



May 18, 2015

Ryan Eckdale-Dudley
Symbiont
6737 West Washington, Suite 3440
West Allis, WI 53214

Subject: Request for "Contained Out" Contaminated Media Determination
Vogue Cleaners (FMR), 2578 N Wauwatosa Ave., Wauwatosa, Wisconsin
WDNR FID#241920690 BRRTS#02-41-562047

Dear Mr. Eckdale-Dudley,

The Department received a Technical Assistance and Environmental Liability Clarification Form dated May 8, 2015 for the property at 2578 N Wauwatosa Ave., Wauwatosa, which you submitted on behalf of the Wauwatosa Community Development Authority. You have requested Department concurrence with Hazardous Waste Determination regarding soil contaminated with tetrachloroethylene (PCE), trichloroethylene (TCE) and Vinyl Chloride. Symbiont is proposing that soil containing spilled PCE, TCE and Vinyl Chloride 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. This assumes that the soil also does not exhibit a hazardous waste characteristic.

The Department may consider environmental media to not contain a listed hazardous waste and therefore not be regulated as a hazardous waste when concentrations of the listed hazardous waste constituents do not exceed site specific health based levels and when the soils are managed appropriately upon removal from the ground. The Department has established that the use of the industrial site direct contact residual contaminant levels, as calculated using the USEPA's Regional Screening Level Web Calculator and Department 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.

Based on the information received, the Department concurs that Symbiont has used the appropriate "contained-out" concentrations for PCE, TCE Vinyl Chloride. When excavated soils are disposed in accordance with state solid waste regulations in a licensed landfill, the soils with PCE at concentrations less than 153 mg/kg and TCE at concentrations less than 8.8 mg/kg and Vinyl Chloride at concentrations less than 2 mg/kg (by total constituent analysis) would not be considered to contain a hazardous waste.

The Department's concurrence with this waste determination applies to soil and does not negate the generator's responsibility for correctly classifying a solid waste under s. NR 662.11 Wis. Adm. Code or a hazardous waste under s. NR 662.011. Please keep in mind that excavated soils need to be properly managed. Please contact me at (608) 261-5404 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gena Larson'.

Gena Larson, P.G.
Hydrogeologist
Remediation and Redevelopment Program

Cc: Jennifer Ferguson, City of Wauwatosa – electronic copy