

November 14, 2016

Mr. Harold Shipshock  
C/O Tom Shipshock, Master Dry Cleaners  
N57 W26389 Mount Du Lac Drive  
Sussex, WI 53089

Subject: Request for Letter Concurrence for Hazardous Waste Determination for Master Dry Cleaners, Inc., 6326 West Bluemound Road, Wauwatosa, WI

FID: 241398630  
BRRTS: 02-41-545142

Dear Mr. Shipshock:

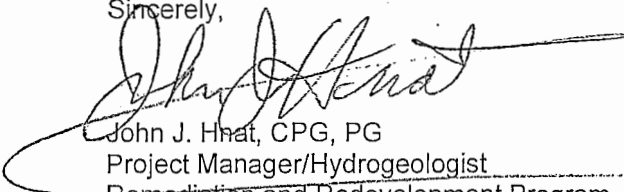
The Wisconsin Department of Natural Resources (DNR) received a Remediation Site Hazardous Waste Determination Form 4430-019, dated November 10, 2016, for the property located at 6326 West Bluemound Road, Wauwatosa, Wisconsin, which was submitted on your behalf by Fehr Graham, Inc. You have requested DNR's concurrence with Fehr Graham's Hazardous Waste Determination regarding soil contaminated with tetrachloroethylene (PCE) and trichloroethylene (TCE). Fehr Graham is proposing that soil containing spilled PCE and/or TCE which might otherwise be considered a "listed" hazardous waste under Wisconsin and USEPA regulations, be considered a non-hazardous waste for disposal and management purposes when excavated for site remediation when the soil concentration of PCE and TCE are less than the direct contact concentration, for PCE less than 153 mg/kg and TCE less than 8.8 mg/kg.

The Department may consider environmental media to not contain hazardous waste and therefore not be regulated as a hazardous waste when concentrations of the listed hazardous waste do not exceed site specific health based levels and when soils are managed appropriately upon removal from the ground. The Department has established that the use of the industrial site direct contact residual contamination levels, as input values, would be acceptable for determining when excavated soil or investigation-derived waste soil could be considered to no longer contain hazardous waste.

Based on the information received, the DNR concurs that Fehr Graham has used the appropriate "contained-out" concentrations for PCE and TCE. When excavated soils that are disposed in accordance with state solid waste regulations in a licensed landfill, the soils with PCE concentrations less than 153 mg/kg and TCE at concentrations less than 8.8 mg/kg (by total constituent analysis) would not be considered to contain a hazardous waste.

The DNR's concurrence with this waste determination does not negate the generator's responsibility for correctly classifying a solid waste under s. NR 662.11, Wis. Adm. Code. Please keep in mind that excavated soils need to be properly managed. Please contact me at 414-263-8644, if you have any questions regarding this letter.

Sincerely,

  
John J. Hnat, CPG, PG  
Project Manager/Hydrogeologist  
Remediation and Redevelopment Program

NOV 14 2016

State of Wisconsin  
Department of Natural Resources

Remediation Site  
Hazardous Waste Determination

Form 4430-019 (R 4/03)

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Initial: 

**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 Master Dry Cleaners Inc.	Preparer's Name Kendrick Ebbott, Fehr Graham, Inc.
Address 6326 W. Bluemound Road	Address 1237 Pilgrim Road
City, State and ZIP Code Wauwatosa, WI 53213	City, State and ZIP Code Plymouth, WI 53073
Telephone Number Care of Tom Shipshock, 414 313-9168	Telephone Number 920 892-2444

**Site Information**

Site Name Master Dry Cleaners Inc.	Other name(s) site is known by N / A
Address 6326 W. Bluemound Road	County Milwaukee
Located in the City, Town or Village ZIP Code City of Wauwatosa, 53213	

**Hazardous Waste Determination Information Reviewed**

**Listed Hazardous Waste Determination**

Manifests reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Vouchers reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
Bills of lading reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Sales and inventory records reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
Material safety data sheets <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Accident reports reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
Spill reports reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Inspection reports reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input type="checkbox"/> None Available

Revised

**Remediation Site  
Hazardous Waste Determination**

Form 4430-019 (R 4/03)

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**Hazardous Waste Determination Information Reviewed (continued)**

Other information considered (provide description)

Yes

No

None Found

None Available

Drycleaner operated from 1970's until ceased operations in 2015. Soil and groundwater detected with elevated levels of tetrachloroethene (PCE) related to incidental historic releases of drycleaning chemicals. The contained out rule will be used to help define the hazardous waste handling requirements. The proposed criteria for evaluation of whether soil is hazardous or not hazardous and the avenues for proper disposal:

Soil with PCE above 153 mg/kg (Industrial Direct Contact Threshold) will be considered hazardous waste upon excavation, and excavated material will be handled as hazardous waste with disposal at a licensed treatment or disposal facility.

Soil with PCE below 14 mg/kg (20X the TCLP leach value of 0.7 mg/l) is not characteristically hazardous, and upon excavation will be considered solid waste based on the contained out rule and absence of hazardous characteristics. Soil with those levels of PCE, upon excavation, will be discarded at a subtitle D landfill in Wisconsin.

Soil with PCE levels between 14 mg/kg and 153 mg/kg will be tested using TCLP to evaluate if they are characteristically hazardous. If they pass the hazardous threshold limit of 0.7 mg/l on the leached extract, the soil is not characteristically hazardous, and upon excavation will be classified as a solid waste. It will be landfilled at a licensed subtitle D facility in Wisconsin. If the TCLP extract result exceeds 0.7 mg/l PCE, upon excavation it will be classified as hazardous waste and discarded at a licensed hazardous waste facility.

Although not expected in the proposed areas of work, soil with trichloroethene (TCE) above 8.81 mg/kg (industrial direct contact value) will be classified as hazardous waste upon excavation. Soil with concentrations below 8.81 mg/kg will be considered solid waste upon excavation, eligible for landfill disposal in WI, based on the contained out rule, and the fact that the soil should not be characteristically hazardous for TCE because the concentration is less than 20X the TCLP value (10 mg/kg) for TCE. Soil with vinyl chloride (VC) above 2.03 mg/kg (industrial direct contact value) will be classified as hazardous waste upon excavation, and soil below will be considered solid waste, eligible for landfill disposal in WI, as it falls below the 20X TCLP value (4.0 mg/kg) for VC, so the soil is not characteristically hazardous.

**Characteristic Hazardous Waste Determination**

Identified location(s)

Soil beneath former sump, 5.5 feet below grade  
Plan to excavate to 8 feet and discard soil as hazardous waste from this area

Soil from sewer line areas to be investigated further, and soil handled per criteria above.

Testing results

PCE 3,160 mg/kg and 10,800 mg/kg, two samples,  
no detections TCE and VC

**Certification**

I certify that the information documented above in the "Information reviewed to make a hazardous waste determination" section was developed and used as part of a good faith effort to make a hazardous waste determination. Reasonable diligence was used in collecting the information, evaluating the information, and using the compiled information. I certify that this document is true and correct to the best of my knowledge, and that I have authority to make this certification.

Name and Title

Kendrick Ebbott, Project Manager

Signature

*Kendrick Ebbott*

Date

Nov 10, 2016

**Remediation Site  
Hazardous Waste Determination**

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# Remediation Site Hazardous Waste Determination

Form 4430-019 (R 4/03)

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## Hazardous Waste Determination Information Reviewed (continued)

Other information considered (provide description)  Yes  No  None Found  None Available

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Name and Title

Kendrick Ebbott, Project Manager

Signature

*Kendrick Ebbott*

Date

Nov 10, 2016

Hnat, John J - DNR

---

**From:** Ryan, Nancy D - DNR  
**Sent:** Thursday, November 10, 2016 4:27 PM  
**To:** Hnat, John J - DNR  
**Cc:** Ryan, Nancy D - DNR  
**Subject:** FW: Revised Haz Waste Determination Form For Master Cleaners DERF BRRTS 02-41-545142  
**Attachments:** Revised 4430-019 Printed Haz Waste Determination Worksheet.pdf; BADGER LEASE.PDF

John,  
I infer from Mr. Ebbott 's discussion (although he doesn't state it) that he considers the waste to be a listed waste, and therefore, is requesting concurrence that waste at concentrations less than our direct contact RCLs can be managed as solid waste (contained-out) unless otherwise hazardous (i.e. based on toxicity) Here is a model letter and I'll give you another you can use to concur with his approach. I concur with it.

---

**From:** Ken Ebbott [mailto:kebbott@fehr-graham.com]  
**Sent:** Thursday, November 10, 2016 4:05 PM  
**To:** Hnat, John J - DNR; Ryan, Nancy D - DNR  
**Cc:** Tom Shipshock (tshipshock@hydro-flo.com); Gallo, Donald P. DPG (6224); Williams, Michelle L. MLW (6231)  
**Subject:** Revised Haz Waste Determination Form For Master Cleaners DERF BRRTS 02-41-545142

John and Nancy,

Attached is a revised Hazardous waste determination discussion for the Master Cleaners Site. Hopefully it is clearer and meets the DNR criteria for this site.

I had just been working on a site where we will be treating the soil to drop it below hazardous levels, and I applied that information to this situation, but it made things more complicated than they need to be, as we are NOT planning to treat this soil, just test, dig, and haul where it needs to go - either haz or not haz.

I look forward to the approval of this and the change order / budget / scope so we can advance this project.

Thanks,

Ken

**KENDRICK EBBOTT | P.G. Branch Manager**  
**Fehr Graham - Engineering & Environmental**

**From:** Hnat, John J - DNR [mailto:John.Hnat@wisconsin.gov]  
**Sent:** Thursday, November 10, 2016 7:36 AM  
**To:** Ken Ebbott <kebbott@fehr-graham.com>  
**Subject:** FW: Contained Out for TCE

Ken,

See below.

  
Project Manager/Hydrogeologist  
Remediation and Redevelopment Program  
Southeast Region Headquarters

Wisconsin Department of Natural Resources

(☎) phone: (414) 263-8644  
(☎) fax: (414) 263-8550  
(✉) e-mail: [John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)

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**From:** Ryan, Nancy D - DNR  
**Sent:** Wednesday, November 09, 2016 2:52 PM  
**To:** Hnat, John J - DNR  
**Subject:** FW: Contained Out for TCE

John, could you forward this to Ken Ebbott. He is going to revise his haz waste determination, but I told him we'd clarify this point. Thanks.

---

**From:** Sellwood, Alyssa A - DNR  
**Sent:** Wednesday, November 09, 2016 1:20 PM  
**To:** Ryan, Nancy D - DNR  
**Subject:** Contained Out for TCE

Nancy –

I spoke with Gary and he was of the mind that if the contamination is from spent solvent (see F002 under [NR 661.31\(1\)](#)), the basis for the listing F002 is defined in [Appendix VII](#), and it includes both tetrachloroethylene and trichloroethylene. In Gary's explanation this means that if TCE is present in the soil and is from a spent solvent, it would need to meet its RCL for our concurrence with a contained out determination.

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

**Alyssa Sellwood, P.E.**

Vapor Intrusion Team Leader – Remediation & Redevelopment  
Wisconsin Department of Natural Resources  
101 S. Webster St., P.O Box 7921  
Madison, WI 53707-7921  
Phone: 608.266.3084  
[Alyssa.Sellwood@wisconsin.gov](mailto:Alyssa.Sellwood@wisconsin.gov)

