State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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October 4, 2024

Mr. Glenn Luke
We Energies
333 West Everett St. A231
Milwaukee, WI 53203

Subject: Conditional Approval of the *Remedial Design Report*
Solvay Car Ferry Slip, Milwaukee, WI
BRRTS # 02-41-587624 / FID # 241219880

Dear Mr. Luke:

On September 25, 2024, the Wisconsin Department of Natural Resources (DNR) received We Energies' request for approval of the *Remedial Design Report* (100% Design) for the Milwaukee Solvay Car Ferry Slip site (Car Ferry Slip), referenced above, which is an open Bureau of Remediation and Redevelopment Tracking System (BRRTS) site. The request was submitted with the $1,050 fee required under Wisconsin Administrative (Wis. Admin.) Code § NR 749.04 for DNR review and response. With this letter, the DNR conditionally approves the 100% Design under Wis. Admin. Code ch. NR 724.

Background

The Milwaukee Solvay Coke and Gas Plant Site (Solvay Coke) is located at 311 E. Greenfield Avenue, Milwaukee, Milwaukee County. The Solvay Coke site is approximately 40 acres and is bounded by Greenfield Avenue to the north, a railroad right of way to the west, Kinnickinnic Avenue to the south, and the Kinnickinnic River to the east. The Car Ferry Slip site is a triangular shaped slip, lies in the Kinnickinnic River and is defined by the existing sheet pile walls on the west to the bulkhead line of the Kinnickinnic River on the west. The slip ranges from 55 to 250 feet wide and is 300 feet long. Water depths range from 6 to 14 feet deep. Sediment within the Car Ferry Slip is impacted by polynuclear aromatic hydrocarbons (PAHs). The majority of the PAH levels detected in test borings were over the Probable Effect Concentration for the representative PAH congener in sediments.

The Solvay Coke and the Car Ferry Slip sites are currently separate BRRTS cases, both included within the Solvay Superfund Alternative site under authority of the U.S. EPA through the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). We Energies and the DNR intend to defer the site from U.S. EPA Superfund to DNR authority. To accommodate the deferral, the Car Ferry Slip will be remediated and closed under ch. NR 700 Wis. Admin. Code.

On June 28, 2024, We Energies provided the *60% Remedial Action Design Report Milwaukee Solvay Car Ferry Slip Remediation* (60% Design) to the DNR for review. On July 18, 2024, the DNR provided comments to We Energies, including the recommendation to modify to the cap design to meet a 24-inch minimum thickness. On July 25, 2024, We Energies provided a response letter addressing the DNR comments and providing technical rational for a cap thickness of 15-inches. In response, the DNR provided additional comments on August 2, 2024, including the recommendation to modify the design to be a minimum 24-inch cap. We Energies requested rationale for the DNR's 24-inch minimum cap thickness. In response, DNR provided a letter dated September 3,

2024, which explained the DNR's rationale for a 24-inch minimum cap thickness. Subsequently, the Car Ferry Slip remedial design was modified and the 100% Design includes the DNR's recommended 24-inch minimum cap thickness.

The 100% Design includes the following remedial actions and supporting efforts for the Car Ferry Slip:

- Installation and maintenance of turbidity curtains during construction.
- Construction of a sheet pile wall (landward of the bulkhead line) to facilitate construction of the sediment cap.
- Construction of a 24-inch sand cap (a chemical and physical isolation cap) over impacted sediments.
- Placement of armor stone to protect the underlying cap from impacts of erosive forces in the surrounding environment.
- Placement of rip-rap stone in specific areas to protect the cap from wave action and stormwater discharge.
- Cutoff and salvage of the top portion of the subaqueous sheet pile wall.
- Water quality turbidity monitoring and particulate air monitoring during construction.
- Construction quality assurance and documentation of as-built conditions.

Approval conditions related to Wis. Admin. Code ch. NR 724, and Wis. Stats. 292
The 100 % Design report includes the information required under Wis. Admin. Code § NR 724.09. The DNR approves the 100 % Design report, with the following conditions of approval:

Condition No. 1

Submit a Draft Operation & Maintenance Plan (O&M Plan) prior to placement of the subaqueous sand cap in the Car Ferry Slip. DNR understands that the Draft O&M Plan may require updates following construction, which should be included in the construction documentation. We Energies will be responsible for O&M of the cap and the existing and newly constructed sheet pile walls in relation to the performance of the installed cap under Wis. Stats. § 292.12(5m) in accordance with the Final O&M Plan (Wis. Admin. Code § 724.15). The DNR has authority to impose continuing obligations under Wis. Stats. § 292.12 related to maintenance of remedial features.

The Draft O&M Plan should follow Wis. Admin. Code §724.13(2) and include a description and discussion of site engineering, inspection schedules, procedures, anticipated maintenance, repair methods and draft versions of inspection forms.

Financial assurance is required and the DNR has agreed to evaluate the net worth test under Wis. Adm. Code Ch. NR 756.06(07) as a method for providing proof of financial responsibility. Since final construction costs and estimated maintenance costs will not be known until the remedial action construction is complete, the Draft O&M Plan does not need to include this information and will only need place holders for future revisions.

Condition No. 2

The Remedial Action includes the construction of a new sheet pile wall across the mouth of the Car Ferry slip. Details of the sheet pile wall are included in Section 8, Appendix C, and Appendix I of the 100% Design. Depictions of the sheet pile wall differ such as Figure A in Appendix C and on construction drawings in Appendix I. The DNR understands that in earlier designs, it was expected that the sheet pile wall would be left stubbed to accommodate an anticipated habitat restoration project, however accommodating the habitat restoration project is no longer feasible. For clarity, provide a brief written description on the anticipated elevation(s) and expected water depth of the slip at the subaqueous sheet pile wall. Please explain if the sheet pile wall will impede boat or commercial vessel traffic at the slip and if any warning signs will be placed at the site.

Condition No. 3 — Make the following modifications to the Construction Quality Assurance (CQA) Plan:

- Remove reference to Wis. Admin. Code ch. NR 720 soil standards in Figure 4. (These criteria do not apply here, and it is assumed that native material source certification will be used for acceptance of sand cap materials.)
- Add an ID or label to the CQA areas on Figure 6 prior to sediment cap construction for clarity during construction discussions or correspondence.
- Provide clarification that a confirmation core will be collected in the sediment cap over the sunken barge.

Condition No. 4 — Complete and submit a copy of the submittal register from Appendix A of the 100% Design for the purpose of project partner oversight tracking.

Next Steps
Submit a response to the conditions of approval in this letter prior to placement of the sand cap.

We look forward to continuing to work with We Energies on the MKE AOC and seeing success with this project. Feel free to contact me by email at christopher.dietrich@wisconsin.gov or by phone at (262) 289-0006 to discuss these conditions or any aspect of the project.

Sincerely,

Christopher Dietrich, PG
Contaminated Sediment Specialist
Remediation & Redevelopment Program

cc: Judy Fassbender, DNR; Pam Mylotta, DNR; Margaret Brunette, DNR; Alyssa Sellwood, DNR; Carrie Webb, DNR; Sarah Krueger, DNR; Joe Graham, DNR