State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee WI 53233

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

November 3, 2022

Troy Williams
CNH Industrial America LLC
301 South Hoover Road
Wichita, KS 67215
Via Email Only to: troy.williams@cnhind.com

Subject: Conditional Approval for Development on a Property where Solid Waste has been Disposed
CNH Industrial Lakeside Prop – Testing Site
24th and Mead Streets, Mount Pleasant, WI
DNR BRRTS Activity #07-52-583359 FID #252004170

Dear Mr. Williams:

The Wisconsin Department of Natural Resources (DNR) reviewed and approves the proposed development on the solid waste disposal facility located at 24th and Mead Streets, Mount Pleasant, WI, specifically for the tractor test track associated with BRRTS #02-52-000518, #02-52-000806, #02-52-554251 and #02-52-583082 in accordance with Wisconsin Administrative (Wis. Admin.) Code § NR 506.085, subject to the conditions listed in the attached conditional approval.

This conditional approval is not an approval of the *"Comprehensive Remedial Action Options Report and Remedial Design Report"* (Report) for the CNH Lakeside Property prepared by Ramboll US Consulting, Inc. (Ramboll), dated August 5, 2022. The Report is under review by the DNR and the U.S. Environmental Protection Agency (EPA). Both agencies may have additional comments regarding requirements for protective cover materials to be placed in the inner test track area and the surrounding areas before approving the final remedy. Proceeding with test track construction prior to approval of the Report and final remedial actions acknowledges the possibility that additional and/or different materials may be required for the protective cover as a final remedy. Construction of the test track shall not prevent the completion of remedial response actions required under Wis. Admin. Code chs. NR 700-799 and shall be coordinated with remedial action and/or materials management requirements and related DNR and EPA approvals.

This approval is limited to the specific activities described in the application submitted to the DNR dated September 20, 2022. If any changes or additional activities are considered beyond those described in the application, a new application must be submitted to the DNR for approval. The proposed activities include the following:

- Constructing a concrete paved test track, a gravel aggregate connector road from the southeast portion of the test track, a concrete paved connector road from the northeast portion of the test track, and grass-covered areas surrounding the test track as shown on attached drawing Figure 2, *"Site BRRTS Cases"*.

This approval does not relieve you of obligations to meet all other applicable federal, state and local permits, or zoning and regulatory requirements. This approval should not be construed as a case closure approval under Wis. Admin. Code ch. NR 726.

PRINTED ON RECYCLED PAPER

If you have questions or concerns regarding this letter, please contact Greg Moll, at (262) 202-3921 or john.moll@wisconsin.gov

Sincerely,

Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments: Conditional Approval
Figure 2, Site BRRTS Cases

cc: Julie Zimdars, Ramboll – julie.zimdars@ramboll.com
Leonard Hannula, Community Development Building Inspection – lhannula@mtpleasantwi.gov
Adam McIlheran, DNR Remediation and Redevelopment Program – adam.mcilheran@wisconsin.gov

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL APPROVAL
FOR
DEVELOPMENT ON A PROPERTY WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Wisconsin Department of Natural Resources (DNR) finds that:

1. CNH Industrial America LLC owns the historic fill site located at 24th and Mead Streets, Mount Pleasant, WI; Parcel #151032321010011, #151032328001020, and #151032328001030.

2. Solid waste, specifically foundry sand, is present at the property.

3. On October 6, 2022, the DNR received an application from Ramboll on behalf of CNH Industrial America LLC for approval to develop on the 24th and Mead Streets, Mount Pleasant, WI site. The DNR received the review fee of $700, per Wisconsin Administrative (Wis. Admin.) Code ch. NR 749 on October 6, 2022.

4. The information submitted in connection with the proposed activities includes:
   a. The Development at Historic Fill Site or Licensed Landfill Application form dated September 20, 2022 and received by the DNR on October 6, 2022.

5. Additional documents considered in connection with the review of the proposed includes:
   a. 1) *"Approval to Manage Contaminated Soil under Wis. Admin. Code § NR 718.12 for On-site Management of S7 Soil, CNH Industrial Lakeside Property, 801 24th Street, Mount Pleasant, WI,"* prepared by the DNR, dated June 4, 2021.
      2) *"Recommended Template for Request to Manage Materials under Wis. Admin. Code § 718.12 or § NR718.15,"* Form 4400-315, prepared by Ramboll, dated March 4, 2022.
      3) *"Approval to Manage Solid Waste under Wis. Admin. Code § NR 718.12 and § NR718.15 for On-Site Management of SW1B Material, CNH Industrial Lakeside Property, 801 24th Street, Mount Pleasant, WI,"* prepared by the DNR, dated May 9, 2022.
      4) *"Comprehensive Remedial Action Options Report and Remedial Design Report, CNH Lakeside Property – CNH Industrial America LLC, 24th and Mead Streets, Mount Pleasant, WI, BRRTS #02-52-000806, #03-52-003919, #02-52-554251, #02-52-583082, and #02-52-586796,"* prepared by Ramboll, dated August 5, 2022.
   b. The DNR's files pertaining to BRRTS activity #02-52-000518, #02-52-000806, #02-52-554251 and #02-52-583082.

6. Additional facts relevant to the review of the proposed activities include:
   a. 1) The non-organic fill material and underlying soil do not appear to present a risk for methane gas generation.
      2) The proposed tractor test track development area is comprised of three open cases tracked under BRRTS activities #02-52-000806, #02-52-554251 and #02-52-583082, and one closed case tracked under BRRTS activity #02-52-000518.
      3) A Wis. Admin Code ch. NR 718 materials management plan was approved by the DNR on May 9, 2022 for BRRTS activities #02-52-000806, #02-52-554251 and #02-52-583082.
      4) A remedial action options report and remedial design report for BRRTS activities #02-52-000806, #03-52-003919, #02-52-554251, #02-52-583082, and #02-52-586796 is under review by the DNR and EPA.

7. If the special conditions set forth below are complied with, the proposed development should not interfere with maintenance of the solid waste disposal area or cause a significant threat to public health, safety or welfare or to the environment.

CONCLUSIONS OF LAW

1. The DNR has authority under Wis. Admin. Code § NR 506.085 to approve development at a solid waste facility as defined in Wisconsin Statute (Wis. Stat.) § 289.01(35).

2. The DNR has authority under Wis. Stat. § 289.46(2) to limit its approval under Wis. Admin. Code § NR 506.085 to activities which will not interfere with a closed solid waste disposal facility or cause a significant threat to public health, safety or welfare.

3. The conditions of the approval set forth below are needed to ensure the proposed development does not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety or welfare as required under Wis. Stat. § 289.46(2).

4. In accordance with the foregoing, the DNR has authority under Wis. Admin. Code § NR 506.085 to issue the following approval.

CONDITIONAL APPROVAL

The DNR conditionally approves the proposed activities on the CNH Industrial Lakeside Prop – Testing Site property subject to the following conditions:

1. All aspects of the proposed activities shall be performed in accordance with the application received by the DNR and the conditions of this approval. In the case of any differences between the approval conditions and the application, the approval conditions shall take precedence.

2. This approval is limited to the activities described in the application received by the DNR on October 6, 2022. Any changes or additional activities beyond those described in the application shall not be implemented without prior written DNR approval (Wis. Admin. Code § NR 506.085).

3. No action related to the proposed activities at the property may be taken which will cause any of the impacts or effects described in Wis. Admin. Code §§ NR 504.04(4)(a) to (f).

4. A report shall be submitted to the DNR within 60 days of completion of the proposed activities that documents the project was completed in accordance with the approved plan and conditions of this approval. The report may be submitted in conjunction with a Wis. Admin. Code § NR 724.15 remedial action construction documentation report. The report shall include:

    a. Narrative describing work completed in accordance with approval and any problems encountered.
    b. If waste was encountered, documentation of proper disposal of waste.
    c. Photo documentation of all aspects of construction.
    d. An explanation of any deviations from the plan and for documentation of minor field modifications discussed with the DNR.
    e. A set of as-built plans

5. The proposed construction activities shall not prevent the completion of remedial response actions required under Wis. Admin. Code chs. NR 700-799 and shall be coordinated with remedial action and/or materials management requirements and related DNR and EPA approvals.

6. Any continuing requirements of the development plan or the conditions of the approval shall transfer with changes in property ownership.

This approval is based on the information available to the DNR as of the date of approval. If the proposed project changes or if circumstances change such that there may be a need to modify this approval, the DNR may ask applicants to provide additional information relating to activities to determine if the approval will need to be modified.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the DNR, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing DNR decisions.

- For judicial review of the DNR's decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed or otherwise served by the DNR to file the petition with the appropriate circuit court and serve the petition on the DNR. Such a petition for judicial review must name the "Department of Natural Resources" as the respondent.

- To request a contested case hearing pursuant to Wis. Stat. § 227.42, you have 30 days after the decision is mailed or otherwise served by the DNR, to serve a petition for hearing on the secretary of the DNR. All requests for contested case hearings must be made in accordance with Wis. Admin. Code § NR 2.05(5), and served on the DNR secretary in accordance with Wis. Admin. Code § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Dated: ____*November 3, 2022*_____

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

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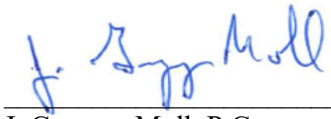
Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation & Redevelopment Program



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J. Gregory Moll, P.G.
Hydrogeologist
Remediation & Redevelopment Program

PROPERTY BOUNDARY
PROPOSED TRACK LAYOUT
300FT SETBACK FROM LAKE
FOUNDRY SLAG LINES AND RUNOFF
POWER HOUSE STRUCTURES
SLUDGE DRYING AREA (PART OF FOUNDRY SAND BRRTS)

CHEMICAL STORAGE AREA
EAST TANK
RACINE CTY BLUFF & ACCESS RD TO WWTP
FOUNDRY SAND FILL AREA
POWER HOUSE FUEL OIL ASTs
HISTORIC FILL/OILS APPLICATION
CHAMPION FILL AREA
FORMER AST VAULT
FORMER CHIP STORAGE AREA (CLOSED)

0 137.5 275 Feet

SITE BRRTS CASES

CNH INDUSTRIAL
MOUNT PLEASANT, RACINE COUNTY, WISCONSIN

FIGURE 2

RAMBOLL AMERICAS
ENGINEERING SOLUTIONS, INC.

RAMBOLL