

AMENDMENT TO ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS) Department of Natural Resources (DNR)
Revised 7-2006

<u>Title of Original Environmental Assessment:</u> Southern Expansion Ridgeview Recycling and Disposal Facility
<u>Region or Bureau</u> NER
<u>Type List Designation</u> NR 150.03(8)(e)5a

<u>Contact Person:</u> Greg Tilkens
<u>Title:</u> Hydrogeologist
<u>Address:</u> 2984 Shawano Avenue Green Bay Wisconsin, 54307
<u>Telephone Number:</u> 920-662-5433
<u>E-mail Address:</u> Gregory.tilkens@wisconsin.gov

Applicant: Waste Management of Wisconsin, Inc.

Address: P.O. Box 227, Whitelaw, WI 54247-0227

Title of Proposed Amendment: Feasibility Report – TSCA Waste Acceptance, Ridgeview Recycling and Disposal Facility, Whitelaw Wisconsin

Location: County: Manitowoc City/Town/Village: Tn Franklin

Township Range Section(s): SE ¼, and SW ¼ of Section 26, T20N R22E

AMENDMENT SUMMARY

Describe the nature of proposed amendments to the original assessment and the reasons for the change.

Waste Management of Wisconsin (WMWI) has proposed a modification to the November 14, 2007, feasibility determination issued for the Southern Expansion of Ridgeview landfill (Southern Expansion). A modification to the determination of feasibility is necessary when a significant change in waste stream is proposed. The proposed modification is to allow the acceptance of waste materials from dredging operations or other activities that contain polychlorinated biphenyls (PCBs) and are subject to regulation under the Toxic Substances Control Act (TSCA). This change requires an amendment to the Environmental Analysis written for the original expansion proposal.

WMWI is requesting approval for the disposal of TSCA regulated waste materials from dredging operations or other activities that meet the criteria for regulation under TSCA, but have PCB concentrations less than 50 ppm total PCB at the time of disposal. These wastes are subject to direct regulation by the U.S. Environmental Protection Agency (EPA). They would only be accepted for disposal at a solid waste landfill in Wisconsin if approval to do so was received from EPA *and* the Department of Natural Resources (DNR). DNR will either wait for EPA approval and reference EPA's decision in its approval; or DNR may issue an approval with a written condition that EPA approval is required prior to receiving dredged waste material for disposal.

DNR EVALUATION

Discuss the adverse and beneficial impacts not addressed in the original EA that would result from the amended action, and any additional alternatives considered.

The WMWI proposal was intentionally left broad so as to possibly accept TSCA labeled PCB material from multiple sources. EPA and DNR must approve of the disposal of each individual TSCA labeled PCB material. In conjunction with the request described herein, WMWI has submitted a request to EPA for approval to dispose of exclusively Fox River TSCA labeled dredge material at the Southern Expansion. The remainder of this document addresses only the disposal of Fox River TSCA labeled dredge material at the Southern Expansion. Any approval of the proposal will be for disposal of exclusively TSCA labeled dredge material derived from the Fox River (FRTCSA waste). Disposal of any other source of TSCA waste would require separate approval.

On March 31, 2011 DNR received a copy of a document addressed to Ms. Susan Hedman, Regional Administrator, USEPA 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, FID 436003260." The document was prepared and submitted by WMWI and dated March 24, 2011. The document includes a report prepared by Tetra Tech titled "Risk-Based Disposal Approval for Filter Cake." The document is a request for approval to dispose of FRTCSA waste at the Southern Expansion.

"TSCA labeled dredge material" is material that meets the criteria for regulation under TSCA (PCB concentrations greater than 50 ppm), but due to handling practices during remediation, result in post-treatment waste with less than 50 ppm total PCB at the time of disposal. Under TSCA, waste that contains PCBs at levels greater than 50 ppm cannot be disposed of in Wisconsin landfills. This poses a problem for disposal of some PCB contaminated sediment from the Fox River. In some places in the river, PCB laden sediment exists in discrete zones in which the PCB concentration is above 50 ppm. These zones are small (inches to less than 1 foot 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. The result is the sediment collected contains PCBs in concentrations similar to sediment collected in other parts of the river. PCB contaminated sediment collected from areas of the Fox River that does not contain zones with PCBs greater than 50 ppm is currently approved by DNR for disposal at the Southern Expansion and the Veolia Hickory Meadows Landfill. Veolia Hickory Meadows has accepted greater than 900,000 tons of non-TSCA dredge material from the Fox River since early 2007.

FRTCSA waste proposed for disposal includes approximately 92,000 tons of material over the next three to five years. This total amount of FRTCSA waste would be less than 1% of the capacity of the Southern Expansion and is approximately 26% of the total tonnage of waste that was accepted in the previous three years.

The Southern Expansion is designed and constructed as a Sub-Title D landfill with a composite liner and leachate collection. In terms of landfill design, the Southern Expansion differs from that required of a TSCA landfill mainly in liner requirements. A TSCA landfill would be required to use a double liner, with the primary liner generally being of 60 mil polyethylene (HDPE) and a soil or geosynthetic clay liner and a secondary liner of 60 mil HDPE and 2 feet of clay. Landfills such as the Southern Expansion are required to use a single liner of 60 mil HDPE and 4 feet of clay. Part of the justification for use of the landfill for FRTCSA waste is that WMWI has proposed that it is as protective as TSCA landfills approved for PCB-containing wastes of all concentrations. Comparisons of liner leakage performance of the two designs both show very low expected leakage rates, not including the absorptive capacity that clay has for PCBs.

Amendment To Environmental Analysis - Southern Expansion Ridgeview Recycling and Disposal Facility

All leachate generated at the Southern Expansion is approved for recirculation within the waste mass while the landfill is active and thus would not be taken off-site. After landfill closure, any leachate generated would be collected and taken to a wastewater treatment facility. WMWI does have experience in pretreating leachate to remove PCBs. If FRTSCA waste is disposed at the landfill, more extensive leachate monitoring for PCBs would be required to be conducted.

There could be an increase in the amount of leachate generated at the facility if FRTSCA waste is disposed of, although this effect would be minimal due to the anticipated dewatering process that would take place prior to transportation to the landfill. If there is an increase in the amount of leachate generated, that amount would be recirculated into the waste mass in accordance with the existing leachate recirculation requirements and would not exceed the optimum moisture content of the waste. PCBs have been detected in leachate from Hickory Meadows at levels of less than 0.001 ppm. Thus, if FRTSCA waste is disposed of in the Southern Expansion, it is possible that PCBs could be detected in the leachate at very low levels. It would not be possible to distinguish PCBs from FRTSCA waste from PCBs that might leach from other non-TSCA wastes allowed to be disposed of in the landfill. FRTSCA waste would not create impacts significantly different from those of non-TSCA Fox River dredge material.

The change in waste stream would necessitate minor operational changes at the landfill. The FRTSCA waste is proposed to be placed in a segregated area. The inclusion of FRTSCA waste to the current waste stream may cause concern over windblown dust from the site. The FRTSCA waste would arrive at the landfill in a moistened condition. This would aid in preventing dust problems. It is also common practice to use fabric covers and other mechanical aids to prevent uncontrolled emissions of waste particles during truck transport. The landfill operator routinely deals with granular wastes that are similar to the FRTSCA waste. The proposed waste stream change does not pose a significant impact to landfill operation, the generation of gases or impacts to groundwater quality.

It is estimated that there may be an additional 75 to 120 trucks per day hauling to the site during disposal of the FRTSCA waste from this project. The truck routing would be similar to other truck traffic approaching the Southern Expansion for waste disposal. This would include Highway 10 to Hempton Lake Road. The additional truck traffic and noise associated with disposal of FRTSCA waste would be similar to the historic traffic volume experienced during years when the Ridgeview Landfill received larger volumes of waste. The current known alternative for disposal of FRTSCA waste is at a site near Belleville Michigan, an approximate 540 mile travel distance. Therefore, the use of the Southern Expansion for disposal of FRTSCA waste would result in fewer vehicle emissions and fewer potential traffic incidents than the current known alternative.

Any approval of this proposal would not be precedent setting for disposal of TSCA regulated dredged material in a State-regulated solid waste landfill because this has been done previously at the Georgia-Pacific Green Bay West landfill in 1999. The WMWI proposal, if approved, would be limited to dredged material from the Fox River remediation, thus it would not be precedent setting for disposal of other types of TSCA regulated PCB contaminated solid wastes. The TSCA regulatory authority for EPA to approve this proposal has existed for more than a decade, and use of it is not precedent setting.

The unique characteristics of this proposal appear to provide little possibility for justification for proposals to dispose of other sources of TSCA waste in Wisconsin. Dredged material projects generate very large amounts of waste compared to the remediation of most other TSCA-regulated materials, so the costs of seeking approval in solid waste landfills are favorable for dredged material generators. The hydraulic dredge used for the Fox River remediation will remove not only the layer of TSCA material but a substantial amount of non-TSCA material. In contrast, collection of wastes in other settings would likely be done utilizing a method that would allow relatively easy segregation of TSCA and non-TSCA waste, thus the volumes of TSCA regulated waste would likely be less.

Both the Southern Expansion and Veolia Hickory Meadows facilities are municipal solid waste landfills owned and operated by large hauling companies. The facilities accept a wide range of solid wastes as

part of their business. The Southern Expansion is part of a complex of landfills that have operated for decades and is the latest of a series of expansions. The Township and County are knowledgeable of WMWI operations.

There will be a public meeting held in the Township where the Southern Expansion is located regarding this proposal prior to any approval. In the past, the public expressed interest in the disposal of non-TSCA dredge material at the Southern Expansion, and for disposal of non-TSCA Fox River dredge material at the Veolia Hickory Meadows Landfill. A public meeting was held for both of these previous approvals. Public comments were received and incorporated into the decision making process. Public interest in this proposal is expected to be high, and opposition to the proposal may be strong.

PRELIMINARY DECISION

In accordance with s. 1.11, Wis. Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.

The Department has made a preliminary determination that the Environmental Impact Statement process will not be required for this action/project. This recommendation does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Evaluator 	Date Signed 11-28-11
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FINAL DECISION

The public review process has been completed. The Department received and fully considered _____ responses to the news release or other notice.

Pursuant to s. NR 150.22(2)a., Wis. Adm. Code, the attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action, and therefore the environmental impact statement process is not required prior to final action by the Department.

The Department has determined that it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code. This decision does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Environmental Analysis Program Staff 	Date Signed 2/1/2012
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NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., 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. Such a petition for

judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

