State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee, WI 53233

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

May 12, 2025

Transmitted via electronic mail.
File Ref: FID 252195350

Sixto Ortiz
Senior Manager, Corporate Environmental Protection
Waste Management, Inc.
21211 Durand Avenue
Union Grove, WI 53182-9711

SUBJECT: Request for Further Information #2 (RFI #2) – Class 1-1 Modification Request
Alternative Soil Sampling Plan for WM Waste, Inc.; Condition 104
EPA ID # WIR000000356, FID252195350, BRRTS ID #02-52-586974
License # 3102 for Storage of Hazardous Waste in Containers

Dear Mr. Ortiz:

On July 30, 2024, the department received a Class 1-1 modification request via email from WM Waste, Inc. ("WMWI") located at 21211 Durand Avenue, Union Grove, WI 53182. This modification request involved the Alternative Soil Sampling Work Plan required by Condition 104 of the Final Determination conditionally approved by the Wisconsin Department of Natural Resources ("the department") on April 25, 2024.

The department issued a notice of deficiency (NOD) on November 26, 2024 with technical comments and requests for additional information necessary to address these deficiencies. On December 20, 2024, the department received a revised Class 1-1 modification request via email from WMWI. The department issued a request for further information (RFI#1) on February 7, 2025, and received a response from WMWI with a revised Class 1-1 modification request on March 7, 2025.

Based on the initial review of the revised Class 1-1 modification received on March 7, 2025, and in consideration of the requirements in Condition 104, the department is again requesting further information to address technical and informational inadequacies.

The department provides the following comments to WMWI to address the technical and informational inadequacies:

Comment #1 – Rationale for Decision Unit 8 Pond Outlet Offsite
Comment #2 – Section 4.1 Description of Rationale for Decision Units

Comment #1 – Rationale for Decision Unit 8 Pond Outlet Offsite

Based on the review of the WMWI's March 7, 2025 response, the department requests further information related to Comment # 5 Rationale for Decision Unit (DU) sample locations – Pond Outlet Offsite. The tables below include a summary of previous correspondence regarding Comment #5 including the additional request for information (RFI#2).

Table 1. Notice of Deficiency (NOD #1) - Comment #5 Rationale for Decision Unit (DU) sample locations – Pond Outlet Offsite

November 26, 2024 NOD	December 20, 2024 NOD Response
The DUs are determined by site features, current or former operation areas, contaminant sources, and past soil data quality results. A DU should be created off site west of the pond outlet due to the mercury direct contract RCL exceedances in this area. The DU should have an appropriately scaled sample grid. Figures 1 and 2 should be updated to incorporate the revisions described above.	DU8 was added to Section 4.1 to address the area of mercury impacts above the direct contact RCL. Figures 1 and 2 were updated to include DU8.

Table 2. Request for Further Information (RFI #1) – Comment #5 Rationale for Decision Unit (DU) sample locations – Pond Outlet Offsite

February 7, 2025 RFI#1	March 7, 2025 RFI#1 Response
The department requests WMWI expand the discussion under Section 4.1 for DU8 to establish how the size, shape, and number of sample points were determined for the new DU. The department recommends this discussion consider previous sampling conducted along the visible drainage path between the stormwater retention basin outlet structure and the neighboring property boundary to the west (i.e., Supplemental Site Investigation Letter Reported dated May 28, 2024). WMWI also included language stating, "If two consecutive rounds of sampling at the one location in DU8 has a concentration below the direct contact RCL, then WM Waste will make a written request to cease soil sampling within DU8." Information has been provided by WMWI to the department that indicates the surface water of the onsite pond, and the sediment of the pond have mercury impacts. The department suggests this language be modified to acknowledge that sampling shall be maintained until the source of contamination to this area is identified and remediated. Also see Comment #16: Criteria to Cease Sampling.	The soil sampling plan was updated to include language that the source of contamination will be identified and addressed. Comment #16 was also included with these revisions.

WMWI neglected to address the first portion of the RFI#1 Comment 5 related to how the size, shape, and number of sample points were determined for DU8 (bolded in Table 2). DU8 continues to be defined as a 30-feet by 35-feet rectangle with one sample point, I7, without further explanation to support this determination. Therefore, the first paragraph of RFI#1 Comment 5 has been restated to be addressed in RFI #2.

The department requests WMWI expand the discussion under Section 4.1 for DU8 to establish how the size, shape, and number of sample points were determined for the new DU. The department recommends this discussion consider previous sampling conducted along the visible drainage path between the stormwater retention basin outlet structure and the neighboring property boundary to the west (i.e., Supplemental Site Investigation Letter Reported dated May 28, 2024).

Comment #2 – Section 4.1 Description of Rationale for Decision Units

Section 4.1 of the Alternate Sampling Plan-Revised, Version 2 (March 7, 2025) is identified by WMWI as Rationale for Decision Unit (DU) Sample Locations. The first sentence of this section states "The DUs were provided by WDNR." This statement is inaccurate. The department has not designated the decision units for the sampling plan. Rather, Condition 104.a.i of the current Approval required WMWI to "provide the rationale for the design and methods chosen including how decision units (DU) were developed based on the current conceptual site model (CSM)."

Please remove the inaccurate statement at the beginning of Section 4.1 More broadly, WMWI should revise Section 4.1 to include the criteria and rationale for the developing decision units based on the current CSM.

The revised modification request addressing the department's request for further information shall be provided within 30 days of the date of this letter. Further information is needed for the department to act upon the requested modification and therefore compliance with Condition 104 of the current Approval has not yet been attained.

If the comments included herein are unclear, ineffectively articulated, or if you simply have a general question, please contact me at lauren.hill@wisconsin.gov or 414-308-9881.

Regards,

Lauren Hill

Lauren Hill, P.E.
Hazardous Waste Licensing Engineer
Hazardous Waste Prevention & Management Section
Waste and Materials Management Program

cc: Ben Petrus, WDNR
Adam McIlheran, WDNR
Angela Carey, WDNR
Andrea Keller, WDNR
Doug Coenen, WDNR
Norberto Gonzalez, EPA Region 5
Mark Noel, WM
Steven Smolko, WM
Erin Bulson, WM
Josh Davenport, Tetra Tech