



April 27, 2023

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SUBJECT: February 17, 2023 Conference Call Follow-Up
Koppers Industries Inc./Beazer East, Inc.
3185 South County Highway A, Superior, WI
BRRTS ID: 02-16-000484

Dear Jane and Crawford,

This letter is a follow-up to our call on February 17, 2023, with Beazer, the Great Lakes National Program Office (GLNPO) and their respective consultants concerning the potential to move forward with an interim action project at the Koppers Superior site in Sub-Area A of the Off-Property portion of the Koppers site. The Wisconsin Department of Natural Resources (DNR) appreciates your willingness to move forward with a portion of the site remedy.

During the February 17, 2023 call we discussed separating Sub-Area A from the rest of the Off-Property portion of the site and proceeding to remedial design, as an interim action, while data gaps and a path forward are resolved for Sub-Areas B, C, and D. Based on that call, our understanding of the September 2022 Draft Focused Feasibility Study (FFS), and subsequent internal discussions, the DNR offers these comments on the various alternatives presented in the FFS:

Floodplain Alternatives

The DNR may be able to accept alternatives that include a combination of the following:

- Alternatives using DNR's proposed cleanup levels (identified as PRGs in the FFS). This information was relayed to Beazer in the DNR's June 24, 2020 memo by letter dated July 30, 2020 discussing cleanup levels.
- Alternatives utilizing removal, active treatment, capping, or some combination of proven technologies to address site contamination, with a preference for maximizing removal to reduce the need for continuing obligations and the scope of financial assurance for corrective action.

The DNR is unable to accept options that rely on unproven remedial action technologies or implementation of technologies that will not meet the evaluation criteria contained in Wis. Admin. Code § NR 722.07:

- Alternatives utilizing the site-specific recreator cleanup levels not approved by DNR (FP1c through FP4c) – as these alternatives are based on cleanup levels not approved by DNR and would not meet Wis. Admin. Code ch. NR 720 soil standards (see DNR's November 16, 2021 email). The DNR and Department of Health Services do not support fractional intake (or fraction property use as used in the FFS) proposed in the site-specific recreator cleanup levels presented in the FFS because they are not protective for site users.
- Alternatives utilizing the surficial application of activated carbon (FP1, FP5, FP6) – would not meet long-term effectiveness criteria per NR 722.07(4)(a)(1) since this is an unproven remediation technology used in the manner proposed in the FFS.
- Alternatives that only address surface soils (FP3, FP5) – would not meet long-term effectiveness criteria per NR 722.07(4)(a)(1).

Sediment Alternatives

The DNR has the following comments and concerns regarding the alternatives proposed for Sub-Area A:

- As we have stated, the DNR believes that removing sediments is a far more effective remedial alternative than capping. Capping alone will result in raising the elevation of the stream bed, which creates a heightened risk of failure of the remedial action, will result in significant operation and maintenance of the remedial action, and will require substantial financial assurance on behalf of Beazer to ensure monitoring and maintenance of the remedy into the future.
- DNR RR Program staff have discussed the conceptual approach proposed for the Sub-Area A sediment remedial action with DNR Waterways Program staff. The purpose of those discussions was first to determine if aspects of the proposed approach would not meet standards that protect the public rights and interests in Wisconsin's waterways. And second, to get feedback from Waterways Program staff on what information would be needed to review a potential permit application.

Waterways Program staff indicated that the DNR could theoretically approve a permit for a remedial alternative for Sub-Area A that involves placing fill in the stream channel to serve as a cover to mitigate further discharges of contaminants to the creek. However, specific design and engineering details and appropriate modeling results will be required and must meet state standards to receive the necessary permits. For example, an existing and proposed analysis should be conducted using channel-specific hydrology and hydraulics to show how the flood flow capacity of the channel would be affected.

Concerns that may prevent qualifying for permits include but are not limited to stream channelization, detrimental impacts to habitat, prevention of short- and long-term erosion, flood flow capacity, and impacts to riparian landowner rights. DNR Waterways staff identified wire mesh gabions as a potential concern given the proposed use for channel bottoms, the stone's size, and the wire mesh's life expectancy. Technical references will need to be provided to support the basis of the design. For example, stone structures could be prepared following stream restoration design guidelines in the U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) [National Engineering Handbook \(NEH\) Part 654](#) and [Technical Supplement 14k-Streambank Armor Protection with Stone Structures](#) or other acceptable guidelines.

Financial Assurance

As allowed by Wis. Stat. § 292.12(2)(d)2, the DNR intends to require proof of financial responsibility at sediment cleanup sites when the responsible party will utilize an engineering control as part of the remedy. In addition, the Department is authorized to require financial assurance for corrective action under Wis, Stat. § 291.37 and Wis. Admin. Code § NR 664.0101.

The DNR appreciates the opportunity to discuss moving forward with Sub-Area A and looks forward to continued discussions. Please contact me at Joseph.Graham@wisconsin.gov or by phone at (715) 292-4925 if you have any questions.

Sincerely,



Joseph Graham
Sediment Project Manager
Remediation and Redevelopment Program

CC: (transmitted via email)
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