



March 24, 2021

Mr. Jeffrey B. Groy,  
Vice President, Senior Counsel/Environmental  
ViacomCBS Inc.  
2 East Mifflin Street, Suite 200  
Madison, WI 53703

**Subject:** Reported Contamination at the Munger Landing Site, St. Louis River, Superior, Wisconsin  
DNR BRRTS Activity #02-16-580678

Dear Mr. Groy:

On May 2, 2019, Crague Biglow of the Minnesota Pollution Control Agency (MPCA) notified the Wisconsin Department of Natural Resources (DNR) that a discharge of a hazardous substance was detected at the remedial action site described above. More specifically, the MPCA provided information indicating that Westinghouse Electric Corporation operated a motor and transformer repair facility in Duluth, Minnesota from 1953-1986 which discharged hazardous substances including PCBs and other contaminants to the environment.

Information available to the DNR indicates ViacomCBS, as successor to Westinghouse Electric Corporation, is responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as "contamination") on the Wisconsin portion of the above-described site. The upland discharges migrated through surface water drainages and/or municipal sewer lines to the St. Louis River, contaminating sediments on the Minnesota and Wisconsin sides of the state boundary. "Site" refers to the property where the contamination occurred and any other property it has migrated to, including that portion of the site on the Wisconsin side of the boundary between Minnesota and Wisconsin, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03 (56).

The DNR has been working with MPCA and the U.S. Environmental Protection Agency's Great Lakes National Program Office (GLNPO) on a Great Lakes Legacy Act (GLLA) project to address the sediment contamination at the Munger Landing site. The DNR understands that MPCA and GLNPO have been in discussions with ViacomCBS about potentially becoming a partner in the GLLA project.

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs to investigate and clean up the contamination.

### **Legal Responsibilities:**

Persons meeting the definition of "responsible party" under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes ("Wis. Stat.") ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for

emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

### **General Recommendations for Responsible Parties:**

The DNR recommends that you:

#### *1. Hire a Qualified Environmental Consultant*

The DNR understands that you have retained Ramboll US Consulting, Inc. (Ramboll) to provide environmental consulting on the project. Hiring a consulting firm with staff that have the appropriate state of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin's technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967) at <https://dnr.wi.gov/files/pdf/pubs/rr/rr967.pdf>.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

### **Required Steps to Take and Documents to Submit:**

Given the work already completed under the GLLA project to this point, the steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m).

1. **Scoping – NR 716.07**: The law requires that you appropriately scope your site investigation. For additional assistance, the DNR has extensive guidance on its website at [dnr.wi.gov](http://dnr.wi.gov), search “site investigation scoping.”

Per Wis. Admin. Code § NR 716.07, site investigation scoping should include an evaluation of the history of the site or facility, including industrial, commercial or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. PCBs, dioxin-furan compounds, mercury, and emerging contaminants, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

2. **Site Investigation Report – NR 716.15**: The DNR understands that Ramboll is conducting field investigations of potential source areas and transport routes in the upland area of Minnesota as part of ViacomCBS' contribution under the current GLLA project. The GLLA project allowed the DNR to review

and comment on the workplan and quality assurance project plan for the upland investigation work. Ramboll is preparing an Upland Area Investigation Report (RI Report). The DNR expects that the RI Report, when considered along with the sediment investigation work by GLNPO and MPCA, may be functionally equivalent to a site investigation report for the contaminated sediment under NR 716.15.

3. **Remedial Actions Options Report – NR 722**: Chapter NR 722 establishes minimum standards for identifying and selecting remedial actions and requires the preparation of a RAOR. The MPCA completed a feasibility study for contaminated sediments for the site in August 2019. In cooperation with DNR, the MPCA obtained public input on the cleanup alternatives and then issued a decision on January 13, 2020 for the removal of contaminated sediments, including those under DNR BRRTS activity # 02-16-580678. The DNR understands that the submittals MPCA prepared in cooperation with DNR could be functionally equivalent to a RAOR under ch. NR 722.
4. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724. It is the DNR’s understanding that submittals prepared for the cleanup of contaminated sediments at the site as part of the proposed GLLA project could be functionally equivalent to the submittals required under ch. NR 724.
5. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).
6. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

### **Submittals required under Wis. Admin. Code chs. NR 700-799**

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- Ch. NR 708 reports and documentation for any immediate or interim actions.
- Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- Ch. NR 716 work plan(s) and site investigation report.
- Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- Ch. NR 700 semi-annual site progress reports starting six months after notification.

**Additional Information:**

The DNR tracks information on all cleanup sites in a DNR database available at [dnr.wi.gov](http://dnr.wi.gov), search “BOTW.” The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Joe Graham  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
810 W. Maple St.  
Spooner, WI 54801  
[Joseph.Graham@Wisconsin.gov](mailto:Joseph.Graham@Wisconsin.gov)

To speed up processing, your correspondence should reference the BRRTS number listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://dnr.wi.gov), search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

Please visit the DNR’s Remediation and Redevelopment Program web page at [dnr.wi.gov](http://dnr.wi.gov), search “Brownfields” for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please call the DNR Project Manager Joe Graham at 715-292-4925 for more information.

Thank you for your cooperation.

Sincerely,



Joseph Graham  
Contaminated Sediments Expert - Remediation & Redevelopment Program  
Northern Region

cc: Todd Renville – Ramboll  
Crague Biglow – MPCA  
Brad Leick – MPCA  
Scott Cieniawski – GLNPO