

## Graham, Joseph R - DNR

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**From:** Graham, Joseph R - DNR  
**Sent:** Thursday, October 17, 2024 5:02 PM  
**To:** TeBeest, Sharlene - DOT  
**Cc:** Todd Renville; Cronk, Amy L - DNR; Saari, Christopher A - DNR; Graham, Joseph R - DNR; Neitzel, Grant D - DNR  
**Subject:** Reported Sediment Contamination in Howards Bay, Blatnick Bridge, BRRTS # 02-16-595287  
**Attachments:** 20241017\_2\_Blatnik Sediment\_RP\_LTR .pdf

Hello Shar,

It was good speaking with you this afternoon. Attached is the letter for the portion of the Blatnik Bridge over Howards Bay that I mentioned.

Please let me know if you have questions or need anything else.

Sincerely,

**Joe Graham**

Sediment Project Manager  
Wisconsin Department of Natural Resources  
Cell Phone: (715) 292-4925  
[joseph.graham@wisconsin.gov](mailto:joseph.graham@wisconsin.gov)



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October 17, 2024

Wisconsin Department of Transportation  
Attn: Sharlene Te Beest  
P.O. Box 7965  
Madison WI 53707  
{Sent by Email to [Sharlene.TeBeest@dot.wi.gov](mailto:Sharlene.TeBeest@dot.wi.gov) }

Subject: Reported Contamination at WI DOT – Blatnik Bridge Sediment  
Interstate Highway 535, Superior, Wisconsin  
BRRTS # 02-16-595287 / FID # 816134660  
WisDOT Project ID 1199-00-08

Dear Ms. Te Beest:

In 2020 and 2021, the Wisconsin Department of Natural Resources (DNR), U.S. Environmental Protection Agency, and Fraser Shipyards collaborated under the Great Lakes Legacy Act (GLLA) and with the U.S. Army Corps of Engineers to remediate contaminated sediment in and around the federal navigation channel in Howards Bay (GLLA Sediment Cleanup) ([BRRTS #02-16-563449](#)). To meet requirements for remedial action under the GLLA, the DNR evaluated sources of sediment contamination and identified historical stormwater runoff from the Interstate 535 bridge (Blatnik Bridge) as a source of sediment contamination in Howards Bay ([WDNR 2015](#)).

The construction of the Blatnik Bridge in the 1960s resulted in the narrowing of the cross-section of the federal navigation channel maintained by dredging in Howards Bay and the establishment of dredging offsets from the Blatnik Bridge piers. The GLLA Sediment Cleanup excluded the areas of the dredging offsets to the ordinary high-water mark on the shoreline of Howards Bay, which resulted in leaving contamination in place due to the bridge presenting a structural impediment to remedial dredging (see attached Figure 10C).

On August 8, 2024, the DNR received the *Blatnik Bridge Project Sediment Investigation Report* (Original Submittal), prepared on behalf of the Minnesota Department of Transportation and Wisconsin Department of Transportation (WisDOT) by Ramboll Americas Engineering Solutions, Inc. (Ramboll). DNR requested additional information and offered comments on the Original Submittal in a series of emails and discussed these with Ramboll. Ramboll provided the requested information and addressed the DNR comments in a revised *Blatnik Bridge Project Sediment Investigation Report* dated September 4, 2024 (Report). Amy Cronk, DNR Transportation Liaison, received the Report from WisDOT on September 25, 2025. The Report summarizes sediment and surface water investigation activities completed within potential future construction areas in the St. Louis Bay and Howard's Pocket (Howards Bay) waterbodies in preparation for the Blatnik Bridge reconstruction project.

The Report includes analytical results from sediment samples collected from Howards Bay with maximum detections of total polycyclic aromatic hydrocarbons (tPAH), lead, mercury, and tributyltin (TBT) that are consistent with the discharge of a hazardous substance (Wisconsin Statutes ([Wis. Stats.](#)) § 292.01(5)) and exceed the cleanup levels for the GLLA Sediment Cleanup ([Arcadis 2023](#)) and Wisconsin's sediment quality guidelines on which they were based ([DNR 2003](#)). These substances in sediment also contribute to beneficial use impairments in the St. Louis River ([MPCA and DNR 2024](#)). The reconstruction of the bridge alters or removes, at least temporarily, the structural impediment and nullifies assumptions regarding the recontamination of Howards

Bay due to the potential resuspension of contaminated sediment in the offset areas. Sediment resuspension is a significant concern within Howards Bay during the construction of the marine pier stems for bridge replacement and the associated installation, operation, maintenance, and removal of anticipated temporary works (e.g., rock causeways and trestles). Therefore, the DNR considers the WisDOT to be in possession or control of a hazardous substance discharge or other environmental pollution (contamination) within the dredging offset areas for the Blatnik Bridge over Howards Bay (Site). As such, you are responsible under Wis. Stat. ch. 292 for the investigation and cleanup of the contamination at the Site.

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 the environment 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. 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 WisDOT has hired Ramboll as its environmental consultant. Ramboll is experienced in contaminated sediment remediation, knowledgeable of DNR requirements, and should be able to assist you in meeting the regulatory deadlines listed below. Please notify us if you change consultants in the future.

#### *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).

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:**

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 and Work Plan Submittal –and Site Investigation Report – NR 716:** Ramboll prepared and submitted the following work plan and subsequent work plan addendums to the DNR for the Blatnik Bridge Project; *July 7, 2022, Early Sediment and Analysis Plan, August 26, 2022, Early Sediment Sampling and Analysis Plan – Amendment 1, and July 23, 2023 Sediment Sampling and Analysis Plan – Amendment 2.* As stated above, the DNR received a revised *Blatnik Bridge Project Sediment Investigation Report* dated September 4, 2024. Following the review of these submittals, DNR has determined that they essentially satisfy the requirements for the first steps in the process under Wis. Admin. Code ch. NR 716, with at least one exception. It is not clear that site investigation scooping adequately addressed emerging contaminants. Emerging contaminants discharged to the environment, 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. **Remedial Actions Options Report – NR 722:** Within 60 days of submitting the Site Investigation Report (SIR), the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09(2m). This may be submitted as part of a broader SIR.
3. **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.
4. **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 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).
5. **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 work completed over the previous 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.

**Items required for Case Closure under Wis. Admin. Code chs. NR 700-799:**

The items below must be submitted for DNR review and approval, as applicable, prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

1. Ch. NR 708 reports and documentation for any immediate or interim actions.
2. Ch. NR 712 professional certifications and signatures are included with applicable submittals.
3. Ch. NR 716 work plan(s) and site investigation report.
4. Ch. NR 722 remedial action options report (except Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
5. Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
6. 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.
7. Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
8. Ch. NR 749 fees have been paid, as applicable, including closure and database fees.

**Additional Information:**

The DNR tracks information on all cleanup sites in a DNR database available at [dnr.wi.gov](http://dnr.wi.gov) by searching “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:

Wisconsin Department of Natural Resources  
Remediation and Redevelopment Program  
Attn: Joe Graham  
810 West Maple Street  
Spooner, Wisconsin 54801  
[Joseph.Graham@wisconsin.gov](mailto:Joseph.Graham@wisconsin.gov)

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) 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 found at [dnr.wi.gov](http://dnr.wi.gov) by searching “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 by visiting [dnr.wi.gov](http://dnr.wi.gov), searching “RR contacts”, and selecting the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

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

If you have questions or would like to discuss the situation, please contact me by phone at (715) 292-4925 or email at [Joseph.Graham@wisconsin.gov](mailto:Joseph.Graham@wisconsin.gov) for more information.

Thank you for your cooperation.

Sincerely,



Joe Graham  
Sediment Project Manager  
Remediation & Redevelopment Program

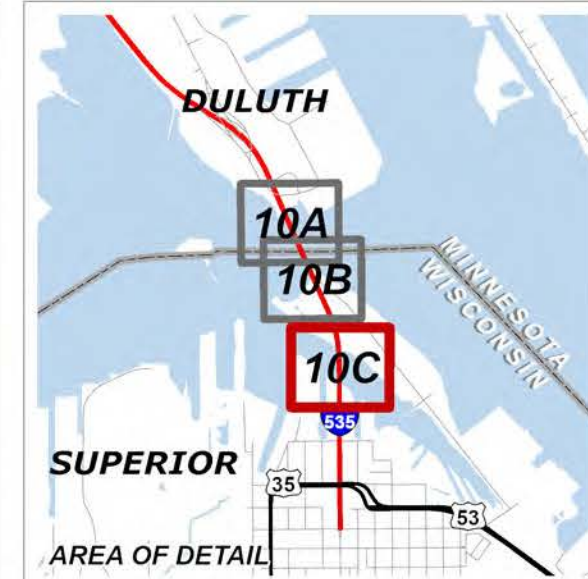
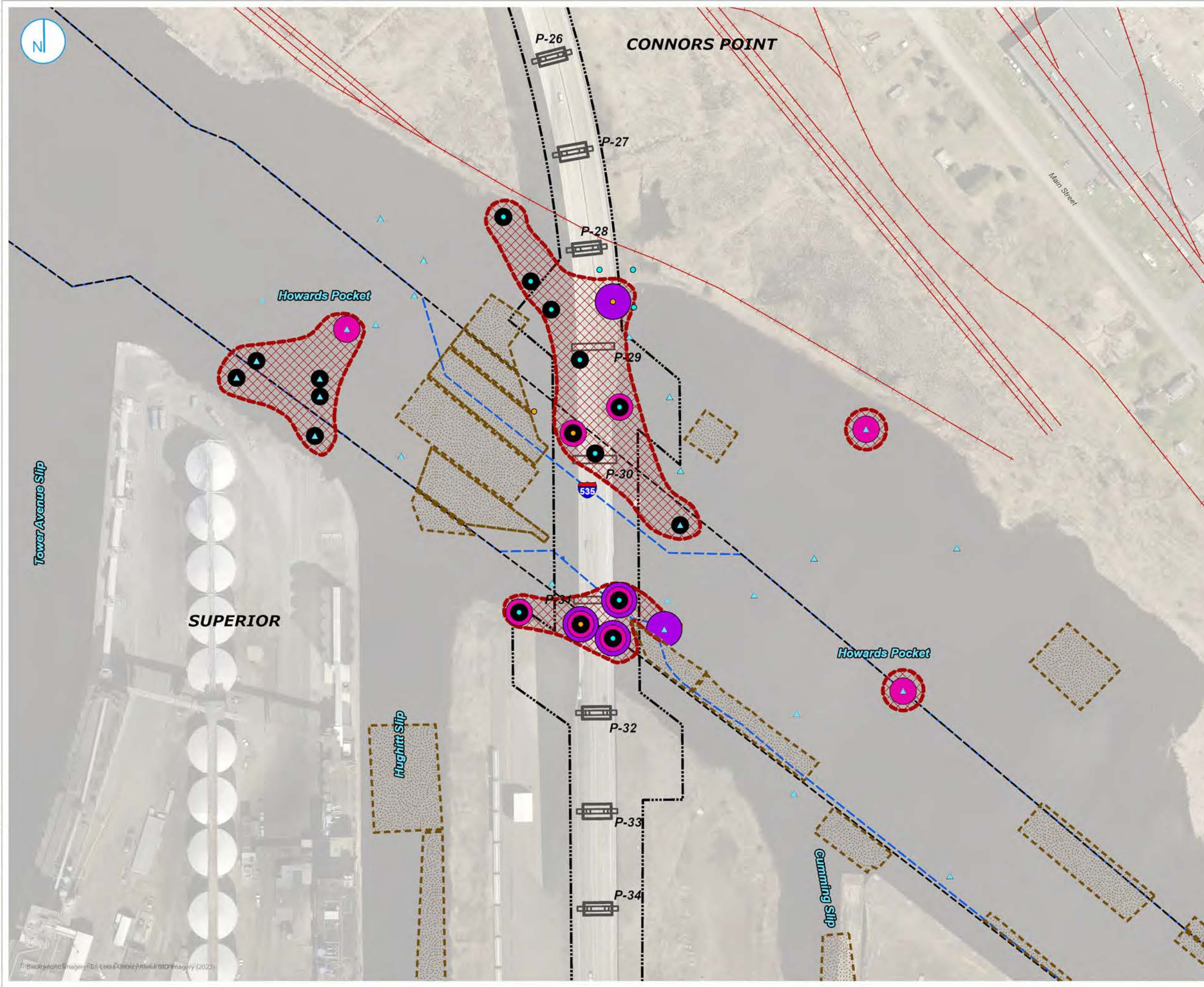
Attachment: Figure 10C, *Inferred Extent of TBT, tPAH, and Metals in Sediment Above WDNR CBSQG Thresholds-Howards Pocket, 1535 Blatnik Bridge, Blatnik Bridge Project Sediment Investigation Report, Ramboll, September 4, 2024.*

cc: Todd Renville – Ramboll  
Amy Cronk – DNR/Spooner  
File BRRTS # 02-16-595287

On-line Resources:

DNR fact sheets can be obtained by visiting the DNR website at [dnr.wi.gov](http://dnr.wi.gov) and searching the DNR publication number (RR-xxx). For information on general permits, search using “wastewater general permits.”

- [RR-0124, Addressing Contaminated Sediment Sites in Wisconsin](#)
- [RR-0115, Contaminated Sediment Fact Sheet](#)



- Sediment Sample Location - Ramboll Completed
  - Sediment Sample Location - Completed as Geotechnical SPT Boring
  - ▲ WDNR Sample Location
- Consensus Based Sediment Quality Guidelines (CBSQGs) Midpoint Effect Concentration Exceedance**
- Tributyltin >0.00173 mg/kg
  - Lead Concentration >83 mg/kg
  - TPAH >12.205 mg/kg
  - ▲ Inferred Extent of WDNR CBSQG Exceedances
  - Previous Remedial Dredge and/or Sand Cover Area
  - Federal Navigation Channel
  - Dredge Limit
  - Inplace R/W
  - Existing I535 Blatnik Bridge Water Based Pier Location (P-XX)
  - Existing I535 Blatnik Bridge Pier Location (P-XX)
  - ~ Former Rail Line



**INFERRED EXTENT OF TBT, tPAH, AND METALS IN SEDIMENT ABOVE WDNR CBSQG THRESHOLDS-HOWARDS POCKET I535 BLATNIK BRIDGE**


  
**Duluth, Minnesota & Superior, Wisconsin**  
**Trunk Highway I535**  
 WisDOT ID 1199-00-08 & MnDOT SP 6981-26  
 St. Louis County, MN & Douglas County, WI