

Paul, Linda S

From: Saari, Christopher A - DNR [Christopher.Saari@Wisconsin.gov]
Sent: Thursday, August 09, 2012 3:03 PM
To: Paul Linda S; Ashenbrucker, Steven J - DNR; Lynch, Edward K - DNR
Cc: Robinson, John H - DNR; Gordon, Mark E - DNR; Patarcity, Jane (Pittsburgh) NA (Jane.Patarcity@hanson.biz)
Subject: RE: Koppers Inc., Superior, WI Facility, Drip Pad Closure

Hello Linda:

Following internal discussions between Wisconsin DNR's Waste and Materials Management (WMM) and Remediation and Redevelopment (RR) programs, it was determined that the RR program will have the lead on responding to your request below. Based on this message and previous discussions with you, it appears that Koppers Inc. is trying to achieve final closure for the former drip track area at the facility Superior. It also appears that a joint decision was made between Koppers Inc. and the WDNR prior to 2007 to close the drip track area as part of the site wide RCRA closure, rather than as a separate site under the drip track regulations (p. 2 of the May 2007 Decommissioning Report). Because final closure of the drip track area is apparently tied to the site wide closure, and site wide closure will not happen until after the off-property soil and sediment contamination has been addressed, it is not likely that the WDNR can provide Koppers Inc. with a final closure for the drip track area in the near term.

However, we can offer an alternative that might help explain the regulatory status of the drip track area and clarify any liability questions associated with that area. The WDNR's RR program can write General Liability Clarification Letters (GLCLs) that answer site-specific questions about status and liability issues. For more information, please refer to the GLCL Fact Sheet found at this link: <http://dnr.wi.gov/files/PDF/pubs/rr/RR619.pdf>. Requests for GLCLs are fee-based and should be accompanied by an application detailing the specific questions and/or issues for which the requestor is seeking clarification. The application can be found at this link: <http://dnr.wi.gov/files/PDF/forms/4400/4400-237.pdf>.

One issue that likely would require clarification would be the responsibility for ongoing inspection and maintenance of the concrete drip track. The WDNR considers the concrete covering the drip track area as both a barrier cap and a structural impediment. Under s. 292.12, Wis. Stats., barrier caps and structural impediments require continuing obligations at the time of case closure, in order to ensure that such things as inspection and maintenance activities are performed for as long as the contamination beneath the cap or structural impediment remains in place. These continuing obligations are conveyed with the property, meaning that the current property owner is responsible to make sure that the obligations are met. This does not preclude responsible parties and property owners from reaching separate agreements over which party or parties will take on those responsibilities, but I raise this as an issue now because of similarities between the continuing obligations for the drip track area and the direct contact soil barrier caps that Beazer installed in 2010 as part of the on-property cleanup work. This issue is also pertinent considering the potential sale of the property to the tie-grinding company (Omaha Track Materials?).

Once you have had a chance to look this material over, please contact me to let me know how you would like to proceed. Feel free to call me (715-685-2920) if you have any questions.

From: Paul Linda S [mailto:PaulLS@koppers.com]
Sent: Tuesday, July 17, 2012 3:27 PM
To: Ashenbrucker, Steven J - DNR; Saari, Christopher A - DNR; Lynch, Edward K - DNR
Subject: Koppers Inc., Superior, WI Facility, Drip Pad Closure

Gentleman,

In recent discussions with Steve Ashenbrucker about a final drip pad closure at the Koppers Inc., Superior, WI facility, the question arose about the soil removal activities that had occurred in the drip track area. After review, the following summarizes information that was located on this subject.

- From 1928 until either 1981 or 1982, the drip track adjacent to the treating building at Superior was unlined (*Phase II RFI, June 1991, page 1-5*).
- In 1981 or 1982, the concrete-lined drip track was constructed, after removal of underlying soils (*Phase II RFI, June 1991, page 1-5; and Drip Track Extension Soil Sampling & Analysis Plan, Sept. 1991, page 2-2*). No specific data on the depth or volume of soil removal has been located for this project. Based on the dates, the removal and concrete drip track construction would have been completed by Koppers Company, Inc. (Beazer East, Inc.).
- In late 1991, to comply with new RCRA regulations, Koppers Inc. extended the Superior drip track. A 125 foot extension was installed to the existing concrete drip track - extending the length by about 20% and an additional 25 ft. x 75 ft. drip pad was installed adjacent to the existing 9.5 ft x approx. 600 ft. concrete drip track (see Figure 1 of the attached *Draft Sampling and Analysis Report, May 1992*).
- Soils in each of the two drip track expansion construction areas were to "be excavated . . . to remove all soils showing visible evidence of site-related constituents" and it was "anticipated that 2 to 3 feet of soil" was to be excavated from each area prior to installation of the drip track extension/expansion. (*Drip Track Extension Soil Sampling & Analysis Plan, Sept. 1991, pages 2-1 and 3-1*). Beazer collected soil samples in the two excavation areas to provide data on the soils remaining beneath the two newly constructed drip track extension areas.
- The Drip Track Extension and Expansion Project was completed in the fall of 1991. There is reference to memos that indicate approximately 700 cubic yards of soil were removed but I have been unable to locate those memos at this time. After the visibly impacted surficial soils were excavated, soil samples were collected from 0.0 to 1.0 foot depth from ten locations in the two expansion areas as shown on Figure 1 of the *Draft Sampling and Analysis Report* for the drip track extension. The sampling results for TPH, total PAHs, total phenolics, and pentachlorophenol are included on page 1b of the *Draft Sampling and Analysis Report*.

The information provided previously by Koppers at the time of facility decommissioning demonstrated that the drip track concrete had been sufficiently cleaned (rinseate sampling) and soil samples and groundwater samples were collected from adjacent to the drip track as reported in the *January 2007 Drip Pad Closure Investigation Report* and May 2007 follow-up letter. Per the above, soils beneath at least portions the concrete drip track were removed (likely to the 2 to 3 foot depth) in two different projects coinciding with the original concrete pad construction and the extension in 1991.

I will contact you shortly to review the information contained herein and to determine any remaining steps to obtain final closure of the drip pad at the Superior facility. Thank you for your timely review of this information.

Linda S. Paul, P.E.
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