

Fox River



LOWER FOX RIVER
REMEDiation LLC

1611 STATE STREET
GREEN BAY, WISCONSIN 54304

rec'd cas#1
6/13/11

By E-Mail and U.S. Mail

June 7, 2011

Ms. Mary Setnicar
Acting Chief, RCRA Branch
Land and Chemicals Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Application of Waste Management of Wisconsin, Inc. for Risk-Based
Disposal Pursuant to 40 C.F.R. 761.61(c)

Dear Ms. Setnicar:

I am writing, on behalf of the Lower Fox River Remediation LLC ("the LLC"), and its member companies Appleton Papers Inc. ("API") and NCR Corporation ("NCR"), to re-iterate these entities' support for the application for risk-based disposal approval that Waste Management of Wisconsin, Inc. ("Waste Management") has submitted on behalf of its Ridgeview Landfill in Whitelaw, Wisconsin.

As you know, API and NCR are among eight respondents to a unilateral administrative order that EPA issued in 2007 to require remedial action at the Fox River and Green Bay Site in Wisconsin. API and NCR formed and joined the LLC in order to facilitate the remedial action, and API and NCR currently are the only respondents who are paying for the required work. The remedial action work includes dredging of sediment from the Fox River, dewatering and desanding, and transporting the dewatered sediment to an appropriate landfill. Because some of the sediment removed from the river originally had *in situ* concentrations above 50 ppm, the resulting dewatered sediment is managed as TSCA-regulated waste.



Currently no Wisconsin landfill is approved to receive TSCA-regulated waste. When the LLC encountered TSCA-regulated sediments in the first year of remedial work, the LLC was forced to ship this sediment over 500 miles to a landfill in Michigan. Waste Management's application, once approved, will allow for in-state disposal of this sediment at a location that is less than 50 miles from the Fox River, greatly reducing the distance this sediment must be transported on Wisconsin roads. In addition, disposal of this material at the Ridgeview Landfill is environmentally sound, as Waste Management's application makes clear.

As a result, the LLC and its members strongly support approval of this application and ask that EPA give the highest priority to its review and consideration. The LLC and its members stand ready to provide any information that may help EPA with its review. Already the LLC has met with TSCA staff on a pre-filing basis to discuss the application in fall 2010. As you know, the LLC's contractor Tetra Tech EC Inc. originally submitted the application, on behalf of the remedial action project, in March 2011. Based on EPA's determination that the application had to come from the landfill owner, rather than the Superfund project, Waste Management ultimately filed the application that EPA is now reviewing. Even though Waste Management is the applicant, EPA should feel free to look to the LLC and its members, who will endeavor to provide such information or assistance as EPA may require.

Please feel free to contact me with any questions or requests. In addition, we would appreciate the opportunity to meet with you at your earliest convenience to discuss the status and expected timeline for the application.

Sincerely,



Jeffrey T. Lawson
Lower Fox River Remediation LLC

Cc: Karen Kirchner, EPA Region 5 Land and Chemicals Division
Jean Greensley, EPA Region 5 Land and Chemicals Division
James Hahnenberg, EPA Region 5 Superfund Division
Beth Olson, Wisconsin Department of Natural Resources
James Zellmer, Wisconsin Department of Natural Resources