444 21st Street South · La Crosse, Wisconsin · 54601

December 6, 2024

Luke Lampo, Hydrogeologist
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
3911 Fish Hatchery Rd.
Fitchburg, WI 53711-5397

Subject: **WDNR BRRTS #s 02-13-587341 & 06-13-590167**
VPLE Site Investigation Work Plan
RockGen Energy Center
2346 Clear View Road
Town of Christiana, Dane County, Cambridge, WI
OSG Project # 2101305

Dear Mr. Lampo:

The OS Group, LLC, (OSG) has been engaged to support Dairyland Power Cooperative (DPC) with the development of a Site Investigation Work Plan (SIWP) at the above referenced site, as required by the Wisconsin Department of Natural Resources (WDNR) in an August 13, 2024 email from you, the WDNR project manager for the site. See Figure 1 for a Site Location Map.

Background and Purpose

DPC has acquired the RockGen Energy Center and adjacent acreage from RockGen Energy, LLC. DPC's environmental due diligence discovered PFAS contamination, as well as *Historical Recognized Environmental Conditions* (HRECs), *de minimis conditions* and *data gaps*. In the August 13, 2024 email, you stated:

> The next step is to submit a site investigation workplan for DNR review and approval. The workplan should propose to collect samples in the vicinity of Historical Recognized Environmental Conditions (HRECs) and *de minimis* conditions identified in the February 2021 and March 2021 Phase I Environmental Site Assessments.

> The workplan should also propose collecting samples and/or provide more information associated with the data gaps identified in the March 2021 Phase I regarding the accumulation of debris and observed discolored vegetation in and around the abandoned structures associated with the abandoned quarry and abandoned farmstead.

The purpose of the proposed SIWP was intended to address Mr. Lampo's requirements, whether through sampling or demonstration that sampling is unnecessary. Upon review of the ESA reports, a site inspection, and on-site interviews with Leif Tolokken, DPC Manager of Water and Waste Programs, and Brian Treadway, RockGen Plant Manager, OSG concludes no sampling or additional assessment is warranted for the conditions and data gaps described in the Sargent & Lundy (S&L) 2021 Phase 1 Environmental Site Assessments (ESAs). A discussion of OSG's recommendation for each listed condition and data gap (S&L's findings) is provided in this letter report.

Scope of Work

OSG completed the following tasks:

1. Interviews with DPC and RockGen personnel: Leif Tolokken, DPC Manager of Water and Waste Programs, and Brian Treadway, RockGen Plant Manager. Mr. Treadway has been at the RockGen plant less than a year;
2. In-person scoping site visit to evaluate current site conditions at the locations of the Historical Recognized Environmental Conditions (HRECs), *de minimis* conditions and data gaps. This was conducted by OSG Principals, John Storlie, PG, and Steven Osesek, both environmental scientists with thirty or more years of relevant experience; and
3. Tabulation, review and evaluation of Historical Recognized Environmental Conditions (HRECs), *de minimis* conditions and data gaps, and development of rationale for sampling or not at each.

Observations & Findings

The sections below and Table 1: Summary of Prior Phase I ESA and ESA Addendum Results (attached) discuss OSG's observations, findings and conclusions regarding each of the HRECs, *de minimis* conditions and data gaps described in the S&L 2021 Phase 1 ESAs (S&L's Findings). Prior to discussing S&L's findings and OSG's observations, findings and conclusions, it is helpful to review some terminology, in particular the terms "*HREC*", "*de minimis condition*" and "*data gap*" as well as key related terms, defined in *ASTM E1527 – 21, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*[1].

[1] ASTM International. November 1, 2021. *ASTM E1527 – 21, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.* West Conshohocken, PA.

ASTM 1527 – 21 Terminology

The key concepts in ASTM 1527 – 21 are the concepts of a "*release*" and "*Recognized Environmental Condition*" (REC). ASTM 1527 – 21 defines "*release*" to "have the same meaning as the definition of 'release' in CERCLA 42 U.S.C. § 9601(22)," which encompasses at least the intent if not the letter of the definition of "*discharge*" in Wisconsin's Spills Law[2]. In the ASTM 1527 – 21 Standard, the concept "*Recognized Environmental Condition*" determines whether a finding in a Phase 1 ESA merits additional assessment, typically soil or groundwater sampling. In section 3. Terminology, the standard defines and discusses *REC* thusly:

> 3.2.73 *recognized environmental conditions*, n—(1) the presence of *hazardous substances* or *petroleum products* in, on, or at the *subject property* due to a *release* to the *environment*; (2) the likely presence of *hazardous substances* or *petroleum products* in, on, or at the *subject property* due to a *release* or likely *release* to the *environment*; or (3) the presence of *hazardous substances* or *petroleum products* in, on, or at the *subject property* under conditions that pose a material threat of a future *release* to the *environment*.
>
> 3.2.73.1 Discussion—For the purposes of this definition, "likely" is that which is neither certain nor proved, but can be expected or believed by a reasonable observer based on the logic and/or experience of the *environmental professional*, and/or available evidence, as stated in the report to support the opinions given therein.
>
> 3.2.73.2 Discussion—A *de minimis condition* is not a recognized environmental condition.

Neither the February 2021 nor the March 2021 S&L Phase I ESAs identified any *RECs*. They did characterize some of their observations and findings as *HRECs*, which ASTM 1527 – 21 defines as:

> 3.2.39 *historical recognized environmental condition*, n—a previous *release of hazardous substances* or *petroleum products* affecting the *subject property* that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the *subject property* to any controls (for example, *activity and use limitations* or other *property use limitations*). A *historical recognized environmental condition* is not a *recognized environmental condition*. …

[2] "Discharge" means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping. Section 292.01(3), Wisconsin Statutes.

In general, because a *HREC* is not a *REC* and it has been addressed to the satisfaction of the applicable regulatory authority, no additional assessment is recommended. OSG agrees with S&L's *HREC* findings.

The S&L ESAs characterized some of their observations and findings as *de minimis conditions*, which ASTM 1527 – 21 defines as:

> 3.2.20 *de minimis condition*, n—a condition related to a *release* that generally does not present a threat to human health or the *environment* and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a *de minimis condition* is not a *recognized environmental condition* nor a *controlled recognized environmental condition*.

De minimis conditions do not necessitate additional assessment because they are small releases that would not trigger a regulatory response. A common example of a *de minimis condition* is an oil stain on a parking lot. As we discuss below and in Table 1, OSG does not consider some of S&L's "*de minimis condition"* observations to be *de minimis conditions,* because they are not a release or discharge to the environment. OSG considers them to be mere observations, only obliquely relevant and not even rising to the level of a finding. In any case, they do not merit sampling or additional assessment.

S&L's use of the term "data gap" is at best overly cautious and at worst inconsistent with the standard. S&L followed the earlier 2013 version of ASTM Standard E1527, but the definition of *data gap* was not changed in the 2021 edition:

> 3.5.1 *data gap*, n—a lack of or inability to obtain information required by this practice despite *good faith efforts* by the *environmental professional* to gather such information. *Data gaps* may result from incompleteness in any of the activities required by this practice, including, but not limited to, *site reconnaissance* (for example, an inability to conduct the *site visit*), and *interviews* (for example, an inability to interview the *key site manager*, regulatory officials, etc.).

The latest 2021 version adds a definition of "Significant Data Gaps," as well as useful discussion of the two terms:

> 3.2.78 *significant data gap,* n—a *data gap* that affects the ability of the *environmental professional* to identify a *recognized environmental condition*.
>
> 12.5.1 *Significant Data Gaps*—The report shall identify *significant data gaps* in the Findings section of the *report*. The resources and/or sources of

> information that were consulted to address the *significant data gaps* shall also be identified in the report. A *data gap* by itself is not inherently significant [underline emphasis added]. … A *data gap* is only significant if other information and/or professional experience raises reasonable concerns involving the effects of that data gap on the ability of the environmental professional to render an opinion regarding whether conditions exist that are indicative of *recognized environmental conditions* or *controlled recognized environmental conditions*. For example, if a building on the subject property is inaccessible during the site reconnaissance, and the environmental professional's experience indicates that the use of such a building often involves activity that leads to a recognized environmental condition, the inability to inspect the building would be a significant data gap listed in the Findings section and discussed in the Opinions section.

Thus, *data gaps* do not necessarily imply the likelihood of a REC or a release and do not necessarily warrant additional assessment or sampling.

Sargent & Lundy Findings

This section provides a summary of S&L's findings and OSG's observations, findings and conclusions regarding them. A detailed discussion of each of the sixteen (16) S&L findings is provided in Table 1. OSG also identified an additional HREC in the DNR's BRRTS online database, BOTW; thus Table 1 discusses seventeen (17) findings. S&L's findings fall into three groups, *HRECs*, *de minimis conditions,* and *data gaps,* all defined terms in ASTM 1527 – 21.

Historical Recognized Environmental Conditions

S&L's February 2021 Phase 1 ESA identified three (3) *HRECs*, and OSG identified one. All were petroleum spills documented in BOTW and occurred between 2001 and 2017. The four (4) spills included:

- March 2001 spill of 700 gallons of waste oil (Table 1 Finding 1)
- May 2005 spill of 300 gallons of waste oil (Table 1 Finding 2)
- December 2017 spill of 50 to 70 gallons of oil (Table 1 Finding 3)
- March 2001 spill of 100 gallons of diesel fuel (Table 1 Finding 4)

All four spills were addressed to the satisfaction of the WDNR and "closed" with no additional activities required. The exact locations of the four (4) reported spills at the site could not be determined based on information contained in the Phase I reports or on information contained in the BOTW including, in some instances, the "site file" for a particular spill. However, it is believed they were all around the generating plant, Area A in Figure 2. As discussed above, *historical recognized environmental conditions* are not *recognized environmental conditions*, and no additional assessment or sampling is recommended. Given the lack of exact

location information, sampling the *HREC* spills is impracticable were it even to be warranted. See Findings 1 through 4 in Table 1.

De Minimis Conditions

S&L's February 2021 Phase 1 ESA and March 2021 Phase 1 ESA addendum findings included seven (7) *de minimis conditions* (Table 1 Findings 6 through 12). In addition, OSG concludes that some of the S&L *data gap* findings, discussed below, are in fact *de minimis conditions.* The S&L *de minimis condition* findings included:

- S&L's visual observation of a sheen on stormwater collected in the Combustion Turbine (CT) Unit 3 Accessory Module secondary containment (Table 1 Finding 6)
- S&L's observation of a 55-gallon drum located on concrete and connected to CT Unit 1 equipment via plastic tubing and tape (Table 1 Finding 7)
- S&L's observation of "black- and copper-colored residue on the graveled area under the fuel gas intake and conditioning area equipment. Mr. Smith [Plant Manager at the time] identified the residue as 'carbon and rust residue,' which is not considered a release to the environment; however, the residue obstructs the view of the ground if a release were to occur and therefore is considered a de minimis condition." (Table 1 Finding 8)
- S&L's observation of "small oil spills within secondary containment and/or internally" throughout the RockGen facility (Table 1 Finding 9)
- S&L's observation of red/orange stain on concrete floor of the compressor room (Table 1 Finding 10)
- S&L's observation of "storage of used parts on a plastic skid on gravel under the canopy area. Due to the lack of visual evidence of a release to the environment…." (Table 1 Finding 11)
- S&L's observation of "generator with corrosion" on a plastic skid. [OSG notes that this was not a generator, rather it was an electrical transformer.] (Table 1 Finding 12)

De minimis conditions are not *recognized environmental conditions.* They do not necessitate additional assessment because they are small *releases* that would not trigger a regulatory response. OSG does not consider some of S&L's "*de minimis condition"* observations to be *de minimis conditions,* because they are not a release or discharge to the environment. Spills contained within secondary containment then managed properly and stains fully contained on an interior concrete floor are not *releases* or imminent *releases* to the *environment*. OSG considers Findings 6, 8, 9, 10, 11 and 12 to be mere observations, only obliquely relevant and not rising to the level of a finding, much less a *de minimis condition*. In any case, they do not merit sampling or additional assessment. See Table 1 for a detailed discussion of each.

Data Gaps

S&L's February 2021 Phase I ESA and March 2021 Phase 1 ESA addendum identified six (6) data gaps (Table 1 Findings 5 and 13 through 17). The data gaps identified included:

- A one-gallon spill of lube oil into a secondary containment (Table 1 Finding 5)

- Buried building materials, reportedly from the former Koshkonong Creek Dam, in the quarry (Table 1 Finding 13)
- Historical operations of abandoned structure near the quarry and former contents of 55-gallon drum in the structure (Table 1 Finding 14)
- Debris in and around abandoned structures associated with the abandoned quarry and former farmstead (Table 1 Finding 15)
- Debris around the abandoned former farmstead (Table 1 Finding 16)
- Debris within the former farmstead abandoned structure (Table 1 Finding 17)

As mentioned above, S&L's designation of *data gaps* is overly cautious, especially in the light of the 2021 changes to ASTM 1527 – 21 around defining and discussing *significant data gaps*. None of the *data gaps* above are *significant data gaps,* and some are not even *data gaps.* Some are actually *de minimis conditions*, some are not even findings, just mere observations, and none warrant further assessment. See Table 1 for a detailed discussion of each.

Standard of Care

In performing this scope of work, OSG exercised that degree of care and skill ordinarily exercised under similar circumstances, such as scope, schedule and budget, by firms in the environmental consulting profession performing substantially similar services and practicing at the same time in the same or similar locality.

Certifications

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental professional as defined in §312.10 of 40 CFR § 312" and 12.13.2.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property.

I, Steven Osesek, hereby certify that I am a scientist as that term is defined in s. NR 712.03(3), Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.

Steven Osesek 12/06/2024

Signature Date

Name: Steven Osesek
Title: Project Manager

I, John Storlie, hereby certify that I am a hydrogeologist as that term is defined in s. NR 712.03(1), Wis. Adm. Code, am registered in accordance with the requirements of ch. GHSS 2, Wis. Adm. Code, or licensed in accordance with the requirements of ch. GHSS 3, Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.

_____ 12/06/2024
Signature Date

Name: John Storlie
Title: Principal Consultant

Closing

OSG appreciates your review and looks forward to your response. Please do not hesitate to call me to discuss any question you may have.

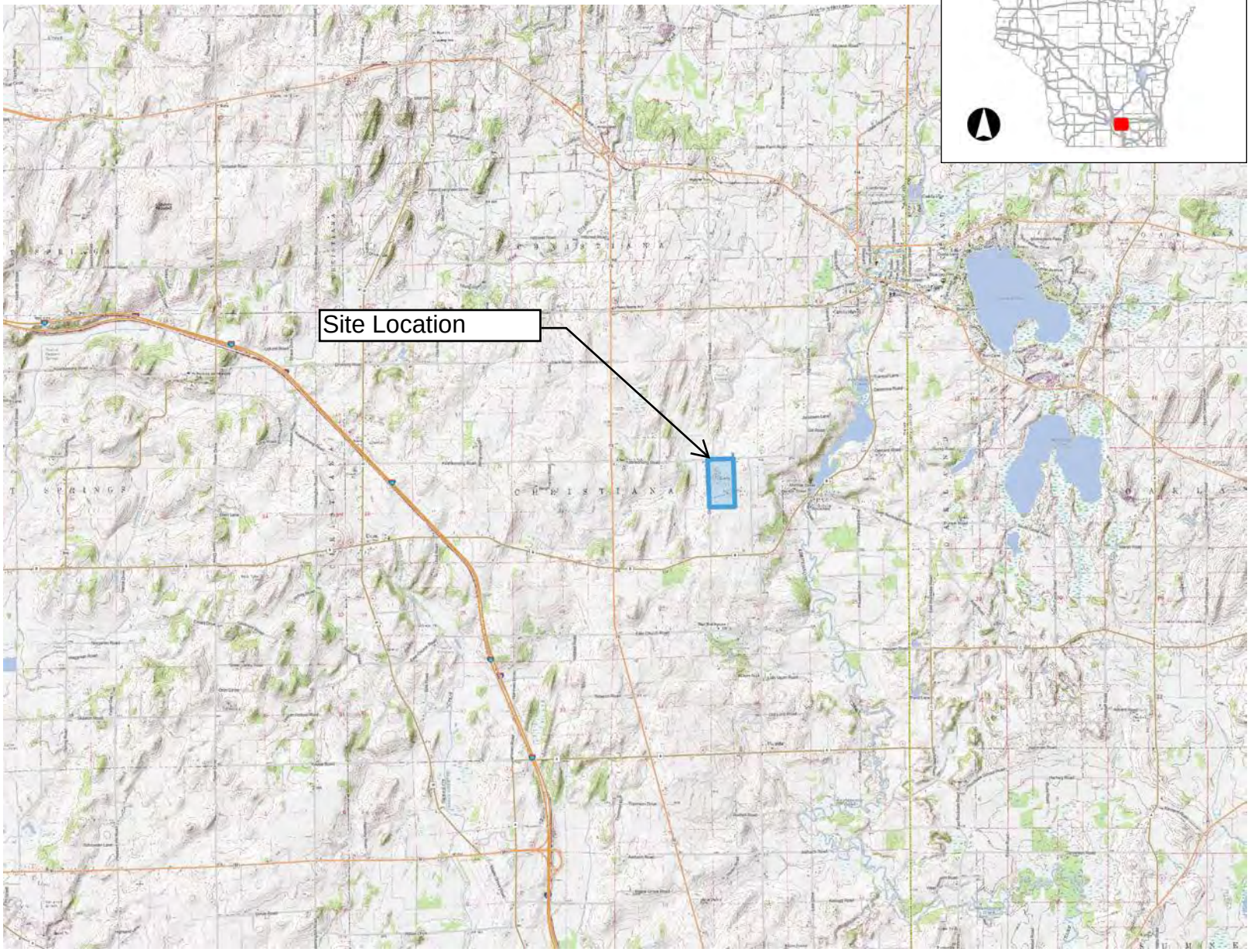
Sincerely
The OS Group, LLC

John C. Storlie, PG
Principal Hydrogeologist & Managing Member

444 21st Street South
La Crosse, Wisconsin 54601
Phone: 608.433.9389
E-Mail Address: john.storlie@theosgrp.com

Attachments: Figure 1 – Site Location Map
Figure 2 – Site Plan View
Table 1 – Summary of Prior Phase I ESA and ESA Addendum Results

Figure 1 - Site Location Map
RockGen Energy Center



Legend

- Municipality
- State Boundaries
- County Boundaries
- Major Roads
  - Interstate Highway
  - State Highway
  - US Highway
- County and Local Roads
  - County HWY
  - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water

3.0 0 1.50 3.0 Miles

NAD_1983_HARN_Wisconsin_TM

1: 95,040

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: http://dnr.wi.gov/legal/

RockGen Energy Center
2346 Clear View Road
Town of Christiana, WI

Figure 2 - Site Plan View

RockGen Energy Center
2346 Clear View Road
Town of Christiana, WI

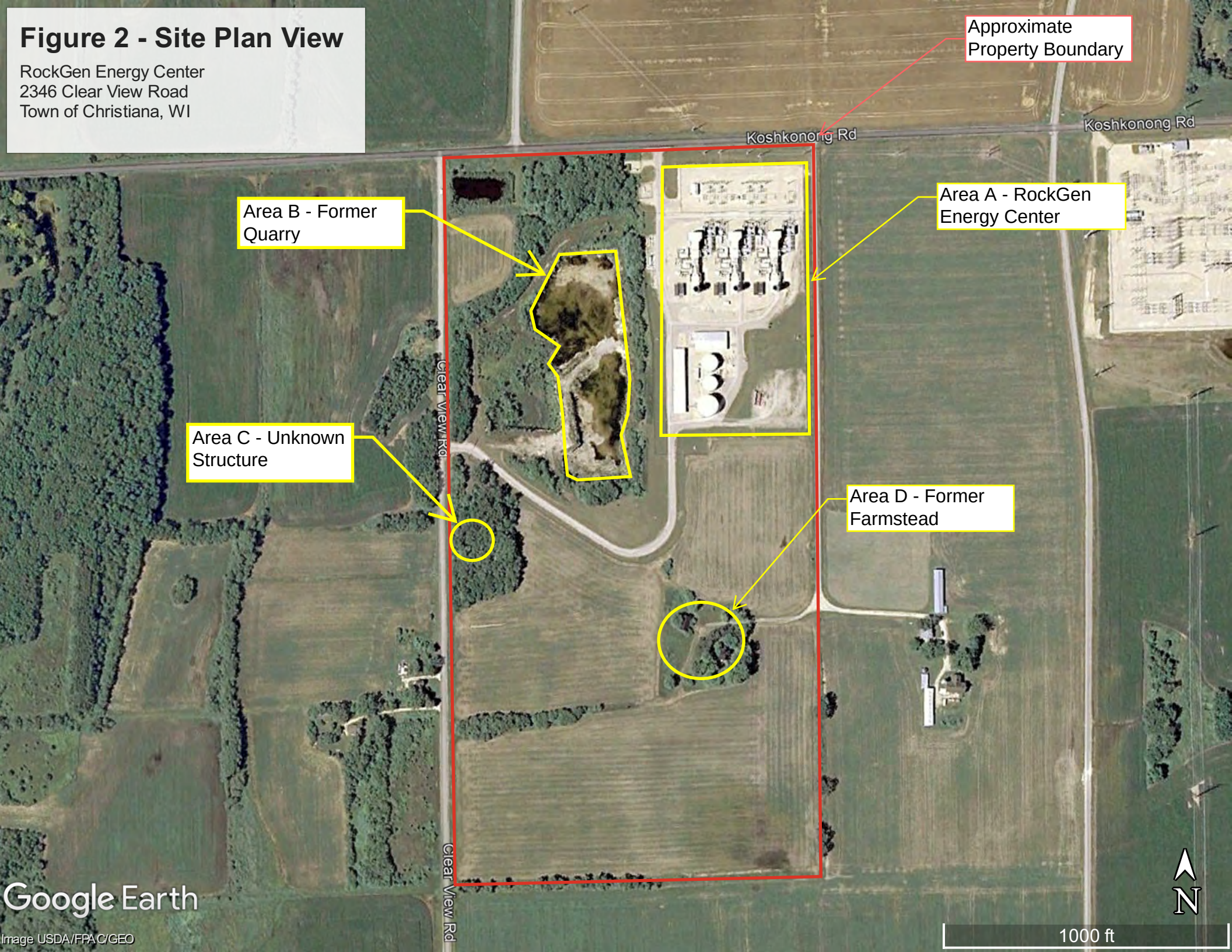


Table 1
Summary of Prior Phase I ESA and ESA Addendum Results
RockGen Energy Center
Town of Christiana, WI

Finding #	Area	Report	S&L's Finding	Sargent & Lundy Description	OSG Comments
1	A	Phase I ESA - 2/1/21	HREC	According to an agency database review, a 700-gallon spill of engine waste oil due to a faulty o-ring was reported at the Site on March 2, 2001 (Spill Activity Number: 0413274985). The actions listed include cleanup method in the form of soil removal by Superior Services (a hired contractor). Although the listing indicates a potential for surface water contamination, Wisconsin Department of Natural Resources (DNR) closed the Spill Activity and determined that no further action (NFA) was required on March 6, 2001. Due to the recorded clean-up activities associated with the spill and Wisconsin DNR's NFA status of the spill, S&L considers this listing to represent an HREC. - Sargent & Lundy, L.L.C. ("S&L")	The exact locations of the four (4) reported spills at the site could not be determined based on information contained in the Phase I reports nor on information contained in the WDNR's BRRTS database including, in some instances, the "site file" for a particular spill. All four (4) spills are listed as "closed" with no additional activities required. However, the "Site File" contained in the WDNR's database for the March 2, 2001 spill (Spill Activity Number 0413274985) did contain some additional information. Specifically, the size of the spill was described as 300 to 700 gallons and not "more than 700 gallons maximum." In addition, under the additional comments section of the Release Report, the report stated "...very little residual left - cleanup was as complete as possible considering all the machinery + equipment in the way!" The spill was deemed "closed" by Ted Amman, DNR Spill coordinator, on March 6, 2001. As S&L concluded this is an HREC, which is defined the ASTM Standard as "a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A *historical recognized environmental condition* is not a *recognized environmental condition* ." Thus, no additional assessment is required.
2	A	Phase I ESA - 2/1/21	HREC	According to an agency database review, a 300-gallon spill of engine waste oil due to a failed pipe connection was reported at the Site on May 26, 2005 (Spill Activity Number: 0413544014). The actions listed include clean-up in the form of excavation. Wisconsin DNR closed the Spill Activity and determined that NFA was required on June 6, 2005. Due to the recorded excavation activities associated with the spill and Wisconsin DNR's NFA status of the spill, S&L considers this listing to represent an HREC. - Sargent & Lundy, L.L.C. ("S&L")	This 2005 waste oil spill was cleaned up by excavation to the satisfaction of the DNR. "Most" of the 300 gallons was recovered. The spill was deemed "closed" by Ted Amman, DNR Spill coordinator, on June 6, 2005. As S&L concluded this is an HREC, which is defined the ASTM Standard as "a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A historical recognized environmental condition is not a recognized environmental condition. Thus, no additional assessment is required.
3	A	Phase I ESA - 2/1/21	HREC	A Spill Notification Form (dated December 12, 2017) indicates that RockGen Energy Center reported to Wisconsin DNR a 50- to 70-gal oil spill on concrete and rock area around gas turbine load component. According to a prior report, the spill was cleaned up, and no additional action was requested by the state agency. In addition, Facility Personnel stated that contaminated gravel and soil were excavated and removed from the site by a licensed contractor for proper disposal offsite. Although different quantities of spilled oil were reported in each source of information, S&L assumes that the records and interview reference the same spill that occurred on December 12, 2017. Due to the records and interview indicating that the spill was cleaned-up and/or that Wisconsin DNR did not request further action, S&L considers this spill to represent an HREC. - Sargent & Lundy, L.L.C. ("S&L")	This spill incident appears to be BRRTS # 04-13-580881. In the DNR Substance release Notification Report, the cause of the spill was a hydraulic line break and the cleanup comments were "BULK OF SPILL IS BEING SUCKED UP BY TRUCK, OTHER RUN OFF OIL IS BEING SCOOPED UP IN DRUMS. ABSORBENTS AND PADS ARE ALSO PLACED DOWN. SCHMOLLER SPOKE WITH CALLOWAY. THE WASTE MATERIALS WERE HANDLED BY OSI. NEARLY ALL SPILLED MATERIAL WAS COLLECTED." The spill was deemed "closed" by Mike Schmoller, DNR Regional Spill coordinator, on January 24, 2018. As S&L concluded this is an HREC, which is defined the ASTM Standard as "a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A historical recognized environmental condition is not a recognized environmental condition. Thus, no additional assessment is required.

Table 1
Summary of Prior Phase I ESA and ESA Addendum Results
RockGen Energy Center
Town of Christiana, WI

Finding #	Area	Report	S&L's Finding	Sargent & Lundy Description	OSG Comments
4	A	None	HREC (OSG's finding)	BRRTS Record: 04-13-275155 GENERAL ELECTRIC - March 27, 2001	According to the WDNR BRRTS Website, on March 27, 2001, there was a spill (WDNR BRRTS # 0413275155) of approximately 100 gallons of diesel fuel (OIL; UNKNOWN AMT RECOV'D). The spill was reportedly addressed through "scrape up pooled material; remove top layer of gravel" which was completed by Superior Environmental Services. The WDNR closed the spill on March 30, 2001. Although S&L did not identify this spill, OSG found the BRRTS file in BOTW. OSG concludes this is an HREC, which is defined the ASTM Standard as "a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A *historical recognized environmental condition* is not a *recognized environmental condition* .
5	A	Phase I ESA - 2/1/21	Data Gap	A prior Phase I ESA Report (detailed in Section 4.4) of the Site prepared by Clayton Group Services (Clayton) identified de minimis conditions during the site reconnaissance in 2001. One de minimis condition identified in the prior report was a small release (i.e., less than one gallon) of lube oil observed by Clayton at the base of the 5,000-gallon lube oil module skid within the concrete secondary containment vault on the southwest side of Turbine 3. No other details were provided, including how the spill was stopped or cleaned-up. Because information regarding clean-up activities and/or release to the environment was not provided, S&L cannot determine the potential for impact to the Site. - Sargent & Lundy, L.L.C. (“S&L”)	OSG is of the opinion that because this spill occurred "within the concrete secondary containment vault" coupled with RockGen's rigorous secondary containment management procedures, which require removal of oil-laden water or water with a sheen or film to be removed by vacuum truck for off-site disposal, any release into the impervious secondary containment is not a release to the environment. Therefore, this is not a *recognized environmental condition* [1] (REC), and no investigation sampling is required. Moreover, *de minimis conditions* [2], by definition, do not merit further assessment. Furthermore, it is OSG's opinion that spills contained in and recovered from a competent secondary containment structure are less than even a *de minimis condition* . The impervious secondary containment was in very good condition on the day of OSG's site visit, October 10, 2024. While the spill was listed as a *de minimis condition* in the Clayton Group's Phase I ESA, S&L considered it a *data gap* because "information regarding clean-up activities and/or release to the environment was not provided...". While it may be considered a data gap, OSG does not consider it a *significant data gap* because it was less than one gallon of lube oil and RockGen has rigorous secondary containment management procedures, which require removal of oil-laden water or water with a sheen or film to be removed by vacuum truck for off-site disposal. Therefore, no additional assessment is warranted.
6	A	Phase I ESA Addendum - 3/26/21	De minimis	An oil spill was identified based on visual observation of a sheen on stormwater collected in the Combustion Turbine (CT) Unit 3 Accessory Module secondary containment. Mr. Robert Smith, who has been associated with the Site for five years as an Operator Technician III for RockGen Energy Center, indicated that the release would be collected via absorbent pads and/or sucked out by a vacuum truck for proper disposal off-site. S&L considers the identification of oil sheen within secondary containment as a de minimis condition due to the release collection plan described by Mr. Smith, lack of visual evidence of a release to the environment in the surrounding area, and the corrective action plans prescribed in the RockGen SPCC Plan regarding such a release. - Sargent & Lundy, L.L.C. (“S&L”)	OSG is of the opinion that because this spill occurred "within the concrete secondary containment vault" coupled with RockGen's rigorous secondary containment management procedures, which require removal of oil-laden water or water with a sheen or film to be removed by vacuum truck for off-site disposal, any release into the impervious secondary containment is not a release to the environment. Therefore, this is not an *REC* , not even a *de minimis condition* , and no investigation sampling is required. Moreover, *de minimis conditions* [2], by definition, do not merit further assessment. Furthermore, it is OSG's opinion that spills contained in and recovered from a competent secondary containment structure are less than even a *de minimis condition* . The secondary containment was in very good condition on the day of OSG's site visit, October 10, 2024.

Table 1
Summary of Prior Phase I ESA and ESA Addendum Results
RockGen Energy Center
Town of Christiana, WI

Finding #	Area	Report	S&L's Finding	Sargent & Lundy Description	OSG Comments
7	A	Phase I ESA Addendum - 3/26/21	De minimis	On the northwestern side of CT Unit 1, S&L visually observed a 55-gallon drum located on concrete and connected to CT Unit 1 equipment via plastic tubing and tape. Mr. Smith explained that the 55-gallon drum was collecting lube oil from a leak in the CT Unit equipment and that the use of the drum for this purpose was only temporary until the leak was addressed. S&L considers the use of the 55-gallon drum as a collection container for the lube oil leak without secondary containment a de minimis condition due to the lack of visual evidence of a release to the environment in the surrounding area. S&L recommends a secondary containment skid around the 55-gallon drum until a permanent solution to the leak can be developed and implemented. A permanent solution to the leak should be developed and implemented as soon as possible to prevent a potential release to the environment. - Sargent & Lundy, L.L.C. ("S&L")	On the day of OSG's site visit, October 10, 2024, the leak had been repaired, the drum removed and the oil stains, observed in the photograph contained in the Phase I addendum, had been cleaned up. The repair of the leak and removal of the drum containment removes any potential material threat of a future release to the environment. OSG agrees with S&L that this was a *de minimis condition,* and it has since been fully addressed. As above, *de minimis conditions* , by definition, do not merit further assessment.
8	A	Phase I ESA Addendum - 3/26/21	De minimis	S&L identified black- and copper-colored residue on the graveled area under the fuel gas intake and conditioning area equipment. Mr. Smith identified the residue as "carbon and rust residue," which is not considered a release to the environment; however, the residue obstructs the view of the ground if a release were to occur and therefore is considered a de minimis condition. - Sargent & Lundy, L.L.C. ("S&L")	This rust stain does not rise to the level of a *de minimis condition* . The rust stain was caused by exhaust condensation seeping from a weep hole in the rusty steel exhaust stacks (see photos) of this natural-gas-fueled conditioner unit (a preheater that heats the inbound natural gas up to the input temperature specifications for the turbines). Natural gas exhaust is very clean, consisting largely of CO_2, water and carbon black. OSG agrees the "carbon and rust residue"... "is not considered a release to the environment." OSG strongly disagrees with the rest of the statement, "...however, the residue obstructs the view of the ground if a release were to occur and therefore is considered a *de minimis condition* ." There is no and was no evidence of a release or imminent release. This is a natural-gas-fired preheater, and there are no hazardous liquids associated with or stored near this unit that could be released. By S&L's logic, anything on the ground that obstructs a view of underlying soils, such as gravel or equipment or..., would be a *de minimis condition* . We do not believe this meets the defintion[2] or intent of a *de minimis condition* per the ASTM standard.
9	A	Phase I ESA Addendum - 3/26/21	De minimis	Several pieces of equipment throughout the RockGen Energy Center facility contained small oil spills within secondary containment and/or internally. Due to the lack of visual evidence of a release to the environment in the surrounding areas of these secondary containment structures and the corrective action plans prescribed in the RockGen SPCC Plan regarding such spills, S&L considers these spills to be de minimis conditions. - Sargent & Lundy, L.L.C. ("S&L")	S&L observed "small oil spills, were "within secondary containment or internally." S&L concluded these were *de minimis conditions* . *De minimis conditions* [2] , by definition, do not merit further assessment. Furthermore, it is OSG's opinion that a spill contained in and recovered from a competent impervious secondary containment structure is less than even a de minimis condition. OSG is of the professional opinion that these do not even represent releases and therefore are not RECs or even *de minimis conditions* .
10	A	Phase I ESA Addendum - 3/26/21	De minimis	A red/orange stain on a concrete foundation located in the industrial air compressor room was observed; however, a photo of the stain was not obtained. Due to the lack of visual evidence of a release to the environment and the corrective action plans prescribed in the RockGen SPCC Plan regarding such spills, S&L considers this spill to be de minimis condition. - Sargent & Lundy, L.L.C. ("S&L")	OSG observed the rust stains on the floor of the compressor room. There were clearly caused by small releases of compressor condensate and, more germanely, were wholly contained on the competent, impervious concrete floor well within the building. This observation does not even represent a spill or a release, and therefore, it is not an REC or even a *de minimis condition* . Moreover, even if it were a *de minimis condition, de minimis conditions* [2] , by definition, do not merit further assessment.
11	A	Phase I ESA Addendum - 3/26/21	De minimis	S&L visually observed the storage of used parts on a plastic skid on gravel under the canopy area. Due to the lack of visual evidence of a release to the environment, S&L considers this activity to be a de minimis condition. - Sargent & Lundy, L.L.C. ("S&L")	The storage of used parts with no evidence of a release is not a release and does not even rise to the level of a *de minimis condition* . Moreover, even if it were a *de minimis condition, de minimis conditions* [2] , by definition, do not merit further assessment.

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Finding #	Area	Report	S&L's Finding	Sargent & Lundy Description	OSG Comments
12	A	Phase I ESA Addendum - 3/26/21	De minimis	S&L identified an office trailer with a walled generator with corrosion located on a plastic skid on gravel west of the canopy area. Due to the lack of visual evidence of a release to the environment, S&L considers this observation to be a de minimis condition. - Sargent & Lundy, L.L.C. ("S&L")	S&L misidentified the equipment. It was not a generator, rather it is small skid-mounted transformer. During its October 10, 2024 site visit, OSG observed rust on a steel access cover plate. It is not a structural part or a component that contains transformer oil. OSG observed no evidence of a release or conditions suggesting an imminent threat of a release. This S&L observation is, therefore, not an REC or even a *de minimis condition* . Moreover, even if it were a de minimis condition, *de minimis conditions* [2] , by definition, do not merit further assessment.
13	B & C	Phase I ESA - 2/1/21	Data Gap	Two prior Phase I ESA Reports (detailed in Section 4.4) observed evidence of buried building materials (reportedly from the Koshkonong Creek Dam from Rockdale, Wisconsin) placed in the quarry under an agreement with Wisconsin DNR; however, no record of this agreement was provided with either report. RockGen Energy Center personnel interviewed in preparation of this report also asserted that Wisconsin DNR sanctioned the disposal of materials from the Wisconsin DNR Koshkonong Creek Dam project in the abandoned quarry. RockGen Energy Center personnel stated that they would provide documentation regarding the agreement with Wisconsin DNR; however, this documentation has not yet been provided. A records request with Wisconsin DNR was also outstanding as of the time of finalization of this report. In addition, a third prior Phase I ESA report (detailed in Section 4.4) stated that 55-gallon drums and a fuel oil AST were associated with quarry operations. Although S&L's representative was unable to identify or discern the nature of materials observed in the vicinity of the abandoned quarry due to the snow cover at the time of the site reconnaissance, an unmarked 55-gallon drum was observed in the abandoned structure located adjacent (south) of the abandoned quarry. Overall, S&L considers the unconfirmed source and nature of the materials stored/disposed-of in and around the quarry to represent a data gap with potential to impact the Site. - Sargent & Lundy, L.L.C. ("S&L")	During its October 10, 2024 site visit, OSG inspected the quarry, looking for the evidence of buried building materials. OSG only observed a few large blocks of broken concrete debris, perhaps a few cubic yards in total, partially buried in limestone boulders and cobbles, quarry material. Demolition debris from a dam would likely consist of concrete debris, which is largely inert. Its inert nature and purported placement in the abandoned quarry well away from regulated surface waters would not render it an REC even if it were confirmed. Moreover, per section 500.08(2)(a), Wisconsin Administrative Code (WAC), sites where only concrete or reinforced concrete not painted with lead-based paint are disposed are exempt from chs. NR 500 to 538 (WAC) GENERAL SOLID WASTE MANAGEMENT REQUIREMENTS. Also see https://dnr.wisconsin.gov/topic/Demo/Structures.html, WDNR Publication *WA 605: Concrete Recycling and Disposal Fact Sheet (2017),* and WDNR Publication *WA-651: Planning Your Demolition or Renovation Project* . The fact that both the presence of the concrete dam debris and WDNR approval for its disposal are not fully documented could be considered a data gap[3]. OSG, however, would not consider it to be a significant data gap[4] because given there is no evidence of release of a petroleum product or hazardous substance or material threat[5] of a release OSG is able to conclude it is not an REC and no additional assessment is required.
14	C	Phase I ESA - 2/1/21 and Phase I ESA Addendum - 3/26/21	Data Gap	An abandoned structure, which appears to be associated with the historical quarry because of its proximity to the quarry and its identification in historical records a the same time as the quarry, was identified during the site reconnaissance. Debris, including an unmarked 55-gal drum, was identified in the abandoned quarry structure during the site reconnaissance; however, snow cover prevented S&L's representative from discerning the potential nature of debris. No specific information regarding historical operations associated with the observed structure was identified as part of the records search or Facility Personnel interviews. As such, historical operations that occurred at this location, and the potential contents of the unmarked 55-gallon drum, are not known and are considered a data gap that could pose potential impact to the site. - Sargent & Lundy, L.L.C. ("S&L")	There was no snow cover during OSG's October 10, 2024 site visit, and OSG observed the abandoned structure, which was roofless. Some litter and graffiti were present. OSG observed minimal debris, a few broken bottles and empty cans. The drum was topless. It had been set up as a burn barrel and contained a few partially burned branches, an empty plastic water bottle, some leaves, bark, charred wood fragments, and less than an inch of ash and dirt at the bottom. Based on its site visit, OSG considers the burn barrel a *de minimis condition* . Again, *de minimis conditions* 2, by definition, do not merit further assessment. S&L refers to the possible historical association of this remnant structure with the historical operations of the historical quarry. That may be the case, and based on the size of the structure and a wide door opening, it may have been garage or shop, perhaps associated with the quarry operations. Nevertheless, absent of other evidence or observations suggesting a release, this is not a REC, at most a *de minimis* condition, and *de minimis conditions* do not merit further assessment .

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Finding #	Area	Report	S&L's Finding	Sargent & Lundy Description	OSG Comments
15	C & D	Phase I ESA Addendum - 3/26/21	Data Gap	Debris that has accumulated in and around abandoned structures associated with the abandoned quarry and abandoned farmstead, as well as discolored vegetation near the abandoned quarry may constitute a de minimis environmental condition or a REC. However, given the lack of specific information regarding the nature of these materials, S&L identified the accumulation of debris in and around these structures as a data gap that could pose potential impact to the Site. - Sargent & Lundy, L.L.C. ("S&L")	During its site visit, OSG observed minimal debris and stored items in the quarry: a pile of logs, some galvanized corrugated culvert tubes, some old lumber, a few plastic lawn chairs, a few old tires, some glass blocks, and some small litter. OSG recommends removing debris and litter including the tires. Removal of the stored items (logs, lumber and corrugate tubes) is not necessary, unless DCP/RockGen desires. Regarding the discolored vegetation, OSG inspected the area at the quarry where S&L had observed discolored vegetation. No soil staining or discolored vegetation was observed. OSG reviewed the photographs in the S&L report. OSG did not find the discoloration unusual, given the site visit was in late winter/early spring. Given the lack of evidence of release, OSG does not consider this to be a *data gap* [3] or a *de minimis condition* . OSG discussed the abandoned structure near the quarry above. Clean up of debris and/or demolition and disposal of the structure is only recommended should DPC/RockGen desire. Discussion of debris and other observations at the abandoned farmhouse and outbuilding south of the generation plant is provided below.
16	D	Phase I ESA - 2/1/21	Data Gap	Debris (e.g., tires) was identified externally around the abandoned farmstead located south of the RockGen Energy center during the site reconnaissance. Facility Personnel were unaware of the debris but had not specific knowledge of the nature of the debris beyond that discernable by visual inspection. Snow cover prevented S&L's representative from discerning the potential nature of the debris and other materials stored adjacent to the structure. The lack of information regarding these materials is considered a data gap that could pose potential impact to the site. - Sargent & Lundy, L.L.C. ("S&L")	At the time of OSG's site visit, the farmhouse and outbuilding at the former farmstead had been demolished and all debris had been removed. According to Leif Tolokken, DPC Manager of Water and Waste Programs, the buildings were demolished before DPC took possession of the property. There was no snow cover, but there was underbrush and vegetation (e.g., grasses, ragweed and goldenrod) limiting observation of the ground surface to some extent. OSG does not consider the underbrush and vegetation or S&L's "lack of information regarding these materials" a *significant data gap* . In OSG's professional opinion, the described observations are *de minimis conditions* and they do not merit further assessment.
17	D	Phase I ESA - 2/1/21	Data Gap	S&L's representative visually inspected the area surrounding the former farmstead but did not enter the two structures in this area due to safety concerns; however, portions of the interior were able to be observed from the exterior. S&L's representative visually observed debris and other material stored within the structures, including metal equipment and parts, remnant pieces of furniture, and a handheld plastic container, but could not specifically determine the nature of the debris. Due to observation of debris stored within these structure, and the nature of debris identified in a previous Phase I ESA Report (i.e., paint cans and a 25-gallon drum), S&L considers the lack of information about the source and natures of all debris stored within these structures to be a data gap that could pose potential impact the Site. - Sargent & Lundy, L.L.C. ("S&L")	At the time of OSG's site visit, the farmhouse and outbuilding at the former farmstead had been demolished and all debris had been removed and diposed off site. According to Leif Tolokken, DPC Manager of Water and Waste Programs, the buildings were demolished before DPC took possession of the property. There was no snow cover, but there was underbrush and vegetation (e.g., grasses, ragweed and goldenrod) limiting observation of the ground surface to some extent. OSG does not consider the underbrush and vegetation a *significant data gap* . The debris has been removed. In OSG's professional opinion, the described observations are *de minimis conditions* and they do not merit further assessment. Moreover, in our professional opinion, there is nothing about the buildings, a farmhouse and a farm outbuilding, that "indicates that the use of such a building often involves activity that leads to a *recognized environmental condition* [6]." *De minimis conditions* may be common at farm outbuildings, but absent of other evidence or observations suggesting a release, there is nothing to suggest a REC. This is not a *significant data gap* and does not merit further assessment.

Footnotes:

[1] 3.2.73 *recognized environmental conditions* , n—(1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.
3.2.73.1 Discussion—For the purposes of this definition, "likely" is that which is neither certain nor proved, but can be expected or believed by a reasonable observer based on the logic and/or experience of the environmental professional, and/or available evidence, as stated in the report to support the opinions given therein. [**ASTM Standard E1527 – 21: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process** . November 2021. ASTM International, West Conshohocken, PA.]

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Footnotes (continued):
[2] 3.2.20 *de minimis condition* , n—a condition related to a release that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a *de minimis condition* is not a *recognized environmental condition* nor a *controlled recognized environmental condition* . [**ASTM Standard E1527 – 21: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process** . November 2021. ASTM International, West Conshohocken, PA.]
[3] 3.2.19 *data gap* , n—a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to, site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.). [**ASTM Standard E1527 – 21: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process**. November 2021. ASTM International, West Conshohocken, PA.]
[4] 3.2.78 *significant data gap* , n—a data gap that affects the ability of the environmental professional to identify a recognized environmental condition. [**ASTM Standard E1527 – 21: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process** . November 2021. ASTM International, West Conshohocken, PA.]
[5] 3.2.52 **material threat**, n—obvious threat which is likely to lead to a release and that, in the opinion of the environmental professional, would likely result in impact to public health or the environment. An example might include an aboveground storage tank system that contains a hazardous substance and which shows evidence of damage. The damage would represent a material threat if it is deemed serious enough that it may cause or contribute to tank integrity failure with a release of contents to the environment. [**ASTM Standard E1527 – 21: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. November 2021**. ASTM International, West Conshohocken, PA.]
[6] 12.5.1 **Significant Data Gaps** — The report shall identify significant data gaps in the Findings section of the report. The resources and/or sources of information that were consulted to address the significant data gaps shall also be identified in the report. A data gap by itself is not inherently significant [underline emphasis added.]. ... A data gap is only significant if other information and/or professional experience raises reasonable concerns involving the effects of that data gap on the ability of the environmental professional to render an opinion regarding whether conditions exist that are indicative of recognized environmental conditions or controlled recognized environmental conditions. For example, if a building on the subject property is inaccessible during the site reconnaissance, and the environmental professional's experience indicates that the use of such a building often involves activity that leads to a recognized environmental condition, the inability to inspect the building would be a significant data gap listed in the Findings section and discussed in the Opinions section. [**ASTM Standard E1527 – 21: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.** November 2021. ASTM International, West Conshohocken, PA.]