

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutchen, Regional Director

Waukesha Service Center
141 NW Barstow St., Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2117

May 21, 2009

Mr. Richard Klinke
Klinke Cleaners
4518 Monona Drive
Madison, WI 537116-1098

**SUBJECT: Requested "Contained-Out" Determination for Klinke Cleaners – Fox Run
2346 W. St Paul Avenue, Waukesha, WI 53188
FID# 268188910 BRRTS# 02-68-535535**

Dear Mr. Klinke:

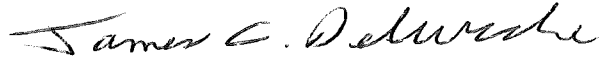
The Department received a request for a "contained-out" determination for the property at 2346 West St. Paul Avenue, Waukesha, WI from the RSV Engineering. Your consultant has requested Department concurrence with the "contained-out" soil concentrations calculated using the USEPA Soil Screening Guidance. It is proposed that soil containing trichloroethene (TCE) and/or tetrachloroethene (PCE), which would otherwise be considered a "listed" hazardous waste under Wisconsin and USEPA regulations, be considered a non-hazardous waste for disposal and management purposes. This will apply when soil is generated as investigative or remedial waste when the concentration of TCE is less than 7.15 mg/kg and the concentration of PCE is less than 35 mg/kg. Soil with concentrations below these criteria would be managed as a non-hazardous solid waste upon excavation.

The Department may consider environmental media to not contain a hazardous waste and therefore not be regulated as a hazardous waste when concentrations of the hazardous waste constituents do not exceed site specific health based levels and when the soils are managed appropriately upon excavation. The Department has established that use of the industrial site direct contact protection concentrations, as calculated through the USEPA's Soil Screening Guidance equations using the Department's established default input values, would be acceptable for determining when excavated soil could be considered to no longer contain hazardous waste.

Based on the information received, the Department concurs that RSV Engineering has used the appropriate method and default values for the hazardous waste constituents PCE to determine the proposed "contained-out" concentration. If soils are excavated from the site for investigative or remediation purposes under Department approval and are disposed of in accordance with state solid waste regulations in a licensed landfill, the soils containing concentrations of PCE less than 35 mg/kg would not be considered a hazardous waste.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter or the site in general, please contact me at the letterhead address or (262) 574-2145.

Sincerely,

A handwritten signature in cursive script that reads "James C. Delwiche".

James C. Delwiche, P.G.
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: SER Case File
Paula A. Richardson, P.G. – RSV Engineering

**Remediation Site
Hazardous Waste Determination**

Notice: This voluntary form is intended as an aid for use by Generators and Responsible Parties in determining whether *contaminated soil or groundwater and wastes* encountered or generated during the remediation of contaminated sites in Wisconsin are or would be listed or characteristic hazardous wastes subject to regulation under ch. 291, Wis. Stats. and chs. NR 600 to 690, Wis. Adm. Code. There are no penalties for failure to provide information requested. Personally identifiable information collected will be used for program management. Wisconsin's Open Records law requires the Department to provide this information upon request [ss. 19.31 - 19.69, Wis. Stats.].

Listing determinations are often particularly difficult in the remedial context because the listings are generally identified by the sources of the hazardous wastes rather than the concentrations of various hazardous constituents. Therefore, analytical testing alone, without information on a waste's source, will not generally produce information that will conclusively indicate whether a given waste is a listed hazardous waste. Generators and Responsible Parties should use available site information such as material safety data sheets (MSDS's), manifests, vouchers, bills of lading, sales and inventory records, accident reports, spill reports, inspection reports, and other available information. It may also be necessary to conduct interviews of current or former personnel who would have knowledge of the processes and hazardous materials used including waste handling or past spills in an effort to ascertain the sources of wastes or contaminants.

Where a person makes a good faith effort to determine if a material is a listed hazardous waste but cannot make such a determination because documentation regarding a source of contamination, contaminant, or waste is unavailable or inconclusive, EPA has stated that one may assume the source, contaminant or waste is not listed hazardous waste and, therefore, provided the material in question does not exhibit a characteristic of hazardous waste, RCRA requirements do not apply.

Generator Information	
Generator's Name <i>Klinke Cleaners</i>	Preparer's Name <i>RSV Engineering, Inc Paula Richardson</i>
Address <i>4518 Monona Dr.</i>	Address <i>146 E. Milwaukee St.</i>
City, State and ZIP Code <i>Madison, WI 53716-1098</i>	City, State and ZIP Code <i>Jefferson, WI 53549</i>
Telephone Number <i>608-222-6060</i>	Telephone Number <i>920-674-3411</i>
Site Information	
Site Name <i>Klinke Cleaners - Fox Run</i>	Other name(s) site is known by
Address <i>2346 W. St. Paul Ave.</i>	County <i>Waukesha</i>
Located in the City, Town or Village ZIP Code <i>Waukesha, WI 53188</i>	
Hazardous Waste Determination Information Reviewed	
Listed Hazardous Waste Determination	
Manifests reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available	Vouchers reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available
Bills of lading reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available	Sales and inventory records reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available
Material safety data sheets <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available	Accident reports reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available
Spill reports reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available	Inspection reports reviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available
DNR's case files reviewed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available	Interviewed current and/or former employees who are likely to know about the use and/or disposal of the chemical or waste of concern (not just managers). <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available

Hazardous Waste "Contained-out" Decisions and Soil Cleanups

The applicability of federal hazardous waste rules to the cleanup of contaminated soil and groundwater in Wisconsin has received considerable attention by DNR over the last five years. Several years ago, the DNR's RR and Waste programs issued *Guidance for Hazardous Waste Remediation*, which provides information on the requirements and options available when dealing with the cleanup and redevelopment at sites that may be contaminated with hazardous waste (the guidance is available on the web at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR705.pdf>).

One of the most useful tools in the guidance is the concept of "contained-out". Normally, EPA interprets its rules such that environmental media containing a regulated hazardous waste must be handled as a hazardous waste. However, the "contained-out" concept allows media contaminated with a hazardous waste or a commercial chemical product (such as perchlorethylene) to be managed as a solid waste, but only if the concentrations are below health based levels.

When DNR provided training on *Guidance for Hazardous Waste Remediation*, the informational materials included specific contained-out values for tri TCE, Perchlorethylene (PCE) and vinyl chloride. Since that time, however, EPA has revised its toxicity values for both TCE and PCE, and as a result those using EPA's web calculator to derive a contained-out value for these two compounds will obtain results significantly lower than the numbers DNR provided. Because of this revision, for the last several months there have been a number of questions raised about the appropriate "contained-out" values for these compounds.

Three Tiers

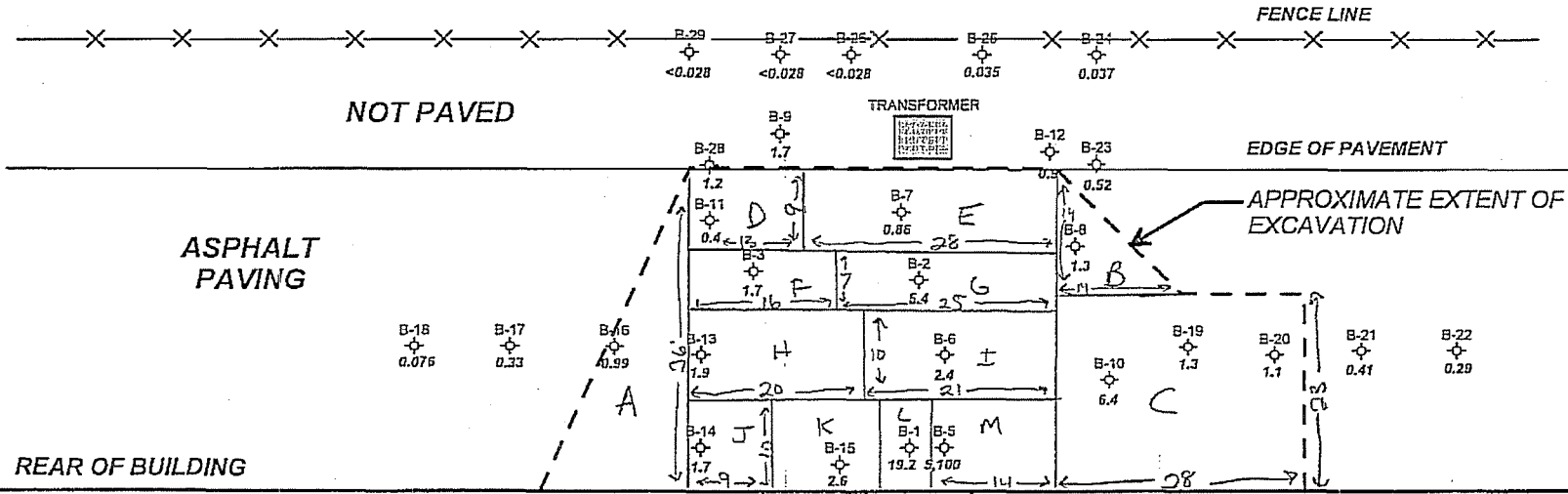
The EPA uses a three-tiered hierarchy for determining human health toxicity. Tier 1, the most rigorous process, uses the Integrated Risk Information System (IRIS) to evaluate human health effects from exposure to various compounds. The second tier is referred to as Provisional Peer Reviewed Toxicity Values (PPRTV's), which was the method used by EPA to modify the toxicity values for TCE and PCE.

The DNR has some flexibility in determining how to make "contained-out" determinations, and therefore until further notice, the numbers provided in our training materials may still be used when making "contained-out" determinations for contaminated soil in Wisconsin.

Those concentration levels are as follows:

- TCE – 14 ppm;
- PCE – 33 ppm; and
- vinyl chloride – 0.87 ppm.

Continuing to use these values will yield a consistent statewide approach and reduce the



$A = \frac{1}{2} \times 17 \times 36 = 306 \text{ ft}^2$
 $B = \frac{1}{2} \times 14 \times 14 = 98 \text{ ft}^2$
 $C = 28 \times 23 = 644 \text{ ft}^2$
 $D = 13 \times 9 = 117 \text{ ft}^2$
 $E = 9 \times 28 = 252 \text{ ft}^2$
 $F = 16 \times 7 = 112 \text{ ft}^2$
 $G = 7 \times 25 = 175 \text{ ft}^2$
 $H = 10 \times 20 = 200 \text{ ft}^2$

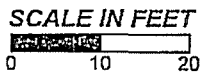
Total Area
= 2524 ft²

KLINKE
CLEANERS

$I = 10 \times 21 = 210 \text{ ft}^2$
 $J = 9 \times 10 = 90 \text{ ft}^2$
 $K = 10 \times 12 = 120 \text{ ft}^2$
 $L = 6 \times 10 = 60 \text{ ft}^2$
 $M = 14 \times 10 = 140 \text{ ft}^2$

BORING LOCATION WITH
 PCE CONCENTRATION IN mg/kg

Assume all areas excavated to same depth.



 RSV ENGINEERING, INC. Engineers - Land Surveyors - Environmental Scientists 146 E. MILWAUKEE STREET JEFFERSON, WISCONSIN 53549 (920) 674-3411	KLINKE CLEANERS FOX RUN - WAUKESHA, WISCONSIN SOIL REMEDIATION AREA			FIGURE 1
	DRAWN BY RN	PROJ. No. 05-529	DATE 12 MAY 08	FILE NAME REM AREA

RSV Engineering, Inc.

www.rsv-engineering.com

Engineers ♦ Land Surveyors ♦ Environmental Scientists

Project: Klinke Cleaners Fox Run Project # 05-529 Date 5/20/09

Calculation Sheet

Average concentration of soil to be excavated:

Area	Percentage of Total Area	Avg. Conc. mg/kg	Contribution mg/kg
A	$306 \text{ ft}^2 / 2524 \text{ ft}^2 = 12.1\%$	0.99 mg/kg	= 0.12
B	$98 \text{ ft}^2 / 2524 \text{ ft}^2 = 3.9\%$	1.3	= 0.05
C	$644 \text{ ft}^2 / 2524 \text{ ft}^2 = 25.5\%$	2.9	= 0.74
D	$117 \text{ ft}^2 / 2524 \text{ ft}^2 = 4.6\%$	0.4	= 0.02
E	$252 \text{ ft}^2 / 2524 \text{ ft}^2 = 10\%$	0.86	= 0.09
F	$112 \text{ ft}^2 / 2524 \text{ ft}^2 = 4.4\%$	1.7	= 0.07
G	$175 \text{ ft}^2 / 2524 \text{ ft}^2 = 6.9\%$	5.4	= 0.37
H	$200 \text{ ft}^2 / 2524 \text{ ft}^2 = 7.9\%$	1.9	= 0.15
I	$210 \text{ ft}^2 / 2524 \text{ ft}^2 = 8.3\%$	2.4	= 0.20
J	$90 \text{ ft}^2 / 2524 \text{ ft}^2 = 3.6\%$	1.7	= 0.06
K	$120 \text{ ft}^2 / 2524 \text{ ft}^2 = 4.8\%$	2.6	= 0.12
L	$60 \text{ ft}^2 / 2524 \text{ ft}^2 = 2.4\%$	19.2	= 0.46
M	$140 \text{ ft}^2 / 2524 \text{ ft}^2 = 5.5\%$	510	= 280.5
Total Avg. Concentration			= 282.95 mg/kg

Average concentration without Area M = 2.45 mg/kg

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