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VIA ELECTRONIC MAIL

May 15, 2024

Paul Ruesch, On-Scene Coordinator
U.S. EPA Region 5, Superfund Division
77 W. Jackson Blvd. (SE-5J)
Chicago, IL 60604-3590

Re: Allied Paper, Inc. / Portage Creek / Kalamazoo River Superfund Site – OU 5 Area 4 Time-Critical Removal Action – Conditional Approval of Removal Work Plan Draft for “Part 1”

Dear Mr. Ruesch,

I am writing in response to your April 22, 2024 letter giving conditional approval to the OU 5 Area 4 Removal Work Plan Draft for “Part 1,” submitted March 15, 2024, and the associated drawing set. This letter responds to the comments provided in your letter and the directions given at the end of your letter.

Comments and Clarifications

Our responses to the five numbered “comments and clarifications” in the letter are as follows:

1. ***Riverbanks in Subarea F & G will ultimately be restored at dam-out elevations as a component of the ‘Part 2’ work plan (Section 5.6 Riverbank Temporary Stabilization Measures).***

Comment noted.

2. ***The project organizational chart (Figure 4) should be updated to reflect staff changes identified in the March 25, 2024 letter from NCR Voyix.***

We will update the chart in the next work plan submission.

3. ***The note ‘(work to be performed by others)’ should be struck from the notes relating to Stage 2A on drawings GE-006 and GE-007 as they are inconsistent with Section 5.***

We recommend that this language be left in the notes and drawings as they instruct the construction contractor that the stabilization work will be performed by another GEI/NCR contractor as a separate scope of work. Please let us know if that is acceptable.

4. ***It should not be assumed that 'Beaver Island' sediments can be stockpiled for reuse as stated in the note on drawing DE-107 and Appendix B (Page #01 20 00-14), as START has yet to conduct a more complete characterization of sediments in that area to determine the appropriate management of this material.***

Comment noted. We continue to believe that the "Beaver Island" sediments have been sufficiently characterized to allow them to be stockpiled for reuse as indicated in the drawings and Appendix B. For this reason, and because EPA has not indicated any alternative management of this material, our current plan is to leave drawing DE-107 and Appendix B unchanged if EPA has not given any different direction before a revised Removal Work Plan is due. We also note that a last-minute requirement to alternative management of this material would have a significant potential to delay the Part 1 work.

5. ***EPA considers installation of the temporary WCS in 'Part 1' to be independent of the 'Part 2' workplan. As stated in the technical memorandum in Appendix C, the temporary WCS will be important to 'actively manage the reservoir elevation to provide the greatest flexibility to support dredging efforts' during 'Part 2' dredging.¹ EPA does not agree with the statement in the technical memorandum that "the installation of the WCS is contingent on approval of the Part 2 Removal Work Plan for the TCRA," or that "Construction of the WCS will not be initiated until the General Contractor is prepared to begin Part 2 activities." These statements should be removed from the technical memorandum in Appendix C.***

We will revise the technical memorandum in Appendix C as requested. However, we continue to believe it is vital that Part 2 of the TCRA begin as soon as the water control structure is installed. Otherwise, the areas that were dredged in Part 1 may fill in with sediment, compounding the issues that have prevented EPA from approving a plan for Part 2. As a result, we reserve the right to advise EPA, if the situation requires it, that installation of the water control structure should be delayed to ensure that there is no gap between Part 1 and Part 2. In the meantime, we will continue to work with EPA so that Part 2 is ready to begin before it is time to install the water control structure.

Directions and Dates on Page 2 of Letter

Your letter requests that a detailed construction schedule, incorporating contractor input, be provided by May 10, 2024, a "notice to proceed" be issued to the contractor by June 7, 2024, and dredging will start by September 15, 2024. The letter also requests a revised Removal Work Plan with design drawings reflecting input from the contractor by June 15, 2024. As we discussed briefly during our April 24, 2024 meeting, we are proceeding with contractor

¹ The original letter said "'Part 1' dredging," but we have corrected the text per your later email.

procurement promptly, but we will need additional time to meet these milestones. We currently expect that the contractor will be given an interim notice to proceed on design activities, such as giving input to the detailed construction schedule, by June 7, 2024. We then expect to be able to incorporate contractor input into the construction schedule and design drawings by June 17, 2024. On a parallel track to incorporating contractor input into the design drawings, we are working to complete contract negotiations, which will be required to issue the notice to proceed for field work.

As a result, we request that EPA adjust these deadlines as follows:

- Detailed construction schedule for all “Part 1” work components incorporating contractor input will be provided to EPA by June 17, 2024.
- A notice to proceed for field work will be issued by 14 days after EPA has approved (or concurred with) the Removal Work Plan Part 1, corresponding design drawings, and confirmation sampling plan.
- Dredging will start as indicated in the detailed construction schedule for all “Part 1” work components.

Your letter requests that we submit, by June 15, 2024, a revised Removal Work Plan and corresponding drawings that incorporate the above comments and input from the contractor. We request that EPA revise this deadline to June 17, 2024 (to combine it with the detailed construction schedule). We also plan to submit certain supplemental work plans by September 6, 2024.

Finally, your letter requests that we consult with EPA and obtain land use permits from Michigan DNR before issuing the notice to proceed for field work. We will consult with EPA and timely apply for any Michigan DNR land use permits; however, we cannot guarantee that we will receive permits on time. We will keep you apprised on the progress of obtaining the land use permits.

Please feel free to contact me if you have any questions.

Sincerely,



John D. Jolly, P.G.

Cc: Amber Ahles, P.E. – GEI Consultants