

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
CONDITIONAL CLOSURE AND LONG-TERM CARE PLAN APPROVAL
MODIFICATION
KOPPERS INDUSTRIES, INC.
WID# 006179493
FID# 816009810
BRRTS# 0216000484

GENERAL INFORMATION

Authorized Contact

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Site Location

The Koppers Industries, Inc. facility is located at the junction of County Highways A and Z approximately two miles southeast of the City of Superior, in Sections 12 and 13, T 48 N, R 14 W, Town of Superior, Douglas County, Wisconsin. The street address is 3185 S County Trunk A, Superior, WI 54880.

FINDINGS OF FACT

The Department finds that:

1. Koppers Industries, Inc. (KII) owns a hazardous waste facility in the Town of Superior, Douglas County, Wisconsin. The Department of Natural Resources (Department) issued a conditional closure and long-term care plan approval for the surface impoundments at the facility on October 1, 1987. A closure plan for the storage unit at the facility was approved as part of the feasibility and plan of

operation report approval issued on November 17, 1987. The Department conditionally approved the closure documentation report for the surface impoundments on August 3, 1990. The Department issued a conditional long-term care license to KII for the surface impoundments on December 21, 1990. The responsibility for long-term care of KII's surface impoundments was retained by Beazer East, Inc., the former owner of the KII facility.

2. On September 30, 1988 a Federal permit containing requirements for RCRA Corrective Action was issued to Koppers Company, Inc. 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 (SWMUs) at facilities required to have a hazardous waste operating license. On September 20, 1995 the Department issued a modification to the October 1, 1987 KII Closure and Long-term Care Plan Approval. This modification incorporated provisions for state authorized corrective action.
3. On April 22, 2002 the Department received two documents. The first a request for modification to the groundwater monitoring plan. This letter's subject is "Koppers Industries, Inc., Superior, Wisconsin Facility, Class 2 Permit Modification for Proposed Modifications to the Groundwater Monitoring Program", prepared by Blasland, Bouck & Lee (BBL) on behalf of Beazer East, Inc. The second is titled "Groundwater Monitoring Sampling and Analysis Plan", prepared by RETEC Group, Inc.
4. Other documents considered during the review of this approval, include the following:
 - a. "2001 Annual Groundwater Monitoring Report", RETEC Group, Inc., (February 2002).
 - b. "1997 RCRA Facility Investigation Report Soil and Groundwater Koppers Industries, Inc. Superior Wisconsin Facility", Prepared by Fluor Daniel GTI, (June 1997).
 - c. "Low Stress (low flow) Purging and Sampling Procedure for the Collection of Groundwater Samples from Monitoring Wells", U.S. EPA, (July 30, 1996).
5. Releases from SWMUs have occurred at the KII facility, which include materials that are hazardous wastes as defined in s. 291.01(7).61(5), Wis. Stats., and s. NR 605.04, Wis. Adm. Code, and hazardous substances as defined in s. 292.01(5), Wis. Stats., and s. NR 158.03(4), Wis. Adm. Code. The Department generally views a release from a SWMU to include any constituents detected in soil or groundwater that are traceable to the waste managed in upgradient SWMUs.
6. Chapter NR 140, Wis. Adm. Code preventive action limits and enforcement standards for substances of health concern have been attained or exceeded at the point of standards application at the KII facility. Specifically, the analytical results from groundwater sampling of monitoring wells located at the KII facility revealed exceedances of ch. NR 140, Wis. Adm. Code enforcement standards for the following

constituents: benzene, benzo(a)pyrene, chrysene, ethylbenzene, naphthalene, pentachlorophenol, styrene and toluene. The wells located at the KII facility also revealed exceedances of ch. NR 140, Wis. Adm. Code preventive action limits for the following constituents: phenol and xylene. In addition, several polynuclear aromatic hydrocarbons (PAHs) and phenolics, which currently do not have ch. NR 140, Wis. Adm. Code groundwater quality standards, have been detected in groundwater samples collected from monitoring wells located at the KII facility. These constituents are also a concern to the Department.

7. In accordance with s. NR 103.08, Wis. Adm. Code, the Department has determined that the activities approved under this conditional plan of operation approval modification will not adversely affect any wetland areas. Therefore, these activities are in conformance with the provisions of ch. NR 103, Wis. Adm. Code.
8. This conditional plan approval modification is necessary to protect human health and the environment and comply with ch. NR 140, Wis. Adm. Code and s. NR 635.17, Wis. Adm. Code.
9. The Department has determined that the monitoring and reporting requirements outlined in this conditional modification of the plan of operation approval constitute a Class 2 modification in accordance with s. NR 680.07(2), Wis. Adm. Code.

CONCLUSIONS OF LAW

1. The Department has authority under s. 291.37(2), Wis. Stats. And s. NR 635.17, Wis. Adm. Code to require corrective action if a release from a SWMU has occurred, including corrective action beyond the facility property boundary.
2. The Department has 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 or welfare concern has been attained or exceeded at a point of standards application.
3. The Department has 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 modify a closure and long-term care plan approval pursuant to s 291.37 Wis. Stats., and ss. NR 635.17 and NR 680.07, Wis. Adm. Code.

CONDITIONAL CLOSURE AND LONG-TERM CARE PLAN APPROVAL
MODIFICATION

Based on the Findings of Fact and Conclusions of Law, the Department has the authority pursuant to s. 291.37, Wis. Stats. to issue this modification to the Closure and Long-term Care Plan Approval for the KII Superior, Wisconsin facility, and approves the "Groundwater Monitoring Sampling and Analysis Plan", prepared by The RETEC Group, Inc., dated April 2002, subject to compliance with chs. NR 600 through 685 and NR 140, Wis. Adm. Code, and the following conditions:

1. All laboratory chemical analyses of groundwater shall be performed in accordance with standard methods, at a laboratory certified or registered by the Department under ch. NR 149, Wis. Adm. Code.
2. Sampling for the impoundment shall occur semiannually, within 15 days of April 15, and October 15 of each year.
3. The use of a bladder pump is allowed for purging of groundwater and sampling of non-volatile parameters from groundwater monitoring wells. The use of peristaltic pumps shall not be allowed for sampling of any volatile parameters.
4. Naphthalene shall be analyzed and reported using EPA Method 8021B.
5. Compile and submit brief, semiannual monitoring reports within 60 days of the date of sample collection. The semiannual monitoring reports shall include:
 - i. The groundwater quality data shall be transmitted in an ASCII formatted file to the WDNR data coordinator for inclusion in Groundwater Environmental Monitoring System (GEMS).
 - ii. Brief cover letter discussing all ch. NR 140, Wis. Adm. Code groundwater quality standard exceedances noted in table format. (Note: The most recent version of ch. NR 140, Wis. Adm. Code is April, 2001). This cover letter must also include the name of the person who collected the samples, a discussion of any problems encountered and/or any deviations from the approved sampling and analysis plan (e.g., frozen well, elevated detection limits, etc.), new or replacement wells that have been reported on the diskette and any other information relevant to the diskette of ASCII formatted data.
 - iii. A site map showing all monitoring points, facility property lines, a local grid system, scale, north arrow and key or legend.
 - iv. Two copies of the Laboratory Certification Statement.
 - v. One paper copy printout of the ASCII formatted data.

- vi. One paper copy of the trip blank, equipment blank, duplicate, matrix spike/matrix spike duplicate results.
6. An Annual Monitoring Report shall be submitted to Department combining the existing ch. NR 635, Wis. Adm. Code semiannual groundwater monitoring program and the Corrective Action groundwater monitoring program. This shall include the submittals required in Condition 5. above. In addition, a discussion of data trends over the preceding four sampling rounds, plume contraction or expansion, and maps indicating groundwater monitoring results of representative compounds of concern.
7. All plans, plan sheets and reports shall be prepared and submitted in accordance with the requirements of s. NR 680.05, Wis. Adm. Code. Please note the engineer and hydrogeologist certification requirements.
8. Copies of all plans, plan sheets, reports and correspondence, etc. shall be submitted to the Department Bureau office in Madison, WI (one copy), the Department Service Center in Superior, Wisconsin (two copies).
9. Beazer East, Inc. shall abandon Monitoring Well-04C in accordance with s. NR 141.25, Wis. Adm. Code within sixty days of the effective date of this approval.

The Department retains the right to modify this determination and to require additional information at any time. Except as specifically provided, this determination requires that KII and Beazer East, Inc., comply with all conditions of the October 1, 1987 closure and long-term care plan approval and all subsequent determinations. Nothing in this conditional plan approval modification shall relieve KII and Beazer East, Inc., of the legal obligation to comply with applicable federal, state and local approvals.

NOTIFICATION OF APPEAL RIGHTS

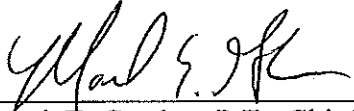
If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of the decision pursuant to sections 227.52 and 227.53, Wis. 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

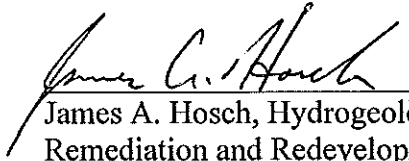
Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: **OCT 29 2002**

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Mark E. Gordon, P.E., Chief
Technical Resources Section
Bureau for Remediation and Redevelopment



James A. Hosch, Hydrogeologist
Remediation and Redevelopment Program