



March 5, 2020

Doug Loutzenhiser
Retia USA LLC / Legacy Site Services LLC
665 Stockton Drive, Suite 100
Exton, PA 19341

Subject: **Notice of Non-Compliance: Action Requested by March 19, 2020**
Arkema Coating Resins/Cook Composite/Former Freeman Chem
340 Railroad Street, Saukville, WI
BRRTS #: 02-46-000767, FID #: 246004330

Dear Mr. Loutzenhiser:

This letter is to notify you that you are out of compliance with site investigation requirements of Wis. Stat. ch. 292, Wis. Admin. Code ch. NR 716, and the terms of the 1987 Consent Order between Freeman Chemical, the Wisconsin Department of Natural Resources (DNR) and the United States Environmental Protection Agency (US EPA). On June 12, 2019, the DNR sent you a letter, requesting the submittal of a site investigation work plan to assess potential per-and polyfluoroalkyl substances (PFAS) contamination in environmental media at the Arkema Coating Resin (Arkema) site. On June 19, 2019, you responded with an email stating that PFAS compounds were never used, manufactured, or otherwise handled at the Saukville facility. Our information indicates you have not submitted a work plan to date, as requested, to address and evaluate PFAS contamination at this site.

PFAS assessment is required at this site due to Arkema's history as a manufacturer of products that may have required the production and incorporation of PFAS. Additionally, DNR has information that indicates firefighting foam was stored on the property for local fire department use. Firefighting foam is known to contain PFAS compounds.

Responsible parties are required to evaluate contaminants of concern at a site based on site investigation scoping that considers the history of the site, previous discharges, and uses of the contaminant on the site:

- Site investigation scoping (Wis. Admin. § NR 716.07) and the site investigation work plan (Wis. Admin. § NR 716.09) require an evaluation of the history of the facility, previous discharges, and uses on the site that may be associated with discharges.

Background

This facility manufactured alkyd, polyester, and urethane synthetic resins beginning in 1949 at 340 Railroad Street, Saukville, Wisconsin ("the Site"). The Site is also known as Arkema Coating Resins. In 1979, Saukville residents complained of odors in the water supply. Subsequently, in the 1980s, the US EPA identified hazardous substance contamination in groundwater and soil at the Site that were a result of plant operations.

In 1987, Freeman Chemical signed an administrative order on consent with the DNR and US EPA, Docket Number V-W-88-R-002, dated October 19, 1987 (the "Order"). Per the Order:

"The US EPA or WDNR may determine that additional investigatory work, corrective measures, and/or engineering evaluation, in addition to any work detailed in the SOW, is necessary to thoroughly conduct corrective measures work at the facility. If the annual evaluation conducted under task 5B of the SOW determines that the corrective measures do not meet the stated objectives of such corrective measures, Respondent will submit a proposal for additional work."

Cook Composites US (CCP) took ownership of the Site from Freeman Chemical and maintained responsibility for the Order. Total Petrochemicals (Total) owned CCP, and Total now maintains responsibility for the Site. Total's subsidiary, Retia USA LLC, manages Total's legacy environmental sites including the Site.

An open contamination case exists with the DNR's Remediation and Redevelopment Program and is being tracked as BRRTS #: 02-46-000767.

Site Investigation

DNR requires that you submit a site investigation work plan that includes an assessment of PFAS, and per Wis. Admin. Code § NR 716.07 (4), all environmental media affected or potentially affected by the contamination must be evaluated.

As stipulated in Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, the work plan should include a written evaluation of potential PFAS compounds that were historically or are presently produced, used, handled, or stored at the site. The evaluation should include any available information on whether any products containing PFAS were utilized in any process services, the duration of PFAS use, the type of PFAS utilized, and any areas of the site where PFAS may have been used, stored, or discarded. The site investigation work plan must include a groundwater sampling program for evaluating PFAS compounds at the site.

Schedule

The DNR is directing you to **submit a site investigation work plan for PFAS by April 6, 2020** pursuant to Wis. Admin. Code § NR 716.09 (1).

If you will not take the actions required by Wis. Stat. ch. 292, the DNR requests that you complete the enclosed access agreement by **March 19, 2020** granting DNR permission to move forward under Wis. Stat. § 292.31 to take samples directly at this property.

Enforcement and Cost Recovery

Please understand that if you fail to take the actions required by Wis. Stat. § 292.11 to evaluate and address PFAS contamination, the DNR will move forward under Wis. Stat. § 292.31 to implement PFAS sampling and evaluate further environmental enforcement actions and cost recovery under Wis. Stat. § 292.31(8).

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If you have any questions regarding anything outlined in this letter, or would like to arrange a meeting, please contact John Feeney, the DNR Project Manager, at 920-893-8523, or at johnm.feeney@wisconsin.gov.

Sincerely,



Michele R. Norman
Supervisor, Southeast Region
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources

cc: Robert Cigale, Endpoint Solutions Corp.
SER File

Enclosed:

Arkema Access Agreement (RR-5544)

Wisconsin Department of Natural Resources
ACCESS PERMISSION AGREEMENT

BRRTS# 02-46-000767
Property type: Source

I, _____, of _____, hereby give my permission to the Wisconsin Department of Natural Resources ("the department") and its employees, duly authorized representatives, agents and contractors, to enter upon and have access at reasonable times to the Arkema Coating Resins facility and property located at 340 Railroad Street within Saukville, Ozaukee County, Wisconsin, referred to herein as the "Property", and that is owned by _____ and maintained by Retia USA LLC and Legacy Site Services LLC for the following purposes, so that the department may:

- (1) Collect water samples.

The department is responsible for any investigative waste that is produced by these activities and will return to collect any investigative waste that may be temporarily stored on the Property.

The permission that is granted herein shall remain in effect until June 30, 2020. After July 1, 2020, if the owner of the Property wishes to withdraw permission for continued access, the owner of the Property shall notify the department of that fact in writing. The department shall, within 90 days after receiving such notice, either abandon any monitoring wells or obtain a court order to allow continued access.

The department's authority to access the Property described above is provided under Wisconsin Statutes, section 292.31(3) to investigate or remediate a site or facility.

The department will report all sampling results to the owner of the Property, and occupants as appropriate, within 10 business days of receiving the sample results.

Property owner certifications

Please mark the boxes to indicate that you understand and agree to the following information.

- As the owner of the Property, I, _____, hereby agree not to damage or interfere with any monitoring well that is installed as permitted herein. I understand that I am responsible for any damage to monitoring wells if I cause that damage.
- As the responsible party of the Property, I, _____, understand that the department, in the course of conducting investigation, may find that a hazardous substance discharge or environmental pollution exists on the Property. If this occurs, these findings must be reported to the department per Wis. Stat. § 292.11(2).
- If the department discovers a hazardous substance discharge or environmental pollution on the Property, any current owner of this Property, along with any identifiable causer of the contamination, may be required to take additional response actions pursuant to Wis. Stat. § 292.11(3).

Entry notification

The department and/or the department's contractor shall notify the owner of the Property by telephone or email of any planned activity on the Property at least 48 hours in advance of entering the Property.

IN WITNESS WHEREOF:

Signature of Property Owner or Authorized Representative

Date

Mailing Address

Area Code and Telephone Number

Email Address

Phone Number

Contact information for occupants, tenants, or lessees (if different than owner):

Name of Occupant

Area Code and Telephone Number

Email Address