

From: Krueger, Sarah E - DNR
Sent: Monday, January 8, 2024 12:38 PM
To: Werner, Leah
Cc: Endsley, Erin A - DNR
Subject: ARARs and TBCs for WPSC Green Bay OU2
Attachments: Preliminary ARARs.pdf

Leah,

Attached are a list of preliminary ARARs and TBCs for the Green Bay site, OU2. Please let me know if you have any questions.

Please note that the ARARs listed are limited with the understanding that for Green Bay the sediment will likely have an ICs only ROD. So the list of ARARs for Two Rivers sediment will include more.

Thank you,
Sarah

We are committed to service excellence.

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

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DATE: January 8, 2024

FILE REF: 02-05-000254

TO: Leah Werner, US EPA Region 5

FROM: Sarah Krueger, Remediation and Redevelopment Program, WDNR

SUBJECT: Preliminary Identification of Applicable or Relevant and Appropriate Requirements (ARARs) and “To Be Considereds” (TBCs) for the Sediment Operable Unit (OU2) of the WPS Green Bay Former MGP Site

WDNR is providing the following preliminary list of potential State ARARs and TBCs for consideration. We anticipate coordinating with EPA to refine this list as work at the site progresses. Please contact WDNR with any questions about this list. The ARAR and TBC identification for the Sediment OU is based on the assumption that the likely sediment remedial activities will include cap monitoring activities, institutional controls (ICs), and financial assurance requirements.

ARARs		
Media or Action	Standard, Requirement, Criteria, Limitation	Citation and Notes
Standards for Selecting Remedial Actions	Requirements for Identification and Evaluation of Remedial Action Options, Selection of a Remedial Action, and Department Database Requirements	Wis. Admin. Code ch. §§ NR 722.07, NR 722.09, and NR 722.17
Remediation Monitoring	Remedial Monitoring Requirements	Wis. Admin. Code ch. §§ NR 724.13 and NR 724.17
Sediment	Financial Assurance Requirements	Wis. Stat. § 292.12(2)(d)(2) Wis. Admin. Code ch. NR 756
Institutional Controls – Sediment	Continuing Obligation (CO) Requirements	Wis. Stat. §§ 292.12(2), 292.12(3), 292.12(4), and 292.12(5m) Wis. Admin. Code chs. §§ NR 722.17, NR 725.05, NR 725.07, NR 726.11 See Note A. below
Technical Report Preparation	Professional Personnel Requirements	Wis. Admin. Code ch. § NR 712.07

TBCs		
Media or Action	Standard, Requirement, Criteria, Limitation	Citation
Sediment	Contaminated Sediment Remediation, Monitoring Requirements, Sediment Cap Requirements, Financial Assurance	WDNR Guidance Document: “Guidance on Addressing Contaminated Sediment Sites in Wisconsin” Consensus-Based Sediment Quality Guidelines (WDNR Publication RR-0124) See Note B. below
All Actions	Public Participation	Wis. Admin. Code ch. NR 714 See Note C. below

Clarifying Notes:

A. Continuing Obligations (COs)

Should WI CO responsibilities be used as additional ICs, then the rule requirements are applicable. To be enforceable, WDNR must issue an approval of a remedial action type plan with enforceable requirements for the continuing obligations. Enforcing COs at properties not controlled by the RP could be an issue.

B. Sediment Guidance

The “Guidance on Addressing Contaminated Sediment Sites in Wisconsin” document (RR-0124; <https://widnr.widen.net/s/6rqjjsxbvv>) provides additional information related to sediment remediation requirements including cap monitoring requirements, continuing obligations, and financial assurance.

C. Public Information and Participation

Wis. Admin. Code § NR 714.07 requires that the general public be made aware of any hazardous wastes or conditions, investigation and remediation at a site. WDNR understands there is a public information and participation process outlined in the National Contingency Plan (NCP) that will be followed as appropriate.