

**Dawn M. Moon-Kopetsky**

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**From:** Melinda J. Danforth  
**Sent:** Friday, October 16, 2015 8:14 AM  
**To:** Brian A. Doxtator; Cristina S. Danforth; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Lisa A. Liggins; Lisa M. Summers; Lora L. Skenandore; Patricia M. King  
**Subject:** FW: Cemetery Issue/Projects  
**Attachments:** Recycling Coordinators Report of Findings (Debris Complaint).pdf; 300 Blk W Adam Dr (Debris Complaint) TERP.PDF

Additional info.

*Melinda J. Danforth, Vice Chairwoman*

Oneida Tribe of Indians of WI  
P.O. Box 365  
Oneida, WI 54155

Work: (920) 869-4461  
Cell: (920) 562-0290  
Fax: (920) 869-4040

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**From:** Jeffrey M. Mears  
**Sent:** Friday, October 16, 2015 7:46 AM  
**To:** Melinda J. Danforth  
**Cc:** Troy D. Parr; Paul J. Witek; Patrick J. Pelky  
**Subject:** RE: Cemetery Issue/Projects

Hi Melinda,

Attached are follow-up reports on the debris dumped near the cemetery.

If you have any questions, let me know.

Yaw^ko (Thank you),

Jeffrey M. Mears, MPA  
Environmental Area Manager  
Oneida Nation  
Environmental Health & Safety Division - Little Bear Development Center  
P.O. Box 365  
Oneida, WI 54155  
Office 920/869-4555  
Cell 920/639-7457  
[jmears@oneidanation.org](mailto:jmears@oneidanation.org)

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**From:** Melinda J. Danforth  
**Sent:** Thursday, October 15, 2015 4:10 PM  
**To:** Troy D. Parr; Paul J. Witek; Patrick J. Pelky  
**Cc:** Jeffrey M. Mears  
**Subject:** Cemetery Issue/Projects

Gentlemen,

The Business Committee Officers were assigned the task of looking over what has occurred with the Oneida cemetery over the years and develop an action plan to move forward. To date, we have received an enormous amount of historical information from Records Management that dates back to 1988 to approximately 2009 that includes BC meeting minutes, minutes for approval of the burial ordinances, CIP approvals and expenditures, etc.

We also have a 2007 groundwater monitoring report that was done by Graef, Anhalt, Schloemer & Associates in 2007.

However, we are missing a lot of information that has been done since 2009 and any other engineering/environmental reports that have been done by internal or external entities. We are looking and hoping that you guys would be able to assist us with some of that information or if someone has a chronology of events. The Trust/Enrollment Committee is also preparing information for us as well.

We expect that once all the necessary information is organized and before us, we will call a meeting with our experts to have a discussion on the action plan and try to get our arms around this issue.

If you have any questions, please let me know. Yaw^ko!

*Melinda J. Danforth, Vice Chairwoman*

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Oneida Tribe of Indians of Wisconsin  
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Conservation Field Office  
PO Box 365  
N8047 County Road U  
Oneida, WI 54155  
Phone (920) 869-1450  
FAX (920) 869-2743

To: Jeffrey Mears, Environmental Area Manager  
From: Amy Spears, Environmental Specialist  
RE: 300 Blk W. Adam Drive, Hobart, WI – Debris Complaint  
Project ID: ENQTERPINV00003  
Date: September 24, 2015

### Background

Questions raised at a community meeting for the Highway 54 One Stop Remodel on September 10, 2015 prompted an investigation concerning a possible TERP violation at the 300 block of W. Adam Drive, Hobart, WI. The investigation and report, completed by Victoria Flowers – Environmental Specialist, resulted in a finding of no violation but indicated a potential solid waste violation at the site.

### Investigative Activities

On September 15, 2015 at approximately 3:00 pm, Amy Spears and Sylvia Cornelius, Project Manager, visited the site to evaluate the material and to take photographs.

The property was entered from Adam Drive to the north using the driveway. Mounds of soil, aggregate and miscellaneous pieces of PVC piping, rebar and construction fabric was noted. There were approximately 5 mounds of various sizes that were inspected.

A review of aerial photographs provided in the report from Victoria Flowers revealed an approximately 2 acre area where mounds of material were stacked in 2014. Approximately 125 mounds of material were estimated to be present. The color of the material ranged between grey to brown, suggestive of aggregate material and soils. The field investigation supports this assumption.

Questions were raised by Jeffery Mears, Environmental Area Manager of the actions that led to the disposal of the material at this site, who disposed of this material and if permission was received have not been answered.

### Findings

Based on the available information and observations made, it is concluded that a significant quantity of Construction and Demolition waste, consisting primarily of aggregate, soil, concrete, some PVC piping, rebar and construction fabric was disposed of in 2014. Construction and demolition (C&D) waste is defined by the United States Environmental Protection Agency (EPA) as: *The waste material produced in the process of construction, renovation, or demolition of structures (both buildings and roads). In addition, it includes the materials generated as a result of natural disasters. Components of C&D debris include materials such as concrete,*

*asphalt, wood, brick, metals, wallboard, and roofing shingles.*

It is unknown if approval was sought or if permission was granted for the disposal and placement of this material by any employee of the Oneida Tribe. It is concluded as well that the majority of the material previously disposed of has been removed; it is unknown what was done with this material.

### **Conclusion**

Based on the complaint, observations made, and records reviewed the action that led to the placement of the alleged C&D waste is a violation of the Oneida Recycling and Solid Waste Disposal Law and was disposed of illegally. Illegal Dumping is generally defined as:

*Dumping waste on public or private property that is not licensed or permitted to receive waste. Allowing another to dump waste on one's land, without being licensed to receive such waste.*

C&D waste is considered a solid waste under the Oneida Recycling and Solid Waste Disposal law per the following definition:

#### **44.4. Definitions**

44.4-21. "Solid Waste" means garbage, refuse, sludge, and other discarded materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

The Oneida Recycling and Solid Waste Disposal Law states:

#### **44.11. Solid Waste**

44.11-1. The following provisions shall apply to all solid waste disposal within the exterior boundaries of the Oneida Reservation, and those business premises owned or leased by the Oneida Nation of Wisconsin not covered by a recycling law;

(a) No person shall leave, deposit, or dump solid waste within the exterior boundaries of the Oneida Reservation except at a designated disposal or collection site. No person shall dispose of any solid waste generated outside the boundaries of the Oneida Reservation unless such disposal is at a collection or transfer site which is certified as in compliance with all applicable state, federal and tribal regulations.

(e) No person shall dispose of solid waste at a collection or disposal site located within the exterior boundaries of the Oneida Reservation except in a manner approved a Recycling and Solid Waste Disposal program or agency as established by the Oneida Business Committee.

### **Recommendations:**

It is the recommendation of the Environmental Specialist-Pollution Prevention that the remaining material be removed from the site immediately and recycled and/or reused in the following manner:

- Disposed of with a licensed C&D recycling company.

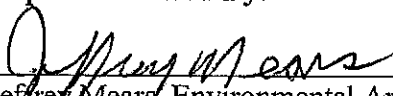
- Reused as fill in a Tribal construction project.

Documentation of the reuse or disposal of this material in the form of a manifest from the recycling company, or written documentation provided by the construction project manager shall be submitted to EHSD and filed with this report.

**Report Prepared By:**

  
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Amy Spears, Environmental Specialist

**Report Reviewed By:**

  
\_\_\_\_\_  
Jeffrey Mears, Environmental Area Supervisor

Oneida Tribe of Indians of Wisconsin  
**Environmental, Health & Safety Division**

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To: Jeffrey Mears, Environmental Area Manager  
From: Victoria Flowers, Environmental Specialist  
RE: 300 Blk W. Adam Drive, Hobart, WI – Debris Complaint  
Project ID: ENQTERPINV00003  
Date: September 11, 2015

**Issue Statement:**

On September 10, 2015, during a community meeting for the Highway 54 One Stop Remodel held at the Business Committee Conference Room, statements were made regarding the disposal of construction and demolition waste (C&D) at the Oneida Cemetery during the 2014 Oneida Casino remodel. This document provides the findings of the investigation by the Tribal Environmental Response Program (TERP) in response to those complaints to determine if a formal response action is necessary under Chapter 40 of the Oneida Code of Laws – Tribal Environmental Response Law (TERL). This review does not consider Oneida's Solid Waste and Recycling Law, or other local or state regulations that may apply.

**Background**

Jeffrey Mears, Oneida Environmental, Health and Safety Division (EHSD) – Area Manager and Victoria Flowers – Environmental Specialist, attended the community meeting to address any environmental concerns that arose during the community meeting for the Highway 54 One Stop. Several community members raised questions concerning the fate of C&D waste and if it was going to be disposed at the Oneida Cemetery property like the Casino C&D waste. Jeffrey Mears responded by stating his understanding was that the C&D would be recycled where possible or transported to a landfill. He also stated he was not aware of the issue of the Casino C&D waste and would investigate the matter further.

**Administrative Review**

On September 11, 2015 an inquiry by Jeffrey Mears to Patrick Pelky, EHSD Division Director regarding the C&D waste concern, confirmed that the C&D material from the Casino remodel was taken to a property immediately adjacent to the Oneida Cemetery for disposal. It was further stated that Oneida Department of Public Works (DPW) was moving the material to either the Oneida Materials Staging Area (184 W. Adam Drive) or to a landfill if not suitable for reuse.

**Investigative Activities**

On September 11, 2015, Victoria Flowers and Michael Arce, Compliance Assistance Inspector, visited the site to evaluate the material and to take aerial and ground level photographs.

The property was accessed from the north from Adam Drive using the driveway. Approximately nine mounds of soil, aggregate and miscellaneous pieces of PVC piping, and rebar of various sizes were noted.

Historical aerial photographs from the Brown County website from 2014, revealed an approximately 2 acre area where approximately 125 mounds of material was stacked. The color of the material ranged between grey to brown, suggestive of aggregate material and soils. The field investigation supports this assumption.

#### **Findings**

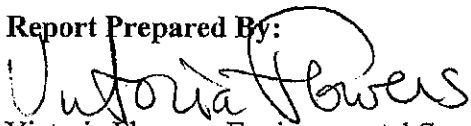
Review of the available information and observations made, it is concluded that a significant quantity of C&D waste, consisting primarily of aggregate, soil, concrete, some PVC piping and rebar was disposed of in 2014. It is also concluded that the majority of material previously disposed of has been removed, though some still remains.

#### **Conclusion**

Based on the complaint, observations made and records reviewed, the action that led to the placement of the alleged C&D waste is not actionable under TERP due to the lack of evidence of a release of regulated or hazardous materials. The information reviewed and evidence gathered, suggests that C&D waste was placed at this location.


Based on the conditions observed it is concluded that this finding will not require further action under TERL.

#### **Report Prepared By:**



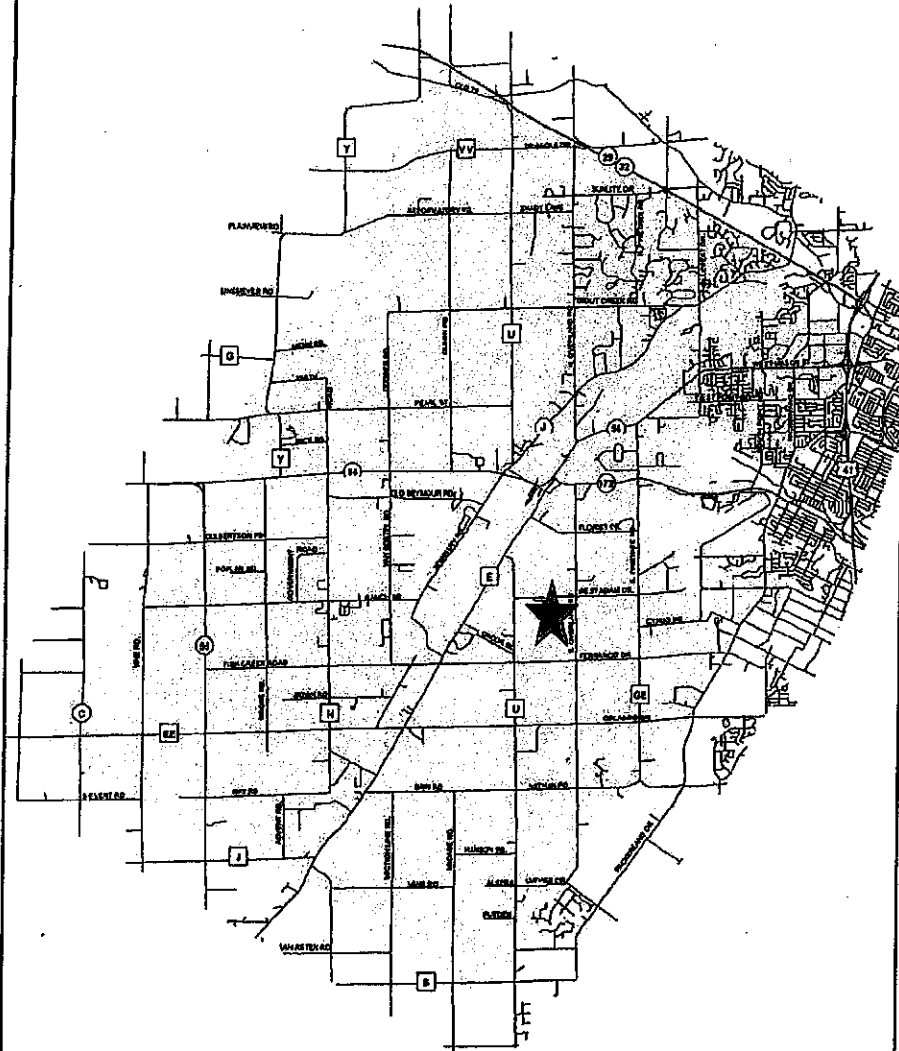
Victoria Flowers, Environmental Specialist

#### **Report Reviewed By:**



Jeffrey Mears, Environmental Area Supervisor

# Oneida Reservation Road Map



## Legend

— Road Centerlines  
 Oneida Reservation



Approximate Location



GEOGRAPHIC LAND INFORMATION SYSTEMS  
 N 703 Packerland Drive  
 Green Bay, Wisconsin  
 (920) 496-2047

File: roads\_buffer.mxd

Date:

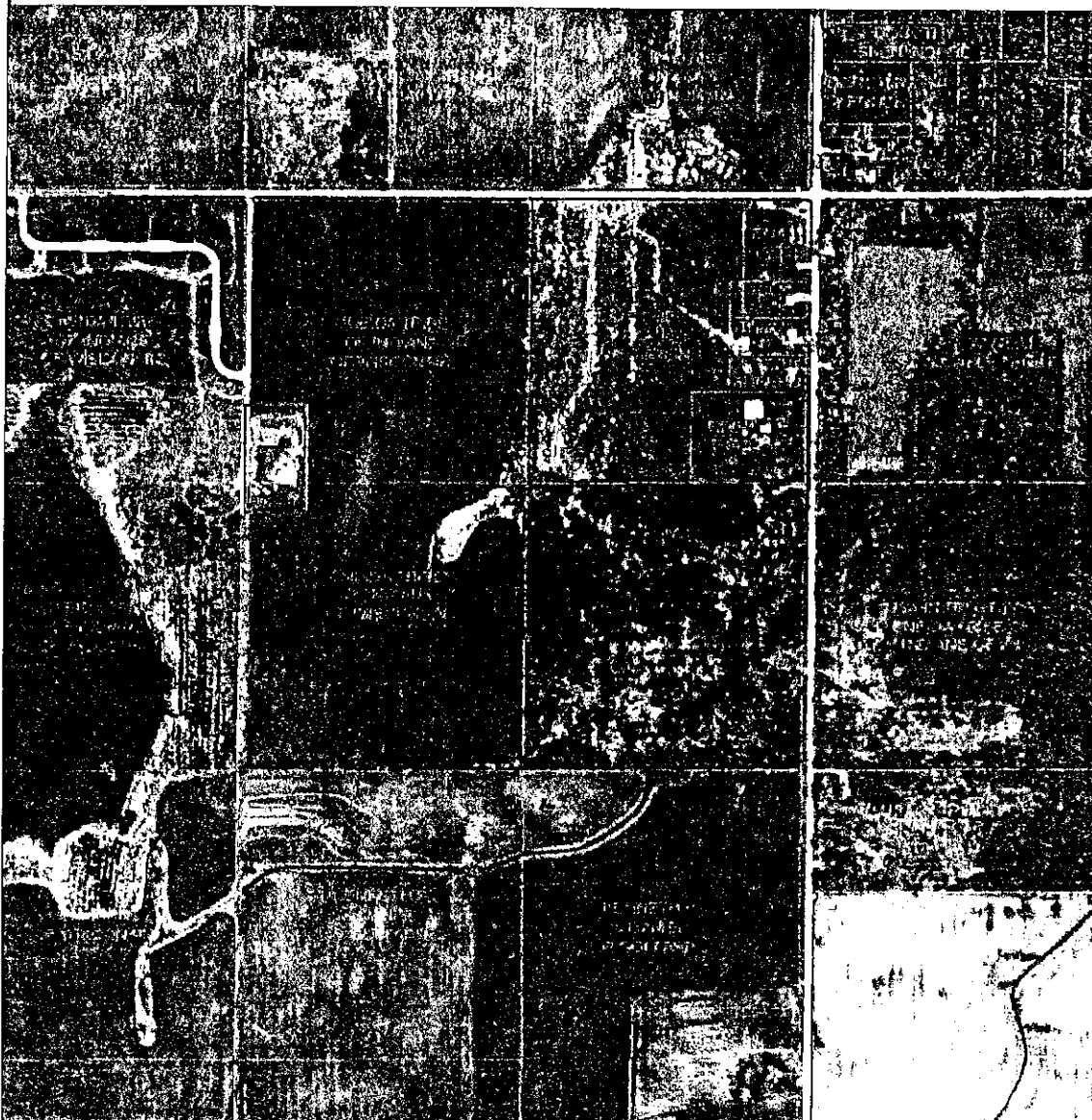


Coordinate System: Wisconsin State Plane, Central Zone  
 Lambert Projection, U.S. Feet  
 Horizontal Datum: NAD83  
 Vertical Datum: NAVD83



# 300 Blk Adam Drive

## 2014 Aerial Photo - General Location Map



Map provided by the Brown County Planning & Land Services Department - Land Information Office (LIO)

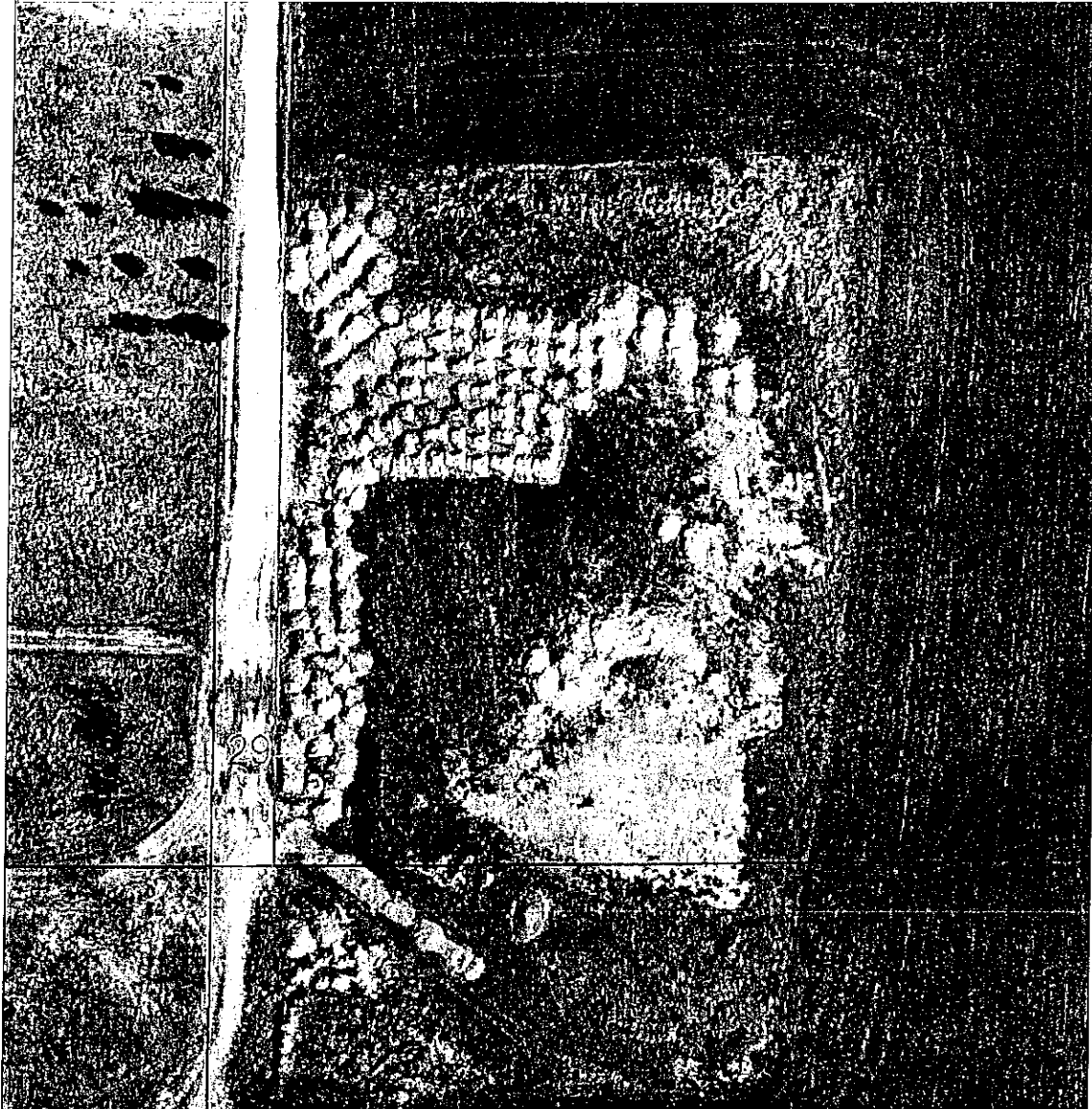
A map key (legend) and other information about this map is available at: [maps.gis.co.brown.wi.us](http://maps.gis.co.brown.wi.us)

This map is intended for advisory purposes only. It is based on sources believed to be reliable, but Brown County distributes this information on an "As Is" basis. No warranties are implied. Boundaries shown on this map are general representations only and should not be used for legal documentation, boundary survey determinations, or other property boundary issues.

09/11/2015  
Scale 1:7200

# 300 BLK W. Adam Drive

2014 Aerial - Debris Disposal Area

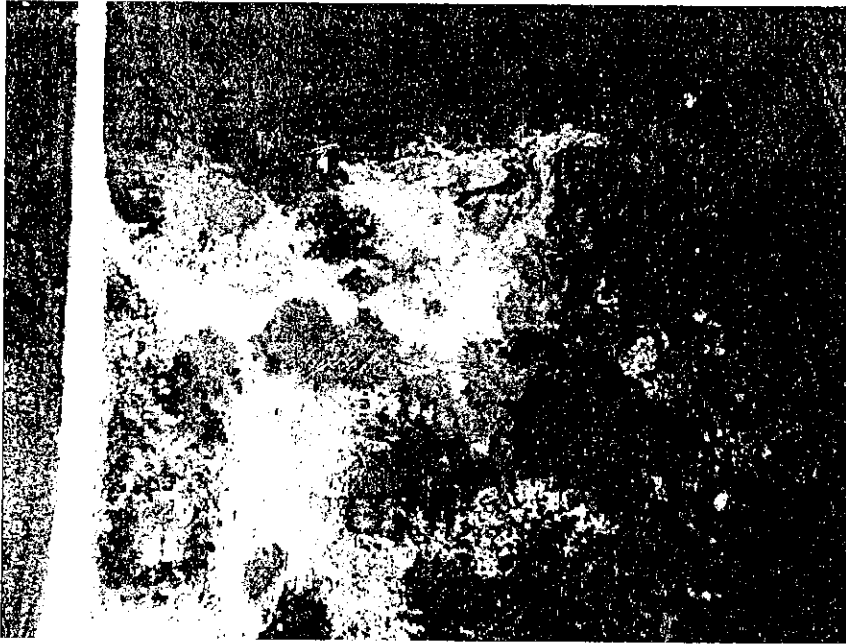


Map provided by the Brown County Planning & Land Services Department - Land Information Office (LIO)

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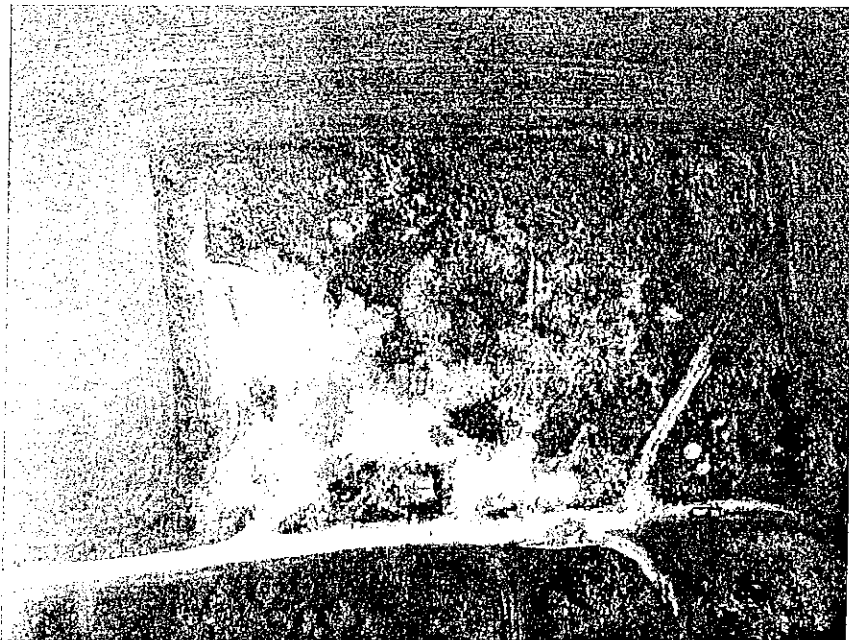
09/11/2016  
Scale 1:720



Aerial view -- north on top



Aerial view -- south on top



Aerial view -- east on top



Aggregate pile with PVC



Miscellaneous debris pile



Concrete pieces