ANCHOR QEA

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September 16, 2013

Mr. Valmichael Leos
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: San Jacinto River Waste Pits Superfund Site
TCRA Monthly Report No. 020 August 15, 2013-September 16, 2013
U.S. EPA Region 6, CERCLA Docket No. 06-12-10

Project Number: 090557-01

Dear Mr. Leos:

Attached please find TCRA Monthly Report No. 020 August 15, 2013-September 16, 2013.

This report was prepared on behalf of the International Paper Company and McGinnes Industrial Maintenance Corporation for the San Jacinto River Waste Pits Superfund Site in Channelview, Texas. Should you have any questions, please contact me at (228) 818-9626 or email me at dkeith@anchorqea.com.

Sincerely,

John P. Laplante for David C. Keith
Project Coordinator

9463842

cc: Barbara Nann, USEPA
Phil Slowiak, International Paper
David Moreira, MIMC
Jennifer Sampson, Integral

TCRA Monthly Report No. 020
Submitted September 16, 2013
San Jacinto River Waste Pits Superfund Site
USEPA Region 6, CERCLA Docket No. 06-12-10
Channelview, Texas

This monthly report is submitted pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action: CERCLA Docket No. 06-12-10, Channelview, Texas, which became effective on May 17, 2010 (AOC). The AOC establishes the requirements for a Time Critical Removal Action (TCRA). The Respondents are International Paper Company (IP) and McGinnes Industrial Maintenance Corporation (MIMC). This monthly report has been initiated to replace the weekly report that was formerly submitted to the United States Environmental Protection Agency (USEPA) for the same project. Approval to change from weekly to monthly reporting was requested by the Respondents from USEPA in accordance with Section VIII, Paragraph 49.a. of the AOC. USEPA granted approval of this requested change on January 18, 2012.

A. Summary of Work Performed – Dates: August 15, 2013-September 16, 2013

The Respondents and Anchor QEA completed work on the following tasks:

- Submitted TCRA Monthly Progress Report No. 019 on August 15, 2013.
- Began preparing for Fourth Quarter, 2013 TCRA Inspection.

B. Summary of Agency Communications

The written communications between the Respondents and USEPA, including and subsequent to the issuance of the Removal Action Work Plan (RAWP), are summarized in the attached Table 1.

C. Summary of Sampling Results

None for this report.

D. Problems, Delays, and Solutions

Removal Action Completion Report (RACR)

Respondents received a letter from USEPA dated July 24, 2012 (July 24 Letter), stating that USEPA had issued a letter dated May 22, 2012 (May 22 Letter), regarding the RACR. Prior to receiving the July 24 Letter, Respondents had not received the May 22 Letter in accordance with the requirements of the AOC. The subsequently emailed version of the May 22 Letter refers to USEPA's decision to disapprove the draft final RACR and issue the RACR in final form with revisions that USEPA had requested be made in the RACR, but that Respondents had declined to make, for reasons detailed in correspondence with USEPA dated March 8, 2012. On August 15, 2012, the Respondents received a copy of the final RACR in the form issued by USEPA. Pursuant to an email from USEPA's counsel dated August 10, 2012, USEPA extended the time for Respondents to exercise any rights that they have under the AOC to dispute

USEPA's actions as reflected in the May 22 Letter. The extension was for a period of 60 days from the date on which Respondents and USEPA met to discuss this issue and issues related to stipulated penalties in general. That meeting took place on October 9, 2012. On various occasions, USEPA has agreed to further extend the deadline. The most recent extension was a 45-day extension to October 21, 2013, for a total extension of 375 days, and was confirmed by an email from USEPA's counsel dated August 30, 2013.

Notices of Violation

Respondents continue to dispute USEPA's allegations contained in USEPA's Notices of Violations dated January 14, January 21, and January 24, 2011, and on April 4, 2011, they submitted an additional notice of dispute to USEPA with respect to USEPA's Notice of Violation dated March 3, 2011, and certain statements contained in two other letters from USEPA dated March 3, 2011. They also dispute USEPA's rejection by letter dated February 16, 2011, of their force majeure claim. They submitted a Notice of Dispute to USEPA on March 18, 2011, and made a supplemental submittal to USEPA on September 9, 2011, in response to that letter. On August 11, 2011, Respondents received a letter from USEPA dated August 5, 2011, alleging non-compliance with deadlines contained in the AOC. Respondents submitted a notice of dispute to USEPA on September 9, 2011, in response to the August 5, 2011 letter, pursuant to which they dispute any claim by USEPA that they are subject to stipulated penalties under the AOC or associated with the TCRA, as to which construction was substantially completed as of July 14, 2011, several weeks ahead of the original schedule for its substantial completion. Respondents are in receipt of an additional letter from USEPA (the July 24 Letter) that contains a list of potential violations based on previously issued NOVs. In addition, the July 24 Letter identifies a violation that is described as having been "identified in USEPA's Letter to Respondents dated May 22, 2012." Prior to receiving the July 24 Letter, Respondents were not aware of the May 22 Letter. USEPA has agreed to extend the time for Respondents to invoke dispute resolution with respect to the matters addressed in the May 22 Letter, as described in the Section of this Report regarding the RACR.

Access Issues

USEPA had agreed to extend the deadline it had set for Respondents to obtain access from San Jacinto River Fleet (SJRF), as the new owner of the property once owned by Big Star Barge & Boat Company, Inc. Subsequently, in an email dated October 6, 2011, USEPA's counsel asked Respondents to continue to work with SJRF to obtain access to

the SJRF property but removed the deadline that had previously been set for Respondents to obtain such access. In an email dated October 7, 2011, SJRF's Vice-President, Brian Darnell, stated that Respondents could access portions of the SJRF's property, and in a later email, dated October 14, 2011, identified conditions that would be required for access to the other portions of the SJRF property. Respondents reviewed those conditions and responded to Mr. Darnell's October 14, 2011 email, by email dated October 31, 2011, a copy of which was sent to USEPA. On December 27, 2011, Respondents received a response from Mr. Darnell to their October 31, 2011 email, and given that the Respondents do not currently anticipate a need for access to the SJRF's property, have deferred a response to the issues raised in the email. Respondents will continue to pursue efforts to reach an access agreement with SJRF, should there be a need for access to the SJRF's property. USEPA had raised questions regarding a submission made by MIMC's counsel on September 30, 2011, regarding access issues with respect to the western boundary of the impoundments. Counsel for both of the Respondents have made submissions to USEPA in response.

SJRF Operations

Respondents have notified USEPA of, and previously addressed in their monthly reports under the Unilateral Administrative Order for the Site, their concerns regarding SJRF's operations in the vicinity of the Site. These concerns are applicable to the TCRA as well, due to potential adverse impact on the TCRA armored cap, and Respondents are now reporting such matters primarily in monthly reports submitted with respect to the AOC.

Pursuant to an email dated February 9, 2012, USEPA's counsel forwarded to Respondents' counsel a copy of a draft sampling and analysis plan prepared for SJRF (SJRF Draft SAP). The SJRF Draft SAP purports to address "existing environmental impact that could be disturbed by SJRF's commercial operations" in the vicinity of the Site. Respondent's submitted correspondence dated March 8, 2012, to USEPA on the Respondents' concerns regarding potential impacts of SJRF's operations on the TCRA armored cap. The March 8, 2012 correspondence included Respondents' comments on the SJRF Draft SAP. On May 1, 2012, Respondents' counsel were informed by USEPA's counsel that the SJRF Draft SAP remained under review by USEPA. On May 16, 2012, USEPA's counsel provided Respondents' counsel with comments from the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA), the Texas Commission on Environmental Quality (TCEQ), and the Harris County Pollution Control Services Department regarding the SJRF Draft SAP. On June 12, 2012, USEPA forwarded Respondents' Project Coordinator a copy of USEPA's June 12, 2012

correspondence with the SJRF pursuant to which it transmitted to SJRF its comments on the SJRF Draft SAP. On September 17, 2012, USEPA forwarded to Respondents the Revised SJRF SAP. USEPA subsequently confirmed that the Respondents could submit comments on the Revised SJRF SAP. On January 2, 2013, Respondents submitted to USEPA, via email, their comments regarding the Revised SJRF SAP. Respondents intend to continue to work with USEPA on this issue.

TCRA Cap Maintenance

During a scheduled inspection of the TCRA armored cap on July 20, 2012, visible geotextile was noted in discrete locations near the top of the western berm. The Respondents and Anchor QEA notified USEPA verbally regarding these observations on July 20, 2012. Anchor QEA performed additional inspections on July 21 and 22, 2012, and collected survey data of these areas on July 23, 2012. Pursuant to the OMM Plan, Respondents submitted written notification and an inspection report to USEPA to document these observations.

Also in accordance with the OMM Plan, the Respondents submitted a TCRA Repair Plan to USEPA for review and approval on July 27, 2012. USEPA approved the TCRA Repair Plan by letter dated July 31, 2012 from Valmichael Leos. The Respondents' contractor, USA Environment, LP, mobilized to the TCRA Site within one business day of plan approval on August 1, 2012, in accordance with the OMM Plan. Cap maintenance activities were performed August 1 and 2, 2012, and were completed on August 3, 2012. The TCRA Maintenance Completion Report was submitted to USEPA on August 27, 2012.

In connection with approval of the TCRA Repair Plan on July 31, 2012, USEPA requested information and raised questions with respect to certain aspects of the TCRA armored cap's design, construction, and current condition. Respondents submitted a letter to USEPA dated September 18, 2012, in response to the July 31, 2012 letter from Valmichael Leos. On October 10, 2012, Mr. Leos emailed a letter (the October 10 Letter) to Respondents' Project Manager. A list of 13 questions regarding the TCRA armored cap was attached to the October 10 Letter. Respondents analyzed these questions and requested a meeting with USEPA and the USACE to address the questions, including a formal written request for a meeting in a letter dated January 2, 2013. The meeting was held on January 16, 2013. As requested by USEPA and discussed during the January 16, 2013 meeting, Respondents prepared and submitted a report on April 5, 2013 regarding the reassessment of the TCRA design and construction. By email dated April 25, 2013, and letter dated May 1, 2013 (the May 1 Letter), USEPA requested that the Respondents

respond to a series of technical questions regarding the TCRA design. The Respondents participated in a conference call with USEPA to discuss these questions on May 9, 2013. Subsequent to the May 9 conference call, USEPA submitted additional follow-up technical questions to the Respondents via an email dated May 10, 2013. The Respondents submitted a letter to USEPA on June 14, 2013, responding to the questions contained in the May 1 Letter and the May 10, 2013, email.

On January 15, 2013, Mr. Leos of USEPA was notified verbally and by letter of a maintenance issue identified as part of the quarterly inspection of the TCRA cap required by the OMM Plan. Additional communications with Mr. Leos took place with respect to additional inspection activities and maintenance issues. In accordance with the OMM Plan, the Respondents prepared a TCRA Repair Plan, which was submitted to USEPA on January 23, 2013 and approved by USEPA on January 24, 2013. The Respondents' contractor, USA Environment, LP, mobilized to the TCRA Site on January 25, 2013 and completed the cap maintenance activity on January 31, 2013 and fence maintenance activity on February 6, 2013. The Respondents prepared a TCRA Maintenance Completion Report to document these activities and submitted the report to USEPA on February 15, 2013.

E. <u>Projected Work for the Next 2 Months – September 16, 2013 - November 15, 2013</u>

The Respondents and Anchor QEA expect to complete the following tasks in the next 2 months:

- Continue to work with USEPA to address impacts of the SJRF's operations.
- Continue to address USEPA issues related to USEPA's May 22 Letter and July 24 Letter.

F. <u>Schedule</u>

Attached is the approved project construction schedule, which is being included, as directed by USEPA in a letter from Valmichael Leos to David Keith of Anchor QEA dated February 10, 2011. The approved construction schedule is out of date, as it references armor cap materials whose designations have now changed (as explained in the approved revised RAWP [Revised RAWP]), and includes "start" and "finish" dates for these materials that are no longer applicable since the sequencing of placement of the construction materials has also changed, as explained in the approved Revised RAWP. Note that armor cap material designations referred to above are based on the approved Revised RAWP.

A proposed updated project construction schedule, based on Respondents having obtained access to the TxDOT ROW, and secured a lease for a laydown area and dock facility, was transmitted to USEPA on February 14, 2011. Respondents prepared the updated project construction schedule pursuant to USEPA's direction, and it further revised and updated the schedule presented and submitted to USEPA at a January 31, 2011 meeting. On March 3, 2011, USEPA provided a letter indicating the proposed schedule was not approved and invited Respondents to request a meeting with USEPA if desired. A meeting with USEPA regarding the schedule took place on March 24, 2011, and based on that meeting, the Respondents did not submit a revised schedule. USEPA suggested during the March 24, 2011 meeting that the schedule be discussed in June or July 2011. Respondents note that the USEPA's August 5, 2011 letter (received by them on August 11, 2011) identifies alleged failure to meet construction deadlines contained in the outdated construction schedule. As noted above, Respondents on September 9, 2011 submitted a notice of dispute to USEPA with respect to the August 5, 2011 letter and any alleged violations of or non-compliance with the AOC with respect to such deadlines.

Table 2 presents a summary list of the major cap construction elements and their dates of completion. Please note that the tasks set out in Table 2 do not coincide with the tasks listed in the approved project construction schedule since, as discussed above, the approved schedule is out of date. In addition, the material designations referred to below are based on the approved Revised RAWP, which contains material designations that differ from those referred to in the out-of-date approved project construction schedule.

Table 2 – Summary of Cap Construction Elements

Task	Date Completed
Water-side geotextile placement	May 16, 2011
Water-side placement of Cap A material	May 19, 2011
Water-side placement of Cap C material	May 13, 2011
Water-side placement of Cap D material	May 16, 2011
Clearing and grubbing of Western Cell	April 8, 2011
Stabilization of Western Cell	May 17, 2011
Land-side granular fill placement in Western Cell	May 24, 2011
Land-side LLDPE placement in Western Cell	June 1, 2011

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Task	Date Completed
Land-side placement of Cap A material[1]	May 19, 2011
Land-side placement of Cap B/C material	June 24, 2011
Land-side placement of Cap D material	July 12, 2011

1. On June 24, 2011, the more protective Cap B/C rock was placed in a small portion of the Western Cell in which Cap A rock was originally going to be placed to complete the work in this area.

Prepared by:

John P. Laplante /for/

David C. Keith, Project Coordinator

ANCHOR QEA

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
11/1/2010	Draft Final Removal Action Work Plan (RAWP) for Time Critical Removal Action	11/8/2010	TCRA Work Plan Approval with Modifications	
11/1/2010	Report on Respondents' best efforts to obtain access			
		11/2/2010	Letter from B. Nann regarding access	
11/9/2010	Memorandum - Review of Geomembrane Comments			
		11/9/2010	Email from B. Nann to Axe/Inglin requesting conference call on November 15, 2010 regarding TCRA access issues	
11/11/2010	Draft Pre-construction Meeting Agenda			
11/11/2010	Final Removal Action Work Plan (RAWP) for Time Critical Removal Action			
11/12/2010	Letter to EPA regarding access			
11/15/2010	Conference call with EPA B. Nann regarding access			Conference call to discuss the technical memorandum about water access versus land access to the TCRA Site. B. Nann stated that RAWP approval occurred 11/8/2010
11/15/2010	TCRA Weekly Progress Report 001 email from J. Laplante to V. Leos and five hard copies			
11/16/2010	Marine Access memo email from D. Keith to USEPA C. Sanchez			Email to USEPA technical team regarding issues related to water-only access to the TCRA site
		11/16/2010	Email from B. Nann to Respondents regarding meeting with Sam Coleman regarding access by water	
11/17/2010	Teleconference between D. Keith and C. Sanchez and V. Leos to discuss the 11/18 technical meeting at USEPA regarding site access			
		11/17/2010	Email from B. Nann to Respondents and TxDOT regarding meeting in Dallas on access issues	
11/17/2010	Email from IP counsel to B. Nann transmitting draft TxDOT license agreement			
11/17/2010	Emails from P and M MC counsel to B. Nann regarding meeting with Sam Coleman regarding access			Meeting with Sam Coleman, USEPA Superfund Division Director, to discuss access issues. Meeting took place 11/18/2010.
11/18/2010	Submittal of financial assurance by MIMC to cover revised TCRA cost estimate			
11/22/2010	TCRA Weekly Progress Report 002 email from J. Laplante to V. Leos and 5 hard copies			
11/22/2010	Financial assurance submission by IP with respect to the revised TCRA financial assurance amount			
11/23/2010	Submitted Notice of Start of Construction letter to USEPA			
11/23/2010	Prepared and submitted Request for State Historic Preservation Officer Consultation Form and supplemental information to Mark Wolfe, State Historic Preservation Officer			
11/29/2010	TCRA Weekly Progress Report 003 email from W. Mears to V. Leos and 5 hard copies			
11/30/2010	Submitted Request for Section 401 of the CWA Consultation Review to S. Reilly of TCEQ, with copy to V. Leos			
11/30/2010	Preliminary (unvalidated) Big Star property chemistry data submitted to V. Leos by D. Keith via email			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
11/30/2010			Email from V. Leos of USEPA regarding status of preliminary data from Big Star soil sampling	
11/30/2010			Email from B. Nann of USEPA to Respondents' counsel regarding the status of the Big Star sampling results	
11/30/2010	Submitted proposed road license agreement with TxDOT, signed by Respondents' counsel, to B. Nann of USEPA			
11/30/2010	Submitted letter to EPA describing Respondents' "best efforts" to obtain access from Big Star and TxDOT and requesting an extension of time to obtain access	12/3/2010		
12/1/2010	Email from M MC's counsel on behalf of Respondents to B. Nann urging USEPA's quick turnaround on analysis of Big Star soil sample results			
12/1/2010	Email to V. Leos from Project Coordinator updating Big Star soil sampling data			
12/2/2010			Email from B. Nann to Respondents' counsel regarding status of USEPA's analysis of Big Star's sample results and scheduling of conference call to discuss access issues	
12/2/2010	Email from IP Counsel on behalf of Respondents' to B. Nann and S. Coleman regarding obstacles to obtaining access from Big Star and TxDOT	12/3/2010		
12/3/2010			Email from B. Nann to Respondents' counsel and S. Coleman responding to Respondents' December 2, 2010 email regarding obstacles to obtaining access	
12/3/2010	Email from IP counsel on behalf of Respondents' to B. Nann and S. Coleman responding to EPA's December 3, 2010 email regarding access issues			
12/3/2010			Letter from USEPA responding to Respondents' November 30, 2010 letter regarding best efforts denying extension of time to obtain access	
12/6/2010	TCRA Weekly Progress Report 004 email from J. Laplante to V. Leos and five hard copies			
		12/6/2010	Email from B. Nann to Respondents' counsel regarding TxDOT and Big Star access issues and status of Big Star as PRP	
12/6/2010	Email from IP counsel to B. Nann of behalf of Respondents' regarding van der Horst Site access agreement	12/6/2010	Email from B. Nann to Respondents' counsel regarding van der Horst access agreement	
12/6/2010	Email from IP counsel to USEPA counsel handling van der Horst site regarding access agreement			
12/6/2010	Email from B. Nann to Respondents' counsel regarding scheduling of conference call on access issues			Conference call between Respondents' counsel and USEPA regarding TxDOT access takes place on December 7, 2010
12/6/2010	Email from IP counsel on behalf of Respondents' to B. Nann regarding proposed Big Star lease terms			
12/6/2010	Email from IP counsel on behalf of Respondents' to B. Nann regarding signed access agreement with Big Star for installation of Phase II fencing			
		12/7/2010	Email from B. Nann stating USEPA's approval of Big Star property as a laydown area	

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
12/7/2010	Email to B. Nann from MIMC counsel on behalf of Respondents' regarding scheduling of conference call with USEPA and Big Star regarding lease			
		12/7/2010	Email from B. Nann to Respondents' counsel regarding her call to Big Star attorney	
		12/7/2010	Email from B. Nann regarding status of proposed TxDOT access agreement language	
12/7/2010	Emails to B. Nann from IP counsel on behalf of Respondents' regarding proposed TxDOT license agreement			
12/7/2010	Email from IP counsel on behalf of Respondents' to B. Nann regarding status of her conversation with Big Star counsel			
		12/8/2010	Email from B. Nann to Respondents' counsel regarding TxDOT and Big Star access status	
12/8/2010	Email to B. Nann from IP counsel on behalf of Respondents' regarding TxDOT and Big Star access issues			
12/8/2010	Email to Big Star counsel and B. Nann from P counsel on behalf of Respondents' regarding status of lease			
		12/8/2010	Email from USEPA counsel for van der Horst site regarding site access agreement with TxDOT	
12/8/2010	Email from IP counsel to USEPA counsel for van der Horst site regarding access agreement with TxDOT			
12/9/2010	Email from A. Shafer (MIMC) to V. Leos and S. Tzhone requesting guidance regarding sign size			
12/9/2010			Email from USEPA V. Leos with a copy of USEPA Pollution Report (POLREP) for the TCRA	
12/10/2010	Email to B. Nann from MIMC counsel on behalf of Respondents' regarding status of TxDOT and Big Star access issues			
12/10/2010	Email to B. Nann from IP counsel on behalf of Respondents' asking if B. Nann would schedule a conference call between Big Star, USEPA, and Respondents' counsel			
12/10/2010	Email to B. Nann from MIMC counsel on behalf of Respondents regarding Big Star Status as a PRP			
12/13/2010	TCRA Weekly Progress Report 005 email from J. Laplante to V. Leos and five hard copies			
12/13/2010	Email to B. Nann from IP counsel on behalf of Respondents regarding status of Big Star and TxDOT access issues			
12/15/2010	Email to B. Nann from MIMC counsel on behalf of Respondents regarding Big Star's position on lease	12/16/2010	Email from B. Nann regarding Big Star's demand for a release of all claims	
12/17/2010	Email to B. Nann from IP counsel on behalf of Respondents regarding Big Star's position on access and requesting EPA's assistance			
12/17/2010	Email to B. Nann from IP counsel on behalf of Respondents asking for conference call to discuss Big Star's demand for a release as a condition of access			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
12/20/2010	TCRA Weekly Progress Report 006 email from J. Laplante to V. Leos and five hard copies			
12/21/2010	Email to B. Nann from IP counsel on behalf of Respondents regarding latest demand for full release from Big Star counsel and requesting opportunity to discuss same			
		12/23/2010	Letter from USEPA V. Leos to Respondents regarding TxDOT access	
12/27/2010	TCRA Weekly Progress Report 007 email from J. Laplante to V. Leos and five hard copies			
		12/27/2010	Email to Respondents' counsel from B. Nann of USEPA forwarding copy of EPA's 12/23/2010 correspondence (letter was not received by Respondents until it was forwarded by USEPA's counsel on December 27 and original sent by mail was not received until December 30, 2010)	
		12/30/2010	Letter from USEPA V. Leos to Respondents in regarding TxDOT access, as followup to USEPA letter dated 12/23/2010	
12/30/2010	Letter to V. Leos of USEPA from M MC counsel on behalf of Respondents in response to USEPA's letters dated 12/23/2010 and 12/30/2010 and initial force majeure notice			
1/3/2011	TCRA Weekly Progress Report 008 email from J. Laplante to V. Leos and five hard copies			
1/4/2011	Email to USEPA from D. Shafer of MIMC regarding delivery of TCRA financial assurance instruments to EPA on 11/19/2010			
1/4/2011	Letter to V. Leos of USEPA from M MC counsel regarding force majeure event			
1/4/2011	Letter to V. Leos of USEPA from IP counsel joining in M MC's letter dated 1/4/2011 regarding force majeure event			
1/4/2011	Memorandum to V. Leos of USEPA on the Evaluation of the Potential Change in Water Surface Elevation Due to the Placement of the Capping Remedy			
		1/4/2011	Letter to MIMC from V. Leos of USEPA regarding financial assurance	
1/5/2011	Letter to EPA from IP counsel on behalf of Respondents regarding access issues and notice of force majeure			

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
		Undated	Letter to Respondents' Project Coordinator from V. Leos regarding USEPA's site inspection of December 8, 2010 and upcoming scheduled work activities. The letter was received on 1/6/2011.	
		1/6/2011	Email to D. Shafer of MIMC from B. Werner of USEPA regarding need for duplicates of TCRA financial assurance instruments	
1/6/2011	Email from D. Shafer of MIMC on behalf of Respondents regarding Site signs and buoys and intent to inspect fencing and signs on 1/7/2011			
		1/7/2011	Email from V. Leos of USEPA stating that representatives from Harris County and TCEQ and himself would be visiting the Site on 1/7/2011	
1/10/2011	TCRA Weekly Progress Report 009 email from J. Laplante to V. Leos and five hard copies			
1/12/2011	Email to B. Nann of USEPA from MIMC's counsel on behalf of Respondents regarding TxDOT and Big Star access issues and Big Star's prospective status as a PRP	1/13/2011	Email from B. Nann of USEPA to Respondents' counsel (in response to 1/12/2011 email from M MC's counsel) regarding TxDOT negotiations, alternative laydown area, and Big Star's status as PRP	
1/13/2011	Email from IP's counsel to B. Nann of USEPA responding to her 1/13/2011 email regarding TxDOT access negotiations	1/14/2011	Email from B. Nann of USEPA to Respondents' counsel responding to 1/13/2011 email from P's counsel regarding TxDOT access negotiations	
		1/13/2011	Email from B. Nann of USEPA to Respondents' counsel (responding to 1/12/2011 email from M MC's counsel) addressing "ability to pay" issue for Big Star	
		1/14/2011	Email from B. Nann of USEPA to Respondents' counsel transmitting USEPA letter regarding Notice of Violation	
1/17/2011	TCRA Weekly Progress Report 010 email from J. Laplante to V. Leos and five hard copies			
		1/19/2011	Email from B. Nann of USEPA regarding need to coordinate with USEPA regarding additional plans on TxDOT right-of-way	
1/19/2011	Email from M MC counsel on behalf of Respondents to B. Nann of USEPA responding to her email of 1/19/2011 regarding additional plans for TxDOT right-of-way			
1/19/2011	Email from Respondents' Project Coordinator to USEPA and Respondents' counsel regarding her telephone conference with V. Leos of USEPA regarding proposed plans for the TxDOT right-of-way and intent to submit amendment to §404(b)(1) documentation.			
		1/21/2011	Email from B. Nann of USEPA to Respondents' counsel forwarding USEPA's 1/21/2011 NOV letter.	
1/24/2011	TCRA Weekly Progress Report 011 email from J. Laplante to V. Leos and five hard copies.			
		1/24/2011	Notice of Violation letter from USEPA regarding non-compliance with the TCRA AOC	
		1/24/2011	Email from B. Nann of USEPA to Respondents' counsel forwarding USEPA's 1/24/11 NOV letter.	

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
		1/24/2011	Email from V. Leos of USEPA to Respondents' Project Coordinator regarding need to coordinate all communications through B. Nann of USEPA.	
1/25/2011	Email from Respondents' Project Coordinator to V. Leos and B. Nann of USEPA regarding resolution of TxDOT access issue and desire to meet with USEPA regarding project schedule.			
1/26/2011	Follow-up email from Respondents' Project Coordinator to V. Leos and B. Nann of USEPA regarding desire to meet with USEPA to discuss project schedule.	1/26/2011	Email from B. Nann of USEPA stating that V. Leos would respond to the email of Respondents' Project Coordinator when he returns to his office.	
		1/27/2011	Email from V. Leos of USEPA to Respondents' Project Coordinator stating willingness of himself and B. Nann of USEPA to meet to discuss schedule.	
1/27/2011	Submitted to USEPA supplemental 401, 404(b)(1) and coastal consistency determinations to reflect changed conditions related to laydown, stockpiling, and truck turnaround areas in the TxDOT right-of-way on January 27 2011.			
1/27/2011	Letter from Respondents to CAC members regarding Site status update.			
1/27/2011	Email from Respondents' Project Coordinator to USEPA notifying USEPA of the posting of an Addendum regarding Site Access Modifications and a Cultural Resources Addendum to the FTP Site.			
		1/27/2011	Email from V. Leos of USEPA to Respondents' Project Coordinator stating that until USEPA approves modification to Site Plans, Respondents must continue to follow existing work plan.	
		1/28/2011	Email from V. Leos of USEPA clarifying his 1/27/2011 email and stating that USEPA's reviews of Respondents' revised plans do not impede Respondents' ability to continue work at Site.	
1/28/2011	Email from Respondents' Project Coordinator to USEPA regarding meeting with USEPA on 1/31/2011, including attendees and agenda.	1/28/2011	Email from V. Leos of USEPA asking that "water access/barge needed for eastern pit" be added to agenda for 1/31/11 meeting.	
1/28/2011	Email from Respondents' Project Coordinator to V. Leos of USEPA confirming addition to agenda.			
1/28/2011	Letter from MIMC's counsel on behalf of Respondents to USEPA regarding supplement to Respondents' force majeure claims.			
		1/28/2011	Email from B. Nann of USEPA to Respondents and members of CAC regarding status of Site.	
		1/28/2011	Email from B. Nann of USEPA to Respondents' counsel seeking confirmation that no attorneys would be at 1/31/2011 meeting with L. Starfied and S. Coleman of USEPA.	
1/28/2011	Email from IP counsel to B. Nann of USEPA stating his understanding that no counsel would be present at 1/31/2011 meeting.			

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
1/31/2011	TCRA Weekly Progress Report 012 email from J. Laplante to V. Leos and five hard copies.			
1/31/2011	Letter from D. Keith to V. Leos and B. Nann requesting review and approval of attached revised TCRA construction schedule; reiterating request for review and approval of 401/404(b)(1) documentation relating to changes in TxDOT access, and requesting clarification on future communications between Respondents and USEPA.			
1/31/2011	Email from M MC counsel to B. Nann of USEPA regarding planned attendees for 1/31/2011 meeting with L. Starfield, et al. of USEPA.			
1/31/2011	Email from M MC counsel to B. Nann of USEPA regarding lack of attendance of legal counsel at USEPA meeting regarding TCRA schedule.	1/31/2011	Emails from B. Nann of USEPA regarding 1/31/2011 meeting regarding TCRA schedule and attendance of legal counsel	
2/1/2011	USA Environment submittals 1, 2, and 3 (geotextiles and geomembrane) transmitted via email from J. Laplante to V. Leos and B. Nann.			
2/2/2011	USA Environment submittals 4 and 5 (CHASP and geotextile) transmitted via email from J. Laplante to V. Leos and B. Nann.			
2/3/2011	USA Environment submittals 6, 7, 8 and 9 (partial stone chemistry results; Armor Cap C and D gradation curves, list of subcontractors) transmitted via 2 emails from J. Laplante to V. Leos and B. Nann.			
2/4/2011	USA Environment submittals 10 and 11 (CWP, EPP, SWPPP) transmitted via email from J. Laplante to V. Leos and B. Nann.			
2/4/2011	Revised RAWP document transmitted via email from J. Laplante to V. Leos and B. Nann for review			
2/7/2011	TCRA Weekly Progress Report 013 email from J. Laplante to V. Leos and five hard copies.			
2/8/2011	Copy of Market Street and LaBarge Site Lease Agreements sent via email and hard copy from J. Laplante to V. Leos and B. Nann.			
2/8/2011	Notification of TCRA subcontractors letter sent by email and hard copy from J. Laplante to V. Leos and B. Nann.			
		2/10/2011	Letter from USEPA V. Leos to D. Keith requesting that TCRA Weekly Updates include a copy of the approved TCRA Schedule instead of the proposed revised TCRA schedule.	
		2/10/2011	Letter from USEPA V. Leos to D. Keith approving Addendum Regarding Site Access Modifications, subject to additional clarifying text proposed by USEPA to be included in the Addendum.	
		2/10/2011	Letter from USEPA V. Leos to D. Keith requesting specific additional detail be provided in the proposed revised TCRA schedule.	

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
2/10/2011	Email to V. Leos of USEPA from D. Shafer of MIMC, on behalf of Respondents, regarding proposed Administration Site signs.	2/11/2011	Email from V. Leos of USEPA to Respondents approving Administration Site signs.	
2/11/2011	Minutes from February 4, 2011 USEPA Weekly Update teleconference sent via email from J. Laplante to V. Leos and B. Nann.			
2/14/2011	TCRA Weekly Progress Report 014 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
2/14/2011	Letter from MIMC counsel, on behalf of Respondents, to USEPA regarding notice of dispute relative to USEPA's January 14, 2011, Notice of Violation.	2/16/2011	Email from B. Nann of USEPA to Respondents' counsel transmitting USEPA's response to Respondents' force majeure claim.	
2/14/2011	J. Laplante submitted TCRA Detailed Schedule to V. Leos and B. Nann.			
2/15/2011	J. Laplante submitted to V. Leos and B. Nann information on Exclusion Zone and Restricted Zone as developed by Respondents' contractor USA Environment.			
		2/16/2011	Email from B. Nann of USEPA to Respondents' counsel regarding Respondents' notice of dispute relative to January 14, 2011, Notice of Violation.	
2/18/2011	J. Laplante submitted to V. Leos and B. Nann contact information for the Channelview Volunteer Fire Department via email.			
2/18/2011	J. Laplante submitted to V. Leos and B. Nann a draft Emergency Contingency Plan, as requested by USEPA, via email.			
2/22/2011	TCRA Weekly Progress Report 015 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
2/22/2011	Submittal via hand delivery of Respondents' Notice of Dispute relative to the January 21, 2011 NOV and the January 24, 2011 NOV.			
2/23/2011	Clarification of RAWP and Schedule Edits email from J. Laplante to V. Leos and B. Nann and five hard copies.	3/3/2011	Letter from V. Leos approving changes to Removal Action Work Plan, but not approving revised construction schedule	USEPA requested that Respondents schedule a meeting immediately if original schedule completion date of September 2, 2011 cannot be maintained
2/23/2011	USA Environment Submittal 10 - Approved Contractor Work Plan submittal email from J. Laplante to V. Leos and B. Nann and five hard copies.			
2/24/2011	Updated Analyte List email from J. Laplante to V. Leos and B. Nann.			
2/28/2011	TCRA Weekly Progress Report 016 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
3/1/2011	USA Environment Submittals 6a, 12, 13a, and 14 - Approved natural stone and processed concrete aggregate chemistry results, Armor Cap B/C gradation, and Contractor Site Security Plan submittals transmitted via email and hard copy from J. Laplante to V. Leos and B. Nann.			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
		3/3/2011	Letter from USEPA V. Leos providing update on status of NOVs.	
		3/3/2011	Notice of Violation letter from USEPA regarding non-compliance with the TCRA AOC.	
		3/3/2011	Letter from V. Leos of USEPA to Respondents' Project Coordinator regarding Respondents' request to change Removal Action Work Plan and Work Schedule.	
3/3/2011	Notification of Proposed Non-Hazardous Landfill letter from J. Laplante to V. Leos.	3/4/2011	Approval of Respondent's selected Subtitle D Landfill sent via email from V. Leos to J. Laplante.	
3/7/2011	TCRA Weekly Progress Report 017 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
3/10/2011	Submittals 17 and 18 - Approved Armor Cap A gradation results, and LLDPE liner test results submittals transmitted via email and hard copy from J. Laplante to V. Leos and B. Nann.			
		3/11/2011	Email from B. Nann of USEPA to Respondents' counsel transmitting USEPA's response to Respondents' Notice of Dispute dated February 14, 2011.	
3/14/2011	TCRA Weekly Progress Report 018 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
3/17/2011	Revised Emergency Contingency Plan (ECP) sent from J. Laplante to V. Leos and B. Nann via email and hard copy.			
3/18/2011	Updated Notification of TCRA Subcontractors sent from J. Laplante to V. Leos and B. Nann via email and hard copy.			
3/18/2011	Submittal via hand delivery of Respondents' Notice of Dispute relative to USEPA's February 16, 2011, rejection of Respondents' force majeure claim.			
3/21/2011	TCRA Weekly Progress Report 019 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
3/28/2011	TCRA Weekly Progress Report 020 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		3/28/2011	Letter from USEPA V. Leos to D. Keith requesting revision of weekly reports 017, 018, and 019 to remove the proposed revised schedule from these reports, and to cease inclusion of the proposed revised schedule in future weekly reports.	
4/4/2011	TCRA Weekly Progress Report 021 and amended Progress Reports No. 017, 018, and 019 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		4/8/2011	Letter from USEPA V. Leos to D. Keith requesting a formal response to concerns regarding displacement of waste sludge that has been observed during cap construction activities.	
4/11/2011	TCRA Weekly Progress Report 022 email from J. Laplante to V. Leos and B. Nann and five hard copies.			

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
4/14/2011	Submitted via email from J. Laplante to V. Leos and B. Nann approved contractor Submittals 19 and 20 and Cap Construction Progress Map to V. Leos and B. Nann and five hard copies.			
4/15/2011	Letter from D. Keith to V. Leos on behalf of Respondents as formal response to USEPA concerns about displacement of waste sludge observed during construction activities.			
4/15/2011	Submitted via email from J. Laplante to V. Leos and B. Nann copy of the Emergency Contingency Plan Marshalling Area figure for the SJRWP TCRA to V. Leos and B. Nann and five hard copies.			
4/18/2011	TCRA Weekly Progress Report 023 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
4/22/2011	Letter from J. Laplante to V. Leos requesting EPA review and approval of additional Subtitle D landfill for disposal of debris generated as part of TCRA construction activities sent via e-mail and 5 hard copies.	4/26/2011	Approval of Respondent's additional Subtitle D Landfill sent via email from V. Leos to J. Laplante.	
4/25/2011	TCRA Weekly Progress Report 024 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
5/2/2011	TCRA Weekly Progress Report 025 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
5/2/2011	Supplemental Work Plan for West Cell Access sent via email from J. Laplante to V. Leos and B. Nann			
5/3/2011	DRAFT Weather Day schedule sent via email from J. Laplante to V. Leos			
5/5/2011	Submitted via email from J. Laplante to V. Leos and B. Nann approved contractor Submittals 21 and 22 covering additional chemistry testing of import aggregates.			
5/9/2011	TCRA Weekly Progress Report 026 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
5/16/2011	TCRA Weekly Progress Report 027 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
5/23/2011	TCRA Weekly Progress Report 028 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
5/31/2011	TCRA Weekly Progress Report 029 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
6/6/2011	TCRA Weekly Progress Report 030 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
6/13/2011	TCRA Weekly Progress Report 031 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
6/16/2011	Provided USEPA-requested electronic survey information to V. Leos via FTP.			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
6/20/2011	TCRA Weekly Progress Report 032 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
6/27/2011	TCRA Weekly Progress Report 033 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
7/5/2011	TCRA Weekly Progress Report 034 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
7/7/2011	Provided USEPA-requested electronic copy of the latest probing map to V. Leos from J. Laplante.			
7/11/2011	TCRA Weekly Progress Report 035 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
7/18/2011	TCRA Weekly Progress Report 036 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
7/25/2011	TCRA Weekly Progress Report 037 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
8/1/2011	TCRA Weekly Progress Report 038 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
8/2/2011	Email from R. Brown to V. Leos draft Operations, Monitoring, and Maintenance (OMM) Plan.			
		8/2/2011	Email from A. Foster to Respondents' counsel transmitting draft letters designating Respondents as USEPA's representatives for Big Star access.	
		8/3/2011	Email from A. Foster to Respondents' counsel transmitting copy of letter from USEPA to San Jacinto River Fleet regarding its activities at the Site, expressing intent to pursue access from Big Star/San Jacinto River Fleet, and requesting summary of Respondents' problems in obtaining access from Big Star.	
		8/3/2011	Email from A. Foster to Respondents' counsel regarding fact sheet associated with residential sampling.	
8/8/2011	TCRA Weekly Progress Report 039 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		8/10/2011	Email from A. Foster to Respondents' counsel regarding revised letter of designation.	
		8/11/2011	Noncompliance Letter from Valmichael Leos dated August 5, 2011 was received and signed for on August 11, 2011.	
8/15/2011	TCRA Weekly Progress Report 040 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
8/22/2011	TCRA Weekly Progress Report 041 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
8/29/2011	TCRA Weekly Progress Report 042 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
9/2/2011	Submitted DRAFT Removal Action Completion Report via email and FTP from D. Keith to V. Leos.			
9/6/2011	TCRA Weekly Progress Report 043 email from J. Laplante to V. Leos and B. Nann and five hard copies.			

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Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
9/9/2011	Submitted to USEPA a notice of dispute relative to USEPA's August 5, 2011 notice of noncompliance received by Respondent's Project Coordinator on August 11, 2011.			
9/9/2011	Submitted to USEPA a detailed response to USEPA's February 16, 2011 denial of Respondents' force majeure claims under the AOC.			
9/12/2011	TCRA Weekly Progress Report 044 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
9/19/2011	TCRA Weekly Progress Report 045 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		9/21/2011	Email from Barbara Nann regarding access to the Big Star property.	
9/26/2011	TCRA Weekly Progress Report 046 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
9/26/2011	Email from M MC counsel to Jessica Hernandez of USEPA regarding USEPA's request to obtain an access agreement with San Jacinto River Fleet.	9/28/2011	Email from Jessica Hernandez of USEPA to MIMC counsel regarding documentation of access to western waste pit at Site and extension of time of obtain access agreement from San Jacinto River Fleet.	
9/30/2011	Email from M MC counsel to USEPA counsel forwarding copy of survey of remaining Big Star property and current San Jacinto River Fleet property in response to USEPA's email of September 28, 2011.	9/30/2011	Email from USEPA counsel Barbara Nann to Respondent's counsel responding to MIMC's counsel's email of September 30, 2011.	
10/3/2011	TCRA Weekly Progress Report 047 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
10/4/2011	Email from M MC counsel to USEPA counsel responding to September 30, 2011, email from B. Nann of USEPA regarding property survey issue.			
10/5/2011	Email from IP counsel to USEPA counsel joining in MIMC counsel's emails of September 30, 2011, and October 4, 2011, and further addressing access issues under the AOC and UAO.			
		10/6/2011	Email from J. Hernandez of USEPA to Respondents' counsel regarding USEPA's meeting with San Jacinto River Fleet (SJRF) on October 6, 2011, and need for Respondents to continue working to obtain access agreement with SJRF.	
10/7/2011	Email from M MC counsel to J. Hernandez of USEPA responding to J. Hernandez' email of October 6, 2011.			
10/10/2011	TCRA Weekly Progress Report 048 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		10/12/2011	Email from V. Leos regarding written comments on the Draft Removal Action Completion Report (RACR).	

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
10/13/2011	Email from M MC counsel to B. Darnell of San Jacinto River Fleet (SJRF), with copy to J. Hernandez of USEPA, requesting information on the access requirements for the restricted areas of the SJRF property.			
10/21/2011	TCRA Weekly Progress Report 049 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
10/24/2011	TCRA Weekly Progress Report 050 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
10/25/2011	Memorandum sent to USEPA via email from D. Keith to V. Leos and G. Miller reporting security fence breach observed on October 24, 2011. Repairs to fence were completed on October 26, 2011.			
10/27/2011	Email from D. Keith to USEPA V. Leos and G. Miller providing photo documentation of completion of the perimeter fence repairs.	10/27/2011	Response from USEPA V. Leos acknowledging receipt of photo documentation.	
10/31/2011	TCRA Weekly Progress Report 051 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
10/31/2011	Email from M MC counsel (on behalf of Respondents) to San Jacinto River Fleet and USEPA responding to SJRF's email dated October 14, 2011, regarding conditions for access to restricted areas of SJRF property for purposes of potential AOC and UAO activities.			
11/7/2011	TCRA Weekly Progress Report 052 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
11/14/2011	TCRA Weekly Progress Report 053 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
11/21/2011	TCRA Weekly Progress Report 054 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
11/22/2011	Submitted revised draft final Removal Action Completion Report (RACR) to the USEPA from D. Keith to V. Leos by email, hard copy, and FTP site.			
11/23/2011	Email from M MC counsel (on behalf of Respondents) to San Jacinto River Fleet (SJRF) and USEPA regarding status of SJRFs consideration of Respondents' October 31, 2011 email regarding access to SJRFs property.			
11/28/2011	TCRA Weekly Progress Report 055 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		11/29/2011	Email from J. Hernandez of USEPA to Respondent's counsel regarding SJRF's operations in the vicinity of the Site and SJRF's draft sampling and monitoring plan.	

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
12/1/2011	Email from D. Keith to USEPA V. Leos and G. Miller providing the schedule for the implementation of the operations, monitoring, and maintenance plan (OMMP) for the TCRA signs, fencing, and armored cap.			OMMP implementation will begin in January 2012, assuming the Removal Action Completion Report and associated OMMP plan are approved beforehand.
12/5/2011	TCRA Weekly Progress Report 056 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
12/12/2011	TCRA Weekly Progress Report 057 email from J. Laplante to V. Leos and B. Nann and five hard copies, including attachment providing written notification to USEPA of fence breach observed on December 8, 2011.			
12/19/2011	TCRA Weekly Progress Report 058 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
12/27/2011	TCRA Weekly Progress Report 059 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
12/27/2011	Email from M MC counsel (on behalf of Respondents) to San Jacinto River Fleet (SJRF) and USEPA regarding status of SJRFs consideration of Respondents' October 31, 2011 email regarding access to SJRFs property.			
		12/27/2011	Email from SJRF to Respondents' counsel and USEPA in response to Respondents' emails of November 23, 2011, and December 27, 2011 regarding access to SJRF's property.	
1/3/2012	TCRA Weekly Progress Report 060 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
		1/3/2012	Email from USEPA V. Leos to D. Keith subject and attachment "Edits for Revised Final Construction Completion Report - SJRWP".	
1/9/2012	TCRA Weekly Progress Report 061 email from J. Laplante to V. Leos and B. Nann and five hard copies.			
1/18/2012	Email from D. Keith to V. Leos acknowledging USEPA agreement to begin monthly TCRA progress reporting.	1/18/2012	Email from V. Leos agreeing that weekly summary report are no longer needed and to move to monthly and revisit this later after the first cap inspection.	
1/27/2012	Email from W. Mears to V. Leos providing update on first TCRA OMMP monitoring event progress.			
1/31/2012	Email from W. Mears to V. Leos providing update on first TCRA OMMP monitoring event progress.			
		2/9/2012	Email from J. Hernandez to Respondents' counsel forwarding draft pre-construction baseline site assessment work plan for San Jacinto River Fleet project ("SJRF Draft SAP").	
		2/14/2012	Email from J. Hernandez to Respondents' counsel forwarding copy of USEPA letter to San Jacinto River Fleet dated 12/1/2012.	
		2/15/2012	Email from J. Hernandez to Respondents' counsel regarding deadline for comments on the SJRF Draft SAP.	
2/15/2012	TCRA Monthly Progress Report 001 email from J. Laplante to V. Leos and five hard copies.			
2/21/2012	Submitted TCRA Quarterly Inspection Report - January 2012 Inspection to USEPA.			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
3/8/2012	Submitted correspondence to J. Hernandez regarding SJRF operations and comments on SJRF Draft SAP.			
3/9/2012	Submitted Revised Draft Final Removal Action Completion Report (RACR), including responses to USEPA's comments on the Draft Final RACR.			
3/15/2012	TCRA Monthly Progress Report 002 email from J. Laplante to V. Leos and five hard copies.			
3/30/2012	Letter from International Paper to USEPA Region 6 Administrator regarding financial assurance.			
4/16/2012	TCRA Monthly Progress Report 003 email from J. Laplante to V. Leos and five hard copies.			
5/1/2012	Email response from Respondent's counsel to USEPA's J. Hernandez acknowledging USEPA's status update on the SJRF Draft SAP review.	5/1/2012	Email from J. Hernandez to Respondents' counsel regarding SJRF Draft SAP still currently under USEPA review.	
5/15/2012	TCRA Monthly Progress Report 004 email from J. Laplante to V. Leos and five hard copies.			
		5/16/2012	Emails from J. Hernandez to Respondents' counsel providing comments from NOAA, TCEQ, and the Harris County Pollution Control Services Department to the SJRF Draft SAP.	
5/17/2012	Submitted TCRA Quarterly Inspection Report - April 2012 Inspection to USEPA.			
		6/12/2012	Received copy of 6/12/2012 correspondence from USEPA to SJRF providing USEPA's comments to the SJRF Draft SAP.	
6/15/2012	TCRA Monthly Progress Report 005 email from J. Laplante to V. Leos and five hard copies.			
7/16/2012	TCRA Monthly Progress Report 006 email from J. Laplante to V. Leos and five hard copies.			
7/23/2012	Submitted written notification to USEPA regarding the results of the inspection of the TCRA Cap conducted on July 20, 2012.			
		7/25/2012	Receipt by M MC counsel of USEPA letter dated July 24, 2012 regarding stipulated penalties issues and invitation to meet.	
		7/26/2012	Receipt by D. Keith of USEPA's May 22, 2012 letter disapproving the draft final RACR and issuing the RACR in final form.	
7/27/2012	Submitted TCRA Cap Repair Plan to USEPA to address maintenance issues on the western berm.	7/31/2012	Received approval letter from USEPA to proceed with implementation of the TCRA Cap Repair Plan.	
		8/10/2012	Email from A. Foster to Respondents granting and extension of time to Respondents to exercise their rights associated with USEPA's disapproval of the draft final RACR and issuance of RACR in final form.	
8/15/2012	TCRA Monthly Progress Report 007 email from J. Laplante to V. Leos and five hard copies.			
		8/15/2012	Email from V. Leos to D. Keith with USEPA Revised Removal Action Completion Report (RACR) for the Time Critical Removal Action attached (pdf, without appendices).	
		8/20/2012	Received and signed for the hard copy of the letter from USEPA dated July 24, 2012 (Noncompliance with Administrative Settlement Agreement and Order on Consent for Removal Action).	

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
8/21/2012	Submitted Post-TCRA Quarterly Inspection Report - July 2012 Inspection.			
8/27/2012	Submitted TCRA Maintenance Completion Report.			
		8/31/2012	IP and MIMC counsel received an email from Jessica Hernandez of USPEA on August 31, 2012 confirming a 60 day extension under the AOC for the Respondents to raise any claims/disputes relative to USEPA's May 22, 2012 letter regarding the RACR. The 60 day extension runs from the date of the upcoming meeting between Respondents and USEPA.	
9/17/2012	TCRA Monthly Progress Report 008 email from J. Laplante to V. Leos and five hard copies.			
9/18/2012	Letter to V. Leos regarding TCRA Cap Repair.			
		10/10/2012	Letter from USEPA V. Leos to D. Keith transmitted via email regarding USEPA questions on the TCRA cap erosion issue.	
10/15/2012	TCRA Monthly Progress Report 009 email from J. Laplante to V. Leos and five hard copies.			
11/8/2012	Submitted Post-TCRA Quarterly Inspection Report - October 2012 Inspection.			
11/15/2012	TCRA Monthly Progress Report 010 email from J. Laplante to V. Leos and five hard copies.			
		12/4/2012	Email from A. Foster to Respondents granting and extension of time to Respondents to exercise their rights associated with USEPA's disapproval of the draft final RACR and issuance of RACR in final form.	
12/17/2012	TCRA Monthly Progress Report 011 email from J. Laplante to V. Leos and five hard copies.			
12/18/2012	Email from J. Laplante to V. Leos correcting date of email from A. Foster from 12/1/2012 to 12/4/2012.	12/19/2012	Email from V. Leos to J. Laplante acknowledging correction of date.	
1/2/2013	Email to USEPA on behalf of Respondents regarding comments on the Revised SJRF SAP.			
1/2/2013	Email from D. Keith to V. Leos (with letter attached) requesting a meeting to discuss USEPA questions raised during a 10-10-12 letter from USEPA to Respondents concerning the design and construction of the TCRA.			
1/8/2013	Teleconference between D. Keith and V. Leos discussing the 01-02-13 letter from the Respondents to USEPA, wherein USEPA recommended a technical meeting be held the week of 01-16-13 to discuss USEPA technical questions concerning the design and construction of the TCRA.			
1/8/2013	Email from D. Keith to V. Leos with a preliminary proposed schedule to conduct the next quarterly inspection of the TCRA.			
1/8/2013	Email from D. Keith to V. Leos providing additional update on schedule for TCRA quarterly inspection, as related to current weather conditions and changes to the proposed inspection schedule therefore.			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
1/15/2013	Email from D. Keith to V. Leos regarding results of TCRA cap inspection.	1/16/2013	Email response from V. Leos to D. Keith acknowledging the notification regarding the TCRA cap inspection results.	
1/15/2013	TCRA Monthly Progress Report 012 email from J. Laplante to V. Leos and five hard copies.			
1/16/2013	Email from D. Keith to V. Leos providing additional detail on the observations made during the January 2013 TCRA cap inspection.			
1/18/2013	Email from D. Keith to V. Leos concerning findings made during additional inspection of the Eastern Cell of the TCRA.			
1/23/2013	Email notification from D. Keith to USEPA and SJRWP CAC Members to notify them about upcoming maintenance activities.			
1/23/2013	TCRA Cap Maintenance Plan sent via email from J. Laplante to V. Leos.	1/24/2013	Email response from V. Leos to J. Laplante approving the TCRA Maintenance Plan.	
		1/31/2013	Email from USEPA counsel A. Foster to D. Keith granting additional 30 day extension to Respondents to exercise rights under the AOC for dispute resolution related to May 22, 2012 letter from USEPA.	
2/4/2013	Email from W. Mears to V. Leos providing status update on maintenance activities and data collection for TCRA quarterly monitoring event.			
2/7/2013	Email from W. Mears to V. Leos providing final daily report from maintenance activities, and identifying maintenance as complete.			
2/15/2013	Submitted Post-TCRA Quarterly Inspection Report - January 2013 Inspection and the TCRA Maintenance Completion Report.			
2/15/2013	TCRA Monthly Progress Report 013 email from J. Laplante to V. Leos and five hard copies.			
		3/6/2013	Email from USEPA counsel A. Foster to D. Keith granting additional 90 day extension (for a total of 240 days) to Respondents to exercise rights under the AOC for dispute resolution related to May 22, 2012 letter from USEPA.	
3/15/2013	TCRA Monthly Progress Report 014 email from J. Laplante to V. Leos and five hard copies.			
4/5/2013	Submitted TCRA Report on Reassessment of Design and Construction.			
4/15/2013	TCRA Monthly Progress Report 015 email from J. Laplante to V. Leos and five hard copies.			
		4/25/2013	Email from V. Leos to D. Keith with a list of questions for the Respondents to address related to the TCRA design.	
		5/1/2013	Letter from V. Leos to D. Keith requesting information on the design and construction of armor cap.	
5/8/2013	Submitted Post-TCRA Inspection Report - April 2013 Inspection.			
		5/10/2013	Email from USEPA V. Leos to D. Keith providing additional follow-up questions to USEPA's May 1, 2013 letter providing supplemental technical questions on USEPA's assessment of the TCRA cap design.	
5/15/2013	TCRA Monthly Progress Report 016 email from J. Laplante to V. Leos and five hard copies.			

TCRA Monthly Report - Summary of Agency Communication

Respondents Submittal Date	Respondents Communication Summary	Response from USEPA Date	USEPA Communication Summary	Notes
		5/30/21013	Email from USEPA on behalf of A. Foster to D. Keith providing an additional extension of 90 days to a total of 330 days for Respondents to exercise their rights for dispute regarding the RACR.	
6/14/2013	Submitted response to questions on TCRA Assessment.			
6/17/2013	TCRA Monthly Progress Report 017 email from J. Laplante to V. Leos and five hard copies.			
		6/25/2013	Communication from USEPA G. Miller to D. Keith regarding questions about vegetation growing on the armored cap.	
7/12/2013	Submitted letter to USEPA G. Miller from D. Keith regarding vegetation control and herbicide application(s).	7/26/2013	Email from USEPA G. Miller giving approval to perform vegetation control at the Site.	
7/15/2013	TCRA Monthly Progress Report 018 email from J. Laplante to V. Leos and five hard copies.			
8/12/2013	Submitted Third Quarter, 2013, TCRA Cap Inspection Report to USEPA.			
8/15/2013	TCRA Monthly Progress Report 019 email from J. Laplante to V. Leos and five hard copies.			
		8/30/2013	Email from USEPA A. Salinas to D. Keith providing an additional extension for a total of 375 days for Respondents to exercise rights under the AOC for dispute resolution related to May 22 2012 letter from USEPA.	

-SCHEDULE-
SAN JACINTO RIVER WASTE PITS SUPERFUND SITE

ID	Task Name	Duration	Start	Finish
1	**SAN JACINTO WASTE PIT SUPERFUND SITE**	**164.6 days**	**Thu 11/11/10**	**Fri 9/2/11**
2	Contract Completion	0 days	Mon 11/22/10	Mon 11/22/10
3	Notice To Proceed	0 days	Tue 11/23/10	Tue 11/23/10
4	**Materials Procurment**	**28.6 days**	**Thu 11/11/10**	**Wed 1/5/11**
5	**Materials Lead Time**	**28.6 days**	**Thu 11/11/10**	**Wed 1/5/11**
6	Place Orders - Bouys and Signs	0 days	Mon 11/29/10	Mon 11/29/10
7	Place Orders - Materials	0 days	Mon 11/29/10	Mon 11/29/10
8	***Material Preparation Lead Time***	**20 days**	**Mon 11/29/10**	**Wed 1/5/11**
9	*Natural Stone (54 500 tons 9 trains)*	20 days	Mon 11/29/10	Wed 1/5/11
10	*Processed Concrete (18 600 tons 1 030 end dumps)*	20 days	Mon 11/29/10	Wed 1/5/11
11	*Filter Fabric (4 truck loads)*	20 days	Mon 11/29/10	Wed 1/5/11
12	*Access Road Filter Fabric*	5 days	Mon 11/29/10	Tue 12/7/10
13	*Access Road TxDOT Road Base*	5 days	Mon 11/29/10	Tue 12/7/10
14	*LLDPE*	15 days	Mon 11/29/10	Mon 12/27/10
15	*Bouys and signs*	20 days	Thu 11/11/10	Fri 12/17/10
16	**Materials Delivery**	**65 days**	**Thu 12/16/10**	**Tue 4/12/11**
17	Natural Stone	65 days	Thu 12/16/10	Tue 4/12/11
18	Processed Concrete	45 days	Thu 12/16/10	Tue 3/8/11
19	Filter Fabric (rock underlay)	20 days	Mon 12/27/10	Tue 2/1/11
20	LLDPE	5 days	Mon 12/27/10	Wed 1/5/11
21	Bouys and signs	0 days	Fri 12/17/10	Fri 12/17/10
22	Materials Delivery Complete	0 days	Tue 4/12/11	Tue 4/12/11
23	Preconstruction Conference	1 day	Wed 12/8/10	Thu 12/9/10
24	**Plans and Submittal**	**20 days**	**Mon 11/22/10**	**Wed 12/29/10**
25	**Preparation**	**10 days**	**Mon 11/22/10**	**Fri 12/10/10**
26	Project Work Plan	10 days	Mon 11/22/10	Fri 12/10/10
27	Site Specific HASP	10 days	Mon 11/22/10	Fri 12/10/10
28	QAPP	10 days	Mon 11/22/10	Fri 12/10/10
29	Submittal Review	5 days	Fri 12/10/10	Mon 12/20/10
30	Response to Comments/Final Documents	5 days	Mon 12/20/10	Wed 12/29/10
31	Final Approvals	0 days	Wed 12/29/10	Wed 12/29/10
32	**Construction**	**136 days**	**Wed 12/8/10**	**Mon 8/8/11**
33	**Project Set up**	**10 days**	**Wed 12/8/10**	**Mon 12/27/10**
34	Mobilization	3 days	Wed 12/8/10	Mon 12/13/10
35	Big Star Property Improvements	10 days	Wed 12/8/10	Mon 12/27/10
36	**Site Management Activities**	**136 days**	**Wed 12/8/10**	**Mon 8/8/11**
37	Health and Safety	136 days	Wed 12/8/10	Mon 8/8/11
38	Quality Control	136 days	Wed 12/8/10	Mon 8/8/11
39	Survey Control	136 days	Wed 12/8/10	Mon 8/8/11
40	Site Security	136 days	Wed 12/8/10	Mon 8/8/11
41	**Access Road Construction**	**12 days**	**Thu 12/30/10**	**Thu 1/20/11**
42	Clear and Grub	10 days	Thu 12/30/10	Tue 1/18/11
43	Place Filter Fabric and Road Base	10 days	Tue 1/4/11	Thu 1/20/11
44	Environmental Protection	20 days	Mon 12/27/10	Tue 2/1/11
45	Sign and Bouy Installation	10 days	Mon 12/20/10	Fri 1/7/11
46	**Armor Cap Placement**	**116 days**	**Wed 1/5/11**	**Fri 7/29/11**
47	**Water Side Placement**	**96 days**	**Wed 1/5/11**	**Thu 6/23/11**
48	Armor Cap C2	10 days	Wed 1/5/11	Mon 1/24/11
49	Armor Cap B	9 days	Mon 1/24/11	Tue 2/8/11
50	Armor Cap E	32 days	Tue 2/8/11	Tue 4/5/11
51	Armor Cap D	34 days	Tue 4/5/11	Fri 6/3/11
52	Armor Cap A	11 days	Mon 6/6/11	Thu 6/23/11
53	Place Geotextile	96 days	Wed 1/5/11	Thu 6/23/11
54	**Land Side Placement**	**107 days**	**Fri 1/21/11**	**Fri 7/29/11**
55	**Western Cell Preparation**	**19 days**	**Fri 1/21/11**	**Wed 2/23/11**
56	Clear and Grub Peninsula	10 days	Fri 1/21/11	Tue 2/8/11
57	Shaping and Grading	6 days	Mon 1/31/11	Wed 2/9/11
58	Granular Fill (bedding)	6 days	Tue 2/1/11	Thu 2/10/11
59	LLDPE Placement	7 days	Fri 2/11/11	Wed 2/23/11
60	**Armor Cap Placement**	**88 days**	**Wed 2/23/11**	**Fri 7/29/11**
61	Armor Cap B	15 days	Wed 2/23/11	Tue 3/22/11
62	Armor Cap C1	9 days	Tue 3/22/11	Wed 4/6/11
63	Armor Cap C2	24 days	Wed 4/6/11	Wed 5/18/11
64	Armor Cap A	2 days	Wed 5/18/11	Mon 5/23/11
65	Armor Cap D	28 days	Mon 5/23/11	Wed 7/13/11
66	Armor Cap E	10 days	Wed 7/13/11	Fri 7/29/11
67	Place Geotextile	88 days	Wed 2/23/11	Fri 7/29/11
68	Substantial Completion	0 days	Fri 7/29/11	Fri 7/29/11
69	Demobilization	5 days	Fri 7/29/11	Mon 8/8/11
70	**Final Reports**	**20 days**	**Fri 7/29/11**	**Fri 9/2/11**
71	Redline Drawings	20 days	Fri 7/29/11	Fri 9/2/11
72	Narrative	20 days	Fri 7/29/11	Fri 9/2/11
73	Project Completion	0 days	Fri 9/2/11	Fri 9/2/11

Project: San Jacinto River Waste Pits Superfund Site
Draft Schedule
Date: Fri 11/19/10

Critical | Critical Split | Task | Split | Progress | Milestone | Slack | Slippage | Summary | Project Summary | Rolled Up Critical | Rolled Up Critical Split | External Tasks | External Milestone | Deadline