Environmental Cooperative Agreement
between
Cook Composites and Polymers, Co., Saukville Facility
and
Wisconsin Department of Natural Resources

IN WITNESS WHEREOF, the parties by their signatures shall cause this agreement to be executed on the date specified.

Signed for and on behalf of: STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

By: Darrell Bazzell Date: 10/1/01

Darrell Bazzell
Secretary

Signed for and on behalf of: COOK COMPOSITES AND POLYMERS, CO.,
SAUKVILLE FACILITY

CCP

By: Mike Gromacki Date: 10/1/01

Mike Gromacki
Director of Quality, Safety and Environment

By: Michael T. Hoffman Date: 10/01/01

Mike Lotman
Director of Manufacturing

By: [signature] Date: 10/1/01

Glenn Preisler
Plant Manager, CCP Saukville

Environmental Cooperation Agreement
between
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and
Wisconsin Department of Natural Resources

October 1, 2001

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This Agreement is being entered into, pursuant to s. 299.80, Wis. Stats., and represents the conditions agreed upon by the Wisconsin Department of Natural Resources (DNR) and Cook Composites and Polymers, Co. (CCP), for the purpose of providing an alternative method for the regulation of environmental impacts from CCP.

FOR AND IN CONSIDERATION of the terms and conditions contained in this agreement, DNR and CCP set forth the following:

I. FACILITY INFORMATION:

Facility Name:	Cook Composites and Polymers Co. (CCP)	
Facility Location:	340 Rail Road Street, Saukville, Wisconsin	
Local Contact/Info:	Michael Lotman, Director of Manufacturing	
	Glenn Preisler, Acting Plant Manager	
Phone:	(262) 284-0555	
Fax:	(262) 284-0593	
Mailing Address:	340 Rail Road Street, Saukville, Wisconsin 53080	
Corporate Contact:	Michael Gromacki	
Email:	Gromacki@CCPonline.com	
Phone:	(816) 391-6011	
Fax:	(816) 391-6093	
Mailing Address:	P.O. Box 419389	
	Kansas City, MO 64141-6389	
Corporate Web Page:	http://www.CCPonline.com	

Project Summary

This Environmental Cooperative Agreement provides the structural framework for CCP and Wisconsin Department of Natural Resources (DNR) to reprioritize and focus their resources to evaluate the feasibility and desirability of waste minimization projects to eliminate the need for a hazardous waste incinerator and reduce and reclaim hazardous wastes and other pollutants at their Saukville Facility. Specifically CCP commits to cease burning hazardous waste in its incinerator by September 30, 2001. The agreement provides a clear timeline and regulatory path for CCP to implement their waste minimization project and make the transition from a facility that burns hazardous wastes to a facility that does not. Attachment 4 provides a more detailed summary of the initial project that CCP has proposed. This agreement does not replace the normal regulatory review and requirements of DNR's Air, Waste and Wastewater programs for

CCP's initial proposed project or any future projects CCP may propose. The agreement does synchronize DNR program and EPA's review of these projects to help CCP make environmentally sound and cost effective business decisions. CCP, under this agreement, commits to activities and provide information that it would be difficult for any single DNR program to require. This agreement also requires that CCP continue the long-term cleanup that had been approved as part of its Hazardous Waste license.

As part of this agreement CCP also commits to establish an Environmental Management System, to establish a community advisory committee and to conduct ongoing dialogue with the community on environmental issues, to pursue other waste minimization and pollution prevention projects, and to take a leadership role in product environmental stewardship.

Facility and Project Background Information

The CCP Saukville facility manufactures polyester and alkyd resins used in a variety of applications including the coatings, sanitary, automotive and marine industries (SIC 2821). The facility, located approximately 25 miles north of Milwaukee, began resin production in 1949 and employs approximately 75 full-time staff in Wisconsin. CCP acquired the Saukville facility and other assets on December 31, 1990 from Freeman Chemical Corporation. CCP is a joint venture company with TOTALFINA ELF, a French oil, gas, refining, and chemical company and Curran Composites of Kansas City, MO, and operates in the ATOFINA chemical branch.

The CCP Saukville facility's current production capacity is approximately 52 million pounds of resin per year, produced in more than 3000 batches. Wastes generated at the facility are primarily reaction water, spent solvents, filter cleaning residues, and miscellaneous off-spec materials. The facility currently treats two of the waste streams (reaction water and solvents) in an onsite Resource Conservation and Recovery Act (RCRA) licensed hazardous waste incinerator

In 1998, the CCP Saukville facility generated approximately five (5) million pounds of a characteristic hazardous waste stream known as esterification water, or more commonly "reaction water". The reaction water is a by-product of a condensation reaction of organic acids and glycol that yields polyester and alkyd resins. The reaction waste water stream is considered characteristically hazardous for ignitability (DOO1) based on the presence of low concentrations (<2%) of volatile organic chemicals that at times result in a flash point below 140 degrees F. The waste is occasionally characteristically hazardous for corrosivity (DOO2) due to low (<2 units) pH. Appendix 1 provides information on air emissions from and waste managed by CCP's whole facility.

In addition, in 1998 the CCP Saukville facility generated approximately 1.7 million pounds of spent solvent (F003) that was used as a supplemental fuel in the incinerator. Since the solvent has been used as supplemental fuel to incinerate reaction water, the option of recycling of the solvent was historically not considered economically beneficial.

CCP recognized the economic, environmental, and community relations benefits associated with moving to waste minimization and pollution prevention approaches for management of its hazardous wastes and other waste streams associated with the reaction water. The challenge was to synchronize CCP's technical and business evaluation of waste minimization and pollution prevention options with the regulatory requirements and regulatory review of Wisconsin DNR

and U.S. EPA staff from many different environmental programs. Among these requirements were:

- re-issuance of CCP's Hazardous Waste Treatment and Storage license:
- future requirements the Federal Clean Air Act's "NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors Final Rule" which had yet to be published
- wastewater pretreatment requirements under the Clean Water Act also potentially applied to any wastewater discharges from the facility.

In March 1999, CCP submitted a letter of intent to Wisconsin DNR, indicating their interest in an Environmental Cooperative Agreement to help facilitate their waste minimization project. In May 1999, DNR accepted CCP into the program.

In May 1999, CCP revised and updated the incinerator's Hazardous Waste Facility Feasibility and Plan of Operation Report (FPOR) according to the schedule in the DNR call-in letter. CCP did not request waste stream changes in the updated Feasibility and Plan of Operation Report. At the same time, CCP began evaluating the viability of waste minimization and pollution prevention options for management of reaction water at the Saukville facility, and other facilities in the United States.

In August 1999, CCP submitted their initial Environmental Cooperative Agreement proposal to DNR Secretary George Meyer. At the same time, CCP commissioned a waste minimization feasibility study specifically focused on recovery of xylene and other process chemicals from the reaction water. The purpose of the study was to evaluate options for reducing waste generated by eliminating the hazardous characteristic, and make beneficial use of recovered materials, previously wasted via the reaction water incineration. The study focused on a new, Macro Porous Polymer – Extraction (MPPE) technology developed by Akzo Nobel Inc.

The study, completed in December 1999, identified and evaluated technologies for recovering organic process constituents from the reaction water. Subsequent pilot level studies of the MPPE technology were conducted at the CCP Chatham, Virginia plant and the CCP Kansas City, Missouri plant. The pilot studies demonstrated that the MPPE technology was effective with essentially complete removal (99.9%) of nonpolar volatile and semi-volatile compounds such as xylene at the Chatham plant. Similar results were demonstrated at CCP's Kansas City plant.

CCP will use the MPPE technology to recover xylene and other similar compounds from the reaction waters, removing the chemicals that potentially give the whole 5 million pounds of reaction water the hazardous characteristics of ignitability. CCP will also cease burning hazardous waste solvents as fuel in the incinerator.

As indicated by this agreement CCP is committed to use the MPPE technology to cease the burning of hazardous waste in its incinerator by September 30, 2001. This is one year before it would be otherwise required to do so since a United States Court of Appeals, District of Columbia, July 25, 2000 decision vacated the early cessation requirements of 40 CRF Part 60,et al. "NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste" Combustors. This regulation is under further litigation which may change final dates and requirements.

As part of the Agreement CCP will also is complete feasibility studies to investigate waste recovery and management options for the waste glycol that remains in its reaction water after the MPPE unit. Until the results of this study are completed and evaluated, CCP intends to continue to manage the non-hazardous wastewater in its incinerator, operation the incinerator as a "Non hazardous wastewater incinerator". This system is subject to DNR's normal Air and Wastewater programs regulatory review and approval process. In addition, as part of this agreement, CCP commits to Interim Operational Requirements for the "Non-hazardous wastewater incinerator".

As part of this agreement CCP also commits to establishing an Environmental Management System, pursing other waste minimization and pollution prevention projects and taking a leading role in product environmental stewardship.

II. DEFINITIONS. The following definitions are applicable to this agreement:

1. "Approval" means a permit, license or other approval issued by the Department under chs. 280 to –295, Wis. Stats.

2. "Cooperative agreement" means an agreement entered into under section 299.80(6), Wis. Stats.

3. "Environmental management system" means an organized set of procedures implemented by the owner or operator of a facility to evaluate the environmental performance of the facility and to achieve measurable or noticeable improvements in that environmental performance through planning and changes in the facility's operations.

4. "Environmental performance" means the effects whether regulated under chs. 280 to 295, Wis. Stats., or unregulated, of a facility on air, water, land, natural resources and human health.

5. "Facility" means all buildings equipment and structures located on a single parcel or on adjacent parcels that are owned or operated by the same person.

6. "Interested person" means a person who is or may be affected by the activities at a facility that is covered or proposed to be covered by a cooperative agreement or a representative of such a person.

7. "Performance evaluation" means a systematic, documented and objective review conducted by or on behalf of the owner or operator of the facility including an evaluation of compliance with the cooperative agreement covering the facility, approvals that are not replaced by the cooperative agreement and the provision of chs. 280 to 295, Wis. Stats., and rules promulgated under those chapters for which a variance is not granted.

8. "Pollutant" means any of the following: any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal, or agricultural waste discharged into water or onto land. Any dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas odorous substance or any combination of those things emitted into the air but not uncombined water vapor.

9. "Violation" means a violation of a cooperative agreement, of an approval that is not

replaced by the cooperative agreement or of a provision of chs. 280 to 295, Wis. Stats., and rules promulgated under those chapters for which a participant has not received a variance.

III. PERIOD OF AGREEMENT. This agreement begins on the date when it has been signed by both parties and continues for 5 years from that date, during which period CCP and DNR shall abide by all terms and conditions contained herein. This agreement may be renewed for up to five years upon mutual agreement of the parties, pursuant to s. 299.80(6e), Wis. Stats.

IV. AMENDMENT/REVOCATION. Pursuant to s. 299.80(7), Wis. Stats., DNR may amend this agreement with the consent of CCP, or for cause. DNR may revoke this agreement at the request of CCP or if CCP is in substantial noncompliance, refuses to amend this agreement, is unable or unwilling to meet commitments to superior environmental performance or has not addressed a substantive issue raised by a majority of the interested persons. (s. 299.80 (7), Wis. Stats.). The DNR shall provide at least 30 days for public comment on the proposed amendment or revocation of this cooperative agreement and an opportunity for a hearing if comments demonstrate considerable public interest in the proposed action.

In the event that this agreement is revoked, the s. 299.80(7) Wis. Stats revocation decision is anticipated to include:

- CCP shall submit a new trial burn plan within 1 month of revocation of this agreement and conduct the required testing within 3 months of the approval of the trial burn plan by DNR.

- DNR shall immediately re-prioritize review of CCP's May 1999 TSD license re-issuance application. As allowed under s. 227.51(2), Wis. Stats., the CCP Saukville facility may continue to operate subject to compliance with the terms and conditions of their pre-existing licenses and plan of operation approvals until such time as final determinations on the Feasibility and Plan of Operation Reports (FPORs) are made, and, if appropriate, determinations on the re-issuance of the operating licenses can be completed, as required under s. NR 680.06, Wis. Adm. Code. All other terms and conditions of the pre-existing licenses, plan approvals, and plan modifications shall remain in force until, as appropriate, final re-issuance or closure determinations are completed.

- Other interim requirements upon revocation consistent with s. 299.80 and chs. 280 to 295, Wis. Stats.

V. ENTIRE AGREEMENT. This agreement, together with any specifications, referenced parts, attachments and effective amendments, shall constitute the entire agreement. Communications or understandings made prior to the signing of this agreement and pertaining to its subject matter are hereby superseded. All revisions to this agreement must be made by a written amendment to this agreement, signed by both parties and issued under the same procedures as this agreement.

VI. APPROVALS COVERED. Table A lists by number the primary DNR permits and approvals for CCP's Saukville Facility located at 340 Railroad Street. The table indicates how these permits and approvals are impacted by this agreement. Table A also summarizes other environmental activities and identification numbers, and lists CCP and DNR program

contacts for CCP's Saukville Facility. Nothing in this agreement shall relieve CCP of the obligation to comply with applicable local, state and federal laws and requirements or the terms and conditions of any license, permit or other approval, except as expressly provided in this agreement.

VII. INTERESTED PERSONS GROUP (COMMUNITY ADVISORY COMMITTEE AND OUTREACH). At the beginning of this project CCP utilized its existing community relations activities to meet with the public, obtain public opinion feedback on its overall environmental performance, and share information about its proposed Environmental Cooperative Agreement and waste minimization project. Existing community relations include routine presentations to the Village of Saukville Board, annual open house for the Village Board at the Saukville facility, and periodic hosted luncheon meetings of the Saukville Chamber of Commerce.

Many of the CCP Saukville employees are represented by a labor union such as the United Auto Workers. All employees of CCP are obvious stakeholders in CCP's environmental and business strategies. As such, CCP management and hourly union employees will participate in the planning and implementation of this program.

Some of the activities that CCP undertook specifically for the development of this agreement are listed below.

- On June 7, 2000 CCP held an open house with the Saukville Village Board and provided a briefing on the proposed waste minimization project and Environmental Cooperative Agreement.
- In June 2000, CCP hired a facilitator to develop an outreach program and community stakeholder group (e.g. interested persons group) to support this environmental cooperative agreement project and the development of CCP's environmental management system (EMS).
- July 31, 2000 CCP held a public meeting on its Environmental Cooperative Agreement and its intent to comply with Clean Air Act MACT requirements through closure of its hazardous waste incinerator.
- CCP sent questionnaires to neighbors and selected community members to determine their environmental concerns, the way(s) they would like to interact with CCP and if they want to be a "stakeholder" and summarized the results.
- CCP invited people to participate in the CCP Advisory Committee.
- On January 11, 2001 CCP held its first meeting of the CCP Advisory Committee. Subsequent meetings were held in May 22 and August 27, 2001

Public Participation and Trust Objectives of Wisconsin's Environmental Cooperative Agreement Program (Section 299.80 Wisconsin Statutes)

Encourage public participation, and consensus among interested persons, in the development of innovative environmental regulatory methods and in monitoring the environmental performance of projects

Seek to improve the provision of useful information to the public about the environmental and human health impacts of facilities on communities.

Provide public access to information about performance evaluations

conducted by participants in the program under this section.

Encourage facility owners and operators and communities to work together to reduce pollution to levels below the levels required under chs. 280 to 295.

Seek to increase trust among government, facility owners and operators and the public through open communication and support of early and credible resolution of conflicts over issues concerning the environment and environmental regulation

Recognizing the public participation and trust objectives of s. 299.80 Wis. Stats. (see above), CCP commits to provide an ongoing opportunity for community information exchange and dialogue, to the extent possible, relating to all aspects of CCP environmental activities during the period of this agreement. These environmental activities include but are not limited to:

- The implementation of this environmental cooperative agreement;
- RCRA closure activities related to it Hazardous Waste Incinerator;
- Other waste minimization and pollution prevention activities;
- The development and implementation of CCP's Environmental Management System (EMS);
- Ongoing cleanup activities initiated as part of Correction Action in 1994;
- Environmental concerns of CCP, it's neighbors, the local community and DNR; and
- Overall environmental performance of CCP.

A. Interested Persons Group ----

1. As part its commitment CCP will establish an ongoing Community Advisory Committee attempting to involve all relevant constituencies within the community including but not limited to:
   - Neighbors,
   - CCP Employees,
   - Area businesses,
   - Local elected and appointed officials,
   - DNR staff,
   - Local Emergency Planning Committee,
   - Public Works Department,
   - Fire Department,
   - Citizen groups,
   - Neighborhood associations,
   - Others in the greater Saukville area who may be affected by or interested in the CCP facility and its activities.

2. The CCP Community Advisory Committee will meet quarterly at CCP, unless otherwise agreed upon by the committee. Meetings will be open to the public, who will be able to provide input at a set time on each agenda.

3. CCP will maintain an up-to-date list of the individuals participating on the Community Advisory Committee (Table B) and description of committee's purpose

and mechanisms for communication. At a minimum CCP will provide an up-to-date committee membership list and other information including agendas and meeting summaries to members of the advisory committee, the DNR, and the Saukville Public Library.

B. Community Environmental Outreach --- CCP commits to provide additional opportunities for information exchange and dialogue with the community through implementation of its outreach plan including:

1. Develop a newsletter that can be used to regularly communicate with the advisory committee, and all residences and businesses in Saukville and others who indicate an interest in CCP and its environmental performance.
2. Develop a chemical fact sheet for the local community and neighbors
3. Provide publicized opportunities for plant tours for the general public and groups throughout the year.
4. Repeat the Community Survey annually to gauge how public perception of CCP's environmental performance changes.
5. Provide access to information relevant to CCP's Cooperative Environmental Agreement, environmental performance and the advisory committee at the Saukville public library. Consider providing similar information on a web site.
6. Provide information to the local media and encourage them to regularly provide information to the community about CCP process changes and environmental activities.
7. CCP will provide additional opportunities for community information exchange and dialogue as appropriate.

C. Evaluation

1. CCP will annually review the outreach plan with its Advisory Committee and adjust the program as necessary, providing a summary of changes as part of its annual performance evaluation.
2. CCP will report on its Community Advisory Committee and Outreach Activities as part of its annual performance evaluation (reference Section XII).

VIII COMMITMENT TO ENVIRONMENTAL MANAGEMENT SYSTEM.

Within one year of the signing of this agreement, CCP shall implement an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization or that has equivalent components.

Specifically CCP is developing environmental management system (EMS) programs in the context of the industry initiatives of Coatings Care (National Paint and Coatings Association, reference Attachment 2a) and Composites Care (Composite Fabricators Association, reference Attachment 2b). CCP shall also use the Prosper™ auditing system, developed by the international quality and environmental and safety management systems company Det Norske Veritas (DNV), to document that it has implemented an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization or has equivalent components. DNV is an internationally recognized registrar for ISO 9000 and ISO 14000 standards. The Prosper™ system integrates Quality, Safety and Environment (QSE) programs into a consistent and objective auditing framework. CCP Saukville is currently ISO 9002 certified.

Data to help evaluate the impacts of implementing the environmental management system shall be collected pursuant to the data protocols developed by the University of North Carolina.

IX. COMMITMENT TO SUPERIOR ENVIRONMENTAL PERFORMANCE.

CCP as a member company of ATOFINA, the chemical branch of TOTALFINA ELF, has an established Health, Safety and Environment Charter (Attachment 2c).

Goals for CCP Saukville Facility

As part of CCP's commitment to Superior Environmental Performance, CCP commits to going beyond what would otherwise be required in environmental regulations by setting the following goals for its Saukville facility:

A. Through waste minimization and pollution prevention, eliminate or significantly reduce the waste streams that are currently burned in its hazardous waste incinerator. Ensure that hazardous wastes and other constituents are reduced at their source whenever possible, or, when not possible, that they are recycled in an environmentally sound manner, preventing undesirable transfer of chemical releases from one media (air, water, land) to another.

B. Establish a long-term reduction in the amount of wastes generated and contaminants and pollutants released giving priority to those pollutants, contaminants and wastes of highest health and environmental concern

C. Through implementation of CCP's Environmental Management System, continuously improve its practices to minimize environmental impacts and conserve natural resources and to work cooperatively with its neighbors, the local community and others in these efforts.

D. Take leadership in product stewardship, integrating health, safety and environmental considerations into the design, development and improvement of products, including a commitment to conserve, where possible, natural resources and energy. In partnership with its customers strive to encourage continued environmental stewardship in the use and ultimate disposal of its products.

Objectives and Actions that CCP is committing to:

As part of their efforts to attain these goals, CCP and DNR commit to the following objectives as well as the activities and timeline established in Table B. CCP shall comply with these objectives and actions as part of this Environmental Cooperative Agreement

Objectives for Goal A

IX.A.1 CCP shall cease burning hazardous waste in its Saukville facility by September 30, 2001. This is one year before it would otherwise be required to do so since a United States Court of Appeals, District of Columbia, July 25, 2000 decision vacated the early cessation requirements of 40 CFR Part 60, et al., "NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste" Combustors.

IX.A.2 CCP shall evaluate and bench or pilot test waste minimization and pollution prevention technologies that appear to have merit for the waste streams burned in its hazardous waste incinerator with the goal of eliminating, significantly reducing or recycling these wastes. These waste streams include, but are not limited to:

- Reaction Water ---Approximately five (5) million pounds of a characteristic hazardous waste stream known as esterification water, or more commonly "reaction water". The reaction water is a by-product of a condensation reaction of organic acids and glycol that yields polyester and alkyd resins. This wastewater may be a characteristic hazardous waste due to the presence of ignitable material (D001) or corrosive material (D002).

- Waste Solvents ---Approximately 1.7 million pounds/year of waste rinse solvents (spent non-halogenated solvents, F003 including xylene, toluene, acetone, mineral spirits and other solvents and hydrocarbons).generated by cleaning process equipment and as an azeotrope solvent process waste from the manufacture of resins.

- Glycol --- Approximately 400 to 800 lbs/day of glycol are contained in the reaction water. These glycols are not a hazardous waste but have a high chemical oxygen demand (50,000 to 100,000 ppm COD) if discharged to a wastewater treatment plant.

IX.A.3 CCP shall prepare feasibility studies that report on the results of these evaluation and bench/pilot tests (A.2 above) and share the results with DNR and interested persons group. The following reports shall be submitted to DNR based on the schedule outlined in Table C.:

a. Feasibility study for waste minimization of reaction water.

b. Feasibility study for waste minimization of waste glycol.

c. Feasibility study for waste minimization of waste solvents.

IX.A.4 Following the schedule outlined in Table C, CCP shall submit a Conceptual Project Design, as a basis for determining which permits and other authorization shall be required from DNR to implement and construct the waste minimization project. The Conceptual Project Design should include the following information:

a. Waste Minimization ---- A description of the waste minimization projects that CCP shall undertake to eliminate or significantly reduce the hazardous wastes currently burned in its Hazardous Waste Incinerator. This description shall include a mass balance summary of the chemicals and wastes that are burned by the incinerator and their final environmental fate before, and after, the proposed waste minimization projects are completed. If possible, projected energy use before and after the project shall also be included.

b. Wastewater Pretreatment ---- CCP shall identify whether it will discharge wastewater that remains after the hazardous waste stream has been

eliminated to a "Zero Discharge Wastewater Treatment System" (CCP's Non-hazardous wastewater incinerator) or the Saukville Wastewater Treatment Plant.

c. Air Emissions ---- A description of the proposed changes and how they will impact air emissions.

d. Air MACT ---- Notice of Notice of Intent to Comply (NIC) for Hazardous Waste Combustion MACT.

e. Interested Persons Group ---- A description of the interested persons group and process that CCP has established per s. 299.80 (3)(L) to (o) and (5)(b), Wis. Stats.

IX.A.5 Following the schedule outlined in Table C, CCP shall submit the following information and request permits and other authorization from the DNR to implement and construct the initial waste minimization projects in a manner that provides opportunity for concurrent project review by the DNR's air, waste and water programs. These items include:

a. Revised RCRA Closure Plan --- CCP shall submit a revised RCRA Closure Plan (ss. NR 685.05, 640.16, 645.17 and 665.10, Wis. Adm. Code) and any other needed modifications in CCP's Feasibility and Plan of Operation Report (s. NR 680.06 10, Wis. Adm. Code). The plan may include a phased closure process.

b. Air Construction Permit Information.

1) Exemption Request Letter --- CCP shall submit a letter to the DNR requesting an exemption from an Air Construction Permit based on the criteria for minor modifications contained in chs. NR 406 and NR 408, Wis. Adm. Code. In the letter CCP will define the option that it will follow (Option 1: neutralization, MPPE, non-hazardous wastewater evaporation), a brief description of the project and state the reasons why CCP believes the project is exempt from an air construction permit. Under ch. NR 408, Wis. Adm. Code, if the sum of the increases and decreases in VOCs over the last 5 years (including the current project) is less than 25 tons, then the project is a minor modification. CCP should also document that the emissions from the project will not trip any of the exemption levels (VOCs, CO, NOx, PM, etc.) in ch. NR 406, Wis. Adm. Code and in ch. NR 445 Wis. Adm. Codes for new or modified sources which may emit hazardous air pollutants. If none of the levels are tripped, then the project is an exempt modification and no construction permit is required. The letter should contain an analysis showing the emission rates of various pollutants before and after the project is completed, including the emissions from the increased use of natural gas resulting from the elimination of waste solvent combustion and any changes in emissions associated with the recovery and reuse of solvents.

2) Title V Permit Application --- If the project is exempt from an Air Construction Permit, CCP shall update the Title V application that was submitted for the facility in 1994.

3) Construction Permit Application --- If CCP prefers, or the project is determined not to be exempt, CCP shall submit an application for an air construction permit and initial permit review fee of $1,350 with the submittal (s. NR 410.03(1)(d), Wis. Adm. Code) to expedite the review process.

c. Pretreatment Wastewater Baseline Monitoring and Plans and Specifications ---

c. Both DNR and CCP agree that it is desirable to have the MPPE unit reviewed to determine if it meets Pretreatment Requirements for an Organic Chemicals and to establish a monitoring record for the unit. This approval of the will be for a "Zero Discharge wastewater treatment system". This approval will not permit discharge to the Saukville wastewater treatment plant. CCP shall submit the following information to be reviewed and approved by the DNR based on the schedule contained in Table C.

1) Baseline Monitoring Report (BMR) – CCP shall submit a BMR to the DNR for a "Zero discharge wastewater treatment system" The BMR should clearly indicate the option that CCP has chosen (neutralization, MPPE, non-hazardous wastewater incinerator) and should contain the proper certification statement and signatures. CCP should document that the discharge from the MPPE unit meets applicable Pretreatment standards for Chemical Manufacturers found in NR 235 Wis. Adm. Code.

2) Plans and Specifications for a "Zero discharge wastewater treatment system" (CCP's Non-Hazardous Wastewater Incinerator) – In accordance with s. 281.41, Wis. Stats. and ch. NR 108, Wis. Adm. Code, CCP shall submit plans for wastewater pretreatment systems.

3) Future Changes in Wastewater Management: If in the future, CCP wishes to change how it manages its wastewater, CCP must submit a new or revised Baseline Monitoring Report, and Plans and Specifications following the Pretreatment regulations found in chs. NR 108, 211 and 235, Wis. Adm. Code for DNR review and approval. CCP is also responsible for obtaining all required local authorizations from the Saukville Wastewater Treatment Plant and the Village of Saukville for any discharge to the facility

IX.A.6 As part of the closure of its Hazardous Waste Facility, CCP shall conduct startup testing of the MPPE unit to demonstrate that xylene and other solvent recovery rates are similar to those obtained during the pilot tests reported to DNR in CCP's February 10, 2000 Feasibility Study.

IX.A7. Within 2 months of submittal of the Feasibility studies for waste minimization of waste glycol and waste solvents CCP present this information to the CAC and also meet with DNR to discuss potential implementation these projects and other projects identified during EMS development (reference IX.A.3 b & c and XI.A.4).

IX.A.8 If the waste minimization technologies evaluated are not feasible, CCP shall proceed with the Hazardous Waste TSD license re-issuance path according to ch. NR 680, Wis. Adm. Code, submitting a new trial burn plan within one month and conduct the required testing within 3 months of trial burn plan approval by DNR.

Objectives for Goal B

IX.B.1 CCP shall develop a pollution prevention plan for its entire facility with specific measurable objectives following the schedule in Table C. As part of the plan, CCP will establish reduction goals, giving priority to those pollutants, contaminants and wastes of highest health and environmental concern. CCP shall seek input from its Community Advisory Group in developing these goals and share an annual pollution prevention progress report with its Community Advisory Group. CCP may decide to develop the pollution prevention plan as part of its ongoing EMS process.

IX.B.2 CCP shall explore opportunities for Pollution Prevention with DNR during the review and issuance of the Air Operation Permit for its entire facility.

Objectives for Goal C

Objectives for Goal C will be achieved through its commitment to establish an Environmental Management System (reference Section VIII) and Interested Persons Group (reference Section VII). Some specific environmental issues that CCP will address include:

Odors: In cooperation with it community advisory group and its employees CCP will develop an ongoing odor monitoring and minimization strategy as part of its Environmental Management System."

Objectives for Goal D

IX.D.1 As part of developing its Environmental Management System, CCP shall identify the environmental aspects of its products and develop objectives and targets to make health, safety and environmental considerations a priority in planning for all existing and new products and processes.

IX.D.2 CCP will strive to provide customers with product options and information that they can use to choose high-quality, environmentally preferable products that meet their needs.

IX.D.3. CCP will work in partnership with its customers to provide excellent health, safety and environmental information and encourage continued environmental stewardship in the use and ultimate disposal of its products

IX.D.4 CCP will develop an ongoing program for promotion and support of waste and release reduction by others, which may, for example, include sharing of technical information and experience with customers and suppliers, and support of efforts to develop improved waste and release reduction techniques

X. POLLUTION LIMITS

X.1 As part of this agreement, CCP shall continue to implement corrective action measures and monitoring agreed to as part of the August 22, 1994, Plan

Modification Approval to Impose State Equivalent Corrective Action; the April 21, 1995, Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System; and the January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Workplan. (Attachment 3). Any change to these requirements will be done through DNR's normal implementation of NR 700 Wis. Adm. Code series.

X.2 DNR has received copies of Feasibility and Plan of Operation Reports (FPORs) for CCP's Hazardous Waste Facility Operation Licenses:

a. HW Storage -Tank Non-Commercial (EPA ID No: WID980615439, License No: 03202)

b. HW Treatment - Incinerator Non-commercial (EPA ID No: WID980615439,License No: 03203)

The effective periods for these storage and treatment facility licenses and plan approvals expired May 31, 1999. DNR acknowledges that CCP's submittals for this facility appears to contain the elements specified under s. NR 680.45(6), Wis. Adm. Code, and, as allowed under s. 227.51(2), Wis. Stats., the CCP Saukville facility above may continue to operate subject to compliance with the terms and conditions of their existing licenses and plan of operation approvals until such time as final determinations on the FPORs are made, and, if appropriate, determinations on the re-issuance of the operating licenses can be completed, as required under s. NR 680.06, Wis. Adm. Code. As part of this agreement all other terms and conditions of the current licenses, plan approvals, and plan modifications shall remain in force until, as appropriate, final re-issuance or closure determinations are completed.

X.3 Interim Operational Requirements for CCP's Neutralization and MPPE Unit and "Non-hazardous Wastewater Incinerator"

CCP's "Non-hazardous Wastewater Incinerator" will require normal air and wastewater regulatory review and approvals (reference Section IX.A.5). In addition, the following conditions will apply:

a. CCP will not burn hazardous wastes as defined by s. NR 605 Wis. Adm. Code in its "Non-hazardous Wastewater Incinerator."

b. CCP will operate its neutralization and MPPE unit as a totally enclosed treatment facility subject to the provisions of NR 630.04(5) Wis. Adm. Code.

c. Prior to treatment in its "Non-hazardous Wastewater Incinerator" CCP will test each batch of reaction water to ensure that the reaction water is not a characteristic hazardous waste for ignitability or corrosivity based on test procedures referenced in NR 605.08 Wis. Adm. Code. The monitoring data will be reported as part of CCP's pretreatment monitoring report or in another reporting system agreed upon between DNR and CCP.

d. Although the unit will no longer burn hazardous waste, CCP commits to continue to operate the "Non Hazardous Wastewater Incinerator at the

temperatures and operating conditions under which it operated the Hazardous Waste Incinerator (reference Attachment 3b) until either 1) CCP ceases to operate the unit or 2) CCP's Title V or equivalent Air Operation Permit is formally issued with new operating requirements for the unit.

XI. OPERATIONAL FLEXIBILITY AND VARIANCES.

CCP has reached the end of its current hazardous waste incinerator permit. In 1999, CCP prepared and submitted to the DNR a detailed application for re-issuance of its incinerator operating license. CCP faced the decision to either continue the traditional operation of its RCRA-permitted incinerator, or to pursue waste minimization and pollution prevention strategies for the future.

CCP recognizes the economic, environmental, and community relations benefits associated with moving to a waste minimization and pollution prevention approach. The challenge is to identify a reasonable path to accomplish this goal, while protecting the commercial interests and profitability of CCP's business in a highly competitive marketplace.

Current Regulatory Barriers to Waste Minimization and Pollution Prevention

CCP is evaluating the viability of waste minimization and pollution prevention options for management of reaction water at the Saukville facility, and other facilities in the United States. The technical challenges of the available strategies appear to be more easily resolved than the administrative barriers expected with implementing new technology in a traditional regulatory structure.

A chemical production facility that operates an on-site hazardous waste incinerator faces particular challenges to technology change. The transition from the current incineration technology to a waste minimization and pollution prevention technology cannot be effectively planned and scheduled by CCP in a complicated regulatory process. For example, a transition from incineration to a waste minimization technology may include RCRA closure, RCRA corrective action agreement modification, air pollution permit modifications, and wastewater indirect-discharge permit modifications.

In addition, the RCRA-permitted incinerator regulatory process also involves federal oversight by Region 5 of the US EPA. Unless project communication is well defined in the planning phase, the multiple-agency review may add further uncertainty to the scope and schedule of a project.

Wisconsin Department of Natural Resources Commitments based on this Agreement:

This Environmental Cooperative Agreement provides the structural framework for CCP and the DNR to reprioritize and focus their resources and gives both the opportunity to evaluate the feasibility and desirability of an initial waste minimization project for five million pounds of a characteristic hazardous waste to eliminate the need for a hazardous waste incinerator. CCP will also be evaluating the feasibility of other waste minimization and pollution prevention projects during the period of this

agreement.

No variances to existing regulations are anticipated to complete the initial project in this agreement. However, CCP shall rely upon the operational flexibility and commitment to deadlines by DNR and US EPA to make this proposed project and future projects possible. As part of this agreement, DNR commits to:

Objective for Goal A

XI.A.1 Provide initial feedback and facilitate EPA feedback on the feasibility study and identify what information, permits and approvals shall be needed for the project to proceed based on the schedule outlined in Table C.

XI.A.2 The activities and schedule listed in Table C to help CCP evaluate the technical, economic and environmental feasibility and desirability of eliminating or significantly reducing the waste streams burned in its hazardous waste incinerator using waste minimization and pollution prevention technologies.

a. In the event that CCP submits a revised RCRA Closure Plan and other modifications in Operational Plan, DNR shall review them and take appropriate actions in the time period specified in Table C.

b. In the event that CCP submits a request for a "Zero Discharge Wastewater Treatment System" pretreatment authorization for its Non-hazardous Wastewater Incinerator, DNR shall review and take appropriate action in the time period specified in Table C.

c. In the event that CCP requires a construction permit, modification to its Title V application under review, or modification to the RACT measures implemented at the site under State or Federal air regulations to make changes necessary to eliminate its hazardous waste stream and hazardous waste incinerator, DNR shall review and take appropriate action on the project in the time period specified in Table C.

XI.A.3 Since CCP did not request waste stream changes in it Feasibility and Plan of Operation Report for its Hazardous Waste License re-issuance and CCP has committed to cease the burning of hazardous waste in its Saukville facility by September 30, 2001, CCP shall not be required to conduct additional Hazardous Waste Stack testing under ch. NR 665, Wis. Adm. Code, unless the project is determined not to be feasible (XIA.4). This does not eliminate any future stack testing that may be required under Wisconsin's Air Management Regulations.

XI.A.4 Within 2 months of receipt CCP's Waste Minimization Plan for Glycol and Waste Solvents DNR will provide initial feedback and facilitate EPA feedback on the feasibility studies and identify what information, permits and approvals shall be needed for the project to proceed. Upon CCP's request DNR will work with CCP to develop a coordinated review process and, as appropriate, an agreed upon schedule for normal regulatory review of these waste minimization projects by DNR's Air, Water and Waste Programs.

XI.A.5 If the waste minimization technologies evaluated are not feasible or the September

30, 2001 deadline is not met, DNR shall proceed with the Hazardous Waste TSD license re-issuance path according to ch. NR 680, Wis. Adm. Code, including requiring CCP to submit a new trial burn plan within one month of notification and complete required testing within 3 months of approval of the trial burn plan by DNR.

XI C.1 DNR shall continue to work with CCP to explore opportunities for pollution prevention during issuance air operation and other environmental permits.

XII.BASELINE, PERIODIC PERFORMANCE EVALUATIONS AND MEASUREMENT

A. Within 180 days of the start of this Agreement, CCP shall perform and submit to the DNR a baseline performance evaluation covering their environmental performance.

B. As part of the 180-day baseline evaluation CCP shall prepare a case study including information on environmental performance and costs prior to implementing the waste minimization/pollution project for the wastes burned in the hazardous waste incinerator before and projected after closure of the hazardous waste incinerator. As part of the performance evaluation done in the year after closure of the incinerator, CCP shall update the case study to reflect the environmental performance and costs/savings that were experienced as a result of the project. As appropriate, CCP shall also report in the case study on their progress in achieving other goals of the Environmental Cooperative Agreements Pilot Program (s. 299.80, Wis. Stats.).

C. CCP shall annually repeat the performance evaluation on the anniversary date of the baseline submittal or on another date mutually agreed to by DNR and CCP. CCP shall provide an annual written performance report to DNR, the interested persons group, and the Saukville Public Library that includes the following information:

1. Regarding the Public Participation & Trust (CCP Community Advisory Committee and Outreach) provide:

   - Documentation of a viable CCP Advisory Committee that provides input and an ongoing dialogue between CCP and the community on the company's EMS and environmental issues of concern to the community and CCP;

   - Results (environment, economic, other...) of any action or changes in response to input and feedback from the CCP Advisory Committee and Community Outreach;

   - Changes in public view of CCP environmental performance and current issues indicated by periodic community surveys.

2. Regarding Commitments to Superior Environmental Performance (Protection of the Environment and Pollution Prevention)

- Document how waste streams that are had been burned in its hazardous waste incinerator were eliminated, significantly reduced or recycled in an environmentally sound manner, preventing undesirable transfer of chemical releases from one media (air, water, land) to another.
    - Results of CCP's ongoing monitoring to ensure that no hazardous wastes are burned in at its facility.
    - Documentation of the recovery efficiency of the Macro Porous Polymer – Extraction (MPPE) technology unit, and the management and use of the material that is recovered.
    - Results of the waste solvent waste minimization feasibility study and any resulting implementation projects.
    - Results of the glycol wastewater waste minimization and energy conservation feasibility study and any resulting implementation projects.
- Long-term changes in the amount and toxicity of waste generated, contaminants and pollutants released and energy use as evidenced by:
    - TRI Reporting;
    - Hazardous Waste annual reporting;
    - Air emissions reporting;
    - Pretreatment monitoring;
    - Energy usage; and
    - Other parameters as appropriate (may be identified in development of EMS or during DNR's review of CCP's air operation permit or "Zero discharge wastewater treatment system" approval for CCP's Non- Hazardous Wastewater Incinerator);
    - Qualitative indicators that may be easily understandable to the public in lay terms
- Progress on development and implementation of a facility-wide pollution prevention plan including:
    - Development of environmentally preferable products;
    - Adoption of Waste Minimization and Pollution Prevention assessment findings.

- Results of Product Stewardship and environmental support to customers

- Progress in continuing to implement corrective action measures agreed to as part of the August 22, 1994, Plan Modification Approval to Impose State Equivalent Corrective Action; the April 21, 1995, Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System; and the January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Workplan.

- Any violations found during the baseline and annual performance reviews conducted of the plant, including correction actions undertaken and timelines for completion.

- Progress on development and implementation of a robust Environmental Management System including, but not limited to:

    - Implementation of environmental information management system;

    - Non-regulatory environmental aspects that are addressed;

    - Documentation of changes in citizen environmental complaints and satisfaction of complainant that concern has been addressed; and

    - Documentation of changes in the status of CCP's environmental compliance.

3. Regarding Flexibility and Cost Savings assess:

    - Costs and cost savings/payback times/return on investment associated with waste minimization, pollution prevention and energy conservation projects;

    - Costs of implementation and maintenance of an EMS and paybacks;

    - Success of the project in reducing the time and money spent by the participant and DNR on paperwork and other administrative activities that do not directly benefit the environment;

    - New products and production processes and how they were impacted/influenced by CCP's EMS, pollution prevention projects and environmental regulatory programs.

4. Regarding Overall Success of the Agreement summarize:

    - The results of measuring the opinions of its employees and the public concerning its participation in the Environmental Cooperative Agreement Pilot Program created under s. 288.90,

Wis. Stats. (including EMS and associated pollution prevention projects).

- Public recognition/awards resulting from the efforts of the Cooperative Agreement and EMS.
- The annual achievements, difficulties or other challenges associated with fulfilling the agreement.

XIII. REPORTING OF VIOLATIONS.

Any violations discovered as part of the baseline or annual environmental performance evaluation shall be disclosed to DNR within 45 days of the completion of the evaluation. DNR shall not take any civil enforcement action to collect forfeitures for any such reported violations if they are corrected within 90 days of notification. This does not exempt CCP from the requirements for immediate notification contained in s. 292.11, Wis. Stats., or any other provisions of law, nor does it preclude DNR from taking action if it determines that the violations present an imminent threat to public health or the environment or may cause serious harm to public health or the environment, or if DNR discovers the violations before CCP's disclosure.

If a longer period of time is needed to correct the violations, a compliance schedule can be negotiated and this Agreement modified allowing a compliance schedule of up to 12 months.

XIV. APPLICABLE LAW. The laws of the State of Wisconsin shall govern this Agreement. Except as provided herein, CCP shall at all times comply with all Federal, State and Local laws, ordinances and regulations in effect during the period of this agreement.

XV.ADDRESSES. All correspondence and communication shall be directed to the appropriate contact person listed below. Changes in the information listed below shall be forwarded to the other party when effective and shall become part of this agreement without a formal amendment.

Bureau Director
Bureau of Cooperative Environmental Assistance
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

Table A Cook Composites and Polymers Co (CCP), Saukville 304 Railroad St:

Facility Permits, Approvals, Activities, Identification Numbers and DNR Program Contacts

Program	Type Permit/Activity	Permit/ Program Facility ID #	Status/Comments	Environmental Cooperative Agreement's Impact	Current Contacts: CCP and DNR Program Contact(s) [1*]: ◆facility; ⊙ regional program leader; ●statewide policy;
Waste Management	Feasibility Determination and Plan of Operation Approval	EPA ID No: WID980615439	Signed: 2/5/88 by Frank Schultz CCP is required to submit a revised Feasibility Determination and Plan of Operation every 10 years as part of the application for re-issuance of its TSD license. CCP submitted these documents 5/10/99.	**Process & Schedule -** This agreement creates an agreed upon schedule and process for closure of the hazardous waste storage facility, or, if this schedule is not met, review of the Feasibility Study and Plan of Operation, and re-issuance of the TSD operating license.	CCP/ Mike Gromacki DNR SER/Pat Brady◆/Frank Schultz⊙ DNR WM/ Pat Chabot●
Waste Management	Hazardous Waste Facility Operation License: HW Storage -Tank Non-Commercial	EPA ID No: WID980615439 License No: 03202	First Issued: 6/01/89 and renewed annually Application for 10-yr Operating License Re-issuance received 5/31/99	**Process & Schedule -** This agreement creates an agreed upon schedule and process for closure of the hazardous waste storage facility, or, if this schedule is not met, review of the Feasibility Study and Plan of Operation and re-issuance of the TSD operating license.	CCP/ Mike Gromacki DNR SER/ Pat Brady◆/ Frank Schultz⊙ DNR WM/ Pat Chabot●
Waste Management	Hazardous Waste Facility Operation License: HW Treatment - Incinerator Non-commercial	EPA ID No: WID980615439 License No: 03203	First Issued: 6/01/89 and renewed annually Application for 10-year Operating License re-issuance received 5/31/99	**Process & Schedule -** This agreement creates an agreed upon schedule and process for closure of the hazardous waste treatment facility, or, if this schedule is not met, review of the Feasibility Study and Plan of Operation and re-issuance of the TSD operating license.	CCP/ Mike Gromacki SER/ Pat Brady◆/ Frank Schultz⊙ WM/ Pat Chabot●
Remediation and Redevelop-	• August 22, 1994, Plan Modification Approval to Impose State Equivalent	EPA ID No: WID980615439		**Pollution Limit** - This Corrective Action order is formally incorporated into this	CCP/ Mike Gromacki ER/ John Feeny◆

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ment	Corrective Action; • April 21, 1995, Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System; • the January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Workplan.			agreement and shall remain enforceable under this agreement.	/Walt Ebersohl⊙ RR/ Mark Gordan●
Waste Management	Activity/ Large Quantity Hazardous Waste Generator	EPA ID No: WID980615439	Active, Reports Annually	**None** - All large quantity generator regulations continue to apply to the facility.	CCP/ Mike Gromacki SER/ Mike Ellenbecker◆/ Frank Schultz⊙ DNR WM/ Pat Chabot●
Watershed Management	Permit to Discharge Under the Wisconsin Pollution Discharge Elimination System to the Milwaukee River Basin (cooling water and stormwater)	WI-0027731-6	Issued: 06/02/97 Expires: 03/31/02	**None** -No impact on CCP's WPDES permit or its requirements. If CCP proposes to change its discharge to the Milwaukee River, a modification to this permit shall be required.	CCP/ Mike Gromacki DNR SER/ Judith Gottlieb◆ DNR WT/ David Hantz●
Watershed Management	General Storm Water Industrial Tier 1 Permit (Storm Water)	S067849	Expired 10/31/99. DNR has not reissued the Tier 1, 2, and 3 industrial storm water permits and intends to have them	**None** -No impact on CCP's General Storm Water permit or its requirements.	CCP/ Mike Gromacki DNR SER/ Judith Gottlieb◆ DNR WT/ Eric

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Program	Type Permit/Activity	Permit/ Program Facility ID #	Status/Comments	Environmental Cooperative Agreement's Impact	Current Contacts: CCP and DNR Program Contact(s) [1*]: ◆facility; ⊙ regional program leader; ●statewide policy;
			reissued by June 2001		Rortvedt ●
Remediation and Redevelop-ment & Wastershed Management	Existing Corrective Action Pretreatment Discharge to Saukville Wastewater Treatment Plant	Remedial Action Wells (W21, W24, W28 and W29) and contaminated groundwater in the Ranney collector system for the site	Discharge of contaminated groundwater from a remedial action authorized under existing RCRA Corrective action order	**Pollution Limit** - The Corrective Action order is formally incorporated into this agreement and shall remain enforceable under this agreement.	CCP/ Mike Gromacki DNR SER/ John Feeny◆ /Walt Ebersohl⊙ DNR RR/ Mark Gordan●
Watershed Management	Any new pretreatment discharge or "Zero discharge wastewater treatment system"	To be determined	The reaction water (minus hazardous waste constituents) will continue to need to be managed. In the immediate future CCP will manage the water in its "Non-hazardous wastewater incinerator.	**Process & Schedule -** This agreement creates a process and schedule for CCP to submit a pretreatment baseline monitoring report and feasibility study report (if required) and for DNR review and decision-making.	CCP/ Mike Gromacki DNR SER/ Benjamin Bennington◆ DNR WT/ Chuck Schuller●
Watershed Management	Saukville Wastewater Treatment discharge	See comments	CCP must obtain approval from the Saukville Wastewater Treatment Plant for any new direct discharge to the facility	**None** -This agreement does not impact local government requirements. CCP must obtain approval from the Saukville Wastewater treatment Plant for any new direct discharge to the facility.	CCP/ Mike Gromacki DNR SER/ Benjamin Bennington◆◆ DNR WT/ Chuck Schuller●
Drinking Water and Groundwater	Industrial High Capacity Well	56810 / Approved 7/01/19/86 (to then Freeman Chemical Corporation & Polymers)	Deep dolomite extraction well that supplies water for noncontact cooling water	**None** -	CCP/ Mike Gromacki DNR SER/ Sharon Schaver DNR GW/ William Rock
Air	Consent Order (for compliance with new		Signed 4/15/93 by Daniel Grasset; 6/1/93 by Donald	**None** -	CCP/ Mike Gromacki

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Management	requirements of NR 445)		Theiler		DNR SER/ Ron Dillahunt/ Bill Yantawood⊙ DNR AM/ Joydeb Bhattacharyya
Air Management	Consent Order First Amended Consent Order for the Operation of CCP, Saukville, WI (NR 445 requirements)		Signed 3/14/94 by Daniel Grasset; 5/18/94 by Donald Theiler;	**None** -	CCP/ Mike Gromacki DNR SER/ Ron Dillahunt/ Bill Yantawood⊙ DNR AM/ Joydeb Bhattacharyya
Air Management	Air OperationPermit	246004330P01	Application completed 12/01/94 -- Not acted on yet by DNR	**Process & Schedule** - Creates an agreed upon schedule for CCP to submit a revised air operation permit to DNR that reflects changes in operation related to the Hazardous Waste Incinerator.	CCP/ Mike Gromacki DNR SER/ Bill Yantawood⊙ DNR AM/ Joydeb Bhattacharyya
Air Management	Air Pollution Construction Permit	To be determined	Information to be submitted and reviewed	**Process & Schedule** - Creates an agreed upon schedule and process for CCP to submit information for and for DNR to make decisions related to an air pollution construction permit.	CCP/ Mike Gromacki DNR SER/ Bill Yantawood⊙ DNR AM/ Joydeb Bhattacharya ◆
Air Management	Activity/ Air Emissions Inventory		Reports annually	**None** - All air emission inventory requirements continue to apply to the facility.	CCP/ Mike Gromacki DNR SER/Ron Dillahunt/ Bill Yantawood⊙ DNR AM/Ralph

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Program	Type Permit/Activity	Permit/ Program Facility ID #	Status/Comments	Environmental Cooperative Agreement's Impact	Current Contacts: CCP and DNR Program Contact(s) [1*]: ◆facility; ⊙ regional program leader; ●statewide policy;
					Patterson●
Air Management	MACT Incinerator License	---	New federal MACT air requirements become effective if CCP doesn't close its incinerator (MACT requirements of 40 CFR 63, subpart EEE)	**None -** This agreement does not change the federal MACT Incinerator Requirements that apply to CCP. *Note: this regulation is currently in litigation and requirements and timelines may change as a result.*	CCP/ Mike Gromacki DNR SER/ Bill Yantawood⊙ DNR AM/ Roger Fritz◆●
Toxic Release Inventory (EPA)	Activity/ Toxic Release Inventory	TRI Identification No: 53080FRMNCRAILR	Reports annually	**None** -This agreement does not change the TRI Reporting requirements that apply to CCP	CCP/ Mike Gromacki DNR-SS/ Erin Bagott●

Table B. CCP Community Advisory Committee

Committee Members

Steve Brachman	(UW Extension)
Pat Brady	(DNR Southeast Region, Milwaukee)
Jerry Dickmann	(Saukville Utility Superintendent)
Tari Emerson	(Environmental Manager, Charter Steel)
Sandra Garbarek	(Village President)
Matt Geib	(CCP employee)
Dale Jacoby	(Village Trustee)
Dennis Jacoby	(Neighbor)
Scott Jaeger	(County Board Supervisor)
Charles Kroeger	(Neighbor)
Chris Lear	(Village Administrator)
Ann Lemons	(Village Trustee)
Ray Meyer	(Neighbor)
Raymond Stengel	(Neighbor)
William Stolte	(Ozaukee County Emergency Government)

CCP Staff and Facilitator

Mike Gromacki	(Director of Quality/Safety/Environment)
Mike Lotman	(Director of Manufacturing)
Glenn Preisler	(Acting Plant Manager)
Steve Skavroneck	(Consultant)

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

Project Activity	Start Date YR/MO/D	End Date YR/MO/D	Status or duration	Task
Air Const. Permit	---	2000/07/24 submitted	*Done*	CCP submits Conceptual Design to DNR (reference commitment IX.A.4)
Air Const. Permit	2000/07/24	2000/10/10	*Done*	DNR reviews Conceptual Design and notifies CCP what steps it should take to determine whether the project requires an Air Construction Permit or not.
Air Const. Permit	---	2001/02/15	2001/02/15 *Done*	CCP shall submit a letter to the Department requesting following the standard procedures for requesting an exemption from an Air Construction Permit based on the criteria for minor modifications contained in NR 406 and NR 408 Wisconsin Administrative Code. In the letter CCP will define the option that it will follow a brief description of the project and state the reasons why CCP believes the project is exempt from an air construction permit. Under NR 408, if the sum of the increases and decreases in VOCs over the last 5 years (including the current project) is less than 25 tons, then the project is a minor modification. CCP should also document that the emissions from the project will not trip any of the exemption levels (VOCs, CO, NOx, PM, etc.) in NR 406. If none of the levels are tripped, then the project is an exempt modification and no construction permit is required. The letter should contain an analysis showing the emission rates of various pollutants before and after the project is completed, including the emissions from the increased use of natural gas resulting from the elimination of waste solvent combustion and any changes in emissions associated with the recovery and reuse of solvents.
Air Const. Permit	2001/02/15	2001/03/15 (target)	2001/05/22 DNR requested additional information.	DNR will review the letter and formally inform CCP whether DNR agrees with the exemption request, or if an air construction permit application is required.
Air	---	2001/04/15	Not required	If required, CCP submits application for an air construction

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

Const. Permit		(or before)	based on initial submittal	permit and initial permit review and expedited permit fees with the submittal (NR 410.03(1)(d), Wisc. Adm. Code) to expedite the review process. (reference CCP commitment IX.5.b3)
Air Const. Permit			2001/06/28	CCP submitted additional information for air review.
Air Const. Permit			2001/07/06	DNR response letter "Based on the information submitted, the incinerator will be exempt from requiring a new source permit prior to construction under s. NR 405.04 Wisc. Adm. Code."
Air Operating Permit	---	2001/11/01		If the project is exempt from an Air Construction Permit, CCP shall update the Title V application that was submitted for the facility in 1994.(reference IX.5.b2)
Air Operating Permit	2001/10/01	2002/01/15 (target)		DNR and CCP will establish timeline for review of CCP's original and revised air operation permit application
Air - MACT		2000/07/31	*Done*	Facility holds at least one information meeting with the public to discuss anticipated activities described in the draft NIC for achieving compliance with the emission standards of this subpart... (CCP held information meeting even though a United States Court of Appeals, District of Columbia, July 25, 2000 decision vacated this specific requirement of *40CFR 63, Subpart EEE-HWC MACT 63.1210(c)(1)*
Air-MACT		2000/06/31	*Done*	Facility makes a draft of the Notice of Intent to Comply (NIC) available for public review no later than 30 days prior to the public meeting (CCP provided notice even though a United States Court of Appeals, District of Columbia, July 25, 2000 decision later vacated this specific requirement of *40CFR 63, Subpart EEE-HWC MACT 63.1210(c)(1)*
Air MACT		2001/10/01	2001/10/01*	Facility stops burning hazardous waste in HW Combustor by October 1, 2001 and notifies DNR of change in process operations. (Reference CCP commitment .IX.A.1
CCP	1999/12/01	1999/02/01	*Done*	CCP Conducted Feasibility Study of MPPE Waste Minimization Project
CCP	---	2000/02/15	*Done*	CCP Submitted Preliminary Design on MPPE Waste Minimization Project
CCP	2001/04/01	2001/06/01	*Done*	Shop construction of MPPE

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

CCP	---	2000/07/01	*Done*	CCP submits draft NIC and notifies intent to close incinerator to DNR & U.S. EPA
CCP		2000/07/10	*Done*	CCP submits Concept Design (reference CCP commitment IX.A.4)
CCP		2000/07/31	*Done*	Meeting to describe draft NIC and Environmental Cooperative Agreement and solicit input and participation in Interested Parties Group
CCP		2000/10/21	*Done*	CCP submits closure plan modification for HW Facility (reference CCP commitment IX.A.5.a)
CCP	---	2000/10/30	*Done*	DNR provides identifies requirements and timeline for final decision-making
CCP	2001/08/21	2000/11/21 (target)	2001/02/28 *Done*	DNR reviews Closure Plan and requests additional information
CCP		2001/03/28 (target)	2001/09/24 *Done*	CCP provides additional information for TSD closure plan modification, if required.
CCP		2001/03/31	*Done*	CCP submits Specs to contractors for MPPE Unit
CCP		2001/04/15	*Done*	CCP receives Bid Package on Waste Minimization Project
CCP		2001/05/1	*Done*	CCP awards project to contractor
CCP		2001/06/01 (or before)	*Done*	Primary components of MPPE delivered to CCP
CCP	2001/06/01	2001/07/31 (target)	*Done*	CCP Systems installation (piping and utility connections)
CCP	2001/07/01	2001/08/31 (target)	2001/09/14 *Done*	CCP System shakedown (training and debugging)
CCP	2001/08/01	2001/08/01	2001/09/28*	CCP Target Completion Date for MPPE installation, stopping burning hazardous waste in incinerator and decontamination and testing of piping and tanks downstream of MPPE .
CCP	2001/09/01	2001/09/31	2001/09/28*	Contingency Completion Date for MPPE installation, stopping burning hazardous waste in incinerator and decontamination and testing of piping and tanks downstream of MPPE ..
CCP		2001/11/01 (part)		Facility submits certification of completion of HW TSD closure and a closure documentation report

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

		2002/01/01 (total)		
CCP		2001/11/15		Pretreatment Baseline Monitoring Report and Plans and Specifications to WDNR for "Zero Discharge Wastewater Treatment System (CCP's Non-hazardous wastewater incinerator)
CCP	2001/04/01	Within 90 days of submittal		DNR Review of Pretreatment Baseline Monitoring Report & Plans and Specifications.
CCP		2002/10/01		EPA MACT Deadline for hazardous combustor closure . under *40CFR 63, Subpart EEE-HWC MACT 63.1210(c)(1) Note CCP has agreed to stop burning hazardous waste in its incinerator one year before this deadline as part of this Environmental Cooperative Agreement* *Note that this rule has been in additional litigation and court decisions make affect rule requirements*
CEA-A		1999/04/23	*Done*	CCP submits letter of intent to apply for Environmental. Cooperative Agreement
CEA-A		1999/05/	*Done*	DNR Response on Environmental. Cooperative Agreement
CEA-A		1999/08/22	*Done*	CCP submits proposed Environmental. Cooperative Agreement
CEA-A		1999/09/29	*Done*	DNR sends CCP proposed Environmental. Cooperative Agreement to EPA Region V for initial review and comment
CEA-A		2000/02/09	*Done*	DNR & CCP conference call on Env. Coop. Agreement
CEA-A		2000/02/17	*Done*	DNR & CCP meeting with Region V EPA on to Environmental. Cooperative. Agreement
CEA-A		2000/04/25	*Done*	EPA initial letter to DNR on issues related to Environmental. Cooperative Agreement
CEA-A	2000/04/25	2000/06/05	*Done*	Prepare Environmental Cooperative Agreement "working draft" of DNR counter-proposal
CEA-A	2000/06/06	2000/06/19	*Done*	"Working Draft" of DNR counter-proposal sent to DNR staff and participants for review
CEA-A	2000/07/14	2000/07/21	*Done*	DNR Internal review of "final draft" Environmental. Cooperative. Agreement DNR counter-proposal prior to public notice
CEA-A		2000/07/31	*Done*	CCP holds public meeting on MACT NIC and initial meeting for Interested Persons Group. (Ref CCP commitment IX.A.1)

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

CEA-A		2000/07/24	*Done*	Public Notice of Intent to Negotiate & availability of DNR Environmental Cooperative Agreement DNR counter-proposal
CEA-A	2000/08/01	2001/02/15	*Done*	Environmental. Cooperative Agreement negotiation period (target)
CEA-A	2001/08/08	2001/02/19	*Done*	DNR Prepare final Env. Coop Agreement for public notice
CEA-A	2001/02/19	2001/02/26 Target	*Done*	Public Notice Final Environmental Cooperative Agreement and public informational meeting (target)
CEA-A	2001/03/20 (week of)	2001/03/22 (week of)	2001/03/22 *Done*	CCP and DNR hold public informational meeting on Environmental. Cooperative Agreement to solicit comments and input
CEA-A	2001/03/22	2001/03/30	2001/04/09 *Done*	End of 30-day Public Comment Period on Environmental. Cooperative Agreement
CEA-A	2001/04/02	2001/04/06	2001/09/21 *Done*	DNR reviews public comments on Agreement and prepares summary and DNR response and notifies CCP and Public
CEA-A	2001/04/09	2001/09/15 Target	2002/10/01*	DNR formally acts on Environmental Cooperative Agreement.
CEA-A		2001/12/01		CCP shares with DNR and CAC initial report results of feasibility studies for waste minimization including preliminary feasibility determination and timeline for implementation including: 1) Solvent reduction and reclamation and 2) Waste glycol.
	2001/12/01	2002/01/31		CCP discusses results of waste minimization feasibility studies with DNR and CAC.
CEA-A		2002/02/01		CCP submits final report of feasibility study for waste minimization of including preliminary feasibility determination and timeline for implementation including: 1) Solvent reduction and reclamation and 2) Waste glycol
CEA-A	2001/10/01	2002/04/01		CCP completes initial baseline performance report for Cooperative Agreement (reference CCP commitment XII.A) and shares with DNR and Community Advisory Committee (Interested Persons Group)
CEA-A		2002/04/01		CCP completes case study on MPPE project (reference CCP commitment XII.B)
CEA-A	2000/04/01	2002/10/01		CCP Completes first annual performance report and shares with DNR and Interested Persons Group
CEA-A	2001	2006	Quarterly or as agreed	CCP meets with interested parties group to discuss progress on waste minimization and pollution prevention

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

			upon by CCP's CAC	projects, the Agreement and EMS.
TSD-c		2000/07/01	*Done*	Facility notifies WDNR of intent to close HW TSD Permitted Facility CCP (reference CCP commitment IX.A.1)
TSD-c		2000/10/01 (target)	2000/10/21 *Done*	Facility submits draft Hazardous Waste TSD Closure Plan modification including identification of any existing equipment that may be used in the new process and a timeline and procedure for transition of functions (reference CCP commitment IX.A.4)
TSD-c	2000/08/01	2001/02/26	2001/02/28 *Done*	WDNR completes initial review of draft Hazardous Waste TSD Closure Plan modification and formally notifies CCP of the results of initial review of CCP's draft TSD closure plan modification for completeness and determines modification is a class 1 plan modification.
TSD-c		2001/04/15	2001/07/28 *Done*	Facility receives final volume of waste from off-site CCP facility
TSD-c		2001/03/28 (target)	2001/09/24 *Done*	CCP provided additional information for TSD closure plan modification, if required.
TSD-c		2001/04/15 (target) 30 days after receipt of complete closure plan	2001/09/28*	Once WDNR has received a complete TSD closure plan modification, DNR finishes review within [30] days and notifies CCP of DNR determination.
TSD-c		2001/09/01	2001/09/14 Done	Start-up and Performance Testing of MPPE System (unofficial termination of hazardous waste incineration)
TSD-c		2001/09/28	2001/09/28*	Conduct tests to ensure that the MPPE System is working as projected: 1) Documentation of that the remaining reaction water is not a characteristic hazardous waste based on standard tests for Hazardous Waste Ignitability and corrosivity. 2) Documentation that the MPPE System provides 99.9% removal of xylene constituents using a level of detection similar to that used in the Chatam Virginia pilot study.
TSD-c		2001/09/28	2001/09/28*	Decontamination of piping and tanks downstream of MPPE System. Complete and verified by standard tests for hazardous waste as provided in the closure plan.

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

TSD-c		2001/10/01	2001/10/01*	Official date that CCP stops burning hazardous wastes in its incinerator. CCP commits to no longer burning hazardous waste in its incinerator and operating the MPPE System and all units upstream of the MPPE System as a totally enclosed treatment unit by signing the Environmental Cooperative Agreement with WDNR.
TSD-c		2001/10/05		Receipt of analytical results of downstream rinseate – Verification of clean closure of downstream tanks.
TSD-c		2001/11/01		CCP certifies clean closure of all tanks and piping downstream of the MPPE System, clean closure of the incinerator, and verifies that the MPPE System is working as projected and that the incinerator is not burning hazardous waste based on available monitoring data. * Certification to be completed by CCP and a professional engineer for review by WDNR on an expedited basis.
TSD-c		2001/11/15 (target)		WDNR reviews and acts on first phase of CCP closure and notifies CCP of determination
TSD-c		2001/12/01		CCP completes decontamination for all tanks and piping upstream of the MPPE System . (CCP will follow all Large Quantity Generator regulatory requirements as it uses these tanks in the future.)
TSD-c		2002/01/01		CCP submits certification that closure of all tanks and piping upstream of the MPPE System is complete and that closure of all previously licensed hazardous waste units are complete to WDNR. * Certification to be completed by CCP and a professional engineer.
TSD-c		2002/02/01 or 30 days after receipt of complete certificatio n		WDNR acts on CCP TSD completion of HW closure and notifies CCP of determination.
WW		2000/07/17	*Plan Submitted*	CCP submits Concept Design Plan indicating whether CCP will have a "Zero discharge wastewater treatment system" (CCP's Non-hazardous Wastewater Incinerator) or discharge wastewater to the Saukville wastewater Treatment Plant (reference CCP commitment IX.A.4)
WW	2000/07/01	2001/11/15		Facility submits pretreatment baseline monitoring report (NR 211.15 Wis. Adm Code). (reference CCP commitment IX.A.5c) for "Zero Discharge Wastewater Treatment System" (CCP's Non hazardous wastewater incinerator)
WW		2001/11/15		Facility submits pretreatment Plans and Specifications for

Table C. Schedule for CCP Environmental Cooperative Agreement Implementation

				approval under chapter 281.41,Wis. Statutes. (reference CCP commitment IX.5.c) for "Zero Discharge Wastewater Treatment System" (CCP's Non hazardous wastewater incinerator).*
WW		2001/12/15 (target)		DNR completes preliminary review of Pretreatment Control document after receipt of BMR and pretreatment facility plan for "Zero Discharge Wastewater Treatment System" (CCP's Non hazardous wastewater incinerator) and notifies CCP of any additional information that is required prior to final decision. *
WW		2002/01/15 (target) within 30 day of notification		CCP Submits any additional information required for Pretreatment Plans and Specification Review
WW		2002/02/15 (target) within 90 days of receipt of completed application		DNR makes final decision on Pretreatment Control document and notifies CCP of approval, denial, or any additional information that is required prior to final decision "Zero Discharge Wastewater Treatment System" (CCP's Non hazardous wastewater incinerator)* *Note: that this approval is not legally required for operation of the system, but both DNR and CCP agree that it is desirable to have the MPPE unit reviewed to determine if it meets Pretreatment Requirements for an Organic Chemicals and to establish a monitoring record for the unit. This approval of the will be for a "Zero Discharge wastewater treatment system". This approval <u>will not</u> permit discharge to the Saukville wastewater treatment plant.

* Actions highlighted in yellow refer to actions currently being worked on (as of Sept 26, 2001) that are anticipated to be completed by the dates indicated.

Attachment 2.a Coatings Care (National Paint and Coatings Association

Coatings Care™ is a comprehensive program developed by the National Paint and Coatings Association (NPCA) to assist members' efforts to integrate health, safety and environmental activities with corporate planning and operations. Coatings Care™ identifies and defines the full spectrum of health, safety and environmental management practices, and organizes them into four key areas:

- Manufacturing
- Transportation and Distribution
- Product Stewardship
- Community Responsibility

The program's four Codes of Management Practices coincide with the four key areas. The codes describe management practices that, in general, are not new. What are new, and improved, however, are the organization, efficiency and effectiveness that implementation of the Coatings Care™ program can bring to business operations in the coatings industry. The management practices are based on regulations, standards and common industry procedures, and take into account the spectrum of health, safety and environmental responsibilities held by all coatings manufacturers. Implementation of Coatings Care™ will allow companies to integrate regulatory requirements, industry guidance, training and education, research, case studies, best management practices, material specifications, and toxicological data into one comprehensive program.

A summary of the four Codes of Management Practices follows:

Manufacturing Management Code

Purpose--the Manufacturing Management Code under Coatings Care™ seeks to ensure that plant operations are consistent with established health, safety and environmental practices. The code reflects regulatory and legislative requirements as well as industry trade practice in the areas of employee protection, community and environmental protection, waste management practices and other aspects of plant operations.

Policy--the Manufacturing Management Code addresses several aspects of Coatings Care™ policy:

- Promote efforts to protect employees, customers, the public and the environment.
- Make protection of health, safety and environment an early and integral part of the organizational planning process.
- Comply with all legal requirements, which affect operations and products.

For more information on the Manufacturing Management Code: Management Practices, Relationship to Other Aspects of Coatings Care™ and the Self-Evaluation Checklist, contact CCP at 888-950-3874.

Transportation and Distribution Code

Purpose--the Transportation and Distribution Code under Coatings Care™ seeks to ensure the

safe shipping of coatings products to the industry's customers, and to reinforce the integral role of health, safety and environmental considerations in the distribution chain.

Transportation and distribution practices for coatings products are extremely diverse and highly regulated. This code addresses hazardous material transportation requirements, including those applying to containers and packaging, marking, placarding and carrier selection. Storage and warehousing restrictions associated with hazardous material regulations, fire codes and use permits are also considered.

Policy--the Transportation and Distribution Code addresses several of the Coatings Care™ policy statements:

- Promote efforts to protect employees, customers, the public and the environment.
- Comply with all legal requirements, which affect operations and products.

For more information on the Transportation and Distribution Code: **Management Practices, Relationship to Other Aspects of Coatings Care™** and the **Self-Evaluation Checklist,** contact CCP at 888-950-3874.

Product Stewardship Code

Purpose--the Product Stewardship Code under Coatings Care™ seeks to establish health, safety and environmental considerations as an early and integral part of product formulation and to communicate appropriate safeguards for product use and disposal to customers. To accomplish this, product stewardship must be viewed as a shared responsibility and therefore understood by all those responsible for product formulation, manufacturing, marketing and customer support.

Product stewardship principles apply for all classes of industry products and acknowledge the need for quality products which can be used and disposed of safely. In the workplace, product stewardship efforts support the employer's responsibility for providing a safe workplace and addressing environmental considerations arising from product use and disposal.

Policy--the Product Stewardship Code addresses several aspects of the Coatings Care™ policy:

- Promote efforts to protect employees, customers, the public, and the environment
- Provide relevant information on the safe use and disposal of industry products to customers, and make such information available to the public on request
- Make protection of health, safety and the environment an early and integral part of the organizational planning process.

For more information on the Product Stewardship Code: **Management Practices, Relationship to Other Aspects of Coatings Care™** and the **Self-Evaluation Checklist,** contact CCP at 888-950-3874.

Community Responsibility Code

Purpose--the Community Responsibility Code has two major elements. The first major element seeks to help protect employees and communities by assuring that each coatings manufacturing facility has an established program, coordinated with local authorities, to respond to facility emergencies.

The second is to assist participating NPCA member companies in establishing and maintaining

Attachment 2.a Coatings Care (National Paint and Coatings Association

community outreach efforts that communicate relevant and useful information that is responsive to questions and concerns regarding health, safety and the environment.

Policy--the Community Responsibility Code addresses two of the Coatings Care™ policy statements:

- Be responsive to community concerns
- Assist government in developing equitable and attainable standards.

Given the diversity of the coatings industry, its products and shipping practices, the Codes of Management Practices are intended to reflect good management practices. As a result, implementation of these codes will integrate practical and flexible considerations for all NCPA members.

For more information on the Community Responsibility Code: **Management Practices, Relationship to Other Aspects of Coatings Care™** and the **Self-Evaluation Checklist,** contact CCP at 888-950-3874.

ATTACHMENT 2.b

Composites Care[SM]

Pollution Prevention and Waste Minimization Code of Practice Purpose

This Code is designed to achieve ongoing reductions in the amount of all contaminants and pollutants released to the air, water, and land from facilities. These reductions are intended to respond to public concerns with the existence of such releases, and to further increase the margin of safety for public health and the environment.

The Code is also designed to achieve ongoing reductions of wastes, pollutants, or emissions generated at facilities. These reductions are intended to help relieve the burden on industry and society of managing such wastes in future years.

In implementing the Code, each company should strive for annual reductions, recognizing that production rates, new operations, and other factors may result in increases. Despite these fluctuations, however, the goal is to establish a long-term, substantial downward trend in the amount of wastes generated and contaminants and pollutants released. Reduction goals will be established, giving priority to those pollutants, contaminants and wastes of highest health and environmental concern.

This Code also includes practices that address the broader waste management issues beyond source reduction and other waste and release reduction efforts. Each participating company must manage remaining wastes and releases in a manner that protects the environment and the health and safety of employees and the public.

Required Management Practices

Each company shall have a pollution prevention and waste minimization program, which shall include:

1. A clear commitment by senior management through policy, communications, and resources, to comply with applicable regulatory requirements related to environmental releases and transfers.

2. A clear commitment by senior management through policy, communications, and resources, to ongoing reductions at each of the company's facilities, in releases to the air, water, and land and in the generation of wastes.

3. A quantitative inventory at each facility of wastes generated and releases to the air, water, and land, measured or estimated at the point of generation or release.

4. Establishment of priorities, goals and plans for waste and release reduction.

5. Ongoing reduction of wastes and releases, giving preference first to source reduction, second to recycle/reuse, and third to treatment and disposal. These techniques may be used separately or in combination with one another.

6. Measurement of progress at each facility in reducing the generation of wastes and in reducing releases to the air, water, and land, by updating the quantitative inventory at least annually.

7. Ongoing dialogue with employees and members of the public regarding waste and release information, progress in achieving reductions, and future plans. This dialogue should be at a personal, face-to-face level, where possible, and should emphasize listening to others and discussing their concerns and ideas.

8. Inclusion of waste and release prevention objectives in research and in design of new or modified facilities, processes, and products.

9. An ongoing program for promotion and support of waste and release reduction by others, which may, for example, include sharing of technical information and experience with customers and suppliers, and support of efforts to develop improved waste and release reduction techniques.

Periodic evaluation of waste management practices associated with operations and equipment at each facility, taking into account community concerns and health, safety, and environmental impacts and implementation of ongoing improvements. *Composites Care is a registered service mark of the Composites Fabricators Association.*

ATTACHMENT 2.c

CCP Health, Safety and Environment Charter

CCP is jointly committed, along with TOTAL, to the following Health, Safety and Environment Charter.

No economic priority shall overrule considerations of health and safety at work and respect for the environment.

Each one of us must be aware of his or her personal responsibility regarding health, safety and the environment, and must be permanently alert to potential risks of accident or pollution related to his or her activity.

Criteria involving health, safety and the environment shall be evaluated first in all decisions concerning development projects and the launching of all new products.

With public authorities and local communities, the Group shall adopt an attitude of openness and constructive dialogue. Beyond our global objective of protecting the environment, the Group pledges to safeguard the health, safety and quality of life of those living or working in the vicinity of our facilities.

The Group shall select its industrial and commercial partners on the basis of their compliance with our rules for health, safety and the environment.

The determination of our Group to make permanent progress in the field of health, safety and the environment shall manifest itself in training programs, consultation and through implementation of internal and external audits.

Compliance with these principles involving health, safety and the environment shall be an important element in the performance evaluation of each member of our Group, and most importantly of all Group members with management responsibilities.

Thierry Desmarest, Chairman TOTAL

Charles E. Bennett, CEO CCP

ATTACHMENT 3.a Pollution Limits: Corrective Action

Attachment 3a is the existing corrective action plan requirements and approvals approved initially as part of CCP's Plan of Operation for its Hazardous Waste TSD in license.

i. August 22, 1994, Plan Modification Approval to Impose State Equivalent Corrective Action;

ii. April 21, 1995, Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System

iii. January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures, RCRA Facility Investigation Work plan

WISCONSIN DEPT. OF NATURAL RESOURCES
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

August 22, 1994

File Ref: FID 246004330
Ozaukee County
HW/CA

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

SUBJECT: Plan Modification Approval to Impose State Equivalent Corrective Action at the Cook Composites & Polymers (CCP) Saukville WI Facility WID 980615439

Dear Mr. Bostwick:

Enclosed for your review, please find a copy of the modification to the plan of operation approval for the existing hazardous waste incinerator at CCP's Saukville, Wisconsin plant. Provisions for state authorized corrective action are included in this modification. Comments received in writing from CCP on January 10, 1994 have been considered and included in this final version, as appropriate.

As part of finalizing this modification, we have also reviewed the document entitled "Crosswalk between draft RFI workplan and WDNR guidance document for hazardous waste facility investigations," which was submitted by CCP and received by the Department on February 18, 1994. The purpose of this document was to identify what information had been previously submitted, where that information can be found and to summarize what additional information needs to be submitted to satisfy the Department's guidance. Based on our review of the crosswalk document, we have concluded that there is enough information currently available to allow us to complete a formal review of the RFI workplan. Therefore, condition 1 of the draft plan modification has been eliminated. Condition 2 of the draft plan modification will be included with the formal approval of the RFI workplan.

It is our intent to issue a formal response to the RFI workplan within the next few weeks. Our review will cover all applicable reports identified in the crosswalk document and will be issued in draft form to allow CCP the opportunity to provide comments. This approach should allow for implementation of the additional field work this year and submittal of the CMS early in 1995.

(2)

We have added three additional conditions to the attached modification based on comments received at the public hearing held on April 28, 1994 in the Saukville Village Hall. Condition 2 requires that CCP revise or develop a new community relations plan in consultation with the Village of Saukville. Condition 3 requires that CCP submit copies of reports, engineering plans, correspondence and other pertinent submittals related to the requirements of corrective action to the Saukville Village Administrator. The intent of this condition is to make available to the Village information regarding activities at the plant pertaining to environmental cleanup and remediation. Under the requirements of condition 3, CCP does not waive its right to submit certain information to the Department pursuant to a claim of trade secrets or confidentiality. Finally, condition 4 requires that the existing proof of financial responsibility be maintained. In addition, requirements for updated cost estimates and a new financial proof mechanism have been added.

If you have any questions, please call Jill Fermanich at (608) 266-5741.

Sincerely,

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

BJZ:jjf

enclosure

cc: Mark Gordon - SW/3
Pete Flaherty - LC/5
Tim Mulholland/Jill Fermanich - SW/3
[redacted]
Laura Lodisio/Robert Smith - U.S. EPA Region 5, HRE/8J
Jean Gromnicki - U.S. EPA Region 5, HRM/7J
Chuck Slaustas - U.S. EPA Region 5, HRP/8J
Jim Rickun/Stacy McAnulty - RMT, Inc., Madison
Jeffery Knight - Village of Saukville, WI president

(3)

ATTACHMENT 3.a Pollution Limits: Corrective Action

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

MODIFICATION
TO THE
PLAN OF OPERATION APPROVAL

COOK COMPOSITES AND POLYMERS COMPANY
HAZARDOUS WASTE INCINERATOR
FID 246004430
U.S. EPA I.D. NO.: WID980615439

FINDINGS OF FACT

General Information

Owner/Operator: Cook Composites and Polymers Company
919 E. 14th Avenue
North Kansas City, MO 64116
(816) 391-6000

Contact: Mr. Craig Bostwick
(816) 391-6025

Location: The former incinerator, storage area and existing incinerator are at Cook Composites and Polymers' Saukville, Wisconsin facility. Church Street bounds the site to the north, South Main Street to the east, West Linden Street to the south, and the Chicago Milwaukee St. Paul Pacific Railroad to the west.

Consultant: RMT, Inc.
744 Heartland Trail
Madison, WI 53708-8923
(608)831-4444
James S. Rickun, Project Manager

The Department finds that:

1. Cook Composites and Polymers Company purchased Freeman Chemical Corporation on April 2, 1990 from its former parent company, Georgia Gulf Corporation. On December 31, 1990, Freeman Chemical Corporation changed its legal operating name to Cook Composites and Polymers. All references to Cook Composites and Polymers in this document refer to the same facility, either under the present or former names.

2. Cook Composites and Polymers Company (CCP) owns and operates a synthetic resin manufacturing facility at 340 Railroad Street, Saukville, Ozaukee

(4)

County, Wisconsin. The four waste streams that may be generated at the facility consist of the following:

a. Reaction water a.k.a. Acid Water (D001): Reaction water includes toluene, ethylbenzene and phenol.

b. Solvents (F003 and D001): Rinse solvent consisting of xylene and other hydrocarbons, and process solvents, including xylene and toluene.

c. Clean Up Wastes (U-listed wastes).

d. Waste Resins (D001): Test samples, rejected resins, and filter cake.

These waste streams are collected and properly disposed of by CCP.

3. Cook Composites and Polymers Company owns and operates a hazardous waste incinerator in the NE 1/4, Section 35, T11N, R21E, Saukville Township, Village of Saukville, Wisconsin.

4. A Feasibility Report and Plan of Operation for Freeman Chemical Corporation was conditionally approved by the Department on February 9, 1988. A final hazardous waste operating license was issued to the facility on June 1, 1989.

5. Since the facility began operations in 1948, releases of hazardous wastes and hazardous constituents, including raw materials, resins and by-products have occurred. The potential major contributing sources of volatile organic compounds (VOCs) to groundwater consist of the following five areas of concern.

* Area 1 - Former Urethane Laboratory/Hazardous Waste Incinerator

  Used to burn reaction water from 1968 to 1989. As a result of incinerator operations, spills, and laboratory disposal of spent solvents, elevated levels of benzene, toluene, ethylbenzene and xylene (BTEX) are present in soils in this area.

* Area 2 - Former Dry Well

  Used from approximately 1952 through 1968 to dispose of reaction water as approved by the Wisconsin Division of Water Pollution Control (WDWPC, 1952). The well consisted of a pit with sand and gravel base. The well was remediated in 1986 by removing the lid and concrete blocks that comprised the well and pumping the remaining fluid and excavating the remaining sludge in the well. The excavation was then filled with clean road bond size gravel.

(5)

* Area 3 - Former Tank Storage Area

  Originally supported on a stone base bermed with earth. Although the tanks did not leak, spills may have occurred during tank filling. Currently, this area is occupied both by new tank and storage containment structures, and by the hazardous waste incinerator/small storage facility.

* Area 4 - Logeman Property (off-site)

  An air curtain incinerator, consisting of an 8 to 10 foot deep concrete pit, was formerly operated in this area. This pit is presently covered by a wooden platform. The incinerator was used in the past primarily to burn diatomaceous earth. Reaction water was used occasionally to quench the fires, and cracks in the concrete pit may have allowed releases to the ground. An ash pile, covered with 60 ft^3 of soil in 1972, is also located on the property. The ash was produced during operation of the air curtain incinerator.

* Area 5 - Churchyard (off-site)

  This area may have been affected by the past disposal practices at Area 1. Past overland flow of spent solvents may have migrated onto a small section of the churchyard. Freeman (now CCP) addressed past tanker spills (two occurrences in the 1970's) that resulted in overland flow from the facility to the adjacent churchyard by removing sod and excavating soil.

6. In 1979, trace organic chemicals and an "acid water" odor were identified in the municipal water supply in Saukville. City well #2, located approximately 600 feet northwest of the facility, was found to be contaminated and was removed from municipal use. Groundwater samples from this well contained detectable levels of benzene, toluene, trichloroethylene and xylene. CCP has continued to use city well #2 as a source of noncontact cooling water. This water is eventually discharged to the Milwaukee River under a WPDES permit.

7. The Laubenstein warehouse property is located immediately west of CCP's facility. From 1965 through 1971, the Laubenstein warehouse was occupied by Northern Signal Company, an electrical parts manufacturer. In the early 1970's, Waters Instruments, Inc. purchased the stock of Northern Signal Company, and plant operations moved to Rochester, Minnesota. J&T, a roofing company, currently occupies the building.

8. The Laubenstein well was cased to 30 feet and was an open hole to its depth of 450 feet. Geophysical studies showed that the well casing was damaged. Also, the well was unprotected at the surface for a long period of time. The condition of the well allowed contaminated shallow groundwater to flow downwards into the dolomite. The well was used previously by a dairy and possibly by other operations located at the

(6)

site. Freeman Chemical Company (CCP) repaired the well in the fall of 1986 by installing and grouting a new casing to a depth of 104 feet.

9. Hazardous waste constituents have also been detected in the deep dolomite aquifer (100 to 500 feet below the land surface). In 1984, a packer was placed in the Laubenstein well to isolate the upper 100 feet. The lower portion of the well was then pumped at 50 gpm for five days. TCE was consistently detected at about 0.012 mg/l through the test, indicating that contaminants have spread into the deep dolomite aquifer. City well #2 has shown trace levels (usually less than 0.001 mg/l) of TCE and other hazardous waste constituents.

10. TCE has been found in monitoring wells on CCP's facility. According to Northern Signal Company's June 25, 1981, response to a U.S. EPA request for information, while Northern Signal occupied the Laubenstein property, they used TCE for degreasing metal parts and disposed of waste TCE sludge on the Laubenstein property grounds.

11. Several groundwater monitoring wells were installed at CCP during 1983 to 1986. Groundwater samples taken from these wells document that Preventive Action Limits (PALs) and Enforcement Standards (ESs) for substances of health and welfare concern have been attained or exceeded at the point of standards application in both the glacial deposits and bedrock below the facility.

12. Certain corrective measures have been undertaken as interim measures at CCP. The interim measures began in May, 1986 under WDNR approval and include: three Ranney collection systems and seven dewatering wells in the glacial deposits; four six-inch diameter withdrawal wells installed in the shallow dolomite; and one deep dolomite withdrawal well. In addition, the majority of the site was paved with concrete, and a surface runoff collection system was installed.

13. On October 21, 1987, a three party Administrative Order on Consent was signed by representatives of Freeman, the WDNR and U.S. EPA Region 5. This order required continuing corrective measures to prevent or reduce the release or migration of hazardous waste or hazardous constituents to the groundwater, surface water, and soil in and around Freeman's facility.

14. The Scope of Work for investigations at CCP contained six Tasks: Task 1 (Description of Past and Current Conditions); Task 2 (Schedules); Task 3 (Support Plans); Task 4 (Work to be Performed); Task 5 (Evaluation of Groundwater Collection System); and Task 6 (Reports). Task 1 was approved in 1986, and Task 3 is currently under review by the EPA and WDNR. Task 5 is on-going with submittal to the USEPA and WDNR of quarterly groundwater monitoring results and the annual groundwater evaluation report.

15. On April 24, 1992, the U.S. EPA authorized the State of Wisconsin to implement the RCRA corrective action program to address releases from solid waste management units at facilities which require a license.

(7)

16. On December 18, 1992 the Department sent a letter to EPA which requested that funding be provided under the Great Lakes Initiative to allow the Department to impose state equivalent corrective action at CCP in order to move the project forward in a timely manner.

17. On May 25, 1993, EPA responded to the December 18, 1992 letter and indicated that the Department could use state authority to impose corrective action by modifying CCP's plan approval or license.

18. In a letter dated August 30, 1993, CCP requested that State take the regulatory lead for corrective action at the Saukville facility.

19. Glacial till, glaciolacustrine, and glaciofluvial deposits overlie dolomite bedrock at Saukville. Unconsolidated deposits range from approximately 10 to 25 feet in thickness. In general, sand, silt, and clay are present near the land surface and overlie a laterally continuous layer of lake sediments (varved silts and clays). Dense glacial till exists beneath the lacustrine deposits in the north and east portions of the property. Beneath the till and lacustrine deposits is a thin layer of glacial outwash over the bedrock surface.

20. Soil borings and seismic refraction surveys show the bedrock surface at the site to be pinnacled with occasional deep, narrow, closed depressions (possibly sink holes). A deep depression in the bedrock, filled with more than 150 feet of clay, silt and sand, is in the northeast corner of CCP's facility. At four locations the bedrock (Niagara dolomite) was cored to a depth of 65 to 85 feet. The cores show that the dolomite is severely solutioned and highly fractured.

21. Available information concerning the site indicates a complex natural hydrogeologic setting that is also influenced by pumping activities conducted at the site as interim corrective measures and surrounding municipal water supply wells.

CONCLUSIONS OF LAW

1. The Department has authority pursuant to 144.735 Wis. Stats. and s. NR 635.17, Wis. Adm. Code, to require corrective action to address releases from solid waste management units.

2. The Department has the authority to require a response under s. 160.23, Wis. Stats., and s. NR 140.24, Wis. Adm. Code, if a preventive action limit for a substance of health and welfare concern has been attained or exceeded at a point of standards application.

3. The Department has the authority to require a response under s. 160.25, Wis. Stats., and s. NR 140.26, Wis. Adm. Code, if an enforcement standard for a substance of health or welfare concern has been attained or exceeded at a point of standards application.

4. The Department has authority to approve or modify a feasibility and plan of operation pursuant to ss. NR 680.06 and NR 680.07, Wis. Adm. Code.

(8)

DETERMINATION

Based on the Findings of Fact and Conclusions of Law, the Department determines that CCP's hazardous waste feasibility report and plan of operation approval are hereby modified, subject to compliance with chs. 600 through 685, Wis. Adm. Code and the following conditions. The Department retains jurisdiction either to require the submittal of additional information or to further modify this determination at any time.

CONDITIONS

1. CCP shall implement further environmental investigation to define degree and extent of contamination in accordance with Departmental review and approval of the RFI workplan (Draft site investigation and continuing interim measures workplan, crosswalk and associated documents).

2. CCP shall develop a community relations plan, as required in Task 1, in consultation with the Village of Saukville. The plan shall be submitted to the Department within 60 days from the date of this letter.

3. CCP shall submit copies of pertinent reports, engineering plans, correspondence and other submittals pertaining to corrective action to the Village of Saukville Administrator at the same time that the documents are submitted to the Department.

4. Within 60 days after the date the Department approves the RFI workplan (e.g., the draft site investigation and continuing interim measures workplan and the "Crosswalk" and associated documents), CCP shall provide detailed cost estimates for completing the remaining work associated with the RFI and the entire CMS phase of the project. The costs shall be in current year dollars and be broken out on a per unit basis. The costs shall be based on a third-party performing the work.

   CCP shall establish proof of financial responsibility ensuring the availability of funds for compliance with these corrective action requirements in accordance with s. 144.443(2)(c), Stats. The proof of financial responsibility shall be established using a mechanism allowable under Wisconsin law in effect at the time the proof mechanism is established. Proof of financial responsibility shall be submitted to the Department by April 1, 1995.

   CCP shall annually update the corrective action cost estimate to adjust for inflation and to reflect any changes in the approved investigation or remediation at the facility, beginning in 1996. These updated corrective action cost estimates shall be submitted to the Department no later than 60 days before the anniversary of the date the initial proof of financial responsibility for corrective action was established. Whenever the cost estimate increases to an amount greater than the amount of the then-current financial responsibility mechanism, CCP shall submit proof that the financial responsibility mechanism has been

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increased to an amount adequate to cover the new cost estimate. This proof shall be submitted to the Department within 60 days after the new cost estimate is approved by the Department.

NOTIFICATION OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Stats.

Dated: AUG 2 2 1994

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

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

Jill Fermanich, Hydrogeologist

(10)

ATTACHMENT 3.a Pollution Limits: Corrective Action

WISCONSIN DEPT. OF NATURAL RESOURCES
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

April 21, 1995

File Ref: 246004330
Ozaukee
HW/LIC

Mr. Craig Bostwick
Corp. Manager Environmental & Safety
Cook Composites and Polymers
Box 419389
Kansas City, MO 64141-6389

SUBJECT: Conditional Approval of Regulatory Design Report and Sampling Plan for a Soil Remediation System;
Closure of Former Hazardous Waste Storage and Incinerator Area;
Cook Composites and Polymers, Saukville, WI 53080
U.S. EPA I.D. No.: WID980615439

Dear Mr. Bostwick:

The Wisconsin Department of Natural Resources (DNR or Department) received Cook Composites and Polymers' (CCP) "Regulatory Design Report and Sampling Plan for a Soil Remediation System" on March 27, 1995. This report was prepared by RMT, Inc., of Madison, WI for CCP in response to the Department's conditional approval of September 14, 1992.

The Department has reviewed this submittal, which details CCP's design and implementation of a soil vapor extraction system for the removal of volatile organic contaminants from soil at the former hazardous waste incinerator, is conditionally approving it.

This letter is a preliminary conditional approval. This letter will be finalized in ten (10) days if no comments are received from CCP. If you have any comments on this conditional approval, please direct them to Tim Mulholland at the address above.

Findings of Fact

1. Cook Composites and Polymers owns and operates a plastic resin manufacturing facility at 340 Railroad Street, Saukville, Ozaukee County, Wisconsin. As result of these production activities, CCP generates certain hazardous wastes.

2. CCP operated a hazardous waste incinerator at its Saukville facility. The former incinerator was located in the northern portion of the facility near the urethane laboratory. CCP operated the former hazardous waste incinerator from 1972 through 1989. This former hazardous waste incinerator received an interim license December 6, 1985. CCP operated a hazardous waste storage facility with the former incinerator.

3. CCP used this former hazardous waste incinerator for the thermal destruction of solid and hazardous wastes. The incinerated hazardous wastes primarily consisted of F003 and D001 wastes. During the incinerator operation, hazardous wastes were released onto the ground adjacent to the incinerator.

(11)

4. In April, 1992, CCP submitted a closure plan modification for the closure of the former hazardous waste incinerator. On September 14, 1992, the Department conditionally approved CCP's closure plan modification for the former hazardous waste incinerator. In September, 1993, CCP submitted to the Department a report entitled "Results of Soil Vapor Extraction Pilot-Scale Test." The submittal of this report fulfilled Condition 4 of the September 14, 1992 conditional approval. On March 27, 1995, CCP submitted to the Department a document entitled "Regulatory Design Report and Sampling Plan for a Soil Remediation System." The design of the soil vapor extraction (SVE) system is based on the pilot tests reported to the Department in this Finding of Fact. This design and sampling plan report are submitted in compliance with Condition 5 of the September 14, 1992 conditional approval.

Conclusions of Law

1. The Department has the authority to determine closure and termination standards for hazardous waste facilities pursuant to s. 144.62(8)(c), Wis. Stats.

2. Cook Composites and Polymers' hazardous waste incinerator and storage area are hazardous waste facilities as defined in s. 144.61(5m), Wis. Stats.

3. Cook Composites and Polymers treated characteristic hazardous wastes, as defined in s. NR 605.08, Wis. Adm. Code, and listed hazardous wastes, as defined in s. NR 605.09, Wis. Adm. Code, at its hazardous waste incinerator. Hazardous waste means any solid waste identified by the Department as hazardous under s. 144.62(2), Wis. Stats., and is defined in s. NR 605.04, Wis. Adm. Code.

4. Cook Composites and Polymers is required to submit a closure plan to the Department for approval that meets the requirements of s. NR 685.05, Wis. Adm. Code, which in turn requires compliance with s. NR 685.06, Wis. Adm. Code. The modified closure plan provides information and closure methodologies that are necessary for the proper closure of the former incinerator and storage area at Cook Composites and Polymers.

Conditional Approval

1. Cook Composites and Polymers shall implement its soil vapor extraction system for the remediation of contamination at its former hazardous waste incinerator on or before September 1, 1995.

2. Cook Composites and Polymers also shall submit one copy of any submittal that it makes in compliance with ch. NR 445, Wis. Adm. Code, to the Bureau of Solid & Hazardous Waste Management, in addition to the Department's Bureau of Air Management or the Southeast District Air Management Program.

Notice of Appeal Rights

If you believe you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Stats.

(12)

If you have any questions on this conditional approval, please contact Tim Mulholland at 608/266-0061.

Sincerely,

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

BJZ:tsm

cc: T. Mulholland - SW/3
E. Lynch - SW/3
P. Brady - SED
J. Rickun - RMT
L. Tramm - RMT

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(13)

WISCONSIN DEPT. OF NATURAL RESOURCES
George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
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TELEPHONE 608-266-2621
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DNR TDD 608-267-6897
SOLID & HAZARDOUS WASTE MGMT 608-266-2111
SOLID & HAZARDOUS WASTE TELEFAX 608-267-2768

January 10, 1995

File Ref: 246004330
Ozaukee
HW/GA
APR

Mr. Craig R. Bostwick
Corporate Manager Environmental & Safety
Cook Composites and Polymers Company
Box 419389
Kansas City, MO 64141-6389

SUBJECT: Minor Modification of a Plan of Operation - Corrective Action: Quality Assurance Project Plan for Site Investigation and Continuing Corrective Measures; RCRA Facility Investigation Workplan.
Cook Composites and Polymers Co. Saukville, WI Facility
USEPA I.D. No.: WID980615439

Dear Mr. Bostwick:

This letter responds to your November 7, 1994 letter regarding proposed changes to Cook Composites and Polymers' (CCP's) quality assurance project plan (QAPP). This letter also considers CCP's letter of December 8, 1994. The specific modifications that CCP requested can be found under Finding of Fact #5.

Cook Composites and Polymers Company purchased Freeman Chemical Corporation on April 2, 1990 from its former parent company, Georgia Gulf Corporation. On December 31, 1990, Freeman Chemical Corporation and Cook Composites and Polymers merged. All references to Cook Composites and Polymers in this document refer to the Saukville, Wisconsin facility, either under the present or former names.

The Department has reviewed the proposed modifications to CCP's QAPP under the authority of s. NR 680.07, Wis. Adm. Code, and believes that the above proposed changes to CCP's QAPP constitute a minor modification of a plan approval. As such, the procedures of s. NR 680.07(5), Wis. Adm. Code, apply. Given the nature of this modification request, the Department is not requiring a Wisconsin professional engineer certification or additional copies of the modification request.

The Department is not modifying CCP's proposed QAPP modifications. All previous approvals and conditions continue to apply, except as changed through this modification.

(14)

Under s. NR 680.07(5)(b), Wis. Adm. Code, the Department hereby finds that the proposed modification to CCP's QAPP, as approved by the Department on September 29, 1994, is complete. The Department has followed the procedures of s. NR 680.07, Wis. Adm. Code, in considering this modification.

FINDINGS OF FACT

1. Cook Composites and Polymers Company (CCP) owns and operates a synthetic resin manufacturing facility at 340 Railroad Street, Saukville, Ozaukee County, Wisconsin. The facility generates four waste streams: D001 (reaction water); F003 and D001 (solvents); U-listed wastes (clean-up wastes); and, D001 (waste resins). In addition, CCP owns and operates licensed hazardous waste storage and treatment (incineration) facilities at the Saukville location. The Department approved CCP's Feasibility and Plan of Operation report on February 2, 1988.

2. Since the facility began operations in 1948, releases of hazardous wastes or hazardous constituents, including raw materials, resins and by-products, have occurred. Five areas of concern have been identified at the facility or adjoining properties. Corrective measures have been undertaken as interim measures at CCP. The interim measures began in May, 1986 under DNR approval, consisting primarily of various ground-water collection systems.

3. The Department issued a conditional Feasibility and Plan of Operation Report approval for the existing hazardous waste incinerator at CCP on February 9, 1988. On August 2, 1994, the Department modified this plan approval to incorporate correction action provisions for the entire facility.

4. On September 24, 1994, the Department issued a minor plan modification to plan approval. This second modification altered certain portions of the CCP RCRA Facility Investigation (RFI), including clarifying report submittals, clean-up standards, soil boring numbers and added ground-water analytical parameters, among other things.

5. On November 7, 1994, CCP submitted a letter requesting minor modifications to the RFI Quality Assurance Project Plan (QAPP). These modifications consist of:

   a. Change VOC analytical method to 8260 from 8240. Method 8260 was not available at the time the QAPP was prepared and is anticipated to yield better results.

   b. Delete the use of sample bottle tags. Other existing sample documentation and chain-of-custody procedures will be maintained and are expected to yield the desire results of sample tracking.

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c. For PCB Aroclor analyses, a five-point standard calibration will be performed, instead of a three-point calibration. The calibration factors acceptance limits will be changed to <20% RSD, from <10% RSD.

d. For the initial five-point calibration of VOCs, a 10 µg/L standard will be added and the 150 µg/L will be deleted from the five standards.

6. On December 8, 1994, CCP submitted to the Department a check for $250 and a facility certification statement, to comply with the requirements of s. NR 680.05, Wis. Adm. Code. This submittal also contained the certification statement required under s. NR 680.05(1)(c)1., Wis. Adm. Code.

7. Although not specifically listed in s. NR 680.07(3), Wis. Adm. Code, as a minor modification, the Department finds that QAPP modifications listed in Finding of Fact #5 are substantially the same as the items originally proposed in the approved QAPP. Therefore, this modification to the Plan of Operation Report constitutes a minor modification according to s. NR 680.07(3), Wis. Adm. Code.

CONCLUSIONS OF LAW

1. The Department has the authority pursuant to s. 144.735, Wis. Stats., and s. NR 635.17, Wis. Adm. Code, to require corrective action to address releases from solid waste management units.

2. The Department has the authority to approve or modify a feasibility and plan of operation report pursuant to s. 144.44(3)(c), Wis. Stats., and s. NR 680.07(3), Wis. Adm. Code.

3. The Department has promulgated Chs. NR 600 through 685, Wisconsin establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.

4. Based on the foregoing Findings of Fact, the Department has the authority, pursuant to s. 144.44(3), Wis. Stats., to issue the following plan modification.

DETERMINATION

Based on the Findings of Fact and Conclusions of Law, the Department determines that CCP's Feasibility and Plan of Operation Report Approval is hereby modified, subject to compliance with chs. NR 600 through 685, Wis. Adm. Code. The Department retains jurisdiction either to require the submittal of additional information or to further modify this determination at any time.

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NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Stats.

Please contact Tim Mulholland at 608/266-0061 if you have any questions.

Sincerely,

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

BJZ:tsm

cc: E. Lynch/M. Gordon - SW/3
T. Mulholland - SW/3
[redacted]
C. Slaustas - USEPA-Region V, HRP-8J
Chair, Village of Saukville

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ATTACHMENT 3.b Pollution Limits --- Interim Operational Requirements for CCP's Non-Hazardous Wastewater Incinerator

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Sept 27, 2001

The DNR and Cook Composites and Polymers Co. (CCP) Environmental Cooperative Agreement contain the following provisions related to CCP's "Non-hazardous Wastewater Incinerator":

X.3 Interim Operational Requirements for CCP's Neutralization and MPPE Unit and "Non-hazardous Wastewater Incinerator "CCP's "Non-hazardous Wastewater Incinerator" will require normal air and wastewater regulatory review and approvals (reference Section IX.A.5). In addition, the following conditions will apply:

a. *CCP will not burn hazardous wastes as defined by s. NR 605 Wis. Adm. Code in its "Non-hazardous Wastewater Incinerator."*

b. *CCP will operate its neutralization and MPPE unit as a totally enclosed treatment facility subject to the provisions of NR 630.04(5) Wis. Adm. Code.*

c. *Prior to treatment in its "Non-hazardous Wastewater Incinerator" CCP will test each batch of reaction water to ensure that the reaction water is not a characteristic hazardous waste for ignitability or corrosivity based on test procedures referenced in NR 605.08 Wis. Adm. Code. The monitoring data will be reported as part of CCP's pretreatment monitoring report or in another reporting system agreed upon between DNR and CCP.*

d. *Although the unit will no longer burn hazardous waste, CCP commits to continue to operate the "Non Hazardous Wastewater Incinerator at the temperatures and operating conditions under which it operated the Hazardous Waste Incinerator (reference Attachment 3b.*

DNR hazardous waste staff and CCP reviewed CCP's Hazardous Waste Incinerator Licence and information gathered from the Cook Composites and Polymers, Co . (Freeman) Feasibility Report and Plan of Operation Determination, dated February 9, 1988, and a Modification Determination dated December 30, 1992, for review during TSD compliance inspections at the facility. After eliminating those provisions that specifically allowed CCP to burn hazardous waste in its incinerator and store hazardous waste as a licensed TSD, DNR and CCP summarized the provisions from these documents that will guide CCP's operation of the incinerator) until either 1) CCP ceases to operate the unit or 2) CCP's Title V or equivalent Air Operation Permit is formally issued with new operating requirements for the unit. CCP will also be required to meet all Hazardous Waste Laws and Regulations that apply to Hazardous Waste Generators.

ATTACHMENT 3.b Pollution Limits --- Interim Operational Requirements for CCP's Non-Hazardous Wastewater Incinerator

Conditions from December 30, 1992 Modification Determination of February 9, 1988 Plan of Operation Approval)

6a. The combustion temperature shall be maintained between 1600 and 1800 degrees Fahrenheit during normal operating conditions. If the combustion temperature exceeds 1900 degrees Fahrenheit, the wastewater feed shall be automatically cut-off.

7e. The feed rate of waste non-hazardous reaction wastewater esterification waste (D001) shall not exceed 1655 pounds per hour.

7i. Freeman (Cook) Cook Composites and Polymers Co. shall maintain and calibrate the system specified below to automatically cut-off feed to the incinerator.

Conditions from the February 9, 1988, Feasibility Report and Plan of Operation Determination

7. Freeman (Cook) Cook Composites and Polymers Co. shall feed ignitable, nonhalogenated liquid waste non-hazardous reaction water to the incinerator during shakedown, trial burn, post trial burn and and final operation periods only under the following operations conditions:

   a. Combustion temperature shall be maintained within the limits established for each operating period - shakedown, trial burn, post trial burn and final operation.

   b. The oxygen gas concentration in the fuel gas shall not be lower than 2 percent.

   c. Stack gas concentration of carbon monoxide shall not exceed 100 ppm.

8. Freeman (Cook) Cook Composites and Polymers shall monitor the facility as specified below:

System	***Purpose***	***Monitoring Frequency***
a) Combustion Temperature	*Maintain within cut off limits*	*Continuous*
b) Waste feed	*Rate should not exceed cut off limits*	*Continuous*
d) Flue gas oxygen concentration	*Should not be less than 2 percent*	*Continuous*
e) Carbon Monoxide Emissions	*Not exceed 100 ppm*	*Continuous*

ATTACHMENT 3.b Pollution Limits --- Interim Operational Requirements for CCP's Non-Hazardous Wastewater Incinerator

9. All sampling and analysis shall be done in accordance with 40 CFR Part 60 Appendix A, Reference Methods, or "Sampling and Analysis Methods for Hazardous Waste Combustion", EPA - 600/8-84-200.

11. The complete incinerator and associated equipment, such as pumps, valves, conveyors, and pipes, shall be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shutdown controls and system alarms shall be checked to assure proper operation.

12. Equipment identified in subpars, a. though i. below, shall be inspected on a weekly basis and records documenting these inspections shall be maintained for:

    a. Waste feed flow monitors.

    b. Auxiliary fuel flow monitors.

    c. Oxygen concentration monitors.

    d. Temperature monitors.

    e. Flame sensors.

    f. CO-monitors.

    g. Pressure differential indicators.

    h. Pressure sensors.

    i. Ammeters for measuring blower's current draw.

13. The monitoring and inspection data shall be recorded and placed in an operating log as required by s. 181.42(6)(b), *(s. NR 630.31(1))*, Wis. Adm. Code.

14. The incinerator shall be operated with a functioning device to automatically cut off wastewater feed to the incinerator when there is a deviation from or the limits are exceeded for flame combustion temperature, flue gas oxygen concentration, excess CO level, or increased waste feed rate, as specified in the approved plan of operation.

15. The incinerator shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

18. Hazardous waste, except for that in the process line, shall be stored only in storage tanks or containers in accordance with *ss. NR 630, 640, 645, and 655)* or *ss. NR 610.08(2), and 615.05(4))*, Wis. Adm. Code, as applicable.

19. Before adding hazardous waste non-hazardous reaction water, the owner or operator shall bring the incinerator to steady state, normal conditions of operation, including steady state temperature and air flow, using auxiliary fuel or other means.

20. Records shall be maintained for a minimum of 3 years, including records of the material incinerated, the quantity of resulting residue, hours of incinerator operation and other pertinent information.

21. Records shall be kept detailing all training required by employees who are involved with the operation of the incinerator. These records shall include:

    a. Required training; and

    b. Courses attended.

ATTACHMENT 3.b Pollution Limits --- Interim Operational Requirements for CCP's Non-Hazardous Wastewater Incinerator

22. Adequate equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day of operation or as may be required in order to maintain the facility in a sanitary condition.

24. The incinerator shall cease operation when changes in the wastewater feed, incinerator design or operating conditions exceed limits designated in this plan approval.

25. The incinerator shall be designed and operated to meet the applicable design and operational requirements specified in s. *NR 670.11(2))*, Wis. Adm. Code.

ATTACHMENT 4

May 22, 2001 Presentation to CCP Community Advisory Committee Meeting, Cook Composites and Polymers Co. (CCP)- Saukville Facility , Saukville, Wisconsin,

CCP Community Advisory Committee Meeting

Cook Composites and Polymers Co. (CCP)- Saukville Facility

Saukville, Wisconsin

May 22, 2001

CCP Cooperative Agreement Review

- Motivation for ending hazardous waste incineration at Saukville
  - **Recycle, not destroy, 2MM lbs. of xylene per year**
  - **Eliminate the ignitablity hazard of CCP wastewater by separating and recovering xylene**
  - **Focus investment in progressive technologies**
  - **Reduce staff burden for CCP and WDNR**
  - **Save $220,000 to $280,000 in raw material purchases ($400,000 minus cost of natural gas)**
  - **Eliminate stigma of hazardous waste incineration from CCP and the Village of Saukville**

CCP Cooperative Agreement Review

- Other waste management alternatives that were available to CCP
  - **Transport waste off site for disposal**
  - **Pursue the *Comparable Fuels Exclusion* to the MACT standard for solvent waste incineration**
  - **Pursue zero discharge wastewater treatment of *hazardous* waste reaction water under Section 402 of the Clean Water Act.**
  - **Evaluate and implement physical or biological pre-treatment technologies under Section 402 of the Clean Water Act.**
  - **Invest additional CCP resources in the existing incinerator for continued waste destruction under MACT**

CCP

CCP Cooperative Agreement Review

- The CCP project will reduce hazardous and heavy metals emissions
  - **Metals emissions to be reduced between 50 to 99% for hazardous and heavy metals (Mercury, Arsenic, Cadmium, Chromium, Lead, Barium, Beryllium, etc)**
  - **Emission reduction due to ending solvent incineration**
  - **Emission rates calculated from metals concentration in waste from 1999 waste analysis for license renewal**
  - **Proposed emission reduction is on top of already low metals emissions - calculation table is available**
  - **Sodium, which is neither considered a hazardous nor a heavy metal under state of federal regulation, would be emitted in the current proposal - no standards will be exceeded**

CCP

CCP Cooperative Agreement Review

- CCP's activity and outlook regarding glycol recovery
  - **CCP has been enthusiastically and actively testing the techniques for glycol recovery from reaction water**
  - **CCP R&D has made glycol loss reduction and recovery a priority for polyester process improvement**
  - **CCP Purchasing department has explored and identified external markets for reclaimed glycol to supplement internal CCP re-use**
  - **CCP cannot accept a deadline on this pollution prevention project - the project must be voluntary**

CCP

CCP Cooperative Agreement Review

- **CCP's activity and outlook regarding solvent (xylene) recovery**
  - **Source reduction for xylene is the focus of the Saukville plant PACT team - with promising findings to date**
  - **Off-site solvent recycling will be available to CCP**
  - **CCP R&D has prioritized work on recovery and reuse of azeotropic solvent**
  - **CCP will conduct bench-scale and pilot-scale testing of thin film evaporator recovery of solvent with Pope Scientific (Saukville) beginning May 29, 2001**
  - **CCP cannot accept a deadline this additional pollution prevention project - the project must be voluntary**

CCP

CCP Cooperative Agreement Review

- **Clarification on key regulatory issues**
  - CCP does not need a POTW permit to qualify for the wastewater or zero-discharge exemptions, it is already subject to Section 402 the Clean Water Act.
  - Waste generation guidance for "counting waste" from US EPA states that waste managed on site as wastewater, or in a totally enclosed facility does not count as generated waste
  - After significant regulatory review , CCP maintains that its ECPP project meets the following four regulatory criteria
    - Wastewater exemption under CWA (40 CFR 264.1 (g) (6))
    - Totally enclosed treatment facility (40 CFR 264.1 (g) (5))
    - Generator treatment in tanks and containers (40 CFR 262.34)
    - Waste minimization and pollution prevention exemption

CCP

CCP Cooperative Agreement Review

- **Mass Balance Clarification**
  - CCP has provided relevant mass balance information on this project for nearly a year - the process is complex and perhaps not easily understood
  - Simply described, CCP estimates that:
    - 2 million pounds of solvent would be recovered and would no longer be incinerated
    - 5 million pounds of ignitable reaction water would be rendered non-hazardous by the MPPE system by removing xylene
    - 5000 pounds or more of xylene would be recovered from reaction water
    - 300,000 to 400,000 pounds of glycols would be available for recovery, or would be incinerated as non-hazardous waste

CCP

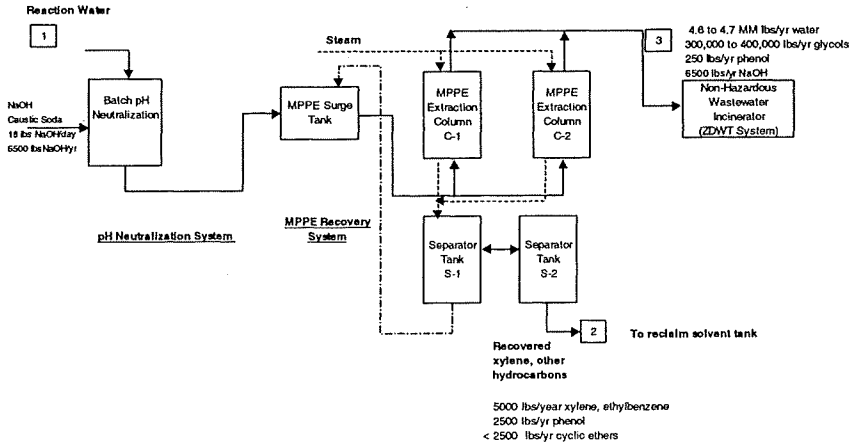
CCP Cooperative Agreement Review

- **Mass Balance Clarification**
  - **CCP expanded its mass balance to include constituents that are present - but do not require regulation by WDNR - such as phenol, cyclic ethers, and sodium hydroxide.**
  - **Additional mass balance information may be referenced on the updated block flow diagram and reaction water pie charts.**

CCP

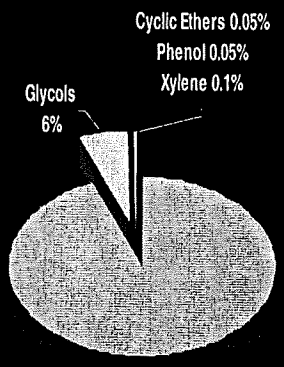
BLOCK FLOW DIAGRAM - MPPE with Non-Hazardous Wastewater Incineration (ZDWT System)

1650 gal/day Reaction Water
5 MM lbs/yr Reaction Water
(Containing water (92-94%), glycols (6-8%), - 0.1% or less (or PPM) levels of xylene, phenol, cyclic ethers)



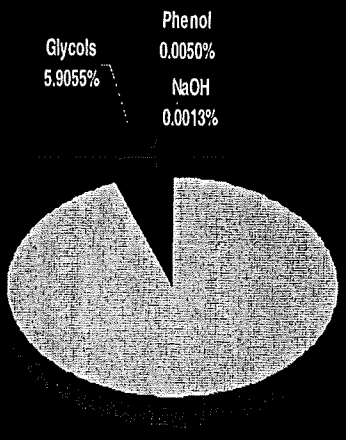
CCP

Raw Reaction Water Composition



CCP

Reaction Water After MPPE Treatment



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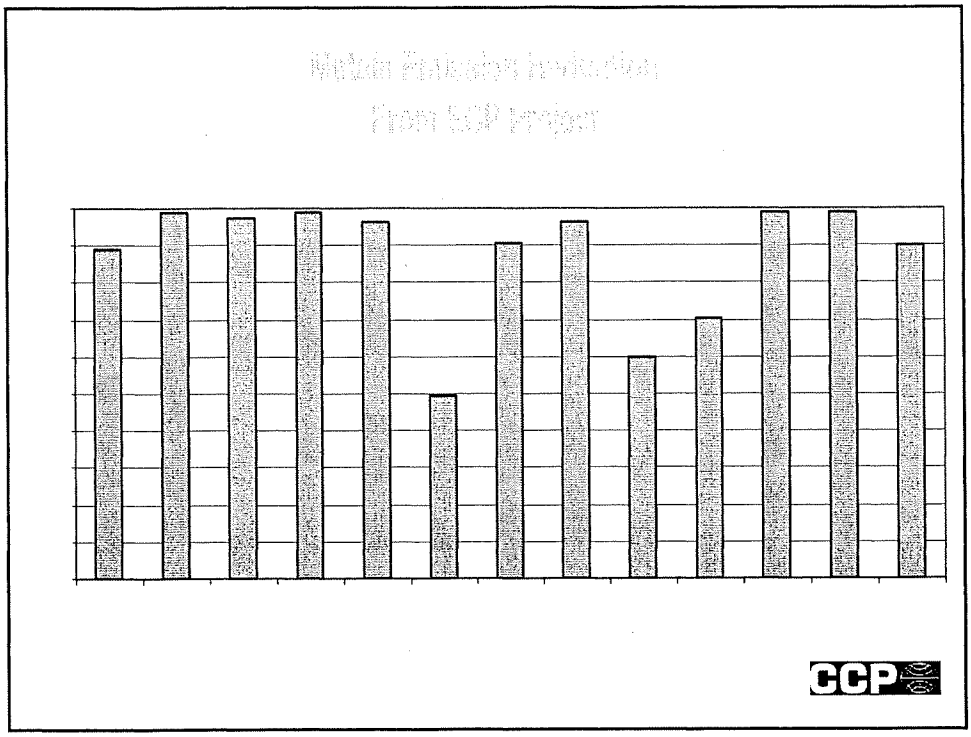

METALS EMISSION REDUCTION WITH ECP PROJECT