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*Transmitted Via Federal Express*

April 15, 2002

Mr. James Hosch  
Wisconsin Department of Natural Resources  
1401 Tower Avenue  
Superior, WI 54880

Re: KII Superior, Wisconsin Facility – Response to WDNR  
Comments Regarding the CAMU Demonstration Document  
BBL Project #: 387.95 #2

Dear Mr. Hosch:

In a letter to Beazer East, Inc. (Beazer) dated January 23, 2002, the Wisconsin Department of Natural Resources (WDNR) provided comments regarding Beazer's May 2000 *Request for Modification of the Closure and Long Term Care Plan Approval and Corrective Action Management Unit (CAMU) Demonstration* (CAMU Demonstration Document). The purpose of this letter, which was prepared by Blasland, Bouck & Lee, Inc. (BBL) on behalf of Beazer, is to respond to and request clarification regarding certain comments made by the WDNR in its January 23, 2002 letter.

Please note that this response does not address each of the individual WDNR comments, but rather only those comments for which Beazer feels a response or clarification is necessary and appropriate at this time in order to advance the CAMU Demonstration Document. The remaining comments can be addressed at a later time, either as part of a revised CAMU Demonstration Document, or during the subsequent "detailed design" of the CAMU. Beazer's expectation is that, once the WDNR and Beazer resolve the items discussed below, Beazer will revise the CAMU Demonstration Document for final approval by WDNR.

The issues presented in the WDNR's comment letter that are addressed within this response include:

- clarification regarding the status of the CAMU application;
- submittal of the CMS Documents prior to a revised CAMU Demonstration Document;
- evaluation of corrective action alternatives; and
- the need for liner and leachate collection in the CAMU containment area.

Each of these topics is further discussed below.

1. **Clarification regarding the Status of the CAMU Application** - The first paragraph of the WDNR's January 23, 2002 letter reiterated a determination from its November 1, 2000 letter to Beazer, namely that the CAMU application was "substantially in the approval process." Based on this determination, the CAMU was "grandfathered" under the 1993 CAMU regulations. However, the second paragraph of the WDNR's January 23, 2002 letter indicates that, upon review of the CAMU Demonstration Document, the WDNR "has determined that the application is incomplete" for various reasons. In a

telephone call between BBL and the WDNR on March 27, 2002, the WDNR clarified that its intention with that language was merely to point out that there are certain issues to be addressed before final CAMU approval can be granted. The WDNR confirmed that the CAMU application is still considered to be "substantially in the approval process," and will be grandfathered under the 1993 regulations.

- 2. Submittal of the CMS Documents prior to a Revised CAMU Demonstration Document** - The WDNR's second comment under "Major Issues Requiring Resolution" requires that a Corrective Measures Study (CMS) be completed for the facility (both on- and off-site areas) before a revised CAMU Demonstration Document can be considered. This chronology is preferred by the WDNR so that the footprint and design volume of the CAMU can be more accurately depicted in the revised CAMU Demonstration Document.

Beazer and WDNR have been working together since 1996<sup>1</sup> to develop and conceptually agree upon a focused CMS for the facility based on the extensive knowledge of the conditions at the site, the potential risks, and a short-list of demonstrated technologies to mitigate those potential risks. Since that time, the CAMU has been recognized as a cost-effective, technically sound, long-term management approach for materials that may be excavated as part of the corrective action process. Accordingly, Beazer prepared and submitted the CAMU Demonstration Document for the purposes of meeting the November 2000 grandfathering deadline and continuing to advance the corrective action process in a timely manner. Beazer recognizes the possibility that the CMS will indicate that the CAMU is not needed. For example, if the volume of soil/sediment requiring removal to achieve remedial action goals is small, it may be more appropriate and cost-effective to dispose those materials at an off-site commercial disposal facility. Conversely, if a CAMU is warranted based on the anticipated removal volume, there are significant schedule advantages to advancing the CAMU application prior to submitting a CMS document. This is further discussed below.

Even prior to preparing a CMS report, the volume of material to be placed into the CAMU will be refined through the development of remedial action goals and additional investigation and evaluation activities. We expect to perform these activities over the next few months (depending, in part, on our ability to obtain the necessary off-site property access agreements). These activities will likely result in additional detail regarding the need for and capacity of the CAMU.

If it is determined that a CAMU is necessary for implementing corrective action, delaying the CAMU application pending WDNR approval of a formal CMS could delay remedial construction activities at the site by approximately two years. The preliminary project schedule that was provided to the WDNR on January 3, 2002 assumed that the CAMU application could be approved by the WDNR (based on the conceptual design) in advance of completing the CMS reports for on- and off-site areas. This is consistent with Beazer's experience at several other wood-treating sites where CAMUs have been or are being approved based on the conceptual-level detail that was provided in the CAMU Demonstration Document for the site. In this case, detailed design and CAMU construction could begin as early as the summer of 2003, concurrent with development of the CMS for the off-site area, which would not be completed until the fall of 2003. By comparison, if the revised CAMU Demonstration Document were to be delayed until after the WDNR approves the CMS Report for the off-site area, CAMU construction would likely be delayed until 2005. This represents a two-year delay in the CAMU construction period versus the preliminary schedule. Such a delay is inconsistent with the intent of the CAMU (i.e., to facilitate implementation of corrective action activities), previous discussions between Beazer and the WDNR regarding an accelerated schedule of corrective

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<sup>1</sup> April 9, 1996 meeting between Beazer, GTI, and the WDNR (Cynde English, Martin Herrick, Tom Janisch, and Mark Gordon)

action activities, and United States Environmental Protection Agency (USEPA) and WDNR initiatives for streamlining corrective action activities (e.g., the "progress over process" concept of the USEPA's 1996 RCRA Advanced Notice of Proposed Rulemaking). Furthermore, such a delay will significantly affect the ability to achieve the RCRA Environmental Indicators (i.e., "current human exposures under control") for this site prior to the 2005 target date specified by the USEPA.

Regarding the footprint and design volume, please note that the containment cell can be constructed to accommodate a fairly broad range of volumes by varying the slope and height of the consolidated materials. Also, the area designated as a CAMU could be established to accommodate a variety of sizes and configurations for the containment cell, as well as phased or multi-cell construction if necessary to accommodate the timing of remediation activities. Once the anticipated volumes and implementation schedule are better defined, the footprint of the containment cell could be optimally sized within the CAMU. This flexibility allows us to tolerate a degree of uncertainty regarding the actual volume to be consolidated within the CAMU. For this reason, the precise consolidation volume should not be a significant factor precluding the WDNR's approval based on a conceptual CAMU design.

3. **Evaluation of Corrective Action Alternatives** - The WDNR's third comment under "Major Issues Requiring Resolution" requests that an evaluation of corrective action alternatives be submitted prior to submitting the revised CAMU Demonstration Document. Typically, the CMS Report would include an evaluation of corrective action alternatives. However, this comment is provided separate from the WDNR's previous comment, which requires that the CMS Report be submitted prior to submitting the revised CAMU Demonstration Document. As a result, there is uncertainty as to whether the evaluation of corrective action alternatives is being requested as a separate document/submittal from the CMS Report. Further, in meetings with WDNR beginning in 1996, Beazer has discussed a short-list of corrective action alternatives that may be effective for this site. Our understanding from these meetings is that WDNR is in general agreement with the focused corrective action alternatives that have been discussed. We request that the WDNR provide clarification as to their expectation with respect to this comment.
4. **The Need for Liner and Leachate Collection in the CAMU Containment Area** - The WDNR's fourth and fifth comments under "CAMU Design Considerations" address, among other items, the need for an engineered liner and a leachate collection system. As indicated in Section 3.2.1 of the CAMU Demonstration Document, neither a base liner system nor a leachate collection system were considered necessary as part of the conceptual design of the CAMU. This was based on the following considerations:
  - The CAMU is expected to be established in a location where soils already contain site-related constituents. The establishment of a CAMU in previously affected areas is one of the seven decision-making factors specified in NR 636.40(3).
  - There is approximately 175 feet of overburden material beneath the site that consists primarily of clay. The horizontal hydraulic conductivity of this material is on the order of  $10^{-7}$  cm/sec and the vertical hydraulic conductivity is on the order of  $10^{-8}$  cm/sec. This material significantly reduces the potential for groundwater-related migration of site-related constituents originating at or near the ground surface. While groundwater monitoring has indicated some limited site-related impacts to deeper (i.e., C zone) groundwater, those impacts are expected to be the result of deeper impoundments that were formerly present at the site.
  - Groundwater is not expected to be a potential migration pathway that may result in human or environmental exposure to site-related constituents. This is based on the limited potential for

migration of impacted groundwater due to the overburden characteristics, and the lack of use of shallow groundwater as a potable water supply at or near the site. Therefore, even if groundwater impacts attributable to the CAMU were to occur, there would not be a significant exposure potential for humans or environmental receptors.

In addition, please note that the amount of infiltration reaching the consolidated material (and therefore the potential for leachate generation) can be minimized by the design of the surface cover system. Specifically, the amount of infiltration can be reduced by increasing the angle of the sideslopes and by incorporating very low permeability cover materials (e.g., compacted clay and/or synthetic liner materials). Also, the CAMU is anticipated to be constructed above the existing ground surface (i.e., the base will not be excavated into native material). Some surface grading and preparation will likely be required, but such activities (e.g., compaction) would primarily serve to decrease the potential for migration of constituents from the consolidation area to the subsurface.

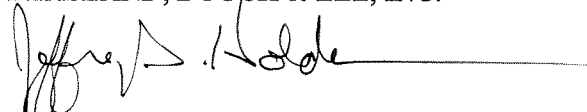
Based on these considerations, and the fact that liner and leachate collection systems are not required under the 1993 CAMU regulations, Beazer does not anticipate that the engineered containment area will require a liner or leachate collection system. Due to the potential effect these items could have on the cost-effectiveness of a CAMU-based remedial approach and long-term operation and maintenance activities, Beazer requests that the WDNR reconsider their request for a liner and/or leachate collection system in consideration of the factors discussed above.

Beazer requests an opportunity to meet with the WDNR to further discuss the agency's CAMU-related comments, Beazer's associated responses, and the status of other project-related activities. Depending on your availability -- and the availability of others that would participate in such a meeting (including KII) -- we propose to meet in Superior in April or May 2002. If you are amenable to such a meeting, please contact me (860-249-7111) or Ms. Jane Patarcity of Beazer (412-208-8812) to arrange for mutually convenient scheduling.

In the interim, please feel free to contact me with any questions or comments regarding the information provided above.

Sincerely,

BLASLAND, BOUCK & LEE, INC.



Jeffrey S. Holden, P.E.  
Manager

JSH/meg

cc: Jane Patarcity, Beazer East, Inc.  
Mike Bollinger, Beazer East, Inc.  
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