

**EXHIBIT L**  
**NOTIFICATION LETTERS**

Date:

Menomonee Falls Fire Department  
Menomonee Falls Police Department  
Community Memorial Hospital  
Sensia Healthcare  
Waukesha County LEPC  
Waukesha County Emergency Government  
Wisconsin DNR- Southeast Region

Please discard your older version of our Brenntag Great Lakes, LLC Contingency Plan and replace it with this new version Brenntag Great Lakes LLC.  
This Plan addresses an occurrence that could not be preventable. We at Brenntag stress preventative measures to keep our facility Safe.

Thank You,

Michael R. Schick

Regional Manager of Health, Safety, Quality Assurance & Regulatory  
Brenntag Great Lakes, LLC  
262-252-6246

**Brenntag Great Lakes, LLC**



Date:

Menomonee Falls Fire Department  
Menomonee Falls Police Department  
Community Memorial Hospital  
Sensia Healthcare  
Waukesha County LEPC  
Waukesha County Emergency Government  
Wisconsin DNR- Southeast Region

Please discard your older version of our Brenntag Great Lakes, LLC Contingency Plan and replace it with this new version Brenntag Great Lakes LLC.  
This Plan addresses an occurrence that could not be preventable. We at Brenntag stress preventative measures to keep our facility Safe.

Thank You,

Michael R. Schick

Regional Manager of Health, Safety, Quality Assurance & Regulatory  
Brenntag Great Lakes, LLC  
262-252-6246

Minneapolis/St. Paul, MN  
2130 Energy Park Drive  
St. Paul, MN 55108  
651-204-4300  
651-204-4391 Fax

Chicago, IL  
4801 South Austin Avenue  
Chicago, IL 60638  
773-586-2000  
708-594-5678 Fax

Milwaukee, WI  
4420 Harley Davidson Ave.  
Wauwatosa, WI 53225  
262-252-3550  
262-252-5250 Fax

Grand Rapids, MI  
3900 44th Street  
Kentwood, MI 49512  
616-656-9555  
616-656-0599 Fax

Des Moines, IA  
1979 N.E. 54th Ave.  
Des Moines, IA 50313  
515-265-6019  
515-265-1683 Fax

Omaha, NE  
3720 D Street  
Omaha, NE 68107  
402-731-1720  
402-731-7495 Fax

Fort Wayne, IN  
1615 Estella Ave.  
Ft. Wayne, IN 46803  
260-749-9550  
260-749-9650 Fax

**EXHIBIT M**  
**EMERGENCY EQUIPMENT LIST**



<b>Spill Support Equipment</b>	<b>Quantity</b>
<b><i>Power Units</i></b>	
1200 Watt Generator, 110 Volt, 1 Phase	1
5 KW Generator, 110/220 Volt, 1 Phase	1
50 KW Generator, 220/440 Volt, 3 Phase	1
Portable Welder, DC	1
<b><i>Storage Tank</i></b>	
10,000 Gallon Tank (Portable)	1
<b><i>Transport Tank Trucks</i></b>	
1,600 Gallon Vacuum Tank Truck	1
2,500 Gallon Vacuum Tank Truck	1
3,000 Gallon Vacuum Tank Truck	2
5,000 Gallon Semi-Tractor/Vacuum Tank Trailer	3
5,000 Gallon Semi-Tractor/Tank Trailer	1
6,000 Gallon Semi-Tractor/Tank Trailer	5
<b><i>Lifting Equipment</i></b>	
Truck Mounted Crane	1
Chain Hoist/Lug All	3
<b><i>Hand Tools</i></b>	
Shovels	4
Pick & Pick Axe	2
Brooms	3
Chippers	2
Oil Herder	2
Forks	2

<b>Pumping Equipment</b>	<b>Quantity</b>
<i>Hose</i>	
Fire Hose, 1 1/2" diameter	200 feet
Fire Hose, 2 1/2" diameter	600 feet
Suction Hose (Hard), 2" diameter	200 feet
Suction Hose (Hard), 3" diameter	600 feet
Suction Hose (Hard), 4" diameter	1000 feet
Suction Hose (Hard), 6" diameter	50 feet
Discharge Hose, 1 1/2" diameter	200 feet
Discharge Hose, 2 1/2" diameter	500 feet
Discharge Hose, 3" diameter	200 feet
Discharge Hose, 4" diameter	300 feet
Discharge Hose, 6" diameter	50 feet
<i>Aluminum Pipeline</i>	
Aluminum Pipe, 4" diameter	200 feet
Aluminum Pipe, 5" diameter	5000 feet
Aluminum Pipe, 6" diameter	700 feet
Aluminum Pipe, 8" diameter	400 feet
<i>Recovered Product Filter</i>	1
<i>Personnel Decontamination System</i>	1
<i>Mobile Recovered Product/Water Separator</i>	1

<b>Personnel Protection</b>	<b>Quantity</b>
<b><i>Safety Harness</i></b>	
Personnel Lifting Harness, Tripod and Winch	1
<b><i>Face Protection</i></b>	
Face Shields, Hard Hat Mounted	2
Eye Goggles, Chemical Splash	4
<b><i>Foot Protection</i></b>	
Firemens Boots	6 pair
Waders	2 pair
<b><i>Fire Control</i></b>	
Fire Extinguisher	2
No Smoking Signs (Large)	3
<b><i>Pumping Equipment</i></b>	
<b>Pumps</b>	
Prosser, Submersible, 2", Water Table Depressions, (70 GPM)	2
Flygt, Submersible, 2", Water Table Depressions, (220 GPM)	1
Flygt, Submersible, 4", (500 GPM)	2
Flygt, Submersible, 6", (1200 GPM)	2
CH&E, Centrifugal, 3", (500 GPM)	1
CH&E, Centrifugal, 4" (600 GPM)	4
Homelite, Centrifugal, 4", (500 GPM)	1
Sykes, Vacuum/Centrifugal, 4", (600 GPM)	1
Cristafulli, (1030 GPM)	1
CH&E, Diaphragm, 3", (80 GPM)	1

<b>Spill Containment &amp; Recovery</b>	<b>Quantity</b>
<b><i>Absorbent Material</i></b>	
Kyes Absorbent Booms, 8 foot long	30 booms
Kyes Absorbent Booms, 20 foot long	20 booms
Kyes Absorbent Chips, 20 pound boxes	10 boxes
Kyes Absorbent Matts	24 Matts
3M Absorbent Pillows	10 Pillows
3M Absorbent Booms, 10 foot long	3 Booms
<b><i>Containment Equipment</i></b>	
Slickbar Booms, 12 inch	320 feet
Absorbent Booms, (listed above)	700 feet
<b><i>Recovery Units</i></b>	
Oil Recovery System (Most Hydrocarbons)	3
Skimmer, Slickbar (Water Surface Vacuum)	1
<b><i>Vacuum Equipment</i></b>	
1,600 Gallon Vacuum Tank Truck	1
1,600 Gallon Vacuum tank Truck (big wheels unit)	1
2,500 Gallon Vacuum Tank Truck with High Pressure Water Jetter	1
3,000 Gallon Vacuum Tank Truck	2
5,000 Gallon Semi-Tractor/Hi-Vacuum tank Trailer (*)	3
<b><i>Leak Patch</i></b>	
Plug and Dike Material	50 pounds
Tank Rap	1

\* Includes one MC312 Certified tank for Transportation of Hazardous Material



<b>Personnel Protection</b>	<b>Quantity</b>
<i>Air Ventilation Equipment</i>	
Blower, with Air Transfer Ducts (Air in or out)	1
Blower (Air in or out)	2
<i>Air Monitors</i>	
Explosion Meter	1
Oxygen Deficiency/Toxic Fumes/Combustible Gas	4
<i>Protective Clothing</i>	
Polyethylene Laminated to Tyvek (Coveralls)	2
Saranex Laminated to Tyvek (Coveralls for PCB)	10
Tyvek (Coveralls)	24
Protective Gloves	
<i>Protective Suits</i>	
Acid Master Suit (Air Pack Under Suit)	1
Butyl/Vinyl Suit (External Air Supply)	2
Chemical Protective Suit	2
<i>Respirator Equipment</i>	
30 Minute Survivair Air Tank System (Back Pack)	1
3.5 CFM Air Supply Compressor/100' Air Line/Full	
Face Mask	2
Oxygen Resuscitator	1
Cartridge Respirator	6
60 Minute BioMarine BioPak 60 Respirator	1

**EXHIBIT N**

**OFF-SITE RESPONSE PLAN PREPARED BY  
LEPC**

**Daniel P. Vrakas**  
County Executive

**William F. Stolte**  
Emergency Management  
Coordinator



September 19, 2011

Michael Schick  
Brenntag Great Lakes, L.L.C.  
N59 W14765 Bobolink Ave.  
Menomonee Falls, WI 53051

Dear Mr. Schick:

I am forwarding to you a copy of the Off-Site Response Plan prepared for your facility by the Waukesha County Local Emergency Planning Committee. This plan is prepared in accordance with SARA III requirements.

Please review the plan and sign and date the transmittal sheet in the space provided for the signature of the facility coordinator to indicate your concurrence and return it to me. The copy of the plan is for your files.

It is my intent to review your plan every four years or sooner if changes in your chemical inventory warrant it. If you have any questions, please feel free to contact me at 262-896-8292.

On behalf of the LEPC, I wish to thank you for your cooperation in making Waukesha County a safer place to live and work.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Schwei".

Kathy Schwei  
Program Assistant



Waukesha County Emergency Management  
1621 Woodburn Road  
Waukesha, WI 53188  
(262) 548-7580 FAX (262) 548-7313



# **BRENNTAG GREAT LAKES, L.L.C.**

N59 W14765 Bobolink Ave.  
Menomonee Falls, WI 53051



**WAUKESHA COUNTY**

**LOCAL EMERGENCY PLANNING COMMITTEE**

1621 Woodburn Road  
Waukesha, Wisconsin 53188  
262-548-7580



## OFF-SITE FACILITY PLAN REVIEW GUIDE AND INDEX

**For:** Waukesha County

**Facility Name:** Brenntag Great Lakes, L.L.C., WEM # 000794-3

**Location:** N59 W14765 Bobolink Ave., Menomonee Falls, WI 53051

### **Review Guide and Index:**

1. Facility Identification	<u>Page 1, Para. 1</u>
2. Facility Coordinator & Alternate	<u>Page 1, Para. 2</u>
3. Chemicals on Site	<u>Page 1, Para. 3</u>
4. Primary Emergency Responders	<u>Page 2, Para. 4</u>
5. Resources Available	<u>Page 2, Para. 5</u>
6. General Information/Assumptions	<u>Page 2, Para. 6</u>
7. Hazard Analysis	<u>Page 3, Para. 7</u>
8. Warning System	<u>Page 4, Para. 8</u>
9. Accessibility Concerns	<u>Page 4, Para. 9</u>
10. Special Facilities Affected	<u>Page 4, Para. 10</u>
11. Population Protection	<u>Page 4, Para. 11</u>
12. Other Considerations and Transportation Information	<u>Page 5, Para. 12</u>
13. Limits of Liability	<u>Page 5, Para. 13</u>
14. References	<u>Page 6 Para. 14</u>
15. Attachments	<u>Page 6, Para. 15</u>
16. Distribution List	<u>Page 6, Para. 16</u>

### **Attachments:**

- 1) Facility Layout
- 2) Vulnerability Zone Map w/Special Facilities
- 3) CAMEO Response Information
- 4) CAMEO Screening and Scenarios
- 5) Special Facilities List
- 6) Transportation Routes

**Brenntag Great Lakes L.L.C., Off-Site Plan**

1. N59 W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
(262) 252-3550  
WEM ID#: 000794-3

<p>2. <b>Facility Coordinator:</b> Scott Rhodes Operations Manager (Work) 262-252-3550 (Emer.) 262-613-3304</p>	<p><b>Alternate Coordinator:</b> Larry Dietrich Maintenance Plant Manager (Work) 262-252-3550 (Emer.) 262-613-2101</p>
---	--

3. **Chemicals On Site:**

<u>CAS Number</u>	<u>Chemical/Trade Name</u>	<u>Max Amt</u>	<u>At Risk</u>	<u>V-Z</u>
-------------------	----------------------------	----------------	----------------	------------

**Extremely Hazardous Substances (EHS):**

04098-71-9	Isophorone Diisocyanate	45,931	34,000	<0.1*
UN#: 2290 // ERG#: 156 // NFPA: F0-H0-R0				

*\*Note:* CAMEOfm does not calculate a vulnerability zone based upon a release of this EHS as a liquid. The Archie software calculated a hazard distance at ground level of 200 feet.

00584-84-9	Toluene 2,4-Diisocyanate	46,724	40,000	<0.1*
UN#: 2078 // ERG#: 156 // NFPA: F1-H3-R2				

00091-08-7	Toluene 2,6-Diisocyanate	11,681	10,000	<0.1*
UN#: 2078 // ERG#: 156 // NFPA: F0-H0-R0				

*\*Note:* CAMEOfm does not calculate a vulnerability zone for this combined EHS. The Risk Management Planning (RMP) Vulnerability Zone calculated by Spectrum Engineering is 67 feet.

*Note:* Measurements are in Pounds and Miles.

**Hazardous Chemicals (HC):**

07727-37-9	Nitrogen (Cryogenic Liquid)	15,000
UN#: 1977 // ERG#: 120 // NFPA: F0-H3-R0		

There are over 100 additional Hazardous Chemicals at this facility. The NFPA codes range from H0 to H3; F0 to F3; R0 to R1; with no additional Special.

**Brenntag Great Lakes L.L.C., Off-Site Plan**

**Flammables:** See above statement under Hazardous Chemicals. NFPA codes range from F0 to F3.

**4. Primary Emergency Responders:**

Menomonee Falls Fire/EMS Dept. ....	911
Menomonee Falls Police Dept. ....	911
Waukesha County Sheriff's Dept. ....	911

**5. Resources Available:**

**On-Site:** Neutralizing agents and over-packs, control & containment equipment, 10 person Emergency Response Team.

**Off-Site:** City of Waukesha FD Level "B" Hazmat Team: (262) 524-3651, 45 min ETA.  
 City of Milwaukee FD Level "A" Hazmat Team: (414) 347-2323, (414) 286-8999, 60 min ETA.

**6. General Information/Assumptions:**

The Vulnerability Zone(s) (VZs) set forth in this Plan are based on the EPA Technical Guidance for Hazard Analysis, as computed by the CAMEO System. The VZ(s) are based on a credible worst case scenario (State Guidance of 7 mph winds/atmospheric stability factor D) which identify the potential area for impact should an airborne release of a single Extremely Hazardous Substance (EHS) occur.

The VZ(s) are **NOT** intended to be used as a guide for population protection in fire related incidents. Fire incidents were considered in the development of this plan and the plan provides basic information about the facility for first responders to employ. However, in an actual fire situation at this facility, the Incident Commander (IC) is strongly recommended to reference the Fire Department's (FD) own Standard Operating Procedures, Fire Preplan(s), and/or the County's Emergency Operations Plan (EOP), Fire Annex, as they may relate to this facility when making decisions at an incident involving fire.

Further, FDs that would respond to an incident at this facility are strongly encouraged to meet with facility representatives to determine ways to minimize an event at the facility and to discuss what would be required to fight a fire.

The actual response to an incident shall be determined by the IC and may vary from the VZ(s) set forth in this Plan, depending on wind speed, direction, the amount of material released, concentration, and other pertinent factors.

**Brenntag Great Lakes L.L.C., Off-Site Plan**

The VZ(s) determined in this Plan are strictly for planning purposes only.

**7. Hazard Analysis:*****Facility Description:***

The facility contains a licensed Treatment Storage Disposal Facility on the north side, but is mainly a chemical distribution facility. It is a process oriented facility, so chemicals generally are only on hand for short periods of time before being transferred to another location. It is a complex of 3 main buildings and several out buildings on 5 acres of land. One building is north of Bobolink Ave. and two buildings are south of Bobolink Ave. All buildings are cement block construction with the office building having a steel truss roof and a spancrete roof on the maintenance shop/warehouse. Currently, there is a water, not foam, sprinkling system in the North building. There is a fire suppression system with foam in the West Addition and in the South Process Room. There are approximately 15-25 employees on site at any one time during the three shifts.

***Seasonal Information:***

The EHSs are maintained on-site year round.

***Maximum Container Size, Type and Storage:***

The *Isophorone Diisocyanate* is stored in a 3800 gallon tank, and the *Toluene Diisocyanate (TDI)* is stored in two 5000 gallon tanks. Both are in closed loop systems. The bulk tanks are enclosed by diking containment structures.

***Greatest Potential for Release:***

For the *Isophorone Diisocyanate* and *TDI*, the greatest potential would be during off-loading from tankers into the bulk tanks. However, there are numerous safety features built into the valves and piping to prevent an accidental release. For both chemicals, the most likely release would be from a cylinder.

***Special Risk Considerations:***

Pressure cylinders of propane for forklifts are found in the North and South buildings outside of the east wall. Pressure cylinders of a variety of industrial gasses are found on the outside of the east wall on the North building.

***Conclusions:***

The potential for an EHS release with off-site consequences is very low. Fire would be the biggest concern at this facility, with the high number of flammable liquids on site.



## **Brenntag Great Lakes L.L.C., Off-Site Plan**

### **8. Warning System:**

#### ***On-Site:***

The facility does have a warning system, an all-page telephone and manual pull fire alarm systems. Any notification, off-site, will likely come as a result of a telephone call to 911.

#### ***Off-Site:***

The warning system will be operated in accordance with the County Warning Plan, which supports the EOP. Other warning systems that may be employed include the use of law enforcement vehicles using public address systems and door-to-door contact of residents by emergency responders.

- 9. Accessibility Concerns:** Railroad siding on south side of facility. Bobolink Ave. dead-ends on the west end, but it is part of a loop with Kaul Ave.

- 10. Special Facilities Affected:** See Attachment 5 for specific locations.

### **11. Population Protection:**

The determination to Shelter In-Place or Evacuate would be made by the Incident Commander. This decision should be based on real time observations and consideration of this plan as a whole. **Remember:** Duration of the release, hang time and air infiltration are critical factors when considering Sheltering In-Place. A word of caution: Sheltering In-Place, in some circumstances, could be irreversible.

The lead time for a hazardous material incident could be as little as no warning at all. As a result, this short of time may not allow for a safe evacuation, especially when toxic vapors are involved. An evacuation under these conditions may increase the exposure of the population to what could be deadly fumes. In this case, Sheltering In-Place must be considered and may be the only alternative.

Preferred areas for protective sheltering would be interior hallways, rooms without windows or exterior doors, enclosed stairways and rooms on the side of the building away from where the hazard is approaching. Doors, windows and other potential air leaks should be sealed up to prevent toxic fumes from entering.

Experience indicates that shelter space would need to be provided for approximately 30% of the population within the initial isolation and evacuation zones. The remaining 70% are expected to seek shelter with family and friends outside the risk area.

## Brenntag Great Lakes L.L.C., Off-Site Plan

### 12. Other Considerations:

*Surrounding Area and Lines of Communication:* None.

*Environmental Issues (initial):* Fire fighting run-off. Prevent entry into water intakes and waterways.

*Other Jurisdictions Affected:* None.

*Transportation Routes:* Major transportation routes in the county over which hazardous chemicals might be transported are identified in the county-wide EPCRA plan. (See Attachment 6)

### 13. Limitation of Liability:

It should be kept in mind when using any Plan or Model (Vulnerability Zones) that they are for **PLANNING PURPOSES ONLY** and should **NEVER** override first hand observations at the scene of an incident. The Incident Commander's training, experience and observations should be his primary basis for decision making. Staff support, including research and planning, should be a method to help him project upcoming possibilities and resource requirements. This planning can be done during the incident but should always be validated by observations (both sensory and with monitoring equipment).

While the Planner has used his best efforts to deliver a complete and accurate Off-site Plan, the information gathered and used comes from various sources. Consequently, it can not be guaranteed completely accurate by the Planner as he uses the information provided to him. The calculations of the Vulnerability Zone(s) are based on the "CAMEO" program and the criteria provided by the Local Emergency Planning Committee (LEPC) or State guidance when no specific Instructions are provided.

The following is a copy (combination of CAMEO, ALOHA, and MARPLOT) of the Limitation of Liability statement found in the CAMEO, ALOHA Version 5.2.3, and MARPLOT Version 3.3 manuals. This should be considered as part of the Planner's Limitation of Liability and gives him equal coverage as provided to the United States Government.

**"Limitation of Liability** – The United States Government has used its best effort to deliver complete data incorporated into CAMEO, ALOHA and MARPLOT. Nevertheless, the United States Government does not warrant accuracy or completeness, is not responsible for errors and omissions, and is not liable for any direct, indirect, or consequential damages flowing from the recipient's use of CAMEO, ALOHA, and MARPLOT.

## **Brenntag Great Lakes L.L.C., Off-Site Plan**

The CAMEO, ALOHA, and MARPLOT software are being distributed "as is" and the United States Government does not make any warranty claims, either expressed or implied, with respect to the CAMEO, MARPLOT, or ALOHA software, their quality, accuracy, completeness, performance, merchantability, or fitness for any intended purpose.

**Indemnification** – The recipient shall indemnify and save harmless the United States and its agents and employees against any and all loss, damage, claim, or liability whatsoever, due to personal injury or death, or damage to property of others directly or indirectly due to the use of CAMEO, MARPLOT or ALOHA by the recipient, including failure to comply with the provisions of the these terms and conditions."

### **14. References:**

Wisconsin, Guide for complying with SARA Hazardous Materials Off-Site Planning Requirements, revised September 1989; US National Response Team, Hazardous Materials Emergency Planning Guide (NRT-1), dated March 1987; US EPA, Technical Guidance for Hazards Analysis, dated December 1987; Version CAMEOfm.

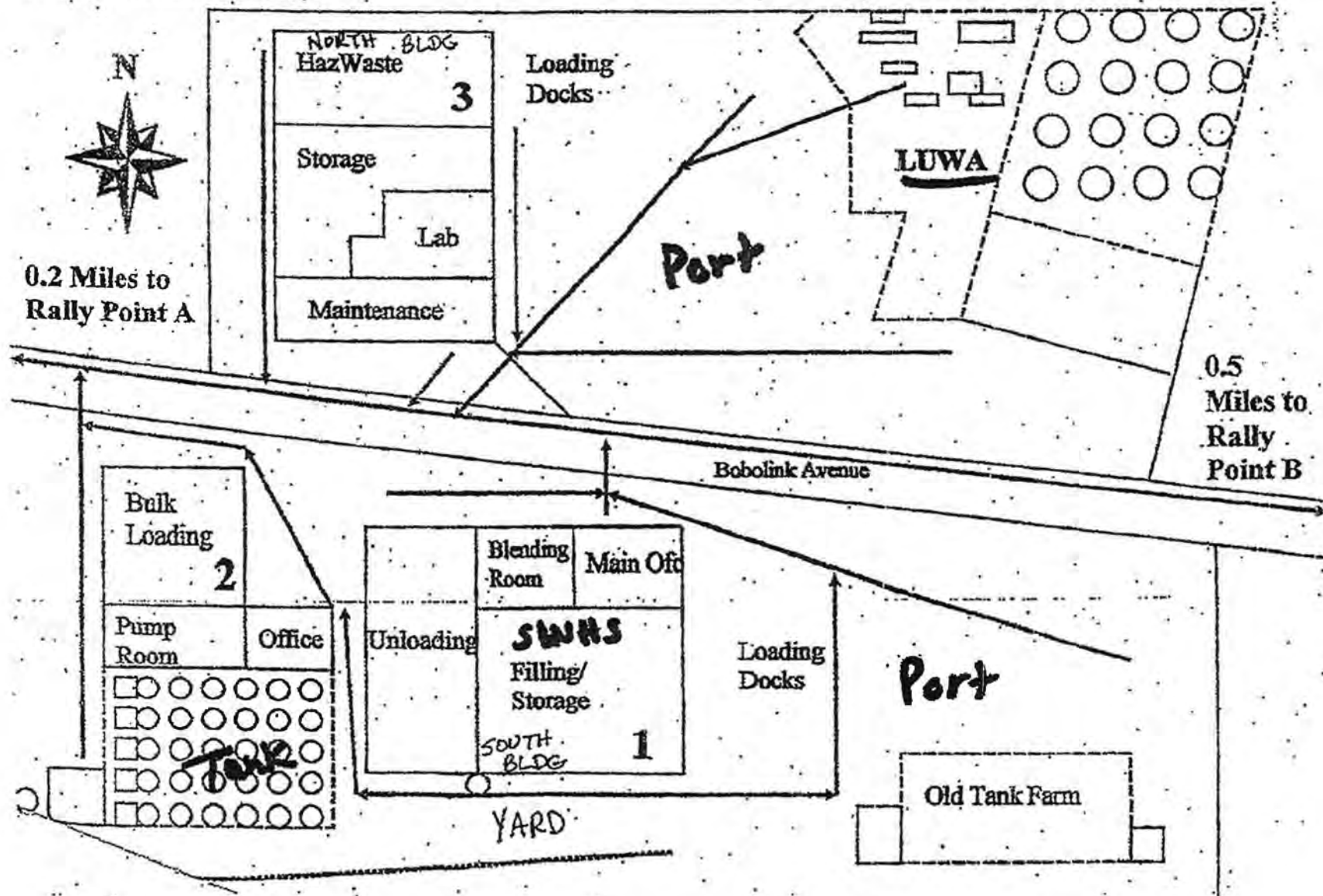
### **15. Attachments:**

- 1) Facility Layout
- 2) Vulnerability Zone Map w/ Special Facilities
- 3) CAMEO Response Information
- 4) CAMEO Screening and Scenarios
- 5) Special Facilities List
- 6) Hazardous Materials Transportation Routes

### **16. Distributed to:**

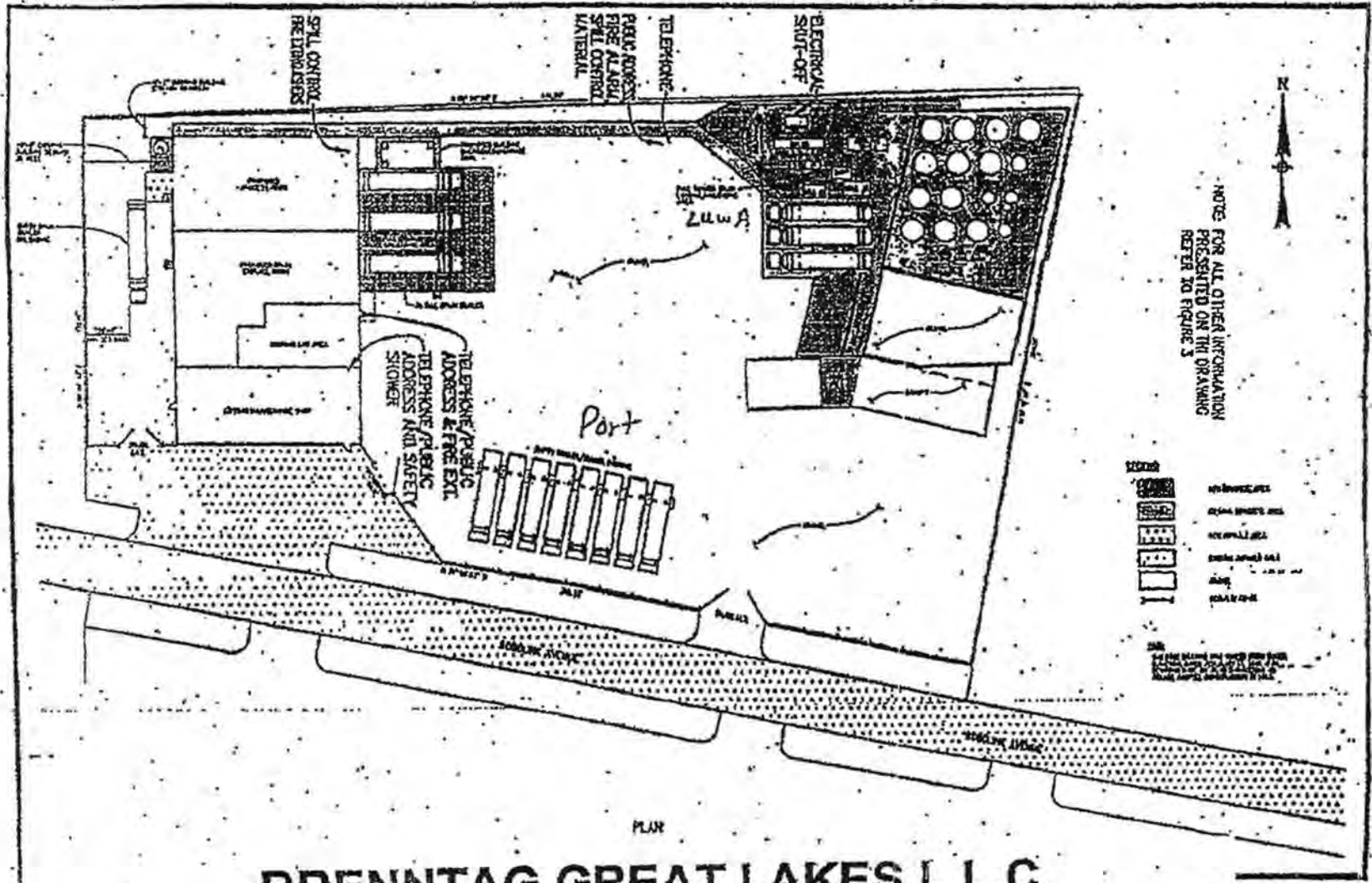
Brenntag Great Lakes L.L.C.  
Menomonee Falls Fire Department  
Menomonee Falls Police Department  
Wisconsin Emergency Management-SE Region

### Brenntag Great Lakes – Menomonee Falls Evacuation Routes









# BRENNTAG GREAT LAKES L.L.C.

(North side of Bobalink Ave.)

N. 59 W. 14.765 Bobalink Ave, Menomonee Falls



# Chemical Library/RIDS

Chemical Name: ISOPHORONE DIISOCYANATE

Regulatory Name: ISOPHORONE DIISOCYANATE

NFPA Codes F:                      NFPA Codes H:                      NFPA Codes R:                      NFPA Codes S:

Formula: C12H18N2O2

DOT: POISON

UN Num: 2290

Sec 112R:

CAARQ:

313:

EHS:

EHSTPQ: 100

RCRA:

CERCLA:

RQ: 100

CHRIS: IPD

CAS: 4098-71-9

STCC: 4925107

### General Description

A clear to light-yellow liquid. Slightly denser than water and insoluble in water. Toxic by inhalation and skin absorption. Very irritating to skin. Used to make polyurethane coatings (© AAR, 1999).

### Fire Hazard

When heated to decomposition, it emits toxic fumes of nitrogen oxides. (EPA, 1998)

### Fire Fighting

Keep unnecessary people away; isolate hazard area and deny entry. Stay upwind; keep out of low areas. Ventilate closed spaces before entering them. Wear positive pressure breathing apparatus and special protective clothing. Remove and isolate contaminated clothing at the site.

fires: dry chemical, carbon dioxide, water spray or foam. Large fires: water spray, fog or foam. Move container from fire area if you can do so without risk. Fight fire from maximum distance. Dike fire control water for later disposal; do not scatter the material. (EPA, 1998)

### Protective Clothing

Skin: Wear appropriate personal protective clothing to prevent skin contact.

Eyes: Wear appropriate eye protection to prevent eye contact.

Wash skin: The worker should immediately wash the skin when it becomes contaminated.

Remove: Work clothing that becomes wet or significantly contaminated should be removed and replaced.

Change: Workers whose clothing may have become contaminated should change into uncontaminated clothing before leaving the work premise.

Provide: Facilities for quickly drenching the body should be provided within the immediate work area for emergency use where there is a possibility of exposure. [Note: It is intended that these facilities provide a sufficient quantity or flow of water to quickly remove the substance from any body areas likely to be exposed. The actual determination of what constitutes an adequate quick drench facility depends on the specific circumstances. In certain instances, a deluge shower should be readily available, whereas in others, the availability of water from a sink or hose could be considered adequate.] (NIOSH, 1997)

### MATERIAL RATINGS

#### RESPONDER

FABRIC > 3 hours

(NOAA, 1991)

#### Non-Fire Response

Keep sparks, flames, and other sources of ignition away. Keep material out of water sources and sewers. Build dikes to contain flow as necessary. Do not use water. (© AAR, 1999)

#### Health Hazard

This material is highly toxic by inhalation and moderately toxic through the skin. (Non-Specific - Isocyanates) People with skin or respiratory problems should avoid exposure. (EPA, 1998)

#### Properties

FlashPoint (unspc): >200° F (NTP, 1992)

Melting Point: -76° F (NTP, 1992)

Vapor Pressure: 0.0003 mm Hg at 68° F ; 0.0007 mm Hg at 122° F (NTP, 1992)

Specific Gravity: 1.056 to 1.062 at 68° F (USCG, 1999)

Boiling Point: 316° F at 10 mm (NTP, 1992)



## Chemical Library/RIDS

Par Weight: 222.32 (EPA, 1998)

TLV: 0.005 ppm (©ACGIH, 2001)

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

### First Aid

Signs and Symptoms of Isophorone Diisocyanate Exposure: Signs and symptoms of isophorone diisocyanate exposure include the following: itching skin, skin rashes, tearing of the eyes, inflammation of nasal mucous membrane, and respiratory irritation. Gastrointestinal irritation may also occur. Difficulty in breathing and skin rash may be observed upon re-exposure.

Emergency Life-Support Procedures: Acute exposure to isophorone diisocyanate may require decontamination and life support for the victims. Emergency personnel should wear protective clothing appropriate to the type and degree of contamination. Air-purifying or supplied-air respiratory equipment should also be worn, as necessary. Rescue vehicles should carry supplies such as plastic sheeting and disposable plastic bags to assist in preventing spread of contamination.

### Inhalation Exposure:

1. Move victims to fresh air. Emergency personnel should avoid self-exposure to isophorone diisocyanate.
2. Evaluate vital signs including pulse and respiratory rate, and note any trauma. If no pulse is detected, provide CPR. If not breathing, provide artificial respiration. IMMEDIATELY begin administering 100% humidified oxygen to all victims. Monitor victims for respiratory distress. Warning: To prevent self-poisoning, avoid mouth-to-mouth breathing; use a forced-oxygen mask. Direct oral contact with isophorone diisocyanate contaminated persons or their gastric contents may result in self poisoning.
3. Obtain authorization and/or further instructions from the local hospital for administration of an antidote or performance of other invasive procedures.
4. Rush to a health care facility.

### Dermal/Eye Exposure:

1. Remove victims from exposure. Emergency personnel should avoid self-exposure to isophorone diisocyanate.
2. Evaluate vital signs including pulse and respiratory rate, and note any trauma. If no pulse is detected, provide CPR. If not breathing, provide artificial respiration. IMMEDIATELY begin administering 100% humidified oxygen to all victims. Monitor victims for respiratory distress. Warning: To prevent self-poisoning, avoid mouth-to-mouth breathing; use a forced-oxygen mask. Direct oral contact with isophorone diisocyanate contaminated persons or their gastric contents may result in self poisoning.
3. Remove and isolate contaminated clothing as soon as possible.
4. If eye exposure has occurred, eyes must be flushed with lukewarm water for at least 15 minutes.
5. Thoroughly wash exposed skin areas with water.
6. Obtain authorization and/or further instructions from the local hospital for administration of an antidote or performance of other invasive procedures.
7. Rush to a health care facility.

### Ingestion Exposure:

1. Evaluate vital signs including pulse and respiratory rate, and note any trauma. If no pulse is detected, provide CPR. If not breathing, provide artificial respiration. IMMEDIATELY begin administering 100% humidified oxygen to all victims. Monitor victims for respiratory distress. Warning: To prevent self-poisoning, avoid mouth-to-mouth breathing; use a forced-oxygen mask. Direct oral contact with isophorone diisocyanate contaminated persons or their gastric contents may result in self poisoning.
2. Obtain authorization and/or further instructions from the local hospital for administration of an antidote or performance of other invasive procedures.
3. DO NOT induce vomiting or attempt to neutralize!
4. Activated charcoal may be administered if victims are conscious and alert. Use 15 to 30 g (1/2 to 1 oz) for children, 50 to 100 g (1-3/4 to 3-1/2 oz) for adults, with 125 to 250 mL (1/2 to 1 cup) of water.
5. Give the victims water or milk: children up to 1 year old, 125 mL (4 oz or 1/2 cup); children 1 to 12 years old, 200 mL (6 oz or 3/4 cup); adults, 250 mL (8 oz or 1 cup). Water or milk should be given only if victims are conscious and alert.
6. Rush to a health care facility. (EPA, 1998)

### Reactivity

#### AIR AND WATER REACTIONS:

Insoluble in water. This chemical may be sensitive to moisture.

#### CHEMICAL PROFILE:

ISOPHORONE DIISOCYANATE reacts with all substances containing active hydrogen atoms such as water, alcohols, phenols, amines, mercaptans, amides, urethanes and ureas. [NTP, 1992]

#### REACTIVE GROUPS:

Isocyanates and Isothiocyanates, Organic (Reactivity, 2001)

#### Reactive Hazards

no data found



## Chemical Library/RIDS

**Chemical Name:** TOLUENE DIISOCYANATE

**Regulatory Name:** BENZENE, 1,3-DIISOCYANATOMETHYL-  
TOLUENE DIISOCYANATE (UNSPECIFIED ISOMER)  
TOLUENE DIISOCYANATE (MIXED ISOMERS)

**NFPA Codes F:** 1      **NFPA Codes H:** 3      **NFPA Codes R:** 1      **NFPA Codes S:**

**Formula:** C9H6N2O2

**DOT:** POISON

**UN Num:** 2078

**Sec 112R:**

**CAARQ:** 10000

**313:**

**EHS:**

**EHSTPQ:**

**RCRA:** U223

**CERCLA:**

**RQ:** 100

**CHRIS:**

**CAS:** 28471-62-5

**STCC:** 4921575

### General Description

A clear colorless to pale yellow liquid with a pungent odor. Denser than water. Burns, but may be difficult to ignite. Vapors are heavier than air. Vapors irritate the respiratory system. Toxic under prolonged exposure to vapor in low concentrations or short exposure to high concentrations of vapor. Carcinogenic. Produces toxic oxides of nitrogen during combustion. Used to make polyurethane foams and paints (© AAR, 1999).

### Fire Hazard

This chemical is combustible. (NTP, 1992)

### Fire Fighting

Do not extinguish fire unless flow can be stopped. Use water in flooding quantities as fog. Solid streams of water may be ineffective. Cool affected containers with flooding quantities of water. Apply water from as far a distance as possible. Use "alcohol" foam, dry chemical bon dioxide. Use water spray to knock-down vapors. (© AAR, 1999)

### Protective Clothing

Avoid breathing vapors. Keep upwind. Wear positive pressure self-contained breathing apparatus. Avoid bodily contact with the material. Wear appropriate chemical protective clothing. Do not handle broken packages unless wearing appropriate personal protective equipment. Wash away any material which may have contacted the body with copious amounts of water or soap and water. (© AAR, 1999)

### Non-Fire Response

Keep sparks, flames, and other sources of ignition away. Keep material out of water sources and sewers. Build dikes to contain flow as necessary. Attempt to stop leak if without undue personnel hazard. Use water spray to knock-down vapors. (© AAR, 1999)

### Health Hazard

**SYMPTOMS:** Symptoms of exposure to this compound may include irritation of the skin, eyes and respiratory system. It may cause bronchial asthma. It may also cause bronchitis and pulmonary edema. Other symptoms may include nausea, vomiting and abdominal pain. Exposure may cause an asthmatic reaction with wheezing, dyspnea and cough. Some decrease in lung function in the absence of symptoms has been observed after long periods of exposure. Eosinophilia has been reported. It may cause sore throat, runny nose, diarrhea and bronchial spasm. High concentrations are destructive to tissues of the skin, eyes, mucous membranes, upper respiratory tract and digestive tract. Chemical or hypersensitive pneumonia may occur with flu-like symptoms (e.g. fever, chills). Irritation of the lungs may occur. Exposure may also cause laryngitis, shortness of breath and headache. Chest discomfort, including tightness and congestion, occurs. Insomnia has occurred. Death may result if inhaled, swallowed or absorbed through the skin. Skin contact may result in severe dermatitis. If the liquid is allowed to remain in contact with the skin, it may produce redness, swelling and blistering. It may also cause rashes and scaling. Skin sensitization can occur. Allergic eczema may also occur. Eye contact may cause severe irritation resulting in permanent damage if left untreated. It may cause keratitis and conjunctivitis. Eye contact may also cause lacrimation, smarting, burning and a prickling sensation. Ingestion may cause burns of the mouth and stomach. It may also have a corrosive effect on the stomach and esophagus. Gastrointestinal irritation may occur. Medical conditions aggravated by exposure to this compound include asthma, bronchitis, emphysema, bronchial hyperactivity, skin allergies and eczema.

**ACUTE/CHRONIC HAZARDS:** This chemical is highly toxic by inhalation and ingestion. It is also highly toxic by skin contact. It is an irritant of the skin, eyes, mucous membranes and respiratory tract. It is also a lacrimator. When heated to decomposition it emits very toxic fumes of carbon monoxide, carbon dioxide, hydrogen cyanide and nitrogen oxides. (NTP, 1992)

### Properties

**FlashPoint (unspc):** 250° F (NTP, 1992)

**er Exp Limit:** 0.9% (NTP, 1992)

**Upper Exp Limit:** 9.5% (NTP, 1992)

**Auto Ign Temp:** >300° F (NTP, 1992)

## Chemical Library/RIDS

Boiling Point: 67.1-70.7° F (NTP, 1992)

Pressure: 0.026 mm Hg at 77° F ; 1 mm Hg at 176° F (NTP, 1992)

Vapor Density: 6.0 (NTP, 1992)

Specific Gravity: 1.22 at 77° F (NTP, 1992)

Boiling Point: 484° F at 760 mm (NTP, 1992)

Molecular Weight: 174.16 (NTP, 1992)

TEEL1: 0.75 ppm as Toluene-1,3-diisocyanate (TEELS, 2001)

TEEL2: 1.5 ppm as Toluene-1,3-diisocyanate (TEELS, 2001)

TEEL3: 1.5 ppm as Toluene-1,3-diisocyanate (TEELS, 2001)

Water Solubility: Reacts (NTP, 1992)

### First Aid

**EYES:** First check the victim for contact lenses and remove if present. Flush victim's eyes with water or normal saline solution for 20 to 30 minutes while simultaneously calling a hospital or poison control center. Do not put any ointments, oils, or medication in the victim's eyes without specific instructions from a physician. IMMEDIATELY transport the victim after flushing eyes to a hospital even if no symptoms (such as redness or irritation) develop.

**SKIN:** IMMEDIATELY flood affected skin with water while removing and isolating all contaminated clothing. Gently wash all affected skin areas thoroughly with soap and water. IMMEDIATELY call a hospital or poison control center even if no symptoms (such as redness or irritation) develop. IMMEDIATELY transport the victim to a hospital for treatment after washing the affected areas.

**INHALATION:** IMMEDIATELY leave the contaminated area; take deep breaths of fresh air. IMMEDIATELY call a physician and be prepared to transport the victim to a hospital even if no symptoms (such as wheezing, coughing, shortness of breath, or burning in the mouth, throat, or chest) develop. Provide proper respiratory protection to rescuers entering an unknown atmosphere. Whenever possible, Self-Contained Breathing Apparatus (SCBA) should be used; if not available, use a level of protection greater than or equal to that advised on the container's Protective Clothing.

**INGESTION:** DO NOT INDUCE VOMITING. Corrosive chemicals will destroy the membranes of the mouth, throat, and esophagus and, in addition, have a high risk of being aspirated into the victim's lungs during vomiting which increases the medical problems. If the victim is conscious and not convulsing, give 1 or 2 glasses of water to dilute the chemical and IMMEDIATELY call a hospital or poison control center. IMMEDIATELY transport the victim to a hospital. If the victim is convulsing or unconscious, do not give anything by mouth, ensure that the victim's airway is open and lay the victim on his/her side with the head lower than the body. DO NOT INDUCE VOMITING. Transport the victim IMMEDIATELY to a hospital.

**OTHER:** Since this chemical is a known or suspected carcinogen you should contact a physician for advice regarding the possible long term health effects and potential recommendation for medical monitoring. Recommendations from the physician will depend upon the specific compound, its chemical, physical and toxicity properties, the exposure level, length of exposure, and the route of exposure. (NTP, 1992)

### Reactivity

#### AIR AND WATER REACTIONS:

Reaction with water liberates carbon dioxide.

#### CHEMICAL PROFILE:

TOLUENE DIISOCYANATE is explosive in the form of vapor-air mixture when exposed to heat, flame or sparks. Potentially violent polymerization reaction with strong bases or acyl chlorides. Reaction with aniline may generate enough heat to ignite unreacted portion and surrounding materials. Reaction with water liberates carbon dioxide. Potential explosion if stored in polyethylene containers due to absorption of water through the plastic. Emits toxic fumes of oxides of nitrogen when heated to decomposition [Lewis, 3rd ed., 1993, p. 1251].

#### REACTIVE GROUPS:

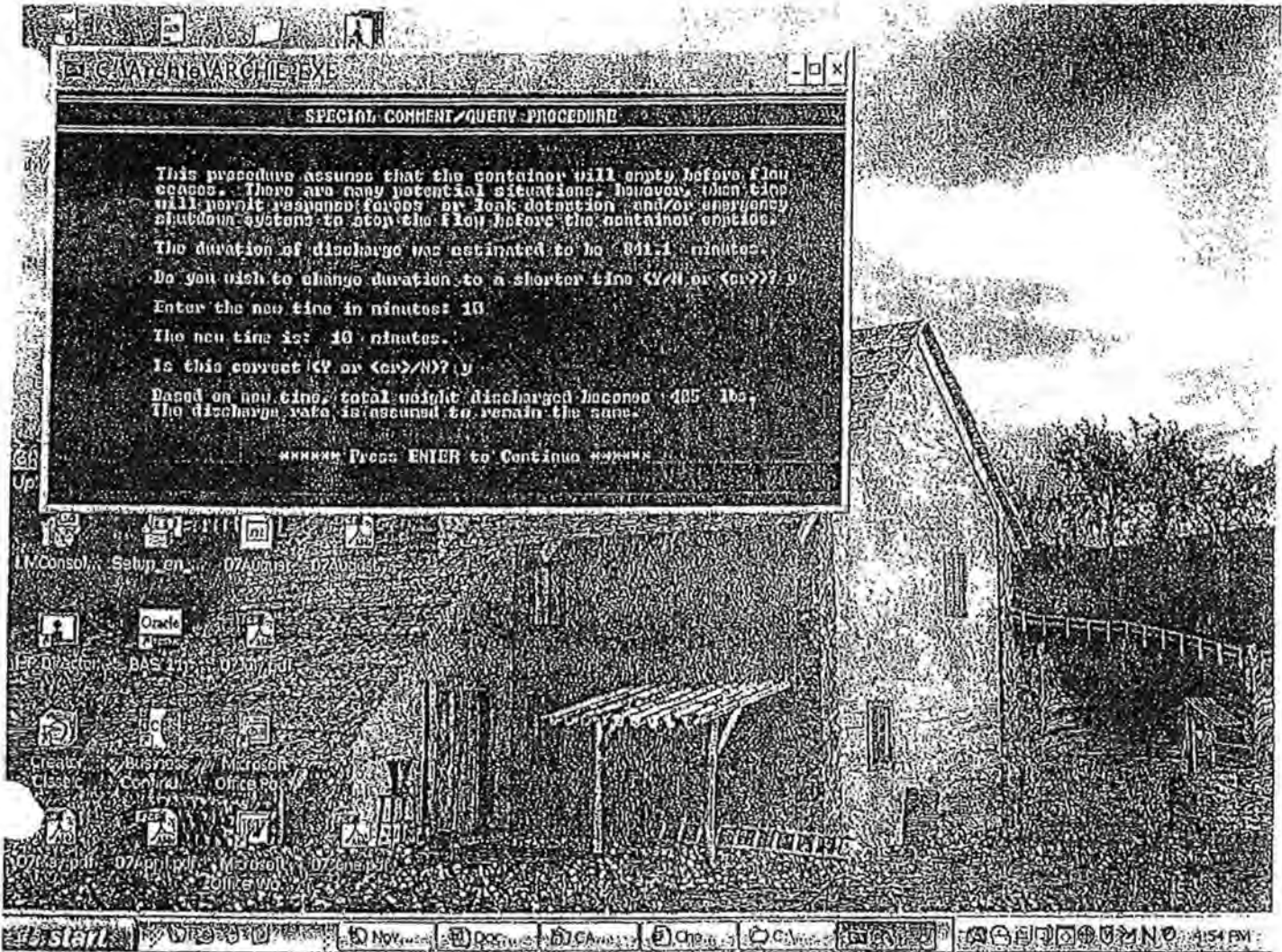
Isocyanates and Isothiocyanates, Organic (Reactivity, 2001)

#### Reactive Hazards

Water-Reactive







**C:\archie\ARCHIE.EXE**

**CURRENT PARAMETER VALUES FOR TOXIC GAS OR VAPOR HAZARD EVALUATION**

1	MOLECULAR WEIGHT	=	222.32	
2	TOXIC VAPOR LIMIT	=	.65	ppm
3	VAPOR/GAS DISCHARGE /IBCHUI	=	0	lb/hr
4	ATMOSPHERIC STABILITY CLASS	=	F	
5	WIND VELOCITY AT SURFACE	=	3.45	mph
6	AMBIENT AIR TEMPERATURE	=	77	deg F
7	VAPOR/GAS EMISSION RATE	=	1.001	lb/min
8	DURATION OF EMISSION	=	68463.9	minutes

**MODEL RESULTS:**  
 Downwind toxic hazard distance at groundlevel = 280 feet

\*\*\* Press ENTER to View Various Tables \*\*\*

Molecular Weight: 222.32 (CPA, 1996)

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

AEL: data available

ERPG: use TEEL data

TEEL-1  
0.02 ppm  
(TEEL, 2005)

TEEL-2  
0.135 ppm

TEEL-3  
6.0 ppm

IDLH: data available

**Section 5 - Regulatory Information**

[Back to top](#) | [What is this information?](#)

Regulatory Names



Chemical Data Sheet - Microsoft Internet Explorer provided by Waukesha County

ARCHIE ARCHIE.EXE

Downwind Distance (feet)	Distance (miles)	Ground Level Concentration (ppm)	Source Release Concentration (ppm)	TEEL-1 Concentration (ppm)	TEEL-2 Concentration (ppm)	TEEL-3 Concentration (ppm)
100	.02	2	2	0.02	0.135	6.0
100	.03	17	17	0.02	0.135	6.0
116	.03	15	15	0.02	0.135	6.0
122	.03	14	14	0.02	0.135	6.0
129	.03	12	12	0.02	0.135	6.0
136	.03	11	11	0.02	0.135	6.0
143	.03	11	11	0.02	0.135	6.0
150	.03	.89	.89	0.02	0.135	6.0
157	.03	.89	.89	0.02	0.135	6.0
164	.04	.89	.89	0.02	0.135	6.0
171	.04	.87	.87	0.02	0.135	6.0
178	.04	.87	.87	0.02	0.135	6.0
186	.04	.86	.86	0.02	0.135	6.0
193	.04	.86	.86	0.02	0.135	6.0
200	.04	.85	.85	0.02	0.135	6.0

Usually safe for children. Longer release on children and infants may require a larger child or different parent for supervision and care.  
\*\*\*\*\* Press ENTER to Continue \*\*\*\*\*

Manufacturer Weight: 222.52 (CFR, 1990)

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

ACGIH: data unavailable

NIOSH: use IRL data

TEEL-1  
0.02 ppm  
(TEEL, 2005)

TEEL-2  
0.135 ppm

TEEL-3  
6.0 ppm

IDLH: data unavailable

Spill Response Information

[Back to top](#) | [What is this information?](#)

Regulatory Names

Chemical Data Sheet - Microsoft Internet Explorer provided by Waukesha County

C:\Varchi\VARCHE.EXE

Downwind Distance (feet)	Downwind Distance (miles)	Contaminant at Downwind Location (ppm)	Contaminant at Downwind Location (ppm)
100	0.02	4	60715.95
100	0.03	4	60715.95
115	0.03	4	60715.95
122	0.03	4	60715.95
129	0.03	4	60715.95
136	0.03	4	60715.95
143	0.03	4	60715.95
150	0.03	4	60715.95
157	0.03	4	60715.95
164	0.04	4	60715.95
171	0.04	4	60715.95
178	0.04	4	60715.95
186	0.04	4	60715.95
193	0.04	4	60715.95
200	0.04	4	60715.95

CAUTION: See guide for applications used in estimating H<sub>2</sub>O vapor  
Want to view the model with different input values? [Click here.](#)

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

SEDL: data unavailable

Labels use IREL cuts

TEEL-1  
0.02 ppm  
(TEEL, 2005)

TEEL-2  
0.135 ppm

TEEL-3  
0.0 ppm

IDLH: data unavailable

Section 5: Regulatory Information

[Back to top](#) | [What is this information?](#)

Regulatory Names



By C:\Ariable\ARGHJE.EXE



PARAMETER INPUT PROCEDURE

Go Links

Parameter : Duration of vapor/gas emission to the atmosphere  
 Desired Units : Minutes (in range of 0.1 to 10,000)  
 Description : Time duration of vapor or gas evolution into the atmosphere. Usually computed using discharge and evaporation models available on the model collection menu.

minutes

Current value of the duration of vapor/gas emission: 1684459.9

Enter the duration of vapor/gas emission in minutes:

DURATION OF VAPOR/GAS EMISSION = 841.1

The new value is 841.1 minutes

In this context (Y or <en>)?

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

ADGL: data unavailable

EMPG: see TEEL data

TEEL-1  
 0.02 ppm  
 (TEEL, 2005)

TEEL-2  
 0.135 ppm

TEEL-3  
 6.0 ppm

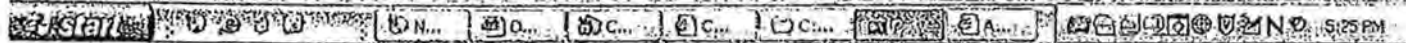
IC11: data unavailable

Section 5 - Regulatory Information

[Back to top](#) | [What is this information?](#)

Regulatory Names

Internet





C:\Archiv\ARCHIVE\EXE



CURRENT PARAMETER VALUES FOR TOXIC GAS OR VAPOR HAZARD EVALUATION

1	MOLECULAR WEIGHT	=	222.32	
2	TOXIC VAPOR LIMIT	=	1.05	ppm
3	VAPOR/GAS DISCHARGE HEIGHT	=	0	feet
4	ATMOSPHERIC STABILITY CLASS	=	F	
5	WIND VELOCITY @ 10' SURFACE	=	3.39	mph
6	AMBIENT AIR TEMPERATURE	=	77	deg F
7	VAPOR/GAS EMISSION RATE	=	1.001	lb/min
8	DURATION OF EMISSION	=	841.1	minutes

MODEL RESULTS:

Downwind toxic hazard distance at groundlevel = 200 feet

\*\*\* Press ENTER to View Various Tables \*\*\*

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

AEGL: data unavailable

ERPG: use TEEL data

TEEL-1  
0.02 ppm  
(TEEL, 2005)

TEEL-2  
0.135 ppm

TEEL-3  
6.0 ppm

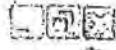
IDLH: data unavailable

Section 5 - Regulatory Information

[Back to top](#) | [What is this information?](#)

Regulatory Names

Internet



C:\Archiv\ARCHIE.EXE



Downwind Distance (Foot)	Downwind Distance (miles)	Ground Level Concentration (ppm)	Source (Mole) Concentration (ppm)	Inhalation Concentration (ppm)
100	0.03	2.2	2.2	2.2
108	0.03	1.7	1.7	1.7
115	0.03	1.6	1.6	1.6
122	0.03	1.4	1.4	1.4
129	0.03	1.3	1.3	1.3
136	0.03	1.1	1.1	1.1
143	0.03	1	1	1
150	0.03	0.9	0.9	0.9
157	0.03	0.8	0.8	0.8
164	0.04	0.8	0.8	0.8
171	0.04	0.7	0.7	0.7
178	0.04	0.7	0.7	0.7
186	0.04	0.6	0.6	0.6
193	0.04	0.6	0.6	0.6
200	0.04	0.5	0.5	0.5

Go Links

Usually safe for < 1 hour releases. Longer releases or sudden releases may require a larger width or different direction for the event. **Press ENTER to Continue.**

Water Solubility: <1 mg/mL at 77° F (NTP, 1992)

APR: data unavailable

BRID: use TEEL Data

TEEL-1  
0.02 ppm  
(YEEL, 2005)

TEEL-2  
0.135 ppm

TEEL-3  
6.0 ppm

IDUR: data unavailable

**Section 5 - Regulatory Information**

[Back to top](#) | [What is this information?](#)

Regulatory Names



**WORST-CASE RELEASE SCENARIO  
FOR TOLUENE DIISOCYANATE**

1. Select Scenario (defined by rule for worst case as release of largest quantity to form an evaporating pool):	
<ul style="list-style-type: none"> <li>Identify toxic liquid</li> <li>Identify concentration for solutions or mixtures</li> </ul>	Name: <u>Toluene Diisocyanate (Mixed Isomers)</u> CAS number: <u>26471-62-5</u> Concentration in solution or mixture (wt %): <u>100</u>
<ul style="list-style-type: none"> <li>Identify largest quantity in largest vessel or pipeline</li> </ul>	Quantity (pounds): <u>50,900 (5,000 gal)</u> Quantity of regulated substance in mixture: <u>50,900 lbs</u>
<ul style="list-style-type: none"> <li>Identify worst-case meteorological conditions (Use default)</li> </ul>	Atmospheric stability class: <u>F</u> Wind speed: <u>1.5 m/s</u> Ambient temperature: <u>25°C (77°F)</u> Relative humidity: <u>50%</u>
2. Determine Release Rate	
<ul style="list-style-type: none"> <li>Determine temperature of spilled liquid <i>Must be highest maximum daily temperature or process temperature, or boiling point for gases liquefied by refrigeration</i></li> </ul>	Temperature of liquid (°C): <u>100°F / 38°C</u>  Tank will be heated to maintain liquid temperature at <u>85°F</u> .
<ul style="list-style-type: none"> <li>Determine appropriate liquid factors for release rate estimation</li> </ul>	LFA: <u>0.000006</u> (Exhibit 4-5a) LFB: <u>0.16</u> (Exhibit 4-5a) DF: <u>0.40</u> (Exhibit 4-5a) TCF: <u>3.6 (104°F / 40°C)</u> (Exhibit 4-6)
Estimate Maximum Pool Area	
<ul style="list-style-type: none"> <li>Estimate maximum pool area <i>Spilled liquid forms pool 1 cm deep</i></li> </ul>	Maximum pool area (ft <sup>2</sup> ): <u>20,366</u> $5000 \text{ gal} \times 1 \text{ ft}^3 / 7.48 \text{ gal} = 668 \text{ ft}^3$ $1 \text{ cm} = 0.3937 \text{ inches} \times 1 \text{ ft} / 12 \text{ in} = 0.0328 \text{ ft}$ $668 \text{ cf} \div 0.0328 \text{ ft} = 20,366 \text{ ft}^2$
Estimate Pool Area for Spill into Diked Area	
<ul style="list-style-type: none"> <li>Estimate diked area <i>Consider failure of dikes or overflow of diked area</i></li> </ul>	Diked area (ft <sup>2</sup> ): <u>720</u> Is diked area smaller than the maximum area? <u>Yes</u> (If no, use maximum area to estimate release rate) Diked volume (ft <sup>3</sup> ): <u>1080 (1.5 ft x 720 ft<sup>2</sup>)</u> Spilled volume (ft <sup>3</sup> ): <u>668</u> Is spilled volume smaller than diked volume? <u>Yes</u> (If no, estimate overflow) Overflow volume (ft <sup>3</sup> ): <u>Not Applicable</u> Overflow area (ft <sup>2</sup> ): <u>Not Applicable</u>
<ul style="list-style-type: none"> <li>Choose pool area for release rate estimation <i>Maximum area, diked area, or sum of diked area and overflow area</i></li> </ul>	Pool area (ft <sup>2</sup> ): <u>720</u>

WORST-CASE RELEASE SCENARIO  
FOR TOLUENE DIISOCYANATE

Estimate Release Rate from Pool	
<ul style="list-style-type: none"> <li>Estimate release rate for undiked pool (maximum pool area) <i>Based on quantity spilled, LFA or LFB, and DF</i></li> </ul>	Release rate (lbs/min): <u>Not Applicable</u>
<ul style="list-style-type: none"> <li>Estimate release rate for diked pool (use pool area from previous section) <i>Based on pool area and LFA or LFB</i></li> </ul>	Release rate (lbs/min): <u>0.0060</u> $QR = 1.4 \times LFA \times A$ $QR = 1.4 \times 0.000006 \times 720 = 0.0060 \text{ lbs/min}$
<ul style="list-style-type: none"> <li>Revise release rate for release in building <i>Apply factor to release rate</i></li> </ul>	Release rate if outside (lbs/min): <u>0.0060</u> (Use release rate for undiked or diked pool) Factor to account for enclosure: 0.1 Revised release rate (lbs/min): <u>Not Applicable</u>
<ul style="list-style-type: none"> <li>Revise release rate for temperature <i>Apply appropriate TCF to release rate</i></li> </ul>	Revised release rate (lbs/min): <u>0.0216</u> $QR_c = TCF \times QR$ $QR_c = 3.6 \times 0.0060 = 0.0216 \text{ lbs/min}$
<ul style="list-style-type: none"> <li>Estimate duration of release</li> </ul>	Release duration (min): <u>2,356.481</u> (50,900 lb ÷ 0.0216 lb/min)
Determine Distance to the Endpoint	
<ul style="list-style-type: none"> <li>Calculate distance to toxic endpoint</li> </ul>	Distance (ft): <u>67</u> $D = B1 (QR)^{0.1}$ Where: B1 = 0.142 and B2 = 0.6317 (Exhibit 4-7b) $D = 0.142 (0.0216)^{0.6317}$ $D = 0.0126 \text{ miles}$ $D = 0.0126 \text{ miles} \times 5280 \text{ ft/mi} = 67 \text{ ft}$

---

**Results of Consequence Analysis**

Chemical: Toluene diisocyanate (unspecified isomer)

CAS #: 26471-62-5

Category: Toxic Liquid

Scenario: Worst-case

Quantity Released: 50000 pounds

Liquid Temperature: 77 F

Mitigation Measures:

Diked area: 720 square feet

Dike height: 1.5 feet

Release Rate to Outside Air: .00605 pounds per minute

Evaporation Time: 8270000 minutes

Topography: Urban surroundings (many obstacles in the immediate area)

Toxic Endpoint: 0.0070 mg/L; basis: EHS-LOC equivalent (Not an EHS; LOC-equivalent based on IDLH for toluene 2,4-diisocyanate.)

Estimated Distance to Toxic Endpoint: 0.1 miles (0.2 kilometers)

-----Assumptions About This Scenario-----

Wind Speed: 1.5 meters/second (3.4 miles/hour)

Stability Class: F

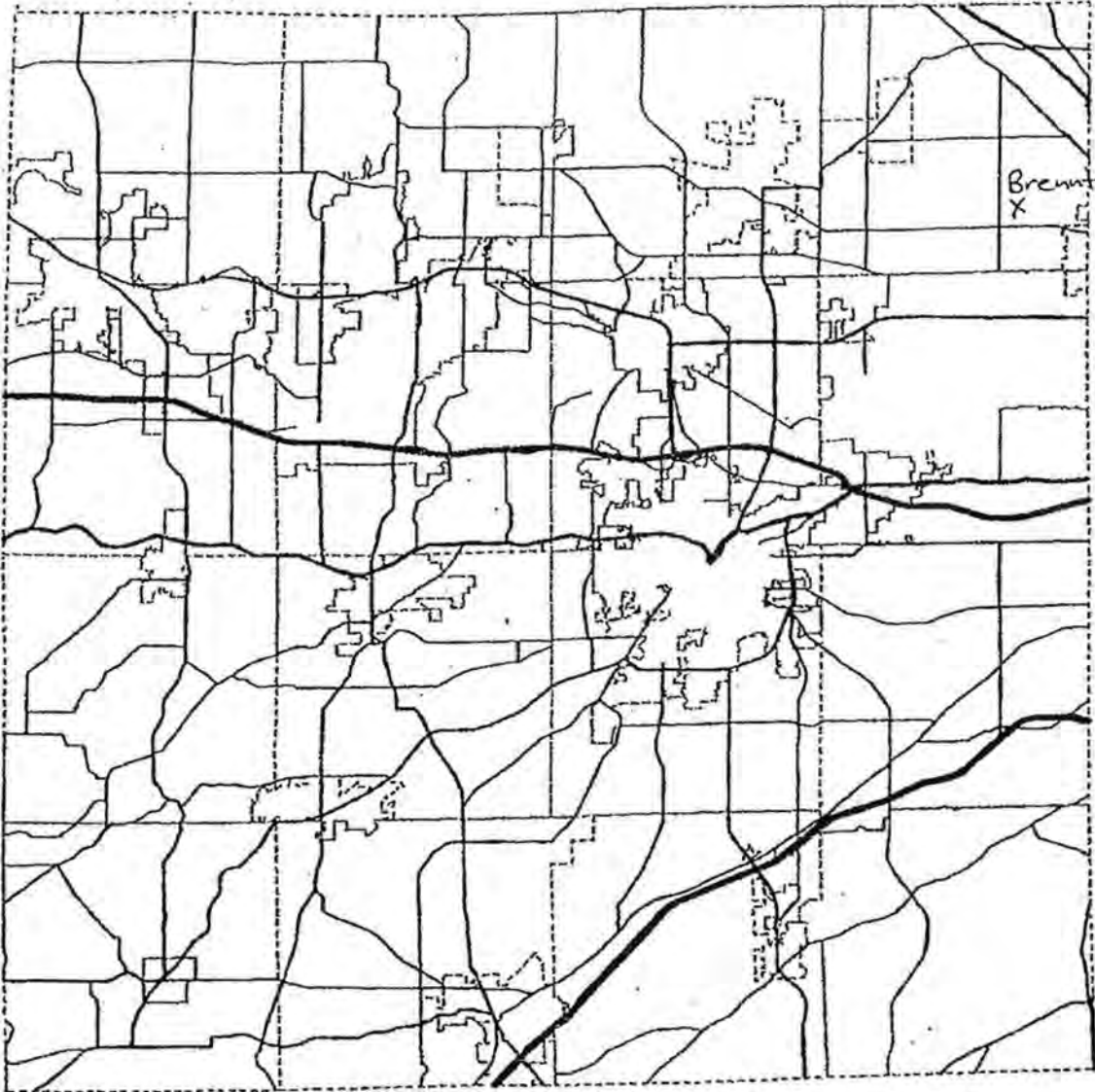
Air Temperature: 77 degrees F (25 degrees C)

-----






**SPECIAL FACILITIES TO BE EVACUATED**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>OCCUPANTS</u>
None			

**Attachment 5  
Special Facilities**



**Legend**

-  Civil Division Boundary
-  Interstate Highway
-  STH
-  USH
-  CTH

**Hazardous Materials  
Transportation  
Routes**



The information and depictions herein are for informational purposes only and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

Waukesha County  
Land Information Office

Waukesha County





**APPENDIX G**  
**TRAINING MANUAL**

# **TRAINING MANUAL**

[NR 664.0016 and NR 670.014(1)]

**BRENNTAG GREAT LAKES, LLC (WID 023 350 192)  
HAZARDOUS WASTE STORAGE AND RECYCLING FACILITY  
N59 W14706/N59 W14776 BOBOLINK AVENUE  
MENOMONEE FALLS, WISCONSIN 53051**

**June 6, 2013**

## TRAINING MANUAL TABLE OF CONTENTS

Section	Page
1 INTRODUCTION	G-1
2 WAREHOUSE / WASTE OPERATOR	G-2
2.1 Job Description: Warehouse / Waste Operator	G-2
2.2 Description of Training for Warehouse / Waste Operator	G-3
3 CHEMIST	G-6
3.1 Job Description: Supervisor - Chemist	G-6
3.2 Description of Training for Chemist	G-7
4 LABORATORY ASSISTANT	G-9
4.1 Job Description: Supervisor - Laboratory Assistant	G-9
4.2 Description of Training for Laboratory Assistant	G-9
5 TECHNICAL DIRECTOR	G-12
5.1 Job Description: Technical Director	G-12
5.2 Qualifications as Training Director	G-13
6 MANAGER OF ENVIRONMENTAL SERVICES	G-14
6.1 Job Description: Supervisor - Manager of Environmental Services	G-14
6.2 Description of Training for Manager of Environmental Services	G-15

## Section 1 INTRODUCTION

*[Section NR 664.0016 and NR 670.014(1)]*

This training manual provides a copy of the job title and job description for each employee working in the Hazardous Waste Storage and Recycling Facility. Following each job description is a written description of the introductory training and continuing training that each employee will receive. The description of training for each job description also contains the elements covered in the annual review of initial training. Also following each job description is a list of the training materials and personal protective equipment that will be provided to each employee. This is in the form of a check list which will become part of the employee's personnel file. The following job descriptions are those currently filled at this company. Because of possible personnel changes and union bargaining, the job descriptions and positions in the Hazardous Waste Storage and Recycling Facility may change in the future.

The training program provides instruction so that facility personnel are able to respond effectively to emergencies by familiarizing them with the emergency procedures, emergency equipment, and emergency systems. By including a copy of the Contingency Plan with the training information, the employee will become familiar with procedures to respond to fires, spills, or explosions within the facility.

New personnel or existing personnel assigned to a new position at the facility will successfully complete an introductory training program within six months after their date of assignment to the facility or to a new position at the facility. Personnel may not work in unsupervised positions until they have completed the training program.

A record of the introductory training and annual review of initial training are kept in the employees personnel file. These records will be kept until closure of the facility for current personnel, and at least three years from the date the employee last worked at the facility for former employees.

## Section 2 WAREHOUSE / WASTE OPERATOR

### 2.1 Job Description: Warehouse / Waste Operator

- 1) Will be responsible for unloading vehicles brought into Brenntag Great Lakes, LLC (Brenntag) containing hazardous waste products, both in drums and bulk.
- 2) Warehouse /Waste Operator is to follow instructions given by the Chemist with regard to proper handling procedures for all waste materials. No material is to be removed from either drums or a bulk carrier until instructions have been received as to method of handling and any protective equipment required for handling.
- 3) Keep the working area clear of trash and as clean as possible.
- 4) Be able to make minor repairs on operating equipment such other routine maintenance that might be required.
- 5) Be prepared to respond quickly to accidental spills of hazardous product. In all cases of spills, the Chemist, Supervisors, or Manager of Environmental Services is to be notified immediately. In the case small spills (30 gallons or less), absorbent chips are to be spread on the spilled product and the product picked up and placed in open head drums to be sent out for incineration.
- 6) In the case of a fire or other emergency, follow procedures outlined in the Contingency Plan.
- 7) Maintain your protective equipment in proper working order at all times. This includes periodic cleaning and cartridge replacement of your respirator.
- 8) Perform a daily inspection for the following:
  - a. Leaks in the dike.
  - b. Any leaking drums.
  - c. All fire protection equipment is in place and fully charged.
  - d. Emergency absorptive devices are available.
  - e. Personal safety equipment is all in working order.
  - f. Complete facility inspection form. Report any problems to your Supervisor.



- 9) Document and place in log book:
  - a. Drums unloaded during the shift.
  - b. Any equipment breakdown during shift.
  - c. Any other problems that developed on the shift.
  - d. Inspection of the inside of feed tanks to detect corrosion or erosion of the side walls or bottom, each time the tank is emptied.
- 10) Drums will always be kept securely closed during movement and storage. Drums will be open only when sampling, adding or removing waste. Drums will be stored in the storage area in racking on pallets and not moved or stored in any manner that may cause them to rupture or leak.
- 11) In the event of a power outage or equipment failure, as the situation dictates, follow the "Emergency Procedures" and/or the "Shut Down Procedures".

## **2.2 Description of Training for Warehouse / Waste Operator**

### Introductory Training

A new person filling this position will receive both formal written training and on the job training. The new person will first be issued a set of protective equipment and all items on the Warehouse / Waste Operator Training Materials and Safety Equipment list attached.

### Continuing Training

Within six months, the new person will complete the introductory training. Personnel will receive continuing training by attending safety meetings, receiving instruction on specific projects and waste streams, and participate in an annual review of the initial training.

### Annual Review of Initial Training

Employees are required to meet annually for review and update of this training program and to discuss and study the following subjects:

- 1) All hazardous waste currently being handled at the facility, noting any changes in waste type, volume, source, characteristics, or location that have occurred during the past year.
- 2) The status of storage and operating conditions and procedures, noting any areas where there are problems or potential for problems. Employees participate in developing effective solutions.

- 3) The requirements contained in the facility's RCRA permit, noting any changes that have occurred during the past year. Areas where maintenance of compliance is a problem are identified and discussed, and effective solutions are sought.
- 4) Incidents that have occurred in the past year that warranted use of contingency plans and/or emergency action. This review focuses on the cause of the incident and identification of steps to be taken to prevent or to ensure better handling of such events in the future.

**WAREHOUSE / WASTE OPERATOR  
TRAINING MATERIALS AND SAFETY EQUIPMENT**

I have received the following items from Brenntag Great Lakes, LLC:

Protective Rain Suit \_\_\_\_\_

Hard Hat \_\_\_\_\_

Safety Goggles \_\_\_\_\_

Gloves \_\_\_\_\_

Chemical Respirator \_\_\_\_\_

Respirator Cartridge Selection Chart \_\_\_\_\_

Hazardous Material Handling Book \_\_\_\_\_

Contingency Plan \_\_\_\_\_

Written Description of the Type and Amount of  
Introductory and Continuing Training \_\_\_\_\_

Employee Manual \_\_\_\_\_

Written Job Description \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

I have completed the Introductory Training (to be completed within 6 months of the  
above date)

Signed \_\_\_\_\_ Date \_\_\_\_\_

### Section 3 CHEMIST

#### 3.1 Job Description: Chemist

- 1) Be familiar with data sheets on both technical and safety issues for all products we currently supply. Retrieve from files in a readily available fashion.
- 2) Be familiar with and be able to run QC tests on all inbound and outbound products handled by the company.
- 3) Keep records of all laboratory work performed. Follow the Waste Analysis Plan developed by Brenntag Great Lakes, LLC.
- 4) Perform product separations as outlined in the "Basic Handling Procedures for Waste Products" and be able to temper or modify these procedures as needed to achieve a meaningful identification and proposed method of recovery for these products.
- 5) Be able to communicate with our computer in terms of product identity descriptions and customer information.
- 6) Conduct specific laboratory procedures such as:
  - a. Percent solvent composition, currently done by gas chromatography.
  - b. Infrared analysis.
  - c. Distillation range.
  - d. Flash point.
  - e. Specific gravity.
  - f. Fractional distillations.
  - g. Flash distillations.
  - h. Karl Fischer water analysis.
- 7) Understand various solvent blends and their potential use or modification for specific end use.
- 8) Prepare samples and/or obtain samples from the warehouse for sampling to customers. Prepare samples for shipment following all current DOT regulations.
- 9) Be able to discuss products and their use with customers in an informative and courteous manner.

- 10) Dispose of samples over six months old. Keep the laboratory neat and orderly.
- 11) All instrumentation should be calibrated in accordance with Laboratory Standard Operating Procedures.
- 12) Keep abreast of all federal, state, and local regulations regarding our particular type of business.

### **3.2 Description of Training for Chemist**

#### Introductory Training

The person will work with a chemist and become familiar with the Laboratory's equipment and procedures.

#### Continuing Training

Within six months, the new person will complete the introductory training. Personnel will receive continuing training by attending safety meetings, receiving instruction on specific projects and waste streams, and participate in an annual review of the initial training.

#### Annual Review of Initial Training

Employees are required to meet annually for review and update of this training program and to discuss and study the following subjects:

- 1) All hazardous waste currently being handled at the facility, noting any changes in waste type, volume, source, characteristics, or location that have occurred during the past year.
- 2) The status of storage and operating conditions and procedures, noting any areas where there are problems or potential for problems. Employees participate in developing effective solutions.
- 3) The requirements contained in the facility's RCRA permit, noting any changes that have occurred during the past year. Areas where maintenance of compliance is a problem are identified and discussed, and effective solutions are sought.
- 4) Incidents that have occurred in the past year that warranted use of contingency plans and/or emergency action. This review focuses on the cause of the incident and identification of steps to be taken to prevent or to ensure better handling of such events in the future.



**CHEMIST  
TRAINING MATERIALS AND SAFETY EQUIPMENT LIST**

I have received the following items from Brenntag Great Lakes, LLC.

Protective Rain Suit \_\_\_\_\_

Hard Hat \_\_\_\_\_

Safety Goggles \_\_\_\_\_

Gloves \_\_\_\_\_

Chemical Respirator \_\_\_\_\_

Respirator Cartridge Selection Chart \_\_\_\_\_

Hazardous Material Handling Book \_\_\_\_\_

Contingency Plan \_\_\_\_\_

Written Description of the Type and Amount of  
Introductory and Continuing Training \_\_\_\_\_

Employee Manual \_\_\_\_\_

Written Job Description \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

I have completed the Introductory Training (to be completed within 6 months of the  
above date)

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Section 4 LABORATORY ASSISTANT

### 4.1 Job Description - Laboratory Assistant

- 1) Be familiar with the following laboratory routine tests.
  - a. Percent solvent composition, currently done by gas chromatography.
  - b. Distillation range.
  - c. Karl Fischer water analysis.
  - d. Flash point.
  - e. Specific gravity.
  - f. Fractional distillations.
  - g. Infrared analysis.
- 2) Keep notebook records of all laboratory work performed. Follow the Waste Analysis Plan developed by Brenntag Great Lakes, LLC.
- 3) Be able to perform rudimentary operations on the computer such as, bring up on the screen various blend formulations and item inquiries for details regarding particular products.
- 4) Keep the laboratory clean and neat at all times, with all samples stored in an orderly fashion.
- 5) Perform such other duties as required by the Chemist and/or Laboratory Supervisor.

### 4.2 Description of Training for Laboratory Assistant

#### Introductory Training

A new person filling this position will receive both formal written training and on the job training. The new person will first be issued a set of protective equipment and all items on the Laboratory Assistant Training Material and Safety Equipment list attached.

Then the person will work with a chemist and become familiar with the laboratory equipment and procedures.

#### Continuing Training

Within six months, the new person will complete the introductory training. Personnel will receive continuing training by attending safety meetings, receiving instruction on

specific projects and waste streams, and participate in an annual review of the initial training.

#### Annual Review of Initial Training

Employees are required to meet annually for review and update of this training program and to discuss and study the following subjects:

- 1) All hazardous waste currently being handled at the facility, noting any changes in waste type, volume, source, characteristics, or location that have occurred during the past year.
- 2) The status of storage and operating conditions and procedures, noting any areas where there are problems or potential for problems. Employees participate in developing effective solutions.
- 3) The requirements contained in the facility's RCRA permit, noting any changes that have occurred during the past year. Areas where maintenance of compliance is a problem are identified and discussed, and effective solutions are sought.
- 4) Incidents that have occurred in the past year that warranted use of contingency plans and/or emergency action. This review focuses on the cause of the incident and identification of steps to be taken to prevent or to ensure better handling of such events in the future.

**LABORATORY ASSISTANT  
TRAINING MATERIALS AND SAFETY EQUIPMENT LIST**

I have received the following items from Brenntag Great Lakes, LLC.

Protective Rain Suit \_\_\_\_\_

Hard Hat \_\_\_\_\_

Safety Goggles \_\_\_\_\_

Gloves \_\_\_\_\_

Chemical Respirator \_\_\_\_\_

Respirator Cartridge Selection Chart \_\_\_\_\_

Hazardous Material Handling Book \_\_\_\_\_

Contingency Plan \_\_\_\_\_

Written Description of the Type and Amount of  
Introductory and Continuing Training \_\_\_\_\_

Employee Manual \_\_\_\_\_

Written Job Description \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

I have completed the Introductory Training (to be completed within 6 months of the  
above date)

Signed \_\_\_\_\_ Date \_\_\_\_\_

## Section 5 TECHNICAL DIRECTOR

### 5.1 Job Description - Technical Director

- 1) Conduct safety meetings giving at least two weeks notice to all plant personnel attending and maintain a file of the agenda.
- 2) Be up to date on all federal, state, and local regulations affecting Brenntag's business. Be sure that all required reports are submitted and files kept up to date with required information.
- 3) Maintain supplies of necessary safety equipment. Conduct regular training sessions on their use.
- 4) Maintain technical and safety data sheets on all products Brenntag supplies and be sure copies are sent to any new prospective buyer.
- 5) Assign code numbers to all products and be sure information in computer is current relative to all raw materials.
- 6) Insure that proper shipping classifications are assigned to all products and that this information is transmitted and utilized by the computer programmer.
- 7) Assumed responsibility for shipment of all samples to existing and prospective customers whether picked up, carried by salesman or shipped by common carrier. This means proper documentation and packaging as required by federal, state, and local regulations.
- 8) Be prepared to respond to direct customer inquiries on all products in a prompt and courteous manner.
- 9) Insure that plant personnel are properly instructed on the handling of all hazardous materials and are utilizing the required personal protection equipment for whatever product they are handling.
- 10) Insure that plant personnel are instructed with respect to the proper handling of any particularly sensitive products such as a "No Freezing" requirement or a "Nitrogen Purge" of storage vessels.
- 11) Maintain samples on all blends shipped out for at least six months.
- 12) Devise test methods as needed for proprietary formulations and blends.
- 13) Insure that the laboratories are properly maintained and sample shelves are culled on a regular basis. Instruments should be periodically calibrated to insure reliability.



- 14) Attend association meetings and seminars as mutually agreed to by the Operations Manager.
- 15) Visit customer plants when required by customer to correct any misunderstandings or problems.
- 16) Check all returned products as soon as is practical and make a disposition. Follow up to be sure it is carried out.

## **5.2 Technical Director Qualifications as Training Director**

### Training Director - Michael Schick

The personnel training program is directed by Mr. Michael Schick, Regional Manager of Health, Safety, Quality, Environmental and R&D. Mr. Schick has been with Brenntag Great Lakes, LLC for 26 years. He received a B.S. Degree in Chemistry and Education from Northern Illinois University in 1982.

His training in safety and hazardous waste management continues by participating in meetings and seminars on relevant topics.

### Recent Meetings Attended

Federation of Environmental Technologists Exposition

National Association of Chemical Distributors - Operations Seminar and Exposition

Wisconsin Motor Carriers - Exposition

### Memberships

American Chemical Society

Federation of Environmental Technologists

Wisconsin Association of Manufacturers and Commerce

American Society for Quality

**Section 6**  
**MANAGER OF ENVIRONMENTAL SERVICES**

**6.1 Job Description: Manager of Environmental Services**

- 1) Direct management of all jobs related to reclamation in the performance of duties.
- 2) Insure proper maintenance of all equipment.
- 3) Insure good housekeeping procedures in the entire area.
- 4) Keep proper records of all material handled, including manifests of hazardous waste, customer lists, and permanent log books of operations. Insure that manifest copies are properly distributed as required by law. Be sure reports are filed as required.
- 5) Keep up to date with all federal, state, and local legislation applicable to hazardous waste handling and storage facilities.
- 6) Insure that all outbound hazardous waste generated is directed to a properly licensed facility and is properly manifested.
- 7) Conduct an aggressive spill prevention program.
- 8) Be up to date on all federal, state, and local regulations affecting Brenntag's business. Be sure that all required reports are submitted and files kept up to date with required information.
- 9) Supervise scheduling of the each product, and insure that good records of work performed. Analyze all waste products submitted by customers and advise salesmen promptly as to proposed method of handling or if it can be handled.
- 10) Maintain proper manifest records for all inbound and outbound waste products. Follow up to be sure copies are returned from receivers of waste as required by RCRA.
- 11) Insure that proper shipping classifications are assigned to all products and that this information is transmitted and utilized by the computer programmer.
- 12) Be prepared to respond to direct customer inquiries on all products in a prompt and courteous manner.
- 13) Insure that plant personnel are properly instructed on the handling of all hazardous materials and are utilizing the required personal protection equipment for whatever product they are handling.

- 14) Attend association meetings and seminars as mutually agreed to by the Operations Manager.
- 15) Visit customer plants when required by customer to correct any misunderstandings or problems.

## **6.2 Description of Training for Manager of Environmental Services**

### Introductory Training

A new person filling this position will receive both formal written training and on the job training. The new person will first be issued a set of protective equipment and all items on the Manager of Environmental Services Training Materials and Safety Equipment list attached.

The person will also work with the chemist, drivers, sales, and customer service to become completely familiar with procedures.

### Continuing Training

Within six months, the new person will complete the introductory training. Personnel will receive continuing training by attending safety meetings, receiving instruction on specific projects and waste streams, and participate in an annual review of the initial training.

### Annual Review of Initial Training

Employees are required to meet annually for review and update of this training program and to discuss and study the following subjects:

- 1) All hazardous waste currently being handled at the facility, noting any changes in waste type, volume, source, characteristics, or location that have occurred during the past year.
- 2) The status of storage and operating conditions and procedures, noting any areas where there are problems or potential for problems. Employees participate in developing effective solutions.
- 3) The requirements contained in the facility's RCRA permit, noting any changes that have occurred during the past year. Areas where maintenance of compliance is a problem are identified and discussed, and effective solutions are sought.
- 4) Incidents that have occurred in the past year that warranted use of contingency plans and/or emergency action. This review focuses on the cause of the incident and identification of steps to be taken to prevent or to ensure better handling of such events in the future.

**MANAGER OF ENVIRONMENTAL SERVICES  
TRAINING MATERIALS AND SAFETY EQUIPMENT LIST**

I have received the following items from Brenntag Great Lakes, LLC.

Protective Rain Suit \_\_\_\_\_

Hard Hat \_\_\_\_\_

Safety Goggles \_\_\_\_\_

Gloves \_\_\_\_\_

Chemical Respirator \_\_\_\_\_

Respirator Cartridge Selection Chart \_\_\_\_\_

Hazardous Material Handling Book \_\_\_\_\_

Contingency Plan \_\_\_\_\_

Written Description of the Type and Amount of  
Introductory and Continuing Training \_\_\_\_\_

Employee Manual \_\_\_\_\_

Written Job Description \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

I have completed the Introductory Training (to be completed within 6 months of the  
above date)

Signed \_\_\_\_\_ Date \_\_\_\_\_



**APPENDIX H**  
**MATERIAL BALANCE**



**Waste Received in 2012**

	<u>Gallons</u>	<u>Pounds</u>
<b>D001</b>	<b>75,846</b>	<b>606,768</b>
<b>D005</b>	<b>30</b>	<b>240</b>
<b>D006</b>	<b>605</b>	<b>4,840</b>
<b>D007</b>	<b>20,599</b>	<b>164,792</b>
<b>D008</b>	<b>25,616</b>	<b>204,928</b>
<b>D011</b>	<b>55</b>	<b>440</b>
<b>D022</b>	<b>35</b>	<b>280</b>
<b>D035</b>	<b>316</b>	<b>2,528</b>
<b>F001</b>	<b>55</b>	<b>440</b>
<b>F002</b>	<b>18,917</b>	<b>151,336</b>
<b>F003</b>	<b>513,882</b>	<b>4,111,056</b>
<b>F005</b>	<b>602,013</b>	<b>4,816,104</b>
<b>F006</b>	<b>6,014</b>	<b>48,112</b>
<b>NON HAZ</b>	<b>224,576</b>	<b>1,796,608</b>
	<b>=====</b>	<b>=====</b>
	<b>1,488,559</b>	<b>11,908,472</b>

BRENNTAG GREAT LAKES, LLC  
HAZARDOUS WASTE INVENTORY ROLL FORWARD  
12/31/2012

	GALLONS -----	LBS PER GALLON -----	POUNDS -----	EPA Code -----
BALANCE @ 12-31-11	26,365	8.00	210,920	Various
MANIFESTED WASTE RECEIVED				
FOR THE YEAR ENDED 12-31-12	1,269,006	8.00	10,152,048	Various
RERUNS	-	7.25	-	None
CLEANING TANKERS & AREAS (0 DRUMS)	-	8.00	-	None
NON-HAZARDOUS WASTE	224,576	8.00	1,796,601	None
WASH (756 DRUMS)	41,580	8.00	332,640	F005
WASTE WATER	46,200	8.00	369,600	F005
ACID,CAUSTICS FROM W.H. 4 drums	220	8.00	1,760	D002
WATER FROM W.H. (TOTES&DRUMS)	112,000	8.00	896,000	F005
GROUND WATER (well) (8 DRUMS)	440	8.00	3,520	None
SPILL RESIDUE (0 DRUMS)	-	8.00	-	None
SOUTH TRENCH WASTE (0 DRUM)	-	6.75	-	None
LAB WASTE (38 DRUMSX 55 gallons)	2,090	8.00	16,720	F005
MAINTENANCE GARAGE 0 DRUMS	-	8.00	-	None
MISBLENDS (DRUMS&BULK)(Dead Inventory	52,860	8.00	540,980	F005
WEEDS FROM WAREHOUSE	27,000	8.00	43,000	F003
	-----		-----	
TOTAL WASTE RECEIVED	1,802,337		14,363,789	
RECLAIM RECOVERED	-	6.88	-	
WASTE SHIPPED OUT				
STRAIGHT DISPOSAL WASTE	(1,658,065)	8.1	(13,430,326)	F005
BOTTOMS FROM RECLAIM	-	9.4	-	
	-----		-----	
	144,272		933,463	
DIFFERENCE (VARIANCE)	(109,017)	8	(872,136)	
	-----	-	-----	
PERCENT (VARIANCE)	(0) %			
BALANCE @ 12-31-12	35,255	8	282,040	Various

**APPENDIX I**

**COMPLIANCE DOCUMENTATION FOR  
NR 664, SUBPART CC FOR FUEL BLENDING**

## COMPLIANCE DOCUMENTATION FOR NR 664, SUBCHAPTER CC FOR FUEL BLENDING OPERATIONS

### Background

Brenntag performs fuel blending in tanker trucks. The WDNR revised the State's hazardous waste management regulations in August of 2006. Under the new rules, fuel blending is no longer an exempt recycling activity. Therefore, the fuel blending activities at Brenntag are subject to full hazardous waste treatment facility requirements, including licensing. Since Brenntag fuel blends from smaller containers directly into tanker trucks, the tanker truck becomes part of the treatment process and is subject to the container standards in the revised rules. Brenntag obtained final approval including new licenses for hazardous waste treatment in tanks and containers on September 5, 2007. A copy of this approval is included in Appendix O of the Feasibility Plan of Operation.

### Description of Operations

Brenntag provides transportation, waste consolidation and bulking, fuels blending, and off-site treatment and incineration services for facilities that generate hazardous waste. Waste materials received by Brenntag are generated by various industries located throughout the Midwest. Spent solvents or other waste materials are received in bulk trailers, drums, and other containers. Waste materials are handled with the objective of recycling the waste materials. These materials include off-specification and used chemical products, oils, cleaning solutions, wastewater, and paint-related materials. The Brenntag facility is currently permitted to accept hazardous waste that is non-reactive, and conforms to specific EPA waste codes listed on the Part A Application in Appendix A.

Waste materials, which have a minimum BTU per pound value, are blended with other similar waste materials into a supplemental fuel for cement kilns. Other waste materials falling below the minimum BTU value are sent off site to a fully licensed hazardous waste treatment or incineration facility for disposal. A process flow diagram showing the activities and equipment related to fuel blending at the Brenntag facility is provided in Appendix Z. This diagram can be used for reference purposes during review of this section to assist in understanding the fuel blending operations at this facility.

The following subsections provide general descriptions of the material handling activities at this facility.

### Initial Sampling and Waste Analysis

Prior to authorizing the shipment of a new waste stream from a potential or existing customer, a representative sample of the waste stream is given a sample identification number and analyzed by Brenntag according to the waste analysis plan. The sample is analyzed to determine if the waste material is suitable for fuels blending for use as a secondary fuel in off-site cement kilns or other units, off-site treatment, off-site reclamation, or incineration at a properly permitted off-site incinerator. An examination of the material also indicates if the material can be handled on site for fuels blending, or if it must be sent



off site for shredding or other processing. The analysis also verifies the type of material and if there are compatibility problems with other materials handled by Brenntag. Additional details on waste inspection and identification procedures are included in Section 8 of the Waste Analysis Plan found in Appendix E.

### **Drums and Totes of Waste Material**

Drums and totes of waste material comply with the container standards as described in Sections 2A, 2B and 2C of this plan. Additional details on container storage are included in Section 1.3.1 of the Waste Analysis Plan found in Appendix E. Section 1.3.1 was previously revised to include fuel blending activities.

### **Bulk Loads of Waste Material**

Bulk loads of waste material are handled in accordance with Section 1.3.2 of the Waste Analysis Plan found in Appendix E. Section 1.3.2 was previously revised to include fuel blending activities.

### **Container Standards [NR 664 – Subchapter CC]**

#### NR 664.0170 Applicability

This chapter applies to the storage and treatment of hazardous waste in containers at the Brenntag facility. The definition of “container” includes any portable device in which a material is stored, transported, treated, or otherwise handled. Drums, Totes and Tanker trucks are considered containers under this definition.

#### NR 664.0171 Condition of Containers

Fuel blending is conducted directly into tanker trucks from drums, totes, or from another partially-filled tanker truck. Up to three tanker trucks can be parked within the containment area. Tanker trucks are manufactured of T316 stainless steel and are required to meet DOT standards and pass regular inspections. Tanker trucks that are not roadworthy are removed from service and temporarily replaced until repairs can be made. Many of the tanker trucks are owned and operated by companies other than Brenntag. These tanker trucks are still visually inspected by Brenntag personnel on a daily basis to make sure there are no leaks.

#### NR 664.0172 Compatibility of Waste with Containers

Brenntag does not accept reactive and incompatible wastes from generators. All waste shipments are tested for reactivity prior to being accepted. All wastes require initial sampling and waste analysis for chemical compatibility as described in above. All wastes handled at the facility are compatible with both carbon steel and stainless steel.



NR 664.0173 Management of Containers

The tanker vehicles holding hazardous waste are kept closed while on site and are only opened when sampling is required for fuel blending purposes, for determining liquid level, or in the event of an over-pressure or over-vacuum condition. Fuel blending from drums or totes to tankers requires that the suction hose be placed into the drum or tote container through a bung or top opening. The drums, totes and tanker vehicles are not opened, handled or stored in a manner that could cause a rupture or leak in the container. Drums and totes are immediately closed after the hazardous waste transfer is complete.

NR 664.0179 Air Emission Standards

Fuel blending activities from tanker trucks to tanker trucks, and from drums/totes to tanker trucks, are subject to Subchapter CC – Air Emission Standards for Tanks, Surface Impoundments, and Containers. Compliance with the control of air pollutant emissions from containers is addressed in NR 664.1086 – Standards for Containers.

NR 664.1086 Standards: Containers

- (1) This section applies to the air pollutant emissions from containers. A DOT Certified tanker truck is considered a container with respect to this standard.
- (2) (a) 3. For containers having a design capacity over 0.46 cubic meters (121.5 gallons), that is in light material service, control air pollutant emissions from the container according to the Container Level 2 standards. The tanker capacity is greater than 0.46 cubic meters (121.5 gallons) and due to the variety of hazardous waste received at the facility, it is assumed that the containers are in light material service because one or more of the organic components may have a vapor pressure greater than 0.3 kPa at 20 degrees Celcius (2.25 mmHg at 68 degrees F), and the fluid is a liquid at operating conditions. Therefore, Container Level 2 standards apply.
- (3) Container Level 1 Standards – Does not apply to Tanker Containers.
- (4) Container Level 2 Standards
  - (a) 1. Tanker trucks are inspected and certified in accordance with DOT regulations. This meets the intent of a container using Level 2 controls.
  - (b) Transfer of hazardous waste into the tanker trucks is conducted by placing a vacuum on the tanker (container), which creates suction on the loading hose. The loading hose is used to vacuum drums and totes of hazardous waste into the tankers. In order to create a vacuum on the tanker, it must be completely sealed during transfer operations. Since the tanker container is completely sealed, and the only emission point from the system is through the vacuum pump, Container Level 2 controls are met for the container because hazardous waste is transferred in a manner that minimizes exposure of hazardous waste to the atmosphere.

- (c) At any time that hazardous waste is in a container using Level 2 controls (a Tanker), all closure devices and covers will be maintained in a closed position, except in the following situations:
- During sampling of waste material
  - When determining level of waste in tank
  - When overpressure or vacuum conditions exist

Drums and totes must be opened during hazardous waste transfer to the tanker. They are immediately closed upon completion of the transfer operation.

- (d) Brenntag typically receives waste in full or partially-filled tankers. Full tankers are typically re-manifested and shipped off-site for proper disposal within 24 hours. Partially-filled tankers of hazardous waste that are held on-site for fuel blending for more than 24 hours receive visual inspections of the container and its cover and closure devices. These inspections are conducted to check for visible cracks, holes, gaps, or other open spaces into the interior of the container. If defects are detected, the transporter is immediately contacted so that the tanker can be removed from service for repair. Waste is not transported with a defective tanker and another tanker would be brought to the site to conduct a tanker to tanker transfer. Tankers used for managing hazardous waste that remain on-site for more than one year are visually inspected at least once per year in accordance with the Container Level 2 Standards.

The vacuum pump on the tanker is the only emission point on the vacuum system during hazardous waste loading activities. The vacuum pump would be subject to Subpart BB – Air Emission Standards for Equipment Leaks; however, NR 664.1050(6) provides an exemption for equipment that contains hazardous waste with an organic concentration of at least 10% by weight and operates for less than 300 hours per calendar year. Typically, Brenntag ships out one tanker per week that was involved in fuel blending activities. This equates to approximately 52 tankers per year. Transfer operations are typically completed in a 90-minute time period. If the same tanker were used every time, this would equate to 78 hours of operation for the pump. Since Brenntag does not own the tankers being used for transport, it is highly unlikely that the same tanker is on site for every transfer event. This reduces the hours of operation for each pump to an even lower number. Therefore, Fuel Blending operations into tankers is exempt from Subpart BB requirements.

**APPENDIX J**

**CLOSURE PLAN AND LETTER OF CREDIT**



# **HAZARDOUS WASTE FACILITY CLOSURE PLAN**

**BRENNTAG GREAT LAKES, LLC  
HAZARDOUS WASTE STORAGE AND RECYCLING FACILITY  
N59 W14706/N59 W14776 BOBOLINK AVENUE  
MENOMONEE FALLS, WISCONSIN 53051**

**June 6, 2013**

## CLOSURE PLAN TABLE OF CONTENTS

Section	Page
1 FACILITY IDENTIFICATION INFORMATION	J-1
1.1 Project Title	J-1
1.2 Site Owner	J-1
1.3 Licensee and Operator	J-1
1.4 Site Description and Maximum Inventory	J-1
1.5 Equipment Inventory	J-2
1.6 Waste Types	J-2
2 CLOSURE SCHEDULE	J-3
3 REMOVAL OF INVENTORY	J-4
4 FACILITY DECONTAMINATION	J-5
5 CLOSURE COST AND FINANCIAL RESPONSIBILITY	J-6
5.1 Closure Cost	J-6
5.2 Financial Responsibility	J-7

### EXHIBITS

A SITE PLAN
B CURRENT CLOSURE COST
C LETTER OF CREDIT



**Section 1**  
**FACILITY IDENTIFICATION INFORMATION**  
*[NR 670.014(2)(m)]*

**1.1 Project Title**

Brenntag Great Lakes, LLC  
Hazardous Waste Storage and Recycling Facility  
N59 W14706/N59 W14776 Bobolink Avenue  
Menomonee Falls, Wisconsin 53051

EPA Identification Number WID 023350192

**1.2 Site Owner**

The site is owned by Brenntag Great Lakes, LLC (Brenntag).

**1.3 Licensee and Operator**

The site is operated by Brenntag Great Lakes, LLC.

**1.4 Site Description and Maximum Inventory**

The property occupied by the hazardous waste storage and recycling operations is 2.1 acres in size. The operations include a Drum Storage and Processing Building and a Tanker storage and transfer area that is used for Fuel Blending. A Site Plan is included as Exhibit A.

The Drum Storage and Processing Building is located on the west side of the site. It is divided into four areas as follows:

- Process Room
- Drum Storage Area
- Laboratory
- Maintenance Shop

The Drum Storage Room is designed to store 55,000 gallons of hazardous waste in containers on storage racks. The 55,000 gallon capacity also includes Tanker storage and Fuel Blending operations within the secondary containment area adjacent to the Tank Farm. The Process Room is used for sampling and relabeling of drums and totes. The Laboratory and Maintenance Shop provide services for both the hazardous waste operations as well as the distribution facility, which is located on the south side of Bobolink Avenue.

The Tank Farm is located on the east side of the property but is no longer equipped with licensed hazardous waste storage tanks. It contains eight (8) raw material and reclaim product tanks. The previously licensed hazardous waste storage tanks have been closed and removed from the site.

### **1.5 Equipment Inventory**

There is currently no licensed equipment associated with hazardous waste operations at the facility. All licensed equipment has been cleaned, closed and either removed from the site, or reused for non-hazardous waste operations at the plant.

### **1.6 Waste Types**

Brenntag accepts any of the waste codes listed on their Part A Application. These waste types are primarily organic materials that are suitable for reclamation or fuel blending. Waste types include paints, inks, halogenated and non-halogenated cleaning and extraction solvents. Brenntag does not accept any reactive (D003) or corrosive (D002) wastes. A copy of the Part A Application is included in Appendix A of the Feasibility and Plan of Operation Report.

## Section 2 CLOSURE SCHEDULE

At least 180 days prior to beginning final closure or any partial closure of the Hazardous Waste Storage Facility, Brenntag will notify the DNR in writing of their intent to close the facility. No later than this date Brenntag will also notify current customers of the intent to close the facility. Within 90 days after receiving the final volume of hazardous wastes at the facility, Brenntag will remove all hazardous wastes from the facility in accordance with this closure plan. Brenntag anticipates it will take approximately 30 days to remove all the waste and ship it offsite for disposal, and it will take an additional 30 days to decontaminate areas used for hazardous waste operations.

**Section 3**  
**REMOVAL OF INVENTORY**

All waste will be transported offsite for incineration at Greencastle. Liquid waste in containers will also be transported offsite to Greencastle for incineration. Other waste in containers, such as solids, will be shipped to WRR Environmental. No disposal or treatment will occur at the Brenntag facility.

## Section 4 FACILITY DECONTAMINATION

The concrete floors in the drum processing and drum storage areas along with the Tanker storage and Fuel Blending secondary containment pad will be scraped to remove any residual solids and cleaned with N-Methyl Pyrrolidone. Following this, the concrete pads and floors will be steam cleaned and rinsed with water. The rinsate will be tested to determine if the areas are decontaminated. All equipment used in decontaminating structures and in the daily operation of the facility will also be steam cleaned and rinsed with water. The rinsate will be shipped offsite for proper disposal.

During the decontamination process, the workers will use Level C personal protective equipment. This protective equipment, including gloves, boots, and Tyvek suits will be placed in drums and shipped offsite for disposal.



**Section 5**  
**CLOSURE COST AND FINANCIAL RESPONSIBILITY**

**5.1 Closure Cost**

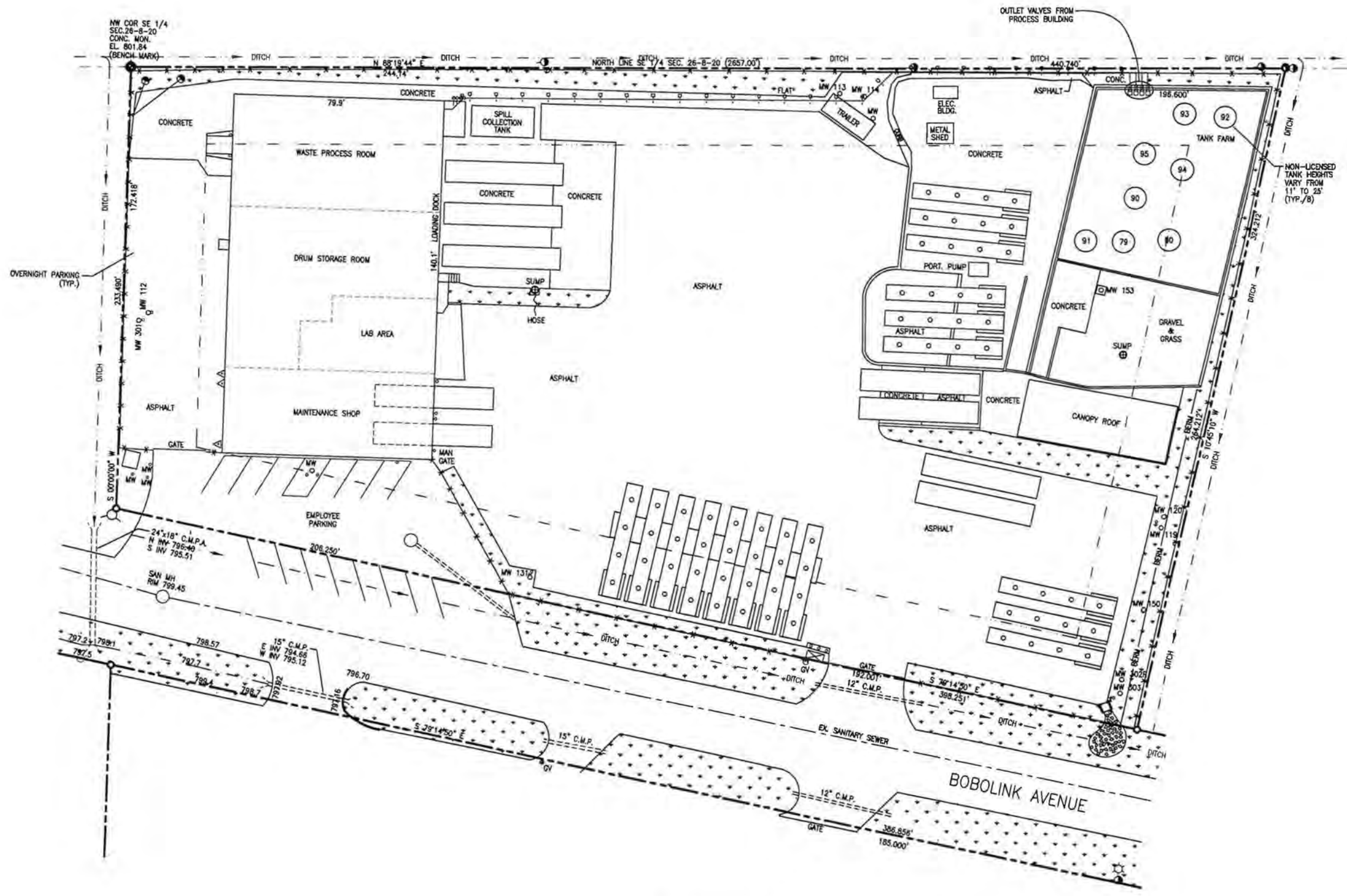
A current estimate of the cost to close the Brenntag Hazardous Waste Storage Facility is included in Exhibit B. Brenntag updates this closure cost on an annual basis and submits a copy to the DNR. Copies of the most recent submittals are added to Exhibit B.

## **5.2 Financial Responsibility**

Brenntag has a letter of credit to cover the costs associated with closure of the Hazardous Waste Storage Facility. A copy of the current letter of credit is provided as Exhibit C. The closure costs are updated on an annual basis; and if the costs exceed the amount of credit, the letter of credit is adjusted to cover the closure costs.

**EXHIBIT A**

**SITE PLAN**  
(Not to Scale)



**LEGEND**

- 804.06 = EXISTING ELEVATIONS
- ⊙ = UTILITY POLE
- ⊙ = FIRE HYDRANT
- = WATER VALVE
- ☆ = LIGHT POLE
- = GUARD POST
- △ = ELECTRIC METER
- MW 140 ⊙ = MONITORING WELL
- x — = CHAIN LINK FENCE
- ⊠ = GAS METER
- GV ⊙ = GAS VALVE
- SUMP ⊙ = CATCH BASIN
- - - = 30' BUILDING SETBACK LINE
- ⊙ = PROPERTY LINE
- = GRASS AREA

**NOTE:**  
 THIS DRAWING HAS BEEN PREPARED FOR GENERAL INFORMATION PURPOSES TO SHOW THE GENERAL LOCATIONS OF HAZARDOUS WASTE EQUIPMENT AND STORAGE CONTAINERS. ALL INFORMATION REGARDING PROPERTY LINES, FACILITY BUILDINGS, AND ROADS HAVE BEEN TRACED FROM SURVEYING PROVIDED BY JAHNKE & JAHNKE ASSOCIATES, INC. (JOB NO. S-4889 DATED 5/22/00) AND (JOB NO. 57745 DATED 6/18/2006), AND SPECTRUM ENGINEERING HAS NOT VERIFIED NOR PROVIDES ANY WARRANTY REGARDING THE COMPLETENESS AND ACCURACY OF SUCH INFORMATION. PLEASE ALSO NOTE THAT LOCATION OF ALL UTILITIES (ABOVE AND BELOW GROUND) ARE NOT SHOWN ON THIS DRAWING AND MUST BE VERIFIED BY CONTRACTOR/OWNER PRIOR TO CONDUCTING WORK.

**SITE PLAN**  
 SCALE: 1/16" = 1'-0"

**CONFIDENTIAL**



262-763-7725  
 FAX 262-763-7728  
 18396 West Capital Drive,  
 Brookfield, Wisconsin 53045

THIS DRAWING IS AN INSTRUMENT OF PROFESSIONAL SERVICE, REMAINS THE PROPERTY OF SPECTRUM ENGINEERING INCORPORATED. ANY CHANGES, REVISIONS, OR AMENDMENTS MUST BE MADE ON THIS SHEET OR IN PART, FOR OTHER PROJECTS & PROJECTS UNLESS EXPRESSLY APPROVED BY SPECTRUM ENGINEERING INCORPORATED.

**VERTICAL SCALES**  
 ONE IS ONE INCH OR ORIGINAL DRAWING.  
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

NO.	DATE	BY	REVISION
1	8/9/15	J.M.L.	REVISED FOR 2013 LICENSE RENEWAL & FOR UPDATE (SEE PROJ. NO. 12047)

DRAWN BY: S.A.W.  
 CHECKED BY: R.B.S./Y.M.  
 DESIGNED BY: J.M. WOLL, P.E.  
 PROJECT MANAGER: R.B. SMITS, P.E.



**HAZARDOUS WASTE STORAGE FACILITY  
 GENERAL SITE PLAN**

DRAWING NUMBER:	G-1
DATE:	1/14/00
PROJECT NUMBER:	99076
SHEET NUMBER:	1 OF 8



**EXHIBIT B**  
**CURRENT CLOSURE COST**



**COST OF CLOSURE**

Calculation  
February 17, 2013

## I. Removal of Inventory

1) Containers 52,800 gallons to WRR Environmental	\$25,872.00
Containers 2,255 gallons to WRR Environmental	\$13,687.85
2) Reclaimed solvent (550 gallons) used to decontaminate equipment (\$1.10/gallon)	\$605.00

## II. Decontamination

A) Structure		
32 hours @ \$23.95/hour		\$766.40
B) Equipment		
1 hour @ 23.95/hour		\$23.95
C) Disposal of residue		
25 drums X 55 X \$ 0.49		\$673.75
D) Supervision, Analysis, and Documentation by PE		\$5,000.00
(Sub Total)	(Sub Total)	<u>\$46,628.95</u>

## III. Administration and Contingencies

A) Administration		
(including paperwork associated with all activities and supervision of all activities)		
13% of \$64,538.95		\$8,390.06
Approval by outside PE		\$1,000.00
B) Contingencies		
20% of \$46,628.95		\$9,325.79
	(Total)	<u>\$55,954.74</u>
1996 Inflation Factor		1.025
		<u>\$57,353.61</u>
1997 Inflation Factor		1.0195
		<u>\$58,472.00</u>
1998 Inflation Factor		1.02
		<u>\$59,641.44</u>

1999 Inflation Factor	1.01
	<hr/>
	\$60,237.86
2000 Inflation Factor	1.015
	<hr/>
	\$61,141.43
2001 Inflation Factor	1.021
	<hr/>
	\$62,425.40
2002 Inflation Factor	1.023
	<hr/>
	\$63,861.18
2003 Inflation Factor	1.011
	<hr/>
	\$64,563.65
2004 Inflation Factor	1.0183
	<hr/>
	\$65,745.17
2005 Inflation Factor	1.0262
	<hr/>
	\$67,467.69
2006 Inflation Factor	1.0303
	<hr/>
	\$69,511.96
2007 Inflation Factor	1.0316
	<hr/>
	\$71,708.54
2008 Inflation Factor	1.0316
	<hr/>
	\$73,974.53
2009 Inflation Factor	1.0256
	<hr/>
	\$75,868.28
2010 Inflation Factor	1.0213
	<hr/>
	\$77,484.27
2011 Inflation Factor	1.0092
	<hr/>
	\$78,197.13
2012 Inflation Factor	1.0092
	<hr/>
	\$78,916.54
2013 Inflation Factor	1.0177
	<hr/>
	\$80,313.36

**EXHIBIT C**  
**LETTER OF CREDIT**



June 5, 2013

Brenntag Great Lakes, LLC  
14765 W. Bobolink Avenue  
Menomonee Falls, WI 53051

To Whom It May Concern:

Letter of Credit Number CTCS- 628146 in the amount of \$130,000.00 has been extended through 1/19/14 (Beneficiary – State of Wisconsin – Department of Natural Resources).

If you have any further questions please contact me at 262-717-7534.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nathan Tesmer", with a long horizontal line extending to the right.

Nathan Tesmer  
Vice President  
JPMorgan Chase Commercial Banking



**APPENDIX K**  
**OPERATION AND MAINTENANCE MANUAL**



# **HAZARDOUS WASTE FACILITY OPERATION AND MAINTENANCE MANUAL**

**BRENNTAG GREAT LAKES, LLC (WID 023 350 192)  
HAZARDOUS WASTE STORAGE AND RECYCLING FACILITY  
N59 W14706/N59 W14776 BOBOLINK AVENUE  
MENOMONEE FALLS, WISCONSIN 53051**

**June 6, 2013**

**OPERATION AND MAINTENANCE MANUAL  
TABLE OF CONTENTS**

<b>Section</b>		<b>Page</b>
1	FACILITY IDENTIFICATION INFORMATION	K-1
1.1	Project Title	K-1
1.2	Engineering Consultant(s)	K-1
1.3	Site Owner	K-1
1.4	Licensee and Operator	K-1
1.5	Site Size	K-1
1.6	Site Life and Design Capacity	K-2
1.7	Industries Served	K-2
1.8	Waste Types and Quantities	K-2
1.9	Exemptions Applied For	K-2
2	SPECIFICATIONS FOR SITE CONSTRUCTION AND OPERATION	K-3
3	DESCRIPTION OF DAILY OPERATORS	K-4
3.1	Waste Types Accepted and Excluded	K-4
3.2	Typical Waste Handling Techniques	K-4
3.3	Hours of Operation	K-4
3.4	Traffic Routing	K-4
3.5	Drainage and Erosion Control	K-4
3.6	Adverse Weather Operations	K-4
3.7	Fire Protection Equipment	K-5
3.8	Manpower	K-5
3.9	Methods for Handling Incompatible Wastes	K-5
3.10	Daily Clean-Up	K-6
3.11	Recordkeeping	K-6
3.12	Monitoring Equipment	K-6
3.13	Emergency Equipment and Contact	K-6

**Section 1**  
**FACILITY IDENTIFICATION INFORMATION**

**1.1 Project Title**

Brenntag Great Lakes, LLC  
Hazardous Waste Storage and Fuel Blending Facility  
N59 W14706/N59 W14776 Bobolink Avenue  
Menomonee Falls, Wisconsin 53051

EPA Identification Number WID 023350192

**1.2 Engineering Consultants**

This is an existing facility. The following engineering consultants were involved in various phases of the original facility design:

- Triad Engineering Incorporated – Farhad Mohsenian, P.E. and Richard J. Fulk, P.E.
- Oliver Construction – Ken Stock, P.E.
- CMC Corporation – Richard J. Keates, P.E.
- Milwaukee Solvents and Chemicals Corporation – Robert Heitzer and Kevin Bagin

No design changes are planned at the present time.

**1.3 Site Owner**

The site is owned by Brenntag Great Lakes, LLC.

**1.4 Licensee and Operator**

The site is operated by Brenntag Great Lakes, LLC.

**1.5 Site Size**

The property is 2.1 acres in size.

## 1.6 Site Life and Design Capacity

This is not a disposal facility; therefore, if properly maintained, there is no set site life for the storage facility. It is designed and licensed to store the following:

### Drum Storage and Processing Building including Tankers

55,000 gallons in containers including Fuel Blending in tankers.

## 1.7 Industries Served

Brenntag handles waste materials from a wide variety of customers in Wisconsin, Michigan, Iowa, Indiana, Nebraska, Minnesota, and Illinois. These customers include manufacturers of various goods, auto/vehicle repair facilities, paint manufacturers, coating manufacturers and companies that coat various products related to packaging. Customers include the following:

- Paint manufacturers
- Can coating companies
- Automobile dealerships
- Auto repair facilities
- Label and screening companies
- Container manufacturers
- Semi-trailer manufacturers
- Plastics companies (molded)
- Metal finishing operations
- Various manufacturers involved in the automotive field

## 1.8 Waste Types and Quantities

The waste types and quantities are listed in the Part A Application in Appendix A of the Feasibility and Plan of Operation Report.

## 1.9 Exemptions Applied For

Brenntag previously applied for and received an exemption from the requirements of NR 600.04 and NR 630 to 685 for their fuel blending operations. However, the WDNR has revised the State's hazardous waste management regulations and the recycling exemption no longer exists as of August of 2006. Brenntag's fuel blending activities are now subject to full hazardous waste treatment facility requirements, including licensing.

**Section 2**  
**SPECIFICATIONS FOR SITE CONSTRUCTION AND OPERATION**

This is an existing site. No new construction is planned. The Engineering Report and Design Drawings and Specifications for the Drum Storage and Processing Building are provided on the Triad Engineering Drawings in Appendix U of the Feasibility and Plan of Operation Report.



### Section 3 DESCRIPTION OF DAILY OPERATIONS

#### 3.1 Waste Types Accepted and Excluded

Brenntag accepts any of the waste codes listed on their Part A Application. These waste types are primarily organic materials that are suitable for reclamation or fuel blending. Brenntag does not accept any reactive (D003) or corrosive (D002) wastes. A summary of the types and quantities of wastes received at the facility is included in Appendix H of the Feasibility and Plan of Operation Report.

#### 3.2 Typical Waste Handling Techniques

Hazardous wastes arrive at the facility in containers, such as 55-gallon drums, 275-300 gallon totes, or 6,000 gallon bulk tankers. Partially filled bulk tankers are transferred directly into another bulk tanker or remanifested if full. Containers are unloaded from the enclosed semi-trailers using forklifts and taken to the Drum Storage Building. Drums or totes are also taken to the tanker transfer area and added to partially filled tankers for fuel blending.

#### 3.3 Hours of Operation

The facility operates 24 hours per day, 7 days per week, and 52 weeks per year.

#### 3.4 Traffic Routing

Figure G-7 in Appendix T of the Feasibility and Plan of Operation Report shows the location of the Brenntag Hazardous Waste Storage and Recycling Facility and the surrounding roads. The Brenntag facility is located in an industrial park, which can only be accessed from Lilly Road. Trucks would typically travel on U.S. Highway 45 and exit on Silver Spring Drive traveling west. Lilly Road is approximately 3.5 miles west of U.S. Highway 45. From Silver Spring they would travel north on Lilly Road approximately 0.4 miles to Bobolink Avenue. The Brenntag Hazardous Waste Storage and Recycling Facility is located on the north side of Bobolink Avenue, approximately 0.5 miles west of Lilly Road. Figure G-2 in Appendix T of the Feasibility and Plan of Operation Report shows the traffic patterns on Brenntag's property.

#### 3.5 Drainage and Erosion Control

Figure G-4 in Appendix T of the Feasibility and Plan of Operation Report shows site drainage patterns. The majority of the site is concrete or asphalt pavement.

#### 3.6 Adverse Weather Operations

Since some of the hazardous waste storage operations are conducted outdoors, the following procedures will be implemented in the event of severe weather conditions:

### High winds, hail, lightening, or heavy rain

- 1) Any open containers or receiving vessels containing hazardous waste are to be closed and secured.
- 2) Any pumps transferring waste will be shut off and secured.
- 3) All exposed personnel are to seek shelter.

### Heavy Snow

- 1) Any open containers or receiving vessels containing hazardous waste are to be closed and secured.
- 2) Any employee working outdoors must have proper protective clothing and equipment.
- 3) All walkways, staging areas, and workstations are to be cleared of snow as early as the weather permits.
- 4) Any icy walkways, staging areas, or workstations must have sufficient ice melt or rock salt applied to ensure that firm footing is possible.

## **3.7 Fire Protection Equipment**

The Drum Storage Building has automatic sprinkler systems in the ceiling and in the storage racks. The sprinkler system layout is shown on Drawings 10597-420 and 10597-421 of Appendix U of the Feasibility and Plan of Operation Report.

Fire extinguishers are also located in the Drum Storage Building and in the Tank Farm. Figure G-6 in Appendix T of the Feasibility and Plan of Operation Report shows the locations of the fire extinguishers.

## **3.8 Manpower**

There are currently two full-time employees that coordinate and handle the receiving of waste in drums and totes, and conduct tanker to tanker transfers at the facility. These two employees generally work a first shift operation, with limited overtime, as necessary.

## **3.9 Methods for Handling Incompatible Wastes**

Brenntag performs a reactivity test on each waste stream when it is received at the facility to determine if it is compatible with the wastes being stored. If the waste is not compatible it is rejected and shipped back to the generator or it is shipped to another facility for disposal.

### **3.10 Daily Clean-Up**

Warehouse Personnel are responsible for performing daily inspections to identify the following:

- 1) Potential cracks in the dike;
- 2) Leaking drums;
- 3) Leaking valves, or connections;
- 4) Emergency absorptive devices are available; and
- 5) Personal safety equipment is in working order.

A Facility Inspection Form must be completed and any problems must be reported to the supervisor.

### **3.11 Recordkeeping**

The following information must be recorded in the operating log for tasks performed during their shift:

- 1) Drums unloaded;
- 2) Blending performed;
- 3) Equipment breakdown;
- 4) Other problems which developed; and

### **3.12 Monitoring Equipment**

Brenntag uses a photoionization detector for monitoring.

### **3.13 Emergency Equipment and Contacts**

Emergency equipment and emergency contacts, including telephone numbers, are provided in the Contingency Plan, which is in Appendix F of the Feasibility and Plan of Operation Report.

**APPENDIX L**  
**INSURANCE POLICY**





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/14/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh USA Inc. 1717 Arch Street Philadelphia, PA 19103-2797 Attn: PHILADELPHIA.CERTS@MARSH.COM/FAX-212-948-0360  424780-ALL-GAW-13-14	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Insurance Company Of The State Of PA</td> <td>19429</td> </tr> <tr> <td>INSURER B : Greenwich Insurance Company</td> <td>22322</td> </tr> <tr> <td>INSURER C : XL Specialty Insurance Company</td> <td>37885</td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Insurance Company Of The State Of PA	19429	INSURER B : Greenwich Insurance Company	22322	INSURER C : XL Specialty Insurance Company	37885	INSURER D :		INSURER E :		INSURER F :
INSURER(S) AFFORDING COVERAGE	NAIC #													
INSURER A : Insurance Company Of The State Of PA	19429													
INSURER B : Greenwich Insurance Company	22322													
INSURER C : XL Specialty Insurance Company	37885													
INSURER D :														
INSURER E :														
INSURER F :														

**COVERAGES**      **CERTIFICATE NUMBER:** CLE-003620352-25      **REVISION NUMBER:** 21

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			0696955	01/01/2013	01/01/2014	EACH OCCURRENCE	\$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 2,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
GEN'L AGGREGATE LIMIT APPLIES PER:								
<input checked="" type="checkbox"/>	POLICY	<input type="checkbox"/>	PRO-JECT	<input type="checkbox"/>	LOC		\$	
	AUTOMOBILE LIABILITY			RAD943713308 (AOS)	01/01/2013	01/01/2014	COMBINED SINGLE LIMIT (Ea accident)	\$ 5,000,000
	<input checked="" type="checkbox"/> ANY AUTO			RAD943713108 (MA)	01/01/2013	01/01/2014	BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/>	SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/>	NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB	<input type="checkbox"/>	OCCUR				EACH OCCURRENCE	\$
	EXCESS LIAB	<input type="checkbox"/>	CLAIMS-MADE				AGGREGATE	\$
	DED		RETENTION \$					\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			RWR943509008 (WI)	01/01/2013	01/01/2014	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>	Y/N	RWD943509108 (AOS)	01/01/2013	01/01/2014	E.L. EACH ACCIDENT	\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below.	<input checked="" type="checkbox"/>	N/A				E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
RE: EVIDENCE OF COVERAGE.

<b>CERTIFICATE HOLDER</b>  BRENNTAG GREAT LAKES, LLC DBA: BGL LOGISTICS 4420 N HARLEY DAVIDSON AVE WAUWATOSA, WI 53225	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
---	---





**ENDORSEMENT FOR  
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY  
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980**

FORM APPROVED  
OMB No.: 2126-0008

Issued to Brenntag Great Lakes, LLC, D.B.A. (BGL Logistics, Inc.) of 14785 West Bobolink Ave.,  
Menomonee Falls, WI 53051

Dated at 505 Eagleview Blvd., Exton, PA 19341 this 1st day of January 2013

Amending Policy No. RAD943713308 Effective Date 1/1/2013

Name of Insurance Company Greenwich Insurance Company

Countersigned by

*S. Haag*

Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "[X]" for the limits shown:

X This insurance is primary and the company shall not be liable for amounts in excess of \$ 5,000,000 for each accident.

[ ] This insurance is excess and the company shall not be liable for amounts in excess of \$ \_\_\_\_\_ for each accident in excess of the underlying limit of \$ \_\_\_\_\_ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is (800) 688-1840.

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under 49 U.S.C. 13901, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, D.C.).

**DEFINITIONS AS USED IN THIS ENDORSEMENT**

**Accident** includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

**Motor Vehicle** means a land vehicle, machine, truck, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

**Bodily Injury** means injury to the body, sickness, or disease to any person, including death resulting from any of these.

**Property Damage** means damage to or loss of use of tangible property.

**Environmental Restoration** means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

**Public Liability** means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA). In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the

company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

THE SCHEDULE OF LIMITS SHOWN DOES NOT PROVIDE COVERAGE. The limits shown in the schedule are for information purposes only.

SCHEDULE OF LIMITS—PUBLIC LIABILITY

Type of carriage	Commodity transported	Jan. 1, 1985
(1) For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Property (nonhazardous).....	\$ 750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Hazardous substances, as defined in 49 CFR 171.6, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1, 1.2, and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	\$5,000,000
(3) For-hire and Private (In interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,000 or more pounds).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials; and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	\$1,000,000
(4) For-hire and Private (In interstate or foreign commerce, with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of a Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403.	\$5,000,000

**APPENDIX M**

**WASTE MINIMIZATION CERTIFICATION**



RETURN RECEIPT REQUESTED  
CERTIFIED

January 25, 2013

Mr Michael Ellenbecker  
Wisconsin DNR  
9531 Rayne Road, Suite IV  
Sturtevant, WI 53177

RE: Specific Condition #29 of our Wisconsin DNR Approval of our Plan of Operations Regarding Waste Minimization

Dear Mr. Ellenbecker:

Brenntag Great Lakes, LLC has a program in place to minimize or reduce the volume and toxicity of hazardous wastes it generates. The current and proposed methods of treatment, storage, and disposal are those methods, which are most economically practicable and feasible while trying to minimize the present and future threats to human health and the environment at our facility.

Brenntag Great Lakes, LLC continually evaluates new methods of handling and recycling the hazardous wastes entering our facility. The changes being evaluated may include such things as changing the feed rate to the reclamation units, improved maintenance and modifications to our thin film evaporators, installing new condensers, new facility construction, new technologies, and increased reclamation of waste streams entering our facility either by improving current methods in use or other methods under evaluation. Another method that Brenntag is using is sending wastes offsite for reclamation and fuel blending.

The drum storage and processing facility has helped us improve the efficiency of our operations and allowed us to divert a larger portion of the waste materials entering our facility to reclamation for potential resale to our customers.

Brenntag Great Lakes, LLC owns and operates a treatment storage and disposal facility that receives waste materials for solvent recycling and (or) disposal from a wide variety of companies throughout the Midwest. Waste minimization efforts underway at the generators we serve, may limit the effectiveness of any waste minimization plans put into effect at our facility.

Waste materials entering the TSDF are recycled by distillation for their solvent content, blended into a secondary fuel, sent off site for treatment, or disposed of by incineration using an approved hazardous waste incinerator. The only waste materials currently going for incineration are unprocessable solids and low Btu wastes. These waste materials are received from our customers or generated on site. Where possible, high organic waters are being sent off site for treatment and (or) potential recycling.

Many improvements and changes are being considered, or have taken place, which should help to minimize the quantity of waste materials sent off-site for incineration or treatment. Large strainer/filter units at the facility help collect settleable solids during tanker loading and unloading. Settled solids from tanker loading and unloading can be used as a high Btu secondary fuel stock.

We are examining other procedures for tanker cleaning and line flushing to help minimize the quantity of waste materials generated from these onsite operations. Larger drumming and blend batches are being scheduled which should minimize the amount of line flushings and waste generated when filling drums or making blends. We have seen a large increase in water based virgin products blended by Brenntag Great Lakes, LLC which in turn have increased the amount of waste waters generated on site from cleaning associated with these operations. We have considered applying for a wastewater discharge permit for our water based blending area and related processes.

Our facility serves as a valuable resource for industries in the State of Wisconsin and the Midwest. We have the technology and facilities available to reclaim and reuse a larger portion of the waste materials generated by industry than most of them would be able to do individually.

If you have any questions or require additional information regarding this report, please do not hesitate to contact me at (262) 252-6464.

Very truly yours,  
Brenntag Great Lakes, LLC (Milwaukee)

*Judy Ninke*

Judy Ninke  
Manager of Environmental Services

cc: Kevin Bagin  
Mike Schick  
DNR File



**APPENDIX N**  
**LOCAL PLAN APPROVALS**

VILLAGE OF MENOMONEE FALLS WISCONSIN  
Department of Community Development – Planning Division  
W156 N8480 Pilgrim Road • Menomonee Falls WI 53051-3140  
Telephone: (262) 532-4270; FAX: (262) 532-4289



October 15, 2012

Judy Ninke  
Regional Manager of Environmental Services  
& Regional Product Manager of DEF  
Brenntag Great Lakes  
N59W14706 Bobolink Avenue  
Menomonee Falls, WI 53051

Re: Local approval for Renewal of Hazardous Waste  
Storage Facility and Operating License

Dear Judy:

This letter is being sent to confirm the fact that Brenntag's facilities located at N59W14706 Bobolink Avenue are in compliance with all applicable local requirements.

Please contact me if you have any questions. I can be reached at 262-532-4274.

Very Truly Yours,

VILLAGE OF MENOMONEE FALLS

A handwritten signature in blue ink, appearing to read "Matthew A. Carran".

Matthew A. Carran  
Director of Community Development



Judy Ninke  
Regional Manager of Environmental Services  
& Regional Product Manager of DEF  
Brenntag Great Lakes  
N59W14706 Bobolink Avenue  
Menomonee Falls, WI 53051

53051\$5957 0032





Brenntag Great Lakes, LLC



August 30, 2012  
CERTIFIED MAIL

Ms. Janice Moyer, MMC, WCPC, CMTW  
Village Clerk  
Village of Menomonee Falls  
W156 N8480 Pilgrim Road  
Menomonee Falls, WI 53051

**SUBJECT: Local Approval for Renewal of  
Hazardous Waste Storage Facility  
Operating License**

Dear Ms. Janice Moyer:

Brenntag Great Lakes, LLC (Brenntag) operates a hazardous waste container and tank storage and treatment facility at N59 W14706 Bobolink Avenue in the Village of Menomonee Falls, Wisconsin. The Wisconsin Department of Natural Resources (WDNR) issued MILSOLV Corporation an initial operating license on September 28, 1990. The WDNR re-issued Brenntag a hazardous waste operating license on December 9, 2003 after MILSOLV Corporation had been purchased by Brenntag. The 10-year effective period for this license ends on December 9, 2013.

Prior to receiving the initial license, MILSOLV Corporation entered into negotiations with the Village of Menomonee Falls and Waukesha County. On April 4, 1986, a Waste Facility Siting Agreement (260-86) was adopted by the local committee. In the agreement, the Village of Menomonee Falls and Waukesha County acknowledged that MILSOLV had complied with all local requirements and that they did not object to the issuance of a license for the facility by the WDNR.

Brenntag intends to apply for renewal of their hazardous waste operating license. The WDNR has indicated that since Brenntag does not intend on making any significant changes to the facility, they will not require a Class 3 plan modification under Section NR 670.042.

The purpose of this letter is to determine if there are any new or additional local requirements which may apply to the Brenntag Facility, and to receive confirmation that Brenntag is complying with applicable local requirements. Assuming that the facility complies with all local requirements, Brenntag is hereby requesting a waiver from local approval. A copy of the State of Wisconsin Waste Facility Siting Board - Standard Notice, which outlines the time limits and requirements for municipalities to participate in the negotiation and arbitration process, is attached.

Winneapolis/St. Paul, MN  
2130 Energy Park Drive  
St. Paul, MN 55108  
651-204-4300  
651-204-4391 Fax

Chicago, IL  
4801 South Austin Avenue  
Chicago, IL 60638  
773-586-2000  
708-594-5678 Fax

Milwaukee, WI  
4420 Harley Davidson Ave.  
Wauwatosa, WI 53225  
262-252-3550  
262-252-5250 Fax

Grand Rapids, MI  
3900 44th Street  
Kentwood, MI 49512  
616-656-9555  
616-656-0599 Fax

Des Moines, IA  
1979 N E 54th Ave.  
Des Moines, IA 50313  
515-265-6019  
515-265-1683 Fax

Omaha, NE  
3720 D Street  
Omaha, NE 68107  
402-731-1720  
402-731-7495 Fax

Fort Wayne, IN  
1615 Estelita Ave  
Ft. Wayne, IN 46803  
260-749-9550  
260-749-9650 Fax

If you have any questions regarding this matter, please call me at (262) 252-6464, or Renee Smits at Spectrum Engineering at (262) 783-7725.

Sincerely,

Brenntag Great Lakes, LLC



Judy Ninke

Manager of Environmental Services

Attachment: Waste Facility Siting Board - Standard Notice

Cc: Kevin Bagin/Brenntag  
Renee Smits/Spectrum Engineering  
Jeff Noll/Spectrum Engineering





**State of Wisconsin  
Waste Facility Siting Board**

5005 University Avenue, Suite 201, Madison, WI 53705-5400

Phone: (608) 266-7709

Fax: (608) 264-9885

e-mail: [dha.mail@wisconsin.gov](mailto:dha.mail@wisconsin.gov)

James W. Schuerman  
Chairman

David H. Schwarz  
Executive Director

**STANDARD NOTICE**

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES  
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS  
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY  
UNDER SEC. 289.33, WISCONSIN STATUTES.**

**PLEASE READ ALL PAGES CAREFULLY.**

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

**Who is the Waste Facility Siting Board?**

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection; Commerce; and Transportation; and two town elected officials and one county elected official appointed by the governor for three year terms.

**What does the Waste Facility Siting Board do?**

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

**Who is an Applicant?**

An “applicant” is any person applying for a license or the owner or operator of a facility.

**What is an Affected Municipality?**

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

**What is an Additional Municipality?**

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

**How does the negotiation-arbitration process begin?**

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

**What is a “local approval”?**

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

**If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?**

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant’s initial written request for local approvals. If this deadline is missed, a municipality

may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

**What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?**

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary,

arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

### **When may negotiations begin?**

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

### **What issues can be negotiated?**

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

### **If a negotiated settlement is reached, what is required?**

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.



Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

**Who initiates mediation?**

Either party may request a mediator at any time during the negotiation.

**Who is the mediator?**

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

**Who chooses the mediator?**

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

**What is the role of the mediator?**

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

**Who pays for the mediator?**

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

**What happens if the mediator fails to bring settlement?**

The parties may resume negotiations or initiate arbitration.

**Who initiates arbitration?**

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

**What issues can be arbitrated?**

Only eight issues can be arbitrated. These issues are:



1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

### **Once initiated, how does the arbitration process work?**

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

---

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 5005 University Avenue, Suite 201, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

### **STANDARD NOTICE**

Revised: 01/31/11

G:\DOCS\WFSBD\BOARD DOCUMENTS\STANDARD NOTICE.DOC

Brenntag Great Lakes, LLC



August 30, 2012  
CERTIFIED MAIL

Ms. Jane Schall  
Director  
Menomonee Falls Public Library  
W156 N8436 Pilgrim Road  
Menomonee Falls, WI 53051

**SUBJECT: Local Approval for Renewal of  
Hazardous Waste Storage Facility  
Operating License**

Dear Ms. Jane Schall:

Brenntag Great Lakes, LLC (Brenntag) operates a hazardous waste container and tank storage and treatment facility at N59 W14706 Bobolink Avenue in the Village of Menomonee Falls, Wisconsin. The Wisconsin Department of Natural Resources (WDNR) issued MILSOLV Corporation an initial operating license on September 28, 1990. The WDNR re-issued Brenntag a hazardous waste operating license on December 9, 2003 after MILSOLV Corporation had been purchased by Brenntag. The 10-year effective period for this license ends on December 9, 2013.

Prior to receiving the initial license, MILSOLV Corporation entered into negotiations with the Village of Menomonee Falls and Waukesha County. On April 4, 1986, a Waste Facility Siting Agreement (260-86) was adopted by the local committee. In the agreement, the Village of Menomonee Falls and Waukesha County acknowledged that MILSOLV had complied with all local requirements and that they did not object to the issuance of a license for the facility by the WDNR.

Brenntag intends to apply for renewal of their hazardous waste operating license. The WDNR has indicated that since Brenntag does not intend on making any significant changes to the facility, they will not require a Class 3 plan modification under Section NR 670.042.

The purpose of this letter is to determine if there are any new or additional local requirements which may apply to the Brenntag Facility, and to receive confirmation that Brenntag is complying with applicable local requirements. Assuming that the facility complies with all local requirements, Brenntag is hereby requesting a waiver from local approval. A copy of the State of Wisconsin Waste Facility Siting Board - Standard Notice, which outlines the time limits and requirements for municipalities to participate in the negotiation and arbitration process, is attached.

Minneapolis/St. Paul, MN  
2130 Energy Park Drive  
St. Paul, MN 55108  
651-204-4300  
651-204-4391 Fax

Chicago, IL  
4801 South Austin Avenue  
Chicago, IL 60638  
773-586-2000  
708-594-5678 Fax

Milwaukee, WI  
4420 Harley Davidson Ave  
Wauwatosa, WI 53225  
262-252-3550  
262-252-5250 Fax

Grand Rapids, MI  
3900 44th Street  
Kentwood, MI 49512  
616-656-9555  
616-656-0599 Fax

Des Moines, IA  
1979 N.E. 54th Ave  
Des Moines, IA 50313  
515-265-6019  
515-265-1683 Fax

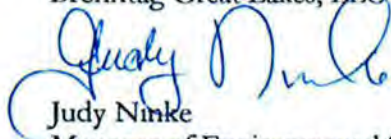
Omaha, NE  
3720 D Street  
Omaha, NE 68107  
402-731-1720  
402-731-7495 Fax

Fort Wayne, IN  
1615 Estrella Ave  
Ft. Wayne, IN 46803  
260-749-9550  
260-749-9650 Fax

If you have any questions regarding this matter, please call me at (262) 252-6464, or Renee Smits at Spectrum Engineering at (262) 783-7725.

Sincerely,

Brenntag Great Lakes, LLC



Judy Ninke  
Manager of Environmental Services

Attachment: Waste Facility Siting Board - Standard Notice

Cc: Kevin Bagin/Brenntag  
Renee Smits/Spectrum Engineering  
Jeff Noll/Spectrum Engineering  
Jane Schall/Menomonee Falls Public Library





**Daniel P. Vrakas**  
County Executive

**Dale R. Shaver**  
Director

October 17, 2012

# Waukesha COUNTY

DEPARTMENT OF  
PARKS AND LAND USE

Brenntag Great Lakes, I.L.C.  
ATTN: Judy Ninke  
4420 Harley Davidson Ave  
Wauwatosa, WI 53225

Re: Local Approval of Hazardous Waste Storage Facility Operating License

It is my understanding that Brenntag Great Lakes, LLC (Brenntag) is applying for an operating license renewal from the DNR for the facility located at N59 W14706 Bobolink Avenue. Waukesha County does not have any new or additional local requirements that Brenntag will have to comply with as part of the license renewal process. At this time, Waukesha County does not object to the renewing of this operating license.

Sincerely,



Dale Shaver  
Director

Cc: Jeff Knoll/Spectrum Engineering

Environmental Health Division  
515 W. Moreland Blvd., AC 260  
Waukesha, Wisconsin 53188

Phone: (262) 896-8300 Non-Metro: 1-800-587-2366 • Fax: (262) 896-8298



Brenntag Great Lakes, LLC



August 30, 2012  
CERTIFIED MAIL

Ms. Kathy Nicholaus  
County Clerk  
Waukesha County Administration Center  
515 W. Moreland Blvd. – Room 120  
Waukesha, WI 53188

**SUBJECT: Local Approval for Renewal of  
Hazardous Waste Storage Facility  
Operating License**

Dear Ms. Kathy Nicholaus:

Brenntag Great Lakes, LLC (Brenntag) operates a hazardous waste container storage and treatment facility at N59 W14706 Bobolink Avenue in the Village of Menomonee Falls, Wisconsin. The Wisconsin Department of Natural Resources (WDNR) issued MILSOLV Corporation an initial operating license on September 28, 1990. The WDNR re-issued Brenntag a hazardous waste operating license on December 9, 2003 after MILSOLV Corporation had been purchased by Brenntag. The 10-year effective period for this license ends on December 9, 2013.

Prior to receiving the initial license, MILSOLV Corporation entered into negotiations with the Village of Menomonee Falls and Waukesha County. On April 4, 1986, a Waste Facility Siting Agreement (260-86) was adopted by the local committee. In the agreement, the Village of Menomonee Falls and Waukesha County acknowledged that MILSOLV had complied with all local requirements and that they did not object to the issuance of a license for the facility by the WDNR.

Brenntag intends to apply for renewal of their hazardous waste operating license. The WDNR has indicated that since Brenntag does not intend on making any significant changes to the facility, they will not require a Class 3 plan modification under Section NR 670.042.

The purpose of this letter is to determine if there are any new or additional local requirements which may apply to the Brenntag Facility, and to receive confirmation that Brenntag is complying with applicable local requirements. Assuming that the facility complies with all local requirements, Brenntag is hereby requesting a waiver from local approval. A copy of the State of Wisconsin Waste Facility Siting Board - Standard Notice, which outlines the time limits and requirements for municipalities to participate in the negotiation and arbitration process, is attached.

Anneapolis/St. Paul, MN  
2130 Energy Park Drive  
St. Paul, MN 55108  
651-204-4300  
651-204-4391 Fax

Chicago, IL  
4801 South Austin Avenue  
Chicago, IL 60638  
773-586-2000  
708-594-5678 Fax

Milwaukee, WI  
4420 Harley Davidson Ave  
Wauwatosa, WI 53225  
262-252-3550  
262-252-5250 Fax

Grand Rapids, MI  
3900 44th Street  
Kentwood, MI 49512  
616-656-9555  
616-656-0599 Fax

Des Moines, IA  
1979 N E 54th Ave  
Des Moines, IA 50313  
515-265-6019  
515-265-1683 Fax

Omaha, NE  
3720 D Street  
Omaha, NE 68107  
402-731-1720  
402-731-7495 Fax

Fort Wayne, IN  
1515 Estrella Ave  
Ft. Wayne, IN 46803  
260-749-9550  
260-749-9650 Fax

If you have any questions regarding this matter, please call me at (262) 252-6464, or Renee Smits at Spectrum Engineering at (262) 783-7725.

Sincerely,

Brenntag Great Lakes, LLC



Judy Ninke  
Manager of Environmental Services

**Attachment:** Waste Facility Siting Board - Standard Notice

**Cc:** Kevin Bagin/Brenntag  
Renee Smits/Spectrum Engineering  
Jeff Noll/Spectrum Engineering



**State of Wisconsin  
Waste Facility Siting Board**

5005 University Avenue, Suite 201, Madison, WI 53705-5400  
Phone: (608) 266-7709  
Fax: (608) 264-9885  
e-mail: dha.mail@wisconsin.gov

James W. Schuerman  
Chairman

David H. Schwarz  
Executive Director

**STANDARD NOTICE**

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES  
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS  
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY  
UNDER SEC. 289.33, WISCONSIN STATUTES.**

**PLEASE READ ALL PAGES CAREFULLY.**

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

**Who is the Waste Facility Siting Board?**

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection; Commerce; and Transportation; and two town elected officials and one county elected official appointed by the governor for three year terms.

**What does the Waste Facility Siting Board do?**

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

**Who is an Applicant?**

An “applicant” is any person applying for a license or the owner or operator of a facility.

**What is an Affected Municipality?**

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

**What is an Additional Municipality?**

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

**How does the negotiation-arbitration process begin?**

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

**What is a “local approval”?**

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

**If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?**

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant’s initial written request for local approvals. If this deadline is missed, a municipality



may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

**What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?**

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary,



arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

**When may negotiations begin?**

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

**What issues can be negotiated?**

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

**If a negotiated settlement is reached, what is required?**

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

**Who initiates mediation?**

Either party may request a mediator at any time during the negotiation.

**Who is the mediator?**

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

**Who chooses the mediator?**

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

**What is the role of the mediator?**

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

**Who pays for the mediator?**

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

**What happens if the mediator fails to bring settlement?**

The parties may resume negotiations or initiate arbitration.

**Who initiates arbitration?**

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

**What issues can be arbitrated?**

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
  - 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

### **Once initiated, how does the arbitration process work?**

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

---

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 5005 University Avenue, Suite 201, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

### **STANDARD NOTICE**

Revised: 01/31/11

G:\DOCS\WFSBD\BOARD DOCUMENTS\STANDARD NOTICE.DOC

# Waukesha COUNTY

DEPARTMENT OF  
PARKS AND LAND USE

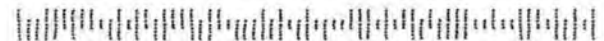
515 W. Moreland Blvd., Room AC 260  
Waukesha, WI 53188-9980



Brenntag Great Lakes, LLC  
Attn: Judy Ninke  
4420 Harley Davidson Ave  
Wauwatosa, WI 53225



GH\*Y55B 53225








SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery                  Jose C. Redusay FEB 9-5-10</p>
<p>1. Article Addressed to:                  R. Nicholas                  City Clerk                  Waukesha Adminstr                  Waukesha, WI 53188</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. A 7001 2510 0003 0964 2424                  n</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery                  Chris Johnson 9-6-12</p>
<p>1. Article Addressed to:                  J. Moyer - V. Clerk                  W. Men Falls</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input type="checkbox"/> No</p>


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Melissa Sherman</u> C. Date of Delivery <u>9/5/12</u></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><u>Spectrum Eng</u> <u>19395 W. Capitol</u> <u>Brookfield, WI 53045</u></p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p style="text-align: right;">(#203)</p>
	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7001 2510 0002 7340 9894

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-140

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Chris Johnson</u> C. Date of Delivery <u>9-6-12</u></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><u>J. Schall</u> <u>Director</u></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>







State of Wisconsin



RECEIVED  
DEC 17 1999  
BUD DOUTHITT

Waste Facility Siting Board

201 West Washington Avenue, Madison, WI 53702-0001

Don Trettin  
Chairman

(608) 267-7854  
FAX (608) 267-3770

Patti Cronin  
Executive Director

December 15, 1999

CERTIFIED MAIL

Bud Douthitt  
Project Manager  
MILSOLV Corporation  
P.O. Box 444  
Butler, WI 53007

Richard Farrenkopf, Clerk  
Village of Menomonee Falls  
W156 N8480 Pilgrim Rd.  
Menomonee Falls, WI 53051

Patricia Madden, Clerk  
Waukesha County  
1320 Pewaukee Rd.  
Waukesha, WI 53188

Re: MILSOLV Corporation's Proposed Renewal of Hazardous  
Waste Storage Facility License, Village of Menomonee Falls,  
Waukesha County, Wisconsin

Dear Mr. Douthitt, Mr. Farrenkopf, and Ms. Madden:

On October 15, 1999, the Waste Facility Siting Board received copies of written requests for local approvals sent by MILSOLV Corporation to the Village of Menomonee Falls and Waukesha County. This request was received by the affected municipalities on October 7, 1999.

The law allows an affected municipality to participate in the negotiation process if the governing body adopts a siting resolution and appoints members to the local committee within 60 days after the municipality receives written requests by the applicant. sec. 289.33(6)(a), Wis. Stats.

WASTE FACILITY SITING BOARD  
Re: MILSOLV Corporation  
Page 2

According to our records, neither the Village of Menomonee Falls nor Waukesha County took the action required to participate in the negotiation and arbitration process.

As a result, the Waste Facility Siting Board considers this case closed and MILSOLV Corporation may continue to seek state approval of its hazardous waste storage facility license and is not required to negotiate or arbitrate under sec. 289.33, Wis. Stats.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Patti Cronin". The signature is written in a cursive style with a large initial "P".

Patti Cronin

PC/jf

PDF 371

**MILSOLV® Corporation****A BRENNTAG Company**

P.O. BOX 444 • BUTLER, WI 53007 • (414) 252-3550

**Distribution Warehouse**7 West Florist Ave.  
Waukesha, WI 53218  
(414) 252-3981**Office & Bulk Plant Located at:**N59 W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-6155*Rance*

October 14, 1999

Patti Cronin  
Waste Facility Siting Board  
201 W. Washington Ave. 3<sup>rd</sup> Floor  
Madison, Wisconsin 53702-0001

Dear Ms. Cronin,

Attached are copies of letters directed to the Village of Menomonee Falls and Waukesha County concerning the renewal of our hazardous waste storage license. Also attached are the original return receipt requests.

Please let me know if there is anything further that I need to do to conform to any existing regulations. Your help is appreciated.

I can be reached at 262-252-6145.

Very truly yours,

*C. A. Douthitt*MILSOLV® CORPORATION  
Bud Douthitt  
Project Manager

MILSOLV® • SOLVING Our Customer's Needs With Quality Products From:

AIR PRODUCTS • ALBEMARLE • ALBRIGHT & WILSON • ALLIED SIGNAL • AMOCO • ANAR CHEMICAL • ANGUS • ATOCHEM • BASF • BUSH BOAKE ALLEN • CALLUMET • CEEFREE PRODUCTS, LTD. • CENTRAL SOY  
CHEVRON CHEMICAL • CIBA GEIGY • CONDEA VISTA • CYTEC INDUSTRIES • EAGLE-PICHER • EASTMAN • EQUSTAR • EPONOL REFINING • EXXON • FLORICA CHEMICAL • FMC • FRANKLIN IND. MINERAL  
GENERAL CHEMICAL • GEORGIA GULF • GRAIN PROCESSING • HENKEL • HUNTERMAN CHEMICAL • ICI • IMC • JONES HAMILTON • JUNGBUNZLAUER • KALAMA • LANZA • LYONDELL • MALLINCKRODT • MINERA  
RESEARCH • MISSISSIPPI LIME • NITSOI • NIACET • NPPA • O.S.J. SPECIALTIES • OLUN • OXYCHEM • PENRECO • PHIBRO-CHEM • PHILLIPS PETROLEUM • PURAC • R-CCIA • RUSSELL STANLEY • SOLUTIA • STEPH  
SUNOCO • TEXACO • TOTAL PETROLEUM • UNION CARBIDE • VAN LEER CONTAINER • VININGS • VULCAN • WITCO

# MILSOLV® Corporation

A BRENNTAG Company

P.O. BOX 444 • BUTLER, WI 53007 • (414) 252-3550

Office & Bulk Plant Located at:  
N59 W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-6155

Distribution Warehouse  
West Flonst Ave.  
Waukegan, WI 53218  
FAX (414) 252-3961

*Rence*

October 12, 1999

### CERTIFIED MAIL

Mr Richard Farrenkopf  
Village Clerk  
Village of Menomonee Falls  
W. 156 N8480 Pilgrim Rd.  
Menomonee Falls, Wisconsin 53051

**SUBJECT: Local Approval for Renewal of Hazardous Waste Storage Facility Operating License**

**Dear Mr. Farrenkopf:**

This letter is written in response to Mr. Friesleben's reply of October 11, to my letter of October 5, 1999.

Yes that letter was our "initial written request for local approvals"

I have enclosed a Site plan for the north side of Bobolink, which is our hazardous waste storage area. If I can be of any further help, please let me know. I can be reached at 262-252-6145.

Very truly yours,



MILSOLV® CORPORATION  
Bud Douthitt  
Project Manager



MILSOLV® • SOLVING Our Customer's Needs With Quality Products From.

AIR PRODUCTS • ALBEMARLE • ALBRIGHT & WILSON • ALLIED SIGNAL • AMOCO • ANAR CHEMICAL • ANGUS • ATOCHEM • BASF • BUSH BOAKE ALLEN • CALUMET • CEEPREE PRODUCTS, LTD. • CENTRAL SOYA  
CHEVRON CHEMICAL • CIBA GEIGY • CONDEA VISTA • CYTEC INDUSTRIES • EAGLE PITCHER • EASTMAN • EQUSTAR • ERGON REFINING • EXXON • FLORIDA CHEMICAL • FMC • FRANKLIN IND. MINERALS  
GENERAL CHEMICAL • GEORGIA GULF • GRAIN PROCESSING • HENKEL • HURTSMAN CHEMICAL • ICI • ILC • JONES HAMILTON • JUNGBLUNZLAUER • KALAMA • LUNZA • LYONDELL • MALLINCKRODT • MINERAL  
RESEARCH • MISSISSIPPI LIME • MITSUBI • NIACET • NIPA • O 31 SPECIALTIES • OLI • OXYCHEM • PFRECO • PHIBRO-CHEM • PHILLIPS PETROLEUM • PURAC • RHODIA • RUSSELL STANLEY • SOLUTIA • STEPAN  
SUMICO • TEXACO • TOTAL PETROLEUM • UNION CARBIDE • VAN LEEER CONTAINER • VININGS • VULCAN • WITCO



PDF 373

*Renee***VILLAGE OF MENOMONEE FALLS**

W156 N8480 Pilgrim Road • Menomonee Falls, WI 53051  
 Telephone: (414) 255-8300



October 11, 1999

RECEIVED

OCT 12 1999

Bud Douthitt  
 Milsolv Corporation  
 PO Box 444  
 Butler, WI 53007

BUD DOUTHITT

Subject: Local Approval for Renewal of Hazardous Waste Storage Facility Operating License  
 Bobolink Avenue

Dear Mr. Douthitt:

Your letter of October 5, 1999 was referred to me for response. I reviewed the letter and our file(s) regarding the Milsolv property. As you know, there are two separate sites owned and operated by Milsolv, and we have extensive files on each site. From your letter, it is not clear which site is currently licensed, or for which site you are requesting a waiver from local approval. Please clarify this matter with appropriate maps and/or site plans. When I receive this information, I will contact other Village departments and attempt to determine that Milsolv is complying with "any local requirements." The Village Board can then consider approval of a waiver from local approval.

In addition, is your October 5, 1999 letter intended to be your "initial written request for local approvals" referenced in State statutes?

Sincerely,  
 VILLAGE OF MENOMONEE FALLS

William E. Freisleben  
 Director of Community Development  
 Voice (262) 255-8323  
 FAX (262) 255-5320

WEF/wef

cc: Richard A. Farrenkopf, Village Manager/Clerk-Treasurer  
 Jerome Brahm, Director of Engineering Services  
 Sharon Buss, Permits and Inspections Supervisor  
 Matthew A. Carran, Senior Planner  
 Robert Coon, Fire Chief  
 Kathy Milbrath, Director of Clerk Services  
 Michael J. Morse, Village Attorney  
 Jo Ellen Mulder, Assistant to the Village Manager  
 Frank M. Paulus, Director of Public Works

**MILSOLV® Corporation****A BRENNTAG Company**

P.O. BOX 444 • BUTLER, WI 53007 • (414) 252-3550

Office & Bulk Plant Located at:  
N59 W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-6155Distribution Warehouse  
West Florist Ave.  
Waukesha, WI 53218  
FAX (414) 252-3961

October 5, 1999

CERTIFIED MAIL

Ms. Patricia Madden  
County Clerk  
Waukesha County  
1320 Pewaukee Road  
Waukesha, Wisconsin 53188**SUBJECT: Local Approval for Renewal of  
Hazardous Waste Storage Facility  
Operating License**


Dear Ms. Madden:

The Milsolv Corporation operates a hazardous waste container and tank storage facility at N59 W14765 Bobolink Avenue in the Village of Menomonee Falls. The Wisconsin Department of Natural Resources (WDNR) issued Milsolv an initial hazardous waste operating license on September 28, 1990. This license expires on September 28, 2000.

Prior to receiving the initial license, Milsolv entered into negotiations with the Village of Menomonee Falls and Waukesha County. On April 4, 1986, a Waste Facility Siting Agreement (260-86) was adopted by the local committee. In the agreement, the Village of Menomonee Falls and Waukesha County acknowledged that Milsolv had complied with all applicable local requirements and they did not object to the issuance by the WDNR of a license for the facility.

Milsolv intends to apply for a renewal of their hazardous waste operating license. They do not intend to make any significant changes to the facility; therefore, Milsolv will not require a Class 3 plan modification.

The purpose of this letter is to determine if there are any new or additional local requirements which may apply to the Milsolv facility, and to receive confirmation that Milsolv is complying with any local requirements. Assuming we are complying with all local requirements, Milsolv is hereby requesting a waiver from local approval. A copy of the Standard Notice which outlines the time limits and requirements for municipalities to participate in the negotiation and arbitration process is attached.



 Documentation Verification  
Assessment 1995  
File # 77 MC2911

MILSOLV® • SOLVING Our Customer's Needs With Quality Products From:

AIR PRODUCTS - ALBEMARLE - ALBRIGHT & WILSON - ALLIED SIGNAL - AMOCO - ANAR CHEMICAL - ANGUS - ATOCHEM - BASF - BUSH BOAKE ALLEN - CALUMET - CBEFREE PRODUCTS, LTD - CENTRAL SOYA  
CHEVRON CHEMICAL - CIBA GEIGY - CONDEA VISTA - CYTEC INDUSTRIES - EAGLE-PICHER - EASTMAN - EQUISTAR - ERGON REFINING - EXXON - FLORIDA CHEMICAL - FMC - FRANKLIN IND. MINERALS  
GENERAL CHEMICAL - GEORGIA GULF - GRAIN PROCESSING - HENKEL - HUNTSMAN CHEMICAL - ICI - IMC - JONES HAMILTON - JUNG BUNZLAUER - KALAMA - LONZA - LYONDELL - MALLINCKRODT - MINERAL  
RESEARCH - MISSISSIPPI LIME - MITSUI - NIACET - NIPA - O.S.I. SPECIALTIES - OLIN - OXYCHEM - PENRECO - PHIBRO-CHEM - PHILLIPS PETROLEUM - PURAC - RHODIA - RUSSELL STANLEY - SOLUTIA - STEPAN

Ms. Patricia Madden  
October 5, 1999  
Page - 2

If you have any questions regarding this matter, please call me at 262-252-6145 or Renee Smits at Spectrum Engineering (262/783-7725).

Sincerely,  
MILSOLV CORPORATION

A handwritten signature in cursive script, appearing to read "Bud Douthitt", with a long horizontal flourish extending to the right.

Bud Douthitt  
Project Manager

attachment: Waste Facility Siting Board Standard Notice

cc: Kevin Bagin/Milsolv  
Renee Smits/Spectrum Engineering

**MILSOLV® Corporation**

A BRENNTAG Company

P.O. BOX 444 • BUTLER, WI 53007 • (414) 252-3550

Office & Bulk Plant Located at:  
 N59 W14765 Bobolink Ave.  
 Menomonee Falls, WI 53051  
 FAX (414) 252-6155

Distribution Warehouse  
 5000 West Florist Ave.  
 Milwaukee, WI 53218  
 (414) 252-3961

October 5, 1999

CERTIFIED MAIL

Mr. Richard Farrenkopf  
 Village Clerk  
 Village of Menomonee Falls  
 W156 N8480 Pilgrim Road  
 Menomonee Falls, Wisconsin 53051

**SUBJECT: Local Approval for Renewal of  
 Hazardous Waste Storage Facility  
 Operating License**

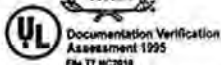
Dear Mr. Farrenkopf:

The Milsolv Corporation operates a hazardous waste container and tank storage facility at N59 W14765 Bobolink Avenue in the Village of Menomonee Falls. The Wisconsin Department of Natural Resources (WDNR) issued Milsolv an initial hazardous waste operating license on September 28, 1990. This license expires on September 28, 2000.

Prior to receiving the initial license, Milsolv entered into negotiations with the Village of Menomonee Falls and Waukesha County. On April 4, 1986, a Waste Facility Siting Agreement (260-86) was adopted by the local committee. In the agreement, the Village of Menomonee Falls and Waukesha County acknowledged that Milsolv had complied with all applicable local requirements and they did not object to the issuance by the WDNR of a license for the facility.

Milsolv intends to apply for a renewal of their hazardous waste operating license. They do not intend to make any significant changes to the facility; therefore, Milsolv will not require a Class 3 plan modification.

The purpose of this letter is to determine if there are any new or additional local requirements which may apply to the Milsolv facility, and to receive confirmation that Milsolv is complying with any local requirements. Assuming we are complying with all local requirements, Milsolv is hereby requesting a waiver from local approval. A copy of the Standard Notice which outlines the time limits and requirements for municipalities to participate in the negotiation and arbitration process is attached.



MILSOLV® • SOLVING Our Customer's Needs With Quality Products From:

AIR PRODUCTS - ALBEMARLE - ALBRIGHT & WILSON - ALLIED SIGNAL - AMOCO - ANAR CHEMICAL - ANGUS - ATOCHEM - BASF - BUSH BOAKE ALLEN - CALUMET - CEEPREE PRODUCTS, LTD - CENTRAL SOYA  
 CHEVRON CHEMICAL - CIBA GEIGY - CONDEA VISTA - CYTEC INDUSTRIES - EAGLE-PICHER - EASTMAN - EQUISTAR - ERGON REFINING - EXXON - FLORIDA CHEMICAL - FMC - FRANKLIN IND. MINERALS  
 GENERAL CHEMICAL - GEORGIA GULF - GRAIN PROCESSING - HENKEL - HUNTSMAN CHEMICAL - ICI - IMC - JONES HAMILTON - JUNGUNZLAUER - KALAMA - LONZA - LYONDELL - MALLINCKRODT - MINERAL  
 RESEARCH - MISSISSIPPI LIME - MITSUI - NIACET - NIPA - O.S.I. SPECIALTIES - OLIN - OXYCHEM - PENRECO - PHIBRO-CHEM - PHILLIPS PETROLEUM - PURAC - RHODIA - RUSSELL STANLEY - SOLUTIA - STEPAN



Mr. Richard Farrenkopf  
October 5, 1999  
Page - 2

If you have any questions regarding this matter, please call me at 262-252-6145 or Renee Smits at Spectrum Engineering (262/783-7725).

Sincerely,  
MILSOLV CORPORATION



Bud Douthitt  
Project Manager

attachment: Waste Facility Siting Board Standard Notice

cc: Kevin Bagin/Milsolv  
Renee Smits/Spectrum Engineering

PDF 378

WASTE FACILITY SITING BOARD  
RECEIVED

APR 28 1986

RESOLUTION NO. 260-86WASTE FACILITY SITING AGREEMENT  
Milwaukee Solvents & Chemicals Corp.  
N59 W14776 Bobolink Avenue

WHEREAS, on July 16, 1984, the Village Board of Trustees adopted a waste siting resolution concerning the Milwaukee Solvents & Chemicals Corp. facility in the Village of Menomonee Falls; and

WHEREAS, four (4) Village members were appointed to and served on the local committee for the purpose of negotiating with Milwaukee Solvents & Chemicals regarding their proposed facility; and

WHEREAS, on April 4, 1986, the local committee adopted a waste facility siting agreement setting forth various conditions and agreements concerning said facility.

NOW, THEREFORE, BE IT RESOLVED, by the Village of Menomonee Falls Board of Trustees, that this Board adopts the Waste Facility Siting Agreement negotiated by the local committee and dated April 4, 1986.

Adopted by the Board of Appeals by a unanimous roll call vote.

APR 28 1986

WASTE FACILITY SITING AGREEMENT

This agreement is entered pursuant to Wis. Stat. Section 144.445 by and between Milwaukee Solvents & Chemicals Corp. ("Milwaukee Solvents"), the applicant for a permanent license from the Wisconsin Department of Natural Resources to operate a hazardous waste storage facility, and the Local Committee created by resolutions of the Village of Menomonee Falls and Waukesha County.

Milwaukee Solvents, N59 W14765 Bobolink Avenue, Menomonee Falls, Waukesha County, Wisconsin, has submitted an application to the Wisconsin Department of Natural Resources for a license to operate a storage area for hazardous wastes ("the facility"). The facility currently operates under an "interim status" permit from the U.S. Environmental Protection Agency. After due and timely notice from the Company, both the Village of Menomonee Falls and Waukesha County adopted separate siting resolutions, creating a "local committee" within the meaning of Wis. Stat. Section 144.445(3)(e).

After appropriate public notices, various meetings between the Local Committee and representatives of Milwaukee Solvents were held. These negotiations and discussions have resulted in the following agreement:

AGREEMENT

1. Subject to the terms of this Agreement, the Village of Menomonee Falls and Waukesha County agree that Milwaukee Solvents may proceed with obtaining state and federal regulatory approvals for the facility, and further, that the Village of Menomonee Falls and Waukesha County do not object to the issuance by the Department of Natural Resources of a license for the facility.

2. The Village of Menomonee Falls and Waukesha County acknowledge that Milwaukee Solvents has complied with all applicable local requirements.

3. Milwaukee Solvents agrees that it will observe and comply with all applicable state and federal statutes, administrative rules and regulations pertaining to the handling and transportation of hazardous waste at the facility.

4. Milwaukee Solvents agrees to compensate the Village and the County for costs incurred in forming and administering the Local Committee.

5. Milwaukee Solvents agrees that it will not stack barrels containing hazardous wastes more than three (3) barrels high.

PDF 380

6. Under Wis. Stat. Section 144.445(9)(i), this Agreement must be submitted to the Village Board of the Village of Menomonee Falls for approval within two (2) weeks after this Agreement is approved by Milwaukee Solvents and the Local Committee. The elected officials on the Local Committee agree to submit this Agreement to the Board for approval, and to use their best efforts to secure such approval from said Board.

Approved this 4<sup>th</sup> day of April, 1986.

MILWAUKEE SOLVENTS & CHEMICALS CORP.

by: Claude A. Donnelly Mgr. of operations for.  
Ed Mills, President

Agreement approved this 4<sup>th</sup> day of April, 1986, by the Local Committee.

Attest:

William Duncan  
William Duncan, Chairman

William E. Freisleben  
William E. Freisleben, Secretary



**APPENDIX O**  
**PREVIOUS DNR PLAN APPROVALS**



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
 Matthew J. Frank, Secretary  
 Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 Milwaukee, Wisconsin 53212-3128  
 FAX 414-263-8606  
 Telephone 414-263-8500  
 TTY Access via relay - 711

September 5, 2007

Brenntag Great Lakes, L.L.C.  
 Ms. Judy Ninke  
 P.O. Box 444  
 Butler, WI 53007

HW/LIC  
 FD 268148210  
 Waukesha County

Subject: Class 2 License Modification: Conditional Determination

Dear Ms. Ninke:

On June 13, 2006, the Department issued a letter informing Brenntag Great Lakes, L.L.C. (Brenntag) located at N59 W14706 Bobolink Avenue in Menomonee Falls, the new hazardous waste rules effective August 1, 2006, would subject the fuel blending activities at your facility to full hazardous waste regulatory requirements for treatment facilities, including licensing. Brenntag submitted a temporary authorization request, dated August 7, 2006, in order to continue fuel blending activities. The temporary authorization approval was issued by the Department on October 27, 2006, for a 180 day period, and was re-issued on May 8, 2007, for up to an additional 180 days.

Brenntag submitted a Class 2 license modification request, dated February 23, 2007, amending its Feasibility and Plan of Operation Report to include fuel blending as a licensed activity. A notice to inform the public of the request and to provide a 45 day opportunity to comment was published on April 11, 2007. A meeting to review the proposed changes and to provide comments was held at the Menomonee Falls Public Library on May 1, 2007. No comments were received at the meeting or during the 45-day public comment period.

In accordance with the procedures in s. NR 670.042(2), Wis. Adm. Code, the Department reviewed the modification request and determined that it contained the minimum information required and is, therefore complete and technically adequate. The Department's determination is attached. This determination must be kept with the feasibility report and plan of operation determinations, the operating license, and all plan approval and license modifications for the licensed facility.

The Department is issuing new licenses, #4396 and #4397, for hazardous waste treatment in tanks and containers, respectively. These licenses replace the conditional approval for legitimate recycling exemption issued by the Department on September 26, 1996 and the temporary authorization re-issued by the Department on May 8, 2007.

Please contact Jill Schoen, (715)839-2788 or [jill.schoen@wi.gov](mailto:jill.schoen@wi.gov) if you have questions.

Sincerely,

Franklin C. Schultz  
 Waste and Materials Management Program Supervisor  
 Southeast Region

c: David Meyer – US EPA Region 5, 77 West Jackson Blvd, Chicago, IL 60604-3507  
 John Schwabe - SER File  
 Pat Chabot – WA/3  
 Jill Schoen – WCR, Eau Claire

BEFORE THE STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

FINAL DETERMINATION TO CONDITIONALLY APPROVE  
A CLASS 2 LICENSE MODIFICATION REQUEST

BRENNTAG GREAT LAKES, L.L.C.  
EPA ID# WID023350192  
FID# 268148210

---

GENERAL FACILITY INFORMATION

**Facility Name, Address and Phone Number**

Brenntag Great Lakes L.L.C.  
N59 W14706 Bobolink Avenue  
Menomonee Falls, WI 53051  
(262) 252-3550

**Facility Owner and Operator**

Brenntag Great Lakes L.L.C.  
(same as above)

**Landowner**

Brenntag Great Lakes L.L.C.  
(same as above)

**Facility Contact**

Judy Ninke, Manager of Environmental Services, (262) 252-6134, [jninke@brenntag.com](mailto:jninke@brenntag.com)

FACILITY DESCRIPTION

Brenntag Great Lakes L.L.C. (Brenntag) is a distributor of solvents and other chemicals to industry. Brenntag also fuel blends and reclaims solvents. Brenntag receives spent solvents from customers in drums, totes and bulk trailers. Brenntag stores the spent solvents in tanks or containers until they can be blended as a secondary fuel, recycled on-site or shipped off site for proper treatment and/or disposal. Hazardous waste is stored in containers or tanks.

Brenntag's hazardous waste storage operating license includes ten specified aboveground hazardous waste storage tanks located in the North Lot tank farm. Brenntag also stores reclaimed solvents in 6 reclaimed product tanks in the tank farm. All of the tanks in the tank farm are above ground, covered, on steel supports, and have electronic sensors for overfill protection.

Brenntag also manages hazardous waste in containers and an aboveground tank in the Drum Storage and Processing Building, which is located on the west side of the North Lot.



Waste materials that are not suitable for recovery, still bottoms from the distillation process and tank bottoms are blended into a supplemental fuel used primarily by cement kilns. Other waste materials falling below the minimum BTU values are sent off-site for disposal. Incoming waste destined for fuel blending is sampled and analyzed for parameters listed in the approved waste analysis plan.

---

~~Free liquid from incoming drums and totes is blended into Tank 75 or directly into a tanker truck. Solid material remaining in the containers is scraped out manually, removed from the drum, and transferred into Tank 75 where it is then blended. Waste in Tank 75 is transferred into an available licensed waste storage tank. Brenntag also receives waste material in tanker trucks. In some cases, the waste material may not be removed from the original tanker truck which delivered it to the facility. Additional secondary fuels material from the tank farm or containers may be added to the tanker. The waste material in the loaded tankers is tested for heat value, halogen content, water content, solids content, and pH before being approved for shipment to the secondary fuels facilities.~~

### FINDINGS OF FACT

The Wisconsin Department of Natural Resources finds that:

1. Brenntag Great Lakes L.L.C. owns and operates a hazardous waste container and tank storage facility at N59 W14706 Bobolink Avenue, Menomonee Falls.
2. Milwaukee Solvents [Brenntag] filed a notice of hazardous waste activity on July 14, 1980 with the Department. An EPA RCRA Part A Hazardous Waste Permit Application was filed on February 9, 1982, with the United States Environmental Protection Agency. A subsequent notification was filed with the Department on January 3, 1983. Revised Part A applications were submitted on January 3, 1983, February 15, 1984, September 24, 1990, and February 14, 2000.
3. An interim license was issued by the Department to Milwaukee Solvents [Brenntag] on January 12, 1983, allowing the facility to store waste in containers and tanks on-site.
4. An initial hazardous waste operating license was issued to Milwaukee Solvents [Brenntag] on September 28, 1990, for storage of hazardous waste in ten specific storage tanks for a maximum capacity of 38,346 gallons.
5. On September 26, 1996, the Department conditionally approved an "Exemption Request for Hazardous Waste Fuel Blending and Marketing Activities," dated April 22, 1996.
6. A hazardous waste operating license was re-issued to Brenntag on December 9, 2003, for hazardous waste tank storage in tanks and containers.
7. In a letter dated June 13, 2006, the Department informed Brenntag that authority for the September 26, 1996 recycling exemption approval would no longer exist under the new hazardous waste rules expected to take effect on August 1, 2006. Fuel blending would be regulated as a treatment activity subject to the licensing requirements in the new rule, ch. NR 670, Wis. Adm. Code. The letter requested that Brenntag submit a temporary authorization request if it intended to continue fuel blending activities. The letter also stated that a Class 2 modification request should be submitted and the review fee for the modification request would be waived.

8. On August 1, 2006, new hazardous waste rules, chs. NR 660 to 679, Wis. Adm. Code, became effective.
9. At a meeting on August 8, 2006, Brenntag submitted a temporary authorization request, dated August 7, 2006, to allow for continued fuel blending activities. The letter indicated that Brenntag intended on submitting a subsequent Class 2 modification request.
10. On August 22, 2006, Brenntag notified interested parties of the temporary authorization request, as required by s. NR 670.042(5)(b)3., Wis. Adm. Code.
11. On October 27<sup>th</sup>, 2006, the Department approved the temporary authorization request.
12. In a letter dated February 23, 2007, Brenntag submitted a modification request to incorporate information on the fuel blending activities into its Feasibility and Plan of Operation Report.
13. In a letter dated April 6, 2007, Brenntag submitted additional information regarding fuel blending activities in tanker trucks.
14. On April 11, 2007, Brenntag published a notice informing the public of the plan modification request, and offering an opportunity for the public to provide comments. No comments were received during the 45-day comment period.
15. On May 1, 2007, Brenntag held a meeting to give the public an opportunity to review the proposed modification and provide comments. No comments were received during the meeting.
16. In an e-mail dated May 7, 2007, Brenntag requested that the Department re-issue the temporary authorization.
17. In a letter dated May 8, 2007, the Department re-issued the temporary authorization for an additional 180 days.
18. In a May 18, 2007, letter and a May 31, 2007, e-mail, the Department requested additional information regarding fuel blending activities.
19. On June 19, 2007, Brenntag submitted additional information illustrating the integrity of secondary containment in the tank loading area and documenting compliance with air emission standards for tanks.

#### CONCLUSIONS OF LAW

1. On June 1, 1998, the Department promulgated chs. NR 600 to 690, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 289 and 291, Wis. Stats.
2. On August 1, 2006, the Department promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 289 and 291, Wis. Stats.



3. The Department has authority pursuant to s. 289.31(1), Wis. Stats., and s. NR 670.415, Wis. Adm. Code, to issue a hazardous waste operating license.
  4. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(2) Wis. Adm. Code, to approve a Class 2 modification of a license or plan of operation approval.
- 
5. In accordance with s. NR 670.042(5), Wis. Adm. Code, the Department concludes that the revision described in Finding of Fact # 7 requires a Class 2 license modification.

### DETERMINATION AND CONDITIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby conditionally approves Brenntag's February 23, 2007, Class 2 modification request to treat hazardous waste in tanks and tanker trucks (containers) under s. NR 670.042, Wis. Adm. Code, s. 289.30(6), Wis. Stats., and in accordance with the license, the most recent plan of operation approval, modifications of the plan approval and license, and the conditions set forth as follows:

1. The Department reserves the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.
2. Brenntag shall comply with all conditions of the license, the provisions of chs. 289 and 291, Wis. Stats., all applicable requirements of chs. NR 660 to 679, Wis. Adm. Code, the feasibility and plan of operation approval and all modifications thereof, and any special order or modifications thereto issued by the Department, except as otherwise authorized by the Department under s. NR 670.061 or 670.079, Wis. Adm. Code.
3. Brenntag shall treat hazardous waste in accordance with the blending process description outlined in Section 7 of the FPOR, including, but not limited to, requirements for sampling and waste analysis, handling drums and bulk loads, and handling ignitable, reactive, or incompatible wastes.
4. Hazardous waste blending in tanker trucks may be conducted only within the bermed tanker unloading area.
5. Brenntag shall ensure that secondary containment structure for the bermed tanker loading area meets applicable performance standards set forth in s. NR 664.0175(2), Wis. Adm. Code. At a minimum, the containment structure shall be:
  - designed with a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed,
  - sloped or designed and operated to drain and remove liquids resulting from leaks, spills or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids, and
  - designed with sufficient capacity to contain 10% of the volume of containers or volume of the largest container, which ever is greater.

6. Brenntag shall ensure that daily facility inspection records include specific reference to secondary containment standards for the tanker loading areas.
7. Brenntag shall use submerged fill, bottom fill, or other procedures to minimize exposure of hazardous waste to the atmosphere when transferring hazardous waste in or out of a container using Container Level 2 controls, as required by subchapter CC of ch. NR 664, Wis. Adm. Code. Facility inspection logs shall be updated as needed to comply with Level 2 container inspection requirements.

**NOTICE OF APPEAL RIGHTS**

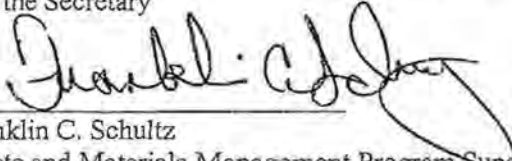
If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

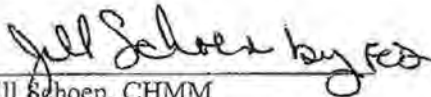
Dated: September 6, 2007

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Franklin C. Schultz  
Waste and Materials Management Program Supervisor  
Southeast Region



Jill Schoen, CHMM  
Waste Management Specialist  
West Central Region







## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
 Scott Hassett, Secretary  
 Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 Milwaukee, Wisconsin 53212-0436  
 Telephone 414-263-8500  
 FAX 414-263-8716  
 TTY 414-263-8713

May 8, 2007

Brenntag Great Lakes, L.L.C.  
 Ms. Judy Ninke  
 P.O. Box 444  
 Butler, WI 53007

HW/LIC  
 FID 268148210  
 Waukesha County

Subject: Re-issuance of the Temporary Authorization

Dear Ms. Ninke:

On June 13, 2006, the Department issued a letter informing Brenntag Great Lakes, L.L.C. (Brenntag) located at N59 W14706 Bobolink Avenue in Menomonee Falls that new hazardous waste rules, effective August 1, 2006 would subject the fuel blending activities at your facility to full hazardous waste regulatory requirements for treatment facilities, including licensing. Brenntag submitted a temporary authorization request dated August 7, 2006 in order to continue fuel blending activities.

Brenntag submitted a Class 2 plan modification request dated February 23, 2007. Additional information was submitted in a letter dated April 6, 2007. A notice to inform the public of the request and to provide an opportunity to comment was published on April 11, 2007. A meeting to review the proposed changes and to provide comments was held at the Menomonee Falls Public Library on May 1, 2007. No comments were received at the meeting.

The temporary authorization approval, issued by the department on October 27, 2006, expires within 180 days from the date of approval. On May 7, 2007 Brenntag submitted a request for the department to re-issue the temporary authorization determination for another 180 days. The Department is re-issuing a six-month temporary authorization approval.

During the interim period after the new rules are in effect and before the Department makes a determination on the plan modification request, the temporary authorization will allow Brenntag to continue to perform fuel blending operations. This re-issued temporary authorization must be kept with the feasibility and plan of operation report determination, the operating license and all plan modifications.

Please contact Jill Schoen, (715)839-2788 if you have questions.

Sincerely,

Franklin C. Schultz  
 Waste and Materials Management Program Supervisor  
 Southeast Region

c: David Meyer – US EPA Region 5, 77 West Jackson Blvd, Chicago, IL 60604-3507  
 D. Kollasch - WA  
 John Schwabe - SER File

Jill Schoen – WCR, Eau Claire



**TEMPORARY AUTHORIZATION  
TO CONDUCT FUEL BLENDING OPERATIONS**

**BRENNTAG GREAT LAKES, L.L.C.  
EPA ID# WID023350192  
FID# 268148210**

**GENERAL FACILITY INFORMATION**

**Facility Name, Address and Phone Number**

Brenntag Great Lakes L.L.C.  
N59W14706 Bobolink Avenue  
Menomonee Falls, WI 53051  
(262) 252-3550

**Facility Owner and Operator**

Brenntag Great Lakes L.L.C.  
(same as above)

**Landowner**

Brenntag Great Lakes L.L.C.  
(same as above)

**Facility Contact**

Judy Ninke, Manager of Environmental Services, (262) 252-6134, [jninke@brenntag.com](mailto:jninke@brenntag.com)

**FACILITY DESCRIPTION**

Brenntag Great Lakes L.L.C. (Brenntag) is a distributor of solvents and other chemicals to industry. Brenntag also fuel blends and reclaims solvents. Brenntag receives spent solvents from customers in drums, totes and bulk trailers. Brenntag stores the spent solvents in tanks or containers until they can be blended as a secondary fuel, recycled on-site or shipped off site for proper treatment and/or disposal. Hazardous waste is stored in containers or tanks.

Brenntag's hazardous waste storage operating license includes ten specified aboveground hazardous waste storage tanks located in the North Lot tank farm. Brenntag also stores reclaimed solvents in 6 reclaimed product tanks in the tank farm. All of the tanks in the tank farm are above ground, covered, on steel supports, and have electronic sensors for overfill protection.

Brenntag also stores hazardous waste in containers and an aboveground tank in the Drum Storage and Processing Building, which is located on the west side of the North Lot.

Waste materials that are not suitable for recovery, still bottoms from the distillation process and tank bottoms are blended into a supplemental fuel used primarily by cement kilns. Other waste materials falling below the minimum BTU values are sent off-site for disposal. Incoming waste destined for fuel blending is sampled and analyzed for parameters listed in the approved waste analysis plan.

Free liquid from incoming drums and totes is blended into Tank 75 or directly into a tanker truck. Solid material remaining in the containers is scraped out manually, removed from the drum, and transferred into Tank 75 where it is then blended. Waste in Tank 75 is transferred into an available licensed waste storage tank. Brenntag also receives waste material in tanker trucks. In some cases, the waste material may not be removed from the original tanker truck which delivered it to the facility. Additional secondary fuels material from the tank farm or containers may be added to the tanker. The waste material in the loaded tankers is tested for heat value, halogen content, water content, solids content, and pH before being approved for shipment to the secondary fuels facilities.

### FINDINGS OF FACT

The Wisconsin Department of Natural Resources finds that:

1. Brenntag Great Lakes L.L.C. owns and operates a hazardous waste container and tank storage facility at N59 W14706 Bobolink Avenue, Menomonee Falls.
2. Milwaukee Solvents [Brenntag] filed a notice of hazardous waste activity on July 14, 1980 with the Department. An EPA RCRA Part A Hazardous Waste Permit Application was filed on February 9, 1982, with the United States Environmental Protection Agency. A subsequent notification was filed with the Department on January 3, 1983. Revised Part A applications were submitted on January 3, 1983, February 15, 1984, September 24, 1990, and February 14, 2000.
3. An interim license was issued by the Department to Milwaukee Solvents [Brenntag] on January 12, 1983, allowing the facility to store waste in containers and tanks on-site.
4. An initial hazardous waste operating license was issued to Milwaukee Solvents [Brenntag] on September 28, 1990, for storage of hazardous waste in ten specific storage tanks for a maximum capacity of 38,346 gallons.
5. On September 26, 1996, the Department conditionally approved an "Exemption Request for Hazardous Waste Fuel Blending and Marketing Activities," dated April 22, 1996.
6. A hazardous waste operating license was re-issued to Brenntag on December 9, 2003, for hazardous waste tank storage in tanks and containers.
7. In a letter dated June 13, 2006, the Department informed Brenntag that authority for the September 26, 1996 recycling exemption approval would no longer exist under the new hazardous waste rules expected to be in effect on August 1, 2006. Fuel blending would be regulated as a treatment activity subject to the licensing requirements in the new rule, ch. NR 670, Wis. Adm. Code. The letter requested that Brenntag submit a temporary authorization request if it intended to continue fuel blending activities. The letter also stated that a Class 2 modification request should be submitted and the review fee for the modification request would be waived.
8. On August 1, 2006, new hazardous waste rules, chs. NR 660-679, Wisconsin Administrative Code, became effective.

9. At a meeting on August 8, 2006, Brenntag submitted a temporary authorization request, dated August 7, 2006, to allow for continued fuel blending activities. The letter indicates that Brenntag intends on submitting a subsequent Class 2 plan modification request.
10. On August 22, 2006, Brenntag notified interested parties of the temporary authorization request, as required by s. NR 670.042(5)(b)3., Wis. Adm. Code.
11. On October 27<sup>th</sup>, 2006, the Department approved the temporary authorization request.
12. In a letter dated February 23, 2007, Brenntag submitted a Class 2 plan modification request to incorporate information on the fuel blending activities into the Feasibility and Plan of Operation Report.
13. In a letter dated April 6, 2007, Brenntag submitted additional information regarding fuel blending activities in tanker trucks.
14. On April 11, 2007, Brenntag published a notice informing the public of the plan modification request, and offering an opportunity for the public to provide comments. On May 1, 2007, Brenntag held a meeting to give the public an opportunity to review the proposed modification and provide comments. No comments were received during the meeting.
15. In an e-mail dated May 7, 2007, Brenntag requested the Department to re-issue the temporary authorization determination.

#### CONCLUSIONS OF LAW

1. On June 1, 1998, the Department promulgated chs. NR 600 to NR 690, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. On August 1, 2006, the Department promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
3. The Department has authority pursuant to s. 289.31(1), Wis. Stats., and s. NR 670.415, Wis. Adm. Code, to issue a hazardous waste operating license.
4. The Department has authority pursuant to s. NR 670.042(5), Wis. Adm. Code, to approve a temporary authorization request.
5. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(2) Wis. Adm. Code, to approve a class 2 modification to a license or plan of operation.
6. In accordance with s. NR 670.042(5), Wis. Adm. Code, the Department concludes that the revision described in Finding of Fact # 7 requires a Class 2 plan modification.

7. The Department has authority, pursuant to s. NR 670.042(5)(d), Wis. Adm. Code, to reissue a temporary authorization for on additional term of up to 180 days.

### **DETERMINATION AND CONDITIONS**

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the six-month temporary authorization request to treat hazardous waste in tanks and tanker trucks under s. NR 670.042(5), Wis. Adm. Code, and in accordance with the license, the most recent plan of operation approval, modifications, and the conditions set forth as follows:

1. The Department reserves the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.
2. Brenntag shall comply with all conditions of the license, the provisions of chs. 289 and 291, Wis. Stats., all applicable requirements of chs. NR 660 to 679, Wis. Adm. Code, the feasibility and plan of operation approval and all modifications thereof, and any special order or modifications thereto issued by the Department, except as otherwise authorized by the Department under s. NR 670.061 or 670.079, Wis. Adm. Code.
3. Brenntag shall treat hazardous waste in accordance with the blending process description outlined in the April 22, 1996, Exemption Request for Hazardous Waste Fuel Blending and Marketing Activities, including, but not limited to requirements for sampling and waste analysis, handling drums and bulk loads, and handling ignitable, reactive, or incompatible wastes.
4. Hazardous waste blending in tanker trucks will be conducted only within the bermed tanker unloading area.
5. Brenntag shall use submerged fill, bottom fill, or other procedures to minimize exposure of hazardous waste to the atmosphere when transferring hazardous waste in or out of a container using Container Level 2 controls, as required per s. NR 664 subchapter CC, Wis. Adm. Code. Facility inspection logs shall be updated, as needed to comply with Level 2 container inspection requirements.
6. This temporary authorization expires 180 days from the date of this determination.



**NOTICE OF APPEAL RIGHTS**

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

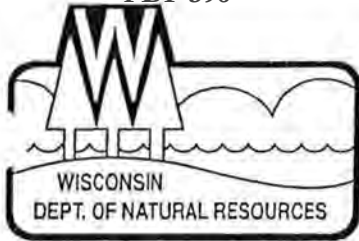
Dated: \_\_\_\_\_

WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

\_\_\_\_\_  
Franklin C. Schultz  
Waste and Materials Management Program Supervisor  
Southeast Region

\_\_\_\_\_  
Jill Schoen, CHMM  
Waste Management Specialist  
West Central Region





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
 Scott Hassett, Secretary  
 Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 Milwaukee, Wisconsin 53212-0436  
 Telephone 414-263-8500  
 FAX 414-263-8716  
 TTY 414-263-8713

October 27, 2006

Brenntag Great Lakes L.L.C.  
 Ms. Judy Ninke  
 PO BOX 444  
 Butler, WI 53007

HW/LIC  
 FID 268148210  
 Waukesha County

Subject: Temporary Authorization Request: Fuel Blending

Dear Ms. Ninke,

On September 26, 1996, the Department issued an approval allowing Milsolv Corporation, located at N59W14706 Bobolink Avenue, Menomonee Falls, Wisconsin, to conduct fuel blending operations under a recycling exemption issued under the rules in effect at that time, ch. NR 625, Wisconsin Administrative Code. A change of ownership occurred resulting in a name change from Milsolv Corporation to Brenntag Great Lakes, L.L.C.

On June 13, 2006, the Department issued a letter informing Brenntag Great Lakes, L.L.C. (Brenntag) that new hazardous waste rules, effective August 1, 2006, would subject the fuel blending activities to full hazardous waste regulatory requirements for treatment facilities, including licensing. The Department requested Brenntag to submit a temporary authorization request if Brenntag intended to continue fuel blending operations. Brenntag submitted a temporary authorization request dated August 7, 2006.

The Department has completed its review of the temporary authorization request and is granting a conditional six-month temporary authorization to treat hazardous waste in tanks and in tanker trucks. This temporary authorization may be re-issued for an additional six-month period provided that Brenntag has requested a Class 2 license modification request for the blending activity.

This temporary authorization will allow Brenntag to continue to perform fuel blending operations. This temporary authorization must be kept with the feasibility and plan of operation report determination, the operating license and all plan modifications for the licensed facility.

Please contact Jill Schoen, 715-839-2788, if you have any questions.

Sincerely,

Franklin C. Schultz  
 Waste and Materials Management Program Supervisor  
 Southeast Region

c: Harriet Croke – US EPA Region 5  
 D. Kollasch - WA/3  
 SER File

Jill Schoen – WCR, Eau Claire

TEMPORARY AUTHORIZATION  
TO CONDUCT FUEL BLENDING OPERATIONS

BRENNTAG GREAT LAKES, L.L.C.  
EPA ID# WID023350192  
FID# 268148210

GENERAL FACILITY INFORMATION

**Facility Name, Address and Phone Number**

Brenntag Great Lakes L.L.C.  
N59W14706 Bobolink Avenue  
Menomonee Falls, WI 53051  
(262) 252-3550

**Facility Owner and Operator**

Brenntag Great Lakes L.L.C.  
(same as above)

**Landowner**

Brenntag Great Lakes L.L.C.  
(same as above)

**Facility Contact**

Judy Ninke, Manager of Environmental Services, (262) 252-6134, [jninke@brenntag.com](mailto:jninke@brenntag.com)

FACILITY DESCRIPTION

Brenntag Great Lakes L.L.C. (Brenntag) is a distributor of solvents and other chemicals to industry. Brenntag also fuel blends and reclaims solvents. Brenntag receives spent solvents from customers in drums, totes and bulk trailers. Brenntag stores the spent solvents in tanks or containers until they can be blended as a secondary fuel, recycled on-site or shipped off site for proper treatment and/or disposal. Hazardous waste is stored in containers or tanks.

Brenntag's hazardous waste storage operating license includes ten specified aboveground hazardous waste storage tanks located in the North Lot tank farm. Brenntag also stores reclaimed solvents in 6 reclaimed product tanks in the tank farm. All of the tanks in the tank farm are above ground, covered, on steel supports, and have electronic sensors for overfill protection.

Brenntag also stores hazardous waste in containers and an aboveground tank in the Drum Storage and Processing Building, which is located on the west side of the North Lot.

Waste materials that are not suitable for recovery, still bottoms from the distillation process and tank bottoms are blended into a supplemental fuel used primarily by cement kilns. Other waste materials falling below the minimum BTU values are sent off-site for disposal.



Incoming waste destined for fuel blending is sampled and analyzed for parameters listed in the approved waste analysis plan. Free liquid from incoming drums and totes is blended into Tank 75 or directly into a tanker truck. Solid material remaining in the containers is scraped out manually, removed from the drum, and transferred into Tank 75 where it is then blended. Waste in Tank 75 is transferred into an available licensed waste storage tank. Brenntag also receives waste material in tanker trucks. In some cases, the waste material may not be removed from the original tanker truck which delivered it to the facility. Additional secondary fuels material from the tank farm or containers may be added to the tanker. The waste material in the loaded tankers is tested for heat value, halogen content, water content, solids content, and pH before being approved for shipment to the secondary fuels facilities.

### FINDINGS OF FACT

The Wisconsin Department of Natural Resources finds that:

1. Brenntag Great Lakes L.L.C. owns and operates a hazardous waste container and tank storage facility at N 59 W 14706 Bobolink Avenue, Menomonee Falls.
2. Milwaukee Solvents [Brenntag] filed a notice of hazardous waste activity on July 14, 1980 with the Department. An EPA RCRA Part A Hazardous Waste Permit Application was filed on February 9, 1982, with the United States Environmental Protection Agency. A subsequent notification was filed with the Department on January 3, 1983. Revised Part A applications were submitted on January 3, 1983, February 15, 1984, September 24, 1990, and February 14, 2000.
3. An interim license was issued by the Department to Milwaukee Solvents [Brenntag] on January 12, 1983, allowing the facility to store waste in containers and tanks on-site.
4. An initial hazardous waste operating license was issued to Milwaukee Solvents [Brenntag] on September 28, 1990, for storage of hazardous waste in ten specific storage tanks for a maximum capacity of 38,346 gallons.
5. On September 26, 1996, the Department conditionally approved an "Exemption Request for Hazardous Waste Fuel Blending and Marketing Activities," dated April 22, 1996.
6. A hazardous waste operating license was re-issued to Brenntag on December 9, 2003, for hazardous waste tank storage in tanks and containers.
7. In a letter dated June 13, 2006, the Department informed Brenntag that the September 26, 1996 recycling exemption approval would no longer exist under the new hazardous waste rules expected to be in effect on August 1, 2006. Fuel blending would be regulated as a treatment activity subject to the licensing requirements in the new rule, ch. NR 670, Wis. Adm. Code. The letter requested that Brenntag submit a temporary authorization request if it intended to continue fuel blending activities. The letter also stated that a Class 2 modification request should be submitted and the review fee for the modification request would be waived.
8. On August 1, 2006, new hazardous waste rules, chs. NR 660-679, Wisconsin Administrative Code, became effective.

9. At a meeting on August 8, 2006, Brenntag submitted a temporary authorization request, dated August 7, 2006, to allow for continued fuel blending activities. The letter indicates that Brenntag intends on submitting a subsequent Class 2 plan modification request.
10. On August 22, 2006, Brenntag notified interested parties of the temporary authorization request, as required by s. NR 670.042(5)3., Wis. Adm. Code.

#### CONCLUSIONS OF LAW

1. On June 1, 1998, the Department promulgated chs. NR 600 to NR 690, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
2. On August 1, 2006, the Department promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.
3. The Department has authority pursuant to s. 289.31(1), Wis. Stats., and s. NR 670.415, Wis. Adm. Code, to issue a hazardous waste operating license.
4. The Department has authority pursuant to s. NR 670.042(5), Wis. Adm. Code, to approve a temporary authorization request.
5. In accordance with s. NR 670.042(5), Wis. Adm. Code, the Department concludes that the revision described in Finding of Fact # 7 requires a Class 2 plan modification.

#### DETERMINATION AND CONDITIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the six-month temporary authorization request to treat hazardous waste in tanks and tanker trucks under s. NR 670.042(5), Wis. Adm. Code, and in accordance with the license, the most recent plan of operation approval, modifications, and the conditions set forth as follows:

1. The Department reserves the right to modify this determination and to require additional information at any time. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements. Except as may be expressly provided below, no other terms or conditions of the feasibility and plan of operation approval or license, or any subsequent modifications thereto, are affected by this determination.
2. Brenntag shall comply with all conditions of the license, the provisions of chs. 289 and 291, Wis. Stats., all applicable requirements of chs. NR 660 to 679, Wis. Adm. Code, the feasibility and plan of operation approval and all modifications thereof, and any special order or modifications thereto issued by the Department, except as otherwise authorized by the Department under s. NR 670.061 or 670.079, Wis. Adm. Code.

3. Brenntag shall treat hazardous waste in accordance with the blending process description outlined in the April 22, 1996, Exemption Request for Hazardous Waste Fuel Blending and Marketing Activities, including, but not limited to requirements for sampling and waste analysis, handling drums and bulk loads, and handling ignitable, reactive, or incompatible wastes.
4. Hazardous waste blending in tanker trucks will be conducted only within the bermed tanker unloading area.
5. Brenntag shall use submerged fill, bottom fill, or other procedures to minimize exposure of hazardous waste to the atmosphere when transferring hazardous waste in or out of a container using Container Level 2 controls, as required per s. NR 664 subch. CC, Wis. Adm. Code. Facility inspection logs shall be updated, as needed to comply with Level 2 container inspection requirements.
6. Within 30 days from the date of this determination, Brenntag shall provide the Department information documenting that the tanker loading and unloading area meets the secondary containment requirements in s. NR 664.0175, Wis. Adm. Code.
7. This temporary authorization expires 180 days from the date of this determination.

#### NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: October 27, 2006

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Franklin C. Schultz  
Waste and Materials Management Program Supervisor  
Southeast Region

Jill Schoen Miller for

Jill Schoen, CHMM  
Waste Management Specialist  
West Central Region









UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

**JAN 21 2004**

REPLY TO THE ATTENTION OF:

D-8J

**CERTIFIED MAIL: 7001 0320 0006 0202 5998**  
**RETURN RECEIPT REQUESTED**

Kevin Bagin, Vice President, Operations  
 Brenntag Great Lakes LLC  
 N 59 W 14706 Bobolink Avenue  
 Menomonee Falls, Wisconsin 53051

RE: RCRA Permit  
 WID 023 350 192

Dear Mr. Bagin:

Enclosed is the Federal portion of the Resource Conservation and Recovery Act (RCRA) permit for the hazardous waste management activities at the Brenntag Great Lakes facility (Brenntag) in Menomonee Falls, Wisconsin. Brenntag's complete RCRA permit (permit) consists of both this Federal RCRA permit and the Hazardous Waste Operating License (license), issued by the Wisconsin Department of Natural Resources (WDNR). The WDNR license was issued on December 9, 2003, pursuant to Wisconsin's RCRA program, which was authorized under Title 40 of the Code of Federal Regulations (40 CFR) Part 271. The Federal portion is issued to cover those RCRA regulations applicable to Brenntag that are not included in WDNR's RCRA authorization. When both the Federal RCRA permit and the WDNR license are effective, Brenntag will have an effective RCRA permit authorizing only those hazardous waste management activities specified in the RCRA permit.

During the public comment period, U.S. EPA received no comments. The Federal RCRA permit differs slightly from the draft permit issued on October 22, 2003. Those differences are the addition of the expiration date on pages i and ii and paragraph I.E.2 on page 2 and changing the title of the Director of the Waste, Pesticides and Toxics Division from Acting Director to Director.

Eligibility to appeal the Federal permit is discussed in 40 CFR §124.19, as amended May 15, 2000 (65 FR 30910). The original and one copy of a petition to appeal must be received by U.S. EPA in Washington, D.C., at the address indicated below if using the United States Postal service within 30 days after service of notice of the final permit decision.

United States Environmental Protection Agency  
 Environmental Appeals Board (MC-11038)  
 401 M Street, SW  
 Washington, D.C. 20460

7000 3 1 5000

Submittal of the appeal petition by other than United States Postal Service should be delivered to the following address:

United States Environmental Protection Agency  
Environmental Appeals Board  
Westory Building  
607 14th Street, NW  
Suite 500  
Washington, D.C. 20005

A copy of the petition should also be sent to:

United States Environmental Protection Agency  
att: Karen Peaceman  
Office of Regional Counsel (C-14J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604

The procedures for filing an appeal are found in 40 CFR § 124.19. The administrative appeal procedures must be completed prior to any action seeking judicial review.

This Federal permit is effective on the date indicated on the first page of the permit, and expires on December 9, 2013, unless it is revoked and reissued, or terminated pursuant to 40 CFR §§ 270.41 and 270.43. Failure to comply with any conditions of the Federal permit may result in civil and/or criminal penalties. If you have any questions please contact John Gaitskill of my staff at (312) 886-6795.

Sincerely,

*Willie H. Davis*  
for Margaret M. Guerriero, Director  
Waste, Pesticides and Toxics Division

Enclosure

cc: Pat Brady, WDNR w/att (2 copies)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

## RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: Brenntag Great Lakes, LLC  
N59 W14706 Bobolink Avenue  
Menomonee Falls, Wisconsin

Owner: Brenntag Great Lakes, LLC  
Operator: Brenntag Great Lakes, LLC

U.S. EPA Identification Number: WID 023 350 192

Effective Date: JAN 21 2004

Expiration Date: December 9, 2013

**Authorized Activities:**

The United States Environmental Protection Agency (U.S. EPA) hereby issues the Federal portion of the Resource Conservation and Recovery Act (RCRA) permit (hereinafter referred to as the "permit") to Brenntag Great Lakes, LLC (hereinafter referred to as the "Permittee") in connection with the hazardous waste treatment, storage, and disposal activities at N59 W14706 Bobolink Avenue, Menomonee Falls, Wisconsin (hereinafter known as the "Facility").

This permit is issued under the authority given to the U.S. EPA by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (42 U.S.C. § 6901 *et seq.*), collectively referred to as RCRA, and in accordance with regulations promulgated thereunder by the U.S. EPA and codified in Title 40 of the Code of Federal Regulations (40 CFR).

Section 3006 of RCRA (42 U.S.C. § 6926) authorizes the U.S. EPA to convey to a state government the authority to administer RCRA if the state's program meets the requirements of RCRA to ensure that the health of the public is protected. The state authorization procedures are described in the regulations at 40 CFR Part 271. On January 30, 1986, the U.S. EPA authorized the Wisconsin Department of Natural Resources (WDNR) to administer the RCRA hazardous waste program. Since then, the U.S. EPA has continued to promulgate new RCRA regulations. When the WDNR demonstrated it was able to adequately administer a new RCRA regulation, the U.S. EPA issued a subsequent authorization, adding the new regulation to the WDNR's authorized RCRA program.

## U.S.EPA RCRA PERMIT

EPA ID WID 023 350 192

The U.S. EPA has not yet authorized the WDNR to administer 40 CFR Part 264, Subpart CC (Subpart CC) covering air emissions from tanks and containers, nor to regulate certain hazardous wastes listed in 40 CFR Part 261, Subpart D. Therefore, the U.S. EPA is issuing this portion of the RCRA permit to cover Subpart CC and the management of hazardous wastes for which the WDNR is not authorized.

The Permittee's complete RCRA permit is comprised of both this U.S. EPA permit, which contains the applicable federal RCRA conditions, and the RCRA license issued by the WDNR effective on December 9, 2003. The complete RCRA permit authorizes the Permittee to manage hazardous waste in accordance with the terms and conditions of the permit. This permit consists of all the conditions contained herein, and all conditions incorporated by citation. The Permittee must comply with all terms and conditions contained in the permit.

This permit is based on the following assumptions: (1) the information submitted by the Permittee in the Feasibility and Plan of Operation Report dated February 14, 2000 and in subsequent revisions (hereinafter referred to as the application) is accurate, and (2) the facility is configured, operated and maintained as specified in the application.

Any inaccuracies in the submitted information may be grounds for the U.S. EPA to modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43, and for enforcement action under Section 3008 of RCRA. The Permittee must inform the U.S. EPA of any deviation from, or changes in, the information in the application that might affect the Permittee's ability to comply with the applicable regulations or conditions of this permit.

### Opportunity to Appeal

Petitions for review of this permit must be submitted within 30 days after the U.S. EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or did not participate in the public hearing on the draft permit may file a petition for review only to the extent that the final permit differs from the draft. The procedures for permit appeals are found in 40 CFR § 124.19.

### Effective Date

This permit is effective as of **JAN 21 2004** and will remain in effect until December 9, 2013, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By: William A. Harris  
 Margaret M. Guerriero, Director  
 Waste, Pesticides and Toxics Division

Date: 1/21/04

TABLE OF CONTENTS

SECTION I--STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT ..... 1

I.B PERMIT ACTIONS ..... 1

I.C SEVERABILITY ..... 2

I.D DEFINITIONS ..... 2

I.E DUTIES AND REQUIREMENTS ..... 2

    I.E.1 Duty to Comply ..... 2

    I.E.2 Duty to Reapply ..... 2

    I.E.3 Permit Expiration ..... 3

    I.E.4 Need to Halt or Reduce Activity Not a Defense ..... 3

    I.E.5 Duty to Mitigate ..... 3

    I.E.6 Proper Operation and Maintenance ..... 3

    I.E.7 Duty to Provide Information ..... 3

    I.E.8 Inspection and Entry ..... 4

    I.E.9 Monitoring and Records ..... 4

    I.E.10 Reporting Planned Changes ..... 5

    I.E.11 Reporting Anticipated Noncompliance ..... 5

    I.E.12 Certification of Construction ..... 5

    I.E.13 Transfer of Permits ..... 5

    I.E.14 Twenty-Four Hour Reporting ..... 5

    I.E.15 Other Noncompliance ..... 7

    I.E.16 Other Information ..... 7

I.F SIGNATORY REQUIREMENT ..... 7

I.G REPORTS, NOTIFICATIONS AND SUBMISSIONS TO THE DIRECTOR ... 7

I.H CONFIDENTIAL INFORMATION ..... 8

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY ..... 8

    I.I.1 Operating Record ..... 8

    I.I.2 Notification ..... 8

    I.I.3 Permit on Site ..... 8

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY  
 REFERENCE ..... 8

I.K COORDINATION WITH THE CLEAN AIR ACT ..... 9

SECTION II--RCRA WASTE NUMBERS ..... 9

SECTION III--AIR EMISSION STANDARDS ..... 10

    III.A TANKS ..... 10

        III.A.1 Subject Tanks ..... 10

        III.A.2 Tank Emission Control Requirements ..... 10

        III.A.3 Tank Emission Control Inspections ..... 12

        III.A.4 Tank Emission Control Repairs ..... 12

    III.B CONTAINERS ..... 13

    III.C INSPECTION AND MONITORING REQUIREMENTS ..... 13

    III.D RECORD KEEPING REQUIREMENTS ..... 13

    III.E REPORTING REQUIREMENTS ..... 14

This page intentionally blank



## SECTION I—STANDARD PERMIT CONDITIONS

### I.A EFFECT OF PERMIT

The Permittee is hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the operation of units storing RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage of RCRA hazardous wastes by the Permittee in containers and tanks are subject to the conditions in the RCRA license issued by the WDNR. Any hazardous waste activity which requires a RCRA permit and is not authorized in either the U.S. EPA permit or the WDNR RCRA license is prohibited.

Pursuant to 40 CFR § 270.4, compliance with the RCRA permit during its term generally constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA, except for those RCRA requirements not included in the permit which become effective by statute. This permit does not (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under (1) Sections 3008, 3013, or 7003 of RCRA; (2) Sections 104, 106, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment. (40 CFR §§ 270.4 and 270.30(g)).

### I.B PERMIT ACTIONS

The U.S. EPA may modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43. Section 3005(c)(3) of RCRA provides that modification pursuant to 40 CFR § 270.41 may include any new terms and conditions the U.S. EPA determines are necessary to protect human health and the environment. The filing by the Permittee of a request for modification, revocation and reissuance, or termination of this permit, or a notification by the Permittee of planned changes or anticipated noncompliance will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

The Permittee may request a modification of this permit under the procedures specified in 40 CFR § 270.42. A Class 1 modification is generally allowed without prior approval by U.S. EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A Class 2 modification requires prior approval by U. S. EPA as described in 40 CFR § 270.42(b). However, the Permittee may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request unless the Director, Waste, Pesticides and Toxics Division, U.S. EPA (Director) establishes a later date under 40 CFR § 270.42(b)(8). Procedures for a Class 3 modification are specified in 40 CFR § 270.42(c). The Permittee must not perform any construction associated with a Class 3 permit modification request until such

modification request is granted and the modification becomes effective.

### **I.C SEVERABILITY**

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

### **I.D DEFINITIONS**

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

### **I.E DUTIES AND REQUIREMENTS**

#### **1.E.1 Duty to Comply**

The Permittee must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (see 40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for enforcement action; permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. (40 CFR § 270.30(a))

#### **1.E.2 Permit Expiration**

Unless revoked or terminated, this permit and all conditions herein will be effective until December 9, 2013. This permit and all conditions herein will remain in effect beyond the permit's expiration date only if the Permittee has submitted a timely, complete application for a new permit (40 CFR §§ 270.10 and 270.13 through 270.29), and, through no fault of the Permittee, the Director has not made a final determination regarding issuance of a new permit. (40 CFR §§ 270.50 and 270.51)

### **I.E.3 Duty to Reapply**

If the Permittee wishes to continue the activities regulated by this permit after its expiration date, the Permittee must submit a complete application for a new permit at least 180 days before this permit's expiration date, unless the Director grants permission for a later application submittal date. The Director will not grant permission to submit an application for a new permit later than this permit's expiration date. In reviewing any application for a new permit, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR §§ 270.10(h) and 270.30(b))

### **I.E.4 Need to Halt or Reduce Activity Not a Defense**

In an enforcement action, the Permittee is not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

### **I.E.5 Duty to Mitigate**

In the event of noncompliance with this permit, the Permittee must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health and the environment. (40 CFR § 270.30(d))

### **I.E.6 Proper Operation and Maintenance**

The Permittee must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that the Permittee installs or uses to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the Permittee to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

### **I.E.7 Duty to Provide Information**

Within a reasonable time the Permittee must provide the Director any relevant information that the Director or authorized representative of the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. The Permittee must also provide the Director or authorized representative of the Director, upon request, with copies of any records this permit requires to be maintained. The information the Permittee must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

**I.E.8 Inspection and Entry**

Pursuant to 40 CFR § 270.30(i), upon the presentation of credentials and other legally required documents, the Permittee must allow the Director or an authorized representative to:

**I.E.8.a** Enter the Permittee's premises at reasonable times where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

**I.E.8.b** Have access to and copy, at reasonable times, any records that the Permittee must keep under the conditions of this permit;

**I.E.8.c** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

**I.E.8.d** Sample or monitor any substances at any location at reasonable times, to assure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

**I.E.9 Monitoring and Records**

**I.E.9.a** Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of treatment residue or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the waste analysis plan approved by the WDNR, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

**I.E.9.b** The Permittee must retain, at the facility, all records as specified in 40 CFR § 264.74.

**I.E.9.c** The Permittee must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j) and 270.31)



#### **I.E.10 Reporting Planned Changes**

The Permittee must notify the Director as soon as possible of any planned physical alterations or additions to the permitted facility. (40 CFR § 270.30(1)(1))

#### **I.E.11 Reporting Anticipated Noncompliance**

The Permittee must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(1)(2))

#### **I.E.12 Certification of Construction**

For a new facility, the Permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in Sec. 270.42, until:

**I.E.12.a** The Permittee has submitted to the Director certification, attested to by a registered professional engineer, that the facility has been constructed or modified in compliance with the permit (40 CFR § 270.30(1)(2)(i)); and

**I.E.12.b** U.S. EPA has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit. However, if within 15 days of the date of submission of the above letter the Permittee has not received notice from the U.S. EPA of intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the new or modified portion of the facility. (40 CFR § 270.30(1)(2)(ii))

#### **I.E.13 Transfer of Permits**

This permit is not transferable to any person, except after notice to the Director. If the Permittee notifies the Director of a transfer of ownership or change of operator of the premises subject to this permit, under 40 CFR § 270.40, the Director may revoke and reissue or modify the permit to change the owner or operator's name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of this permit and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 264.12(c), 270.30(1)(3), and 270.40(a))

#### **I.E.14 Twenty-Four Hour Reporting**

**I.E.14.a** The Permittee must report to the U.S. EPA, Region 5 office any noncompliance with this permit that may endanger human health or the environment. Any such information must be reported orally within 24 hours after the Permittee becomes aware of the circumstances, by contacting the Enforcement and Compliance Assurance Branch at (312) 886-0838. (40 CFR §§ 270.30(1)(6))

**I.E.14.b** The report must describe the occurrence of any of the following: (1) the release of any hazardous waste that may endanger public drinking water supplies; (2) a release or discharge of hazardous waste; or (3) a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. The Permittee must include the following information about the incident:

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility owner or operator;
- (3) Date, time and type of incident;
- (4) Location and cause of incident;
- (5) Identification and quantity of material(s) involved;
- (6) Extent of injuries, if any;
- (7) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (8) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (9) Estimated quantity and disposition of recovered material that resulted from the incident.

**I.E.14.c** In addition to the oral notification required under Conditions I.E.14.a and I.E.14.b of this permit, the Permittee must submit to the Director a written report within 5 calendar days after it became aware of the circumstances. The written report must include, but is not limited to, the following:

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of actual or potential hazards to the environment and human health outside the facility, where applicable);
- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and

- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, the Permittee will then be required to submit a written report within 15 calendar days after the day on which the Permittee was required to provide the oral notice required by Condition I.E.14.a. This report must contain the information required by Condition I.E.14.b of this permit.  
(40 CFR § 270.30(1)(6))

#### **I.E.15 Other Noncompliance**

For all instances of noncompliance which do not endanger health or the environment and are not reported under Condition I.E.14 of this permit, the Permittee must include a description of such instances with the submittal of any other reports required by this permit. The reports must contain the information listed in Condition I.E.14.  
(40 CFR § 270.30(1)(10))

#### **I.E.16 Other Information**

**I.E.16.a** Whenever the Permittee becomes aware that it failed to submit or otherwise omitted any relevant facts in its permit application or other submittal, or submitted incorrect information in the permit application or other submittal, the Permittee must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal.  
(40 CFR § 270.30(1)(11))

**I.E.16.b** All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and the Permittee must comply with all those requirements.

### **I.F SIGNATORY REQUIREMENT**

All applications, reports, or information this permit requires, or which are otherwise submitted to the Director must be signed and certified by a responsible corporate official of the Permittee in accordance with 40 CFR § 270.11. (40 CFR § 270.30(k))

### **I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR**

Except as otherwise specified in this permit, all reports, notifications, or other information that this permit requires to be submitted to the Director shall be delivered to the following address:

United States Environmental Protection Agency  
Waste Management Branch, DW-8J attn: RCRA Permitting  
Waste, Pesticides and Toxics Division  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

#### **I.H CONFIDENTIAL INFORMATION**

In accordance with 40 CFR Part 2, Subpart B, the Permittee may claim any information this permit requires, or is otherwise submitted to the Director, as confidential. The Permittee must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions or, in the case of other submittals, by placing the words "Confidential Business Information" on each page containing such information. If the Permittee makes no claim at the time of submittal, the Director may make the information available to the public without further notice. If the Permittee asserts a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. (40 CFR § 270.12)

#### **I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The Permittee must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

##### **I.I.1 Operating Record**

The Permittee must maintain in the facility's operating record the documents required by this permit, and by the applicable portions of 40 CFR §§ 264.73 and 264.1064.

##### **I.I.2 Permit on Site**

The Permittee must keep this permit and any attachments on site, including all the documents required to be maintained by this permit, and the Permittee must update it as necessary to incorporate any permit modifications under 40 CFR §§ 270.41 and 270.42.

#### **I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE**

All attachments and documents that this permit requires to be submitted, including all plans and schedules are, upon the Director's approval, incorporated by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject the Permittee to enforcement action under Section 3008 of RCRA. This may include fines, or permit suspension or revocation.

Any noncompliance with approved designs, plans and schedules is noncompliance with this permit. The Director may grant written requests for extensions of due dates for submittals required in this permit.



If the Director determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Director may modify this permit according to procedures in Condition I.B of this permit.

If any documents attached to this permit are found to conflict with any of the Conditions in this permit, the Conditions will take precedence.

#### **LK COORDINATION WITH THE CLEAN AIR ACT**

The Permittee must fully comply with all applicable Clean Air Act and RCRA permit limitations. Where two or more operating limitations apply, the most stringent operating limitations take precedence.

### **SECTION II -- HAZARDOUS WASTE NUMBERS**

In addition to the hazardous waste numbers listed in the WDNR-issued portion of the RCRA permit, the Permittee may manage at its facility certain newly listed hazardous wastes promulgated under the HSWA. All handling of these wastes must comply with the WDNR RCRA license and the U.S. EPA issued portion of the RCRA permit.

This permit allows the Permittee to manage certain RCRA hazardous wastes listed at 40 CFR Part 261, Subpart D, which the WDNR is not authorized to regulate at the time of this permit issuance. The following list of waste numbers identifies these newly listed wastes.

K156	U271	U353	U372	U395
K157	U277	U359	U373	U404
K158	U278	U364	U387	U409
K159	U279	U365	U389	U410
U248	U280	U367	U394	U411
U249	U328			

### SECTION III – AIR EMISSIONS STANDARDS

#### III.A TANKS

##### III.A.1 Subject Tanks

The Permittee must comply with all applicable requirements of Subpart CC, for tanks storing hazardous waste. The Permittee identified the following tanks it will use for the storage of hazardous waste:

71	75	79
72	76	80
73	77	81
74	78	

The Permittee shall use no other tanks to store hazardous waste, and all the above tanks are subject to Subpart CC.

##### III.A.2 Tank Emission Control Requirements

**III.A.2.a** The Permittee shall use level 1 air emission controls in accordance with 40 CFR § 264.1084(c) for all tanks listed in paragraph III.A.1. The Permittee shall not store hazardous waste with a vapor pressure greater than 76.6 kilo pascals (kPa) in any of the tanks listed in III.A.1. The hazardous waste in the tanks shall not be heated to a temperature at which the maximum organic vapor pressure of the hazardous waste was determined.

**III.A.2.b** The Permittee shall determine, using the procedures specified in 40 CFR § 264.1083(c), the maximum organic vapor pressure of any new hazardous waste managed in any of the tanks whose maximum organic vapor pressure may increase to a level that is equal to or greater than 76.6 kPa. The Permittee shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of 40 CFR § 264.1084(c). The records shall include the date and time the samples were collected, the analysis method used, and the analysis results.

**III.A.2.c** The tanks listed above shall be equipped with a fixed roof designed to meet the following specifications:

- (1) The fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

- (2) The fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
- (3) Each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.
- (4) The fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include: organic vapor permeability, the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

**III.A.2.d** When access to the tank is necessary for routine inspection, maintenance, or other activities needed for normal operations, for removal of accumulated sludge or other residues from the bottom of the tank, or performing the inspections of paragraph III.A.3, opening of closure devices is allowed. Following completion of the activity, the Permittee shall promptly secure the closure devices in the closed position.

**III.A.2.e** Whenever a hazardous waste is in the tank, each closure device shall be secured in the closed position except as follows:

- (1) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the Permittee shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
- (2) To remove accumulated sludge or other residues from the bottom of tank.
- (3) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device

remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the Permittee based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- (4) Opening of a safety device, as defined in 40 CFR 265.1081, is allowed at any time conditions require doing so to avoid an unsafe condition.

### **III.A.3 Tank Emission Control Inspections**

The Permittee shall inspect the air emission control equipment in accordance with the following procedures:

**III.A.3.a** The fixed roof and its closure devices shall be visually inspected by the Permittee at least once every year to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. The Permittee shall inspect venting equipment for proper operation to prevent corrosional freeze up. The Permittee shall inspect the rubber seals around the mixer shafts of tanks 71, 72, 73, 74 and 75 and replace as needed.

**III.A.3.b** The Permittee shall maintain a record of the inspection in accordance with the requirements specified in 40 CFR § 264.1089(b)(1)(ii).

### **III.A.4 Tank Emission Control Repairs**

**III.A.4.a** In the event that the inspection required by III.A.3.a detects a defect, the Permittee shall repair the defect in accordance with the following requirements:

- (1) The Permittee shall make first efforts at repair of the defect no later than 5 calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in following paragraph.
- (2) Repair of a defect may be delayed beyond 45 calendar days if the Permittee determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally



managed in the tank. In this case, the Permittee shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

- (3) The Permittee shall prepare and maintain records for repairs made for the tank that include the following information:
- (i) the tank identification number, and
  - (ii) date inspection was conducted.
  - (iii) For each defect detected during the inspection include the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event repair of the defect is delayed in accordance with the requirements of 40 CFR § 264.1084(k)(2), the Permittee shall also record the reason for the delay and the date that completion of repair of the defect is expected.

### III.B CONTAINERS

The Permittee must comply with all applicable requirements of 40 CFR Part 264, Subpart CC, for containers storing hazardous waste. The Permittee identified the container storage area as located in the Drum Storage and Processing Building. The Permittee shall use Level 1 emission controls as specified in 40 CFR § 264.1086(c) at all times for the containers storing hazardous waste. Only closed containers meeting the requirements of 40 CFR § 264.1086(f), with capacity between 0.1 m<sup>3</sup> and 0.46m<sup>3</sup> shall be used to store hazardous wastes, such that there are no visible holes, gaps, or other open spaces in the containers.

The containers shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as the container is in service.

### III.C INSPECTION AND MONITORING REQUIREMENTS

In accordance with 40 CFR § 264.1088(a), the Permittee shall perform daily inspections of the tanks and containers storing hazardous waste to verify compliance with 40 CFR Part 264 Subpart CC. The plan and schedule to perform the inspections and monitoring required above, shall be incorporated into the facility inspection plan required under 40 CFR § 264.15.

### III.D RECORD KEEPING REQUIREMENTS

The Permittee shall comply with the applicable record keeping requirements at 40 CFR § 264.1089, regarding air emissions control devices or equipment associated with

tanks and containers storing hazardous waste.

**III.E REPORTING REQUIREMENTS**

The Permittee shall submit all noncompliance reports for Subpart CC required under 40 CFR § 264.1090(b) to U.S. EPA at

Chief, Enforcement and Compliance Assurance Branch  
United States Environmental Protection Agency  
Waste, Pesticides and Toxics Division, DE-9J  
77 West Jackson Blvd  
Chicago, IL 60604-3590

with a copy to

Wisconsin Department of Natural Resources  
P.O. Box 12436  
Milwaukee, WI 53212-0436.







## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
 Scott Hassett, Secretary  
 Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 PO Box 12436  
 Milwaukee, Wisconsin 53212-0436  
 Telephone 414-263-8500  
 FAX 414-263-8606  
 TTY 414-263-8713

December 9, 2003

In Response Refer To: FID# 268148210  
 HW/LIC

Kevin Bagin, Vice President, Operations  
 Brenntag Great Lakes L.L.C.  
 N 59 W 14706 Bobolink Avenue  
 Menomonee Falls, WI 53051

RE: Operating License for Hazardous Waste Management Container and Tank Storage  
 Brenntag Great Lakes L.L.C., N59 W14706 Bobolink Ave., Menomonee Falls, WI 53051  
 EPA ID# WI D023350192, License #06017 (Container) and #03265 (Tank)

Dear Mr. Bagin:

With the issuance of this letter, the Wisconsin Department of Natural Resources (WDNR) is confirming that the relicensing of the Brenntag Great Lakes L.L.C. (Brenntag) hazardous waste management container and tank storage facility is completed as of the date of this letter, December 9, 2003. Since no changes need to be made to your existing licenses, WDNR will not be issuing new licenses at this time. The licenses that WDNR issued to Brenntag on October 1, 2003, in response to the Brenntag licensing renewal request, will continue to be proof of your licensing. In order for Brenntag to continue to operate beyond September 30, 2004, Brenntag must apply for annual renewal of the license.

On October 22, 2003, a public notice was issued to initiate a 45-day public comment period on the WDNR's intent to issue state licenses for container and tank storage to Brenntag and EPA's intent to issue a federal permit. During the 45-day public comment period no comments were received.

The hazardous waste container storage license is for 55,000 gallons in the Drum Storage and Processing Building. The tank storage license is for Tank #75 (1,300 gallon tank) in the Drum Storage and Processing Building and the following 10 tanks in the Tank Farm: Tank #71 (6,000 gallon tank); Tank #72 (6,000 gallon tank); Tank #73 (6,000 gallon tank); Tank #74 (2,600 gallon tank); Tank #76 (2,000 gallon tank); Tank #77 (2,000 gallon tank); Tank #78 (2,000 gallon tank); Tank #79 (5,000 gallon tank); Tank #80 (5,000 gallon tank); and Tank #81 (2,000 gallon tank).

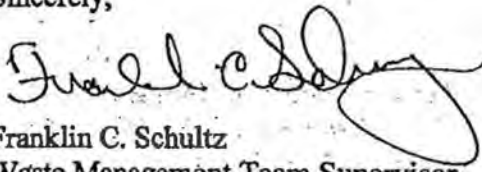
Hazardous waste licenses are issued and regulated under the provisions of chs. NR 600-685, Wis. Adm. Code. The hazardous waste licenses require compliance with chs. NR 600-685, Wis. Adm. Code, the revised feasibility and plan of operation report, the September 30, 2003, feasibility and plan of operation report determination, and any subsequent plan modifications issued by the WDNR.



You may continue to apply for renewal of these licenses annually, for a period of up to ten (10) years from the official date of the revised operating license (December 9, 2003 + 10 years = December 9, 2013). If you plan to continue to operate the licensed units at this facility following the end of the ten year period, you are required to submit all reports and plans necessary for reissuance of the revised operating licenses one year prior to the 10-year anniversary of the revised operating licenses.

If you have any questions or other comments regarding your license contact Pat Brady at (414) 263-8594.

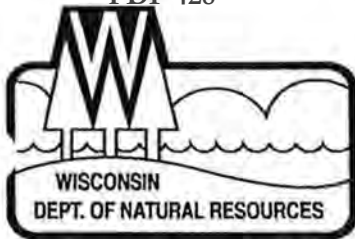
Sincerely,



Franklin C. Schultz  
Waste Management Team Supervisor  
Southeast Region

- c: US EPA Region 5 (D. Reape, DE-9J; J. Gaitskill, DP-8J)  
SER Casefile (S. Rosenbaum, P. Brady)  
Bureau - WA/3 (D. Kollasch)





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
 Scott Hassett, Secretary  
 Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 PO Box 12436  
 Milwaukee, Wisconsin 53212-0436  
 Telephone 414-263-8500  
 FAX 414-263-8606  
 TTY 414-263-8713

September 24, 2003

FID# 268148210  
 Hw/LIC

Kevin Bagin, Vice President, Operations  
 Brenntag Great Lakes L.L.C.  
 N 59 W 14706 Bobolink Avenue  
 Menomonee Falls, WI 53051

RE: Feasibility and Plan of Operation Report Determination  
 Brenntag Great Lakes L.L.C., N 59 W 14706 Bobolink Ave., Menomonee Falls, WI 53051  
 EPA ID# WI D023350192, License #06017 (Container) and #03265 (Tank)

Dear Mr. Bagin:

The state of Wisconsin Department of Natural Resources (WDNR) has reviewed for completeness and technical adequacy the Brenntag Great Lakes L.L.C. (Brenntag), February 14, 2000, feasibility and plan of operation report (FPOR), including the additional information received on May 22, 2003, and August 25, 2003. WDNR has determined that the FPOR contains the minimum information required by chs. NR 630, 640, 645, 680 and 685, Wis. Adm. Code, provided that conditions outlined in the attached FPOR determination are followed.

A preliminary determination to conditionally approve the FPOR was issued by WDNR on July 15, 2003. Your responses to the points of incompleteness and clarification on the preliminary determination were received in letters dated August 25, 2003 and August 29, 2003. WDNR received no other comment during the 45-day public comment period. WDNR revised the FPOR to incorporate the responses. WDNR made the requested changes to the FPOR determination. WDNR revised condition #28 to reflect Brenntag's concerns. For condition #5, WDNR changed the timeline for submitting the license application from 30 days to 15 days. WDNR deleted preliminary conditions #42 and 43, since they have been satisfied.

On July 31, 2003, WDNR sent a letter to Brenntag proposing to include some additional corrective action conditions in the FPOR determination. Brenntag responded with a letter dated September 9, 2003, which proposed a schedule for implementation of corrective action. On September 18, 2003, WDNR sent out to Brenntag a revised corrective action schedule. On September 23, 2003, Brenntag, Arcadis and WDNR discussed the revised corrective action schedule. WDNR has included the revised corrective action schedule in the FPOR Determination as the new condition #42. A new condition #43 was added to require Brenntag to provide Bob Egan, of US EPA Region 5, with copies of submittals and reports involving corrective action. Mr. Egan's address is DW-8J, USEPA REGION 5, 77 West Jackson Boulevard, Chicago, IL 60604-3507.

Based on the review of the submitted material, it is our opinion that the Brenntag hazardous waste container and tank storage units facility provides for satisfactory hazardous waste storage provided the conditions in the attached FPOR final determination are followed. The facility and operating



plan are, therefore, approved subject to compliance with chs. NR 600 through 685, Wis. Adm. Code, and to fulfillment of the conditions listed in the attached FPOR final determination. WDNR reserves the right to require changes in the FPOR should conditions arise making such necessary.

The attached final determination includes conditions. Please review the final determination carefully. WDNR believes that these conditions are necessary for Brenntag to comply with chs. NR 600 through 685, Wis. Adm. Code.

A needs assessment of the proposed facility has been completed and WDNR has also determined that an environmental impact statement is not needed, and that wetlands water quality standards (ch. NR 103, Wis. Adm. Code) have been met.

Should you have any questions regarding this final determination, please contact Patrick Brady at (414) 263-8594.

Sincerely,

Franklin C. Schultz  
Waste Management Team Supervisor  
Southeast Region

- c. SER Casefile (P. Brady)  
Bureau Casefile - WA/3 (D. Kollash)  
U.S. EPA Region 5 - (Denise Reape, DE-9J; John Gaitskill DP-8J)



**BEFORE THE STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**DETERMINATION  
FEASIBILITY AND PLAN OF OPERATION REPORT  
BRENNTAG GREAT LAKES L.L.C.**

**EPA ID#: WID023350192  
FID#: 268148210**

**HW LICENSE # 06017 (CONTAINER STORAGE) &  
# 03265 (TANK STORAGE)**

**GENERAL FACILITY INFORMATION**

Facility Name, Address, Location and Phone Number

Brenntag Great Lakes L.L.C.  
N 49 W 14706 Bobolink Avenue  
Menomonee Falls, WI 53051  
South One-half of the Northeast Quarter and part of the North One-half of the Southeast Quarter  
of Section 26, Township 08 North, Range 20 East  
Waukesha County  
(262) 252-3550

Facility Owner and Operator

Brenntag Great Lakes L.L.C.  
(same as above)

Landowner

Brenntag Great Lakes L.L.C.  
(same as above)

Facility Contacts

Kevin Bagin, Vice President, Operations, 262/252-3550, [kbagin@brenntag.com](mailto:kbagin@brenntag.com)  
Judy Ninke, Manager of Environmental Services, 262/2526134, [jninke@brenntag.com](mailto:jninke@brenntag.com)

Report Certification

Renee Smits, P.E., Vice President, Spectrum Engineering Inc., 19395 West Capitol Drive, Brookfield,  
WI 53045, 262/783-7725, [specteng@execpc.com](mailto:specteng@execpc.com), WI Professional Engineer P.E. Certificate No. E-  
27382  
Fahad Mohsenian, P.E., WI Professional Engineer P.E. Certificate No. E-26234

Richard Fulk, P.E., WI Professional Engineer P.E. Certificate No. E-19457

### Total Hazardous Waste Storage Capacity

#### Container Storage:

- Drum Storage and Processing Building - 55,000 gallons capacity

#### Tank Storage:

- Drum Storage and Processing Building - Tank #75 (1,300 gallon tank)
- Tank Farm - Tank #71 (6,000 gallon tank); Tank #72 (6,000 gallon tank); Tank #73 (6,000 gallon tank); Tank #74 (2,600 gallon tank); Tank #76 (2,000 gallon tank); Tank #77 (2,000 gallon tank); Tank #78 (2,000 gallon tank); Tank #79 (5,000 gallon tank); Tank #80 (5,000 gallon tank); and Tank #81 (2,000 gallon tank)

### Facility Description

*Indiana  
\* ILLINOIS*

Brenntag Great Lakes L.L.C. (Brenntag) is a distributor of solvents and other chemicals to industry. Brenntag stores solvents and chemicals on-site prior to distribution. Brenntag also operates a solvent reclamation facility. Brenntag receives on site spent solvents from customers in both drums and bulk trailers. Brenntag stores the spent solvents until they can be recycled on-site or shipped off site for proper treatment and/or disposal. Brenntag handles material from a wide variety of customers in Wisconsin, Minnesota, Iowa, Michigan and Illinois. Brenntag's customers include manufacturers of various goods, auto/vehicle repair facilities, paint manufacturers, coating customers and companies that coat various products related to packaging.

Brenntag pumps the wastes that are to be recycled into aboveground waste feed tanks and reclaims solvents by distillation of the wastes in thin film evaporators. The reclamation process is considered to be legitimate reclamation, under s. NR 625.06, Wis. Adm. Code. For the still bottoms, hazardous waste generated in the solvent reclamation process, and other non-recyclable wastes, Brenntag sends these wastes off-site for incineration, uses them as a secondary fuel, or disposes of them at a licensed hazardous waste facility. Brenntag sells the recovered solvent as a product.

Brenntag performs fuel blending under a September 26, 1996, conditional approval of an exemption, in accordance with s. NR 625.04(b), Wis. Adm. Code.

Hazardous wastes are stored in containers in the Drum Storage and Processing Building or in tanks located in the Tank Farm. Wastes are removed from the containers or tanks only when they are scheduled for fuel blending or reclamation.

Brenntag's hazardous waste storage operating license includes ten specified aboveground hazardous waste storage tanks located in the North Lot tank farm. Brenntag also stores reclaimed solvents in 6 reclaimed product tanks in the tank farm. All of the tanks in the tank farm are above ground, covered, on steel supports, and have electronic sensors for overfill protection.

Containment for the tank farm consists of a sealed concrete pad free of cracks or gaps with a twenty-inch concrete dike wall for providing adequate containment capacity. The secondary containment capacity is approximately 51,000 gallons and includes the effect of a 24-hour 25-year precipitation event.

Brenntag also stores hazardous waste in aboveground tank # 75 in the Drum Storage and Processing Building, which is located on the west side of the North Lot. The Drum Storage and Processing Building is divided into the following areas: Process Room, Drum Storage Area, Offices, Laboratory, and Maintenance Shop. A layout of the Drum Storage and Processing Building is provided in Figure G-5, in Appendix T, of the FPOR.

TABLE 1

Tank Number	Safe Limit Usable Capacity (gallon)(1) / Tank Volume	Minimum Shell Thickness (inches)(2) / Nominal Shell Thickness (2)	Material of Construction (2)	NFPA 30 Required Tank Spacing (feet)(2)
71	5,817 / 6,000	0.135 / 0.167	carbon steel	5
72	5,817 / 6,000	0.135 / 0.168	carbon steel	5
73	5,817 / 6,000	0.135 / 0.169	carbon steel	5
74	2,373 / 2,600	0.125 / 0.179	carbon steel	5
75	1,200 / 1,300	0.125 / 0.208	stainless steel	3.5
76	1,872 / 2,000	0.125 / 0.235	carbon steel	3.5
77	1,872 / 2,000	0.125 / 0.194	carbon steel	3.5
78	1,872 / 2,000	0.125 / 0.200	carbon steel	3.5
79	4,953 / 5,000	0.135 / 0.912	carbon steel	4.5
80	4,953 / 5,000	0.135 / 0.881	carbon steel	4.5
81	1,800 / 2,000	0.125 / 0.193	carbon steel	4.5
<b>TOTAL</b>	<b>38,345 / 39,900</b>			

1. Quantities are from November 10, 1989, plan of operation (History s., page 4).
2. Figures are from Spectrum Engineering's December 28, 2000, Structural Integrity Report for Tanks.
  - The location and tank number of the tanks are shown on drawing G-1, Appendix T, of the FPOR.

In the Drum Storage and Processing Building, Brenntag is licensed to store <sup>55,000 gallons in container</sup> 1,000 55-gallon drums, in a specifically defined area on storage racks. All construction joints in the floor and in the adjacent truck unloading pad outside have water stops and are coated with a concrete sealant. The floors are sloped to direct spills to collection trenches. The doorways are ramped to prevent spills from exiting the building. The spill collection trenches drain by gravity to conveyance piping which is connected to an outside aboveground

spill collection tank. The secondary containment tank has a capacity of 6,000 gallons and can hold 10% of the total storage capacity.

The Drum Storage and Processing Building is designed for flammable liquid storage in accordance with NFPA. There is a 2-hour firewall between the Drum Storage Room and the Process Room, and a 4-hour firewall between the Drum Storage Room and other areas of the building. Aisle space is maintained in the Drum Storage and Processing Building, to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of the facility in an emergency.

All of the piping between the Drum Storage and Processing Building and the Tank Farm is welded steel construction and the piping is inspected on a daily basis for potential leaks.

#### Waste Types and Characteristics:

Brenntag handles spent halogenated and non-halogenated solvent wastes. Brenntag does not accept reactive and incompatible wastes from generators. Brenntag is able to receive from off-site the wastes listed in their February 14, 2000, Part A application.

#### Relicensing Procedures:

An initial hazardous waste operating license for tank storage was issued to Brenntag on September 28, 1990. The initial operating license is effective for 10 years from the date of issuance. Since Brenntag has chosen to continue operating their licensed hazardous waste facility, Brenntag submitted a revised Feasibility Plan of Operation Report (FPOR), as required by NR 680.45(6), Wis. Adm. Code, before submitting the application for a reissuance of the operating license. On February 14, 2000, WDNR received a revised FPOR for a hazardous waste container and tank storage facility at Brenntag. The FPOR submitted by Brenntag describes how the facility will conduct its operations in compliance with the applicable requirements of s. NR 630, 640, 645, 680, and 685, Wis. Adm. Code.

#### Determination of Needs

WDNR believes there is a need for the facility to store hazardous waste. The solvent reclamation facility serves the needs of industries in Wisconsin and the surrounding states by providing an environmentally sound method of handling waste solvents. The solvent reclamation facility allows solvents to be used over and over again, and minimizes the consumption of virgin solvents, which are manufactured from limited natural resources of petroleum. It also minimizes the amount of waste solvents that must be disposed of through other disposal methods. Fuel blending also serves the need for those materials that have adequate heating value but are not suitable for reclamation. It allows these waste materials to be recycled for use as a secondary fuel source, thereby reducing the quantity of other fuels required and minimizing waste disposal.

#### Licensing History (Approvals/Determinations)

The original FPOR approval for hazardous waste tank storage was issued on September 29, 1990. Since the original FPOR approval was issued, a number of approvals, determinations and modifications have been issued to Brenntag. The dates and a summary of the original approval and subsequent approvals, determinations and modifications are listed below:

- January 12, 1983 - Interim License Determination.



- January 31, 1984 - Variance for container storage capacity.
- November 5, 1984 - Variance Amendment for increased container storage.
- December 30, 1985 - Variance Renewal Request Approval.
- May 22, 1986 - Feasibility Report Determination.
- August 1, 1986 - Scope of Work Plan Approval.
- April 22, 1988 - Approval for a Phase 1 Report.
- May 24, 1988 - Variance Extension Approval.
- August 25, 1989 - Amended Plan Approval for remedial measures.
- January 30, 1990 - Variance Extension Approval.
- July 25, 1990 - Plan of Operation and Closure Plan Approval.
- September 28, 1990 - Initial Tank Storage License.
- January 10, 1991 - Variance Extension Approval.
- April 1, 1991 - FPOR Modification for a soil and groundwater sampling plan.
- March 31, 1992 - FPOR Modification for well construction.
- April 21, 1992 - FPOR Modification for North Lot remediation.
- January 26, 1993 - Modification Determination on revised waste analysis plan.
- February 17, 1993 - Modification covering the quarterly groundwater sampling program.
- March 26, 1993 - FPOR for groundwater sampling and interim remedial measures.
- June 15, 1993 - Modification of FPOR for container storage and Tank #75.
- December 23, 1993 - FPOR Modification for groundwater monitoring.
- August 2, 1994 - Modification incorporates state lead corrective action.
- January 5, 1996 - Partial closure of the former North Lot container storage unit.
- September 26, 1996 - Approval Regarding Fuel Blending Energy Recovery Standards.
- October 12, 1998 - Storm Water Beneficial Reuse Recycling Exemption Determination.
- June 27, 2000 - Modification for Work Plan regarding supplemental soil investigation in the area of the proposed building addition.
- July 17, 2001 - Class 1 Modification for name change.
- January 2, 2002 - A Modification of a Work Plan regarding soil investigation at Solid Waste Management Unit F.

Since the issuance of the initial license on September 28, 1990, Brenntag has been required to operate in accordance with the conditions in the July 25, 1990, plan of operation report conditional approval and the subsequent modifications and approvals listed above. As part of the re-licensing review process, WDNR has reviewed the conditions in the July 25, 1990, approval and the subsequent modifications and approvals listed above which are concerned with the operation of the licensed units at Brenntag to determine the relevancy of those conditions to this approval. Relevant conditions have been incorporated into this approval since all prior approvals and modifications expire unless expressly provided otherwise. Approvals and modifications regarding corrective action were not addressed and still remain in place.

#### Corrective Action

On August 2, 1994, a modification was issued to incorporate a state lead corrective action at Brenntag. The current corrective action program includes a groundwater recovery and treatment system and a groundwater monitoring program. The hazardous waste license, chs. NR 635 and NR 700 to 750, Wis. Adm. Code are the bases of the WDNR's authority to require corrective action.

A condition is included in the preliminary FPOR determination to require compliance with the January 2, 2002, modification determination, the June 27, 2000, modification determination and other previous determinations regarding corrective action issued WDNR. WDNR retains jurisdiction to require the submittal of additional information and set other conditions, at a later date, through a modification of the conditional plan approval to incorporate the Corrective Action requirements of s. 291.37, Wis. Stats., and ch. NR 635, Wis. Adm. Code, for all releases of hazardous constituents from solid waste management units at Brenntag.

#### Closure Costs

The closure plan covers the drum storage area, the tank storage area, the processing stills and any tools and equipment. The plan includes removal of the maximum allowable quantity of hazardous waste that can be maintained in storage units, and decontamination of all surfaces and equipment that may have been in contact with hazardous waste.

Closure procedures and costs for the Brenntag facility are included in Appendix J of the FPOR. The closure cost in 1999 dollars is \$93,483.82. The closure cost estimates are adjusted each year for inflation and any other applicable changes and submitted to the WDNR for approval. A letter of credit is used as the method of financial assurance.

### FINDINGS OF FACT

The Wisconsin Department of Natural Resources finds that:

1. Brenntag Great Lakes L.L.C. owns and operates a hazardous waste container and tank storage facility at N 49 W 14706 Bobolink Avenue, Menomonee Falls.
2. Milwaukee Solvents [Brenntag] filed a notice of hazardous waste activity on July 14, 1980 with WDNR. An EPA RCRA Part A Hazardous Waste Permit Application was filed on February 9, 1982, with US EPA. A subsequent notification was filed with WDNR on January 3, 1983. Revised Part A applications were submitted on January 3, 1983, February 15, 1984, September 24, 1990, and February 14, 2000.
3. An interim license was issued by WDNR to Milwaukee Solvents [Brenntag] on January 12, 1983, allowing for the facility to store waste in containers and tanks on-site.
4. On March 31, 1986, WDNR issued a finalized environmental assessment, which recommended an environmental impact statement would not need to be prepared.
5. On May 22, 1986, WDNR issued to Milwaukee Solvents [Brenntag] a feasibility report determination. On July 25, 1990, WDNR issued to Milwaukee Solvents [Brenntag] a plan of operation determination.
6. An initial hazardous waste operating license was issued to Milwaukee Solvents [Brenntag] on September 28, 1990, for hazardous waste tank storage in ten specific tanks for a maximum capacity of 37,146 gallons.
7. On September 28, 1990, U.S. EPA Region 5 issued to Milsolv [Brenntag] the federal portion of the initial RCRA operating license.

8. WDNR issued to Milsolv [Brenntag] a June 15, 1993, determination to approve a major modification request to the FPOR for operation of container storage and Tank #75 in the Drum Storage and Processing Building.
9. On June 24, 1994, WDNR issued a container storage license and revised the tank storage license to include Tank # 75.
10. WDNR sent a call-in letter to Brenntag on August 8, 1999, informing Brenntag of the expiration of their hazardous waste license and the need to go through relicensing if they want to remain a licensed facility.
11. On February 14, 2000, Milsolv [Brenntag] submitted a revised FPOR for a hazardous waste container and tank storage facility, along with a plan review fee of \$7,800.00 (\$3,000.00 for containers and \$4,800.00 for tanks).
12. On December 28, 2000, Spectrum Engineering, Inc. submitted a structural integrity report for the Brenntag hazardous waste tanks.
13. On May 22, 2003, WDNR issued an incompleteness letter to Brenntag. Brenntag submitted a response to the incompleteness letter on June 20, 2003.
14. On July 15, 2003, WDNR issued a preliminary determination on the Brenntag FPOR, a Fact Sheet on the proposal and a press release reaffirming WDNR's initial decision on the Brenntag environmental assessment. On July 15, 2003, a public notice was placed in the Wisconsin State Journal and Milwaukee Journal Sentinel, and a radio announcement was broadcast during morning and evening drive time on WFMR, Milwaukee. During the 45-day public comment period, the only responses received were an August 25, 2003 and an August 29, 2003, letters from Brenntag. WDNR has incorporated the responses into the FPOR Determination.
15. On July 31, 2003, WDNR sent a letter to Brenntag proposing to include some additional corrective action conditions in the FPOR determination. Brenntag sent a letter dated September 9, 2003, responding with their proposed schedule for implementation of the corrective action. On September 18, 2003, WDNR sent out a revised corrective action schedule. Brenntag, Arcadis and WDNR discussed the revised schedule on September 23, 2003. WDNR has included the revised corrective action schedule into the FPOR Determination.
16. Brenntag submitted a Remedial Action Operation Report (RAOR) on September 16, 2003.
17. WDNR has reviewed the conditions in the approvals and modifications stated in Findings of Fact 5 and 8 above to determine their relevancy to this approval and the continued operations at Brenntag.

#### CONCLUSIONS OF LAW

1. WDNR has promulgated chs. NR 600 through 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 227, 289, and 291 Wis. Stats.

2. WDNR has the authority to conditionally approve a feasibility and plan of operation report if the conditions are necessary to comply with chs. NR 600 through 685, Wis. Adm. Code, pursuant to s. 289.30, Wis. Stats.
3. Pursuant to s. 289.31, Wis. Stats., and sec. NR 680.45(6), Wis. Adm. Code., WDNR may issue annual renewals of a hazardous waste operating licenses for an effective period of up to 10 years. If the licensee chooses to operate or maintain a hazardous waste facility after the 10-year effective period ends, the licensee must submit, at least 180 days before the end of the effective period, all of the plans and reports which are required before the application for a new operating license may be submitted, as specified in ss. NR 600.05 and 680.31(1), and the applicable sections of chs. NR 630 to 685, Wis. Adm. Code.
4. Pursuant to ch. NR 680, Wis. Adm. Code, WDNR has the authority to issue hazardous waste plan approvals and operating licenses.
5. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 600 through 685, Wis. Adm. Code.
6. WDNR has promulgated ch. NR 103, Wis. Adm. Code, to preserve and protect the water quality of wetlands.
7. Pursuant to s. 227.51(2), Wis. Stats., when a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally acted upon by the agency, and, if the application is denied or the terms of the new license are limited, until the last day for seeking review of the agency decision or a later date fixed by order of the reviewing court.

### **DETERMINATION**

In accordance with s. 289.28(3), Wis. Stats., WDNR has determined there is a need for the facility to store hazardous waste as approved. WDNR has further determined that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, and that the existing facility conforms with wetlands water quality standards pursuant to ch. NR 103, Wis. Adm. Code.

Based on the Findings of Fact and Conclusions of Law, WDNR determines that the Brenntag hazardous waste container and tank storage facility feasibility and plan of operation report dated February 14, 2000, which includes revisions made on June 20, 2003, is hereby approved subject to compliance with chs. NR 600 through NR 690, Wis. Adm. Code, ch. 291, Wis. Stats., and the following conditions.

### **CONDITIONS OF APPROVAL**

#### **General**

1. Brenntag shall operate in accordance with the February 14, 2000, approved Feasibility and Plan of Operation Report (FPOR), which includes revisions submitted on June 20, 2003, the requirements of s. 291, Wis. Stats; the applicable requirements of s. 289, Wis. Stats, and chs. NR 600-690, Wis. Adm. Code; and the conditions of this approval.



2. All prior approvals and modifications issued by WDNR relating to the operation of the hazardous waste storage facility at Brenntag that have not expired are superseded by this approval.
3. WDNR retains the right to modify this approval and to require additional information at anytime. Nothing in this conditional approval shall relieve Brenntag of the legal obligation to comply with applicable federal, state and local approvals.
4. Brenntag shall send a copy of the complete FPOR to each affected municipality's local library within 15 days of the final determination's issuance. Brenntag shall submit to WDNR verification that copies were sent within 15 days.
5. Brenntag shall submit a signed, final operating license application for hazardous waste container and tank storage in accordance with NR 680.45(3), Wis. Adm. Code, within 15 days of the date of the final determination. Brenntag shall include the following items with the application submittal; liability financial responsibility documentation, and closure cost financial responsibility documentation for the closure cost estimates stated in the approved FPOR.
6. Brenntag shall store only those waste types and codes listed in the February 14, 2000, Part A application (the most recent) and those wastes specifically identified in the FPOR dated February 14, 2000, including the June 20, 2003, revisions. Wastes with similar characteristics or of a similar nature (i.e. listed for a similar reason or similar toxicological properties) can be stored at the facility only by receiving written approval from WDNR by submitting a plan modification request.
7. Brenntag may not treat, store, or dispose of hazardous waste in a modified or expanded portion of the facility, until Brenntag has received written approval from WDNR. Changes in the processes or equipment used to store hazardous wastes are some examples, which may constitute a facility expansion or modification.
8. Brenntag shall immediately report all spills and discharges of hazardous waste outside of hazardous waste storage secondary containment structures at its facility and implement any action necessary in accordance with the requirements of s. NR 706.05 and s. NR 630.22(2)(c), Wis. Adm. Code. Brenntag shall record in the facility operating record all releases of hazardous waste or other hazardous substances within secondary containment structures.
9. Brenntag shall sign and certify all renewal applications, and all reports or other information submitted to WDNR as specified in s. NR 680.05, Wis. Adm. Code.
10. Brenntag shall at all times maintain in good working order and operate efficiently all facilities and systems of treatment or control and related appurtenances which are installed or used to achieve compliance with the terms and conditions of the license. Proper operation and maintenance includes, but is not limited to, effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

#### Specific

11. Brenntag shall know the identity and location of all stored hazardous waste throughout the entire storage period.

12. Brenntag shall operate the licensed storage units within their licensed capacities. The maximum design capacity for purpose of licensing and closure is 55,000 gallons in containers (*Drum Storage and Processing Building* - 1,000 55-gallon drums in the designated storage racks as shown on Drawing G-5, Appendix T, of the FPOR and Sheet #5, Appendix U of the FPOR), and a safe limit usable capacity of 38,346 gallons in tanks (*Drum Storage and Processing Building* - Tank #75 (1, 200 gallons) and *Tanks Farm* tanks #71 through 74 and # 76 through 81 (a total of 37,146 gallons)).
13. Within the same business day that shipments of hazardous wastes arrive at the facility, Brenntag shall place in licensed storage, or place in the exempt treatment units, the shipment of hazardous waste. Brenntag shall not store waste on-site overnight in vehicles waiting to be unloaded. Brenntag shall limit acceptance of waste to the operating hours of Brenntag and the ability of the Brenntag laboratory to conduct the waste analyses in accordance with this approval.
14. In the event that hazardous waste from off-site cannot be accepted within 24 hours of arriving on-site, Brenntag shall promptly notify WDNR in writing within 5 days with an explicit account of the situation.
15. In addition to listing the primary waste codes, Brenntag shall indicate on the hazardous waste manifest all waste codes applicable to the hazardous waste prior to the commingling, recontainerization or bulking of hazardous waste on-site and all the primary and secondary waste codes applicable to the waste stream as it is sent off-site.

#### Tanks

16. Brenntag shall operate and maintain the secondary containment systems for the facility tanks to prevent any leaks.
17. Brenntag shall inspect the following components of each tank once each operating day; overfill control equipment (e.g., waste feed cut-off), and the area immediately surrounding the tank, to detect erosion or signs of releases of hazardous waste.
18. Brenntag shall provide a tank integrity assessment report prepared in conformity with s. NR 645.07(1), Wis. Adm. Code, to detect corrosion or erosion, cracks, or leaks of all hazardous waste tanks and shall submit a report to WDNR by April 1 each year.
19. Brenntag shall comply with the response to leaks and spills requirements of s. NR 645.12, Wis. Adm. Code.
20. Brenntag shall comply with the inspection requirements of s., NR 645.09(8)(b), and NR 645.11, Wis. Adm. Code.
21. Brenntag shall continue to keep an operating log on the operation of Tank #75 that shows what wastes have entered into the unit, what has been done to the waste and the eventual disposition of the waste.
22. Brenntag shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless the requirements of s. NR 645.14, Wis. Adm. Code, have been satisfied.

23. Brenntag shall not fill tanks over their individual safe limit usable capacity as listed on Table 1 of this determination.
24. In regard to meeting the setback requirement for the North Lot Tank Farm, Brenntag must maintain their agreements with United Sewer and Water and Volkmann Railroad Builders, the adjacent property owners. If the adjacent property owners annul these agreements some time in the future, Brenntag shall equip the tanks with a nitrogen blanketing system or another alternative which is suitable to the Menomonee Falls Fire Department.

#### Containers

25. Brenntag shall confine all hazardous waste storage in containers to the designated licensed container storage area.
26. Brenntag shall maintain adequate aisle space in the container storage areas to allow unobstructed movement of personnel, fire protection equipment and decontamination equipment in the event of an emergency.
27. Brenntag shall inspect weekly all containers used for storing hazardous waste for evidence of leakage, corrosion, or deterioration of the containers or the secondary containment structure.
28. Brenntag shall expeditiously remove any spilled or discharged hazardous waste so as to prevent overflow of the secondary containment system or prolonged exposure of the containment system or the containers to the hazardous waste. Each day Brenntag shall clear from the diked areas all uncontained wastes and accumulated liquids (e.g., precipitation, wash waters) located within the secondary containment diking. Brenntag shall manage these uncontained waste and accumulated liquids as a hazardous waste in accordance with chs. NR 600 to 685, Wis. Adm. Code, and the FPOR, unless Brenntag's hazardous waste determination proves otherwise.
29. Brenntag shall ensure that the secondary containment structures are liquid tight and that the integrity of the chemically resistant materials used to seal all concrete surfaced secondary containment structures are maintained.
30. Brenntag shall configure various size containers so that all containers and their respective labels can be inspected.
31. Brenntag shall store and repack containers whether of 5, 10, 20, 30, or 55 gallon capacity in a safe manner. In any area, which is designed for storing 4 fifty-five gallon containers, Brenntag shall not store more than 5 thirty gallon containers, 6 twenty gallon containers, 9 ten gallon containers, or 12 five gallon containers. For containers of sizes other than those listed here, Brenntag shall limit storage in a 4 fifty-five gallon container area, to within the range of the above explicit container limits. Also, when storing containers of various sizes in a 4 fifty-five gallon container area, Brenntag shall limit container storage in the 4 fifty-five gallon container area by taking into consideration the above explicit limits for container size with respect to the area.
32. Brenntag shall not store, accumulate or transfer hazardous waste containers west and north of the Drum Storage and Processing Building.

33. In place of complying with the location requirements for storage of ignitable waste in containers, s. NR 640.14, Wis. Adm. Code, Brenntag shall comply with an alternative requirement as allowed by s. NR 680.04, Wis. Adm. Code. The alternative requirement mandates that Brenntag comply with conditions # 7, 10, 12, 25 and 32 of this approval and the requirements laid out by the Menomonee Falls Fire Department in their July 18, 1992 letter. Brenntag must also maintain their existing agreements with United Sewer & Water, Inc. and the village of Menomonee Falls regarding meeting the setback requirement for hazardous waste container storage.
34. Brenntag shall always keep containers holding hazardous waste closed during storage except when sampling, inspecting or adding and removing wastes. Brenntag shall not open, handle or store hazardous waste containers in a manner, which causes the container to rupture or leak.
35. Brenntag shall not store other materials in the container storage containment area that will adversely impact the minimum container storage area secondary containment capacity.

#### Waste Analysis Plan

36. Brenntag shall monitor and analyze the hazardous waste transported to the facility in accordance with the methods and procedures set forth in the waste analysis plan in the FPOR.
37. Brenntag shall report all analytical results at the intervals and format specified in the FPOR, and in ch. NR 630, Wis. Adm. Code.
38. Brenntag shall retain records of all analytical information, including all calibration and maintenance records of laboratory instrumentation and copies of all required for this license, for a period of at least three years from the date of generation.
39. Brenntag must always use a registered or certified lab.

#### Corrective Action

40. The owner or operator shall comply with all corrective action (CA) requirements in the January 2, 2002, modification determination, the June 27, 2000, modification determination and other previous determinations regarding corrective action issued WDNR.
41. WDNR retains jurisdiction to require the submittal of additional information and set other conditions, at a later date, through a modification of the conditional plan approval to incorporate the Corrective Action requirements of s. 291.37, Wis. Stats., and ch. NR 635, Wis. Adm. Code, for all releases of hazardous constituents from solid waste management units at Brenntag. At that time, Brenntag may be required:
  - a. To perform interim measures to relieve threats to public health or the environment;
  - b. To investigate the facility to determine the extent to which the facility poses a substantial hazard to human health or the environment;
  - c. To study and report on alternative corrective action measures; and
  - d. To implement the corrective measures chosen.



42. Brenntag shall comply with the following schedule for implementation of corrective action.

For Solid Waste Management Units (SWMU's) A, B, C, D, E and L

- a. WDNR will provide comments on the RAOR for SWMU's A, B, C, D, E, and L within 75 days of receiving RAOR.
- b. Brenntag shall submit for SWMU's A, B, C, D, E, and L, an investigation work plan which may include remediation work, within 45 days of receiving WDNR's comments on the RAOR.
- c. WDNR will issue a determination on the investigation plan for SWMU's A, B, C, D, E, and L (possibly including remediation work) within 60 days of receiving a complete and adequate plan.
- d. Brenntag shall initiate the investigation work plan for SWMU's A, B, C, D, E, and L within 30 days after receiving WDNR's determination on the work plan.
- e. Brenntag shall submit an investigation report for SWMU's A, B, C, D, E, and L, within 60 days of completion of the investigation.
- f. WDNR will issue a determination on the investigation report for the investigation work done at SWMU's A, B, C, D, E, and L, within 60 days of receiving a complete and adequate investigation report.
- g. Brenntag shall implement remedial actions for SWMU's A, B, C, D, E, and L within 60 days of receiving the determination on the investigation report.

For Solid Waste Management Units (SWMU) F

- h. WDNR will provide comments on the RAOR for SWMU F within 90 days of receiving RAOR.
- i. Brenntag shall submit for SWMU F an investigation work plan which may include remediation work, within 45 days of receiving WDNR's comments on the RAOR.
- j. WDNR will issue a determination on the investigation plan for SWMU F (possibly including remediation work) within 60 days of receiving a complete and adequate plan.
- k. Brenntag shall initiate the investigation work plan for SWMU F within 30 days after receiving WDNR's determination on the work plan.
- l. Brenntag shall submit an investigation report for SWMU F, within 60 days of completion of the investigation.
- m. WDNR will issue a determination on the investigation report for the investigation work done at SWMU F, within 60 days of receiving a complete and adequate investigation report.
- n. Brenntag shall implement remedial actions within 60 days of receiving the determination on the investigation report.

For Solid Waste Management Units (SWMU's) G, H, I, J and K

- o. Brenntag shall submit an investigation work plan for SWMU's G, H, I, J and K, before September 1, 2004.
  - p. WDNR will issue a determination on the investigation plan for SWMU's G, H, I, J and K, within 60 days of receiving a complete and adequate plan.
  - q. Brenntag shall initiate the investigation work plan for SWMU's G, H, I, J and K, within 30 days after receiving WDNR's determination on the work plan.
  - r. Brenntag shall submit an investigation report for SWMU's G, H, I, J and K, within 60 days of completion of the investigation.
  - s. WDNR will issue a determination on the investigation report for the investigation work done at SWMU's G, H, I, J and K, within 60 days of receiving a complete and adequate investigation report.
  - t. Brenntag shall submit a RAOR for SWMU's G, H, I, J and K, within 45 days of receiving WDNR's investigation report determination.
  - u. WDNR will provide comments on the RAOR for SWMU's G, H, I, J and K, within 60 days of receiving the RAOR.
  - v. Brenntag shall submit a remedial action plan for SWMU's G, H, I, J and K, within 45 days of receiving comments from WDNR on the RAOR.
  - w. WDNR will issue a determination on the remedial action plan for SWMU's G, H, I, J and K, within 60 days of receiving a complete and adequate remedial action plan.
  - x. Brenntag shall implement remediation at SWMU's G, H, I, J and K, within 60 days of receiving WDNR's determination on the remedial action plan.
  - y. Brenntag shall have all remedial measures in place and operating by July 1, 2006.
43. Brenntag shall supply Bob Egan, of US EPA Region 5, with copies of report and submittals regarding corrective action.

#### **NOTICE 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 WDNR decisions must be filed.

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

Dated: \_\_\_\_\_

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

\_\_\_\_\_  
Franklin C. Schultz  
Waste Management Team Supervisor  
Southeast Region

\_\_\_\_\_  
Patrick Brady  
Waste Management Engineer  
Southeast Region






**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
 George E. Meyer, Secretary  
 Gloria L. McCutcheon, Regional Director

Southeast Region  
 Milwaukee Service Center  
 2300 N. Dr. ML King Drive, PO Box 12436  
 Milwaukee, Wisconsin 53212-0436  
 Telephone 414-263-8500  
 FAX 414-263-8716  
 TDD 414-263-8713

August 16, 1999

File Ref: FID #268148210  
 HW/LIC

Judy Ninke, Manager of Environmental Services  
 Milsolv Corporation  
 PO Box 444  
 Butler, WI 53007

RE: Feasibility and Plan of Operation Report Call-in  
 Milsolv Corporation, N59 W14765 Bobolink Avenue, Menomonee Falls, WI  
 EPA ID#: WID023320192, Hazardous Waste Licenses: Container Storage (#06017) and  
 Tank Storage (#03265)

Dear Ms. Ninke:

The department issued the initial hazardous waste operating license to the facility now operated by Milsolv Corporation (Milsolv) on September 28, 1990. If Milsolv plans to continue operating its licensed hazardous waste facility beyond the end of the 10-year effective period of the license (for Milsolv, the date is September 28, 2000), Milsolv must submit a revised feasibility and plan of operation report. The department is requesting Milsolv to submit the required plans and reports by February 14, 2000.

In accordance with sec. 289.31, Stats., and sec. NR 680.45(6), Wis. Adm. Code., the department may issue annual renewals of a hazardous waste operating licenses for an effective period of up to 10 years. If the licensee chooses to operate or maintain a hazardous waste facility after the 10-year effective period ends, the licensee must submit, at least 180 days before the end of the effective period, all of the plans and reports which are required before the application for a new operating license may be submitted, as specified in secs. NR 600.05 and 680.31(1), and the applicable sections of chs. NR 630 to 685, Wis. Adm. Code. A feasibility and plan of operation report is the bulk of the required plans and reports. [In order to provide the department with more time to review the material and reissue the license before the end of the 10-year effective period, the department is requesting more than the minimum of 180 days allowed for in sec. NR 680.45(6), Wis. Adm. Code.] If the licensee has submitted in a timely and complete manner all the required reports and plans, sec. NR 680.45(6), Wis. Adm. Code, allows the department to extend the effective period of a license.

If Milsolv decides not to pursue licensing, it must notify the department of its intent within 90 days of the date of this letter. Please be aware that without an operating license, Milsolv will not be able to continue operating the hazardous waste container and tank storage facility. Operation of these units must cease on the day the license expires, September 28, 2000. Closure must be performed in accordance with the approved closure plan and the applicable requirements of chs. NR 600 to 685, Wis. Adm. Code. Closure will need to be initiated at least 180 days prior to the expiration date of

the license, in accordance with sec. NR 685.05, Wis. Adm. Code.

The remainder of this letter identifies what items must be addressed and included in the revised Milsolv feasibility and plan of operation report. The department recommends that the report be prepared by an environmental consultant with experience and expertise in the area of hazardous waste licensing. We can meet with you and your consultant to discuss the content of the report as well as any other questions that you may have.

*General.* The container and tank storage units must comply with the plan and operational requirements of chs. NR 630, 640, 645, 675, 680 and 685, Wis. Adm. Code. It is important that your report be complete and technically adequate. Failure to provide an adequate submittal may result in an unfavorable determination. Three copies of the report must be submitted to the department in accordance with the plan submittal and certification requirements of sec. NR 680.05, Wis. Adm. Code. One copy must be submitted to the department's Bureau of Waste Management, PO Box 7921, Madison, WI 53703, and two copies must be submitted to the WDNR Southeast Region, Patrick Brady, 2300 N. M. L. King Jr. Dr., PO Box 12436, Milwaukee, WI 53212. The appropriate plan review fees must be included. All reports must be certified by a Wisconsin P.E. A hydrogeologist must certify portions of the report dealing with geology and interpretation of groundwater data. Plan submittal requirements of sec. NR 680.05, Wis. Adm. Code, must be met.

*Environmental Assessment/Wetlands.* An environmental assessment is required under ch. NR 150, Wis. Adm. Code, for a feasibility and plan of operation report of this type. Specific requirements that must be included in the feasibility and plan of operation report that are necessary for completing this environmental assessment can be found in sec. NR 680.06(6), Wis. Adm. Code. To aid in determining the need for an environmental impact report or impact statement, the feasibility and plan of operation report must include a discussion that adequately addresses the items specified in that section. The department cannot issue a feasibility and plan of operation determination without having completed an environmental assessment. In addition, the facility must demonstrate compliance with ch. NR 103, Wis. Adm. Code, water quality standards for wetlands.

*Local Approval and Negotiation/Arbitration.* If the following 5 items are true, Milsolv is not required to obtain local approvals for siting as part of this relicensing:

1. Milsolv complied with the siting law (local approval requirements) at the time of initial licensing.
2. Milsolv does NOT require a class 3 plan modification.
3. Milsolv is NOT subject to any reopener clause in an existing negotiation or arbitration agreement with a local government.
4. Milsolv does NOT have any newly affected municipalities (1,200 vs. 1,500 feet, or due to changes in municipal boundaries) with siting resolutions applicable to Milsolv.
5. Milsolv does NOT have any affected municipalities, which have adopted new siting resolutions, since Milsolv was initially licensed.

If any of the above items are true, Milsolv must notify local municipalities to determine if any new or additional requirements apply to the facility, and to receive confirmation from the municipality that Milsolv is complying with any local requirements, and that a waiver from local approval

requirements is issued. If you determine that your facility is required to obtain local approvals under sec. 289.22, Stats., you may not submit your feasibility and plan of operation report until the 120 day waiting period has expired or you have obtained a waiver from the waiting period from the local governing body. Therefore, it is important to make this determination immediately. If you are required to obtain local approvals and enter into the negotiation and arbitration process for siting a hazardous waste facility under sec. 289.33, Stats., a copy of the attached Waste Facility Siting Board notice must accompany any written request for local approvals to each affected municipality (sec. 289.22(2), Stats.). In addition, your request for local approvals must be sent by certified mail. A copy of the local approval request to each affected municipality and its returned certified mail receipt must be sent to the Waste Facility Siting Board, and must be included in the feasibility and plan of operation report. The Siting Board address is located on the letterhead of the notice. You may wish to consult with your company's legal counsel on these sections of the statutes. You may wish to contact Patti Cronin of the Waste Facility Siting Board at (608) 267-7854. Again, we encourage you to determine the applicability of this section of the statutes to Milsolv immediately.

If Milsolv is seeking a class 3 modification, NR 680.06(1m), Wis. Adm. Code, applies to Milsolv. In addition to seeking local approvals, sec. NR 680.06(1m), Wis. Adm. Code, requires Milsolv to hold at least one public meeting prior to submitting the feasibility and plan of operation report to the department. The purpose of the public meeting is to inform the community of the proposed hazardous waste activities, and to solicit questions from the community regarding the proposed activities. The meeting is to be public-noticed at least 30 days prior to the meeting taking place. Details of the public notice and other procedural matters relating to the "pre-application public meeting and notice" can be found in sec. NR 680.06(1m), Wis. Adm. Code.

*Confidentiality.* If any information is submitted under a claim of confidentiality, the confidentiality requirements of sec. 291.15, Stats., and secs. NR 2.19 and 2.195, Wis. Adm. Code, must be followed.

*Needs.* The department is also required by s. 289.28, Stats., to determine the need for a hazardous waste facility. This determination must be made at the feasibility stage of the licensing process. The department must consider the approximate service area of the proposed facility, taking into account the economics of waste collection, transportation, and disposal; the quantity of waste suitable for handling at the proposed facility generated within that service area; and the design capacity for certain facilities located within that anticipated service area. This information must also be included in the feasibility and plan of operation report.

*Noncompliance with Plans or Orders.* Under sec. 289.34, Stats., the department may not approve a feasibility and plan of operation report or issue an operating license for a hazardous waste facility if the applicant or any person owning 10% or greater legal or equitable interest in the applicant or the assets of the applicant either: 1. Is named in or is subject to a plan approved, or an order issued, by the department regarding any solid waste facility or hazardous waste facility in this state and is not in compliance with the terms of the plan or order; or 2. Owns or previously owned a 10% or greater legal or equitable interest in a person or the assets of a person who is named in and subject to a plan approved, or an order issued, by the department regarding any solid waste facility or hazardous waste facility in this state and the person is not in compliance with the terms of the plan or the order. Milsolv must provide information to the department to show that it complies with the above statute.



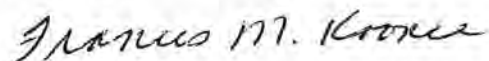
*Corrective Action.* . In accordance with sec. NR 635.17, Wis. Adm. Code, facilities seeking a hazardous waste operating license are required to initiate corrective action as necessary to protect human health and the environment. Milsolv began interim corrective action measures at the site in response to a condition in a December 30, 1985, hazardous waste storage variance renewal which requested an environmental scope of work. On August 2, 1994, the department modified the feasibility and plan of operation report approval to incorporate corrective actions for the facility, taking over the lead from EPA. As part of this submittal, Milsolv should provide a history of the corrective actions that have taken place at the site, a history of spills at the site over the last ten years and a Milsolv's overall plan for corrective action at the site.

*Suggested Format.* The department has the following suggestions in regard to the format of the feasibility and plan of operation report.

- Use the code as a guide for developing the table of contents.
- For page numbering pick a system where every page is numbered, where the page number includes the chapter the page is located in, one which will allow you to add revisions and additions, and will show the date of the page and whether it is a revision. An example would be: 5-13 (revised 4-16-98) where 5 is the chapter, 13 is the page and the date and the fact that it is a revision is included. Another example would be: IV-27a (addition 4-21-98) where roman numeral 4 is the chapter, 27a is an additional page added directly after 27, and the date of the addition is also included.
- Have a section or appendix at the end of the submittal for the history of the submittal, which would include the correspondence, transmittal letters, which will help document the history of the feasibility and plan of operation report, and any subsequent modifications.
- Include with the feasibility and plan of operation report a copy of a checklist, which mimics the code and includes the location in the FPOR, which satisfies that code citation.
- Review examples of good submittals recommended by review staff.

Should you have any questions regarding these requirements or wish to arrange a meeting with us, please contact Patrick Brady at 414/263-8594.

Sincerely,



Frances Koonce  
Waste Team Supervisor  
Southeast Region

cc. SER Casefile

Bureau of Waste Management - WA/3

Peter Flaherty - LS/5

U.S. EPA Region 5, HRM-7J (Jean Gromnecki) (312) 353-



# State of Wisconsin



## Waste Facility Siting Board

201 West Washington Avenue, Madison, WI 53702-0001

(608) 267-7854

FAX (608) 267-3770

**Don Trettin**  
Chairman

**Patti Cronin**  
Executive Director

### STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES  
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS  
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY  
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approval by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

#### Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection; Commerce; and Transportation; and two town elected officials and one county elected official appointed by the governor for three year terms.

#### What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.



The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An "applicant" is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a "local approval"?

The term "local approval" is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to "pre-existing local approvals." Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility,  
and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interest within 15 days of appointment. A member who fails to file a Statement of Economic Interest may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interest within 15 days of appointment. A member who fails to file a Statement of Economic Interest may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.



When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to the arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Any proposal to make the applicant's responsibilities under the approved feasibility report or plan of operation less stringent.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or nonapplicability of any preexisting local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in

90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

---

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 201 West Washington Avenue, Madison, Wisconsin 53702, (608) 267-7854, FAX: (608) 267-3770.

STANDARD NOTICE  
09/01/98






**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
 George E. Meyer, Secretary  
 Gloria L. McCutcheon, District Director

Southeast District Annex  
 4041 N. Richards Street, Box 12436  
 Milwaukee, WI 53212-0436  
 TELEPHONE 414-229-0800  
 FAX 414-229-0810

August 22, 1996

File Ref: FID#268148210  
 HW/NOTIF

Kevin Bagin, Operations Manager  
 Milsolv  
 Box 444  
 Butler, WI 53007

RE0: Conditional Approval for Legitimate Recycling Exemption - Hazardous Waste Burned  
 for Energy Recovery/Fuel Blending and Marketing Activities  
 Milsolv, N59 W14765 Bobolink Avenue, Menomonee Falls, WI 53051  
 EPA ID# - WID023350192

Dear Mr. Bagin:

This letter is to notify Milsolv that the department has received and reviewed your submittal, "Exemption Request for Hazardous Waste Fuel Blending and Marketing Activities," dated April 22, 1996. Based on the review of the submitted material, the department has determined that Milsolv has provided adequate demonstration under ss. NR 625.04 and 625.07, Wisconsin Administrative Code, of its ability to fuel blend and market hazardous waste fuels in an environmentally sound manner.

Attached is a draft approval cover letter and a draft determination. The department will accept written comments from Milsolv on these draft documents within 21 days of the date of this letter. After reviewing any comments, the department will issue a final determination.

If you have any questions regarding this determination, please contact Patrick Brady at (414) 229-0845.

Sincerely,

*Franklin C. Schultz WAE*

Franklin C. Schultz  
 Solid and Hazardous Waste Program Supervisor

c. SED Casefile (W. Ebersohl, P. Brady)  
 Bureau-SW/3-HWMS (E. Lynch)

**BEFORE THE STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**CONDITIONAL APPROVAL  
OF HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY  
STANDARDS APPLICABLE TO MARKETERS OF HAZARDOUS WASTE FUELS**

**MILSOLV CORPORATION  
EPA ID#: WID023350192  
FID#: 268148210**

**GENERAL FACILITY INFORMATION**

**Facility Name, Site Operator, and Address:**

Milsolv Corporation  
Walter Frohboese, President & General Manager  
N59 W14706 Bobolink Avenue  
Menomonee Falls, WI 53051  
Section 26, Township 8 North, Range 20 East  
Waukesha County  
Phone # (414) 252-3550

**Facility Contacts:**

Kevin Bagin, Operations Manager  
Robert Heitzer, Manager of Technical Services

**Consultant:**

Spectrum Engineering Incorporated  
Renee Smits, P.E., Vice President, Wisconsin P.E. #E27382  
14380 West Capitol Drive  
Brookfield, WI 53005  
(414) 783-7725



shredder but plans to add a large shredder and drum tipper in the future. Some low solids waste are mixed with higher solids wastes in order to keep the material pumpable. Tank #75 is fitted with a mixer that is designed to keep the materials in suspension. If removal of solids from the drum requires too much manual effort to remove the material from the drum, the drum of waste material is usually relabelled and sent to another fuels blender.

Low BTU liquids from drums of waste material intended for disposal are pumped into an available licensed storage tank or loaded in a tanker for transport to a suitable hazardous waste disposal or treatment facility. Low BTU solid material remaining in drums is scraped out manually and put into containers for eventual transportation to a licensed hazardous waste treatment, storage or disposal facility (TSD). If there is a large amount of low BTU solids in the drum or it requires too much manual effort to remove the materials from the drum, the drum of waste material is relabelled and sent to another facility that can more easily handle the waste material by shredding the drum and its contents.

The liquid from a bulk load of materials for fuels blending is transferred through a large strainer into an available licensed waste storage tank. Materials are transferred from these tanks to tankers for shipment. In some cases the material will remain in the original tank truck which delivered it to the facility and additional secondary fuels material will be added directly to the tanker. The waste material in the loaded tankers is tested for BTU, halogen content, water content, solids content, and pH before being approved for shipment to secondary fuels facilities.

### **FINDINGS OF FACT**

The Department finds that:

1. Milsolv filed a notice of hazardous waste activity on July 14, 1980, with the department and U.S. EPA. A revised notification form was filed on April 7, 1986, which added marketing or burning hazardous waste fuel (generator marketing to burner and marketer).
2. An U.S. EPA RCRA Part A hazardous waste permit application was filed on February 9, 1982, with U.S. EPA. Subsequent notifications were filed with the department on January 3, 1983, February 15, 1984, and September 24, 1990.
3. An interim license was issued to Milwaukee Solvents on January 12, 1983, allowing the facility to store waste in tanks and containers on site.
4. On September 28, 1990, the department issued a hazardous waste facility operating license to Milwaukee Solvents for ten specified tanks and associated piping with a



### **DETERMINATION**

Based on the Findings of Fact and Conclusions of Law, the department hereby determines that an adequate demonstration of Milsolv's ability to market and blend hazardous waste fuels has been made.

### **CONDITIONS OF ISSUANCE**

Milsolv is subject to the following conditions:

1. This recycling exemption is conditional upon Milsolv maintaining their hazardous waste storage operating license for tanks and containers.
2. As specified in s. NR 625.04(6), Wisconsin Administrative Code, upon termination of this recycling activity, the owner or operator shall remove all hazardous wastes and all hazardous waste residues, from the recycling units and terminate the recycling activity and decontaminate or remove any other hazardous waste or hazardous waste residues.
3. Milsolv shall maintain its hazardous waste transporter license or use a licensed hazardous waste transporter, who is in compliance with the requirements of ch. NR 620, Wisconsin Administrative Code, for all hazardous waste fuels marketed from the facility,
4. Milsolv is subject to and shall comply with, the requirements of ss. NR 625.07(3), (4), (5), and (6), Wisconsin Administrative Code, relating to fuel generators and marketers.
5. Milsolv may not market hazardous waste fuel except:
  - a. to persons who have notified the department (when in Wisconsin ) and EPA of their hazardous waste fuel activity and have an EPA identification number; and
  - b. if the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces. s. NR 625.07(6)(a), Wisconsin Administrative Code.
6. Before Milsolv initiates the first shipment of hazardous waste fuel to a burner or another marketer, Milsolv shall obtain a one-time written and signed notice from the burner or marketer certifying that:

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Statutes, 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 s. 227.48(2), Statutes

Dated: \_\_\_\_\_

Department of Natural Resources  
For the Secretary

---

Franklin C. Schultz  
Solid and Hazardous Waste Program Supervisor  
Southeast District

---

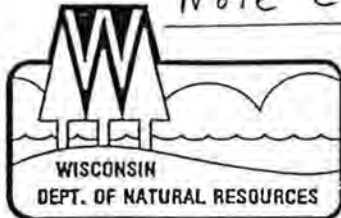
Walter A. Ebersohl  
Hazardous Waste Management Section Supervisor  
Southeast District

---

Patrick J. Brady  
Waste Management Engineer







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

January 5, 1996

In Response Refer To: FID #268148210  
County of Waukesha  
HW Lic File

Walter E. Frohboese  
Vice President and General Manager  
Milwaukee Solvents and Chemicals Corporation  
P.O. Box 444  
Butler, WI 53007

SUBJECT: Milwaukee Solvents and Chemicals Corporation (Milsolv)  
Menomonee Falls, Wisconsin - WID 023350192  
Documentation Approval - Partial Closure of the  
Former North Lot Hazardous Waste Container Storage Unit

Dear Mr. Frohboese:

The Department has completed its review of Milsolv's June 1994 "Closure Report, Previous Container Storage Area" received on July 6, 1994, prepared by Spectrum Engineering Inc. on behalf of Milsolv. Submittals dated December 19, 1994 and February 6, 1995 were also reviewed by the Department as part of this partial closure. The reports were generated to address closure of the interim licensed hazardous waste container storage unit located outdoors adjacent to the aboveground hazardous waste tank farm and the hazardous waste solvent reclamation operations. The documentation verifies that the former container storage unit concrete pad has been closed in substantial conformance with the closure plan approvals dated July 25, 1990 and April 21, 1992, and chs. NR 640 and 685, Wis. Adm. Code.

This letter serves notice that the Department has completed its review of the aforementioned documents and is approving these documents by issuing this determination. The Department believes that Milsolv must comply with the conditions included in this determination to satisfy the requirements of chs. NR 600 through 685, Wisconsin Administrative Code.

This approval must be kept with the feasibility report and plan of operation approvals, the operating license, and all plan modifications for the licensed facility.

This approval acknowledges that the North Lot container storage unit concrete pad has been properly decontaminated and partially satisfies the closure performance standards in ch. NR 685, Wis. Adm. Code. The Department recognizes that soil and groundwater contamination is being addressed in the ongoing corrective action program.



Mr. Walter Frohboese, Milsolv Corp., January 5, 1996

2

FINDINGS OF FACT

The Department finds that:

1. The Department has promulgated chs. NR 600 through 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.
2. Milsolv filed a notice of hazardous waste activity on July 14, 1980 with the Department. An EPA RCRA Part A hazardous waste permit application was filed on February 9, 1982 with EPA. Subsequent notifications were filed with the Department on January 3, 1983 and February 15, 1984.
3. On September 28, 1990, Milsolv was issued a hazardous waste operating license for storage of hazardous waste in ten above ground tanks totalling 33,903 gallons, and 1000 55-gallon drums (55,000 gallons). On February 5, 1991, Milsolv was issued a revised hazardous waste operating license to correct the tank storage capacity to 37,146 gallons. The license has been renewed annually on September 30 since that time.
4. On June 28, 1994, Milsolv was issued a hazardous waste operating license for container storage for up to 55,000 gallons (1,000 55-gallon drums or their equivalent) in the renovated warehouse on the North Lot of the Milsolv facility. This license negated the need for hazardous waste to be stored in the North Lot container storage unit.
5. A conditional plan of operation and closure plan approval was issued to Milsolv on July 25, 1990. Conditions 65, 66, 67, 69, and 70 addressed the interim licensed North Lot container storage unit closure.
6. On April 21, 1992, Milsolv was issued a closure plan approval modification addressing the interim licensed North Lot container storage unit closure.
7. Milsolv has satisfied the requirements in the aforementioned closure plan approvals with respect to decontamination of the former hazardous waste container storage unit concrete pad (and not to the soil and groundwater below).
8. 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.
9. On August 2, 1994, the Department issued a major modification to the plan of operation approval issued to Milsolv on July 25, 1990. This major modification incorporated provisions for state authorized corrective action.

Mr. Walter Frohboese, Milsolv Corp., January 5, 1996

3

10. The following documents were reviewed for closure of the North Lot hazardous waste container storage unit determination:
  - a. June 1994 document entitled "Closure Report, Previous Container Storage Area" received on July 6, 1994, prepared by Spectrum Engineering Inc. on behalf of Milsolv.
  - b. December 19, 1994 manifest copy of hazardous wastes generated during closure and transported to its final disposition in El Dorado, Arkansas.
  - c. February 6, 1995 owner/operator closure report certification.
11. The Department has determined that Milsolv has satisfied the closure requirements for decontamination of the North Lot container storage unit.

#### CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 600 through 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.
2. The Department has authority to modify a plan approval and license pursuant to s. 144.44(3)(d), Wis. Stats. and s. NR 680.07, Wis. Adm. Code, if modifications are necessary to ensure compliance with chs. NR 600 through 685, Wis. Adm. Code.
3. The Department has authority to require closure in accordance with the rules and standards of s. 144.62(8), Stats, and ss. NR 640.16 and NR 685.05, Wis. Adm. Code, and the submission of closure documentation pursuant to s. 144.44(3), Stats, and s. NR 685.05, Wis. Adm. Code.
4. The Department has the authority under s. 144.735, Wis. Stats. and s. NR 635.17, Wis. Adm. Code, to require corrective action if a release from a Solid Waste Management Unit (SWMU) has occurred, including corrective action beyond the facility property boundary.

#### DETERMINATION AND CONDITIONS

Based on the Findings of Fact and Conclusions of Law, the Department has the authority pursuant to s. 144.44(3)(d), Stats., and s. NR 685.05, Wis. Adm. Code, to issue this determination concerning partial closure which address certain requirements found in Milsolv's July 25, 1990 conditional plan of operation approval and subsequent approvals, subject to compliance with chs. NR 600 to NR 685, Wis. Adm. Code, and the condition set forth as follows:

1. The licensee shall comply with all conditions of the license, the provisions of ch. 144, Stats., all applicable requirements of chs. NR 600

Mr. Walter Frohboese, Milsolv Corp., January 5, 1996

4

to 685, Wis. Adm. Code, the plan of operation approval and all modifications thereof, and any special order and modifications thereto issued by the Department, except as otherwise authorized by the Department under ss. NR 600.09 or 680.50, Wis. Adm. Code.

2. Milsolv shall remediate contaminated soil and groundwater under the former container storage unit through the corrective action process and chs. NR 600 to NR 685, ch. NR 140, and ch. NR 720, Wis. Adm. Code.
3. Milsolv shall not store hazardous waste in the former hazardous waste container storage unit on the North Lot.

The Department retains the right to modify this determination and to require additional information at anytime. Nothing in this conditional determination shall relieve Milsolv of the legal obligation to comply with applicable federal, state and local approvals. No other conditions of the July 25, 1990 plan of operation approval and subsequent plan approvals are affected by this determination.

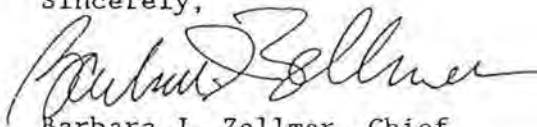
NOTICE OF APPEAL RIGHTS

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.

Please contact Eric Syftestad at 608/267-7561 if you have any questions.

Sincerely,



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

BJZ:es c:\data\wp50\milsolv\close1.ltr/u

cc: Mark Gordon - SW/3  
Cynde English - SW/3  
Ed Lynch - SW/3  
Walt Ebersohl - SED Richards St. Annex  
Jean Gromnicki - U.S. EPA - Region 5 HRM-7J







Copy to Kevin



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

June 28, 1994

In Response Refer To: FID #268148210  
County of Waukesha  
HW LIC FILE

Mr. Robert Heitzer, Manager Technical Services  
Milwaukee Solvents & Chemicals Corporation  
P.O. Box 444  
Butler, WI 53007

SUBJECT: Hazardous Waste Operating License  
Milwaukee Solvents & Chemicals Corporation  
Hazardous Waste Container Storage Facility  
EPA ID# WID023350192  
DNR License #06017 (Containers)

Dear Mr. Heitzer:

Enclosed is a hazardous waste operating license for storing up to 55,000 gallons (1000 55-gallon drums or their equivalent) in containers in the renovated warehouse on the North Lot of your facility. This facility is located at N59 W14765 Boboolink Avenue, Butler, Wisconsin. The effective date of the initial operating license (September 28, 1990) and the date of expiration (September 30, 1994) are unchanged.

Hazardous waste management licenses are issued under the provisions of ch. NR 680, Wis. Adm. Code. Milwaukee Solvents & Chemicals Corporation is now authorized to store hazardous waste in containers and above ground tanks as noted in the May 22, 1986 feasibility determination, the July 25, 1990 plan of operation approval, and the June 14, 1993 plan approval modification.

All information printed on the license should be checked for accuracy. Please notify Pat Brady of the DNR district office of any errors or changes to this information. The Department must also be promptly informed of any changes in ownership or any changes to the basic operation of the facility.

The Department received two Hazardous Waste Facility Certificates of Liability Insurance on June 20, 1994. The certificates cover policy periods effective July 1, 1993 and July 1, 1994. The certificates were reviewed and were found to meet the requirements of s. NR 685.08, Wis. Adm. Code. They are acceptable as proof of financial responsibility for liability coverage.

Please note that the container license is valid until September 30, 1994, and must be renewed prior to that date. This license can continue to be renewed under the current administrative code until the end of the effective license period. Also attached is a renewal form for the container license. This license renewal form and the appropriate fee should be returned to the department within one month from the date of this letter.

Mr. Robert Heitzer, Milwaukee Solvents & Chemicals Corp.

2

The effective license period is a fixed term not to exceed 10 years from the date of the initial operating license issuance. In order to store waste after this 10 year period, you will be required to submit all the necessary reports for an initial operating license. These reports, when required, shall be submitted at least 180 days prior to the end of your effective license period. The state license duration period for your storage facility ends on September 27, 2000 which coincides with the 10 year anniversary of your initial tank system operating license.

The existing tank license now reflects a change in the maximum above ground tank storage capacity from 37,146 gallons noted on the license dated February 5, 1991 to 38,446 gallons, adding one 1300-gallon capacity above ground tank (Tank #75).

If you have any questions regarding your new license, please contact Pat Brady, hazardous waste engineer in Milwaukee at 414/961-2717, or Eric Syftestad at 608-267-7561.

Sincerely,



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

BIZ\ca c\data\wp50\milsol\micovc\kzp

Enclosure

cc: Ed Lynch - SW/3  
Cynde English - SW/3  
Pat Brady/Walt Ebersohl - SED  
Frank Schultz - SED  
Chuck Slaustas - U.S. EPA - Region V, HRP/8J  
Pete Flaherty - LC/5

State of Wisconsin Department of Natural Resources  
SOLID OR HAZARDOUS WASTE LICENSE RENEWAL APPLICATION FORM  
(See Instructions on Back)

Form 4400-115 5-94

Form must be returned by JULY 28, 1994 \*\*\* LICENSE FEE IS DUE \*\*\*

Return to: Bureau of Solid & Hazardous Waste  
Wisconsin DNR - SW/3  
P. O. Box 7921  
Madison, WI 53707  
For Questions Call: SYLVIA ROSENBAUM  
414-961-2739  
LICENSE # 06017 FID# 268148210

I. Facility Information.

Enter Corrections Below:

000-000-0000  
MILWAUKEE SOLVENTS & CHEMICALS CORP  
ROBERT HEITZER, TECH DIR  
MILWAUKEE SOLVENTS & CHEMICALS  
PO BOX 444  
BUTLER WI 530070444

TELEPHONE NO:  
FACILITY NAME:  
CONTACT/TITLE:  
LICENSEE:  
ADDRESS:

HW STORAGE - CONTAINER COMMERCIAL  
EPA ID: WIDO23350192

II. Application for license renewal to operate a Chs. NR500-520 or NR600-685 Wis. Admin. Code facility or transportation service in compliance with s.144.44 Stats. and/or s.144.64 Stats. The period of this license is OCTOBER 1, 1994 through SEPTEMBER 30, 1995.

USE OF THIS FORM IS REQUIRED BY THE DEPARTMENT FOR ANY APPLICATION FILED PURSUANT TO S.144.44 AND/OR S.144.64 STATS AND S.NR520.04 AND/OR CHS. NR600-685, WISCONSIN ADMINISTRATIVE CODE. THE DEPARTMENT WILL NOT CONSIDER YOUR APPLICATION UNLESS YOU COMPLETE AND SUBMIT THIS APPLICATION FORM.

CHECK HERE ( ) IF THE ABOVE NAMED FACILITY DOES NOT INTEND TO RENEW THIS LICENSE. THEN COMPLETE SECTION III AND RETURN TO THE DNR OFFICE SHOWN ABOVE. IF YOU ARE APPLYING FOR RENEWAL, COMPLETE OR CORRECT THE INFORMATION BELOW: (USE ADDITIONAL SHEETS IF NEEDED):

- SITE LOCATION: 1/4 OF 1/4 OF SECTION 26, T08N, R20E, WAUKESHA COUNTY  
ADDRESS: N59W14706 BOBOLINK AV  
TOWNSHIP: MENOMONEE FALLS
- COMMERCIAL ( ) OR NON-COMMERCIAL ( ) PLEASE CHECK ONE.
- HAZARDOUS WASTE TRANSPORTATION SERVICES PROVIDED: YES ( ) NO ( ) PLEASE CHECK ONE.
- PROCESS CODES/AMOUNTS:

PROCESS CODES

PROCESS AMOUNTS

STORAGE	TREATMENT
S01 - CONTAINER	TO1 - TANK
S02 - TANK	TO3 - INCINERATOR
S03 - WASTE PILE	TO4 - OTHER

UNITS	
B - ACRES	C - CU.YDS.
U - GAL/DAY	E - GAL/HR
G - GALLONS	P - POUNDS

III. I hereby certify that the information provided is true and accurate to the best of my knowledge and belief.

Signature \_\_\_\_\_

Date \_\_\_\_\_

## MILWAUKEE SOLVENTS &amp; CHEMICALS CORP.

P.O. BOX 444 • BUTLER, WIS. 53007 • (414) 252-3550

Plant Located at: N59  
W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-3961

December 14, 1993

Mr. Charles Slaustas,  
U.S. EPA Region 5, HRP-8J  
77 West Jackson Street  
Chicago, IL 60604

Dear Mr. Slaustas:

This letter and the accompanying copy of Milwaukee Solvents and Chemicals Corporation's Revised Feasibility Report and Plan of Operation is being sent to you to satisfy specific condition 19 of our Plan of Operations Modification Conditional Approval.

If you have any questions or require additional information regarding this report, please do not hesitate to contact me at (414) 252-3550.

Very truly yours,



Kevin M. Bagin  
Manager of Environmental Services

A MILSOLV® Company

Quality Products From: UNION CARBIDE - EASTMAN - TEXACO CHEMICAL - SUNCHEM - FMC - AIR PRODUCTS - AMOCO - ANAR  
ANGUS - ALLIED CHEMICAL - ARCO - BADISCHE - BASF WYANDOTTE - CENTRAL SOYA  
CHEVRON CHEMICAL - CHURCH & DWIGHT - OCCIDENTAL CHEMICAL - DOVER CHEMICAL - EMERY - GEORGIA GULF  
GRAIN PROCESSING - HAWKEYE - KERR McGEE - ICI - JONES HAMILTON  
LEVER BROS - LONZA - MALLINCKRODT - MILES LABS - NALCO - OCCIDENTAL CHEM - OLIN - SUNOCO PLASTIC DRUM  
PHILLIPS PETROLEUM - PURAC - SILMAR RESINS - STEPAN - STAUFFER  
VIRGINIA CHEMICAL - VAN LEER CONTAINER





United Parcel Service

PICKUP RECORD

REG'D FROM

Milsolu Companies

14765 W. Bobolink Ave.

Monomonee Falls, WI 53051

PICKUP RECORD NO.

179761402

CHECK CODE

2

STAMP YOUR UPS SHIPPER NUMBER I

WI 577-07

DATE 12-14-93

ENTER EACH PACKAGE ON A SEPARATE LINE. IF RECORD IS VOIDED, PLEASE GIVE TO DRIVER.  
INCREASE FRACTIONS OF A POUND TO NEXT FULL POUND.

REFERENCE #	NAME	STREET	CITY	STATE	ZIP CODE	TYPE SERVICE		LBS	OS	DECLARED VALUE** IF IN EXCESS OF \$100.00	COD*** AMOUNT	
						GROUND						AIR
						(V) RES DEL	(V) GRND TRAC					ZONE
1	The New Real Deal Co.	N8155 American St.	Ixonia	WI	53096		2					
2	Diane Ziegler	15395 Spenseller Rd.	Defiance	OH	43512		3					
3	Alfred Hale	1411 E. Liberty St.	Mt. Dora	FL	32757		6					
4	Tonia Schwede	Rt. 1 Box 307	Bismarck	ND	58507		5					
5	Time Warner + SONY	45 N. Industry Ct.	Deer Park	NY	11729		5					
6	LORD Label + Mfg.	3435 W. Madison St.	Skokie	IL	60076		2					
7	Chem Rite Industries	19725 W. Edgewood	Lannon	WI	53046		2					
8	Beam Chemical	163-T No. Main St.	Oconto Falls	WI	54159		2					
9	<del>Mason Solvents Chem.</del>	<del>2740 Ros. Pl.</del>	<del>Rosville</del>	<del>MN</del>	<del>55113</del>		<del>3</del>					
10	Chas Staustas	US EPA Region 5	Chicago	IL	60604		2					
11												
12												
13												
14												
15												

RECEIVED BY: *[Signature]*  
 PICKUP TIME: *[Signature]*  
 NO. PKGS.: *[Signature]*  
 NO. CALLS: *[Signature]*

01120218-REV. 8-92 (400M 8-92)S

\* OS (Oversize) applied if less than 25 lbs. and more than 84 inches in length and girth combined.  
 \*\* Unless a greater value is declared in writing on this receipt, the shipper hereby declares and agrees that the released value of each package or article not enclosed in a parcel receipt is \$100, which is a reasonable value under the circumstances surrounding the transportation. The rules relating to liability established by the Warsaw Convention thereto shall apply to the international carriage of any shipment hereunder insofar as the same is governed thereby. The entry of a C.O.D. amount is not a declaration of maximum value for an air service package is \$25,000 and the maximum carrier liability is \$25,000. Claims not made to carrier within 9 months of the scheduled delivery date are void.  
 \*\*\* All checks in payment of C.O.D.'s accepted at shipper's risk.

## MILWAUKEE SOLVENTS &amp; CHEMICALS CORP.

P.O. BOX 444 • BUTLER, WIS. 53007 • (414) 252-3550

Plant Located at: N59  
W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-3961

December 14, 1993

Mr. Patrick Brady  
 Wisconsin DNR  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 P.O. Box 12436  
 Milwaukee, Wisconsin 53212

RE: Delivery of Plan of Operations

Dear Mr. Brady:

Three binders containing a copy of Milwaukee Solvents and Chemicals Corporation's Plan of Operation, Feasibility Report and Waste Analysis Plan were delivered today and received by me personally.

signed: Anne Reid Date: 12-14-93

Name: Anne Reid

Location: Maude Shunk Public Library  
W156 N84th Pilgrim Rd.  
Menomonee Falls, WI 53051

A MILSOLV® Company

Quality Products From: UNION CARBIDE - EASTMAN - TEXACO CHEMICAL - SUNCHEM - FMC - AIR PRODUCTS - AMOCO - ANAR  
 ANGUS - ALLIED CHEMICAL - ARCO - BADISCHE - BASF WYANDOTTE - CENTRAL SOYA  
 CHEVRON CHEMICAL - CHURCH & DWIGHT - OCCIDENTAL CHEMICAL - DOVER CHEMICAL - EMERY - GEORGIA GULF  
 GRAIN PROCESSING - HAWKEYE - KERR McGEE - ICI - JONES HAMILTON  
 LEVER BROS. - LONZA - MALLINCKRODT - MILES LABS - NALCO - OCCIDENTAL CHEM - OLIN - SUNOCO PLASTIC DRUM  
 PHILLIPS PETROLEUM - PURAC - SILMAR RESINS - STEPAN - STAUFFER  
 VIRGINIA CHEMICAL - VAN LEER CONTAINER

June 15, 1993 ①

WDNR Approval of N. Whr.  
Modification to be our Haz. Waste  
Drum Storage + Processing  
Building.

"Determination to Conditionally  
Approve a Major Modification  
to a Feasibility Report and Plan  
of Operation."

To Nick, Bud, Kevin ✓, Mike S  
R. Lewandowski, DNR File

Due Dates in this Modification.

① Due Dates per Pat Brady during  
my 6-23-93 Call to Him  
Noted in Milsol's 6-29-93  
cover letter to the DNR.

From Bob H.

Please contact me if these  
dates are not correct or more  
should be added.

June 15, 1993 ②Due DateCondition ofApproval #June 30, 1993  
15 Day

# 23, 24, 25

15 days after Milsak  
Receives WDNR approval  
of the 15 Day Submittals  
above.

# 19 ①

July 15, 1993  
30 Day

# 22

Last Day to File  
for Judicial ReviewAugust 14, 1993  
60 Day

# 15

When Construction is  
complete before  
Tank # 75 is  
moved

# 17



June 15, 1993 (3)

Due Date

Condition #

After Tank  
# 75 is moved

# 10

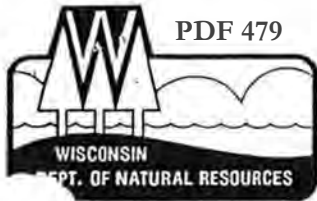
Within 30 days  
of completion of  
Construction

# 17, # 18

# 20

Within 30 days  
after containers  
are relocated  
into new storage  
Area

# 21



# STATE OF WISCONSIN DEPT. OF NATURAL RESOURCES

## HAZARDOUS WASTE FACILITY OPERATION LICENSE

AUTHORIZED CONTACT

ROBERT HEITZER, TECH DIR  
MILWAUKEE SOLVENTS & CHEMICALS CORP  
PO BOX 444  
BUTLER WI 53007

LICENSE NO: 06017

TYPE OF FACILITY:  
HW STORAGE - CONTAINER COMMERCIAL

EFFECTIVE DATE: JUNE 24, 1994

DATE OF EXPIRATION: SEPTEMBER 30, 1994

U.S.EPA I.D.NUMBER: WID023350192

LICENSEE: MILWAUKEE SOLVENTS & CHEMICALS CORP

NAME OF FACILITY: MILWAUKEE SOLVENTS & CHEMICALS CORP

LOCATION OF FACILITY: N59W14706 BOBOLINK AV MENOMONEE FALLS  
WAUKESHA COUNTY

THIS LICENSE IS SUBJECT TO AND CONDITIONED UPON COMPLIANCE WITH THE LICENSEE'S FEASIBILITY DETERMINATION AND PLAN OF OPERATION APPROVAL AND ALL SUBSEQUENT PLAN APPROVAL MODIFICATIONS.

WASTE TYPES MANAGED ARE LIMITED TO THOSE LISTED ON THE PART-A APPLICATION

THIS LICENSE AUTHORIZES THE LICENSEE TO OPERATE THE HAZARDOUS WASTE FACILITY DESCRIBED ABOVE DURING THE TERM HEREOF EXCEPT AS MODIFIED BY THE DEPARTMENT. THIS LICENSE IS SUBJECT TO AND CONDITIONED UPON COMPLIANCE WITH CHAPTER 144, WIS. STATS., AND CHAPTERS NR 600-685, WIS. ADM. CODE(HAZARDOUS WASTE), ANY PLAN APPROVAL AND MODIFICATIONS THEREOF, AND ANY SPECIAL ORDER AND MODIFICATIONS THEREOF ISSUED BY THE DEPARTMENT. ANY EXEMPTIONS FROM THE REQUIREMENTS OF CHAPTERS NR 600-685, WIS. ADM. CODE, ISSUED FOR THIS FACILITY ARE LISTED ABOVE AND ON ATTACHED DOCUMENTS.

GEORGE E. MEYER  
DEPARTMENT OF NATURAL RESOURCES

MILSOLV Corporation handles waste materials from a wide variety of customers. These customers include manufacturers of various goods, auto/vehicle repair facilities, paint manufacturers, coatings manufactures and companies that coat various products related to packaging. Customers include:

- Paint manufacturers
- Can coating companies
- Automobile dealerships
- Auto repair facilities
- Label and screening companies
- Container manufacturers
- Semi-Trailer manufacturers
- Plastics companies (molded)
- Metal finishing operations
- Various manufacturers involved in the automotive field

To Kevin B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

MAY 01 1996

REPLY TO THE ATTENTION OF

DRP-8J

**CERTIFIED MAIL: P 664 397 523**  
**RETURN RECEIPT REQUESTED**

Mr. Walter Frohboese  
 Vice President and General Manager  
 Milwaukee Solvents and Chemicals Corporation  
 P.O. Box 444  
 Butler, Wisconsin 53007

RE: Federal Permit Modification  
 Milwaukee Solvents and  
 Chemicals Corporation  
 WID 023 350 192

Dear Mr. Frohboese:

This letter serves as final notice of the Federal permit modification of your Federal permit, issued September 28, 1990, under the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The substance of the modification, as specified in our Statement of Basis, effectively transferred authority for corrective action responsibilities for known solid waste management units (SWMUs) from the Federal permit solely to the State License. Also, the Federal permit requirements addressing Waste Minimization have been deleted, due to the State of Wisconsin having become authorized for these requirements.

Enclosed are the issued Federal permit replacement pages. Please insert these pages in your current permit. The United States Environmental Protection Agency (U.S. EPA) retains the authority to require corrective action for any releases of hazardous waste or hazardous constituents from any newly identified SWMUs, or SWMUs not under State jurisdiction.

A copy of the U.S. EPA's Response to Comments has also been enclosed, explaining the final permit modification. Since no comments were received concerning the U.S. EPA's proposal to modify the Federal permit, this permit modification is effective today.

If you have any questions concerning this matter, please address them to Mr. Arthur W. Tipton of my staff, at (312) 886-6193.

Sincerely,

A handwritten signature in cursive script that reads "Karl E. Bremer".

Karl E. Bremer, Chief  
 Waste Management Branch

Enclosures

cc: Cynde English, WDNR  
 Pat Brady, WDNR - Southeast district

①



**RESPONSE TO COMMENTS  
REGARDING THE  
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)  
HAZARDOUS WASTE MANAGEMENT FACILITY  
OPERATING LICENSE MODIFICATION  
FOR  
MILWAUKEE SOLVENTS AND CHEMICALS CORPORATION  
WID 023 350 192**

**INTRODUCTION**

This response is issued pursuant to Title 40 of the Code of Federal Regulations (40 CFR) Section 124.17, which requires that any changes of draft permit modification conditions be specified along with the reason for the change; that all significant comments be described and responded to; and that any documents cited in the response be included in the administrative record. Comments were requested regarding the United States Environmental Protection Agency's (U.S. EPA's) tentative determination to issue a Federal permit modification to the Permittee.

The public comment period commenced on February 24, 1995, with a public notice in the Milwaukee Sentinel newspaper. This notice requested public comments on a Federal permit modification for the Milwaukee Solvents and Chemicals Corporation facility located in Butler, Wisconsin. The termination date of this comment period was April 14, 1995.

Pertinent information and materials were available at the Waukesha Public Library, 321 West Wisconsin Avenue, Waukesha, Wisconsin and the office of the U.S. EPA in Chicago, Illinois. No written comments were received during the public comment period.

**COMMENTS AND RESPONSES**

Comment: No comments were received.

Response: None required.

**CHANGES TO THE DRAFT PERMIT**

As explained in the Statement of Basis, this modification transfers the authority for corrective action from the Federal permit to the State License due to new statutory requirements that became effective after the permit became effective. Accordingly, the State of Wisconsin became authorized for requirements addressing Waste Minimization that are currently in condition I.G. of the Federal permit.

The following items were deleted from the permit:

Permit Condition I.G. Waste Minimization

REVISED July 1995

MILWAUKEE SOLVENTS AND CHEMICAL CORPORATION  
MENOMONEE FALLS, WISCONSIN

PERMIT INDEX

PERMIT CONDITIONS

- I. Standard Conditions
- II. Land Disposal Requirements
- III. [Reserved]
- IV. Toxicity Characteristic

ATTACHMENTS:

[None]

Permit Condition III Plans for Corrective Action

Attachment I. RCRA Facility Investigation (Scope of Work)

Attachment II. Corrective Measures Study (Scope of Work)

Attachment III. Corrective Measures Implementation (Scope of Work)

Attachment IV. Facility Map(s)

**DETERMINATION**

Based on a full review of all relevant data provided to the U.S. EPA, the U.S. EPA has determined that the final permit contains such terms and conditions necessary to protect human health and the environment. In addition, based on its review of the application materials, and pertinent regulations, the U.S. EPA has determined that revision of the permit is necessary as indicated above.

E. SIGNATORY REQUIREMENT

All reports or other information requested by the Regional Administrator shall be signed and certified as required by 40 CFR § 270.11.

F. CONFIDENTIAL INFORMATION

In accordance with 40 CFR § 270.12 and 40 CFR Part 2, Subpart B, any information submitted to the U.S. EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submissions, the U.S. EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2.



4. Where the treatment residues do not comply with the applicable treatment standards of 40 CFR Part 268, Subpart D, or prohibitions of Subpart C, the Permittee shall comply with the notice requirements applicable to generators in 40 CFR § 268.7(a)(1), if the treatment residues will be further managed at a different facility.
5. With each restricted waste or treatment residue sent to a treatment facility or a landfill, the Permittee shall comply with the notice of requirements of 40 CFR § 268.7(a)(1). The Permittee shall also comply with the certification requirements of 40 CFR § 268.7(a)(2).
6. Except as provided for in 40 CFR § 268.50(d), (e), and (f), the Permittee may only store restricted wastes in containers solely for the purpose of accumulating such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal provided that:
  - a. Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
  - b. The Permittee must comply with all applicable record requirements specified in 40 CFR § 264.73.
7. Except as provided in 40 CFR § 268.50(d), (e), and (f), the Permittee may store restricted wastes beyond 1 year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. When storing liquid wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm, the Permittee shall comply with the requirements of 40 CFR § 761.65(b). These wastes must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date such wastes are placed into storage. Condition II.B.6., above, that allows storage for over 1 year with specified demonstration, does not apply to any PCB-containing wastes.

III. [RESERVED]

IV. TOXICITY CHARACTERISTIC

- A. The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (Appendix II of 40 CFR Part 261), or use knowledge of the waste to determine whether a waste exhibits the characteristic of toxicity, as defined in 40 CFR 261.24. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.
- B. As required by 40 CFR 270.42(g)(1)(v), if the Permittee is managing newly regulated waste in a previously unregulated land disposal unit, the Permittee must certify to the Regional Administrator by September 25, 1991, that such unit is in compliance with all applicable 40 CFR Part 265, Subparts F and H ground-water monitoring and financial responsibility requirements. Failure to certify will result in the loss of interim status for such unit.
- C. Within 30 days after the effective date of this permit, the Permittee must submit to the Regional Administrator a revised Waste Analysis Plan pursuant to 40 CFR 264.13 which identifies the TCLP as the test method for the characteristic of toxicity.

ARTHUR TIPTON/DRP-85

United States  
Environmental Protection Agency  
Region 6  
77 West Jackson Blvd.  
Chicago IL 60604-3590

Official Business  
Penalty for Private Use, \$300

Fold at line over top of envelope to the right of the return address.

**CERTIFIED**

P 664 397 523

**MAIL**

RETURN  
RECEIPT  
REQUESTED

POSTAGE WILL BE PAID BY ADDRESSEE



U.S. OFFICIAL MAIL  
U.S. POSTAGE  
PENALTY FOR PRIVATE USE \$300  
0275  
METER 498723

*Judge M original + 1 copy to BH  
Nick*

Mr. Walter Frohboese  
Vice President and General Manager  
Milwaukee Solvents and Chemicals Corporation  
P.O. Box 444  
Butler, Wisconsin 53007

80

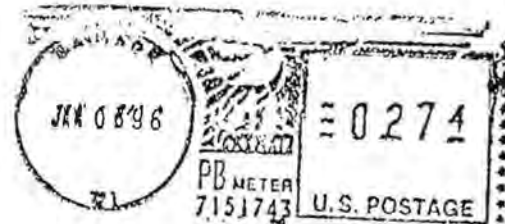
# State of Wisconsin



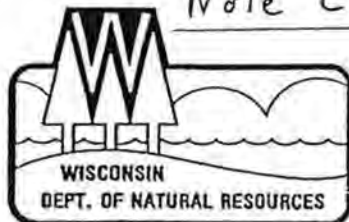
MADISON  
53707

DEPARTMENT OF NATURAL RESOURCES  
BOX 7921

REGISTERED  
FIRST CLASS







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

January 5, 1996

In Response Refer To: FID #268148210  
County of Waukesha  
HW Lic File

Walter E. Frohboese  
Vice President and General Manager  
Milwaukee Solvents and Chemicals Corporation  
P.O. Box 444  
Butler, WI 53007

SUBJECT: Milwaukee Solvents and Chemicals Corporation (Milsolv)  
Menomonee Falls, Wisconsin - WID 023350192  
Documentation Approval - Partial Closure of the  
Former North Lot Hazardous Waste Container Storage Unit

Dear Mr. Frohboese:

The Department has completed its review of Milsolv's June 1994 "Closure Report, Previous Container Storage Area" received on July 6, 1994, prepared by Spectrum Engineering Inc. on behalf of Milsolv. Submittals dated December 19, 1994 and February 6, 1995 were also reviewed by the Department as part of this partial closure. The reports were generated to address closure of the interim licensed hazardous waste container storage unit located outdoors adjacent to the aboveground hazardous waste tank farm and the hazardous waste solvent reclamation operations. The documentation verifies that the former container storage unit concrete pad has been closed in substantial conformance with the closure plan approvals dated July 25, 1990 and April 21, 1992, and chs. NR 640 and 685, Wis. Adm. Code.

This letter serves notice that the Department has completed its review of the aforementioned documents and is approving these documents by issuing this determination. The Department believes that Milsolv must comply with the conditions included in this determination to satisfy the requirements of chs. NR 600 through 685, Wisconsin Administrative Code.

This approval must be kept with the feasibility report and plan of operation approvals, the operating license, and all plan modifications for the licensed facility.

This approval acknowledges that the North Lot container storage unit concrete pad has been properly decontaminated and partially satisfies the closure performance standards in ch. NR 685, Wis. Adm. Code. The Department recognizes that soil and groundwater contamination is being addressed in the ongoing corrective action program.

Mr. Walter Frohboese, Milsolv Corp., January 5, 1996

2

FINDINGS OF FACT

The Department finds that:

1. The Department has promulgated chs. NR 600 through 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.
2. Milsolv filed a notice of hazardous waste activity on July 14, 1980 with the Department. An EPA RCRA Part A hazardous waste permit application was filed on February 9, 1982 with EPA. Subsequent notifications were filed with the Department on January 3, 1983 and February 15, 1984.
3. On September 28, 1990, Milsolv was issued a hazardous waste operating license for storage of hazardous waste in ten above ground tanks totalling 33,903 gallons, and 1000 55-gallon drums (55,000 gallons). On February 5, 1991, Milsolv was issued a revised hazardous waste operating license to correct the tank storage capacity to 37,146 gallons. The license has been renewed annually on September 30 since that time.
4. On June 28, 1994, Milsolv was issued a hazardous waste operating license for container storage for up to 55,000 gallons (1,000 55-gallon drums or their equivalent) in the renovated warehouse on the North Lot of the Milsolv facility. This license negated the need for hazardous waste to be stored in the North Lot container storage unit.
5. A conditional plan of operation and closure plan approval was issued to Milsolv on July 25, 1990. Conditions 65, 66, 67, 69, and 70 addressed the interim licensed North Lot container storage unit closure.
6. On April 21, 1992, Milsolv was issued a closure plan approval modification addressing the interim licensed North Lot container storage unit closure.
7. Milsolv has satisfied the requirements in the aforementioned closure plan approvals with respect to decontamination of the former hazardous waste container storage unit concrete pad (and not to the soil and groundwater below).
8. 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.
9. On August 2, 1994, the Department issued a major modification to the plan of operation approval issued to Milsolv on July 25, 1990. This major modification incorporated provisions for state authorized corrective action.

Mr. Walter Frohboese, Milsolv Corp., January 5, 1996

3

10. The following documents were reviewed for closure of the North Lot hazardous waste container storage unit determination:
  - a. June 1994 document entitled "Closure Report, Previous Container Storage Area" received on July 6, 1994, prepared by Spectrum Engineering Inc. on behalf of Milsolv.
  - b. December 19, 1994 manifest copy of hazardous wastes generated during closure and transported to its final disposition in El Dorado, Arkansas.
  - c. February 6, 1995 owner/operator closure report certification.
11. The Department has determined that Milsolv has satisfied the closure requirements for decontamination of the North Lot container storage unit.

#### CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 600 through 685, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ss. 144.60 to 144.74, Wis. Stats.
2. The Department has authority to modify a plan approval and license pursuant to s. 144.44(3)(d), Wis. Stats. and s. NR 680.07, Wis. Adm. Code, if modifications are necessary to ensure compliance with chs. NR 600 through 685, Wis. Adm. Code.
3. The Department has authority to require closure in accordance with the rules and standards of s. 144.62(8), Stats, and ss. NR 640.16 and NR 685.05, Wis. Adm. Code, and the submission of closure documentation pursuant to s. 144.44(3), Stats, and s. NR 685.05, Wis. Adm. Code.
4. The Department has the authority under s. 144.735, Wis. Stats. and s. NR 635.17, Wis. Adm. Code, to require corrective action if a release from a Solid Waste Management Unit (SWMU) has occurred, including corrective action beyond the facility property boundary.

#### DETERMINATION AND CONDITIONS

Based on the Findings of Fact and Conclusions of Law, the Department has the authority pursuant to s. 144.44(3)(d), Stats., and s. NR 685.05, Wis. Adm. Code, to issue this determination concerning partial closure which address certain requirements found in Milsolv's July 25, 1990 conditional plan of operation approval and subsequent approvals, subject to compliance with chs. NR 600 to NR 685, Wis. Adm. Code, and the condition set forth as follows:

1. The licensee shall comply with all conditions of the license, the provisions of ch. 144, Stats., all applicable requirements of chs. NR 600

Mr. Walter Frohboese, Milsolv Corp., January 5, 1996

4

to 685, Wis. Adm. Code, the plan of operation approval and all modifications thereof, and any special order and modifications thereto issued by the Department, except as otherwise authorized by the Department under ss. NR 600.09 or 680.50, Wis. Adm. Code.

2. Milsolv shall remediate contaminated soil and groundwater under the former container storage unit through the corrective action process and chs. NR 600 to NR 685, ch. NR 140, and ch. NR 720, Wis. Adm. Code.
3. Milsolv shall not store hazardous waste in the former hazardous waste container storage unit on the North Lot.

The Department retains the right to modify this determination and to require additional information at anytime. Nothing in this conditional determination shall relieve Milsolv of the legal obligation to comply with applicable federal, state and local approvals. No other conditions of the July 25, 1990 plan of operation approval and subsequent plan approvals are affected by this determination.

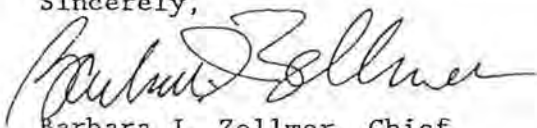
NOTICE OF APPEAL RIGHTS

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.

Please contact Eric Syftestad at 608/267-7561 if you have any questions.

Sincerely,



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

BJZ:es c:\data\wp50\milsolv\close1.ltr/u

cc: Mark Gordon - SW/3  
Cynde English - SW/3  
Ed Lynch - SW/3  
Walt Ebersohl - SED Richards St. Annex  
Jean Gromnicki - U.S. EPA - Region 5 HRM-7J



## MILWAUKEE SOLVENTS &amp; CHEMICALS CORP.

P.O. BOX 444 • BUTLER, WIS. 53007 • (414) 252-3550

Plant Located at: N59  
W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-3961RETURN RECEIPT REQUESTED  
CERTIFIED

June 30, 1994

Mr. Patrick Brady  
 Wisconsin DNR  
 2300 N. Dr. Martin Luther King, Jr. Drive  
 P.O. Box 12436  
 Milwaukee, Wisconsin 53212

RE: Closure Activities in the Previous Container Storage Area

Dear Mr. Brady:

This letter is being sent as additional information regarding the closure activities for the concrete in the previous container storage area. Each of the specific conditions 65 through 70 of our July 25, 1990 Plan of Operations Approval are also addressed.

ITEM 65 AND 67 a & b

Closure of the previous drum storage area began on March 29, 1994. All activity occurred on dry, warm weather days following the procedures we discussed on March 28, 1994 and documented in the March 30, 1994 letter sent to your attention. The only deviations from these procedures were the additional use of a sand blaster and high pressure sprayer instead of a steam cleaning unit.

General scraping of the concrete areas occurred from March 29, 1994 through April 11, 1994. All solid material collected was placed in a drum with other solid materials destined for disposal as hazardous waste. The concrete areas that were previously scraped were sand blasted with a coarse grit material. This took place from April 18, 1994 through April 20, 1994. The sand blast media was swept up immediately upon use and placed in a drum for disposal as hazardous waste.

On April 21, 1994 the concrete (Pad-1 and part of Pad-2) was pressure washed. The area was then damp mopped with a 3% hydrochloric acid solution, allowed to sit for a few minutes and mopped again with clean water. The surface was pressure washed three times. 250 gallons of water was collected using our waste pumps for disposal as hazardous waste.

A MILSOLV® Company

Quality Products From: UNION CARBIDE - EASTMAN - TEXACO CHEMICAL - SUNCHEM - FMC - AIR PRODUCTS - AMOCO - ANAR  
 ANGUS - ALLIED CHEMICAL - ARCO - BADISCHE - BASF WYANDOTTE - CENTRAL SOYA  
 CHEVRON CHEMICAL - CHURCH & DWIGHT - OCCIDENTAL CHEMICAL - DOVER CHEMICAL - EMERY - GEORGIA GULF  
 GRAIN PROCESSING - HAWKEYE - KERR McGEE - ICI - JONES HAMILTON  
 LEVER BROS. - LONZA - MALLINCKRODT - MILES LABS - NALCO - OCCIDENTAL CHEM - OLIN - SUNOCO PLASTIC DRUM  
 PHILLIPS PETROLEUM - PURAC - SILMAR RESINS - STEPAN - STAUFFER

## MILWAUKEE SOLVENTS &amp; CHEMICALS CORP.

P.O. BOX 444 • BUTLER, WIS. 53007 • (414) 252-3550

Plant Located at: N59  
W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-3961

On April 22, 1994 the concrete (Pad-1 and part of Pad-2) was damp mopped with a 2% potassium hydroxide solution, allowed to sit for a few minutes and mopped again with clean water. The surface was pressure washed three times. 350 gallons of water was collected using our waste pumps for disposal as hazardous waste.

On April 28, 1994 the concrete (Pad-2 and Pad-3) was pressure washed. The area was then damp mopped with a 3% hydrochloric acid solution, allowed to sit for a few minutes and mopped again with clean water. The surface was pressure washed three times. The concrete (Pad-2 and Pad-3) was damp mopped with a 2% potassium hydroxide solution, allowed to sit for a few minutes and mopped again with clean water. The surface was pressure washed three times. 600 gallons of water was collected using our waste pumps for disposal as hazardous waste.

Approximately two drums, (110 gallons) of solids were generated from the scraping and cleaning process. These drums are destined for incineration at Ensco. Since these solids were generated from the closure of a hazardous waste storage area, Milsolv® has determined that the material should be managed as a hazardous waste. Milsolv® will send this material out for disposal as a hazardous waste. The description used will be similar to: RQ Hazardous Waste Solid N.O.S. (toluene, methyl ethyl ketone) 9, NA3077, PGIII, (F005, F001, F002, F003, D035, D005, D006, D007, D008). When the shipment has been received by Ensco and a copy of the signed manifest is available, a copy will be sent to you under separate cover.

The waste waters generated from rinsing the pad areas were sent out as hazardous waste along with our other hazardous waste waters for disposal. Waste waters generated from the tanker loading pad area and tank farm are currently sent off site for treatment or disposal as hazardous waste. Due to past practices associated with any waters generated from the concrete pad area, Milsolv® has determined that the material should be managed as a hazardous waste.

The waste description used to ship 600 gallons of this material after combining it with other hazardous waste waters for disposal was RQ waste flammable liquid N.O.S. (xylene, toluene) 3, UN 1993, PG II, (F003, F005, D035, D018, D001). The waste material was sent to Laidlaw Environmental Services (TOC) on manifest# 10023 and received on May 3, 1994.

## A MILSOLV® Company

Quality Products From: UNION CARBIDE - EASTMAN - TEXACO CHEMICAL - SUNCHEM - FMC - AIR PRODUCTS - AMOCO - ANAR  
ANGUS - ALLIED CHEMICAL - ARCO - BADISCHE - BASF WYANDOTTE - CENTRAL SOYA  
CHEVRON CHEMICAL - CHURCH & DWIGHT - OCCIDENTAL CHEMICAL - DOVER CHEMICAL - EMERY - GEORGIA GULF  
GRAIN PROCESSING - HAWKEYE - KERR McGEE - ICI - JONES HAMILTON  
LEVER BROS. - LONZA - MALLINCKRODT - MILES LABS - NALCO - OCCIDENTAL CHEM - OLIN - SUNOCO PLASTIC DRUM  
PHILLIPS PETROLEUM - PURAC - SILMAR RESINS - STEPAN - STAUFFER

## MILWAUKEE SOLVENTS &amp; CHEMICALS CORP.

P.O. BOX 444 • BUTLER, WIS. 53007 • (414) 252-3550

Plant Located at: N59  
W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-3961

The waste description used to ship 850 gallons of this material after combining it with other hazardous waste waters for disposal was RQ waste flammable liquid N.O.S.(xylene, toluene) 3, UN 1993, PG II, (F003,F005,D035,D001). The waste material was sent to Laidlaw Environmental Services (TOC) on manifest# 10085 and received on May 11,1994. Please see the attached manifest copies.

ITEM 66

Milsolv® used existing hazardous waste equipment during the closure process with the exception of the high pressure sprayer, sand blasting unit, and shop vac. The high pressure sprayer was supplied with clean well water. Water was not recycled through the system and the unit did not come in contact with hazardous waste. The sand blasting unit was supplied with Black Beauty Sand (course) and the blasting media was not recycled through the unit. The sand blasting unit did not come in contact with hazardous waste. The shop vac was used in the sampling process and did not come in contact with hazardous waste. The shop vac belongs to Milsolv® and is still being used by the company.

ITEM 68

There were no tanks taken out of service for this closure.

ITEM 69

The closure procedures used were discussed with WDNR on March 28,1994 and described in a letter dated March 30,1994 to the Wisconsin Department of Natural Resources. The cleaning of the concrete area is described above and followed the cleaning and rinsing requirements of specific condition 69 with minor modifications. These modifications to the cleaning procedure are documented in the Spectrum Engineering report documenting closure.

Initial samples of the rinsate were not taken for analysis. The letter postmarked May 5,1994 indicated that the proposal for decontaminating the pad and documenting the work was acceptable. By the time this letter was received, The cleaning and final sampling of the drum storage area had already been completed according to the March 30,1994 letter. The concrete area was very clean as indicated by the Spectrum Engineering report at the time of the final sampling.

## A MILSOLV® Company

Quality Products From: UNION CARBIDE - EASTMAN - TEXACO CHEMICAL - SUNCHEM - FMC - AIR PRODUCTS - AMOCO - ANAR  
ANGUS - ALLIED CHEMICAL - ARCO - BADISCHE - BASF WYANDOTTE - CENTRAL SOYA  
CHEVRON CHEMICAL - CHURCH & DWIGHT - OCCIDENTAL CHEMICAL - DOVER CHEMICAL - EMERY - GEORGIA GULF  
GRAIN PROCESSING - HAWKEYE - KERR MCGEE - ICI - JONES HAMILTON  
LEVER BROS. - LONZA - MALLINCKRODT - MILES LABS - NALCO - OCCIDENTAL CHEM - OLIN - SUNOCO PLASTIC DRUM  
PHILLIPS PETROLEUM - PURAC - SILMAR RESINS - STEPAN - STAUFFER

## MILWAUKEE SOLVENTS &amp; CHEMICALS CORP.

P.O. BOX 444 • BUTLER, WIS. 53007 • (414) 252-3550

Plant Located at: N59  
W14765 Bobolink Ave.  
Menomonee Falls, WI 53051  
FAX (414) 252-3961

When we spoke on June 29, 1994 you and I both agreed that the final results of closure were most important and that there was not a lot that could be done about missing the initial sampling. I hope that this situation does not pose any significant problems regarding closure activities. All final samples were tested for metals and organics including chlorinated compounds as required using proper test methods.

ITEM 70

The current plans for the previous drum storage area do not include any type of demolition at this time. This condition was written into the Plan of Operations when the new drum storage area was going to be constructed over the old area.

If you have any questions or feel there are any additional closure requirements, please contact me at (414) 252-5230.

Very truly yours,

MILWAUKEE SOLVENTS & CHEMICALS CORP.



Kevin M. Bagin  
Manager of Environmental Services

cc: Eric Syftestad  
Nick Frohboese  
Bud Douthitt  
Bob Heitzer  
Rick Lewandowski

A MILSOLV® Company

Quality Products From: UNION CARBIDE - EASTMAN - TEXACO CHEMICAL - SUNCHEM - FMC - AIR PRODUCTS - AMOCO - ANAR  
ANGUS - ALLIED CHEMICAL - ARCO - BADISCHE - BASF WYANDOTTE - CENTRAL SOYA  
CHEVRON CHEMICAL - CHURCH & DWIGHT - OCCIDENTAL CHEMICAL - DOVER CHEMICAL - EMERY - GEORGIA GULF  
GRAIN PROCESSING - HAWKEYE - KERR MCGEE - ICI - JONES HAMILTON  
LEVER BROS. - LONZA - MALLINCKRODT - MILES LABS - NALCO - OCCIDENTAL CHEM - OLIN - SUNOCO PLASTIC DRUM  
PHILLIPS PETROLEUM - PURAC - SILMAR RESINS - STEPAN - STAUFFER







# South Carolina Department of Health and Environmental Control

Bureau of Solid & Hazardous Waste Mgt  
2600 Bull Street, Columbia, SC 29201  
Phone: (803) 734-5200  
Emergency & Holidays: (803) 253-6488

PLEASE PRINT or TYPE *3-2000*  
(Form designed for use on efile (12-pitch) typewriter) Form Approved, OMB No. 2050-0039 Expires 9-30-05

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's U.S. EPA ID No. WI, I, D 023350192	Manifest Document No. 1101085	2. Page 1 of 1	Information in the shaded areas is not required by Federal law, but is by State law	
3. Generator's Name and Mailing Address MILWAUKEE SOLVENTS & CHEMICALS N59 W14776 BOBOLINK AVE MENOMONEE FALLS WI 4. Generator's Phone (414) 252-3550 53051				A. State Manifest Document Number 10085		
5. Transporter 1 Company Name SET ENVIRONMENTAL INC				6. U.S. EPA ID Number IL 0981957236		
7. Transporter 2 Company Name SET ENVIRONMENTAL INC				8. U.S. EPA ID Number IL 0981957236		
9. Designated Facility Name and Site Address LAIDLAW ENVIRONMENTAL SERVICES (TOC), INC RAILROAD STREET (301) ROEBUCK, SC 29376				10. U.S. EPA ID Number SC 0981467616		
11. U.S. DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers: No. Type	13. Total Quantity	14. Unit Wt/Vol
a. RQ WASTE FLAMMABLE LIQUID (XYLENE, TOLUENE) 3, UN1993 (FO03, FO05, DO35) PG II				0, 0, 1 TT	0.50, 0.00	G
b.						
c.						
d.						
15. Special Handling Instructions and Additional Information PLEASE SEE ATTACHMENT FOR ADDITIONAL WASTE CODES WORK ORDER # 17657 P.O. # KB5201 FO05				K. Handling Codes for Wastes Listed Above		
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and the laws of the State of South Carolina.				Public reporting burden for this collection of information is estimated to average 37 minutes for generators, 15 minutes for transporters, and 10 minutes for treatment storage and disposal facilities. This includes time for reviewing instructions, gathering data, and completing and reviewing the form. Send comments regarding this burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PH-223, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.		
Printed/Typed Name LARRY DIETRICH		Signature <i>Larry Dietrich</i>		Month Day Year 05/09/94		
Printed/Typed Name GORDON R BLUE		Signature <i>Gordon R Blue</i>		Month Day Year 05/09/94		
Printed/Typed Name RICH MARSIGLIO		Signature <i>Rich Marsiglio</i>		Month Day Year 05/09/94		
19. Discrepancy Indication Space				a. 40140 lbs.	c. _____ lbs.	
				b. _____ lbs.	d. _____ lbs.	
20. Facility Owner or Operator, Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.						
Printed/Typed Name E. JAMES		Signature <i>E. James</i>		Month Day Year 05/11/94		

GENERATOR  
TRANSPORTER  
RECEIVER