

Sager, John E - DNR

From: Saari, Christopher A - DNR
Sent: Thursday, May 7, 2020 4:49 PM
To: MALLY, DIANA; Bessingpas, David
Cc: Sager, John E - DNR; Graham, Joseph R - DNR; Paul Powell; Fassbender, Judy L - DNR; Klatt, David/CHC; Cieniawski, Scott; Stu Messur (smessur@anchorqea.com); Patarcity, Jane (Pittsburgh) USA (Jane.Patarcity@TRMI.Biz); Seaman, Jennifer/CHC
Subject: RE: May 1, 2020 email-Draft Agenda for 5/4 Crawford Creek Conference Call

Good Afternoon:

After reviewing the message below and further internal discussions, DNR agrees the data collected during this investigation, along with the data previously collected at the project site, should be adequate for conducting the FFS (absent any new or unexpected findings). As was acknowledged during yesterday's call, additional characterization may be required during remedial design work. These activities will help with meeting the characterization requirements of Wis. Admin. Code ch. NR 716 and to allow for development of the remedial design under Wis. Admin. Code chs. NR 724.

A point of clarification: Our understanding from yesterday's call is that soil sampling will target intervals that are impacted per visual/olfactory/PID/FID observations. We also agree with the proposal to analyze visually impacted samples using standard Method 8270.

In addition, DNR will continue to work on gaining access to the Laurvick property.

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Chris Saari

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Christopher.Saari@Wisconsin.gov

From: MALLY, DIANA <Mally.Diana@epa.gov>
Sent: Thursday, May 7, 2020 2:43 PM
To: Bessingpas, David <David.Bessingpas@arcadis.com>; Saari, Christopher A - DNR <Christopher.Saari@wisconsin.gov>
Cc: Sager, John E - DNR <John.Sager@wisconsin.gov>; Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>; Paul Powell <Paul.A.Powell@usace.army.mil>; Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>; Klatt, David/CHC <David.Klatt@jacobs.com>; Cieniawski, Scott <cieniawski.scott@epa.gov>; Stu Messur (smessur@anchorqea.com) <smessur@anchorqea.com>; Patarcity, Jane (Pittsburgh) USA (Jane.Patarcity@TRMI.Biz) <Jane.Patarcity@TRMI.Biz>; Seaman, Jennifer/CHC <jennifer.seaman@jacobs.com>
Subject: RE: May 1, 2020 email-Draft Agenda for 5/4 Crawford Creek Conference Call

Hello,

Your email below, which serves as an addendum to the September 2019 Supplemental DGI Work Plan and QAPP, accurately reflects the discussions held on May 6 with the Crawford Creek team. EPA agrees the data collected during this investigation, along with the data previously collected at the project site, will be sufficient for conducting the FFS (absent any new or unexpected conditions). EPA also agrees with the proposal to analyze visually impacted samples using standard Method 8270.

Thanks.

Diana Mally
USEPA GLNPO
77 W. Jackson Blvd, mail code G-9J
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email: mally.diana@epa.gov

From: Bessingpas, David <David.Bessingpas@arcadis.com>
Sent: Thursday, May 07, 2020 8:53 AM
To: Saari, Christopher A - DNR <Christopher.Saari@wisconsin.gov>
Cc: John Sager <john.sager@wisconsin.gov>; Graham, Joseph R - DNR <joseph.graham@wisconsin.gov>; MALLY, DIANA <Mally.Diana@epa.gov>; Paul Powell <Paul.A.Powell@usace.army.mil>; Judy Fassbender <judy.fassbender@wisconsin.gov>; Klatt, David/CHC <David.Klatt@jacobs.com>; Cieniawski, Scott <cieniawski.scott@epa.gov>; Stu Messur (smessur@anchorqea.com) <smessur@anchorqea.com>; Patarcity, Jane (Pittsburgh) USA (Jane.Patarcity@TRMI.Biz) <Jane.Patarcity@TRMI.Biz>; Seaman, Jennifer/CHC <jennifer.seaman@jacobs.com>
Subject: RE: May 1, 2020 email-Draft Agenda for 5/4 Crawford Creek Conference Call

Good Morning,

The purpose of this email is to document agreements reached by Beazer, USEPA, and WDNR on a May 6 conference call regarding modifications to the scope of work outlined in the September 2019 Supplemental Data Gap Investigation (DGI) Work Plan for the Crawford Creek and Tributary Great Lakes Legacy Act Project. The following scope changes were agreed to:

- For all Sub-Area B and C soil borings, in addition to the proposed 0-0.5' bgs, 0.5-1' bgs, 1-2' bgs, and "black stained layer" (if present) sample intervals identified in the Supplemental DGI Work Plan, samples for laboratory analysis of PAHs, pentachlorophenol, dioxins/furans, and TOC will also be collected from the following intervals: 2-4' bgs, 2' below the channel bottom elevation of Crawford Creek adjacent to the boring location, and 13-15' bgs.
- One additional soil boring will be added in Sub-Area C, at the location of 2013 soil boring SB-3. At this boring, samples for laboratory analysis of PAHs, pentachlorophenol, dioxins/furans, and TOC will be collected from the following intervals: 0-0.5' bgs, 0.5-1' bgs, 1-2' bgs, 2-4' bgs, 4-6' bgs, 6-8' bgs, 8-10' bgs, 10-13' bgs, and 13-15' bgs.

As noted in the Supplemental DGI Work Plan, sample intervals may be adjusted in the field to account for observed changes in visual impacts and lithology (i.e., each sample interval will target a single visual observation type and lithologic type, to the extent possible).

The group also discussed WDNR's request to collect samples from additional sub-surface intervals from the Sub-Area B and C soil borings for archiving at the lab, and possible future analysis pending the results for the sample intervals identified above. However, it was decided that such additional subsurface soil sampling/archiving was not necessary for this work scope, and that, if needed, additional subsurface soil sampling could be conducted as part of a future pre-design investigation program, once a remedy has been selected.

One other change that Beazer would like to propose, that was not specifically discussed during the May 6 call, is for any visibly impacted samples to be analyzed for PAHs using standard Method 8270, rather than Method 8270 Low Level, as was specified in the Supplemental DGI QAPP. Although this change may raise detection limits, it should result in fewer matrix interference issues and more accurate PAH concentrations for more heavily impacted samples.

As previously requested, Beazer would like to receive written concurrence from the WDNR/USEPA (in the form of a reply email) that the data to be collected during the supplemental DGI (in accordance with the Supplemental DGI Work Plan and the modifications outlined above), combined with prior data, will sufficiently define the degree and extent of contamination for FFS purposes (absent any new or unexpected conditions identified during the supplemental DGI).

Pending WDNR/USEPA concurrence, this email will serve as an addendum to the September 2019 Supplemental DGI Work Plan and QAPP.

Assuming everyone concurs with the scope modifications outlined above, Arcadis plans to begin the DGI field work next week. The anticipated schedule is as follows:

- Week of 5/11 – survey/stake out floodplain investigation locations and collect surficial soil samples
- Week of 5/18 – floodplain soil borings/sampling and well installations
- Week of 6/29 – survey/stake out sediment investigation locations
- Week of 7/6 – sediment coring/sampling

A schedule for well development, slug testing, and groundwater/surface water sampling will be determined once the wells are installed and will depend on how quickly they recovery.

Please contact David Bessingpas (320-260-8621) if you plan to conduct a site visit during the field work. Until further notice, we will be requiring all staff, subcontractors, and visitors to conduct a health screening self-assessment (see attached) each day before coming to the site. If a person answers yes to any of the questions, we respectfully ask that they do not come to the site that day. A couple of COVID-19 related safe work practice reminders are also attached.

Regarding access to Clayton Laurvick’s property, it was discussed on the May 6 call that WDNR would attempt to contact Mr. Laurvick via phone and/or email as a follow-up to their April 30 letter. If Mr. Laurvick does not grant access before May 18, we will proceed with the DGI for Sub-Areas A-C, and the upstream portion of Sub-Area D on the Reuille property. If access to Mr. Laurvick’s property is granted later this summer, it may be possible to complete the planned soil borings on his property when the driller is on-site to abandon the temporary monitoring wells in Sub-Area C.

Please let me know if you have any questions.

Thanks, Dave

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Be green, leave it on the screen.

From: Saari, Christopher A - DNR <Christopher.Saari@wisconsin.gov>
Sent: Tuesday, May 5, 2020 5:03 PM
To: Bessingpas, David <David.Bessingpas@arcadis.com>
Cc: Sager, John E - DNR <John.Sager@wisconsin.gov>; Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>; MALLY, DIANA <Mally.Diana@epa.gov>; Paul Powell <Paul.A.Powell@usace.army.mil>; Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>; Klatt, David/CHC <David.Klatt@jacobs.com>; Cieniawski, Scott <cieniawski.scott@epa.gov>; Stu Messur (smessur@anchorqea.com) <smessur@anchorqea.com>; Patarcity, Jane (Pittsburgh) USA (Jane.Patarcity@TRMI.Biz) <Jane.Patarcity@TRMI.Biz>; Seaman, Jennifer/CHC <jennifer.seaman@jacobs.com>
Subject: RE: May 1, 2020 email-Draft Agenda for 5/4 Crawford Creek Conference Call

Hi Dave,

Per your request, please see the suggested additions to the DGI work plan. We are proposing 3 additional laboratory samples from each soil boring in Sub-Areas B and C, with collection and archiving of additional sample intervals along the boring profile for discussion with the PCT. We are also proposing that one previous sample location be revisited for discussion.

Proposed Additions to DGI Scope of Work

- **Objective – Define vertical and horizontal extent of contamination:** Determine the degree and extent of contamination as required in Wis. Admin. Code ch. NR 716. This is needed for purposes of remedial option evaluation and any associated continuing obligations.
- Sub-Area A Bank Soil – Please clarify what a bank sample is. Otherwise no comments.
- Sub-Area B Floodplain Soil – Add intervals for lab analytical samples 2 to 4 feet below surface, and 2-foot intervals to the proposed 15-foot target depth.
 - Analyze samples as proposed in DGI WP plus the 2 to 4-foot interval, the 2-foot interval below the streambed channel at that location, and the 13 to 15-foot interval from each soil boring.
 - Discrete samples should be collected from impacted subintervals based on field screening observations (visual, olfactory or PID/FID).
 - Have lab hold all other intervals until Beazer, EPA, and DNR review results and determine remaining intervals to be analyzed. As discussed in Milwaukee last May, the group can decide to handle flags for samples past extracted or analyzed beyond holding times.
- Sub-Area C Floodplain Soil – Same as Area B. In addition, we propose that you repeat 2013 SB-3 and collect lab analytical samples for dioxin, PAHs, & PCP over the full depth of visual impacts in the profile (add a boring here or reallocate proposed location SO-C01).
- Sub-Area D Floodplain Soil – No comments on Area D.

I am also including links to Site Investigation Work Plan and Report Checklists to illustrate what is required under Wis. Admin. Code ch. NR 716:

- <https://dnr.wi.gov/files/PDF/forms/4400/4400-316.pdf>
- <https://dnr.wi.gov/files/PDF/forms/4400/4400-317.pdf>

Please let us know when you are available to discuss these suggestions.

Thanks.

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Chris Saari
Phone: (715) 685-2920

Cell Phone: (715) 208-4004 (preferred during COVID-19 telework period)

Christopher.Saari@Wisconsin.gov

From: Bessingpas, David <David.Bessingpas@arcadis.com>

Sent: Tuesday, May 5, 2020 8:28 AM

To: Saari, Christopher A - DNR <Christopher.Saari@wisconsin.gov>

Cc: Sager, John E - DNR <John.Sager@wisconsin.gov>; Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>; MALLY, DIANA <Mally.Diana@epa.gov>; Paul Powell <Paul.A.Powell@usace.army.mil>; Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>; Klatt, David/CHC <David.Klatt@jacobs.com>; Cieniawski, Scott <cieniawski.scott@epa.gov>; Stu Messur (smessur@anchorqea.com) <smessur@anchorqea.com>; Patarcity, Jane (Pittsburgh) USA (Jane.Patarcity@TRMI.Biz) <Jane.Patarcity@TRMI.Biz>; Seaman, Jennifer/CHC <jennifer.seaman@jacobs.com>

Subject: RE: May 1, 2020 email-Draft Agenda for 5/4 Crawford Creek Conference Call

Good Morning Chris,

As a follow-up to Monday's call, we are requesting that WDNR provide a specific list of proposed additions to the scope of work presented in the September 2019 Supplemental Data Gap Investigation (DGI) Work Plan. Please be as specific as possible. For example, on the call, WDNR stated that they would like to have analytical data for deeper soil samples – please provide specific information regarding the targeted sample depth interval(s) and/or material type(s), the specific soil boring locations that you would like sampled, etc. In addition, for each proposed scope addition, please provide a specific objective that the data would address or be used for.

We request that WDNR provide this information by the end of today (5/5), and then we would like to schedule a call with WDNR and Jacobs tomorrow to discuss any questions.

Once we have this information, Beazer and USEPA can better evaluate if WDNR's requested scope additions will require further discussion/evaluation, and result in the need to reschedule the field work currently planned to begin on May 11.

Assuming we reach agreement on additions to the DGI scope of work, we are also requesting that WDNR provide written confirmation of WDNR's concurrence that the data to be collected during the supplemental DGI, combined with prior data, will sufficiently define the degree and extent of contamination for FFS purposes (absent any new or unexpected conditions identified during the supplemental DGI). We acknowledge that additional data may be needed after a remedy is selected, as part of pre-design efforts.

Thanks, Dave

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From: Patarcity, Jane M (Pittsburgh) USA <Jane.Patarcity@TRMI.Biz>

Sent: Monday, May 4, 2020 10:29 AM

To: Saari, Christopher A - DNR <Christopher.Saari@Wisconsin.gov>

Cc: Sager, John E - DNR <John.Sager@wisconsin.gov>; Graham, Joseph R - DNR <Joseph.Graham@wisconsin.gov>; MALLY, DIANA <Mally.Diana@epa.gov>; Paul Powell <Paul.A.Powell@usace.army.mil>; Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>; Klatt, David/CHC <David.Klatt@jacobs.com>; Cieniawski, Scott <cieniawski.scott@epa.gov>; Bessingpas, David <David.Bessingpas@arcadis.com>; Stu Messur (smessur@anchoragea.com) <smessur@anchoragea.com>

Subject: May 1, 2020 email-Draft Agenda for 5/4 Crawford Creek Conference Call

Chris-

Beazer feels that it is necessary for this project to move forward to address the obvious errors and inconsistencies provided by the WDNR in its May 1, 2020 email. It is extremely disappointing that WDNR's May 1, 2020 email is again bringing up "ongoing concerns over the level of investigation that has been completed," and stating that WDNR has been "raising these same concerns for several years without adequate resolution." Contrary to WDNR's statements, the record clearly shows that Beazer, with input and concurrence from WDNR, already developed a work plan for and implemented an investigation that was specifically designed to address all of WDNR's "data gaps" that were identified in their January 10, 2012 and October 9, 2012 letters. In fact, WDNR's June 11, 2014 letter to Beazer (see the attached PDF), which documents WDNR's review of the *Supplemental Off-Property Investigation Summary Report* submitted by Beazer on April 15, 2014, states the following:

"Based on a review of this report and the result of previous investigations, it appears that you have defined the degree and extent of contamination upstream of the Wisconsin Central Ltd. Railroad embankment sufficiently to begin the corrective measures planning process for that area. We encourage you to proceed with the corrective measures study at your earliest convenience."

Similarly, WDNR's November 13, 2014 letter to Beazer (a copy of which was provided with and referenced in WDNR's May 1 email), which provided comments on the CMS Report submitted by Beazer in August 2014, states the following:

*"In our January 12, 2012 letter response to that proposal, we provided substantial comments on the concerns we had over the degree and extent of contamination, regulatory permits and approvals, access issues, protectiveness, and long-term care and maintenance of the remedy. Subsequent to that exchange of correspondence, we had met numerous times in person and over the telephone to further discuss some of these issues. **We acknowledge that progress has been made to address some of these issues (e.g., data gap sampling).**"*

To suggest Beazer has not been responsive to WDNR's data gap concerns is not true. A timeline summarizing all of the data gap-related discussions, correspondence and submittals between the January 10, 2012 and November 13, 2014 letters that were included with WDNR's May 1 email is attached.

Based on GLNPO's *Final Site Characterization Report – Assessment of Contaminated Sediments in the Crawford Creek/Nemadji River near Superior, Wisconsin*, it is also our understanding that WDNR was involved with scoping a supplemental investigation for the portion of Crawford Creek downstream of the railroad embankment, which was implemented by GLNPO in 2014 and presumably addressed WDNR's data gaps for that portion of the Site.

Notwithstanding the fact that Beazer/GLNPO have already addressed all of WDNR's previously identified data gaps, more recently WDNR participated in numerous meetings/calls to discuss Jacob's data gap evaluation as part of the GLLA project, and reviewed draft versions of the data gap evaluation memo as well as the Supplemental Data Gap Investigation Work Plan and QAPP. WDNR provided comments, which were addressed, and ultimately stated via emails that they had no further comments (copies of these emails were forwarded to the project team by Diana Mally on April 28, 2020). So, it is perplexing why WDNR is bringing up data gap-related concerns at this time, mere weeks before we plan to begin the DGI field work (not to mention the fact that the DGI field work was initially scheduled for last fall, and no concerns were brought up at that time).

WDNR’s May 1, 2020 email expresses a specific concern regarding the lack of subsurface analytical data. Please note that, at WDNR’s request, subsurface analytical data were collected during the 2013/2014 investigations mentioned above, both by Beazer and GLNPO. In addition, the 2020 GLLA Supplemental DGI Work Plan, which WDNR reviewed and approved, includes collection of the following soil/sediment samples for laboratory analysis:

Sub-Area	Soil Sampling Scope	Sediment Sampling Scope
A	6 locations – 0-0.5’ only	6 locations – 0-0.5’ only
B	2 locations – 0-0.5’, 0.5-1’, 1-2’, and black stained layer (if present)	2 locations – 0-0.5’, 0.5-1’, 1-2’, and 2’-End of Core
C	11 locations – 0-0.5’, 0.5-1’, 1-2’, and black stained layer (if present)	5 locations – 0-0.5’, 0.5-1’, 1-2’, and 2’-End of Core
D	6 locations – 0-0.5’, 0.5-1’, 1-2’, and black stained layer (if present)	6 locations – 0-0.5’, 0.5-1’, 1-2’, and 2’-End of Core

Notes:

1. Sample intervals may be adjusted in the field to account for observed changes in visual impacts and lithology (i.e., each sample interval will target a single visual observation type and lithologic type, to the extent possible).
2. All of the samples identified above are to be analyzed for PAHs, pentachlorophenol, dioxins/furans, and TOC (and a subset for grain size).

It was Beazer’s understanding, through participation in numerous meetings and calls, that the Project Coordination “Team” (PCT), including WDNR, believed that the GLLA Supplemental DGI data collection, combined with the prior data, would provide an adequate data set for FFS purposes.

Because of WDNR’s continuing concerns regarding the scope of the GLLA Supplemental DGI, Beazer does not believe that the DGI can be initiated on May 11, as planned. It is also very disappointing that WDNR does not recognize the effort and costs that were necessary to plan the DGI not once, but twice, as well as appreciate the commitment of the part of Arcadis and Jacobs to implement this work under the current COVID-19 guidelines. WDNR’s suggestion that “the additional analytical sampling at depth from the planned DGI soil borings and sediment cores be considered to provide necessary data for vertical COC definition”, does not even appreciate the implications of these last-minute suggestions on project planning and implementation. Lastly, the fact that WDNR has only recently submitted a formal regulatory request for access to Mr. Clayton Laurvick’s property on April 30, further supports the need for a delay of the DGI. Access to Mr. Laurvick’s property has been a WDNR action item since the February 24, 2020 PCT call.

Finally, we want to voice our frustration with WDNR’s continued lack of collaboration on this project and the suggestion that the PCT is not “neutral”. Beazer believes that Arcadis, Anchor, EPA and their consultant Jacobs have participated in this project in a professional, collaborative manner using sound and objective science within the framework of WDNR regulations. To ensure agreement with each step of the process, meeting/call minutes have been generated and circulated to all parties for review/comment before finalizing. As stated in your email, it was WDNR who encouraged Beazer to sign up for a GLLA project, and threatened Beazer with enforcement actions if sufficient progress was not made. Yet WDNR was unwilling to be a signatory to the Project Agreement, and now is hindering progress on the GLLA project by continuously bringing up issues that have been resolved. The GLLA Project Agreement identifies WDNR as a PCT member, but WDNR seems unwilling to collaborate while also reserving their rights to comment on and disapprove any GLLA outcomes after the fact. That is not what Beazer had in mind when we signed up for this project – we were under the impression that this would be a collaborative effort and would lead to selection of a remedy that was protective of the public health and environment, addressed BUIs, and was agreeable to all parties, including WDNR. Beazer still sees value in continuing with the GLLA project, but needs to understand WDNR’s commitment to being a PCT member and working collaboratively with Beazer and EPA throughout the process. If this will not happen, we will re-evaluate continuing with the PCT as contemplated in the Project Agreement.

Regards, Jane Patarcity

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