



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

The Honorable Debbie Dingell
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Dingell:

Thank you for your August 22, 2023 letter concerning the remediation and reuse of the Arkema Resource Conservation and Recovery Act (RCRA) Corrective Action Site (the “Site”), which includes the Arkema East, Arkema West and the Arkema West Brine Fields sites within the cities of Wyandotte and Riverview. We appreciate your continued interest in the U.S. Environmental Protection Agency’s work and support of our progress on the Detroit River. The Arkema East site, along the Trenton Channel and the rest of the Detroit River, continue to be of the utmost importance to EPA and bringing the Site to a conclusion that promotes protection and prosperity for the area residents remains our top priority. As you know, while the ongoing RCRA corrective action is being managed by EPA Region 5’s Lands, Chemicals and Redevelopment Division (LCRD), the Site abuts a stretch of the Detroit River where future Great Lakes Restoration Initiative-funded sediment remediation work is being planned. That work is being managed by EPA’s Great Lakes National Program Office (GLNPO); a national program office housed in Region 5.

The Site is comprised of a vacant 90-acre parcel on the Upper Trenton Channel (UTC) of the Detroit River (Arkema East) and two vacant inland parcels west of Jefferson Avenue (Arkema West and Arkema West Brine Fields). Arkema, under LCRD oversight/direction, has made deliberate progress toward Site closure, implementing various interim measures and completing additional assessments to support the final remedy. Interim measures have included removal of impacted soil at Arkema West and a groundwater containment and treatment system at Arkema East. The Final Remedy for Arkema East will address remaining soil impacts; however, as explained below, completion of this Final Remedy is impacted by other nearby remediation projects in which Arkema is participating.

LCRD and GLNPO are closely coordinating on preparations for a future GLNPO-managed sediment remediation (i.e., dredging) project in the UTC. In 2010, Arkema S.A., INC. and BASF Corporation (BASF) applied to GLNPO to formally initiate the planning phases of a dredging project under the *Great Lakes Legacy Act (GLLA)*, which, as currently contemplated, will address contaminated river sediment adjacent to several properties along 3.9 miles of the UTC (“*GLLA UTC project*”).

The *GLLA UTC* project team has recently completed the evaluation of water treatment capabilities for the water that will be generated during the future dredging activity. The team is now incorporating the results into a final remedial design, which includes the removal (by dredging) of approximately 215,000 cubic yards of contaminated sediment, including over

100,000 cubic yards located adjacent to the BASF facility and around 67,000 cubic yards in front of the Arkema East site.

While LCRD has not yet published a Statement of Basis for the final decision at the Arkema East site, LCRD intends to coordinate the development and publication of that decision with the planning and implementation of the *GLLA* UTC project to ensure consistency and timing of the two efforts. It is important to note that releases of contamination to the river from the Arkema East site have ceased, although contaminated sediment in the UTC remains. Groundwater at the Arkema East site is prohibited from being used for drinking water and the site is secured with fencing. Impacted soil and sources have also been removed from the Arkema West and Arkema West Brine Fields sites, and these sites are also secured with fencing. Thus, LCRD has determined that the threat of off-site exposure of site contaminants to the public has been addressed for the Arkema Site.

As noted above, the future GLNPO-managed dredging project is being implemented under the *GLLA*. One of the requirements of the *GLLA* is that federal dollars may not be allocated toward a sediment remediation project if there is an ongoing potential for significant recontamination of the sediments left in place following a cleanup project. At this time, the BASF Northworks RCRA Corrective Action Site (BASF Site) still has ongoing releases of contaminated groundwater into the UTC adjacent to the location of the future dredging work per the GLNPO *GLLA* UTC project. The responsible parties for the BASF Site, under LCRD's oversight, are working on the design and implementation of a comprehensive groundwater interim measure to prevent future releases into Detroit River. LCRD selected the comprehensive groundwater remedy for the BASF Site on May 25, 2023, and is expecting an intermediate 60% Design from BASF in March 2024. The 95% Design is currently planned to be submitted to LCRD in August 2025. Construction of the selected remedy is currently projected to begin by February 2027. Please note that while LCRD plans on holding BASF to this schedule, this is a multi-year project that is subject to change. Unforeseen circumstances may arise that could extend or shorten this schedule. Please see our letter to you dated August 16, 2023 for more information on the groundwater remedy for BASF.

Importantly, what remains uncertain at this time is whether any of the contemplated GLNPO-managed *GLLA* UTC sediment remediation work could be undertaken prior to or contemporaneously with the LCRD-managed work at the BASF Site, or whether the dredging work will be unable to begin until the LCRD-managed work at the BASF Site work has been fully completed. The resolution of this issue, which will require close coordination of all the public agencies and private entities involved, will certainly have an impact on when both the LCRD-managed and GLNPO-managed work could be completed.

Additionally, given that the Arkema East site is intended to be used as a staging area for sediments dredged per the *GLLA* UTC project, the final LCRD-managed work at the Arkema East site would be performed after the dredging has been completed and the staged sediment removed. (As noted above, Arkema has already installed a slurry wall and completed additional interim measures to prevent releases of contaminants from the Arkema East site into the UTC, thus the *GLLA* requirement for source control and prevention of future contamination has been met for the Arkema Site).

One of my goals has been to find ways to improve coordination within EPA Region 5, with other federal agencies, and with our state and local partners. To that end, I have asked LCRD Deputy Director Scott Ireland to be EPA's main point person for these stakeholders on all Downriver contaminated sites. Scott will also coordinate closely with others across the relevant EPA programs. Kirstin Safakas, a seasoned Community Involvement Coordinator, has also been assigned to help inform and engage residents moving forward. I know that Scott's leadership and Kirstin's efforts will go a long way to help advance our work in these communities. EPA also appreciates the cooperation and partnership we have received from the cities of Riverview and Wyandotte that help to ensure that our work is successful.

Again, thank you for your letter. If you have further questions, please contact me at (312) 886-3000, or your staff may contact Denise Fortin or Eileen Deamer, Region 5 Congressional Liaisons, at fortin.denise@epa.gov or deamer.eileen@epa.gov.

Sincerely,

Debra Shore
Regional Administrator
& Great Lakes National Program Manager
US EPA Region 5

Attachment

Arkema Site Background:

EPA and the Pennwalt Corporation, a former owner of the Arkema Site, entered into a Resource Conservation and Recovery Act (RCRA) Section 3008(h) Administrative Order on Consent (AOC) in 1989 which requires Arkema to conduct RCRA Corrective Action at the Site. The Arkema Site is split into three properties: Arkema East, Arkema West and Arkema West Brine Field. All three properties are addressed under the same RCRA AOC.

Arkema East is a 90-acre former industrial parcel adjacent to the Upper Trenton Channel (UTC) of the Detroit River and located in the cities of Wyandotte and Riverview. The majority of cleanup at Arkema East has been completed under interim measures, which includes a remedial groundwater system that collects and treats the groundwater before proper disposal. The Final Remedy for the Arkema East Site will address remaining contamination within the soil and sediment found along the UTC. As noted in the above letter, the commencement of this Final Remedy at Arkema East will not begin until after completion of the *GLLA* UTC project dredging work, as Arkema East is intended to be used as a staging area for those dredged sediments. And as also noted in the letter, the timing of the commencement of the *GLLA* UTC project dredging work is uncertain, as LCRD and GLNPO need to determine the degree of work that needs to be completed at the BASF Site before sediment dredging can occur without fear of significant recontamination of the dredged areas,

As noted above, the Arkema East site will be used as a temporary staging area for the dredged material as part of the *GLLA* UTC Project. Thus, the remaining contaminated soils on the Arkema East Site will be addressed after the staging area is no longer needed as part of the UTC project. In addition, EPA will continue to coordinate with the responsible parties for both the BASF Site and the Arkema Site in order to use the Arkema East Site as a temporary staging area for dredged material as part of the UTC *GLLA* project.

The groundwater remedy for the Arkema East site was constructed in 2000 (and enhanced in 2006) to prevent contaminated groundwater and an oily chemical called Halowax from discharging into the Detroit River. The remedial groundwater system extracts contaminated groundwater, which includes Halowax (a dense-non-aqueous phase liquid) and treats the contaminated groundwater before proper disposal at the local Publicly Owned Treatment Works (POTW). In addition, the groundwater remedy included construction of a slurry wall and sheet pile wall along the shoreline and northern property boundary (UTC) to prevent discharge to the Detroit River. The Halowax and the groundwater remedy continues to operate under EPA oversight and will be a significant component of the final remedy.

The Arkema West site includes a 53-acre former industrial parcel located to the west of Jefferson Avenue. The Arkema West Brine Fields site includes a 92-acre former salt brine well field. Both Arkema West and Arkema West Brine Fields sites are located in the city of Riverview. Arkema has completed several interim remedial measures for both the Arkema West and Arkema West Brine Field sites.

U.S. EPA’s Response to Your Questions in the August 22, 2023, Letter:

- 1. Has EPA finalized and published a Statement of Basis for the final clean-up decision at the Arkema East Plant Site? If not, when can we expect to see it released?**

No. EPA recently assigned the Arkema Site to a new RCRA project manager. The new RCRA project manager will be meeting with Arkema to discuss next steps for the Arkema Site.

- 2. What steps has EPA Region 5 taken to improve the coordination of the multiple interconnect projects ongoing in the Downriver communities and how will this expedite the clean-up process long-term at Arkema and other sites?**

LCRD and GLNPO are closely coordinating while both the LCRD and GLNPO cleanup projects are in development. Frequently, GLNPO attends the meetings for the BASF Site to stay up to date with the comprehensive groundwater interim measure development. LCRD and GLNPO also meet frequently to discuss project needs, goals, and schedules. As noted above, in order to expedite the cleanup process, Arkema has agreed to use Arkema East as a designated staging area for dredged material from the *GLLA* UTC project while the cleanup is being completed. The close coordination between the parties as described above is necessary to ensure the goals for the *GLLA* UTC project are met and that the LCRD-managed cleanups are completed in an effective and expedient manner.

- 3. In EPA’s February 2022 response, you said EPA “will give every consideration to the possibility of assigning an EPA staff member to coordinate with local stakeholders.” Has EPA assigned any staff for coordination efforts?**

Yes, EPA has assigned additional staff to help coordinate efforts.

- 4. Does EPA Region 5 need any additional resources or authorities to complete the Arkema project or other projects in a timely manner?**

EPA Region 5 has shifted resources to prioritize cleanup as well as public outreach efforts at this site.

- 5. Have the Great Lakes Legacy Act (*GLLA*) UTC dredging project participants completed the analysis and design of the water treatment system mentioned in your February 2022 letter?**

The *GLLA* UTC project participants, which include Arkema, have completed their evaluation of water treatment options for the water that will be generated during the sediment dredging process. The project partners are in the process of incorporating the results of this evaluation into a final remedial design for the dredging project. The final remedial design for the dredging work is scheduled for completion in 2024.

6. Does EPA still anticipate, as stated in your February 2022 letter, the dredging work in the Trenton Channel beginning in 2024? If so, do you have a more precise start date and how long do you expect this dredging project to last?

GLNPO has received an application pursuant to the *GLLA* from both Arkema and the responsible parties for the BASF Site to perform the dredging work in the UTC and is currently evaluating that application. However, an important part of the evaluation includes consideration of the potential for significant recontamination of sediments from ongoing sources in the dredging project area, including sources from the BASF Site. Given the on-going design effort to control sources from the BASF Site, it is not likely that dredging will begin in 2024. Once on-the-ground and in-the-water implementation of the *GLLA* UTC project begins, the *GLLA* UTC project team anticipates it will take two construction seasons to complete the dredging process, roughly equivalent to two calendar years.

7. Can you confirm that the public is still not exposed to any contamination from the Arkema property?

Since at least 2004, EPA has determined that human exposures are controlled at the Arkema site. EPA determined that human exposures are controlled based on various interim measures which have been completed at the Site, including excavation and proper disposal of impacted soil and buried drums, closure or process ponds and other small surface water bodies, sediment remediation along a ditch and creek on the site, and installation of a groundwater containment and treatment system at the Arkema East site to prevent discharge of impacted groundwater to the Detroit River. Remaining remediation tasks for the final remedy will likely include additional remedial excavations, capping, and engineering and institutional controls, but based on the interim measures, and because the Site is secured against trespass by fencing, EPA believes human exposure to impacted soil offsite has been addressed.

Since at least 2005, EPA has determined that migration of contaminated groundwater is also controlled based on the interim groundwater containment measure (preventing discharge of impacted groundwater to the Detroit River), as well as deed restrictions on the Arkema Site which prevent the use of groundwater for any purpose, and restrictions within the cities of Riverview and Wyandotte which provide municipal drinking water to the communities surrounding the Arkema Site, and Wayne County, which generally prohibits installation of drinking water wells. Therefore, EPA believes human exposure to impacted groundwater water related to the Arkema Site has been addressed.

As noted above, discharges from the Arkema East site to the Detroit River have been eliminated, and exposure to residual impacted soil has been addressed through limited removal actions and site security measures. Therefore, risk of exposure for the general public to impacted soil, surface water (the Detroit River), drinking water (municipal water is provided to the surrounding communities) or groundwater (groundwater is not used as a drinking water source in this area) has been mitigated.

8. Finally, when does EPA expect the Arkema property to be fully ready for redevelopment of the site to begin?

The Arkema sites are privately owned, zoned for industrial use, and will be remediated to industrial re-use standards. EPA's understanding is that Arkema has been focused on remediating the sites to industrial standards and retaining site ownership to facilitate the post-closure long term care requirements of the final remedy (such as continuing Halowax recovery and disposal, groundwater recovery and treatment, monitoring, and maintenance of engineering controls). EPA commits to meeting with Arkema representatives to determine if their plans for the sites have changed. It should be noted here that remediation to industrial standards would be consistent with future industrial or recreational use, pending completion of the final remedy, should Arkema decide to redevelop the property.