



## REGION 5

CHICAGO, IL 60604

November 1, 2023

Mr. Bryan Heath  
Senior Environmental Engineer  
NCR Corporation  
3091 Satellite Boulevard, 2<sup>nd</sup> Floor  
Duluth, Georgia 30096  
[byran.heath@ncr.com](mailto:byran.heath@ncr.com)

RE: *United States of America and The State of Michigan v. NCR Corporation* (Civil Action No. 1:19-cv-1041): OU5 Area 4 draft Removal Work Plan Draft for 'Part 1'; Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site

Dear Mr. Heath:

Thank you for submitting a draft 'Area 4 TCRA Removal Work Plan, Part 1' for Area 4 of Operable Unit 5, dated October 4, 2023, as directed by our letter dated August 4, 2023. EPA also acknowledges receipt and incorporation of the replacement Figure 6 based on our discussion on October 13, 2023 (page 61/70 of the submission).

EPA hereby approves the work plan subject to the following conditions:

- 1) Review and approval by EPA of the design drawings for both the temporary water control structure construction and sediment dredging (Sections 5.4, 5.5.1).
- 2) Prevention/stabilization of mid-channel sediments in Subarea C & D subject to mobilization into the dredging footprint in Subarea E (Section 5) if deemed necessary by the results of the biotoxicity sampling effort.
- 3) Review of sampling data / transects in front of Trowbridge Dam (Stage 5) to ensure the estimated 20,000 yd<sup>3</sup> of material to be removed is 'clean soil/sediment' to determine stockpiling and appropriate reuse and/or disposal requirements (Section 5).
- 4) Non-TSCA waste must be segregated from TSCA waste during sediment dewatering, management, and disposal (Section 5.5.1).
- 5) Allow for field-evaluation by EPA to expand areas needing temporary stabilization measures if necessary, as areas of proposed bank stabilization measures are not consistent with bank areas that will require excavation (> 5ppm PCBs) (Section 5.6).
- 6) Clear definition of 'Initial Field Activities,' which could include the following: access road construction on both the right descending and left descending banks, staging area(s)

construction, water treatment plant and stabilization pad area preparation/construction, removal of bat habitat trees, or other activities.

- 7) Provisions in the design drawings to ensure sediments with PCBs in channel to be dredged in Stage 7 are prevented from migrating into Stage 5 dredged area (Appendix A, Stage 7).
- 8) Consideration of the State of Michigan comments (see attached letter dated 10/27/2023) and previous submittals in the design and implementation of Part 1 and planning effort for Part 2.
- 9) Incorporation of edits to the document contained in the attached mark-up.

Please acknowledge your understanding and acceptance of the above conditions by submittal of a revised 'Area 4 TCRA Removal Work Plan, Part 1,' which can include the design drawings requested in Item 1 above, as soon as possible.

As discussed, START is currently conducting whole sediment toxicity sampling/testing on residual sediments subject to mobilization to assist in the evaluation of potential downstream ecological risks. The sampling plan for this work was shared with you on October 22, 2023.

EPA expects to discuss the concurrent development of an additional work plan to address the remaining work (i.e., PCB-contaminated bank removal/restoration, final channel design, and required dam removal, monitoring & maintenance) in the Area 4 Removal Response Action so that this work can also commence as soon as possible. As discussed, EPA proposes the following schedule to accomplish this goal:

Task	Projected Completion Date
Follow-up discussion(s) on GEI technical memos	12/29/2023
Clarification of scope of 'Part 2' workplan	1/31/2024
Submission of 'Part 2' workplan	3/29/2024
Review/decision on 'Part 2' workplan, supporting documents	5/31/2024

Please contact me at (312) 919-4382 or by email at [ruesch.paul@epa.gov](mailto:ruesch.paul@epa.gov) if you have any questions regarding this matter.

Sincerely,

*Paul Ruesch*

Paul Ruesch  
On Scene Coordinator  
Emergency Response Branch #2

#### ATTACHMENTS

Filename: Part 1 Response Letter 11012023.docx

cc: Dan Peabody, EGLE  
Mark Mills, DNR