



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street  
Box 7921

Madison, Wisconsin 53707

TELEPHONE 608-266-2621

DNR TELEFAX 608-267-3579

DNR TDD 608-267-6897

SOLID & HAZARDOUS WASTE MGMT 608-266-2111

SOLID & HAZARDOUS WASTE TELEFAX 608-267-2768

September 2, 1993

File Ref: FID 246004330  
Ozaukee  
HW/CA

Mr. Craig Bostwick  
Corporate Manager Environmental & Safety  
Cook Composites and Polymers  
919 E. 14th Ave.  
North Kansas City, MO 64116

SUBJECT: Cook Composites and Polymers (CCP) WID 980615439  
Transferral of Corrective Action from USEPA to WDNR

Dear Mr. Bostwick:

We have received your August 30th letter requesting that Federal corrective action be incorporated into CCP's existing State license for the hazardous waste incinerator at the Saukville, WI facility. As outlined in EPA's May 25th letter (copy attached), we intend to proceed with a modification to the Plan of Operation for the incinerator that will include corrective action provisions. This procedure will take a minimum of four months to complete. If you have any questions about this matter, please call Jill Fermanich at (608)266-5741.

Sincerely,

  
Barbara J. Zellmer, Chief  
Hazardous Waste Management Section  
Bureau of Solid & Hazardous Waste Management

BJZ:jf

cc: Mark Gordon - SW/3  
Laura Lodisio - U.S. EPA Region 5, HRE-8J  
Robert Smith - U.S. EPA Region 5, HRE-8J  
Jean Gromnicki - U.S. EPA Region 5, HRM-7J





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

MAY 25 1993

REPLY TO THE ATTENTION OF:  
HRE-8J

Barb Zellmer, Chief  
Hazardous Waste Management Section  
Bureau of Solid and Hazardous Waste Management  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, Wisconsin 53707

Re: Great Lakes Initiative (GLI)  
Amendment Proposal

Dear Ms. Zellmer:

This is in response to your letter of December 18, 1992, on the above-referenced subject, with respect to transferring the lead for corrective action activities from the United States Environmental Protection Agency (U.S. EPA) to the State of Wisconsin on two facilities - Cook Composites and Polymers (WID980615439) and Ansil Fire Protection (WID006125215).

It is U.S. EPA's understanding that WDNR would like to impose State-equivalent corrective action at each facility above, thereby establishing exclusive oversight and approval control over the corrective action process. For both Cook Composites and Polymers and Ansil Fire Protection, WDNR proposed to issue either a State permit modification or a State order to impose State-equivalent corrective action to what is currently imposed through Federal §3008(h) agreed orders on consent. The State estimated that 120 workdays would be required for each facility and would commit to approving the RCRA Facility Investigation Workplan for each site before the end of FY 93.

We have no objection to WDNR's use of State authority to impose corrective action at either facility. In fact, since Wisconsin is authorized for corrective permits decisions, issuance of a State operating permit or State post-closure permit incorporating corrective action requirements would be most appropriate. Since each facility currently has a RCRA §3008(h) three-party order in effect, there is no legal means to give Wisconsin exclusive oversight control over these orders (RCRA §3008(h) authority is not delegable to States). However, each RCRA §3008(h) order could theoretically be terminated on consent once a State operating permit or post-closure permit becomes effective, with at a minimum, the requirements specified in the RCRA §3008(h) order. We find it unadvisable to terminate a 3008(h) order prior to an equivalent State permit being effective and fully enforceable.

- 2 -

Since Cook Composites and Polymers already has an effective State permit, the permit would simply need to be modified to incorporate corrective action. The permittee must request that its permit be modified in accordance with WDNR's version of 40 CFR Part 270.42. For Ansul Fire Protection, WDNR should consider the applicability of post-closure care requirements to that facility.

In order to not leave a gap in the corrective action process from the time an order is terminated to the time an effective permit is in place, the U.S. EPA would necessarily have to wait until the respondent receives an effective and fully enforceable State permit before modifying or terminating a Federal order. U.S. EPA does not foresee this as a realistic goal for FY 93 and therefore does not feel that WDNR can qualify for the proposed GLI funds in FY 93. U.S. EPA intends to move forward in enforcing the conditions of its current consent orders with these respondents and continue to implement the corrective action work at the facilities. If WDNR projects issuance of permits at these facilities in FY 94, please let the Region know of your intentions. If those permits meet the conditions specified above, we will be open to terminating the Federal consent orders.

Regarding your proposal to impose equivalent corrective action through State orders at these facilities the U.S. EPA does not feel this is a judicious use of RCRA grant funds, whether it be GLI or base grant monies. We feel strongly that negotiation toward a State order would be duplicative of work that has already been successfully completed. It does not appear to be fiscally responsible to provide funding for such redundant efforts, especially when WDNR fully participates in the implementation oversight of these orders.

Thank you for your cooperation on this matter. If you have questions and/or comments, please contact Laura Lodisio or Chris Liszewski at (312) 886-7090 or (312) 353-1442, respectively.

Sincerely yours,

  
Norman R. Niedergang  
Acting Associate Division Director  
Office of RCRA