



Note to Reviewers: Blue highlighted areas will be completed when the final determination is issued, after the public comment period.

September 3, 2026

Sent via electronic mail
File Ref: FID #772010470
Wood County

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Subject: Notice of Completeness and Preliminary Determination, Long-Term Care License #6025
ERCO Worldwide (USA), Inc., EPA ID # WID046536231,
BRRTS #s. 02-72-000012, 02-72-563315

Dear Ms. Lueneburg and Mr. Ware:

The Wisconsin Department of Natural Resources (department) has reviewed long-term care (LTC) license renewal application submittal for ERCO Worldwide (USA), Inc. (ERCO), located in Village of Port Edwards, in Wood County, Wisconsin for completeness and technical adequacy. The application was received via electronic file transfer on March 25, 2026, and included ERCO's transmittal letter dated March 5, 2026, and a Feasibility and Plan of Operation Report (FPOR) dated March 25, 2026. The LTC license renewal application also addressed corrective action requirements.

Based on the department's review, the application is sufficiently complete for the purposes of ss. [NR 670.010\(3\)](#), [NR 670.051](#) and [NR 670.403](#), Wis. Adm. Code. The department has also made the following preliminary determinations, for the purposes of this renewed long-term care license:

1. An environmental impact statement will not be required under [s. 289.25, Wis. Stats.](#)
2. The needs criteria of [s. 289.28, Wis. Stats.](#), have been met.
3. The water quality standards for wetlands found in [ch. 103, Wis. Adm. Code](#), have been met.
4. The facility is feasible pursuant to [s. 289.29, Wis. Stats.](#),
5. To conditionally approve the application pursuant to [s. NR 670.406, Wis. Adm. Code](#).

The department has preliminarily determined to renew the long-term care license under ch. NR 670, Wis. Adm. Code, for a 10-year period, subject to the conditions in this determination. The preliminary determination and conditions of approval are attached to this letter. The department has compiled a reference table below of the reporting requirements established in the conditional requirements of this approval. The reference table is not meant to be an exhaustive summary of conditioned license requirements but rather a quick reference of select reporting timelines to facilitate compliance. The Licensee maintains responsibility for keeping track of all relevant deadlines. Please note, failure to meet deadlines established in conditional requirements may subject the Licensee to the department's stepped enforcement process.

ERCO Worldwide (USA), Inc.
Preliminary Determination; Long Term Care License Renewal

License Condition	Description	Type	Recurrence Frequency ¹	Submittal Deadline
B.4	License Reapplication	Reapplication	One Time	No later than 12 months prior to license expiration
O.11	License Modification Request	Modification	One Time	Within six months of this approval
P.15	Financial Assurance Amount	Notification	One Time	Within 60 days of this approval
P.4	Annual Cost Estimate Adjustment - Long- Term Care	Report	Annual	no later than September 30
Q.7	Review for Land Disposal Facility	Report	5 years	within 4 years of this approval
O.9	Corrective Action Plan Update	Modification	Biennial	June 30
P.5	Annual Cost Estimate Adjustment - Corrective Action	Report	Annual	No later than September 30
Q.8	Waste Minimization Report	Report	Annual	March 1
A.22	Other Authorizations	Notification	As needed	N/A
O.2	Newly Identified SWMU/AOC	Modification	As needed	N/A
O.4	New Obligations	Modification	As needed	N/A
O.6	NR700 Reporting	Report	As needed	N/A
P.7	Changes Impacting Cost Estimates	Modification	As needed	N/A
Q.1	Contingency Plan Incident Reporting	Report	As needed	N/A
Q.2	Emergency Reporting	Report	As needed	N/A
Q.3	Reporting Noncompliance	Report	As needed	N/A
Q.4	Reporting Other Information	Report	As needed	N/A
Q.5	Reporting Planned Changes	Report	As needed	N/A

The department will distribute and publish a public notice, and accept public comments, on the preliminary determination as described in s. NR 670.410, Wis. Adm. Code. Comments will be received for 45 days following the publication of the public notice on the department's website at: <https://dnr.wisconsin.gov/topic/Waste/Comment.html> (under the tab titled "Hazardous waste facility licensing determinations"). The department will distribute copies of the public notice to entities identified in s. NR 670.410(3)(a), Wis. Adm. Code. Availability of the FPOR on the department's website and the department's distribution of the public notice to the entities identified in s. NR 670.410(3)(a), Wis. Adm. Code meets the feasibility report distribution requirements of section 289.24(4), Wis. Stats.

This public notice will also be published in the Wisconsin State Journal and the Wisconsin Rapids Tribune on or about September 14th, 2026 and an announcement of the opportunity for public comment will be broadcast over the local radio station. The department is also providing copies of the public notice and a link to the draft documents, including the FPOR, at <https://dnr.wisconsin.gov/topic/Waste/Comment.html>, to entities identified in [s. NR 670.410\(3\)\(a\), Wis. Adm. Code](#) as shown below:

¹ Subject to subsequent or more frequent resubmittal if required by the department
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ERCO Worldwide (USA), Inc.
Preliminary Determination; Long Term Care License Renewal

Required Party	Agency (Person) & Address	Contact and E-mail Address
Applicant [670.410(3)(a)1.]	Operator ERCO Worldwide (USA) Inc. 101 WI-73 Nekoosa, WI 54457	Lauren Lueneburg lauren.lueneburg@ercoworldwide.com Kevin Hansen kevin.hansen@ercoworldwide.com
	<u>Owners</u> ERCO Worldwide (USA), Inc. 101 Hwy 73 South Nekoosa, WI 54457-8235 Environmental Resource Holdings, LLC 5 Greenway Plaza, Suite 110 Houston, TX 77046	Gordon Ware Gordon.ware@oxy.com
Fed. & State Agencies (preservation) [670.410(3)(a)3.]	DNR Bureau of Natural Heritage Conservation	Richard Kubicek richard.kubicek@wisconsin.gov
	the advisory council on historic preservation and state historic preservation officers	WDNR contact will forward to state historical preservation officers. Advisory council on historic preservation not applicable
	including any affected Indian tribes	thpo@badriver-nsn.gov olivianunway@fcp-nsn.gov evanschroeder@fdlrez.com gregblackdeer@ho-chunk.com brian.bisonette@lco-nsn.gov sarah.thompson@ldftribe.com dgrignon@mitw.org marvin.defoe@redcliff-nsn.gov wandam@stcroixojibwe-nsn.gov michael.laronge@scc-nsn.gov smassey@sacandfoxnation-nsn.gov gary.bahr@sacandfoxks.com director.historic@meskwaki-nsn.gov THPO@pbnation.org noah.white@piic.org alina.shively@lvd-nsn.gov
Persons on a Mailing List (MIPs from FIST) [670.410(3)(a)9.]	Sierra Club/John Muir Chapter 222 S. Hamilton Street, Ste. 1 Madison, WI 53703-3201	General Mailbox wisconsin.chapter@sierraclub.org
	Greenpeace USA 1300 Eye Street NW, Suite 1100 East Washington, DC 20005	General Mailbox connect@greenpeace.us
	Certified Environmental Solutions	Mark Bell mbell@certifiedenv.com
	Wisconsin Economic Development Corp (WEDC)	Michael Ward michael.ward@wedc.org
	U.S. EPA Region 5 contact	Molly Finn Molly.Finn@epa.gov
	U.S. EPA Region 5 contact	Norberto Gonzales Gonzalez.Norberto@epa.gov

ERCO Worldwide (USA), Inc.
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Required Party	Agency (Person) & Address	Contact and E-mail Address
Clerks of local gov. with jurisdiction [670.410(3)(a)10.]	Wood County Clerk P.O. Box 8095 Wisconsin Rapids, WI 54495-8095	Trent Miner ctyclerk@woodcountywi.gov
	City of Nekoosa Clerk 951 Market Street Nekoosa WI	Kallee Dhein clerk@nekoosawi.com
	Town of Saratoga Clerk 1120 State Highway 73 South Wisconsin Rapids, WI	clerk@saratogawi.gov
	Village of Port Edwards Clerk 201 Market Ave P.O. Box 10 Port Edwards, WI 54469	diane.tremmel@portedwardswi.gov
State Agencies (const. & operation) [670.410(3)(a)11.]	Wis. Dept. of Ag, Trade & Consumer Protection (DATCP)	General Mailbox datcpweightsandmeasures@wisconsin.gov
	Department of Health Services (DHS)	Mailbox DHSEnvHealth@dhs.wisconsin.gov
	Wisconsin Emergency Management	General Mailbox dmawempio@widma.gov
	DOA Waste Facility Siting Board	Brian Hayes Brian.Hayes@wisconsin.gov
Public Library in Each Municipality [670.410(3)(a)12.]	Charles & JoAnn Lester Library – Nekoosa 100 Park Street Nekoosa WI 54457	staff@nekoosalibrary.com

The public notice will announce that the administrative record, the preliminary determination, and the fact sheet are available for review. The notice will state that the department will receive comments for a period of 45 days from issuance of the public notice and will specify this date (which is expected to be on or about September 14th, 2026). After the public comment period ends, the department will consider all comments received during the public comment period before issuing a final determination. Any comments received during the public comment period will also be reviewed to determine if there is significant public interest in this project to warrant an informational hearing under s. 289.26, Wis. Stats. or s. NR 670.412, Wis. Adm. Code, or to determine if the criteria of s. 289.27, Wis. Stats., have been met to require a contested case hearing. Once comments are considered, the department intends to issue a final determination and a renewal for Hazardous Waste Long-Term Care License #6025.

Please note that this is a preliminary determination and is subject to change based on comments and additional information received by the department. If you have any questions regarding the attached documents, please contact Kendra Fisher at Kendra.Fisher@wisconsin.gov or 262-219-7335.

Sincerely,

Andrea Keller

Andrea Keller, Section Manager
Hazardous Waste Prevention & Management
Section Waste and Materials Management
Program

ERCO Worldwide (USA), Inc.
Preliminary Determination; Long Term Care License Renewal

Kendra Fisher

Kendra Fisher, Waste Management Engineer
Hazardous Waste Prevention & Management
Section Waste and Materials Management
Program

cc:

Lauren Hill, WDNR
Ben Petrus, WDNR
Matt Vitale, WDNR
Angie Carey, WDNR
Brian Caldwell, ERCO Port Edwards
Kevin Hansen, ERCO Port Edwards
Roseanna DiLabio, ERCO Toronto
Denise Quigley, GHD
Norberto Gonzalez, EPA Region 5

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

**PRELIMINARY DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT**

**ERCO Worldwide (USA), Inc.
101 Hwy 73 South
Nekoosa, WI 54457-8235
EPA ID # WID046536231, FID 772010470
BRRTS No. #02-72-000012 and #02-72-563315
Renewal of Hazardous Waste Long-Term Care License #6025**

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Basic Facility Information

Facility Location and Contacts

Facility Name, and Address

ERCO Worldwide (USA), Inc.
101 Hwy 73 South
Nekoosa, WI 54457-8235

Facility Owners

ERCO Worldwide (USA), Inc.
101 Hwy 73 South
Nekoosa, WI 54457-8235

Environmental Resource Holdings, LLC
5 Greenway Plaza, Suite 110
Houston, TX 77046

Facility Operator

ERCO Worldwide (USA), Inc.
101 Hwy 73 South
Nekoosa, WI 54457-823

Facility Contact Information

Lauren E. Lueneburg
Technical & Environmental Manager
ERCO Worldwide (USA), Inc.
101 Hwy 73 South
Nekoosa, WI 54457-8235
(715) 887-4573
lauren.lueneburg@ercoworldwide.com

Facility Location (Municipalities)

Per s. [NR 660.10\(43\)](#), Wis. Adm. Code, the licensed facility includes all land under the ownership or control of the Licensees, which also includes property not used for the hazardous waste units. This land lies mostly within the Village of Port Edwards, Wisconsin, and a small portion of unused land lies within the City of Nekoosa. The facility records often refer to the facility as being located within the Village of Port Edwards; the hazardous waste units in long-term care are located in Parcel 2700032A, which lies completely within the Village of Port Edwards.

1.

Affected Municipalities

Per s. [289.01\(1\)](#), Wis. Stats, municipalities within 1,500 feet of the active portion of the facility (i.e. the parcel containing hazardous waste units in long-term care) are:

- Village of Port Edwards
- Town of Port Edwards
- City of Nekoosa
- Town of Saratoga
- County of Wood

Summary of Licensed Units

The Facility formerly operated a hazardous waste treatment facility for the handling of brine purification muds from the mercury cell chlor-alkali process in chlorine production (K071 listed hazardous waste). Following

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closure, the Facility was unable to certify closure performance standards specified in s. NR 664.0111, Wis. Adm. Code, had been met for three licensed hazardous waste management units, and therefore long term care of these units is required.

The hazardous waste management units in long-term care are as follows:

Muds Bin

The Muds Bin, also known as the treated muds collection bin, is located within the southeast corner of the Environmental Control Plant and was first used in 1972. The brine treatment wastes from mercury cell chlor-alkali production were treated in a process that removed the mercury by recrystallization, oxidation, acid leaching, water washing and filtration. The resultant waste materials were discharged to the mud bin, forming a waste pile. As part of closure, the muds bin unit was capped with a steel liner.

Saturator Purge Pit (SPP)

The SPP was a 2,000 gallon in-ground concrete tank used to collect and contain solids and brine purged from the chlor-alkali plant and was in use from 1969 to 1985. The waste contained in the SPP was classified as K071-listed waste. The pit was removed from service in December 1985 and was replaced by an above-ground container. The pit was cleaned, backfilled with clean sand and capped with concrete. In July 1990, the concrete pit and fill materials were removed to the extent practicable. Some mercury contaminated soil was left in place because of concern regarding the integrity of nearby structures. A coated concrete cap (approximately 11 feet by 25 feet in size) was placed over the SPP area as final cover.

Clarifier Purge Pit (CPP)

The CPP was an in-ground concrete tank used to store brine purification muds generated when the brine clarifier and sulfate control systems were purged. The CPP was in use from 1967 to 1987. Contaminated soil and concrete were left in place because of concern regarding the integrity of nearby structures, and the CPP area was covered with a concrete cap.

Licensing Process

Wisconsin laws and regulations regarding the management of hazardous waste are patterned after the federal program established under the Resource Conservation and Recovery Act (RCRA). Licenses are required for facilities that store, treat, or dispose of hazardous waste unless the activity is exempted or excluded. Long-term care licenses are required by the department for facilities that previously stored, treated, or disposed of hazardous waste and have ceased operations but continue to have long-term care obligations related to the historical management of hazardous waste. Licensed facilities may be issued approvals for up to ten years and must submit a new application, often referred to as a 10-year renewal application, before this period expires. Under [s. NR 670.010\(3\), Wis. Adm. Code](#), the application is required to include a feasibility and plan of operation report (often referred to as an FPOR), Part A application information, and any supplemental information which are completed to the department's satisfaction.

The following steps typically occur when reissuing a hazardous waste license:

- a. The applicant must submit a new license application at least 180 days prior to the expiration date of the active approval.
- b. After the department determines that an application is complete and notifies the applicant, the department issues preliminary determinations regarding the following:
 - The need for an environmental impact statement per [s. 289.25\(1\), Wis. Stats.](#);
 - The need for the facility, using criteria in [s. 289.28, Wis. Stats.](#);
 - Compliance with the water quality standards for wetlands of [ch. 103, Wis. Adm. Code](#); and
 - Whether facility is feasible pursuant to [s. 289.29, Wis. Stats.](#), and

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- Whether or not to conditionally approve the FPOR per [s. NR 670.406\(1\), Wis. Adm. Code.](#)
- c. Within 90 days after the completeness determination or within 60 days after the feasibility determination, whichever is later, the department issues a plan approval (with conditions) of the FPOR per [s. 289.30\(6\), Wis. Stats.](#)
- d. When issuing the preliminary determinations, the department publishes public notices per [s. 289.25\(3\), Wis. Stats.](#), and [s. NR 670.410, Wis. Adm. Code.](#)
- e. After the application is declared complete, the applicant distributes the license application as required by [s. 289.24\(4\), Wis. Stats.](#)
- f. Public comment is available for 45 days after public notice per [s. NR 670.410\(2\), Wis. Adm. Code.](#) A public hearing may also be requested during this period per [s. 289.26\(1\), Wis. Stats.](#) and [s. NR 670.411, Wis. Adm. Code.](#)
- g. Within 60 days after the close of the comment period, the department issues a final determination of feasibility per ss. [289.29\(3\)](#) and [\(4\), Wis. Stats.](#) and [s. NR 670.415\(1\), Wis. Adm. Code.](#) This also includes a determination that there is a need for the facility per [s. 289.28\(3\), Wis. Stats.](#)
- h. Within 90 days after the completeness determination or within 60 days after the feasibility determination, whichever is later, the department issues a plan approval (with conditions) of the FPOR per [s. 289.30\(6\), Wis. Stats.](#)
- i. The department issues an operating license per [s. 289.31, Wis. Stats.](#) According to [s. NR 670.050, Wis. Adm. Code.](#), operating licenses shall be effective for a fixed term of up to 10 years and subject to annual reissuance during that term. Pursuant to s. NR 670.050(3), Wis. Adm. Code, the department may issue an operating license for a duration that is less than the full allowable term under this section.

Wisconsin Regulatory Program

The Wisconsin hazardous waste regulatory program is administered through the Department of Natural Resources (department) and is generally modeled after the federal program adopted under the Resource Conservation and Recovery Act (RCRA) promulgated in 40 CFR Parts 260 through 273. The RCRA program requires “permits” to be obtained by hazardous waste treatment, storage, and disposal facilities (TSDFs). In Wisconsin, [ch. 289, Wis. Stats.](#), requires that these same facilities obtain “licenses” which have the same function and effect. Wisconsin’s hazardous waste program has been authorized by U.S. EPA to implement the hazardous waste facility regulatory program in the state.

[Chapter 289, Wis. Stats.](#), lays out a minimum two-phased process for the licensing of solid waste facilities, including hazardous waste facilities, and establishes submittal, review, and public involvement processes for each phase. These phases involve the development and approval of a feasibility report and development and approval of a plan of operation. For hazardous waste facilities, [subch. B of ch. NR 670, Wis. Adm. Code.](#) combines these into a single phase involving a feasibility and plan of operation report (FPOR) and adds additional submittal, review, and public involvement processes. Wisconsin’s FPOR-based licensing process for hazardous waste facilities is subject to the applicable requirements of chs. 289 and 291, Wis. Stats., and ch. 670, Wis. Adm. Code. The FPOR is equivalent to the “Part B Application” called for in the federal RCRA program (40 CFR 270.14).

The final determination of feasibility is often referred to as the “plan approval” or “approval”, as that term is used (for example) in [s. 289.29\(3\), Wis. Stats.](#) (feasibility reports) and [ss. 289.30\(4\) through \(8\), Wis. Stats.](#) (plans of operation). The final determination (approval) and its conditions become part of the license, along with the approved application (the FPOR and Part A information) and all approved subsequent license (plan) modifications. This approval is equivalent to the “Part B Permit” called for in the federal RCRA program.

Licensees (Owner and Operator)

Requirements of the license apply to all owners and operators of the facility, who are referred to herein collectively as the “licensee(s).” Actions by any owner or operator, to be compliant with this license or that are

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non-compliant with this license, constitute an action of all owners and operators as specified in chs. NR 664 and NR 670, Wis. Adm. Code.² For the purposes of this license, licensee(s) means the current owner and operator, identified in the FPOR dated March 25, 2026³ as:

Operator
ERCO Worldwide (USA), Inc.
101 Highway 73 South
Nekoosa, WI 54457
EPA ID # WID046536231

Owner
Environmental Resource Holdings, LLC
5 Greenway Plaza, Suite 110
Houston, TX 77046

License Term

Per [s. NR 670.050, Wis. Adm. Code](#), licenses shall be effective for a fixed term of no more than 10 years. Long-term care licenses may be issued for the same maximum term as licenses for operating TSDFs. When issued, the final determination (approval) and its conditions, along with the Approved FPOR, shall be effective beginning on the date of the final determination through this 10-year term, unless extended pursuant to [s. NR 670.051, Wis. Adm. Code](#).

Feasibility and Plan of Operation Report Summary

This section is based primarily on the information provided in the FPOR dated March 25, 2026, and submitted by ERCO (hereinafter referred to as the FPOR or Approved FPOR) along with other information available to the department. In some cases, it also refers to conditions contained in this determination.

General Description

The facility produces liquid chlorine shipped by tank car, 50% caustic soda solution shipped by tank car and tank truck, and 50% potassium hydroxide solution shipped by tank car and tank truck. These products are manufactured by electrolysis of sodium chloride and potassium chloride (NaCl and KCl) brine using the membrane cell process. A mercury cell chlor-alkali technology was originally used but was discontinued in 2009. The facility also produces 22° Bé hydrochloric acid shipped by tank car and tank truck. Hydrochloric acid is manufactured by direct reaction of hydrogen and chlorine, followed by water absorption.

Facility Ownership and Operational History⁴

Construction of the facility began in 1966 by Wyandotte Chemicals. The original site consisted of 16.75 acres of property located on the eastern side of parcel 2700032A and the southern side of parcel 2700059E. The site was originally designed to produce chlorine and caustic soda (sodium hydroxide) for the paper industry utilizing mercury cell chlor-alkali technology. The cell room was originally designed with 20 mercury cells. Operations began in 1967.

In 1970, the site was purchased by BASF. Environmental controls for mercury were installed in 1972, which included 3 scrubbers to control air emissions, a waste treatment process to remove mercury from the solid waste generated during the brine purification process and a wastewater treatment process. Production capacity was expanded in 1976 with the installation of four additional mercury cells and the necessary equipment needed to

² See s. NR 670.001(2), Wis Adm. Code, s. NR 670.001(3), Wis. Adm. Code, s. NR 670.010(2), Wis. Adm. Code, and s. NR 664.0001(2), Wis. Adm. Code

³ Please note that both ERCO and Environmental Resource Holdings, LLC own parcels within the Facility.

⁴ For the location of specific land parcels referred to in the following discussion, please see Drawing 3 in Appendix J of the FPOR.

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support the additional production. BASF operated the site until 1980.

In 1980, the site was purchased by Vulcan Chemicals (Vulcan), a division of Vulcan Materials Corporation. Also in 1980, Vulcan installed a plant to produce 22° Bé (Baumé) hydrochloric acid for sale. In 1986, Vulcan installed process modifications to allow up to 6 of the existing mercury cells to produce chlorine and caustic potash (potassium hydroxide) by the electrolysis of potassium chloride brine. Caustic potash capacity was expanded several times during Vulcan's ownership by utilizing up to 21 of the 24 mercury cells in caustic potash production. In 1993 Vulcan purchased the western side of parcel 2700032A, the northern side of parcel 2700059E and parcel 2700032 from Georgia Pacific, bringing the site to approximately 34 acres. In 1992 Vulcan installed a retort oven for the recovery of mercury from mercury bearing wastes generated from the mercury cell chlor-alkali technology. In 1994 Vulcan installed a plant to produce potassium carbonate. Also in 1994, Vulcan installed a plant to produce sodium hydrosulfite. The capacity of this process was expanded in 1995 and again in 1996. However, by 2001, the sodium hydrosulfite plant was shut down due to market conditions. Vulcan operated the facility until June 5, 2005.

In 2005, Vulcan Materials Corporation attempted to sell all of Vulcan Chemicals to Basic Chemicals Company, LLC (BCC), a subsidiary of Occidental Chemical Corporation (OCC), whose parent company was Occidental Petroleum Corporation (OPC). However, upon review by the Federal Trade Commission, it was determined that BCC could not retain ownership of the Port Edwards site due to competitive concerns regarding the caustic potash and potassium carbonate market share of the combined company. As a result, a deal was struck with ERCO Worldwide (ERCO), a division of Superior Plus Inc. Per the Asset Purchase and Sales Agreement (APSA), ERCO agreed to purchase the equipment and facilities from BCC, but ownership of the land and certain environmental liabilities were retained by BCC. The land, which includes parcels 2700032, 2700032A and 2700059E, is leased to ERCO under the details of a separate lease agreement.

On December 31, 2006, BCC merged with OCC. In 2008, ERCO ceased production of potassium carbonate due to market conditions. In 2009, ERCO purchased 65 acres of land to the west of the site which included parcels 2700031 and 27000B from the School Districts of Port Edwards and Nekoosa. In 2020, ERCO purchased an additional 15 acres, including parcels 2700092A, 3000003A and 3000002-1, from Domtar, bringing the combined acreage of the site owned or leased by ERCO to approximately 113 acres. Also in 2009, ERCO completed a conversion from mercury cell technology to membrane technology. In 2014, ERCO installed a second hydrochloric acid plant. In 2021, Superior Plus sold ERCO Worldwide to Birch Hill Equity Partners.

OCC was purchased by Berkshire Hathaway on December 1, 2025; the assets of OCC have been transferred to Environmental Resource Holdings, LLC (ERH). Glenn Springs Holdings, Inc., a subsidiary of OPC, manages ERH's interests in the site. Additional details of this corporate reorganization were provided in a letter dated January 7, 2026 from GSH to the department. ERCO continues to operate the facility.

The long-term care units which are the subject of this license renewal are located on ERH's parcel 2700032A. Per the terms of the 2005 agreement, ERH retains primary financial responsibility for historical environmental contamination that occurred prior to the completion of the earlier sale on June 5, 2005.

At the time of this LTC license renewal application, ERCO has begun construction of additional railcar storage tracks on parcels 2700031 and 27000B.

Previous Hazardous Waste Licensing

Vulcan Chemicals, a previous owner and operator of the ERCO facility, filed a notice of hazardous waste activity on August 15, 1980, with U.S. EPA, which was followed by a RCRA Part A Hazardous Waste Permit Application filed on November 18, 1980. An interim license was issued by the department to Vulcan Chemicals on May 13, 1983. After issuance of an administrative order and approvals of a feasibility report and plan of operation, the department issued initial operating licenses for treatment in tanks and containers to Vulcan Chemicals on September 30, 1992. On September 30, 1992, the department issued License #6010 (Container Treatment) and #3271 (Tank Treatment) for operations in these separate hazardous waste units. These historical licenses expired and do not apply to current facility operations. Clean closure of these units was approved by the department on December 23, 2011.

The department issued Long Term Care License #6025 dated September 18, 1996, for the saturator purge pit (SPP), the clarifier purge pit (CPP), and the muds bin, because “clean closure” of these units was not achieved. This license also addressed corrective action requirements. The license was issued for a 30-year period, with an expiration date of September 20, 2025.

Additional historical information is included in Section 2.1.2 of the FPOR.

Long-Term Care

For licensed units that did not achieve clean closure, long-term care (LTC) is required by s. [NR 664.0117](#), Wis. Adm. Code. Pursuant to [s. NR 664.0197\(2\), Wis. Adm. Code](#), these LTC activities must meet the LTC standards that apply to landfills outlined in s. [NR 664.0310](#), Wis. Adm. Code, which generally consists of maintenance of the waste containment systems and environmental monitoring. Responsibility for long-term care continues in perpetuity pursuant to [s. 289.41\(1m\)\(c\), Wis. Stats.](#) This License establishes operation and maintenance requirements for long-term care systems to be met throughout the long-term care period, or until the department approves changes to or cessation of activities through a hazardous waste LTC license modification. Facilities with LTC requirements are required to maintain a Long-term Care Plan.

The following list includes the key long-term care elements required to be addressed in the facility’s long-term care plan (see section 2.15 of the FPOR):

- Security Procedures and Equipment
- Inspections
- Preparedness and Prevention Requirements
- Contingency Plan
- Runoff Prevention
- Protection of Water Supplies
- Equipment Failure and Power Outages
- Exposure Protection
- Prevention of Releases to Atmosphere
- Training Programs

Section 2.16 of the FPOR details the unit-specific LTC requirements:

- LTC for the Muds Bin includes documented inspection and repair of the steel liner, and groundwater monitoring for potential impacts to groundwater quality
- LTC for the SPP includes documented inspection and repair of the concrete cap, and groundwater

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monitoring for potential impacts to groundwater quality

- LTC for the CPP includes documented inspection and repair of the concrete cap, deed restrictions and groundwater monitoring for potential impacts to groundwater quality.

Section 3.5 of the FPOR provides details of the facility's groundwater monitoring plan, which was most recently approved by the department on November 17, 2023. The groundwater monitoring program consists of three components. These include (1) sampling conducted for corrective action requirements (see **RCRA Hazardous Waste Cleanup Program**, below), (2) sampling conducted for monitoring of the long-term care units and (3) sampling conducted for perimeter monitoring to operate as a detection monitoring program along the downgradient property boundary. The program is approved as an alternate program under [s. NR 664.0090\(6\), Wis. Adm. Code](#).

The details of the groundwater monitoring plan, including well IDs, parameters, and frequencies, are provided in Charts 1, 2 and 3 in Section 3.5 of the FPOR.

RCRA Hazardous Waste Cleanup Program (formerly RCRA Corrective Action)⁵

Per [s. 291.37\(1\)\(c\), Wis. Stats.](#), a solid waste management unit, or SWMU, means any unit designed or used for the storage, treatment or disposal of solid waste or hazardous waste, or both, which is located in a hazardous waste facility required to have a license under [s. 291.25, Wis. Stats.](#) U.S. EPA also allows identification of an Area of Concern (AOC)⁶ for a discrete area of generally dispersed contamination that may require corrective action. [Section NR 664.0101\(1\), Wis. Adm. Code](#), requires corrective action for all releases of hazardous waste or constituents from any SWMU, regardless of the time at which waste was placed in the unit.

Section 3.8 (Table 2) of the FPOR identifies and provides key information for 16 SWMUs/AOCs at the Facility that have resulted in releases of solid or hazardous wastes or hazardous constituents. Section 3.8 then goes on to describe, for each unit, historical corrective actions previously taken and projected future corrective actions and their schedule. DNR has included corrective action documentation requirements in this LTC license to allow tracking of new SWMUs or AOCs at the facility, if any, and incorporation of those SWMUs/AOCs into future LTC licenses.

The corrective action work required under the hazardous waste regulations is being executed under the requirements of chapters [Chs. NR 700-799, Wis. Adm. Code](#), Wis. Adm. Code and documented under:

- BRRS Case #02-72-000012, ERCO Worldwide (see [RR BOTW | Wisconsin DNR](#)); and
- BRRS Case #02-72-563315, ERCO Loading Shed (see [RR BOTW | Wisconsin DNR](#)). This BRRS case is closed but has continuing obligations as part of the closure, including a structural impediment to cleanup.

These cases are managed by the department's Remediation and Redevelopment (R&R) Program. U.S. EPA and the department entered into a memorandum of agreement ([One Cleanup Program Memorandum of Agreement](#)) in 2006 which recognizes the use of the department's R&R Program under [Chs. NR 700-799, Wis. Adm. Code](#), in implementing RCRA hazardous waste corrective action work. A visual summary of the process and timeline to receive final case closure under [Chs. NR 700-799, Wis. Adm. Code](#), can be found in [PUB-RR-967](#). The hazardous waste program licensing process requires that financial assurance for the corrective action work is established by the facility. As authorized under [s. 291.37\(2\)\(a\), Wis. Stats.](#) and [s. NR 664.0101\(2\), Wis. Adm. Code](#), the department is addressing corrective action and the associated financial assurance as part of the conditions of this license.

⁵It is noted that October 18, 2024, a memo from U.S. EPA was released announcing EPA's rebranding of the national RCRA Corrective Action Program to the Hazardous Waste Cleanup Program. See [Learn about Hazardous Waste Cleanups | US EPA](#)

⁶ See [Understanding The RCRA Corrective Action Program Terms 'SMWU' and 'AOC'](#)

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Financial Assurance

[Subchapter H of ch. NR 664](#), Wis. Adm. Code, requires licenses issued to owners and operators of hazardous waste facilities subject to landfill requirements to provide assurances of financial responsibility for long-term care; financial assurance for long-term care for at least 40 years after closure is required in s. [289.41\(1m\)](#), Wis. Stats. Financial assurance for completing corrective action is also required by s. 291.37, Wis. Stat., and s. [NR 664.0101\(2\), Wis. Adm. Code](#). For facilities subject to either long term care or corrective action financial assurance, the department requires such financial assurance be provided for a financial window, or coverage term, referred to by the department as a “rolling 30-year window.” This ensures that financial assurance for the amount needed to address 30 years of LTC is annually updated and continuously maintained for the estimated costs during the ensuing 30 years, and assures that the department has access to funding for at least 30 years of the projected LTC and Corrective Action activities on a continuous basis, in the event that the Licensee(s) cannot or are unwilling to perform them at any time in the future..

Appendix H, Document 1, of the FPOR contains the cost estimate for 30 years of long-term care and corrective action. The following represents the unadjusted (undiscounted) 30-year cost estimate presented in Appendix H, in 2025 dollars:

Annual LTC \$23,210 X 30 years	= \$696,300
Annual Corrective Action \$58,600 X 30 years	= \$1,758,000
One-Time Corrective Action	= \$709,334
30-year unadjusted sum	= \$3,163,634

ERCO’s calculations in Appendix H of the FPOR apply a discount factor of 2% to these costs, resulting in a calculated present value of these 30-year estimated costs of \$2,578,134 (in 2025 dollars). This is discussed in more detail below.

Effect of Using a Present Value

The principal effect of applying a discount factor to determine present value is that the costs for work that may be needed beyond the “rolling 30-year window” would not be covered by the financial assurance mechanism. In its contingent close-out letter dated July 9, 2020, the department did not object to ERCO’s temporary use of a discount factor to calculate the present value of the dollar amount used in establishing financial assurance but stated that this would be reconsidered in future approvals, such as in the course of the long-term care license renewal process now being considered.

ERCO’s Rationale for Use of a Present Value

Item 7 of the department’s March 18, 2024, Call-in Letter requested that the long-term care license renewal application include an explanation of why the use of a discount factor would be expected to provide sufficient funds, in the event the Facility is unable or unwilling to perform continued corrective action and long-term care obligations.

Section 2.18 of the FPOR includes the following reasons to support the continued use of a discount factor:

- RCRA corrective action orders/agreements that were negotiated with U.S. EPA for two facilities, in Delaware and Michigan, that allow for discounting.
- ERCO believes that this alternate approach provides financial assurance that is more protective of the environment than the methodology specified in s. [NR 664.0144\(1\)\(b\)](#), Wis. Adm. Code. (ERCO states,

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“Under that methodology, a fixed period would be specified by WDNR and the amount of financial assurance provided would decline over the period, potentially providing insufficient funds. ERCO proposes that this method be continued under the renewed LTC license”).

The department believes these reasons to be insufficient, for the reasons discussed below.

The Department’s Concerns Regarding Use of a Present Value

ERCO has previously applied a discount factor to the rolling 30-year period for financial assurance related to LTC and Corrective Action. This practice has been applied under other Federal or CERCLA programs. DNR’s concern is ensuring sufficient funds are available for future remediation beyond 30 years, if needed. In the case of particularly complex and difficult projects with phased investigation and remediation activities, the proposed use of a discount factor could result in the unavailability of sufficient funds if the licensee(s) are unable or unwilling to perform the needed work.

First, regarding long-term care, the department disagrees with ERCO’s statement that its proposed use of a discount factor is more protective than the procedure specified in s. [NR 664.0144\(1\)\(b\)](#), Wis. Adm. Code, which states, “The long-term care cost estimate is calculated by multiplying the annual long-term care cost estimate by the number of years of long-term care required under s. NR 664.0117.”

- Section NR 664.0117(1)(a), Wis. Adm. Code, requires long-term care for a minimum of 40 years after closure. Furthermore, s. [289.41\(1m\)\(c\)](#), Wis. Stats., establishes that responsibility for long-term care does not terminate.
- These particular regulatory requirements, cited by ERCO, only apply to the cost estimate for long-term care, and do not affect financial assurance requirements for corrective action.
- ERCO has not provided any information about when long-term care can be expected to no longer be needed. Specifically, for each of the three licensed units, the FPOR states that “the expected schedule for this unit to come into compliance is undetermined.” Additional information regarding the continued long-term care obligations is found in the following FPOR sections:
 - 3.8.2, which discusses ongoing in-situ chemical stabilization for the Saturator Purge Pit unit.
 - 3.8.4, which discusses continuing obligations for the Clarifier Purge Pit.
 - 3.8.7, which discusses continuing operation and maintenance of the current groundwater collection system, and continued groundwater monitoring, for the Cell Room Building.

The department believes that long-term care for the licensed units will likely be needed beyond a 30-year period and may be needed indefinitely.

Second, regarding corrective action, s. [NR 664.0101\(2\)](#), Wis. Adm. Code, requires the license to contain “assurances of financial responsibility for completing the corrective action.” ERCO has not provided any information about when corrective action will be completed. Based on the information below, the department believes that corrective action activities may be needed beyond 30 years.

- Regarding a number of SWMUs, the FPOR states that “the expected schedule for this unit to come into compliance is undetermined” [see FPOR sections 3.8.14 (316 PIG Area), 3.8.15 (Solvent Storage Area), and 3.8.7 (Cell Room Building)].
- The FPOR notes that continuing obligations are required indefinitely for a number of other SWMUs [See FPOR sections 3.8.1 (Former Hazardous Waste Pile and Container Storage Area), 3.8.5 (Aboveground Storage Tank), 3.8.6 (Former Surface Impoundment) Storage, 3.8.8 (Product Loading and Wastewater Collection), 3.8.9 (Temporary Pile Storage), 3.8.10 Waste Layer), 3.8.11 (Drain Field), 3.8.12 (Untreated Wastewater), 3.8.13 (Underground Fuel Line), and 3.8.16 (Load Shed Containment Pans)].
- Section 3.8.2 discusses a long history of corrective action remediation efforts, since at least 1998, for a

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mercury plume associated with the Former Saturator Purge Pit. More recently, on January 5, 2001, ERCO proposed a new remedial action plan involving the subsurface injection of a solution to facilitate in situ chemical stabilization of mercury in groundwater, which laboratory testing results indicated may prove to be successful. The department's January 24, 2001. letter approved the proposal as a pilot project. While early results from 3 rounds of injections have shown promise, Section 3.8.3 of the FPOR states, "The time schedule for bringing this unit into compliance is currently undetermined," and "The schedule for the installation of additional wells and/or additional injections as envisioned in the RAOR⁷ will be determined by review of the groundwater monitoring results in consultation with WDNR."

The groundwater quality provisions of [Chapter NR 140](#), Wis. Adm. Code, apply when evaluating whether clean closure has occurred such that financial assurance for LTC is no longer needed, and whether corrective action obligations no longer warrant financial assurance. Section [NR 140.22](#), Wis. Adm. Code, establishes the point of standards application for units subject to regulation under ss. [NR 664.0090](#) to 664.0100, Wis. Adm. Code, as the design management zone that is zero (0) horizontal feet from the unit, unless otherwise modified per s. [NR 140.22\(3\)\(d\)](#), Wis. Adm. Code, which states in part, "The design management zone may not be expanded unless it has been demonstrated to the satisfaction of the department that the preventive action limits and enforcement standards cannot be met at the design management zone specified in Table 4." Given the degree and extent of groundwater contamination at the facility, and lack of certainty of a final remedy, the department has no basis on which to expect that remediation, monitoring and maintenance activities will no longer be needed in 30 years.

The department has established Condition P.14.a in this determination that only allows the use of a discount factor, as proposed, for the next 3 years, unless the department approves a license modification request that addresses all of the concerns stated above, and demonstrates that LTC and Corrective Action obligations are not expected beyond 30 years. If such a license modification is not issued by the department, use of a discount factor will not be allowed after the three-year period.

Please note that the department has added Condition P.14.b in this determination that establishes the methodology to be used in determining the exact discount factor to be used when approved.

Other Background Information

Recent Compliance History

On August 9, 2020, the department issued a conditional close-out letter after an in-depth assessment of ERCO's compliance with the hazardous waste requirements of chs. NR 600-699, Wis. Adm. Code. This letter is included in the FPOR.

In 2024, the department performed an assessment of ERCO's 2023 monitoring results. No compliance issues were noted.

Other Permits/Authorizations

The facility currently operates under several other authorizations, licenses, permits, and/or approvals listed below. The authorizations, licenses, permits, and/or approvals listed below are outside the scope of this hazardous waste license. However, a summary has been included herein for general reference to elucidate other regulatory requirements at the facility. Nothing in this license relieves the facility of the legal obligation to pursue, maintain, and comply with other applicable federal, state, and local regulatory requirements.

⁷ Remedial Action Options Report; see s. [NR 722.13](#), Wis. Adm. Code.
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- Air Operating Permit 772010470-F10
- WPDES Permit WI-0046566-07-0 (General Permit for Discharge of Contaminated Groundwater)
- WPDES Permit WI-003565-09-1 (Wastewater Discharge Permit)
- WPDES Permit WI-S067849-5 (General Stormwater Discharge Permit)

Submittals Conditioned Under this Approval

The department has compiled a reference table below of the reporting requirements established in the conditional requirements of this approval. The reference table is not meant to be an exhaustive summary of conditioned license requirements but rather a quick reference of select reporting timelines to facilitate compliance. The licensee(s) are responsible for keeping track of all necessary deadlines.

License Condition	Description	Type	Recurrence Frequency ⁸	Submittal Deadline
B.4	License Reapplication	Reapplication	One Time	No later than 12 months prior to license expiration
O.11	License Modification Request	Modification	One Time	Within six months of this approval
P.15	Financial Assurance Amount	Notification	One Time	Within 60 days of this approval
P.4	Annual Cost Estimate Adjustment - Long-Term Care	Report	Annual	no later than September 30
Q.7	Review for Land Disposal Facility	Report	5 years	within 4 years of this approval
O.9	Corrective Action Plan Update	Modification	Biennial	June 30
P.5	Annual Cost Estimate Adjustment - Corrective Action	Report	Annual	No later than September 30
Q.8	Waste Minimization Report	Report	Annual	March 1
A.22	Other Authorizations	Notification	As needed	N/A
O.2	Newly Identified SWMU/AOC	Modification	As needed	N/A
O.4	New Obligations	Modification	As needed	N/A
O.6	NR700 Reporting	Report	As needed	N/A
P.7	Changes Impacting Cost Estimates	Modification	As needed	N/A
Q.1	Contingency Plan Incident Reporting	Report	As needed	N/A
Q.2	Emergency Reporting	Report	As needed	N/A
Q.3	Reporting Noncompliance	Report	As needed	N/A
Q.4	Reporting Other Information	Report	As needed	N/A
Q.5	Reporting Planned Changes	Report	As needed	N/A

⁸ Subject to subsequent or more frequent resubmittal if required by the department
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Substantiation of Determinations

Completeness

The department has determined that the long-term care license application is complete, and that a preliminary determination of feasibility can be made in accordance with [s. NR 670.406\(1\), Wis. Adm. Code](#).

Environmental Impact

The department has preliminarily determined an environmental impact statement is not needed pursuant to [s. 289.25, Wis. Stats.](#) The department's requirement for this environmental impact review is established in [ch. NR 150, Wis. Adm. Code](#), and specific minimum information requirements for a ch. NR 150, Wis. Adm. Code, integrated analysis review are found in [s. NR 670.014\(2\)\(x\)2., Wis. Adm. Code](#). The sections below address each of the key items specified in this code section.

Proposed Physical Changes

There are no physical changes to the facility proposed in ERCO's long-term care license application or authorized by this license.

Description of the Existing Environment

The ERCO facility is a closed hazardous waste facility that is required to maintain a long-term care license. Long-term care activities, corrective action investigations, and remediation have been occurring at the site for many years. The purpose of this preliminary determination is to renew the license that continues to establish detailed site-specific requirements.

Probable Adverse and Beneficial Impacts

The FPOR identifies and discusses long-term care and corrective action activities intended to adequately mitigate potential adverse impacts at the ERCO facility. Key examples of these activities include:

- The maintenance of the final cover system to limit exposure to interred waste residuals and reduce leachate generation by minimizing infiltration of precipitation.
- The maintenance, operation and continued evaluation of corrective action remedial measures, such as in-situ mercury stabilization and contaminated groundwater extraction.
- Groundwater monitoring to evaluate the effectiveness of long-term care and corrective action activities.

The department found that the ERCO facility is covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities and therefore does not require an Endangered Resources Review. See Appendix I of the FPOR.

Parcels 2700031 and 2700031B were identified as containing Karner Blue Butterfly habitat. Prior to development of these parcels, ERCO entered into a partnership agreement with the department that allows incidental take to occur.

Feasible Alternatives

There are no feasible alternatives to applying for and issuance of a long-term care license.

Needs Analysis

The department is required by [s. 289.28, Wis. Stats.](#), to determine the need for a proposed solid or hazardous waste facility prior to licensing. The department has preliminarily determined that there is a need for issuance of a long-term care license for the ERCO facility.

Water Quality Standards for Wetlands

The licensed units are located on parcel 2700032A. There are no wetlands located on this parcel. Parcels 2700031, 2700031B, 2700059E, 2700092A, and 3000002-1 and properties adjacent to the facility, do contain wetlands, as presented in the FPOR, Drawing 11 – GHD – Wetlands and Surface Water Features.

Surface water runoff from the facility is discharged to local site drainage features as allowed per Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit WI-S067869-5. Two other WPDES permits establish limits for discharges of collected contaminated groundwater and effluent from the facility's wastewater treatment plant. The department has preliminarily determined that the facility will conform to water quality standards for wetlands pursuant to [s. NR 103.03, Wis. Adm. Code](#) though compliance with this License and the WPDES Permit.

Findings of Fact

The department finds that:

General

1. ERCO is the operator of a closed hazardous waste treatment facility at 101 Highway 73, South, Village of Port Edwards, Wisconsin. Separate parts of the facility are owned by ERCO Worldwide (USA), Inc. and ERH.

Previous Licensing and Authorization Activities

2. Vulcan Chemicals filed a notice of hazardous waste activity on August 15, 1980, with the U.S. Environmental Protection Agency (U.S. EPA).
3. A RCRA Part A Hazardous Waste Permit Application was filed on November 18, 1980, with U.S. EPA.
4. An interim license was issued by the department to Vulcan Chemicals on May 13, 1983, allowing for the facility to store hazardous waste.
5. On September 25, 1985, the department issued a modification to the interim license requiring submittal of a feasibility report and compliance with local approval requirements in the Wis. Adm. Code.
6. On June 21, 1989, the department issued a final environmental assessment. On June 23, 1989, the department issued Vulcan Chemicals a feasibility report determination. On June 12, 1991, the department issued Vulcan Chemicals a plan of operation approval for treatment in containers and tanks.
7. On March 4, 1992, an administrative order for corrective action between Vulcan Chemicals, U.S. EPA, and the department took effect. The order covered the RCRA Facility Investigation (RFI) and the Corrective Measures Study phases of RCRA corrective action. U.S. EPA terminated the order on May 29, 1996, after the department imposed state-lead corrective action requirements on Vulcan Chemicals.
8. On March 20, 1992, the department issued Vulcan Chemicals a plan of operation approval modification to the conditional plan of operation approval dated June 12, 1991. It required Vulcan Chemicals to: operate the newly installed cloth wash tank; construct muds surge tank upgrades; construct upgrades to the tank secondary containment systems for the muds surge tank, muds drum filter trough tank, and the container treatment unit (saturator purge dumpster); construct the SWECO treatment system (licensed slurry tank and grinding mill tank), the treated muds chute system, and upgrades to access control at the main gate and the railroad gate.
9. On April 13, 1992, the department issued Vulcan Chemicals a plan of operation approval modification pursuant to stipulation in Wood County Circuit Court Case number 91-CV-732.
10. On September 30, 1992, the department and EPA issued Vulcan Chemicals an initial hazardous waste

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operating license for hazardous waste tank and container treatment with maximum capacities of 15,000 gallons per day and 1,212 gallons per day, respectively.

11. On January 25, 1993, the department issued an extension (temporary delays) of effective dates of land disposal restrictions to Vulcan Chemicals for KI06 and D009 wastes generated onsite.
12. On May 6, 1993, the department issued approval of saturator purge pit closure and a long-term care plan.
13. On October 1, 1993, the department issued closure documentation approval to Vulcan Chemicals for the treated muds collection bin unit.
14. On December 14, 1993, the department issued a plan modification approval to Vulcan Chemicals for upgraded muds surge tank secondary containment and leak detection capabilities.
15. On December 29, 1994, the department issued closure documentation approval and long-term care plan approval to Vulcan Chemicals on the clarifier purge pit unit. The department approved the closure plan for this unit on September 30, 1992.
16. On February 9, 1995, the department issued a plan modification approval to Vulcan Chemicals for revised contingency plans and inspection schedules for the licensed treatment facility.
17. On February 20, 1995, the department issued approval of a closure documentation report to Vulcan Chemicals for the saturator surge pit unit.
18. On August 30, 1995, the department issued approval of a closure documentation report to Vulcan Chemicals for the former waste pile and container storage unit.
19. On May 29, 1996, the department issued a modification to incorporate state-lead corrective actions at Vulcan Chemicals. On August 6, 1996, the department issued final conditional approval of the RFI. Corrective Measures Implementation field work was conducted between June and October 1998. On December 19, 1999, the department approved a corrective measures completion report.
20. On August 6, 1996, the department issued a long-term care plan modification for the three closed units; the saturator purge pit, the clarifier purge pit, and the muds bin. On September 18, 1996, the department issued a hazardous waste long term care license with an expiration date of February 20, 2025.
21. On September 4, 1996, the department issued a class 1 plan modification for revisions to the contingency plan.
22. On February 3, 2000, the department issued a class 1 plan modification approval to Vulcan Chemicals to relocate existing treatment system equipment (clarifier purge tank and clarifier tank pump, now also called the brine muds tank and pump).
23. On April 10, 2000, the department issued a "Groundwater Monitoring Plan Modification" to Vulcan Chemicals consolidating and revising the monitoring program for corrective action and long-term care and for facility-wide groundwater monitoring of wells at the perimeter of the property under ch. NR 140, Wis. Adm. Code.
24. On June 27, 2001, the department sent a call-in letter to Vulcan Chemicals informing them of the license expiration date for their hazardous waste units and the relicensing process.
25. On August 21, 2002, the department issued a response to Vulcan Chemicals' August 14, 2002, letter requesting an interpretation as to whether the hazardous waste treatment unit constitutes a totally enclosed treatment. The department concluded that the treatment unit at Vulcan did not meet the totally enclosed treatment definition.
26. On September 20, 2002, Vulcan Chemicals submitted a revised FPOR for a hazardous waste container and tank treatment facility.

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27. On June 1, 2004, the department issued an incompleteness letter to Vulcan Chemicals.
28. From August 2004, through March 2005, Vulcan Chemicals submitted revisions to several sections of the FPOR and other response information.
29. The FPOR was deemed to be complete on February 2, 2005. The department published the completeness decision and issued public notice for the preliminary determination on February 4, 2005.
30. April 22, 2005, the department issued final determinations and conditional approval of the FPOR.
31. On July 10, 2009; November 1, 2016; and November 17, 2023, the department's Remediation and Redevelopment program issued its approval of modifications to the groundwater monitoring program.

Property Transactional Activities

32. The following is a description, taken from the FPOR, of property ownership and control over time.
 - a. In 1970, the site was purchased by BASF and operated industrial processes involving the use of mercury.
 - b. In 1980, the site was purchased by Vulcan Chemicals (Vulcan), a division of Vulcan Materials, and expanded the facility operations.
 - c. In 2005, Vulcan Materials Corporation attempted to sell Vulcan Chemicals to Basic Chemicals Company, LLC (BCC), a subsidiary of Occidental Chemical Corporation (OCC), whose parent company was Occidental Petroleum Corporation (OPC). However, after review by the Federal Trade Commission, a deal was struck with ERCO Worldwide (ERCO), a division of Superior Plus Inc. Per the Asset Purchase and Sales Agreement (APSA), ERCO agreed to purchase the equipment and facilities from BCC, but ownership of certain parcels and certain environmental liabilities were retained by BCC. These (parcels 2700032, 2700032A and 2700059E) are leased to ERCO under the details of a separate lease agreement. The facility was and continues to be solely operated by ERCO.
 - d. On December 31, 2006, BCC merged with OCC.
 - e. OCC was purchased by Berkshire Hathaway on December 1, 2025; the assets of OCC have been transferred to Environmental Resource Holdings, LLC (ERH). Glenn Springs Holdings, Inc., a subsidiary of OPC, manages ERH's interests in the site.

License Renewal Activities

33. On August 9, 2020, the department issued a conditional close-out letter after an in-depth assessment of ERCO's compliance with the hazardous waste requirements of chs. NR 600-699, Wis. Adm. Code. This addressed, among other things, the contents of ERCO's future long-term care license renewal application.
34. On March 18, 2024, the department issued a call-in letter for the long-term care license renewal application.
35. On December 18, 2025, the department acknowledged receipt of ERCO's long-term care license renewal application, including an FPOR, dated December 6, 2024.
36. The department issued a series of Requests for Information (RFI #1, RFI #2, and RFI #3) on March 25, 2025; April 18, 2025; and Oct. 6, 2025, respectively, regarding the FPOR.
37. During the period from March of 2025 through October of 2025, ERCO provided responses to the RFIs via email, followed by review comments via email from the department.
38. On December 16, 2025, ERCO provided the department with an unsigned final draft FPOR to consolidate RFI responses and follow-up comments and facilitate continuing department review.
39. On March 25, 2026, the department received a signed FPOR dated March 25, 2026, with a transmittal letter dated March 5, 2026.

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40. On September 3rd, 2026, the department determined the FPOR to be complete.
41. On September 14th, 2026, a class 1 public notice was published in the Wisconsin State Journal and the Wisconsin Rapids Tribune, to inform the public that the FPOR, the preliminary determination dated September 3rd, 2026, and fact sheet were available for review, with the 45 day public comment period ending on October 29, 2026. A radio announcement on (radio station XXX) was run on (Insert Date). The FPOR, the preliminary determination dated September 3rd, 2026, and fact sheet were published on the department's website at <http://dnr.wi.gov/topic/Waste/Comment.html> on September 14th, 2026.

Conclusions of Law

The department concludes that:

1. The department promulgated [chs. NR 600 through 699, Wis. Adm. Code](#), establishing minimum requirements for hazardous waste management under the authority of [ch. 289](#) and [ch. 291](#), Wis. Stats. The department promulgated [chs. NR 500-599, Wis. Adm. Code](#), establishing minimum requirements for solid waste management under the authority of [ch. 289](#), Wis. Stats.
2. Pursuant to [s. 289.31\(1\), Wis. Stats.](#), no person may operate a solid waste facility or hazardous waste facility unless the person obtains a license from the department.
3. Pursuant to [s. NR 670.050, Wis. Adm. Code](#), licenses shall be effective for a fixed term of no more than 10 years. Pursuant to [s. NR 670.010\(8\), Wis. Adm. Code](#), and [s. NR 670.051, Wis. Adm. Code](#), the licensee must submit, at least 180 days before the end of the term, a new, complete operating license application. Pursuant to [s. NR 670.010\(3\), Wis. Adm. Code](#), the application shall consist of a Part A application form, the feasibility and plan of operation report, and any supplemental information completed to the department's satisfaction.
4. Pursuant to [s. 289.29, Wis. Stats.](#), and [Chapter NR 670, Wis. Adm. Code](#), the department has determination of feasibility authority for hazardous waste facilities. Pursuant to [s. 289.30\(6\), Wis. Stats.](#), and [ch. NR 670, Wis. Adm. Code](#), the department has the authority to issue hazardous waste facility plan of operation approvals.
5. The department has the authority pursuant to [s. 289.30\(6\), Wis. Stats.](#), and [s. NR 670.032, Wis. Adm. Code](#), to conditionally approve a feasibility and plan of operation report if the conditions are necessary to ensure compliance with [ch. 289](#) and [ch. 291](#), Wis. Stats., and [chs. NR 600 through 699, Wis. Adm. Code](#). The department has the authority pursuant to [s. NR 670.032\(2\)\(b\), Wis. Adm. Code](#), to establish license conditions the department determines necessary to protect human health and the environment.
6. The conditions of approval set forth below are necessary to ensure compliance with [chs. NR 500-599, Wis. Adm. Code](#), and [chs. NR 600 through 699, Wis. Adm. Code](#), and to protect human health and the environment.
7. [Section 291.37, Wis. Stats.](#), and [ch. NR 664, Subch. F, Wis. Adm. Code](#), authorizes the department to require corrective action when a release has occurred from a solid waste management unit at a facility.
8. Licenses issued under [ch. 289](#) and [ch. 291](#), Wis. Stats., must ensure that the provisions of [Chapter NR 103, Wis. Adm. Code](#), have been met concerning effects on water quality and wetlands.
9. The department is required to comply with the procedural requirements of [s. 1.11, Wis. Stats.](#), and [ch. NR 150, Wis. Adm. Code](#), in the reissuance of a long-term care license. In accordance with [s. NR](#)

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[150.20\(2\)\(a\)7s., Wis. Adm. Code](#), the review process for the issuance of a license for an existing hazardous waste treatment, storage, or disposal facility is an integrated analysis action because a detailed environmental analysis and public disclosure are conducted as part of the department's programmatic procedures under [ch. NR 670, Wis. Adm. Code](#). Therefore, a separate additional environmental analysis is not required for this proposal.

Preliminary Determination

Pursuant to [s. 289.24\(3\), Wis. Stats.](#) and [s. NR 670.010\(3\), Wis. Adm. Code](#), the department has determined that the feasibility and plan of operation report (FPOR) is complete.

The department has preliminarily determined that there is a need for the facility in accordance with [s. 289.28\(3\), Wis. Stats.](#)

The department has preliminarily determined that this facility is feasible pursuant to [s. 289.29, Wis. Stats.](#) and has preliminarily determined that it will conditionally approve the application pursuant to [s. NR 670.406\(1\), Wis. Adm. Code](#).

The department has preliminarily determined that the proposed activities conform to the applicable requirements of [ch. NR 103, Wis. Adm. Code](#), concerning water quality standards for wetlands, as is required in [s. NR 103.08\(1\), Wis. Adm. Code](#), based on the requirements of this Approval and the facility's WPDES permit.

As required by [s. NR 670.406\(1\), Wis. Adm. Code](#), the department has completed the environmental review process under [ch. NR 150, Wis. Adm. Code](#). As required under [s. 289.25, Wis. Stats.](#), the department has determined that a separate environmental impact statement for this licensing action is not required under [s. 1.11, Wis. Stats.](#), and [ch. NR 150, Wis. Adm. Code](#) because the review process for the issuance of a license for a hazardous waste treatment, storage, or disposal facility is an integrated analysis action.

Based on the Findings of Fact and Conclusions of Law, and as part of this preliminary determination, the department hereby issues a preliminary conditional approval of the feasibility and plan of operation report, subject to compliance with [ch. 289](#) and [ch. 291](#), Wis. Stats., [chs. NR 600 through NR 699, Wis. Adm. Code](#), and the conditions herein.

After issuance of the final determination, and in accordance with [s. NR 670.050\(1\), Wis. Adm. Code](#), the department intends to issue a License with the following effective and expiration dates.

Effective Date: (to be determined as the date specified in the Final Determination)

Expiration Date: (10 years after the Effective Date)

Conditions of Approval

Licensee(s) is subject to the provisions of the following sections, which constitute conditions of its license.

Definitions

For purposes of this License, terms used herein shall have the same meaning as those in [chs. NR 600 through 699, Wis. Adm. Code](#), or other specifically cited provisions as appropriate, unless this License specifically provides otherwise. Terms not defined shall have the meaning as given in [ch. 289](#) and [ch. 291](#), Wis. Stats., and/or [chs. NR 600 through 699, Wis. Adm. Code](#). The following terms are defined solely as used in these conditions of approval:

Approval:

means this Final Determination, its conditions, and any subsequent modifications issued by the department.

Approved FPOR:

means the feasibility and plan of operation report dated March 25, 2026, with a transmittal letter dated March 5, 2026, that was conditionally approved by the department on {insert date of Final Determination}, and as amended by subsequent license modification approvals.

Facility:

means ERCO Worldwide (USA), Inc., as generally depicted in Appendix J, Drawing 3 of the Approved FPOR, including parcels on each side of Highway 73, in addition to any additional land, structures, other appurtenances, and improvements on the land, determined otherwise pursuant to the definition of “Facility” in [s. NR 660.10\(43\), Wis. Adm. Code](#).

Licensee(s):

means each entity meeting either definition of owner or operator, currently identified as ERCO Worldwide (USA), Inc. and ERH.

License:

means an Approval, as defined above, issued by the department under [Chapter NR 670](#), Wis. Adm. Code, and the Approved FPOR, as defined above, that grants the Licensee(s) permission to operate a hazardous waste treatment, storage or disposal facility.

The Department’s Designated TSDF Inspector:

means the person assigned to perform hazardous waste inspections at the Facility. Licensee(s) should contact the Section Manager, Hazardous Waste Prevention & Management, if there are questions about these assignments.

The Department’s Designated Hazardous Waste Plan Review Staff:

means the person assigned to review hazardous waste license modification requests for the Facility. Licensee(s) should contact the Section Manager, Hazardous Waste Prevention & Management, if there are questions about these assignments.

The Department’s Designated Owner Financial Responsibility Staff:

means the person assigned to review proof of financial assurance for the Facility. Licensee(s) should contact the Section Manager, Hazardous Waste Prevention & Management, if there are questions about these assignments.

The Department's Designated Remediation and Redevelopment (R&R) Program Project Manager:

means the person assigned to review the activities pursuant to [chs. NR 700-799, Wis. Adm. Code](#), for the Facility.

A. General

A.1 License

The Facility shall be operated in accordance with the Approved FPOR, the requirements of [ch. 289](#) and [ch. 291](#), Wis. Stats., [chs. NR 600 through 699, Wis. Adm. Code](#), [chs. NR 500 through 599, Wis. Adm. Code](#), and the conditions of this Approval. The Approved FPOR and these conditions are made a part of any license issued for the Facility under [ch. NR 670, Wis. Adm. Code](#), based upon this Approval. Any hazardous waste storage, treatment, and/or disposal at the Facility not authorized in this License, or otherwise allowed by rule, is prohibited.

A.2 Most Stringent Provision

The Approval conditions, Wisconsin Statutes, or the Wisconsin Administrative Code shall take precedence over any less stringent provisions contained within the Approved FPOR. The Approval conditions shall take precedence over any less stringent provisions contained within the Approved FPOR, Wisconsin Statutes, or the Wisconsin Administrative Code. If any provision is inconsistent with another provision in the Approved FPOR, Licensee(s) shall conform to each provision or obtain approval of a license modification to clarify the provision(s). If the provisions are contradictory, Licensee(s) shall conform to the more stringent provision, as judged by the department.

A.3 License Term and Approval

The License shall be effective beginning on the date of this Approval through a fixed term of 10 years. All prior hazardous waste approvals issued under [ch. NR 670, Wis. Adm. Code](#) by the department relating to the Facility, other than those regarding corrective action, are hereby nullified and superseded by this Approval.

A.4 Owners and Operators

Unless set forth specifically otherwise herein, requirements of this License apply to all owners and operators of the Facility. Actions by any owner or operator to be compliant with this License, or that are non-compliant with this License, constitute an action of all owners and operators (except as otherwise specified).

A.5 Compliance with Applicable Regulations

Notwithstanding [s. NR 670.004\(1\), Wis. Adm. Code](#), Licensee(s) shall comply with the requirements of all applicable regulations in [chs. NR 600 – NR 699, Wis. Adm. Code](#), unless an alternative to a specific requirement is explicitly identified in this Approval. The Licensee(s) shall also comply with any additional applicable regulations authorized under section 3006(g) of RCRA ([42 USC 6926: Authorized State hazardous waste programs](#)), that become immediately effective in all authorized states as of the effective date of the federal rule.

A.6 Record Upkeep and Accessibility

The Licensee(s) shall maintain the following documents to be available when requested by the department:

- a. The License, including but not limited to the Approval and the Approved FPOR;
- b. All final license modification requests and approvals;
- c. Any pending requests for license modifications or renewal;
- d. Reports submitted or maintained pursuant to the License;
- e. Correspondence regarding department inspections and enforcement actions;
- f. All records required by the conditions of this Approval, the Approved FPOR, and any modifications thereof; and

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- g. Documents required to be retained within the operating record in accordance with this License and [s. NR 664.0073, Wis. Adm. Code](#).

A.7 Site Identification and Part A Form

With the exception of changes in generator related information, all changes to the information in the Site Identification Form and associated addendums ([EPA Form 8700-12](#)), or the Part A Form ([EPA Form 8700-23](#)), from those contained in the Approved FPOR, must be approved through a license modification per [s. NR 670.042, Wis. Adm. Code](#), to the Department's Designated Hazardous Waste Plan Review Staff. The Licensee(s) shall use the RCRAInfo industry application for electronic notification of changes to the information in the Site Identification Form. A license modification request summarizing the changes requested shall be submitted to the Department's Designated Hazardous Waste Plan Review Staff at the same time as the electronic notification submittal. Approval of the change will not be recognized until the license modification request is acted upon by the department.

A.8 Reserved

A.9 Proper Operation and Maintenance

Proper operation and maintenance, as the term is used in [s. NR 670.030\(5\), Wis. Adm. Code](#), shall also include, but not be limited to, effective performance, adequate funding and staffing, effective and accurate inspections, timely and effective actions to correct deficiencies, effective staffing, training, and supervision of all personnel that direct or support operational workers, effective contingency planning, effective emergency response, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary systems when necessary to achieve compliance with the conditions of this License.

A.10 Spills.

The Licensee(s) shall take prompt action to prevent or minimize the Waste material from reaching or affecting soil, surface water, groundwater, sanitary sewers, storm sewers, or ambient air. Hazardous substance discharges as defined in [chs. NR 700-799, Wis. Adm. Code](#) shall be immediately reported to the department's designated 24-hour hotline telephone number 1-800-943-0003.

A.11 Inspection and entry

The Licensee(s) shall allow any employee, officer or authorized representative of the department, with notice provided no later than upon arrival, to do the following:

- a. Enter the Facility.
- b. Have access to and copy, at reasonable times, any records relating to Waste, including but not limited to the operating record.
- c. Inspect any facilities, vehicles, equipment (including monitoring and control equipment), practices or operations, and any construction.
- d. Monitor or sample Waste or media for Waste residues or hazardous constituents at the Facility.

A.12 Property Rights

Issuance of this License does not convey any property rights of any sort or any exclusive privilege.

A.13 Legal Obligation

Nothing in this Approval shall relieve Licensee(s) of the legal obligation to comply with applicable federal, state, and local regulatory requirements. Issuance of this License does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of tribal, state, or local law or regulations.

A.14 Defense

Compliance with the terms of this License does not constitute a defense to any other law providing for protection

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of public health or the environment.

A.15 Severability

The provisions of this License are severable, and if any provision of this License is in any circumstance contested or held invalid, the contested or invalid provision(s) will not affect other License provisions that are uncontested and valid. All other provisions of the License remain fully effective and enforceable.

A.16 Prevention of Discharges or Emissions

Licensee(s) shall operate and maintain the Facility in a manner that prevents discharges or emissions from the Facility from negatively impacting the safety of the Facility, the health and safety of personnel at or affected by the Facility, or the environment.

A.17 – A.21 Reserved

A.22 Other Authorizations

Within 15 days of a request as described below, the Licensee(s) shall submit to the Department's Designated Hazardous Waste Plan Review Staff a copy of any application to acquire, modify or re-issue authorizations that involve the licensed units or Corrective Action activities that are referred to or included in the Approved FPOR, or are otherwise required to be identified by [s. NR 670.013\(11\), Wis. Adm. Code](#). Examples include but are not limited to those involving:

- a. solid waste storage, transfer and/or processing related to licensed units or Corrective Action activities
- b. air emissions; current air permit(s) (e.g., construction and operating) related to licensed units or Corrective Action activities
- c. wastewater discharges (e.g., authorizations for discharges to the local sewer or waterway) related to licensed units or Corrective Action activities
- d. stormwater discharges (e.g., Tier 2 stormwater discharge permit (applicable for all licensed facilities per [s. NR 216.21\(2\)\(b\)6., Wis. Adm. Code](#)) related to licensed units or Corrective Action activities
- e. environmental remediation/cleanup activities (e.g. authorizations or approvals issued under [chs. NR 700-799, Wis. Adm. Code](#)) related to licensed units or Corrective Action activities

B. Licensing

B.1. Reserved

B.2 License Modification Initiated by Licensee(s)

In the event the Licensee(s) plans to implement changes or activities that are inconsistent with the License. Licensee(s) shall acquire a License modification. Unless otherwise specified in Condition B.2.b below, the license modification shall be requested in accordance with [s. NR 670.042, Wis. Adm. Code](#). The Licensee(s) shall ensure all License modification requests are complete and technically adequate to support the request. The filing of a request for a license modification or any notification of planned changes on the part of the Licensee(s) does not stay the applicability or enforceability of any condition. Modifications to the License do not constitute a reissuance of the License.

B.3. Reserved

B.4 License Reapplication

In consideration of the completeness requirements in [s. NR 670.010\(3\), Wis. Adm. Code](#), and supplemental information to meet technical adequacy, the Licensee(s) shall submit the license renewal application at least 12 months before the expiration date of the License, for department review, comment, and identification/review of supplemental information to develop a complete and technically adequate FPOR, unless permission for a later

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date has been granted by the department. The department shall invoice the Licensee(s) in accordance with the document review fees specified in ch. NR 670, Appendix II, Wis. Adm. Code, ([670 ii.pdf](#)) to cover the department's review costs.

B.5 Complete Renewal Application

To be complete under [s. NR 670.051\(1\), Wis. Adm. Code](#), an application shall include all of the information identified in [s. NR 670.013, Wis. Adm. Code](#), and applicable sections in [ss. NR 670.014 to 670.029, Wis. Adm. Code](#). The application will not be deemed technically adequate until any relevant supplemental information identified by the department is submitted by the Licensee(s). Such supplemental information includes, but is not limited to, information identified by the department in a call-in letter that establishes the application due date in accordance with [s. NR 670.001\(2\), Wis. Adm. Code](#), unless the application explains why the information is not applicable. Notwithstanding [ss. 289.24\(3\), 289.26\(5\), 289.29\(4\), and 289.30\(6\), Wis. Stats.](#), if the department determines a complete application is submitted, the conditions of an expired license continue in force until the department issues a final determination, and any appeal period is exhausted.

B.6 Improvements Consideration

Any application for a License renewal must consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

C. – H. Reserved

I. Inspection

I.1 Inspection Documentation

All observations, inspections, and monitoring required by [chs. NR 500-599, Wis. Adm. Code](#), approvals issued under [chs. NR 500-599, Wis. Adm. Code](#), [chs. NR 664](#) and [NR 670, Wis. Adm. Code](#), the FPOR, and the conditions of this Approval shall be performed and documented. This documentation shall also identify the inspector, the date and time of, and results of these observations, inspections, and monitoring activities. Documentation shall be maintained in the operating record for the duration of the long-term care period.

I.2 Identified Deficiencies

All deficiencies identified during these required observations, inspections, or monitoring activities shall be clearly identified and documented on the inspection form. For any deficiency identified on the inspection form, the completion date and description of remedial or corrective action(s) such as repairs or replacement shall be recorded or referenced on the inspection form in a manner that such action(s) can be readily connected with the noted deficiency on the inspection form.

J. Training

J.1 General Training Program

All Facility personnel shall successfully complete a comprehensive training program that teaches them to perform their work activities in a way that ensures the Facility's compliance with applicable requirements of [chs. NR 600 through 699, Wis. Adm. Code](#) and the conditions of this Approval, and to operate or maintain the Facility in a safe manner. Training shall occur at least annually, or as frequently as needed to meet this requirement. The training program must address, but is not limited to, Facility personnel, visitors, contractors, vendors, temporary workers, and transportation workers that perform tasks related to, or that could affect Waste acceptance, storage, treatment, handling, or recordkeeping, or that execute, monitor, or supervise activities described in the Approved FPOR. Personnel shall not perform a task without supervision until they are fully trained for that task. Tasks shall include, for example, the following activities:

- a. Facility inspections described in the Approved FPOR

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- b. Correction of deficiencies (such as repairs) noted in inspections or otherwise required
- c. Preparedness and prevention planning and actions
- d. Emergency response activities and contingency plan implementation
- e. Spill prevention actions and response
- f. Proper collection and analysis of samples, including but not limited to, environmental monitoring, waste determinations, and corrective action work

J.2 Training Accommodations

All personnel shall be provided necessary accommodations to be successfully trained in accordance with the License and the applicable requirements of [chs. NR 600-699, Wis. Adm. Code](#). For the purposes of this condition, the term “accommodations” means modifications to the learning environment or procedures that provide individuals with equal access to training content and the ability to demonstrate their knowledge.

J.3 Prerequisite Qualifications

All personnel shall have necessary prerequisite qualifications to properly execute the tasks they undertake that are needed to ensure the Facility's compliance with the License and applicable requirements of [chs. NR 600-699, Wis. Adm. Code](#) to operate or maintain the Facility in a safe manner.

J.4 Training Documentation

All records documenting qualifications and training program content and completion shall be maintained as part of the operating record for at least 3 years, or longer if required by [s. NR 664.0016\(5\), Wis. Adm. Code](#).

K. Reserved

L. Air Emissions

M. – N. Reserved

O. Hazardous Waste Cleanup Program, formerly known as the Corrective Action Program

O.1 Corrective Action Authority

The department reserves the right to impose corrective action requirements under the authority of [s. 291.37, Wis. Stats.](#), and/or [subch. F, NR 664, Wis. Adm. Code](#), prior to or after hazardous waste facility closure. The department reserves the right to take action under [s. NR 670.041, Wis. Adm. Code](#), in order to incorporate corrective action requirements into the License.

O.2 Newly Identified SWMU/AOC

Licensee(s) shall submit a class 1-1 license modification request in accordance with [s. NR 670.042, Wis. Adm. Code](#), within 30 days of discovery to incorporate any newly identified solid waste management unit or area of concern other than those identified in the Approved FPOR, unless otherwise approved by the Department's Designated Hazardous Waste Plan Review Staff.

O.3 Release Reporting and Corrective Action

Any release or discharge of a hazardous substance is required to be reported under [s. 292.11\(2\), Wis. Stats.](#), and [ch. NR 706, Wis. Adm. Code](#). For releases from solid waste management units (SWMUs) and/or any areas of concern (AOC), the Licensee(s) shall take corrective action as deemed appropriate by the department.

O.4 New Obligations

When the Facility has new obligations under [s. 291.37, Wis. Stats.](#), and/or [subch. F, NR 664, Wis. Adm. Code](#),

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due to a newly discovered release or new information regarding any previous release, Licensee(s) must immediately notify the Department's Designated TSDF Inspector and the Department's Designated Hazardous Waste Plan Review Staff. Licensee(s) shall submit information to incorporate the new obligations for corrective action under [s. 291.37, Wis. Stats.](#), and/or [subch. F, NR 664, Wis. Adm. Code](#) as part of the CAPU required under Condition O.9, unless otherwise requested by the department. The department reserves the right to require the scope of corrective action to address any new obligations.

O.5 NR 700 Requirements

Licensee(s) shall comply with the requirements of [ch. 292, Wis. Stats.](#), and [chs. NR 700-799, Wis. Adm. Code](#), including, but not limited to, the continuing obligations and other conditions and requirements imposed at the time of interim or remedial action approval and at the time of case closure approval, for BRRTS cases #02-72-000012 and #02-52-592275 and for other discharges, and as outlined in [chs. NR 725 through NR 727, Wis. Adm. Code](#).

O.6 NR 700 Reporting

Regarding releases reported, investigated, or remediated under [chs. NR 700-799, Wis. Adm. Code](#), the Licensee(s) shall submit copies of any correspondence to the Department's Designated TSDF Inspector and the Department's Designated Hazardous Waste Plan Review Staff at the same time as provided to the Department's Designated Remediation and Redevelopment (R&R) Program Project Manager, unless otherwise approved by the department.

O.7 Site Investigations

Licensee(s) shall perform investigations to determine the nature, degree and extent of contamination in all environmental media as required under [s. NR 716.11\(3\)\(a\), Wis. Adm. Code](#), and to define corrective actions needed to properly remediate the contamination. Investigations and remediation work shall be planned, designed, scheduled, and performed in accordance with the department's R&R program requirements, as established in [ch. 292, Wis. Stats.](#), [chs. NR 700-799, Wis. Adm. Code](#), or as otherwise directed by the R&R Program for BRRTS cases 02-72-000012 and #02-52-592275 and for other past and future discharges. The department reserves the right to require the Licensee(s) to develop cost estimates and financial assurance for completing such investigations within a time frame as specified by the department.

O.8 Corrective Action Plan

At a minimum, Licensee(s) shall perform the corrective action-related activities described in the Approved FPOR, including but not limited to, current FPOR sections 3.8 and Appendix F. These activities shall constitute the Corrective Action Plan (CAP).

O.9 Corrective Action Plan Update

Beginning June 30 of the first full calendar year following this Approval, and by June 30 of every other year thereafter, Licensee(s) shall submit a corrective action plan update (CAPU) to The Department's Designated Hazardous Waste Plan Review Staff and to The Department's Designated Remediation and Redevelopment (R&R) Program Project Manager. The CAPU shall be consistent with and complementary to, but not replace, correspondence pursuant to [chs. NR 700-799, Wis. Adm. Code](#), with the department's RR program. The CAPU shall be submitted as a Class 1-1 license modification request in accordance with [s. NR 670.042, Wis. Adm. Code](#), to update those sections of the Approved FPOR (current FPOR sections 3.8 and Appendix F) that address the corrective action activities and the corrective action cost estimate. At a minimum, this report shall address the following:

- a. Update. A description of corrective action activities and results, as well as applicable monitoring activities and results, for the period since the CAP or subsequent CAPU. This shall include a report on the progress and effectiveness of the corrective action program.
- b. Remaining Work and Reporting Period. A detailed description of all work needed or reasonably anticipated to complete the corrective actions in accordance with [chs. NR 700-799, Wis. Adm. Code](#), ("Remaining Work"),

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as of December 31st of the previous calendar year, a schedule to complete these corrective actions, a summary of changes made to the estimated Remaining Work since the CAP or subsequent CAPU, and an explanation of the reasons for the changes. The schedule shall, at a minimum, estimate the completion date for each element or task of the Remaining Work, and the estimated date to achieve case closure under chs. NR 700-799, Wis. Adm. Code

- c. Cost Estimate and Financial Assurance. A financial assurance section that includes the estimated costs for the Remaining Work. This shall include the previous cost estimate and a detailed explanation of any changes in the cost estimate. If inflation of previous estimated costs is utilized in the cost estimate, the general process and inflation factor specified in s. [NR 664.0144\(2\)](#), Wis. Adm. Code, shall be used. The cost estimate shall meet the applicable requirements identified in Section P. Cost Estimates and Financial Assurance.
- d. Certification. The CAPU shall be certified and stamped by a qualified Wisconsin-registered professional engineer and/or hydrogeologist.

O.10 Changes to Remaining Work and Cost Estimate

The department reserves the right, upon its review of the CAPU or corrective action activities or results, to require changes to the projected Remaining Work, cost estimate, and financial assurance amount. Examples of such changes are modifications the department deems necessary to the Remaining Work such as additional investigations, effectiveness of remedial action options, pilot or trial treatment testing, changes in the estimated duration of the work, monitoring program changes, and corrections to the cost estimate's tasks, units, quantities, and unit costs.

O.11 License Modification Request

Within 6 months of the date of this approval, Licensee(s) shall submit a license modification request to modify the Approved FPOR to address the following:

- a. Section 3.8, Corrective Action Program uses the term "Continuing Obligations" (COs) in several cases within the text sections and Table 2. For example, Table 2 lists groundwater monitoring, O&M of the groundwater collection trench, and inspection and maintenance of cap as COs. This term shall be changed to "continuing corrective action activities" (or similar term) to differentiate from COs that have been assigned to the property under [Chapter NR 725](#) - [Chapter NR 727](#), Wis. Adm. Code.
- b. Groundwater monitoring is listed under Table 2 for several SWMU/AOCs that are already in compliance with cleanup levels: Unit 1, Unit 5, Unit 8, Unit 9, Waste Layer, Drain Field, Underground Fuel Line, and Load Shed Containment Pans, and potentially Unit 6. The FPOR shall explain what the purpose of this monitoring is and how it is accomplished.
- c. Section 3.8.3 last paragraph: "Following the conversion from mercury cell technology to mercury cell technology in 2009," shall be corrected to refer to "membrane cell technology."
- d. Section 3.8.6 indicates no additional corrective action is required for Unit 6 (Former Surface Impoundment Storage) but discusses continued groundwater monitoring; however, downgradient well samples (V-1, V-27, V-27A) are not proposed to be analyzed for mercury. This inconsistency shall be corrected.
- e. Section 3.8.9 does not discuss any previous soil sampling or corrective actions (e.g. excavation) for Unit 9 Temporary Pile Storage), but Table 2 includes "Excavation and disposal of contaminated soil and materials". This apparent inconsistency shall be corrected.
- f. Section 3.8.10, Waste Layer, discusses continued groundwater monitoring. However, this unit is not identified in the groundwater monitoring plan under Corrective Action monitoring (Chart 1). This apparent inconsistency shall be corrected.
- g. Section 3.8.16, Load Shed Containment Pans, states NR 700 continuing obligations (COs) were approved by the department but does not describe them. Inspection and maintenance of the cap is required as a CO but is not addressed in the Corrective Action costs estimate. Residual soil contamination, residual GW contamination, and structural impediments are also required as COs but are not discussed in Section 3.8.16, listed in Table 2, or considered in the Corrective Action cost estimate. Groundwater monitoring was not required as a CO but is listed in Table 2. These apparent inconsistencies and omissions shall be corrected.
- h. Appendix H, Table 1 is missing words in the last column (they appear to have been inadvertently cut off).

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This shall be corrected.

O.12 Corrective Action Schedule

Licensee(s) shall undertake corrective action work diligently and earnestly in order to complete all corrective action work as soon as reasonably possible. Pursuant to [s. NR 664.0101\(2\), Wis. Adm. Code](#), corrective actions shall be completed no later than ten years from the date of this Approval, unless otherwise approved by the department. Licensee(s) may submit a written request to extend this deadline for up to five years, which would be approved if Licensee(s) clearly demonstrates that such further time is justified because despite Licensee(s)' best efforts to timely comply, efforts were unsuccessful due to circumstances beyond the control of the Licensee(s). Any additional extensions would require separate requests. "Circumstances beyond the control of the Licensee(s)" do not include failure to develop and submit documents required by chs. NR700-799, Wis. Adm. Code, requirements, or lack of adequate funding.

P. Cost Estimates and Financial Assurance

P.1 Cost Estimates Structure and Contents

Licensee(s) shall maintain, in the operating record, an up-to-date long-term care and corrective action cost estimate. All cost estimates shall:

- a. clearly outline all assumptions used in the establishment of the cost estimate;
- b. be based on utilizing a third party (or third parties) to properly execute all long-term care and corrective action activities;
- c. include third party costs to manage and administer the work (e.g., project management, procurement, contract administration, invoice review and payment, etc.);
- d. not consider cost efficiencies or special pricing for work that might otherwise be performed or facilitated by Licensee(s);
- e. include a minimum 10% contingency for unanticipated or unforeseen work;
- f. be broken out by discrete tasks and sub-tasks and include unit costs, quantities, and extended costs for each task and subtask;
- g. use tasks and subtasks that are easily identified within the Approved FPOR (or if applicable a more recent proposed CAPU) and, in total, represent all of the Remaining Work.
- h. describe the basis for or source of the number of units and unit costs used in the cost estimate, in a manner consistent with the assumptions outlined in the Approved FPOR (or if applicable a more recent proposed CAPU) and, in total, represent all of the Remaining Work.
- i. clearly indicate the year for which each unit cost is based, such that inflationary adjustments can be accurately presented and applied; and
- j. be presented using tables that:
 - i. contains separate rows for each separate cost item, or task (and subtask as appropriate). Each task/subtask name and scope of work shall be as identified and described, respectively, in the Approved FPOR (or if applicable a more recent proposed CAPU) and shall, in total, represent all of the Remaining Work.
 - ii. contains separate columns that identify the task/subtask name, with the corresponding estimated cost for that task/subtask including units (e.g. lump sum, hours, gallons, acres), number of units, unit costs, and extended subtotals;
 - iii. as applicable, incorporates separate columns or tables for each year, and a single summary table for all years;
 - iv. clearly accounts for and presents inflationary adjustments;
 - v. includes a single table that clearly identifies the total current estimated cost, supported as needed by additional tables for individual tasks;
 - vi. identifies the date of the cost estimate;
 - vii. identifies changes from the previous cost estimate presented to the department;

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viii. is also separately provided electronically in a spreadsheet format that is unprotected.

P.2 – P.3. Reserved

P.4 Annual Cost Estimate Adjustments – Long-Term Care

The LTC cost estimate shall be adjusted annually for either inflation in accordance with [s. NR 664.0144\(2\), Wis. Adm. Code](#)⁹, or to reflect current year unit costs. ERH/ERCO can confirm the appropriate inflationary adjustments needed with WDNR prior to adjusting the FA instrument. Proof of financial responsibility reflecting the adjusted cost estimate shall be:

- a. in an amount equal to or greater than the adjusted cost estimate,
- b. established by the anniversary date of the establishment of the financial instrument, currently no later than September 30, or an alternate date approved in writing by the department, and,
- c. submitted to the Department's Designated Owner Financial Responsibility Staff and Department's Designated Hazardous Waste Plan Review Staff, including a narrative explanation of the adjustment.

P.5 Annual Cost Estimate Adjustments – Corrective Action

The Corrective Action cost estimate shall be adjusted annually for either inflation in the manner described for long-term care costs in [s. NR 664.0144\(2\), Wis. Adm. Code](#)¹⁰, or to reflect current year unit costs. ERH/ERCO can confirm the appropriate inflationary adjustments needed with WDNR prior to adjusting the FA instrument. Proof of financial responsibility reflecting the adjusted cost estimate shall be:

- a. in an amount equal to or greater than the adjusted cost estimate,
- b. established by the anniversary date of the establishment of the financial instrument, currently no later than September 30, or an alternate date approved in writing by the department, and
- c. submitted to the Department's Designated Owner Financial Responsibility Staff and Department's Designated Hazardous Waste Plan Review Staff, including a narrative explanation of the adjustment.

P.6. Reserved

P.7 Changes Impacting Cost Estimates

The long-term care and corrective action cost estimates shall be updated and submitted to Department's Designated Hazardous Waste Plan Review Staff, copying the Department's Designated Owner Financial Responsibility Staff and the Department's Designated TSDf Inspector, as a Class 1-1 license modification request in accordance with [s. NR 670.042, Wis. Adm. Code](#) within one (1) month of any point in time when Licensee(s) becomes aware of any change (other than inflationary increases) that increases the cost estimate by more than 5% of the total rolling cost estimate (corrective action, long term care, and other remedial actions). Proof of financial responsibility reflecting the new cost estimate shall be established and, if necessary, submitted to the department's owner financial responsibility staff person within 2 months of such an increase in the cost estimate.

P.8 Long-Term Care Financial Assurance

Licensee(s) shall establish and maintain proof of financial assurance for long-term care as required by this License and by [subch. H, NR 664, Wis. Adm. Code](#). Original documents of this proof shall be submitted to the Department's Designated Owner Financial Responsibility Staff. The amount of financial assurance established for long-term care shall be adjusted as needed based on updates to cost estimates (e.g., inflationary, or change in the scope of work).

P.9 Corrective Action Financial Assurance

Licensee(s) shall establish and maintain the proof of financial assurance for corrective action. Financial assurance requirements regarding corrective action shall be consistent with ss. [289.41 \(2\)](#) to [\(12\)](#), Wis. Stats. Original

⁹ Inflation factors are currently published at <https://dnr.wisconsin.gov/topic/Waste/Financial.html>

¹⁰ Inflation factors are currently published at <https://dnr.wisconsin.gov/topic/Waste/Financial.html>

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documents of this proof shall be submitted to the Department's Designated Owner Financial Responsibility Staff. The amount of financial assurance shall be adjusted as needed based on updates to cost estimates (e.g., inflationary adjustments, unit cost changes, changes in the number of units, or change in the scope of work).

P.10 Reserved.

P.11 Reduction in Financial Assurance

The dollar amounts used for proof of financial assurance for long-term care and corrective action shall not be reduced until a class 1-1 license modification request is approved by the department.

P.12 Reserved

P.13 Period and Amount of Financial Assurance

Financial assurance shall be maintained at all times for the estimated costs of long-term care and corrective action for the ensuing 30 years (i.e. for a rolling 30-year window), until otherwise established in a license modification approved by the department after a thorough demonstration by the Licensee(s) that, in the event of Licensee(s)'s inability or unwillingness to perform necessary long-term care and corrective actions, a shorter period is sufficiently protective of human health and the environment.

P.14 Use of a Present Value for LTC and Corrective Action (Site-Specific Condition)

- a. Beginning 3 years after the date of this Approval, a discount factor shall not be used to adjust any cost estimate used in establishing financial assurance, unless the department approves a license modification request that demonstrates that LTC and Corrective Action obligations are not expected beyond 30 years. The demonstration shall meet the provisions of Condition R.1 of this approval.
- b. If the use of a discount factor is approved, the discount factor shall be the result of expected future interest minus expected future inflation, rounded to the nearest 0.1%. Expected future interest shall equal the average rate of return of Wisconsin's State Investment Fund from the most-recent 10 fiscal years, as indicated in the most-recent annual financial report (which may be found here: <https://www.swib.state.wi.us/state-investment-fund>). Expected future inflation shall equal the average rate of inflation from the most-recent 10 calendar years, with inflation calculated in accordance with s. NR 664.0144(2), Wis. Adm. Code (currently published by the department here: <https://dnr.wisconsin.gov/topic/Waste/Financial.html>). Cost estimate information shall clearly present the annual rates used and all calculations. In the event that expected future interest were to be less than expected future inflation, the financial assurance amount shall simply equal the cost estimate without discount.

P.15 Financial Assurance Amount

Within 60 days of the date of this Approval, Licensee(s) shall establish financial assurance for long-term care and corrective action in the amount, or when multiple financial assurance instruments are used have a combined total of, at least \$2,578,134 (in 2025 dollars), as proposed in the FPOR. This amount shall be adjusted for inflation and calculated in accordance with the conditions of this Approval.

Q. Reporting Requirements

Q.1 Contingency Plan Implementation Reporting

The Licensee(s) shall submit a written report on incidents requiring contingency plan implementation within 15 days after the incident, as required by [s. NR 664.0056\(9\), Wis. Adm. Code](#).

- a. The language used in [s. NR 664.0056\(9\), Wis. Adm. Code](#), "any incident that requires implementing the contingency plan" includes the following incidents that involve a licensed unit or SWMU that requires ongoing long term care or corrective action:
 - i. Incidents that result in on-site response by an external emergency response agency or entity.

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- ii. Spills or releases that are not completely confined within a licensed storage area by a secondary containment structure, including, but not limited to, those that reach or affect soil, surface water, groundwater, sanitary sewers, storm sewers, or ambient air.
 - iii. Releases that require reporting under [ch. 706, Wis. Adm. Code](#).
 - iv. Releases that caused or contributed to illness or injury.
 - v. Releases that result in an exceedance of a discharge or emission limit in other authorizations or permits.
 - vi. Incidents where Waste produced or contributed to heat or pressure that was unanticipated, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.
 - vii. Flooding, in which hazardous wastes, hazardous waste containers, or any part of a tank system was partially or fully submerged.
- b. The report shall contain at a minimum the information described in [s. NR 664.0056\(9\), Wis. Adm. Code](#), and shall also fully describe the incident, including:
- i. the date, time, and duration of the spill or release;
 - ii. the date and time the spill or release was discovered, and how it was discovered;
 - iii. the source of the spill or release;
 - iv. the cause of the spill or release, including the results of the root cause analysis;
 - v. a description of the Waste that was spilled or released, and the waste codes;
 - vi. the estimated quantity of Waste spilled or released;
 - vii. the specific location and areal extent of spilled or released material;
 - viii. whether or not the Waste was completely confined by a containment structure;
 - ix. whether or not the Waste reached or affected soil, surface water, groundwater, sanitary sewers, storm sewers, or ambient air;
 - x. the actions taken to respond to and clean up the spill or release, and the length of time elapsed, and
 - xi. actions taken or that will be taken to prevent a similar incident from recurring and improve response planning and capability, including but not limited to, any Facility modifications, changes in operating procedures, preparedness and prevention elements, contingency planning or training.
- c. The report shall be submitted to the Department's Designated TSDF Inspector and the Department's Designated Hazardous Waste Plan Review Staff.
- d. After any incident that results in implementation of the contingency plan, the Licensee(s) shall promptly perform all the following actions, when it is safe to do so:
- i. Take photos to visually document the incident.
 - ii. Identify the employees or other individuals who have knowledge of or were involved in the incident.
 - iii. Perform interviews with the employees, document in writing the results of the interviews, and retain this documentation.
 - iv. Retain and secure any data and other information associated with the incident.
 - v. Retain and secure any equipment and/or parts that were involved in the incident.
 - vi. Retain and secure Wastes or Waste residues that were involved in the incident.
 - vii. Other response activities as specified in the Approved FPOR.
 - viii. Licensee(s) shall maintain any items identified above until closure of the licensed unit, or unless otherwise approved by the department.

Q.2 Emergency Reporting

Pursuant to [s. NR 670.030\(12\)\(f\)1, Wis. Adm. Code](#) and [s. NR 664.0056\(4\), Wis. Adm. Code](#), the Licensee(s) must report to the department any noncompliance which may endanger health or the environment, or when the Facility has had a release, fire or explosion which could threaten human health, or the environment, outside the facility. For emergencies related to licensed units or SWMUs that require ongoing long-term care or corrective

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action:

- a. Verbal Twenty-Four Hour Reporting. The information specified in [s. NR 670.030\(12\)\(f\)2, Wis. Adm. Code](#), shall be reported verbally within 24 hours from the time the Licensee(s) becomes aware of the circumstances using the 24-hour emergency hotline at 1-800-943-0003.
- b. Written Incident Reporting. Pursuant to [s. NR 670.030\(12\)\(f\)3., Wis. Adm. Code](#), a written submission must also be submitted to the Department's Designated TSDF Inspector and the Department's Designated Hazardous Waste Plan Review Staff within five (5) days of the initial twenty-four hour report. The written submission must contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected, and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The department may waive the five-day written notice requirement in favor of incorporating its information into the written report within 15 days.

Q.3 Reporting Requirements – Noncompliance

Licensee(s) shall report all instances of noncompliance related to a licensed unit or SWMU that requires ongoing long term care or corrective action and not otherwise reported under [s. NR 670.030, Wis. Adm. Code](#), or under a condition of this Approval. The report shall be provided in writing or via e-mail to the Department's Designated TSDF Inspector and the Department's Designated Hazardous Waste Plan Review Staff no later than 15 days after Licensee(s) becomes aware of the noncompliance.

Q.4 Reporting Requirements – Other Information

If Licensee(s) becomes aware that there was a failure to disclose relevant facts in any reports, plans, or other documents submitted, or that incorrect information was submitted to the department, Licensee(s) shall promptly notify the department of such facts and/or correct information and of its plans to cease or modify its operations or activities as may be appropriate. If the facts or information affect the License, Licensee(s) shall promptly submit a license modification request under [s. NR 670.042, Wis. Adm. Code](#), but no later than 30 days of becoming aware of the issue.

Q.5 Reporting Planned Changes

The Licensee(s) must give advance notice to the department in writing as soon as possible, but not less than 30 days prior to, commencement of any planned physical alterations or additions affecting licensed units or at the Facility which may require modification of the Approved FPOR. Any notice provided under this section must include or be followed by a request for a license modification as may be required under [s. NR 670.042, Wis. Adm. Code](#). The Licensee(s) shall not commence the alterations or additions prior to receiving an approved license modification, if required.

Q.6 Reserved

Q.7 Review for Land Disposal Facility

In support of the department's review required by [s. NR 670.050\(4\), Wis. Adm. Code](#), beginning June 30 of the fourth full calendar year following this Approval, and by June 30 of every 4 years thereafter, the Licensee(s) shall submit an evaluation to the Department's Designated Hazardous Waste Plan Review Staff of the effectiveness of long-term care and corrective action activities that have been completed to date. The Licensee(s) may submit a single consolidated document in conjunction with the Condition O.9 CAPU provided that an evaluation of the effectiveness of both long-term care and corrective action is addressed under the submittal.

Q.8 Reserved

R. Submittals

R.1 Signatory Requirements

All reports submitted by Licensee(s) pursuant to [ch. NR 664, Wis. Adm. Code](#), [ch. 670, Wis. Adm. Code](#), or this Approval and its conditions shall be certified in the manner described in [s. NR 670.011, Wis. Adm. Code](#). All submittals containing technical data, such as engineering computations, cost estimates for financial assurance, analyses and studies, design drawings, and design specifications, environmental monitoring data and evaluation, and similar documents involving the application of specialized technical knowledge or principals shall be certified by a qualified professional engineer and/or, when appropriate, by a qualified professional hydrogeologist, in a manner consistent with certification statement in [s. NR 670.011 \(4\), Wis. Adm. Code](#). The certifying professional(s) shall be registered in accordance with [s. chs. 443 or 470, Wis. Stats.](#) The department may consider reciprocity for professionals registered in another state if the Licensee(s) can demonstrate compliance with the provisions of [ss. 443.10\(1\)\(b\) and 470.06, Wis. Stats.](#)

R.2 Submittal Requirements

All submittals and reports made pursuant to this License and [chs. NR 600 – 699, Wis. Adm. Code](#), shall:

- a. Unless otherwise specified, be submitted to the Department's Designated TSDF Inspector and the Department's Designated Hazardous Waste Plan Review Staff;
- b. Include a transmittal letter that explains the purpose of the submittal and, if related to a condition of this Approval, refers to the number of the condition and approval date and if related to a requirement in the Wisconsin Administrative Code, refers to the application section of the Codes;
- c. Be submitted electronically via email in lieu of submitting a paper version, or if submitted via another method (such as a department approved file sharing website), an email notification of the submittal shall be simultaneously provided. Licensee(s) shall bear responsibility for confirming that emails and emailed reports were received by the department; and
- d. Contain the signature and certification statement in [s. NR 670.011, Wis. Adm. Code](#).

R.3 Submittal Structure and Organization

Unless otherwise approved by the department, all submittals required by this Approval shall be developed and submitted as follows:

- a. A single portable digital file (PDF) of the entire submittal shall be provided, including a signed and dated transmittal letter and all attachments and appendices.
- b. The single PDF shall be built as a searchable/readable PDF, [e.g., ran through an optical character recognition (OCR) software (such as Enhance Scans in Adobe Pro), to make the document a searchable/readable PDF].
- c. The single PDF shall not be read-only, or copy protected.
- d. As applicable, all parts (e.g., chapters, sections, subsections) and attachments (e.g., appendices, figures, tables) of a document shall be designated bookmarks in the PDF, and the name of the bookmark shall reflect the name of the part/section/subsection or attachment.
- e. For documents with attachments (e.g., appendices, figures, tables), all cross-references to attachments shall be internally hyperlinked to the appropriate attachment (e.g., all references to Appendix A within the document would provide a hyperlink to Appendix A).
- f. If requested by the department, separate digital files of select PDF pages (or sections) shall be provided in the requested digital format (e.g., in Word or in Excel, as applicable).
- g. All digital files submitted to the department shall be submitted as an email attachment or via a file sharing website acceptable to the department.
- h. If requested, printed pages of the submittal (either in part or in full) shall be provided to the department. This may, for example, include certain FPOR sections or full-sized prints of maps and drawings,
- i. For an FPOR, and for other reports as appropriate, a Table of Contents shall be included.
- j. For an FPOR, and for other reports as appropriate, all pages shall contain a header that identifies the Facility name, and a footer that identifies the date and the page number.

R.4 License Modification

For any license modification request under [s. 670.042, Wis. Adm. Code](#), the Licensee(s) shall include, for all FPOR pages proposed to be modified:

- a. The modified pages bearing new dates;
- b. An updated revision log that identifies the type, description, and date of the revision; and
- c. A separate digital file clearly depicting the proposed modifications (e.g., using a track changes tool).

S. Reserved.

T. Groundwater Monitoring

T.1. Monitoring Program

Licensee(s) shall perform the groundwater monitoring activities consistent with the department's November 17, 2023, approval letter, and in accordance with all other monitoring-related provisions of the Approved FPOR, unless otherwise approved through a license modification. A license modification regarding the monitoring program submitted under this condition can be requested through a Class 1 modification as long as R&R approval is already received and attached. Results shall be reported in a manner generally similar to the report contained in Appendix G.3 of the FPOR and shall be reported annually to the Department's Designated Remediation and Redevelopment (R&R) Program Project Manager, with a copy to the Department's Designated Hazardous Waste Plan Review Staff, no later than April 30 of each year. This report shall meet the minimum requirements of s. NR 724.17, Wis. Adm. Code.

NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING

The Wisconsin statutes establish time periods for requesting information on, or review of, department decisions.

Pursuant to [s. 289.26, Wis. Stats.](#), and [s. 289.27, Wis. Stats.](#), an informational hearing or a contested case hearing can be requested within 45 days of the public notice.

The applicant, any county, city, village or town, or any 6 or more persons may file a written request for an informational hearing on the matter with the department. The informational hearing request shall indicate the interests of the municipality or persons who file the request and shall state the reasons why the hearing is requested.

The applicant, any county, city, village or town, or any 6 or more persons may file a written request for a contested case hearing with the department if the requirements of [s. 289.27\(1\), Wis. Stats.](#) are met. The petition for a contested case hearing must specifically set forth the issue sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired.

A petition for an informational hearing pursuant to [s. 289.26, Wis. Stats.](#) or a contested case hearing pursuant to [s. 289.27, Wis. Stats.](#), shall be served on the Secretary of the department of Natural Resources within 45 days after the decision is mailed or otherwise published by the department. Filing of any such petition must be accomplished in the manner prescribed by [s. NR 2.03, Wis. Adm. Code](#), for service of hearing requests upon the Secretary¹⁰.

Dated: September 3rd, 2026

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Andrea Keller

Andrea Keller, Section Manager
Hazardous Waste Prevention & Management Section
Bureau of Waste and Materials Management

Kendra Fisher

Kendra Fisher, Waste Management Engineer Hazardous
Waste Prevention & Management Section Bureau of
Waste and Materials Management

¹⁰ [Section NR 2.03, Wis. Adm. Code](#) reads:

Service on the department. All petitions for hearings, petitions for rules, petitions for declaratory rulings, petitions for review of contested case decisions under s. NR 2.20, answers and complaints required by any statute or rule shall be served on the department by personal delivery to the office of the secretary, by mailing to the secretary by certified mail, at the following address: PO Box 7921, Madison, Wisconsin 53707-7921.

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Final Audit Report

2026-09-03

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