



July 16, 2018

Mr. Michael Roberts & Mr. Thomas Roberts
Jaines LLC
1515 Des Peres Road, Suite 300
St. Louis, MO 63131

Subject: Request for Additional Information to Support a Wis. Admin. Code § NR 718 Exemption Request
General Motors (GM) Sediment Contamination, 1000 General Motors Drive, Janesville, WI
DNR BRRTS #: 02-54-577951, 15-54-581759
DNR FID #: 154002860

Dear Mr. Roberts and Mr. Roberts:

On June 29, 2018, the Department of Natural Resources (DNR) received a request prepared by EnviroAnalytics Group LLC to obtain an exemption to manage contaminated material produced during sediment dredging at the site identified above. Contaminated sediment is proposed to be hydraulically dredged from a portion of the Rock River near the former General Motors (GM) Assembly Plant site. The material will be transferred to the GM site where it will be dewatered and separated into 500 cubic yard stockpiles. Each stockpile will be characterized through sampling and laboratory analysis. If the sample results from a stockpile indicate that contaminant concentrations exceed the industrial direct contact residual contaminant levels, the pile will be designated for disposal at an off-site landfill. Otherwise, the material will be placed into what is referred to as the 'clean stock pile' and will then be used as fill material within other areas of the GM site. The DNR does not define clean soil as material with contaminant concentrations below industrial direct contact RCLs and may consider material within the 'clean stock pile' as contaminated.

Managing contaminated material somewhere other than a licensed landfill generally requires that an exemption from the solid waste rules (Wis. Admin. Code §§ NR 500 – 538) be obtained first. An exemption from these rules through Wis. Admin. Code § NR 718.12 is being requested. To obtain this exemption the applicant must describe what the contaminated material is, how and where it will be managed, and whether the disposal of the material will pose a risk to human health or the environment. Information regarding the volume of material to be managed, the contaminants within the material, the ultimate disposal location of the material, and how the risk posed by the contamination will be addressed at the disposal area have not been provided with the exemption request. We are requesting that the exemption request and the soil management plan be revised to include information required under Wis. Admin. Code § NR 718.

Requirements for storing contaminated soil on site (Wis. Admin. Code § NR 718.05).

The storage of contaminated dewatered sediment on the site must follow the solid waste rules unless otherwise exempted from these requirements. As the DNR considers dewatered sediment to meet the definition of soil, the dewatered material would be exempted from the requirements of the solid waste rules if stored in compliance with the requirements of Wis. Admin. Code § NR 718.05. However, Wis. Admin. Code § NR 718.05 only applies to sites where no more than 2,500 cubic yards of contaminated soil is stored for a period of no more than 6 months. The provided schedule does not indicate that material will be stored on site for a period greater than six months. The 2,500 cubic yard limit would apply to all stockpiled material that contains a hazardous substance, including the 'clean stock pile' as well as the separate 500 cubic yard stockpiles formed to facilitate characterization. Efforts must be made to continuously characterize and reuse or dispose of material as it is being generating to meet this requirement. The revised plan should explain how the quantities of dewatered sediment and other solid waste will be managed over time.

The soil management plan indicates that efforts will be made to comply with the general storage requirements of Wis. Admin. Code § NR 718.05(2). Note that Wis. Admin. Code § NR 718.05(2)(d) requires that a cover be maintained over the soil piles at all times when the soil is not being transferred, not just during periods of rain. Also note that prior notification does not need to be provided to the DNR if contaminated soil is being transported off-site to a landfill licensed to accept the material for disposal. However, a record of the disposal should be maintained and ultimately documented at the completion of the remedial action.

Requirements to obtain an exemption through Wis. Admin. Code § NR 718.12

Managing contaminated dewatered sediment on the GM site as fill material will require that you complete your application for a Wis. Admin. Code § NR 718.12 exemption. As the waste material will be generated over an extended period you may find it necessary to request an exemption to conduct a specific management action multiple times throughout this project to ensure that the storage requirements of Wis. Admin. Code § NR 718.05 will be met. At a minimum, when requesting an exemption through Wis. Admin. Code § NR 718.12 you must provide the following information:

- 1) Laboratory results of samples collected from the material that will specifically be managed (NR 718.12(2)(b)6).
- 2) The volume of material proposed to be managed under this example (NR 718.12(2)(b)2).
- 3) An explanation as to how the sampling criteria of NR 718.12(1)(e) have been met.
- 4) A description of the location on the site where the material will be placed. A map outlining the reuse area is recommended.
- 5) A discussion as to whether the location criteria of NR 718.12(1)(c) will be met, or if an exemption from one or more of these criteria would be required to manage the material. If an exemption is required, the requirements of NR 718.12(1)(d) must be met.
- 6) Provide justification that the use of contaminated soil as fill at the GM site will meet the requirements of NR 726.13(1)(b)1-5 (per NR 718.12(2)(b)8). Note that soil contaminant concentrations may be less than a direct contact RCL, but may pose a threat to groundwater or pose a risk through vapor intrusion. All pathways must be considered in the soil management plan when determining whether the fill material will pose a risk. The revised soil management plan should address these potential risks.
- 7) State what continuing obligations will be required to ensure that conditions on the site will remain protective after the material is reused. This could include requiring that industrial zoning be maintained at this site. If continuing obligations are required, the documentation requirements of NR 726.11 and the fee requirements or NR 749 must be met.

Decision Diagram

In reviewing the soil management plan, we see that some of the information required under the code is not available at this time. The plan provides for sampling and analysis of the sediment after removal from the river and dewatering. The analytical results are intended to guide decisions on the disposal of the sediment. In concept this is a practicable approach for this site. Typically, applicants will provide analytical results and quantities of soils to be managed when requesting an exemption under NR 718. We are aware that the total volume of sediment that will be dredged, the volume that may require landfill disposal, and the volume that may be managed under this exemption request are somewhat unknown at this point. We therefore ask that you provide a decision diagram for managing the dried sediment and other solid waste generated by the project. This decision diagram will provide you and the Department with metrics for guiding decisions on how dewatered sediment will be managed. The diagram should demonstrate the specific decision process that will be used to classify dewatered sediment stockpiles, where the different classifications of material will be managed (with specific reuse locations), and, when the material is reused on-site, the specific steps that will be taken to ensure

site conditions will remain protective. A decision diagram will be helpful in conveying the details of your proposed soil management plan. The information requested in this letter will assist the Department's review of the soil management plan and help to determine if the requirements of NR 718 are met.

The DNR appreciates your continued efforts to remediate this property. If you have any questions regarding contaminated material management at this site, please contact me at (608)266-0941, or send e-mail to paul.grittner@wisconsin.gov. Other questions regarding this site can be directed to the DNR project manager Bill Fitzpatrick at (608) 266-9267, or william.fitzpatrick@wisconsin.gov.

Sincerely,

A handwritten signature in cursive script that reads "Paul Grittner".

Paul Grittner
Contaminated Material Management Specialist
Remediation and Redevelopment

cc: Daniel Dunn, EnviroAnalytics Group LLC, 1515 Des Peres Road, Suite 300, St. Louis, MO 63131
(electronic)
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