

From: Taylor, Richele  
To: Shannon Bobertz <BobertzS@dnr.sc.gov>  
CC: Lake, Susan <LAKESA@dhec.sc.gov>  
Date: 11/28/2016 2:03:12 PM  
Subject: RE: Koppers: Settlement Split Proposal

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That is fine. Thank you Shannon.

Richele

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From: Shannon Bobertz [mailto:BobertzS@dnr.sc.gov]  
Sent: Monday, November 28, 2016 11:57 AM  
To: Taylor, Richele <RicheleTaylor@gov.sc.gov>  
Cc: Lake, Susan <LAKESA@dhec.sc.gov>  
Subject: Koppers: Settlement Split Proposal

Richele,

I hope you had a great Thanksgiving! One more update on the Koppers NRD case that I wanted to share with you. Please let me know if there are any concerns on your end with this. We are on a quick turnaround with this, so if I don't hear from you I will assume that you do not have any concerns. Of course, please feel free to call me with any questions.

This is regarding a settlement offer of past and future costs related to the Koppers NRD settlement. The at-fault party, Beazer, has agreed to pay \$1 million in past fees/future costs to settle the case. That is a compromised settlement amount. This is in addition to the restoration project that they have to do, that is being put out on public notice to restore some wetlands at Drayton Hall. As you can see from the attached chart, DNR's and DHEC's past costs through 2014 in the amount of \$30,131.16 and \$130,073.36, respectively, will be paid in full. But the Trustees have to split the additional costs from 2014-2016 and future costs out of the remaining \$104,000 as it will not cover all of these projected costs. So, the Trustees are proposing to split that additional money proportionate to all of the Trustees' costs. The other parties are NOAA, and DOI. DNR had the least costs of all the parties, with NOAA having the most as they are the lead Trustee. DNR will be receiving a total of \$35,676.44 out of the \$1 million. DHEC will be receiving a total of \$144,206.96. DNR and DHEC think this is fair, and recommend that we accept the settlement. The other Trustees have agreed to it as well, some are waiting on management approval. As Trustees, we wanted to make you aware of the settlement offer and negotiations. Please let me know if you have any questions.  
Shannon

From: Krista McCracken - NOAA Affiliate [mailto:krista.mccracken@noaa.gov]  
Sent: Friday, November 18, 2016 4:37 PM  
To: Andrew Ingersoll <andrew.ingersoll@usdoj.gov>; Anthony <anthony\_sowers@fws.gov>; Shannon Bobertz <BobertzS@dnr.sc.gov>; brigitte. beaton <brigitte.beaton@sol.doi.gov>; Corinna McMackin - NOAA Federal <corinna.mcmackin@noaa.gov>; Heather E. <cathcahe@dhec.sc.gov>; Howard Schnabolk <howard.schnabolk@noaa.gov>; Krista McCracken <krista.mccracken@noaa.gov>; Priscilla Wendt <WendtP@dnr.sc.gov>; Susan Fulmer <fulmersb@dhec.sc.gov>; Susan Lake <lakesa@dhec.sc.gov>  
Subject: Koppers: Settlement Split Proposal

Please review the [QA/QC'd!] table attached below. To summarize again, NOAA's approach was to stick with the past costs we had agreed to in February from the original Beazer offer (Row A), and then proportionately split the additional \$104,000 being offered in Beazer's current offer. The proportional split was determined by using trustees' percentage of total costs (realized and estimated) post-2014 through long-term monitoring. I removed the other split proposal because it doesn't take into account all costs, and is not as equitable.

Notice the total is just shy of \$1million, due to rounding. We extended the decimal points out a bit more and got this pretty close to accurate.

We can communicate on this via email, but are holding Tuesday, Nov 22 (2:00-3:00pm) for a trustee call as needed.

Call In Information

[1-866-650-3418](tel:1-866-650-3418)

9152336#

Have a great weekend everyone.

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**Krista McCracken**

Marine Habitat Resource Specialist

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