



March 20, 2020

MS JANE PATARCITY  
BEAZER EAST INC  
1910 COCHRAN RD  
MANOR OAK ONE STE 200  
PITTSBURGH PA 15220-1273

SUBJECT: *Human Health and Ecological Risk Assessment,  
Off-Site Portion of the Koppers Inc. Facility*  
3185 South CTH A, Superior, Wisconsin  
DNR BRRTS Activity #02-16-000484

Dear Ms. Patarcity:

The purpose of this letter is to provide the Department of Natural Resources (DNR) determination on the January 15, 2009 *Human Health and Ecological Risk Assessment, Off-Site Portion of the Koppers Inc. Facility* (HHERA) prepared by AMEC Earth & Environmental. The HHERA and the *Responses to Agency Comments on the Off-Property Human Health and Ecological Risk Assessment* contained in Appendix A of the August 22, 2014 *Off-Property Focused Corrective Measures Study* prepared by Arcadis, are proposed to be used in preparing remediation alternatives and remedial action selection within the FFS being prepared as a project under the Great Lakes Legacy Act (GLLA). The DNR has authority under Wis. Admin. Code § NR 722.11 (1) to consider a responsible party's request to use a risk assessment for the purpose of developing environmental standards and the ability to approve, modify or disapprove of the risk assessment under Wis. Admin. Code § NR 722.11 (2).

Although the DNR considered Beazer's request to prepare and submit a risk assessment to develop environmental standards for the site and Beazer submitted the Human Health and Ecological Risk Assessment referenced above, Beazer, as a responsible party, is required under Wis. Admin. Code § NR 722.11 (1) to demonstrate to the satisfaction of the DNR that compliance with applicable environmental standards in Wis. Admin. Code § NR 722.09 (2) will not be protective of public health, safety and welfare and the environment, or that compliance with the applicable residual contaminant levels in Wis. Admin. Code ch. NR 720 is not practicable. This demonstration is necessary under Wis. Admin. Code § NR 722.11 (1) for the DNR to grant approval for the preparation and submittal of a risk assessment.

The DNR and Beazer, with input from the Wisconsin Department of Health Services and U.S. Environmental Protection Agency (EPA) Region 5, have discussed and corresponded on the overall approach to Beazer's development of the HHERA including land use considerations, exposure assumptions, and the adequacy of the investigation used to develop the HHERA. DNR and Beazer have not been able to reach consensus, therefore, the DNR is not able to approve the HHERA under Wis. Admin. Code § NR 722.11 (2).

A written explanation of the DNR's action, required under Wis. Admin. Code § NR 722.11 (2), follows:

- Beazer has not demonstrated to the satisfaction of DNR that compliance with applicable environmental standards in Wis. Admin. Code § NR 722.09 (2) will not be protective of public health, safety and welfare and the environment.

- Beazer has not demonstrated to the satisfaction of DNR that compliance with the applicable residual contaminant levels in Wis. Admin. Code ch. NR 720 is not practicable.
- The HHERA does not use standard exposure assumptions approved by the DNR as required by Wis. Admin. Code § NR 722.11(2).
- The HHERA does not account for the presence or distribution of non-aqueous phase liquid (NAPL) or the resulting concentration of contaminants from NAPL or sheen when estimating potential risk.
- The Crawford Creek floodplain investigation was conducted almost exclusively from the 0 to 6-inch depth interval. Investigation from the surface to a depth of 4 feet is necessary for evaluation of the direct contact pathway in Wisconsin.

Beazer and the EPA's Great Lakes National Program Office (GLNPO) have signed a project agreement under the GLLA to complete a focused feasibility study (FFS) within 20 months of the agreement's effective date (May 21, 2018). Because the DNR is not able to approve the use of a risk assessment under Wis. Admin. Code § NR 722.11 (2), the DNR is unable to support the inclusion of Beazer's HHERA as a line of evidence under a weight-of-evidence approach for the FFS prepared under the GLLA project.

In the interest of moving forward and considering the tight timeline associated with completing the FFS, the DNR will provide remediation goals and objectives the DNR believes will comply with the Wis. Admin. Code § NR 722.09 (2) environmental standards. The DNR will also calculate residual contaminant levels that meet the requirements of Wis. Admin. Code ch. NR 720 utilizing site-specific input available under Wis. Admin. Code ch. NR 720. These will be provided under separate cover for consideration by the project team in the near future.

Please contact me at (715) 685-2920 or by email at [Christopher.Saari@Wisconsin.gov](mailto:Christopher.Saari@Wisconsin.gov) if you have questions about this letter.

Sincerely,



Christopher A. Saari  
Northern Region Team Supervisor  
Remediation and Redevelopment Program

ec: Diana Mally – US EPA GLNPO  
Dave Bessingpas – Arcadis  
Stu Messur – Anchor QEA  
Dave Klatt – Jacobs  
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