



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGIONS

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

June 1, 2002

Mark F. Giesfeldt, Director
Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53707

REPLY TO THE ATTENTION OF

Dear Mark:

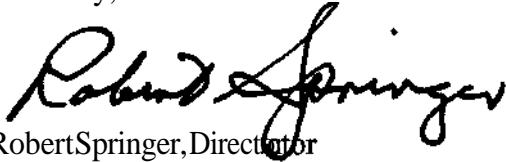
The United States Environmental Protection Agency (EPA) understands that the Wisconsin Department of Natural Resources (WDNR) intends to clean up its contaminated sites in a consistent manner across all media. EPA supports that approach. EPA further understands that the WDNR intends to continue issuing variances to promote rapid achievement of hazardous waste cleanups while protecting human health and the environment. Assuming that the facilities for which you issue variances are cleaned up in accordance with the terms of your variance, EPA does not contemplate requiring additional corrective action at those properties pursuant to the Resource Conservation and Recovery Act (RCRA). U.S. EPA does however, request that we be given an opportunity to review and comment on the technical aspects of each of the cleanup variances Wisconsin issues under this program.

Under the Federal RCRA program, persons who engage in the activity described in your proposed variances may be required to obtain a RCRA permit. As you also know, the federal RCRA Subtitle C Program was established to, among other things, set standards for and regulate the generation, treatment, storage and disposal of hazardous wastes as well as provide for the cleanup of hazardous waste treatment, storage and disposal facilities. This program is delegated to authorized states, including the State of Wisconsin. When a RCRA authorized State varies the requirement to obtain a RCRA permit in a manner no less stringent than allowed under an analogous Federal authority, EPA does not consider the State administration of its authorized RCRA program to be less stringent than EPA administration of the Federal RCRA program. EPA supports WDNR's program to encourage cleanup of contaminated facilities. A hardship variance is not a RCRA permit and, therefore, the variance does not operate as a permit shield pursuant to 40 C.F.R. § 270.4.

Please understand that based on the information in the variance guidance, U.S. EPA neither plans nor anticipates pursuing any further corrective action at the facilities addressed by your cleanup variances. In addition, U.S. EPA intends to rely on WDNR to resolve any current or future closure and corrective action issues associated with such facilities. Please note, however, that this does not preclude U.S. EPA from undertaking appropriate action at a facility at a later date if U.S. EPA obtains information indicating that such action is necessary to protect human health or welfare or the environment.

If you have any questions concerning RCRA corrective action, please do not hesitate to contact Gerald W. Phillips of my staff at (312) 886-0977.

Sincerely,

A handwritten signature in black ink that reads "Robert Springer". The signature is written in a cursive style with a large, prominent "R" and "S".

Robert Springer, Director
Waste, Pesticides and Toxics Division

cc: Mark Gordon, WDNR
Suzanne Bangert, WDNR
John Melby, WDNR
Brian Barwick, EPA
George Hamper, EPA
Karen Peacmen, EPA
Gerald Phillips, EPA