



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Ozaukee
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Ms. Elizabeth Gamsky Rich
Whyte Hirschboeck Dudek S.C.
Suite 2100
111 East Wisconsin Avenue
Milwaukee, WI 53202

SUBJECT: Logemann Brothers Property, Saukville, WI

Dear Ms. Rich:

I apologize for not responding to your electronic mail message of September 17, 1996. Several other projects and problems have diverted my attention away from the corrective action issues associated with the Cook Composites and Polymers (CCP) facility, including the Logemann Brothers Property.

Since the materials and messages that I prepared in early September, I met once with CCP and its consultants on the larger issue of on-going hazardous waste corrective action issues at the facility. In addition, at the request of Georgia Gulf Corporation (GGC), I met with its counsel and consultant in late October, to discuss its options for the remediation of the Logemann Brothers Property. I was informed at that meeting that a revised work plan for remediating the Logemann Brothers Property would likely be available by the end of this year. Therefore, I anticipate receiving an investigation and remediation plan in the next couple of weeks that will conform to the requirements of the NR 700 series for site investigations and remediations.

Regarding the specific issues that you raised in your email message, I have prepared the following responses.

- ▶ Item number one, regarding the expected submission of the revised work plan, was addressed in the previous paragraph.
- ▶ With respect to your second point about the access agreement, I erred in my statement. While GGC and the Logemann Brothers were prepared to discuss the details of the access agreement, the point that I meant to make was that the parties were not prepared to consummate an access agreement at the August meeting.

- ▶ Your third point raises the issue of when a site investigation work plan required under s. NR 716.09, Wis. Adm. Code, must be submitted. I have not been able to confirm the sixty-day timeframe that you cite in your message for the submission of a site investigation work plan. The only reference to a sixty-day timeframe in s. NR 716.09, Wis. Adm. Code, is set forth in s. NR 716.09(3), Wis. Adm. Code, and this provision allows a responsible party to implement the workplan if no response is received from the DNR within sixty days.

The only applicable requirement that I could find regarding plan submittals is found at s. NR 700.11(2)(b), Wis. Adm. Code, which requires the submission of a site investigation report and a draft remedial options report within 30 days after completion of both reports, which is quite different from within 60 days after discovery. If you have a more accurate citation to which I could respond, I am more than willing to further investigate this issue.

In a related vein, the Logemann Brothers site has been subject to corrective action under State and Federal hazardous waste authorities for approximately a decade through CCP and its predecessors. We have been aware of the potential or actual contamination at the Logemann Brothers site for some time because of the previous investigations. While CCP may not have thoroughly investigated the Logemann Brothers site as a part of its larger facility investigation, the Department was anticipating that additional investigations would be required prior to remediation. Therefore, the actions on the part of GGC are addressing the investigative needs for this site in anticipation of the appropriate remediation. Since this site has long been subject to hazardous waste corrective action, CCP and its predecessors (which includes GGC) have complied with all that is required.

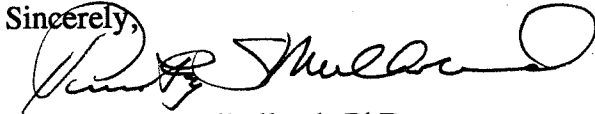
- ▶ In my investigation of the wetland area, I found no visual *or olfactory* evidence of contamination in the wetland. (I do not recall if I made the statement of not finding olfactory evidence of contamination in my previous writings on this issue.) Regardless, since there is no direct evidence of contamination, I do not believe that there is a justifiable basis for requiring further investigation of this wetland at this time. If additional information becomes available that would indicate a discharge to the wetland has occurred, it would be the responsibility of the person who possesses or controls the hazardous substance that is discharged or who causes the discharge of the hazardous substance to take the actions necessary to restore the environment to the extent practicable.

Ms. Rich: Logemann Brothers Property - December 5, 1996

3

I hope that you will find that this letter addresses the issues that you have raised. As always, if you have questions, please feel free to call me at 608/266-0061 or MULHOT@DNR.STATE.WI.US.

Sincerely,



Timothy S. Mulholland, PhD
Waste Management Engineer
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