



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Cook
MW CA file
FID 246 004 330

RECEIVED

NOV -4 92

BUREAU OF SOLID-HAZARDOUS
WASTE MANAGEMENT

OCT 30 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

HRE-8J

Craig Bostwick
Cook Composites and Polymers
217 Freeman Drive
P.O. Box 996
Port Washington, Wisconsin 53074

Re: Draft Meeting Minutes
Comments

Dear Mr. Bostwick:

The September 30, 1992, cover letter to the draft minutes of the September 9, 1992, meeting between the United States Environmental Protection Agency (U.S. EPA) and Cook Composites and Polymers (CCP) requested U.S. EPA to approve the minutes taken by CCP's consultant during the meeting. It is not U.S. EPA's policy to approve minutes taken during such meetings. However, I will provide corrections and clarifications where necessary. This document shall represent EPA's position stated in the above referenced meeting and shall be the only valid document relating to EPA's position or statements.

U.S. EPA feels that the history of the site and its submittals contained in the minutes is inaccurate due to its brevity and bias. Rather than rehashing site history, U.S. EPA maintains that resolving the deficiencies in CCP's submittals and workplans, completing the investigation, and continuing the site remediation is far more constructive and worthy of CCP's and EPA's time and energy.

Respectfully yours,

Robert Dean Smith

Enclosure

cc: Jill Fermanich/Mark Gordon, WDNR w/enclosure
Stacy McAnulty, RMT w/enclosure

General Comments on RMT's minutes of the
September 9, 1992 meeting between EPA, WDNR and CCP

Comment 1: The cover letter requests "careful review and approval" minutes. EPA does not feel it is productive to rehash the history of the site with respect to submittals, reviews, approvals, etc. EPA goes on record to state that the history represented in the minutes is solely CCP's viewpoint and thus, the history reflects CCP's perspective of events which do not necessarily represent an unbiased viewpoint. EPA does not feel that time spent on this history, beyond the discussion held on September 9, 1992 is productive. The only "approval" will be with respect to what is required by CCP for all future work and past uncompleted work at the facility.

Comment 2, Response to the U.S. EPA's Comments of the Revised Project Plans, Page 3, first paragraph: While the Corrective Action Order has been issued by U.S. EPA pursuant to §3008(h) of RCRA, it must be mentioned that WDNR is a cosigner to the order and all work and approvals will occur in consultation with WDNR. Presently, Ms. Jill Fermanich is the WDNR project manager. All submittals to U.S. EPA must also be submitted to WDNR.

Comment 3, Response to the U.S. EPA's Comments on the Revised Project Plans, Page 3, 2nd full paragraph: Although seemingly an insignificant point, the title of the document would more accurately be titled "Site Investigation and Continuing Interim Corrective Measures Workplan". This would be more in line with the Order and the terminology used at EPA regarding Corrective Action.

Comment 4, Formatting Issues, Page 4, paragraph 2: The community relations plan and the health and safety plan seem adequate at this time and no further work is necessary.

Comment 5, Technical Issues, Page 5, bullet number 1: If any constituents are removed from consideration for Appendix IX analysis, detailed justification must be submitted to U.S. EPA for review.

The Saukville facility has been and remains a storage and treatment (incineration) facility for hazardous waste generated at other CCP facilities. Therefore, the waste that has been generated offsite, transported to the facility, stored and treated must also be included in CCP's proofs that it submits for consideration of eliminating compounds from the Appendix IX analysis.

Comment 6, Technical Issues, Page 5, bullet 2: At this time, the proposed alternate groundwater monitoring program is approved on the condition that once soil remediation begins, the remediation progress wells are monitored at least semi-annually so that the effectiveness of the remediation can be determined. The semi-annual wells must be monitored in the Spring and Fall sampling quarters.

Comment 7, Technical Issues, Page 5, bullet 4: To reiterate a point made by EPA in the past: The church yard and Logeman properties have an approved sampling plan in place. EPA is offering CCP the option to redevelop the sampling plan due to technological advancements made since the approval of the sampling plan.

Comment 8, Outstanding Work Under the 1987 Consent Order, paragraph 3: A clarification must be made. Task 4 of the CAO required that Exposure information was to be supplied to the EPA. This included reiterating information on the toxicity of each compound found at the facility. At the time Task 4 was submitted, not all information requested for each compound was obtainable. Since the original submittal, the "unknown" or "not available" information may in fact be known. EPA's request was to revise Task 4 to update the information. This request is now contingent on the facility requesting that an alternate concentration limit be imposed on the contamination at the facility. CCP stated that no such request will be made and the groundwater will be extracted and treated until Wisconsin groundwater standards are met.

Comment 9, Outstanding Work Under the 1987 Consent Order, Page 6, third paragraph: U.S. EPA's intention was that after the additional work to be conducted at the facility, the groundwater monitoring and extraction system may no longer fit the needs of the site. Thus, the groundwater monitoring system would need to be evaluated and if necessary, modified. [This is still a requirement but one that is not necessary until the soil is remediated and the effectiveness of the remediation is determined.]

Comment 10, Outstanding Work Under the 1987 Consent Order, Page 6, paragraph 4, bullet 2: CCP requested that a corrective measures study be conducted without the benefit of an approved workplan. U.S. EPA did state that it may be possible to conduct the corrective measures study in a manner less formal than the standard format. The U.S. EPA stated that, if this method is possible, much thought would have to go into this prior to approval of the nonstandard approach. EPA also stated that the risk would be on CCP if a CMS report was deficient and that CCP would have to correct these deficiencies. CCP agreed that the burden would be on CCP. At a minimum the outline proposed by CCP which includes a CMS must, at a minimum, include the elements in the CMS Scope of Work included in the U.S. EPA Additional Work letter dated July 24, 1992. Finally, it appears that U.S. EPA and CCP must carefully enter into the CMS portion of the work considering the extent in which U.S. EPA disagrees with the meeting minutes.

Comment 11, Additional Work Requirements, Task 1, Groundwater monitoring Well Replacement and Additional Wells, paragraph 1: CCP can propose that well 4A does not need to be replaced. CCP must also document that wells 43 and 44 are to bedrock.

Comment 12, Task 1 Groundwater Monitoring Well Replacement and Additional Wells, Page 7, paragraph 2: The area of concern in the southern portion of the facility was identified in the CAO as a spill area. CCP stated that the area never was exposed to spilled material and that contaminated groundwater could not migrate to this area. CCP must document this statement to U.S. EPA's satisfaction.

Comment 13, Task 2 Potential Sources of ground water Contamination, Page 7, paragraph 1: The corrective action order cited at least eighteen (18) areas of "potential sources of drinking water contamination" in a map within the CAO which was labeled "Figure 1". This information for the CAO was obtained from a Freeman Chemical Company submittal to U.S. EPA and, thus, was included in the CAO. In the September 9, 1992, meeting, CCP stated, in essence, that the map (Figure 1) was grossly incorrect. CCP must substantiate its claims and statements made in the meeting regarding the 18 areas of concern. U.S. EPA may decide, based on information submitted by CCP that a certain area(s) of concern may not need to be addressed in the present workplan. However, U.S. EPA does not relinquish its right to address any area(s) in the future under its corrective action authority.

Comment 15, Task 2 Potential Sources of ground water Contamination, Page 7, paragraph 3 and 4: U.S. EPA's position with CCP or any other facility is that corrective action authority is in addition to base program activities such as closure. One does not replace or preclude the other. "Double jeopardy" does not apply in this situation.

Whereas EPA agreed that the work conducted pursuant to State authorized closure may be submitted for U.S. EPA review as part of the corrective action, EPA did state that further work at the incinerator may be necessary and expects CCP to conduct the work as directed by EPA. It is difficult to surmise at this point if the work is "minimal" or not.

Comment 16: Task 4, Bioremediation/Bioventing/Vapor Extraction, Page 7: U.S. EPA's position is that the Corrective Measures Study must address all technologies that may be "successfully implemented" at the facility. "Successfully implemented" does not have a regulatory definition, but is defined by the CMS process.

Upon review of the available literature on bioremediation/bioventing/vapor extraction technologies, U.S. EPA believes that the CCP Saukville facility may benefit from this technology because it may be implemented in situ which would not require massive removal of contaminated media. U.S. EPA simply stated that CCP is not ordered to remediate the facility in this fashion but must include this option(s) in the Corrective Measures Study. "Merely Considering" this technology is an understatement at best. EPA is not requiring CCP to conduct a pilot study, but is

requiring CCP to remediate the site, which may include this technology, rather than merely paving the area with concrete as mentioned by CCP's consultant during the meeting.

Comment 17: Task 7, Corrective Measures Study: U.S. EPA reserves its right to require the Corrective Measures Study upon the completion of the investigation of the facility.

Summary: U.S. EPA stated that The major areas of concern are the Old Dry Well, Tank Farm Area, and the Present Incinerator area and that **at a minimum, not exclusively**, these areas will be addressed. In the meeting, CCP stated that Figure 1 of the CAO (mentioned in more detail above) was grossly incorrect. CCP was to provide detailed information on these units and EPA stated that based on that information, it will be decided what additional units need further work.