

**From:** [Sager, John E - DNR](#)  
**To:** [Gregory Prom \(MP\)](#)  
**Cc:** [Jamie Mehle \(SWLP\)](#); [Kern, Meaghan](#); [Graham, Joseph R - DNR](#); [Saari, Christopher A - DNR](#); [Fassbender, Judy L - DNR](#)  
**Subject:** RE: Follow-up on 100% RD review  
**Date:** Friday, December 9, 2022 2:43:00 PM  
**Attachments:** [image008.png](#)

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Greg,

DNR has identified an issue that needs resolution before providing a source control memo and approval of the 100% design. Section 1.7, page 15, 3<sup>rd</sup> paragraph, second sentence of the draft 100% Design report Foth states, “*Surface water quality adjacent to the Site at the boat slip are not a concern for human and ecological receptors as a result of dilution in Superior Bay (SIR, Foth 2019).*” This statement appears to say discharges to the C-Street Slip will continue during and following the remedial action of the upland area. Because the DNR’s review of the draft 100% Design is not complete, we do not know if Foth makes other similar statements in the draft 100% Design regarding recontamination of the C-Street slip.

Also, the DNR’s July 7, 2022 letter to you documenting the DNR’s review of Foth’s April 27, 2022 Draft Remedial Action Options Report – Sediment Area contains the comment:

*Section 5.2.2.1:*

*Explain how recontamination could take place considering the proposed upland remedial action. This section, and other portions of the RAOR, discuss this potential. If the expected contamination remaining following the upland remedial action is such that recontamination is a possibility, then it is possible a more aggressive remedial action is needed for the upland portion of the site and/or removal of contaminated soil near the head of the slip may make recontamination less likely. Following the active remedial action activities on the upland portion of the site, the DNR will require soil confirmation samples be collected and groundwater monitoring conducted between the air sparge system and the head of the slip to confirm remedial action is successful on this area of the Site.*

A required component for a remedial action project under the Great Lakes Legacy Act is that a “site will not suffer significant further or renewed contamination from existing pollution sources causing sediment contamination following completion of a project” ([GLLA Application Accessed 12/09/2022](#)). In plain language, this is more often referred to as the potential “recontamination” of a site. EPA has requested the DNR provide a source control memo affirming this before signing the modification of the project agreement to include source control work in the upland portion of the site. Based on our reading of the 100% design and the Sediment RAOR, Foth indicates there will be continuing hazardous substance discharges to the C-Street slip, and recontamination of the slip is possible. We currently do not have enough information to assess the significance of any potential recontamination. The DNR requests SWL&P and Foth evaluate the potential, duration, and magnitude of continued hazardous substance discharges to the slip. The evaluation should include a

quantification of contaminants and conclusions regarding the potential for hazardous substance discharges to the slip, before, during, and following the active upland remedial action activities.

The only basis the DNR has to draft the source control memo is the reports and plans provided by SWL&P and Foth. Since it appears that Foth is suggesting that contaminants will continue to discharge to the slip following the upland remedial action, the DNR is unable to state with certainty that significant recontamination is not a concern. The DNR will prepare a source control memo for the GLLA project following our receipt and review of the requested evaluation.

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John Sager

Hydrogeologist – Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

1701 N. 4<sup>th</sup> St.

Superior, WI 54880

Phone: (715) 919-7239

[john.sager@wisconsin.gov](mailto:john.sager@wisconsin.gov)



[dnr.wi.gov](http://dnr.wi.gov)



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**From:** Gregory Prom (MP) <[gprom@mnpower.com](mailto:gprom@mnpower.com)>

**Sent:** Thursday, December 8, 2022 9:04 AM

**To:** Sager, John E - DNR <[John.Sager@wisconsin.gov](mailto:John.Sager@wisconsin.gov)>

**Cc:** Jamie Mehle (SWLP) <[JMehle@swlp.com](mailto:JMehle@swlp.com)>

**Subject:** RE: Follow-up on 100% RD review

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Good morning John,

I am following up to see if there are any other questions or concerns you may have had during the review of the 100% remedial design report. If you have any issues or topics you would like to discuss please feel free to send them over via email and I can see if SWL&P can provide some clarity before finalizing the comments.

Also I am curious to see where the DNR is on the source control memo related to the GLNPO request. If DNR needs to discuss that prior to submission please send over a draft or questions that you may have.

Thanks,

Greg Prom

Senior Environmental Compliance Specialist  
Minnesota Power/ALLETE  
30 West Superior Street  
Duluth, Minnesota 55802

Office: 218-355-3191

Cell: 218-461-6856

Email: [gprom@allete.com](mailto:gprom@allete.com)

