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January 10, 2011

Mr. Valmichael Leos
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: San Jacinto River Waste Pits Superfund Site
TCRA Weekly Progress Report No. 009 for January 3-7, 2011;
U.S. EPA Region 6, CERCLA Docket No. 06-12-10

Project Number: 090557-01

Dear Mr. Leos:

Attached please find TCRA Weekly Progress Report No. 009 for January 3-7, 2011. This report was prepared on behalf of the International Paper Company and McGinnes Industrial Maintenance Corporation for the San Jacinto River Waste Pits Superfund Site in Channelview, Texas. Should you have any questions, please contact me at (228) 818-9626 or email me at dkeith@anchorqea.com.

Sincerely,

John Laplante for David C. Keith
Project Coordinator

cc: Phil Slowiak, International Paper
Andrew Shafer, MIMC
Jennifer Sampson, Integral Corp.

Attachments

TCRA Weekly Progress Report No. 009
Submitted January 10, 2011
San Jacinto River Waste Pits Superfund Site
USEPA Region 6, CERCLA Docket No. 06-12-10
Channelview, Texas

This weekly progress report is submitted pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action: CERCLA Docket No. 06-12-10, Channelview, Texas, which became effective on May 11, 2010. The Respondents are International Paper Company (IP) and McGinnes Industrial Maintenance Corporation (MIMC).

A. Summary of Work Performed – Dates: January 3-7, 2011

The Respondents, Anchor QEA, and USA Environment, completed work on the following tasks:

- Submitted TCRA Weekly Progress Report No. 008 on January 3, 2011.
- Submitted a draft 404(b)(1) report (which includes a delineation of potentially jurisdictional waters), a statement regarding consistency with coastal management plans, and threatened and endangered species survey for the Site on January 4, 2011. Also mailed the 404(b)(1) report to Ms. Felicity Dodson of the U.S. Army Corps of Engineers and Ms. Sue Reilly of the Texas Commission on Environmental Quality.
- Submitted Memorandum to V. Leos on the Evaluation of the Potential Change in Water Surface Elevation Due to the Placement of the Capping Remedy on January 4, 2011.
- Completed fence installation.
- Completed majority of sign installation. Some larger signs remain to be installed, pending coordination between USA Environment and MIMC. MIMC Project Manager met with USEPA TCRA Project Manager at the Site on January 7, 2011, to pick locations for large USEPA site signs. Three locations were agreed upon. Two locations are on the north side of I-10 and the other location is on the south side of I-10. Another sign will be made when USEPA oversight trailer is established. Specifications and verbiage for that sign will be provided by the USEPA.
- Continued to develop contractor draft work plans described in the approved Removal Action Work Plan.
- Visited Marble Falls quarry and collected aggregate samples to be submitted for laboratory chemistry, as required by the approved Removal Action Work Plan.
- Installed and surveyed tide gauges.

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- Continued with best efforts to obtain access from TxDOT to construct a road to the waste pits, and with best efforts to obtain access from Big Star or an alternative location for use as a laydown/storage area.
- Made submissions dated January 5, 2011, and January 6, 2011, to USEPA in support of their *force majeure* claims.
- Addressed access issues as part of the submission made to USEPA dated January 6, 2011.

B. Summary of Agency Communications

The written communications between the Respondents and USEPA, including and subsequent to the issuance of the Final Removal Action Work Plan, are summarized in the attached Table 1.

Respondents received from USEPA letters dated December 23, 2010, and December 30, 2010, pursuant to which USEPA purported to "assume" that Respondents would perform the TCRA via the water if they did not begin construction of a road on the TxDOT right-of-way by December 30, 2010. They also received an additional letter dated January 6, 2011. As previously reported, Respondents notified USEPA, in a letter dated December 30, 2010, that USEPA should not assume that Respondents were prepared to perform the TCRA via water access and would be making a detailed submission to USEPA regarding access. Respondents' December 30, 2010, letter also contained a notice to USEPA that Respondents' inability to obtain access from TxDOT constituted a *force majeure* event pursuant to Section XVII of the AOC. Respondents made submissions to USEPA pursuant to Section 73 of the AOC on January 4, 2011 and January 5, 2011, containing information regarding the basis for their *force majeure* claim. The January 5, 2011, submission was a letter that also addressed issues related to access generally.

C. Summary of Sampling Results

- None for this report

D. Problems, Delays, and Solutions

Access to construct a road on the TxDOT right of way and to build an equipment laydown and material storage area on the Big Star property or alternate property has not yet been obtained. The Respondents will continue to use their best efforts to obtain access.

There have been several recent security incidents that have involved copper and fiber optic

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cable thefts from cameras and power lines in the TxDOT right-of-way, tool thefts from contractors, and on Friday night, January 7, 2011, the theft of a driller's large welding machine. The January 7, 2011, event involved vandalism of one of the gates in the fencing, after which a vehicle was driven onto the TxDOT right-of-way in order to reach the welding machine. An off-duty sheriff's officer has been hired to provide night security until drillers finish their work and other alternatives can be evaluated.

E. Projected Work for the Next 2 Weeks – Dates: January 10-21, 2011

The Respondents, Anchor QEA, and USA Environment, expect to complete the following tasks in the next 2 weeks:

- Prepare offsite stockpile areas to receive aggregate.
- Continue best efforts to obtain access from TxDOT to construct a road on TxDOT's right of way.
- Continue best efforts to obtain access from Big Star or an alternate location to use as a laydown/storage area.
- Continue to develop contractor work plans as referenced in Section 4.4 of the approved TCRA Removal Action Work Plan.
- Prepare and submit purchase orders for aggregates and engage in other activities related to the TCRA work, provided that access from TxDOT and Big Star or an alternate property has been or is expected to be obtained.
- Commence site preparation work related to the laydown/storage area on the Big Star or alternate property and mobilize a trailer to be located on a portion of the laydown/storage area, provided that access from Big Star or alternate property has been obtained.
- Install approved USEPA site signs at locations approved by the USEPA.
- Take steps to address Site security.

F. Schedule

The current project construction schedule is provided in the attached Figure 1. The schedule is dependent upon obtaining access from TxDOT to build a road and cross its right-of-way. After access is obtained, the schedule will be updated.

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Channelview, Texas

Prepared by:

John Laplante /for/

David C. Keith
Project Coordinator

Respondents Submittal Date	Respondents Communication Summary	Response from EPA Date	EPA Communication Summary	Notes
11/1/2010	Draft Final Removal Action Work Plan (RAWP) for Time Critical Removal Action	11/8/2010	TCRA Work Plan Approval with Modifications	
11/1/2010	Report on Respondents' best efforts to obtain access			
		11/2/2010	Letter from B. Nann regarding access	
11/9/2010	Memorandum - Review of Geomembrane Comments			
		11/9/2010	Email from B. Nann to Axe/Inglin requesting conference call on November 15, 2010 regarding TCRA access issues	
11/11/2010	Draft Pre-construction Meeting Agenda			
11/11/2010	Final Removal Action Work Plan (RAWP) for Time Critical Removal Action			
11/12/2010	Letter to EPA regarding access			
11/15/2010	Conference call with EPA B. Nann regarding access			Conference call to discuss the technical memorandum about water access versus land access to the TCRA Site. B. Nann stated that RAWP approval occurred 11/8/2010
11/15/2010	TCRA Weekly Progress Report 001 email from J. Laplante to V. Leos and five hard copies			
11/16/2010	Marine Access memo email from D. Keith to USEPA C. Sanchez			Email to USEPA technical team regarding issues related to water only access to the TCRA site
		11/16/2010	Email from B. Nann to Respondents regarding meeting with Sam Coleman regarding access by water	
11/17/2010	Teleconference between D. Keith and C. Sanchez and V. Leos to discuss the 11/18 technical meeting at USEPA regarding site access			
		11/17/2010	Email from B. Nann to Respondents and TxDOT regarding meeting in Dallas on access issues	
11/17/2010	Email from IP counsel to B. Nann transmitting draft TxDOT license agreement			
11/17/2010	Emails from IP and MIMC counsel to B. Nann regarding meeting with Sam Coleman regarding access			Meeting with Sam Coleman, USEPA Superfund Division Director, to discuss access issues. Meeting took place 11/18/2010.
11/18/2010	Submittal of financial assurance by MIMC to cover revised TCRA cost estimate			
11/22/2010	TCRA Weekly Progress Report 002 email from J. Laplante to V. Leos and 5 hard copies			
11/22/2010	Financial assurance submission by IP with respect to the revised TCRA financial assurance amount			
11/23/2010	Submitted Notice of Start of Construction letter to USEPA			
11/23/2010	Prepared and submitted Request for State Historic Preservation Officer Consultation Form and supplemental information to Mark Wolfe, State Historic Preservation Officer			
11/29/2010	TCRA Weekly Progress Report 003 email from W. Mears to V. Leos and 5 hard copies			

Respondents Submittal Date	Respondents Communication Summary	Response from EPA Date	EPA Communication Summary	Notes
11/30/2010	Submitted Request for Section 401 of the CWA Consultation Review to S. Reilly of TCEQ, with copy to V. Leos			
11/30/2010	Preliminary (unvalidated) Big Star property chemistry data submitted to V. Leos by D. Keith via email			
11/30/2010			Email from V. Leos of USEPA regarding status of preliminary data from Big Star soil sampling	
11/30/2010			Email from B. Nann of USEPA to Respondents' counsel regarding the status of the Big Star sampling results	
11/30/2010	Submitted proposed road license agreement with TxDOT, signed by Respondents' counsel, to B. Nann of USEPA			
11/30/2010	Submitted letter to EPA describing Respondents' "best efforts" to obtain access from Big Star and TxDOT and requesting an extension of time to obtain access	12/3/2010		
12/1/2010	Email from MIMC's counsel on behalf of Respondents to B.Nann urging USEPA's quick turnaround on analysis of Big Star soil sample results			
12/1/2010	Email to V.Leos from Project Coordinator updating Big Star soil sampling data			
12/2/2010			Email from B.Nann to Respondents' counsel regarding status of USEPA's analysis of Big Star's sample results and scheduling of conference call to discuss access issues	
12/2/2010	Email from IP Counsel on behalf of Respondents' to B.Nann and S.Coleman regarding obstacles to obtaining access from Big Star and TxDOT	12/3/2010		
12/3/2010			Email from B.Nann to Respondents' counsel and S.Coleman responding to Respondents' December 2, 2010 email regarding obstacles to obtaining access	
12/3/2010	Email from IP counsel on behalf of Respondents' to B. Nann and S. Coleman responding to EPA's December 3, 2010 email regarding access issues			
12/3/2010			Letter from USEPA responding to Respondents' November 30, 2010 letter regarding best efforts, denying extension of time to obtain access	
12/6/2010	TCRA Weekly Progress Report 004 email from J. Laplante to V. Leos and five hard copies			
		12/6/2010	Email from B. Nann to Respondents' counsel regarding TxDOT and Big Star access issues and status of Big Star as PRP	
12/6/2010	Email from IP counsel to B. Nann of behalf of Respondents' regarding van der Horst Site access agreement	12/6/2010	Email from B. Nann to Respondents' counsel regarding van der Horst access agreement	
12/6/2010	Email from IP counsel to USEPA counsel handling van der Horst site regarding access agreement			

Respondents Submittal Date	Respondents Communication Summary	Response from EPA Date	EPA Communication Summary	Notes
12/6/2010	Email from B. Nann to Respondents' counsel regarding scheduling of conference call on access issues			Conference call between Respondents' counsel and USEPA regarding TxDOT access takes place on December 7, 2010
12/6/2010	Email from IP counsel on behalf of Respondents' to B. Nann regarding proposed Big Star lease terms			
12/6/2010	Email from IP counsel on behalf of Respondents' to B. Nann regarding signed access agreement with Big Star for installation of Phase II fencing			
		12/7/2010	Email from B. Nann stating USEPA's approval of Big Star property as a laydown area	
12/7/2010	Email to B. Nann from MIMC counsel on behalf of Respondents' regarding scheduling of conference call with USEPA and Big Star regarding lease			
		12/7/2010	Email from B. Nann to Respondents' counsel regarding her call to Big Star attorney	
		12/7/2010	Email from B. Nann regarding status of proposed TxDOT access agreement language	
12/7/2010	Emails to B. Nann from IP counsel on behalf of Respondents' regarding proposed TxDOT license agreement			
12/7/2010	Email from IP counsel on behalf of Respondents' to B. Nann regarding status of her conversation with Big Star counsel			
		12/8/2010	Email from B. Nann to Respondents' counsel regarding TxDOT and Big Star access status	
12/8/2010	Email to B. Nann from IP counsel on behalf of Respondents' regarding TxDOT and Big Star access issues			
12/8/2010	Email to Big Star counsel and B. Nann from IP counsel on behalf of Respondents' regarding status of lease			
		12/8/2010	Email from USEPA counsel for van der Horst site regarding site access agreement with TxDOT	
12/8/2010	Email from IP counsel to USEPA counsel for van der Horst site regarding access agreement with TxDOT			
12/9/2010	Email from A. Shafer (MIMC) to V. Leos and S. Tzhone requesting guidance regarding sign size			
12/9/2010			Email from USEPA V. Leos with a copy of USEPA Pollution Report (POLREP) for the TCRA	
12/10/2010	Email to B. Nann from MIMC counsel on behalf of Respondents' regarding status of TxDOT and Big Star access issues			
12/10/2010	Email to B. Nann from IP counsel on behalf of Respondents' asking if B. Nann would schedule a conference call between Big Star, USEPA, and Respondents' counsel			
12/10/2010	Email to B. Nann from MIMC counsel on behalf of Respondents regarding Big Star Status as a PRP			
12/13/2010	TCRA Weekly Progress Report 005 email from J. Laplante to V. Leos and five hard copies			

Respondents Submittal Date	Respondents Communication Summary	Response from EPA Date	EPA Communication Summary	Notes
12/13/2010	Email to B. Nann from IP counsel on behalf of Respondents regarding status of Big Star and TxDOT access issues			
12/15/2010	Email to B. Nann from MIMC counsel on behalf of Respondents regarding Big Star's position on lease	12/16/2010	Email from B. Nann regarding Big Star's demand for a release of all claims	
12/17/2010	Email to B. Nann from IP counsel on behalf of Respondents regarding Big Star's position on access and requesting EPA's assistance			
12/17/2010	Email to B. Nann from IP counsel on behalf of Respondents asking for conference call to discuss Big Star's demand for a release as a condition of access			
12/20/2010	TCRA Weekly Progress Report 006 email from J. Laplante to V. Leos and five hard copies			
12/21/2010	Email to B. Nann from IP counsel on behalf of Respondents regarding latest demand for full release from Big Star counsel and requesting opportunity to discuss same			
		12/23/2010	Letter from USEPA V. Leos to Respondents in regarding TxDOT access	
12/27/2010	TCRA Weekly Progress Report 007 email from J. Laplante to V. Leos and five hard copies			
		12/27/2010	Email to Respondents' counsel from B. Nann of USEPA forwarding copy of EPA's 12/23/2010 correspondence (letter was not received by Respondents until it was forwarded by USEPA's counsel on December 27 and original sent by mail was not received until December 30, 2010)	
		12/30/2010	Letter from USEPA V. Leos to Respondents in regarding TxDOT access, as followup to USEPA letter dated 12/23/2010	
12/30/2010	Letter to V. Leos of USEPA from MIMC counsel on behalf of Respondents in response to USEPA's letters dated 12/23/2010 and 12/30/2010 and initial force majeure notice			
1/3/2011	TCRA Weekly Progress Report 008 email from J. Laplante to V. Leos and five hard copies			
1/4/2011	Email to USEPA from D. Shafer of MIMC regarding delivery of TCRA financial assurance instruments to EPA on 11/19/2010			

Respondents Submittal Date	Respondents Communication Summary	Response from EPA Date	EPA Communication Summary	Notes
1/4/2011	Letter to V. Leos of USEPA from MIMC counsel regarding force majeure event			
1/4/2011	Letter to V. Leos of USEPA from IP counsel joining in MIMC's letter dated 1/4/2011 regarding force majeure event			
1/4/2011	Memorandum to V. Leos of USEPA on the Evaluation of the Potential Change in Water Surface Elevation Due to the Placement of the Capping Remedy			
		1/4/2011	Letter to MIMC from V. Leos of USEPA regarding financial assurance	
1/5/2011	Letter to EPA from IP counsel on behalf of Respondents regarding access issues and notice of force majeure			
		Undated	Letter to Respondents' Project Coordinator from V. Leos regarding USEPA's site inspection of December 8, 2010 and upcoming scheduled work activities. The letter was received on 1/6/2011.	
		1/6/2011	Email to D. Shafer of MIMC from B. Werner of USEPA regarding need for duplicates of TCRA financial assurance instruments	
1/6/2011	Email from D. Shafer of MIMC on behalf of Respondents regarding Site signs and buoys and intent to inspect fencing and signs on 1/7/2011			
		1/7/2011	Email from V. Leos of USEPA stating that representatives from Harris County and TCEQ and himself would be visiting the Site on 1/7/2011	

**-DRAFT FINAL SCHEDULE-
SAN JACINTO RIVER WASTE PITS SUPERFUND SITE**

