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Transmitted Via U.S. Mail

July 30, 2003

Mr. James Hosch
Wisconsin Department of Natural Resources
1401 Tower Avenue
Superior, Wisconsin 54880

Re: Koppers Inc. (f/k/a Koppers Industries, Inc. or KII) Superior, Wisconsin Facility –
Offset Distances for CAMU Siting
BBL Project #: 388.48.004 #2

Dear Mr. Hosch:

As you know, Beazer East, Inc. (Beazer) will evaluate the use of a Corrective Action Management Unit (CAMU) in the Onsite Corrective Measures Study (CMS) for the Koppers Inc. (Koppers) wood-treating facility in Superior, Wisconsin (the Site). The purpose of the CAMU is to manage certain onsite materials that may be generated during future corrective action activities. At a project meeting in Superior on January 17, 2003, Beazer and the Wisconsin Department of Natural Resources (WDNR) discussed potential CAMU locations at the Site. During that meeting, the WDNR indicated that certain offset distance requirements (e.g., 1,200 feet from existing private water supply wells and 100 feet from property lines) could potentially apply to the location of the CAMU, and that the agency would further assess the applicability of those requirements. If applicable, these requirements could affect the feasibility of establishing a CAMU at the Site.

Since the January 17, 2003 meeting, no determination has been provided by the WDNR regarding the applicability of the offset distance requirements to the CAMU siting. Therefore, in an effort to advance the Corrective Measures Study (CMS) for the Site, Beazer has reviewed the Wisconsin regulations to determine the basis for the potential offset distance requirements suggested by the WDNR.

The remainder of this letter discusses the basis for the WDNR-referenced offset distances and offers Beazer's assessment of the applicability of those requirements to a CAMU at the Site. In overview, although certain offset distances are specified in the Wisconsin regulations pertaining to hazardous waste treatment, storage and disposal facilities, Beazer believes that these requirements are either not applicable to the proposed CAMU, or can be discretionarily applied by the WDNR. The basis for this assessment is further described below.

Based on review of Wisconsin regulations, it appears that the offset distance requirements referenced by the WDNR during the January 17, 2003 project meeting were associated with regulations found in NR 630 (Storage, Treatment, and Disposal Facility General Standards) and NR 660 (Landfill and Surface Impoundment Standards). Taking NR 630.18(4) first, it states that "[t]he department *may require* that active

portions of a facility be located up to 200 feet away from the property line of the facility” (emphasis added). For its part, NR 660.06(2) states that “[t]he active portion of a facility shall be located a minimum of 200 feet away from the property line of the facility”, and NR 660.06(1)(f) states that “...no person may establish, construct, operate or maintain a hazardous waste landfill or surface impoundment, or permit the use of property for a hazardous waste landfill or surface impoundment, within 1,200 feet or any public or private water supply well as specified in NR 812.”

However, other applicable regulations call into question whether NR 660 applies to a CAMU. Specifically, NR 636.40(1)(a) and (b) indicate that “[p]lacement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes” and that consolidation or placement of such materials into a CAMU “does not constitute creation of a unit subject to minimum technology requirements.” This differentiates a CAMU from a landfill or surface impoundment, which do constitute land disposal and are subject to minimum technology requirements. Accordingly, a CAMU is neither a landfill nor a surface impoundment, and Beazer believes the unit-specific requirements of NR 660 do not apply to the CAMU. This would mean that the 1,200- and 200-foot offset distances referenced in NR 660(1)(f) and NR 660.06(2), respectively, are not applicable to the CAMU.

As indicated above, NR 630.18(4) states that the WDNR “may require” that the active portion of a hazardous waste facility be located up to 200 feet from the property line of the facility. Based on a number of site-specific considerations, Beazer believes that WDNR’s discretion can justifiably be exercised here to find that this potential siting restriction need not be required for this CAMU. Those considerations include:

- The proposed CAMU location is within 200 feet of the property line only in a limited area in the southwest portion of the Site.
- The adjacent property is a railroad right-of-way unlikely to be affected by the proximity of the CAMU.
- The proposed CAMU location (Figure 1) represents the only available location at the facility with sufficient areal extent that does not encompass wetland areas, infringe on current or future operations by Koppers, Inc., or occupy the utility right-of-way associated with overhead power lines. If this area were to be made unavailable due to offset distance requirements, it would likely preclude a cost-effective, CAMU-based remedial approach for the Site.
- A limited offset distance from the property line (e.g., 25 feet) can be maintained under the proposed CAMU location and configuration.
- In a document entitled *Request for Modification of the Closure and Long-Term Care Plan Approval and Corrective Action Management Unit (“CAMU”) Demonstration* (CAMU Demonstration Report; BBL, 2000), Beazer provided justification to demonstrate that the proposed CAMU complies with regulatory requirements, including those specified in NR 636 (3)(a) through (g). Although the proposed CAMU location at the Site has been modified since the CAMU Demonstration Report was submitted, the justifications presented in that document are still applicable to the current location. In brief, the CAMU will be a reliable and protective location [per NR 636.40(3)(a)] for the materials that may be generated during future corrective action activities at the Site.

In connection with this last point concerning the proposed CAMU location being reliable and protective, note that, in discussing exemptions from compliance with the requirement that landfills be sited 1,200 feet from private wells, NR660.06(3) identifies several factors to be considered by the WDNR in determining whether or not to grant an exemption. These factors include waste types and characteristics, site or facility design and operational considerations, availability of other environmentally suitable alternatives, compliance with state

and federal regulations, and the public health, safety and welfare. A consideration of these factors in this case would demonstrate that the proposed CAMU location is an environmentally suitable and protective location that would qualify for an exemption if the 1,200-foot offset distance requirement were applicable to CAMUs. In addition to the factors listed above, the following factors also show that the proposed CAMU location is suitably protective:

- Based on data collected during more than 20 years of groundwater monitoring, the general direction of groundwater flow at the Site is to the north. The only residential water supply wells within 1,200 linear feet of the proposed CAMU are located to the south and southeast such that they are hydraulically up-gradient or side-gradient of the proposed CAMU location.
- Private water supply wells in this area are located within the sandstone bedrock formation, which underlies approximately 170 feet of low-permeability clay. This clay would significantly inhibit the potential for the CAMU to have any impact on the water supply aquifer.
- Following closure of the CAMU, periodic groundwater monitoring would be performed to detect any site-related constituents potentially originating from the CAMU. In the unlikely event that such monitoring indicates the potential for offsite migration of site-related constituents from the CAMU, appropriate corrective measures could be implemented at that time.

Based on the above, Beazer requests that the WDNR agree and confirm that the offset distances specified in NR 660.06 are not applicable to the CAMU and that an exemption is warranted from the 200-foot property line offset indicated in NR 630.18(4). In the interim, Beazer plans to work to advance the CMS under the assumption that the CAMU will be a viable component of the overall remedial approach, and that it will be located as indicated on Figure 1.

Please feel free to contact me at 860-653-9101, or Ms. Jane Patarcity of Beazer at 412-208-8813, if you have any questions or comments regarding the information presented above.

Sincerely,

BLASLAND, BOUCK & LEE, INC.

David Bessingpas
for

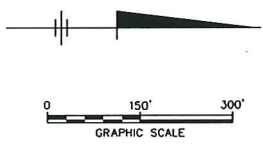
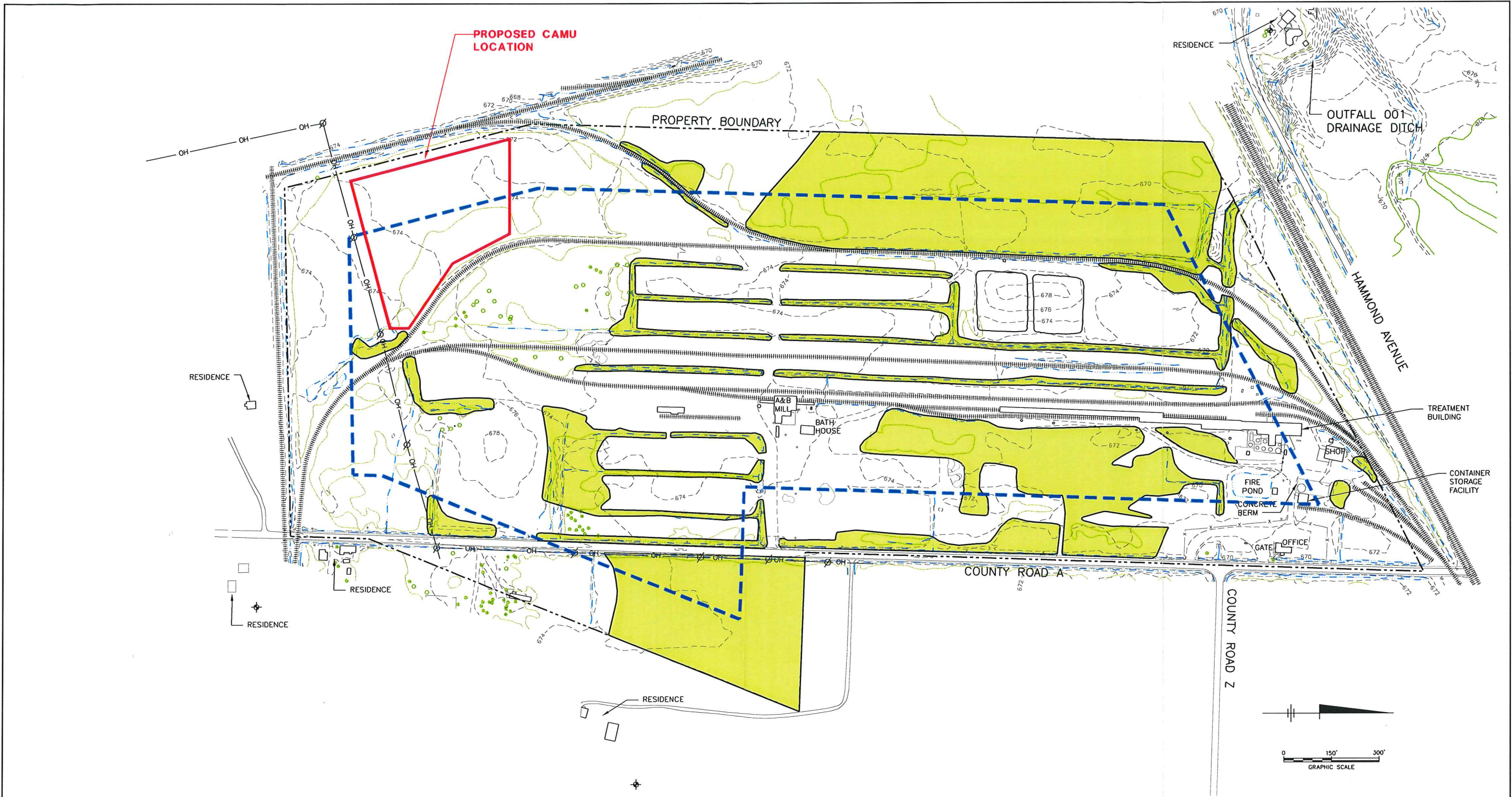
Jeffrey S. Holden, P.E.
Manager

DGB/csc

Enclosures

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cc: Mark Gordon, Wisconsin Department of Natural Resources
John Robinson, Wisconsin Department of Natural Resources
Steve LaValley, Wisconsin Department of Natural Resources
Jane Patarcity, Beazer East, Inc.
Patrick Stark, Koppers Inc.
Tim Ries, Koppers Inc.
Robert Anderson, Blasland, Bouck & Lee, Inc.



NOTES:

1. BASE MAP AND TOPOGRAPHY OBTAINED FROM PHOTOGRAMMETRY PERFORMED BY LOCKWOOD MAPPING COMPANY OF ROCHESTER, NY (12/28/01).
2. WETLAND BOUNDARIES DELINEATED BY ENVIRONMENTAL TROUBLESHOOTERS, INC. OF DULUTH, MN. AND SUBSEQUENTLY SURVEYED BY L.W. SURVEY ENGINEERING & DESIGN COMPANY OF DULUTH, MN.
3. ALL LOCATIONS ARE APPROXIMATE.

LEGEND:

-  EXISTING WETLAND AREA
-  200' OFFSET OF PROPERTY LINE
-  KNOWN PRIVATE WELL LOCATION
-  POSSIBLE RESIDENCE WITH PRIVATE WELL
-  OVERHEAD POWER LINES

BEAZER EAST, INC.
PITTSBURGH, PENNSYLVANIA
KOPPERS INC. FACILITY
SUPERIOR, WISCONSIN

PROPOSED CAMU LOCATION

BBL
BLASLAND, BOUCK & LEE, INC.
engineers & scientists

FIGURE
1

X: 38848X01.DWG
L: ON=*, OFF=REF*
P: PAGESET.PLT-DL
07/30/03 SYR-54-RCB KMD LAF
38848001/38848G03.DWG