



November 13, 2023

Sixto Ortiz
WM Waste, Inc.
800 Capitol Street
28th Floor
Houston, TX 77002

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
WM Waste, Inc., 21211 Durand Ave, Union Grove, Wisconsin
DNR BRRTS Activity # 02-52-586974
FID #: 252195350

Dear Mr. Ortiz:

On October 5, 2023, the Wisconsin Department of Natural Resources (DNR) reviewed the closure request for the case identified above. As you are aware, the DNR reviews environmental remediation cases for compliance with applicable laws, including Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 – 754 and whether any further threat to public health, safety or welfare or the environment exists at the site or facility, per Wis. Admin. Code § NR 726.13 (2) (b). As discussed with Riley Eklund, Tetra Tech on October 23, 2023, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726

As noted above, additional work is necessary to meet the requirements for case closure based on sediment exceedances in the on-site retention basin. The DNR does not agree with your assessment that mercury did not enter the retention basin between September 26, 2018, when the spill occurred, and August 28, 2020, when the contamination was identified at the spill site. Sediment samples taken after the spill demonstrated mercury accumulation in the retention basin at levels exceeding sediment quality guidelines. Historic soil samples at the basin inlet demonstrate a complete pathway between the basin and hazardous substance releases at the site.

Need to Define the Degree and Extent of Contamination

Additional soil and sediment sampling and assessment is needed to define the degree and extent of contamination per Wis. Admin. Code § NR 716.11. Sediment sampling should be conducted within the retention basin footprint. Given impacts to surface water in the basin, and apparent discharges of this water out of basin, soil sampling at the basin outlet is also needed to define the extent of contamination.

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements.

Until requirements are met, your site will remain “open”, and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13. Once the additional work has been completed, documentation should be submitted to the DNR to demonstrate that the applicable requirements have been met, per the timelines above.

Case closure can be reconsidered by the DNR once documentation of the required activities has been received.

Conclusion

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, Candace Sykora (715) 928-0452. For more information on the closure reconsideration process, please see DNR publication, RR-102, “Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process” by visiting dnr.wi.gov, search: RR-102, for more information.

Sincerely,



Matthew Thompson
Team Supervisor, West Central Region
Remediation & Redevelopment Program
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cc: Riley Eklund, Tetra Tech, via email

Attachments: Guidance on Addressing Contaminated Sediment Sites in Wisconsin [RR0124 \(widen.net\)](#)