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August 4, 1992

File Ref: FID 246004330
Ozaukee
HW/CA

Mr. Robert Dean Smith
RCRA Enforcement Branch
U.S. EPA Region 5, HRE-8J
77 West Jackson
Chicago, IL 60604

SUBJECT: Cook Composites and Polymers (Cook) RFI Task 3 submittal
EPA ID# WID 980615439

Dear Bob:

Thanks to you and Laura Lodisio for participating in the teleconference on July 11 regarding RFI Task 3 for Cook. We received the revised version of your letter to Craig Bostwick on July 17. I responded to that version on your telephone answering machine on July 20, but also wanted to provide you with a written response. You have obviously spent a great deal of time preparing your response to the Task 3 submittal and we recognize that.

Although we basically agree with the intent of your letter, we do not agree with the mode of presenting the letter to Cook. The first point under Article XVIII, Dispute Resolution, in Cook's Consent Order of October 21, 1987 states "The Project Managers shall, whenever possible, operate by consensus. The Project Managers shall first attempt to resolve informally all matters concerning the work arising from a difference of opinion among the Project Managers." As we mentioned to you during our conference call, we believe that either a meeting should have been held with Cook prior to issuance of the letter, or the document should have been issued to them in draft. Either approach would have given Cook an opportunity to comment on the document and suggest any revisions they may have had. The agencies could have considered any comments or revisions and incorporated them into the document if appropriate. As it stands now, your letter states that the EPA is willing to meet with the facility after the letter has been issued, but does not indicate that the facility will be able to have any impact on the content of the letter.

It also appeared that there was some misunderstanding on EPA's part regarding the intent and usefulness of the Ranney collectors and extraction wells. At the conference call, you indicated that the existing remediation system was not sufficient for correcting all the problems at the facility and that more work was needed. We pointed out that these systems were installed six years ago to address contamination identified at that time and to protect the Village of Saukville water supply. While we recognize that these systems are not the final remedy, they have resulted in protecting the Saukville water



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supply from contamination and removing substantial amounts of contaminant for treatment.

The Department has been concerned with project delays that have occurred since the original order was issued to the facility in October, 1987. It may be possible that the significant delays associated with EPA's review and approval of the QAPP have resulted in some confusion on Cook's part over the long-term goals at the facility. It may be that, due to the time lapsed, the facility is under the impression that the interim measures are final and that groundwater control and receptor protection are the long-term goals at Cook, while the WDNR and EPA believe that clean-up of soil and groundwater to acceptable levels of contamination are the long-term goals. As a result of the delays, the lack of communication with the facility over the last several years, and the fact that Cook recently hired a different consultant, we believe that your July 24, 1992 letter should be viewed as a draft document which is open to comment and potential revisions. We believe that offering the facility an opportunity to have some reasonable input into the process, during development rather than after, promotes a much better working relationship with the facility and ultimately benefits all parties involved by getting things done in a more timely manner.

In conclusion, we agree with the general intent of your document, and appreciate the effort that you have put into it. We do not agree with your approach in presenting it to the facility and strongly recommend that you reconsider your approach. Please continue to copy us on all correspondence with the facility and include us in any meeting plans.

Sincerely,

Jill Fermanich

Jill Fermanich, Hydrogeologist
Hazardous Waste Management Section
Bureau of Solid & Hazardous Waste Management

cc: Tim Mulholland/Mark Gordon - SW/3
HW CA file