

From: McKnight, Kevin - DNR
Sent: Monday, June 13, 2022 9:12 AM
To: mjagemann@jagemannplating.com
Cc: Rob Hoverman; Beggs, Tauren R - DNR; Phelps, William L - DNR; Austin, Brian P - DNR; Haas, David J - DNR
Subject: Jagemann Plating Co Inc (BRRTS# 02-36-555544) Infiltration/Injection Temporary Exemption Approval
Attachments: 20220613_64_inject_infiltrate_appr.pdf

Mr. Jagemann,

Attached is the Infiltration/Injection Approval letter for the proposed pilot and full scale remedial injection events at this site. Please contact me with any questions regarding this approval letter.

Regards,

Kevin

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Kevin D. McKnight
Hydrogeologist - Remediation and Redevelopment Program Wisconsin Department of Natural Resources
Oshkosh Service Center
625 E CTY Y, Suite 700
Oshkosh WI 54901
Phone: 920-808-0170 (This is the number you should use to contact me from this point forward)
Kevin.McKnight@wisconsin.gov

dnr.wi.gov

Your message is ready to be sent with the following file or link attachments:

20220613_64_inject_infiltrate_appr

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June 13, 2022

Jagemann Plating Co., Inc.
Attn: Mike Jagemann
1324 S 26th Street
Manitowoc WI 54220
Via Email Mail Only to mjagemann@jagemannplating.com

Subject: Infiltration/Injection Temporary Exemption Request for
Jagemann Plating Co., Inc., 1324 S 26th Street, Manitowoc, WI
DNR BRRTS Activity #02-36-555544, FID #: 436041980
WPDES Permit Site ID: 83449

Dear Mr. Jagemann:

The purpose of this letter is to approve a temporary exemption for the injection of a remedial material into groundwater at the site identified above in accordance with Wisconsin Administrative (Wis. Admin.) Code § 140.28(5). The Wisconsin Department of Natural Resources (DNR) received a request for a temporary exemption to inject 3-D Microemulsion (3DME®, Sulfidated Zero-Valent Iron (S-Micro ZVI) and Bio-Dechlor Inoculum (BDI) into groundwater at the Jagemann Plating Co., Inc. site was received from your consultant, EnviroForensics, on May 26, 2022. The DNR also received a complete electronic Notice of Intent (eNOI) and Discharge Management Plan for the *Contaminated Groundwater from Remedial Action Operations* Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-0046566-07-0 on May 26, 2022. A review fee of \$700.00 was submitted on June 8, 2022. This temporary exemption approval is intended to provide assurances to Jagemann Plating Co., Inc. that the environmental cleanup being conducted in response to a discharge of hazardous substances on the site is being conducted in accordance with Wisconsin Statutes (Wis. Stat.) § 292.12.

The purpose of this injection plan is to pilot test a combination of chemical additives into the groundwater to reduce the mass of chlorinated volatile organic compounds (CVOCs) and hexavalent chromium in groundwater. A pilot test is planned in two small areas of the site in the vicinity of MW-1 and MW-14. A total of five injection points are proposed and injection will be performed at a depth of 5-15 feet below ground surface. Approximately 135 gallons of a S-Micro ZVI, 3DME and potable water mixture will be injected into each of the injection points. Groundwater monitoring at 1- and 3-months post injection will be performed to evaluate the effectiveness of the pilot test. If positive, a full-scale injection plan will be submitted in a Remedial Action Design Report (the site investigation is not currently complete for the site; therefore, any remedial work completed will be considered an interim action until the site investigation is finished).

DETERMINATION ON THE NR 812 INJECTION PROHIBITION

The proposed injection for remedial activity is approved by the DNR and is therefore not prohibited under Wis. Admin. Code § NR 812.05.

June 13, 2022

Jagemann Plating Co., Inc., Mike Jagemann
Infiltration/Injection Temporary Exemption Request
Jagemann Plating Co., Inc. BRRT# 02-36-555544

Page 2

NR 140 TEMPORARY EXEMPTION

DNR approval is granted to Jagemann Plating Co., Inc. for a temporary exemption in accordance with Wis. Admin. Code § 140.28(5) for the injection of 3DME®, S-Micro ZVI and BDI to groundwater on the Jagemann Plating Co., Inc. property, with terms and conditions. Based on the information provided, it appears the requirements for a temporary exemption for the injection of a remedial material for which a groundwater quality standard has not been established under Wis. Admin. Code § NR 140.28(1)(d) have been or will be met, in accordance with Wis. Admin. Code § NR 140.28(5)(c) and (d).

The expiration date of the temporary exemption shall be 4 years from the date of this letter. DNR approval is granted with the following terms and conditions:

A. Prerequisites for the DNR Granting a Temporary Exemption. Wis. Admin. Code § NR 140.28(5)(c):

1. The remedial action for restoring contaminated soil or groundwater, and any infiltrated or injected contaminated water and remedial materials, shall achieve the applicable response objectives required by Wis. Admin. Code § NR 140.24(2) or § NR 140.26(2) within a reasonable period of time.
2. The type, concentration and volume of substances or remedial material to be infiltrated or injected shall be minimized to the extent that is necessary for restoration of the contaminated soil or groundwater and be approved by the DNR prior to use.
3. Any infiltration or injection of contaminated water or remedial material into soil or groundwater shall not significantly increase the threat to public health or welfare, or to the environment.
4. No uncontaminated or contaminated groundwater, substance or remedial material shall be infiltrated or injected into an area where a floating non-aqueous liquid is present in the contaminated soil or groundwater.
5. There will be no expansion of soil or groundwater contamination, or migration of any infiltrated or injected contaminated water or remedial material, beyond the edge of previously contaminated areas, except that infiltration or injection into previously uncontaminated areas may be allowed if the DNR determines that expansion into adjacent, previously uncontaminated areas is necessary for the restoration of the contaminated soil or groundwater, and the requirements of Wis. Admin. Code § NR 140.18(1) will be met.
6. All necessary federal, state and local licenses, permits and other approvals are obtained and compliance with all applicable environmental protection requirements is required. Coverage under the *Contaminated Groundwater from Remedial Action Operations* WPDES General Permit No. WI-0046566-07-0 is required for this action.

B. Specific Requirements. Wis. Admin. Code § NR 140.28(6)(b) and (c):

1. The remedial materials to be injected to the groundwater shall be limited to 3DME®, S-Micro ZVI and BDI and clean water as needed.
2. The remedial material and injection project shall be as described in the May 26, 2022 Remediation Injection Request.
3. Jagemann Plating Co., Inc. shall notify the DNR of field activities no less than one (1) week before implementation.
4. In the monitoring plan, include screening for soil vapor as a best management practice.
5. Remediation progress reports shall be submitted with the semiannual progress reports. The progress reports shall include the groundwater monitoring results. The first report should be submitted not more than 180 days after the first injection. Recommendations as to the next phase of sampling and/or the need for additional treatment shall be included in a future report. This report shall be submitted as soon as the necessary information is available and must be submitted prior to the expiration date of this temporary approval.

June 13, 2022

Jagemann Plating Co., Inc., Mike Jagemann
Infiltration/Injection Temporary Exemption Request
Jagemann Plating Co., Inc. BRRT# 02-36-555544

Page 3

6. Any significant changes based on information from the injection groundwater monitoring reports or results shall be submitted to the DNR for approval prior to the changes being implemented at the site. This includes, but is not limited to, adjustments to the volume/mass of the media injected, additional injection points, number of injection events and/or changes in the type of remediation media used in the injection points.
7. Modifications to the sampling schedule may be requested.
8. In the event of future injection activities, the responsible party may apply for an extension of this approval. A request for an extension of this approval must be received by the DNR before the expiration date of the temporary exemption. Additional review fees may be required if significant changes are proposed in an extension request. Please contact the DNR for additional information.
9. Any extension approvals will be dependent on DNR review of site-specific data or any other information it deems necessary.
10. Upon completion of the project, the injection holes must be abandoned in accordance with Wis. Admin. Code § NR 141.25 and later topped off with grout or native soils if settling occurs, unless converted to Wis. Admin. Code ch. NR 141 compliant monitoring wells, or an alternative method approved by the DNR project manager.
11. Monitoring Conditions:
 - a. The actual volume injected must be recorded on an hourly basis for each day of the project.
 - b. The baseline monitoring must be performed prior to the first injection event, for the following groundwater parameters, at the following wells:
 - i. Volatile organic compounds (VOCs), hexavalent chromium, total chromium, methane, ethane/ethene, total organic carbon, dissolved oxygen, electrical conductivity, pH, temperature, total dissolved solids, and oxygen reduction potential.
 - ii. at monitoring wells: MW-1 and MW-14.
 - c. After completion of the injection phase of the remedial action (between 30 to 40 days), all monitoring wells shall be sampled for the parameters listed in 11.b.i. Post-injection sampling for hexavalent chromium and/or total chromium is only needed if found during the baseline monitoring.
 - d. A site-specific Health and Safety Plan shall be followed.
 - e. The injection shall be performed at less than 100 pounds per square inch (psi) at a rate which prohibits solution mounding in the aquifer and plume disfigurement.

Failure to adhere to the terms and conditions of this temporary exemption may result in the DNR requiring revisions to the remedial action design, operation or monitoring procedures, or the revocation of this temporary exemption approval and the implementation of an alternative remedial action to restore soil or groundwater quality.

WPDES PERMIT APPROVAL

The DNR determined that the proposed injection/infiltration discharge to groundwater from Jagemann Plating Co., Inc., located at 1324 S 26th Street in Manitowoc, Wisconsin, is eligible for coverage and is hereby authorized under the *Contaminated Groundwater from Remedial Action Operations* WPDES General Permit No. WI-0046566-07-0. This determination was based on review of a complete eNOI and discharge management plan submitted by Brian Kappen, EnviroForensics, Inc., and received on May 26, 2022. Download the permit and fact sheet from the DNR General Permits web page at dnr.wisconsin.gov/topic/Wastewater/GeneralPermits.html.

The DNR is also approving the discharge management plan that was submitted with the eNOI in accordance with the *Contaminated Groundwater from Remedial Action Operations* WPDES General Permit No. WI-0046566-07-0. The discharge management plan satisfies the requirements in Section 3 of the general permit.

June 13, 2022

Jagemann Plating Co., Inc., Mike Jagemann
Infiltration/Injection Temporary Exemption Request
Jagemann Plating Co., Inc. BRRT# 02-36-555544

Page 4

The proposed injection/infiltration discharge to groundwater is eligible for coverage and is hereby authorized under the *Contaminated Groundwater from Remedial Action Operations* WPDES General Permit No. WI-0046566-07-0 in accordance with Wis. Admin. Code § NR 205.08, subject to the following general permit conditions:

1. **Coverage Effective Date:** Coverage at your facility will become effective under this permit upon the date of this letter until permit coverage termination, revocation or reissuance of the general permit. This permit applies only to the discharge activities and sites described in the eNOI for the above referenced project.
2. **Discharge Management Plan:** The permittee shall operate consistent with the approved discharge management plan. A copy of the discharge management plan shall be retained by the permittee and this plan shall be made available upon DNR inspection or submitted to the DNR upon request. Permittees shall notify the DNR when the discharge management plan is amended to determine if the amendment requires DNR approval.
3. **Reporting:** The permittee is exempt from monitoring and reporting under this general permit and shall follow the terms and conditions of the remedial action plan approval under Wis. Admin. Code ch. NR 724 and the temporary exemption granted under Wis. Admin. Code § NR 140.28(5).
4. **Coverage Termination:** Once the project is completed, please complete and submit a *Notice of Termination* (Form 3400-221) to the DNR, available at dnr.wi.gov/topic/wastewater/GeneralPermits.html.
5. **Change of Authorized Representative:** If you plan on changing the authorized representative contact for the facility or you want to assign a new person to be a duly authorized representative to submit specific permit documents on your behalf, please complete and submit a *Delegation of Signature Authority* (Form 3400-220) to the DNR, available at dnr.wi.gov/topic/wastewater/GeneralPermits.html.
6. **Facility Changes:** If there have been or will be any changes in facility operations that result in new or different wastewater discharges to the waters of the state, please contact the DNR consistent with Section 7.1.6 of the general permit. If reapplication is necessary, please complete a notice of intent (NOI) form for the applicable general permit to verify that your discharge is eligible for that general permit. NOI forms are available at dnr.wi.gov/topic/wastewater/GeneralPermits.html.
7. **Compliance with Permit Conditions:** You are responsible for compliance with the general permit requirements and conditions listed above and all other applicable requirements and conditions contained in the general permit. **To assure you remain in compliance and avoid any enforcement action, please carefully read the general permit.**

LEGAL AUTHORITIES AND APPEAL RIGHTS FOR WPDES GENERAL PERMIT

Wis. Stat. § 283.35(1) authorizes the DNR to issue a general permit applicable to a designated area of the state authorizing discharges from specified categories or classes of point sources located within that area. Upon the request of the owner or operator of a point source, the DNR shall withdraw the point source from the coverage of a general permit and issue an individual WPDES permit for that source in accordance with Wis. Stat. § 283.35(2). Additionally, the DNR may withdraw a point source from the coverage of a general permit and issue an individual WPDES permit if that source meets any of the factors listed in Wis. Stat. § 283.35(3). Issuance of such an individual permit will provide for a public comment period and potentially a public informational hearing and/or an adjudicatory hearing. In lieu of general permit withdrawal, the DNR may refer any violation of a general permit to the Department of Justice for enforcement under Wis. Stat. § 283.91, pursuant to Wis. Stat. § 283.89. To remain in compliance and avoid any enforcement action, please read your permit carefully.

To challenge the reasonableness of or necessity for any term or condition of an issued, reissued or modified general permit, Wis. Stat. § 283.63 and Wis. Admin. Code ch. NR 203 require that you file a verified petition for

June 13, 2022

Jagemann Plating Co., Inc., Mike Jagemann
Infiltration/Injection Temporary Exemption Request
Jagemann Plating Co., Inc. BRRT# 02-36-555544

Page 5

review with the Secretary of the Department of Natural Resources within 60 days after notice of the permit decision was issued by the DNR. For other permit-related decisions, such as the decision to confer general permit coverage to your facility, that are not reviewable pursuant to Wis. Stat. § 283.63, it may be possible for permittees or other persons to obtain an administrative review pursuant to Wis. Stat. § 227.42 and Wis. Admin. Code § NR 2.05(5) or a judicial review pursuant to Wis. Stat. § 227.52. If you choose to pursue one of these options, you should know that Wisconsin Statutes and Administrative Code establish time periods within which requests to review DNR decisions must be filed.

If you have questions regarding this letter, please contact me at (920) 808-0170 or Kevin.McKnight@wisconsin.gov.

Sincerely,



Kevin D. McKnight
Hydrogeologist/Project Manager, Northeast Region
Remediation & Redevelopment Program

cc:

Tauren Beggs, DNR, Remediation & Redevelopment Program – Tauren.Beggs@wisconsin.gov

Rob Hoverman, EnviroForensics, LLC – rhoverman@enviroforensics.com

Brian Austin, DNR, Drinking and Groundwater Program - Brian.Austin@wisconsin.gov

Bill Phelps, DNR, Drinking and Groundwater Program - William.Phelps@wisconsin.gov

David Haas, DNR Water Quality Program – David.Haas@wisconsin.gov