

**Lee, Scott G**

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**From:** Persson, Lynn A  
**Sent:** Wednesday, February 09, 2000 2:46 PM  
**To:** 'Gromacki, Mike'; Baumann, William B; Brady, Pat J; Dillahunt, Ron E; Ellefson, Bryan M; Ellenbecker, Michael J; Feeney, John M; Fritz, Roger A; Gottlieb, Judith E; Hantz, Dave J; Kessler, Kevin K; Lee, Scott G; Miller, Sandy J; Schuler, Charles T; Schultz, Frank C; Sridharan, Lakshmi; Wiese, Lynda M; Yantawood, William K  
**Cc:** Bangert, Suzanne A; Flaherty, Peter D  
**Subject:** RE: Cook Composites February 9 th Agenda/ Preliminary notes from am meeting

**Just had time to jot down a few notes from this mornings meetings. Pat Brady also put some notes together from a follow-up discussion we had with Pete.**

**Preliminary (very) Notes from AM Meeting-  
February 9, 2000  
Cook Composites Proposed Cooperative Environmental Agreement  
Briefing, Issues and Next Steps Identification**

**8-9 AM Morning Meeting: Focus: Hazardous Waste Composites TSD Re-licensing**

1. Briefing on TSD Project Status & Regulatory Questions: Mike Gromacki CCP
2. Briefing on Status
  - Cooperative Agreement
  - TSD Re-licensing
3. Identify Alternative Approaches for Handling TSD Re-licensing during interim period (legal approach & roles & responsibilities)
4. Preliminary Strategy for EPA meeting Feb 17<sup>th</sup>
5. Preliminary identification of multimedia questions for discussion at PM meeting
6. Recommended Next steps
  - a) Obtain legal advice on options for extending existing license of TSD until HW Incinerator closed.
    - Pat Brady will Check with Pete Flaherety on issues
    - Lynn Persson will check to see if Pete is able to attend pm meeting
  - b) Zero Discharge Guidance -- Sandy Miller will send Mike Gromacki and Lynn Persson copy of the 1993 Zero Discharge guidance
  - c) Schedule Revision
    - Mike Gromacki will provide a revised schedule for the Cooperative Agreement including specific deadlines for all critical decision points and points where DNR review and approval are required
    - Staff from the HW, Air and Water Programs will identify key regulatory decisions that need to be considered in reviewing each of the CCP options and scheduling requirements (ie public notice) and send the information to Lynn Persson.(by Feb11)
    - Lynn will send a revised schedule for the Cook Composites CEA agreement to \_\_\_\_\_ February 14 and request a quick "red flag" review prior to our meeting with EPA February 17th
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    - d) Water Issues/Questions to be Addressed
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      - Option 1/Can Sauk handle Cook Discharge? What pretreatment requirement would apply?Who administrated.
      - Option 2 & 3/How does the pretreatment program deal with issuing a zero discharge permit. Can Pretreatment review feasibility study and make permitting determination in timely manner
    - e) Air Issues/ Questions to be addressed?
  - How does air permit regulations apply to a HW Incinerator

- MACT Incinerator requirements and deadlines
- With different options proposed would Cook require a construction permit
- What is the status of Cooks Title V Application - who is responsible for issuing permit and when anticipate it might actually be issued. What MACT apply? Is it a major source?
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- f) Procedural Questions:
  - Who does Mike send his feasibility study to and who is responsible for reviewing
  - Relicensing Fee;--Cook has submitted re-licensing fee for incinerator (\$23,000). If do not re-license incinerators what would the applicable fee? Would Cook be eligible for refund and what would the mechanism be (next steps??).
- g) Meeting with EPA
  - Pat Brady will contact Todd Ramaly (new EPA permitting contact for Cook) and Bob Eagan (historical contact) to get a sense of what EPA's issues and response might be to Cooks proposal.
  - Who attends - Currently Pat Brady, Mike Ellenbecker, Frank Schultz, Scott Lee, Lynda Wiese and Lynn Persson are scheduled to attend. Based on pm meeting and EPA response will determine need for representation from other media programs and/or Waste policy/legal.
  - Who are key EPA contacts to have at table: Todd Ramaly (TSD license), Gary Victorine?sp (Combustion), Bob Eagan (historic contact on permit), Harriet Croke (Section Chief), and ?
- Issues to Address with EPA
  - Mechanism for extension period of TSD license until HW incinerator closed
  - Coordination of portions of TSD license/permit for which Wisconsin does not have authorization (tanks? )
  - Need assistance on Incinerator closure requirements (no one in DNR has done?)

(Participants: Pat Brady, Mike Ellenbecker\*, Frank Schultz, Kevin Kessler\*, Mike Gromacki, Scott Lee, Lynn Persson, Lynda Wiese and Sandy Miller, Joydeb Bhattacharyya) \*not available for pm meeting

### **3-4 pm Multimedia Briefing and Identification of Air Water & Remediation Issues Related to Cook Composites TSD and CEA Cooperative Agreement**

1. Briefing on TSD Project Status & Regulatory Questions: Mike Gromacki CCP
2. Briefing on Status
  - Cooperative Agreement
  - TSD Re-licensing
3. Identify Mulimedia issues and questions different approaches
  - Option A Keep Incinerator
  - Option B.1 Eliminate HW Stream & discharge water to POTWS
  - Option B.2 Eliminate HW Stream & use zero discharge system (i.e. evaporation)
  - Option \_\_\_ ?
4. Strategy for EPA Meeting February 17th
5. Recommended Next steps
  - (Set up ad-hoc input & review team or ????)

(Participants: All staff and supervisors that have a environmental regulatory responsibility for Cook Composites, including, but not limited to:

Watershed	Judy Gottlieb, Brian Ellefson; David Hantz; Chuck Schueler
Air	Ron Dillahunt; Bill Yantawood; Bill Baumann; (Roger Fritz/SL)
R&R	John Feeny
Waste	Pat Brady, Frank Schultz,
CEA	Lynn Persson, Scott Lee, Lynda Wiese

**To participate at either meeting via conference call**

- call (608) 265-1000 (WISLINE)

When asked give our call-in number followed by the pound sign: 0618 #

**Locations for meetings and participating by conference call have been set up at:**

- DNR SE Region Headquarters Room 211 (local contact: Scott Lee)
- DNR SE Region - Havenswood (local contact : Frank Schultz)
- DNR Madison - Room 817 (local contact: Lynda Wiese)
- If you will be calling in separately please let Lynn Persson know (608/267-3763) so we can make sure we have enough lines

-9-00

Notes from Morning Conference Call on CCP & Additional Items

Increments of Progress to be Used as Part of a Timeline

- Submittal of revised closure plan, which would include proposed dates.  
The cost for a revised closure plan would be (container \$1,200.00, tank \$1,800.00, and incinerator \$2,400.00) a total of \$5,400.00. Was the closure plan part of the recently submitted FPOR?
- Closure of units, whether separate or together. (incinerator, container storage area & tank)
- When units are no longer used, when they will be decontaminated,
- What is the drop-dead date. At what point in this process is CCP committed to the path of closing the incinerator.

Do we issue an extension? The extension would be either a class 1 or class 2 modification. A class 1 modification would cost be (container \$300.00, tank \$300.00, and incinerator \$300.00) a total of \$900.00. A class 2 modification would cost be (container \$1,200.00, tank \$1,200.00, and incinerator \$2,400.00) a total of \$4,800.00. Whether the extension is a class 1 or 2 modification is not clearly addressed in the code.

What mechanism can we give to CCP to outline our understanding and implied agreement regarding the timeline for closure of their incinerator and start up of replacement unit? What is entailed in the closure of the incinerator? If units, which are part of the incinerator, are going to be used in another capacity with the replacement units how do we coordinate their hazardous waste closure with the need to be part of the replacement unit?

Is the cooperative agreement in and of itself enough of a paper trail for CCP to verify the agreement regarding the relicensing of the incinerator.

Notes from Conversation with Pete Flaherty 2-9-2000/ Provided by Pat Brady

An extension would usually be given with the understanding that the facility would continue to be licensed. Section NR 680.45(7) *Extension of Effective Period of a License*, Wis. Adm. Code, gives the department the ability to modify a license to extend its effective period, if the licensee has submitted in a timely and complete manner all of the reports and plans which are required before an application of a new operating license may be submitted. The terms and conditions of the license shall remain in force during the extension period.

Pete voiced a concern that if the department takes this action, it might affect the EPA exemption.

Under Subpart E - *Expiration and Continuation of Permits* 270.51(a) *Continuation of Expiring*

*Permits*, when EPA is the permitting authority, the conditions of an expired permit continue in force until the effective date of a new permit if the permittee has submitted a timely application and includes the applicable sections which are part of a new permit, and the Regional Administrator, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.

CFR 270.51(d) covers states with a hazardous waste program authorized under 40 CFR 271. In that case, if a permittee has submitted a timely and complete application under applicable state law and regulations, the terms and conditions of the EPA-RCRA permit continue in force beyond the expiration date of the permit, but only until the effective date of the state's issuance or denial of a state RCRA permit.

Whether the department's action to issue an extension through a modification would be considered "the state's issuance or denial of a state RCRA permit." That is a question to present to EPA.

Pete also mentioned a ch. 227.51(2), Wis. Stats., is the general statute that covers when a submittal for a license renewal is submitted in a timely and complete manner and is for an activity of a continuing nature, the facility would continue operating under their existing permit. This is a general exemption. Since the specific exemption is addressed in s. NR 685.45, we should if possible address it there.

The question exists whether this would be a class 1 or 2 modification.

The other concern that Pete had was regarding whether the application could be considered complete without a plan for a trial burn which is required to be part of the FPOR under s. NR 665.06(1)(d)5, Wis. Adm. Code. I need to double check whether the plan is in the report.

The other issue that we talked to Pete about was regarding the review fee. CCP had questioned that since the review would not include a trial burn plan and would not necessarily even take place, whether the fee could be prorated or adjusted. Section NR 680.45.45(1) states that, "a plan review fee or license fee shall accompany all license applications, plans, reports, and other documents submitted to the department for approval," and that "plan review fees and license fees are not transferable, proratable or refundable." Pete felt that there was an issue of personal liability if we did not follow these procedures.