



August 23, 2022

Mr. Robert Bach  
P2 Development Company  
524 Technology Way  
Saukville, WI 53080

Subject: Amended Version of the August 2, 2022 DNR Concurrence Letter  
Review of Hazardous Waste Determination and Contained Out Decision  
Mercury Marine Plant No 1 Fmr, N49, W6337 Western Rd, Cedarburg, WI  
BRRTS #: 02-46-588930; FID #: 246004770

Dear Mr. Bach:

The Department of Natural Resources (DNR) received a “Remediation Site Hazardous Waste Determination” and Technical Assistance Request” form and fee completed by your environmental consultant, Kapur and Associates, Inc. (Kapur). The form was used to request DNR concurrence with a “contained out” decision for soil containing a listed hazardous waste (F001) and planned to be excavated at the Mercury Marine Plant No 1 Fmr site vapor degreaser area near two former vapor degreaser areas.

It is proposed that soil containing trichloroethylene (TCE), which would otherwise be considered a “listed” hazardous waste under Wisconsin and USEPA regulations, be considered a non-hazardous waste for disposal and management purposes. This will apply when soil is generated as investigative or remedial waste and the concentration of TCE is less than 8.41 mg/kg.

The DNR has reviewed the submittal and analytical data for this site for regulatory compliance with Wis. Admin. Code § NR 662.011 and concurs that the soil presented for evaluation can be classified as a non-hazardous waste, based on the following information from Kapur:

- In the waste determination provided to the DNR, Kapur concluded that soil in the former vapor degreaser locations near soil borings SB-3 and SB-4 contains the listed hazardous waste F001 with hazardous constituent TCE, and if excavated would require management as a hazardous waste.
- Soil samples collected by Kapur from three intervals at soil boring SB-3 are at TCE concentrations below the health-based industrial soil direct-contact RCL. Soil samples collected by Kapur from 6-8 feet and 8-10’ depth at soil boring SB-4 are at TCE concentrations below the health-based industrial soil direct-contact RCL. (SB-4 had concentrations of TCE too high to be “contained out” below 10’ depth)
- A representative sample collected by Kapur for toxicity characteristic leaching procedure (TCLP) analysis was below the TCLP regulatory limit of 0.5 mg/kg.
- The concentration of TCE in soil from these locations are below the land disposal restriction alternative standard of 60 mg/kg.

The DNR concurs with the “contained-out” decision for soils at former vapor degreaser location near soil boring SB-3 and for soils at the former vapor degreaser location near soil boring SB-4 for soils only above 10’ depth. This concurrence does not negate the generator's responsibility for correctly classifying a solid waste under

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Wisconsin NR Administrative Code. The DNR appreciates the efforts you are taking to address the contamination at this site. If you have any questions about this letter, please contact me, the DNR Project Manager, at 262-416-8643 or [johnm.feeney@wisconsin.gov](mailto:johnm.feeney@wisconsin.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "John Feeney". The signature is written in a cursive style with a long, sweeping underline.

John Feeney, PG  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources

cc: Mr. Travis Peterson, Kapur