

**Feeney, John M (Department of Natural Resources)**

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**From:** Gordon, Mark E  
**Sent:** Wednesday, January 30, 2002 3:09 PM  
**To:** Feeney, John M (Department of Natural Resources)  
**Cc:** Brady, Pat J  
**Subject:** RE: Cook Composites, Grafton

John, in September, 1994 we (WDNR) issued a plan approval modification that switched the lead on the project from EPA to DNR. Sometime after that, EPA formally terminated their 1987 consent order. Since the order is no longer in affect it seems we have 4 options for getting them to submit an engineering evaluation for the site. This includes: 1) send them an informal letter spelling out what we want them to do, and why; 2) issue a plan approval modification (in a Findings of Fact/Conclusion of Law format) that requires them to submit the evaluation within an certain amount of time; 3) issue an order to require the evaluation, or 4) work through the cooperative agreement we signed with them. If we think they will submit the document voluntarily then we should go with option 1. If they aren't willing to submit something, we probably need to look at the language in the cooperative agreement to see if that addresses disputes regarding corrective action.

I have a copy of the 1994 plan modification document that I could fax you if Pat can't find his. Let me know if you want to discuss these options further.

---Mark

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**From:** Feeney, John M (Department of Natural Resources)  
**Sent:** Wednesday, January 30, 2002 1:28 PM  
**To:** Brady, Pat J; Gordon, Mark E  
**Subject:** Cook Composites, Grafton

Hi Guys. Do you guys think I could still use the authority of the original EPA consent order from 1987 to ask for additional engineering (performance) evaluation at the site? It says:

"...EPA or DNR may determine that additional investigation, corrective measures, and or engineering evaluation, in addition to the work detailed in the SOW, is necessary to thoroughly conduct corrective measures work at the facility".

I can't find the memo that turns over authority for the site to the WDNR. Should I try to refer to that instead? (Pat, you told me that you have a draft).

John