



July 9, 2021

Brian Potts  
Perkins Coie, LLP  
22 East Main Street  
Madison, WI 53703

Subject: PFAS Sampling Requirements  
Lemberger Fly Ash Landfill and Lemberger Transport and Recycling Facility  
Hempton Lake Road, Town of Franklin  
USEPA ID #: WID056247208 and WID000100129  
BRRTS #: 02-36-000112 and 02-36-000113

Dear Mr. Potts:

The Wisconsin Department of Natural Resources (DNR) identified the Lemberger Fly Ash Landfill and Lemberger Transport and Recycling Facility (Lemberger LF) site as a potential source for per- and polyfluoroalkyl substances (PFAS). The DNR believes this emerging contaminant may be present in soil and groundwater at your property. The DNR has regulatory authority to ask responsible parties to evaluate hazardous substance discharges and environmental pollution including emerging contaminants:

- Wis. Stat. § 292.01(3) "Discharge" means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- Wis. Stat. § 292.01 (4) "Environmental pollution" means contaminating ... air, land, or waters of the state or making the same injurious to public health ...
- Wis. Stat. § 292.01(5) "Hazardous substance" means any substance ... which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics ...

In addition, the Lemberger LF site is a federal National Priorities List (NPL) Superfund site. The DNR evaluates Superfund sites to assess whether they are a potential source of PFAS contamination. Prior to being considered for site deletion from the NPL, the DNR needs information to either confirm or rule out Lemberger LF as a potential source of PFAS contamination.

### Background

These sites operated as a landfill from 1940 to 1976 that accepted municipal, commercial, and industrial wastes including a large quantity of fly ash. Soil and groundwater contamination resulted from a hazardous substance discharge primarily of volatile organic compounds (VOCs). The use of PFAS has been associated with landfill operations both nationally and in Wisconsin. This site may be a source of PFAS contamination.

### Site Investigation

According to Wis. Admin. Code § NR 716.09, the DNR requires that you submit a site investigation work plan that includes an assessment of PFAS, and per Wis. Admin. Code § NR 716.07 (4), all environmental media affected or potentially affected by the contamination must be evaluated. Site investigation scoping (Wis. Admin.

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Code § NR 716.07) and a site investigation work plan (Wis. Admin. Code § NR 716.09) require an evaluation of the history of the facility, previous discharges, and uses on the site that may be associated with discharges of hazardous substances.

As stipulated in Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, the work plan must include a written evaluation of potential PFAS compounds that were historically or are presently produced, used, handled, or stored at the site. The evaluation must include any available information about whether any products containing PFAS were used in any process services, the duration of PFAS use, the type of PFAS used, and any areas of the site where PFAS may have been used, stored, or discarded. The site investigation work plan must follow Wis. Admin. Code § NR 716.09, and include a sampling and analysis strategy to be used during field investigation that considers related information in the evaluation conducted under Wis. Admin. Code § NR 716.07.

### Schedule

The DNR requests that you submit a site investigation work plan for PFAS by September 9, 2021.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding anything outlined in this letter, or you would like to arrange a meeting, please contact me, the DNR Project Manager, at 920-889-0151, or at [BJ.LeRoy@wisconsin.gov](mailto:BJ.LeRoy@wisconsin.gov).

Sincerely,



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