



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LU-16J

Mr. Ryan Suennen
Environmental Health and Safety Specialist
Tyco Fire Products, LP
1 Stanton St
Marinette, WI 54143

Subject: Response to Tyco's Request to Remove Institutional Controls in the Menominee River
Tyco Fire Products, LP, Stanton Street Facility, Marinette, Wisconsin
EPA RCRA Administrative Order Docket No. RCRA-05-2009-0007
EPA Facility ID WID 006 125 215

Dear Mr. Suennen,

This letter is written in response to your February 20, 2018 Request to Remove Institutional Controls in the Menominee River. According to Section VI, 11.a. of the February 29, 2009, Administrative Order on Consent (AOC), Ansul was required to "complete institutional controls for the Menominee River sediment areas at or above 50 ppm arsenic." The institutional controls are required to be in effect until monitored natural recovery (MNR) is completed and the remedial action objective (RAO) is achieved. Further, according to paragraph 5 of the Great Lakes Legacy Act Conceptual Agreement, "Tyco's AOC Paragraph 11.e MNR obligations will be deemed satisfied by EMNR [Enhanced Monitored Natural Recovery], involving the placement of 12 inches of sand and 0.77 lbs/sq. ft. of activated carbon over the Residual Cover Area, provided that Tyco demonstrates pursuant to an approved EMNR Monitoring Plan during the 2018 Five Year Review that the Final RAO [Remedial Action Objective] has been achieved." The cap was required, in part, to ensure that arsenic concentrations greater than 20 ppm in the glacial till would not be exposed in the water. It is an integral part of meeting the RAO and ensuring long-term protectiveness of the remedy.

Based on the information above, Tyco must demonstrate that the Final RAO of 20 ppm arsenic in sediment is met in the 2018 Five Year Review before removal of Institutional Controls in the Menominee River can be considered. If, based on information presented in the Five Year Review, EPA believes institutional controls or other measures are necessary to ensure the protectiveness of the remedy and the long-term integrity of the sediment cap in the Menominee River, EPA may require institutional controls or other measures pursuant to paragraphs 11 and 12 of the AOC. You should address the long-term protectiveness and monitoring of the cap in the 2018 Five Year Review.

Please contact me at (312) 886-7193 or neal.conor@epa.gov should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Conor Neal', with a stylized, cursive script.

Conor Neal
Geologist and Project Manager
Land and Chemicals Division
Region 5
United States Environmental Protection Agency

cc: Tammy Moore, US EPA
Angela Carey, WDNR
Jim Killian, WDNR
Joe Janeczek, Johnson Controls International
Richard Mator, Johnson Controls International
Jeff Danko, Tyco Fire Products