FORM B-1 Revison 10/01/2007

For MDEQ Use Only
Application No. 4042016 1

MISSISSIPPI UNCONTROLLED SITE VOLUNTARY EVALUATION PROGRAM (VEP) APPLICATION FORM

Applicant	Kuhlman Electric Corporation				
Site Name:	Kuhlman Electric Corporation - Crystal Springs, Mississippi				
Site Surface Owner (if Different From Applicant)					
Address of Site (Street)	101 Kuhlman Drive				
City of Site	Crystal Springs	County	Copiah	Zip	39059
Contact Person	Alan Thomas				
Mailing Address	101 Kuhlman Drive				
City	Crystal Springs	State	Mississippi	Zip	39059
Email	alan.thomas@us.abb.com	Phone	(601) 892-6462	Fax	(601) 892-6476
Brief Paragraph Describing Nature of Impacts (to Air, Soil, Groundwater, Surface Water), Chemicals of Concern and Area Impacted	The open areas of the Property have been remediated to be below the cleanup level (25 mg/kg) required for low occupancy areas as defined in 40CFR Part 761.61(a)(4.(i)(D) A liner was placed at the bottom of all excavations conducted onsite for future reference. During the remediation of the soils at the Property, it was determined that PCB contaminated soils extend beneath the building footprint. Additional assessment has determined that the soils beneath the building and the groundwater beneath the Property are also contaminated with 1,1-DCE and 1,4-Dioxane				

Party Assuming Responsibility for MDEQ Oversight Costs					
Name	Kuhlman Electric Corporation (see contact information above)				
Address (Street and P.O. Box)					
City		State		Zip	
Contact Person					
Email		Phone		Fax	
Financial Contact (for Payment of MDEQ Invoice)					
Firm	Kuhlman Electric Corporation (see contact information above)				
Address for Invoice					
City		State		Zip	
Contact Person					
Email		Phone		Fax	
Environmental Consulting Firm					
Firm's Name	N/A				
Address					
City		State		Zip	
Contact Attorney					
Email		Phone		Fax	

FINANCIAL RESPONSIBILITIES

The Applicant agrees to pay to the Mississippi Department of Environmental Quality (MDEQ) all costs of the MDEQ associated with the administration and evaluation of the site under the Uncontrolled Site Voluntary Evaluation Program (VEP) at the rate of $100.00 per hour. The hourly rate may be adjusted on an annual basis and the Applicant will be notified of any rate change prior to implementation of the change.

The Applicant understands that it will be invoiced for all costs incurred by the MDEQ in the administration and evaluation of the Site on a thirty (30) day schedule. If any part of the costs is not paid within thirty (30) days after the due date, a penalty of up to twenty-five percent (25%) of the amount due may be imposed and be added to the amount due. In the event the MDEQ pursues legal action to collect costs incurred, the Applicant agrees to pay the reasonable attorney's fees and costs of the MDEQ associated with such an action. The Applicant further understands that the MDEQ will immediately cease the administration and evaluation of the Site, if the Applicant fails to pay any required costs or penalties imposed.

The information contained in this application is true and correct to the best of my knowledge and belief.

Printed Name: R. Keith Knowlrose

Signature:

Status of Remedial Action Work at Kuhlman Electric Company Site
Crystal Springs, MS
January to March 2010 Time Period

FILE COPY

Drainage Ditch

There was no remediation work being conducted on the drainage ditch during this time period. BorgWarner has contract workers maintaining the erosion control measures and the grass and brush is being mowed.

Groundwater

The City of Crystal Springs groundwater supply wells and treatment system continue to be monitored each month. The City wells were sampled on January 5, February 2 and March 2, 2010. The treatment system effluent continues to show no detections of any volatile organic compounds. The groundwater monitor wells in and around the contaminated groundwater plume are sampled on a quarterly basis. The monitor wells were sampled during the week of February 28, 2010. MDEQ continues to split samples during the sampling of the City wells and the sampling of the groundwater monitoring wells.

The two new wells installed in November 2009 were sampled in December 2009 and again in March 2010. The sampling data shows that the two monitoring wells were non-detect for contaminants of concern for both sampling events.

Lake Chautauqua

MDEQ and EPA completed their review of the Ecological Assessment Work Plan for Lake Chautauqua. A comment letter was mailed to BorgWarner in February. BorgWarner responded to the comments. MDEQ conditionally approved the proposed scope of work with several modifications to the plan by letter dated March 25, 2010. MDEQ required that the plan be implemented by June 1, 2010.

KEC Plant

MDEQ received a Vapor Intrusion Survey Summary Report in January 2010. MDEQ review of the report indicated that there are no vapor intrusion impacts to workers from contamination beneath the floor of the facility.

Approved for release
June 3, 2010 per
J. Banks.
Traced
6/4/10

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell** 6/4/10
DATE:	**June 4, 2010**
SUBJECT:	**Qtrly & City Well Sampling Event June 2010**

I met with Chuck Peel to observe and collect split samples during the sampling event. The monitoring wells are set up with dedicated tubing and bladder pumps. The monitoring wells are purged prior to collecting samples a minimum of one well screen volume. Once the well is purged and the stabilization parameters have stabilized, the well is then sampled. Samples are collected for both VOC and 1, 4-dioxane analysis. Splits were collected on the following monitoring wells and city wells:

KEP-GW-010A-012 on May 31 @ 0930 hrs
KEP-GW-010B-012 on May 31 @ 1045 hrs
KEP-GW-010C-012 on May 31 @ 1110 hrs
KEP-GW-002-017 on May 31 @ 1532 hrs
KEP-GW-005-012 on May 31 @ 1748 hrs
CSW-WA3-049 on June 1 @ 0805 hrs
CSW-WA1-049 on June 1 @ 0820 hrs
CSW-WA2-049 on June 1 @ 0830 hrs
CSW-TP-049 on June 1 @ 0922 hrs
KEP-GW-020A-012 on June 1 @ 1032 hrs
KEP-GW-020B-012 on June 1 @ 1210 hrs
KEP-GW-015A-012 on June 1 @ 1700 hrs
KEP-GW-015B-012 on June 1 @ 1729 hrs

The City wells are purged by allowing the well to flow for a minimum of seven minutes prior to sample collection at a faucet located near the well head. The sample from the treatment plant is collected from a faucet at the treatment plant building.

The samples were delivered to OPC lab in Pearl for VOC analysis only.

Photos were not taken during the sampling event.

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell** TRussell 5/24/10
DATE:	**May 24, 2010**
SUBJECT:	**City Well Sampling Event Conducted May 11, 2010**

Chuck Peel sampled city wells on May 11, 2010. Robert Sims (City) turned all the wells on so they could be pumping prior to sampling to purge the system. Upon arrival at each well, the facet was turned on and allowed to run for a minimum of five (5) minutes prior to sample collection. The flow rate was reduced to a trickle prior to sample collection at the facet. The samples were collected in EPA approved sample containers and then placed on ice for transport to the onsite lab. Samples were collected for 1, 4 dioxane and VOC analysis. The samples were collected from the following wells; well 8 on Lincoln Street, well 1 and well 2 on the Shelton Laboratories property, well 3 on Osborne St., well 5 on Harmony road, well 6 on Six Mile Road, and then the treatment plant faucet at West Railroad Avenue.

A split sample was collected from well 1 (CSW-WA1-048) and well 2 (CSW-WA2-048) located on Sheldon Lab property, well 3 (CSW-WA3-048) located on Osborne St., and from the treatment plant (TP) (CSW-TP-048) located on West Railroad Avenue. The samples will be analyzed for VOCs at the OPC lab in Pearl, MS.

No photos were taken during this sampling event.

OFFICE OF POLLUTION CONTROL

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STATE OF MISSISSIPPI

HALEY BARBOUR
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

FILE COPY

May 7, 2010

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3850 Hamlin Road
Auburn Hills, Michigan 48326

Mr. Alan Thomas
Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, MS 39059

Re: Amended Administrative Order #5095-06
Kuhlman Electric Corporation Site
Crystal Springs, Mississippi

Dear Ms. Hamel and Mr. Thomas:

The Mississippi Department of Environmental Quality (MDEQ) had previously reviewed and commented on the *Groundwater Assessment Report* dated April 30, 2009. Based on MDEQ review of the Groundwater Assessment Report, BorgWarner installed two new wells in November 2009. The two wells were sampled in December 2009 and again in March 2010. MDEQ has not received a formal report for the two sampling events. However, BorgWarner did supply the analytical data for the two sampling events. Both BorgWarners analytical data and MDEQ split samples showed no detections of the contaminates of concern in the two wells for either the December or March sampling event. Therefore, MDEQ considers the groundwater contamination to be adequately characterized at this time. As required by Amended Administrative Order #5095-06 paragraph 8(C), Respondent shall submit to the MDEQ for approval a FINAL Groundwater Corrective Action Plan, in a format acceptable to the MDEQ, within sixty (60) days of the date of this concurrence letter. A schedule must accompany the Corrective Action Plan, including all phases of Corrective Action activities.

MDEQ requires that a Groundwater Corrective Action Plan (GCAP) and schedule for implementation of the GCAP be submitted within 60 days of this concurrence letter (July 6, 2010). Pursuant to Miss. Code Ann. §49-17-43 (Rev. 2003),

violations of the environmental laws and regulations of the State of Mississippi can subject the Respondent 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 laws and regulations, subjecting the Respondent to further penalties of up to $25,000 per day.

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

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

cc:

Trudy Fisher	MDEQ
Jerry Banks	GARD
Trey Smith	OPC/Legal Division

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell TRR 5/7/10

DATE: May 7, 2010

RE: Drainage Ditch Removal Site Visit Conducted May 5, 2010

I conducted an unannounced site visit on May 5, 2010. I arrived at the drainage ditch removal site around 7:15 am. Workers did not show up until approximately 7:55 am. They proceeded to begin work on removing soil from the established grid section. The soil being removed was moist as usual due to the marshy environment. One worker was still spraying water to maintain dust control even though there was no dust. Air monitors were in place down wind of the work zone.

When I departed the site at approximately 4 pm, workers were working on removing soil from the third grid section. As usual, a grid section was not back-filled until the lab results showed that the grid section was clean. While waiting on the results, the next grid section was removed. If the results come back and show that the section was clean after the first removal, then the process moves a lot faster. If the sample is not clean, then the grid section must have more soil removed and then be resampled. Once a grid section is clean, that grid section is back filled with clean soil. Each load of back fill material is sampled to verify that it does not contain PCBs.

Photos were taken of the removal activities being performed at the site and are attached to this memo.

KEC- DRAINAGE DITCH REMOVAL
MAY 5, 2010

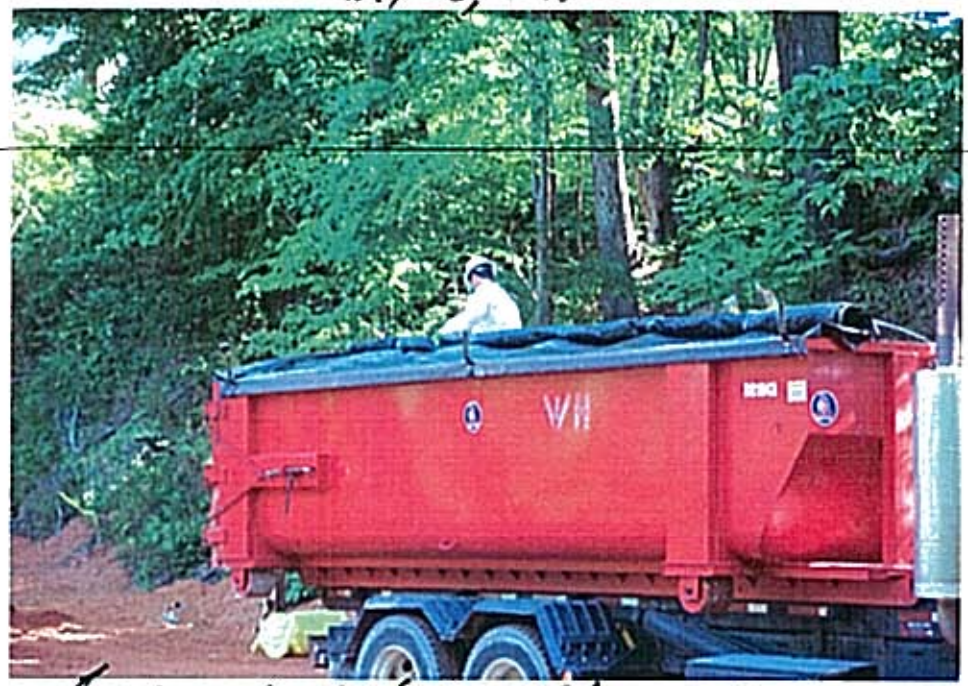
1 EROSION CONTROL

2 LOADING EXCAVATED MATERIAL

3 WORKER WEED-EATING

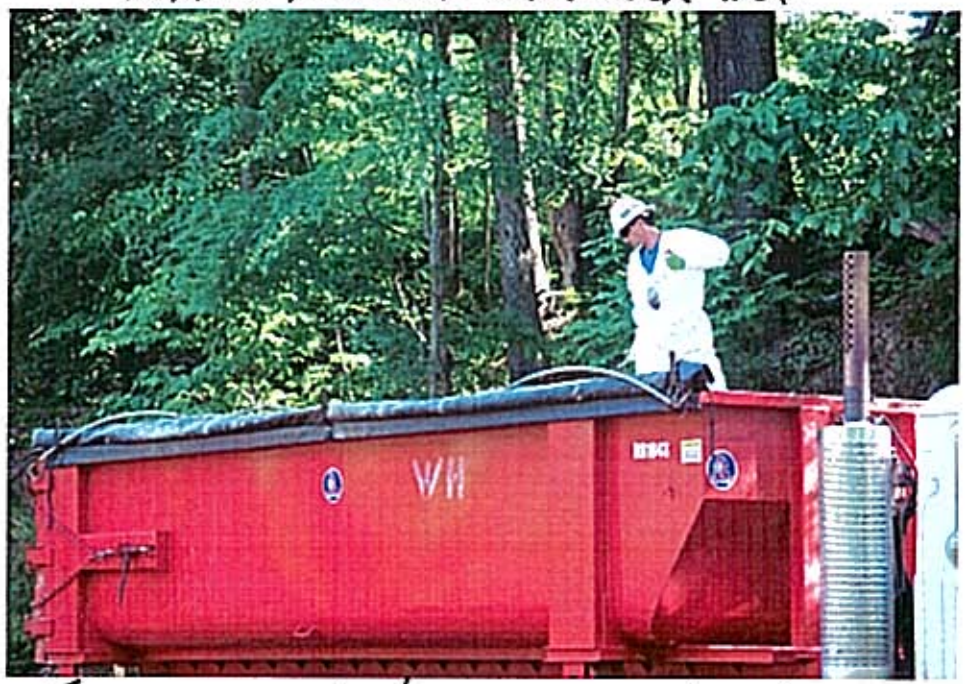
4 PLASTIC ON GROUND TO CATCH ANY DROPPINGS FROM EXCAVATOR BUCKET

KEC - DRAINAGE DITCH REMOVAL
MAY 5, 2010



← WORKER PLACING TARP OVER BOX

MOVING MATS →



← WORKER COLLECTING SAMPLE from ROLL-OFF BOX

← CURRENT GRID SECTION - EXCAVATED

KEC- DRAINAGE DITCH REMOVAL
MAY 5, 2010

EXCAVATED MATERIAL - "WET"

SURVEYOR LOCATING SAMPLING LOCATIONS

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell 5/6/10

DATE: May 5, 2010

RE: Drainage Ditch Removal Site Visit Conducted April 27, 2010

I conducted an unannounced site visit on April 27, 2010 at 4:30pm. The drainage ditch removal work was being conducted in an area that was saturated. Work was slow due to the nature of the environment - ground was extremely soft. Mats were being used to support excavation equipment. There was no dust observed during the site visit from the removal area. Air monitors were in place downwind of the removal area.

No photos were taken during this site visit.

OFFICE OF POLLUTION CONTROL

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STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell 5/6/10

DATE: May 5, 2010

RE: Drainage Ditch Removal Site Visit Conducted April 21, 2010

I met with Anastasia Hamel on April 21, 2010 to observe and discuss the removal work being conducted. The work was still being conducted in a marshy area of the drainage ditch basin. Progress was slow that day due to the marshy condition of the area being worked. Air monitors were in place and the soil was being sprayed as it was removed with water for dust control. Mats were being used to support the excavator. Excavation work was stopped mid afternoon so more trees could be removed.

I asked Anastasia about the status of the groundwater remedial action plan that was due April 30, 2010. She said that that date was a tentative date. She did not give a submittal date for the groundwater remedial action plan.

No photos were taken during this site visit.

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Facsimile: (601) 965-1901

WATKINS & EAGER

Attorneys and Counselors at Law

est. 1895

jpoulson@watkinseager.com
Direct Dial: 601.965.1805
Facsimile: 601.965.1812

May 5, 2010

VIA HAND DELIVERY

Mr. Tony Russell, Chief
Assessment Remediation Branch
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

RE: Kuhlman Electric Corporation Site
Crystal Springs, Copiah County, Mississippi

Dear Mr. Russell:

Enclosed herein please find the original, recorded Environmental Covenant, which has been recorded in the Office of the Chancery Clerk of Copiah County, Mississippi in Book 17U at pages 657-667.

Please let me know if you have any questions. Thank you again for all of your assistance with this matter.

Sincerely,

Watkins & Eager PLLC

Jason L. Poulson

Enclosure

cc: R. Keith Knauerhase (w/ enclosure)
James R. Barrett (w/ enclosure)

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

COMPLAINANT

Order No. 5723 10

VS.

KUHLMAN ELECTRIC CORPORATION
ATTENTION: ALAN THOMAS
101 KUHLMAN DRIVE
CRYSTAL SPRINGS, MS

FILE COPY

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality ("Commission") and Kuhlman Electric Corporation ("Respondent"), in the above captioned cause, and agree as follows:

1. Respondent has an interest in a tract of land located in Crystal Springs, Copiah County, Mississippi, known as the Kuhlman Electric Facility, hereafter referred to as the "Site". A legal description and survey plat of the Site are included as *Exhibit A* to this Agreed Order.

2. The soil beneath the Site may be contaminated with Polychlorinated Biphenyls (PCBs) and 1,1,-DCE at levels in excess of the Target Remediation Goals ("TRG's") as established by the Mississippi Department of Environmental Quality ("MDEQ"). The groundwater beneath the Site may be contaminated with 1,1,-DCE and 1,4-Dioxane at levels in excess of the TRG's as established by MDEQ.

3. The staff of the Commission has evaluated this Agreed Order and believes once the requirements of this Agreed Order have been completed that the Site will be protective of the public health and the environment.

4. The Site is subject to an Environmental Covenant that has been developed and executed pursuant to the Uniform Environmental Covenants Act ("UECA"), Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008). The Environmental Covenant is included as *Exhibit B* to this Agreed Order.

(j) Respondent shall provide a copy of the Environmental Covenant for the Site to parties interested in purchasing the Site or any portion of the Site prior to any property transaction involving the Site or any portion of the Site.

(k) Respondent shall file the Environmental Covenant, as approved by MDEQ, in the office of the Chancery Clerk of the County in which the Site is located for recording onto the land deed records in the appropriate sectional index.

(l) Respondent shall provide to MDEQ certification from the Chancery Clerk that the Environmental Covenant has been recorded.

(m) Beginning on October 31, 2010, and annually thereafter, Respondent shall submit certification, in a form required by MDEQ, that all the requirements of this Agreed Order and the Environmental Covenant have been maintained.

(n) Respondent shall retain responsibility for the requirements listed above until the Commission approves the transfer of those responsibilities to another party (e.g., the prospective purchaser) by entering into an Agreed Order(s) with the other party. As a condition to the deeded transfer of a real property interest in the Site, or any portion thereof, any transferee shall assume all obligations imposed upon Respondent by this Agreed Order.

6. Nothing in this Agreed Order shall be construed to convey or determine any interest in property or the Site.

7. Nothing in this Agreed Order shall be construed to be an allocation of costs or an indemnification by the State, MDEQ, or the Commission.

8. Nothing in this Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. This Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

9. Nothing contained in this Agreed Order shall limit the rights of the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

10. This Agreed Order does not resolve any issues regarding liability and/or penalties for any violation of any federal and/or state order, permit, law, rule and/or regulation. The Commission specifically reserves any such action.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 (Rev. 2003), and that it has made an informed

AGREED, this the _____ day of February, 2010.

RESPONDENT:

Kuhlman Electric Corporation,
a Delaware corporation

By: _____

R. Keith Knaverhase
U.S. Environmental Counsel
Printed Name and Title

March 15, 2010
Date

State of Connecticut

County of Hartford

Personally appeared before me, the undersigned authority in and for the said county and state, on this 15th day of March, 2010, within my jurisdiction, the within named R. Keith Knaverhase, who acknowledged that s/he is U.S. Environmental Counsel of Kuhlman Electric Corporation, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed s/he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

Eleanor A. Perlik
Notary Public

My commission expires:

March 31, 2012

PLAT OF SURVEY
FOR
KUHLMAN ELECTRIC

LEE AVENUE

JACKSON STREET

FULGAM AVENUE

KUHLMAN ELECTRIC
1- STORY BRICK
(NOT NEW)

GRAPHIC SCALE

LEGEND

ROBERT D. BARNES

BK 17 PG 657

CHANCERY COURT COPIAH COUNTY, MS

073526

STATE OF MISSISSIPPI
COPIAH COUNTY
I CERTIFY THIS INSTRUMENT WAS FILED FOR RECORD
9:00A M 4-8 2010
IN BK 124 PG 657-667
STEVE AMOS, CITY CLK.
BY Kim Hemphill D.C.

FILE COPY

Prepared By and Return To:

Jason L. Poulson (MSB# 102448)
Watkins & Eager PLLC
P.O. Box 650
Jackson, MS 39205
(601) 965-1900

Indexing Instructions:

North ½ of Section 25,
Township 2 North, Range 2 West,
City of Crystal Springs,
Copiah County, Mississippi

To be recorded with Deed Records – MS Code § 89-23-1

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into as of March 15, 2010, by **Kuhlman Electric Corporation**, a Delaware corporation ("Owner"), whose address is Attn: Alan Thomas, 101 Kuhlman Drive, Crystal Springs, Mississippi 39059, (601) 892-6462, and the **Mississippi Commission on Environmental Quality** ("Commission"), whose address is Attn: Groundwater Assessment and Remediation Division, Post Office Box 2261, Jackson, Mississippi, 39225, (601) 961-5171, pursuant to Uniform Environmental Covenants Act ("UECA"), Miss. Code Ann. § 89-23-1 *et. seq.* (Rev. 2008) for the purpose of subjecting the Property to the activity and use limitations set forth herein.

The Owner has an interest in a tract of land located in Crystal Springs, Copiah County, Mississippi. The open areas of the Property have been remediated to be below the cleanup level (25 mg/kg) required for low occupancy areas as defined in 40CFR Part 761.61(a)(4)(i)(B). A liner was placed at the bottom of all excavations conducted onsite for future reference. During the remediation of the soils at the Property, it was determined that PCB contaminated soils extend beneath the building footprint. Additional assessment has determined that the soils beneath the building and the groundwater beneath the Property are also contaminated with 1,1-DCE and 1,4-Dioxane. To meet the requirements of self-implementing on-site cleanup and disposal of PCB remediation waste for leaving contaminated soils onsite in low occupancy areas, a notation must be placed on the deed notifying potential purchasers of the Property. This Environmental Covenant will serve as that notification tool and to further protect human health and the environment.

shall Owner be liable for any breach of this Environmental Covenant, or the use and activity limitations contained herein, following a transfer of the Property by Owner

7. Running with the Land. This Environmental Covenant shall be binding upon the Property and shall run with the land, pursuant to Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008), subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

8. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008). Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Commission or MDEQ from exercising any authority under applicable law.

9. Rights of Access. Owner hereby grants to MDEQ, its agents, contractors, and employees the right of access to the Property for implementation or for enforcement of this Environmental Covenant.

10. Compliance Reporting. Owner or any Transferee shall submit to MDEQ, on an annual basis written documentation verifying that the activity and use limitations remain in place and the property is in compliance with this Environmental Covenant.

11. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

> THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED MARCH ___, 2010, RECORDED IN THE OFFICE OF THE CHANCERY CLERK OF COPIAH COUNTY, MISSISSIPPI ON MARCH ____, 2010, IN BOOK _____, PAGE _____. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

13. Amendment or Termination. This Environmental Covenant may be amended or terminated pursuant to Miss. Code Ann. § 89-23-19 (Rev. 2008) and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed pursuant to Miss. Code Ann. § 89-23-19 (Rev. 2008). Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee shall file such instrument for recording with the Copiah County Chancery Clerk's Office, and shall provide a file- and date-stamped copy of the recorded instrument to MDEQ.

14. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

15. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Mississippi.

16. Recordation. Within fifteen (15) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Copiah County Chancery Clerk's Office.

17. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Copiah County Chancery Clerk's Office.

18. Distribution of Environmental Covenant. The Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: MDEQ, the City of Crystal Springs, Copiah County, any lessee, each person who signed the Environmental Covenant, each person holding a recorded interest in the Property; and any other person designated by MDEQ.

The undersigned representative of Owner represents and certifies that he is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

OWNER:

Kuhlman Electric Corporation,
a Delaware corporation

By: _____

R. Keith Knaverhase
U.S. Environmental Counsel
Printed Name and Title

March 15, 2010
Date

State of Connecticut

County of Hartford

Personally appeared before me, the undersigned authority in and for the said county and state, on this 15th day of March, 2010, within my jurisdiction, the within named R. Keith Knaverhase, who acknowledged that s/he is U.S. Environmental Counsel of Kuhlman Electric Corporation, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed s/he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

Eleanor A. Perlik
Notary Public

My commission expires:

March 31, 2012

COMMISSION:

COMMISSION ON ENVIRONMENTAL QUALITY

Trudy D. Fisher
Executive Director

3-23-10
Date

State of Mississippi)
)
County of Hinds)

ss:

Personally appeared before me, the undersigned authority in and for the said county and state, on this 23rd day of March, 2010, within my jurisdiction, the within named Trudy D. Fisher, who acknowledged that she is Executive Director of Commission on Environmental Quality, and that for and on behalf of Commission on Environmental Quality, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by Commission on Environmental Quality so to do.

Joanne Ashley Rials
Notary Public

My commission expires:

STATE OF MISSISSIPPI
JOANNE ASHLEY RIALS
ID No. 45060
NOTARY PUBLIC
Comm. Expires
March 10, 2012
SIMPSON COUNTY

EXHIBIT B

All matters of record validly affecting the Property as of the date hereof.

Alan Thomas
<alan.thomas@us.abb.com>

05/05/2010 02:01 PM

To Tony_Russell@deq.state.ms.us
cc
bcc
Subject Sign for Kuhlman Electric

History: This message has been replied to.

Tony; Attached is a proof of the sign that KEC intends to put on the entrances at the Crystal Springs facility. Per the terms of the Order, MDEQ asked to review the proof before purchase. Letters will be in red--I could not scan it in color. Please let me know if this is acceptable. Thank you. Al

Alan Thomas
Maintenance Manager
Kuhlman Electric
101 Kuhlman Dr.
Crystal Springs, MS 39059
Tel: 601-892-6462
Fax 601-892-6476
Cell 601-955-7668

email: alan.thomas@us.abb.com

KUHLMAN_EXCAVATION_SIGN.pdf

- ☐ APPROVED (SIGNED)
- ☐ APPROVED WITH CHANGES (SIGNED)
- ☐ MAKE CHANGES AND SEND NEW PROOF

CHANGES _____

_____

_____

_____
SIGNATURE / DATE

SOUTHEASTERN SIGN COMPANY INCORPORATED

120 Lone Wolf Drive Madison, MS 39110
phone 601.391.0023 fax 601.859.5614

CUSTOMER Kuhlman Electric

SALESPERSON John Sykes

DATE 5.4.10

REVISION

DESCRIPTION Provide Two(2) Aluminum Signs with White Background and red text, like shown above

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell 5/6/10

DATE: May 5, 2010

RE: Drainage Ditch Removal Site Visit

DEQ maintained a presence at the removal site from April 5 to April 17th. During the first couple days, the process was slow as the work area was so small. The progress improved as the work area was enlarged. The removal was conducted using a 20 x 20 foot grid system. The excavator would remove soil from one grid, as that grid was completed; a soil sample was collected from the bottom of the excavation in a predetermined location that was surveyed. The soil sample was taken to the onsite lab for analysis, once the lab verified the sample was clean. That grid area would be back filled. If the sample results showed contamination above 1 ppm, then the excavator would remove another foot or so of soil from the bottom of that grid. The excavator would start on a second grid while waiting on lab results from the first grid. Excavation work continued until each floor sample showed that grid area was below 1 ppm. All excavations were back filled each day once it was determined that the excavation was clean.

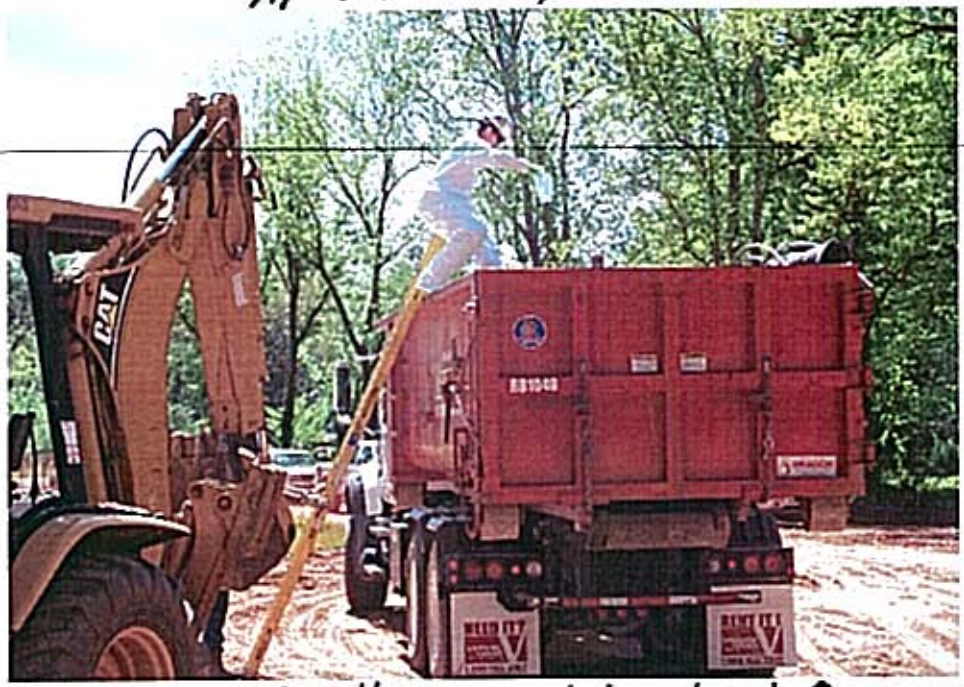
The removal of trees did slow down the removal process. The trees were cut so that they fell on clean soil. The limbs were run through a chipper that blew the chips back into the contaminated area. The tree trunks are being stock piled on clean areas.

Workers cut the grass ahead of the removal areas in an attempt to allow the sun to dry out the ground surface. All workers in the contaminated areas were required to wear full protective equipment.

Air monitors were in place each day down wind of the area being excavated. One designated worker sprayed the excavation area with water during the removal process to control dust. Even though the soil was saturated in most of the time due to the nature of the environment (drainage area), water was still sprayed on the excavation work area.

Photos were taken during this time period and are attached to this memo.

KEC SITE - Drainage DITCH
April 10 - 17, 2010



Sampling Excavated Material →

Grid Section Excavated - very "WET" ←

Excavated Material - moist ←

Adjacent House ←

KEC - DRAINAGE DITCH REMOVAL
APRIL 10-17, 2010

Excavated Material - Very Wet

cutting Trees

Grid Section being Excavated

Grid Section - Prepared for backfill

KEC- DRAINAGE DITCH REMOVAL
APRIL 10-17, 2010

Weed-eating

Area After removal & back-filled

Dozer pushing back-fill material into Excavated Area

KEC – DRAINAGE DITCH REMOVAL
APRIL 10-17, 2010

Area TO BE EXCAVATED → ← Air Monitors

← EXTREMELY WET AREA BEING REMOVED

Air Monitors IN PLACE →

← Worker SPRAYING "WET" SOIL

KEC- DRAINAGE DITCH REMOVAL
APRIL 10-17, 2010

EXCAVATOR BUCKET COVERED WHEN NOT USED

SAMPLE BEING COLLECTED

· WORKER SPRAYING WET SOIL

SURVEYING SAMPLE LOCATIONS

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell**
DATE:	**April 28, 2010**
SUBJECT:	**City Well Sampling Event Conducted April 13, 2010**

Chuck Peel sampled city wells on April 13, 2010. Robert Sims (City) turned all the wells on so they could be pumping prior to sampling to purge the system. Upon arrival at each well, the facet was turned on and allowed to run for a minimum of five (5) minutes prior to sample collection. The flow rate was reduced to a trickle prior to sample collection at the facet. The samples were collected in EPA approved sample containers and then placed on ice for transport to the onsite lab. Samples were collected for 1, 4 dioxane and VOC analysis. The samples were collected from the following wells; well 8 on Lincoln Street, well 1 and well 2 on the Shelton Laboratories property, well 3 on Osborne St., well 5 on Harmony road, well 6 on Six Mile Road, and then the treatment plant faucet at West Railroad Avenue.

A split sample was collected from well 1 (CSW-WA1-047) and well 2 (CSW-WA2-047) located on Sheldon Lab property, well 3 (CSW-WA3-047) located on Osborne St., and from the treatment plant (TP) (CSW-TP-047) located on West Railroad Avenue. The samples will be analyzed for VOCs at the OPC lab in Pearl, MS.

No photos were taken during this sampling event.

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261• TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us

AN EQUAL OPPORTUNITY EMPLOYER

Jerry Banks/HW/OPC/DEQ
04/06/2010 09:36 AM

To Trudy Fisher/Admin/DEQ@DEQ
cc Jerry Cain/EPD/OPC/DEQ@DEQ
bcc Tony Russell/HW/OPC/DEQ
Subject Fw: Status of 2010-01-27 Neonatal Postneonatal Death Births in Mississippi Cities.xls file analysis

For your information.
----- Forwarded by Jerry Banks/HW/OPC/DEQ on 04/06/2010 09:36 AM -----

Moore.Ben@epamail.epa.gov
04/06/2010 09:31 AM

To Taylor.Dawn@epamail.epa.gov, Rigger.Don@epamail.epa.gov, Hill.Franklin@epamail.epa.gov, Jerry_Banks@deq.state.ms.us, moore.ben@epa.gov, Howard.Ralph@epamail.epa.gov, James.Tonya@epamail.epa.gov, Trey_Hess@deq.state.ms.us, yxo0@cdc.gov
cc
Subject Status of 2010-01-27 Neonatal Postneonatal Death Births in Mississippi Cities.xls file analysis

Greetings:
Below is an update on the analysis of the Mississippi Infant Mortality Data request-

Bruce stated-
"Our vital records division has worked with us and we have the data analysis complete. We're in the process of preparing a formal report for you all. The long and short of it is we see no difference in the infant mortality rates close in to the facility than further out. We use 10 years worth of birth and infant mortality data (1999-2008) and of course had to stratify for race given the known disparities. The geocoding of addresses for births and infant deaths in relation to the site was the most difficult part for them. We compared rates within one mile of the site to those at 1-2 miles, the county as a whole and the state.

It should be noted that no one within the MSDH system has received any concerns from the local medical community about the reported problem. Other than some vague reference to infant mortality in general by a local activist, neither has the local or district health department."

Final reports will be disseminated to each agency. take care,

Benjamin Moore, MS, DHA
Regional Representative, Region 4
ATSDR
Atlanta Federal Center
61 Forsyth Street, SW
10th Floor - Waste

Atlanta, GA 30303
Email:moore.ben@epa.gov
1.800.241.1754 ext.21784
404.562.1784
fax no:404.562.1790
cell number:404.317.1438

Tony

April 5, 2010

Concern Citzens Against Pollution
Post Office Box 690
Crystal Springs, MS. 39059

We Concern Citzens Against Pollution appreciate your response to the former request, But we feel that your response was insufficient. The response covered stated matters of generalities not specific questions. We now request under THE FREEDOM OF INFORMATION ACT OF 1966 and revised in 1996 that all the questions be answered number by number except for questions that does not apply to OSHA specific guidelines. WE also request that your response is mailed within 14 working days of your receipt of this letter.

We have also attached a copy of the former letter and your response which also contains all CC. former and pleasant please also send a CC. to each of these listed persons, or their respected agencies for their information.

When one representative from OSHA meet with the President and Chief Steward of I.U.E. .What action was taken to benefit the employees at Kuhlman Electric Corporation in Crystal Springs, MS.

Also what measures did OSHA take to protect the workers. And see that their Civil Rights , Health and General Welfare was taken care of ?

If any action was taken by OSHA, we would like a letter ,e-mail or any other correspondences relating to this matter.

Sincerely Yours
Concern Citzens Against Pollution

U. S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
JACKSON AREA OFFICE
3780 I-55 NORTH, SUITE 210
JACKSON, MISSISSIPPI 39211-6365

TELEPHONE: 601-965-4606

REPLY TO THE ATTENTION OF: AREA DIRECTOR

March 17, 2010

Concern Citizens Against Pollution
P.O. Box 690
Crystal Springs, MS 39059

Dear Concern Citizens Against Pollution:

This is in response to your letter of March 14, 2010. Enclosed is a publication "All About OSHA" which should assist you in learning more about the role of the Occupational Safety and Health Administration and the U.S. Department of Labor. You may find additional publications free of charge on our web site at the following internet web address: http://www.osha.gov/pls/publications/publication.html

You may also go to OSHA's web site and get the inspection history of a specific establishment free of charge. You have requested specific information about "Kuhlman", "All subsidiaries of Kuhlman Electric Corporation", "Borg Warner", "The Carlile Group", and "ABB". Simply search for the establishment name at the following internet web address:
http://www.osha.gov/pls/imis/establishment.html

Your letter also requests specific information about OSHA standards. OSHA standards are available free of charge at the following internet web address:
http://www.osha.gov/comp-links.html

Nothing in the Occupational Safety and Health Act grants OSHA the authority to compensate workers, communities, private citizens or other organizations. If you feel a company has violated environmental laws I recommend you contact the state and federal environment regulators or seek legal counsel. Your letter identifies that you have already contacted almost every other state or federal agency.

OSHA's role is to prevent future employee injury and illness. I hope that the above information will be useful to your organization.

Sincerely,

Clyde P. Payne, CIH
Area Director

Enclosure

Concern Citzens Against Pollution
Post Office Box 690
Crystal Springs, Ms.39059

CC TO; Occupational Safety & Health Administration
3780 I -55 North Suite 210
Jackson, Ms. 39211

CC TO ; Lisa P. Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue (AR)
Washington, DC. 20406

CC TO ; Matthew Robbins
Program Advisor Revitalization
RCRA Division
61 Forsyth St. S.W.
Atlanta Georgia, 30303

CC TO ; Gregory L. Holloway SR.
Post Office Box 1018,Room 400 F-NC
Jackson ,MS. 39215

CC TO ;Bennie Thompson
107 West Madison Street
Post Office Box 610
Bolton,Ms. 39401

CC TO; Gloria Tatum
Mississippi Department of Environmental Quality
Post Office Box 2261
Jackson,Ms. 39225

CC TO ; Trudy Fisher
Mississippi Department of Pollution Control
Post Office Box 2261
Jackson, MS. 39225

CC TO; JERE ';TREY"HESS

BROWNSFIELD PROGRAM COORDINATOR
Post OFFICE Box 2261
Jackson,Ms. 39775

U. S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
JACKSON AREA OFFICE
3780 I-55 NORTH, SUITE 210
JACKSON, MISSISSIPPI 39211-6365

TELEPHONE: 601-965-4606

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March 17, 2010

Concern Citizens Against Pollution
P.O. Box 690
Crystal Springs, MS 39059

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OSHA's role is to prevent future employee injury and illness. I hope that the above information will be useful to your organization.

Sincerely,

Clyde P. Payne, CIH
Area Director

Enclosure

All Questions Are Directd To (OSHA Occupational Safety And Health AAdministration, Here After Refered To As (OSHO).,

All Questions OR References STATED AsKUHLMAN Refers ToKuhlman
All Subsidaries Of Kuhlman Electric Corporation , To Borg Warner, The Carlile Group, And ABB.

All Refereaces To 9We0 Or (I) WillRefer To ,OURGroup, Concern Citzens Against Pollution.

All References To (We) Will Refer To Our Group, Or Will Be Spelled And Have The Lletters The First TIME.

Questions For Occupational Safety and Health Administration

1) What year was Occupational Safety and Health Administration formed?

2) What is the purpose of OSHA?

3) Has the purpose of OSHA changed?

4)Please explain OSHA'S changes?

5) What date or dates was OSHA informed that, PCB'S TOULENE, ETHYLBENZENE, TRIM ETHYLBENEZENE, XYLENE, NAPHTHALENE and other chemicals or materials?

6) Upon OSHA'S discovery of various chemicals found in the soil at Kuhlman did OSHA fine Kuhlman, AND did OSHA require that all employees be told about each chemical and material and it's hazards?

7) A) What laws apply to question #6 as to OSHA'S duties

B) What laws were broken by Kuhlman?

C) How many offences occurred?

D) How many times was Kuhlman fined for the actions?

E) Doesn't this repeated action qualify Kuhlman to be a danger to the Safety and Health to it's employees?

8) List each time Kuhlman has been fined or had a citation ,date, the owner, and what chemicals or material spilled or wasted on or in the soil?

9) How did or has OSHA actions helped the employees Safety AND Health while continually being exposed to all the pollution on site, in the air, dust, soil, floor's under floor's leaking through cracks and from ovens, chambers, "vacuum" Smog Hogs, and Vapor Phases?

10) Why has not OSHA required that a complete Health Evaluation of all present and former employees of Kuhlman , be taken to discover relationships between their health problems and each and every chemical or material listed that has been found on site?

11) While this requested , before, or now Health evaluation is being conducted also require a cause of Death study based on Death Certificates, and ask Close Relatives ,Caregivers, questions relating to all symptoms of the deceased if this is with in OSHA'S Jurisdiction?

12) Should the United States Justice Department be asked to investigate Kuhlman's role in exposure of it's employees present, past, including Deceased ones if not why?

13) Has OSHA required Kuhlman to supply a list of

materials and chemicals it has had and now has from it's start of operation, to determine what sicknesses, or symptoms they cause?

14) If OSHA has not formally requested the information as stated in question #13 we request that OSHA does request a list and their MSDS book containing all materials chemicals ever used on site by employees?

15) A) Does even OSHA know what a combination of TOLUENE, ETHYLBENZENE ,TRIMETHYLBENZENE , 1,2,4, XYLENES, NAPHTHALENE, various PCB'S other chemicals and various soils with moisture or water can cause in humans especially as related to Kuhlman's present employees or former employees?

B) If not are they not being used by Kuhlman as human GUINEA PIGS, RATS or some other test animal?

16)How could or can OSHA set a daily exposure rate for Kuhlman employees with all the chemicals and various concentration 's of chemicals located on the Kuhlman plant site?

17)Why hasn't Kuhlman been closed for being a habitual or repeated polluter and a Health and Safety hazard to it's employees?

18) Does OSHA know all the ways that the afore mentioned or requested chemicals can be transported from

the soil or floor from one site to another on Kuhlman property therefore affecting others who are working there?

19) With the massive amount of known and possibly unknown chemicals in the soil, under the floors, presently being used, and fumes from vats, pumps, and Vapor Phase's how can OSHA allow Kuhlman to remain open?

20)Has OSHA requested Department OF Health to become involved in the Kuhlman chemical exposure problem as it relates to the present and former employees , if not ,WHY NOT DO SO KNOW?

21)What is the step by step procedure OSHA is required by law to take when a oil, PCB'S other chemicals are reported on or in a plant site or grounds that exposes the employees?

22) What is the step by step procedure OSHA requires a company to do when a spill occurs ?

23) Does OSHA have a calculated exposure level based on a combination of all chemicals , employees have and now are exposed to on a daily ,weekly, yearly, or 5, 10, 20,25, 30, 40 ,and more years ?

24) What would be the health risks involved in exposure as noted in question#23 and previous questions?

25) Is OSHA aware that Kuhlman has used such materials

as asbestos, in various forms, silver plating, solutions and cleaners, sulfuric acid, tinplating, silver solder , lead acid core solder, fluxes, phosphor cooper rods, containing or not containing silver, steel welding ,cooper sweating, cooper mini arc welding, "MIG" ALUMINUM welding , shot blasting , using steel shot, garnet at first then glass soda shot various primers containing various materials and paints with various bases and solvents?

26)Has or does Kuhlman expose it's work force to dangerous levels of any or all of these materials as noted in question #25?

27) A- Does OSHA know how many gallons of PCB'S containing oil or oil with NAPHTHALENE or any other DIEELECTRIC fluid such as but not limited to silica oil?

B- If OSHA knows what is the various spilled please state amounts of each type?

C- Can OSHA require Kuhlman to provide you this information?

28) Does OSHA know how many gallons of burnt super heated transformer oil or fluid is in Kuhlman's soil ,floors, various parking lots, and in the location or test transformer ''Bay'' area?

29) Is OSHA knowledgeable that when PCB'S fluids or oil -PCB'S is super-heated it can cause the formation of dioxin

and furan?

30) Does OSHA know how much dioxin and furan is located on the Kuhlman properties and at what locations?

31) What was the degree or danger of a worker that had no form or protection while reaching in a transformer that contained PCB fluid or any kind

A- NEW FLUID

B-SUPER HEATED

C- Does this assumed risk level hold true from start to finish?

32)How does or does OSHA know for sure that their allowing Kuhlman to continue it's operation has not killed workers in the past or will kill some in the future?

33)What is the danger related to silica oil? A- new silica oil B. used (burned -super heated) ?

34) A- Does OSHA require companies to maintain and furnish their employees (HEALTH AND EXPOSURE RECORDS) when requested for viewing or copying? Does this rule have any exceptions?

35)Does a former employee of Kuhlman have a right to request his health and exposure records, how many years?

36)What chemicals resins are found in the various types of epoxy and chemicals that makes it harden used on various parts of transformers (tap changers preventative auto cores) reactors and in epoxy based paints used mainly on the floors at Kuhlman?

37) Would OSHA furnish our group or require Kuhlman to furnish us with copies of all past and present materials and chemicals (MSDS) material safety data sheets?

38) Why hasn't OSHA required Kuhlman's workers compensation to give all Kuhlman employees present, and past full disability pay for life, also require life insurance to pay in full?

39) In case of the deceased party payments should be made to the living spouse or the estate if it's in accordance with the law.

40)We the (CCAP) request OSHA gather Death CERTIFICATES , on deceased employees of Kuhlman to check for an association to any chemical or material ever used at Kuhlman, this could also help in expanding the medical knowledge of the cause and affect or grouped chemical exposure to humans wouldn't OSHA agree to that?

41) On any previous questions that the answer would be yes please expound if the answer is no please explain.

PLEASE ANSWER ALL PREVIOUS QUSETIONS WITHIN FOURTEEN WORKING DAYS AFTER RECEIVING THIS DOCUMENT!

CONCERN CITZENS AGAINST POLLUTION
POST OFFICE BOX 690
CRYSTAL SPRINGSMS, 39059

-

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric, Crystal Springs, MS – To File

FROM: William McKercher WM

DATE: April 2, 2010

RE: Meeting with "Concerned Citizens Against Pollution" March 19, 2010

On March 19, 2010, I traveled to Crystal Springs to meet with members of the community organization "Concerned Citizens Against Pollution" (CCAP). The members had expressed interest in sharing with MDEQ information pertaining to operations at Kuhlman Electric.

Our meeting was scheduled for 11:00 am at the Lake Chautauqua Park. I arrived early, at 10:35 am. When I arrived, the members of CCAP were already present. The CCAP members present were Mr. and Mrs. M.L. Berry and Mr. and Mrs. George Deaton. Since the conversation often moved from one point to another non-associated point I will present the topics of conversation as bullets.

- There are still fish consumption advisory signs up at Lake Chautauqua. Mr. Berry pointed out that even while we were there individuals were fishing from the lake and keeping the fish as food. They stated that there are people in their community that speak a variety of six different known languages that the consumption advisory signs should be in multiple languages.

- They supplied to me a copy of the Micro-Methods report describing sampling collected beneath the slab of the facility. Their interpretation of the report was that contractors from Kuhlman Electric had broken thru the concrete of the vapor phase area, put down plastic and re-poured concrete where it had been removed. CCAP has made request to Kuhlman Electric for a copy of the full report, but to this date their request has not been met. CCAP is looking for verification that the areas were dug out and remediated.

- CCAP pointed out several concerns regarding the former "icehouse" building. CCAP understands that during remediation efforts soils were removed from beneath the slab of the building, but documentation regarding the remediation efforts has not been shared with them. They are also concerned about the tracks that passed through the icehouse, split into two tracks and passed into the

Kuhlman main facility. CCAP members believe that the tracks as they lead into the facility would have high concentrations of contaminants. To their knowledge, no soils have been removed around these tracks or beneath the slab in either of the two areas where the tracks enter the building.

- According to Mr. Deaton, many years ago, the management of Kuhlman Electric installed "Smog Hogs" to help with oven vapors, then later put in the vapor phase unit to catch/ filter the oven vapors. Even with the vapor phase unit installed, every time the doors of the unit are opened the work space fills with vapors. During this process, the employees have to leave the area in order to be able to breathe. The oven uses an oil mixture which contains 3% naphthalene and kerosene and that even with filters on the system, it still leaks significant amounts of oil and the leaks have to be mopped up. According to Deaton, there are no worker protection measures in place.

- Mr. Berry provided me a copy of a University of Pennsylvania paper which provided information regarding PCB content found in the lipids of tree bark in the Crystal Springs area. They asked if I could derive any opinion after a brief review of the document, but it required further review before I can provide comment.

At this point we started a driving tour of the community.

- The first stopping point was an old gravel pit area adjacent to McPherson Street highlighted in yellow above. Mr. Berry stated that while he was employed by Kuhlman Electric that he occasionally drove dump trucks loaded with waste materials. He was instructed to drive them to this old gravel pit, find an open spot and dump the contents of the truck. He said the contents often varied and seemed to be random debris generated at the facility; wood, buckets, drums, etc. the loads were no dropped in one specific area, but scattered across the entire open pit.

- The next location corresponds to attached photo #1. The blue house located on the south side of McPherson Street adjacent to a drainage ditch. This ditch connects to the ditch which is being excavated as part of the remediation work taking place now. The concern with CCAP is that during heavy rainfall events, the water backs up into this ditch when the lower areas were full. They want to know if this area has been assessed and if so what the results were.

- Attached photo #2 – The culvert running under the railroad track is also the area identified by CCAP as the location of the second effluent outfall from the Kuhlman Electric Plant. According to CCAP, the end of the outflow was removed in 2000, well before the improvements and new culvert were installed.

- Attached photo #3 – This photo shows the location of where the second rail spur came into the building after passing thru the icehouse. The white siding area is where the line came into the building. There are questions as to whether or not these areas were included as part of the assessment and remediation.

- Moving around the building from photo #3, there is an area where Kuhlman has there transformers located which are used to power the facility. According to CCAP there were previously oil tanks located at that spot which contained PCB oils. CCAP stated that they were informed by Ms. Teenie White of Troubleshooters, Inc. that according to reports at least 5,000 – 6,000 gallons of oil were lost at that location.

- Attached photo #4 – Shown in the photo are two doors, a smaller grey door to the left and a large grey bay door to the right. According to CCAP, there was an oil release of several hundred gallons of oil on the concrete between these two doors. Emergency response contractors were brought in for cleanup, but according to CCAP members the employees had no protected equipment and complained of "burning" sensations on their skin. CCAP is concerned of oil that may have runoff the concrete to ditches or seeped through cracks in the concrete to the soils below.

- Attached photos # 5 & 6 – The photos show a location on the railspur which runs into the plant from the south. At this location, railcars holding used transformers returned to the plant for oil recovery would be staged along the tracks until they could be processed. CCAP members state that they have knowledge that Kuhlman Electric has had the area drilled and had assessments performed. They want to know if the area has been fully assessed and remediated.

- Attached photo #7 – Taken on Thrasher Street. The photo shows the low lying area between Thrasher Street and Brent Street near MW-24. During assessment activities, this area was flagged and samples were collected. The people that live adjacent to the site have not been notified of what those results were. The people are concerned about any

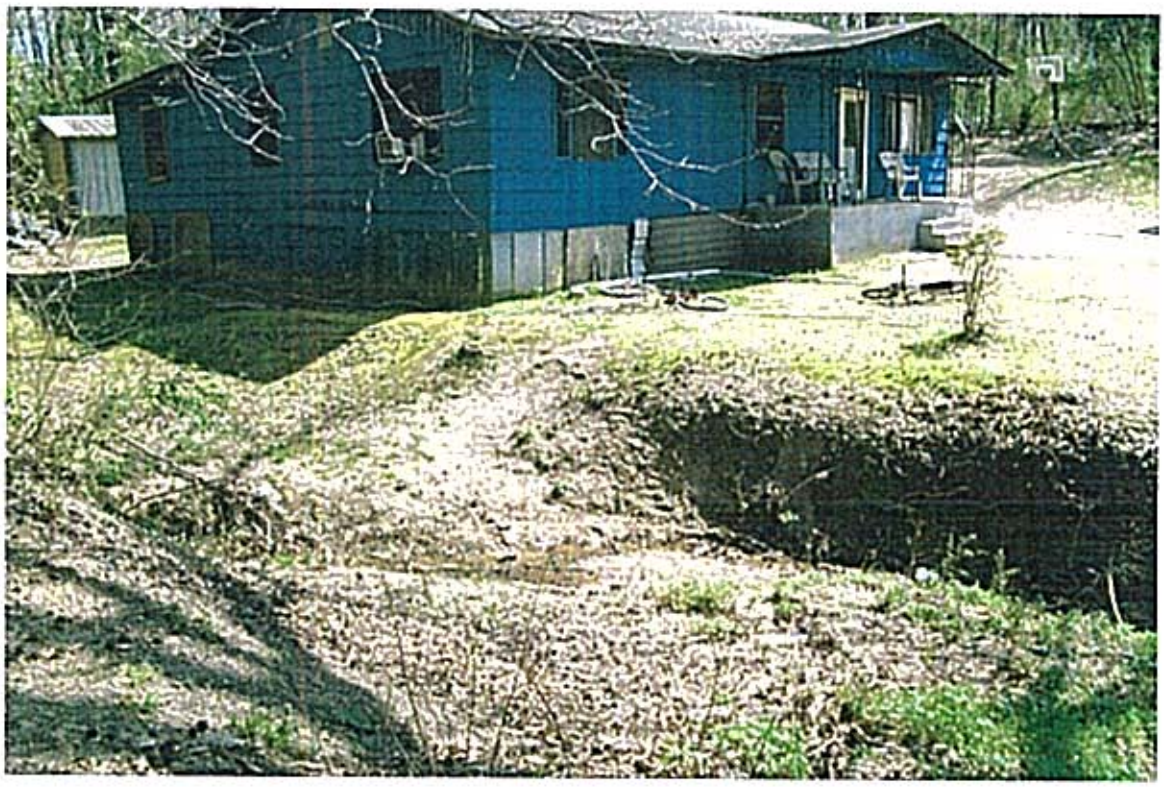
findings here since two people living in that location have recently passed away with cancer related illnesses.

- Attached photo # 8 – Shows location of another dump site used by Kuhlman Electric located at 21159 Highway 51. Mr. Berry reported they would drive to this spot located at the rear of that building where now is located the employee parking lot. There was a ledge there that they would back up to and dump their loads of trash and debris. He reported the drop-off to be at least 20 feet. Over time the area was covered and filled in with soil brought from other areas of the dirt pit. CCAP members reported that this dirt pit has been used for many years as a storage location for Kuhlman transformers awaiting shipping.

- Attached photo # 9 – This photo shows approximately 12 Kuhlman transformers resting at the 21159 Highway 51 site.

We concluded the driving tour at this location at 12:45 am.

1]



2]

3

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5/

6/

7

8

9

Robbie Wilbur/Admin/DEQ
04/02/2010 11:32 AM

To
cc
bcc Tony Russell/HW/OPC/DEQ
Subject MDEQ ANNOUNCES ADDITIONAL REMEDIATION WORK AT DRAINAGE DITCH TO RESUME ON APRIL 5

History: This message has been forwarded.

STATE OF MISSISSIPPI
HALEY BARBOUR, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
Trudy D. Fisher, EXECUTIVE DIRECTOR

FOR IMMEDIATE RELEASE
April 2, 2010

Contact: Robbie Wilbur
601/961-5277

MDEQ ANNOUNCES ADDITIONAL REMEDIATION WORK AT DRAINAGE DITCH TO RESUME ON APRIL 5

(JACKSON, Miss.) – The Mississippi Department of Environmental Quality (MDEQ) announced that PCB remediation work will resume on the drainage ditch near the Kuhlman Electric Company plant site in Crystal Springs on April 5. The excavation process, depending on weather conditions, will continue throughout the year, and could possibly extend through 2011. MDEQ staff conducts onsite oversight of remediation work being done.

Kuhlman Electric Company (KEC) manufactured electrical transformers at their Crystal Springs site. KEC was a subsidiary of the Kuhlman Corporation, which was purchased by BorgWarner, Inc. in March, 1999. In April 2000, Kuhlman notified MDEQ that they had found contaminated soil when moving dirt for a plant expansion. Sampling and testing confirmed that the contamination was from polychlorinated biphenyls (PCBs) and several other chlorinated compounds. Kuhlman used PCBs as a dielectric fluid in the transformers from the 1950s until 1973.

MDEQ has worked with the company to assess the extent of the contamination on and near the

site, to prevent additional runoff and soil removal, to remove contamination from the adjacent residential and commercial properties, and to continue remediation downgradient on the plant site and along the drainage channel toward Lake Chautauqua.

An assessment also indicated that there was groundwater contamination from 1, 1-dichlorethene in one city well. The well was closed in 2005 because the contamination was above drinking water standards. The city's wells are sampled monthly, and thirty-eight monitoring wells are sampled quarterly. Contamination has never been detected at the point in the city's water distribution system where water is discharged to the citizens.

MDEQ has also worked with members of the Concerned Citizens Against Pollution and other residents to keep them informed of the work being done on the site.

"We will be disseminating information to the community pertaining to this project. We look forward to discussing where this project has been, what is being done now, and the process to resolve the issues that are of concern to local citizens," said Trudy Fisher, MDEQ Executive Director.

###

Mr. Robbie Wilbur
Communications Director
Mississippi Department of Environmental Quality
Post Office Box 2261
Jackson, Mississippi 39225
601/961-5277
601/421-5699 (c)
601/961-5715 (f)
robbie_wilbur@deq.state.ms.us

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 25, 2010

FILE COPY

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3850 Hamlin Road
Auburn Hills, Michigan 48326

Re: *Lake Chautauqua Biological Investigation Work Plan* dated November 10, 2009 and *Response to Comments* dated February 26, 2010 and *Email* dated March 23, 2010
Kuhlman Electric Corporation Site
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced documents prepared by Arcadis. MDEQ approval of the work plan is contingent on incorporation of the responses outlined in the Response to Comments dated February 26, 2010 and your email dated March 23, 2010 regarding life-cycle invertebrates and evaluation of whether the terrestrial pathway is complete. Therefore, incorporate these responses into the Lake Chautauqua Biological Investigation Work Plan and submit a revised work plan labeled as FINAL by April 15, 2010. The revised work plan shall include a detailed schedule for implementation of the work plan. Please provide two hard copies and one electronic copy of the work plan.

MDEQ requires that the work plan be implemented no later than June 1, 2010. MDEQ also requires that EPA approved sample containers be provided for all split samples and that MDEQ be notified 10 days prior to any field activities.

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

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

cc:	Mike Beiser	OPC Lab	[VIA EMAIL]
	Brett Thomas	EPA	[VIA EMAIL]

<ahamel@borgwarner.com>
03/23/2010 12:23 PM

To <Tony_Russell@deq.state.ms.us>
cc
bcc
Subject RE: question on the lake work plan

History: This message has been forwarded.

Tony,

In response to the lab's comments, we propose to add the following to the work plan (comments 2 and 3 are essentially the same and have been combined).

1. BorgWarner agrees to collect longer life-cycle invertebrates if they are abundant and collectible.

2 & 3. BorgWarner agrees to collect up to five (5) surficial soil samples for PCBs around the lake at appropriate locations to determine if the terrestrial pathway for exposure is complete. If the pathway is complete, we will then perform a screening level calculation using shrews as the receptor to determine if there is a potential for impact from PCBs on terrestrial receptors. If the pathway is incomplete, we will rule out terrestrial receptors from further risk evaluations.

Anastasia

-----Original Message-----
From: Tony_Russell@deq.state.ms.us [mailto:Tony_Russell@deq.state.ms.us]
Sent: Tuesday, March 23, 2010 10:42 AM
To: Hamel, Anastasia (WHQ)
Subject: question on the lake work plan

Anastasia,

Started drafting the approval letter but after reading the attached comments/questions from DEQ biological lab, thought I should just send the comments/questions on for a reply prior to finishing the letter.

ITEM 3: P. 3, Section 3: The first paragraph states that risk will be determined from
exposure to contaminated sediments. Please add to the text that risk wifl also be
determined from exposure to contaminated prey items. Additionally, consider collecting aquatic invertebrate samples, if they are available, in addition to the
forage fish. Aquatic invertebrates are important prey items in some water bodies,
and it would be better to measure these and not have to model tissue PCB concentrations in these organisms, if they are later to be used.
RESPONSE: The revised Work Plan will include a more specific statement that risk will
be determined from exposure to contaminated prey items, Additionafly, the revised Work Plan will include an attempt to collect aquatic invertebrate tissue samples. However, it will be possible to collect only what is present
and thus representative of the site. We agree that the site-specific

invertebrate tissue samples should provide more realistic risk estimates. The
collection of benthic invertebrates for invertebrate community analysis will
also be added to the Work Plan as an additional Line of evidence and to place
the levels of PCBs potentially detected into context for potential impacts to
the benthic community.
BEISER RESPONSE: AGREED. HOWEVER, IF POSSIBLE, INVERTEBRATES THAT ARE SUBJECTED TO ANALYSIS FOR PCBS SHOULD REPRESENT THOSE FORMS WITH LONGER (I.E. ONE YEAR OR GREATER) LIFE CYCLES (I.E. DRAGONFLY LARVAE, MEGALOPTERA LARVAE, CRAYFISH) AS OPPOSED TO THOSE WITH A LIFE CYCLE OF MONTHS (I.E. MIDGE LARVAE). WHAT TYPE OF INVERTEBRATES THAT ARE SUBJECTED TO ANALYSIS FOR PCBS IS A DECISION THAT IS BEST MADE AFTER IT IS DETERMINED WHAT TYPES ARE ABUNDANT AND COLLECTIBLE.

ITEM 4: P. 4, Section 3.2, last paragraph: ft is envisioned that the ecological survey of the
Lake Chautauqua area will, in addition to what is stated, help to identify potential
receptors for the ecological risk assessment. This should be stated if this is the
case. Also, MDEQ reccmmends adding shrews as a small mammal component to the list of potential receptors
RESPONSE: The ecological survey will be used to identify potential receptors (and
possibly revise the list of proposed receptors). As part of the revised Work
Plan, a conceptual site model will be developed to evaluate the appropriateness of terrestrial receptors. Based on available data, site release
history. and on the properties of PCBs, we believe that the focus of the Work
Plan should be on the aquatic environment of the lake.
BEISER RESPONSE: WHAT IF THE "CONCEPTIAL SITE MODEL" AND/OR THE ECOLOGICAL SURVEY IDICATES THAT IT WOULD BE VALUABLE TO STUDY TERRESTRIAL RECEPTORS/LINKAGES? WOULDN'T IT BE PRUDENT TO ANSWER THE QUESTION OF TERRESTRIAL RECEPTIORS AT THE SAME TIME AS THE REST OF THE PROJECT IS BEING UNDERTAKEN, WHEN ALL PERSONNELL AND SAMPLING DEVICES ARE ON SITE?

ITEM 8: FPA has commented twice in its review of this document regardmg the rcd Li
oilect henthos and anahze the benthos for PCB'S. Along that same line of argument. there is the need to collect data from terrestrial linkage to the system. MDEQ would suggest small mammals, particularly the short-tailed shew (Blarina brevicauda) be collected. This species has been well-documented
in the literature to be an excellent organism for such studies. It tends to btoaccumulate substantial concentrations of PCBs. Furthermore. the literature is
abundant with data that indicate certain species of submerged aquatic vegetation
(SAV) also tend to accumulate PCBs, and data such as this might prove extremely
valuable from a site such as this. MDEQ therefore recommends that the study plan be modified to add sampling of the SAVs as one of the communities investigated during this project and also add a small mammal component.
RESPONSE: The collection of benthic invertebrates for tissue PCB analysis will be added

to the revised Work Plan along with collection of benthic invertebrates for community analysis. However, it will be possible to collect only what is present and thus representative of the site, As part of the revised Work Plan.
a conceptual site model will be developed to evaluate the appropriateness of
terrestrial receptors. Based on available data, site release history, and the
properties of PCBs, we believe that the focus of the work plan should be on the aquatic environment. Additionally, the utility of collecting tissue samples
from SAV will he evaluated in the revised Work Plan. The need for tissue samples for SAV will depend on the ecological receptors that are relevant for
this site and selected for the ecological risk assessment.
BEISER RESPONSE: [SEE MY PREVIOUS COMMENTS IN ITEM # 4] - WHAT IF THE "CONCEPTIAL SITE MODEL" AND/OR THE ECOLOGICAL SURVEY IDICATES THAT IT WOULD BE VALUABLE TO STUDY TERRESTRIAL RECEPTORS/LINKAGES? WOULDN'T IT BE PRUDENT TO ANSWER THE QUESTION OF TERRESTRIAL RECEPTIORS AT THE SAME TIME AS THE REST OF THE PROJECT IS BEING UNDERTAKEN, WHEN ALL PERSONNELL AND SAMPLING DEVICES ARE ON SITE?

thanks,
tony

Tony Russell
Assessment Remediation Branch Chief
Mississippi Department of Environmental Quality
P. O. Box 2261
Jackson, MS 39225

Physical address:
515 East Amite Street (39201)

Phone 601-961-5318
Fax 601-961-5300

WATKINS & EAGER

Attorneys and Counselors at Law

est. 1895

Mailing Address:
P.O. Box 650
Jackson, Mississippi 39205
Telephone: (601) 965-1900
Facsimile: (601) 965-1901

March 17, 2010

VIA HAND DELIVERY

Mr. Tony Russell, Chief
Assessment Remediation Branch
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

RE: Kuhlman Electric Corporation Site
Crystal Springs, Copiah County, Mississippi

Dear Mr. Russell:

Enclosed herein please find one (1) original of each of the Environmental Covenant and the Agreed Order. Please coordinate the execution of each of the enclosed documents and return them to my attention. Upon receipt, I will arrange to have the Environmental Covenant recorded in the land records of Copiah County, Mississippi.

Thank you for all of your time and assistance with this matter.

Sincerely,

Watkins & Eager PLLC

Jason L. Poulson

Enclosures
cc: Trey Smith (via email w/o enclosures)

Concern Citzens Against Pollution
POST Office Box 690
Crystal Springs,Ms.39059

March.14,2010

Occupational Safety & Health Administration
3780-I 55
Jackson,Ms 39225

C.CTo Lisa Jackson
US EPA Administrator

CC.To Matthew Rrobbins
Program Advisor, Revitalization
RCRA Division
Atlanta Georgia, 30303

CC. To Gloria Tatum
Mississippi DEPARTMENT Of OF ENVIRONMENTAL QUALITY
Office,Box#2261
Jackson,Ms 39225

CC. To Trudy Fisher
Mississippi Department Of Pollytion Control
Post Office, Box,# 39225
Jackson,Ms

All Questions Are Directd To (OSHA Occupational Safety And Health AAdministration, Here After Refered To As (OSHO).,

All Questions OR References STATED AsKUHLMAN Refers ToKuhlman All Subsidaries Of Kuhlman Electric Corporation , To Borg Warner, The Carlile Group, And ABB.

All Refereaces To 9We0 Or (I) WillRefer To ,OURGroup, Concern Citzens Against Pollution.

All References To (We) Will Refer To Our Group, Or Will Be Spelled And Have The Lletters The First TIME.

Questions For Occupational Safety and Health Administration

1) What year was Occupational Safety and Health Administration formed?

2) What is the purpose of OSHA?

3) Has the purpose of OSHA changed?

4)Please explain OSHA'S changes?

5) What date or dates was OSHA informed that, PCB'S TOULENE, ETHYLBENZENE, TRIM ETHYLBENEZENE, XYLENE, NAPHTHALENE and other chemicals or materials?

6) Upon OSHA'S discovery of various chemicals found in the soil at Kuhlman did OSHA fine Kuhlman, AND did OSHA require that all employees be told about each chemical and material and it's hazards?

7) A) What laws apply to question #6 as to OSHA'S duties

B) What laws were broken by Kuhlman?

C) How many offences occurred?

D) How many times was Kuhlman fined for the actions?

E) Doesn't this repeated action qualify Kuhlman to be a danger to the Safety and Health to it's employees?

8) List each time Kuhlman has been fined or had a citation ,date, the owner, and what chemicals or material spilled or wasted on or in the soil?

9) How did or has OSHA actions helped the employees Safety AND Health while continually being exposed to all the pollution on site, in the air, dust, soil, floor's under floor's leaking through cracks and from ovens, chambers, "vacuum" Smog Hogs, and Vapor Phases?

10) Why has not OSHA required that a complete Health Evaluation of all present and former employees of Kuhlman , be taken to discover relationships between their health problems and each and every chemical or material listed that has been found on site?

11) While this requested , before, or now Health evaluation is being conducted also require a cause of Death study based on Death Certificates, and ask Close Relatives ,Caregivers, questions relating to all symptoms of the deceased if this is with in OSHA'S Jurisdiction?

12) Should the United States Justice Department be asked to investigate Kuhlman's role in exposure of it's employees present, past, including Deceased ones if not why?

13) Has OSHA required Kuhlman to supply a list of

materials and chemicals it has had and now has from it's start of operation, to determine what sicknesses, or symptoms they cause?

14) If OSHA has not formally requested the information as stated in question #13 we request that OSHA does request a list and their MSDS book containing all materials chemicals ever used on site by employees?

15) A) Does even OSHA know what a combination of TOLUENE, ETHYLBENZENE ,TRIMETHYLBENZENE , 1,2,4, XYLENES, NAPHTHALENE, various PCB'S other chemicals and various soils with moisture or water can cause in humans especially as related to Kuhlman's present employees or former employees?

B) If not are they not being used by Kuhlman as human GUINEA PIGS, RATS or some other test animal?

16)How could or can OSHA set a daily exposure rate for Kuhlman employees with all the chemicals and various concentration 's of chemicals located on the Kuhlman plant site?

17)Why hasn't Kuhlman been closed for being a habitual or repeated polluter and a Health and Safety hazard to it's employees?

18) Does OSHA know all the ways that the afore mentioned or requested chemicals can be transported from

the soil or floor from one site to another on Kuhlman property therefore affecting others who are working there?

19) With the massive amount of known and possibly unknown chemicals in the soil, under the floors, presently being used, and fumes from vats, pumps, and Vapor Phase's how can OSHA allow Kuhlman to remain open?

20)Has OSHA requested Department OF Health to become involved in the Kuhlman chemical exposure problem as it relates to the present and former employees , if not ,WHY NOT DO SO KNOW?

21)What is the step by step procedure OSHA is required by law to take when a oil, PCB'S other chemicals are reported on or in a plant site or grounds that exposes the employees?

22) What is the step by step procedure OSHA requires a company to do when a spill occurs ?

23) Does OSHA have a calculated exposure level based on a combination of all chemicals , employees have and now are exposed to on a daily ,weekly, yearly, or 5, 10, 20,25, 30, 40 ,and more years ?

24) What would be the health risks involved in exposure as noted in question#23 and previous questions?

25) Is OSHA aware that Kuhlman has used such materials

as asbestos, in various forms, silver plating, solutions and cleaners, sulfuric acid, tinplating, silver solder , lead acid core solder, fluxes, phosphor cooper rods, containing or not containing silver, steel welding ,cooper sweating, cooper mini arc welding, "MIG" ALUMINUM welding , shot blasting , using steel shot, garnet at first then glass soda shot various primers containing various materials and paints with various bases and solvents?

26)Has or does Kuhlman expose it's work force to dangerous levels of any or all of these materials as noted in question #25?

27) A- Does OSHA know how many gallons of PCB'S containing oil or oil with NAPHTHALENE or any other DIEELECTRIC fluid such as but not limited to silica oil?

B- If OSHA knows what is the various spilled please state amounts of each type?

C- Can OSHA require Kuhlman to provide you this information?

28) Does OSHA know how many gallons of burnt super heated transformer oil or fluid is in Kuhlman's soil ,floors, various parking lots, and in the location or test transformer ''Bay" area?

29) Is OSHA knowledgeable that when PCB'S fluids or oil -PCB'S is super-heated it can cause the formation of dioxin

and furan?

30) Does OSHA know how much dioxin and furan is located on the Kuhlman properties and at what locations?

31) What was the degree or danger of a worker that had no form or protection while reaching in a transformer that contained PCB fluid or any kind

A- NEW FLUID

B-SUPER HEATED

C- Does this assumed risk level hold true from start to finish?

32)How does or does OSHA know for sure that their allowing Kuhlman to continue it's operation has not killed workers in the past or will kill some in the future?

33)What is the danger related to silica oil? A- new silica oil B. used (burned -super heated) ?

34) A- Does OSHA require companies to maintain and furnish their employees (HEALTH AND EXPOSURE RECORDS) when requested for viewing or copying? Does this rule have any exceptions?

35)Does a former employee of Kuhlman have a right to request his health and exposure records, how many years?

36)What chemicals resins are found in the various types of epoxy and chemicals that makes it harden used on various parts of transformers (tap changers preventative auto cores) reactors and in epoxy based paints used mainly on the floors at Kuhlman?

37) Would OSHA furnish our group or require Kuhlman to furnish us with copies of all past and present materials and chemicals (MSDS) material safety data sheets?

38) Why hasn't OSHA required Kuhlman's workers compensation to give all Kuhlman employees present, and past full disability pay for life, also require life insurance to pay in full?

39) In case of the deceased party payments should be made to the living spouse or the estate if it's in accordance with the law.

40)We the (CCAP) request OSHA gather Death CERTIFICATES , on deceased employees of Kuhlman to check for an association to any chemical or material ever used at Kuhlman, this could also help in expanding the medical knowledge of the cause and affect or grouped chemical exposure to humans wouldn't OSHA agree to that?

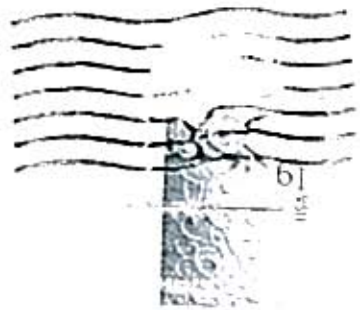
41) On any previous questions that the answer would be yes please expound if the answer is no please explain.

PLEASE ANSWER ALL PREVIOUS QUSETIONS
WITHIN FOURTEEN WORKING DAYS AFTER
RECEIVING THIS DOCUMENT!

CONCERN CITZENS AGAINST POLLUTION
POST OFFICE BOX 690
CRYSTAL SPRINGSMS, 39059

-

Concern Citizens Against Pollution
P. O. Box 690
Crystal Springs, MS. 39059



Mrs. Trudy Fisher
Mississippi Department Environmental Quality
Office of Pollution Control
P.O. Box 2261
Jackson, MS. 39225

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 11, 2010

FILE COPY

Mr. Aaron Lamb
Lamb Transportation
P. O. Box 229
Crystal Springs, MS 39059

Re: Old Ice House Property
Crystal Springs, Mississippi

Dear Mr. Lamb:

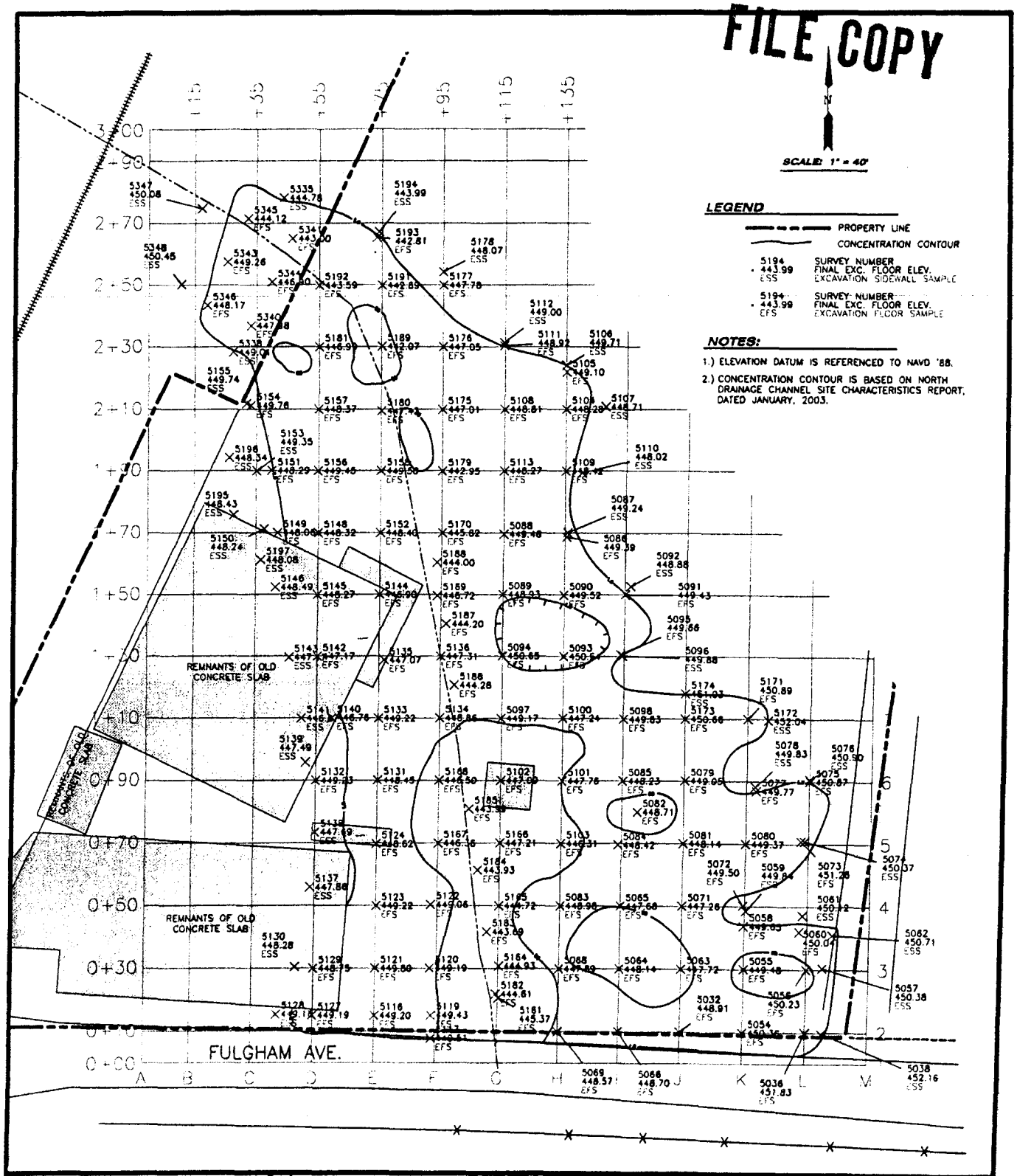
The Mississippi Department of Environmental Quality (MDEQ) has requested and received the data for the Old Ice House property located adjacent to Fulgram Avenue. The attached data shows that all PCB contaminated soil has been removed to levels protective of human health and the environment as required by MDEQ. A formal report for the drainage ditch will be submitted to MDEQ once the ditch has been completed remediated.

Please call with any questions you may concerning this matter at 601-961-5318.

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

FILE COPY



CES ENGINEERING SURVEYING	Crowder Engineering & Surveying, Inc. 1150 W. Main Street P.O. Box 1209 Ackerman, MS 39735-1209 662-285-2062	CLIENT	BorgWarner Inc.	PROJECT	EXCAVATION SAMPLE LOCATIONS FOR THE DOUGLAS FARMER PROPERTY REMEDIATION CRYSTAL SPRINGS, MISSISSIPPI

RECORD

PROJECT #	158	SHEET #	1
DWG. NO.	158H_FS.dwg	DATE:	02/22/2010
DRAWN BY:	AM	SCALE:	1" = 40'
CHECKED BY	MC	REVISION:	0

Douglas Farmer Property (Ice-House)

Sample Identification	Date Collected	PCB(mg/kg)	Survey Point
DFP-ESS-001-0	2/3/2004	0.26	5038
DFP-EFS-004-001	2/4/2004	0.1	5056
DFP-EFS-005-001	2/4/2004	0.1	5055
DFP-ESS-002-0	2/4/2004	0.78	5057
DFP-ESS-008-0	2/20/2004	0.1	5078
DFP-EFS-006-001	2/7/2004	0.1	5060
DFP-EFS-007-001	2/7/2004	0.1	5058
DFP-ESS-003-0	2/7/2004	0.86	5062
DFP-ESS-004-0	2/7/2004	0.1	5061
DFP-EFS-001-001	2/3/2004	0.1	5036
DFP-EFS-002-002	2/4/2004	0.1	5054
DFP-ESS-005-0	2/7/2004	0.1	5059
DFP-EFS-008-001	2/9/2004	0.1	5063
DFP-EFS-011-001	2/16/2004	0.1	5066
DFP-EFS-014-001	2/19/2004	0.1	5071
DFP-EFS-015-001	2/19/2004	0.1	5072
DFP-ESS-008-0	2/20/2004	0.1	5078
DFP-ESS-007-0	2/20/2004	0.1	5076
DFP-ESS-006-0	2/20/2004	0.1	5074
DFP-EFS-016-001	2/20/2004	0.1	5073
DFP-EFS-017-001	2/20/2004	0.1	5075
DFP-EFS-018-001	2/20/2004	0.1	5077
DFP-EFS-019-001	2/20/2004	0.1	5080
DFP-EFS-020-001	2/20/2004	0.1	5079
DFP-EFS-021-001	2/20/2004	0.1	5081
DFP-EFS-003-001	2/3/2004	0.66	5032
DFP-EFS-012-001	2/18/2004	0.1	5069
DFP-EFS-013-001	2/18/2004	0.1	5068
DFP-EFS-033-001	3/8/2004	0.1	5098
DFP-EFS-034-001	3/8/2004	0.1	5095
DFP-EFS-022-001	2/21/2004	0.1	5082
DFP-EFS-023-001	3/3/2004	0.1	5083
DFP-EFS-024-001	3/3/2004	0.1	5084
DFP-EFS-025-001	3/4/2004	0.1	5085
DFP-EFS-009-001	2/9/2004	0.1	5064
DFP-EFS-010-001	2/9/2004	0.1	5065
DFP-EFS-026-001	3/8/2004	0.1	5086
DFP-ESS-009-0	3/8/2004	0.1	5087
DFP-EFS-027-001	3/8/2004	0.1	5091
DFP-EFS-028-001	3/8/2004	0.1	5090

Sample Identification	Date Collected	PCB(mg/kg)	Survey Point
DFP-EFS-029-001	3/8/2004	0.1	5088
DFP-ESS-010-0	3/8/2004	0.1	5092
DFP-EFS-030-001	3/8/2004	0.1	5089
DFP-EFS-031-001	3/8/2004	0.1	5094
DFP-EFS-032-001	3/8/2004	0.1	5093
DFP-EFS-036-001	3/8/2004	0.54	5097
DFP-ESS-011-0	3/8/2004	0.1	5096
DFP-EFS-035-002	3/9/2004	0.1	5100
DFP-EFS-037-001	3/9/2004	0.1	5101
DFP-EFS-038-001	3/9/2004	0.1	5102
DFP-EFS-039-001	3/10/2004	0.1	5103
DFP-EFS-040-001	3/11/2004	0.1	5105
DFP-EFS-041-001	3/11/2004	0.1	5104
DFP-EFS-042-001	3/11/2004	0.1	5108
DFP-ESS-012-0	3/11/2004	0.1	5106
DFP-ESS-013-0	3/11/2004	0.1	5107
DFP-EFS-043-001	3/11/2004	0.1	5111
DFP-EFS-044-001	3/11/2004	0.1	5113
DFP-EFS-045-001	3/11/2004	0.1	5109
DFP-ESS-014-0	3/11/2004	0.1	5112
DFP-ESS-015-0	3/11/2004	0.1	5110
DFP-EFS-046-001	3/17/2004	0.1	5116
DFP-EFS-047-001	3/17/2004	0.1	5119
DFP-EFS-048-001	3/17/2004	0.1	5121
DFP-EFS-049-001	3/17/2004	0.16	5120
DFP-EFS-050-001	3/17/2004	1	5122
DFP-EFS-051-001	3/17/2004	0.1	5123
DFP-EFS-052-001	3/17/2004	0.1	5124
DFP-EFS-053-001	3/18/2004	0.1	5127
DFP-ESS-016-0	3/18/2004	0.1	5128
DFP-EFS-054-001	3/18/2004	0.1	5129
DFP-ESS-017-0	3/18/2004	0.1	5130
DFP-EFS-055-001	3/19/2004	0.1	5131
DFP-EFS-056-001	3/19/2004	0.1	5132
DFP-EFS-057-001	3/20/2004	0.1	5133
DFP-EFS-058-001	3/20/2004	0.1	5134
DFP-EFS-059-001	3/20/2004	0.1	5135
DFP-EFS-060-001	3/20/2004	0.1	5136
DFP-ESS-018-0	3/22/2004	0.1	5137
DFP-ESS-019-0	3/22/2004	0.2	5138
DFP-EFS-061-001	3/23/2004	0.1	5140
DFP-ESS-020-0	3/23/2004	0.1	5139

Sample Identification	Date Collected	PCB(mg/kg)	Survey Point
DFP-ESS-021-0	3/23/2004	0.1	5141
DFP-EFS-062-001	3/24/2004	0.1	5142
DFP-ESS-022-0	3/24/2004	0.1	5143
DFP-EFS-063-001	3/24/2004	0.1	5144
DFP-EFS-064-001	3/25/2004	0.1	5145
DFP-ESS-023-0	3/25/2004	0.1	5146
DFP-EFS-065-001	3/26/2004	0.1	5152
DFP-EFS-066-001	3/26/2004	0.1	5148
DFP-EFS-067-001	3/26/2004	0.1	5149
DFP-EFS-068-001	3/26/2004	0.1	5151
DFP-ESS-024-0	3/26/2004	0.17	5150
DFP-EFS-069-001	3/30/2004	0.1	5154
DFP-EFS-070-001	3/30/2004	0.1	5156
DFP-EFS-071-001	3/30/2004	0.1	5157
DFP-ESS-025-0	3/30/2004	0.96	5155
DFP-ESS-026-0	3/30/2004	0.15	5153
DFP-EFS-072-001	3/30/2004	0.1	5158
DFP-EFS-073-001	3/31/2004	0.1	5161
DFP-EFS-074-001	4/1/2004	0.1	5164
DFP-EFS-075-001	4/1/2004	0.1	5165
DFP-EFS-076-001	4/1/2004	0.1	5166
DFP-EFS-077-001	4/1/2004	0.26	5167
DFP-EFS-078-001	4/2/2004	0.1	5168
DFP-EFS-079-001	4/3/2004	0.1	5169
DFP-EFS-080-001	4/6/2004	0.1	5170
DFP-EFS-081-001	4/8/2004	0.1	5171
DFP-ESS-027-0	4/8/2004	0.1	5172
DFP-EFS-082-001	4/29/2004	0.1	5173
DFP-ESS-028-0	4/29/2004	0.1	5174
DFP-EFS-083-001	5/11/2004	0.44	5175
DFP-EFS-084-001	5/24/2004	0.1	5176
DFP-EFS-085-001	5/26/2004	0.1	5177
DFP-ESS-029-0	5/26/2004	0.1	5178
DFP-EFS-086-001	5/27/2004	0.1	5179
DFP-EFS-087-001	5/27/2004	0.1	5180
DFP-EFS-088-001	5/28/2004	0.1	5181
DFP-EFS-089-001	6/11/2004	0.1	5182
DFP-EFS-090-001	6/11/2004	0.1	5183
DFP-EFS-091-001	6/11/2004	0.1	5184
DFP-EFS-092-001	6/11/2004	0.1	5185
DFP-EFS-093-001	6/21/2004	0.1	5186
DFP-EFS-094-001	6/21/2004	0.1	5187

Sample Identification	Date Collected	PCB(mg/kg)	Survey Point
DFP-EFS-095-001	6/21/2004	0.1	5188
DFP-EFS-096-002	7/10/2004	0.1	5189
DFP-EFS-097-001	7/13/2004	0.1	5191
DFP-EFS-098-001	7/13/2004	0.1	5192
DFP-ESS-030-0	7/14/2004	0.1	5194
DFP-EFS-099-001	7/14/2004	0.1	5193
DFP-ESS-031-0	8/5/2004	0.1	5196
DFP-ESS-032-0	8/5/2004	0.1	5195
DFP-ESS-033-0	8/5/2004	0.22	5197
CNP-ESS-005-0	7/27/2005	0.1	5347
CNP-ESS-006-0	7/27/2005	0.1	5348
CNP-ESS-001-0	7/26/2005	0.26	5335
CNP-EFS-006-002	7/26/2005	0.1	5346
CNP-EFS-002-002	7/26/2005	0.28	5345
CNP-EFS-003-001	7/26/2005	0.1	5344
CNP-EFS-001-001	7/26/2005	0.1	5341
CNP-EFS-004-001	7/26/2005	0.87	5343
CNP-EFS-005-001	7/26/2005	0.1	5340
CNP-ESS-004-0	7/26/2005	0.45	5338

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

FILE COPY

March 11, 2010

Mr. Al Thomas
ABB Kuhlman Electric Corp.
101 Kuhlman Drive
Crystal Springs, MS 39059

Re: Vapor Intrusion Survey Summary Report dated January 8, 2010
Kuhlman Electric Facility
Crystal Springs, Mississippi

Dear Mr. Thomas:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced report submitted by Environmental Management Services, Inc. MDEQ concurs with the conclusions of the report that vapor concentrations within the facility related to vapor intrusion are below occupational health standards.

Please call with any questions you may concerning this matter at 601-961-5318.

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

cc: Clyde Woodward EMS

3/9/10

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

COMPLAINANT

Order No. _____

VS.

KUHLMAN ELECTRIC CORPORATION
ATTENTION: ALAN THOMAS
101 KUHLMAN DRIVE
CRYSTAL SPRINGS, MS

HAND DELIVERED TO JASON POULSON TO HANDLE FOR SIGNATURES. 3/9/10 JACKWELL

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality ("Commission") and Kuhlman Electric Corporation ("Respondent"), in the above captioned cause, and agree as follows:

1. Respondent has an interest in a tract of land located in Crystal Springs, Copiah County, Mississippi, known as the Kuhlman Electric Facility, hereafter referred to as the "Site". A legal description and survey plat of the Site are included as *Exhibit A* to this Agreed Order.

2. The soil beneath the Site may be contaminated with Polychlorinated Biphenyls (PCBs) and 1,1,-DCE at levels in excess of the Target Remediation Goals ("TRG's") as established by the Mississippi Department of Environmental Quality ("MDEQ"). The groundwater beneath the Site may be contaminated with 1,1,-DCE and 1,4-Dioxane at levels in excess of the TRG's as established by MDEQ.

3. The staff of the Commission has evaluated this Agreed Order and believes once the requirements of this Agreed Order have been completed that the Site will be protective of the public health and the environment.

4. The Site is subject to an Environmental Covenant that has been developed and executed pursuant to the Uniform Environmental Covenants Act ("UECA"), Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008). The Environmental Covenant is included as *Exhibit B* to this Agreed Order.

5. The following is a description of all requirements for the Site:

   (a) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from MDEQ, such approval not to be unreasonably withheld. MDEQ shall provide a written response to Respondent within ten (10) days following any request by Respondent. Any request or response provided pursuant to this Section 5(a) may be delivered by electronic means, including electronic mail or facsimile.

   (b) The groundwater at the Site shall not be used without prior approval from MDEQ.

   (c) No wells shall be installed at the Site without prior approval from MDEQ.

   (d) Respondent shall post a sign of a size, shape, construction, and layout approved by MDEQ at the physical location of the site that reads as follows:

   STOP – CALL BEFORE YOU DIG
   (601) 961-5171
   Request to Speak with Someone in the
   Groundwater Assessment & Remediation Division
   Regarding Kuhlman Electric Facility (AI #3738)

   (e) Respondent shall have a financial mechanism in place to pay for all MDEQ costs related to ensuring compliance with this Agreed Order and the Environmental Covenant for as long as the Environmental Covenant is in place.

   (f) Respondent shall provide written notice to MDEQ at least thirty (30) days prior to any change in use at the Site that increases the probability of exposure to contaminants at the Site.

   (g) Respondent shall not, without written approval from the MDEQ, change the use of the Site or any portion thereof, in such a manner that requires a redevelopment of the real property at the Site and increases the probability of exposure to contaminants at the Site.

   (h) Respondent shall provide written notice to MDEQ no less than seven (7) days prior to any deeded conveyance of a real property interest involving the Site or any portion of the Site.

   (i) Respondent shall execute an MDEQ-approved Environmental Covenant pursuant to the Uniform Environmental Covenants Act.

(j) Respondent shall provide a copy of the Environmental Covenant for the Site to parties interested in purchasing the Site or any portion of the Site prior to any property transaction involving the Site or any portion of the Site.

(k) Respondent shall file the Environmental Covenant, as approved by MDEQ, in the office of the Chancery Clerk of the County in which the Site is located for recording onto the land deed records in the appropriate sectional index.

(l) Respondent shall provide to MDEQ certification from the Chancery Clerk that the Environmental Covenant has been recorded.

(m) Beginning on October 31, 2010, and annually thereafter, Respondent shall submit certification, in a form required by MDEQ, that all the requirements of this Agreed Order and the Environmental Covenant have been maintained.

(n) Respondent shall retain responsibility for the requirements listed above until the Commission approves the transfer of those responsibilities to another party (e.g., the prospective purchaser) by entering into an Agreed Order(s) with the other party. As a condition to the deeded transfer of a real property interest in the Site, or any portion thereof, any transferee shall assume all obligations imposed upon Respondent by this Agreed Order.

6. Nothing in this Agreed Order shall be construed to convey or determine any interest in property or the Site.

7. Nothing in this Agreed Order shall be construed to be an allocation of costs or an indemnification by the State, MDEQ, or the Commission.

8. Nothing in this Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. This Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

9. Nothing contained in this Agreed Order shall limit the rights of the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

10. This Agreed Order does not resolve any issues regarding liability and/or penalties for any violation of any federal and/or state order, permit, law, rule and/or regulation. The Commission specifically reserves any such action.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Section 49-17-31 (Rev. 2003), and that it has made an informed

waiver of that right.

So ORDERED and AGREED, this the _____ day of March, 2010.

_____
Trudy D. Fisher
Executive Director
Mississippi Commission on
Environmental Quality

State of Mississippi)
) ss:
County of Hinds)

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of March, 2010, within my jurisdiction, the within named Trudy D. Fisher, who acknowledged that she is Executive Director of Commission on Environmental Quality, and that for and on behalf of Commission on Environmental Quality, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by Commission on Environmental Quality so to do.

_____
Notary Public

My commission expires:

_____

AGREED, this the _____ day of February, 2010.

RESPONDENT:

Kuhlman Electric Corporation,
a Delaware corporation

By: _____

_____ _____
Printed Name and Title Date

State of _____

County of _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of March, 2010, within my jurisdiction, the within named _____, who acknowledged that s/he is _____ of Kuhlman Electric Corporation, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed s/he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

_____
Notary Public

My commission expires:

_____

EXHIBIT A

LEGAL DESCRIPTION & SURVEY PLAT

Being situated in the North ½ of Section 25, Township 2 North, Range 2 West, City of Crystal Springs, Copiah County, Mississippi, and being more particularly described as being situated in Block 10 of the Stowell Map of Crystal Springs and being more particularly described by metes and bounds as follows, to-wit:

Commence at the southwest corner of Lot 4 of the said Block 10 of the Stowell Map of Crystal Springs, said southwest corner being the **POINT OF BEGINNING** for the parcel herein described; thence run North 65° 37' 04" West for a distance of 36.25 feet to a point which is 25 feet east of the mainline track of Illinois Central Railroad; thence North 24° 53' 07" East for a distance of 653.85 feet along a line which is 25 feet east of and parallel to the said main track of Illinois Central Gulf Railroad to the southern right of way line of Fulgham Avenue; thence South 89° 12' 28" East for a distance of 161.69 feet along the said southern right of way line; thence South 87° 50' 29" East for a distance of 582.12 feet along the said southern right of way line; thence leave said southern right of way line of Fulgham Avenue and run South 24° 00' 31" West for a distance of 376.0 feet; thence North 65° 28' 29" West for a distance of 52.0 feet; thence South 24° 25' 06" West for a distance of 408.01 feet; thence South 64° 03' 36" East for a distance of 162.78 feet to the western right of way line of Jackson Street; thence South 39° 40' 57" West for a distance of 25.74 feet along the said western right of way line; thence leave said western right of way line of Jackson Street and run North 64° 03' 36" West for a distance of 226.03 feet; thence South 24° 25' 06" West for a distance of 102.83 feet; thence North 65° 36' 46" West for a distance of 125.0 feet; thence South 24° 25' 06" West for a distance of 33.64 feet; thence North 74° 08' 54" West for a distance of 18.60 feet; thence South 19° 55' 45" West for a distance of 214.56 feet to the northern right of way line of Lee Avenue; thence North 76° 44' 04" West for a distance of 166.85 feet along the said northern right of way line; thence leave said northern right of way line of Lee Avenue and run North 20° 40' 56" East for a distance of 254.11 feet to the southern line of the said Lot 4 of Block 10 of the Stowell Map of Crystal Springs; thence North 65° 37' 04" West for a distance of 229.79 feet along the southern line of the said Lot 4 to the **POINT OF BEGINNING**, containing 12.6938 acres more or less.

3/9/10

Prepared By and Return To:

Jason L. Poulson (MSB# 102448)
Watkins & Eager PLLC
P.O. Box 650
Jackson, MS 39205
(601) 965-1900

Indexing Instructions:

North ½ of Section 25,
Township 2 North, Range 2 West,
City of Crystal Springs,
Copiah County, Mississippi

To be recorded with Deed Records – MS Code § 89-23-1

ENVIRONMENTAL COVENANT

This Environmental Covenant is entered into as of March _____, 2010, by **Kuhlman Electric Corporation**, a Delaware corporation ("Owner"), whose address is Attn: Alan Thomas, 101 Kuhlman Drive, Crystal Springs, Mississippi 39059, (601) 892-6462, and the **Mississippi Commission on Environmental Quality** ("Commission"), whose address is Attn: Groundwater Assessment and Remediation Division, Post Office Box 2261, Jackson, Mississippi, 39225, (601) 961-5171, pursuant to Uniform Environmental Covenants Act ("UECA"), Miss. Code Ann. § 89-23-1 *et. seq.* (Rev. 2008) for the purpose of subjecting the Property to the activity and use limitations set forth herein.

The Owner has an interest in a tract of land located in Crystal Springs, Copiah County, Mississippi. The open areas of the Property have been remediated to be below the cleanup level (25 mg/kg) required for low occupancy areas as defined in 40CFR Part 761.61(a)(4)(i)(B). A liner was placed at the bottom of all excavations conducted onsite for future reference. During the remediation of the soils at the Property, it was determined that PCB contaminated soils extend beneath the building footprint. Additional assessment has determined that the soils beneath the building and the groundwater beneath the Property are also contaminated with 1,1-DCE and 1,4-Dioxane. To meet the requirements of self-implementing on-site cleanup and disposal of PCB remediation waste for leaving contaminated soils onsite in low occupancy areas, a notation must be placed on the deed notifying potential purchasers of the Property. This Environmental Covenant will serve as that notification tool and to further protect human health and the environment.

Now therefore, Owner and the Commission agree to the following:

1. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008).

2. Property. This Environmental Covenant concerns the remaining contaminated soils and groundwater beneath the Property, owned by Kuhlman Electric Corporation, located at Crystal Springs, in Copiah County, Mississippi, and more particularly described in *Exhibit A* attached hereto and hereby incorporated by reference herein ("Property").

3. Owner. Kuhlman Electric Corporation ("Owner"), located at 101 Kuhlman Drive, Crystal Springs, MS 39059 is the fee simple title owner of the Property.

4. Holder. Owner, whose address is listed above, is also the holder of this Environmental Covenant.

5. Activity and Use Limitations. As part of the remediation of the Property, Owner hereby imposes and agrees to comply with the following activity and use limitations:

(a) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from the Mississippi Department of Environmental Quality ("MDEQ"), such approval not to be unreasonably withheld. MDEQ shall provide a written response to Owner within ten (10) days following any request by Owner. Any request or response provided pursuant to this Section 5(a) may be delivered by electronic means, including electronic mail or facsimile.

(b) The groundwater at the Property shall not be used without prior approval from MDEQ;

(c) No wells shall be installed without prior approval from MDEQ;

6. If any event or action by or on behalf of a person who owns an interest in or holds an encumbrance on the Property, identified in paragraph 11 below, constitutes a breach of the activity and use limitations, Owner or Transferee shall notify MDEQ within thirty (30) days of becoming aware of the event or action, and shall remedy the breach of the activity and use limitations within sixty (60) days of becoming aware of the event or action, or such other time frame as may be agreed to by the Owner or Transferee and MDEQ. If a breach of the activity and use limitations is caused by a third party that is not the Owner or Transferee, the Owner or Transferee shall not be liable for the breach. Notwithstanding the foregoing or anything contained herein to the contrary, in no event

shall Owner be liable for any breach of this Environmental Covenant, or the use and activity limitations contained herein, following a transfer of the Property by Owner

7. Running with the Land. This Environmental Covenant shall be binding upon the Property and shall run with the land, pursuant to Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008), subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.

8. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to Miss. Code Ann. § 89-23-1, *et. seq.* (Rev. 2008). Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Commission or MDEQ from exercising any authority under applicable law.

9. Rights of Access. Owner hereby grants to MDEQ, its agents, contractors, and employees the right of access to the Property for implementation or for enforcement of this Environmental Covenant.

10. Compliance Reporting. Owner or any Transferee shall submit to MDEQ, on an annual basis written documentation verifying that the activity and use limitations remain in place and the property is in compliance with this Environmental Covenant.

11. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

> THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED MARCH ___, 2010, RECORDED IN THE OFFICE OF THE CHANCERY CLERK OF COPIAH COUNTY, MISSISSIPPI ON MARCH ____, 2010, IN BOOK _____, PAGE _____. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

As part of the remediation of the Property; Owner hereby imposes and agrees to comply with the following activity and use limitations:

(a.) There shall be no excavating, drilling, or other activities that could create exposure to contaminated media without prior approval from MDEQ.

(b.) The groundwater at the Sites shall not be used without prior approval from MDEQ.

(c.) No wells shall be installed without prior approval from MDEQ.

Owner and any Transferee shall provide written notice to MDEQ no less than 30 days prior to any conveyance of an interest in any portion of the Property. Owner notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

12. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:

A. that the Owner is the sole owner of the Property;

B. that the Owner holds fee simple title to the Property which is subject to the interests or encumbrances identified in *Exhibit B* attached hereto and incorporated by reference herein;

C. that the Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;

D. that the Owner has determined that there are no other known persons that own a legally recognized interest in or holds an encumbrance on the Property other than those disclosed under 12.B; and

E. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

13. Amendment or Termination. This Environmental Covenant may be amended or terminated pursuant to Miss. Code Ann. § 89-23-19 (Rev. 2008) and other applicable law. The term, "Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term, "Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed pursuant to Miss. Code Ann. § 89-23-19 (Rev. 2008). Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee shall file such instrument for recording with the Copiah County Chancery Clerk's Office, and shall provide a file- and date-stamped copy of the recorded instrument to MDEQ.

14. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

15. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Mississippi.

16. Recordation. Within fifteen (15) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Copiah County Chancery Clerk's Office.

17. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Copiah County Chancery Clerk's Office.

18. Distribution of Environmental Covenant. The Owner shall distribute a file- and date-stamped copy of the recorded Environmental Covenant to: MDEQ, the City of Crystal Springs, Copiah County, any lessee, each person who signed the Environmental Covenant, each person holding a recorded interest in the Property; and any other person designated by MDEQ.

19. Notices. Unless otherwise notified in writing by or on behalf of the current owner or MDEQ, any document or communication required by this Environmental Covenant shall be submitted to:

Groundwater Assessment and Remediation Division
MS Dept. of Environmental Quality
P.O. Box 2261
Jackson, MS 39225
Tel: (601) 961-5318
Fax: (601) 961-5300

Kuhlman Electric Corporation
Attention: Alan Thomas
101 Kuhlman Drive
Crystal Springs, MS 39059
Tel: (601) 892-6462
Fax: (601) 892-6476

20. Administrative Record. The administrative record for the environmental response project reflected in this Environmental Covenant can be found at the main office of Mississippi Department of Environmental Quality, located at 515 E. Amite Street, Jackson, MS 39201.

[EXECUTION PAGE FOLLOWS]

The undersigned representative of Owner represents and certifies that he is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

OWNER:

Kuhlman Electric Corporation,
a Delaware corporation

By: _____

_____ _____
Printed Name and Title Date

State of _____

County of _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2010, within my jurisdiction, the within named _____, who acknowledged that s/he is _____ of Kuhlman Electric Corporation, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed s/he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

_____
Notary Public

My commission expires:

_____

MDEQ:

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

_____ _____

Trudy D. Fisher Date
Executive Director

State of Mississippi)
) ss:
County of Hinds)

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2010, within my jurisdiction, the within named Trudy D. Fisher, who acknowledged that she is Executive Director of Mississippi Department of Environmental Quality, and that for and on behalf of Mississippi Department of Environmental Quality, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by Mississippi Department of Environmental Quality so to do.

_____
Notary Public

My commission expires:

_____

COMMISSION:

COMMISSION ON ENVIRONMENTAL QUALITY

_____ _____

Trudy D. Fisher Date
Executive Director

State of Mississippi)
) ss:
County of Hinds)

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of _____, 2010, within my jurisdiction, the within named Trudy D. Fisher, who acknowledged that she is Executive Director of Commission on Environmental Quality, and that for and on behalf of Commission on Environmental Quality, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by Commission on Environmental Quality so to do.

_____

Notary Public

My commission expires:

_____

EXHIBIT A

LEGAL DESCRIPTION

Being situated in the North ½ of Section 25, Township 2 North, Range 2 West, City of Crystal Springs, Copiah County, Mississippi, and being more particularly described as being situated in Block 10 of the Stowell Map of Crystal Springs and being more particularly described by metes and bounds as follows, to-wit:

Commence at the southwest corner of Lot 4 of the said Block 10 of the Stowell Map of Crystal Springs, said southwest corner being the **POINT OF BEGINNING** for the parcel herein described; thence run North 65° 37' 04" West for a distance of 36.25 feet to a point which is 25 feet east of the mainline track of Illinois Central Railroad; thence North 24° 53' 07" East for a distance of 653.85 feet along a line which is 25 feet east of and parallel to the said main track of Illinois Central Gulf Railroad to the southern right of way line of Fulgham Avenue; thence South 89° 12' 28" East for a distance of 161.69 feet along the said southern right of way line; thence South 87° 50' 29" East for a distance of 582.12 feet along the said southern right of way line; thence leave said southern right of way line of Fulgham Avenue and run South 24° 00' 31" West for a distance of 376.0 feet; thence North 65° 28' 29" West for a distance of 52.0 feet; thence South 24° 25' 06" West for a distance of 408.01 feet; thence South 64° 03' 36" East for a distance of 162.78 feet to the western right of way line of Jackson Street; thence South 39° 40' 57" West for a distance of 25.74 feet along the said western right of way line; thence leave said western right of way line of Jackson Street and run North 64° 03' 36" West for a distance of 226.03 feet; thence South 24° 25' 06" West for a distance of 102.83 feet; thence North 65° 36' 46" West for a distance of 125.0 feet; thence South 24° 25' 06" West for a distance of 33.64 feet; thence North 74° 08' 54" West for a distance of 18.60 feet; thence South 19° 55' 45" West for a distance of 214.56 feet to the northern right of way line of Lee Avenue; thence North 76° 44' 04" West for a distance of 166.85 feet along the said northern right of way line; thence leave said northern right of way line of Lee Avenue and run North 20° 40' 56" East for a distance of 254.11 feet to the southern line of the said Lot 4 of Block 10 of the Stowell Map of Crystal Springs; thence North 65° 37' 04" West for a distance of 229.79 feet along the southern line of the said Lot 4 to the **POINT OF BEGINNING**, containing 12.6938 acres more or less.

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell** 3/8/10
DATE:	**March 8, 2010**
SUBJECT:	**Qtrly & City Well Sampling Event March 2010**

I met with Chuck Peel to observe and collect split samples during the sampling event. The monitoring wells are set up with dedicated tubing and bladder pumps. The monitoring wells are purged prior to collecting samples a minimum of one well screen volume. Once the well is purged and the stabilization parameters have stabilized, the well is then sampled. Samples are collected for both VOC and 1, 4-dioxane analysis. I collected splits on the following monitoring wells and city wells:

KEP-GW-021A-011 on Feb 28 at 1403 hrs
KEP-GW-021B-011 on Feb 28 at 1754 hrs
KEP-GW-018A-011 on March 1 at 1052 hrs
KEP-GW-018B-011 on March 1 at 1121 hrs
CSW-WA3-046 on March 2 at 0825 hrs
CSW-WA1-046 on March 2 at 0836 hrs
CSW-WA2-046 on March 2 at 0847 hrs
CSW-TP-046 on March 2 at 1008 hrs
KEP-GW-011A-011 on March 2 at 1140 hrs
KEP-GW-011B-011 on March 2 at 1400 hrs
KEP-GW-003-016 on March 2 at 1556 hrs
KEP-GW-022-011 on March 3 at 1644 hrs
KEP-GW-028-002 on March 4 at 1100 hrs
KEP-GW-029-002 on March 4 at 1140 hrs
KEP-GW-027-011 on March 4 at 2012 hrs

The City wells are purged by allowing the well to flow for a minimum of seven minutes prior to sample collection at a faucet located near the well head. The sample from the treatment plant is collected from a faucet at the treatment plant building.

The samples were delivered to OPC lab in Pearl for VOC analysis only.

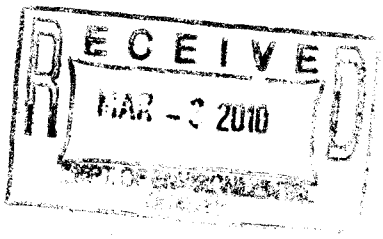
Photos were not taken during the sampling event.

Mailing Address:
P.O. Box 650
Jackson, Mississippi 39205
Telephone: (601) 965-1900
Facsimile: (601) 965-1901

WATKINS & EAGER

Attorneys and Counselors at Law

est. 1895



March 3, 2010

VIA ELECTRONIC MAIL (Tony_Russell@deq.state.ms.us)
& HAND DELIVERY

Mr. Tony Russell, Chief
Assessment Remediation Branch
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

RE: Kuhlman Electric Corporation Site
Crystal Springs, Copiah County, Mississippi

Dear Mr. Russell:

The purpose of this letter is to request that the Kuhlman Electric Corporation Site, located in Crystal Springs, Copiah County, Mississippi, be included in the Uncontrolled Site Voluntary Evaluation Program (VEP), as per *Section 17-17-54* of Mississippi Code, Annotated. Enclosed you will find a signed and completed application for your consideration. It is understood that if this site is approved by MDEQ for inclusion in the VEP, we will need to sign an agreed order with the Mississippi Department of Environmental Quality (MDEQ). In order to speed the processing of that agreed order, you should address this order to:

Kuhlman Electric Corporation
Attn: Alan Thomas
101 Kuhlman Drive
Crystal Springs, MS 39059
Tel: (601) 892-6462
Fax: (601) 892-6476
alan.thomas@us.abb.com

Should you have any questions or comments concerning this matter, please contact Mr. Thomas at the number shown above.

Sincerely,

Watkins & Eager PLLC

Jason L. Poulson

Enclosure

FORM B-1 Revision 10/01/2007

For MDEQ Use Only
Application No. 4047016)

MISSISSIPPI UNCONTROLLED SITE VOLUNTARY EVALUATION PROGRAM (VEP) APPLICATION FORM

Applicant	Kuhlman Electric Corporation				
Site Name:	Kuhlman Electric Corporation - Crystal Springs, Mississippi				
Site Surface Owner (If Different From Applicant)					
Address of Site (Street)	101 Kuhlman Drive				
City of Site	Crystal Springs	County	Copiah	Zip	39059
Contact Person:	Alan Thomas				
Mailing Address	101 Kuhlman Drive				
City	Crystal Springs	State	Mississippi	Zip	39059
Email	alan.thomas@us.abb.com	Phone	(601) 892-6462	Fax	(601) 892-6476
Brief Paragraph Describing Nature of Impacts (to Air, Soil, Groundwater, Surface Water), Chemicals of Concern, and Area Impacted	The open areas of the Property have been remediated to be below the cleanup level (25 mg/kg) required for low occupancy areas as defined in 40CFR Part 761.61(a)(4)(i)(B). A liner was placed at the bottom of all excavations conducted onsite for future reference. During the remediation of the soils at the Property, it was determined that PCB contaminated soils extend beneath the building footprint. Additional assessment has determined that the soils beneath the building and the groundwater beneath the Property are also contaminated with 1,1-DCE and 1,4-Dioxane.				

Party Assuming Responsibility for MDEQ Oversight Costs					
Name	Kuhlman Electric Corporation (see contact information above)				
Address (Street and P.O. Box)					
City		State		Zip	
Contact Person					
Email		Phone		Fax	

Financial Contact (for Payment of MDEQ Invoice)					
Firm	Kuhlman Electric Corporation (see contact information above)				
Address for Invoice					
City		State		Zip	
Contact Person					
Email		Phone		Fax	

Environmental Consulting Firm					
Firm's Name	N/A				
Address					
City		State		Zip	
Contact Attorney					
Email		Phone		Fax	

FINANCIAL RESPONSIBILITIES

The Applicant agrees to pay to the Mississippi Department of Environmental Quality (MDEQ) all costs of the MDEQ associated with the administration and evaluation of the site under the Uncontrolled Site Voluntary Evaluation Program (VEP) at the rate of $100.00 per hour. The hourly rate may be adjusted on an annual basis and the Applicant will be notified of any rate change prior to implementation of the change.

The Applicant understands that it will be invoiced for all costs incurred by the MDEQ in the administration and evaluation of the Site on a thirty (30) day schedule. If any part of the costs is not paid within thirty (30) days after the due date, a penalty of up to twenty-five percent (25%) of the amount due may be imposed and be added to the amount due. In the event the MDEQ pursues legal action to collect costs incurred, the Applicant agrees to pay the reasonable attorney's fees and costs of the MDEQ associated with such an action. The Applicant further understands that the MDEQ will immediately cease the administration and evaluation of the Site, if the Applicant fails to pay any required costs or penalties imposed.

The information contained in this application is true and correct to the best of my knowledge and belief.

Printed Name: R. Keith Knaverhase

Signature:

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

FILE COPY

Certified Mail No.: 7008 1300 0000 6221 8530

March 2, 2010

Mr. Mike Clark
Brookhaven Equipment Company
P.O. Box 531
Brookhaven, MS 39601

RE: UNDERGROUND STORAGE TANKS (USTs)
Westside Shell
Highway 51
Crystal Springs, Mississippi
Facility # 9542

Dear Mr. Clark:

The Office of Pollution Control (OPC) has received your written report of a confirmed release of regulated substance at the referenced facility. Considering the information that we received, we are hereby requiring that you perform an environmental assessment to determine the extent of contamination caused by the release.

According to the information that you have submitted, you apparently meet the following eligibility requirements that allow you to be reimbursed for fair and reasonable expenses from the Mississippi Groundwater Protection Trust Fund (Trust Fund):

1. Your tank site meets the legal definition of an active site,

2. The released substance is motor fuel or aviation fuel, and,

3. You appear to be in substantial compliance with the UST regulations at this site.

Your next step is to read, complete, and return within 10 days the Request for Tax Identification Number packet to: Donna Rogers, UST Branch, Office of Pollution Control, P. O. Box 2261, Jackson, MS 39225.

Note: Possible source for petroleum constituents detected in MW #19 adjacent to Hwy 51. TRussell 3/11/10

You can be reimbursed from the Trust Fund for the environmental assessment **only after** (1) we **receive** and **approve** your consultant's completed environmental assessment report and (2) you submit the certification affidavit along with your consultant's itemized invoice. Your request for reimbursement should be mailed to: Contracting Officer, UST Branch, Office of Pollution Control, P. O. Box 2261, Jackson, MS 39225.

Please have your consultant submit to you a Scope of Work/Cost Estimate (SOW/CE) proposal for performing the environmental assessment. After you have reviewed, approved, and signed the proposal, **please forward two copies to our Office on or before April 5, 2010**. Please instruct your consultant to contact us several days in advance of preparing the SOW/CE so that we may have an opportunity to discuss this proposal.

We appreciate your cooperation and assistance in this matter. If you have any questions or comments, please call me at (601) 961-5655.

Sincerely,

Joseph R. Curro III, P.E., BCEE
UST Branch

cc: Walter Huff, P.E., Neel-Schaffer, Inc.
Andy Dyess, OPC

<ahamel@borgwarner.com>
03/02/2010 10:06 AM

To <Tony_Russell@deq.state.ms.us>, <Jerry_Banks@deq.state.ms.us>
cc
bcc
Subject Requested Documents

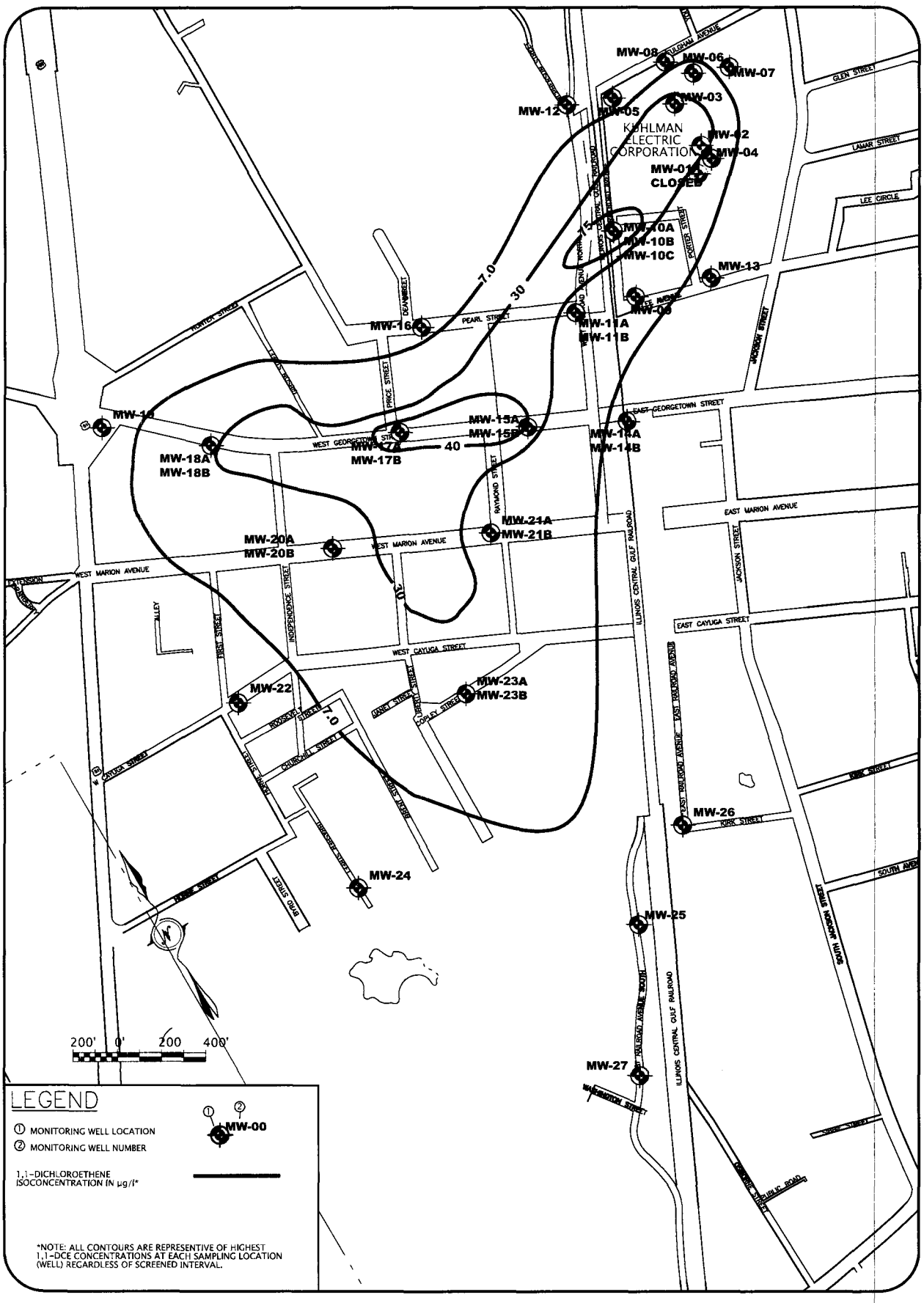
Jerry and Tony,

Per your request attached are the documents that were prepared for you. Please note that the data was pulled right out of the groundwater database and the contour maps were drawn based on that data.

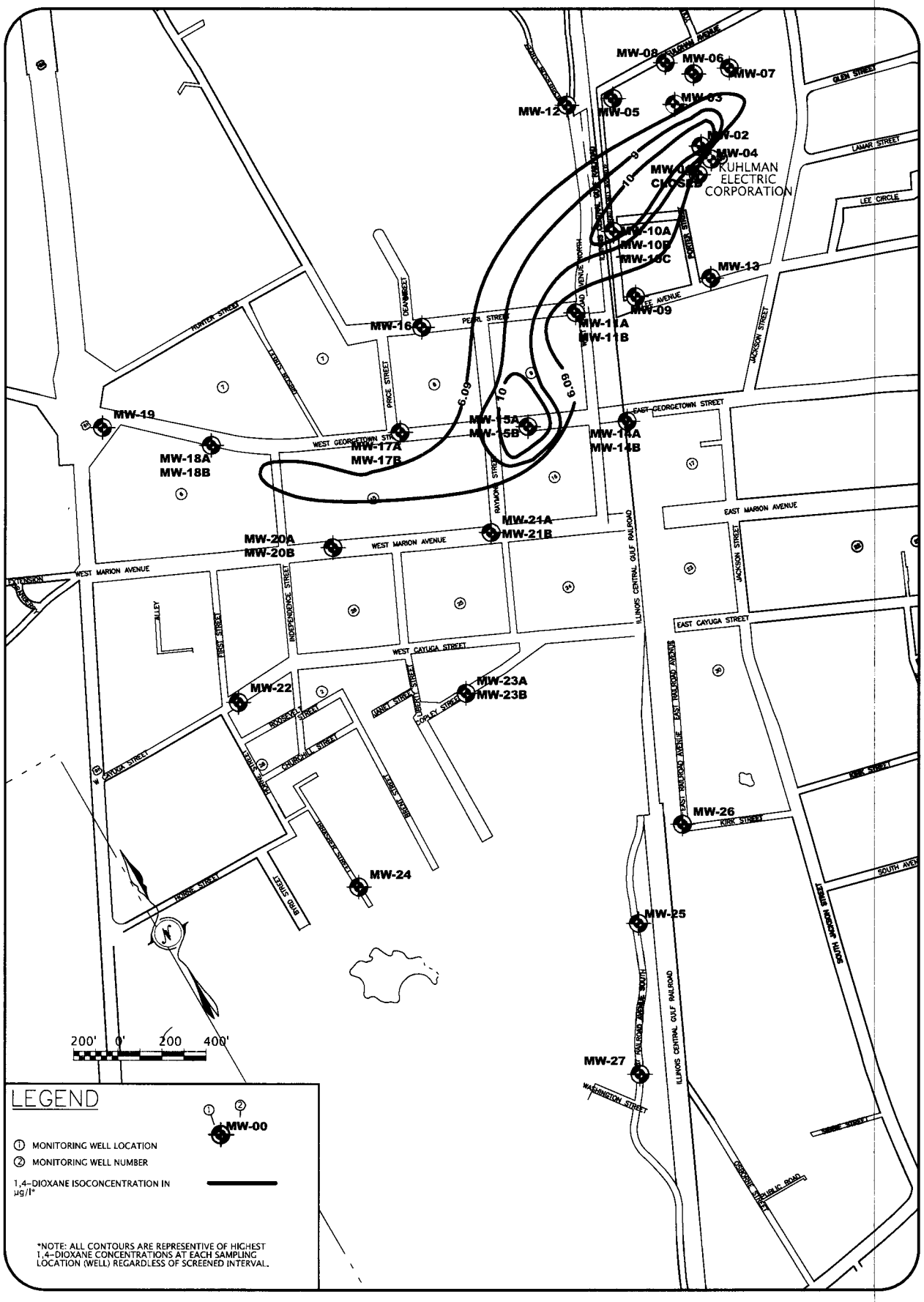
Two more drainage channel maps were sent via UPS overnight for delivery this morning. With the other UPS overnight which is also being delivered today you will have a total of four maps. Both UPS packages were sent to Tony's attention.

Thanks.
Anastasia

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Phone: (248) 754-0839
Fax: (248) 754-9504
e-mail: ahamel@borgwarner.com



CES ENGINEERING SURVEYING Crowder Engineering & Surveying, Inc. 1150 W. Main Street P.O. Box 1209 Ackerman, MS 39735-1209 662-285-2062	PREPARED FOR: **BorgWarner Inc.**	SOURCES:	STUDY AREA PLUME MAP 1,1-DICHLOROETHENE SEPTEMBER 2009 KUHLMAN ELECTRIC CORPORATION 101 KUHLMAN DRIVE CRYSTAL SPRINGS, MS	SCALE 1":400' DR: AM CHK: MC REV: 0 DATE: 3/01/2010



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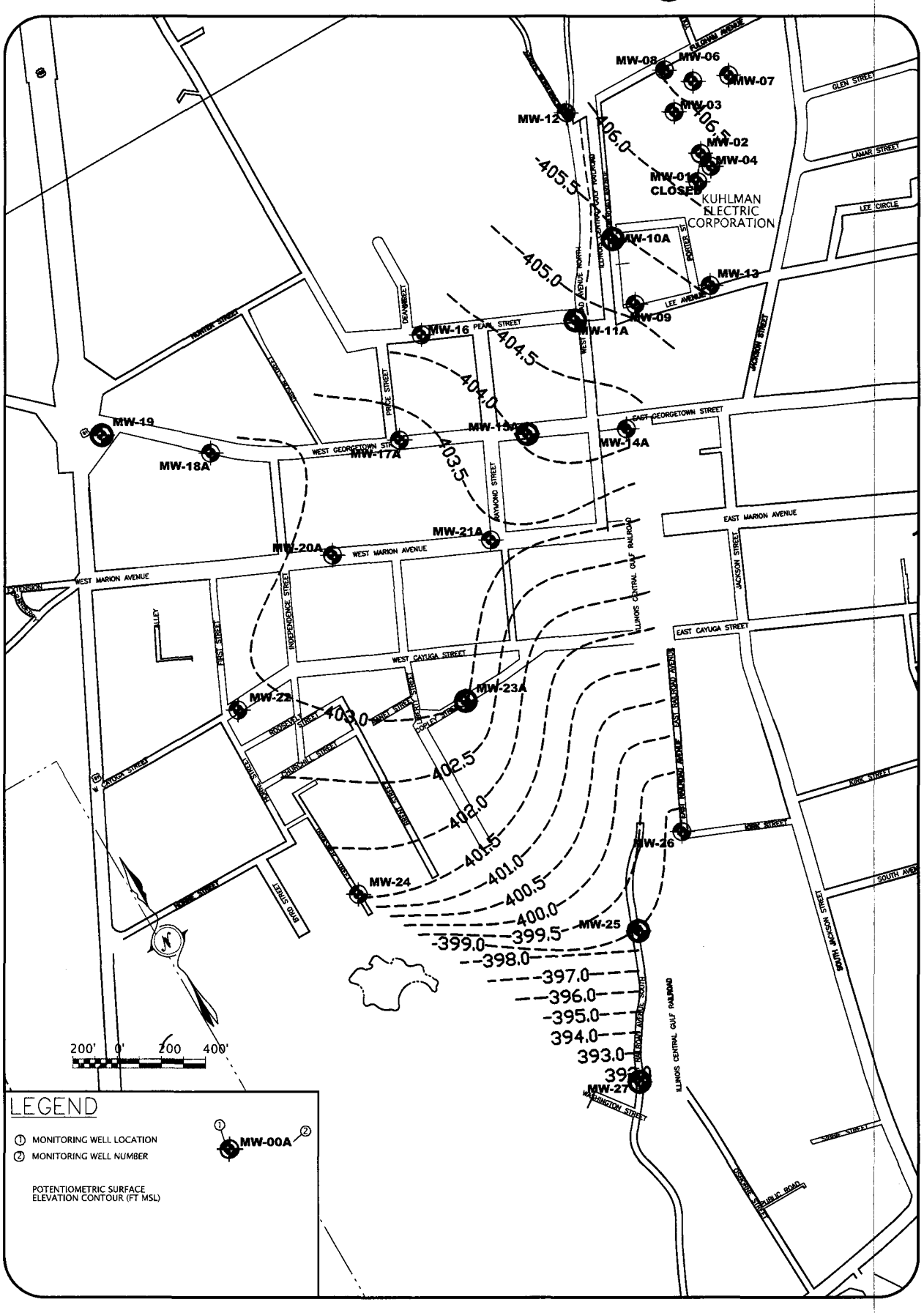

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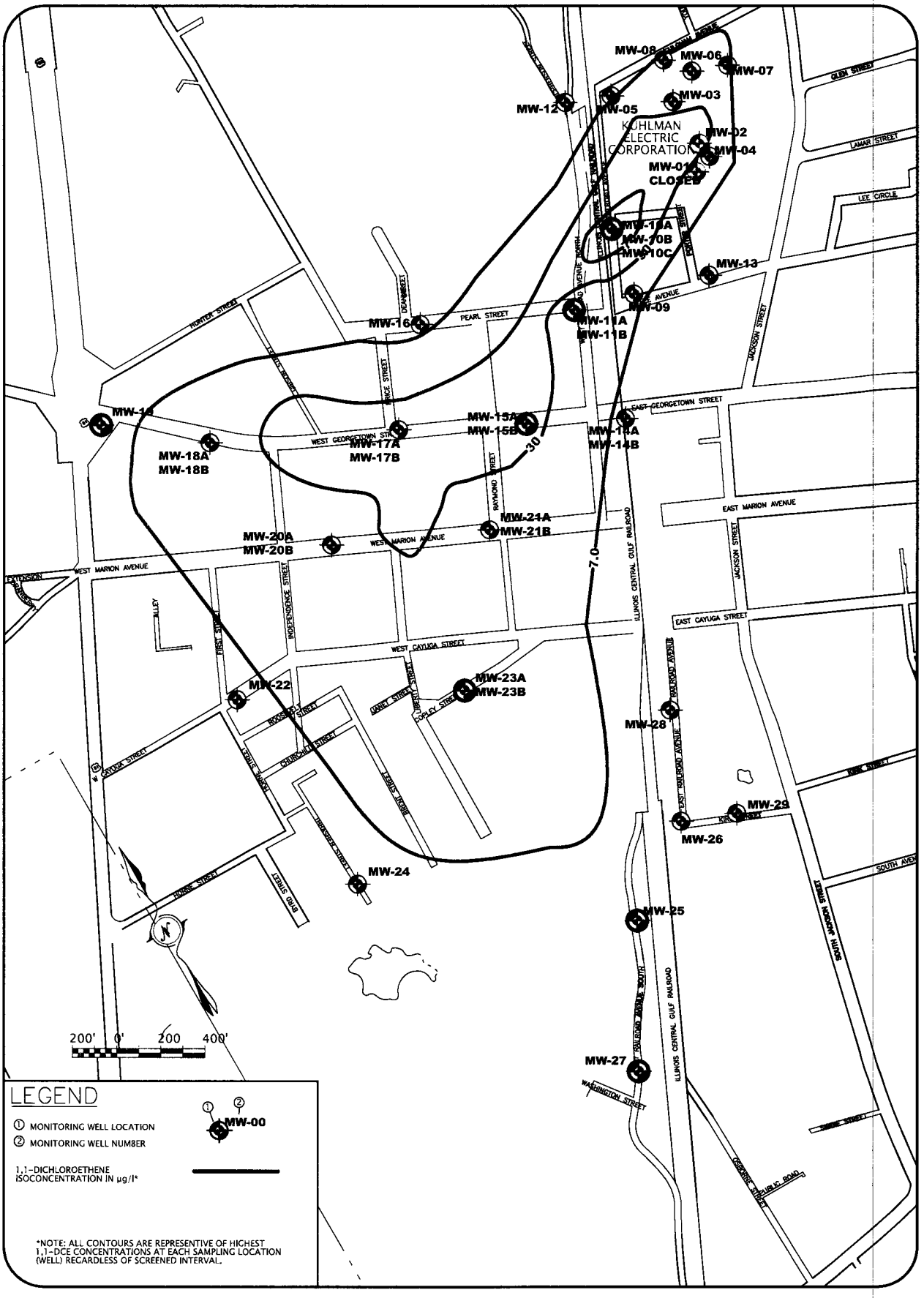

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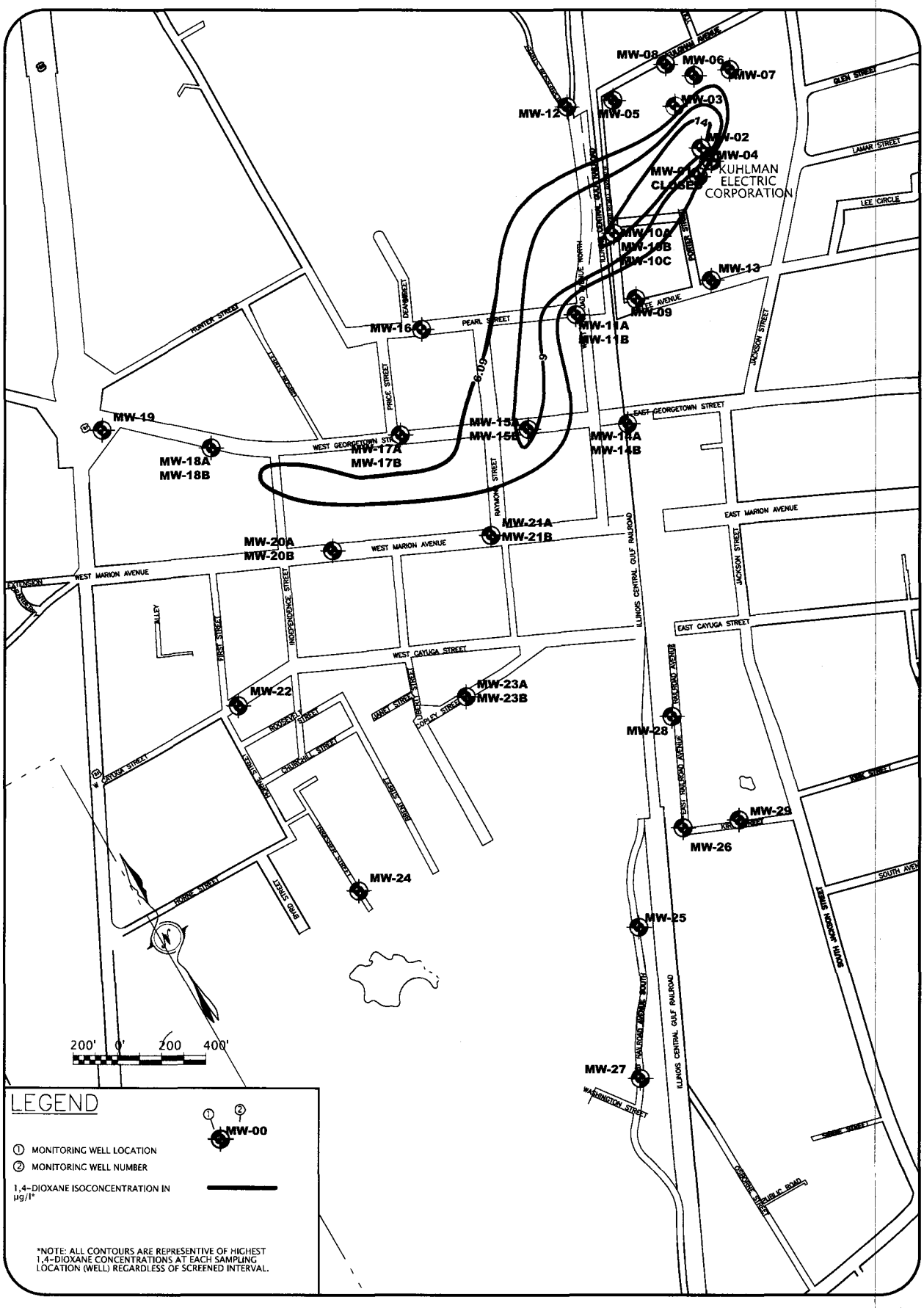

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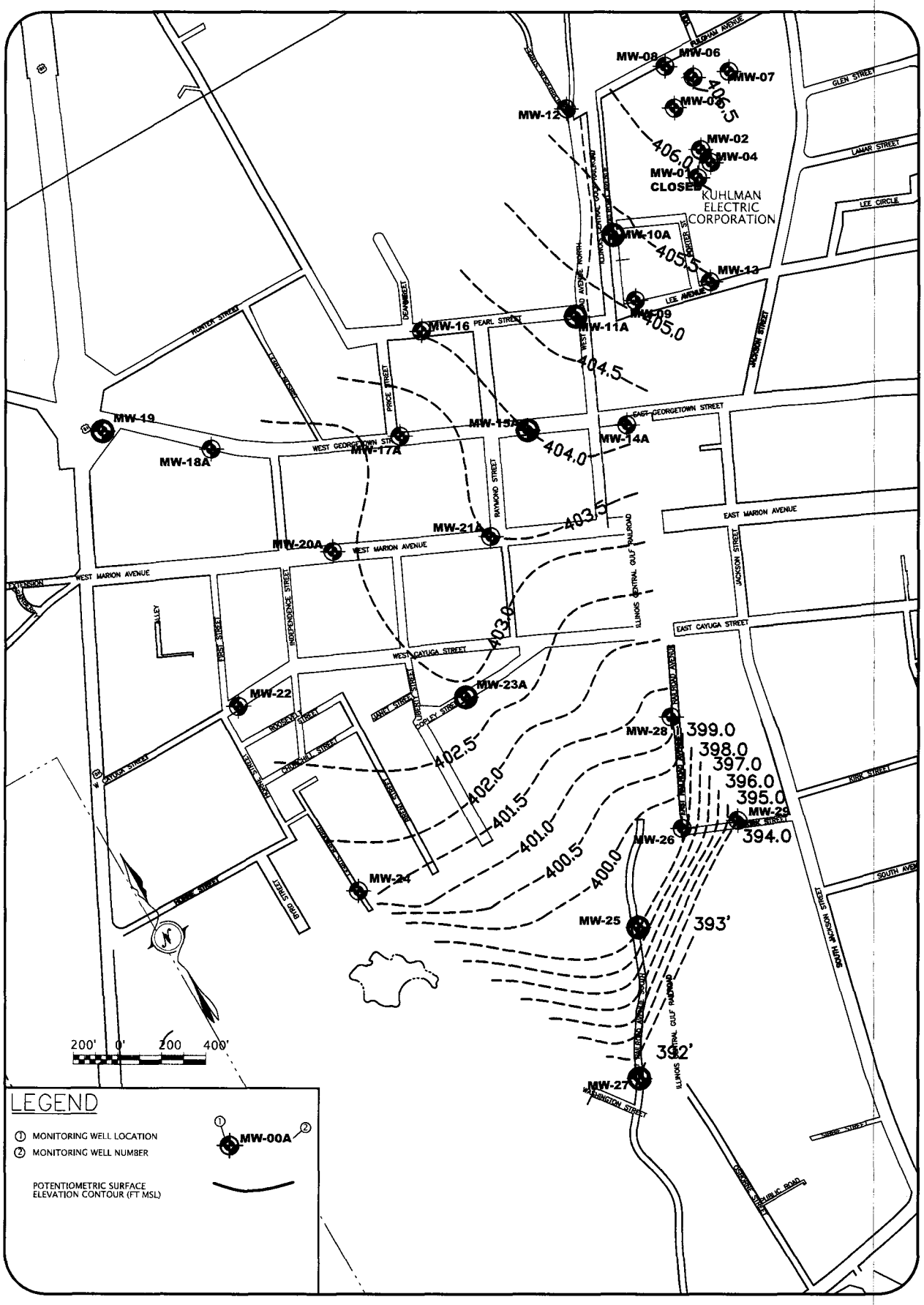

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Well ID	Field Lab Sample ID	Sample ID	Date Collected	Time Collected	VOCs Date Analyzed	1,4-Dioxane Date Analyzed	1,1-Dichloro-ethene	1,1-Dichloro-ethane	1,2-Dichloro-ethane	1,1,1-Trichloro-ethane	1,1,2-Trichloro-ethane	Tetra-chloro-ethene	Toluene	Dibromo-chloro-methane	1,4-Dioxane	Benzene
MDEQ Tier 1 TRG (Target Remediation Goal) (ug/L)							7	798	5	200	5	5	1000	0.126	6.09	5
MW-2	W2695	KEP-GW-002-014	09/07/09	17:45	09/11/09	09/12/09	18	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	13	
MW-2	W2778	KEP-GW-002-015	12/05/09	16:00	12/07/09	12/09/09	44	< 1.0	1.7	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	22	3.2
MW-3	W2996	KEP-GW-003-014	09/07/09	18:40	09/12/09	09/12/09	18	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	2	
MW-3	W2746	KEP-GW-003-015	11/30/09	17:15	12/05/09	12/05/09	25	1.3	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	2.4	
MW-4	W2693	KEP-GW-004-014	09/07/09	16:20	09/11/09	09/11/09	23	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	1.2	
MW-4	W2777	KEP-GW-004-015	12/05/09	15:15	12/07/09	12/09/09	25	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	1.2	
MW-5	W2687	KEP-GW-005-14	09/06/09	17:39	09/10/09	09/11/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-5	W2782	KEP-GW-005-015	12/06/09	16:43	12/07/09	12/09/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-6	W2694	KEP-GW-006-014	09/07/09	17:20	09/11/09	09/11/09	15	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-6	W2745	KEP-GW-006-015	11/30/09	16:38	12/05/09	12/05/09	20	<1.0	< 1.0	< 1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-7	W2675	KEP--GW-007-014	09/05/09	8:25	09/10/09	09/11/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-7	W2743	KEP-GW-007-015	11/30/09	15:40	12/05/09	12/05/09	< 1.0	< 1.0	<1.0	<1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-8	W2626	KEP-GW-008-014	09/05/09	8:50	09/10/09	09/11/09	5.8	< 1.0	<1.0	<1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-8	W2744	KEP-GW-008-015	11/30/09	16:05	12/05/09	12/05/09	6.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-9	W2691	KEP-GW-009-012	09/07/09	14:10	09/11/09	09/11/09	8.7	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-9	W2768	KEP-GW-009-013	12/03/09	17:30	12/06/09	12/06/09	7.7	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-10A	W2677	KEP-GW-010A-009	09/05/09	10:07	09/10/09	09/11/09	85	3.8	4	1.8	13	< 1.0	< 1.0	< 1.0	12	
MW-10A	W2774	KEP-GW-010A-010	12/05/09	10:53	12/07/09	12/08/09	81	3.4	3.5	1.3	10	<1.0	<1.0	<1.0	8.7	
MW-10B	W2678	KEP-GW-010B-009	09/05/09	11:14	09/10/09	09/11/09	19	<1.0	3.5	<1.0	<1.0	<1.0	<1.0	<1.0	9.1	
MW-10B	W2775	KEP-GW-010B-010	12/05/09	11:16	12/08/09	12/08/09	23	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	14	
MW-10C	W2679	KEP-GW-010C-009	09/05/09	11:37	09/10/09	09/11/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-10C	W2776	KEP-GW-010C-010	12/05/09	11:41	12/07/09	12/09/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-11A	W2707	KEP-GW-011A-009	09/08/09	10:50	09/12/09	09/12/09	8.9	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-11A	W2764	KEP-GW-011A-010	12/03/09	10:50	12/06/09	12/05/09	12	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-11B	W2708	KEP-GW-011B-009	09/08/09	13:10	09/12/09	09/13/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-11B	W2765	KEP-GW-011B-010	12/03/09	11:26	12/06/09	12/06/09	1.3	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	1.3	
MW-12	W2709	KEP-GW-12-009	09/08/09	15:00	09/12/09	09/13/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-12	W2766	KEP-GW-012-010	12/03/09	15:04	12/08/09	12/06/09	<1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	<1.0	
MW-13	W2692	KEP-GW-013-009	09/07/09	14:55	09/11/09	09/11/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-13	W2769	KEP-GW-013-010	12/03/09	18:20	12/08/09	12/06/09	<1.0	<1.0	< 1.0	< 1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-14A	W2683	KEP-GW-014A-009	09/06/09	9:27	09/10/09	09/11/09	1.1	<1.0	< 1.0	< 1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-14A	W2741	KEP-GW-014A-010	11/30/09	14:20	12/05/09	12/05/09	1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-14B	W2684	KEP-GW-014B-009	09/06/09	11:26	09/10/09	09/11/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-14B	W2742	KEP-GW-014B-010	11/30/09	14:50	12/05/09	12/05/09	1.1	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-15A	W2721	KEP-GW-015A-009	09/11/09	9:36	09/13/09	09/13/09	40	1.1	<1.0	<1.0	1.2	<1.0	<1.0	<1.0	3.5	
MW-15A	W2772	KEP-GW-015A-010	12/04/09	15:35	12/06/09	12/08/09	42	1.4	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	3.6	
MW-15B	W2722	KEP-GW-015B-009	09/11/09	10:11	09/13/09	09/13/09	28	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	13	
MW-15B	W2773	KEP-GW-015B-010	12/04/09	16:20	12/06/09	12/08/09	24	<1.0	<1.0	<1.0	<1.0	< 1.0	< 1.0	<1.0	10	
MW-16	W2710	KEP-GW-016-009	09/08/09	15:30	09/12/09	09/13/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-16	W2767	KEP-GW-016-010	12/03/09	15:42	12/06/09	12/06/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-17A	W2719	KEP-GW-017A-009	09/10/09	17:18	09/13/09	09/13/09	43	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	2.3	
MW-17A	W2758	KEP-GW-017A-010	12/01/09	11:20	12/05/09	12/05/09	49	<1.0	<1.0	<1.0	<1.0	< 1.0	< 1.0	<1.0	1.9	
MW-17B	W2720	KWP-GW-017B-009	09/10/09	18:47	09/13/09	09/13/09	14	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-17B	W2757	KWP-GW-017B-010	12/01/09	10:55	12/05/09	12/05/09	13	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-18A	W2690	KEP-GW-018A-009	09/07/09	11:50	09/11/09	09/11/09	30	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	4.9	
MW-18A	W2785	KEP-GW-018A-010	12/07/09	13:20	12/08/09	12/08/09	23	<1.0	<1.0	<1.0	<1.0	< 1.0	< 1.0	<1.0	5.0	
MW-18B	W2688	KEP-GW-018B-009	09/07/09	11:15	09/11/09	09/11/09	19	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-18B	W2783	KEP-GW-018B-010	12/07/09	12:33	12/08/09	12/08/09	17	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-19	W2712	KEP-GW-019-009	09/09/09	12:25	09/12/09	09/13/09	4.6	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-19	W2789	KEP-GW-019-010	12/09/09	10:53	12/09/09	12/10/09	4.4	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW-20A	W2715	KEP-GW-020A-009	09/10/09	9:10	09/12/09	09/13/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-20A	W2787	KEP-GW-020A-010	12/09/09	9:49	12/09/09	12/10/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-20B	W2716	KEP-GW-020B-009	09/10/09	10:58	09/12/09	09/13/09	16	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	1.3	
MW-20B	W2788	KEP-GW-020B-010	12/09/09	10:07	12/09/09	12/10/09	13	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	1.2	
MW-21A	W2717	KEP-GW-021A-009	09/10/09	15:02	09/13/09	09/13/09	<1.0	<1.0	<1.0	<1.0	<1.0	< 1.0	< 1.0	<1.0	<1.0	
MW-21A	W2770	KEP-GW-021A-010	12/04/09	10:00	12/06/09	12/08/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-21B	W2718	KEP-GW-021B-009	09/10/09	15:55	09/13/09	09/13/09	19	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	2.1	
MW-21B	W2771	KEP-GW-021B-010	12/04/09	11:20	12/06/09	12/08/09	12	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	<1.0	< 1.0	1.5	
MW-22	W2713	KEP-GW-022-009	09/09/09	15:45	09/12/09	09/13/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-22	W2790	KEP-GW-022-010	12/09/09	15:13	12/09/09	12/10/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-23A	W2685	KEP-GW-023A-009	09/06/09	14:48	09/10/09	09/11/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-23A	W2759	KEP-GW-023A-010	12/01/09	14:30	12/05/09	12/05/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-23B	W2686	KEP-GW-023B-009	09/06/09	16:00	09/10/09	09/11/09	24	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	2.3	
MW-23B	W2760	KEP-GW-023B-010	12/01/09	15:00	12/05/09	12/05/09	24	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	2.8	
MW-24	W2714	KEP-GW-024-009	09/09/09	16:20	09/12/09	09/13/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-24	W2791	KEP-GW-024-010	12/09/09	16:10	12/09/09	12/10/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-25	W2680	KEP-GW-025-009	09/05/09	17:47	09/10/09	09/11/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-25	W2762	KEP-GW-025-010	12/02/09	12:44	12/06/09	12/05/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-26	W2711	KEP-GW-026-009	09/09/09	11:10	09/12/09	09/13/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-26	W2779	KEP-GW-026-010	12/06/09	13:10	12/07/09	12/08/09	1.1	<1.0	<1.0	< 1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW-27	W2681	KEP-GW-027-009	09/05/09	18:39	09/10/09	09/11/09	<1.0	<1.0	<1.0	<1.0	<1.0	2.1	<1.0	<1.0	<1.0	
MW-27	W2763	KEP-GW-027-010	12/02/09	17:00	12/06/09	12/05/09	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	
MW28	W2781	KEP-GW-028-001	12/06/09	15:01	12/07/09	12/09/09	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	
MW29	W2780	KEP-GW-029-001	12/06/09	13:42	12/07/09	12/09/09	<1.0	<1.0	<1.0	< 1.0	<1.0	< 1.0	< 1.0	<1.0	<1.0	

BorgWarner Inc. 3850 Hamlin Road Auburn Hills Michigan 48326-1784 Telephone 248 754 9200 Fax 248 754 0888

BorgWarner

February 24, 2010

Dear Tony,

Per your request attached are 2 Drainage Channel maps showing area that need to be remediated.

Call w/ any questions

Thanks Mark

ALLIED WASTE SERVICES

February 5, 2010
Wylie Kapp Perry, Jr.

Mississippi Department of Environmental Quality
Mr. Billy Warden
515 East Amite Street
Jackson, Mississippi 39201

Hand Delivered By: Mike Raley 2.5.2010

Dear Billy;

This is a follow-up to your telephone conversation this week with Mr. Mike Raley of Allied/Republic Waste Services concerning the use of Solid Waste Contaminated Soils from the Kuhlman Electric/Borg Warner site in Crystal Springs, Mississippi.

Please accept this letter as an official request to use these materials at BFI's Little Dixie Landfill for alternate daily cover. These materials will be used in an accepted technique as directed by your Department at the Mississippi Department of Environmental Quality. As always we are available for meetings and discussions to clarify any concerns.

Thank you for your cooperation in this matter. Should you have any questions please contact me @ 601.420.8278.

Sincerely,

Wylie Kapp Perry Jr.

Wylie Kapp Perry, Jr.

1035 Old Brandon Road
Flowood, MS 39232
601.939.2221 / FAX 601.936.6098
www.disposal.com

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell** 2/26/10
DATE:	**February 4, 2010**
SUBJECT:	**City Well Sampling Event Conducted Feb 2, 2010**

Chuck Peel sampled city wells on February 2, 2010. Robert Sims (City) turned all the wells on so they could be pumping prior to sampling to purge the system. Upon arrival at each well, the facet was turned on and allowed to run for a minimum of five (5) minutes prior to sample collection. The flow rate was reduced to a trickle prior to sample collection at the facet. The samples were collected in EPA approved sample containers and then placed on ice for transport to the onsite lab. Samples were collected for 1, 4 dioxane and VOC analysis. The samples were collected from the following wells; well 8 on Lincoln Street, well 1 and well 2 on the Shelton Laboratories property, well 3 on Osborne St., well 5 on Harmony road, well 6 on Six Mile Road, and then the treatment plant faucet at West Railroad Avenue.

A split sample was collected from well 1 (CSW-WA1-045) and well 2 (CSW-WA2-045) located on Sheldon Lab property, well 3 (CSW-WA3-045) located on Osborne St., and from the treatment plant (TP) (CSW-TP-045) located on West Railroad Avenue. The samples will be analyzed for VOCs at the OPC lab in Pearl, MS.

Initially well 3 would not come on. Robert had electrician check it and all that could be found wrong was a loose wire.

No photos were taken during this sampling event.

"McLeod, Amy"
<Amy.McLeod@msdh.state.ms.us>
02/02/2010 12:29 PM

To <tony_Russell@deq.state.ms.us>
cc
bcc
Subject Crystal Springs

History: This message has been replied to and forwarded.

Tony,
I have attached the inspection report for Crystal Springs. Comment #6 on the second page discusses the Town's current design capacity and the last 2 pages are the design capacity calculations. I wanted to go through the process we use to determine the design capacity for a system that has a treatment plant.

1. We compare the sum of the well capacities, the aerator capacity, and the sum of the service pump capacities. The lowest of those three values is the limiting factor.
Wells = 1487 gpm (limiting factor)
Aerator = 1750 gpm
Service Pumps = 1800 gpm

2. We add to the limiting factor the volume of the Clearwell divided by 200 to determine the useable service pump capacity.
1487 + (76180/200) = 1868

3. We then compare that value to the rated capacity of the service pumps. In this case the useable service pump capacity exceeds the total rated capacity of the service pumps, so the useable service pump capacity is the total service pump capacity.

4. Our next step is to take the useable service pump capacity and add the total elevated storage volume divided by 200. We compare that value to 2 times the service pump capacity. Whichever value is lower; this is the total design capacity of the system (total number of equivalent connections that can be adequately served).
1800 + (500,000/200) = 4300 gpm
1800 * 2 = 3600 gpm (total design capacity)

As it relates to design capacity, a new well will help Crystal Springs, but only to the point where the total well capacity is equal to the aerator capacity. If the total well capacity exceeds the aerator capacity, the aerator becomes the limiting factor in our calculations. The process that limits their ability to produce water isn't only the wells but the plant itself. As it relates to system operation, a new well will most definitely benefit Crystal Springs. In our February 2005 inspection the total well capacity was 1898 gpm and at the most recent inspection in November 2009 the total well capacity was 1487 gpm.

Please let me know if I can provide any additional information. Sorry for the delay in getting this to you.

Thanks,

Amy L. McLeod, E.I.
Mississippi State Department of Health
Bureau of Public Water Supply
(601) 576-7518 office
(601) 573-8887 cell
(601) 576-7974 fax

0150003_IR.pdf

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

FILE COPY

February 2, 2010

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3850 Hamlin Road
Auburn Hills, Michigan 48326

Re: *Lake Chautauqua Biological Investigation Work Plan* dated November 10, 2009
Kuhlman Electric Corporation Site
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced document prepared by Arcadis. MDEQ also forwarded the work plant to EPA for review and comment. Please find enclosed both EPA and MDEQ comments:

1. P. 1, Section 1: It is stated that the data from the sampling will be used in a SLERA consistent with US EPA and MDEQ guidance. The EPA guidance is fairly general. Since there is limited MDEQ guidance, it is recommended that the parameters to be used in the SLERA be discussed/submitted to make sure they are acceptable before doing the work and creating the report. It generally saves time and money to do so.

2. P. 2, Section 2.2.1: It is stated that previous investigations have found that surface water is not a medium of concern, and therefore it will not be assessed in this investigation. While it maybe true that very little PCBs would be found in general surface water samples, we prefer to have the contaminant concentration in surface water information to add into the food chain uptake model for completeness sake. It is not likely to significantly underestimate the risk by not having surface water data. However, PCBs in turbid water samples would potentially show more PCB per volume of water than a filtered sample and should be evaluated for the "negligible" PCB content assumption. This is important for aquatic

organism exposure but even more so for the drinking water pathway for water-associated wildlife.

3. P. 3, Section 3: The first paragraph states that risk will be determined from exposure to contaminated sediments. Please add to the text that risk will also be determined from exposure to contaminated prey items. Additionally, consider collecting aquatic invertebrate samples, if they are available, in addition to the forage fish. Aquatic invertebrates are important prey items in some water bodies, and it would be better to measure these and not have to model tissue PCB concentrations in these organisms, if they are later to be used.

4. P. 4, Section 3.2, last paragraph: It is envisioned that the ecological survey of the Lake Chautauqua area will, in addition to what is stated, help to identify potential receptors for the ecological risk assessment. This should be stated if this is the case. Also, MDEQ recommends adding shrews as a small mammal component to the list of potential receptors

5. P. 7, Section 3.3.2.2: The sampling of forage fish for PCB analysis is discussed. The approach generally sounds good. It is recommended to have as many discrete (rather than composited) samples as possible, to allow a better spatial contaminant characterization and to give an idea of variability of PCB concentrations in the fish in the lake, should this prove important to the assessment of risk. Also, as mentioned previously, the collection of benthic invertebrates for tissue PCB analysis should also be considered.

6. P. 8, Section 3.4: The 0-6" sediment sampling depth sounds appropriate. It is not clear; however, how the sampling information will be used to estimate PCB bioavailability in sediments. It is understood that a higher organic content in the sediments can decrease the practical bioavailability of compounds like PCBs in sediments, and it sounds like a TOC measurement for the sediments will be used in the bioavailability estimate. But information is not given as to how. It is recommended that agreement on the assessment and interpretation methods be obtained before the assessment, interpretation and reporting work is performed. Although the number of sediment samples proposed to be taken seems low, given the data in the report on page MDEQGO001226 and in the figure on page MDEQGO001225, it appears the PCB sediment concentrations are uniformly distributed throughout most of the lake; therefore, the 10 samples proposed should provide additional useful information concerning the overall lake sediment PCB concentrations. If the variability in PCB sediment concentration had been shown to be higher across the lake, a larger number of sediment samples may have been warranted for this effort.

7. P. 9, Section 4: It is stated that the data from this biological investigation will be used in a human health and ecological risk assessment. As above, it is suggested that the specific procedures for the risk assessment, such as the screening values for aquatic toxicity assessment, exposure parameters for the food chain modeling, ecological receptors to be used, toxicity reference values, etc. be discussed between MDEQ and Arcadis/Phelps Dunbar and agreed to before the assessment work is done, to help save time and limit the need for revision efforts later.

8. EPA has commented twice in its review of this document regarding the need to collect benthos and analyze the benthos for PCB's. Along that same line of argument, there is also the need to collect data from a terrestrial linkage to the system. MDEQ would suggest small mammals, particularly the short-tailed shrew (*Blarina brevicauda*) be collected. This species has been well-documented in the literature to be an excellent organism for such studies. It tends to bioaccumulate substantial concentrations of PCBs. Furthermore, the literature is abundant with data that indicate certain species of submerged aquatic vegetation (SAV) also tend to accumulate PCBs, and data such as this might prove extremely valuable from a site such as this. MDEQ therefore recommends that the study plan be modified to add sampling of the SAVs as one of the communities investigated during this project and also add a small mammal component.

9. MDEQ Biological group has collected fish from both Lake Copiah and Lake Chautauqua in Copiah County. The same species of fish are present in both lakes with catfish being one of the primary target species. However, in past sampling efforts at Lake Chautauqua it was difficult to collect catfish.

Please submit a written response to the above comments on or before March 5, 2010. Please call me with any questions you may have concerning this matter at 601-961-5318.

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

cc: Mike Beiser OPC Lab [VIA EMAIL]
Brett Thomas EPA [VIA EMAIL]

Mike Beiser/FS/OPC/DEQ
01/26/2010 01:54 PM

To Jackie Key/SW/OPC/DEQ@DEQ
cc Henry Folmar/FS/OPC/DEQ@DEQ, Tony Russell/HW/OPC/DEQ@DEQ
bcc
Subject Re: Fw: Lake Chautauqua Work Plan EPA comments

From Tony's cover e-mail to henry, it appears that he (Tony) doesn't have anyone on his staff who can conduct a risk assessment, and no one over here can do it either. So I think that the correct answer to Tony's question is that, as he states he "will rely mostly on EPA ecological risk assessors". The actual risk assessment is going to be done by the consultant, and Tony intends to rely upon the EPA risk assessment group for evaluation and comments.

We would certainly like to review the choices of receptors to ensure that they are specific to MS or at a minimum with compatable species and ecological roles that would be present in the habitats in and around Lake Chautauqua. The remainder of the ecological risk assessment process is still pretty new to me and my section, but to the extent that we can learn from this process, we are willing to do that.

I, too, have reviewed the study plan and the comments offered by EPA. Since the comments offered by EPA were minor, I suggest that the consultants modify their plan to include EPA's comments (and my additions to the EPA's comments are given below) and my comments (below) regarding sampling of the SAV, and small mammals, and be allowed to proceed.

I did not see an anticipated start date for this project. I called Tony Russell yesterday morning to inquire as to when this was anticipated. He informed me that the consultant was chosen and is being paid by the PRP. Tony is in the process of awaiting our comments (I have attached my comments below), combining these comments with those of EPA, submitting them to the PRP who in turn will submit them to the consultant for incorporation or response. He anticipates that this process will take 60 days. Best case for initiation of sampling, then, is around 1 April.

Since a third party was required to choose a consultant, our role is one of oversight. This is what we do when a PRP chooses to hire a consultant in a NRDAR case, and according to Tony this is what his group does in a case such as the one we are discussing.

Thus, there is no need for us to handle any "sampling" or "monitoring". Tony certainly welcomes our presence as observers for the biological matters, and we are certainly willing to assist at that level.

As far as the "analytical work" is concerned, Tony informs me that he will ask for split samples of the sediments (the study plan as currently written has outlined 10 sediment samples plus one control from Lake Copiah), and he has left it up to us to deal with the biological matters. Thus, we need to determine if we should require the consultant to collect additional biological material (fish and/or bugs and/or SAV) in order to split samples with our lab, as well as how many sites/samples we are going to require the consultant to split with our lab. There are three fish "zones" plus one control in Lake Copiah. In obtaining split samples, we will follow the procedures of Tony's group, allowing the consultant to collect the material and have them hand us a split for analysis at our lab. Tony has indicated to me that they use 10% of the total number of samples when asking for splits. Following this, we probably should ask for one of the fish samples to be split, one of the foreage fish samples to be split, one of the water samples (see EPA comment and my comment below) one of the insect samples (see EPA comment below), one small mammal sample (see my comments below) and one of the SAV samples (see my comment below).

I would like to have David or Doug, with my assistance (if necessary) develop an audit form based upon the consultant's SOPs so that we can have a written record of our oversight activities.

My comments are given below. Note that many are based upon my past experience with review of other ecological risk assessments done (specifically TN Gas at Bay St. Louis):

I have spoken with Al about Lake Copiah, Lake Chautauqua, and about his experience in collecting fish from Lake Chautauqua. He provides the following valuable insights: the same species of fish are present in both lakes; there is no source of PCB's to his knowledge in the watershed of Lake Copiah. Catfish would be the primary target species, however, he recalls in his past sampling efforts at Lake Chautauqua it was difficult to collect catfish, however, few catfish means few opportunities to enter the human health pathway.

EPA Comment on Page 1. Section 1: *It is stated that the data from the sampling will be used in a SLERA consistent with US EPA and MDEQ guidance. The EPA guidance is fairly general. If the MDEQ guidance is pretty specific and prescriptive, then the SLERA parameters used will likely be acceptable by MDEQ. If the MDEQ guidance is not detailed, however, it is recommended that the parameters to be used in the SLERA be discussed/submitted to make sure they are acceptable before doing the work and creating the report. It generally saves time and money to do so* . My Response: agree with this comment.

EPA Comment on page 2. Section 2.2.1:*It is stated that previous investigations have found that surface water is not a medium of concern, and it therefore it will not be assessed in this investigation. While it is likely true that very little PCB would be found in general surface water samples, I usually like to have the contaminant concentration in surface water information to add into the food chain uptake model for completeness sake. It is not likely to significantly underestimate the risk by not having surface water data, however, so this is simply personal preference. It is assumed that the statement is correct that PCBs in water (total, meaning unfiltered, water samples) have been found to be at negligible concentration. PCBs in turbid water samples, if the water gets this way in this lake, would potentially show more PCB per volume of water than a filtered sample and should be evaluated for the "negligible" PCB content assumption, if they haven't been. This is important for aquatic organism exposure but even more so for the drinking water pathway for water-associated wildlife.* My response: If this is what the EPA fellows need to gain a better level of comfort, then I suggest strongly that we get them what they need. I would caution that this is a relatively shallow lake and it does get muddy after rain events. Might consider some sampling when the water is turbid to see what gets into the water column.

EPA Comment of Page 2. Section 2.2.1 and Page 3. Section 3.1: *Evidently it has been determined that Arochlor 1260 is the only contaminant of concern.* My Response: no comment.

EPA Comment Section 3: *The first paragraph states that risk will be determined from exposure to contaminated sediments. I'd add to the text that risk will also be determined from exposure to contaminated prey items. Additionally, I would consider collecting aquatic invertebrate samples, if they are available, in addition to the forage fish. Aquatic invertebrates are important prey items in some water bodies, and it would be better to measure these and not have to model tissue PCB concentrations in these organisms, if they are later to be used.* My response: I wholeheartedly concur with the idea of looking at aquatic insects as they provide a potential pathway of contamination to predatory fishes, as well as avian receptors.

EPA Comment page 4, Section 3.2: *It is envisioned that the ecological survey of the Lake Chautauqua area will, in addition to what is stated, help to identify potential receptors for the ecological risk assessment. This should be stated if this is the case.* My Response: Certainly avian and mammalian pathways need to be examined. I suggest that the plan look at the option of trapping shrews, as the literature is well established that shrews are excellent bioaccumulators of PCB's. These data would provide a direct link to avian predators and improve the ecological risk assessment immeasureably.

EPA Comment Page 7 Section 3.3.2.2: *The sampling of forage fish for PCB analysis is discussed. The approach generally sounds good. It is recommended to have as many discrete (rather than composited) samples as possible, to allow a better spatial contaminant characterization and to give an idea of variability of PCB concentrations in the fish in the lake, should this prove important to the assessment of risk. Also, as mentioned previously, the collection of benthic invertebrates for tissue PCB analysis should also be considered.* My Response: Agree

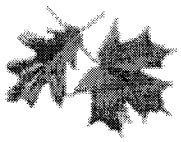
EPA Comment Page 8 Section 3.4: *The 0-6" sediment sampling depth sounds appropriate. It is not clear however how the sampling information will be used to estimate PCB bioavailability in sediments. It is understood that a higher organic content in the sediments can decrease the practical bioavailability of compounds like PCBs in sediments, and it sounds like a TOC measurement for the sediments will be used in the bioavailability estimate. But information is not given as to how.* ***It is recommended that agreement on the assessment and interpretation methods be obtained before a lot of the assessment, interpretation and reporting work is performed.*** *Also, the number of sediment samples proposed to be taken is pretty low, but given the data in the report on page MDEQGO001226 and in the figure on page MDEQGO001225, it appears the PCB sediment concentrations are fairly uniform throughout most of the lake, therefore the 10 samples proposed should provide additional useful information concerning the overall lake sediment PCB concentrations. If the variability in PCB sediment concentration had been shown to be higher across the lake, a larger number of sediment samples may have been warranted for this effort.* My Response: Agree, especially with that part of the EPA Comment bolded (above)

EPA Comment Page 9, Section 4: *It is stated that the data from this biological investigation will be used in a human health and ecological risk assessment. As above, it is suggested that the specific procedures for the risk assessment, such as the screening values for aquatic toxicity assessment, exposure parameters for the food chain modeling, ecological receptors to be used, toxicity reference values, etc. be discussed between MDEQ and Arcadis/Phelps Dunbar and agreed to before the assessment work is done, to help save time and limit the need for revision efforts later.* My Response: Agree. Taking care of these issues prior to instead of after the data collection makes for a stronger project. It allows the data collected to speak for itself without politics or tweaking.

MY COMMENTS: EPA has commented twice in its review of this document of the need to collect benthos and analyze this benthos for PCB's. I whole-heartedly agree with these comments for the reasons that are given by EPA. Along that same line of arguement, there is also the need to collect data from a terrestrial linkage to the system. I would suggest small mammals, particularily the short-tailed shrew (*Blarina brevicauda*) be collected. This

species has been well-documented in the literature to be an excellent organism for such studies. It tends to bioaccumulate substantial concentrations of PCB's. Furthermore, the literature is abundant with data that indicate certain species of submerged aquatic vegetation (SAV) also tend to accumulate PCB's, and data such as this might prove extremely valuable from a site such as this. I therefore recommend that the study plan be modified to add sampling of the SAVs as one of the communities investigated during this project.

Mike Beiser
Chief, Compliance and Enforcement Monitoring Section
MDEQ Laboratory
1542 Old Whitfield Rd.
Pearl, MS 39208
601-961-5681
601-961-5704 (facs)
Jackie Key/SW/OPC/DEQ



Jackie Key/SW/OPC/DEQ
01/21/2010 03:52 PM

To Henry Folmar/FS/OPC/DEQ@DEQ
cc Mike Beiser/FS/OPC/DEQ@DEQ
Subject Re: Fw: Lake Chautauqua Work Plan EPA comments

From my review, it appears that we can handle the analytical work and probably the sample collection, I will let Mike provide info. on fish and bug collection. Is EPA wanting us to provide data and they do the risk assessment or should we do the risk assessment? Either way, I think we can handle the monitoring.

JK

Jackie Key, CPM
Laboratory Director
Mississippi Department of Environmental Quality
1542 Old Whitfield Rd.
Pearl, MS 39208
Phone 601 961-5710
Fax 601 961-5704
Cell 769 798-5958

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

FILE COPY

January 21, 2010

Mr. Luke Funchess
124 Bankhead Lane
Crystal Springs, MS 39059

Re: Kulman Electric Facility Site
April to December 2009 Status Summary
Crystal Springs, Mississippi

Dear Mr. Funchess:

Please find enclosed a status summary for the work being conducted at the Kuhlman Electric Corp facility in Crystal Springs. The summary covers activities conducted in regards to the PCB cleanup in soils, the proposed ecological assessment of Lake Chautauqua, and the assessment and monitoring work related to the groundwater contamination.

You may contact Edna Banks with our Freedom of Information Office at 601-961-5118 to obtain hard copies of any the documents referenced in the status summary.

Please call me at 601-961-5318 with any questions regarding the assessment work conducted.

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

Enclosures

OFFICE OF POLLUTION CONTROL
POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261• TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us
AN EQUAL OPPORTUNITY EMPLOYER

Status of Remedial Action Work at Kuhlman Electric Company Site
Crystal Springs, MS
April to December, 2009 Time Period

Drainage Ditch

The only activities conducted on the drainage ditch during this time period was maintenance of the erosion control measures and continued mowing of the grass and brush..

Groundwater

The City of Crystal Springs groundwater supply wells and treatment system continue to be monitored each month. The treatment system effluent continues to show no detections of any volatile organic compounds. The groundwater monitor wells in and around the contaminated groundwater plume are sampled on a quarterly basis. The monitor wells were sampled during the week of June 8, September 7 and November 30, 2009. MDEQ continues to split samples during the sampling of the City wells and the sampling of the groundwater monitoring wells.

MDEQ received the Groundwater Assessment Report on April 30, 2009. The report has been reviewed. The review revealed that two additional monitoring wells were needed to determine if the low concentrations (concentrations that are below regulatory levels) detected in City Well 1 are from the plume or from another unidentified source. One well was installed on East Railroad Avenue and the other on Kirk Street during November 2009. The two new monitor wells were sampled on December 6, 2009. These two wells will be sampled again in March during the next scheduled quarterly sampling event.

Lake Chautauqua

MDEQ has received a work plan entitled Ecological Assessment of Lake Chautauqua. The work plan proposes an assessment of the lakes sediment, fish and other small organisms. An electronic copy of the work plan has been submitted to EPA Region IV for review.

KEC Plant

KEC contacted MDEQ regarding a release of mineral oil from the Vapor Phase Tanks on February 17, 2009. The released oil was cleaned up immediately by KEC personnel. Overflow piping is being installed on all the tanks in the containment area so that any overflow is into the containment area and does not spray oil outside the containment area.

Several pieces of equipment are being replaced at the plant. The replacement of the equipment requires that a foundation be installed to support the equipment. Therefore, the concrete floor will be cut and the soil beneath the cut is to be removed by environmental contractors. The excavated soil will be sampled to profile the soil for proper disposal. KEC supervisors continue to notify KEC plant staff prior to the work being performed.

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

JAN 11 2010

Mr. Luke Funchess
124 Bankhead Lane
Crystal Springs, Mississippi 39059

Dear Mr. Funchess:

This letter follows up on concerns raised at the meeting held at the Environmental Protection Agency (EPA) Region 4 on October 27, 2009, in Atlanta, Georgia, and at the South Side Elementary School on November 14, 2009, in Picayune, Mississippi. Thank you for attending the meetings and submitting your letter concerning the Kuhlman Electric Corporation (KEC) facility, located in Crystal Springs, Mississippi.

Region 4 is committed to achieving environmental justice. Administrator Lisa Jackson has embraced environmental justice as a priority for EPA, and as one of the ways to expand the conversation about protecting public health and the environment. For Region 4, this means integrating environmental justice into our regional programs, policies, and activities and achieving measurable benefits to the environment and public health for our citizens. EPA Region 4 recognizes the burden that pollution places on vulnerable populations, including children, the elderly, the poor, and communities of color. Our goal is for all Americans, regardless of race, color, national origin or income, to benefit from clean, healthy, and livable communities. It is hard work, and we want to move forward with you to achieve these results.

The KEC plant was constructed and has been owned and operated as a transformer manufacturing plant since 1953 by KEC and its predecessors (collectively "KEC"), manufacturing both large and small transformers. These transformers typically contained polychlorinated biphenyl (PCB) dielectric insulating fluids. The manufacturing of PCBs in the United States has been prohibited under the Toxic Substances Control Act (TSCA) since 1979. Use, storage, and disposal of PCBs, while not prohibited, are strictly regulated under TSCA and EPA's implementing regulations.

During a plant expansion project in April 2000, KEC discovered PCB-contaminated soils, which initiated on-site and off-site investigations to determine the extent of contamination and necessary remediation efforts of PCB-contaminated areas. EPA Region 4 has been working with the Mississippi Department of Environmental Quality (MDEQ) in the investigation of PCBs at the KEC facility and the PCB contamination in the surrounding community.

Enclosed please find a timeline and key contacts who can help respond to some of your broad questions and concerns. I have also asked Jeffrey Pallas, my Restoration and Underground Storage Tank (RUST) Branch Chief, Resource Conservation and Recovery Act (RCRA) Division, and Karen Knight, the Corrective Action and PCB Cleanup Section Chief of the RUST

Branch, to coordinate with our colleagues at MDEQ and contact you to answer additional questions that you and others may have. EPA and MDEQ are committed to ensuring that the residents of Crystal Springs are not exposed to adverse health effects from contaminants released to the environment from the KEC facility.

For further information on KEC, please do not hesitate to contact Karen Knight at (404) 562-8885 or via email at Knight.Karen@epa.gov. To explore other thoughts and ideas on how we can enhance our environmental justice efforts, please contact Cynthia Peurifoy, our Region 4 Environmental Justice Coordinator, at 404-562-9649, or via email at Peurifoy.Cynthia@epa.gov.

I appreciate your desire to protect and preserve the environment and hope you find this information helpful.

Sincerely,

A. Stanley Meiburg
Acting Regional Administrator

Enclosure

cc: Trudy Fisher, Executive Director, MDEQ
Tony Russell, MDEQ
Carl Blair, ATSDR

Enclosure
Timeline and Key Contacts
Kuhlman Electric Corporation

The following is a summary of investigation, assessment, and remediation activities at and around the KEC facility located in Crystal Springs, Mississippi:

- On April 20, 2000, MDEQ was notified that PCBs and several chlorinated benzenes had been unearthed during an excavation for a building expansion at the site.

- On May 8, 2000, initial investigation began on the extent of contamination.

- In February 2002 KEC submitted a "Site Remediation Reports for the Garment Shop Property at 414 Lee Avenue, the Edwards Property at 406 Lee Avenue, Kellum Property at 412 Lee Avenue, and the Frazier property at 405 Lee Avenue" which states that all PCB contaminated soil on these properties was remediated to acceptable safe levels (less than 1 ppm).

- On July 22, 2002, an Administrative Order was issued by MDEQ to KEC to start the Groundwater investigation.

- On September 26, 2002, a preliminary Groundwater Assessment Plan was submitted to the MDEQ. This Plan was approved by the MDEQ on March 6, 2003. On July 30, 2004, a Preliminary Ground water Assessment Report was submitted to MDEQ indicating the need for more ground water assessment.

- On June 25, 2004, KEC submitted a Plant Site Remediation Report, which shows KEC remediated their 15 acre site for PCB and chlorinated benzene contaminated soils.

- In July 2004 KEC submitted a "Site Characterization Assessment Report for Mid South Leasing Property 112 and 114 Brent Streets" which determined that 112 and 114 Brent Streets and the Raymond Lamar, Sr., property contained PCB contaminated soil. PCBs were also discovered in the drainage ditch adjacent to the Raymond Lamar property.

- On October 14, 2004, a Comprehensive Groundwater Assessment Plan was submitted and subsequently approved by MDEQ on December 17, 2004.

- In July 2005 KEC submitted a "Remediation Work Plan for Mid South Lease and Sales Property, 115 Brent Street" which included testing of the soils for PCBs.

- In October 2005 KEC submitted a "Site Assessment Report for the Puckett Street Properties" which shows that the properties at 104 Puckett Street, 106 Puckett Street, 110 Puckett Street, Parcel 17, and the Crystal Springs right-of-way roadside ditch were identified with PCB contaminated soil. The PCB contaminated soil at the Puckett Street Properties and Parcel 17 were remediated to less than 1.0 ppm.

- On November 29, 2005, MDEQ was notified by KEC that 1,1 DCE had been detected in the City of Crystal Springs Municipal Well # 7 at a concentration greater than the Maximum Concentration Limit (MCL) established by EPA. The well was subsequently shut down by the City in early December 2005.

- On January 11, 2006, MDEQ issued a second Administrative Order to KEC which requires a ground water corrective action plan within sixty (60) days from completion of the ground water investigation.

- KEC submitted an April 2008 "Brent Street Properties Remediation Report" which states that all PCB contaminated soil was removed to less than 1.0 ppm at 112 and 114 Brent Streets, at the Raymond Lamar, Sr., property and in the adjoining ditch. In addition, KEC cleaned-up the property owned by Raymond Lamar, Jr., since this property was marginally contaminated. The April 2008 Report also shows that no remediation was required at 113 Brent Street, 312 Liberty and 314 Liberty Streets. With respect to PCB cleanup at 115 Brent Street and the adjoining lot 8 (0.33 acres), KEC cleaned-up these properties to less than 1.0 ppm.

- In November 2008, a final Comprehensive Ground Water Report was submitted by KEC to MDEQ. Based upon review of this report, MDEQ required the installation of two (2) additional monitoring wells which were installed in November 2009 on Kirk Street and on East Railroad Avenue behind the First Baptist Church in Crystal Springs, MS. In addition, a residential well survey was conducted, but no wells were located near the facility.

- KEC did not remediate the PCB contaminated soil in 2006-2008 from the Crystal Springs right-of-way roadside ditch, known as the North Drainage Channel, due to property access issues. However, the City of Crystal Springs has purchased the property in 2009 and KEC plans to remediate the soil in the near future.

Key Contacts

Ground Water Investigation and soil remediation

Mr. Tony Russell
Mississippi Department of Environmental Quality
515 East Amite Street
Jackson, Mississippi 39202

Phone No: (601) 961-5318
E-mail: tony_russell@deq.state.ms.us

Health Concerns

Mr. Carl Blair
Agency for Toxic Substances and Disease Registry
1600 Clifton Road, N.E., MS-F-09
Atlanta, Georgia 30333

Phone No: (404) 562-1786
E-mail: Blair.Carl@epa.gov

General PCB Concerns

Ms. Karen Knight, Chief, Corrective Action
and PCB Cleanup Section
U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
10th Floor
Atlanta, Georgia 30303

Phone No: (404) 562-8885
E-mail: knight.karen@epa.gov

VAPOR INTRUSION SURVEY SUMMARY

KUHLMAN ELECTRIC

Kuhlman Electric Corporation
101 Kuhlman Drive
Crystal Springs, Mississippi 39059

Prepared For:

Mississippi Department of Environmental Quality
P. O. Box 10385
Jackson, MS 39289-0385

COPY

Prepared by:

ENVIRONMENTAL MANAGEMENT SERVICES, INC.

P.O. Box 15369
Hattiesburg, Mississippi 39404
(601) 544-3674

EMS Project No. LAT0-09-001

January 8, 2010

STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell 1/7/2010

DATE: January 7, 2010

SUBJECT: City Well Sampling Event Conducted Jan 5, 2010

Chuck Peel sampled city wells on January 5, 2010. Robert Sims (City) turned all the wells on so they could be pumping prior to sampling to purge the system. Upon arrival at each well, the facet was turned on and allowed to run for a minimum of five (5) minutes prior to sample collection. The flow rate was reduced to a trickle prior to sample collection at the facet. The samples were collected in EPA approved sample containers and then placed on ice for transport to the onsite lab. Samples were collected for 1, 4 dioxane and VOC analysis. The samples were collected from the following wells; well 8 on Lincoln Street, well 3 on Osborne St., well 1 and well 2 on the Shelton Laboratories property, well 5 on Harmony road, well 6 on Six Mile Road, and then the treatment plant faucet at West Railroad Avenue.

A split sample was collected from well 3 (CSW-WA3-044) located on Osborne St., well 1 (CSW-WA1-044) and well 2 (CSW-WA2-044) located on Sheldon Lab property and from the treatment plant (TP) (CSW-TP-044) located on West Railroad Avenue. The samples will be analyzed for VOCs at the OPC lab in Pearl, MS.

No photos were taken during this sampling event.

"clyde woodward"
<clyde@env-mgt.com>
12/31/2009 10:23 AM

To <Tony_Russell@deq.state.ms.us>
cc
bcc
Subject KEC Vapor Intrusion report

Mr. Russell:
This is to confirm our conversation re the submittal date for the submittal of the findings from the KEC Vapor Intrusion survey. The document will be delivered on or before Friday, January 8, 2010.
Thank you for your cooperation.
Clyde Woodward

Clyde Woodward
Environmental Management Services, Inc.
P.O. Box 15369
Hattiesburg, MS 39404
Phone: 601-544-3674
Fax: 601-544-0504
Cell: 601-441-0028

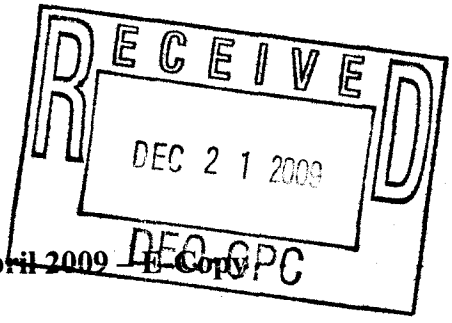
BorgWarner Inc. | 3850 Hamlin Road | Auburn Hills Michigan 48326-1784 | Telephone 248 754 9200 Fax 248 754 0888

AH-09-2135

VIA UPS NEXT DAY AIR

December 18, 2009

BorgWarner



Mr. Tony Russell, Chief
Assessment & Remediation Branch
Mississippi Department of Environmental Quality
515 East Amite Street
Jackson, Mississippi 39201

Re: Revisions, KEC Groundwater Assessment Report April 2009 – E-Copy

Dear Mr. Russell,

Per your request, attached is an electronic copy of the revisions in connection with the KEC Groundwater Assessment Report dated April 2009.

In the event there are any questions or additional information is needed, please feel free to contact me directly at 248-754-0839.

Very truly yours,

Anastasia Hamel

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	Kuhlman Electric Site File Crystal Springs, MS
FROM:	Tony Russell 12/14/09
DATE:	December 14, 2009
SUBJECT:	Trenching for Security System December 2009

I met with Al Thomas and Walker Hill Environmental on December 4 and 9, 2009 to over see the removal of concrete, asphalt and soil for installation of security system. For the system to be installed, the electrical and phone lines had to be run underground to the security cameras and guard shack.

Walker Hill Environmental supplied the equipment and operators to dig the soil from the trenches. The soil was removed using a rubber tired back-hoe. The concrete, asphalt and soil were placed in the bucket of a bobcat loader which then transferred the soil to roll-off boxes. Once the soil was removed, the hole was lined with a plastic liner.

A soil sample was collected from each roll-box in order to profile the soil for disposal at a State permitted landfill. Each sample collected was composited from locations within the roll-off box.

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell 1/18/09

DATE: December 8, 2009

SUBJECT: Qtrly & City Well Sampling Event Dec 2009

I met with Chuck Peel to observe and collect split samples during the sampling event. The monitoring wells are set up with dedicated tubing and bladder pumps. The monitoring wells are purged prior to collecting samples a minimum of one well screen volume. Once the well is purged and the stabilization parameters have stabilized, the well is then sampled. Samples are collected for both VOC and 1, 4-dioxane analysis. I collected splits on the following monitoring wells and city wells:

KEP-GW-014A-010 on Nov 30 @ 1420 hrs
KEP-GW-014B-010 on Nov 30 @ 1450 hrs
KEP-GW-007-015 on Nov 30 @ 1540 hrs
KEP-GW-008-015 on Nov 30 @ 1605 hrs
CSW-WA3-043 on Dec 1 @ 0906 hrs
CSW-WA1-043 on Dec 1 @ 0918 hrs
CSW-TP-043 on Dec 1 @ 1018 hrs
KEP-GW-017B-010 on Dec 1 @ 1055 hrs
KEP-GW-017B-010 on Dec 1 @ 1120 hrs
KEP-GW-023A-010 on Dec 1 @ 1430 hrs
KEP-GW-023B-010 on Dec 1 @ 1500 hrs
KEP-GW-025-010 on Dec 2 @ 1244 hrs
KEP-GW-028-001 on Dec 6 @ 1501 hrs [purged 3 well volumes]
KEP-GW-029-001 on Dec 6 @ 1342 hrs [purged 3 well volumes]

The City wells are purged by allowing the well to flow for a minimum of seven minutes prior to sample collection at a faucet located near the well head. The sample from the treatment plant is collected from a faucet at the treatment plant building.

The samples were delivered to OPC lab in Pearl for VOC analysis only.

Photos were not taken during the sampling event.

BorgWarner Inc. | 3850 Hamlin Road | Auburn Hills Michigan 48326-1784 | Telephone 248 754 9200 Fax 248 754 0888

AH-09-2132

VIA ELECTRONIC MAIL AND UPS OVERNIGHT

November 10, 2009

BorgWarner

Mr. Tony Russell, Chief
Assessment & Remediation Branch
Mississippi Department of Environmental Quality
515 East Amite Street
Jackson, Mississippi 39201

Re: Lake Chautauqua Biological Investigation Work Plan

Dear Mr. Russell,

Attached for your review and approval is the Lake Chautauqua Biological Investigation Work Plan.

Please contact me directly at 248-754-0839 with any questions you may have.

Very truly yours,

Anastasia Hamel

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.

R4-09-001-6654-RA

A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4

November 2009

Sam Nunn
Atlanta Federal Center
61 Forsyth Street, SW,
Atlanta, Georgia 30330

Sirs:

Polychlorinated Biphenyl (PCBs) was discovered during an expansion project at the Kuhlman Electric Corporation facility here in Crystal Springs Mississippi April of 2000. This facility manufactured both large and small transformers that used dielectric insulating fluids called or named "Askarel" which is PCBs (Polychlorinated Biphenyl).

Polychlorinated Biphenyl production was discontinued in 1971 because of it's known carcinogenic affect in animals and suspected and known affects in humans, however Kuhlman Electric continue it's use of this chemical through the repairing of old transformers that contain PCBs without informing it's employees or the community. This chemical was also used inside the facility and with no precautionary information to the employees This chemical and others was poured down drains to get rid of them and carried to garbage dumps and other areas where it was either burn or buried. The greatest affected community was the African American community. There have been several water wells that have been closed because they are in the path of the contamination.

There have been a huge cover up as to the damage and the severity of the contamination, several cancer related deaths, lawyers and legal professionals came in and gave out small settlements that required plaintiffs to sign legal releases and not reveal any substance of the release all with the approval of the judges.

MDEQ and EPA was called in to test the soil and to ascertain any and all damages to the environment and surrounding communities. These agencies fail the communities and employees of the corporation because they did not require this corporation to inform these communities nor did they require medical testing of the corporation's employees, rather they set minimal standards that allowed this corporation to continue it's operation, contamination, pollution and exposure to this deadly chemicals

Region 4 would need someone who can be fair and not persuaded by corporate financial influence, person or persons of character, honesty and integrity who is not afraid to speak the truth and inform the communities and citizens of impending dangers.

Thank you very much.
Luke Funchess

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell** 11/18/09
DATE:	**November 10, 2009**
SUBJECT:	**City Well Sampling Event Conducted Nov 3, 2009**

Chuck Peel sampled city wells on November 3, 2009. Robert Sims (City) turned all the wells on so they could be pumping prior to sampling to purge the system. Upon arrival at each well, the facet was turned on and allowed to run for a minimum of five (5) minutes prior to sample collection. The flow rate was reduced to a trickle prior to sample collection at the facet. The samples were collected in EPA approved sample containers and then placed on ice for transport to the onsite lab. Samples were collected for 1, 4 dioxane and VOC analysis. The samples were collected from the following wells; well 8 on Lincoln Street, well 1 and well 2 on the Shelton Laboratories property, well 5 on Harmony road, well 6 on Six Mile Road, and then the treatment plant faucet at West Railroad Avenue.

The well on Osborne Street was still being repaired; therefore, it was not sampled during this sampling event.

Chuck collected a split from well 1 (CSW-WA1-042) and well 2 (CSW-WA2-042) located on Sheldon Lab property and from the treatment plant (TP) (CSW-TP-042) located on West Railroad Avenue. The samples will be analyzed for VOCs at the OPC lab in Pearl, MS.

No photos were taken during this sampling event.

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO:	**Kuhlman Electric Site File** **Crystal Springs, MS**
FROM:	**Tony Russell** 11/5/09
DATE:	**November 5, 2009**
SUBJECT:	**Installation of Monitoring Wells**

Two new monitoring wells were installed into the drinking water aquifer for the City of Crystal Springs during the week of November 2, 2009. The wells were installed using Sonic Rig technology due to the sand and gravel encountered during the installation of previous wells.

The first well was installed on East Railroad Avenue about 100 yards north of MW-26. The well encountered water bearing sand at a depth of about 65 feet below ground surface (bgs). The confining unit was not detected until about 112 feet bgs which is about 10 feet below the anticipated depth. The clay was dry below the sandstone contact at about 111 feet which indicates that it is a confining layer. The well was set with 30 feet of screen. The well was TD at a depth of 120 feet.

The second well was installed on Kirk Street across the street from City Well 1. This well encountered a water bearing sand at about 77 feet bgs. The confining unit was detected at about 107 feet bgs. The sandstone contact was detected at about 106 feet. The well was TD at a depth of 110 feet. The well was set with 25 feet of screen. During the installation of this well, three flights of 7 inch auger were broken when the hole was being enlarged. Drilling was extremely difficult thru the gravel around 50 to 60 feet bgs.

Each well was set with 2 foot of sand above the well screen and then 2 foot of bentonite pellets above the sand pack. After the bentonite hydrated over night, the well was grouted.

Tony Russell/HW/OPC/DEQ
11/05/2009 03:15 PM

To Alan Thomas <alan.thomas@us.abb.com>@INETDEQ
cc
bcc
Subject Re: Future Excavation Work at Kuhlman Electric; Security Project

Al,

MDEQ has reviewed the attached letter and concurs with the proposed scope of work. As always, make sure that KEC employees are notified in advance of the work. Also notify me about 10 days prior to conducting the work.

The soil from the areas to be excavated should be below levels of concern. However, the soil must be sampled to verify that. The soil from the back gate location must be profiled separately from the soil at the front entrance to the facility.

Sincerely,
Tony

Tony Russell
Assessment Remediation Branch Chief
Mississippi Department of Environmental Quality
P. O. Box 2261
Jackson, MS 39225

Physical address:
515 East Amite Street (39201)

Phone 601-961-5318
Fax 601-961-5300

Alan Thomas <alan.thomas@us.abb.com>

Alan Thomas
<alan.thomas@us.abb.com>
10/30/2009 12:22 PM

To Tony_Russell@deq.state.ms.us
cc Paul Acheson <paul.acheson@us.abb.com>, Phillip K James <phillip.k.james@us.abb.com>, ahamel@borgwarner.com, levines@phelps.com, james.barrett@lw.com
Subject Future Excavation Work at Kuhlman Electric; Security Project

Tony; KEC will be enhancing the security at the Crystal Springs facility. Excavation to provide underground electrical and communications services will be taking place per the detail in the attached letter. Excavation will take place in the fourth quarter 2009. Please let me know any questions and have a good day. Al

Alan Thomas
Maintenance Manager
Kuhlman Electric
101 Kuhlman Dr.
Crystal Springs, MS 39059
Tel: 601-892-6462
Fax 601-892-6476
Cell 601-955-7668

email: alan.thomas@us.abb.com

russell_ltr.pdf

KUHLMAN ELECTRIC
CORPORATION

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101 Kuhlman Drive • Crystal Springs, Mississippi 39059
Website: www.kuhlman.com

Power Transformers
Instrument Transformers
Distribution Transformers

October 30, 2009

Mr. Tony Russell
Assessment Remediation Branch Chief
Mississippi Department of Environmental Quality
P. O. Box 2261
Jackson, MS 39225

Dear Tony;

I am writing today to advise you of upcoming excavation activities that Kuhlman Electric plans to implement. Kuhlman Electric has developed plans to enhance security of the Crystal Springs facility. Trenching through potentially impacted soil will take place to implement the project. Figures 1 and 2 illustrate where trenching will take place.

A trench approximately 20 inches wide by 8 inches deep will be excavated from the north side of the facility to the cantilevered gate at the northwestern corner of the KEC property (see Figure 1). A trench 20 inches wide by 8 inches deep will be excavated from the south side of the Maintenance Building to a new cantilevered gate (Figure 2 illustrates the area). The trench will hold underground conduit to provide power and communications to the guard shacks and electrically operated gates.

Potentially impacted soil will be removed and disposed of in accordance with environmental regulations.

It has been KEC's practice to inform KEC's hourly employees of construction activities that will take place at the facility. KEC will continue that policy and inform the hourly employees of this project prior to excavation.

Please call me @ 601-892-6462 with any questions or comments.

Sincerely,

Alan Thomas
Maintenance Manager

Cc: Mr. James Barrett/ Latham and Watkins; Messrs. Paul Acheson, Phillip James, Ms. Anastasia Hamel/ Borg Warner, Mr. Keith Knauerhase, ABB

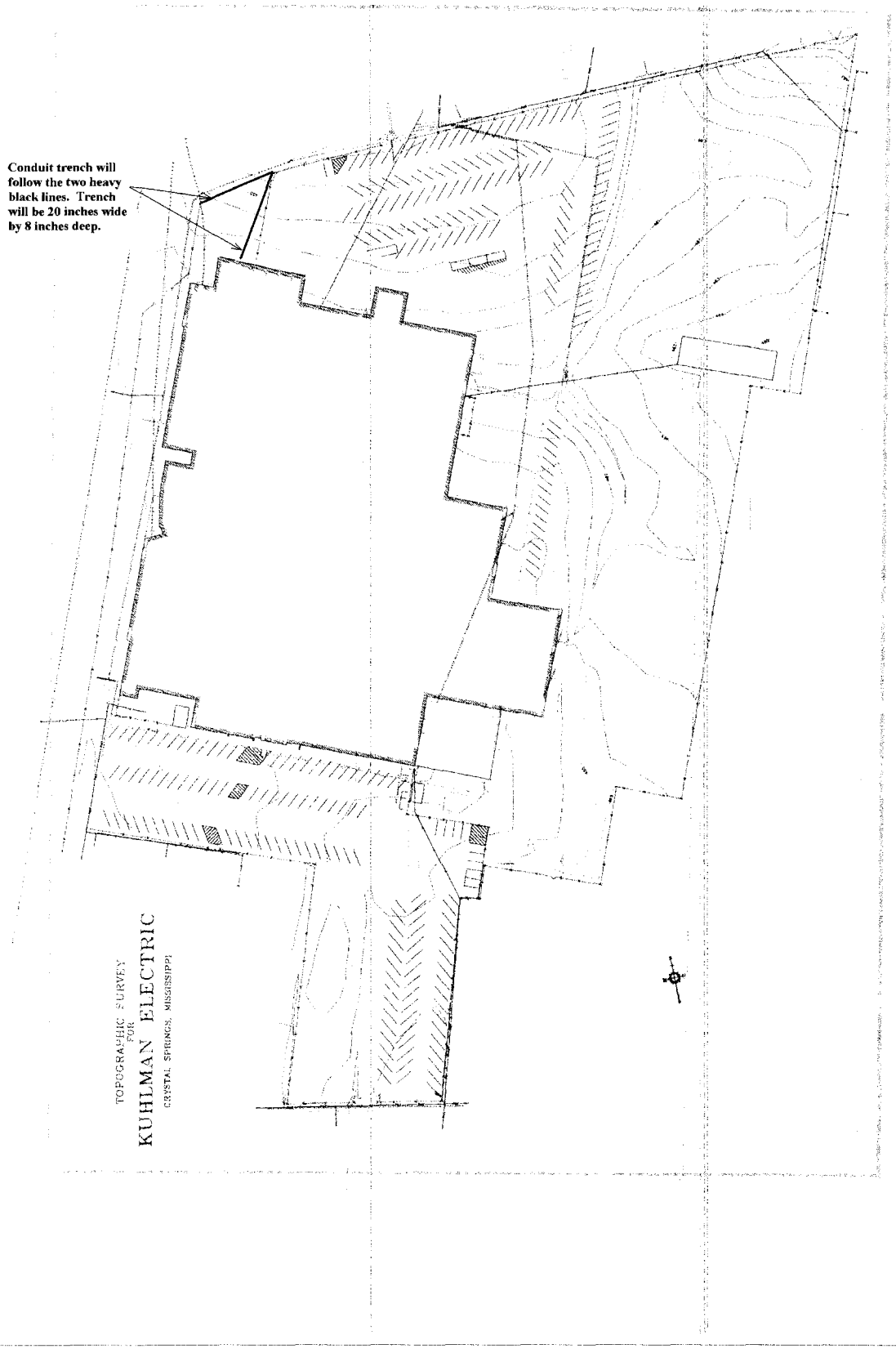
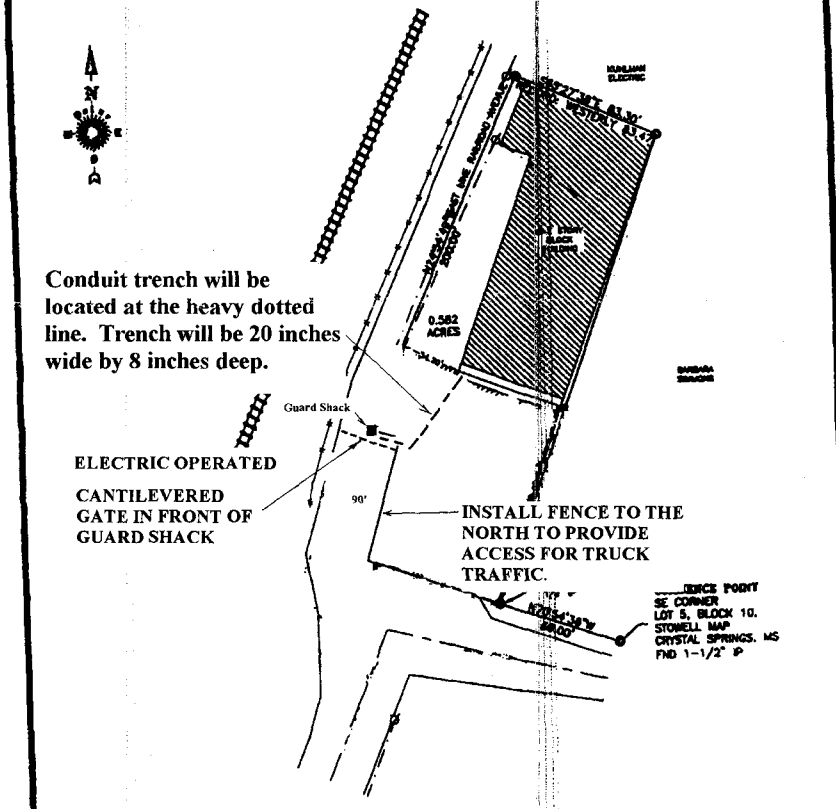

Conduit trench will follow the two heavy black lines. Trench will be 20 inches wide by 8 inches deep.
TOPOGRAPHIC SURVEY FOR
KUHLMAN ELECTRIC
CRYSTAL SPRINGS, MISSISSIPPI

Figure 1

INDEXING INSTRUCTIONS: PART OF LOT 5, BLOCK 10, STOWELL MAP OF THE CITY OF CRYSTAL SPRINGS, CRYSTAL SPRINGS, MISSISSIPPI



PLAT OF

A 0.582 ACRE TRACT OF LAND SITUATED IN LOT 5, BLOCK 10, STOWELL MAP OF THE CITY OF CRYSTAL SPRINGS, COPIAH COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 1-1/2 INCH IRON PIPE MARKING THE SOUTHEAST CORNER OF LOT 5, BLOCK 10, STOWELL MAP ON THE NORTH LINE OF LEE PAVED PUBLIC AVENUE, THENCE RUN ALONG SAID LINE N70°54'38"W 69.00 FEET TO THE POINT OF BEGINNING; THENCE RUN ALONG SAID LINE N70°54'38"W 93.00 FEET TO A 1/2 INCH IRON PIN AND THE EAST LINE OF EAST RAILROAD AVENUE; THENCE RUN ALONG SAID LINE AS FOLLOWS: N15°19'38"E 77.93 FEET AND N24°54'49"E 200.00 FEET TO A 1/2 INCH IRON PIN AND THE NORTH LINE OF LOT 5; THENCE RUN ALONG SAID LINE S65°27'38"E 83.30 FEET TO A 1/2 INCH IRON PIN; THENCE LEAVING SAID LINE RUN S20°00'00"W 156.20' TO A 1/2 INCH IRON PIN; THENCE RUN S20°25'26"W 112.67 FEET TO THE POINT OF BEGINNING.

LEGEND
- ⊙ = FOUND IRON PIN 1/2"
- • = SET IRON PIN 1/2"
- Ⓜ = MANHOLE COVER
- ---- = ELECTRIC SERVICE
- Ø = UTILITY POLE
- —x—x— = FENCE
- WM = WATER METER

DATE OF FIELD SURVEY: 11-14-2001	SCALE 1" = 60'
SURVEYED FOR: KUHLMAN ELECTRIC	DRAWN BY: JBH
REFERENCE MATERIAL:	
BOOK 9-H PAGE 71	
A MISSISSIPPI CLASS "B" SURVEY BEARINGS WERE DERIVED FROM A SOLAR OBSERVATION. LOCATIONS OF UTILITIES ARE FROM SURFACE OBSERVATION AND ARE APPROXIMATE. PAGE 1 OF 1	

Robert E. Hamilton
ROBERT E. HAMILTON
1127 WOOTEN LANE
WESSON, MS 39191
(601) 643-5850

STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

October 28, 2009

FILE COPY

Ms. Anastasia Hamel, Director
Environmental Programs
BorgWarner, Inc.
3850 Hamlin Road
Auburn Hills, Michigan 48326

Re: Response Letter dated September 3, 2009
Kuhlman Electric Corporation Site
Crystal Springs, Mississippi

Dear Ms. Hamel:

The Mississippi Department of Environmental Quality (MDEQ) has completed a review of the above referenced response letter and conducted several phone conversations with yourself regarding the same recently. MDEQ is in agreement on most all your responses and understands that a revised report will be submitted within the month. MDEQ has the following additional comments to your response:

1. Section 4.7 – MDEQ requires that the vapor survey that was conducted at the plant site by KEC be submitted to MDEQ for review. MDEQ requests that the vapor survey report be submitted by December 1, 2009.

2. Section 5.1.2 – It is MDEQ understanding that the source for the toluene, xylene and ethyl benzene detected in soil and groundwater collected beneath the KEC plant has not been investigated. It is believed that the source could be from the painting operation at the plant and that the source maybe an ongoing release.

3. It is MDEQ understanding that two (2) new monitoring wells will be installed. One on Kirk Street near City Well 1 and the other between monitoring well 14 A and monitoring well 26. The wells will be installed immediately so that they can be sampled during the December quarterly sampling event.

4. It is MDEQ understanding that the Remedial Action Work Plan will not be submitted until after the two new wells have been sampled during the December 2009 and March 2010 quarterly sampling events. Tentative date is set for April 30, 2010.

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

Sincerely,

Tony Russell, Chief
Assessment Remediation Branch

<ahamel@borgwarner.com>
10/27/2009 12:29 PM

To <Tony_Russell@deq.state.ms.us>
cc
bcc
Subject Dates

History: This message has been forwarded.

Tony,

Per our telephone discussion yesterday I have the following update:

1. Two new wells will be installed the latter part of this week at the locations we agreed upon.
2. The Lake Chautauqua ecological assessment work plan will be submitted to MDEQ on November 10, 2009. The plan will be implemented once MDEQ had an opportunity to review and approve the work.
3. I have not been able to contact Robert, he is ill with fever and not at the office. Therefore, I do not have a date for the submittal of the revisions for the figures and the appendices we discussed. Once Robert returns to the office, we will establish an expedited deadline and get the information to you. I will continue to check daily if Robert has returned to the office and keep you posted with progress.

Please call with any questions you may have.

Thanks.
Anastasia

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
Phone: (248) 754-0839
Fax: (248) 754-9504
e-mail: ahamel@borgwarner.com

STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Kuhlman Electric Site File
Crystal Springs, MS

FROM: Tony Russell DAR 10/12/09

DATE: ~~August 5~~ October 12, 2009 DAR

SUBJECT: City Well Sampling Event Conducted Oct. 6, 2009

Chuck Peel sampled city wells on October 6, 2009. Robert Sims (City) turned all the wells on so they could be pumping prior to sampling to purge the system. Upon arrival at each well, the facet was turned on and allowed to run for a minimum of five (5) minutes prior to sample collection. The flow rate was reduced to a trickle prior to sample collection at the facet. The samples were collected in EPA approved sample containers and then placed on ice for transport to the onsite lab. Samples were collected for 1, 4 dioxane and VOC analysis. The samples were collected from the following wells; well 8 on Lincoln Street, well 1 and well 2 on the Shelton Laboratories property, well 5 on Harmony road, well 6 on Six Mile Road, and then the treatment plant faucet at West Railroad Avenue.

The well on Osborne Street was still being repaired; therefore, it was not sampled during this sampling event.

Chuck collected a split from well 1 (CSW-WA1-039) located on Sheldon Lab property and from the treatment plant (TP) (CSW-TP-035) located on West Railroad Avenue. The samples will be analyzed for VOCs at the OPC lab in Pearl, MS.

No photos were taken during this sampling event.