



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
61 Forsyth Street  
Atlanta, Georgia 30303-3104

May 2, 2013

URGENT LEGAL MATTER  
PROMPT REPLY NECESSARY

Owner

SUBJ: Pre-Remediation Design Access; Cabot/Koppers Superfund Site  
Property located at \_\_\_\_\_  
Gainesville, Florida 32609

Dear NATHAN-STRAUSS & STRAUSS:

Greetings, the United States Environmental Protection Agency ("EPA") is addressing the release or threat of release of hazardous substances, pollutants, or contaminants at the former Koppers portion of the Cabot Carbon/Koppers Superfund Site in Gainesville, Florida ("Site"). The EPA-approved remedial action for the Site includes the removal and replacement of surface soils at certain off-site parcels of land located to the west of the former Koppers facility. Your property located at \_\_\_\_\_ Gainesville, Florida 32609, specifically comprised of Alachua County parcel(s), \_\_\_\_\_ ("Property") is among the parcels that EPA has designated for off-site soil removal and replacement to be implemented by the responsible party, Beazer East, Inc. ("Beazer") under EPA's oversight.

Implementation of the off-site remedial action will occur in phases. Each phase is described in more detail on the attached information sheet which describes in general terms the process and steps involved in implementing the EPA-approved off-site remedial action. As noted in the attached information sheet, either EPA or Beazer will separately request access for each phase of the off-site remediation work. Access for the first phase is being requested by EPA. EPA understands that you may have questions regarding the off-site remedial action planned for the Site and your Property. Also attached is a sheet addressing several frequently asked questions. In addition, a public meeting will be held in late May or early June to provide more information to residents and answer questions.

The first phase of the off-site remedial action involves the survey, measurement and mapping of buildings, utilities, trees, and other features on each off-site parcel that has been designated for soil removal and replacement. This first phase WILL NOT require any invasive testing of soils or other subsurface materials on your Property and WILL NOT require access to the interior of any structures on your Property. In accordance with EPA's mandate to protect human health and

the environment, EPA requests that you sign the attached Access Authorization to grant access to the exterior of your Property in order to implement this first phase of remediation.

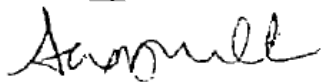
EPA requests that you grant access to your Property for this phase of remedial action beginning on June 1, 2013 and continuing for six months thereafter. EPA anticipates that the surveying and measurement activities associated with this first phase of off-site remedial action will commence on June 3, 2013 and will be completed within twelve weeks thereafter. However, actual start and completion dates cannot be predicted with certainty and are subject to schedule conflicts and unforeseen circumstances. Please indicate your consent to grant access to conduct the above described activities on your Property by signing and dating the enclosed Access Authorization. Please return to me the signed authorization no later than ten days after receipt. A second copy is included for your records.

Pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") (Public Law 99-499), EPA has the express authority to acquire access to property affected by hazardous substances and to conduct the planned remedial action. If a request for access is denied, an administrative order directing compliance with the request may be issued, civil action to compel compliance may be initiated, or access may be sought by any other lawful means. (Under certain circumstances, a court may impose a civil penalty in an amount not to exceed \$37,500 per day for failure to grant access or comply with an administrative order directing that access be granted.)

Should you have any legal questions regarding any of the foregoing, please contact F. Marshall Binford, Associate Regional Counsel, at (404) 562-9543 or via e-mail at binford.marshall@epa.gov. If you have any technical questions regarding the surveying, measurement and mapping activities planned for your Property, please contact me at (404) 562-9120 or via e-mail at miller.scott@epa.gov.

Your assistance and cooperation are greatly appreciated.

Sincerely,



Scott Miller  
Remedial Project Manager  
Superfund Remedial Branch, Section C  
Superfund Division

Enclosures:

1. Access Authorization for First Phase of Off-Site Remediation
2. Information Sheet: Expected Remediation Sequencing
3. Frequently Asked Questions

**ACCESS AUTHORIZATION FOR PRE-REMEDIAL DESIGN SURVEY**

1. I, \_\_\_\_\_, am the owner of the property located at \_\_\_\_\_ Gainesville, Florida 32609, specifically comprised of Alachua County parcel(s) \_\_\_\_\_, (“Property”) and as such I have the authority to sign this authorization.
  
2. I grant authorization to the United States Environmental Protection Agency (“EPA”), its officers, employees, contractors and other authorized representatives and to the responsible party conducting the remediation, Beazer East, Inc. (“Beazer”) and its officers, employees, contractors and other authorized representatives to enter the Property. The Property is currently owned by \_\_\_\_\_. This authorization allows EPA, Beazer, and their respective officers, employees, contractors and other authorized representatives to access the Property to conduct surveying, measurement and mapping of buildings, utilities, trees, and other features located at the Property as part of the pre-remediation investigation of off-site properties that EPA has determined will be within the area subject to off-site remedial action as part of the remedy for the Cabot Carbon/Koppers Superfund Site in Gainesville, Florida (“Site”).
  
3. The consent for access and use granted herein will commence on June 1, 2013, and will continue until EPA or Beazer completes all pre-remediation investigation activities.
  
4. I have been notified that the actions for which I am granting access to my Property are undertaken pursuant to EPA’s response authority under Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA” or “Superfund”), 42 U.S.C. § 9604(a).
  
5. I have been notified that parties found responsible pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), may be liable for all costs EPA incurs in connection with the response which are not inconsistent with the National Contingency Plan (“NCP”), at 40 CFR Part 300. However, my signature on this Access Authorization does not constitute an admission of liability under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
  
6. Please return this signed and dated Access Authorization to:

Scott Miller, Remedial Project Manager  
Superfund Remedial Branch  
Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, GA 30303  
Phone: (404) 562-9120  
Fax: (404) 562-8896  
E-mail: [miller.scott@epa.gov](mailto:miller.scott@epa.gov)

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Please print or type)

Title: \_\_\_\_\_

Address: \_\_\_\_\_

SAMPLE