



**We Energies**  
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May 14, 2019

Mr. Paul Grittner  
Contaminated Materials Management Specialist  
Remediation & Redevelopment Program  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, WI 53212-3128

**RE: Response to WDNR's April 11, 2019 Request for  
Additional Information for Request to Manage Solid Waste On-Site Under  
Wis. Admin. Code §NR718.12 and/or §NR718.15**

**Milwaukee Solvay Coke & Gas – MGP (ALT SF), 311 E Greenfield Ave,  
Milwaukee, WI  
DNR BRRTS Activity #: 02-41-466662; FID #: 241219880  
Wisconsin Gas LLC (d/b/a We Energies), U.S. EPA Docket No.: V-W-17-C-010**

Dear Mr. Grittner:

We Energies respectfully provides the following responses to Wisconsin Department of Natural Resources (WDNR) comments issued April 11, 2019 on the Request to Manage Existing Soil/Materials Piles, dated March 1, 2019 for the Milwaukee Solvay Coke and Gas Company Site, Milwaukee, Wisconsin.

Please note that this project is being conducted under an Administrative Settlement Agreement and Order on Consent (AOC) between United States Environmental Protection Agency (USEPA) and Wisconsin Gas LLC (d/b/a We Energies). Per Paragraph 56 of the AOC: *“No local, state, or federal permit shall be required for any portion of the Work conducted entirely on-site (i.e., within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the work, including studies, if the action is selected and carried out in compliance with Section 121 of CERCLA 42 U.S.C. § 9621.”* Therefore, as addressing these above ground stockpiles is required to complete the Work contemplated by the AOC, I am simply providing responses to the comments and request for additional information listed in your letter dated April 11, 2019.

For ease of review, comments/request for additional information are listed (in italics) followed by our response.

- 1. A description of where each waste pile that is proposed to be reused originated. State whether any of the waste or soil was consolidated from areas where there were known or suspected hazardous substance discharges. Are contaminant concentrations in the piles expected to be unevenly distributed because of this, or are the contaminant concentrations within each pile expected to be relatively homogenous such that the samples collected from the piles are expected to be representative?*

*While the DNR does typically require discrete samples to characterize material being managed under an exemption through NR 718.12 or 718.15, if contaminant concentrations within the piles are expected to be homogenous, composite sample would be considered acceptable in this case and would satisfy the requirements of NR 718.12(1)(e).*

**Response:** The brick fines and concrete fines piles were generated during the crushing of brick and concrete stockpiles, respectively, that were present on site and above grade. The bricks were tested for asbestos, and any paint on the concrete was tested for lead prior to crushing. We Energies proactively separated the fines from the material to be crushed by pre-screening to >2.0 inches given the potential for limited amounts of soil from the site to be included in the source stockpiles. Collection and crushing of these materials, for all intents and purposes, resulted in homogenization of the piles. The fines piles consist primarily of clean material (brick or concrete fines) as the source piles were above grade with limited contact with site soils. As such, the respective fines piles are significantly less impacted than site soils present in the areas where these materials will be placed.

The soil piles (Pile 39, Pile 59, SE Pile and SW Pile) were present on the site when We Energies acquired the site. Sampling of these pile included exploration of the piles using an excavator to assess whether the piles were homogeneous or heterogeneous and what if any materials should be sampled separately. The soils in each of the piles appeared to be homogeneous (i.e., similar color, grain size, no indications of staining, odor etc.) and heterogeneities were not present that warranted separate sampling within the respective soil pile.

- 2. Areas where waste material will be mixed in with other material undergoing in-situ soil stabilization needs to be identified on Figure 6, Pile Material Placement Locations.*

**Response:** The final boundaries of the in-situ soil stabilization have not been established, to date. USEPA, with technical input provided by Ms. Margaret Brunette, WDNR's Remediation and Redevelopment Program Project Manager, will approve the final in-situ soil stabilization boundaries as part of the AOC Removal Action Work Plan. As part of the in-situ soil stabilization process, we will document where each of the piles were placed.

- 3. A general approximation of when the excavation and reuse or disposal of the waste piles will begin and when the management of the material is expected to be completed.*

**Response:** The in-situ soil stabilization component of the Non-Time Critical Removal Action is expected to begin in May and will be completed by the end of December 2019.

*The DNR also makes the following requests regarding the storage and management of contaminated material at this site.*

- 1. It is unclear whether the waste piles are being stored in compliance with the solid waste rules in Wis.Admin. Code §§ NR 502.05 (1), (4), (6), (8), and (9). The DNR reminds you that contaminated soil and other solid waste material must be stored following the applicable portions of Wis. Admin. Code § NR 502.05 unless the site is exempt from these rules. The storage of approximately 7,200 cubic yards of waste at the site would not be eligible for an exemption through Wis. Admin. Code §§ NR 502.05(3)(j) or NR 718.05. The DNR understands that efforts are being made to remove the soil piles by reusing the material on site and by landfill disposal. If the waste is not being stored in compliance with the solid waste rules, the DNR would request that the material be managed*

*without delay to get the site into compliance. Furthermore, unless management of the material is imminent, the piles should be covered to prevent spreading of the contamination through wind or runoff.*

**Response:** Pile 39, Pile 59, the SE Pile and the SW Pile are not waste piles generated as part of work conducted by We Energies, they were existing on site at the time that We Energies acquired the property. Storm water controls, including silt fencing along the river and other areas where run-off may occur, a tracking pad and other storm water best management practices, were installed immediately after We Energies acquired the site and have been maintained since that time. Inspections of the storm water best management practices have been conducted on a weekly basis and after significant rain events (greater than 0.5 inches in a 24-hour period). Perimeter air monitoring has been installed at the site in anticipation of remedial activities. The piles will be incorporated into the Removal Action as part of remedial activities that will be conducted at the site in 2019 and the final disposition of pile will be documented.

- 2. Samples collected from the pile of brick fines and soil pile 59 identified naphthalene at concentrations greater than 5 mg/kg. Naphthalene at this concentration may pose a vapor intrusion risk to buildings or other potential receptors located within 30 feet of the material. To ensure that this material will not pose a vapor risk in the future, material from these piles must not be reused in locations of the site that are within 30 feet of a potential receptor. The material must be reused in a clearly defined location (such as the Brick Fines Placement Area depicted on Figure 6) so that the risk this contamination poses for the development of this property can be considered. The Request must be updated to identify where this material will be managed and confirm that reusing this material in these locations will comply with Wis. Admin. Code § NR 718.12(2)(b)8 and not cause a vapor action level in indoor air to be attained or exceeded.*

**Response:** We will ensure and document that the final deposition of the brick fines and Pile 59 will not be placed within 30 feet of a proposed structure.

- 3. The results of leach testing conducted on samples from the pile of concrete fines, soil pile 39 and soil pile 59, suggests that hazardous substances present in the waste may later impact groundwater. This material may be used within the in-situ soil stabilization area to address this risk. Other locations may be considered if an impermeable cap will be placed over the material after it is reused, and there is adequate separation between the material and the high groundwater level. The Request must be updated to identify where this material will be managed and confirm that reusing this material in these locations will comply with Wis. Admin. Code § NR 718.12(2)(b)8 and not cause a violation of a Wis. Admin. Code ch NR 140 groundwater quality enforcement standard.*

**Response:** The concrete fines pile and Pile 39 will either be placed beneath the proposed future building slab, beneath future paved parking areas or within areas that will undergo in-situ stabilization. Final disposition of these piles will be documented in the completion report.

We thank you for your thorough review of our NR 718 request and will incorporate your comments and input into the Removal Action for the site. Details such as the limits of the in-situ stabilization and final building and parking lot configuration are still being finalized, and therefore we cannot provide a figure that provides the exact location of the placement of materials as they relate to impervious surfaces and in-situ stabilization areas at this time. We will provide Ms. Margaret Brunette ongoing updates as these stockpiled materials are addressed and in-situ stabilization activities have been conducted that

demonstrate they were handled in accordance with our submittal and the guidance provided in your April 11, 2019 letter.

Should you have any questions, please don't hesitate to contact me at (414) 221-3948 or robert.paulson@wecenergygroup.com.

Sincerely,

A handwritten signature in black ink that reads "Robert Paulson". The signature is written in a cursive style with a long, sweeping underline.

Robert Paulson  
Principal Environmental Consultant

Cc: Ms Viral Patel – USEPA  
Ms Margaret Burnette – WDNR  
Ms Judy Fassbender – WDNR  
Robert Greco – We Energies