



February 10, 2022

Mr. Michael Kellogg
Director, Risk Management
Connell Limited Partnership
900 Haddon Hall Drive
Apex, NC 27502

Subject: Review of the Addendum (Revision 2) to the Remedial Action Options Report (RAOR) and Pre-Design Sampling Work Plan - Connell Aluminum Properties, LLC

Former Koppers Tar Plant and Wabash Alloys Site
9100 South 5th Avenue, Oak Creek, WI 53154
FID #: 241379050; BRRTS #: 02-41-553761
Connell VPLE BRRTS #: 06-41-560068

City of Oak Creek Utility Corridor Lot 1
9170 South 5th Avenue, Oak Creek, WI 53154
FID #: 341074470; BRRTS #: 02-41-561425

Dear Mr. Kellogg:

The Wisconsin Department of Natural Resources (DNR) has reviewed the submittal, *Addendum (Revision 2) to Remedial Action Options Report (RAOR) and Pre-Design Sampling Work Plan (Addendum R2)*, dated September 28, 2021 and prepared by Ramboll US Corporation (Ramboll). Addendum R2 was prepared to further address the DNR's letters dated October 25, 2017; June 10, 2020; and July 9, 2021.

The original *Remedial Action Options Report (RAOR)*, dated December 30, 2014 was submitted jointly by NRT (now Ramboll) and Tetra Tech on behalf of Connell Aluminum Properties, LLC (Connell) and Beazer East, Inc., respectively. Addendum R2 is intended to replace the January 11, 2021 *Addendum (Revision 1) to Remedial Action Options Report (RAOR) and Pre-design Sampling Work Plan (Addendum R1)* and the March 13, 2020 *Addendum to Remedial Action Options report (RAOR) and Pre-design Sampling Work Plan (Addendum)*. Ramboll is requesting approval of Connell's portion of the RAOR as described in Addendum R2.

Based on the additional information presented in Addendum R2, the DNR provides the following comments:

A. Defining Excavation Limits Under the Current Zoning:

- The Site Investigation Report dated January 13, 2014, states that the current zoning of the site is agricultural and that the future expected land use will be non-industrial. The remedial action for the site appears to have been designed to achieve the standards dictated by the proposed future land use (non-industrial) and not the current zoning. In 40 CFR 761.61(a)(1), the applicability of the self-implementing approach for the on-site cleanup and disposal of PCBs is discussed. It explicitly states that the self-implementing procedures may not be used to clean up grazing lands and vegetable gardens. While a cleanup level of 10 ppm with an approved cap may be appropriate

- for a high-occupancy self-implementing cleanup and disposal at a site zoned non-industrial, it is not appropriate for land zoned agricultural.
- With the current zoning in conflict with the proposed remedy (<10 ppm with TSCA cap), additional information is necessary to determine if the standards included in the RAOR and Addendum R2 can be approved for non-industrial zoning:
 - Please explain how and when the current zoning will transition to reflect the site's future intended use, or how this remedy satisfies federal and state regulations. You may reach out to U.S. EPA Region 5 (EPA) with questions about the zoning that would allow the current design to be approved (self-implementing, high occupancy with PCBs <10 ppm and a TSCA cap with agricultural zoning).

B. Extending and Defining the Cap Extent for PCBs and Arsenic Over RCLs (Western Area):

- Extend the residual contaminant level (RCL) lines to the property boundary to correspond to the cap boundary. Include a figure/map to illustrate that the RCL lines extend to the property boundary.

C. Determining the Degree and Extent of Contamination for PCBs, Arsenic and Mercury Over RCLs (Eastern Area):

- The following proposed soil boring locations are acceptable to the DNR:
 - Between soil borings B-52 and B-53 (i.e. SB749, SB750 and SB751 (two borings total).
 - East of soil boring SB744 (i.e. SB754)
 - South of soil boring SB745 (i.e. SB753)
 - Between soil borings SB-53 and SB745 (i.e. SB752)

Other DNR Comments:

- The areas of the site that have a combined remedial action proposed with Beazer should have a remedial action plan contingency in case Beazer does not move forward with their proposed remedy in a timely manner.
- The Waterways Program has indicated that the on-site wetlands can be disturbed to clean-up the contamination. Remedial options (excavation within the wetlands including confirmation samples and capping/filling of the wetlands with clean soil) will require wetland permits and mitigation credits may be needed.

Schedule:

- Submit a comprehensive RAOR, not an addendum, that includes all revisions and/or updates for the Connell proposed remedial action of the site, per Wis. Admin. Code § NR 722.13(1). Include a remedial action plan contingency in case Beazer does not move forward with their proposed remedy in a timely manner.
- Submit a remedial design plan per Wis. Admin. Code § NR 724.09.

The site is considered a "Type C" site under the One Cleanup Program Memorandum of Agreement (MOA) between the DNR and the EPA. Your request for a coordinated approval from the EPA is under review. The EPA will provide an expedited review of the updated RAOR once the DNR has reviewed it and determined that it is complete. The DNR will forward the complete RAOR with any comments to the EPA for review.

The DNR appreciates the efforts you are taking to investigate and to restore the environment at this site. If you have any questions regarding this letter, please contact me at 414.405.0752 or at eric.amadi@wisconsin.gov.

Sincerely,



Eric Amadi - Hydrogeologist
Remediation & Redevelopment Program
SER - Milwaukee Service Center

cc: Mike Bollinger - Beazer East, Inc. (electronic)
Mike Noel - TetraTech (electronic)
Julie Zimdars - Ramboll (electronic)
Larry Haskin - City of Oak Creek (electronic)