



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LU-16J

Mr. Jeff Danko
Environmental Geologist
Tyco Fire Products, LP
1 Stanton Street
Marinette, WI 54143

RE: Clarification to Response for 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. Danko,

The United States Environmental Protection Agency (EPA) is in receipt of your March 21, 2018, *Clarification to Response for Request to Remove Institutional Controls in the Menominee River*. This message is written to confirm Tyco's understanding of certain requirements and re-iterate a portion of Tyco's Five-Year Technical Review obligations.

The final remedial action objective (RAO) of the sediment remedy is 20 ppm arsenic in sediment. As Tyco is aware, elevated arsenic concentrations up to 1,130 mg/kg arsenic remain in the glacial till in the Turning Basin. These concentrations were measured after completion of the Great Lakes Legacy Act Betterment Project in 2014. Glacial till was previously sampled for arsenic in 2010; arsenic contamination was found nearly ubiquitously in samples collected within the top three feet of the till layer.

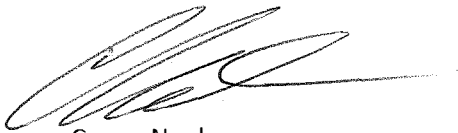
Removal of arsenic above 20 ppm from the glacial till is not required by the 2009 Administrative Order on Consent (AOC) or elsewhere. However, as part of the Legacy Act Betterment Project, a cover was required over those areas where the glacial till would be exposed after dredging of the soft sediments with arsenic concentrations above the final RAO.

As part of Tyco's requirements to fulfill the Five-Year Technical Review in 2018, Tyco must review the state of the remedy being implemented pursuant to the AOC as amended by the Conceptual Agreement - Legacy Act Betterment Project. The remedy under review includes, among other components, the sand cover and institutional controls. As part of its Five-Year Technical Review obligations, Tyco is expected to include in its review an analysis of the long-term integrity and protectiveness of the sand cover and institutional controls that are needed to ensure that the cover and the institutional controls continue to perform their intended remedial purposes. You may propose alternatives to the institutional controls that are presently in place in the Menominee River (e.g., prohibition on anchoring, digging, dredging or

trenching in the areas where the cover is present), provided your proposal is equally protective. Absent such an analysis, pursuant to paragraph 12 of the AOC, the existing institutional controls appear to be necessary to ensure the long-term integrity and protectiveness of the cover and therefore the remedy.

I trust this clarification is consistent with Tyco's expectations for the remedy review required under the Five Year Technical Review. Please contact me with any questions.

Sincerely,



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

Ecc: Tammy Moore, US EPA
Angela Cary, WDNR
Joe Janeczek, Johnson Controls International
Richard Mator, Johnson Controls International
Ryan Suennen, Tyco Fire Products, LP