



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711

October 22, 2010

Kathy Clayton
US EPA
2984 Shawano Ave
Green Bay WI 54313

Subject: US EPA Removal Action ARARs for Tecumseh Hues Site, New Holstein, WI

Dear Ms. Clayton:

The purpose of this letter is to provide you with an identification of applicable or relevant and appropriate requirements (ARARs) for actions proposed at the Tecumseh Hues Site, New Holstein, Wisconsin. Based on the information provided, we have identified the following WDNR standards. The WDNR Administrative Codes are available on the internet at: www.legis.state.wi.us/rsb/index.html. If there are activities that are not covered in the Action Memo or proposed scope of work reviewed to prepare this document, additional ARARs may apply.

The Draft Action Memo or list of proposed actions states that the time-critical or non-time critical emergency response action includes the following:

- a. Develop and implement a site-specific health and safety plan, including an Air monitoring Plan and Site Emergency Contingency Plan.
- b. Develop and implement a Site Security Plan.
- c. Characterize, remove, and properly dispose of waste abandoned at the Site in accordance with U.S. EPA's Off-Site Rule, 40 C.F.R. 300.440.
- d. Ensure that any drain, trench, sump, or similar feature within the facility that poses a threat of release to the environment is clean.
- e. Restore the facility to broom clean condition.

It is understood that USEPA Removal Branch can only take action in situations that pose an imminent and substantial endangerment to human health, welfare or the environment. Therefore, actions will not, in most cases, be remedial actions to allow for site closure. USEPA should provide all analytical data and documentation of the cleanout of any drain, trench, sump, or similar feature to WDNR so that if further action is warranted, WDNR is aware of what concerns remain at the site.

Additional ARARs have been identified for wastewater, hazardous waste management, non-hazardous waste disposal, and air management.

A. Wastewater Standards

We assume that you may be generating wastewater from decontamination and waste treatment activities. These requirements would apply to a discharge to any existing wastewater or sanitary system at the site.

If you plan to discharge wastewater to a sewage treatment facility, then you would have to meet any substantive pretreatment ordinances and ch. NR 211, Wis. Adm. Code. You would also need permission from the sewage treatment facility owners.

If wastewater is to be hauled from the site to a sewage treatment facility or any other type of management facility, and that wastewater is a characteristic hazardous waste, then the hazardous waste generator requirements outlined below would apply. If the wastewater is not characteristic hazardous waste, then the transporter requirements contained in ch. NR 502.06, Wis. Adm. Code would apply.

B. Hazardous Waste Management Standards

You plan on staging waste on-site. You then intend to ship the waste to a facility for subsequent management/disposal.

We understand that some of the waste to be managed at the site may be characteristic hazardous waste (TCLP toxicity for metals or organics, or ignitability). Any TCLP toxic waste that can be treated so it no longer displays the characteristic would also have to meet the applicable hazardous waste land disposal restrictions treatment standards in s. NR 668.40 or 668.49, Wis. Adm. Code, which apply at the initial point of generation and the special rules for characteristic wastes in s. NR 668.09, Wis. Adm. Code.

Any listed hazardous waste would always be subject to hazardous waste management requirements, unless it was delisted by the U.S. EPA RCRA program. The hazardous waste requirements also apply to the generation and management of reactivity and corrosivity characteristic hazardous wastes.

The hazardous waste generator requirements in ch. NR 662, Wis. Adm. Code, including pre-transportation and manifesting requirements, would apply to any hazardous waste, hazardous waste water and hazardous wastewater treatment residuals generated and accumulated on-site for less than 90 days in containers, tanks or containment buildings. There are exclusions from hazardous waste treatment, storage and disposal facility standards and licensing for the wastewater treatment units in ss. NR 664.0001(7)(f) & 670.001(3)(b)5., Wis. Adm. Code. There are exclusions from those same standards and licensing for certain immediate response hazardous waste treatment and containment activities in ss. NR 664.0001(7)(h) and 670.001(3)(c).

More than 90-day on-site storage of hazardous waste in containers may be subject to the general and container facility standards in subchs. A through I, S and CC of ch. NR 664.

More than 90-day on-site storage or treatment of hazardous waste in tanks may be subject to the general and tank facility standards in subchs. A through H, J, S and CC of ch. NR 664.

Any storage or treatment of hazardous waste in piles may be subject to the general and waste pile facility standards in subchs. A through H, L, and S of ch. NR 664

For hazardous waste to be managed off-site, we ask that you consider our policy document "Interim Policy (Guidelines) for Promoting the In-State and On-Site Management of Hazardous Waste in the State of Wisconsin". This guidance recommends that you examine certain preferred management options and utilize them to the extent feasible. Out of state disposal of hazardous waste in a landfill is the least preferred option.

C. Non-Hazardous Waste Disposal

All other solid wastes not identified as hazardous waste under s. NR 661.03, Wis. Adm. Code, are solid wastes (non-hazardous). Less than 6 months storage of excavated non-hazardous contaminated soils is covered under s. NR 718.05, Wis. Adm. Code, provided that the volume of soil stored does not exceed 2,500 yd³. If the volume of non-hazardous contaminated soil to be stored exceeds 2,500 yd³, the soil will be stored for more than 6 months, or the facility is already licensed for solid waste storage, s. NR 502.05, Wis. Adm. Code, pertains. Transportation of non-hazardous contaminated soils is covered under s. NR 502.06, Wis. Adm. Code.

Disposal of non-hazardous contaminated soils is regulated under the solid waste series, chs. NR 500-538, Wis. Adm. Code. Generally, the plan of operation for the landfill accepting the waste would have to include that waste. The landfill operator would have to agree to accept the soils, and all requirements for waste characterization would have to be met.

In general, wastes containing PCBs, including contaminated media that contains concentrations of PCBs below 50 ppm may be managed at an approved solid waste facility in Wisconsin that has received approval in from our Agency to receive such wastes. Wastes containing PCBs, including contaminated media that contains concentrations of PCBs above 50 ppm and below 500 ppm may be managed at an approved solid waste facility in Wisconsin that has received a special approval from our Agency to receive such wastes, in addition to any required TSCA approvals. There are no facilities in Wisconsin approved to accept wastes containing PCBs, including contaminated media that contains concentrations of PCBs above 500 PPM; they would have to be managed out of state at a TSCA approved facility.

D. Air Management Standards

Applicable standards include the primary and secondary ambient air quality standards in ch. NR 404, Wis. Adm. Code, the fugitive dust requirement of ch. NR415, Wis. Adm. Code, the malodorous emissions of ch. NR 429, Wis. Adm. Code, the visible emissions standards of ch. NR 431, Wis. Adm. Code and the inspections, testing and compliance determination standards of ch. NR 439, Wis. Adm. Code.

Any dust or emissions from treatment systems must meet the ambient air standards for particulates in ch. NR 404, Wis. Adm. Code, fugitive dust standards in ch. NR 415, Wis. Adm. Code, control of organic compound emissions in ch. NR 419, control of hazardous pollutant emissions in ch. NR 445, and visible emissions standards in ch. NR 431, Wis. Adm. Code.

E. Public Information and Participation

Chapter NR 714.07, Wis. Adm. Code requires that the general public be made aware of any hazardous wastes or conditions, investigation and remediation at a site. WDNR understands there

is a public information and participation process outlined in the NCP that will be followed as appropriate.

Should you have any questions regarding this letter, please contact Alan Nass at (920) 662-5161 or Gary Edelstein at (608) 267-7563.

Sincerely,



Roxanne Chronert
Federal Removal Coordinator
Bureau for Remediation and Redevelopment

Cc: Alan Nass
Gary Edelstein – RR/5 (electronic copy)