

US EPA ARCHIVE DOCUMENT



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October 6, 2011

Gary L. Cygan
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507
MAIL CODE: LU-9J

Re: Two Significant Enhancements To Tyco's ESRP, Tyco Fire Products LP – Stanton Street Facility, Marinette, Wisconsin, WID 006 125 215

Dear Gary:

As you know, Tyco Fire Products LP ("Tyco") has a long-standing commitment to address the legacy conditions at the Stanton Street Facility in Marinette, Wisconsin ("Site"). This commitment includes Tyco's performance and completion of a substantial upland remedy with an investment of over \$17 million over the past two years and \$45 million lifetime. Tyco has already completed one sediment removal action at the Site. Tyco has met all of its commitments to U.S. EPA as well as all of its prior deadlines. Thus, we have demonstrated our commitment to doing the right and responsible thing throughout the history of this matter and we are committed to continuing to do so.

As part of our effort to continue to appropriately and effectively address the legacy conditions, on September 9, 2011 Tyco submitted an Enhanced Sediment Removal Plan ("ESRP"). The ESRP is an optimized risk management approach that is protective and appropriately balances implementability and incremental risk reduction with the cost of the remedy, while minimizing the potential short-term impacts of remedy implementation. We appreciate the Agency's commitment to technical soundness, and we have taken the Agency's comments to heart and continue to refine the ESRP.

More specifically, as we discussed on Tuesday morning, to narrow the focus of the Agency's review of the ESRP and eliminate navigational concerns, Tyco proposes to revise the ESRP as follows, with the hope and anticipation that EPA will approve the remainder of the ESRP.

During the 2012 construction season, Tyco will dredge all soft and semi-consolidated sediment with concentrations of total arsenic exceeding 50 mg/kg in the entire federally designated navigation channel and in certain adjacent areas, as depicted in Attachment 1. ***Accordingly, Tyco is no longer pursuing the U.S. Army Corp of Engineers ("ACOE") authorization that would be necessary to allow the in situ management -- chemical and physical isolation -- of contaminated semi-consolidated sediments in the designated navigation channel.*** Therefore, other than during active dredging, the ESRP will not restrict anchoring or navigation in the navigation channel by

users such as Marinette Marine Corporation. At the completion of the 2012 field season, the depths in the ACOE designated navigation channel will be 21 feet or greater. To the west of the navigation channel depths will range from about 6 feet to 21 feet, depending on the depth of the contaminated semi-consolidated sediments. To the east the post-dredging depth will slope upward from the navigation channel (> 21 feet) to the existing sediment surface.

We urge the Agency to approve the ESRP as thus revised as we believe that we are in substantial agreement on the critical components of the final remedy. Specifically, Tyco has agreed to remove all soft sediments with total arsenic concentrations exceeding 50 mg/kg, and has agreed to remove a significant portion of semi-consolidated sediments with total arsenic concentrations exceeding 50 mg/kg.

The only remaining technical issues are:

1. Whether to expand the proposed dry excavation area. (Note: This issue is about the selection of a removal technology that will achieve the goals of the governing performance based AOC, a decision that the AOC appears to leave to Tyco, and does not implicate issues regarding *in situ* vs. removal remediation.)
2. Whether four acres of contaminated semi-consolidated sediments that lie outside of the federally designated navigation channel should be dredged or chemically isolated.

As you know, Tyco engaged world-renowned capping and dredging experts, Dr. Danny Reible and Dr. Michael Palermo, to assist Tyco in addressing the Agency's technical concerns with *in situ* isolation. Dr. Reible has developed a scientifically and technically sound solution that is protective of the environment. Specifically, with the revisions discussed above, the solution is to use a chemical isolation layer to address the approximately four acre area with semi-consolidated sediments containing total arsenic exceeding 50 mg/kg, which is all outside of the federally designated navigation channel. This chemical isolation layer can be composed of natural sediment or of a material with a sorptive capacity similar to natural sediment. This approach is protective, technically sound, and implementable, and its efficacy is founded on substantial testing of site-specific sediment characteristics. It is described in the ESRP.

The ESRP is the appropriate remedy for the Site because it is protective of human health and the environment, is implementable and cost effective, while minimizing the potential short-term impacts of remedy implementation. Moreover, the ESRP is consistent with the risk management principles of the National Contingency Plan and the Contaminated Sediment Remediation Guidance for Hazardous Waste Sites, including the avoidance of chasing more deeply buried impacted sediment which is not bioavailable, and is consistent with state of the science project experience. Additionally, the ESRP is cost effective. The Sediment Removal Work Plan ("SRWP") would cost approximately 45% more (\$14.6 million), but would not provide any material incremental risk reduction. That is, there is no additional environmental benefit for the significant increase in cost.

We appreciate the Agency's willingness to fully consider the merits of the revised ESRP and we believe that we have made significant progress in defining the components of the final remedy for the Site. We look forward to further discussions on October 25th and hope that we can efficiently reach complete agreement on the final remedial components to address the contaminated sediments present at the Site.

In the interim, please feel free to call me for any further information regarding the ESRP proposal and the two additional proposed enhancements to it. Again, thank you for your consideration of our proposed enhancements to the remedy.

Sincerely,

A handwritten signature in black ink, appearing to read "John Perkins". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Perkins".

John Perkins
Director, Environment, Health & Safety
Tyco Fire Protection

cc: Richard Clarizo – EPA
Doug Clark – Foley Lardner



FIGURE 2C
 Remediation Sequence 2012
 Preliminary Basis of Design
 Tyco Fire Products Facility
 Marinette, WI