

McIlheran, Adam S - DNR

From: McIlheran, Adam S - DNR
Sent: Friday, December 1, 2023 8:40 AM
To: Thompson, Chris; jgrimes@dermody.com
Cc: Grittner, Paul V - DNR; Brunette, Margaret M - DNR; Prager, Michael A - DNR; Alessi, Timothy G - DNR
Subject: Clarification of NAR/GLC Letter for LogistiCenter East Soil Pile, 8000 95th Street, Pleasant Prairie, WI - BRRTS#07-30-586163

Tracking:	Recipient	Delivery
	Thompson, Chris	
	jgrimes@dermody.com	
	Grittner, Paul V - DNR	Delivered: 12/1/2023 8:40 AM
	Brunette, Margaret M - DNR	Delivered: 12/1/2023 8:40 AM
	Prager, Michael A - DNR	Delivered: 12/1/2023 8:40 AM
	Alessi, Timothy G - DNR	Delivered: 12/1/2023 8:40 AM

Chris,

Regarding the points you discussed in your 11/28/2023 email:

Since this is a general liability clarification letter, the DNR will not modify the language of the letter.

The WE Energy 2020 NAR request concluded that a discharge had not occurred because the sulfate concentrations present were shown to be naturally occurring. The DNR concurred with the reasoning for the presence of sulfate.

For the soil data presented in this NAR request, the DNR determined that metals detected in soil samples from the east soil pile at concentrations at or near BTV (based on typical soil conditions in Kenosha County) are naturally occurring and not representative of a discharge. However, not all metals detected in the east soil pile samples were at levels indicative of native conditions and none of the PAHs are considered naturally occurring, being attributed to past site use such as the farm use and structures. The presence of these non-naturally occurring contaminants in the environmental is considered to be the result of a discharge.

The DNR does not conclude that soil contamination is only present in portions of the pile where samples identified it. However, based on the concentrations of non-naturally occurring contaminants and the proportion of material impacted by a discharge to the entire volume of the soil pile (as shown by the data provided), the amount of contamination appears to be relatively insignificant and does not warrant a site investigation.

As indicated in the letter, DNR agrees that the proposed management of the material in the ROW is appropriate for the material present. The NAR determination does not provide concurrence with soil characterization or approval of an exempt soil determination for future soil management purposes. As PAH and metal contamination is present in the pile, a reminder of soil management responsibilities is included in the letter.

Regarding the older discharge notification form and the use of "P" for potential impacts: a "P" would mean there were no known impacts to that particular media. In this case there were known impacts of PAHs/metals to soil at concentrations above soil RCLs from the lab reports, so a "K" would have been appropriate. The most recent version of the discharge notification form 4400-225 should be used when reporting a discharge.

If further liability clarification or other technical assistance is desired a technical assistance request form 4400-237 and supporting documentation relating to the request can be submitted with a fee. We are available for any questions regarding submittal of a liability clarification or technical assistance request.

Regards,

Adam

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Adam McIlheran

Hydrogeologist – Remediation & Redevelopment Program

Wisconsin Department of Natural Resources

Southeast Region, Milwaukee Service Center

1027 West St. Paul Avenue

Milwaukee, WI 53233

Phone: (414) 207-2179

Adam.McIlheran@wisconsin.gov



dnr.wi.gov

