



May 6, 2020

--Sent by Email--

Mr. Andy Scheisl
Garnder Denver, Inc.
222 East Erie Street
Milwaukee, Wisconsin 53202

Subject: Contained Out Hazardous Waste Determination Approval for Mitigation System Waste
DB Oak Facility, 700-710 Oak Street, Fort Atkinson, WI DNR# 02-28-176509

Dear Mr. Scheisl:

The department received Friess Environmental Consulting's (FEC) "Hazardous Waste Determination Request" (request) for the DB Oak Facility, 700-710 Oak Street, Fort Atkinson, on March 31, 2020. The request was accompanied by the appropriate review fee, required under ch. NR 749, Wisconsin Administrative Code.

In the request, FEC concludes the waste material generated during mitigation system installation (the waste) is not hazardous waste, and the waste can be handled as solid waste during the mitigation system installation effort. The department concurs with this determination. The concentrations of chlorinated solvents detected¹ in the samples from the waste would pass a leaching test, (based on math and dilution) and the sample results were below the department's contained-out values². FEC's stated knowledge of the site history and waste source also qualify the material to be 'contained out'.

As a matter of record:

1. Trichloroethene was detected in the sample from the east trench at a j-flag qualified concentration of 83 ug/kg. The data summary table indicates no detections of trichloroethene.
2. The contained-out values listed in department guidance document [RR-969](#) are not the same as the direct contact residual contaminant concentrations, contrary to FEC's assertion.

During installation of the system, all material handling, removal, and disposal must be done in accordance with state and federal rules. This includes proper handling and disposal of all water from sediment dewatering. In addition, any material that is significantly more contaminated than what was evaluated as part of the request may require additional waste characterization to assure the disposal rules are met.

This approval does not cover the adequacy of the mitigation plan, only the approach and the contained-out status of the known contamination and waste generated as part of the mitigation system installation.

Sincerely,

Jeff Ackerman, P.G.
Hydrogeologist
608-622-6743 cell
608-275-3323 voice mail
jeff.ackerman@wi.gov

Cc: John VanLieshout, Reinhart Boerner Van Deuren s.c.
Trent Ott, FEC

From: [Ackerman, Jeffrey A - DNR](#)
To: ["andy.schiesl@gardnerdenver.com"](mailto:andy.schiesl@gardnerdenver.com)
Cc: ["Trent Ott"](#); [John M. Van Lieshout](#)
Subject: DB Oak Hazardous waste determination request.
Date: Wednesday, May 6, 2020 3:13:00 PM
Attachments: [2020 contained out letter.pdf](#)

Mr. Schiesl, here is the department's contained-out concurrence letter, which was requested on your behalf.

We are committed to service excellence.

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

Jeff Ackerman

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jeff.ackerman@wisconsin.gov

From: Trent Ott <tott@fecinc.us>
Sent: Monday, May 4, 2020 4:38 PM
To: Ackerman, Jeffrey A - DNR <Jeffrey.Ackerman@wisconsin.gov>; John M. Van Lieshout <JVanLieshout@reinhartlaw.com>
Subject: Re: Questions on DB Oak Hazardous waste determination request.

Jeff-

In response to your questions about the waste:

1. What is the current status of the waste? How much is there? Where is it stockpile, and how?
[The soils \(approximately 15 cubic yards\) are currently in 3 lined lugger boxes and covered with plastic in the asphalt parking lot west of the building.](#)
2. What were the sample depths and what was the rationale behind the sample intervals and depths? How do we know these locations are an accurate representation of all excavated material, especially in light of the point below; if you don't know the source, how can you say the samples are representative? Sampling the excavated material (aka waste) would provide a better evaluation. [All of the samples were collected from 0.5 to 3 feet in depth \(as the trenches did not exceed 3 feet in depth\). All of the samples collected from the south trench and the north trench "truck" sample were collected from the excavated material and would be representative of the waste. The remainder of the north trench samples were collected from the base of the excavated trench from material to be left in-place. These samples, although not the material excavated, would still provide useful data as to what the waste soils may contain. As such, having four samples of approximately 15 cubic yards would provide adequate representative sampling of the waste soils regardless of source.](#)

The contained-out request states, *"There is no information regarding a source of contamination for CVOCs detected in soil or groundwater samples at the DB Oak Property."*

3. Does the attached document change your opinion regarding that statement? [No. The attached information appears to have been available and reviewed by Shannon & Wilson, Inc.](#)

(SWI) when they submitted their "contained-out" request for the site dated March 13, 2017. The SWI request makes a lengthy reference to the WDNR inspection by Wendall Wojner in 1986, which is included in the attachment, as well as several other documents including an August 28, 1985, letter and a March 16, 1994, Phase I report. Despite all of this information on the history of the generation, storage, and disposal of hazardous substances as it pertains to the site, SWI concluded that "there is no information regarding a source of contamination for VOCs detected in soil, groundwater, and sediment samples at the DB Oak property." In their letter dated June 26, 2017, the WDNR concurred with this conclusion stating "the available knowledge of the history and waste source also qualify the material to be 'contained-out'."

4. Would further review of site-related documents change your opinion regarding the contained-out determination? We have reviewed the documents available on BRRTS and when we were engaged we received a disc that we understand included a complete copy of the WDNR's file for the site. This disc contained several hundred scanned documents and information, many dating back to the 1980's, including the attachment to your email that I had previously reviewed. I don't recall any document on that disc that would change our analysis or opinion and it would appear that SWI did not encounter any such document.

As you know, additional soils will be generated as part of system installation proposed in the northern and southern portions of the building. It is our belief that this contained out ruling would also apply to those waste soils (once excavated and tested) as well, provided those soils do not exceed contained out values (direct contact RCLs) or exhibit a characteristic of hazardous waste. Please let me know if you have additional questions. Thanks.

Trent

Trenton J. Ott
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tott@fecinc.us

On 4/27/2020 3:47 PM, Ackerman, Jeffrey A - DNR wrote:

Hi John and Trent,

I am reviewing the contained out request and questions for you.

Questions about the waste:

1. What is the current status of the waste? How much is there? Where is it stockpile, and how?
2. What were the sample depths and what was the rationale behind the sample intervals and depths? How do we know these locations are an accurate representation of all excavated material, especially in light of the point below; if you don't know the source, how can you say the samples are representative?
Sampling the excavated material (aka waste) would provide a better evaluation.

The contained-out request states, *"There is no information regarding a source of contamination for CVOCs detected in soil or groundwater samples at the DB Oak Property."*

3. Does the attached document change your opinion regarding that statement?
4. Would further review of site-related documents change your opinion regarding the contained-out determination?

Please note contained-out concurrence (when and if granted) will only apply to waste generated as part of the mitigation system installation and not to the site as a whole as was requested.

Thanks, Jeff

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