

**UNITED STATES DEPARTMENT OF JUSTICE
AND
ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:

Kopper Co., Inc. (Charleston Plant))
Charleston, South Carolina)
HR Charleston VII, LLC,)
Prospective Purchaser)
Proceeding under the Comprehensive)
Environmental Response, Compensation)
and Liability Act, 42 U.S.C. §§ 9601 - 9675)

CERCLA Docket No. 04-2018-3762

**MODIFICATION OF ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER
ON CONSENT FOR RESPONSE ACTIONS**

The United States of America on behalf of the United States Environmental Protection Agency (“EPA”) and HR Charleston VII, LLC (“Prospective Purchaser”), (collectively, “Parties”) mutually agree to the following modification of the Administrative Settlement Agreement and Order on Consent for Response Actions, (“AOC”) (CERCLA Docket No. 04-2018-3762). The modification shall be as follows:

1. Appendix 1 of the AOC shall be replaced with Appendix 1A and Appendix 1B, (attached hereto as Modification Ex. A and Modification Ex. B, respectively). Appendix 1A is the Site map that was included in the original Appendix 1 depicting generally the location of the Site as that term is defined in the AOC. Appendix 1B is a new aerial photograph that depicts generally the location of the NPL Deletion Eligible Property reflecting the addition of the area known as the Parker Marine Parcel.

2. The reference to Appendix 1 in the definition of Site in Paragraph 11 of the AOC shall be replaced with Appendix 1A.
3. The reference to Appendix 1 in the definition of NPL Deletion Eligible Property in Paragraph 11 of the AOC shall be replaced with Appendix 1B.
4. Paragraph 83 of the AOC shall be modified to read as follows:

This Settlement and its appendices constitute the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Settlement. The Parties acknowledge that there are no representations, agreements, or understandings relating to the settlement other than those expressly contained in this Settlement. The following appendices are attached to and incorporated into this Settlement.

- a. Appendix 1A shall mean the map of the Site.
 - b. Appendix 1B shall mean the aerial photograph of the NPL Deletion Eligible Property.
 - c. Appendix 2 shall mean the Work Plan.
5. All other provisions of the AOC shall remain unchanged and in effect.
 6. This Modification may be signed in counterparts, and its validity shall not be challenged on that basis.
 7. This Modification to the AOC constitutes the final, complete and exclusive agreement and understanding among the Parties with respect to the Modification of the AOC, and this Modification to the AOC supersedes all prior agreements and understandings, whether oral or written, concerning the Modification embodied herein.

8. This Modification is subject to a 30 day public comment period, after which EPA may modify or withdraw its consent to this Modification if comments received disclose facts or considerations which indicate that this Modification is inappropriate, improper or inadequate.

The undersigned representative of Prospective Purchaser certifies that it is fully authorized to enter into the terms and conditions of this Modification and to bind the party it represents to this document.

IT IS SO AGREED:
HR CHARLESTON VII, LLC

BY:

David Bodenman
Name (Prospective Purchaser)

September 16, 2020
Date

IT IS SO AGREED:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BY:

H. Glenn Adams H Adams
Branch Chief, Restoration and Site Evaluation Branch,
Region 4

12-17-2020
Date

IT IS SO AGREED:
UNITED STATES DEPARTMENT OF JUSTICE

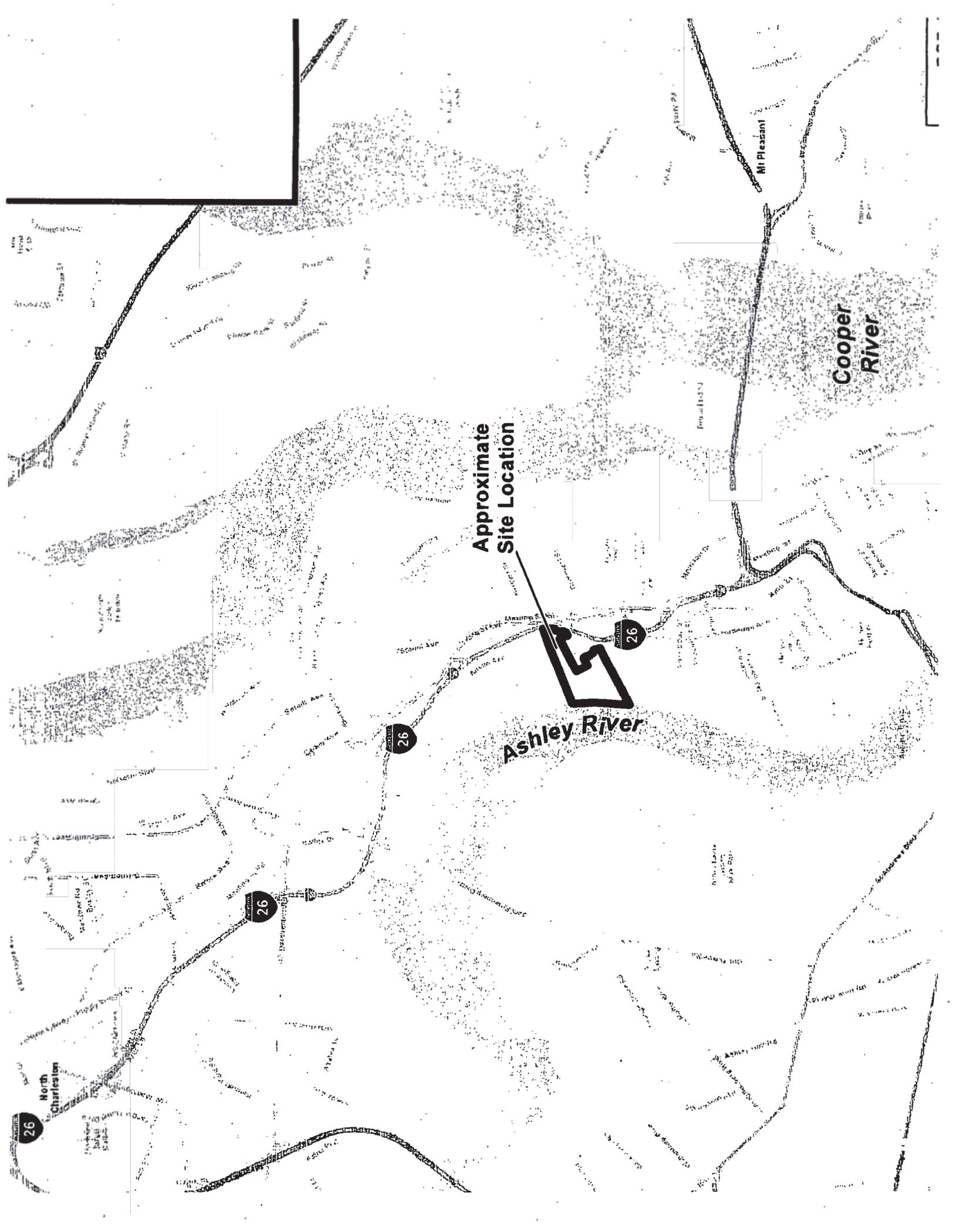
BY:

**ELLEN
MAHAN**

Digitally signed by
ELLEN MAHAN
Date: 2020.10.23
18:43:50 -04'00'

Deputy Section Chief, Environmental Enforcement Section
U.S. Department of Justice

Date



**Approximate
Site Location**

Ashley River

**Cooper
River**

Mt Pleasant

26
**North
Charleston**

26

26

26

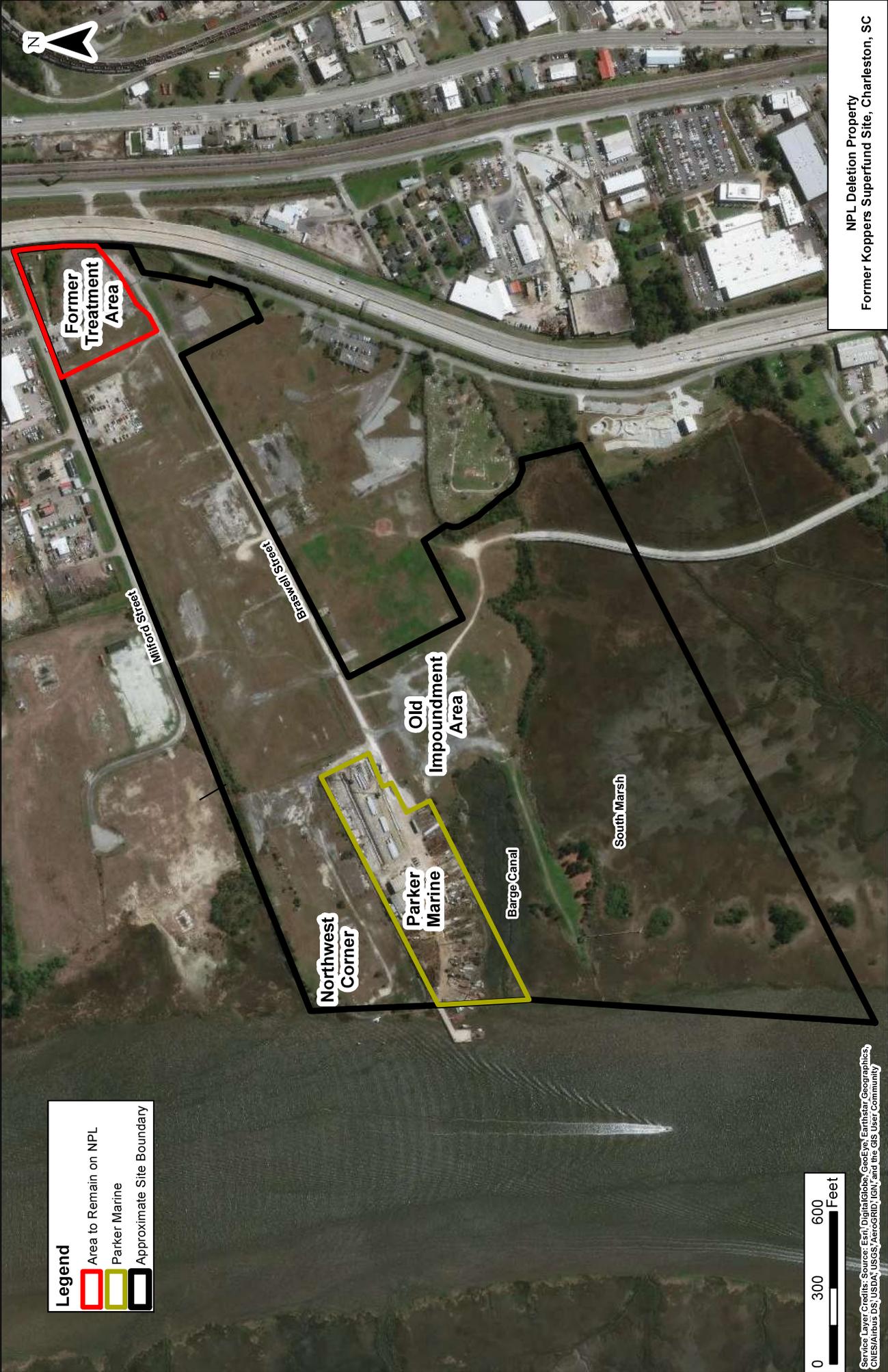


Legend

-  Area to Remain on NPL
-  Parker Marine
-  Approximate Site Boundary



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



NPL Deletion Property
Former Koppers Superfund Site, Charleston, SC