



REGION 5

CHICAGO, IL 60604

February 9, 2024

Mr. Bryan Heath
Senior Environmental Engineer
NCR Voyix
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 2'; Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site

Dear Mr. Heath:

The purpose of this letter is to provide clarification on the scope of the 'Part 2' Removal Work Plan as described in EPA's letter dated November 1, 2023, and requested by your letter dated January 5, 2024.

EPA's disapproval letter dated January 5, 2023, expressed concern that the proposed Revised Design will not mitigate exposures to PCB-contaminated riverbank/floodplain soils and future erosion or ensure a stable river channel. This concern was described in Comment #1 of the enclosure to the January 5, 2023 letter, and is amplified by the current proposed design alternative which does not include constructed riffles or the previously planned pilot channel.

In addition, EPA is concerned about the mobilization of residual sediments in the Trowbridge impoundment, which may have an impact on the downstream channel and fish populations. This concern was described in Comment #2 of the enclosure to the January 5, 2023 letter, and is amplified by the current proposed design alternative which does not include a pilot channel, substantially increasing the estimated volume of residual sediments subject to mobilization. The results of the biotoxicity sampling effort conducted in October-November 2023, and presence of elevated levels of metals such as mercury and lead in the residual sediments subject to mobilization, prompt the need for increased attention to the management of these sediments.

EPA expects channel geometry and characteristics to be consistent with widely accepted geomorphic theory describing a stable river plan form, slope, and cross-sectional dimensions (i.e., bank heights and widths), specifically avoiding channel forms that are either vertically or laterally unstable. In addition,

in order for EPA to approve the 'Part 2' design, it must be consistent with the anticipated long-term remedy for Area 4 of OU5 as required in CERCLA Section 104(a) and NCP 40 CFR 400.415(d) and attain State and Federal ARARs to the extent practicable.

Given the above considerations, EPA provides the following direction regarding target design parameters for the 'Part 2' Removal Work Plan and associated design:

1. Average cross-sectional velocities at bankfull flows in the entire TCRA footprint (including Schnable Brook) should be 3.5 feet/second.
2. Bank height ratios of design cross sections should be in the 'functioning' range (≤ 1.2) for 'Type C' and 'Type B' channel sections as calculated using available reference geometry.
3. Entrenchment ratios should be in the 'functioning' range (≥ 2.2) for 'Type C' and (≥ 1.4) for 'Type B' channel sections, as calculated using available reference geometry.
4. Design and sediment transport modeling should assume scour to the modeled alluvium. In addition, a sensitivity analysis should be conducted on the modeled alluvium to ensure that surface will remain stable.

Given the substantial volume of residual sediments subject to mobilization during impoundment drawdown in the 'Part 2' Removal Work Plan, and the results of the biotoxicity and chemical sampling conducted in October-November 2023, EPA and the State of Michigan continue to evaluate an allowable rate and volume of residual sediment mobilization. This evaluation includes consideration of alternative sediment management options. NCR will be made aware of the rate and volume of residual sediment mobilization for consideration in the 'Part 2' Removal Work Plan as soon as possible.

Please take into consideration these target design parameters and submit a 'Part 2' Removal Work Plan with corresponding design drawings **by March 29, 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

cc: Dan Peabody, EGLE
Mark Mills, DNR