

EXHIBIT 1

**UNITED STATES' MEMORANDUM IN SUPPORT
OF MOTION TO ENTER CONSENT DECREE
AND RESPONSE TO COMMENTS**

UNITED STATES OF AMERICA v. BEAZER EAST, INC., Civil Action No. 1:13cv29-SPM-GRJ

2/23/13

Assistant Attorney General
Environment and Natural Resources Division

RE: United States of America v. Beazer East, Inc.
Civil Action No. 1:13cv29-SPM-GRJ: D.J. Ref. No. 90-11-2-622/1

I disagree with the current remediation plan for off site cleanup of the Gainesville, FL Cabot Koppers location. I live 2 houses away from the east fence of the C-K site and have witnessed a number of conditions that I can only attribute to soil contamination as I've not seen anything similar when I've lived elsewhere.

From what I understand, the current plan is to remove the top 6-12 inches of dirt (its not good enough to call "soil") and replace it with "clean" soil. I have a number of objections to this.

1. Some of this contamination is not water soluble, and has lower density than water, thus when it rains these contaminants rise to the surface. It won't take more than a year or two for this new top layer of soil to become just as contaminated as the current dirt.
2. Currently the local Health Dept recommends not consuming anything grown in the contaminated areas. Replacing the top 6-12" of dirt will not do anything to change this recommendation as most plants have roots that go deeper than 12". No vegetable gardens, herb gardens, or fruit trees will produce edible products.
3. Very few plants will actually grow in the current contaminated dirt. I've tried to grow a wide variety of plants to dress up my front yard. Plants were chosen to grow well in this climate and in the degree of sun/shade appropriate for the area. Few lived longer than one month, and the ones that did live did not grow, but remained the same size as when planted. It seems the only plants that grow in this area are the large old trees here from before the contamination reached this area, or those plants with ways of dealing with toxins. Oleander is able to survive and grow, but even it doesn't thrive. Oleander is a plant that is naturally toxic to eat. Lantana is another plant that will survive and grow in this dirt; another plant with toxins as it causes rashes and allergic reactions in most people who touch the leaves. Replacing the top 6-12 inches of dirt will not improve the ability to grow nontoxic plants, as the roots will easily pass this depth.
4. The remediation plan makes no mention of relocating residents during this dirt removal. It also makes no mention of how this removal will be done. Will workers come in with shovels and wheel barrows to hand dig the dirt? Or will workers come in with backhoes and front end loaders so that fences will have to be taken down for access? Whatever method is used, there will be airborne dust. Residents and local pets and wild animals will have to breathe this dust during the removal process, thus will be exposed to yet more airborne toxins. This airborne dust will also get into houses, thus leaving yet more contamination. Will local residents and animals all be issued respirators? Will the cleanup crews go into every house and professionally clean them to remove this extra dust?
5. The dirt removal area is fairly large, and it will likely take more than one day to remove and replace the dirt. During this process, how will residents access their homes? Some have paved parking areas, some do not. Will parking areas be provided during this process?
6. The city offers the product of grinding branches they pick up and from tree prunings. It is a decent ground cover. A few years ago I had a dump truck load put in my vehicle parking area.

This raised it enough that I no longer step out into puddles of water when it rains. Will this added height be taken into account when removing the top 6-12" of dirt?

7. What about local roads, paved parking areas, concrete walkways, brick/rock walkways? None of these are even 6" thick. Will these be removed and the dirt below them replaced? If not, this will leave contaminated dirt right next to the clean soil that will be installed.
8. What about the large tree roots within the 6-12" depth? Anyone who has tried to dig fence post holes knows that there are many large roots surrounding large trees. Will the dirt be removed around these roots? Will the roots be cut and removed?
9. What about existing plants during the dirt removal process? The protocol says that the plants will be restored as they were before dirt removal. Will the plants be balled up with the contaminated dirt and set aside to be replanted later with that contaminated dirt? If the plants don't survive, will they be replaced with similar sized plants? What about plants that die a week or a month after this dirt removal process? Will they be replaced? What if the replacement plants don't live?
10. With only this thin layer of dirt removed, it will be easy to dig down to the contaminated dirt, thus bringing it to the surface. Planting a tree, installing fence posts, even kids or dogs digging holes in the yard will expose this contaminated dirt. Local Health Dept recommendations include preventing children from playing in the dirt where they might ingest/eat some even accidentally. With such a relatively thin layer of dirt removed, this Health Dept recommendation will likely remain in place.
11. There is also the probability that houses will have deed restrictions added for being in a contaminated area. I am a homeowner. I'd love to move out of this area, but few if any local realtors will list houses in this contaminated area, and those that get listed don't seem to sell. Even the rental houses rarely keep occupants longer than 6 months at a time, and many are staying vacant longer as more about the contamination becomes public. Without being able to sell, I can't afford to maintain mortgage payments on this place as well as at a new/different location. Thus, I am trapped in this location further exposing myself and my pets to these toxins. Replacing the top 6-12" of dirt and adding deed restrictions won't make these houses any easier to sell. Depending on the wording of the deed restrictions, they will probably make it harder to sell these houses.
12. Test soil samples from this area show contamination much deeper than 12". How was it decided that removing the top 6-12" would be sufficient to "clean" the area? The contamination below that depth will remain and will continue to move downwards into the aquifer and upwards into the new soil. The contamination is widespread enough that even small amounts of toxins getting down to the aquifer from each location will result in quite a bit of contamination. And the contamination will continue to flow sideways into new areas as it has been seen to do over time. These toxins are much closer to the Murphree well area now than they were even a few years ago. The Murphree well area supplies water to Gainesville, FL and much of the surrounding area.
13. The removed dirt from the residential areas is supposed to be placed onto the Cabot Koppers property and "contained". Even only 6-12" of dirt from such a large area will make a large mound to be contained. As it is dumped and moved around during "containment" procedures, this will produce yet more dust to blow westwards (the usual direction) into my neighborhood. This will begin to contaminate the new soil from the top down.

Have you ever known of an area with abundant oak trees and plenty of acorns that had few if any squirrels? Well, my neighborhood is such an area. I have a large old oak tree in my back yard, as do many of my neighbors. I might see 1-2 squirrels a year. They don't stay long, and they don't produce

young while they are here. Occasionally a raccoon, opossum, or other small wildlife will visit the area, but they rarely stay long, and they also don't produce young. I have lived here 6 years and never seen any young wildlife; only adults. Why? At a guess, it's the contaminated nuts/acorns/plant life such animals eat. This should and does tell residents that it isn't healthy to live in this area. The only people who stay any length of time are homeowners who cannot afford to leave.

Ideally, what I believe should be done is to treat the dirt to remove the contamination. There are known ways to remove these toxins. They are not cheap, but they do exist. Any search of the scientific literature will find them. Dirt should be cleaned to a depth of at least 25 feet, as contamination has been measured at least to that depth. Aside from that, local residents should be compensated for their housing and moved elsewhere.

The recommended treatment of the superfund site itself includes injection of yet another toxic chemical into the ground that is supposed to stop the downward migration of toxins. However, this chemical has not been proved effective in scientific studies. In fact, a number of studies have shown it to be ineffective and this has been reported in some of the documents listing possible ways to handle remediation of this site. The current plan is to inject this chemical at a depth of approximately 65 feet. Why not dig up the dirt to that depth, lay down a known effective barrier such as those used to hold toxic lagoons, then replace the contaminated dirt and cover it with pavement or some other non-permeable top covering?

Did you know that this superfund site was still operating as a wood treatment facility up to a couple of years ago even though it was designated a superfund site many decades ago? Why was this allowed to happen? Do you understand that many younger people don't even know what a superfund site is? If I tell anyone younger than 35 that I live next door to a superfund site, I have to then explain what that means. Even many of my doctors don't realize there is this much toxic contamination in the middle of this town. And my pets' veterinarians don't even realize they need to consider this dirt contamination when they discuss treatment plans.

E-mail Received from Karen Scott by DOJ Consent Decree Library February 27, 2013

CL Smoother

2/24/13

Assistant Attorney General

U.S. DOJ E ENRD

P.O. Box 7611

Washington, D.C. 20044-7611

Dear Sir:

Having belated the situation at the Kopper's Superfund Site, I strongly disagree with the proposal to just remove contaminated soil from the yards of the homes, in the neighborhood. The families in those homes have lived in extreme hardship for years and years awaiting a solution to this tragedy. How would you like to live where you can not allow your children to play in the yard, can not allow your pets to run in the yard

and can not plant a vegetable garden for fear of getting cancer or some other horrible disease from exposure to the yard's contaminated soil.

They have suffered long enough. They deserve to have their houses purchased so they can afford to move to a safe area and live a normal life. This should be part of the remediation.

I do not live in the Koppers area and have no connection with the poor souls who live there except as a fellow citizen and tax payer and fellow human being.

Sincerely,

Arne Haveloy
2157 NW 9 Ave
Mainesville, FL 32603

Smout, Cheryl (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Wednesday, February 27, 2013 3:44 PM
To: Smout, Cheryl (ENRD)
Subject: PUBLIC COMMENT FW: Koppers Superfund Site Consent Decree citizen comment
Attachments: Koppers Superfund Site Issues of Concern – US EPA Region 4 Public Meeting Feb 27, 2013.pdf

Cher,

We received the attached comment/email in our public inbox for Beazer East, Inc. (90-11-2-622/1).

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

-----Original Message-----

From: riverman47@cox.net [<mailto:riverman47@cox.net>]
Sent: Wednesday, February 27, 2013 3:35 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Koppers Superfund Site Consent Decree citizen comment

Dear Sir or Madam,
As a citizen of Gainesville I respectfully submit my concerns and objections regarding the Koppers Superfund Site in compliance with the Consent Decree comment period on February 27, 2013.
Dear Sir or Madam,

Koppers Superfund Site Issues of Concern – US EPA Region 4 Public Meeting Feb 27, 2013

- The delays that Region 4 has been largely responsible for are unconscionable considering that delays cost citizens their health and possibly some lives resulting from long term exposure to known toxins present at the Koppers Superfund Site.
- Region 4 has been the subject of considerable controversy regarding their lax oversight in a number of superfund sites. The same should be said of the Koppers site.

The Journal Environmental Science & Technology summarized a grand jury's finding in 2004 that Region 4 EPA and FDEP had failed to protect citizens of Escambia County from horrific pollution in their drinking water. At three Superfund sites, Region 4 administrators had "approved natural attenuation as the remedy of choice." "In one case, the grand jury charged that ConocoPhillips, the corporate owner of the Agrico Chemical Co. Superfund site, avoided paying for cleanup by using a consultant who persuaded government officials to approve natural attenuation."

Escambia County's drinking water comes from a shallow aquifer as does ours. It's obvious that Superfund sites in close proximity to water sources deserve extra special precautions and speedy remediation. We have had neither.

Region 4 has also disregarded FDEP's failure to comply with the Clean Water Act. In 3/8/04, Circuit Judge L. Ralph Smith wrote that FDEP's agreement to allow voluntary regulation of dairies was tantamount to delegating its duties to the industry it is required to regulate. I expect Region 4 to continue to fail in its duties. I fear that Beazers will try to convince the EPA to use inadequate, less costly methods and that Region 4, based on past behavior, will comply. This isn't acceptable when the Superfund site lies so close to the city's drinking water.

I ask you as our elected officials to **publicly** remind Region 4 officials of their egregious past failures and of our lack of trust in them.

--- **Specific concerns:**

- The insufficiency over time of In-Situ Geochemical Stabilization (ISS/S) of karst formations using proprietary products created by Beazer is of great concern to me.
- The slurry wall's inadequate depth, well-established capacity for breaching and general deterioration suggest a polluters substitute for proper cleanup by complete removal facilitated by EPA Region 4's tepid pushback.
- The future redispersal of soil pollutants offsite when the site is eventually developed and partial excavation on site occurs.
- The Koppers Superfund Site could derive a more thorough cleanup if anticipated profit for Beazers from the development to commercial standard **in the future could be factored into the cleanup now, before the ROD is implemented.**

Sincerely,
George Papadi
903 NE Boulevards
32601
(352) 373-1296
riverman47@cox.net

Smout, Cheryl (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Friday, March 01, 2013 11:40 AM
To: Smout, Cheryl (ENRD)
Subject: PUBLIC COMMENT FW: Koppers Consent Decree Gainesville, Florida Citizen Comments
Attachments: 2013.02.25 CONSENT DECREE OPEN HOUSE QUESTIONS.doc

Cher,

Attached is another public comment for Beazer.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: KIM POPEJOY [<mailto:peacekp@outlook.com>]
Sent: Thursday, February 28, 2013 3:55 PM
To: ENRD, PUBCOMMENT-EES (ENRD); Smout, Cheryl (ENRD)
Subject: Koppers Consent Decree Gainesville, Florida Citizen Comments

These comments were gathered at the public Open House meeting hosted by Protect Gainesville's Citizens {USEPA TAG Group} on February 25, 2013.

Kim A. Popejoy, President
Protect Gainesville's Citizens
352.667.2151

Protect Gainesville's Citizens, Inc.

protectgainesville.org

CONSENT DECREE OPEN HOUSE

2013.02.25

Consensus Questions:

The 1st Six were "starred" by the professionals in the room.

1. What is the potential for re-contamination of properties due to dust mobilization, bulldozing and movement of heavy equipment during onsite and offsite remediation?
2. If onsite containment of contaminants leads to remedy failure, will EPA takes steps to require Beazer to be responsible for correction?
3. How will a home that is next door to a remediated yard be protected from cross contamination during a yard's cleanup?
4. How do we guarantee that the community is kept fully informed and engaged and has access to work documents and plans during the complete remediation process?
5. What kind of release will Beazer be allowed to require from homeowners granting access for remediation?
6. Can the city and the county put together a budget for providing oversight of the remediation and have this budget funded through the remediation process?

Additional Comments:

7. How can we be assured that post-remediation, both the off-site and on-site will be safe usable the way the community wants to use it?
8. There are anecdotal stories of mishandled testing samples, how can we be assured protocols were followed particularly during the 6" sampling that was done?
9. What guarantees are there that the new topsoil is clean and fertile?
10. What is the time limit for Beazer taking responsibility for trees once they begin digging around them? What if trees die within a year of having their roots disturbed?
11. Where will trucks be entering Koppers from the neighborhood? Will the dead-end streets be turned into through streets?
12. How will EPA monitor the new stabilization procedures for safety and effectiveness?
13. Where does the clean soil come from and what defines clean soil?

Protect Gainesville's Citizens, Inc., 530 W University Ave., Gainesville, FL 32601

<http://protectgainesville.org> kim@protectgainesville.org ta@protectgainesville.org

352.354.2432

Mission: Protect Gainesville's Citizens' mission is to provide Gainesville Area citizens with accurate and comprehensible information about the Cabot/Koppers Superfund site. Through analytical research, outreach education, and community participation, Gainesville citizens will have an active voice in the Cabot/Koppers Superfund site cleanup process.

Protect Gainesville's Citizens, Inc.

protectgainesville.org

- 14.. In the non-containment area will EPA commit to a cleanup standards that meets soil contact criteria and not just leachability standeards and at depth, not just two feet of clean soil on top?
15. Will there be confirmatory soil sampling off-site prior to bringing in clean soil?
16. Will there be off-site soil monitoring in the 5-year review?
17. How can I get my property bought out so I can move myself and my family?
18. How can we get our political leadership to aggressively pursue EPA and Beazer?
19. Why has EPA not brought Beazer's parent companies into the Consent Decree?
20. Is it true that the statute of limitations for city filing suit against Koppers expires on March 1, 2013?
21. Are our city, county and school board attornnies going to submit comments regarding the structure and substance of the Consent Decree?
22. How long will it take to complete on-site and off-site cleanup take so that all that is left is monitoring?
23. Will they clean residential air ducts?
24. Will they clean the buffer zone between off-site and on-site at the same time as they clean the off-site?
25. Can we structure a "pay forward" to get a non-containment area soil cleanup to commercial standards rather than just a two-foot cover?
26. How much of the non-containment area will be reserved for a stormwater management facility for the containment area?
27. This meeting has been scheduled on a day when there are significant conflicts including religious respect for Lent.
28. Can we have an additional day of meetings?
29. I am outside the off-site remediation area, how confident can I be that my property is not contaminated?
30. Would like more information on cancers in this area that are caused by contaminants.

Protect Gainesville's Citizens, Inc., 530 W University Ave., Gainesville, FL 32601
<http://protectgainesville.org> kim@protectgainesville.org ta@protectgainesville.org
352.354.2432

Mission: Protect Gainesville's Citizens' mission is to provide Gainesville Area citizens with accurate and comprehensible information about the Cabot/Koppers Superfund site. Through analytical research, outreach education, and community participation, Gainesville citizens will have an active voice in the Cabot/Koppers Superfund site cleanup process.

Smout, Cheryl (ENRD)

From: Gress, Julia K [kygress@ufl.edu]
Sent: Friday, March 01, 2013 12:38 PM
To: Smout, Cheryl (ENRD)
Subject: Koppers meeting

Dear Cheryl,

I'm a longtime resident of the neighborhood near Koppers, although I don't live adjacent to the facility. I'm the woman who spoke about kids and dogs accessing the creeks and the need for an ecological risk assessment conducted by a company not hired by Koppers. I'm sure you looked at the risk assessment and maps of the contaminant concentrations produced by Arcadis, which show that, through some miraculous process, the soil dioxin concentrations dramatically fall off exactly at the property boundary with the neighborhood on the west side of Koppers. Arcadis should not conduct an ecological risk assessment on the state of the creeks - which run through the entire Gainesville greenway, along which numerous parks are located. Many children in Gainesville grow up wading and playing in the creeks - and the elementary school where we met last week actually holds "creek clean-ups" and science classes in Springstead Creek. Please make sure this aspect of the remediation plan is addressed, for the benefit of future generations of all the species who enter that habitat. Thank you. Ky Gress

Smout, Cheryl (ENRD)

From: Robert Hallman [4publicissues@gmail.com]
Sent: Saturday, March 02, 2013 1:14 PM
To: Smout, Cheryl (ENRD)
Subject: Kopper Suoperfund Site/Info & Ouestions

Ms Smout,

I attended the meeting on the 27th of Feb. 2013 for community comment.

I was a speaker and have been working with and for The Steven Foster Neighborhood Association for the last 3 years. In addition worked in other states and sites to equal over 5 years as a Citizen Advocate on this problem..

I need to be honest and want you to know I have a heavy background in government and political experience. Just the day before your meeting was my 80th Birthday and with government liaison as part of this experience, The meeting was poorly organized and not what I feel represented clear and reasonable professional communication.

A"Communication Engagement Initiative Action Plan" established by the EPA on January 15, 2010 was supposed to work with communities on this Superfund issue. No such activity was present during the 3 years since this announcement. I can see only one possible action acceptable to those who have been suffering with this problem over the last 30 years. This legal attempt needs to be stopped.

The EPA has had at least 10 to 15 states suing for lack of performance and constant and long delays with this issue. The Justice Department needs to take what ever action available to them to change this poor performance and criminal political action by both the EPA and the corporations contaminating our country.

The Lawyer representing the EPA had no idea what she was talking about. She was not prepared for any kind of communication to the citizens who came to the meeting. We are now communicating to our Congressional Representatives the failed event on the 27th. I had a meeting on the 28th with Congressman Yoho's AA to explain this problem.

I have information that now has both the County and City elected officials on board to fight this legal action and set up by EPA and Beaser. Those who were on board before are now concerned about the so called agreement.

I need as I asked you for at the meeting a full and in writing statement, why those in the contaminated zone are not eligible for "Permanent Relocation". The EPA has made the statement over and over that these citizens are not eligible. Let us see the reasons and the facts that created that decision. Other locations have been using Relocation as a result of the contamination especially when it is clear that Kopper will never be clear of contamination. A government contractor in confidence told me that the decision was wrong.

Sending a negative message is not fun or what I feel can create

serious conflict. We are facing serious illness and death of our citizens. Polite conversation has not been helpful in the over 30 year history of this issue. Politics has made it difficult and the lobbyist effort is winning this war.

Bob Hallman
Citizen Advocate
Government Liaison
cell phone 954-551-9498

Smout, Cheryl (ENRD)

From: D'Haiti, Valencia (ENRD)
Sent: Monday, March 04, 2013 6:58 AM
To: Smout, Cheryl (ENRD)
Subject: FW: Comment on Koppers Consent Decree

Cher -

Here's another comment received in the comment box.

*Val D'Haiti
Systems Support Specialist
U.S. Dept. of Justice
Environment & Natural Resources Division
Environmental Enforcement Section
(202) 514-2436 (telephone)
(202) 514-0097 (fax)
valencia.d'haiti@usdoj.gov*

From: bob palmer [<mailto:rpa711@yahoo.com>]
Sent: Sunday, March 03, 2013 10:46 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Comment on Koppers Consent Decree

Re the Consent Degree involving cleanup of the Koppers Superfund site in Gainesville, FL:

As part of the consent decree, Beezer should be responsible for purchasing homes that lie within the 7 ppt contaminated zone near the Superfund site. It is clear to me that Beezer was let off this hook only because EPA doesn't want to set a precedent that might be extended to homes near other Superfund sites.

But this is a poor rationale for not proceeding with home-purchases in Gainesville. I estimate that the cost to Beezer for purchase of the 80-odd affected homes would be well under \$10 million. This is a small fraction of the cleanup costs, which will approach \$100 million.

The home-purchasing would produce a lot of benefits: piece of mind for the homeowners and the community at large; health benefits; and lifting of part of the cloud of suspicion that has plagued this "cleanup" for over 30 years.

I urge you to use your powers to mandate a limited home-purchasing plan.

Bob Palmer
Gainesville, FL

Smout, Cheryl (ENRD)

From: Scott, Karen C [scottkc@ufl.edu]
Sent: Monday, March 04, 2013 10:11 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Cabot Koppers remediation response 2.docx
Attachments: Cabot Koppers remediation response 2.docx

3/2/13

Assistant Attorney General
US Department of Justice
Environment and Natural Resources Division
PO Box 7611
Washington, DC 20044-7611

RE: United States of America v. Beazer East, Inc.
Civil Action No. 1:13cv29-SPM-GRJ: D.J. Ref. No. 90-11-2-622/1

RE: Cabot Koppers remediation

There are problems with the current remediation plan. Today I was mowing the grass/weeds for the first time this year. The local Health Department continues to say that mowing in the Stephen Foster neighborhood of Gainesville, FL can be a health hazard, though most people continue to mow. Whenever I mow I end up sneezing and coughing. There are times when I have to stop mid mow and go inside for a while until I can stop coughing and gagging. While I do have plant allergies such as pollen and some tree/bush saps, grass was never a problem until I moved here. Today I was sneezing and coughing while mowing, despite the fact that it is early March and the grass/weeds are not blooming or producing seeds.

I'd like to not mow, to let the spring wildflowers grow all summer. But I fear the city coming by and filing a complaint that the yard is overgrown. Letting it stay long also encourages overpopulation of fleas. The fleas in this area seem immune from almost every flea product on the market. I'm not the only pet owner to notice this. When I lived in Trenton, FL, almost any flea protection product would work, including Sevin dust. Here, in Stephen Foster neighborhood of Gainesville, FL, just east of the superfund site of Cabot Koppers, I once combed the fleas from one of my cats and put them in a bag with Sevin dust and left them overnight. In Trenton the fleas would have been dead within an hour. Here in Gainesville next to Cabot Koppers, the fleas were alive and hopping 48 hours later.

Frontline Topspot used to work fine on the dogs when in Trenton. But here in Gainesville, next to Cabot Koppers, it seems to have absolutely no effect on the fleas. Even Adams Flea Shampoo, which contains pyrethrins – a known flea killer, doesn't work very well in this location. The shampoo will kill some fleas, but it used to kill them all and keep them off for a couple of days before we moved here.

Revolution worked somewhat at first, but even it wasn't very effective. Then we switched to Advantage, and it helped for about 2 weeks at a time, though it is rated to work for 4-6 weeks. Capstar, an oral anti flea medication, still works if I don't give it too often. It is designed to be given up to once/day, though has been found to hold for 2-3 days. If I use it even twice/week, it soon becomes much less effective. Even using it 1-2 times/month, and the day before a visit to the veterinarian, it has become less effective this past year. It should kill the fleas starting within 30 minutes of dosing, and have them all dead within an hour or two. Part of its advertising is that a person can place the cat or dog on a white surface and watch the dead fleas fall off the pet. It used to be that way in my home too, but no longer. Now the fleas don't fall off for hours. Recently I gave a cat a dose the day before he was scheduled to have his teeth cleaned. 24 hrs later, during that cleaning, the fleas were just starting to die and fall off. My vet thought I'd given the dose just before our appointment, rather than the day before.

Recently my vet recommended trying Activyl, a new anti flea product. I tried a sample on a cat who has developed a flea allergy and is pulling his hair out on his sides. It is a topical product that is supposed to kill fleas before they bite. It worked great on this cat. Lasted the full month. The only problem is that only one veterinary office in this county carries this product, and it is available only through veterinarians. Unfortunately that veterinarian is not the one I use, so we'll have to set up records at two veterinary offices. And I'm not sure how long this new product will remain effective.

I have done about everything possible to cut down the flea population in my yard and house to help keep them off the dogs and cats. No carpeting. Rugs washed weekly. Bedding washed weekly. No places for fleas and eggs to hide. Keep the grass/weeds short in the yard. Bathe the dogs regularly. Even flea comb the cats regularly in addition to anti flea treatments. And still they are overrun with the critters. Its embarrassing to take a pet to the vet and have that pet covered in evidence of fleas. And this problem is only happening near Cabot Koppers. People living a few miles away don't have this same problem with fleas being immune to currently available anti flea products. What can I think but that this immunity is related to the chemical contamination of the dirt and plants in the area.

The current remediation plan is to remove the top 6-12 inches of dirt and replace it with "clean" soil, then replace whatever plants were in place. That may mean fresh sod for yards that had grass/weeds. I'm betting it won't be long before the new soil will be contaminated by the chemicals in the dirt below the new soil. Many of these chemicals are not water soluble, and have densities less than water, so tend to rise to the surface when it rains. Thus the chemicals will quickly rise through the new soil. The new grass will probably fail to grow properly as is usual in the neighborhood now. And the fleas will move back in, just as resistant to chemicals as they are now.

Fleas may seem a minor problem to you, and generally they are only an inconvenience. But when those fleas can't be removed by readily available treatments, and their population grows, they can threaten the lives of pets. Whenever one of my elder pets falls ill, I have to do extra flea combing multiple times/day to try and avoid "flea anemia", or anemia caused by a high population of fleas on the animal. Flea anemia can kill an already weakened animal. I know. I've lost a few that way when the primary illness was minor but the fleas took enough blood to cause anemia. Ask some veterinarians, it happens more than most people realize.

Before moving to this neighborhood, and for a couple years after moving here, I took in elderly cats who's people died, moved to assisted living places, or were too ill to care for the cats any longer. Cats 10 years old and older would not survive in animal shelters due to age alone. Its hard enough to keep an elder cat alive when they have lived with the same person for many years. The cats literally pine away for their people. Add in a larger than average flea population, thus flea anemia, and the result is many cats dying when they would otherwise have survived. I could not handle the high death rate, thus I no longer take in elderly cats. Now those cats go to the shelters where they live for a week or two, catch upper respiratory infections that are common in shelters, pine away for anyone they know, and are then euthanized, never to even have a chance at a new home. Few if any adoption groups that pull cats from shelters will use their limited space and funds on elder cats. Sending an elder cat to a shelter is basically a delayed death sentence.

There are a few people like me who want to help elder cats have a few more comfortable years, but they are few. Now they are one less due to the local flea population that is immune to any type of control that can be used around cats and dogs.

If I could move away from Cabot Koppers, I would do so. Unfortunately it is near impossible to sell a house in this neighborhood. Few if any realtors will accept a listing here due to the presence of Cabot Koppers, the known health concerns admitted by the local health department, and the fact that realtors have to, by law, tell prospective buyers about Cabot Koppers being a superfund site and explaining just what that means.

In a climate of slowly increasing property values, all around the county and country, values in this neighborhood are declining. This is a lower middle class area with almost every adult employed and many single parent families. It is a quiet neighborhood where kids can play in the street safely. Houses here used to sell for \$70,000-\$80,000. Now current

property values are less than \$60,000. Its near impossible to find a lender willing to refinance a home of this value to begin with, but add in the fact that most owners owe more than current property values, and its impossible to take advantage of the much lower interest rates currently available. I tried last week. So all property owners are stuck here unless they let lenders repos the houses.

Yes, I went from mowing a yard to fleas to property values. All are related problems due to the proximity of Cabot Koppers superfund site and the poor remediation plan currently being discussed. I may opt to have my yard paved rather than go through the hassle and uselessness of such a thin layer of dirt removal. At least paving might help keep the fleas off the dogs and cats. And I won't have to cough and sneeze while mowing. I believe paving is one option being offered to those who don't want to go through dirt removal. Though it won't be as good for the dogs when they want to play, or as soft to lay on.

A more practical remediation plan would be to move all the people out of the area, demolish the houses, and pave it all. At least that would cut down on contaminated dust blowing around, and would help decrease the contamination from rising up and causing problems. Though it wouldn't do a thing to keep the contamination from moving sideways into new areas including the town's main water well field.

Overall, the current remediation plan is highly inadequate. It will not improve the health of local plants, people, or pets. Nor will it improve the ability to sell property in the area. It will also do little to nothing to stop the movement of contaminants into other areas and into the water supply.

Karen Scott
444 nw 26th ave
Gainesville, fl 32609

Smout, Cheryl (ENRD)

From: Deidre Bryan [deidrebryan@cox.net]
Sent: Monday, March 04, 2013 11:23 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Comments re Koppers (Gainesville, Fla.) consent decree

I like an idea that was proposed in our February 27 public meeting: excavate the on-site contaminated soils from outside the consolidation/containment area, and move them into that area--where they would be permanently isolated and immobilized along with the primary source-area contaminants.

It seems to me it would be a far superior remedy to remove these contaminants (as opposed to the present plan to simply cover them over with a layer of clean topsoil), and put the clean topsoil down AFTER you remove the dirty soil. It would provide a much better long-term public health solution. It would not be unreasonably expensive. And it would better encourage redevelopment and the enhancement and rescue of the neighborhood. Thank you.

Deidre Bryan
3309 NW 3rd St.
Gainesville, Fla.

Smout, Cheryl (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Tuesday, March 05, 2013 10:18 AM
To: Smout, Cheryl (ENRD)
Subject: PUBLIC COMMENT FW: Clean-up requested not a cover-up! Gainesville, FL
Attachments: 3.5.2013 Creek from 501 NW 37th Ave Gainesville FL.jpg

Cher,

Another public comment for Beazer East.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Ronald Hodill [<mailto:tacochale1@yahoo.com>]
Sent: Tuesday, March 05, 2013 10:16 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Clean-up requested not a cover-up! Gainesville, FL

Assistant Attorney General
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611

Susan Fairforest, LCSW
501 NW 37th Ave
Gainesville, FL 32609

Regarding: United States of America vs Beazer East, Inc. Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref No. 90-11-2-622/1

Concerning the above mentioned Consent Decree binding clean-up plan between the Atlanta EPA Regional Office represented by Steve Miller and the multi-billion dollar corporation Beazer East, Inc. regarding the Cabot-Koppers Superfund in Gainesville, FL:

This extremely contaminated property is located next to my neighborhood. It has polluted my home with multiple toxins including dioxin at levels of over 400 PPG. The cost to clean the interior and replace my possessions would be several times more than my property is worth.

The removal of the contaminated soil to an acceptable level to avoid contact would undermine my home and cause it to slide down steep slope and into Springstead Creek that is 10 feet from my house foundation. (see enclosed pictures) Soil removal would also destroy the 32 mature trees on my property and any extensive gardens and cause the soil to erode into the creek.

Yet the Consent Decree provides no compensation or cleanup for my property and no

provisions for relocating me, my family and my tenant by buying my property or compensating me for it. Therefore, we are left living in an extremely toxic environment next to a contaminated creek. Already I have had breast cancer and 4 of our pets have died from exposure to toxins since we moved here 16 years ago. I have also experienced skin eruptions, constantly feel fatigued and my immune systems have been compromised so that I am sick most of the time.

Since my 2 daughters were living here during their formative years I am very concerned about their health and their fertility, and their ability to have healthy children without deformities.

Yet, this consent decree provides no medical monitoring of our family, no coverage for medical expenses, no compensation for loss of health and for children born with health problems caused by their mother's exposure to the toxins emitted from this Superfund site onto our property.

My family is just one of hundreds of families around this Superfund site who face the same or similar problems due to this situation.

This Consent Decree refers to us as "recipients." Yet it makes no provision for any of us to "receive" remediation, compensation or relocation or health care. In fact, the term "recipients" seems to refer to the toxins we have "received."

This Consent Decree is a very raw deal for my family and for our neighbors. Please imagine yourself and your family living in these circumstances, helpless to remove yourselves from a life-threatening toxic home which you thought was the accumulation of what little wealth you have and is now worthless.

Please do not abandon us by letting this proposed Consent Decree proceed to closure unmodified, without provisions for reimbursement for relevant medical expenses and for relocation of us residents or provision for financial compensation to us so that we are able to relocate ourselves.

Sincerely,

Susan Fairforest, LCSW

P.S. When the Superfund site soil is being removed causing toxic dust to descend into the air we breathe, there is no provision in this Consent Decree to pay to move us residents to safe locations. And, the excavation of this site will take years.



Smout, Cheryl (ENRD)

From: D'Haiti, Valencia (ENRD)
Sent: Thursday, March 07, 2013 7:03 AM
To: Smout, Cheryl (ENRD)
Subject: FW: Consent decree public comment EPA vs Beazers
Attachments: 3.5.2013 Creek from 501 NW 37th Ave Gainesville FL.jpg

Cher -

Here's a comment that was received in the comment box.

*Val D'Haiti
Systems Support Specialist
U.S. Dept. of Justice
Environment & Natural Resources Division
Environmental Enforcement Section
(202) 514-2436 (telephone)
(202) 514-0097 (fax)
valencia.d'haiti@usdoj.gov*

From: Ronald Hodill [<mailto:tacochale1@yahoo.com>]
Sent: Tuesday, March 05, 2013 5:25 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Consent decree public comment EPA vs Beazers

TO:
Cheryl Smout, Attorney, Environmental Enforcement Section
U.s. Dept of Justice
Washington, DC 20044-7611

FROM:
Susan Fairforest, LCSW
501 NW 37th Ave
Gainesville, FL 32609

Regarding: United States of America vs Beazer East, Inc. Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref No. 90-11-2-622/1

Concerning the above mentioned Consent Decree binding clean-up plan between the Atlanta EPA Regional Office represented by Steve Miller and the multi-billion dollar corporation Beazer East, Inc. regarding the Cabot-Koppers Superfund in Gainesville, FL:

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This Consent Decree refers to us as "recipients." Yet it makes no provision for any of us to "receive" remediation, compensation or relocation or health care. In fact, the term "recipients" seems to refer to the toxins we have "received."

This Consent Decree is a very raw deal for my family and for our neighbors. Please imagine yourself and your family living in these circumstances, helpless to remove yourselves from a life-threatening toxic home which you thought was the accumulation of what little wealth you have and is now worthless.

Please do not abandon us by letting this proposed Consent Decree proceed to closure unmodified, without provisions for reimbursement for relevant medical expenses and for relocation of us residents or provision for financial compensation to us so that we are able to relocate ourselves.

Sincerely,

Susan Fairforest, LCSW

P.S. When the Superfund site soil is being removed causing toxic dust to descend into the air we breathe, there is no provision in this Consent Decree to pay to move us residents to safe locations. And, the excavation of this site will take years.



Smout, Cheryl (ENRD)

From: D'Haiti, Valencia (ENRD)
Sent: Thursday, March 07, 2013 3:32 PM
To: Smout, Cheryl (ENRD)
Subject: FW: Kanapaha Superfund Site

Here's another comment

*Val D'Haiti
Systems Support Specialist
U.S. Dept. of Justice
Environment & Natural Resources Division
Environmental Enforcement Section
(202) 514-2436 (telephone)
(202) 514-0097 (fax)
valencia.d'haiti@usdoj.gov*

From: gvlcoopers@aol.com [mailto:gvlcoopers@aol.com]
Sent: Thursday, March 07, 2013 2:29 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Kanapaha Superfund Site

to: U.S. Department of Justice
re: Koppers Superfund Site, Gainesville, Florida

To whom it may concern:

The cleanup design for Koppers Superfund site ignores the fact that there is a river running underground. The seepage of the toxic chemicals will continue to contaminate the aquifer for generations to come, and is alarmingly close to contaminating Gainesville's drinking water supply. The idea of creating a mound of toxic soil, excavated from the adjacent neighborhood and from onsite areas, to be covered up and left, is not a clean up, it is a cover up.

Removal and incineration of the dioxin-laden soil on homesites and from Koppers property is the only treatment which is acceptable.

Homeowners should be relocated, and Beazer East must be forced to move forward with a comprehensive cleanup that will actually protect the health of the citizens of Alachua County.

Thank you,

Monica Cooper

Smout, Cheryl (ENRD)

From: Smout, Cheryl (ENRD)
Sent: Tuesday, March 12, 2013 5:45 PM
To: 'mickdrake.fl@netzero.net'
Cc: 'Philson.Caroline@epamail.epa.gov'
Subject: Response to Query on Comment period

Hey Mick:

Thanks for your comment dated March 8, 2013 on the Beazer Consent Decree. I am writing in response to your query about the nature of the comment opportunity. The purpose of this comment period is to allow the public to provide any comments on the consent decree which may aid in the determination as to whether the decree is fair and in the public interest. The purpose of the Decree is to implement the remedial action set forth in the Amended Record of Decision dated February 2011. Part of that remedy includes cleaning up neighborhood yards by removing contaminated soil if access to do so is granted by property owners. Our only authority under Superfund is to clean up the Site. We do not have the statutory authority to address other causes of action you refer to. We also cannot advise you on how you should proceed regarding any private actions. Your comment will be included with all of the other comments I receive. Should we decide to move forward with the Consent Decree after reviewing all of the comments, we will attach all the comments with any brief filed with the Court. Thanks, Cher

Smout, Cheryl (ENRD)

From: mickdrake.fl@netzero.net
Sent: Friday, March 08, 2013 4:47 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: USA v. Beazer East, Inc.

Koppers Consent Decree:

i live in the remediation zone - supposedly going to have 2 feet of my soil removed... 100 feet by 150 feet
518 NW 28th AVE
32609

MICHAEL TAYLOR DRAKE

- i'm just wondering the nature of this comment opportunity: clarification, timelines, opt out, etc... i mean just what do u expect? What SHOULD i comment about specifically to get anything done differently if possible.
 - \$! what do i get? do i have to join one of the two or maybe more class action lawsuits or does the EPA measure disbursement/compensation?
 - can i opt out? as in LEAVE ME ALONE, STAY OFF MY PROPERTY and get paid... get paid what amount for letting them destroy my woods as opposed to what amount in keeping all my dioxin?
 - TESTING: its seems i've gotten two different results - one in the GREEN/OK and another beyond the toxic levels and thus requiring clean up, so i'm confused on that count...
 - this whole damn thing has crossed my mind no less than 1000 times?! i've been in the cross hairs since 1995, one of the very longest to stay in this area as i own my house free and clear since 1995 having paid cash...
 - i wonder how much my arthritis and other problems could be a function of the toxins...
 - i keep NOT getting involved because i know there is still another SEVERAL months before anything seemingly takes place - that seems to be the case continuously... my interaction has been to let testers on my property and thats about it - i've missed all meetings, several of which i wanted to go to but worked....
 - many more concerns and worries, i could go on and on - but what would get done? what help is this? what is the nature of your email address? seemingly lost in a vast bureaucratic shuffle in DC as i hope is not the case...
 - so what should i say that could be worth it? what do u want to hear, or more importantly what do u NOT want to hear that u would have to do something about ;)
- what really are your duties and responsibilities on the count of this comment period?

Smout, Cheryl (ENRD)

From: Hargrave [shharg@bellsouth.net]
Sent: Saturday, March 09, 2013 12:49 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Cc: shharg@bellsouth.net
Subject: United States of America V. Beazer East, Inc. Action no. 1:13cvs29-SPM-GRJ; D.J. Ref. NO. 90-11-2-622/1

March 8, 2013

RE:United States of America V. Beazer East, Inc. Action no. 1:13cvs29-SPM-GRJ; D.J. Ref. NO. 90-11-2-622/1

I am a Realtor and a resident of Gainesville for nearly 40 years.

I believe adequate consideration of purchasing homes located near the subject property has not been given. I have not heard any estimates of the cost of doing so addressed. The cost is a big factor in the decision to do this or not. A rough estimate of 100 homes with a value of \$75,000 per home would cost 7.5 million dollars. Compared to the estimated cost of cleaning up the site of 85 million dollars, I think this option should be considered more seriously. The market values of houses in this area have already been reduced significantly and it is reasonable to assume they will not rebound once the surface soils are removed and replaced. It will still be viewed in a very negative manner by potential home buyers.

Sincerely,

Scott Hargrave
Broker
352-380-9364

Smout, Cheryl (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Monday, March 11, 2013 11:05 AM
To: Smout, Cheryl (ENRD)
Subject: FW: Beazer East (Gainesville, FL) Comment
Attachments: Beazer - FLA.pdf

Cher,

Another comment for Beazer East, Inc.

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Bill Eaton [<mailto:wmceaton@bennettenv.com>]
Sent: Monday, March 11, 2013 10:54 AM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Beazer East (Gainesville, FL) Comment

William C. Eaton
Director of U.S. Sales & Marketing

BENEV Capital / Bennett Environmental
P.O. Box 2102
Forge Village, MA. 01886
Ph} 978-692-9990
Cp} 603-498-1174



March 6, 2013

Assistant Attorney General
U. S. Dept of Justice - E.N.R.D.
P.O. Box 7611
Washington, DC 20044-7611

Re: United States of America V. Beazer East, Inc.
Action no. 1:13cvs29-SPM-GRJ; D.J. Ref. NO. 90-11-2-622/1

To whom it may concern,

This correspondence in reference to the aforementioned is designed to showcase available technology which would allow the responsible parties to remove the source material (i.e. most contaminated) from this site in a safe and efficient manner while not encumbering the residents with daily truck traffic.

Our facility specializes in the guaranteed destruction of dioxin & furan compounds in soil with an efficiency exceeding 99.99999%. We have performed numerous similar projects on behalf of the U.S. E.P.A. that allowed soils of this extreme toxicity to be removed rather than be capped to be monitored for an eternity.

By removing the source material, or "hot spots", the possibility of this property returning to some type of beneficial use to the neighborhood is plausible. Our facility is capable of handling all dioxin congeners at any level (regardless of waste code) and is capable of storing up to 63,000 tons of soil.

With the availability of rail at the Beazer site, and our ability to accept rail shipments, waste can be safely removed from this site without adverse impact to the surrounding community associated with shipping soil by truck. When compared to truck transportation, shipping by rail will provide a considerable cost savings to the responsible parties.

To summarize:

- ❖ Our facility is willing and able to accept any amount of soil from this site
- ❖ Shipping by rail would eliminate adverse amounts of truck traffic in Gainesville
- ❖ Our facility has ample storage capacity to allow for uninterrupted shipments
- ❖ The most toxic material at the site can be removed, reducing long-term risk
- ❖ We have a proven track record with treating similar soils on behalf of E.P.A.

Please feel free to contact me with any questions at 603-498-1174 or wmceaton@benevcapital.com

Kind regards,
BENEV Capital / Recupere Sol

William C. Eaton

William C. Eaton
Director of U.S. Sales & Marketing

Recupere Sol, Inc.
P.O. Box 2102 Forge Village Station, Massachusetts 01886
Phone| 978-692-9990 Fax| 978-692-7779



Alachua County Board of County Commissioners

Mike Byerly, *Chair*
Lee Pinkoson, *Vice Chair*
Susan Baird
Charles "Chuck" Chestnut, IV
Robert "Hutch" Hutchinson

Administration
Richard Drummond
County Manager

March 12, 2013

Assistant Attorney General
U.S. DOJ-ENRD
PO Box 7611
Washington, DC 20044-7611

RE: Alachua County, Florida- Comments to Proposed Consent Decree;
United States of America vs. Beazer East, Inc. Civil Action No. 1:13cv29-SPM-GRJ
D.J. Ref. No. 90-11-2-622/1.

Dear Assistant Attorney General:

This letter conveys comments by the Alachua County, Florida Board of County Commissioners (County) to the above referenced proposed Consent Decree. Protection of the environment, public health and welfare of the residents of Alachua County and the City of Gainesville is a top priority for the County. The Cabot Koppers Superfund site has long been a significant concern to our community, dating back well before the site was listed on the National Priorities List in 1983.

This site poses a significant threat to our community's water supply, located only 2 miles from the City of Gainesville's Murphree Wellfield which is the sole water supply for the City of Gainesville and for a major part of Alachua County. Residential neighborhoods adjacent to the site have soils contaminated with dioxins from the site, which creates public health concerns and affects property values for people living in the neighborhood. These soils need to be remediated as soon as possible. It is imperative the remediation begin as soon as possible to protect our community's drinking water, protect public health and the environment, and allow restoration of the site and surrounding neighborhoods.

In October 2010, the County and the City of Gainesville submitted extensive comments in response to USEPA's Proposed Clean-up Plan for the Cabot-Koppers Site. These comments were intended to improve USEPA's plan to better protect our water supply and the health and property values of the residents neighboring the Koppers site and provide maximum flexibility for future development of this site. We appreciate that USEPA agreed to make some of the changes recommended by the City and County.

We remain concerned that the Record of Decision and the Consent Decree do not provide an option for permanent relocation of residents living nearby the site whose properties have been impacted by contamination, who want to be relocated. We understand that the Record of Decision provides for removal of contaminated soils from properties contaminated above state criteria, nevertheless several residents in the neighborhood have continued to express to the County and City great anxiety about their current and future health impacts from contaminated soils and dust in and near their homes. These residents believe that permanent relocation is needed to improve their situation. We understand that USEPA Region 4 has

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TDD (352) 491-4430

Commissioners' E-Mail: bocc@alachuacounty.us ■ Home Page: www.alachuacounty.us

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Page 2

employed permanent relocation in other Superfund clean-ups in Florida such as the Escambia Woodtreating Site, and we urge USEPA to include an option for permanent relocation of residents located within the delineated soil contamination area who want to be permanently relocated. It is also critical that the integrity of the residential neighborhood be preserved. Therefore, properties from which homeowners are relocated must still be cleaned up to residential standards to ensure that these properties be suitable for continued residential use.

The Alachua County Environmental Protection Department along with the City of Gainesville and its utility, Gainesville Regional Utilities (GRU), and the Alachua County Health Department have been working together collaboratively as part of the "Local Intergovernmental Team" (LIT). The LIT has been actively engaged in evaluating the site and in providing technical review and comment to EPA, in order to ensure that adequate and appropriate actions are taken to protect the water supply, public health and the environment. Alachua County and the City of Gainesville have both devoted extensive technical staff time and resources to this effort.

The issuance of the Record of Decision (ROD) in 2011 and the issuance of proposed Consent Decree are significant steps forward in the process. The ROD describes the remedial actions that EPA is requiring to be done to remediate the site. We recognize that the purpose of the consent decree is not to change the scope of the remedial actions, but rather to provide the legal basis for moving forward with the implementation of the ROD. However, the County believes there are issues related to the implementation of the Record of Decision and potential future remedial actions at the site that should be seriously considered by USEPA. Notwithstanding these issues, we urge the USEPA to expeditiously implement the offsite and onsite soil, sediment and groundwater remedies for this site. The County's comments to the proposed Consent Decree are as follows:

1. Expedited Offsite Soil Remediation

The expeditious remediation of the offsite neighborhood dioxin contaminated surface soils is an issue of critical importance to the County and local community. The confirmed contamination in the neighborhood soils is an issue of constant concern to the residents of the neighborhood and has led to increased anxiety about health impacts and has seriously impacted property values in the neighborhood. We believe that expeditious clean-up of this contaminated soil will also have a major impact on relieving resident concerns about indoor dust contamination in the neighborhood. We urge USEPA to take all appropriate actions to make sure this critical remediation task is given the highest priority in the schedule for remediation activities planned for this site. It is our understanding that Beazer East and USEPA plan to begin offsite soil remediation by the end of 2013. We request that USEPA and Beazer East to make meeting of this deadline and schedule a high priority. This will require a strong commitment from Beazer East and USEPA to continue their coordination with neighborhood groups and the City of Gainesville and the County to address and expedite logistical issues and public outreach and communication.

2. Household Dust Health Concerns

Certain property owners and residents in the Stephen Foster neighborhood near the Cabot Koppers Superfund site have raised concerns about indoor dust contamination with dioxins in their homes. The City of Gainesville and Alachua County in their October 2010 joint comments on the USEPA Proposed Plan for the Cabot Koppers Superfund (July 2010) urged the USEPA to study and take appropriate action to address these citizen concerns. USEPA in Appendix A, Responsiveness Summary of the Cabot-Koppers Amended Record of Decision (ROD)(February 2011) stated that it would convene a workgroup to study the issue and determine what, if any, indoor air quality sampling would be conducted. If indoor dust sampling was recommended, the USEPA stated it would conduct or require the responsible party to conduct the indoor dust sampling. USEPA subsequently conducted indoor dust sampling for dioxins in May 2012.

Based on the information released by USEPA (November 2012) to the residents participating in the indoor dust study, the USEPA has not identified a significant concern about the levels of dioxins in the tested

Stephen Foster neighborhood homes near the former Koppers site based on USEPA derived risk criteria. As stated in Appendix A of the ROD, the Florida Department of Environmental Protection (FDEP) has confirmed that its risk-based corrective action soil clean-up level standards do not apply to indoor dust. The Florida Department of Health (FDOH) under a Cooperative Agreement with the US Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR) has also issued a preliminary health review (December 2012) and has determined that the levels of dioxins do not pose an imminent health threat. The ROD and the Consent Decree Statement of Work of February 2013 do not provide for any remediation actions for indoor dust.

The FDOH is expected to issue a health consultation on the indoor dust study which will provide more information on the long term health impacts of the dioxin levels observed. If the health consultation from FDOH indicates a significant long term health risk or there are future changes in federal or state standards which would suggest greater health risk, then we request and urge USEPA to re-evaluate the indoor dust levels found in the neighborhood and the need for any remediation including amending the Record of Decision as appropriate. At a minimum, we request that USEPA consider an evaluation of this issue as part of the 5 year review process for the Superfund remedy.

3. Relocation Option

We strongly urge USEPA to include an option for permanent relocation of residents located within the USEPA delineated soil contamination area presently and in the future who want to be permanently relocated. It is also critical that the integrity of the residential neighborhood be preserved. Therefore, properties from which homeowners are relocated must still be cleaned up to residential standards to ensure that these properties be suitable for continued residential use.

4. On-site Surface Soil Remediation

We request the USEPA seriously consider input from the County, the LIT and neighborhood organizations including Protect Gainesville Citizens, Inc. on possible alternative design approaches to implementing the ROD remedy for contaminated on-site surface soils outside the Groundwater Containment Zone/Soil Consolidation Area. This area involves about 2/3 of the 90-acre site.

For example, the Statement of Work, Appendix B of the Consent Decree, indicates that surface soils will be excavated only where certain contaminants exceed groundwater leaching performance standards. A less water soluble contaminant such as dioxin, though highly toxic, would not trigger excavation even though it may be present in the surface soils at concentrations significantly above commercial direct contact standards due to its higher groundwater leaching standard. It appears that for the majority of this area, a surface cover of 2 feet of clean soil will likely be used to meet clean-up goals.

The anticipated future land uses on the site include both residential and commercial uses. We believe that covering contaminated soils in the majority of the site, without applying both leachability *and* direct contact standards first, would place undue restrictions on the future development of this site. An alternate design approach which removes a few feet of contaminated surface soils from this area and moves those soils into the consolidation area prior to application of clean fill surface covers is feasible and consistent with the remedy described in the ROD.

This alternative would allow for more unrestricted development of this large area of the site and should be considered by USEPA to meet its requirement to implement a remedy which will accommodate the future land uses of the land desired by the community. A more rigorous evaluation of soil data can lead to a balance of excavation and cover in the Remedial Design.

5. In-Situ Solidification/Stabilization (ISS/S) Treatment Depth

Appendix B page 2, the final sentence of the second to last paragraph of the proposed Consent Decree

Page 4

states that "The final depth of ISS/S treatment will be based on pilot tests designed to determine the site-specific practical depth limit of effective ISS/S application." The ROD (page 120, last paragraph) specifies that application will extend to the Hawthorn Group Middle clay layer, approximately 65 ft deep. We acknowledge that any of the remediation approaches being implemented at the site should be modified appropriately if field data indicate technological issues, or site conditions which warrant modification. However, we are concerned that the proposed Consent Decree appears to deviate from the ROD on this issue, and that EPA appears to be relaxing the requirement for penetration depth of the ISS/S treatment. If the ISS/S treatment does not extend to the middle Hawthorn Group clay layer, this is likely to reduce its effectiveness since there are likely to be pockets of creosote located just above this clay layer which can continue to cause deeper contamination if not treated. Therefore, every effort should be made to extend the treatment down to the desired depth, and there should be a stringent burden of proof if the technology cannot be extended to this depth due to site conditions. As pointed out by EPA in the ROD Responsiveness Summary (Appendix A, page 31, third paragraph), "there have been other deep soil mixing uses of ISS/S of up to 110 ft below ground surface without negative unintended effects."

6. On-Going Involvement of LIT and Community

We appreciate that EPA has provided the County and the LIT the opportunity to be actively engaged in technical review and discussions throughout the remedial investigations and development of the ROD. We request a commitment from USEPA to continue to allow the County and the LIT to be actively engaged in the process of reviewing and commenting on the remedial design and construction documents. Also, we request that EPA continue to be actively engaged with the community by providing updates to the community and seeking input where appropriate. In the future if there is new information or additional impacts confirmed that are related to the site that warrant additional remedial actions, we expect that EPA will take prompt and aggressive actions, including amending the ROD if necessary, to protect human health, safety and the environment.

As stated previously, the remediation of the Koppers portion of the Cabot Carbon/Koppers Superfund site is an utmost priority in our community. It is critical that remedial design and remedial actions be initiated as soon as possible, in order to protect the water supply, public health, and the environment of our community. Therefore, we support moving forward as quickly as possible with entering the proposed Consent Decree.

We appreciate the efforts of the Attorney General's office and the EPA in moving forward with the remediation of the Koppers site. If you have any questions, or if we can provide further information, please do not hesitate to contact Mr. Chris Bird, Environmental Protection Department Director at 352-264-6801.

Sincerely,



Mike Byerly, Chair
Alachua County Commission
Chr13.036

MB/CB/lg

cc: Board of County Commissioners
Dave Wagner, County Attorney
Senator Bill Nelson
Congressman Ted Yoho
Department File

Richard Drummond, County Manager
Chris Bird, Director Environmental Protection
Senator Marco Rubio
Congresswoman Corrine Brown



City of Gainesville

Craig Lowe, Mayor

March 12, 2013

Assistant Attorney General
U.S. DOJ-ENRD
PO Box 7611
Washington, DC 20044-7611

RE: City of Gainesville, Florida - Comments to Proposed Consent Decree;
United States of America vs. Beazer East, Inc. Civil Action No. 1:13cv29-SPM-GRJ
D.J. Ref. No. 90-11-2-622/1.

Dear Assistant Attorney General:

This letter conveys comments by the City Commission of the City of Gainesville, Florida (City) to the above referenced proposed Consent Decree. Protection of the environment, public health and welfare of the residents of the City of Gainesville and Alachua County is a top priority for the City. The Cabot Koppers superfund site has long been a significant concern to our community, dating back well before the site was listed on the National Priorities List in 1984.

This site poses a significant threat to our community's water supply, located only two miles from the City's Murphree Wellfield, which is the sole water supply for the City of Gainesville and for a major part of Alachua County. Residential neighborhoods adjacent to the site have soils contaminated with dioxins from the site, creating public health concerns and affecting property values for people living in the neighborhood. These soils need to be remediated as soon as possible. It is imperative the remediation begin as soon as possible to protect our community's drinking water, protect public health and the environment, and allow restoration of the site and surrounding neighborhoods.

In October 2010, the City and Alachua County submitted extensive comments in response to USEPA's Proposed Clean-up Plan for the Cabot Koppers Site. These comments were intended to improve USEPA's plan to better protect our water supply and the health and property values of the residents neighboring the Koppers site and to provide maximum flexibility for future development of this site. We appreciate that USEPA agreed to make some of the changes recommended by the City and County.

We remain concerned that the Record of Decision and the Consent Decree do not provide an option for permanent relocation of residents living nearby the site whose properties have been impacted by contamination, who want to be relocated. We understand that the Record of Decision provides for removal of contaminated soils from properties contaminated above state criteria. Nevertheless several residents in the neighborhood have continued to express to the County and City great anxiety about their perceived current and future health impacts from contaminated soils and dust in and near their homes. These residents believe that permanent relocation is needed to improve their situation. We understand that USEPA Region 4 has employed permanent relocation in other Superfund clean-ups in Florida such as the Escambia Woodtreating Site, and we urge USEPA to include an option for permanent relocation of residents located within the delineated soil contamination area who want to be permanently relocated. It is also critical that the integrity of the residential neighborhood be preserved. Therefore, properties from which homeowners are relocated must still be cleaned up to residential standards to ensure that these properties be suitable for continued residential use.

The City of Gainesville and its utility, Gainesville Regional Utilities (GRU), along with Alachua County Environmental Protection Department and the Alachua County Health Department have been working together collaboratively as part of the "Local Intergovernmental Team" (LIT). The LIT has been actively engaged in evaluating the site and in providing technical review and comment to EPA in order to ensure that adequate and appropriate actions are taken to protect the

water supply, public health and the environment. The City has spent \$2.5 million of its own money to obtain independent technical consultants to assist in this effort. The City and Alachua County have both devoted extensive technical staff time and resources to this effort.

The issuance of the Record of Decision (ROD) in 2011 and the issuance of the proposed Consent Decree are significant steps forward in the process. The ROD describes the remedial actions that EPA is requiring to be done to remediate the site. We recognize that the purpose of the Consent Decree is not to change the scope of the remedial actions, but rather to provide the legal basis for moving forward with the implementation of the ROD. However, the City believes there are issues related to the implementation of the Record of Decision and potential future remedial actions at the site that should be seriously considered by USEPA. Notwithstanding these issues, we support the approval of this Consent Decree and urge the USEPA to expeditiously implement the offsite and onsite soil, sediment and groundwater remedies for this site. The City's comments to the proposed Consent Decree are as follows:

1. Expedited Offsite Soil Remediation

The expeditious remediation of the offsite neighborhood dioxin contaminated surface soils is an issue of critical importance to the City and local community. The confirmed contamination in the neighborhood soils is an issue of constant concern to the residents of the neighborhood and has led to increased anxiety about health impacts and has seriously impacted property values in the neighborhood. We believe that expeditious clean-up of this contaminated soil will also have a major impact on relieving resident concerns about indoor dust contamination in the neighborhood. We urge USEPA to take all appropriate actions to make sure this critical remediation task is given the highest priority in the schedule for remediation activities planned for this site. It is our understanding that Beazer East and USEPA plan to begin offsite soil remediation by the end of 2013. We request that USEPA and Beazer East to make meeting of this deadline and schedule a high priority. This will require a strong commitment from Beazer East and USEPA to continue their coordination with neighborhood groups and the City and Alachua County to address and expedite logistical issues and public outreach and communication.

2. Household Dust Health Concerns

Certain property owners and residents in the Stephen Foster neighborhood near the Cabot Koppers Superfund site have raised concerns about indoor dust contamination with dioxins in their homes. The City and Alachua County in their October 2010 joint comments on the USEPA Proposed Plan for the Cabot Koppers Superfund (July 2010) urged the USEPA to study and take appropriate action to address these citizen concerns. USEPA in Appendix A, Responsiveness Summary of the Cabot-Koppers Amended Record of Decision (ROD)(February 2011) stated that it would convene a workgroup to study the issue and determine what, if any, indoor air quality sampling would be conducted. If indoor dust sampling was recommended, the USEPA stated it would conduct or require the responsible party to conduct the indoor dust sampling. USEPA subsequently conducted indoor dust sampling for dioxins in May 2012.

Based on the information released by USEPA (November 2012) to the residents participating in the indoor dust study, the USEPA has not identified a significant concern about the levels of dioxins in the tested Stephen Foster neighborhood homes near the former Koppers site based on USEPA derived risk criteria. As stated in Appendix A of the ROD, the Florida Department of Environmental Protection (FDEP) has confirmed that its risk-based corrective action soil clean-up level standards do not apply to indoor dust. The Florida Department of Health (FDOH) under a Cooperative Agreement with the US Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR) has also issued a preliminary health review (December 2012) and has determined that the levels of dioxins do not pose an imminent health threat. The ROD and the Consent Decree Statement of Work of February 2013 do not provide for any remediation actions for indoor dust.

The FDOH is expected to issue a health consultation on the indoor dust study which will provide more information on the long term health impacts of the dioxin levels observed. If the health consultation from FDOH indicates a

significant long term health risk or there are future changes in federal or state standards which would suggest greater health risk, then we request and urge USEPA to re-evaluate the indoor dust levels found in the neighborhood and the need for any remediation including amending the Record of Decision as appropriate. At a minimum, we request that USEPA consider an evaluation of this issue as part of the 5 year review process for the Superfund remedy.

3. Relocation Option

We urge USEPA to include an option for permanent relocation of residents located within the delineated soil contamination area who want to be permanently relocated. It is also critical that the integrity of the residential neighborhood be preserved. Therefore, properties from which homeowners are relocated must still be cleaned up to residential standards to ensure that these properties be suitable for continued residential use.

4. On-site Surface Soil Remediation

We request the USEPA seriously consider input from the County, the LIT and neighborhood organizations including Protect Gainesville Citizens, Inc. on possible alternative design approaches to implementing the ROD remedy for contaminated on-site surface soils outside the Groundwater Containment Zone/Soil Consolidation Area. This area involves about 2/3 of the 90-acre site.

For example, the Statement of Work, Appendix B of the Consent Decree, indicates that surface soils will be excavated only where certain contaminants exceed groundwater leaching performance standards. Less soluble contaminants such as dioxin, though highly toxic, would not trigger excavation even though it may be present in the surface soils at concentrations significantly above the direct contact standards due to its higher groundwater leaching standard. It appears that for the majority of this area, a surface cover of two feet of clean soil will likely be used to meet clean-up goals.

The anticipated future land uses on the site include both residential and commercial uses. We believe that covering contaminated soils in the majority of the site, without applying both leachability *and* direct contact standards first, would place undue restrictions on the future development of this site. An alternate design approach which removes a few feet of contaminated surface soils from this area and moves those soils into the consolidation area prior to application of clean fill surface covers is feasible and consistent with the remedy described in the ROD.

This alternative would allow for more unrestricted development of this large area of the site and should be considered by USEPA to meet its requirement to implement a remedy which will accommodate the future land uses of the land desired by the community. A more rigorous evaluation of soil data can lead to a balance of excavation and cover in the Remedial Design.

5. In-Situ Solidification/Stabilization (ISS/S) Treatment Depth

Appendix B page 2, the final sentence of the second to last paragraph of the proposed Consent Decree states that "The final depth of ISS/S treatment will be based on pilot tests designed to determine the site-specific practical depth limit of effective ISS/S application." The ROD (page 120, last paragraph) specifies that application will extend to the Hawthorn Group Middle clay layer, approximately 65 ft deep. We acknowledge that any of the remediation approaches being implemented at the site should be modified appropriately if field data indicate technological issues, or site conditions which warrant modification. However, we are concerned that the proposed Consent Decree appears to deviate from the ROD on this issue, and that EPA appears to be relaxing the requirement for penetration depth of the ISS/S treatment. If the ISS/S treatment does not extend to the Middle Hawthorn Group clay layer, this is likely to reduce its effectiveness since there are likely to be pockets of creosote located just above this clay layer which can continue to cause deeper contamination if not treated. Therefore, every effort should be made to extend the treatment down to the desired depth, and there should be a stringent burden of proof if the technology cannot be extended to this depth due to site conditions. As pointed out by EPA in the ROD Responsiveness Summary (Appendix A, page 31, third paragraph), "there have been other deep soil mixing uses of ISS/S of up to 110 ft below ground surface without

Page 4

negative unintended effects.”

6. On-Going Involvement of LIT and Community

We appreciate that EPA has provided the City and the LIT the opportunity to be actively engaged in technical review and discussions throughout the remedial investigations and development of the ROD. We further appreciate EPA's recent commitment to allow the City and the LIT to be actively engaged in the process of reviewing and commenting on the remedial design and construction documents. We request that EPA continue to be actively engaged with the community by providing updates to the community and seeking input where appropriate. In the future if there is new information or additional impacts confirmed that are related to the site that warrant additional remedial actions, we expect that EPA will take prompt and aggressive actions, including amending the ROD if necessary, to protect human health, safety and the environment.

As stated previously, the remediation of the Koppers portion of the Cabot Carbon/Koppers superfund site is an utmost priority in our community. It is critical that remedial design and remedial actions be initiated as soon as possible, in order to protect the water supply, public health, and the environment of our community. Therefore, we support moving forward as quickly as possible with entering the proposed Consent Decree.

We appreciate the efforts of the Attorney General's office and the EPA in moving forward with the remediation of the Koppers site. If you have any questions, or if we can provide further information, please do not hesitate to contact Mr. Rick Hutton, GRU Supervising Engineer at 352-393-1218 huttonrh@gru.com; Fred Murry, Assistant City Manager at 352-334-5010 murryfj@cityofgainesville.org; or Chris Bird, Environmental Protection Department Director at 352-264-6801.

Sincerely,


Craig Lowe
Mayor

xc: Gainesville City Commission
Russ Blackburn, City Manager
Nicolle Shalley, City Attorney
Bob Hunzinger, General Manager for Utilities
Fred Murry, Assistant City Manager
Rick Hutton, GRU Water/Wastewater Supervising Engineer
Chris Bird, Director of Environmental Protection
Senator Bill Nelson
Senator Marco Rubio
Congressman Ted Yoho
Congresswoman Corrine Brown

March 12, 2013

Assistant Attorney General
U.S. DOJ-ENRD
PO Box 7611
Washington, DC 20044-7611

RE: Comments on Proposed Consent Decree;
United States of America V. Beazer East, Inc. Action no. 1:13cvs29-SPM-GRJ
D.J. Ref. NO. 90-11-2-622/1.

Assistant Attorney General:

My comments relate to a single issue: the on-site surface soils *outside* the consolidation/containment area --the green area on the plan view diagram (Attachment A, Figure 14 from ROD).

The remedy for the most part merely specifies covering this area with 2 feet of clean topsoil.

Excavation and removal of soils is specified only in hotspots where certain contaminants cause leachability criteria (Groundwater Cleanup Target Levels [GCTLs]) to be exceeded.

Excavation and removal is *not* specified where direct contact criteria (Soil Cleanup Target Levels [SCTLs]) are exceeded. Less-soluble contaminants such as dioxin, though highly toxic, would remain in place. (Attachment B, On-Site Remedy 11.2.1.3 from ROD).

Dioxin is widely distributed across the surface of the 90-acre site and at concentrations sometimes hundreds of times higher than even *commercial* SCTLs. (Attachment C, On-Site Surface Soil Tests Figure 9 from ROD).

Simply covering over these types of contaminants at these concentrations with 2 feet of topsoil will not sufficiently protect human health and the environment for the thousands of years the remedy must remain effective.

The anticipated future land uses on the site include both residential and commercial uses. Covering contaminated soils on the majority of the site, without applying both leachability and direct contact standards first, would place undue restrictions on the future development of this site. An alternate design approach (which removes a few feet of contaminated surface soils from this area and moves those soils into the consolidation area prior to application of clean fill surface covers) is feasible and consistent with the remedy described in the ROD, as follows:

11.2.1.3 Surface grading and covers:

In summary, the potential components of the final grading and covering plan may include (but will not be limited to) one or more of the following:

- Excavation with a two-foot soil cover;

....

EPA re-use directives state that remedies for superfund sites should accommodate the reasonably anticipated future land uses desired by the community, wherever practicable.¹

When this document states that EPA "identifies" or "determines" the reasonably anticipated future land use of a site, it should be understood to mean that, based on the

site's stakeholders (local governments, community groups, individuals, states, tribes, etc.) and other remedy selection factors described in the CERCLA statute, the NCP and EPA guidance, the Agency makes a decision on what the future land uses are likely to be, so that remedies can, wherever practicable, support those future uses.

OSWER Directive 9355.7-19 "The Superfund Reuse Directive (2010)"

The local land use authority, the Gainesville City Commission, has indicated it wants a site that will attract and be conducive to mixed-use development that includes both residential and commercial uses, with strong emphasis on the residential component; and with as few institutional and engineering restrictions as possible.

With high concentrations of contamination just below the surface, both the environmental and psychological constraints would severely limit reuse options, reduce flexibility of design, and inhibit the kind of redevelopment the community wants.

Whereas the contaminated soils *within* the containment area (the blue area on the plan view diagram) are of such a nature and at such depths that it would be impracticable for them to be excavated and removed, the vast majority of contamination *outside* the containment area lies within the top several feet of soil and is of such a nature that it *can* be excavated and at least *moved into* the consolidation area, where it can be safely and permanently bound.

This would leave the remaining 2/3 of the site (60 acres) in *very* clean condition, *and* at depth. This would significantly reduce the stigma associated with the site, which is crippling the general health of the entire neighborhood. Such a cleanup would open the site up for a variety of choices for redevelopment, not just in the short term, but over the course of many generations into the future.

Such a remedy would be both practicable and cost-effective, especially in the long term; it would be significantly more protective of human health and the environment; *and* it would be in better alignment with EPA reuse directives.

The reasonably anticipated future land uses will include both residential and commercial development. Soils outside the containment area should be cleaned at depth, and at minimum to commercial SCTLs.

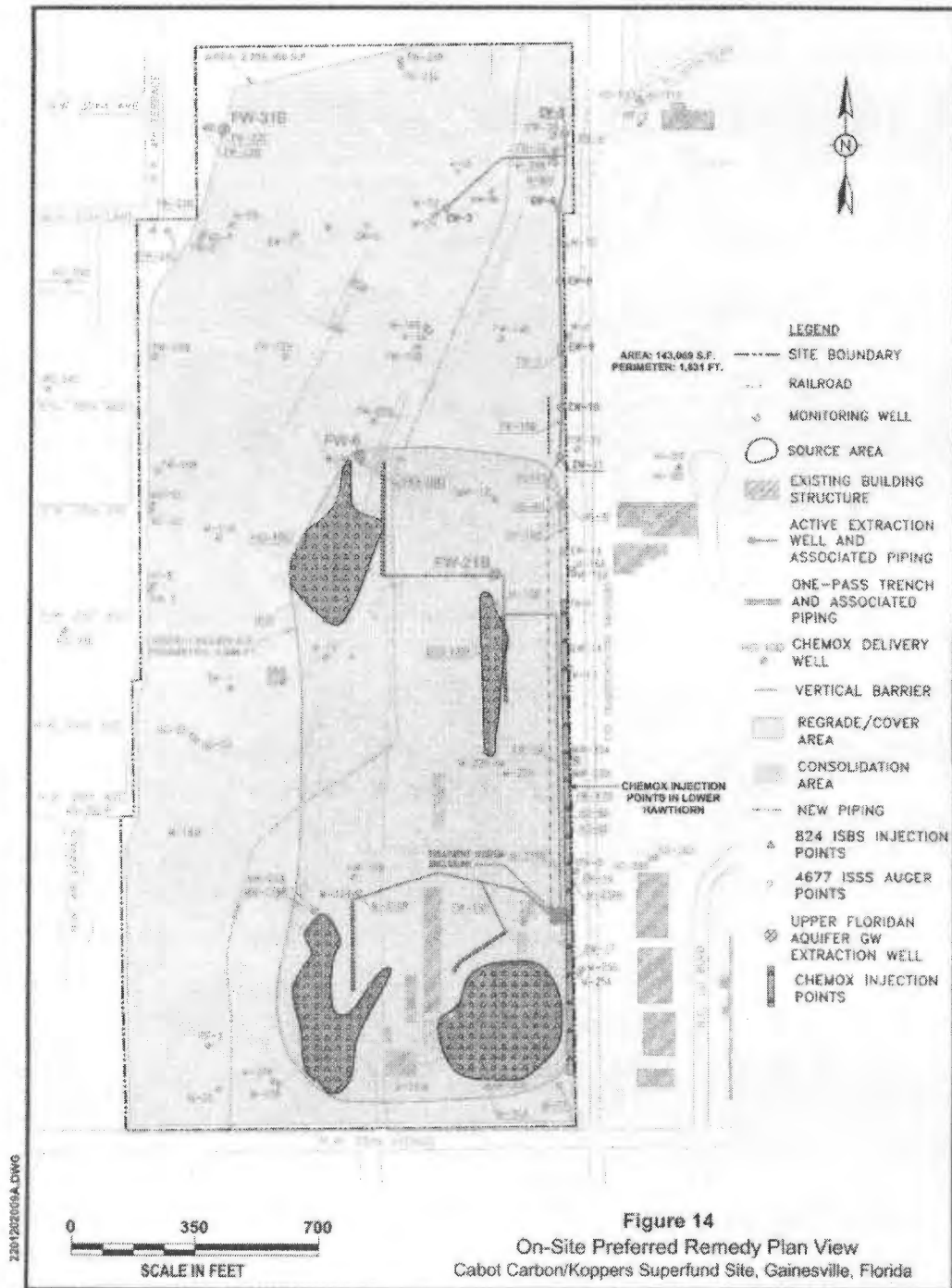
The on-site vadose zone soils outside the consolidation area should meet not only GCTL leachability criteria, but *also* SCTL direct contact criteria, before being covered over with topsoil. The contaminated soils that exceed leachability *and* direct contact criteria should be moved into the consolidation area, where all site-related contaminants can be permanently contained and immobilized.

Robert Pearce
714 NW 36th Avenue
Gainesville, Florida 32609

¹OSWER Directive 9355.7-19 Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites (The Superfund Reuse Directive (2010)) <http://www.epa.gov/superfund/programs/recycle/pdf/reusedirective.pdf>; and

OSWER Directive No. 9355.7-04 Land Use in the CERCLA Remedy Selection Process <http://www.epa.gov/superfund/community/relocation/landuse.pdf>

Attachment A



Attachment B

RECORD OF DECISION
SUMMARY OF REMEDIAL ALTERNATIVE SELECTION
CABOT CARBON/KOPPERS SUPERFUND SITE
GAINESVILLE, ALACHUA COUNTY, FLORIDA
PREPARED BY:
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA, GEORGIA
FEBRUARY 2011

(pp. 117-119)

11.0 Selected Remedy

.....

11.2 Description of the Selected Remedy

The selected remedy has three parts that address three distinct media groups: on-Site media (soil and groundwater above the Upper Floridan Aquifer [UFA]), groundwater in the UFA, and off-Site media (soil, sediment, and surface water). Each is discussed separately below.

11.2.1 On-Site Remedy (OnR-5H)

Implementation details of the relevant components are described in the following subsections.

....

11.2.1.3 Surface grading and covers. This remedial component mostly applies to on-Site areas outside of the soil consolidation area. The green area on Figure 14 shows the soil outside of the consolidation area. First, soil hot spots in this area which exceed soil leachability target levels will be excavated and placed within the on-Site consolidation area. Then clean surface soil will be applied such that a minimum of two feet of clean surface soil will be in place beneath the final surface. Prior to installation of the surface cover, the Site will be regraded to redirect storm water runoff away from the consolidation area and producing non-erosive drainage across the site. The Site grading activity will involve removal of some surface soils, with placement within the soil consolidation area on-Site. The installation of an additional surface cover atop of the clean soil of materials consistent with future land use will minimize penetration of surface water and protect against direct contact with contaminated soils above residential cleanup levels. Final surface covers may consist of a hard wearing surface such as concrete or asphalt with appropriate supporting base material, or, as appropriate, vegetation.

In summary, the potential components of the final grading and covering plan may include (but will not be limited to) one or more of the following:

- Excavation with a two-foot soil cover;
- Placement of a two-foot soil cover without excavation;
- Placement of a two-foot soil cover and covering with a road and or paved parking area; and
- Placement of a lined pond over exposed soil.

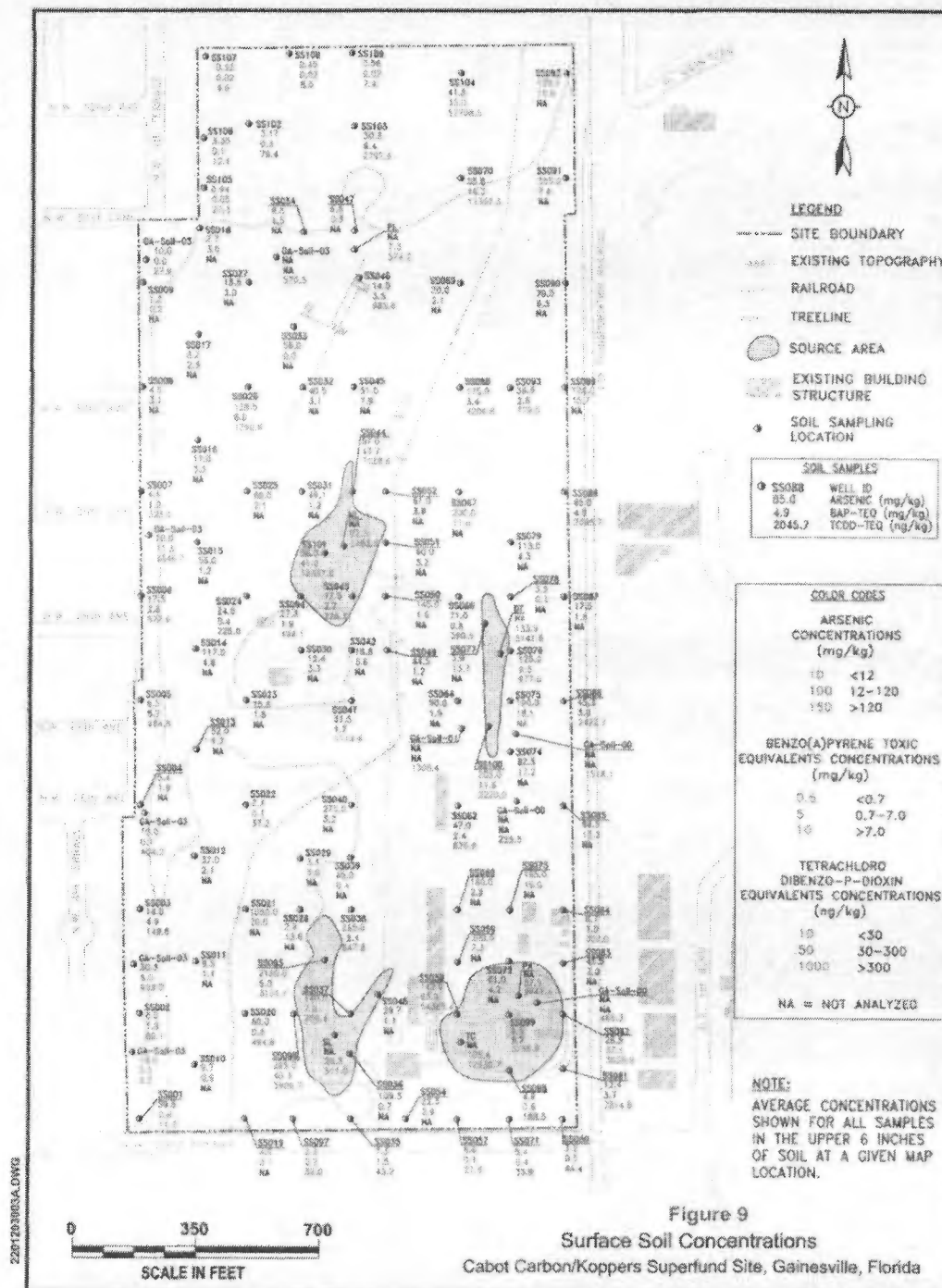
.....

(p. 125)

1.2.1.13 Institutional controls. This on-Site remedy component consists of deed restrictions and other policy/programmatic actions to limit potential exposure to media with elevated constituent concentrations and to ensure the effectiveness of engineering controls. A Site property deed restriction will specify or limit the types of permissible future Site development and will place health, safety, and materials-management requirements on any future construction activities.

.....

Attachment C



Smout, Cheryl (ENRD)

From: riverman47@cox.net
Sent: Wednesday, March 13, 2013 4:50 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Koppers Superfund Site Consent Decree citizen comment
Attachments: braided stream image(Yellowstone River)-1.jpeg; ATT00001.htm; braided_Stream.jpg; ATT00002.htm; Braided River, South Island of New Zealandong.jpg; ATT00003.htm; Koppers Superfund Site Issues of Concern – US EPA Region 4 Public Meeting Feb 27, 2013.pdf; ATT00004.htm

Dear Sir or Madam,

I would like to make several comments regarding Koppers Superfund Site in addition to the ones that I have already submitted and which are listed below my current comments:

1)Senior Environmental Manager for Beazer East Inc., Mitchel Brouman is connected with the company that is providing the geochemical stabilizer that is proposed for the Koppers remediation. This material will be beta tested on the Koppers Superfund site. In other words, it is theoretically and officially at the testing stage and **Beazers wants to risk the aquifer and Gainesville's water supply with an experimental material that is still in the beta test stage. This is another instance where a serial polluter tells us that they have a less expensive solution to fix the catastrophe that they created but in this case using a method that makes us the guinea pigs. And they say to us "Trust us. We're professionals. Isn't there precedence for high stakes circumstances like this one?**

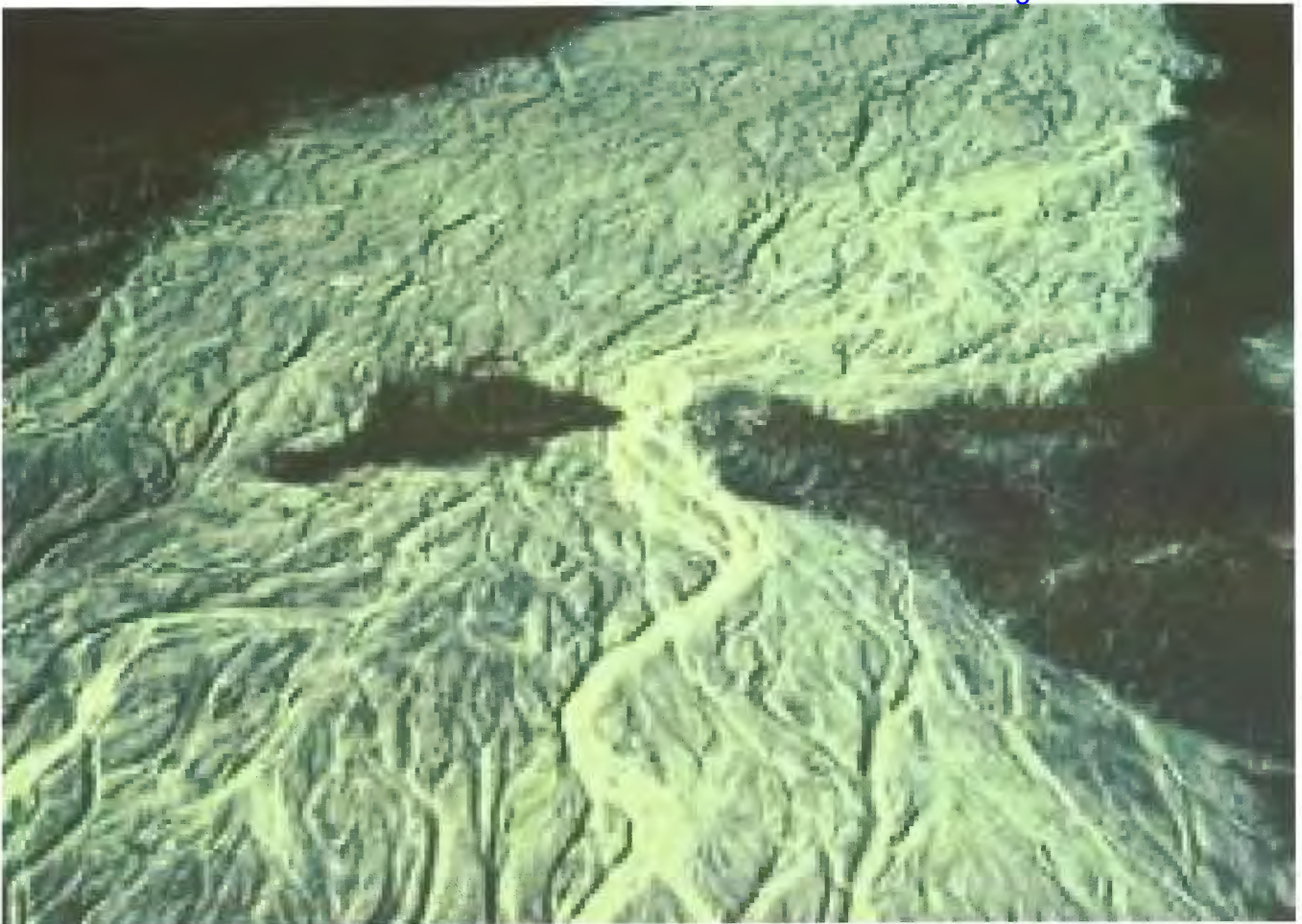
2)**Water has two physical properties that will, over time, make the geochemical stabilization material (GCSM) ineffective.** Water's cohesion to itself and its strong wetting ability will enable it to bypass micro-fractures in the GCSM that will eventually occur in the karst formations. **All containment systems eventually fail because beta testing never lasts long enough (eg decades) to factor in the incomprehensibly overpowering effect of time on the structural integrity of engineered systems.**

The following link is to a short one and a half minute youtube video of a simulated braided stream sediment flume-

http://www.youtube.com/watch?v=WDXs2LEe0Gk&feature=player_detailpage

This braided stream flume shows characteristics that water displays at various gradients. The trickle down of surface water on top of the proposed **geochemical stabilization material (GCSM)** will no doubt act in a fashion similar to the water movement seen in the video. While the volume of water will be smaller as it trickles down at the Koppers site, it will display the same undulating randomness and tendency to seek the path of least resistance. This stream flume video takes place on a shallow gradient. The **GCSM** injected into the karst layers below the Koppers site will encounter water at a steep vertical gradient that will add to the potential of penetrating the **GCSM** material. The wetting characteristic mentioned previously will facilitate contact with surfaces while water's cohesive capability adds to the trickling water's unified force. **This polluted water will rest on the GCSM impregnated soil and rock layers until over time these karst layers experience more fragmentation at which time**

gravity will exert its relentless force and pull the polluted water downward toward the aquifer.







Smout, Cheryl (ENRD)

From: flo cap [flocap514@hotmail.com]
Sent: Wednesday, March 13, 2013 7:07 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Cc: flo cap
Subject: re: Koppers

March 13, 2013

Dear Honorable Judge,

I am a Registered Nurse and a resident of Gainesville who is very concerned about the cleanup of the Cabot-Koppers Superfund site. Two of the contaminants from the site, arsenic and dioxin, are known carcinogens which have contaminated the soil and groundwater. My greatest concern is for the people who reside in the Stephen Foster neighborhood, which is adjacent to this contaminated site. Because of their proximity, they are more at risk for health problems from prolonged exposure to these contaminants.

Some of these residents and city officials have said that the contaminated soil should not be kept on-site at Koppers and I agree with them. Other residents have children who cannot play in their own yards and they want the responsible parties to relocate them and buy their properties so they can get away from the contamination. This was done in Escambia County and Love Canal and they should be offered this option, as well. These are reasonable requests and I feel that they should be honored. I would not want to live in an area which exposed my loved ones to these toxins and I imagine that you would not either.

I am asking for your support to stipulate in the cleanup requirement that Beazer East buy the homes and relocate the residents who want to move and to forbid the contaminated soil to be kept on-site at Koppers.

Thank you for your time and consideration.

Respectfully,

Florence Capone, RN
3143 NW 79th Court Apt. A
Gainesville, FL 32606

Smout, Cheryl (ENRD)

From: N Williams [nwilliams202@gmail.com]
Sent: Thursday, March 14, 2013 6:10 PM
To: Smout, Cheryl (ENRD)
Subject: Koppers site Consent Decree
Attachments: Your Honor.docx

Thank you for attending the meeting on 2/27/2013 in Gainesville Fl.
Please include attachment for the Judge to review.

Thank you,
Natalie Williams

Your Honor;

3/14/2013

I am asking that you NOT sign this decree. The properties next to the Koppers site i.e.: (OU-5) need resolution. However, this decree does not offer justice to those who have been drastically affected by this multifaceted debacle. I feel Tort by Trespass has occurred. In my situation there are compensatory damages to include loss of income, negligence, and private nuisance due to unreasonable interference, including both intentional (1991 spill, then NPL process began) and un-intentional conduct as this remains a public nuisance to date. Do NOT let Beazer close records for a possible future suit pertaining to above (concerns on pg. 101 sec.102 in Privileged Documents). Other concerns include, but not limited to: 1) I Background e) Beazer does not acknowledge that exposure to hazardous materials constitutes imminent and substantial endangerment to health/environment. These dioxins have proven to cause cancer. 2) There needs to be temporary relocation during clean-up process along with pay to any home owner who have tenants and will lose the income. 3) I would like the off-site soil cleanup performed to the more stringent state levels while on-site levels should be cleaned to a low level (not med as listed). 4) All future tests should be performed by an independent company/lab.

My husband and I began a family; lived, worked and we all played for decades in toxic soil. It has taken the responsible party, under EPA supervision, 30 yrs. to get to this point; however this decree is NOT fair and reasonable. The majority of home owners within a one block radius of Koppers would prefer to have Beazer East purchase the contaminated properties. The hazards and stress dealing with this mess has taken a huge toll on all who have had to deal with this issue over the decades and have long term exposure to the contaminated soil. I currently have an axillary lump that needs investigation. I don't have health insurance and when I contacted the Alachua County Health Dept. I was told that they are not taking patients at this time. I worry that my son's exposure during utero and beyond has adversely affected his health. There must be justice for those that have been directly damaged.

Please take this into consideration and do NOT sign this consent decree. Now that this issue has been raised to your level, I have faith that a resolution is near.

Thank you for your time and help with this matter.

Natalie Williams

OU-5 remedial zone owner of: 443 NW 30th Ave.

Gainesville, FL 32609

For soil test results for this location see: SS11- AA and SS11 – DUP2

Smout, Cheryl (ENRD)

From: Cline Patricia [ta@protectgainesville.org]
Sent: Friday, March 15, 2013 12:16 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Koppers Consent Decree Comments: United States of America v. Beazer East, Inc.
Attachments: Koppers CD Comment Cline.pdf; ATT00001.htm

Attached are my personal comments on the Consent Decree.

I thank Scott Miller and L'Tonya Spencer for engaging us in the dialogue, and hope to move forward quickly with solutions that will be protective and help us resolve the concerns of the residents.

March 15, 2013

Assistant Attorney General
Environment and Natural Resources Division

RE: United States of America v. Beazer East, Inc.
Civil Action No. 1:13cv29-SPM-GRJ: D.J. Ref. No. 90-11-2-622/1

After over 30 years providing consulting support to clients dealing with contamination investigations and cleanups, this is the first time I have been aware of public meetings and comment periods on consent decrees. Gainesville citizens have been active and concerned about the Koppers Site, and I appreciate EPA and DOJ providing the opportunity to participate in this process.

My review of the CD suggests that the documents and process are consistent with CERCLA and Florida environmental laws. Although I have some reservations, it is my opinion that these can be addressed during the design and implementation phases of this cleanup.

1. The Performance Standard for offsite soils is defined by meeting the Florida Soil Cleanup Target Levels (SCTLs) – a conservative and protective criteria that has been applied across the state since these were developed.
2. I am not supportive of the option to place a soil cover over onsite soil areas outside the source/consolidation area as a mechanism to meet direct contact SCTLs. While this is allowed by Florida Statute, it is not in line with EPA goals to have a more permanent solution and provide flexibility for future reuse of the site. The remedial design could evaluate options that may cost effectively reduce potential for future exposures and address real or perceived risks in at least some of this area. While this is a preference not required by Florida law (i.e. does not impact the Consent Decree), compromise on this issue during the remedy implementation phases will lead to increased support from the community on the final solution and may have little impact on the total costs.
3. CERCLA has a preference for solutions that are permanent and reduce toxicity and volume of contaminants (not just mobility). The source actions are primarily focused on reducing mobility. Of the treatments, there is little confidence that ISGS will be a permanent solution in addressing mobility of creosote. While it is acceptable to move forward with the pilot tests and evaluation of this remedy, it is important to critically evaluate the data to determine if this option is a technically supportable method to meet the remedial action objectives to protect groundwater.

The residents near the Site are very stressed. Many have little trust in Beazer or government agencies, and the perceived risks and outrage have ongoing negative impacts throughout the community. EPA and Beazer will have my support during implementation of the offsite soil remedy, leading eventually in reducing the stigma and recovery of this neighborhood.

As the Technical Advisor to the community, EPA's commitment allowing ongoing document review and comment increases transparency and confidence in the process. We appreciate Scott Miller's outreach and support during this process.

Pat Cline
Protect Gainesville's Citizens, Technical Advisor.

Smout, Cheryl (ENRD)

From: Alford, Kyle G. [alfok@shands.ufl.edu]
Sent: Friday, March 15, 2013 2:17 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Super Fun Site, Not so much fun

TO: Assistant Attorney General, Environment and Natural Resources Division and should refer to the United States of America V. Beazer East, Inc. Action no. 1:13cvs29-SPM-GRJ; D.J. Ref. NO. 90-11-2-622/1.

I live at 810 NW 25th Ave, Gainesville Florida, 32609. In some ways I consider myself a worse case scenario. I bought the house after driving through the neighborhood. The previous owner never informed me of the Super Fun site, about ½ a mile from my residence. The result is, that if I ever want to sell my house, I now have to plaster a TOXIC DUMP sign all over my property. Health concerns aside, how is any of this cleanup going to affect my property value? How am I supposed to sell a house with a skull and cross bones on it? Some company decides to poison my property and force me to lose thousands of dollars in property value and there isn't going to be any form of direct compensation? Don't get me wrong, I'm all for making sure the area gets set back to the environmentally sound state that it should be at, or the fact that the chemical isn't supposed to be water soluble even though its apparently contaminated ground water. Or that there haven't been any studies done on indoor dioxins. None of that effects my direct inability to sell my house in an already repressed housing market.

My concerns involve the direct financial loss that the superfund site and the resulting guilty parties have caused myself. Nebulus health effects aside.

-Thanks,
Kyle

352-672-1790

Smout, Cheryl (ENRD)

From: Mary Leadon [MLeadon@crmre.com]
Sent: Friday, March 15, 2013 3:02 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Koppers Superfund Site, Gainesville, Florida

March 15, 2013

To Those In Charge of Keeping Our Water Clean:

The Koppers Superfund Site has been a blight on the Gainesville landscape for at least 70 years and has polluted our streams. In addition to polluting surface waters in the past, the proposed cleanup design allows toxic chemicals to seep to the aquifer close to Gainesville's drinking-water well fields for all eternity!

The dioxin-contaminated soil on the Koppers property and adjacent homesites must be removed and incinerated to protect our water supply and our citizens' health. Beazer East must completely clean up their mess and relocate adjacent homeowner's whose lives are at risk and whose homesites have been contaminated.

Please reconsider the proposed plan.

Mary T. Leadon
Clayton, Roper and Marshall, Inc.
246 North Westmonte Drive
Altamonte Springs, Florida 32714
Phone: (407) 772-2200, Ext. 313
Cell: (407) 758-5866
Fax: (407) 772-1340
mleadon@crmre.com

Smout, Cheryl (ENRD)

From: David Kanzler [dkanzler@hotmail.com]
Sent: Friday, March 15, 2013 3:41 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Koppers Superfund Site Remediation

Dear Assistant Attorney General,

On February 5, 2013, I attended a Superfund Panel Discussion at Santa Fe College where I work as a construction project manager. I was interested in this forum due to the fact my house at 706 NW 34th Ave(roughly less than a city block from the western border of the contamination) is in the Stephen Foster neighborhood that was affected by fallout from the Koppers Plant nearby. The discussion was rather a spirited discussion because it was presented by the College yet well attended by students and concerned residents. The speakers who presented their findings of fact was Gainesville Regional Utilities Water Management plus a gentleman from the Alachua County EPA. Basically what we were told during this forum was that we, no matter what, just needed to accept the plan for remediation because there wouldn't be any further investigation or funds provided for the cleanup. I have really only a few simple questions about this whole investigation and the cleanup process.

Once while discussing the affected areas a map was presented on screen that showed the local contamination areas. Amazingly it clearly showed that the contamination stopped at a local street, NW 6th Street, which borders the neighborhood affected by the airborne contamination. My question was and still is how come those dust particles didn't cross NW 6th Street? An instructor from the Science Department asked if the western side of NW 6th Street was sampled? The reply was that it was residential neighborhood and it would have required permission from the residents on that side of the street. Then she further questioned couldn't the right of way been sampled in that neighborhood? The answer was that some random testing was done but no contamination was found. This seems like bologna!!

Second, we were told that the Florida requirement for the type of testing that was performed by Florida statute or law only required six(6) inches of soil to be sampled. Yet the remediation calls for twelve(12) inches of soil to be removed. There seems to be a discrepancy here with not only location and depth of contamination, but what will effectively be removed. Why is a depth greater than the sampling being removed and that the border for this removal of excess soil stops again at the boundary road; NW 6th Street.

Bottom line, I don't think that there has been a full disclosure or realistic approach to this contamination problem or the remediation. I fully hope that this situation will either slow down and regroup or go back to the drawing board. A \$90 million dollar glance over sure seems paltry compared to the \$500 million dollar original proposed cleanup as originally proposed.

As both presenters from the local public agencies said, "take this resolution to this problem because it's the best it will ever be."

Oh yeah by the way, I was in a Geology Class at University of Florida in 1984 that visited this site on a field trip and we were told that nothing could ever be built either the Koppers Cabot site or the Koppers site due to the excessive amount of soil contamination present. Well about 8-10 years later not only was a Kmart and a Winn Dixie built it grew into a whole shopping center plaza. What are we citizens to believe!!!

Thanks,
Dave Kanzler
Project Manager
352 395 5525 Office
dave.kanzler@sfcollge.edu

Smout, Cheryl (ENRD)

From: Sandra Watts Kennedy [sfna.inc@gmail.com]
Sent: Friday, March 15, 2013 3:47 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Consent Decree for United States of America v. Beazer East, Inc. Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref. No. 90-11-2-622/

Assistant Attorney General
Environment and Natural Resources Division
PO Box 7611
Washington, DC 20044-7611

March 15, 2013

RE:

Consent Decree for *United States of America v. Beazer East, Inc.*

Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref. No. 90-11-2-622/1:

Criminal Irregularities in ROD Process

Dear Sir or Madam,

We submit this statement on behalf of hundreds of families of our community who have been denied a voice in the Cabot/Koppers Superfund Site Record of Decision. These stakeholders, Koppers Victims and Refugees, are most immediately affected by Koppers contamination and yet are excluded from the process: residents of dioxin-contaminated homes, many sick with cancers and other diseases known to result from toxic exposure and many grieving family members and neighbors lost to these maladies.

The United States famously exports justice to other nations, holding their feet to the fire when it comes to human rights violations, but laws protecting human rights are not being enforced in our own country.

Gainesville, Florida families have been denied transparency and justice at all levels of government regarding the Cabot/Koppers Superfund Site. The letters, emails and phone calls to USEPA from residents who are members of Stephen Foster Neighborhood Association, Inc. (SFNA, Inc.) and Stephen Foster Neighborhood Protection Group (SFNPG) have been consistently ignored. Their many questions and comments to EPA officials including Lisa Jackson, Gwendolyn Keyes Fleming and Franklin Hill remain unanswered. SFNA, Inc. and SFNPG representatives have provided EPA representative LaTonya Spencer with contact information dozens of times to no avail. Every time we complained about being left out of the loop, Ms. Spencer claimed not to have our contact information and so we give it to her again.

USEPA likewise failed to reply to WildLaw's comments submitted on behalf of SFNPG in 2009 and 2010 despite the nonprofit environmental law firm's repeated requests for a response. WildLaw attorneys told neighborhood representatives that USEPA had never ignored their comments on other issues.

USEPA is violating federal protocol by implementing the ROD without having completed a risk assessment or the delineation of offsite contamination. In July 2010 owners of creekside properties as far north as NW 37th Avenue received certified mail from FDEP that warning that their properties are contaminated with dioxins and advising them to avoid contact with water or soil, yet EPA has arbitrarily chosen NW 30th Avenue as the northern boundary of the contaminated zone. Why are contaminated properties north of NW 30th Avenue not included in the ROD? Ongoing toxic trespass of residential properties via Springstead and Hogtown Creeks is not addressed, nor are the toxic "hot spots" north of the Site that documented in earlier studies and memos.

There are photographs AMEC employees doctoring soil samples: many residents witnessed them adding clean potting soil to samples they were collecting for EPA/Beazer East in 2012 and in 2013.

The EPA/Indoor Dust Committee used poor methodology when conducting their indoor dust sampling: inter office memos indicate that the contents of vacuum cleaners were approved for collection of samples. Shortly before the indoor dust sampling was conducted, Stanley Steamer vans were noted in front of homes that were to be tested.

Beazer East stated that they were no longer employing AMEC after AMEC was indicted in the US and in Canada for falsifying test results. However, Beazer East continued to use under another name. AMEC purchased MACTEC. According to Alachua County EPD, all sampling continued to be performed by AMEC, but Beazer East and USEPA led the public to believe that a new company was performing the sampling.

Alachua County EPD was circumvented by Florida DEP and Beazer East, who cut a deal wherein FDEP issued a permit allowing Beazer East to demolish the contaminated buildings onsite during the driest, windiest time of year without notifying any local agencies or residents. Worse, FDEP and Beazer East failed to provide notification of onsite activity or temporary relocation to residents as promised at multiple public meetings. Residents were shocked and alarmed to find themselves suddenly inundated with clouds of contaminated dust blowing through the city and into their families' homes. When neighborhood representatives received a barrage of calls from frightened residents, they contacted ACEPD's Chris Bird who said that he was also receiving calls and that ACEPD was not aware of any scheduled onsite activity and had just discovered that they were left out of the loop. Residents complained of bloody noses, headaches, coughs and respiratory problems throughout the demolition period. Demolition activities went on for an entire month with no oversight from any agency, and none of the promised protection measures were visible.

Our State and Local Governments frequently state that they are helpless when it comes to our Superfund Site because the Federal Government is in charge, yet they quietly make decisions when it suits their purposes. For example, the State decided it was within its rights to make a backdoor deal with Beazer East to permit the demolition activities described above. And FDEP's Kelsey Helson told the Gainesville Sun that she gave water permits to Koppers Inc. on a regular basis for decades even though she knew that they were in violation of the Clean Water Act.

Florida DOH's Sharon Watkins admitted to resident Ann Lowry in writing and on the phone that a real health study has never been conducted because FDOH doesn't have the funds or expertise to do so. Instead, FDOH did a "census review" which is a notoriously inaccurate documentation method.

Cancer patients and survivors in our Koppers neighborhoods have asked their doctors if their cancers were reported. In every case, physicians have replied that reporting cancers is not mandatory and is time consuming, so they do not report them. FDOH, ATSDR, USEPA, ACEPD and ACDOH all continue to promote the census review as a real health study or consultation. To broadcast this review under the guise of a health study is nothing more than a lie, a transparent use of propaganda to cover up our agencies' absence and neglect to address this public health crisis over 30 years. FDOH does not respond to letters from local cancer patients and survivors asking if their cancers and their families' cancers were counted in the "census review".

ACHD's Anthony Dennis clearly stated in 2012 in front of news cameras that a health study has not been conducted and that as far as he is concerned the actual cancer risk to residents is over a hundred times higher than what was published.

Interoffice memos support Mr. Dennis' assertion. Stuart Pierson's 03-03-2010 memo to Fred Murry states that based on UF's Dr. Steven Robert's calculations and models the real cancer risk west of the site is 107 and northwest of the site is 3,610 (referred to as the "hot zone", it is no longer even addressed when possible delineation is discussed). Another memo from Dr. Roberts advises not to use any of AMEC's data because it is wrong.

The State of Florida violated another law by granting Beazer East a variance to use Koppers as a beta test site for Remox/Chemox without ever publishing the request for this variance in the local paper as required by law. This omission meant that residents had no knowledge of their intent and could not object. The heavy-metal based, toxic chemical cocktail is not approved for use within municipal limits or near municipal water sources, yet it has been injected into onsite and offsite wells here since 2008. GRU senior engineer Rick Hutton and ACDEP's Dr. Mousa repeatedly misled the public by claiming that injections would start in December 2012.

The ROD leaves the contamination in place, allowing it to continue to migrate further down into the Floridan Aquifer to further contaminate our drinking water. The plan only calls for additional monitoring wells and for slurry walls and caps that offer no bottom retention of the contamination. Gainesville Regional Utility's preferred remedy is to remove the bulk of the onsite contamination which lies 35 feet below the surface. Due to the dangerous inadequacies of the cleanup plan, the Alachua County Commission sent two letters to President Obama in 2011 asking for his help to expedite the permanent relocation of affected residents and the protection of the municipal water supply.

FDEP's Kelsey Helton and Beazer East's Mitchell Brouman were caught sharing winks and holding hands during a city commission meeting. When questioned by one of the residents who witnessed this intimate body language, Ms. Helton replied "Mitch and I have been good friends for a long time". Ms Helton should have recused herself years ago. It is highly inappropriate and unethical for the State site manager to have a close personal relationship with the responsible party's site manager when she is responsible for ensuring that he is in legal compliance with State laws and regulations.

During city and county meetings on the feasibility study, USEPA and local agencies claimed that nobody in Gainesville had ever complained about air quality issues caused by Koppers. In reality, residents had not only complained, over a hundred residents of the Duck Pond neighborhood southeast of the Site had their complaints of headaches, coughs, nosebleeds, burning eyes and respiratory problems notarized and submitted to state and local agencies. One night in 2012, in the front lobby of City Hall, Rick Hutton attempted to minimize Stephen Foster neighborhood's fears by telling a group of residents that GRU was more concerned about the contamination from Koppers that

had already spread to the Duck Pond neighborhood and Paynes Prairie (State Park) than the contamination in their neighborhoods.

Residents and former Koppers workers describe barrels being buried on the Koppers site in the 1970's. Koppers has admitted to burying barrels of *Agent Orange* at Koppers sites throughout the US. Since 2011 when these stories were publicized, residents report barrels being dug up, placed inside of larger plastic barrels, moved to the onsite railroad tracks on flatbed trucks and removed from the Superfund Site via train.

In conclusion, the ROD fails to meet the requirements of the law under 40 CFR 300.430 et seq., does not include a detailed analysis of alternatives, either individually or comparatively under 40 CFR 300.430(e)(9) concerning offsite contamination and is incomplete. further, by failing to include relocation as an explored alternative the ROD precludes future consideration of relocation without knowledge or understanding of the full extent of the contamination offsite , even though relocation may be the only alternative to ensure the exposure pathway is broken from past and future contamination. Relocation should be included within the ROD once the necessary additional information is gathered and properly evaluated against the appropriate criteria within the regulatory scheme.

Finally, we would like to remind the DOJ that the neighboring residents had no part in contributing to or endorsing or encouraging the hazardous pollution that now lies within our yards and homes. The lives of local families have been impacted to a degree that fails to be recognized by this ROD. We ask the DOJ to consider the impacts to residents' lives and the community very seriously and use your full authority under the law to protect the health and environment of the citizens most impacted by this ongoing tragedy.

Thank you for considering these comments and concerns. Please feel free to contact us with any questions or concerns you may have. We believe a call for a criminal investigation is warranted.

Sincerely,

Maria Parsons

Director, Stephen Foster Neighborhood Protection Group

Sandra Watts Kennedy

President, Stephen Foster Neighborhood Association, Incorporated

Smout, Cheryl (ENRD)

From: Sandra Watts Kennedy [sfna.inc@gmail.com]
Sent: Friday, March 15, 2013 4:09 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: United States of America v. Beazer East, Inc. Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref. No. 90-11-2-622/1

I am submitting this copy of my neighbor's letter regarding criminal harassment and threats committed on Koppers Victims and Refugees who have become community activists. Mr. Geiersbach publically requested a federal criminal investigation many times. He is unable to send this himself as he is currently on life support at a local hospital after a suspicious accident.

Sincerely,

Sandra Watts Kennedy

On behalf of Roy Hale Geiersbach

Dr. Bernd Scheifele

CEO, Heidelberg Cement

Berliner Strasse 6
69120 Heidelberg, Germany

January 7, 2013

Dear Dr. Scheifele,

Citizens of Gainesville, Florida USA who speak up about the Cabot-Koppers Superfund Site cover-up are being targeted by an ongoing campaign of intimidation and harassment sponsored by your companies Beazer East, Inc. and Koppers, Inc. These residents and Koppers refugees, who are already stressed out, sick and in some cases dying from toxic exposure, are additionally being subjected to third world tactics of human and civil rights violations. As CEO of parent company Heidelberg Cement, you bear ultimate responsibility for these illegal actions being perpetrated against us.

It has been confirmed that my telephone and many of my neighbors' telephones have been tapped since

at least 2010. Our phones are also frequently tampered with, including blocking of incoming messages and entire service and the removal of contact numbers and entire contact logs, regularly rendering our phones useless. Our bank accounts are being tampered with and our banks cannot explain how the accounts are being closed without our initiation or consent. Did you hire someone like Stratford, the infamous multinational used by other multinationals, to spy us?

Resident activists including myself are followed, watched, and photographed on a daily basis. The surveillance has escalated to the point that we have multiple photographs and logs of the vehicles and individuals tailing us. The cars and trucks harassing us often have Pennsylvania or Georgia license plates. Obvious surveillance houses have cropped up adjacent to our homes. Strangers drive or walk by slowly and repeatedly looking intently into our homes; we see them at all hours of day and night. We are often awakened between midnight and dawn by the sound of our doorknobs being rattled or by flood lights shining on our homes. One resident found a tracking device on her car. Obvious surveillance houses have been documented in the vicinity of resident activists' homes.

Someone is repeatedly breaking into our homes and vehicles, stealing nothing but documents pertaining to the Cabot-Koppers Superfund Site and Beazer East, Inc., and personal documents containing sensitive information. Cash, jewelry and other valuables are left in place. Pages with information relevant to the contamination are torn from activists' notebooks. According to local police, the intruders are using professional tools to enter locked our homes and vehicles.

A death threat was delivered to my very active and vocal neighbor on May 16, 2012 along with the statements that "it was nothing personal against her, but was about money" and that "they had a job to do" and "suggested" that she stop her activities regarding the Cabot-Koppers Superfund Site and move out of the city, because she, her family, or friends "could disappear or end up dead somewhere." This resident's daughter died under highly suspicious circumstances on July 22, 2012. My extremely distraught neighbor is grieving for her daughter and has left the city due to fear for the lives of her remaining family members.

Not only am I coping with severe health issues caused by Koppers contamination that require doctor appointments on a regular basis, now I must also guard against physical assault, since I have been the victim of a recent hit-and-run perpetrated by a car that followed me on a regular basis for months before the attack. This vehicle has not been seen in the area since the hit-and-run.

Just last week, I surprised three men surrounding my home with floodlights and cameras at dusk. When I approached them and asked what was going on, one of them jabbed his finger at me and stated in a very threatening manner, "You are what's going on!" The men ran to their car and peeled out with the lights off before I could identify the vehicle.

Because the terror tactics have escalated to these extremes, I have to make this statement:

Spying on people is wrong. Stealing from people is wrong. Breaking and entering is wrong. Threatening people is wrong. Attacking people is wrong. Killing people is wrong. I have been told that your group of companies is notorious for the kind of terrorism that is being inflicted on us. Dr. Scheifele, I hold you personally and fully responsible should any additional physical harm come to me or any of my neighbors,

and if any of our stolen personal information is used to cause damage to us. With many of my neighbors, I am calling on the US government to launch a criminal investigation of your group of companies.

We live in America, not Nazi Germany- Dr. Scheifele, call off your goons!

Sincerely,

Mr. Roy Geiersbach

Smout, Cheryl (ENRD)

From: Kathleen WalstonPagan [apollo1860@yahoo.com]
Sent: Friday, March 15, 2013 4:31 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: Citizen comment re: U.S. v. Beazer East, Inc.
Attachments: March 15_2013.pdf

Please find a PDF file with my comments attached to this email.

Thank you, Kathleen Walston Pagan, Gainesville FL resident

March 15, 2013

United States Department of Justice

RE: U.S. v. Beazer East, Inc.

Hello US DOJ,

I am a resident of the Pine Park neighborhood in Gainesville, FL which is immediately south of NW 23rd Ave. and west of NW 6th Street (approximately 6 blocks from the Superfund site designated in the early 1980s). I purchased my property in August 2001 well aware of the matter of the Superfund site. In fact while employed at the North Florida Regional Planning Council I worked on the first CERCLA SARA Title III Plan for our region in the mid-1980s soon after the site was designated. I moved away from Gainesville 12 years, then during the mid- 2000s I also participated in the Koppers Community Advisory Panel for several years until the site closed. I did so at the request of a neighbor to the site, mainly because I hoped this was a process that could impact the clean-up. I recall one meeting when the company representative addressed a question about the toxic dust by saying "our dust is a nuisance but not toxic." As a land use planner with some knowledge of nuisance law this caused me concern. Now soil tests in the neighborhood confirm contamination levels. The final decision now rests in your control, and I hope you will pay close attention to the matters raised by the Local Interagency Team as documented in letters from the City of Gainesville Commission and Alachua County Board of County Commissioners.

I have worked as a County Comprehensive Planner since August 2000 and have attempted to follow the Superfund community process yet I must admit with multiple work assignments (community health, historic preservation and scenic byway planning) I have been unable to read the entire Record of Decision. As an urban designer, I can mention the 65 foot excavation dimension seems a major engineering concern, as this is almost half the height of our country's Statue of Liberty! I also hope if the final remedy does mound and encase the contaminated soil on the site there will be design consideration given to the best use of this element—could there be solar collectors also placed over the area for example? One person questioned if poplar trees might be planted to absorb the contamination and I agree nature can be a benefit to us.

Sadly I will mention I had a friend and County colleague, Pennie Diann Foster, who lived for a while near NW 26th Ave. and 4th Terrace in the Stephen Foster neighborhood, and died very suddenly due to pancreatic cancer in October 2008. She was only 54 years old, and two men (age 50+ and 70+) from my side street also died of cancers. I agree the concern about cancer expressed by SFN neighbors does indicate much need for a comprehensive approach to ensure the remediation of the entire neighborhood.

I am including as an attachment a letter I submitted one year ago about this process. While I did know the location of the Superfund site, I was not aware in 2001 this process would prolong to the next decade. I hope for a fair resolution of the matter and complete remediation of the site and contaminated neighboring property as soon as possible. Thanks for considering my viewpoints. I had a work meeting out of town on February 27 so I was unable to attend the EPA/US DOJ meeting, which I heard from a local resident immediately adjacent did not allow enough time for all to express their views. So many meetings have been held I think there is much fatigue concerning this problem and believe the time for action is now. Thank you,

Kathleen Walston Pagan, 720 NW 20th Ave., Gainesville Florida 32609

(Please note I have my community perspective as a UF Alumnus (MA URP 1986 and BA Architecture 1980); Member of the American Institute of Certified Planners (since 1990); Secretary of the Planning and Women Division of the American Planning Association (2007-April 2013); Member of Rails to Trails Conservancy; Member of Civilian Conservation Corps Legacy, Gainesville FL Chapter; Member of Holy Trinity Episcopal Church; Member of GrowGainesville and member/contributor of other local community organizations)

(Attachment – Copy of a Letter I sent to City of Gainesville one year ago)
March 15, 2012

Gainesville Florida City Commission
VIA: Hand delivery

Honorable Mayor Lowe and Gainesville City Commissioners:

I would like to voice my support for the efforts of the Stephen Foster neighborhood to create a unified approach to the post-remediation landscape management. The Agenda item on March 15 is “Koppers Off-Site Surface Soils Remediation Enhancement.” I attended some meetings in September 2011 about this effort organized by “Protect Gainesville Citizens, Inc.,” and I am pleased that UF faculty maybe assisting the Stephen Foster neighborhood. The community will benefit in aesthetic and ecological ways I think.

While I am unable to attend the March 15 meeting due to work responsibilities, I will continue to participate as possible in the public process, following 10 years thus far. Like many neighboring residents I have a major investment in my home, and in my professional opinion as a land use planner the NW 6th Street corridor neighborhoods in the vicinity of the Superfund site are showing evidence of blight. The requested Remediation Enhancement offers the possibility of reversing this trend and beginning a renewal of the larger environs surrounding the site per se.

It is always sad to hear accounts of deaths from illnesses possibly exacerbated by the site pollution. I am aware of one person who has lived a long life in the area—only leaving during one year. This elderly neighbor in Pine Park, where I live, just to the south of NW 23th Street, recalls a ‘coquina gate’ on NW 6th Street, and also spoke of Mrs. Springsted. I realized the creek maybe named for a local family. Here is the material located by staff at the Matheson Museum regarding the Springsted family:

1. 1948 telephone directory: Springstead, HW Mrs. 234 Wakulla Av
2. 1950 telephone directory: Springstead, HW Mrs. 112 NW 19th Street
3. Gainesville City Directory 1942-1943
 - a. Springstead Annie W Mrs bkpr Defense Courses U of Fla r 407 E Orange
 - b. Springsstead Henry W (Annie W) r 407 E Orange
4. Gainesville City Directory 1953-1954
 - a. Springstead Annie W (wid Henry W) chf clk U of Fla, h 112 NW 19th
 - b. Springstead John W, student, r 112 NW 19th

I urge support for the efforts of the Stephen Foster neighborhood, technical adviser Dr. Pat Kline, and Mr. Glenn Acomb, FASLA, to enhance the post-remediation neighborhood landscapes. It is very important to move the process forward soon. Thanks for considering my views.

Kathleen Walston Pagan, Resident of Pine Park neighborhood

Smout, Cheryl (ENRD)

From: gvlcoopers@aol.com
Sent: Friday, March 15, 2013 5:12 PM
To: Smout, Cheryl (ENRD)
Subject: KOPPERS SUPERFUND SITE

Dear Ms Smout,

The cleanup plan for Koppers is unacceptable. The idea of creating a pile on the old Koppers site of the excavated contaminated soil from onsite and adjacent properties is unacceptable! It is reasonable to believe that this soil should be removed and incinerated in a controlled setting, not left for both present and future generations to be poisoned by. Also, The adjacent property owners should be relocated since their homes have shown levels of toxins above what is safe.

We have waited years for a cleanup and Beazers should be ordered to do what is right. Would they like to be living near this site, as we are? Would they like to risk the drinking water supply for the entire region? We already are in a dire situation with the groundwater contamination heading directly towards our wellfield.

This threatens the very existence of our town. Will businesses locate here with their families if this contamination is not removed? This is a black eye on our lovely community and we are suffering because of it.

Thank you for ordering a cleanup. Please make it the one that our city deserves!

Curtis Cooper

Smout, Cheryl (ENRD)

From: Amy Schwarzer [acschwarzer@yahoo.com]
Sent: Friday, March 15, 2013 8:48 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: United States of America v. Beazer East, Inc.

To the Assistant Attorney General,

This comment is in regards to the Consent Decree filed in the case of United States of America v. Beazer East, Inc. (Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref. No. 90-11-2-622/1). While this clean-up plan provides a great amount of detail and proposes many clean-up activities, I still find it to be inadequate. While the plan calls for a great deal of soil remediation, no part of the plan addresses clean-up of homes and other structures. This is a greivous oversight since it is these structures in which residents of the affected area will spend most of their time. Thorough and complete examination of contaminant levels in these homes has not been appropriately conducted. Proper testing should been done and remediation of homes or other appropriate responses spelled out before any Consent Decree is finalized.

In addition I have concerns about storing the contaminated soil on-site. Hazardous waste sites throughout the country frequently leach despite best efforts to provide impermeable containment. It seems folly to me to store contaminanted soil on the industrial site right next to the very residences from which that soil was removed. The risk of re-contamination seems unacceptable to me.

Until these concerns are addressed I believe that you should not move forward with this Consent Decree. Thank you for your time.

Sincerely,
Amy Schwarzer
acschwarzer@yahoo.com
6414 NE 26th Pl
Gainesville, FL 32609

Smout, Cheryl (ENRD)

From: windy [windyautumn@yahoo.com]
Sent: Friday, March 15, 2013 9:05 PM
To: ENRD, PUBCOMMENT-EES (ENRD)
Subject: United States of America v. Beazer East, Inc.

To the Assistant Attorney General,

This comment is in regards to the Consent Decree filed in the case of United States of America v. Beazer East, Inc. (Civil Action No. 1:13cv29-SPM-GRJ; D.J. Ref. No. 90-11-2-622/1). While this clean-up plan provides a great amount of detail and proposes many clean-up activities, I think it is not comprehensive enough. While the plan calls for a great deal of soil remediation, no part of the plan addresses clean-up of homes and other structures. This oversight is a slap in the face to residents since it is these structures in which residents of the affected area will spend most of their time. Thorough and complete examination of contaminant levels in these homes has not been appropriately conducted. Proper testing should be conducted and remediation of homes or other appropriate responses spelled out before any Consent Decree is finalized.

In addition it makes no sense to store the contaminated soil on-site. Hazardous waste sites throughout the country frequently leach despite best efforts to provide impermeable containment. It seems irresponsible to me to store contaminated soil on the industrial site right next to the very residences from which that soil was removed. The risk of re-contamination is unacceptable to me. Would you feel safe living next to a hazardous waste dump?

Until these concerns are addressed I believe that you should not move forward with this Consent Decree. Thank you for your time.

Sincerely,
Windy Wood
windyautumn@yahoo.com

Received @ Public Meeting 02-27-13

RONALD H ODILL 501 NW 37 Ave.
Gainesville, FL 32609

Comparison to Escambia FL
A wood treatment plant quite like
the Beazer Co. site in Gainesville, FL.
Escambia FL's plant is smaller,
newer than Beazer's in Gainesville,
yet those residents were
relocated, the Escambia plant was
closed. Why isn't Gainesville residents
relocated just like Escambia?

Smout, Cheryl (ENRD)

From: thejamesomatic@gmail.com on behalf of James Davies [DaviesJamesG@gmail.com]
Sent: Thursday, March 21, 2013 1:55 PM
To: Smout, Cheryl (ENRD)
Subject: Beazer East, Inc. Consent Decree Gainesville, FL

Ms. Smout,

In the Beazer East, Inc. Consent Decree section XIII Performance Guarantee 44(d) Phenolic Foam Insulation Liability Policy No. P970001 (P97 Policy) is referenced as a way for Beazer to satisfy its Performance Guarantee requirement. Section XIII. 44 states ". . . as an initial performance guarantee the certification related to Settling Defendant's P97 Policy in accordance with 44(d)(2) above, attached hereto as Appendix G." However, Appendix G contains only a blank certification with no information on the estimated value of Beazer's P97 Policy. Is information related to the value of this policy available to the public? Or better yet, is the policy itself available to the public?

Thank you,

James Davies
Gainesville, FL

Luke, Cheryl (ENRD)

From: McMullen, Rebecca (ENRD)
Sent: Thursday, May 30, 2013 3:40 PM
To: Smout, Cheryl (ENRD)
Subject: FW: Farinda O'Steen comments to US EPA regarding EPA/Beazer East off-site soil remediation
Attachments: letter re off-site soil sampling 437 NW 29th Avenue.docx

Cher,

This just arrived in our Public Comment email inbox (I know the comment period expired, but I figured I should forward it your way).

-Becky

Rebecca McMullen
Systems Support Specialist
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Office: 202-514-2416
Fax: 202-514-0097

From: Sandra Watts Kennedy [<mailto:sfna.inc@gmail.com>]
Sent: Thursday, May 30, 2013 2:18 PM
To: Miller.Scott@epamail.epa.gov
Cc: scalwell@calwelllaw.com; Stephen Murakami; [hill.franklin; keyesfleming.gwendolyn@epa.gov](mailto:hill.franklin@keyesfleming.gwendolyn@epa.gov); perciaspe.bob@epa.gov; bocc@alachuacounty.us; CityComm@cityofgainesville.org; ENRD, PUBCOMMENT-EES (ENRD); askdoj@usdoj.gov
Subject: Farinda O'Steen comments to US EPA regarding EPA/Beazer East off-site soil remediation

Mr. Miller,
Please find attached, Mrs. O'Steen's May 30, 2013 comments to you regarding EPA/Beazer East's off-site soil remediation. Mrs. O'Steen asked us to email this on her behalf in order to expedite your receipt of her letter.
Thank you,
Stephen Foster Neighborhood Association, Inc.

Scott Miller, Remedial Project Manager
Superfund Remedial Branch
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303

May 30, 2013

Dear Mr. Miller,

As I told you in person when you came to my door earlier this month, you do *not* have my permission to enter my property at 437 NW 29th Avenue; neither does Beazer East, Inc./Koppers Inc., Tetra Tech, Mactec (AMEC), Kestrel Ecological Services, or anyone working for Beazer East, Inc./Koppers, Inc., US EPA, FL DOH or FL DEP for soil sampling or any activity that's part of the shameful "off-site soil remedial action".

As you already very well know, on my property I have already replaced up to four feet of toxic soil with clean soil several times trying to protect my family- and my soil continues to test extremely high in dioxin, arsenic, PAHs and other Koppers chemicals. My house is still making me and my family sick, and your six inches to one foot of clean soil won't do me or anybody else any good.

Stay off of my property. I am not taking part in EPA's and Beazer East's so-called "off-site soil remediation". Mr. Roy Geiersbach and other neighbors have had *twenty to forty feet* of toxic soil replaced with clean soils and two years later, the new soil tested was every bit as contaminated as the old soils, *even worse*. EPA and Beazer East know this, and know that your soil cover-up won't help any of us residents.

Koppers contamination has taken my *surviving* family members' health and peace of mind away forever. We have suffered too much for too long to suffer this outrageous sham too, and will not take part in any of the soil scraping and cover-up that you are trying to force on us innocent residents when you should be giving us permanent relocation out of homes that are *killing us*. Your "remediation" doesn't do a thing to move our families out of our dangerous homes. Shame on you, EPA!

From now on, contact attorney Stephen Murakami for *anything* pertaining to my property:

Stephen David Murakami, Esq.
Attorney at Law
BENGOSHI, P.C.
430 East 14th Street, #4RE
New York, New York 10009
Tel: (917) 775-9271
Cell: (516) 398-7776
Fax: (646) 417-5599
smurakami@nyc.rr.com

Tell your contractors: NO employee of Beazer East, Inc./Koppers Inc., Mactec (AMEC), Tetra Tech, Kestrel Ecological Services, US EPA, FL DOH or FL DEP may trespass on my property at *any* time. This also applies to any employees of Alachua County or the City of Gainesville trespassing my property at *any* time for *any* activities connected to the "off-site soil remediation" in Stephen Foster Neighborhood. My *surviving* family members and I don't want to be entombed here- we want out of this toxic neighborhood!

Farinda O'Steen

cc:

Stuart Calwell
Stephen Murakami
Gainesville City Commission
Alachua County Commission
Franklin Hill
Gwendolyn Keyes Fleming
Bob Perciasepe
Assistant Attorney General, Environmental and Natural Resources Division

SEDGWICK CAPS ENVIRONMENTAL LIABILITIES FOR HANSON THROUGH \$800 MILLION L... Page 1 of 2

News Release

Friday 7 August 1998, 12:25 GMT

Friday 7 August 1998
ENVIRONMENT
INSURANCE

SEDGWICK CAPS ENVIRONMENTAL LIABILITIES FOR HANSON THROUGH \$800 MILLION INSURANCE PROGRAMME

Sedgwick Global Insurance Strategy (SGIS) and Sedgwick Environmental Services (SES), divisions of Sedgwick Limited, have placed an \$800 million environmental remediation and designated products liability insurance policy on behalf of Hanson plc, a leading building materials company.

The policy covers environmental exposures relating to the former Koppers Company operations of Beazer plc (acquired by Hanson in 1991), putting to rest uncertainty over the firm's environmental liabilities.

The policy is underwritten by Bermuda-based Vestur Insurance, a Hanson captive, which is reinsured by a consortium of Centre Solutions, a member of the Zurich Group, and European Re, a member of the Swiss Re Group.

In addition to the unusually large limit of liability, the policy contains no time limitation on claim payments. The policy covers environmental remediation costs at various Beazer sites related to Koppers Company former operations and business, most of which it no longer owns. It also covers liabilities arising from the sale of certain discontinued roofing products.

Sedgwick consulted with Beazer on programme design, drafting and structuring, and provided project management, analytical and brokerage services to the transaction. The company also provided technical assessments, modelling and drafting support.

David Trezies, Sedgwick Limited's Chairman, said: "At Sedgwick we are committed to delivering successful risk management solutions for our clients. With our experience in the alternative risk transfer market we were able to bring this placement together with the support of strong underwriters, and I believe we have broken new ground in the treatment of legacy liabilities."

Robert Herrick, Managing Director of SGIS in San Francisco and project leader, said: "The programme allows Hanson to put aside old liabilities so that the company can concentrate on the issues it faces today, as well as removing a large uncertainty for its shareholders. Hanson is now well-positioned to focus on the future, not the past, and to continue its recent progress."

Notes to Editors:

SGIS is Sedgwick's alternative risk transfer brokerage and consulting group, with principal offices in San Francisco and London. SES is Sedgwick's Nashville-based environmental consulting group, serving customers in North America.

Sedgwick Limited provides risk consultancy, insurance and management services to organisations of all types and sizes. The company brings together Sedgwick's risk, insurance and reinsurance operations in Europe, the Middle East, Africa, India and Latin America.

Hanson plc is a leading building materials company with operations mainly in the US, UK and Continental Europe. Hanson's principal businesses include aggregates (Cornerstone Construction & Materials, the third-largest producer of construction aggregates in the US and ARC, the second-largest aggregates producer in the UK), and bricks (Hanson Brick, one of the UK's two largest brick manufacturers and a leading manufacturer in Continental Europe).

In July 1998 Sedgwick Limited published the results of its survey into the insurance buying habits of European companies, focusing on the growing popularity of alternative risk transfer techniques. For a copy of the report call 0171 481 5617.

Distributed by PR Newswire on behalf of

SEDGWICK CAPS ENVIRONMENTAL LIABILITIES FOR HANSON THROUGH \$800 MILLION L... Page 2 of 2

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Hanson PLC
News Release

Contact: Patricia De Felice
Director - Investor Relations
732-919-2314

FOR IMMEDIATE RELEASE

HANSON INSURES US ENVIRONMENTAL LIABILITIES

- Funding and risk transferred to reinsurance companies
- \$275 million (£168m) cost, excluding \$100 million (£61m) retention
- \$120 million (£73m) to be received from settlement of outstanding environmental issues
- \$230 million (£140m) exceptional P&L credit

London, England / Neptune, NJ – August 5, 1998 – Hanson PLC [NYSE – HAN] announced today that an agreement has been signed under which the funding and risk of the environmental liabilities relating to the former *Koppers Company* operations of *Beazer PLC* (acquired by Hanson in 1991) will be underwritten by subsidiaries of two of the world's largest reinsurance companies, *Centra Solutions* (a member of the *Zurich Group*) and *Swiss Re*.

The one-off premium, together with related transaction costs, amounts to \$275 million (£168m) and provides \$800 million (£488m) of insurance cover after payment by Beazer of the first \$100 million (£61m) of remediation costs arising since January 1998. The cover has an unlimited timescale. Administration of the environmental remediation program will continue to be carried out by Beazer.

This financial solution has been put in place following extensive due diligence by the underwriters and by *Sedgwick PLC*, acting as the company's broker and advisor.

Beazer has also reached an agreement in principle to resolve an outstanding dispute relating to associated insurance matters. Subject to certain conditions and final authorization, recoveries under this agreement will approximate \$120 million (£73m) and are expected to be received before the year-end. This will serve to reduce the effective cost of transferring the funding of the environmental liabilities from \$275 million (£168m) to \$155 million (£95m).

Christopher Collins, Chairman, said: "This is a very significant step forward for Hanson. The removal of these liabilities relieves uncertainty and clears the way for our further development as a major building materials company."

Accounting treatment

At the time of the acquisition of Beazer by Hanson in 1991 a balance sheet provision for these liabilities was created. An annual cash outflow of around \$70 million (£43m) has been charged to this provision, which stood at an undiscounted \$675 million (£412m at the current exchange rate) at December 31, 1997.

After charging the premium and transaction costs of \$275 million (£168m) and allowing for the retention and for ongoing staff and legal costs relating to the remediation program, \$110 million (£67m) of this provision will no longer be required. This amount will be released as an exceptional credit to the profit & loss account.

The \$120 million (£73m) expected to be received as a result of the settlement of outstanding environmental issues will also be treated as an exceptional credit.

Announcing the agreement, **Andrew Dougal**, Chief Executive, said: "This major legacy issue is now successfully behind us. In addition, we have sold nearly £700 million of non-core businesses since the final demerger last year. We now have the opportunity to concentrate on expanding and improving our main businesses and delivering growth for our shareholders."

Alan Murray, Chief Executive of Cornerstone, who led the negotiations when Finance Director of Hanson, commented, "The reinsurers have fully endorsed our environmental management techniques which have enabled us to put in place this innovative arrangement. It will have a favorable impact on our balance sheet while safeguarding our financial strength by transferring risk associated with the Koppers environmental liabilities for an unlimited period of time."

Note:

The liabilities covered arise from the acquisition of Beazer PLC by Hanson in 1991. Beazer, at the time of Hanson's acquisition, had responsibility for meeting potential environmental site remediation costs. These liabilities related to chemical and manufacturing businesses which became part of Beazer following its acquisition of Koppers Company in 1988. At the time of the Hanson acquisition, these businesses were no longer owned or operated by Beazer.

TELECONFERENCE TODAY:

Today at 9:30am (EST), Hanson will replay a recording of an earlier UK analyst meeting which will brief you on the highlights of this release. A live Q&A session will follow. **The access telephone number for the call is 913-981-5507.** To obtain a copy of the slides, please call Karon Hunsley at 800-366-7142. A replay of the call will be available approximately 2 hours later until the end of the business day on Friday, August 7th by calling 402-220-0854.

Hanson PLC is a leading building materials company with operations mainly in the US, UK and Continental Europe. Hanson's principal businesses include **aggregates** (Cornerstone Construction & Materials, the third largest producer of construction aggregates in the US and ARC, the second largest aggregates producer in the UK); and **bricks** (Hanson Brick, one of the UK's two largest brick manufacturers and a leading manufacturer in Continental Europe).

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