



May 29, 2020

MR JOHN BUTLER
PUBLIC WORKS DIRECTOR
CITY OF ASHLAND
2020 6TH ST E
ASHLAND WI 54806

SUBJECT: Notice of Remedial Action Approval with Continuing Obligations for Rights-of-Way Holders for North 3rd Avenue East, St. Claire Street and Prentice Avenue
Remedial Action Plan Approval Ashland NSP Lakefront Superfund Site
300 St. Claire Street, Ashland, Wisconsin
DNR BRRTS Activity #02-02-000013

Dear Mr. Butler:

The Department of Natural Resources (DNR) recently approved the remedial action associated with environmental work performed at the Ashland NSP Lakefront Superfund site and the United States Environmental Protection Agency (USEPA), in concurrence with DNR, has approved the substantial completion of that work through USEPA's *Preliminary Close-Out Report*, dated December 2, 2019. This letter describes how that approval applies to the right-of-way (ROW) at North 3rd Avenue East between Lake Shore Drive East and St. Claire Street; Prentice Avenue from Lake Shore Drive East to Chequamegon Bay; and St. Claire Street from North 3rd Avenue East to the east side of Prentice Avenue, Ashland. As the right-of-way holder, you are responsible for complying with the continuing obligations described below for any work you conduct in the right-of-way.

State law directs certain parties responsible for environmental contamination to take actions to restore the environment and minimize harmful effects to the extent practicable. The law allows some residual contamination to remain in soil and groundwater if it does not pose a threat to public health, safety, welfare or to the environment.

On March 17, 2020, you received information from Northern States Power Company of Wisconsin (NSPW) about residual contamination at the Ashland NSP Lakefront Superfund site, located at 300 St. Claire Street, Ashland, and about potential continuing obligations associated with remedial action at this site. Continuing obligations are meant to limit exposure to any remaining residual contamination.

Applicable Continuing Obligations

The continuing obligations that apply to this right-of-way are described below and are consistent with Wis. Stat. § 292.12 and the Wisconsin Administrative Code NR 700 series.

- Groundwater contamination is present at or above Wis. Admin. Code ch. NR 140, enforcement standards.
- Residual soil contamination exists that must be properly managed should the impacted soil be excavated or removed.
- One or more monitoring wells are required to be kept for further monitoring. Annual inspections are required, and the wells must be properly filled and sealed when monitoring is no longer required.

Residual Groundwater Contamination (Wis. Admin. Code chs. NR 140, NR 812)

Constituents in groundwater exceed enforcement standards, as shown on the attached *Figure 2-8 Parcels Affected by Groundwater Contamination After Phase I Remedial Action*, prepared by Foth Envirocon Joint Venture (FE/JV) and dated January 2020. Affected property owners and right-of-way holders were notified of the presence of groundwater contamination.

You are not being asked to clean up impacted groundwater that has migrated beneath your property. You are being asked, however, to do the following:

- Grant reasonable access to DNR, NSPW or its contractors;
- Avoid interference with response actions taken;
- Comply with the property use restrictions of the *Institutional Control Implementation and Assurance Plan* (FE/JV 2020);
- Comply with the soil management requirements of the *Soil Management Plan* (FE/JV 2020); and
- Avoid actions that make the contamination worse (e.g., demolishing or damaging a structure and causing or worsening the discharges to the environment).

If you intend to construct a new well, or reconstruct an existing well, you will need prior approval from DNR in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This continuing obligation also applies to the owners of 300 St. Claire Street and the ROW holders for North 3rd Avenue East between Lake Shore Drive East and St. Claire Street; Prentice Avenue from Lake Shore Drive East to Chequamegon Bay; and St. Claire Street from North 3rd Avenue East to the east side of Prentice Avenue.

Additionally, if you construct or reconstruct any structures on your property, you should evaluate site conditions in accordance with WDNR publication RR-800, *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, dated January 2018 (DNR, 2018), and any subsequent versions thereof.

Residual Soil Contamination (Wis. Admin. Code ch. NR 718, chs. NR 500 to NR 555, or Wis. Stat. ch. 289)

Soil contamination remains in the right-of-way on North 3rd Avenue East and St. Claire Street as indicated on the *Figure 2-3 Parcels Affected by Soil Contamination After Phase I Remedial Action*, prepared by FE/JV and dated January 2020. If soil in the specific locations described above is excavated in the future, the property owner or right-of-way holder must comply with the requirements of the *Soil Management Plan* (FE/JV 2020), including the requirement to sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718, with prior DNR approval. This continuing obligation also applies to the owners of 300 St. Claire Street and the ROW holders for Prentice Avenue from Lake Shore Drive East to Chequamegon Bay; and St. Claire Street from North 3rd Avenue East to the east side of Prentice Avenue.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Continued Monitoring Required

The DNR is requiring NSPW to continue monitoring wells MW-8, MW-8A, MW-11 as part of this remedial action approval. The wells are located on the St. Claire Street right-of-way, as shown on the attached *Figure B.3d-2 Monitoring Wells After Phase I RA*, prepared by Foth Envirocon Joint Venture and dated January 2020. These wells will be sampled by NSPW as part of the ongoing Operation and Maintenance Plan for the Ashland

NSP Lakefront Superfund site. Once monitoring ends, NSPW is required to notify the DNR, to properly fill and seal the wells and to submit the required documentation to the DNR. The property owner must allow NSPW access to monitor, sample, and fill and seal the wells.

Additional information about this case is available in the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web: <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>. Enter 02-02-000013 in the **activity number** field in the initial screen and then click on **search**. Scroll down and click on the **GIS Registry Packet** link for information about the completion of the environmental work. Further information about the Site can also be found here: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0507952> or by review of the documents maintained in the documentary repository in the Vaughn Public Library.

If you cannot access the BRRTS website or have additional concerns or questions regarding this case, you may contact John Sager, DNR Project Manager, at (715) 392-7822 or John.Sager@Wisconsin.gov.

Sincerely,

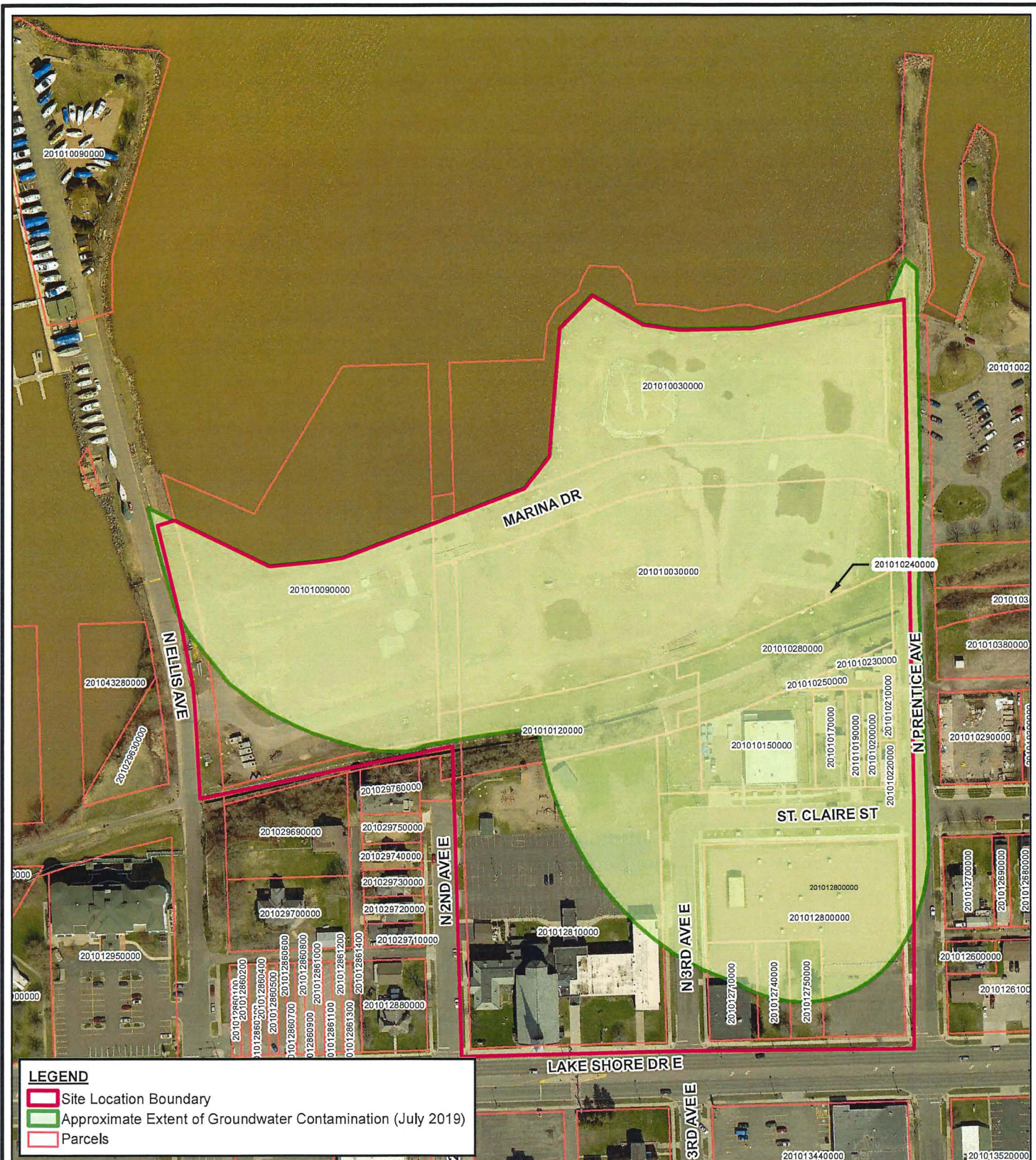


Christopher A. Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program

Attachments:

- *Figure 2-8 Parcels Affected by Groundwater Contamination After Phase I Remedial Action*, Foth Envirocon Joint Venture, January 2020
- *Figure 2-3 Parcels Affected by Soil Contamination After Phase I Remedial Action*, prepared by Foth Envirocon Joint Venture, January 2020
- *Figure B.3d-2 Monitoring Wells After Phase I RA*, Foth Envirocon Joint Venture, January 2020

cc: Mayor Debra Lewis, City of Ashland
Northern States Power of Wisconsin, Attn. Eric Ealy, Project Manager, 414 Nicolet Mall, 2nd Floor, Minneapolis, MN 55401 (via email)
Michael Raimonde, Project Manager, Foth Envirocon Joint Venture 2514 S. 102nd St., Suite 278, Milwaukee, WI 53227 (via email)
John Sager, DNR Project Manager, 1701 N. 4th St., Superior, WI 54880 (via email)
Scott Hansen, Regional Project Manager, USEPA Region 5 Chicago (via email)



LEGEND

- Site Location Boundary
- Approximate Extent of Groundwater Contamination (July 2019)
- Parcels

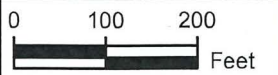
SOURCE OR NOTES:
 1. Coordinate System - NAD 1983 Wisconsin SPN Feet
 2. Aerial supplied by City of Ashland and flown April 2019.



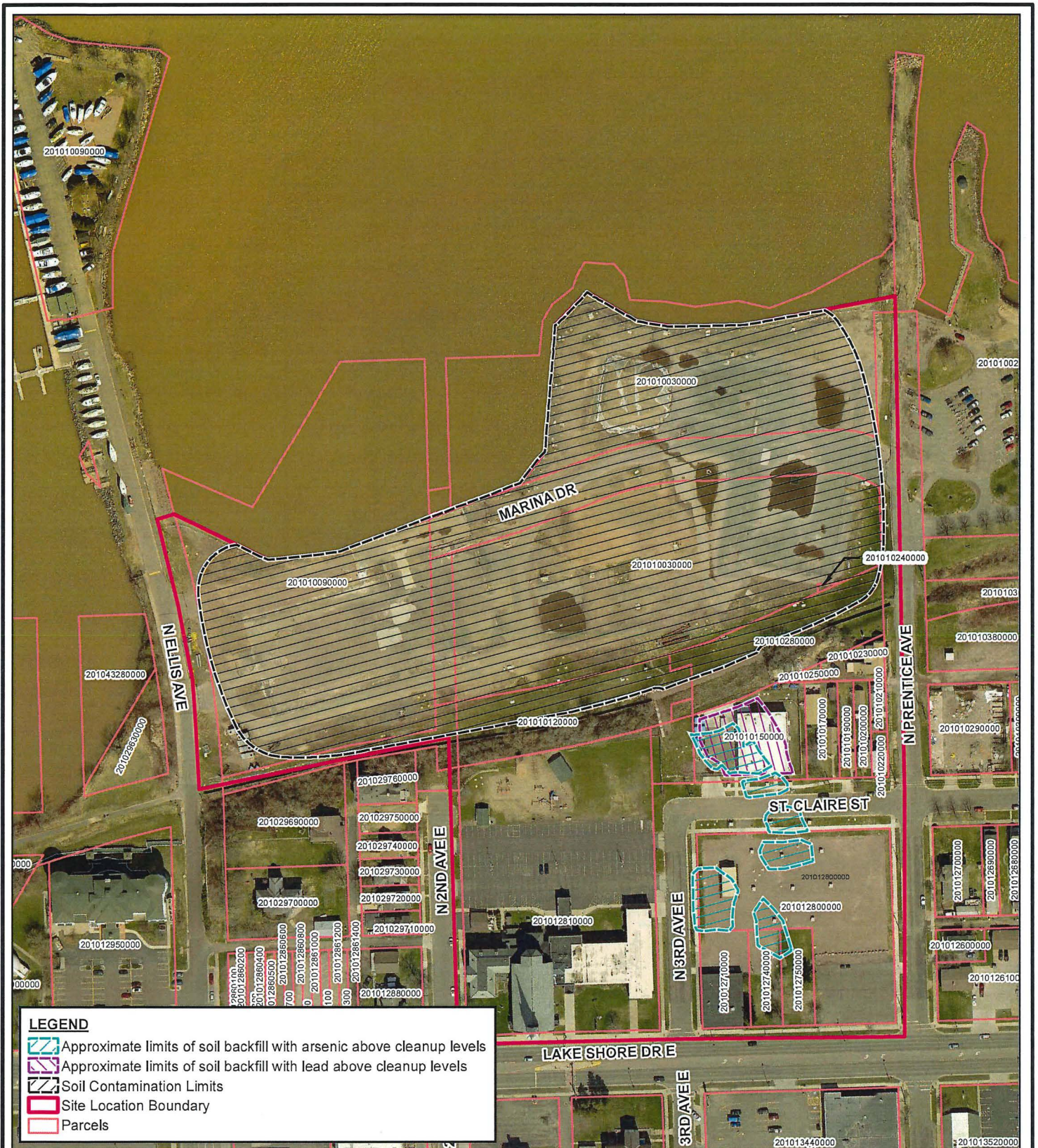
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FIGURE 2-8
 PARCELS AFFECTED BY GROUNDWATER
 CONTAMINATION AFTER PHASE 1 REMEDIAL ACTION
 ASHLAND/NSP LAKEFRONT SITE






This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.



Date: JANUARY 2020		Revision Date:	
Drawn By: DAT	Checked By: BDS1	Project: 12X001	



LEGEND

-  Approximate limits of soil backfill with arsenic above cleanup levels
-  Approximate limits of soil backfill with lead above cleanup levels
-  Soil Contamination Limits
-  Site Location Boundary
-  Parcels

SOURCE OR NOTES:

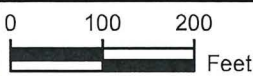
1. Coordinate System - NAD 1983 Wisconsin SPN Feet
2. Aerial supplied by City of Ashland and flown April 2019.
3. Soil containing Lead or Arsenic above soil cleanup criteria located 5 to 25 feet below 2016 Post-Remediation ground surface.



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FIGURE 2-3
PARCELS AFFECTED BY SOIL CONTAMINATION AFTER PHASE 1 REMEDIAL ACTION ASHLAND/NSP LAKEFRONT SITE

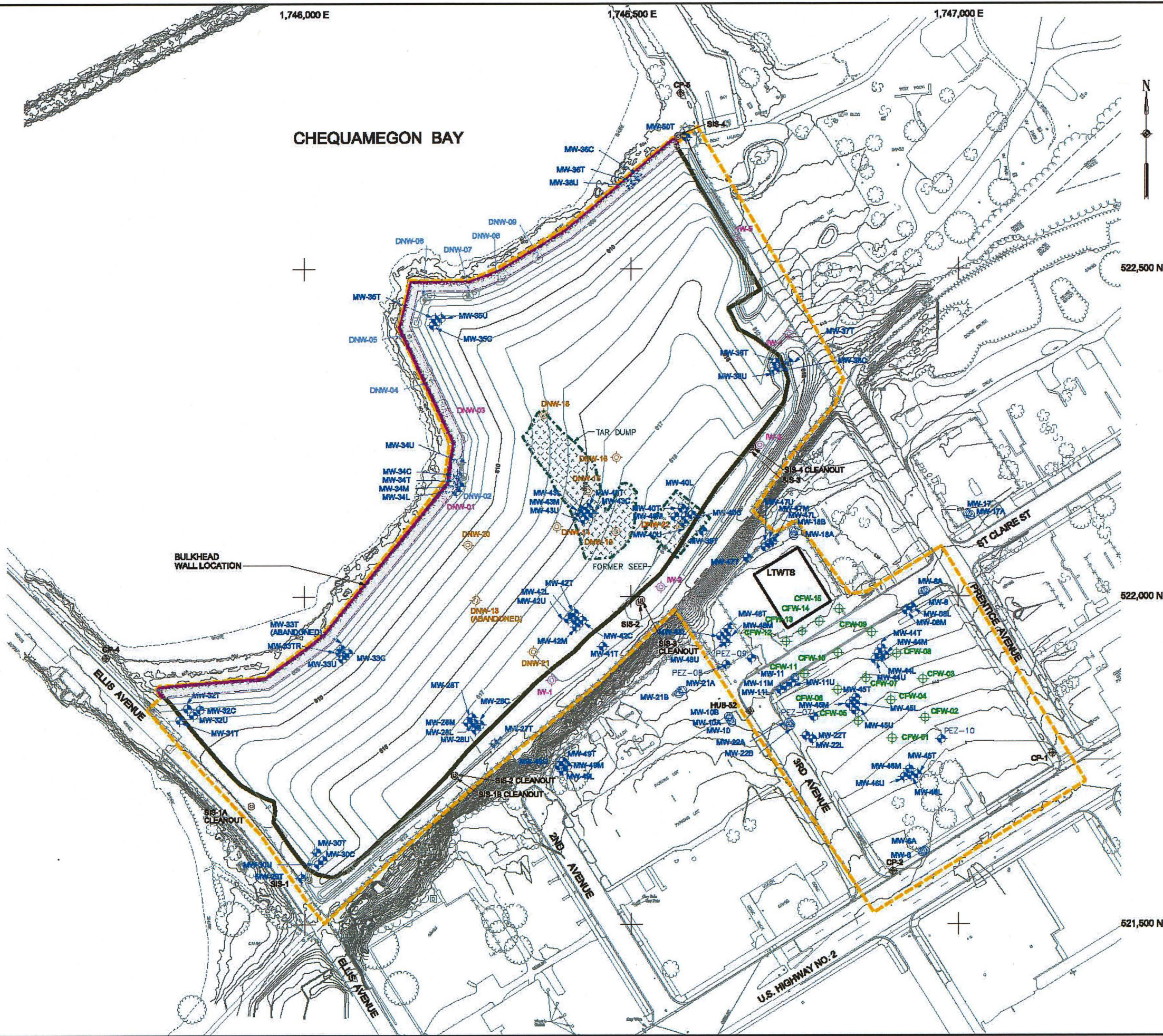
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.



Date: JANUARY 2020		Revision Date:	
Drawn By: DAT	Checked By: BDS1	Project: 12X001	

LEGEND

- PRE-EXISTING ROADWAY
- - - PRE-EXISTING SHORELINE/DRAINAGE
- PRE-EXISTING CULVERT
- PRE-EXISTING TREE/BRUSH
- - - PHASE 1 PROJECT AREA
- BULKHEAD WALL LOCATION
- CUTOFF WALL LOCATION
- PERIMETER FENCE
- ⊕ CP-4 CONTROL POINT NUMBER AND LOCATION
- ▭ LONG-TERM WATER TREATMENT SYSTEM
- ⊕ MW-32C 2015 MONITORING WELL NUMBER AND LOCATION
- ⊕ MW-21A EXISTING PRE-2015 MONITORING WELL NUMBER AND LOCATION
- ⊕ PEZ-10 PIEZOMETER MONITORING WELL NUMBER AND LOCATION
- ⊕ CFW-05 COPPER FALLS EXTRACTION WELL NUMBER AND LOCATION
- ⊕ DNAPL AND WATER COLLECTION SUMP AND COLLECTION PIPE
- ⊕ WATER COLLECTION PIPE CLEANOUT
- ⊕ DNW-14 DNAPL COLLECTION WELL NUMBER AND LOCATION
- ⊕ RW-3 GROUNDWATER RECOVERY WELL
- ⊕ LIMITS OF FORMER COAL TAR DUMP AND SEEP AREAS, PARTIALLY EXCAVATED IN 2002, AS DESCRIBED IN THE URS REMEDIAL INVESTIGATION REPORT DATED AUGUST 31, 2007.



NOTES:

1. COORDINATE SYSTEM - W83-NF, HORIZONTAL DATUM IS NAD83, VERTICAL DATUM IS NAVD88 USING GEOID 12A.
THIS DRAWING IS A 3D PHOTOGRAMMETRIC SURVEY OF THE ASHLAND NSP LAKEFRONT SITE IN ASHLAND WISCONSIN. IT IS A COMPILATION OF DEVELOPED 3D GIS LAYERS, RECORDS, AND DATA TO BE USED FOR SITE ANALYSIS. DEVELOPED DATA WAS MAPPED IN ACCORDANCE WITH THE AC-18B MAPPING STANDARDS.
2. TOPOGRAPHY OUTSIDE KREHER PARK DEVELOPED FROM DECEMBER 22, 2015 IMAGERY. TOPOGRAPHY INSIDE KREHER PARK PROVIDED BY BRAUN INTERTEC, MINNEAPOLIS, MN., NOVEMBER 2019.

Foth Joint Venture
Envirocon Infrastructure & Environment, LLC
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 Ashland, WI 54805
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**ICIAF FOR
 ASHLAND/NSP LAKEFRONT SITE
 PHASE 1 REMEDIAL ACTION**

NORTHERN STATES POWER COMPANY

ASHLAND COUNTY WISCONSIN

NO.	BY	DATE	DESCRIPTION

RECORD DRAWING OF COMPLETED CONSTRUCTION BY:
 RECORDS DRAWING OF ASHLAND/NSP LAKEFRONT SITE PHASE 1 REMEDIAL ACTION CONSTRUCTION TO CONTRACTOR FOR OWNER'S RECORDS.

DATE OF PREPARATION	
BY	DATE

MONITORING WELLS AFTER PHASE 1 RA



PROJECT ID: 12001

B.3d-2

P:\2019\ASPL\FW_E\Documents\Chequamegon Energy\00120001_0000\DWG\RR Reg\2019\Figure B.3d-2 Monitoring Wells - After Phase 1 RA.dwg
 1/28/2020 2:29:38 PM jvw