



State of Ohio Environmental Protection Agency

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MAY 13 2002

Kurt Paschl
Beazer East, Inc.
c/o Three Rivers Management, Inc.
One Oxford Center, Suite 3000
Pittsburgh, Pennsylvania 15219-6401

I certify this to be a true and accurate copy of the
original document of the letter to the Ohio
Environmental Protection Agency

[Handwritten signature] 5/13/02

OHIO E.P.A.
MAY 13 2002
ENTERED DIRECTOR'S JOURNAL

**RE: Former Koppers Wood Treating & Product Development Plant, Wayne County
OAC 3745-27-13 Authorization**

Dear Mr. Paschl:

By letter dated February 25, 2002, Key Environmental, Inc. on behalf of Beazer East, Inc. submitted a request to the Ohio Environmental Protection Agency (Ohio EPA). The letter requested authorization, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-13, to collect surface soil samples at the former Koppers Wood Treating and Product Development Plant (Facility) located in Wayne County.

Based upon a review of the February 25, 2002 request, I have determined that the proposed collection of surface soil samples will not result in a violation of applicable laws or regulations, will not create a nuisance, and is unlikely to adversely affect the public safety or health or the environment. Therefore, Beazer East, Inc. is hereby authorized to perform the activities outlined in this letter in accordance with submitted plans, specifications, and information.

This approval is subject to the following conditions:

1. Beazer East, Inc. shall submit to Ohio EPA within thirty (30) days of the effective date of this authorization, the information to demonstrate the current property ownership and current facility ownership. This information shall be in the form of a property deed.
2. Beazer East, Inc. shall include a legal description of the affected site with the letters of notice to the Board of Health and Local Zoning Authority before the requested activities begin.
3. Beazer East, Inc. shall include "untreated and treated wood with small amounts of office waste" in the description of the material deposited in the Landfill in Section

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

OAC 3745-27-13(C)(6) of the request within thirty (30) days of the effective date of this approval.

4. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run on and run off, and protection of ground water.
5. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
6. All solid waste to be removed from the facility shall be containerized and securely stored until properly characterized and disposed in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and the regulations promulgated thereunder.
7. All liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter-6111 removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and regulations promulgated thereunder.
8. Within sixty (60) days of the completion of the site investigation activities, Beazer East, Inc. shall submit to Ohio EPA, Northeast District Office, Division of Solid and Infectious Waste Management the information resulting from activities completed as part of this authorization.
9. Ohio EPA and the Wayne County Health Department shall receive written notification not later than 72 hours prior to the commencement of intrusive site investigation activities.
10. This authorization does not imply approval of collection of additional surface soil samples within the limits of waste placement by any techniques other than those described in the February 25, 2002, submittal.
11. This authorization does not imply approval of any submittals for compliance with Ohio EPA's Voluntary Action Program (VAP).
12. Any portions of the landfill where the cap was removed by activities authorized by this approval shall have a final cover system re-established in accordance with OAC Rule 3745-27-10, as effective July 29, 1976, and as authorized in the terms and conditions contained in the July 9, 1980, Ohio EPA Director's letter. Design and construction of the cap shall be in accordance with the specifications detailed in DSIWM guidance document number 0123, Standards for Current Construction of a 1976 Cap System.

13. This approval only grants authorization to collect seven (7) samples at the Facility, zero to two feet below surface grade, in accordance with the submittal titled Application for Authorization to Collect Soil Samples, dated February 25, 2002. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of the request. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any future activities on the facility may require additional Ohio EPA approval.
14. Nothing in this letter shall be construed to authorize any waiver from any requirements of any other applicable federal or state laws or regulations. This letter shall not be interpreted to release the owner/operator from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code (ORC); under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Commission within thirty (30) days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three (3) days after the appeal is filed with the commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

Sincerely,



Christopher Jones
Director

CJ/KG/cl

cc: Murat Tukel, DSIWM-NEDO
Scott Hester, DSIWM-CO
Steve Rich, Wayne County Health Department
File [COUN/Koppers-Beazer