ANCHOR QEA

614 Magnolia Avenue
Ocean Springs, Mississippi 39564
Phone 228.818.9626
Fax 228.818.9631

November 15, 2012

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. 010 October 15, 2012-November 15, 2012
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. 010 October 15, 2012 – November 15, 2012.

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

90024135

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

**TCRA Monthly Report No. 010**
**Submitted November 15, 2012**
**San Jacinto River Waste Pits Superfund Site**
**USEPA Region 6, CERCLA Docket No. 06-12-10**
**Channelview, Texas**

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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: October 15, 2012 – November 15, 2012

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

- Submitted TCRA Monthly Progress Report No. 009 on October 15, 2012.
- Met with USEPA at Site on October 30, 2012, for an inspection conducted by USEPA.
- Completed field data collection for the 4th Quarter 2012 Post-TCRA inspection and submitted Post-TCRA Quarterly Inspection Report on November 8, 2012.

## 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***

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). 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 Removal Action Completion Report (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 counsel dated August 10, 2012, USEPA has 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 is for a period of 60 days from the date on which Respondents and USEPA meet to discuss this issue and the stipulated penalties issue, in general. The meeting was held on October 9, 2012.

***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, 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 for a period of 60 days from the date of a meeting between representatives of USEPA and Respondents. That meeting was held on October 9, 2012.

***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. Respondents 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. Respondents are currently finalizing their comments and intend to submit them to USEPA in the near future. Respondents also 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.

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 also 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 to Respondents' Project Manager that included an attached list of questions regarding the TCRA armored cap. Respondents intend to address these questions and complete an assessment of the TCRA design, construction, and current condition.

**E. <u>Projected Work for the Next 2 Months – Dates: November 15, 2012-December 17, 2012</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 on the Site and submit comments on the SJRF's Revised SAP transmitted to Respondents by USEPA on September 17, 2012.
- Continue work regarding an independent evaluation of the engineering design of the TCRA cap, as requested by USEPA, and answer questions raised by USEPA regarding the TCRA armored cap pursuant to the letter dated October 10, 2012.
- Respond to USEPA's May 22, 2012 letter regarding the RACR or obtain an extension from USEPA regarding same.
- Continue to work with USEPA on questions raised during USEPA's technical review of the TCRA cap performance.

**F. Schedule**

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 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 |

| Task | Date Completed |
|---|---|
| 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 |
| 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

## 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 IP and MIMC 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 MIMC'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 IP 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 MIMC 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 MIMC counsel regarding force majeure event | | | |
| 1/4/2011 | Letter to V. Leos of USEPA from IP counsel joining in MIMC'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 MIMC'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 IP'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 MIMC'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 MIMC 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. | | | |

## TCRA Monthly Report - Summary of Agency Communication

| 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 MIMC 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 MIMC 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. | | | |

| 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. | | | |

## TCRA Monthly Report - Summary of Agency Communication

| 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 MIMC 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 MIMC 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 MIMC 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 MIMC 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 MIMC 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 MIMC 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 MIMC 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 MIMC 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

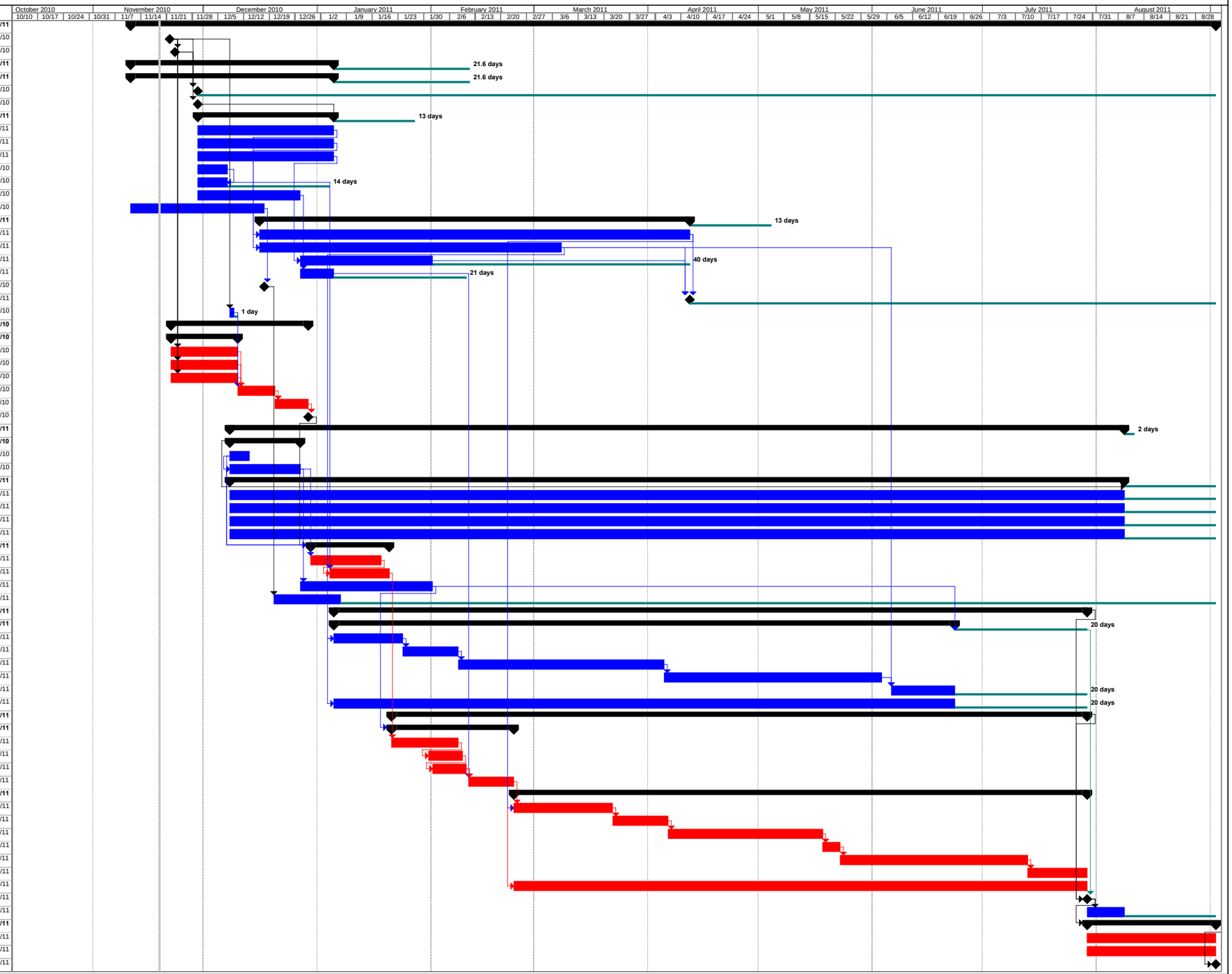
| Respondents Submittal Date | Respondents Communication Summary | Response from USEPA Date | USEPA Communication Summary | Notes |
|---|---|---|---|---|
| 3/8/2012 | Submitted correspondence to J. Hernandez regarding SJRF operations and comments on SJRF Draft SAP. | | | |
| 3/9/2012 | Submitted Revised 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 MIMC 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. | | | |
| | | | | |

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