

A p p e n d i x I

Certificate of Closure Performance Bond

VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.

MENOMONEE FALLS, WISCONSIN



September 28, 2012

Ms. Colleen Storck
Section Chief, Business Support and IT
Wisconsin Department of Natural Resources
Division of Air and Waste
Waste and Materials Management
101 S. Webster Street WA/3
P.O. Box 7921
Madison, WI 53707-7921

Re: Financial Responsibility – Closure Costs
File No. FID268224880
EPA ID No. WID003967148

Dear Ms. Storck:

Attached please find the revised Closure Cost estimate for Veolia ES Technical Solutions, L.L.C. The revised Closure Cost estimate is \$987,285.37. A revised Table 8-3 is enclosed for insertion into the Veolia ES Technical Solutions' Feasibility Report and Plan of Operation.

Also attached is a copy of the closure performance bond (#301444) that has also been increased to \$987,285.37. Veolia is asking for written confirmation from the Department stating that the WDNR has received bond number 301444 and that it releases the previous bond (#1002137).

If you have any questions or comments regarding this issue please contact Tom Daly, of my staff, at (262) 255-6655.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Flaminio', written over a white background.

John Flaminio
General Manager

Cc: Mike Ellenbecker (WDNR)

TABLE 8-3

SUMMARY OF FACILITY CLOSURE COST ESTIMATES

Unit	Cost
Container Storage	\$229,975.00
Drum Repack/Bulking/Decant Unit	\$28,341.00
48 Container Roll-Off/Lugger Box Storage Unit	\$179,196.00
Waste Stabilization Unit	\$218,063.00
Other Closure Activities	\$33,666.00
Certification and Inspection	\$20,000.00
Subtotal	\$709,241.00
Administrative Costs (5% of Subtotal Cost)	\$35,462.05
Contingency @ 10%	\$70,924.10
Subtotal	\$815,627.15
2004 Inflation Adjustment Factor (1.0183)	\$14,925.98
Subtotal	\$830,553.13
2005 Inflation Adjustment Factor (1.0262)	\$21,760.49
Subtotal	\$852,313.62
2006 Inflation Adjustment Factor (1.0303)	\$25,825.10
Subtotal	\$878,138.72
2007 Inflation Adjustment Factor (1.0316)	\$27,749.18
Subtotal	\$905,887.91
2008 Inflation Adjustment Factor (1.0256)	\$23,190.73
Subtotal	\$929,078.64
2009 Inflation Adjustment Factor (1.0213)	\$19,789.37
Subtotal	\$948,868.01
2009 Inflation Adjustment Factor (1.0092)	\$8,729.59
Subtotal	\$957,597.60
2010 Inflation Adjustment Factor (1.0095)	\$9,097.18
Subtotal	\$966,694.77
2011 Inflation Adjustment Factor (1.0213)	\$20,590.60
Total	\$987,285.37

State of Wisconsin
Department of Natural Resources
P.O. Box 7921, Madison WI 53707-7921
dnr.wi.gov

Performance Bond

For Use by Hazardous Waste Facilities
Form 4430-024 (R 8/06) Page 1 of 3

Date bond executed: September 18, 2012

Effective date: September 18, 2012

Principal: Veolia ES Technical Solutions, L.L.C.

W124 N9451 Boundary Road
Menomonee Falls, WI 53051

(legal name and business address of owner or operator)

Type of organization: Limited Liability Corporation

(insert "individual," "joint venture," "partnership," or "corporation")

State of incorporation: Delaware

Surety(ies): [name(s) and business address(es)] Ohio Indemnity Company

250 East Broad Street, 7th Floor
Columbus, OH 43215

EPA Identification Number, name, address, and closure and/or long-term care amount(s) for each facility guaranteed by this bond [indicate closure and long-term care amounts separately]:

WID 003967148

Veolia ES Technical Solutions, L.L.C., W124 N9451 Boundary Road, Menomonee Falls, WI 53051

Closure: \$987,285.37

Total penal sum of bond: \$ 987,285.37

Surety's bond number: 301444

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the State of Wisconsin Department of Natural Resources (hereinafter called the Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under ch. 291, Wis. Stats. to have a license in order to own or operate each hazardous waste management facility identified above, and

Whereas said Principal is required to provide financial assurance for closure, or closure and long-term care, as a condition of the license.

Now, Therefore, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of each facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the license as such plan and license may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

And, if the Principal shall faithfully perform long-term care of each facility for which this bond guarantees long-term care, in accordance with the long-term care plan and other requirements of the license, as such plan and license may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall provide alternate financial assurance as specified in subch. H of Ch. NR664, Wis. Adm. Code and obtain the Department's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the Department from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Department that the Principal has been found in violation of the closure requirements of ch. NR 664, Wis. Adm. Code, for a facility for which this bond guarantees performance of closure, the Surety(ies) shall either perform closure in accordance with the closure plan and other license requirements or pay the closure amount guaranteed for the facility to the Department.

Upon notification by the Department that the Principal has been found in violation of the long-term care requirements of ch. NR 664, Wis. Adm. Code for a facility for which this bond guarantees performance of long-term care, the Surety(ies) shall either perform long-term care in accordance with the long-term care plan and other license requirements or pay the long-term care amount guaranteed for this facility to the Department.

Upon notification by the Department that the Principal has failed to provide alternate financial assurance as specified in subch. H of ch. NR 664, Wis. Adm. Code and obtain written approval of such assurance from the Department during the 90 days following receipt by both the Principal and the EPA Regional Administrator(s) and the Department of a notice of cancellation of the bond, the Surety(ies) shall pay the funds in the amount guaranteed for this facility (ies) to the Department.

The surety(ies) hereby waive(s) notification of amendments to closure plans, licenses, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the EPA Regional Administrator(s) for the Region(s) in which the facility(ies) is (are) located, and the Department provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal, the EPA Regional Administrator(s) and the Department, as evidenced by the return receipts.

The principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Department .

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure and/or long-term care amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Department.

In Witness Whereof, The Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).

Principal

Rob Wj

[Signature(s)]

Rob Wezien

[Name(s)]

vice president

[Title(s)]

[Corporate seal]

Corporate Surety(ies)

Ohio Indemnity Company
250 East Broad Street, 7th Floor, Columbus, OH 43215

[Name and address]

State of incorporation: Ohio

Liability limit: \$ 987,285.37

Sandra D. Cikraji

[Signature(s)]

Sandra D. Cikraji, Attorney-In-Fact

[Name(s) and title(s)]

[Corporate seal]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$ 9,873.00

OHIO INDEMNITY COMPANY
Columbus, Ohio 43215

PRINCIPAL Veolia ES Technical Solutions, L.L.C. EFFECTIVE DATE September 18, 2012

CONTRACT AMOUNT _____ AMOUNT OF BOND \$ 987,285.37*****

POWER NO. **301444**

KNOW ALL MEN BY THESE PRESENTS, that Ohio Indemnity Company, a corporation organized and existing under the laws of the State of Ohio with its principal office at 250 East Broad Street, 10th Floor, Columbus Ohio 43215, by and through the undersigned, its President, does hereby nominate, constitute and appoint Kathleen P. Price, Patricia A. Temple, Nicole Skedel, Joy Bauer, Julie Bowers, Maria Jackson, Sandra D. Cikraji, and Daniel J. Clark as its true and lawful Attorneys-in-Fact to make, execute, attest, seal, acknowledge and deliver for and on its behalf, as Surety, and as its act and deed, where required, any and all bonds, undertakings, recognizances and written obligations in the nature thereof, PROVIDED, however, that the obligation of the Company under this Power of Attorney shall not exceed Five Million Dollars (\$5,000,000).

IN WITNESS WHEREOF, Ohio Indemnity Company has caused its corporate seal to be affixed hereunto, and these presents to be signed by its duly authorized officer this 23rd day of September, 2009.

(Corporate Seal)

OHIO INDEMNITY COMPANY

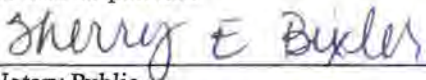
By: 
John S. Sokol, President

State of Ohio
County of Franklin

On this 23rd day of September, 2009, before the subscriber, a Notary Public in and for this County and State, personally appeared John S. Sokol, to me personally known to be the individual and officer described herein, and who executed the preceding instrument and acknowledged the execution of the same and being by me duly sworn, deposed and said that he is the President of Ohio Indemnity Company, and that the seal affixed to the preceding instrument is the corporate seal of said corporation, and the said corporate seal and signature as said officer were duly affixed and subscribed to the said instrument by the authority and direction of said corporation.

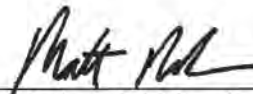


OFFICIAL SEAL
SHERRY E. BIXLER
NOTARY PUBLIC, STATE OF OHIO
RECORDED IN PICKAWAY COUNTY
MY COMMISSION EXPIRES
01-06-10


Notary Public

Commission expires: 01/06/2010

I, the undersigned, Secretary of Ohio Indemnity Company, a stock corporation of the State of Ohio, do hereby certify that the foregoing Power of Attorney remains in full force.
Signed and sealed this 18th day of September, 2012


Matthew C. Nolan, Secretary



Certificate of Authority State of Wisconsin

Office of the Commissioner of Insurance

Certificate No.: 10504
Date Issued: 01/16/08
License Chapter: 618 Wis. Stat.

This is to Certify, That pursuant to the Insurance Laws of the state of Wisconsin,

Ohio Indemnity Company

Ohio

Has paid the fees and taxes required by law and that it is hereby authorized to transact the business of:

Aircraft
Automobile Insurance
Credit Insurance
Credit Unemployment
Fire, Inland Marine and Other Property
Miscellaneous
Surety

Subject to the following limitations:

None

In the state of Wisconsin as long as the insurer continues to conform to the authority granted by this certificate, is in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the state of Wisconsin.

A handwritten signature in black ink, appearing to be 'A. J. B.', written over a horizontal line.

Commissioner of Insurance



OHIO INDEMNITY COMPANY

OHIO INDEMNITY COMPANY Certificate 2011

The following financial information was excerpted from the Statutory Annual Statement filed by Ohio Indemnity Company with the Ohio Department of Insurance on February 28, 2012:

STATEMENT OF INCOME

Direct Written Premium	96,668,723
Reinsurance Assumed	5,177,182
Reinsurance Ceded	(47,110,327)
Net Written Premium	54,735,578
Change in Unearned	(9,399,954)
Net Earned Premium	45,335,624
Losses and LAE Incurred	15,360,175
Other Underwriting Expenses	22,955,079
Underwriting Gain	7,020,090
Net Investment Gain	5,132,037
Other Income	2,429,602
Income Before Federal Income Tax	14,581,729
Federal Income Tax	3,871,465
Net Income	<u>\$ 10,710,264</u>

BALANCE SHEET

<u>Assets</u>	
Cash and Invested Assets	\$ 101,134,266
Accrued Investment Income	989,109
Uncollected Premium and Agents' Balances	5,983,906
Reinsurance Recoverable	1,082,896
Net Deferred Tax Asset	2,745,778
Total Assets	<u>\$ 111,935,955</u>
<u>Liabilities and Surplus</u>	
Loss and LAE Reserves	\$ 12,986,001
Commissions Payable	3,639,008
Unearned Premium	29,427,180
Other Liabilities	20,691,460
Total Liabilities	66,743,649
Surplus	45,192,306
Total Liabilities and Surplus	<u>\$ 111,935,955</u>

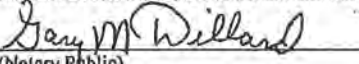
I hereby certify that the above information is that contained in the Statutory Annual Statement filed by the Ohio Indemnity Company with the Ohio Department of Insurance for the year ending December 31, 2011.


Matthew C. Nolan, CFO

State of OHIO County of FRANKLIN

Personally appeared before me the above named Matthew C. Nolan personally known to me, who, being duly sworn, deposes and says that he executed the above instrument and that the information contained therein are true and correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 8th day of March, 2012.


(Notary Public)

Commission Expires 1-08-17



GARY M. DILLARD
Notary Public, State of Ohio
My Commission Expires
01-08-2017

250 East Broad Street
Tenth Floor
Columbus, OH 43215-3708
(614) 228-2800 • (800) 628-8581
www.ohioindemnity.com

A p p e n d i x J

History of Licensing Activities

VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.

MENOMONEE FALLS, WISCONSIN

**TECHNICAL SOLUTIONS
NORTH AMERICA**

VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.
EPA ID # WID 003967148
FID # 268224880

History of licensing activities since January 24, 2003

- On January 24, 2003, WDNR conditionally approved the feasibility and a plan of operation report for the Onyx Environmental Services facility located at W124N9451 Boundary Road in Menomonee Falls, Wisconsin. The conditional approval included the storage of up to 20 55-gallon containers and a 5,000 gallon semi-tanker of hazardous waste and the treatment of up to 10,000 gallons of hazardous waste per day in the repack/Depack/bulking unit.
- On June 30, 2003, WDNR re-issued 10 year licenses for the storage and treatment of hazardous waste in various units, including the repack/Depack/bulking unit.
- On June 28, 2006, WDNR issued a class 1 modification conditional approval to change the name of the facility from Onyx Environmental Services, L.L.C. to Veolia ES Technical Solutions, L.L.C.
- On October 7, 2010, WDNR and Veolia staff met at the Veolia facility to discuss proposed modification and improvements to the facility, including the construction of additional space for the repack/Depack/bulking unit.
- On June 19, 2008, Veolia submitted a draft copy of Volume II, Section 4 of the FPOR to the Department via email, clarifying that organic wastes may be combined to meet kiln fuel specifications.
- On July 31, 2008, the Department requested Veolia to submit the final revisions to Volume II, Section 4 as a Class 1 Modification subject to Department approval since:
 - The storage or treatment of the wastes in containers does not require the addition of units or a change in the treatment process or management standards.
 - The storage and treatment units previously received wastes of the same type.



- The modification clarifies the acceptance criteria for wastes directed to the fuels program, allowing more waste to be burned for energy recovery rather than incinerated.
- The proposed activities are occurring in units already licensed for hazardous waste storage and treatment activity.
- On August 22, 2008, Veolia submitted revisions to Volume II, Section 4 as a Class 1 modification request subject to Department approval.
- On October 9, 2008, the Department sent a draft Class I modification conditional approval to Veolia and requested comments.
- On October 14, 2008, Veolia requested the Department to revise the language in the cover letter describing their activities in the Depack/Repack/Bulking unit to correctly state that the specification of 2500 BTU and 50 % water apply to the tanker load of waste rather than the individual drums of waste. Revised language was sent to Veolia on October 15, 2008. On October 16, 2008, Veolia responded that the revised language was acceptable.
- On April 21, 2011, Veolia submitted a class 1 modification request for the Depack/repack/bulking unit. The modification includes bumping out the north wall of the building by 14 feet to increase the building size from 624 square feet to 1,170 square feet and constructing low, medium and high pickup points to improve operational, environmental and safety conditions. The type and quantity of wastes stored and treated in the depack/repack/ bulking unit will not change as a result of these improvements.
- On July 18, 2011, Veolia submitted a temporary authorization request to conduct the Depack/repack/bulking operations in the stabilization building during the construction activities described in the April 21, 2011 class 1 modification request. Up to 20 55-gallon containers of hazardous waste will be stored on the east side of the stabilization building. The containers in the storage area will be moved to a drum storage/staging area where the containerized waste will be pumped into a 5,000 gallon tanker truck located outside on the north or west side of the stabilization building.
- On August 22, 2011, WDNR issued a notice of incompleteness for the temporary authorization request.
- On August 29, 2011, WDNR issued a class 1 modification conditional approval to allow construction in the Depack/repack/bulking unit.
- On September 22, 2011, WDNR received Veolia's September 20, 2011 response to the temporary authorization notice of incompleteness.



- On October 18, 2011, WDNR sent the draft class 1 modification approval to Veolia and notified Veolia that the temporary authorization request does not meet the temporary authorization requirements of ss. NR 670.042(5)(b) and (c), Wis. Adm. Code, since Veolia does not intend to submit a class 2 or class 3 modification request to permanently conduct Depack/repack/bulking operations in the stabilization building.
- On October 24, 2011, Veolia agreed that the Department may consider the information submitted on July 18, 2011 and September 20, 2011 as a class 1 modification request and did not have any comments on the draft class 1 modification approval. The Department clarified that Veolia may conduct Depack/repack/bulking operations in the stabilization building under class 1 modification approval during a short period of operation in the newly constructed depack/repack/bulking building to verify that all equipment is meeting performance standards.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
John Hammen, Acting Regional Director
Telephone 414-263-8600
FAX 414-263-8606
TTY Access via relay - 711



October 26, 2011

Mr. Paul McShane
Veolia ES Technical Solutions, LLC
W124 N9451 Boundary Road
Menomonee Falls WI 53051

File Ref: FID# 268224880
HW/APP

Subject: Class I License Modification Determination
Conducting Depack/Repack/Bulking Operations
In the Stabilization Building
Veolia ES Technical Solutions, LLC
EPA ID# WID003967148

Dear Mr. McShane:

On August 29, 2011, the Department approved Veolia's class I modification request allowing additional work space to be constructed on the north side of the existing depack/repack/bulking building to increase the size of the building and improve employee safety and operations. The storage capacity (20 55-gallon containers and one 5,000 gallon tanker truck) and treatment capacity (10,000 gallons per day) of the depack/repack/bulking unit will not change as a result of the construction.

On July 18, 2011, Veolia ES Technical Solutions, LLC located at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin submitted a temporary authorization request to the Department to allow the temporary re-location of the depack/repack/bulking operations in the stabilization building during the construction activities. Veolia is proposing to store up to 20 55-gallon containers of hazardous waste on the east side of the stabilization building. The proposed enclosed container storage area has sloped floors with an inside curb of 6 inches in height and a outside curb of 3 inches in height, providing more than 7,000 gallons of spill containment capacity. The containers in the storage area will be moved to the drum storage/staging area located in the north west section of the stabilization building by either lifting the containers over the 6 inch curb by forklift or transporting them outside of the stabilization building by forklift. Once the containers are moved to the storage/staging area, the waste will be pumped into a 5,000 gallon tanker truck located in one of two designated areas on the north or west side of the stabilization building. The tanker will be parked in a portable containment structure with a capacity of more than 5,000 gallons, to meet the spill containment requirements of s. NR 664.0175, Wis. Adm. Code.

The Department issued a Notice of Incompleteness for the temporary authorization request on August 22, 2011. The Department received Veolia's response to the notice of incompleteness on September 22, 2011.

After review of the information provided in the temporary authorization request, the Department has determined that the proposed temporary depack/repack/bulking activities in the stabilization building are subject to a class 1 modification approval rather than a temporary authorization approval. Section NR 670.042(5), Wis. Adm. Code, states that a temporary authorization is appropriate prior to the Department acting on a class 2 or class 3 modification request. In this case, Veolia will not be seeking a class 2 or class 3 modification to permanently conduct repack/depac/bulking operations in the stabilization building. The Department notified Veolia on October 18, 2011 that since the temporary re-location of the depack/repack/bulking operations is related to the construction activities in the depack/repack/bulking unit, the temporary activities should be reviewed and approved as a class 1 modification. Since the temporary re-location could have been incorporated into Veolia's April 21, 2011 class 1 plan modification request and the Department's subsequent August 29, 2011 conditional approval, the Department is not requiring Veolia to submit a second plan review fee.

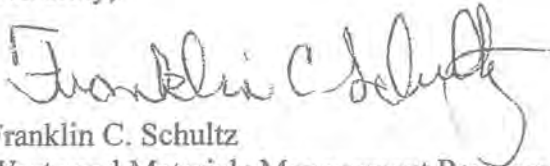
On October 24, 2011, Veolia stated they did not have any comments on the draft class 1 modification approval, but did ask for clarification regarding the language of condition #6 which states that depack/repack/bulking operations can only occur in the stabilization building during construction of the depack/repack/bulking unit. The Department agrees that construction includes a short period of operation in the newly constructed depack/repack/bulking building, allowing Veolia to verify that the newly installed equipment meets performance standards.

The Department has completed its review of the information provided by Veolia on July 18, 2011 and September 22, 2011 and is granting a class 1 modification conditional approval to allow Veolia ES Technical Services to conduct depack/repack/bulking operations in the stabilization building on a temporary basis while the depack/repack/bulking building is under construction. This approval does not change the amount or type of hazardous waste that can be managed while depack/repack/bulking operations occur in the stabilization building.

This license modification must be kept with the feasibility and plan of operation report conditional approval determination and the operating license.

Please contact Sandy Miller at (920) 746-2884 if you have any questions.

Sincerely,



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

c: Jae Lee – US EPA Region 5
Ed Lynch/Pat Chabot - WA/5
Sandy Miller – WA (Sturgeon Bay)
SER File

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**CLASS 1 LICENSE MODIFICATION
FINAL DETERMINATION**

**VEOLIA ES TECHNICAL SOLUTIONS, LLC
EPA ID# WID 003967148
FID# 268224880**

FINDINGS OF FACT

The Department finds that:

1. Veolia ES Technical Services, LLC (Veolia) owns and operates a hazardous waste storage and treatment facility at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin.
2. On January 24, 2003, the Department conditionally approved the feasibility and plan of operation report for the Onyx Environmental Services facility located at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin. The conditional approval included the storage of up to 20 55-gallon containers and a 5,000 gallon semi-tanker of hazardous waste and the treatment of up to 10,000 gallons of hazardous waste per day in the repack/depack/bulking unit.
3. On June 30, 2003, the Department re-issued 10 year licenses for the storage and treatment of hazardous waste in various units, including the repack/depack/bulking unit.
4. On June 28, 2006, the Department issued a class 1 modification conditional approval to change the name of the facility from Onyx Environmental Services, LLC to Veolia ES Technical Solutions, LLC.
5. On October 7, 2010, Department and Veolia staff met at the Veolia facility to discuss proposed modifications and improvement to the facility, including the construction of additional space for the repack/depack/bulking unit.
6. On April 21, 2011, Veolia submitted a class 1 modification request for the depack/repack/bulking unit. The modification includes bumping out the north wall of the building by 14 feet to increase the building size from 624 square feet to 1,170 square feet and constructing low, medium and high pickup points to improve operational, environmental and safety conditions. The type and quantity of wastes stored and treated in the depack/repack/bulking unit will not change as a result of these improvements.
7. On July 18, 2011, Veolia submitted a temporary authorization request to conduct the depack/repack/bulking operations in the stabilization building during the construction activities described in the April 21, 2011 class 1 modification request. Up to 20 55-gallon containers of hazardous waste will be stored on the east side of the stabilization building. The containers in the storage area will be moved to a drum storage/staging area where the containerized waste will be

pumped into a 5,000 gallon tanker truck located outside on the north or west side of the stabilization building.

8. On August 22, 2011, the Department issued a notice of incompleteness for the temporary authorization request.
9. On August 29, 2011, the Department issued a class 1 modification conditional approval to allow construction in the depack/repack/bulking unit.
10. On September 22, 2011, the Department received Veolia's September 20, 2011 response to the temporary authorization notice of incompleteness.
11. On October 18, 2011, the Department sent the draft class 1 modification approval to Veolia and notified Veolia that the temporary authorization request does not meet the temporary authorization requirements of ss. NR 670.042(5)(b) and (c), Wis. Adm. Code, since Veolia does not intend to submit a class 2 or class 3 modification request to permanently conduct depack/repack/bulking operations in the stabilization building.
12. On October 24, 2011, Veolia agreed that the Department may consider the information submitted on July 18, 2011 and September 20, 2011 as a class 1 modification request and did not have any comments on the draft class 1 modification approval. The Department clarified that Veolia may conduct depack/repack/bulking operations in the stabilization building under the class 1 modification approval during a short period of operation in the newly constructed depack/repack/bulking building to verify that all equipment is meeting performance standards.

CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(4)(b)1., Wis. Adm. Code, to approve a class 1 modification to a license or plan of operation.
3. In accordance with s. NR 670.042, Wis. Adm. Code, the Department concludes that the revisions described in Findings of Fact # 7 require a class 1 license modification.

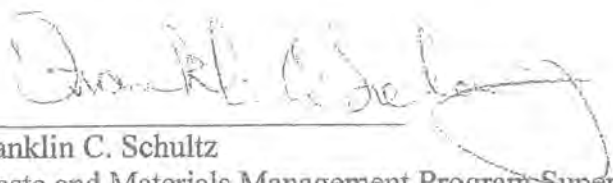
DETERMINATION AND CONDITIONS OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the July 18, 2011 class 1 modification request under s. NR 670.042(4)(b)1., Wis. Adm. Code, and s. 289.30(6), Wis. Stats., and in accordance with the license, the FPOR approval and subsequent modifications and the conditions set forth as follows:

1. The Department reserves the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.
2. The licensee shall comply with all conditions of the FPOR approval and subsequent modifications, the requirements of ch. 291, Wis. Stats., and chs. NR 660 through 679, Wis. Adm. Code .
3. Veolia shall provide the Department with documentation that a notice of this modification was mailed to all interested parties within 90 calendar days of this approval, as required by s. NR 670.042(1)(a)2, Wis. Adm. Code.
4. The tanker shall be located in the portable secondary containment structure during the transfer of waste, including hose connect/disconnects. If precipitation collects in the containment structure, it shall be managed as described in the approved feasibility and plan of operation report.
5. No more than 20 55-gallon containers (1,100 gallons) shall be stored in the container storage area identified in the September 20, 2011 submittal. These 20 containers are in addition to the 236 55-gallon container staged in the stabilization building, as allowed by condition #27 of the approved feasibility and plan of operation report.
6. The depack/repack/bulking activities shall only be conducted in the stabilization building during the construction of the depack/repack/bulking unit. The depack/repack/bulking activities temporarily conducted in the stabilization building shall be limited to the maximum storage of twenty 55-gallon containers and one 5,000-gallon tanker truck; and, the maximum treatment capacity of 10,000 gallons per day.
7. Veolia shall notify the department in writing within 15 days of terminating depack/repack/bulking operations in the stabilization building. The written notification shall include a description of the closure activities conducted as a result of the temporary depack/repack/bulking operations in the stabilization building.

Dated: Oct 26, 2011

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. 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. The petition shall name the Department of Natural Resources as the respondent.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Milwaukee
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212

Scott Walker, Governor
Cathy Stepp, Secretary
John Hammen, Acting Regional Director
Telephone (414) 263-8500
FAX (414) 263-8716
TTY Access via relay - 711



August 29, 2011

Mr. Paul McShane
Veolia ES Technical Solutions, LLC
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

File Ref: FID 268224880
HW/APP

SUBJECT: Class 1 License Modification Determination
Depack/Repack/Bulking Unit
Veolia ES Technical Solutions, LLC
EPA ID# WID003967148

Dear Mr. McShane:

The Department has completed its review of Veolia's class 1 modification request for the hazardous waste depack/repack/bulking unit dated April 21, 2011 and the subsequent submittals dated May 18, 2011 and June 16, 2011. The modification request is for increasing the square footage of the depack/repack/bulking building to improve operations and ventilation within the building. The quantity of hazardous waste stored and treated in the depack/repack/bulking building will not increase. The conditions in Veolia's January 24, 2003 Feasibility and Plan of Operation Report (FPOR) approval and subsequent modifications will not change as a result of the proposed improvements.

Additional work space will be constructed on the north side of the existing depack/repack/bulking building to increase the building size from 16 feet by 39 feet (624 square feet) to thirty feet by 39 feet (1,170 square feet). A six inch berm will be constructed around the entire concrete slab, which will be sealed with an impervious coating. The secondary containment of the building will increase from 2,084 gallons to 3,980 gallons. The addition will include two roll up doors with sloped ramps. Low, medium and high pick up points will be added throughout the drum depack areas to improve employee safety and operations. The exhaust will be vented through a carbon filter and/or a wet scrubber.

With this letter, the Department is approving the class 1 modification request to allow Veolia ES Technical Services to increase the size of the depack/repack/bulking building. This approval does not change the amount or type of hazardous waste that can be stored or treated in the depack/repack/bulking building.

This license modification must be kept with the feasibility and plan of operation report conditional approval determination and the operating license.

If you have any questions or concerns, please contact Sandy Miller at (920) 746-2884.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin C. Schultz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

cc: Jae Lee - U.S. EPA Region 5
Ed Lynch - DNR BWMM
SER File

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**CLASS 1 LICENSE MODIFICATION
FINAL DETERMINATION**

**VEOLIA ES TECHNICAL SOLUTIONS, LLC
EPA ID# WID003967148
FID# 268224880**

FINDINGS OF FACT

The Department finds that:

1. Veolia ES Technical Services, LLC (Veolia) owns and operates a hazardous waste storage and treatment facility at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin.
2. On January 24, 2003, the Department conditionally approved the Feasibility and Plan of Operation Report for the Onyx Environmental Services facility located at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin. The conditional approval included the storage of up to 20 55-gallon containers and a 5,000 gallon semi-tanker of hazardous waste and the treatment of up to 10,000 gallons of hazardous waste per day in the repack/depack/bulking unit.
3. On June 30, 2003, the Department re-issued 10 year licenses for the storage and treatment of hazardous waste in various units, including the repack/depack/bulking unit.
4. On June 28, 2006, the Department issued a class 1 modification conditional approval to change the name of the facility from Onyx Environmental Services, LLC to Veolia ES Technical Solutions, LLC.
5. On October 7, 2010, Department and Veolia staff met at the Veolia facility to discuss proposed modifications and improvement to the facility, including the addition to the repack/depack/bulking unit.
6. On April 21, 2011, Veolia submitted a class 1 modification request for the depack/repack/bulking unit. The modification includes bumping out the north wall of the building by 14 feet to increase the building size from 624 square feet to 1,170 square feet and constructing low, medium and high pickup points to improve operational, environmental and safety conditions. The type and quantity of wastes stored and treated in the depack/repack/bulking unit would not change as a result of these improvements.
7. On May 18, 2011, Veolia submitted a revised Section 4 of the FPOR with the 04/21/11 revision date and a clarification that equipment will be decontaminated after decanting operations.
8. On June 1, 2011, the Department acknowledged the receipt of the class 1 modification request.

9. On June 16, 2011, Veolia submitted a revised figure 4-20 showing the proposed modifications for the depack/repack/bulking unit.
10. On June 22, 2011, the Department received the class 1 plan review fee of \$400.
11. On July 28, 2011, a draft Class 1 modification approval was sent to Veolia for comment. Veolia did not have any comments on the draft document.

CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(4)(b)1., Wis. Adm. Code, to approve a class 1 modification to a license or plan of operation.
3. In accordance with s. NR 670.042, Wis. Adm. Code, the Department concludes that the revisions described in Findings of Fact # 6 require a class 1 license modification.

DETERMINATION AND CONDITIONS OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the April 21, 2011 class 1 modification request under s. NR 670.042(4)(b)1., Wis. Adm. Code, and s. 289.30(6), Wis. Stats., and in accordance with the license, the FPOR approval and subsequent modifications and the conditions set forth as follows:

1. The Department has the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the FPOR approval or license, or any subsequent modifications thereto, are affected by this determination.
2. The licensee shall comply with all conditions of the FPOR approval and subsequent modifications, the requirements of ch. 291, Wis. Stats., and chs. NR 660 through 679, Wis. Adm. Code.
3. Veolia shall provide the Department with documentation that a notice of this modification was mailed to all interested parties within 90 calendar days of this approval, as required by s. NR 670.042(1)(a)2, Wis. Adm. Code.
4. Within 30 days of completing construction, Veolia shall submit:
 - a. A revised Figure 4 which shows the final details of the repack/depac/bulking unit. The revised figure shall include a symbol key, a north arrow, the location of emergency and

spill response equipment, designated areas for decant/ repack/ bulking operations; and, a delineation between the addition and existing building structure.

- b. A construction report that, at a minimum, describes the final construction detail of the building, including, the final design of the curbing and ramps to prevent run-on and ensure containment capacity; a description of the joining of the existing floor and newly constructed floor, including construction joints and other details; a description of the chemically resistant material used to seal the floor; and, design changes that may have occurred during construction, such as the location of fume collection hoods or permanent work stations in the building.

Dated: August 29, 2011

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. 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. The petition shall name the Department of Natural Resources as the respondent.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
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TTY 414-263-8713

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Mr. Paul McShane
Veolia ES Technical Solutions, LLC
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

File Ref: FID 268224880
HW/LIC

SUBJECT: Class I License Modification Determination
Clarification of Activities in Depack/Repack/Bulking Unit
Veolia Environmental Services – Menomonee Falls

Dear Mr. McShane:

The Department has completed its review of the revised Volume II, Section 4 of the Feasibility Report and Plan of Operation (FPOR) for Veolia ES Technical Solutions LLC (Veolia) located at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin. The report was prepared by Veolia and submitted to the Department on August 22, 2008. Volume II, Section 4 of the FPOR was revised to clarify what wastes are combined in the Depack/Repack/Bulking unit, specifically those directed to energy recovery programs. The submittal also includes updates to Table 7-2 (Emergency Notification Summary) and Figure 7-4 (Location of Fire Safety Equipment). These updates do not require Department review and approval.

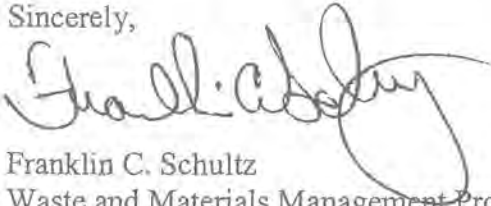
As described in the Department's January 24, 2003 conditional approval, Veolia uses a vacuum hose to decant liquids from containers to a tanker truck parked in a loading dock adjacent to the Depack/Repack/Bulking building. The waste pumped to the tanker truck is sent for incineration or reclamation; or to other hazardous waste treatment facilities, including energy recovery facilities. Veolia's August 22, 2008 modification request clarifies the types of waste that may be decanted and transferred to the tanker truck. This conditional approval also clarifies that one of the treatment activities occurring in the Depack/Repack/Bulking building includes fuel blending. Individual organic-based waste streams with varying BTU and water content are pumped to a tanker truck and shipped off-site for use as a fuel. The contents of the tanker truck shipped to energy recovery facilities contain at least 2500 BTU and less than 50% water. This activity may result in wastes with low BTU/high water content becoming more amendable for energy recovery.

Veolia anticipates directing more organic wastes from incineration to energy recovery programs. Veolia will continue to use the same compatibility testing procedures to ensure that only compatible wastes are pumped into the tanker truck.

This letter serves notice that the Department has completed its review of the modification request and is issuing a final determination at this time. This license modification must be kept with the feasibility and plan of operation report conditional approval determination and the operating license.

If you have any questions or concerns, please contact Sandy Miller at (920) 746-2884.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin C. Schultz". The signature is fluid and cursive, with a large loop at the end.

Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

cc: Pat Chabot/Dave Kollasch - WA/5
Denise Reape - U.S. EPA Region 5
SER File

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**CLASS 1 LICENSE MODIFICATION
FINAL DETERMINATION**

**VEOLIA ES TECHNICAL SOLUTIONS, LLC
EPA ID# WID003967148
FID# 268224880**

FINDINGS OF FACT

The Department finds that:

1. Veolia ES Technical Solutions, LLC (Veolia) owns and operates a hazardous waste storage and treatment facility at W124 N9451 Boundary Road in Menomonee Falls, Wisconsin.
2. On January 24, 2003, the Department conditionally approved the Feasibility and Plan of Operation Report (FPOR) for the relicensing of the Veolia hazardous waste facility located in Menomonee Falls, Wisconsin. The conditional approval was for the treatment and storage of hazardous waste in several units, including the Depack/Repack/Bulking unit. Containerized wastes stored in the Depack/Repack/Bulking unit are pumped into a tanker truck which is then shipped for energy recovery, incineration or reclamation.
3. Waste profile information provided by Veolia in response to a Department inspection on December 6, 2007, indicates that some of the individual waste streams pumped into the tanker truck and sent to energy recovery facilities may have questionable value as a fuel. In a letter dated February 20, 2008, the Department explained that the properties of the individual wastes pumped to the tanker truck should be evaluated; if the physical or chemical properties of an individual waste are changed to make the waste more amenable for energy recovery, fuel blending or hazardous waste treatment has occurred.
4. On June 19, 2008, Veolia submitted a draft copy of Volume II, Section 4 of the FPOR to the Department via e-mail, clarifying that organic wastes may be combined to meet kiln fuel specifications.
5. On July 31, 2008, the Department requested Veolia to submit the final revisions to Volume II, Section 4 as a Class 1 modification subject to Department approval since:
 - a. The storage or treatment of the wastes in containers does not require the addition of units or a change in the treatment process or management standards;
 - b. The storage and treatment units previously received wastes of the same type;
 - c. The modification clarifies the acceptance criteria for wastes directed to the fuels program, allowing more waste to be burned for energy recovery rather than incinerated; and,
 - d. The proposed activities are occurring in units already licensed for hazardous waste storage and treatment activity.

6. On August 22, 2008, Veolia submitted revisions to Volume II, Section 4 as a Class I modification request subject to Department approval.
7. On October 9, 2008, the Department sent a draft Class I modification conditional approval to Veolia and requested comments.
8. On October 14, 2008, Veolia requested the Department to revise the language in the cover letter describing their activities in the Depack/Repack/Bulking unit to correctly state that the specifications of 2500 BTU and 50% water apply to the tanker load of waste rather than the individual drums of waste. Revised language was sent to Veolia on October 15, 2008. On October 16, 2008, Veolia responded that the revised language was acceptable.

CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(4)(b)1., Wis. Adm. Code, to approve a class 1 modification to a license or plan of operation.
3. In accordance with s. NR 670.042, Wis. Adm. Code, the Department concludes that the revisions described in Findings of Fact #6 require a class 1 license modification.

DETERMINATION AND CONDITIONS OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the August 22, 2008 class 1 modification request under s. NR 670.042(4)(b)1., Wis. Adm. Code, and s. 289.30(6), Wis. Stats., and in accordance with the license and the most recent FPOR approval and the conditions set forth as follows:

1. The Department has the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the FPOR approval or license, or any subsequent modifications thereto, are affected by this determination.
2. The licensee shall comply with all conditions of the FPOR approval and subsequent modifications, the requirements of ch. 291, Wis. Stats., chs. NR 660 through 679, Wis. Adm. Code.
3. Veolia shall provide the Department with documentation that a notice of this modification was mailed to all interested parties within 90 calendar days of this approval, as required by NR 670.042(1)(a)2, Wis. Adm. Code.

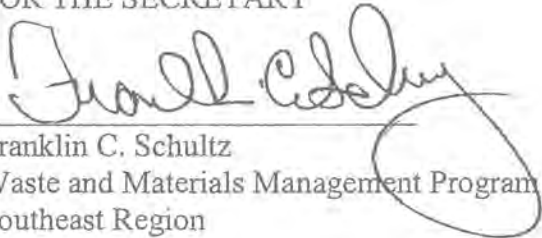
NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, ss. 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: October 16, 2008

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY

A handwritten signature in cursive script, appearing to read "Franklin C. Schultz", is written over a horizontal line. A large, circular scribble or flourish is present below the signature line.

Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
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Telephone 414-263-8500
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January 24, 2003

In Response Refer To: FID# 268224880
HW/LIC

Paul McShane, General Manager
Onyx Environmental Services
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

RE: Feasibility and Plan of Operation Report Determination & Modification Determination on September 19, 2001, November 19, 2001, January 18, 2002, and May 15, 2002, Modification Requests Onyx Environmental Services, W124 N9451 Boundary Road, Menomonee Falls, WI
EPA ID# WID003967148

Dear Mr. McShane:

The state of Wisconsin Department of Natural Resources (WDNR) has reviewed for completeness and technical adequacy the Onyx Environmental Services (Onyx) October 12, 1997, feasibility and plan of operation report (FPOR). Additional information was received on July 7, 1998, February 5, 2001, and November 8, 2002. Onyx prepared the FPOR.

WDNR has reviewed the FPOR for completeness and determined that the FPOR contains the minimum information required by chs. NR 630, 640, 645, 670 and 680, Wis. Adm. Code, provided that conditions outlined in the attached preliminary FPOR determination are followed when it is finalized.

A preliminary determination to conditionally approve the FPOR was issued by WDNR on September 26, 2002. Your responses to the points of incompleteness and clarification on the preliminary determination were received on November 8, 2002. WDNR revised the FPOR to incorporate the responses. WDNR modified condition # 14 in the FPOR determination to address your clarification. WDNR deleted conditions # 63, 64 and 65, since they have been satisfied.

Based on the review of the submitted material, it is our opinion that your hazardous waste container and tank storage, and miscellaneous treatment units facility provides for satisfactory hazardous waste storage and treatment provided the conditions in the attached FPOR final determination are followed. The facility and operating plan are, therefore, approved subject to compliance with chs. NR 600 through 685, Wis. Adm. Code, and to fulfillment of the conditions listed in the attached FPOR final determination. WDNR reserves the right to require changes in the FPOR should conditions arise making such necessary.

The attached final determination includes conditions. Please review the final determination carefully. WDNR believes that these conditions are necessary for Onyx to comply with chs. NR 600 through 685, Wis. Adm. Code.

A needs assessment of the proposed facility has been completed and WDNR has also determined that an environmental impact statement is not needed, and that wetlands water quality standards (ch. NR 103, Wis. Adm. Code) have been met.


Onyx has also submitted the following modification requests:

- a September 19, 2001, modification request for use of a sunken loading dock west of the Repack/Bulking/Decant Treatment Unit,
- a November 19, 2001, modification request to accept for storage and treatment all Resource Conservation and Recovery Act (RCRA) hazardous waste codes,
- a January 18, 2002, class 1 modification request for revisions to the emergency notification summary of the contingency plan, and
- a May 15, 2002, modification request to authorize the addition of Waste Codes K176 and K177 to Onyx FPOR.

WDNR has determined that these modification requests contain the minimum information required by s. NR 680.07, Wis. Adm. Code. With this FPOR determination, WDNR approves these plan modifications.

Should you have any questions regarding this final determination, please contact Patrick Brady at (414) 263-8594.

Sincerely,



Franklin C. Schultz
Waste Management Team Supervisor
Southeast Region

- c. SER Casefile (P. Brady)
Bureau Casefile- WA/3 - (D. Kollash)
U.S. EPA Region 5 - (Denise Reape, DE-9J; Todd Ramaly DP-8J; Will Enriquez DP-8J)

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

DETERMINATION TO APPROVE A
FEASIBILITY AND PLAN OF OPERATION REPORT
& PLAN MODIFICATIONS FOR
ONYX ENVIRONMENTAL SERVICES

EPA ID#: WID003967148
FID#: 268224880

HW LICENSE # 03135 (CONTAINER STORAGE),
06012 (TANK STORAGE), &
06013 (MISCELLANEOUS TREATMENT)

GENERAL FACILITY INFORMATION

Facility Name, Address, Location and Phone Number

Onyx Environmental Services
W124 N9451 Boundary Road
Menomonee Falls, Wisconsin 53051
SE ¼ of NE ¼, Section 1, Township 08 North, Range 20 East
Village of Menomonee Falls, Waukesha County
(262) 255-6655

Facility Owner and Operator

Onyx Environmental Services (Onyx)
3225 Aviation Avenue 4th Floor
Miami, FL 33133
(305) 854-2229

Landowner

Waste Management of Wisconsin, Inc.
(a wholly owned subsidiary of Waste Management Inc.)
W124 N8925 Boundary Road
Menomonee Falls, Wisconsin 53051
(262) 251-9560

Facility Contacts

Paul McShane, General Manager
 Kevin D. McGrath, Environmental Manager
 Joseph P. Baumann, Facility Manager
 Tom Daly, Project Manager

Report Certification

Kevin D. McGrath, Environmental Manager, WI Professional Engineer No. E-30493

Total Capacity

Container Storage:

- Container Storage Building - 800 55-gallon drums or 44,000 gallon capacity
- Bulk Solid Storage Unit - 48 4,039-gallon (20-cubic yard) roll-off boxes or 193,872 gallon capacity
- Bulk Storage in Stabilization Building - 4 4,039-gallon (20-cubic yard) roll-off boxes or 16,156 gallon capacity
- Repack/Bulking/Decanting Container Storage - 20 55-gallon containers and a 5,000 gallon semi-tanker

Tank Storage:

- 1 Tank @ 40 cubic yards (Stabilization Bulk Bin)
- 1 Tank @ 54.5 cubic yards (Stabilization Storage Silo)

Miscellaneous Treatment Units:

- Stabilization Process - 109,500 tons/year
- Repack/Bulking/Decanting Process - 10,000 gallons/day

FACILITY DESCRIPTION

Onyx collects, consolidates, temporarily stores, treats, and transports hazardous wastes generated by industries and remediation activities. If Onyx is unable to treat onsite a hazardous waste received or generated on-site, Onyx will transfer the waste off-site for reclamation and/or treatment and disposal at approved facilities.

In general, Onyx manages three broad groups of waste: recoverable and non-recoverable organic-based wastes, inorganic wastes and reactive wastes. Onyx primarily serves generators in the upper Midwest of the United States, such as the metal finishers, heavy industries, light industries, the Department of Transportation, computer and high technological industries, small manufacturers, schools and service industries.

Onyx operates the following waste storage and treatment units: small container storage; roll-off/lugger box container storage; waste stabilization waste treatment; repack/bulking/Decanting process waste treatment; administration and laboratory building; and a maintenance building, which is primarily used for the repair and maintenance of equipment.

Container Storage

Onyx receives and stores containerized wastes for on-site treatment or transfer off-site. Onyx operated four licensed container storage areas: the 800 Drum Container Storage Unit, the 48 Roll-Off Box Container Storage Unit, the Stabilization Building Roll-Off Box Storage, and container storage in the Repack/Bulking/Decanting Treatment Unit.

800 Drum Container Storage Unit

Onyx delivers waste in various size containers up to cubic yard containers, for into the 800 Drum Container Storage Unit. Container storage allows Onyx to accumulate various quantities of each class of waste, so that Onyx can more efficiently process the similar wastes. Processing can include repacking, bulking, decanting, stabilization and off-site treatment. Onyx sorts containers by hazard and places the containers in an area in the container storage unit designated for the waste type.

The container storage building is steel framed with a sheet metal roof and exterior siding. The floor of the unit is constructed of reinforced concrete and is curbed all-around with a 6-inch high reinforced concrete curb. On the east end of the building is a loading/unloading dock and the waste receiving and initial sampling area. The floor and curbs are surface sealed with a chemically resistant material to ensure that the floor system is impervious to leaks and spills of waste.

The container unit measures approximately 60 feet by 140 feet and is divided into 8 separate storage bays for segregated storage of potentially incompatible wastes. Containers are stored above the floor level on upper and lower racks. The placement of containers is shown on Figure 4-3 of the FPOR. Each of the storage bays is equipped with separate containment sufficient to provide segregated containment of 10% of the maximum volume of wastes in the bay. The loading dock floor area is sloped to a separate sump.

Repack/Bulking/Decanting Container Storage

As part of the Repack/Bulking/Decanting Treatment Unit, Onyx has licensed hazardous waste storage for 20 55-gallon containers located within the containment of the Repack/Bulking/Decanting building and a 5,000 gallon semi-tanker located in the loading dock adjacent to the Repack/Bulking/Decanting building. The licensed storage area is used when the drums brought into the Repack/Bulking/Decanting building for treatment are not able to be processed within 24 hours. The semi-tanker is used to collect the decanted liquids and other liquid wastes for bulking and for shipping off-site.

Roll-Off Box Storage

Deliveries of solid waste in roll-off boxes and/or lugger boxes for storage are directed to one of the two bulk solid storage units. Wastes in bulk storage units are stored until either treated on-site or transferred off-site for treatment and disposal.

48 Roll-Off Box Container Storage Unit

The 48 Roll-Off Box Storage Unit is located in the southeast corner of the facility property. The building is constructed in an F-shaped layout. Storage bays are roofed and 3-sided with steel and with open access from the fourth side. The floor of the unit is constructed of reinforced concrete. The floor of the storage bays is bermed and sloped to the rear of the bay with collection sumps capable of adequate spill containment. The

floor and inside walls are surface sealed with a chemically resistant material to ensure that the floor system is impervious to leaks and spills of waste. A synthetic liner was placed under the floor to provide a moisture barrier. A one-foot high concrete wall separates storage areas and spillage from going outside of the perimeter of the building. The maximum storage capacity is 193,872 gallons, or 48 20-cubic yard roll-off containers. The storage area is depicted in Figure 4-28 and 4-29, of the FPOR.

Stabilization Building Roll-Off Box Storage

As part of the stabilization treatment process, Onyx has a license to store 4 20-cubic yard roll-off boxes within the containment of the Stabilization building. The layout of the roll-off boxes in the Stabilization Building is depicted in Figure 4-9 of the FPOR.

Stabilization Treatment Unit

The Stabilization Treatment Unit is a chemical/physical process, which stabilizes waste by immobilizing its hazardous constituents. The chemical portion of the process involves the addition of an agent, generally cement, pozzolon, phosphates or other bonding materials to the waste stream. Chemical oxidizing and/or reducing agents are employed as required for the effective treatment of the waste. The physical portion of the process involves mixing of the materials, resulting in the physical/chemical change that occurs during curing. The treatment formulation development process follows these six steps: waste generation process review, physical review, waste code review, chemical review, trial bench test, and treatment verification. Onyx is limited to treating 109,500 tons per year.

An engineered metal building with the dimensions of approximately 160 feet by 100 feet with a height of 42 feet, encloses the stabilization facility. The concrete pad is surrounded by a concrete curb and is sloped to direct liquids to two 3,000-gallon containment sumps.

If free liquid rises to the top of the load during transportation, the free liquid will be absorbed by a suitable reagent added directly into the transportation container prior to off-loading into the Stabilization Treatment Unit.

Onyx sends deliveries of bulk solid waste transported in pneumatic tankers for storage into the Stabilization Treatment Unit. Onyx also sends to the Waste Stabilization Unit deliveries of solid waste in roll-off boxes, lugger boxes, dump trucks and pneumatic tankers for processing. Onyx also sends deliveries of waste in various containers, up to cubic yard containers, for stabilization, (processing or bulking to roll-off boxes, lugger boxes, or dump trailers) to the Stabilization Treatment Unit. All containers are covered to prevent entry of precipitation and to prevent air emissions.

If incoming non-bulk containers are not processed or bulked within 24 hours, the containers will be removed from staging and placed into the 800 Drum Container Storage Unit. A mobile drum extruder may be used to remove the waste from drums. After a bulk container is filled in the stabilization area, the container is covered, labeled and placed in a bulk storage unit.

Onyx receives fine particulate wastes in bulk bags, drums and pneumatic trucks. Onyx pumps the fine particulate wastes directly from the pneumatic trucks into the Stabilization Waste Storage Silo. Onyx pumps fine particulate wastes from bulk bags and drums first into a vacuum truck. When sufficient compatible waste has been accumulated in the vacuum tank, Onyx will transfer the waste to the Stabilization Waste Storage Silo. The Stabilization Waste Storage Silo is a licensed hazardous waste tank, subject to the tank

regulations in ch. NR 645, Wis. Adm. Code. The Stabilization Waste Storage Silo is constructed of 3/16-inch mild steel and has a total capacity of 54.4 cubic yards.

Onyx off-loads wastes received for stabilization into the Stabilization Bulk Bin at the beginning of the treatment train. The Stabilization Bulk Bin is a licensed hazardous waste tank subject to the tank regulations in ch. NR 645, Wis. Adm. Code. The Stabilization Bulk Bin is approximately 40 cubic yards. Onyx uses the Stabilization Bulk Bin to blend wastes from several containers and/or add secondary reagents to waste to establish physical characteristics necessary for processing through the stabilization process. Onyx adds secondary reagents manually into the Stabilization Bulk Bin. The Stabilization Bulk Bin is constructed of a single carbon steel shell with reinforcement, and is installed within a concrete bin that provides secondary containment.

Onyx introduces secondary reagents into the Stabilization Bulk Bin. Onyx uses a backhoe to mix together the waste and the reagent. If sufficient mixing is accomplished in the receiving bin, Onyx places the waste directly into a waiting receiving roll-off box. If not, Onyx scoops the waste out of the bin with the backhoe and drops the waste into the top of the grinder and shredder. The grinder and shredder reduce the particle size of the waste for more efficient stabilization. Onyx then places the waste onto a conveyor belt, which delivers the waste to a feed hopper. A screw conveyor located below the feed hopper deposits the waste on a weigh belt conveyor where the amount of the waste is recorded. Onyx then conveys the wastes into a pug mill. Onyx can convey fine particulate wastes into the pug mill either simultaneously or separately from the waste entering the pug mill via the weight belt.

Onyx adds appropriate reagents to the waste as it is mixed in the pug mill. The mixed materials discharged from the pug mill are conveyed to a discharge hopper, and dropped into containers for curing and transport. Onyx can inject water or liquid reagents directly into the pug mill.

Dust caused by the processing equipment and by the nature of the materials being handled is minimized by a dust collection system. Onyx operates the building under a negative pressure created by the dust collection system.

To verify that the treatment process has achieved the required chemical and physical properties, Onyx analyzes the treated waste after the waste has been loaded into roll-off containers. Onyx has two accumulation areas, which are surrounded with berms and have blind sumps. One is for 30 roll-off containers and is located in the area at the west end of the facility. The other is for 12 roll-off containers and is located directly west of the Stabilization Treatment Unit.

Onyx ships treated waste off-site to a landfill that is licensed to accept the waste stream.

Tank Storage

Onyx has two tanks that are licensed as hazardous waste tanks: the Stabilization Storage Silo and the Stabilization Bulk Bin. Descriptions of the two tanks were provided in the Stabilization Treatment Unit description.

Repack/Bulking/Decanting Treatment Unit

The Repack/Bulking/Decanting Treatment Unit is intended to separate mixed phase waste to allow separate handling and consolidation of the liquid and solid phases from various shipments, to package waste for shipment as a hazardous waste fuel or for treatment, to reduce the quantity of adsorbents and packaging

being incinerated. For deliveries of waste for Repack/Bulking/Decanting Treatment Unit in containers of various sizes up to cubic yard containers, Onyx directs the waste to the Repack/Bulking/Decanting Treatment Unit. Onyx processes 160 containers per day in the Repack/Bulking/Decanting Treatment Unit.

The Repack/Bulking/Decanting Treatment Unit is a poured concrete slab enclosed by a 6-inch concrete curb, except at the east and west ends where the floor slopes to the curb to provide safe and easy building access. The concrete is sealed with a chemically resistant material and provides containment capacity of 2,084 gallons for leaks and spills. The containment structure is 16 feet by 39 feet. The Repack/Bulking/Decanting Treatment Unit is enclosed by a roof, and four walls. The east and west walls have overhead doors. Two fume hoods and a lab hood exhaust fumes through a carbon filter. Onyx is limited to processing 10,000 gallons per day in the Repack/Bulking/Decanting Unit.

Container Decanting Process

For containers of wastes that have organic liquid and pumpable wastes, Onyx decants the waste at the decant station. The maximum capacity of the drum decant unit is 600 containers per day, based on three shifts per day. Onyx decants in batches of the same class of wastes, which are compatible.

Onyx uses a vacuum hose placed in the container to remove the liquids. To remove as much liquid as possible from each container, Onyx uses a round mesh screen to push the solids to the bottom of the container. Onyx connects the vacuum hose to a strainer and then to a semi-tanker. Onyx positions the semi-tanker in the loading dock adjacent to the Repack/Bulking/Decanting Treatment Unit. Onyx sends the semi-tanker off-site in bulk for reclamation and treatment. Onyx collects the solids in another container, labels the container, and places the container in the 800 Container Storage Unit.

Repack/Bulking Process

Any material in the drums that is not emptied by decanting will be subject to repackaging. If there is a sufficient volume in the drums, Onyx will accumulate waste for on-site treatment or for transfer off-site for treatment and disposal. In repackaging, the container is picked up by a forklift, tilted, and the waste scraped into a different container. Onyx only repackages compatible wastes.

Repackaging of lab packs involves removing closed bottles and jars from one lab pack drum and consolidating them into another drum. Onyx only lab packs together compatible wastes. Onyx performs the repackaging of lab packs in the 800 Container Storage Unit or the Repack/Bulking/Decanting Treatment Unit.

Certain bulk waste materials require repackaging prior to being treated and/or disposed. Incineration requires material to be packaged in burnable drums. Onyx performs repackaging of bulk waste material in the Repack/Bulking/Decanting Unit or the Stabilization Unit.

Onyx will only conduct bulking in the Repack/Bulking/Decanting Treatment Unit. Bulking consists of consolidating lesser amounts of similar chemical wastes into a larger container. Onyx conducts a compatibility test before waste materials are bulked. Onyx conducts the bulking and compatibility testing under air collection hoods. Once the container is full, Onyx will close the container, label the container and send the container to the 800 Container Storage Unit.

Modifications

- On September 19, 2001, Onyx submitted a modification request for use of a sunken loading dock west of the Repack/Bulking/Decanting Treatment Unit. With the use of the sunken loading dock, Onyx improves the efficiency and safety of the operation of the Repack/Bulking/Decanting Treatment Unit and provides an improvement in secondary containment for the tankers used during the bulking process.

Onyx designed the sunken loading dock so that a forklift is able to remove drums from a truck parked in the loading dock and place the drums in to the Repack/Bulking/Decanting Treatment Unit. Onyx will no longer have to rely on the portable plastic secondary containment system that they are presently using to provide secondary containment for trucks in the Repack/Bulking/Decanting Treatment Unit.

The sunken loading dock is approximately 40 feet by 35 feet allowing space for three trucks. The concrete loading dock slopes down from west to east to allow the back of a truck to be even with the elevation of the platform at the east end. The dock drains to a 4 foot by 4 foot by 4-foot deep sump.

- On November 19, 2001, Onyx submitted a modification request to accept for storage and treatment all Resource Conservation and Recovery Act (RCRA) hazardous waste codes. Onyx currently handles most waste codes. Onyx explains that the acceptance and storage and treatment of the additional waste codes will not require additional or different management practices. With this license modification, Onyx will be able to accept all wastes and not have to reject any wastes.
- On January 18, 2002, Onyx submitted a class 1 modification request for revisions to the environmental notification summary part of the contingency plan.
- On May 15, 2002, Onyx submitted a modification request to authorize the addition of waste codes K176 and K177 to Onyx FPOR. The effective date for the final rule adding these waste codes was May 20, 2002. Onyx explains that the addition of these waste codes does not require any changes in the operations currently approved at Onyx.

Transfer Facility

Onyx operates a hazardous waste transfer facility for accumulating manifested shipments of hazardous waste in connection with the transporting or movement of the hazardous waste shipments.

Household Hazardous Waste Collection Program

Onyx operates a collection facility for household hazardous wastes. During scheduled times, citizens are able to drop off their household hazardous waste. Onyx allows for citizens to pick up reusable products and processes the waste.

RELICENSING PROCEDURES

The initial operating license for hazardous waste storage was issued to Onyx on June 1, 1988. The initial operating license is effective for 10 years from the date of issuance. Since Onyx has chosen to continue operating their licensed hazardous waste facility, Onyx has submitted a revised Feasibility Plan of Operation Report (FPOR), as required by NR 680.45(6), Wis. Adm. Code, before submitting the application for a

reissuance of the operating license. On August 12, 1997, WDNR received a revised FPOR for a hazardous waste container and tank storage facility at Onyx. On July 7, 1998, Onyx submitted revisions to the FPOR regarding the Repack/Bulking/Decanting Treatment Unit. In response to a January 5, 2001, incompleteness letter, Onyx submitted a response on February 8, 2001. In response to the September 26, 2002 FPOR preliminary determination, Onyx submitted additional information on November 8, 2002. On September 19, 2001, November 19, 2001, January 18, 2002, and May 15, 2002, Onyx submitted revisions to the FPOR as part of plan modification requests. The FPOR submitted by Onyx describes how the facility will conduct its operations in compliance with the applicable requirements of s. NR 630, 640, 645, 670, 680, and 685, Wis. Adm. Code.

Determination of Needs

WDNR believes there is a need for the facility to treat and store hazardous waste. The overall demand for waste stabilization technology has increased with increasing regulations and a reduction in hazardous waste landfill capacity. Facility container storage capacity allows the facility to properly analyze the treated wastes and arrange for off-site management while stabilizing a practical quantity of waste. The treatment and storage capacity at Onyx allows characteristic hazardous waste to be treated so that it is a non-hazardous solid waste. This solid waste may then be disposed in an approved Wisconsin landfill, thereby reducing the state's dependence on out-of-state hazardous waste treatment and disposal facilities.

Licensing History (Approvals/Determinations)

The original FPOR approval for hazardous waste storage and treatment was issued on October 13, 1987. Since the original FPOR approval was issued, a number of approvals, determinations and modifications have been issued to Onyx. The dates and a summary of the original approval and subsequent approvals, determinations and modifications are listed below:

- Feasibility and Plan of Operation Report Conditional Approval - 10/13/87 (covered storage in 446 55-gallon drums, 18 2000-gallon luggers, and 4 10,000-gallon tanks, and treatment in 2 5,600-gallon tanks, and 2 900-gallon surge tanks)
- Construction Documentation Report Approval - 5/3/88 (covered hazardous waste container storage building)
- Hazardous Waste Operating License - 5/27/88 (container storage 60,530 gallon storage capacity)
- Federal Permit - 6/1/88
- Closure Plan Approval - 7/25/88 (for interim licensed storage facility)
- Feasibility Report and Plan of Operation Conditional Approval - 9/13/90 (covered storage in 800 55-gallon containers, 18 2,000-gallon lugger boxes, 4 10,000-gallon tanks and treatment in 2 5,600-gallon decanting and settling tanks and 2 900-gallon surge tanks)
- Variance for Storage and Treatment - 4/9/91 (covered the stabilization process)
- Site Construction Report Approval - 5/22/91 (covered the drum decant treatment and tank storage)
- Federal Portion of Modified Operating License - 8/2/91
- Feasibility and Plan of Operation Report Determination - 6/28/93 (covered an additional 62,600 gallons in lugger box storage, a 48-bay roll-off container storage building for a maximum storage capacity of 193,872 gallons, and a stabilization process unit and building which also includes storage)
- Construction Documentation Determination - 9/28/93 (covered construction of 48-unit bulk solids storage facility and stabilization enclosure)

- Hazardous Waste Operating Licenses - 9/30/93 (license issued for container storage # 03135, tank storage # 06012, and miscellaneous treatment # 06013)
- Plan Modification Determination - 5/10/95 (This determination covered the following 7 items: 1. Clarified the maximum waste treatment capacity limits of 80 tons/hour and 300 tons/day, and change in emergency notification contacts (3/24/94 request); 2. Clarified container storage building to stabilization building staging and traffic flow/storage building container configuration (6/8/94 request); 3. Covered a second generator accumulation area and a revised emergency notification list (6/8/94 request); 4. Covered alternative treated waste sampling frequency for D005/D006/D008 wastes (8/17/94, 9/2/94, and 10/21/94 requests); 5. Clarification of operation of discharge chute and liquids stabilization, revised contingency plan notification and free liquids handling (12/15/94 request); 6. Covered emergency notification summary revision (1/18/95); and Covered change in facility operator request submittals (4/17/95 and 5/5/95 requests).
- Plan Modification Determination - 8/14/96 (regarding additional waste codes, security fence line and emergency notification list)
- Container Closure Determination - 6/6/96 (Closure of of 18 unit roll-off box container storage unit)
- Plan Modification Determination - 7/27/98 (for construction and operation of a Repack/Bulking/Decanting unit and the acceptance of additional waste codes)
- Plan Modification Determination - 5/27/99 (change in ownership)

Since the issuance of the initial license on June 1, 1988, Onyx has been required to operate in accordance with the conditions in the October 13, 1987, feasibility and plan of operation report conditional approval and the subsequent modifications and approvals listed above. As part of the re-licensing review process, WDNR has reviewed the conditions in the October 13, 1987, approval and the subsequent modifications and approvals listed above to determine the relevancy of those conditions to this approval. Relevant conditions have been incorporated into this approval since all prior approvals and modifications expire unless expressly provided otherwise.

FINDINGS OF FACT

The Wisconsin Department of Natural Resources finds that:

1. Onyx owns and operates a hazardous waste container storage, and tank storage and miscellaneous treatment facility at W124 N9451 Boundary Road, Menomonee Falls.
2. Chemical Waste Management - Controlled Waste Division (CWM-CWD) [Onyx] filed a notice of hazardous waste activity on August 18, 1980 with the U.S. EPA. A Part A hazardous waste permit application was filed on November 19, 1980. Revised Part A applications were submitted on October 5, 1990, December 17, 1990, January 7, 1991, April 14, 1993, August 11, 1997, November 16, 2001, and May 15, 2002.
3. An interim license was issued by WDNR to CWM-CWD [Onyx] on May 16, 1984, allowing for the facility to store waste in containers.
4. On October 13, 1987, WDNR issued to CWM-CWD [Onyx] feasibility and plan of operation determination a hazardous waste storage and treatment facility.

5. An initial hazardous waste operating license was issued by WDNR to CWM-CWD [Onyx] on June 1, 1988, for a hazardous waste storage facility with a maximum capacity of 446 55-gallon containers (24,530 gallons).
6. On June 1, 1988, U.S. EPA Region 5 issued to CWM-CWD [Onyx] the federal portion of the initial RCRA operating license.
7. WDNR issued to CWM-CWD [Onyx] a September 13, 1990, plan approval to construct and operate additional hazardous waste storage and treatment units on-site. The hazardous waste units included: an expansion of the container storage building to store a maximum of 800 55-gallon containers (44,000 gallons); a roll-off/lugger container storage building to store a maximum of 18 2,000 gallon containers (36,000 gallons); a drum Repack/Bulking/Decanting unit to treat up to 33,000 gallons per day in 2 5,600-gallon decanting and settling tanks and 2 900-gallon surge tanks; and 4 10,000-gallon aboveground tanks.
8. WDNR received a variance application from CWM-CWD [Onyx] on August 1, 1990, to construct and operate a hazardous waste storage and treatment (stabilization unit). WDNR issued a 2 year variance on April 9, 1991. WDNR received a variance renewal request from CWM-CWD [Onyx] on January 11, 1993, and issued a variance renewal on April 15, 1993, which expired on December 31, 1993.
9. The effective date of a federal modified RCRA operating license was September 3, 1991.
10. On June 28, 1993, WDNR issued to CWM-CWD [Onyx] a FPOR expansion approval covering an additional 62,600 gallons in lugger box storage, (now 48 4,039-gallon roll-off containers), and the stabilization unit, which also included storage.
11. U.S. EPA Region 5 issued a federal class 2 hazardous waste operating license modification on January 28, 1994.
12. WDNR issued other plan modification determinations on: May 10, 1995, (clarified the maximum waste treatment capacity limits and additional items); August 14, 1996, (additional waste codes, security fence line and emergency notification list); July 27, 1998, (construction and operation of a Repack/Bulking/Decanting unit and the acceptance of additional waste codes); and May 27, 1999, (change in ownership).
13. On June 28, 1995, U.S. EPA Region 5 issued a federal class 1 hazardous waste operating license modification.
14. On June 6, 1996, WDNR approved the closure of an 18-unit roll-off box container storage unit.
15. Onyx submitted a revised FPOR for a hazardous waste tank, storage and miscellaneous treatment facility on August 12, 1997. A plan review fee of \$10,800.00 (\$3,000.00 for containers, \$4,800.00 for tanks, and \$3,000.00 for miscellaneous) was submitted on August 12, 1997.
16. On July 10, 1997, Onyx submitted a class 2 modification request regarding the construction and operation of the Repack/Bulking/Decanting Treatment Unit and the acceptance of additional waste codes. On July 27, 1998, WDNR issued a plan modification determination to Onyx regarding the construction and operation of the Repack/Bulking/Decanting Treatment Unit and the acceptance of

additional waste codes. On July 7, 1998, Onyx submitted revisions to the FPOR regarding the Repack/Bulking/Decanting Treatment Unit.

17. WDNR issued a Notice of Incompleteness January 5, 2001. Onyx submitted a response to the Notice of Incompleteness on February 5, 2001.
18. On September 17, 2001, Onyx submitted a request for temporary authorization for use of a sunken dock west of the Repack/Bulking/Decanting area.
19. On September 19, 2001, Onyx submitted a class 2 plan modification request for the use of a sunken dock west of the Repack/Bulking/Decanting area. On November 28, 2001, Onyx submitted a plan review fee of \$1,200.00 for a class 2 plan modification for the sunken dock west of the Repack/Bulking/Decanting area.
20. On November 19, 2001, Onyx submitted a class 2 plan modification request for the addition of hazardous waste codes. On November 28, 2001, Onyx submitted a plan review fee of \$1,200.00 for a class 2 plan modification for the addition of hazardous waste codes.
21. On January 18, 2002, Onyx submitted a class 1 license modification request for updates in the contingency plan.
22. On May 15, 2002, Onyx submitted a modification request for the addition of two waste codes.
23. On September 26, 2002, WDNR issued a preliminary determination on the Onyx FPOR and plan modification requests. On September 26, 2002, a public notice was placed in the Wisconsin State Journal, Milwaukee Journal Sentinel and Menomonee Falls News, and a radio announcement was broadcast during morning and evening drive time on WFMR, Milwaukee. During the 45-day public comment period, the only response received was the November 7, 2002, response from Onyx.
24. WDNR has reviewed the conditions in the approvals and modifications stated in Findings of Fact 4, 7, 10 and 12 above to determine their relevancy to this approval and the continued operations at Onyx.

CONCLUSIONS OF LAW

1. WDNR has promulgated chs. NR 600 through 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 227, 289, and 291 Wis. Stats.
2. WDNR has the authority to conditionally approve a feasibility and plan of operation report if the conditions are necessary to comply with chs. NR 600 through 685, Wis. Adm. Code, pursuant to s. 289.30, Wis. Stats.
3. Pursuant to s. 289.31, Wis. Stats., and sec. NR 680.45(6), Wis. Adm. Code., WDNR may issue annual renewals of a hazardous waste operating licenses for an effective period of up to 10 years. If the licensee chooses to operate or maintain a hazardous waste facility after the 10-year effective period ends, the licensee must submit, at least 180 days before the end of the effective period, all of the plans and reports which are required before the application for a new operating license may be submitted, as specified in ss. NR 600.05 and 680.31(1), and the applicable sections of chs. NR 630 to 685, Wis. Adm. Code.

4. Pursuant to ch. NR 680, Wis. Adm. Code, WDNR has the authority to issue hazardous waste plan approvals and operating licenses.
5. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 600 through 685, Wis. Adm. Code.
6. WDNR has promulgated ch. NR 103, Wis. Adm. Code, to preserve and protect the water quality of wetlands.
7. Pursuant to s. 227.51(2), Wis. Stats., when a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally acted upon by the agency, and, if the application is denied or the terms of the new license are limited, until the last day for seeking review of the agency decision or a later date fixed by order of the reviewing court.

DETERMINATION

In accordance with s. 289.28(3), Wis. Stats., WDNR has determined there is a need for the facility to store and treat hazardous waste as approved. WDNR has further determined that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, and that the existing facility conforms with wetlands water quality standards pursuant to ch. NR 103, Wis. Adm. Code.

Based on the Findings of Fact and Conclusions of Law, WDNR determines that the Onyx hazardous waste container storage, tank storage and miscellaneous treatment facility feasibility and plan of operation report dated August 8, 1997, which includes revisions made on July 7, 1998, February 5, 2001, September 19, 2001, November 19, 2001, January 18, 2002, May 15, 2002, and September 26, 2002, is hereby approved subject to compliance with chs. NR 600 through NR 690, Wis. Adm. Code, ch. 291, Wis. Stats., and the following conditions.

WDNR also determines that the September 19, 2001, November 19, 2001, January 18, 2002, and May 15, 2002, modification requests submitted by Onyx are approved.

CONDITIONS OF APPROVAL

General

1. Onyx shall operate in accordance with the August 8, 1997, approved Feasibility and Plan of Operation Report (FPOR), which includes revisions made on July 7, 1998, February 5, 2001, and September 26, 2002; the September 19, 2001, November 19, 2001, January 18, 2002, and May 15, 2002, plan modifications; the requirements of s. 291, Wis. Stats.; the applicable requirements of s. 289, Wis. Stats, and chs. NR 600-690, Wis. Adm. Code; and the conditions of this approval.
2. All prior approvals and modifications issued by WDNR relating to the operation of the hazardous waste storage and treatment facility at Onyx that have not expired are superseded by this approval.

3. WDNR retains the right to modify this approval and to require additional information at anytime. Nothing in this conditional approval shall relieve Onyx of the legal obligation to comply with applicable federal, state and local approvals.
4. Onyx shall send a copy of the complete FPOR to each affected municipality's local library within 15 days of this determination's issuance. Onyx shall submit to WDNR verification that copies were sent within 15 days.
5. Onyx shall submit a signed, final operating license application for hazardous waste container storage, tank storage and miscellaneous treatment in accordance with NR 680.45(3), Wis. Adm. Code, within 30 days of the date of this approval. Onyx shall include the following items with the application submittal; liability financial responsibility documentation, and closure cost financial responsibility documentation for the closure cost estimates stated in the approved FPOR.
6. Onyx shall store and treat only those waste types and codes listed in the May 17, 2002, Part A application (the most recent) and those wastes specifically identified in the FPOR dated August 8, 1997, including the February 5, 2001, revisions, and the November 19, 2001, and May 15, 2002, plan modifications. Wastes with similar characteristics or of a similar nature (i.e. listed for a similar reason or similar toxicological properties) can be stored at the facility only by receiving written approval from WDNR by submitting a plan modification request.
7. Onyx may not treat, store, or dispose of hazardous waste in a modified or expanded portion of the facility, until Onyx has received written approval from WDNR. Changes in the processes or equipment used to treat and store hazardous wastes are some examples, which may constitute a facility expansion or modification.
8. Onyx shall immediately report all spills and discharges of hazardous waste outside of hazardous waste storage secondary containment structures at its facility and implement any action necessary in accordance with the requirements of s. NR 706.05 and s. NR 630.22(2)(c), Wis. Adm. Code. Onyx shall record in the facility operating record all releases of hazardous waste or other hazardous substances within secondary containment structures.
9. Onyx shall sign and certify all renewal applications, and all reports or other information submitted to WDNR as specified in s. NR 680.05, Wis. Adm. Code.
10. Onyx shall at all times maintain in good working order and operate efficiently all facilities and systems of treatment or control and related appurtenances which are installed or used to achieve compliance with the terms and conditions of the license. Proper operation and maintenance includes, but is not limited to, effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

Specific

11. Onyx shall know the identity and location of all stored hazardous waste throughout the entire storage period.
12. Onyx shall operate the licensed storage and treatment units within their licensed capacities. The maximum design capacity for purpose of licensing and closure is 260,128 gallons in containers (*Container*

Storage Building - 800 55-gallon drums or 44,000 gallon capacity; *Bulk Solid Storage Unit* - 48 4,039-gallon (20-cubic yard) roll-off boxes or 193,872 gallon capacity; *Stabilization Building Bulk Storage* - 4 4,039-gallon (20-cubic yard) roll-off boxes or 16,156 gallon capacity; and *Repack/Bulking/Decanting (RBD) Unit Storage* - 20 55-gallon drums or 1,100 gallons and one 5,000-gallon semi-tanker), 94.5 cubic yards in tanks (*Stabilization Bulk Bin* - 1 Tank @ 40 cubic yards, and *Stabilization Storage Silo* - 1 Tank @ 54.5 cubic yards), and miscellaneous treatment of 109,500 tons per year in the Stabilization Treatment Unit and 10,000 gallons per day in the RBD Treatment Unit.

13. Onyx may not use Boundary Road as a staging area for inbound or outbound shipments of bulk wastes.
14. Within twenty four hours of the time that shipments of hazardous wastes arrive at the facility, Onyx shall treat, place in licensed storage, or place in the transfer unit, the shipment of hazardous waste. Onyx shall not store waste on-site overnight in vehicles waiting to be unloaded. Onyx shall limit acceptance of to the operating hours of Onyx and the ability of the Onyx laboratory to conduct the waste analyses in accordance with this approval.

Miscellaneous Treatment Units

15. When the Stabilization Treatment Unit or the RBD Treatment Unit is in operation, Onyx shall at all times equip at least one employee from each unit involved in the operation with a two-way radio or other electronic communication device to be used primarily in the event of an emergency.
16. Onyx shall comply with the minimum requirements for operation of treatment units found in ss. NR 645.06(3), NR 670.08, and NR 670.09, Wis. Adm. Code, including but not limited to the following:
 - a. Onyx shall have the capacity to remove wastes from the treatment units and store wastes in the licensed hazardous waste storage facility in the event of an equipment breakdown or malfunction;
 - b. If for any reason the treatment facility is rendered inoperable or is not able to completely process the hazardous waste, Onyx shall use an approved alternative method for hazardous waste disposal; and
 - c. Onyx shall inspect and monitor the discharge control and safety equipment and secondary containment structures.

Repack/Bulking/Decanting Treatment Unit

17. Onyx shall maintain adequate containment capacity and the integrity of the containment in the RBD Treatment Unit building and the semi-tanker loading dock associated with the RBD Treatment Unit. s. 640.13(1), Wis. Adm. Code.
18. For waste staged for greater than 24 hours, Onyx shall count the waste towards the licensed container capacity of the RBD unit.
19. If equipment becomes contaminated after use in the RBD unit, Onyx shall decontaminate the equipment before the equipment is used outside of the RBD unit or used with incompatible materials.

Stabilization Treatment Unit

20. Onyx shall treat through stabilization only wastes containing mercury (Hg) less than 2% by weight, characteristic wastes (excluding D001 wastes), or listed hazardous wastes. All wastes shall be identified by the state land disposal restrictions (LDR) in ch. NR 675, Wis. Adm. Code, whose best demonstrated available technology (BDAT) or specified technology is stabilization. All other hazardous waste codes

are prohibited from stabilization or storage at the stabilization facility, unless the land disposal restriction standards have been met and documented.

21. Onyx may accept wastes containing visible or suspected free liquids for stabilization and associated processing only after those free liquids are eliminated and the waste, upon free liquids elimination, passes all acceptance criteria noted in the waste analysis plan. If free liquids are visible or suspected to be present, Onyx shall sample and analyze the container by the Paint Filter Liquids Test, Method 9095, Test Methods For Evaluating Solid Wastes, Physical/Chemical Methods, 2nd Edition, EPA publication number SW-846, 1982 (with 1984 revision), or subsequent editions.
22. Onyx shall notify WDNR Southeast Region in writing within 7 days of receipt of a waste that contains free liquids in excess of being incidental to the normal course of transportation. Onyx shall accept and treat excess free liquid wastes only when shipped in bulk containers such as roll-off containers. Onyx shall, in its notice to WDNR: identify the generator (contact name and phone number) and transporter (contact name and phone number); manifest number; number, type, and size of containers; quantity of waste and waste code; and special handling (e.g., Treatment) Onyx performed on the waste. Onyx shall refrain from accepting excess free liquid waste shipment from a generator who has shipped excess free liquid to Onyx more than twice in a calendar year.
23. Onyx shall submit a report to WDNR annually that specifies wastes accepted for stabilization treatment. The report data shall be sorted chronologically and contain at a minimum the following information: date(s) of operation; EPA waste code; waste quantities processed/reprocessed per generator with daily and annual totals (total the quantity of waste treated annually per generator sorted alphabetically by generator, and the total quantity of waste treated annually from all generators); specific name and quantity of primary and secondary reagents (i.e., stabilizing agent such as lime and cement kiln dust, and reagents such as oxidizing and reducing agents) and other additives used to treat each waste; lab analyses performed; and the location where the treated waste was disposed and the date it was disposed. In addition, Onyx shall include in the report a discussion on wastes that could not be treated on-site down to the applicable LDR treatment standards; generator and generation process descriptions for these wastes; an explanation on why stabilization was not effective; and final disposition of these wastes (e.g., type of treatment, storage, or disposal facility which accepted the waste). The report shall be submitted to WDNR on an annual basis by March 1.
24. Characteristic hazardous waste defined in s. NR 605.08, Wis. Adm. Code, that has been treated (stabilized) in accordance with the LDR treatment standards may be disposed in Wisconsin in accordance with Chapters NR 500 to 520, Wis. Adm. Code, provided Onyx obtains WDNR approval.
25. Onyx shall not leave wastes untreated in the stabilization facility beyond the business day that it is received, except for wastes stored in the waste silo or in the roll-off container storage unit in the stabilization building.
26. Onyx shall not store wastes (except those stored in the Stabilization Storage Silo or in the Stabilization Building Roll-Off Box Storage) in the stabilization receiving bin or other areas within the secondary containment diking of the stabilization building when the Stabilization Treatment Unit is not in operation.
27. Onyx may transport non-bulk containers from the container storage building to the stabilization building and stage them in a manner described in the FPOR. For container staging in the stabilization building prior to treatment, Onyx shall not exceed 59 pallets (eg. 236 55-gallon drums) at any time. Onyx shall

place these containers in a manner that permits inspection and allows at least 2-½ feet of aisle space between rows of containers. Onyx shall not stack containers atop one another in the staging area.

28. Onyx shall perform decontamination between batches when switching from a listed hazardous waste to a characteristic hazardous waste. During decontamination, Onyx shall clean the pug mill by allowing the unit to run until no further waste is discharged and by processing a minimum of 3 cubic yards of clean solid aggregate and/or reagent through the pug mill.
29. Onyx shall have all the oversize waste materials (e.g., debris, liners) removed by the screen located prior to the feed hopper or by the waste sorting system and materials adhering to the debris removed to the extent possible by manual means (scraping and brushing), until all loose visible material is removed.
30. Onyx shall have a trained operator present in the Stabilization Treatment Unit area whenever it is in operation. Onyx shall not allow employees to work unsupervised until they have been certified as being fully trained, in accordance with the facility's personnel training plan.
31. Onyx shall have all equipment in the lockout position prior to manually removing wastes from the pug mill.
32. Onyx shall operate the pug mill at all times in a manner that prevents material release.
33. Onyx shall take post-treatment samples within 48 hours after treated wastes pass through the surge hopper into a container.
34. Onyx shall not place the treated wastes in a landfill for disposal until it has been demonstrated that the applicable land disposal restrictions are met by the treated waste. Onyx shall maintain on file lab analyses documentation demonstrating compliance with applicable portions of the land disposal restrictions (e.g., F006 must have results demonstrating compliance with metals and cyanide). Onyx shall maintain these records for at least five (5) years.
35. Onyx shall not manage nonhazardous solid wastes at the stabilization facility without prior approval from the WDNR's Solid Waste Management Section.

Stabilized Waste Accumulation

36. At any time, Onyx shall hold no more than thirty-one (31) thirty (30)-cubic yard containers in the stabilized waste accumulation area located to the west of the container storage warehouse. Onyx shall maintain adequate spacing between containers to inspect the containers and the area around it and to allow for the free movement of emergency response equipment. Onyx may accumulate stabilized waste in a second generator accumulation area located immediately west of the stabilization building in as many as 12 leak proof roll-off containers.
37. Onyx shall accumulate the stabilized treated waste in covered liquid-tight containers in the in the designated stabilized waste accumulation areas or in the licensed bulk hazardous waste storage area. For purposes of this approval, liquid-tight containers are ones that do not leak liquids. Onyx shall use containers tht are lined or have all edges and seams welded or caulked with a material compatible with the waste to render it liquid-tight.

38. Onyx shall segregate from each other all incompatible wastes until it is demonstrated that the wastes have each passed the treatment standards applicable to that waste and until such time that the analyses to demonstrate compliance with these restrictions is completed and the waste is shipped off-site.
39. Onyx shall segregate wastes, which fail to meet the applicable treatment standard, from other wastes until treated again. Onyx may only dispose of these wastes after demonstrating the waste meets the applicable LDR treatment standard.
40. Onyx shall collect all run-off, accumulated liquids, or other materials that come in contact with the asphalt pavement of the stabilized waste accumulation areas in a retention pond and analyze the material prior to discharge in accordance with a WPDES Discharge Permit and ch. 147, Wis. Stats.

Tanks

41. Onyx shall operate and maintain the secondary containment systems of the Stabilization Bulk Bin and waste storage silo to prevent any leaks.
42. Onyx shall inspect the following components of each tank once each operating day; overfill control equipment (e.g., waste feed cut-off), and the area immediately surrounding the tank, to detect erosion or signs of releases of hazardous waste.
43. Onyx shall provide a tank integrity assessment report prepared in conformity with s. NR 645.07(1), Wis. Adm. Code, to detect corrosion or erosion, cracks, or leaks of all hazardous waste tanks and shall submit a report to WDNR by April 1 each year.
44. Onyx shall maintain the automatic feed cut-off equipment on the Stabilization Waste Storage Silo in good working order at all times during facility operation, in accordance with ss. NR 645.06(3)(b)5., 645.10, and 645.11, Wis. Adm. Code.
45. Onyx shall use existing operating logs to track when the Stabilization Waste Storage Silo is switched to and from hazardous waste or reagent storage.
46. At all times, Onyx shall operate the backhoe in a manner that will not cause spillage of hazardous wastes outside the secondary containment area and will not cause the backhoe to fall from the raised concrete pad it is mounted on.
47. Should the elevated and hardened concrete platform that supports the backhoe show excessive wear, Onyx shall place appropriate material (e.g., rubber) mats under the backhoe tracks.
48. Onyx shall maintain in the stabilization bulk bin at least two feet of freeboard to prevent splash-out, pursuant to ss. NR 645.06(3)(b)3., and 645.10(2), Wis. Adm. Code.

Containers

49. Onyx shall maintain adequate aisle space in the container storage areas to allow unobstructed movement of personnel, fire protection equipment and decontamination equipment in the event of an emergency.
50. Onyx shall inspect weekly all containers used for storing hazardous waste for evidence of leakage, corrosion, or deterioration of the containers or the secondary containment structures.

51. Onyx shall expeditiously remove any spilled or discharged hazardous waste so as to prevent overflow of the secondary containment system or prolonged exposure of the containment system or the containers to the hazardous waste. Each day Onyx shall clear from the diked areas all uncontained wastes and accumulated liquids (e.g., precipitation, wash waters) located within the secondary containment diking. Onyx shall manage these uncontained waste and accumulated liquids as a hazardous waste in accordance with chs. NR 600 to 685, Wis. Adm. Code, and the FPOR.
52. Onyx shall ensure that the secondary containment structures are liquid tight and that the integrity of the chemically resistant materials used to seal all concrete surfaced secondary containment structures are maintained.
53. Onyx shall configure various size containers on pallets so that all containers and their respective labels can be inspected.

Waste Analysis Plan

54. Onyx shall monitor and analyze the hazardous waste transported to the facility in accordance with the methods and procedures set forth in the waste analysis plan in the FPOR.
55. Onyx shall report all analytical results at the intervals and format specified in the FPOR, and in ch. NR 630, Wis. Adm. Code.
56. Onyx shall retain records of all analytical information, including all calibration and maintenance records of laboratory instrumentation and copies of all required for this license, for a period of at least three years from the date of generation.
57. Prior to treatment or storage, Onyx shall evaluate the compatibility of the waste streams to be commingled by a direct mixture of the two (or more) waste streams. If there is reason to believe that the waste to be treated is incompatible with the most recently treated waste and the equipment has not been decontaminated, Onyx shall conduct a compatibility test on the waste with the previously treated waste.
58. Onyx must always use a registered or certified lab.

Transfer Facilities

59. Onyx shall not move hazardous waste from any on-site hazardous waste transfer facility to the on-site storage or treatment facilities or from the on-site storage facility to any on-site transfer facility, at any time.
60. Onyx shall store all hazardous waste received from off-site in either the designated 10-day transfer facility area or in licensed, approved storage areas.
61. Onyx shall clearly mark any container in the hazardous waste transfer facility with the date when it is first placed in the transfer facility. Onyx shall ensure that on each container this date is visible for inspection. Onyx shall inspect the transfer facility after each shipment and check for dates on the containers.
62. Onyx shall maintain a hazardous waste transporter's license as long as the on-site hazardous waste transfer facility is operated.

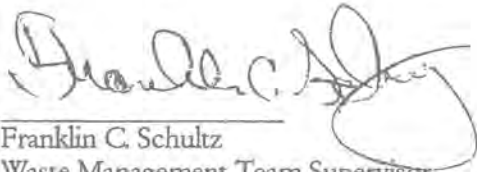
NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review WDNR decisions must be filed.

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by WDNR, to file your petition with the appropriate circuit court and serve the petition on the WDNR. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: January 24, 2003

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Franklin C. Schultz
Waste Management Team Supervisor
Southeast Region



Patrick Brady
Waste Management Engineer
Southeast Region



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region
Milwaukee Service Center
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

May 27, 1999

File Ref.: FID# 268224880
HW/LIC

Paul McShane, General Manager
Advanced Environmental Technical Services, L.L.C.
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

RE: Determination to Approve a Class 1 Plan Modification Request for Change in Ownership
Advanced Environmental Technical Services, L.L.C.
W124 N9451 Boundary Road, Menomonee Falls, WI
EPA I.D. #: WID003967148

Dear Mr. McShane:

This letter acknowledges receipt of the class 1 license modification request March 26, 1999. Advanced Environmental Technical Services, L.L.C., a subsidiary of Waste Management Inc. (WMI), is transferring the operations at W124 N9451 Boundary Road, Menomonee Falls, Wisconsin, to AETS, L.L.C. AETS, L.L.C. is a newly organized Delaware company, which will be owned by Advanced Environmental Services, L.L.C. Advanced Environmental Services, L.L.C. will be owned by 51% by Vivendi, S.A. and 49% by WMI. The transfer of ownership of Advanced Environmental Technical Services, L.L.C. requires a transfer of the Advanced Environmental Technical Services, L.L.C.'s hazardous waste license for storage. In order to incorporate this requested change; the department is issuing a plan modification determination. This letter serves notice that the department has completed its review of the request and is issuing a preliminary determination at this time.

You may submit written comments to the department regarding this preliminary determination within 10 business days of the date of this letter. ~~A final determination may be issued thereafter based on comments we receive.~~ Because this is a class 1 modification, if no written comments are received by the department by the end of the 10 business day comment period, then the preliminary determination will become a final determination. This plan modification must be kept with the feasibility and plan of operation report determination, the operating license, and all plan modifications for the licensed facility.

**PRELIMINARY AND FINAL DETERMINATION
HAZARDOUS WASTE LICENSE AND PLAN MODIFICATION**

FINDINGS OF FACT

The department finds that:

- 1) On June 1, 1988, the department issued an operating license for hazardous waste container storage to Advanced Environmental Technical Services, L.L.C. The associated feasibility and plan of operation report approval was issued on October 13, 1987.
- 2) On September 30, 1993, the department issued to Advanced Environmental Technical Services, L.L.C. an operating license for a hazardous waste tank and miscellaneous treatment, and an increase in their container storage capacity. The associated feasibility and plan of operation report was approved on September 13, 1990
- 3) The department approved plan modifications to Advanced Environmental Technical Services, L.L.C. license and feasibility and plan of operation report approval on May 10, 1995, and August 14, 1996.
- 4) On July 27, 1998, the department approved a plan modification to Advanced Environmental Technical Services, L.L.C., which included the construction and operation of the Repack/Bulking/Decant unit.
- 5) On March 26, 1999, the department received from Advanced Environmental Technical Services, L.L.C. a request for a class 1 modification for change in ownership to AETS, L.L.C.
- 6) The most recent inspection of the facility was on June 26, 1998. At the time of the inspection, no violations of the requirements specified in the operating license, the conditions of the approved feasibility report and plan of operation, or chs. 600 through 685, Wisc. Adm. Code, or ch. 291 Wisc. Stats., were noted. An inspection letter was sent to the facility on July 27, 1998.
- 7) With the modification request, from Advanced Environmental Technical Services, L.L.C. submitted an updated Notification of Regulated Activity and a \$900.00 review fee for the modification.
- 8) Pursuant to s. NR 680.07(2), Wisc. Adm. Code, the department finds this request to be a class 1 plan modification.

CONCLUSIONS OF LAW

- 1) The department has promulgated chs. NR 600 to 685, Wisc. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wisc. Stats.
- 2) The department has authority pursuant to s. 289.30(6), Wisc. Stats., and s. NR 680.07(2), Wisc. Adm. Code, to approve a class 2 modification to a license or plan of operation.
- 3) Any person who owns or operates a hazardous waste facility and proposes to modify that facility's plan approval or license is required to submit a plan modification pursuant to s. NR 680.07, Wisc. Adm. Code.
- 4) Based on the foregoing findings, the department has the authority, pursuant to s. 289.30(6), Wisc. Stats., and s. NR 680.07(2), Wisc. Adm. Code, to issue the following plan modification.
- 5) In accordance with s. NR 680.07, Wisc. Adm. Code, the department concludes that the requested change is a class 1 modification.

DETERMINATION AND CONDITIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the department hereby approves the March 26, 1999, class 1 plan modification request under s. NR 680.07, Wisc. Adm. Code, and s. 289.30(6), Wisc. Stats., and in accordance with the license and the most recent plan of operation approval and the conditions set forth as follows:

The department has the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.

- 1) The licensee shall comply with all conditions of the license, the provisions of chs. 289 and 291, Wisc. Stats., all applicable requirements of chs. 600 through 685, Wisc. Adm. Code, the plan of operation approval, and all modifications thereof, and any special order and modifications thereto issued by the department, except as otherwise authorized by the department under ss. NR 600.09 or 680.50, Wisc. Adm. Code.
- 2) If no written comments are received by the department within the 10 business day comment period, this preliminary determination shall become the department's final determination. If comments are received, a final determination will be issued after the department evaluates the comments.

- 3) Advanced Environmental Technical Services, L.L.C. or AETS, L.L.C. shall maintain financial responsibility, which meets the closure requirements of s. NR 685.07(1)(a), Wis. Adm. Code.
- 4) Advanced Environmental Technical Services, L.L.C. or AETS L.L.C. shall maintain proof of meeting the liability insurance requirements of s. NR 685.08, Wis. Adm. Code.
- 5) During the transfer of ownership for the financial responsibility for the closure requirements and the proof for meeting the liability requirements, Advanced Environmental Technical Services, L.L.C. and AETS L.L.C. shall comply with the requirements of s. NR 680.44 (2) and (3), Wis. Adm. Code.

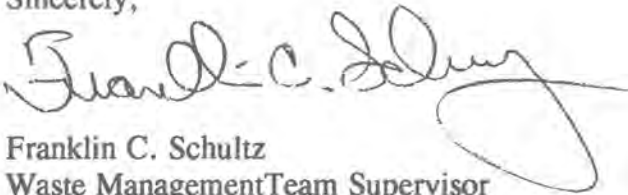
NOTICE OF APPEAL RIGHTS

If you believe you have the right to challenge this decision, you should know that 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 ss. 227.52 and 227.53, Wisc. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to file your decision with the appropriate circuit court and serve the petition to the department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent. This notice is provided pursuant to s. 227.48(2), Wisc. Stats.

Please contact Patrick Brady at (414) 263-8594 if you have any questions.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Sincerely,



Franklin C. Schultz
Waste Management Team Supervisor
Southeast Region



Patrick Brady
Waste Management Engineer

- c. SER Casefile (F. Schultz, S. Miller, T. Kennedy, P. Brady)
Bureau - WA/3
Jean Gromnicki - U.S. EPA - Region 5, HRM-7J



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. ML King, Jr. Drive, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

July 27, 1998

File Ref.: FID# 268224880
HW/LIC

Paul McShane, General Manager
Advanced Environmental Technical Services (AETS)
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

RE: Determination to Approve a Class 2 License and Plan Modification Request for Handling Dioxin Wastes and for Operating a Repack/Bulking/Decant Unit
AETS, W124 N9451 Boundary Road, Menomonee Falls, WI, EPA I.D. #: WID003967148

Dear Mr. McShane:

The department has completed its review of your class 2 modification request dated July 10, 1997, regarding the handling of dioxin or dioxin precursor wastes, and the final design for the construction and operation of the Repack/Bulking/Decant unit. A preliminary determination was issued on June 5, 1998. This letter is a final determination to approve the plan modification request.

The department viewed this request to be a class 2 modification as defined in s. NR 680.07(2), Wisc. Adm. Code. In accordance with the procedures detailed in s. NR 680.07(6), Wisc. Adm. Code, the department reviewed the plan modification request for completeness and technical adequacy and determined that it contained the minimum information required pursuant to the aforementioned requirements and is, therefore, complete and technically adequate. The department has authority to issue license and plan modifications under chs. 289 and 291, Wisc. Stats.

AETS submitted the class 2 modification review fee of \$1,200.00 on July 13, 1997.

In order that the public has a chance to comment on this proposal and request a public information hearing pursuant to s. NR 680.05(7), Wisc. Adm. Code, a public notice of the department's preliminary determination of the class 2 modification was published in the Milwaukee Journal Sentinel newspaper on June 10, 1998. A radio announcement was broadcast on the same day during morning and evening drive time on radio station WEMP (AM 1250).

During the 45-day public comment period which ended on July 24, 1998, the only response that the department received was a July 8, 1998, response from AETS of answers to questions and additional information that was requested by the department in the cover letter to the draft approval.

The following additional condition has been added to the attached determination:

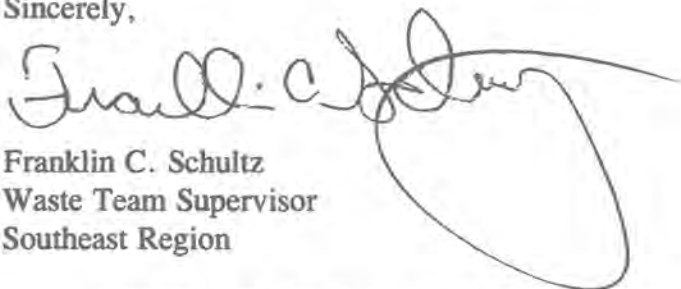
8. If equipment becomes contaminated after use in the RBD unit, AETS shall decontaminate the equipment before the equipment is used outside of the RBD unit or used with incompatible materials.

As was discussed on July 23, 1998, between Pat Brady and Kevin McGrath, the additions submitted on July 8, 1998, will be incorporated into the existing approved AETS feasibility and plan of operation report (FPOR). Mr. McGrath will submit information as needed to be incorporated into the revised August 12, 1997, FPOR.

This final determination must be kept with the FPOR determinations, the operating license, and all plan modifications for the licensed facility.

Please contact Patrick Brady at (414) 263-8594 if you have any questions on this final determination.

Sincerely,



Franklin C. Schultz
Waste Team Supervisor
Southeast Region

- c. SED Casefile (F. Schultz, S. Miller, T. Kennedy, P. Brady)
Bureau of Waste Management - WA/3
Jean Gromnicki - U.S. EPA - Region 5, HRM-7J

AETS Modification Determination - July 27, 1998

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**FINAL DETERMINATION TO CONDITIONALLY APPROVE
A CLASS 2 MODIFICATION REQUEST TO A
HAZARDOUS WASTE MANAGEMENT LICENSE AND
FEASIBILITY AND PLAN OF OPERATION REPORT**

**FOR CONSTRUCTION AND OPERATION
OF A REPACK/BULKING/DECANT UNIT AND
THE ACCEPTANCE OF ADDITIONAL WASTE CODES AT**

**AETS
EPA ID#: WID003967148
FID#: 268201120**

GENERAL FACILITY INFORMATION

Facility Name, Site Operator, and Address:

AETS
W124 N9451 Boundary Road
Menomonee Falls, Wisconsin 53051

Facility Owner:

AETS
W124 N8925 Boundary Road
Menomonee Falls, Wisconsin 53051

Facility Contact:

Paul McShane, General Manager
Kevin McGrath, Environmental/Health and Safety Manager

Facility Location:

SE 1/4 of NE 1/4, Section 1, Township 08 North, Range 20 East
Village of Menomonee Falls, Waukesha County, Wisconsin

Facility Description:

AETS collects, consolidates, temporarily stores, and treats hazardous wastes generated by industries and remedial action activities, and transports the wastes to other treatment and/or final disposal facilities. AETS manages recoverable and non-recoverable organic-based

AETS Modification Determination - July 27, 1998

wastes, inorganic wastes, and reactive wastes. Explosive and radioactive wastes are not managed at this facility.

The facility currently consists of the following: a Container Storage Unit; a Non-Hazardous Waste Processing Building; a Roll-Off Box/Lugger-Box Storage Unit; a Waste Stabilization Unit; an administration and laboratory building; and a maintenance building.

Prior to receiving a final operating license on June 1, 1988, AETS has operated a container storage facility under federal interim status granted in November 1980 and a state interim license issued on May 16, 1984. The June 1, 1988, operating license allowed AETS to operate at a licensed capacity of 44,000 gallons in 800 55-gallon drums (or an equivalent volume of other U.S. DOT approved containers), and 36,000 gallons in 18 2,000-gallon lugger boxes (or an equivalent volume in roll-off containers).

Starting on April 9, 1991, under WDNR variance authority, and continuing on September 30, 1993, under a hazardous waste tank and miscellaneous treatment operating licenses, AETS has operated a stabilization unit allowing the facility to stabilize specific organic and inorganic wastes on-site. Also with the September 30, 1993, operating license, AETS obtained an increase in the capacity of the container storage license. The increase in the capacity included storing 10 6,060-gallon roll-offs and a 2,000-gallon lugger box (or an alternate combination not to exceed a 62,600 gallon maximum storage capacity) and storing 48 4,039-gallon (20 cubic yard) roll-off containers (or a capacity of 194,000 gallons).

In addition to the stabilization unit and the additional roll-off and lugger box container storage, the AETS September 13, 1990, plan of operation approval for an expansion request also included a proposed Repack/Bulking/Decant (RBD) unit. The proposed RBD unit included a capacity of 33,000 gallon per day in container storage (600 55-gallon containers) and a capacity of 40,000 gallons in tank storage (4 10,000-gallon tanks). This proposed RBD unit was never built. As part of this modification, AETS is proposing to build the RBD unit as 20 55-gallon containers, a 5,000-gallon semi-tanker, and associated equipment.

AETS is also pursuing a modification to their operating license to include dioxin and dioxin precursor wastes. The additional waste codes are; F020, F021, F022, F023, F024, F027, F032, F034, and F035. The addition of these waste codes should not require different or additional management practices.

The Repack/Bulking/Decanting (RBD) Unit

The RBD unit will separate mixed-phase wastes and package waste for shipment as a hazardous waste fuel or for treatment.

The operation of the RBD unit will reduce the quantities of adsorbents and packaging to be incinerated, allow for separate handling and consolidation of the liquid and solid phases of various shipments and help meet other operational considerations.

AETS will conduct fingerprinting or compatibility testing of wastes under a lab hood. Tests

AETS Modification Determination - July 27, 1998

for compatibility are done to determine if the waste is compatible: with each other, with materials of construction, with wastes previously handled in the decant unit, and with wastes in the semi-tanker.

AETS defines repackaging as combining wastes without the inner packages of the labpacks being opened. AETS will also repackage wastes in the container storage area.

The bulking of wastes consists of combining lesser amounts of similar chemicals into a larger container. After the contents of a container are reviewed and compared to a profile or inventory, a compatibility test is conducted. Any waste which fail a compatibility test will not be bulked. AETS will conduct bulking of wastes under test hoods which are vented to a carbon unit, to control fugitive emissions. AETS will conduct the bulking of wastes only in the RBD unit.

Decanting consists of pumping similar chemicals from 55-gallon or similar sized containers into semi-tankers. AETS will decant only in the RBD unit. Testing is done before the waste is decanted. The hose for decanting is attached to the semi-tanker while the other end is placed in the 55-gallon container. Some wastes may require that the hose be attached to a strainer prior to connecting to the semi-tanker. A strainer may also be placed in the 55-gallon container to push the solids to the bottom of the container. If solids remain in a container, the container is inspected to determine if it is RCRA empty. If the container is not RCRA empty it is repackaged or closed and returned to storage. AETS expects to accomplish decanting into a semi-tanker within one working day. The equipment for decanting will be decontaminated after use and is stored in various locations throughout the facility. AETS will not decant reactive wastes.

Wastes generated by the RBD unit will include empty containers, absorbent, potentially contaminated PPE, clean-up wastes, and spills of waste. Shelving in the south wall of the unit are used for segregation and storage of household hazardous wastes. Wastes received into the RBD will be transferred into the CSU (container storage unit) if they are not processed the day that they arrive.

FINDINGS OF FACT

The department finds that:

1. On June 1, 1988, the department issued an operating license for hazardous waste container storage to AETS. The associated feasibility and plan of operation report approval was issued on October 13, 1987.
2. On September 30, 1993, the department issued to AETS an operating license for a hazardous waste tank and miscellaneous treatment, and an increase in their container storage capacity. The associated feasibility and plan of operation report was approved on September 13, 1990, and included a Repack/Bulking/Decant unit.
3. The department approved plan modifications to AETS license and feasibility and plan

AETS Modification Determination - July 27, 1998

- of operation report approval on May 10, 1995, and August 14, 1996.
4. On June 13, 1997, the department received from AETS a request for a class 2 modification request for the storage and treatment of dioxin and dioxin precursor wastes, and the construction and operation of the Repack/Bulking/Decant unit.
 5. The last inspection of the facility was on February 20, 1998. At the time of the inspection, no violations of the requirements specified in the operating license, the conditions of the approved feasibility report and plan of operation, or chs. 600 through 685, Wisc. Adm. Code, or ch. 291 Wisc. Stats., were noted. An inspection letter was sent to the facility on April 2, 1998.
 6. The department issued a preliminary determination to modify the license and feasibility and plan of operation report on June 8, 1998. On June 10, 1998, public notice of the department's preliminary determination was issued in the Milwaukee Journal Sentinel newspaper and broadcast on radio station WEMP, during morning and evening drive time.
 7. On July 8, 1998, AETS submitted additional information in response to the draft preliminary determination. No other comments or requests were submitted during the public comment period.
 8. Pursuant to s. NR 680.07(2), Wisc. Adm. Code, the department finds this request to be a class 2 license and plan modification.
 9. The requirements of ch. NR 103, Wisc. Adm. Code, have been satisfied.

CONCLUSIONS OF LAW

1. The department has promulgated chs. NR 600 to 685, Wisc. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wisc. Stats.
2. The department has authority pursuant to s. 289.30(6), Wisc. Stats., and s. NR 680.07(2), Wisc. Adm. Code, to approve a class 2 modification to a license or plan of operation.
3. Any person who owns or operates a hazardous waste facility and proposes to modify that facility's plan approval or license is required to submit a plan modification pursuant to s. NR 680.07, Wisc. Adm. Code.
4. Based on the foregoing findings, the department has the authority, pursuant to s. 289.30(6), Wisc. Stats., and s. NR 680.07(2), Wisc. Adm. Code, to issue the following license and plan modification.
5. In accordance with s. NR 680.07, Wisc. Adm. Code, the department concludes that the

AETS Modification Determination - July 27, 1998

revision described in Findings of Fact no. 4. requires a class 2 license and plan modification.

DETERMINATION AND CONDITIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the department hereby approves the July 10, 1997, class 2 modification request under s. NR 680.07, Wisc. Adm. Code, and s. 289.30(6), Wisc. Stats., and in accordance with the license and the most recent plan of operation approval and the conditions set forth as follows:

The department has the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.

1. The licensee shall comply with all conditions of the license, the provisions of chs. 289 and 291, Wisc. Stats., all applicable requirements of chs. 600 through 685, Wisc. Adm. Code, the plan of operation approval, and all modifications thereof, and any special order and modifications thereto issued by the department, except as otherwise authorized by the department under ss. NR 600.09 or 680.50, Wisc. Adm. Code.
2. If AETS has not already done so with their relicensing submittal, AETS shall revise all applicable sections of the feasibility and plan of operation report to reflect daily operations as altered by this approval and submit revised copies to the department in accordance with s. NR 680.05(c), Wisc. Adm. Code, within 60 days of this approval.
3. AETS shall not exceed the licensed capacity of the RBD unit of 20 55-gallon containers, a 5,000-gallon semi-tanker, and associated equipment.
4. AETS shall maintain a containment capacity equal to the size of the largest container. In this case a 5,000-gallon semi-tanker s. 640.13(1), Wisc. Adm. Code.
5. AETS shall maintain the integrity of the containment in the RBD unit. s. 640.13(1), Wisc. Adm. Code.
6. Waste staged for greater than 24 hours will count towards the container capacity of the RBD unit.
7. AETS shall inform the department when they are ready to operate the RBD unit to allow the department the opportunity to inspect the unit.
8. If equipment becomes contaminated after use in the RBD unit, AETS shall decontaminate the equipment before the equipment is used outside of the RBD unit or used with incompatible materials.

AETS Modification Determination - July 27, 1998

NOTICE OF APPEAL RIGHTS

If you believe you have the right to challenge this decision, you should know that 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 ss. 227.52 and 227.53, Wisc. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to file your decision with the appropriate circuit court and serve the petition to the department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent. This notice is provided pursuant to s. 227.48(2), Wisc. Stats.

Please contact Patrick Brady at (414) 229-0845 if you have any questions.

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY**

Sincerely,



Franklin C. Schultz
Waste Team Supervisor
Southeast Region



Patrick Brady
Waste Management Engineer

- c. SER Casefile (F. Schultz, S. Miller, T. Kennedy, P. Brady)
Bureau - SW/3 - HWMS
Jean Gromnicki - U.S. EPA - Region 5, HRM-7J



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
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Madison, Wisconsin 53707
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DNR TELEFAX 608-267-3579
DNR TDD 608-267-6897

SOLID & HAZARDOUS WASTE MGMT 608-266-2111
SOLID & HAZARDOUS WASTE TELEFAX 608-267-2763

August 14, 1996

In Response Refer To: FID 268224880
Waukesha County
Hazardous Waste Licensing Files

Mr. Paul McShane
General Manager
Controlled Waste Division/AETS Inc.
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

SUBJECT: Controlled Waste Division/AETS License and Plan Modification Report
 Preliminary and Final Determination
 License #03135 Container Storage
 License #06012 Tank Storage
 License #06013 Miscellaneous Treatment

Dear Mr. McShane:

This letter acknowledges receipt of the license and plan modification request received on June 24, 1996 for the Controlled Waste Division/AETS Inc. facility located at W124 N9451 Boundary Road, Menomonee Falls, WI. This letter also serves notice that the Department has completed its review of the request and is issuing a preliminary determination at this time. The Department views this request to be a minor modification under s. NR 680.07(3), Wis. Adm. Code. The plan modification will not increase capacities for storage and treatment units identified in the existing licenses. You may submit written comments to the Department regarding this preliminary determination within 10 business days of the date of this letter. A final determination may be issued thereafter, based on the comments we receive. Because this is a minor modification, if no written comments are received by the Department by the end of the 10 business day comment period, then the preliminary determination will become the final determination. A copy of the final determination must be kept with the feasibility report and plan of operation approval, the operating license, and all plan modifications for the licensed facility.

The minor plan modification concerns adding 64 new waste codes representing carbamate wastes, fence line modifications near the property boundary, and contingency plan emergency notification list changes at the facility. These new waste codes are substantially similar to waste codes presently managed at the facility in accordance with existing operating licenses. The appropriate review fees were received by the Department on June 24, 1996.

FINDINGS OF FACT

1. The Department issued final operating licenses to Controlled Waste Division/AETS Inc. on June 1, 1988 and September 30, 1993 to store and treat hazardous waste in accordance with conditions of the plan of operation approvals dated September 13, 1990 and June 28, 1993.

2. At the time of the last inspection on March 27, 1996, minor storage violations with requirements specified in the operating license, the conditions in the approved feasibility report and plan of operation, or chs. NR 600 through 685, Wis. Adm. Code, or sections 144.60 to 144.74, Wis. Stats., were noted. The facility immediately addressed the violations and the department found the facility in full compliance with the aforementioned requirements on May 4, 1996.
3. The modification requested is as follows:
 - a. Allow the handling of 64 carbamate waste codes (e.g., K156 -K161, P127 - P205, and U271-U411) that are newly listed hazardous wastes as published in the Federal Register on February 9, 1995 and effective on August 9, 1995. Revised Part A forms were submitted to the U.S. EPA - Region 5 and the department on October 30, 1995.
 - b. Moving the security fenceline at the property boundary.
 - c. Revising the contingency plan emergency notification list.

CONCLUSIONS OF LAW

1. The Department has promulgated chapters NR 600 to 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.
2. The Department has the authority pursuant to s. 144.44(3)(c), Wis. Stats., and s. NR 680.07(3), Wis. Adm. Code, to approve a class 1 modification to a license and plan of operation.
3. In accordance with s. NR 680.07, Wis. Adm. Code, the Department concludes that the modification request described in Findings of Fact no. 3. is for a class 1 license and plan modification.
4. The Department has complied with the procedural requirements of s. NR 680.07(5), Wis. Adm. Code.
5. The Department has the authority, pursuant to s. 144.44(3)(c), Wis. Stats., to conditionally approve the modification request described in Finding of Fact no. 3.

DETERMINATION AND CONDITIONS

Based on the Findings of Fact and Conclusions of Law, the Department hereby approves the Controlled Waste Division/AETS Inc. plan modification request under s. NR 680.07, Wis. Adm. Code, and Section 144.44(3)(c), Stats., to operate the storage and treatment facility in Wisconsin in accordance with the license and the most recent plan of operation approval and the conditions set forth as follows:

The Department retains the right to modify this determination and to require additional information at anytime. Nothing in this conditional determination shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local approvals. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.

1. The licensee shall comply with all conditions of the license, the provisions of ch. 144, Wisconsin Statutes, all applicable requirements of chs. 680 through 685, Wisconsin Administrative Code, the plan of operation approval and all modifications thereof, and any special order and modifications thereto issued

by the Department, except as otherwise authorized by the Department under ss. 600.09 or 680.50, Wisconsin Administrative Code.

2. If no written comments are received by the department within the 10 business day comment period, this Preliminary Determination shall become the department's Final Determination. If comments are received, a Final Determination will be issued after the department evaluates the comments.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that 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, 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 shall name the Department of Natural Resources as the respondent. This notice is provided pursuant to section 227.48(2), Stats.

Please contact Eric Syftestad at 608/267-7561 if you have any questions.

Sincerely,



Edward K. Lynch, P.E., Acting Section Chief
Hazardous Waste Management Section
Bureau of Waste Management

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cc: Eric Syftestad - WA/3
Tim Kennedy/Walt Ebersohl - SED Richards Street
Jean Gromnicki - U.S. EPA Region 5, HRP-8J



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

PO Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

June 6, 1996

IN REPLY REFER TO: FID 268224880
Waukesha County
HW Lic File

Mr. Paul McShane
General Manager
Controlled Waste Division/AETS Inc.
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

SUBJECT: Hazardous Waste Container Closure - Eighteen Unit Lugger/Roll-off
Container Storage Unit

Dear Mr. McShane:

The Department has completed its review of the closure documentation report titled "Eighteen (18) Container Roll-off/Lugger Box RCRA Storage Area Certification" for closure at Controlled Waste Division/AETS, Inc., received on April 4, 1996 for the licensed hazardous waste storage facility located at W124 N9451 Boundary Road, Menomonee Falls, Waukesha County, Wisconsin. This report was prepared on behalf of Controlled Waste Division by Intercontinent Engineers, Inc., Downers Grove, Illinois.

Closure of the partially enclosed bulk solids container storage unit was completed in a satisfactory manner. The unit is located west of the facility operations office building and north of the licensed 800 container storage building. It handled a maximum of 62,600 gallons of solid phase hazardous waste stored in ten 6060 gallon capacity roll-off containers and one 2000 gallon capacity lugger container. The closure activities met all applicable requirements found in chapters NR 600 to 685, Wis. Adm. Code, including conditions in the June 28, 1993 Feasibility Determination and Plan of Operation Report Approval. The container unit was closed in accordance with the closure plan for the Controlled Waste Division hazardous waste storage facility which was approved on June 28, 1993. Information to clarify the closure plan was submitted to the Department on October 23, 1995 and February 12, 1996.

No closure issues were identified when inspecting the unit as part of a semi-annual TSD inspection on March 27, 1996. Based on the closure verification analytical data and photographic documentation presented in the closure documentation report, the Department finds that another inspection of the unit is not necessary. The certification statements in the April 2, 1996 closure documentation report comprise adequate certification of closure in accordance with s. NR 685.05(10), Wis. Adm. Code. Closure of this unit does not effect the capacity or daily operations of other licensed hazardous waste units on-site, nor does its closing adversely impact the services the facility provides to its customers.

The department finds that this report along with previously submitted information adequately documents closure of the former hazardous waste storage unit, described in s. NR 640.07, Wis. Adm. Code, and satisfies the requirements of ch. NR 685, Wis. Adm. Code.

FINDINGS OF FACT

The Department finds that:

1. Controlled Waste Division operates a hazardous waste container storage unit and treatment facility located at the W124 N9451 Boundary Road, SE¼ of NE¼, Section 13, T08N, R20E, in Menomonee Falls, Waukesha County, Wisconsin. Controlled Waste Division notified EPA of hazardous waste activities at this facility August 18, 1980 and submitted the first Part A application on November 19, 1980. The most recent Part A application is dated October 30, 1995 for this facility. Controlled Waste Division received interim licenses for storage activities on May 16, 1984, allowing the facility to store waste in containers.
2. The Department issued final operating licenses to Controlled Waste Division on June 1, 1988 and September 30, 1993 to store hazardous waste in the lugger/roll-off container storage unit in accordance with conditions of feasibility and plan of operation approvals dated October 13, 1987 and September 28, 1993.
3. Controlled Waste Division submitted a closure plan for the facility on November 16, 1989 and revisions on August 9, 1991 and March 10, 1992 in the feasibility and plan of operation report. The Department approved the closure plan in the September 28, 1993 Feasibility Determination and Plan of Operation Report Approval. Controlled Waste Division notified the Department in a letter dated February 2, 1996 of their intent to close the licensed lugger/roll-off container storage unit.
4. On April 4, 1996, Controlled Waste Division submitted to the Department closure certification documents for the licensed storage unit titled, "Eighteen (18) Container Roll-off/Lugger Box RCRA Storage Area Certification" that included Wisconsin professional engineer and owner/operator certifications in accordance with ss. NR 680.05 and NR 685.05(10(a)), Wis. Adm. Code.

CONCLUSIONS OF LAW

1. The Department has promulgated chs. 600 through 685, Wis. Adm. Code, establishing procedures for closures of hazardous waste storage facilities under the authority of ss. 144.60 through 144.74, Wisconsin Statutes.
2. The Department has authority to determine closure standards for hazardous waste facilities pursuant to s. 144.62(8)(e), Stats. These requirements for storage facilities are given in ss. NR 640.16 and NR 685.05, Wis. Adm. Code.

DETERMINATION

The Department hereby determines that the Controlled Waste Division hazardous waste licensed "18-unit" lugger/roll-off container storage area has been closed in accordance with the facility's approved closure plan. The closure documentation report verifies that the hazardous waste storage area described above has been closed in substantial conformance with the facility's approved closure plan. The operating license issued on June 1, 1988 and September 30, 1993 for hazardous waste storage in the 18 lugger/roll-off container structure is now terminated.

With closure and termination of your container storage hazardous waste operating license for this unit, Controlled Waste Division may no longer store hazardous waste in this unit.

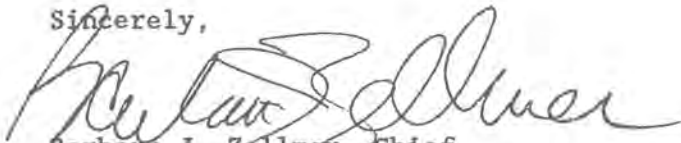
Proof of financial responsibility for closure of the aforementioned unit required under s. NR 685.07, Wis. Adm. Code, is no longer necessary for the storage unit; however, it must be maintained for the hazardous waste treatment and other storage units. Controlled Waste Division must revise the closure cost estimates before it can request a reduction in the amount of the financial instrument.

NOTICE OF APPEAL RIGHTS

If you believe you are entitled to judicial review of this decision, you may seek judicial review by serving and filing a petition for judicial review in accordance with the provisions of ss. 227.52 and 227.53, statutes, within 30 days after the decision is mailed by the Department. Any petition for judicial review of this decision shall name the Department of Natural Resources as the respondent. This notice is provided pursuant to s. 227.48(2), Stats.

If you have any questions, please contact Eric Syftestad at 608/267-7561.

Sincerely,



Barbara J. Zellmer, Chief
Hazardous Waste Management Section
Bureau of Solid & Hazardous Waste Management

BJZ:es c:\data\wp50\c wd\closeit.ltr/u

cc: Walt Ebersohl/Tim Kennedy - SED Richards Street Annex
Ed Lynch - SW/3
Eric Syftestad - SW/3
Colleen Hellenbrand - SW/3
Gene Mitchell - SW/3
Jean Gromnicki - U.S. EPA, Reg. V, HRM-7J



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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DNR TDD 608-267-6897

SOLID & HAZARDOUS WASTE MGMT 608-266-2111
SOLID & HAZARDOUS WASTE TELEFAX 608-267-2768

May 24, 1995

In Response Refer To: FID 268201120
Waukesha County
Hazardous Waste Licensing Files

Mr. Paul McShane, General Manager
Controlled Waste Division
Advanced Environmental Technical Services, L.L.C. (AETS)
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

SUBJECT: Controlled Waste Division License and Plan Modification Report
Final Determination
WID 003967148

Dear Mr. McShane:

This letter acknowledges receipt of the license and plan modification requests and clarifications received on the following dates for the Controlled Waste Division facility located at W124 N9451 Boundary Road, Menomonee Falls, WI:

1. March 24, 1994 - Clarification of operation 80 tons per hour and 300 tons per day maximum waste treatment capacity and change in emergency notification contacts;
2. June 8, 1994 - Container Storage Building to Stabilization Building Staging and Traffic Flow/Storage Building Container Configuration;
3. June 8, 1994 (under separate cover from above) - A second generator accumulation area and revised emergency notification list;
4. August 17, 1994, September 2, 1994, and October 21, 1994 - Alternative Treated Waste Sampling Frequency for D005/D006/D008 wastes;
5. December 15, 1994 - Clarification of operation of discharge chute and liquids stabilization, revised contingency plan emergency notification information, and free liquids handling;
6. January 18, 1995 - Emergency Personnel Notification Summary revision; and,
7. April 17, 1995 and May 5, 1995 - Change in facility operator request submittals.

The Department is issuing this determination based on your verbal comments the Department received on May 22, 1995. A copy of the final determination must be kept with the feasibility report and plan of operation approvals dated September 13, 1990 and September 28, 1993, the operating license, and all plan modifications for the licensed facility. Revised operating licenses will be mailed to CWD shortly.

The minor plan modifications concerns the aforementioned operations at the facility. The appropriate review fees were received by the Department on June 8, 1994 (\$750), September 2, 1994 (\$250), and April 18, 1995 (\$750).

FINDINGS OF FACT

1. The Department issued final operating licenses to Controlled Waste Division on June 1, 1988 and September 30, 1993 to treat and store hazardous waste in accordance with conditions of plan of operation approvals dated September 13, 1990 and September 28, 1993.
2. The modifications requested are as follows:
 - a. Waste processing capacity shall not exceed 80 tons per hour, 300 tons per day, and 109,500 tons per year for the stabilization unit.
 - b. Stabilization reagents may be stored in the aboveground waste storage silo (1470 cubic feet, 54.4 cubic yard maximum capacity).
 - c. Non-bulk container transport of wastes from the container storage building to the stabilization building, and subsequent staging of containers in the stabilization building before treatment.
 - d. Configure various sized containers on pallets in licensed container storage building so that all containers and their labels can be inspected and the containers stored safely.
 - e. Accumulate treated waste in a second generator accumulation area in as many as 12 roll-off boxes west of the stabilization building.
 - f. Implement an alternative waste sampling frequency for D005, D006, and/or D008 characteristic wastes treated in the CWD stabilization process.
 - g. Modification to waste stabilization process discharge chute to allow proper clearance for 40-cubic yard capacity trailers.
 - h. Clarification of handling inbound waste shipments destined for stabilization that contain free liquids.
 - i. Modification to contingency plan emergency personnel notification list, Table 7-2, and revision of contingency plan to reflect changes in company organizational structure.
 - j. Change in facility operator; Advanced Environmental Technical Services, L.L.C. (AETS) replaces Chemical Waste Management, Inc. as facility operator and licensee. AETS corporate headquarters contact is Mr. Patrick McCann, President, 3 Gold Mine Road, Flanders, NJ 07836 (phone 201/347-7111). The CWD facility contact is Paul McShane, General Manager.

CONCLUSIONS OF LAW

1. The Department has promulgated chapters NR 600 to 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.
2. The Department has the authority pursuant to s. 144.44(3)(c), Wis. Stats., and s. NR 680.07(3), Wis. Adm. Code, to approve a minor modification to a license and plan of operation.
3. The Department has authority to modify a license for transfer of ownership or operational control so as to comply with s. NR 680.44, Wis. Adm. Code, pursuant to s. 144.44, Wis. Stats.
4. In accordance with s. NR 680.07, Wis. Adm. Code, the Department concludes that the modification requests described in Findings of Fact no. 2. is for a minor license and plan modification.
5. The Department has complied with the procedural requirements of s. NR 680.07(5), Wis. Adm. Code.
6. The Department has the authority, pursuant to s. 144.44(3)(c), Wis. Stats., to conditionally approve the modification requests described in Finding of Fact no. 2.

DETERMINATION AND CONDITIONS

Based on the Findings of Fact and Conclusions of Law, the Department hereby approves CWD's plan modification requests under s. NR 680.07, Wis. Adm. Code, and Section 144.44(3)(c), Stats., to operate the stabilization, container, and tank storage facility in Wisconsin in accordance with the license, plan of operation approvals, and conditions set forth below. The Department determines that an adequate demonstration of transfer of operating responsibility has been made by AETS, in acquiring rights of operation and is subject to all corresponding responsibilities, including compliance with Chapter 144, Stats., and Chapters NR 600 to 685, Wis. Adm. Code. Transfer of responsibility is hereby approved, provided that all conditions set forth in the feasibility and plan of operation report and subsequent modifications thereof, are complied with. Hazardous waste facility licenses #03135, #06012, and #06013 are hereby modified to show Advanced Environmental Technical Services, L.L.C. (AETS) as the licensee.

The Department retains the right to modify this determination and to require additional information at any time. Nothing in this conditional determination shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local approvals. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.

1. The licensee shall comply with all conditions of the license, the provisions of ch. 144, Wisconsin Statutes, all applicable requirements of chs. 680 through 685, Wisconsin Administrative Code, the plan of operation approval and all modifications thereof, and any special order and modifications thereto issued by the Department, except as otherwise authorized by the Department under ss. 600.09 or 680.50, Wisconsin Administrative Code.
2. CWD shall use existing operating logs to track when the storage silo (54.4 cubic yard maximum capacity) in the stabilization building switches to and from hazardous waste or reagent storage.

3. Stabilization capacity shall not exceed 80 tons per hour, 300 tons per day, and 109,500 tons per year for the stabilization unit.
4. CWD may transport non-bulk containers from the container storage building to the stabilization building and stage them in the manner prescribed in the submittal received June 8, 1994. Container staging in the stabilization building prior to treatment shall not exceed 59 pallets (e.g., 236 55-gallon drums) at any time. These containers shall be placed in a manner that permits inspection and allows at least 2-½ feet of aisle space between rows of containers. Containers shall not be stacked atop one another in the staging area. CWD shall prepare a revised Figure 4-33, Proposed Facility Building Layout, depicting the location of the maximum number of non-bulk containers (i.e., 59 pallets, or 236 55-gallon drums) and shall submit the revision to the Department within 30 days from the date of this approval in accordance with s. NR 680.05, Wis. Adm. Code.

When waste is not placed into licensed storage prior to treatment, no non-bulk container of waste shall remain in the stabilization building beyond the end of the business day in which the container was placed into the stabilization staging area, or no longer than 24 hours if the stabilization unit is operating on a 24 hour per day basis. When waste is stored prior to treatment, no non-bulk container of waste shall remain in the stabilization staging area longer than 48 continuous hours without having been placed back into a licensed storage unit prior to treatment. CWD shall maintain a stabilization building staging log that records the following information for non-bulk containers; date and time in and out of staging area, number of containers and generator name, type of container (e.g., one cubic yard container, 55-gallon drum, etc.), and comments. The staging log shall be placed into the facility operating record and maintained for at least three years from the date of each container's staging event.

5. CWD shall configure various sized containers on pallets as noted on Figure S-1, Stacking Floor Plan and Section, so that all containers and their labels can be inspected. The container storage capacity for the building shall not exceed the licensed capacity of 800 55-gallon containers.
6. CWD may accumulate stabilized waste in a second generator accumulation area in as many as 12 leakproof roll-off containers. The area is asphalt-lined and located immediately west of the stabilization building.
7. CWD shall comply with the land disposal restriction standards of ch. NR 675, Wis. Adm. Code, and 40 Code of Federal Regulations, Part 268. CWD shall incorporate details of the treated waste alternative sampling frequency minor modification request into the waste analysis plan and shall submit copies to the Department in accordance with s. NR 680.05, Wis. Adm. Code, within 30 days of the date of this approval.
8. CWD shall notify the Department (both Southeast District and Hazardous Waste Management Section - Central Office) in writing within 7 days of receipt of a waste that contains free liquids in excess of being incidental to the normal course of transportation. CWD shall accept and treat excess free liquid wastes only when shipped in bulk containers such as roll-off containers. CWD shall, in its notice to the Department: identify the generator (contact name and phone number) and transporter (contact name and phone number); manifest number; number, type, and size of containers; quantity of waste and waste code; and, special handling (e.g., treatment) CWD performed on the waste. CWD shall refrain from accepting excess free liquid waste shipments from a generator who has shipped excess free liquid waste to CWD more than twice that calendar year.
9. The licensee shall demonstrate compliance with financial responsibility for closure and liability coverage as required in s. NR 680.44(3), Wis. Adm. Code.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that 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, 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 shall name the Department of Natural Resources as the respondent. This notice is provided pursuant to section 227.48(2), Stats.

Please contact Eric Syftestad at 608/267-7561 if you have any questions.

Sincerely,



Barbara J. Zellmer, Chief
Hazardous Waste Management Section
Bureau of Solid & Hazardous Waste Management

BJZ:es C:\data\wp50\owd\unimmo05b.95/s

cc: Ed Lynch/Eric Syftestad - SW/3
Jim Morgan - SED Richards St. Annex
George Hamper/Chuck Slaustas - U.S. EPA Region 5, HRP-8J
Patrick McCann, AETS, L.L.C., 3 Gold Mine Road, Flanders, NJ 07836



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building
Post Office Box 12436
4041 N. Richards St.
Milwaukee, Wisconsin 53212
TELEPHONE: 414-961-2727
TELEFAX #: 414-961-2770

REC'D JUL 01 1993

June 28, 1993

In Response Refer To: FID#268148210
County of Waukesha
HW LIC/mmsevrh.393

Ms. Susan Griggs
Facility Manager
Chemical Waste Management
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

SUBJECT: Chemical Waste Management - Controlled Waste Division,
Menomonee Falls, Wisconsin - WID003967148
Final Determination
Feasibility and Plan of Operation Report

Dear Ms. Griggs:

The Department has reviewed for completeness and technical adequacy Controlled Waste Division's March 10, 1992 feasibility and plan of operation report requesting a facility expansion. Additional information was received June 3, 1992, December 15, 1992, December 21, 1992, and January 19, 1993. These reports were prepared by Controlled Waste Division and their consultant, SEC Donahue. The Department has found the report is complete and technically adequate. A preliminary determination to conditionally approve the feasibility and plan of operation report was issued by the Department on April 30, 1993. This letter is an approval by the Department of the report, and confirms that the Department has determined that the minimum information required by s. NR 680.06, Wisconsin Administrative Code, has been received. Additional information may be required by the Department as necessary. Your comments on the preliminary determination were received on June 15, 1993 and conditions modified by the Department where appropriate.

With exception, the Department adopted your proposed changes to the preliminary determination detailed in your letter received June 15, 1993. Those exceptions are:

1. Comment 6 of your letter received June 15, 1993 regarding waste sampling and analysis has been disregarded pursuant to your request in a phone conversation with Eric Syftestad on June 17, 1993.
2. Comment 21. CWD requests that all hazardous waste approvals for each of the units expire in June 2003. The Department reviewed the expansion request for only those hazardous waste management units that were not licensed and therefore cannot renew the existing licensed units.

3. Comments 24 and 27 pertain to testing requirements of waste shipments suspected of containing free liquids. Pursuant to your request in a phone discussion with Eric Syftestad on June 17, 1993, the comments have been disregarded and no changes made to conditions.
4. Comment 28 regarding exceptions to placing incoming wastes into storage at the end of the same business day. The Department's position on this issue is being evaluated. Presently, you lack the authority to store off-site generated hazardous waste without an operating license. The Department will examine the issue as it relates to all commercial facilities in Wisconsin and notify you of our position.
5. Comment 29 requests Department clarification as to whether waste satellite accumulation is considered storage. You believe it is not and the Department concurs as long as the satellite accumulation complies with s. NR 615.05(4)(c), Wis. Adm. Code, and only wastes generated on-site are handled under these provisions.

The Department also received revised plan sheets and revised secondary containment calculations on June 15, 1993 to alter the arrangement of the 48-unit capacity proposed bulk solid storage unit.

The Department is also issuing final determination to conditionally approve the report, determine that an environmental impact statement is not needed, and that wetlands water quality standards (Ch. NR 103, Wis. Adm. Code) have been met.

These documents were submitted as part of a request for an expansion to the existing Controlled Waste Division Feasibility and Plan of Operation Report and its respective approvals. The expansion is needed to allow Controlled Waste Division to operate the hazardous waste stabilization and storage unit, construct and operate a new bulk solid storage unit, and expand an existing bulk solid storage unit. The September 13, 1990 plan approval allows you to construct and operate proposed drum repack/bulking/decant and tank storage units. Attach this approval to the September 13, 1990 approval.

Based on the review of the submitted material, it is our opinion that your proposed expansion provides for satisfactory hazardous waste storage and treatment provided the conditions in the attached Feasibility and Plan of Operation Approval Report are followed. The facility and operating plan are, therefore, approved subject to compliance with Chapters NR 600 through 685, Wisconsin Administrative Code, and to fulfillment of the conditions listed in the attached Feasibility and Plan of Operation Approval Report. The Department reserves the right to require changes in the Feasibility and Plan of Operation Report should conditions arise making such necessary.

The attached final determination includes conditions. Please review the final determination carefully. The Department believes that these conditions are necessary for Controlled Waste Division to comply with chs. NR 600 through 685, Wisconsin Administrative Code.

FINAL DETERMINATION - Controlled Waste Division

Consultants:

Rust Environmental and Infrastructure, Inc.

Mr. Gordon A. Peterson
Sheboygan, WI
WI Professional Engineer No. E-21826

Mr. Karl E. Hokanson
Port Washington, WI
WI Professional Engineer No. A-3360

Mr. Philip Englebert
Sheboygan, WI
WI Professional Engineer No. E-18118

Mr. Dennis Majerczak
1240 East Diehl Road
Naperville, IL 60563
phone (708) 955-6744

Facility Description:

Controlled Waste Division collects, consolidates, temporarily stores, treats, and transports hazardous wastes generated by industries and remedial action activities to other treatment and/or final disposal facilities.

Controlled Waste Division has operated a fully licensed hazardous waste container storage facility since it received a final operating license on June 1, 1988. Prior to 1988, it operated a container storage facility under federal interim status granted in November 1980 and a state interim license issued on May 16, 1984. The capacity of the container unit is 800 55-gallon drums, or 44,000 gallons. The current license also allows them to store up to 36,000 gallons in eighteen roll-off or lugger containers. In general, Controlled Waste Division manages recoverable and non-recoverable organic-based wastes, inorganic wastes, and reactive wastes. Explosive or radioactive wastes are not managed at this facility.

Since April 9, 1991, the facility operated a hazardous waste treatment unit under DNR variance authority allowing the facility to stabilize specific organic and inorganic wastes to meet state land disposal restriction regulations found in Ch. NR 675, Wis. Adm. Code. Controlled Waste Division has pursued a license for the stabilization unit and wants to expand their facility's hazardous waste operations to increase capacities to store more waste in roll-off or lugger containers in enclosed shelters on-site. It is pursuing a final operating license for hazardous waste container and tank storage and treatment for wastes

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F-shaped layout. Storage bays will be roofed and 3-sided with open access from one side. The floor of these storage bays will be of bermed concrete and sloped to the rear of the bay with collection sumps capable of spill containment. Maximum storage capacity is 193,872 gallons, or 48 20-cubic yard roll-off containers.

- A 90 day generator accumulation area for 31 - 20 or 30 yd. luggers located in the western portion of the facility property. This area will be constructed of asphalt, bermed and sloped to a collection sump which will be evacuated by pump to an aboveground holding tank. The primary purpose of this area is post-stabilization staging. Treatment efficiencies must be analytically proven prior to disposing of treated waste as non-hazardous (waste characteristics must be below TCLP regulatory levels).
- Increased storage capacity for the lugger/roll-off building. Current licensing allows for 18 - 2,000 gallon luggers with a maximum storage capacity of 36,000 gallons. The proposed expansion would allow for 10 - 6,060 gallon roll-offs and 1 - 2,000 gallon lugger (or any alternate combination not exceeding a 62,600 gallon maximum storage capacity). The lugger roll-off building is 3-sided, roofed and built on a sloped concrete pad with a dead sump and containment capacity for spills or a 24 hour, 25 year storm.

These expanded units are described further in the process summary section of this approval. Waste types managed in each storage or treatment unit are noted on the April 14, 1993, Part A form.

Waste types managed at Controlled Waste Division, construction specifications and a facility layout map are included in the feasibility and plan of operation report.

This expansion is necessary to provide reasonable and adequate treatment and storage capabilities for increasing numbers of hazardous waste generators within Wisconsin's regulated community.

PROCESS SUMMARY

Waste Stabilization Unit

In addition to other applicable requirements, the stabilization unit waste handling process is regulated under Ch. NR 670, Wis. Adm. Code. In this process, stabilization is used to immobilize or reduce the leachability of certain organic or inorganic wastes generated on-site or off-site. Certain hazardous wastes must be treated using this technology to meet the appropriate federal and state land disposal restriction (LDR) treatment standards (Ch. NR 675 Wis. Adm. Code). Examples of hazardous wastes to be treated include characteristic and listed hazardous waste ash from hazardous waste incineration, characteristic and listed hazardous waste sludges from

FINAL DETERMINATION - Controlled Waste Division

sumps, is adequate to contain the contents of the 1470 CF waste silo. Liquids collected in the secondary containment structure will be used as make-up water in the stabilization of wastes or managed at properly licensed off-site facilities.

The proposed stabilization treatment system consists of a waste sorting and size reduction system and Davis pug mill, incorporating waste and reagent processing and storage areas and equipment, described below.

a) Waste Staging Area

After wastes have been verified through waste analysis pre-acceptance testing, bulk loads which cannot be off-loaded immediately into the receiving bin are held in the staging area or in the proposed F-shaped Bulk Solid Storage Unit or in the existing Bulk Storage Unit or in other approved storage units. The staging area is an asphalt paved area located near the treatment unit and the proposed F-shaped Bulk Solid Storage Unit and can hold up to 10 roll-off containers.

b) Steel Receiving Bin

A 40-cubic yard (CY) low-carbon steel-lined concrete tank that bulk loads of wastes are placed into prior to being loaded into the grinder. The steel liner is constructed of a 1/2 inch bottom plate and 3/8 inch sidewalls. The receiving bin has a high pressure water system that can be activated when waste is dumped into it to reduce or eliminate particulate air emissions. Secondary reagents such as ferric chloride are sometimes added to the waste in the receiving bin.

c) Grinder/Shredders

In the existing facility, the asphalt grinder consists of opposing rotating drums with replaceable teeth on each drum. These teeth reduce the nominal particle size of the waste material and container liner to a uniform consistency. The grinder is constructed of low carbon steel and has a one cubic yard capacity receiving hopper.

In the proposed facility (proposed treatment process), waste pre-conditioning capabilities will be enhanced beyond the capabilities of the existing process. Waste requiring particle size reduction will be processed by efficient dual shredders which will replace the asphalt grinder. Removal of ferrous debris material will be provided by addition of a magnetic separator. The proposed process design provides for a screening separator capability for further removal of debris. Both the magnetic and screening separation actions will enhance particle size reduction when debris is actually removed from the waste being prepared for treatment.

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belt conveyors transfer waste from the grinder to the feed hopper and from the pug mill to the surge bin, as well as through the waste sorting and size reduction (shredding) processes.

j) Pug Mill

The mixing system consists of the 60-cubic yards per hour (maximum hourly rate) and 300 tons per day (maximum daily rate) Davis Pug Mill, equipped with a 20-cubic yards feeder bin and walkways and handrails constructed of low carbon steel. The pug mill serves to thoroughly blend reagents and water with hazardous wastes and discharges treated wastes onto a 20 HP inclined belt discharge conveyor leading to the surge hopper. The capacity of the pug mill is 3-cubic yards at any time.

k) Surge Hopper

The treated wastes are discharged from the pug mill via the inclined belt discharge conveyor into the 5-cubic yards surge hopper where wastes are dropped into lined shipping containers and placed in the accumulation area for curing. The concrete pad beneath the surge hopper is contained within the secondary containment structure and is sealed with a chemically resistant epoxy mastic material.

l) Dust Control

Dust caused by the existing processing equipment, and by the nature of the materials being handled, will be minimized by a dust collection system reviewed and approved by Department Bureau of Air Management. The dust collection system will be routed, and the equipment is sized, in order to be easily adaptable from the existing facility layout to the proposed facility layout. A baghouse dust collector and hood system filters the particles from the air collected at the bulk bin, the asphalt grinder, the screw feeder, surge hopper and conveyor. All collected dust is reintroduced into the Waste Stabilization Process for on-site treatment.

For the proposed facility, air will be collected at the points mentioned above for the existing facility with the exception of the asphalt grinder. Additional air will be collected at the initial feed hopper inlet and discharge, the magnetic separator discharge, the conveyor transfer point after the screen separator, and the shredder inlet and discharge. All additional collected air would also be filtered through the baghouse and the collected dust would be reintroduced in to the Waste Stabilization Process for on-site treatment.

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end of the conveyor. Non-ferrous waste would pass beneath the magnetic separator and would drop onto a transverse belt conveyor. A deflector bar can be positioned to remove unwanted debris such as concrete, plastic and/or pieces of non-ferrous metal, from the waste stream, and direct it down a chute leading to a collection container. Operators located on working platforms on either side of this conveyor can manually sort the waste and remove non-processable debris from the waste stream. Processable waste material will be discharged onto a third belt conveyor which will carry the waste to the dual shredder system. This shredder will replace the existing asphalt grinder as the size reduction equipment in the process. Once the waste exists the shredder system, it would be carried by the feeder bin feed conveyor to the existing twin screw feed hopper.

Waste Material delivered in drums may also be transferred into the Waste Stabilization Process via mobile drum extruding equipment. The drum extruder is mounted on a 40 foot flat bed trailer. A discharge port was cut in the flat bed trailer. The discharge port is slightly smaller than the diameter of a 55-gallon drum. A hydraulic ram press, is mounted over the discharge port. Also mounted on the flat bed trailer are the diesel motor and hydraulic oil tank used to run the hydraulic ram press.

In operation the "mobile drum extruder" is positioned with the discharge port directly over the bulk receiving bin. The tops of the 55-gallon drums will be removed and the drums will be place upside down under the hydraulic ram press. The press will be activated, crushing the drum and emptying the waste into the bulk receiving bin. The empty crushed drums will be placed into a lugger box and properly disposed of.

If the waste received does not require debris removal, other preliminary screening, or particle size reduction, then the backhoe would deliver the waste to a feed hopper which would bypass the shredder. This feed hopper would feed the waste directly onto the belt conveyor leading to the existing twin screw feed hopper.

In the proposed facility, certain waste and/or debris could be treated directly in the steel receiving bin. A receiving roll-off container would be placed adjacent to the receiving bin. This roll-off container would collect either debris removed from the receiving bin, or would be utilized to receive waste material and debris which was treated in the receiving bin. A mobile hopper would be used to deliver reagents directly into the steel bin. The backhoe will be utilized both for treatment of the waste (or debris) within the steel bin, and outloading of the treated waste (or debris) into the waiting receiving roll-off container.

The northwest corner of the proposed facility layout would be used to empty bulk bags of waste received by the site. These bulk bags would be raised, using a jib crane, onto a dust-tight, specially designed support platform above a hopper. An operator would open the bags through gasketed access doors in the hopper or would slit the solid bottom bag using a built in knifed bag slitter, mounted on the hopper. Material would then flow through a rotary

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adding additional quantities and types of fixing agents as appropriate. When stabilized wastes fail to meet acceptable treatment standards, those wastes will be either sent back to the generator, if the generator has a license or equivalent to accept that waste, or it will be handled appropriately in another manner (e.g., on-site storage, off-site storage or treatment).

The facility's operating record will maintain information on the daily operations of the facility, including but not limited to inspections, types and quantities of wastes accepted/rejected, types and quantities of reagents and water and stormwater run-off used, lab analyses data, and contingency plan implementation events.

Prior to treatment, certain dry pollution control equipment solids (e.g., dry scrubber ash and air pollution control dust (APCD) or other fine grained dusty materials) will be stored on-site in a 1470 CF above-ground steel tank silo meeting all hazardous waste tank standards, as approved. After initial testing, the dry fine particulate waste will be pneumatically transported into the waste silo, to reduce particulate air emissions.

Any washwaters or rinsewater generated during cleaning of the unit will either be used as process water for the stabilization unit or will be transferred off-site for disposal.

The Roll-Off Box/Lugger-Box Storage Unit will be inspected daily in accordance with s. NR 640.12, Wis. Adm. Code.

Existing Bulk Solid Storage Unit

The covered Bulk Storage Unit consists of a concrete pad, 79.0 feet long and 50.0 feet wide, roofed over with an open-walled shed structure. It is a series of steel frames supported by columns. The shed has a 17-foot eave height and corrugated steel roof decking and upper side walls. This unit is used for storage of roll-off box and lugger-box containers containing solid hazardous and non-hazardous wastes.

Current licensing allows for 18 - 2,000 gallon luggers with a maximum storage capacity of 36,000 gallons. The proposed expansion would allow for 10 - 6,060 gallon roll-offs and 1 - 2,000 gallon lugger (or any alternate combination not exceeding a 62,600 gallon maximum storage capacity). The lugger roll-off building is 3-sided, roofed and built on a sloped reinforced 8-inch thick concrete pad with a dead sump and containment capacity for spills or a 24-hour, 25-year storm.

This storage unit receives and stores only solid hazardous (and non-hazardous) wastes including but not limited to: metal-bearing inorganic sludges and dusts from the pretreatment of industrial wastewaters and wet scrubbing and dry filtration of industrial air streams, treatment residuals and remediation wastes.

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stored in that section. Wastes in bulk storage containers are stored and either treated on-site or transferred off-site for treatment and disposal. Roll-Off/Lugger Boxes are handled by the self-loading/unloading mechanisms on the transportation vehicles. Facility personnel are carefully trained (as described in the Training Plan) on the proper techniques for handling roll-off box and lugger-box containers.

Any washwaters or rinsewater generated during cleaning of the unit will either be used as process water for the stabilization unit or will be transferred off-site for disposal.

The Existing Bulk Solids Storage Unit will be inspected daily in accordance with s. NR 640.12, Wis. Adm. Code.

Other Hazardous Waste Storage or Treatment Units

Controlled Waste Division received a license on June 1, 1988 to store 44,000 gallons in drums (e.g., 800 55-gallon drums) and 36,000 gallons in various sized roll-off or lugger containers (e.g., 18 2,000-gallon luggers). The September 13, 1990 Feasibility and Plan of Operation Report Approval issued by the Department allows Controlled Waste Division to construct and operate a 33,000 gallon (e.g., 600 55-gallon drums) per day hazardous waste repack/bulking/decant treatment unit and a tank storage unit. The bulk storage would be associated with their treatment activities. The bulk storage and treatment would include storage in four 10,000 gallon tanks and treatment in two 5,600 gallon separation tanks and two 900 gallon surge tanks.

Pursuant to s. NR 680.45(6), Wis. Adm. Code, Controlled Waste Division plan approvals and licenses are effective for up to 10 years from the date of initial licensing. The following table denotes the initial license or latest approval date and the date the license/approval expires for each hazardous waste management treatment or storage unit.

Table 1

<u>Hazardous Waste Management Unit</u>	<u>Initial License or Approval Date</u>	<u>Date Effective Period Ends</u>
Container Storage Unit 800 55-gallon drums (44,000 gallon) capacity	June 1, 1988	June 1, 1998
Existing Bulk Solid Storage Unit At present 36,000 gallon capacity Expanded to 62,600 gallon capacity	September 13, 1990 June 1993*	September 13, 2000 June 2003*
Proposed Drum Repack/Bulking/Decant Unit 33,000 gallon per day capacity	September 13, 1990	September 13, 2000

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3. An initial hazardous waste operating license was issued by the Department to Controlled Waste Division on June 1, 1988 for a hazardous waste storage facility with a maximum capacity of 446 55-gallon drums (24,530 gallons). The Department issued a September 13, 1990 plan approval to construct and operate additional hazardous waste storage and treatment units on-site including: an expansion of the container storage building to store a maximum of 800 55-gallon drums (44,000 gallons); roll-off or lugger container storage building to store a maximum of eighteen 2,000 gallon containers (36,000 gallons); drum repack/bulking/decant unit to treat up to 33,000 gallons per day and store up to 53,000 gallons in eight aboveground tanks.
4. The Department received a variance application from Controlled Waste Division on August 1, 1990 to construct and operate a hazardous waste storage and treatment (stabilization) unit. The Department issued a two year variance on April 9, 1991. The Department received a variance renewal request from Controlled Waste Division on January 11, 1993 and issued a variance renewal on April 15, 1993. The variance expires on December 31, 1993.
5. The Department received Controlled Waste Division's revised "Feasibility Report and Plan of Operation" on August 9, 1991 and significant changes to this submittal on March 10, 1992 in a report entitled "Wisconsin Revised Feasibility and Plan of Operation Report". The Department acknowledged receipt of the report and \$9,000 plan review fee on September 12, 1991. The Department issued notices of incompleteness on March 31, 1992 and April 30, 1992. Controlled Waste Division's response was received on June 3, 1992.
6. Additional information submitted in connection with the expansion report includes the following:
 - a. Revisions to text, tables, figures, and appendices of the June 3, 1992 Feasibility and Plan of Operation Report received December 15, 1992, December 21, 1992, January 19, 1993, and April 27, 1993.
 - b. The annual operating summary of the stabilization unit received by the Department on March 25, 1993.
 - c. Tank integrity assessments received by the Department on April 2, 1992 and April 1, 1993.
 - d. Certificate of liability insurance for a hazardous waste facility received on April 27, 1993.
 - e. Revised list of affected municipalities, libraries, and interested parties received by the Department on April 27, 1993.

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4. The Department has promulgated ch. NR 103, Wis. Adm. Code, to preserve and protect wetlands water quality.

DETERMINATION

In accordance with s. 144.44(2)(nr), Stats., the Department determines there is a need for the facility to treat and store hazardous waste as approved. The Department further determines that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Stats., and ch. NR 150, Wis. Adm. Code, and that the existing and proposed facility conform with wetlands water quality standards pursuant to ch. NR 103, Wis. Adm. Code.

Based on the Findings of Fact and Conclusions of Law, the Department determines that Controlled Waste Division's hazardous waste treatment and storage facility Feasibility and Plan of Operation Report is hereby approved subject to compliance with chs. NR 600 through NR 685, Wis. Adm. Code, and the following conditions:

CONDITIONS OF ISSUANCE

Controlled Waste Division of Menomonee Falls, Wisconsin, is subject to the following conditions:

GENERAL CONDITIONS

1. Controlled Waste Division shall treat and store hazardous waste in waste management units listed on the most recent Part A permit application form submitted to the Department on April 14, 1993. For example, the following waste types could be treated in the stabilization process if the primary waste code is listed for stabilization on the current Part A permit application: toxicity characteristic (TCLP) waste; corrosive wastes; treatment residuals; metal finishing/treating wastes that are reactive or non-reactive; and other reactive wastes.

All other hazardous waste codes not listed on the most recent Part A form for a specific waste storage or treatment unit are prohibited from being managed in a different storage or treatment unit on-site. Controlled Waste Division shall not treat through stabilization characteristic D001 wastes.

This approval does not extend to the storage or treatment of unknown or miscellaneous hazardous wastes. Wastes with similar characteristics or of a similar nature (i.e. listed for similar reason or similar toxicological properties) can be managed at the facility by receiving written approval from the Department following a modification to this determination.

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- j. General inspection requirements is ss. NR 630.15, 640.12 and 645.11, Wis. Adm. Code;
 - k. General storage standards in ss. NR 645.06, 645.07, 645.08, 645.09, 645.10, 645.12, and 645.17, Wis. Adm. Code;
 - l. Requirements for ignitable, reactive, or incompatible wastes in ss. NR 640.14, 640.15, 645.06(3), 645.13, and 645.14, Wis. Adm. Code.
5. Controlled Waste Division shall comply with the minimum requirements for design and operation of the treatment units found in ss. NR 645.06(3), NR 670.08, and NR 670.09, Wis. Adm. Code, including but not limited to the following:
- a. The facility shall have the capacity to remove wastes from the stabilization facility and store wastes in the licensed hazardous waste storage facility in the event of an equipment breakdown or malfunction;
 - b. If for any reason the treatment facility is rendered inoperable or is not able to completely process the hazardous waste, an approved alternative method shall be used for hazardous waste disposal;
 - c. The inspection and monitoring of discharge control and safety equipment, construction materials of the process equipment and secondary containment structures, pursuant to s. NR 645.06(3)(f), Wis. Adm. Code.
6. Controlled Waste Division shall comply with the closure requirements in ss. NR 640.16, NR 645.17 and NR 670.10, Wis. Adm. Code.
7. Controlled Waste Division shall maintain proof of financial responsibility for closure and liability coverage pursuant to ss. NR 685.07 and 685.08, Wis. Adm. Code, respectively.
8. Controlled Waste Division shall comply with all applicable requirements of Air Management rules (e.g., Chapter NR 445, Wis. Adm. Code) and directives, including but not limited to obtaining all necessary permits to operate in accordance with these regulations.
9. Controlled Waste Division shall comply with air emission standards for process vents (Title 40 Code of Federal Regulations Part 264 Subpart AA, or state equivalent) and equipment leaks (40 CFR Part 264 Subpart BB, or state equivalent). The proposed decant operation may be impacted by these federal regulations. However, plans are conceptual at this time. When detailed plans denote, among other items, equipment identification and counts, and lists of valves, pumps, flanges, etc. and plans are submitted to the Department, Controlled Waste Division

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16. All uncontained wastes and accumulated liquids (e.g., precipitation, wash waters) located within the secondary containment diking shall be cleared from the diked area daily and managed as a hazardous waste in accordance with chs. NR 600 to 685, Wis. Adm. Code, and the latest feasibility report and plan of operation.
17. All concrete surfaces secondary containment structures shall be sealed with a chemically resistant material (e.g., epoxy mastic sealant).

Above Ground Tanks

18. Controlled Waste Division shall not place hazardous wastes in a tank if the wastes could cause any tank, its ancillary equipment, or the containment structure to rupture, leak, corrode, or otherwise fail.
19. Controlled Waste Division shall inspect the following components of each tank once each operating day;
 - a. Overfill control equipment (e.g., waste feed cut-off).
 - b. The area immediately surrounding the tank, to detect erosion or signs of releases of hazardous waste.
20. Controlled Waste Division shall provide a tank integrity assessment report prepared in conformity with s. NR 645.07(1), Wis. Adm. Code, to detect corrosion or erosion, cracks, or leaks of all hazardous waste tanks and shall submit a report to the Department by April 1 each year.
21. Controlled Waste Division shall meet the requirements for a secondary containment system in s. NR 645.09, Wis. Adm. Code, including but not limited to a leak detection system that is designed and operated to detect the failure of either the hazardous waste storage or treatment tank or the secondary containment structure pursuant to s. NR 645.09(5)(c), Wis. Adm. Code.
22. Controlled Waste Division shall not place incompatible, ignitable, or reactive wastes and materials in a tank, unless the procedures specified in ss. NR 630.17(2) and 645.13(1), Wis. Adm. Code, are followed.
23. Controlled Waste Division shall not place hazardous waste in the tank when a tank has not been decontaminated and had previously held an incompatible waste or material, unless the requirements of s. NR 645.14, Wis. Adm. Code, are met.

Containers

24. Controlled Waste Division shall comply with the storage requirements of ch. NR 640, Wisconsin Administrative Code, including but not limited to the following:

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container shall be recontainerized into a storage container in good condition.

- m. The containers shall be made or lined with materials which will not react with, or are otherwise incompatible with, the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired.

Transfer Facility

25. No hazardous waste may be moved from any on-site hazardous waste transfer facility to an on-site storage unit at any time.
26. No hazardous waste may be moved from the on-site storage units to any on-site hazardous waste transfer facility at any time.
27. Any container in the hazardous waste transfer facility must be clearly marked with the date when it is first placed in the transfer facility. This date shall be visible for inspection on each container. Controlled Waste Division shall inspect the transfer facility after each shipment and check for dates on the containers.
28. The facility must maintain a hazardous waste transporter's license as long as the on-site hazardous waste transfer facility is operated.

Stabilization Unit

29. Controlled Waste Division shall treat through stabilization only characteristic (excluding D001 wastes) or listed hazardous wastes identified by the state land disposal restrictions (LDR) in ch. NR 675, Wis. Adm. Code, whose best demonstrated available technology (BDAT) or specified technology is stabilization, and is listed on the Part A permit application form submitted to the Department on April 14, 1993. All other hazardous waste codes are prohibited from stabilization or storage at the stabilization facility, unless the land disposal restriction standards have been met and documented.

Waste shipments containing visible or suspected free liquid volumes greater than 5% shall not be accepted at the stabilization facility. If free liquids are visible or suspected to be present, the container shall be sampled and analyzed by the Paint Filter Liquids Test, Method 9095, Test Methods For Evaluating Solid Wastes, Physical/Chemical Methods, 2nd Edition, EPA publication number SW-846, 1982 (with 1984 revision), or subsequent editions.

30. Wastes containing visible or suspected free liquids shall be accepted for stabilization and associated processing only after those free liquids are eliminated and the waste, upon free liquids elimination, passes all acceptance criteria noted in the waste analysis plan.

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shall include a discussion on wastes that could not be treated on-site down to the applicable LDR treatment standards; generator and generation process descriptions for these wastes; an explanation on why stabilization was not effective; and final disposition of these wastes (e.g., type of treatment, storage, or disposal facility which accepted the waste). The report shall be submitted to the Department on an annual basis by March 1.

33. Characteristic hazardous waste defined in s. NR 605.08, Wis. Adm. Code, that has been treated (stabilized) in accordance with the land disposal restriction (LDR) treatment standards may be disposed in Wisconsin in accordance with Chapters NR 500 to 520, Wis. Adm. Code, provided Department approval is obtained.
34. Waste processing shall not exceed 300 tons per day and 109,500 tons per year for the stabilization unit. Waste storage in this unit is limited to four 4,039-gallon (20 cubic yard) roll-off containers, or 16,156 gallons and the 1,470-cubic foot waste storage silo, and the 40-cubic yard steel receiving tank (bin). Acceptance of waste shall be limited to the operating hours of the Controlled Waste Division facility and the ability of the Controlled Waste Division laboratory to conduct the waste analyses in accordance with this approval.
35. The maximum storage capacity of the above ground waste silo is 1470-cubic feet (54.4-cubic yards). Automatic feed cut-off equipment shall be installed on the waste silo and shall be maintained in good working order at all times during facility operation, in accordance with ss. NR 645.06(3)(b)5., 645.10, and 645.11, Wis. Adm. Code. These tanks shall be equipped with audible alarms which are activated when the tank is no more than 95% full. Immediate action shall be taken to shut-off flow to a tank when its alarm is activated.
36. The backhoe shall be operated at all times in a manner that will not cause spillage of hazardous wastes outside the secondary containment area and will not cause the backhoe to fall from the raised concrete pad it is mounted on. The raised concrete surface which supports the backhoe shall be sloped into the secondary containment structure or the receiving bin, or shall be constructed with a sealed concrete berm or dike to prevent releases outside of the secondary containment structure.
37. Appropriate materials (e.g., rubber mats) shall be placed under the backhoe tracks should the elevated and hardened concrete platform which supports the backhoe show excessive wear.
38. The bulk receiving bin shall maintain at least two feet of freeboard to prevent splash-out, pursuant to ss. NR 645.06(3)(b)3, and 645.10(2), Wis. Adm. Code. The pug mill shall be operated at all times in a manner which prevents material release.

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instruction where to insert this information into the feasibility and plan of operation report within 45 days from the date of this approval.

NOTE: This condition will be deleted if information is submitted before the preliminary determination is finalized.

47. Location and placement of processed and unprocessed roll-off boxes or other containers shall be handled in the manner and locations specified in the feasibility and plan of operation report.
48. Post-treatment samples shall be taken within 48 hours after treated wastes pass through the surge hopper into a container.

Proposed Bulk Solid Storage Unit

49. Controlled Waste Division shall store up to any combination of these containers not to exceed a maximum of 48 4,039-gallon roll-off containers in the proposed bulk solid storage unit in accordance with conditions of this approval. Maximum storage capacity is 193,872 gallons.

Existing Bulk Solid Storage Unit

50. Controlled Waste Division shall store any combination of these containers not to exceed a maximum of 10 6,060-gallon roll-off containers (30 cubic yard capacity each), and one 2,000-gallon lugger container in the existing bulk solid storage unit in accordance with conditions of this approval. Maximum storage capacity is 62,600 gallons.

Other Activities

51. Controlled Waste Division shall accumulate treated wastes in the designated stabilized waste accumulation area or in bulk solid storage units in covered liquid-tight containers. For purposes of this approval, liquid-tight containers are ones that do not leak liquids. Containers shall be lined or have all edges and seams welded or caulked with a material compatible with the waste to render it liquid-tight. No more than thirty-one (31) thirty (30)-cubic yard containers at any time may be held in the stabilized waste accumulation area located to the west of the container storage warehouse. Adequate spacing shall be maintained between containers to inspect the containers and the area around it and to allow for the free movement of emergency response equipment.
52. All run-off, accumulated liquids, or other materials that come in contact with the asphalt pavement of the stabilized waste accumulation area shall be collected in a Waste Management, Inc. retention pond and analyzed prior to discharge in accordance with a WPDES Discharge Permit and ch. 147, Stats."

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56. Controlled Waste Division shall notify the Division of Emergency Government and comply with the requirements of Section NR 630.22(2) and Chapter NR 158, Wisconsin Administrative Code and 144.76, Wisconsin Statutes, if a discharge of hazardous waste or hazardous substance, or a fire or explosion occurs at the licensed facility.
57. In the event of a noncompliance with the license, Controlled Waste Division shall take all necessary steps to minimize discharges to the environment, and shall take all necessary steps to minimize any adverse impacts on human health or the environment.
58. Controlled Waste Division shall report to the Department any noncompliance which may endanger human health or the environment. The information which is required to be included in a written report under this paragraph shall be provided orally to the appropriate district office of the Department within 24 hours from the time Controlled Waste Division becomes aware of the circumstances. A written report shall be submitted within 5 days of the time Controlled Waste Division becomes aware of the circumstances. The Department may allow up to 15 days to submit a written report if an extension is requested by the licensee. The written report shall contain:
 - a. Name, address, and telephone number of the owner or operator.
 - b. Name, address, and telephone number of the facility.
 - c. A description of the noncompliance and the period of noncompliance, including exact date and time, and if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue.
 - d. Name and quantity of material involved.
 - e. The extent of injuries, if any.
 - f. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable, including information concerning the release of any substance which may cause contamination of a drinking water supply.
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.
 - h. The known or suspected causes of the noncompliance and statement describing the measures taken to investigate the noncompliance to determine its cause.
 - i. Steps taken or planned, to reduce or eliminate and prevent reoccurrence of the noncompliance.

FINAL DETERMINATION - Controlled Waste Division

accordance with s. NR 680.09(3)(b) when the construction documentation is submitted to the Department. The Department shall be notified at least two weeks before construction commences for the aforementioned modifications.

66. This license is subject to annual license operating fees listed in Table XII, s. NR 680.45, Wis. Adm. Code, for container and tank storage and miscellaneous treatment.

The conditions of this determination do not replace or supersede conditions specified in previous Department determinations unless specifically noted.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision, you should know that 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 ss. 227.52 and 227.53, 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 shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to s. 227.48(2), Stats.


JUN 28 1993

Dated: _____

Department of Natural Resources
For the Secretary



Barbara J. Zellmer, Chief
Hazardous Waste Management Section
Bureau of Solid & Hazardous Waste Management



Eric Syftestad, Engineer
Hazardous Waste Management Section
Bureau of Solid & Hazardous Waste Management



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Beck
Secret

Box 12
Milwaukee, Wisconsin 532

September 13, 1990

File Ref: 4430

Mr. Dean Thompson
Chemical Waste Management - Controlled Waste Division
W124 N9451 Boundary Road
Menomonee Falls, WI 53051

SEP 20

Dear Mr. Thompson:

RE: Feasibility Determination
Feasibility Report and Plan of Operation
Conditional Approval, Chemical Waste Management
Controlled Waste Division
EPA I.D.: WID 003 967 148

The plans and specifications relating to the Chemical Waste Management - Controlled Waste Division hazardous waste storage and treatment facility located at W124 N9451 Boundary Road, Menomonee Falls, Wisconsin, EPA I.D. Number: WID 003967148 have been reviewed by the Department of Natural Resources.

Based on the review of the submitted material, we have concluded that your proposal will provide for satisfactory hazardous waste storage and treatment provided the conditions in the attached Feasibility Report and Plan of Operation Approval Report are followed. The facility and Feasibility Report and Plan of Operation are therefore approved subject to the compliance with Chapter NR 181, Wisconsin Administrative Code, and to fulfillment of the conditions listed in the attached Feasibility Report and Plan of Operation Approval. The Department reserves the right to require changes in the Feasibility Report and Plan of Operation should conditions arise making such necessary.

Please review the attached Feasibility Report and Plan of Operation Approval to determine if the details and plans of your facility and its operation are accurately set forth. Your license, when issued, will be subject to compliance with the attached Feasibility Report and Plan of Operation Approval dated September 13, 1990.

Please be reminded that approval and licensing by the Department of Natural Resources does not relieve you of legal obligations to meet all other state and local permit, zoning, and regulatory requirements.

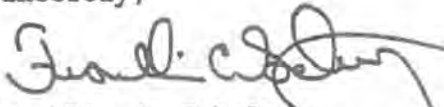
Since you will be expected to operate this facility in accordance with the criteria for a storage and treatment facility, we are enclosing a copy of the

Wisconsin Hazardous Waste Management Rules for reference. It is suggested that the person responsible for the facility review all operational requirements listed in Section NR 181.42, NR 181.43 and NR 181.46 of the rules. Your license, when issued, will require you to operate in strict conformance with this approval and the requirements of Chapter NR 181, Wisconsin Administrative Code.

Prior to initiating facility construction, please contact the Southeast District Office to review facility construction procedures. When you have completed your facility construction and you have fulfilled the conditions of the attached reported listed under facility construction, please contact the Southeast District Office and arrange for a field inspection of the facility. District personnel will determine the adequacy of your facility construction. If the facility has been constructed according to the engineering plans submitted and the attached report, the facility will be recommended for licensing. No wastes are to be deposited before the license has been issued.

This letter and the attached report represent the feasibility determination and plan of operation conditional approval of this facility. Please review these documents carefully. Particular attention should be given to the conditions of the approval.

Sincerely,



Franklin C. Schultz
Solid and Hazardous Waste Management Program Supervisor

sbr

Enclosure

c: E. Lynch/E. Syftestad - HWS - SW/3
Program Management Section - SW/3
Pete Flaherty - Legal Services - LC/5
Chuck Slaustas - EPA, Region V
Bureau of Environmental Analysis and Review
SED Case File

FEASIBILITY DETERMINATION
AND
FEASIBILITY REPORT AND PLAN OF OPERATION CONDITIONAL APPROVAL
FOR A HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY

GENERAL FACILITY INFORMATION

Name of Facility and Location:

Chemical Waste Management - Controlled Waste Division
W124 N9451 Boundary Road
Menomonee Falls, WI 53051
NE¹/₄ of Section 1, Township 8 North, Range 20 East

EPA I.D.:

WID 003 967 148

Facility Owner:

Waste Management of Wisconsin, Inc.
Two Park Plaza
1850 W. Park Place, Suite 1200
Milwaukee, Wisconsin 53224

Authorized Contact:

Dean Thompson, General Manager - Phone Number (414) 255-6655

Report Prepared by:

Chemical Waste Management, Inc.

Report Certified by:

R. E. Nunes, Jr., P.E., Wisconsin Registration #E-23958

Total Storage Area:

14,336 square feet (8,400 square foot container storage; 4,000 square foot lugger box storage and 1,936 square foot above ground tank farm).

Total Storage Capacity:

120,000 gallons (800 55-gallon drums; 18 ~~2,000~~ gallon ~~lugger boxes~~; 4
10,000 gallon tanks)

6060 plus dump tanks
4040

Total Treatment Area:

1,936 square feet phase separation (decanting and settling unit)

Total Treatment Capacity:

13,000 gallons (2 - 5,600 gallon decanting and settling tanks and 2 - 900 gallon surge tanks)

Maximum Treatment is 33,000 gallons per day.

Waste Types and Characteristics:

The facility will handle a variety of hazardous wastes, including recoverable and nonrecoverable organic wastes, inorganic wastes and reactive wastes. The facility will not accept radioactive or explosive wastes and is limited to store or treat only those wastes listed on ~~the most recent Part A.~~

Period of Long-Term Care:

The Department may require that the owner or operator comply with applicable long-term care requirements under s. 144.441, Wisconsin Statutes pursuant to NR 181.08, NR 181.42(9) and NR 181.49, Wisconsin Administrative Code, for release of hazardous wastes or hazardous constituents.

Approval Limitations:

This approval does not extend to the storage of unknown or miscellaneous hazardous wastes. ~~This approval is specifically for storage of wastes identified in your most recent Part A (February 20, 1988) application~~ and to wastes specifically identified in your plan of operation and listed above. Wastes with similar characteristics or of a similar nature (i.e. listed for similar reason or similar toxicological properties) can be stored at the facility by receiving written approval from the Department following a minor plan modification request. Depending upon the waste stream this request may be either a major or minor plan modification. This approval does not cover waste oil unless it exhibits characteristic or is mixed with a listed waste. In that case, the waste oil is considered hazardous waste and must be properly identified and included in the appropriate hazardous waste inventory.

FACILITY SITE CHARACTERISTICS

The facility proposes to expand their storage facility and to treat hazardous wastes through phase separation (settling and decanting).

Land Use Description: The facility is owned by Waste Management of Wisconsin, Inc. and is presently used for hazardous waste storage. The facility is located in a lightly populated, semi-agricultural suburban area. The area of the property is approximately 9 acres. The site and area to the north, west and south is zoned heavy industrial. The area to the east is zoned institutional. The nearest residence is approximately 1,000 feet south of the facility.

Topography: The site is relatively flat to gently rolling with a slight southeastern slope. Average site elevation is 760 feet above sea level.

Surface Water: A drainage ditch surrounds the facility and leads to a storm water retention pond about ¼ mile south of the site. The discharge from the pond is regulated by the WPDES permit number WI0045381-2. The Menomonee River is about 1.5 miles southeast of the facility.

Soils: The soils in the area consist of glacial till. They are mostly silty clays interbedded with sand seams near the surface. Dolomite bedrock is about 100 feet below ground surface.

Air: The facility is located in an area of southeast Wisconsin which has been designated not in attainment of the National Ambient Air Quality Standard for ozone.

FACILITY OPERATION AND CONSTRUCTION

Initial Preparations and Facility Construction: The facility is currently operating under a joint EPA permit (expires 6-1-98) and a DNR final operating license (expires 9-30-91). The joint permit and license, hereafter referred to as the hazardous waste operating license, allows Chemical Waste Management - Controlled Waste Division (CWM-CWD) to store up to 60,530 gallons of hazardous waste; maximum capacity of 24,530 gallons in containers and 36,000 gallons in lugger boxes. The drum storage area was constructed before the issuance of the hazardous waste operating license in June 1988. The proposed expansion includes the construction of a racking system in the existing drum storage building which will result in an increase of the drum storage capacity from 24,530 to 44,000 gallons. The lugger box storage area consists of a sloped concrete pad free of cracks or gaps and partially enclosed by a three sided roofed building. The lugger box storage area is designed with concrete curbing to prevent surface water runoff into the lugger box storage area. Secondary containment of the partially enclosed lugger box storage area is adequate to accommodate the precipitation volumes of a 24 hour, 25 year storm event and 10% of the total amount of stored waste. No new construction is proposed for the lugger box storage area. The treatment units and bulk storage tanks will be constructed next to the existing drum storage building. The treatment units and bulk storage tanks will be located directly to the west of the existing drum storage building. The bulk storage units will be constructed in a tank farm and the treatment units will be housed in a newly constructed building. All storage and treatment areas will be provided with adequate secondary containment.

Typical Operations: Hazardous waste storage and treatment will be performed at the facility. Drums, covered lugger box containers and bulk tanks will be used to store hazardous wastes received from off-site. The facility stores hazardous wastes prior to its final treatment or disposal off-site. CWM-CWD may also use the drum storage area and lugger box storage area as a 10-day transfer facility associated with the transport of hazardous wastes. CWM-CWD stores overpacked drums of waste containing small bottles or other vessels of laboratory chemicals, commonly referred to as lab packs.

Treatment of hazardous wastes at the site involves the physical separation (settling and decanting) of different types of wastes. No chemical treatment is used. Pumpable liquids are transferred from drums of similar waste types into the surge/decanting tanks. Distinct liquid phases are then pumped to the appropriate storage tanks. Bulk wastes are shipped off-site for further treatment and/or reclamation. Solids remaining in drums and/or settled in treatment and bulk storage tanks are accumulated and shipped off-site for treatment and/or final disposal.

Closure: The facility is proposing to operate as a storage and treatment facility. With proper maintenance and equipment replacement, the operating life of the site is not limited. The facility included a detailed closure plan and closure cost estimates in their feasibility report and plan of operation submittal.

The closure plan covers the lugger box container storage area, proposed bulk storage tanks, treatment tanks and expanded drum storage area.

The plan includes:

- Removal of the maximum allowable quantity of hazardous wastes that can be maintained in storage and treatment units.
- Decontamination of all surfaces and equipment that may have been in contact with hazardous wastes.
- Soils sampling and analysis of unpaved roads on-site to identify any contaminated soil requiring remediation.

The total closure costs for the facility were estimated by CWM-CWD to be \$369,323.00. The facility will maintain the financial responsibility during the operating life of the facility to cover the total closure cost estimate for the licensed facility. The facility will also maintain a pollution liability insurance policy for sudden environmental releases of \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate.

FINDINGS OF FACT

The Department finds that:

1. CWM-CWD filed a notice of hazardous waste activity on August 18, 1980. The latest EPA RCRA Part A hazardous waste permit application was received on November 16, 1989 and revised on February 26, 1990.
2. A hazardous waste operating license was issued to CWM-CWD on June 1, 1988 for a hazardous waste storage facility with a maximum capacity of 446 containers (24,530 gallons).
3. The Department received CWM-CWD's revised Feasibility Report and Plan of Operation on November 16, 1989. The Department acknowledged receipt on January 12, 1990. The Department issued a Notice of Incompleteness on January 29, 1990. CWM-CWD's response was received on March 5, 1990. The Department issued a second Notice of Incompleteness on April 20, 1990. The Department received CWM-CWD's response on May 17, 1990. The Department issued a Completeness Determination on July 26, 1990.
4. The purpose of the CWM-CWD facility is to temporarily store hazardous wastes generated by industries located in the area of southeastern Wisconsin until the waste can be shipped to other treatment and disposal facilities in the country. CWM-CWD provides feasible storage capability to industries and businesses for the management of their wastes.

CONCLUSIONS OF LAW

1. CWM-CWD has complied with the applicable requirements of section 144.44(2)(nm), Wisconsin Statutes for their proposed storage and treatment facility.
2. The Department has complied with the procedural requirements of ss. 144.44 and 1.11, Wisconsin Statutes.
3. The Department has promulgated Chapter NR 181, Wisconsin Administrative Code, establishing minimum requirements for hazardous wastes management under the authority of sections 144.60 and 144.62, Wisconsin Statutes.
4. Based on the foregoing findings, the Department has the authority, pursuant to section 144.44, Wisconsin Statutes, to issue the following determination of need.
5. The Department has the authority to approve a feasibility report and plan of operation with conditions, if the conditions are necessary to comply with chapter NR 181, Wisconsin Administrative Code, pursuant to Stat. 144.44(3), Wisconsin Statutes.
6. The conditions of approval set forth below are necessary to ensure compliance with sections NR 181.42, NR 181.43, NR 181.46, and NR 181.55, Wisconsin Administrative Code.
7. Based on the foregoing findings, the Department has the authority, pursuant to Stat. 144.44, Wisconsin Statutes., to issue the following feasibility determination and conditional plan of operation approval.

DETERMINATION

Based on the foregoing Findings of Fact and Conclusions of Law the Department hereby determines that the proposed Chemical Waste Management - Controlled Waste Division hazardous waste storage and treatment facility is feasible and that there is a need for the facility.

APPROVAL

The Department determines that CWM-CWD's hazardous waste storage and treatment facility Feasibility Report and Plan of Operation is hereby approved, provided that all conditions set forth in the report are complied with. The Department retains jurisdiction either to require the submittal of additional information or to modify this approval at any time, if, in the Department's opinion, further modifications are necessary.

CONDITIONS AND RECOMMENDATIONS OF APPROVALGENERAL CONDITIONS

1. CWM-CWD shall comply with all conditions of the license, the provisions of ch. 144, Wisconsin Statutes, all applicable requirements of ch. NR

181, Wisconsin Administrative Code, any plan approval and modifications thereof and any special order and modifications thereof issued by the Department, except as otherwise authorized by the Department under ss. NR 181.55(9) or (10), Wisconsin Administrative Code.

2. If CWM-CWD wishes to continue an activity regulated by a license after the expiration date of the license, CWM-CWD shall apply for a new license. Section 227.14, Wisconsin Statutes, provides:

"When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application is denied or the terms of the new license are limited, until the last day for seeking review of the agency decision or a later date fixed by order of the reviewing court."
3. It shall not be a defense for CWM-CWD in an enforcement action that it would have been necessary to halt or reduce the licensed activity in order to maintain compliance with the conditions of the license.
4. All renewal applications, and all reports or other information submitted to the Department by CWM-CWD shall be signed and certified as specified in s. NR 181.55(3), Wisconsin Administrative Code.
5. CWM-CWD may not treat, store, or dispose of hazardous waste in a modified or expanded portion of the facility, until CWM-CWD has received written approval from the Department. Changes in the types of hazardous wastes handled, or in the processes or equipment used to treat, store, or dispose of hazardous wastes are some examples which may constitute a facility modification or expansion. CWM-CWD may not treat, store, or dispose of hazardous waste in any newly constructed, modified, or expanded portion of a facility, if the Department has determined that the construction requires a plan submittal and subsequent approval, until:
 - a. The requirements of s. NR 181.55(2), Wisconsin Administrative Code, are met;
 - b. CWM-CWD has submitted to the Department, by certified mail or hand delivery, a construction observation report signed by the licensee and sealed by a Wisconsin registered professional engineer, documenting that the construction is in compliance with the license and any Department plan approval; and
 - c. The Department has inspected the newly constructed, modified, or expanded portion of the facility and finds it in compliance with the license and any Department plan approval; or the Department has notified CWM-CWD in writing that the inspection requirement under s. NR 181.55(8)(e)3.a., Wisconsin Administrative Code, is waived.

6. CWM-CWD shall at all times maintain in good working order and operate efficiently all facilities and systems of treatment or control and related appurtenances which are installed or used to achieve compliance with the terms and conditions of the license. Proper operation and maintenance includes, but is not limited to, effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
7. CWM-CWD shall, upon the request of any officer or employee of the Department, allow departmental personnel, at reasonable times and with notice no later than upon arrival, to:
 - a. Enter licensee's premises where a regulated facility or activity is located or conducted or where hazardous waste records are kept;
 - b. Have access to, and copy at reasonable times, records or labels that are being kept;
 - c. Inspect at reasonable times any facility's equipment, including monitoring equipment, or operations regulated under the license; and
 - d. Sample or monitor any substance or parameters at any location where a regulated facility or activity is located or conducted, in compliance with the requirements of s. 144.69, Wisconsin Statutes.
8. CWM-CWD shall report to the Department any noncompliance which may endanger human health or the environment. The information which is required to be included in a written report under this paragraph shall be provided orally to the appropriate district office of the Department within 24 hours from the time CWM-CWD becomes aware of the circumstances. A written report shall be submitted within 5 days of the time CWM-CWD becomes aware of the circumstances. The Department may allow up to 15 days to submit a written report if an extension is requested by the licensee. The written report shall contain:
 - a. Name, address, and telephone number of the owner or operator.
 - b. Name, address, and telephone number of the facility.
 - c. A description of the noncompliance and the period of noncompliance, including exact date and time, and if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue.
 - d. Name and quantity of material involved.
 - e. The extent of injuries, if any.
 - f. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable, including information concerning the release of any substance which may cause contamination of a drinking water supply.

- a. Manifest discrepancy report. If any discrepancy in a manifest is discovered, the licensee shall attempt to reconcile the discrepancy. If not resolved within 15 days, the licensee shall submit a report, including a copy of the manifest, to the Department as required by s. NR 181.42(6)(a)6, Wisconsin Administrative Code.
 - b. Unmanifested waste report. An unmanifested waste report shall be submitted to the Department within 15 days of receipt of unmanifested waste as required by s. NR 181.42(6)(c)2, Wisconsin Administrative Code.
 - c. Annual report. An annual report shall be submitted covering facility activities during the previous reporting year, as specified in s. NR 181.42(6)(c)1., Wisconsin Administrative Code.
 - d. Additional reports. Additional reports as specified in s. NR 181.42(6)(c)3, Wisconsin Administrative Code, shall be submitted if necessary.
15. CWM-CWD shall submit required documentation and take any action which is necessary to ensure protection of human health and the environment. The Department may require such documentation or action after inspecting the facility or reviewing any submittals, reports, or plans.
16. CWM-CWD license, if issued, may be modified or revoked for the reasons outlined in ss. NR 181.55(6) or (7), Wisconsin Administrative Code. The submittal of a request by CWM-CWD for license modification or termination, or a notification of planned changes or anticipated noncompliance, does not stay the effectiveness of any license condition.
17. When CWM-CWD becomes aware that there was a failure to submit relevant facts in any reports, plans, or other information submitted, or that incorrect information was submitted, CWM-CWD must promptly submit such facts or information to the Department.
18. CWM-CWD shall comply with the following:
- a. Environmental and health standards in s. NR 181.41, Wisconsin Administrative Code,
 - b. Identification number requirements in s. NR 181.42(1)(b), Wisconsin Administrative Code;
 - c. Notice requirements in s. NR 181.42(1)(c), Wisconsin Administrative Code;
 - d. General waste analysis requirements found in s. NR 181.42(1)(d), Wisconsin Administrative Code;
 - e. Waste analysis requirements in s. NR 181.42(1)(e), Wisconsin Administrative Code;

- f. Generation and removal requirements in s. NR 181.42(1)(i), Wisconsin Administrative Code;
 - g. Closure of noncomplying portions requirements in s. NR 181.42(1)(j), Wisconsin Administrative Code;
 - h. General requirements for ignitable, reactive, or incompatible wastes in s. NR 181.42(1)(m), Wisconsin Administrative Code;
 - i. General site selection requirements in s. NR 181.42(2), Wisconsin Administrative Code;
 - j. Security requirements in s. NR 181.42(3), Wisconsin Administrative Code;
 - k. Contingency plan and emergency procedures requirements in s. NR 181.42(4), Wisconsin Administrative Code;
 - l. Personnel training requirements in s. NR 181.42(5), Wisconsin Administrative Code;
 - m. Manifest, record keeping, and reporting requirements in s. NR 181.42(6), Wisconsin Administrative Code;
 - n. General inspection requirements in s. NR 181.42(7), Wisconsin Administrative Code;
 - o. Closure requirements in ss. NR 181.42(8) and .43(10), Wisconsin Administrative Code;
 - p. General storage standards in ss. NR 181.43(6),(7) and (8), Wisconsin Administrative Code.
19. CWD-CWD shall, at all times, comply with all applicable requirements of Chapter NR 445, Wisconsin Administrative Code, entitled, "Control of Hazardous Air Pollutants".
20. CWM-CWD shall, at all times, comply with all applicable requirements under Chapter 147, entitled, "Pollution Discharge Elimination" relating to point source discharges and storm water discharges.
21. Closure: CWM-CWD must close the proposed facility in accordance with the closure plan included in the feasibility and plan of operation report and with the applicable sections of Chapter NR 181, Wisconsin Administrative Code.
22. Financial Responsibility: CWM-CWD shall demonstrate continuous compliance with the financial responsibility requirements of Sections NR 181.42(10) and 181.42(11), Wisconsin Administrative Code.
23. This approval does not extend to the storage of unknown or miscellaneous hazardous wastes. This approval is specifically for storage of wastes identified in your most recent Part A (insert date) Application and to wastes specifically identified in your plan of operation and listed

above. Wastes with similar characteristics or of a similar nature (i.e. listed for similar reason or similar toxicological properties) can be stored at the facility by receiving written approval from the Department following a minor plan modification request. Depending upon the waste stream this request may be either a major or minor plan modification. This approval does not cover waste oil unless it exhibits characteristic or is mixed with a listed waste. In that case, the waste oil is considered hazardous waste and must be properly identified and included in the appropriate hazardous waste inventory.

SPECIFIC CONDITIONS

1. CWM-CWD shall construct the proposed facility in accordance with the approved Feasibility Report and Plan of Operation.
2. CWM-CWD shall submit to the Department a construction observation report within 30 days of completion of construction, and shall have a registered professional engineer document facility construction and certify whether the facility has been constructed in substantial conformance with the Feasibility and Plan of Operation, in accordance with s. NR 181.43(5), Wisconsin Administrative Code. This report may be submitted before or with the license application.
3. CWM-CWD may not operate the proposed storage and treatment facility until the Department has approved the construction documentation required by 2. above and all conditions of approval have been met.
4. CWM-CWD shall send a copy of the complete Feasibility and Plan of Operation to each affected municipality and local library within 15 days of this approval issuance. CWM-CWD shall submit verification to the Department that copies were sent within 15 days.
5. CWM-CWD must submit a signed, final operating license application for hazardous waste container storage, in accordance with s. NR 181.55(2), Wisconsin Administrative Code, within 45 days of the date of this letter. CWM-CWD must submit a signed, final operating license application for hazardous waste treatment and above ground tank storage, in accordance with s. NR 181.55(2), Wisconsin Administrative Code, by September 1, 1993.

The following items must accompany the application submittal:

- a. liability financial responsibility documentation, and
 - b. closure cost financial responsibility documentation,
 - c. the appropriate fee for the hazardous waste storage and treatment facility operating license. Refer to s. NR 181.55(5), Table XII, Fee Schedule, Wisconsin Administrative Code.
 - d. Construction observation report.
6. Limitation on waste: CWM-CWD shall store only those waste types and codes listed on the Part A application submitted to the Department,

dated February 26, 1990. The maximum design capacity for purposes of licensing and closure is a total of 133,000 gallons (120,000 gallons for the storage facility and 13,000 gallons for the treatment facility).

7. Waste analysis: CWM-CWD shall monitor and analyze the hazardous waste transported to the storage facility in accordance with the methods and procedures described in the plan of operation report.

In addition, CWM-CWD shall comply with the requirements established by U.S. EPA concerning the restrictions placed upon hazardous waste land disposal. These rules, which have been codified in 40 CFR Part 268, include the requirements for facilities handling these waste types to submit a notice to the treatment facility with each shipment of waste, that includes EPA Hazardous Waste Number, the corresponding treatment standard, the manifest number associated with the shipment of waste and any available waste analysis data.

8. Waste minimization: CWM-CWD shall certify annually (on the first of each year) that it has a program in place to reduce the volume and toxicity of hazardous waste it generates to the degree determined by CWM-CWD to be economically practicable, and the proposed method of treatment, storage or disposal is that practicable method currently available to CWM-CWD which minimizes the present and future threat to human health and the environment.

9. Spills reporting: CWM-CWD shall immediately report all spills and discharges of hazardous waste outside of hazardous waste storage secondary containment structures and all spills of 10 gallons or greater and hazardous waste inside of the designed hazardous waste secondary containment structures at its facility and implement any necessary action in accordance with the requirements of ch. NR 158 and s. NR 181.42(4)(c), Wisconsin Administrative Code. Releases of hazardous waste or other hazardous substances in volumes of less than 10 gallons within the secondary containment structure of a designated hazardous waste storage area shall be recorded and reported to the Department on a quarterly basis. This report shall include the type and quantity of waste spilled, the location of the release, the source of the release, what actions were taken to clean-up the release and what actions will be taken to prevent a release from recurring. If no spills or discharges occur, then CWM-CWD shall send a letter to the Department stating there has been none.

SPECIFIC CONDITIONS - CONTAINERS

Basic facility requirements: CWM-CWD shall follow the storage requirements of section NR 181.43, Wisconsin Administrative Code, including but not limited to the following:

1. All hazardous waste storage shall be confined to the designated storage area.
2. Adequate aisle space in the container storage areas must be maintained to allow unobstructed movement of personnel, fire protection equipment and decontamination equipment in event of an emergency.

3. Hazardous waste shall be stored only in containers in accordance with the Feasibility and Plan of Operation report.
4. All containers used for storing hazardous waste shall be inspected weekly for evidence of leakage, corrosion, or deterioration of the containers or the secondary containment structures. Sufficient aisle space must be maintained to view all containers and their labels.
5. Any spilled, leaked, or discharged hazardous waste shall be expeditiously removed from the collection area so as to prevent overflow of the secondary containment system or prolonged exposure of the containment system or the containers to the hazardous waste.
6. The identity and location of all stored hazardous waste shall be known throughout the entire storage period.
7. Waste shall be stored in containers in such a manner that no discharge of hazardous waste occurs.
8. Incompatible wastes or materials shall not be placed in the same container, including unwashed containers, unless they comply with s. NR 181.42(1)(m)2., Wisconsin Administrative Code.
9. Containers holding hazardous waste shall always be closed during storage, except when adding or removing wastes. Containers holding hazardous waste shall not be opened, handled, or stored in a manner which causes the container to rupture or leak.
10. Containers holding ignitable waste shall be located at a minimum of 50 feet from the facility's property line.
11. Storage containers holding a hazardous waste which is incompatible with any waste or other materials stored nearby in other containers, waste piles, open tanks or surface impoundments shall be separated from other wastes or materials or protected from them by means of a dike, berm, wall or other device.
12. If a container is not in good condition or if the contents of a storage container begin to leak, the hazardous waste in the container shall be recontainerized into a storage container in good condition.
13. The containers shall be made or lined with materials which will not react with, or are otherwise incompatible with, the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired.

SPECIFIC CONDITIONS - TRANSFER FACILITIES

1. No hazardous waste may be moved from any on-site hazardous waste transfer facility to the on-site storage facility at any time.
2. No hazardous waste may be moved from the on-site storage facility to any on-site hazardous waste transfer facility at any time.

3. No hazardous waste may be stored greater than 10 days anywhere on-site, except in the storage facility.
4. Any container in the hazardous waste transfer facility must be clearly marked with the date when it is first placed in the transfer facility. This date shall be visible for inspection on each container. CWM-CWD shall inspect the transfer facility after each shipment and check for dates on the containers.
5. The facility must maintain a hazardous waste transporter's license as long as the on-site hazardous waste transfer facility is operated.

SPECIFIC CONDITIONS - ABOVE GROUND TANKS

1. CWM-CWD shall not place hazardous wastes in the tank system if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.
2. CWM-CWD shall inspect the following components of the tank system once each operating day:
 - a. Overfilling control equipment, (e.g., such as waste feed cutoff systems and bypass systems) to ensure it is in good working order.
 - b. Data gathered from monitoring equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design.
 - c. For uncovered tanks, the level of waste to ensure compliance with s. NR 181.43(7)(f), Wisconsin Administrative Code.
 - d. The area immediately surrounding the tank, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).
3. CWM-CWD shall inspect the leak detection system in accordance with the Feasibility and Plan of Operation. (Note: the schedule and procedure shall be adequate to detect cracks, leaks, corrosion or erosion which may lead to cracks or leaks or wall thinning to less than the thickness required under s. NR 181.43(7)(a), Wisconsin Administrative Code.
4. CWM-CWD shall comply with the procedures in the Feasibility and Plan of Operation Report for emptying tanks to allow entry and inspection of the interior to detect corrosion or erosion of the tank sides and bottom.
5. CWM-CWD shall not place ignitable or reactive waste in the tank system unless the procedures specified in s. NR 181.43(7)(j), Wisconsin Administrative Code are followed.
6. CWM-CWD shall comply with the buffer zone requirements of the Department of Industry, Labor and Human Relations for tanks, when storing ignitable or reactive wastes in covered tanks.

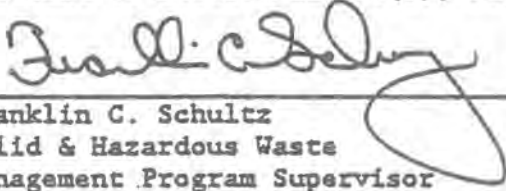
7. CWM-CWD shall not place incompatible wastes, or incompatible wastes and materials in the same tank system unless s. NR 181.42(1)(m)2., Wisconsin Administrative Code is complied with.
8. CWM-CWD shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless the requirements of s. NR 181.43(6)(f), Wisconsin Administrative Code are met.

This report represents the conditional approval of your facility.

CWM-CWD storage and treatment operation must strictly follow the conditions set forth herein.

NOTICE OF APPEALS

If you believe you have a right to challenge this decision, you should know that Wisconsin Statutes and Administrative Rules establish time periods within which request review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53 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 of Natural Resources as the respondent. This notice is provided pursuant to Section 227.48(2), Stats.



Franklin C. Schultz
Solid & Hazardous Waste
Management Program Supervisor

Sept. 13, 1990
Date

SJM:sbr

