



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:  
SE- 5J

August 4, 2023

Mr. Bryan Heath  
Senior Environmental Engineer  
NCR Corporation  
3091 Satellite Boulevard, 2<sup>nd</sup> Floor  
Duluth, Georgia 30096  
[byran.health@ncr.com](mailto:byran.health@ncr.com)

RE: *United States of America and The State of Michigan v. NCR Corporation* (Civil Action No. 1:19-cv-1041): OU5 Area 4 Removal Work Plan Draft, Revision 1; Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site

Dear Mr. Heath:

The threat of imminent and substantial endangerment described in EPA's April 1, 2020 Area 4 Action Memorandum, enclosed for your convenience, requires immediate abatement. Specifically, action must be taken immediately to mitigate the risk of both failure of the Trowbridge Dam and mobilization of PCB-contaminated sediments downstream. Recent dam inspection reports indicate the Trowbridge Dam's condition has degraded and is subject to failure, despite the dam stabilization measures implemented by the Michigan Department of Natural Resources in 2019-20. Dam failure would release significant quantities of PCB-contaminated sediments downstream in the Kalamazoo River.

Pursuant to Section VI of the above-referenced Consent Decree and paragraphs 3.2 and 10.6 of the Statement of Work, EPA hereby directs the submission of a work plan within 45 days of the receipt of this letter. The work plan EPA requests at this time is for the implementation of a portion of the Area 4 Removal Response Action described in the Consent Decree. The work plan must have the following elements:

- 1) Installation of the temporary water control structure;
- 2) Dredging and off-site disposal of PCB-contaminated sediments; and
- 3) Installation of temporary riverbank stabilization measures in all sub-areas to prevent erosion of PCB-contaminated floodplain and bank soils/near bank sediments into the sediment dredge footprint described in element 2.

In addition, whole sediment toxicity sampling/testing must be conducted on residual sediments subject to mobilization to allow for evaluation of potential downstream ecological risks.

EPA does not intend on responding to the memoranda that NCR recently submitted to support the alternative design proposal. EPA is currently focused on the components described above, which NCR included in its August 22, 2022, Removal Work Plan, Revision 1, that EPA

disapproved on January 5, 2023. As you are aware, EPA's disapproval of the August 22, 2022, Removal Work Plan, Revision 1, was not in relation to the specific elements listed above, with the exception of the error in a sediment removal grid acknowledged by NCR. As such, EPA expects NCR to submit a work plan for the above elements within 45 days of the receipt of this letter as NCR and EPA have spent several years designing these work elements.

EPA expects this work to begin in late 2023 – early 2024, but no later than February 1, 2024. EPA is willing to convene a meeting to answer questions, provide clarification and discuss the work plan requested herein. Further, EPA expects to discuss the concurrent development of an additional work plan to address the remaining work (i.e., PCB-contaminated bank removal/restoration, final channel design, and required dam removal) in the Area 4 Removal Response Action described in the Consent Decree to ensure that this work can also commence as soon as possible.

Please contact me at (312) 919-4382 or by email at [ruesch.paul@epa.gov](mailto:ruesch.paul@epa.gov) if you have any questions regarding this matter.

Sincerely,

*Paul Ruesch*

Paul Ruesch  
On Scene Coordinator  
Emergency Response Branch #2

Enclosure

cc: Dan Peabody, EGLE  
Mark Mills, DNR