



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 06 2019

Grant P. Gilezan
Dykema Gossett
400 Renaissance Center
Detroit, Michigan 48243

Re: In the Matter of: Allied Paper/Portage Creek/Kalamazoo River Superfund Site
Operable Unit 1, Panelyte Property
Kalamazoo, Michigan
CERCLA Docket No.: V-W-19-C003

Dear Mr. Gilezan:

Please allow this letter to serve as written notice to your clients that the United States and the Environmental Protection Agency have fully executed the above-captioned Settlement after review of received public comments.

In late 2018, the parties signed the proposed Administrative Settlement Agreement and Order on Consent ("Settlement"). EPA published the Settlement in the Federal Register on February 26, 2019, and a public comment period ran through March 28, 2019. International Paper Company (IP) was the only commenter on the Settlement.

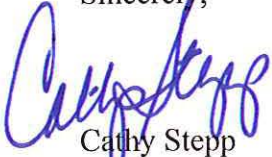
The Panelyte Property is adjacent to and partially contaminated by waste from Operable Unit 1 (OU1) of the Allied Paper/Portage Creek/Kalamazoo River Superfund Site. EPA's remedy for OU1 (construction of an on-site PCB landfill) is buttressed in part by the long-term stewardship which the Purchasers are expected to provide for the properties. IP's comments on the Settlement focused primarily on alleging that EPA was improperly attempting to buttress its remedy selection for OU1 by characterizing the Purchasers' commitments under the Proposed Settlement as stewardship. IP's comments also included numerous prior comments it had submitted on the proposed plan for the OU1 remedy.

The Settlement provides that the United States may modify or withdraw its consent to the Settlement if public comments disclose facts or considerations indicating that the Settlement is inappropriate, improper or inadequate. The Department of Justice, on behalf of the United States, and EPA have reviewed the public comments on the proposed Settlement and prepared responses to the comments, a copy of which is enclosed. None of the public comments disclosed any facts or considerations indicating that the proposed Settlement is inappropriate, improper or inadequate.

Accordingly, the Department of Justice, on behalf of the United States, and EPA have determined that it is not necessary or appropriate to modify or withdraw their consent to the proposed Settlement and now deem the Settlement fully executed.

Please contact Charles Mikalian in the Office of Regional Counsel if you have questions or concerns. He can be reached by phone at (312) 886-2242 or by e-mail at mikalian.charles@epa.gov.

Sincerely,



Cathy Stepp
Regional Administrator

Enclosure