State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

September 18, 2019

Mr. Troy Williams
CNH Industrial America LLC
3301 South Hoover Road
Wichita, KS 67215

Subject: Approval to Manage Contaminated Soil under Wis. Admin. Code § NR718.12 at A Different Site or Facility

Generating Property: CNH Sturtevant Plant, 2701 Oakes Road, Sturtevant, WI, BRRTS #: 09-52-584370, FID #: 252007690

Receiving Property: 801 24th Street, Mount Pleasant, WI
BRRTS #:02-52-000806 JI Case Tractor Plt – FS
BRRTS #:03-52-003919 JI Case Power House
BRRTS #:02-52-554251 CNH Tractor and Foundry Property Former
BRRTS #:02-52-583082 CNH Industrial Lakeside Property
FID #: 252004170

Dear Mr. Troy Williams:

On February 14, 2019, Julie Zimdars of O'Brien & Gere Engineers Inc. (OBG) submitted an exemption request on your behalf requesting to manage 3,000 cubic yards of contaminated soil CNH Industrial Lakeside Property in accordance with Wis. Admin. Code § NR 718.12. Supplemental information regarding this request was also provided on July 17, 2019. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

The proposed soil to be moved was generated during the replacement of a parking lot and the creation of a gravel storage lot. The generated soil was shown to have concentrations of Polycyclic Aromatic Hydrocarbons (PAHs) present in a small portion of the soil. An exemption through Wis. Admin. Code NR 718.12 has been requested to manage the contaminated soil off-site at CNH Industrial Lakeside Property where it will be used as backfill in a remedial excavation.

Wis. Admin. Code § NR 718.12 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stat. § 289 and Wis. Admin. Code §§ NR 500 to NR 538 for the proposed contaminated soil management activities. Approval of the exemption is based on the following:

Compliance with Locational Criteria

Managing contaminated soil in areas of the site or facility identified on Figure C-143B of the July 17, 2019 revised exemption request (Appendix K of the Remedial Action Options Report) will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c), with the exception of the following:

- Within 300 feet of any navigable river, stream, lake, pond or flowage;
- Within 3 feet of the high groundwater level; and
- At a depth greater than the depth of the original excavation from which the contaminated soil was removed.

Grant of exemption to Wis. Admin. Code § NR 718.12 (1) (c) (3)(5)(6)
In consideration of the limited PAH impacts in the soil, placement of soil at a property where Industrial Use soil standards will be applied, placement in an area where impacts below the Industrial Residual Contaminant Level (RCL) for direct contact are already present, and low likelihood of contaminants leaching to groundwater indicated by Synthetic Precipitation Leaching Procedure testing, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12 (1) (c) (3)(5)(6) and will allow placement of contaminated soil at the top of the bluff slope within 300 feet of Lake Michigan (Figure C-143B), within 3 feet of the high groundwater table and at a depth greater than the depth of the original excavation from which the contaminated soil was removed.

Characterization of Soil to be Excavated
Soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including PAHs, Volatile Organic Compounds (VOCs), metals and PCBs, from areas most likely to contain residual contamination. Based on an estimated volume of 3,000 cubic yards of soil, and a sampling frequency of 1 sample per 214 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) was met.

Submittal of a Soil Management Plan
A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12 (2) (b) and (c), was provided to the DNR.

Assessment of Risk Posed by Soil Management
The proposed management of contaminated soil at the CNH Industrial Lakeside Property is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

Notice Provided Prior to Commencing Soil Management Activities
Per Wis. Admin. Code § NR 718.12 (2), the DNR was provided with at least seven days' notice prior to commencing to proposed contaminated soil management.

Requirement of Continuing Obligations
The current owners of CNH Industrial Lakeside Property acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated soil on their property as proposed.

The current property owner of the CNH Industrial Lakeside Property, and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12 (2) (d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic, pre-arranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § NR 718.12 exemption meet the requirements of Wis. Admin. Code § NR 718.12 (2) (e) and are available in Portable Document Format (PDF) on the DNR's Bureau for Remediation and Redevelopment Tracking on the Web (BOTW) and RR Sites Map (RRSM), to provide public notice of remaining contamination and continuing obligations. Both BOTW and RRSM are available at dnr.wi.gov and search "WRRD".

More information on responsibilities related to continuing obligations can be found in the DNR publication "Continuing Obligations for Environmental Protection" (RR-819), which can be found at dnr.wi.gov, search "RR-819".

Please send written notifications in accordance with the following requirements to:

Wisconsin Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212-3128

Residual Soil Contamination

If contaminated soil that was managed as proposed in the revised exemption request is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the soil is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated soil may be managed in accordance with Wis. Admin. Code § NR 718, with DNR pre-approval obtained. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a hazard, and special precautions may be necessary to prevent a health threat to humans.

The location(s) where contaminated soil is proposed to be managed at CNH Industrial Lakeside Property is depicted on the attached Figure C-143B of the July 17, 2019 revised exemption request.

The DNR's approval prior to well construction or reconstruction is required *where contaminated soil was managed*, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program's regional water supply specialist. This form is available at dnr.wi.gov, search "3300-254".

Use of Industrial Land Use Soil Standards

Direct contact risk posed by contaminated soil managed under this exemption was assessed using residual contaminant levels for industrial land use. The DNR must be notified if the property land use will change from industrial use to a non-industrial land use per Wis. Admin. Code § NR 727.07 (3). Additional investigation and remediation may be required prior to the change in land use to ensure the site conditions are protective for the planned land use.

Other Information

1) Any hazardous substance discharge discovered during soil management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.

2) Soil management activities exempted by this letter are scheduled to be completed within six months of the request. Notify the DNR if this schedule will change.

3) Unless otherwise directed by the DNR, documentation of soil management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also comply with the requirements of Wis. Admin. Code § NR 724.15 (3). Documentation must include:

    a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05 (2) (e) 1.
    b. Owner contact and property location information for the CNH Industrial Lakeside Property.
    c. Maps, drawings, and cross sections that depict how contaminated soil was managed.
    d. A synopsis of the work conducted and an explanation as to how it complied with the soil management plan and the conditions in this exemption approval.
    e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
    f. Any field observations or results of monitoring conducted during the management activity.
    g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the CNH Industrial Lakeside Property.
    h. A revised cover maintenance plan, if needed.

    The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

4) This exemption is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the submitted July 17, 2019 revised exemption request. Any contaminated material that is excavated or otherwise disturbed at the CNH Lakeside Property, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.

5) CNH Industrial America LLC is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 02-52-000806, 03-52-003919, 02-52-554251, and 02-52-583082.

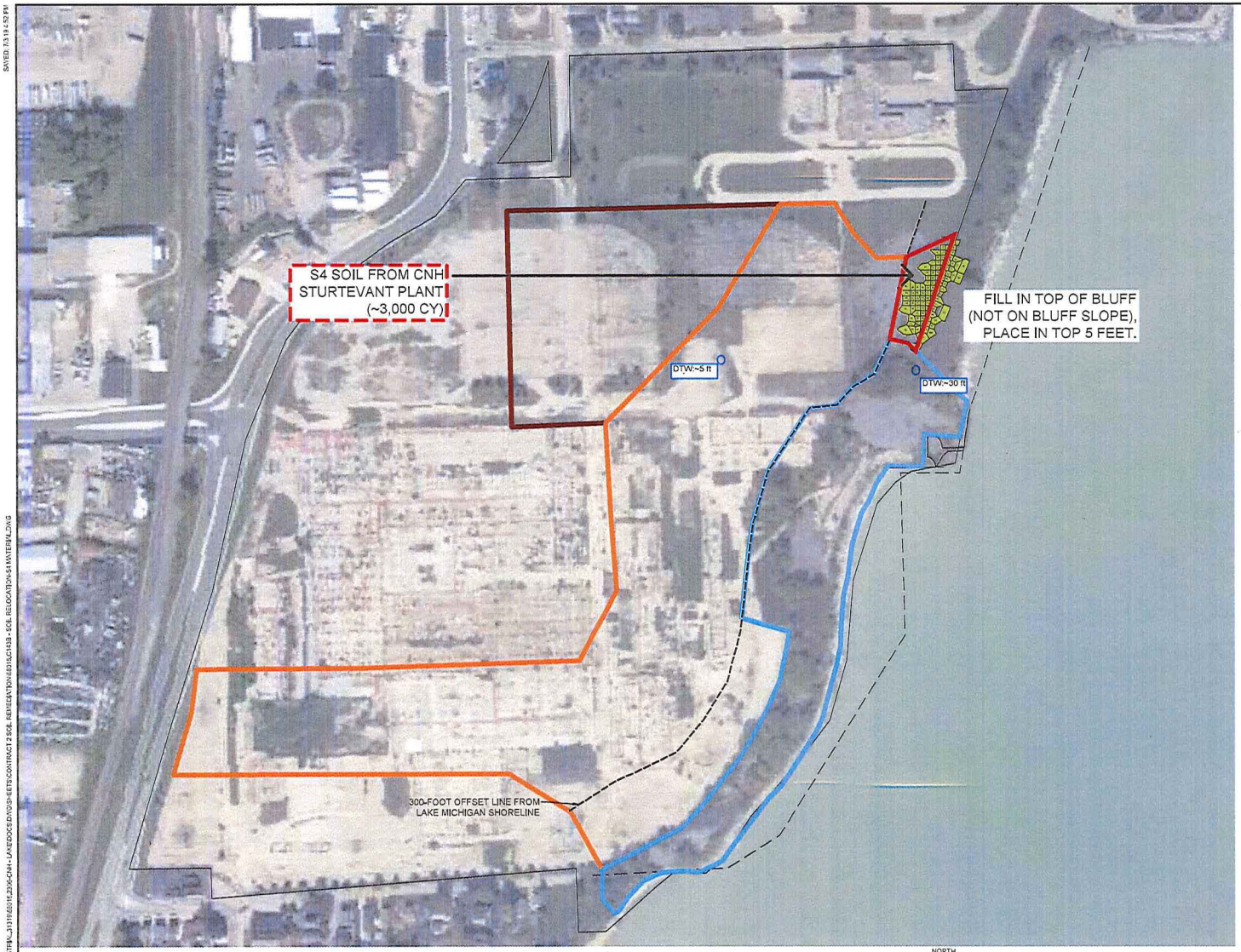
We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me at (414) 263-8369, by writing to the address at the top of this letter or by email to adam.mcilheran@wisconsin.gov.

Sincerely,

Adam S. McIlheran
Hydrogeologist
Remediation & Redevelopment Program

Attachments: Figure C-143B Soil Relocation and Backfill Plan, July 3, 2019

cc: Julie Zimdars, O'Brien and Gere Engineers, Inc. (e-copy)
SER File



SHEET NOTES:

1. TO MEET SOIL RELOCATION LOCATIONAL CRITERIA, SOILS ARE ONLY TO BE PLACED ON THE TOP OF THE BLUFF WHERE TOPOGRAPHY IS SLOPED INLAND. AREA TO BE REVEGETATED WITH TOPSOIL AND SEED.
2. YELLOW POLYGONS INDICATE EXCAVATION AREAS GREATER THAN INDUSTRIAL DIRECT CONTACT RCLS FOR ALL COCs.

LEGEND

- PROPERTY BOUNDARY
- BULKHEAD LINE
- BLUFF CAP
- UPLAND CAP
- UPLAND CAP (CONTINGENT AREA)
- UNCAPPED EXCAVATION AREA
- CURRENT S4 MATERIAL LOCATION
- FINAL BACKFILL S4 MATERIAL LOCATION
- DIRECTION OF SOIL RELOCATION

PRELIMINARY NOT FOR CONSTRUCTION
DATE: 06/07/2019

PLAN
SCALE: 1"=150'

NORTH

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ENGINEER, TO ALTER THIS DOCUMENT.

THIS DRAWING WAS PREPARED AT THE SCALE INDICATED. INACCURACIES IN THE STATED SCALE MAY BE INTRODUCED WHEN DRAWINGS ARE REPRODUCED BY ANY MEANS. USE THE GRAPHIC SCALE BAR TO DETERMINE THE ACTUAL SCALE. DRAWING IS NOT SCALABLE IF NO SCALE BAR IS PRESENT.

IN CHARGE OF
DESIGNED BY
CHECKED BY
DRAWN BY

NO.	DATE	REVISION	INT.

O'BRIEN & GERE ENGINEERS, INC

CNH INDUSTRIAL AMERICA LLC
LAKESIDE PROPERTY
CONTRACT NO. 2-SOIL REMEDIATION
MOUNT PLEASANT, WISCONSIN

CIVIL
SOIL RELOCATION AND BACKFILL PLAN (NR718) PH 2 WORK-S4 MATERIAL

FILE NO. 31319.68015
DATE JUNE 2019

C-143B

SAVED: 7/3/19 4:52 PM
USER: BRZYDEK P:\PROJECTS\CNH\INDUSTRIAL\31319\63012\306-CNH - LAKESIDE\DGDS\DWGS\SHEETS\CONTRACT 2 SOIL REMEDIATION\63012CH3B - SOIL RELOCATION\S4 MATERIAL.DWG