VIA EMAIL

March 22, 2017

Ms. Kathy Halbur
USEPA Region 5
2984 Shawano Avenue
Green Bay, WI 54313-6727

Subject: USEPA Removal Action ARARs for VE Carter School Site, 2001 W. Vliet Street, Milwaukee, Milwaukee County, WI

Dear Ms. Halbur:

The purpose of this letter is to provide the USEPA with an identification of applicable or relevant and appropriate requirements ("ARARs") for proposed USEPA actions at the VE Carter School site, 2001 W. Vliet Street, Milwaukee, Milwaukee County, Wisconsin ("Site"). The Site has historically been utilized as a school. Known contaminants include abandoned containers, asbestos, and lead. The proposed USEPA actions are contained in a letter from the USEPA to the Wisconsin Department of Natural Resources (WDNR) dated March 9, 2017 ("USEPA Letter").

The USEPA Letter outlines proposed actions for this time-critical response action that include the following:

1) Develop and implement a Site-Specific Health and Safety Plan, an Air Monitoring Plan, an Emergency Contingency Plan and a Site Security Plan;

2) Characterize, remove and properly dispose of hazardous waste and materials abandoned at the Site;

3) Identify, remove and properly dispose of hazardous building materials and asbestos containing materials ("ACM") present at the Site that pose a direct contact risk or have the potential to migrate to the environment;

4) Assess migration pathway of spilled materials;

5) Clean drains, trenches, sumps or similar feature that poses a threat of release to the environment;

6) Clean spilled materials from floors; and

7) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant or contaminant that EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

It is understood that USEPA Removal Branch can only take action in situations that pose an imminent and substantial endangerment to human health, welfare or the environment. Therefore, actions will not, in most cases, be remedial actions to allow for site closure. USEPA should provide all analytical data and any summary report of its response actions to WDNR so that if further action is warranted, WDNR is aware of what concerns remain at the Site.
Based on the information provided by the USEPA, the WDNR has identified ARARs for, hazardous waste management, non-hazardous waste disposal, air management, wastewater, green and sustainable remediation, and public information and participation. The Wis. Adm. Code is available on the internet at: http://docs.legis.wisconsin.gov/code/admin_code. If there are USEPA actions associated with the Site not included in the proposed actions contained in the March 9, 2017 letter referenced above, additional ARARs may apply.

A. Hazardous Waste Management Standards

Chapters NR 600-679 Wis. Adm. Code regulates hazardous waste management. Any listed hazardous waste is subject to hazardous waste management requirements, unless it was delisted by the U.S. EPA Resource Conservation and Recovery Act (RCRA) program.

Some of the waste to be managed at the site may be characteristic hazardous waste (toxicity characteristic leaching procedure (TCLP) toxicity for metals or organics, corrosivity, reactivity, or ignitability). Any TCLP toxic waste that can be treated so it no longer displays the characteristic would also have to meet the applicable hazardous waste land disposal restrictions treatment standards in s. NR 668.40 or 668.49, Wis. Adm. Code, which apply at the initial point of generation and the special rules for characteristic wastes in s. NR 668.09, Wis. Adm. Code.

The hazardous waste generator requirements in ch. NR 662, Wis. Adm. Code, including pre-transportation and manifesting requirements, would apply to any hazardous waste, hazardous waste water and hazardous wastewater treatment residuals generated and accumulated on-site for less than 90 days in containers, tanks or containment buildings. There are exclusions from hazardous waste treatment, storage and disposal facility standards and licensing for the wastewater treatment units in ss. NR 664.0001(7)(f) & 670.001(3)(b)5., Wis. Adm. Code. There are exclusions from those same standards and licensing for certain immediate response hazardous waste treatment and containment activities in ss. NR 664.0001(7)(h) and 670.001(3)(c).

More than 90-day on-site storage of hazardous waste in containers may be subject to the general and container facility standards in subchs. A through I, S and CC of ch. NR 664, Wis. Adm. Code.

More than 90-day on-site storage or treatment of hazardous waste in tanks may be subject to the general and tank facility standards in subchs. A through H, J, S and CC of ch. NR 664, Wis. Adm. Code.

Any storage or treatment of hazardous waste in piles may be subject to the general and waste pile facility standards in subchs. A through H, L, and S of ch. NR 664, Wis. Adm. Code.

B. Non-Hazardous Waste Disposal and Recycling

NR500 – 555 Wis. Adm. Code regulates solid waste management. Solid waste not identified as hazardous waste under s. NR 661.03, Wis. Adm. Code, are solid wastes (non-hazardous). Generally, the plan of operation for the landfill accepting the waste would have to include that waste. The landfill operator would have to agree to accept the waste, and all requirements for waste characterization would have to be met.

In general, wastes containing PCBs, including contaminated media that contains concentrations of PCBs below 50 ppm may be managed at an approved solid waste facility in Wisconsin that has received approval from our Agency to receive such wastes. Wastes containing PCBs, including contaminated media that contains concentrations of PCBs above 50 ppm and below 500 ppm may be managed at an approved solid waste facility in Wisconsin that has received a special approval from the WDNR to receive such wastes, in addition to any required Toxic Substances Control Act (TSCA) approvals. There are no facilities in Wisconsin approved to accept wastes containing PCBs, including contaminated media that
contains concentrations of PCBs above 500 PPM; they would have to be managed out of state at a TSCA approved facility.

D. Air Management Standards
NR400 – 499 Contain air pollution control requirements. Chapter NR 447, Wis. Adm. Code, is applicable for any asbestos removal or disposal issue. This chapter regulates asbestos that may be discharged as a result of material disturbance or transportation. NR 447 parallels the National Emission Standard for Hazardous Air Pollutants (NESHAP) 40CFR part 61.

Regulations in NR447 require: 10 day notification to the WDNR prior to start of work, no visible emissions are emitted during the movement of the asbestos containing material (ACM), wet removal is required for friable ACM, a trained individual must be on site during the operation, vehicles or containers with ACM should have warning signs stating that the material contains asbestos, the asbestos waste generated by this removal project must be tracked by waste shipment records, and the disposal site must be an engineered landfill with a liner and leachate collection system.

Wis. Adm. Code, ch. DHS 159 regulates the certification ad training requirements for asbestos activities. DHS 159, is applicable for the inspection and for removal of ACM and requires, among other things, that: a company conducting an inspection for or removal of ACM be certified, that each person conducting regulated asbestos activities be appropriately certified and have their certification card available at the job site, that each regulated abatement activity have a certified asbestos abatement supervisor onsite at all times during regulated work, and that a project log be maintained and available.

Chapter NR 445, Wis. Adm. Code, is applicable to any toxic substances discharged as a result of material disturbance or transportation. This chapter requires that a facility must implement controls to meet the lowest “achievable emission rate” if the facility releases more than 25.0 pounds of asbestos to the air per year. Additional applicable standards include: the primary and secondary ambient air quality standards in ch. NR 404, Wis. Adm. Code, the fugitive dust requirement of ch. NR415, Wis. Adm. Code, the malodorous emissions of ch. NR 429, Wis. Adm. Code, the visible emissions standards of ch. NR 431, Wis. Adm. Code and the inspections, testing and compliance determination standards of ch. NR 439, Wis. Adm. Code.


E. Wastewater Standards
Chapters NR 200-299 Wis. Adm. Code regulates the discharge of wastewater. The proposed actions may generate wastewater from decontamination, and waste treatment activities. If such wastewater is generated, and you plan to discharge it to surface water or groundwater the discharge point and the contaminants present would require identification, and effluent discharge limits requested from the WDNR. These requirements would apply to a discharge to any existing wastewater or sanitary system at the site.

If wastewater is to be discharged to a sewage treatment facility, then any local pretreatment ordinance and requirements contained in ch. NR 211, Wis. Adm. Code would apply. Permission from the sewage treatment facility owners would also be required.

If wastewater is to be hauled from the site to a sewage treatment facility or any other type of management facility and that wastewater is a characteristic hazardous waste, then the hazardous waste generator
requirements outlined below would apply. If the wastewater is not characteristic hazardous waste, then the transporter requirements contained in ch. NR 502.06, Wis. Adm. Code would apply.

E. **Green and Sustainable Remediation**

We ask, to the extent practicable, that you implement sustainable remediation practices at this site by following the Wisconsin’s Initiative for Sustainable Remediation and Redevelopment (WISRR) Green and Sustainable Remediation Manual: [http://dnr.wi.gov/files/PDF/pubs/rr/RR911.pdf](http://dnr.wi.gov/files/PDF/pubs/rr/RR911.pdf)

F. **Public Information and Participation**

Chapter NR 714.07, Wis. Adm. Code requires that the general public be made aware of any hazardous wastes or conditions, investigation and remediation at a site. WDNR understands there is a public information and participation process outlined in the National Contingency Plan (NCP) that will be followed as appropriate.

Should you have any questions regarding this letter, please contact Regional Project Manager Trevor Nobile at (414) 263-8524, Federal Removals Coordinator, John Sager at (715) 392-7822, or Gary Edelstein at (608) 267-7563.

Sincerely,

John Sager
Federal Removal Coordinator
Bureau for Remediation and Redevelopment

Cc: Trevor Nobile (electronic copy)
    Mark Davis (electronic copy)
    Gary Edelstein – RR/5 (electronic copy)