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December 23, 2015

Via First Class Mail and Electronic Mail foster.anne@epa.gov

Anne Foster
United States Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200
Mail Code: 6RC
Dallas, TX 75202-2733

Re: Administrative Settlement Agreement and Order on Consent for Removal Action, CERCLA Docket No. 06-12-10
San Jacinto River Superfund Site ("Site") near Pasadena, Harris County, Texas

Dear Ms. Foster:

My client, McGinnes Industrial Maintenance Corporation ("MIMC"), is in receipt of the December 21, 2015 letter from Mr. Carl Edlund of the United States Environmental Protection Agency ("EPA") regarding the preparation of a cap repair plan. The letter was received via email at 5:22 p.m. on December 21.

MIMC and the other Site Respondent, International Paper Company ("IP"), have been working closely with EPA on the dive team inspection results since we learned of EPA's concerns on the afternoon of Thursday, December 10, 2015. On December 16, 2015, the Respondents' Project Coordinator received an email from Mr. Gary Miller of EPA directing the Respondents to prepare a repair plan. The email provided details regarding the required content of the plan that had not been previously conveyed by EPA. The email did not establish a deadline for submittal of the repair plan and neither does the Site Operations, Monitoring and Maintenance Plan ("OMM Plan") referenced by the email and the December 21 EPA letter.

The Respondents have been working expeditiously, in conjunction with the EPA, to prepare the repair plan, but the December 21 EPA letter was the first time that an explicit

deadline was established for submittal of the plan. Thus, the reference in EPA's letter to the alleged failure by the Respondents to submit the repair plan "in a timely manner" is perplexing.

Two points are particularly noteworthy:

1. The December 21 letter demanded the submittal of the plan by December 22, 2015. The Respondents responded immediately, however, and due to the large amount of work that had already been performed on the plan, were able to submit the plan on December 21, 2015.

2. The EPA letter demanded that mobilization for the repair begin no later than January 10, 2016. However, in accordance with the OMM Plan, the Respondents intend to begin implementation of the plan on December 23, one business day after EPA's approval of the plan, which occurred on December 22. Respondents intend to continue implementation of the plan next week.

MIMC appreciates its working relationship with EPA and will continue to work with EPA to meet its expectations relative to the work at the Site. In this regard, MIMC will continue to coordinate with Gary Miller and his colleagues to be responsive to their technical questions.

Please do not hesitate to call if you have any questions about this letter.

Sincerely,

Albert R. Axe by DLS

Albert R. Axe, Jr.

ARA:mr

cc: Carl E. Edlund, P.E. ***Via Electronic Mail Edlund.Carl@epa.gov***
Carlos Sanchez ***Via Electronic Mail sanchez.carlos@epa.gov***
Gary Miller ***Via Electronic Mail Miller.Garyg@epa.gov***
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