



REGION 5

CHICAGO, IL 60604

December 21, 2023

Mr. Bryan Heath
Senior Environmental Engineer
NCR Corporation
3091 Satellite Boulevard, 2nd Floor
Duluth, Georgia 30096
bryan.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 Removal Work Plan Draft for 'Part 1'; Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site

Dear Mr. Heath:

Thank you for your letter responding to EPA's conditional approval of the 'Area 4 TCRA Removal Work Plan, Part 1' for Area 4 of Operable Unit 5, dated November 16, 2023. The response also included electronic submission of the 'A4 TCRA Removal Work Plan Part 1, Draft 2,' 'Data and figure from RDB upstream of dam,' and 'A4 TCRA Design Drawings'.

A follow-up meeting was held in Plainwell, Michigan on December 7, 2023, with yourself, GEI, START and EGLE to discuss initial issues and concerns identified with the submissions. The purpose of this letter is to summarize the outcomes and next steps (*in italics*) discussed at this meeting, which relate to the following conditions (**in bold**) outlined in our letter dated November 1, 2023:

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).

EPA/START conducted a preliminary review of the design drawings provided and identified errors, omissions and inconsistencies with the 'A4 TCRA Removal Work Plan Part 1, Draft 2' relating to construction sequencing (specifically stages 2A, 5, 7 & 8), along with the temporary water control structure (WCS) sequencing (sheet TD-101), that were discussed in our meeting on December 7, 2023 and further identified in comments submitted by EGLE (see condition #8 below). *Please address these issues in the revised submittal.*

In addition, the State of Michigan dam safety engineer raised questions on the basis of design information contained in the Attachments to the 'Trowbridge Dam Removal and River Stabilization (DRRS) Design Summary' (GEI, 8/12/2022). EPA hosted a meeting with Mr. Luke Trumble (EGLE Dam Safety Unit), yourself and GEI on December 15, 2023, to discuss issues related specifically to the temporary WCS design. During that meeting, documentation was requested of any changes or revisions to the basis of design information, model and calculations relating to the temporary WCS provided in the DRRS (last revised at the 60% design stage) that factor in any subsequent design changes incorporated into the revised design as well as the anticipated service life of the structure. *Please provide this information with your revised submission.*

Regarding the proposed access road drawings (sheets SA-100 to SA-104), the routing should not be considered final until which time EPA can coordinate with the affected public and private landowners to confirm the use of the property and removal of any trees is acceptable. *Once more detailed information is provided by general contractors as to the proposed access routing, EPA will facilitate site walks and meeting(s) with potentially impacted property owners to work out details on allowed land uses.*

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.

START provided an update on the status of the biotoxicity sampling effort, stating that results are expected in mid-January. EGLE has provided START with the laboratory results from the chemical analyses performed on these samples, which will be incorporated into the summary report. *EPA/START will provide you with an overview of the preliminary results in mid-January and provide the report when it is completed.*

3) Review of sampling data / transects in front of Trowbridge Dam (Stage 5) to ensure the estimated 20,000 yd³ of material to be removed is 'clean soil/sediment' to determine stockpiling and appropriate reuse and/or disposal requirements (Section 5).

EPA reviewed the 'Data and figure from RDB upstream of dam' submission and has determined that there is insufficient historic and PDI sampling data to adequately characterize the soil/sediment to be removed in this area, particularly at depth. Further, EPA does not concur with the following statement from your cover letter relating to the stage 5 material: "The PCB concentrations do not warrant removal pursuant to the TCRA and therefore will be relocated on site." The proposed placement of this material on the 'Upper Plateau' of the 26th Street staging area needs to be discussed further prior to staging the excavated material in this area. Further, the 'Material Management Plan' (sheet GE-010) as it relates to stage 5 and other areas on site is incomplete and needs further discussion with the State of Michigan, clarification, and revision prior to acceptance for implementation.

EPA will schedule a meeting to discuss this issue and the process for evaluation and material reuse during the project, which will result in more clarity and changes to the plan depicted in sheet GE-010.

8) Consideration of the State of Michigan comments (see attached spreadsheet dated 12/20/2023) and previous submittals in the design and implementation of Part 1 and the planning effort for Part 2.

Refer to the attached spreadsheet, which contains comments submitted by the State of Michigan to EPA on December 20, 2023. *Please make sure to address the comments highlighted in green on the spreadsheet and incorporate into your revised 'Part 1' submission. Other comments will be considered in 'Part 2' work plan development.*

Please take into consideration these comments, State of Michigan comments referenced above and attached, along with answers/clarifications responding to questions submitted by bidders, and submit a revised Removal Work Plan and corresponding design drawings accurately reflecting the Work Plan **by January 31, 2024.**

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

Sincerely,

Paul Ruesch

Paul Ruesch
On Scene Coordinator
Emergency Response Branch #2

ATTACHMENT

Filename: FINAL_SOM Comments_OU5 Area 4 TCRA_Draft RWP Part 1 Rev 1_Nov 2023.xlsx

cc: Dan Peabody, EGLE
Mark Mills, DNR