



June 11, 2013

Ms. Joan Kenney
Commander's Representative
Badger Army Ammunition Plant
S7560 Highway 12
North Freedom, WI 53951

Subject: Final Determination of Feasibility for an Alternative Remedial Strategy for Soil of Final Creek, the Settling Ponds, and the Spoils Disposal Areas of the Badger Army Ammunition Plant

Dear Ms. Kenney:

The Department of Natural Resources (the Department) has made a determination of the final remedy for the contaminated soil located within the Badger Army Ammunition Plant (BAAP) Final Creek, the Settling Ponds, and the Spoils Disposal Areas. The Department has determined that the selected remedy is Alternative 3. Alternative 3 includes: remediation goals that are intended to revise and amend those that were approved by the Department in the June 1, 1995 approval document; the remedial action of soil excavation of areas where contamination is found to be above the revised remediation goals and disposal of the impacted soil in the on-site construction and demolition waste landfill; the characterization of the soil prior to removal as hazardous or non-hazardous; and the proper disposal of all soil characterized as hazardous at an appropriate site.

The Army's proposal of the final remedy is presented in the "Alternative Feasibility Study, Final Creek, Settling Ponds, and Spoils Disposal Areas, Badger Army Ammunition Plant", dated August 2012 and received by the Department on October 5, 2012. The Army must submit details of the approved proposal to the Department for approval in response to conditions of approval set forth in the attached determination. These future submittals will be made available to the public by the Army and by the Department.

This approval modifies the remediation goals for soil of Final Creek, the Settling Ponds, and the Spoils Disposal Areas and preferred clean-up alternatives for soil of the Settling Ponds and the Spoils Disposal Areas that had previously been selected in the June 1, 1995 Plan Approval Modification of the September 14, 1987 In-Field Conditions Report approval document. The approval contained herein is conditional; i.e., specific requirements (conditions) included in the attached approval document must be met and are the responsibility of the Army. The more significant conditions include requirements to:

- Submit a report on the soil excavation remedial activities completed to date
- Conduct and complete additional soil excavation, if required
- Apply for a permit from WDNR for any future disturbances to wetlands.

Note that the Department has the authority to require the Army to take additional actions to address remaining soil contamination at the site if the chosen remedy is not effective.

If you have questions about this approval, please contact Will Myers at will.myers@wisconsin.gov or by telephone at (608) 273-5613.

Sincerely,



for Mark Giesfeldt, Director
Bureau for Remediation and Redevelopment

Attachment

- c: Matt Moroney - Deputy Secretary (e-copy)
- Pat Stevens - Air and Waste Division Administrator (e-copy)
- Mark Aquino – South Central Region Director (e-copy)
- Linda Hanefeld – WDNR SCR Remediation & Redevelopment Program Supervisor
- Will Myers – WDNR SCR R&R Program Hydrogeologist
- Craig Karr - WDNR
- Hank Kuehling – WDNR SCR R&R Program LTE Hydrogeologist
- Greg Rudloff – USEPA, Region 5
- Mike Sitton – US Army
- Laura Olah – Director, CSWAB
- Rick Walgenbach – USDA Dairy Forage Research Center
- Randy Poelma – Ho Chunk Nation Office of Environmental Health

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF THE ALTERNATIVE FEASIBILITY STUDY,
FINAL CREEK, SETTLING PONDS, AND SPOILS DISPOSAL AREAS
FOR THE BADGER ARMY AMMUNITION PLANT
SAUK COUNTY, WISCONSIN

FINDINGS OF FACT

General Information:

Facility: Badger Army Ammunition Plant
(located along USH 12 between Prairie du Sac and Baraboo, Wisconsin)

Owner: U.S. Department of the Army
S7560 U.S. Highway 12
North Freedom, WI 53951-9588

Operator: Badger Technical Services, LLC
S7560 U.S. Highway 12
North Freedom, WI 53951-9588

Contact: Joan Kenney
Installation Director/Commander's Representative
Badger Army Ammunition Plant
S7560 U.S. Highway 12
North Freedom, WI 53951-9588

Consultant: Badger Technical Services, LLC
S7560 U.S. Highway 12
North Freedom, WI 53951-9588

The Department finds that:

1. The Department of Natural Resources (Department) issued a "Conditional Plan Approval for Waste Disposal Sites at the Badger Army Ammunition Plant, Sauk County", dated September 14, 1987. This approval required, in addition to other items, a closure plan for WDNR approval for the Settling Ponds and Settling Ponds Spoils site.
2. The Department issued a "Modification of Conditional Plan Approval of In-Field Conditions Report Dated September 14, 1987 for Approval of Corrective Measures Selected in the Feasibility Study/Corrective Measures Study Report for the Badger Army Ammunition Plant, Sauk County, Wisconsin", dated June 1, 1995. This approval includes conditions that establish remediation goals for contaminants of concern and preferred remedial alternatives at five locations, including the Final Creek, Settling Ponds, and Spoils Disposal Areas.

3. The Department received on November 25, 2009 a request for review and approval from the Army with the subject "Draft Revised Remediation Goals Proposal for the Alternative Feasibility Study, Final Creek, Settling Ponds, and Spoils Disposal Areas, Badger Army Ammunition Plant", dated November 16, 2009. The Department issued a response to this request on August 11, 2010 with the following statement: "...WDNR has no objections to the assumptions of the Army's draft proposal nor to the proposed remediation goals". This response also contains a description of the Department's assumptions as well as suggestions and requests for the final submittal of proposed revised remediation goals.
4. The Department received on November 30, 2009 the "Baseline Ecological Risk Assessment, Settling Ponds, and Spoils Disposal Areas Site, Badger Army Ammunition Plant", dated October 2009; this report was prepared by SpecPro, Inc. and Exponent, Inc. on behalf of the Army.
5. The Department received on October 5, 2012 the "Alternative Feasibility Study; Final Creek, Settling Ponds, and Spoils Disposal Areas; Badger Army Ammunition Plant", dated August 2012; this study was prepared by Badger Technical Services, LLC on behalf of the Army. This document contains background information and information on past site investigations and the nature and extent of contamination. It also contains proposed revised remediation goals and an analysis of three contaminated soil remedial alternatives and the Army's preferred choice of soil excavation to meet the revised remediation goals.
6. On February 7, 2013, the Department issued to the Army a preliminary determination of feasibility for revised remediation goals and an alternative soil remedial strategy for Final Creek, Settling Ponds, and Spoils Disposal Areas.
7. The Department accepted comments during a 32 day public comment period, from February 7 to March 11, 2013, that was announced in the preliminary determination.
8. The Department hosted an informational open house on the Army's Alternative Feasibility Study on February 20, 2013.
9. Based on the above, the Department is issuing this approval.

CONCLUSIONS OF LAW

1. The Department has the authority under chs. 289 and 292, Wisconsin Statutes, and the Wisconsin Administrative Codes listed below to issue the following approval of the modification of the September 14, 1987 In-Field Conditions Report Approval and the June 1, 1995 Plan Modification Approval.
2. The Department has promulgated chapters NR 700 through NR 754, Wisconsin Administrative Code, establishing the minimum requirements for investigating and remediating releases of a hazardous substance to the lands and waters of the State.
3. The Department has authority under ch. NR 720, Wis. Adm. Code, to establish soil cleanup standards on which to base requirements for the remediation of soil contamination.

4. The Department has authority under ch. NR 722, Wis. Adm. Code, to require an acceptable process for the consideration and selection of actions to be implemented to remediate contaminated sites.
5. The Department has authority under ch. NR 724, Wis. Adm. Code, to require compliance with those portions of this chapter that apply to remedial action implementation, operation, maintenance, and monitoring.
6. In accordance with the foregoing, the Department has the authority under chs. 289 and 292, Wis. Stats., to issue the following approval of the modification of the September 14, 1987 In-Field Conditions Report Approval and the June 1, 1995 Plan Modification Approval.

CONDITIONS OF APPROVAL

The Department hereby approves the remediation goals and the remedial alternative selected by the Army as proposed in the alternative feasibility study noted in Finding #5 above, subject to the conditions below.

1. The Army shall submit to the Department a report on all remedial soil excavation actions completed to date, including but not limited to information on procedures followed, areas excavated, and dates of activities. The report shall also include all previously collected soil sample analytical data for Final Creek, the Settling Ponds, and the Spoils Disposal Areas (referred to herein as the Areas) listed in a table or tables and shown on a map or maps similar to or the same as those submitted in the Alternative Feasibility Study. In addition, all post-remediation soil sample results, including confirmation sample results, shall also be included on the submitted tables and maps and remaining exceedances of the approved revised remediation goals shall be highlighted. Also, the areas that have been remediated to recreation use remediation goals shall be identified on a submitted map. This report shall be submitted to the Department by no later than 120 days from the date of issuance of this approval.
2. The Army shall conduct additional remedial action(s) if required by the Department to comply with administrative code and attain remediation goals.
3. Note that the information required in Condition#1 above applies to all of Settling Pond 4 not impacted by the realignment of STH 78. The case of the area of Settling Pond 4 southeast of the realigned highway between the southeast embankment of the realigned STH 78 and the embankment of the former BAAP perimeter road and STH 78 location adjacent to Gruber's Grove Bay was closed by the Department on December 12, 2008. This closure was based on the premise that this area would become a shallow water extension of the Bay, but the property owner did not allow this plan to be implemented and the soil in this area will remain as a historical part of Settling Pond 4. As a result, the soil of this area must be addressed in the same manner as the remainder of the Settling Ponds.
4. Any future proposed disturbances by the Army within the Areas could be subject to the WDNR/USACOE permit process. The Army shall apply to WDNR for a permit, if applicable, for any future disturbances for which it will be responsible.

NOTIFICATION OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes, administrative rules, and case law establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time period for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you must file your petition with the appropriate circuit court and serve the petition on the Department within the prescribed time period. A petition for judicial review must name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Stats.

Dated: 11 June 13

for 

Mark Giesfeldt, Director
Bureau for Remediation & Redevelopment



Will M. Myers
Remediation & Redevelopment Program Hydrogeologist
South Central Region