State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Oshkosh Service Center
625 E CTY Y, Suite 700
Oshkosh WI 54901-9731

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

August 29, 2025

City of Brillion
Attn: Ms. Patty Schriber
201 N. Main Street
Brillion WI 54410
Sent via email only to admin@brillionwi.gov

Subject: Technical Assistance Request
Spring Creek Project Area, 200 Park Ave., Brillion WI 54410
BRRTS# 02-08-597051

Dear Ms. Schriber,

On July 29, 2025, The Department of Natural Resources (DNR) received a Technical Assistance request (TA Request) on your behalf from your consultant Stantec to review a report titled *Proposed Laboratory Analysis of Imported Soil* for use at the Spring Creek Project Area and BIW Redevelopment Area 2A (target properties). The TA Request was accompanied by a $700 review fee as required under wis. Admin. Code § NR 749.04(1), for DNR review and response. The DNR reviewed the TA Request and has the following comments.

The Spring Creek Project Area and BIW Redevelopment Area 2A are part of the larger Brillion Iron Works redevelopment project. These areas are not in the Voluntary Party Liability Exemption (VPLE) program and do not require pre-approval of imported materials. VPLE pre-approval is required due to the transfer of liability to the State of Wisconsin at time of closure. The City of Brillion is planning to import approximately 9,000 cubic yards (cy) of excess soil that is being generated as part of the City's wastewater treatment plant (WWTP) upgrade. In order ensure that the excavated soil is appropriate for use as general fill and cover for the Spring Creek Project area, Stantec proposed sampling the excavated soil for Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs), and Resource Conservation and Recovery Act (RCRA) metals. Stantec also evaluated if Per- and polyfluorinated alkyl substances (PFAS) should also be analyzed and determined that PFAS sampling was not needed based on the property's history.

Solid waste is defined in Wis. Stat. § 289.01(33) and the determination of whether a material is a solid waste is made by the generator (aka. generator determination) and it is the responsibility of the party generating the material to determine if it requires specific handling under Wis. Admin. Code chs. NR 500 & NR 700. Excavated non-fill soil is typically not considered to be a solid waste unless it has been contaminated with a hazardous substance.

In addition to Wis. Stat. § 289.01(33), DNR Guidance document RR-103 Exempt Soil Guidance provides a process for generators to determine if soil needs to be treated as a solid waste. While this guidance document is focused on evaluating soil excavated at a Wis. Admin. Code ch. NR 700 response action, the guidelines can assist in evaluating soil from non-response action locations.

Based on the information provided in the TA Request, the DNR concurs that your consultant has properly developed the sampling plan based on Wis. Stat. § 289.01(33) and Wis. Admin. Code chs. NR 500 & NR 700. If after sampling the soil is determined to be a solid waste, DNR approval is required to use the soil anywhere other than a licensed solid waste landfill. This concurrence does not alleviate the generator from responsibility for investigation and remediation if unanalyzed compounds are identified in the future.

If you have any questions regarding this letter, please contact me at 920-808-0170 or Kevin.McKnight@wisconsin.gov.

Sincerely,

Kevin McKnight
Hydrogeologist
Remediation & Redevelopment Program

cc: Harris Byers, Stantec (Harris.Byers@stantec.com)
Madeline Edwards, Stantec (Madeline.Edwards@stantec.com)