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**Subject:** Re: Documents Missing from Administrative Record Index for Koppers Superfund Site & Request for Report  
**Date:** Thursday, September 09, 2010 2:27:30 PM

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Dear Mr. Prager,

Thank you for your e-mail requesting certain documents be placed in the Administrative Record (AR). We've evaluated and discussed your request but ultimately decided not to include the requested documents in the AR. Each of the documents you cite are, and will remain, a part of the Site file, where they are available to the public via FOIA. The AR, however, is the body of documents that "forms the basis" for the selection of a particular response at a Site. Consequently, only documents which were considered or relied upon in our decision-making belong in the AR.

I'll offer you one specific example: the June 5, 2005, Technical Memorandum created by Waterloo Hydrogeologic. It would be inappropriate to include the 2005 Memo in the AR, if only because it is a document which I did not read. You may not know that I became the Site's Project Manager in 2007, as such, there are a number of reports and data related to the Site which were created prior to that date, but which I have not personally reviewed. This is not generally problematic, however, given that in that same year, at EPA's insistence, Beazer began the Focused Feasibility Study from which we have gleaned the data and information relevant to the Agency's current decision. To continue with the example of the June 5, 2005 Memo you proposed be included in the AR, the major points of that 2005 Memo were summarized in the 2010 Feasibility Study, which also incorporates the Memo itself by reference. So, while I am familiar with the 2005 Memo and its findings, it does not properly belong in the AR, as I only know its conclusions based upon review and evaluation of the FS. Because there are literally hundreds of similar memos, documents, and reports, it is appropriate to include in the AR only those which were actually considered and relied on.

I trust this answers your question, but should you have others, please don't hesitate to contact either me or Site Attorney Caroline Philson at 404-562-9588.

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Date: 09/08/2010 10:55 AM

Subject: Documents Missing from Administrative Record Index for Koppers Superfund Site & Request for Report

Dear Mr. Miller:

Further review of the Administrative Records Index (ARI) provided by the EPA indicates that there is an ever-growing list of missing documents which are very pertinent to the Koppers Superfund site and to the conclusions drawn by the EPA about the remedial remedies selected for this site, but which are not included in the ARI. This is puzzling, and only serves to foster an atmosphere of distrust towards the EPA.

Among the list of absent documents is one I wrote personally: a 7 page "open letter" document I sent to Dr. Stan Meiburg on November 9th, 2009, with comments about the Draft Feasibility Study for the Koppers Superfund site, with suggestions for improvement to the same. I know that he received it, and other similar documents at that time, as he responded to me by email indicating this. But, it is absent from your ARI. If you would like a copy of that document it is available online here:

[http://www.bancca.org/CCA\\_News/BANCCA.ORG%20-%20Open%20Letter%20To%20EPA%20on%20Koppers%20Superfund%20FS.pdf](http://www.bancca.org/CCA_News/BANCCA.ORG%20-%20Open%20Letter%20To%20EPA%20on%20Koppers%20Superfund%20FS.pdf)

Of course, there are many other important documents missing from the Koppers Superfund ARI. In fact, it is astonishing that a Superfund site with a 26 year history has an ARI that fits on one CD, and contains only 220 PDF files. This leads to the question: will the EPA be issuing an addendum to the ARI CD that was recently released to include those missing documents? Or, do we have to keep requesting documents piecemeal as we discover their absence from the official record?

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In the meantime, please consider this email an official written request for the following document, which should be present in the ARI, as I found mention of it in the ARI:

"Hawthorn Group Sampling Results, Cabot Carbon/Koppers Superfund Site, Gainesville, Florida". This document was prepared by Gradient and Weston Solutions for Cabot Carbon. "The document includes a proposal for

additional Hawthorn monitoring by Cabot Carbon.”

This document is specifically referenced in a letter from William O'Steen of the EPA to you dated Jan. 5, 2010. The letter from Mr. O'Steen is a review of the above-mentioned report and is found in the ARI, but the original report he is providing comment about is not. I assume that this omission, like the others, is inadvertent, which is why I am asking if there will be an addendum issued to the ARI.

I am requesting that you please provide a copy of the report “Hawthorn Group Sampling Results” as described in Mr. William N. O'Steen's memo of Jan. 5, 2010 to me by email. If the report file is too large to email, please mail a copy to me at the address below. I need it for non-profit research purposes. I am happy to reimburse for any nominal charges for copying or postage, should that be necessary.

I hope you don't mind that I have copied other parties in our group who may also be interested in this topic.

Thank you in advance for your assistance.

Respectfully,

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