

City Council Questions regarding the Allegan City Dam

At a special City Council meeting on September 4, 2019, City Council was asked to submit any additional questions regarding the Allegan City Dam to the City Manager by 5:00 pm on September 11, 2019.

Below are the questions submitted and staff's responses.

Delora Andrus

- 1) Has Perrigo stated whether they have any preference about the dam being removed? If not, can they be approached and asked?

Yes. We have reached out to Perrigo Corporation and they have submitted the following questions/statements:

1. The report states "There would also be a significant drop in upstream flood elevations post dam-removal." Does this mean FEMA would be drawing up new flood maps? I see FEMA just recently posted preliminary updated maps to their website. They haven't been updated since the original FIS report in 1989. So if the dam is removed next year, will the maps be updated again. I see from the FEMA website that there is a process for updating maps, but I'm not sure what is required to initiate an update, or who can initiate the updates.
2. The report states "The millrace would likewise be filled and used for open space or other uses depending on ownership.", and "Land ownership issues would need to be considered here as well as contaminated sediment exposure." Does this mean that new property lines would be drawn? How would the new lines be determined? This determination could potentially impact Perrigo.
3. The report states "This configuration allows for park space along the downtown boardwalk, sloping down to the restored channel, with fill used to stabilize the sheet pile walls along this section. Structural analysis of the sheet piling would be needed for this alternative". Who would be responsible for the structural analysis of the sheet pile walls? What about the sheet pile wall after the 2nd Street Bridge that is along the edge of our property line for our Plant 1. I'm expecting that that sheet pile wall would also need a structural analysis performed. Does Perrigo "own" that sheet pile wall? Would we have any responsibility for evaluating the structural integrity of that sheet pile wall or for stabilizing that sheet pile wall with fill?
4. The report states "For instance, the downstream bends below Perrigo headquarters and adjacent to Grand St have seen significant expenditures to mitigate bank erosion, and erosion at these locations may be reduced by the new movement of sediment from upstream." The erosion at Perrigo headquarters has already been remediated by the work we did last year. I think this statement would have had more significance prior to that work.
5. The report states "Sediment management costs would be borne by the Superfund project. Ongoing exposure and future liability concerns for the City from contaminated sediments would be minimized under this alternative, and at the cost of Superfund/EGLE rather than the City." Does that also mean none of the sediment remediation would fall to Perrigo?

2) Have you heard anyone say, “Don’t take the dam out?” I have heard concerns, valid ones...some of which I share, but I have not heard anyone say unequivocally to not remove the dam. Just wondering if you had.

We cannot say that we have heard unequivocally to not remove the dam. There have been various concerns and George Mohr did speak in a public meeting where it appeared that he was not in favor of removing the dam, but we do not want to use the word unequivocally.

3) Annual maintenance is around \$26,000? Is the dam suffering any major disrepair now that would cause that to spike? I know the catwalk replacement is \$70,000’ish and power house/mill race \$1.5 million. Any known grants for those issues?

No known grants for dam repairs are available. Dams continue to degenerate due to many factors as they age (just like people) so maintenance and repairs tend to be more frequent, more costly, and more intensive (just like people).

Rachel McKenzie

1) On the estimated project schedule it states the EPA comments on remedial investigation, feasibility study and design reports are available to the public...I cannot find those (for area 5). Are they available now or will the EPA hold a public meeting once Council has made a decision?

The data being collected now are part of the remedial investigation but that has not been published. When those documents are up for public review or published they will be available. EPA will be working through that process – Dan Peabody with have more details – Mark Mills.

There is a general schedule to for Area 5. The schedule may change for a variety of reasons but here is the latest schedule I have which was produced by GP (a Responsible Party) and is from July 2019:

Estimated Submittal Date	Estimated Approval Date	Document	Available for Public Comment?
12/19/2019	9/24/2020	Area 5 Final Remedial Investigation Report	No
7/26/2020	4/7/2021	Area 5 Feasibility Study	No
5/21/2021	NA	Proposed Plan	Yes. Document authored by EPA.
8/20/2021	NA	Record of Decision	Yes. Document authored by EPA.

Documents are available electronically on the EPA website, hard copies are available at the data repositories (which includes Allegan City Library), and documents can be made available by EGLE at the request of the Council. At this point there are limited documents available for Area 5 since the Remedial Investigation Please note the schedule accounts for the submittal of two drafts of each document- an initial draft document that is reviewed and disapproved, and a new draft is submitted, reviewed, and approved. The EPA is not under any obligation to schedule a public meeting until the time the Proposed Plan is issued, although they may choose to schedule a meeting. The Proposed Plan is the first document that is released by EPA and available for public comment. Following the Proposed Plan, the EPA will authorize the Record of Decision which will also be available for public comment. There is no schedule to implement the cleanup because no Party has signed on to do that work.

- 2) Is there a set amount of money the PRP's have to spend in remediation for area 5? For example, if removing the contamination costs less than expected, could the remaining funds be used for any other aspect of the project?

There is not. There are 9 criteria that go in to evaluating a remedy:

Threshold Criteria

1. Overall protection of human health and the environment
2. Compliance with ARARs (applicable or relevant and appropriate standards)

Primary Balancing Criteria

3. Long-term effectiveness and permanence
4. Reduction of toxicity, mobility or volume
5. Short-term effectiveness
6. Implementability
7. Cost

Modifying Criteria

8. State acceptance
9. Community acceptance

- 3) Annual costs to insure the dam (please include previous costs when powerhouse and catwalk were insurable, as well)?

1. The city presently, and for the past few years, has liability coverage for the exposure/existence of the dam. Liability coverage to the extent that the city might be legally liable for bodily injury or property damage arising out of their ownership, use and maintenance of the dam. There are exclusions typical to commercial general liability, one of which comes to mind out of recent conversations would be pollution. There have also been specific exclusions added in the past couple of years specific to the power house and catwalk due to their deteriorating physical condition. Hence if

a person is hurt on the catwalk or in the power house, we have no liability coverage on those two components on the dam.

2. In regard to insurance coverage on physical structures we are not aware of there being coverage on the power house building in recent history. To our knowledge there has never been physical damage coverage on the dam structure. We are unaware of availability of physical coverage for the dam.

3. The premium on the current policy term for liability coverage on the dam is \$1,250.00.

4) It's been stated at a few meetings that the fountains are an "attraction" for Allegan. My thoughts lean towards the fountains could be moved if the riverfront becomes narrower with dam removal. Please confirm if this is feasible or not.

In my opinion, it is unlikely that fountains similar to what is currently in place would not be feasible as the current of the river will be faster through this section. However, the City would have other water feature opportunities along the banks and new space that would be created by the dam removal. The renderings provided to the City have some of these possibilities portrayed but other opportunities exist.

5) In the areas that heavy sedimentation has occurred and would become wetland if the dam were removed (near library, riverflats neighborhood, riverfront), will those areas experience contamination removal or capping? Or both?

Those decisions will be made as part of the Feasibility Study. Removal and capping are both options that will likely be presented by the Potentially Responsible Parties/EPA. That said, I would suggest that those areas "may" become wetlands. The potential exists that those areas could be converted into something other than wetland, depending on what the City might desire and what the Feasibility Study/data suggest. We would stay committed to walking through that process with the City to determine future conditions in those areas.

The 9 criteria presented above are reviewed and considered when making the decision on what remedy to construct. We would expect that the alternatives presented in the feasibility study will generally include excavation and capping of the floodplains (where appropriate) and excavation and natural recovery for sediments, since these are the alternatives that have been evaluated during cleanups in the upstream Areas.

6) Will the addition of more greenspace on the Riverfront and surrounding areas improve storm water runoff?

Certainly, the design can be completed to accommodate stormwater discharge/runoff.

- 7) To date, how many businesses are in operation on the Riverfront (lower level)? Of those, how many rely on the river (as it is currently) for their business?

No businesses on the lower level rely solely on the river for their business. One could argue the zipline uses the idea of zipping over the river as an attraction, but we would not offer it solely relies on the river for its business.

- 8) Once the powerhouse is removed and filled in, could that land be sold for development or would it remain undevelopable?

Depends on the quality of the filling operation. I would guess that, were the City to desire to develop those areas, the fill and restoration could be completed in a way to allow for further development. We are not recommending that this new park land be developed.

Traci Perrigo emailed city staff stating that the reports, presentations and her own research have answered the questions that she had up to this point.

No other councilmember emailed staff requesting additional information.