EXHIBIT 2

UNITED STATES' MEMORANDUM IN SUPPORT

OF MOTION TO ENTER CONSENT DECREE

AND RESPONSE TO COMMENTS

UNITED STATES OF AMERICA v. BEAZER EAST, INC., Civil Action No. 1:13cv29-SPM-GRJ

CABOT/KOPPERS SUPERFUND SITE
PUBLIC COMMENTS- OUTLINE OF RESPONSES

I. CONSENT DECREE ISSUES:

A. If there is remedy failure, is Beazer responsible for correction?

EPA RESPONSE: Beazer East is responsible for the correction of any remedy failure at this Site within the scope of the remedy set forth in the Amended Record of Decision (ROD) executed by EPA in February of 2011 (Amended ROD) into perpetuity. See Proposed Consent Decree at Paragraphs 13 and 14. In fact, the Amended ROD includes additional remedial action requirements to address the shortcomings of the 1990 ROD.

B. Section XIII Performance Guarantee – Value and content of the P97 Insurance Policy and Appendix G.

EPA RESPONSE: Both the total value of the P97 Insurance Policy and the terms of that policy are confidential business information which cannot be disclosed as part of this public comment process. However, EPA Headquarters analysts who specialize in financial assurance matters and insurance policies have reviewed the policy in detail and have approved the policy as a satisfactory form of compliance assurance for the Site. As set forth in the attached News Release dated Friday August 7, 1998, Sedgewick Global Insurance Strategy and Sedgwick Environmental Services placed an $800 million environmental remediation and designated products liability insurance policy (P97) on behalf of [Lehigh]Hanson [Inc.], the parent company of Koppers. The news release explained that, "The [P97] policy covers environmental remediation costs at various Beazer sites related to Koppers Company former operations." Appendix G to the Consent Decree is currently incomplete because the Consent Decree is not yet in effect. If the Consent Decree is entered, then Beazer will have to finalize the certification of insurance pertaining to the Site.

C. Community Relations:

1. How is the community to be informed and updated during the remediation of the Site?

EPA RESPONSE: EPA will continue to share workplans and significant site documents with the technical stakeholder group for the Site known as the Local Implementation Team (LIT). The LIT consists of members from the City of Gainesville, the Gainesville Regional Utility, and the Alachua County Environmental Protection Department. In addition, EPA will continue to share workplans and significant site documents with the Protect Gainesville Citizens group, and its technical advisor. EPA will solicit feedback on such documents prior to making Site decisions. EPA also plans to hold monthly and ad-hoc conference calls, as well as face-to-face meetings, to discuss the contents of Site workplans prior to their implementation.

2. How will the community obtain access to Site-related documents?

EPA RESPONSE: EPA anticipates continuing forward with the process of making Site-related documents available electronically through an e-mail distribution list for members of the Local Implementation Team (LIT) and the Protect Gainesville Citizens group. The Alachua County Environmental Protection Department also places draft and final workplans for the Site on its website to encourage their distribution to the community. EPA will also place a copy of any filed briefing papers related to a Motion to Enter the Consent Decree in the Alachua County Public Library just as EPA has previously provided the Alachua County library with a copy of the proposed Consent Decree and its attachments. The EPA's responses to public comments will be included with those briefing papers.

3. EPA's Community Involvement Plan, dated January 15, 2010 – Issue as to whether it has been used in order to work with communities regarding the Beazer Site.

EPA RESPONSE: The 2010 Community Involvement Plan (CIP) is used routinely in guiding the Agency in its interaction with the Community. As the Site is passing from one phase of the remediation to another (i.e. from the consent decree phase, to the remedial design/remedial action phase), EPA is updating the CIP to include possible additional routes and methods of encouraging and maintaining a high level of community involvement with the Site. As part of that process, EPA will propose a draft update to the 2010 CIP and request public comment on the updated draft CIP in the near future. The updated draft CIP is anticipated to be completed within the next 6 months.

4. Will EPA continue to involve Alachua County and City of Gainesville representatives in the process of reviewing and commenting on the remedial design and construction documents?

EPA RESPONSE: Yes, EPA will continue to involve Alachua County and the City of Gainesville technical representatives known as the Local Implementation Team (LIT) in the process of reviewing and commenting on the remedial design and construction documents. As stated in the February 25, 2013, letter from Scott Miller, EPA Remedial Project Manager, to Dr. John Mousa with the Alachua County Environmental Protection Department and Mr. Fred Murry, Assistant City Manager for Gainesville:

> "EPA has appreciated and continues to appreciate the Local Implementation Team's participation in the technical working group at the Cabot/Koppers Superfund Site. The LIT has provided valuable feedback to the Agency that has shaped the remedy to date, and we respectfully request that the LIT continue to be allowed to do so. EPA will continue to provide workplans and implement LIT suggestions as well as include the LIT members in technical working group meetings, conference calls, and other Site efforts through the remedial design and remedial action phases of the work. We look forward to working with you through remedy design and implementation at the Site."

D. Comment that the Consent Decree and related documents are consistent with CERCLA and Florida environmental laws and that we have to get the Consent Decree signed to get the remediation going as soon as possible.

EPA RESPONSE: EPA concurs with this comment.

II. REMEDY SELECTION ISSUES:

A. In-Home Exposure to Dioxin through Airborne Dust;

1. Comments regarding levels of dioxin in home or neighborhood and health effects of exposure;

EPA RESPONSE: As part of EPA's remedy selection process, found in the National Contingency Plan (NCP) at 40 Code of Federal Regulation (CFR) § 300.430, EPA drafted and submitted a Proposed Plan for public notice and comment in 2010. Concerns were raised during the 2010 Proposed Plan public comment period as to whether residents nearby the former Koppers Site might be exposed to unacceptable levels of contamination from Site-related dusts blown off-site by wind into living spaces. As part of the EPA's response to public comments on the 2011 ROD, the Agency committed to evaluate this concern utilizing appropriate EPA risk-assessment methods. The EPA's written response to this concern is contained at page 107 of the EPA's responsiveness summary to the 2011 Record of Decision (ROD), and is reproduced below:

> "EPA has convened a workgroup consisting of EPA, Centers for Disease Control (CDC), FDOH [(Florida Department of Health)], and FDEP [(Florida Department of Environmental Protection)] members to determine what, if any, indoor air quality sampling will be conducted nearby the former Koppers facility. Once this workgroup has determined definitively that indoor dust sampling will occur and under what circumstances, EPA will either conduct or require the responsible party to conduct indoor dust sampling. EPA is not aware of other instances at former wood-treatment sites where indoor dust has posed an unacceptable health risk to residents.
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> FDEP has confirmed that its risk-based corrective action soil cleanup target Level (SCTL) standards found at 62-780 do not apply to indoor dust. Therefore, EPA will utilize its risk criteria in determining if an unacceptable risk to health is present, it is important to note that dioxin TEQ [(toxic equivalence)] has multiple potential sources in the context of household dust. Prior to requiring the responsible party to remediate indoor living environments, it would be necessary to determine with reasonable certainty that the contamination is associated with the former Koppers Site."

EPA personnel participated in the FDOH workgroup together with other environmental and technical representatives in order to evaluate the concern of indoor air quality for residences in close proximity to the Site. The FDOH workgroup reviewed sampling and analysis techniques and reviewed specific mathematical inputs to be used to determine if data collected would show whether an unacceptable risk was present, including the amount of indoor dust incidentally ingested, the time over which exposure occurred and the toxicity of

the contaminants. After taking into consideration workgroup recommendations on sampling and analysis techniques and required mathematical inputs, the EPA sampled the dust present within 30 homes. Half of the homes that were sampled by EPA were immediately nearby the former Koppers facility, and the other half were at least 2 miles or more from the Site. In May 2012, EPA personnel conducted the sampling events and results were communicated to homeowners in November 2012. No unacceptable exposure levels of Site-related contamination were detected by EPA in the interior of any of the homes that were sampled. Moreover, EPA's experience as it relates to its 30 year history of remediating wood-treater hazardous wastes site is that typically there are no unacceptable exposures created in living spaces located nearby former wood-treating sites.

Another issue is soil contamination in residential yards. Over the years, certain amounts of soil from the Site migrated through natural wind dispersion to residential areas nearby the Site, resulting in low levels of contamination in some residential yards. The level of contamination in the yards is below federal cleanup standards, but above State of Florida residential standards. As part of the remedial action to be implemented, residential yard soils that have contaminant concentrations in excess of Florida default soil cleanup target levels (SCTLs) will be removed and replaced with clean soils. In fact, the residential soils will be remediated prior to onsite remediation. Surface soils on the site, itself, will be remediated in order to prevent soil migration from happening again in the future. After the completion of the remedial action, the routes of exposure to Site-related contamination will be removed, eliminating exposure to residents nearby the former Koppers facility.

Some commenters have stated that their sampling has demonstrated unsafe levels of dioxin in their homes. EPA was careful to review at least three different technical methods for conducting dioxin sampling, including the methodology utilized by the commenters. However, the commenter's sampling methodology is invalid in this instance because it includes compounds that are not related to the operation of the former Koppers Site and that are known to be included in common household items. The sampling methodology for dioxin utilized by EPA at the Site has been developed and implemented by the Agency for use in sampling at Superfund sites throughout the United States. EPA takes very seriously its mandate to protect public health and the environment, and is conservative in its finding regarding any potential exposure to toxins. Moreover, pursuant to the proposed consent decree, the EPA is requiring the settling party, Beazer, to strictly comply with clean up levels and to be careful in its implementation of the remedy in order to safeguard the public.

2. Comments that neither the EPA nor the Agency for Toxic Substances and Disease Registry ("ATSDR") found levels of dioxin in homes which posed a health threat.

EPA RESPONSE: EPA concurs with this comment.

3. Comments that expeditious cleanup of the contaminated off-site soil will have a major impact on relieving residents' concerns about indoor dust contamination in the neighborhood.

EPA RESPONSE: EPA concurs with this comment

4. Request that EPA re-evaluate the issue of indoor dust concerns at the time of the five year review of the implemented remedy for the Site.

EPA RESPONSE: As part of CERCLA Section 121, Congress requires EPA to evaluate remedy effectiveness every five years at many hazardous waste sites, including the Cabot Carbon/Koppers Site. There have already been three Five-Year reviews conducted at the Cabot Carbon/Koppers Site. As part of these periodic reviews, EPA has required both Beazer East and Cabot Carbon to implement additional remedial actions where it was shown that the remedial action in operation was not effective or making significant progress in attaining the cleanup goals. In fact, the 2011 Record of Decision (ROD) for the Site is the direct result of two previous Five-Year reviews at the Site that identified the need for additional remedial work to be conducted to enhance and upgrade existing remedy effectiveness. Following the completion of the remedial action set forth in the 2011 ROD, EPA will continue to conduct Five-Year reviews at the Site in order to evaluate remedy effectiveness. Should the remedy need to be updated to address protectiveness for exposure to contaminated indoor dusts that may be attributable to the former Koppers facility operations or other potential or actual exposure scenarios, EPA will require the responsible parties to do so.

B. Permanent Relocation Buyout of homes near the Site (Request for Beazer purchase of homes);

EPA RESPONSE: EPA examined the issue of permanent relocation of residents nearby the Site in the EPA's response to public comments for the 2010 Proposed Plan, and in the EPA's public comment responsiveness summary for the 2011 Record of Decision (ROD). EPA provided the following analysis of the issue of relocation at pages 167-168 in the responsiveness summary to the 2011 ROD:

> "EPA is guided in its possible consideration of relocation as a remedy by an EPA guidance document entitled, 'Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions' published on June 30, 1999. A summary of that guidance related to the decision to consider permanent relocation in the feasibility study process is included below:
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> > 'EPA's preference is to address the risks posed by the contamination by using well-designed methods of cleanup which allow people to remain safely in their homes and businesses. Having proven EPA's ability to successfully restore contaminated property at many Superfund sites, generally, EPA's preference is to address the risks posed by the contamination by using well-designed methods of cleanup which allow people to remain safely in their homes and businesses. This is consistent with the mandates of CERCLA identified above, and the implementing requirements of the NCP which emphasize selecting remedies that protect human health and the environment, maintain protection over time, and minimize untreated waste. Because of CERCLA's preference for cleanup, It will generally not be necessary to routinely consider permanent relocation as a potential remedy component.'
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> There are four situations in which EPA may consider permanent relocations as part of the feasibility study development process. The current situation nearby

the former Koppers Site meets none of the criteria listed. The four criteria are as follows:

> • Situations where EPA has determined that structures must be destroyed because they physically block or otherwise interfere with a cleanup and methods for lifting or moving the structures safely, or conducting cleanup around the structures are not implementable from an engineering perspective.
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> • Situations where EPA has determined that structures cannot be decontaminated to levels that are protective of human health for their intended use, thus the decontamination alternative may not be implementable.
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> • Permanent relocation may be considered when EPA determines that potential treatment or other response options would require the imposition of unreasonable use restrictions to maintain protectiveness (e.g., typical activities, such as children playing in their yards, would have to be prohibited or severely limited).
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> • Permanent relocation may be considered when an alternative under evaluation includes a temporary relocation expected to last longer than one year.

EPA and PRPs have routinely conducted cleanups in the State of Florida and throughout the U. S. that are contemplated in the preferred remedial alternative. The remedy is simple from an engineering perspective in that it involves removing up to two feet of top soil from an affected property and replacing it with clean fill, reseeding the yard, and reinstalling any landscaping that had to be removed from the yard to remove the soil. It is unlikely that structures nearby the former Koppers Site are contaminated. After the soil cleanup, there are no use restrictions required for the yard as there is now clean fill in the yard, which would pose no threat or require a use restriction there. It is expected that the yard cleanups would take significantly less than one year based on the number of parcels believed to be affected and the simple implementation approach needed to complete the soil remediation.

Residents surrounding the Site are not located on a direct source area or a highly contaminated groundwater plume. Based on concentrations of contaminants in surface soil at surrounding residences and the practical remedial alternatives that exist for preventing exposure to these soils, relocation is not warranted."

In summation, EPA's preference is to address risks posed by contamination by using well-designed methods of cleanup which allow people to remain safely in their homes and businesses. Out of 244 Superfund sites in the southeastern United States, permanent relocation has been piloted by the EPA as part of a remedial action in only one instance. Permanent relocation is very rarely used by the EPA, and only in the four limited types of situations discussed above, none of which exist at the present Site. After EPA conducted sampling of residences in the area of the Site, the interior of the homes near the Site were not found to be contaminated with Site-related hazardous substances. As to residential yards, the EPA has selected an active remedy of soil excavation and removal for affected residential yards as well as the potential use of institutional controls. This approach will

address the risks posed by the Site using active cleanup methods, which allow residents to remain in their homes, which is the Agency's preference at all Superfund sites.

C. Treatment of the On-Site Contaminated Soils:

1. Removal of all dirt from the Site, not just capping;

EPA RESPONSE: As part of the remedy selection process for the Site, EPA explained at pages 75 - 77 of the Responsiveness Summary to the 2011 Record of Decision (ROD) how the Agency reached a final decision regarding its preferred remedy for onsite soil contamination. EPA reached this decision after taking into account the nine statutory criteria for evaluation of remedial alternatives that are required under Section 121 of CERCLA (i.e., overall protection of human health and the environment; compliance with applicable or relevant and appropriate requirements; long-term effectiveness and permanence; reduction of toxicity, mobility, or volume through treatment; implementability; cost; and state and community acceptance).

> "Excavation of source area soils containing DNAPL [(Dense Nonaqueous Phase Liquid)] was evaluated in comparison with other options during the FS process. The preferred onsite remedy was determined to be the optimal alternative based on the nine CERCLA criteria used in developing and evaluating remedial options, including risk reduction and protectiveness. Specific challenges to soil excavation and off-site disposal at the Site are:
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> **Excavation depths and large soil volume**
> The two source area excavation alternatives considered during the remedy selection process (removal of soil within the Surficial Aquifer or removal of soil to the Hawthorn Group middle clay unit) would present significant challenges due to the excavation depths and the large amounts of soil that would be removed. The Surficial Aquifer soil removal would require digging to an approximate depth of 25 feet below ground and removing approximately 280,000 cubic yards (420,000 tons) of soil. The Hawthorn Group middle clay soil is deeper and removal would require digging to an approximate depth of 65 feet below ground and removing approximately 1,800,000 cubic yards (2,700,000 tons) of soil. Excavating soil to these depths would require shoring to keep the excavation walls from falling in on workers, and dewatering to remove groundwater that would flow into the excavation area during excavation. Groundwater collected from the excavation area would require treatment and disposal. Construction of a staging/temporary storage area may be required. Excavated soil would require management as listed hazardous waste. All of these challenges, in turn, result in short-term health and safety risks to remedial workers and the nearby community and significant additional costs to the remedial effort.
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> **Off-Site disposal challenges**
> Finding one or more disposal facilities that will accept the large quantities of contaminated soil would present a challenge. Land Disposal Restriction (LDR) and Best Demonstrated Available Technology (BDAT) rules establishing treatment standards for land disposal may require that contaminated soils from the Site be sent to one of the few hazardous waste incinerators that accept wood treatment listed waste. It may also be necessary to treat soils on-site prior to off-Site disposal. Transporting the contaminated soils to an off-Site facility would

require either about 15,000 (Surficial Aquifer excavation) or 95,000 (Hawthorn Group middle clay excavation) truck loads. More than 100 dump truck loads per day of contaminated soil could be driven through the areas surrounding the Site resulting in significant transport-related safety and environmental risks, as well as a significant nuisance to the surrounding areas for over 2.5 years. The same logistical difficulties are associated with rail transport.

On-site treatment challenges
If the material is treated on-site (by any method) and returned to the excavation, the risk reduction and volume treated is very similar to the in-situ treatment options, but with substantially greater short-term risk, engineering challenges, effort, time, and cost.

On-site construction of above ground landfill challenges
If the excavated soil is placed in an on-site constructed landfill instead of being returned to the excavation or transported off-Site, the resulting mound would be much larger than the mound considered for the gently sloped consolidation area. This would have serious technical and permitting challenges, would limit redevelopment opportunities, and would not be a welcome sight for the community.

Risk reduction not significantly different with excavation
Actual long-term human health and environmental risk reduction resulting from source area excavation would not be significantly different than in-situ treatment. Short-term risks would be significantly higher for soil excavation. Soil removal will not significantly reduce groundwater concentrations at potential receptors, including the Murphee Well Field. A long-term groundwater remedy would still be required. There is also a risk that residual DNAPL will move through the groundwater during excavation activities."

In short, after applying the nine CERCLA criteria for evaluating remedial options, the in-situ remedy selected in the 2011 ROD is the preferable alternative for the Site. With this remedy, there is less short term risk of public exposure to Site contaminants. Similarly, the long term risk-reduction benefits associated with EPA's selected remedy do not differ significantly from the risk-reduction benefits associated with excavation. This is because there is little risk that the contaminated soil at the Site, once solidified and encased in a subterranean wall descending 65 feet below land-surface to the top the Middle Hawthorne Aquifer, will be able to leach further contamination into the groundwater.

One commenter expressed concern about the potential for the release and re-disposal of soil pollutants off-site when the Site is redeveloped. With regard to this comment, the United States is requiring institutional controls to be implemented at the Site pursuant to Section IX and Appendix D of the proposed Consent Decree. These institutional controls in place at the Site will serve to prevent the disturbance or re-disposal of contamination.

Another commenter expressed concern that leaving the soil contaminants in place at the Site would allow the contaminants to migrate further into the Floridan Aquifer. In response to this comment, please note that the soil solidification remedy and the subterranean barrier wall are meant to prevent this type of movement of contamination at the Site. Moreover, since Beazer instituted the groundwater pump and treat system in 1995, which was expanded in 2010, there has been no such off-site migration. Beazer will continue that groundwater pump and treat system under the proposed decree.

2. Excavation of all on-site contaminated soils from outside the consolidation/containment area and placement of soils into consolidation/containment area [instead of just covering them with clean topsoil]–

EPA RESPONSE: EPA seriously considers input from all sources when it makes remedial action determinations and remedial design and implementation decisions. This consideration is evident when one looks at how EPA adjusted the suite of remedial alternatives from its 2010 proposed plan to the Amended ROD based on input received at two public meetings and written comments received from the City, the County, and the general public. For example, EPA revised the remedy to include a single continuous vertical barrier wall approximately 65 feet deep encircling all four principal contaminant source areas, and chose in-situ injection of oxidizing chemicals in the Lower Hawthorne Group Aquifer in two of the four principal source areas. (See Amended ROD at Executive Summary). As described above in EPA's response to the comments at II. C. 1. there are significant challenges with excavating all the referenced soils due to the excavation depths and the large amounts of soils. Such an excavation could cause residual DNAPL (Dense Nonaqueous Phase Liquid) at the Site to move through the groundwater. Placement of these excavated materials on-site would adversely impact the future use of the Site. Moreover, there is no significant reduction of risk with this alternative.

3. EPA needs to apply both the leachability standards and the direct contact standards to the contaminated soils on-site because dioxin is less water soluable.

EPA RESPONSE: Two principal regulations, included at Florida Administrative Code 62-780, inform the cleanup approach at the onsite portion of the Koppers Site. One of those regulations addresses allowable contaminant concentrations for direct human exposure (i.e. "direct contact standards"). The second regulation specifies default concentrations for contaminants in the vadose zone (the area below ground surface and above the Surficial aquifer) based on potential leachability to ground water (i.e., "leachability standards"). There are different approaches that can be taken to meet these standards. The specific approaches used at the Site will be addressed in the remedial design process. The remedial design process will take place after the consent decree is accepted by the court. In short, both direct contact and leachability standards apply to the Site soils and their specific application will be addressed during the remedial design.

4. The In-Situ Solidification/Stabilization treatment depth should extend to at least the Hawthorne Group Middle Clay Layer (approx. 65 feet bls).

EPA RESPONSE: EPA anticipates that the depth of the In-Situ Solidification/Stabilization treatment in the former North Lagoon and Drip Track areas will extend to the Middle Hawthorn Clay as was contemplated in the Amended ROD. Pilot tests will be conducted to inform precise site conditions so that the full-scale remedial action is more likely to be successful. EPA is not deviating from the Amended ROD and anticipates that full deployment to the Middle Hawthorn Clay will be successful. Site stakeholders will be

involved with the design and implementation of the pilot test and full-scale implementation at the time of its occurrence and every effort will be made to extend the treatment to the desired depth.

D. Whether Remox is approved for use within municipal limits or near municipal water sources;

EPA RESPONSE: Remox has been and continues to be approved for use in treating contaminated groundwater at the Koppers portion of the Site as well as at other hazardous waste sites in the United States and in Europe. Groundwater monitoring wells nearby the Remox injection sites are used to monitor the remedy effectiveness as well as to monitor the groundwater nearby the injection to ensure that there are no adverse effects from its use in that particular location. The nearest municipal source of water to the Koppers Site is 2.5 miles away. Groundwater monitoring wells nearby the Site show that the Remox product readily reacts with organics with which it comes into contact. This occurs well in advance of the groundwater moving off of the Koppers portion of the Cabot Carbon/Koppers Site. Furthermore, Site-related contaminants have never been found at the Murphee Wellfield or at sentinel wells between the Site and the Murphee Wellfield that are operated by both the Gainesville Regional Utility and Beazer East.

E. Issue of Expanding Site Boundaries Additional sampling/soil testing in the surrounding neighborhoods i.e., Hampton Heights, Carol Estates;

EPA RESPONSE: The primary mechanism for onsite soils to be transported to offsite areas was from the migration of wind-blown soils and dust. Source characterization was conducted at the Site in a stepwise fashion, starting with onsite source areas, and moving outward into offsite areas until it was determined by multiple soil sample analysis that State cleanup standards had been met in all directions from the Site for Site-related contaminants. Based on this soil characterization data, the areas requiring remediation do not include the mentioned neighborhoods. For further information, please also see also the transcript of the public meeting held on February 27, 2013 at pages 30-32.

F. Higher clean up level for the neighborhood soil;

EPA RESPONSE: The chosen Site soil cleanup levels are the stringent default State of Florida risk-based correction action levels found in Florida Administrative Code 62-780. There are no higher cleanup levels available for the neighborhood soils.

G. Assurance of Sampling protocols during the prior 6 inch sampling and other sampling events;

EPA RESPONSE: A similar concern was raised during the public comment process over the 2010 proposed plan. EPA responded to this concern in the responsiveness summary at Appendix A to the Amended ROD, at page 189 of that document.

EPA routinely exercises its oversight of the soil sampling and analysis process in multiple ways. EPA representatives have split soil samples with private responsible party technical representatives and conducted separate lab analyses for Site contaminants. EPA then compared its results with the soil sampling results obtained by the responsible party

technical representatives. Secondly, EPA has on occasion collected its own soil samples from nearby the Site and conducted its own analysis of the soil. Thirdly, EPA regulates and approves laboratories and individuals that conduct soil and groundwater sampling. As a result of these efforts and examinations, EPA is satisfied that all EPA-approved and developed protocols are being followed at the Site related to soil sampling procedures.

H. Nature of creek clean up - Need proper cleanup of creeks – levels of contamination above MCLs – Additional Ecological Risk Assessment and testing of creeks; Ref. to Dioxin- need an eco-tox study of the impacts to wildlife;

EPA RESPONSE: The Amended ROD requires an extensive cleanup of creeks as well as implementation of surface water controls on the Koppers portion of the Site to prevent sediment from leaving the Site. See Amended ROD at page 107, 171. As regards clean up levels, all of the sediments in the creeks which have contaminants associated either with the former Cabot Carbon or Koppers portions of the Site (contaminants of concern (COC)) will be removed if they exceed background concentration levels or probable effect concentration (PEC) levels. The PEC level is the contaminant concentration level above which wildlife is likely adversely affected. The second part of the sediment cleanup in Hogtown and Springstead Creeks requires that there be monitored natural recovery of remaining impacted sediment until contaminant concentrations are reduced to below the threshold effects concentration level (which is the level at which contaminant concentrations could adversely affect a plant of animal) (TEC Level) or background levels, whichever is greater.

As regards an ecological risk assessment, EPA evaluated Beazer's 2010 ecological screening level risk assessment and concluded that it was not adequate for determining risks to ecological receptors and did not provide an adequate basis for selecting remedial goals for offsite sediment. Beazer's risk assessment was based on assumptions that have not yet obtained acceptance by EPA and Florida DEP. The utilization of background levels, PEC levels and TEC levels, as explained above, is much more protective of wildlife.

To address possible future impacts on sediments, Beazer is also required to construct and operate a detention/retention pond(s) to capture storm water from the former Koppers Site prior to allowing it to be discharged to the tributary to Springstead Creek. The detention/retention pond(s) will be designed, including placement, during the remedial design of the on-site remedy. Although future migration of contaminated soils due to storm water flow is highly unlikely due to the implementation of Site surface covers and consolidation of contaminated materials beneath a low-permeability cover/cap, storm water capture will allow potentially contaminated sediment to settle so that it will not be released to the creeks.

I. Contamination of the aquifers and the City's drinking water supply;

EPA RESPONSE: Site-related contaminants have never been found at the Murphee Wellfield (the City's source of drinking water) or at sentinel wells between the Site and the Murphee Wellfield, that are operated by both the Gainesville Regional Utility and Beazer East. However, there is extensive contamination in the aquifers below the former Koppers and Cabot facility locations. The 1990 Record of Decision (ROD) required cleanup of the

Surficial groundwater aquifer and the cleanup of contaminated soils for both the Cabot Carbon and Koppers Sites. The 2011 ROD expanded this remedy to encompass the Surficial, Hawthorn, and Upper Floridan aquifers below both former operating facilities.

J. Seeking general clarification on nature of relief for homeowners under the decree.

EPA RESPONSE: The consent decree requires implementation of the remedial components set forth in the 2011 Record of Decision (ROD). The specific provision related to relief for homeowners is that the responsible party is required to execute, with the homeowner's permission, a soil remediation of up to the top two feet of soil in residential yards nearby the Site where Florida state cleanup standards for soils are exceeded for Site-related compounds. The CERCLA statute does not provide relief in the nature of compensating homeowners for damages (health effects or economic) that they may have incurred as a result of the former Koppers facility operation.

K. Geochemical stabilizer for the groundwater remedy has not been sufficiently tested and will ultimately be ineffective due to the nature of water.

EPA RESPONSE: In-situ geochemical stabilization (ISGS) injection compounds such as Remox have been shown to be effective at another site in Denver, Colorado that was a previous wood-treatment site. As part of an earlier pilot test at the Gainesville Site, there were promising results shown. Prior to full deployment of ISGS at the Gainesville, EPA is requiring a full-scale pilot test to be undertaken. Should the technology fail to produce effective results, EPA will require a different technology (in-situ solidification/stablilization) be deployed in its place as specified in the 2011 Record of Decision.

L. Allegation that the Amended ROD fails to meet the requirements of the law because it does not include a detailed analysis of alternatives concerning off-site contamination (Reference to 40 CFR 300.430(e)(9) and it fails to include permanent relocation as an explored alternative;

EPA RESPONSE: The amended Record of Decision (ROD) includes consideration of three separate approaches to soil cleanup that are contemplated under the governing regulations found at Florida Administrative Code 62-780 related. EPA retained all three options subject to each individual homeowner's approval in specifying a cleanup. Those options include the removal of up to the top two feet of soil that is contaminated and replacing it with clean fill and replacing landscaping that was affected. The other two options allow for the use of engineering or institutional (land-use) controls to control potential exposures to soils that exceed the default allowable contaminant concentration levels found in Florida Administrative Code 62-780. As previously addressed above in Section II, C1 of this document, permanent relocation is not a viable option at this Site. Moreover, the CERCLA statute guides EPA to have a preference for cleanup in all its remedial action decisions.

M. Selected Remedy is not consistent with Future Anticipated Property Use.

EPA RESPONSE: As part of the remedy selection process found in the National Contingency Plan at 40 Code of Federal Regulations (CFR) 300, EPA is required to consider the future anticipated land use of a site in making its remedial decisions. As part of the 2010 proposed plan and the Amended ROD, EPA considered the future anticipated land use for the former Koppers facility. EPA addressed the Current and Expected Future Land Use on page 41 of the Amended ROD as follows:

> "The land use for the Koppers property is industrial and surrounding properties are commercial and residential. This area lies in the northern part of Gainesville, within the city limits, in a very busy and heavily trafficked area. As of October 2009, the surrounding population was as follows: within 0.5 mile, 4,274 people; within 2.5 miles, 55,595 people; and within 4 miles. 97,670 people.
>
> EPA makes use of several sources of information when evaluating future land use during CERCLA remedy selection, including the EPA directive "Land Use in the CERCLA Remedy Selection Process" (EPA OSWER Directive No. 9355.7-04). EPA is required to look at reasonably anticipated future land uses in determining what cleanup criteria to apply at a Superfund Site. The initial reasonably anticipated future land use for the Koppers property is industrial/commercial. This is based on current zoning, the stated intention of the property owner, and the determination by the City of Gainesville that rezoning the property to residential will not be feasible. Thus, EPA has determined that unrestricted residential use is not a likely or practical future land use for the Site. However, a remedy that in effect meets Florida residential default cleanup standards has been selected. The remedy calls for clean soil to be placed over almost the entire Site. EPA has made its reasonably anticipated land use determination based on several factors including property owner Beazer East's planned retention of Site ownership and its indicated willingness to include flexibility for future use of the Site as commercial, recreational or mixed use with a residential component. Therefore, the EPA has determined that the reasonably anticipated future land use of the Koppers portion of the Site is likely to be commercial, recreational or mixed-use with a residential component.
>
> This view is consistent with the findings of the City of Gainesville's City Commission which considered and rejected a contingent future rezoning of the former Koppers Site to an exclusively residential use. This option was considered over a two-year time period during which the City planning commission introduced the City's initial vision of the Site as being reused as a mixed use commercial with a residential component similar to Atlantic Station (previously Atlantic Steel Mill) in Atlanta, Georgia. As EPA has communicated to the City in several City Commission meetings and through other formats, there are few, if any, former hazardous waste sites where there is unlimited or unrestricted future use. However, there are many former hazardous waste sites that have residential land uses taking place."

EPA's analysis of the Current and Expected Land Use of the Site has not changed. The Site cleanup upon final implementation will support these land uses.

N. Reference to a State health study and its validity.

EPA RESPONSE: The Florida Department of Health in consultation with the Alachua County Health Department and the Center for Disease Control's Agency for Toxic Substances and Disease Registry (ATSDR) have undertaken numerous studies (12) since 2009 (entitled "Health Consultations"), to look at environmental sampling data generated on and nearby the former Koppers Site and to advise the public on the meaning of the data and to provide the public with practical steps to avoid exposure from specific media nearby the Site. These agencies specialize in evaluating, interpreting, and providing health information to the public in an easy-to-understand format. EPA is aware of no reason why the above referenced Health Consultations do not represent valid evaluations based on approved Agency protocols.

III. REMEDY IMPLEMENTATION ISSUES:

A. Clean up of residents' yards:

1. What type of legal "release" will Beazer be allowed to require from homeowners granting access from remediation?

EPA RESPONSE: Beazer East will only be obtaining access agreements from homeowners to obtain access to their property to conduct the offsite soil remediation. A legal "release" will not be part of the access agreement.

2. Why has there been a 30 year delay between the NCP listing and the clean up?

EPA RESPONSE: There was not a 30 year delay between the National Priority List (NPL) listing of the Site and the cleanup. The Site was initially listed on the NPL in 1983. Subsequently, the environmental conditions at the Site were evaluated by the EPA and the State of Florida pursuant to a detailed remedial investigation and remedy feasibility study process in order to characterize the contamination at the Site and analyze alternatives to cleanup the Site. A Record of Decision (1990 ROD) was promulgated for the Site in 1990 and cleanup began in 1995. Since 1995, more than 500 million gallons of contaminated groundwater have been remediated from the former Cabot Carbon operations. More than 300 million gallons of contaminated groundwater have been remediated on the Koppers portion of the Site. Cabot Carbon contractors removed and treated contaminated soils from the former Site and worked with the Site owners to put the Cabot Carbon Site back into productive use as commercial retail and office space. On the Koppers portion of the Site, soils and sediments were treated and solidified onsite and the groundwater treatment system has been expanded on two separate occasions. The Amended ROD contains an updated remedy to address areas that the 1990 ROD did not contemplate since information initially was not available showing that additional remedial components were necessary.

3. a. Outdoor exposure to airborne dust during soil removal; Airborne dust getting into homes;

EPA RESPONSE: Dust suppression techniques, such as the use of soil wetting, will be employed as part of the remedial action for offsite soil removal from residential areas as well as onsite soil remediation activities. These dust suppression techniques have been utilized routinely at other similarly-situated sites and have been shown to be effective in preventing re-contamination of properties post-removal.

3. b. Potential for re-contamination of properties due to dust mobilization;

EPA RESPONSE: One commenter was concerned that her remediated yard may be recontaminated if a neighbor chose not to have his/her yard remediated, but just opted for institutional controls. Due to the relatively low levels of contamination in the residential yards in the area surrounding the Site, it is improbable that any individual yard would constitute a source of contamination that would significantly impact other properties. The highest offsite level is 60 parts per trillion dioxin TEQ, which is much lower than the contaminant levels observed on the Site, itself. Acting under EPA oversight, the responsible party, Beazer, will take special care to communicate with homeowners regarding the cleanup of their properties, and will minimize wherever possible the disturbance to the yards. Following the cleanup, residential properties will be restored through landscaping. Residents that grant access for soil remediation will be permitted to either select in-kind replacement landscaping (including grasses, plants, trees, shrubs) similar to what currently exists at their property or elect to work with local landscaping architects to select more native, natural landscaping of equivalent value consistent with an overall plan for the Stephen Foster Neighborhood.

4. Level of contamination much deeper than 6-12 inches;

EPA RESPONSE: The Commenter correctly notes that there is significant contamination *at the Site* at depths deeper than 6-12 inches. However, the depth of contamination on nearby off-site properties is more shallow in nature. O*ffsite* soil sampling has indicated that contaminant levels generally come into compliance with State and federal standards at depths below 6 inches. EPA required that multiple samples be taken off-site to confirm this understanding and the conceptual site model. Contamination of off-site properties near the Site has been shown to be surficial in nature, caused by wind-blown migration and deposition of soils from the Site over the approximately 100 year operating history of the Site. The offsite soil sampling results have confirmed that impacts on these properties are confined primarily to the first 6 inches below land surface.

5. Process of soil removal:

a) Access to residences;
b) Vehicle parking areas;
c) Local Roads (dug up?)
d) Digging around tree roots; efforts to save trees; If a tree dies within a year of root disturbance will Beazer replace?
e) Danger to children; (digging deeper than 6 – 12 inches);
f) Soil removal could destabilize house foundations.

EPA RESPONSE: The items noted above generally relate to the part of the selected remedy pertaining to offsite soil-removal and how it will be implemented. The precise details of implementation will be evaluated and finalized during the remedial design process that follows the entry of the Consent Decree. If property owners want their yards to be cleaned up pursuant to the upcoming remedial action, they will need to provide Beazer East with a signed access agreement to allow Beazer East permission to come onto their property to conduct cleanup activities on the property.

Beazer East and EPA will conduct extensive consultations with affected property owners to customize the implementation of the soil remediation in offsite residential areas where practicable. Not all property owners will desire the same approach. For instance, some property owners may desire that remediation not take place near a favorite tree for fear that the tree could be adversely affected by the remediation. Other property owners may prefer that the tree be removed. EPA will consult with each owner and attempt to meet individual desires where practicable while also implementing an effective off-site soil remediation.

Digging around tree roots is generally done by hand to avoid destabilizing effects to the trees. Children digging deeper than 6 inches deep will not come into contact with Site contaminants in excess of the State standards adopted as cleanup standards. Soil removal around house foundations is typically done to within one foot of the foundation.

EPA does not anticipate that local roads and vehicle parking areas will be dug up in order to remediate the underlying soils. This is because it is unlikely that the soils existing below the roads and parking areas were affected by the dispersion of wind-blown soils from the Site.

6. Temporary Relocation during soil removal;

EPA RESPONSE: Temporary relocation will be offered to affected residents during the term of the soil removal action at the particular parcel at which they reside. EPA estimates that this period would be for approximately a one-week period during which each street is remediated. The temporary relocation is not mandatory and residents are welcome to stay in their homes if they desire.

7. Comments in favor of expeditious cleanup of contaminated soil and requesting that it be given the highest priority.

EPA RESPONSE: EPA has requested and Beazer East has preliminarily agreed to execute the offsite soil remediation as the first element in the suite of remedial actions required by the Amended ROD and agreed to by Beazer East in the Consent Decree. The timing of offsite soil remedial execution will depend on the date on which the Consent Decree is accepted by the federal court and the optimal season for remediation considering area trees that may be affected by the remediation.

B. Specific SOW Inquiries:

1. **Issue of injecting another contaminant into the soil; i.e. sodium permanganate;**
2. **Deed restrictions; Seeking clarification of deed restrictions on neighborhood properties that are remediated and on neighborhood properties that are not remediated but have contaminated soil and deed restrictions on nearby businesses and on City property;**
3. **Contamination not water soluble - will rise to the surface with the rains;**
4. **Post remediation assurances that on-site/off-site properties can be used as desired;**
5. **Guarantees that the new topsoil is clean and fertile; Where does the clean soil come from? Define clean soil;**
6. **Where will cars be entering the Site from the neighborhood? Will dead end streets become through streets?**
7. **Will there be off-Site soil monitoring in the 5 year review?**
8. **Will there be confirmatory soil sampling off-site prior to bringing in the clean soil?**
9. **How long will it take to complete on-site and off-site clean up so all that is left is monitoring?**
10. **Will Beazer clean the residential air ducts and other home contamination?**
11. **Will Beazer clean the buffer zone between off-site and on-site at the same time as they clean the off-site?**
12. **Can we structure a "pay forward" to get a non-containment area soil clean up to commercial standards rather than just a two-foot cover?**

13. How much of the non-containment area will be reserved for a storm water management facility for the containment area?
14. I am outside of the off-site remediation area, how confident can I be that my property is not contaminated?
15. Will the buffer zones that surround the site (i.e., the old railroad tracks on the east side be cleaned up?
16. I would like more information on cancers in this area that are caused by contaminants;
17. Will EPA be monitoring for PCB's as well as dioxin during the remediation?

EPA RESPONSE: (1) As previously discussed in EPA's response to comments, the injection of a permanganate solution into the subsurface has been shown to be effective at other sites with topography and contamination similar to that at the Koppers Site. This chemical oxidation process has been successfully used to chemically alter hazardous wastes and change them to harmless precipitates as part of a multi-layer containment and treatment system in former source areas on-site. Groundwater quality and remedy success will be measured as part of the pilot study process.

EPA RESPONSE: (2) and (4) The "on-site" component of the remedial action incorporates the use of institutional controls (ICs) at the Site property, including deed restrictions, to limit exposure of individuals to media with elevated contaminant concentrations and to ensure the effectiveness of the engineering controls implemented at the Site. The deed restrictions for the Site will specify or limit the types of permissible future Site development. Groundwater use will be restricted permanently through a Site-wide restriction. EPA requires ICs to be in place into perpetuity and run with the land as ownership changes hands. Deed restrictions may not be required at "off-site" parcels where owners agree to allow Beazer East to undertake a remedial action to remove and replace contaminated soils with soils that are uncontaminated. The remedial design process for the remedial action requires an institutional control plan as well as specific design plans for implementing the onsite soil remediation. EPA will provide these documents to the City and County for review as they become available. At that time, EPA will engage Site stakeholders in the specific design of the remedial action onsite and institutional controls that will be required.

EPA RESPONSE: (3) The remedial components will be successful without regard to contaminant solubility if implemented as contemplated in the 2011 Record of Decision.

EPA RESPONSE: (5) and (8) Clean soil proposed to be used as "fill" for residential soils is tested for possible contamination prior to use. The definition of "clean soil" is soil that meets the cleanup standards. Prior to placement of new clean soil in a particular yard, soil sampling will be required to show that all soil that is contaminated above cleanup goals has been removed.

EPA RESPONSE: (6) The details of where vehicles will be entering the site will be addressed as part of the remedial design process that will occur after the consent decree is accepted by the federal court. EPA has a mandate to ensure that the public is safe during this remedial process. EPA will coordinate with stakeholders during the remedial design

process to ensure proper notice is given to the residential neighborhoods regarding vehicle traffic related to the Site remedy.

EPA RESPONSE: (7) There will be no off-site soil sampling as part the Five Year Review. Properties will either be cleaned up or institutional controls (ICs) placed on the parcel. As part of the Five-Year Review, EPA may review whether the ICs should remain in place.

EPA RESPONSE: (9) Assuming that the Decree is entered within the next three months, the off-site remediation will begin towards the end of 2013 or the beginning of 2014, followed by the on-site remediation. The entire remedial action will take an estimated five years to complete. See Transcript of Public meeting at page 93.

EPA RESPONSE: (10) With regard to cleaning the home air ducts, as stated in the response to comments in Section II. A. 1. above, no unacceptable exposures to contaminants were found in homes located nearby the former Koppers facility. Therefore the remedy does not provide for home decontamination.

EPA RESPONSE: (11) and (15) With regard to cleanup of the "buffer zones", to the extent that term references the area between the Koppers Site and the Stephen Foster Neighborhood on the northwest side of the Site, that area will be remediated at the same time that the other off-site soil remediation is executed.

EPA RESPONSE: (12) The decision to cover the non-containment area with two feet of cover was based on sampling which showed only low levels of contamination, and the fact that this part of the Site was outside of the contamination source areas. Thus, the cleanup levels could be met by placement of two feet of clean soil. This decision is also consistent with the future intended uses of the Site.

EPA RESPONSE: (13) The details related to the storm water management facility will be addressed as part of the remedial design process that will occur after the consent decree is accepted by the federal court.

EPA RESPONSE: (14) Please see Section II. E regarding neighborhoods outside of the clean up area.

EPA RESPONSE: (16) There is a good deal of information publically available related to possible health effects from exposure to Site contaminants. The Florida Department of Health in consultation with the Alachua County Health Department and the Centers for Disease Control Agency for Toxic Substances and Disease Registry have, in at least 12 instances of which we are aware, evaluated possible health effects. The Commenter may find additional information related to this at the Alachua County Department of Health website: http://www.doh.state.fl.us/chdalachua/index.htm. In summary, here is an excerpt from a Health Consultation dated May 2012 entitled, "ALACHUA COUNTY REPORT, REVIEW OF CANCER RATES FOR CENSUS TRACT 3 (CONTAINING STEPHEN FOSTER NEIGHBORHOOD) Division of Environmental Health related to cancers that may develop as a result of exposure to Site contaminants and included in this document's Executive Summary:

> "There appears to be no increase in overall rates for cancers of the liver, kidney, bladder, and pancreas and for non-Hodgkin lymphoma or leukemia during 1981-2008. These are cancer types most frequently associated with exposure and contamination of communities."

EPA RESPONSE: (17) EPA will be monitoring for PCB's as well as dioxin in on and offsite soils, groundwater, and surface water at the Site.

C. How will EPA monitor the new stabilization procedures for safety and effectiveness?

EPA RESPONSE: The details related to the monitoring of the new stabilization procedures (i.e., in-situ biogeochemical stabilization (ISGS)), will be addressed in the remedial design process that will occur after the consent decree is accepted by the federal court. However, the Amended ROD identifies general effectiveness criteria that Beazer is required to meet as part of the remediation. See the Amended ROD at pages 122- 123.

"Important components of implementation of ISGS at the principal contaminant source areas are variables that will be monitored pre-and-post injection to determine if the ISGS technology is effective in reducing the contaminant mass, reducing permeability, and encapsulating DNAPL [(dense nonaqueous phase liquid)] if DNAPL is encountered. ISGS performance goals will include the following items:

1. Consistent and controlled delivery and distribution of ISGS injectate throughout the designated treatment area with corresponding reduction in permeability and encapsulation of DNAPL.
2. Pronounced reduction in groundwater contaminant concentrations/DNAPL and reduction in mass flux both laterally and vertically.
3. Demonstrated longevity and stability of stabilized matrix, with no rebound.

ISGS performance evaluation will include the following items:

1. Monitoring network of appropriately located wells in the Surficial and Hawthorn to evaluate compliance with UIC and effective control of distribution of ISGS injectate.
2. Soil cores collected pre- and post-injection within treatment area to demonstrate thorough and consistent sweep and reduced permeability/ leachability (based on pre and post-injection lab analysis including modified ANSI 16.1).
3. Pre- and post-treatment slug tests and monitoring of water levels/hydraulic gradients in monitoring wells/piezometers and downgradient recovery wells to document attainment of anticipated changes in hydraulic conductivity /permeability in treatment areas and downgradient.
4. Use of passive flux meters (PFMs) and low pump-induced technology directly within the source area. It would involve initial installation of an additional three monitoring wells in the source area subsequent to ISGS application. Slug tests would be conducted on all wells shortly after installation to acquire average pre- and post-treatment hydraulic conductivity values in the source area. Following slug testing, modified versions of the PFMs would be deployed in the monitoring wells and then subjected to low pump-induced flow. In this manner, pre- and post- relative hydraulic conductivity and pre- and post-treatment inducted contaminant flux can be compared to determine the relative impact of the ISGS treatment. The PFM monitoring wells can be left in place indefinitely to allow for induced flux measurements over a period of several years. During installation of monitoring wells, cores will also be collected and tested in the lab of leaching potential before and after treatment. In addition, installation of piezomenters around the perimeter of

the principal contaminant source areas will allow for hydraulic head measurements that can be used to evaluate any predicted changes in the groundwater flow field following treatment. This would provide additional information regarding any changes in permeability that occur within the principal containment areas as a result of ISGS treatment.

5. Pre-and post-injection well sampling to confirm reductions in DNAPL recovery and consistent reductions in groundwater concentrations with no rebound. Further details of the ISGS pilot test and specific short-term and long-term goals will be included in a separate workplan prior to implementation of the pilot during remedial design."

D. Comments that, notwithstanding any of the issues pertaining to the selected remedy and remedy implementation the commenters support approval of the Consent Decree and urge EPA to expeditiously implement the on-site and off-site soil sediment and groundwater remedies as set forth in the Amended ROD.

EPA RESPONSE: EPA is committed to expeditiously moving the remediation process forward.

IV. OTHER RELEVANT ISSUES:

A. Whether Beazer is profiting from the use of Remox;

EPA RESPONSE: EPA is not aware that Beazer East is profiting from the use of Remox at the Site. Remox is a proprietary product owned by FMC Corporation which to EPA's knowledge has no business relationship with Beazer East. EPA is aware that Beazer East is projected to spend approximately 7 million dollars to deploy in-situ geochemical stabilization at the Site in the former Process Area and former South Lagoon as part of a multi-component source area remediation system that includes a vertical barrier wall, an engineered cap, hydraulic containment in both the Surficial and Upper Floridan. EPA is not aware of any relationship between FMC and any individual working for Beazer on the Koppers Site remediation.

B. Sale or rental values of homes adversely affected by contamination;

EPA RESPONSE: Congress has granted EPA the authority to require an environmental cleanup but not to require a responsible party to compensate a party that may have experienced monetary damages based on a responsible party's actions.

C. Possible toxicological health effects from living near the Site;

EPA RESPONSE: EPA looks to the Florida Department of Health, the Alachua County Health Department, and the CDC's Agency for Toxic Disease Registry to advise us in possible health effects from exposures to hazardous waste site compounds. In a series of Health Consultations conducted by the Florida Department of Health with Alachua County Health Department and ATSDR input, the following information was related addressing possible toxicological effects from living near the Cabot/Koppers Site where exposure to

soils that have contaminant concentrations in excess of State of Florida standards could occur:

"Neighborhood North and West of Koppers

Arsenic

Non-cancer risk - Children incidentally ingesting very small amounts of surface soil with the highest arsenic levels in the neighborhood north and west of Koppers are not likely to suffer any non-cancer illness (Table 4). The maximum arsenic dose for children playing in this soil (0.00006 mg/kg/day) is 13 times less than the highest arsenic dose that does not cause any skin changes in humans (0.0008 mg/kg/day) and over 360 times less than the lowest arsenic dose causing gastrointestinal irritation, diarrhea, nausea, and precancerous skin changes in humans (0.022 mg/kg/day) (ATSDR 2007).

Cancer risk - People incidentally ingesting (swallowing) very small amounts of surface soil with the highest arsenic levels in the neighborhood north and west of Koppers over an entire lifetime (70 years) are at a very low increased theoretical risk of skin cancer (Table 4). Multiplying the maximum arsenic dose (0.000004 mg/kg/day) by the EPA cancer slope factor (1.5 mg/kg/day-1) results in a very low additional increased theoretical cancer risk of 0.000006 or 6 x 10-6.

Polycyclic Aromatic Hydrocarbons (PAHs)

Non-cancer risk - Children incidentally ingesting very small amounts of surface soil with the highest PAH (BaP-TEQ) levels in the neighborhood north and west of Koppers are not likely to suffer any non-cancer illness (Table 4). The maximum BaP-TEQ dose for children playing in soil in this neighborhood (0.00001 mg/kg/day) is millions of times less than the BaP-TEQ dose causing liver toxicity in mice (100 mg/kg/day) (ATSDR 1995b).

Cancer risk - People incidentally ingesting (swallowing) very small amounts of surface soil in this neighborhood with the highest PAH (BaP-TEQ) levels over an entire lifetime (70 years) are at a very low increased theoretical risk of cancer (Table 3). Multiplying the maximum BaP-TEQ dose (0.0000008 mg/kg/day) times the EPA cancer slope factor (7.3 mg/kg/day-1) results in a very low additional increased theoretical cancer risk of 0.000006 or 6 x 10-6.

Dioxins/Furans

Non-cancer risk - Children incidentally ingesting (swallowing) very small amounts of surface soil with the highest dioxin/furans (TCDD-TEQ) levels in the neighborhood are not likely to suffer any non-cancer illness (Table 4). The maximum TCDD-TEQ dose for children playing in this neighborhood (0.000001 ug/kg/day) is 120 times less than the lowest TCDD-TEQ dose causing moderate endometriosis and altered social behavior in monkeys (0.00012 ug/kg/day) (ATSDR 1998).

Cancer risk - People incidentally ingesting (swallowing) very small amounts of surface soil with the highest TCDD-TEQ levels in the neighborhood over an entire lifetime (70 years) are at a very low increased theoretical cancer risk (Table 3). Multiplying the maximum dose (8 x 10-11

mg/kg/day) times the EPA cancer slope factor (1.5×10^{5} mg/kg/day^{-1}) results in a very low additional increased theoretical cancer risk of 1×10^{-5}."

D. Failure of plant growth in residents' yards (Contamination of plants and vegetables);

EPA RESPONSE: EPA is not aware that the Site contaminants have any discernible effect on plant growth. In fact, since most of the contaminants related to the Site are not water soluble in the offsite areas, it is highly unlikely that a plant could uptake them under any circumstance as plants only uptake compounds that are water soluble.

E. Continued operation of the on-site wood treatment facility up to a few years ago, even though designated a Superfund Site;

EPA RESPONSE: There was a wood-treating Site operating at the former Koppers facility up until early 2010. As we understand it, this facility was operating in general compliance with operating permits issued by the Florida Department of Health for a number of years.

F. Can the City and the County oversee the remediation & have the oversight funded by Beazer?

EPA RESPONSE: EPA is statutorily required by Congress to oversee Site cleanups under the CERCLA statute. EPA does seek input from both the City and the County as part of the cleanup process and allows government officials trained in environmental remediation to observe all Site activities. EPA has no authority to require Beazer to pay for the oversight conducted by the City and the County.

G. Why has EPA not brought Beazer's parent companies into the Consent Decree?

EPA RESPONSE: EPA has brought in Beazer East's parent company, Lehigh Hanson Inc., as one of the provider's of the financial assurance guarantee for providing the financial guarantee that the remedial action is executed.

H. Unable to access and review the Consent Decree and attachments.

EPA RESPONSE: DOJ counsel Cheryl Smout confirmed with the IT people in charge of the DOJ Consent Decree Library and website that the website is operational and has been operational prior to February 13th, 2013. In fact, DOJ received over a dozen comments through the website.

I. Seeking clarification on the nature of the comment opportunity.

EPA RESPONSE: DOJ responded to each individual commenter on this issue (IV. I) either at the public meeting on February 27, 2013 or within two business days of receipt of the comment. A portion of the responses is as follows:

> "The purpose of this comment period is to allow the public to provide any comments on the consent decree which may aid in the determination as to whether the decree is fair and in the public interest. The purpose of the Decree is to implement the remedial action set forth in the Amended Record of Decision dated February 2011. Part of that remedy includes cleaning up neighborhood yards by removing contaminated soil if access to do so is granted by property owners. Our only authority under Superfund is to clean up the Site. E-mail to Mick Drake dated March 12, 2013 responding to comment dated March 8th."

J. When was the Site entered on the National Priorities List?

EPA RESPONSE: 1983

K. Alleged lack of responsiveness from EPA to comments and questions of the community;

EPA RESPONSE: EPA has had routine interaction with the community over the years leading up to the remedial action decisions at the Site. This comment was previously submitted as part of a response to EPA's 2010 proposed plan. A list of 22 separate and distinct public outreach and involvement events is included in the Amended ROD at pages 14 through 16 and is as follows:

Date	Event	Subject
8/2007-5/2010	Collaborative FS	FDEP, Beazer East, EPA begin a series of 6 face-to-face meetings preparing Feasibility Study documents for review and comment by Gainesville Local Implementation Team (LIT) in iterative stakeholder process
11/17/2007	Koppers Citizen Advisory Meeting	EPA representatives participate in Koppers Site quarterly meeting with interested community who participate in plant meetings
4/2008	EPA Awards ACEPD Grant	EPA Region 4 awards Alachua County EPD a $108,000 grant to study creek sediments and stormwater runoff at the Koppers facility and former Cabot Carbon lagoons
5/1/2008	Joint Gainesville	Provide updates related to Site remedial investigations/interim remedial measures, redevelopment possibilities, soil cleanup

	City/Alachua County Commission Meeting	levels. Took questions from Commissioners and general public See it online at the City of Gainesville website, Commission Meetings Online
3/9/2009	Gainesville City Commission Special Meeting	Provide information related to land use and soil cleanup standards at Superfund Sites. Took questions/received feedback from Commissioners and general public See it online at the City of Gainesville website, Commission Meetings Online
6/11/2009	EPA Public Availability Session	EPA, FDOH, Alachua County DOH, and Beazer East representatives provide face-to-face information to members of the public to discuss soil sampling data results obtained nearby the former Koppers plant
7/2009	Koppers Site Video	Community Involvement Coordinator and RPM provide a guided tour of the operating Koppers Site and discuss specific operations and cleanup at the Site. A Bob Safay Production. See it at: http://www.epa.gov/region4/waste/npl/nplfln/koppers_video.html
8/31/2009	Public Release of Draft Collaborative Feasibility Study	Release of Draft Feasibility Study to public, document results of 6 face-to-face meetings with FDEP, Beazer East, and EPA with input from the Local Implementation Team (LIT)
11/23/2009	Meeting at EPA Region 4 with LIT, Gainesville City/Alachua County Elected Officials	Face-to-Face Meeting to discuss LIT concerns with draft FS with EPA and FDEP representatives
1/27/2010	Gainesville	EPA personnel address questions related to December 2009

	Commission Meeting	Koppers Site shutdown
1/6/2010	Administrator Meiburg Meets With Mayor Hanrahan	Senior Management meeting with Mayor to discuss City concerns and path forward for proposed plan
3/26/2010	Reuse Public Meetings	Pursuant to public request, EPA contractor E^2 conducts three meetings without presence of federal, state, local, and city personnel to engage in discussion of possible site reuses.
4/29/2010	Gainesville City Commission Meeting	EPA personnel provide updates on several interim remedial measure development and takes feedback/questions from the public See it online at the City of Gainesville website, Commission Meetings Online
6/1/2010	Technical Assistance Grant Award	EPA awards Protect Gainesville Citizens technical assistance grant
6/14/2010	Reuse Public Meeting	EPA reuse contractor E^2 meet with members of the public to discuss their ideas related to possible former Koppers Site reuse
6/15/2010	Koppers Site Tour	EPA and Beazer East representatives provide Site tour to interested public and take feedback on possible drums buried onsite eyewitnesses. Remedial design workplan for further submitted based on testimonials received
8/1-3/2010	Community Interviews	Community Interviews in preparation for Community Involvement Plan update
8/5/2010	Proposed Plan Meeting	EPA representatives present Koppers proposed plan and take public comments/answer questions for 3 hours
8/16/-9/15/2010	Draft Community Involvement Plan Public Notice	Updated Community Involvement Plan public-noticed in Gainesville Sun

8/17/2010	Koppers Site Tour	EPA an Beazer East representatives provide a Site tour to discuss Site demolition efforts to remove Site structures, implement an interim remedial measures for stormwater management and dust control measures
9/23/2010	Meeting with LIT in Tallahassee to Discuss EPA Proposed Plan Elements	EPA, FDEP, and Beazer East representatives meet with LIT members to discuss EPA's proposed plan and local technical concerns
10/6/2010	EPA Public Availability Session	EPA, FDOH, FDEP, Alachua County DOH, and Beazer East representatives provide information related to contents of EPA proposed plan and answer specific questions that members of the public have related to Koppers
11/3/2010	EPA Five-Year Review Interviews	EPA personnel interviewed Mayor Lowe and four City Commissioners for the 2011 Five-Year review
11/4/2010	Five-Year Review Site Walk and Gainesville Stakeholder Five-Year Interviews	Interviewed Gainesville stakeholder representatives from the GRU, ACEPD, the City of Gainesville Public interest groups the Stephen Foster Neighborhood Association, the Stephen Foster Neighborhood Protection Group, BANCCA, and the Protect Gainesville Citizens TAG recipient, Seven individual residents that live nearby the former Koppers Site
11/16/2010	FDOH/EPA Indoor Dust Sampling Workgroup	Community members, FDEP, FDOH, ACEPD, CDC representatives begin discussions of possible approaches to sampling indoor dust for presence of possible Site-related contaminants
12/2/2010	FDOH/EPA Indoor Dust Sampling Workgroup	Community members, FDEP, FDOH, ACEPD, CDC representatives continue discussions of possible approaches to sampling indoor dust for presence of possible Site-related contaminants

1/12/2011	FDOH/EPA Indoor Dust Sampling Workgroup	Community members, FDEP, FDOH, ACEPD, CDC representatives continue discussions of possible approaches to sampling indoor dust for presence of possible Site-related contaminants
2/2/2011	RA Conference Call with City of Gainesville Alachua County Elected Officials	Regional Administrator and technical staff provide a briefing to City of Gainesville, Alachua County elected officials and technical representatives, Protect Gainesville Citizens TAG technical advisor on ROD issuance, next steps.
2/2/2011	**ROD Issued**	**Press release and ROD summary issued on website.**
2/15/2011	Gainesville Stakeholder Conference Call	ACEPD, FDEP, City of Gainesville, GRU, PRP Beazer East and Cabot Carbon technical representatives discuss ROD contents, next steps including consent decree negotiations.
3/8/2011	PGC Technical Advisor	Shared draft workplan documents for offsite soil sampling, buried drum remedial investigation, and held conversations related to Site cleanup efforts and PGC concerns
3/18/2011	FDOH/EPA Indoor Dust Sampling Workgroup	Community members, FDEP, FDOH, ACEPD, CDC representatives continue discussions of possible approaches to sampling indoor dust for presence of possible Site-related contaminants
3/24/2011	Former Koppers Site Walk	Review stormwater improvements, completed site demolition results and provide information on upcoming remedial actions.
4/8/2011	FDOH/EPA Indoor Dust Sampling Workgroup	Community members, FDEP, FDOH, ACEPD, CDC representatives continue discussions of possible approaches to sampling indoor dust for presence of possible Site-related contaminants
4/19/2011	Gainesville Stakeholder Conference	ACEPD, FDEP, City of Gainesville, GRU, PRP Beazer East and Cabot Carbon technical representatives discuss workplans for offsite soil sampling plan, remedial design documents, and

	Call	buried drum remedial investigation.
4/29/2011	FDOH/EPA Indoor Dust Sampling Workgroup	Community members, FDEP, FDOH, ACEPD, CDC representatives continue discussions of possible approaches to sampling indoor dust for presence of possible Site-related contaminants

In addition, EPA has responded in writing to comments submitted by Wildlaw on several occasions prior to ROD issuance. EPA has received no communications from Wildlaw since the ROD was released in February 2011.

L. Lack of notice regarding an on-site demolition of contaminated buildings.

EPA RESPONSE: There is no notice requirement for on-site demolition of contaminated buildings. Beazer East was issued a construction permit that was public-noticed by the City of Gainesville to allow Beazer East to demolish onsite buildings and remove them from the Site.

M. Allegations of buried Agent Orange barrels on-site and surreptitious removal of same.

EPA RESPONSE: EPA is aware of claims and has investigated claims by a handful of people in the community that drums of Agent Orange were buried on the former Koppers Site. EPA is dubious that such would be the case as Agent Orange was never used in the wood-treating process or at any other wood-treating process of which EPA is aware. In 2010, EPA required Beazer East to develop and implement a workplan for finding possible buried drums on the Site. Beazer East developed and executed this workplan with the result that 2 empty buried drums were found across the entire 86-acre Site. EPA is satisfied that Agent Orange is not present on the Site.

N. Possible post-remedy uses of site- including placement of solar collectors and planting of trees.

EPA RESPONSE: EPA does not dictate the voluntary use of private property as long as it is used in compliance with the Decree terms.

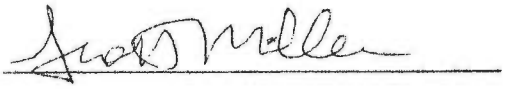
V. ISSUES/COMMENTS TO WHICH EPA UNABLE TO RESPOND:

A. How can we get our political leadership to aggressively pursue EPA and Beazer?
B. Is it true that the statute of limitations for city filing suit against Koppers expires on March 1, 2013?
C. Are our city, county and school board attorneys going to submit comments regarding the structure and substance of the Decree?
D. This meeting has been scheduled on a day when there are significant conflicts including religious aspect for Lent.
E. Can we have an additional day for meetings?
F. The meeting on February 27, 2013 was poorly organized.
G. EPA has at least 10 to 15 states suing for lax performance.
H. Resident can't mow yard without sneezing and coughing;
I. No flea killer prod ucts work on pets.
J. Solicitation for the conduct of remedial work at the Site.
K. Query as to whether to join a class action lawsuit or opt out;
L. Non- Disclosure to Renters of the proximity of the Site;
M. Allegation that EPA Region 4 has failed to protect citizens from pollution;
N. Query as to how homeowners will be made economically whole.
O. Allegations that Beazer is in violation of the Clean Water Act.
P. Allegations of conflict of interest as regards the State Site Manager;
Q. Alleged statement by a GRU representative regarding the relative extent of contamination in various neighborhoods;
R. Residents had no part in contributing to the contamination;
S. Request for a criminal investigation of Beazer.
T. Beazer will profit from cleanup of its Site.

EPA Response: The comments in this section fall into one of the following categories: (1) The federal government is not privy to the stated or requested information (A, B, C, H, Q); (2) The comment does not pertain to the Site; the current remedy; or the current consent decree (D, E, F, G, I, J, K, L, M, N, P); (3) Comments upon which the government takes no position. (O, R, S,T).

Declaration of Scott Miler, Remedial Project Manager for the Cabot/Kopper Superfund Site

I assisted in the preparation of the EPA responses contained in the document entitled, "Cabot/Koppers Superfund Site. Public Comments – Outline of Responses" and, to the best of my knowledge, they accurately reflect the view and position of EPA as regards the comments and questions presented.



SCOTT MILLER

Environmental Engineer

United States Environmental Protection Agency

EPA REGION 4

Atlanta, GA

News Release

Friday 7 August 1998, 12:25 GMT

Friday 7 August 1998
ENVIRONMENT
INSURANCE

SEDGWICK CAPS ENVIRONMENTAL LIABILITIES FOR HANSON THROUGH $800 MILLION INSURANCE PROGRAMME

Sedgwick Global Insurance Strategy (SGIS) and Sedgwick Environmental Services (SES), divisions of Sedgwick Limited, have placed an $800 million environmental remediation and designated products liability insurance policy on behalf of Hanson plc, a leading building materials company.

The policy covers environmental exposures relating to the former Koppers Company operations of Beazer plc (acquired by Hanson in 1991), putting to rest uncertainty over the firm's environmental liabilities.

The policy is underwritten by Bermuda-based Vestur Insurance, a Hanson captive, which is reinsured by a consortium of Centre Solutions, a member of the Zurich Group, and European Re, a member of the Swiss Re Group.

In addition to the unusually large limit of liability, the policy contains no time limitation on claim payments. The policy covers environmental remediation costs at various Beazer sites related to Koppers Company former operations and business, most of which it no longer owns. It also covers liabilities arising from the sale of certain discontinued roofing products.

Sedgwick consulted with Beazer on programme design, drafting and structuring, and provided project management, analytical and brokerage services to the transaction. The company also provided technical assessments, modelling and drafting support.

David Trezies, Sedgwick Limited's Chairman, said: "At Sedgwick we are committed to delivering successful risk management solutions for our clients. With our experience in the alternative risk transfer market we were able to bring this placement together with the support of strong underwriters, and I believe we have broken new ground in the treatment of legacy liabilities."

Robert Herrick, Managing Director of SGIS in San Francisco and project leader, said: "The programme allows Hanson to put aside old liabilities so that the company can concentrate on the issues it faces today, as well as removing a large uncertainty for its shareholders. Hanson is now well-positioned to focus on the future, not the past, and to continue its recent progress."

Notes to Editors:

SGIS is Sedgwick's alternative risk transfer brokerage and consulting group, with principal offices in San Francisco and London. SES is Sedgwick's Nashville-based environmental consulting group, serving customers in North America.

Sedgwick Limited provides risk consultancy, insurance and management services to organisations of all types and sizes. The company brings together Sedgwick's risk, insurance and reinsurance operations in Europe, the Middle East, Africa, India and Latin America.

Hanson plc is a leading building materials company with operations mainly in the US, UK and Continental Europe. Hanson's principal businesses include aggregates (Cornerstone Construction & Materials, the third-largest producer of construction aggregates in the US and ARC, the second-largest aggregates producer in the UK), and bricks (Hanson Brick, one of the UK's two largest brick manufacturers and a leading manufacturer in Continental Europe).

In July 1998 Sedgwick Limited published the results of its survey into the insurance buying habits of European companies, focusing on the growing popularity of alternative risk transfer techniques. For a copy of the report call 0171 481 5617.

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Hanson PLC
News Release

Contact: Patricia De Felice
Director - Investor Relations
732-919-2314

FOR IMMEDIATE RELEASE

HANSON INSURES US ENVIRONMENTAL LIABILITIES

- **Funding and risk transferred to reinsurance companies**
- **$275 million (£168m) cost, excluding $100 million (£61m) retention**
- **$120 million (£73m) to be received from settlement of outstanding environmental issues**
- **$230 million (£140m) exceptional P&L credit**

London, England / Neptune, NJ – August 5, 1998 – Hanson PLC [NYSE – HAN] announced today that an agreement has been signed under which the funding and risk of the environmental liabilities relating to the former *Koppers Company* operations of *Beazer PLC* (acquired by Hanson in 1991) will be underwritten by subsidiaries of two of the world's largest reinsurance companies, *Centre Solutions* (a member of the *Zurich Group*) and *Swiss Re*.

The one-off premium, together with related transaction costs, amounts to $275 million (£168m) and provides $800 million (£488m) of insurance cover after payment by Beazer of the first $100 million (£61m) of remediation costs arising since January 1998. The cover has an unlimited timescale. Administration of the environmental remediation program will continue to be carried out by Beazer.

This financial solution has been put in place following extensive due diligence by the underwriters and by *Sedgwick PLC*, acting as the company's broker and advisor.

Beazer has also reached an agreement in principle to resolve an outstanding dispute relating to associated insurance matters. Subject to certain conditions and final authorization, recoveries under this agreement will approximate $120 million (£73m) and are expected to be received before the year-end. This will serve to reduce the effective cost of transferring the funding of the environmental liabilities from $275 million (£168m) to $155 million (£95m).

Christopher Collins, Chairman, said: "This is a very significant step forward for Hanson. The removal of these liabilities relieves uncertainty and clears the way for our further development as a major building materials company."

Accounting treatment

At the time of the acquisition of Beazer by Hanson in 1991 a balance sheet provision for these liabilities was created. An annual cash outflow of around $70 million (£43m) has been charged to this provision, which stood at an undiscounted $675 million (£412m at the current exchange rate) at December 31, 1997.

After charging the premium and transaction costs of $275 million (£168m) and allowing for the retention and for ongoing staff and legal costs relating to the remediation program, $110 million (£67m) of this provision will no longer be required. This amount will be released as an exceptional credit to the profit & loss account.

The $120 million (£73m) expected to be received as a result of the settlement of outstanding environmental issues will also be treated as an exceptional credit.

Announcing the agreement, **Andrew Dougal**, Chief Executive, said: "This major legacy issue is now successfully behind us. In addition, we have sold nearly £700 million of non-core businesses since the final demerger last year. We now have the opportunity to concentrate on expanding and improving our main businesses and delivering growth for our shareholders."

Alan Murray, Chief Executive of Cornerstone, who led the negotiations when Finance Director of Hanson, commented, "The reinsurers have fully endorsed our environmental management techniques which have enabled us to put in place this innovative arrangement. It will have a favorable impact on our balance sheet while safeguarding our financial strength by transferring risk associated with the Koppers environmental liabilities for an unlimited period of time."

Note:
The liabilities covered arise from the acquisition of Beazer PLC by Hanson in 1991. Beazer, at the time of Hanson's acquisition, had responsibility for meeting potential environmental site remediation costs. These liabilities related to chemical and manufacturing businesses which became part of Beazer following its acquisition of Koppers Company in 1988. At the time of the Hanson acquisition, these businesses were no longer owned or operated by Beazer.

TELECONFERENCE TODAY:
Today at 9:30am (EST), Hanson will replay a recording of an earlier UK analyst meeting which will brief you on the highlights of this release. A live Q&A session will follow. **The access telephone number for the call is 913-981-5507.** To obtain a copy of the slides, please call Karon Hunsley at 800-366-7142. A replay of the call will be available approximately 2 hours later until the end of the business day on Friday, August 7th by calling 402-220-0854.

Hanson PLC is a leading building materials company with operations mainly in the US, UK and Continental Europe. Hanson's principal businesses include **aggregates** (Cornerstone Construction & Materials, the third largest producer of construction aggregates in the US and ARC, the second largest aggregates producer in the UK); and **bricks** (Hanson Brick, one of the UK's two largest brick manufacturers and a leading manufacturer in Continental Europe).

# # #

Cabot/Koppers Superfund Site Public Commenters- Names/Date

I. Consent Decree Issues:

A. If there is remedy failure, is Beazer responsible for correction?

Commenter Names and Date of Comments: Kim Popejoy – 2/28/13;

B. Section XIII Performance Guarantee – Value and content of the P97 Insurance policy and Appendix G;

Commenter Names and Date of Comments: James Davies – 03/21/13

C. Community Relations:

1. How is the community to be informed and updated during the remediation?

Commenter Names and Date of Comments: Kim Popejoy – 2/28/13; Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13; Dr. Patricia Cline - Technical Advisor for protectgainesville.org – March 15, 2013 (Stated, "EPA's commitment allowing ongoing document review and comment increases transparency and confidence in the process. We appreciate Scott Miller's outreach and support during this process.")

2. How will we obtain access to documents?

Commenter Names and Date of Comments: Kim Popejoy – 2/28/13

3. Community Engagement Initiative Action plan dated January 15, 2010 – Issue as to whether it has been used in order to work with communities regarding the Beazer Site;

Commenter Names and Date of Comments: Robert Hallman – 03/02/13

4. Will EPA continue to involve Alachua County and the City of Gainesville representatives in the process of reviewing and commenting on the remedial design and construction documents?

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13

I. Consent Decree Issues:

D. Comment that the Consent Decree and related documents are consistent with CERCLA and Florida environmental laws and that we have to get the Consent Decree signed to get the remediation going as soon as possible.

Commenter Names and Date of Comments: Dr. Patricia Cline - Technical Advisor for protectgainesville.org: Public Meeting 02/27/13 Transcript at pages 90-92; Dr. Patricia Cline - Technical Advisor for protectgainesville.org – March 15, 2013

II. Remedy Selection Issues:

A. In-Home Exposure to Dioxin through Airborne Dust;

1. Comments regarding levels of dioxin in home or neighborhood and health effects of exposure;

Commenter Names and Date of Comments: Gabriel Hillel – Public Meeting 02/27/13 Transcript at pages 21-24 (Ref to MSY dioxin sampling); Maria Parsons - Public Meeting 02/27/13 Transcript at pages 33-37 (no safe levels for dioxins – dioxins are highly carcinogenic- house is contaminated); Amy Schwarzer - Public Meeting 02/27/13 Transcript at page 48-50; Corinda O'Steen - Public Meeting 02/27/13 Transcript at pages 58-62; Sandra Watts Kennedy – Public Meeting 02/27/13 – Transcript at page 63-66 (Reference to homes in Times Beach, Missouri and Escambia, Florida); George Papadi – Public Meeting 02/27/13 – Transcript at page 71-75; Susan Fairforest – 03/05/13; Natalie Williams – 03/14/13 (Beazer not acknowledging that exposure to hazardous materials constitutes imminent and substantial endangerment to health/environment); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (EPA used poor methodology to conduct its indoor dust sampling- contents of vacuum cleaners were used as samples and home carpets were cleaned with Stanley Steamer service before sampling; Amy Schwarzer – 03/15/13; Windy Wood – 03/15/13.

2. Comments that neither the EPA nor the Agency for Toxic Substances and Disease Registry ("ATSDR") found levels of dioxin in homes which posed a health threat;

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13; City of Gainesville -03/12/13

3. Comment that expeditious cleanup of the contaminated off-site soil will have a major impact on relieving residents' concerns about indoor dust contamination in the neighborhood;

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13

II. Remedy Selection Issues – Cont'd

A. In-Home Exposure to Dioxin through Airborne Dust – Cont'd

4. Request that EPA re-evaluate the issue of indoor dust concerns at the time of the five year review of the implemented remedy at the Site.

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13

B. Permanent Relocation – Buyout of homes near the Site (Request that Beazer purchase homes);

Commenter Names and Date of Comments: Anne Haisley – 02/24/13; Robert Hallman - Public Meeting 02/27/13 Transcript at pages 50-52 (Inquired as to the basis for the decision not to permanently relocate residents); Corinda O'Steen - Public Meeting 02/27/13 Transcript at pages 58-62; Sandra Watts Kennedy – Public Meeting 02/27/13 – Transcript at page 63-66; Sharon Sheets – Public Meeting 02/27/13 – Transcript at page 66-69; Gabriel Hillel – Public Meeting 02/27/13 Transcript at page 84;Karen Scott – 02/27/13 & 03/04/13; Kim Popejoy – 2/28/13; Robert Hallman 03/02/13; Bob Palmer – 03/03/13; Susan Fairforest – 03/05/13; Monica Cooper – 03/07/13; Scott Hargrave – 03/09/13; Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13; Florence Capone – 03/13/13; Mary Leadon – 03/15/13; Ronald Hodill (Comment Card received 02/27/13); Curtis Cooper – 03-15/13; Farinda O'Steen - 05/30/13.

C. Treatment of the On-Site Contaminated Soils:

1. Removal of all dirt from the Site, not just capping;

Commenter Names and Date of Comments: Karen Scott – 02/27/13; George Papadi (Riverman) 02/27/13 (expressed concern over the future re-disposal of soil pollutants off-site when site is redeveloped);Maria Parsons - Public Meeting 02/27/13 Transcript at page 34; Amy Schwarzer - Public Meeting 02/27/13 Transcript at page 48-50; Sandra Watts Kennedy – Public Meeting 02/27/13 – Transcript at page 63-66; Kate Ellison - Public Meeting 02/27/13 Transcript at pages 76-78; Monica Cooper – 03/07/13; Florence Capone – 3/13/13; Mary Leadon – March 15, 2013; Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Allegation that leaving contamination in place will allow it to continue to migrate further down into the Floridan Aquifer and further contaminate drinking water.); Curtis Cooper – 03-15/13; Amy Schwarzer – 03/15/13; Windy Wood – 03/15/13.

II. Remedy Selection Issues- Cont'd

C. Treatment of the On-Site Contaminated Soils – Cont'd

2. Excavation of all on-site contaminated soils from outside the consolidation/containment area and placement of soils into consolidation/containment area [instead of just covering them with clean topsoil];

Commenter Names and Date of Comments: Deidre Bryan – 03/04/13; Robert Pearce Public Meeting 02/27/13 Transcript at pages 55-57; Robert Pearce – 03/12/13; Dr. Patricia Cline - Technical Advisor for protectgainesville.org – March 15, 2013

3. EPA needs to apply both the leachability standards and the direct contact standards to the contaminated soils on-site because dioxin is less water soluable;

Commenter Names and Date of Comments: : Robert Pearce - Public Meeting 02/27/13 Transcript at pages 55-58; Kim Popejoy – 2/28/13; Alachua County Commissioners – 03/12/13; City of Gainesvile – 03/12/13; Robert Pearce – 03/12/13

4. The In-Situ Soldification/Stabilization treatment depth should extend to at least the Hawthorne Group Middle Clay Layer (approx. 65 feet bls);

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13

D. Whether Remox is approved for use within municipal limits or near municipal water sources;

Commenter Names and Date of Comments: Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Allegations that Remox/Chemox is a heavy-metal based, toxic chemical cocktail which is not approved for use within municipal limits or near municipal water sources – yet it has been injected into on-site and off-site wells since 2008.)

E. Issue of Expanding Site Boundaries - Additional sampling/soil testing in the surrounding neighborhoods i.e., Hampton Heights, Carol Estates;

Commenter Names and Date of Comments: Sarah Fitzpatrick – Public Meeting 02/27/13- Transcript at pages 16-18; Clemmie Middleton – Public Meeting 02/27/13- Transcript at pages 30-32; Maria Parsons - Public Meeting 02/27/13 Transcript at page 34; Joe Pragner - Public Meeting 02/27/13 Transcript at page 38-46; George Papadi – Public

II. Remedy Selection Issues- Cont'd

E. Issue of Expanding Site Boundaries - Additional sampling/soil testing in the surrounding neighborhoods i.e., Hampton Heights, Carol Estates;

Meeting 02/27/13 – Transcript at page 71-75; David Kanzler – 03/15/13 (Query as to why the contamination stopped at NW 6th street and as to the validity of sampling done on the western side of NW6th street); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (FDEP warned in July 2010 that creekside properties as far north as far north as 37th Avenue were contaminated with dioxins and residents were advised to avoid contact with water or soil. Yet EPA delineated the northern Site boundary at NW 30th Avenue – therefore EPA risk assessment is incomplete)

F. Higher clean up level for the neighborhood soil;

Commenter Names and Date of Comments: Kim Popejoy- 02/27/13; Dr. Patricia Cline - Technical Advisor for protectgainesville.org – March 15, 2013 (Stated: "The Performance Standard for offsite soils is defined by meeting the Florida Soil Cleanup Target Levels (SCTLs)—a conservative and protective criteria that has been applied across the state since these [sic] were developed.")

G. Assurance of Sampling protocols during the prior 6 inch sampling and other sampling events;

Commenter Names and Date of Comments: Kim Popejoy- 02/27/13; David Kanzler – 03-15-13 (Query as to why 12 inches of soil is being removed when on six inches of soil was sampled?); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Allegations that a Beazer remedial contractor named AMEC tampered with soils samples; was indicted for falsifying test results; yet Beazer continued to use AMEC under another name "MACTEC")

H. Nature of creek clean up - Need proper cleanup of creeks – levels of contamination above MCLs – Additional Ecological Risk Assessment and testing of creeks; Ref. to Dioxin- need an eco-tox study of the impacts to wildlife;

Commenter Names and Date of Comments: Julia Kress – 03/01/13; Sarah Fitzpatrick – Public Meeting 02/27/13- Transcript at pages 16-18; Ky Gress - Public Meeting 02/27/13- Transcript at pages 24-27; Mark Venske - Public Meeting 02/27/13- Transcript at pages 29-30;

II. Remedy Selection Issues- Cont'd

I. Contamination of the aquifers and the City's drinking water supply;

Commenter Names and Date of Comments: George Papadi (Riverman) 02/27/13;Sandra Watts Kennedy – Public Meeting 02/27/13 – Transcript at page 63-66; Monica Cooper – 03/07/13; Alachua County Commissioners – 03/12/13; City of Gainesville – 3/12/13; Maria Parsons - Public Meeting Transcript at page 35; Mary Leadon – March 15, 2013; Curtis Cooper – 03-15/13.

J. Seeking general clarification on nature of relief for homeowners under the decree;

Commenter Names and Date of Comments: Mick Drake- 03/08/13 (An individual e-mail response was sent from DOJ to Mr. Drake on 03/12/13).

K. Geochemical stabilizer for the groundwater remedy has not been sufficiently tested and will ultimately be ineffective due to the nature of water;

Commenter Names and Date of Comments: George Papadi – Written comment and Public Meeting 02/27/13 – Transcript at page 71-75; Riverman – 03/13/13; Dr. Patricia Cline - Technical Advisor for protectgainesville.org – March 15, 2013 (Stated: "[t]here is little confidence that ISGS will be a permanent solution in addressing mobility of creosote. While it is acceptable to move forward with the pilot tests and evaluation of this remedy, it is important to critically evaluate the data to determine if this option is a technically supportable method to meet the remedial action objective to protect groundwater.")

L. Allegation that the Amended ROD fails to meet the requirements of the law because it does not include a detailed analysis of alternatives concerning off-site contamination (Reference to 40 CFR 300.430(e)(9) and it fails to include permanent relocation as an explored alternative;

Commenter Names and Date of Comments: Maria Parsons/Sandra Watts Kennedy – 03/15/13

M. Selected Remedy is not consistent with Future Anticipated Property Use; Clarification as to the nature of future Site use;

Commenter Names and Date of Comments: Robert Pearce - Public Meeting 02/27/13 Transcript at pages 55-58; Public Meeting 02/27/13 Transcript at pages 55-58; Kate Ellison - Public Meeting 02/27/13 Transcript at pages 76-78; Robert Pearce – 03/12/13.

II. Remedy Selection Issues- Cont'd

N. Reference to a State health study and its validity.

Commenter Names and Date of Comments: Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Allegations that the actual cancer risk to residents is over a hundred times higher than what was published).

III. Remedy Implementation Issues:

A. Clean up of residents' yards:

1. What type of release will Beazer be allowed to require from homeowners granting access for remediation?

Commenter Names and Date of Comments: Kim Popejoy – Public Meeting 02/27/13 Transcript at pages 79-83; Kim Popejoy – 2/28/13;

2. Why has there been a 30 year delay between the NCP listing and the clean up?

Commenter Names and Date of Comments: Maria Parsons - Public Meeting 02/27/13 Transcript at page 34; George Papadi (Riverman) 02/27/13(Statement that EPA is responsible for the delay).

3. a. Outdoor exposure to airborne dust during soil removal – airborne dust getting into homes;

Commenter Names and Date of Comments: Sharon Sheets – Public Meeting 02/27/13 – Transcript at page 66-69; Karen Scott – 02/27/13 & 03/04/13;Kim Popejoy – 2/28/13;

3. b. Potential for re-contamination of properties due to dust mobilization;

Commenter Names and Date of Comments: Sharon Sheets – Public Meeting 02/27/13 – Transcript at page 66-69; See Comment of Farinda O'Steen 05/30/13 (refusing to give EPA access to her yard for cleanup)

4. Level of contamination much deeper than 6-12 inches;

Commenter Names and Date of Comments: Karen Scott – 02/27/13; Kim Popejoy – 2/28/13;

5. Process of soil removal-

a) Access to residences;
b) Vehicle parking areas;
c) Local Roads (dug up?)

d) Digging around Tree roots; efforts to save trees; What if trees die within a year of root disturbance? Will Beazer replace?
e) Danger to children (digging deeper than 6-12 inches);
f) Soil removal could destabilize house foundations;

Commenter Names and Date of Comments: Kate Ellison- Public Meeting 02/27/13- Transcript at Pages 76-78 (Item d); Karen Scott – 02/27/13 (Items (a) through (e)); Kim Popejoy – 2/28/13 (Item (d)); Susan Fairforest – 03/05/13 (Items (d) and (f));

6. Temporary Relocation during soil removal;

Commenter Names and Date of Comments: Karen Scott – 02/27/13; Natalie Williams – 03/14/13

7. Comments in favor of expeditious cleanup of contaminated soil that it be given the highest priority.

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13; City of Gainesville – 03/12/13; Dr. Patricia Cline - Technical Advisor for protectgainesville.org – March 15, 2013 (EPA and Beazer will have my support during implementation of the off-site soil remedy, leading eventually [to a reduction in] the stigma and [to the] recovery of this neighborhood.")

B. Specific SOW Inquiries:

1. Issue of injecting another contaminant into the soil; i.e. sodium permanganate;
2. Deed restrictions- Seeking clarification of deed restrictions on neighborhood properties that are remediated and on neighborhood properties that are not remediated but have contaminated soil and deed restrictions on nearby businesses and on City property;
3. Contamination not water soluable; - will rise to the surface with the rains;
4. Post remediation assurances that on-site/off-site properties can be used as desired;
5. Guarantees that the new topsoil is clean and fertile; Where does the clean soil come from? Define clean soil;
6. Where will cars be entering the Site from the neighborhood? Will dead end streets become through streets?

III. Remedy Implementation Issues – Cont'd

B. Specific SOW Inquiries – Cont'd

7. Will there be off-Site soil monitoring in the 5 year review?
8. Will there be confirmatory soil sampling off-site prior to bringing in the clean soil?
9. How long will it take to complete on-site and off-site clean up so all that is left is monitoring?
10. Will Beazer clean the residential air ducts and other home contamination?
11. Will Beazer clean the buffer zone between off-site and on-site at the same time as they clean the off-site?
12. Can we structure a "pay forward" to get a non-containment area soil clean up to commercial standards rather than just a two-foot cover?
13. How much of the non-containment area will be reserved for a storm water management facility for the containment area?
14. I am outside of the off-site remediation area, how confident can I be that my property is not contaminated?
15. Will the buffer zones that surround the site (i.e., the old railroad tracks on the east side be cleaned up?
16. I would like more information on cancers I this area that are caused by contaminants;
17. Will EPA be monitoring for PCB's as well as dioxin during the remediation?

Commenter Names and Date of Comments: John Davies – Public Meeting 02/27/13 – Transcript at page 63 (Item 17); Sharon Sheets – Public Meeting 02/27/13 – Transcript at page 66-69 (Item 6); Kate Ellison - Public Meeting 02/27/13 Transcript at pages 76-78 (Items 2 and 15); Gina Hawkins – Public Meeting 02/27/13 – Transcript at page 92 (Item 9);Karen Scott – 02/27/13 (Items 1-4); Kim Popejoy – 2/28/13 (Items 5-14 and 16) Amy Schwarzer – 03-15/13 (Item 10) (Of the view that the remedy should include clean up of homes)Windy Wood – 03-15/13 (Item 10) (Of the view that the remedy should include clean up of homes)

C. How will EPA monitor the new stabilization procedures for safety and effectiveness?

Commenter Names and Date of Comments: Kim Popejoy – 2/28/13;

III. Remedy Implementation Issues – Cont'd

D. Comments that, notwithstanding any of the issues pertaining to the selected remedy and remedy implementation the commenters support approval of the Consent Decree and urge EPA to expeditiously implement the on-site and off-site soil sediment and groundwater remedies as set forth in the Amended ROD.

Commenter Names and Date of Comments: Alachua County Commissioners – 03/12/13 ("It is critical that the remedial design and remedial actions be initiated as soon as possible in order to protect the water supply, public health, and the environment of our community."); City of Gainesville – 3/12/13 ("It is imperative that the remediation begin as soon as possible to protect our community's drinking water, protect public health and the environment, and allow restoration of the site and surrounding neighborhoods.")

IV. Other Relevant Issues:

A. Whether Beazer is profiting from the use of Remox;

Commenter Names and Date of Comments: Maria Parsons - Public Meeting Transcript at page 35 ("Remox is being injected and residents were not informed"); George Papadi – Public Meeting 02/27/13 – Transcript at page 71-75 ;Riverman – 03/13/13 (Connection between a Beazer Environmental Manger and the company providing the geochemical stabilizer for the remediation of the groundwater); Natalie Williams – 03/14/13 ("All future tests should be performed by an independent company/lab)

B. Sale or rental values of homes adversely affected by contamination;

Commenter Names and Date of Comments: Joe Pragner - Public Meeting 02/27/13 Transcript at page 38-46;; Karen Scott 03/04/13; Alachua County Commissioners – 03/12/13; City of Gainesvile – 03/12/13; Kyle Alford – March 15, 2013; Curtis Cooper – 03-15/13

C. Possible toxicological health effects from living near the Site;

Commenter Names and Date of Comments: W.E. Mack McKitchen – Public Meeting Transcript at pages 27-28; Maria Parsons - Public Meeting Transcript at page 35; Joe Pragner - Public Meeting 02/27/13 Transcript at page 38-46; : Corinda O'Steen - Public Meeting 02/27/13 Transcript at pages 58-62; Sharon Sheets – Public Meeting 02/27/13 – Transcript at page 66-69; Robert Hallman - 03/02/12; Susan Fairforest – 03/05/13; Mick Drake- 03/08/13; Natalie Williams – 03/14/13; Maria Parsons/Sandra Watts Kennedy – 03/15/13; K. Walston Pagan – 03-15-13.

IV. Other Relevant Issues – Cont'd:

D. Failure of plant growth in residents' yards (Contamination of plants and vegetables);

Commenter Names and Date of Comments: Karen Scott – 02/27/13; Brian Stanton - Public Meeting 02/27/13 Transcript at pages 52-54 (How is the Site contamination affecting plants and vegetables?); Corinda O'Steen - Public Meeting 02/27/13 Transcript at pages 58-62; George Papadi – Public Meeting 02/27/13 – Transcript at page 71-75

E. Continued operation of the on-site wood treatment facility up to a few years ago, even though designated a Superfund Site;

Commenter Names and Date of Comments: Karen Scott – 02/27/13;

F. Can the City and the County oversee the remediation and have the oversight funded by Beazer?

Commenter Names and Date of Comments: Kim Popejoy – 2/28/13;

G. Why has EPA not brought Beazer's parent companies into the Consent Decree?

Commenter Names and Date of Comments: Kim Popejoy – Public Meeting 02/27/13 Transcript at Pages 79-83; Kim Popejoy – 2/28/13;

H. Unable to access and review the Consent Decree and attachments.

Commenter Names and Date of Comments: Gary Quinloven – Public Meeting 02/27/13 Transcript at pages 9-12;

I. Seeking clarification on the nature of the comment opportunity and how the material will be presented to the Court.

Commenter Names and Date of Comments: Martha Miller – Public Meeting 02/27/13 – Transcript at pages 93-94; Mick Drake- 03/08/13 (An individual e-mail response was sent from DOJ to Mr. Drake on 03/12/13)

J. When was the Site entered on the National Priorities List?

Commenter Names and Date of Comments: Gina Hawkins – Public Meeting 02/27/13 – Transcript at page 92.

K. Alleged lack of responsiveness from EPA to comments and questions of the community.

Commenter Names and Date of Comments: Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Allegations that letters, e-mails and phone calls have been ignored and questions and comments have remained unanswered. Allegations that EPA failed to reply to

IV. Other Relevant Issues Cont'd:

K. Alleged lack of responsiveness from EPA to comments and questions of the community. – Cont'd

comments of WildLaw. Allegations that EPA did not provide sufficient notice of meetings and did not consider community complaints about air quality issues.)

L. Lack of notice regarding an on-site demolition of contaminated buildings.

Commenter Names and Date of Comments: Maria Parsons/Sanda Watts Kennedy – 03/15/13.

M. Allegations of buried Agent Orange barrels on-site and surreptitious removal of same.

Commenter Names and Date of Comments: Maria Parsons/Sanda Watts Kennedy – 03/15/13.

N. Possible post-remedy uses of site- including placement of solar collectors and planting of trees

Commenter Names and Date of Comments: K. Walston Pagan - 03-15-13

V. Irrelevant Issues/Comments

A. How can we get our political leadership to aggressively pursue EPA and Beazer?
B. Is it true that the statute of limitations for city filing suit against Koppers expires on March 1, 2013?
C. Are city, county and school board attornies going to submit comments regarding the structure and substance of the Decree?
D. This meeting has been scheduled on a day when there are significant conflicts including religious aspect for Lent.
E. Can we have an additional day for meetings?
F. The meeting on February 27, 2013 was poorly organized.
G. EPA has at least 10 to 15 states suing for lax performance.
H. Resident can't mow yard without sneezing and coughing;
I. No flea killer products work on pets.
J. Solicitation for the conduct of remedial work at the Site.
K. Query as to whether to join a class action lawsuit or opt out;

L. Non- Disclosure to Renters of the proximity of the Site;

V. Irrelevant Issues/Comments – Cont'd

M. Allegation that EPA Region 4 has failed to protect citizens from pollution;
N. Query as to how homeowners will be made economically whole;
O. Allegations that Beazer is in violation of the Clean Water Act;
P. Allegations of conflict of interest as regards the State Site Manager;
Q. Alleged statement by a GRU representative regarding the relative extent of contamination in various neighborhoods;
R. Residents had no part in contributing to the contamination;
S. Request for a criminal investigation of Beazer.
T. Beazer will profit from cleanup of its Site.

Commenter Names and Date of Comments: Kim Popejoy – Public Meeting 02/27/13 Transcript at Pages 79-83 (Item B and N); Kim Popejoy – 2/28/13 (Items A-E); Robert Hallman – 03-02/12 (Items F-G); Karen Scott – 03/04/13 (Items H-I); William Eaton – 03/06/13 (Item J); Mick Drake (Item K); Brian Stanton - Public Meeting 02/27/13 Transcript at pages 50-52 (Item L); Corinda O'Steen - Public Meeting 02/27/13 Transcript at pages 58-62 (Item L); George Papadi – Comment and Public Meeting 02/27/13 – Transcript at page 71-75 (Items G, M &T); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Item O); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Item P); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Item Q); Maria Parsons/Sandra Watts Kennedy – 03/15/13 (Item R); Letter from Roy Hale Geiersbach to Dr. Bernd Scheifele (Item S).