



April 16, 2012

Mr. Kurt Kietzer, Site Manager
WM Ridgeview Recycling & Disposal Facility
P.O. Box 227
Whitelaw, WI 54247-0227

SUBJECT: Feasibility Modification - Waste Management of Wisconsin, Inc. Ridgeview Recycling and Disposal Facility Southern Expansion

Dear Mr. Kietzer:

We have determined that Waste Management's requested modification to the Department's November 14, 2007 feasibility determination is feasible. The request is for approval to accept waste materials from dredging operations or other activities that are subject to regulation under the Toxic Substances Control Act (TSCA), with Polychlorinated Biphenyl (PCB) concentrations less than 50 ppm at the time of disposal.

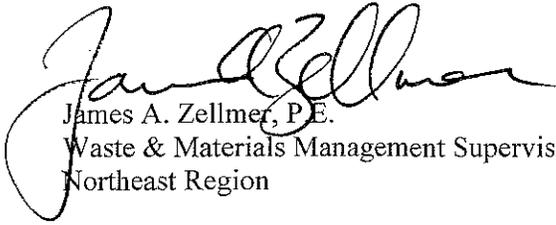
As you know, the Department is not delegated authority to approve of the disposal of TSCA-regulated waste in solid waste landfills regulated under RCRA Subtitle D and authorized State rules. Any approval must be in coordination with the U.S. Environmental Protection Agency (EPA), thus this approval is conditional on EPA's TSCA approval. EPA's approval is anticipated to be limited to exclusively dredge material related to the Fox River PCB remediation project. Disposal of any other TSCA-regulated waste would require separate TSCA approval.

As part of the Fox River PCB remediation project, sediment that contained PCBs at in-situ concentrations of less than 50 ppm have been removed and disposed of in local landfills as solid waste. However, some remaining sediment, in situ, is subject to TSCA regulation, i.e., containing PCBs at 50 ppm or greater. The TSCA regulated sediment is in layers that are a few inches to a few feet thick. Considering the dredging equipment being used, it is impossible to segregate these highly contaminated zones from other sediment in the river. Thus, the highly contaminated sediment gets mixed with the less contaminated sediment. Due to dilution and mixing, the result is the dredged material collected contains PCBs in concentrations similar to dredged material collected in other parts of the river. Under TSCA, if TSCA-regulated materials are mixed with other materials or wastes, the resulting mixture becomes TSCA-regulated material. The dredged material from the TSCA-regulated sediment areas will be much like the dredged material from non-TSCA regulated sediments in physical and contaminant characteristics and is not expected to impose handling, disposal, or leaching characteristics different from the non-TSCA regulated dredged material.

You may now submit a plan of operation modification for our review.

If you have any questions regarding this determination, please contact Greg Tilkens at (920) 662- 5433.

Sincerely,



James A. Zellmer, P.E.
Waste & Materials Management Supervisor
Northeast Region

- C: Ms. Cheryl Stewart, Manitowoc Public Library
- Mr. John Steimle, Town of Franklin
- Mr. Raymond Seegers, Ridgeview Recycling and Disposal Facility
- Mr. Jamie J. Aulik, Manitowoc County
- Mr. Charles Nate, Town of Franklin
- Mr. David Schwarz, WI Dept. of Administration
- Ms. Cheryl Heilman, LS/8
- Mr. Lee Archiquette, WA/5
- Ms. Karen Kirchner, USEPA

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

MODIFICATION OF THE FEASIBILITY DETERMINATION FOR THE
SOUTHERN EXPANSION OF THE RIDGEVIEW RECYCLING AND DISPOSAL
FACILITY, MANITOWOC COUNTY, WISCONSIN
WDNR LICENSE #4292
FID # 436003260

FINDINGS OF FACT

The Department finds that:

- 1) Waste Management of Wisconsin, Inc (WMWI) operates the Southern Expansion of the Ridgeview Recycling and Disposal Facility (Southern Expansion), located in the SE ¼ and SW ¼, Section 26, T20N R22E, Town of Franklin, Manitowoc County on property owned by WMWI.
- 2) On October 2, 2003 Department of Natural Resources (Department) received a report titled "Feasibility Report, Recycling and Disposal Facility, Waste Management of Wisconsin Inc. Manitowoc County Wisconsin." The report was prepared by STS Consultants, LLC, on behalf of WMWI and dated September 30, 2003.
- 3) On September 6, 2006 the Department received a report titled "Plan of Operation, Southern Expansion, Ridgeview Recycling & Disposal Facility." The report was prepared by STS Consultants, LLC, on behalf of WMWI and dated September 1, 2006. Appendix J of the report included a Special Waste Plan.
- 4) On November 14, 2007 the Department issued a Feasibility Determination to WMWI for the proposed Southern Expansion.
- 5) On April 17, 2008 the Department received a letter titled "Ridgeview Plan Modification Request" submitted by WMWI dated April 15, 2008. This letter included a request for approval to accept dredge materials containing polychlorinated biphenyls (PCBs) or heavy metals with concentrations of less than 50 parts per million (ppm). In the letter WMWI requested that the proposal be approved as a plan modification for the existing landfill and included in the Plan of Operation approval for the Southern Expansion.
- 6) On April 28, 2008 the Department issued to WMWI a conditional approval of the Plan of Operation report for the Southern Expansion. The Special Waste Plan included in the report was approved as proposed. However, the approval for the acceptance of the dredge materials containing PCBs or heavy metals with concentrations of less than 50 ppm approval was inadvertently excluded.
- 7) On June 4, 2008 the Department held a public meeting at the Town of Franklin town hall garage and explained the proposed plan to accept dredge materials containing PCBs or heavy metals with concentrations of less than 50 ppm and to solicit comments. The meeting was required by s. 289.54(2), Stats. This meeting satisfied the statutorily required meeting for the existing landfill and the Southern Expansion.

- 8) On June 24, 2008, the Department received a letter titled “Special Waste – Additional Information” submitted by WMWI dated June 20, 2008. This letter responded to questions raised in the Department’s additional information request dated June 3, 2008. WMWI stated that the Fox River dredge material would be going to a different landfill. WMWI stated that it would only accept dredge material from smaller jobs where the dredge material would be co-disposed with other incoming waste materials. The letter stated that WMWI would review the acceptance criteria in the event that a large project would be anticipated to be received.
- 9) On May 9, 2011 the Department issued to WMWI “Amended Conditional Plan of Operation Approval, Ridgeview RDF Southern Expansion, Manitowoc County, Wisconsin, License No. 04292.” This document amends the April 28, 2008 Plan of Operation for the Southern Expansion by modifying the Special Waste Plan to include dredge materials containing PCBs or heavy metals with concentrations of less than 50 ppm. The Findings of Fact included the public meeting information in 7), above.
- 10) On December 28, 2010 the Department received a letter from WMWI titled “Feasibility Report – TSCA Waste Acceptance.” The letter included a request to modify the feasibility determination for the Ridgeview landfill to allow for the disposal of waste materials from dredging operations or other activities that may retain the Toxic Substances Control Act (TSCA) label, with PCBs concentrations less than 50 ppm at the time of disposal. The letter is dated December 21, 2010.
- 11) WMWI submitted a report to Ms. Susan Hedman, Regional Administrator, EPA, titled “Request for Risk-Based Disposal Approval- Filter Cake, Lower Fox River Remediation Project, Waste Management of Wisconsin, Inc., Ridgeview Recycling and Disposal Facility, Whitelaw Wisconsin.” The report is dated March 24, 2011. This report included a review of analytical results for the TSCA-delineated sediments remaining to be dredged from the Lower Fox River. Based on historical data, WMWI anticipated that the dredge material filter cake would not equal or exceed 50 ppm PCBs.
- 12) The Department received the feasibility modification review fee of \$5,000 on January 21, 2011.
- 13) On November 28, 2011 the Department determined that the Feasibility Modification request was complete.
- 14) A draft Environmental Assessment Amendment was completed on November 28, 2011 wherein the Department made a preliminary determination that an Environmental Impact Statement would not be required for the proposed project. This decision was made final and determined to be in compliance with the Wisconsin Environmental Policy Act (WEPA) on February 1, 2012.
- 15) On December 1, 2011 a public notice under s. 289.25(3), Stats., was published in the Herald Times Reporter newspaper.
- 16) The 30-day comment period for the draft Environmental Assessment Amendment and completeness determination expired on December 31, 2011. The Department did not receive any comments or requests for either an informational or a contested case hearing.
- 17) A draft of this approval was sent via email to WMWI on April 2, 2012. A response from WMWI was received on April 6, 2012 stating that WMWI had no comments.

- 18) In addition to those listed above, the Department considered the following documents submitted by the applicant in its review of the feasibility modification request:
- a) A letter titled “Special Waste – Additional Information” submitted by WMWI dated June 20, 2008 and received by the Department on June 24, 2008;
 - b) A letter titled “Feasibility – Incompleteness Response, Ridgeview RDF, License #4292” submitted by WMWI dated March 3, 2011 and received by the Department on March 4, 2011;
 - c) An email dated April 28, 2011 from WMWI to the Department that included a request that review of the December 21, 2010 submittal be suspended so that the Department’s review would better coincide with the U.S. Environmental Protection Agency’s (EPA) permitting process;
 - d) An email dated November 21, 2011 from WMWI to the Department that included a request that the Department resume review of the December 21, 2010 submittal;
 - e) An email dated February 7, 2012 from WMWI to the Department that included a request that review of the December 21, 2010 submittal be suspended so that the Department’s review would better coincide with the U.S. Environmental Protection Agency’s (EPA) permitting process; and
 - f) An email dated April 6, 2012 from WMWI to the Department that included a request that the Department resume review of the December 21, 2010 submittal.
- 19) The Department considered the following additional information in its review of the feasibility modification:
- a) A letter dated June 3, 2008 from Department to WMWI titled “Request for Additional Information, Special Waste Plan Modification at the Ridgeview Recycling & Disposal Facility, Manitowoc County, Wisconsin, License No. 03041”;
 - b) An approval dated August 13, 2008 from Department to WMWI titled “Conditional Plan of Operation Approval Modification at the Ridgeview Recycling & Disposal Facility, Manitowoc County, Wisconsin, License No. 03041; and
 - c) A letter dated February 17, 2011 from the Department to WMWI titled “Incompleteness Determination – Feasibility Report Modification for the Ridgeview RDF.”
- 20) Neither the applicant, nor any person owning a 10% or greater legal or equitable interest in the applicant or in the assets of the applicant:
- a) Is in noncompliance with a plan approval or order issued by the Department for a solid or hazardous waste facility in Wisconsin;
 - b) Owns or previously owned a 10% or greater legal or equitable interest in a person or in the assets of a person who is not in compliance with a plan approval or order issued by the Department for a solid or hazardous waste facility in Wisconsin.

- 21) This feasibility modification is contingent to U.S. EPA's issuance of a risk-based disposal approval allowing TSCA-regulated sediments to be disposed of in a RCRA Subtitle D landfill, based on the sediment not posing an unreasonable risk of injury to health or the environment.
- 22) The Department has complied with the requirements of ch. NR 150, Wis. Adm. Code, and s. 1.11, Stats., and has adopted all practical means to avoid or minimize environmental harm consistent with social, economic and other essential considerations.
- 23) The special conditions set forth below are needed to assure that the facility will not pose a substantial hazard to public health or welfare.

CONCLUSIONS OF LAW

- 1) The proposal will comply with the applicable requirements of chs. NR 500 through 538, Wis. Adm. Code, provided that the conditions of the feasibility modification approval, set forth below are met.
- 2) The procedural requirements of ss. 1.11 and 289.21 to 289.29, Stats., have been complied with.
- 3) The Department has the authority under s. 289.29, Stats. to determine that a site is feasible with special conditions, if the conditions are needed to ensure compliance with chs. NR 500 through 538, Wis. Adm. Code.
- 4) Under terms of s. 289.34, Stats., the Department may at this time issue a favorable determination for the modification of the November 14, 2007 feasibility determination for the WMWI Southern Expansion landfill.
- 5) In accordance with the foregoing, the Department has the authority under ch. 289, Stats., to issue the following conditional feasibility determination.

CONDITIONAL FEASIBILITY MODIFICATION DETERMINATION

The Department hereby determines that the feasibility modification for the WMWI Southern Expansion landfill is approved provided WMWI complies with the following conditions:

- 1) Disposal of TSCA designated waste shall be done in compliance with EPA's approval of WMWI's report titled "Request for Risk-Based Disposal Approval- Filter Cake, Lower Fox River Remediation Project, Waste Management of Wisconsin, Inc., Ridgeview Recycling and Disposal Facility, Whitelaw Wisconsin" dated March 24, 2011.
- 2) The approval described above shall be received before any TSCA designated waste is disposed of at the Southern Expansion.

This approval is based on the information available to the Department as of the date of approval. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity. Likewise, the Department accepts proposals to modify approvals, as provided for in state statutes and administrative codes.

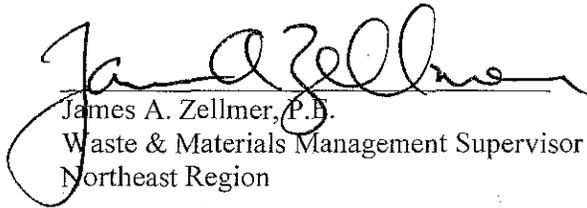
NOTIFICATION OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: April 16, 2012

DEPARTMENT OF NATURAL RESOURCES
For the Secretary


James A. Zellmer, P.E.
Waste & Materials Management Supervisor
Northeast Region


Greg Tilken, P.G.
Waste & Materials Management Hydrogeologist
Northeast Region