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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

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on-site

September 21, 1999

Mr. Timothy J. Lafond
Johnson Controls, Inc.
5757 North Green Bay Avenue
P.O. Box 591
Milwaukee, WI 53201-0591

RE: Expanded Phase II Environmental Site Assessment, Johnson Controls Battery Group, Inc., Keefe Avenue Facility, WDNR BRRTS #02-41-212365, FID #241032770

Dear Mr. LaFond:

I'm writing in response to the report referenced above, dated August 1999, and prepared by your consultants, Montgomery Watson. Specifically, your consultants have requested a review of this report with comments from us including an approval from the Wisconsin Department of Natural Resources (WDNR) for the proposed lead soil cleanup values, both on and off site. However, in a subsequent letter from your consultants dated September 3, 1999, they have specifically requested that we defer our comments regarding the offsite lead soil cleanup level request pending their plans to submit additional documentation and information relevant to our review. Please note, then, that our review at this time only relates to *lead soil* contamination concerns at the site (within property boundaries), and not to offsite contamination or other contaminants present in soil or groundwater at the site. I will provide a written comment letter to include the offsite lead soil issue at a later date in the near future once the additional information that your consultant has submitted is reviewed.

With regard to the onsite lead cleanup level, you are requesting a cleanup level of 570 mg/kg. At this time, we are unable to concur with this request, primarily because it is based on a background level determination (for both on and offsite) with which we do not concur. However, as your consultant has pointed out in our recent telephone conversation, for practical cleanup purposes, there is not a large difference between the WDNR industrial residual contaminant level (RCL) of 500 mg/kg and the proposed onsite cleanup level of 570 mg/kg. Further, as stated in the letter from your consultant dated September 3, 1999, there is an agreement between your company and the current property owner that the lead contaminated soils will be remediated onsite to a level of 500 mg/kg, equal to the WDNR industrial RCL.

I will list some additional comments below in order to clarify questions and concerns raised from reviewing the report, related to the onsite lead soil contamination. We understand that several questions are likely to be addressed when the site investigation is complete. Also, we may have some additional concerns and/or comments upon the completed investigation.

1. A complete site investigation should attempt to define the soil contamination plume. As I understand that site improvements are planned for the near future on this property, it is especially important that the onsite portion of this investigation is thorough in order to avoid the necessity of going back for additional investigation later.

2. If you intend to pursue an onsite lead cleanup level to the industrial RCL of 500 mg/kg (listed in Table 2 of NR 720.11(5)), you will need to evaluate whether or not the requirement of chapter NR 720.11(1)(b.) 3 is met. That is, sites which are normally classified as industrial can sometimes be considered as non-industrial for the purposes of determining a cleanup value, depending on the evaluation of protection of public health. From my discussions with your consultant, it does not appear at this time that this requirement would pose a significant hurdle. However, compliance with this section of the code should be evaluated and documented should you choose to pursue the WDNR industrial RCL.

3. In addition, if you intend to pursue the industrial cleanup RCL per the previous comment, you are required to record a deed restriction to prohibit non-industrial uses of the site, per NR 720.11(1)(c). The deed restriction should specify that WDNR must approve further investigation and (if needed) remediation to meet non-industrial based soil cleanup standards before non-industrial uses will be allowed for the site. The submittal of a copy of the recorded deed restriction which satisfies the requirements of both NR 720.11 and NR 726.05(9) must be included with the closure request.

4. Regarding onsite (this would also apply to offsite) sample locations, the text of the report mentions that asphalt or concrete covered many of the locations. As the investigation continues, please denote exactly which samples were beneath such materials. When trying to determine a plume, it could be helpful to know when these covers were initially constructed, and whether or not their construction involved grading and excavating which disturbed the earlier, potentially contaminated soils.

5. Though I did not see this mentioned in your consultant's report (I realize that the investigation is not yet complete), the WDNR performed a preliminary investigation of portions of this site in 1991. This was done in order for the WDNR to meet requirements of the E.P.A. Superfund Inspection Program in effect at that time. That investigation report mentions that formerly, there were underground storage tanks removed from the property and subsequent excavations. The excavations may have removed some formerly lead-contaminated soils. Tables in the WDNR report indicate lead soil levels above 10,000 mg/kg in some areas. As you are completing your site investigation, it may be helpful to consider this additional information, located in our open files.

6. Please note that should lead contaminated soils be excavated, those wastes will need to be characterized for disposal.

The WDNR appreciates the continuing efforts you are making to restore the environment at this site. If you have any questions regarding this letter, please feel free to contact me at the above address or by phone at (414) 229-0870.

Sincerely,

Susan Chi

Susan Chi
Environmental Scientist

C: Jane Clokey, Quarles & Brady
Daniel Hall, Montgomery Watson
Pamela Reich, C & D Technologies, Inc.
Frank Schultz, WDNR
SER – WDNR Case File