



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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November 11, 2010

Mr. Tom McKay  
McKplaco, Inc.  
602 N. 5th Street  
Milwaukee, WI 53203

File Ref: FID#241352760  
BRRTS#02-41-548391

Subject: Request for Letter of Concurrence for Hazardous Waste Determination  
One Hour Fabricare property at 4704 W. Burleigh St., Milwaukee

Dear Mr. McKay,

The Department received a Remediation Site Hazardous Waste Determination Form for the property at 4704 W. Burleigh Street, Milwaukee, which Sigma Environmental Services, Inc. submitted on your behalf, November 10, 2010. Sigma requested Department concurrence with Sigma's Hazardous Waste Determination, regarding soil and groundwater contaminated with tetrachloroethylene (PCE). Sigma is proposing that soil containing spilled PCE, 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 or generated as investigation-derived waste, when the soil concentrations of PCE are less than the direct contact concentration of 33 mg/kg, provided in their letter. Sigma is also proposing that groundwater containing spilled PCE be considered a non-hazardous waste for disposal and management purposes when removed at the site for remediation or investigation purposes, when groundwater concentrations of PCE are less than the Wisconsin codified "enforcement standard" of 5 ug/L found in ch. NR 140, Wis. Administrative Code.

The Department may consider contaminated soil and groundwater from a remediation site 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 soil and groundwater are managed appropriately upon removal from the ground. The Department has provided guidance on making hazardous waste determinations for contaminated soil and groundwater waste generated at remediation sites in Publication RR705, Guidance for Hazardous Waste Remediation. Based on this guidance, 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 or investigation-derived waste soil could be considered to no longer contain hazardous waste, and that the Wisconsin groundwater "enforcement standard" be acceptable for determining when contaminated groundwater extracted from a remediation site could be considered to no longer contain hazardous waste.

Based on the information received, the Department concurs that Sigma has used the appropriate "contained-in" soil and groundwater concentrations for PCE. When the investigation-derived waste soils and groundwater are disposed in accordance with state solid waste regulations in a licensed solid waste disposal facility, soils with PCE at concentrations less than 33 mg/kg (by total constituent analysis), which are not otherwise classified as "characteristic" hazardous waste, and groundwater with PCE at concentrations less than 5 ug/L, would not be considered to contain a hazardous waste.

Please be aware that the concentrations approved for this determination are not considered to be approved site specific residual concentration levels for the purpose of site cleanup decision making. If you have any questions, please contact me at (414) 263-8758.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela A. Mylotta', with a long horizontal flourish extending to the right.

Pamela A. Mylotta, Remediation & Redevelopment Program Hydrogeologist,  
Southeast Region, Milwaukee Service Center

C: Mary Trotta - Sigma