



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 414-263-8713

April 7, 2008

Wabash Alloys, LLC
c/o C T Corporation Systems
8040 Excelsior Drive, Suite 200
Madison, WI 53717 **(Certified Mail #: 7007 1490 0003 1778 3120)**

Wabash Alloys, LLC
c/o Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801 **(Certified Mail #: 7007 1490 0003 1778 3137)**

Subject: Notice of Contamination and Responsibilities at Wabash Alloys, LLC, 9100 South 5th Avenue, Oak Creek, Wisconsin
WDNR FID # 241486740; WDNR BRRTS #: 02-41-553761

Dear Sir or Madam:

The Wisconsin Department of Natural Resources ("the Department") has become aware of continuing, historic hazardous substance discharges to the environment at the Wabash Alloys, LLC, property (the "Property"), located at 9100 South 5th Avenue, Oak Creek, Wisconsin. The Property is owned by Wabash Alloys, LLC. As part of the on-going efforts in this area of the City of Oak Creek, the Department is requesting your assistance in getting the Property investigated and cleaned up.

The Department has reviewed the information that it has in its possession concerning the Property. Based on that review, the Department believes that there are historic, continuing hazardous substance discharges that are adversely impacting the air, lands or waters of the state. In particular, the Department has concluded that these known hazardous substances discharges have adversely impacted soil and groundwater, including polychlorinated hydrocarbon (PAH), naphthalene, and benzene. The Department bases this conclusion on the review of the Department's files including, but not limited to, the following files relating to the Property:

- Data and conclusions of the underground storage tank investigation that was conducted by Wabash Alloys and closed by the Department in 1999;
- US Environmental Protection Agency Screening Site Investigation, 1989;
- Correspondence between the Department and Vulcan Materials, former Property owner, in the 1980's, documenting the "oily residue" and "black viscous material" that was found in numerous locations on the Property;
- City of Oak Creek's Brownfields Site Assessment Grant (2006) submitted to the Department, with sampling data and visual documentation of hazardous substance discharges.

Based on the information that has been submitted to the WDNR regarding the Property, we believe you are responsible for investigating and restoring the environment at the above-

described Property under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take 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 the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

1. Within the next **30 days**, by May 8, 2008, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **60 days**, by June 9, 2008, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 rule series and should refer to WDNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at <http://dnr.wi.gov/org/aw/rr>

Once an investigation has established the degree and extent of contamination at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days as required by s. NR 724.13 (3), Wis. Adm. Code.

Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.

4. Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://botw.dnr.state.wi.us/botw/Welcome.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Victoria Stovall
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Dr. MLK Jr. Drive
Milwaukee, WI 53212

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Additional Information for Site Owners:

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Wis. Stats.

Financial Assistance:

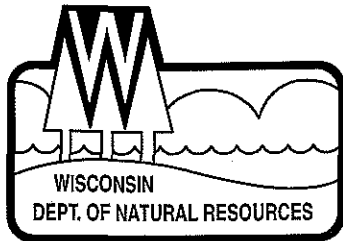
Call Darsi Foss, Chief, Brownfields and Outreach Section, for more information on eligibility for financial assistance or visit the RR web site:
<http://www.dnr.state.wi.us/org/aw/rr/financial/index.htm>.

Thank you for your cooperation.

Sincerely,


Eric Amadi - Hydrogeologist
Remediation & Redevelopment Program - SER Milwaukee

Enclosures: 1. PECFA Fact Sheet; 2. Selecting a consultant; 3. Fact Sheet 2, VPLE
cc: Judy Ohm, Legal Counsel, DNR / Darsi Foss, Chief, Brownfields Section / SER Case File



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April 7, 2008

Mr. Walter W. Turner
Koppers, Inc.
436 Seventh Avenue
Pittsburgh, PA 15219-1800

Certified Mail #: 7007 1490 0003 1778 3076

Subject: Notice of Contamination and Responsibilities at
9100 South 5th Avenue, Oak Creek, Wisconsin
WDNR FID # 241379050; WDNR BRRTS #:02-41-553761

Dear Mr. Turner:

The Wisconsin Department of Natural Resources ("the Department") has become aware of continuing, historic hazardous substance discharges to the environment at the Wabash Alloys, LLC, property (the "Property"), located at 9100 South 5th Avenue, Oak Creek, Wisconsin. The Property is currently owned by Wabash Alloys, LLC. This Property was owned and operated by the Koppers Gas and Coke Company, from 1935 to 1968. As a successor corporation to the Koppers Company, Inc., we are sending this responsible party notice to you, Koppers, Inc.

As part of the on-going efforts in this area of the City of Oak Creek, the Department is requesting your assistance in getting the Property investigated and cleaned up.

The Department has reviewed the information that it has in its possession concerning the Property. Based on that review, the Department believes that there are historic, continuing hazardous substance discharges that are adversely impacting the air, lands or waters of the state. In particular, the Department has concluded that these known hazardous substances discharges have adversely impacted soil and groundwater, including polychlorinated hydrocarbon (PAH), naphthalene, and benzene. The Department bases this conclusion on the review of the Department's files including, but not limited to, the following files relating to the Property:

- Data and conclusions of the underground storage tank investigation that was conducted by Wabash Alloys and closed by the Department in 1999;
- US Environmental Protection Agency Screening Site Investigation, 1989;
- Correspondence between the Department and Vulcan Materials, former Property owner, in the 1980's, documenting the "oily residue" and "black viscous material" that was found in numerous locations on the Property;
- City of Oak Creek's Brownfields Site Assessment Grant (2006) submitted to the Department, with sampling data and visual documentation of hazardous substance discharges.

Based on the information that has been submitted to the WDNR regarding the Property, we believe you are responsible for investigating and restoring the environment at the above-described Property under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take 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 the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

1. Within the next **30 days**, by May 8, 2008, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **60 days**, by June 9, 2008, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 rule series and should refer to WDNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at <http://dnr.wi.gov/org/aw/rr>

Once an investigation has established the degree and extent of contamination at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days as required by s. NR 724.13 (3), Wis. Adm. Code. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.

4. Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://botw.dnr.state.wi.us/botw/Welcome.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Victoria Stovall
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Dr. MLK Jr. Drive
Milwaukee, WI 53212

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Additional Information for Site Owners:

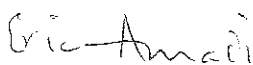
Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Wis. Stats.

Financial Assistance:

Call Darsi Foss, Chief, Brownfields and Outreach Section, for more information on eligibility for financial assistance or visit the RR web site:
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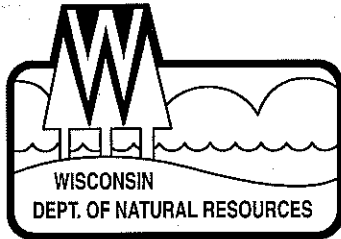
Thank you for your cooperation.

Sincerely,


Eric Amadi - Hydrogeologist
Remediation & Redevelopment Program - SER/Milwaukee

Enclosures: Fact Sheet 2, VPLE

cc: Judy Ohm, Legal Counsel, DNR / Darsi Foss, Chief, Brownfields Section/ SER Case File



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April 7, 2008

Ms. Jane Patarcity
Beazer East, Inc.
One Oxford Centre, Suite 3000
Pittsburgh, PA 15219-6401

Certified Mail #: 7007 1490 0003 1778 3083

Subject: Notice of Contamination and Responsibilities at
9100 South 5th Avenue, Oak Creek, Wisconsin
WDNR FID # 241379050; WDNR BRRTS # TBA

Dear Ms. Patarcity:

The Wisconsin Department of Natural Resources ("the Department") has become aware of continuing, historic hazardous substance discharges to the environment at the Wabash Alloys, LLC, property (the "Property"), located at 9100 South 5th Avenue, Oak Creek, Wisconsin. The Property is currently owned by Wabash Alloys, LLC. This Property was owned and operated by the Koppers Gas and Coke Company, from 1935 to 1968. As a successor corporation to the Koppers Company, Inc., we are sending this responsible party notice to you, Beazer East, Inc.

As part of the on-going efforts in this area of the City of Oak Creek, the Department is requesting your assistance in getting the Property investigated and cleaned up.

The Department has reviewed the information that it has in its possession concerning the Property. Based on that review, the Department believes that there are historic, continuing hazardous substance discharges that are adversely impacting the air, lands or waters of the state. In particular, the Department has concluded that these known hazardous substances discharges have adversely impacted soil and groundwater, including polychlorinated hydrocarbon (PAH), naphthalene, and benzene. The Department bases this conclusion on the review of the Department's files including, but not limited to, the following files relating to the Property:

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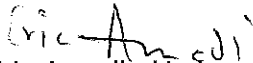
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Sincerely,


Eric Amadi - Hydrogeologist
Remediation & Redevelopment Program, SER Milwaukee

Enclosures: Fact Sheet 2, VPLE

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