



February 16, 2017

Nicolas Sparacio
City of Manitowoc
Community Development Department
900 Quay Street
Manitowoc WI 54220-4543

Subject: Request for State Landfill Tip Fee Waiver

Dear Mr. Sparacio:

Thank you for the draft letter regarding the City of Manitowoc's eligibility for an exemption from landfill tipping fees under s. 289.675, Wisconsin Statutes (Wis. Stats), Waiver of Fees. The City has undertaken a project to demolish or deconstruct the Former Mirro Plant #9 upon taking ownership of the property through the condemnation process. In your letter, you stated the building is unsafe and must be removed in order "to facilitate the removal of PCB-contaminated building materials and address subsurface contamination issues as required by an agreement between the previous owner and USEPA (and WDNR)."

The Department does not believe a waiver of landfill tipping fees is applicable to the City of Manitowoc's waste disposal activities for this project. Section 289.675(1), Wis. Stats., provides the Department with the discretion to waive landfill tipping fees in very limited circumstances. One of the requirements under the statute to be eligible for the waiver of fees is that the Department requests a person to participate in waste removal activities to mitigate potential environmental impacts and related liability.

The City of Manitowoc may not have knowingly caused or contributed to the need for the waste removal from Former Mirro Plant #9 property. In the case of the City's waste removal activities, the Department did not request the City to voluntarily remove the waste from its 35th Street property. Though it is clear that conversations occurred between USEPA and the City of Manitowoc, it does not seem that at any point the Department requested the participation in the waste removal activities. Therefore the Department does not believe a waiver of landfill tipping fees should be granted in this case.

The city may have additional avenues for relief from state landfill tipping fees. Waste materials disposed at landfills and used for constructing berms, dikes or roads within the landfill are exempt from environmental tipping fees. While this will require coordination with the landfill(s) accepting the waste materials, the reduced cost may be worth the time invested. Also, you may be aware of the Department's policies as it relates to clean concrete and for concrete that is not considered clean but may qualify for reuse under the Low Hazard Waste Exemption process. As these waste materials would not be disposed of at a licensed landfill, they would not be subject to state landfill tipping fees.

Please do feel free to contact me should you have any questions related to the waiver of landfill tipping fees. Should you have questions regarding the Low Hazard Waste Exemption process or the management of waste concrete please contact Valerie Joosten (valerie.joosten@wisconsin.gov 920-662-5486), the Department's Northeast Regional Supervisor in the Waste and Materials Management Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Van Rossum". The signature is fluid and cursive, with the first name "Joe" being particularly prominent.

Joe Van Rossum, Chief
Recycling & Solid Waste Section
Bureau of Waste and Materials Management

cc: Bart Sponseller – DNR WMM Acting Bureau Director
Jessica Kramer – DNR Legal Counsel
Valerie Joosten – DNR WMM Regional Supervisor