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WISCONSIN
DEPT. OF NATURAL RESOURCES

August 24, 2012

Mr. John Perkins, CHMM
Director, Environment, Health & Safety
Tyco Safety Products
6600 Congress Avenue
Boca Raton, FL 33487

File Ref: FID # 438039470

SUBJECT: Class 1 Plan Modification Determination for the
Storage and Treatment of Arsenic Contaminated Sediment
Menominee River Sediment Removal Project
Adjacent to Tyco Fire Products LP Facility
1 Stanton Street, Marinette, Wisconsin
WDNR BRRTS # 02-38-000011
EPA # WID 006 125 215

Dear Mr. Perkins:

The Wisconsin Department of Natural Resources (the Department) has reviewed the hazardous waste class 1 modification request submitted by Tyco's consultant, CH2MHill, dated July 20, 2012. The modification to the Department's July 3, 2012 remediation variance approval is being requested to address the large quantity of debris, consisting mostly of wood and lumber, encountered during dredging operations. The presence of the debris does not allow the use of conveyors to transport the sediment from the barge to the pug mill as described in the May 22, 2012 variance request. The modification will allow for the separation of the sediment from the debris prior to the sediment being introduced in the pug mill.

An excavator will be used to transfer the sediment and debris from the barge to a screen known as the "Warrior". Segregated sediment from the Warrior will be stored on a newly constructed 40 foot by 60 foot steel pad that is partially enclosed by 6 foot high concrete walls until it is transferred to the pug mill for treatment. The debris may be stored in a pile, no larger than 300 cubic yards, in the northwest corner of the processing area prior to being placed in a shredder before treatment in the pug mill. The piles of untreated sediment and debris, the Warrior screen, and the shredder unit will be located within the processing area. Condition #4 of the July 3, 2012 remediation variance conditional approval has been revised and is re-stated as condition #4 of this variance.

This approval also modifies condition #4 to allow the storage of untreated debris in one of the storage bins until it is screened and/or shredded, as requested in CH2MHill's July 27, 2012 e-mail, and allow the operation of the second pug mill to re-treat sediment and increase treatment capacity.

Condition #5 of this modification clarifies condition #11 of the July 3, 2012 remediation variance conditional approval regarding the removal of precipitation from the site. The revision clarifies that ponded water is to be removed from active work areas rather than from all work areas prior to resuming stabilization activities.

This letter serves notice that the Department is issuing a determination to approve the above stated modifications to the storage and treatment process for the dredged sediment and debris.

If you have any questions regarding this letter or the attached remediation variance, please contact Kristin DuFresne in Green Bay at 920-662-5443 or at kristin.dufresne@wisconsin.gov.

Sincerely,

Roxanne N. Chronert, Team Supervisor
Northeast Region Remediation & Redevelopment Program

ec: Jeff Danko, CH2MHill
Gary Cygan, U.S. EPA – Region V
Sandy Miller, DNR – Sturgeon Bay
Ed Lynch, DNR – WA/5
Mark Gordon, DNR – RR/5
Robert Rosenberger, DNR – Peshtigo
Jim Zellmer, DNR – NERH
Jennie Easterly, DNR – Oshkosh
Steve Galarneau, DNR – WT/3
Jim Killian, DNR – WT/3
Cheryl Bougie, DNR – NERH
Kristin DuFresne - NERH

BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CLASS 1 LICENSE MODIFICATION
FINAL DETERMINATION
TYCO SAFETY PRODUCTS
US EPA ID # WID 006 125 215

FINDINGS OF FACT

The Department finds that:

1. Tyco International, Inc. (Tyco) is the legal owner and operator of Tyco Safety Products – Ansul, Inc. (Ansul) located at 1 Stanton Street in Marinette, Wisconsin.

2. On May 22, 2012, CH2MHill submitted a remediation variance request for the storage and treatment of arsenic contaminated sediment dredged from the Menominee River. Once dredged, the sediment would be screened and transferred to the hopper of the pug mill via conveyors. The sediment would be mixed with chemicals in the pug mill, resulting in a waste that no longer exhibits the arsenic toxicity characteristic and meets solid waste landfill standards.

3. On July 3, 2012, the Department issued a hazardous waste remediation variance conditional approval for the May 22, 2012 variance request.

4. Tyco began dredging operations in the Turning Basin on July 10, 2012. Debris consisting of lumber and logs from historical activities were encountered during the dredging operations. The debris blinded the screens and damaged the conveyors approved for use in the Department's July 3, 2012 remediation variance approval.

5. On July 19, 2012, CH2MHill contacted the Department on behalf of Tyco to discuss a process change in the treatment of the sediment. The proposed changes included constructing a 40 foot by 60 foot steel pad on the asphalt in the processing area. Rather than using conveyors, sediment will be transferred from the barge to the steel pad where an excavator equipped with a rake will separate the debris from the sediment. The sediment will be transferred from the pad to the pug mill using an excavator. The debris will be screened in a Warrior unit. The sediment generated during screening will be transferred to the pug mill and the debris will be sent to a shredder prior to treatment in the pug mill. To facilitate continued dredging operations, the Department gave verbal approval for this process change on July 19, 2012.

6. On July 20, 2012, CH2MHill, on behalf of Tyco, submitted a class 1 variance request for the process change discussed on July 19, 2012.

7. During a site visit on July 23, 2012, the Department observed a pile of debris located on the asphalt/concrete area near the processing area. CH2MHill explained that the debris pile was temporarily stored in this location until the Warrior screening unit was delivered and operating. The Department gave verbal approval to allow the temporary storage of the debris pile in a storage bin until the debris could be further screened and shredded. CH2MHill informed the Department that a second pug mill is present on-site to be used as a backup, or the two pug mills could operate concurrently, if necessary, to treat additional sediment or debris. The Department also verbally

clarified condition #11 to require the removal of precipitation from all of the work areas where activities are conducted before operations could resume.

8. On July 27, 2012, CH2MHill notified the Department of their intent to use one storage bin for the temporary storage of debris prior to its being screened and shredded so the debris can be treated in the pug mill. The Department agreed with the temporary storage of the debris in a storage bin via e-mail on July 30, 2012.

9. During a site visit on August 7, 2012, the Department observed a large pile of debris stored on the northwest end of the processing area. The debris was generated during operation of the Warrior unit and was waiting to be shredded, but the shredder unit had not yet been delivered to the site. The debris could not be moved to the storage bins since the bins all contained sediment.

10. In an August 8, 2012 e-mail, CH2M Hill requested Department approval to operate the second pug mill and chemical silo system. The second pug mill would be used primarily to re-treat sediment that failed solid waste landfill standards, but could also be used to increase the daily treatment capacity.

11. On August 9, 2012, the Department issued a letter acknowledging receipt of the plan modification request. An invoice accompanying the acknowledgement letter requests the $400 plan review fee to be submitted by September 10, 2012 (30 days).

12. In and e-mail dated August 13, 2012, CH2MHill provided additional information regarding the plan modification request. CH2MHill stated that the second pug mill will be operated in a manner similar to the first pug mill. Raking will no longer be conducted since all separation of sediment and debris will be achieved by operation of the Warrior. About 400 tons of debris is being stored within the containment structure of the work area prior to shredding and mixing with the sediment for treatment in the pug mill.

13. On August 16, 2012, verbal approval was given to use the second pug mill.

14. On August 16, 2012, a draft copy of this plan modification approval was provided to Tyco and CH2MHill for comment.

CONCLUSIONS OF LAW

1. The Department has promulgated chs. NR 660 to 679, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 291, Wis. Stats.

2. The Department has authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.042(1), Wis. Adm. Code, to issue a hazardous waste operating license and approve a class 1 modification to a license or plan of operation.

3. Condition #15 of the Department's July 3, 2012 remediation variance approval states that any changes in hazardous waste storage or treatment activities not identified in the *Hazardous Waste Remediation Variance Request* dated May 12, 2012 shall be submitted as a class 1 modification subject to Department review and approval in accordance with s. NR 670.042(1), Wis. Adm. Code.

DETERMINATION AND CONDITIONS

Based on the foregoing Findings of Fact and Conclusions of Law, the Department hereby approves the July 20, 2012, class 1 modification request and the additional modifications submitted on July 27, 2012 and August 8, 2012, under s. NR 670.042(1), Wis. Adm. Code, and the conditions set forth as follows:

1. This approval is based on the information available to the Department as of the date of this approval. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity. Likewise, the Department accepts proposals to modify approvals, as provided for in state statutes and administrative codes.

2. Nothing in this conditional approval shall relieve the owner or operator of the legal obligation to comply with applicable federal, state and local requirements.

3. Except as may be expressly provided below, no other conditions in the July 3, 2012 remediation variance approval are affected by this determination.

4. Treatment of dredged material, including hazardous waste sediment and debris, shall only occur in the two pug mills. The second pug mill will primarily be used during re-treatment of sediment that fails to meet landfill requirements following the initial treatment, but may also be used to increase daily treatment volumes. Untreated sediment shall only be stored in the barge while it is secure to shore or on the 40 foot by 60 foot steel pad within the processing area. Sediment that has been treated, but is waiting for re-treatment, shall be stored in any of the 11 storage bins located on asphalt pavement in the former salt vault area and the 8th Street Slip. Untreated debris shall be stored either in the northwest corner of the processing area or in a storage bin that does not contain treated or untreated sediment. The total quantity of untreated debris stored on-site shall not exceed 300 cubic yards. (Modified condition #4 of the July 3, 2012 approval).

5. After a rain event, stabilization activities shall not be conducted until after ponded water has been removed from the work areas where sediment or debris is actively managed. The Department shall be given verbal notification if operations cannot resume within 48 hours of the rain event. (Modified condition #11 of the July 3, 2012 approval.)

6. Tyco shall submit a $400 plan review fee to the Department by September 10, 2012.

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 and administrative codes 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. 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. The petition shall name the Department of Natural Resources as the respondent.

Dated: 08/24/2012

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY

Roxanne N. Chronert

Roxanne N. Chronert, Team Supervisor
Northeast Region Remediation & Redevelopment Program