Bryan Heath
Sr. Environmental Manager
864 Spring Street NW
Atlanta, GA 30308

T:678.808.6061
Bryan.Heath@ncr.com

By Email (ruesch.paul@epa.gov) February 14, 2023

Mr. Paul J. Ruesch
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Subject: Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site, Operable Unit 5, Area 4 Time-Critical Removal Action ("TCRA")

Dear Paul:

Thank you for meeting with us on February 7. The meeting helped give us a further understanding of the comments that accompanied EPA's January 5, 2023 disapproval of the Area 4 Removal Work Plan Draft Revision 1, which NCR had submitted on August 15, 2022.

NCR continues to evaluate EPA's January comments and reserves its right to notify EPA of a dispute. However, we are hopeful, in view of the clarifications provided at the meeting, that the process described below will lead to agreement between NCR and EPA on a revised design without the need for dispute resolution.

As discussed during the meeting, EPA's comments required additional clarification and details so that NCR could begin preparing a revised document. While there are still some clarifications required to understand EPA's comments, specifically those that relate to the sediment transport model, we understand EPA's position as follows:

- EPA's measure of 3.5 feet per second, in Comment 1, is to be evaluated as the average bankfull velocity across a cross-section. Within a cross-section, EPA agreed that the modeled stream velocity at certain locations may be below or above that value.

- The "average annual volume" of sediment transport, as used in EPA's Comment 2, is 90,000 cubic yards.

- EPA's direction in Comment 2 to evaluate and implement measures to reduce sediment transport "below" the normal average annual volume is directed at incremental sediment transport during the lowering of the water level of the impoundment. That is, EPA's comment requires NCR to evaluate measures to ensure that the lowering the impoundment's water level does not generate more than 90,000 cubic yards of sediment transport per year. This would allow for a total of 180,000 cubic yards of material to be transported from Area 4 downstream in a given year.

- EPA agreed that available options to address Comment 2 and Comment 3 (regarding placement of dredged material from the pilot channel) include slowing the rate of drawdown (resulting in additional time to reach the final water elevation) and/or eliminating the pilot channel.

- EPA also agreed that available options to address Comment 3 also include placement of pilot channel material (should a pilot channel be included in a revised design) at a location other than Subarea F or staging, until the ROD, at a location that could include Subarea F or elsewhere. EPA does not require NCR to dispose of pilot channel material off-site.

- EPA requested that the constructed riffles be keyed into the alluvium (part of Comment 1) and that the PCB sediment dredge prisms be adjusted to reflect one of the PDI Phase 3 borings.

If we have misstated any of these clarifications, please let us know promptly.

With the foregoing as a backdrop, the group agreed to two immediate next steps. The first of those steps was for NCR to propose a process for NCR and EPA to discuss and potentially agree on revisions to the TCRA design in response to EPA's disapproval. We do that in this letter. Specifically, we propose the following three "work streams":

1. NCR will propose one or more conceptual alternatives to address: (1) the direction in Comment 2 to reduce the sediment transport rate such that project-related downstream transport does not exceed normal annual sediment transport; and (2) Comment 3.

    a. NCR will submit its proposal in writing. The proposal will describe the alternative(s) at a conceptual level so that EPA can evaluate the alternative(s) before NCR tasks GEI with developing a selected alternative into a full design.

    b. NCR requests that EPA respond in writing as to whether the alternative(s) are acceptable to be advanced in further design work.

2. NCR will work with EPA and its contractors in the hope of reconciling their respective views on the sediment transport model.

    a. This work will include at least one workgroup meeting to discuss the issues described in the slides for the February 7, 2023 meeting.

    b. Following the workgroup meeting(s), NCR will submit a written report of the model issues discussed in the meeting. This report will include NCR's recommendation on whether changes should be made to the model, or additional scenarios modeled.

    c. NCR requests that EPA respond in writing as to whether NCR's recommendation is acceptable.

3. NCR will re-evaluate the design in light of Comment 1.

    a. NCR will submit a written memorandum that describes any conceptual-level changes that NCR proposes to the design. The memorandum will also discuss how the design – either as revised or, if no conceptual-level changes are proposed, in its current form – meets the intent of Comment 1; that is, how the design prevents erosion of PCBs from the banks and sediment bed, both long-term and in the period between initial placement of the proposed bank stabilization treatments and full vegetation of the treatments. The memorandum will also address EPA"s commentary on fish passage and public safety.

b. NCR requests that EPA respond in writing as to whether NCR's conceptual-level design approach is acceptable to be advanced in further design work.

The second immediate next step is to propose a schedule for design revisions, which NCR will submit to EPA by Tuesday, February 21, 2023. This step responds to EPA's statement during the meeting that it does not expect a revised design by February 21 but does expect a submission that proposes a schedule to lead to the revised design. NCR's proposed schedule will include timeframes for the work streams described above and for the design work to follow those work streams, leading to the revised design.

Please let us know if the process proposed above is acceptable to EPA. In addition, please feel free to contact me if you have any questions.

Sincerely,

Bryan Heath