



April 26, 2024

Mr. Brian Cater
City of Kenosha
625 52nd Street, Room 305
Kenosha, WI 53140
Email only to: bcater@kenosha.org

Subject: NR 718.12(2) Exemption Request for the Kenosha Innovation Center & for the Kenosha Innovation Neighborhood Infrastructure Construction
Chrysler Kenosha Main Plt, 5555 30th Avenue, Kenosha
DNR BRRTS Activity # 02-30-000327; FID # 230004500

Dear Mr. Cater,

The Wisconsin Department of Natural Resources (DNR) has reviewed the *NR 718.12(2) Exemption Request for the Kenosha Innovation Center* and the *NR 718.12(2) Exemption Request for the Kenosha Innovation Neighborhood Infrastructure Construction* and determined that additional information and plan modifications will need to be provided to demonstrate how the proposed activities will comply with DNR requirements of Wis. Admin. Code § NR 718.12.

The DNR recommends that the following information be provided to allow for an accurate evaluation of the proposed material management activities.

- Additional details regarding the infrastructure project including how the stormwater basin will be modified and a description of the greenspaces that will be developed and their intended use. Include a figure that outlines different uses within the project limits such as roadways maintained by the City, areas that will be developed as bike trails, etc. Describe the type and makeup of the final surface features that will be installed and how they provide an adequate cap over residual contamination.
- The proposed material management activities include the removal and reuse of topsoil capping material previously placed on the site. It is not clear why it is expected that six inches of clean material could be generated from the KIC area, or other parts of the site, to be used as capping material. *Remedial Action Documentation Reports* documenting soil remediation at this site noted that a four-inch thick soil cap was installed but did not clearly indicate the extent of the barrier (outside of area CS2 and areas specifically identified as needing to be capped in the June 2015 *Remedial Design Report (Soil)*). Providing a figure that clearly outlines the extent of the temporary cap would be helpful for evaluating this and future requests that involve reusing topsoil for capping purposes.
- Confirm the feasibility of segregating the upper 4 inches of topsoil for reuse as capping material. Include an explanation as to whether it can be expected that the topsoil can be visually differentiated from underlying material.
- Confirm that the construction of the Kenosha Innovation Center will result in excavated soil being placed within three feet of the high groundwater level.

The DNR also provides the following comments on the proposed activities.

- Installation of a barrier over contaminated soil being managed under these proposals will be required as a condition for DNR approval. Additional details regarding the construction and maintenance of the proposed barriers are needed to demonstrate how conditions will be protective for planned uses in these areas.

- DNR guidance recommends that clean soil barriers be a minimum of two feet thick. Soil caps with a thickness as little as twelve inches have been approved for occupied areas, depending on property use and use maintenance schedule. Provide a modified capping plan for the Kenosha Innovation Center (KIC) that proposes something other than a six-inch soil barrier. Discuss why the newly proposed cap will provide adequate protection considering how the area being capped will be used, who the occupants will be, and who will be responsible for maintaining the barrier.
- A proposed barrier cannot be approved by the DNR unless it has been demonstrated that it will be inspected and maintained. A draft cap maintenance plan will need to be provided for the KIC, and one for greenspaces or bikes trails constructed, to demonstrate this. The plan must outline who will be responsible for inspecting and maintaining these features, and how these activities will be conducted. These plans will be required to be followed once the barrier has been constructed.
- Due to the potential for soil contaminated with chlorinated volatile organic compounds to be managed under these proposals, the operation and inspection of the active vapor mitigation system proposed for the Kenosha Innovation Center will be required as a condition for approving the reuse of contaminated soil. A plan describing how the system will be installed and commissioned needs to be submitted to demonstrate that these conditions will be met.
 - This will be a condition of approving onsite reuse of excavated soil whenever the activity is associated with building construction.
- Installation of clay plugs where utilities exist at the eastern property boundary and at utility laterals leading to onsite buildings is recommended, in addition to the plugs proposed, to further impede the potential migration of contamination.

While not a consideration for approving these specific material management requests, the DNR requests that you confirm how material excavated during the construction of the stormwater basin was reused. On June 11, 2020, DNR approved a plan for placing the material in the capped area on the western portion of the site, with the existing cap removed prior to, and replaced after, the placement of the excavated material. Post construction documentation stated that it was reused in proximity to the basin instead.

The DNR will reconsider your request to reuse contaminated soil at this site once the requested information is provided. 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: Greg Boldt, City of Kenosha – gboldt@kenosha.org
Tory Schultz, AECOM – tory.schultz@aecom.com