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DATE: 31 OCT 04

THERE IS MORE RECENT
INFORMATION IN
THE NEXT FILE ON THIS SITE

Tony Russell 11/01/2004 08:28 AM

To: Brian Young/HW/OPC/DEQ@DEQ
cc:
Subject: Kuhman - petition and notice of appeal

----- Forwarded by Tony Russell/HW/OPC/DEQ on 11/01/2004 08:09 AM -----

Kelly Riley
10/29/2004 03:10 PM

To: Roy Furrh, Ted Lampton/Admin/DEQ@DEQ
cc: Tony Russell
Subject: Kuhman - petition and notice of appeal

I spoke with David Barfield and since BorgWarner has agreed to do the assessment work, there is no reason at this time to set it for hearing. He doesn't want to waive any rights, but agrees it's not necessary to schedule anything. This file is going to Ted, so Ted - please draft a letter for Roy's review that says something like:

MDEQ is in receipt of your sworn petition and notice of appeal dated October 22, 2004, in the kuhman electric matter. I understand you spoke with Kelly Riley last week by telephone, and you agreed that since BorgWarner has agreed to perform the assessment work that a hearing is not necessary. While you are not waiving any rights, there is no cause for a hearing at this time.

should you have any questions, you may contact me at 601-961-5573.

AH-04-1871

VIA UPS NEXT DAY AIR



BorgWarner

October 29, 2004

Mr. Tony Russell
Assessment Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

**Re: Responses To MDEQ's Comments
Preliminary Groundwater Assessment
Kuhlman Electric Corporation, Crystal Springs, MS**

Dear Mr. Russell:

Attached are responses to Mississippi Department of Environmental Quality (MDEQ) comments for the Preliminary Groundwater Assessment report submitted by BorgWarner Inc. in connection with the Kuhlman Electric Corporation (KEC) facility in Crystal Springs, Mississippi.

Please contact me directly at 248-754-0159 in the event there are any questions on the attached.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

Attachment

cc: B. Young, MDEQ ✓

PRELIMINARY GROUNDWATER ASSESSMENT
Kuhlman Electric Corporation

RESPONSE TO MDEQ COMMENTS
October 29, 2004

The following are BorgWarner's responses to Mississippi Department of Environmental Quality (MDEQ) comments concerning the Preliminary Groundwater Assessment report:

1. COMMENT 1- Section 4.2. The groundwater beneath the Kuhlman Electric Corporation (KEC) site is contaminated with various volatile organic compounds (VOCs). Many of the VOCs encountered in groundwater were at concentrations greater than the MDEQ Tier I Target Remediation Goals (TRGs).

RESPONSE – The groundwater beneath the KEC site will be addressed as the planned subsequent groundwater activities are implemented.

2. COMMENT 2 – The following samples were analyzed outside of their hold times. KEP-005-001, KEP-GW-001-001, KEP-GW-008-001, KEP-GW-002-001, and KEP-GW-Duplicate. The published hold times (prior to extraction) for semi-volatile organic compounds (SVOCs) in an aqueous matrix is 7 days vs. hold time for a solid (soil) sample.

RESPONSE – The samples noted above were all extracted within the standard 7-day hold time for EPA method 8270. Extraction dates were not noted on the laboratory data sheets that were included in the report. Future laboratory data sheet submittals will include extraction dates as well as sample collection and sample analysis dates. Attached are laboratory logs and a letter from Paradigm Analytical Laboratories confirming the extraction dates and hold times for samples collected during the preliminary groundwater assessment.

3. COMMENT 3 – No sampling data for MW-5 was included in the report.

RESPONSE – All sample data, including summary tables and laboratory data sheets, were included in the report for monitoring well MW-5. Table 7, Summary of Preliminary Groundwater Sample Analytical Results for VOCs has a typographical error that designates KEP-GW-005-001 as being collected from MW-3 when in fact it was collected from MW-5. The correction has been made to the table and a corrected table is included with this correspondence for substitution.

4. COMMENT – Please provide a description of the sampling description for the nomenclature used for the collection of samples at this site.

RESPONSE – Nomenclature for the different types of samples are listed below:

Groundwater Grab Sample from Augers

KEP-HSA-GW-000

*KEP - Kuhlman Electric Plant
HAS - Hollow Stem Auger
GW - Groundwater Sample
000 - Sample Number*

Soil Grab Sample from Augers

KEP-HSA-000

*KEP - Kuhlman Electric Plant
HAS - Hollow Stem Auger
000 - Sample Number*

Groundwater Samples from Monitoring Wells

KEP-GW-XXX-YYY

*KEP - Kuhlman Electric Plant
GW - Groundwater Sample
XXX - Monitoring Well Number
YYY - Sample Number*

5. COMMENT – In future reports please include a potentiometric surface map showing the direction of groundwater flow as it relates to the site.

RESPONSE – Future reports will include potentiometric surface maps. For the Preliminary Groundwater Assessment report the potentiometric surface map is shown on Figure 2, Site Map.

6. COMMENT – In future reports please include a plume map showing the extent of the groundwater contamination (down to the Tier I TRG) as it relates to the site for each contaminant.

RESPONSE – Plume maps for each constituent detected above published Tier I TRGs will be included in future reports. Once evaluated, the aerial distribution of data collected during the preliminary groundwater assessment was insufficient to develop a useful plume map for this initial phase of work.

7. COMMENT – Based on the presence of VOCs in groundwater above the MDEQ Tier I TRGs, the MDEQ requires that BorgWarner submit a comprehensive groundwater assessment plan for defining the horizontal and vertical extent of contamination by October 15, 2004.

RESPONSE – BorgWarner prepared and submitted a comprehensive groundwater assessment plan on October 15, 2004. The plan included the

approach that will be implemented to define the horizontal and vertical extent of contamination. The plan also addressed the assessment of the perched water beneath the site and included methods for the determination of the source/location of contamination.

In the interim, BorgWarner will take the necessary steps to protect human health and the environment from exposure to contaminated groundwater. Specifically the following activities are in the process of implementation:

1. A water well survey is being conducted through a file and literature search using all published resources available from the U.S. Geological Survey; the MDEQ Office of Land and Water; Mississippi State Department of Health; and the City of Crystal Springs.
2. A physical and/or visual inspection is underway to determine the presence of private water wells within a ½ mile radius of the site.
3. On September 7, 2004, six municipal water supply wells were sampled. The six wells include City of Crystal Springs municipal well #s 1, 2, 3, 4, 7, and the municipal pool well. All sampled wells are within approximately ½ mile of the KEC site.
4. If private wells are identified within a ½ mile radius of the KEC site, the wells will be sampled provided the property owners grant access.
5. MDEQ was notified of the planned date for the municipal well sampling. An MDEQ representative was present for the sampling and obtained split samples. As requested, the appropriate preserved sample containers were provided to MDEQ.

PARADIGM ANALYTICAL LABORATORIES, INC.

5500 Business Drive
Wilmington, North Carolina 28405
(910) 350-1903
Fax (910) 350-1557

Date: September 10, 2004

Mr. Robert Martin
Martin and Slagle
PO Box 1023
Black Mountain, NC 28711

Dear Mr. Martin,

During March and April of 2004, Paradigm Analytical analyzed several samples for semi-volatile content by GC/MS method 8270C.

This method has a seven day holding time limit for extraction of water samples and a fourteen day limit for soil. These holding times were met for all samples, but the extraction dates were not shown on the laboratory's data summary report.

This table was sent previously with incorrect dates entered. All the samples extracted in April were done on April 5, not April 6 as previously reported.

The extraction log for the samples from the G442-260 and G442-261 sets showed a date of April 6. This date is incorrect. The extraction, as shown from the batch pull sheet, was set up April 5, but the extraction log was not filled in until April 6. The database system recorded the date of data entry, not the date the test was actually set up.

A copy of the pull sheet for Batch 1060 with the corrected extraction log sheet are included for your reference. Data entry procedures have been reviewed to ensure that the correct dates are entered.

Following is a table of the samples affected with the extraction dates listed. Copies of the extraction logs are also included for your reference.

Martin & Slagle ID	Paradigm ID	Matrix	Collected	Extracted
KEP-HSA-GW-003	G442-247-1A	Water	3/10/04	3/11/04
KEP-HSA-003	G442-252-1A	Soil	3/10/04	3/23/04
KEP-Duplicate-5411	G442-252-2A	Soil	3/10/04	3/23/04
KEP-HSA-007	G442-252-3A	Soil	3/11/04	3/23/04
KEP-Duplicate-5413	G442-252-4A	Soil	3/11/04	3/23/04
KEP-HSA-005	G442-252-5A	Soil	3/16/04	3/23/04

Table 7
 Summary of Preliminary Groundwater Sample Analytical Results for VOCs
 Kuhlman Electric Facility
 Crystal Springs, Mississippi

Off-site Lab Sample ID, Well #	Date Collected	Time Collected	sec-Butyl- benzene	tert-Butyl- benzene	Chloro- benzene	1,3- Dithio- benzene	1,4- Dithio- benzene	1,1- Dichloro- ethane	1,1,1- Dichloro- ethane	trans-1,3- Dichloro- propane	Ethyl- benzene	Isopropyl- benzene	n-Propyl- benzene	1,1,1- Trichloro- ethane	1,2,4- Trimethyl- benzene	1,3,5- Trimethyl- benzene	m,p- Xylene	o-Xylene
TRGs Restricted ugl			60.8	60.8	100	14.4	75	798	7		700	658	60.8	200	12.3	12.3	12000	12000
KEP-HSA-GW-003	10-Mar-04	1507	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	135	98	462	157	354	<1.00	2690	486	438	758
KEP-HSA-GW-004	11-Mar-04	1637	<1.00	<1.00	<1.00	<1.00	<1.00	1.6	12.3	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<2.00
Trip Blank	11-Mar-04		<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<2.00
KEP-HSA-GW-005	16-Mar-04	1330	15.4	2.81	8.34	2.63	11.4	<1.00	<1.00	<1.00	<1.00	2	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-005-001	29-Mar-04	1103	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
Trip Blank			<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-001-001	29-Mar-04	1402	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	19.7	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-008-001	29-Mar-04	1540	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	4.85	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-002-001	29-Mar-04	1747	<1.00	<1.00	<1.00	<1.00	<1.00	2.1	87.7	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-DUPLICATE	28-Mar-04		<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	4.66	<1.00	<1.00	<1.00	<1.00	3.44	<1.00	<1.00	<2.00	<1.00
KEP-FB-003	29-Mar-04	1113	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-004-001	30-Mar-04	909	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-003-001	30-Mar-04	1044	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	25.7	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-DUP	30-Mar-04		<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	24.1	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-007-001	30-Mar-04	1325	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	24.5	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-GW-006-001	30-Mar-04	1551	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
KEP-MWD-001	31-Mar-04	911	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	7.55	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00
			<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	9.96	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<1.00	<2.00	<1.00

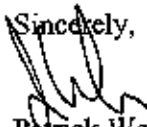
Units = ug/L
 *Well Development Water

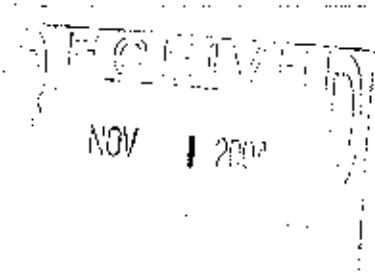
PARADIGM ANALYTICAL LABORATORIES, INC.

KEP-Duplicate-5417	G442-252-6A	Soil	3/16/04	3/23/04
KEP-HSA-006	G442-252-7A	Soil	3/17/04	3/23/04
KEP-HSA-004	G442-251-1A	Soil	3/16/04	3/17/04
KEP-HSA-GW-005	G442-251-2D	Water	3/16/04	3/17/04
KEP-GW-005-001	G442-261-1C	Water	3/29/04	4/5/04
KEP-GW-001-001	G442-261-3C	Water	3/29/04	4/5/04
KEP-GW-008-001	G442-261-4D	Water	3/29/04	4/5/04
KEP-GW-002-001	G442-261-5D	Water	3/29/04	4/5/04
KEP-GW-Duplicate	G442-261-7D	Water	3/29/04	4/5/04
KEP-GW-004-001	G442-260-1D	Water	3/30/04	4/5/04
KEP-GW-003-001	G442-260-2D	Water	3/30/04	4/5/04
KEP-DUP	G442-260-3D	Water	3/30/04	4/5/04
KEP-GW-007-001	G442-260-4D	Water	3/30/04	4/5/04
KEP-GW-006-001	G442-260-5D	Water	3/30/04	4/5/04

Please let me know if I can further assist you.

Sincerely,


 Patrick Weaver
 Laboratory Director



AH-04-1870

VIA ELECTRONIC MAIL AND UPS NEXT DAY AIR



BorgWarner

October 25, 2004

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Mr. Tony Russell
Assessment Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Re: Administrative Order No. 4877 - 04

Dear Mr. Russell:

At the request of Kuhlman Electric Corporation ("KEC"), BorgWarner Inc. ("BorgWarner") is responding on KEC's behalf to Mississippi Department of Environmental Quality ("MDEQ") Administrative Order No. 4877-04, Section 7, Paragraph A.

Pursuant to its indemnification of KEC, BorgWarner is preparing to undertake the actions required by Paragraph A of the Administrative Order as follows:

(A) Within thirty (30) days of the date of this Order, Respondents or either of them must submit an INTERIM corrective action plan, which addresses the following in the order listed:

- 1) the elimination of actual exposure to individuals (receptors),
- 2) the elimination of minimization of off-site migration of contaminants,
- 3) the elimination of potential exposure to receptors, and
- 4) the reduction of concentrations of contaminants to levels protective of human health and the environment

The 115 Brent Street property consists of two parcels. Mid-South Leasing owns one parcel and the one story wood frame house it moved onto this parcel from another location in either late 1999 or early 2000. The City of Crystal Springs owns the parcel south of the Mid-South Leasing parcel. The combined parcels form the 115 Brent Street property.

The 115 Brent Street property is approximately 95 feet by 120 feet in size. This dimension includes the easement for Brent Street on the west property boundary. The topography slopes from northeast to southwest. Brent Street borders the property to the south and west. Stormwater runoff flows to the southwest corner of the property. The original property was backfilled, for a building site, with soil reportedly impacted by PCBs.

As a preliminary measure the property has been surrounded by temporary security fencing and is posted against trespassing. The INTERIM Corrective Action plan at the 115 Brent Street property will involve the capping of surficial impacted soil using a synthetic plastic liner material. The liner and fencing system will:

- eliminate actual exposure to individuals (receptors) by providing a durable impervious barrier that will prevent direct human and animal contact with impacted soil;
- eliminate or minimize off-site migration of contaminants by providing a durable, impervious barrier that will prevent stormwater and wind from coming in direct contact with impacted soil;
- eliminate the potential exposure to receptors by providing physical barriers against human or animal contact with impacted soil, and will be posted with warnings against trespassing;
- reduce the concentrations of contaminants to levels protective of human health and the environment by isolating impacted soil from natural erosive mechanisms, by providing a clean, protective, imperious barrier against human or animal contact.

Prior to installation of the liner the site will be mowed, and debris that may damage the liner will be removed and properly disposed of. The liner material will be a minimum of 40-mil thick ultraviolet resistant low-density polyethylene. Seams will be heat welded at the time of the installation. The liner borders will be anchored by "keying" the edges into soil trenches at the perimeter of the site. Keying will be accomplished by laying the plastic edge in the trench and backfilling the trench with clean soil. All spoil from the trenching process will be left under the liner after installation.

The entire area of known impacted soil to the north and east of the existing house will be covered, and the plastic will extend to the edge of pavement on the west and south. If additional impacted soil is identified during future planned assessment activities the liner will be extended to cover those areas.

After installation of the cover, weekly inspections will be conducted by BorgWarner's contractors to identify and correct any damage or wear and tear that may occur to the cover, anchoring system, security fencing, and signage.

The liner will remain in place until remediation of the site is completed.

(B) Implement the INTERIM corrective action plan within sixty (60) days of the date of this Order.

BorgWarner plans to proceed with the implementation of the INTERIM corrective action plan upon receiving MDEQ's approval of the plan as described (above) under the response to Paragraph A of the Administrative Order.

In addition, Paragraph C of the Administrative Order provides:

(C) Within sixty (60) days of the date of this Order, Respondents must submit a Site Characterization Work Plan that identifies and defines the extent of contamination both on-site and off-site in the format prescribed by MDEQ. A proposed schedule must accompany the Site Characterization Work Plan indicating all phases of Site Characterization activities, including a proposed Site Characterization completion date.

For clarification purposes, it is BorgWarner's understanding that the intention of Paragraph C of the Order is that the Characterization Work plan that is to be submitted will identify the activities to be conducted to define the extent of contamination both on-site and off-site in the format prescribed by MDEQ.

A subsequent Site Characterization Report will identify and define the extent of contamination both on-site and off site and detail the findings developed as a result of the implementation of the Site Characterization Work Plan.

Please note that it is imperative that BorgWarner promptly receive complete and thorough information indicating the types of materials deposited at the 115 Brent Street property by David Rodgers and LM&R. If the information is not received within the required timeframe, BorgWarner will not have the information it needs to prepare a Site Characterization Work Plan that includes the appropriate elements as requested by MDEQ. Further, activities subsequent to Order requirement 7(C) can only proceed with the commensurate participation by co-Respondents given their development and sale of the property subsequent to the discovery of contamination. BorgWarner requests that MDEQ make itself available to designate or facilitate tasks between Respondents if necessary.

Finally, please note that BorgWarner will not be able to perform any activity under the Order, which requires access to the Brent Street property and possibly other adjacent property(ies) unless such access is granted by the owner(s). In the event that the owner(s) is unwilling to grant such access voluntarily, BorgWarner requests that MDEQ make itself available to facilitate such access.

Mr. Tony Russell, MDEQ
115 Brent Street Order
October 25, 2004
Page 4 of 4

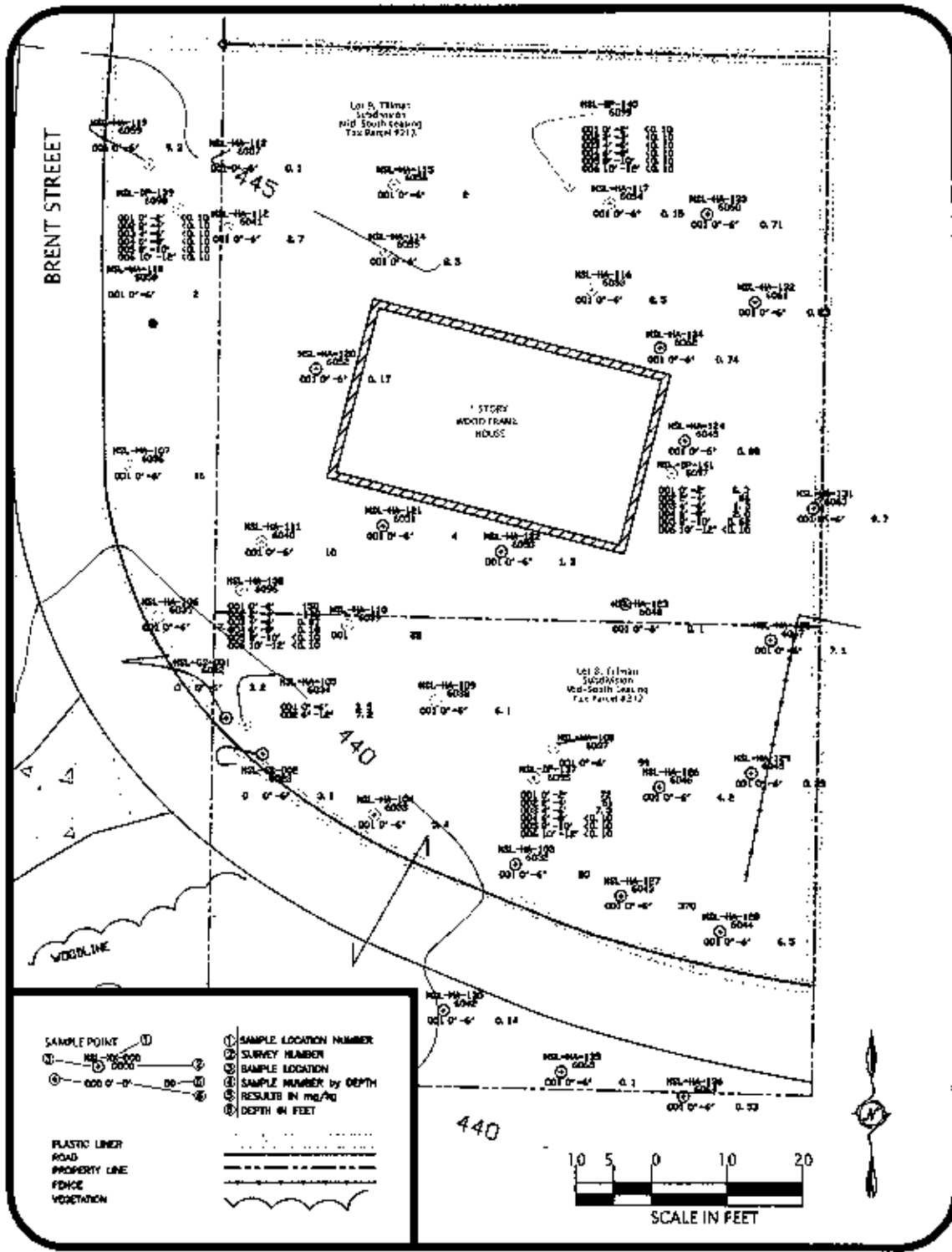
Please contact the undersigned directly at 248-754-0159 in the event there are any questions on the above.

Very truly yours,

A handwritten signature in cursive script that reads "Anastasia Hamel". The signature is written in black ink and is positioned above the printed name.

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: S. Bransfield, BW
S. Levine, Esq.
J. Barrett, Esq.
P. Acheson, KEC
T. Minnich, KEC



MARTIN & SLAGLE
 GeoEnvironmental Associates, LLC
 PO Box 1023
 Black Mountain NC 28711
 828.669.3929 828.669.5289

REV: 0
 DATE: 10/26/2004
 DR: DGR
 CHK: RLM

INTERIM CORRECTIVE ACTION PLAN
 115 BRENT STREET
 CRYSTAL SPRINGS, MS

PREPARED FOR:
BorgWarner Inc.

FIGURE 1



"Hamel, Anastasia (PTC-Auburn Hills)" <AHamel@BWAUTO.com> on
10/28/2004 03:23:01 PM

To: "Russell Tony - MDEQ (E-mail)" <Tony_Russell@deq.state.ms.us>
cc: "Young Brian - MDEQ (E-mail)" <Brian_Young@deq.state.ms.us>
Subject: 115 Brent Street Order Response Letter

Dear Tony,

Attached is the Response Letter for the 115 Brent Street Order.

Thank you.
Anastasia

<<Interim CAP Site Plan.pdf>> <<MDEQ 115 Brent St. Order Letter
Response.pdf>>

Anastasia Hamel
Director, Environmental Programs
SorgWarner Inc.
Phone: (248) 754-0159
Fax: (248) 754-9159
e-mail: ahamel@bwauto.com



Interim CAP Site Plan.pdf



MDEQ 115 Brent St. Order Letter Response.pdf

AH-04-1870

VIA ELECTRONIC MAIL AND UPS NEXT DAY AIR



BorgWarner

October 25, 2004

Mr. Tony Russell
Assessment Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 180
Auburn Hills, Michigan 48326-1782

Re: Administrative Order No. 4877 - 04

Dear Mr. Russell:

At the request of Kuhlman Electric Corporation ("KEC"), BorgWarner Inc. ("BorgWarner") is responding on KEC's behalf to Mississippi Department of Environmental Quality ("MDEQ") Administrative Order No. 4877-04, Section 7, Paragraph A.

Pursuant to its indemnification of KEC, BorgWarner is preparing to undertake the actions required by Paragraph A of the Administrative Order as follows:

(A) Within thirty (30) days of the date of this Order, Respondents or either of them must submit an INTERIM corrective action plan, which addresses the following in the order listed:

- 1) the elimination of actual exposure to individuals (receptors),**
- 2) the elimination of minimization of off-site migration of contaminants,**
- 3) the elimination of potential exposure to receptors, and**
- 4) the reduction of concentrations of contaminants to levels protective of human health and the environment**

The 115 Brent Street property consists of two parcels. Mid-South Leasing owns one parcel and the one story wood frame house it moved onto this parcel from another location in either late 1999 or early 2000. The City of Crystal Springs owns the parcel south of the Mid-South Leasing parcel. The combined parcels form the 115 Brent Street property.

The 115 Brent Street property is approximately 95 feet by 120 feet in size. This dimension includes the easement for Brent Street on the west property boundary. The topography slopes from northeast to southwest. Brent Street borders the property to the south and west. Stormwater runoff flows to the southwest corner of the property. The original property was backfilled, for a building site, with soil reportedly impacted by PCBs.

As a preliminary measure the property has been surrounded by temporary security fencing and is posted against trespassing. The INTERIM Corrective Action plan at the 115 Brent Street property will involve the capping of surficial impacted soil using a synthetic plastic liner material. The liner and fencing system will:

- eliminate actual exposure to individuals (receptors) by providing a durable impervious barrier that will prevent direct human and animal contact with impacted soil;
- eliminate or minimize off-site migration of contaminants by providing a durable, impervious barrier that will prevent stormwater and wind from coming in direct contact with impacted soil;
- eliminate the potential exposure to receptors by providing physical barriers against human or animal contact with impacted soil, and will be posted with warnings against trespassing;
- reduce the concentrations of contaminants to levels protective of human health and the environment by isolating impacted soil from natural erosive mechanisms, by providing a clean, protective, impervious barrier against human or animal contact.

Prior to installation of the liner the site will be mowed, and debris that may damage the liner will be removed and properly disposed of. The liner material will be a minimum of 40-mil thick ultraviolet resistant low-density polyethylene. Seams will be heat welded at the time of the installation. The liner borders will be anchored by "keying" the edges into soil trenches at the perimeter of the site. Keying will be accomplished by laying the plastic edge in the trench and backfilling the trench with clean soil. All spoil from the trenching process will be left under the liner after installation.

The entire area of known impacted soil to the north and east of the existing house will be covered, and the plastic will extend to the edge of pavement on the west and south. If additional impacted soil is identified during future planned assessment activities the liner will be extended to cover those areas.

After installation of the cover, weekly inspections will be conducted by BorgWarner's contractors to identify and correct any damage or wear and tear that may occur to the cover, anchoring system, security fencing, and signage.

The liner will remain in place until remediation of the site is completed.

Mr. Tony Russell, MDEQ
115 Brent Street Order
October 25, 2004
Page 3 of 4

(B) Implement the INTERIM corrective action plan within sixty (60) days of the date of this Order.

BorgWarner plans to proceed with the implementation of the INTERIM corrective action plan upon receiving MDEQ's approval of the plan as described (above) under the response to Paragraph A of the Administrative Order.

In addition, Paragraph D of the Administrative Order provides:

(C) Within sixty (60) days of the date of this Order, Respondents must submit a Site Characterization Work Plan that identifies and defines the extent of contamination both on-site and off-site in the format prescribed by MDEQ. A proposed schedule must accompany the Site Characterization Work Plan indicating all phases of Site Characterization activities, including a proposed Site Characterization completion date.

For clarification purposes, it is BorgWarner's understanding that the intention of Paragraph C of the Order is that the Characterization Work plan that is to be submitted will identify the activities to be conducted to define the extent of contamination both on-site and off-site in the format prescribed by MDEQ.

A subsequent Site Characterization Report will identify and define the extent of contamination both on-site and off site and detail the findings developed as a result of the implementation of the Site Characterization Work Plan.

Please note that it is imperative that BorgWarner promptly receive complete and thorough information indicating the types of materials deposited at the 115 Brent Street property by David Rogers and LM&R. If the information is not received within the required timeframe, BorgWarner will not have the information it needs to prepare a Site Characterization Work Plan that includes the appropriate elements as requested by MDEQ. Further, activities subsequent to Order requirement 7(C) can only proceed with the commensurate participation by co-Respondents given their development and sale of the property subsequent to the discovery of contamination. BorgWarner requests that MDEQ make itself available to designate or facilitate tasks between Respondents if necessary.

Finally, please note that BorgWarner will not be able to perform any activity under the Order, which requires access to the Brent Street property and possibly other adjacent property(ies) unless such access is granted by the owner(s). In the event that the owner(s) is unwilling to grant such access voluntarily, BorgWarner requests that MDEQ make itself available to facilitate such access.

Mr. Tony Russell, MDEQ
115 Brent Street Order
October 25, 2004
Page 4 of 4

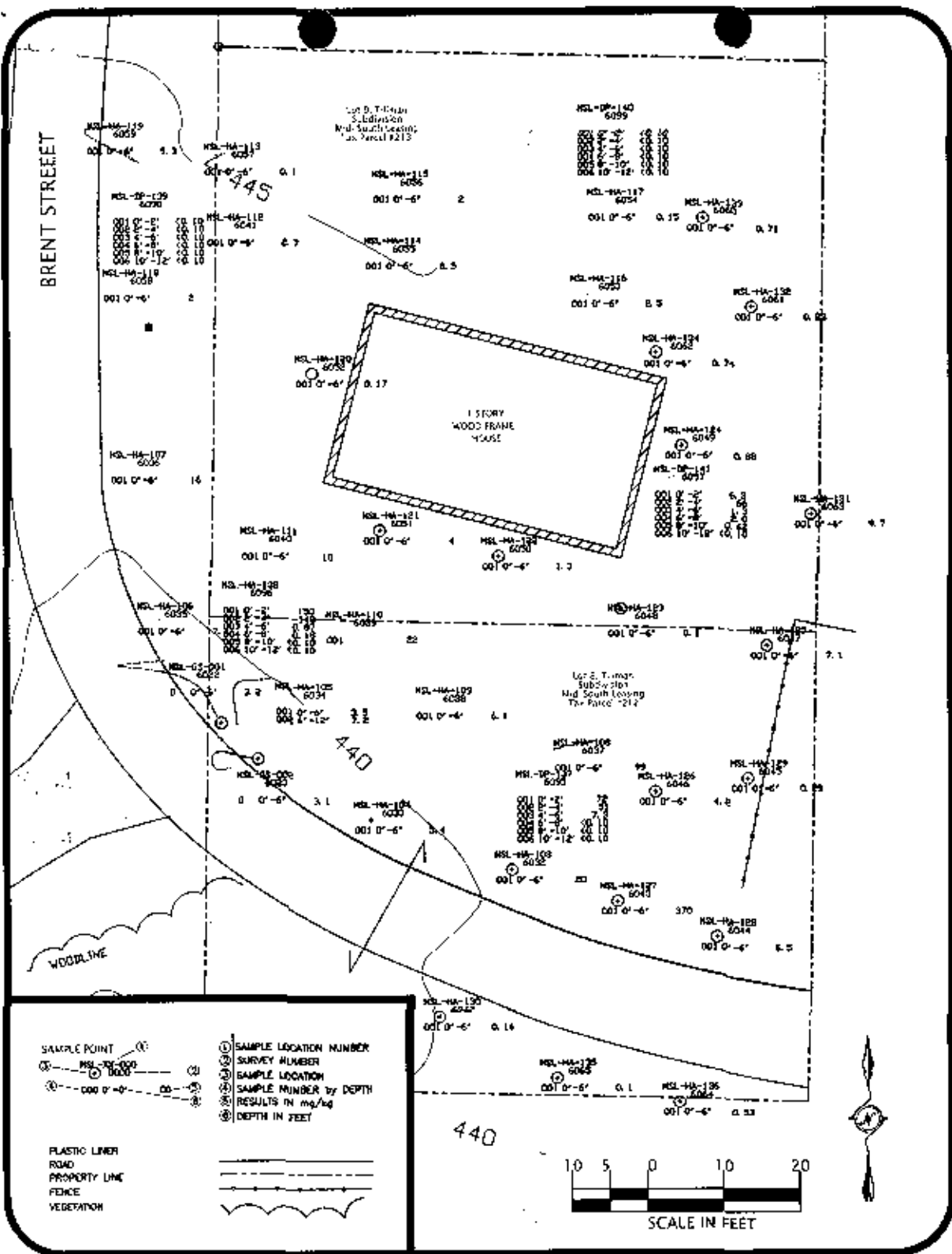
Please contact the undersigned directly at 248-754-0159 in the event there are any questions on the above.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anastasia Hamel". The signature is written in black ink and extends across the width of the page.

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: S. Bransfield, BW
S. Levine, Esq.
J. Barrett, Esq.
P. Acheson, KEC
T. Minnich, KEC



MARTIN SLAGLE

GeoEnvironmental Associates, LLC

PO Box 1023
 Black Mountain NC 28711
 828.669.3929 828.669.5289

REV: 0
 DATE: 10/26/2004
 DR: DGR
 CHK: RLM

PREPARED FOR:
BorgWarner Inc.

INTERIM CORRECTIVE ACTION PLAN

115 BRENT STREET
 CRYSTAL SPRINGS, MS

FIGURE 1



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR
October 28, 2004

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Corporation
Comprehensive Groundwater Assessment Plan, dated October 2004
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:

1. Section 2.6: It is stated that the chlorinated benzene compounds will be analyzed for using EPA methods 8260B, and 8082. The MDEQ requests method 8270C be added to all samples sent off-site for analysis so that semi-volatile organic compounds may be screened for during this investigational phase.
2. Section 2.7: It is stated that the groundwater may be purged and/or sampled using submersible pumps. If a pump is used to purge the monitoring wells, it must be decontaminated prior to reuse. Please specify these procedures. Furthermore, depending on the type of submersible pump, it may not be suitable for the collection of samples for analysis of volatile organic compounds due to the possibility of the pump adversely affecting the quality of the sample.
3. Section 2.7: No specific decontamination procedures for field equipment were outlined in the work plan. However, as the USEPA, Region 4 EISOPQAM was referenced in the work plan, it was implied and understood by MDEQ that the procedures in the EISOPQAM will be followed. In addition, as the Waterloo Profiler is unique to this project, please specify the decontamination procedures for this piece of equipment.

October 28, 2004

Page 2

4. Section 2.7: It is stated that the borehole will be pressure grouted from the bottom up as the Waterloo Sampler is withdrawn from the borehole. Please specify the type of grout to be used in the borehole.
5. Section 2.7: It is stated that purging will continue until temperature, pH, and specific conductance have stabilized. For existing monitoring wells, turbidity shall be added to the stabilization parameters. If less than 3-5 well volumes are going to be purged, the EISOPQAM shall be followed (with regards to the stabilization parameters) when determining if a monitoring well has been adequately purged.

Please respond to the above comments within thirty (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,



Brian Young
Project Manager



Tony Russell, Chief
Assessment & Remediation Branch

Cc: Robert Martin, Martin and Slagle

BARFIELD & ASSOCIATES

ATTORNEYS AT LAW, P.A.
288 EAST CAPITOL STREET
POST OFFICE DRAWER 3979
JACKSON, MISSISSIPPI 39207-3979

TELEPHONE (601) 968-9420
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JACKSON OFFICE

DAVID A. BARFIELD
LARA ASHLEY COLEMAN
RICHARD D. GAMBLIN
STEVEN L. LACEY
WES W. PETERS
PAUL A. PURNELL
EMBERLY P. WALLACE

NEW ORLEANS OFFICE

CASSANDRA J. ALLEN
KAY B. BAXTER*
J. McCLES BELARD

*ADMITTED IN LOUISIANA,
MISSISSIPPI AND ARKANSAS

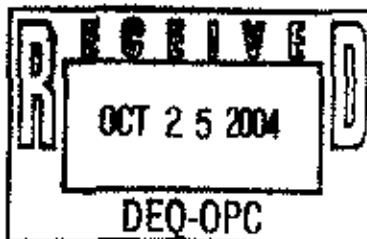
400 POYDRAS STREET, SUITE 1400
NEW ORLEANS, LOUISIANA 70130
TELEPHONE (504) 566-1582
FACSIMILE (504) 565-1500



October 22, 2004

VIA HAND DELIVERY

Mr. Charles H. Chisolm
Executive Director
Mississippi Department of Environmental Quality
2380 Highway 80 West
Jackson, Mississippi 39204



Re: *Mississippi Commission on Environmental Quality v. Kuhlman Electric Corporation and David Rodgers*, Before the Mississippi Commission on Environmental Quality, Order No. 4877 04

Dear Mr. Chisolm:

Enclosed please find a Sworn Petition and Notice of Appeal which is being served on you on behalf of L. M. & R. Service, Inc. and David Louis Rodgers.

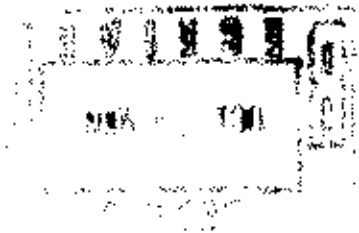
Very truly yours,

BARFIELD & ASSOCIATES
Attorneys at Law, P.A.

David A. Barfield

DAB:ka
Enclosure

cc: Mr. Tony Russell w/encl. *via Hand Delivery*
Chuck D. Barlow, Esq. w/encl. *via U. S. Mail*
Mr. John Zvolensky w/encl. *via U. S. Mail*
Thomas D. Lupo, Esq. w/encl. *via U. S. Mail*
Thomas W. Tyner, Esq. w/encl. *via U. S. Mail*



BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 4877 04

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

DAVID RODGERS, INDIVIDUALLY AND AS
PRESIDENT
L.M.&R. SERVICE, INC.
4152 SIX MILE ROAD
CRYSTAL SPRINGS, MISSISSIPPI 39059

RESPONDENTS

SWORN PETITION AND NOTICE OF APPEAL

Pursuant to Mississippi Code Ann. § 49-17-41, Respondents, L. M. & R. Service, Inc.¹ ("LM&R") and David Louis Rodgers ("Rodgers"), file this Sworn Petition and Notice of Appeal of the Mississippi Commission on Environmental Quality's (the "Commission") September 23, 2004 Order ("Order"), and hereby request a hearing before the Full Commission. As set forth below, and as will be further shown at the Commission hearing, the Commission's Order should be reversed as to Respondents LM&R and Rodgers for the following reasons:

1. Any contamination found at the Kuhlman Electric Corporation ("Kuhlman") site and ultimately at any Brent Street property in Crystal Springs, Mississippi was caused not by Rodgers

¹ David Louis Rodgers is not now, and has never been, the President of LM&R. His son, David Lester Rodgers is the President of LM&R and has been since its incorporation. Accordingly, LM&R has not been properly served with the Commission's Order. However, LM&R has been made aware of the same and, in the spirit of cooperation, hereby waives formal service of the Order.

and LM&R, but by Kuhlman and/or employees of Kuhlman. Rodgers and LM&R were unaware that any contamination existed at the Kuhlman site until Rodgers was served with a Summons and Complaint in the *Kellum, et al. v. Kuhlman Corporation, et al.* matter in mid-2001. If LM&R and Rodgers had been aware of contamination at Kuhlman, Rodgers and LM&R would not have hauled soil and debris from the site to property personally owned by Rodgers.

2. The Commission's Order requires extensive remediation at the Brent Street property. Rodgers and LM&R have no knowledge or experience in how to develop remediation plans for contaminated property. Further, and most importantly, Rodgers and LM&R have no financial resources with which to accomplish a remediation such as this.

3. If the Brent Street property is contaminated, it is Kuhlman that contaminated the property. Rodgers and LM&R believed they were hauling normal dirt, concrete and debris to fill in a hole on some property owned by Rodgers. But for Kuhlman's acts or omissions, there would be no need to remediate the Brent Street property. It is Kuhlman that contaminated the soil and debris hauled to Brent Street. It is Kuhlman that failed to advise Rodgers that the soil and debris he was removing from the property was contaminated. It is Kuhlman that is liable for any remediation of the Brent Street property. It is Kuhlman who has the financial resources to accomplish a remediation such as this. It is Kuhlman that has the knowledge and ability to properly complete a remediation. It is Kuhlman that has been and is currently remediating property in various parts of Covich County as a result of contamination.

4. The Commission's Order does not adequately identify any particular statute, rule or regulation Rodgers and/or LM&R are alleged to have violated and, therefore, is so impermissibly

vague as to prevent an adequate defense so as to be violative of the Constitutions of the United States and the State of Mississippi.

5. Ordering Rodgers and LM&R to remediate the property results in an unconstitutional taking of property without due process of law in violation of the Constitutions of the United States and the State of Mississippi.

6. Under the law of the State of Mississippi, Rodgers and LM&R are entitled to full indemnity from Kuhlman, making Kuhlman the only ultimately responsible party, so the Order for remediation should properly be directed only to Kuhlman.

7. No act or omission of Rodgers or LM&R caused in fact, the soil and debris which was deposited at Brent Street to be contaminated and there was no basis for them to know of such contamination and, therefore, they can and should have no legal liability for remediation.

8. For the foregoing reasons and other reasons to be presented at the hearing on this matter, the Commission's September 23, 2004 Order should be reversed as to Respondents, David Rodgers and LM&R, and the Order should be amended to reflect that Kuhlman is solely responsible for remediating the Brent Street property.

Respectfully submitted, this the 30th day of October, 2004.



DAVID LOUIS RODGERS

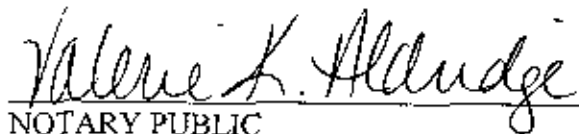


L. M. & R. SERVICE, INC
By: David Lester Rodgers, Its President

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, David Louis Rodgers, who acknowledged to me, after being first duly sworn, that the matters and facts set forth in the foregoing Sworn Petition and Notice of Appeal are true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of October, 2004.


NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 30, 2007
BONDED THRU STEGALL NOTARY SERVICE

STATE OF MISSISSIPPI
COUNTY OF HINDS

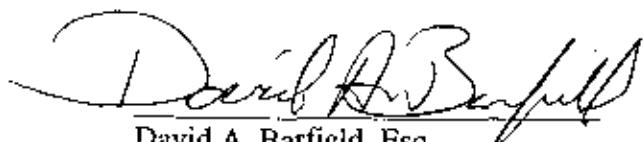
Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, David Lester Rodgers, President of L.M.&R. Service, Inc., who acknowledged to me, after being first duly sworn, that the matters and facts set forth in the foregoing Sworn Petition and Notice of Appeal are true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20th day of October, 2004.


NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 30, 2007
BONDED THRU STEGALL NOTARY SERVICE



David A. Barfield, Esq.

MS Bar No. 1994

Lara Ashley Coleman, Esq.

MS Bar No. 10506

BARFIELD & ASSOCIATES

Attorneys at Law, P.A.

233 East Capitol Street

Post Office Drawer 3979

Jackson, Mississippi 39207-3979

Telephone: (601) 968-9420

Facsimile: (601) 968-9425

ATTORNEYS FOR L.M.&R. SERVICE, INC.

AND DAVID LOUIS RODGERS

CERTIFICATE OF SERVICE

I, David A. Barfield, one of the attorneys for David Louis Rodgers and L.M.&R. Service, Inc., do hereby certify that I have this day caused to be sent a true and correct copy of the above and foregoing Sworn Petition and Notice of Appeal to the following:

VIA HAND DELIVERY

Mr. Charles H. Chisolm
Executive Director
Mississippi Department of Environmental Quality
2380 Highway 80 West
Jackson, Mississippi 39204

Mr. Tony Russell
Assessment Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

VIA U. S. MAIL

Chuck D. Barlow, Esq.
General Counsel
Mississippi Department of Environmental Quality
Post Office Box 20305
Jackson, Mississippi 39289-1305

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

Thomas D. Lupo, Esq.
Scyfarth Shaw
55 E. Monroe Street, Suite 4200
Chicago, Illinois 60603-5803

Thomas W. Tyner, Esq.
Daphne M. Lancaster, Esq.
Aultman, Tyner, Ruffin,
& Yarborough, Ltd.
Post Office Drawer 750
Hattiesburg, Mississippi 39403-0750

Anticipated Counsel for Kuhlman Electric Corporation

So certified, this the 22nd day of October, 2004.


David A. Barfield

DAVID NUTT & ASSOCIATES

ATTORNEYS AT LAW

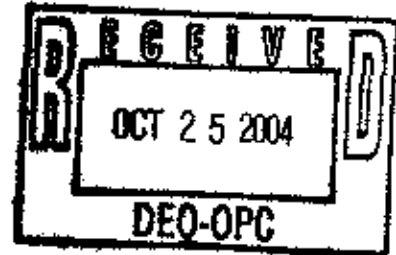
DAVID H. NUTT
MARY E. MCALISTER*
DOUGLAS G. MERCIER

*also licensed in Louisiana

JOLIE CULIPHER, PARALEGAL
BETH CLATWORTHY, PARALEGAL
RENISE D. HITT, PARALEGAL



October 18, 2004



Tony Russell
Chief, Uncontrolled Sites
101 W. Capitol Street
Jackson, MS 39201

Re: Kuhlman Electric Corporation site, Crystal Springs, MS
Williams, et al. v. Kuhlman Corporation, et al., In the Circuit
Court for the First Judicial District of Hinds County, Mississippi CA# 251-03-000102-CIV

Dear Mr. Russell:

We represent Maggie Tanner Williams, individually and on behalf of her deceased husband, T. J. Williams, 106 Puckett Street, Crystal Springs, Mississippi. During our investigation of the Williams' claims, our experts at 3TM International, Inc. found PCB concentrations above the state remediation standard of 1 ppm in the soil at the Williams' home. Enclosed is a copy of 3TM's Report, PCB Litigation, Crystal Springs, MS, dated December 18, 2001. We have flagged the pertinent pages for your review.

Please advise whether or not MDEQ has ordered or will order Kuhlman to remediate Mrs. Williams' yard, and if so, whether or not MDEQ will require Kuhlman to relocate Mrs. Williams and her household members during remediation activities. We specifically request that the inhabitants of her home be relocated during remediation as we have growing evidence in blood studies that our clients in Crystal Springs are subject to current and ongoing exposure to Arochlor 1260, the source of which can only be remedial activities by Kuhlman and its contractors. For that reason, we request MDEQ to require Kuhlman to relocate the inhabitants of Mrs. Williams' home during remediation activities at her residence to minimize human exposure.

We look forward to your reply. Please let us know if you need any further information.

Sincerely yours,

Mary E. McAlister

Enclosure

Cc: Mrs. Maggie Tanner Williams
Co-counsel, via email only
U.S.E.P.A., Craig Brown

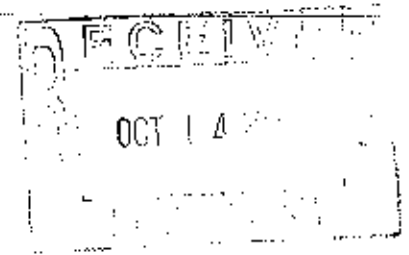


BorgWarner
Inc.

200
South
Michigan
Avenue

Chicago
Illinois
60604

Telephone
312 322 6500



AH-04-1865

VIA UPS NEXT DAY AIR



BorgWarner

October 13, 2004

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Mr. Tony Russell
Chief – Assessment and Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

FILE COPY

**Re: Comprehensive Groundwater Assessment Plan
Kuhlman Electric Corporation,
Crystal Springs, MS**

Dear Mr. Russell:

Attached for your review and approval is the Comprehensive Groundwater Assessment Plan in connection with the Kuhlman Electric Corporation (KEC) facility, located in Crystal Springs, Mississippi.

Please contact me directly at 248-754-0159 in the event there are any questions on the attached.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

Attachment



"Hamel, Anastasia (PTC-Auburn Hills)" <AHamel@BWAUTO.com> on
10/06/2004 10:38:56 AM

To: "Russell Tony - MDEQ (E-mail)" <Tony_Russell@deq.state.ms.us>, "Young Brian - MDEQ (E-mail)"
<Brian_Young@deq.state.ms.us>
cc: "Martin & Slagle (E-mail)" <robert.martin@martinandslagle.com>, "Crystal Springs - Field Office (E-mail)"
<slag4881@bellsouth.net>
Subject: West Railroad Culvert Sampling

Dear Tony,

Per our telephone discussion and your request attached is the detailed
sampling plan for the West Railroad Avenue culvert.

Thank you.
Anastasia

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Phone: (248) 754-0159
Fax: (248) 754-9159
e-mail: ahamel@bwauto.com



West RR Avenue Culvert Sampling.pdf

AH-04-1864

VIA ELECTRONIC MAIL



BorgWarner

October 6, 2004

Mr. Tony Russell
Chief - Assessment and Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, Mississippi 39201

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

**Re: West Railroad Avenue Culvert Sampling
Crystal Springs, MS**

Dear Mr. Russell:

This is to confirm our telephone discussion earlier today, October 6, 2004, concerning the sampling of the West Railroad Avenue culvert in Crystal Springs, Mississippi. The culvert sampling is scheduled to begin at 1:00 pm on October 7, 2004.

As we discussed, BorgWarner Inc. plans to collect samples of concrete from various locations inside the culvert to determine the average concentration of polychlorinated biphenyls (PCBs) on the concrete surface and also determine if the concrete culvert can be left as is or whether remediation is necessary.

The culvert's inside diameter is 54 inches and its length is approximately 40 feet. A total of 12 concrete samples (three samples from each 10 ft. section) will be collected over the entire length of the culvert pipe. One sample of the three will be collected from the invert of the culvert pipe and two samples will be collected from the sidewalls in the lower half of the culvert pipe.

The samples will be collected by first pulverizing the concrete on the surface of the culvert pipe with an impact hammer equipped with a chisel point. The sample depth will not exceed 0.5 inches. The pulverized concrete will be collected in glass containers, sealed and carried to the on-site laboratory. Following collection of the samples, areas where samples were collected will be filled with a durable patching material to prevent any future erosion. The chisel and any other sampling equipment will be decontaminated after each sample.

The concrete samples will be analyzed for PCBs by the on-site laboratory. A total of 10 % of the samples will be split, and the split samples will be sent to the off-site laboratory for confirmation analysis.

Mr. Tony Russell - MDEQ
West Railroad Avenue Culvert Sampling
October 6, 2004
Page 2 of 2

The OSHA HAZWOPER and Confined Space entry requirements will be adhered to during the sampling process.

Thank you very much for your verbal approval for the West Railroad Avenue culvert sampling plan and please let us know if you wish to be present.

Please contact me directly at 248-754-0159 in the event there are any questions on the above.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anastasia Hamel", with a long horizontal flourish extending to the right.

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: Brian Young, MDEQ
Chuck Peel
Martin & Slagle

Mississippi Department of Environmental Quality
Meeting Attendees List

Date September 30, 2004

Company or Site Kuhlman Electric Corp.

Location KEC/Crystal Springs, MS

Participant	Company Organization	Email Address	Phone Number
Tony Russell	MDEQ	Tony_Russell@deq.state.ms.us	(601) 961-5318
Brian Young	MDEQ	Brian_Young@deq.state.ms.us	(601) 961-5088
Marty Crowder	Crowder Engineering	crowdere@telepak.net	662-285-2062
ANITA ROSA HAMIL	BW	ahamil@bwauto.com	(248) 754-0159
Chuck Peel	Peel Consulting	cpeel@bellsouth.net	(601) 955 8531
Gled Thompson	USES		(601) 278-7926
Robert Martin	Martin & Slagle	robert.martin@martinandslagle.com	828/669-3929
PAUL ACHESON	KUHLMAN	paul@kuhlman.com	(601) 892-6408
Randy McELROY	McELROY	rmcelroy@mcelroyonline.net	601.482.7117
WALTER T RIFLEY	CITY OF CRYSTAL SPRING	AggieWJR@AOL.COM	601-892-1210
ROBERT W. LAWRENCE Meeting Summary	CITY	RWL0191@AOL.COM	601-892-5628
John Perry	WGK	jperry@wgkengineers.com	601-894-2000
Robert Soons	City		624-3403
Lizzy COLEMAN	WGK	LCOLEMAN@WGKENGINERS.COM	601-894-2000
Alan Thomas	KEC	athomas@kuhlman.com	601-892-6462
Alan Raynor	KEC	alrayn@kuhlman.com	601 892 6567

Tony Russell



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 27, 2004

CERTIFIED MAIL NO. 7004 116 0001 8199 9127
RETURN RECEIPT REQUESTED

Mr. John Zvolensky, President
Kuhlman Electric Corporation
101 Kuhlman Boulevard
Versailles, Kentucky 40383

FILE COPY

CERTIFIED MAIL NO. 7004 1160 0001 8199 9134
RETURN RECEIPT REQUESTED

David Rodgers, President
L. M. & R. Service, Inc.
4152 six Mile Road
Crystal Springs, MS 39059

Re: Brent Street Properties
Crystal Springs, Mississippi

Dear Mssrs. Zvolensky and Rodgers:

Enclosed is a copy of Administrative Order No. 4877 04 which has been issued by the Mississippi Department of Environmental Quality as a result of environmental issues regarding the above-referenced site. Your cooperation in carrying out the provisions of this order is encouraged.

If you have any questions, please contact Mr. Tony Russell at telephone number (601) 961-5171.

Sincerely,

Phil Bass, Director
Office of Pollution Control

PB:pl
Enclosure
cc: Mr. Tony Russell

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **4877 04**

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

FILE COPY

DAVID RODGERS, INDIVIDUALLY AND AS
PRESIDENT
L.M. & R. SERVICE, INC.
4152 SIX MILE ROAD
CRYSTAL SPRINGS, MISSISSIPPI 39059

RESPONDENTS

ORDER

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

1.

Respondents are 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.

Respondent, Kuhlman Electric Corporation (Kuhlman), is the current owner and operator of the Kuhlman Electric facility (the Site) located at 101 Kuhlman Drive in Crystal Springs, Mississippi 39059. Respondent, David Rodgers, is the current owner and operator of L. M. & R Service, Inc. (LM&R), a construction/hauling company, located at 4152 Six Mile Road in Crystal Springs, Mississippi 39059.

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 with Kuhlman, BorgWarner, Inc. (Borg Warner) mobilized to the Site on May 8, 2000 to begin investigating the extent of the contamination. During the course of the investigation, Borg Warner discovered that residents in the area received contaminated soil from the Site during the mid to late 1990's. Further investigation revealed that the properties located at 112 and 114 Brent Street (the Brent Street Properties) in Crystal Springs, Mississippi 39059, may also have received some of the contaminated soil. Subsequent sampling and analysis to define the extent of contamination on the Brent Street Properties has indicated that the property located at 115 Brent Street has also been contaminated with PCBs.

5.

The current owner of the property at 115 Brent Street is Mid South Lease & Sales, Inc. (Mid South). Mid South purchased the property from David L. Rodgers on October 8, 1997. David L. Rodgers had previously purchased the property from Clarence A. Adams on February 5, 1992.

6.

During the mid to late 1990's, LM&R was under a contract with Kuhlman for construction, excavation, and dirt hauling services at the Site. As established in Paragraph 4, David L. Rodgers was the owner of the property at 115 Brent Street during this same time period. David L. Rodgers subsequently sold the Brent Street Property to Mid South.

WHEREFORE PREMISES CONSIDERED, MDEQ has concluded that additional information is necessary to determine the extent of PCB contamination at 115 Brent Street and adjacent properties to the north and east, and assessment and remediation of those properties is necessary and appropriate.

IT IS, THEREFORE, ORDERED as follows:

- A. Within thirty (30) days of the date of this Order, Respondents or either of them must submit an INTERIM corrective action plan, which addresses the following in the order listed:
 - 1) the elimination of actual exposure to individuals (receptors),
 - 2) the elimination or minimization of off-site migration of contaminants,
 - 3) the elimination of potential exposure to receptors, and
 - 4) the reduction of concentrations of contaminants to levels protective of human health and the environment.
- B. Implement the INTERIM corrective action plan within sixty (60) days of the date of this Order.
- C. Within sixty (60) days of the date of this Order, Respondents must submit a Site Characterization Work Plan that identifies and defines the extent of contamination both on-site and off-site in the format prescribed by MDEQ. A proposed schedule must accompany the Site Characterization Work Plan indicating all phases of Site Characterization activities, including a proposed Site Characterization completion date.
- D. Respondents shall respond in writing to any comment letter from MDEQ concerning the Site Characterization Work Plan within thirty (30) days of the date of MDEQ's letter, unless otherwise approved by MDEQ. The Respondent's written response must address all items in MDEQ's comment letter.
- E. Respondents must begin implementation of the Site Characterization Work Plan according to the approved schedule.
- F. Respondents must complete execution of the approved Site Characterization Work Plan according to the approved schedule.
- G. Within sixty (60) days of completion of the site characterization activities, the Respondents must submit to the MDEQ a Site Characterization Report, in the format

prescribed by MDEQ, detailing the findings developed as a result of implementation of the Site Characterization Work Plan.

- H. Once MDEQ has issued a letter concurring that the site has been adequately characterized, the Respondents must submit to MDEQ for approval within forty-five (45) days of the date of this concurrence letter, a FINAL Corrective Action Plan, in the format prescribed by MDEQ. A schedule must accompany the Corrective Action Plan, including all phases of Corrective Action activities.
- I. Once MDEQ has issued a letter concurring with the Corrective Action Plan, Respondents must implement the approved corrective actions within forty-five (45) days of the date of the letter of concurrence.
- J. Within thirty (30) days of the completion of any corrective action, Respondents shall submit a Corrective Action Report describing the activities and demonstrating compliance with remedial goals and objectives.

9.

All written submissions required by this Order should be mailed or delivered to:

Tony Russell
Assessment Remediation Branch
Mississippi Department of Environmental Quality
101 West Capitol Street
Jackson, MS 39201

10.

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 the Commission to take enforcement or other actions against Respondents for violations addressed herein, violations not addressed herein, fines, penalties, other sanctions, further clean up actions and/or future violations of environmental laws, rules and regulations.

11.

Violation of the environmental laws and regulations of the State of Mississippi can subject Respondents to penalties totaling up to \$25,000 per day per violation. The failure to comply with

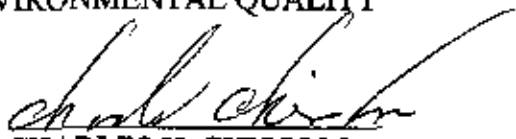
this order will be considered a continuing violation of those law and regulations, subjecting Respondents to further penalties of up to \$25,000 per day.

12.

If aggrieved by this Order, Respondents 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. Section 49-17-41 (Rev. 1999).

ORDERED, this the 23rd day of sept, 2004.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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



STATE OF MISSISSIPPI
SECRETARY OF STATE
ERIC CLARK



TELEPHONE (601) 359-1350
FACSIMILE (601) 359-1499

401 MISSISSIPPI STREET
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136



September 17, 2004

Mr. Robert L. Martin
Project Manager
Martin & Slagle
Post Office Box 1023
Black Mountain, North Carolina 28711

RE: Environmental Remediation of Public Land (McPherson
Street and Forest Street) in Crystal Springs, Mississippi

Dear Mr. Martin:

This letter is written to advise that the Secretary of State on behalf of the State of Mississippi has no objection to entry by your company on the two tracts of lands presumably owned by the State on McPherson Street and Forest Street in Crystal Springs, Mississippi for the sole purpose of conducting environmental remediation activities that have been approved and authorized by the Mississippi Department of Environmental Quality. It is our understanding that MDEQ will monitor these activities.

Please be advised that this property is not currently listed on our inventory of forfeited tax lands and that the only evidence the State has of ownership of the two tracts is a representation by the Copiah County Tax Assessor that the property forfeited to the State for unpaid taxes. Accordingly, we do not guarantee that there are no other parties claiming ownership of this property. You should also be aware that the Secretary of State does not bear any responsibility for the cost of any remediation.

If you have any questions or need additional information regarding this matter, do not hesitate to contact me.

Sincerely yours,

GERALD McWHORTER
Assistant Secretary of State
Public Land

cc: Mr. Brian Young

STATE OF MISSISSIPPI



SECRETARY OF STATE
ERIC CLARK

FAX NUMBERS: 601-359-1461-PUBLIC LANDS OR 601-359-1499 - FAX SERVER

THE FOLLOWING PAGES ARE TO BE DELIVERED TO:

NAME: *Brian Young*

FAX NUMBER: *961-5300*

FROM: *Gerald McWhorter*

RE:

TOTAL # OF PAGES = *2* (INCLUDES THIS COVER PAGE)

DATE: *9/17/04*

COMMENTS:

IF YOU HAVE TROUBLE RECEIVING THESE DOCUMENTS, PLEASE
CALL THE PERSON LISTED ABOVE AT (601) 359-6373

SECRETARY OF STATE'S OFFICE
(401 E MISSISSIPPI ST) P O BOX 136
JACKSON MS 39205-0136



STATE OF MISSISSIPPI
SECRETARY OF STATE
ERIC CLARK

401 MISSISSIPPI STREET
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136

TELEPHONE (601) 359-1350
FACSIMILE (601) 359-1499

September 17, 2004

Mr. Robert L. Martin
Project Manager
Martin & Slagle
Post Office Box 1023
Black Mountain, North Carolina 28711

RE: Environmental Remediation of Public Land (McPherson
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Please be advised that this property is not currently listed on our inventory of forfeited tax lands and that the only evidence the State has of ownership of the two tracts is a representation by the Copiah County Tax Assessor that the property forfeited to the State for unpaid taxes. Accordingly, we do not guarantee that there are no other parties claiming ownership of this property. You should also be aware that the Secretary of State does not bear any responsibility for the cost of any remediation.

If you have any questions or need additional information regarding this matter, do not hesitate to contact me.

Sincerely yours,

GERALD McWHORTER
Assistant Secretary of State
Public Land

cc: Mr. Brian Young



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR
September 17, 2004

Ms. Anastasia Hamel
Director, Environmental Programs
Borg Warner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Corporation, Brent Street Properties
Site Characterization Assessment Report, dated July 2004
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced document. The MDEQ believes the site has been adequately characterized with the following exceptions:

1. Soils beneath the concrete driveway at 114 Brent Street.
2. Soils beneath the concrete slab foundation of the structure at 114 Brent Street.
3. Soils between the mobile home located at 112 Brent Street and boring location MSL-DP-017.

As far as the 114 Brent Street property is concerned, it is reasonable to assume that the soils beneath the concrete driveway and foundation of the structure are contaminated. However, more investigation/sampling should be accomplished around the 112 Brent Street mobile home to determine if this area has been impacted by PCB's. Please accomplish this sampling prior to submission of a Corrective Action Plan (CAP).

The MDEQ requires that a CAP for 112/114 Brent Street be submitted within forty-five (45) days of the date of this letter. If you should have any questions or comments you may contact Brian Young at (601) 961-5088.

Sincerely,


Brian Young
Project Manager


Tony Russell, Chief
Assessment & Remediation Branch

K:\Common\UCSS\Brian Young\Kuhlman\Kuhlman-Brent St Assessment Review dtd 17Sept04.doc



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR
MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS
FROM: Tony Russell *TRC 9/8/04*
DATE: September 8, 2004
SUBJECT: Sampled City Water Supply Wells

I met with Chuck Peel on September 7, 2004, to observe and collect split samples from the City of Crystal Springs water supply wells. The six (6) wells were purged by allowing them to run no less than 20 minutes prior to collecting the sample. The water samples were collected from a faucet located near the well head. The samples were immediately placed on ice for transport to the onsite lab. I collected splits on two wells: one located at the entrance gate to the Sheldon Laboratories and the other from the well at the swimming pool. The split samples were taken to OPC lab for volatile organic analysis by EPA Method 8260.

No photos were taken during this sampling event.

GeoEnvironmental
Associates, LLC

MARTIN&SLAGLE

ROBERT L. MARTIN, LG
Principal GeologistCHRISTINE E. SLAGLE
Principal Scientist

Facsimile Transmittal

Name: Tony Russell
Firm: MDEQ
Fax No: 601/961-5000 5300

Survey and chain of title info
for 115 Brent Street. Pls call me
if you have questions

Robert

Total Number of pages including cover: 3

Sender: Robert Martin Date: 09/03/04

Lot 6 Tillman Subdivision

James Hudson to Mary Sue Stevens

11-06-95

DB 13P / PG 453

Mary Sue Stevens to James Hudson

05-03-85

DB 11D / PG 6

Lot 7 Tillman Subdivision

Truckers Exchange Bank to Charles Percy Speed

3-11-61

DB 7D / PG 520

Lot 8 Tillman Subdivision

John F. Tillman to City of Crystal Springs

196?

→ Lots 9 and 10 Tillman Subdivision

David L. Rogers to Mid South Lease & Sales, Inc.

10-08-97

DB 14C / PG 700

Clarence A. "Burt" Adams to David L. Rogers

02-05-92

DB 12Q / PG 566



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR
August 30, 2004

Ms. Anastasia Hamel
Director, Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Corporation
Preliminary Groundwater Assessment Report, dated July 2004
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has received and completed a review of the above referenced document. The MDEQ has the following comments concerning this site.

1. Section 4.2. The groundwater beneath the site is contaminated with various volatile organic compounds (VOC's). Many of the VOC's encountered in the groundwater were at concentrations greater than the MDEQ Tier I Target Remediation Goals (TRG's).
2. The following samples were analyzed outside of their holding times. KEP-GW-005-001, KEP-GW-001-001, KEP-GW-008-001, KEP-GW-002-001, and KEP-GW-Duplicate. The published hold times (prior to extraction) for semi-volatile organic compounds (SVOC's) in an aqueous matrix is 7 days vs. a 14 day hold time for SVOC's in a solid (soil) sample.
3. No sampling data for MW-5 was included in the report.
4. Please provide a description of the sampling nomenclature used for the collection of samples at this site.
5. In future reports please include a potentiometric surface map showing the direction of groundwater flow as it relates to the site.
6. In future reports please include a plume map showing the extent of the groundwater contamination (down to the Tier I TRG) as it relates to the site for each contaminant of concern.

Based on the presence of VOC's in the groundwater above the MDEQ Tier I TRG's, the MDEQ requires that Borg Warner submit a comprehensive groundwater assessment plan for defining the horizontal and vertical extent of the contamination by October 15, 2004. This plan should also include the perched groundwater that was encountered in 6 of the 8 previous sample locations. While this groundwater is not a usable source of drinking water, the possible interconnection with the deeper aquifer requires that any contamination in this zone be defined. Furthermore, the source of the groundwater contamination has not been defined. Therefore, the plan should include a method for determining the source/location of the groundwater contamination.

In the interim, Borg Warner should take whatever steps are necessary to protect human health and the environment from exposure to contaminated groundwater. These steps should include (but are not limited to):

1. Conduct a water well survey using all published resources available from the U.S. Geological Survey, the MDEQ Office of Land and Water, Mississippi State Department of Health, and the City of Crystal Springs.
2. Conduct a physical and/or a visual inspection to determine and/or confirm the presence of both municipal and private water wells in the immediate (within ½ mile) vicinity of the site.
3. Sample the municipal water wells that are closest to the site for VOC's within 7 days of receipt of this letter.
4. Sample any private water wells discovered in the survey as soon as access conditions permit.
5. Notify MDEQ of the date the municipal wells will be sampled so that a State representative can be present to split samples. MDEQ requires that the appropriate sample containers with preservative be provided for MDEQ splits.

If you should need to contact MDEQ about this site, you may contact Brian Young at (601) 961-5088.

Sincerely,


Brian Young
Project Manager


Tony Russell, Chief
Assessment and Remediation Branch

Cc: Robert Martin, Martin & Slagle



STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TR 8/10/04*

DATE: August 10, 2004

SUBJECT: Site Inspection conducted August 5, 2004

I stopped by the site on the way in to work this morning to check on progress of the clean up. I met with Chuck Peel and he drove me around and outlined the present days task. They hoped to finish the Ice House Property remediation today. Still do not have a contract worked out to access the railroad property along the tracks.

They were working on clearing and grubbing the ditch below West Railroad Avenue until they got approval to remediate the railroad property. All the underbrush was being shredded onsite with a portable shredder.

No work was being conducted at the Brent Street property during this site visit.

No pictures were taken during this site inspection.

K:\Common\UCSS\Tony\Kuhlman Electric\KEC site inspection 8-5-04.doc

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

August 2, 2004



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: Site Characterization Assessment Report
MidSouth Leasing Property
112 and 114 Brent Street
Crystal Springs, Mississippi**

Dear Mr. Russell:

On behalf of BorgWarner, Inc., Martin & Slagle GeoEnvironmental Associates, LLC is pleased to submit the *Site Characterization Assessment Report* for the above referenced properties in Crystal Springs, Mississippi. One copy of the report text, maps, tables, and appendices are enclosed. If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C

A handwritten signature in cursive script that reads "Robert L. Martin".

Robert L. Martin, L.G.
Principal Geologist

Enclosures

CC: Anastasia Hamel
Tom Lupo
Al Thomas



STATE OF MISSISSIPPI

HALEY BARBOUR
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 2, 2004

Ms. Anastasia Hamel
Director, Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Corporation
Plant Site Remediation Report, dated June 2004
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has received and completed a review of the above referenced document. The MDEQ has no comments at this time. If you should need to contact MDEQ about this site, you may contact Brian Young at (601) 961-5088.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Young for".

Tony Russell, Chief
Assessment and Remediation Branch

Cc: Robert Martin, Martin & Slagle

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 10385 • JACKSON, MISSISSIPPI 39289-0385 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

July 29, 2004

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: Kuhlman Plant Site Preliminary Groundwater Assessment Report
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

On behalf of BorgWarner, Inc., Martin & Slagle GeoEnvironmental Associates, LLC is pleased to submit the *Kuhlman Electric Corporation, Preliminary Groundwater Assessment Report*. One copy of the report text, maps, tables, and appendices are enclosed. 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

Enclosures

CC: Anastasia Hamel
Tom Lupo
Al Thomas



STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TRR 6/25/04*

DATE: June 25, 2004

SUBJECT: Site Status Meeting Conducted June 22, 2004

I met with Anastasia Hamel and Robert Martin on June 22, 2004, for an update on the status of the remediation project.

Ice House Property – all that is remaining to be completed is the installation of the culvert across the property. The work has been delayed because of all the rain.

CN/ICRR Property – waiting on a ccess approval from the railroad.

Drainage Ditch -- have been clearing and grubbing the brush in anticipation of starting the work on the ditch once they finish with the railroad property. Still a couple of parcels that ownership has not been verified. If no one owns them, it most likely belongs to the State due to failure to pay property taxes.

115 Brent Street – will have dr aft report completed some time in July. Contamination does not go as far down the ditch as anticipated.

114 Brent Street – this is the property across the street from 115 address. David Rogers also owned this property prior to Mid South Leasing purchasing it. Working to get the tenants moved into other rental property. Contamination on the property has not been delineated but will be once the tenants have been removed. Will also have to move onto the properties to the north and west to complete the delineation.

Groundwater – 1,1-TCA found in 6 of the 8 monitoring wells installed; PCBs were not detected in any of the wells. Trying to determine the source of the TCA. DEQ requires a report be submitted documenting how the wells were installed and the data that was collected during the first round of sampling.

Attendees: Bob Lawrence, Mayor Reilley, Paul Atcheson, Anastasia Hamel, Robert Martin

OFFICE OF POLLUTION CONTROL



STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TR 6/17/04*

DATE: June 17, 2004

SUBJECT: Site Inspection conducted June 17, 2004

I stopped by the site on the way in to work this morning to check on progress of the clean up. I met with Chuck Peel and he drove me around and outlined the present days task. The rain was hampering the progress of the clean up. They were working on deforesting the ditch below Ralph Williams's house until the ditch on the old Ice House property dried up enough to install the culvert. They have approval to survey the CN railroad property and hoped to work on that today.

Erosion control is in place on the Ice House property and is being checked after rain events to ensure the controls are still in place. They had not been working on the Brent Street property so we did not go by that area.

No pictures were taken during this site inspection.

K:\Common\UCSS\Tony\Kuhlman Electric\KEC site Inspection 6-17-04.doc

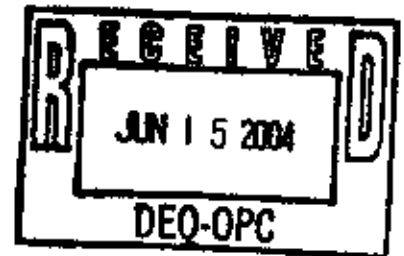
ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

June 14, 2004



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: Kuhlman Plant Site Remediation Report
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

On behalf of BorgWarner, Inc., Martin & Slagle GeoEnvironmental Associates, LLC is pleased to submit the *Kuhlman Electric Corporation, Plant Site Remediation Report*. Per your request, two (2) copies of the report text, maps and tables, and one copy of the appendix are enclosed. 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

Enclosures

CC: Anastasia Hamel
Tom Lupo
Al Thomas



"Hamel, Anastasia (PTC-Auburn Hills)" <AHamel@BWAUTO.com> on
05/28/2004 02:07:22 PM

To: "Russell Tony - MDEQ (E-mail)" <Tony_Russell@deq.state.ms.us>, "Young Brian - MDEQ (E-mail)"
<Brian_Young@deq.state.ms.us>
cc: "Martin & Slagle (E-mail)" <robert.martin@martinandslagle.com>
Subject: CNN RR Culvert

Dear Tony,

Attached are the sampling results for the CNN culvert in Crystal Springs.
Please let us know if you are available on Tuesday, June 1, 2004 for a brief
conference call to discuss the results.

Both Robert Martin and I are available on Tuesday. We can have the
conference call in the morning or in the afternoon depending on your
schedule. As a first pass, I would like to propose 9:00 am, 10:00 am, or
11:00 am Central. Just let us know which you prefer or if you wish for a
time in the afternoon just let us know what time.

Thanks very much.
Anastasia

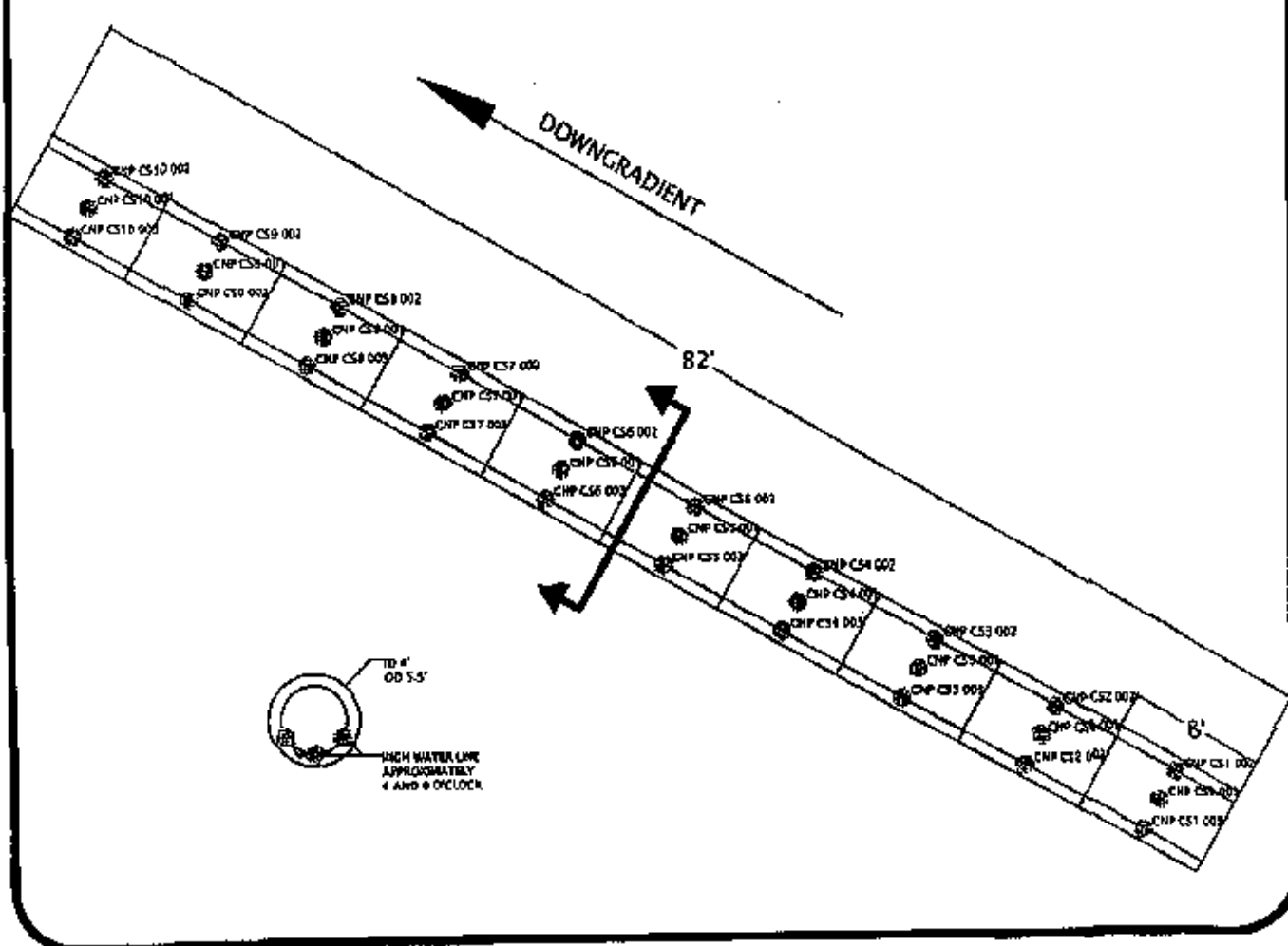
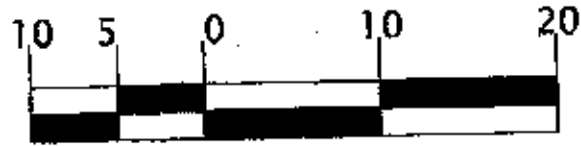


<<CNN RR Culvert Sampling.pdf>>

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Phone: (248) 754-0159
Fax: (248) 754-9159
e-mail: ahamel@bwauto.com



CNN RR Culvert Sampling.pdf



MARTIN & SLAGLE
 GeoEnvironmental Associates, LLC
 PO Box 1023
 Black Mountain NC 28711
 828.669.3929 828.669.5289

PREPARED FOR:
BorgWarner Inc.

FIGURE 1

SCALE = 1"=20'
 REV: 0
 DATE: 5/27/04
 DR: DGR
 CHK: RLM

CULVERT
 KUHLMAN ELECTRIC CORPORATION
 101 KUHLMAN DRIVE
 CRYSTAL SPRINGS, MS

CULVERT SAMPLES
Crystal Springs, Massachusetts

Field Lab Sample ID	Sample ID	Sample Depth	Paradigm Spft	Duplicate	Date Collected	Time Collected	Date Analyzed	Concentration (mg/l)	Burgate TCDD(%)	Burgate DIOCB(%)	Survey Point	Comments
0016	CNP-C81-001				20-May-04	1002	20-May-04	4.10	86.9	87.2		
0017	CNP-C81-002				20-May-04	1009	20-May-04	2.3	85.1	80.0		
0018	CNP-C81-003		PARADIGM		20-May-04	1020	20-May-04	0.20	89.0	88.3		
0019	CNP-C82-001				20-May-04	1030	20-May-04	4.10	85.6	84.6		
0020	CNP-C82-002				20-May-04	1035	20-May-04	3.1	85.2	85.0		
0021	CNP-DUPLICATE		PARADIGM	CNP-C81-003	20-May-04	1042	20-May-04	0.19	84.5	89.3		
0022	CNP-C82-003				20-May-04	1050	20-May-04	0.12	84.0	82.8		
0023	CNP-C82-001				20-May-04	1055	20-May-04	4.10	84.9	88.3		
0024	CNP-C83-002				20-May-04	1103	20-May-04	4.10	84.3	80.1		
0025	CNP-C83-003				20-May-04	1112	20-May-04	4.10	84.0	88.4		
0026	CNP-C84-001				20-May-04	1122	20-May-04	4.10	84.1	81.9		
0027	CNP-C84-002				20-May-04	1132	20-May-04	4.10	84.2	88.2		
0028	CNP-C84-003				20-May-04	1146	20-May-04	4.10	84.8	86.2		
0029	CNP-C85-001				20-May-04	1156	20-May-04	4.10	83.5	82.7		
0030	CNP-C85-002				20-May-04	1160	20-May-04	4.10	83.1	87.3		
0031	CNP-C85-003		PARADIGM		20-May-04	1172	20-May-04	4.10	82.6	80.7		
0032	CNP-C86-001				20-May-04	1182	20-May-04	0.13	82.0	82.9		
0033	CNP-C86-002				20-May-04	1196	20-May-04	0.18	81.0	82.9		
0034	CNP-C86-003				20-May-04	1206	20-May-04	0.20	80.7	83.7		
0035	CNP-C87-001				20-May-04	1214	20-May-04	0.32	80.2	83.7		
0036	CNP-C87-002				20-May-04	1222	20-May-04	0.20	80.7	78.9		
0037	CNP-C87-003		PARADIGM		20-May-04	1236	20-May-04	0.20	80.1	83.0		
0038	CNP-C88-001				20-May-04	1246	20-May-04	0.10	80.1	83.2		
0039	CNP-C88-002				20-May-04	1252	20-May-04	0.20	80.9	82.9		
0040	CNP-C88-003				20-May-04	1259	20-May-04	4.3	80.7	81.7		
0041	CNP-C89-001				20-May-04	1262	20-May-04	0.14	80.3	80.7		
0042	CNP-C89-002				20-May-04	1269	20-May-04	4.4	80.9	84.4		
0043	CNP-C89-003				20-May-04	1276	20-May-04	4.4	80.9	84.4		
0044	CNP-C910-001				20-May-04	1450	20-May-04	4.10	82.9	81.4		
0045	CNP-C910-002				20-May-04	1459	20-May-04	4.10	84.8	83.3		
0046	CNP-C910-003				20-May-04	1500	20-May-04	4.10	84.0	80.7		



"Robert Martin (ZFxl)" <robert.martin@martinandslagle.com> on 06/01/2004
11:32:07 AM

To: <Brian_Young@deq.state.ms.us>
cc:
Subject: Fw: Additional Drainage Channel Contact Info

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

From: Robyn Lilly
To: robert.martin@martinandslagle.com
Sent: Tuesday, May 11, 2004 12:30 PM

Robert,

These are two more correct addresses:

Mr. Richard Williams
c/o Wanda Williams
P.O. Box 461
Crystal Springs, MS 39059

Mr. Floyd Patterson is deceased. This is the address for his son.
Timothy L. Brown
1134 Thomas Road
Crystal Springs, MS 39059

Thanks,

Robyn

MAILED 02 JUNE 04 *Robyn*



"Robert Martin \ZFx\" <robert.martin@martinandslagle.com> on
04/09/2004 10:32:03 AM

To: <Tony_Russell@deq.state.ms.us>
cc: <Brian_Young@deq.state.ms.us>
Subject: Re: Kuhlman Letter to Residents



Gentlemen,

I have given this information to our surveyor, Marty Crowder. He is pulling the information together, but it will require some research. The point of contact for the Icehouse property is Frank Biggs at (601) 892-3128. The property belongs to the Davis Farmer estate and the only known living family member is in a nursing home and unable to conduct business. Please delete any references you may have to "Praytheon". This person was a trustee of the estate but is not a POC.

Brian, you are right about the address for Floyd Patterson. That is the last known address but he does not live there, and his whereabouts are unknown.

I will forward maps for the Elizabeth Powell property to you early next week (4-12-04). I don't know why it was not in your package. If you have any questions, please feel free to call me.

Best regards,

Robert Martin
Martin & Slagle GeoEnvironmental Associates, LLC
(828) 669-3929

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

From: <Tony_Russell@deq.state.ms.us>
To: <robert.martin@martinandslagle.com>
Cc: <Brian_Young@deq.state.ms.us>
Sent: Thursday, April 08, 2004 3:58 PM
Subject: Kuhlman Letter to Residents

> do you have addresses for the properties that Brian has listed that were
> not in the original submittal???????

>
>

> Tony Russell
> Mississippi Department of Environmental Quality
> Assessment Remediation Branch Chief
> 101 West Capitol Street
> Jackson, MS 39201
> Phone 601-961-5318
> Fax 601-961-5300

> ----- Forwarded by Tony Russell/HW/OPC/DEQ on 04/08/2004 02:44 PM -----

>
>
>

Brian Young

To: Tony

Russell/HW/OPC/DEQ@DEQ

04/08/2004 02:32
PM

cc:
Subject: Kuhlman Letter to

>
>
> Residents

>
>
>
>
>
>
> Tony,

>
> I sent out 17 packages of letters/maps to residents today....we will see
> how many come back for bad addresses.

>
> A few loose ends to tie up. I have the following maps leftover with no
> address/or POC:

- > Kate Tillman Property
- > Harper Property
- > J.J. Jennings Property
- > Lewis Praytheon (Ice House) Property

>
> I have a contact person/address for the Elizabeth Powell Property....but
> there was no MAP in the package....so I didn't send anything

>
> The Floyd Patterson address, I am fairly sure, is no good....I could not
> find the address on any map program....so I kept the letter/map package
> until we could find a good address.

>
> Any questions, let me know.

>
> Brian

>
>



STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL
MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TAR*

DATE: April 1, 2004

SUBJECT: Groundwater Sampling conducted March 30, 2004

I met with Robert Martin on March 30, 2004 to observe a groundwater sampling event. Robert was developing the newly installed 8 monitoring wells with a grundfus pump. The wells were purged at a rate of 2 gallons a minute. Robert monitored the turbidity of the well, once the well appeared to clear up, the grundfus pump was turned down and stabilization parameter readings were collected. Once the readings stabilized, a groundwater sample was collected directly from the effluent side of the grundfus pump.

All the development/purge water was put into a poly tank for disposal. The water would be sampled for contaminants of concern prior to disposal.

I collected a split on monitoring well 4. The sample was delivered to OPC lab for VOC and PCB analysis.

No pictures were taken during this sampling event.

K:\Common\UCSS\Tony\Kuhlman Electric\KEC GW sampling event 3-30-04.doc

Main Identity

From: "Robert Martin (ZFx)" <robert.martin@martinandslagle.com>
To: "Field Trailer" <slag4881@bellsouth.net>
Sent: Tuesday, March 30, 2004 1:50 PM
Attach: Cond.jpg; InPhase.jpg; R1 and R2.jpg; R3 and R4.jpg
Subject: Fw: Brent Street Geophysical Results



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

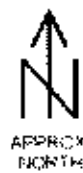
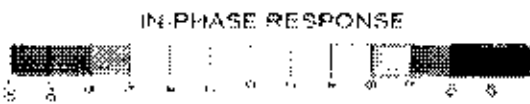
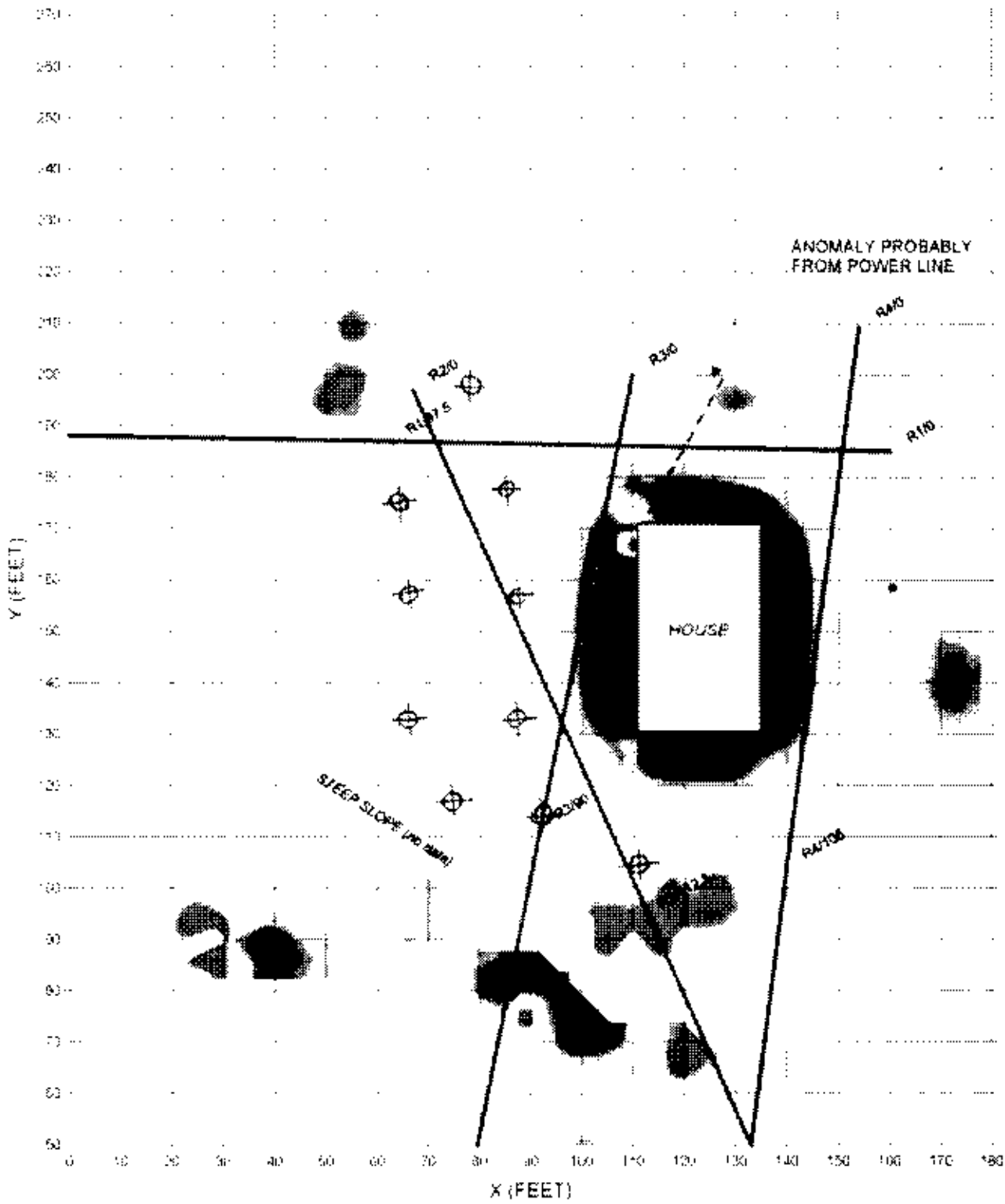
From: "Ned Billington" <nbillington@schnabel-eng.com>
To: "Robert L. Martin P. G. (E-mail)" <robert.martin@martinandslagle.com>
Sent: Tuesday, March 30, 2004 12:24 PM
Subject: Brent Street Geophysical Results

- > Robert:
- >
- > Attached are jpg images of our preliminary results. They are set up to print
- > on 11x17 at a scale of 1"=20'.
- >
- > EM31 conductivity response - shows the fill as higher conductivity material (blue).
- >
- > EM-31 in-phase response - shows the probable location of relatively large buried metal objects (green and purple) within the depth range of the
- > EM-31 (about 18 feet max).
- >
- > Resistivity line models (2 to a page) - Shows the fill as generally higher conductivity material (blue). The conductive fill appears to grade into the underlying conductive clayey soils, so the boundary between fill and in-situ materials is less distinct. Resistive anomalies (red and yellow)
- > within the fill may represent loose zones or zones containing a lot of debris, such as rock, wood or concrete.
- >
- > For selecting drilling locations, we suggest that you use the EM31 in-phase
- > response to eliminate areas containing buried metal for drilling, then use the 2D resistivity images to avoid the more resistive areas that may contain
- > hard obstructions.
- >
- > Please let us know if you have any questions.
- >
- > Thanks
- >
- > Qualifications - The information contained in this email transmission is preliminary; some results may be subject to modification. It is generally

3/30/2004

- > recognized that geophysical data is non-unique and may not represent actual
 - > subsurface conditions. Schnabel Engineering is not responsible for the
 - > results of any intrusive investigations that are conducted based on these
 - > geophysical results.
 - >
 - > <<Cond.jpg>> <<InPhase.jpg>> <<R1 and R2.jpg>> <<R3 and R4.jpg>>
 - > Edward (Ned) D. Billington, PG
 - > Associate
 - > Schnabel Engineering
 - > 405-A Parkway Drive
 - > Greensboro, NC 27401
 - > Office:(336) 274-9456
 - > Fax: (336) 274-9486
 - > Cell: (336) 207-3907
 - > nbillington@schnabel-eng.com
 - > www.schnabel-eng.com
 - >
 - >
 - >
 - >
 - > This e-mail including attached files is confidential. Its transmission is
 - > solely as an accommodation for the benefit of the recipient. The
 - > recipient
 - > bears the responsibility for checking its accuracy against corresponding
 - > originally signed documents provided by Schnabel Engineering. If you
 - > received this e-mail in error, its use is prohibited. Please destroy it
 - > and
 - > immediately notify postmaster@schnabel-eng.com
 - >
 - >
-

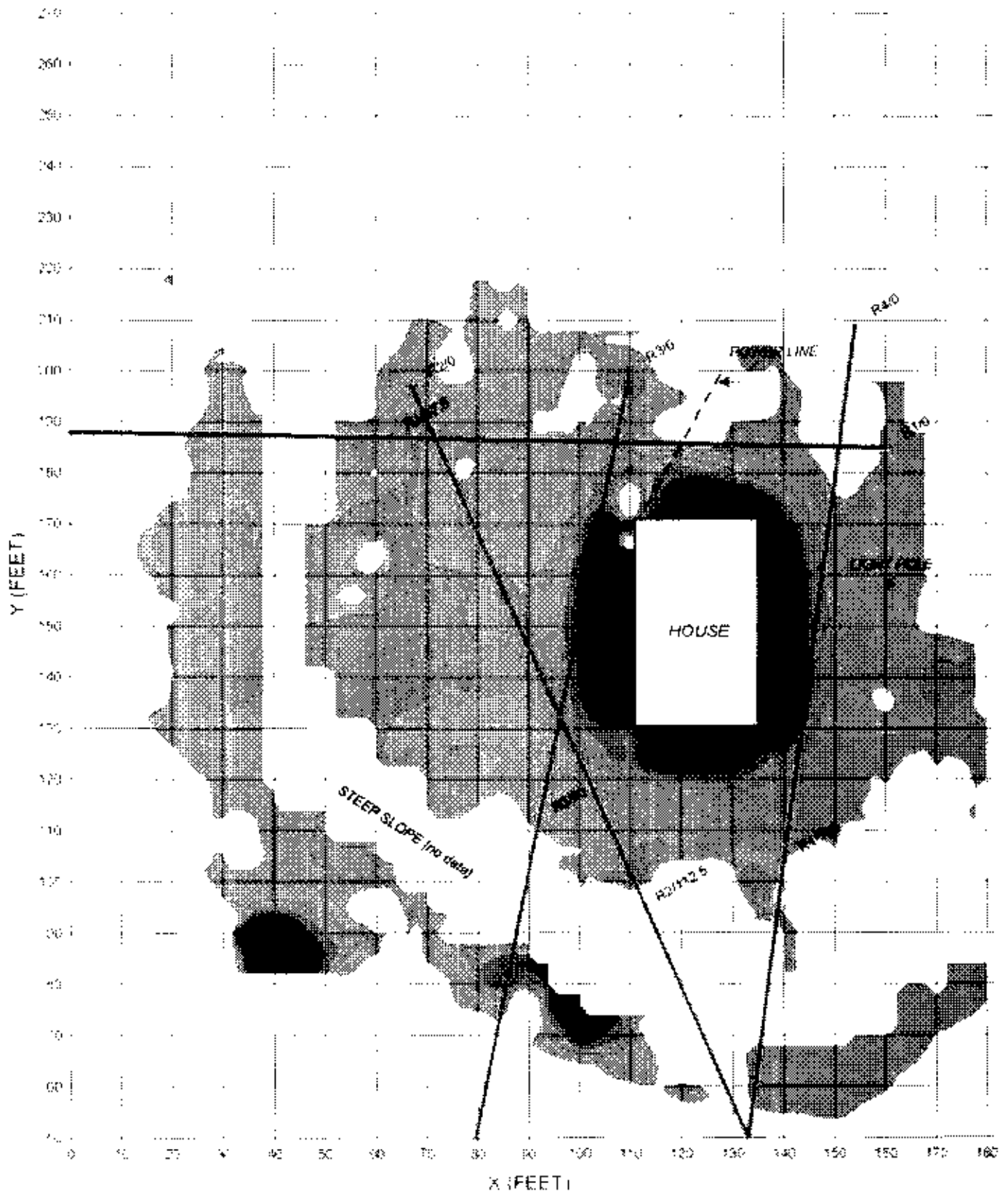
IN-PHASE RESPONSE



PRELIMINARY

Brent Street Property
Crystal Springs, MS
EM31 Survey
Schnabel Engineering 3/30/04

CONDUCTIVITY RESPONSE



CONDUCTIVITY RESPONSE

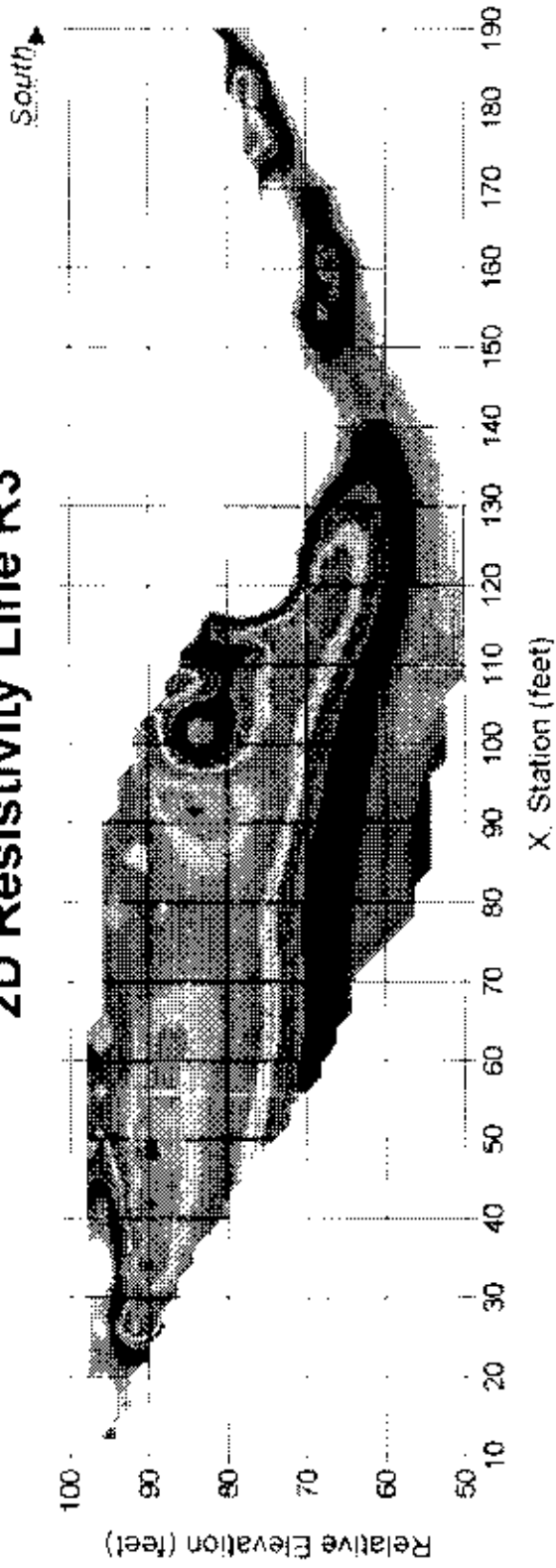


APPROX
NORTH

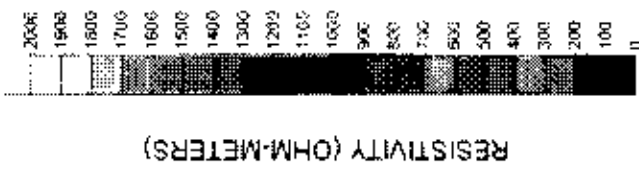
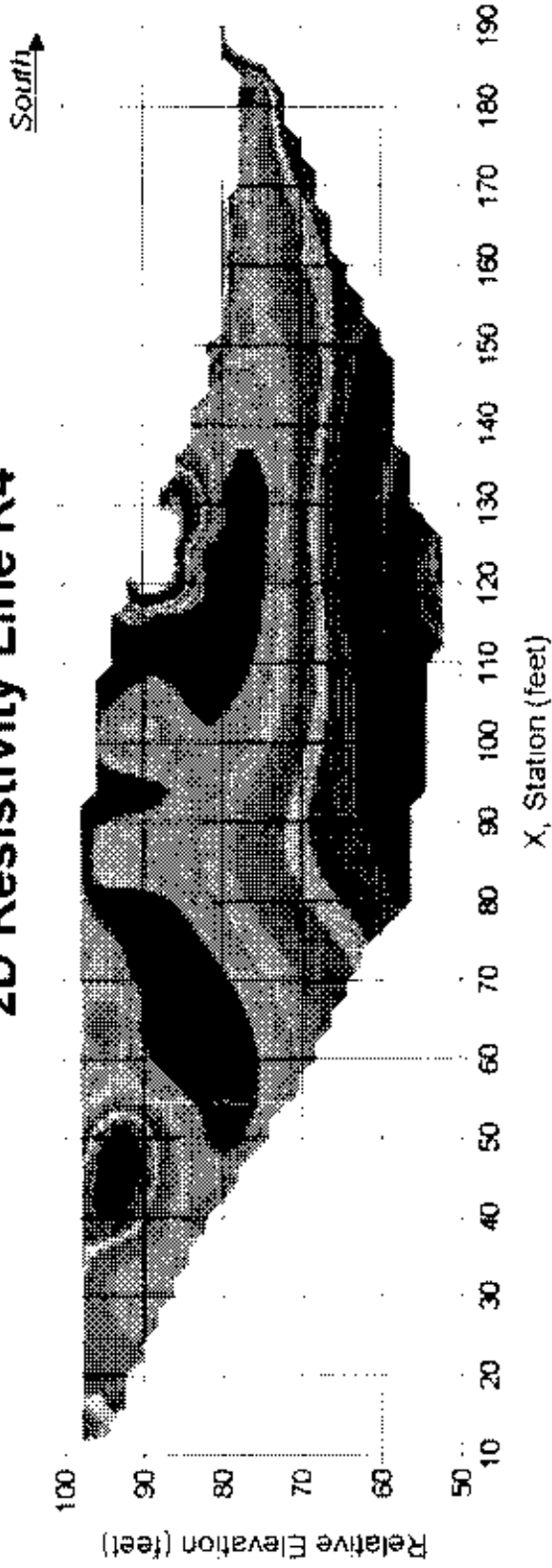
PRELIMINARY

Brent Street Property
Crystal Springs, MS
EM31 Survey
Schnabel Engineering 3/30/04

2D Resistivity Line R3



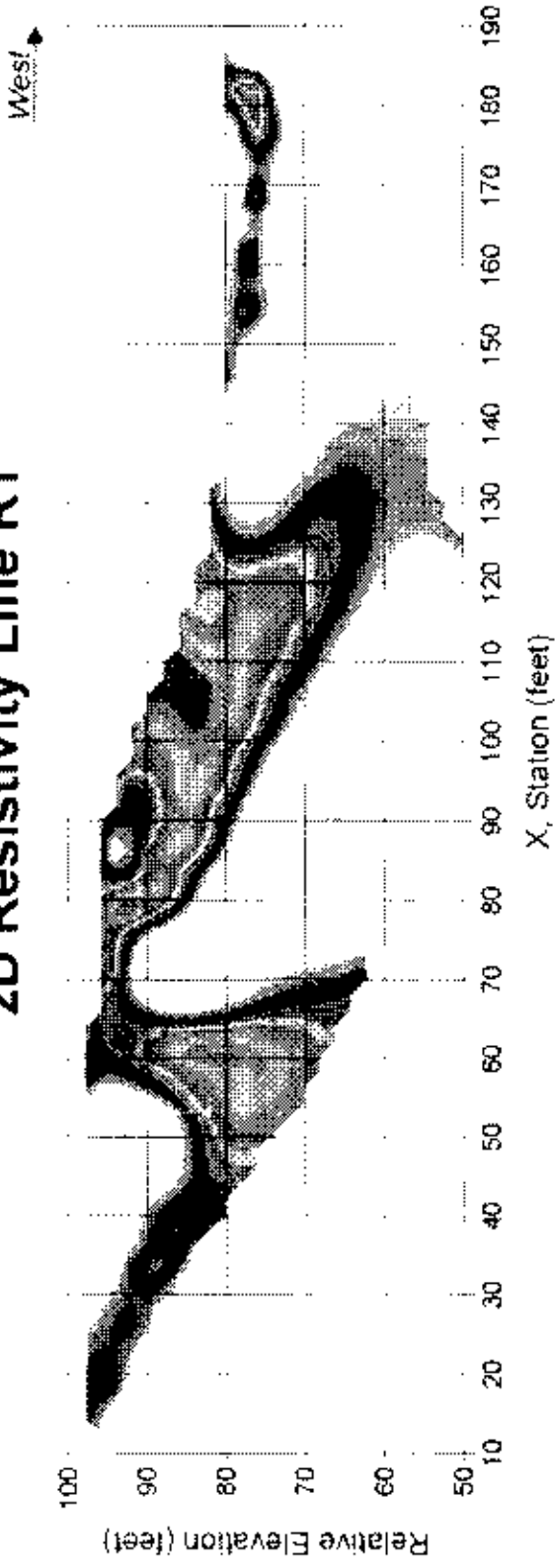
2D Resistivity Line R4



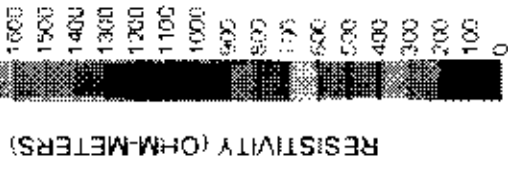
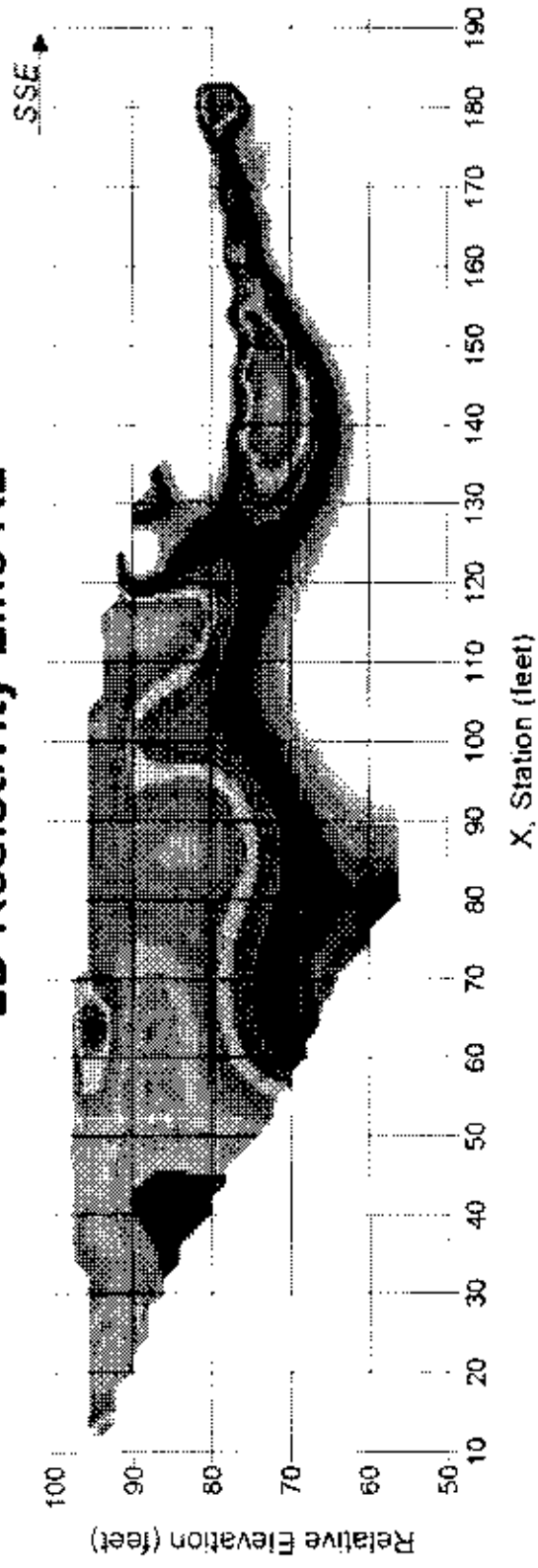
Brent Street Property
Crystal Springs, MS
2D Resistivity Survey
Schnabel Engineering 3/30/04

PRELIMINARY

2D Resistivity Line R1



2D Resistivity Line R2



Brent Street Property
Crystal Springs, MS
2D Resistivity Survey
Schnabel Engineering 3/30/04

PRELIMINARY



STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR
March 12, 2004

FILE COPY

Ms. Mary E. McAlister, Esq.
DAVID NUTT & ASSOCIATES
660 North Street, Suite 102A
Jackson, MS 39202

Re: Kuhlman Electric Company Site
Letter Dated February 10, 2004
Edwards & Kellums Properties
Crystal Springs, Mississippi

Dear Ms. McAlister:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your letter dated February 10, 2004, concerning the soil samples collected by MDEQ on the Edwards and Kellums properties. As previously stated, based on the results of the soil samples and earlier conversations with Craig Brown, EPA Region IV TSCA Project Manager, MDEQ will not require additional remediation at this time for either the Edwards or Kellums property.

The soil samples were collected from the same areas and at the same depths denoted in your consultants drawings. If new or additional information becomes available, MDEQ may request that appropriate action be taken.

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

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

cc: Kelly Riley, Esq.
Craig Brown, EPA Region IV TSCA
K:\Common\UCSS\Tony\Kuhlman Electric\Kuhlman - mcAlister 3-12-04.doc

Tony Russell 03/08/2004 10:45 AM

To: Brian Young/HW/OPC/DEQ@DEQ
cc:
Subject: PLANNED ACTIVITIES - CRYSTAL SPRINGS, MS

Tony Russell
Mississippi Department of Environmental Quality
Assessment Remediation Branch Chief
101 West Capitol Street
Jackson, MS 39201
Phone 601-961-5318
Fax 601-961-5300

----- Forwarded by Tony Russell/HW/OPC/DEQ on 03/08/2004 10:32 AM -----

"Hamel, Anastasia
(PTC-Auburn Hills)"
<AHamel@BWAUTO.com>

To: "Russell Tony - MDEQ (E-mail)" <Tony_Russell@deq.state.ms.us>
cc:
Subject: PLANNED ACTIVITIES - CRYSTAL SPRINGS, MS

02/27/2004 03:49 PM



Dear Tony,

The attached is to confirm our February 25, 2004 telephone discussion.

Thanks and I look forward to your return from your trip.

Best regards,
Anastasia

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Phone: (248) 754-0159
Fax: (248) 754-9159
e-mail: ahamel@bwauto.com



Document.pdf

AH-04-1818

VIA ELECTRONIC MAIL AND US MAIL



BorgWarner

February 27, 2004



Acostasja Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

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

**Re: Planned Activities
Crystal Springs, Mississippi**

Dear Mr. Russell:

As we discussed during our conference call, on February 25, 2004, the following activities are planned for Crystal Springs, Mississippi:

1. The groundwater investigation at the Kuhlman Electric Corporation facility (KEC) will begin on March 8, 2004.
2. Per your request, the geophysical survey at the Brent Street property will be postponed until March 22, 2004. The information obtained from the geophysical survey will be submitted to MDEQ along with the proposed drilling plan. Drilling activities will be scheduled once BorgWarner receives MDEQ's approval for the drilling plan.
3. The sampling of the Canadian National Railroad culvert will take place once an access agreement is secured.

The inside diameter of the culvert is 48 inches and its length is approximately 80 feet. The culvert is composed of 10 (8-foot) sections of reinforced concrete pipe with bell and spigot joints. Concrete samples will be collected from the inside surface of the culvert pipe. A total of 24 concrete samples (three samples from each section) will be collected over the entire length of the culvert pipe. One sample of the three will be collected from the invert of the culvert pipe and two samples will be collected from the sidewalls in the lower half of the culvert pipe.

The samples will be collected by first pulverizing the concrete on the surface of the culvert pipe with an impact hammer equipped with a chisel point. The sample depth will not exceed 0.5 inches. The pulverized concrete will be collected in glass containers, sealed and carried to the on-site laboratory. Following collection of the samples, areas where samples are collected will be filled with a durable patching material to prevent any

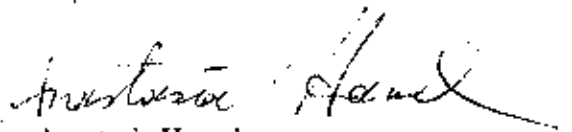
future erosion. The chisel and any other sampling equipment will be decontaminated after each sample.

The samples will be analyzed for PCB by the on-site laboratory. A total of 10% of the samples will be split and sent to the off-site laboratory for confirmation analysis.

The Canadian National Railroad access and safety requirements, as well as OSHA HAZWOPER and Confined Space entry requirements will be adhered to.

Please feel free to contact me directly at 248-754-0159 with any questions you may have.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: C. Brown, US EPA
S. Bransfield, Esq.
A. Kenney, Esq.
P. Acheson, KEC



STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. O'NEAL, EXECUTIVE DIRECTOR
MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, Mississippi

FROM: Tony Russell *DR*

DATE: February 24, 2004

SUBJECT: Split samples on Railroad Avenue Culvert 2-19-04

I met with Chuck Peel on February 19, 2004, to observe and collect split samples from the concrete culvert that runs beneath West Railroad Avenue. All the sampling equipment was decontaminated and wrapped in aluminum foil. The samples were collected from the concrete with a drill bit. The concrete dust generated from the drill bit was collected in aluminum foil and then transferred to a stainless steel container. The concrete dust was then mixed with a stainless steel spoon to produce a homogeneous mixture. The concrete dust was transferred to 4-ounce containers with the spoon and then placed on ice.

Two samples were collected from the concrete box culvert. One was collected from the northeast corner and the second was collected from the southeast corner of the box culvert.

The samples will be delivered to OPC's lab for analysis by EPA Method 8082. No pictures were taken during this sampling event.

K:\Shared\UCSS\Tony\Kuhlman Electric\KEC sampling of W RR ave box culvert 2-19-04.doc

DAVID NUTT & ASSOCIATES, P.C.
ATTORNEYS AT LAW

DAVID H. NUTT
MARY E. McALISTER*
DOUGLAS G. MERCIER

JOLIE CULIPHER, PARALEGAL
BETH CLATWORTHY, PARALEGAL

*also licensed in Louisiana

February 10, 2004

Tony Russell
Chief, Uncontrolled Sites
101 W. Capitol Street
Jackson, MS 39201



Re: Kuhlman Electric Corporation site, Crystal Springs, MS
Kellum, et al. v. Kuhlman Corporation, et al., Copiah County Circuit
Court CA# 2001-0313 thru 0324

Dear Mr. Russell:

We acknowledge receipt of your letter of February 5, 2004, regarding MDEQ's refusal to require Kuhlman Electric Corporation to conduct complete remediation of 406 and 412 Lee Avenue to a 1 ppm standard for the PCB contamination. Please accept this letter as our request for reconsideration of MDEQ's decision.

It appears to us that MDEQ has denied the relief we requested because some of the soil samples we took to determine the adequacy of KEC's remediation activities at those two addresses were analyzed with a high resolution lab method, whereas MDEQ and EPA are allowing KEC to use only method 8082, which is a low resolution method.

However, in addition to using the high resolution method 1668A, our environmental services contractor, 3TM International, Inc., also used method 4020, which is a low resolution method like 8082, and found PCBs remaining on the properties at concentrations greater than 1 ppm. 3TM's supplemental report dated May 16, 2003, summarizes the significance of its findings as follows:

Since the discovery of contamination at the Kuhlman Electric Facility in early 2000, a large number of samples have been collected by Kuhlman Electric and/or Borg-Warner and 3TM International. During these sampling activities, several residential properties were identified that indicated concentrations of PCBs in excess of 1 mg/kg (ppm), the Mississippi Department of Environmental Quality (MDEQ) clean-up criteria for the sites. In accordance with this concentration, Kuhlman Electric and/or Borg-Warner was required to remediate those residential properties to concentrations below 1 mg/kg.

Prior to conducting remediation at the Kuhlman Plant site, remediation was conducted at two residential properties adjacent to the site. These

properties are 406 Lee Avenue and 412 Lee Avenue. According to the MDEQ clean-up criteria, a thorough remediation should have been implemented, and the residential properties should have been restored to concentrations below 1 mg/kg. However, based upon the results of the sampling conducted by 3TM International on April 11, 2003, these two properties have not been fully remediated.

The results of 3TM International's April Soil Sampling Campaign indicate that concentrations of PCBs in excess of 1 mg/kg (ppm) are still present at 406 Lee Avenue, based on the data from 4 sampling locations which ranged from 1.7 mg/kg (ppm) to approximately 2.6 mg/kg (ppm) via screening Method 4020. Only one of these samples was analyzed by high resolution Method 1668A (CMS-406-S-02), and this sample indicated 2.2 mg/kg (ppm) of PCB by Method 4020 and 3.2 mg/kg (ppm) by Method 1668A.

Only three samples from 412 Lee Avenue were screened using Method 4020. Of these three, only two contained PCBs above the detection limit of 0.20 mg/kg (ppm). These concentrations were 0.25 mg/kg (ppm) and 0.78 mg/kg (ppm) at sample locations CMS-412-S-02 and CMS-S-412-03, respectively. Sample CMS-412-S-03 was analyzed by Method 1668A, and indicated a concentration of 1.54 mg/kg (ppm).

High resolution testing (e.g., Method 1668A) generally yields higher contaminant concentrations than low resolution testing (e.g., Method 8082) since it can detect all PCB congeners. Therefore, it can be assumed that the actual concentrations of PCBs may be higher than those indicated by the screening method.

Thus, by using low resolution method 4020, we found PCB concentrations at prohibited levels. It is disturbing that MDEQ's sample results, using method 8082, were non-detect. At the very least, MDEQ should have found concentrations consistent with what we found using method 4020. Is it possible that MDEQ pulled its samples from clean fill dirt rather than from areas not touched by Kuhiman during remediation where we found elevated PCB concentrations? Did MDEQ make a map or photograph the locations of each of its samples so we can compare your sample locations with our sample locations?

We appreciate the limitations on MDEQ's budget and staff but are concerned that the families living at 406 and 412 Lee Avenue are and will continue to be needlessly exposed to PCBs at levels greater than the cleanup standard. We assume the cleanup standards were set by the State with due regard to health and safety issues. Since PCBs remain at

Tony Russell
February 10, 2004
Page 3

those homes, one of which is occupied by young children, at levels greater than the remediation standard, we respectfully request MDEQ to reexamine this situation and advise us of its intentions.

Sincerely yours,

DAVID NUTT & ASSOCIATES


Mary E. McAlister

Cc: Roy Furr, Esq.
Kelly Riley, Esq.
Mr. and Mrs. Paul Kellum
Mr. and Mrs. John Edwards
Co-counsel, via email only

AH-04-1815

FEB 13 2004

VIA FACSIMILE AND UPS NEXT DAY AIR



BorgWarner

February 12, 2004

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

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
Completion of Remediation**

Dear Mr. Russell:

This is to notify the Mississippi Department of Environmental Quality (MDEQ) that the remediation at the Kuhlman Electric Corporation (KEC) facility in Crystal Springs, Mississippi is complete.

In accordance with MDEQ's Order 4449-02 (attached) the Remediation Report will be submitted to MDEQ on June 15, 2004.

Please feel free to contact me directly at 248-754-0159 with any questions you may have.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

Attachment

cc: C. Brown, US EPA
S. Bransfield, Esq.
A. Kenney, Esq.
P. Acheson, KEC



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

FILE

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

LEGAL DIVISION

POST OFFICE BOX 20005 - JACKSON, MISSISSIPPI 39289-1305 • TEL: (601) 961-5171 • FAX: (601) 961-5349 • www.deq.state.ms.us

T-914 P.002/008 F-308

+122288888

From-Smyrth Shon

2002-Jul-29 10:55am

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
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

FILE COPY

February 9, 2004

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Company Site
Brent Street Property
Site Characterization Plan Work Plan
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your letter dated February 4, 2004 written in response to MDEQ's comment letter dated January 21, 2004. MDEQ concurs with the proposed scope of work for the Brent Street Property. MDEQ must be notified prior to any deviations from the approved scope of work.

MDEQ requires the appropriate sampling containers be provided for any split samples collected and a minimum of a two-week notice prior to implementation of any field activities.

Please call me at 601-961-5318 with you any questions you may have.

Sincerely,


Tony Russell, Chief
Assessment Remediation Branch

cc: Craig Brown, USEPA Region IV

K:\Shared\UCSS\Tony\Kuhlman Electric\KEC Brent St SCWP approval ft 2-9-04.doc

FEB - 6 2004

AH-04-1814

VIA FACSIMILE and UPS NEXT DAY AIR



BorgWarner

February 4, 2004

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

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

**Re: Brent Street Property Site Characterization Work Plan
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

Attached please find BorgWarner Inc.'s responses to MDEQ's Comments with respect to the Site Characterization Work Plan for the Brent Street Property located in Crystal Springs, Mississippi. Also attached is the requested map indicating the area on the property targeted for a geophysical survey.

In the event there are any questions please feel free to contact me directly at 248-754-0159.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

Attachment

**Site Characterization Work Plan
Brent Street Property
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

RESPONSE TO MDEQ COMMENTS

The following are responses to Mississippi Department of Environmental Quality's (MDEQ) comments, dated January 21, 2004, after the review of the Site Characterization Work Plan for the Brent Street Property located in Crystal Springs, Mississippi.

1. *Section 2.2- Sampling of the Landfill Area- There is no map showing the area for the geophysical survey. Please submit a map showing the area(s) for the geophysical survey. It is MDEQ's understanding that once the geophysical survey has been conducted, additional sampling locations within the area previously sampled, but not vertically delineated, will be identified. MDEQ requires that these additional sampling locations be submitted for approval. The plan proposes to collect only a surface and bottom sample from the test pits. MDEQ requires that additional samples be collected from each trench wall between the surface and bottom of the trench to provide a more definitive profile.*

RESPONSE- A map showing the geophysical survey area is included with this response. The geophysical survey will include the area previously sampled, as well as the embankment slope down to original grade on the south and west side. A map showing results of the geophysical survey will be prepared and will be used to select locations for sampling. Proposed new sampling locations will be submitted to MDEQ for approval.

Samples will be collected from the sidewalls of the test pits. In addition to the proposed surface and bottom samples, samples will also be collected from each waste type encountered in the test pit to determine the PCB concentration of the waste and the method of remediation. Once the test pit is logged, the field manager will determine the number of samples that will be taken. However, as a minimum, five samples including surface and bottom samples will be collected and analyzed for PCB concentrations.

2. *The following sample locations are not horizontally defined and do not have a proposed delineation point in certain directions. Location 1770 not defined to the north; and location 1781 not defined to the east, may want to just resample this location. Locations 1769, 1793, 1794, and 1795 are not defined along the ditch embankment to the west of each location. There appears to be a gap between these locations and the proposed trenches to the west.*

RESPONSE- As stated in Section 2.3, "The extent of PCB contaminated soil and sediment in the study area will be determined by sampling soil and sediment in all directions from the landfill or source area and with depth until concentrations of PCBs are below the MDEQ regulatory limit of 1 ppm for unrestricted property use." Samples will be collected north of sample locations 1764 and 1770 and east of sample locations 1781, 1791, and 1790 and with depth until concentrations of PCBs are detected at 1 ppm or less.

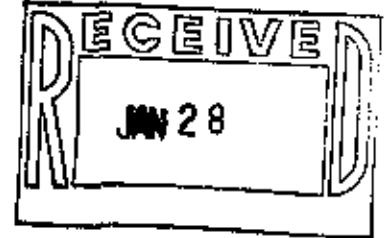
The zone between sample locations 1769, 1793, 1794, and 1795 and the test pits will be surveyed using geophysical methods to determine areas where samples may be collected using rotary drilling tools. When those sample locations are determined, they will be submitted to MDEQ for approval prior to sampling. Please refer to the attached map showing the area designated for geophysical survey.

3. *Section 3.4 Quality Assurance Objectives for Data- The plan did not state how many equipment rinsates, field blanks, or blind duplicates would be collected and analyzed. MDEQ requires that the USEPA Region IV Environmental Investigations Standard Operating Procedures and Quality Assurance Manual dated November v2001 be used for guidance in determining the required number.*

RESPONSE – Equipment rinsates, field blanks, and blind duplicates will be collected at the frequency specified in the USEPA Region IV Environmental Investigations Standard Operating Procedures and Quality Assurance Manual dated November 2001, Section 5. Equipment rinseate and field blanks will be collected no less than once per week during field operations. At least one sample per day per property or location will be submitted to both the on-site and off-site laboratory, as a blind duplicate sample, for internal laboratory quality control. In addition, at least 10 % of all samples will be split between the on-site and off-site laboratories for confirmation of analytical precision.

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

January 21, 2004



Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Company Site
Brent Street Property
Site Characterization Plan dated December 2003
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced plan prepared by Martin & Slagle for the Brent Street property. The review revealed the following concerns/comments:

1. **Section 2.2 Sampling of the Landfill Area** – there is no map showing the area for the geophysical survey. Please submit a map showing the area(s) for the geophysical survey. It is MDEQ's understanding that once the geophysical survey has been conducted, additional sampling locations within the area previously sampled, but not vertically delineated, will be identified. MDEQ requires that these additional sampling locations be submitted for approval. The plan proposes to collect only a surface and bottom sample from the test pits. MDEQ requires that additional samples be collected from each trench wall between the surface and bottom of the trench to provide a more definitive profile.
2. The following sampling locations are not horizontally defined and do not have a proposed delineation point in certain directions. Location 1770 not defined to the north; and location 1781 not defined to the east, may want to just resample this location. Locations 1769, 1793, 1794, and 1795 are not defined along the ditch embankment to the west of each location. There appears to be a gap between these locations and the proposed trenches to the west.

Ms. Anastasia Hamel

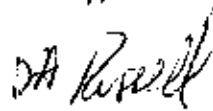
January 21, 2004

Page 2

3. **Section 3.4 Quality Assurance Objectives for Data** – the plan did not state how many equipment rinsates, field blanks or blind duplicates would be collected and analyzed. MDEQ requires that the USEPA Region IV Environmental Investigations Standard Operating Procedures and Quality Assurance Manual dated November 2001 be used for guidance in determining the required number.

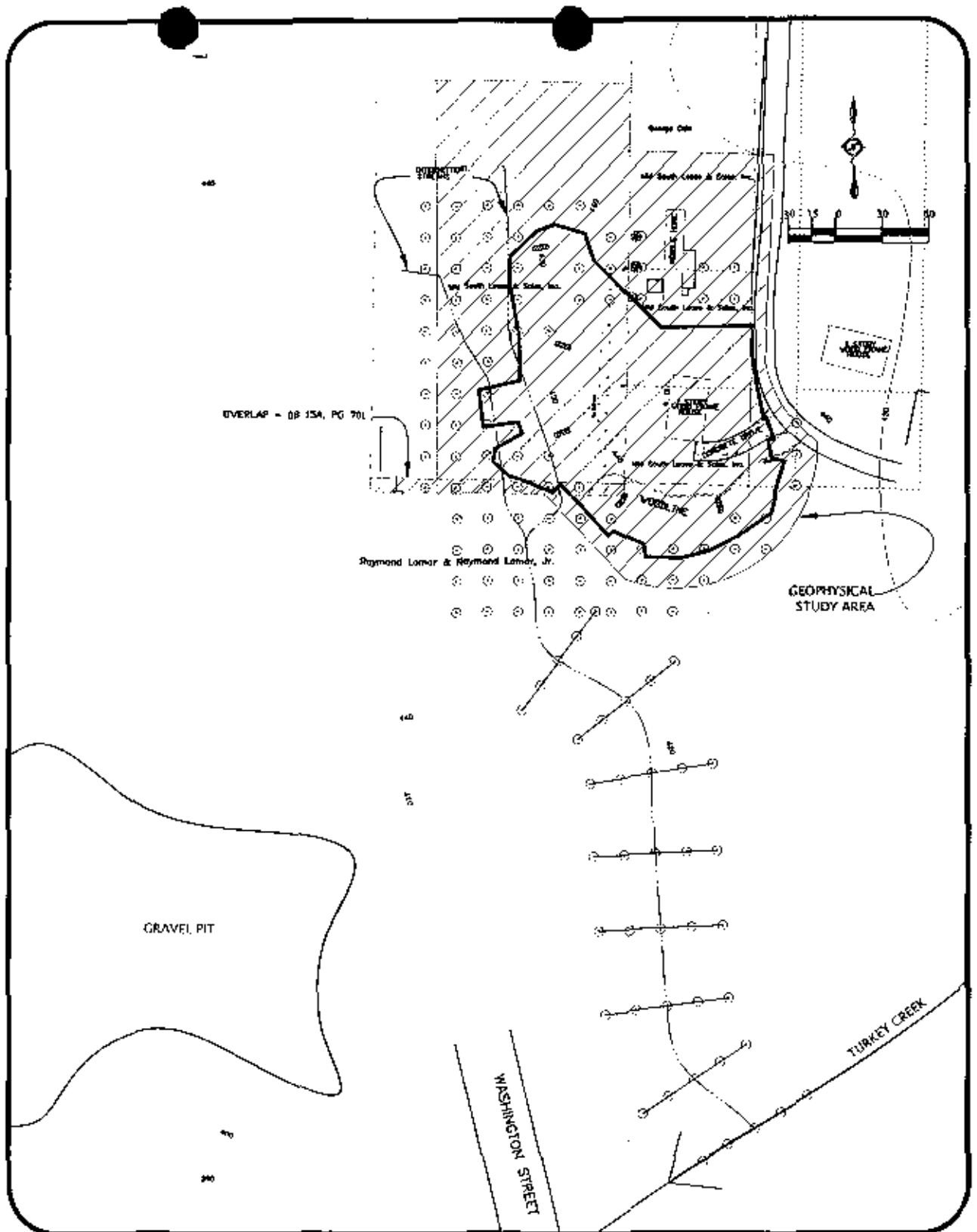
MDEQ requires a written response to these concerns by February 6, 2004. Please call me at 601-961-5318 with any questions you may have.

Sincerely,



Tony Russell, Chief
Assessment Remediation Branch

cc: Robert Martin Martin & Slagle



<h3>LEGEND</h3> <ul style="list-style-type: none"> GEOPHYSICAL STUDY AREA TRANSECT LINER DITCH SAMPLE LOCATION PROPERTY LINE LOTLINE TREE TEST PIT 		GeoEnvironmental Associates LLC MARTIN & SLAGLE <small>PO Box 1073 8945 Mountain NC 28711 ☎ 336.669.3929 F 828.499.5289</small>
		PREPARED FOR: BorgWarner Inc.
SCALE 1"=60' DR: DGR OWC: RLM REV: 1 DATE: 2/04/04	MID SOUTH LEASING PROPERTY SAMPLE LOCATIONS KUHLMAN ELECTRIC CORPORATION 101 KUHLMAN DRIVE CRYSTAL SPRINGS, MS	<h1>5</h1> FIG



FILE COPY

STATE OF MISSISSIPPI
GOVERNOR HALEY BARBOUR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR
February 5, 2004

Via Facsimile (355-9191) and U.S. Mail

Ms. Mary E. McAlister, Esq.
DAVID NUTT & ASSOCIATES
660 North Street, Suite 102A
Jackson, MS 39202

Re: Kuhlman Electric Company Site
Supplemental Report - PCB Litigation dated May 16, 2003
Edwards & Kellums Properties
Crystal Springs, Mississippi

Dear Ms. McAlister:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your letter dated July 21, 2003, concerning the supplemental investigation conducted on the Edwards and Kellums properties by 3TM International, Inc. MDEQ collected soil samples from both the Edwards and Kellums properties in the areas described in the supplemental report. The soil samples were analyzed by an EPA approved Method 8082 at the Office of Pollution Control lab in Pearl, MS. Based on the results of the soil samples and earlier conversations with Craig Brown, EPA Region IV Regional PCB Coordinator, MDEQ will not require additional remediation at this time as requested in your letter for either the Edwards or Kellums property. If new or additional information becomes available, MDEQ may request that appropriate action be taken.

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

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

Enclosures

cc: Kelly Riley, Esq.
Craig Brown, EPA Region IV TSCA

K:\Sharad\UCSS\Tony\Kuhlman Electric\Kuhlman - mcallister.2.3.04.doc

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control
1542 Old Whitfield Road
Pearl, MS 39208
601-664-3900

COMPLIANCE MONITORING REPORT

<p>To: TONY RUSSELL JIMMY CRELLIN</p>	<p>QA Type:</p> <p>Date Collected: 12/02/2003</p> <p>Time Collected: 11:00</p> <p>Sample Collector: JCRELLIN</p> <p>To Lab: SV</p> <p>Sample Type: SOIL</p> <p>Received By: TAMMY SAWYER</p> <p>LJMS Login Date: 12/02/2003</p> <p>LJMS Login Time: 15:07</p> <p>COC Date: 12/02/03</p> <p>COC Time: 1455</p> <p>Project: 3858</p> <p>Study: COMPLIANCE</p> <p>Reporting Date: 12/29/2003</p>
<p>Sample ID: AA20903</p> <p>Facility Name: EDWARDS PROPERTY</p> <p>Site ID: COMPLIANCE</p> <p>Sampling Loc: ES-1</p> <p>Discharge No:</p> <p>Other No: ES- 1</p> <p>Permit No:</p> <p>Latitude:</p> <p>Longitude:</p> <p>County: 029 COPIAH</p>	

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
Arochlor 1016	8082	ND	ug/kg	36	DS	12/4/03	12/23/03
Arochlor 1221	8082	ND	ug/kg	670	DS	12/4/03	12/23/03
Arochlor 1232	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1242	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1248	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1254	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
Arochlor 1260	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
z DCB	8082	% 102	ug/kg	31-132	DS	12/4/03	12/23/03
z TCMX	8082	% 89	ug/kg	38-134	DS	12/4/03	12/23/03

ABBREVIATIONS / DEFINITIONS

ug/L: micrograms/Liter
mg/L: milligrams/Liter
mg/kg:
milligrams/kilogram
ug/g: micrograms/gram
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ppb: parts per billion

<: less than
MCL: Maximum Contaminant Level
MDL: Method Detection Limit
LSPC: result less than lower specification
USPC: result greater than upper specification
TIE: Tentatively Identified or Estimated
>: greater than
z: surrogate

COC Date: Date Chain of Custody Signed
COC Time: Time Chain of Custody Signed

SAMPLE COMMENTS:

WHERE TAKEN: ES-1 W OF SIDEWALK

Approved By: _____

Conf: Phil

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control
1542 Old Whitfield Road
Pearl, MS 39208
601-664-3900

COMPLIANCE MONITORING REPORT

To: TONY RUSSELL JIMMY CRELLIN	QA Type: Date Collected: 12/02/2003 Time Collected: 11:10 Sample Collector: JCRELLIN To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER LIMS Login Date: 12/02/2003 LIMS Login Time: 15:07 COC Date: 12/02/03 COC Time: 1455 Project: 3858 Study: COMPLIANCE Reporting Date: 12/29/2003
Sample ID: AA20904 Facility Name: EDWARDS PROPERTY Site ID: COMPLIANCE Sampling Loc: ES-2 Discharge No: Other No: ES-2 Permit No: Latitude: Longitude: County: 029 COPIAH	

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
Arochlor 1016	8082	ND	ug/kg	36	DS	12/4/03	12/23/03
Arochlor 1221	8082	ND	ug/kg	670	DS	12/4/03	12/23/03
Arochlor 1232	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1242	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1248	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1254	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
Arochlor 1260	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
z DCB	8082	% 98	ug/kg	31-132	DS	12/4/03	12/23/03
z TCMX	8082	% 89	ug/kg	38-134	DS	12/4/03	12/23/03

ABBREVIATIONS / DEFINITIONS

ug/L: micrograms/Liter
mg/L: milligrams/Liter
mg/kg:
milligrams/kilogram
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MDL: Method Detection Limit
LSPC: result less than lower specification
USPC: result greater than upper specification
TIE: Tentatively Identified or Estimated
>: greater than
z: surrogate

COC Date: Date Chain of Custody Signed
COC Time: Time Chain of Custody Signed

SAMPLE COMMENTS:

WHERE TAKEN: ES-2 E OF SIDEWALK

Approved By: _____

Carl Phil

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control
1542 Old Whitfield Road
Pearl, MS 39208
601-664-3900

COMPLIANCE MONITORING REPORT

To: TONY RUSSELL JIMMY CRELLIN	QA Type: Date Collected: 12/02/2003 Time Collected: 11:20 Sample Collector: JCRELLIN To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER LIMS Login Date: 12/02/2003 LIMS Login Time: 15:07 COC Date: 12/02/03 COC Time: 1455 Project: 3858 Study: COMPLIANCE Reporting Date: 12/29/2003
Sample ID: AA20905 Facility Name: EDWARDS PROPERTY Site ID: COMPLIANCE Sampling Loc: ES-3 Discharge No: Other No: ES-3 Permit No: Latitude: Longitude: County: 029 COPIAH	

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
Arochlor 1016	8082	ND	ug/kg	36	DS	12/4/03	12/23/03
Arochlor 1221	8082	ND	ug/kg	670	DS	12/4/03	12/23/03
Arochlor 1232	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1242	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1248	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1254	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
Arochlor 1260	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
z DCB	8082	% 93	ug/kg	31-132	DS	12/4/03	12/23/03
z TCMX	8082	% 89	ug/kg	38-134	DS	12/4/03	12/23/03

ABBREVIATIONS / DEFINITIONS

ug/L: micrograms/Liter
mg/L: milligrams/Liter
mg/kg:
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TIE: Tentatively Identified or Estimated
>: greater than
z: surrogate

COC Date: Date Chain of Custody Signed
COC Time: Time Chain of Custody Signed

SAMPLE COMMENTS:

WHERE TAKEN: ES-3 CENTER OF ADJACENT LOT

Approved By: _____

Carl Phil

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control
 1542 Old Whitfield Road
 Pearl, MS 39208
 601-664-3900

COMPLIANCE MONITORING REPORT

To: TONY RUSSELL JIMMY CRELLIN	QA Type: Date Collected: 12/02/2003 Time Collected: 11:30 Sample Collector: JCRELLIN To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER LIMS Login Date: 12/02/2003 LIMS Login Time: 15:07 COC Date: 12/02/03 COC Time: 1455 Project: 3858 Study: COMPLIANCE Reporting Date: 12/29/2003
Sample ID: AA20906 Facility Name: KELLUM PROPERTY Site ID: COMPLIANCE Sampling Loc: KS-1 Discharge No: Other No: KS-1 Permit No: Latitude: Longitude: County: 029 COPIAH	

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
Arochlor 1016	8082	ND	ug/kg	36	DS	12/4/03	12/23/03
Arochlor 1221	8082	ND	ug/kg	670	DS	12/4/03	12/23/03
Arochlor 1232	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1242	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1248	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1254	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
Arochlor 1260	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
z DCB	8082	% 95	ug/kg	31-132	DS	12/4/03	12/23/03
z TCMX	8082	% 89	ug/kg	38-134	DS	12/4/03	12/23/03

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USPC: result greater than upper specification
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>: greater than
z: surrogate

COC Date: Date Chain of Custody Signed
COC Time: Time Chain of Custody Signed

SAMPLE COMMENTS:

WHERE TAKEN: KS-1 W OF SIDEWALK

Approved By: _____

Conf. Phil

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Pollution Control
1542 Old Whitfield Road
Pearl, MS 39208
601-664-3900

COMPLIANCE MONITORING REPORT

To: TONY RUSSELL JIMMY CRELLIN	QA Type: Date Collected: 12/02/2003 Time Collected: 11:40 Sample Collector: JCRELLIN To Lab: SV Sample Type: SOIL Received By: TAMMY SAWYER LIMS Login Date: 12/02/2003 LIMS Login Time: 15:07 COC Date: 12/02/03 COC Time: 1455 Project: 3858 Study: COMPLIANCE Reporting Date: 12/29/2003
Sample ID: AA20907 Facility Name: KELLUM PROPERTY Site ID: COMPLIANCE Sampling Loc: KS-2 Discharge No: Other No: KS-2 Permit No: Latitude: Longitude: County: 029 COPLAH	

ANALYTE	METHOD	RESULT	UNIT	MDL	ANALYST	ANALYSIS START DATE	ANALYSIS END DATE
Arochlor 1016	8082	ND	ug/kg	36	DS	12/4/03	12/23/03
Arochlor 1221	8082	ND	ug/kg	670	DS	12/4/03	12/23/03
Arochlor 1232	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1242	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1248	8082	ND	ug/kg	34	DS	12/4/03	12/23/03
Arochlor 1254	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
Arochlor 1260	8082	ND	ug/kg	67	DS	12/4/03	12/23/03
z DCB	8082	% 87	ug/kg	31-132	DS	12/4/03	12/23/03
z TCMX	8082	% 86	ug/kg	38-134	DS	12/4/03	12/23/03

ABBREVIATIONS / DEFINITIONS

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<: less than
MCL: Maximum Contaminant Level
MDL: Method Detection Limit
LSPC: result less than lower specification
USPC: result greater than upper specification
TIE: Tentatively Identified or Estimated
>: greater than
z: surrogate

COC Date: Date Chain of Custody Signed
COC Time: Time Chain of Custody Signed

SAMPLE COMMENTS:

WHERE TAKEN: KS-2 E OF SIDEWALK

Approved By: _____

Carl Phil



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

January 21, 2004

FILE COPY

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Company Site
Brent Street Property
Site Characterization Plan dated December 2003
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced plan prepared by Martin & Slagle for the Brent Street property. The review revealed the following concerns/comments:

1. **Section 2.2 Sampling of the Landfill Area** – there is no map showing the area for the geophysical survey. Please submit a map showing the area(s) for the geophysical survey. It is MDEQ's understanding that once the geophysical survey has been conducted, additional sampling locations within the area previously sampled, but not vertically delineated, will be identified. MDEQ requires that these additional sampling locations be submitted for approval. The plan proposes to collect only a surface and bottom sample from the test pits. MDEQ requires that additional samples be collected from each trench wall between the surface and bottom of the trench to provide a more *definitive profile*.
2. The following sampling locations are not horizontally defined and do not have a proposed delineation point in certain directions. Location 1770 not defined to the north; and location 1781 not defined to the east, may want to just resample this location. Locations 1769, 1793, 1794, and 1795 are not defined along the ditch embankment to the west of each location. There appears to be a gap between these locations and the proposed trenches to the west.

Ms. Anastasia Ha

January 21, 2004

Page 2

3. **Section 3.4 Quality Assurance Objectives for Data** – the plan did not state how many *equipment rinsates, field blanks or blind duplicates* would be collected and analyzed. MDEQ requires that the USEPA Region IV Environmental Investigations Standard Operating Procedures and Quality Assurance Manual dated November 2001 be used for guidance in determining the required number.

MDEQ requires a written response to these concerns by February 6, 2004. Please call me at 601-961-5318 with any questions you may have.

Sincerely,



Tony Russell, Chief
Assessment Remediation Branch

cc: Robert Martin Martin & Slagle



Brown.Craig@epamail.
epa.gov

To: Tony_Russell@deq.state.ms.us
Subject: Re: approved method

01/20/2004 02:33 PM

If I understand your question correctly, the short answer is yes. Method 8082 is/was an acceptable method for analysis of confirmation samples at KEC for the onsite cleanup approval EPA issued to Borg Warner or the approval issued to IT for the offsite cleanup at the gravel pit. The PCB regs only require that one use a GC method to test samples for PCBs. There may be other EPA methods and non-EPA GC methods that would also be acceptable.

Craig

Brown/R4/USEPA/US@EPA
Tony_Russell@deq.
state.ms.us
To: Craig
cc:
Subject: approved method
01/20/2004 03:37
PM

Craig,

Is it correct to say that EPA has approved for EPA analytical Method 8082 to be used for analyzing soil samples collected for confirmation purposes in and around the Kuhlman site during remediation of contamination??

Tony Russell
Mississippi Department of Environmental Quality
Assessment Remediation Branch Chief
101 West Capitol Street
Jackson, MS 39201
Phone 601-961-5318
Fax 601-961-5300

DEC 22 2003

AH-03-1809

VIA FACSIMILE & UPS NEXT DAY AIR



BorgWarner

December 18, 2003

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

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

**Re: Remediation Activity Progress Report
Crystal Springs, MS**

Dear Mr. Russell:

This is a progress report to summarize the remediation activities related to PCB contamination in Crystal Springs, Mississippi. BorgWarner's last update meeting was July 19, 2003. As you are aware, pursuant to the indemnity agreement between *Kuhlman Electric Corporation (KEC)* and BorgWarner Inc., BorgWarner has continued the remediation at the KEC facility and has been actively preparing for the remediation activities along the drainage channel down-gradient of the KEC facility.

BorgWarner remains committed to working closely with the Mississippi Department of Environmental Quality (MDEQ), the United States Environmental Protection Agency (US EPA), the local government in the City of Crystal Springs and KEC 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 seek MDEQ's guidance and direction in its current and future intended activities and to share available information promptly.

ACTIONS TAKEN AND PLANNED

1. KEC Facility

Since the last update meeting in July 2003, BorgWarner completed several tasks in and around the KEC facility and has planned for several additional tasks. Specifically, these tasks included:

- Remediation of Area F and Area G at the KEC facility

- Remediation of the area under the KEC Maintenance Shed concrete driveway and replacement of the driveway after remediation
- Completion of the buffer zone between the KEC property and the Dabney-Smith property
- Completion of the buffer zone between the KEC property and the Warren property
- Remediation of a small area near the fence in the Warren yard (Plaintiffs' sampling indicated one sample of PCB above 1 ppm)
- Remediation of the grassy area outside of the KEC fence on Fulgham Avenue
- Rerouting of the KEC water line near the water tower and the secondary containment area
- Remediation of two small areas located within the concrete pad immediately east of the KEC secondary containment area
- Analysis of samples (obtained by hand auger) to confirm that the grassy area under the water tower conforms to the regulatory clean-up standard established for the KEC facility and therefore can be left in place under a concrete engineered cap
- Resurfacing with concrete and/or asphalt various remediated areas at the KEC property

At this time, the remediation at the KEC facility is nearing completion. The last area in need of remediation is the area under the Frac tank. It is not possible to move the Frac tank from its current location because it is full of water from decontamination procedures. A treatment system has been purchased and assembled to treat the decontamination water. Once the tank is empty (its contents are currently being treated), it will be moved and the area remediated.

The last item in need of attention at the KEC facility is the installation of the concrete engineered cap under the water tower. As you probably recall, you approved the proposed engineered cap during our conference call on October 16, 2003, provided US EPA concurred with the approach. Craig Brown, US EPA, verbally approved the installation of the cap during a conference call on November 5, 2003. BorgWarner submitted the appropriate prints showing the area under the water tower to both MDEQ and US EPA on December 2, 2003. On December 15, 2003 BorgWarner received US EPA's written approval for the installation of the concrete engineered cap. The cap is currently scheduled for installation.

Once these two items (as indicated above) are addressed, BorgWarner will promptly inform MDEQ, in writing, of its completion of the remediation activities at the KEC facility and begin the preparation of the Closure Remediation Report.

2. Brent Street

At the request of KEC, BorgWarner responded on KEC's behalf to MDEQ's Administrative Order No. 4587-03, specifically for Section 8, Paragraphs B and C.

BorgWarner implemented the Interim Corrective Action plan at the Brent Street property, which involved the capping of surficial impacted soil using a synthetic plastic liner material underlain by a geotextile reinforcement fabric. The property was surrounded by temporary security fencing and has been posted against trespassing.

Prior to the development of the Site Characterization Work Plan, BorgWarner received from David Rodgers the information requested by Paragraph A of the Order concerning the types of materials he and L.M. & R. Service Inc. deposited at the Brent Street property. The types of materials included demolition debris, soil, concrete, rebar and saw dust.

Based on the information received from David Rodgers BorgWarner developed the Site Characterization Work Plan as required by Section 8, Paragraph D of the Administrative Order for the MSL properties on Brent Street. BorgWarner recently submitted the Site Characterization Work Plan and is prepared to implement it within two (2) weeks of receiving MDEQ's written approval, subject to the resolution of any access issues that may arise.

3. Drainage Channel Permits

BorgWarner submitted permit Applications/Notices of Intent, and prepared the appropriate plans required by the regulations for the remediation of the Crystal Springs Drainage Channel. Only two permits were required and both were granted to BorgWarner. The permits are:

- MDEQ General Construction Storm Water Coverage Permit
- Army Corps of Engineers NPDES Permit under the Nationwide Permit 38 Regulations

As the remediation of the properties along the Drainage Channel commences, BorgWarner will attempt to secure permission to remediate from the owner(s) of each private property as well as from Plaintiffs' counsel, if the owners are represented. In the event that the owner(s) is unwilling to grant such access voluntarily, BorgWarner requests that MDEQ make itself available to facilitate such access.

BorgWarner has already been granted access to the former icehouse property.

4. Lee Avenue

During the remediation of the residential properties on Lee Avenue, samples of the sidewall in the excavation zone of two small areas were found to contain PCB soil concentrations greater than 1 ppm. Those two small areas have been and currently are under asphalt. Road closure coordination is taking place with the City of Crystal Springs and remediation has been scheduled for January 2004.

5. Fulgham Avenue

BorgWarner has worked very closely with the City of Crystal Springs to address the Fulgham Avenue soil impacted with PCBs. The remediation of these soils has been extremely slow and rather challenging to accomplish. The reasons for the slow progress are as follows:

- Multiple utilities (electrical, gas, water and sewer) run through Fulgham Avenue.
- Utility identification and marking has been especially difficult because the City of Crystal Springs does not have current prints for utility layouts in that area. As a result, there were many instances where utilities were discovered by accident or were found to be running on top of each other in an incompatible fashion (e.g., electrical lines on top of water lines).
- Utility emergency shut-off valves were another major concern because the City of Crystal Springs did not have any prints showing emergency utility cut-off valves, and in many instances, the City representative did not know how to turn off the valves.
- Additional delays were experienced because of utility pipe integrity.

In general, water pipes in the vicinity of Fulgham Avenue were found to be extremely brittle and, when the soil around them was excavated, the pipes crumbled. As a result, field activities had to stop for pipe repairs, continuing only once repairs were completed.

The forced main sewer line collapsed, on more than one occasion, when soil around it was disturbed and the soil sidewall pressure was no longer holding it in place. The forced main sewer line fitting integrity was questionable and the line burst open often when the sewer line was returned to use. Additional delays were experienced while the City of Crystal Springs maintenance crew made the necessary repairs.

- Utility pipe issues aside, the overhead electrical lines caused a set of different problems altogether. The Fulgham excavation was nearly the entire length of the KEC property line and is best described as a trench 6 feet wide by about 400 feet long. Excavation equipment could not be used because of electrocution hazards; therefore, the entire excavation had to be performed by hand. To ensure safety, the excavation required shoring along its entire length.
- In several locations, soil removal at deeper intervals required excavation below utility pipes. This situation presented the field crew with the challenge of utility pipe support while excavating and leaving appropriate escape routes in the event of a shoring collapse within the excavation trench.
- Compaction of clean soil, in excavated areas, had to also be performed by hand. Because soil moisture is critical for compaction and compaction equipment could not be used the clean soil often had to be removed and replaced with moister soil when compaction tests revealed weaknesses.
- Accommodating KEC truck traffic around the excavation zone posed additional problems and delays. Each time a truck needed to enter or leave the KEC facility, the field crew had to stop all excavating operations, move any excavation equipment in the vicinity, disassemble any barricade equipment, and then resume field operations once all of the necessary equipment was reassembled.
- The City of Crystal Springs targeted the Fulgham Avenue culvert for replacement at the time of the remediation in its vicinity. The old culvert was a concrete casting poured in place without a bottom. Over the years, debris had collected inside the culvert rendering it unable to discharge storm water. During the excavation, a water line was discovered, which ran through the culvert (the water line was installed years after the culvert was in place). Unfortunately, the removal of the culvert required the removal and replacement of the water line. BorgWarner worked closely with the City of Crystal Springs and assisted the City in providing a deeper placement location for the new culvert, which allowed the new water line to be located above the culvert.

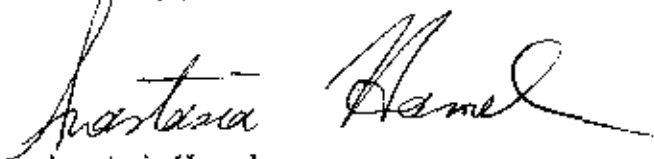
Despite all these obstacles the remediation of the areas within Fulgham Avenue is nearing completion. The clean fill, even though already compacted, will be allowed to further compact naturally over the holidays and Fulgham Avenue will be resurfaced with asphalt later in January 2004. In the meantime, Fulgham Avenue, although unpaved in certain areas, has been returned to full use.

Tony Russell
Remediation Activity Progress Report
Crystal Springs, Mississippi
December 18, 2003
Page 6 of 6

For your information, after December 19, 2003, there will be no field activities in Crystal Springs for the duration of the holidays. We anticipate that field activities will resume during the week of January 5, 2004.

Please feel free to contact me directly at 248-754-0159 with any questions you may have.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anastasia Hamel".


Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: C. Brown, US EPA
S. Bransfield, BorgWarner Inc.
A. Kenney, Seyfarth Shaw
P. Acheson, Kuhlman Electric Corporation



Fax

BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

FAX TRANSMITTAL INFORMATION	
From: Anastasia Hamel	To: Tony Russell
Of: BorgWarner Inc.	Of: MDEQ
Phone: (248) 754-0159	Fax: (601) 961-5300
Fax: (248) 754-9159	RE: Attached
<p>Dear Tony,</p> <p>Attached is the Remediation Activity Progress Report for Crystal Springs, Mississippi.</p> <p>Happy Holidays.</p> <p></p> <p>Anastasia Hamel</p>	
<p><small>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.</small></p>	
Date: December 18, 2003	Number of page(s) in this fax including cover 7

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

BorgWarner
Inc.200
South
Michigan
AvenueChicago
Illinois
60608Telephone:
312 322 8500

AH-03-1809

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

December 18, 2003

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

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

**Re: Remediation Activity Progress Report
Crystal Springs, MS**

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Tony Russell
Remediation Activity Progress Report
Crystal Springs, Mississippi
December 18, 2003
Page 2 of 6

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Tony Russell
Remediation Activity Progress Report
Crystal Springs, Mississippi
December 18, 2003
Page 3 of 6

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Tony Russell
Remediation Activity Progress Report
Crystal Springs, Mississippi
December 18, 2003
Page 4 of 6

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Tony Russell
Remediation Activity Progress Report
Crystal Springs, Mississippi
December 18, 2003
Page 5 of 6

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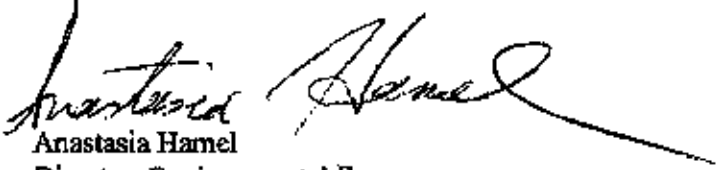
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Tony Russell
Remediation Activity Progress Report
Crystal Springs, Mississippi
December 18, 2003
Page 6 of 6

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Please feel free to contact me directly at 248-754-0159 with any questions you may have.

Very truly yours,


Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: C. Brown, US EPA
S. Bransfield, BorgWarner Inc.
A. Kenney, Seyfarth Shaw
P. Acheson, Kuhlman Electric Corporation



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

December 9, 2003



4APT-TS

Anastasia Hamel, Director
Environmental Programs
Borg Warner, Inc.
Powertrain Technical Center
3800 Automation Ave., Suite 100
Auburn Hills, MI 48326-1782

Dear Ms. Hamel:

Thank you for your December 2, 2003, letter requesting two modifications to the remediation work plan for the Kuhlman Electric Corporation site in Crystal Springs, Mississippi. The letter is a follow-up to our telephone conversation of November 5, 2003.

My apologies for not catching this sooner, but I believe that the deviations from the cleanup plan we discussed by telephone and outlined in your letter fall within the scope of the approved cleanup action and do not require prior U.S. Environmental Protection Agency approval. For future reference, any additional minor changes of this nature may be addressed in the final report required by Condition 7 of the December 2001, approval.

Should you have any further questions concerning this project, please contact me at (404) 562-8990.

Sincerely,

Craig S. Brown
Toxic Substances Section

cc: Tony Russell, MDEQ

AH-03-1802

DEC 10 2003

VIA UPS NEXT DAY AIR



BorgWarner

December 8, 2003

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

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

**Re: Administrative Order No. 4587 – 03
8D – Site Characterization Work Plan**

Dear Mr. Russell:

At the request of Kuhlman Electric Corporation (“KEC”), BorgWarner Inc. (“BorgWarner”) is responding on KEC’s behalf to Mississippi Department of Environmental Quality (“MDEQ”) Administrative Order No. 4587-03, Section 8, Paragraph D.

As you are aware, pursuant to its indemnification of KEC, BorgWarner committed to and has completed the actions required by Section 8, Paragraphs B and C of the Administrative Order.

BorgWarner is submitting the enclosed Site Characterization Work Plan as required by Section 8, Paragraph D of the Administrative Order. BorgWarner is prepared to implement the Plan within two (2) weeks of receiving MDEQ’s written approval.

It is BorgWarner’s understanding that the intention of Paragraph D of the Order is that the submitted Characterization Work Plan identifies the activities to be conducted to define the extent of contamination both on-site and off-site.

Please note that BorgWarner will not be able to perform any activity under the Order that requires access to the Brent Street property and possibly other adjacent property(ies) unless such access is granted by the owner(s). In the event that the owner(s) is unwilling to grant such access voluntarily, BorgWarner requests that MDEQ make itself available to facilitate such access.

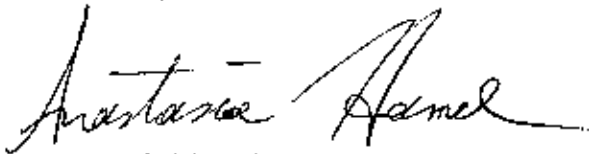
As indicated in previous correspondence relating to the Administrative Order, BorgWarner can only proceed with certain of the requirements of Section 8 of the Administrative Order, with the commensurate participation by co-Respondents, given their development and sale of the property

Mr. Tony Russell, MDEQ
December 8, 2003
Page 2 of 2

subsequent to the discovery of contamination. BorgWarner requests that MDEQ make itself available to designate or mediate tasks between Respondents if necessary.

Please contact the undersigned directly at 248-754-0159 in the event there are any questions on the above or the enclosed.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: C. Brown, US EPA
S. Bransfield, BW
A. Kenney, Esq.
J. Barrett, Esq.
P. Acheson, KEC
D. Barfield, Esq.

DEC - 3 2003

AH-03-1798

December 2, 2003



BorgWarner

Mr. Craig Brown
U.S. EPA, Region IV
AFC Building, 12th Floor
61 Forcyth Street, S.W.
Atlanta, Georgia 30303

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: **Request for Remediation Work Plan Modification**
Kuhlman Electric Corporation
Crystal Springs, Mississippi

Dear Mr. Brown:

As a follow-up to our telephone discussion on November 5, 2003 concerning the remediation at the Kuhlman Electric Corporation (KEC) facility located in Crystal Springs, Mississippi, BorgWarner requests two modifications to its approved Remediation Work Plan, dated November 2001.

As you are aware, the remediation at the KEC facility is being conducted under the TSCA (40 CFR 761.61(a)), "Self-Implementing" criteria by which soils with PCB concentrations greater than 25 ppm and less than 100 ppm must either be isolated beneath an engineered cap or properly disposed. Figure 5 entitled "PCB Remediation-Waste Delineation," included in the Remediation Work Plan, depicts all areas originally designated for remediation.

During the remediation activities, BorgWarner encountered two areas at the KEC facility that warrant modification to the Remediation Work Plan. Those areas are as follows:

1. This area is located immediately east of the spill containment area on the southeast corner of the plant building and is currently covered by a concrete slab. Based on analytical results this area was originally designated for excavation and disposal at the Subtitle "D" landfill, or closure beneath an engineered cap. With the exception of two small sections within this area, which had PCB concentrations of 25 ppm and greater, the remaining soil beneath the concrete slab can be left in place without a cover. The two small sections, with PCB concentrations of 25 ppm and greater, have been removed and properly disposed. BorgWarner requests that the Remediation Work Plan be modified to allow the soils, within the highlighted area shown on the attached revised Figure 5, be left undisturbed beneath the existing concrete slab.

Mr. Craig Brown, US EPA
Request for Remediation Work Plan Modification
December 2, 2003
Page 2 of 2

2. The second area for which BorgWarner requests modification is situated directly beneath the water tower located on the southeast corner of the plant building. Initially, this area was not designated for remediation. However, a sample collected during KEC's replacement of a waterline indicated the presence of PCBs at 110 ppm with the duplicate sample result at 88 ppm. The affected soil was removed and a soil sample collected 0.3 feet beneath the first sample had a PCB concentration of 1.8 ppm with its duplicate at 2.0 ppm.

Complete soil removal beneath the water tower is not an option primarily due to the presence of numerous underground utilities, (water, gas, and electricity), as well as the possibility of destabilizing its foundation by removing soil from around its footings.

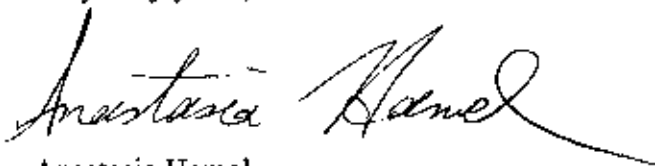
In lieu of soil removal from the area beneath the water tower, BorgWarner proposes to install an engineered cap that complies with regulatory technical requirements consisting of a minimum of 6 inches of concrete. The concrete cap will be reinforced with 6"x 6" welded wire fabric to control cracking from thermal expansion and contraction. In addition to the minimum regulatory requirements a layer of geotextile fabric covered by a layer of clean sand, to provide a structural base, will be installed beneath concrete slab.

Please note that the proposed engineered cap under the water tower will be the only one constructed at the KEC property. Removal of additional soil, in the areas targeted for capping by the Remediation Work Plan, rendered the construction of engineered caps unnecessary.

Please feel free to contact me directly at (248) 754-0159 should you have any questions on the above.

Thank you again for your continued assistance, cooperation, and support in this project. I look forward to our continued working relationship.

Very truly yours,



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

Attachment

cc: T. Russell, MDEQ ✓



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

TO: Kuhlman Site File
Kellum & Edwards Property
Crystal Springs, MS

FROM: Tony Russell *TR*

DATE: December 3, 2003

SUBJECT: Soil Sampling Conducted on December 2, 2003

Jimmy Crellin and I conducted a soil sampling event at the Kellums and Edwards properties on December 2, 2003. The sampling was conducted as a follow-up to the remediation that was conducted on these properties. The sampling was conducted using dedicated equipment (spoons and hand-augers were precleaned and wrapped in aluminum foil).

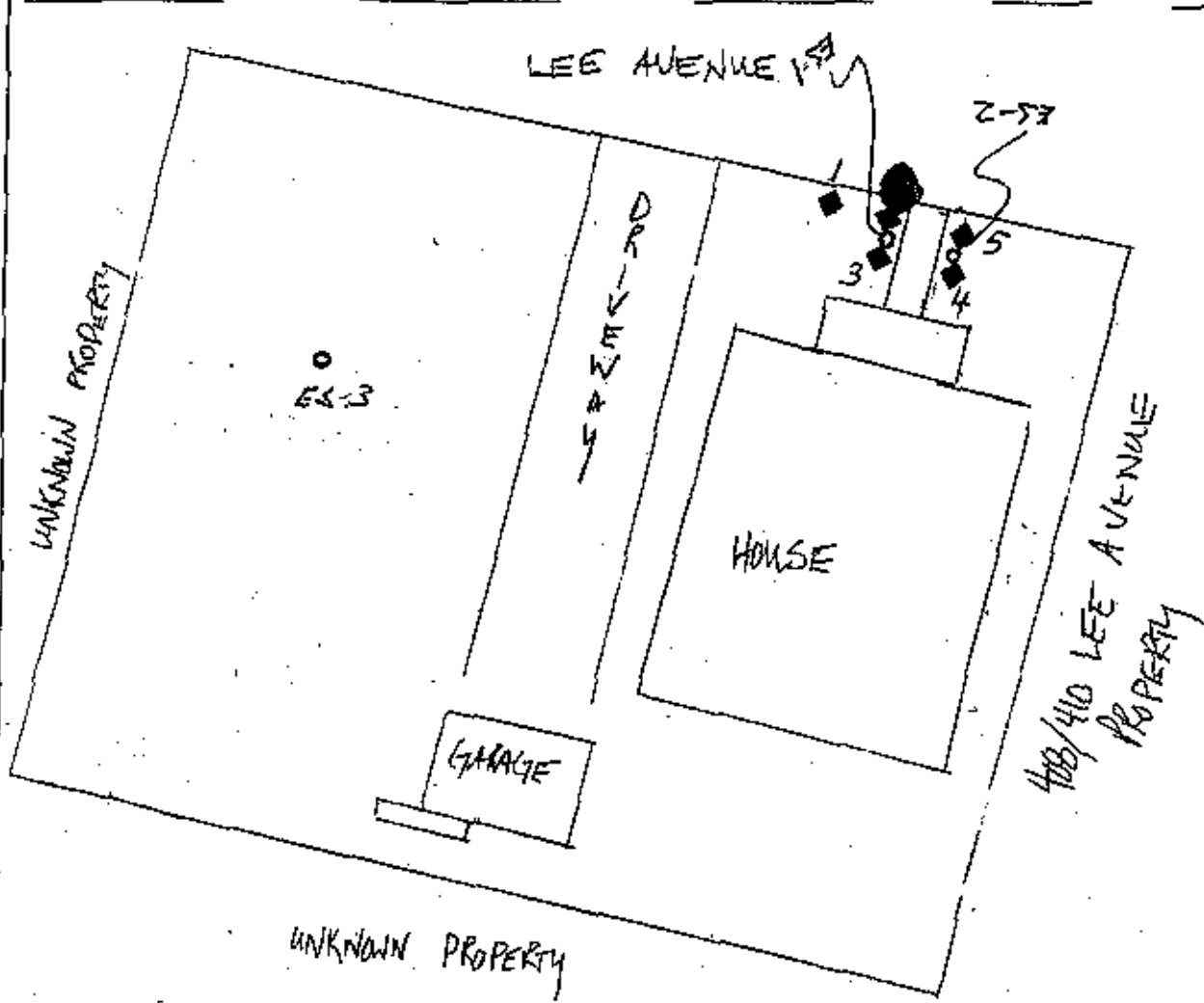
Edwards Property

We collected three (3) soil samples from the Edwards Property. One sample from each side of the sidewalk and one from the vacant lot located west of the house. The samples were collected at random from the upper 2 to 4 inches of soil. A hand auger was used to remove the upper two (2) inches of soil/grass from each bore hole then the same auger was used to auger down to 6 inches. The auger was removed from the borehole and a soil sample was transferred directly from the auger to the sample container with a stainless steel spoon. Protective gloves were worn during the sampling event and were changed between boreholes. Sample ES-1 was collected on the west side of the side walk, sample ES-2 was collected from the east side of the side walk and sample ES-3 was located from the vacant lot west of the house. **Note:** Location ES-1 may be outside the remediation area.

Kellum Property

We collected two (2) soil samples from the Kellum Property. One sample from each side of the side walks. The samples were collected at random from the upper 2 to 4 inches of soil. A hand auger was used to remove the upper two (2) of soil/grass from each bore hole then the same auger was used to auger down to 6 inches. The auger was removed from the borehole and a soil sample was transferred directly from the auger to the sample container with a stainless steel spoon. Protective gloves were worn during the sampling event and were changed between boreholes. Sample KS-1 was collected on the West Side of the sidewalk and sample KS-2 was collected from the East Side of the side walk.

PIANT



North ↑

Edwards

4/11/03

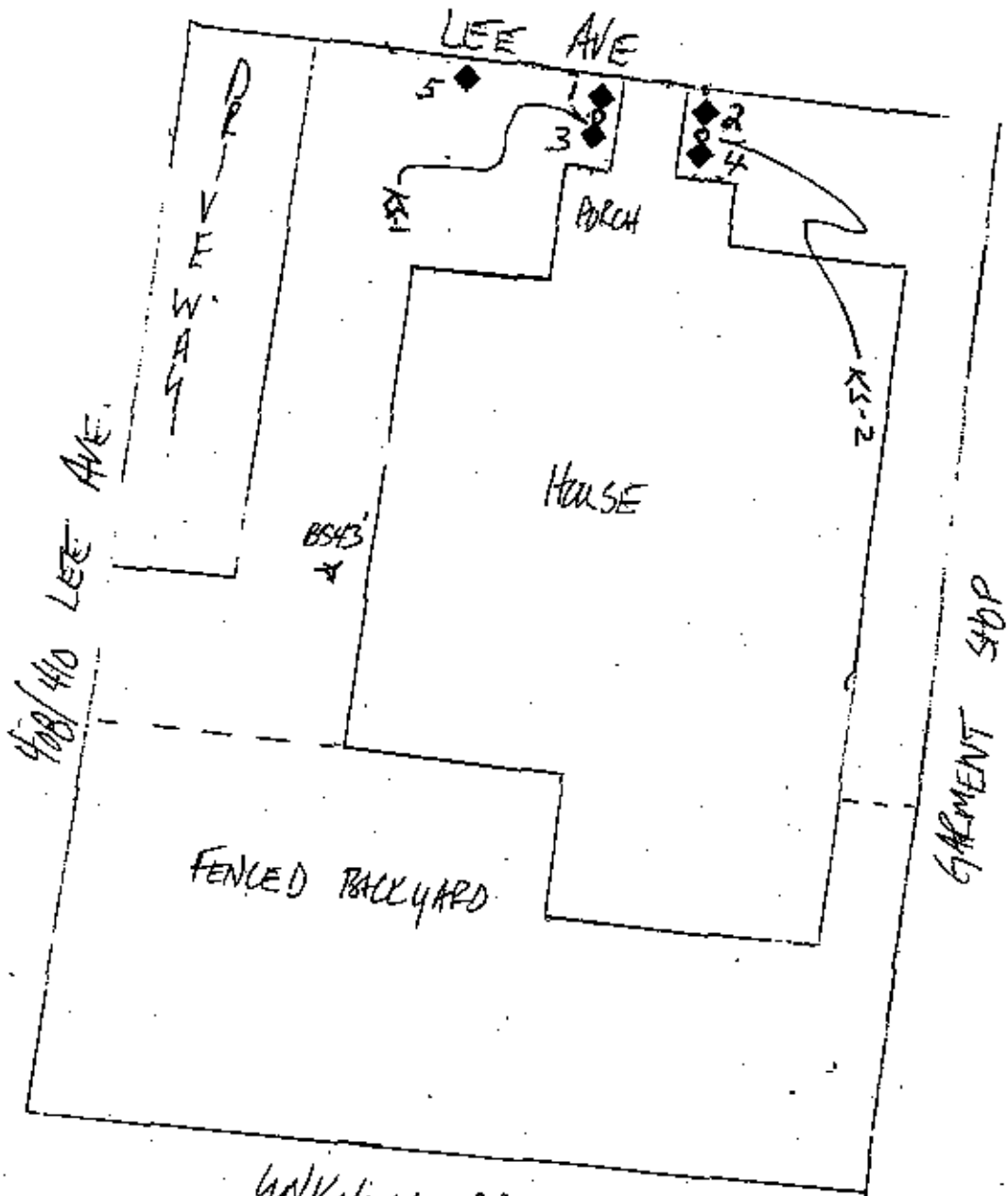
SITE SKETCH

(NOT TO SCALE)

SITE ADDRESS: 406 Lee Avenue
SITE LOCATION: Crystal Springs, MS
SAMPLE ID: CMS-406-S-01 through CMS-406-S-05

3TM INTERNATIONAL, INC.
Houston, Texas

KUTLUMAN PLANT



UNKNOWN PROPERTY

North ↑

☒ Sample Location

Kellum

4/11/03

SITE SKETCH

(NOT TO SCALE)

SITE ADDRESS: 412 Lee Avenue
SITE LOCATION: Crystal Springs, MS
SAMPLE ID: CMS-412-S-01 through CMS-412-S-05

3TM INTERNATIONAL, INC.
Houston, Texas



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

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TR*

DATE: November 12, 2003

SUBJECT: Site Visit conducted November 10, 2003

I met with Chuck Peel the afternoon of November 10 to observe the ongoing removal of contaminated soil at the KEC site. They were in the process of cutting across Fulgram Avenue during this site visit. They ran into some difficulties during the cut as the city water supply line runs along Fulgram. Who ever installed the drainage culvert for this location poured the culvert around the water line. They had to break out the concrete without disturbing the water line. The work was expected to take several days to complete due to the complexity of the situation.

No photos were taken during this site inspection.

K:\Shared\UCSS\Tony\Kuhlman Electric\KEC site visit 11-10-03.doc



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

TO: Kuhlman Electric Site File
Crystal Springs, Mississippi

FROM: Tony Russell *JAR*

DATE: September 11, 2003

SUBJECT: Site Inspection

I conducted an unannounced site inspection on September 9, 2003. I arrived at the site around 2:30 p.m. and left around 4:00 p.m. The contractor was in the process of removing soil on the East Side of the KEC facility beneath the asphalt parking lot. No safety violations were observed. The soil is being kept moist using a water hose to control dust. *The soil is loaded directly into roll-off containers and then staged on the back parking lot for disposal purposes.*

Photos were taken during this inspection with a digital camera. A copy is stored on a CD disk

K:\Shared\UCSS\Tony\Kuhlman Electric\KEC memo on site inspec 9-9-03.doc



"ALAN THOMAS"
<ATHOMAS@kuhlman.com>

To: <Tony_Russell@deq.state.ms.us>
Subject: Construction work inside the KEC facility

08/26/2003 02:11 PM

Tony: KEC will repair a drain to a ladies rest room on 8/27,28, or 29, 2003. The work involves removing perhaps 2 yds of soil that is contaminated less than 10 ppm. The remediation crew will remove the soil and prepare the hole to allow a contractor to replace damaged pipe fittings. The general contractor will then backfill and replace the concrete that has been removed.

A letter was sent to the union to advise them the work was scheduled to be done. Just wanted to let you know in case there are questions. Al

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Tony Russell

08/26/2003 11:23 AM

To: ATHOMAS@kuhlman.com
Subject: treated water

got your email and according to the results it is okay to discharge the treated water as previously discussed.

Tony Russell
Mississippi Department of Environmental Quality
Assessment Remediation Branch Chief
101 West Capitol Street
Jackson, MS 39201
Phone 601-961-5318
Fax 601-961-5300



"ALAN THOMAS"
<ATHOMAS@kuhlman.com>

To: <Tony_Russell@deq.state.ms.us>
Subject: Contaminated Water Remediaton from Sprinkler Leak at KEC

08/21/2003 03:56 PM

Tony; Attached is a test report from the water remediated from the sprinkler leak at KEC. There are approximately 6000 gallons of water that has been remediated to non-detect at an MDL of 0.5 ug/l. With your permission, KEC will dispose of this water via the storm water sewer on the KEC site, discharging slowly to minimize flow to the storm water runoff as has been our practice. Please let me know if you agree. Thank You. Al Thomas

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3RDBTCH.pdf

ENVIRONMENTAL



MANAGEMENT SERVICES, INC.

9502 Creosote Road Gulfport, MS 39503 Tel: 228-865-4400 Fax: 228-865-0113

Facsimile

Date: 8-21-03

To: ALAN THOMAS

Pages: 5

From: ROBERT GATES

Notes: RESULTS FROM LAST VISIT

TO

601-
441-
6434

CONFIDENTIALITY NOTE: The information in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entities 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 we will arrange for the return of the original message to us.

Micro-Methods Laboratory, Inc.
 6500 Sunplex Drive
 Ocean Springs, MS. 39564
 (228) 675-6420

Client: Environmental Mgmt. Services
 Client Code: EMSK
 Sample Description: Kuhlman Electric
 Client Sample Description: Kuhlman-Unfiltered-72803

Sample ID: AA36319
 Lab File #: 07301539

General Information	Collection Data	Remarks
Sample Received : 7/30/2003 Matrix: water Date Validated: 8/15/03 Validated by: HPH	Date Collected: 7/28/2003 Time Collected: 12:00:00 PM Collected By: CLIENT	

Department: **ORGANIC**

PCB In Water		Extract Date: 08/01/03	Matrix: water	Amount: 980 ml		
		Analyst: TKG	Date/Time: 8/14/2003	4:01:00 PM		
Method Ref	CAS#	Parameter	Value	Units	MDL	Qualifiers
SW 8082	12674-11-2	Aroclor 1016	Less Than	ug/L	0.5	J1
SW 8082	11104-26-2	Aroclor 1221	Less Than	ug/L	0.5	J1
SW 8082	11141-18-5	Aroclor 1232	Less Than	ug/L	0.5	J1
SW 8082	59468-21-9	Aroclor 1242	Less Than	ug/L	0.5	J1
SW 8082	12672-29-6	Aroclor 1248	Less Than	ug/L	0.5	J1
SW 8082	11087-69-1	Aroclor 1254	Less Than	ug/L	0.5	J1
SW 8082	11088-82-5	Aroclor 1260	Less Than	ug/L	0.5	J1
SW 8082	37324-23-5	Aroclor 1262	Less Than	ug/L	0.5	J1
SW 8082	11100-14-4	Aroclor 1268	Less Than	ug/L	0.5	J1

Method 8082: Surf. Recovery		Analyst: TKG	Date/Time: 8/14/2003	4:01:00 PM		
Method Ref	CAS#	Parameter	Value	Units	MDL	Qualifiers
SW 8082	25641-89-0	Tetrachloro-m-xylene (Surr. 1)	70	% Recovery		
SW 8082	2051-24-3	Decachlorobiphenyl (Surr.2)	20	% Recovery		

Micro-Methods Laboratory, Inc.

6500 Sunplex Drive
 Ocean Springs, MS 39564
 (228) 875-6420

Client: Environmental Mgmt. Services
 Client Code: EMSK
 Sample Description: Kuhlman Electric
 Client Sample Description: Kuhlman-Unfiltered-72803

Sample ID: AA36319
 Lab File #: 07301539

General Information	Collection Data	Remarks
Sample Received : 7/30/2003 Matrix: water Date Validated: 8/15/03 Validated by: HPH	Date Collected: 7/28/2003 Time Collected: 12:00:00 PM Collected By: CLIENT	

Department: WETLAB

Analyst: DLW Date/Time: 7/31/2003 11:05:00 AM

Method Ref	CASE	Parameter	Value	Units	MDL	Qualifiers
EPA 1664		Oil & Grease	Less than	mg/L	5	

Micro-Methods Laboratory, Inc.

6500 Sunplex Drive
 Ocean Springs, MS 39564
 (228) 876-6420

Client: Environmental Mgmt. Services
 Client Code: EMSK
 Sample Description: Kuhlman Electric
 Client Sample Description: Kuhlman-Filtered-72803

Sample ID: AA38320
 Lab File #: 07301539

General Information	Collection Data	Remarks
Sample Received : 7/30/2003 Matrix: water Date Validated: 8/16/03 Validated by: HPH	Date Collected: 7/29/2003 Time Collected: 12:00:00 PM Collected By: CLIENT	

Department: **ORGANIC**

PCB In Water

Extract Date: 08/01/03 Matrix: water Amount: 990 mL
 Analyte: TKG Date/Time: 8/14/2003 4:40:00 PM

Method Ref	CASE	Parameter	Value	Units	MDL	Qualifiers
SW 8082	12874-11-2	Aroclor 1016	Less Than	ug/L	0.5	
SW 8082	11104-28-2	Aroclor 1221	Less Than	ug/L	0.5	
SW 8082	11141-16-5	Aroclor 1232	Less Than	ug/L	0.5	
SW 8082	53489-21-9	Aroclor 1242	Less Than	ug/L	0.5	
SW 8082	12672-28-8	Aroclor 1248	Less Than	ug/L	0.5	
SW 8082	11087-69-1	Aroclor 1254	Less Than	ug/L	0.5	
SW 8082	11096-82-5	Aroclor 1260	Less Than	ug/L	0.5	
SW 8082	37324-23-5	Aroclor 1262	Less Than	ug/L	0.5	
SW 8082	11100-14-4	Aroclor 1268	Less Than	ug/L	0.5	

Method 8082: Surr. Recovery

Analyte: TKG Date/Time: 8/14/2003 4:40:00 PM

Method Ref	CASE	Parameter	Value	Units	MDL	Qualifiers
SW 8082	25641-88-0	Tetrachloro-m-xylene (Surr. 1)	80	% Recovery		
SW 8082	2051-24-3	Decachlorobiphenyl (Surr.2)	85	% Recovery		

Micro-Methods Laboratory, Inc.

6500 Sunplex Drive
 Ocean Springs, MS 38564
 (228) 875-6420

Client: Environmental Mgmt. Services
Client Code: EMSK
Sample Description: Kuhlman Electric
Client Sample Description: Kuhlman-Filtered-72803

Sample ID: AA36320
Lab File #: 07301639

General Information	Collection Data	Remarks
Sample Received : 7/30/2003 Matrix: water Date Validated: 8/15/03 Validated by: HPH	Date Collected: 7/29/2003 Time Collected: 12:00:00 PM Collected By: CLIENT	

Department: **WETLAB**

Analyst: DLW

Date/Time: 7/31/2003

11:05:00 AM

Method Ref	CAS#	Parameter	Value	Units	MDL	Qualifiers
EPA 1664		Oil & Grease	Less than	mg/L	5	



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

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TR Russell*

DATE: August 13, 2003

SUBJECT: Site Visit

I conducted a site visit on Thursday, August 7, 2003 to observe the ongoing work at the plant site. The contractor was presently working on the last section of Area F that needed to be excavated. Some of the work along the East fence had been completed. There was still one section along the Warren property that had to be excavated. Due to the nature of the work, the property owners wanted to save the big trees, this work would be done at a later date.

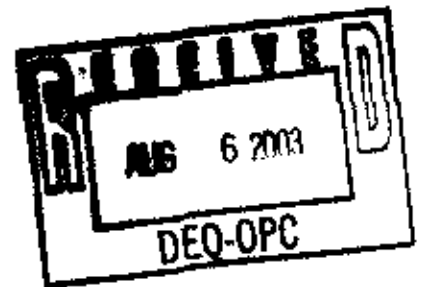
The disposal area on Brent Street was being cleared of underbrush so the cover could be installed. The area was fenced off with the orange fencing material.

K:\Shared\UCSS\Tony\Kuhlman Electric\KBC site visit 8-13-03.doc

BARFIELD & ASSOCIATES

ATTORNEYS AT LAW, P.A.
233 EAST CAPITOL STREET
POST OFFICE BOX 3979
JACKSON, MISSISSIPPI 39207-3979

TELEPHONE (601) 988-9420
FACSIMILE (601) 988-9425



DAVID A. BARFIELD
KAY BARNES BAXTER*
LARA ASHLEY COLEMAN
RICHARD D. GAMBLIN
STEVEN L. LACEY
WES W. PETERS
KIMBERLY P. WALLACE

* ALSO ADMITTED IN ARKANSAS AND LOUISIANA;
RESIDENT IN THE NEW ORLEANS OFFICE

NEW ORLEANS OFFICE
400 PONDRAH STREET, SUITE 1400
NEW ORLEANS, LOUISIANA 70130
TELEPHONE (504) 568-1559
FACSIMILE (504) 568-1550

August 6, 2003

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

Re: *Mississippi Commission on Environmental Quality v. Kuhlman Electric Corporation and David Rodgers*, Before the Mississippi Commission on Environmental Quality, Order No. 4587 03

Dear Mr. Russell:

I write this letter on behalf of Mr. David Rodgers in compliance with Subpart A of the above-referenced Order. This letter is written without prejudice to and without waiving the Sworn Petition and Notice of Appeal filed in this matter by and on behalf of David Rodgers.

I. Estimated Description of the Location Where Materials Were Placed on the Brent Street Property

Enclosed is a site survey map on which Mr. Rodgers has estimated the location of where materials were placed on the Brent Street Property. On July 17, 2003, Mr. Rodgers and his undersigned counsel met with yourself and Ms. Kelly Riley from the MDEQ, along with Ms. Anatasia Hamel with Borg-Warner, Mr. Robert Martin of Martin & Slagle, with Mr. Tom Lupo participating by telephone. At this meeting, Mr. Rodgers described in detail the types of materials he placed on the Brent Street property. After this meeting, Mr. Rodgers traveled to the Brent Street property and pointed out where he believed those materials were located on the property. Mr. Rodgers then went and marked with flags the areas in which he believed the materials to be located. This is shown on the enclosed site survey and is labeled as "fill boundary". Also, the area where it is estimated the materials might be located is circled with a red marker. Everyone is reminded that the location shown on the attached site surveys are estimates only. As Mr. Rodgers has indicated, he was not present every time some of the materials were moved around on the lot, and does not know necessarily which equipment operator might have put what materials where. This is his best estimate based on his recollection and the knowledge he possesses.

Mr. Tony Russell
Uncontrolled Sites Branch
Mississippi Department of Environmental Quality
August 6, 2003
Page 2

Furthermore, it appears to Mr. Rodgers that the lot in question was built up several feet after he sold it. He does not know what was used in the further building up of the lot.

**II. Description of the Types of Materials
Placed on the Brent Street Property**

As explained by Mr. Rodgers, people had been dumping debris on this lot years before he acquired it. It appeared to him that the debris all appeared to be trees, tree limbs, hedge clippings, and the like. He does not recall observing any other type materials at the time he acquired the lot, however, he did not look under that which was plainly visible. Accordingly, he may not have full knowledge of everything that is on the premises.

The following items from the Kuhlman facility may be found on the property:

1. Concrete and rebar; and
2. Asphalt.

The following items may be found on the Brent Street property which were taken there from the ice house property:

1. Bricks;
2. Maybe some wood and sawdust;
3. Some dirt.

From the gem plant: Sawdust.


This is Mr. Rodgers' best recollection of the materials that may be located on the Brent Street property. It is not a representation that these are the only materials located thereon, as other materials could have been placed on the property of which David Rodgers has no knowledge.

Mr. Tony Russell
Uncontrolled Sites Branch
Mississippi Department of Environmental Quality
August 6, 2003
Page 3

If we can provide any further information concerning the above-referenced matter, please advise.

Very truly yours,

BARFIELD & ASSOCIATES
Attorneys at Law, P.A.

A handwritten signature in cursive script that reads "David A. Barfield". The signature is written in black ink and is positioned above the printed name.

David A. Barfield

DAB:ka

Enclosure

cc: Ms. Anatasía Hamel w/encl.
Kelly Riley, Esq. w/encl.
Mr. David Rodgers w/o encl.



Revells.Lavon@epamail.epa.gov
 ll.epa.gov
 08/07/2003 08:51 AM

To: Brown.Craig@epamail.epa.gov
 cc: Tony_Russell@deq.state.ms.us
 Subject: Re: PCB Analytical Methods

Craig,

Your description of the methods is correct. However, Method 1668A can also be used for confirmatory analysis and for the analysis of PCBs as aroclors. Method SW846 8082 is the cheaper method for the analysis of PCBs as congeners and aroclors, however it is subject to more interferences. If you have further questions, please let me know.

Lavon

Craig Brown
 To: Lavon
 Revells/R4/USEPA/US@EPA
 08/07/2003 07:10 AM
 cc:
 Subject: Re: PCB Analytical Methods

----- Forwarded by Craig Brown/R4/USEPA/US on 08/07/2003 07:09 AM -----

Craig Brown
 To:
 Tony_Russell@deq.state.ms.us
 08/07/2003 07:09 AM
 cc:
 Subject: Re: PCB Analytical Methods(Document link: Craig Brown)

I believe that 1668A is the high res mass spec method. It's typically used by EPA to assess weathered PCBs and measures PCB-congener concentrations. It's a more sensitive and far more expensive test method. Method 4020 is a field screen method, which I believe uses an immunoassay test for PCBs.

EPA (or at least the Toxics Program) doesn't require use of a specific analytical method. You may use an EPA method or method developed by another entity. However, for confirmatory analysis, you must use a GC method. For further details, you may contact Lavon Revells in our Athens Lab. Lavon is the PCB analytical expert for the Region. His number is 706-355-8840.

As for additional cleanup, that's your call. I've always thought that SF program cleanup completion is based on comparison of an upper estimate of the mean concentration for a site (e.g., 95%UCL) to the cleanup goal and not on individual sample results.

Craig



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

<http://www.mvk.usace.army.mil/>

July 25, 2003



Operations Division
Regulatory

SUBJECT: Permit Requirements for Cleanup of Hazardous and Toxic
Waste in Crystal Springs, Mississippi

Ms. Anastasia Hamel
Director, Environmental Programs
BorgWarner, Incorporated
Suite 100
3800 Automation Avenue
Auburn Hills, Michigan 48326-1782

Dear Ms. Hamel:

Based upon the information furnished, it appears that Department of the Army permit requirements for the proposed work to provide cleanup and remediation of PCB contamination in the vicinity of the Kuhlman Electric Corporation transformer manufacturing plant in Crystal Springs, Mississippi, will be authorized by Nationwide Permit No. 38, as specified in the January 15, 2002, Federal Register, Issuance of Nationwide Permits; Notice (67 FR 2020-2095) and in the February 13, 2002, Federal Register, Issuance of Nationwide Permits; Notice; Correction (67 FR 6692-6695), provided the activity complies with the Nationwide Permit Special Conditions (enclosure 1), the Nationwide Permit General Conditions (enclosure 2), and the Regional Conditions (enclosure 3). It is your responsibility to read and become familiar with the enclosed conditions in order for you to ensure that the activity authorized herein complies with the Nationwide Permits.

This verification is valid for a period of 2 years, or until the Nationwide Permit is modified, suspended, or revoked. Activities which are under construction or that are under contract to commence in reliance upon a Nationwide Permit will remain authorized, provided the activity is completed within 12 months of the date of any subsequent modification, expiration, or revocation of the Nationwide Permit. Upon completion of the activity authorized by this Nationwide Permit, please fill out the enclosed certification of compliance (enclosure 4) and return it to our office.

This authorization is contingent upon the successful completion of the proposed remediation, including but not limited to the reestablishment of pre-excavation hydrologic conditions, contours, and native vegetative cover within jurisdictional areas subject to regulation pursuant to Section 404 of the Clean Water Act. The proposed remediation is described in the "Remediation Work Plan for the North Drainage Channel, Kuhlman Electric Corporation, Crystal Springs, Mississippi", which was prepared for your firm in April 2003, and which was approved by the Mississippi Department of Environmental Quality on July 24, 2003.

This authorization was based upon an approved determination that there are jurisdictional areas on the property subject to regulation pursuant to Section 404 of the Clean Water Act. An appeals form and a basis have been enclosed for your review (enclosure 5).

Thank you for advising us of your plans. If you change your plans for the proposed work or if the proposed work does not comply with the conditions of the Nationwide Permit, please contact Mr. Mike Stewart, telephone (601) 631-5998, fax (601) 631-5459, or e-mail address: regulatory@mvk02.usace.army.mil. In any future correspondence concerning this project, please refer to identification No. 200302690. I am forwarding copies of this letter to Ms. Christine Slagle, Martin and Slagle GeoEnvironmental, Associates, LLC, Post Office Box 1023, Black Mountain, North Carolina 28711-1023; Mr. Tony Russell, Chief, Assessment Remediation Branch, Office of Pollution Control, Mississippi Department of Environmental Quality, Post Office Box 10385, Jackson, Mississippi 39289-0385; and Ms. Anna W. Schoonover, Solutions, Incorporated, Post Office Box 820127, Vicksburg, Mississippi 39182-0127. For your information, please read brochures Recognizing Wetlands and Operations Division "The Best of the Best" (enclosure 6).

Sincerely,



Michael F. McNair, R.F.
Team Leader, Permit Section
Permit Section

Enclosures

July 23, 2003

Mrs. Elizabeth S. Guynes
Chief, Regulatory Branch
Vicksburg District Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

RE: Pre-Construction Notification for Nationwide Permit 38 for Kuhlman Electric to Lake Chautauqua Site, Copiah County, MS, Section 24, T2N-R2W

Beth
Dear Mrs. Guynes:

On behalf of our client, Martin & Slagle Geo Env. Assoc., LLC, I am requesting authorization for remediation of the above-referenced site under Nationwide permit 38 (Cleanup of Hazardous and Toxic Waste). A wetland determination has been obtained (Identification number 200307200).

Information required for PCN of Nationwide 38 follows:

1. Name, address and telephone number of permittee:
Martin & Slagle Geo Env. Assoc., LLC
PO Box 1023
Black Mountain, NC 28711
Telephone Number: 828-669-3929
2. Location of the project:
The approximately 23-acre site is location in Section 24, T2N-R2W, Copiah County, MS. It is inside the city limits of Crystal Springs, MS situated along a drain that extends from Kuhlman Electric to Lake Chautauqua.
3. Brief Description of the project, the purpose, direct and indirect adverse environmental effects and other NWP(s), Regional General Permit(s) or Individual Permit(s).
Mississippi Department of Environment Quality has ordered the remediation of the site. Contaminated material will be excavated from all areas of the site including the bottom and/or sides of the drain and some wetlands areas. After all contaminated material has been removed and hauled to an approved landfill, clean fill material will be placed in excavated areas to pre-project elevations. Since the area is contaminated with PCB's, the



SOLUTIONS U
Z
-

P. O. Box 820127 • Vicksburg, MS 39182-0127 • 601-634-6118 Office • 601-638-0097 Fax
P. O. Box 6341 • Diamondhead, MS 39525-6341 • 228-255-5511 Office/Fax

Mrs. Elizabeth S. Guynes
July 23, 2003
Page 2

overall effect will be positive and not adverse. The direct effect will be removal of contaminated material. No adverse indirect impact is expected to occur. Overall, water quality and habitat will be improved. No other NWP's, GP's, or individual permits will be necessary for this proposal.

4. Wetland Delineation

A Preliminary Wetlands Delineation was sent to the Vicksburg District (Corps) in May 2003. Mr. Mike Stewart was the project manager for the Corps. The Corps Identification Number is 200307200. Approximately 2.87 acres of wetlands and approximately 0.84 acres of other waters of the U.S. are located on the site.

5. Federally-listed endangered or threatened species:

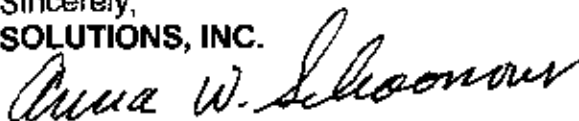
No adverse impact to any Federally-listed endangered or threatened species or their habitats is expected as a result of this project.

6. Historic Properties listed in, or eligible for listing in, the National Register of Historic Places

There are no known historic properties listed in or are eligible for listing in, the National Register of Historic Places on the project site. No impacts to any historic properties are expected to occur as a result of this project.

If you have any questions or need further information, please contact me at telephone number 601-634-6118.

Sincerely,
SOLUTIONS, INC.



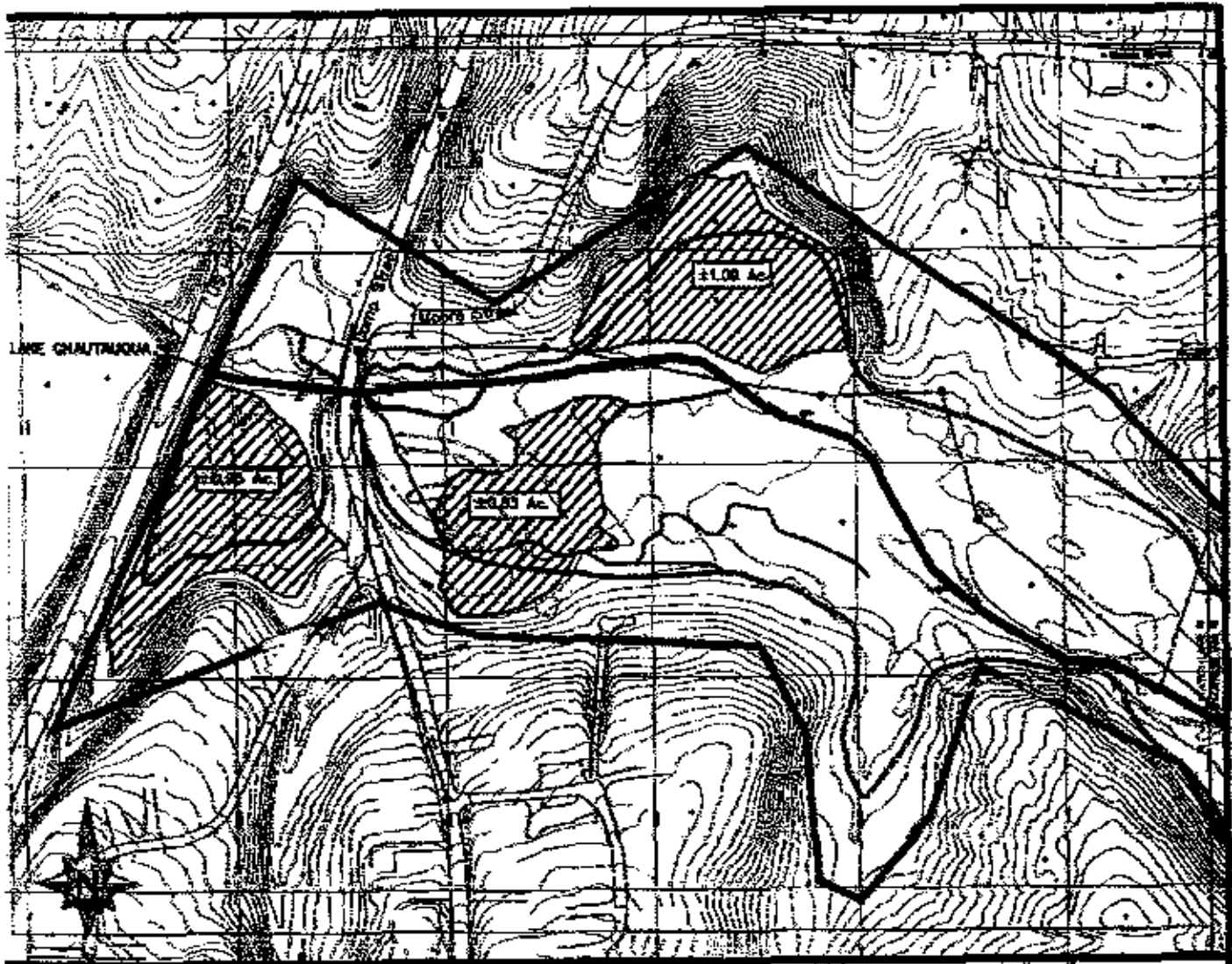
Anna W. Schoonover
President



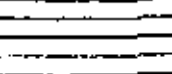

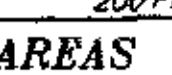
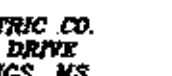
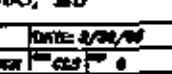


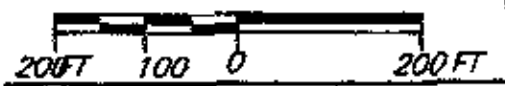
Mrs. Elizabeth S. Guynes
July 23, 2003
Page 3

CF: Ms. Christine Slagle
Martin & Slagle Geo Env Assoc, LLC
PO Box 1023
Black Mountain, NC 28711





WETLAND STUDY AREA	
WETLANDS	
WETLANDS	
WETLAND	
± 2.87 ACRES TOTAL	
PERMANENT STREAMS	
± 4,611 LINEAR FT.	
100 YR FLOOD PLANE	
POTENTIALLY CONTAMINATED AREA	

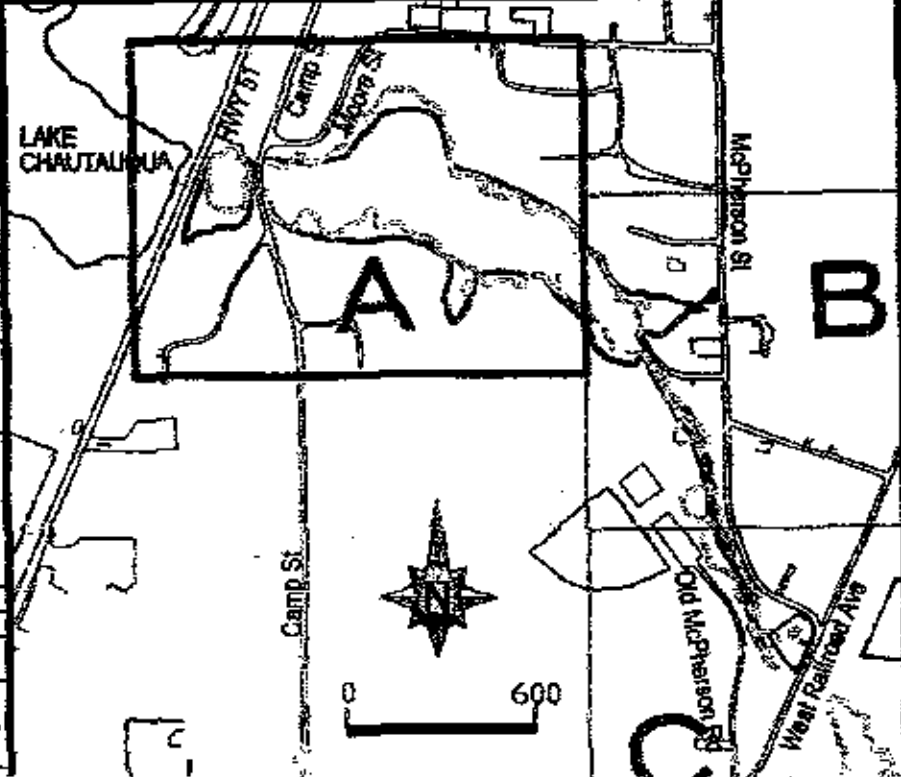


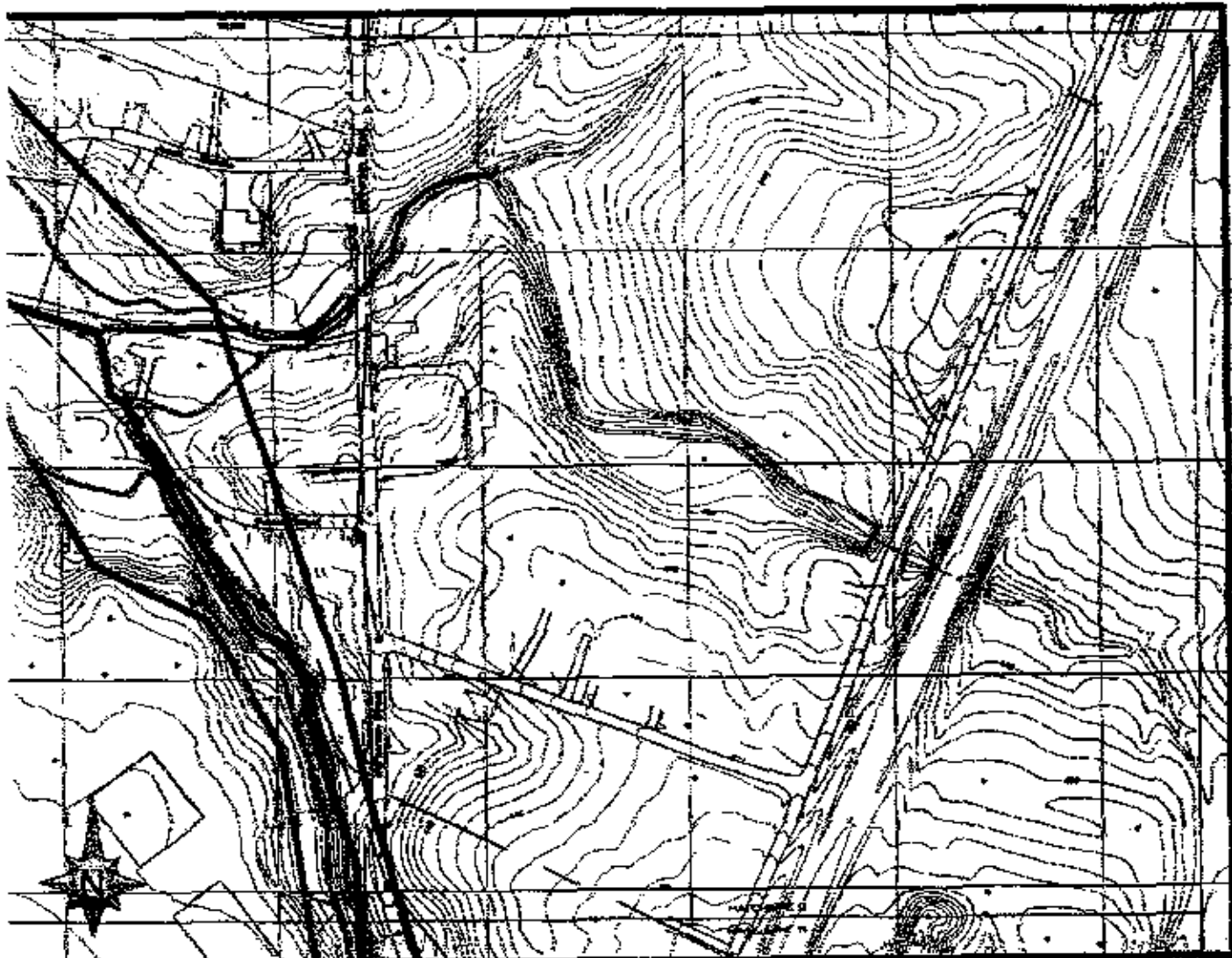
WETLANDS AREAS
 KUHLMAN ELECTRIC CO.
 101 KUHLMAN DRIVE
 CRYSTAL SPRINGS, MS


PROPERTY MAP DATE: 3/24/96
 1" = 200' 1" = 200'

PREPARED FOR: **BORGWARNER INC.**

DESIGNED AND DRAWN BY: **SOLUTIONS**
 101 KUHLMAN DRIVE
 CRYSTAL SPRINGS, MS 38901
 662-281-1111





WETLAND STUDY AREA	_____
WETLANDS	_____
WETLANDS	_____
WETLAND	
± 2.87 ACRES TOTAL	
PERMANENT STREAMS	_____
± 4,611 LINEAR FT.	
30 YR FLOOD PLANE	_____
POLLUTED AREA	_____

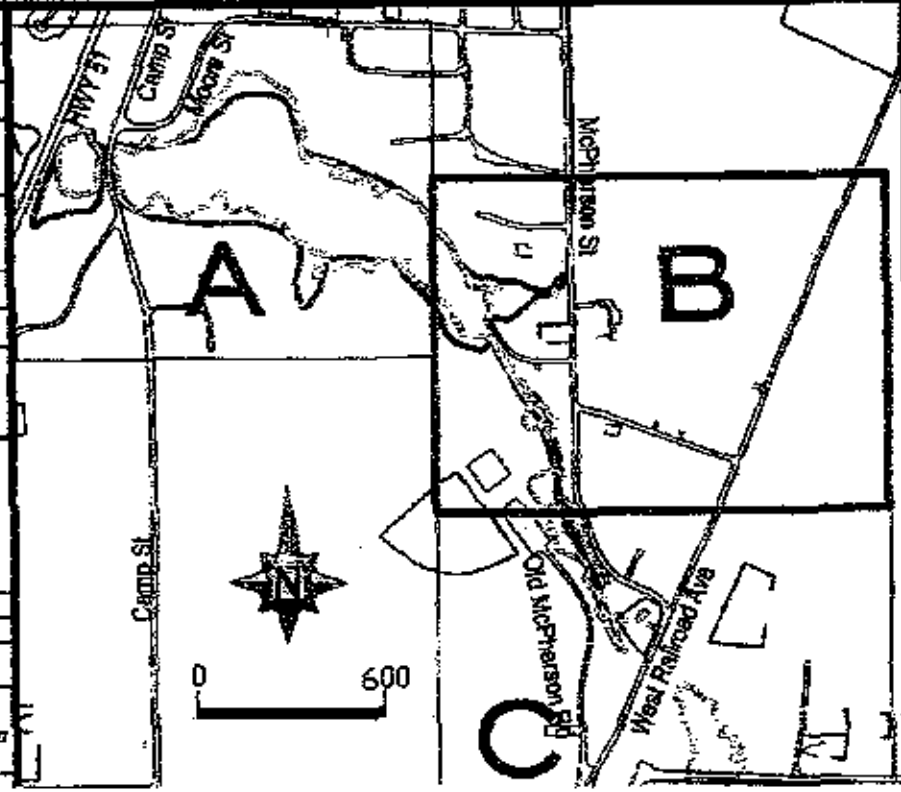
WETLANDS AREAS

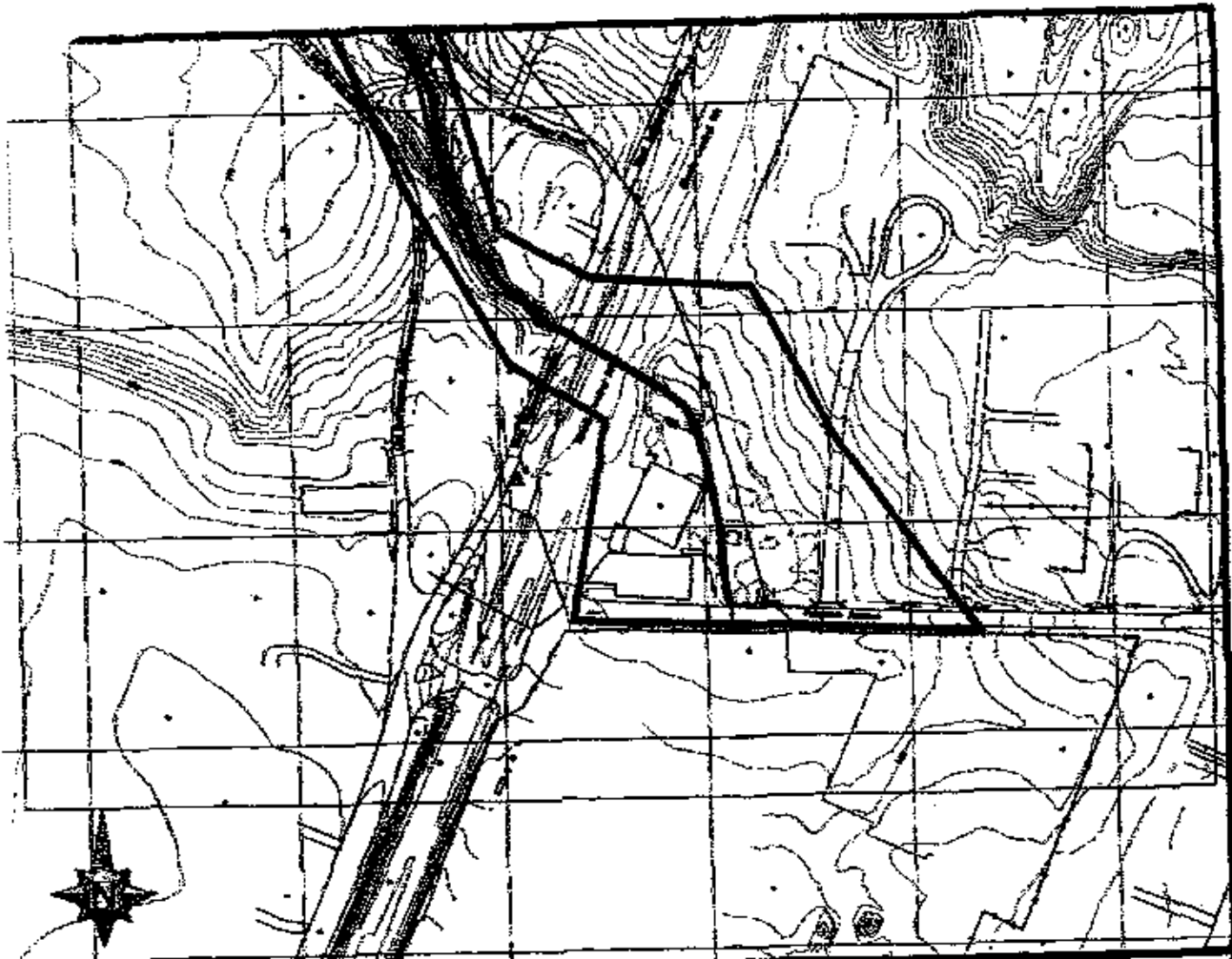
KUHLMAN ELECTRIC CO.
101 KUHLMAN DRIVE
CRYSTAL SPRINGS, MS


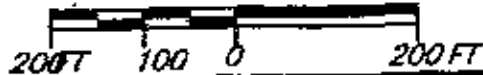
PROJECT MAP DATE: 4/28/98
1 INCH = 500 FEET

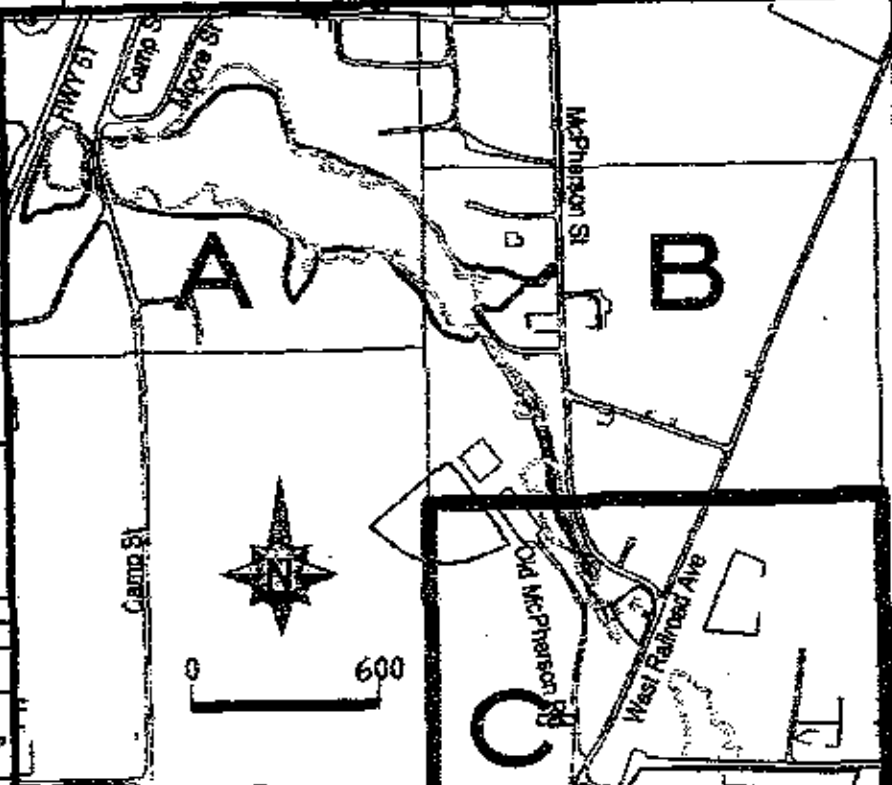
PREPARED FOR: **BORGWARNER INC.**

WETLANDS Delineation BY: **Solutions**
P.O. BOX 4400
VICKSBURG, MS 39180-4400
PHONE: 662-638-2500
FAX: 662-638-2500






WETLAND STUDY AREA	_____
MAJORS	_____
MINORS	_____
WETLAND	
± 2.87 ACRES TOTAL	_____
EPHEMERAL STREAMS	_____
± 4,611 LINEAR FT.	_____
100 YR FLOOD PLANE	_____
CONTAMINATED AREA	_____
	
<p>WETLANDS AREAS KUHLMAN ELECTRIC CO. 101 KUHLMAN DRIVE CRYSTAL SPRINGS, MS</p>	
VEGETY MAP	DATE 2/24/90
1 INCH = 500 FEET	SCALE 1:500
PREPARED FOR: BORGWARNER INC.	
WETLANDS DELINEATION BY:	Solutions <small>FOR THE ENVIRONMENT</small> <small>CONSERVATION & RESTORATION</small> <small>WORLD WIDE</small>



FAX

To: Mike Stewart USCOE	From: TONY RUSSELL
	 Office of Pollution Control P. O. Box 10385 Jackson, MS 39289-0385
	MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
Phone: 601- ⁶³¹ 361 -5998	Phone: (601) 961- 5318
Fax: 601- ⁶³¹ 361 -5459	Fax: (601) 961- 5300

Date: July 24, 2003 Routine Priority

Number of pages, including this one: 8

Messages: _____

Attached are the copies of the letters per your request.
Call me if you have further questions.

Tony



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

FILE COPY

July 24, 2003

via email & US Mail

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: North Drainage Channel Remediation Work Plan
Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your letter dated July 1, 2003, concerning the above referenced work plan. MDEQ concurs with your responses to our letter dated June 24, 2003; therefore, the work plan is acceptable. The revised pages have been inserted into the original work plan.

Please call me at 601-961-5318 with any questions you may have.

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

cc: Craig Brown USEPA Region IV
via email only: Mike Steward COE - Vicksburg, MS

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 "G" as described in the attached sketch.

THIS the 23rd day of July, 2003 at 2:30 p.m. Eastern

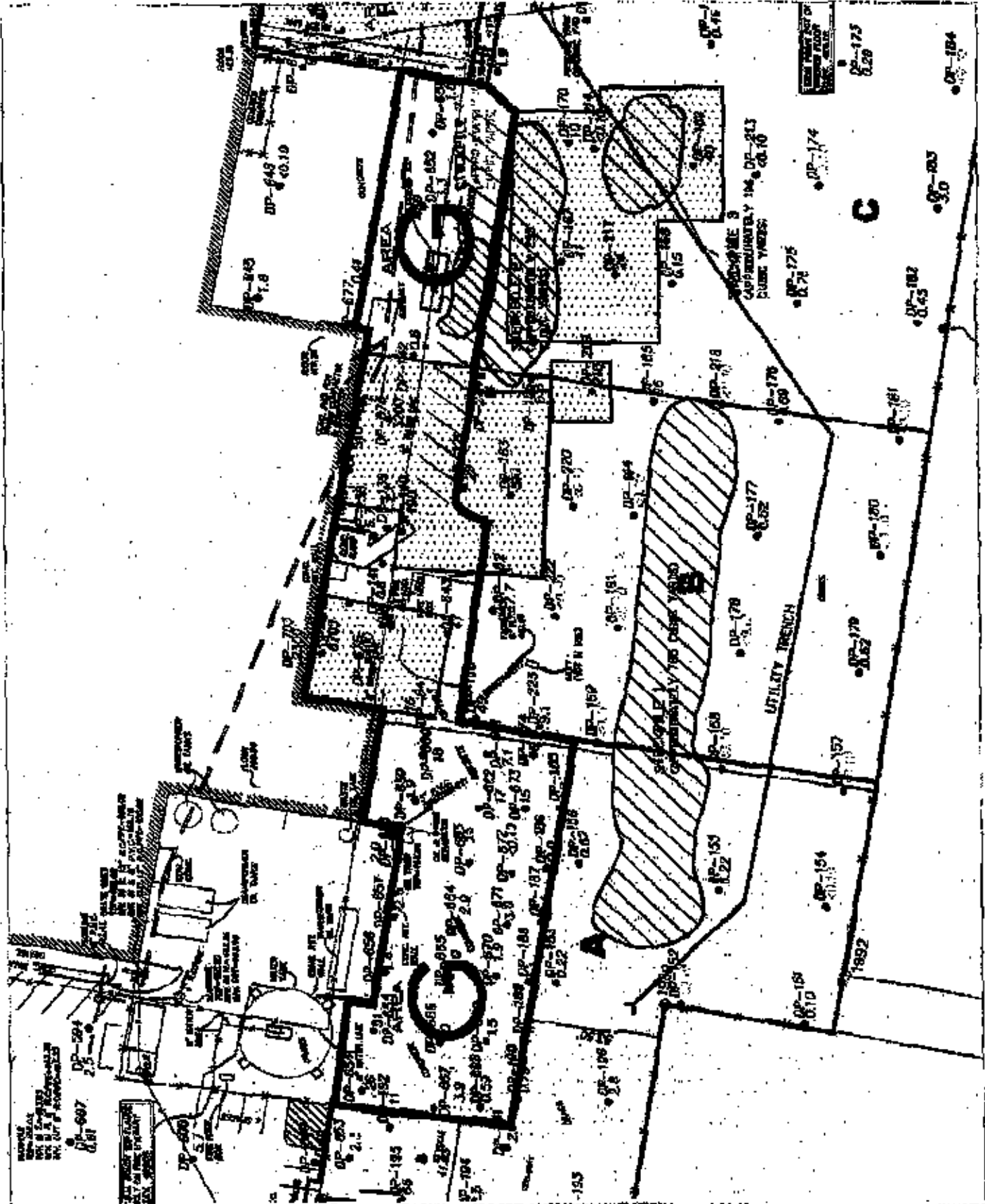


Fax


BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

FAX TRANSMITTAL INFORMATION													
From: Anastasia Hamel	To: Distribution List – See Below												
Of: BorgWarner Inc.	Of:												
Phone: (248) 754-0159	Fax:												
Fax: (248) 754-9159	RE: Attached Notice of Remediation												
<p>Notice of Remediation Fax Distribution List:</p> <table border="0"> <tr> <td>Meg McAlister and Doug Mercier</td> <td>Fax: 601-355-9191</td> </tr> <tr> <td>Randy Horsack at 3TM International, Inc.</td> <td>Fax: 281-497-1676</td> </tr> <tr> <td>Daphne Lancaster</td> <td>Fax: 601-583-2677</td> </tr> <tr> <td>Tom Lupo</td> <td>Fax: 312-269-8869</td> </tr> <tr> <td>Chuck Barlow, MDEQ</td> <td>Fax: 601-961-5349</td> </tr> <tr> <td>Tony Russell, MDEQ</td> <td>Fax: 601-961-5300</td> </tr> </table>		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
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												
<p><small>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.</small></p>													
Date: July 23, 2003	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



BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION

By: 
ANASTASIA HAMEL
Director, Environmental Programs
Borg Warner Inc.

DAVID NUTT & ASSOCIATES, P.C.
ATTORNEYS AT LAW

DAVID H. NUTT
MARY E. MCALISTER*
DOUGLAS G. MERCIER

JUL 21 2003
JOLIE GLENNER, PARALEGAL

*Also licensed in Louisiana

July 21, 2003

VIA HAND DELIVERY

Tony Russell
Chief, Uncontrolled Sites
101 W. Capitol Street
Jackson, MS 39201

Re: Kuhlman Electric Corporation site, Crystal Springs, MS
Kellum, et al. v. Kuhlman Corporation, et al., Copiah County Circuit
Court CA# 2001-0313 thru 0324

Dear Mr. Russell:


We represent John and Dorothy Edwards, 406 Lee Avenue, Crystal Springs, Mississippi, and Paul and Susie Kellum, 412 Lee Avenue, Crystal Springs. Their yards were purportedly remediated by Kuhlman Electric to the 1 ppm standard for PCBs. However, recent confirmatory sampling of those yards by 3TM International, Inc. found PCBs still present above the remediation standard. Enclosed is a copy of 3TM's Supplement Report, PCB Litigation, Crystal Springs, MS, dated May 16, 2003. We have flagged and highlighted the pertinent pages for your review.

Please advise whether or not MDEQ will require Kuhlman to undertake additional remediation of the yards, and if so, whether or not MDEQ will require Kuhlman to relocate our clients during remediation activities. We request that the inhabitants be relocated during remediation as we have evidence of recent exposure to the lighter end PCB congeners in members of these two households, which we have not found in any other Crystal Springs clients. We believe it to be significant that household members at the only two residential yards remediated to date show these congener patterns and, therefore, believe the recent PCB exposure occurred when Kuhlman previously remediated the two yards. For that reason, we request MDEQ to require Kuhlman to relocate the families during remediation activities.

We look forward to your reply. Please let us know if you need any further information.

Sincerely yours,

DAVID NUTT & ASSOCIATES


Mary E. McAlister

Enclosure

Cc: Mr. and Mrs. John Edwards
Mr. and Mrs. Paul Kellum
Chuck Barlow, Esquire



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

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS
FROM: Tony Russell *TR*
DATE: July 17, 2003
SUBJECT: Status Meeting

Status meeting was held on Thursday, July 17, to discuss work at the above referenced site.

ONSITE:

Should finish Area F by the end of July. Only have one more area onsite, Area G. Will send out notices to Plaintiffs for this area shortly. Finish drive way to maintenance shed during the last phase. Anticipating a strike by the Union so they are going to fence the staging area to keep people out. DEQ reminded them of the small area under the Street in front of the Frazier's house that still contained PCB concentrations greater than 1 ppm but less than 10 ppm. Additional soil removal required under Fulgham Avenue, side wall samples showed concentrations greater than 1 ppm. They will remove a 2 x 2 foot area of soil on the East side of the Kuhlman property once the Plaintiffs let them know they are through with the sampling of tree bark in that area.

DRAINAGE CHANNEL:

DEQ reminder BW that COE wants an application for the wetlands. BW is still negotiating with the wetland contractor about what will be permitted prior to submitting application. DEQ has approved RAP for the channel. BW implemented the work as required in the order by removing soil between Fulgham and KEC's fence. They will remove the culvert under Fulgham within the next couple of weeks. City to provide the new culvert. Once culvert is removed can start on old Ice House property. DEQ reminded to send extra copy of maps and data tables to the land owners along the drainage channel.

Next meeting scheduled for September 19, 2003.

K:\Sharadi\UCSS\Tony\Kuhlman Electric\KEC status meeting 7-17-03.doc



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

FILE COPY

July 8, 2003

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Brent Street Property
Administrative Order #4587-03
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your letter dated June 20, 2003, concerning the above referenced site. The *interim corrective action measures are acceptable.*

It is our understanding that a meeting between MDEQ, BorgWarner, David Rodger's and his attorney will take place on July 17 at the KEC facility in Crystal Springs to obtain information that will be used by BorgWarner to prepare a site characterization work plan. It is understandable that BorgWarner may not be able to meet the requirements of the order until they obtain information supplied by David Rodgers. MDEQ will request that BorgWarner submit the work plan at a mutually agreeable time that can be determined during the status meeting also to be held on July 17.

As far as site access, MDEQ mailed Mr. Francis Jackson a copy of the order and informed him that he would be contacted for site access.

Kelly Riley will be replacing Kelli Dowel to handle the legal issues for MDEQ. Please call me at 601-961-5318 with any questions you may have.

Sincerely,

Tony Russell, Chief
Uncontrolled Sites Branch

K:\Shared\UCSSITony\Kuhlman Electric\KEC daq approv of interim measures 7-8-03.doc

AH-03-1776

VIA FACSIMILE:601-968-9425



BorgWarner

July 7, 2003

David A. Barfield, Esq.
Barfield & Associates
233 East Capitol Street
Post Office Drawer 3979
Jackson, Mississippi 39207-3979

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

RE: *Mississippi Commission on Environmental Quality v. Kuhlman Electric Corporation and David Rogers, Before the Mississippi Commission on Environmental Quality, Order No. 4587 03*

Dear Mr. Barfield:

I have been in contact with Tony Russell at MDEQ and am contacting you at his request to confirm that you and Mr. David Rogers will be available to meet at the Kuhlman Electric Corporation (KEC) facility at 8:00 am on July 17, 2003.

Tony Russell, Ms. Kelly Riley, who Mr. Barlow has designated as the MDEQ attorney for the site, myself and Mr. Tom Lupo, who will participate via telephone, will attend the meeting.

Please confirm your availability as soon as possible.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: K. Riley, MDEQ
T. Russell, MDEQ
S. Bransfield, BW
T. Lupo, S&S

JUL 3 - 2003

AH-03-1774

VIA UPS NEXT DAY AIR



BorgWarner

July 1, 2003

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

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

**Re: North Drainage Channel Remediation Work Plan
Response to MDEQ Comments**

Dear Mr. Russell:

Attached please find BorgWarner Inc.'s responses to MDEQ's Comments with respect to the Remediation Work Plan for the North Drainage Channel located in Crystal Springs, Mississippi. Also attached are the requested replacement pages for the appropriate sections of the Remediation Work Plan and the updated Figure 2.

In the event there are any questions please feel free to contact me directly at 248-754-0159.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

Attachments

**REMEDICATION WORK PLAN FOR THE
NORTH DRAINAGE CHANNEL
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

**RESPONSE TO MDEQ COMMENTS
June 24, 2003**

The following are responses to comments from Mississippi Department of Environmental Quality (MDEQ) dated June 24, 2003, regarding its review of the *Remediation Work Plan for the North Drainage Channel* located in Crystal Springs, Mississippi. MDEQ has approved the work plan provided the following items are incorporated into the Plan:

1. *Section 2.0 Conceptual Plan – The Brownfield document referenced in the second paragraph was amended February 28, 2002.*

RESPONSE- The amended date was inserted where referenced in the text. Revised pages are attached to this response.

2. *Section 3.1 Remediation Activities, Page 3-3 – The plan mentions that a five point composite sample will be collected from each roll-off. MDEQ requires that at each point, the sample not be collected from the top portion but throughout the depth at that point.*

RESPONSE- Five random locations in random representative depths will be chosen per roll-off box and composited into one sample for analysis.

3. *Section 3.6 Confirmation Sampling Plan, Page 3-16 – The plan proposed to only collect two (2) samples from the base of the excavation. MDEQ also requires that a sample be collected from the each wall of the excavation.*

RESPONSE- While not specifically stated in the text, samples will be collected from sidewalls as indicated by the procedure for determining sample grid spacing described in the *State of Michigan Department of Environmental Quality, Waste Management Division, Guidance Document, Verification of Soil Remediation, April 1994, Revision 1*, as adopted by Mississippi DEQ for use on projects of this nature. Sidewall samples will be collected on the same grid spacing as determined by the equations for large and medium sized sites included on page 3-14 of the work plan, or in accordance with Table 2 on page 3-15 of the work plan for small sites, as appropriate based on the total square footage of each site. The text of the work plan has been modified and revised pages are included in this response.

4. *Section 6.0 Quality Assurance Plan – The SOP referenced in this section was amended November 2001.*

RESPONSE- The text was revised to reflect this fact. The SOP amended November 2001 was used in preparing this work plan.

5. *Section 7.0 References – amend the dates for the two documents referenced in items 1 and 4 above.*

RESPONSE- A revised reference page has been included in this response.

6. *Figure 2 – The PCB contour lines on the figure are not labeled. Those areas with PCB concentrations greater than 50 ppb should be labeled on the figure.*

RESPONSE- MDEQ's comment indicates that areas with PCBs greater than 50 ppb be labeled. The remedial goal established by regulation for this site is 1.0 ppm. The figure has been revised to show the areas with PCBs greater than 1.0 ppm and greater than 50 ppm. A revised figure is included in this response. Per the July 1, 2003 e-mail (attached) it is BorgWarner's understanding that the 50 ppb contour was a typographical error and therefore a figure depicting the 50 ppb concentration is not required.

7. *MDEQ requires that BorgWarner obtain written approval from MDEQ prior to deviating from the approved work plan.*

RESPONSE- If a deviation from the approved Work Plan is necessary, BorgWarner will request written approval from MDEQ as required.

Hamel, Anastasia (PTC-Auburn Hills)

From: Tony_Russell@deq.state.ms.us
Sent: Tuesday, July 01, 2003 2:23 PM
To: ahamel@bwauto.com
Subject: letter dated June 24, 2003

Anastasia,

This email will be my formal response to correct the error in MDEQ's letter dated June 24, 2003, comment #6. The PCB concentration contour lines should be at 50 ppm (parts per million) and not ppb (parts per billion) as stated in the letter. Sorry for any inconvenience this may have caused.

Sincerely,

Tony Russell

Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch Chief
Phone 601-961-5318
Fax 801-961-5300



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

June 24, 2003

Via Facsimile and U.S. Mail

Anastasia Hamel
Director, Environmental Programs
BorgWarner, Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

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

Dear Ms. Hamel and Mr. Barfield:

I have received both BorgWarner's response to Mississippi Commission on Environmental Quality Order No. 4587-03 and David Rodgers' Sworn Petition and Notice of Appeal requesting an evidentiary hearing regarding the same order. It appears to me on reading the two documents that BorgWarner is prepared to proceed with the analysis and remediation required by Order No. 4587-03, but that BorgWarner needs the cooperation and information that, hopefully, Mr. Rodgers can provide concerning any material deposited at the Brent Street property. Mr. Rodgers, on the other hand, states that he is willing to provide the information *required by the order*, but does not believe that he should be required to bear the expense of analysis and remediation.

Reading the two documents together, it seems that the two of you could have a conversation and work out a plan where BorgWarner undertakes the analysis and remediation required by the order and Mr. Rodgers provides the information required by the order to both BorgWarner and MDEQ. It seems that all of this can be accomplished without requiring a hearing before the Commission.

Please speak to each other regarding the apparent agreement between these documents and let me know in the next several days whether you have been able to reach further agreement that avoids the Commission hearing. For your convenience, I have attached a copy of BorgWarner's response and Mr. Rodgers' Sworn Petition and Notice of Appeal.

Thank you for your cooperation in this matter. With best regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck D. Barlow". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chuck D. Barlow
General Counsel

CDB/sas

Enclosures



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

FILE COPY

June 24, 2003

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: Remediation Work Plan for the North Drainage Channel dated April
2003
Kuhlman Electric Site
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced work plan. MDEQ approval of the work plan is contingent on incorporation of the following comments:

1. Section 2.0 Conceptual Plan – The brownfield document referenced in the second paragraph was amended February 28, 2002.
2. Section 3.1 Remediation Activities Page 3.3 – The plan mentions that a five-point composite will be collected from each roll-off. MDEQ requires that at each point, the sample not be collected from the top portion but through out the depth at that point.
3. Section 3.6 Confirmation Sampling Plan Page 3.16 – The plan proposed to only collect two (2) samples from the base of the excavation. MDEQ also requires that a sample be collected from each wall of the excavation.
4. Section 6.0 Quality Assurance Plan – the EPA SOP referenced in this section was amended November 2001.
5. Section 7.0 References – amend the dates for the two documents referenced in items 1 and 4 above.

6. Figure 2 – The PCB contour lines on the figure are not labeled. Those areas with PCB concentrations greater than 50 ppb should be labeled on the figure.
7. MDEQ requires that BorgWarner obtain written approval from MDEQ prior to deviating from the approved work plan.

MDEQ requires that the amended pages be punched and submitted so the incorrect pages in the work plan can be replaced with the corrected ones. Please call me at 601-961-5318 with any questions you may have.

Sincerely,

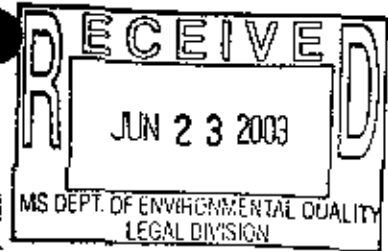


Tony Russell, Chief
Uncontrolled Sites Branch

cc: Craig Brown USEPA Region IV

BARFIELD & ASSOCIATES

ATTORNEYS AT LAW, P.A.
233 EAST CAPITOL STREET
POST OFFICE BOX 3979
JACKSON, MISSISSIPPI 39207-3979
TELEPHONE (601) 968-9420
FACSIMILE (601) 968-9425



DAVID A. BARFIELD
KAY BARNES BAXTER
LARA ASHLEY COLEMAN
RICHARD D. GAMBLIN
STEVEN L. LACEY
WES W. PETERS
KIMBERLY R. WALLACE

NEW ORLEANS OFFICE:
400 FOYDRAS STREET, SUITE 1400
NEW ORLEANS, LOUISIANA 70130
TELEPHONE (504) 568-1562
FACSIMILE (504) 568-1560

* ALSO ADMITTED IN ARKANSAS AND LOUISIANA;
RESIDENT IN THE NEW ORLEANS OFFICE

June 20, 2003

VIA HAND DELIVERY

Mr. Charles H. Chisolm
Executive Director
Mississippi Department of Environmental Quality
2380 Highway 80 West
Jackson, Mississippi 39204

Re: *Mississippi Commission on Environmental Quality v. Kuhlman Electric Corporation
and David Rodgers, Before the Mississippi Commission on Environmental Quality,
Order No. 4587 03*

Dear Mr. Chisolm:

Enclosed please find a Sworn Petition and Notice of Appeal which is being served on you on behalf of L. M. & R. Service, Inc. and David Louis Rodgers.

Very truly yours,

BARFIELD & ASSOCIATES
Attorneys at Law, P.A.

A handwritten signature in cursive script that reads "David A. Barfield".

David A. Barfield

DAB:ka

Enclosure

cc: Chuck D. Barlow, Esq. w/encl. via U. S. Mail
Mr. John Zvolensky w/encl. via U. S. Mail
Thomas D. Lupo, Esq. w/encl. via U. S. Mail
Thomas W. Tyner, Esq. w/encl. via U. S. Mail

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 4587 03

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

DAVID RODGERS, INDIVIDUALLY AND AS
PRESIDENT
L.M.&R. SERVICE, INC.
4152 SIX MILE ROAD
CRYSTAL SPRINGS, MISSISSIPPI 39059

RESPONDENTS

SWORN PETITION AND NOTICE OF APPEAL

Pursuant to Mississippi Code Ann. § 49-17-41, Respondents, L. M. & R. Service, Inc.¹ ("LM&R") and David Louis Rodgers ("Rodgers"), file this Sworn Petition and Notice of Appeal of the Mississippi Commission on Environmental Quality's (the "Commission") May 21, 2003 Order ("Order"), and hereby request a hearing before the Full Commission. As set forth below, and as will be further shown at the Commission hearing, the Commission's Order should be reversed as to Respondents LM&R and Rodgers for the following reasons:

1. The Commission's Order requires Rodgers and LM&R to provide the Mississippi Department of Environmental Quality ("MDEQ") with information indicating where the debris or

¹ David Louis Rodgers is not now, and has never been, the President of LM&R. His son, David Lester Rodgers is the President of LM&R and has been since its incorporation. Accordingly, LM&R has not been properly served with the Commission's Order. However, LM&R has been made aware of the same and, in the spirit of cooperation, hereby waives formal service of the Order.

soil excavated from the Ice House property was deposited. Rodgers and LM&R are willing to cooperate and provide all such information and in fact, Rodgers has already given deposition testimony related to this topic. The Commission Order compelling the disclosure of such information is not in dispute. Rodgers and LM&R will be happy to show MDEQ representatives the location of the disposed material at a mutually agreeable date and time.

2. Any contamination found at the Kuhlman Electric Corporation ("Kuhlman") site and ultimately at the Brent Street property in Crystal Springs, Mississippi was caused not by Rodgers and LM&R, but by Kuhlman and/or employees of Kuhlman. Rodgers and LM&R were unaware that any contamination existed at the Kuhlman site until Rodgers was served with a Summons and Complaint in the *Kelham, et al. v. Kuhlman Corporation, et al.* matter in mid-2001. If LM&R and Rodgers had been aware of contamination at Kuhlman, Rodgers and LM&R would not have hauled soil and debris from the site to property personally owned by Rodgers.

3. The Commission's Order requires extensive remediation at the Brent Street property. Rodgers and LM&R have no knowledge or experience in how to develop remediation plans for contaminated property. Further, and most importantly, Rodgers and LM&R have no financial resources with which to accomplish a remediation such as this.

4. If the Brent Street property is contaminated, it is Kuhlman that contaminated the property. Rodgers and LM&R believed they were hauling normal dirt, concrete and debris to fill in a hole on some property owned by Rodgers. But for Kuhlman's acts or omissions, there would be no need to remediate the Brent Street property. It is Kuhlman that contaminated the soil and debris hauled to Brent Street. It is Kuhlman that failed to advise Rodgers that the soil and debris he was removing from the property was contaminated. It is Kuhlman that is liable for any remediation of

the Brent Street property. It is Kuhlman who has the financial resources to accomplish a remediation such as this. It is Kuhlman that has the knowledge and ability to properly complete a remediation. It is Kuhlman that has been and is currently remediating property in various parts of Covich County as a result of contamination.

5. The Commission's Order does not adequately identify any particular statute, rule or regulation Rodgers and/or LM&R are alleged to have violated and, therefore, is so impermissibly vague as to prevent an adequate defense so as to be violative of the Constitutions of the United States and the State of Mississippi.

6. Ordering Rodgers and LM&R to remediate the property results in an unconstitutional taking of property without due process of law in violation of the Constitutions of the United States and the State of Mississippi.

7. Under the law of the State of Mississippi, Rodgers and LM&R are entitled to full indemnity from Kuhlman, making Kuhlman the only ultimately responsible party, so the Order for remediation should properly be directed only to Kuhlman.

8. No act or omission of Rodgers or LM&R caused in fact, the soil and debris which was deposited at Brent Street to be contaminated and there was no basis for them to know of such contamination and, therefore, they can and should have no legal liability for remediation.

9. For the foregoing reasons and other reasons to be presented at the hearing on this matter, the Commission's May 21, 2003 Order should be reversed as to Respondents David Rodgers and LM&R, and the Order should be amended to reflect that Kuhlman is solely responsible for remediating the Brent Street property. Rodgers and LM&R are willing to provide all information

concerning disposal of the Ice House property and where on the Brent Street property the soil and debris was deposited.

Respectfully submitted, this the 30th day of June, 2003.

David Louis Rodgers
DAVID LOUIS RODGERS

David Lester Rodgers
L. M. & R. SERVICE, INC
By: David Lester Rodgers, Its President

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, David Louis Rodgers, who acknowledged to me, after being first duly sworn, that the matters and facts set forth in the foregoing Sworn Petition and Notice of Appeal are true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30th day of June, 2003.

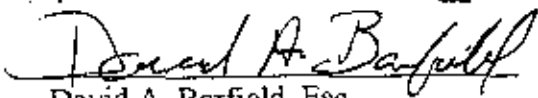
Valerie K. (Chappell) Aldridge
NOTARY PUBLIC
My Commission Expires: MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 30, 2003
BONDED THRU STEGALL NOTARY SERVICE

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, David Lester Rodgers, President of L.M.&R. Service, Inc., who acknowledged to me, after being first duly sworn, that the matters and facts set forth in the foregoing Sworn Petition and Notice of Appeal are true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30th day of June, 2003.

Valerie K. (Chappell) Aldridge
NOTARY PUBLIC
My Commission Expires: MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 30, 2003
BONDED THRU STEGALL NOTARY SERVICE



David A. Barfield, Esq.
MS Bar No. 1994
Lara Ashley Coleman, Esq.
MS Bar No. 10506
BARFIELD & ASSOCIATES
Attorneys at Law, P.A.
233 East Capitol Street
Post Office Drawer 3979
Jackson, Mississippi 39207-3979
Telephone: (601) 968-9420
Facsimile: (601) 968-9425
**ATTORNEYS FOR L.M.&R. SERVICE, INC.
AND DAVID LOUIS RODGERS**

CERTIFICATE OF SERVICE

I, David A. Barfield, one of the attorneys for David Louis Rodgers and L.M.&R. Service, Inc., do hereby certify that I have this day caused to be sent a true and correct copy of the above and foregoing Sworn Petition and Notice of Appeal to the following:

VIA HAND DELIVERY

Mr. Charles H. Chisolm
Executive Director
Mississippi Department of Environmental Quality
2380 Highway 80 West
Jackson, Mississippi 39204

VIA U. S. MAIL

Chuck D. Barlow, Esq.
General Counsel
Mississippi Department of Environmental Quality
Post Office Box 20305
Jackson, Mississippi 39289-1305

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

Thomas D. Lupo, Esq.
Seyfarth Shaw
55 E. Monroe Street, Suite 4200
Chicago, Illinois 60603-5803

Thomas W. Tyner, Esq.
Daphne M. Lancaster, Esq.
Aultman, Tyner, Ruffin,
& Yarborough, Ltd.
Post Office Drawer 750
Hattiesburg, Mississippi 39403-0750

Anticipated Counsel for Kuhlman Electric Corporation

So certified, this the 20th day of June, 2003.


David A. Barfield



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

FILE COPY

June 23, 2003

Mr. Francis Jackson
Midsouth Lease & Sales, Inc.
314 East Railroad Avenue
Crystal Springs, MS 39059

Re: Kuhlman Electric Site
Brent Street Property
Crystal Springs, MS

Dear Mr. Jackson:

Please find attached a copy of the Administrative Order #4587 03 that was issued against Kuhlman Electric and David Rodgers. As owner of the property, one or both of these parties will be contacting you to gain access so they can implement the requirements of the order.

Please call me at 601-961-5318 with any questions you may have.

Sincerely,

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

Tony Russell, Chief
Uncontrolled Sites Branch

Enclosure

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman trans copy of order to Francis Jackson 6-23-03.doc



AH-03-1771

VIA FACSIMILE AND UPS NEXT DAY AIR



BorgWarner

June 20, 2003

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



Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: Administrative Order No. 4587 - 03

Dear Mr. Russell:

At the request of Kuhlman Electric Corporation ("KEC"), BorgWarner Inc. ("BorgWarner") is responding on KEC's behalf to Mississippi Department of Environmental Quality ("MDEQ") Administrative Order No. 4587-03, Section 8, Paragraphs B and C.

Pursuant to its indemnification of KEC, BorgWarner is preparing to undertake the actions required by Paragraphs B and C of the Administrative Order as follows:

(B) Within thirty (30) days of the date of this Order, Respondents or either of them must submit an INTERIM corrective action plan, which addresses the following in the order listed:

- 1) **the elimination of actual exposure to individuals (receptors),**
- 2) **the elimination of minimization of off-site migration of contaminants,**
- 3) **the elimination of potential exposure to receptors, and**
- 4) **the reduction of concentrations of contaminants to levels protective of human health and the environment**

The Brent Street property is approximately 80 feet by 62 feet in size and has a one story, wood frame house situated on the north side of the lot. The topography slopes from the house site towards the east, south, and west. A steep embankment borders the property on the south and west. The toe of the west embankment terminates in a drainage swale that borders the west property line. The original site was backfilled to make a building site with soil reportedly impacted by PCBs.

An occupied mobile home exists approximately 45 feet north of the house. A vacant lot is situated to the north, between the two residences.

The Interim Corrective Action at the Brent Street property will involve the capping of surficial impacted soil using a synthetic plastic liner material underlain by a geotextile reinforcement fabric. The property will be surrounded by temporary security fencing and will be posted against trespassing. The liner and fencing system will be able to:

- eliminate actual exposure to individuals (receptors) by providing a durable impervious barrier that will prevent direct human and animal contact with impacted soil;
- eliminate or minimize off-site migration of contaminants by providing a durable, impervious barrier that will prevent stormwater and wind from coming in direct contact with impacted soil;
- eliminate the potential exposure to receptors by providing physical barriers against human or animal contact with impacted soil, and will be posted with warnings against trespassing;
- reduce the concentrations of contaminants to levels protective of human health and the environment by isolating impacted soil from natural erosive mechanisms, by providing a clean, protective, impervious barrier against human or animal contact.

Prior to installation of the liner, all weeds and brush on the property will either be cut, or removed and properly disposed of at a permitted disposal facility. The liner system will consist, in part, of a woven, reinforced geotextile underlayment to guard against punctures of the plastic liner by rocks and sticks. An impervious cover will overlay the geotextile and will consist of a minimum of 12-mil thick ultraviolet resistant plastic. Seams will be heat-welded at the time of the installation. The liner borders will be anchored by "keying" the edges into soil trenches at the perimeter of the site. Keying will be accomplished by laying the plastic edge in the trench and backfilling the trench with clean soil. All spoil from the trenching process will be left under the liner after installation and will be dealt with during the remediation.

The entire area of known impacted soil to the north of the existing house will be covered, and the plastic will extend to the property line on the west, south and east side, or to the edge of fill area. The edge of the fill area is assumed to be the extent of the source area.

After installation of the cover, weekly inspections will be conducted by BorgWarner contractors to identify and correct any damage or wear and tear that may occur to the cover, anchoring system, security fencing, and signage.

(C) Implement the INTERIM corrective action plan within sixty (60) days of the date of this Order.

BorgWarner plans to proceed with the implementation of the INTERIM corrective action plan upon receiving MDEQ's approval of the plan as described (above) under the response to Paragraph B of the Administrative Order.

In addition, Paragraph D of the Administrative Order provides:

(D) Within sixty (60) days of the date of this Order, Respondents must submit a Site Characterization Work Plan that identifies and defines the extent of contamination both on-site and off-site in the format prescribed by MDEQ. A proposed schedule must accompany the Site Characterization Work Plan indicating all phases of Site Characterization activities, including a proposed Site Characterization completion date.

For clarification purposes, it is BorgWarner's understanding that the intention of Paragraph D of the Order is that the Characterization Work plan that is to be submitted will identify the activities to be conducted to define the extent of contamination both on-site and off-site in the format prescribed by MDEQ.

A subsequent Site Characterization Report will identify and define the extent of contamination both on-site and off site and detail the findings developed as a result of the implementation of the Site Characterization Work Plan.

Please note that it is imperative that BorgWarner promptly receive complete and thorough information as requested by Paragraph A of the Order, indicating the types of materials deposited at the Brent Street property by David Rogers and LM&R. If the information is not received within the required timeframe, BorgWarner will not have the information it needs to prepare a Site Characterization Work Plan that includes the appropriate elements as requested by MDEQ. Further, activities subsequent to Order requirement 8(D) can only proceed with the commensurate participation by co-Respondents given their development and sale of the property subsequent to the discovery of contamination. BorgWarner requests that MDEQ make itself available to designate or mediate tasks between Respondents if necessary.

Finally, please note that BorgWarner will not be able to perform any activity under the Order, which requires access to the Brent Street property and possibly other adjacent property(ies) unless such access is granted by the owner(s). In the event that the owner(s) is unwilling to grant such access voluntarily, BorgWarner requests that MDEQ make itself available to facilitate such access.

Mr. Tony Russell, MDEQ
June 20, 2003
Page 4 of 4

Please contact the undersigned directly at 248-754-0159 in the event there are any questions on the above.

Very truly yours,

A handwritten signature in cursive script that reads "Anastasia Hamel". The signature is written in black ink and extends across the page with a long horizontal flourish.

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

cc: S. Bransfield, BW
T. Lupo, Esq.
J. Barrett, Esq.
P. Acheson, KEC
T. Minnich, KEC



"ALAN THOMAS"
<ATHOMAS@kuhlman.com>

06/02/2003 09:07 AM

To: <Tony_Russell@deq.state.ms.us>
Subject: Contaminated Water Remediation from Sprinkler Leak at KEC

Tony; Per our discussion today, attached is the test report from the water remediated from the sprinkler leak at KEC. There are 2200 gallons of water that has been remediated to non-detect at an MDL of 0.5 ug/l. Per our discussion, KEC will dispose of this water via the storm water sewer on the KEC site. Thank You. Al Thomas

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Attention: This email message is intended solely for the addressee(s) named and should be considered confidential. If you are not the intended recipient please delete the message and notify the sender. Please be advised that any views or opinions presented are solely those of the author.



2ndbtch.pdf

Micro-Methods Laboratory, Inc.6500 Sunplex Drive
Ocean Springs, MS 39564
(228) 875-6420

Client: Environmental Mgmt. Services

Client Code: EMSK

Sample Description: Kuhlman Electric

Client Sample Description: Filtered 51203

Sample ID: AA33854

Lab File #: 05131356

General Information	Collection Data	Remarks
Sample Received : 5/13/2003 Matrix: water Date Validated: 05/20/03 Validated by: HPH	Date Collected: 5/12/2003 Time Collected: 3:00:00 PM Collected By: CLIENT	

Department: **ORGANIC**

PCB in Water

Extract Date: 05/13/03

Matrix: Soil

Amount: 990 Grams

Analyst: TKG

Date/Time: 5/16/2003

9:33:00 AM

Method Ref	CAS#	Parameter	Value	Units	MDL	Qualifiers
SW 8082	12674-11-2	Aroclor 1016	Less Than	ug/L	0.5	
SW 8082	11104-28-2	Aroclor 1221	Less Than	ug/L	0.5	
SW 8082	11141-16-5	Aroclor 1232	Less Than	ug/L	0.5	
SW 8082	53459-21-9	Aroclor 1242	Less Than	ug/L	0.5	
SW 8082	12672-29-8	Aroclor 1248	Less Than	ug/L	0.5	
SW 8082	11097-69-1	Aroclor 1254	Less Than	ug/L	0.5	
SW 8082	11096-82-6	Aroclor 1260	Less Than	ug/L	0.5	
SW 8082	37324-23-8	Aroclor 1262	Less Than	ug/L	0.5	
SW 8082	11100-14-4	Aroclor 1268	Less Than	ug/L	0.5	

Method 8062: Surr. Recovery

Analyst: TKG

Date/Time: 5/16/2003

9:33:00 AM

Method Ref	CAS#	Parameter	Value	Units	MDL	Qualifiers
SW 8082	25641-99-0	Tetrachloro-m-xylene (Surr. 1)	60	% Recovery		
SW 8082	2051-24-3	Decachlorobiphenyl (Surr.2)	36	% Recovery		

Micro-Methods Laboratory, Inc.6500 Sunplex Drive
Ocean Springs, MS 39564
(228) 878-5420

Client: Environmental Mgmt. Services

Client Code: EMSK

Sample Description: Kuhlman Electric

Client Sample Description: Filtered 51203

Sample ID: AA33854

Lab File #: 05131356

General Information	Collection Data	Remarks
Sample Received : 5/13/2003 Matrix: water Date Validated: 05/20/03 Validated by: NPH	Date Collected: 5/12/2003 Time Collected: 3:00:00 PM Collected By: CLIENT	

Department: **WEYLAB**

Analyst: DLW

Date/Time: 5/13/2003

2:22:00 PM

Method Ref	CAS#	Parameter	Value	Units	MDL	Comments
EPA 1684		Oil & Grease	Less than	mg/L	6	

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

May 22, 2003

Via Certified Mail, Return Receipt Requested

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

Mr. David Rodgers
President
L.M. & R. Service, Inc.
4152 Six Mile Road
Crystal Springs, MS 39059

Dear Mr. Zvolensky and Mr. Rodgers:

Please find enclosed a copy of a Mississippi Commission on Environmental Quality Order that requires your attention.

Please contact me if you have any questions.

Sincerely,

Chuck D. Barlow
SAS

Chuck D. Barlow
General Counsel

CDB/sas

Enclosure

cc: Tom Lupo, Esq.
~~Donna Russell~~
Pamela Layton
Mona Varner
Public Record File
ECED File

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

VS.

COMPLAINANT
ORDER NO. **4587**

03

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

DAVID RODGERS, INDIVIDUALLY AND AS
PRESIDENT
L.M. & R. SERVICE, INC.
4152 SIX MILE ROAD
CRYSTAL SPRINGS, MISSISSIPPI 39059

RESPONDENTS

ORDER

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

1.

Respondents are 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.

Respondent, Kuhlman Electric Corporation (Kuhlman), is the current owner and operator of the Kuhlman Electric facility (the Site) located at 101 Kuhlman Drive in Crystal Springs, Mississippi 39059. Respondent, David Rodgers, is the current owner and operator of L. M. & R Service, Inc. (LM&R), a construction/hauling company, located at 4152 Six Mile Road in Crystal Springs, Mississippi 39059.

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 with Kuhlman, BorgWarner, Inc. (Borg Warner) mobilized to the Site on May 8, 2000 to begin investigating the extent of the contamination. During the course of the investigation, Borg Warner discovered that residents in the area received contaminated soil from the Site during the mid to late 1990's. Further investigation revealed that the properties located at 112 and 114 Brent Street (the Brent Street Properties) in Crystal Springs, Mississippi 39059, may also have received some of the contaminated soil. Subsequent sampling and analysis has confirmed that the Brent Street Properties are contaminated with PCBs.

5.

The current owner of the Brent Street Properties is Mid South Lease & Sales, Inc. (Mid South). Mid South purchased the Brent Street Properties from David L. Rodgers with Lots 21 and 22 being purchased on October 8, 1997, and Lots 3 (partial sale) and 23 being purchased on December 13, 2000. David L. Rodgers had purchased Lots 21, 22, and 23 on February 5, 1992, and had purchased Lot 3 on December 18, 1995.

6.

During the mid to late 1990's, LM&R was under a contract with Kuhlman for construction, excavation, and dirt hauling services at the Site. As established in Paragraph 4, David L. Rodgers was the owner of the Brent Street Properties during this same time period. Based upon the affidavits of Paula Kellum and Jeffrey Kellum filed in connection with litigation regarding the Site, MDEQ

asserts that David Rodgers and LM&R did, knowing or unknowingly, dispose of PCB-contaminated soil at the Brent Street Properties and therefore caused the contamination of the property. David L. Rodgers subsequently sold the Brent Street Properties to Mid South.

7.

Also during the mid to late 1990's, David Rodgers was hired by the owners of the property commonly known as the Ice House property, a property near the Site, to haul debris from the property. The Ice House property is contaminated with PCBs from the Kuhlman facility. It is likely that the debris removed from the Ice House property is contaminated with PCBs. MDEQ has no information regarding where the debris was disposed, and it is possible that the disposal location also is contaminated.

8.

WHEREFORE PREMISES CONSIDERED, MDEQ has concluded that additional information is necessary to determine what location(s) received the debris from the Ice House property and also has determined that the Brent Street Properties are contaminated with PCBs, and assessment and remediation of those properties is necessary and appropriate.

IT IS, THEREFORE, ORDERED as follows:

- A. Within thirty (30) days of the date of this Order, David Rodgers and LM&R shall provide MDEQ with documentation/information indicating where he or LM&R disposed of the debris or soil from the Ice House property, or from the Site.

The remaining requirements apply to the Brent Street Properties:

- B. Within thirty (30) days of the date of this Order, Respondents or either of them must submit an INTERIM corrective action plan, which addresses the following in the order listed:
- 1) the elimination of actual exposure to individuals (receptors),
 - 2) the elimination or minimization of off-site migration of contaminants,
 - 3) the elimination of potential exposure to receptors, and
 - 4) the reduction of concentrations of contaminants to levels protective of human health and the environment.
- C. Implement the INTERIM corrective action plan within sixty (60) days of the date of this Order.

- D. Within sixty (60) days of the date of this Order, Respondents must submit a Site Characterization Work Plan that identifies and defines the extent of contamination both on-site and off-site in the format prescribed by MDEQ. A proposed schedule must accompany the Site Characterization Work Plan indicating all phases of Site Characterization activities, including a proposed Site Characterization completion date.
- E. Respondents shall respond in writing to any comment letter from MDEQ concerning the Site Characterization Work Plan within thirty (30) days of the date of MDEQ's letter, unless otherwise approved by MDEQ. The Respondent's written response must address all items in MDEQ's comment letter.
- F. Respondents must begin implementation of the Site Characterization Work Plan according to the approved schedule.
- G. Respondents must complete execution of the approved Site Characterization Work Plan according to the approved schedule.
- H. Within sixty (60) days of completion of the site characterization activities, the Respondents must submit to the MDEQ a Site Characterization Report, in the format prescribed by MDEQ, detailing the findings developed as a result of implementation of the Site Characterization Work Plan.
- I. Once MDEQ has issued a letter concurring that the site has been adequately characterized, the Respondents must submit to MDEQ for approval within forty-five (45) days of the date of this concurrence letter, a FINAL Corrective Action Plan, in the format prescribed by MDEQ. A schedule must accompany the Corrective Action Plan, including all phases of Corrective Action activities.
- J. Once MDEQ has issued a letter concurring with the Corrective Action Plan, Respondents must implement the approved corrective actions within forty-five (45) days of the date of the letter of concurrence.
- K. Within thirty (30) days of the completion of any corrective action, Respondents shall submit a Corrective Action Report describing the activities and demonstrating compliance with remedial goals and objectives.

9.

All written submissions required by this Order should be mailed or delivered to:

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

10.

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 the Commission to take enforcement or other actions against Respondents for violations addressed herein, violations not addressed herein, fines, penalties, other sanctions, further clean up actions and/or future violations of environmental laws, rules and regulations.

11.

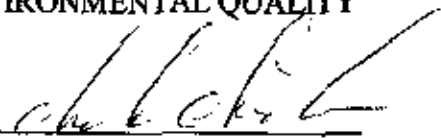
Violation of the environmental laws and regulations of the State of Mississippi can subject Respondents to penalties totaling up to \$25,000 per day per violation. The failure to comply with this order will be considered a continuing violation of those law and regulations, subjecting Respondents to further penalties of up to \$25,000 per day.

12.

If aggrieved by this Order, Respondents 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. Section 49-17-41 (Rev. 1999).

ORDERED, this the 21st day of January, 2003.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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



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

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TR*

DATE: May 21, 2003

SUBJECT: Site Visit

I stopped by the Kuhlman facility on Monday, May 19, 2003, to observe the on going soil removal project. The work crew was removing soil along Fulgram Avenue. All the contaminated soil beneath plastic has been removed according to the approved work plan. The work crew is presently working on the perimeter of the same area. Once these areas are finished, the work crew will move to the contaminated areas beneath the asphalt/concrete.

Areas A and B are now covered with topsoil and seeded.

No photos were taken during this site visit.



Fax

BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

FAX TRANSMITTAL INFORMATION													
From: Anastasia Hamel	To: Distribution List - See Below												
Of: BorgWarner Inc.	Of:												
Phone: (248) 754-0159	Fax:												
Fax: (248) 754-9159	RE: Attached Notice of Remediation												
<p>Notice of Remediation Fax Distribution List:</p> <table> <tbody> <tr> <td>Meg McAlister and Doug Mercier</td> <td>Fax: 601-355-9191</td> </tr> <tr> <td>Randy Horsack at 3TM International, Inc.</td> <td>Fax: 281-497-1676</td> </tr> <tr> <td>Daphne Lancaster</td> <td>Fax: 601-583-2677</td> </tr> <tr> <td>Tom Lupo</td> <td>Fax: 312-269-8869</td> </tr> <tr> <td>Chuck Barlow, MDEQ</td> <td>Fax: 601-961-5349</td> </tr> <tr> <td>Tony Russell, MDEQ</td> <td>Fax: 601-961-5300</td> </tr> </tbody> </table>		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
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Chuck Barlow, MDEQ	Fax: 601-961-5349												
Tony Russell, MDEQ	Fax: 601-961-5300												
<p><small>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.</small></p>													
Date: May 15, 2003	Number of page(s) in this fax including cover <u> 3 </u>												

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

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**

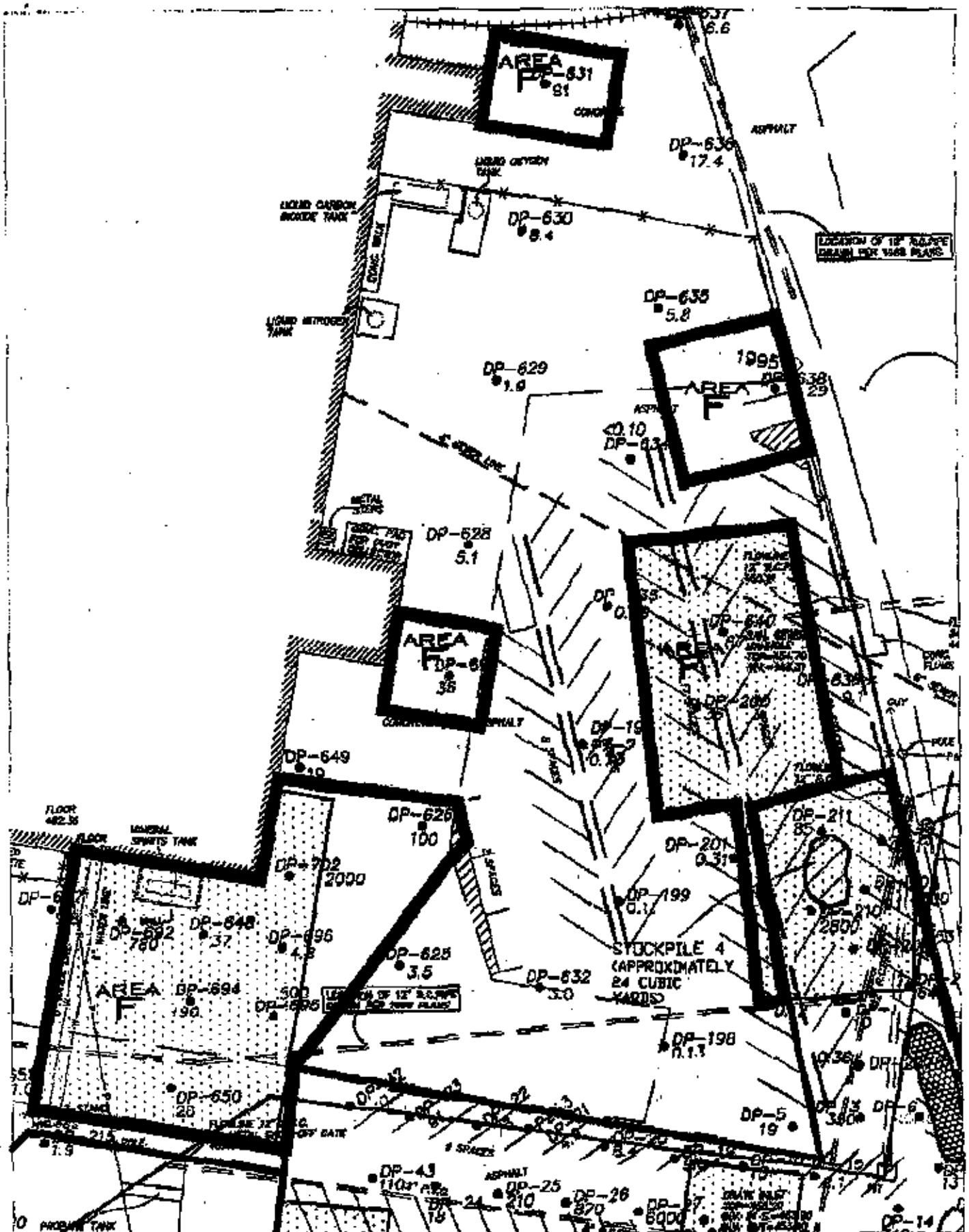
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Chuck Barlow, MDEQ	Fax: 601-961-5349
Tony Russell, MDEQ	Fax: 601-961-5300

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 "F" as described in the attached sketch.

THIS the 15th day of May, 2003 at 2:30 p.m. Eastern



**BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION**

By: 
ANASTASIA HAMEL
Director, Environmental Programs
BorgWarner Inc.



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

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Enrique S. Bustillos *ESB*

DATE: April 8, 2003

SUBJECT: Site Inspection with Plaintiff Attorney's

On April 5, 2003, Penelope Johnston and Enrique Bustillos from the MDEQ visited the Kuhlman Electric site to assist the various interested parties on a site and plant inspection. Our duties were to observe site activities and to answer any questions as may be needed. Upon arrival we were informed that it had been decided that there would be no sampling on the site on that day. Prior to arrival it was our understanding that they might conduct some soil sampling.

Representatives from the MDEQ (we met Kelli Dowell from MDEQ's legal department); Kuhlman Electric (Paul Atchison); lawyers for the complainants and lawyers for the respondents as well as three environmental experts formed the group that went on the site inspection. Initially the group visited the southeast parking lot. Attention was paid to one storm drain and one culvert as potential contaminant pathways. A question was raised regarding the cover on the lot in relation to meeting goals for risk-based evaluations that Penelope answered.

Next we went to the southeast corner of the plant and observed where a spill prevention containment and countermeasures (SPCC) area is located. Questions in this area were about historical use, truck unloading practices, fate of a broken sprinkler beneath the concrete, and oil drums and their contents. At this location some questions were raised regarding the soil contamination iso-concentration map. Questions centered on where the contamination was greatest. It appeared that the greatest source area was on the east side of the plant and below the plant on the northeast side. The group also looked at a coalescing phase separator. There were questions regarding drums in the SPCC area and what they contained, the answer was lubricating oil. Questions were raised regarding asbestos on site.

Paul pointed out that it was located on the east side of the building under white colored siding and in his office exclusively.

Next we went to the east side of the plant where the soils concentrations were suspected to be greatest. Questions of historical drum storage were raised. This is the area where the PCB containing oil was stored in drums at one time. At the time they were stored there, there was a dirt/gravel road adjacent to the plant that extended the length of the property.

Next we went to the northeast corner of the plant and observed the fields north and south of a storage building. There were questions of the sod covering and of the direction of surface water flow. Questions were raised about the location surface water would collect and its fate (i.e. did it flow in a collection drain?). The sodded area was constructed in a manner to control surface flow from the land both north and south of the storage building.

Next we walked the northern perimeter of the plant and exited the plant property on the northwest side of the plant. In the area across the street, a drainage ditch was down gradient of the site. Temporary monitoring wells had been located in this area previously by one of the lawyer teams. During the drainage ditch area inspection, the temporary wells were not located and were assumed abandoned.

Next the group gathered at the northeast corner of the plant. One team walked along the railroad tracks located on the west side of the plant for a short distance inspecting the ground. The group reunited and Paul Atchison led it on a plant tour. Paul explained the process of constructing electrical transformers as the group followed the inactive assembly line. I was unable to hear all the questions during this phase of the site visit due to loud fans, etc. in the plant. Many questions regarded the processes where PCB contamination may have occurred and the storage of the PCB containing oil drums.



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

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell *TR*

DATE: April 8, 2003

SUBJECT: Status Meeting Held April 2, 2003

A status meeting was held on April 2, 2003 to discuss the progress of the on-going remediation being conducted.

PCB-Dioxin Results:

Robert handed out fact sheets on dioxins. Robert and Anastasia stated that there is no correlation between PCB's and dioxins according to the data. Anastasia asked if the Plaintiff's had submitted any of their dioxin data that they have been collecting at the plant. DEQ has not gotten any dioxin results from the Plaintiff's.

Wetlands:

COE representative, Mike Stewart, stated the COE would not get in the way of the remediation of the drainage ditch. BW can buy credits or they can re-establish wetlands after remediation is completed.

Drainage Ditch:

City has received an evaluation from their engineer on the size culverts that will be needed. BW stated that they would remove the soil but not the culverts. BW stated that the culverts could not be re-used as they are contaminated. City wants BW to replace the creosote piling bridge at Camp Street. RAP for the drainage ditch will be submitted on April 7 as required by DEQ.

Brent Street:

An administrative order will be used against Kuhlman and David Rodgers to define the extent of contamination at this location. According to Bob Lawrence, the property owners of the Ice House property hired LM&R to remove debris from their property. BW is still trying to get Mid South Leasing to lease the property to them. Mid South says the present tenants have refused offers by them to put them in other rental housing.

Next Meeting will be June 4, 2003

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman status meeting 4-2-03.doc

4/2/03

SIGN IN

UPDATE MTS

Allen Raynor

KBC

Anastasia Hamel

BW

Robert Mallin

MSMA

Alan Thomas

KBC

Walter J. Rutley

city of CS

Tony Russell

MDEQ

Paul Anderson

KUNKMBA

Paul [unclear]

city

Robert M. Stewart

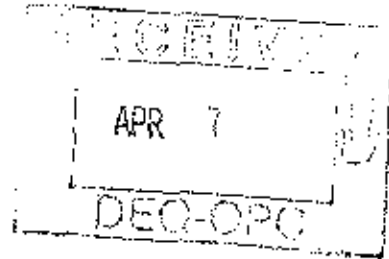
Corp of Engineers

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

April 4, 2003

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: North Drainage Channel Remediation Work Plan
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed is the *North Drainage Channel Remediation Work Plan* for the properties located northwest 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

Enclosures

CC: Anastasia Hamel
Tom Lupo
Al Thomas
Scott Schang
Mike Stewart, USACE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

PAUL KELLUM; PAULA KELLUM;
JOHN EDWARDS; DOROTHY EDWARDS;
BEULAH SOJOURNER; HAROLD WARREN;
SUZANNE WARREN; PAULETTE 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

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:01CV464BN

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

DEFENDANTS

AFFIDAVIT OF PAULA KELLUM

STATE OF MISSISSIPPI
COUNTY OF COPIAH

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above jurisdiction, PAULA KELLUM, who after being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of twenty-one years, of sound mind, have never been convicted of the crimes of perjury or subornation of perjury, and have personal knowledge of the facts and matters stated herein. I am not under any mental, legal or physical disability that would prevent or hinder my giving this Affidavit.
2. I am a Plaintiff in the above captioned legal action.



3. I currently reside at, and at all pertinent times have resided at, 412 Lee Avenue, Crystal Springs, Copiah County, Mississippi. My home is located directly across Lee Avenue from Kuhlman Electric Corporation's electrical transformer facility in Crystal Springs, Mississippi, south of the eastern side of Kuhlman's property.
4. I have reviewed Defendant David Rodgers' Motion to Dismiss Plaintiffs' Complaint, or in the Alternative, Motion for Summary Judgment and the exhibits to said motion, including Defendant Rodgers' Affidavit dated December 11, 2001. Rodgers' Affidavit contains numerous misstatements of fact regarding his role and activities in connection with the contaminated soil deposited in my residential yard.
5. I was familiar with David Rodgers from casual contact with him over the many years that I have resided in Crystal Springs, and my son Jeffrey Kethum had attended school with David Rodgers' son, Randy Rodgers. Jeffrey and Randy are approximately the same age. At the time in 1996 that the soil from the Kuhlman plant site was dumped in my yard, my son Jeffrey had just graduated from high school and still resided at home with his father and me.
6. In approximately April, May or June of 1996, I was in my yard with my son Jeffrey when I observed workers using heavy equipment on the Kuhlman site to remove soil from the site, and haul it away in dump trucks. The workers included the Defendant David Rodgers and his son, Randy Rodgers. I recall no insignia, names, signs, logos, or markings on any of the heavy equipment or the dump trucks being use to dig up the dirt and transport it from the site to indicate who

owned and/or operated the equipment and vehicles. Rodgers and others had been working on the Kuhlman site for one or two days during which I observed them removing the grass, grading and removing soil, and hauling it away from the Kuhlman site with trucks.

7. After personally witnessing the departure of several dump truck loads of what appeared to be dark black topsoil-looking dirt taken from the facility, I requested my son Jeffrey to ask Randy Rodgers if I could have some of the dirt for my flower beds.
8. My son Jeffrey walked across Lee Avenue to the dump truck that Randy Rodgers was driving on the Kuhlman site, briefly conversed with Randy, returned to my yard and advised me that Randy said I could have some of the soil.
9. Shortly thereafter, a dump truck load of soil was deposited on my yard. I was not present when the soil was dumped and did not see who drove the dump truck that made the delivery. The pile of soil left in my yard was approximately 5 ½ to 6 feet tall.
10. After the load of soil was placed in my yard, I spread the soil to level areas of my yard and to construct flower beds. While we were spreading the soil, my son Jeffrey rode with Randy Rodgers in Rodgers' dump truck.
11. Later that same day, another load of soil was deposited in my yard on top of the soil that I had raked and leveled. This second load of soil constituted a pile approximately 4 ½ feet in height. The second load of soil was more than I wanted or needed and was not requested by me.

12. The following day, I was surprised to find that a third load of soil had been deposited in my yard while I was not present. This load of soil contained a great deal of clay, numerous rocks and vegetation that I removed in order to use it in my yard and flower beds. I spread this third load of soil around my yard.
13. Within a few days after the three loads of soil were dumped in my yard, I was again working in my yard when the Defendant, David Rodgers, driving what appeared to be his personal vehicle bearing no signs or markings to indicate ownership of the vehicle by anyone other than David Rodgers, pulled out of the Kuhlman parking lot area onto Lee Avenue. Mr. Rodgers stopped his vehicle in the street in front of my house, stuck his head out the window, and asked me if I liked the dirt. I said "yes, but it appears to be multiplying," referring to the fact that I had received far more soil than I requested or needed. Mr. Rodgers smiled and drove away. This one brief exchange with David Rodgers is the only contact or conversation I had with him at any time concerning the soil that was dumped in my yard.
14. I adamantly deny David Rodgers' assertions in his Affidavit that I approached him and asked him to deliver a load of dirt to my home. I adamantly deny that David Rodgers ever told me that he might need all available dirt to grade out and level the parking area but would give me "a backhoe shovel full" if some were left over. As a matter of fact, the Rodgers were already removing dump truck loads of soil from the Kuhlman site before Jeffrey asked Randy if I could have some soil.

15. I adamantly deny that I was ever on the Kuhlman site during construction, or took a wheelbarrow load of dirt from there to my premises, and, in fact, my immediate family and I do not own a wheelbarrow and did not own a wheelbarrow at that time either. I adamantly deny that David Rodgers ever had a conversation in which he told me that I could not come onto the construction premises and get dirt, or told me that he did not know to what extent the dirt might be necessary to properly grade the parking lot – such a conversation never took place. However, I do not dispute Rodgers' statement that he personally "dumped a backhoe shovel full of dirt" in my yard for use in my flower beds, as I was not home when all of the loads of dirt were dumped in my yard.
16. At no time did David Rodgers or anyone else advise me that he was an agent for, or employed by, L.M.&R. Service, Inc., or any other entity. I recall no markings whatsoever on equipment and vehicles used by him or his son, and I did not know or have reason to know that David Rodgers was removing soil from the Kuhlman site in any capacity other than in his individual capacity. If David Rodgers was acting as an agent for L.M.&R. Service, Inc., that fact was never communicated to me in any manner whatsoever.
17. Furthermore, at no time did David Rodgers, Randy Rodgers, L.M.&R. Service, Inc., Kuhlman Electric Corporation, Kuhlman Corporation, Borg-Warner, Inc., or any other individual or entity ever advise, caution, or warn me that the soil dumped on my property was, or potentially was, spoiled or contaminated with oil or any other foreign substance. Their silence about the true nature of the soil dumped on my property led me to believe that it was free of contamination,

suitable for use in my yard and flower beds, and would pose no physical threat to me and/or my family if my family and/or I physically handled the soil while gardening or working in our yard or were otherwise exposed to it. I relied on their silence to my substantial detriment when I accepted the soil. I would never have asked for or accepted the soil had I known that the soil was potentially contaminated.

18. After environmental sampling was conducted in my yard between August 25, 2000, and August 29, 2000, extensive PCB contamination was found. After a very long delay following discovery of the PCB contamination in my yard, Kuhlman and/or Borg-Warner began extensive remediation work to remove the PCB contamination. The remediation involved the removal of contaminated soil and garden plantings, and decontamination of personal property. As of this date, my yard has not been completely restored as promised to me on more than one occasion by Borg-Warner's employee, Anastasia Hamel, who told me that after Borg-Warner's remediation, my yard would be better than it was before remediation. Several of the items of personal property removed from my yard by Borg-Warner for decontamination were damaged when returned to me, and some items have never been returned to me. I have not been compensated for all of the broken and missing items. Additionally, although I advised Anastasia Hamel that I am allergic to a specific type of ornamental grass, that was transplanted in my yard, the grass has not been replaced. The remediation of my yard remains incomplete in that numerous tasks have not been completed as agreed by Borg-Warner although I have repeatedly requested that these matters be finished.

19. Moreover, the interior of my house has never been sampled by any Defendant to determine whether PCB or other contamination is present indoors. My attorneys have conducted indoor PCB dust sampling in my home, and the results indicate the presence of PCBs above the cleanup standard for my yard. This contamination remains in my home where I continue to be exposed to it. Because of my continued exposure to Kuhlman's contamination, Borg-Warner's delay in remediation, and the disruption of my personal life and affairs, I am continuously upset and distraught, in addition to my ongoing worry about health effects to my body from the exposure.
20. After I learned that environmental contamination originating at the Kuhlman site had been found in the community and the Mississippi Department of Environmental Quality got involved in the situation, my son Jeffrey took me to the property where Randy Rodgers had dumped the truck load of soil on the day that Jeffrey rode with him in the dump truck. The property is located at 115 Brent Street, Crystal Springs, Mississippi.
21. On or about April 16, 2001, I drove Gretchen Zmitrovich, an employee of the Mississippi Department of Environmental Quality at that time, to 115 Brent Street and advised her that soil taken from the same location on the Kuhlman site as the contaminated soil deposited in my yard, had been dumped there. Several months later, I saw that a house was being constructed at 115 Brent Street. On or about August 16, 2001, I informed Chuck Peel, whom I understand to be an environmental engineer or technician employed by the environmental services company hired by Kuhlman and/or Borg-Warner, Inc., that a house was being

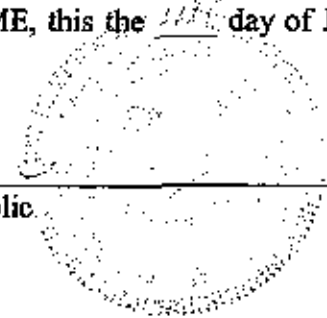
constructed on the lot where Randy Rodgers had dumped Kuhlman soil. Chuck Peel told me that he informed Borg-Warner's employee, Anastasia Hamel, and Robert Martin about the house being constructed at 115 Brent Street. To the best of my knowledge, 115 Brent Street has never been sampled for contamination or remediated.

FURTHER, AFFIANT SAITH NAUGHT.



PAULA KELLUM, Plaintiff Herein

SWORN TO AND SUBSCRIBED BEFORE ME, this the 11th day of January, 2002.



Notary Public

My Commission Expires:

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**PAUL KELLUM; PAULA KELLUM;
JOHN EDWARDS; DOROTHY EDWARDS;
BEULAH SOJOURNER; HAROLD WARREN;
SUZANNE WARREN; PAULETTE WELCH;
RALPH WILLIAMS; BETTIE KENDRICK;
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MOSES GRAHAM, ESTHER TERRELL as heirs
of the FITZGERALD ESTATE and DANIEL GRAHAM,
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PLAINTIFFS

VS.

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**KUHLMAN CORPORATION; KUHLMAN
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OF ENVIRONMENTAL QUALITY**

DEFENDANTS

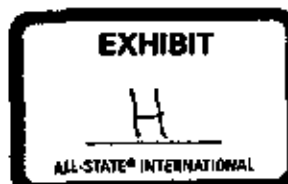
AFFIDAVIT OF JEFFREY KELLUM

STATE OF MISSISSIPPI
COUNTY OF COPIAH

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above jurisdiction, JEFFREY KELLUM, who after being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of twenty-one years, of sound mind, have never been convicted of the crimes of perjury or subornation of perjury, and have personal knowledge of the facts and matters stated herein. I am not under any mental, legal or physical disability that would prevent or hinder my giving this Affidavit.

2. I am the son of Paul Kellum and Paula Kellum who are named Plaintiffs in the above styled and numbered action. In the summer of 1996 I lived with my parents at 412 Lee Avenue, Crystal Springs, Copiah County, Mississippi. 412



Lee Avenue is located directly across the street from Kuhlman Electric Corporation's electrical transformer facility in Crystal Springs.

3. One day in April, May or June 1996, my mother and I were in our yard when I saw Randy Rodgers, an individual whom I believe to have been David Rodger's son, and another individual operating two dump trucks and backhoes on Kuhlman Electric Corporation's property. They were grading an area directly across the street from my home, using at least one front end loader to load the removed soil into the dump trucks. On several occasions I observed the dump trucks leave the Kuhlman premises loaded with dirt removed from the Kuhlman site. The Rodgers had been working on the Kuhlman site for one or two days prior to that date, including the removal of the grass and grading off the site in order to build a concrete parking lot.
4. I recall no signs, names, insignia, markings or other indication on the equipment and vehicles to indicate to whom they belonged or who was using them. Because I have known Randy Rodgers virtually all of my life, attended school with him, and have always understood that he worked construction jobs with his father and other family members, I assumed and understood that the equipment and vehicles belonged to the Rodgers. In all past conversations with Randy Rodgers regarding his family's trucks and equipment, he always referred to them as "our" or his "family's" or "my" equipment and vehicles. He never mentioned or indicated that a corporation, a company, or L.M.& R. Service, Inc. owned the trucks and equipment or was involved in any way with the Rodgers' construction work.

5. After witnessing the dump trucks leaving the Kuhlman premises loaded with soil removed by the Rodgers, my mother asked me to ask Randy Rodgers if she could have a load of soil for her flower beds. I walked across the street and asked Randy, who was driving a dump truck, what they were doing with the dirt they were removing from the Kuhlman site. Randy advised me that they were hauling the dirt to a lot to be used as fill dirt to level the lot so that a house could be constructed on it. I asked Randy if my mother could have a load of the dirt for her flower beds, and Randy said "yeah, no problem". Randy did not consult with anyone else about my question and said nothing about having to wait to see if there was surplus soil left over, and I did not talk to anyone else at the Kuhlman site about getting the soil. My conversation with Randy occurred at approximately 10:00 or 11:00 a.m. on that day.
6. After I talked with Randy, I walked back across the street to my yard and told my mother that Randy said she could have the dirt. Shortly thereafter, Randy Rodgers backed up a dump truck with soil in it from the Kuhlman site, and he dumped it onto our front yard. The pile of soil dumped by Randy Rodgers was approximately 5 ½ to 6 feet in height.
7. At no time did Randy Rodgers, David Rodgers, L.M.&R. Service, Inc., Kuhlman Electric Corporation, Kuhlman Corporation, Borg-Warner, Inc., or any other individual or entity ever advise, caution, or warn me that the soil dumped on my parents' property was, or potentially was, spoiled or contaminated with transformer oil or any other foreign substance. Due to their silence about the true nature of the soil dumped on our property, it never occurred to me that the soil

might be contaminated, or unsuitable for use in the yard and flower beds, or would pose any physical threat to me and/or my family if I and other members of my family physically handled the soil while gardening or working in our yard or flower beds. I relied on their silence to my and my family's substantial detriment when I asked Randy for the soil and we accepted the soil from Randy for my parents' yard.

8. After dumping the load on my parents' yard, Randy invited me to ride with him in the dump truck. I rode with Randy to 115 Brent Street, Crystal Springs, Mississippi, where Randy dumped a load of soil removed from the Kuhlman site. During the ride, Randy told me that one of the other workers had gotten a traffic ticket the previous day for using a route not approved for trucks while hauling dirt to the Brent Street address. He expressed concern that he would get a ticket by taking the same route as the day before when the other worker was ticketed but drove the same route anyway. The soil dumped at 115 Brent Street came from the Kuhlman site as did soil deposited on my parents' yard.
9. After Randy dumped the load on Brent Street, we returned to the Kuhlman site, and I went home. Over the next few days, two more loads of soil were deposited on my parents' yard when I was not present. The second load of soil formed a pile approximately 4 ½ feet in height. The soil dumped at our house after the first dump truck load was full of rocks and vegetation. Both the second and third loads of soil were delivered to our yard by a backhoe with a front-end bucket.
10. After discovery of the PCB contamination in my parents' yard and elsewhere in Crystal Springs, which I understand has been identified as having originated at

Kuhlman's facility, I took my mother, Paula Kellum, to 115 Brent Street to show her the location where Randy Rodgers dumped soil taken from the Kuhlman facility at the same time that my parents received PCB contaminated soil from the Kuhlman site.

FURTHER, AFFIANT SAITH NAUGHT.



JEFFREY KELLUM, Plaintiff Herein

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of January, 2002.



Notary Public

My Commission Expires:

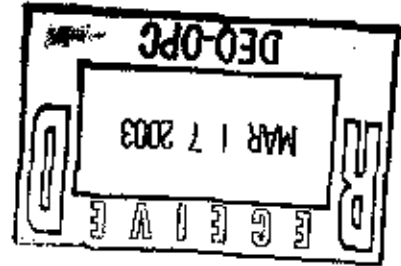
10/04/02





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

March 13, 2003



4APT-TS

Mr. Alan Thomas
Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, MS 39059

Dear Mr. Thomas:

This is in response to your March 13, 2003, letter concerning the planned disposition of water removed from the polychlorinated biphenyl (PCB) contaminated containment area at the Kuhlman Electric Corporation (KEC) site in Crystal Springs, Mississippi. The water entered the containment area from a leak of a fire water line. Approximately 4,000 gallons was collected and treated through bioremediation and activated carbon. KEC collected a composite sample of the treated water and tested it for PCBs. The reported concentration for all PCB-Aroclor parameters was less than the 0.5 micrograms per liter method detection limit. KEC has proposed to discharge the treated water to the storm water ditch on the north side of KEC's property.

The treated water meets the 40 CFR §761.79(b)(1)(iii) unrestricted use decontamination standard. Therefore, the treated water is not regulated for use or disposal under the Toxic Substances Control Act and federal PCB regulations. Although the U.S. Environmental Protection Agency (EPA) does not object to KEC's planned disposition of the treated water, EPA must defer to the Mississippi Department of Environmental Quality (MDEQ) for a decision on this matter since MDEQ regulates point source pollutant discharges to waters of the State of Mississippi.

Please contact me at (404) 562-8990, if you have any questions concerning this letter.

Sincerely,

Craig S. Brown
Toxic Substances Section

cc: Tony Russell, MDEQ



KUHLMAN ELECTRIC CORPORATION

Tel: (601) 892-6462

Fax: (601) 892-6476

Email: atborastg@kuhlman.com

101 Kuhlman Drive • Crystal Springs, Mississippi 39059

Website: www.kuhlman.com

Power Transformers
Instrument Transformers
Distribution Transformers

March 17, 2003

Mr. Craig Brown
U.S. Environmental Protection Agency
Region IV
61 Forsyth Street
Atlanta, Georgia 30303

Dear Craig;

This letter is a follow up to our recent conversation regarding disposal of water removed from the containment area at the KEC facility.

A leak developed in an eight-inch sprinkler line located beneath an oil containment area at the KEC facility. Testing of the water seeping from beneath the containment area proved that the water was contaminated above regulatory limits. The leak in the sprinkler pipe and some rainwater is the source of the water that is contaminated. Approximately 4000 gallons of water has been collected and remediated through bioremediation and carbon filtration.

Remediation has resulted in water that tests non-detect at an MDL of 0.5 ug/liter. KEC understands that water at this level of contamination can be released to the general environment.

KEC asks permission to dispose of the water in the storm water runoff ditch. The storm water drainage ditch delivers water to Lake Chatauqua in Copiah County. Delineation of the storm water runoff ditch has been accomplished at this date. KEC understand that remediation of the ditch will proceed following remediation of the KEC site.

Attached to this letter is a copy of the most recent testing of the water that has been performed.

I hope this letter answers all questions. Thank you in advance for your help.

Sincerely,

Alan Thomas
Maintenance Manager

Cc: Ms. Anastasia Hamel/ Borg Warner, Mr. Scott Schang/ Latham and Watkins, Mr. Tony Russell/ MDEQ, Messrs. Paul Acheson, Tom Minnich, Ron Polk/ KEC



February 20, 2003

Mr. Alan Thomas
Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, MS 39059

Re: Analytical Results

Dear Mr. Thomas:

Enclosed are the laboratory analytical results for the composite sample taken from the two (2) clean water tanks at Kuhlman on January 13, 2002.

If you have any questions, please call Clyde Woodward at (601) 544-3674.

Sincerely,
Environmental Management Services, Inc.

A handwritten signature in black ink, appearing to read "Melissa Regan".

Melissa Regan
Data Manager

Enclosure: MM.DNC: 17504/01141546



ANALYTICAL SERVICE COMPANY

DCN:17504/01141546

January 23, 2003

EMS, Inc.
600 North 26th Avenue
Hattiesburg, MS 39401

ATTN: Winston Russell
Kuhlman

REPORT OF ANALYSES

The results of the analyses of the samples received 01/14/03, description as shown, lab file #01141546, are as attached.

If we can be of further assistance, please contact the office.

Sincerely,

Harry P. Howell
President

Micro-Methods Laboratory, Inc.

6600 Sunplex Drive
Ocean Springs, MS 39564
(228) 875-6420

CASE NARRATIVE

CLIENT: Environmental Mgmt. Services

Lab File No: 01141546

ORGANIC QUALITY CONTROL CRITERIA

Holding Times: The sample/samples were analyzed within the required holding time.

Method Blanks: Acceptable Lab Blanks
All target analytes were below the MDL

Instrument Calibration: The instrument calibration met the acceptance criteria

Surrogate Spike: All surrogates were within the acceptance criteria range.

Matrix Spike/ Matrix Spike Duplicate: Lab Control Sample/Samples were within the acceptance criteria range.

Analysis Comments: None

Qualifiers: E : None

Shipping Comments: None

Micro-Methods Laboratory, Inc.

6600 Sunplex Drive
Ocean Springs, MS 39564
(228) 875-6420

Client: Environmental Mgmt. Services
Client Code: EMSK
Sample Description: Kuhlman Electric
Client Sample Description: Kuhlman-Clean-1133

Sample ID: AA30540
Lab File #: 01141548

General Information	Collection Data	Remarks
Sample Received : 1/14/03 Matrix: water Date Validated: 1-23-03 Validated by: HPH	Date Collected: 1/13/03 Time Collected: 9:50:00 AM Collected By: CLIENT	

Department: **ORGANIC**

PCB In Water

Extract Date: 01/15/03

Matrix: Water

Amount: 1050 MLs

Analyst: PCJ

Date/Time: 1/15/03

4:52:00 PM

Method Ref	CAS#	Parameter	Value	Units	MDL
SW 8082	12674-11-2	Aroclor 1016	Less Than	ug/L	0.5
SW 8082	11104-28-2	Aroclor 1221	Less Than	ug/L	0.5
SW 8082	11141-16-6	Aroclor 1232	Less Than	ug/L	0.5
SW 8082	53469-21-9	Aroclor 1242	Less Than	ug/L	0.5
SW 8082	12672-29-6	Aroclor 1248	Less Than	ug/L	0.5
SW 8082	11097-69-1	Aroclor 1254	Less Than	ug/L	0.5
SW 8082	11096-82-5	Aroclor 1260	Less Than	ug/L	0.5
SW 8082	37324-23-5	Aroclor 1262	Less Than	ug/L	0.5
SW 8082	11100-14-4	Aroclor 1268	Less Than	ug/L	0.5

Micro-Methods Laboratory, Inc. QA/QC Report

QA Sample #: AA30540

Associated Samples: AA30540

Analysis Name: PCB in Water

Batch Name: \$PCBW-12838

Unit of Measure: ug/L

Analyte	Blank	LCS %Recovery	LCSD %Recovery	LCS/LCSD Precision	Sample Result	Sample Duplicate Result	Matrix Spike %Recovery	Matrix Spike Duplicate %Recovery	MS/MSD Precision	Analyst
Aroclor 1268	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1262	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1260	Less Than	78.0	92.0	16	Less Than					PCJ
Aroclor 1254	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1248	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1242	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1232	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1221	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ
Aroclor 1018	Less Than	Less Than	Less Than	Less Than	Less Than					PCJ



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

March 7, 2003

FILE COPY

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: Kuhlman Electric Site
BorgWarner's Written Response on North Drainage Channel Site
Characterization Report dated February 18, 2003
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced response letter pertaining to the drainage channel assessment. MDEQ has no further comments at this time.

Sincerely,

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

Tony Russell, Chief
Uncontrolled Sites Branch

K:\Shared\JC65\Tony\Kuhlman Electric\Kuhlman drainage channel deq has no further com 3-7-03.doc



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

FILE COPY

March 6, 2003

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

Re: *Groundwater Assessment Plan* dated September 2002
BorgWarner's Comment Letter dated February 7, 2003
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed your comments to the above referenced assessment plan for groundwater at the Kuhlman site located in Crystal Springs, MS. MDEQ approval of the proposed scope of work as amended by the comment letter is contingent on incorporation of the following requirements:

- 1 MDEQ requires that your consultant use a drilling contractor that is licensed within the State of Mississippi.
- 2 MDEQ requires that the monitoring wells be installed within 30 days of MDEQ notification to BorgWarner that the onsite soils remediation is complete.
- 3 MDEQ requires a minimum of a two (2) week notice prior to installation of the monitoring wells.
- 4 MDEQ requires that BorgWarner provide appropriate sample containers for split sample requests.

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

Sincerely,

Tony Russell, Chief
Uncontrolled Sites Branch

K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman DEQ approv of GW assessment plan 3-6-03.doc



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

FILE COPY

March 3, 2003

Mr. Jeff Knight, P.E.
 Williford, Gearhart & Knight Inc.
 P. O. Box 387
 Hazelhurst, MS 39083

Re: Kuhlman Electric Site
 Drainage Ditch Between Camp St. and Hwy 51
 Crystal Springs, MS

Dear Mr. Knight:

This letter is in response to your request for information pertaining to the polychlorinated biphenyl (PCB) concentrations in the ditch between Camp Street and Highway 51 in the vicinity of the city water line. It is my understanding that the city is concerned with potential exposure to PCBs should the city water line break and repairs be needed. A review of the data recently submitted for the area in question revealed the following information:

Location	0 to 6 inches	24 to 30 inches	42 to 48 inches
PWP-GP46	2.6	<.1	
PWP-GP44	1.6	<.1	
PWP-GP22	1.2	<.1	
PWP-GP6	2.1	<.17	<.1
PWP-GP36	4	<.1	<.1
PWP-GP20	3.2	1.3	.34
PWP-GP40	.1	<.1	<.1
PWP-GP4	3.2	.42	

Concentrations are in parts per million (ppm) with the action level being 1 ppm.

The sampling locations for the area south of the ditch, where the city water line is located, has concentrations at very low levels. According to the data, most of the contamination appears to be very near the surface. In our recent conversation, you indicated that the water line is 3 feet deep, which is below

Mr. Jeff Knight

March 3, 2003

Page 2

the PCB contaminated soil. Because the PCB levels in this area are low and because exposure to the soil likely will be brief, the overall level of risk should be miniscule. However, this does not mean that there is no risk. Also be advised that the information provided above is the best current information within MDEQ's files.

MDEQ further recommends that if work is required in this area that the workers wear disposable tyvek suits during the repair work and that they also wash their hands prior to eating or smoking. The suits should be disposed of at the end of each work shift. These are common precautionary practices taken in areas where contamination at low levels may be present, but we urge you to contact OSHA for further information on worker health and safety issues or you may contact Bruce Brackin, an epidemiologist with the Mississippi Department of Health at 601-576-7725.

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

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch

FILE COPY



Date: 2/21/2003 1:29:00 PM

Current Through: 02/20/200

Business Information

- Business Services (Corporations)
- CorpSnap - View Information
 - Corporate
 - Officer

Business Name:
L. M. & R. SERVICE, INC.

Status:
GOOD STANDING

Address:
4152 SIX MILE RD
CRYSTAL SPRINGS MS 39059

Registered Agent:
DAVID ROGERS

- Corporate Forms & Instructions
- SIC Search
- Registered Agents

Business ID:
602866

Address:
% L M & R SERVICE
4152 SIX MILE ROAD
CRYSTAL SPRINGS , MS 39059

- Corporations Fee Schedule
- Limited Partnerships Fee Schedule
- Limited Liability Partnerships Fee Schedule
- Limited Liability Companies Fee Schedule

Business Type:
MS BUSINESS CORPORATION

Date of Original Filing:
December 14, 1993

State of Origin:
MISSISSIPPI

Officers & Directors











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- Corporations Home

Name(s)	Title(s)
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<u>ROBERT W LAWRENCE</u>	Incorporator
<u>DAVID RODGERS</u>	Director; President
<u>MICHAEL RODGERS</u>	Director; Vice-President
<u>ANN RODGERS</u>	Director; Secretary; Treasurer

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		<input type="checkbox"/>	FILED ANNUAL REPORT	4/15/1997	2 (Est.)
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		<input type="checkbox"/>	FILED ANNUAL REPORT	5/2/1996	**Not Scanned
		e-mail	ANNUAL REPORT FILED: YEAR 1996 SEQUENCE NUMBER 960419002009		
		<input type="checkbox"/>	FILED ANNUAL REPORT	8/29/1995	2 (Est.)
		e-mail	ANNUAL REPORT FILED: YEAR 1995		
		<input type="checkbox"/>	FILED ANNUAL REPORT	5/3/1994	**Not Scanned
		e-mail	ANNUAL REPORT FILED: YEAR 1994		
		<input type="checkbox"/>	NAME RESERVATION	12/14/1993	2 (Est.)
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ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

February 18, 2003

FEB

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

FILE COPY

**SUBJECT: Response to MDEQ Comments
North Drainage Channel Site Characterization Report
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

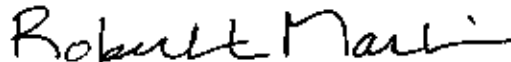
Dear Mr. Russell:

Enclosed is BorgWarner's response to MDEQ comments following MDEQ's review of the *North Drainage Channel Site Characterization Report*, dated January 15, 2003. Revised maps and summary analytical tables are included in this submittal.

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

Enclosures

CC: Anastasia Hamel

**NORTH DRAINAGE CHANNEL SITE CHARACTERIZATION
REPORT**

Kuhlman Electric Corporation

FILE COPY

RESPONSE TO MDEQ COMMENTS

February 18, 2003

Following are responses to comments from Mississippi Department of Environmental Quality dated February 5, 2003, regarding their review of the *North Drainage Channel Site Characterization Report* prepared by BorgWarner, Inc.

1. *The following samples indicated a concentration of PCBs greater than 50ppm, but they were not outlined in the appropriate figures as being greater than 50ppm.*
 - a. *SMP GP23-001 (250ppm)*
 - b. *SMP GP23-002 (74ppm)*
 - c. *WRP GP4002 (71ppm)*
 - d. *RFP-GP16-001 (51ppm)*
 - e. *FWP GP46-001 (78ppm, split)*
 - f. *DP-818-001 (57ppm, split)*

RESPONSE- The contours shown on the figures have been corrected and are included with this correspondence.

2. *The following samples indicated a concentration of PCBs greater than 1ppm, but they were not outlined in the appropriate figures as being greater than 1ppm.*
 - a. *CSP GP6-003 (1.4ppm)*
 - b. *CSP GP31-001 (1.3ppm)*
 - c. *CNP GP157-001 (1.3ppm, split)*
 - d. *CNP-GP163-001 (1.1ppm, split)*

RESPONSE- The contours shown on the figures have been corrected and are included with this correspondence.

3. *The following samples were annotated on the appropriate figures, but were not shown in the appropriate table. This list is not conclusive, but is included to show incomplete or missing data in the tables.*
 - a. *CSP GP6-003*
 - b. *RFP GP30-003, 004, 005, and 006*
 - c. *LGP GP30-002, 003, 004, 005, 006, 007, and 008*

RESPONSE- The samples listed above are shown on Tables 6, 17, and 16, respectively. As explained in the report, several properties were sampled prior to completion of the property line surveys. Several samples located in the vicinity of property lines may have been on a property adjacent the one where sampling was intended. The prefixes assigned to the samples may not indicate the actual property sampled.

Another aspect of the tables to keep in mind while reviewing is that the samples are listed in numerical order by the field lab identification number and chronologically by date collected, not by the field-assigned sample number. Sample locations with multiple samples collected at depth may have several results listed toward the end of the tables since those samples were collected weeks or months after the initial surface sample was collected.

4. *There are several structures that are in areas contaminated with PCBs or are in close proximity to areas contaminated with PCBs. The MDEQ requests that the subsurface area around and under the following structures be evaluated for the presence of PCBs:*
 - a. *The barn on McPherson Street listed as J. Harold Graham*
 - b. *The house on McPherson Street listed as Beulah Mae Sojourner.*
 - c. *The house off of Forest Street listed as Ralph Williams*
 - d. *The house off of Forest Street listed as Willie Douglas, et al.*

RESPONSE- BorgWarner will sample beneath these structures as requested. The sampling procedures will be described in the pending remediation work plan and sampling will be conducted as part of remediation activities.

5. *There are extensive areas where culverts prevented/interfered with the sampling of the drainage way. These areas need to be evaluated and a determination made if there is enough contamination present in and around the culverts to warrant removal of the culverts and remediation of these areas. MDEQ is concerned with the following culvert areas:*
 - a. *The culvert extending under the Illinois Central RR right-of-way.*
 - b. *The culvert extending under West Railroad Avenue.*
 - c. *The culvert extending under the McPherson Street (right-of-way) to the City of Crystal Springs property on Old McPherson Road.*
 - d. *The 2 culverts at the end of the paved portion of Forest Street.*
 - e. *The 1 culvert/bridge under Camp Street.*
 - f. *The culvert proceeding under Highway 51 and into Lake Chautauqua.*

RESPONSE- BorgWarner plans to collect samples from the culverts listed during the remediation activities, with the exception of the culvert under

Highway 51. This culvert will be evaluated when Lake Chautauqua is assessed. The other culverts listed, as well as the culvert under Fulgham Avenue at the KEC plant are currently being hydraulically evaluated by the City of Crystal Springs in order to properly size and replace with new culverts, if this becomes necessary. If remediation of the culvert under the railroad right-of-way is necessary, lining of the inside of the culvert will be considered to avoid major construction activities on the main rail line.

6. *No lithology information was collected during the installation of the groundwater monitoring wells. Whenever possible, the stratigraphy and lithology of a site should be collected/documentated to serve as a reference for future use.*

RESPONSE- Stratigraphic and lithologic information will be provided for all future monitoring well installations.

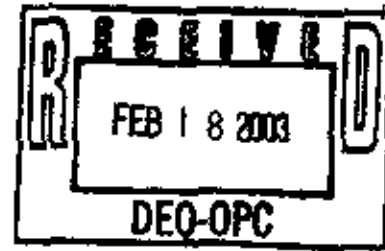
7. *The log of MW-1 lists the bottom of the well screen at 2.75 feet bgs when it is shown at 6.75 feet bgs (typo). MW-3 shows the same mistake.*

RESPONSE- The well logs have been corrected and revised copies are included with this response.

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

February 17, 2003



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

FILE COPY

**SUBJECT: Dioxin Results
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed is one copy of the dioxin/furan soil sampling results for the Kuhlman Electric Corporation plant site in Crystal Springs, Mississippi. A site map showing sample locations is included in Volume I of this submittal. If you have any questions or comments, please contact me at (828) 669-3929.

Sincerely,

MARTIN & SLAGLE GEOENVIRONMENTAL ASSOCIATES, L.L.C

A handwritten signature in cursive script that reads "Robert L. Martin".

Robert L. Martin, L.G.
Principal Geologist

Enclosures

CC: Anastasia Hame!



1954 3 12

IN THE CIRCUIT COURT OF COPLAH COUNTY, MISSISSIPPI

GREER ELIZABETH DABNEY; JEFF SMITH; §
BETTY TAYLOR DABNEY, TRUSTEES FOR §
THE BETTY TAYLOR DABNEY LIVING TRUST §,

PLAINTIFFS

VS §

CIVIL ACTION NO:

KUHLMAN ELECTRIC CORPORATION; §
KUHLMAN CORPORATION; BORG-WARNER, §
INC.; AND, MISSISSIPPI DEPARTMENT OF §
ENVIRONMENTAL QUALITY

DEFENDANTS

2003-0085

COMPLAINT

COMES NOW Greer Elizabeth Dabney Smith, Jeff Smith, Betty Taylor Dabney Trustee for the Betty Taylor Dabney Living Trust, Plaintiffs, by and through their attorney of record and files this their Complaint against the Defendants ,Kuhlman Electric Corporation; Kuhlman Corporation; Borg-Warner, Inc.; and, Mississippi Department of Environmental Quality and would show unto the Court the following:

I

Plaintiffs are all adult resident citizens of Mississippi residing at 215 North Jackson Street, Crystal Springs, Mississippi 39059.

The Plaintiffs own a home located at 215 North Jackson Street, Crystal Springs, Mississippi 39059 in the following manner: Dabney Smith, 54.41%; The Betty Taylor Dabney Living Trust, 45.59%; Jeff Smith, a homestead interest.

The property owned by the Plaintiffs adjoins the property owned by Defendant separated only by a wire fence. In August of 2000, or thereabouts, it was discovered that the property

FILED

FEB 14 2003

EDNA E. STEVENS
CIRCUIT CLERK

owned by the Defendant was contaminated by Polychlorinated Biphenyls (hereinafter referred to as "PCB").

On or about October 9, 2000, Plaintiffs were advised by the State of Mississippi Department of Environmental Quality that their property was contaminated by "PCB" from the Defendant "Kuhlman's" property.

In December 2000, the Mississippi Department of Environmental Quality along with a private contractor hired by the Defendant attempted remediation of the property belonging to the Plaintiffs. The private contractor is now through with the property owned by Plaintiffs.

The property owned by the Defendant and adjoining the Plaintiffs' property is still covered with tarps and also has contaminated soil in bins with warnings on them. Plaintiffs are unsure when and how the property of the Defendant will be remediated. Plaintiffs are unsure if their property will again become contaminated.

The house and lot belonging to your Plaintiffs has been valued at \$258,000.00 prior to the knowledge that the property had been contaminated by "PCB". Since the knowledge of the contamination of the "PCB" and with the further knowledge that the property belonging to the Defendant is still contaminated, the property belonging to the Plaintiffs is worthless.

II.

DEFENDANTS

Defendant, **KUHLMAN CORPORATION** (hereinafter referred to as "KUHLMAN"), a Michigan Corporation with its principal place of business in Lexington, Kentucky, which at one time was doing business in the State of Mississippi and may be served with Process in accordance with Rule 4 of Mississippi Rules of Civil Procedure.

Defendant, **KUHLMAN ELECTRIC CORPORATION** (hereinafter referred to as "KULHMAN ELECTRIC"), incorporated under the laws of the State of Delaware with its principal place of business in Versailles, Kentucky is registered to do business in Mississippi and is doing business in Mississippi. Its agent for Service of Process is C.T. Corporation, 6331 Lakeland East Drive, Flowood, Mississippi 39208.

Defendant, **BORG-WARNER, INC.**(hereinafter referred to as "BORG-WARNER"), incorporated under the laws of the State of Illinois with its principal place of business in Chicago, Illinois, is registered to do business in Mississippi. Its agent for Service of Process is C.T. Corporation, 631 Lakeland East Drive, Flowood, Mississippi 39208.

Defendant, **MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY** (hereinafter referred to as "M.D.E.Q."), a Political Subdivision of the State of Mississippi with its principal place of business in Jackson, Mississippi may be served with process through its Executive Director, Charles Chisolm, at 2380 Highway 80 West, Jackson, Mississippi 39204.

III

VENUE AND JURISDICTION

The Court has jurisdiction over Defendants "Kuhlman," " Kuhlman Electric", and "Borg-Warner," as they are doing business in Mississippi, have committed a tort in whole or in part in Mississippi, and/or have continuing minimum contacts with the State of Mississippi.

The Court also has jurisdiction over the controversy because the damages are above the minimal jurisdictional limits provided in M.C.A. § 9-7-81.

The Court has jurisdiction over Defendant "M. D.E.Q." because it is a political subdivision of the State of Mississippi, amenable to suit pursuant to M.C.A. § 11-46-1, *et seq.* Plaintiffs do not seek monetary damages from the "M. D.E. Q." and seek only injunctive relief as to said Defendant. Pursuant to Greyhound Welfare Foundation vs Mississippi State University, 736 So.2d 1048 (Miss. 1999), Plaintiffs are not required to comply with the notice provisions of M.C.A. § 11-46-11.

Venue is proper in Copiah County, Mississippi, pursuant to M.C.A. § 11-11-3 as Defendants "Kuhlman" and "Kuhlman Electric" committed torts in said county that proximately caused Plaintiffs to sustain injuries and damages occurring in Copiah County, Mississippi. Defendant "Borg-Warner" is the contractual indemnitor of "Kuhlman Electric" for environmental contamination at issue in this action. Consequently, Plaintiffs' causes of action accrued in Copiah County, Mississippi.

There is no basis for federal court jurisdiction over this matter. Plaintiffs have not pleaded nor do Plaintiffs intend to plead any claim cognizable under federal law or any federal code, regulation, rule, statute, or otherwise. Moreover, there is no diversity of citizenship between Plaintiffs and all Defendants.

IV

JOINDER OF PLAINTIFFS

Each of the Plaintiffs' claims are joined in this action pursuant to Rule 20 M.R.C.P. in that: (a) the Plaintiffs assert a right or rights to relief in respect of, or arising out of the same transactions, occurrences or series of transactions or occurrences; (b) the Plaintiffs assert questions of law and fact common to all of them which will arise in this action; (c) each of the

Plaintiffs need not be interested in obtaining all of the relief demanded; and, (d) judgment may be given for one or more of the Plaintiffs according to their respective rights.

This joinder is the only available way of handling a multiplicity of suits arising out of the same occurrence or as, in these cases, a series of transactions or occurrences. Such a joinder of matters arising out of a common theme and requiring synchronized discovery, pretrial proceedings and trial scheduling is further authorized under the laws of Mississippi Leaf River Forest Products, Inc. v Deakle, 661 So.2d 188 (Miss. 1995), as well. This joinder, as permitted under Rule 20 M.R.C.P., will alleviate all parties from the expenditure of duplicative litigation costs, will facilitate judicial expediency and economy, and will coordinate, in a timely and organized fashion through established procedures, affording justice to all parties alike, as set forth in Rule 20 M.R.C.P..

Therefore, under Rule 20 M. R. C. P., this action is properly brought in this Court.

V.

BACKGROUND

In the early 1950's the "Kuhlman" began operating a facility to manufacture electrical transformers in Crystal Springs, Covich County, Mississippi. Subsequently in the 1990's the "Kuhlman" was merged with "Kuhlman Electric". "Kuhlman Electric" still presently operates the facility. "Kuhlman Electric" or its predecessor "Kuhlman" continued to own and operate this plant up until March 1, 1999, when it was purchased by "Borg-Warner". "Borg-Warner" purchased the parent company of "Kuhlman Electric", that being "Kuhlman", on October 5, 1999. "Borg-Warner" then sold "Kuhlman Electric" stock to The Carlyle Group. "Borg-Warner"

provided an indemnity to "Kuhlman Electric" and The Carlyle Group covering pre-closing environmental matters at the plant site.

"Kuhlman Electric" manufactures electrical transformers of various sizes with fabrication of said transformers occurring on site. The transformers are built on a work order basis and require approximately forty-eight months to build.

Raw materials that are utilized in the manufacture of transformers are steel, aluminum, copper wire, copper strips, and hard cardboard referred to as T-4 cardboard. Various transformer oils have been used in the manufacturing processes since the facility began operations.

Silicon steel plates are cut to specifications and welded together to form the transformer tank body. The tanks and parts are then rinsed with mineral spirits to remove any grit from their surfaces. The tanks and parts are allowed to dry over a sump.

The T-4 cardboard is laid out and sprayed with water hoses to make it pliable. The damp cardboard is run through a former to form a cylinder. String is then used to hold the cylinder shape until the edges are glued together and the cylinder can be dried in an oven. The next step in the process of making a transformer is that coils of copper or aluminum are wound around the cylinder. Once the coils are completed a bolt is placed through the cylinder and compressed to specification. The coils are then placed in mineral oil. The coils are then placed on a grate where they are allowed to drip dry and then are placed in the transformer body. The transformer body is next placed in a vacuum, filled with hot oil and left in the vacuum for twenty-four hours.

From approximately 1951 until approximately 1977, "Kuhlman Electric" purchased from various suppliers for use in its manufacturing processes, transformer oils that contained polychlorinated biphenols (PCB's). "PCB's" were added to the oil due to the low conductivity and

insulating properties of "PCB's." In approximately 1976, "PCB's" were banned due to the extremely toxic and hazardous characteristics of the substance and the availability of less dangerous alternatives. From 1976 until approximately 1990, "Kuhlman Electric" continued to refurbish and repair transformers containing "PCB's" at the plant.

Between approximately 1951 and 1977, "Kuhlman" and "Kuhlman Electric" improperly and negligently disposed of waste transformer oil containing "PCB's" by burying and surface disposition of the oil at its plant site in Crystal Springs, Mississippi. "Kuhlman" and "Kuhlman Electric" also improperly disposed of contaminated waste transformer oil by spraying it for dust suppression, causing drifts of contaminated oil to leave the "Kuhlman" property.

On information and belief, after 1976 "Kuhlman Electric" continued to improperly dispose of "PCB" wastes at its plant site, despite its knowledge of the hazardous and toxic nature of the chemicals. Despite knowledge, "Kuhlman Electric" failed to remediate its property, which it knew was contaminated with "PCB's," or to inform any governmental agency.

On April 21, 2000, "Kuhlman Electric" informed "Borg-Warner" that "PCB" contamination was discovered at the facility during preparation for a plant expansion. Pursuant to its indemnity agreement with "Kuhlman Electric", "Borg-Warner" hired environmental consultants on May 8, 2000, to investigate the site and determine the extent of contamination. The "M.D.E. Q." was notified by "Borg-Warner" and "Kuhlman Electric" that there was contamination on site. Subsequent laboratory samples collected of this substance revealed the presence of "PCB's" and several other toxic and hazardous contaminants.

"Borg-Warner's" initial investigation showed that surface run off from the site impacted neighboring residential and commercial properties, a drainage ditch leading to Lake Chautauqua,

has been impacted as well as Lake Chautauqua itself. The "M.D. E.Q." sampled several species of fish in Lake Chautauqua and determined they contained "PCB's" from the site. The lake has been and remains closed to fishing to protect human health.

Defendant, "Borg-Warner" has maintained control over the environmental testing and remediation of the "Kuhlman" facility and the impacted area pursuant to its indemnification agreement. Plaintiffs are third party beneficiaries of said indemnification agreement.

The Defendant "M.D. E.Q." and its predecessors were and are negligent in failing to discover, delineate, and mandate expeditious clean up of the contamination. The "M.D.E.Q." is further negligent in accepting at face value the environmental documentation filings of the Defendants and/or negligent in failing to investigate indications of contamination contained in the documentation filings of the Defendants.

The Defendant "M.D. E.Q." is negligent for failing to conduct an independent assessment, an independent health survey, independent air monitoring and/or to employ other methods to determine the past, present and future harm to the Plaintiffs' persons their properties, both real and personal, as well as the surrounding public resulting from "Kuhlman" and "Kuhlman Electric's" hazardous contamination.

As a result of Defendants' acts, Plaintiffs have been exposed to hazardous contamination which has proximately caused damage to their property.

VI

COUNT ONE-NEGLIGENCE

The Plaintiffs reassert and reallege all previous allegations set forth herein.

Since commencing operations at the facility which continue as of the date of the filing of this lawsuit, Defendant companies, "Kuhlman", "Kuhlman Electric" and "Borg-Warner", owe and at all relevant times owed a duty of reasonable care to the Plaintiffs. Plaintiffs are reasonably foreseeable victims of the dissemination of contaminants off site, of which Defendants have been aware for years. The Defendants, their officers, agents, and employees knew or should have known with the exercise of reasonable care that the transformer operation and hazardous waste disposal practices of "Kuhlman" and "Kuhlman Electric" emitted and is emitting toxic substances and particulates which were and are running off, through and gathering on the Plaintiffs' properties and surface waters, or with the exercise of reasonable care should have known that such emissions would injure the health of the persons living near the plant and the contaminated areas, including the Plaintiffs and other members of the public nearby.

At all times since this plant commenced operation, the Defendants have failed to use due care to avoid injuring the Plaintiffs herein. Furthermore, the contamination, the disposal of waste, an accumulation of contaminants on the Plaintiffs' properties could have been and can be eliminated or substantially reduced by exercising reasonable care, proper abatement, remediation, the installation of effective treatment plants, and/or pollution control systems.

As a direct and proximate result of the negligent acts and omissions of the Defendants and their employees, agents and representatives, the Plaintiffs have suffered personal injuries. Actual damages should be awarded to the Plaintiffs for all injuries caused by the negligent acts of the Defendants, "Kuhlman", "Kuhlman Electric", and "Borg-Warner".

The Plaintiffs do not seek any monetary damages against the "M.D.E.Q."; they seek only injunctive relief. In addition, since actual monetary damages cannot adequately compensate the

Plaintiffs for past, existing and future injuries to their health, Plaintiffs have no adequate remedy at law and are entitled to the injunctive relief as stated more fully hereinafter.

VII

COUNT TWO-GROSS NEGLIGENCE

Plaintiffs repeat, reassert and reallege each and every allegation contained herein and above.

The failure of "Kuhlman", "Kuhlman Electric", and "Borg-Warner", their officers, agents and employees to prevent the contaminants from migrating offsite and accumulating on the Plaintiffs' properties, continuing to dispose of waste onto the ground, in surface waters, into the air, causing contaminated soils to be removed from the "Kuhlman" facility and deposited on the Plaintiffs' properties, and failing to properly and expeditiously abate and remediate the contamination of their land constitutes gross neglect which exhibits a willful, wanton and reckless disregard for the safety, health and property rights of the Plaintiffs herein and of those living in the vicinity of the Plant.

As a direct and proximate result of the gross negligence and/or willful and wanton acts and/or reckless disregard of "Kuhlman", "Kuhlman Electric" and "Borg-Warner" the Plaintiffs have suffered and continue to suffer personal injury and property damage. Said Defendant's gross negligence, willful and wanton acts and/or reckless disregard, and violation of Mississippi statutes entitle the Plaintiffs to punitive damages against each Defendant, except the "M.D. E. Q.", and in such a sum as to punish the Defendants and to deter the Defendants, "Kuhlman," "Kuhlman Electric" and "Borg-Warner" from engaging in such irresponsible and dangerous activities.

VIII

COUNT THREE- NEGLIGENCE PER SE

Plaintiffs repeat, reassert and reallege each and every allegation set forth herein above.

As an alternative ground for relief, Plaintiffs assert a cause of negligence per se.

Defendants "Kuhlman", "Kuhlman Electric", and "Borg-Warner", failure to cease the disposal of contaminants into the environment, to properly report their violations, to properly remediate soil contamination at the "Kuhlman" site and offsite, and to prevent the offsite migration of contamination is in violation of state law, specifically M.C.A. §§17-17-1 et seq. and 49-17-1, et seq. Said laws are designed to protect the class of individuals of which the Plaintiffs are members from the precise type of harm suffered by Plaintiffs as a proximate result of Defendants' violations of said laws.

IX

COUNT FOUR - PRIVATE NUISANCE

Defendants' acts and omissions described herein have and continue to interfere with Plaintiffs' property interests and their use, enjoyment, and peaceful occupation of their properties. Plaintiffs cannot engage in their customary activities such as vegetable and flower gardening, landscaping, and similar activities due to the hazardous contamination of the soils on their premises. Plaintiffs must restrict their own outdoor activities and their children's outdoor activities in contaminated areas, including their residential yards, to reduce and/or avoid exposure to the hazardous wastes that have and continue to invade their properties. Plaintiffs suffer great emotional distress caused by having to live on contaminated property and in such close proximity to the "Kuhlman" facility.

Defendants' ongoing interference with Plaintiffs' use and enjoyment of their properties is intentional and unreasonable in that Defendants are aware of the locations and concentrations of contamination originating from the "Kuhlman" facility but have failed to remediate their property so that Plaintiffs' property will not be contaminated again. Defendants' past interference with Plaintiffs' use and enjoyment of their properties was either intentional or so grossly negligent and reckless and/or abnormally dangerous as to constitute intentional interference with Plaintiffs' property rights.

Accordingly, Plaintiffs are entitled to damages for private nuisance resulting from Defendants' conduct.

X

COUNT FIVE-PUBLIC NUISANCE

Plaintiffs repeat, reassert and reallege every allegation contained herein above.

As a further and alternative ground for relief, Plaintiffs assert a cause of action for public nuisance.

As a result of an act of the Public Trust Doctrine, the air above the State and water below the ground was ceded to the State to be held in an irrevocable trust for the benefit of the public. Plaintiffs are among the beneficiaries of that trust. The Defendants' pollution of the soil and surface waters as part of a scheme to dispose of hazardous, industrial waste and toxic materials wrongfully damages the assets of the trust for an improper, private purpose and is the proximate cause of the Plaintiffs' injuries and damages. Defendants' plant operations and waste disposal practices therefore constitute a public nuisance. Because of Plaintiffs' unique, close proximity to

the plant and their suffering of property damage which is the direct result of the plant's operation, unlike the community at large, Plaintiffs are entitled to bring this action for public nuisance.

XI

COUNT SIX - TRESPASS

Defendants have caused toxic pollutants to escape the "Kuhlman" facility through, *inter alia*, storm water runoff, by spraying transformer oils for dust control, by removal of contaminated soils from the "Kuhlman" site and depositing of those soils on Plaintiffs' properties and/or properties located near Plaintiffs' properties. The damages to Plaintiffs' properties is solely, directly, and proximately caused by a trespass by the Defendants and each of them, with the exception of the "M.D.E.Q.". Plaintiffs are entitled to recover damages from Defendants "Kuhlman" and "Kuhlman Electric" for Plaintiffs' pecuniary losses resulting from the trespass.

XII

COUNT SEVEN - STRICT LIABILITY

Plaintiffs repeat, reassert and reallege each and every allegation contained hererin above.

As a further and alternative ground for relief, Plaintiffs assert a cause of action for strict liability pursuant to 403(a) of the RESTATEMENT (SECOND) OF TORTS and pursuant to M.C.A. § 11-1-63 (Supp. 1994).

The manufacturing processes, materials, and hazardous waste disposal practices employed by Defendants "Kuhlman" and "Kuhlman Electric", are ultra hazardous in that they produce and release into the environment substances and chemicals and other hazardous materials. The processes used by said Defendants are defectively designed and unreasonably dangerous to the persons living in close proximity to the plant, particularly the Plaintiffs herein.

The Defendants knew, or in light of the reasonable, available knowledge or the exercise of reasonable care should have known, the unreasonable dangers caused by their processes and practices. Such hazardous substances escaping into the environment endanger the lives and health of persons breathing the air and being exposed to the contaminants even if those in charge of these processes and practices attempt the exercise with the utmost care to prevent such releases.

The Defendants, therefore, are strictly liable pursuant to 403(a) of the RESTATEMENT (SECOND) OF TORTS and M.C.A. § 11-1-63 (Supp. 1994) to the Plaintiffs for the injuries inflicted on them by the Defendants' dangerous instrumentalities, transformer operations, and waste disposal practices in furtherance of the Defendants' ultra hazardous activities.

XII

COUNT EIGHT - FAILURE TO WARN

Plaintiffs repeat, reassert and reallege each and every allegation contained herein above.

The Defendants failed to warn the Plaintiffs concerning all dangers related to its manufacturing and/or processes, the way byproducts were produced, handling of hazardous wastes upon property in close proximity to the Plant, and off site depositing of contaminated soils from the plant site. Specifically, the Defendants failed to provide the Plaintiffs, other persons similarly situated, and the public at large with warnings of all dangers inherent in the production of its by-products and its manufacturing process and that hazardous wastes were traveling through and accumulating on property in close proximity to the Plant which was not within the knowledge of or obvious to the ordinary person. These dangers include the fact that the Defendant companies' manufacturing processes, procedures, equipment, byproducts and/or designs were and are highly

dangerous to the health of the persons exposed to them, in that they caused or contributed to the development of a wide variety of injuries and damages. Additionally, Defendants failed to provide Plaintiffs with knowledge as to what would be reasonably safe and sufficient protection if, in truth, there was any, to protect them from harm and/or life threatening injury as a result of their exposure to the byproducts and/or manufacturing processes and/or hazardous wastes which emanated from the Plant and traveled through and accumulated on property and surface waters in close proximity to the Plant.

Defendants have negligently and recklessly failed and refused to warn and advise the Plaintiffs, others similarly situated, and the public at large, of the dangers caused by Plaintiffs' past and present exposure to defective byproducts, manufacturing processes and /or emissions and releases of the Defendants, and which Defendants knew or should have known endangered the Plaintiffs and invaded the Plaintiffs' soil.

Despite such knowledge, Defendants refused to warn and advise of the dangers, caused by the byproducts, manufacturing processes and/or emissions which emitted from, traveled through and/or accumulated on their respective properties, to the health and welfare of persons coming into contact with such. Moreover, despite Defendants' knowledge that dangerous by-products, manufacturing processes, and/or toxic emissions traveled through and accumulated on Plaintiffs' respective properties, where the Plaintiffs were required to live and work, the Defendants have failed to warn Plaintiffs.

Defendants' failure to warn and intentional misrepresentation took place before, during, and after the Plaintiffs were exposed to the byproducts, manufacturing processes, wastes and/or emissions which emitted from, traveled through and/or accumulated on their respective pro-

erties. Defendants' breach of duty to warn Plaintiffs of the dangers posed by their exposure to said contaminants are the proximate cause or a substantial contributing cause of Plaintiffs' damages to their property.

XIII

COUNT NINE - FAILURE TO USE ALTERNATIVE PROCESSES

Since the Defendants as owners and/or users of "PCB's", chlorinated benzene, and other hazardous and toxic materials known to be carcinogens, the Defendants are held to the knowledge of an expert. They are required by law to keep abreast of scientific knowledge, discoveries, and advances in processes. Defendants could have years ago created sumps, pumps, ground containment systems in the various process areas or drainage areas to prevent the migration of any hazardous material offsite and particularly the ditches that led offsite.

Furthermore, once the contamination was detected, the Defendants could have opted for one of many methods of containment known throughout the industry as far back as the early 1970s including, but not limited to, Slurry Walls, French Drains or one of many other methods which would have prevented the hazardous material from going offsite. As a result of this failure to use safer, available, alternative processes, the Plaintiffs have been injured.

XV

COUNT ELEVEN - INTENTIONAL TORT OF OUTRAGE

Plaintiffs repeat, reassert and reallege each and every allegation contained herein above.

The previously described negligent and intentional acts committed by the Defendants in their failure to disseminate medical and scientific information concerning the true nature of the hazards associated with exposure to the contaminants which emitted from, traveled through

and/or accumulated on their respective properties, together with their knowledge that the Plaintiffs, other persons similarly situated and the public at large, were required to work and live in an environment polluted by toxic emissions from the Defendants' facility, is so egregious as to shock the conscience of a reasonable person and the public at large, thereby constituting the intentional tort of outrage for which Plaintiffs should be compensated.

XVI

DAMAGES

As a direct and proximate result of the aforesaid acts and omissions of the Defendants, the Plaintiffs have suffered the following injuries and are entitled to recover and seek to recover from the Defendants, except the "M.D.E. Q.", the following damages pursuant to each or any one of the causes of action stated above:

- (1) Damages for Plaintiffs' emotional distress, anxiety, fear, aggravation and inconvenience that have been caused by concern about their exposure to contamination;
- (2) Plaintiff homeowners and property owners have lost benefits of their agreement for the purchase of suitable homes and previously desirable properties, have lost monies spent on improving their homes and properties, have lost or experienced a diminution in the appreciation that they would have experienced had their homes and properties not been contaminated with hazardous substances originating at the "Kuhlman" site, have lost the benefit of monies paid on their mortgages, have lost some or all of the value of their down-payments, and have spent and will continue to spend a period of time having to live in close proximity to the "Kuhlman" site which contains toxic wastes and the pollution emanating from it.

- (3) All other actual and/or consequential damages flowing from personal injury and property damage.

Plaintiffs further request punitive damages against Defendants, excepting the "M.D.E. Q.", for their wanton, willful and reckless disregard for the health and welfare of the Plaintiffs and gross negligence in damaging Plaintiffs' properties for all the reasons stated hereinabove. The acts omission and commission of "Kuhlman", "Kuhlman Electric" and "Borg-Warner", were and are so grossly negligent as to entitle each Plaintiff to the recovery of punitive damages of and from each of said Defendants in an amount sufficient to punish them for their egregious acts and to deter them and others similarly situated from such conduct in the future.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment against all Defendants, both jointly and severally, except the **Mississippi Department of Environmental Quality**, in an amount that will adequately compensate them for their actual and consequential damages described herein. In addition, Plaintiffs seek punitive damages against all Defendants, except the Mississippi Department of Environmental Quality, in an amount to be set by the jury to punish Defendants and deter others from engaging in similar wrongful acts and omissions. Plaintiffs seek pre-judgment and post-judgment interest, costs and reasonable attorney's fees assessed against all Defendants, except the Mississippi Department of Environmental Quality.


Plaintiffs respectfully request the Court issue a mandatory injunction against the Mississippi Department of Environmental Quality ordering it to enforce the various state regulations and laws applicable to **Kuhlman Corporation, Kuhlman Electric Corporation and Borg-Warner, Inc.**, and require that it assess, remediate and remove all contaminated soils and surface waters to which Plaintiffs are being exposed. It is further requested that the Court issue a

mandatory injunction to the Mississippi Department of Environmental Quality ordering Kuhlman Electric Corporation to cease and desist disposing of contaminated waters and hazardous materials into the ditches and grounds and air without the proper discharge permits or hazardous waste permits or any other type of regulation therein.

Additionally Plaintiffs pray that the Mississippi Department of Environmental Quality monitor the ground water and sub-surface waters flowing through the property of the Defendants and insure that the ground water is not contaminating the property belonging to the Plaintiffs.

Plaintiffs additionally pray for such other and further relief to which they may show themselves justly entitled in the premises.

So submitted this 6th day of February, 2003.


C.E. SOREY II, (MS Bar No. 7692)
Attorney for Plaintiffs
RAMSEY LAW FIRM, P.C.
21 N. Florida Street
Mobile, Alabama 36607
Telephone: (334) 479-5655
Facsimile : (334) 479-2488

IN THE CIRCUIT COURT OF COPIAH COUNTY, MISSISSIPPI

GREER ELIZABETH DABNEY; JEFF SMITH; §
BETTY TAYLOR DABNEY, TRUSTEES FOR §
THE BETTY TAYLOR DABNEY LIVING TRUST, §

PLAINTIFFS

VS

§

CIVIL ACTION NO:

2003-0085

KUHLMAN ELECTRIC CORPORATION; §
KUHLMAN CORPORATION; BORG-WARNER, §
INC.; AND, MISSISSIPPI DEPARTMENT OF §
ENVIRONMENTAL QUALITY

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY
c/o Charles Chisolm, Executive Director
2380 Highway 80 West
Jackson, Mississippi 39204

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to
C. E. SOREY, II, attorney for Plaintiff, whose address is Ramsey Law Firm, P.C., 21 N. Florida
Street, Mobile, Alabama 36607. Your response must be mailed or delivered within thirty (30) days
from the date of delivery of this summons and complaint or a judgment by default will be entered
against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a
reasonable time afterward.

Issued under my hand and the seal of said Court, this 14th day of February, 2003.

(SEAL)



CIRCUIT CLERK OF COPIAH
COUNTY, MISSISSIPPI

Edna E. Stevens
DEPUTY CLERK

EDNA E. STEVENS
CIRCUIT CLERK
COPIAH COUNTY
P.O. BOX 467
HAZLEHURST, MS 39023



Tony Russell on 02/12/2003 02:52:46 PM

To: Kelli Dowell/Legal/Admin/DEQ@DEQ
cc: Brian Young/HW/OPC/DEQ@DEQ
Subject: Re: Brent Street Property

Kelli,

Brian is out this week also. When he returns next week, he will draft an order for the two parties.

I talked to Bob Lawrence and he will find out who the Icehouse property owner hired to haul the debris off. He said he was 99% sure that it was David Rogers.

Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch Chief
Phone 601-961-5318
Fax 601-961-5300

Kelli Dowell

Kelli Dowell
02/07/2003 04:16 PM

To: Tony Russell/HW/OPC/DEQ@DEQ, Brian Young/HW/OPC/DEQ@DEQ
cc:
Subject: Brent Street Property

Chuck and I have discussed and concluded that DEQ should issue an order to Kuhlman and to David Rodgers. We have a very broad statute that gives us authority to levy injunctive relief against a generator (Kuhlman) and transporter (David Rodgers) of solid waste (PCP contaminated soil) when it presents an imminent and substantial hazard to the public health or the environment (Miss. Code Ann. Section 17-17-27(8)).

Please draft the technical provisions of the order - the deleriation/remediation requirements and I will put in the legal jargon. Remember that I am out of the office all next week, so this will not be completed until the following week at the earliest.

Kelli M. Dowell
Attorney
Mississippi Department of Environmental Quality
P.O. Box 20305
Jackson, MS 39289
601-961-5340

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

February 7, 2003

FEB 10 2003

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: Response to Comments
Groundwater Assessment Plan
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed are BorgWarner's responses to MDEQ's comments on the Groundwater Assessment Plan for 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

GROUNDWATER ASSESSMENT PLAN
Kuhlman Electric Corporation

RESPONSE TO MDEQ COMMENTS

Following are responses to comments from Mississippi Department of Environmental Quality dated December 20, 2003, regarding their review of the Groundwater Assessment Plan prepared by BorgWarner, Inc.

1. *Section 2.3.1- Mud rotary is the least preferred drilling method as contamination can be introduced into the borehole from constituents in the drilling mud, and cross contamination can occur along the borehole column from the mud circulating through the borehole annulus. If mud rotary is to be used, especially in areas of known contamination, great care should be taken to ensure no cross-contamination occurs. Only potable water, and a pure (no additives) bentonite drilling mud should be used. Furthermore, all drilling materials used should have adequate manufacturers' documentation that confirms the products' purity. Samples of the drilling materials should be included as part of the project's QA/QC plan.*

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In order to minimize the possibility of cross-contamination down the borehole, two methods of drilling will be used on each hole. Ten-inch hollow stem augers will be used to advance the initial borehole down to a level beneath the soil contamination. As the hollow stem augers are withdrawn from the hole, lean grout will be placed inside the augers, filling the borehole as augers are removed. The surface casing will be inserted into the new grout and seated at the base of the hole. The grout will be allowed to set-up for 12 to 24 hours at which time the grout in the surface casing will be drilled out, and the hole will be advanced to the depth required to set the well screen using mud rotary drilling methods. This method of seating the surface casing will seal the surface casing drive shoe in place and fill all voids between the surface casing and borehole wall.

Only potable water and pure drilling mud will be used. Manufacturer's certifications will be provided for all drilling fluids, including bentonite and grout. Samples of the drilling fluids will be analyzed for constituents of concern prior to use.

2. *Section 2.3.1 Continued- It is stated "...a surface casing will be advanced through the upper soil zone and seated at an approximate depth of 20 feet below ground surface..." A soil sample from this depth should be collected and analyzed for the contaminants of concern. Furthermore, There is no information on the type grout that will be used to set the surface casing and how the annular space will be filled with grout. Also, how long will the grout have to cure before drilling can proceed?*

RESPONSE- The method for advancing and seating the surface casing is described in response #1. A lean cement grout will be used to seal the annular space and the bottom of the surface casing. Soil samples will be collected continuously as drilling proceeds to log the lithology, and identify unstable sandy zones and potential perched groundwater conditions. A sample will be collected from the soil at the base of the initial borehole where the surface casing is to seat, and analyzed by the on-site laboratory for the constituents of concern prior to grouting the borehole and seating the casing.

3. *Section 2.3.1 Continued- It is stated "A 2-inch diameter pvc well screen five feet long will be set 5 feet into the watertable." As this may be a semi-permanent installation, the MDEQ is requiring that a well screen of sufficient length be used to account for seasonal fluctuations in the water level.*

RESPONSE- A screen length of 5 feet was initially proposed assuming that only one sampling event would take place. Since at least three quarterly sampling events are required, a screen of 15 feet in length will be placed into, and straddling, the watertable. The screen slot size will be 0.010 inches.

4. *Section 2.3.1 Continued- It is stated "Formation sands will be allowed to collapse around the screen,..." Formation sands may not prove to be suitable as filter media, and with using a mud rotary drilling method, it is possible that the formation material will not collapse around the well screen enough to provide an adequate filter pack. Therefore, the MDEQ requires that a filter pack be placed in all wells. The filter pack shall extend two feet above the top of the well screen. Please provide specifications for the filter pack material (Reference U.S. EPA Region 4, Environmental Investigations Standard Operating Procedures and Quality Assurance Manual, Dated November 2001, (Ref. EISOPQAM) Section 6).*

Response- Filter pack material shall consist of clean, rounded to well-rounded, hard, insoluble, 20-40 silica sand. All filter material shall be free of contaminants. Manufacturer's certifications in this regard will be obtained.

Filter pack will be placed in the annulus surrounding the well screen to a level extending two feet above the well screen.

5. *Section 2.3.1. Continued- It is stated "The bentonite seal will extend from one foot above the top of the well screen to a level three feet above the top of the well screen." MDEQ requires that the bentonite seal shall extend from two feet above the top of the well screen (top of sand pack) to a level four feet above the top of the well screen. Please provide specifications for the bentonite seal (Ref. EISOPQAM, Section 6).*

Response- The bentonite seal shall extend from a level two feet above the well screen to an unhydrated thickness of two feet. The bentonite material will consist of pellets, which will be placed by pouring into the open borehole and tamped with a rod. The bentonite pellets will be allowed to hydrate a minimum of eight hours before placement of a bentonite/grout mixture to within two feet of the ground surface.

6. *Section 2.3.1 Continued- Please provide specifications for the bentonite/grout mixture and how the grout will be introduced into the well (Ref. EISOPQAM, Section 6).*

Response- The bentonite/grout mixture shall consist of a 30% solids pure bentonite grout with a minimum density of 10 lbs/gallon. The bentonite/grout shall be placed above the bentonite seal using tremie methods and shall extend to within 2 feet of the ground surface. The bentonite/grout will be allowed to cure for a minimum of 24 hours.

7. *Section 2.3.1 Continued- It is stated that Alconox[®] will be used in the decontamination procedure. MDEQ Requires that Liquinox[®] be used as Alconox[®] is not a phosphate free detergent.*

Response- Liquinox[®] will be used in the decontamination procedure.

8. *Section 2.3.2- How will the wells be developed (Ref. EISOPQAM, Section 6.8)? Furthermore, how will the wells be sampled? It is recommended that a low-flow/low-stress technique be used to purge and sample the wells. These techniques have been shown to reduce the sample turbidity and obtain a more representative groundwater sample.*

Response- Wells will be developed using a combination of procedures depending on the amount of sediment to be removed and consistency of the sediment. Initially after installation, sediment in the wells will be removed by airlift pumping and surging. Initial measurements of field parameters including temperature, pH, specific conductance, and turbidity will be recorded in the fieldbook. If necessary, surging the screened interval with a surge block and pumping with a 1.5-inch variable speed submersible pump will continue until field parameters stabilize and the water is visibly clear. The pump speed will be adjusted to minimize flow and stress on the aquifer.

9. *Section 2.3.2 Continued- It is stated that well development and sampling may be conducted using a submersible pump. What type of pump will be used, how will the samples be collected, and how will the pump be decontaminated between wells?*

Response- See Response to comment #9 regarding the type of pump to be used. The pump will be decontaminated by rinsing with clean water, scrubbing the outside pump housing with Liquinox[®] and water, and rinsing with clean water. The pump will then be placed in a basin with a mixture of water and Liquinox[®] and operated to clean the inside. Clean water will be pumped through the pump housing to rinse out detergent, then deionized water will be used for a final rinse.

10. *Section 2.3.2 Continued- It is stated that water levels will be measured after the wells are developed and sampled. MDEQ requires that water levels be collected following prior to developing and purging the wells in an attempt to obtain levels during static conditions.*

Response- Per our discussion, groundwater levels will be measured prior to purging and sampling the wells, but following well development and equilibration of the aquifer.

11. *Section 2.3.2 Continued- It is stated "If no constituents are detected, all wells will be properly closed." MDEQ requires that monitoring wells be sampled for a minimum of one year on a quarterly basis. This is to account for possible seasonal and spatial variations in water levels/conditions. If analytical data reveal that three (3), consecutive sampling events within one year are free of the contaminants of concern, a request to MDEQ may be made to discontinue sampling and abandon the wells.*

Response- Wells will be sampled and analyzed for at least three quarters per MDEQ requirements.

12. *Section 2.3.4- Turbidity should be added to the field measurements.*

Response- Turbidity measurements will be added to the field parameter list.

13. *Section 3.0- The target remediation goal (TRG) for 1,2,4,5-tetrachlorobenzene should be 11 parts-per-billion (ppb). The TRG for pentachlorobenzene should be 29.2 ppb. The TRGs for constituents that do not have established Tier 1 TRGs shall be the method detection limit (MDL), until a different detection limit that is protective of human health and the environment, can be established.*

Response- Sample results will be compared to the TRGs listed above for the respective constituents.

14. *Section 3.0 Continued- The MDL for SW 846 8270 is generally around 10 ppb in water. Several of the constituents of concern have TRGs that are less than the MDL for this method. Either this method should be modified or adapted to reach the 1 ppb range, or a different method should be selected.*

Response- Method detection limits for all parameters will be established at levels below TRGs for constituents of concern by the on-site laboratory and the fixed-base laboratory.

15. *Section 4.2- See #14 above.*

Response- See Response to comment #14.

16. *Section 4.4- It is suggested that a subset of equipment rinseates be collected from the drilling equipment to verify the decontamination procedures are effective.*

Response- Rinseate samples will be collected from drilling equipment as well as sampling equipment to verify successful decontamination.

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

Facsimile Transmittal

Name: Brian Young

Firm: MDEQ

Fax No: 601/961-5300

Response to Comments
KEC Groundwater Assessment Plan

Total Number of pages including cover: 7

Sender: Robert Martin Date: 2/7/03

GeoEnvironmental
Associates, LLC

MARTIN & SLAGLE

ROBERT L. MARTIN, LG
Principal Geologist

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GeoEnvironmental
Associates, LLC**MARTIN & SLAGLE**ROBERT L. MARTIN, L.G.
Principal GeologistCHRISTINE E. SLAGLE
Principal Scientist

February 7, 2003

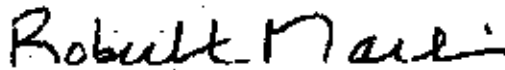
Mr. Tony Russell
Chief - Uncontrolled Sites Section
Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385

**SUBJECT: Response to Comments
Groundwater Assessment Plan
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed are BorgWarner's responses to MDEQ's comments on the Groundwater Assessment Plan for 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.CRobert L. Martin, L.G.
Principal Geologist

Attachments

cc.: Anastasia Hamel

GROUNDWATER ASSESSMENT PLAN
Kuhlman Electric Corporation

RESPONSE TO MDEQ COMMENTS

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RESPONSE- We understand that mud rotary is the least preferred rotary drilling method, however, experience of local drillers points to this method due to the presence of unstable sandy zones within the Citronelle Formation. Drilling fluid is necessary, at times, to maintain an open borehole to allow for well construction.

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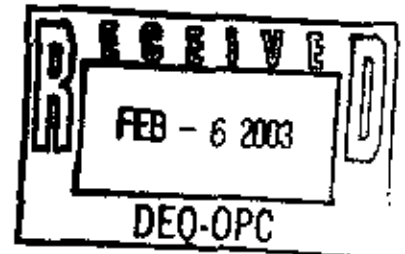
ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

February 5, 2003

FILE COPY

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: Mid South Property
Brent Street Sample Results
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed are analytical results and a sample location map for the Brent Street property owned by Mid South Leasing 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

A handwritten signature in cursive script that reads "Robert L. Martin".

Robert L. Martin, L.G.
Principal Geologist

Attachments

cc.: Anastasia Hamel



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

February 5, 2003

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: *North Drainage Channel Site Characterization Report* dated January 2003
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 submitted by Martin & Stagle on behalf of BorgWarner and has the following comments:

1. The following samples indicated a concentration of PCB's greater than 50ppm, but they were not outlined on the appropriate figures as being greater than 50ppm.
 - a. SMP GP23-001 (250ppm)
 - b. SMP GP23-002 (74ppm)
 - c. WRP GP4-002 (71ppm)
 - d. RFP GP16-001 (51ppm)
 - e. FWP GP46-001 (78ppm, split)
 - f. DP 818-001 (57ppm, split)
2. The following samples indicated a concentration of PCB's greater than 1ppm, but they were not outlined on the appropriate figures as being greater than 1ppm.
 - a. CSP GP6-003 (1.4ppm)
 - b. CSP GP31-001 (1.3ppm)
 - c. CNP GP157-001 (1.3ppm, split)
 - d. CNP GP163-01 (1.1ppm, split)
3. The following samples were annotated on the appropriate figures, but were not shown in the appropriate table. This list is not inclusive, but is included to show incomplete or missing data in the tables.
 - a. CSP GP6-003

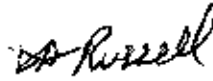
- b. RFP GP 30-003, 004, 005, and 006
 - c. LGP GP30-002, 003, 004, 005, 006, 007, and 008
4. There are several structures that are in areas contaminated with PCB's or are in close proximity to areas contaminated with PCB's. The MDEQ requests that the subsurface area around and under the following structures be evaluated for the presence of PCB's:
- a. The barn on McPherson Street listed as J. Harold Graham.
 - b. The house on McPherson Street listed as Beulah May Sojourner.
 - c. The house off of Forest Street listed as Ralph Williams.
 - d. The house off of Forest Street listed as Willie Douglas, ET AL.
5. There are extensive areas where culverts prevented/interfered with the sampling of the drainage way. These areas need to be evaluated and a determination made if there is enough contamination present in and around the culverts to warrant removal of the culverts and remediation of these areas. MDEQ is concerned with the following culvert areas:
- a. The culvert extending under the Illinois Central RR Right of Way.
 - b. The culvert extending under West Railroad Avenue.
 - c. The culvert extending under the McPherson Street (Right of Way) to the City of Crystal Springs property on Old McPherson Road.
 - d. The 2 culverts at the end of the paved portion of Forest Street.
 - e. The 1 culvert/bridge under Camp Street.
 - f. The culvert proceeding under Highway 51 and into Lake Chatauqua.
6. No lithology information was collected during the installation of the ground-water monitoring wells. Whenever possible, the stratigraphy and lithology of a site should be collected/documented to serve as a reference for future use.
7. The Log of MW-1 lists the bottom of the well screen @ 3.75 BGS when it is shown at 6.75 BGS (typo). MW-3 shows the same mistake.

MDEQ requires that the tables and figures be corrected and resubmitted by February 19, 2002. In an effort to expedite the process, BorgWarner may wish to investigate/remediate the areas discussed in paragraphs 4 and 5 during the implementation of the remedial action plan for these areas. MDEQ is satisfied that the PCB contamination associated with the drainage way has been adequately characterized. Therefore, BorgWarner should proceed in developing a Remedial Action Plan for the drainage way and submit this plan to MDEQ by April 7, 2003.

Ms. Anastasia Hamel
February 5, 2003
Page 3 of 3

If you should have any questions or comments, you may contact Brian Young at
(601) 961-5088.

Sincerely,



Tony Russell, Chief
Uncontrolled Sites Branch

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) 583-2677
Anastasia Hamel	Facsimile: (248) 754-9159
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 E" in the BorgWarner, Inc., *NOTICE OF REMEDIATION* dated February 3, 2003.

Plaintiffs require soil samples at multiple locations within "Area E" as set forth herein, in addition to locations exhibiting apparent staining or odor. Plaintiffs require soil samples to be taken from depths of 0-6", 6-12" and 12-24" bgs at the following locations within "Area E" identified by the aforementioned BorgWarner Notice of Remediation, as follows: at DP-1; at DP-16; at DP-25; in Stockpile 4; and in Stockpile 6. Plaintiffs' environmental technical staff shall be present for all sampling activity.

Respectfully submitted,


DOUGLAS G. MERCIER,
Attorney for Plaintiffs

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
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



"ALAN THOMAS" <ATHOMAS@kuhlman.com> on 02/03/2003 04:15:04 PM

To: <ahamel@bwauto.com>, <Tony_Russell@deq.state.ms.us>
cc: <Brian_Young@deq.state.ms.us>, "Paul Acheson" <PAULA@kuhlman.com>, "Ron Polk"
<RPOLK@kuhlman.com>, "Tom Minnich" <TOMM@kuhlman.com>, <scott.schang@lw.com>
Subject: Re: LMR construction

Tony; On LM&R Construction; David Rogers is the owner.

On the parking lot construction, I'm not sure where the concrete went but I asked that the soil be wasted in the northeast quadrant of the KEC site to fill in the swale. I do not recall specifically that it was wasted there but I'm nearly certain that Dave was in favor of putting it there as well because it saved him transportation cost (it may even have been his suggestion).

I'm pulling records on the construction activity from 1992 to 1999. It'll take a few days to complete the record review. Let me get back to you on Monday 2/10/03?

I spoke with Anastasia this morning. Anastasia promised to get back to you with an answer on the debris from the fire; Anastasia and Robert were researching that last week.

Hope this is helpful-Have a good day. Al

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>>> <Tony_Russell@deq.state.ms.us> 01/31/03 09:09AM >>>

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Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch Chief
601-961-5318



"ALAN THOMAS"
<ATHOMAS@kuhlman.com>

To: <ahamel@bwauto.com>, <Tony_Russell@deq.state.ms.us>
Subject: Re: LMR construction

02/03/2003 04:15 PM

Tony; On LM&R Construction; David Rogers is the owner.

On the parking lot construction, I'm not sure where the concrete went but I asked that the soil be wasted in the northeast quadrant of the KEC site to fill in the swale. I do not recall specifically that it was wasted there but I'm nearly certain that Dave was in favor of putting it there as well because it saved him transportation cost (it may even have been his suggestion).

I'm pulling records on the construction activity from 1992 to 1999. It'll take a few days to complete the record review. Let me get back to you on Monday 2/10/03?

I spoke with Anastasia this morning. Anastasia promised to get back to you with an answer on the debris from the fire; Anastasia and Robert were researching that last week.

Hope this is helpful-Have a good day. Al

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DATE	DESCRIPTION	ORIGINATOR	Excavation?
07/18/95	FABRICATE BLOCKWALL ENCLOSURE FOR POWER WINDING INSULATION	SB	N
11/28/95	TO COVER REPAIR OF (2) HOLES IN FRONT PARKING LOT	SB	?
12/20/95	LABOR & MATERIAL TO INSTALL CENTER BLOCK WALL BETWEEN I.T. DRY TYPE FOR NEW OVEN & JIB CRANE	SB	N
06/12/96	TO COVER LABOR & MATERIAL TO CONSTRUCT APPROXIMATELY A FIFTY PARKING LOT	SB	Y
07/09/96	TO COVER CHANGE ORDER ON CONSTRUCTING PARKING LOT DUE TO INCREASE IN CONCRETE AND ADDITIONAL STEIPIING	SB	Y
08/14/96	TO COVER LABOR & MATERIAL TO CONSTRUCT STORM WATER DRAIN BOX AT SOUTHEAST END OF NEW PARKING LOT	SB	Y
08/20/97	TO COVER CONSTRUCTION OF SHOT BLAST ROOM PIT & 33' X 29' X 21' HIGH 8" X 8" X 16" CINDER BLOCK BUILDING TO HOUSE SHOT BLAST ROOM 1st PHASE OF 3	SB	Y
08/28/97	TO COVER INSTALLATION OF 1-TON JIB CRANE ON CONCRETE PARTS STORAGE AREA EAST OF OIL DIKE	SB	Y
08/23/97	TO COVER PAINTING INSIDE OF NEW BLOCK SHOT-BLAST ROOM WITH (1) COAT OF BLOCK SEALER OUTSIDE WITH (2) COATS OF BLOCK SEALER & (2) COATS OF SAND GOLD OR YELLOW CORN EXTERIOR LATEX PAINT	SB	N

09/06/97	TO COVER INSTALLATION OF METAL FRAMING FOR PREFABRICATED SHOT BLAST ROOM & INSTALL 160' OF CRANE RAIL FLUSH WITH EXISTING FLOOR FOR SHOT BLAST CARS	SB	N
11/06/97	TO COVER INSTALLATION OF COLLECTOR & BLOWER FOR NEW SHOT BLAST ROOM IN 422	SB	N
11/24/97	TO COVER REPAIRING POT HOLES AROUND PLANT & CUTTING CUT-OUTS IN CURBING IN NORTH PARKING LOT FOR STORM WATER DRAINAGE	SB	Y
11/26/86	TO COVER RENOVATION OF B.A. OVERHANG TO ACCEPT PRODUCTION OF P.A. SYSTEMS	SB	?
03/26/97	TO COVER CONSTRUCTION OF PAINT SPRAY BOOTH ROOM IN 422 17'-0" WIDE X 30'-0" LONG X 22'-0" HIGH- DEMENSIONS ARE INSIDE MEASUREMENTS	SB	N
04/02/97	TO COVER CHANGE ORDER #1 AS FOLLOWS- INSTALL EMERGENCY PASSAGE DOOR IN NEW PAINT ROOM FOR CASE DEPT.	SB	N
04/15/97	TO COVER CHANGE ORDER #2 FOR NEW PAINT ROOM IN 422- 2 DAYS BOOM TRUCK RENTAL MATERIAL & LABOR TO FABRICATE 48" O.D. EXHAUST STOCK & ACCESSORIES WELDER & LABOR TO INSTALL THE ALCOVE	SB	N
05/08/97	TO COVER LABOR & MATERIAL TO CONSTRUCT 13,000 SQUARE FOOT EXTERIOR CONCRETE STORAGE AREA. CHANGE ORDER #1 INSTALL FRENCH DRAIN FULL LENGTH OF SLAB ON EAST SIDE (168')	SB	Y
05/20/97	TO COVER BREAKING OUT NEW PAINT ROOM FLOOR & INSTALLING 65' OF DOUBLE TRACK RAIL FLUSH	SB	Y

WITH TOP OF FLOOR

05/20/97	TO COVER SEALING & PAINTING NEW PAINT ROOM IN CASE INSIDE & OUTSIDE	SB	N
05/21/97	TO COVER FILLING PIT IN FLOOR LEFT FROM REMOVING SCAL # 3093 WINDING MACHINE TO BE SHIPPED TO KPS INC. WITH 4000 PSI CONCRETE	SB	?
06/24/97	TO COVER BREAKING OUT CONCRETE & INSTALLING ADDITIONAL 42' OF CRANE RAIL SYSTEM FLUSH WITH TOP OF FLOOR FOR NEW SPRAY PAINT ROOM IN 422	SB	Y
01/06/98	TO COVER REPAIR OF CINDER BLOCK WALL AT B.A. RAILROAD PIT DOOR	SB	N
07/08/98	TO COVER INSTALLING (2) SETS OF GUARD RAILS AROUND FIRE HYDRANTS & PAST INDICATOR VALVES ON EAST SIDE OF PLANT	SB	?
02/26/97	TO COVER LABOR FOR CONVERSION ON BEASLEY OFFICE INTO A WORK CELL FOR ACT'S	HC	?
11/19/98	TO COVER FRONT PARKING LOT SCAL & STRIP	HC	?
12/07/98	TO COVER BACK PARKING LOT REMOVE ALL SAND ADD SEAL & RESTRIPE	HC	?
03/09/99	INSTALL METAL BUILDING ON NORTH SIDE OF OUR CRYSTAL SPRINGS MS. FACILITY TO HOUSE (2) AIR COMPRESSORS	AT	N
03/04/99	TO REMOVE & TO RENOVATE RESTROOMS IN EXECUTIVE OFFICE AREA TO INCLUDE TILING FLOOR REPLACING SPLASH TILE W/WHITE TILE ON VERTICAL WALL 30" ABOVE FLOOR, PROVIDE NEW VANITY IN	AT	N

LADIES REST ROOM & DOWNSTAIRS RESTROOM
 PAINT WALLS INTERIOR WHITE, REPLACE SINK
 w/STAND ALONE SINK (NO VANITY) WITH TOGGLE
 HANDLE, REPLACE EXHAUST FAN w/EXHAUST FAN
 w/LIGHT COMBINATION, RELOCATE LADIES COMMODE
 TO BE CENTERED INSTALLE, ARRANGE TO SPRAY
 PAINT PARTITIONS WHITE

03/05/99	RENOVATE SALARIED BREAK ROOM & PERSONNEL OFFICE @ OUR CRYSTAL SPRINGS FACILITY TO INCLUDE INSTALLING TABLE ALL LENGTH OF NORTH WALL APPROX 84' WIDE, CONSTRUCT WALL w/DOOR RUNNING EAST-WEST BETWEEN MARY CANADY ANN ROGERS, RELOCATE COAT ROOM, BULLETIN- BOARD & MAIL CABINET , INSTALL ONE DOOR IN MARY CANADYS WALL & INSULATE WALL	AT	N
03/05/99	REPLACE WALL TRIM, PAINT WALLS, PAINT HAND RAILS & STEP, MATERIAL & LABOR CHARGES INCLU- DED DAVE ROGERS	AT	N
03/14/99	LM&R INSTALL FENCE AROUND THE AIR COMPRESSORS	HC	N
02/22/99	TO PLACE AIR TANK	HC	N
02/02/99	FIX OIL DIKE WALL REPAIRED LIFT TRUCK DAMAGE TO WALL	HC	N
02/02/99	FIX ENTRANCE TO THE PLANT (CONCRETE WORK; NO EXCAVATION)	HC	N
03/09/99	FIX SHIPPING AREA OUTSIDE 672 SQUARE FOOT ADD \$220 BY VERN HICKMAN (REMOVED DAMAGED MATERIAL AND REPAIRED)	HC	Y
04/13/99	TO COVER DIGGING OUT ASPHALT ON WEST SIDE OF	SB	Y

LM and R
Construction Projects
at KEC; 1995-March 1999
(Draft Report)

CASE DEPT. FROM OLD GAS METER & NORTH
THROUGH GATE AT NORTHWEST CORNER OF CASE
DEPT. REPLACE WITH 6" ASPHALT IN TRAFFIC AREA
& 4" ASPHALT IN ALL OTHER AREAS

LM and R
Construction Projects,
March 1999 to Oct. 1999

Close Date	Description	Excavation (?)	PO No.
5/19/1999	ASPHALT ON WEST SIDE OF CASE	Y	9900260
6/8/1999	Revise rail spur elevation	Y	9900428
7/12/1999	INSTALL LIGHTS FOR SPRAY BOOTH	N	9900442
7/16/1999	relocate water/oil separator	Y	9900607
7/30/1999	REPAVE STREET ON WEST SIDE OF CASE DEPT	N	58059
8/2/1999	TRACK HOE AND OPERATOR CHARGE FOR EXCAVATION	Y	9900702
8/5/1999	TO COVER INTALLATION OF SHEET METAL WALLS	N	9900724
8/5/1999	CONNECT FRONT PARKING LOT TO RAD STORAGE PAD	Y	9900724
8/5/1999	CONSTRUCT PARKING LOT WEST SIDE OF PARKING LOT	Y	9900593
9/9/1999	LABOR TO REPAIR PLUGGED DRAIN LINE UNDER CONCRETE	Y	9900829
9/9/1999	FILL IN HOLES IN FLOOR TO ACCEPT WINDING MACHINE	N	9900828
9/9/1999	REPAIR PARKING LOT CURB DAMAGED BY LIFT TRUCK	N	9900828
9/24/1999	ERECTION OF PREFAB OFFICE FOR WINDING DEPT.	N	9901007
9/24/1999	ERECTION OF PREFABRICATED OFFICES: CORE	N	9901007



"Hamel, Anastasia
(PTC-Auburn Hills)"
<AHamel@BWAUTO.c
om>

To: Tony_Russell@deq.state.ms.us, ATHOMAS@kuhlman.com
Subject: RE: LMR construction

02/03/2003 10:11 AM

Tony and Brian,

I can respond as to the Ice House and Al will address the other two items.

The Crystal Springs Fire Department told us that the Ice House was demolished in 1997 a year after the fire investigation. The Fire Department Chief and other members were not aware of who demolished it or where the debris was taken.

Someone definitely was paid to do the work either by the owners or the insurance company. Based on Bob Lawrence's contributions, on this topic, during the meetings it appears that he knows the owners quite well. Perhaps a call to him will help us piece it all together.

Anastasia

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

From: Tony_Russell@deq.state.ms.us [mailto:Tony_Russell@deq.state.ms.us]
Sent: Friday, January 31, 2003 10:09 AM
To: ATHOMAS@kuhlman.com; ahamel@bwauto.com
Cc: Brian Young@deq.state.ms.us
Subject: LMR construction

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Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch Chief
601-961-5318



Tony Russell on 02/03/2003 10:49:11 AM

To: Brian Young/HW/OPC/DEQ@DEQ
cc:
Subject: RE: LMR construction

Call Bob Lawrence and see if he can find out who hauled off the Ice House debris and if they were paid to do so.

Bob and the Mayor in an earlier meeting stated they thought David Rogers demolished the building and hauled the debris off.

Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch
601-961-5318

----- Forwarded by Tony Russell/HW/OPC/DEQ on 02/03/2003 10:43 AM -----

"Hamel, Anastasia
(PTC-Auburn Hills)"
<AHamel@BWAUTO.com>
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Uncontrolled Sites Branch Chief
601-961-5318



Fax

BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

FAX TRANSMITTAL INFORMATION	
From: Anastasia Hamel	To: T. Russell/ B. Young
Of: BorgWarner Inc.	Of: Mississippi DEQ
Phone: (248) 754-0159	Fax: 601-961-5300
Fax: (248) 754-9159	RE: Attached Order Amendment
<p>Brian,</p> <p>Attached is the Amendment to Order No. 4449-02 for your information and file. It may be that it was not included in your file. Let me know if you need anything else.</p> <p><i>Anastasia</i> Anastasia</p> <p>cc: R. Martin - 828-669-5289</p>	
<p><small>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.</small></p>	
Date: February 3, 2003	Number of page(s) in this fax including cover <u> 3 </u>

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

**BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY**

**MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY**

COMPLAINANT

VS

AMENDMENT TO ORDER NO. 4449-02

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

RESPONDENT

ORDER AMENDMENT

The above captioned matter came before the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) *this day for ex parte consideration* under the authority of Mississippi Code Annotated Section 49-2-13 and the Executive Director, having heard and considered information presented by MDEQ staff and having determined that Agreed Order No. 4449-02 should be amended and said amendment issued prefatory to any evidentiary hearing and without making any final adjudication of fact or law, amends Order No. 4449-02 as follows:

1.

Paragraph 7.G. is amended as follows:

- G. Respondent shall submit a detailed work plan for remediating the drainage channel within 60 days of MDEQ's approval of the drainage channel assessment.

All other provisions of Agreed Order No. 4449-02 are unchanged and remain in full force and effect.

ORDERED, this the 9th day of Sept., 2002.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: Charles H. Chisolm

Charles H. Chisolm
Executive Director
Mississippi Department of Environmental Quality



Fax

BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

FAX TRANSMITTAL INFORMATION													
From: Anastasia Hamel	To: Distribution List - See Below												
Of: BorgWarner Inc.	Of:												
Phone: (248) 754-0159	Fax:												
Fax: (248) 754-9159	RE: Attached Notice of Remediation												
<p>Notice of Remediation Fax Distribution List:</p> <table> <tbody> <tr> <td>Meg McAlister and Doug Mercier</td> <td>Fax: 601-355-9191</td> </tr> <tr> <td>Randy Horsack at 3TM International, Inc.</td> <td>Fax: 281-497-1676</td> </tr> <tr> <td>Daphne Lancaster</td> <td>Fax: 601-583-2677</td> </tr> <tr> <td>Tom Lupo</td> <td>Fax: 312-269-8869</td> </tr> <tr> <td>Chuck Barlow, MDEQ</td> <td>Fax: 601-961-5349</td> </tr> <tr> <td>Tony Russell, MDEQ</td> <td>Fax: 601-961-5300</td> </tr> </tbody> </table>		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
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Date: 02/03/03	Number of page(s) in this fax including cover: 3												

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
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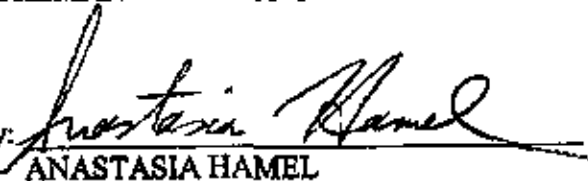
PLEASE TAKE NOTICE that, in accordance with the Court's Order of June 24, 2002 in the above referenced matter, the Defendants, BorgWarner Inc. and Kuhlman Electric Corporation, shall commence remediation activity on the area identified below no sooner than seventy-two (72) hours from the date and time 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 "E" as described in the attached sketch.

THIS the 3rd day of February, 2003 at 4:30 p.m. Eastern Time Zone

**BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION**

By: 

ANASTASIA HAMEL
Director, Environmental Programs
BorgWarner Inc.

ROBERT L. MARTIN, LG
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

February 3, 2003



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: North Drainage Channel Site Maps
Kuhlman Electric Plant Site
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed are two copies each of the individual site maps showing sample locations for all 24 properties within the north drainage channel study area in Crystal Springs, Mississippi. As a result of preparing these maps, revision of some of the analytical tables was necessary. Revised tables will be forwarded when 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



PEEL CONSULTING, PLLC

140 Chapel Lane
Madison, Mississippi 39110

FAX

Fax: (601) 898-7784

Phone: (601) 898-2792

To:

Tony Russell

From:

Chuck Peel

Date:

January 30, 2003

Fax to number: 601 9615300

Number of Pages: 18

Remarks:

Tony,

Attached are = ① Deed Records for Brent Street
 ② K&E construction projects
 ③ Fire Dept. said ~~the~~ Ice House
 Burned down Feb. 12, 1996
 @ 12:40 am
 Demolished in 1997.

Arrestina Kaul

The information contained in this facsimile message may be information protected by attorney-client and/or the attorney-work product privilege. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually received this facsimile or any other reader of the facsimile is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the 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 U.S. Postal Service.

LOTS ON BRENT STREET

Lots 21 and 22 Tillman Subdivision

David L. Rogers to Mid South Lease & Sales, Inc.
10-08-97
DB 14C / PG 700

Clarence A. "Burt" Adams to David L. Rogers
02-05-92
DB 12Q / PG 566

Juanita F. Hodges to Clarence A. Adams
03-17-89
DB 11Y / PG 684

James R. Scott to Juanita F. Hodges
11-16-84
DB 11A / PG 466

Lot 23 Tillman Subdivision

David L. Rogers to Mid South Lease & Sales, Inc.
12-13-00
DB 15A / PG 701

Clarence A. "Burt" Adams to David L. Rogers
02-05-92
DB 12Q / PG 566

Juanita F. Hodges to Clarence A. Adams
03-17-89
DB 11Y / PG 684

James R. Scott to Juanita F. Hodges
11-16-84
DB 11A / PG 466

Part of Lot 3 Block 28 Stowell Map

David L. Rogers to Mid South Lease & Sales, Inc.

12-13-00

DB 15A / PG 701

Dorothy T. Couvillion and Daniel A. Couvillion to David L. Rogers

12-18-95

DB 13Q / PG 278

Warren A. Couvillion to Daniel Couvillion (Quit Claim)

04-10-95

DB 13M / PG 624

John F. Tiltman to Warren Couvillion and Mrs. Dorothy T. Couvillion

10-30-67

DB 8T / PG 457

LOT #3
Block 28

BRAINAGE
DRAINAGE
CHANNEL

LOT #20

LOT #21

LOT #22

LOT #23

1 STORY
WOOD FRAME
HOUSE

MOBILE
HOME

SHED

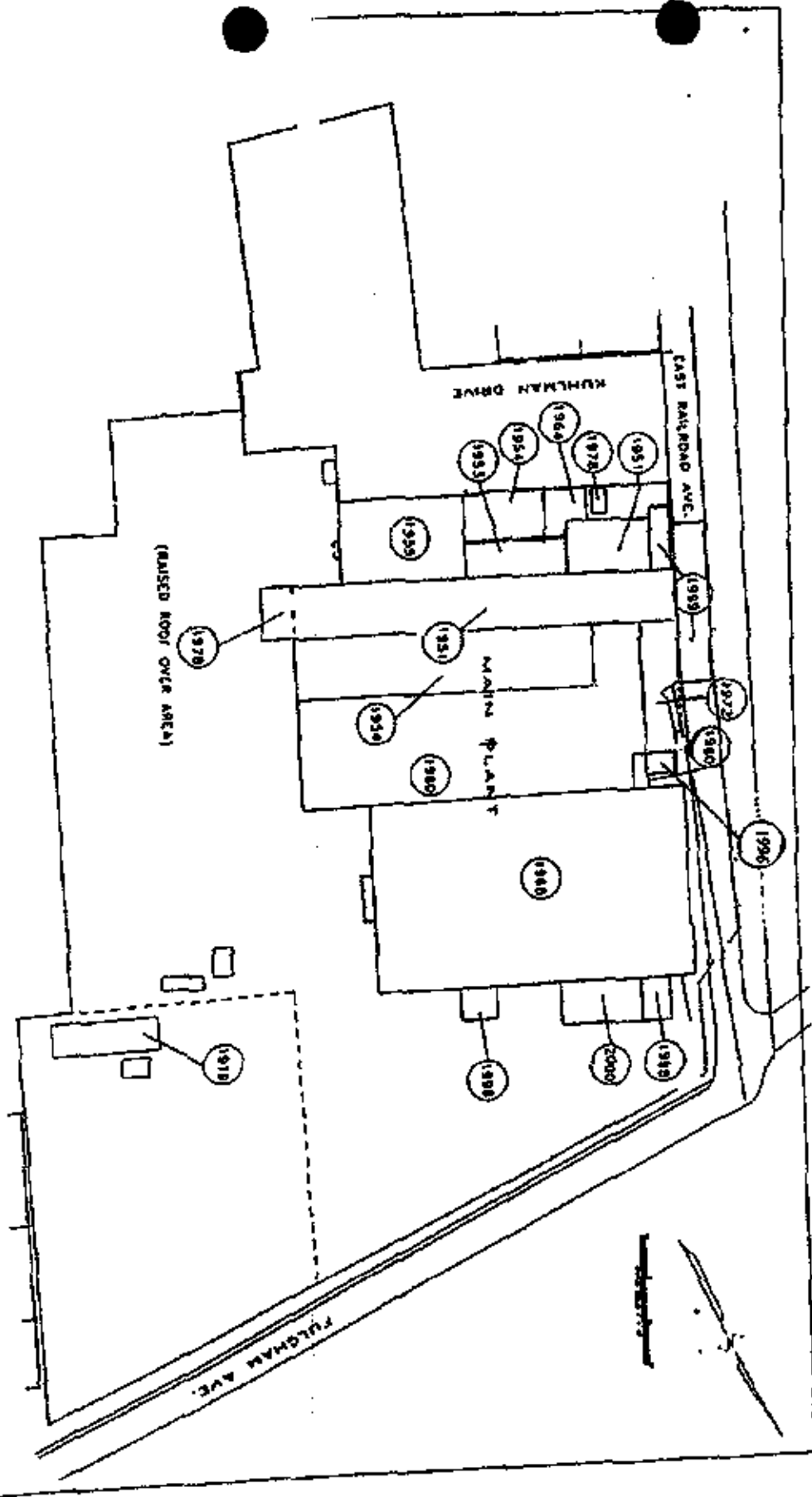
PORCH

STEPS

BRENT STREET

LIST OF CONSTRUCTION PROJECTS
 KUHLMAN ELECTRIC; CRYSTAL SPRINGS, MS
 DESCRIPTION/ ARCHITECT/ CONTRACTOR

EXPANSION	DESCRIPTION/ ARCHITECT/ CONTRACTOR	SQUARE FOOTAGE
1950	E.L. Mahaney/ Architect/ Jackson Ms, Design for Queensboro Transformer and Manufacturing Co.	8000
1958	Office expansion; Designed by Malcolm D. Wetzel	525
1960	Case Employee Parking lot design; 1960 drawn by M. Wetzel	
1960	Overstreet, Ware, Ware, & Lewis Winding Room Expansion	20000
1964	Front Office Expansion; Overstreet, Ware, Ware and Lewis	1200
1965	328' of 1851 High Bay revised to 35 foot height new footer were poured	13973
1968	Overstreet, Ware, Ware, & Lewis Case Department	51984
1972	Annealing Oven Area; (currently the IT Test Department); Ware, Lewis, and Eaton, Jackson, Ms.	3000
1978	40 Ton Crane Rail Extension East plus Case Dept Train Bay; Lewis-Eaton Partnership; Jackson, Ms.	various
1979	Construction of Maintenance Warehouse (contractor unknown)	3200
1983	East Vacuum Chamber Expanded	
1988	Case Spray Room Expansion LM&R Construction	750
1989	West Assembly Bay Expansion Montgomery Dodson/ Usry Architects Harris Constructors, Jackson, Ms.	5000
1999	Renovation of Assembly Spray Booth Usry Architects/ Jackson, Ms. Harris Constructors, Jackson, Ms.	750
2000	Components Room Expansion; J. A. Moss Construction Co.	3000



KUHLMAN ELECTRIC
 OFFICE SPACE, 10 ROOMS
 CREATION DATES

Privileged and Confidential Attorney-Client Communication--Prepared at Request of Attorney

May 29, 2001

Mr. Scott Schang
Latham and Watkins
555 Eleventh Street NW, Suite 1000
Washington, D. C. 20004-1304

Dear Scott;

I am writing in response to your request for information re excavation activities conducted by LM & R Construction since October 1999.

The KEC maintenance purchasing database illustrates that 18 purchase orders were issued to LM & R Construction from 10/1/1999 to 5/23/01. Of the 18 purchase orders there are 9 line items dealing with excavation of soil. Below is a description of each of the 9 activities.

Purchase order 9901135 was issued on 12/6/1999 to authorize LM & R Construction to repair a concrete pad on the southeast area of the KEC site. Concrete had spalled on the surface and was presenting a safety hazard to lift truck drivers in that area. Concrete was cut in sections, jackhammered out and hauled away. Concrete was then replaced in (3) blocks as shown in Figures 1,2, and 3.

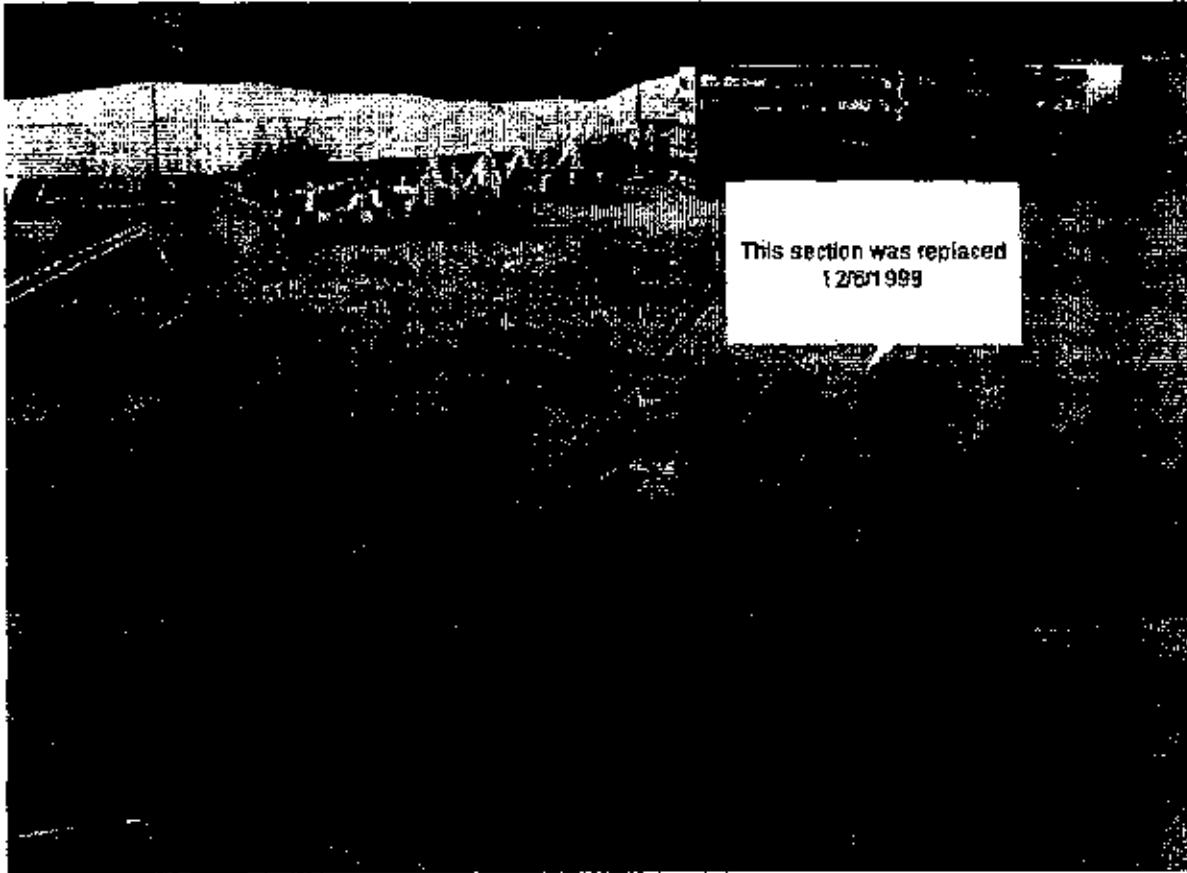


Figure 1

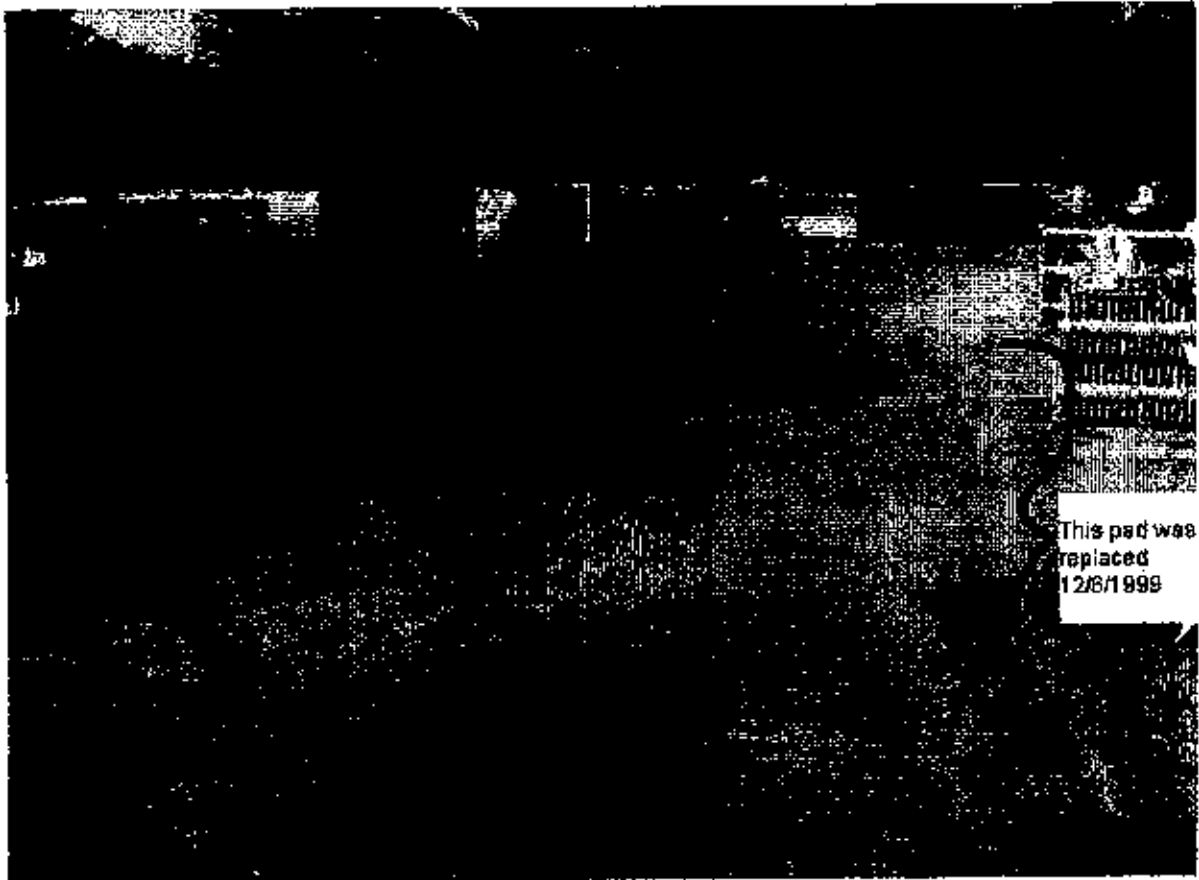


Figure 2

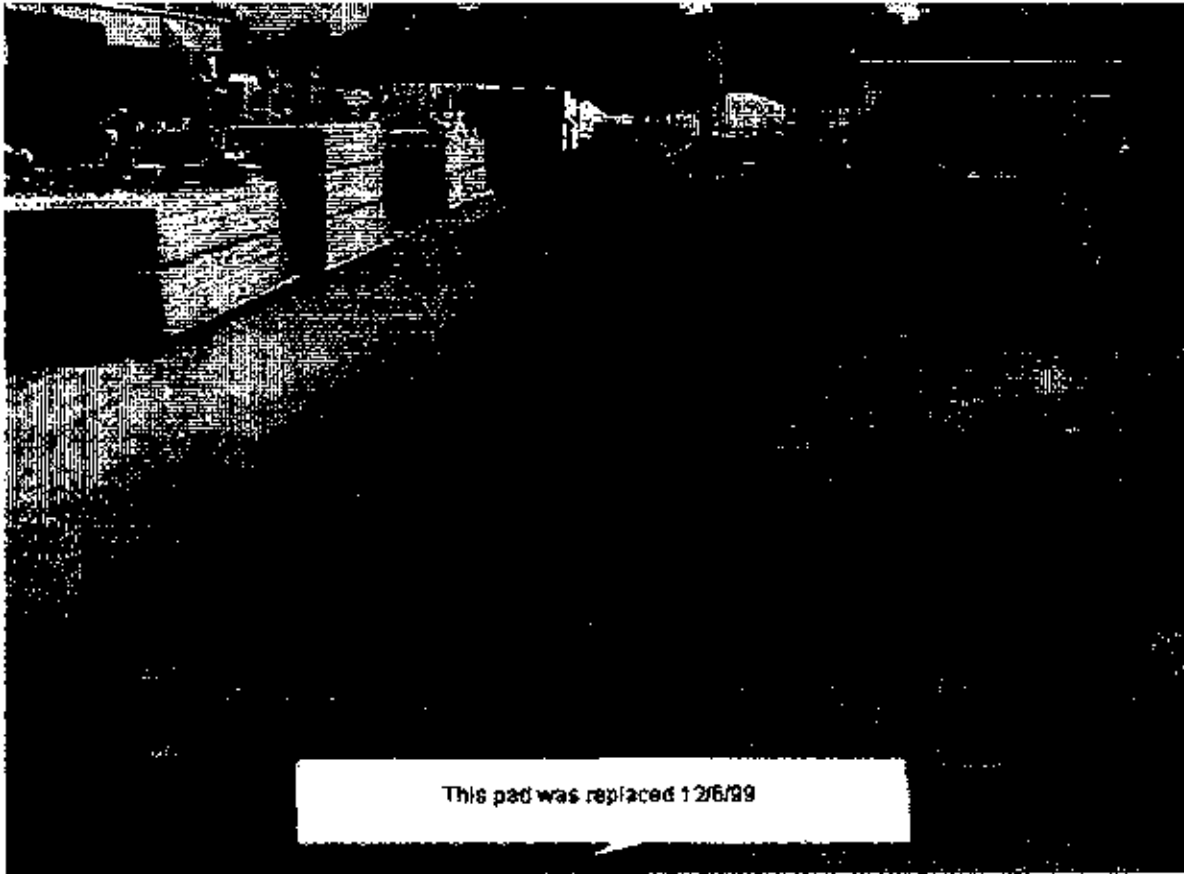


Figure 3

Purchase order 9900440 was issued on 12/9/1999 to repair the paint pit sidewall. Concrete walls and a section of the floor were removed and replaced as shown in Figure 4.

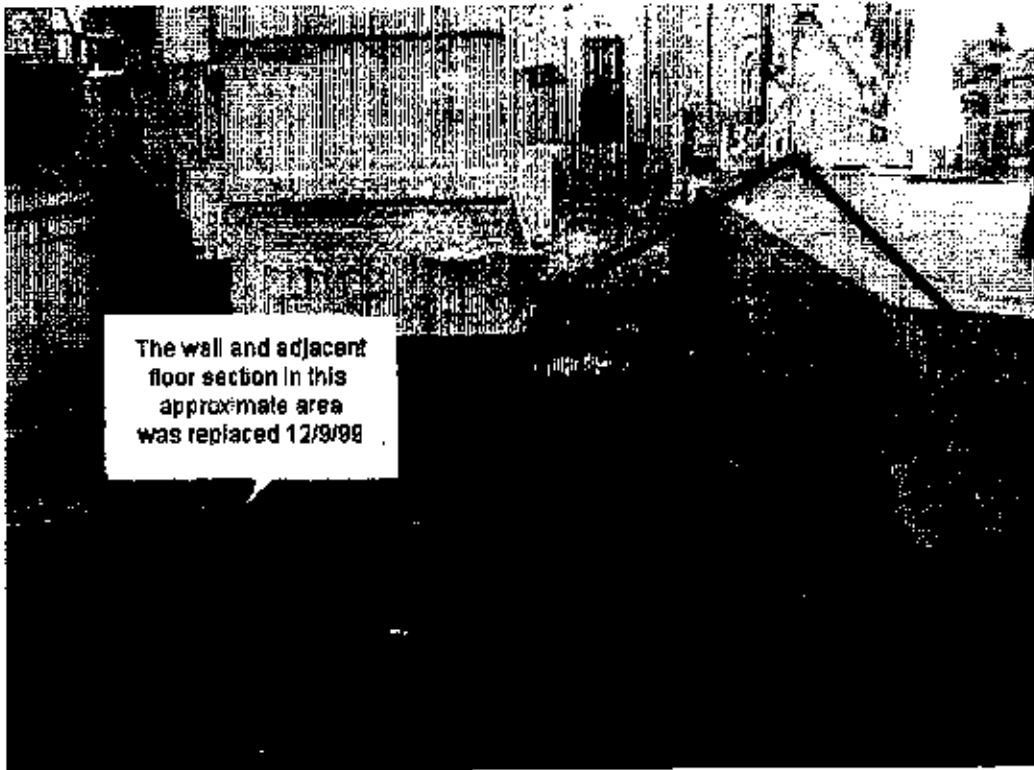


Figure 4

Purchase order 9900809 was issued on 1/4/2000 to jackhammer open a 4 inch drain inside the main plant in order to auger out a plugged drain. See Figure 5.

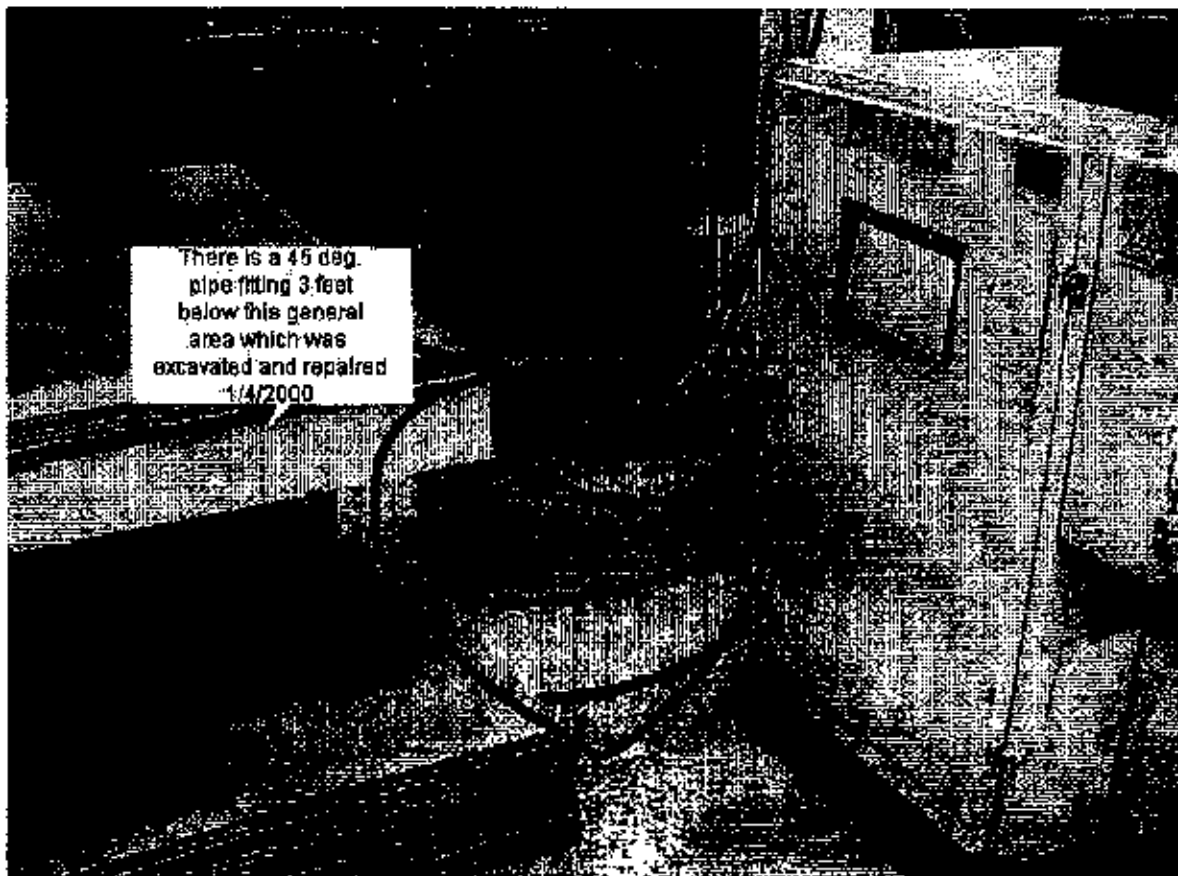


Figure 5

Purchase order 9901452 was issued on 2/9/2000 to relocate (3) tanks, one each for liquid nitrogen, liquied oxygen, and liquid carbon dioxide. Concrete sections were cut to enable the pouring of foundations to support (2) of these tanks. The third tank required no excavation. See Figure 6 (the third tank is at the far right).

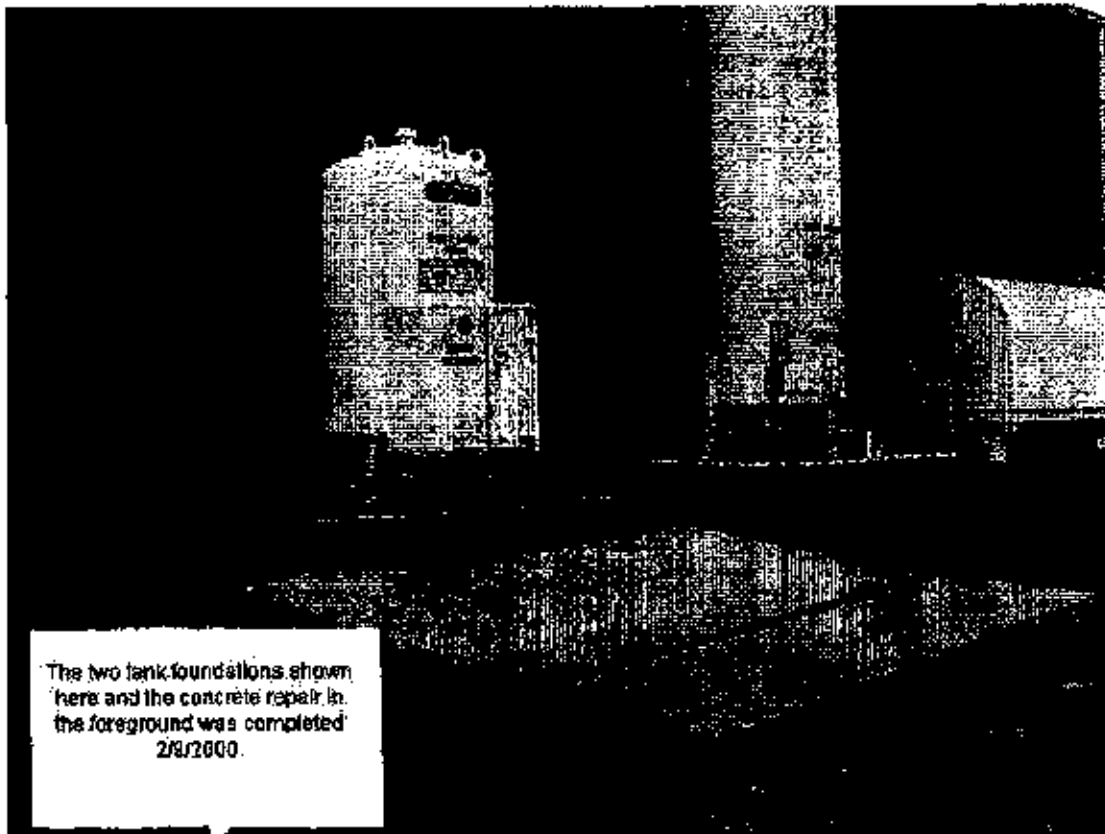


Figure 6

Purchase order 00-02177 was issued on 3/29/00 to remove an existing concrete ridge at the northwest corner of the plant to allow truck access to the west bay from the case department without having to access the city roads. See Figure 7.

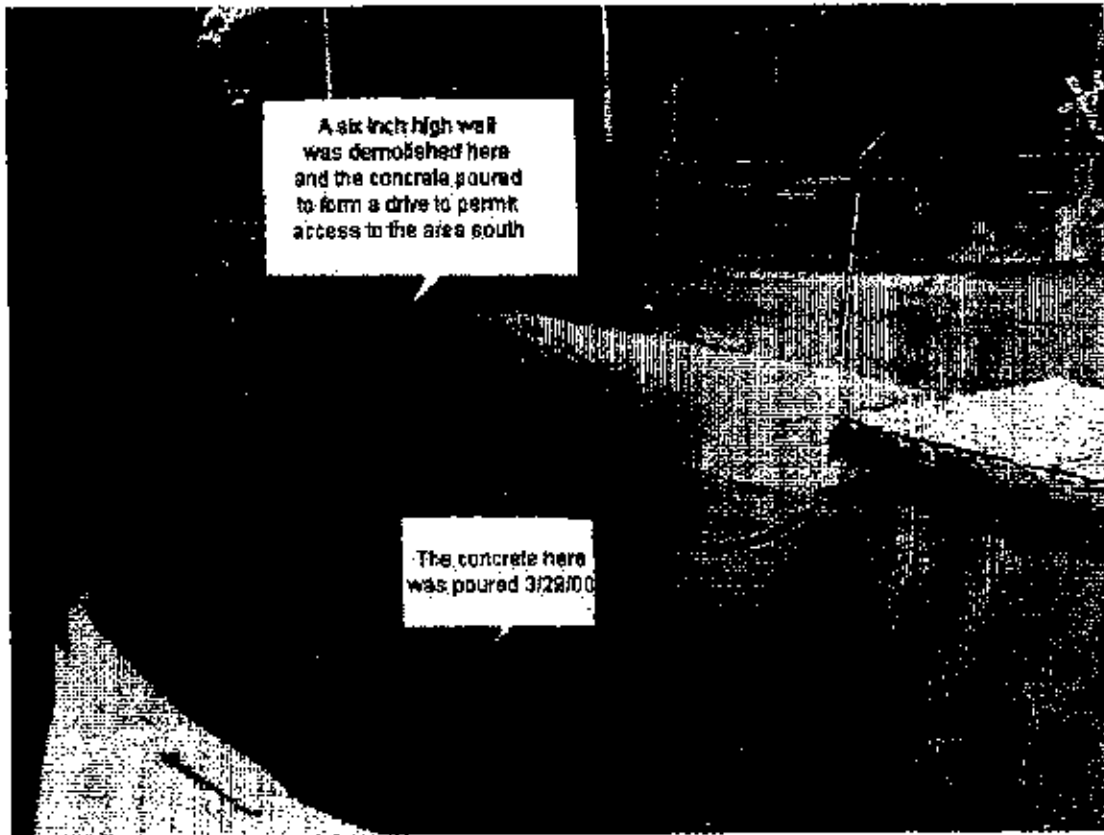


Figure 7

Purchase order 00-02366 was issued on 5/30/00 to relocate a drain for a sink in the maintenance department. See Figure 8.

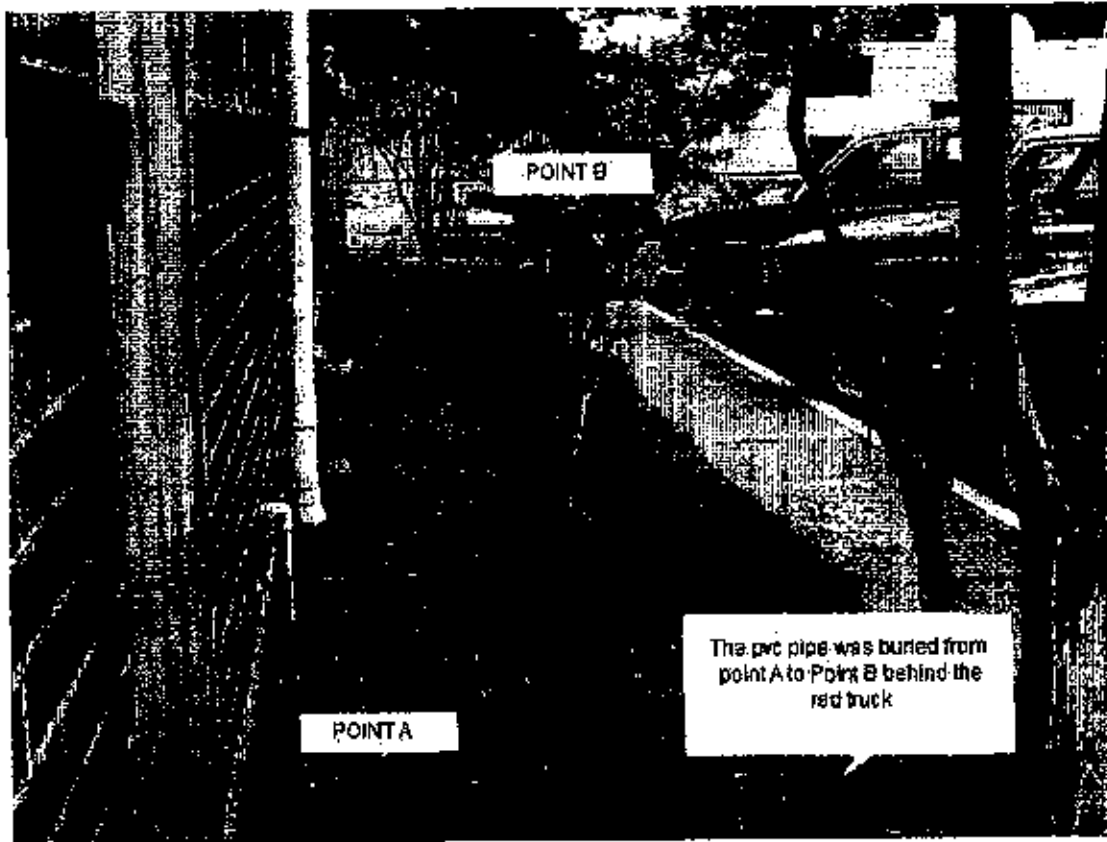


Figure 8

Purchase order 00-02366 was issued on 5/30/2000 to remove faulty concrete in the tank cover area and replace the faulty concrete with new concrete. See Figure 9.

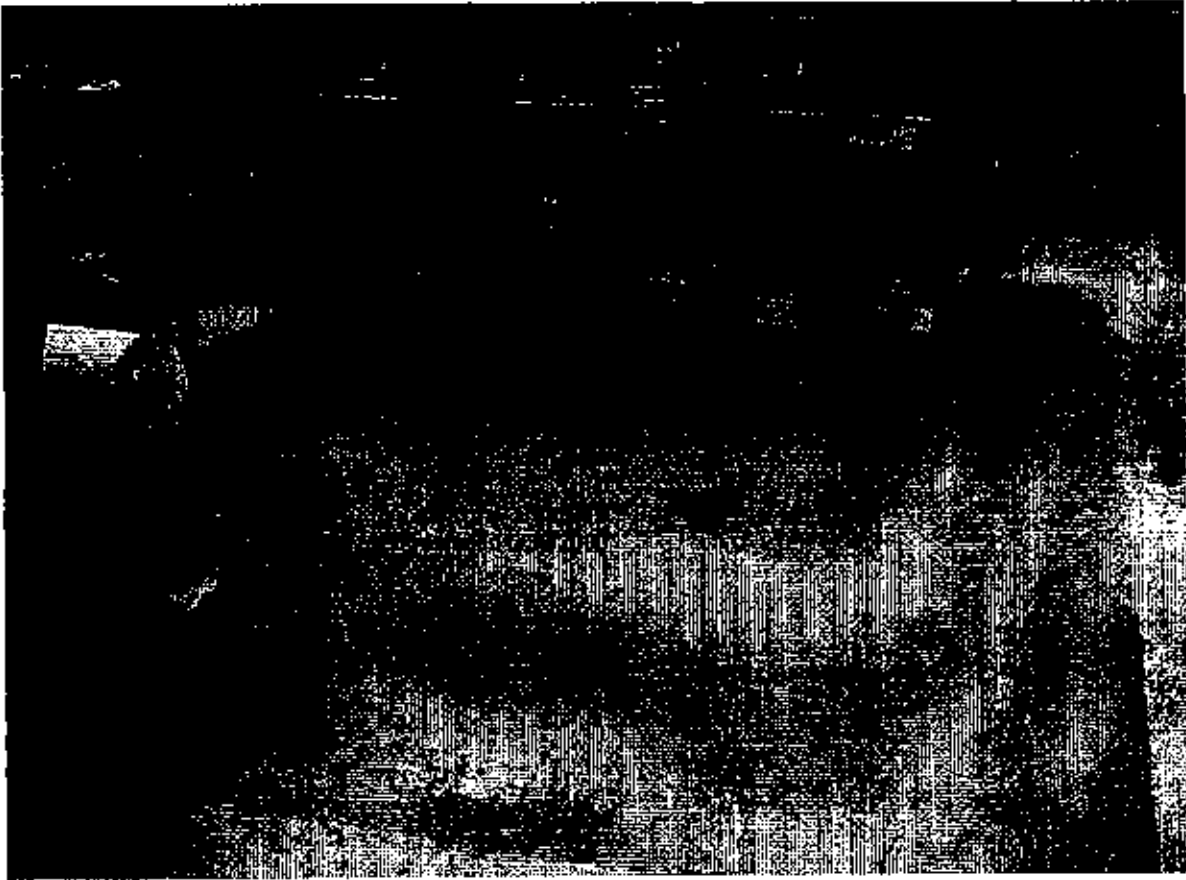
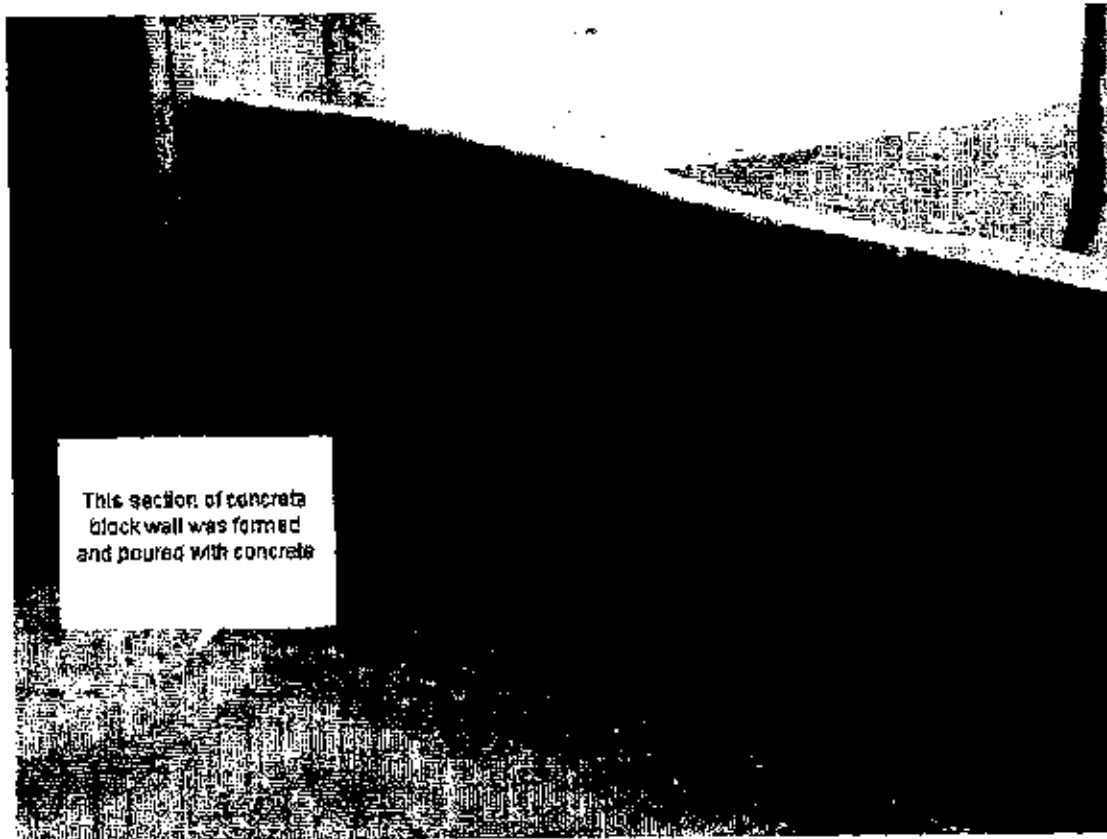


Figure 9

Purchase order 00-03154 was issued 9/27/2000 to repair a concrete block wall via replacement with a poured wall. See Figure 10.



This section of concrete
block wall was formed
and poured with concrete

Figure 10

Purchase order 01-03728 was issued on 1/18/01 to spread fill dirt in the pit excavated to repair the sprinkler leak in the oil containment dike area. IT Corporation explained that the intent of the fill dirt was to fill the repair pit flush to the adjacent concrete to prevent a) evaporation of chlorobenzene fumes around the area (presenting an inhalation hazard) and b) to form a "cap" to prevent accumulation of additional water (in an otherwise open pit) to be decontaminated. See Figure 11.

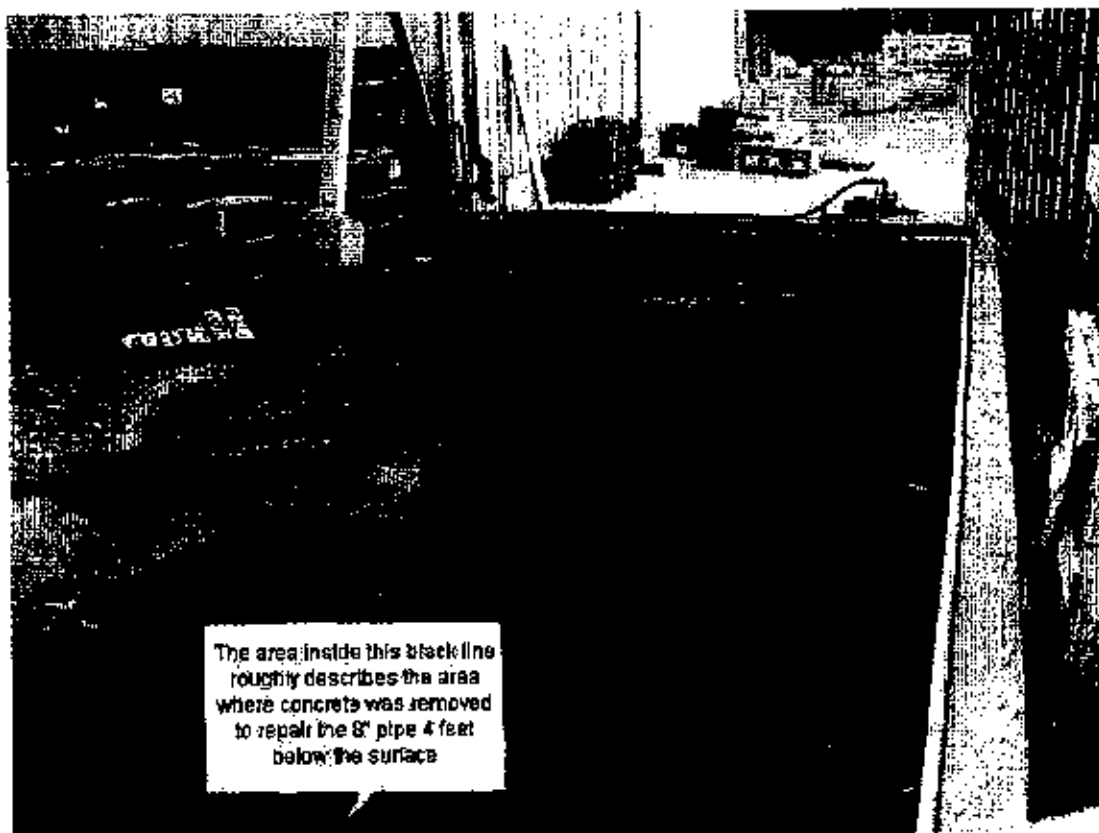


Figure 11

I hope this information is satisfactory. Please call with any questions.

Sincerely,

Alan Thomas
Maintenance Manager



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

MEMORANDUM

TO: Kuhlman File

FROM: Brian Young *BY*

DATE: 30 January 2003

SUBJECT: Record of 29 January 2003 Meeting

The purpose of this MEMO is to document the meeting held in Crystal Springs on 29 January 2003 at 9am between Kuhlman Electric, Borg Warner, and MDEQ (see attached attendees list). The meeting began at 9:10 am with a discussion lead by Anastasia Hamel of Borg Warner. The discussion began with an update on the progress of the onsite remediation. Ms. Hamel stated that work was about to finish on the current area and that they would be ready to move into Area E soon. It was stated that the driveway and Maintenance Shed areas would be remediated with Area E. She stated that the onsite remediation should be complete by mid-summer (barring complications).

The discussion then moved on to the drainage channel assessment/remediation. I stated that I should be complete with my review of the assessment by Friday, February 7. Ms. Hamel then stated that the remediation of the drainage channel would begin at the old "icehouse" location and progress down-stream. She also stated that Borg Warner would be submitting a document separating out individual land-owners along the drainage way with individual packages showing what areas of their properties were contaminated along with sample results....in order to facilitate door-to-door access agreement operations. The City stated that it has not made any progress toward acquiring drainage culverts for use in the drainage way remediation project. The City agreed to get with their Engineers and start working on sizing and acquiring these culverts. The City stated that they would contact the MDOT district office about the Hwy 51 culvert.

The discussion then moved on to the Ground Water Assessment Plan. Ms. Hamel stated that the Plan would be implemented as soon as the on-site remediation operation was complete. There was also a brief discussion about the MDEQ comments to the Plan with agreement to discuss those comments at a later time.

The discussion then moved on to the Brent Street property. Borg Warner stated that David Rodgers owned the property from 1992 until 13 December 2001. Borg Warner

further states that they believe during this time he filled in the property with demolition debris from the "Icehouse" and with soils removed from Kuhlman. Furthermore, Borg Warner states that they will provide MDEQ with affidavits attesting to these statements. Borg Warner has collected many samples from this site and the site is contaminated with PCB's at concentrations greater than 100 ppm. Borg Warner stated that they do not intend to clean-up this site as they did not cause the contamination and that David Rodgers and Mid-South Leasing (the current property owner) are responsible for the contamination of the site.

The discussion briefly touched on the Dioxin results with Borg Warner stating that none of their samples (all on-site) showed a correlation between the level of PCB's and the level of Dioxin's and that the Dioxin sample results were consistent with "background" Dioxin levels.

Tony Russell then brought up a discussion of the on-site Burial Vault. Kuhlman stated that they had no new evidence of the burial vault. Mr. Alan Thomas stated the supposed dimensions/locations of the vault, but he could not find any drawings/blueprints with the vault on them. He further stated that it was covered over with concrete in the early 1980's and that the steel skid floor was installed in 1996. Paul Acheson stated that they were getting conflicting stories of what was buried in the vault and that excavation of the vault would involve plant shut-down. Ms. Hamel stated that Borg Warner intended to use an optical "snake" to try to look into a drain pipe that may be connected to the vault.

The meeting adjourned at 11:20am with the next intended meeting set for 02 April 2003.

Kuhlman Electric Meeting

1-29-03

NAME	COMPANY	Phone #
T Russell	MDEB	601-961-5317
B. Young	MDEB	601-961-5088
BOB LAWRENCE	CITY	601-892-5628
Walter Ruller	city	601-898-1210
PAUL ANDERSON	KUHLMAN	601-892-6401
Robert Martin	Martin & Stagle	828-669-3929
ANASTASIA HAMER	BORG-WARNER	248-754-0159
Tom Minnich	Kuhlman	859-879-2770
Allen Raynor	Kuhlman	601-892-6567





Tony Russell on 01/28/2003 11:56:31 AM

To: Brown.Craig@epamail.epa.gov@INETDEQ
cc: Brian Young/HW/OPC/DEQ@DEQ
Subject: Re: KEC-north drainage ditch report

Craig,

Yes, MDEQ will be formally approving it and good to know that you did not have any comments. We have a status meeting with them tomorrow morning and I will let them know.

Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch
601-961-5318
Brown.Craig@epamail.epa.gov

Brown.Craig@epamail
.epa.gov
01/28/2003 08:57 AM

To: tony_russell@deq.state.ms.us
cc: ahamel@bwauto.com
Subject: KEC-north drainage ditch report

Tony

I've reviewed the characterization report on the north drainage ditch prepared by Martin & Slagle for Borg Warner and submitted by Borg Warner on January 22. It seemed pretty straight forward, no surprises. I wanted to let you know that I do not have any comments on the report, in case MDEQ has to formally approve it.

Craig

(404) 562-8990



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: January 16, 2003
SUBJECT: Site Visit Conducted January 14, 2003

I met with Chuck Peel on January 14, 2003, to observe the progress at the site. He was presently being held up by the number of trucks available to transport drop-off boxes to the Little Dixie Landfill. It takes special designed trucks to haul the boxes and they only have two available. Most all the boxes onsite were currently full and waiting to be hauled to the landfill for disposal.

They are almost finished with removing contaminated soil from Area D. They were also in the process of covering Areas B and C with topsoil, seeding and covering with hay.

Once they finish Area D, the plan is to remove the fence and remediate the contaminated soil along the east property line. The trees will not be removed but will be air-vacuumed.

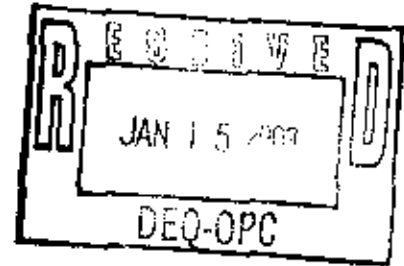
K:\Shared\UCSS\Tony\Kuhlman Electric\Kuhlman site visit 1-14-03.rtf

ROBERT L. MARTIN, L.G.
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

January 14, 2003

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



FILE COPY

**SUBJECT: North Drainage Channel Site Characterization Report
Kuhlman Electric Corporation
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed is one copy of the *North Drainage Channel Site Characterization Report* for the PCB assessment conducted 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

A handwritten signature in cursive script that reads "Robert L. Martin".

Robert L. Martin, L.G.
Principal Geologist

Enclosures

CC: Anastasia Hamel
Tom Lupo
Al Thomas
Scott Schang



Fax

**BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782**

FAX TRANSMITTAL INFORMATION	
From: Anastasia Hamel	To: See Distribution List Below
Of: BorgWarner Inc.	Of:
Phone: (248) 754-0159	Fax:
Fax: (248) 754-9159	RE: Attached
Brian Young, MDEQ 601-961-5300 Tony Russell, MDEQ 601-961-5300 Mayor Walter J. Rielley, City of Crystal Springs 601-892-4870 Paul Acheson, KEC 601-892-6406 Martin & Slagle 828-669-5289	
<p><u>The next information exchange meeting will be held at the KEC facility at 9:00 A.M. on January 29, 2003. The meeting agenda is attached. I look forward to seeing you.</u></p> <p align="center"><i>Anastasia Hamel</i></p>	
<p><small>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.</small></p>	
Date: January 13, 2003	Number of page(s) in this fax including cover <u>2</u>

Original will be sent via: Mail <input type="checkbox"/> OR Overnight Courier <input type="checkbox"/> Will Not Be Sent <input checked="" type="checkbox"/>

**Information Exchange Meeting
At 9:00 A.M. on January 29, 2003
KEC Facility, Crystal Springs, Mississippi**

Agenda

1. KEC Remediation Update
2. Drainage Channel Investigation Report
3. Brent Street
4. Groundwater Assessment Plan



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

December 20, 2002

FILE COPY

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: *Groundwater Assessment Plan* dated September 2002
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 and has the following comments:

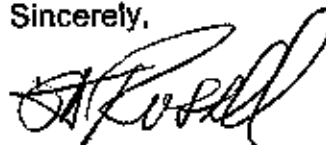
1. Section 2.3.1: Mud rotary is the least preferred drilling method as contamination can be introduced into the borehole from the constituents in the drilling mud, and cross contamination can occur along the borehole column from the mud circulating thru the borehole annulus. If mud rotary is to be used, especially in areas of known contamination, **great care should be taken to ensure no cross-contamination occurs.** Only potable water, and a pure (no additives) bentonite drilling mud should be used. Furthermore, all drilling materials used should have adequate manufactures documentation that confirms the products purity. Samples of the drilling materials should be included as part of the project's QA/QC plan.
2. Section 2.3.1 Continued: It is stated "...a surface casing will be advanced through the upper soil zone and seated at an approximate depth of 20 feet below ground surface..." A soil sample from this depth should be collected and analyzed for the contaminants of concern. Furthermore, there is no information on the type grout that will be used to set the surface casing and how the annular space will be filled with grout. Also, how long will the grout have to cure before drilling can proceed?
3. Section 2.3.1 Continued: It is stated "A 2-inch diameter pvc well screen five feet long will be set 5 feet into the water table." As this may be a semi-permanent installation, the MDEQ is requiring that a well screen of

- sufficient length be used to account for seasonal fluctuations in the water level.
4. Section 2.3.1 Continued: It is stated, "Formation sands will be allowed to collapse around the screen,..." Formation sands may not prove to be suitable as a filter media, and with using a mud rotary drilling method, it is possible that the formation sands will not collapse around the well screen enough to provide an adequate filter pack. Therefore, the MDEQ requires that a filter pack be placed in all wells. The filter pack shall extend two foot above the top of the well screen. Please provide specifications for the filter pack material (Reference the U.S. EPA, Region 4, Environmental Investigations Standard Operating Procedures and Quality Assurance Manual, dated November 2001, (EISOPQAM) Section 6).
 5. Section 2.3.1 Continued: It is stated, "The bentonite seal will extend from one foot above the top of the well screen to a level three feet above the top of the well screen." MDEQ requires that the bentonite seal shall extend from two foot above the top of the well screen (top of sand pack) to a level four feet above the top of the well screen. Please provide specifications for the bentonite seal (Ref. EISOPQAM, Section 6).
 6. Section 2.3.1 Continued: Please provide specifications for the bentonite/grout mixture and how the grout will be introduced into the well (Ref. EISOPQAM, Section 6).
 7. Section 2.3.1 Continued: It is stated that Alconox[®] will be used in the decontamination procedure. The MDEQ requires that Liquinox[®] be used as Alconox[®] is not a phosphate free detergent.
 8. Section 2.3.2: How will the wells be developed (Ref. EISOPQAM, Section 6.8)? Furthermore, how will the wells be sampled? It is recommended that a low-flow/low-stress technique be used to purge and sample the wells. These techniques have been shown to reduce the sample turbidity and obtain a more representative groundwater sample.
 9. Section 2.3.2 Continued: It is stated that well development and sampling may be conducted using a submersible pump. What type of pump will be used, how will the sample be collected, and how will the pump be decontaminated between wells?
 10. Section 2.3.2 Continued: It is stated that water levels will be measured after the wells are developed and sampled. MDEQ requires that water levels be collected prior to developing and purging the wells in an attempt to obtain levels during static conditions.

11. Section 2.3.2 Continued: It is stated, "If no constituents of concern are detected, all wells will be properly closed." MDEQ requires that monitoring wells be sampled for a minimum of one year on a quarterly basis. This is to account for possible seasonal and spatial variations in water levels/conditions. If analytical data reveal that three (3), consecutive sampling events within one year are free of the contaminants of concern, a request to MDEQ may be made to discontinue sampling and abandon the wells.
12. Section 2.3.4: Turbidity should be added to the field measurements.
13. Section 3.0: The target remediation goal (TRG) for 1,2,4,5-tetrachlorobenzene should be 11 parts per billion (ppb). The TRG for Pentachlorobenzene should be 29.2 ppb. The TRG's for constituents that do not have established Tier 1 TRG's shall be the method detection limit (MDL), until a different TRG, that is protective of human health and the environment, can be established.
14. Section 3.0 Continued: The MDL for SW 846 8270 is generally around 10 ppb in water. Several of the constituents of concern have TRG's that are less than the MDL for this method. Either this method should be modified or adapted to reach the 1 ppb range, or a different method should be selected.
15. Section 4.2: See #14 above.
16. Section 4.4: It is suggested that a subset of equipment rinsates be collected from the drilling equipment to verify the decontamination procedures are effective.

Please respond to these comments within 45 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

cc: Robert Martin, Martin & Slagle



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 *AR*
DATE: December 11, 2002
SUBJECT: Site Visit on December 10, 2002

I met with Chuck Peel (Project Manager) on Tuesday, December 10, 2002, to observe progress of the project. The excavation work was presently shut down due to the rain. No open excavations were observed during the site visit. They are presently working on Area D. Some progress had been made but rain events continue to hamper the excavation work at the site.

All the roll-off boxes were full of soil that had to be transported and disposed at Emile, AL. Chuck was having problems getting haulers as Waste Management had pulled several haulers for a Weyhauser job. He was expecting to have some haulers in that afternoon according to Waste Management.



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: November 21, 2002
SUBJECT: Status Meeting Held November 19, 2002

The following topics were discussed during the status meeting that was held on November 19, 2002:

DRAINAGE DITCH:

Completed assessment on ditch, will submit report on findings by January 15, 2003. Did not find any surprises, contamination pretty much confined to the 100-year flood plain. The City has to start immediately locating funding to pay for upgrades in drainage culverts at several locations. Robert Martin will submit the culvert locations to the City. The City's Engineering consultant will design the culverts that will upgrading. Robert Martin will submit two copies of the report; they will be sectioned by property owner. The parties have agreed to the tentative schedule proposed by MDEQ: submit report by January 15, upon DEQ approval by March 1, develop and submit a RAP by May 1; upon DEQ approval of RAP by June 1, implement the RAP by July 1, 2003.

ONSITE:

The sampling event with the Plaintiffs consultant went real well this time around. Presently working on Area D, plans are to remove the contaminated soil beneath the driveway to the maintenance building and replace driveway by Thanksgiving. BW is aware of the request by Plaintiffs attorney to remove contamination they found on the Warren's property at the fence and agree it can be removed while they are in the area. BW still collecting information on the burial of waste in the concrete vault within the plan.

BRENT STREET:

BW requested that DEQ get David Rodgers involved. DEQ requested that they submit information regarding ownership of the property. The property was rented since the last meeting before BW could rent it. BW is willing to rent the property and use it for their contractors. David Rodgers states in his affidavit that he did not take soil to the property. No one knows whom the truck driver was at the time that the soil was taken from the Kellum's to Brent Street back around 1996. KEC

will research their files and see if they had Rodgers contracted to remove soil during this time period. The Ice House burned several years ago and Rodgers was hired to remove the debris; he may have taken this debris to Brent Street. The property is presently owned by Midsouth Leasing; owners are Francis Jackson and Charlie Sojourner.

Next meeting has been scheduled for Tuesday, January 21, 2003.

Meeting Attendees:

NAME	COMPANY
Paul Acheson	KEC
Al Thomas	KEC
Mickey Crockett	KEC
Anastasia Hamel	BorgWarner
Robert Martin	Martin & Slagle
Bob Lawrence	City of Crystal Springs Attorney
Mayor Walter Reilley	City of Crystal Springs
Tony Russell	MDEQ



Tony Russell
11/21/2002 10:54 AM

To: Kelli Dowell/Legal/Admin/DEQ@DEQ
Subject: Kuhlman

FYI

You recently sent me a letter you received from McAlister dated November 9. I read through the data and noticed that the Plaintiffs consultant is not following what we consider to be EPA 4 approved decontamination procedures.

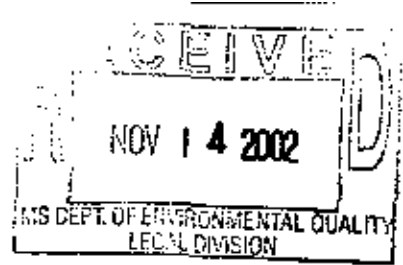
They are using Alconox detergent which they say in the report is phosphate free, Alconox contains 7% phosphates by weight. We require everyone we deal with to use Liquinox which is a laboratory brand of phosphate-free detergent. then they rinsed with de-ionized water. I have to say that on occasion we run into samplers in the field that are using grocery store purchased distilled water for deionized water, which are not the same.

These are the correct procedures that the Uncontrolled Sites Branch would require:

1. Remove gross contamination from sampling equipment with a brush or steam cleaner
2. Wash equipment with detergent and tap water
3. Rinse equipment with tap water
4. Rinse with deionized water
5. Rinse equipment thoroughly with solvent (pesticide grade isopropanol)
6. Rinse with organic/analyte free water or allow to completely air dry
7. Cover with plastic if to be used again that day; however, it is best to wrap in aluminum foil

These procedures can be found in Appendix B, Section B.2.3 of the USEPA Region IV Environmental Investigations Standard Operating Procedures and Quality Assurance Manual dated November 2001.

Tony Russell
Mississippi Department of Environmental Quality
Uncontrolled Sites Branch
601-961-5318



DAVID NUTT, P. A.
ATTORNEYS AT LAW
666 NORTH STREET, SUITE 101
JACKSON, MISSISSIPPI 39202

DAVID H. NUTT
MARY E. MCALISTER*
DOUGLAS G. MERCIER

MAIN NUMBER: 601-355-9122
TOLL FREE NUMBER: 1-800-801-4314
FASCIMILE: 601-355-9191

**also licensed in Louisiana*

Writer's email: mmcalister-davidnutt@jam.rr.com

November 9, 2002

VIA FEDERAL EXPRESS

Ms Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

Re: *Kellum, et al. vs. Kuhlman Corporation, et al.*
Remediation of Harold and Suzanne Warren's Yard at 403 Jackson Avenue

Dear Ms. Hamel:

Enclosed are copies of sampling documents pertaining to PCB contamination detected by Plaintiffs' experts in Harold and Suzanne Warrens' back yard, adjacent to the Kuhlman facility in Crystal Springs, Mississippi. The enclosures were selected from the December 18, 2001, sampling report from 3TM International, Inc., a complete copy of which will be furnished to defense counsel during discovery. We are providing these copies to you now to facilitate remediation of the Warren's yard while Borg-Warner's remediation crew is working along the fence line that separates the Warrens' yard from the plant site. PCBs were detected in excess of 1 p.p.m. in sample number HA-117 at a depth of 18 inches close to the fence line as depicted in the enclosed Site Sketch.

We reserve the right to obtain additional samples inside the two fences that separate the Warrens' yard from the Kuhlman site, as remediation progresses. The two fences are approximately a yard apart, as I recall, and we have not previously sampled inside the two fences because we do not know who owns that strip of land. Based on our conversation with defense counsel and you at the courthouse in Fayette on June 24, we understand that neither Borg-Warner nor Kuhlman knows who owns that strip. As the land may belong to the Warrens, we may wish to take some samples in that area. Please contact us when your crew is ready to start work on the Warrens' yard so we can make a final decision about sampling along the strip of land and arrange to have our technicians on site to take the samples at the appropriate time.

Ms Anastasia Hamel
November 9, 2002
Page 2

We also must advise the Warrens as to when Borg-Warner will be working on their yard so please let us know the date as soon as possible.

Sincerely yours,

DAVID NUTT & ASSOCIATES

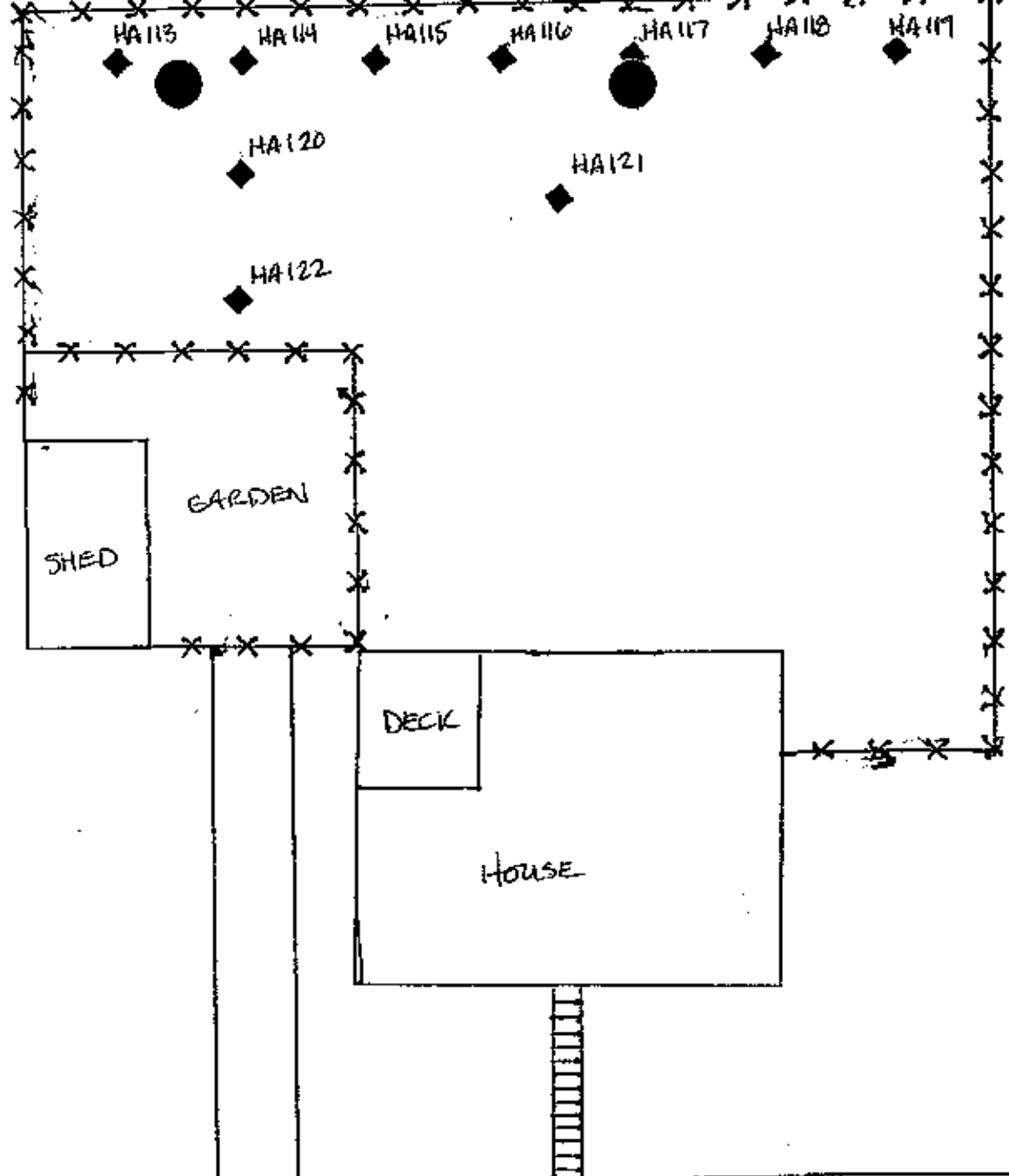
Mary E. McAlister - JC
Mary E. McAlister

Enclosures

Cc: Harold and Suzanne Warren, with enclosures

All defense counsel, with enclosures

All plaintiffs' counsel, without enclosures



◆ Indicates Sample Collection Location

North ↑

SAMPLE NUMBER: HA 113 - HA 122
 SAMPLE COLLECTION LOCATION: 403 JACKSON ST.
 SAMPLE COLLECTION DATE: 8-29-01

SITE SKETCH
 (NOT TO SCALE)

3TM INTERNATIONAL, INC.
 Houston, Texas

P 001527



Photograph 31. 106 Moore St. Samples HA-111 and HA-112.



Photograph 32. 403 Jackson St. Samples HA-113 and HA-122.

Analytical Report 213578

for

3TM International

Project Manager: Randy Horsak

Project Name : Crystal Springs PCB

3TM DNA-10200-03

October 2, 2001



11381 Meadowglen, Suite L Houston, TX 77082 Ph:(281) 589-0692 Fax:(281) 589-0695

Houston - Dallas - San Antonio - Austin - Tampa - Miami - Latin America

P 001642

October 2, 2001

Project Manager: Randy Horsak
3TM International
1500 South Dairy Ashford, Suite 225
Houston, TX 77077

Reference: XENCO Report No: 213578
Project Name : Crystal Springs PCB
Project Address: Crystal Springs, MS

Randy Horsak :

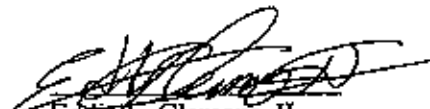
We are reporting to you the results of the analyses performed on the samples received under the project name referenced above and identified with the XENCO Chain of Custody Numbered 213578 . All results being reported under this Chain of Custody apply to the samples analyzed and properly identified with a Laboratory ID number.

All the results for the quality control samples were reviewed. Also, all parameters for data reduction and validation were reviewed. In view of this, we are able to release the analytical data for this report within acceptance criteria for accuracy, precision, completeness or properly flagged.

The validity and integrity of this report will remain intact as long as it is accompanied by this letter and reproduced in full, unless written approval is granted by XENCO Laboratories. This report will be filed for at least 5 years in our archives after which time it will be destroyed without further notice, unless otherwise arranged with you. The samples received, and described as recorded in COC No. 213578 will be filed for 60 days, and after that time they will be properly disposed without further notice, unless otherwise arranged with you. We reserve the right to return to you any unused samples, extracts or solutions related to them if we consider so necessary (e.g., samples identified as hazardous waste, sample sizes exceeding analytical standard practices, controlled substances under regulated protocols, etc).

We thank you for selecting XENCO Laboratories to serve your analytical needs. If you have any questions concerning this report, please feel free to contact us at any time.

Respectfully,


Eddie L. Clemons, II
QA/QC Manager

*Recipient of the Prestigious Small Business Administration Award of Excellence in 1994.
Certified and approved by numerous States and Agencies.
A Small Business and Minority Status Company that delivers SERVICE and QUALITY*

Houston - Dallas - San Antonio - Austin - Tampa - Miami - Latin America

P 001643

Confidential Report

**Summary Report:
Soil and Indoor Dust Sampling Program**

August 2001 Field Campaign
PCB Litigation – Crystal Springs, Mississippi

3TM Project Reference: 3TM-DNA-102000-03

prepared for

David Nutt & Associates
Jackson, Mississippi

December 18, 2001

3TM International, Inc.
1500 S. Dairy Ashford
Suite 190
Houston, Texas 77077
[281] 497-1230 phone
[281] 497-1676 fax

P 001354

1.0 Introduction and Overview

This Report summarizes the results of the collection of soil and indoor dust samples from various residences surrounding the Kuhlman Electric facility in Crystal Springs, Mississippi.

Previous sampling of soils, sediments, and indoor dust conducted by 3TM International at or near residences surrounding the Kuhlman Electric facility indicated the presence of Polychlorinated Biphenyls (PCBs) and Dioxins.

Thus, the purpose of the August 2001 field program was to collect additional soil and indoor dust samples at various residences in Crystal Springs, Mississippi to further characterize the presence of PCBs.

The August 2001 field program was conducted during August 27 - 31, 2001, and consisted of collecting 149 soil samples at 9 residences (Soil Group). Indoor dust samples were also collected at a different group consisting of 9 residences (Dust Group), some of which were sampled for soils as well. All of the samples were tested for PCBs. None of the samples were tested for Dioxins or other chemicals.

The testing results indicated the presence of high levels of PCBs in the soil at a number of residences in Crystal Springs. Sample testing results indicated levels of PCB 1260 ranging from Below Reporting Limits (BRL) to as high as 1830 parts per billion (ppb). The current State of Mississippi Department of Environmental Quality (MDEQ) Tier 1 action level for PCBs is 1000 ppb (1 ppm).

The testing results also indicated the presence of high levels of PCBs in the indoor dust at 8 of the 9 residences. Total PCB results in the indoor dust ranged from BRL to 4220 parts per billion (ppb). Two of these samples, CMS-VC-025, collected at 407 Jackson Street, and CMS-VC-027, collected at 104 Forrest Street, indicated levels exceeding the MDEQ Tier 1 action level for PCBs of 1000 ppb.

2.0 Description of Soil Sampling

2.1 Soil Sampling Locations and Procedures

For purposes of this Report, the term "surface soil" is defined as the top layer of soil at a sampling location, generally from 0 to 18 inches below ground surface (bgs). All samples were collected using the standard procedures previously developed by 3TM International in previous field campaigns, and summarized below.

The sampling locations were determined by 3TM International prior to conducting the field campaign. Samples were collected at residences with prior environmental media testing and/or at residents with elevated blood testing results that indicated the presence of PCBs.

Soil samples were collected at the following residences in Crystal Springs, Mississippi (hereinafter referred to as the "Soil Group"):

- Site #1
302 McPherson Street
Crystal Springs, Mississippi

- Site #2
308 McPherson Street
Crystal Springs, Mississippi

- ▶ Site #3
300 A McPherson Street
Crystal Springs, Mississippi

- ▶ Site #4
106 Puckett Street
Crystal Springs, Mississippi

- ▶ Site #5
104 Puckett Street
Crystal Springs, Mississippi

- ▶ Site #6
105 Tucker Street
Crystal Springs, Mississippi

- ▶ Site #7
200 Moore Street
Crystal Springs, Mississippi

- ▶ **Site #8**
106 Moore Street
Crystal Springs, Mississippi
- ▶ **Site #9**
403 Jackson Street
Crystal Springs, Mississippi

Soil samples and indoor dust samples were collected at 302 McPherson Street. This location was selected for sampling due to elevated levels of PCB in the blood of its resident (Mrs. Ruby Smith). Mrs. Smith exhibited a PCB level of 7.2 parts per billion (ppb) in her blood.

Only soil samples were collected at 308 McPherson Street. This location was also selected for sampling due to elevated PCB levels in its resident's blood (Mrs. Lula Stovall). Mrs. Stovall exhibited a PCB level of 10.7 ppb in her blood.

Two soil samples were collected at 300 A McPherson Street. Samples collected at this location were collected because the resident indicated that Kuhlman had stockpiled soil at this location.

Only soil samples were collected at 106 Puckett Street. This location was selected for sampling due to elevated PCB levels in its resident's blood (Mrs. Maggie Tanner). Mrs. Tanner exhibited a PCB level of 18.8 ppb in her blood.

Only soil samples were collected at 104 Puckett Street. This location was selected for sampling due to elevated PCB levels in its resident's blood (Mrs. Zeddie Wilson). Mrs. Wilson exhibited a PCB level of 10.8 in her blood.

Only soil samples were collected at 105 Tucker Street. This location was selected due to previous indoor dust sampling results and elevated PCB levels in two of its resident's blood (Ester & Robert L. Terrell). Mr. Terrell exhibited a PCB level of 12.8 ppb in his blood, while Mrs. Terrell exhibited a PCB level of 5.9 ppb in her blood. Previous indoor dust sampling indicated a presence of 22 ppb PCB in household dust.

Only soil samples were collected at 200 Moore Street. Samples were collected at this location due to elevated PCB levels in its resident's blood (Mrs. Nina Ham). Mrs. Ham exhibited a PCB level of 14.2 ppb in her blood.

Only soil samples were collected at 106 Moore Street. Samples were collected at this location due to elevated PCB levels in its resident's blood (Henry and Annie Jackson). Mr. Jackson exhibited a PCB level of 12.9 ppb. Mrs. Jackson exhibited a PCB level of 10.7 ppb. The previously noted address for these residents was 102 and 103 Moore St. However, their actual address is 106 Moore St.

Soil samples and indoor dust samples were collected at 403 Jackson Street. This location was selected for sampling due to its proximity to the Kuhlman Facility.

This address has previously been tested for PCBs in various environmental media, including soil, indoor dust, and blood. Prior soil sampling revealed PCB levels as high as 0.609 ppm; both indoor dust and blood samples had been below reporting limits (BRL).

2.2 Decontamination of Soil Sampling Equipment

Sampling at each location was accomplished using only soil sampling equipment that had been properly decontaminated, in order to eliminate the possibility for cross-contamination. Upon completion of sampling at a location, the sampling tools were decontaminated by manually removing large portions of adhered soils, scrubbing with Alconox detergent (a phosphate free soap) and potable water, and final rinsing with de-ionized water. The sampler donned new latex gloves before collecting each sample. Care was taken to ensure the utmost integrity of the samples.

2.3 Documentation of Sample Collection

Each sampling point and each sample collected were documented in the field by the field supervisor by completing the following forms:

- Soil Sample Collection Logs that document the method of sample collection and various sample-specific aspects of the sample. Soil Sample Collection Logs include documentation of the project and sample point location, sample collection date and time, sample number, method of sample collection, type of soil, quantity of sample collected, sample depth, type of sample container and preservative, name of field supervisor, signature of field supervisor, and similar information. Soil Sample Collection Logs are presented in Appendix A.
- Site Sketches that document the approximate location of the sampling point. The Site Sketches are shown in Appendix B.
- Photographic representation is provided for each sampling location. Photographs are taken to pinpoint where samples were collected in the field. Photographs are presented in Appendix E.
- Analytical Testing Chain-of-Custody that documents the handling of samples submitted to Xenco Laboratories and Midwest Research Institute (MRI), during the collection, shipping, and testing process. The Xenco Chain-of-Custody forms are presented in Appendix F, along with the complete Xenco analytical testing results. The MRI Chain-of-Custody forms are presented in Appendix G, along with the complete MRI analytical testing results.

2.4 Analytical Testing Methodology

All soil samples were tested for Polychlorinated Biphenyls (PCBs) using EPA Method 8082 by Xenco Laboratories of Houston, Texas. The results of the analytical testing are summarized in Table 1 and Table 3. The complete Xenco analytical testing reports are presented in Appendix F.

SOIL SAMPLING LOG
3TM INTERNATIONAL
Houston, Texas

Project Name: Crystal Springs

Site Name: Crystal Springs, MS

Location: 403 Jackson St.

Boring Number: HA-117

Date Sampled: 8/29/01

Time Sampled: 1606

Sampling Method: Hand Auger

Sample Depth: 18 inches bgs

Type of Soil: sandy Silt

Sample Matrix: Soil

Sample Analysis: PCB 8082

Sample Container: 1 - 4 oz. GC

Sample Quantity Collected: 4 oz.

Preservative Used: Ice

Environmental Supervisor: David McCloskey

Signature / Date:

David McCloskey
checked
12/15/01 8/29/01

Remarks:

Sample ID: HA-117

17229th Janell Avenue
Cerritos, Ca., 90703
October 30, 2002

Anastasia Hamel
Director Environmental Programs
Borg Warner Inc.
3800 Automation Ave. Suite 100
Auburn, Miss., 48326-1782

Dear Ms. Hamel,

Thank you for the response to my call made to you on 10/23/02 at 7:15 PST. As was verbally finalized on October 28, 02, I gave permission for Borg Warner Inc. and Khulman Co. to test, clear and restore all of the property that is listed in Lilliette Lewis and Edward L. Washington in Crystal Springs, Ms.

It is my understanding through our phone calls and letters that all efforts will be made in the restoration of clean healthy air, water, botany, soil (top, bottom) whatever is necessary to be done to all effective areas.

I hope and pray that all will go well and our town will again be clean, healthy and we can all enjoy once again the fish, lake, and all that was taken for granted in the past.

Please continue to keep me informed.

Yours truly,
Lilliette L. Lewis

cc: Tony Russell
MDEQ

DAVID NUTT & ASSOCIATES



FACSIMILE TRANSMITTAL SHEET

TO: TONY RUSSELL

FROM: DOUG G. MERCIER

COMPANY:

DATE: 11-1-02

FAX NUMBER: 961-5300

TOTAL NO. OF PAGES INCLUDING COVER: 3

RE: KUHLMAN

SENDER'S DIRECT NUMBER: 601-355-6790

Ⓞ URGENT Ⓞ FOR REVIEW Ⓞ PLEASE COMMENT Ⓞ PLEASE REPLY

NOTES/COMMENTS:

Multiple horizontal lines for notes and comments.

The original will not be sent via United Postal Service.

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666 NORTH STREET, SUITE 102A
JACKSON, MISSISSIPPI 39202
TOLL FREE: 1-800-801-4314
MAIN NO.: (601) 355-9122 • FAX: (601) 355-9191

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

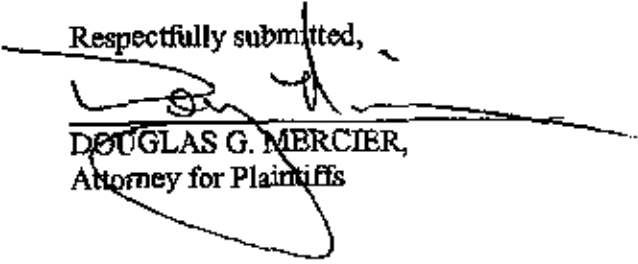
NOTICE OF PLAINTIFFS' ELECTION FOR SOIL SAMPLING

TO: Tom Tynes/Daphne Lancaster	Facsimile: (601) 583-2677
Anastasia Hamel	Facsimile: (248) 754-9159
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 D" in the BorgWarner, Inc., *NOTICE OF REMEDIATION* dated 3:00 p.m., Oct. 31, 2002, and received 3:13 p.m., Oct. 31, 2002.

Plaintiffs require soil samples at multiple locations in "Area D" as defined herein, in addition to locations exhibiting apparent staining or odor. Plaintiffs require soil samples to be taken from depths of 0-6", 6-12" and 12-24" bgs at the following locations within "Area D" identified by the aforementioned Borg-Warner Notice of Remediation, as follows: 10 feet north of DP143; 10 feet south of DP143; 20 feet south of DP143; 30 feet south of DP143; 10 feet east of DP143; 10 feet west of DP143; 15 feet east of DP129; and at 10 locations, equally spaced, along the line extending between DP116 and DP63. Plaintiffs' environmental technical staff shall be present for all sampling activity.

Respectfully submitted,


DOUGLAS G. MERCIER,
Attorney for Plaintiffs

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
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



Fax

**BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782**

FAX TRANSMITTAL INFORMATION													
From: Anastasia Hamel	To: Distribution List – See Below												
Of: BorgWarner Inc.	Of:												
Phone: (248) 754-0159	Fax:												
Fax: (248) 754-9159	RE: Attached Notice of Remediation												
<p>Notice of Remediation Fax Distribution List:</p> <table border="0"> <tr> <td>Meg McAlister and Doug Mercier</td> <td>Fax: 601-355-9191</td> </tr> <tr> <td>Randy Horsack at 3TM International, Inc.</td> <td>Fax: 281-497-1676</td> </tr> <tr> <td>Daphne Lancaster</td> <td>Fax: 601-583-2677</td> </tr> <tr> <td>Tom Lupo</td> <td>Fax: 312-269-8869</td> </tr> <tr> <td>Chuck Barlow, MDEQ</td> <td>Fax: 601-961-5349</td> </tr> <tr> <td>Tony Russell, MDEQ</td> <td>Fax: 601-961-5300</td> </tr> </table>		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
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												
<p><small>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.</small></p>													
Date: October 31, 2002	Number of page(s) in this fax including cover <u>4</u>												

Original will be sent via: Mail <input type="checkbox"/> OR Overnight Courier <input type="checkbox"/> Will Not Be Sent <input checked="" type="checkbox"/>

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

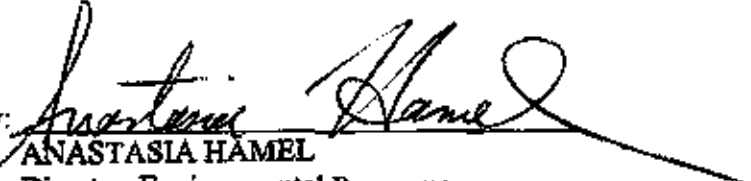
PLEASE TAKE NOTICE that, in accordance with the Court's Order of June 24, 2002 in the above referenced matter, the Defendants, Borg Warner Inc. and Kuhlman Electric Corporation, shall commence remediation activity on the area identified below no sooner than seventy-two (72) hours from the date and time 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:

Area "D" as described in the attached sketch.

THIS the 31st day of October, 2002 at 3:00 p.m. Eastern.

**BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION**

By: 
ANASTASIA HAMEL
Director, Environmental Programs
BorgWarner Inc.



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 *AR*
DATE: October 25, 2002
SUBJECT: Site Visit

Conducted site visit this morning. Area C has been excavated and backfilled except for one small area. Chuck Peel has been waiting all week for the weather to permit him to excavate this area. The concentrations are greater than 50 ppm so the material will go to Waste Management facility in Emile, AL. He did not want to start excavating with the probability of it raining. He has backfill material stock piled onsite. As soon as weather permits, they will excavate the remaining area in Area C and will then be ready to move to another area. A fax has not been sent outlining the next area that will be excavated and backfilled.

Chuck has not been given the approval to collect samples from the last two properties along the drainage ditch. These are the same two properties that access agreements have not been worked out.

K:\Shared\UCSS\Tony\Kuhlman Electric\FKuhlman site visit 10-25-02.rtf

ROBERT L. MARTIN, LC
Principal Geologist

CHRISTINE E. SLAGLE
Principal Scientist

September 25, 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: Groundwater Assessment Plan
Kuhlman Electric Plant Site
Crystal Springs, Mississippi**

Dear Mr. Russell:

Enclosed are two copies of the *Groundwater Assessment Plan* for 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

Enclosures

CC: Anastasia Hamel
Tom Lupo
Al Thomas
Scott Schang



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 *DR*
DATE: September 24, 2002
SUBJECT: Status Meeting held Sept. 18, 2002

A site status meeting was held on September 18, 2002, to discuss the current status of the site.

Contractor Issue: BW has hired US Environmental and should have the contract in place soon.

Tax Commission: BW going to meet with State Tax Commission this afternoon and try to get the Mississippi Purchasing Certificate (MPC) issued in their name. Commission wants to issue it in Martin & Slagle's name.

Onsite Remediation: Areas A & B have been excavated and backfilled with clay-gravel. They are ready to start on Area C as soon as the contract is finalized with US Environmental and the Tax Commission issues them the MPC. KEC agreed to work with BW on accessing areas around the buildings. Have been monitoring the dust since beginning of project and the alarms have not gone off. Hope to be at Fulgram Avenue within 3 weeks of startup.

Drainage Channel: DEQ gave them until November 15 to finish the investigation on drainage channel. There are two properties (McPherson & Washington) that BW does not have access to at this time. DEQ gave BW until the end of September to get access or DEQ would get involved. The drainage channel assessment will stop at Highway 51. The property on the west side of Highway 51 will be assessed when the lake is investigated. City of Crystal Springs will have to be involved more during the assessment as there are culverts that need to be resized.

Pit Beneath the KEC Building: concrete vat; exact size is unknown; employees say it is 10 x 10 or 8 x 7 and approximately 4 to 5 foot deep. KEC will get with Scott Shang about getting affidavits from employees who say they know what went in the pits. KEC to let KEQ know by the end of the month.

Brent Street property: Found highest concentrations 4 to 8 feet bgs. Have

affidavits from both David Rogers (previous landowner) and the Kellum's. Rodger's says he did not dump dirt from Kuhlman but the Kellum's say their son rode with the truck driver to dump the dirt. DEQ recommended that KEC/BW get an affidavit from the truck driver.

Other Issues: The groundwater monitoring plan is due on September 23, 2002.

Meeting Attendees:

Name	Affiliation
Paul Acheson	KEC
Al Thomas	KEC
Anastasia Hamel	BorgWarner
Robert Martin	Martin & Slagle
Mayor Walter J. Reilley	Crystal Springs
Tony Russell	MDEQ

BorgWarner
Inc.200
South
Michigan
AvenueChicago
Illinois
60604Telephone
312 322 6300

AH-02-1725

VIA FACSIMILE**BorgWarner**

September 23, 2002

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

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, Michigan 48326-1782

**Re: Kuhlman Electric Corporation Facility, Crystal Springs, MS
Groundwater Investigation Plan**

Dear Mr. Russell:

This is to confirm our telephone discussion earlier today, September 23, 2002, concerning the submittal of the Groundwater Investigation Plan for the Kuhlman Electric Corporation (KEC) facility located in Crystal Springs, Mississippi.

As you know, it is necessary that the Groundwater Investigation Plan is reviewed by both BorgWarner and KEC management prior to its submittal. Due to extensive out of the country travel and coordination of schedules it is anticipated that the plan will be submitted on September 26, 2003.

In the event there are any questions please feel free to contact me at 248-754-0159.

Very truly yours,

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.



Fax

**BorgWarner Inc.
 Powertrain Technical Center
 3800 Automation Avenue, Suite 100
 Auburn Hills, MI 48326-1782**

FAX TRANSMITTAL INFORMATION	
From: Anastasia Hamel	To: <i>Tony Russell</i>
Of: BorgWarner Inc.	Of:
Phone: (248) 754-0159	Fax: <i>601-961-5300</i>
Fax: (248) 754-9159	RE: Attached
<p><small>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.</small></p>	
Date: <i>9/23/02</i>	Number of page(s) in this fax including cover <u><i>2</i></u>
Original will be sent via: Mail <input type="checkbox"/> OR Overnight Courier <input type="checkbox"/> Will Not Be Sent <input checked="" type="checkbox"/>	

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

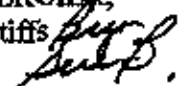
<p>TO: Tom Tyner/Daphne Lancaster Anastasia Hamel Robert Martin Chuck Barlow Tony Russell Randy Horsak</p>	<p>Facsimile: (601) 583-2677 Facsimile: (586) 497-4089 Facsimile: (828) 669-5289 Facsimile: (601) 961-5349 Facsimile: (601) 961-5300 Facsimile: (281) 497-1676</p>
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The 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 C" in the BorgWarner, Inc., 3:29 p.m., September 10, 2002, *NOTICE OF REMEDIATION*.

Plaintiffs require soil samples at 5 locations in "Area C" in addition to locations exhibiting apparent staining or odor. Plaintiffs require soil samples to be taken from depths of 0-6", 6-12", 12-24" at the following locations within "Area C" of the map identified by the afore mentioned Borg-Warner notice of Remediation, as follows: 2 samples from Stock Pile #2; 1 sample from the small Stock Pile; 1 sample from BP-167; and 1 sample at 15feet North of BP-219. Plaintiffs' environmental technical staff shall be present for all sampling activity

Respectfully submitted,


DOUGLAS G. MERCIER

Attorney for Plaintiffs 

ATTORNEYS FOR PLAINTIFFS:

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Fax

BorgWarner Inc.
Powertrain Technical Center
3800 Automation Avenue, Suite 100
Auburn Hills, MI 48326-1782

FAX TRANSMITTAL INFORMATION													
From: Anastasia Hamel	To: Distribution List - See Below												
Of: BorgWarner Inc.	Of:												
Phone: (248) 754-0159	Fax:												
Fax: (248) 754-9159	RE: Attached Notice of Remediation												
<p>Notice of Remediation Fax Distribution List:</p> <table> <tr> <td>Meg McAlister and Doug Mercier</td> <td>Fax: 601-355-9191</td> </tr> <tr> <td>Randy Horsack at 3TM International, Inc.</td> <td>Fax: 281-497-1676</td> </tr> <tr> <td>Daphne Lancaster</td> <td>Fax: 601-583-2677</td> </tr> <tr> <td>Tom Lupo</td> <td>Fax: 312-269-8869</td> </tr> <tr> <td>Chuck Barlow, MDEQ</td> <td>Fax: 601-961-5349</td> </tr> <tr> <td>Tony Russell, MDEQ</td> <td>Fax: 601-961-5300</td> </tr> </table>		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
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Date: September 10, 2002	Number of page(s) in this fax including cover: 4												

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IN THE CIRCUIT COURT OF COPLAH 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
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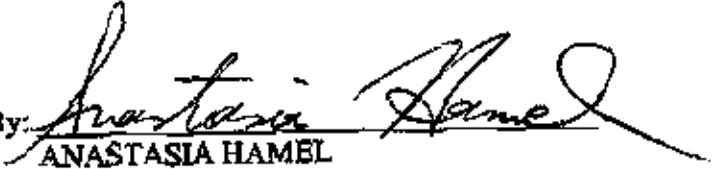
PLEASE TAKE NOTICE that, in accordance with the Court's Order of June 24, 2002 in the above referenced matter, the Defendants, Borg Warner Inc. and Kuhlman Electric Corporation, shall commence remediation activity on the area identified below no sooner than seventy-two (72) hours from the date and time 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:

Area "C" as described in the attached sketch.

THIS the 10th day of September, 2002 at 3:00 p.m.

BORGWARNER INC. and
KUHLMAN ELECTRIC CORPORATION

By: 
ANASTASIA HAMEL
Director, Environmental Programs
BorgWarner Inc.