

Understanding the Roles of the Natural Resource Trustee Council in Clean-up and Restoration

for the Allied Paper, Inc. / Portage Creek /
Kalamazoo River Superfund Site

CAG Meeting
October 2019
Otsego, Michigan



KALAMAZOO RIVER TRUSTEES

Restoring Your Natural Resources

Topics



- ▶ Who are the members of the Natural Resource Trustee Council and what is a Natural Resource Damage Assessment (NRDA)?
- ▶ How does this relate to Superfund cleanup?
- ▶ What is a Restoration Plan/Programmatic Environmental Impact Statement
- ▶ What are the Trustees proposing and/or doing?
 - Restoration alternatives, approaches, projects
- ▶ Discussion

Who Are the Members of the Natural Resource Trustee Council?

- ▶ The Natural Resource Trustee Council consists of agencies authorized under federal and Michigan law to seek environmental restoration:
 - Michigan Department of Natural Resources (MDNR)
 - Michigan Department of Environment, Great Lakes, and Energy (MDEGLE)
 - Michigan Attorney General
 - U.S. Fish and Wildlife Service (USFWS)
 - National Oceanic and Atmospheric Administration (NOAA)

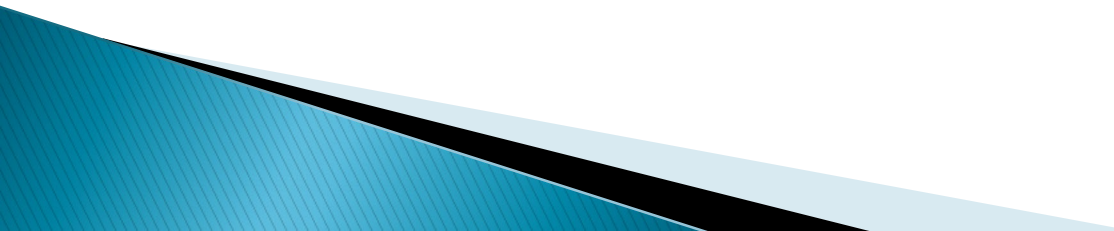


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EGLE



What is NRDA?

- ▶ A process that the Trustees use to:
 - assess injuries to natural resources that have been caused by releases of hazardous substances
 - plan and conduct restoration actions that can compensate for injuries
 - ▶ The purpose is to make the public whole, beyond site cleanup
 - ▶ The responsible party is required to provide for restoration
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NRDA at this Site

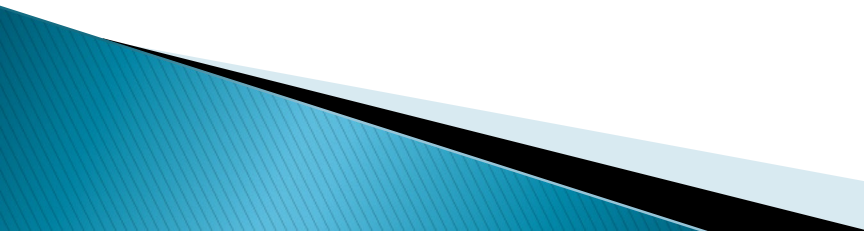
- ▶ This Trustee Council has been working on the Kalamazoo River NRDA since 2000

- Assessment plan and reports
- Input on cleanup projects
- Restoration projects compiled
- Project selection criteria
- Bankruptcy settlements
- Restoration planning...
- Information at

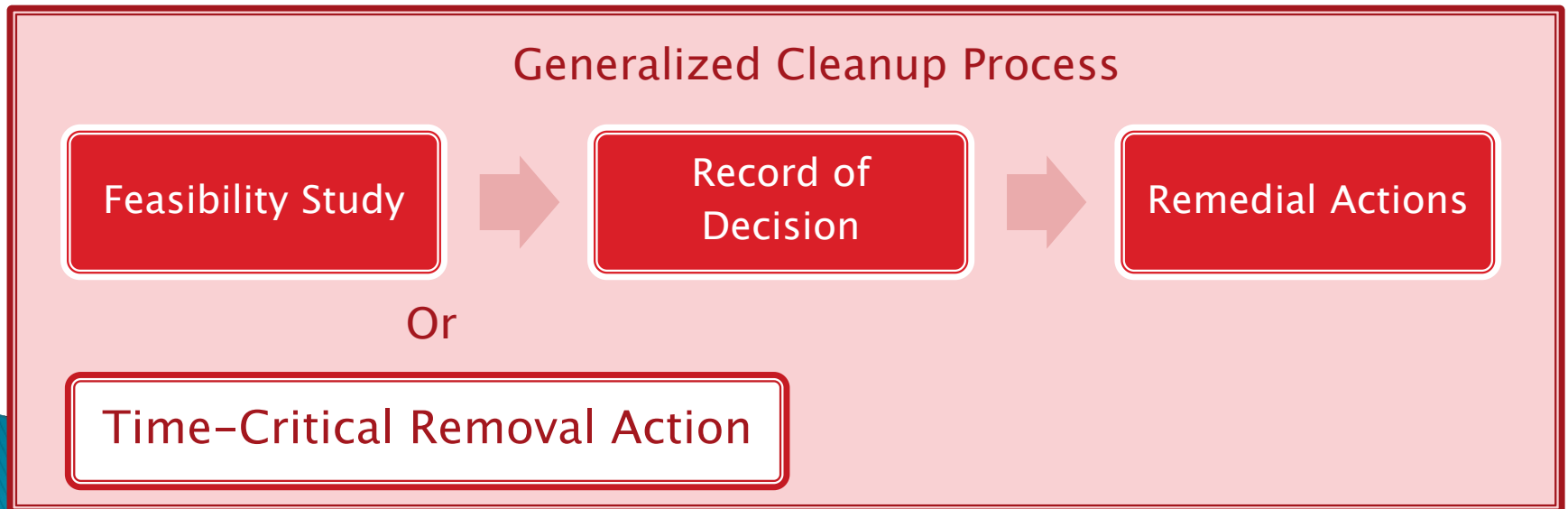
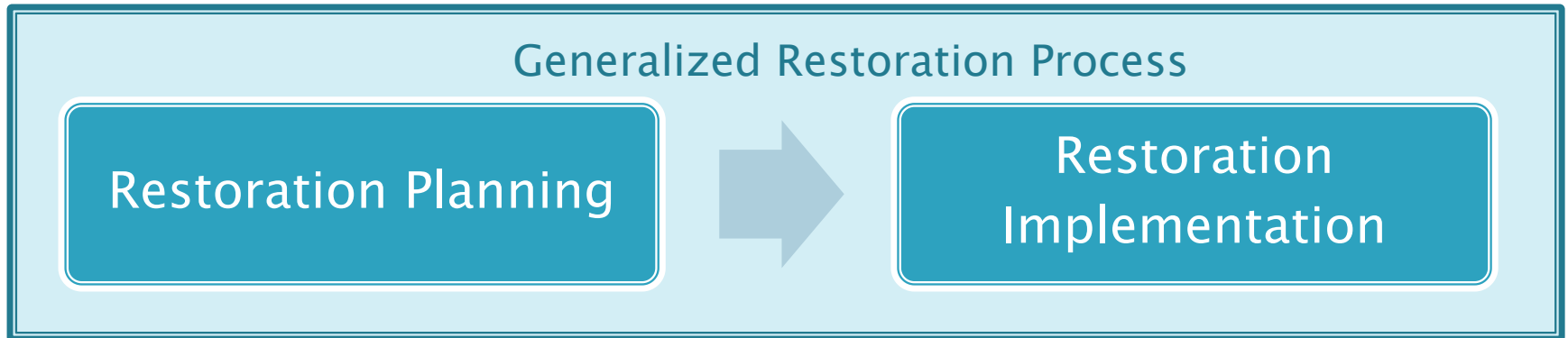
<https://www.fws.gov/midwest/es/ec/nrda/KalamazooRiver/index.html>



How Does this Relate to Superfund Cleanup?

- ▶ EPA is charged with cleaning up PCB contamination based on risk to humans and environment
 - Removal actions, e.g. Portage Creek, Plainwell Impoundment, Otsego Twp Impoundment
 - Remediation, e.g. landfills
 - ▶ The Trustee Council is charged with ensuring that natural resource restoration compensates the public for injuries to natural resources
 - ▶ Restoration is coordinated with cleanup actions and can occur in parallel
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Generalized Restoration and Cleanup Processes



Why have the Trustees conducted restoration planning ?

- ▶ The natural resources of Kalamazoo River and Portage Creek have been contaminated with PCBs from the recycling of carbonless copy paper
 - PCBs are persistent and accumulate in organisms
 - PCBs are toxic to fish, birds, mammals, and other wildlife
- ▶ Trustees are seeking restoration from Potentially Responsible Parties
 - Bankruptcy settlement from Plainwell Inc. and Plainwell Holding Co. in 2005 for \$890,000
 - Bankruptcy settlement with Lyondell in 2009 for ~\$2M for Portage Creek and \$1.38 M for entire site
 - Other settlements possible as legal agreements are negotiated in parallel with remedial actions
- ▶ Trustees continue to seek public input on restoration projects

Restoration Plan: What is an RP/PEIS?

- ▶ A RP/PEIS is a document intended to
 - Guide the Trustees in selection of potential restoration projects that can serve as compensation for injuries to natural resources
 - Notify the public about these potential projects
 - Help with coordination among agencies to ensure that proposed restoration actions will not conflict with proposed remedial actions

Final Restoration Plan and Programmatic Environmental Impact Statement for Restoration Resulting from the Kalamazoo River Natural Resource Damage Assessment



Photo credit: Lisa Williams, U.S. Fish and Wildlife Service (USFWS).



Photo credit: USFWS National Conservation Training Center Image Library.

Prepared for:

Michigan Department of Natural Resources
Michigan Department of Environmental Quality,
Michigan Attorney General,
U.S. Fish and Wildlife Service,
and
National Oceanic and Atmospheric Administration

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SC13483

Other reasons for a RP/PEIS?

- ▶ A Restoration Plan is required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
 - Specific for NRDA
- ▶ An EIS is required under the National Environmental Policy Act (NEPA)
 - Federal agencies must evaluate the impact of their decisions on the environment
 - Compared to no action
 - Programmatic EIS is being used
 - Restoration program
 - Specific projects



What Are the Criteria for Restoration Projects?

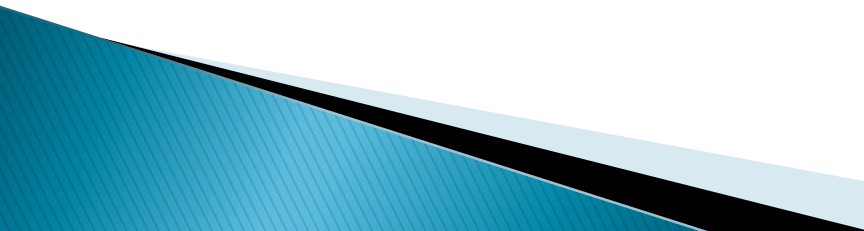
- ▶ **Based on NRDA regulations**
 - Case-specific criteria included in Assessment Reports (2005) and are also in the RP/PEIS (2016)
- ▶ **Screening Criteria (yes/no)**
 - Comply with laws and regulations
 - Address resources injured by hazardous substance
- ▶ **Evaluation Criteria (ranking)**
 - Focus on on-site, in-kind and benefitting priority trust resources
 - Benefits measurable and likely from cost-effective, reliable methods
 - Consistent with natural resource policies and regional planning
 - Considers completed or anticipated response actions
 - Provides large range of benefits to natural resources and diverse public
- ▶ **Based on types of injuries here, priority will be given to projects that:**
 - Improve aquatic and riparian habitat and habitat connectivity
 - Benefit fish, birds and fish-eating mammals

Kalamazoo River Watershed – Restoration Area



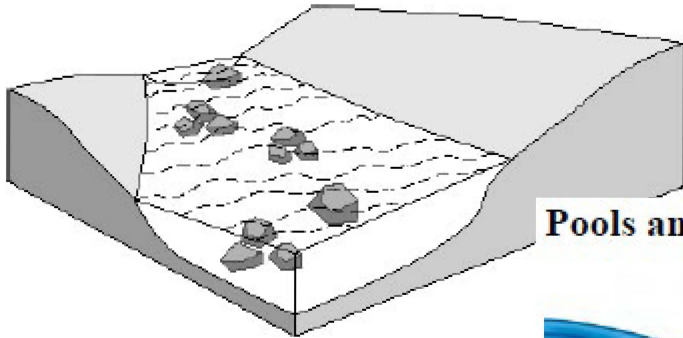
Types of Restoration Projects

- ▶ Aquatic habitat restoration
 - ▶ Riparian and wetland habitat restoration
 - ▶ Aquatic barrier removals
 - ▶ Habitat conservation

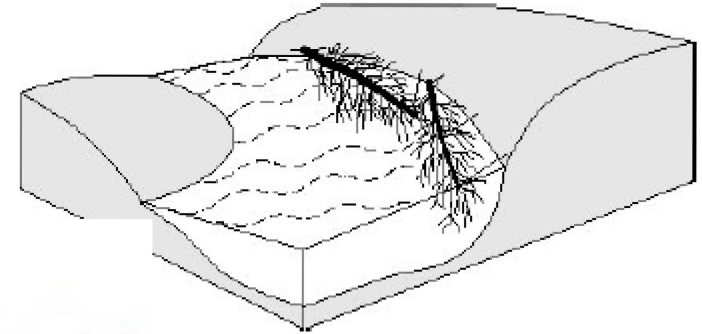
 - ▶ Techniques described in RP/PEIS
 - Might be used in combinations in projects
 - Some would rank more favorably than others
 - Trustees seeking input
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Aquatic Habitat Restoration: In-stream

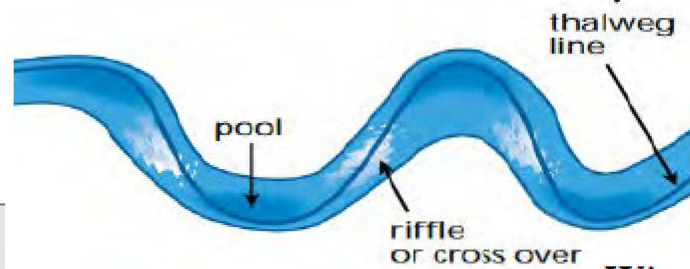
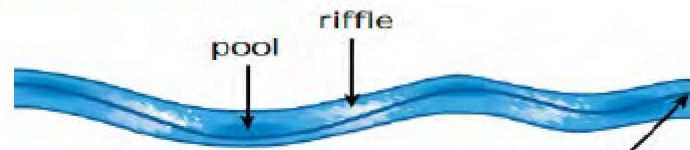
Boulder clusters



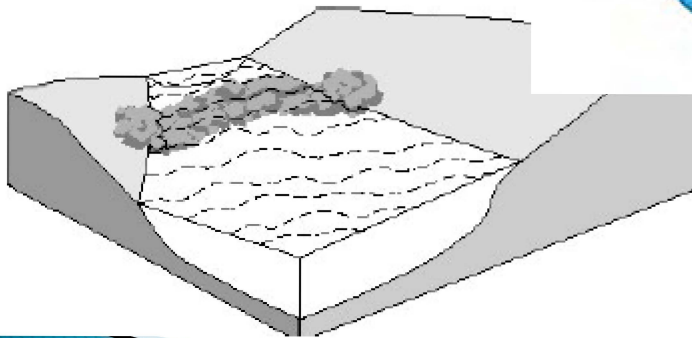
Tree cover



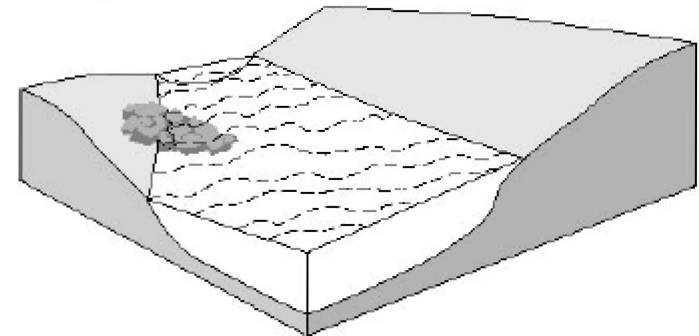
Pools and riffles



Rock weirs

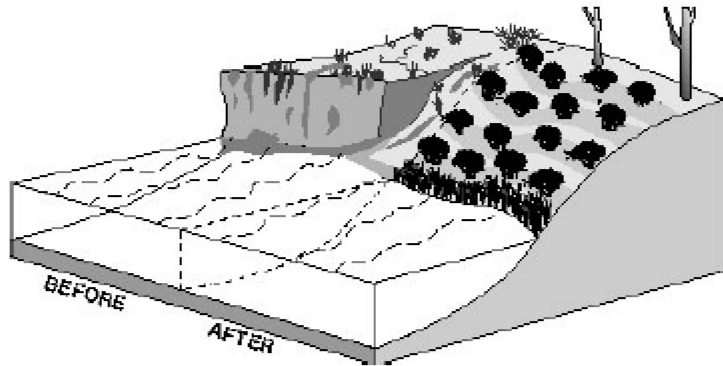


Wing deflectors

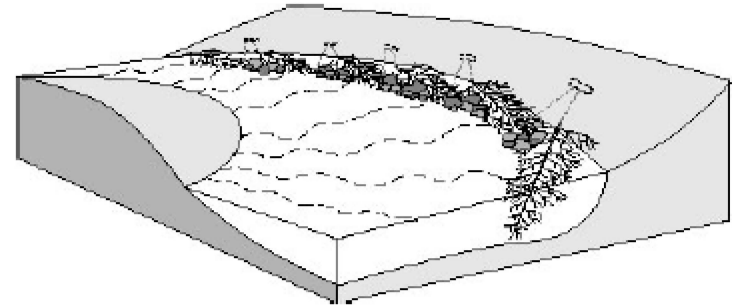


Aquatic Habitat Restoration: Stream Banks

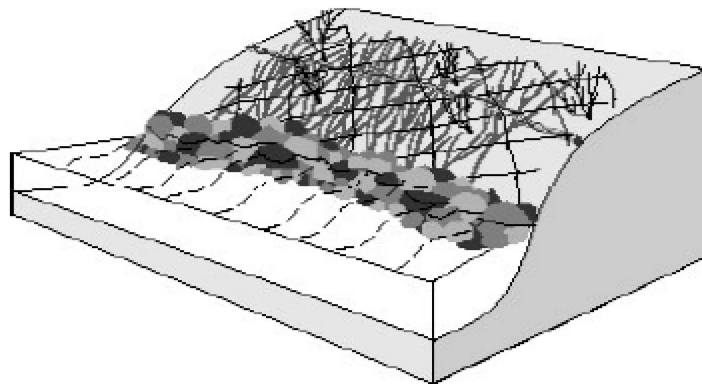
Bank shaping and plantings



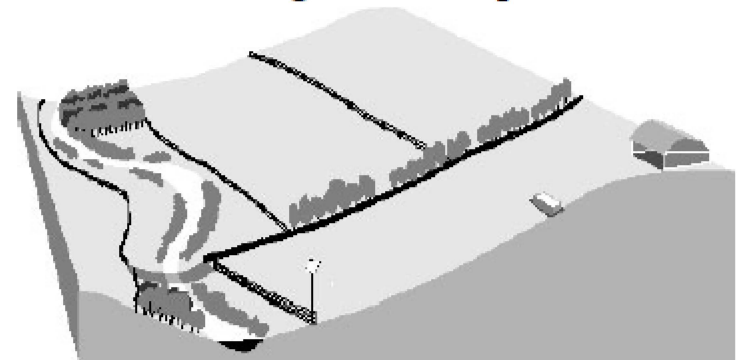
Anchored trees and logs



Brush mattresses

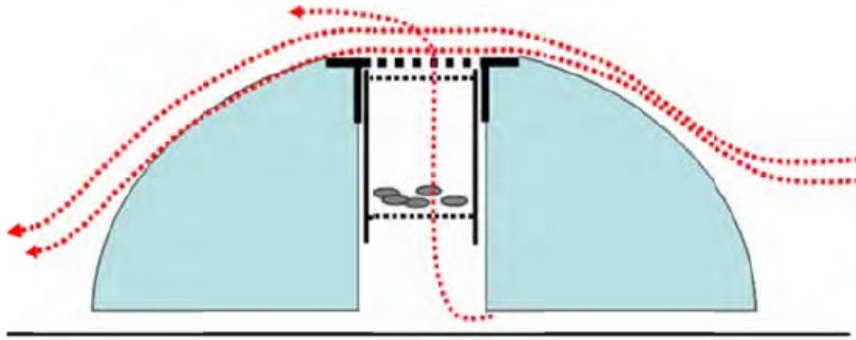


Livestock management in riparian areas



Aquatic Restoration: Species-specific & Invasives Control

Mussel rearing /stocking



Sturgeon rearing/stocking



Courtesy Photo | DNR

Asian clam removal



Lake George Asian Clam Rapid Response Task Force

Riparian and Wetland Restoration

Invasive Control

Purple loosestrife



Source: Photograph taken by B.S. Walters; Reznicek et al., 2011.

Phragmites



Source: Photograph taken by L. Wallis; Reznicek et al., 2011.

Restoration of hydrology



L. Williams, USFWS

Restoration of disturbance



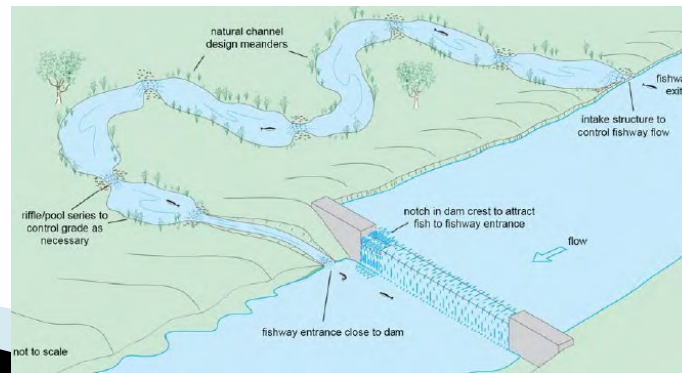
USFWS



USFWS

Barrier Removal

- ▶ Dam removal
 - Otsego City
 - City of Allegan
- ▶ Small barrier removal
 - Road crossings
 - Utility crossings
- ▶ Fish passage
 - Rock ramps
 - Fishways
 - Bypass channels



Coordination during clean-up

Otsego Township Dam



Coordination during clean-up

Otsego Township Dam



Coordination during clean-up

Otsego Township Dam



Coordination on future projects– Otsego City Dam



Restoration Projects

- ▶ Alcott Dam Removal 2018 \$2,000,000



Restoration Projects

- ▶ Alcott Dam Removal 2018 \$2,000,000



Restoration Projects

- ▶ Allegan City Dam Feasibility Study



Restoration Projects

- ▶ Allegan City Dam Feasibility Study



Discussion



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