

September 13, 2022

VIA EMAIL

Jamie Mehle
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Superior Water, Light & Power
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RE: City of Superior Comments on 100% Remedial Design
800 Hill Ave, Superior, WI 54880
BRRTS ID #02-16-275446

Mr. Mehle:

I am submitting these comments on behalf of the City of Superior (“City”) regarding Superior Water, Light & Power’s (“SWL&P”) proposed 100% Remedial Design for the Upland Area of the above mentioned BRRTS Site. The City appreciates the opportunity to review and discuss the proposed 100% Remedial Design. In follow up to our August 18th meeting, the City has the following remaining comments and areas for clarification.

First, the City continues to have concerns regarding language in Section 8.2 of the Field Sampling Plan that states as follows: “If confirmation samples from the sidewalls exceed the Industrial Soil D-C RCL, then additional soil may be excavated along the extents.” It is unclear, with use of the term “may”, whether additional soil *will* be excavated if samples exceed the Industrial Soil D-C RCL, or if there are circumstances in which additional excavation might not occur. During our August 18th meeting, SWL&P stated that the use of the term “may” is intended to address a scenario in which there is a structural impediment to further excavation. The City requests that this language be revised to clarify that if samples from the sidewalls of the excavation areas exceed the Industrial Soil D-C RCL, additional soil will be excavated unless structural impediments prevent such additional excavation, in which case SWL&P will evaluate other courses of action to ensure that the RAOs are met.

Second, during the August 18th meeting, SWL&P proposed using City property north of the City garage as an alternative location for a structure associated with the biosparge system that is currently proposed to be located on railroad property. The City would need to carefully review a detailed proposal for placement of this structure on City property before deciding whether it could approve such a proposal.

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Third, the City continues to have concerns regarding the proposed air monitoring in the City garage building and screen building. As we have previously discussed, the current industrial uses of this building could trigger false air monitoring readings. The City recommends that SWL&P use the proposed vapor monitoring points on the exterior of the City buildings and adjust monitoring as necessary, through consultation with the City, if monitoring results raise a concern with vapor levels.

Fourth, as previously mentioned, the City requests the right to have observers on site when work is being done in the ROW or in areas where City utilities are located. We anticipate that this request could be addressed in the anticipated access agreement.

Fifth, the City requests that SWL&P share with the City all sampling results from any sampling of air, water, soil, or other matrix that occurs on City property immediately following receipt of those results by SWL&P or its consultants.

Sixth, the City and SWL&P will need to have detailed discussions regarding timing, access, and equipment needed for the jack pit installation to ensure the City continues to have adequate notice and access to its facilities.

Finally, the City continues to have concerns regarding potential residual contamination on City Wastewater Treatment Plant property and Rights of Way. The City reiterates that SWL&P, as the responsible party, should remain responsible for any and all costs and other obligations associated with continuing obligations and residual contamination on City property. The City appreciates the open communication SWL&P has shown so far and continues to request notification of and the opportunity to review any revisions to remedial action design plans and documents regarding case closure prior to submittal of a request for case closure. We expect that SWL&P will continue to work with the City to develop a legally enforceable agreement regarding SWL&P's responsibilities for continuing obligations prior to case closure.

Sincerely,

STAFFORD ROSENBAUM LLP



Vanessa D. Wishart

cc: Todd Janigo, City of Superior, via email
Steve Roberts, City of Superior, via email
Frog Prell, City of Superior, via email
Chris Carlson, City of Superior, via email
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