Kalamazoo River Cleanup Coalition

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"We do not inherit our environment from our ancestors, but borrow it from our children."

Michael Berkoff
EPA Remedial Project Manager
77 W. Jackson Boulevard SR-6j
Chicago, IL 60604

Dec. 15, 2010

Dear Mr. Berkoff;

Thank you for this opportunity to provide stakeholder input regarding the Feasibility Study for OU-1, of the Allied Paper Inc. / Portage Creek / Kalamazoo River superfund site. I appreciate your continuing effort to go above and beyond the letter of the law, in providing a venue for continued discussions, review of draft documents, and transparency of the decision-making process.

As co-chair of the Allied Site Task Force, an ad hoc citizens group, convened by an initiative of the board of directors of the Kalamazoo River Cleanup Coalition, in partnership with the Kalamazoo River Watershed Council, I have assembled as attachments to this cover letter, the written responses of several constituent groups regarding the OU-1 Feasibility Study. Each has also mailed these documents to you by USPS.

Please keep us posted regarding the actions of the National Remedies Review Board, and apprised of the timeline for future EPA-sponsored public meetings devoted to the Allied site Feasibility Study, and the overall Kalamazoo River PCB cleanup project

Best wishes for your holiday season.

Gary Wager, Co-chair,
Allied Site Task Force

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KRCC Comments on OU-1 FS

Kalamazoo, MI Stakeholders Support Off-site Disposal

Gary L. Wager, Exec. Dir., KRCC

KRCC Background

The Kalamazoo River Cleanup Coalition (KRCC) was formed as an ad hoc citizens group in March of 2007, in response to an EPA-approved plan to truck PCB-contaminated river sediments into a residential neighborhood inside the city limits of Kalamazoo, MI. In 2008, KRCC obtained tax exempt status under IRS code, section 501 c 3.

Our mission is to educate the public and work with all stakeholders to develop and implement a collaborative, regional strategy to clean up pollution and promote redevelopment of blighted areas of the entire Allied Paper Inc. / Portage Creek / Kalamazoo River Superfund site.

After convincing the EPA to negotiate a different disposal plan for PCB-contaminated river sediments, KRCC has continued to promote transparency and accountability within the framework of the CERCLA guidelines for superfund pollution mitigation projects.

KRCC developed the Allied Site Task Force, in 2008, in partnership with the Kalamazoo River Watershed Council, to broaden stakeholder participation in discussions with representatives from the EPA and Responsible Parties (RPs). Meetings and conference calls have continued through the present, between EPA Region 5 representatives and the ASTF, resulting in modified work plans for a water quality study, and this opportunity for comment to the National Remedies Review Board, as part of the Feasibility Study for OU-1, aka the Allied Site.

Executive Summary

During a 1999 Time-Critical Removal Action (TMCRA), at the Allied site (OU-1), PCB-contaminated soils were excavated from the former Bryant Mill Pond, and the branch of Portage Creek traversing the area, and consolidated into a pile at the south-west section of the property. This was called a "temporary" situation at the time by cleanup officials. The city council and administration of the City of Kalamazoo, as well as nearby residents, took the meaning of the term "temporary" to indicate that in the future, the material would be removed from the site and disposed in accordance with current regulations.

At a press conference in March of 2007, held in Plainwell, MI, EPA officials announced a plan to dredge PCB-contaminated sediments from just above the Plainwell dam, and truck the material to a former paper mill site located in a residential neighborhood inside the city limits of Kalamazoo – the Allied site. It became apparent that the term "temporary" meant that they were not done filling the site, and, with the addition of an estimated 123,000 cubic yards, would then cap it and call it "permanent".

The board of directors of the Kalamazoo River Cleanup Coalition, along with many other civic organizations in the greater Kalamazoo region, and hundreds of nearby residents, (see photos) and tens of thousands of residents of the city of Kalamazoo, support OU-1 Feasibility Study cleanup alternative 3; Off-site Disposal of all the estimated 1.5 million cubic yards of PCB-contaminated material now located at the site.

OU-1 FS Alternatives

Alternative 1 – No Action

Not considered.

Alternative 2A and 2B Consolidation in one or two on-site locations

- Threshold Criteria #1...human health and the environment
  - On-site consolidation does nothing to address the threats to human health and the environment identified at the site, regarding continuing contributions of PCBs to surface water in Portage Creek
- Threshold Criteria #2...Compliance with ARARs
  - The specifications for the consolidation alternative, do not meet TSCA standards for the levels of PCB contamination noted in the Remedial Investigation for the OU-1 materials.
- Primary Balancing Criteria #3..Long-term effectiveness and permanence
  - Not qualified to address this issue
- #4Reduction of toxicity, mobility or volume
  - No reduction of toxicity or volume with this alternative. Current consolidated material is acknowledged to be contributing PCBs to Portage Creek – does not bode well for these alternatives to control mobility.
- #5 Short Term Effectiveness
  - Not qualified to comment on this issue.
- #6 Implementability
  - Standard construction equipment and techniques could be used to accomplish these cleanup alternatives.
- #7 Cost
  - Alternatives 2A and 2B are the least expensive, short term, at around $50 million but this does not include costs for indefinite maintenance, monitoring and water quality testing that will be passed on to the City of Kalamazoo, when property becomes tax-reverted – likely in a few years.
- Modifying Criteria #8 State acceptance. Not aware of MDNRE position.
- Modifying Criteria #9 Community acceptance
  - Rejected by nearby residents, other stakeholders, and KRCC board.

OU-1 FS Alternatives (cont'd)

Alternative 3 Offsite Disposal

- Overall protection of human health and the environment
  - With all PCB-contaminated materials removed from the site, and disposed in approved landfills, no threat would exist at the site.
- Compliance with ARARs
  - Proper disposal per CERCLA and TSCA regulations
- Longterm effectiveness and permanence
  - No institutional controls would be needed, no continuing water treatment, no restrictions on land reuse. A permanent, positive solution.
- Reduction of toxicity, mobility or volume.
  - Complete removal satisfies these criteria completely.
- Short term effectiveness.
  - Truck traffic, duration of project, are viewed as inconveniences that can be dealt with in order to provide a long term, permanent cleanup solution.
- Implementability
  - Standard equipment and techniques to be used.
  - Existing rail line could be an alternative to trucks to transport material offsite.
- Cost
  - Estimated at $238 million – most expensive alternative in the short term
  - Overall costs of any onsite alternative must include continuous maintenance, monitoring and water control and treatment regimens forever.
  - City of Kalamazoo will inherit this site as a tax-reverted property, once Lyondell trust money is exhausted – likely in a few years. Any onsite alternative means this perpetual cost will be borne by taxpayers.
- State acceptance
  - Not aware of MDNRE or other State of Michigan opinion on FS alternatives
- Community Acceptance
  - Several public opinion surveys, including the Portage Creek Corridor Planning activity reveal desire by residents to see green space, trailways, and other recreational uses for this land.
  - The most objectionable feature of the current situation, cited by nearly 100% of respondents, is the chain link fence and warning signs. Total removal will obviate the need for these and all other ICs.

OU- 1 FS Alternatives (cont'd)

Alternative 4 Full Encapsulation

- Overall protection of human health and the environment
  - Any engineered system can fail, especially if in operation continuously for infinity
- Compliance with ARAs
  - Specifications appear to create a toxic waste containment system substantially in compliance with current CERCLA and TSCA requirements, except:
  - Due to the hydrology (up-gradient pressure), location (within a population center), and proximity to municipal well field, a site of this type could not be permitted at this location under current regulations.
- Long-term effectiveness and permanence
  - As with any onsite alternative, maintenance, monitoring and water control and treatment would have to be successfully done forever – not realistically feasible.
- Reduction of toxicity, mobility or volume.
  - No reduction of toxicity or volume, and control of mobility would depend on installation specifications and techniques, and would require constant, indefinite institutional controls.
- Short-term effectiveness.
  - Construction activity, offsite trucking of some materials, duration of project are NOT offset by any sense of short term sacrifice in order to obtain a permanent solution that complete restores reuse and access to the land.
- Implementability
  - Moving and re-moving material, and not having space for all the waste, requiring offsite disposal for significant amount of it, negatively impacts the implementability of this alternative.
- State acceptance.
  - Not aware of MDNRE or other State of Michigan assessment of alternatives.
- Community Acceptance
  - Expending (estimated) $142 million and a significant amount of time, exposing residents to noise and potential dust and other hazards and then having the stigma of a toxic waste dump nearby- not acceptable to residents.
  - Area residents, the board members of KRCC, and respondents to a public survey have indicated that total removal of all PCB-contaminated materials at OU-1 is the desired cleanup alternative at the site.