cleanup process and standards for sites that are listed on the National Priorities List (NPL). WPS continues its work via the RI/FS and ROD process for OU1. As such, we do not know at this time what final remedy will be selected by the EPA for the Site -- including the Georgia Pacific, Harbinger Associates and City of Green Bay properties. Thus, at this juncture it is not possible to describe or conclude what, if any, continuing obligations might be imposed on those properties. To the extent a small portion of the work will occur on City of Green Bay property (i.e., the "cove" area at the east end of Utility Ct.), all impacted material will be removed and replaced with clean fill -- thereby obviating the need or justification for any institutional controls or continuing obligations in this location. Moreover, WPS will execute an access agreement with the City prior to performing the work. As such, the City shall be provided detailed notice and information of, and provide their permission for any activities that will take on the City property well in advance of the initiation of the project.

Comment 1 from the 7/21/22 comment letter also states that the continuing obligations are a state requirement, per Ch. 292.12(2), Wis. Stat., "as part of the state's approval of the Early Removal Action Plan." Based on our Legal review, we believe this erroneously conflates an interim action being done under the jurisdiction of the Wisconsin DNR with what is being conducted here. That is, an early removal action, conducted under EPA's jurisdiction and oversight, pursuant to the Superfund Alternative (SA) program. In fact, Comment 18 to Rev 0 of the RAWP, states that, "...since this is a voluntary removal action, EPA is not providing acceptance or approval of this RAWP and is solely providing review

and comment in accordance with the Authorization to Conduct a Voluntary Removal Action dated April 26, 2022." We would note that the Wisconsin DNR has also been provided the opportunity to review and comment on the RAWP, and WPS has considered and responded to those comments. Even if EPA were providing approval of the RAWP, the DNR's role in regard to the early removal action would be one of review and comment only. See Section X, Paragraph 39 of the RI/FS AOC, which notes that during review of any plan, report or other item that is required to be submitted for approval, it is EPA that approves or disapproves, following "a reasonable opportunity for review and comment by the State[.]" There is no provision for State approval of SA deliverables.

We believe a more appropriate and logical juncture for providing notifications of COs to abutting property owners will be after the ROD is issued and the design for the final remedy is complete. At that time, any COs to be imposed would be known and could be clearly communicated. When that time comes, we will issue any necessary notifications to affected property owners.

Thanks,

*Frank Dombrowski*  
*Principal Environmental Consultant*

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*Serving WEC Energy Group, We Energies, Wisconsin Public Service, Michigan Gas Utilities,  
Minnesota Energy Resources, Peoples Gas and North Shore Gas*

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**From:** Krueger, Sarah E - DNR <sarah.krueger@wisconsin.gov>  
**Sent:** Wednesday, September 14, 2022 7:56 AM  
**To:** Julie A Zimdars <Julie.Zimdars@ramboll.com>  
**Cc:** Dombrowski, Frank J <frank.dombrowski@wecenergygroup.com>; Staci L Goetz <Staci.Goetz@ramboll.com>; Abigail Small <ASMALL@ramboll.com>; Prasad, Narendra M <narendra.prasad@wecenergygroup.com>; Luke, Glenn R <Glenn.Luke@wecenergygroup.com>  
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Thank you Julie,

While the continuing obligations (COs) to be imposed are similar to the notification provided in 2004, the area defined is slightly different and it has been 18 years since notification was provided. Based on internal discussion and review of the current Early Removal Action Work Plan and 2004 Notification, the City of Green Bay should receive an updated notification. A notification should also be provided to Harbinger Development LLC and Georgia Pacific Consumer Products LP.

Naren,

As a follow-up to your request related to COs imposed at the interim action, I have listed several examples below by site name and BRRTS number. Please note that some of them are imposed as part of a remedial action, based on the tracking codes used, but the remedial action is not considered the final action. Additionally, at least one site listed is still in process and so the tracking has not been finalized. I didn't have time to do a more extensive data mining but we have also applied COs as part of a Materials Management Plan (Wis. Adm. Code ch. NR 718) Approval at several sites.

1. Lakeshore Park (02-41-584510)
2. WM WI-Brookfield LF (SF NPL) (02-68-529575)
3. MMSD West Basin (02-41-576619)
4. Tomah Fairgrounds (02-42-000264)
5. Milwaukee Die Casting Co Inc Fmr (02-41-000023)
6. Better Brite – Chrome (SF NPL) State Lead (02-05-000030)
7. Lakewood DX SL (02-43-000105) – This is a site where the CO process is in progress and not yet in BRRTS
8. WI DOT Susies Restaurant (former) – LGU- SL (02-36-000516)

Please let me know if you have any questions related to the notifications or COs.

Thank you,

Sarah

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

Sarah Krueger, P.G.

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**From:** Julie A Zimdars <[Julie.Zimdars@ramboll.com](mailto:Julie.Zimdars@ramboll.com)>

**Sent:** Friday, September 9, 2022 4:33 PM

**To:** Krueger, Sarah E - DNR <[sarah.krueger@wisconsin.gov](mailto:sarah.krueger@wisconsin.gov)>

**Cc:** Dombrowski, Frank J <[frank.dombrowski@wecenergygroup.com](mailto:frank.dombrowski@wecenergygroup.com)>; Staci L Goetz <[Staci.Goetz@ramboll.com](mailto:Staci.Goetz@ramboll.com)>; Abigail Small <[ASMALL@ramboll.com](mailto:ASMALL@ramboll.com)>; Prasad, Narendra M <[narendra.prasad@wecenergygroup.com](mailto:narendra.prasad@wecenergygroup.com)>; Luke, Glenn R <[Glenn.Luke@wecenergygroup.com](mailto:Glenn.Luke@wecenergygroup.com)>

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Hi Sarah – As I mentioned in our call on Wednesday, a notification of affected right-of-ways and need for an “engineered barrier” (page 3) was provided to the City on February 9, 2004 (attached for WDNR’s convenience). Per the direction of past DNR PM Kristin Dufresne, we were further requesting

that they include this information on the City's Master Plan. We note that the WDNR has a record of the letter on BRRTS (although no PDF is included). We also wanted to mention that the City did not elect to sign the Appendix B acknowledgement form, however, I had a follow-up call with them shortly after we sent it and I did verify that they received it. Please let us know if this prior notification letter to the City satisfies the WDNR's current requirement for notification of a continuing obligation.

	DATE	ID	DESCRIPTION	REMARKS
	2004-02-10	43	Site Activity Status Update Received	REGARDING CONSORT REVIEW OF SUBMITTAL OFF-SITE NOTIFICATION LETTER TO OF GREEN BAY
	2004-03-15	43	Site Activity Status Update Received	GW MONITORING RESULTS

Thanks,

**Julie A. Zimdars, PE**

Senior Managing Engineer

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M 262-719-4507

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