



May 18, 2020

BURNETT COUNTY
ATTN: MICHAEL HOEFS
7410 COUNTY ROAD K
SIREN, WI 54872

Subject: Approval to Manage Solid Waste under Wis. Admin. Code § NR718.12 for On-Site Management
Hoffman Corners, SW Corner of Main Street and Gandy Dancer Trail, Webster, Wisconsin
DNR BRRTS Activity # 03-07-000115
FID #: 807068020

Dear Mr. Hoefs:

On April 6, 2020, Dave Larsen with REI Engineering, Inc. (REI), submitted an exemption request for the management of contaminated soil at the above referenced site (Site) on your behalf. The request is to manage 400-cubic yards of polycyclic aromatic hydrocarbon (PAHs) impacted soil on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.12. Supplemental information (soil sampling results) regarding this request was also provided on May 11, 2020. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04 (1).

The management plan proposes the use of the 400-cubic yard stockpiled PAH contaminated soil as backfill for a remedial excavation at the Site. The soil stockpile will be placed in the remedial excavation as backfill greater than 4 feet below ground surface and clean granular fill will be placed above to create a barrier between the stockpile soil and the ground surface.

Wis. Admin. Code § NR 718.12 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stat. ch. 289 and Wis. Admin. Code chs. NR 500 to NR 538 for the proposed contaminated material management activities. Approval of the exemption is based on the following:

Compliance with Locational Criteria

Managing contaminated waste material in areas of the site identified on Figure 4, Soil Management Area, prepared by REI and dated March 26, 2020 of the Exemption Request Document will meet the locational criteria listed under Wis. Admin. Code § NR 718.12 (1) (c).

Characterization of Soil to be Excavated

Soil samples were collected for analysis of contaminants previously detected or expected to be present at this site including polycyclic aromatic hydrocarbons (PAHs), from areas most likely to contain residual contamination. Based on an estimated volume of 400- cubic yards of material, and a sampling frequency of 1 sample per 100- cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12 (1) (e) was met.

Submittal of a Soil Management Plan

A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12 (2) (b) and (c), was provided to the DNR.

Assessment of Risk Posed by Soil Management

The proposed management of solid waste at the Hoffman Corners site is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13 (1) (b) 1 to 5.

Notice Provided Prior to Commencing Soil Management Activities

Per Wis. Admin. Code § NR 718.12 (2), the DNR was provided with at least seven days' notice prior to commencing the proposed material management.

Future Solid Waste Management

If solid waste that was managed as proposed in the Exemption Request Document is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the material is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Solid waste may be managed in accordance with Wis. Admin. Code § NR 718, with DNR pre-approval obtained. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the solid waste may pose a hazard, and special precautions may be necessary to prevent a health threat to humans. If material that will be managed under this exemption includes solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085.

The location(s) where contaminated soil is proposed to be managed at the Hoffman Corners Site is depicted on the attached Figure 4, Soil Management Area, prepared by REI and dated March 26, 2020.

Depending on site-specific conditions, construction over contaminated soils or groundwater may also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion and means of mitigation may need to be evaluated when planning any future redevelopment, and measures may need to be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

The DNR's approval prior to well construction or reconstruction is required *where contaminated soil was managed*, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program's regional water supply specialist. This form is available at dnr.wi.gov, search "3300-254".

Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.

- 2) Material management activities exempted by this letter are scheduled to be completed within 2 years from the date of this letter. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also comply with the requirements of Wis. Admin. Code § NR 724.15 (3).

Documentation must include:

- a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05 (2) (e) 1.
- b. Owner contact and property location information for the Hoffman Corners Site.
- c. Maps, drawings, and cross sections that depict how contaminated material was managed.
- d. A synopsis of the work conducted and an explanation as to how it complied with the material management plan and the conditions in this exemption approval.
- e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
- f. Any field observations or results of monitoring conducted during the management activity.
- g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Hoffman Corners Site.
- h. A revised cover maintenance plan, if needed.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07 (2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.12, and applies only to the specific activities described within the submitted Exemption Request Document. Any contaminated material that is excavated or otherwise disturbed at the Hoffman Corners Site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code chs. NR 500 through NR 538. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 750.
- 5) Burnett County is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 03-07-000115. Actions relating only to the management of contaminated material are tracked in the BRRTS system under activity # 03-07-000115.

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me, by calling (715) 365-8942, or by email at Carrie.Stoltz@Wisconsin.gov

Sincerely,



Carrie Stoltz
Hydrogeologist
Remediation & Redevelopment Program

Attachments:

- Figure 4, Soil Management Area, prepared by REI and dated March 26, 2020

cc: Dave Larsen-REI (via email)
John Hunt-DNR Antigo (via email)