



Proposed \$245 Million Settlement for River Cleanup

Allied Paper/Portage Creek/Kalamazoo River Site
Kalamazoo, Michigan

December 2019

Public comment period

You may comment on the proposed plan from Dec. 17, 2019, through Jan. 16, 2020. To submit comments:

- By email, send to: pubcommentees.enrd@usdoj.gov.
- By mail, send to: Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611

NOTE: Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States of America and the State of Michigan v. NCR Corporation*, D.J. Ref. No. 90-11-2-07912/11.

Instructions and the consent decree can be found at:
www.justice.gov/enrd/consent-decree/us-et-al-vs-ncr-corporation.

CAG to Host Informational Meeting

The Kalamazoo River Community Advisory Group will be hosting an informational meeting on the proposed settlement of liability and cleanup activities for the Kalamazoo River site **Tuesday, Jan. 7, 2020, at 6 p.m.**, at Otsego Township Hall, 400 N. 16th St., Otsego. Federal representatives will present details of the settlement and answer questions.

U.S. Environmental Protection Agency (EPA) and its partners have negotiated a proposed legal agreement called a “consent decree” with NCR Corp. calling for cleanup activities on the Kalamazoo River and a monetary settlement worth up to \$245 million. Besides EPA, the U.S. Department of Justice, Michigan Department of Environment, Great Lakes, and Energy (EGLE), and the natural resources trustees are involved in the settlement with NCR. The public has an opportunity to comment on the proposed consent decree. Those comments will be considered before finalizing the settlement. Under the terms of the proposed agreement, NCR will conduct significant cleanup activities on the Kalamazoo River, and pay money to the agencies. In exchange, NCR will receive legal covenants protecting the company from lawsuits.

The settlement will require NCR to do the following work in the Kalamazoo River:

- Conduct what is called a time-critical removal action in the Trowbridge Impoundment within Area 4 (*see map on Page 2*) removing PCB-contaminated sediment, bank soil, and the Trowbridge Dam.
- Implement the cleanup work described in the 2017 Record of Decision for Area 2 of Operable Unit 5 of the Kalamazoo River.

For Area 3, NCR will have the option to:

- Implement the cleanup set forth in the Record of Decision.
- Pay \$35 million to EPA if a Record of Decision is not issued within six years of entry of the consent decree; or
- Pay EPA \$52.5 million within 60 days of opting out of the cleanup plan outlined in the Record of Decision.

In addition, NCR will make the following payments to the agencies:

- \$76.5 million to EPA for past and future costs.
- \$27 million to the natural resources trustees for environmental damage.
- \$6 million to EGLE for past and future costs.

The work to be performed and funds paid by NCR will result in ongoing cleanup activities on the Kalamazoo River for the next 10 years. The total estimated value of this settlement agreement is around \$245 million.

Cleanup plans explained

The NCR proposed settlement calls for several cleanup projects. The following text provides details:

Trowbridge Impoundment cleanup plan

The Trowbridge Impoundment is located within Area 4 of Operable Unit 5 of the Allied Paper/Portage Creek/Kalamazoo River site.

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Area 4 is the segment of the Kalamazoo River between the Otsego Township Dam and Trowbridge Dam (see photo on Page 3 and graphic on Page 4).

Pollution investigations and data collection revealed the presence of a large volume of PCBs in sediment immediately upstream of the Trowbridge Dam. There is also significant ongoing erosion of PCB-contaminated bank soil into the Kalamazoo River.

In addition, the state of Michigan has documented the Trowbridge Dam is failing. In 2019, Michigan Department of Natural Resources completed short-term activities to temporarily stabilize the dam. EPA determined a time critical removal action is necessary. The urgent work will address PCB-contaminated sediment and riverbank soil within 2.4 miles upstream of the Trowbridge Dam. The estimated cost of the removal action is \$55 million. EPA anticipates NCR will implement the work that should begin in 2020 and take three years to complete. The time critical removal action will include:

- Removal of about 165,000 cubic yards of PCB-contaminated sediment.
- Excavation of around 14,900 cubic yards of PCB-contaminated riverbank soil and 2.4 miles of riverbank stabilization.
- Removal of the unstable Trowbridge Dam.
- Restoration of all areas affected by the removal activities.

Area 2 cleanup plan

Area 2 is the segment of Kalamazoo River between the former Plainwell Dam and the Otsego City Dam (see map, below).

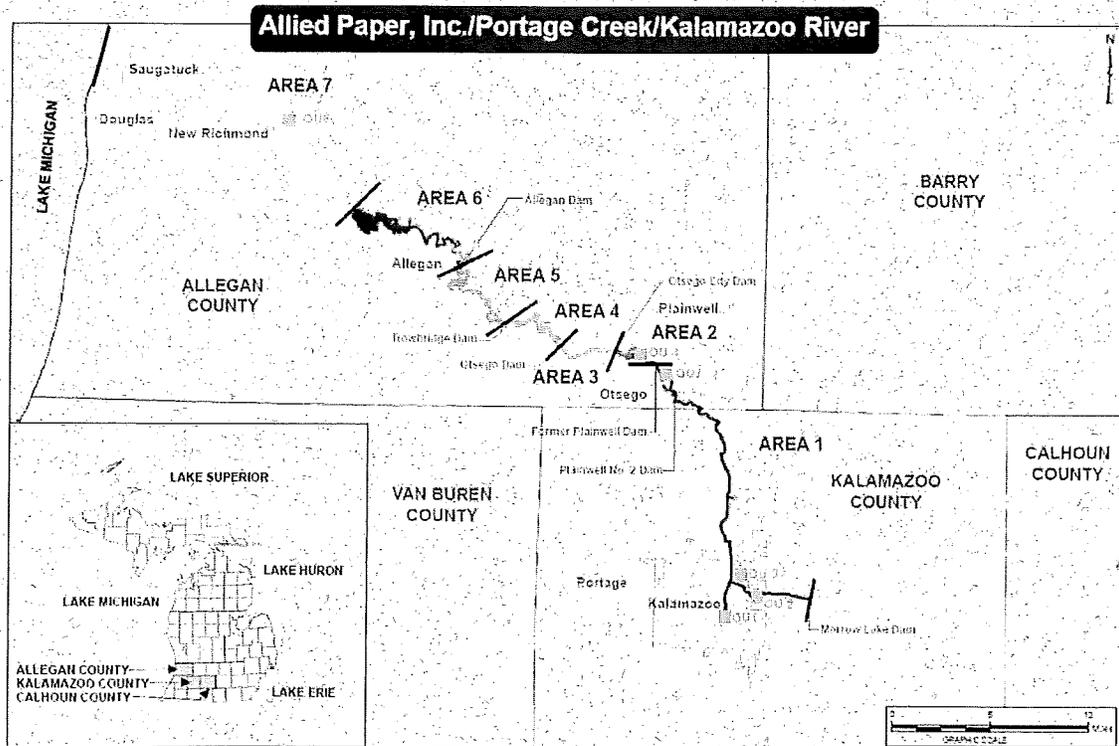
In September 2017, EPA signed a Record of Decision for Area 2 of Operable Unit 5 of the site. EPA selected a cleanup approach which includes: removal of the Otsego City Dam, river channel realignment, capping, bank and floodplain soil excavation, Gun River excavation, targeted excavation on Knife Blade Island, institutional controls and long-term monitoring.

This alternative has less impact to habitat and surrounding properties than other options, protects against erosion and will help maintain flow in the river channel. The time to complete this construction is anticipated to take five years at an estimated cost of \$46.4 million.

Area 3 cleanup plan

Area 3 is the section of the Kalamazoo River between the Otsego City Dam and the Otsego Township Dam.

Once the report of cleanup options for Area 3 is finalized, EPA will issue a proposed plan for public comment. After comments are received and considered, EPA will select a cleanup plan and issue a Record of Decision.



PCB contamination

In 1977, the MDNR issued a public health advisory regarding PCB contamination at the site and advised residents not to eat fish caught from the river. In August 1990, the Kalamazoo River, as part of the Allied Paper/Portage Creek/Kalamazoo River Superfund site, was placed on the National Priorities List, a roster of the nation's most hazardous waste sites.

Since 1998, EPA-lead response actions have removed nearly 450,000 cubic yards of contaminated material from the site, cleaned up and restored 7 miles of the Kalamazoo River and Portage Creek (including banks), and capped 82 acres of contaminated material.

Site history

Between 1954 and the early 1970s, the Allied Paper/Portage Creek/Kalamazoo River Superfund site was used by several paper companies that recycled paper products. This included carbonless copy paper manufactured by NCR that contained PCBs.

The paper recycling process recovered fiber for use in making paper, and the nonusable coatings, including PCBs, were discharged in the wastewater from the mills. The wastewater was either discharged directly to the Kalamazoo River and Portage Creek, or was released to holding ponds, which subsequently discharged to the river and creek.

Contact

To find out more about the settlement and cleanup plans for the Kalamazoo River, contact:

EPA

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Sheila Desai – Plainwell Mill

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Paul Ruesch – Trowbridge Township Dam Area

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EGLE

Dan Peabody – Project Manager

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For general questions:

Diane Russell

EPA Community Involvement Coordinator

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You may also call EPA toll-free:

800-621-8431, weekdays 9:30 a.m. to 5:30 p.m.



Aerial view of the Trowbridge Impoundment.

Next steps

A 30-day public comment period on the proposed legal settlement will begin on Dec. 17, 2019. Comments must be submitted by Jan. 16, 2020. (See box on Page 1 on how to submit comments.)

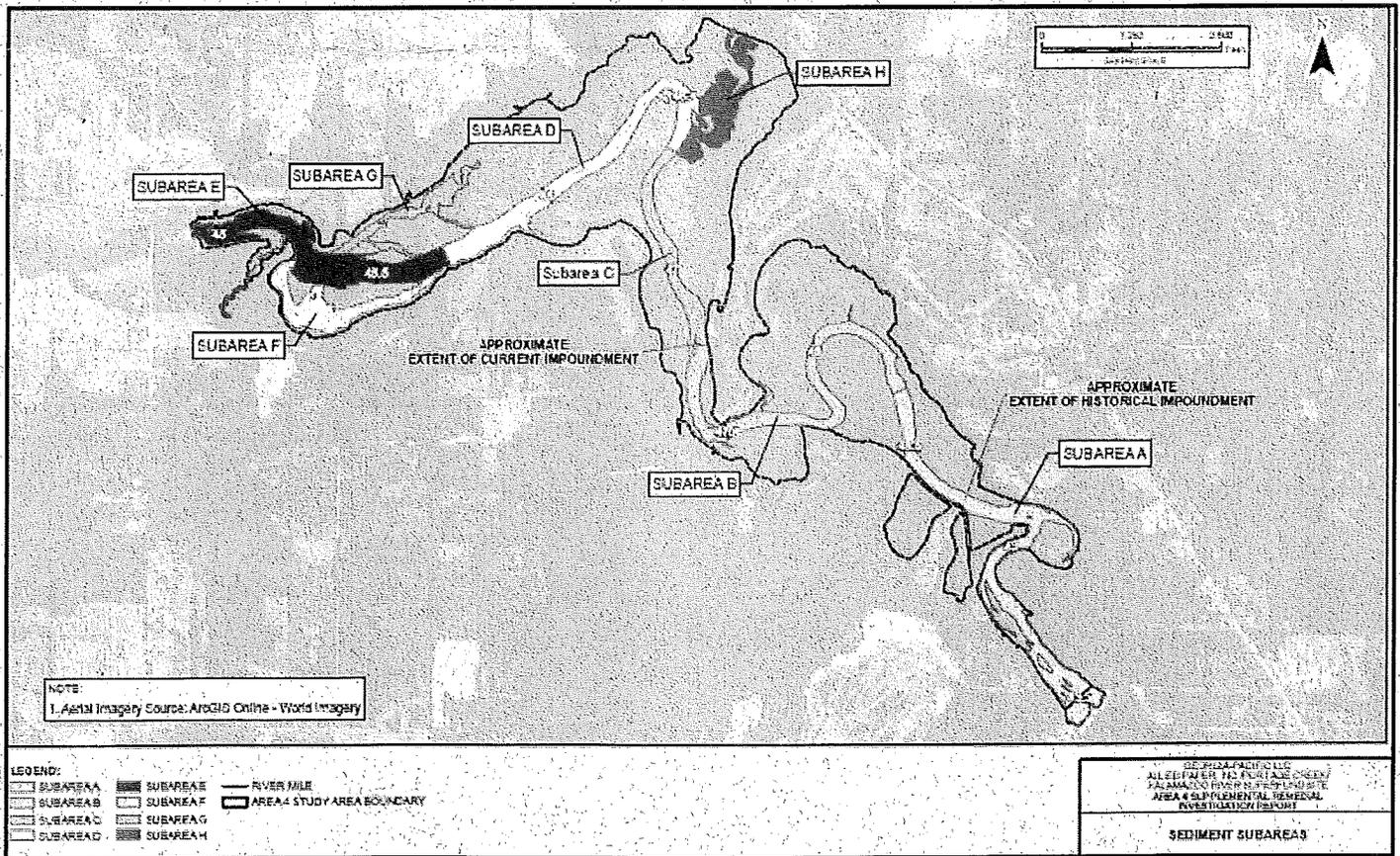
On Jan. 7, 2020, the Kalamazoo River Community Advisory Group (CAG) will be hosting an informational meeting where federal representatives will present details of the settlement and answer questions. The CAG is a group of community members established to represent the interests of the community and share information and recommendations on the site.

After the public comment period has ended and all public comments are received and reviewed, DOJ will ask the court to enter the consent decree in its current form or as modified based on the public comments and agreement by all parties.

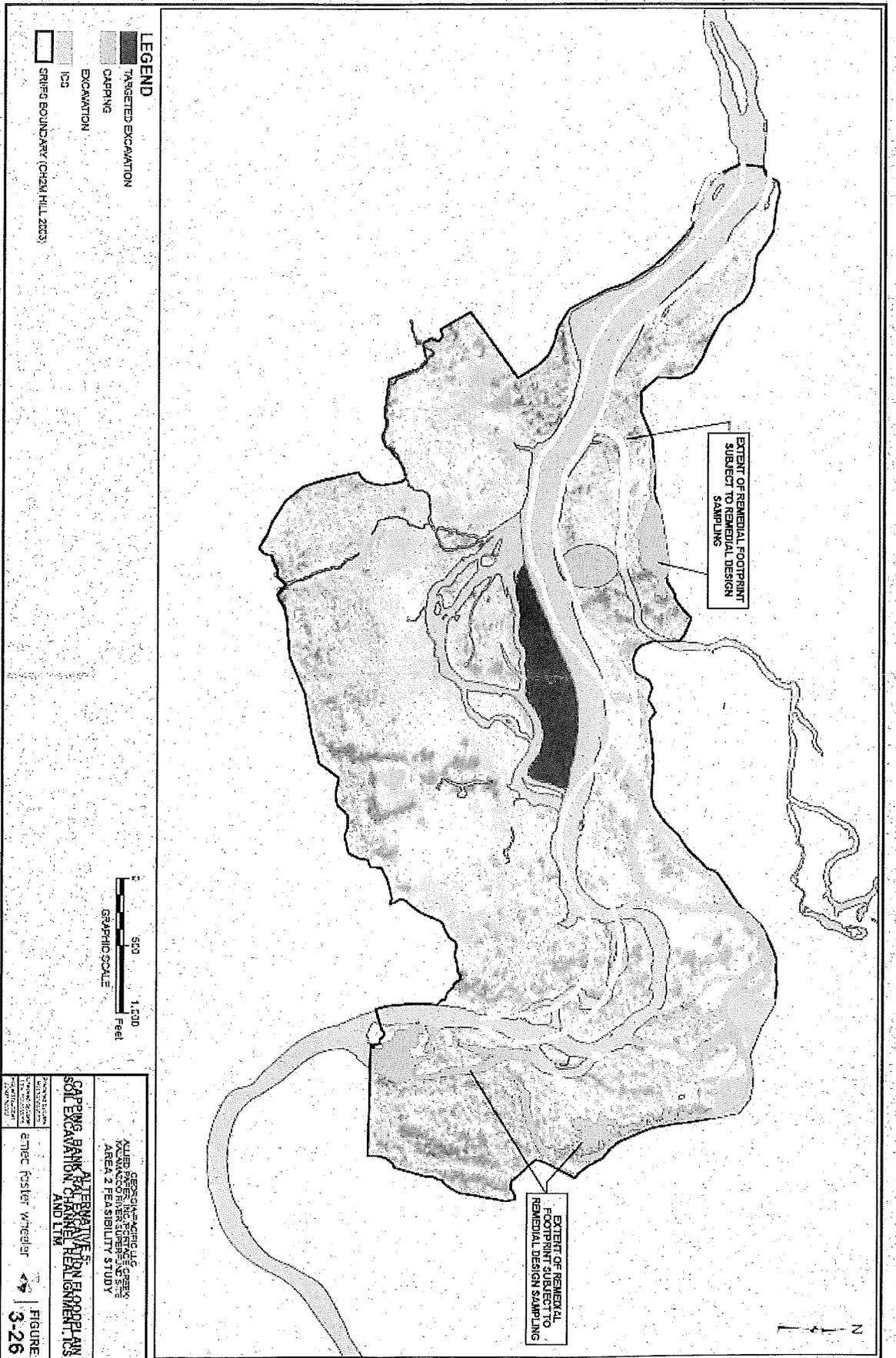


Trowbridge Dam.

For more information
 To learn more about the Allied Paper/Portage Creek/Kalamazoo River site, visit: www.epa.gov/superfund/allied-paper-kalamazoo.



Graphic showing Area 4.



Graphic showing EPA's selected cleanup Alternative A-5.