



December 18, 2020

Douglas Ballotti, Director
Superfund Division
U.S. EPA - Region 5
77 West Jackson Street
Chicago IL 60604

Subject: Concurrence on Draft ROD Amendment for Lemberger Transport and Recycling and Lemberger Landfill Superfund Sites, Town of Franklin, Wisconsin

Dear Mr. Ballotti:

This letter is provided by the Wisconsin Department of Natural Resources (WDNR) to document the State's concurrence with the Record of Decision (ROD) Amendment to the 1991 ROD for operable unit 1 (OU1) for Lemberger Landfill (LL) and site-wide groundwater and to the 1994 ROD for OU2 for Lemberger Transport and Recycling (LTR) in the Town of Franklin, Wisconsin, as previously modified by a 2006 Explanation of Significant Differences (ESD). We believe the modifications to the remedy described in the draft November 2020 ROD Amendment are consistent with the requirements of Wisconsin statutes and administrative rules.

The purpose of the ROD Amendment is to document fundamental changes to the remedy for both Lemberger sites. This includes a change in the groundwater remedy, comprised of switching from extraction and treatment of contaminated groundwater to monitored natural attenuation (MNA) of the remaining groundwater contamination. The 2006 ESD allowed for the temporary shutdown of the groundwater extraction in order to evaluate plume stability and assess natural attenuation processes. EPA coordinated with WDNR during their evaluation of the groundwater data collected during the shutdown, and WDNR concurs with EPA's assessment that MNA will ensure continued protectiveness and progress toward attainment of the remedial action objectives for groundwater. The ROD Amendment also adds the requirement of institutional controls (ICs) to the remedy for the LTR site, and all the ICs that are required at the sites have already been implemented.

In addition to the above fundamental changes to the remedy, the ROD Amendment also documents changes to groundwater cleanup standards for some of the Lemberger Sites' contaminants of concern (COCs), particularly those based on Wisconsin's Preventive Action Limits (PALs). EPA recommends changing the groundwater cleanup levels based on PALs to Enforcement Standards (ESs). This change is based on how the PALs and ESs are applied under Wis. Admin. Code Ch. NR 140, which is an Applicable or Relevant and Appropriate Requirement (ARAR) under the ROD. This proposed change is consistent with WDNR's approach that uses compliance with ESs to determine eligibility for site closure under Wis. Admin. Code NR 726 on a State-wide basis. Section NR 140.28(2) specifies that a PAL exemption may be granted if it is found that compliance with PALs is not technically or economically feasible. Therefore, achievement of levels below the ESs is accepted as the appropriate groundwater cleanup level under Ch. NR 140 for the site.

The Department concurs with the modifications to the selected remedy at the Lemberger Superfund sites, as described above and in the draft November ROD Amendment.

Thank you for your support and coordination in addressing contamination at the Lemberger Superfund sites. Should you have any questions regarding this matter please contact Judy Fassbender at (414) 507-5571.

Sincerely,

A handwritten signature in blue ink that reads "Christine Haag". The signature is written in a cursive, flowing style.

Christine Haag, Director
Remediation and Redevelopment Program

Cc: Roxanne Chronert, WDNR
Demaree Collier, RPM, EPA Region 5