



August 12, 2021

(Via Email)

Mr. Greg Prom
Minnesota Power / Allete, Inc.
30 West Superior Street
Duluth, MN 55802

Subject: Response to May 21, 2021 SWL&P Letter to DNR
Superior Water Light and Power MFG PLT
Winter St. and USH 53, Superior WI
DNR BRRTS ID: 02-16-275446

Dear Mr. Prom:

The Wisconsin Department of Natural Resources (DNR) has reviewed the May 21, 2021 submittal by SWL&P and Foth discussing the DNR comments on the 60% Remedial Action Design Report. The DNR's general comments concerning SWL&P's selected remedial action are below and have been previously expressed, including specific comments, in correspondence to you dated January 28, 2021 and April 16, 2021. In the interest of moving this project along, please consider this letter your notice to proceed to the 90% design with the understanding that the Superior Water Light and Power MFG PLT (Site) remedial action will be reviewed against all applicable requirements of Wis. Adm. Code for determination of SWL&P's compliance with its responsibility under Wis. Stats. ch. 292. The term "Site" in this letter is defined in Wis. Adm. Code § NR 700.03 (56).

Foth states throughout the May 21, 2021 correspondence that the proposed remedial action will remove a percentage of contaminant mass and removal of additional contaminant mass is neither technically nor economically feasible. Therefore, SWL&P and Foth are supplementing the proposed active remedial action (excavation, air sparging, and soil vapor extraction) with a performance standard for remaining contamination. Use of a performance standard carries with it the responsibility to conduct adequate monitoring to evaluate the effectiveness of the performance standard. Per Wis. Adm. Code § NR 720.08 (1), performance standards (including engineering and institutional controls) shall be established and maintained to ensure protection of human health and the environment.

The DNR requested, in its April 16, 2021 correspondence, additional groundwater monitoring locations to provide data to support SWL&P and Foth's claim that the proposed performance standard will remain protective into the future. In the May 21, 2021 correspondence SWL&P and Foth failed to agree to add all additional groundwater monitoring wells and piezometers requested by the DNR. Based on the information currently available, the DNR will be unable to give final approval of the proposed remedial action, and the DNR is unlikely to close this Site without installation of all requested monitoring wells and piezometers to monitor the remedial action.

As part of the January 28, 2021 DNR conditional approval of the Remedial Actions Options Analysis, the DNR required placement of continuing obligations on properties affected by Site contamination. To date the DNR has not received documentation that property owners have been notified of continuing obligations associated with contamination on their property. The DNR does not intend to give final approval of the remedial action plan without the property owner notifications given, continuing obligations applied, and posting of notifications to the DNR's BRRTS database.

The DNR agrees that removing contaminant mass combined with a performance standard may result in an improvement of site conditions. However, the DNR will be unable to close this Site and additional remedial action will be necessary if the proposed remedial action is not adequate to meet the requirements of Wis. Stats. ch. 292 or Wis. Adm. Code chs. NR700-NR758.

The DNR recommends SWL&P and Foth submit their 90% design report and include as much clarification and information as possible to support your chosen remedial action. Please contact me at john.sager@wisconsin.gov or (715) 919-7239 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sager". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Sager".

John Sager
Hydrogeologist
Remediation and Redevelopment Program

C: File
Chris Saari, Ashland
Judy Fassbender, Madison
Erin Hughes, Foth