

FACT SHEET

Per s. 670.408, Wis. Adm. Code

Preliminary Determination - Hazardous Waste Facility Licensing

Hydrite Chemical Co.

114 N. Main Street

Cottage Grove, WI 53527

EPA ID #: WID000808824

September 11, 2023

INTRODUCTION

Hydrite Chemical Co. (Hydrite) operates a licensed hazardous waste storage and treatment facility in the Village of Cottage Grove, Wis. Hydrite has applied to renew the license for an additional period of up to ten years. The application proposes the continuation of previously licensed hazardous waste activities, with no expansion or increases in these activities. Existing and proposed licensed operations include the storage of up to 110,000 gallons of hazardous waste in containers within an indoor storage warehouse, the storage of up to 66,500 gallons of hazardous waste in ten tanks, and treatment (fuels blending) of hazardous waste in two 19,750-gallon tanks. Hydrite proposes to accept and manage the same types of hazardous wastes as previously licensed, which in general are petroleum solvent-related wastes suitable for recycling in distillation columns or thin-film evaporators, or treatable by mixing to create fuels for cement kilns.

ESRR has recently submitted a Feasibility and Plan of Operation Report (FPOR), dated December, 2022, as part of their application. The FPOR describes in detail the design and operational characteristics and strategies that ESRR will follow to achieve compliance with the requirements of ch. NR 664, Wis. Adm. Code. Hydrite has not requested alternatives to required standards. While this FPOR has been determined to be sufficiently complete, additional information will be needed. As a condition of this preliminary determination, the department intends to require that Hydrite provide this information in the form of a revised FPOR.

DECISION ON COMPLETENESS AND PRELIMINARY DETERMINATION

The licensing process for hazardous waste facilities is established in ch. 289, Wis. Stats. and ch. NR 670, Wis. Adm. Code. The department has found ESRR's license application to be complete, and has preliminarily determined that:

- there is a need for the facility;
- an environmental impact statement is not required; and
- the FPOR should be conditionally approved.

The department has developed a preliminary determination dated September 11, 2023 that includes approval conditions needed to provide compliance with chs. NR 660 through NR 670, Wis. Adm. Code and to protect human health and the environment.

DOCUMENTS AVAILABLE FOR REVIEW

The administrative record consisting of the department's preliminary determination, the public notice and this fact sheet is available for public review at the department's website at <http://dnr.wi.gov/topic/Waste/Comment.html>, under the tab named "Hazardous Waste." Paper copies can be made available at the DNR's Fitchburg Service Center.

OPPORTUNITY TO COMMENT

To allow for public review and comment after the receipt of a complete and technically adequate FPOR, the department has issued a public notice of its preliminary determination. This notice was published in the Wisconsin State Journal, and was announced through ads on local radio stations. The notice has been posted on the department's website at <http://dnr.wi.gov/topic/Waste/Comment.html>, under the tab named "Hazardous Waste".

The public notice includes information required by s. NR 670.410(4), Wis. Adm. Code. Pursuant to ch. 289 and s. 1.11, Wis. Stats., the public is invited to submit written comments concerning the preliminary determination to the department during the 45-day public comment period ending on October 31, 2023. All comments and/or requests concerning the above documents can be sent to: Douglas Coenen – WA/5, Wisconsin Department of Natural Resources, 101 S. Webster Street, Box 7921, Madison WI 53707-7921. Comments can also be submitted via email to douglas.coenen@wisconsin.gov. Members of the public can also contact Mr. Coenen to be placed on the department's mailing list for interested parties for this facility.

After the close of the public comment period and before issuing a final determination, the department will evaluate all comments received. Each person who submitted written comments or requested notice of a decision will receive a notice of the determination by the department. At the same time, the department will also respond to all significant comments, specify if there are any changes and indicate whether additional comments or new materials have been included in the administrative record. The department would then proceed to issue the operating license for an 18-month term while a revised FPOR is developed and reviewed.

OPPORTUNITY TO REQUEST A HEARING

Pursuant to ss. 289.26 and 1.11, Stats., a public hearing concerning the FPOR and the preliminary determinations may be requested in writing by any county, village, city or town, the applicant, or any 6 or more persons. The request shall indicate the interests of the municipality or persons who file the request and state the reasons why the hearing was requested. The hearing shall be conducted as an informational hearing utilizing the procedures in s. NR 2.135, Wis. Adm. Code unless the request filed indicates pursuant to section 289.27(1), Wis. Stats., that the hearing is to be treated as a contested case, as provided under section 227.42, Wis. Stats., and that:

1. A substantial interest of the person requesting the treatment of the hearing as contested case is injured in fact or threatened with injury by the department's action or inaction on the matter;

2. The injury to the person requesting the treatment of the hearing as a contested case is different in kind or degree from injury to the general public caused by the department's action or inaction on the matter; and
3. There is a dispute of material fact.

All hearing requests shall be filed with the department within 30 days after the publication date of this notice, either by delivery to the Office of the Secretary of the Department at 101 South Webster Street, Madison, WI 53703 or by mailing to the Secretary, Department of Natural Resources by certified mail at the following address: P.O. Box 7921, Madison, WI 53707.

WHO TO CONTACT

To request additional information, please contact the department's representative:

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