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U. S. ENVIRONMENTAL PROTECTION AGENCY  
WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PROPOSED PLAN PUBLIC MEETING  
ASHLAND/NORTHERN STATES POWER LAKEFRONT SITE  
June 29, 2009, 7:00 p.m.

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A PUBLIC MEETING FOR THE  
ASHLAND/NSP LAKEFRONT SUPERFUND SITE  
TAKEN AT: NORTHERN GREAT LAKES VISITOR CENTER  
29270 COUNTY HWY. G  
ASHLAND, WISCONSIN 54806

TUESDAY, JUNE 29, 2009  
7:00 p.m. to 8:20 p.m.

\* \* \* \* \*

SUSAN EDWARDS COURT REPORTING  
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APPEARANCES:

MS. PATTI KRAUSE, EPA Community Involvement Coordinator,  
Environmental Protection Agency, 77 W. Jackson Blvd.,  
Chicago, IL 60604.

MR. SCOTT HANSEN, EPA Remedial Project Manager,  
Environmental Protection Agency, 77 W. Jackson Blvd.,  
Chicago, IL 60604.

MR. CRAIG MELODIA, Regional Counsel for U.S.  
Environmental Protection Agency.

Mr. JOHN ROBINSON, Northern Region Team Supervisor,  
Wisconsin Department of Natural Resources, 107 Sutliff  
Avenue, Rhinelander, WI 54501.

MR. HENRY NEHLS-LOWE, Wisconsin Department of Health,  
1 W. Wilson Street, Madison, WI 53702.

MR. JAMIE DUNN, Project Manager, Wisconsin Department of  
Natural Resources, 810 W. Maple Street, Spooner, WI  
54801.

MS. CONNIE ANTONUK, Wisconsin Department of Natural  
Resources.

MR. JOHN KOSLOWSKI, Wisconsin Department of Natural  
Resources.

\* \* \* \* \*

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SPEAKERS PRESENTING PUBLIC COMMENTS:

- 3 MR. DAVE SORENSON, Citizens of Ashland
- 4 MR. LOWELL MILLER, Former Mayor of City of Ashland
- 5 MR. DAVE MARTINSON, Ashland Business Alliance
- 6 MS. SANDRA DUNNE, Self and League of Women Voters
- 7 MR. ED MONROE, Mayor of City of Ashland
- 8 MR. DAVID DONOVAN, Northern States Power, Wisconsin
- 9 MR. DAVE TRAINOR, Xcel Energy (d/b/a NSPW)
- 10 MR. DEAN STOCKWELL, URS Corporation
- 11 MR. HUBERT HULS, URS Corporation
- 12 MR. FRANK KELLOGG, DCI Environmental
- 13 MR. LARRY MILNER, Seversen Environmental
- 14 MR. MIKE CRYSTAL, Burns & McDonnell

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- 1 (Tuesday, June 29, 2009, 7:00 p.m.,
- 2 Northern Great Lakes Visitor Center.)
- 3 MS. PATTI KRAUSE: Thank you for coming
- 4 out tonight, and we look forward to presenting  
Page 3

5 and also to hearing from you. Scott Hansen,  
6 Craig Melodia, and Patti Krause, that's me, are  
7 here from the U.S. Environmental Protection  
8 Agency. Scott is EPA project manager for the  
9 Ashland Site; Craig Melodia is the attorney for  
10 the site; and I work as a community contact.

11 Jamie Dunn, John Robinson -- there he  
12 is, okay. There is Jamie and John Robinson.  
13 Connie Antonuk -- Connie is back on the side, and  
14 John Koslowski are here -- there you are, John.  
15 They are all here from the Wisconsin DNR. Also  
16 here is Henry Nehls-Lowe from the Wisconsin  
17 Department of Health.

18 The purpose of this meeting is for EPA  
19 to present the recommended cleanup plan for the  
20 Ashland site and to give you an opportunity to  
21 comment on the plan. If you have not signed up  
22 to make comments, please do so. We have sign-in  
23 sheets back there, and then during the meeting if  
24 you decide that you would like to make a comment,  
25 just let me know and I will get you a sheet. So

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1 we want everyone to have a chance. The  
2 transcriber is here to take your comments. And  
3 now just a little background.

4 The public comment period runs for 30  
5 days. It started on June 17; it ends on July 16.  
6 You have a number of ways to make comments. You  
Page 4

7 can do so here at the meeting. You can fill out  
8 a form of the Proposed Plan Fact Sheet. We have  
9 extra copies of the form. There is something  
10 online, or you can send an E-mail.

11 At the end of the comment period, EPA  
12 will prepare a written summary of significant  
13 comments, criticism, and any new relevant  
14 information given, along with EPA's response to  
15 each issue. This is called -- this is called a  
16 Responsiveness Summary.

17 Based on the new information presented  
18 in the comments, EPA, in consultation with the  
19 Wisconsin DNR, may modify these proposed plans or  
20 select another cleanup option outlined in the  
21 plan. The Responsiveness Summary will be made  
22 available with the record of decision that  
23 describes the final cleanup plan.

24 Now Scott is going to explain the  
25 cleanup plan, but before so, John Robinson with

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1 the Wisconsin DNR is going to summarize the  
2 recent outreach efforts done in the community.

3 So, John?

4 MR. JOHN ROBINSON: Thank you, Patti,  
5 and thank all of you for your interest and  
6 participation tonight. The Department's role on  
7 the site began in 1989 when there was an  
8 observation of contaminated material when the

9 city was trying to expand the Wastewater  
10 Treatment Plant. And about that time, Jamie  
11 Dunn, our current project manager, became  
12 involved in it, and the state's role took off in  
13 1992 when we began the state planning  
14 investigation.

15 Throughout that process, we have been  
16 able to work with a large number of groups in the  
17 community, initially through the League of Women  
18 Voters to have a number of public meetings to  
19 talk about the state's Remedial Investigation  
20 Feasibility Study, and in 2003 with a petition to  
21 list this on the National Priorities List, the  
22 league changed from a state league to an EPA  
23 league. And our role changed in the department  
24 from one of technical leadership to one of where  
25 we led the outreach efforts, while we continued

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1 to provide technical assistance.

2 In 2004, a Community Involvement Plan  
3 was developed after seeking input from the  
4 citizens on how we could best go about providing  
5 information to the citizenry.

6 In 2005, we had availability sessions to  
7 talk about where we were with the project, and  
8 also we had a Superfund 101 Program for the  
9 community where we explained the superfund  
10 process and gave people a baseline understanding

11 of the process.

12 About that same time we formed a state  
13 coalition group comprised of people like Terry  
14 Komalich from the Health Department, Henry  
15 Nehls-Lowe from Department of Health Services,  
16 the City was represented through the mayor and  
17 then the administrator, NSP through Dave, Don,  
18 Mike BeBeau, and others.

19 We also had the League of Women Voters  
20 with Mary Fetrich -- excuse me, the League of  
21 Women Voters with Betty Harnisch, and the Chamber  
22 of Commerce with Mary Fetrich, and tribal  
23 representatives, as well as Sigurd Olson  
24 providing input on how we can best get the word  
25 out to the community.

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1 In 2007 we had a couple of hearings; one  
2 on remedial investigation, sharing the results of  
3 the investigation regarding the extent of the  
4 contamination. In October we also had a  
5 community workshop asking the community what they  
6 thought was important to them -- at that time the  
7 direction of the site.

8 And they came back with the thought:  
9 They wanted a timely response; do it right the  
10 first time, and try to maximize the potential  
11 result to the waterfront in the future.

12 In 2008, in November of last year, we  
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13 had a formal public hearing on the feasibility  
14 study. Also last fall, the City of Ashland,  
15 Northern States Power, and the DNR entered into a  
16 collaborative agreement, agreeing to work  
17 together in a cost effective manner following the  
18 Superfund process, but develop a plan to try to  
19 work together in an effort to try to coordinate  
20 and collaborate while we implement the cleanup,  
21 as well as try to implement the City's Waterfront  
22 Development Plan.

23 This year we had the mailing on the  
24 proposed plan which EPA sent out. We have had  
25 four informational meetings to date, one with Bad

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1 River on the 16th; the 17th, we had a meeting  
2 here for the community. Last week we met with  
3 the Red Cliff Tribe, and we also had a meeting  
4 for the neighbors, all in an effort to try and  
5 get the word out on what the proposed plan  
6 embodied and to prepare for tonight's meeting.

7 Tonight is an opportunity for you as a  
8 community to provide input into the process.  
9 There are two areas where threshold criteria --  
10 or criteria the EPA will be evaluating before it  
11 makes a final decision, a record decision, and  
12 those two remaining criteria are community  
13 acceptance and state acceptance. Based upon  
14 comments that are given tonight, the state will

15 be forwarding final comments to EPA prior to the  
16 16th. Along with the comments that we provided  
17 to date, we are in general support of the  
18 proposed remedy, but also want to hear from  
19 people tonight.

20 We appreciate the opportunity to work  
21 with EPA, and it has been a very strong  
22 partnership and we appreciate Scott and Patti and  
23 Craig's efforts to involve the State of Wisconsin  
24 in those. And we have had a number of people,  
25 Wayne Lahti, who is retired and is here tonight;

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1 Nancy Larson, our Water Basin Leader. Jamie,  
2 Connie Antonuk, John Koslowski, and Chris Saari,  
3 and others that have played an important role in  
4 getting us to tonight.

5 But the purpose of tonight is to hear  
6 from the citizens first on what their plans are  
7 or thoughts are on the proposed plan, for them to  
8 comment on the plan. We would encourage people  
9 that want to testify or provide input tonight to  
10 fill out the sheet. And if you are not inclined  
11 to come up before a crowd, there are forms where  
12 you can provide written comments to EPA in the  
13 back of the room. We would hope that you would  
14 take advantage of both of those opportunities and  
15 provide us with your thoughts and comments.

16 And, again, we're hopping to have  
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17 citizens first, and then as time permits, open it  
18 up to the consultants that are there in  
19 attendance.

20 We thank you very much for your long and  
21 continued interest in this project. We look  
22 forward to continuing those efforts into the  
23 future and working with EPA and the community and  
24 the State Holder Group to try to develop a  
25 process where we will continue to involve the

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1 community in the project, providing updates on  
2 where the project is, as well as to lessen the  
3 concerns you may have during various aspects of  
4 the project into the future.

5 MS. PATTI KRAUSE: Scott Hansen is going  
6 to be explaining the cleanup plan, if I can get  
7 back onto his computer here. All right.

8 So here he is, Scott Hansen.

9 MR. SCOTT HANSEN: Thank you, Patti. I  
10 want to thank everyone for coming out tonight.  
11 Again, my name is Scott Hansen.

12 Jamie, do you want to dim those lights a  
13 little bit? Thanks.

14 As Patti pointed out, I am here to -- I  
15 am here to give a brief summary of the proposed  
16 plan that came out a few weeks ago. It is, like  
17 I said, if some of you are here for the  
18 information sessions we have had the past couple

19 of weeks, it is similar to that, so it shouldn't  
20 be that long.

21 As we pointed out before, the  
22 recommended option has four main areas of the  
23 site that we are going to deal with. The Upper  
24 Bluff/Filled Ravine, Kreher Park. I will say  
25 this for Jamie. Jamie says it is not actually

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1 Kreher Park, but he named it that, so it stuck.  
2 Anyway, the area is down where the Wastewater  
3 Treatment Plant is. The Chequamegon Bay  
4 sediment, and the other area is the Copper Falls  
5 Aquifer.

6 The recommended option for the Upper  
7 Bluff/Filled Ravine for the soil, is to dig up  
8 and thermally treat the most contaminated soil  
9 with limited removal and thermal treatment. If  
10 by chance the thermal treatment is not cost  
11 effective, then the recommended option would be  
12 off-site disposal; estimated cost of  
13 \$6.8 million.

14 The recommended option for the Upper  
15 Bluff/Filled Ravine and Kreher Park for ground  
16 water is to use a surface barrier for the filled  
17 ravine and then part of Kreher Park, which is  
18 basically like a cap over the area to control any  
19 water infiltration and also install vertical  
20 barriers; for example, sheet pile for shallow

21 ground water for migrating. Estimated cost is  
22 the \$9.2 million.

23 The recommended option for the Copper  
24 Falls deep aquifer, which is located underneath  
25 the filled ravine and Kreher Park area, is to add

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1 additional extraction wells to possibly speed up  
2 the ground water cleanup in that area, and also  
3 there is an option to possibly treat the ground  
4 water in place to help enhance the cleanup. This  
5 has an estimated cost of \$6.4 million.

6 The recommended option in the  
7 Chequamegon Bay for the sediment is to remove the  
8 near shore sediment and wood debris through dry  
9 excavation, and the remaining off-shore  
10 contaminated sediment and wood debris would be  
11 dredged. It would be treated or disposed of  
12 off-site. The estimated cost is \$68.5 to  
13 \$80.4 million.

14 There was a number of options that we  
15 looked at -- there was quite a few, but here is a  
16 list of some of the options that we also looked  
17 at for the soil. In Superfunds, we usually have  
18 to look for -- we also like to know the, "no  
19 further action," like we aren't going to do  
20 anything. We usually look at that, and we  
21 usually look at the Cadillac, which would be the  
22 whole thing and anything in between.

23                   So "no further action" is probably the  
24                   option that will be in the soil, ground water and  
25                   sediment off, but we have that for all of our

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1                   Superfund sites. Containment we looked at. Also  
2                   limited removal, which would be off-site or  
3                   on-site disposal.

4                   Off-site incineration we looked at,  
5                   on-site soil washing, and in-place thermal  
6                   treatment. We also looked at unlimited removal,  
7                   which is to dig the whole thing up with off-site  
8                   or on-site disposal and in-place thermal  
9                   treatment also.

10                  For ground water, of course, we looked  
11                  at no further action, the use of extraction wells  
12                  to remove underground pockets of tar and other  
13                  materials, and also treat in place for the  
14                  options we looked at for ground water.

15                  And sediment, no further action, contain  
16                  the sediment in a confined disposal facility,  
17                  which was one of the options we looked at. Cap  
18                  it, dredge the bay, or excavate the sediment from  
19                  the bay.

20                  The nine criteria is the criteria we  
21                  looked at to evaluate all of the alternatives.  
22                  The first two, like I said, those are the  
23                  threshold criteria. Those are the ones you need  
24                  to meet. Those are protection of human health

25 and the environment and comply with federal and

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1 state laws.

2 The next criteria there is, I think  
3 there is -- I have to count here, I guess five.  
4 Those three are the bouncing criteria we look at  
5 technically whether the remedy is effective in  
6 the long-term, whether it reduces the harmful  
7 effects, movement, and the amount of contaminants  
8 through treatment, whether it is effective in the  
9 short-term, and whether you are able to  
10 implement, and also cost.

11 The last two as John pointed out, John  
12 Robinson pointed out, the last two we deal with  
13 after the public comment period, that's the state  
14 acceptance and community acceptance.

15 The main contaminants of concern are  
16 free product and non-aqueous phase liquids on  
17 site, which are underground pockets of tar that  
18 usually don't mix with water. The main ones are  
19 the PAHs, or polycyclic aromatic hydrocarbons.  
20 The main one of those prevalent is naphthalene and  
21 also volatile organic compounds, benzene is the  
22 most prevalent at the site.

23 What's next? We respond to comments.  
24 As John pointed out, we respond to the comments  
25 and that is part of the decision document, the

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1 record of decision, but now that we're slated for  
2 the end of September to have that complete.  
3 After that, we usually sign a legal agreement to  
4 do the cleanup. That's estimated to start around  
5 the spring of 2010. Begin cleanup design, that's  
6 the summer of 2010.

7 There has been talk that we might use  
8 some pilot studies just to determine what would  
9 work out here. Those are to start probably in  
10 the summer of 2010 and begin cleanup in 2011.

11 The comment period. Like I said, all of  
12 the documents that we have basically been working  
13 on, finishing up and working on for the last few  
14 years are all for review at the repositories or  
15 online for you to look at. We have a web page,  
16 the EPA also has all of those documents available  
17 on there. Like I said, submit the written  
18 comments via E-Mail, by mail, and by fax by  
19 July 16, 2009.

20 Questions? We're going to have just a  
21 short question and answer if anybody has  
22 anything, and then we will get into the comment  
23 portion of it.

24 MS. PATTI KRAUSE: Does anybody have  
25 questions?

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1 MS. SANDRA DUNNE: Yes. I just --

2 MS. PATTI KRAUSE: Okay. And please  
3 state your name.

4 MS. SANDRA DUNNE: Sandra Dunne. Well,  
5 if this is costing us a hundred million to do and  
6 there are at least a hundred thousand NSP, Xcel  
7 Energy people paying for it, isn't that about a  
8 hundred dollars a person -- or is my math screwy  
9 here?

10 MR. SCOTT HANSEN: A thousand.

11 MS. SANDRA DUNNE: A thousand dollars a  
12 person over what, a six-year period?

13 MR. SCOTT HANSEN: Yeah. I mean, I  
14 don't know how the dynamics of how NSPW/Xcel, how  
15 they figure that out, how they have to go through  
16 -- what is that?

17 MR. JOHN ROBINSON: The State Public  
18 Service Commission has the rate payer process  
19 that Xcel can submit a claim for, but honestly  
20 that's not EPA's process, so I can't speak to how  
21 it works or how much it costs. That's something  
22 the Public Service Commission handles.

23 MS. SANDRA DUNNE: But doesn't Xcel/NSP  
24 know what they are going to get? I mean we are  
25 already paying for other sites that have been

EPA, NSP Lakefront Superfund Site. 6-29-09  
1 cleaned up around the state as an Xcel payer.

2 Did they all disappear; NSP people?

3 MR. SCOTT HANSEN: They are here  
4 somewhere. I mean, they can probably explain it  
5 better than I can. Our process, we don't deal  
6 with the whole commission and how they figure up  
7 the cost and how it gets to the rate payer.

8 MS. SANDRA DUNNE: But I think that's  
9 going to be one of the things that people are  
10 going to be concerned about.

11 MR. SCOTT HANSEN: Oh, sure.

12 MS. SANDRA DUNNE: Whether they do it  
13 right or don't, is the cost.

14 MR. SCOTT HANSEN: Right.

15 MS. SANDRA DUNNE: And to me, we have to  
16 do it right.

17 MR. SCOTT HANSEN: I agree. It is going  
18 to be part of it, there is no doubt about that.  
19 The rate payer thing is going to be part -- how  
20 Xcel does that, that is not going to be part of  
21 the EPA and how we are going to clean up the  
22 site. But how Xcel deals with it with the rate  
23 payers, that is going to be part of it I am sure.

24 As for how, I don't know. I mean that's  
25 up to the Commission, I guess.

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1 MR. CRAIG MELODIA: Scott mentioned that  
2 costs are a -- I am sorry, this is Craig Melodia.

EPA, NSP Lakefront Superfund Site. 6-29-09  
I am with the USEPA, Regional Counsel.

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Costs are a factor; however, the cost that EPA considers in selecting a remedy is the capital cost of construction, plus the long-term operation maintenance. Now how those costs, and if those costs are passed along to the rate payers, that's not part of the USEPA Superfund process. So if Xcel chooses to make a claim for the rate payer increase, that's handled through the Public Service Commission.

So in terms of the selection of a cleanup plan, our costs consider the costs of construction, capital costs, and long-term operation and maintenance.

Does that make sense?

MS. SANDRA DUNNE: Yes, it makes sense. My concern is that if people are against this plan, they will be against the plan because it is going to cost them, personally, money.

MR. CRAIG MELODIA: Right.

MS. SANDRA DUNNE: And that to me is not how the plan should be chosen in any way, shape, or form. And I just wanted to get that out in

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the open here, because I don't think that's how we want to take care of the Great Lakes, our aquifer, and sediment.

MR. CRAIG MELODIA: Okay.

5 MS. PATTI KRAUSE: Any questions? And  
6 you can make that as a public comment, too.  
7 Anymore questions?

8 THE AUDIENCE: (No Response.)

9 MS. PATTI KRAUSE: Okay. Now the public  
10 comment period starts, the comment time. There  
11 are some ground rules for public comment, and one  
12 of them is that everyone who wants to comment  
13 will get a chance. We want one speaker at a  
14 time. We hope that you will spell your name,  
15 give your name and spell it for our court  
16 reporter, because she is here taking everything  
17 down.

18 I don't know how many people are going  
19 to comment on our comment list, but we ask you to  
20 keep it at the maximum five minutes so everybody  
21 gets a chance. We do have a time limit here  
22 tonight. Okay?

23 So what I will do is I will have  
24 everyone who signed up, I will call your name,  
25 and I have a microphone, and you can speak and

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1 give your comments, and then we will go onto the  
2 next person.

3 Now while this is going on, if you  
4 think: Gee, I would like to make a comment --  
5 please we have forms to fill out. Fill it out  
6 and you will all have a chance.

7 Our first speaker is Dave Sorenson. Do  
8 you want to come up here, Dave?

9 MR. DAVE SORENSON: My name is Dave  
10 Sorenson, S-O-R-E-N-S-O-N. I am a citizen of  
11 Ashland, and my concern is first of all, as a  
12 resident of Ashland, I am concerned with the  
13 economic welfare of our community, and the influx  
14 of \$97 million into our community cannot do  
15 anything but make everybody in this community  
16 happy and I look forward to that.

17 My concern is -- just like the lady  
18 addressed shortly -- my concern is two-fold.  
19 One, the EPA, the people involved with this  
20 project keep calling it a Superfund when, in  
21 fact, there is absolutely no superfund going into  
22 pay for it when the new construction starts on  
23 this project. The project is going to be paid  
24 for by me as a member of the natural gas users of  
25 Xcel Energy or NSP, whichever you want to call

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1 it.

2 My concern is, is that if we are going  
3 to proceed with this project, No. 1, let's call  
4 it what it is -- a Consumer of Xcel Energy  
5 Superfund, not a Superfund from the federal  
6 government who are contributing nothing.

7 Secondly, a gentleman from the Town of  
8 Gingles said as we were coming in here, he said:

9 We need to clean this up and somebody has to pay  
10 for it.

11 My question then regards: Why am I the  
12 one that has to pay for it because I am a natural  
13 gas user, and the gentleman from the Town of  
14 Gingles doesn't have to pay, nor anybody else who  
15 is not on natural gas?

16 The federal government is spending  
17 trillions of dollars to create jobs. I ask a  
18 simple question: Why in their wisdom would the  
19 EPA working for the federal government, the  
20 Wisconsin Department of Natural Resources with  
21 their influence in the federal government, why in  
22 fact would just myself, a natural gas user, have  
23 to pay for it? Why can we not get some of that  
24 federal money to help us?

25 And on a second phase, why cannot

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1 everybody in the country pay for this; why only  
2 natural gas users? It is going to cause a  
3 hardship in our community for people on natural  
4 gas that have to see their rates increase, when  
5 the person alongside of them that has propane and  
6 doesn't pay anything.

7 That's my comment, and I wish you would  
8 take it in. Again, I welcome the \$97 million  
9 into our community, but I don't want to be the  
10 only one paying for it. Thank you.

11 MS. PATTI KRAUSE: Lowell Miller.

12 MR. LOWELL MILLER: Oh, you didn't have  
13 many people sign up. Okay.

14 I was the mayor of Ashland from  
15 October of 1993 until April of 2002, which was  
16 the time period during which most of this problem  
17 surfaced and it was identified. This is not my  
18 first dance at this thing. I have had numerous  
19 meetings with Jamie Dunn and people from Xcel  
20 Energy and others from the DNR. I think I even  
21 had a visit from the EPA one day.

22 In the time that I was mayor, I became  
23 pretty familiar with some of the economic  
24 hardships that are faced by many of our local  
25 citizens, much more so in this part of Wisconsin

1 than elsewhere in our country. And I can tell  
2 you that if you unload a hundred million dollars  
3 on the shoulders of those people in terms of  
4 increased rates, it is going to be a big  
5 hardship. So I would ask that you would find  
6 something less expensive than that kind of money.  
7 That's huge.

8 Now I know that area pretty well. I  
9 walk my dog there every day. And I am not an  
10 engineer, but I do understand this region, and I  
11 do understand the people that live here. That's  
12 a lot of money, and I think you need to look for

13 EPA, NSP Lakefront Superfund Site. 6-29-09  
14 something less expensive than what you are  
15 recommending.

16 As Mr. Sorenson said, there is no  
17 Superfund site. We knew that when the EPA came  
18 into this thing on a petition from somebody that  
19 doesn't even live in our town. Okay?

20 And we also found out that from the time  
21 of first identification, it takes 20 years for  
22 the average cleanup, and that's what this is  
23 going to be. We are totaling about \$100 million.  
24 That doesn't include the money that's already  
25 been spent. All of those funds are going to be  
passed onto you, the local residents.

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1 Now some of us can afford it. I frankly  
2 think that I probably could, but I do know, there  
3 are many people here in our town or in this area  
4 who are living on Social Security, trying to get  
5 by on just a few hundred bucks a month, and  
6 that's pretty tough. Now Xcel Energy will spread  
7 this across their drawing area -- I am sure this  
8 is not just local here, but we will have our  
9 share of it.

10 So that's my comment. I think you need  
11 to look as hard as you can to find something  
12 relatively affordable. Thank you.

13 MS. PATTI KRAUSE: Dave Martinson.

14 Why don't you state your name and your

EPA, NSP Lakefront Superfund Site. 6-29-09  
address?

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MR. DAVE MARTINSON: Dave Martinson,  
1200 Chapple. I will keep my comments really  
brief. The last meeting that we were at I  
mentioned the fact, and I it is on the cost  
factor. I talked about the wet bridge to the dry  
bridge, and we're talking about somewhere between  
\$11 million to -- by my calculations, \$19  
million. And the way it seemed to me and with  
everything I read, is that we get the same, we  
get the same findings or the same finished

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product out of that.

And speaking of costs, that's where I  
had concerns because we were kind of throwing  
money across the board there on some of those  
things, and I thought the wet bridge would be  
alot more, would be alot more reasonable to do  
than that dry bridge. Thanks.

MS. PATTI KRAUSE: Thank you. Sandra  
Dunne?

MS. SANDRA DUNNE: Protecting the Great  
Lakes and protecting our ground water is in the  
best interests of all of us locally and of our  
country. The Great Lakes are a treasure. And  
for us to not do our best and do what is going to  
last, do it once and do it right, to me is worth  
a few dollars here and there.

17 I really support the EPA cleanup plan.  
18 My husband supports it, and we will certainly --  
19 Betty Harnisch, the head of the League of Women  
20 Voters is under duress, but she will certainly  
21 have a letter in from the local League of Women  
22 Voters who has supported the cleanup site from  
23 the beginning.  
24 And as I said, let's do it right, let's  
25 do it once, and we are already paying on our Xcel

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1 bills for other cleanup sites, and I don't think  
2 you can identify your dollar here and your dollar  
3 there, et cetera. And so caulk your windows and  
4 doors, and get your house a little warmer by  
5 doing what you should be doing, you know, little  
6 plastic on the windows, whatever you need.

7 Thank you.

8 MS. PATTI KRAUSE: Thank you. Ed  
9 Monroe?

10 MR. ED MONROE: Yes.

11 MS. PATTI KRAUSE: Please state your  
12 name.

13 MR. ED MONROE: Good evening. I am Ed  
14 Monroe, and I am the present mayor of the City of  
15 Ashland. And I watched this evolve from the time  
16 that Lowell mentioned back when it was first  
17 brought up, and I saw some of the plans proposed  
18 at the time, and quite frankly, the quick fix

19 that everybody was rushing to embrace was how  
20 they could cover it up and cap it off and seal it  
21 for all of eternity.

22 For me that's not an acceptable way to  
23 deal with a poison like that, with materials that  
24 are out there. I want it out of there. I want  
25 every bit that you can get out of there, out of

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1 there -- just get it out of there.

2 I have watched friends and relatives in  
3 my lifetime and I think, I think that an  
4 extraordinary rate develop serious illnesses and  
5 cancers and pass away, especially when you get  
6 into the vicinity in that part of town.

7 In the back of my mind, I can't say that  
8 there is a scientific research to verify it, but  
9 I think it all goes back and is somewhat related.  
10 I want the stuff out of there. The cost, of  
11 course, the cost is very, very expensive, and the  
12 fact that I heard, time and again, it proposed  
13 that Xcel Energy expects only that Wisconsin  
14 national gas rate payers to support this, I  
15 believe that's their dream and not one in  
16 reality.

17 In one of these meetings, we did have  
18 people from the Public Service Commission come up  
19 here and address what's reasonable and what's not  
20 reasonable. What's not reasonable is putting a

EPA, NSP Lakefront Superfund Site. 6-29-09  
21 hundred million dollars on the backs of the  
22 natural gas rate payers for the State of  
23 Wisconsin.

24 I also heard badgered around, and I am  
25 fully in support of dumping a good portion of

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1 this cleanup bill, wherever it ends up shaking  
2 out, on the stockholders of the company that is  
3 now the recipient of this Superfund site. That  
4 and the fact that I know there is a concerted  
5 effort to harness and to find federal dollars to  
6 help offset these costs.

7 However they come about it, I am fully  
8 supportive of what I see here and that's a  
9 comprehensive plan to get that stuff out of our  
10 lake, out of our water, and out of the ground so  
11 that we can reuse that part of our community  
12 again. And the dollars that we are going to find  
13 to get it is going to come from more pockets than  
14 just the rate payers.

15 I think that is just a fallacy -- I hear  
16 it bantered around, but I cannot believe that  
17 that is going to be dumped on just those rate  
18 payers. I think that's somebody's just  
19 pie-in-the-sky, so to speak. Those are my  
20 comments this evening. Thank you.

21 MS. PATTI KRAUSE: Thank you. David  
22 Donovan?

23 MR. DAVID DONOVAN: My name is David  
24 Donovan, D-O-N-O-V-A-N. I really want to start  
25 out by complimenting the EPA with their issuance

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1 of the plan. Regardless of whether you agree  
2 with it or not, it is a milestone. We are  
3 finally moving the project forward. It is  
4 important for the company, as well as for the  
5 residents of the City of Ashland. It is  
6 certainly important to the EPA, and this is the  
7 first step in actually exhibiting some process or  
8 some success in the process. We are still in the  
9 process ourselves of fully evaluating the plan.  
10 I don't have any specific comments on the  
11 technical issues.

12 I will tell you that we will submit  
13 comments, written comments, to EPA by the July 16  
14 deadline. Our comments will largely focus on a  
15 number of the issues that are in the prep itself,  
16 but regardless of what our comments are, they  
17 will be based on a series of principals that  
18 include whatever the remediation, the series of  
19 remediation alternatives that are selected that  
20 they are protective of the environment, that they  
21 are safe to the residents of the City of Ashland  
22 and to the people that are actually doing the  
23 remediation at the site, and that it is  
24 economically beneficial.

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1           only whether you believe it is pie-in-the-sky or  
2           not. State policy dictates that right now only  
3           the natural gas customers will pay for the cost  
4           of the site. It is not that you can shift it to  
5           some other people. It is the responsibility of  
6           the natural gas customers.

7                         We certainly want to be responsive to  
8           the concerns of the citizens that we heard last  
9           November, I think it was 2007. The citizens  
10          indicated that they wanted us to perform the  
11          actions correctly the first time.

12                        We understand that, and we're trying to  
13          be responsive to that in our comments. We want  
14          to make sure that we minimize the destruction to  
15          the neighborhood and the city and the duration of  
16          that disruption. We don't want it to extend any  
17          longer than it possibly has to.

18                        We want to make sure that the cleanup --  
19          again, the series of cleanup alternatives,  
20          whatever they are, allows the city to implement  
21          its Lakefront Develop Plan to the maximum extent  
22          possible. Certainly what the city wants to do  
23          with this site is very important. Their  
24          future -- we realize their future is dependent at  
25          least to a great extent on the development of

1 that Lakefront and what they plan to do with that  
2 Lake frontage, and we want to be responsive to  
3 that.

4 And we also want to make sure that  
5 whatever the remediation alternatives are that  
6 are selected, that they are fair to our  
7 customers. That they do not -- that our  
8 customers do not have to pay for anything more  
9 than what they are responsible for through the  
10 previous actions of the manufactured gas plant  
11 site and contamination there.

12 Many of these comments are based on  
13 principals that have been contained and agreed to  
14 in what we're calling the framework document.  
15 The framework document was signed by the CEO of  
16 NSP Wisconsin, by the mayor of Ashland, and by  
17 the secretary of the DNR, and it lists out a  
18 whole series of potential alternatives, or  
19 opportunities, if you would, on how we can  
20 cooperate on the cleanup of this site.

21 We think that this is a perfect example  
22 of how you can discuss and resolve the issues  
23 related to mediation of the site. We would  
24 encourage the EPA to use that collaborative  
25 process as it works towards the issuance of its

1 record of decision later this year.

2 It is something that we are very proud  
3 of, it is something that we think works, it is  
4 something that we value, and it is something that  
5 we continue to support, and thank you.

6 MS. PATTI KRAUSE: Thank you. Dave  
7 Trainor?

8 MR. DAVE TRAINOR: Thank you. My name  
9 is Dave Trainor, and I am a consultant  
10 representing NSPW. I am going to discuss my  
11 comments to address the soil and ground water  
12 remedies that are recommended in the prep.

13 I am an environmental engineer and  
14 hydrogeologist. I have been working on the site  
15 since January of 1995, and in that time I  
16 gathered a lot of information and worked closely  
17 with the agencies on developing this preliminary  
18 remedial action plan.

19 I am going to first of all talk about  
20 soil remediation alternatives and how they relate  
21 to ground water remediation alternatives. The  
22 ground water alternatives will actually be the  
23 larger part of this comment.

24 Now as Scott mentioned -- I will put  
25 this on better view -- Scott mentioned that the

2 actually total about \$20 million. For this,  
3 there are two locations where soil will be  
4 excavated where growth contaminated soil has been  
5 found.

6 This first area shows the coal tar dump,  
7 which is south of the POTW, which is outlined  
8 here in this "L" shaped figure on the form. The  
9 prep recommends that all contaminated soil above  
10 the wood waste layer, which underlies the soil to  
11 a depth of about four feet, which is saturated,  
12 should be excavated, thermally treated, and if  
13 that's not cost effective, disposed off-site.

14 This graphic shows the coal tar dump,  
15 the excavation areas in red, and then the cap  
16 that will be replaced after the excavation occurs  
17 is shown in light purple. We also show in dark  
18 purple down here, the existing cap that was  
19 installed in 2002 by NSP when the former seat was  
20 remediated. That cap will be incorporated into  
21 the proposed cap after excavation.

22 What the prep does also recommend is  
23 that an in-situ method be considered during  
24 design to remediate ground water after these  
25 excavation operations are complete, and that

1 would be either an ozone sparging system that  
2 will be designed to mobilize contaminants that  
3 will be collected through a pump and treatment

4 system, or as an alternative, an in-situ chemical  
5 oxidation system that will be designed and  
6 installed in lieu of, or in place of an ozone  
7 sparging system.

8 It is our opinion that based upon these  
9 conditions, that we will recommend in our  
10 comments that in lieu of excavation and thermal  
11 treatment or off-site disposal and a long-term  
12 in-situ method of either ozone sparging or  
13 in-situ chemical oxidation, that a surface mixing  
14 using chemical oxidation should be used during  
15 excavation activities. This will remove  
16 contaminant mass in the shallow zone and also  
17 provide a long-term remediation for ground water  
18 in the deep ground water after the cap is  
19 replaced.

20 The second area where soil excavation  
21 activities are proposed is at the NSPW Service  
22 Center, which is where the ravine fill contains  
23 contaminated material and free product. This  
24 graphic shows the location of where these  
25 excavation areas will occur, south of St. Claire

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1 Street, which is outlined in green, as well as  
2 the former pipe run that's north of St. Claire  
3 Street. What's shown in red is where the grossly  
4 contaminated soil will be excavated in depth and  
5 treated and, again, if that thermal treatment is

6 not cost effective, will be hauled off-site for  
7 disposal.

8 As with Kreher Park, the prep does  
9 consider that a long-term ground water remedy for  
10 the shallow ground water be considered in the  
11 form of in-situ chemical oxidation or ozone  
12 sparging.

13 We would request that the EPA look at  
14 two issues associated with this excavation  
15 project, and that's the future use of the site,  
16 as well as the ground water remedy. The future  
17 use of the site is critical. As many of you  
18 know, NSPW is vacating this property and will be  
19 exiting the facility in 2010.

20 The proposal calls for demolishing the  
21 center portion of the building, linking the two  
22 wings, and then removal of all of these  
23 contaminated materials. Future use is critical,  
24 because depending on what happens with this site,  
25 if it is ever used for residential properties,

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1 the fill that remains, that is not excavated or  
2 is treated and put back, will have to meet  
3 certain residential standards. That's one issue  
4 that we want the EPA to consider.

5 The second issue is the ground water  
6 remedy. After these are excavated and surface  
7 barriers installed, as shown in blue, the amount

8 of ground water that will be generated in this  
9 fill will be minimized. Currently it flows down  
10 the ravine and it discharges into to Kreher Park.  
11 We understand that once the contaminant mass, the  
12 gross contaminated soil is removed, the majority  
13 of the contaminant mass will be excavated and  
14 then taken off-site or treated. A ground water  
15 remedy for the future fill is not needed and,  
16 therefore, because of what is going on with  
17 Kreher Park's remediation, we recommend that no  
18 further ground water remedy be considered for  
19 this shallow fill.

20 Now I am going to talk solely about  
21 ground water remedies. The plan that you see  
22 here shows the extent of free product in the deep  
23 Copper Falls Aquifer as Scott mentioned before.  
24 The Copper Falls Aquifer is completely separated  
25 from the upper fill.

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1 The Kreher Park ground water and its  
2 sediments, because the Miller Creek Aquifer is a  
3 thick clay underlying all of Ashland and the  
4 Lakefront, that clay aquifer provides confining  
5 conditions for this deep aquifer, as well as the  
6 artesian conditions measured at Kreher Park.  
7 There is no pathway for the deep contaminants to  
8 reach those shallow sediments or ground water  
9 units without some massive intervention.

10                   This plan shows the free product extent  
11 below Miller Creek, as well as an existing  
12 pumping system that was installed by Xcel in  
13 2000. What is shown in green are monitoring  
14 wells, and what's shown in red are the extraction  
15 wells. These three extraction wells that are  
16 here in the court yard at the NSPW Service Center  
17 are designed and are screened in the deep aquifer  
18 and are pumping free product from the deep  
19 aquifer.

20                   This well shown here at the mouth of the  
21 ravine was installed in 2002 and added to the  
22 treatment system as a function of the seep  
23 mediation. Let me just note one thing, that in  
24 nearly 10 years of operation, this free product  
25 removal system has removed approximately 11,000

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1                   gallons of product from the deep aquifer. In  
2 fact, let me give you a quick preview.

3                   This is a cross section that's right to  
4 the ravine fill. The deep shading below the  
5 Miller Creek, this is a free product point, we  
6 estimate had anywhere from 150,000 to 200,000  
7 gallons of product that are in that location.  
8 What we are recommending for -- what we recommend  
9 and what the -- well, let me back up.

10                   What the prep recommends is that this  
11 treatment system should be expanded by several

12 additional extraction wells to accelerate removal  
13 of ground water and free product from the deep  
14 aquifer. What we have looked at, and what we are  
15 going to comment on, is that instead of an  
16 expanded ground water pump and treatment system,  
17 we should focus the remediation in the deep  
18 aquifer on in-situ chemical oxidation as is  
19 mentioned in the prep.

20 We also understand that once the surface  
21 remediation units are remediated or excavated, we  
22 can remove this NW-4 well from the system without  
23 meeting the treatment capacity of the existing  
24 system. One or two additional free product  
25 removal wells strategically placed can supplement

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1 the existing chemical oxidation system that would  
2 consist of injection wells and vacuuming to  
3 enhance the removal of wells without a long-term  
4 pump and treatment system. A majority of the  
5 contaminant mass can be eliminated using that  
6 method.

7 And then finally with regard to Kreher  
8 Park -- and by the way, I notice these in several  
9 of these semantics that are also shown on the  
10 plat card in the back.

11 This is an overview of the entire site  
12 that shows the remediation. Kreher Park, as  
13 Scott mentioned, will be walled-off completely,

14 and what's proposed in this draft is a long-term  
15 pump and treatment system for removal of  
16 contaminated ground water after the surface  
17 barriers are installed at the park. And this  
18 consists of the areas in the coal tar dump, as I  
19 mentioned earlier, as well as an asphalt parking  
20 area over the former landfill to occupy much of  
21 the west half of Kreher Park.

22 What we're recommending in lieu of a  
23 pump and treatment system, in conjunction with a  
24 complete walled-off barrier, is that we would  
25 install passive reactor barrier walls, a filter

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1 media on the west side of the park to allow  
2 ground water to passively pass through that  
3 barrier attenuating the contaminants.

4 This would eliminate the need for a pump  
5 and treatment system at the park. It would also  
6 eliminate the need for any kind of long-term  
7 in-situ chemical oxidation system in that shallow  
8 aquifer.

9 Based upon these options, which we will  
10 provide in our comments, we believe, and I have  
11 the opinion that it is far more effective to use  
12 these alternatives and not -- and most  
13 importantly, not install two long-term pump and  
14 treatment systems for the deep aquifer or for  
15 Kreher Park, which will result in long-term

16 monitoring and treatment costs that will be borne  
17 by the repairs. Thank you.

18 MS. PATTI KRAUSE: Thank you. Dean  
19 Stockwell?

20 MR. DEAN STOCKWELL: Good evening,  
21 ladies and gentlemen. I am Dean Stockwell,  
22 S-T-O-C-K-W-E-L-L. I work for URS Corporation,  
23 and we're here on behalf of Xcel. We have a  
24 short presentation that will examine some -- or  
25 compare the Sed-4 alternative, which was part of

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1 the RI/FS investigations, the recommendation  
2 verses the Sed-6 alternative in the PRAP.

3 We have already heard tonight remedial  
4 investigations that have been completed; started  
5 in '89. Lots and lots of soil and sediment  
6 samples with an interim ground water remediation  
7 that Mr. Trainor just talked about, kind of  
8 leading up to the feasibility study and the  
9 issuance of the PRAP in which six alternatives  
10 were evaluated, and the critical thing is, all of  
11 them went through the same technical evaluation  
12 process, including the balancing and the  
13 threshold criteria.

14 The sediment alternative, Sed-6, is the  
15 USEPA/WDNR preferred remedy and PRAP would  
16 greatly consist of a sheet pile wall out into the  
17 inner bay area, dewatering of the bay area, and

18 then near shore excavation, approximately  
19 200 feet of impacted materials, including wood  
20 waste. We refer to that as the dry excavation  
21 alternative.

22 The alternative, Sed-4 was the Xcel and  
23 URS recommended remedy presented in the RI/FS,  
24 which incorporates using proven dredging  
25 technologies throughout the entire area requiring

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1 cleanup. It has redundant safe-guards, both  
2 adjacent to the actual dredging area, as well as  
3 to the entrance of the inner bay.

4 Those safe-guards include the  
5 installation of booms, protective silt curtains,  
6 innovative things like air walls and other  
7 construction methodology to maintain the sediment  
8 within the area of dredging and eliminate the  
9 spread of the sediment during the removal action.  
10 We'll refer to that as the wet dredge  
11 alternative.

12 Just a quick overview. It is a proven  
13 technology that utilizes standard dredging  
14 construction techniques in a lake environment.  
15 It is a safe alternative, with significantly less  
16 safety issues compared to the Sed-6 alternative.  
17 It will minimize the disruption to the residents  
18 in the city by one to two, or more years, and  
19 potentially cost 12 and-a-half to 18 and-a-half

20 million dollars less than the Sed-6 alternative,  
21 with still achieving an equally protective, same  
22 or better results.

23 A couple of the safety issues. There  
24 will be a short presentation on basal heave as a  
25 potential concern with the dry excavation

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1 alternative. Additionally, with the dry Sed-6  
2 alternative, there will be some somewhat  
3 significant, up to 44 percent, potential receptor  
4 average concentration of benzene.

5 A quick air model slide that was  
6 completed, shows the Sed-4 dredging alternative  
7 in green, compared to the Sed-6 dry excavation  
8 emissions of benzene. So we can see the  
9 potential to impact a greater portion of the  
10 downtown area there, as present with the Sed-6  
11 alternative.

12 From a scheduling perspective, the Sed-6  
13 alternative will take one to two or more  
14 construction seasons, in comparison to the Sed-4  
15 alternative, in that it requires the installation  
16 of a sheet pile wall along the outer bay, which  
17 will take a year approximately in itself to  
18 erect, and that does not account for any  
19 potential repair from ice damage that will be  
20 required.

21 Following the installation of the sheet  
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22 pile wall, there is the dewatering operations,  
23 which could become redundant if there is ice  
24 damage that refloods the area following the  
25 winter season. All of that could unduly prolong

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1 the remediation schedule and disrupt the  
2 activities along the lakeshore.

3 From an economic perspective, there have  
4 been a lot of comments relative to that already  
5 tonight, and from just the RI/FS and the PRAP  
6 process, the Sed-6 alternative will cost  
7 approximately 12 and-a-half to 18 and-a-half  
8 million dollars, or 19 to 40 percent more than  
9 the Sed-4 alternative, and it's not going to buy  
10 us any greater environmental protection than the  
11 Sed-4 alternative.

12 This slide just shows -- the first  
13 column on the left side there, shows the  
14 mechanical dredging with no treatment, which  
15 is -- the "no treatment" might be somewhat of a  
16 misnomer in that it does include the, either the  
17 off-site disposal in there, but it shows the cost  
18 comparison and the \$18 million difference, or the  
19 40 percent or 44 percent difference than the  
20 Sed-4 verses the Sed-6 alternative.

21 From an environmental protection  
22 standpoint, the Sed-4 alternative is equally as  
23 protective, as it meets the same target cleanup

24 goals as have been designated for the site, the  
25 9.5 parts per million. It does use proven

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1 dredging technology and construction techniques,  
2 and the wet dredging is a very appropriate method  
3 for the lake setting, and it has been approved at  
4 numerous, by the USEPA at numerous lakefront  
5 sites in the United States.

6 So there are multiple appropriate  
7 environmental protection measures that are  
8 employed during the dredging process to minimize  
9 the potential for redistribution of the  
10 contaminants of concern.

11 We have a short presentation that Hubert  
12 is going to narrate here pretty quick, plus we  
13 will follow up with the detailed written  
14 testimony and technical analysis in support of  
15 this, so thank you.

16 MS. PATTI KRAUSE: Thank you. Next is  
17 Hubert Huls, and if you could say your name,  
18 please.

19 MR. HUBERT HULS: My name is Hubert  
20 Huls, H-U-L-S. I am a professional engineer in  
21 the State of Wisconsin employed by URS on behalf  
22 of NSPW concerning sediment. This is just a  
23 brief overview of what the Alternative 4 would  
24 look like, and there is site preparations and so  
25 forth that would occur first in this process of

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1 implementing a wet dredge alternative.

2 We have wood processing equipment there  
3 and areas installing the sheet pile around the  
4 Kreher Park area to contain it from  
5 re-contaminating sediment in the bay.

6 On this site we have the lake, the air  
7 curtain that we are using to break the waves and  
8 help contain, as well as silt curtain and oil  
9 boom to catch anything that might be released  
10 there as a secondary containment. It shows you  
11 kind of how the silt curtain and the air curtain  
12 are operated.

13 This part here looks at the base, you  
14 know, any de-watering operations and the  
15 stockpiling operations of the sediment after  
16 de-watering. In addition, different things would  
17 be added, to install a wastewater treatment plant  
18 in here to treat the water, because this water  
19 from the dredging water activities and then  
20 install a wood chipper for the chopping up of the  
21 wood debris and so forth that occurs in the first  
22 pass of the system.

23 Here we have a rake system. Again, we  
24 have the booms, oil booms, silt curtains  
25 surrounding it using a mechanical rake system

1 first to pull out all of the wood debris and so  
2 forth. This has been used at a lot of different  
3 sites. This is kind of an idea of how to pull  
4 that wood debris out because that can be a  
5 problem.

6 A process flow diagram of bringing the  
7 wood debris on shore, wood chipping, and then  
8 hauling it off-site to whatever disposal option.  
9 This is the dredging operation again. We have  
10 the booms, and we also have the protection  
11 on-site. In this particular case, we are using a  
12 mechanical bucket for dredging the sediments  
13 after the wood debris has been removed, and the  
14 sediment path showing processing of the sediments  
15 to water, and then stabilization was picked here  
16 for off-site disposal in this particular option.

17 Water treatment then is also managed and  
18 then treated and then discharged after it meets  
19 the lake's standards. After that, basically the  
20 whole system is demobilized, the system is  
21 removed, and the final cap, or whatever, is put  
22 in place.

23 And that's just to give you a quick  
24 overview of our preferred alternative for  
25 dredging the site and, of course, not costing as

1 much as the EPA preferred alternative. Thank  
2 you.

3 MS. PATTI KRAUSE: Our next speaker is  
4 Frank Kellogg. And, Frank, if you could give  
5 your name and spell it, please.

6 MR. FRANK KELLOGG: Good evening, Ladies  
7 and gentlemen. My name is Frank Kellogg, Kellogg  
8 like the cereal, K-E-L-L-O-G-G, and currently I  
9 represent DCI Environmental Company. I represent  
10 a team, a team consisting of DCI Environmental,  
11 Larry Milner from Burns McDonnell, and Mike  
12 Crystal from Severson Environmental.

13 This team particularly was assembled --  
14 and by the way -- we're not currently on a  
15 payroll; however, our experience is what the  
16 intent is here today to deliver, and that is,  
17 collectively we had remediated and/or been on  
18 over 300 manufactured gas plant site efforts  
19 around the country and over three dozen sediment  
20 remediation sites as they pertain to manufactured  
21 gas plant waste.

22 With that, it is constructive input. We  
23 are not here to say exactly how to get the  
24 project done, as much as though hearing as many  
25 of our other clients, constituents, of a utility

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1 company in which rate payers do bear the cost of

2 these remedial efforts around the country, you  
3 are not alone.

4 Our mantra and our vision we are  
5 delivering here is to put together a design  
6 thought process in order to hopefully be involved  
7 in the project when the project comes to a  
8 remedial phase that consists of protection of  
9 human health and the environment, one.

10 Two, safety, safety of people. People  
11 outside of the project boundaries, as well as  
12 people inside of the project boundaries.

13 And thirdly, and equally as important,  
14 cost parameters. That as we understand,  
15 particularly today with the economic times of  
16 society, the importance of delivering the like  
17 product as to what EPA has recommended but at a  
18 lesser cost.

19 What I would like to do is I would like  
20 to turn it over to Mr. Larry Milner of Burns  
21 McDonnell, and he will take you through some  
22 issues followed by Mike Crystal.

23 MR. LARRY MILNER: Thanks again. My  
24 name is Larry Milner, M-I-L-N-E-R, of Burns  
25 McDonnell. First, what I want to talk about is

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1 because of the artesian conditions in the Copper  
2 Falls Aquifer, calculations indicate that under  
3 dry dredge conditions, the uplift will be greater

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4 than the downward pressure at the bay area.

5 Now that creates a couple of issues, and  
6 those issues are -- No. 1, that free product  
7 that's been talked about earlier, will have a  
8 tendency to be pulled towards the bay. It is not  
9 a good situation.

10 No. 2, we will also have upwelling in  
11 the dredging area itself. And the upwelling is  
12 what we are really going to focus on right now,  
13 and we have a short animation that we want to  
14 show you that shows you what could happen under  
15 dry dredge conditions if there was upwelling and  
16 basically potential failure of the sheet pile  
17 wall.

18 MR. MIKE CRYSTAL: Hi. I am Mike  
19 Crystal of Seversen, C-R-Y-S-T-A-L. I am the  
20 vice president of operations with several years  
21 of experience on several sites going back over 30  
22 years.

23 And sheet piling the water, our company  
24 probably started doing some of the biggest  
25 projects doing this type of work 15 years ago.

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1 So with that, we're going to show you an  
2 animation and show you what we think is going to  
3 happen.

4 Basically this is just an animation  
5 showing what you have out there, where the marina

6 is, and you talk about sheet piling. The sheet  
7 piling is these long pieces of steel. You have  
8 to realize that you are talking a single wall  
9 here that is going to be cantilevered in.

10 So for every section you see up, the  
11 rule of thumb is one-third up/two-thirds below.  
12 These sheets ended up being 40 or 50-foot in  
13 design. One of the problems is that they may  
14 break into the Miller Creek, which is going to  
15 give you the possible potential of upbringing.

16 When you talk about going into the dry,  
17 this is actually dry. This is not really what  
18 you would see, but you would see a real wet silty  
19 material. Here you can see the break-through  
20 that could happen. There is a big possibility of  
21 failure in this wall.

22 We have done probably six months review  
23 on, you know, the constructability and cost  
24 estimating. A single wall here will not work,  
25 and what we're concerned about is, I don't think

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1 you will get to the ice. You are going to have  
2 wave action and force from the Great Lakes.

3 Has anybody ever seen six or eight-foot  
4 waves out there? I mean that could be putting  
5 a lot of force on there, and we have had  
6 engineering companies look at this from a  
7 feasibility, constructability standpoint. I

8 don't think you can get a wall in that will hold  
9 the force.

10 The other thing is in the EPA proposed  
11 plan, you have to look at the debris and the  
12 level of effort. Driving a sheet into the ground  
13 may be one thing, you know, but driving it  
14 through wood and debris, you know, there will be  
15 a lot of debris removal, containment. And what we  
16 think is under this EPA preferred method that you  
17 are talking right now, a cost difference that  
18 could be in the \$10 million to \$20 million range,  
19 but that could be off by a factor of as much as  
20 two. So it is not just a cost to us.

21 You have two or three things that you  
22 should look at in this scenario. One is if we  
23 drive a sheet down, if we go through that  
24 protective barrier, you know, is that going to be  
25 a pathway if it is mobilized for it to come into

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1 the bay?

2 The second thing is looking at the  
3 forces involved, even if you are 200 feet off, or  
4 whatever, that you are going to have with waves  
5 and wind action, ice, this stuff will have to be  
6 pulled every fall and be reinstalled.

7 So the project the way it was set up and  
8 the way we understood it, you know, it is going  
9 to be a lot longer and it is going to be a lot more

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expensive.

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MR. LARRY MILNER: You might think we are just kind of speculating on this, but we do have a couple of pictures that we want to show you. This is an excavation over in Dubai, near the marina, and you can see down in the corner over here, you can see the water breaking through the wall, and I am going to just show you what can happen.

You can see water coming in, and then all of a sudden, wall failure. I mean, these things do happen, you know, it is not unrealistic. We really think that you are going to have problems with this single sheet wall. So we think the cost to really do it right, we believe is going to be a lot more than what is in

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the FS right now.

The next picture here is one that kind of shows a little bit of an upwelling. This is an NVP site in Chicago, near the Chicago River.

If you can see this before, where we dug down, left that night, came back, and when we came back in, water had started to fill up in the excavation. And by the time it was roughly around noon, you can see the equipment completely flooded. Now this was being done in a small dam area, so we were able to come back in and deal

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with that with pumping and stuff.

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But just imagine if you have upwelling in a 12 to 14-acre area, you are not going to be able to de-water that. In this case we were able to do it, but in a case like here, it is not going to work.

Frank, do you want to close it?

MR. FRANK KELLOGG: The good news is that as specified, the current thought behind the FS wall design is fixable, but it is fixable at anywhere between a 15 to 25 million dollar delta at the end of the day.

However, we do currently believe that what we can achieve in the wet dredging

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application is achievable. The wall is fixable. The upheaval is an unknown. And nobody could look at us in the field, going out and employing the work, with a straight face and say: That upheaval will not occur.

So with that, consideration of the final remedy, protection of human health and the environment -- again, to reiterate my thought. I thought I covered it.

That wall is fixable. The upheaval in our opinion currently is not fixable. We are here to say that at the end of the day through our vast experience in manufactured gas plant

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14 site remediations around the country, coupled  
15 with our sediment experience, when working within  
16 tar, the end goal is of achievability of  
17 protection of human health and the environment,  
18 of safety, you know.

19 Mr. Trainor spoke briefly, and I believe  
20 the gentleman from URS did as well, about odor  
21 issues. That coupled with the fact that we can  
22 achieve that end point in a wet dredge  
23 application should certainly be considered, but  
24 equally said, our primary goal as we have talked  
25 collectively amongst the team, was if this

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1 project comes forward in the current state of an  
2 FS, we consider ourselves to be one of the top  
3 collective teams with the most experience, would  
4 we propose on a current FS design?

5 The answer quite candidly is no, because  
6 we are equally -- what is more important than the  
7 money, is certainly the safety of all people  
8 involved in the job, and at the end of the day if  
9 we can deliver the product at a cost that is  
10 considerably less than what a dry dredge  
11 application would be, that should be the name of  
12 the game here. At the end of the day, not  
13 including the fact that you are looking at about  
14 a two-year delta from wet to dry at the same time  
15 and project duration.

16

Thank you very much.

17

MS. PATTI KRAUSE: Thank you. And Rich

18

Weber. That's our last comment tonight. He

19

signed up. Rich?

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MR. RICH WEBER: I decline.

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MS. PATTI KRAUSE: Oh, you decline?

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MR. RICH WEBER: Yes.

23

MS. PATTI KRAUSE: Anybody else?

24

THE AUDIENCE: (No response.)

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MS. PATTI KRAUSE: Well, thank you,

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everybody. Thanks again for coming out tonight.

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We want you to know that community involvement

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will continue after the final cleanup plan is

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selected. I have some information, some handouts

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for anybody with community interest. If they are

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interested, I am here to talk to you in the back

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after the meeting.

8

Do you have a question?

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MR. LOWELL MILLER: Yes, I have one

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final question.

11

Who will make the final decision on this

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cleanup -- oh, my name is Lowell Miller -- I am

13

sorry. Who will make the final decision on the

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cleanup?

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MR. CRAIG MELODIA: USEPA.

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MR. LOWELL MILLER: USEPA?

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MR. CRAIG MELODIA: USEPA and it is

18 EPA, NSP Lakefront Superfund Site. 6-29-09  
19 Region 5.

20 MR. LOWELL MILLER: So they will make  
21 the decision in Washington DC?

22 MR. CRAIG MELODIA: No. The Region 5's  
23 office is located in Chicago, and it is the  
24 Superfund Section actually that selects the  
25 remedy.

MR. LOWELL MILLER: It is EPA, not

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1 Superfund; right?

2 MR. CRAIG MELODIA: Right.

3 MR. LOWELL MILLER: Thank you.

4 MS. PATTI KRAUSE: Thank you very much.  
5 Thank you for coming out tonight.

6 (Whereupon, the hearing concluded at or  
7 about 8:30 p.m.)

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I, Susan K. Edwards, a Notary Public, do hereby certify that on the 29th day of June, 2009, there came before me the above hearing; that I took down in shorthand, correctly, the proceedings and have caused the same to be transcribed into typewriting; that the foregoing pages constitute a true and correct transcript of all of the proceedings had on the taking of said hearing.

I further certify that I am not related in any way to any party, their attorney, or an employee of any of them, and that I am not financially interested in the action.

I also certify that on this date said document was delivered to MS. CHERYL VACCARELLO, Tetra Tech, EM Inc., 1 S. Wacker Drive, 37th Floor, Chicago, IL 60606.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of July, 2009.

\_\_\_\_\_

22 EPA, NSP Lakefront Superfund Site. 6-29-09  
23 SUSAN K. EDWARDS  
24 Court Reporter  
25 (SEAL)

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