



February 21, 2024

Lynn Hall
Xcel Energy
122 North 14th Avenue West
Ashland, Wisconsin 54806
(sent via email only to lynn.m.hall@xcelenergy.com)

Eric Ealy
Xcel Energy
414 Nicollet Mall, 2nd Floor
Minneapolis, MN 55401
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SUBJECT: Continuing Obligations
Ashland NSP Lakefront MGP
BRRTS Activity #02-02-000013
EPA ID: WISFN0507952

Dear Ms. Hall and Mr. Ealy:

The 2010 Record of Decision (ROD) for the Ashland NSP Lakefront MGP site referenced above (Site) established the use of institutional controls for soil, groundwater, and maintenance of certain features of the remedy where contaminants remain in the subsurface, and for shallow groundwater in contained areas. The term “Site” is used in this letter as defined in Wisconsin Administrative (Wis. Admin.) Code § NR 700.03(56) and includes any area where a hazardous substance has been discharged.

The Wisconsin Department of Natural Resources (DNR) approved the Remedial Action Plan (RAP) associated with environmental work performed at the Site, and the United States Environmental Protection Agency (EPA), in concurrence with DNR, approved the substantial completion of that work. In July 2020, the final Institutional Control Implementation and Assurance Plan (ICIAP) was submitted by Northern States Power (NSP) to EPA and DNR and was entered into the DNR database, Bureau for Remediation and Redevelopment Tracking System (BRRTS). The EPA approved the ICIAP with concurrence from the DNR on October 5, 2023. Table 2-2 and Table 2-3 from the ICIAP are attached as references for the institutional controls that are required under the ICIAP (Attachment 1).

The DNR has the authority under Wisconsin Statutes (Wis. Stat.) § 292.12 to require maintenance of an engineering control, an investigation of the extent of contamination if a structural impediment to complete investigation or remediation is removed, and to impose limitations or other conditions to ensure conditions remain protective of public health, safety, welfare, and the environment. The DNR does this by imposing continuing obligations (COs) and listing the Site on BRRTS. This letter summarizes the COs DNR is imposing in conjunction with EPA’s approval of the ICIAP and approval of the remedial action. DNR and EPA consider COs a form of ICs and are thus incorporated in the ICIAP as further described in this letter.

Property owners, future property owners, and occupants of the parcels referenced below must comply with the COs as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. Property owners other than NSP were notified of the COs

being applied to their properties on May 29, 2020. This letter summarizes COs established for all affected parcels including but not limited to parcels owned by NSP. Property owners must notify anyone who purchases, rents, or leases the parcels referenced below of the established COs. The COs applied are imposed for current site status due to the ongoing remedy. Pursuant to Wis. Stat. § 292.12 and Wis. Admin. Code ch. NR 726, these COs may be modified, and additional COs may be imposed, at the time of case closure.

SUMMARY OF CONTINUING OBLIGATIONS

Parcel ID	COs Applied	Maintenance Plan
ROW (N 3 rd Ave E, St. Claire St.)	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination 	Not Applicable
ROW (Marina Dr.)	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination Cover (for soil) Site Specific 	Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), Section 5
ROW (N Prentice Ave.)	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination Cover (for soil) 	Not Applicable
201010030000	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination Cover (for soil) Site Specific 	Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), Section 5
201010090000	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination Cover (for soil) Site Specific 	Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), Section 5
201010120000	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination Cover (for soil) Site Specific 	Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), Section 5
201010150000	<ul style="list-style-type: none"> Residual Soil Contamination Residual Groundwater Contamination Site Specific 	Not Applicable
201010170000	<ul style="list-style-type: none"> Residual Groundwater Contamination 	Not Applicable
201010190000	<ul style="list-style-type: none"> Residual Groundwater Contamination 	Not Applicable
201010200000	<ul style="list-style-type: none"> Residual Groundwater Contamination 	Not Applicable

201010210000	<ul style="list-style-type: none"> • Residual Groundwater Contamination 	Not Applicable
201010220000	<ul style="list-style-type: none"> • Residual Groundwater Contamination 	Not Applicable
201010230000	<ul style="list-style-type: none"> • Residual Groundwater Contamination 	Not Applicable
201010240000	<ul style="list-style-type: none"> • Residual Soil Contamination • Residual Groundwater Contamination • Cover (for soil) • Site Specific 	Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), Section 5
201010250000	<ul style="list-style-type: none"> • Residual Groundwater Contamination • Site Specific 	Not Applicable
201010280000	<ul style="list-style-type: none"> • Residual Soil Contamination • Residual Groundwater Contamination • Cover (for soil) • Site Specific 	Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), Section 5
201010290000	<ul style="list-style-type: none"> • Residual Groundwater Contamination • Site Specific 	Not Applicable
201012710000	<ul style="list-style-type: none"> • Residual Soil Contamination • Residual Groundwater Contamination • Industrial Land Use • Site Specific 	Not Applicable
201012740000	<ul style="list-style-type: none"> • Residual Soil Contamination • Residual Groundwater Contamination • Industrial Land Use • Site Specific 	Not Applicable
201012750000	<ul style="list-style-type: none"> • Residual Soil Contamination • Residual Groundwater Contamination • Industrial Land Use • Site Specific 	Not Applicable
201012800000	<ul style="list-style-type: none"> • Residual Soil Contamination • Residual Groundwater Contamination • Industrial Land Use • Site Specific 	Not Applicable
201012810000	<ul style="list-style-type: none"> • Residual Groundwater Contamination 	Not Applicable

Continuing Obligations

The continuing obligations that apply are described below and are consistent with Wis. Stat. § 292.12 and the Wisconsin Administrative Code NR 700 series.

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Soil contamination remains on site as indicated on Figure 2-3 of the ICIAP, *Parcels Affected by Soil Contamination After Phase 1 Remedial Action, Ashland/NSP Lakefront Site*, dated January 2020 (Figure 2-3). If soil in the locations shown on Figure 2-3 is excavated in the future, the property owner or right of way holder at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner or right of way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment, or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners, occupants and right of way holders need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

Cover (for soil) (Wis. Stat. §§ 292.12(2)(a), 292.12(6), Wis. Admin. Code §§ NR 724.13(1) and (2), NR 726.15(2)(d) and/or (e), NR 727.07(1))

The engineered cover, as shown on Figure C2-3 of the Phase 1 Operations, Maintenance, and Monitoring Plan – Revision 4, prepared by O and M, Inc., dated June 29, 2020 (OM&M Plan), shall be maintained in compliance with the maintenance plan contained in Section 5 of the OM&M Plan. The purpose of the cover is to minimize the infiltration of water through contaminated soil and prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

The cover approved for this closure was designed to be protective for current property use as a city park. Before using the property for any other purpose, the property owner must notify the DNR to determine if additional response actions are warranted. A cover intended for a certain property use may not be protective if use of the property changes.

To modify or replace a cover, the party modifying or replacing the cover must submit a request to the DNR under Wis. Admin. Code ch. NR 727. DNR approval must be obtained before implementation. EPA must also be provided notification before modifying or replacing a cover. The replacement or modified cover must be a structure of similar construction or be protective of the revised use of the property until contaminant levels no longer exceed Wis. Admin. Code ch. NR 720 groundwater pathway residual contaminant levels (RCLs) and/or direct contact RCLs.

Industrial Soil Standards (Wis. Stat. § 292.12(6), Wis. Admin. Code §§ NR 720.05(5), 726.15(2)(g), NR 727.07(3), (5))

Soil cleanup levels were based on industrial land use on four parcels, PIDs 201012710000, 201012740000, 201012750000, and 201012800000. The land use of properties identified with PIDs 201012710000, 201012740000, 201012750000, and 201012800000 is restricted to industrial use and may not be used or developed for a residential, commercial, agricultural, or other non-industrial use without approval of the DNR. DNR approval must be obtained before property use is changed from industrial to nonindustrial.

Residual Groundwater Contamination (Wis. Admin. Code ch. NR 140 and § NR 812.09(4)(w))

Groundwater contamination which equals or exceeds the Wis. Admin. Code ch. NR 140 groundwater quality enforcement standards is present as shown on Figure 2-7 of the ICIAP. To construct a new well or reconstruct an existing well, the property owner must obtain prior DNR approval.

Site Specific COs (Wisconsin Statutes § 292.12(2)(c), Wis. Admin. Code §§ NR 726.15(2)(m), 727.07(7))

The COs described above and other site specific conditions are incorporated into and described in the ICIAP. Compliance with ICs in the ICIAP is a remedial action component and is required under the ROD, Wis. Stat. § 292.12, and Wis. Admin. Code § NR 726.15(2)(m)). A change to site-specific COs may require prior DNR approval. The ICIAP is available on BRRTS on the Web at <https://dnr.wisconsin.gov/topic/Brownfields/botw.html>.

OTHER REQUIREMENTS

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high-capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

DNR NOTIFICATION AND APPROVAL REQUIREMENTS

(Wis. Stat. § 292.12(6), Wis. Admin. Code §§ NR 726.15(2), 727.07),

Certain activities are limited at sites where COs have been imposed to maintain protectiveness to human health and the environment. The property owner is required to notify the DNR at least 45 days before and obtain approval from the DNR prior to taking the following actions:

- Before removing a cover or any portion of a cover
- Before changing the use of the property to a non-industrial use, when industrial soil standards were applied as a CO.

SUBMITTALS AND CONTACT INFORMATION

Send written notifications and inspection logs to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the Project Manager below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

Site, case-related information and DNR contacts can be found online in BRRTS on the Web (BOTW); go to dnr.wi.gov and search "BOTW." Use the BRRTS ID # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

If you have concerns or questions regarding the established COs, you may contact John Sager, the DNR Project Manager, at (715) 919-7239 or by email at John.Sager@wisconsin.gov. You may also contact me at (715) 208-4004 or by email at Christopher.Saari@wisconsin.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christopher A. Saari".

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

Attachment: ICIAP Tables 2-2 and 2-3

cc: Brant Kucera – City of Ashland (sent via email only to bkucera@coawi.org)
Scott Hansen – USEPA (sent via email only to hansen.scott@epa.gov)

**Table 2-2
Project Stakeholder's Contact List**

Site User	Affiliation	Project's Role/Title	Email	Address	Office	Cell
RESPONSIBLE PARTY -- NSPW						
Eric Ealy	NSPW	Project Manager	eric.j.ealy@xcelenergy.com	414 Nicollet Mall-2, Minneapolis MN 55401	612-330-1928	763-276-6476
Kristen S. Carney	NSPW	Asst. General Counsel	kristen.s.carney@xcelenergy.com	1800 Larimer, 11 th Floor, Ste 1100, Denver CO 80202	303-294-2753	303-725-2809
Mike BeBeau	NSPW	Community Services Manager	michael.s.bebeau@xcelenergy.com	2400 Farm Rd, Ashland WI 54806	715-682-6936	715-577-3001
USEPA						
Scott Hansen	USEPA	Remedial Project Manager	hansen.scott@epamail.gov	USEPA Region 5 Superfund Division, 77 W. Jackson Blvd (SR-6J), Chicago Il 60604-3590	800-621-8431 312-886-1999 x61999	
Alida Roberman	USEPA	QA Coordinator	roberman.alida@epamail.epa.gov	77 W. Jackson Blvd (SR-6J), Chicago Il 60604-3590	312-886-7185	
Doug Ballotti	USEPA	Acting Director, Superfund	ballotti.douglas@epa.gov	77 W. Jackson Blvd (S-6J), Chicago Il 60604-3507	312-886-4752	
WDNR						
Call Center	WDNR	Department Call Center	https://dnr.wi.gov/feedback/	810 W Maple St, Spooner WI 54801	1-888-WDNRINFo (1888-936-7463)	
WDHS						
Bureau Reception	WDHS	Div. Public Health, BEOH	https://www.dhs.wisconsin.gov/environmental/index.htm	One West Wilson St, Rm 150, Madison WI 53703	608-266-1120	
CITY OF ASHLAND						
John Butler	City of Ashland	Public Works Director	jbutler@coawi.org	2020 Sixth St East, Ashland WI 54806	715-682-7061 715-682-7907 F	
Brant Kucera	City of Ashland	City Administrator	bkucera@coawi.org	601 Main St West, Ashland WI 54806	715-682-7071	
Bob Miller	City of Ashland	City Building Inspector	bmiller@coawi.org	601 Main St West, Ashland WI 54806	715 682 7002	
Deb Lewis	City of Ashland	Mayor	dlewis@coawi.org	601 Main St West, Ashland WI 54806	715-682-7003	
April Kroner	City of Ashland	Director of Planning and Development	akroner@coawi.org	601 Main St West, Ashland WI 54806	715-682-7583	
Scott Stegmann	City of Ashland	Marina Manager	sstegman@coawi.org	601 Main St West, Ashland WI 54806	715- 682-7049	

Table 2-2 (Continued)

Site User	Affiliation	Project's Role/Title	Email	Address	Office	Cell
ASHLAND COUNTY						
Cyndi Zach	Ashland Co. Health & Human Services	Ashland Co. Health Dept Representative	czach@hsd.coashland.wi.us	630 Sanborn Avenue, Ashland WI 54806	715-682-7004	
USACE						
Bill Sande	USACE	Lead Project Engineer	william.m.sande@mvp02.usace.army.mil	15954 Rivers Edge, Suite 240, Hayward WI 54843	715 934-2170	
USFWS						
Betsy Galbraith	U.S. Fish & Wildlife Service	Fox River/Green Bay Natural Resource Trustee Council Coord.	betsy_galbraith@fws.gov	Ashland Fish and Wildlife Conservation Office 2800 Lake Shore Drive East, Ashland WI 54806	920-866-1753	
Mike Mlynarek	U.S. Fish & Wildlife Service, Whittlesey Creek Nat'l Wildlife Refuge	Wildlife Biologist	mike_mlynarek@fws.gov	Ashland Fish and Wildlife Conservation Office 2800 Lake Shore Drive East, Ashland WI 54806		
Henry Quinlan	U.S. Fish & Wildlife Service	Lake Huron Coordinator	henry_quinlan@fws.gov	Ashland Fish and Wildlife Conservation Office 2800 Lake Shore Drive East, Ashland WI 54806	715-682-6185 x203	
LOCAL COMMUNITY ORGANIZATIONS						
Susan Pastor	USEPA	Community Involvement Coordinator	pastor.susan@epa.gov	77 W. Jackson Blvd (SR-6J), Chicago Il 60604-3590	312-353-1325	
Cheryl Allen	USEPA	Citizen Advisory Group	allen.cheryl@epa.gov	77 W. Jackson Blvd (SR-6J), Chicago Il 60604-3590	312-353-6196	
Ervin Soulier	Bad River Band Chippewa Tribe Natural Resources Department	Natural Resources Director	nrdirector@badriver-nsn.gov	The Bad River Tribe, P.O. Box 39, Odanah WI 54861	715-682-7123 x1561	
Linda Nguyen	Red Cliff Band Chippewa Tribe Environmental Department	Red Cliff Water Resources Program Manager	linda.Nguyen@redcliff-nsn.gov	Red Cliff Environmental Program Office 88455 Pike Rd State Highway 13, Bayfield, WI 54814		

Notes:

NSPW = Northern States Power Company, a Wisconsin Company
 USACE = United States Army Corps of Engineers
 USEPA = United States Environmental Protection Agency
 USFWS - United States Fish and Wildlife Service
 WDHS = Wisconsin Department of Health Services
 WDNR = Wisconsin Department of Natural Resources

Prepared by: SLG
 Checked by: AKM/BMS1

Table 2-3**Property Ownership and Responsibility of Affected Parcels - Contact Information**

Parcel #	Full Name	Mailing Address	City	ST	ZIP	Parcel Address
ROW	City of Ashland	601 Main St. W	Ashland	WI	54806	Note 1
201010030000	City of Ashland	601 Main St. W	Ashland	WI	54806	400 N 3rd Ave.
201010030000	City of Ashland	601 Main St. W	Ashland	WI	54806	400 N 3rd Ave.
201010090000	City of Ashland	601 Main St. W	Ashland	WI	54806	301 N Ellis Ave.
201010090000	City of Ashland	601 Main St. W	Ashland	WI	54806	301 N Ellis Ave.
201010120000	City of Ashland	601 Main St. W	Ashland	WI	54806	
201010150000	Northern States Power Company	P.O. Box 8	Eau Claire	WI	54702	303 St. Claire St.
201010170000	Gary A. Kabasa	215 N Prentice Ave.	Ashland	WI	54806	317 St. Claire St.
201010190000	Joseph J. O'Brien	2975 W Princeton Ave.	Eau Claire	WI	54703	319 St. Claire St.
201010200000	Gary A. Kabasa	215 N Prentice Ave.	Ashland	WI	54806	321 St. Claire St.
201010210000	Blue Lion Trust	1682 Danmore Dr.	Boise	ID	83712	209 N Prentice Ave.
201010220000	Ralphie and Kathryn Rossing	323 St. Claire St.	Ashland	WI	54806	323 St. Claire St.
201010230000	Gary A. Kabasa	215 N Prentice Ave.	Ashland	WI	54806	215 N Prentice Ave.
201010240000	City of Ashland	601 Main St. W	Ashland	WI	54806	
201010250000	City of Ashland	601 Main St. W	Ashland	WI	54806	
201010280000	City of Ashland	601 Main St. W	Ashland	WI	54806	
201010290000	Northern States Power Company	P.O. Box 8	Eau Claire	WI	54702	
201012710000	Northern States Power Company	P.O. Box 8	Eau Claire	WI	54702	301 Lake Shore Drive
201012740000	Northern States Power Company	P.O. Box 8	Eau Claire	WI	54702	309 Lake Shore Drive
201012750000	Northern States Power Company	P.O. Box 8	Eau Claire	WI	54702	313 Lake Shore Drive
201012800000	Northern States Power Company	P.O. Box 8	Eau Claire	WI	54702	
201012810000	Our Lady of the Lake Catholic Community	106 2nd Ave. E	Ashland	WI	54806	201 Lake Shore Drive

Notes:

1. The City of Ashland maintains responsibility of all Right of Ways within the Phase 1 Project Area.
2. Based on Ashland County records as of April 2016; revised January 2020.

Prepared by: BDS1
Checked by: MGM