



July 22, 2020

Charles E. McChesney II, Esq.
Beazer East, Inc.
c/o Three Rivers Management, Inc.
600 River Avenue, Suite 200
Pittsburgh, PA 15212-5994

Subject: Non-Listed Hazardous Waste Determination Request by Beazer East, Inc.
Former Koppers Tar Plant and Wabash Alloys Site
9100 South 5th Avenue, Oak Creek, WI 53154
BRRTS# 02-41-553761; FID #: 241379050
VPLE BRRTS #: 06-41-561509

City of Oak Creek Utility Corridor Lot 1
9170 south 5th Avenue, Oak Creek, WI 53154
BRRTS#: 02-41-561425; FID #: 341074470
VPLE BRRTS #: 06-41-561426

Dear Attorney McChesney II:

The Wisconsin Department of Natural Resources (Department) has reviewed your letter dated May 29, 2020 regarding your request for a pre-remediation, non-listed hazardous waste determination of media that might be generated as part of future remedial actions required at the Former Koppers Tar Plant and Wabash Alloys Site in Oak Creek, WI (Site). You stated that the purpose of the letter was to present applicable legal principles governing hazardous vs non-hazardous waste determinations for media that may be generated during remedial actions at the Site, and to provide references where these principles have been successfully applied and accepted.

While we agree that a pre-remediation non-listed hazardous waste determination increases flexibility in the number of options and the scale for cost-effective management of impacted media, the Department cannot approve your request without the proper information and documentation. It is your responsibility to make a good faith effort to obtain all information available to make an accurate determination, and to document that process. We understand that you have received a non-listed hazardous waste determination at sites similar to this Site however, this does not in and of itself justify an approval and details supporting those decisions have not been provided.

While the Department does not approve or reject your determination, we are unable to make any conclusions until you have provided the necessary documentation. Please provide evidence of your good faith effort to determine if the media impacted at the Site is a listed hazardous waste. This should include a discussion of your attempts to obtain and review records and documentation with information on but not limited to Site processes and activities, sources of contamination, contaminants or wastes, manifests, storage records, vouchers, public records, interviews and Sanborn maps. Please feel free to contact me at (608) 266-7278 if you have any questions regarding the documentation requested.

Non-Listed Hazardous Waste Determination Request by Beazer East, Inc.
Former Koppers Tar Plant and Wabash Alloys Site and
City of Oak Creek Utility Corridor Lot 1, Oak Creek, Wisconsin
BRRTS #: 02-41-553761 and 02-41-561425

Sincerely,

A handwritten signature in blue ink that reads "Judy A. Fassbender". The signature is written in a cursive style.

Judy Fassbender,
Policy and Technical Resources Section Chief
Bureau of Remediation and Redevelopment

cc: Eric Amadi, Hydrogeologist, WDNR (electronic)
Tressie K. Kamp, Assistant Attorney General, WDOJ (electronic)
Bradley J. Motl, Assistant Attorney General, WDOJ (electronic)
Michele Norman, SER Supervisor, WDNR (electronic)
SER Case Files: FID #: 241379050; 341074470