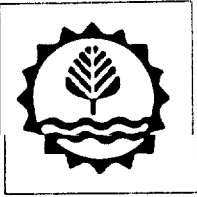


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Kalamazoo River
Protection Association

(616) 857-4131

P.O. Box 408
Allegan, MI 49010

July 25, 1997

Carol Browner, Administrator
US EPA
MC 1121 - 41 M Street
Washington, D.C. 20460

RE: Emergency Cleanup at the Bryant Millpond Operable unit
of the Allied Paper/Portage Creek/Kalamazoo River
Superfund Site

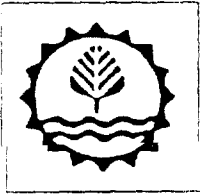
Dear Administrator Browner,

I am forwarding you a copy of a letter I recently sent to Mr. David Ullrich, Acting Administrator Region V. I request your urgent review and support for the action noted in my letter. Last fall, President Clinton appeared on the banks of the Kalamazoo River and expressed his commitment to cleaning up our river. The Michigan Department of Environmental Quality, as my letter indicates, has done a less than adequate job of getting our river remediated and restored despite having the lead at this site for over 20 years. We need your help. I would appreciate hearing from you regarding this matter. Thank you for your assistance.

Sincerely yours,

Dayle L. Harrison

cc: files: Kal/riv/Sup/EPA



Kalamazoo River
Protection Association

(616) 857-4131

P.O. Box 408
Allegan, MI 49010

July 15, 1997

Mr. David Ullrich, Acting Administrator
US EPA Region V
77 W. Jackson Street
Chicago, Illinois 60603

RE: (1) Bryant Millpond Operable Unit Allied
Paper/Portage Creek/Kalamazoo River Superfund Site

Dear Mr. Ullrich,

I am writing to you on behalf of the Kalamazoo River Protection Association in response to Mr. William E. Muno's letter of May 17, 1997 to Judy Mayo of the Kalamazoo Environmental Council, a copy of which is attached. I urge you to take emergency action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to prevent the ongoing release of PCBs from the Bryant Millpond Operable Unit (BMOU). Your emergency action is needed at this time because of the Michigan Department of Environmental Quality's (MDEQ) failure to address a timely plan of action at the Bryant Mill Pond site and the strong likelihood that promises made by the MDEQ and the Potentially Responsible Party (PRP) will not come to pass. It is very apparent, since the site's discovery over 25 years ago, that the State of Michigan has not done an adequate job of complying with Michigan's environmental statutes and with CERCLA's statutory requirements (since 1990).

Unfortunately, the MDEQ continues to go along with the requests by Allied Paper Co. Inc.// H. M. Holdings, Inc., the PRP at this site, for more information, which continues to delay the process leading to a Record of Decision and cleanup. Alan J. Howard, Chief Environmental Response Division of the MDEQ and senior manager of the site, stated at the June 10 Citizens Advisory Committee meeting held in Plainwell, Michigan that adequate information has been available at the site since 1991. Frankly, the levels were known in the early 1970's and more clearly defined in the 1980's. Further, the MDEQ has failed to set cleanup standards and has refused to release the Ecological Risk Assessment completed almost a year ago. The State of Michigan's Department of Public Health has issued a fish consumption advisory since 1977 due to the high levels of PCBs found in fish impacting on 80 miles of river.



page 2, letter to David Ullrich
07/15/97

Alan J. Howard in a letter to Dr. Charles Mehne dated June 26, 1996 stated that "it would be premature for the DEQ to speculate about the appropriate cleanup level for the sediments or the preferred remedial alternative that may be implemented at this site". . .

This BMMO, is the most upstream and highly contaminated site per volume, with Portage Creek flowing through it and eroding the PCB laden banks. This site continues to contribute significant PCB sediment loadings to lower Portage Creek, the Kalamazoo River and Lake Michigan. The Kalamazoo River ranks as the 1st or 2nd (depending on the report) highest contributor of PCBs to Lake Michigan from a tributary source. The Great Lakes Water Quality Agreement calls for the virtual elimination of persistent toxic chemicals, which presumably includes contaminated sediments. Bonnie Eleder of your Regional Sediment Team staff has indicated that the Bryant Mill Pond area is included in the top priority list for action in the near future. Average levels of PCBs in sediments immediately adjacent to the creek exceeds several hundred parts per million (ppm) and some are in excess of 1,000 ppm. This site has been over sampled to the extent that no further testing is needed. It is time that US EPA stepped in.

Further, cleanup of other portion of the 80 mile site are being held up due to the MDEQ's insistence that the cleanup begin first at the most upstream part of the site, rather than concurrently throughout the site. For example, sediment samples collected in 1993, by the PRPs downstream of the City of Kalamazoo have yet to be analyzed. Unbelievable. No, just standard MDEQ operating procedure.

The KRPA requests that the emergency action involve removal of all the flood plain sediments to levels of .3 ppm or less PCBs. This action level is needed at this site, as well as various floodplain areas and impoundments downstream, in order to protect human health via exposure through the food chain via fish and wildlife and to protect fish and wildlife throughout the biota of the river. Frankly, given the results of the biota sampling reports, it is clear that the entire ecological web throughout the site to Lake Michigan is severely impacted. Survival of species such of the bald eagles, listed under the Endangered Species Act and other hundreds of other wildlife species require a timely and effective cleanup. With the MDEQ's present predisposition to accommodate the PRPs at almost every turn, a timely cleanup is not a realistic likelihood.

Recent human health studies and other scientific research indicate that health related concerns relating to PCBs are now of greater concern beyond those of causing cancer, tumors, birth defects, reproductive and etc. . . and now include endocrine disrupters which adversely interfere with hormones during

page 3 letter to David Ullrich
July 15, 1997

biological development.

The PRP at this site, Allied Paper Co, Inc. and its parent/successor company H. M. Holdings, Inc. have a long history of recalcitrance to any cleanup at this site and many other throughout the nation. Please review the Administrative Order per Docket No. V-W-91-C-077 signed by you in 1990. It is difficult to believe that it required action by the Emergency Program via a consent order just to get the PRP's to put up a fence around the site and posts a few signs. This same company filed a complaint against the Michigan Department of Natural Resources seeking injunctive relief under the Michigan Environmental Protection Act arguing, among other allegations, that their proposed "do nothing plan" was sufficient remediation for the site. Allied Paper Co., Inc./ H. M. Holdings, Inc. has shown almost complete disregard for cleaning up this site. Why should any one take them seriously now and/or the MDEQ for that matter, given the long history of inaction and unreasonable reliance on unkept promises. The consultants, Blasland, Bouck and Lee, Inc. are notorious for over studying superfund and other contaminated sites in order to delay the PRP's paying for the cleanups. Allowing another 14 months to complete the Focused Feasibility Study as this site is ludicrous, particularly given the fact that it should have been completed by June of 1994.

Cleanup standards and remedies selected at the Bryant Mill Pond Operable Unit site will likely set the stage for cleanups in the Kalamazoo River floodplain and at the other impoundments and Lake Allegan. As a result any emergency action needs to consider the implications for an effective cleanup throughout the site and areas downstream of Lake Allegan.

It is clear that EPA's has legal authority to provide for an emergency cleanup at this site. The total volume could be removed from the Bryant Mill Pond floodplain under a time critical (six month/\$2,000,000.00) alternative. Further the balance of the site, including the landfill area, should be remediated under a non-time critical emergency alternative to provide a total cleanup of the entire site. Frankly, given the volume of PCBs and exceedingly high levels of PCBs at the BMOU site, the KRPA recommends that EPA consider seriously the removal of all of the contamination at this site.

Unfortunately, the MDEQ rather than taking the lead in getting this site cleaned up has adopted a political solution at the highest level with no apparent cleanup in the works. The MDEQ's back door policy of allowing the PRP's to voluntarily move the process forward without taking assertive measures required under CERCLA is inappropriate and amounts to an abuse of discretion.

On November 6, 1989, Valdus Adamkus, came to Allegan on the

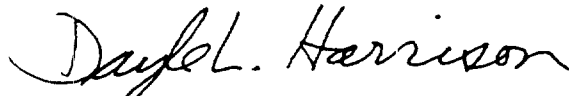
page 4, letter to David Ullrich
July 15, 1997

Kalamazoo River Education Day sponsored by the KRPA and expressed EPA's commitment to getting our river cleaned up. The river has been listed at the top of Michigan's cleanup list for almost 15 years and CERCLA for almost seven years.

In Mr. Muno's letter, he raised the issue as to whether or not U.S. EPA action would be significantly faster than ongoing investigation and negotiations being conducted by the MDEQ. The facts and the logical conclusion clearly demonstrates that EPA's action would be substantially faster. The time for action is now. Future meaningful remediation and cleanup of the river requires by necessity your most serious commitment of resources and immediate action.

Please advise me at to your plan of action. I look forward to hearing from you.

Sincerely yours,



Dayle L. Harrison, Pres. KRPA

cc: Carol Browner, Administrator US EPA
Russell Harding, Director, MDEQ
William Hartwig, U. S. Fish and Wildlife
Senator Carl Levin
Senator Spence Abraham
Congressman Fred Upton
Congressman Peter Hoekstra
Senator William Van Regenmorter
Senator Dale Shugars
Representative Patty Birkholtz
Representative Ed LaForge
Representative Charles Perricone
Kalamazoo County Board of Commissioners
Allegan County Board of Commissioners



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 21 1997

REPLY TO THE ATTENTION OF:
S-6J

Judy Mayo, Chairperson
Kalamazoo Environmental Council
P.O. Box 127
Kalamazoo, MI 49004-0127

Dear Ms. Mayo:

I am responding to your letter dated May 5, 1997 on behalf of Valdas V. Adamkus, Regional Administrator for the United States Environmental Protection Agency (U.S. EPA). U.S. EPA shares your concern about the polychlorinated biphenyl (PCB) contamination in the Kalamazoo River, including the release of PCBs at the Bryant Mill Pond. Your request for emergency cleanup of the Bryant Mill Pond is similar to a recent request by the Kalamazoo River Area of Concern Public Advisory Council (KRPAC). For your information, a copy of our response to the KRPAC is attached.

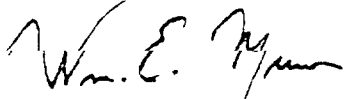
During the week of May 5, a U.S. EPA On-Scene Coordinator gathered available data, visited the Bryant Mill Pond, and collected sediment samples to confirm that present PCB concentrations are consistent with historical data. A report, called a Removal Assessment Report, on this initial assessment is expected to be completed and available for public review by the end of June 1997. This report will contain the results of the sampling, an evaluation of threats posed by the contamination, an evaluation of potential response actions (including cleanup action levels and standards), a recommended response action, and a time-line for future actions. Future actions recommended in the Removal Assessment Report may include implementing immediate containment measures, completing a more detailed evaluation of alternatives (called an Engineering Evaluation/Cost Assessment or EE/CA) for an interim action, or taking no interim action.

Following completion of the evaluation of alternatives in the Removal Assessment or, if necessary, the EE/CA, U.S. EPA will decide which alternative (if any) should be implemented, and will enter negotiations with HM Holdings, Inc., the successor corporation to Allied Paper, for design and implementation of the selected alternative. For expedited response actions, we normally allow no more than a couple months for negotiations. If negotiations are unsuccessful, then we may implement a federally funded action. We will work closely with the Michigan Department of Environmental Quality in evaluating what action should be taken and in implementing any actions.

It should be pointed out that if an immediate action is justified, time will be required to evaluate alternatives, negotiate, and design the action. At this time, it is not clear whether or not a U.S. EPA action can be implemented significantly faster than an action can be taken through the ongoing investigation and negotiations being conducted by the State of Michigan.

If you have any further questions, feel free to contact Rich Boice, the assigned Remedial Project Manager for this Site, at (312) 886-4740.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W. E. Munro". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

William E. Munro, Director
Superfund Division