



June 11, 2020

Ms. Shelly Billingsley  
City of Kenosha  
625 52<sup>nd</sup> Street, Room 305  
Kenosha, WI 53140

Subject: Approval to Manage Solid Waste under Wis. Admin. Code § NR718.12 and § NR 718.15 For On-Site Management  
Chrysler Kenosha Main Plt, 5555 30<sup>th</sup> Avenue, Kenosha, WI  
DNR BRRTS Activity #: 02-30-000327; FID #: 230004500

Dear Ms. Billingsley:

On April 14, AECOM submitted the “NR 718.12(2) Exemption Request for the former Kenosha Engine Plant” on your behalf requesting to manage 157,350 cubic yards of mixed contaminated soil and other solid waste (crushed concrete) on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.12 and § NR 718.15. Supplemental information regarding this request was also provided on May 28 and June 8, 2020. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

A 12-acre stormwater pond is proposed to be constructed in the southeast corner of the Chrysler Kenosha Main Plant site. Excavation of the pond will generate approximately 157,350 yards of mixed soil and other solid waste (mainly crushed concrete). Soil excavated from certain areas of the pond are contaminated with polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), metals and polychlorinated biphenyls (PCBs). An exemption through Wis. Admin. Code § NR718.12 and § NR 718.15 has been requested to manage the contaminated soil and other solid waste on the southwest portion of the site for regrading. The area where excavated soil will be reused is identified on the attached Figure 4, Alternative 4 – Conceptual Layout, included with supplemental information provided on May 28, 2020. A temporary cap of top soil and turf grass will be installed over areas where excavated soil is reused.

To evaluate this exemption the DNR considered how the soil to be excavated was characterized and how the risk posed by soil contamination will be addressed. There was sufficient investigation to determine that excavated soil will likely either not be contaminated or be impacted with contaminants similar to those present within the planned reuse area. To address significantly contaminated materials unexpectedly encountered during the excavation (a likely occurrence based on site history and excavation size) AECOM has established procedures for segregating out most non-soil solid waste and obviously contaminated soil for off-site disposal.

Continuing obligations will be imposed on the reuse area to ensure excavated soil will not pose a direct contact risk or an increased chance of vapor intrusion. The direct contact risk will be addressed by a temporary barrier of topsoil and turf, an appropriate measure for the types of contamination present at large vacant lot. Site development will result in a more permanent and impervious barrier. Reuse of excavated soil is not expected to cause a vapor intrusion risk under current site conditions; appropriate precautions to prevent vapor intrusion into buildings constructed here in the future is required. Groundwater contamination at this site will be addressed through a future remedial action, this soil management project is not expected to pose an increased risk to groundwater.

**Wis. Admin. Code § NR 718.12 and § NR 718.15 Exemption**

This letter grants an exemption from the solid waste requirements in Wis. Stat. ch. 289 and Wis. Admin. Code chs. NR 500 to NR 538 for the proposed contaminated material management activities. Approval of the exemption is also based on the following:

**Compliance with Locational Criteria**

Managing contaminated waste material in areas of the site identified on Figure 4, Alternative 4 – Conceptual Layout, will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).

**Characterization of Soil to be Excavated**

Soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including VOCs, PAHs, metals, and PCBs from areas most likely to contain residual contamination. Based on an estimated volume of 157,350 cubic yards of material, and a sampling frequency of approximately 1 sample per 2,000 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) was not met. However, the efforts made to identify areas throughout this site with potential contamination, to investigate areas suspected to be impacted, and to recently collect soil samples from areas not previously assessed, has ensured that degree and extent of contamination within the project area has been determined to the extent practicable and an exception to the sampling protocol is acceptable.

**Submittal of a Soil Management Plan**

A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12 (2) (b) and (c), was provided to the DNR.

**Assessment of Risk Posed by Soil Management**

The proposed management of solid waste at the Chrysler Kenosha Main Plant is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

**Notice Provided Prior to Commencing Soil Management Activities**

Per Wis. Admin. Code § NR 718.12 (2), the DNR was provided with at least seven days' notice prior to commencing the proposed material management.

**Requirement of Continuing Obligations**

You have acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated material on your property as proposed.

The current property owner of the Chrysler Kenosha Main Plant, and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12 (2) (d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic, pre-arranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § NR 718.12 and § 718.15 exemption meet the requirements of Wis. Admin. Code § NR 718.12 (2) (e) and are available in Portable Document Format (PDF) on the DNR's Bureau for Remediation and Redevelopment Tracking on the Web (BOTW) and RR Sites Map (RRSM), to provide public notice of remaining contamination and continuing obligations. Both BOTW and RRSM are available at [dnr.wi.gov](http://dnr.wi.gov) and search "WRRD".

More information on responsibilities related to continuing obligations can be found in the DNR publication “Continuing Obligations for Environmental Protection” (RR-819), which can be found at [dnr.wi.gov](http://dnr.wi.gov), search “RR-819”.

Please send written notifications in accordance with the following requirements to:

Wisconsin Department of Natural Resources  
Remediation and Redevelopment Program  
Attn: Environmental Program Associate  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, WI 53212-3128

#### Future Solid Waste Management

If solid waste that was managed as proposed in the “NR 718.12(2) Exemption Request for the former Kenosha Engine Plant” is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the material is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Solid waste may be managed in accordance with Wis. Admin. Code § NR 718, with DNR pre-approval obtained. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the solid waste may pose a hazard, and special precautions may be necessary to prevent a health threat to humans. If material that will be managed under this exemption includes solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085.

The location(s) where contaminated soil is proposed to be managed at Chrysler Kenosha Main Plant is depicted on the attached Figure 4, Alternative 4 – Conceptual Layout.

The DNR’s approval prior to well construction or reconstruction is required *where contaminated soil was managed*, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program’s regional water supply specialist. This form is available at [dnr.wi.gov](http://dnr.wi.gov), search “3300-254”.

#### Maintenance of a Cover

A cover is proposed to be installed and maintained over contaminated solid waste that will be managed at Chrysler Kenosha Main Plant as proposed in the “NR 718.12(2) Exemption Request for the former Kenosha Engine Plant”. A maintenance plan which describes the inspection and maintenance activities that will apply to the barrier must be provided to the DNR once the barrier has been constructed (Wis. Admin. Code § NR 724.15 (3) (h)). A map is attached which shows where contaminated material is proposed to be managed and the extent of the proposed cover. Once constructed, inspections of the cover will be required (per Wis. Admin. Code § NR 724.13), and submittal of inspection reports may also be required per 727.05 (1) (b) 3. The DNR will be required to be notified before changing to a non-industrial use if the cover is approved for industrial land use, per Wis. Admin. Code § NR 727.07 (3), to ensure that the cover will be protective for that use.

The maintenance plan must list activities that will be prohibited in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining contamination, unless prior written approval has been obtained from the DNR, which should include:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

#### Vapor: Future Actions to Address Vapor Intrusion

Chlorinated VOCs are present in material proposed to be managed on Chrysler Kenosha Main Plant in the “NR 718.12(2) Exemption Request for the former Kenosha Engine Plant” at levels that may be of concern for vapor intrusion in the future. The location(s) where this contaminated material is proposed to be managed is depicted on the attached Figure 4, Alternative 4 – Conceptual Layout.

While vapor intrusion does not currently exist, if a building is constructed or reconstructed on this property, or if use of an existing building is changed to a non-industrial use, vapor intrusion may become a concern. The DNR must be notified before construction of a building or changing the use of an existing building to non-industrial use per Wis. Admin. Code § NR 727.07. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time per Wis. Admin. Code §§ NR 722.15 (2) (e) 4 and 5.

#### Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) Material management activities exempted by this letter are scheduled to be completed within the fall of 2020. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also comply with the requirements of Wis. Admin. Code § NR 724.15 (3). Documentation must include:
  - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05 (2) (e) 1.
  - b. Owner contact and property location information for the Chrysler Kenosha Main Plant.
  - c. Maps, drawings, and cross sections that depict how contaminated material was managed.
  - d. A synopsis of the work conducted and an explanation as to how it complied with the material management plan and the conditions in this exemption approval.
  - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
  - f. Any field observations or results of monitoring conducted during the management activity.
  - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Chrysler Kenosha Main Plant.
  - h. A cover maintenance plan.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.12 and § NR 718.15 and applies only to the specific activities described within the submitted "NR 718.12(2) Exemption Request for the former Kenosha Engine Plant". Any contaminated material that is excavated or otherwise disturbed at the Chrysler Kenosha Main Plant, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution, and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.
- 5) The City of Kenosha is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity 02-30-000327.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me, Paul Grittner, by calling (262) 574-2166 or by email at [paul.grittner@wisconsin.gov](mailto:paul.grittner@wisconsin.gov).

Sincerely,



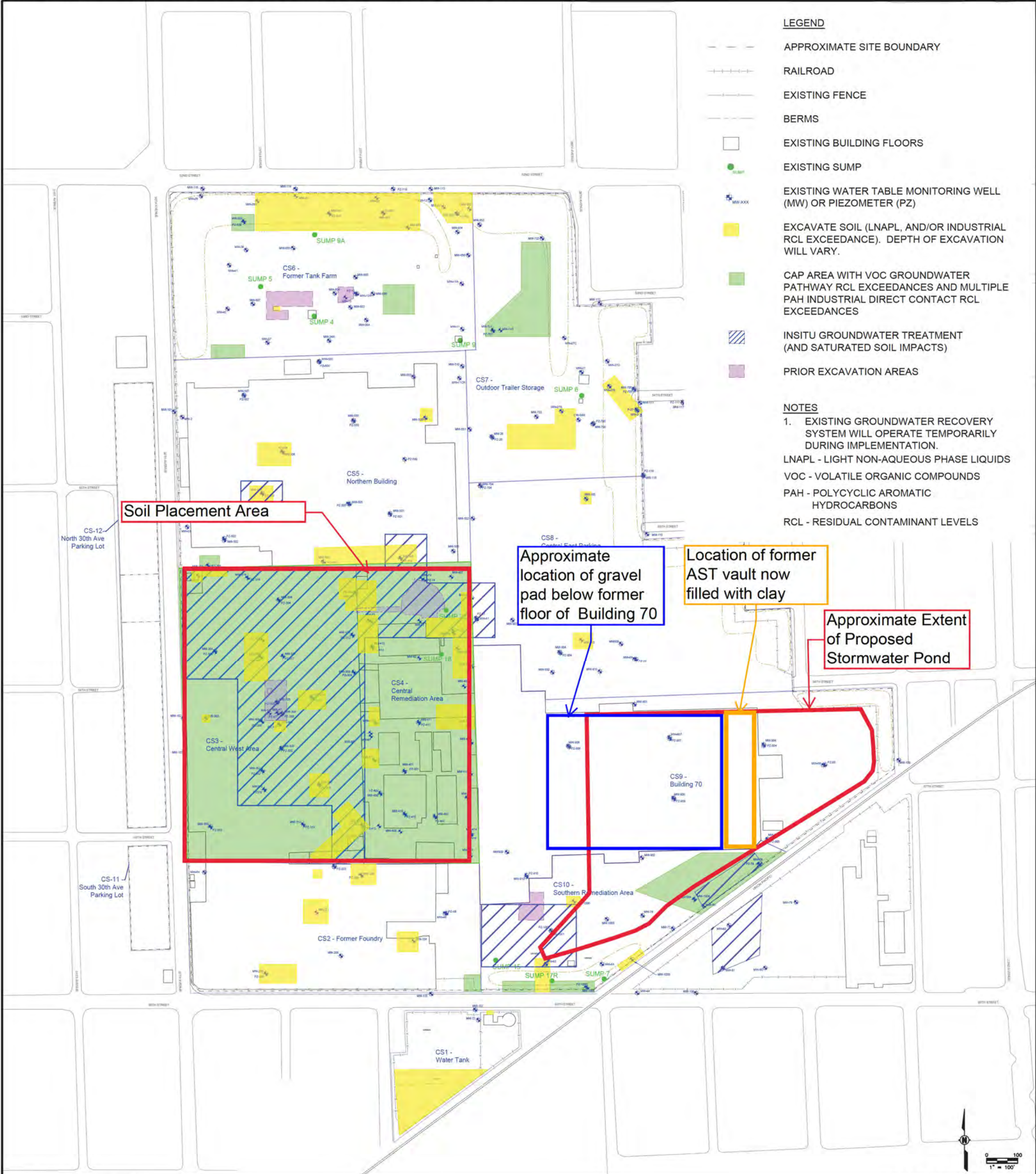
Paul Grittner  
Hydrogeologist  
Remediation & Redevelopment Program

Attachments:

- Figure 4, Alternative 4 – Conceptual Layout

cc: Lanette Altenbach, AECOM, 1555 N. River Center Drive, Suite 214, Milwaukee, WI 53212





- LEGEND**
- APPROXIMATE SITE BOUNDARY
  - RAILROAD
  - EXISTING FENCE
  - BERMS
  - EXISTING BUILDING FLOORS
  - EXISTING SUMP
  - EXISTING WATER TABLE MONITORING WELL (MW) OR PIEZOMETER (PZ)
  - EXCAVATE SOIL (LNAPL, AND/OR INDUSTRIAL RCL EXCEEDANCE). DEPTH OF EXCAVATION WILL VARY.
  - CAP AREA WITH VOC GROUNDWATER PATHWAY RCL EXCEEDANCES AND MULTIPLE PAH INDUSTRIAL DIRECT CONTACT RCL EXCEEDANCES
  - ▨ INSITU GROUNDWATER TREATMENT (AND SATURATED SOIL IMPACTS)
  - PRIOR EXCAVATION AREAS

- NOTES**
1. EXISTING GROUNDWATER RECOVERY SYSTEM WILL OPERATE TEMPORARILY DURING IMPLEMENTATION.
- LNAPL - LIGHT NON-AQUEOUS PHASE LIQUIDS  
 VOC - VOLATILE ORGANIC COMPOUNDS  
 PAH - POLYCYCLIC AROMATIC HYDROCARBONS  
 RCL - RESIDUAL CONTAMINANT LEVELS

Soil Placement Area

Approximate location of gravel pad below former floor of Building 70

Location of former AST vault now filled with clay

Approximate Extent of Proposed Stormwater Pond

ALTERNATIVE 4 - CONCEPTUAL LAYOUT  
 SOIL AND GROUNDWATER SOURCE CONTROL  
 KENOSHA ENGINE PLANT  
 KENOSHA, WISCONSIN

Drawn: ARS 4/7/2015  
 Checked: LLA 4/7/2015  
 Approved: KWB 4/7/2015  
 PROJECT NUMBER: 60328684  
 FIGURE NUMBER: 18

1555 RiverCenter Dr  
 Milwaukee, WI 53212  
 414.944.6080  
 www.aecom.com  
 Copyright ©2012, By AECOM USA, Inc.

**AECOM**