

## LeRoy, Bruce J - DNR (BJ)

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**From:** LeRoy, Bruce J - DNR (BJ)  
**Sent:** Thursday, July 18, 2019 7:04 AM  
**To:** Tierney, Mary  
**Cc:** Fassbender, Judy L - DNR  
**Subject:** RE: Ripon City Landfill - Ordinance Change Status Report

**Categories:** Track

Hi Mary,

Thanks for the clarification on the CO question. The general consensus is that we are concerned about the COs as they stand right now.

- The groundwater plume edge is well defined to the east and south.
- We have a clean sentinel well immediately west.
- Contamination flows with groundwater to the southwest, and we have a landowner there that is not particularly cooperative. He also owns a landfill, so I've asked the RP to do a little digging into how the two sites may be affecting each other.
- It's my personal opinion that he is the only landowner that may be at some near-future risk regarding groundwater.
- We have the other nearby landowners protected through sampling or well replacements.
- We continue to discuss how to regulate groundwater contamination that is beyond the 1200 feet.

Regarding your other questions;

- I do not see any formal notification to the township of our COs, when COs came to be in the late 90s. I don't believe that was the practice at the time. They had already been informed due to the ROD and through public comment. I do have one more place to check, in paper files with our waste program.
- I wrote a CO notification letter that's been reviewed internally. I suppose that will serve as the formal CO notice once it is sent.
- I think we all understand the "backdating" issue with the COs. I would call it an update, claiming the ICs as COs, which was common practice at the time. I think that's an issue for Judy, Bill and Stu to resolve.
- Zoe has no update at this point, other than to say the Town is not responding to her. We likely have to get a little more direct with the Town of Ripon to get them to discuss changing the ordinance. Zoe has a few ideas about how to do that.

Here are some times Judy suggested for a phone call. Let me know what's good on your end and we can get it scheduled.

Friday July 26<sup>th</sup> 8-9, 12-2, 3-4

Monday July 29<sup>th</sup> 8-12:30, 2-4

Tuesday July 30<sup>th</sup> 10:30-4

Thanks for all your help with this site. Any questions, let me know.

BJ

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**From:** Tierney, Mary <tierney.mary@epa.gov>  
**Sent:** Tuesday, July 16, 2019 5:15 PM  
**To:** LeRoy, Bruce J - DNR (BJ) <bruce.leroy@wisconsin.gov>  
**Cc:** Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>  
**Subject:** RE: Ripon City Landfill - Ordinance Change Status Report

Hi BJ,

Thanks again for all of your responses. When I referred to the CO info, I was referring to the email you sent on 5/22. I pasted the bulk of the content below in case you can't find it.

BRRTS lists the ROD as March 27, 1996. The COs were established at that time, though we didn't list them as COs until 8/12/2010, when we completed the CO packet and backdated it to 1996. There was a public notification period beginning August 31, 1995, for comments on the ROD (which included the institutional controls and remedy, that eventually became the COs). Private well owners are kept informed of sampling at their wells, each time a sample is collected.

While I'm certain the City was informed at the time of the ROD, I don't see a specific letter to them in the electronic file. I just got the paper file yesterday, and haven't had the time (yet) to fully inspect it. I will do that Friday.

The COs as listed by DNR are landfill cap maintenance and residual groundwater contamination. In the original institutional controls, there were requirements to place a deed restriction and fence the property, as well as completion of the remedial option. The ROD also mentions that NR 812 requires a 1200 foot separation between water supply wells and a landfill. This is not specifically a CO; it was noted that the only water supply well within 1200 feet was abandoned at the time. And it's what we are working on now, because it appears we have contamination that has extended to that distance.

Based on this info and the call we had, I believe you were going to try to locate the letter notifying the township about the COs. Also, the EPA attorney, Stu Hersh, recommended that you make a correction to the term "backdating" and spell out what you were referring to. I may not have captured that completely correctly, but Bill Nelson seemed to understand what Stu meant so you might want to check with him.

Can you send me any updates you have from Zoe about the township modifying their ordinance?

If possible, it would be great to have a call the week of July 22<sup>nd</sup> or 29<sup>th</sup> with you, me, Judy, Don (my supervisor), and Zoe. Can you let me know a few dates/times that might work for you?

Thanks  
Mary

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**From:** LeRoy, Bruce J - DNR (BJ) <[bruce.leroy@wisconsin.gov](mailto:bruce.leroy@wisconsin.gov)>  
**Sent:** Monday, July 08, 2019 10:49 AM  
**To:** Tierney, Mary <[tierney.mary@epa.gov](mailto:tierney.mary@epa.gov)>  
**Cc:** Judy Fassbender <[judy.fassbender@wisconsin.gov](mailto:judy.fassbender@wisconsin.gov)>  
**Subject:** RE: Ripon City Landfill - Ordinance Change Status Report

Hi Mary,

Zoe is working on strategies to get the City/County personnel to respond. Some officials are part time or volunteer positions, so communication is difficult at times. As of today, I don't have any progress to report. I will contact Zoe and see if she's made any further progress.

I'm not sure what information you received about the COs; if you could help me with that, I'd appreciate it. Was it just our definition of a CO? Or was it specific to this case? Then I can give a better answer.

Judy, Zoe and I are working together on determining if the COs and special well areas are protective. It's my opinion at this point that we are not fully protective, and that's why we're doing the additional work to make ordinance changes and review site data. I think there needs to be further review by the consultant, and by DNR, which we continue to discuss.

Bill Nelson is the DNR attorney.

Certainly I think the next call should be centered on recent progress, and detailing the various strategies we are employing to be protective, particularly the ordinance change. At the moment, I think the best people to have on the call are Judy and Zoe. With Judy's guidance, we may also invite Bill.

It may be premature to have a meeting in Ripon/Fond du Lac with all the parties; it does seem like that is likely in our future.

My schedule is easier to navigate than Judy's; she's very busy but will make time I'm sure. I have off July 17-19, but am otherwise fairly open for phone calls.

Thanks for touching base! Talk to you soon.

BJ

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**From:** Tierney, Mary <[tierney.mary@epa.gov](mailto:tierney.mary@epa.gov)>  
**Sent:** Friday, July 5, 2019 5:36 PM  
**To:** LeRoy, Bruce J - DNR (BJ) <[bruce.leroy@wisconsin.gov](mailto:bruce.leroy@wisconsin.gov)>  
**Subject:** Ripon City Landfill

Hi BJ,

I wanted to check in to see if you know whether Zoe has been in touch with the County or the Township and if any progress has been made with modifying the local ordinance.

We received the information about the CO. Between the CO and the inner and out special well casing areas, are you satisfied with the adequacy of these ICs as far as the trace contamination in groundwater beyond 1200 feet goes?

I was thinking of scheduling a follow-up call so we can keep the discussion going. Would you want the same people on the call as last time – Judy and the WDNR attorney whose name I’m forgetting right now. Would Zoe be able to be on the call? Do you think we should plan a meeting in Ripon with the township officials and Fond du Lack County?

Let me know what dates/times in July would work for you for a follow-up conference call.

Thanks

Mary

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