



March 6, 2019

Mr. Eric Ogden
Oak Creek Rawson Industrial, LLC
100 S. Wacker Drive, Suite 950
Chicago, IL 60606

SUBJECT: Review of Hazardous Waste Determination
Biogenesis (Former), 610 W. Rawson Avenue, Oak Creek, WI
DNR BRRTS # 02-41-107191 & 06-41-582006 FID # 241020010

Dear Mr. Ogden:

The Wisconsin Department of Natural Resources (DNR) has received a request for concurrence of the hazardous waste determination related to soil proposed for remedial excavation at the above-referenced site. The February 8, 2019 *Hazardous Waste Determination* report was submitted on behalf of Oak Creek Rawson Industrial, LLC by The Sigma Group, Inc. (Sigma). Sigma has made a hazardous waste determination for soil proposed for excavation on the southwest corner of the property that is contaminated with the chlorinated volatile organic compounds (CVOCs) trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), vinyl chloride and carbon tetrachloride.

Because the source of CVOC contamination and the date of the discharge to soil and groundwater are not known, Sigma has concluded that excavated soil contaminated with CVOCs would not be considered a listed hazardous waste. DNR concurs that this is a reasonable conclusion. Soil that exhibits a characteristic of hazardous waste, i.e., toxicity, would be considered a hazardous waste upon excavation. The toxicity characteristic leaching procedure (TCLP) is used to test whether contaminated soil exceeds regulatory limits, thereby considered hazardous for disposal.

Sigma utilized the TCLP Totals Analysis Limits (20 times the TCLP regulatory limit) of 10 milligrams per kilogram (mg/kg) for TCE, 14 mg/kg for 1,1-DCE, 4 mg/kg for vinyl chloride and 10 mg/kg for carbon tetrachloride to determine where soil would be considered non-hazardous or hazardous if excavated. Locations where CVOC levels exceed the TCLP Totals Analysis Limits, borings SGP 14 and SGP 44, are within a proposed remedial excavation area. Sigma proposes to excavate approximately 75 cubic yards of soil from the SGP-14 and SGP-44 boring locations, at depths of approximately two feet to seven feet below ground surface, to be managed as hazardous waste that must be disposed of at a Subtitle C landfill unless additional TCLP analysis indicates otherwise. The remaining 125 cubic yards of the estimated 200 total cubic yards of soil to be excavated from this area will be disposed of at a Subtitle D landfill as non-hazardous waste. DNR concurs that the proposed hazardous vs. non-hazardous soil management is reasonable.

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The Department's concurrence with this waste determination does not negate the generator's responsibility for correctly classifying a solid waste under Wis. Admin. Code § NR 662.11 and properly managing excavated soils. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 263-8757.

Sincerely,



Linda Michalets
Hydrogeologist
Remediation and Redevelopment Program

cc: Mr. Stephen Meer, The Sigma Group, Inc.