

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay WI 54313-6727

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
FAX 920-662-5413
TTY Access via relay - 711



February 12, 2018

Certified Mail / Return Receipt Requested
2018-NOEE-Beazer East, Inc
FID# 816009810
BRRTS# 0216000484
Douglas County

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

Subject: **Responsible Party Meeting Scheduled: March 9, 2018**

Dear Ms. Patarcity:

The Department of Natural Resources would like to meet with Beazer East, Inc. (Beazer) to discuss its concerns with the progress related to a remediation project associated with a tributary to Crawford Creek and a portion of Crawford Creek from the tributary confluence downstream to the Nemadji River; an impacted area in Superior, Douglas County, WI (Site).

In 1997, the Environmental Protection Agency transferred corrective action regulatory lead to the department regarding the Site. This transfer included the corrective action conditions in the State Conditional Modifications to the Closure and Long-Term Care Plans for Koppers Industries, Inc. (Koppers), dated September 20, 1995 and October 24, 1996. Because Beazer informed the department that it took control of the assets related to Koppers, the department determined Beazer to be the party responsible to 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 this state according to s. 292.11, Wisconsin Statutes.

Most recent events included a November 29, 2016 meeting where the department discussed with Beazer its regulatory authority, Beazer's efforts, and Beazer's plan to remediate the Site. On February 23, 2017, Beazer submitted a final Great Lakes Legacy Act Project Application to receive funding for remedial actions at the Site.

The department believes that the actions listed above and a project plan indicating completion in 2007 is not sufficient to demonstrate compliance with s. 292.11, Wis. Stats. As a result, the department is proposing to reach an agreement per s. 292.11(7)(d)1, Wis. Stats., to document a schedule of action Beazer is willing to undertake.

The department has scheduled a formal meeting to discuss this matter:

Meeting Date/Time: Friday, March 9, 2018 at 10:00 AM
Meeting Location: DNR Service Center – Milwaukee
2300 North Dr. Martin Luther King Jr Drive
Milwaukee, Wisconsin

Please be prepared to discuss the actions Beazer is willing to take and a timeline that will be strictly adhered to. After this meeting, the department will prepare an agreement formalizing the decisions that will be made during this meeting.

Please be advised that failure to respond to this letter or attend the scheduled meeting may result in secondary enforcement actions that may include the issuance of a Notice of Violation.

If there are any questions or if Beazer would like to reschedule the meeting 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
Brenda Jones, United States Environmental Protection Agency