

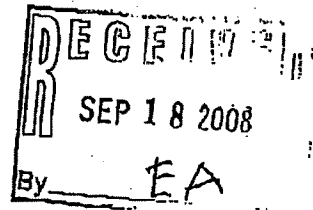
# Beazer

BEAZER EAST, INC. C/O THREE RIVERS MANAGEMENT, INC.  
ONE OXFORD CENTRE, SUITE 3000, PITTSBURGH, PA 15219-6401

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September 17, 2008

By Overnight Delivery



Eric Amadi - Hydrogeologist  
Remediation & Redevelopment Program – SER/Milwaukee  
Wisconsin Department of Natural Resources  
Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, WI 53212-0436

Re: Notice of Contamination and Responsibilities at  
9100 South 5<sup>th</sup> Avenue, Oak Creek, Wisconsin  
WDNR FID # 241379050; WDNR BRRTS # TBA

Dear Mr. Amadi,

I am in receipt of your letters of April 7, 2008 and September 4, 2008, and respond to both herein (and quote therefrom). The Wisconsin Department of Natural Resources (WDNR) "is requesting [Beazer East, Inc.'s] assistance in getting the [referenced] Property investigated and cleaned up". WDNR believes that Beazer East, Inc. (BEI) is a responsible party under Wisconsin Law Chapter 292, Wis. Stats. and Chapters 700 to 754, Wisconsin Administrative Code.

Under Wisconsin law, and its federal, CERCLA analogue, current and former property "owners" and "operators" are potentially responsible parties. After its preliminary record investigation for the referenced property, BEI concludes as follows regarding past and present ownership and operation for the referenced property: 1917-1935 – American Tar Products; 1935-1960 – Koppers Tar Plant; 1960-1968 Arthur A. Levin and Saul Padek; 1968-1987 – Vulcan Materials Smelter; 1987 – present Wabash Alloys Aluminum Smelter.

BEI has determined that WDNR is mistaken regarding past "owners" and "operators". BEI did not sell the subject property to Vulcan Materials, but rather sold it to Authur Levin and Saul Padek in 1960. The property was used after 1960 to distill coal tar into many derivatives, such as naphthalene. BEI received an indemnity from Levin and Padek and it is likely that Vulcan, in turn, provided an indemnity when it purchased the

Writer's Direct Dial: 412-208-8843

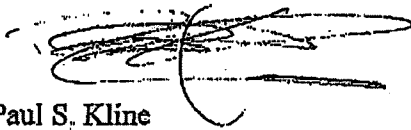
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property. It is known anecdotally that Vulcan was aware of the conditions on its property after purchase and thereafter mis-managed them in a manner that may have led to WDNR's concerns.

BEI's preliminary record investigation confirms many statutory responsible parties. BEI will not accept responsibility for activities of others and, due to the indemnity BEI received, BEI will not agree to conduct the investigation or cleanup.

Please feel free to call or write the undersigned or the BEI Project Manager, Michael Tischuk, at 412 208 8809.

Sincerely,



Paul S. Kline

