Message

From: Berkoff, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F347C01A92D7424FA840C24F6B7FBF6B-MBERKOFF]
Sent: 4/15/2013 1:56:01 PM
To: Merchant, Bruce [MerchantB@kalamazoocity.org]
CC: Saric, James [saric.james@epa.gov]; Jach, JoLinda [JachJ@kalamazoocity.org]; Foune, Sue [FouneS@kalamazoocity.org]; Wetzel, Michael C. [WetzelM@kalamazoocity.org]; Hatton, Marc [HattonM@kalamazoocity.org]; Saric, James [saric.james@epa.gov]; Frey, Rebecca [frey.rebecca@epa.gov]; Carlson, Janet [carlson.janet@epa.gov]; Tanaka, Joan [tanaka.joan@epa.gov]
Subject: RE: List of Items Requested from USEPA-Region V re: Allied Site

Bruce,
Thank you for all of your coordination efforts. We look forward to meeting with all of you tomorrow. I will ask Bob Engelmann to make a trial connection today and follow up with you on the results.
Michael

From: Merchant, Bruce [mailto:MerchantB@kalamazoocity.org]
Sent: Monday, April 15, 2013 7:54 AM
To: Berkoff, Michael
Cc: Saric, James; Jach, JoLinda; Foune, Sue; Wetzel, Michael C.; Hatton, Marc; Saric, James; Frey, Rebecca; Carlson, Janet; Tanaka, Joan
Subject: RE: List of Items Requested from USEPA-Region V re: Allied Site

Michal –

Just heard from Mayor Hopewell. He is all set for tomorrow's (Tuesday, 4/16) teleconference at Borgess – his conflict has been eliminated. I will contact Mr. Wurtz shortly for the IP address.

Bruce Merchant

From: Berkoff, Michael [mailto:berkoff.michael@epa.gov]
Sent: Friday, April 12, 2013 12:34 PM
To: Merchant, Bruce
Cc: Saric, James; Jach, JoLinda; Foune, Sue; Wetzel, Michael C.; Hatton, Marc; Saric, James; Frey, Rebecca; Carlson, Janet; Tanaka, Joan
Subject: RE: List of Items Requested from USEPA-Region V re: Allied Site

Dear Bruce,

Below are EPA's responses to the questions that the City posed to EPA via your March 22, 2013 email. I have added our responses into the list of questions that you provided. If you have any follow-up questions, we can address them during our April 16, 2013 video-conference.

Thank you,
Michael

1. **Acreage of various portions associated with OU-1**

    a. **Landfill Area – current and future (based on implementation of Alternative 2B)**

Response: The current acreage of the former Allied Paper property is 89 acres. The existing landfill footprint (including the Bryant HRDLs/FRDLs, Monarch HRDL, Type III Landfill and Western Disposal Area) is approximately 60 acres. Alternative 2B would leave a landfill of approximately 45 acres.

b. Panelyte

Response: The Panelyte property is approximately 22 acres in size. Only a small portion of the Panelyte property is currently included in OU1 — the Panelyte Marsh (approximately 1 acre).

c. Total acreage that will be available for development (based on implementation of Alternative 2B)

Response: Implementation of Alternative 2B would allow for industrial/commercial reuse at the former Lyondell property north of Panelyte (3.5 acres) and parts of Monarch (approximately ½ of its 6.9 acres). Certain neighboring areas east of Portage Creek are also included in OU1 and will be sampled and addressed under Alternative 2B. Depending on what happens with the Panelyte property – see item 2) below – additional acreage could be available for development.

d. Green space associated with Portage Creek/potential trail way

Response: At this time we do not know the exact number of acres of green space associated with Portage Creek under Alternative 2B; however, implementation of Alternative 2B will increase green space along the Portage Creek corridor. Currently, there are fences restricting access to OU1 between Portage Creek and the adjacent residential properties to the east. Alternative 2B will increase green space, since the fence will be moved to the landfill perimeter west of Portage Creek, thus allowing access to Portage Creek.

2. Panelyte Site

a. Availability of "comfort letter" to facilitate potential City ownership of site
b. Access to site – current and future

Response: EPA has reviewed the Baseline Environmental Assessment for the Panelyte property dated March 2010 prepared by the Kalamazoo Brownfield Redevelopment Authority. Based on our review of that document, there are environmental concerns at the property. For example, contamination of the Panelyte property exceeds Michigan Part 201 commercial/industrial standards and access to the site needs to be restricted until further cleanup is achieved. EPA believes there are several options for addressing the Panelyte Property. We would like to discuss those options with you during our April 16, 2013 video conference.

3. Western Disposal Area (WDA) of OU-1

a. Rationale behind assumptions that the Western Disposal Site does not pose significant future contamination risk

Response: Large amounts of paper residuals are in the WDA. Based upon the sampling effort conducted as part of the Remedial Investigation and our understanding of the

paper residuals at OU1, EPA found significant concentrations of PCBs and inorganics and low levels of SVOCs and VOCs in the WDA, similar to what is found in the HRDL and FRDL areas. Consistent with all of the areas at the Allied site, the contamination is bound to the paper residuals and does not readily migrate to groundwater as further evidenced by groundwater monitoring results. Accordingly, EPA believes that the risks posed by materials in the WDA can be addressed in the same manner as the contamination in other parts of OU1. The engineered cap in Alternative 2B will mitigate the potential for human and ecological exposure to materials at OU1 containing COC concentrations that exceed applicable risk-based cleanup criteria, mitigate the potential for COC-containing materials to migrate, by erosion or surface water runoff, into Portage Creek or onto adjacent properties, and prevent surface water infiltration through the waste. Alternative 2B will prevent contaminated waste material at the OU1 landfill, including contamination in the WDA, from impacting groundwater or surface water.

b. Documentation supporting this rationale including:

Response: Information supporting these assumptions can be found in the 2008 Remedial Investigation (RI) Report. Section 4 of the RI discusses the nature and extent of contamination, including the WDA. Figure 5 of the RI shows the soil sampling locations and Figure 8 shows the groundwater sampling locations. Tables 4-2A (CD) through 4-4D (CD) (found in the electronic version of the RI report) show the constituents detected in the soil and groundwater with denotation of those samples collected in the WDA.

i. Soil borings

Response: PCBs and metals are both found in the WDA soil borings. PCBs range from non-detect to 2500 ppm. Metals range from non-detect to above the Michigan Part 201 Groundwater Surface Water Interface (GSI) soil screening levels in the WDA, but based upon EPA's TCLP testing at OU1, they are not characteristic hazardous waste. VOCs and SVOCs are infrequently detected in the WDA, although some of these detections exceed the Michigan Part 201 GSI screening levels.

ii. Groundwater monitoring

Response: Groundwater monitoring data does not indicate that a plume of PCBs, metals, SVOCs, or VOCs is migrating from the WDA at levels that pose a significant risk. VOCs and SVOCs are largely non-detect in the WDA groundwater samples and are not found above Michigan Part 201 screening levels. The concentrations of various metals in the WDA groundwater vary widely with many metals not being detected in many of the samples. Only zinc, in a limited number of samples and possibly being related to well construction, appears to exceed the Michigan Part 201 GSI screening levels. PCBs are largely non-detect in the WDA groundwater samples, although a limited number do exceed the Michigan Part 201 generic GSI Protection Criteria. The wells with these exceedances are located within the waste. Further, implementation of Alternative 2B would further reduce the risk of contaminants migrating from the WDA via groundwater, as the material would be consolidated and have a better cap system.

***iii.* Well logs/data**

Response: Boring logs for the WDA are included in Attachment B of the RI.

iv. Historical information/data associated with disposal of materials at this location

Response: There are historical anecdotes suggesting that drums were disposed in the WDA. Despite this anecdotal information, the extensive soil and groundwater investigations conducted to date did not show indications of drums or other wastes having been disposed in the WDA. The March 2010 Category N Baseline Environmental Assessment for Former Panelyte Property, and its appendices, documents the presence of drums in the Panelyte Marsh. As part of Alternative 2B, EPA will be sampling and excavating the Panelyte Marsh. If drums or other wastes requiring off-site disposal are encountered, EPA will dispose of those wastes properly. Additionally, if future monitoring identifies unmitigated risks associated with the WDA, EPA will address those risks.

4. Cork Street Landfill

a. Availability/Possibility of reducing groundwater monitoring frequency
b. Oversight by USEPA – long-term contacts, etc….

Response: Moving forward, EPA will be more responsive to the City of Kalamazoo regarding the Cork Street Landfill. As you know, the Cork Street Landfill site has been reassigned to Michael Berkoff. Having the same EPA project manager on both the Allied Landfill and the Cork Street Landfill will provide EPA with a more comprehensive and integrated picture of groundwater flow and conditions in Kalamazoo, and should improve communication and information-sharing between the City and EPA. Michael is currently becoming acquainted with the Cork Street Landfill site and will be in contact with you regarding the City's desire to reduce the frequency of groundwater monitoring.

5. Operational Costs

a. Current Operation & Maintenance (O&M) costs associated with OU-1 (inclusive of groundwater management/monitoring)

Response: During 2012, the Trustee spent $451,861.24 for ongoing maintenance activities at OU1, including operation of the groundwater collection and treatment system. (See attached 2012 Financial Summary.)

b. Projected O&M costs (inclusive of groundwater monitoring) at OU-1 (based on implementation of Alternative 2B)

Response: Over a 30-year period, EPA estimates the costs for O&M of Alternative 2B (including gas and groundwater monitoring but not including groundwater collection and treatment) to be $3M.

c. Comparative O&M costs at other existing "waste in place" landfills such as King Highway, and 12th Street in Otsego

Response: O&M costs for 12th Street Landfill and King Highway Landfill (both OUs of the Allied Paper/Portage Creek/Kalamazoo River Site) are attached.

d. Locations of other similar "waste in place" PCB landfills outside of the State of Michigan (and associated O&M costs)

Response: EPA is still gathering examples of PCB landfills with conditions similar to those at the Kalamazoo Landfills and will get back to the City with examples.

e. **Oversight of long-term maintenance**

Response: At sites where EPA (not responsible parties) is implementing the cleanup, CERCLA Section 104(c)(3) requires that the State enter into a contract or cooperative agreement with EPA whereby the State must assure all future maintenance prior to implementation of the remedial action. In addition, EPA will be monitoring the protectiveness of the remedy at OU1 through the five-year review process. Section 121 of CERCLA requires EPA to review a remedial action that results in hazardous substances remaining at the site at least every five years. If during such a review EPA determines that the remedy ceases to be protective, EPA is authorized to take or require actions to address the risk.

f. **Long-term ownership of site**

Response: The Lyondell Environmental Custodial Trust owns the former Allied Paper property, which is most of OU1. The Lyondell Environmental Custodial Trust will own the property until it is sold. Please note that the Custodial Trust has a separate tax escrow account for the site.

6. **Bankruptcy Trustee Financial Information**

   a. **Current balance in OU-1 Site Trust**
   b. **Current and projected oversight costs associated with the Trust**
   c. **Access to ongoing Trust financial statements**
   d. **If these are not available directly, information on this information can be accessed**

   Response: EPA has attached a financial summary showing the balance of the Trust accounts as of 12/31/12. The financial summary also identifies the total billings during 2012. Please note that these costs include operation and maintenance of a groundwater pump and treat system that would be removed without replacement under Alternative 2B. The Trust is currently revising its 2013 costs for OU1. When EPA has these revised costs, EPA will share them with the City of Kalamazoo. EPA should be able to provide you with Trust statements moving forward.

7. **Status of tour of USEPA Research & Development (R&D) sites for Mayor Hopewell**

Response: Attached is information regarding various EPA labs and research facilities and their research programs. Chuck Maurice of Region 5 would be happy to arrange appointments for Mayor Hopewell at any of these labs/facilities. Chuck can be contacted at Maurice.charles@epa.gov or (312) 886-6635.

From: Merchant, Bruce [mailto:MerchantB@kalamazoocity.org]
Sent: Friday, March 22, 2013 2:30 PM
To: Berkoff, Michael

Cc: Saric, James; Jach, JoLinda; Foune, Sue; Wetzel, Michael C.; Hatton, Marc
Subject: List of Items Requested from USEPA-Region V re: Allied Site

Dear Michael –

Detailed below is a list of items that the City has requested from the USEPA regarding the Allied Site.

1) Acreage of various portions associated with OU-1

   a. Landfill Area – current and future (based on implementation of Alternative 2B)
   b. Panelyte Site
   c. Total acreage that will be available for development (based on implementation of Alternative 2B)
   d. Green space associated with Portage Creek/potential trailway

2) Panelyte Site

   a. Availability of "comfort letter" to facilitate potential City ownership of site
   b. Access to site – current and future

3) Western Disposal Area of OU-1

   a. Rationale behind assumptions that the Western Disposal Site does not pose significant future contamination risk
   b. Documentation supporting this rationale including:
      i. Soil borings
      ii. Groundwater monitoring
      iii. Well logs/data
      iv. Historical information/data associated with disposal of materials at this location

4) Cork Street Landfill

   a. Availability/Possibility of reducing groundwater monitoring frequency
   b. Oversight by USEPA – long-term contacts, etc....

5) Operational Costs

   a. Current Operation & Maintenance (O&M) costs associated with OU-1 (inclusive of groundwater management/monitoring)
   b. Projected O&M costs (inclusive of groundwater monitoring) at OU-1 (based on implementation of Alternative 2B)
   c. Comparative O&M costs at other existing "waste in place" landfills such as King Highway, and 12th Street in Otsego
   d. Locations of other similar "waste in place" PCB landfills outside of the State of Michigan (and associated O&M costs)
   e. Oversight of long-term maintenance
   f. Long-term ownership of site

6) Bankruptcy Trustee Financial Information

   a. Current balance in OU-1 Site Trust

b. Current and projected oversight costs associated with the Trust
c. Access to ongoing Trust financial statements
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7) Status of tour of USEPA Research & Development (R&D) sites for Mayor Hopewell

Our IT personnel have indicated that there are video conferencing capabilities at City Hall. Please contact JoLinda Jach (jachj@kalamazoocity.org) a week prior to any potential conference to discuss any software coordination issues.

Also, as I mentioned in our phone conversation, the City Commission is holding a Work Session on the Allied Site proposed remedies on Tuesday, March 26, 2013 at 7 PM in City Hall.

I anticipate a response to the above items no later than the week of April 8. Also, please let me know when the next USEPA public meeting will be held (projected to be mid-April 2013). Thank you.

Bruce Merchant
Public Services Managing Director
City of Kalamazoo
415 Stockbridge Avenue
Kalamazoo, MI 49001
merchantb@kalamazoocity.org

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