



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

(SR-6J)

December 24, 2008

Mr. Arthur Dyer
7011 Settlor Ave
Wind Lake, WI 53185-1915

Dear Mr. Dyer,

I am responding to your requests asking for clarification regarding what encompasses the Muskego Superfund Site. Previously, I provided a brief explanation. Here is more information to explain what constitutes the Muskego Superfund Site.

The Unilateral Administrative Order (UAO) issued by the United States Environmental Protection Agency (EPA) in June 1995 for the Groundwater Operable Unit (GWOU) (i.e., V-W-95-C-295) helps to define and clarify the boundaries of the Muskego Sanitary Landfill Superfund Site.

The UAO defines the Muskego Sanitary Landfill Superfund Site; Paragraph 1 states that the "Site" shall mean the Muskego Sanitary Landfill Superfund site, encompassing approximately 56 acres, located in the City of Muskego, Waukesha County, Wisconsin, as described in the Record of Decision and includes, but is not limited to, all property which has been contaminated as a result of a release from the facility and area adjacent thereto." (Section III, page 5). That definition is consistent with the definition of "facility" in the National Contingency Plan¹ and the Superfund Statute². Those laws specify that, with certain exceptions, the term facility is meant to include any area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

The groundwater performance standards have been set forth in the GWOU Record of Decision (ROD) and the Scope of Work attached to the UAO. The 1995 GWOU ROD issued by EPA (i.e., EPA/ROD/R05-95/280/1995) identifies the relevant performance standards. The ROD states that the selected remedy will be designed to meet all applicable, or relevant and appropriate requirements (ARARs) under federal, and more stringent state environmental laws.

¹Facility is defined at Title 40, Part 300.5 of the National Oil and Hazardous Substances Pollution Contingency Plan.

² Facility is defined at Section 101 (9) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. § 9601 *et seq.*).

Among other ARARs, the ROD identified the Wis. Admin. Code NR 140, Groundwater Quality Standards including Preventive Action Limits (PALs), Enforcement Standards (ESs), and (Wisconsin) Alternative Concentration Limits (WACLs). The ROD stated that the selected remedy, building on the Source Control Operable Unit remedy, is intended to achieve compliance with PALs at and beyond the waste boundary (edge of waste).

Accordingly, any property, including the property beyond the landfill boundary, which exhibits groundwater contamination above the cleanup standards (i.e., PALs) as a result of a release from the facility is considered part of the Superfund Site. Therefore, based upon the above, the areas where groundwater contamination associated with the Muskego landfill has been detected above the PAL are considered part of the Site. Although additional work is underway to define the edge of the areas of groundwater contamination, EPA does have an estimate of the areas where the PALs have been exceeded for substances associated with releases from the landfill and associated operations. The specific properties that you inquired are in that area and thus are considered part of the Superfund Site. Those properties that you inquired about are the following:

- your current 20 acre parcel (tax key #MSKC2233997) on Hillendale Drive,
- your former properties located at W 208 S 8901 and W 208 S 8903 Hillendale Dr.,
- property at S 85 W 21175 Janesville Road,
- property at W 208 S 8543 Hillendale Drive,
- property at W 207 S 8710 Hillendale Drive,
- property at W 208 S 8861 Hillendale Drive,
- property at S 83 W 20671 Janesville Road, and
- property at S 86 W 21693 Janesville Road.

I hope that this information answers your questions. Should you need additional information, please contact me at bianchin.sheri @epa.gov or 312-886-4745.

Sincerely,



Sheri L. Bianchin

Remedial Project Manager