



August 9, 2019

Kristopher Krause
TRC Environmental Corporation
708 Heartland Trail, Suite 3000
Madison, WI 53717

SUBJECT: Response to Design Management Zone Extension Request
Lemberger Fly Ash LF (SF NPL) and Lemberger Transport & Recycling Site (SF
NPL), Town of Franklin, Manitowoc County, Wisconsin
BRRTS #: 02-36-000112 and 02-36-000113

Dear Mr. Krause:

On April 12, 2019, the Wisconsin Department of Natural Resources (DNR) received the *Request for Extension of Design Management Zone*, dated April 11, 2019, for the above referenced Superfund sites. This request was prepared by TRC Environmental Corporation (TRC) and submitted to the DNR on behalf of the Lemberger Sites Remediation Group (LSRG). This request was submitted to propose extending the Design Management Zone (DMZ) to 450 feet from the limits of waste at each landfill in accordance with Wis. Adm. Code § 140.22(3)(b). This request was submitted in conjunction with a request to amend the U.S. Environmental Protection Agency (EPA) Record of Decision (ROD) from active remediation (groundwater pump and treat) to monitored natural attenuation (MNA). MNA is being proposed after a MNA study conducted from 2013 to 2015, which is documented in the *Monitored Natural Attenuation Report* prepared by TRC, dated December 10, 2018.

The DNR Remediation & Redevelopment Program discussed this request on multiple instances with the DNR Waste & Materials Management Program and DNR Drinking Water & Groundwater Program through May and June 2019. The DNR had a conference call with the EPA on July 2, 2019 to discuss the DMZ extension request and proposed ROD amendment.

The following definitions were used for the basis of this response:

- A DMZ is defined in Wis. Adm. Code § NR 140.05(6) as a 3-dimensional boundary surrounding each regulated facility, practice or activity established under Wis. Adm. Code § NR 140.22(3).
- A property boundary is defined in NR 140.05(18) as the boundary of the total contiguous parcel of land owned or leased by a common owner or lessor, regardless of whether public or private roads run through the parcel.

The Lemberger Fly Ash landfill site is comprised of one parcel (parcel # 005-027-013-000.00) and the Lemberger Transport & Recycling landfill site is comprised of four contiguous parcels (parcel #s 005-034-003-000.00, 005-034-002-001.00, 005-034-001-000.00, and 005-034-004-003.00) as depicted on attached Figures 1 and 2. A DMZ may be established in accordance with Table 4 of Wis. Adm. Code § NR 140.22 within the property boundaries; however, if the horizontal distance of the DMZ boundary to the waste limits is further than the horizontal distance of the property boundary to the waste limits, then the property boundary is established as the compliance boundary for meeting the enforcement standards. Based on the current property ownership and configuration of the landfill waste limits, the

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DNR has concluded that a DMZ of 300 feet and/or an extension of 450 feet are beyond the current property boundaries of both landfills. Therefore, the compliance boundary for meeting the enforcement standards are the current property boundaries.

To use the horizontal distance of 300 feet for the DMZ in Table 4 of Wis. Adm. Code § 140.22, the LSRG would have to gain control of surrounding parcels either through lease or ownership to expand the contiguous parcel of land around each landfill. If this is completed, then the 300 feet horizontal distance could be used as long as it is within the newly established property boundaries. Since the definition of property boundary considers land contiguous even if a public or private road runs through the parcel, the fact that Sunny Slope Road would be running through any newly established parcel for the Lemberger Transport & Recycling landfill site, it would have no impact on the DMZ. To request to extend the horizontal distance to 450 feet for the DMZ, the above would need to apply in addition to meeting the requirements in Wis. Adm. Code § NR 140.22(3)(b), (c), and (d).

This decision does not directly impact the upcoming decision for the proposed amendment of the ROD to MNA.

If you have any questions, please feel free to contact me at 920-662-5178 or at Tauren.Beggs@wisconsin.gov.

Sincerely,



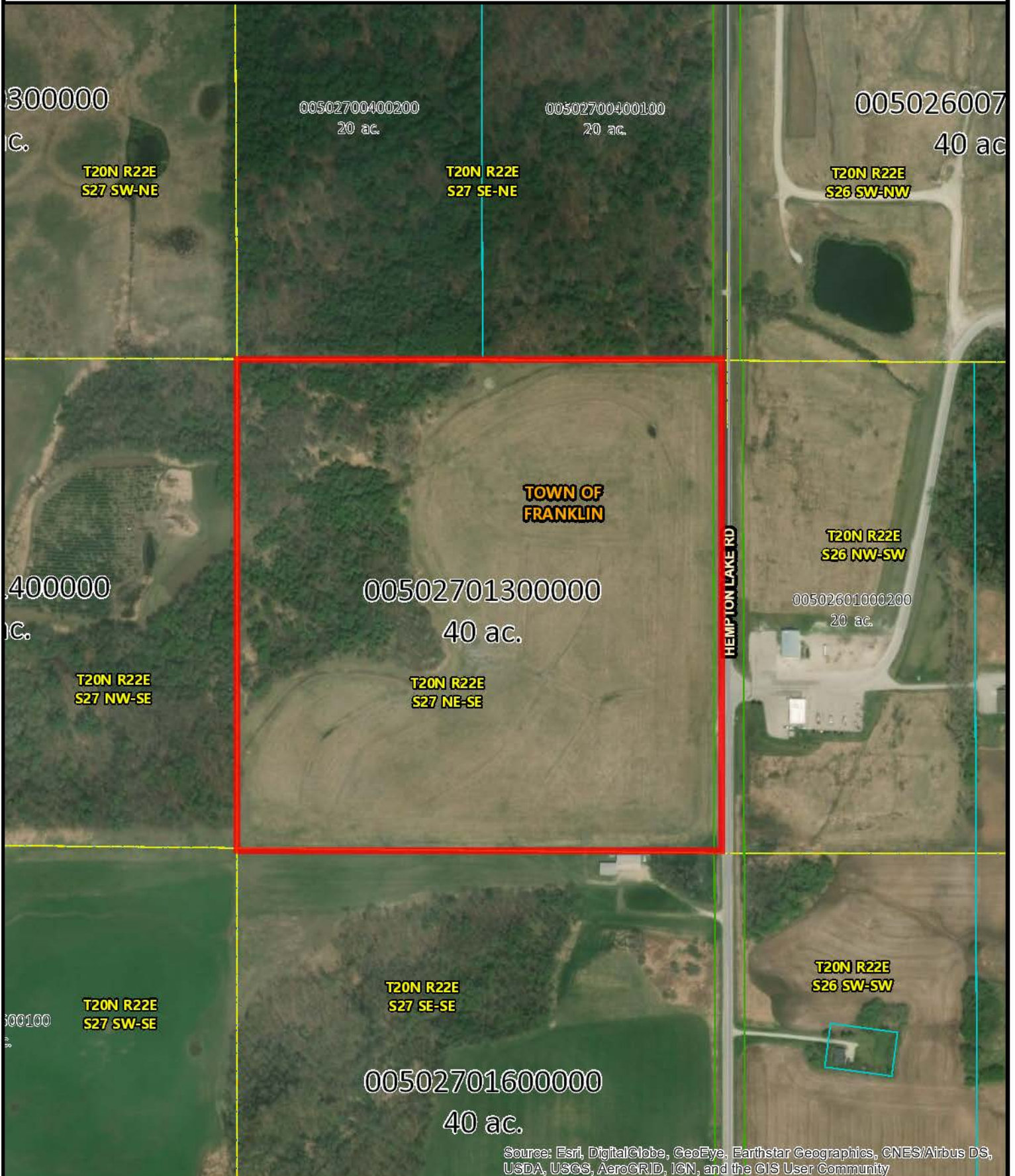
Tauren R. Beggs
Hydrogeologist
Remediation & Redevelopment Program

Attachments:

- Figure 1 – Lemberger Fly Ash LF Parcel, 7/3/2019
- Figure 2 – Lemberger Transport & Recycling Site Parcels, 7/3/2019

cc: James Wedekind, TRC (JWedekind@trccompanies.com)
Tom Sullivan, EHS (tom.sullivan@ehs-support.com)

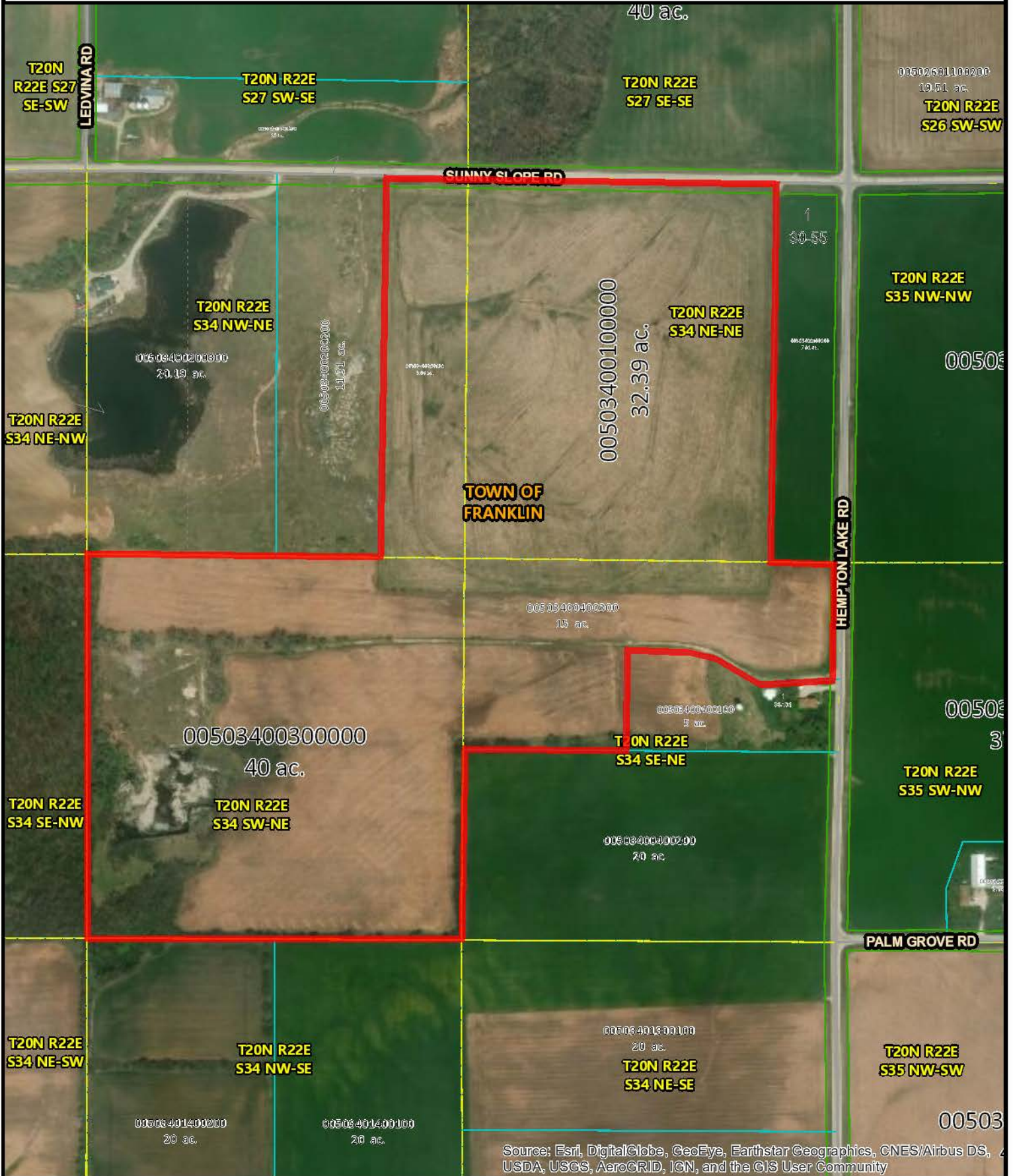
Figure 1 - Lemberger Fly Ash LF Parcel



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Figure 2 - Lemberger Transport & Recycling Site Parcels



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Author:
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