

From: Beggs, Tauren R - DNR
Sent: Friday, October 9, 2020 12:32 PM
To: 'david.decourcybower@erm.com'
Cc: Fetter, Robert H.
Subject: Response Required - Emerging Contaminant Scoping Evaluation (Wis. Admin. Code § NR 716.07) needed for Hamilton Industries Site (Former), BRRTS # 02-36-578316
Attachments: Hamilton_Industries_Fmr_Ltr.pdf

Hi David,

As we discussed on the phone:

Previous evaluations as part of the investigation at the site did not include scoping for emerging contaminants. On August 17, 2020, a letter (attached) was issued by the DNR to your client reminding them that all sites need to include an evaluation of emerging contaminants per Wis. Admin. Code § NR 716.07. The site investigation is currently ongoing for this site. You, on behalf of your client, should provide a response for the scoping evaluation of emerging contaminants consistent with Wis. Admin. Code § NR 716.07 in the next site investigation report submittal for this site.

In accordance with Wis. Admin. Code § NR 716.07, site investigation scoping shall include an evaluation of all potential contaminants associated with a hazardous substance discharge and/or environmental pollution, including emerging contaminants. Therefore, your scoping evaluation should include any available information on whether any products containing emerging contaminants, including PFAS, are presently or were produced, used, handled, or stored at the site or used in any process services. If PFAS is documented, the duration of PFAS-containing product use; the type of PFAS contained in the product; and any areas of the site where PFAS-containing products may have been used, stored, managed, or discarded should be included in the evaluation. The evaluation must include an assessment of all environmental media affected or potentially affected by the contamination per Wis. Admin. Code § NR 716.07(4), and potential or known impacts to receptors per Wis. Admin. Code § NR 716.07(8).

Regards,

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Tauren R. Beggs

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August 17, 2020

ROBERT FETTER
THERMO FISHER SCIENTIFIC
81 WYMAN ST
WALTHAM MA 02451

Subject: **Reminder to Include Evaluation of Emerging Contaminants in Site Investigation**
HAMILTON INDUSTRIES SITE (FORMER)
1316 18TH STREET
BRRTS# 02-36-578316
FID# 436034060

Greetings:

This letter is being sent to all Responsible Parties (RPs) that currently have an open contamination site on the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS). The purpose of this letter is to remind RPs to assess emerging contaminants and their potential impacts as early in the cleanup process as possible, preferably during the site investigation phase. Emerging contaminants include perfluoroalkyl and polyfluoroalkyl substances (PFAS), 1,4-dioxane and others. While many RPs and their consultants have been assessing emerging contaminants, there have been several situations where these substances had not been evaluated at the time a case closure request was submitted. In some cases, this resulted in the need for additional field work which ultimately delayed case closure.

It is the responsibility of RPs to evaluate hazardous substance discharges and environmental pollution including emerging contaminants under the Wis. Admin. Code NR 700 rule series. Emerging contaminants discharged to the environment, including certain PFAS, meet the definition of hazardous substance and/or environmental pollution under Wis. Stat. § 292.01:

- Wis. Stat. § 292.01 (3) "Discharge" means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- Wis. Stat. § 292.01 (4) "Environmental pollution" means contaminating ... air, land, or waters of the state or making the same injurious to public health ...
- Wis. Stat. § 292.01 (5) "Hazardous substance" means any substance ... which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics ...

Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of potential PFAS compounds and other applicable emerging contaminants that were historically or are presently produced, used, handled, or stored at the site. The evaluation should include any available information on whether any products containing PFAS were used in any process services, the duration of PFAS-containing product use, the type of PFAS contained in the product, and any areas of the site where PFAS-containing products may have been used, stored, managed, or discarded. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07.

Responsible parties should also be aware that case closure decisions issued under Wis. Admin. Code ch. NR 726 are based on information on file at the time of the closure request and apply only to the hazardous substance discharge or environmental pollution that was investigated and remediated under the Wis. Admin. Code NR 700 rule series. If DNR receives new evidence about a closed site which indicates a PFAS discharge occurred at the site prior to case closure, and the discharge was not evaluated in the site investigation, please be aware that DNR may evaluate the site under the Wis. Admin. Code § NR 727.13 criteria for reopening of closed cases.

DNR can provide technical assistance at any point throughout the investigation and cleanup process for a fee. These services can be requested using the [Technical Assistance and Environmental Liability Clarification Form \(4400-237\)](#) by visiting dnr.wi.gov, search “4400-237.” Requesting technical assistance from DNR early in the process can help save time and money during the cleanup process.

DNR has developed guidance to help RPs and their consultants comply with the requirements described above. The guidance can help select the appropriate chemicals for analysis when conducting a Wis. Admin. Code ch. NR 716 site investigation. The [Site Investigation Scoping Guidance \(RR-101\)](#) can be found by visiting dnr.wi.gov, search “RR-101.”

Additional information on PFAS is available from The Interstate Technology Regulatory Council (ITRC) at: <https://pfas-1.itreweb.org/fact-sheets/>.

DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding anything outlined in this letter, or would like to arrange a meeting, please contact the DNR Project Manager assigned to your site.

TAUREN BEGGS
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Sincerely,



Christine Haag
Program Director
Remediation & Redevelopment Program