**State of Wisconsin**
**DEPARTMENT OF NATURAL RESOURCES**
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November 8, 2022

Mr. Brian Cater
City of Kenosha
625 52nd Street
Kenosha, WI 53140
*Email only to:* bcater@kenosha.org

Subject: Former Chrysler Kenosha Engine Plant Redevelopment Plan - Phase I Infrastructure Construction
Chrysler Kenosha Main Plt, 5555 30th Avenue, Kenosha
DNR BRRTS Activity # 02-30-000327; FID # 230004500

Dear Mr. Cater:

The Department of Natural Resources (DNR) reviewed the request for technical assistance as presented in the *Former Chrysler Kenosha Engine Plant Redevelopment Plan – Phase 1 Infrastructure Construction* (September 29, 2022) (the Plan) prepared on your behalf by AECOM. The Plan provides a general description of how the former engine plant property will be developed. Details regarding the first phase of development, Phase 1, was provided. Phase 1 includes extending the 28th Avenue and 56th Street rights of way through the property, installing utilities including water, sanitary sewer, storm sewer, and electric, modifying the stormwater pond, developing greenspace areas, and constructing an innovation center and high school buildings. The Plan requested the DNR provide concurrence for Phase 1 development activities. The applicable technical assistance fee was provided for DNR's review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

**The DNR concurs with the activities proposed in the Plan and offers the following comments.**

- The roads, utility corridors, greenspaces, stormwater pond modifications, and buildings proposed for Phase 1 are an acceptable means for developing the property if the construction will not interfere with ongoing remediation activities and that proper controls are maintained and/or actions are taken to mitigate risks posed by residual contamination and to meet the requirements of Wis. Admin. Code Ch. NR 726.

- Modifying the stormwater detention basin is acceptable if material excavated to expand the pond is properly characterized and managed appropriately and the finished pond will not influence groundwater flow or increase infiltration such that groundwater contamination is worsened or that the ongoing remediation is negatively affected. A documentation report describing how soil was managed during the original construction of the pond must still be provided as stated in DNR's June 11, 2020, *Approval to Manage Solid Waste under Wis. Admin. Code § NR718.12 and § NR 718.15 For On-Site Management.*

- Reuse or replacement of excavated contaminated soil onsite may be an acceptable means to dispose of this waste. The generator of excavated soil must determine if it is contaminated using existing soil data or by collecting and analyzing samples of the material. Contaminated soil that does not meet the criteria for exempt soil, as outlined in DNR guidance document RR-103, *Exempt Soil Management: A Self-Implementing Option for Soil Excavated During a Response Action*, can only be reused on this site if the use complies with Wis. Admin. Code Ch. NR 718 and with written approval from the DNR. This includes returning soil to the utility trench or excavation it was removed from or grading soil across different areas of the site. The DNR can review and approve specific requests to manage contaminated

soil onsite if needed. The DNR may require that a barrier be installed over contaminated soil as a condition for approving its reuse onsite.

- Managing stained or odorous soil at a facility licensed to accept that waste is a reasonable means to manage that material. Analytical data obtained from the material for waste characterization purposes and the location of where the contamination is observed must be provided to the DNR. If it is determined that the contamination originated from a source unrelated to previous investigation it will need to be investigated, and possibly remediated, following the Wis. Admin. Code NR 700 process.

- Installation of passive vapor mitigation systems at all building constructed at the site is a reasonable precaution. A vapor assessment and /or investigation will need to be conducted for each building to determine if a vapor intrusion risk is present. Passive mitigation systems will need to be converted to active systems wherever a risk exists. Active systems will need to be commissioned by confirming pressure field extension and possibly indoor air quality to demonstrate it is operating properly.

- Installing a cap or barrier wherever soil contaminant concentrations exceed residual contaminant levels meets the requirements of Wis. Admin. Code Ch.NR 720.
    - The DNR typically approves asphalt or concrete paved surfaces and buildings as acceptable covers.
    - DNR guidance recommends that covers constructed of clean soil be a minimum of 24 inches thick. The DNR has approved soil covers of smaller thicknesses when it can be demonstrated that conditions will be protective with a less substantial cap. The DNR considers such factors as frequency of inspections, expected use of the area, types and concentrations of contaminants, landscaping features, who is responsible for maintaining areas, size of areas, etc., when determining if a proposed cap is protective.
    - Using Silva cells for planting trees is compatible with requirements for installing and maintaining barriers.
    - The DNR may review and provide approval of cap plans for specific areas of the site upon request.

- Institutional controls may be needed to record the requirement to maintain a cap, operate a mitigation system, the need to address residual contamination if disturbed in the future, or other activities as needed to ensure that conditions at the site remain protective. Institutional controls may be required prior to closure as part of approving a remedial or interim action such as operating a vapor mitigation system or reusing contaminated soil onsite.

- Containerizing, sampling, and discharging groundwater that accumulates in excavations with a discharge permit is an appropriate means to dispose of that material.

- Installing clay plugs where utilities enter building locations and at the estimated groundwater plume limits is an acceptable method to limit vapor migration through these pathways.

**The DNR also recommends that you consider the following during all phases of the development.**

- Monitoring wells can be abandoned anytime without the approval of the DNR. These wells may or may not need to be replaced depending on their location and status of ongoing groundwater assessment.

- Questions regarding stormwater management should be directed to the DNR's Bureau of Watershed Management.

- The need to request an approval to build on a historic fill site must be considered before constructing any building, removing a cap, or excavating any waste material in areas that have been identified as containing nonexempt waste.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me, the DNR project manager, at (414) 405-0764 or paul.grittner@wisconsin.gov.

Sincerely,

Paul Grittner
Hydrogeologist
Remediation & Redevelopment Program

cc: Lanette Altenbach, AECOM – lanette.altenbach@aecom.com