



August 09, 2019

Mr. Michael J. Roberts
Jaines, LLC
1515 DesPeres Rd., Suite 300
St. Louis, MO 63131

Subject: Approval to Manage Contaminated Soil under Wis. Admin. Code § NR718.12 at A Different Site or Facility

Generating Property: General Motors (GM) Sediment Contamination, 1000 General Motors Drive, Janesville, WI, BRRTS #(s): 02-54-577951, FID #: 154002860

Receiving Property: Sediment Repository, 544 Kellogg Avenue, Janesville, WI, BRRTS #(s): 15-54-584146, FID #: 154062810

Dear Mr. Roberts:

On August 5, 2019, Daniel Dunn of EnviroAnalytics Group, LLC submitted an Amended Soil Management Plan on your behalf requesting to manage 11,000 cubic yards of contaminated soil on the Sediment Repository on 544 Kellogg Avenue, in accordance with Wis. Admin. Code § NR 718.12. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

Contaminated sediment was identified adjacent to the outfall where stormwater from the Former General Motors (GM) Assembly Plant discharged to the Rock River. Cleanup of the GM plan included removal of the contaminated sediment. Sediment was dredged, dewatered, and temporary stored on the former GM plant site. This remedial action generated 11,000 cubic yards of dewatered sediment (which is now regulated as soil). An exemption through Wis. Admin. Code NR 718.12 has been requested to manage the contaminated soil off-site at the Sediment Repository (located on a property formerly used as the GM Haul Away Yard) where it will be used to backfill an excavation originally conducted to consolidate concrete debris but was later expanded to accommodate the dewatered sediment. Soil placed in this area will be covered with a soil cap that will be regularly inspected and maintained.

Wis. Admin. Code § NR 718.12 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stat. § 289 and Wis. Admin. Code §§ NR 500 to NR 538 for the proposed contaminated soil management activities. Approval of the exemption is based on the following:

Compliance with Locational Criteria

Managing contaminated soil in the portion of the site identified on Figure 1, Site Location Map, of the Amended Soil Management Plan will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).

Characterization of Soil to be Excavated

Soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including polychlorinated biphenyls (PCBs), metals, and polycyclic aromatic hydrocarbons (PAHs) from areas most likely to contain residual contamination. Based on an estimated volume of 11,000 cubic yards of soil, and a

sampling frequency of 1 sample per 460 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) was not met. However, the DNR has determined that the soil was adequately characterized due to the consistency of the available sample data and expected homogeneity of the material.

Submittal of a Soil Management Plan

A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12 (2) (b) and (c), was provided to the DNR.

Assessment of Risk Posed by Soil Management

The proposed management of contaminated soil at the Sediment Repository is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

Notice Provided Prior to Commencing Soil Management Activities

Per Wis. Admin. Code § NR 718.12 (2), the DNR was provided with at least seven days' notice prior to commencing to proposed contaminated soil management.

Requirement of Continuing Obligations

The current owners of Sediment Repository acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated soil on their property as proposed.

The current property owner of the Sediment Repository, and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12 (2) (d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic, pre-arranged inspections to ensure that the conditions included in this letter and the attached Cover Maintenance Plan are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § NR 718.12 exemption meet the requirements of Wis. Admin. Code § NR 718.12 (2) (e) and are available in Portable Document Format (PDF) on the DNR's Bureau for Remediation and Redevelopment Tracking on the Web (BOTW) and RR Sites Map (RRSM), to provide public notice of remaining contamination and continuing obligations. Both BOTW and RRSM are available at dnr.wi.gov and search "WRRD".

More information on responsibilities related to continuing obligations can be found in the DNR publication "Continuing Obligations for Environmental Protection" (RR-819), which can be found at dnr.wi.gov, search "RR-819".

Please send written notifications in accordance with the following requirements to:

Wisconsin Department of Natural Resources
Remediation and Redevelopment Program
Attn: Environmental Program Associate
3911 Fish Hatchery Rd
Fitchburg, WI 53711-5367

Residual Soil Contamination

If contaminated soil that was managed as proposed in the Amended Soil Management Plan is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the soil is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated soil may be managed in accordance with Wis. Admin. Code § NR 718, with DNR pre-approval obtained. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a hazard, and special precautions may be necessary to prevent a health threat to humans.

The location(s) where contaminated soil is proposed to be managed at the Sediment Repository is depicted on the attached Figure 1, Site Location Map (8/5/19).

The DNR's approval prior to well construction or reconstruction is required *where contaminated soil was managed*, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program's regional water supply specialist. This form is available at dnr.wi.gov, search "3300-254".

Maintenance of a Cover

A soil cover is proposed to be installed and maintained over contaminated solid waste that will be managed at the Sediment Repository as proposed in the Amended Soil Management Plan. A Cover Maintenance Plan is attached, which describes the inspection and maintenance activities that will apply to the proposed barrier. An updated maintenance plan must be provided to the DNR once the barrier has been constructed if changes are required and must address actual site conditions (Wis. Admin. Code § NR 724.15 (3) (h)). A map is attached which shows where contaminated soil is proposed to be managed and the extent of the proposed cover. Once constructed, inspections of the soil cover will be required (per Wis. Admin. Code § NR 724.13), and submittal of inspection reports may also be required per 727.05 (1) (b) 3. The DNR will be required to be notified before changing to a non-industrial use if the cover is approved for industrial land use, per Wis. Admin. Code § NR 727.07 (3), to ensure that the cover will be protective for that use.

The Cover Maintenance Plan prohibits certain activities in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining contamination. The following activities are prohibited on any portion of the property where the soil cover is required, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

Other Information

- 1) Any hazardous substance discharge discovered during soil management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) Soil management activities exempted by this letter are scheduled to be completed in 2019. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of soil management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also comply with the requirements of Wis. Admin. Code § NR 724.15 (3). Documentation must include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05 (2) (e) 1.
 - b. Owner contact and property location information for the Sediment Repository.
 - c. Maps, drawings, and cross sections that depict how contaminated soil was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the soil management plan and the conditions in this exemption approval.
 - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the management activity.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Sediment Repository.
 - h. A revised cover maintenance plan.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.12 and applies only to the specific activities described within the submitted Amended Soil Management Plan. Any contaminated material that is excavated or otherwise disturbed at the General Motors (GM) Sediment Contamination site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution, and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.
- 5) You are responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 02-54-577951. Actions relating only to the management of contaminated soil at Sediment Repository are tracked in the BRRTS system under activity # 15-54-584146.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me by calling (262) 574-2166 or by email at paul.grittner@wisconsin.gov. Questions regarding sediment cleanups may be addressed to Bill Fitzpatrick at (608) 266-9267 or William.firzpatrick@wisconsin.gov. Other questions regarding this site can be directed to DNR Project Manager Jason Lowery at (608) 267-7570 or by email at jason.lowery@wisconsin.gov.

Sincerely,

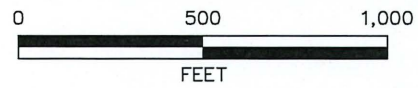
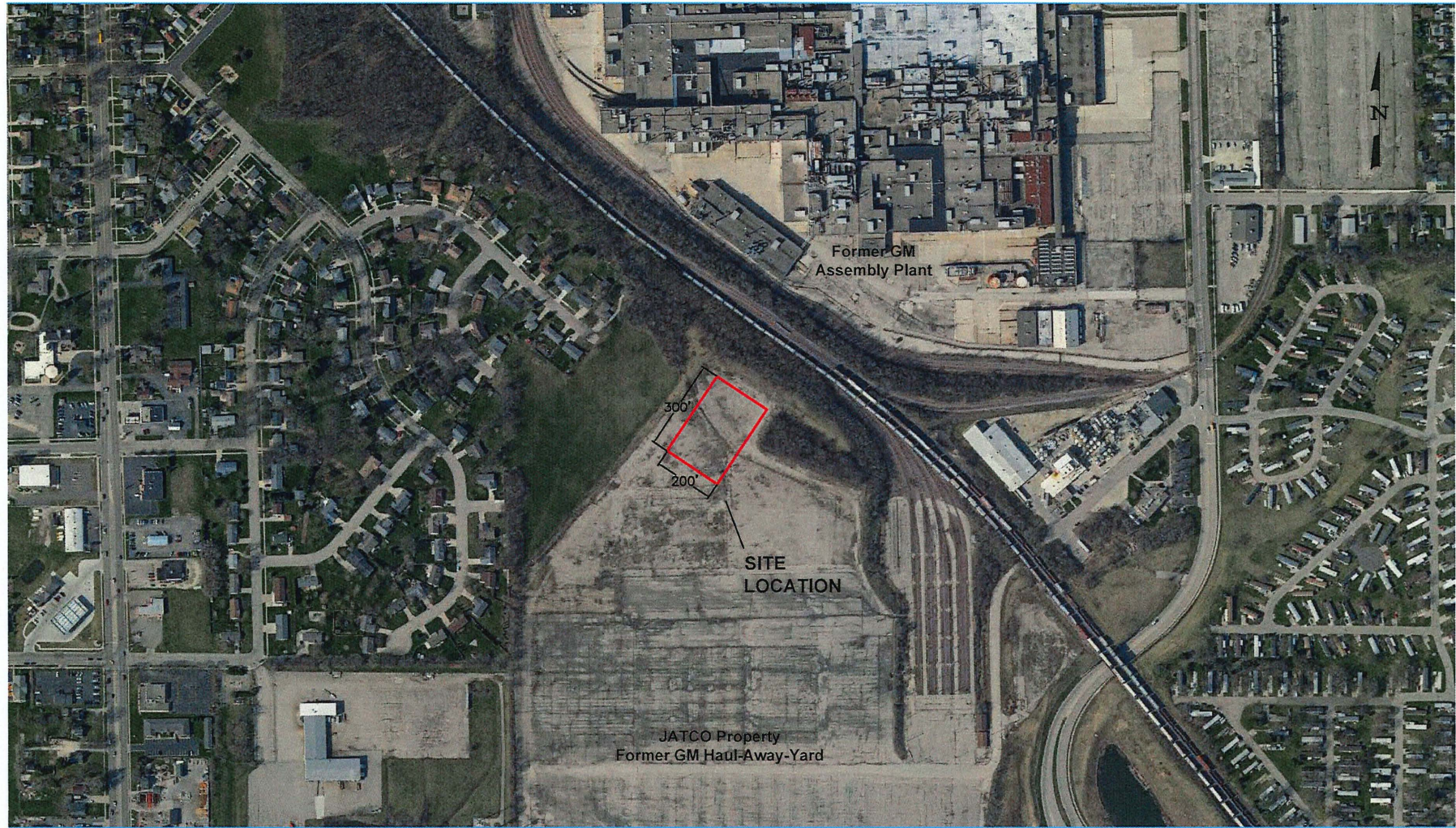


Paul Grittner
Hydrogeologist
Remediation & Redevelopment Program

Attachments:

- Figure 1, Site Location Map (8/5/19)
- Cover Maintenance Plan (8/5/19)

cc: Daniel Dunn, EnviroAnalytics Group, LLC, 1515 Des Peres Rd, Suite 300, St. Louis, MO 63131



DESIGN: KA	DRAWN: KA	CHKD.: DD
DATE: 8/5/19	SCALE: AS SHOWN	REV.:
DRAWING NAME: FIGURE 1 - SITE LOCATION MAP		

FIGURE 1
SITE LOCATION MAP
JAINES, LLC
ROCK RIVER SEDIMENT REMOVAL REPOSITORY
JANESVILLE, WI

**COVER MAINTENANCE
PLAN**

August 5, 2019

Property Located at: 1000 General Motors Drive (source) and 544 Kellogg Ave (adjacent fill repository).
Janesville, Wisconsin 53546

Township, Range, Section:
NW 1/4 of NE 1/4 of Section 1, T.2N., R.12E

Decimal Degrees:

Lat: 42.659071°

Lon: -89.023715°

Degrees, Minutes, Seconds:

Lat: 42° 39' 32.83" N

Lon: 89° 01' 25.60" W

BRRTS Activity (source) #02-54-577951 and (fill) #02-54-56081 (FID# 154062810)

Property Tax ID Number: 241 0412100149

Introduction

This document is the Maintenance Plan for a soil cover at the above-referenced property in accordance with the requirements of s. NR 724.13 (2), Wis. Adm. Code. The maintenance activities relate to the soil cover which addresses or occupies the area over the contaminated soil.

More site-specific information about this property/site may be found in:

- The case file in the DNR South Central office
- At <http://dnr.wi.gov/topic/Brownfields/wrrd.html>, Site: <https://dnr.wi.gov/botw/HAY> which includes:
 - BRRTS on the Web (DNR's internet based data base of contaminated sites) for the link to a PDF for site-specific information at the time of closure and on continuing obligations;
 - RR Sites Map for a map view of the site, and
- The DNR project manager (Bill Fitzpatrick) for this site located in Rock County.

Descriptions:

Description of Contamination

This material is dried sediment/soil that was removed from the Rock River, dewatered, and approved for beneficial reuse on the former General Motors Assembly Plant property. The material contains residual concentrations of polyaromatic hydrocarbons (PAHs) and trace metals. The material was placed and compacted at a depth from 2-feet below the ground surface (ft bgs) to approximately 6-feet below grade.

Description of the Cover to be Maintained

The soil cover consists of a minimum of 2-feet of native clayey-silt soil with topsoil to support a vegetative cover. The cover will extend beyond the excavated area that is approximately 200-wide and 300-feet long with concave bottom up to 6 feet deep. The soil cap/cover will be placed, compacted, and graded to a minimum slope of 4:1 or flatter to minimize erosion. The locations where this material was placed as soil on the site is shown on the attached map (see Figures 1, 2, and 3).

Cover Purpose

The soil cover (uncontaminated native on-site soil) over the dried sediments-soil material conservatively serves as an engineered barrier to prevent direct human contact with residual contamination. Note that analytical results indicate that fill soil could pose a threat to human health through direct contact. The current and anticipated future land use of the property is industrial-commercial. The cover will function as intended unless disturbed.

The soil cap will minimize infiltration and be sufficiently protective of groundwater. Only three of the 26 soil leachate results slightly exceed the Enforcement Standard for lead. A statistical evaluation of the data using the USEPA ProUCL demonstrates that the 95 Upper Confidence Limit on the mean concentration (0.0125 mg/L) is **below** the ES of 0.015 mg/L for lead. One soil sample leachate result for Naphthalene slightly exceeded the ES (0.11 mg/L versus ES of 0.10 mg/L) and was qualified data (B-flag) also detected in the laboratory blank. The repository is shallow (< 6 ft bgs) and well above the uppermost saturated lithology. The fill material will be separated from contact with groundwater by over 50 feet (fill depth of 2-6 ft bgs versus GW depth @ > 60 ft bgs). Furthermore, a groundwater use restriction is already in place at the site associated with BRRTS No. 03-54-00405 and was granted on October 26, 1999 and filed in Rock County Register of Deeds, document number 1434932). No potable groundwater wells are present on the site, and groundwater use restrictions will continue to be upheld as referenced in the final closure of BRRTS # 03-54-000405, Section 2.B.(iv). See other documents on BRRTS on the web link below: https://dnr.wi.gov/botw/HAY_GWUR_10261999.

A native stabilization mix for vegetation will be mixed. The table below specifies the species and rates of seeding by mass are required (9 PLS lb/acre):

Scientific Name	Common Name	Rate (Oz./Acre)
Grasses, sedges		
Lolium multiflorum	Annual rye	15 LB/Acre
Elymus virginicus	Virginia Wild Rye	20.00
Carex comosa	Bristly Sedge	10.00
Sorghastrum nutans	Indian Grass	10.00
Spartina pectinata	Prairie Cordgrass	10.00

Annual Inspection

The cover overlying the contaminated soil will be inspected periodically and a minimum of once a year. The inspection will normally occur in the spring after all snow and ice is gone, for deterioration, erosion, settlement, and other potential problems that can cause exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented.

A log of the inspections and any repairs will be maintained by the property owner. Form 4400-305, Continuing Obligations Inspection and Maintenance Log is attached. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the maintenance plan and inspection log will be kept at the site; or, if there is no acceptable place (for example, no building is present) to keep it at the site, at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources (DNR) representatives upon their request.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling of erosional rills or bare spots, or larger re-construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and make sure they use appropriate personal protection equipment (PPE) in accordance with a site-specific Safety Plan. The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains in accordance with the Soil Management Plan. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the soil cover overlying the contaminated soil is removed or replaced, the replacement barrier must be of equal functionality. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the DNR or its successor.

The property owner, in order to maintain the integrity of the soil cover will maintain a copy of this Maintenance Plan at the site; or, if there is no acceptable place to keep it at the site (for example, no building is present), at the address of the property owner and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cover/Barrier

If removal, replacement or other changes to a cover, or a building which is acting as a cover, are considered, the property owner will contact DNR at least 45 days before taking such an action, to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

The following activities are prohibited on any portion of the property where soil cover is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure; 7) changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of DNR.

Contact Information

August 2019

Site Owner and Operator: Jaines, LLC
 Michael Roberts, Member
 Thomas Roberts, Member
 1515 Des Peres Road, Suite 300
 St. Louis, Missouri 63131
 314-835-1515

Signature:

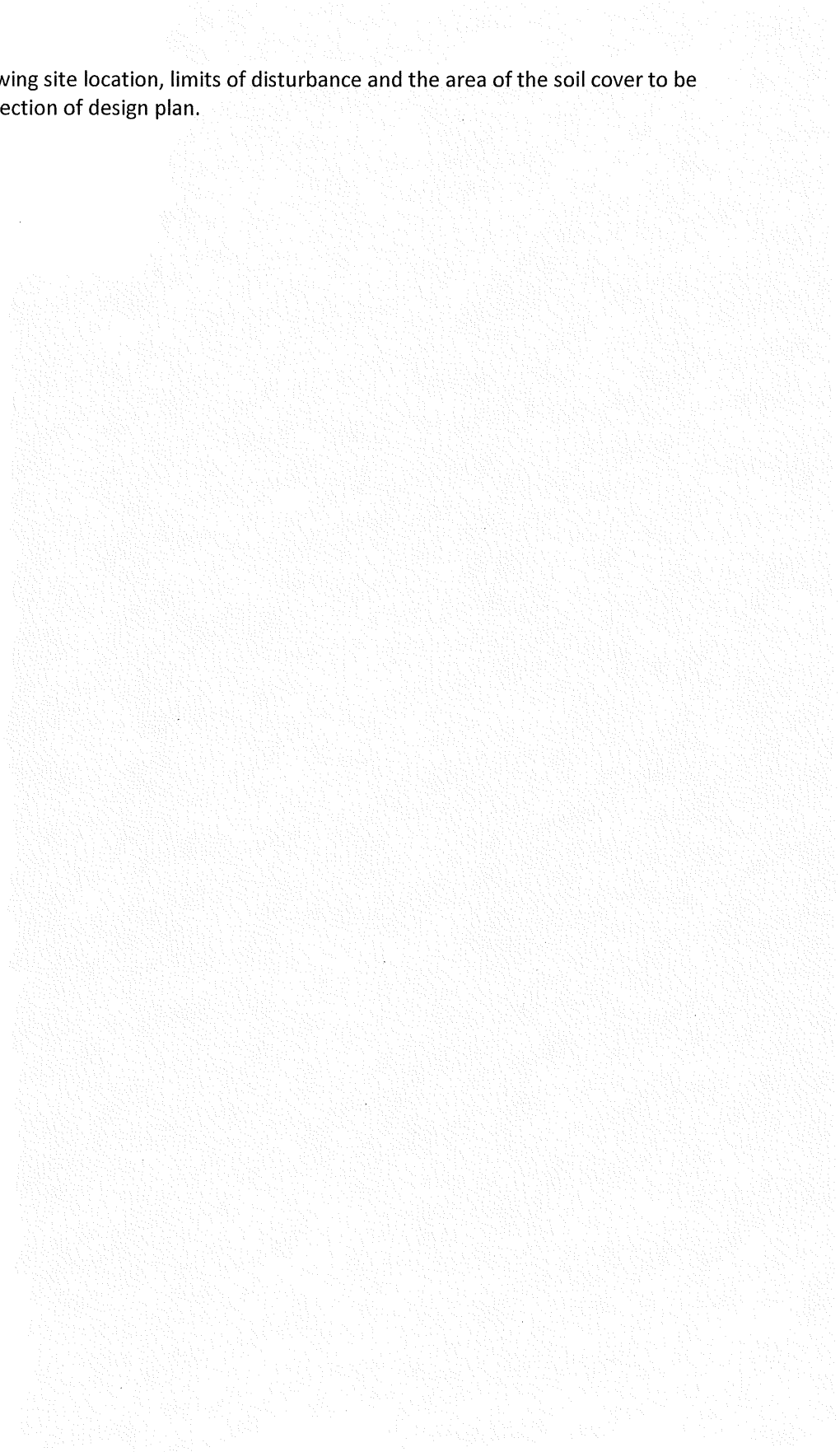


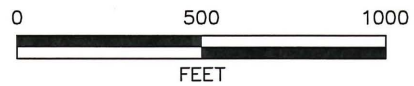
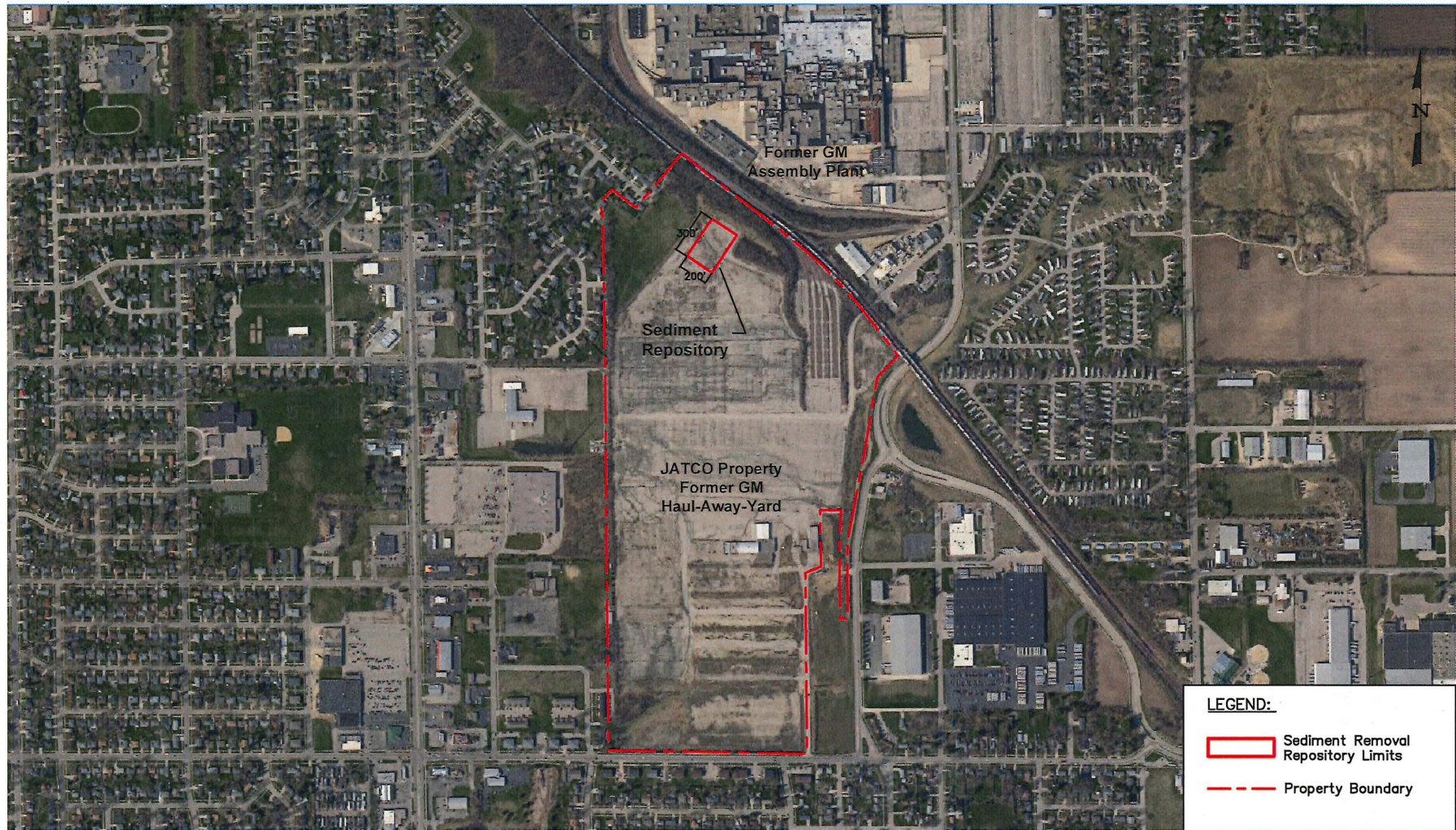
Consultant: EnviroAnalytics Group, LLC
 Attn: Daniel M. Dunn
 1515 Des Peres Road, Suite 300
 St. Louis, Missouri 63131
 314-835-2814

DNR: Paul Grittner, Contaminated Material Management Specialist
 Wisconsin Department of Natural Resources
 101 South Webster Street
 Box 7921
 Madison, Wisconsin 53737-7921
 608-266-0941

Location Map

See attached Figures showing site location, limits of disturbance and the area of the soil cover to be maintained, and a cross-section of design plan.





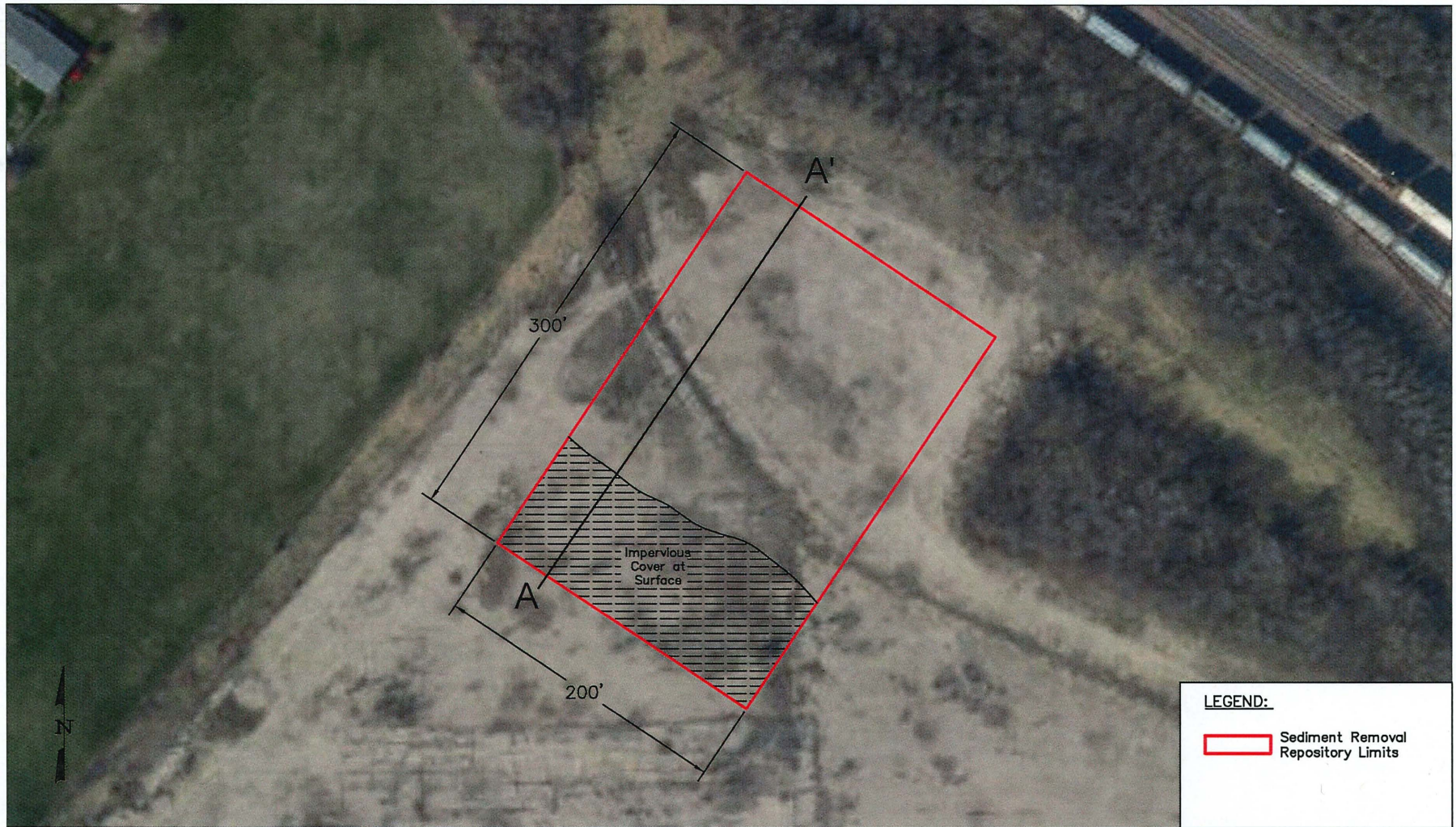
LEGEND:

- Sediment Removal Repository Limits
- Property Boundary



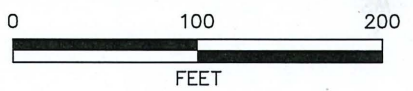
DESIGN: KA	DRAWN: KA	CHKD.: DD
DATE: 8/7/19	SCALE: AS SHOWN	REV.: 01
DRAWING NAME: FIGURE 1 - GENERAL LOCATION MAP		

FIGURE 1
GENERAL LOCATION MAP
JAINES, LLC
ROCK RIVER SEDIMENT REMOVAL REPOSITORY
JANESVILLE, WI



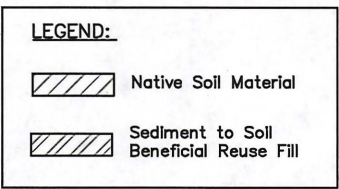
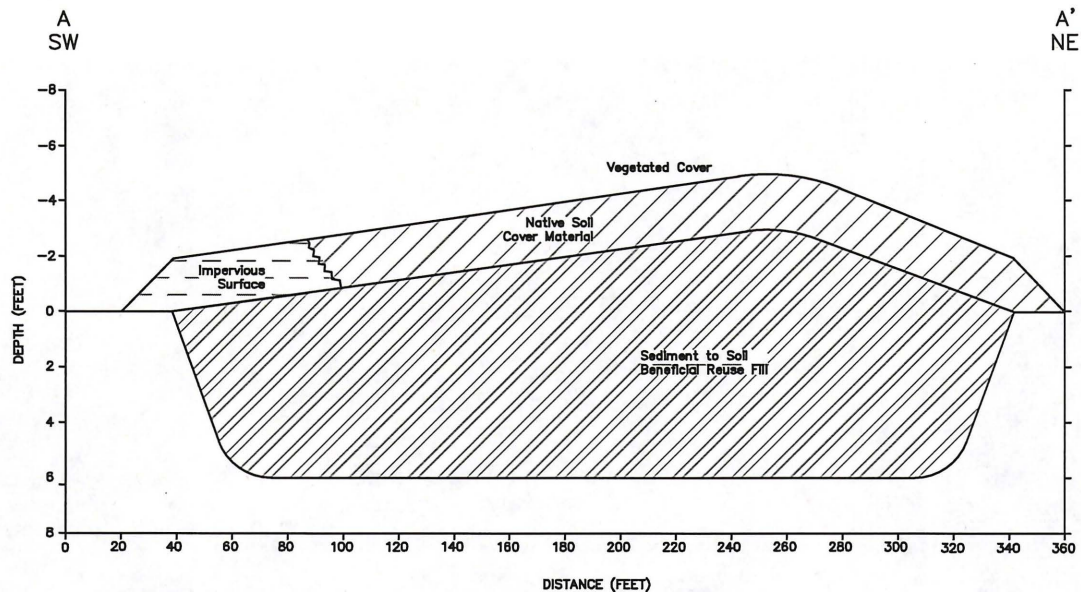
LEGEND:

Sediment Removal Repository Limits



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DRAWING NAME: FIGURE 2 - PLAN VIEW MAP		

FIGURE 2
PLAN VIEW MAP
JAINES, LLC
ROCK RIVER SEDIMENT REMOVAL REPOSITORY
JANESVILLE, WI



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DRAWING NAME: FIGURE 3 - CROSS SECTION A-A'		

FIGURE 3
 CROSS SECTION A-A'
 JAINES, LLC
 ROCK RIVER SEDIMENT REMOVAL REPOSITORY
 JANESVILLE, WI

Photographs of Cover

Photographs will be added to this maintenance plan once the dried sediment has been placed in the area and the soil cover established.



Former GM Haul Away Yard (JATCO) site receiving fill



Source; Post-Dredged Dried Sediment in concrete bins

Continuing Obligations Inspection and Maintenance Log

Use DNR Fillable Form [Form 4400-305](#)

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name Former Haul-Away-Yard / JATCO	BRRTS No. 02-54-560181
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Inspections are required to be conducted (see closure approval letter):

annually
 semi-annually
 other – specify _____

When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):

Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations implemented?	Photographs taken and attached?
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N

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