



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

April 15, 2022

Chris F. Kotara, Director
Global Environment Services & Remediation
International Paper Company
6400 Poplar Avenue
Memphis, Tennessee 38197

Steve Joyce, Senior Director
Environmental Legacy Management Group
McGinnes Industrial Maintenance
Corporation c/o Waste Management
5445 Triangle Parkway, Suite 170
Norcross, GA 30092

Re: San Jacinto River Waste Pits Superfund Site; Administrative Settlement Agreement and Order on Consent for Remedial Design, Docket No. 06-02-18

Dear Messrs. Kotara and Joyce:

Thank you for your letter to the U.S. Environmental Protection Agency dated March 24, 2022, submitted by the International Paper Company and McGinnes Industrial Maintenance Corporation, (the Respondents), regarding the San Jacinto River Waste Pits site.

The Respondents agreed to perform the Remedial Design of the remedy selected for the Site in the October 11, 2017, Record of Decision pursuant to the Administrative Settlement Agreement and Order on Consent for Remedial Design, CERCLA Docket No. 06-02-18 (the Settlement Agreement). The Respondents seek to delay submittal of the deliverable North Impoundment Pre-final 90 percent Remedial Design (the 90 percent Remedial Design or 90 percent design). A summary of new information has been provided in the letter that the Respondents' claim provides the basis for a remedy modification pursuant to 40 C.F.R. § 300.825.

After review of your letter, we have several concerns regarding the proposed delay for submittal of the 90 percent Remedial Design. The agency believes that implementation of the selected remedy will be sped up by submittal of the 90 percent design in June 2022 for EPA review and comment, even if select portions of the design may later require revision. This is especially true as the agency has not had an opportunity to review a detailed design package since May 2020 with the submittal of the 30 percent Remedial Design. In addition, the information in the 90 percent design will aid the EPA in evaluating your claims that a remedy modification pursuant to 40 C.F.R. § 300.825 is appropriate.

The 90 percent design deliverable is not only for EPA review and comment but will benefit other stakeholders, including the Texas Department of Transportation, the United States Coast Guard, the Port of Houston Authority, Harris County, and affected property owners. The more detailed design data will allow them to evaluate the probable impacts of the remedy and provide official comments to be addressed in the final design. Engaged members of the public will also benefit from the opportunity to review draft details of the implemented remedy, as currently designed, in order to assess its potential impact on their communities.

None of the potential issues or changes cited in your letter prevent submittal of the 90 percent Remedial Design for the Northern Impoundments in June 2022 for EPA review and comment. To the extent there are uncertainties about design issues, including access, that are still unresolved in June 2022, or even the need for a partial re-design of parts of the best management practices in light of additional information, the EPA would expect these to be noted in the submittal. To the extent appropriate, we will evaluate the adequacy of the 90 percent design submittal in light of any valid issues, uncertainties, and additional information identified by Respondents and the EPA.

Given the EPA's concerns about unnecessary delay including the potential impact on vulnerable communities and the need for further stakeholder input, the due date for the North Impoundment Pre-final 90 percent Remedial Design submittal for the Site remains June 26, 2022. Lisa Price, the Acting Director of the Superfund and Emergency Management Division, and I are happy to meet with you to discuss further the information provided in the March 24 letter. If you have any further questions, please contact Lisa Price at (214) 665-6744 or at price.lisa@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Earthea Nance". The signature is fluid and cursive, with the first name "Earthea" written in a larger, more prominent script than the last name "Nance".

Earthea Nance, PhD, PE
Regional Administrator