

**THIS FILE IS
CLOSED**

ENCLOSED DATED MATERIAL

From: 8/7/2001
To: 8/22/2002

**MORE RECENT MATERIAL
IN OTHER FILE**

Jerry Banks

08/22/2002 08:22 AM

To: Polkpolkim@aol.com
Subject: Crystal Springs Cleanup

The Legal staff has contacted the Board of Contractors and Borg Warner concerning your question regarding a contractors license. Since this is requirement of the Board of Contractors and not the MS Dept. of Environmental Quality, we have advised Borg Warner to contact the Board and determine if they and/or Martin/Slagle are required to hold a contractors license. We have been advised by the Board that they are investigating the matter. Regarding the cleanup at Crystal Springs, the cleanup is proceeding slower than we would like but not because of the contractors. Delays have been caused due to the first contractor selected to do the work declining the job, the Department working with Kuhlman to accomodate a plant expansion which has now been indefinitely postponed due to the economy, and legal concerns. The work is progressing under a plan approved by both the U.S. Environmental Protection Agency and the Department. Additionally, the staff has and will continue to ensure that the citizens of Crystal Springs are protected, during the already completed areas of remediation and the future remediation.



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
FROM: Tony Russell *TR*
DATE: August 21, 2002
SUBJECT: Site Visit

I met with Chuck Peel and conducted a site visit at the above referenced site on August 21, 2002, to observe the work that has been accomplished since the last visit. Progress is being made but rain still continues to slow the progress. All of Area A has been excavated and backfilled.

They are presently working on backfilling area B with gravel. They have shut down future digging as the excavation contractor was given a two week dismissal notice on Friday, August 16, 2002. I have not been told who the new contractor will be or when the excavation work will begin again.

We rode around the drainage ditch area and he went over the areas that were in need of additional sampling. Chuck plans to have the samplers back in these areas this afternoon and tomorrow. They were still working on getting access to the McPherson property.

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman site vist 8-21-02.rtf

Jerry Banks
08/19/2002 03:14 PM

To: Tony Russell/HW/OPC/DEQ@DEQ
cc:
Subject: environmental cleanup in crystal springs: pcb removal



Polkpolkim@aol.com
08/17/2002 09:54 AM

To: Linda_Vaught@deq.state.ms.us
cc:
Subject: environmental cleanup in crystal springs: pcb removal

TO WHOM IT MAY CONCERN:

There is a cleanup at the Kuhlman plant in Crystal Springs, Ms. The company doing the cleanup is Martain and Slagle/ Borg Warner. First of all niether company is from the state of Ms. and second niether has a contractors licence. With any job there is a work order on how the job is to be done word for word on what is to be put where and the consequences of not doing so. Normally i would not get involved in something like this but considering that the contamination of the soil with pcbs's in this area is so great and the illnesses caused by these pcb's have such a high percentage here, i have cause to be greatly concerned about the way this job is being run. Surrounding the cleanup site are neighborhoods full of children being exposed to these deadly pcb's. They are playing in their yards only a few feet away from areas covered with plastic and surrounded by orange fences. Martin and Slagle has done everything in their power to drag this cleanup out; !! ine their pockets without any concern for the families and helpless children having to live by this daily. They do nothing by the rulebook and more than likely has contaminated the rest of crystal springs in their efforts to screw anybody and everybody they can. Please inform me of any measures i can take to have these people investigated for their careless efforts in removing this cantaminated area. As a last effort i will cantact the media and local papers to inform the people of Ms. how our DEQ has not done anything to control what kind of heartless people are allowed to operate an important cleanup such as this. Everything is not about money, it is about the safety of our children and other individuals, especially when threatened with such a horrible thing as pcb's. Please email me information about anything i can do, or anyone i can contact to rectify this situation i have documantation to backup my concerns and grievences. Thank you ever so much.

sincerely; a concerned citizen,

Kim Polk {polkpolkim@aol.com}



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
FROM: Tony Russell *TR*
DATE: August 1, 2002
SUBJECT: Site Visit

I conducted a site visit at the above referenced site on August 1, 2002, to observe the work that has been accomplished since the last visit. Some progress has been made. The site is being divided up into segments i.e. Area A. They are presently working on excavating the contaminated soil from around a pecan tree in Area A. All of Area A has been excavated and backfilled except for the area around the pecan tree.

The largest stockpile onsite has been removed from Area B. All that is left to do in this area is grade a few inches off the surface and then backfill. Anastasia is out this week and they plan to have her fax a map to the Plaintiff's attorneys on Monday laying out the next area that will be remediated.

It has been raining every evening at the site which has slowed the progress of the removal. The Plaintiff attorneys continue to require additional samples which has also cost them several days of down time.

They are having to hand-auger to get the samples on the railroad property along the drainage channel. The Geoprobe rig sampler was not being used as the soil sample would not stay in the sample tube.

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman site vlst 8-1-02.rtf



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 23, 2002

Mr. John Zvolensky
President and CEO
Kuhlman Electric Corporation
101 Kuhlman Boulevard
Versailles, KY 40383

Dear Mr. Zvolensky:

Please find enclosed a copy of Mississippi Commission on Environmental Quality Order No. 4449-02 concerning the continuing assessment and remediation of the Kuhlman Electric Corporation property in Crystal Springs, Mississippi. I believe, and it is our intent, that this Order merely memorializes the current working agreement among Kuhlman, BorgWarner, and the Mississippi Department of Environmental Quality concerning the remediation of this property.

Please feel free to contact me or, if you prefer a technical contact, Tony Russell of MDEQ's staff, if you have further questions.

Sincerely,

Chuck D. Barlow
General Counsel

CDB/sas

Enclosure

cc: Scott E. Schang, Esq.
Tom Lupo, Esq.
Kelli Dowell, Esq.
~~Tony Russell~~
Pamela Layton
Mona Varner
Staff File
ECED File

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **4449 02**

KUHLMAN ELECTRIC CORPORATION
ATTN: JOHN ZVOLENSKY
PRESIDENT AND CEO
101 KUHLMAN BOULEVARD
VERSAILLES, KENTUCKY 40383

RESPONDENT

ORDER

The above-captioned cause came before the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) this day for consideration under the authority of Miss. Code Ann. § 49-2-13 (Rev. 1999), and the Executive ~~Director, having heard and considered information presented by MDEQ staff,~~ having determined that an Administrative Order should be issued prefatory to any evidentiary hearing, and without making any final adjudication of fact or law, finds as follows:

1.

The Respondent, Kuhlman, is subject to Miss. Code Ann. §§ 17-17-1, *et seq.*, and §§ 49-17-1, *et seq.*, and the rules and regulations of the Mississippi Commission on Environmental Quality (Commission).

2.

Kuhlman operates the facility located at 101 Kuhlman Drive, Crystal Springs, MS 39059 ("site").

3.

On April 20, 2000, MDEQ was notified that a substance had been unearthed during an excavation for a building expansion at the site. Laboratory samples collected of the substance revealed the presence of polychlorinated biphenyls (PCBs) and several chlorinated benzenes.

4.

Pursuant to an indemnity agreement, BorgWarner, Inc. mobilized to the site on May 8, 2000 to begin investigating the extent of the contamination. The initial investigation showed widespread on-site contamination and that surface run-off from the site has impacted neighboring residential and commercial properties. Surface run-off also has impacted a drainage ditch leading to Lake Chautauqua.

5.

During the course of the investigation begun on May 8, 2000, BorgWarner, Inc. discovered that residents in the area received contaminated soil from Kuhlman during the late 1990's. BorgWarner has remediated the contaminated soils from the residences located adjacent to the site.

6.

A Remediation Work Plan has been submitted and approved by MDEQ and the US Environmental Protection Agency for remediating the contaminated soil at the site.

A Drainage Channel PCB Assessment Work Plan has also been submitted and approved by MDEQ for assessing the contamination along the drainage channel between the site and Lake Chautauqua.

7.

Premises considered, MDEQ has concluded that the site remediation and channel assessment are necessary and appropriate.

IT IS, THEREFORE, ORDERED as follows:

- A. Respondent shall implement the Revised Remediation Work Plan (RWP) dated November 2001 as approved by MDEQ and the US Environmental Protection Agency (EPA).
- B. Respondent shall not deviate from the approved RWP without approval from MDEQ and, when necessary under federal law, EPA.
- C. Respondent shall submit a detailed closure report within 120 days of completion of the RWP.
- D. Respondent shall implement the Drainage Channel PCB Assessment Work Plan dated August 2001 as approved by MDEQ.
- E. Respondent shall not deviate from the approved drainage channel assessment plan without approval from MDEQ and, when necessary under federal law, EPA.
- F. Respondent shall submit a detailed report of findings within 60 days of completion of the drainage channel assessment.

- G. Respondent shall submit a detailed work plan for remediating the drainage channel within 90 days of completion of the drainage channel assessment.
- H. Respondent shall submit within 60 days of the date of this Order a work plan for groundwater assessment beneath the site.

8.

This Order does not address fines, penalties, other sanctions, further removal and/or remedial actions and/or future violations of environmental laws, rules and regulations. Nothing contained in this Order shall limit the rights of MDEQ to take enforcement or other actions against Respondents for violations addressed herein, violations not addressed herein, fines, penalties, other sanctions, further removal and/or remedial actions and/or future violations of environmental laws, rules and regulations.

9.

If aggrieved by this Order, Kuhlman may request a hearing before the Commission by filing a sworn petition with the Commission within thirty (30) days after the date of this Order in the manner set forth in Miss. Code Ann. § 49-17-41 (Rev. 1999).

ORDERED, this the 22nd day of July, 2002.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: Charles H. Chisolm
CHARLES H. CHISOLM
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY



STATE OF MISSISSIPPI
DAVID RONALD MUSCROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
FROM: Tony Russell *TR*
DATE: July 22, 2002
SUBJECT: Site visit

I met with Chuck Peel on July 19, 2002, to observe the amount of soil that had been removed so far from the plant site. They had completed the two foot by two foot excavation along the southern property boundary. They were working on removing soil from Area A; however, they are presently being held up due to requests from the Plaintiffs attorneys to gather additional soil samples from Area B. Area B is the next area that will be remediated after Area A is remediated. They are having to give Plaintiffs attorneys a 72 hour notice prior to moving another area to dig.

The excavated areas had been backfilled with clay gravel. There is some contaminated soil remaining around a pecan tree that will have to be removed. If they are unable to remove the soil, they will remove the tree along with the contaminated soil.

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman site visit 7-19-02.rtf

AULTMAN, TYNER, RUFFIN & YARBOROUGH, LTD.

A PROFESSIONAL LAW CORPORATION
 ATTORNEYS AND COUNSELORS AT LAW
 315 HEMPHILL STREET (39401)
 POST OFFICE DRAWER 750
 HATTIESBURG, MS 39403-0750
 TELEPHONE: (601) 583-2671
 FACSIMILE: (601) 583-2677

FACSIMILE TRANSMITTAL SHEET

TO: MEG McALISTER, ESQ./
 DOUG MERCIER, ESQ. (601) 355-9191

FROM: Daphne M. Lancaster, Esq.

DATE: July 18, 2002

FAX NO: Total No. of Pages (w/cover): 2

RE: Kellum v. Kuhlman Electric Corporation, et al

ORIGINAL TO FOLLOW BY U.S. MAIL _____

NOTES/COMMENTS:

We are now in receipt of Plaintiffs' Notice of Election for Soil Sampling with regard to Area B. Unfortunately, we must also note what we view as a number of violations of Judge Pickard's June 24, 2002 Order by Plaintiffs' agents and resolve some confusion on plaintiffs' part.

First, on July 17, 2002, the day after BorgWarner's required 72-hour notice that it would enter a new zone, and without the required 36-hour notice of plaintiffs' intended sampling locations, a colleague from your office and your consultants appeared at the Kuhlman Electric Company site and demanded access for observation and sampling. We also had received no word of their intended presence. We again raise the concern that this approach unnecessarily distracts resources and time and causes increased expense and delay in the cleanup.

In the future, please coordinate the expected arrival time of your colleague(s) and consultants at the property with me. We are confident that this can be done in a manner that will add efficiency to compliance with the Order.

Second, under paragraph 10 the June 24th Order states: That Plaintiffs shall have thirty-six (36) hours from receipt of said notice to notify Defendants whether they require any additional sampling in the area of the remediation site, which is the subject of BorgWarner's notice, and the location(s) therein where said sampling is to occur. Although Plaintiffs' notice does list some certain locations (DP-157, DP-159, DP-164, DP-177, DP-179, and DP-220), sampling frequency and intervals are not specified. Further, the statement concerning sampling at "such other locations as plaintiffs' environmental technical staff shall designate on site." is beyond the scope

and spirit of this Order and we object to this additional, unspecified sampling. We have and have always been prepared to coordinate sampling in specifically designated locations.

Third, it is apparent that there is some confusion on plaintiffs' part as to remediation activities. There is no "utility trench" in Area B. This trench was to be constructed after this zone was entered as part of the KEC plant expansion project, which you know has been cancelled. Further, Area B is not to be excavated, as the concentrations are below regulatory clean-up levels. The only thing to be removed from Area B is Stockpile #1 and a slight soil cover. You have stated numerous times, including the day of the June 24th hearing, that Plaintiffs did not want any samples from Stockpile #1. Accordingly, we are proceeding with its removal.

In addition, Plaintiffs' notice provides for samples to be taken between 6 inches and 8 feet. I call this to your attention due to the provision regarding use of the geoprobe and the expenses associated therewith. Any costs incurred in relation to the geoprobe and its crew, including standby time, will be charged to the Plaintiffs at the rate of \$1500.00 per day, in accordance with the Order. While we do not accept the unannounced appearance on site as a constructive precedent, given plaintiffs' presence at the site yesterday we arranged for and have had a geoprobe standing by for your designated sampling activities all day today.

Finally, since your representatives did not reappear at the site today, we suggest conducting the sampling activities in Area B, as per your notice, on Friday, July 19, at 8:30 am CST. This may also allow your representatives to avoid staying into Saturday. Our crews will be working all day Saturday and we certainly would object to any suggestion that we further defer remediation activities until Monday solely to conduct the specified sampling.

Please advise.

Thank you.

DAFINE M. LANCASTER, ESQ.

cc: Tom Lupo, Esq. (312/269-8869)
Stephanic Bransfield (312/322-8621)
Anastasia Hamel (586/497-4089)
Chuck Russell, Esq. (601) 961-5349
Tony Russell (601) 961-5300

DAVID NUTT & ASSOCIATES, P.C.

666 North Street, Suite 102A

Jackson, MS 39202

Telephone: (601) 355-9122

Fax: (601) 355-9191

FACSIMILE TRANSMITTAL SHEET**TO:** _____ **FAX NUMBER:** _____

Tom Tyner/Daphne Lancaster	(601) 583-2671 2677
Anastasia Hamel	(586) 497-4089
Robert Martin	(828) 669-5289
Chuck Barlow	(601) 961-5349
Tony Russell	(601) 961-5300
Randy Horsak	(281) 497-1676

CC: Harold J. Barkley, III, Esq.	(662) 369-6075
Mark Pearson, Esq.	969-5582
Harold J. Barkley, Jr., Esq.	355-8544

FROM: Douglas G. Mercier**RE:** KUHLMAN CORPORATION **DATE:** July 17, 2002**THIS TRANSMITTAL CONTAINS** 3 **PAGES, INCLUDING THIS COVER SHEET.****URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY****NOTES/COMMENTS:**See Attached Notice of Plaintiffs' Election for Additional Soil Sampling**THE ORIGINAL WILL NOT BE SENT BY UNITED POSTAL SERVICE.**

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IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI

PAUL KELLUM, *et al.*

PLAINTIFFS

VS.

CIVIL ACTION NO. 2001-0313 thru 2001-0324

KUHLMAN CORPORATION, *et al.*

DEFENDANTS

NOTICE OF PLAINTIFFS' ELECTION FOR SOIL SAMPLING

TO: Tom Tyner/Daphne Lancaster	Facsimile: (601) 583-2671
Anastasia Hamel	Facsimile: (586) 497-4089
Robert Martin	Facsimile: (828) 669-5289
Chuck Barlow	Facsimile: (601) 961-5349
Tony Russell	Facsimile: (601) 961-5300
Randy Horsak	Facsimile: (281) 497-1676

The Plaintiffs, by and through counsel, hereby notify Defendants that, prior to commencement of remediation, Plaintiffs require additional soil sampling in the area described and identified as "Area B" in the BorgWarner, Inc., 11:09 a.m. (Eastern Time), July 16, 2002, *NOTICE OF REMEDIATION*. Plaintiffs require six (6) soil samples along the "UTILITY TRENCH" identified in "Area B" at locations exhibiting apparent staining or odor at depths between six inches and eight feet or at such other locations as Plaintiffs' environmental technical staff shall designate on site. Plaintiffs also require soil samples between the depths of six inches and eight feet at the following locations identified on "Figure 3" of the map prepared for BorgWarner, Inc., by Martin & Slagle, as follows: DP-157; DP-159; DP-164; DP-177; DP-179; and DP-220. Plaintiffs' environmental technical staff shall be present for all sampling activity.

Respectfully submitted,


DOUGLAS C. MERCIER,
Attorney for Plaintiffs



Fax

BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

From: Anastasia Hamel		To: Distribution List Below	
Of: BorgWarner Inc.		Of:	
Phone: (586) 497-4503		Fax:	
Fax: (586) 497-4089		RE: Attached Notice of Remediation	
<p>Meg McAlister and Doug Mercier Randy Horsack at 3TM International, Inc. Daphne Lancaster Tom Lupo Chuck Barlow, MDEQ Tony Russell, MDEQ</p>		<p>Fax: 601-355-9191 Fax: 281-497-1676 Fax: 601-583-2677 Fax: 312-269-8869 Fax: 601-961-5349 Fax: 601-961-5300</p>	
<p>This facsimile contains information which (a) may be legally privileged, proprietary in nature or otherwise protected by law from disclosure, and (b) is intended only for the use of the addressee(s) named above. If you are not the addressee or the person responsible for delivering this to the addressee(s), you are hereby notified that any disclosure, copying, distributing or use of this facsimile is prohibited and may constitute an invasion of the privacy of the addressee(s). If you have received this facsimile in error, please telephone us (collect) immediately so that we can arrange for the retrieval of the facsimile at no cost to you.</p>			
Date: July 16, 2002		Number of page(s) in this fax including cover <u>4</u>	

Original will be sent via: Mail OR Overnight Courier Will Not Be Sent X

IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI**PAUL KELLUM, ET AL****PLAINTIFFS****VERSUS****CAUSE NO. 2001-0313 THRU 2001-0324****KUHLMAN CORPORATION; KUHLMAN
ELECTRIC CORPORATION; BORG-WARNER,
INC.; DAVID RODGERS and THE MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY****DEFENDANTS****NOTICE OF REMEDIATION**

TO: Meg McAlister and Doug Mercier	Fax: 601-355-9191
Randy Horsack at 3TM International, Inc.	Fax: 281-497-1676
Daphne Lancaster	Fax: 601-583-2677
Tom Lupo	Fax: 312-269-8869
Chuck Barlow, MDEQ	Fax: 601-961-5349
Tony Russell, MDEQ	Fax: 601-961-5300

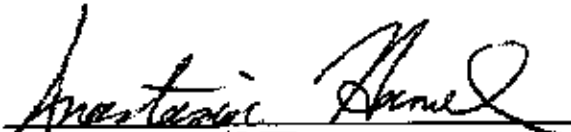
PLEASE TAKE NOTICE that, in accordance with the Court's Order of June 24, 2002 in the above referenced matter, the Defendants, BorgWarner Inc. and Kuhlman Electric Corporation, shall commence remediation activity on the area identified below no sooner than seventy-two (72) hours from the date and time of this notice. In the event that Plaintiffs do not designate any samples to be taken from the area described below within thirty-six (36) hours of the date and time of this notice, as required in the Court's Order of June 24, 2002, said remediation activity will commence.

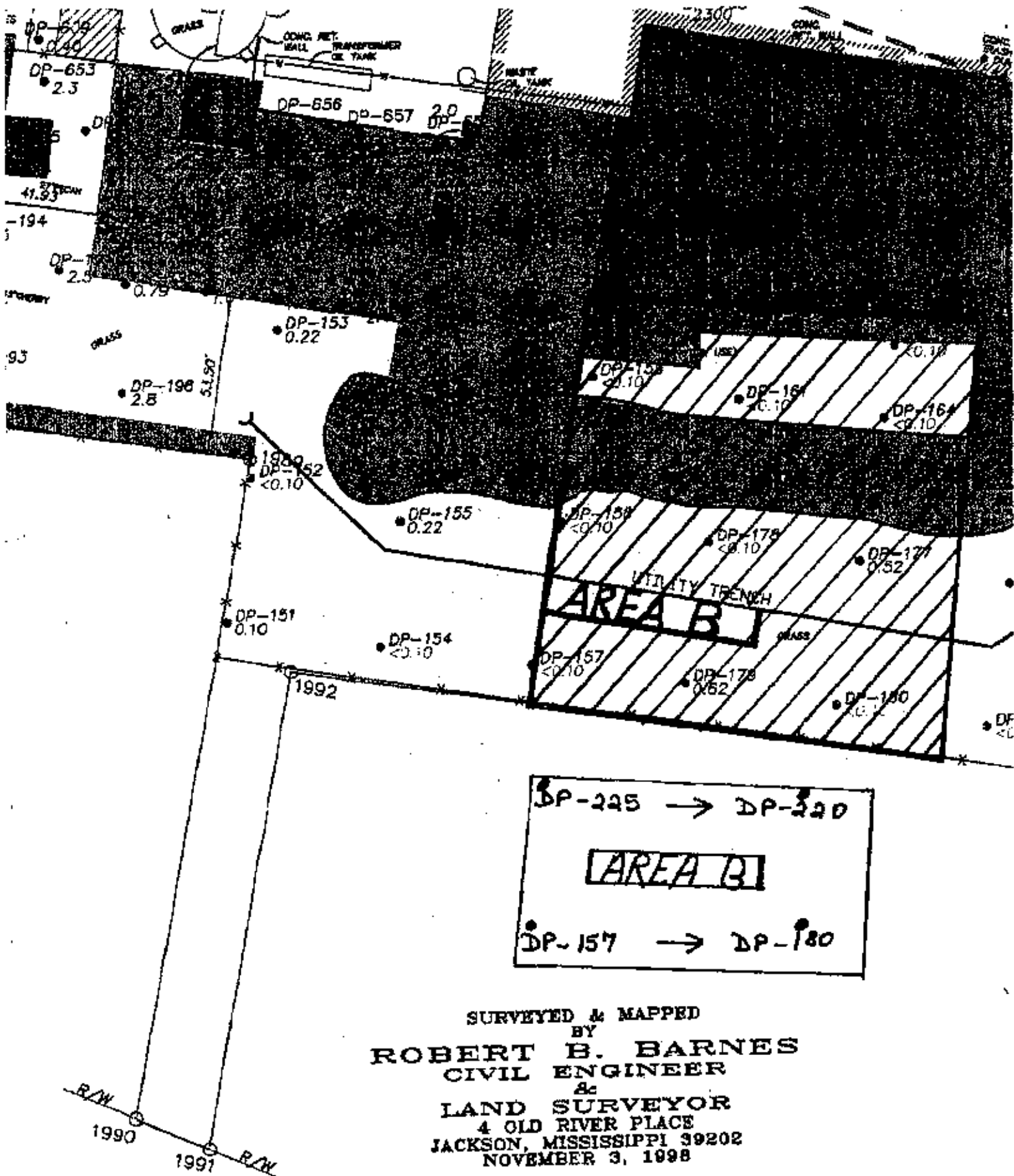
AREA SUBJECT TO REMEDIATION NOTICE:

Area B as described in the attached sketch.

THIS the 16th day of July, 2002 at 10:00 am.

**BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION**

By: 
ANASTASIA HAMEL
Director, Environmental Programs
BorgWarner Inc.



SURVEYED & MAPPED
 BY
ROBERT B. BARNES
 CIVIL ENGINEER
 &
 LAND SURVEYOR
 4 OLD RIVER PLACE
 JACKSON, MISSISSIPPI 39202
 NOVEMBER 3, 1998

ATTORNEYS FOR PLAINTIFFS:

DAVID NUTT & ASSOCIATES
Mary E. McAlister, MSB No. 2170
Douglas G. Mercier, MSB No. 9510
666 North Street, Suite 102-A
P.O. Box 1039
Jackson, MS 39215-1039
Telephone: (601) 355-9122
Facsimile: (601) 355-9191

Harold J. Barkley, III, MSB No. 8647
Attorney at Law
P.O. Box 44
Aberdeen, MS 39730
(662) 369-7819

Harold J. Barkley, Jr., MSB No. 2008
Todd Johns, MSB No. 9587
P.O. Box 55849
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(601) 355-6661

Mark L. Pearson, MSB No. 8748
Attorney at Law
P.O. Box 3873
Jackson, MS 39207-3873
(601) 948-6822



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 21, 2002

Via Facsimile

Mary E. McAlister, Esq.
Doug Mercier, Esq.
David Nutt & Associates
P.O. Box 1039
Jackson, MS 39215-1039

Thomas W. Tyner, Esq.
Daphne Lancaster, Esq.
Aultman, Tyner, Rufin & Yarborough
P.O. Drawer 750
Hattiesburg, MS 39403-0750

Thomas D. Lupo, Esq.
Jennifer K. Fardy, Esq.
Seyfarth & Shaw
Suite 4200
55 East Monroe Street
Chicago, IL 60603-5803

Dear Counsel:

Please consider this effort to resolve the ongoing discovery dispute between the Plaintiffs and the non-MDEQ Defendants. I have heard a considerable amount of discussion from both sides of this issue, in which MDEQ is not directly involved. In order to avoid the hearing on the Plaintiffs' Motion for Contempt, I offer the following solution:

1. All samples requested by MDEQ and all samples requested to date by the Plaintiffs as listed in Plaintiffs' Notice of Service of Plaintiffs' Designated Sampling Points would be taken next Tuesday, June 25, 2002. Note that these samples will be taken by Borg Warner personnel using Borg Warner's equipment, but representatives of the Plaintiffs will be allowed to observe the sampling. All samples will be split with the Plaintiffs. The samples requested by MDEQ also will be split with MDEQ.
2. Prior to June 25, 2002, Plaintiffs will provide documentation to the non-MDEQ Defendants that the Plaintiffs' representatives who will be on site during the June 25, 2002 sampling event are OSHA certified to participate in such activities, such as by providing proof of current OSHA 40-hour hazardous materials training status of the individuals or substantially equivalent certification.

3. After this June 25 sampling event, Borg Warner will notify Plaintiffs five working days prior to the beginning of remediation at any portion of the Kuhlman plant site. "Working days" are defined as Monday through Friday, excluding federal holidays. The notification can be given by reference to the site remediation work plan (November 2001) approved by MDEQ and EPA. Once this notification is given, the Plaintiffs will have two working days to inform the Defendants whether Plaintiffs wish to take further additional samples on that part of the property and to inform Defendants of the specific location and depth at which those samples are to be taken. Borg Warner then may, at its option, agree to take the samples using its personnel and equipment at a cost to be agreed upon between the parties or may inform the Plaintiffs that the Plaintiffs will be required to use their own personnel and equipment. The sampling will occur on the day prior to the intended onset of remediation at that portion of the property, as contained in the five-day notification required above, weather permitting, or on the next day, if weather does not permit. In either case, Plaintiffs will be required to provide to the non-MDEQ Defendants, prior to the onset of any sampling event, documentation to the non-MDEQ Defendants that the Plaintiffs' representatives who will be on site are OSHA certified to participate in such activities, such as by providing proof of current OSHA 40-hour training status of the individuals. If the Plaintiffs use their own personnel and equipment, Plaintiffs also will be required to provide the non-MDEQ Defendants documentation that the Plaintiffs' representatives carry comprehensive general liability (or are bonded for the work to be performed) and worker's compensation insurance at a level of coverage standard for the industry and/or required by law.
4. For all sampling allowed by this agreement, if Plaintiffs intend to analyze any sample for constituents other than PCB's, dioxins, and/or furans, Plaintiffs will inform the Defendants of the list of intended constituents to be analyzed prior to the sampling event, so that the Defendants may, if they wish, have their split of the same sample analyzed for the same constituents. In this way, the Plaintiffs are not limited in their sampling parameters, but the Defendants are not required to bear the burden of additional analysis where none is necessary.
5. Other than as described in paragraphs 1 and 3 above, Kuhlman/Borg Warner would not be required to allow Plaintiffs' representatives onto the Kuhlman plant site without further Order of the Court.

Please note that it will be very difficult for me to attend a hearing on Monday. I will be glad to discuss this proposal with you. You may contact me at 601-961-5076.

Sincerely,



Chuck D. Barlow
General Counsel

cc: Jerry Banks



STATE OF MISSISSIPPI
DAVID RONALD MUSCROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
FROM: Tony Russell *TR*
DATE: July 10, 2002
SUBJECT: Soil sampling event

I met with Chuck Peel on July 9, 2002, to observe and collect split soil samples. The following sampling locations were sampled: DP- 27, 39, 65, 82, 104, 137, 143, 163, 179, 209, 642 and 676. The samples were collected with a geoprobe rig from the 0 to 2 foot interval. The sample was transferred to an aluminum pan, thoroughly mixed with a potato smasher/spoon and then transferred into sample containers (4 oz for PCB sample and 8 oz for dioxins). The samples collected by representatives of BorgWarner will be analyzed for both PCBs and dioxins. MDEQ will analyze all their splits for PCBs at their lab in Pearl. Then select 4 samples that will be sent off for dioxin analysis.

These soil samples are 12 of the 14 samples that MDEQ required BorgWarner to collect and conduct a correlation test between PCBs and dioxins. Sample DP-112 was collected earlier and sample DP-150 will be collected at a later date as the sampling location is beneath a pile of dirt at this time.

Digital photos were taken of the sampling event and are located on the k drive under /shared/ucss/Tony/Kuhlman Electric.

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman soil sampling event 7-9-02.rtf



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhiman Electric Site File
FROM: Tony Russell *TR*
DATE: June 28, 2002
SUBJECT: Site visit dated June 27, 2002

I met with Chuck Peel to observe the sampling being conducted for the Plaintiffs attorneys. BorgWarner (BW) representatives collected the soil samples, the samples were taken to a covered area where the samples were mixed and then the soil sample was split by both parties.

Sample locations 692 and 695 were sampled from the 0 to 6 inch interval. The samples were collected with a hand auger after the concrete was removed with a jack-hammer. The samples were placed in a bowl and then taken to the covered area. After the rocks were removed from the sample, the soil was thoroughly mixed. After the soil was mixed, the Plaintiffs representatives collected their sample from the bowl, then BW representatives collected their sample. The BW sample was sealed with a custody seal prior to placing in ice chest. The Plaintiffs sample was **not** sealed with a custody seal prior to placing in ice chest.

The sampling event was filmed by the Plaintiffs representatives and both sides took photographs during the sampling event.

I departed from the site after observing the collection of sample 692.

The samples that DEQ has required BW to collect for correlation purposes are to be collected during the week of July 8.

AULTMAN, TYNER, RUFFIN & YARBOROUGH, LTD.

A PROFESSIONAL LAW CORPORATION
 ATTORNEYS AND COUNSELORS AT LAW
 315 HEMPHILL STREET (39401)
 POST OFFICE DRAWER 750
 HATTIESBURG, MS 39403-0750
 TELEPHONE: (601) 583-2671
 FACSIMILE: (601) 583-2677

FACSIMILE TRANSMITTAL SHEET

TO: **MEG McALISTER, ESQ./**
DOUG MERCIER, ESQ. (601) 355-9191
RANDY HORSACK/
3TM INTERNATIONAL (281) 497-1676
ANASTASIA HAMEL (586) 497-4089
ROBERT MARTIN (828) 669-5289
CHUCK BARLOW, ESQ. (601) 961-5349
TONY RUSSELL (601) 961-5300
DAVID BARFIELD, ESQ. (601) 968-9425

FROM: Daphne M. Lancaster, Esq.

DATE: June 28, 2002

FAX NO: Total No. of Pages (w/cover): 1

RE: Kellum v. Kuhlman Electric Corporation, et al

ORIGINAL TO FOLLOW BY U.S. MAIL _____

NOTES/COMMENTS:

Please accept this letter as written confirmation of Doug Mercier's voicemail message advising that Plaintiffs do NOT wish to obtain any samples from the area designated in the Defendant's Notice of Remediation dated June 26, 2002. As such, remediation activity in said area will commence today.

Thank you.



DAPHNE M. LANCASTER, ESQ.

cc: Tom Lupo, Esq. (312/269-8869)
 Stephanie Bransfield (312/322-8621)
 Chuck Peel (601/892-6987)

Lorri Andronis
Assistant to the Vice President & General Counsel
Phone: 312-322-8543
Fax: 312-322-8621

BORGWARNER INC.

200 South Michigan Avenue
Chicago, IL 60604

Fax

To: Tony Russell	From: On behalf of ANASTASIA HAMEL
Fax: 601-961-5300	Pages: 4 Incl. cover
Phone:	Date: 6/26/2002
Re: NOTICE OF REMEDIATION	CC:

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments**

PLEASE SEE ATTACHED.

NOTE: This facsimile contains information which (a) may be legally privileged, proprietary in nature or otherwise protected by law from disclosure, and (b) is intended only for the use of the addressee(s). You are hereby notified that any disclosure, copying, distributing or use of this facsimile is prohibited and may constitute an invasion of the privacy of the addressee(s). If you have received this facsimile in error, please telephone us (collect) immediately so that we can arrange for the retrieval of the facsimile at no cost to you.

CONFIDENTIAL

IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI

PAUL KELLUM, ET AL

PLAINTIFFS

VERSUS

CAUSE NO. 2001-0313 THRU 2001-0324

**KUHLMAN CORPORATION; KUHLMAN
ELECTRIC CORPORATION; BORG-WARNER,
INC.; DAVID RODGERS and THE MISSISSIPPI
DEPARTMENT OF ENVIRONMENTAL QUALITY**

DEFENDANTS

NOTICE OF REMEDIATION

**TO: Meg McAlister and Doug Mercer
Randy Horsaek and 3TM International, Inc.
Chuck Barlow and Tony Russell**

**Fax: 601-355-9191
Fax: 281-497-1676
Fax: 601-961-5349
Fax: 601-961-5300**

PLEASE TAKE NOTICE that, in accordance with the Court's Order of June 24, 2002 in the above referenced matter, the Defendants, Borg Warner, Inc. and Kuhlman Electric Corporation, shall commence remediation activity on the area identified below no sooner than seventy-two (72) hours from the date and time of this notice. In the event that Plaintiffs do not designate any samples to be taken from the area described below within thirty-six (36) hours of the date and time of this notice, as required in the Court's Order of June 24, 2002, said remediation activity will commence.

AREA SUBJECT TO REMEDIATION NOTICE:

As described in the attached sketch.

THIS the 26th day of June, 2002 at 8:00 am.

02 08:01

From-BORG WARNER

3123228621

T-166 P.003/004 F-277

FROM : KUHLMAN SITE

PHONE NO. : 16818926987

JUN 25 2002 10:55 AM

**BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION**

By:


ANASTASIA HAMEL

Director, Environmental Programs
BorgWarner Inc.



STATE OF MISSISSIPPI
DAVID RONALD MUSCROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FACSIMILE COVER LETTER

Date: 6/25/02 Number of pages including cover: 6

Telecop No.: 961-5300

To: Tony Russell

From: Chuck D. Barlow
Chief - Legal Division
Mississippi Department of Environmental Quality
Phone: (601) 961-5076
Facsimile No. (601) 961-5349

Re: FYI

Attachment: _____

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.

If you do not receive the complete transmission of this document, call Sharon Smith at (601) 961-5359.

IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI

PAUL KELLUM, ET AL

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2001-0313 THRU 2001-0324

KUHLMAN CORPORATION, ET AL

DEFENDANTS

ORDER

THIS CAUSE, having come on for hearing on the Plaintiffs' *Motion to Compel Discovery, or in the Alternative, for a Temporary Restraining Order and Preliminary Injunction*, seeking an Order from the Court that would require Defendants Kuhlman Electric Corporation ("KEC") and Borg Warner Inc. ("Borg Warner") to grant Plaintiffs and their agents access to the KEC facility in Crystal Springs, Mississippi and permit Plaintiffs to take soil samples for the purpose of analysis for PCBs, dioxins, and other chemical or substances regulated by the state or federal governmental entities in order to conduct discovery and preserve evidence. The Court having heard arguments of counsel for all parties, including suggestions from counsel for the Defendant Mississippi Department of Environmental Quality ("MDEQ"), and being otherwise fully advised in the premise, concludes that said motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED as follows, to-wit:

1. **That Defendants, KEC and Borg-Warner, shall Grant Plaintiffs and their agents and representatives, access to the Crystal Springs plant site ("plant site") for the purpose of obtaining split soil samples for analysis for PCBS, dioxins, and/or other chemicals and substances regulated by the state or federal governmental agencies in order to conduct discovery and preserve evidence.**

2. That MDEQ has submitted a plan to all parties designating fourteen (14) locations on the plant site where samples are to be taken for analysis for dioxins and dibenzofurans.
3. That the Plaintiffs have filed a Notice of Service of Plaintiffs' Designated Sampling Points ("designation"), dated June 20, 2002, wherein they list specified locations on the plant site where they require sampling to be taken.
4. That on Tuesday, June 25, 2002, BorgWarner's environmental technical staff shall go onto the plant site and take the samples designated by the MDEQ and those designated by Plaintiffs in their designation. Said taking and splitting of samples (hereinafter "initial sampling") shall continue day to day until completion.
5. That BorgWarner's environmental technical staff shall be responsible for the physical taking of samples from the plant site from locations designated by the MDEQ and by the Plaintiffs in their designation.
6. That members of the Plaintiffs' environmental technical staff shall have access to the plant site to observe and monitor the taking of samples during the course of the initial sampling and to take physical custody of their split of each such sample.
7. That the Plaintiffs' split of each sample taken from the remediation site shall contain at least eight (8) ounces of soil.
8. That after the completion of the initial sampling, BorgWarner may proceed with the remediation of the plant site in accordance with the "Remediation Work Plan for Kuhlman Electric Plant Site" dated May 2001, and supplements thereto,

approved by the MDEQ and the U.S. Department of Environmental Quality ("Work Plan").

9. That BorgWarner shall notify all interested parties, as set forth below, seventy-two (72) hours prior to beginning the remediation of each new area of the remediation site.
10. That Plaintiffs shall have thirty-six (36) hours from receipt of said notice to notify Defendants whether they require any additional sampling in the area of the remediation site, which is the subject of BorgWarner's notice, and the location(s) therein where said sampling is to occur.
11. That BorgWarner's environmental technical staff shall be responsible for the physical taking of samples from the plant site from locations requested by the Plaintiffs in their notice.
12. That members of the Plaintiffs' environmental technical staff shall have access to the plant site to observe and monitor the taking of samples designated by the Plaintiffs in their notice and to take physical custody of their split of each such sample.
13. That should the use of geo-probe equipment and crew be required to take samples designated by Plaintiffs pursuant to their notice, then BorgWarner will provide said equipment and crew at a cost of Fifteen Hundred Dollars (\$1,500.00) per day and Plaintiffs agree to reimburse BorgWarner for said cost.
14. That any sampling on the remediation site conducted according to Plaintiffs' notice shall occur prior to the beginning of any remediation activity on the subject location.

- 15. That the Plaintiffs' environmental technical staff designated to be on the plant site during the initial sampling and any additional sampling conducted pursuant to notice shall be OSHA certified to participate in such activities, including current OSHA 40-hour hazardous materials training status. In addition, the Plaintiffs' environmental technical staff shall conduct their activities in accordance with their own internal Health and Safety Plan compliant with OSHA regulations.
- 16. That Plaintiffs' environmental technical staff shall have access to all portions of the remediation site, including the exclusion zone, as defined by the orange fencing on the plant site.
- 17. That for purposes of the notification requirements set forth in paragraph 9 and 10 above, such notification shall be given in writing, via facsimile, to the following individuals:

Plaintiffs:

Meg McAlister/Doug Mercier
Randy Horsack/3TM International, Inc.

Fax: 601/355-9191
Fax: 281-497-1676

Defendants:

Tom Tynor/Daphne Lancaster
Anastasia Hamel
Robert Martin

Fax: 601-583-2671
Fax: 586-497-4089
Fax: 828-669-5289

MDEQ:

Chuck Barlow
Tony Russell

Fax: 601-961-5349
Fax: 601-961-5300

6/24/02
[Handwritten signature]

SO ORDERED AND ADJUDGED, this the 24th day of June, 2002.

CIRCUIT COURT JUDGE

AGREED AND APPROVED:


COUNSEL FOR THE PLAINTIFFS


COUNSEL FOR THE DEFENDANTS
BORGWARNER INC. AND
KUELMAN ELECTRIC CORPORATION



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 20, 2002

Via Facsimile

Mary E. McAlister, Esq.
Doug Mercier, Esq.
David Nutt & Associates
P.O. Box 1039
Jackson, MS 39215-1039

Harold J. Barkley, III, Esq.
The Barkley Law Firm, PLLC
P.O. Box 662
West Point, MS 39773

Harold J. Barkley, Jr., Esq.
Todd Johns, Esq.
P.O. Box 55849
Jackson, MS 39296-5849

Mark L. Pearson, Esq.
P.O. Box 3873
Jackson, MS 39207-3873

Thomas W. Tyner, Esq.
Daphne Lancaster, Esq.
Aultman, Tyner, Rufin & Yarborough
P.O. Drawer 750
Hattiesburg, MS 39403-0750

Thomas D. Lupo, Esq.
Jennifer K. Fardy, Esq.
Seyfarth & Shaw
Suite 4200
55 East Monroe Street
Chicago, IL 60603-5803

Scott E. Schang, Esq.
Latham & Watkins
555 11th Street, NW, Suite 1000
Washington, DC 20004

David A. Barfield, Esq.
Barfield & Associates
P.O. Box 3979
Jackson, MS 39207-3979

Re: *Kellum, et al. v. Kuhlman Corporation, et al.*

Dear Counsel:

I believe it is prudent for MDEQ to answer in writing certain questions that I have received over the past several days regarding MDEQ's requirements for and/or involvement in additional sampling that the Plaintiffs in this matter may desire to conduct on the Kuhlman property. I am sending this letter in the interest that all parties involved will have the same information from MDEQ.

First, it is not required for the Plaintiffs to submit and have approved by MDEQ a "work plan" for sampling at the site that the Plaintiffs desire to conduct which is sampling additional to that required by MDEQ. MDEQ requires the submission and approval of a work plan for sampling and remediation that MDEQ is requiring. If MDEQ is not requiring the work, MDEQ's approval of the work is not required. Of course, any action that causes further pollution at the site or that exacerbates existing contamination may become actionable by MDEQ.

Similarly, a "health and safety plan" is required by MDEQ of parties who are taking action at a contaminated site only when those actions are required or directed by MDEQ. The health and safety plan actually is an OSHA requirement; for instance, OSHA requires that remediation contractors obtain forty-hour OSHA hazardous materials certification. MDEQ requires compliance with basic OSHA health and safety standards as a measure of protection for both MDEQ (from legal liability) and for on-site remediation and sampling personnel (for personal protection), but the requirements actually are federal OSHA requirements, not MDEQ requirements. These OSHA requirements may or may not apply to the Plaintiffs in the current situation as they go onto the Kuhlman property to take samples. The applicability of those federal regulations and any liability stemming from the failure to comply with those regulations (for instance, whether it is the Plaintiffs' responsibility or Kuhlman's responsibility to insure compliance) is not a matter that MDEQ has the authority to decide.

In conclusion, MDEQ has submitted to all of the parties in this matter the additional sampling points that MDEQ believes are appropriate for additional dioxin and PCB sampling for PCB/dioxin correlation purposes. MDEQ does not control and does not need to approve any additional sampling that will occur on-site. MDEQ has heard and understands the positions of Plaintiffs and of Kuhlman/BorgWarner regarding if, when, and how additional sampling should

occur on the Kuhlman site, but MDEQ is not in a position to resolve these litigation-born difficulties. MDEQ will continue to assist in this matter if the parties or the Court believes that the agency's input will be helpful.

As most of you know, Kelli Dowell is now on maternity leave. Please direct all future correspondence in this matter to me. With best regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck D. Barlow", with a long horizontal flourish extending to the right.

Chuck D. Barlow
General Counsel

CDB/sas

cc: Judge Pickard
Anastasia Hamel
Jerry Banks

06/20/02 15:05 FAX

AULMAN, TYNER, RUFFIN & YARBOROUGH, LTD.

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
315 HEMPHILL STREET (39401)
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HATTIESBURG, MS 39403-0750
TELEPHONE: (601) 583-2671
FACSIMILE: (601) 583-2677

FACSIMILE TRANSMITTAL SHEET

TO: ANASTASIA HAMEL

FROM: DAPHNE M. LANCASTER, ESQ.

DATE: June 20, 2002

FAX NO: 586-497-4089

Total No. of Pages (w/cover): 84

RE: Kellum v. Kohlman Corp., et al

ORIGINAL TO FOLLOW BY U.S. MAIL _____

NOTES/COMMENTS:

Please see attached letter of today's date.

Thank you.



cc = C. Barber - MDEQ
T. Russell - MDEQ
J. Banks - MDEQ

IF THERE ARE ANY PROBLEMS REGARDING THE RECEPTION OF
OF THE NUMBER OF PAGES LISTED ABOVE, PLEASE CALL (601) 583-2671

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HATTISBURG, MS 39403-0750
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FACSIMILE: (601) 583-2677

FACSIMILE TRANSMITTAL SHEET

TO: MEG McALISTER, ESQ. (601) 355-9191
KELLY DOWELL, ESQ. (601) 961-5349

FROM: Daphne M. Lancaster, Esq.

DATE: June 19 2002

FAX NO: Total No. of Pages (w/cover): 1

RE: Kellum v. Kuhlman Electric Corporation, et al

ORIGINAL TO FOLLOW BY U.S. MAIL _____

NOTES/COMMENTS:

I have talked with Sherry Davis, Judge Pickard's Court Administrator, and the Judge is available for a hearing on either Monday, June 24th or Tuesday, June 25th at 12:00 noon in Fayette, Jefferson County, Mississippi.

Please advise by 12:00 tomorrow as to which date you prefer for a hearing. As stated in my last letter, we will not agree to a telephonic hearing on any issue related to the June 13, 2002 hearing.

Thank you.

cc: Tom Lupo, Esq. (312/269-8869)
Anastasia Hamel (586/497-4089)
Stephanie Bransfield (312/322-8621)

06/20/02 15:05 FAX

AULTMAN, TYNER, RUFFIN, & YARBOROUGH, LTD.A PROFESSIONAL LAW CORPORATION
ATTORNEYS AND COUNSELORS AT LAW815 MEMPHIS STREET
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NATTSBURG, MISSISSIPPI 39405-0750TELEPHONE
(601) 689-2671
FAX # (601) 689-3877
E-MAIL: aultm@megapalm.comDORRANCE AULTMAN
THOMAS W. TYNER
LOUIE F. RUFFIN
RICHARD F. YARBOROUGH, JR.
BEN E. GIBBLEY
GURTIS SMITH
DORRANCE AULTMAN, JR.
WILLIAM K. GRAHAM
GLENN L.M. SWEYMAN (MS & LA)
TROY N. BELL (LA)
DAPHNE M. LANCASTER (MS & GA)
KYLE S. MORAN
JENNIFER L. WALLEY
ROBERT P. WINING (MS & LA)
CHRISTOPHER C. MASSENBURG (MS & LA)
DAVID M. BATON
COMLES E. SYMMES
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SUSIE EATONERNEST R. DUFF
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FAX # (601) 736-6864
1201 86TH AVENUE, SUITE 300
POST OFFICE BOX 607
GULFPORT, MISSISSIPPI 39502
(228) 863-6913
FAX # (228) 838-6826
THE TEXACO CENTER
400 POYDRAS STREET, SUITE 1800
NEW ORLEANS, LOUISIANA 70130
(504) 325-9818
FAX # (504) 325-9840

June 20, 2002

VIA FACSIMILE and U.S. MAIL

Mary E. McAlister, Esq.
Doug Mercier, Esq.
David Nutt & Associates
666 North Street
Suite 102A
Jackson, MS 39202RE: *Kellum v. Kuhlman Electric Corporation, et al*
Jefferson County Circuit Court
Cause No. 2001-0313 thru 2001-0324

Dear Meg and Doug:

Since forwarding my earlier letter of today's date, I have received you Motion for Order of Contempt and for Sanctions. I regret that you are unwilling to allow me sufficient time to adequately respond to the concerns raised in our telephone conversation earlier today before filing such a motion.

Nonetheless, I note that you did not include a Notice of Hearing with your motion. As such, please advise as to available hearing dates before Judge Pickard. Counsel for the Defendants, BorgWarner, Inc. and Kuhlman Electric Corporation, wish to appear before Judge Pickard personally to respond to your motion on the record. As such, we will not agree to a telephonic hearing on your motion.

Also, please be advised that, due to conduct of the Plaintiffs and their representatives, as set forth in my earlier letter, BorgWarner has now halted the remediation project at the Kuhlman plant site until such time as the issues between the parties are resolved via Court order.

06/20/02 15:08 FAX

Meg McAlister, Esq.
June 20, 2002
Page 2

Sincerely,



DAPHNE M. LANCASTER

cc: Tom Lapo, Esq.
Kelli Dowell, Esq.



Fax

BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

FAX TRANSMITTAL INFORMATION

From: Anastasia Hamel

To: Tony Russell/Jerry Banks

Of: BorgWarner Inc.

Of: MDEQ

Phone: (586) 497-4503

Fax: 601-961-5300

Fax: (586) 497-4089

RE: Attached Letter

cc: C. Barlow MDEQ - Law Dept. 601-961-5349

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Date: June 20, 2002

Number of page(s) in this fax including
cover 3

Original will be sent via: Mail Overnight Courier Will Not Be Sent

BorgWarner
Inc.300
South
Michigan
AvenueWarren
Michigan
48090Telephone
313 322 8500

AH-02-1718

VIA FACSIMILE**BorgWarner**

June 20, 2002

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Re: Kuhlman Electric Corporation Facility, Crystal Springs, MS - Remediation

Dear Mr. Russell:

This is to update the Mississippi Department of Environmental Quality (MDEQ) on the PCB remediation activities in connection with the Kuhlman Electric Corporation (KEC) Crystal Springs, Mississippi facility.

As we discussed numerous times over the telephone, BorgWarner Inc. (BorgWarner) has committed to MDEQ to proceed with the PCB remediation at the KEC facility as outlined in its previously approved remediation work plan. BorgWarner has also agreed to split samples at the locations and depths specified by MDEQ for dioxin/furan analyses with MDEQ and Plaintiffs' counsel.

Unfortunately, Plaintiffs' counsel has not acted in accordance with the terms and intent of the court hearing held last Thursday, June 13, 2002. Rather than providing BorgWarner with a complete sampling location plan (BorgWarner only received an incomplete plan for the first time today, June 20), representatives for Plaintiffs' counsel have instead misreported statements by BorgWarner's field crew and randomly walked on KEC's premises and pointed to various locations where samples might be needed.

Because these interruptions have become a daily occurrence, distract the field crew, and make it impossible to determine how to simultaneously meet the requirements of the work plan and the court hearing, BorgWarner, at a substantial cost, will backfill the remediated buffer zone areas excavated today, Thursday, June 20, 2002 and cease all of its remediation activities until such time as Plaintiffs' counsel makes its final decisions as to all of the sampling locations it would like split samples from and the types of analyses it plans to conduct. BorgWarner hopes that its contractors will continue to remain available and dedicated to this project and that these

Tony Russell - MDEQ
June 20, 2002
Page 2 of 2

interruptions and current issues do not discourage them from continuing their work on this project.

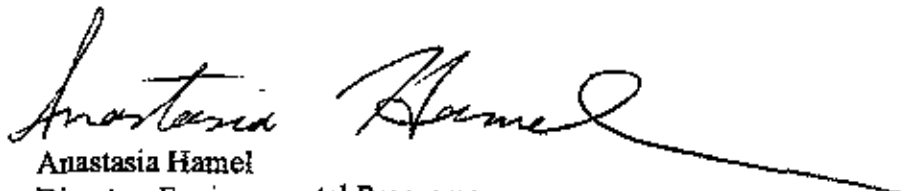
BorgWarner, based on the information it received from Plaintiffs' counsel today, has verified that Stockpile #1 is not one which Plaintiffs' counsel wishes to sample and therefore intends to begin the removal of that stockpile at 8:00 am on Monday, June 24, 2002.

BorgWarner reaffirms its commitment to split composite samples with MDEQ and with Plaintiff's counsel. In addition, BorgWarner asks that MDEQ request from Plaintiff's counsel the types of analyses the split samples will undergo so that BorgWarner can have the proper materials on hand at the sampling to be able to duplicate such analyses.

BorgWarner will continue to cooperate with MDEQ requests and make every effort to resolve this unfortunate situation in order to resume its remediation activities.

Should you have any questions on the above, please contact me directly at (586) 497-4503 at your earliest convenience.

Very truly yours,


Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: C. Barlow, ESQ. MDEQ
K. Dowell, Esq. MDEQ
Jerry Banks, MDEQ
C. Brown, US EPA
Thomas D. Lupo, Esq.
Scott E. Schang, Esq.
Robert Martin, M&S
Paul Acheson, KEC
Al Thomas, KEC



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FACSIMILE COVER LETTER

Date: 6/20/02 Number of pages including cover: 6

Teletype No.: 461-5300

To: Gerry Banks

From: **Chuck D. Barlow**
Chief - Legal Division
Mississippi Department of Environmental Quality
Phone: (601) 961-5076
Facsimile No. (601) 961-5349

Re: _____

Attachment: _____

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If you do not receive the complete transmission of this document, call Sharon Smith at (601) 961-5359.

DAVID NUTT & ASSOCIATES, P.C.

666 North Street, Suite 102A

Jackson, MS 39202

Telephone: (601) 355-9122

Fax: (601) 355-9191

FACSIMILE TRANSMITTAL SHEET

TO: _____ **FAX NUMBER:** _____

Chuck Barlow, Esq. & Kelli Dowell, Esq.
Thomas W. Tyner & Daphne Lancaster, Esq.
Thomas Lupo & Jennifer K. Furdy, Esq.
Scott Schang, Esq.
David A. Barfield & Lara Ashley Coleman, Esq.

961-5349
601-583-2677
312-269-8869
202-637-2201
601-968-9425

CC: Harold J. Barkley, III, Esq.
Mark Pearson, Esq.
Harold J. Barkley, Jr., Esq.
Todd Johns, Esq.

662-369-6075
969-5582
355-8544
355-8544

FROM: Mary E. McAlister

RE: KUHLMAN CORPORATION **DATE:** June 20, 2002

THIS TRANSMITTAL CONTAINS 5 PAGES, INCLUDING THIS COVER SHEET.

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS:

See Attached Notice of Service of Plaintiffs' Designated Sampling Points

THE ORIGINAL WILL BE SENT BY UNITED POSTAL SERVICE.

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IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI

PAUL KELLUM, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 2001-0313 thru 2001-0324

KUHLMAN CORPORATION, ET AL.

DEFENDANTS

NOTICE OF SERVICE OF PLAINTIFFS' DESIGNATED SAMPLING POINTS

The Plaintiffs, by and through counsel, file this their Notice of Service of Plaintiffs' Designated Sampling Points pursuant to the Court's ruling on Plaintiffs' Motion to Compel, or, in the Alternative, for Temporary Restraining Order and Preliminary Injunction, heard telephonically on June 13, 2002. Plaintiffs hereby notify Defendants through Defendants' counsel of record that Plaintiffs desire to split soil samples to be taken at the designated depths by defense environmental contractor(s) at the following locations at the Kuhlman Electric Corporation plant site:

<u>Location</u>	<u>Interval In Feet</u>
DP-3	.5' - 1'
DP-27	.0 - .5'
DP-39	.0 - .5'
DP-65	.0 - .5'
DP-82	.0 - .5'
DP-104	.0 - .5'
DP-112	.0 - .5'
DP-126	.0 - .5'
DP-137	.0 - .5'
DP-143	.0 - .5'
DP-150	.0 - .5'
DP-160	.0 - .5'
DP-163	.0 - .5'
DP-179	.0 - .5'
DP-209	.0 - .5'
DP-210	.0 - .5'
DP-642	.0 - .5'
DP-643	.0 - .5'

DP-655	.0 - .5'
DP-675	.0 - .5'
DP-676	.0 - .5'
DP-692	.0 - .5'
DP-695	.0 - .5'
DP-702	1.5' - 2.0'
Stockpile 4	to be determined
Stockpile 6	to be determined

Plaintiffs also request samples to be taken from the trench or ditch currently under construction on the south/southeast side of the plant site at approximately 50 - 75 linear foot intervals as follows:

1 trench sample	.0 - .5'
1 trench sample	.5 - 1.0'
1 trench sample	.0 - .5'
1 trench sample	.5 - 1.0'

Plaintiffs further notify Defendants and the Court that they are working on identification of several other locations on the plant site where samples will have to be obtained by use of a geo-probe or direct push technology. Those sample points will be provided by supplementation of this Notice so as not to unreasonably delay or interfere with remediation, with the samples to be taken as and when the protective plastic tarp covering the plant site is pulled back prior to actual remediation in the selected areas.

Respectfully submitted, this the 20th day of June, 2002.

PAUL KELLUM; PAULA KELLUM; JOHN EDWARDS; DOROTHY EDWARDS; BEULAH SOJOURNER; HAROLD WARREN; SUZANNE WARREN; FAULETTE WELCH; RALPH WILLIAMS; BETTIE KENDRICK; ORISTER HARRIS; RUBY SMITH; WANDA WARD, individually and on behalf of ROGER L. WARD, deceased; DAVE VINSON; BETTYE VINSON; and ROBERT P. EDWARDS, MOSES GRAHAM, ESTHER TERRELL as heirs of the FITZGERALD ESTATE and

**DANIEL GRAHAM, individually and as an heir
of the FITZGERALD ESTATE**

THE PLAINTIFFS

BY: Mary E. McAlister
COUNSEL FOR PLAINTIFFS

ATTORNEYS FOR PLAINTIFFS:

DAVID NUTT & ASSOCIATES
Mary E. McAlister, MSB No. 2170
Douglas G. Mercer, MSB No. 9510
666 North Street, Suite 102-A
P.O. Box 1039
Jackson, MS 39215-1039
(601) 355-9122

Harold J. Barkley, III, MSB No. 8647
Attorney at Law
P.O. Box 44
Aberdeen, MS 39730
(662) 369-7819

Harold J. Barkley, Jr., MSB No. 2008
Todd Johns, MSB No. 9587
P.O. Box 55849
Jackson, MS 39296-5849
(601) 355-6661

Mark L. Pearson, MSB No. 8748
Attorney at Law
P.O. Box 3873
Jackson, MS 39207-3873
(601) 948-6822

CERTIFICATE OF SERVICE

I, the undersigned counsel of record, do hereby certify that I have this day caused
to be delivered, via facsimile and via United States Mail, postage pre-paid, a true and

correct copy of the above and forgoing Notice of Service of Plaintiffs' Designated
Sampling Points to the following:

Thomas W. Tynar
Daphne M. Lancaster
AULTMAN, TYNER, RUFFIN & YARBOROUGH, Ltd.
315 Hemphill Street
Post Office Drawer 750
Hattiesburg, Mississippi 39403-0750
Fax: 601-583-2677


Thomas D. Lupo
Jennifer K. Fardy
SEYFARITH SHAW
55 East Monrow Street, Suite 4200
Chicago, Illinois 60603
Fax: 312-269-8869

Scott Schang
Latham & Watkins
Suite 1000
555 Eleventh Street, NW
Washington, D.C. 20004-1304
Fax: 202-637-2201

Chuck Barlow
Kallie M. Dowell
MS Dept. of Environmental Quality
Post Office Box 20305
Jackson, Mississippi 39289-1305
Fax: 961-5349

David A. Barfield
Lara Ashley Coleman
BARFIELD & ASSOCIATES
233 East Capitol Street
Post Office Drawer 3979
Jackson, Mississippi 39207
Fax: 968-9425

This the 20th day of June, 2002.


Mary E. McAdister



"Hamel, Anastasia (AFS-Warren)" <AHamel@afs.bwauto.com> on
06/19/2002 01:56:20 PM

To: Jerry_Banks@deq.state.ms.us
cc:
Subject: RE: Dioxin Sampling/Analysis Plan

Thank you Jerry.

We are on the same page.

-----Original Message-----

From: Jerry_Banks@deq.state.ms.us [mailto:Jerry_Banks@deq.state.ms.us]
Sent: Wednesday, June 19, 2002 1:54 PM
To: ahamel@afs.bwauto.com
Cc: Chuck_Barlow@deq.state.ms.us; Tony_Russell@deq.state.ms.us
Subject: Dioxin Sampling/Analysis Plan

Received the fax, have reviewed, and have only the following comment. I do not believe that we have explicitly stated that we wanted PCB analysis done on these same samples so that we can look to see if there is a correlation between the PCBs and the dioxin/furans. I think we have just assumed this and I wanted to make sure we were on the same page. We have analysis at these points but an analysis of the same composite for both PCBs and dioxin/furans will be more accurate.

Hamel, Anastasia (AFS-Warren)

From: Chuck_Barlow@deq.state.ms.us
Sent: Monday, June 17, 2002 4:14 PM
To: ahamel@afs.bwauto.com
Subject: dioxin sampling location points

Anastasia: Here are the sampling locations suggested by our Hazardous Waste Division:

High range locations - 3200 to 6700 ppm

DP - 27

DP-209

DP-642

DP-676

Mid range locations - 360 to 640 ppm

DP-39

DP-104

DP-150

DP-163

Low range locations - 30 to 69 ppm

DP-65

DP-82

DP-137

DP-143

Locations less than 1 ppm

DP-112

DP-179

Samples shall be analyzed for both dioxins and PCBs for correlation purposes.

MDEQ will probably split samples for all locations but will only analyze a limited number.

All samples shall be collected within the 0 to 2 foot interval at each location indicated above.

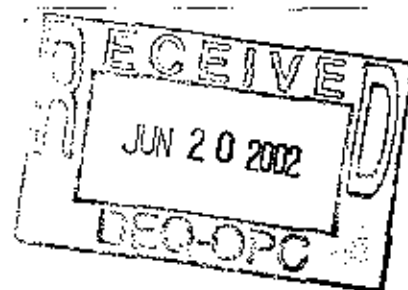
Chuck D. Barlow
General Counsel
Mississippi Department of Environmental Quality
P.O. Box 20305
Jackson, MS 39289-1305
tel: 601-961-5076

Hamel, Anastasia (AFS-Warren)

From: Chuck_Barlow@deq.state.ms.us
Sent: Monday, June 17, 2002 4:47 PM
To: ahamel@afs.bwauto.com

Anastasia: You asked whether the 0-2 foot samples for dioxin should be composited in whole or in part. Jerry Banks says that the entire 0-2 foot samples should be composited. Thank you.

Chuck D. Barlow
General Counsel
Mississippi Department of Environmental Quality
P.O. Box 20305
Jackson, MS 39289-1305
tel: 601-961-5076



AH-02-1717

VIA FACSIMILE & UPS NEXT DAY AIR



BorgWarner

June 17, 2002

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Re: Kuhlman Electric Corporation Facility, Crystal Springs, MS - Remediation

Dear Mr. Russell:

This is to confirm our telephone discussion, earlier today, and to respond to the request made by Mississippi Department of Environmental Quality (MDEQ) in its correspondence dated June 12, 2002 with respect to the Dioxin analysis plan for the Kuhlman Electric Corporation (KEC) Crystal Springs facility.

As we discussed, and as stated in my previous letter (June 3, 2002) BorgWarner Inc. (BorgWarner) has met its commitments to MDEQ and has begun the preliminary activities with respect to the PCB remediation at the KEC facility as follows:

1. BorgWarner remediation contractors have been mobilized and are currently on site.
2. BorgWarner has reaffirmed with BFI and Waste Management that all of its soil disposal waste codes are current and activated.
3. As you are aware, the first phase of the remediation process at the KEC facility was to begin with the removal of the soil stock piles. The second phase of the remediation process was to begin along the east perimeter of the plant where a 2-foot wide and 2-foot deep trench will be excavated to remove residual PCB impacted soil, so as to form a buffer between the plant site and the residential properties, followed by the third phase of remediation, which is the remainder plant property beginning in a southern (Lee Avenue) to northern (Fulgham Avenue) direction.

You are also aware that BorgWarner, at a substantial cost, has delayed soil removal for today, June 17, 2002.

In anticipation of Plaintiff's Counsel possible need to sample the 2-foot wide by 2-foot deep buffer zone along the east perimeter of the KEC property for Dioxin, BorgWarner, again at a substantial cost, will delay its soil removal activities until 8:00 am June 19, 2002 after which BorgWarner plans to begin addressing the stock piles as well as begin the removal of the soil for the buffer zone.

Per MDEQ's request, and as we discussed over the telephone, BorgWarner will address the dioxin issue at the KEC facility in the following manner:

1. BorgWarner will sample for dioxin at the locations specified by MDEQ and as outlined in the two e-mails sent to my attention earlier today by Chuck Barlow, MDEQ's General Counsel (see attached).
2. BorgWarner plans to split these composite samples with MDEQ and with Plaintiff's Counsel. BorgWarner asks that MDEQ requests from Plaintiff's Counsel the types of analyses the split samples will undergo so that BorgWarner can duplicate such analyses.

Should you have any questions on the above, please contact me directly at (586) 497-4503 at your earliest convenience.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: C. Barlow, ESQ. MDEQ
K. Dowell, Esq. MDEQ
Jerry Banks, MDEQ
C. Brown, US EPA
Thomas D. Lupo, Esq.
Scott E. Schang, Esq.
Robert Martin, M&S
Paul Acheson, KEC
Al Thomas, KEC

Attachments



KUHLMAN ELECTRIC CORPORATION

DATE: June 12, 2002
TO: All Employees
FROM: Human Resources
RE: Remediation of Kuhlman Property

We have been notified that clean up and Remediation of Kuhlman Electric Corporation's property will begin on or around June 17, 2002. This work will be done under the direction and supervision of the U. S. Environmental Protection Agency and the Mississippi Department of Environmental Quality.

Certified environmental professionals under the direction of Borg Warner will conduct this process with little effect on our operation. They have requested that our employees stay away from the area being remediated to avoid any unnecessary interference with their responsibilities.

Monitoring of air samples will be conducted during this process. The process will take approximately four months depending on the weather.

We ask your cooperation in this matter and hopefully we will have this behind us soon. We will keep you informed of the progress as we move forward. If you have any questions, please direct them to your supervisor or me and we will get back to you with an answer.

Cordially,

Mickey L. Crockett
Manager of Industrial Relations

MLC/jrb

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 12, 2002

VIA FACSIMILE AND U.S. MAIL

Tom Lupo, Esq.
Seyfarth Shaw
55 East Monroe Street
Suite 4200
Chicago, IL 60603-5803

Meg McAlister, Esq.
Doug Mercier, Esq.
David Nutt & Associates
P.O. Box 1039
Jackson, MS 39215-1039

Re: Kuhlman Electric Corporation Facility, Crystal Springs, Mississippi
Access to KEC Facility for Sampling

Dear Tom, Meg, and Doug:

As you all know, BorgWarner plans to mobilize to the KEC facility ("the site") on June 17, 2002 and begin remediation. It has come to MDEQ's attention that the Plaintiffs have requested access to the site to take samples prior to the remediation beginning and that BorgWarner objects to the Plaintiffs' request. This obviously has become a point of contention that the Circuit Court of Copiah County will need to resolve.

MDEQ is essentially neutral on this issue. MDEQ does not object to the Plaintiffs' obtaining of samples from the site, although, depending on what samples are taken, the effort may be duplicative of sampling already accomplished by Kuhlman/BorgWarner. However, MDEQ does not have the authority to require Kuhlman Electric or BorgWarner to grant access to the KEC facility. Since MDEQ would like remediation to begin as soon as possible, MDEQ will not order or ask BorgWarner to delay the remediation any longer due to this litigation. At the same time, if the Circuit Court grants a motion to compel filed by the Plaintiffs (thereby ordering Kuhlman/BorgWarner to grant access to the site), MDEQ certainly will work with all of the parties to establish a revised remediation schedule. Please note that MDEQ does insist that it be notified of the time and place of any additional sampling event so that the agency may take split samples and run its own analysis if that is deemed necessary. MDEQ stands ready to attend any discovery status conference regarding this issue.

Tom Lupo, Esq.
Doug Mercier, Esq.
Meg McAlister, Esq.
June 12, 2002
Page Two

Please contact me at 601-961-5340 or Chuck Barlow at 601-961-5076 if you have any questions.

Sincerely,

Kelli M. Dowell

Kelli M. Dowell
Attorney

Enclosure

cc: Judge Lamar Pickard
Tony Russell
All counsel of record

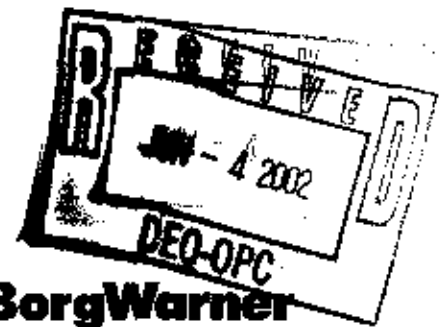
AH-02-1715

VIA FACSIMILE & UPS NEXT DAY AIR



June 3, 2002

Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201



BorgWarner

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Re: Kuhlman Electric Corporation Facility, Crystal Springs, MS - Remediation

Dear Mr. Russell:

As you are aware, the Board of Directors of Kuhlman Electric Corporation (KEC) has determined that KEC cannot proceed with its planned facility expansion at this time. We are writing to confirm that this development clears the way for and BorgWarner Inc. (BorgWarner) is ready to proceed with the PCB remediation of the KEC facility located in Crystal Springs, Mississippi.

Confirming our May 30, 2002 telephone discussion, it is our understanding that the Mississippi Department of Environmental Quality (MDEQ) will not require any changes to the already approved Remediation Work Plan. Therefore, this letter serves as the two week notification requested by MDEQ prior to any work beginning at the KEC Crystal Springs facility property. For your information, Craig Brown of US EPA, Region IV, indicated to us in a telephone conversation earlier today that US EPA will not require any further modifications to the Remediation Work Plan and that it is willing to waive its two week notice of commencement.

Therefore, the remediation will proceed as follows:

1. BorgWarner will notify its contractors to mobilize and begin the remediation phase at the KEC facility on June 17, 2002.
2. BorgWarner will reaffirm with BFI and Waste Management that all soil disposal waste codes are current and activated.
3. The first phase of the remediation process at the KEC facility will begin with the removal of the soil stock piles. The second phase of the remediation process will begin along the east perimeter of the plant where a 2-foot wide and 2-foot deep trench will be excavated to

remove residual PCB impacted soil, so as to form a buffer between the plant site and the residential properties, followed by remediation of the remainder plant property beginning in a southern (Lee Avenue) to northern (Fulgham Avenue) direction.

4. KEC plant property remedial goals are based on the regulatory remedial goal established in 40 CFR 761.61(a) and already approved by both US EPA and MDEQ. As described in the Work Plan, and approved by US EPA and MDEQ, soil containing concentrations greater than 25 ppm PCBs will be capped with composite closure caps consisting of asphalt or concrete paving with an underlayment of 60 mil high density polyethylene (HDPE) overlain by lime treated clayey sand or sandy clay that meets or exceeds the technical standards for engineered caps as defined in the TSCA rules.

Even though regulations allow soil containing PCB concentrations of less than 25 ppm to remain uncovered, as an added measure, BorgWarner will place geo-textile fabric over areas with detected soil concentrations of less than 25 ppm PCBs followed by a layer of clean soil.

Per MDEQ's request, BorgWarner will address the dioxin issue in the following manner:

- a) Available published literature will be reviewed to determine documented sources of dioxin in the environment. The review will focus on processes that produce dioxins, modes of transport in the environment, and measured concentrations in various locations around the United States.
- b) A reconnaissance of Covich County and surrounding region will be conducted to identify possible producers and potential sources of dioxin. Additionally, environmental transport mechanisms will be reviewed with respect to the region and areas identified which have a potential for receiving dioxins via various transport mechanisms such as wind, surface water, etc.
- c) Soil samples will be collected from selected areas within the region and analyzed for dioxin to get an indication of the regional background concentrations in the surface soils.
- d) Results of the background sampling concentrations will be compared to the published data and to results generated and submitted to MDEQ by third party attorneys and their consultants.
- e) If necessary, samples will be collected within the drainage channel study area and the results will be compared to background concentrations established in the previous steps.
- f) The MDEQ will be apprised of progress and the results promptly.

Should you have any questions on the above, please contact me directly at (586) 497-4503 at your earliest convenience.

Very truly yours,

A handwritten signature in black ink that reads "Anastasia Hamel". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: K. Dowell, Esq. MDEQ
C. Brown, US EPA
Thomas D. Lupo, Esq.
Scott E. Schang, Esq.
Robert Martin, M&S
Paul Acheson, KEC
Al Thomas, KEC

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 12, 2002

VIA FACSIMILE AND U.S. MAIL

Tom Lupo, Esq.
Seyfarth Shaw
55 East Monroe Street
Suite 4200
Chicago, IL 60603-5803 48089

Re: Kuhlman Electric Corporation Facility, Crystal Springs, Mississippi
Access to KEC Facility for Sampling

Dear Tom:

On June 3, 2002, BorgWarner submitted a letter to the Mississippi Department of Environmental Quality (MDEQ) regarding remediation of the Kuhlman Electric Facility in Crystal Springs. At MDEQ's request BorgWarner also submitted a "plan" to address the issue of whether dioxin is present at the site. MDEQ does not feel this plan adequately will determine if a correlation exists between the presence of dioxin and PCBs.

Although MDEQ stated that it will not require any changes to the already approved remediation work plan (because remediation of the PCBs also will affect remediation of any dioxin present), MDEQ feels that BorgWarner will need to take approximately a dozen or more samples on the Kuhlman Facility to fully determine the correlation, if any between the presence of PCBs and the presence of dioxin. The limited data that we have suggests a correlation between PCB concentrations and dioxin/furan concentrations. This on-site sampling may eliminate the need for extensive off-site sampling for dioxin other than that needed to determine regional background levels.

Please submit to MDEQ by Monday, June 17th a plan to sample the Kuhlman facility for dioxin. The plan should include the taking of samples at the facility in selected areas of known high PCB concentration and expected lower PCB concentrations. Any remedial activity designed to remove PCBs also should remove dioxin. Therefore, taking additional samples should not alter the approved remediation plan and the schedule outlined in BorgWarner's June 3rd letter provided the samples are taken prior to soil disposal.

Tom Lupo, Esq.
June 12, 2002
Page Two

Please contact me at 601-961-5340 or Chuck Barlow at 601-961-5076 if you have any questions.

Sincerely,



Kelli M. Dowell
Attorney

Enclosure

cc: Tony Russell
Anastasia Hamel
All counsel of record
Judge Lamar Pickard



Fäx

BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

FAX TRANSMITTAL INFORMATION	
From: Anastasia Hamel	To: Tony Russell
Of: BorgWarner Inc.	Of: MDEQ
Phone: (586) 497-4503	Fax: 601-961-5300
Fax: (586) 497-4089	RE: Attached Letter
<p>This facsimile contains information which (a) may be legally privileged, proprietary in nature or otherwise protected by law from disclosure, and (b) is intended only for the use of the addressee(s) named above. If you are not the addressee or the person responsible for delivering this to the addressee(s), you are hereby notified that any disclosure, copying, distributing or use of this facsimile is prohibited and may constitute an invasion of the privacy of the addressee(s). If you have received this facsimile in error, please telephone us (collect) immediately so that we can arrange for the retrieval of the facsimile at no cost to you.</p>	
Date: June 3, 2002	Number of page(s) in this fax including cover <u>4</u>

Original will be sent via: Mail <input type="checkbox"/>	Overnight Courier <input checked="" type="checkbox"/>	Will Not Be Sent <input type="checkbox"/>
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BorgWarner
Inc.200
Fourth
Michigan
AvenueChicago
Munich
60604Telephone
312.322.8500

AH-02-1715

VIA FACSIMILE & UPS NEXT DAY AIR**BorgWarner**

June 3, 2002

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48099

Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Re: Kuhlman Electric Corporation Facility, Crystal Springs, MS - Remediation

Dear Mr. Russell:

As you are aware, the Board of Directors of Kuhlman Electric Corporation (KEC) has determined that KEC cannot proceed with its planned facility expansion at this time. We are writing to confirm that this development clears the way for and BorgWarner Inc. (BorgWarner) is ready to proceed with the PCB remediation of the KEC facility located in Crystal Springs, Mississippi.

Confirming our May 30, 2002 telephone discussion, it is our understanding that the Mississippi Department of Environmental Quality (MDEQ) will not require any changes to the already approved Remediation Work Plan. Therefore, this letter serves as the two week notification requested by MDEQ prior to any work beginning at the KEC Crystal Springs facility property. For your information, Craig Brown of US EPA, Region IV, indicated to us in a telephone conversation earlier today that US EPA will not require any further modifications to the Remediation Work Plan and that it is willing to waive its two week notice of commencement.

Therefore, the remediation will proceed as follows:

1. BorgWarner will notify its contractors to mobilize and begin the remediation phase at the KEC facility on June 17, 2002.
2. BorgWarner will reaffirm with BFI and Waste Management that all soil disposal waste codes are current and activated.
3. The first phase of the remediation process at the KEC facility will begin with the removal of the soil stock piles. The second phase of the remediation process will begin along the east perimeter of the plant where a 2-foot wide and 2-foot deep trench will be excavated to

Tony Russell - MDEQ

June 3, 2002

Page 2 of 3

remove residual PCB impacted soil, so as to form a buffer between the plant site and the residential properties, followed by remediation of the remainder plant property beginning in a southern (Lee Avenue) to northern (Fulgham Avenue) direction.

4. KEC plant property remedial goals are based on the regulatory remedial goal established in 40 CFR 761.61(a) and already approved by both US EPA and MDEQ. As described in the Work Plan, and approved by US EPA and MDEQ, soil containing concentrations greater than 25 ppm PCBs will be capped with composite closure caps consisting of asphalt or concrete paving with an underlayment of 60 mil high density polyethylene (HDPE) overlain by lime treated clayey sand or sandy clay that meets or exceeds the technical standards for engineered caps as defined in the TSCA rules.

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- a) Available published literature will be reviewed to determine documented sources of dioxin in the environment. The review will focus on processes that produce dioxins, modes of transport in the environment, and measured concentrations in various locations around the United States.
- b) A reconnaissance of Copiah County and surrounding region will be conducted to identify possible producers and potential sources of dioxin. Additionally, environmental transport mechanisms will be reviewed with respect to the region and areas identified which have a potential for receiving dioxins via various transport mechanisms such as wind, surface water, etc.
- c) Soil samples will be collected from selected areas within the region and analyzed for dioxin to get an indication of the regional background concentrations in the surface soils.
- d) Results of the background sampling concentrations will be compared to the published data and to results generated and submitted to MDEQ by third party attorneys and their consultants.
- e) If necessary, samples will be collected within the drainage channel study area and the results will be compared to background concentrations established in the previous steps.
- f) The MDEQ will be apprised of progress and the results promptly.

Tony Russell - MDEQ
June 3, 2002
Page 3 of 3

Should you have any questions on the above, please contact me directly at (586) 497-4503 at your earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anastasia Hamel". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: K. Dowell, Esq. MDEQ
C. Brown, US EPA
Thomas D. Lupo, Esq.
Scott E. Schang, Esq.
Robert Martin, M&S
Paul Acheson, KEC
Al Thomas, KEC

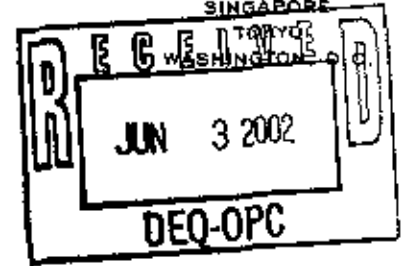
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HONG KONG
LONDON
LOS ANGELES
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NEW JERSEY

Latham & Watkins

ATTORNEYS AT LAW
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NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
PARIS
SAN DIEGO
SAN FRANCISCO
SILICON VALLEY
SINGAPORE

May 24, 2002



VIA FACSIMILE AND U.S. MAIL

Kelli M. Dowell, Esq.
Mississippi Department of Environmental Quality
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289-0385

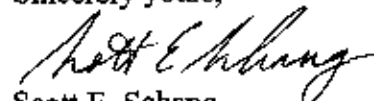
Re: Kuhlman Electric Corporation Facility Remediation

Dear Kelli:

Kuhlman Electric Corporation ("KEC") long planned to expand the Crystal Springs facility and has made significant investments towards this end. As you know, the expansion was to be an element of the environmental remediation at the facility to address polychlorinated biphenyl ("PCB") contamination. Yet, as you and others discussed with Paul Acheson at your May 2nd meeting at MDEQ, KEC has been forced to rethink whether the expansion can now be implemented because of significantly increased costs and changed economic circumstances. After reviewing these circumstances, KEC's board of directors has determined that KEC cannot proceed with the planned facility expansion at this time. Therefore, the expansion should be "de-linked" from the remediation.

KEC knows of no impediments to the initiation of facility remediation at this time. Thank you for your understanding and assistance in this difficult matter.

Sincerely yours,


Scott E. Schang
of LATHAM & WATKINS

cc: Tom Minnich
Paul Acheson
Tony Russell ✓
Anastasia Harnel
Tom Lupo, Esq.

BorgWarner
Inc.

200
South
Michigan
Avenue

Chicago
Illinois
60604

Telephone
312 322 3500

AH-02-1714

VIA FACSIMILE AND US MAIL

May 10, 2002

Ms. Penny Dukes
Mississippi Secretary of State
P.O. Box 136
Jackson, MS 39205-0136



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

RE: Parcel # 3-026Q-24-141.00 and Parcel # 3-026Q-24-145.00

Dear Ms. Dukes:

Thank you for your assistance earlier today with respect to the above two parcels of land located in Copiah County, Mississippi and most of all thank you for your verbal permission to enter the properties and begin the investigative work on May 13, 2002.

As you are aware, we have attempted, without success, and through numerous channels to identify the correct owner of these two parcels. I wish to thank you for confirming our belief that the legal owner on record for these two parcels is most likely the State of Mississippi.

As we discussed, this investigation is directed by the Mississippi Department of Environmental Quality (MDEQ). The Work Plan describing the investigation activities has been submitted to MDEQ and has been approved.

Please feel free to contact me directly at (586) 497-4503 with any questions you may have.

Again, thank you for your cooperation and assistance in this matter.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: T. Russell, MDEQ
C. Night, County Tax Assessor



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Frazier Property - 405 Lee Avenue, Crystal Springs

FROM: Tony Russell *TR*

DATE: May 16, 2002

SUBJECT: Drainage ditch sampled

I met with Kevin Frazier on May 13, 2002, at 4:30 in the afternoon. Kevin showed me two locations that he wanted sampled. I collected a surficial soil sample (0 to 2 inches) from each location. Each soil sample was collected from a two-foot square area within the drainage ditch. The OPC lab will analyze the soil samples for PCBs.

The soil samples were collected from the north-south drainage ditch that runs the length of his property on the east side of his property. The ditch is only a couple of feet from the Kuhlman property line and parallels the property line. Kevin placed a flag at each sampling location.

C:\My Documents\Kuhlman Electric\Kuhlman memo sampling Frazier ditch 5-13-02.rtf



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 8, 2002

FILE COPY

Honorable Mayor Walter J. Rielley, III
Mayor of Crystal Springs
P. O. Box 473
Crystal Springs, MS 39059

RE: McPherson Street Ball Field
Crystal Springs, MS

Dear Mayor Rielley:

The Mississippi Department of Environmental Quality (MDEQ) has received the analytical results for the soil samples collected at the McPherson Street Ballfield on February 21, 2002. Please find enclosed a copy of the analytical results, a memo to the file summarizing the sampling event, and drawings showing the sampling locations.

Please call me at 601-961-5318, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

C:\My Documents\Kuhlman Electric\Kuhlman trans data on ballfield to mayor 5-7-02.doc

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 6, 2002

VIA FACSIMILE AND U.S. MAIL

Mr. Tom Lupo, Esq.
Seyfarth Shaw
55 East Monroe Street
Suite 4200
Chicago, IL 60603-5803

Mr. Scott E. Schang, Esq.
Latham & Watkins
555 11th Street NW, Suite 1000
Washington, DC 20004

Re: Kuhlman Electric Corporation Facility, Crystal Springs, Mississippi
City of Crystal Springs PCB Assessment and Site Remediation

Dear Tom and Scott:

As you are aware, the Mississippi Department of Environmental Quality (MDEQ) called a meeting with Borg-Warner and Kuhlman Electric regarding the status of the remediation in Crystal Springs. That meeting took place May 2nd at MDEQ. Jerry Banks, Phil Bass, Tony Russell, and I represented MDEQ, while Anastasia Hamel, Paul Acheson, and Al Thomas were present for Borg-Warner and Kuhlman.

MDEQ called the meeting because we wanted a status report on the remediation activities. Anastasia briefed us on the drainage channel assessment and the issues surrounding access to two pieces of property (the railroad and the property owned by the State). Paul Acheson explained that the delay with remediation of the plant site was caused by the need to find another contractor to handle the planned plant expansion.

It now is MDEQ's understanding that work crews will mobilize today, Monday, May 6th, and that delineation of the railroad property and of the state property should begin in the next week or two. Once delineation along the drainage channel is complete, Borg-Warner will submit a detailed work plan for the drainage channel remediation. Additionally, Kuhlman agreed to submit a schedule to MDEQ for the plant site remediation by June 3, 2002. Paul felt that would give Kuhlman sufficient time to finalize the site expansion details and to decide whether or not to de-link the remediation from the expansion.

Tom Lupo, Esq.
Scott Schang, Esq.
May 6, 2002
Page Two

MDEQ also requested Borg-Warner and/or Kuhlman to submit an analytical plan to determine if a correlation exists between the presence of dioxins and PCBs. As you know, the Plaintiffs conducted some dioxin analyses and the presence of dioxins was confirmed. If a correlation is determined to exist, then a plan should be developed to state what percentage of the PCB samples also will be tested for dioxins. Although MDEQ did not set a time frame at the meeting for submitting this plan, we request that Borg-Warner submit the plan by June 3rd.

MDEQ looks forward to receiving the drainage channel remediation work plan, the dioxin/PCB correlation plan, and the schedule for the site remediation. Once received, MDEQ likely will incorporate the schedules into an Administrative Order pertaining to the remediation activities.

Please contact me at 601-961-5340 or Tony Russell at 601-961-5318 if you have any questions or desire additional information.

Sincerely,



Kelli M. Dowell
Attorney

cc: Anastasia Hamel
Paul Acheson
Tony Russell, MDEQ

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
MEETING ATTENDEES LIST**

DATE: May 2, 2002

SITE NAME: Kuhlman Electric

LOCATION: Crystal Springs, MS

PARTICIPANT	COMPANY	PHONE NUMBER
Tony Russell	MDEQ - HWD	601-961-5318
Jerry Banks	MDEQ - HWD	601-961-5221
Kelli Dowell	MDEQ - Legal	601-961-5340
Phil Bass	MDEQ - OPC	601-961-5100
<i>Alan Thomas</i>	<i>Kuhlman Electric</i>	<i>601-892-6462</i>
<i>PAUL ACHESON</i>	<i>KUHLMAN ELECTRIC</i>	<i>601.892.6408</i>
<i>Anastasia Hamel</i>	<i>BORG-WARNER</i>	<i>586-497-4503</i>

SUMMARY:

KEC has laid off 50 employees, the industry is in a down turn, presented the proposal to their board and it was rejected. Have a new machine that is the only one in the US, working to down size the expansion to only include the new machine. Will not require near as much capital investment as previous proposal. Can get an answer within 30 days for moving forward. If move forward, all BorgWarner needs is the dimensions of the slab to begin remediation of the soils onsite. Anastasia stated it should only take 4 months to complete the removal once it starts.

Crews are to start back on May 7, 2002, filling in data gaps, should take about a week then they will move onto the two parcels that they believe the State owns. The agreement with the railroad should be complete by then and they will move onto the railroad which will finish up the investigation phase then submit a report on findings and a workplan to remediate the ditch. Suggested that they have the City call DEQ solid waste branch for assistance in handling the solid waste in the drainage ditch.

Jerry informed Anastasia that dioxin sampling would have to be incorporated into the sampling events. Sampled fish in lake for dioxins and the levels were below levels of concern.

DEQ will be sampling the Frazier's property in the near future as they are concerned that runoff from the plant is recontaminating their property.

KEC will respond by June 3 with a schedule for the expansion.

Jenny Geraci-Ulmer
04/30/2002 03:48 PM

To: Tony Russell/HW/OPC/DEQ@DEQ
Subject: Fish Samples for Dioxin

Tony, Below is the information you requested concerning the fish collected from Lake Chautauqua in Covich County.

Three species of fish were collected for analysis:

- 1) *Micropterus salmoides* (largemouth bass) / five bass were collected
- 2) *Pomoxis annularis*(white crappie) / two white crappie were collected
- 3) *Lepomis macrochirus* (bluegill) / four bluegill were collected

The fish were collected by electrofishing on February 13 and 14, 2002.

Please call me at 664-3977 if you have any questions.

Lake Chautauqua Dioxin. 2002.

Dioxin02.WK4

Sample #	Species	# In Sample	Min Weight	Max Weight	Avg Weight
SF02017	Largemouth Bass	5	251	297	278

2,3,7,8-TCDD	ND
1,2,3,7,8-PeCDD	ND
1,2,3,4,7,8-HxCDD	ND
1,2,3,6,7,8-HxCDD	ND
1,2,3,7,8,9-HxCDD	ND
1,2,3,4,6,7,8-HpCDD	ND
1,2,3,4,6,7,8,9-OCDD	ND
2,3,7,8-TCDF	ND
1,2,3,7,8-PeCDF	ND
2,3,4,7,8-PeCDF	ND
1,2,3,4,7,8-HxCDF	<0.52
1,2,3,6,7,8-HxCDF	ND
2,3,4,6,7,8-HxCDF	ND
1,2,3,7,8,9-HxCDF	ND
1,2,3,4,6,7,8-HpCDF	ND
1,2,3,4,7,8,9-HpCDF	ND
1,2,3,4,6,7,8,9-OCDF	ND
TEQ	0

Sample #	Species	# In Sample	Min Weight	Max Weight	Avg Weight
SF02018	White Crappie	2	481	652	567

2,3,7,8-TCDD	ND
1,2,3,7,8-PeCDD	ND
1,2,3,4,7,8-HxCDD	ND
1,2,3,6,7,8-HxCDD	ND
1,2,3,7,8,9-HxCDD	ND
1,2,3,4,6,7,8-HpCDD	ND
1,2,3,4,6,7,8,9-OCDD	ND
2,3,7,8-TCDF	2.2
1,2,3,7,8-PeCDF	ND
2,3,4,7,8-PeCDF	0.87
1,2,3,4,7,8-HxCDF	0.77
1,2,3,6,7,8-HxCDF	ND
2,3,4,6,7,8-HxCDF	ND
1,2,3,7,8,9-HxCDF	ND
1,2,3,4,6,7,8-HpCDF	ND
1,2,3,4,7,8,9-HpCDF	ND
1,2,3,4,6,7,8,9-OCDF	ND
TEQ	0.732

Sample #	Species	# In Sample	Min Weight	Max Weight	Avg Weight
SF02019	Bluegill	4	195	231	216

2,3,7,8-TCDD	ND
1,2,3,7,8-PeCDD	ND
1,2,3,4,7,8-HxCDD	ND
1,2,3,6,7,8-HxCDD	ND
1,2,3,7,8,9-HxCDD	ND
1,2,3,4,6,7,8-HpCDD	ND
1,2,3,4,6,7,8,9-OCDD	ND
2,3,7,8-TCDF	0.77
1,2,3,7,8-PeCDF	ND
2,3,4,7,8-PeCDF	ND
1,2,3,4,7,8-HxCDF	1.2
1,2,3,6,7,8-HxCDF	ND
2,3,4,6,7,8-HxCDF	ND
1,2,3,7,8,9-HxCDF	ND
1,2,3,4,6,7,8-HpCDF	ND
1,2,3,4,7,8,9-HpCDF	ND
1,2,3,4,6,7,8,9-OCDF	ND
TEQ	0.19



Tony Russell
04/24/2002 07:47 AM

To: "ALAN THOMAS" <ATHOMAS@kuhlman.com>@INETDEQ
Subject: Re: Test Results from Former Piggly Wiggly Market in CS

Al,

Since the levels are nondetect for PCBs, the soil would not be considered a risk and can be used disposed by KEC at their discretion.

Tony Russell
Uncontrolled Sites Branch
601-961-5318
"ALAN THOMAS" <ATHOMAS@kuhlman.com>



"ALAN THOMAS"
<ATHOMAS@kuhlman.com>
04/23/2002 08:57 AM

To: <Tony_Russell@deq.state.ms.us>
cc: "Mickey Crockett" <MICKEYC@kuhlman.com>, "Paul Acheson" <PAULA@kuhlman.com>, "Ron Polk" <RPOLK@kuhlman.com>, "Tom Minnich" <TOMM@kuhlman.com>, <scott.schang@lw.com>
Subject: Test Results from Former Piggly Wiggly Market in CS

Tony; Attached are test results from the soil excavated from the former Piggly Wiggly property in Crystal Springs. Excavation was required to allow KEC to install a backflow prevention valve for the KEC facility. A composite sample was taken from the pile and the sample was tested for PCB contamination as we discussed some weeks ago. Based on the test results showing the contamination to be below regulatory levels, KEC will allow the contractor to dispose of the soil at his discretion. Please let me know if you approve. Thank You. Al Thomas

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pwssoil.pdf



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 12, 2002

FILE COPY

Mr. Glenn Christmas
251 Camp Street
Crystal Springs, 39059

RE: Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Mr. Christmas:

Thank you for your recent letter regarding the Kuhlman Electric facility in Crystal Springs. Attached is a status report outlining the ongoing remediation activities on and around the plant.

Please call me at 601-961-5318 if you have any additional concerns.

Sincerely,

A handwritten signature in black ink that reads "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

C:\My Documents\Kuhlman Electric\Kuhlman Glenn Christmas lt 4-12-02.doc



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**KUHLMAN ELECTRIC SITE
STATUS REPORT
APRIL 12, 2002**

FILE COPY

Offsite Property

During the initial dirt work at the Kuhlman site in preparation for the plant expansion, Kuhlman employees hauled soil from the plant site to their homes. These properties were identified by Kuhlman and have been remediated to levels below 1 part per million (ppm) (1 ppm is equivalent to one table spoon in 3900 gallons), which is the residential cleanup level established by U.S. Environmental Protection Agency (EPA). Contaminated soil was also hauled to the AKT Gravel Pit during this time period. The soil at the AKT gravel pit was delineated and disposed of properly.

Offsite Properties Adjacent to the Plant Site

The contaminated properties along Lee Avenue and North Jackson Street have been remediated to levels below 1 part per million PCB. The contaminated soils were excavated and disposed in landfills approved for disposal of low-level PCB contaminated soils.

Plant Site

Both EPA and MDEQ have approved a plan with additional requirements to clean up the contaminated soils on the plant site. Work crews mobilized to the site in November 2001 to begin removal of contaminated soils. Once the plant expansion work begins, removal of contaminated soils at the plant site will resume.

Drainage Channel

Work crews mobilized to the area in November 2001 to begin removing undergrowth along the drainage ditch. Work crews have also been collecting soil samples along the drainage ditch in an attempt to define the extent of the contamination along the ditch. Most of the properties along the ditch have been assessed; however, some of properties on the lower end of the ditch near Lake Chautaugua are still being assessed. Once all the properties along the ditch have been assessed, a report of the findings will be submitted to MDEQ for approval.

Kuhlman also will submit to MDEQ and EPA for approval a detailed work plan for removing the contaminated soils. Once the removal plan has been approved, all contaminated soils above the 1 part per million residential cleanup level will be removed and disposed in a regulated landfill.

Chautauqua Lake

The limited fish consumption advisory was lifted on June 26, 2001, by MDEQ and the State Department of Health. MDEQ collected and tested fish tissue samples and this work was reviewed by the Mississippi Fish Advisory Task Force. The test results show that fish from the lake do not pose a health risk from PCB contaminants.

The lake sediments will be assessed once the drainage channel has been remediated.

McPherson Ballfield

Area residents have alleged that the ballfield was a disposal area for drums from Kuhlman. MDEQ conducted a geophysical survey during the week of February 4, 2002. The geophysical instruments used detected anomalies beneath the surface of the soil. An anomaly is an irregularity beneath the surface of the soil such as concrete, wood, or metal.

MDEQ also collected surface soil samples from the ballfield area on February 21, 2002 at 30 different sampling locations. While at the ballfield, MDEQ bored into the soil with a manually-operated hand auger in four areas in which anomalies were detected by the geophysical survey. The investigation did not reveal any buried drums. The investigation revealed buried concrete debris, broken glass, burnt wood fragments, and some stained soil. MDEQ collected a subsurface soil sample from a location in which stained soil was encountered.

Out of the 30 samples, two showed PCP levels above the regulatory residential standard limit of 1 ppm (1.03 and 1.22 ppm). MDEQ now is in the process of determining the appropriate action regarding remediation of the ballfield.

Continuing Process

This investigation and remediation is a continuing process that operates in a cycle. The cycle is as follows: Information is gathered; decisions about the clean-up are made based on the information; and, the clean-up is performed. As new information comes to light, further investigation and, if necessary, remediation is performed.



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 12, 2002

FILE COPY

Ms. Lavern Lawrence
103 Belle Street
Crystal Springs, 39059

RE: Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Ms. Lawrence:

Thank you for your recent letter regarding the Kuhlman Electric facility in Crystal Springs. Attached is a status report outlining the ongoing remediation activities on and around the plant.

Please call me at 601-961-5318 if you have any additional concerns.

Sincerely,

A handwritten signature in black ink that reads "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

C:\My Documents\Kuhlman Electric\Kuhlman Lavern Lawrence It 4-12-02.doc



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

April 12, 2002

Ms. Bural Herron
Ms. Sharon Herron
Mr. Timothy Herron
3090 Experiment Station Road
Crystal Springs, 39059

RE: Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Herron Family:

Thank you for your recent letter regarding the Kuhlman Electric facility in Crystal Springs. Attached is a status report outlining the ongoing remediation activities on and around the plant.

Please call me at 601-961-5318 if you have any additional concerns.

Sincerely,

A handwritten signature in black ink that reads "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

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STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 12, 2002

FILE COPY

Ms. Gwendolyn Christmas
Ms. Shanita Christmas
Ms. Tiffany Christmas
Ms. Leannett Christmas
251 Camp Street
Crystal Springs, 39059

RE: Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Christmas Family:

Thank you for your recent letter regarding the Kuhlman Electric facility in Crystal Springs. Attached is a status report outlining the ongoing remediation activities on and around the plant.

Please call me at 601-961-5318 if you have any additional concerns.

Sincerely,

A handwritten signature in black ink that reads "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

C:\My Documents\Kuhlman Electric\Kuhlman Christmas Family 4-12-02.doc



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

April 12, 2002

FILE COPY

Ms. Beulah Sojourner
111 McPherson Street
Crystal Springs, 39059

RE: Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Ms. Sojourner:

Thank you for your recent letter regarding the Kuhlman Electric facility in Crystal Springs. Attached is a status report outlining the ongoing remediation activities on and around the plant.

Please call me at 601-961-5318 if you have any additional concerns.

Sincerely,

A handwritten signature in black ink that reads "TA Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

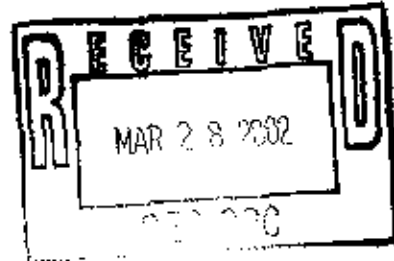
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ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

March 27, 2002

Mr. Tony Russell
Chief Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385



**SUBJECT: Closure Reports for the Garment Shop, Frazier,
Edwards, and Kellum Properties
Lee Avenue
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed are two Closure Reports each for the referenced properties in Crystal Springs, Mississippi. Remediation of PCB contamination at each of the four properties is complete.

If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C

Robert L. Martin, L.G.
Principal Geologist

Attachments

cc.: Anastasia Hamel
Al Thomas
Tom Lupo
Scott Schang
Craig Brown
Chuck Peel



Tony Russell
03/18/2002 11:48 AM

To: "ALAN THOMAS" <ATHOMAS@kuhlman.com>@INETDEQ
Subject: Re: Water Meter Repair at Former Piggly Wiggly Market

Alan,

Where were the soil samples collected in relation to the water meter? If the samples were collected in those areas that workers would be exposed to then the workers do not have to be Haz-woper trained as the analytical results were significantly lower than the 1 ppm clean up level established by EPA.

Tony Russell
Uncontrolled Sites Branch
601-961-5318
"ALAN THOMAS" <ATHOMAS@kuhlman.com>



"ALAN THOMAS"
<ATHOMAS@kuhlman.com>
03/13/2002 07:35 AM

To: <Tony_Russell@deq.state.ms.us>
cc: "Mickey Crockett" <MICKEYC@kuhlman.com>, "Paul Acheson" <PAULA@kuhlman.com>, "Ron Polk" <RPOLK@kuhlman.com>, "Tom Minnich" <TOMM@kuhlman.com>, <scott.schang@fw.com>
Subject: Water Meter Repair at Former Piggly Wiggly Market

Tony: We recently discussed by telephone the need for Kuhlman Electric to repair a water meter to the former Piggly Wiggly market. You may recall that KEC purchased the former market in 2000. As a result of our telephone conversation, KEC arranged to have soil samples adjacent to the water meter collected and tested for PCB contamination. Attached to this e-mail is a map of the KEC property illustrating the location of the water meter. Also attached is a test report from Micro Methods Laboratory detailing the test results from the samples collected by Environmental Management Services in Hattiesburg.

One sample tested positive for PCB contamination as Aroclor 1260 at .05 mg/kg while the second was non-detect at an MDL of .05 mg/kg. Based on these test results, KEC plans to replace the water meter using non-hazwoper trained tradespeople. Please let me know if you agree and I'll schedule the work accordingly. Thank You. Al Thomas

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- wtrmtr.pdf



- watrmtr.pdf

February 18, 2002



EarthCon

Ms. Mary E. McAlister, Esq.
David Nutt & Associates
Attorneys At Law
666 North Street, Suite 102A
Jackson, Mississippi 39202

Re: Crystal Springs/Kuhlman Electric
Sediment Sampling Event No. 2 - January 24, 2002
Crystal Springs, Copiah County, Mississippi

Dear Ms. McAlister:

Earth Consulting Group, Inc. (EarthCon) has completed the second sediment sampling project at the Kuhlman Electric facility located in Crystal Springs, Copiah County, Mississippi. The sediment samples were analyzed for poly-chlorinated diphenyls dioxin/poly-chlorinated diphenyls furan (PCDD/PCDF) via USEPA Method 8280A.

Field activities for the sampling event were conducted during a rain event which occurred on January 24, 2002. Six (6) samples were collected in runoff areas (ditches) adjacent to the facility at client-specified locations. The sampling locations were in close proximity to the sample locations of Sampling Event No. 1 on December 13, 2001. The approximate sampling locations are depicted on Figure 1 - Sediment Sample Location Map - Event No. 2. The sediment samples were placed in the appropriate containers and were immediately preserved on ice for shipment to the laboratory.

The six (6) sediment samples were shipped under chain of custody protocol to Argus Analytical, Inc., Ridgeland, Mississippi. The samples were subsequently transported to Triangle Laboratories, Inc., Durham, North Carolina, for PCDD/PCDF analyses. One (1) sediment sample was broken in transit to the laboratory, therefore five (5) sediment samples were analyzed. The laboratory analytical results are presented in Table 1 on the following page.

Earth Consulting Group, Inc.

Table 1
Results of Laboratory Analyses
Crystal Springs/Kuhlman Electric
Sediment Sampling Event No. 2 - January 24, 2002
Crystal Springs, Copiah County, Mississippi

Sample Designation	Sample Date	Toxicity Equivalent Factor (TEF*) (ppt)	Sample Matrix	TRGs (ppt)
UGS-1	01/24/02	41.0	Sediment	3.82
SS-1	01/24/02	Broken in Transit	Sediment	---
SS-2	01/24/02	7.3	Sediment	3.82
SS-3	01/24/02	32.0	Sediment	3.82
SS-4	01/24/02	16.0	Sediment	3.82
SS-5	01/24/02	130.0	Sediment	3.82
Equip. Blank	01/24/02	ND	Water	---

TRGs: MDEQ Brownfields Target Remediation Goals (TRGs) for restricted soil use.

130.0: Bold - exceeds TRGs.

ppt: parts per trillion.

ND: Not detected at method detection limit.

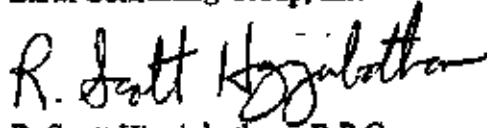
Note: Equipment blank is a water sample and reported in parts per billion.

*: Please refer to Appendix A - Laboratory Analytical Results for detailed explanation of Toxicity Equivalent Factor (TEF).

The Toxicity Equivalent Factor (TEF) represents a comparison of the relative toxicity of individual dioxin-like compounds to that of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD), which is the most toxic halogenated aromatic hydrocarbon. Please refer to Appendix A for a sample case narrative, the individual sample reports for the specific analytes and their toxicity rankings, and applicable QA/QC data.

If you have any questions concerning this information, please contact me at (601) 853-2134. EarthCon appreciates the opportunity to provide David Nutt & Associates with environmental consulting services.

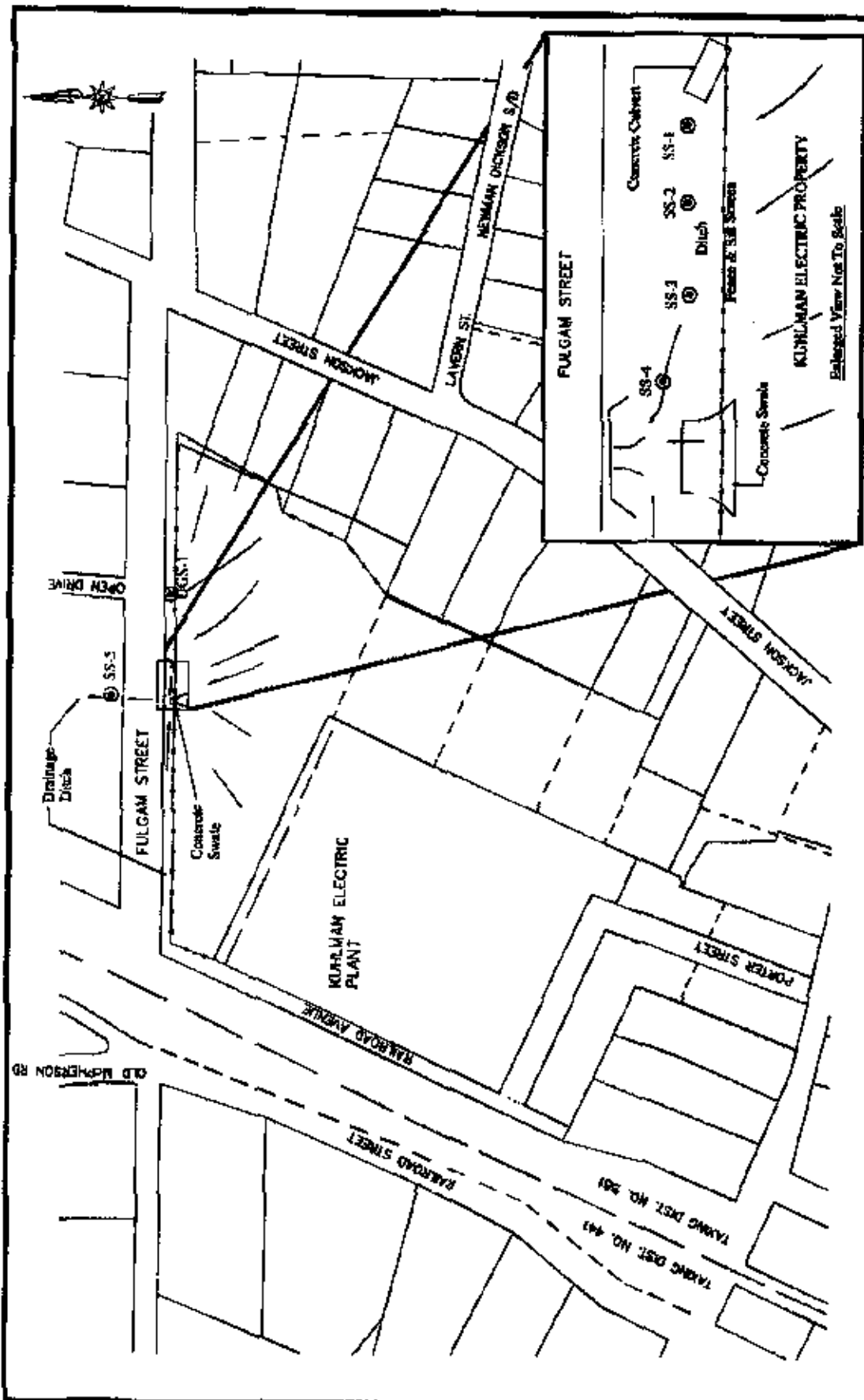
Sincerely,
Earth Consulting Group, Inc.



R. Scott Higginbotham, R.P.G.
Senior Geologist

Attachments

Figure 1
Sediment Sample Location Map - Event No. 2



Earth Consulting Group, Inc. P.O. Box 1246 Meridian, MS 39130 Tel: 601/653-2134 Fax: 601/656-3978	
DRAWN BY: Chris Ivy	CHECKED BY: Scott McLaughlin
PROJECT: Devil Heat & Assoc. - Kuhlman Electric Plant - Crystal Springs, Mississippi	SCALE: 1" = 150'
TITLE: SEDIMENT SAMPLE LOCATION MAP - EVENT No. 2	DATE: 02/16/01
PROJECT NO. 021601	DRAWN NO. 021601

LEGEND:
 ● Sediment Sample Location
 --- Stormwater Flow Direction



ARGUS ANALYTICAL, INC.

235 Highpoint Drive
 Ridgeland, Mississippi 39157
 Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
 P O Box 1246
 Madison MS 39130

Date Reported: 02/08/02

Date Received: 01/25/02

ATTN: Scott Higginbotham

Project ID/Location: David Nutt & Associates

Project Number: DNA11601

SAMPLE INFORMATION

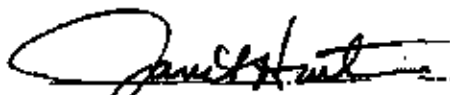
Sample No.	Sample Description	Matrix	Date/Time Sampled	Sampled by
BB24081	UGS-1	SEDIMENT	01/24/02 16:30	GL
BB24083	SS-2	SEDIMENT	01/24/02 17:00	GL
BB24084	SS-3	SEDIMENT	01/24/02 17:05	GL
BB24085	SS-4	SEDIMENT	01/24/02 17:15	GL
BB24086	SS-5	SEDIMENT	01/24/02 17:25	GL
BB24087	Equipment Rinse	WATER	01/24/02 17:30	GL

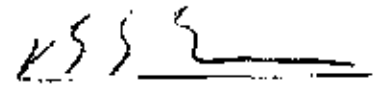
ANALYTICAL RESULTS

Sample No.	Parameter	Result	Units	MDL	Method	Analysts	Date	Time
BB24081	2,3,7,8-TCDD (Dioxin)	*			1613	TL		
BB24083	2,3,7,8-TCDD (Dioxin)	*			1613	TL		
BB24084	2,3,7,8-TCDD (Dioxin)	*			1613	TL		
BB24085	2,3,7,8-TCDD (Dioxin)	*			1613	TL		
BB24086	2,3,7,8-TCDD (Dioxin)	*			1613	TL		
BB24087	2,3,7,8-TCDD (Dioxin)	*			1613	TL		

* See Attached Subcontract Laboratory Report.

ND = Not Detected


 Quality Assurance/Quality Control


 B. G. Ciesner, Ph.D.



EARTH CONSULTING GROUP, INC.
 110 Webersberger Road
 Madison, Mississippi 38110
 Telephone: 601/853-2134 FAX: 601/856-3878
 Email: ecg@weber.com

Lab Name:	
Corder #:	
Fed Ex No.:	

CHAIN-OF-CUSTODY

Client Name: Earth Consulting Group, Inc.	Project Name/Location: DAVID NUTT & ASSOC	Project Number: DVA116.001
Address: 110 Webersberger Road Madison, Mississippi 38110	Sampler (initials/signature): Glen Ivey / Glen Ivey	HMIS (lab use)

Item #	Field Number	Sample Description	Collection			Analysis Required	Lab Number (for lab use only)
			Date	Time	Initials/GC		
1	UGS-1	Sediment	1/24/02	1630	GI G	DIOXINES / PCBs	BB24081
2	SS-1	Sediment	1/24/02	1643	GI G		BB24082
3	SS-2	Sediment	1/24/02	1700	GI G		BB24083
4	SS-3	Sediment	1/24/02	1705	GI G		BB24084
5	SS-4	Sediment	1/24/02	1715	GI G		BB24085
6	SS-5	Sediment	1/24/02	1725	GI G		BB24086
7	ER-1	Equipment R.	1/24/02	1730		DO	BB24087
8	1/24/02	- Due to lack of sample not able to run PCBs					
9	1/24/02	- Sample broken upon receipt to Sub-Lab					
10							

MW Deleted from our system

Field Number By: Glen Ivey	Date/Time: 1/25/01 800	Accepted By: Glen Ivey	Date/Time:	Relinquished By:	Date/Time:	Relinquished By:
Field Number By:	Date/Time:	Accepted By:	Date/Time:	Relinquished By:	Date/Time:	Relinquished By:



December 28, 2001

Ms. Mary E. McAlister, Esq.
David Nutt & Associates
Attorneys At Law
666 North Street, Suite 102A
Jackson, Mississippi 39202

Re: Crystal Springs/Kuhlman Electric
Sediment Sampling Event - December 13, 2001
Crystal Springs, Covich County, Mississippi

Dear Ms. McAlister:

Earth Consulting Group, Inc. (EarthCon) has completed the sediment sampling project at the Kuhlman Electric facility located in Crystal Springs, Covich County, Mississippi. The sediment samples were analyzed for poly-chlorinated biphenyls (PCBs) via USEPA Method 8082.

Field activities for the sampling event were conducted during a rain event which occurred on December 13, 2001. Six (6) sediment samples were collected in runoff areas (ditches) adjacent to the facility at client-specified locations. The approximate sampling locations are depicted on Figure 1 - Sediment Sample Location Map. The samples were placed in the appropriate containers and were immediately preserved on ice for shipment to the laboratory.

The six (6) samples were shipped under proper chain of custody to Argus Analytical, Inc., Ridgeland, Mississippi for PCBs analyses. PCB-1260 was the only constituent detected, and these concentrations, along with the Mississippi Department of Environmental Quality (MDEQ) Brownfields Target Remediation Goals (TRGs) for unrestricted soil use, are presented in Table 1 on the following page.

Earth Consulting Group, Inc.

P.O. Box 1246 • Madison, MS 39130 • Office (601) 853-2134 • Fax (601) 856-3978 • 1-877-389-6476

Table 1
Laboratory Analytical Results
Crystal Springs/Kuhlman Electric
Sediment Sampling Event - December 13, 2001
Crystal Springs, Copiah County, Mississippi

Sample Designation	Sample Date	PCB-1260 Concentration (mg/kg)	Sample Matrix	TRGs (mg/kg)
U-1	12/13/01	12.8	Sediment	1.0
S-1	12/13/01	820.0	Sediment	1.0
S-2	12/13/01	10.7	Sediment	1.0
S-3	12/13/01	20.0	Sediment	1.0
S-4	12/13/01	7.03	Sediment	1.0
S-5	12/13/01	14.3	Sediment	1.0
Equip. Blank	12/13/01	ND	Water	N/A

TRGs: MDEQ Brownfields Target Remediation Goals (TRGs) for unrestricted soil use.

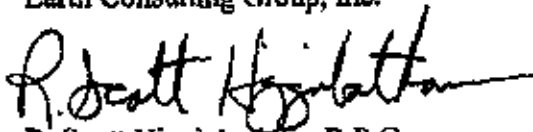
820.0: Bold - exceeds TRGs.

mg/kg: milligrams per kilogram.

Note: Equipment blanks are water samples and are reported in milligrams per liter (mg/L).

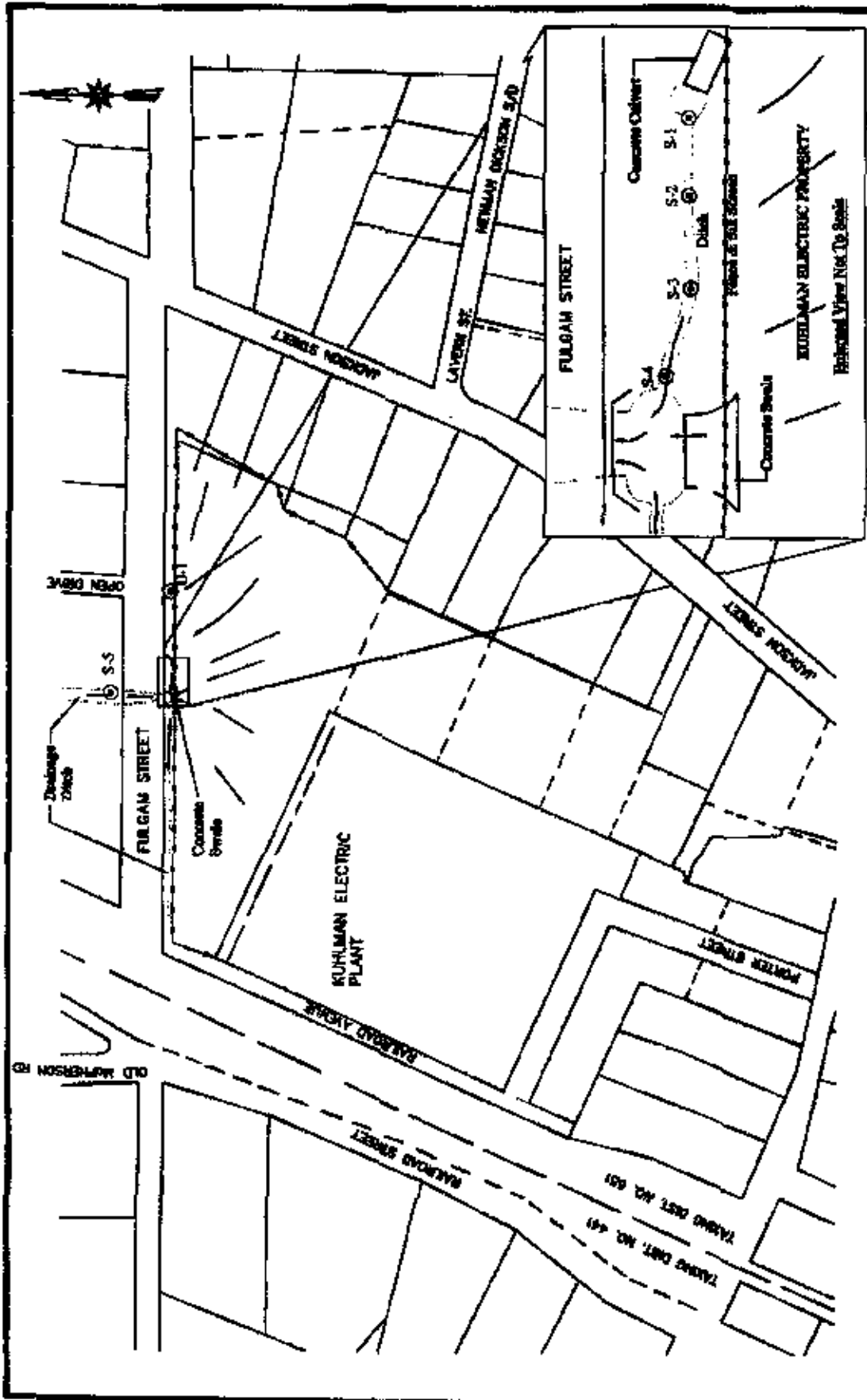
If you have any questions concerning this information, please contact me at (601) 853-2134. EarthCon appreciates the opportunity to provide David Nutt & Associates with environmental consulting services.

Sincerely,
 Earth Consulting Group, Inc.



R. Scott Higginbotham, R.P.G.
 Senior Geologist

Attachments



SCALE 1:2500

Earth Consulting Group, Inc.

P.O. Box 1200 Madison, MS 39103 TEL: (601) 932-2134 FAX: (601) 936-2978

DATE: 05/08/02	SCALE: 1" = 100'	PROJECT: 2010A01
DRAWN BY: Chris Fry	DATE: 05/08/02	
CHECKED BY: Scott Hightower		
PROJECT: David Hunt & Assoc. - Kuhlman Electric Plant - Crystal Springs, Mississippi		
TITLE: SEDIMENT SAMPLE LOCATION MAP		
SHEET: 1		TOTAL: 1

- LEGEND:
- ⊙ Sediment Sample Location
 - Successive Flow Direction



ARGUS ANALYTICAL, INC.

235 Highpoint Drive
 Ridgeland, Mississippi 39157
 Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
 P O Box 1246
 Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/20/01

Date Sampled: 12/13/01

Time Sampled: 10:32

Sampled by: GI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: U-1

Sample Number: BB21466

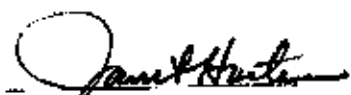
Sample Matrix: SOLID

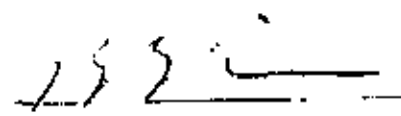
Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analyst	Date
PCBs						
PCB-1016	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	1.3340	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1260	12.8	0.6660	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


 Quality Assurance/Quality Control


 B. G. Giesner, Ph.D.

ARGUS ANALYTICAL, INC.

235 Highpoint Drive

Ridgeland, Mississippi 39157

Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
P O Box 1246
Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/20/01

Date Sampled: 12/13/01

Time Sampled: 10:45

Sampled by: GI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: S-1

Sample Number: BB21467

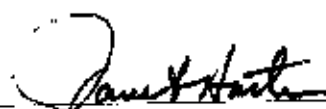
Sample Matrix: SOLID

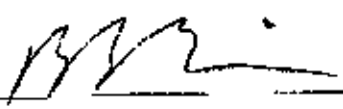
Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analysts	Date
PCBs						
PCB-1016	ND	33.3000	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	66.7000	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	33.3000	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	33.3000	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	33.3000	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	33.3000	mg/Kg	8082	MMP	12/20/01
PCB-1260	820	33.3000	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


Quality Assurance/Quality Control


B. C. Giessner, Ph.D.

ARGUS ANALYTICAL, INC.

235 Highpoint Drive

Ridgeland, Mississippi 39157

Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
P O Box 1246
Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/20/01

Date Sampled: 12/13/01

Time Sampled: 10:50

Sampled by: GI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: S-2

Sample Number: BB21468

Sample Matrix: SOLID

Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analysts	Date
PCBs						
PCB-1016	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	1.3340	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1260	10.7	0.6660	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


Quality Assurance/Quality Control


D. G. Giesse, Ph.D.

ARGUS ANALYTICAL, INC.

235 Highpoint Drive
 Ridgeland, Mississippi 39157
 Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
 P O Box 1246
 Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/20/01

Date Sampled: 12/13/01

Time Sampled: 11:00

Sampled by: OI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: S-3

Sample Number: BB21469

Sample Matrix: SOLID

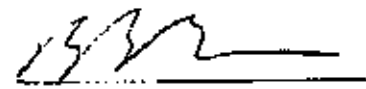
Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analysts	Date
PCBs						
PCB-1016	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	1.3340	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1260	20.0	0.6660	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


 Quality Assurance/Quality Control


 B. G. Giessner, Ph.D.

ARGUS ANALYTICAL, INC.

235 Highpoint Drive
 Ridgeland, Mississippi 39157
 Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
 P O Box 1246
 Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/20/01

Date Sampled: 12/13/01

Time Sampled: 11:00

Sampled by: GI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: S-3

Sample Number: BB21469

Sample Matrix: SOLID

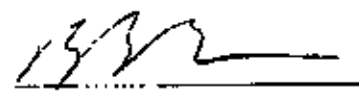
Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analysts	Date
PCBs						
PCB-1016	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	1.3340	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	0.6660	mg/Kg	8082	MMP	12/20/01
PCB-1260	20.0	0.6660	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


 Quality Assurance/Quality Control


 R. G. Giessner, Ph.D.

ARGUS ANALYTICAL, INC.

235 Highpoint Drive

Ridgeland, Mississippi 39157

Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
P O Box 1246
Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/20/01

Date Sampled: 12/13/01

Time Sampled: 11:10

Sampled by: GI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: S-4

Sample Number: BB21470

Sample Matrix: SOLID


Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analysts	Date
PCBs						
PCB-1016	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	0.6670	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1260	7.03	0.3330	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


Quality Assurance/Quality Control


B. G. Giesner, Ph.D.

ARGUS ANALYTICAL, INC.
 235 Highpoint Drive
 Ridgeland, Mississippi 39157
 Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
 P O Box 1246
 Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/21/01

Date Sampled: 12/13/01

Time Sampled: 11:20

Sampled by: GF

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: S-5

Sample Number: BB21471

Sample Matrix: SOLID


Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analyst	Date
PCBs						
PCB-1016	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1221	ND	0.6670	mg/Kg	8082	MMP	12/20/01
PCB-1232	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1242	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1248	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1254	ND	0.3330	mg/Kg	8082	MMP	12/20/01
PCB-1260	14.3	0.3330	mg/Kg	8082	MMP	12/20/01

ND = Not Detected


 Quality Assurance/Quality Control


 B. G. Giesner, Ph.D.

ARGUS ANALYTICAL, INC.

235 Highpoint Drive

Ridgeland, Mississippi 39157

Telephone: 601/957-2676 FAX: 601/957-1887

To: Earth Con
P O Box 1246
Madison MS 39130

ATTN: Scott Higginbotham

Date Reported: 12/21/01

Date Sampled: 12/13/01

Time Sampled: 11:30

Sampled by: GI

Project ID/Location: David Nutt & Associates

Date Received: 12/13/01

Sample Description: Equipment Rinse

Sample Number: BB21472

Sample Matrix: WATER

Page Number: 1

Project Number: DNA11601

Parameter	Result	Det Limit	Units	Method	Analysts	Date
PCBs						
PCB-1016	ND	0.001	mg/L	8082	MMP	12/20/01
PCB-1221	ND	0.002	mg/L	8082	MMP	12/20/01
PCB-1232	ND	0.001	mg/L	8082	MMP	12/20/01
PCB-1242	ND	0.001	mg/L	8082	MMP	12/20/01
PCB-1248	ND	0.001	mg/L	8082	MMP	12/20/01
PCB-1254	ND	0.001	mg/L	8082	MMP	12/20/01
PCB-1260	ND	0.001	mg/L	8082	MMP	12/20/01



Attention: Terry Russell, Chief of Uncontrolled Sites
Mississippi Department of Environment Quality
Bureau of Pollution Control
101 West Capitol Street
Jackson, Ms 39201

First of all I come to you in brotherly/sisterly love. I don't know if your faith is in the Heavenly Father or not, but I pray that it is rooted in Him.

I am writing to let you know about the PCP, which was found in the residents surround Kuhlman Electric location here in Crystal Springs, Ms. I am sure that you have heard and read about this harmful chemical. My mother has lived here at 111 McPherson Street which was once 211 McPherson Street since about 1978. I lived there until 1986. I have lived with my mother for months at a time since 1986. At one time my whole family have lived with my mother for about a year.

Well, unfortunately my mother has no choice but to live in this infected area. When every one such as Kuhlman Electric Company are concerned about the finance issues, we are concern about the health of our love ones who have no choice but to continue to come in contact with this harmful chemical. My mother is one who has been tested to see if the PCP would be found in her body and the test was shown to be positive. It one thing to hear or read about something that is harmful such as this PCP but to become aware that it has made a home inside your body and nothing is being done on your behalf is another. Then it became known to you that not only are the ones who can do something about it are not concerned about your land, and house and God forbid your body.

The reason why we are writing you is because, you are in a position where you can help those who are unable to help themselves, no more than they have already tried. Please let us know that we are one nation under God, in righteousness.

Sincerely,

Lavern Lawrence



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CIBSOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
FROM: Tony Russell *YAK*
DATE: March 1, 2002
SUBJECT: McPherson Ballfield Sampling Event conducted 2/21/02

A soil sampling event was conducted on Thursday, February 21, 2002, at the McPherson Ballfield located off McPherson Drive in Crystal Springs, MS. The sampling team consisted of myself, Enrique Bustillos and Willie McKercher. A sampling grid was laid out according to the grid recently established by MDEQ staff that conducted a geophysical survey of the area. The sampling points were set up on 100 foot spacing. All the surficial soil samples were collected within 4 inches of the surface except for sample #18 which was limited to the upper two inches due to encountering concrete. The samples were collected using a stainless steel spoon. The vegetation was removed with the spoon prior to collecting the sample. The samples were transferred directly into the eight ounce amber glass containers using care not to introduce any vegetation or rocks. A total of 30 surficial soil samples were collected from the area and will be analyzed for PCBs.

Four hand augered borings were conducted in areas that showed anomalies during the geophysical survey. The boring at grid point 1210, 1020 encountered burnt wood fragments at approximately 18 to 24 inches bgs. Native sand and gravel was encountered at approximately 30 inches and continued to total depth of the boring at four feet. No soil sample was collected from this boring.

The boring at grid point 1310, 1050 encountered black stains in soil from 1 to 3 foot bgs. Native sand and gravel was encountered below 3 foot and continued to total depth of the boring at four feet. Sample #31 was collected from the 1 to 3 foot interval and will be analyzed for PCBs. Pieces of glass and a fiber like material was observed in the soil removed from the boring.

The boring at grid point 1320, 1150 encountered concrete at 12 inches bgs. Pieces of glass were also observed in the soil removed from the boring. No soil sample was collected.

The boring at grid point 1390, 1000 encountered concrete at 15 inches bgs. No soil sample was collected.

Attached are drawings showing the location of the sample points and a table of the sampling location grid points. No household garbage was observed in any of the hand-augered borings.

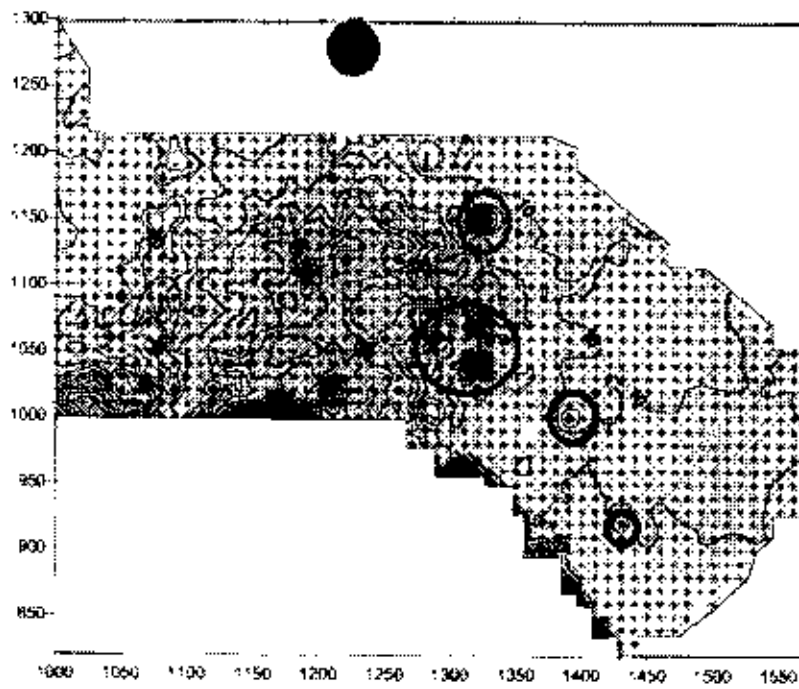
**McPherson Ballfield Soil Sampling Locations
Crystal Springs, MS**

Inner Grid Sampling Locations

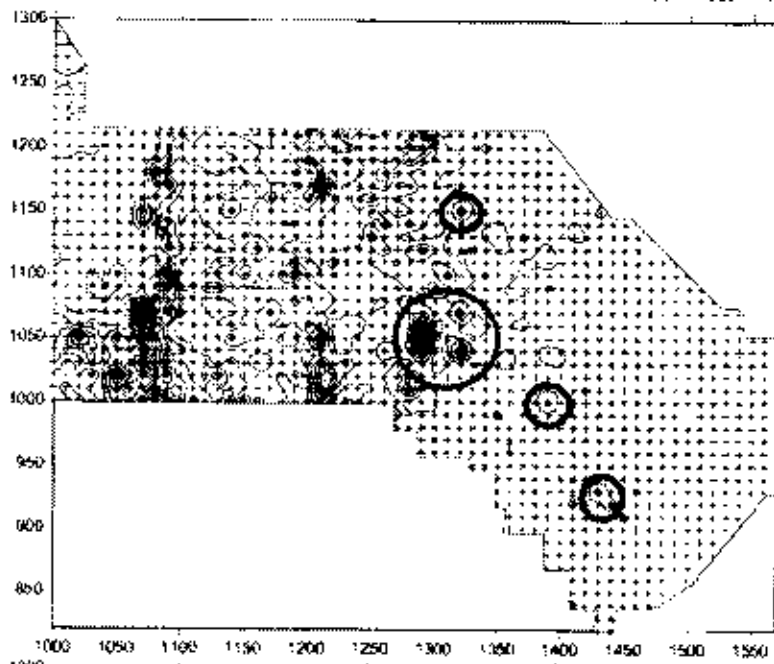
Sample Number	Sample Depth (inches)	Grid Point Location
1	0 to 4	1000 : 1000
2	0 to 4	1000 : 1100
3	0 to 4	1000 : 1200
4	0 to 4	1100 : 1000
5	0 to 4	1100 : 1100
6	0 to 4	1100 : 1200
7	0 to 4	1200 : 1000
8	0 to 4	1200 : 1100
9	0 to 4	1200 : 1200
30	0 to 4	900 : 1100

Outer Grid Sampling Locations

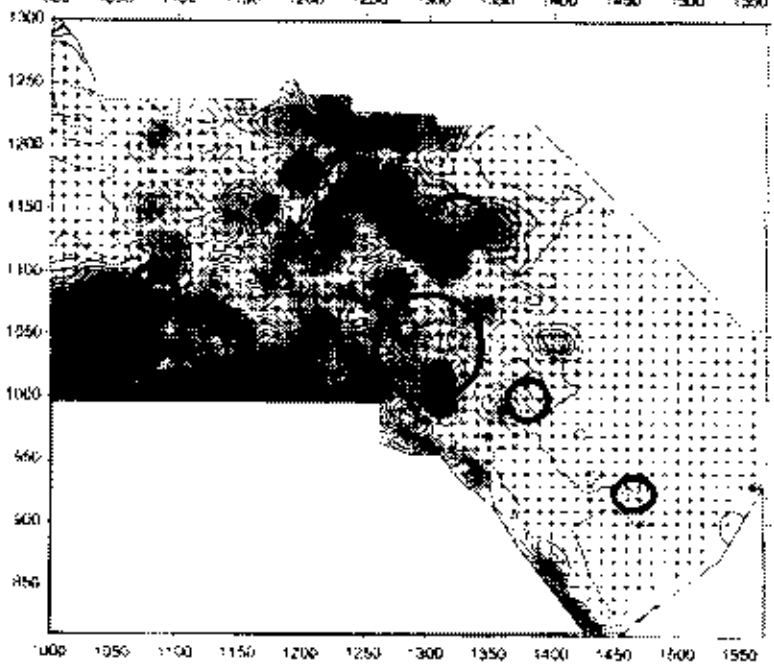
Sample Number	Sample Depth (inches)	Grid Point Location
10	0 to 4	1000 : 1000
11	0 to 4	1000 : 1100
12	0 to 4	1000 : 1170
13	0 to 4	1000 : 1300
14	0 to 4	1100 : 1000
15	0 to 4	1100 : 1100
16	0 to 4	1100 : 1200
17	0 to 4	1200 : 1000
18	0 to 2	1200 : 1100
19	0 to 4	1200 : 1200
20	0 to 4	1300 : 1000
21	0 to 4	1300 : 1100
22	0 to 4	1300 : 1200
23	0 to 4	1400 : 900
24	0 to 4	1400 : 1000
25	0 to 4	1400 : 1100
26	0 to 4	1500 : 900
27	0 to 4	1500 : 1000
28	0 to 4	900 : 1200
29	0 to 4	900 : 1300
31	12 to 36	1310 : 1050



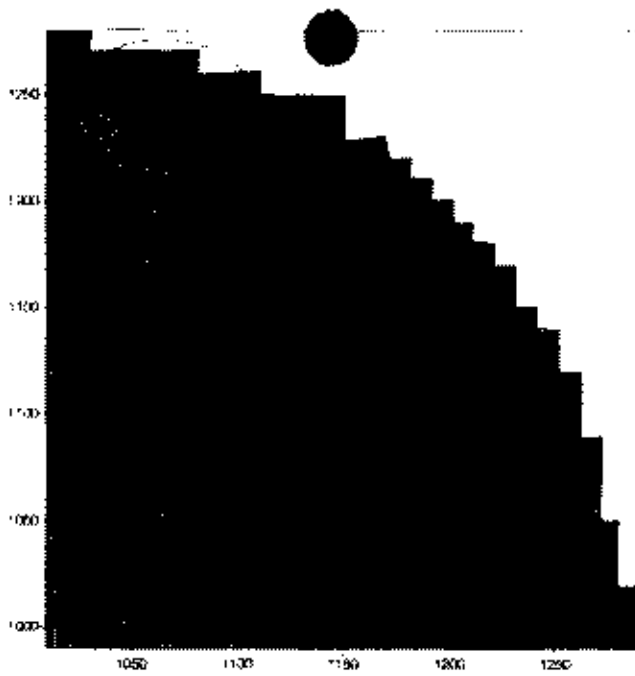
Inductively Survey



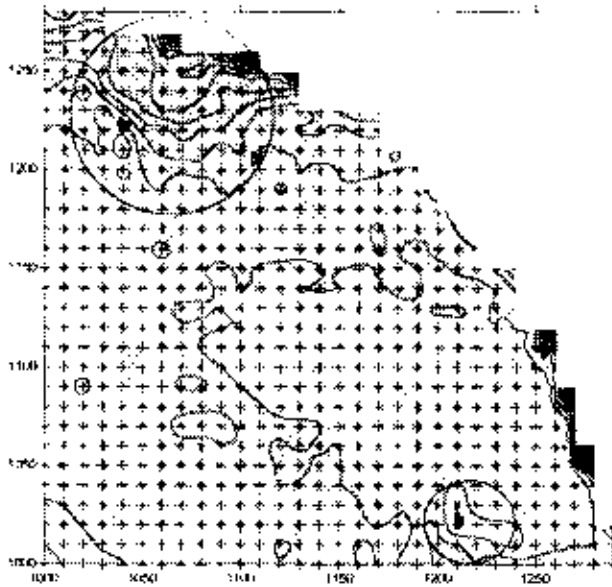
Inphase results



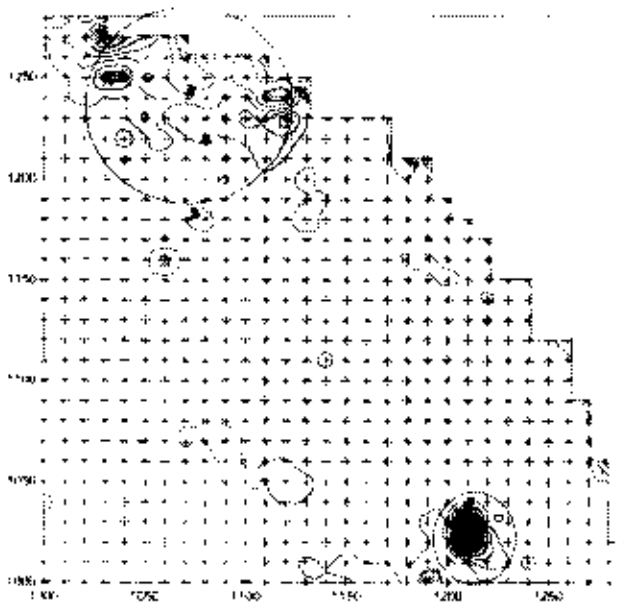
Magnetometer results



Total magnetic field contour map

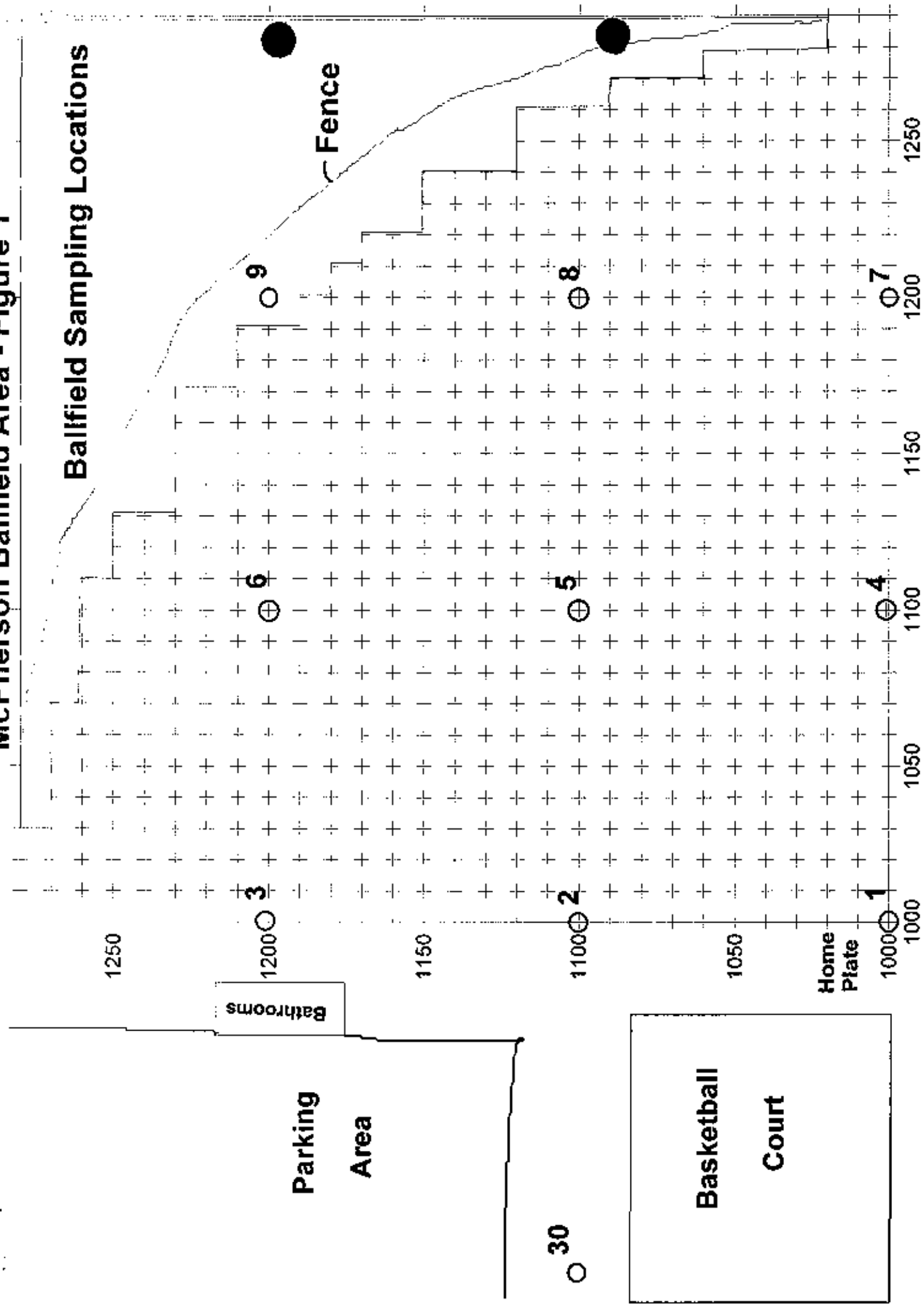


TERRAS conductivity contour



Response response contour

McPherson Ballfield Area - Figure 1



Ballfield Sampling Locations

1250

Bathrooms

Parking Area

3

6

9

Fence

30

Basketball Court

2

5

8

1050

Home Plate

1

4

7

1000

1050

1100

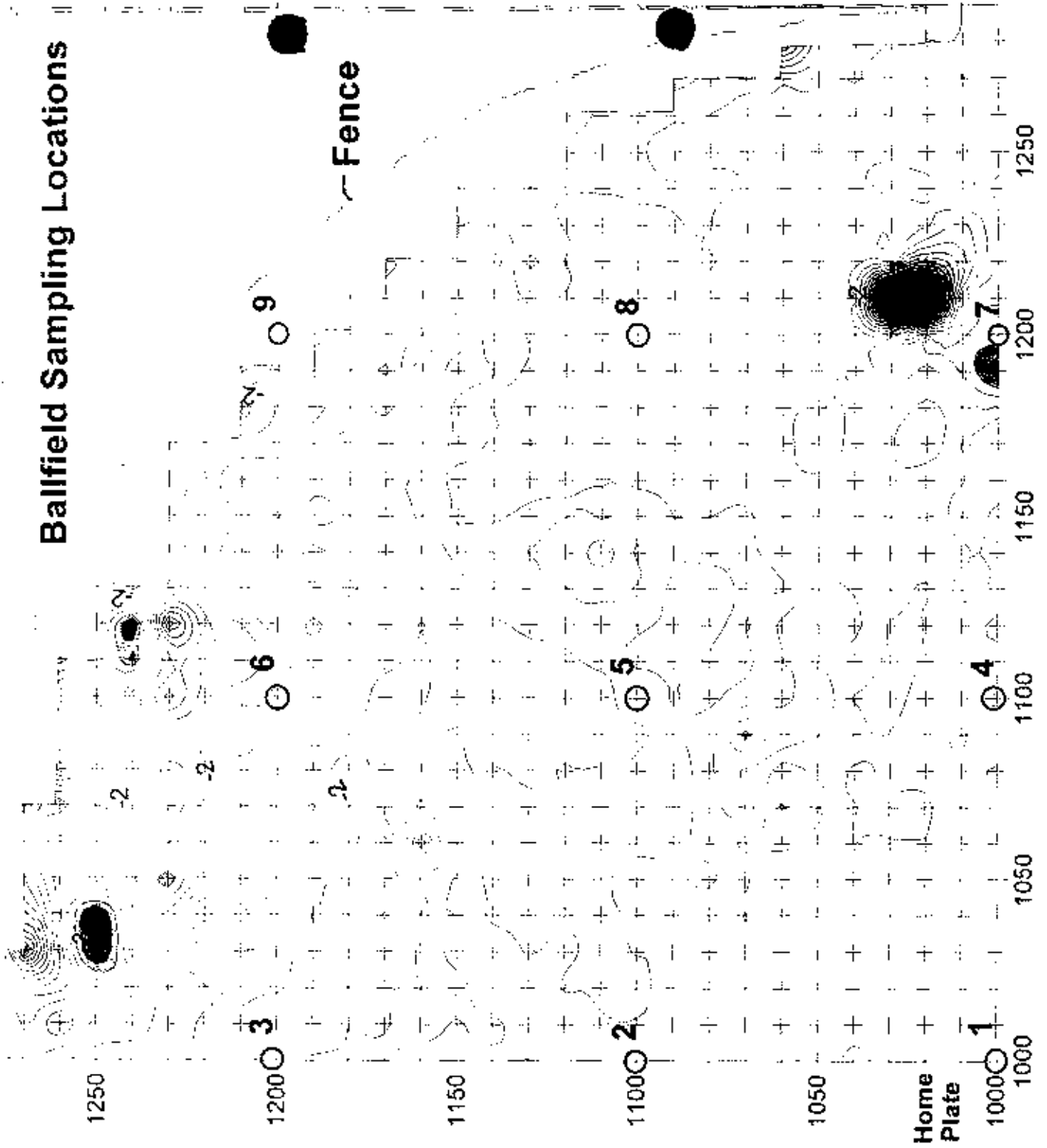
1150

1200

1250

McPherson Ballfield Area - Figure 1

Ballfield Sampling Locations



Parking Area

Bathrooms

30

Basketball Court

Home Plate

1000

1050

1100

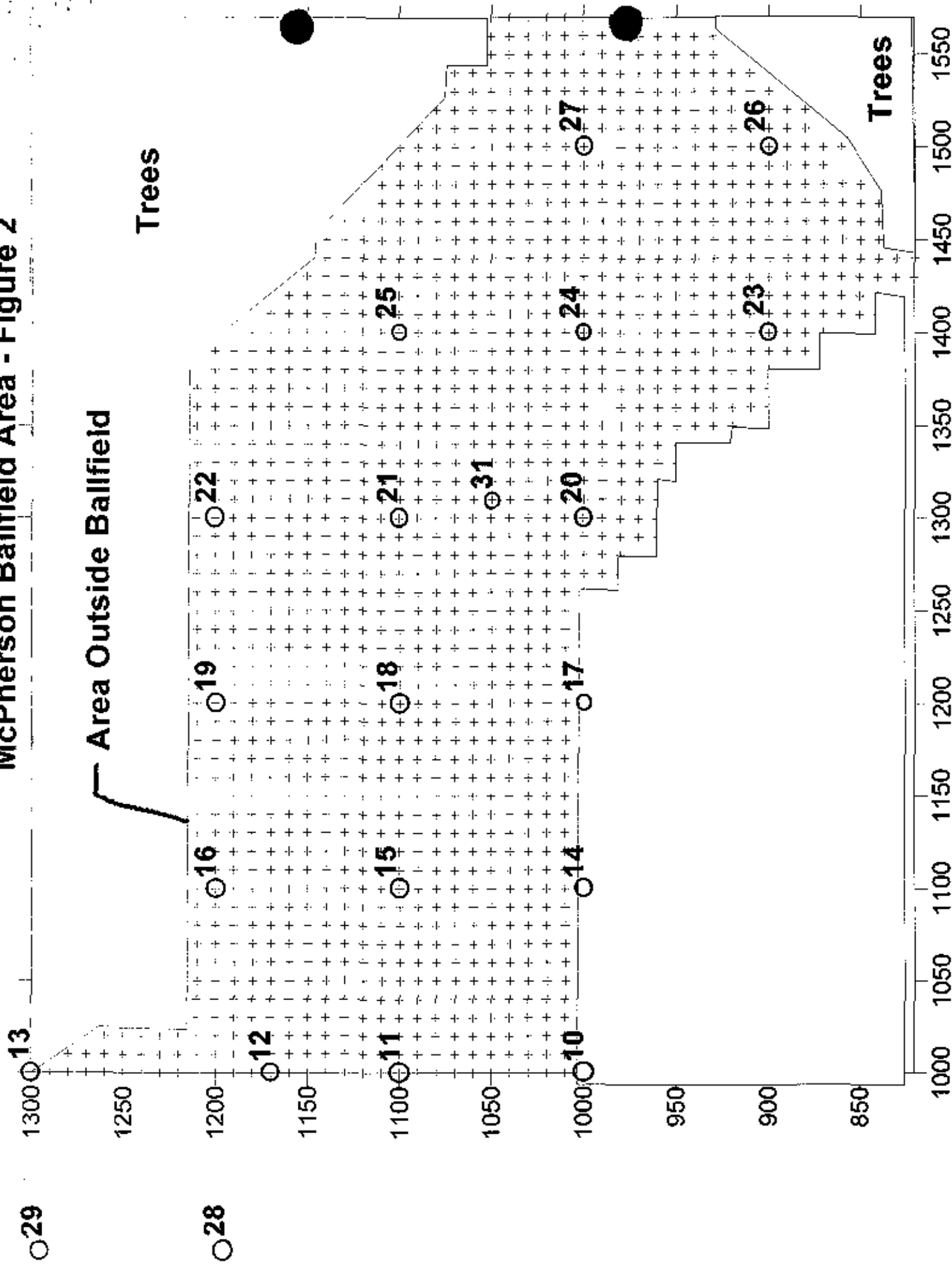
1150

1200

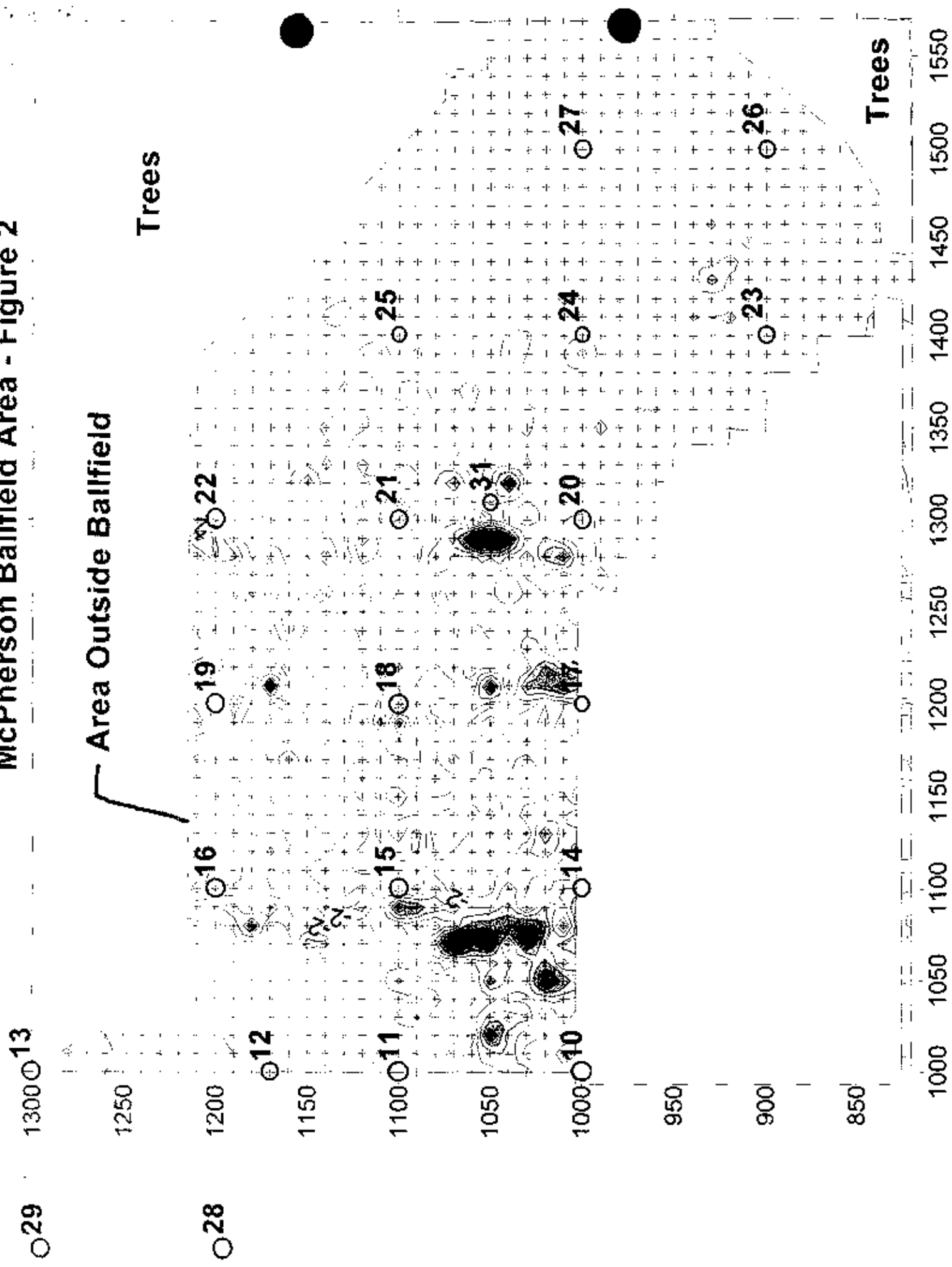
1250

Fence

McPherson Ballfield Area - Figure 2

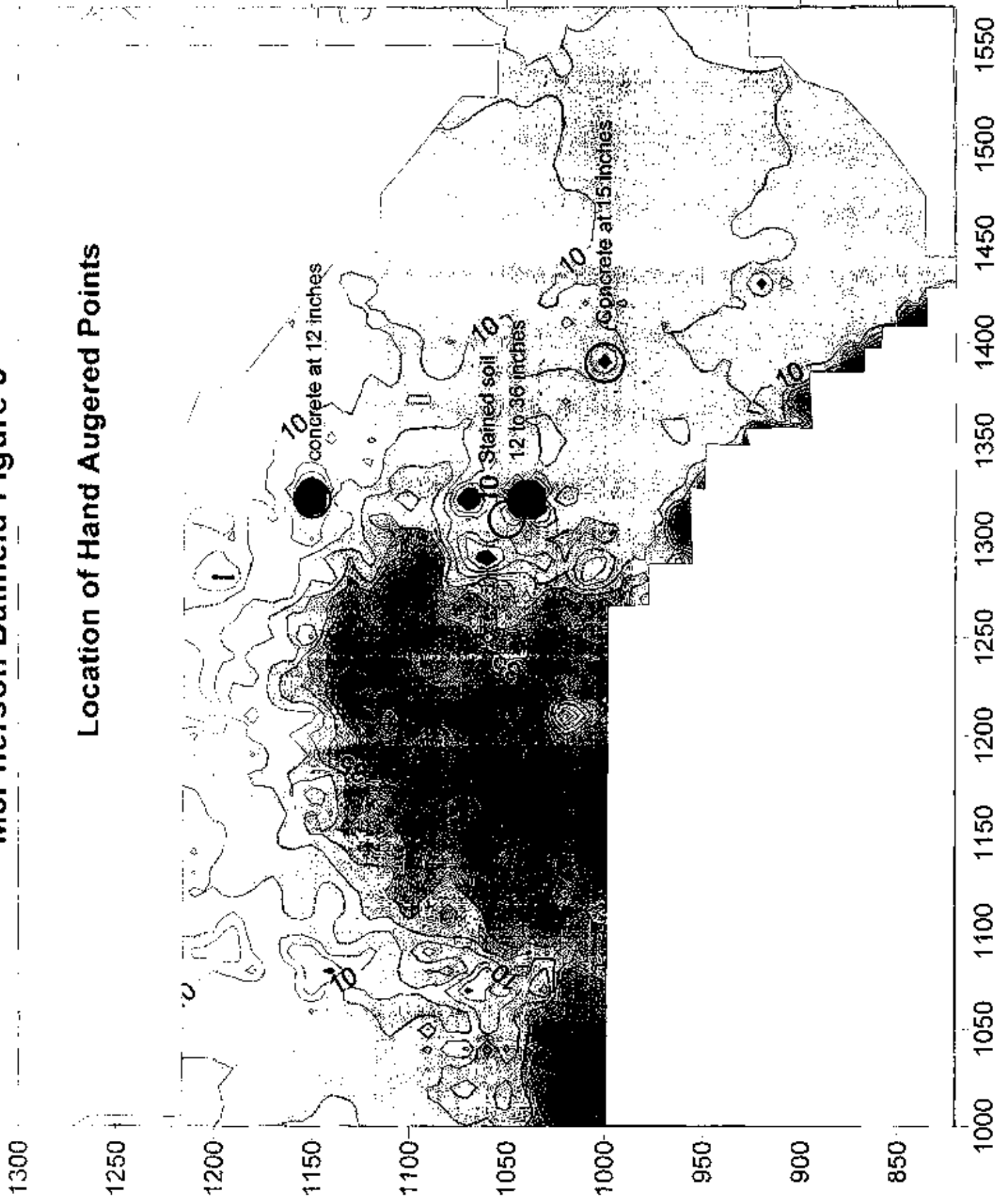


McPherson Ballfield Area - Figure 2

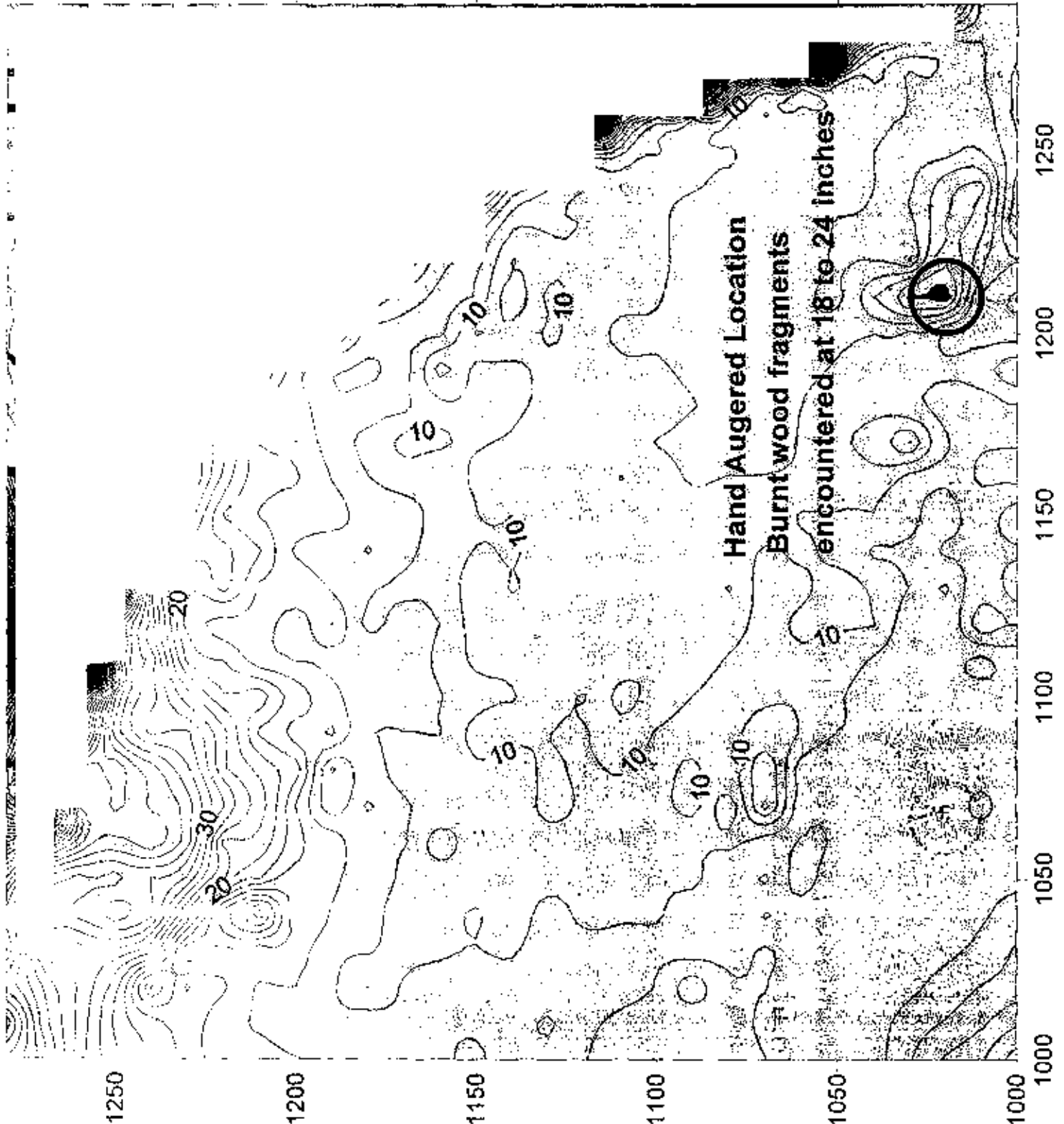


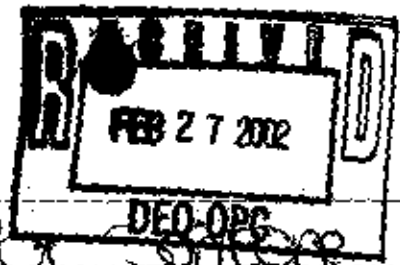
McPherson Ballfield Figure 3

Location of Hand Augered Points



McPherson Ballfield Figure 4





I would love for ~~someone~~ to stop the ongoing PCB contamination and complete the clean-up. We are a citizen of Crystal Springs. The PCB contamination can harm a lot of people and it will get in there system and kill them. Something got to be done about it before it's too late.

Thank
you /

Sharon Herron
Timothy Herron
Bunah Herron



"Hamel, Anastasia
(AFS-Warren)"
<AHamel@afs.bwauto.
com>

To: Tony_Russell@deq.state.ms.us
cc:
Subject: RE: Offsite access issues - State of Mississippi

02/22/2002 11:00 AM

Hello Tony,

How are you?

Thanks for the update with respect to the State property at Crystal Springs. We think we have exhausted all our sources to find out who owns this property. However, Bob Lawrence has told us that he may be able to dig up some information that is not readily available for the public. Robert has contacted him several times but he (Bob Lawrence) has not had any free time to go looking for the information. I am calling him later today to ask for his speedy assistance. I am hoping that Bob Lawrence can shake some information for us by next week. If Bob Lawrence is able to identify an owner we will go get access. If not, then we are planning to send a letter to the Secretary of State with a copy to MDEQ and the City of Crystal Springs stating that we are planning to go ahead with the investigation on the property.

As far as the Canadian National RR is concerned, Tom Lupo has been in contact with their lawyer and they are working on an access agreement. I did have some difficulty in connecting with their environmental person, Bob Strong however due to our travel schedules that did not coincide. We finally spoke early this week and have some language issues settled with respect to the access agreement that the attorneys are putting together. He has not received a copy of the analysis plan for the drainage channel simply because the plan does not address specific issues with their company policy and therefore could not be applied directly to their property. I am working with Robert Martin on a draft, which we are planning to send to Bob Strong and his attorney early next week and I hope that we will be able to finalize the access agreement soon thereafter.

I have informed Bob Strong that the drainage channel plan was approved by MDEQ, initially he wanted to comment on it and make changes. Bob Strong also indicated that he wanted the results of the investigation sent to him and had specific time limits for us by when we needed to send the results. We responded that when the investigation is completed we will issue the results to MDEQ and that the MDEQ will issue them to the property owners. I also said that the RR property is a part of the drainage basin and not stand alone so all investigation results will need to be evaluated and not just the RR property for the final report to be written. He seemed to be OK with that.

I will keep you posted with developments.

Thanks again and I hope to have good news for you on the above very soon. In the event there are questions on the above please feel free to contact me.

Anastasia

Anastasia Hamel

Director Environmental Programs

Phone: (586) 497-4503

Fax: (586) 497-4089

e-mail: ahamel@afs.bwauto.com <mailto:ahamel@afs.bwauto.com >

*****This electronic message and all contents contain information from the Law Department of BorgWarner Inc., which is privileged, confidential or otherwise protected from disclosure. The information is intended for the addressees only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify BorgWarner immediately and destroy the original message and all copies.*****

-----Original Message-----

From: Tony_Russell@deq.state.ms.us [mailto:Tony_Russell@deq.state.ms.us]

Sent: Friday, February 22, 2002 9:06 AM

To: ahamel@afs.bwauto.com

Subject: Offsite access issues - State of Mississippi

Anastasia,

Kelli talked to Secretary of States office and they have nothing showing that they own the property. Kelli suggests going forward with the investigation of the property since ownership can not be determined.

Bob Strong with Canadian National RR told me earlier this week that he had not received a copy of the plan for the drainage ditch. He had requested a copy the day we met with Chuck and Keith to show him the ditch. That was three weeks ago. He can not grant access approval until he reviews the plan.

Tony Russell

Uncontrolled Sites Branch

601-961-5318

----- Forwarded by Tony Russell/HW/OPC/DEQ on 02/22/2002 07:52 AM -----

Kelli Dowell

To: Tony Russell/HW/OPC/DEQ@DEQ

02/21/2002

cc:

11:35 AM

Subject: Re: Kuhlman offsite

property(Document link: Tony Russell)

The secretary of state's office has no idea where the claim of ownership is coming from. They have nothing in their records. So, they will not grant access until Kuhlman and/or their consult gives some proof that the state is the owner of the property. If they cannot determine ownership, I suggest they proceed unless and until somebody explains.

Glenn Christmws
251 Camp St
Crystal Springs MS 39059



Tony Russell, Chief of Uncontrolled Sites
Mississippi Department of Environmental Quality
Bureau of Pollution Control
101 West Capitol Street
Jackson, MS 39201

39201-2005

United States Postal Service



February 6, 2002

Dear Sir:

I am writing to you as a concerned citizen of Crystal Springs, regarding the contamination of PCB from Kuhlman Electric Corp/ Kuhlman Corporation or Borg-Warner. Kuhlman Electric has been dumping chemicals in neighboring residents that has contaminated our water, thus making a lot of citizens ill, frightened, and many may have died from this contamination. Legal actions was filed against Kuhlman in 2001 demanding them to stop the contamination and clean up existing contaminated properties but Kuhlman has not done anything. I am appealing to you to demand Kuhlman to clean up and stop the contamination of our water and properties.

Respectfully yours,

Glenn Christmas

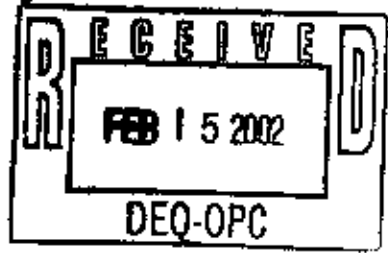
Bevendolyn CHRISTMAS
251 Camp ST
Crystalspring MS 39059



Tony Russell, Chief of uncontrolled sites
Mississippi Department of Environmental Quality
Bureau of Pollution Control
101 West Capitol Street
JACKSON, MS 39201

35204+3002

Authenticating information



February 6, 2002

Dear Sir:

I am writing to you as a concerned citizen of Crystal Springs, regarding the contamination of PCB from Kuhlman Electric Corp/ Kuhlman Corporation or Borg-Warner. Kuhlman Electric has been dumping chemicals in neighboring residents that has contaminated our water, thus making a lot of citizens ill, frightened, and many may have died from this contamination. Legal actions was filed against Kuhlman in 2001 demanding them to stop the contamination and clean up existing contaminated properties but Kuhlman has not done anything. I am appealing to you to demand Kuhlman to clean up and stop the contamination of our water and properties.

Respectfully yours,

Gwendolyn Christmas
Dhanita Christmas
Tiffany Christmas
Mrs Jeannette Christmas

2-11-2002

Mr Tony Russell
to M.D.E.G.

I am writing this letter in concern of me and my family's health. I have been tested and have PCB in my body, I am waiting for my children to be tested. I don't think you all are concern about us you are treating us like animals we are living and breathing this poison every day it has ~~contaminated~~ contaminated my body and my property you would not leave animals in this condition you are not concern about us as human beings would you like for your family to live being worried never knowing what could happen in your life if you are going to live or die not having a doctor to treat you are not thinking or caring about us as human being if you were concern you would be trying to do something to help us I did not cause this problem to my health or home I was going to remodel my house last year I payed \$2000 for a house I torn down and payed to have the lumber moved from Jackson it cost me \$500 or dollars and \$600.00 to get help for tearing it down then \$3000 and I could not use it because I was told not to do anything to my house I was hoping it would be soon I have lost most of my material

Jesus Christ sit tight but see every
thing is going on on this earth and
he really see how we are being
treated because of you all plant I really
think we need to go on TV we need to
go to 3 on your side and expose
Kuhlman Electric and let the public
know how we are suffering and going
through I am not threatening you all I
am being serious about our lives
I will be expecting to hear from
you all very soon

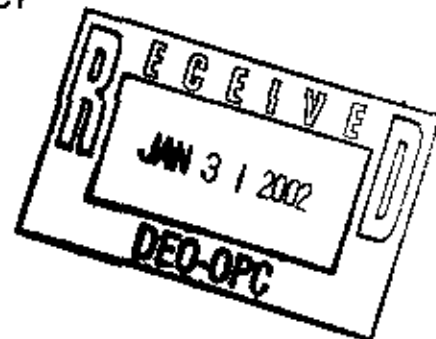
Please + Thank you
Mrs Barbara Saperstein

you all went right on and cleaned up
the white neighborhood are you looking
at the color or the condition
I hope and pray that you are not that
way we are humans not animals



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8980

January 25, 2002



4APT-TS

Robert L. Martin, L.G.
Martin & Slagle
GeoEnvironmental Associates, LLC
P.O. Box 1023
Black Mountain, NC 28711

Dear Mr. Martin:

The U.S. Environmental Protection Agency (EPA), Region 4 has reviewed the "Analytical Results for Concrete and Asphalt Samples, Kuhlman Electric Corporation Plant Site, Crystal Springs, Mississippi," dated January 18, 2002. The report documents polychlorinated biphenyl (PCB) concentrations in 116 concrete and asphalt samples collected from the Kuhlman Electric Corporation plant site and fulfills condition 4 of EPA's PCB cleanup approval letter dated December 12, 2001. Using the PCB data, Martin & Slagle have prepared a site map (Figure 1) that displays the analytical results by sample location and delineates areas of the paving material to be removed to support plant expansion and site cleanup.

EPA believes the sample point spacing is too large to justify location of the excavation boundary between paving material designated for disposal at a Resource Conservation and Recovery Act (RCRA) Subtitle D landfill and paving material destined for disposal at a RCRA Subtitle C landfill. During our telephone conversation of January 23, 2002, I presented two options to resolve this issue: 1) collect additional samples between the existing sample points containing \geq and $<$ 50 parts per million (ppm) PCBs; or 2) expand the \geq / $<$ 50 ppm excavation boundary to pass through the nearest, adjacent $<$ 50 ppm sample points. It was agreed that the \geq 50 ppm area would be expanded such that it will be bounded by a line passing through the following sample points: KPP-AS-014, KPP-AS-028, KPP-AS-027, KPP-AS-026, KPP-AS-025, KPP-AS-024, and KPP-AS-018.

Please confirm your client's acceptance of this new condition by submitting a revised Figure 1 to EPA and the Mississippi Department of Environmental Quality.

Sincerely,

Craig S. Brown
Toxic Substances Section

cc: Tony Russell, MDEQ
Anastasia Hamel, BWI



Brown.Craig@epamail.epa.gov on 01/23/2002 01:11:28 PM

To: Tony_Russell@deq.state.ms.us
cc:
Subject: Re: KEC latest submittals

Tony - I spoke with Robert a short while ago. He agreed to my suggestion to expand the boundary of the asphalt area to be excavated and handled as Subtitle C waste. I'll document that in a letter back to Robert with a cc to you. We also discussed their sampling procedures. It wasn't clear from the report or the cover letter how they collected the asphalt and concrete samples. Generally where the paving material was thin (0 - 6"), the sample encompassed the full thickness. Where the paving material was thicker (e.g. ramps), they took their sample from the top of the material to minimize dilution effects. Given that the intent is to remove all of the paving material to full depth in the construction zone rather than remove surface contamination, I didn't object to sampling full thickness rather than shallow surface (0 - 1") samples. Besides, I think the data indicates that where the pavement is contaminated, it's PCB concentration is significantly higher than the surrounding area (if it's hot, it's evident).

We also talked about the cap design issue. As I told Robert, I didn't really have a problem with adding the FML in certain areas, I thought it was overkill. Even with cracks in the paving material, I think the amount of water that would penetrate the pavement layer will be minimal. They specify lime addition to the compacted clay layer to strengthen it and compensate for water intrusion. Again this isn't traditional cap design but then again this isn't strictly a landfill capping project. It's a combination of remediation and construction so I understand the need for deviations.

Craig

Tony_Russell@deq.s
tate.ms.us
Brown/R4/USEPA/US@EPA
01/23/2002 10:41
submittals
AM

To: Craig
cc:
Subject: Re: KEC latest

Craig,

I have not reviewed the documents yet (just got them in this morning), try to review them this week.

Greenwood Complaint site - I have not been able to get to Greenwood in January as I promised. With Brian out and I took off two weeks at Christmas, I am having to play catch-up and cover for Brian. It will be the first half of February before we can do an inspection/visit.

Tony

Brown.Craig@epamail.epa.gov on 01/23/2002 08:49:42 AM

To: tony_russell@deq.state.ms.us
cc:
Subject: KEC latest submittals

Tony - Robert Martin sent me the asphalt/concrete sampling results and the management plan for excavation of same. He also sent me a copy of the QA/QC plan for the engineered cap. I've got concerns about both.

asphalt/concrete cap removal: I plan to tell Robert that they don't have sufficient data to map the >50/<50 ppm excavation boundary. They can either extend the > 50 cut area out to the adjacent < 50 ppm sample points or they can go back and collect more samples on the perimeter on 5-ft centers. I estimated that by expanding the cut area they would have to dispose of about 16.5 cubic yards of additional material as Subtitle C waste. I figure that would run them about \$3000 extra for transport and disposal to Emelle. The extra cost for sampling and analysis, report and new map prep would probably run about the same.

Cap design: Our regs don't require a FML in addition to the minimum 6" or asphalt or concrete. I think placement of the FML doesn't really buy much in terms of PCB containment or groundwater protection and it creates additional design headaches. For one thing, I think you would have to slope the surface of the FML and you'd need to install a drainage layer (e.g., 1-ft of sand) directly above it to handle stormwater penetration through pavement defects. Burns, Cooley and Dennis (BCD) instead recommend placing compacted clay soils between the FML and the overlying asphalt or concrete. I may be rusty in my recollection of cap design but BCD's recommendations don't seem consistent with EPA guidances on cap design. What do you guys think?



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

January 22, 2002

FILE COPY

Honorable Mayor Walter J. Rielley, III
Mayor of Crystal Springs
P. O. Box 473
Crystal Springs, MS 39059

RE: McPherson Ball Field
Crystal Springs, MS

Dear Mayor Rielley:

The Mississippi Department of Environmental Quality (MDEQ) will be conducting a geophysical survey of the open area in and around the McPherson Ball Field. MDEQ tentatively has scheduled the survey for the week of February 4, 2002. If the date changes, MDEQ will notify you.

Once all the data from the survey has been analyzed, MDEQ will determine whether an intrusive investigation will be conducted. MDEQ also will collect surficial soil samples at selected locations and analyze the samples for polychlorinated biphenyls (PCBs).

If you have any questions, call me at 601-961-5318.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

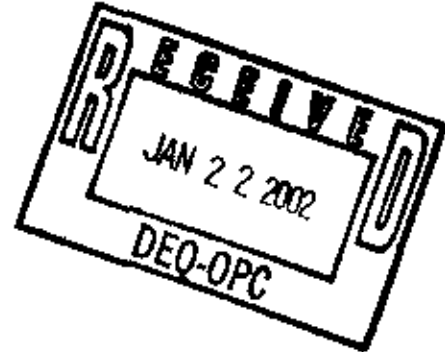
cc: Richard Harrell MDEQ
Kelli Dowell, Esq. MDEQ
Paul Acheson Kuhlman Electric
Anastasia Hamel BorgWarner

ROBERT L. MARTIN, LC
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

January 21, 2002

Mr. Tony Russell
Chief – Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385



**SUBJECT: QA/QC Plan for Installation of an Engineered Cap
Kuhlman Electric Plant Site
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed is one copy of the Quality Assurance/Quality Control Plan to be used during construction of engineered caps for closure of PCB impacted soil at the Kuhlman Plant in Crystal Springs, Mississippi. This plan was prepared in response to MDEQ's comments on the *Revised Remediation Work Plan for Kuhlman Electric Plant Site*, submitted November 2001. If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C

Robert L. Martin, L.G.
Principal Geologist

Attachments

cc.: Anastasia Hamel
Craig Brown
Al Thomas
Tom Lupo
Scott Schang

Z 039 567 849

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to		Mr. Paul Acheson
Street & Number		Kuhlman Electric Corp. 101 Kuhlman Drive
Post Office, State, & ZIP Code		Crystal Springs, MS 39059
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees		\$
Postmark or Date		

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive following services (for extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Paul Acheson
Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, MS 39059

4a. Article Number

Z 039 567 849

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

1-23-02

5. Received By: (Print Name)

C. M. Acheson

8. Signature: (Addressee or Agent)

X C. M. Acheson

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service



FILE COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

January 18, 2002

CERTIFIED LETTER NO. Z 039 567 849 RETURN RECEIPT REQUESTED

Mr. Paul Acheson
Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, MS 39059

RE: AKT Gravel Pit
Crystal Springs, Copiah County, Mississippi

Dear Mr. Acheson:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the Uncontrolled Sites file and the Soil Removal Report for the above referenced site prepared by IT Corporation and dated November 20, 2001. The MDEQ requires no further corrective action at this site at this time. If cleanup standards change or additional data becomes available for the site then MDEQ will notify the appropriate parties of the need for any additional investigation(s) or remedial action(s). These actions will be consistent with our need to protect human health, welfare, and/or the environment.

If you have any questions, concerning this matter, please contact me at (601) 961-5318.

Sincerely,

A handwritten signature in black ink that reads "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

C:\D:\Hard drive\My Documents\Kuhlman Electric\AKT Gravel Pit SNFA 1-18-02.doc



4APT-TS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960



JAN 07 2002

Mr. A. Robert Thompson
IT Corporation
11560 Great Oaks Way, Suite 500
Alpharetta, GA 30022-2424

Dear Mr. Thompson:

The U.S. Environmental Protection Agency (EPA) Region 4 has completed a review of the Soil Removal Report for the AKT Gravel Pit in Crystal Springs, Mississippi (the Report) dated November 20, 2001. The Report documents excavation, removal, and disposal of polychlorinated biphenyl (PCB) contaminated soil from the AKT Gravel Pit. The PCB cleanup plan for the AKT Gravel Pit was prepared by IT Corporation on behalf of the Kullman Electric Corporation. The cleanup plan was approved by EPA on September 4, 2001, pursuant to 40 CFR §761.61(a). The cleanup plan was also reviewed and approved by the Mississippi Department of Environmental Quality.

In the course of our review, we identified two issues that required further explanation. These issues were submitted to you via email on December 19, 2001, by Craig Brown of this office. Your responses were returned to Mr. Brown on January 3, 2001, (copy enclosed).

Based upon our review of the Report and your responses to the two questions referenced in the enclosure, EPA has determined that the cleanup of PCB contaminated soil at the AKT Gravel Pit has been completed in accordance with the approved cleanup plan.

Should you have any questions concerning this matter, please contact Craig Brown of the EPA Region 4 staff at (404) 562-8990.

Sincerely,

Daniel E. Lucero
Acting Chief
Toxic Substances Section

Enclosure

cc: Tony Russell, MDEQ

Craig:

The answers to your questions are below. Sorry for the delay. The holiday schedule for my site manager caused a delay in getting details on the amount removed near KC083. Please contact me with any other questions.

Bob

A. Robert Thompson
bthompson@theitgroup.com

IT Corporation
11560 Great Oaks Way, Suite 500
Alpharetta, GA 30022
770-667-7790
770-442-7399 fax

-----Original Message-----

From: Brown.Craig@epamail.epa.gov (mailto:Brown.Craig@epamail.epa.gov)
Sent: Wednesday, December 19, 2001 1:38 PM
To: Bthompson@TheITGroup.com
Cc: tony_russell@deq.state.ms.us
Subject: Soil Removal Report for AKT Gravel Pit

Bob - I've tried several times to call but couldn't get through. Your line has been busy and the IT voice mail system is worse than the local cable company's.

I've got a couple of questions about the report.

1. Were any grab or composite samples collected from the SubD stockpile or from the trucks hauling the dirt to the SubD landfill before the material was trucked to disposal? I didn't make this a condition of approval but thought you had proposed this.

Answer:

No samples of the subtitle D material were collected or analyzed for the following reasons:

- 1) The landfill did not require any additional analysis of the soil.
- 2) To execute the project in a timely manner the excavation and stockpiling of the material was conducted concurrently with load out, therefore the stockpile was continually changing.

Samples were collected of excavated soil from areas where investigation samples showed PCB concentrations less than 1 mg/kg. This was done to check the PCB concentration in soil stockpiles intended for use as fill. Of the piles checked one had a PCB concentration of 11.87 mg/kg. This soil in the that pile as shipped to the Subtitle D facility.

2. One of the post-excavation confirmation samples, KC083 exceeded 50 ppm. The plan identified that when the cleanup standard was exceeded, another 6 inches of soil was excavated. This happened to be a sidewall sample. How far back into the wall did you make the cut to remove over-standard material? And, how was this material handled?

Answer:

In this location an additional 18 - 24 inches of the wall was removed for the entire wall height. The removed material was handled as subtitle C soil

and the wall resampled. . The second round of confirmation sampling identified revealed levels the PCB concentration to be below 1 mg/kg.

Please respond back at your earliest convenience.

Craig



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 17 2001



4APT-IS

Ms. Anastasia Hamel
Director, Environmental Programs
BorgWarner, Inc.
11955 East Nine Mile Road
Warren, MI 48089

Dear Ms. Hamel:

The U.S. Environmental Protection Agency (EPA) Region 4 has completed a review of the November 2001 final Remediation Work Plan (the RWP) for the Kuhlman Electric Corporation (KEC) Plant Site, prepared by Martin and Slagle GeoEnvironmental Associates, LLC on behalf of BorgWarner, Inc., (BWI). The RWP was jointly submitted to EPA and the Mississippi Department of Environmental Quality (MDEQ) for review and approval. The RWP along with the July 2000 Preliminary Site Characterization Report and February 2001 Addendum to the Preliminary Site Characterization Report comprise a notification and certification package for a 40 CFR §761.61(a) self-implementing polychlorinated biphenyl (PCB) cleanup at the KEC Plant Site in Crystal Springs, Mississippi. The RWP is being conducted in part to support expansion of the KEC plant.

Because of site size and additional MDEQ data requirements, site characterization data was collected and post-cleanup verification sampling will be conducted in manners that differ from the prescribed sampling requirements of 40 CFR §761.61(a). In all other respects, the RWP satisfies 40 CFR §761.61(a) requirements. Therefore, EPA is approving this cleanup plan, pursuant to 40 CFR §761.61(a)(3)(ii) and the sampling variances, pursuant to 40 CFR §761.61(c). BWI may proceed with the cleanup subject to the following conditions:

1. In accordance with requirements at 40 CFR §761.61(a)(4), the cleanup level for bulk PCB remediation waste (soil) shall be the *low occupancy areas* ≤ 100 parts per million (ppm) level for areas covered by an asphalt or concrete cap and ≤ 25 ppm for areas that will not be capped.
2. Soil containing PCBs at concentrations of ≥ 50 ppm shall be disposed of in a permitted, Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste landfill and/or a chemical waste landfill approved under 40 CFR §761.75. Soil containing PCBs at concentrations < 50 ppm may be disposed of in a state approved, RCRA Subtitle D landfill. BWI shall verify that each roll-off container or truckload of soil destined for disposal at a RCRA Subtitle D contains < 50 ppm PCBs by collecting and testing a composite soil sample from each container or truckload.

3. The east-west trending $< 50 \text{ ppm}/\geq 50 \text{ ppm}$ excavation boundary that runs through sample point DP-92, as depicted in Figure 5 of the RWP, must be shifted south approximately 12.5 feet so that it runs half-way between sample point DP-92 and a line connecting DP-101 and DP-102.

4. Prior to removing any asphalt or concrete for off-site disposal, BWI shall collect and test samples of these materials and transmit the results to EPA and MDEQ for review. BWI shall provide a site drawing depicting sample locations and sample test results. EPA and MDEQ approval is required prior to demolition, removal, and disposal of these materials.

5. Areas with soil containing PCBs at concentrations of $\geq 50 \text{ ppm}$, designated for RCRA Subtitle C landfill disposal, as depicted in Figure 5 of the RWP, shall be excavated to a minimum depth of 2 feet. Before excavating any soil at depths greater than 2 feet, BWI shall submit additional site drawings depicting excavation boundaries for soils containing PCBs at concentrations of $\geq 50 \text{ ppm}$ for the 2 - 4 foot, 4 - 6 foot, and > 6 foot depth intervals. Excavation plans for these depth intervals shall be approved by EPA and MDEQ before excavation commences. Alternatively, soils at these depth intervals may be assumed to contain $\geq 50 \text{ ppm}$ PCB for off-site disposal purposes, in which case BWI need not submit additional excavation plans.

6. Post-cleanup verification sampling shall be conducted in accordance with Part 2 of the State of Michigan Department of Environmental Quality Guidance Document "*Verification of Soil Remediation*." BWI shall determine sample numbers and establish a sampling grid over the remediation area following the procedures set forth in the referenced State of Michigan document. BWI shall compare individual sample results collected from the base and sidewalls of the excavation to the applicable soil cleanup level specified in Condition 1. BWI shall remove additional soil and collect new samples for any portion of the remediation area that exceeds the applicable soil cleanup standard.

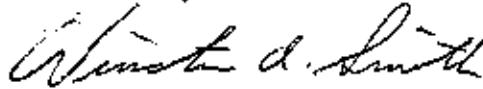
7. BWI shall submit a final report EPA within 60 days of completion of the activities described under this approval. At a minimum, this final report shall include a short narrative of the project activities, tabular summaries of characterization and confirmation sampling analytical results, copies of manifests, and copies of certificates of disposal or similar certifications issued by the disposer.

8. BWI shall comply with the recordkeeping requirements specified at 40 CFR § 761.61(a)(9) for activities, conducted in accordance with this approval.

9. Once cleanup is underway, any change to the plan must be submitted to EPA for approval prior to the implementation of the change.

Should you have any questions concerning this matter, please contact Mr. Craig Brown of the EPA Region 4 staff at (404) 562-8990.

Sincerely,



Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

cc: Tony Russell, MDEQ
Paul Acheson, KEC
Robert Martin, M&S

DAVID NUTT & ASSOCIATES
ATTORNEYS AT LAW
666 NORTH STREET, SUITE 102A
JACKSON, MISSISSIPPI 39202

FILE COPY

DAVID H. NUTT
MARY E. MCALISTER

MAIN NUMBER: (601) 355-9122
FAX NUMBER: (601) 355-9191



Writer's E-mail Address: mcalister-davidnutt@jam.rr.com

December 21, 2001

7 2001

Kelli Dowell, Esquire
Legal Division
Post Office Box 20305
Jackson, Mississippi 39289-1305

Re: *Kellum, et al. vs. Kuhlman Corporation, et al*
U.S.D.C. for Southern District of Mississippi, Jackson Div., Civil Action No.
3:01CV464BN

Dear Kelli:

This letter responds to your letter to me dated November 21, 2001, concerning dioxin and dibenzofuran contamination in Crystal Springs. As a preliminary matter, your letter erroneously refers to our most contaminated soil sample as containing a concentration of dioxins/dibenzofurans of 189ppt. The quoted figure of 189ppt is the Toxicity Equivalency (TEQ_{DF-WHO98}) for that sample and does not include PCBs. The individual components of the sample are broken down by congener in Table 2 of Plaintiffs' Summary Report, July 2001 Soil Sampling Program, dated October 17, 2001, but the TEQ_{DF-WHO98} value which we have presented represents a summary of all of the dioxins and dibenzofurans with their concentrations adjusted to what would be equivalent in toxicity to 2, 3, 7, 8-TCDD. If we added up the actual levels of the various dioxin and dibenzofuran congeners, rather than weight them for their toxicity, the extent of contamination would be much higher. Thus, it is clear that some of the sites that we have tested are contaminated with dioxins/dibenzofurans and that some decomposition of the more active congeners has taken place since the more heavily chlorinated congeners predominate the findings.

While we were glad to hear that the MDEQ staff is investigating why dioxin/furans are present, we do not understand your statement that the dioxin/furan concentrations are within MDEQ's allowable risk range of 4.26 ppt to 426 ppt. According to MDEQ's Tier 1 action levels, a concentration of 4.26 ppt is the action level for unrestricted areas, such as residential areas in Crystal Springs.

Relly Dowell Letter
December 21, 2001
Page Two

If the Tier 1 action levels are exceeded, then MDEQ must review the site to determine if remediation is required. Your letter does not address the criteria by which MDEQ decided that dioxin/furan remediation is not required in Crystal Springs. Several of our samples are well over 4.26 ppt. Given the wide range of 4.26 to 426 ppt, how did MDEQ determine that the residents of Crystal Springs face an "acceptable" risk of dioxin/furan exposure with a TEQ as high as 189, especially in conjunction with the known PCB contamination exposure? In other words, the combined dioxin/dibenzofuran and PCB contamination will, as a minimum, have additive health effects if not synergistic effects since the above mentioned classes of compounds operate on the same receptors in man and all are thought to have "dioxin-like" activity. Although MDEQ may view the potential dioxin/dibenzofuran exposure alone as unworthy of remediation, is the possibility of the simultaneous exposure to PCBs irrelevant in MDEQ's opinion?

We also are greatly concerned by MDEQ's apparent decision not to order Kuhlman to sample for or remediate dioxin/dibenzofuran concentrations in residential areas with known PCB contamination. We tested only seven soil samples for dioxin/dibenzofurans and all seven samples contained high concentrations of both PCBs and dioxins. We believe that this is a significant finding. There may well be locations not yet sampled where PCB and dioxin/dibenzofuran concentrations are higher than the sampling results obtained to date. We read your letter as stating that no emergency sampling or remediation is required but as not ruling out the possibility of administratively-ordered sampling and remediation at a later date. We urge MDEQ to reconsider any decision it has made to forgo ordering Kuhlman to test for dioxins/dibenzofurans. We do not believe that remediating an area to 1ppm for PCBs will necessarily remediate the area to 4.26ppt for dioxin. It seems that MDEQ merely is assuming that the dioxin/dibenzofurans are in the same soil matrix as the PCBs, in the same locations, and at concentrations below action levels. This is not necessarily a good assumption since one of the potential sources of these contaminants includes the environmental transformation of chlorinated benzenes to dioxins and dibenzofurans. Chlorinated benzenes are more easily transported through the environment than chlorinated dioxins or dibenzofurans.

We are conducting a literature search to locate Mississippi soil background levels for dioxins and furans which we will provide to you. We have not made a decision yet whether to conduct independent dioxin/furan background soil sampling.

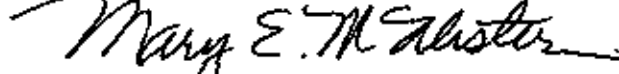
As part of MDEQ's investigation of why dioxins/furans are present in apparent close correlation with the PCBs, we suggest you contact the Alabama Department of Environmental Management regarding its experience with Monsanto. Monsanto was one of Kuhlman's primary suppliers of transformer oils before PCBs were banned by federal law in the mid-1970's. We understand that the transformer fluid sold by Monsanto to Kuhlman consisted of approximately 60% PCBs and 40% chlorinated benzenes. It is

Kellie Dowell Letter
December 21, 2001
Page Three

well known that PCBs contained some dioxins and dibenzofurans which were formed during the synthesis process and during distillation. Thus, direct dioxin/dibenzofurans contamination of the PCBs sold to Kuhlman is highly probable. In addition, we know that the transformer fluid used by Kuhlman contained about 40% chlorinated benzenes which also have been known to contain dioxins/dibenzofurans and, in addition, the chlorinated benzenes are capable of being transformed to dioxins/dibenzofurans while in the environment. Monsanto's manufacturing site and the surrounding community in Anniston, Alabama, is contaminated with dioxins/furans as well as PCBs.

Sincerely yours,

DAVID NUTT & ASSOCIATES



Mary E. McElister

Cc: Harold J. Barkley, Jr., Esq.
Todd Johns, Esq.
Harold J. Barkley, III, Esq.
Mark L. Pearson, Esq.
Doug Mercier, Esq.
Thomas D. Lupo, Esq.
Scott Schang, Esq.
Thomas W. Tyner, Esq.
Daphne M. Lancaster, Esq.
Lara Ashley Coleman, Esq.
Robert Lawrence, Esq.



IT Corporation
1560 Great Oaks Way, Suite 500
Alpharetta, GA 30022-2424
Tel. 770.475.8994
Fax. 770.777.9545

A Member of The IT Group

November 21, 2001

Ms. Brian Young
Mississippi Department of Environmental Quality
101 West Capital Street
Jackson, MS 39210

Mr. Craig Brown
US Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303



**Subject: Soil Removal Report Submittal
AKT Gravel Pit
Crystal Springs, MS**

Dear Mr. Young and Mr. Brown:

On behalf of Kuhlman Electric Corporation, IT Corporation is submitting the attached Site Removal Report for the Site Assessment of the AKT Gravel Pit. The submittal is in response to a requirement of Administrative Order 4165-00 of the Mississippi Commission of Environmental Quality. The original completed manifests, weigh tickets, and Certificates of Disposal are being sent to Alan Thomas.

If you have any questions, please contact me at (770) 677-7790 or Scott Schang of Latham & Watkins at (202) 637-2115.

Sincerely,
IT Corporation

A. Robert Thompson, CHMM
Operations Manager

attachment

- cc: Thomas Minnich - Kuhlman Electric Corporation
- Paul Acheson - Kuhlman Electric Corporation
- Al Thomas - Kuhlman Electric Corporation
- Scott Schang - Latham & Watkins
- Anastasia Hamel - BorgWarner Inc.
- Thomas Lupo - Seyfarth, Shaw, Fairweather & Geraldson



STATE OF MISSISSIPPI
 DAVID RONALD MUSGROVE, GOVERNOR
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
 CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

November 21, 2001

VIA FACSIMILE AND US MAIL

Mary E. McAlister, Esquire
 David Nutt & Associates
 666 North Street, Suite 102A
 Jackson, MS 39202

Re: *Kellum, et al. Vs. Kuhlman Corporation, et al.*
 USDC for the Southern District of Mississippi, Jackson Div.,
 Civil Action No. 3:01CV464BN

Dear Meg:

This letter is in response to your letter and summary report concerning dioxin and furan contamination. MDEQ staff has reviewed the sampling data and feels that there may be a correlation between the polychlorinated biphenyls (PCBs) and the dioxin/furans found in the soils at 108 Tucker Street, 104 Forrest Street, and 107 Forrest Street. Staff still is investigating why the dioxins/furans are present. It would have been helpful to our investigation if dioxin/furan analysis was completed on one of the two properties that are uncontaminated (103 Tucker Street and 100 Pearl Street) to determine background dioxin/furan concentrations in the area.

The dioxin/furan concentrations found by 3TM at the three properties referenced above are within the allowable risk range designated by MDEQ of 4.26 ppt to 426 ppt. Additionally, the Environmental Protection Agency's dioxin cleanup level for residential property is 1 ppb (1000 ppt) (a less stringent standard than MDEQ's). The highest level found at the properties (189 ppt) is well below the EPA level and is in the lower part of the MDEQ acceptable range. Therefore, MDEQ feels there is no need to for any emergency sampling or removal activity.

The PCB concentrations found by 3TM at the three properties are generally in the same range as those found by Borg Warner during their sampling. The following table summarizes the sample results:

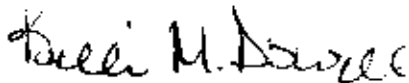
PROPERTY	3TM SAMPLE	RESULT	B/W SAMPLE	RESULT
108 Tucker St.	HA01 - HA09	1.48 to 16.9 ppm	DP-994	2 to 51 ppm
107 Forrest St.	HA20 - HA24	1.5 to 20 ppm	DP-848	0.72 to 15 ppm
	HA25 - HA29	0.16 to 3.31 ppm	DP-846	0.67 to 30 ppm
104 Forrest St.	HA30	108 ppm	DP-820	11 to 70 ppm
	HA31	1.7 ppm	DP-821	0.46 to 26 ppm
	HA32	9.9 ppm	DP-818	10 to 36 ppm

The three properties are within the drainage ditch delineation area and will be remediated to the residential PCB level of 1 ppm. As DEQ has stated previously, the remediation around the Kuhlman Electric site will be proceeding from the Kuhlman site down the ditch to the lake and beyond if needed as the contaminated soils are tracked downstream of the site. The remediation is proceeding from the site downgradient to prevent the recontamination of property.

Dioxins/furans behave like PCBs in that they attach to the soils and sediments and move with the soils and sediments. Therefore, remediation of the properties to remove the PCBs will remove the dioxins/furans.

MDEQ and Kuhlman currently are discussing whether or not to test the site for dioxin. If you need additional information, please do not hesitate to contact me at 961-5340.

Sincerely,



Kelli M. Dowell
Attorney

cc: Tony Russell, MDEQ
Tom Lupo, Esq.
Scott Schang, Esq.
Robert Lawrence, Esq.

Kuhlman Electric Site Meeting
11/15/01 Crystal Springs, Ms.

NAME	COMPANY	Phone #
Tony Russell	MDER	601-961-5318
Joe Beard	Sotech Services	601-825-5041
Luke Funchess	IUE-CWA Local 799	601-892-5451
Jack C. Virgil	IUE-CWA Local 799	601-894-4742
Charles Funchess	IUE-CWA Local 799	601-892-3396
Roger Hartley	IUE-CWA Local 799	601-892-9084
Ken Tate	Kuhlman Dir. of Power Oper	601-892-6562
Bob Williams	Kuhlman IT operations mgr.	601-892-6463
Michael Cochran	" IR Mgr	601-892-6448

The meeting was called by KEC with MDER invited. The meeting was held to address concerns of employees relating to the remediation of contaminated soils onsite. The attached questions were answered for the above Union representatives. A formal response to each question will be posted on bulletin boards in each department.

A copy of the approved work plan was given to the Union representatives.

IUE-CWA**A FORCE FOR WORKING FAMILIES AFL-CIO**Edward Fire, *President*

1275 K Street, N.W., Suite 600
 Washington, D.C. 20005-4084
 202/513-6300
 202/513-8367 FAX
 www.iue-cwa.org

Mickey Crockett
 HR Director,
 Kuhlman Electric Corporation
 101 Kuhlman Drive
 Crystal Springs, MS 39059

November 13, 2001

Faxed November 13, 2001

Dear Mr. Crockett,

IUE-CWA Local 799 is very concerned that the PCB abatement plan has not been provided to them in a timely manner. In our meeting with the company last November, we expressed our concerns regarding the PCB abatement. It was our understanding that the abatement plan would be provided to Local 799 in a timely manner so that the Local could review the abatement plan. We have just been informed that abatement is to begin this week. We are very concerned about this sequence of events.

We are requesting:

- That before abatement proceeds that Local 799 be provided with the written abatement plan so that it can review the plan.
- That a meeting be set up with Local 799 and its members to explain the abatement process and answer questions regarding the effects of PCB contamination and the procedures that are to be followed to protect our members from exposure to PCB's during the abatement process. We are requesting that the Mississippi DEQ have a representative at this meeting.
- That the Local be able to review the Certifications of all abatement contractors/sub contractors and abatement workers. It is very important that the abatement be performed by experienced and certified abatement contractors with a proven record of safe PCB abatement.

It is important that Kuhlman and its contractors work with Local 799 in the abatement process. We look forward to working in a cooperative manner in the safe and complete abatement of the PCB contamination.

Sincerely,



Charles Barrett
Director, Occupational Safety & Health
IUE-CWA, Industrial Division

Cc: Mike Bindas, President, IUE-CWA District 7
David LeGrande, Director, Occupational Safety & Health, CWA
Tim Davis, International Representative, District 7, IUE-CWA
Luke Funchess, President, IUE-CWA Local 799

PP3

EMPLOYEE COMMUNICATION BULLETIN

The remediation process for the removal of the PCB contaminated soils at our plant grounds in preparation for the plant expansion is about to begin. Please read the following which provides important information concerning the process:

- The actual removal of PCB contaminated soil will begin within the next couple of weeks. This remediation is being managed by BorgWarner and their contractors
- A health and safety plan has been established and approved by the Mississippi Department of Environmental Quality (MDEQ) and US EPA Region IV.

The health and safety plan is designed to protect both personnel working on the removal and plant employees. Air monitoring will be conducted at all times during the field crew activities to ensure that there is no hazard to anyone in the remediation area, the plant and outside the plant boundaries
- For everyone's safety, all employees are asked to comply with the health and safety plan and avoid the designated remediation areas marked by caution tape
- You will note that the remediation crew will be wearing protective clothing, which is standard operating safety practice for their occupation and is required by the regulations
- Any questions you may have should be directed to Mickey Crockett, Industrial Relations Manager rather than to the remediation crew members, who are not authorized to act as spokespersons. If Mickey Crockett does not know the answer to your question please be patient because we will do our best to get the answer for you
- We will keep you updated with information describing activities as the project progresses

Thank you for your cooperation



KUHLMAN ELECTRIC CORPORATION

Questions from Union Committee November 12, 2001

1. Who will be performing the air monitoring?

Answer: Borg Warner. The health and safety of our workforce has been our prime consideration throughout this process.

2. What if some of the employees elect not to come on site while remediation is in process? Will action be taken against them?

Answer: Borg Warner and Kuhlman would never ask any employee to put himself or herself in any situation where there is any chance of harm. It will be completely safe as long as the employees do not violate the work plan by going past the established barriers. Since work is available and the work environment protected, employees will be expected to report for work as scheduled.

All of this activity is monitored by the Mississippi Department of Environmental Quality (MDEQ) regulatory agency and meets all OSHA and Hazwoper regulations. Contractors are certified.

3. Is there anything that can be done so a person can draw unemployment during this period?

Answer: No, missing work will not be necessary during remediation.

4. Under the Health and Safety Act if a person feels that his life is in danger/jeopardy Can he be forced to come to work?

Answer: The burden would be on the employee to show why he feels his/her life is in jeopardy and the approved work plan is unsafe when it has been approved by the regulatory agencies and meets OSHA specifications for safety of employees.

EMPLOYEE QUESTIONS CONCERNING REMEDIATION

1. How will employees be protected from remediation activities?
2. Will employees need protective clothing?
3. Who will do the monitoring of airflow, building fans, doorways, and around the plant?
4. What is the evacuation plan, if necessary?
5. What is the date and estimated time of completion?
6. Will remediation be eight hours or 24 hours?
7. Will vehicles be protected during remediation?
8. Will MDEQ and OSHA be on site at all times to ensure compliance to regulations?
9. What steps will I have for my safety if I feel that the activities are jeopardizing my health? Would I be subject to discipline if I choose to stay off from work?
10. Besides staying clear of barriers, how are we to protect ourselves?
11. Who is responsible for cleaning the contaminated dust off parts and forklifts and items that enter the building from outside?
12. Will we be supplied with safety masks and HEPA filters when working outside?
13. What will be the procedure if the air is found to be contaminated?
14. Will there be a de-contamination place for an employee who might be exposed to contamination?
15. How will the air be monitored, and what steps will be taken if the air is determined to be toxic?
16. Why haven't we had emergency drills pertaining to hazardous events?
17. Can an employee draw unemployment benefits during this period if he does not report to work?

Employee Questions Concerning Remediation**Page 2**

18. **What about the people who have already been exposed and are now going to be re-exposed and the new employees who may become exposed?**
19. **Has the union approved the clean-up?**
20. **Will there be dust flying around during the clean-up?**

ROBERT L. MARTIN, LC
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

November 6, 2001

Mr. Tony Russell
Chief – Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385



**SUBJECT: Revised Remediation Work Plan – Replacement Pages
Kuhlman Electric Plant Site
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed is one copy of the replacement pages for the revised *Work Plan for Remediation of the Kuhlman Electric Corporation Plant Site* in Crystal Springs, Mississippi. Please replace in the appropriate pages in the Health & Safety Plan (Section 7). If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C

Robert L. Martin, L.G.
Principal Geologist

Attachments

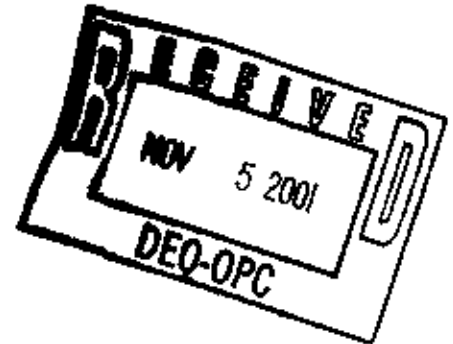
*Pages were
inserted into
Section 7.
DMS
11/7/01*

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

November 2, 2001

Mr. Tony Russell
Chief – Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385



**SUBJECT: Revised Remediation Work Plan
Kuhlman Electric Plant Site
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed is one copy of the revised *Work Plan for Remediation of the Kuhlman Electric Corporation Plant Site* in Crystal Springs, Mississippi. Revisions to the work plan are the result of MDEQ's comments and U.S. EPA's comments on the original work plan submitted May 2001, and BorgWarner Inc.'s responses to those comments. If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C

Robert L. Martin, L.G.
Principal Geologist

Attachments

cc.: Anastasia Hamel
Walter Rielley
Al Thomas
Tom Lupo
Scott Schang
Craig Brown

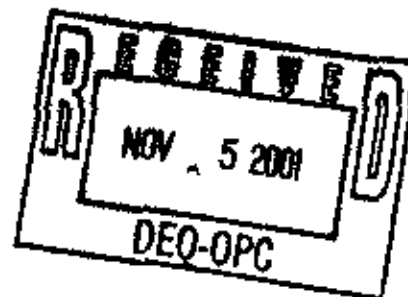


Tel: (859) 879-2999
Fax: (859) 873-6126

101 Kuhlman Blvd. • Versailles, Kentucky 40383

Distribution Transformers
Instrument Transformers
Power Transformers

October 29, 2001



VIA FACSIMILE AND REGULAR MAIL

Tony Russell, Chief
Uncontrolled Sites Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

***Re: Kuhlman Electric Company
MDEQ Request for Information***

Dear Mr. Russell:

This letter constitutes Kuhlman Electric Company's ("KEC") response to the Mississippi Department and Environmental Quality's ("MDEQ") October 12, 2001 request for information, addressed to Paul Acheson, regarding information in the possession of KEC concerning reports of one or more historical landfills in the area of the current McPherson Street ballfield in Crystal Springs, Mississippi ("MDEQ's Request"). This letter also supplements KEC's November 16, 2000 report of information requested in MDEQ's Administrative Order No. 4165-00, Section 8, Paragraph A ("MDEQ's Order").

The date for mailing KEC's response was extended from October 26, 2001 until October 29, 2001 by authorization of Ms. Kelli Dowell, Legal Department, MDEQ.

This response provides all information reasonably available to and examined to date by KEC in response to MDEQ's Request.

Document Search

KEC has and is continuing to conduct a search for relevant documents in its possession, including the examination of the few documents in KEC's possession contemporaneous with the believed relevant time period. At this time, KEC has identified no records responsive to MDEQ's Request.

Mr. Tony Russell
October 29, 2001
Page 2

Employee Inquiries

KEC has sought information from available employees and has not to date identified any employees with personal knowledge responsive to MDEQ's Request. In fact, KEC's inquiries have revealed only anecdotal information from employees that shared recollections from growing up in the Crystal Springs area. The following information has been reported. First, the area that now comprises the McPherson Street ballfield was leveled and constructed in about 1963. Second, prior to that time, the area was somewhat of a landfill site for some residents and businesses located in and around Crystal Springs. Third, KEC has heard no information suggesting a second "landfill" location in the general area of the McPherson Street ballfield. Fourth, no drums from KEC were seen at or known to have been shipped to the landfill site. Fifth, no drums of any origin were seen at the landfill site by those individuals providing information to KEC.

Landfill Allegations Generally

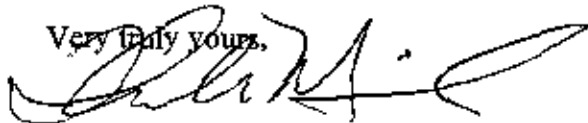
KEC has identified no records or information responsive to MDEQ's request. KEC does, however, appreciate that MDEQ apparently realizes that if allegations of a prior landfill in the McPherson Street ballfield area are accurate, it likely was used by numerous individuals and entities, and that any allegations of primarily KEC's involvement are either mistaken or premature. At the same time, if MDEQ possesses further information concerning allegations of KEC's involvement at the referenced location, please share the information at MDEQ's earliest convenience.

Supplement to November 16, 2000 Response

In furtherance of its November 16, 2000 response to MDEQ's Order, KEC has attached a supplemental list of projects known to be undertaken by KEC and its predecessors at the KEC plant in Crystal Springs. This list is attached as Attachment 1.

In the meantime, KEC looks forward to continuing to work with MDEQ to resolve this matter as quickly as possible.

Very truly yours,



Thomas M. Minnich
V.P. Finance, CFO & Secretary

Mr. Tony Russell
October 29, 2001
Page 3

cc: Kelli Dowell, MDEQ
Craig Brown, U.S. EPA
Paul Acheson, KEC
Tom Minnich, KEC
Scott Schang, Latham & Watkins
Laurene H. Horiszny, BorgWarner
Anastasia Hamel, BorgWarner
Thomas D. Lupo, Seyfarth Shaw

Enclosure
64KR3011.WPD

KEC Construction Projects

Date	Description Of Work	S/O PDC#	Name Of Company
1953	Addition (Core Dept. Area)		Campbell Construction Co.
1960	Addition (Winding Dept.)		Campbell Construction Co.
1964	Addition (Front Office & Drafting)		Campbell Construction Co.
1965	Addition (Insulation Dept. & B.A.)		Campbell Construction Co.
1969	Addition (Case Dept.)		Campbell Construction Co.
1971	Addition (I.T. Test)		Campbell Construction Co.
11-21-75	Asphalt Paving Of Front Parking Lot & Tennis Court		Warren Brothers Co.
1978	Raise Roof Over B.A. High Bay & Construction Of Warehouse	PDC-75-052 PDC-75-052	Dunn Construction Co.
1980	Construction of Vacuum Chamber Pit (Keco# 3031 West)		Bullock Construction Co.
2-19-81	Construct Concrete Pad For 3200 Gallon Nitrogen Tank	219006	L.M.&R. Service
11-5-81	Construct Concrete Pad for Trash Compactor	219047	L.M.&R. Service
11-5-81	Construct Concrete Pad For Scrap Steel Hoppers North of Case Dept.	219049	L.M.&R. Service
10-12-82	Construct Concrete Pit For Vacuum Chamber #3000	229033	Bullock Construction Co.
1983	Raise Roof Over PTB	239508 PDC-83058	Bullock Construction Co.
7-12-83	Construct Concrete Pits For Installation Of Georg Core Shear	239500	Bullock Construction Co.
9-01-83	Construct Concrete Pits For Installation Of 42" Scal Winder	239506 PDC-83056	Bullock Construction Co.
9-01-83	Construct Concrete Pits For Installation Of 60" Scal Winder	239507 PDC-83057	Bullock Construction Co.
1984	Construct Paint Pit East Of Old Shot Blast		Bullock Construction Co.
8-9-86	Construct Storm Drain In Front Parking Lot (East Side Near Oil Dike)		L.M.&R. Service
8-13-86	Landscape Area North Of Warehouse		L.M.&R. Service
9-3-87	Construct Concrete Pad in Old Furnace Room For Installation Of 10 Ton Jib Crane	269901 PDC-86901	L.M.&R. Service
1-22-90	Installation Of 200' Of 12" Storm Drain West Of Warehouse	209003	L.M.&R. Service
3-6-90	Construct Concrete Driveway From Northwest Gate to Shipping Dock	206012 PDC-9010	L.M.&R. Service
9-1-90	Extend North Parking Lot To The East 35' And 275' North And South		L.M.&R. Service
5-31-91	Clean Up Oil Contaminated Soil Near Tennis Court	219088	L.M.&R. Service
10-18-94	Enlarge Vacuum Chamber Concrete Pit	249035	Bullock Construction Co.
8-9-95	Enlarge Vacuum Chamber Concrete Pit (West) For New Vacuum Chamber #2481 Req#42406	249035 PDC-94029	Bullock Construction Co.
11-28-95	Repair (2) Holes In Front Parking Lot (360 Sq. Ft.) Req# 42439	259094	L.M.&R. Service

KEC Construction Projects

6-12-96	Construct Concrete (50 Space)	269013	L.M.&R. Service
7-9-96	Parking Lot (East) Req#45346,46813	PDC-96-028	
8-14-96	Construct Concrete Stormwater Drain Box At Southeast End Of New Parking Lot (East) Req# 46836	269090	L.M.&R. Service
8-28-96	Construct Concrete Pad For Installation Of Jib Crane East Of Oil Dike	279115 P97-D15K	L.M.&R. Service
5-08-97	Construct 13,000 Sq. Ft. Concrete Parts Storage Pad East Of Oil Dike Req# 50213	279077 P97-007	L.M.&R. Service
5-20-97	Break Out Case New Paint Room	279003	L.M.&R. Service
6-24-97	Floor And Installation Of Crane Rails In Floor for Paint Buggy Req# 50217 And 50236	P97-003	
7-01-98	West Bay Expansion In B.A.	289036 P98-055	Harris construction Co.
1998	Construct Concrete Pit For Turning Tanks In Case (20 Ton Cranes)		L.M.&R. Service
6-2-99	Construct Concrete Front Parking Lot (West)	299060 P99-012	L.M.&R. Service
7-30-99	Replace Asphalt Paving On West Side Of Plant From North Gate To Old Gas Meter	299026 P999-001G	L.M.&R. Service
12-99 to Present	Minor Concrete Removals/Repairs	Various	L.M.&R. Service



Fax

BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

FAX TRANSMITTAL INFORMATION	
From: Anastasia Hamel	To: T. Russell - 601-961-5300 K. Dowell - 601-961-5349
Of: BorgWarner Inc.	Of: MDEQ
Phone: (810) 497-4503	Fax:
Fax: (810) 497-4089	RE: Attached Letter
<p>This facsimile contains information which (a) may be legally privileged, proprietary in nature or otherwise protected by law from disclosure, and (b) is intended only for the use of the addressee(s) named above. If you are not the addressee or the person responsible for delivering this to the addressee(s), you are hereby notified that any disclosure, copying, distributing or use of this facsimile is prohibited and may constitute an invasion of the privacy of the addressee(s). If you have received this facsimile in error, please telephone us (collect) immediately so that we can arrange for the retrieval of the facsimile at no cost to you.</p>	
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BorgWarner
Inc.300
South
Michigan
AvenueChicago
Illinois
60604Telephone
312 222 8900

AH-01-1685

VIA FACSIMILE**BorgWarner**

October 29, 2001

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

**Re: Kuhlman Electric Corporation Facility, Crystal Springs, Mississippi
City of Crystal Springs Drainage Channel PCB Assessment**

Dear Mr. Russell:

This is just a quick update with respect to the pending activities for the PCB remediation in Crystal Springs, Mississippi.

1. BorgWarner has received approval, from third party attorneys, to enter on private properties along the drainage channel. A surveyor has been engaged and is in the process of surveying each property in preparation for delineation activities.
2. A meeting was held on October 29, 2001, with Waste Management representatives, to discuss waste characterization for soil disposal and obtain confirmed waste approval codes.
3. BFI has reaffirmed the waste approval codes for non-hazardous soil disposal at its landfill.
4. A final Work Plan for the remediation of the KEC plant site incorporating all comments will be issued by November 2, 2001.
5. BorgWarner has notified its contractors to mobilize and begin assessment/remediation activities on November 12, 2001.
6. A meeting is being scheduled with KEC and KEC's contractors for the week of November 12, 2001 to discuss plant expansion start-up details and other related activities.

This letter is to also serve as the two week notification, as requested by the Mississippi Department of Environmental Quality (MDEQ), prior to any work beginning on site or at the City of Crystal Springs Drainage Channel.

Tony Russell - MDEQ
October 29, 2001
Page 2 of 2

Should you have any questions on the above, please contact me directly at (810) 497-4503 at your earliest convenience.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: K. Dowell, Esq. MDEQ
C. Brown, US EPA
W. Rielley, Mayor Crystal Springs
Laurene H. Horiszny, Esq.
Thomas D. Lupo, Esq.
Robert Martin, M&S
Scott E. Schang, Esq.
Paul Acheson, KEC
Al Thomas, KEC



Fax

BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

FAX TRANSMISSION INFORMATION	
From: Anastasia Hamel	To: Tony Russell
Of: BorgWarner Inc.	Of: MDEQ
Phone: (810) 497-4503	Fax: 601-961-5300
Fax: (810) 497-4089	RE: Attached Letter
<p>This facsimile contains information which (a) may be legally privileged, proprietary in nature or otherwise protected by law from disclosure, and (b) is intended only for the use of the addressee(s) named above. If you are not the addressee or the person responsible for delivering this to the addressee(s), you are hereby notified that any disclosure, copying, distributing or use of this facsimile is prohibited and may constitute an invasion of the privacy of the addressee(s). If you have received this facsimile in error, please telephone us (collect) immediately so that we can arrange for the retrieval of the facsimile at no cost to you.</p>	
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BorgWarner
Inc.

200
South
Michigan
Avenue

Chicago
Illinois
60601

Telephone
312 322 8600

AH-01-1684

VIA UPS NEXT DAY AIR



BorgWarner

October 25, 2001

Mayor Walter J. Rielley
City of Crystal Springs
210 East Railroad Avenue
Crystal Springs, Mississippi 39059

Anastasia Hamsel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Re: October 23, 2001 Conference Call

Dear Mayor Rielley:

Let me begin by thanking you for your time during the October 23, 2001 conference call with Kuhlman Electric Corporation's (KEC's) Paul Acheson and myself.

As we discussed over the telephone and as you are aware, the Mississippi Department of Environmental Quality (MDEQ) on October 12, 2001, issued a response to the City of Crystal Springs addressing the City's comments as well as clarifying the regulatory guidelines (both State and Federal) governing PCB remediation.

In the interest of getting the project back on track, this letter is being sent to you to confirm our October 23, 2001 telephone discussion and specifically to confirm that the City of Crystal Springs has no other outstanding issues remaining or that need to be addressed at this time.

As you will recall, you specifically stated "As far as I know, the MDEQ letter has answered all of the City's past comments and addressed the City's concerns. I have a call to Bill Stewart and he should be calling me back shortly. I have talked to Bob Owen who had talked with Bill Stewart and he said that he and Bill Stewart did not have any problems with the MDEQ responses to the comments or any other concerns. Therefore I see no problems with writing a letter to MDEQ and telling them that."

Under the concept that the City of Crystal Springs is satisfied with the MDEQ responses to its comments, and that the City of Crystal Springs understands and agrees that the MDEQ and US EPA Region 4 are the agencies providing oversight and guidance to BorgWarner for the duration of the project, BorgWarner is in the process of preparing its contractors for the next phase. BorgWarner continues to look forward to working under the direction and guidance of the MDEQ and the US EPA Region 4, as well as working with you and the City of Crystal Springs.

Mayor Walter Rielley
October 25, 2001
Page 2 of 2

In the event there are any questions on the above please do not hesitate to contact me directly at (810) 497-4503.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: Tony Russell, MDEQ
Paul Acheson, KEC

is establishing the PCB concentration of the soil in the excavation location so that appropriately trained people are contracted for the excavation.

The property being sampled and tested is owned by the City of Crystal Springs. KEC is testing this soil because city officials are concerned that the city water supply could become PCB contaminated if the soil is contaminated and a worse case scenario developed in the valve installation project.

Two sample locations were chosen as representative of the area where the pipe is located (as determined from city water line blueprints). Samples were taken at 3' (the supposed depth of the pipe) and a composite of the soil from the surface to 3' was tested. Samples are identified as KA2-3' and KA2-C and KA5-3' and KA5-C. Sample locations are illustrated on the attached photograph. All samples tested less than 1 ppm.

Based on the results of the enclosed soil testing, KEC will contract Fountain Construction to perform the excavation for the valve installation. Fountain's employees are not hazwoper trained. Please let me know if you disagree or have any questions.

Thank you in advance for your assistance. Al Thomas

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(See attached file: smpltop2.tif)

(See attached file: MVC-014F.JPG)

(See attached file: soiltest.pdf)



"ALAN THOMAS" <ATHOMAS@kuhlman.com> on 10/17/2001 08:02:23 AM

To: <Tony_Russell@deq.state.ms.us>
cc: "Paul Acheson" <PAULA@kuhlman.com>, "Ron Polk" <RPOLK@kuhlman.com>, "Tom Minnich" <TOMM@kuhlman.com>, <scott.schang@lw.com>
Subject: Re: Soil Testing at KEC; Crystal Springs, Ms

Thank you for the quick response. Al

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>>> <Tony_Russell@deq.state.ms.us> 10/17/01 08:55AM >>>

Since the contamination is below 1 ppm; there would not be any restrictions. The construction crew does not have to be hazwoper trained.

Thanks, Tony

"ALAN THOMAS" <ATHOMAS@kuhlman.com> on 10/16/2001 02:09:32 PM

To: <Tony_Russell@deq.state.ms.us>
cc: "Paul Acheson" <PAULA@kuhlman.com>, "Ron Polk" <RPOLK@kuhlman.com>, "Tom Minnich" <TOMM@kuhlman.com>, <scott.schang@lw.com>
Subject: Soil Testing at KEC; Crystal Springs, Ms

Tony; I am writing to advise that KEC arranged sampling and testing for PCB contamination at a spot on the southwest side of the property adjacent to Lee St. in Crystal Springs (see attached drawing and photograph). The purpose of this work was to enable excavation of a pit to install shutoff valve in the 8" city water line supplying the KEC sprinkler protection. KEC is attempting to install sprinkler protection for the recently purchased Piggly Wiggly market and is in need of installing a backflow prevention valve as well. Existing city isolation valves do not shut off the water to the KEC site. KEC cannot proceed on either project until a functioning shutoff valve is successfully installed. KEC



"ALAN THOMAS" <ATHOMAS@kuhlman.com> on 10/16/2001 02:09:32 PM

To: <Tony_Russell@deq.state.ms.us>
cc: "Paul Acheson" <PAULA@kuhlman.com>, "Ron Polk" <RPOLK@kuhlman.com>, "Tom Minnich" <TOMM@kuhlman.com>, <scott.schang@lw.com>
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- smpltop2.tif



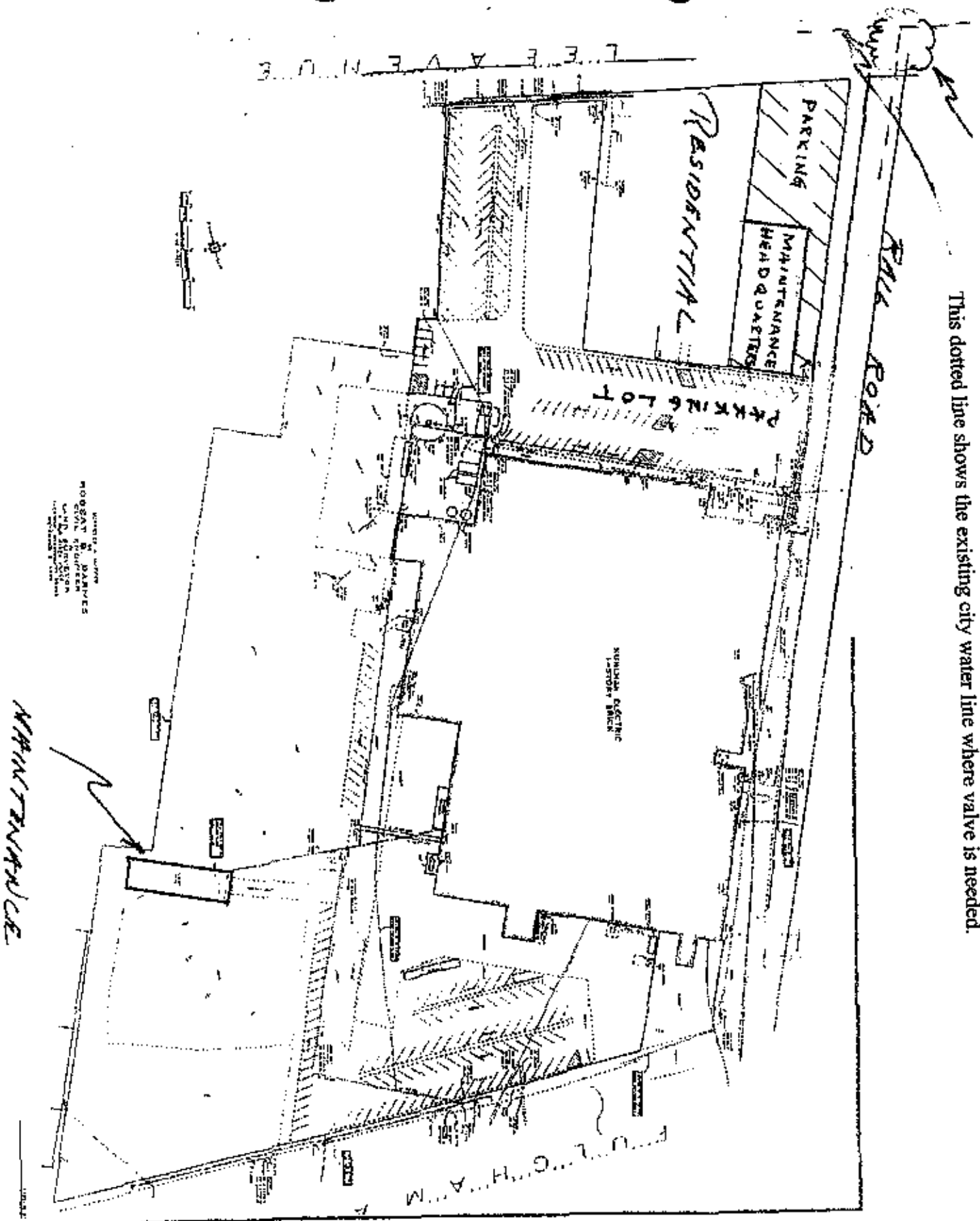
- MVC-014F.JPG



- soiltest.pdf

Soil was sampled and tested at this location to install shut off valve to the KEC site.

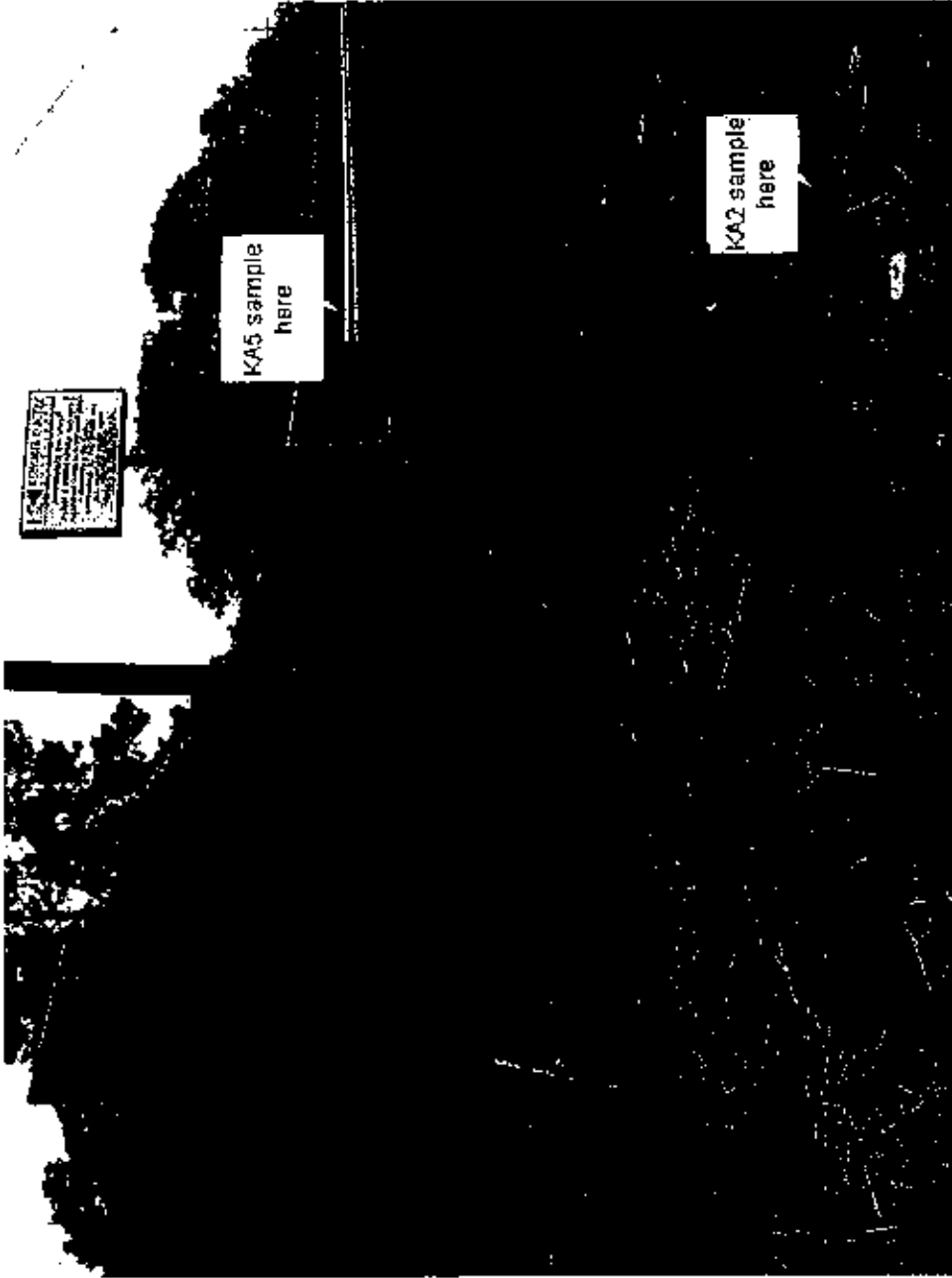
This dotted line shows the existing city water line where valve is needed.



MORGAN & BAKER
CIVIL ENGINEERS
1000 ...

MAINTENANCE

FULTON



ACL**ADVANCED CHEMISTRY LABS, INC.**

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 e-mail: acl@mindspring.com

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 P.O. Box 88610 • Atlanta, GA 30356
 www.advancedchemistrylabs.com

Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327.08 / Kuttman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

PCBs (3550B/8082)**Sample ID:** KA2-3'

Matrix: Soil
Date Sampled: 09/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/01/2001
Analyst: SS

ACL Sample #: 175383 **Units:** mg/kg,dw

Analyte	Result	PQL
Arochlor-1016	BQL	0.02
Arochlor-1221	BQL	0.02
Arochlor-1232	BQL	0.02
Arochlor-1242	BQL	0.02
Arochlor-1246	BQL	0.02
Arochlor-1254	BQL	0.02
Arochlor-1260	BQL	0.02
Arochlor-1288	BQL	0.02



John Andros, Lab Manager

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

P.2/11

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www.advancedchemistrylabs.com

Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327-08 / Kulhman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

PCBs (3550B/8082)

Sample ID: KA2-C

Matrix: Soil
Date Sampled: 09/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/01/2001
Analyst: SS

ACL Sample #: 175384 **Units:** mg/kg,dw

Analyte	Result	PQL
Arochlor-1018	BQL	0.02
Arochlor-1221	BQL	0.02
Arochlor-1232	BQL	0.02
Arochlor-1242	BQL	0.02
Arochlor-1248	BQL	0.02
Arochlor-1254	BQL	0.02
Arochlor-1260	0.32	0.02
Arochlor-1268	BQL	0.02

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

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 www.advancedchemistrylabs.com

Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327.08 / Kuhlman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

PCBs (3550B/8082)**Sample ID:** KA5-3'

Matrix: Soil
Date Sampled: 09/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/01/2001
Analyst: SS

ACL Sample #: 175385 **Units:** mg/kg,dw

Analyte	Result	PQL
Arochlor-1016	BQL	0.03
Arochlor-1221	BQL	0.03
Arochlor-1232	BQL	0.03
Arochlor-1242	BQL	0.03
Arochlor-1248	BQL	0.03
Arochlor-1254	BQL	0.03
Arochlor-1260	BQL	0.03
Arochlor-1288	BQL	0.03

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

P.4/11

OCT 09 01 04:58PM OHM REGIONAL SALES

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www.advancedchemistrylabs.com

Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327.06 / Kuhman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

PCBs (3550B/8082)**Sample ID:** KA5-C

Matrix: Soil
Date Sampled: 09/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/02/2001
Analyst: SS

ACL Sample #: 175386 **Units:** mg/kg, dw

Analyte	Result	PQL
Arochlor-1016	BQL	0.02
Arochlor-1221	BQL	0.02
Arochlor-1232	BQL	0.02
Arochlor-1242	BQL	0.02
Arochlor-1248	BQL	0.02
Arochlor-1254	BQL	0.02
Arochlor-1260	0.63	0.02
Arochlor-1268	BQL	0.02

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

P.5/11

OCT 09 10 01:59PM OHM REGIONAL SALES

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 P.O. Box 80610 - Atlanta, GA 30356
www.advancedchemistrylabs.com

Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327.06 / Kuhlman Electric
 ACL Project #: 36871
 Date Received: 10/01/2001
 Date Reported: 10/02/2001

PCBs (3550B/8082)

Sample ID: KA6-C 0-1'

Matrix: Soil
 Date Sampled: 09/27/2001
 Date Extracted: 10/01/2001
 Date Analyzed: 10/02/2001
 Analyst: SS

ACL Sample #: 175387 Units: mg/kg.dw

Analyte	Result	PQL
Arochlor-1016	BQL	0.02
Arochlor-1221	BQL	0.02
Arochlor-1232	BQL	0.02
Arochlor-1242	BQL	0.02
Arochlor-1248	BQL	0.02
Arochlor-1254	BQL	0.02
Arochlor-1260	0.04	0.02
Arochlor-1268	BQL	0.02

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

P. 5/11

OCT 09 '01 01:59PM OMN REGIONAL SALES

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 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327.05 / Kulhman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

PCBs (3550B/8082)**Sample ID:** KA7-C 0-1'

Matrix: Soil
Date Sampled: 09/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/02/2001
Analyst: SS

ACL Sample #: 175388 **Units:** mg/kg.dw

Analyte	Result	PQL
Arochlor-1018	BQL	0.02
Arochlor-1221	BQL	0.02
Arochlor-1232	BQL	0.02
Arochlor-1242	BQL	0.02
Arochlor-1248	BQL	0.02
Arochlor-1254	BQL	0.02
Arochlor-1260	0.18	0.02
Arochlor-1268	BQL	0.02

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

11/2/11

OCT 09 '01 01:59PM OHM REGIONAL SALES



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 P.O. Box 88610 • Atlanta, GA 30856
 www.advancedchemistrylabs.com

Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Client Proj #: 620327.06 / Kuhlman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

Contact: Ms. Betsy McDaniel

PCBs (35509/8082)

Sample ID: KAB-C 0-1'

Matrix: Soil
Date Sampled: 09/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/02/2001
Analyst: SS

ACL Sample #: 175389 **Units:** mg/kg.dw

Analyte	Result	PQL
Arochlor-1018	BQL	0.20
Arochlor-1221	BQL	0.20
Arochlor-1232	BQL	0.20
Arochlor-1242	BQL	0.20
Arochlor-1248	BQL	0.20
Arochlor-1254	BQL	0.20
Arochlor-1260	0.39	0.20
Arochlor-1288	BQL	0.20

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Appropriate Value
 PQL = Predicted Quantitation Limit

11/8/01

001 09 01 02:00PM OMI REGIONAL SALES

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Client: IT Corporation
 11560 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Contact: Ms. Betsy McDaniel

Client Proj #: 820327.06 / Kuhnman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

PCBs (3550B/8082)**Sample ID:** KA9-C 0-1

Matrix: Soil
Date Sampled: 08/27/2001
Date Extracted: 10/01/2001
Date Analyzed: 10/02/2001
Analyst: SS

ACL Sample #: 175390 **Units:** mg/kg.dw

Analyte	Result	PQL
Arochlor-1016	BQL	0.02
Arochlor-1221	BQL	0.02
Arochlor-1232	BQL	0.02
Arochlor-1242	BQL	0.02
Arochlor-1248	BQL	0.02
Arochlor-1254	BQL	0.02
Arochlor-1260	0.28	0.02
Arochlor-1268	BQL	0.02

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

P.9/11

OCT 09 02:07PM 04M REGIONAL SALES

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www.advancedchemistrylabs.com

Client: IT Corporation
 11660 Great Oaks Way
 Suite 500
 Alpharetta, GA 30022-0000

Client Proj #: 820327.06 / Kuhlman Electric
ACL Project #: 36871
Date Received: 10/01/2001
Date Reported: 10/02/2001

Contact: Ms. Betsy McDaniel

<u>Sample ID</u>	<u>ACL #</u>	<u>Analyte</u>	<u>Matrix</u>	<u>Result</u>	<u>PQL</u>	<u>Units</u>	<u>Date Analyzed</u>
KA2-3'	175383	T. Solids (SM2540G)	Soil	80.8	0.5	wt %	10/02/2001
KA2-C	175384	T. Solids (SM2540G)	Soil	84.3	0.5	wt %	10/02/2001
KA5-3'	175385	T. Solids (SM2540G)	Soil	80.2	0.5	wt %	10/02/2001
KA5-C	175386	T. Solids (SM2540G)	Soil	90.3	0.5	wt %	10/02/2001
KA6-C 0-1'	175387	T. Solids (SM2540G)	Soil	93.5	0.5	wt %	10/02/2001
KA7-C 0-1'	175388	T. Solids (SM2540G)	Soil	80.7	0.5	wt %	10/02/2001
KA8-C 0-1'	175389	T. Solids (SM2540G)	Soil	88.6	0.5	wt %	10/02/2001
KA9-C 0-1'	175390	T. Solids (SM2540G)	Soil	93.7	0.5	wt %	10/02/2001

BQL = Below Quantitation Limit
 J = Less than Quantitation Limit, Approximate Value
 PQL = Practical Quantitation Limit

P. 18/11

SETUP TERMINES WHO M002:08 10. 08 00

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 16, 2001

Honorable Walter J. Rielley, III
Mayor
City of Crystal Springs
P.O. Box 473
Crystal Springs, MS 39059

Re: Issues related to Kuhlman Electric site remediation and drainage channel remediation

Dear Mayor Rielley:

The City of Crystal Springs (City) has raised several issues regarding the proposed remediation of the Kuhlman Electric Corporation (KEC) plant site and the drainage channel leading to Lake Chautauqua. This letter is the Mississippi Department of Environmental Quality's (MDEQ's) response to those issues. The City's questions are in bold and MDEQ's response follows each question.

**KUHLMAN SITE REMEDIATION WORK PLAN
SELECTION OF TARGET CLEANUP GOALS**

Why has MDEQ agreed to allow the use of the self-implementing provisions of 40 C.F.R. 761 instead of the State of Mississippi's Brownfields Phase II Regulations?

The Mississippi Brownfields Regulations do not apply to this site because the law that pertains to contamination caused by polychlorinated biphenols (PCBs), the Toxic Substances Control Act (TSCA), is a federal law and program that the Environmental Protection Agency (EPA) has not delegated to the State of Mississippi. Also, the self-implementing provisions of 40 C.F.R. 761.61(a) likely provide greater protection by removing PCB concentrations to a level lower than either a site-specific risk assessment under 40 C.F.R. 761.61(c) or the MDEQ Brownfields Regulations would.

Why has MDEQ agreed to a cleanup goal of 100 ppm when a risk assessment done by Borg Warner indicates that cleaning up to 50 ppm would be necessary to leave an acceptable risk?

The self-implementing provisions require concentrations no higher than 100 ppm to remain on-site, while the site-specific risk assessment would allow concentrations of up to 550 ppm to

remain on-site. The self-implementing provision also will require PCB contamination greater than 25 ppm to be capped whereas under the risk assessment capping only is required for soils with concentrations greater than 50 ppm.

Why were representatives of the City of Crystal Springs not included in the discussion in which MDEQ, EPA Region IV, and Borg Warner agreed to use the self-implementing cleanup standards instead of the site-specific risk assessment approach?

There was no attempt by MDEQ, EPA Region IV, or Borg Warner to exclude the City of Crystal Springs from the decision that Borg Warner made to utilize the self-implementing provisions of the TSCA regulations. Since the Kuhlman site has areas of contamination that exceed concentrations of 50 ppm, EPA has the final regulatory say regarding the remediation. The self-implementing provisions of 40 C.F.R. 761.61(a) are a regulatory option available to Borg Warner or any other company to remediate a site contaminated with PCBs. MDEQ's primary responsibility, beyond compliance with applicable regulations, is to assure that the remediation is conducted to protect both human health and the environment. MDEQ and EPA staff reviewed the self-implementing remediation plan and determined that it is protective of human health and the environment.

KUHLMAN SITE REMEDIATION WORK PLAN REMEDICATION ACTIVITIES

Why is Borg Warner not required to submit a revised work plan for the site remediation due to the fundamental change in remediation goals?

EPA has explained to Borg Warner that the self-implementing plan rather than a site-specific risk assessment is applicable to this remediation. Therefore, Borg Warner will be submitting a final work plan that will include revisions required by both EPA and MDEQ. Borg Warner is expected to submit the revised work plan shortly after they receive a copy of this letter detailing MDEQ's response to the City's comments on the work plans.

What showing has been made that the restricted use areas will be "low occupancy" areas as that term is defined in the regulations?

As explained above, EPA has final regulatory authority over the Kuhlman site because PCB concentrations greater than 50 ppm are present. EPA has classified the areas outside of the buildings as low occupancy per the TSCA regulations.

What showing has been made that the existing paving and floor slabs that are considered part of the cap are at least six inches thick?

The self-implementing regulations of TSCA, 40 C.F.R. 761.61(a), require a 6-inch slab for PCB concentrations between 25-100 ppm; concentrations less than 25 ppm do not need a cap. As stated above, TSCA is a federal program for which MDEQ has no delegation. However, MDEQ has consulted with EPA and has found out that EPA does not contemplate any contamination under the floor slabs inside the building and, therefore, is not requiring Borg Warner to demonstrate the thickness of those slabs. Outside the building, EPA will require Borg Warner to place at least a 6 inch slab on areas where concentrations range between 25-100 ppm. If this

requirement cannot be met, Borg Warner cannot use the self-implementing provisions of 761.61(a), but could use a risk-based approach under 761.61(c). Again, EPA will make this determination, not MDEQ.

In the preliminary remediation work plan, Borg Warner proposed to excavate only six feet deep for soil removal irrespective of contamination beneath this depth. The City of Crystal Springs believes there should be no maximum soil removal depth only a minimum soil removal depth of 10 inches. Removal should be controlled exclusively by the remediation goal PCB concentration below ten inches deep.

Borg Warner/Kuhlman is required to remove all PCB concentrations above 100 ppm, which will necessitate excavation beyond six feet in several areas of the plant property. Additionally, the removal and replacement of approximately ten inches of soil across the entire site will remove near-surface levels of PCBs along the property line. If sampling reveals concentrations remaining above 25 ppm after the initial soil removal, then contaminated soil will either have to be further removed or a cap put in place and then noncontaminated soils with groundcover placed over the area.

The buffer area of 2 feet around the perimeter of the site appears to be arbitrary and too narrow. 40 C.F.R. 761.123 requires spills within 0.1 kilometer of residential property to be cleaned to residential standards and 40 C.F.R. 761.61 allows more stringent cleanup standards based on proximity to residential dwellings, hospitals, schools...daycare centers, sport fisheries, etc., all of which are located in the vicinity of the Kuhlman plant. Why will MDEQ not require the 100 meter buffer area around the site?

The requirements found in 40 C.F.R. 761.123 apply to spills and are not applicable to this site. The remediation that is proposed at the Kuhlman site is being conducted under the TSCA regulations for the remediation of a bulk PCB remediation waste as defined in 40 C.F.R. 761.3. The TSCA regulations that you reference are applicable to the cleanup of spills and not the remediation of a site. The self-implementing regulations do not require a buffer around the perimeter of the property, and if PCB concentrations are below 25 ppm no cap is needed. Additionally, Borg Warner already has remediated the surrounding residences to 1 ppm. Therefore, MDEQ believes that the proposed buffer of 2 feet wide and 2 feet deep along the Kuhlman property line is adequate.

KUHLMAN SITE REMEDIATION WORK PLAN POST REMEDIATION ACTIONS

Notice should be given to the City when sediments are observed in site runoff.

Once remediation is completed, all areas either will be capped or will have clean soils with no PCB contamination to a depth of approximately ten inches. There should be no PCB contaminated runoff; therefore, MDEQ does not see the need for such a notification.

The NPDES stormwater permit should be modified to incorporate PCB monitoring.

The Hazardous Waste staff will notify the MDEQ Environmental Permits Division of the presence of PCBs on the property so that they can evaluate the need to modify the permit.

DRAINAGE CHANNEL PCB ASSESSMENT WORK PLAN

The plan fails to address in Section 3 the groundwater assessment need identified in Section 1.4.

MDEQ believes that a groundwater monitoring assessment may be needed along the drainage channel depending on the level of contamination encountered and the remediation performed. Once Borg Warner completes the delineation of the drainage channel, MDEQ and Borg Warner should know the vertical extent of the contamination. At that point, MDEQ can determine if a groundwater assessment is needed. If the contamination is removed from the drainage channel, there may not be a need to conduct a groundwater monitoring assessment.

Section 1.2.1 states that the City of Crystal Springs owns property within the assessment area but does not list the City in the accompanying table.

The table should be so corrected if the City owns property within the assessment area.

The plan fails to address in Section 3 the reconnaissance level sampling of potential hot spots discussed in Section 1.4.

Section 3 does address reconnaissance level sampling; however, it does not address detailed sampling "hot spots" referenced in Section 1.5. Section 3 should be revised to address the detailed sampling for "hot spots."

In Section 3 the 100-year flood plain is selected as a convenience to define the initial sampling area and should not be interpreted to limit sampling outside the area if sample analyses indicated the need for additional sampling.

MDEQ agrees that if sampling analyses indicate that contamination extends beyond the 100-year flood plain, additional sampling will be required.

Berms, which are constructed as temporary flood protection, should not be removed after completion of remediation or opened to prevent ponding.

If property owners wish a temporary structure left in place, then they will have to negotiate that with Borg Warner. The question of whether berms are left in place is not a question of environmental regulation under MDEQ's authority, but may implicate the authority of other state or local drainage/flood control agencies.

A number of references are made in Section 3 that the drainage channel needs to be cleared of rubbish, debris, etc. and that clearing and grubbing activities need to be accomplished. Although not stated in the report, previous discussions by Borg Warner indicated that they desired to have the city accomplish the clearing/cleaning of the drainage channel. In order to prevent any confusion as to perceived responsibilities, the report should state that all work to be accomplished within the confines of this work plan would be accomplished by a contractor employed by Borg Warner.

MDEQ has continued to talk with both the City and Borg Warner about this issue. For MDEQ, the bottom line is that but for the PCB contamination in the drainage channel, no one would be making an effort to remove the debris and rubbish present there. It is MDEQ's understanding that the City does not have an easement along the drainage channel and must obtain permission from landowners prior to entering the property for any reason. Therefore, it is our opinion that any activity that must be completed to assess and remediate the contamination is the responsibility of Borg Warner regardless of whether or not the material is contaminated. Obviously, it follows that any areas of the drainage channel that are assessed and determined to be uncontaminated would require no remediation.

On a separate note, while reviewing the existing condition of the drainage channel, several homeowners who were interested in what was being accomplished at this time approached them. While talking with them they indicated that the site of the existing McPherson Street ball field was previously used as a landfill. They also stated that during its use as a landfill they recalled seeing drums of waste from the Kuhlman plant being deposited and buried at this site. Finally, they also recalled that another piece of property within the immediate area was used as a landfill and waste drums were buried there as well. Although we have discussed the previous use of the ball field, we are not aware of any extensive testing having been accomplished in this area.

In previous conversations with the City, it was MDEQ's understanding that the McPherson Street ball field was an old landfill area, but there was never any mention of any waste materials from the Kuhlman plant being disposed of at the site. We will contact Kuhlman to see if they have any further information on this site or any wastes that may have been disposed there. Additionally, MDEQ will investigate the McPherson Street ball field and conduct surface sampling to ensure there are no PCBs. MDEQ will investigate the other area of concern once we obtain more specific information on the location of this other potential landfill.

I hope these responses adequately address the City's concerns. If you have any questions, please do not hesitate to contact me at 601-961-5340 or Jerry Banks at 601-961-5221.

Sincerely,

Kelli M. Dowell

Kelli M. Dowell
Attorney

cc: Bill Stewart
Craig Brown, EPA
Robert Lawrence, Esq.



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

October 12, 2001

Mr. Paul Acheson
Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, MS 39059

RE: Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Mr. Acheson:

The Mississippi Department of Environmental Quality (MDEQ) has received your letter dated October 10, 2001, concerning the above referenced site. The MDEQ conditionally approved the work plan prepared by Borg Warner for the Kuhlman site by letter dated October 5, 2001, which is attached for your review. The MDEQ is presently drafting a response to the City of Crystal Springs comments, which shall be mailed shortly. The MDEQ does not see any reason why the scope of work proposed for the Kuhlman site cannot be implemented at this time.

In the comments submitted to MDEQ by the City of Crystal Springs, they mention concerns raised by several citizens that the McPherson Street ball field was previously used as a landfill. They also stated that during the use as a landfill, they recalled seeing drums of waste from the Kuhlman site being buried at this site. They also indicated that another piece of property within the immediate area was also used as a landfill and waste drums were buried there as well. The MDEQ requires a written response by October 26, 2001, as to whether there are any records or personal knowledge by workers that this disposal of waste material occurred and the type of waste that may have been disposed of in these areas or any other areas.

Letter: Mr. Paul Acimerson
October 12, 2001
Page 2

Please call me at 601-961-5318, if you have any questions.

FILE COPY

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

cc: Anastasia Hamel
Mayor Walter Rielley

Tel: (601) 892-4661
Fax: (601) 892-6406



101 Kuhlman Drive, Crystal Springs, Mississippi 39059

Instrument Transformers
Power Transformers

October 10, 2001



Mr. Jerry Banks
Mr. Tony Russell
Mississippi Department of Environmental Quality
P.O. Box 20305
Jackson, Mississippi 39289-1305

Re: Kuhlman Electric Company's Crystal Springs Facility

Dear Jerry and Tony:

As we have discussed, KEC is anxious for remediation of the Crystal Springs facility to commence. Enclosed please find a letter of intent between the City of Crystal Springs and KEC regarding KEC's acquisition of all real property at the facility that belongs to the City. As the letter of intent states in paragraph 7, the City has accepted both the remedial workplan for the facility and any necessary deed restrictions, provided that both such items are acceptable to MDEQ and EPA. KEC also accepts the workplan and any necessary deed restrictions, subject to negotiation of the precise deed restriction language.

The purchase of the facility real property from the City should be completed within one week. All title work is complete, and today KEC presented the City with the deeds and the full amount of the agreed-upon purchase price.

KEC asks that MDEQ clarify that it has accepted BorgWarner's responses to MDEQ's comments on the workplan, that it has taken into consideration any other comments on the workplan, and that no roadblocks remain to commencing facility remediation. Your assistance would be greatly appreciated.

Sincerely yours,

A handwritten signature in black ink that reads "Paul Acheson". The signature is written in a cursive, flowing style.

Paul N. Acheson
Vice President & General Manager

Enclosure

cc: Tom Minnich, KEC
Scott Schang, Latham & Watkins
Anastasia Hamel, BorgWarner
Tom Lupo, Seyfarth, Shaw

CITY OF CRYSTAL SPRINGS
P.O. BOX 473
210 EAST RAILROAD AVE.
CRYSTAL SPRINGS, MS 39059

FILE COPY

FAX COVER SHEET

DATE: 9 Oct 01

TIME: 0945

TO: Tony Russell

PHONE: 961-5300

FAX: 961-5300

FROM: Walter Ridley
CITY OF CRYSTAL SPGS

PHONE: 601/892-1210

FAX: 601/892-4870

RE: Attorney General Opinion

Number of pages including cover sheet: 6

Message

FILE COPY

STATE OF MISSISSIPPI



OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERALOPINIONS
DIVISION

April 23, 2001

Robert L. Lawrence
 City Attorney for Crystal Springs
 Post Office Box 473
 Crystal Springs, Mississippi 39059

Re: Right of Municipality to Enter Drainage Way for Removal of Contaminants

Dear Mr. Lawrence:

ATTORNEY GENERAL OPINION

Attorney General Mike Moore has received your request for an opinion and has assigned it to me for research and response. You present the following facts:

An industry located in the City of Crystal Springs, Mississippi, has accidentally released PCB contaminants onto the industry's property, which has in turn been released from the site into a major drainage way and stream through the City of Crystal Springs. This drainage way is not located within a street or highway right-of-way. The drainage way is not an artificial or man-made channel. The major drainage way and stream is located on privately owned, non-platted property and is not owned by the City and the City does not have an easement to perform any work in the drainage way. The drainage way and stream empty into a City owned lake. The only rights of the City, if any, to the drainage way and stream is the statutory right to establish, change or alter channels or streams or other water courses granted under Section 21-19-13 MCA.

FILE COPY

Robert L. Lawrence
 April 23, 2001
 Page 2

The industry has begun a process of the testing and remediation of the contaminants along and in the major drainage way and stream. The industry has inquired about any collateral assistance the City may give to the clean up effort in the drainage way and stream. The collateral assistance would include removal and disposal of any extraneous matter in the stream such as tires, refrigerators, limbs, trash, etc. This matter is not in litigation.

You then present to us four questions, each of which will be addressed in turn.

1. Does the City have the right to enter the property to perform any work in the drainage way and stream such as removing debris prior to the industry testing for PCB contamination without express written consent of the land owner of the property?

No. Prior to performing any work on private property, the municipal governing authorities must have, at a minimum, acquired permission from the property owners to enter onto the property.

2. If the answer to question 1 is affirmative, does the City have any authority to assign to the industry any such right of entry the City may have to enable testing, removal of debris and remediation of the property?

Please see response to Question 1.

3. If the answer to question 1 is negative, if the industry obtains permission from the property owner to enter for testing and remediation, does the City have any obligation to remove any debris located in the stream or drainage way?

The City has no obligation to remove debris located in the stream or drainage way for the purposes of assisting the industry perform its testing and remediation. Should the municipal governing authorities make the factual determination that such work is necessary for the promotion of the health, comfort or convenience of inhabitants of the municipality, they may, pursuant to Section 21-19-13, authorize the expenditure of municipal funds on drainage work on the natural water course you describe, which may include the removal of impediments to the natural flow of water through the water course.

FILE COPY

Robert L. Lawrence
 April 23, 2001
 Page 3

4. The remediation work to be performed by the industry may involve the creation of an artificial channel or drainage on the private property. After completion of the work, in the event an artificial channel is created, will the City have any rights to enter the drainage way in the future?

No. As we have stated by prior opinion, municipal governing authorities may, after appropriate factual findings, enter upon private property to perform drainage work on natural water courses with the *permission of the property owner*. However, an easement would be necessary to perform such work on a drain, or other artificial water way. *MS AG Op., Snowden (December 13, 1996) and MS AG Op., Hancock (May 25, 1989)*. The City may enter the drainage way only upon the granting of *permission or an easement by the owner* of the property.

If our office has been of further assistance, please advise.

Sincerely,

MIKE MOORE, ATTORNEY GENERAL

CONFIDENTIAL

By:

Heather Wagner

Heather Wagner

Assistant Attorney General

Enclosure

FILE COPY

1989 WL 503275

Page 1

1989 Office of the Attorney General
State of Mississippi

May 25, 1989

Re: City work upon water courses drains

Tim Hancock
City Attorney
P.O. Box 17
Jackson, MS 39205

Dear Mr. Hancock:

Attorney General Mike Moore has received your letter and has assigned it to me for reply. A copy of your letter is attached for reference.

At the outset we take up one of your later questions which we consider must be answered at the beginning of this opinion. The question is whether there is a difference between an artificial channel and a natural watercourse. The opinion of this office to Fred C. Permenter, Jr., dated 12-10-1984, based upon Section 21-19-13 of the Miss.Code of 1972, deals only with streams and water courses. As the Mississippi Supreme Court stated in *Belzoni Drainage Commission v Winn*, 98 Miss. 359, 53 So. 778, 779 "[t]he question of what constitutes a water course has been a perplexing one for the courts, and there is a varying line of decisions on this subject." The case law does draw a distinction between a water course and an artificial channel. An artificial channel was termed a drain in *Belzoni Drainage Commission v Winn*, supra, and the same case affirmed an earlier definition of a water course as "a natural channel, ... with well defined bed and banks, of varying width and depth, through which water is conveyed and discharged...." *Id.* at 779. All the case law recognizes that there does not have to be a year round water flow. Mississippi even recognizes that an artificial channel may eventually become a water course, but to do so it must exist for the prescriptive period, and be connected to a water course and be in lieu of the original channel or divert all of the water from the original stream through the channel. *Pompey Lake Drainage District v McKinney Lake Drainage District*, 136 Miss 168, 99 So. 387 (1924) and *Scranton-Pascagoula Realty Co. v. Pascagoula*, 157 Miss 498, 128 So. 73 (1930). It is our opinion that the authority conferred by Section 21-19-13 applies only to streams and water courses and not to drains

and artificial channels as defined by case law. As stated in our Permenter opinion, a copy of which is attached, the municipality may perform drainage work on streams or water courses if the work will promote the health, comfort, and convenience of the inhabitants of such municipality. Work authorized by 21-19-13 may be performed regardless of the number of inhabitants who will have their health, comfort, or convenience promoted.

As to artificial channels, or drains as case law terms them, the municipality does not have general authority to perform drainage or other work, except a municipality is not without recourse if the state of the drain is a menace to public health or safety.

Your letter inquired about the city being granted easements by the landowners over a watercourse. As stated above, if the site needing work is a watercourse and the property owners give consent, then the city may perform work under 21-19-13 and no easement has to be given. Indeed, the city could obtain the property by eminent domain to construct a bridge or other 21-19-13 work. However, if the site is a drain as defined by caselaw then mere consent to perform work, such as a license or "temporary easement" will not authorize the city to perform work on private land (except, of course, 21-19-11 work, which does not need landowner permission). The city is authorized to accept donations of interests in real property, including easements. The city could, and should, clean its easements to prevent menace to public health or safety. However, the granting and acceptance of an easement should not simply be a mechanism for the transfer of the obligation to clean a drain from the private owners to the city.

Your letter also asks about mosquito control on private property. Under Section 21-19-1 the city has authority to "secure the general health of the municipality; to prevent, remove, and abate nuisances...." See also *Hartman v May*, 168 Miss 477, 151 So. 737 (1934). We believe such a condition, if brought about by neglect, would constitute a public nuisance and the city could seek injunctive relief. Of course, the city could pursue both equitable relief and a criminal prosecution. *State ex rel. Maples v Quinn*, 217 Miss 567, 64 So. 711 (1953). If the problem is determined, consistent with fact, to be caused by one or more of the conditions identified in Section 21-19-11, the cost of the work would be taxed to the property. The city

FILE COPY

NO. 271

ORDINANCE REGULATING THE DISPOSITION OF TREES, LIMBS,
DEBRIS, GARBAGE, RUBBISH, AND OTHER ITEMS BY
CONTRACTORS FOR HIRE AND OWNERS OF AND/OR
OCCUPANTS OF REAL PROPERTY WITHIN THE
CORPORATE LIMITS OF THE CITY OF
CRYSTAL SPRINGS, MISSISSIPPI

WHEREAS, The Mayor and Board of Aldermen of the City of Crystal Springs declare it to be in the best interest of the health, safety, and welfare of the citizens of the City of Crystal Springs to prevent, remove, and abate nuisances, and prescribe and enforce regulations for the removal and disposition of debris, garbage, rubbish, and other items by contractors for hire and owners of and/or occupants of real property within the corporate limits of the City of Crystal Springs, Mississippi.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CRYSTAL SPRINGS, MISSISSIPPI, AS FOLLOWS:

SECTION 1:

DEFINITIONS - For the purpose of this ordinance the following definitions shall apply.

(a) Contractor for Hire - Any person, firm, or corporation who for monetary gain shall in any manner cut, and/or discard and collect debris, in the City of Crystal Springs, Mississippi.

(b) Debris - Trees, shrubs, bushes, discarded building materials, rubbish, garbage or trash.

SECTION 2:

It shall be the duty of any contractor for hire within the corporate limits of the City of Crystal Springs to provide for and remove at his own expense any debris from the private property from which it has been collected.

SECTION 3:

It shall be the duty and responsibility of every owner or occupant of any property within the corporate limits of the City of Crystal Springs to remove from his premises or from the City streets, sidewalks, rights-of-way if left



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

October 5, 2001

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Re: Remediation Work Plan dated May 2001
Response to Comments dated September 20, 2001
Kuhlman Electric Corporation
Crystal Springs, Mississippi

Dear Ms. Hamel:

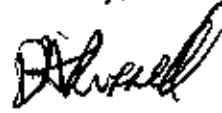
The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced documents. The Remediation Work Plan (as amended by the September 20, 2001, letter) is approved with the following conditions:

1. A construction quality assurance document for the 60 mil HDPE liner shall be developed and submitted to MDEQ for review. At a minimum this document shall include: on-site storage of the HDPE, placement of the HDPE, field seaming techniques, testing of field seams, and repairing methods for seams or punctures of the HDPE. The construction quality assurance document shall also include what procedures will be taken to protect the HDPE from damage during preparation/compaction of the sub-grade for the asphalt-paved areas. A map showing the in-place location of the HDPE shall be included in a post remediation action report. Furthermore, the location of the HDPE should be outlined on the surface in a way that its location is obvious and this area should be restricted from future subsurface use.
2. The MDEQ shall be notified at least two weeks prior to conducting field activities associated with this work plan.

Ms. Anastasia Hame
October 5, 2001
Page 2

If you should have any questions or comments, please contact Brian Young at
601-961-5088.

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch

FILE COPY



"ALAN THOMAS" <ATHOMAS@kuhiman.com> on 10/01/2001 08:23:05 AM

To: <Brian_Young@deq.state.ms.us>
cc: <scott.schang@fw.com>
Subject: Treatment of PCB Contaminated Water

Brian; I wanted to share with you the remediation plan KEC intends to implement for the PCB contaminated water KEC has collected at the Crystal Springs facility.

Water from the sprinkler pipe leak has been collected in frac tanks, then sampled and tested to determine PCB concentration.

KEC has collected 40M gallons which tested less than 3.0 ppb. This 40M gallons was sent to Industrial Water Service in Mobile Al. for disposal.

KEC has collected 60000 gallons of water which tests greater than 3.0 ppb PCB. Samples from each of the three tanks has been bench tested with a flocculant process by Environmental Management Services in Hattiesburg, Ms. EMS was successful in floccing out the PCB, reducing the PCB concentration of the water to less than 3.0 ppb in each of the tanks.

EMS followed the bench test with floccing of the (3) frac tanks and that process was successful in reducing the PCB concentration of the water to less than 3.0 ppb as evidenced by sampling and testing following the floc process.

KEC plans to pump out the water in the three frac tanks to within six inches of the bottom of each frac tank. It is KEC's understanding from EMS that leaving six inches in the bottom of the tank will insure that no high concentration of PCB contaminated water will be pumped out of the frac. The water pumped out at less than 3.0 ppb will be sent to IWS for disposal as non-haz waste.

The bottom six inches of each tank will then be combined into one tank. The two empty tanks will then be decontaminated. Decontamination water from the two tanks will then be pumped into the one remaining tank. The contents of the final tank will be incinerated as hazardous waste.

KEC hopes this planning meets with your approval. Please let us know any questions. Thank You. Al Thomas

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ROBERT L. MARTIN, L.G.
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

September 20, 2001

Bryan Young, Project Officer
Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385

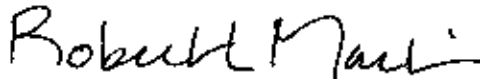
**SUBJECT: Response to Comments – Remediation Work Plan
Kuhlman Electric Plant Site
Crystal Springs, Mississippi**

Dear Mr. Young:

Enclosed are BorgWarner, Inc.'s responses to MDEQ's comments on *Work Plan for Remediation of the Kuhlman Electric Corporation Plant Site* in Crystal Springs, Mississippi. If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C



Robert L. Martin, L.G.
Principal Geologist

Attachments

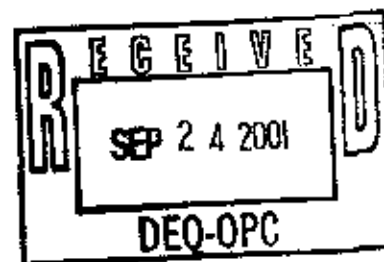
cc.: Anastasia Hamel
Walter Rielley
Al Thomas
Tom Lupo
Scott Schang
Craig Brown

BorgWarner
Inc.

200
South
Michigan
Avenue

Chicago
Illinois
60604

Telephone
312 322 8500



AH-01-1677

VIA UPS NEXT DAY AIR



BorgWarner

September 17, 2001

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

FILE COPY

**Re: Kuhlman Electric Corporation Facility, Crystal Springs, Mississippi
City of Crystal Springs Drainage Channel PCB Assessment**

Dear Mr. Russell:

This letter captures our collective and numerous conversations of the past several months concerning BorgWarner Inc.'s (*f/k/a* Borg-Warner Automotive, Inc.) and Kuhlman Corporation's (collectively "BorgWarner") current and intended investigation and remediation activities relative to the Kuhlman Electric Corporation ("KEC") facility located in Crystal Springs, Mississippi ("KEC") and the City of Crystal Springs Drainage Channel. Given the recent developments including changing postures of certain parties and their consultants surrounding the KEC facility, the Drainage Channel and BorgWarner's efforts, and the personnel changes within our collective group we believe that this letter is necessary at this time.

As detailed in the July 2000 Preliminary Site Characterization Report ("Preliminary Report"), submitted on behalf of BorgWarner Inc. and KEC, the subject site was constructed and has been operated by KEC and its predecessors since the 1950s, manufacturing electrical transformers. BorgWarner Inc. purchased Kuhlman Corporation, the former parent of KEC, in March 1999. The KEC facility was sold a mere nine months later, when BorgWarner closed its sale of KEC.

BorgWarner and KEC are completely independent and unaffiliated companies. Neither BorgWarner nor the present Kuhlman Corporation has ever directly owned or operated the KEC Plant. Rather, as part of the sale, BorgWarner provided a contractual indemnity for environmental conditions existing *on or prior to* the closing date. To the extent that contamination occurred *after* the closing date, or subsequent activities by KEC, its employees, contractors or agents caused the disruption or loss of control of any pre-closing contamination, or a change or movement of the hazard, BorgWarner's indemnity does not apply.

When KEC reported that construction activities revealed the subject contamination, BorgWarner promptly and voluntarily commenced, with the cooperation of KEC, MDEQ and local government, its investigation into the pre-closing environmental conditions at the KEC facility and the adjacent properties. BorgWarner established a presence at the KEC facility, including an on-site laboratory, and began substantial sampling activities. BorgWarner organized and made initial assessments of the information collected to date, including the Preliminary Report submitted to MDEQ. BorgWarner continued in this thorough and expensive undertaking by assessing and completing the remediation of the neighboring residences as well as conducting an initial assessment of several residential properties along the City of Crystal Springs Drainage Channel.

BorgWarner appreciates the positive and logical working relationship with the MDEQ to date, despite circumstances which clearly hold great potential for adversity. BorgWarner is committed to working closely with MDEQ, U.S. EPA and local government in a cooperative manner to accomplish the tasks necessary for the protection of human health and the environment, to the extent that the circumstances are covered by its contractual indemnity to KEC. BorgWarner will continue to discuss its intended activities with MDEQ and to promptly share information.

ACTIONS TAKEN AND PENDING

KEC Facility, and Adjacent Residential and Commercial Properties

BorgWarner promptly and voluntarily undertook sampling, delineation and remediation activities at the KEC plant and all adjoining residential and commercial properties that appear to be or reportedly were affected by runoff or by the removal of soil from the KEC plant prior to October 6, 1999. The results for each investigation were submitted to the MDEQ and it is to our understanding that the MDEQ has forwarded the results of each investigation to the respective homeowners.

BorgWarner has acted under the continuous guidance and direction of the MDEQ with respect to delineation and remediation activities at the residential and commercial properties. Split samples were analyzed and QA/QC procedures were implemented by two laboratories experienced with polychlorinated biphenyl analyses. Further, the samples were frequently split with on site MDEQ representatives for MDEQ's independent analysis, which to our knowledge consistently correlates with the on-site and off-site laboratory analytical results.

Drainage Pathways

BorgWarner is aware of the drainage pathways provided by the Crystal Springs Drainage Channel currently leading to Lake Chautauqua and related to stormwater that may have run off the KEC facility in a southerly direction. As you are aware, BorgWarner already has performed delineation activities at the suspected storm water runoff areas and has confirmed through its

analyses that no PCB contamination exists in a southerly direction from the KEC facility. BorgWarner is not aware of any additional drainage pathways, historic or otherwise.

City of Crystal Springs Drainage Channel and Lake Chautauqua

BorgWarner intends to delineate and remediate, where necessary, the City of Crystal Springs Drainage Channel, which is the drainage pathway between the KEC facility and Lake Chautauqua.

BorgWarner intends to delineate the sediments at Lake Chautauqua, prepare an ecological assessment, and conduct surface water sampling, to the extent appropriate. As we have discussed during the monthly update meetings, these activities will not begin on any great scale until the primary source area, the KEC facility property, affected residences along the Crystal Springs Drainage Channel and the Crystal Springs Drainage Channel itself, have been assessed and remediated.

BorgWarner also notes that the MDEQ lifted the fishing advisory of Lake Chautauqua over two months ago.

Groundwater Delineation

BorgWarner also intends to delineate the nature and extent of any groundwater contamination relative to the KEC facility. Groundwater delineation will take place at the time that remediation at the KEC facility commences. It is critical not to disturb the protective cover at the site and to leave the groundwater endeavor until BorgWarner is actively remediating on the KEC facility property. This approach will ensure that sediments from the KEC facility will not travel to the Crystal Springs Drainage Channel and Lake Chautauqua.

As you are aware, BorgWarner's sampling activities to date have not identified evidence of an underground aquifer.

FURTHER COMPLETED AND PENDING ACTIVITIES

BorgWarner has welcomed the opportunity to meet with MDEQ and City of Crystal Springs representatives and KEC on a monthly basis as part of the information exchange. BorgWarner has not only participated fully in these meetings but has continued to share information, without hidden agendas, and has responded as a good corporate citizen while meeting all of its commitments.

Despite all efforts made by the group, (MDEQ, US EPA, City of Crystal Springs, KEC and BorgWarner) to work together and resolve apparent issues with this project, it appears that

certain parties, or at least their contracted consultants, continue to derail any progress made collectively by the group, by providing late comments to work plans that have been submitted, reviewed and approved by the agencies.

These parties are the only ones that continue to contend that BorgWarner is not only not “moving fast enough” but also that BorgWarner has not “employed a large enough number of contractors” to simultaneously work on each and every phase of this project.

These same parties have also insinuated that BorgWarner’s order of addressing each phase of this project is not correct and further contend that BorgWarner produces information with “biases favorable to it.” BorgWarner has been asked repeatedly to explain not only its logic behind the sequence of events but also the requirements of the regulatory framework, of which these parties do not appear to possess any independent current or working knowledge. These types of comments and approach are contrary to the process being managed and approved by the agencies and obstruct and delay progress on both work plan submittal and field work.

Below is a synopsis of BorgWarner’s activities from the beginning of this project to date:

- Kuhlman Electric Corporation (KEC) was a subsidiary of Kuhlman Corporation.
- March 1, 1999, BorgWarner Inc. purchased Kuhlman Corporation.
- October 5, 1999 BorgWarner sold Kuhlman Electric Corporation (KEC) and provided an indemnity to the buyers covering “Pre-Closing Environmental Matters” at the Crystal Springs facility as part of the sale of KEC.
- On April 21, 2000, BorgWarner learned that during preparations for a plant expansion, contamination was discovered at the KEC facility.
- Pursuant to its indemnity, BorgWarner mobilized Ogden Environmental on May 8, 2000 to commence the appropriate initial investigations at the site and determine the extent of contamination.
- The preliminary site characterization activities centered around the determination of character, concentration, and migration potential of any on-site contaminants and in taking the appropriate actions necessary to mitigate potential public exposure.
- BorgWarner, with its environmental consultant, prepared and submitted to the Mississippi Department of Environmental Quality (MDEQ) A Preliminary Site Characterization Report for the KEC Crystal Springs, Mississippi facility on July 31, 2000.
- The preliminary site characterization report mainly concentrated on reporting the analytical results of the site characterization.

- BorgWarner met with MDEQ and KEC representatives on August 21, 2000 to discuss the preliminary report and plan for the future of the project.
- BorgWarner assessed residential properties, submitted the results to the MDEQ, and *scheduled remediation activities* as appropriate and commenced remediation in mid October, 2000.
- BorgWarner met with the residents along the drainage channel on October 18, 2000 and secured approval from each resident to sample their property. MDEQ representatives and *Mayor Webb accompanied BorgWarner* in this endeavor.
- The MDEQ and Mayor Webb have been working very closely with BorgWarner throughout each stage of the project and have been valuable in the communication process with the residents of Crystal Springs.
- An information exchange meeting took place on October 19, 2000 at the Crystal Springs City Hall. In attendance were BorgWarner, Martin & Slagle, KEC representatives, MDEQ representatives, and the following from the City of Crystal Springs: Mayor Webb, City Attorney, City Consultant, and one Alderman member.
- BorgWarner began delineation of the residential properties along the City of Crystal Springs Drainage Channel on October 30, 2000. This delineation activity phase was concurrent to the remediation of the residential areas near the KEC plant property. The on-site laboratory was reactivated and fully staffed to meet the sampling and analytical demands from the field activities.
- MDEQ representatives continued to guide each phase of the remediation and delineation efforts.
- An information exchange meeting took place on November 14, 2000 at the Crystal Springs City Hall. In attendance were BorgWarner, Martin & Slagle, KEC representatives, MDEQ representatives (via telephone), and the following from the City of Crystal Springs: Mayor Webb, City of Crystal Springs Environmental Consultant, and a City of Crystal Springs Alderman member.
- The delineation of the residential properties along the City of Crystal Springs Drainage Channel was completed during the last week of November, 2000.
- Remediation of the residential properties, along Jackson and Lee Avenue, for which access was granted, was completed in December, 2000. *Landscaping was scheduled to be completed during January 2001.* Heavy rains caused considerable delays during the remediation process and an enormous amount of effort was made to bring the project back on track.

- MDEQ continued to approve the remediation process as it was occurring.
- Data collected during the delineation efforts at the residential properties along the City of Crystal Springs Drainage Channel was evaluated, validated and quality control applied prior to its submittal to MDEQ.
- Confirmatory data, collected during the remediation efforts for the residential properties along Jackson and Lee Avenues, was validated, tabulated and prepared for submittal to MDEQ.
- Both analytical laboratories, on-site and off-site, continue to produce analytical results that correlate very well, hence, creating further confidence in the field screening methods.
- From the beginning of the project on May 8 to December 8, 2000 over 6,000 samples were collected and analyzed.
- On December 22, 2000 a status update letter was submitted to MDEQ detailing BorgWarner's end of the year activities.
- On January 12, 2001 analytical results from the delineation activities at the residential properties along the City of Crystal Springs Drainage Channel were submitted to MDEQ.
- An information exchange meeting took place on January 17, 2001 at City Hall in Crystal Springs. In attendance were: Hugh Webb Crystal Springs Mayor; City of Crystal Springs Attorney; City of Crystal Springs Environmental Consultant; City of Crystal Springs Engineering Consultant; a City of Crystal Springs Alderman; MDEQ representatives and MDEQ Counsel; US EPA Region IV Representatives; BorgWarner; Martin & Slagle; and KEC representatives.

Meeting topics centered around completed and pending residential remediation activities, third party sampling results, City of Crystal Springs Drainage Channel delineation, AKT gravel pit and remediation options at the KEC facility property.

- On January 18, 2001, MDEQ representatives accompanied by Mayor Webb and BorgWarner met with the residents along the City of Crystal Springs Drainage Channel to secure approvals from each resident to remediate their property.
- The Addendum to the KEC Preliminary Site Assessment Characterization Report was submitted to MDEQ and USEPA on February 12, 2001.
- An information exchange meeting took place on February 21, 2002 at the KEC facility in Crystal Springs. In attendance were: Hugh Webb City of Crystal Springs Mayor; City of Crystal Springs Attorney; City of Crystal Springs Environmental Consultant; City of Crystal

Springs Engineering Consultant; a City of Crystal Springs Alderman; MDEQ representatives and MDEQ Counsel; BorgWarner; Martin & Slagle; and KEC representatives.

Discussion topics centered around the City of Crystal Springs Drainage Channel access issues; removal of accumulated debris within the drainage channel; continuation of third party sampling; and KEC electrical trench and plant expansion.

- A "Master Plan" describing a comprehensive approach for the City of Crystal Springs Drainage Channel was submitted for review and comments to MDEQ at the February 21, 2001 information exchange meeting.
- The remediation and landscaping for the residential properties adjacent to the KEC facility property, specifically for the Dabney-Smith property, the Medical Clinic and the Duplex, which are located along Jackson and Lee Avenues have been completed. The properties were resurveyed to ensure property lines were accurate and privacy fences were re-installed in the appropriate locations.

CAD drawings were completed for each remediated residential property as part of the property remediation Closure Report.

- Due to unavailability of current aerial photography for the City of Crystal Springs, an aerial photography to update the City of Crystal Springs Drainage Channel mapping was completed in the end of March, 2001. Upon receipt of the aerial photography details a new drainage channel map was generated to assist with the drainage channel delineation and remediation activities.
- Soil sampling for the installation of an electrical pole was conducted at the KEC property during the week of March 26, 2001, subsequent to which KEC proceeded with the electrical pole installation.
- Soil sampling for the installation of a new sprinkler system, at the KEC maintenance office area, was conducted the week of March 26, 2001, subsequent to which KEC proceeded with the installation.
- An information exchange meeting took place on April 4, 2002 at the KEC facility in Crystal Springs. In attendance were: Hugh Webb Crystal Springs Mayor; City of Crystal Springs Attorney; City of Crystal Springs Environmental Consultant; City of Crystal Springs Engineering Consultant; MDEQ representatives and MDEQ Counsel; BorgWarner; Martin & Slagle; and KEC representatives.
- Closure reports for the Dabney-Smith, Medical Clinic and Duplex residential properties were submitted to MDEQ and USEPA on April 16, 2001.

- Remediation at the Kellum and Garment Shop properties, across the KEC facility on Lee Avenue, began the week of April 16, 2001.
- Remediation at the Frazier property, adjacent to the South side of the KEC facility on Lee Avenue, began the week of April 23, 2001.
- Remediation at the Edwards' property, directly across the KEC facility on Lee Avenue, began the week of April 30, 2001.
- Landscaping activities begun at the Kellum, Garment Shop, Edward's and Frazier properties.
- An information exchange meeting took place on May 8, 2001 at the KEC facility in Crystal Springs. In attendance were: Hugh Webb Crystal Springs Mayor, Walter Rielley City of Crystal Springs Alderman; City of Crystal Springs Attorney; City of Crystal Springs Environmental Consultant; City of Crystal Springs Engineering Consultant; MDEQ representatives and MDEQ Counsel; BorgWarner; Martin & Slagle; and KEC representatives.

Discussion topics included remediation goals for the KEC facility site and property ownership; sale of the property by the City of Crystal Springs to KEC; City of Crystal Springs Drainage Channel and Chautauqua Lake delineation activities; remediation of properties along Lee Avenue and City of Crystal Springs water shut-off valves for the KEC facility.

- The Work Plan for the KEC plant expansion project was prepared and submitted to MDEQ and USEPA on May 19, 2001. A copy was also sent to the City of Crystal Springs.
- An information exchange meeting took place on June 19, 2001 at the KEC facility in Crystal Springs. In attendance were: City of Crystal Springs Mayor Elect Walter Rielley, City of Crystal Springs Attorney; one Alderman from the City of Crystal Springs; City of Crystal Springs Environmental Consultant; City of Crystal Springs Engineering Consultant; MDEQ representatives and MDEQ Counsel; BorgWarner; Martin & Slagle; and KEC representatives.

Discussion topics mainly centered upon the KEC site risk assessment results and the KEC Remediation Work Plan submittal. BorgWarner requested an extension for the Drainage Channel Work Plan submission to MDEQ from the July 1 deadline to August 1, 2001. The extension was granted by MDEQ and there were no objections by the City of Crystal Springs representatives.

- Comments to the KEC Remediation Work Plan were received from US EPA on June 21, 2001.

- On June 26, 2001, BorgWarner received draft comments for the KEC site Remediation Work Plan, from Bill Owen, City of Crystal Springs Engineering Consultant, dated June 19, 2001. The comments mainly center around the risk assessment that BorgWarner prepared for the KEC site Remediation Work Plan.

BorgWarner, in the information exchange meeting of May 8th, indicated that it would remove the risk assessment portion of the KEC Site Remediation Work Plan and that it will not perform the site remediation based on a risk based criteria but in accordance with the Toxic Substances Control Act (TOSCA) guidelines, which is the more stringent approach.

- Responses to US EPA's comments for the KEC Remediation Work Plan were prepared by BorgWarner and submitted to US EPA and MDEQ on July 13, 2001. A copy of the responses was also sent to the City of Crystal Springs.
- MDEQ accepted BorgWarner's responses to the US EPA comments without further modification. US EPA accepted BorgWarner's responses to its comments on July 18, 2001 with minor changes during a conference call, which included MDEQ representatives.
- The City of Crystal Springs Drainage Channel Delineation Work Plan was prepared for submittal to MDEQ for the August 1, 2001 deadline. A copy was also sent to the City of Crystal Springs as well as the US EPA.
- Landscaping activities continued at the remediated residential properties along Lee Avenue. Extensive periods of rain and high temperatures slowed the landscaping process significantly. Plants continued to be planted in stages and only after an agreement had been reached with the residents as to their new location. Landscaping is almost complete.
- On August 2, 2001, BorgWarner received comments from City of Crystal Springs Mayor Walter Rielley, dated July 30, 2001, in connection with BorgWarner's responses to US EPA for the KEC site Remediation Work Plan.
- An information exchange meeting took place on August 7, 2001 at the KEC facility in Crystal Springs. In attendance were: City of Crystal Springs Mayor, Walter Rielley; City of Crystal Springs Attorney; one Alderman from the City of Crystal Springs; City of Crystal Springs Environmental Consultant; City of Crystal Springs Engineering Consultant; MDEQ representatives; BorgWarner; Martin & Slagle, and KEC representatives.

Discussion topics mainly centered upon the KEC property sale to KEC by the City of Crystal Springs. MDEQ indicated that it was prepared to approve the KEC site Remediation Work Plan upon the completion of its review and also approve the City of Crystal Springs Drainage Channel Delineation Work Plan upon completion of its review.

- On August 7 and August 8, 2001, Mayor Rielley, MDEQ representatives, BorgWarner and its contractor attempted to meet with several residents along the drainage channel to secure

permission to enter their property for the City of Crystal Springs Drainage Channel delineation purposes. Mayor Rielley was asked to make all the arrangements and speak with each resident prior to the actual visits. Unfortunately, not all residents could be located or were available. Only two approvals were secured and it was decided that an additional round of appointments would be scheduled for a later date while City of Crystal Springs and State of Mississippi properties are delineated.

- On August 15, 2001 the MDEQ approved the City of Crystal Springs Drainage Channel PCB Assessment Work Plan with minor additional conditions, all of which will be implemented as BorgWarner has already committed to MDEQ.
- BorgWarner scheduled its contractors and on-site laboratory personnel to begin the City of Crystal Springs Drainage Channel delineation on September 10, 2001.
- On August 20, 2001 MDEQ, upon completion of its review of the KEC site Remediation Work Plan, issued comments to BorgWarner. Responses are due to MDEQ on September 20, 2001. BorgWarner is currently preparing responses to those comments for submittal to MDEQ.
- BorgWarner was contacted by MDEQ's Brian Young on September 5, 2001 concerning attorneys requesting access agreements for the delineation of residential properties along the City of Crystal Springs Drainage Channel. Since then, BorgWarner has received a written request for access notification from an attorney representing several of the residents along the City of Crystal Springs Drainage Channel. In the past, BorgWarner was allowed to proceed without such access notifications, however, this may not be possible given the latest correspondence received from attorneys representing residents in that area.
- While it was initially anticipated that the City of Crystal Springs Drainage Channel delineation activities were to begin on September 10th, BorgWarner had to postpone by one week due to issues created by the sudden relocation of its on-site laboratory. KEC in its efforts to manage with reduced space for its truck traffic, had no other option but to request the relocation. As a result, BorgWarner notified MDEQ on September 12, 2001 that the Crystal Springs Drainage Channel delineation activities would be postponed to September 17, 2001.
- On September 13, 2001, BorgWarner received a copy of City of Crystal Springs Mayor Walter Rielley's letter to MDEQ concerning the City of Crystal Springs Drainage Channel PCB Assessment Work Plan and other unrelated issues.

At this point it is apparent that the City of Crystal Springs and its consultants will continue to present comments to work plans already approved by the appropriate regulatory agencies; raise issues after the fact and well beyond a reasonable time period to have responded to work plan submittals; bring up issues concerning properties that may have previously been landfills, which will therefore have multiple parties; delay the sale of the KEC facility property

to KEC, hence jeopardizing the KEC plant expansion; and provide additional ammunition to third party law suits in labeling the City of Crystal Springs as a "Dump Site." This approach only serves to delay progress in work plan development and submittal and field work.

In light of the City of Crystal Springs recent correspondence it appears that little progress has been made despite the regular monthly information exchange meetings. To hold another meeting this week, a meeting which will simply revisit issues that have been discussed, decided and approved is not productive.

BorgWarner has spent significant resources with respect to people, time, effort and money and will not continue to do so while its efforts are being thwarted. BorgWarner has been and is ready to proceed with its planned and committed activities but will not do so until all parties agree to settle their differences and proceed to work together in addressing each phase of this project in a logical manner.

BorgWarner seeks to continue its open communication with MDEQ. Further, BorgWarner seeks to continue to meet regularly with and to keep the Office of the Mayor of Crystal Springs both informed and up-to-date with its accomplishments and current and intended activities.

Should you have any questions or comments concerning this letter, please contact me directly at (810) 497-4503 at your earliest convenience.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: B. Young, MDEQ
K. Dowell, Esq. MDEQ
C. Brown, US EPA
W. Rielley, Mayor Crystal Springs
Laurene H. Horiszny, Esq.
Thomas D. Lupo, Esq.
Robert Martin, M&S
Scott E. Schang, Esq.
Thomas M. Minnich, CFO
Al Thomas

Mayor
Walter J. Rielley, III
Clerk
Linda Gaston
City Attorney
Robert W. Lawrence
Police Chief
Richard S. Anderson
Fire Chief
Abra Hines



City of Crystal Springs

Alderman At Large
Dr. Jerry R. Gilledge
Ward 1
James L. Hicks
Ward 2
Jazma T. Wheeler
Ward 3
Donald S. Jackson
Ward 4
Erma Ozen Lewis

September 14, 2001

Mr. Tony Russell
Mississippi Department of Environmental Quality
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289-0385

Re: Kuhlman Electric
Crystal Springs, MS
PCB Release/Remediation

Dear Mr. Russell:

Kuhlman Electric representatives' requests that the City of Crystal Springs clarify its intent with respect to further comments on the proposed workplan for remediation of the plant site. Without negation of comments and issues submitted to date and in view of a pending completion of a land transfer to Kuhlman, the City of Crystal Springs have no further comments on the proposed workplan.

Sincerely,


Walter J. Rielley, III
Mayor

601 892 4870

Sep-12-01 11:06A CITY OF CRYSTAL SPRINGS

601 892-4870

P. 01

ISSUES RELATED TO THE PROPOSED REMEDIATION OF THE KUHLMAN ELECTRIC PLANT SITE, CRYSTAL SPRINGS, MS

The City of Crystal Springs remains fundamentally concerned with assessment and possible remediation needs for the entire PCB spill site including Lake Chautauque. What effects do the agreements among EPA Region IV, MDEQ, and BorgWarner concerning remediation of the Kuhlman plant site have on obligations of BorgWarner or Kuhlman to assess and remediate, if necessary, the remainder of the release site especially Lake Chautauque?

SELECTION OF TARGET CLEANUP GOALS

Why has MDEQ agreed to allow the use of the self-implementing provisions of 40 CFR 761 instead of the State of Mississippi's Brownfields Phase II regulations?

Why has MDEQ agreed to a cleanup goal of 100ppm when a risk assessment done by BorgWarner indicates cleaning up to 50 ppm would be necessary to leave an acceptable risk?

Why were representatives of the City of Crystal Springs not included in the discussions in which MDEQ, EPA Region IV, and BorgWarner agreed to use the self-implementing cleanup standards instead of the site specific risk assessment approach?

REMEDATION ACTIVITIES

Why is BorgWarner not required to submit a revised workplan for the site remediation due to the fundamental change in remediation goals?

What showing has been made that the restricted use areas will be "low occupancy" areas as that term is defined in the regulations?

What showing has been made that the existing paving and floor slabs that are to be considered part of the cap are at least six inches thick?

In the preliminary remediation workplan, BorgWarner proposed to excavate only six feet deep for soil removal irrespective of contamination beneath this depth. The City of Crystal Springs believes there should be no maximum soil removal depth only a minimum soil removal depth of 10 inches. Removal should be controlled exclusively by the remediation goal PCB concentration below ten inches deep.

The buffer area of 2 feet around the perimeter of the site appears to be arbitrary and too narrow. 40 CFR 761.123 requires spills within 0.1 kilometer of residential property to be cleaned to residential standards and 40 CFR 761.61 allows more stringent clean up standards based on proximity to residential dwellings, hospitals, schools...daycare centers...sport fisheries, etc., all of which are located in the vicinity of the Kuhlman plant. Why will MDEQ not require a 100 meter buffer area around the site?

Date	12/29/01	Pages	2
From	Brian Yowle	Co.	
Phone #		Fax #	X 5088
Post-It Fax Note	7671		
To	Kelley Russell		
Contact	R. Kuhlman		
Phone #		Fax #	5349

601 892 4870

Sep-12-01 11:05A CITY OF CRYSTAL SPRINGS

601 892-4870

P.02

POST REMEDIATION ACTIONS

Notice should be given to the City when sediments are observed in site runoff.

The NPDES stormwater permit should be modified to incorporate PCB monitoring.

ISSUES RELATED TO THE PROPOSED REMEDIATION OF THE KUHLMAN ELECTRIC PLANT SITE, CRYSTAL SPRINGS, MS

The City of Crystal Springs remains fundamentally concerned with assessment and possible remediation needs for the entire PCB spill site including Lake Chautauqua. What effects do the agreements among EPA Region IV, MDEQ, and BorgWarner concerning remediation of the Kuhlman plant site have on obligations of BorgWarner or Kuhlman to access and remediate, if necessary, the remainder of the release site especially Lake Chautauqua?

SELECTION OF TARGET CLEANUP GOALS

Why has MDEQ agreed to allow the use of the self-implementing provisions of 40 CFR 761 instead of the State of Mississippi's Brownfields Phase II regulations?

Why has MDEQ agreed to a cleanup goal of 100ppm when a risk assessment done by BorgWarner indicates cleaning up to 50 ppm would be necessary to leave an acceptable risk?

Why were representatives of the City of Crystal Springs not included in the discussions in which MDEQ, EPA Region IV, and BorgWarner agreed to use the self-implementing cleanup standards instead of the site specific risk assessment approach?

REMEDIATION ACTIVITIES

Why is BorgWarner not required to submit a revised workplan for the site remediation due to the fundamental change in remediation goals?

What showing has been made that the restricted use areas will be "low occupancy" areas as that term is defined in the regulations?

What showing has been made that the existing paving and floor slabs that are to be considered part of the cap are at least six inches thick?

In the preliminary remediation workplan, BorgWarner proposed to excavate only six feet deep for soil removal irrespective of contamination beneath this depth. The City of Crystal Springs believes there should be no maximum soil removal depth only a minimum soil removal depth of 10 inches. Removal should be controlled exclusively by the remediation goal PCB concentration below ten inches deep.

The buffer area of 2 feet around the perimeter of the site appears to be arbitrary and too narrow. 40 CFR 761.123 requires spills within 0.1 kilometer of residential property to be cleaned to residential standards and 40 CFR 761.61 allows more stringent clean up standards based on proximity to residential dwellings, hospitals, schools, daycare centers, sport fisheries, etc., all of which are located in the vicinity of the Kuhlman plant. Why will MDEQ not require a 100 meter buffer area around the site?

POST REMEDIATION ACTIONS

Notice should be given to the City when sediments are observed in site runoff.

The NPDES stormwater permit should be modified to incorporate PCB monitoring.



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 12, 2001

Mary E. McAlister, Esquire
David Nutt & Associates
666 North Street, Suite 102A
Jackson, MS 39202

Re: *Kellum, et al. Vs. Kuhlman Corporation, et al.*
USDC for the Southern District of Mississippi, Jackson Div.,
Civil Action No. 3:01CV464BN

Dear Meg:

This letter is in response to your letter dated September 6, 2001 and our subsequent conversation. In your letter, you stress concern that the Mississippi Department of Environmental Quality (MDEQ), Borg Warner, and Kuhlman Electric intended to contact your clients ex parte. I can assure you that no one from the MDEQ Legal Division has or will contact your clients without first talking to you. I cannot speak for Borg Warner or Kuhlman Electric.

As you know, MDEQ technical staff, acting within the scope and course of their employment with regard to the remediation activities, have the statutory authority to enter upon your clients' property to conduct necessary environmental investigations. At your request, however, I have directed staff to give you advance notice of any sampling and/or remediation activities affecting your clients. I also have stressed to staff that Borg Warner and Kuhlman Electric must have permission from you and/or your clients before they enter upon your clients' land; they cannot enter under MDEQ's statutory authority.

I hope this alleviates your concerns. Please contact me at 961-5340 in the future with any additional concerns.

Sincerely,

Kelli M. Dowell
Attorney

cc: Brian Young, MDEQ
Tom Lupo, Esq.
Scott Schang, Esq.

Mayor
Walter J. Rielley, III
Clerk
Linda Caston
City Attorney
Robert W. Lawrence
Police Chief
Richard S. Anderson
Fire Chief
Abra Hines



FILE COPY

Alderman At Large
Dr. Jerry B. Gullledge
Ward 1
James L. Hicks
Ward 2
Jazma T. Wheeler
Ward 3
Donald S. Jackson
Ward 4
Erma Deen Lewis

City of Crystal Springs

September 10, 2001



Tony Russell
Office of Pollution Control
Mississippi Department of Environmental Quality
PO Box 10385
Jackson, MS 39289-0385

RE: City of Crystal Springs
BorgWarner/Kuhlman
Drainage Channel PCB Assessment Work Plan

Dear Tony:

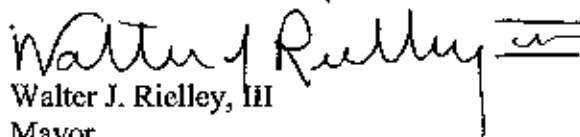
After submission of the referenced work plan to the City on or about August 3, 2001, Bill Stewart and Bill Owen "walked" the drainage channel and its general floodplain and reviewed the referenced plan. With this in mind we offer the following comments regarding the existing conditions and plan.

- 1) The plan fails to address in Section 3 the groundwater assessment need identified in Section 1.4
- 2) Section 1.2.1 states that the City of Crystal Springs owns property within the assessment area but does not list the City in the accompanying table
- 3) The plan fails to address in Section 3 the reconnaissance level sampling of potential hot spots discussed in Section 1.4
- 4) In Section 3 the 100-year floodplain is selected as a convenience to define the initial sampling area and should not be interpreted to limit sampling area and should not be interpreted to limit sampling outside the area if sample analyses indicated the need for additional sampling.
- 5) Berms, which are constructed as temporary flood protection, should not be removed after completion of remediation or opened to prevent ponding.
- 6) A number of references are made in Section 3 that the drainage channel needs to be cleared of rubbish, debris, etc. and that clearing and grubbing activities need to be accomplished. Although not stated in the report, previous discussions by BorgWarner indicated that they desired to have

the City accomplish the clearing/cleaning of the drainage channel. In order to prevent any confusion as to perceived responsibilities, the report should state that all of the work to be accomplished within the confined of this work plan would be accomplished by a contractor employed by Borg Warner.

On a separate note, while reviewing the existing condition of the drainage channel, several homeowners who were interested in what was being accomplished at this time approached them. While talking with them they indicated that the site of the existing McPherson Street ball field was previously used as a landfill. They also stated that during its use as a landfill they recalled seeing drums of waste from the Kuhlman plant being deposited and buried at this site. Finally, they also recalled that another piece of property within the immediate area was used as a landfill and waste drums were buried there as well. Although we have discussed the previous used of the ball field, we are not aware of any extensive testing having been accomplished on this site as well.

Sincerely,
CITY OF CRYSTAL SPRINGS


Walter J. Rielley, III
Mayor

cc: Anastasia Hamel

First Name	Last Name	Spouse	Address	City
LAZADRIAN	WILLIS		101 PACIFIC CIRCLE	CRYSTAL SPRINGS
FLORENCE	DIXON (DEC)		706 NORTH JACKSON STREET	CRYSTAL SPRINGS
CHARLES	SMITH		104 MILL STREET	CRYSTAL SPRINGS
RANDY	QUINN		104 MILL STREET	CRYSTAL SPRINGS
MARY	WALKER		101 POWELL STREET	CRYSTAL SPRINGS
WILLIE	WALKER		101 POWELL STREET	CRYSTAL SPRINGS
BETTIE	SANDERS		101 THOMAS CIRCLE	CRYSTAL SPRINGS
ROBERT	SANDERS, IV		101 THOMAS CIRCLE	CRYSTAL SPRINGS
ALPHA	SANDERS		C/O BETTIE M. SANDERS	CRYSTAL SPRINGS
ROBERT	WILLIAMS (DEC)		103 FOREST STREET	CRYSTAL SPRINGS
JAMES	WILLIAMS, III		100 CUMBERLAND DRIVE, #G51	CRYSTAL SPRINGS
JESSIE	THEFORD		209 FAIR STREET	HAZLEHURST
KARRIE	PARRISH		C/O BETH DAVIS	JACKSON
SARAH "SADIE"	PARRISH		C/O BETH DAVIS	JACKSON
TIFFANCY	PICKETT		307 EAST PIAZZA STREET	CRYSTAL SPRINGS
VICTORRO	JENKINS		106 CAMP STREET	CRYSTAL SPRINGS
PEARLINE	WILLIAMS (DEC)		103 FOREST STREET	CRYSTAL SPRINGS
DELOIS	DAVIS		112 LAKEVIEW DRIVE	CRYSTAL SPRINGS
DAVE	VINSON		407 JACKSON STREET	CRYSTAL SPRINGS
ERIC	ALFORD		1078 DEAR COURT LANE	CRYSTAL SPRINGS
BETTY	BASS		207 PURVIS DRIVE	CRYSTAL SPRINGS
JOSHUA	WINDOM		213 POWELL STREET	CRYSTAL SPRINGS
RENEISHIA	CLAIBORNE		213 POWELL STREET	CRYSTAL SPRINGS
LAKEITH	LOWERY		411 MCPHERSON STREET	CRYSTAL SPRINGS
WILLIE	TAYLOR		409 MCPHERSON STREET	CRYSTAL SPRINGS
WILLIAM	HACKETT	BEULAH HACKETT	1838 JONES LOOP	CRYSTAL SPRINGS
JOHN	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS
WILLIAM	ALFORD		1078 DEAR COURT LANE	CRYSTAL SPRINGS
DOROTHY	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS
TAVORIUS	BUCK		229 MADDOX DRIVE	CRYSTAL SPRINGS
ISAAC	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS
LAQUANTA	BUCK		C/O DELLA WILSON	CRYSTAL SPRINGS
JOSHUA	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
ELIZABETH	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS
KALEB	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS
JOHN	EDWARDS		406 LEE AVENUE	CRYSTAL SPRINGS
JIMMY	JONES, JR.		409 MCPHERSON STREET	CRYSTAL SPRINGS
JOHNATHON	JONES		409 MCPHERSON STREET	CRYSTAL SPRINGS
EBONY	WILLIAMS		300 EAST PIAZZA STREET	CRYSTAL SPRINGS
HAROLD	WARREN		403 NORTH JACKSON STREET	CRYSTAL SPRINGS
JOHNNIE	STEWART (DEC)		116 JORDAN STREET	CRYSTAL SPRINGS
WANDA	MITCHELL		27133 HWY. 51 NORTH	CRYSTAL SPRINGS
DOROTHY	WILSON		1609 DELLRIDGE COURT	DELLWOOD
SHAUNNA	POWELL		C/O CLARISSA POWELL	CRYSTAL SPRINGS
LUCILLE	JOHNSON		123 PACIFIC CIRCLE	CRYSTAL SPRINGS
LILLIE	NELSON		221 POWELL STREET	CRYSTAL SPRINGS
JENNIFER	DOKE		116 PURVIS DRIVE	CRYSTAL SPRINGS
DIANNA	MURRAY		106 CAROLYN LANE	CRYSTAL SPRINGS
MICHELLE	THOMAS		C/O BEULAH SOJOURNER GUAR	CRYSTAL SPRINGS
JERRY	ROBINSON		3125 RHYMES ROAD	CRYSTAL SPRINGS
EARMIE	AYERS		107 AUSTIN CIRCLE	CRYSTAL SPRINGS
JAMES	LEFLORE		C/O BUELAH SOJOURNER, GUAR	CRYSTAL SPRINGS
GLORIA	GRAHAM		106 TUCKER STREET	CRYSTAL SPRINGS
MARCUS	GRAHAM		106 TUCKER STREET	CRYSTAL SPRINGS
ROBERT	EDWARDS		1112 N. TAYLOR	CRYSTAL SPRINGS
LUALLA	JACKSON			OAK PARK
ANTONIO	VICK		117 CAROLYN LANE	CRYSTAL SPRINGS
PAULETTE	CALHOUN		947 BLANK STREET	NASHVILLE
JOSEPH	LAMBERT (DEC)		C/O BRIAN MARK LAMBERT	CRYSTAL SPRINGS
WILLIAM	MCILWAIN		802 LEE AVENUE	CRYSTAL SPRINGS
BETH	DAVIS		3665 SYKES PARK DRIVE, # 122	JACKSON
WILLIAM	HUDSON, SR.		1048 UTICA ROAD	CRYSTAL SPRINGS
SCOTTIE	HICKS		7562 BEVERLY DRIVE	FAYETTEVILLE
BOBBIE	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
PEGGY	WILSON		209 N. PAT HARRISON DRIVE	CRYSTAL SPRINGS
BEVERLY	REED		3221 CHESTERFIELD STREET	JACKSON

First Name	Last Name	Spouse	Address	City
ROBERT	WILLIAMS, JR.		103 FOREST STREET	CRYSTAL SPRINGS
CORTISA	MCGOWAN		102 ADAMS STREET EXT.	CRYSTAL SPRINGS
EARLEAN	SMILEY		203 HORNE STREET	CRYSTAL SPRINGS
SYLVIA	LENSON-ROBINS		3125 RHYMES ROAD	CRYSTAL SPRINGS
ANITA	POWELL		407 MCPHERSON STREET	CRYSTAL SPRINGS
LAWRENCE	WILLIAMS		243 CAMP STREET	CRYSTAL SPRINGS
DANNIE	BARNES		108 TUCKER STREET	CRYSTAL SPRINGS
JERRY	DARDEN		128 BANKHEAD LANE	CRYSTAL SPRINGS
ETHEL	BAILEY		106 DEAAE STREET	CRYSTAL SPRINGS
CLIVIS	JOHNSON		P O BOX 161	HAZELHURST
CLARENCE	LILLY		317 HARMONY ROAD	CRYSTAL SPRINGS
MARY ETTA	WHEELER		124 JESSIE STREET	CRYSTAL SPRINGS
DWAYNE	THOMPSON, JR.		216 EAST PIAZZA STREET	CRYSTAL SPRINGS
ERNEST	POWELL, JR.		401 WEST CAYUGA STREET	CRYSTAL SPRINGS
FRANCES	VARDAMAN		510 CAMP STREET	CRYSTAL SPRINGS
GLORIA	WILLIAMS		100 CUMBERLAND DRIVE, G51	CRYSTAL SPRINGS
DELORIS	WILLIAMS		107 CAROLYN LANE	CRYSTAL SPRINGS
TRILLY	HICKS		428 OSBORNE STREET	CRYSTAL SPRINGS
YVONNE	STEWART		108 CAROLYN LANE	CRYSTAL SPRINGS
AARON	FINLER		108 JORDAN STREET	CRYSTAL SPRINGS
LINDA	WILLIAMS		114 BANKHEAD LANE	CRYSTAL SPRINGS
BARBARA	CLAIBORNE		119 CARRIE AVENUE	CRYSTAL SPRINGS
SHIRLEAN	DIXON		13100 PANDORA DRIVE	DALLAS
MURLEAN	DIXON		8620 PARKLANE	DALLAS
ANTHONY	NEWELL		231 POWELL STREET	CRYSTAL SPRINGS
KENRIC	SMILEY		153 PACIFIC CIRCLE	CRYSTAL SPRINGS
SHARON	HERRON		3090 EXPERIMENT STATE ROAD	CRYSTAL SPRINGS
GERRY	BROWN		108 MILLER STREET	CRYSTAL SPRINGS
SANDRA	POWELL		108 PURVIS DRIVE	CRYSTAL SPRINGS
NIKI	LIDDELL		108 DEANNE STREET	CRYSTAL SPRINGS
QUINTIN	AYERS		107 AUSTIN CIRCLE	CRYSTAL SPRINGS
LATASHA	HERRON		1017 HARTLEY LANE	CRYSTAL SPRINGS
BARBARA	BROWN		1048 HANSEN STREET	HAZLEHURST

First Name	Last Name	Spouse	Address	City
BARBARA	SKIPPER		1050 SAMES ROAD	WESSON
KIZIE	CATCHINGS		110 JORDAN STREET	CRYSTAL SPRINGS
LEONARD	FINLEY		202 CAROLYN LANE	CRYSTAL SPRINGS
HENRI	CLARK		5017 BROOME RD	WESSON
KIMBERLY	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
KENDRICK	YOUNG		1500 NORTH JACKSON STREET	CRYSTAL SPRINGS
ROBERT	SANDERS, IV		C/O BETTIE M. SANDERS	CRYSTAL SPRINGS
KIMBERLY	YOUNG		1500 NORTH JACKSON STREET	CRYSTAL SPRINGS
MICHAEL	YOUNG		1500 NORTH JACKSON STREET	CRYSTAL SPRINGS
ROBBIN	YOUNG		1500 NORTH JACKSON STREET	CRYSTAL SPRINGS
SCOTTIE	STEWART		102 FOREST STREET	CRYSTAL SPRINGS
JAMIE	MASON			CRYSTAL SPRINGS
MILTON	BENSON, SR.		114 WEST PIAZZA STREET	CRYSTAL SPRINGS
BELINDA	TAYLOR		310 MCPHERSON STREET	CRYSTAL SPRINGS
NINA	FORD		103 JORDAN STREET	CRYSTAL SPRINGS
MYKEISHA	FINLEY		C/O JOSIE M. FINLEY, GUARDIAN	CRYSTAL SPRINGS
TARRA	GRAHAM		106 TUCKER STREET	CRYSTAL SPRINGS
JAMES	HICKS		113 BELL STREET	CRYSTAL SPRINGS
FELICIA	FINLEY		C/O MARILYN FINLEY, MOTHER	CRYSTAL SPRINGS
GREGORY	BROWN		303 MOORE STREET	CRYSTAL SPRINGS
MICHAEL	FULGHAM		116 PACIFIC CIRCLE	CRYSTAL SPRINGS
BETTY	HICKS		112 W. PIAZZA STREET	CRYSTAL SPRINGS
KRISTOPHER	THOMPSON		1309 E. JACK JOHNSON ROAD	TERRY
AVIS	AYERS		107 AUSTIN CIRCLE	CRYSTAL SPRINGS
TROY	AYERS		107 AUSTIN CIRCLE	CRYSTAL SPRINGS
JONATHON	THOMPSON		1004 YOUNG ROAD	CRYSTAL SPRINGS
LATAVIA	WILLIS		101 PACIFIC CIRCLE	CRYSTAL SPRINGS
RODRICUS	FINLEY		C/O MARILYN FINLEY, MOTHER	CRYSTAL SPRINGS
LONNIE	WILLIAMS		103 FOREST STREET	CRYSTAL SPRINGS
ROBERT	PICKETT		307 EAST PIAZZA STREET	CRYSTAL SPRINGS
WILLIE	DABNEY		219 POWELL STREET	CRYSTAL SPRINGS
ROY	BENSON		108 WEST PIAZZA STREET	CRYSTAL SPRINGS
JOHNNY	WILSON, JR.		209 N. PAT HARRISON DRIVE	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
LATAVIS	WILSON		209 N. PAT HARRISON DRIVE	CRYSTAL SPRINGS
CHRISTOPHER	PORTER		C/O GLENDA PORTER	CRYSTAL SPIRINGS
DIMARQUEZ	BROWN		100 THOMAS CIRCLE	CRYSTAL SPRINGS
KENETHIA	BROWN		142 AUSTIN CIRCLE	CRYSTAL SPRINGS
RESHARD	REID		C/O RHONDA REID, MOTHER	CRYSTAL SPRINGS
JEFFREY	KELLUM		POST OFFICE BOX 472	WESSON
JAMICA	WILSON		507 S. JACKSON STREET	CRYSTAL SPRINGS
CHRISTOPHER	ELLIS		C/O BETTY P. WILLIAMS	CRYSTAL SPRINGS
KANVAS	WILSON		250 CAMP STREET	CRYSTAL SPRINGS
ANTWUAN	BROWN		209 FAIR STREET	HAZLEHURST
GARIUS	YOUNG		102 ADAMS STREET EXT.	CRYSTAL SPRINGS
SHAKEIRA	BAILEY		201 CAROLYN LANE	CRYSTAL SPRINGS
MARY	WATSON		106 JORDAN STREET	CRYSTAL SPRINGS
CARDELL	GUYNES		106 CAROLYN LANE	CRYSTAL SPRINGS
JOHNLYN	CLARK		5017 BROOME RD	WESSON
JASMINE	THEDFORD		C/O JESSIE THEDFORD	HAZLEHURST
VEINETA	CLAIBORNE		114 PURVIS DRIVE	CRYSTAL SPRINGS
DORA	BROWN		106 NORTH PAT HARRISON DRIV	CRYSTAL SPRINGS
BERNICE	STEWART		116 JORDAN STREET	CRYSTAL SPRINGS
FAYE	PICKETT		102 THOMAS CIRCLE	CRYSTAL SPRINGS
SADIE	MINOR		204 BELLE STREET	CRYSTAL SPRINGS
JAMARKUS	PENDLETON		102 PURVIS DRIVE	CRYSTAL SPRINGS
HEAVEN	WILLIAMS		102 FOREST STREET	CRYSTAL SPRINGS
JAZIMA	ALFORD		148 EAST PACIFIC CIRCLE	CRYSTAL SPRINGS
INEZ	WILKES		360 WEST RAILROAD AVE. APT.	CRYSTAL SPRINGS
WILLIE	POWELL		3129 THOMAS ROAD	CRYSTAL SPRINGS
CLAIRE	MCILWAIN		802 LEE AVENUE	CRYSTAL SPRINGS
JAREN	WILSON		105 DEANNE STREET	CRYSTAL SPRINGS
ASHYAIR	FINLEY		C/O DOROTHY CATCHINGS	CRYSTAL SPRINGS
O'KIRA	BAILEY		208 PURVIS DRIVE	JACKSON
OKELLYA	BAILEY		208 PURVIS DRIVE	CRYSTAL SPRINGS
CHRISTOPHER	DIXON, II		706 N. JACKSON STREET	CRYSTAL SPRINGS
TONY	BERRY (DEC)		C/O LINDA D. BERRY	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
WILLIE	DAVIS, SR. (DEC)		102 BROWN STREET	CRYSTAL SPRINGS
EDDIE	BROWN		104 PUCKETT STREET	CRYSTAL SPRINGS
DOROTHY	HAYES		104 MILTON ST.	CRYSTAL SPRINGS
SHELIA	SMILEY		163 PACIFIC CIRCLE	CRYSTAL SPRINGS
MARY	TERRY		5156 THOMAS ROAD	CRYSTAL SPRINGS
LEROY	JOHNSON		107 CAROLYN LANE	CRYSTAL SPRINGS
ROBERT	ALFORD		1078 DEAR COURT LANE	CRYSTAL SPRINGS
ZEDDIE	WILSON		104 PUCKETT STREET	CRYSTAL SPRINGS
DARREN	STOVALL		810 NORTH JACKSON STREET	CRYSTAL SPRINGS
ERNESTINE	CALHOUN		100 THOMAS CIRCLE	CRYSTAL SPRINGS
LINDA	PENDLETON		225 W. MCDOWELL ROAD	JACKSON
ANGELA	RANSOM		204 GILMORE STREET	CRYSTAL SPRINGS
FREDA	WILSON		250 CAMP STREET	CRYSTAL SPRINGS
DORIS	EDWARDS		203 PURVIS DRIVE	CRYSTAL SPRINGS
DOROTHY	LOWERY		411 MCPHERSON STREET	CRYSTAL SPRINGS
CLARISA	POWELL		401 WEST CAYUGA STREET	CRYSTAL SPRINGS
LENA	FINLEY		108 JORDAN STREET	CRYSTAL SPRINGS
JOSIE	FINLEY		202 CAROLYN LANE	CRYSTAL SPRINGS
CYNTHIA	MILLER			
MARILYN	FINLEY		112 PURVIS DRIVE	CRYSTAL SPRINGS
ROBERT	THOMPSON		103 FOREST STREET	CRYSTAL SPRINGS
STANLEY	HARPER		208 PURVIS DRIVE	CRYSTAL SPRINGS
EDDIE	LAWRENCE		103 BELLE STREET	CRYSTAL SPRINGS
ROSEMARY	WATSON		206 GILMORE STREET	CRYSTAL SPRINGS
KAREN	MOORE		110 CLYDE LANE	CRYSTAL SPRINGS
FREDDIE	WILSON		507 S. JACKSON STREET	CRYSTAL SPRINGS
JANICE	HARPER		208 PURVIS DRIVE	CRYSTAL SPRINGS
BRENDA	WASHINGTON		209 CAROLYN LANE	CRYSTAL SPRINGS
HAZEL	FUNCHESS		102 MILL POND COVE	CRESTVIEW
CINDY	EDWARDS		136 MILL STREET	CRYSTAL SPRINGS
NATASHIA	CLAIBORNE		106 CAMP STREET	CRYSTAL SPRINGS
ANGELA	THOMPSON		501 WEST CAYUGA STREET	CRYSTAL SPRINGS
GLENDA	PORTER		114 MORGAN LANE	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
ROSIE	MAHAFFEY		105 THRASHER STREET	CRYSTAL SPRINGS
VINCE	JOHNSON		122 WEST PIZZIA ST	CRYSTAL SPRINGS
DARRELL	ROBINSON		113 PURVIS DRIVE	CRYSTAL SPRINGS
VENESSA	JOHNSON		133 ILL STREET	CRYSTAL SPRINGS
HENRY	ROBINSON		207 CAROLYN LANE	CRYSTAL SPRINGS
TYRONE	DAVIS		117 CHATMAN STREET	CRYSTAL SPRINGS
DALE	CHRISTMAS		1013 EASTER	CRYSTAL SPRINGS
RAQUEL	SMILEY		126 PACIFIC CIRCLE	CRYSTAL SPRINGS
KENNETH	FLOYD		239 CAMP STREET	CRYSTAL SPRINGS
VICTORIA	FINLEY		112 PURVIS DRIVE	CRYSTAL SPRINGS
ZACHERY	WEATHERSBY		125 JORDAN STREET	CRYSTAL SPRINGS
JAMES	JOHNSON, JR.		109 LAKEVIEW	CRYSTAL SPRINGS
PACILUO	BAILEY		507 SO. JACKSON STREET	CRYSTAL SPRINGS
WILLIE	POWELL, SR.		100 CAMILIA STREET	CRYSTAL SPRINGS
MAGGIE	BRYAN		301 EAST PIAZZA STREET	CRYSTAL SPRINGS
SANDRA	WILLIAMS		110 CAROLYN LANE	CRYSTAL SPRINGS
LAVERN	LAWRENCE		103 BELLE STREET	CRYSTAL SPRINGS
THOMAS	SOJOURNER		103 W. WHITWORTH STREET	HAZELHURST
CAWANDA	PENDLETON		125 THOMAS CIRCLE	CRYSTAL SPRINGS
TRAKIE	RICHMOND		209 MOORE STREET	CRYSTAL SPRINGS
IDA	COLEMAN		110 PUCKETT STREET	CRYSTAL SPRINGS
BURNELL	EVANS		426 SOUTH JACKSON STREET	CRYSTAL SPRINGS
RENA	ALLEN		212 WILLIAMS STREET	CRYSTAL SPRINGS
BENJAMIN	HICKS		112 WEST PIAZZA STREET	CRYSTAL SPRINGS
GEORGE ANN	BARNES		214 PEARL STREET	CRYSTAL SPRINGS
RUSSELL	MCNEECE		213 WEST RAILROAD AVENUE	CRYSTAL SPRINGS
JENNIFER	SUTTON (WELCH		5933 HENDERSON ROAD	PEARL
DELICIA	JACKSON		114 PURVIS DRIVE	CRYSTAL SPRINGS
KIMALESHA	BROWN		121 MILL STREET	CRYSTAL SPRINGS
WANDA	WILLIAMS		102 FOREST STREET	CRYSTAL SPRINGS
FELICIA	STEWART		1701 HILLVIEW DRIVE	JACKSON
JESSIE	LOWERY, Sr.	LOUVELLA LOWERY	208 PURVIS DRIVE	CRYSTAL SPRINGS
TRACEY	MC GEE		1140 MATHIS ROAD	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
KEVIN	JONES		107 FORREST STREET	CRYSTAL SPRINGS
LA CARLOS	JONES		1026 CLAUDE WATSON	CRYSTAL SPRINGS
PAMELA	HARRIS		1021 PITTS LANE	CRYSTAL SPRINGS
CAROLYN	WILSON		1600 CASTLE PARK DRIVE, # 200	ST. LOUIS
KENNETH	WILSON		1609 DELLRIDGE COURT	DELLWOOD
DEMOND	WILSON		1609 DELLRIDGE COURT	DELLWOOD
REGINA	WILSON		2044 ANN AVENUE	ST. LOUIS
GERMICA	WILSON		140 KENDALL LANE	CRYSTAL SPRINGS
ADRENA	WILSON		105 DEANNE STREET	CRYSTAL SPRINGS
DWAYNE	THOMPSON		462 S. JACKSON STREET	CRYSTAL SPRINGS
SHERRY	JACKSON		7127 BETHESDA ROAD	CRYSTAL SPRINGS
WILLIS	MURRAY, JR.		462 SOUTH JACKSON STREET	CRYSTAL SPRINGS
KIMYARDER	RANSOM			
BETSY	JONES		P. O. BOX 21	CRYSTAL SPRINGS
RHONDA	REID		142 AUSTIN CIRCLE	CRYSTAL SPRINGS
PATRICIA	WALLACE		5156 THOMAS ROAD	CRYSTAL SPRINGS
JERRY	BAILEY, JR.		5156 THOMAS ROAD	CRYSTAL SPRINGS
BEVERLY	WELLS		115 PUCKETT STREET	CRYSTAL SPRINGS
ODELL	GUYNES		108 CAROLYN LANE	CRYSTAL SPRINGS
ERICA	CRISLER		148 AUSTIN CIRCLE	CRYSTAL SPRINGS
CHARLIE	JACKSON, JR.		108 SCOTT STREET	CRYSTAL SPRINGS
LULA	STOVALL		308 MCPHERSON STREET	CRYSTAL SPRINGS
LAZARRAS	YOUNG		154 BANKHEAD LANE	CRYSTAL SPRINGS
ROSA	CRISLER		148 AUSTIN CIRCLE	CRYSTAL SPRINGS
JOSIE	LILLY		317 HARMONY STREET	CRYSTAL SPRINGS
SHAMEKA	DAVIS		C/O BRENDA WASHINGTON, MOT	CRYSTAL SPRINGS
KAJUNDA	HARRIS		311 W. RAILROAD AVENUE	CRYSTAL SPRINGS
JENNIFER	DIXON		706 NORTH JACKSON STREET	CRYSTAL SPRINGS
LAKENDRICK	BROWN		118 CAROLYN LANE	CRYSTAL SPRINGS
MARCUS	TILLMAN		142 PACIFIC CIRCLE	CRYSTAL SPRINGS
SHANITA	CHRISTMAS		C/O GLENN EDWARD CHRISTMA	CRYSTAL SPRINGS
KENNISHA	PICKETT		C/O ROBERT PICKETT	CRYSTAL SPRINGS
DWIGHT	BROWN, JR.		1048 HANSON STREET	HAZLEHURST

First Name	Last Name	Spouse	Address	City
JASON	MARTIN			
NICKETHIA	WILLIAMS		117 CAROLYN LANE	CRYSTAL SPRINGS
LORENZO	WATSON		C/O ROSEMARY WATSON	CRYSTAL SPRINGS
LYNDRICK	WATSON		206 GILMORE STREET	CRYSTAL SPRINGS
AMBER	KELLUM		412 LEE DRIVE	CRYSTAL SPRINGS
RUBY	SMITH		302 MCPHERSON STREET	CRYSTAL SPRINGS
ASHLEY	CRISLER		148 AUSTIN CIRCLE	CRYSTAL SPRINGS
GWENDOLYN	CHRISTMAS		251 CAMP STREET	CRYSTAL SPRINGS
APRIL	BROWN		303 MOORE STREET	CRYSTAL SPRINGS
ROSIE	MARTIN	J.B. MARTIN	24016 HIGHWAY 51 S	CRYSTAL SPRINGS
BRIAN	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
ROBERT	JONES		419 MCPHERSON	CRYSTAL SPRINGS
LOUVERIA	PENDLETON		100 CAMILIA STREET	CRYSTAL SPRINGS
HAZEL	HICKS		113 BELL STREET	CRYSTAL SPRINGS
JEKETHIA	WILLIAMS		117 CAROLYN LANE	CRYSTAL SPRINGS
MORRIS	REID		C/O WANDA REID	CRYSTAL SPRINGS
NADEAN	EDWARDS		108 AUSTIN CIRCLE	CRYSTAL SPRINGS
EDDRIKA	LAWRENCE		C/O EDDIE SOJOURNER	CRYSTAL SPRINGS
ANNU	SANDERS		101 THOMAS CIRCLE	CRYSTAL SPRINGS
CAJIANA	PENDLETON		1106 N JACKSON STREET	CRYSTAL SPRINGS
EARL	KENDRICK		108 TUCKER STREET	CRYSTAL SPRINGS
BETTY	MCNEECE		213 WEST RAILROAD AVENUE N	CRYSTAL SPRINGS
WALLACE	WATSON, JR.		106 JORDAN STREET	CRYSTAL SPRINGS
EDWARD	CARNEY		1126 CRAWFORD LANE	CRYSTAL SPRINGS
MARLTON "EDDI	BRYANT		243 MAGNOLIA TRAIL	BRANDON
MARGIE	MCMILLIAN		115 PURVIS DRIVE	CRYSTAL SPRINGS
ROBERT	TERRELL		105 TUCKER STREET	CRYSTAL SPRINGS
WILLIE	PICKETT		307 EAST PIAZZA STREET	CRYSTAL SPRINGS
BETTY	WILLIAMS		117 CAROLYN LANE	CRYSTAL SPRINGS
MARY	SMITH		104 MILL STREET	CRYSTAL SPRINGS
MAZARIAN	WHITE		C/O JANICE SMILEY, MOTHER	CRYSTAL SPRINGS
ROBERT	MCDANIEL		240 CARLISLE STREET	HAZLEHURST
DORIS	MURRAY		462 SOUTH JACKSON STREET	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
LILLIAN	CRAFT		6022A THOMAS ROAD	CRYSTAL SPRINGS
NETTIE	TAYLOR		409 MCPHERSON STREET	CRYSTAL SPRINGS
ELNORA	POWELL		100 CAMILIA STREET	CRYSTAL SPRINGS
JOHNETTA	IVORY		101 HATTIE LANE	CRYSTAL SPRINGS
ESSIE	BROWN		120 PURVIS DRIVE	CRYSTAL SPRINGS
NORA JEAN	TAYLOR	CHARLIE TAYLOR, J	310 MCPHERSON	CRYSTAL SPRINGS
RUTH	TAYLOR		111 ADAM STREET	CRYSTAL SPRINGS
JOHNNIE	JACKSON		217 BELL STREET	CRYSTAL SPRINGS
PAUL	FORD, SR.		118 CARRIE AVENUE	CRYSTAL SPRINGS
PAMELA	WILSON		507 SO JACKSON STREET	CRYSTAL SPRINGS
ODDIE	FLOYD		120 BANKHEAD LANE	CRYSTAL SPRINGS
KENNETH	HALEY		104 MILTON ST.	CRYSTAL SPRINGS
RAY	PICKETT		133 MILL STREET	CRYSTAL SPRINGS
GERALD	HOBSON		223 W RAILROAD AVENUE NORT	CRYSTAL SPRINGS
JOHNNY	CLARK		5017 BROOME ROAD	WESSON
ORISTER	HARRIS		311 WEST RAILROAD AVENUE N	CRYSTAL SPRINGS
CHARLES	FORD		507 SOUTH JACKSON	CRYSTAL SPRINGS
JOYCE	JAMES		140 KENDALL LANE	CRYSTAL SPRINGS
IVAN	SOJOURNER		5139 BETHESDA ROAD	CRYSTAL SPRINGS
DWAYNE	THOMPSON		216 EAST PIAZZA STREET	CRYSTAL SPRINGS
WANDA	REID		112 NORTH GAGE STREET	CRYSTAL SPRINGS
DIANNE	YARN		C/O DELICIA JACKSON	CRYSTAL SPRINGS
HATTIE	PORTER		121 MILL STREET	CRYSTAL SPRINGS
ROSA	NEWMAN		2193 TAYLOR GROVE LANE	CRYSTAL SPRINGS
CAROLYN	WILSON		125 THOMAS CIRCLE D-25	CRYSTAL SPRINGS
JAMES	VILLES		2193 TAYLOR GROVE LANE	CRYSTAL SPRINGS
GLADYS	HILLARD		177 WEST HEMBREE ROAD	CRYSTAL SPRINGS
GLADYS	BROWN		118 CAROLYN LANE	CRYSTAL SPRINGS
HENRY	THOMPSON		1309 E. JACK JOHNSON ROAD	TERRY
JOHNETTE	STEWART		142 PACIFIC CIRCLE	CRYSTAL SPRINGS
KEITH	TYLER		153 PACIFIC CIRCLE	CRYSTAL SPRINGS
SHARON	RICHMOND		208 MOORE STREET	CRYSTAL SPRINGS
KUTRICE	WILLIAMS		4062 TANYARD ROAD	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
JOHN	BUIE		211 POWELL STREET	CRYSTAL SPRINGS
ELIZABETH	POWELL		119 JESSIE STREET	CRYSTAL SPRINGS
JANICE	BANKS		2625 BELVEDERE DRIVE APT. 10	JACKSON
RICHARD	WILLIAMS		102 FOREST STREET	CRYSTAL SPRINGS
PATRICIA BREN	HARRIS		100 ADAMS STREET	CRYSTAL SPRINGS
KAREN	JONES		2120 PADEN STREET	JACKSON
DANIELLE	BANKS		205 CAROLYN LANE	CRYSTAL SPRINGS
SHARON	BRENT		1006 AGRENVILLE LANE	CRYSTAL SPRINGS
FRED	STATEN, III		106 NORTH GAGE STREET	CRYSTAL SPRINGS
HOWARD	PORTER		208 CAROLYN LANE	CRYSTAL SPRINGS
ALBERT	PORTER		208 CAROLYN LANE	CRYSTAL SPRINGS
JOHN	BRENT		5191 THOMAS ROAD	CRYSTAL SPRINGS
TONY	HAM		1719 HWY 19 N., # 18	MERIDIAN
JERRY	WILLIAMS		103 FOREST STREET	CRYSTAL SPRINGS
ROBERT	SMILEY		125 PACIFIC CIRCLE	CRYSTAL SPRINGS
LISA	FINLEY		202 CAROLYN LANE	CRYSTAL SPRINGS
SUSAN	MCILWAIN		802 LEE AVENUE	CRYSTAL SPRINGS
WILBERT	SOJOURNER		118 BANKHEAD LANE	CRYSTAL SPRINGS
CHINA	WILLIAMS		128 BANKHEAD LANE	CRYSTAL SPRINGS
JOHNNIE	BAILEY		201 CAROLYN LANE	CRYSTAL SPRINGS
LACEY	FULGHAM		116 PACIFIC CIRCLE	CRYSTAL SPRINGS
ANITHA	POWELL		407 MCPHERSON STREET	CRYSTAL SPRINGS
MARY	RHYMES		301 EAST PIAZZA STREET	CRYSTAL SPRINGS
BRACIE	FINLEY		202 CAROLYN LANE	CRYSTAL SPRINGS
LARRY	ADAMS		1015 ADAMS LANE	CRYSTAL SPRINGS
SCHULIUS	SMILEY		C/O SHELIA SMILEY	CRYSTAL SPRINGS
MARION	BAILEY		201 CAROLYN LANE	CRYSTAL SPRINGS
JAMES	WILLIAMS, JR.			
DIANE	WELLS		108 ILLINOIS AVENUE	JACKSON
MICHAEL	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
YOLANDA	BAILEY		4929 N. WESTHAVEN DRIVE	JACKSON
LARRY	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
PAUL	TAYLOR		112 PURVIS DRIVE	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
ROSHICA	RANSOM			
KATHY	SMITH		104 MILL STREET	CRYSTAL SPRINGS
SOPHIA	WILLIAMS		107 CAROLYN LANE	CRYSTAL SPRINGS
JAMES	MATHEWS		917 LEE AVENUE	CRYSTAL SPRINGS
ROSEMARY	WATSON		206 GILMORE STREET	CRYSTAL SPRINGS
MARCUS	VILLES		C/O BETSY JONES	CRYSTAL SPRINGS
TIMOTHY	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
ANTONIO	CLAIBORNE		300A MCPHERSON STREET	CRYSTAL SPRINGS
HERLANDO	MILLER			
DIANNA	WILLIAMS		243 CAMP STREET	CRYSTAL SPRINGS
CEDRIC	WILLIAMS		243 CAMP STREET	CRYSTAL SPRINGS
MARVIN	WILLIAMS		243 CAMP STREET	CRYSTAL SPRINGS
CHRISTOPHER	GREEN		101 PACIFIC CIRCLE	CRYSTAL SPRINGS
RAY	GREEN		101 PACIFIC CIRCLE	CRYSTAL SPRINGS
ADRAIN	WILSON		1017 HARTLEY LANE	CRYSTAL SPRINGS
JOHN	FLOYD		107 BIRD STREET	CRYSTAL SPRINGS
PATIENCE	WILSON		1017 HARTLEY LANE	CRYSTAL SPRINGS
EDDIE	WILSON		1119 WILSON LANE	CRYSTAL SPRINGS
WILLIE	TILLMAN		246 CAMP STREET	CRYSTAL SPRINGS
ANDREA	LEWIS		221 POWELL STREET	CRYSTAL SPRINGS
STEPHANIE	HOBSON		223 WEST RAILROAD AVENUE N	CRYSTAL SPRINGS
CORISSA	TILLMAN		C/O JOHNNIE BAILEY	CRYSTAL SPRINGS
ALEXIS	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
KEISHAY	PICKETT		111 BANKHEAD LANE, APT. B2	CRYSTAL SPRINGS
JERREKUS	PENDLETON		225 W. MCDOWELL ROAD	JACKSON
DEMETRICA	DONAHUE		103 FORREST STREET	CRYSTAL SPRINGS
DERRICK	SMILEY		108 CAMP STREET	CRYSTAL SPRINGS
KENSHANA	LAWRENCE		C/O LAVERN LAWRENCE	CRYSTAL SPRINGS
ODELL	SMITH		302 MCPHERSON STREET	CRYSTAL SPRINGS
HARRY	FLOYD, SR.		105 JORDAN STREET	CRYSTAL SPRINGS
MICHAEL	HAM		100 CUMBERLAND DRIVE	CRYSTAL SPRINGS
CHRISTOPHER	DIXON		706 NORTH JACKSON STREET	CRYSTAL SPRINGS
LINDSHEY	FORTENBERRY		C/O BRENDA WASHINGTON, MOT	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
TIMOTHY	HERRON		C/O SHARON HERRON, MOTHER	CRYSTAL SPRINGS
COURTNEY	BARNES		108 TUCKER STREET	CRYSTAL SPRINGS
IESHIA	BANKS		205 CAROLYN LANE	CRYSTAL SPRINGS
MARY	YOUNG		C/O SHIRLEY YOUNG	CRYSTAL SPRINGS
DARKEYUS	BROWN		118 CAROLYN LANE	CRYSTAL SPRINGS
TIFFANY	CHRISTMAS		C/O GLENN EDWARDS CHRISTM	CRYSTAL SPRINGS
CHIQUITA	STEWART		116 JORDAN STREET	CRYSTAL SPRINGS
MARY	WILSON		418 MCPHERSON STREET	CRYSTAL SPRINGS
EZRA	BAILEY		507 SOUTH JACKSON STREET	CRYSTAL SPRINGS
KENNETH	MILLER, JR.		1002 WASHINGTON AVENUE	CRYSTAL SPRINGS
XAVIAN	FORTENBERRY		C/O BRENDA WASHINGTON, MOT	CRYSTAL SPRINGS
RALQUESHEA	CRISLER		C/O VICTORIA FINLEY, MOTHER	CRYSTAL SPRINGS
AIESHA	WILSON		154 BANKHEAD LANE	CRYSTAL SPRINGS
MAGGIE	TANNER		106 PUCKETT STREET	CRYSTAL SPRINGS
ESSIE	WELCH		304 MCPHERSON STREET	CRYSTAL SPRINGS
JERRY	MCNEECE		213 WEST RAILROAD AVENUE N	CRYSTAL SPRINGS
SABRINA	JONES		C/O BETSY JONES	CRYSTAL SPRINGS
DARIUS	SMITH		1000 EAST NORTHSIDE DRIVE, A	JACKSON
AUGUSTYN	LEWIS		221 POWELL STREET	CRYSTAL SPRINGS
TALINCEYA	FINLEY		C/O LISA FINLEY, GUARDIAN	CRYSTAL SPRINGS
HONOR	SANCHEZ		C/O DIANNE YARN, GRANDMOTH	CRYSTAL SPRINGS
CHARLES	SMITH		104 MILL STREET	CRYSTAL SPRINGS
AQARIOUS	PICKETT		111 BANKHEAD LANE, APT. B2	CRYSTAL SPRINGS
DARRANECIA	ROBINSON		113 PURVIS DRIVE	CRYSTAL SPRINGS
JOHNNICIA	WILSON		1017 HARTLEY LANE	CRYSTAL SPRINGS
ROBERT	SANDERS, JR.		101 THOMAS CIRCLE	CRYSTAL SPRINGS
BEULAH	SOJOURNER		111 MCPHERSON STREET	CRYSTAL SPRINGS
WILLIS	THOMPSON		1004 YOUNG ROAD	CRYSTAL SPRINGS
VERSIE	YOUNG		120 JORDAN STREET	CRYSTAL SPRINGS
MATTIE	GREEN		106 CAMILLA STREET	CRYSTAL SPRINGS
VERNON	BAILEY		103 THOMAS CIRCLE	CRYSTAL SPRINGS
BEN	WELLS		1035 LINCOLN STREET	CRYSTAL SPRINGS
WILLIE	ALFORD		1078 DEAR COURT LANE	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
SAMUEL	DAVIS		101 BROWN STREET	CRYSTAL SPRINGS
ROBERT	WHEELER, JR.		203 POWELL STREET	CRYSTAL SPRINGS
RANDY	MOULDER		710 OAKWOOD DRIVE	CLINTON
GLENN	CHRISTMAS		251 CAMP STREET	CRYSTAL SPRINGS
SHIRLEY	YOUNG		1500 NORTH JACKSON STREET	CRYSTAL SPRINGS
DON	WILSON		112 HORNE STREET	CRYSTAL SPRINGS
DOROTHY	BROWN		303 MOORE STREET	CRYSTAL SPRINGS
ROBERT	POWELL		125 HARRIS STREET	CRYSTAL SPRINGS
MILLIE	HOBSON		223 WEST RAILROAD AVE. NORT	CRYSTAL SPRINGS
WANDA	WILSON		1017 HARTLEY LANE	CRYSTAL SPRINGS
LAQUANDA	JACKSON		113 PURVIS DRIVE	CRYSTAL SPRINGS
ERIC	COOPER		128 SOUTH GAGE STREET	CRYSTAL SPRINGS
JOAN	YOUNG		154 BANKHEAD LANE	CRYSTAL SPRINGS
INA	CRISLER		129 JORDAN STREET	CRYSTAL SPRINGS
JOHN	BALDRIDGE		201 CAROLYN LANE	CRYSTAL SPRINGS
DEBORAH	PICKETT (DEC)		307 EAST PIAZZA STREET	CRYSTAL SPRINGS
KEVIN	PICKETT		307 EAST PIAZZA STREET	CRYSTAL SPRINGS
TAMMY	THOMPSON		216 EAST PIAZZA STREET	CRYSTAL SPRINGS
PHYLLIS PATRIC	WADE		207 HILLSIDE DRIVE	VICKSBURG
KENNETH	POWELL		407 MCPHERSON STREET	CRYSTAL SPRINGS
WILLIE	HARRIS		1098 MITCHELL LANE	CRYSTAL SPRINGS
TERESA	COOPER		1900 EAST NORTHSIDE DRIVE, A	JACKSON
PATRICIA	WILLIS		2046 S. PAT HARRISON DRIVE	CRYSTAL SPRINGS
RICKY	REID		112 NORTH GAGE STREET	CRYSTAL SPRINGS
JERRY	MCNEECE		209 GLENN STREET	CRYSTAL SPRINGS
BARBARA	MURRAY		214 WILLIAMS	CRYSTAL SPRINGS
GEORGIA	WILSON		6022 THOMAS ROAD	CRYSTAL SPRINGS
SANDRA	WILLIAMS		117 CAROLYN LANE	CRYSTAL SPRINGS
VALARIE	JOHNSON		117 W. PIZZA ST.	CRYSTAL SPRINGS
LOUISE	MOORE		2134 GALLATIN ROAD	CRYSTAL SPRINGS
LURINE	HERRON		2085 MITCHELL ROAD	CRYSTAL SPRINGS
RICHARD	MC GEE		102 PURVIS DRIVE	CRYSTAL SPRINGS
MARGARET	FUNCHESS			

First Name	Last Name	Spouse	Address	City
PATRICIA	GUYNES		125 THOMAS CIRCLE APT. E-36	CRYSTAL SPRINGS
MICHAEL	DIXON		RT 5 BOX 411	HERTFORD
CAREY	MC GEE		102 PURVIS DRIVE	CRYSTAL SPRINGS
LEMUEL	WILSON, JR.		125 THOMAS CIRCLE, D-25	CRYSTAL SPRINGS
NIGA	BROWN		1017 LEE AVENUE	CRYSTAL SPRINGS
TIMOTHY	JACKSON		110 PACIFIC CIRCLE	CRYSTAL SPRINGS
MICHAEL	JACKSON		109 SCOTT STREET	CRYSTAL SPRINGS
VEGIE	DAVIS		111 BANK HEAD LN.	CRYSTAL SPRINGS
UNDRAY	WILLIAMS		4062 TANYARD ROAD	CRYSTAL SPRINGS
WILLIS	THOMPSON		1004 YOUNG ROAD	CRYSTAL SPRINGS
DANNY	CLAIBORNE, SR.		300 A MCPHERSON	CRYSTAL SPRINGS
CONNIE	WINDOM		213 POWELL STREET	CRYSTAL SPRINGS
JAMES	ROBINSON, JR.		211 POWELL	CRYSTAL SPRINGS
RELENDTRICA	THOMPSON		216 EAST PIAZZA STREET	CRYSTAL SPRINGS
ERIC	BUIE		4062 TANYARD ROAD	CRYSTAL SPRINGS
DELENDTRICIUS	THOMPSON		216 EAST PIAZZA STREET	CRYSTAL SPRINGS
CHARLENE TAY	ANDERSON		4033 TORREY PINE DRIVE	JACKSON
JOHNNY	BARNES, JR.		108 TUCKER STREET, POST OFFI	CRYSTAL SPRINGS
LASHUNDA	GOODWIN		122 HARRIS STREET	CRYSTAL SPRINGS
KENNETH	FUNCHESS, JR.		14-1 WRIGHT PARKWAY	FT. WALTON BEACH
DANIEL	FUNCHESS		102 MILL POND COVE	CRESTVIEW
GWENDOLYN	FUNCHESS		102 MILL POND COVE	CRESTVIEW
DEMETRICE	BUIE		4062 TANYARD ROAD	CRYSTAL SPRINGS
ERIC	GRAHAM		108 TUCKER STREET	CRYSTAL SPRINGS
LEVAR	GRAHAM		106 TUCKER STREET	CRYSTAL SPRINGS
TRIBBLEN	POWELL		111 ADAMS STREET	CRYSTAL SPRINGS
PATRINA	HUNTER		105 MOORE	CRYSTAL SPRINGS
TIESHA	THOMPSON		1004 YOUNG ROAD	CRYSTAL SPRINGS
ANTRAMEKIA	MURRAY		C/O CAROLYN MURRAY	CRYSTAL SPRINGS
LATISHA	WILSON		125 THOMAS CIRCLE, APT. D-25	CRYSTAL SPRINGS
DREMARUS	TAYLOR		111 ADAMS STREET	CRYSTAL SPRINGS
WILLIE	MC GEE		P O BOX 21	CRYSTAL SPRINGS
COREY	PENDLETON		225 WEST MCDOWELL ROAD	JACKSON

First Name	Last Name	Spouse	Address	City
JOHNNY	SKIPPER, JR.		1050 SAMES ROAD	WESSON
GEROME	BROWN		209 FAIR STREET	HAZLEHURST
LESE	MALLARD		103 FOREST STREET	CRYSTAL SPRINGS
ROBERT	WILSON		115 NORTH GAGE STREET	CRYSTAL SPRINGS
JOHN	NEWELL		102 ADAMS STREET	CRYSTAL SPRINGS
CHERYL	LANG		9115 SUMRALL ROAD	CRYSTAL SPRINGS
ANNIE	JACKSON		103 MOORE STREET	CRYSTAL SPRINGS
CHRISTY	PENDLETON		225 WEST MCDOWELL ROAD	JACKSON
JOE	ELLIS		407 NORTH JACKSON STREET	CRYSTAL SPRINGS
PURRELL	BAILEY		201 CAROLYN LANE	CRYSTAL SPRINGS
ERIKA	BAILEY		507 SOUTH JACKSON STREET	CRYSTAL SPRINGS
TREMELLIA	JOHNSON		C/O LACEY FULGHAM, MOTHER	CRYSTAL SPRINGS
CEDRIC	LOWERY		5156 THOMAS ROAD	CRYSTAL SPRINGS
JANIE	HERRIN		1021 HARTLEY LANE	CRYSTAL SPRINGS
DETOREA	WILSON		POST OFFICE BOX 1011	CRYSTAL SPRINGS
JEFFREY	WARD		100 PEARL STREET	CRYSTAL SPRINGS
J.C.	CRISLER		148 AUSTIN CIRCLE	CRYSTAL SPRINGS
OPAL	ARMSTRONG		223 WEST RAILROAD AVENUE N	CRYSTAL SPRINGS
SALVIA	WILEY		128 PACIFIC CIRCLE	CRYSTAL SPRINGS
J. D.	JONES, JR.		C/O BETSY JONES	CRYSTAL SPRINGS
KEON	CATCHINGS		C/O DOROTHY CATCHINGS	CRYSTAL SPRINGS
DEON	CATCHINGS		C/O DOROTHY CATCHINGS	CRYSTAL SPRINGS
KANTRA	REID		C/O WANDA REID	CRYSTAL SPRINGS
ADRIANNE	DONAHUE		103 FOREST STREET	CRYSTAL SPRINGS
WILLIE	GREEN		122 AUSTIN CIRCLE	CRYSTAL SPRINGS
HATTIE	BAILEY		108 HATTIE LANE	CRYSTAL SPRINGS
GERALDINE	BENSON		114 WEST PIAZZA STREET	CRYSTAL SPRINGS
MARSHALL	HURST		102 TUCKER STREET	CRYSTAL SPRINGS
BRIAN	LAMBERT		C/O WANDA MITCHELL	CRYSTAL SPRINGS
LINDA	JOHNSON		133 MILL STREET	CRYSTAL SPRINGS
LEM	GRAHAM		1023 PORTER LANE	CRYSTAL SPRINGS
SHELDONIQUE	SKIPPER		111 BANKHEAD LANE, APT. B2	CRYSTAL SPRINGS
DEVICO	BROWN		1048 HANSON STREET	HAZLEHURST

First Name	Last Name	Spouse	Address	City
ASIA	ALFORD		148 EAST PACIFIC CIRCLE	CRYSTAL SPRINGS
DARION	THOMPSON			
LEKEISHA	THOMPSON		1004 YOUNG ROAD	CRYSTAL SPRINGS
CHUCK	WILLIS, JR.		C/O PATRICIA WILLIS, MOTHER	CRYSTAL SPRINGS
QUINTIN	HERRON		1017 HARTLEY LANE	CRYSTAL SPRINGS
J.B.	MARTIN	Rosie L. Martin	24016 HIGHWAY 51 S	CRYSTAL SPRINGS
RUTH	CLAIBORNE		300 A MCPHERSON	CRYSTAL SPRINGS
JARRELL	ARDS		2625 BELVEDERE, APT. 106	JACKSON
DANNY	CLAIBORNE, JR.		114 PURVIS DRIVE	CRYSTAL SPRINGS
OCTAVIO	FLOYD		C/O ERIKA BAILEY	CRYSTAL SPRINGS
BETTIE	KENDRICK		108 TUCKER STREET	CRYSTAL SPRINGS
ROSIE	BRENT		106 CAMP STREET	CRYSTAL SPRINGS
MARJE	MC MILLIAN		C/O TERRY MC MILLIAN, MOTHER	CRYSTAL SPRINGS
JARTRAVION	ARDS		2625 BELVEDERE DRIVE, APT. 10	JACKSON
FREDDIE	BRENT		205 POWELL STREET	CRYSTAL SPRINGS
MARY	WEATHERSBY		125 JORDAN STREET	CRYSTAL SPRINGS
MARGUS	YATES, JR.		1017 HARTLEY LANE	CRYSTAL SPRINGS
E'KYA	BRYANT		103 JORDAN STREET	CRYSTAL SPRINGS
CAREY	WILSON, JR.	DOROTHY WILSON	1609 DELLRIDGE COURT	ST. LOUIS
PAUL	KELLUM		412 LEE AVENUE	CRYSTAL SPRINGS
SHIRLEY	LAWRENCE		122 AUSTIN CIRCLE	CRYSTAL SPRINGS
JAMES	WILLIAMS		POST OFFICE BOX 18	CRYSTAL SPRINGS
JESSIE	BOUIE		111 MCPHERSON STREET	CRYSTAL SPRINGS
GENE	STOVALL		413 MCPHERSON STREET	CRYSTAL SPRINGS
ROY	MOORE		1019 FUNCHESS STREET	CRYSTAL SPRINGS
ANNE	FORD		118 CARRIE AVENUE	CRYSTAL SPRINGS
NINA	HAM		200 MOORE STREET	CRYSTAL SPRINGS
DANIEL	DAVIS		102 BROWN STREET	CRYSTAL SPRINGS
THOMAS	CALHOUN		100 THOMAS CIRCLE	CRYSTAL SPRINGS
LINDA	LEWIS		149 PACIFIC CIRCLE	CRYSTAL SPRINGS
EDDIE	HARRIS		5161 THOMAS ROAD	CRYSTAL SPRINGS
SEDRIC	KNOWLES, JR.		430 CAMP STREET	CRYSTAL SPRINGS
YOWANDA	REID		C/O WANDA REID	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
LAQUANITA	REID		C/O WANDA REID	CRYSTAL SPRINGS
TONY	REED		C/O BEVERLY REED	JACKSON
SCOTTIE	REED		C/O BEVERLY REED	JACKSON
MARCUS	REED		C/O BEVERLY REED	JACKSON
JOHNNIE	JACKSON (DEC)		103 MOORE STREET	CRYSTAL SPRINGS
PAULA "SUSIE"	KELLUM		412 LEE AVENUE	CRYSTAL SPRINGS
JOSEPH	POWELL		C/O CLARISSA POWELL	CRYSTAL SPRINGS
MARQUITA	BUCK		229 MADDOX DRIVE	CRYSTAL SPRINGS
PATRICIA	GREEN		101 PACIFIC CIRCLE	CRYSTAL SPRINGS
BETTIE	SANDERS		101 THOMAS CIRCLE	CRYSTAL SPRINGS
CARMEN	COLEMAN		302 MCPHERSON STREET	CRYSTAL SPRINGS
MARCUS	TILLMAN		142 PACIFIC CIRCLE	CRYSTAL SPRINGS
TAMMIE	RHODES		150 WOODY DRIVE, #E6	JACKSON
JIMMY	REED		3221 CHESTERFIELD STREET	JACKSON
MELVIN	LEWIS	SARAH LEWIS	111 CAROLYN LANE	CRYSTAL SPRINGS
ETHEL	CATCHINGS		225 POWELL STREET	CRYSTAL SPRINGS
INEZ	DAVIS		428 OSBORNE STREET	CRYSTAL SPRINGS
JESSIE	BUTLER		116 JORDAN STREET	CRYSTAL SPRINGS
ROSIE	WILSON		106 AUSTIN CIRCLE	CRYSTAL SPRINGS
MARY	FORD		105 THRASHER STREET	CRYSTAL SPRINGS
MYRA	ALFORD		148 EAST PACIFIC CIRCLE	CRYSTAL SPRINGS
CALVIN	WILSON		321 MOORE STREET	CRYSTAL SPRINGS
TONY	BAILEY		106 BELL STREET	CRYSTAL SPRINGS
RICHARD	MURRAY		1119 CRAWFORD LANE	CRYSTAL SPRINGS
LAURA	BUCK		C/O DELLA WILSON, POA	CRYSTAL SPRINGS
CHARLES	DIXON	DEBBIE R. DIXON	3572 DRY GROVE ROAD	CRYSTAL SPRINGS
PAUL	FORD JR		103 JORDAN STREET	CRYSTAL SPRINGS
TERRANCE	POWELL		130 JORDAN STREET	CRYSTAL SPRINGS
CARLNEZ	RHYMES		RT. 3 BOX 125-1	MONTECELLO
JOYCE	THOMPSON		1309 E. JACK JOHNSON ROAD	TERRY
JEFFERY	HAM		200 MOORE STREET	CRYSTAL SPRINGS
THERESA	POWELL		210 MOORE STREET	CRYSTAL SPRINGS
MILDRED	SOJOURNER		103 W. WHITWORTH STREET	HAZELHURST

First Name	Last Name	Spouse	Address	City
ROBERT	PICKETT		307 E. PIAZZA STREET	CRYSTAL SPRINGS
DWIGHT	BROWN, SR.		1048 HANSON STREET	HAZLEHURST
MOSES	GRAHAM		106 TUCKER STREET	CRYSTAL SPRINGS
DOROTHY	WELLS		115 PUCKETT STREET	CRYSTAL SPRINGS
WILMER	JONES		1026 CLAUDE WATSON LANE	CRYSTAL SPRINGS
CHRISTINE	POWELL		111 BANKHEAD LANE C-1	CRYSTAL SPRINGS
DEBBIE	DIXON		3572 DRY GROVE ROAD	CRYSTAL SPRINGS
LILLY	DONAHUE		103 FOREST STREET	CRYSTAL SPRINGS
SENETRA	MURRAY		428 OSBORNE STREET	CRYSTAL SPRINGS
ANNA	JACKSON		1192 HARMONY ROAD	CRYSTAL SPRINGS
BOBBIE	BASS		105 PURVIS DRIVE	CRYSTAL SPRINGS
CATHERINE	WILSON		107 PURVIS DRIVE	CRYSTAL SPRINGS
HELEN	FLOYD		107 BIRD STREET	CRYSTAL SPRINGS
ANNIE	MACK	BELVIE MACK	1838 JONES LOOP	TERRY
EARNESTINE	STEWART		810 NORTH JACKSON STREET	CRYSTAL SPRINGS
BOBBIE	YOUNG		208 CAROLYN LANE	CRYSTAL SPRINGS
MARTHA	BONNER		117 SCOTT STREET	CRYSTAL SPRINGS
DENNIS	ADAMS	ANGIE DENISE TAYL	1145 DARDANELLE DRIVE	JACKSON
C.W.	BURRELL		526 RAILROAD	CRYSTAL SPRINGS
STACEY	MCGEE		120 PACIFIC CIRCLE	CRYSTAL SPRINGS
BARBARA	BROWN		1048 HANSON STREET	HAZLEHURST
SONJI	POWELL		POST OFFICE BOX 932	CRYSTAL SPRINGS
DOROTHY	MCGEE		102 PURVIS DRIVE	CRYSTAL SPRINGS
LETTIE	ROBINSON		106 BELL STREET	CRYSTAL SPRINGS
ROBERT	CATCHINGS		110 JORDAN STREET	CRYSTAL SPRINGS
EVELYN	WILLIAMS		300 EAST PIAZZA STREET	CRYSTAL SPRINGS
JESSIE	JAMES		140 KENDALL LANE	CRYSTAL SPRINGS
SHERRY	POWELL		125 JORDAN STREET	CRYSTAL SPRINGS
TAMMY	ROBINSON		211 POWELL	CRYSTAL SPRINGS
LORIE	HAM		100 CUMBERLAND DRIVE	CRYSTAL SPRINGS
PATRICK	MOORE		133 AUSTIN CIRCLE	CRYSTAL SPRINGS
KEVIN	HAM		200 MOORE STREET	CRYSTAL SPRINGS
EVON	CLARK		5017 BROOME RD	WESSON

First Name	Last Name	Spouse	Address	City
CHUCK	WILLIS		311 WEST RAILROAD AVENUE	CRYSTAL SPRINGS
REGINALD	MCDANIEL		240 CARLISLE STREET	HAZLEHURST
ROBERT	MCDANIEL, JR.		119 LARKIN STREET	HAZLEHURST
TERRELL	MCDANIEL		235 CARLISLE STREET	HAZLEHURST
MARTHA	WILSON		1014 FUNCHESS STREET	CRYSTAL SPRINGS
CURLY	BUIE		1195 HARMONY ROAD	CRYSTAL SPRINGS
EMMA	WILLIAMS		243 CAMP STREET	CRYSTAL SPRINGS
ESTHER	TERRELL		105 TUCKER STREET	CRYSTAL SPRINGS
MARY ANN	BENSON		105 DEANNE STREET	CRYSTAL SPRINGS
NORA	ROBINSON		207 CAROLYN LANE	CRYSTAL SPRINGS
NEDRA	DABNEY		104 DABNEY LANE	CRYSTAL SPRINGS
IRMA	SKIPPER		103 BYRD STREET	CRYSTAL SPRINGS
TERRY	MCMILLIAN		115 PURVIS	CRYSTAL SPRINGS
DEBRA	WILLIAM		116 JORDAN STREET	CRYSTAL SPRINGS
DEMARIO	BENSON		108 WEST PIAZZA STREET	CRYSTAL SPRINGS
LINDA	BERRY		108 CAMP STREET	CRYSTAL SPRINGS
JANICE	SMILEY		108 CAMP STREET	CRYSTAL SPRINGS
ROBERT	STEWART		308 OSBORNE STREET	CRYSTAL SPRINGS
MICHAEL	STEWART		3962 NORTH WABASH	JACKSON
TIFFANY	HERRON		1017 HARTLEY LANE	CRYSTAL SPRINGS
CURTIS	WILLIAMS		243 CAMP STREET	CRYSTAL SPRINGS
LAPERRY	MURRAY		150 KENDALL LANE	CRYSTAL SPRINGS
ANGIE	TAYLOR-ADAMS		1145 DARDANELLE	JACKSON
LOUISE	POWELL		110 NORTH PAT HARRISON DRIV	CRYSTAL SPRINGS
DELLA	WILSON		120 AUSTIN CIRCLE	CRYSTAL SPRINGS
LEANETTE	CHRISTMAS		251 CAMP STREET	CRYSTAL SPRINGS
ANNIONETTE	ALFORD		148 EAST PACIFIC CIRCLE	CRYSTAL SPRINGS
CARLA	WILLIAMS		122 WEST PIAZZA STREET	CRYSTAL SPRINGS
KATRINA	DIXON		140 HARRIS STREET	CRYSTAL SPRINGS
TODD	MCDANIEL		240 CARLISLE STREET	HAZLEHURST
DESHONDA	WILLIAMS		122 WEST PIAZZA STREET	CRYSTAL SPRINGS
LAQUIESHA	BAILEY		4929 N. WESTHAVEN DRIVE	JACKSON
HENRY	JACKSON		202 PHYLLIS ANN DRIVE	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
LAWYER	DAVIS		112 LAKEVIEW DRIVE	CRYSTAL SPRINGS
JOE ANN	MINOR		102 MILL STREET	CRYSTAL SPRINGS
MARY	SHANNON		116 PURVIS DRIVE	CRYSTAL SPRINGS
MOSE	STOVALL		308 MCPHERSON STREET	CRYSTAL SPRINGS
JOHN	THEDFORD		209 FAIR STREET	HAZLEHURST
VENUS	PENDLETON		1106 N JACKSON STREET	CRYSTAL SPRINGS
KENNETH	FORD		124 PIAZZA STREET	CRYSTAL SPRINGS
HARRELL	HICKS		105 MILL STREET	CRYSTAL SPRINGS
DANIEL	GRAHAM		103 TUCKER STREET	CRYSTAL SPRINGS
JAKE	TERRY		P. O. BOX 322	CRYSTAL SPRINGS
BETTIE	SANDERS		101 THOMAS CIRCLE	CRYSTAL SPRINGS
KENNETH	JACKSON		114 JESSIE STREET	CRYSTAL SPRINGS
ROBERT	YOUNG		1500 NORTH JACKSON STREET	CRYSTAL SPRINGS
LILLIE	ROBINSON		116 AUSTIN CIRCLE	CRYSTAL SPRINGS
JESSIE	TAYLOR		RT. 3 BOX 125-J	MONTICELLO
HENRY	SAMUEL		117 SCOTT STREET	CRYSTAL SPRINGS
CHESTER	JONES			
BETTIE	MCDANIEL		240 CARLISLE STREET	HAZLEHURST
CHRISTOPHER	WARD		100 PEARL STREET	CRYSTAL SPRINGS
ALPHA	SANDERS		C/O BETTIE SANDERS	CRYSTAL SPRINGS
RICHARD	BUIE		317 MOORE STREET	CRYSTAL SPRINGS
SUZANNE	WARREN		403 NORTH JACKSON STREET	CRYSTAL SPRINGS
HELEN	HICKS		7582 BEVERLY DRIVE	FAYETTEVILLE
DOROTHY	CATCHINGS		110 JORDAN STREET	CRYSTAL SPRINGS
ALICE	THOMPSON		1004 YOUNG ROAD	CRYSTAL SPRINGS
WILLIE	HACKETT		305 MCPHERSON	CRYSTAL SPRINGS
CORNELIOUS	THOMAS		111 BANKHEAD LANE	CRYSTAL SPRINGS
LORENZO	WELCH		5833 HENDERSON ROAD	PEARL
MICHAEL	FRANKLIN		117 CAROLYN LANE	CRYSTAL SPRINGS
MARY	DARDEN		128 BANKHEAD LANE	CRYSTAL SPRINGS
ROY	HOLLINS			
BURAL	HERRON		3090 EXPERIMENT STATE ROAD	CRYSTAL SPRINGS
JIMMIE	GREEN		5172 THOMAS ROAD	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
KELVIN	HAM		100 CUMBERLAND DRIVE	CRYSTAL SPRINGS
JERTAVIS	JOHNSON		118 PACIFIC CIRCLE	CRYSTAL SPRINGS
RAYMOND	GUYNES, JR.		125 THOMAS CIRCLE, #E-36	CRYSTAL SPRINGS
SYLVIA	LONGINO		221 LEVON OWENS DRIVE	TERRY
ANNARENA	MURRAY		428 OSBORNE STREET	CRYSTAL SPRINGS
TRAKIE	RICHMOND, JR.		208 MOORE STREET	CRYSTAL SPRINGS
ELEXUS	WILLIAMS		103 FOREST STREET	CRYSTAL SPRINGS
CHRISTOPHER	MURRAY, JR.		428 OSBORNE STREET	CRYSTAL SPRINGS
ARTIS	STEWART		810 NORTH JACKSON STREET	CRYSTAL SPRINGS
JEREMY	GUYNES		125 THOMAS CIRCLE, #E-36	CRYSTAL SPRINGS
JOYCE	ROBINSON		1115 SANDIFER LANE	GEORGETOWN
GLEN	OSBORNE		424 OSBORNE	CRYSTAL SPRINGS
JAMES	JONES		125 THOMAS CIRCLE, APT. B-6	CRYSTAL SPRINGS
REAGAN	MCILWAIN		802 LEE AVENUE	CRYSTAL SPRINGS
SARAH	POWELL		401 WEST CAYUGA STREET	CRYSTAL SPRINGS
JARONDA	WILSON		105 DEANNE STREET	CRYSTAL SPRINGS
PHAEDRA	JACKSON		113 PURVIS	CRYSTAL SPRINGS
DAJANEK	DAVIS		209 CAROLYN LANE	CRYSTAL SPRINGS
JAMES	ROBINSON		211 POWELL STREET	CRYSTAL SPRINGS
PATRICIA	FORD		103 JORDAN STREET	CRYSTAL SPRINGS
JESSIE	THOMPSON		106 CAMP STREET	CRYSTAL SPRINGS
SHERMAN	MURRAY		200 CAMP STREET	CRYSTAL SPRINGS
ALQUAN	FLOYD		112 PURVIS DRIVE	CRYSTAL SPRINGS
DESHAUN	BAILEY		4929 N. WESTHAVEN DRIVE	JACKSON
GEORGE	WASHINGTON		403 MCPHERSON STREET	CRYSTAL SPRINGS
IDA	YOUNG		109 THRASHER STREET	CRYSTAL SPRINGS
DEBRA	FORD		507 SOUTH JACKSON	CRYSTAL SPRINGS
BETTIE SUE	BARNES		303 MCPHERSON STREET	CRYSTAL SPRINGS
JOHNNY	BARNES, SR.		108 TUCKER STREET, POST OFFI	CRYSTAL SPRINGS
CAROLYN	MURRAY		150 KENDALL LANE	CRYSTAL SPRINGS
CECIL	MURRAY		462 SOUTH JACKSON STREET	CRYSTAL SPRINGS
ROGER	WARD (DEC)		100 PEARL STREET	CRYSTAL SPRINGS
BEVERLY	MOORE		1019 FUNCHESS STREET	CRYSTAL SPRINGS

First Name	Last Name	Spouse	Address	City
JOHNNY	WILSON		209 NORTH PAT HARRISON DRIV	CRYSTAL SPRINGS
RALPH	WILLIAMS		104 FOREST STREET	CRYSTAL SPRINGS
LYNELL	WILSON		108 CAMP STREET	CRYSTAL SPRINGS
ROSE	BROWN		RT. 3 BOX 125-L	MONTICELLO
THOMAS	JACKSON		103 BROWN STREET	CRYSTAL SPRINGS
WANDA	WARD		100 PEARL STREET	CRYSTAL SPRINGS
LUCINDA	NEWMAN		2193 TAYLOR GROVE LANE	CRYSTAL SPRINGS
CURSTINE	HART		2008 NORTH JACKSON STREET	CRYSTAL SPRINGS
PAULETTE	WELCH		501 CAMP STREET	CRYSTAL SPRINGS
BEVERLY	LANG		314 EAST MARION AVENUE	CRYSTAL SPRINGS
BETTYE	VINSON		407 NORTH JACKSON STREET	CRYSTAL SPRINGS
REGINALD	DAVIS		209 CAROLYN LANE	CRYSTAL SPRINGS
MARY	BANKS		205 CAROLYN LANE	CRYSTAL SPRINGS
ANASTASSIA	JENKINS		106 CAMP STREET	CRYSTAL SPRINGS
EUGENE	BAILEY (DEC)		142 AUSTIN CIRCLE	CRYSTAL SPRINGS
ALFONSO	BANKS		125 PACIFIC CIRCLE	CRYSTAL SPRINGS
DEEJUAN	BENSON		108 WEST PIAZZA STREET	CRYSTAL SPRINGS
LOVELLA	LOWERY		208 PURVIS DRIVE	CRYSTAL SPRINGS
LEGEORGIANNA	JOHNSON		116 PACIFIC CIRCLE	CRYSTAL SPRINGS
LATOYA	JENKINS		106 CAMP STREET	CRYSTAL SPRINGS
SUNISH	JENKINS		106 CAMP STREET	CRYSTAL SPRINGS
PYRON	WELCH		501 CAMP STREET	CRYSTAL SPRINGS
SALIVIA	WILEY		128 PACIFIC CIRCLE	CRYSTAL SPRINGS
LATONYA	GREEN		112 LAKEVIEW DRIVE	CRYSTAL SPRINGS
RAVONE	MCDANIEL		1014 FUNCHESS STREET	CRYSTAL SPRINGS
ROBERT	LANG		314 EAST MARION AVENUE	CRYSTAL SPRINGS
JEANICE	AYERS		3025 THOMAS ROAD	CRYSTAL SPRINGS
WOODROW	ADAMS (DEC)		1020 ADAMS LANE	CRYSTAL SPRINGS
CHRISTINE	HERRON		1018 HARTLEY LANE	CRYSTAL SPRINGS
DEBRA	WILLIAMS		P. O. BOX 454	CRYSTAL SPRINGS
LAQUIA	GREEN		112 LAKEVIEW DRIVE	CRYSTAL SPRINGS
BESSIE	STEWART		116 MORGAN LANE	CRYSTAL SPRINGS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP - 4 2001



4APT-TS

Mr. A. Robert Thompson
IT Corporation
11560 Great Oaks Way, Suite 500
Alpharetta, GA 30022-2424

Dear Mr. Thompson:

The U.S. Environmental Protection Agency (EPA) Region 4 has completed a review of the Revised Soil Removal Plan for the AKT Gravel Pit in Crystal Springs, Mississippi dated July 24, 2001. The revised soil removal plan along with the March 6, 2001, *Site Assessment Report*, comprise the 40 CFR §761.61(a) notification and certification package for cleanup of polychlorinated biphenyl (PCB) remediation waste at the AKT Gravel Pit. The site assessment report and soil removal plan were prepared by IT Corporation (IT) on behalf of the Kuhlman Electric Corporation (KEC). These documents were submitted concurrently to EPA and the Mississippi Department of Environmental Quality (MDEQ) for review and approval.

Because of site size and additional MDEQ data requirements, IT has collected site characterization data and will conduct post-cleanup verification sampling in manners that differ from the prescribed sampling requirements of 40 CFR §761.61(a). In all other respects, the AKT Gravel Pit cleanup plan satisfies 40 CFR §761.61(a) requirements. Therefore, EPA is approving this cleanup plan, pursuant to 40 CFR §761.61(a)(3)(ii) and the sampling variances, pursuant to 40 CFR §761.61(c). IT and KEC may proceed with the cleanup subject to the following conditions:

1. The cleanup level for bulk PCB remediation waste (soil) shall be the *high occupancy areas* \leq 1 part per million (ppm) level in accordance with requirements at 40 CFR §761.61(a)(4).
2. Post-cleanup verification sampling shall be conducted in accordance with Part 2 of the State of Michigan Department of Environmental Quality Guidance Document "*Verification of Soil Remediation*." IT shall determine sample numbers and establish a sampling grid over the remediation area following the procedures set forth in the referenced State of Michigan document. IT will compare individual sample results collected from the base and sidewalls of the excavation to the soil cleanup level specified in Condition 1. IT shall remove additional soil and collect new samples for any portion of the remediation area that exceeds the soil cleanup standard.
3. IT shall submit a final report to EPA within 60 days of completion of the activities described under this approval. At a minimum, this final report shall include a short narrative of the project

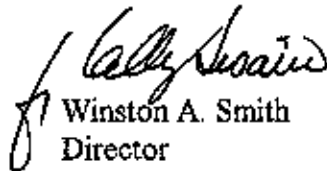
activities, **tabular summaries** of characterization and confirmation sampling analytical results, copies of manifests, and copies of certificates of disposal or similar certifications issued by the disposer.

4. IT and KEC shall comply with the recordkeeping requirements specified at 40 CFR §761.61(a)(9) for activities conducted in accordance with this approval.

5. Once cleanup is underway, any change to the plan must be submitted to EPA for approval prior to the implementation of the change.

Should you have any questions concerning this matter, please contact Mr. Craig Brown of the EPA Region 4 staff at (404) 562-8990.

Sincerely,



Winston A. Smith
Director
Air, Pesticides and Toxics
Management Division

cc: Brian Young, MDEQ
Paul Acheson, KEC



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Website: www.kuhlman.com

Distribution Transformers
Instrument Transformers
Power Transformers

August 23, 2001

Mayor Walter J. Reilley, III
City of Crystal Springs
P.O. Box 473
Crystal Springs, Mississippi 39059

Dear Walter:

This letter sets forth the understanding and agreements of the City of Crystal Springs ("Seller") and Kuhlman Electric Company ("Buyer") with respect to the potential acquisition (the "Proposed Acquisition") by Buyer of any real estate parcels presently owned by Seller located at Buyer's facility, 101 Kuhlman Drive, Crystal Springs, Mississippi (the "Facility"). Although the parties mutually intend that, subject to the conditions set forth below, the discussions concerning the Proposed Acquisition will lead to the preparation and execution of a mutually satisfactory definitive agreement concerning the Proposed Acquisition within the time period set forth below, except as provided in paragraphs 6 and 7 hereof, this letter is not intended to constitute a binding agreement between the parties with respect to the matters addressed herein.

1. Proposed Acquisition.

The Proposed Acquisition would involve the acquisition by Buyer of any real estate owned by Seller at the Facility (the "Parcels").

2. Purchase Price.

To the extent the purchase price for the Parcels is not already set forth in the leases between Buyer and Seller for the Parcels (the "Parcel Leases"), the purchase price shall be negotiated between the parties in good faith considering factors such as, but not limited to, amounts paid for such Parcels in the past, the present value of the Parcels, and the condition of the Parcels. The purchase price will be paid in cash at the Closing.

3. Preconditions.

The parties' obligations to consummate the Proposed Acquisition shall be conditioned upon the negotiation and execution of a definitive agreement (the "Definitive Agreement") setting forth the terms of the transaction, to the degree such terms are not already set forth in the Parcel Leases. Buyer's obligation to consummate the Proposed Acquisition shall be further conditioned upon the completion of a due diligence review of, *inter alia*, Seller's title to the Parcels. Seller's obligation to sell shall be conditioned upon approval of the proposed site

remediation plan by the Mississippi Department of Environmental Quality and the U.S. Environmental Protection Agency (the "Regulatory Agencies").

4. Due Diligence.

From the date hereof until the earlier of the execution of a Definitive Agreement or the termination of the discussions contemplated hereby, the Seller will permit Buyer's authorized agents, attorneys, accountants, financial advisors and other representatives to have full access to all agreements, documents and records relating to the Parcels, except documents protected by the attorney-client privilege, as may be reasonably necessary or appropriate for all relevant purposes of investigation and analysis, including with respect to the preparation of a Definitive Agreement.

5. Timing.

Buyer is prepared to proceed immediately with a comprehensive due diligence inquiry, with the objective of completing the work as soon as possible. We anticipate that the due diligence period will require no more than 10 days. We expect, however, that the parties would be able to commence document preparation and substantive negotiations simultaneously with the beginning of due diligence review. The parties will work toward completion of due diligence and execution of a Definitive Agreement on or prior to September 7, 2001. We believe that Closing could occur simultaneously with or shortly after execution of a Definitive Agreement.

6. Exclusivity.

In consideration of the expenses to be incurred by Buyer in connection with the completion of its due diligence review and the preparation and negotiation of a Definitive Agreement, the Seller hereby agrees that until the earlier of the execution of a Definitive Agreement and the Expiration Date (as defined below), the Seller and its agents, affiliates and representatives will not, directly or indirectly, encourage, solicit or engage in discussions or negotiations with, or provide any information to, any corporation, partnership, person or other entity or group (other than Buyer) concerning the acquisition or sale of the Parcels. The Seller and its agents, affiliates and representatives will promptly communicate to Buyer the terms of any proposal that it may receive with respect to any such transaction.

7. Environmental Conditions.

In consideration of the expenses to be incurred by and on behalf of Buyer in connection with the completion of its due diligence review, the preparation and negotiation of this letter and of a Definitive Agreement, and efforts to address polychlorinated biphenyl contamination at the Facility, Seller agrees to accept the existing work plan for remediation of the Facility and to deed restrictions upon the Facility real property. This acceptance and agreement are expressly conditioned on acceptance by the Regulatory Agencies of the Facility work plan, as revised, and acceptance by the Regulatory Agencies of the subsequent Facility

remediation. The Seller will promptly communicate this acceptance and agreement to the Regulatory Agencies.

8. Termination.

The parties' respective obligations under this letter agreement will automatically terminate and be of no further force and effect upon the earlier of: (i) the execution of a Definitive Agreement; (ii) the mutual written agreement of the parties and (iii) the Expiration Date. As used herein, "Expiration Date" shall mean 11:59 p.m. on September 21, 2001, unless such date is otherwise extended by mutual written agreement of the parties; provided, however, that such termination shall not relieve either party of its obligations with respect to any breach of the terms of this letter agreement occurring prior to such termination.

9. Expenses.

Each of the parties hereto shall be responsible for its own expenses incurred in connection with the Proposed Acquisition.

10. Legal Effect.

This letter agreement is intended to constitute an expression of the parties' mutual intent regarding the subject matter hereof. Except as referred to or set forth in paragraphs 6 and 7, neither of the parties hereto shall have any legally binding obligations, rights or liabilities of any nature whatsoever to each other or to any other persons or entities, whether pursuant to this letter or relating in any manner to the Proposed Acquisition or in consideration thereof. Neither this letter agreement nor any party's execution thereof shall constitute an obligation or commitment of any party to enter into a Definitive Agreement or give any party any rights or claims against another in the event any party acting in good faith terminates negotiations to effect the Proposed Acquisition, other than in respect of claimed breaches of paragraphs 6 or 7. All further obligations or commitments to proceed with the Proposed Acquisition shall be contained only in a Definitive Agreement.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Mayor Walter J. Reilly, III
September 14, 2001
Page 4

If the foregoing represents your understanding as to the matters addressed herein and your agreement as to the matters addressed in paragraphs 6 and 7, please sign and return to me two (2) duplicate originals of this letter, which duplicate originals are enclosed herewith.

Sincerely,

KUHLMAN ELECTRIC COMPANY

Thomas M. Minnich

Name: Thomas Minnich
Title: V.P. Finance

AGREED TO AND ACCEPTED:

CITY OF CRYSTAL SPRINGS

Walter J. Reilly, III

Name: Walter J. Reilly, III
Title: Mayor

Date: 20 sept 01

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

Post-it® Fax Note	7671	Date	24 Aug 01	# of pages	7
To	PAUL Acheson		From	Brian Young	
Co./Dept.	KUKLEMAN		Co.		
Phone #			Phone #	964-5088	
Fax #	892-6406		Fax #		

VS.

NO. _____

[RESPONDENT]

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality
(Commission) and [RESPONDENT] (Respondent) in the above captioned cause and
agree as follows:

1.

By letter dated [MDEQ LETTER DATE], the Mississippi Department of
Environmental Quality (MDEQ) advised [RESPONDENT] that it had approved the
Closure Plan for the [SITE NAME] Site dated [CLOSURE PLAN DATE] as long as the
conditions set forth in the letter were satisfied.

2.

In order to insure that the conditions set forth in the [LETTER DATE] letter
are satisfied, the Commission and [RESPONDENT] (Respondent) agree as follows:

1. On or before [DATE], Respondent shall submit to the office of the

Chancery Clerk of [COUNTY], Mississippi, for recording onto the land deed records, a Notice, prepared by a land surveyor who is registered in the State of Mississippi, which contains a legal description of the [SITE NAME] site which shall enable the clerk to file the Notice in the appropriate sectional index. The Notice shall be signed by the Respondent and be acknowledged by a Notary Public. The Notice shall provide that:

1. The [SITE NAME] site is subject to a Closure Plan on file with the MDEQ;
2. prior to any change in use of the [SITE NAME] site or any part thereof, including but not limited to, for commercial, residential, industrial, recreational, educational, agricultural or any other use, notice shall be given to and approval obtained from the MDEQ to insure protection of human health, welfare and the environment;
3. prior to conducting any construction, excavation, or drilling activity on the [SITE NAME] site, notice shall be given to and approval obtained from the MDEQ to insure protection of human health, welfare, and the environment.
4. the notice shall further state that the site is currently owned by [OWNER] and that [RESPONSIBLE PARTY] accepts full responsibility for monitoring and maintaining the [SITE NAME] site and for any additional remedial activity required by MDEQ;

5. a survey plat, prepared by a land survey registered in the State of Mississippi, shall be attached to the notice indicating the location and dimensions of the [SITE NAME] site with respect to permanently surveyed benchmarks or section corners;
 - i. the Notice shall further state that:
 1. the MDEQ must be notified 30 days prior to any property transactions involving the [SITE NAME] site;
 2. any purchaser/grantee of the [SITE NAME] site will be required to enter into an Agreed Order with the MDEQ stating that prior to any construction, excavation, or drilling on the [SITE NAME] site or change in its use, including but not limited to, for commercial, residential, industrial, recreational, educational, agricultural or any other use of the site, notice must be given and approval obtained from the MDEQ.
 3. Respondent agrees that all of the restrictions contained in the Notice are covenants which shall run with the land and continue into perpetuity.
 - vii. Within thirty days (30) after the notice is filed with the office of Chancery Clerk pursuant to this paragraph, [Respondent] shall forward to the MDEQ a copy of the files notice which has been

certified by the Chancery Clerk.

- B. Respondent shall advise the MDEQ 30 days prior to any property transactions involving the [SITE NAME] site. Respondent shall also advise any potential purchasers/grantees of the [SITE NAME] site that a purchaser/grantee of the site will be required to enter into an Agreed Order with the MDEQ stating that prior to any construction, excavation, or drilling on the [SITE NAME] site or change in use, including but not limited to, for commercial, residential, industrial, recreational, educational, agricultural or any other use, of the site by Respondent or any subsequent purchaser/grantee, notice must be given to and approval obtained from the MDEQ.
- C. Respondent shall be responsible for performing all operation and maintenance activities required by the Department upon completion of the [SITE CLOSURE PLAN] as approved by the Department, including, but not limited to, monitoring, cap maintenance, erosion control, sign maintenance, etc.
- D. Within 60 days of the date of this Agreed Order, Respondent shall execute a deed to itself describing the [SITE NAME] site which contains as a covenant the requirements set forth in paragraphs B and C above. This covenant shall run with the land and be enforceable against any subsequent purchaser/grantee of the [SITE NAME] site. Respondent shall include in any deed and/or any other instrument of conveyance to a subsequent purchaser/grantee of the [SITE NAME] site the requirement regarding MDEQ approval prior to any change in

use and the obligation to operate and maintain the site as set forth in Paragraphs B and C above. Within thirty days after the deed is filed with the office of the Chancery Clerk pursuant to this paragraph, [RESPONDENT] shall forward to the MDEQ a copy of the filed deed which has been certified by the Office of the Chancery Clerk.

- E. Respondent shall post a notice at the physical location of the site which provides: "This site is subject to a Closure Plan on file with the MDEQ, for further information, contact Respondent [TELEPHONE NUMBER] and [ADDRESS] or the Mississippi Department of Environmental Quality. Any change in use or excavation at this site is prohibited without the prior approval of the MDEQ. This notice shall be of a size, shape, construction, and layout formally approved by MDEQ."

3.

In the event Respondent fails to comply with any of the terms of this Agreed Order, the Agreed Order shall become fully enforceable through the appropriate chancery court. The MDEQ, acting on behalf of the Commission, may proceed in chancery court and may submit an affidavit to the chancery court, along with an appropriate complaint to enforce this Agreed Order of the Commission, and such affidavit shall be prima facie evidence upon which to obtain a final judgement against Respondent in favor of the Mississippi Commission on Environmental Quality.

4.

Nothing in this Agreed Order shall limit the rights of the MDEQ or the Mississippi Commission on Environmental Quality in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.

Nothing contained in this Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 of the Mississippi Code Annotated (Supp. 1996), and that it has made an informed waiver of that right.

Agreed Order: [SITE NAME] Site
Page Number 7

SO AGREED AND ORDERED, this the _____ day of _____, 2001.

Charles H. Chisolm
Executive Director
Mississippi Commission on
Environmental Quality

AGREED, this the _____ day of _____, 2001.

BY: _____

TITLE: _____
[COMPANY]

STATE OF _____

COUNTY OR PARISH OF _____

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named _____ who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the _____ of [COMPANY] and is authorized by that Corporation to sign this Agreement and to enter this Agreement on behalf of [COMPANY].

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 2001.

NOTARY PUBLIC

MY COMMISSION EXPIRES:



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 20, 2001

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

RE: Remediation Work Plan dated May 2001
Kuhlman Electric Plant Site
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced document and has the following comments/questions:

1. The MDEQ requests a map showing all areas that will contain PCB's greater than 25 ppm and will be covered by either a building, asphalt cap, or a clay cap. Please differentiate between the different capped areas on the map.
2. Section 3.1.4 Parking and Driveways: The MDEQ is requesting the engineering specifications for the asphalt paved cap. The Federal Regulations specify 6 inches of asphalt or concrete, the MDEQ is requiring that the asphalt cap meet the same performance criteria as the engineered clay cap (1.0×10^{-7} cm/sec). These specifications should include (but are not limited to): Sub-grade preparation procedures, maximum aggregate size, % bitumen content, maximum % of air voids, maximum lift size, minimum in-place compaction rates, specifications for any seal/surface coatings, and minimum design surface slope. Structural specifications (weight bearing capacity) should also be included.
3. Section 3.1.4 Parking and Driveways: Any **current** parking areas or driveways that are intended to be used as a structural cap for contaminated areas shall be evaluated as to there current condition and structural integrity. If repair or replacement of any of the current parking areas or driveways is needed it should be noted in the Remedial Work Plan.

4. Section 3.1.5 Grassed Areas: The MDEQ is requesting the engineering specifications for any areas to be covered with an engineered clay cap. These specification should include (but are not limited to): Sub-grade preparation/inspection procedures, inspection of the borrow material (liquid limit, plasticity index, grain size analysis, water content), maximum clod size, maximum lift size, compaction protocol (type of compactor, # of passes), and in-place compacted density. Also refer to 40 CFR 761.75(b)(1)(ii) through (b)(1)(v) for soil parameter requirements.
5. Section 6.2 Paved Areas: How will repairs be made to the asphalt cap? Will all cracked areas be repaired or just cracks of a certain length, width, and depth? Will there be any restrictions on the asphalt capped areas (no trucks parking overnight, no storage of heavy footprint items on the capped areas, etc.)?
6. Section 6.3 Grass Covered Areas: Grass covered areas will have to remain grass covered areas or be paved. No plant species (trees) with deep rooting systems that would penetrate the cap *may be planted* in these areas.
7. Groundwater should be addressed as part of the Remedial Work Plan and included in the post closure care requirements. A system of groundwater monitoring wells should be in place to monitor the effectiveness of final cover and evaluate any impacts to groundwater that may occur or have occurred.

Please respond to these comments/questions within 30 days from the date of this letter. If you should have any questions or comments, you may contact Brian Young at (601) 961-5088.

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 15, 2001

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
11955 East Nine Mile Road
Warren, Michigan 48089

RE: *Drainage Channel PCB Assessment Work Plan* dated August 2001
Kuhlman Electric Corporation
Crystal Springs, Mississippi

Dear Ms. Hamel:

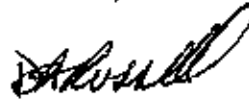
The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced document. The Work Plan is approved with the following conditions:

1. Section 3.3.2 Soil Sampling Locations and Frequencies: Within the drainage-way there can be a great deal of spatial variability from one sample location to the next. Samples from within the main drainage-way channel should be collected from areas where there are obvious accumulations of sediment and/or locations where sediment should be deposited (ie downstream of obstructions, inside bends or turns, areas of flow reversal (pools)).
2. Section 3.3.4 Soil Sample Handling and Analysis: As samples are to be collected on discrete two-foot intervals, the sample should be homogenized to ensure that the sample is as representative as possible of the sampled media. Please reference the EISOPQAM section 5.13.8.
3. Decontamination of field equipment was not specifically addressed in the Work Plan. All equipment shall be decontaminated per the guidance set forth in the EISOPQAM Appendix B.
4. MDEQ requires that sample containers be provided for any split samples collected during the investigation.
5. Please notify the MDEQ at least two weeks prior to conducting any field activities associated with *this Work Plan*.

Ms. Anastasia Hamel
August 15, 2001
Page 2

If you should have any questions or comments, you may contact Brian Young at (601) 961-5088.

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch

Cc: Robert L. Martin, Martin & Slagle



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 15, 2001

Mr. A. Robert Thompson, Operations Manager
The IT Group
11560 Great Oaks Way, Suit 500
Alpharetta, GA 30022-2424

RE: Kuhlman Electric Corporation
Revised Soil Removal Plan AKT Gravel Pit dated July 24, 2001
Crystal Springs, Mississippi

Dear Mr. Thompson:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced document. The *Revised Soil Removal Plan* is approved with the following conditions:

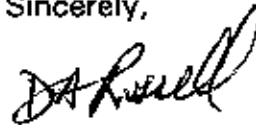
1. **Section 5.1 Excavation:** With an excavator (track hoe), and transport trucks moving across the site, it will be difficult to maintain the excavation boundaries with spray paint and string lines. Therefore, benchmarks outside the area of excavation should be established and the excavation boundaries rechecked prior to each pass of the excavator or whenever the Site Manager determines that the boundaries need to be rechecked and/or reset.
2. **Section 5.2 Confirmation Sampling:** In order to obtain a homogeneous mixture, the mixing method as outlined in section 5.13.8 of the Environmental Investigations Standard Operating Procedures and Quality Assurance Manual dated May 1996 (with 1997 revisions) shall be followed.
3. **Section 5.3 Stockpiling:** Due to the *spatial variability of the* sample/excavation areas, the possibility of mixing Subtitle C with Subtitle D and clean soils exists. Therefore, the clean (less than 1 ppm) stockpiled soils shall be sampled prior to being reused or disposed of. The clean soils shall be sampled at a rate of 1 sample per 625 cubic feet (per EPA letter dated May 11, 2001). Furthermore, regarding the Subtitle D soil, each Subtitle D landfill has it's own policy toward profiling wastes as non-hazardous, please check with the landfill that is intended for use as to its specific requirements.

Mr. A. Robert Thompson
August 15, 2001
Page 2

4. MDEQ requires that sampling containers be provided for any split samples collected.
5. Please notify the MDEQ at least two weeks prior to beginning field activities associated with this work plan.

If you should have any questions or comments, you may contact Mr. Brian Young at (601) 961-5088.

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch

Cc: Paul N. Acheson, Kuhlman



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 8, 2001

FILE COPY

The Honorable Walter J. Rielley, III
Mayor of Crystal Springs
P. O. Box 473
Crystal Springs, MS 39059

RE: Copy of Draft Restrictive Use Order
Crystal Springs, Mississippi

Dear Mayor Rielley:

Please find enclosed a copy of a restrictive use order as requested in the meeting yesterday by Bob Lawrence. This is the type of order that is issued to restrict the use at a site when clean up levels are above residential target remediation goals. If you or Bob have any questions concerning the order, please call me at 601-961-5318.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Russell".

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

C:\Old Hard drive\My Documents\Misc Letters\copy of restrictive use order to mayor rielley.doc

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

No. _____

[RESPONDENT]

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality
(Commission) and [RESPONDENT] (Respondent) in the above captioned cause and
agree as follows:

1.

By letter dated [MDEQ LETTER DATE], the Mississippi Department of
Environmental Quality (MDEQ) advised [RESPONDENT] that it had approved the
Closure Plan for the [SITE NAME] Site dated [CLOSURE PLAN DATE] as long as the
conditions set forth in the letter were satisfied.

2.

In order to insure that the conditions set forth in the [LETTER DATE] letter
are satisfied, the Commission and [RESPONDENT] (Respondent) agree as follows:

1. On or before [DATE], Respondent shall submit to the office of the

Chancery Clerk of [COUNTY], Mississippi, for recording onto the land deed records, a Notice, prepared by a land surveyor who is registered in the State of Mississippi, which contains a legal description of the [SITE NAME] site which shall enable the clerk to file the Notice in the appropriate sectional index. The Notice shall be signed by the Respondent and be acknowledged by a Notary Public. The Notice shall provide that:

1. The [SITE NAME] site is subject to a Closure Plan on file with the MDEQ;
2. prior to any change in use of the [SITE NAME] site or any part thereof, including but not limited to, for commercial, residential, industrial, recreational, educational, agricultural or any other use, notice shall be given to and approval obtained from the MDEQ to insure protection of human health, welfare and the environment;
3. prior to conducting any construction, excavation, or drilling activity on the [SITE NAME] site, notice shall be given to and approval obtained from the MDEQ to insure protection of human health, welfare, and the environment.
4. the notice shall further state that the site is currently owned by [OWNER] and that [RESPONSIBLE PARTY] accepts full responsibility for monitoring and maintaining the [SITE NAME] site and for any additional remedial activity required by MDEQ;

5. a survey plat, prepared by a land survey registered in the State of Mississippi, shall be attached to the notice indicating the location and dimensions of the [SITE NAME] site with respect to permanently surveyed benchmarks or section corners;
 - i. the Notice shall further state that:
 1. the MDEQ must be notified 30 days prior to any property transactions involving the [SITE NAME] site;
 2. any purchaser/grantee of the [SITE NAME] site will be required to enter into an Agreed Order with the MDEQ stating that prior to any construction, excavation, or drilling on the [SITE NAME] site or change in its use, including but not limited to, for commercial, residential, industrial, recreational, educational, agricultural or any other use of the site, notice must be given and approval obtained from the MDEQ.
 3. Respondent agrees that all of the restrictions contained in the Notice are covenants which shall run with the land and continue into perpetuity.
 - vii. Within thirty days (30) after the notice is filed with the office of Chancery Clerk pursuant to this paragraph, [Respondent] shall forward to the MDEQ a copy of the files notice which has been

certified by the Chancery Clerk.

- B. Respondent shall advise the MDEQ 30 days prior to any property transactions involving the [SITE NAME] site. Respondent shall also advise any potential purchasers/grantees of the [SITE NAME] site that a purchaser/grantee of the site will be required to enter into an Agreed Order with the MDEQ stating that prior to any construction, excavation, or drilling on the [SITE NAME] site or change in use, including but not limited to, for commercial, residential, industrial, recreational, educational, agricultural or any other use, of the site by Respondent or any subsequent purchaser/grantee, notice must be given to and approval obtained from the MDEQ.

- C. Respondent shall be responsible for performing all operation and maintenance activities required by the Department upon completion of the [SITE CLOSURE PLAN] as approved by the Department, including, but not limited to, monitoring, cap maintenance, erosion control, sign maintenance, etc.

- D. Within 60 days of the date of this Agreed Order, Respondent shall execute a deed to itself describing the [SITE NAME] site which contains as a covenant the requirements set forth in paragraphs B and C above. This covenant shall run with the land and be enforceable against any subsequent purchaser/grantee of the [SITE NAME] site. Respondent shall include in any deed and/or any other instrument of conveyance to a subsequent purchaser/grantee of the [SITE NAME] site the requirement regarding MDEQ approval prior to any change in

use and the obligation to operate and maintain the site as set forth in Paragraphs B and C above. Within thirty days after the deed is filed with the office of the Chancery Clerk pursuant to this paragraph, [RESPONDENT] shall forward to the MDEQ a copy of the filed deed which has been certified by the Office of the Chancery Clerk.

- E. Respondent shall post a notice at the physical location of the site which provides: "This site is subject to a Closure Plan on file with the MDEQ, for further information, contact Respondent [TELEPHONE NUMBER] and [ADDRESS] or the Mississippi Department of Environmental Quality. Any change in use or excavation at this site is prohibited without the prior approval of the MDEQ. This notice shall be of a size, shape, construction, and layout formally approved by MDEQ."

3.

In the event Respondent fails to comply with any of the terms of this Agreed Order, the Agreed Order shall become fully enforceable through the appropriate chancery court. The MDEQ, acting on behalf of the Commission, may proceed in chancery court and may submit an affidavit to the chancery court, along with an appropriate complaint to enforce this Agreed Order of the Commission, and such affidavit shall be prima facie evidence upon which to obtain a final judgement against Respondent in favor of the Mississippi Commission on Environmental Quality.

4.

Nothing in this Agreed Order shall limit the rights of the MDEQ or the Mississippi Commission on Environmental Quality in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.

Nothing contained in this Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 of the Mississippi Code Annotated (Supp. 1996), and that it has made an informed waiver of that right.

SO AGREED AND ORDERED, this the _____ day of _____, 2001.

Charles H. Chisolm
Executive Director
Mississippi Commission on
Environmental Quality

AGREED, this the ____ day of _____, 2001.

BY: _____

TITLE: _____
[COMPANY]

STATE OF _____

COUNTY OR PARISH OF _____

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named _____ who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the _____ of [COMPANY] and is authorized by that Corporation to sign this Agreement and to enter this Agreement on behalf of [COMPANY].

SWORN TO AND SUBSCRIBED BEFORE ME, this the ____ day of _____, 2001.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

ENVIRONMENTAL MEETING

8/7/01

- | | |
|--------------------|------------------------|
| 1. Mickey Crockett | Kilburn Electric |
| 2. WALTER RIGLEY | MAYOR, CRYSTAL SPRINGS |
| 3. Tony Russell | MDEQ |
| 4. Bob Lawrence | CITY |
| 5. Bill Stewart | SCI |
| 6. Ben Owen | WGK |
| 7. Robert Martin | Martin & Stagle |
| 8. ANASTASIA HAMEL | PW |
| 9. Alan Thomas | KEC |
| 10. BRIAN YOUNG | MDEQ |
| 11. Paul Acheson | KECO |
| 12. | |