



March 27, 2018

2018-NOEE-Beazer East, Inc  
Douglas County

Ms. Jane Patarcity  
Beazer East, Inc.  
One Oxford, Suite 3000  
Pittsburgh, PA 15219

Timothy Bytner  
Babst, Calland, Clements & Zomnir, P.C.  
Two Gateway Center  
Pittsburgh, PA 15222

Subject: **Action Requested Based on Department Determinations**

Dear Ms. Patarcity:

The purpose of this letter is to document Department of Natural Resources determinations regarding Beazer East, Inc. (Beazer) and its compliance with Wisconsin's environmental response action laws. This determination is associated with a remediation project located within a tributary to Crawford Creek and a portion of Crawford Creek from the tributary confluence downstream to the Nemadji River. The impacted area and remediation project is in Douglas County, WI and is approximate 45 acres (Site).

On February 23, 2018 department staff and Beazer representatives met to discuss compliance regarding the Site. During the meeting, department staff agreed to request a copy of the draft Scope of Work and Project Agreement (Documents) for the Site from US Environmental Protection Agency (EPA). Department staff would review the draft Documents to determine if the information, timelines, and actions would be sufficient for Beazer to demonstrate and the department to assess compliance with section 292.11, Wisconsin Statutes, and 700-754, Wisconsin Administrative Code, series.

Please be advised that the department will use the timelines, actions, and milestones that will be in the final Documents to determine Beazer's compliance with state laws and rules. The department expects to be routinely invited to meetings, receive copies of documents, and consulted on a routine basis as specified in the Documents. The department will consider Beazer to be taking "the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state," pursuant to s. 291.11, Wis. Stats., if Beazer meets the milestones in the final Documents that require Beazer action, in order to keep the project on track to complete the Focused Feasibility Study and Remedy Memorandum within the 20-month timeline spelled out in the Documents.

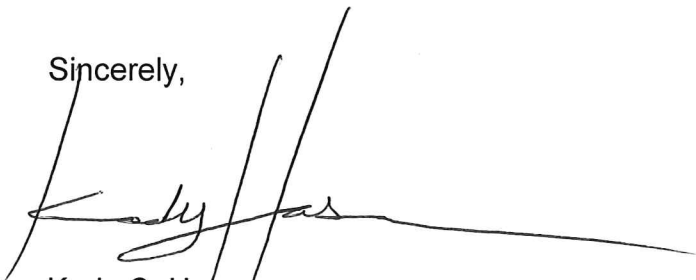
Ultimately, Beazer is required to remediate the Site in accordance with state law. If the processes in the Documents are completed, Beazer will have a remedy to implement. The department will continue to evaluate Beazer's compliance as it implements a remedial action.

The department understands it is not a party to the document, but it is in Beazer's best interest to include the department in the processes outlined in the Documents in order to receive the

department's regulatory perspective in the planning phase. The department understands that the documents in part requires EPA action as well. EPA review and response times will be considered when the department is determining Beazer's compliance with state law and rules.

As discussed, if the department determines Beazer to be in noncompliance with state laws or rules, it will consider secondary enforcement such as the issuance of a Notice of Violation. If there are any questions or if Beazer would like to discuss the department's determination further, please call me, Kody Hansen, at (920) 662-5163.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kody Hansen', with a long horizontal flourish extending to the right.

Kody C. Hansen  
Environmental Enforcement Specialist

Cc: Chris Saari, DNR  
Judy Fassbender, DNR  
Stephen Galarneau, DNR