

**From:** [Sager, John E - DNR](#)  
**To:** [Kern, Meaghan](#)  
**Cc:** [Gregory Prom \(MP\)](#); [Jamie Mehle \(SWLP\)](#); ["Hughes, Erin"](#); [Cieniawski, Scott](#); [Saari, Christopher A - DNR](#); [Fassbender, Judy L - DNR](#); [Graham, Joseph R - DNR](#)  
**Subject:** Sediment Contamination Source Control Statement for C Street Slip  
**Date:** Thursday, December 22, 2022 2:33:00 PM  
**Attachments:** [20201222\\_99\\_C\\_Street\\_Slip\\_Source\\_Control\\_LTR\\_GLNPO.pdf](#)

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All,

Attached is a Sediment Contamination Source Control Statement for C Street Slip. Please contact me if you have any questions.

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

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)





December 22, 2022

Meaghan Kern  
U.S. Environmental Protection Agency  
Great Lakes National Program Office  
77 West Jackson Blvd (G-9J)  
Chicago, IL 60604  
[Transmitted via email to Kern.Meaghan@epa.gov]

Subject: Sediment Contamination Source Control Statement for C Street Slip

Dear Ms. Kern,

This letter is intended to respond to the Technical Review Committee's (TRC) request that the Wisconsin Department of Natural Resources (DNR) provide statements about the source of sediment contamination and potential for recontamination of the C Street Slip in the St. Louis River Area of Concern, Superior, Wisconsin.

Source of Sediment Contamination:

Various soil, groundwater, and sediment investigations were conducted between 1994 and 2022 at the former Superior Water Light & Power (SWL&P) manufactured gas plant (MGP) site. Elevated levels of polycyclic aromatic hydrocarbons (PAHs) and volatile organic compounds (VOCs), and dibenzofuran were found at the site. Based on historical site activities, evidence of hazardous substance discharges including observations of coal tar, and migration pathways, DNR believes the preponderance of the evidence indicates that the former SWL&P MGP is the primary source of these contaminants in all impacted media at the site, and specifically the sediment at the head of the C Street Slip. Accordingly, SWL&P is considered a responsible party for the MGP contamination and is required under Wis Stats § 292.11(3) to take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects of the discharge to the state's air, lands, and waters (Attachments 1 & 2).

Recontamination Potential:

The attached December 14, 2022, letter from SWL&P summarizes the assessment of its consultant, Foth, of the potential recontamination of sediments following remedial action at the site (Attachment 3). The letter concludes that significant sediment recontamination will not occur after the corrective action, designed by Foth, addresses upland sources. Based on SWL&P and Foth's assessment and the absence of currently available evidence to the contrary, DNR does not believe sediment at the site will suffer significant further or renewed contamination from existing MGP pollution sources if the remedial action works as planned by Foth. DNR also believes that significant sediment recontamination will not occur for mercury. Product substitution, pollution minimization efforts, and regulations of mercury emissions and discharges have significantly reduced inputs from atmospheric deposition, the City of Superior's wastewater discharge, stormwater runoff, and contemporary industrial sources. The highest concentrations of mercury in sediment at the site are collocated with MGP waste. Although the literature is clear that MGPs used mercury for gas metering operations, the available evidence indicates that mercury is not present at significant levels in the upland portion of the MGP site.

DNR supports the implementation of a collaborative remedy for contaminated sediment in the C Street Slip that ensures the restoration and protection of the public interests in the St. Louis River.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sager". The signature is fluid and cursive, with the first name "John" being larger and more prominent than the last name "Sager".

John Sager,  
Hydrogeologist  
Remediation and Redevelopment Program

cc: Gregory Prom (MP) [gprom@mnpower.com](mailto:gprom@mnpower.com)  
Jamie Mehle (SWLP) [JMehle@swlp.com](mailto:JMehle@swlp.com)  
Erin Hughes (Foth) [Erin.Hughes@foth.com](mailto:Erin.Hughes@foth.com)  
Scott Cieniawski (EPA) [cieniawski.scott@epa.gov](mailto:cieniawski.scott@epa.gov)  
Chris Saari (DNR) [Christopher.Saari@wisconsin.gov](mailto:Christopher.Saari@wisconsin.gov)  
Judy Fassbender (DNR) [Judy.Fassbender@wisconsin.gov](mailto:Judy.Fassbender@wisconsin.gov)  
Joe Graham (DNR) [Joseph.Graham@wisconsin.gov](mailto:Joseph.Graham@wisconsin.gov)  
Case File, BRRTS No. 02-16-275446

Attachments:

1. August 27, 2001 - Notice of Discharge
2. February 21, 2002 – Responsible Party Letter
3. December 14, 2022 - SWL&P Letter

02-16-275446

Emergency situations should be reported via the 24-hour Spill Hotline: 1-800-943-0003

Notice: Hazardous substance discharges must be reported immediately according to the "Spills Law", s. 292.11, Wis. Stats. Section NR 706.05(1)(b), Wis. Adm. Code requires that hazardous substance discharges are to be reported by one of three methods: telephoning the Department (toll free Spill Hotline number above), telefaxing a report to the Department or visiting a Department office in person. If you choose to notify the Department by telefax, you should use this form to be sure that all necessary information is included. However use of this form is not mandatory. Under s. 292.99, Wis. Stats., the penalty for violating ch. 292, Wis. Stats., shall be no less than \$10 nor more than \$5000 for each violation. Each day of continued violation is a separate offense. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than program administration. However, information submitted on this form may also be made available to requesters under Wisconsin's Open Records Law (ss. 19.31 - 19.39, Wis. Stats.).

Confirmatory laboratory data should be included with this form, if available, to assist the DNR in processing this Hazardous Substance Release Notification.

Complete this form. TYPE or PRINT LEGIBLY. FAX it to the appropriate WDNR region (see next page) IMMEDIATELY upon discovery of a potential release to the environment from (check one):

- Underground Petroleum Storage Tank System
- Aboveground Petroleum Storage Tank System
- Dry Cleaner Facility (DERP eligibility based on:  Facility owner/operator  Property owner of licensed facility)
- Other - Describe:

TO:WDNR, Attn:	(Area Code) FAX Number
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**1. Discharge reported by:**

Name <i>Jamie Dunn</i>	Firm	Date FAXed to WDNR
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Mailing Address	(Area Code) Telephone Number
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**2. Site Information**

Name of site at which discharge occurred. Include local name of site/business, not responsible party name, unless a residence / vacant property

*Superior Water Light & Power Co.*

Location: Include street address, not PO Box. If no street address, describe as precisely as possible, i.e., 1/4 mile NW of CTHs 60 & 123 on E side of CTH 60

*Wastewater Treatment Plant adjacent to:  
Winter St & Hwy 53*

Municipality (City, Village, Township) Specify municipality in which the site is located, not mailing address/city

*Superior*

County: <i>Douglas</i>	Legal Description: _____ 1/4, _____ 1/4, Section _____, Tn _____, Range _____ E / W (circle one)
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**3. Responsible Party (RP) and/or RP Representative**

Responsible Party Name: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary

Contact Person Name (if different)	Telephone Number
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Mailing Address	City	State	ZIP Code
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**4. Hazardous Substance Impact Information**

Identify and estimate the quantity of the hazardous substance discharged (check all that apply):

*Mfg. gas plant*

- |  |   |
|--|---|
| <input type="checkbox"/> Unleaded gasoline _____ gallons | <input type="checkbox"/> Fuel oil _____ gallons         |
| <input type="checkbox"/> Leaded gasoline _____ gallons   | <input type="checkbox"/> Waste oil _____ gallons        |
| <input type="checkbox"/> Diesel _____ gallons            | <input type="checkbox"/> Stoddard solvent _____ gallons |
| <input type="checkbox"/> Perchloroethylene _____ gallons | <input type="checkbox"/> Other: (Specify below)         |

*VOCS + PAHS Coal tar*

Impacts to the environment (enter "K" for known/confirmed or "P" for potential for all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Fire/explosion threat                         | <input checked="" type="checkbox"/> Soil contamination |
| <input type="checkbox"/> Contaminated private wells (# of wells) _____ | <input type="checkbox"/> Surface water impacts         |
| <input type="checkbox"/> Contaminated public wells                     | <input type="checkbox"/> Floating product              |
| <input type="checkbox"/> Groundwater contamination                     | <input type="checkbox"/> Other (Describe below)        |

*X Sediments*

Contamination was discovered as a result of:

- Tank closure assessment     Site assessment  
 Other - Describe below \_\_\_\_\_

On what date? \_\_\_\_\_

*visual observations, sediment samples from DNR*

Additional Comments: Include a brief description of immediate actions taken to halt the release and contain or cleanup hazardous substances that have been discharged.

**FAX numbers to report non-emergency releases in DNR's five regions are as follows:**

**Northeast Region (920-492-5859); Attention - RR Program Assistant:**

Brown, Calumet, Door, Fond du Lac (*except City of Waupun - see South Central Region*), Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara, Winnebago Counties

**Northern Region (715-365-8932); Attention - RR Program Assistant:**

Ashland, Barron, Bayfield, Burnett, Douglas, Forest, Florence, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn Counties

**South Central Region (608-275-3338); Attention - RR Program Assistant:**

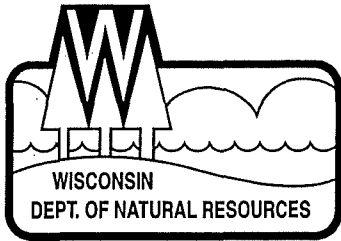
Columbia, Crawford, Dane, Dodge, Fond du Lac (*City of Waupun only*), Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk Counties

**Southeast Region (414-263-8483); Attention - RR Program Assistant:**

Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha Counties

**West Central Region (715-839-6076); Attention - RR Program Assistant:**

Adams, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, Juneau, LaCrosse, Marathon, Monroe, Pepin, Pierce, Portage, St. Croix, Trempealeau, Vernon, Wood Counties



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
William H. Smith, Regional Director

Northern Region Headquarters  
107 Sutliff Ave.  
Rhinelander, Wisconsin 54501  
Telephone 715-365-8900  
FAX 715-365-8932  
TTY 715-365-8957

February 21, 2002

Superior Water Light and Power  
Attn: Bill Bombich  
2915 Hill Ave  
Superior, WI 54880

Subject: Superior Manufactured Gas Plant (Former), Winter St & Hwy 53, Superior, WI  
WDNR BRRTS # 02-16-275446

Dear Mr. Bombich:

On November 1, 2001, Jamie Dunn of the Wisconsin Department of Natural Resources (WDNR) discovered coal tar contamination at the site listed above.

Based on the information submitted to the WDNR, we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law.

This letter describes your legal responsibilities, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR and Department of Commerce (Commerce).

**Legal Responsibilities:**

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

## Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

1. Within the next **30 days**, you must submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.
2. Within the next **60 days**, your consultant must submit a workplan and schedule for the investigation. The consultant must follow the WDNR administrative codes and technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at [www.dnr.state.wi.us](http://www.dnr.state.wi.us).

Once an investigation has established the degree and extent of contamination involved at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days per NR 724.13(3). Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.
4. Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://www.dnr.state.wi.us/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with s. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chs. NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative codes and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Danielle Lancour  
Remediation and Redevelopment Program

Wisconsin Department of Natural Resources  
107 Sutliff Ave.  
Rhinelander, WI 54501

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

**Additional Information for Site Owners:**

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Stats.

**Financial Assistance:**

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for some of the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled "*Information About PECFA*" for more information on eligibility and regulations for this program. For more information on the PECFA program, please call the Department of Commerce at 608-266-2424 or visit their web site at:  
<http://www.commerce.state.wi.us/COM/Com-Petroleum.html>.

Funding is also available for cleanup at some drycleaning sites. Call Jamie Dunn (715) 635-4049 for more information on eligibility or visit the RR web site. <http://www.dnr.state.wi.us/org/aw/rr>. You may also contact this person for all other questions regarding this letter.

Thank you for your cooperation.

Sincerely,



Danielle Lancour  
Bureau for Remediation & Redevelopment

cc: William Gregg, ENSR International





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December 14, 2022

John Sager  
Wisconsin Department of Natural Resources  
Superior Service Center  
1701 N 4<sup>th</sup> Street  
Superior, WI 54880

RE: Response Letter to DNR's Comments on Upland 100% Remedial Design Report Review

Dear Mr. Sager:

On December 9, 2022, Wisconsin Department of Natural Resources (DNR) sent an email to Superior Water, Light and Power (SWL&P), requesting additional information/clarification on the former Manufactured Gas Plant (MGP) 100% Remedial Design (RD) report. SWL&P's responses to those items are included below in bold.

WDNR Item 1:

*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.*

SWL&P Response:

**The reference, "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)", is cited from the Site Investigation Report (SIR), referencing current conditions at the date of the report submittal. The statement was not referring to**



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conditions after the extensive remedial action (RA) work. The SIR statement reaffirms that current surface water quality is not an issue even before the upland RA has been implemented. The SIR further discussed “Surface water in the boat slip is also recognized as a receptor, and logically if groundwater and sediment impacts are addressed, the most probably pathways for COCs associated with former MGP operations would also be addressed. However, it is assumed that other sources of impacts to the boat slip that are outside the control of SWL&P will be addressed by others prior to implementation of any remedial activities in the boat slip.”

The reports SWL&P have submitted to date (SIR, RAORs, and RDs) have all described that the upland RA will address recontamination of sediments by the former MGP chemicals of concern (COCs). This has been demonstrated in the calculations and modeling showing approximately 95% of the upland MGP COCs will be removed with the RA. The RD report also describes how this will be demonstrated at the completion of the RA through extensive post RA monitoring and which will necessarily show it complies with NR 726 closure criteria and source control to sediment and surface water before applying for closure.

#### WDNR Item 2

*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.*

#### SWL&P Response:

The engineering studies and reports for both upland and sediment (SIR, RAORs, and RDs) have all described that the upland RA will address recontamination of the sediments by MGP COCs. This has been demonstrated in the modeling showing approximately 95% of the upland MGP COCs will be removed with the RA. The RD report also describes how this will be demonstrated at the completion of the RA and



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**how MNA monitoring will have to comply with NR 726 closure criteria and significant source control.**

**WDNR Item 3:**

*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.*

**SWL&P Response:**

**The engineering studies and reports provided have demonstrated the estimated quantity of contaminants to be removed, areas of influence, and post-closure documentation will demonstrate through post-remediation monitoring that it has achieved the remedial action objectives (RAOs), adequate source control, and NR 700 site closure criteria. The documentation already provided in the SIR, RAOR, and RD consistently demonstrates that source control through the proposed upland remedial action adequately addresses the former MGP contamination and therefore, will no longer be a significant recontamination source to the sediment in the C Street Slip.**

**WDNR Item 4:**

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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**SWL&P Response:**

**SWL&P does not suggest that contaminants from the former MGP operation will continue to discharge to the sediment or surface water following upland RA. SWL&P is confident there is adequate documentation for the DNR to complete review of the 100% upland RD and satisfy EPA's now revised request (revealed on the December 13, 2022 call discussing next steps on the sediment RAOR) to fundamentally state that the upland area was a source of MGP COC contamination to the sediments in the C Street Slip.**

**Although EPA no longer requires DNR to provide a Source Control memo as part of the Great Lakes Legacy Act agreement, we do believe that DNR review of the 100% Upland RD can be completed and approved without further modification and a source memo can be submitted to the EPA.**

**SWL&P appreciates the opportunity to provide you with this response to your comments. If you have any additional questions, please contact me at (218) 355-3191 or email [gprom@allete.com](mailto:gprom@allete.com).**

Sincerely,

A handwritten signature in blue ink that reads 'Greg Prom'. The signature is fluid and cursive, written in a professional style.

Greg Prom  
Senior Environmental Compliance Specialist

cc: Jamie Mehle, SWL&P  
Joscelyn Skandel, SWL&P  
Erin Hughes, Foth  
Steve Garbaciak, Foth  
Brian Symons, Foth  
Meaghan Kern, EPA  
Joseph Graham, DNR  
Christopher Saari, DNR  
Judy Fassbender, DNR