



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
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May 25, 2010

FILE COPY

MS JANE PATARCITY
BEAZER EAST INC
ONE OXFORD CENTRE
SUITE 3000
PITTSBURGH PA 15219-6401

Subject: Conditional Approval – On-Property Corrective Measures Implementation Design Report
Koppers Inc. Facility, 3185 South County Highway A, Superior, Wisconsin
WDNR BRRTS #02-16-000484

Dear Ms. Patarcity:

On January 4, 2010, the Department of Natural Resources' Remediation and Redevelopment program received the *On-Property Corrective Measures Implementation Design Report* (CMI Design Report), prepared for the above named site by Arcadis and dated December 31, 2009. The report was accompanied by a review fee for a remedial design report pursuant to s. NR 749.04, Wis. Adm. Code.

The CMI Design Report describes the proposed remedial actions to address contamination on the on-property portion of the site. As described in the CMI Design Report, the proposed actions include placing cover materials to mitigate direct contact with impacted soil, and installing an engineered liner system in the Outfall 001 drainage ditch to address both direct contact and migration of contaminants via the surface water pathway. Based upon our review of this submittal, the Department conditionally approves the proposed remedial actions, subject to the following conditions and comments:

1. Unless otherwise specified, the plans and designs described in the CMI Design Report must be adhered to as a condition of this approval.
2. This approval is also conditioned upon Beazer and/or Koppers Industries applying for and receiving all necessary permits and approvals provided by other Department programs, as well as other county, state and/or federal agencies. These permits are described in Section 5 of the CMI Design Report, and include the Wetland Water Quality Certification, a Wisconsin Pollutant Discharge Elimination System permit, a Pit/Trench Dewatering General Permit, and a Construction Site Storm Water Runoff General Permit.
3. The remedial actions proposed for this site will result in continuing obligations on the property, namely that the property will need to remain in industrial use, that the surface covers and engineered liner system are not disturbed into the future, and that construction of a water well would need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. Because of the continuing obligations, this approval is also conditioned upon notification of the current property owner of the continuing obligations, and submittal of an acceptable package for recording the continuing obligations on the Department's GIS Registry. I would be happy to work with you and Arcadis to complete the notification requirements. General information about continuing obligations

can be found on the Department's web site at <http://dnr.wi.gov/org/aw/rr/cleanup/obligations.htm>, while information about the GIS Registry can be found on the Department's RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. The GIS Registry Checklist (Form 4400-245) can be accessed at <http://dnr.wi.gov/org/aw/rr/archives/pubs/4400-245.pdf>. Please note that the GIS Registry package must include the *Operations and Maintenance Plan* (Appendix I of the CMI Design Report).

4. The CMI Design Report indicates that the surface cover design for proposed remediation areas that are also classified as wetlands will consist of excavation of contaminated soil and subsequent restoration of these areas as wetlands. However, as noted in the report and confirmed at a meeting between Beazer, Arcadis and Department staff on March 22, 2010, Beazer's preferred option would be placement of cover material directly over impacted wetland areas. The loss of wetlands would then be mitigated through purchase of wetland mitigation bank credits. As has been previously discussed, approval of this option would be subject to the prior approval of the Wetland Water Quality Certification mentioned in Item 1 above.
5. Based on an evaluation of groundwater monitoring results, the proposal to abandon monitoring well W-17A as described in Section 1.5.B.3. is acceptable. The well abandonment shall be documented as required in s. NR 141.25, Wis. Adm. Code. However, we would like to discuss with you further the proposed abandonment of wells W-16A and W-25A. It would appear from sampling results obtained from these particular wells (*Summary of Supplemental Groundwater Investigations*, Arcadis BBL, September 18, 2007) that the results represent groundwater impacts in, for lack of a better term, source areas. The results summarized in the referenced report indicate that high concentrations of benzene, naphthalene, total PAHs and 2,3,7,8-TCDD TEQ were present in W-16A relative to surrounding wells. Similarly, pentachlorophenol and 2,3,7,8-TCDD TEQ were present in W-25A at concentrations greater than surrounding wells. At the very least, you should consider replacing these wells following completion of construction rather than removing the possibility of future groundwater monitoring in these areas altogether. It will be that much harder to complete a demonstration of effective natural attenuation without data from these locations.
6. As stated in Section 1.5.E.2. of the submittal, any standing water pumped from Outfall 001 drainage ditch work areas must be handled and discharged or disposed of as required under the appropriate water permits described in Item 1 above. However, standing water in the concrete tank basin discussed in Section 1.5.F.3.a. must be analyzed before it is pumped in order to determine the proper disposal or discharge method. As stated by Jim Ross at our March 22 meeting, the Department has concerns about the potential presence of contaminants in the water within the concrete tank basin.
7. The Department is requesting that you provide more information on the operational life of the reactive core mat (RCM) proposed for use in the Outfall 001 drainage ditch. Information on the sorptive capacity of the RCM is not readily apparent from our review of the CMI Design Report. In essence, we are trying to determine the potential for contaminant breakthrough. If it appears that the RCM will not be adequate to mitigate migration of non-aqueous phase liquid (NAPL) migration to/through the Outfall 001 drainage ditch, the Department reserves the right to require the use of different methods and/or materials to complete this task. In a related issue, we are concerned about the proposed frequency of monitoring for (NAPL) in the Outfall 001 drainage ditch. We believe that the constructed sumps should be checked for NAPL more frequently during the first year after completion of the work, because construction activities could potentially disturb and mobilize pockets of NAPL that otherwise might have remained static.

8. Another issue raised at our March 22 meeting relates to the disposal of railroad ties removed during demolition activities. As Mr. Ross pointed out, there might be a feasible alternative for disposal through a tie grinding operation in Duluth, Minnesota. Regardless of the disposal option selected, disposal of the ties and other solid waste generated during the remediation must be properly documented in the Construction Documentation Report prepared following completion of the remedial action.
9. As we stated at the March 22 meeting, the Department would like to be included as a cc: on the weekly electronic progress reports that you will be receiving from your construction management company. These updates will prove useful as we track progress on the remedial actions, and should help us answer questions that might be raised by the public.
10. The Department's Remediation and Redevelopment program will not require that you issue a separate public notice for the proposed remedial action as a condition of this approval. However, as we mentioned at the March 22 meeting, it might be helpful for you to hold an expanded Citizens Advisory Panel (CAP) meeting prior to initiating construction, to provide the public with some advance notice that you are implementing a remedy. I understand from Dave Bessingpas at Arcadis that you hosted a CAP meeting earlier this month. Please let us know if you intend to perform any additional public outreach prior to the start of construction.
11. Due to the complexities of this project, the Department believes that an on-site pre-construction meeting would be useful. You may contact us to schedule this meeting at your convenience.

The Department appreciates your efforts to move the on-property remediation forward, and we look forward to continued cooperation as the overall project moves forward. If you have any questions concerning this letter or the project in general, please do not hesitate to write or call me at 715-685-2920. I can also be reached by e-mail at Christopher.Saari@Wisconsin.gov.

Sincerely,



Christopher A. Saari
Hydrogeologist

cc: John Robinson – DNR Rhinelander
Mark Gordon – DNR Madison
Steve LaValley – DNR Superior
Steve Ashenbrucker – DNR Park Falls
Henry Nehls-Lowe – Department of Health Services
Jason Berkner – US Army Corps of Engineers
Bob Egan – USEPA Region 5
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Jeff Holden – Arcadis
Dave Bessingpas – Arcadis
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