

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Waukesha Service Center
141 NW Barstow Street
Waukesha WI 53188

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay – 711



October 7, 2016

Ms. Shelly Billingsley, P.E.
Public Works Department
City of Kenosha
625 52nd Street, Room 305
Kenosha, WI 53140

Subject: Approval of Revised Soil & Materials Management Plan and
NR 718.12 Exemption Request
Former Kenosha Engine Plant, 5555 30th Avenue, Kenosha, WI
FID# 230004500 BRRTS# 02-30-000327

Dear Ms. Billingsley:

On August 29, 2016, the Wisconsin Department of Natural Resources' (DNR) had received the *Work Authorization Request – KEP Soil Remediation* that was prepared by AECOM Technical Services, Inc. (AECOM) for the former Kenosha Engine Plant (KEP) site. The request was for DNR approval of the City of Kenosha's use of funds from the Bankruptcy Escrow account and the Ready for Reuse loan in the site-wide soil remediation effort at the former KEP site. In a September 16, 2016 letter, DNR conditionally approved the request, but prior to the initiation of the remediation, required the city to submit for DNR approval, a revision of the March 2016 *Soils and Materials Management Plan (SMMP)*. In the letter, DNR also advised the city to follow Wis. Admin. § NR 500 and NR 718 regarding soil importation and to adhere to the Ready for Reuse Loan Agreement (RRL-15) when using Ready for Reuse loan funds for the soil remediation.

In response to the DNR's September 16, 2016 letter, AECOM on behalf of the City of Kenosha has submitted the following documents:

- *NR 718.12(2) Exemption Request for the former Kenosha Engine Plant (NR 718.12 Exemption Request)*, dated September 15.
- *Soil and Material Management Plan – Revision 1 (revised SMMP)*, dated September 2016.
- *Former Kenosha Engine Plant off-Site Backfill and Topsoil Source Evaluation*, dated September 28, 2016.
- *Documentation of Solid Waste Disposal Location and Compliance with the Conditions of Approval for the KEP Soil Remediation*, dated September 30, 2016.

The DNR has reviewed the documents identified above and has determined that the information submitted satisfies the conditions of the DNR's September 16, 2016 letter. This letter also addresses the NR 718.12 exemption request, includes comments and requirements regarding the revised SMMP, and provides approval of certain sections of the Ready for Reuse Loan Agreement (RRL-15).

§ NR 718.12 Wis. Ad. Code Approval/Revised Soil & Materials Management Plan ApprovalSummary of Proposed Soil Management Activities

AECOM on behalf of the City of Kenosha proposes to use approximately 26,000 cubic yards of soil from berms on the site as backfill material for the remedial excavations planned for the site. Some of the soil contains low concentrations of hazardous materials including polycyclic aromatic hydrocarbons, volatile organic compounds and metals. After reviewing the March 2016 SMMP, the DNR requested, in a May 17, 2016 letter, additional sampling from the berms in areas CS-1 and CS-6. The DNR also asked for a formal exemption request for the locational criteria in § NR 718.12(1)(c)5, Wis. Adm. Code, and for an exemption request for the reduction in the amount of samples as required under § NR 718.12(1)(e)1. Some other items requested by the DNR, in the May 17, 2016 letter, no longer apply because the former Kenosha Engine Plant (KEP) is no longer in the DNR's Voluntary Party Liability Exemption program.

Location standards: § NR 718.12 (1)(c) Wis. Adm. Code

Information provided in the soil disposal request indicates that the disposal site complies with the locational criteria of § NR 718.12 Wis. Adm. Code (1)(c) so that soil will not be placed or replaced in the following areas:

1. Within a floodplain
2. Within 100 feet of a wetland or critical habitat area
3. Within 300 feet of any navigable river, stream, lake, pond or flowage
4. Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well
5. Where the contaminated soil poses a threat to public health, safety or welfare or the environment.

Grant of exemption to § NR 718.12(1)(c)5 & 6

In consideration of low concentration of contaminants present in the soil within the berms in areas CS-7, CS-8 and CS-9, and that soil to be used as backfill from berms CS-1 and CS-6 will be placed in the roadway/easement area that will be capped with pavement in the roadway, or with soil within the easement area, the DNR grants an exemption to the location criteria of § 718.12(1)(c)5 and will allow placement of contaminated soil within 3 feet of the high groundwater level. Also because the berms are present above the surface of the site, the DNR grants an exemption to the location criteria of § 718.12(1)(c)6 and will allow placement of contaminated soil at a depth greater than the depth of the original excavation from which the contaminated soil was removed.

Grant of exemption to § NR 718.12(1)(e)1

Analytical data from the soil samples collected from berms CS-7 and CS-9 demonstrated that contaminant concentrations were consistently low; therefore, the DNR grants an exemption to the sampling criteria of § NR 718.12(1)(e)1. Contaminant concentrations present in soil samples from berms CS-1 and CS-6 were not consistent, but the soil to be used as backfill from these berms will be placed in the roadway/easement area that will be capped with pavement, or with soil within the easement; therefore, the DNR grants an exemption to the sampling frequency of § NR 718.12(1)(e)1. The quantity of soil samples from CS-8 meets the sampling frequency of § NR 718.12(1)(e)1.

Approval Requirements

Based on the review of the NR 718.12 Exemption Request and the revised SMMP, and the requirements of § NR 718.12 Wis. Adm. Code, the DNR approves the NR 718.12 Exemption Request and the revised SMMP to reuse up to 26,000 cubic yards of contaminated soil present in the berms on the site as backfill material for planned remedial excavations. Listed below are the conditions of approval and other DNR comments regarding this approval:

1. The SMMP has been determined to be complete, as defined by Wis. Admin. § NR 718.12 (2) (b) and (c).
2. No more than 26,000 cubic yards of excavated soil from the berms will be managed on the property unless written approval is granted by the DNR.
3. If indicators of previously unknown contamination are identified in the berms to be used as backfill, work in that area will be temporarily stopped until these materials can be properly characterized and segregated for proper disposal.
4. The soil from the berm in the CS-1 area will be placed in the roadway/easement area that will be capped with pavement, or with soil within the easement. In the NR 718.12 Exemption Request, this soil is to be used as backfill for excavations E24 and E26
5. The portion of the berm soil from CS-6 designated to be used as backfill (Figure CS6R) must be placed in the roadway/easement area that will be capped with pavement, or with soil within the easement. This was not included in the NR 718.12 Exemption Request; however, it was discussed with AECOM. This soil will be used as backfill in excavation E4.
6. Properly document the final placement of the soil from all of the berms used as backfill.
7. Concrete that is not stained or painted can be crushed and used as fill material at the site. Stained or painted concrete must be properly disposed.
8. In the revised SMMP, if groundwater enters the excavation to the degree that dewatering would be necessary, excavation would cease at the depth groundwater was encountered. If storm water enters an excavation due to a significant rainfall event, arrangements must be made for proper disposal of water that is removed as specified in the revised SMMP.
9. Soil management will be completed within 1 year of the effective date of this letter unless a written extension of this condition is obtained from the DNR.
10. Based on the *Documentation of Solid Waste Disposal Location and Compliance with the Conditions of Approval for the KEP Soil Remediation*, dated September 30, 2016, contaminated soil excavated from the site will be disposed at Kestral Hawk landfill in Racine, Wisconsin. DNR approves of this disposal location.
11. A low hazard exemption under ch. 289, Stats. may be requested for managing other waste off-site at a property other than a licensed landfill. If Ready for Reuse grant or loan funds are proposed to be used to dispose of solid wastes using a low hazard exemption in locations other than those identified in the approved SMMP, in order for the response action costs associated with low-hazard exemption activities to be eligible for reimbursement, Kenosha will need to receive written, pre-approval of such response actions and costs from the Department's Brownfields and Outreach Section Chief, the RR Project Manager and the Waste and Materials Management program. If you have any questions about obtaining a low hazard exemption for this site, please contact Dave Volkert, DNR Project Manager, who will help you coordinate with the Waste and Materials Management Program.
12. The *Former Kenosha Engine Plant off-Site Backfill and Topsoil Source Evaluation*, dated September 28, 2016, documents the waste determination completed for topsoil and soil to be used as backfill at the former KEP site. AECOM on behalf of the City of Kenosha reviewed

historical aerial photograph documentation to make the determination. The source property was agricultural until 2015. Kenosha asserted that they followed the draft DNR guidance *Waste Determinations and Identifying Clean Soil* (DNR publication WA-1820). DNR accepts the waste determination completed by Kenosha; therefore, the soil may be used at the former KEP site.

13. In the March 2016 SMMP, topsoil from a former fallow farm field that was developed by Amazon was proposed to be used at the former KEP site. Soil samples were collected for base-neutral pesticides (and herbicides), ammonia and nitrate. The laboratory did not detect ammonia or base-neutral pesticides (and herbicides) and the nitrate concentrations were less than 10 mg/kg. Based on this waste determination and analytical data, the soil may be used at the former KEP site.

Compliance with the Ready for Reuse Loan Agreement (RRL-15)

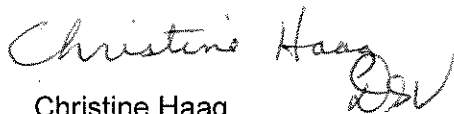
As required by the provisions in the Ready for Reuse Loan Agreement (RRL-15), the City of Kenosha must complete a Remedial Action Options Report (Section III, 14.(a)) and a Site Investigation Report and Remedial Action Plan (Section VI, 6.) for DNR approval for any work that is to be completed using Ready for Reuse funding. DNR approved the Remedial Action Options Report on June 18, 2015. DNR verbally approved the Site Investigation Report in a meeting with Kenosha on May 12, 2015. DNR approved the selected remedial alternative for the site on June 18, 2015. DNR approved the CS-2 soil remediation on July 22, 2015. DNR conditionally approved the proposed site-wide soil remediation on September 16, 2016. This letter serves as final approval for the proposed site-wide soil remediation.

Kenosha must specify the disposal location for contaminated soil (Section VI, 9.), which must be approved by DNR. Kenosha shall also identify the source of off-site backfill, capping or cover material (Section VI, 10.), which also has to be approved by the DNR.

As noted above, DNR is approving the disposal location for contaminated soil, and approving the backfill and topsoil that is to be brought on to the former KEP site from an off-site source. Therefore Kenosha has complied with the provisions in the Ready for Reuse Loan Agreement (RRL-15).

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter or the case, please contact the DNR Project Manager, Dave Volkert, at the letterhead address, by calling (262) 574-2166, or by e-mail at david.volkert@wisconsin.gov.

Sincerely,



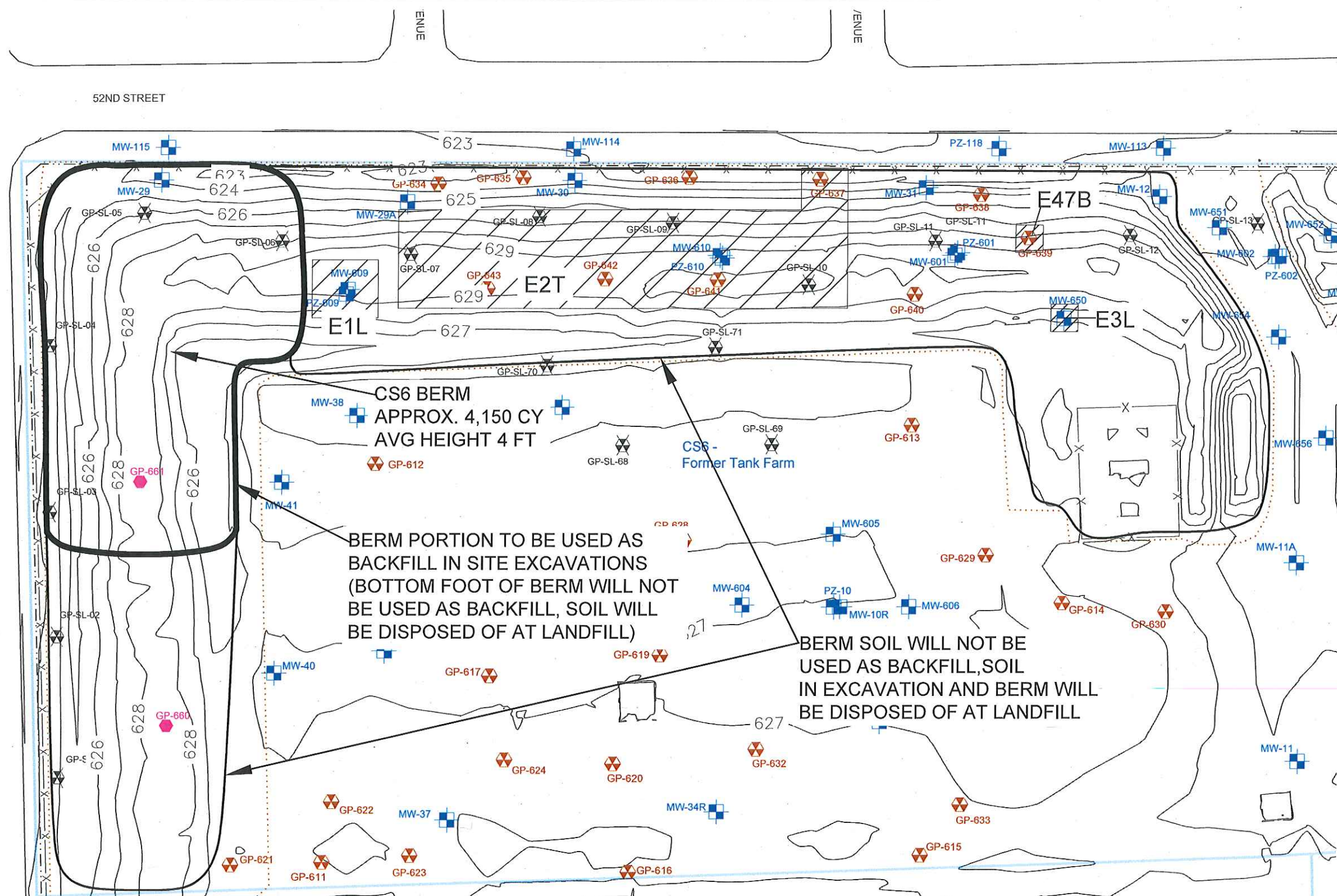
Christine Haag
Brownfields Section Chief
Remediation & Redevelopment Program



David G. Volkert
Hydrogeologist
Remediation & Redevelopment Program

cc: Kyle Rogers, US EPA
Ryan Spackman, City of Kenosha
Lanette Altenbach, AECOM
WDNR SER File

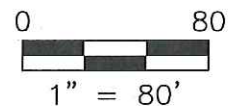
CS6 BERM SOIL SAMPLE LOCATIONS - REVISED
KENOSHA ENGINE PLANT
CITY OF KENOSHA
KENOSHA, WISCONSIN



BERM PORTION TO BE USED AS BACKFILL IN SITE EXCAVATIONS (BOTTOM FOOT OF BERM WILL NOT BE USED AS BACKFILL, SOIL WILL BE DISPOSED OF AT LANDFILL)

BERM SOIL WILL NOT BE USED AS BACKFILL, SOIL IN EXCAVATION AND BERM WILL BE DISPOSED OF AT LANDFILL

LEGEND	
	APPROXIMATE SITE BOUNDARY
	RAILROAD
	EXISTING FENCE
	INVESTIGATION AREA
	LANDSCAPED AREAS
	EXISTING WATER TABLE MONITORING WELL (MW) OR PIEZOMETER (PZ)
	SOIL PROBE GP-XXX
	SOIL PROBE / TEMPORARY MONITORING WELLS - INTERIM INVESTIGATION GP-SL-XX
	SOIL PROBE - PROPOSED LOCATION
	SOIL AVAILABLE FOR USE
	PROPOSED EXCAVATIONS - SOIL WILL NOT BE USED AS BACKFILL



Drawn :	ARS	8/7/2016
Checked:	LLA	8/7/2016
Approved:	KWB	8/7/2016
PROJECT NUMBER	60482705	
FIGURE NUMBER	CS6R	

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