



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

→ Joe Pusca
Refuse
Hideaway

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

May 3, 1988

#4400

Mr. John DeBeck
Refuse Hideaway Landfill
4808 Highway 12
Middleton, WI 53562

Re: Special Consent Order SOD-88-02A

Dear Mr. DeBeck:

Enclosed is a signed copy of the Consent Order.

We recognize that the deadlines in the order can only be met if the Department gives this matter its highest priority and expeditiously completes its review and, where appropriate, approvals.

Provided that you and Refuse Hideaway, Inc. are complying with the terms of the order, the Department commits to the following:

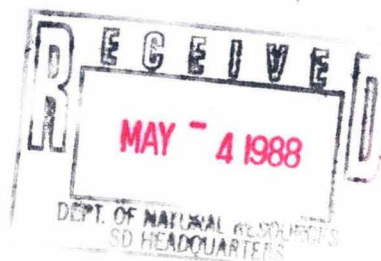
1. The following staff members will be available to work with you to resolve problems and will promptly review documents you submit:

<u>Name</u>	<u>Title</u>	<u>Phone Number</u>
Ray Tierney	Hydrogeologist	267-2465
Paul Huebner	Hydrogeologist	267-7573
Susan Fisher	Engineer	267-9387
Mark Gordon	Engineer	267-7567

2. The Department will review submittals in Paragraph 2 of the Order within 3 working days of receipt.

3. The Department will inform Dane County of your need to obtain a clay source to properly close the landfill.

4. The Department will encourage property owners adjacent to the site to allow placement of monitoring wells (approved by the Department) on their property.



5. The Department recognizes that extraordinary weather could cause unavoidable delays. In that event, the Department may, in its discretion, change the deadlines in the order to reflect lost work days.

Please keep the designated staff members informed of all progress made in complying with this Special Consent Order.

Sincerely,



Kathryn A. Curtner
Assistant Administrator
Division of Enforcement

cc: → Joe Brusca - SD
Marie Stewart - Madison Area
Chuck Leveque - LC/5
Dave Neeb - Davis and Kuelthan, S.C.
Bob Selk - Department of Justice
Lee Bartlett - RMT
enclosure



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

May 2, 1988

File Ref: 4190

Mr. John DeBeck
Refuse Hideaway Landfill
4808 Highway 12
Middleton, WI 53562

Re: Special Consent Order SOD-88-02A

Dear Mr. DeBeck:

Attached are two copies of a special consent order relating to the closure and monitoring of the Refuse Hideaway Landfill, License number 01953. The landfill is located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T7N, R8E, Town of Middleton, Dane County, Wisconsin. The consent order is based upon a finding that the site or facility does not meet minimum solid waste standards promulgated under section 144.43, Stats. This consent order would supercede the proposed special order (number SOD-88-02) issued on April 6, 1988.

Please sign both copies of the special consent order and return them to me by the end of the business day today May 2, 1988. A signed copy of the order will be returned to you for your records.

The Bureau of Solid and Hazardous Waste Management will designate staff members to expedite the approval process. If you have any questions or do not intend to sign this order, please call Charles Leveque at (608) 266-0228.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn A. Curtner".

Kathryn A. Curtner
Assistant Administrator
Division of Enforcement

Encs:

cc: SW/3
C. Leveque - LC/5
J. Brusca - SD
David W. Neeb, Davis and Kuelthan, S.C.
Bob Selk - DOJ

SPECIAL CONSENT ORDER

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Closure of the)
Refuse Hideaway Landfill, License Number) Special Consent Order No.
01953, Town of Middleton, Dane County,) SOD-88-02A
Wisconsin)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND CONSENT ORDER

FINDINGS OF FACT

1. John DeBeck and Refuse Hideaway, Inc., own and operate the Refuse Hideaway Landfill, which is located in the Town of Middleton, Dane County, Wisconsin. The landfill initially was licensed by the Department during 1974 and has been in operation since that time. The landfill has received approximately 1.3 million cubic yards of solid waste.
2. The Refuse Hideaway Landfill is a licensed landfill which is classified as a "Nonapproved facility" as defined by sec. 144.441(1)(c), Stats. However, there is an April 7, 1987, approved closure plan for the landfill.
3. The Refuse Hideaway Landfill has been developed as a natural attenuation landfill. The natural attenuation design concept was a common design alternative at the time the site was initially licensed. As such, the site was constructed without substantial engineering modifications, such as a clay liner and leachate collection system.
4. Unconsolidated soils in the vicinity of the landfill consist of lake derived sediments over glacial till. Soils deposits of over 100 feet in depth are present south of the landfill while bedrock is at the ground surface north of the landfill. The water table is located approximately 10 feet below the base of the landfill. Downward vertical gradients were measured in areas around the perimeter of the landfill showing that there is the potential for migration of contaminants downward into the bedrock aquifer.
5. Because of mounded leachate within the landfill, there may be flows of leachate radially outward from the landfill. Additional investigation should be done to determine if this is the case and to what extent flow is affected by the leachate mound. However, it is clear that one component of the groundwater flows southernly toward Black Earth Creek, which is a local groundwater discharge area. Black Earth Creek is a Class I trout stream.
6. Groundwater in the vicinity of the landfill is utilized as a domestic water supply by a number of homeowners. Several private wells in the area have shown elevated concentrations of certain contaminants, including vinyl chloride. However, the source of the contamination in these wells cannot be definitely established at this time without further investigation.

7. A number of groundwater monitoring wells have been installed at and in the vicinity of the landfill. Results obtained from some of these wells indicate that disposal operations at the landfill have caused a detrimental affect on groundwater quality. Evaluation of available groundwater quality information indicates that disposal operations have caused the attainment and exceedance of groundwater quality standards established under ch. NR 140, Wis. Adm. Code. Exceedances of preventative action limits for indicator parameters and substances of health or welfare concern, as well as enforcement standards for substances of health or welfare concern have been caused by operation of the landfill.
8. These groundwater impacts will continue for some time in the future. However, termination of waste filling operations will prevent additional contaminants from being introduced into the landfill and additional contaminants from being introduced into the groundwater system from those wastes. Installation of a final cover system over the fill area will reduce the rate at which leachate is generated within the landfill.
9. The Department has considered the range of responses to groundwater standard exceedances listed in secs. NR 140.24 and 140.26, Wis. Adm. Code. Based upon this evaluation, termination of disposal operations and closure of the landfill, and further investigation to determine the scope and extent of groundwater impacts, and any necessary remedial action, is reasonable and necessary to achieve compliance with groundwater standards, and to protect public health, safety, and welfare.

CONCLUSIONS OF LAW

1. The Department has authority under secs. 144.44(8) and 144.431, Stats., to order necessary corrective action at a landfill where minimum standards established under ch. NR 504, Wis. Adm. Code, have not been complied with.
2. The Refuse Hideaway Landfill is being operated and maintained in violation of sec. NR 504.04(4)(d), Wis. Adm. Code, and the groundwater standards established in ch. NR 140, Wis. Adm. Code.
3. Based upon the foregoing, the Department has authority to issue the following order.

CONSENT ORDER

The Department, therefore, orders:

1. John DeBeck and Refuse Hideaway, Inc., shall, by no later than May 16, 1988, cease all solid waste disposal operations at the Refuse Hideaway landfill.
2. John DeBeck and Refuse Hideaway, Inc., shall, by no later than June 1, 1988, submit a proposed closure plan modification to the Department for approval. This submittal shall contain:
 - a. An updated topographic survey with a maximum 2 foot contour interval of the 40 acre landfill property.
 - b. Revised final grades with slopes of at least 3%, but no greater than 33%.
 - c. A drainage system meeting the requirements of NR 506.08(3)(b), Wis. Adm. Code.
 - d. A final cover system design that meets the requirements of NR 504.07, Wis. Adm. Code.
 - e. Documentation of a clay borrow source or sources for sufficient quantities of clay to cap the entire area of the landfill where solid waste has been disposed. The soils shall meet the requirements of NR 504.07(4), Wis. Adm. Code and have a minimum Plasticity Index (PI) of 10 and an average PI of 12 and a minimum Liquid Limit (LL) of 20 and an average LL of 25.
3. John DeBeck and Refuse Hideaway Inc., shall, by no later than July 1, 1988, submit a plan to the Department for approval to effectively monitor for and prevent the migration of explosive gases generated by the landfill and to efficiently collect and combust hazardous air contaminants.
4. John DeBeck and Refuse Hideaway Inc., shall, by no later than August 15, 1988, install the 2 foot thick clay capping layer of the approved final cover system over the entire area of the landfill where solid waste has been disposed, and shall, by no later than September 15, 1988 complete placement of the cover layer as well as topsoiling, seeding, fertilizing, and mulching of the approved final cover system.
5. John DeBeck and Refuse Hideaway, Inc., shall construct and develop 5 of the following 10 wells by May 16, 1988, and the remaining 5 wells by June 1, 1988, in accordance with NR 508, Wis. Adm. Code at the locations specified below :
 - a. The upper well (P-23S) of a well nest located between the landfill and well P-20S, approximately 200 feet east of the eastern property boundary of the landfill.

- b. The upper (P-25S) well of a 3 point well nest located approximately 300 feet south of the southeastern corner of the property boundary of the landfill.
 - c. A well nest (P-26S and P-26D) located approximately 300 feet northwest of the northwestern corner of the property boundary of the landfill.
 - d. The upper well (P-27S) of a well nest located approximately 200 feet west of the southwestern corner of the property boundary of the landfill.
 - e. A water table observation well (P-28S) located in the north eastern corner of the property boundary of the landfill.
 - f. The upper well (4c) of a well nest located approximately 1,750 feet southwest of the southwestern corner of the property boundary of the landfill.
 - g. A well nest (4e) approximately 50 feet south of the southern property boundary of the landfill at approximate western coordinates of B-24.
 - h. A bedrock piezometer (P-21BR) at the location of P-21S.
6. John DeBeck and Refuse Hideaway, Inc., shall by July 1, 1988 construct and develop the following additional wells installed into the bedrock in accordance with NR 508, Wis. Adm. Code at the locations specified below:
- a. The lower well (P-23D) of the well nest listed in 5a., above.
 - b. The intermediate well (P-25D) and bedrock piezometer (P-25BR) of the 3 point well nest listed in 5b., above.
 - c. The piezometer (P-27D) of the well nest listed in 5d., above.
 - d. The piezometer (4c) of the well nest listed in 5f., above.

During installation, wells installed under this paragraph shall be sampled continuously in maximum 10 foot intervals using a field gas chromatograph (GC) for the purpose of detecting the presence of contamination with depth in the aquifer. This information shall be used to properly locate the screened interval of the monitoring well. [The exact locations and depths of the required monitoring wells shall be approved by Department staff prior to installation].

7. As part of the groundwater investigation, all existing and proposed monitoring wells shall be sampled twice with a minimum of 15 days between sampling dates. Each well shall be sampled and analyzed for the following parameters:
- a. Field pH, field temperature, field specific conductance (corrected to 25 degrees centigrade), COD, total alkalinity, total hardness, notation of color, odor and turbidity at the time of sampling, and measurement of water elevation prior to purging the wells.

b. Public health and welfare parameters:

Chloride, copper, dissolved iron, manganese, sulfate, total dissolved solids, zinc, arsenic, barium, cadmium, chromium, fluoride, lead, mercury, nitrate plus nitrite-nitrogen, selenium, and silver. The metals analyses shall be performed using a method which is capable of detecting and quantifying values at or below the preventive action limit for each parameter, except selenium.

- c. A GC-MS volatile organic compound scan with quantification shall be run on both sampling rounds. These analyses shall be performed according to EPA SW-846 method 8240 or EPA wastewater method 624. As an alternative, the VOC analyses shall be performed according to EPA SW-846 methods 8010/8020 or EPA wastewater methods 601/602. The Department shall be notified and approve of detection limits for the volatile organic compound scans prior to the first sampling date.

8. John DeBeck and Refuse Hideaway, Inc., shall, by August 1, 1988 submit, a phase 1 groundwater investigation report for Department review and approval. The report shall include documentation of the well installations in accordance with NR 508.11, Wis. Adm. Code, a water table contour map and the results of the field GC sampling.

9. John DeBeck, and Refuse Hideaway, Inc., shall, by October 1, 1988, submit a remedial action report for Department review and approval. The report shall include:

- a. An evaluation of the local and regional groundwater flow directions and the degree and extent of groundwater contamination around the site; the nature, persistence and likely fate of any contaminants; the existing or potential environmental and health effects of the contamination.

- b. A proposal for remedial measures which are technically and economically feasible for renovating or restoring ground/surface water quality. The report shall include:

- i. An evaluation of the technical and economical feasibility for extracting and lowering the existing leachate mound within the landfill.

- ii. An evaluation of the technical and economical feasibility for pumping and treating contaminated groundwater around the landfill for the purpose of preventing the further migration of contamination, and to restore the contaminated groundwater to compliance with state groundwater standards listed in NR 140:10-.12, Wis. Adm. Code.

- c. A proposal for long-term environmental monitoring which would evaluate the effects of any remedial action on the continued performance of the landfill.

The report shall also include justification of why remedies other than those proposed are not technically or economically feasible to implement.

10. Nothing in this order shall be construed as an admission of liability on the part of John DeBeck personally, or Refuse Hideaway, Inc., for any purpose other than for action taken for failure to comply with the terms of this order.

The Department reserves the right to require the submittal of additional information or modify this order if conditions warrant in which case John DeBeck and Refuse Hideaway, Inc., will have full right under the law to contest any modification of this order.

Waiver and Stipulation

John DeBeck, individually and as president of Refuse Hideaway, Inc., hereby waives further notice and all statutory rights to demand a hearing before the Department of Natural Resources and to commence any judicial action regarding the foregoing Findings of Fact, Conclusions of Law, and Consent Order under Sections 144.431, 144.44(8), 227.42, 227.52 and 227.53, Wisconsin Statutes, or any other provision of law. John DeBeck, individually and as president of Refuse Hideaway, Inc., further stipulates and agrees that the Consent Order is effective and enforceable upon being signed by both parties and may be enforced in accordance with Sections 144.98 and 144.99, Wisconsin Statutes. The undersigned certifies that he is authorized by Refuse Hideaway, Inc., to execute such Consent Order, Waiver, and Stipulation.

STATE DEPARTMENT OF NATURAL RESOURCES

by *Kathryn A. Curtner*
Kathryn A. Curtner
Assistant Administrator
Division of Enforcement

May 3, 1988
Date

John DeBeck
John DeBeck

5-2-88
Dated