From:	Robert Law
To:	LaPoma, Jennifer
Cc:	Willard Potter
Subject:	RE: FW: BERA comment follow up - Reference Test Acceptability Threshold
Date:	Wednesday, March 09, 2016 3:46:13 PM

Jennifer:
The CPG is focused on reviewing the 8-mile ROD, we will confer with the CPG regarding rescheduling this meeting during the CPG's next meeting on March 22, and get back to Region 2 as soon as possible.

Thank you.

R/
Rob

Robert Law, Ph.D.
de maximis, inc.
rlaw@demaximis.com
Voice: 908-735-9315
Fax: 908-735-2132

>>> "LaPoma, Jennifer" <LaPoma.Jennifer@epa.gov> 3/9/2016 9:31 AM >>>
Hey Rob,

Would the CPG still like to meet on this topic? If so, we should reschedule ASAP so there isn't a further delay in getting us the revised draft BERA.

From: Robert Law [mailto:rlaw@demaximis.com]
Sent: Tuesday, March 08, 2016 5:03 PM
To: LaPoma, Jennifer <LaPoma.Jennifer@epa.gov>
Cc: Willard Potter <otto@demaximis.com>
Subject: Re: FW: BERA comment follow up - Reference Test Acceptability Threshold

Jennifer:
The CPG would like to postpone the meeting scheduled for March 14 at this time.

Thank you.

R/
Rob

Robert Law, Ph.D.
de maximis, inc.
rlaw@demaximis.com
Voice: 908-735-9315
Fax: 908-735-2132

>>> "LaPoma, Jennifer" <LaPoma.Jennifer@epa.gov> 3/8/2016 4:37 PM >>>
Rob,

Could you please give me a sense of when might we expect to see an outline of the CPG's concerns and the supporting data before our meeting next Monday.

Thanks,
Jen

From: LaPoma, Jennifer
Sent: Thursday, February 25, 2016 11:22 AM
To: 'Robert Law' <rlaw@demaximis.com>
Cc: Willard Potter <otto@demaximis.com>; Basso, Ray <Basso.Ray@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Nace, Charles <Nace.Charles@epa.gov>; Bill Hyatt <william.hyatt@klgates.com>; Lisa Saban <LisaS@windwardenv.com>; Mike Johns <MikeJ@windwardenv.com>; Kirchner, Scott <KirchnerSF@cdmsmith.com>
Subject: RE: BERA comment follow up - Reference Test Acceptability Threshold

Rob,

Based on the dates that do not work for your team, I've asked our team for their availability on the 14th and 15th. My current preference is the 14th. I'll confirm shortly if that works on our side.

In the meantime, could you send us over an outline of the CPG's concerns so that we can adequately prepare for such a discussion. Also, I ask that CPG provides supporting data in advance of the meeting. That would be a table for each reference area showing the SQT data that is available and how CPG has compared the values to the SQT methodology. This will help us prepare for the discussion and will also ensure we are speaking about the same data and same analysis at the meeting.

Thanks,
Jennifer LaPoma

From: Robert Law [mailto:rlaw@demaximis.com]
Sent: Thursday, February 25, 2016 9:54 AM
To: LaPoma, Jennifer <LaPoma.Jennifer@epa.gov>
Cc: Willard Potter <otto@demaximis.com>; Basso, Ray <Basso.Ray@epa.gov>; Flanagan, Sarah <Flanagan.Sarah@epa.gov>; William Hyatt <william.hyatt@klgates.com>; Lisa Saban <LisaS@windwardenv.com>; Mike Johns <MikeJ@windwardenv.com>
Subject: Re: BERA comment follow up - Reference Test Acceptability Threshold

Jennifer:

As follow-up to my February 23 email regarding the CPG's request for a face-to-face meeting and to aid in scheduling; CPG representatives are <u>not</u> available on the following dates: March 1,2, 3, 4, 7, 8, 21, 22, 23 and 25.

Please contact me with any questions.

Thank you.

R/
Rob

Robert Law, Ph.D.
de maximis, inc.
rlaw@demaximis.com
Voice: 908-735-9315
Fax: 908-735-2132
>>> Robert Law 2/23/2016 3:30 PM >>>
Jennifer:

The CPG requests a face-to-face meeting in March with EPA Region 2 to discuss this matter and other matters (e.g., Great Bay/Mullica River data) associated with the sediment quality triad (SQT) and reference station screening and identification.

Please contact me with dates that the Region's team is available.

Thank you.

R/
Rob

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>>> "LaPoma, Jennifer" <LaPoma.Jennifer@epa.gov> 2/17/2016 12:23 PM >>>
Rob,

Please see below for a follow up to the draft BERA comment discussion and CPG's request for clarification as to why acceptability criteria for Chironomus is more stringent than ASTM acceptability criteria for negative controls (SQT attachment):

The laboratory bioassay survival threshold for identifying reference stations in the Sediment Quality Triad (SQT) analysis of freshwater sediments (i.e., >=75 percent) is different than the ASTM standards (E1706-05) for acceptable control survival in the 10-day toxicity sediment test using the midge Chironomus dilutus and amphipod Hyallela azteca (>= 70 and >= 80 percent, respectively). Although the reference station threshold identified in the USEPA SQT methodology is comparable to the ASTM acceptability criteria for negative controls (and indeed is bracketed by the criteria for the two freshwater species used in the 17-mile SQT study), reference and negative control samples serve distinctly different purposes in a contaminated sediment assessment study and it is not necessary that they be harmonized. The "[negative] control sediment provides a measure of laboratory test acceptability, evidence of test organism health, and a basis for interpreting data obtained from the test sediments - USEPA, 2000" and failure to meet this performance measure is grounds for redoing the toxicity tests. The reference survival threshold is one of several criteria that

are used to identify sampling locations that have been unduly influenced by anthropogenic stressors (USEPA, 1998; Weisberg et al., 1997) such as contaminant point sources. In concert, the set of reference acceptability criteria are used to identify the subset of available reference data that best approximate the "reference condition" and identify potential deviations from this state that may be attributed to site-related chemical contamination.

USEPA, 1998. Sediment Quality of the NY/NJ Harbor System, Final Report; EPA/902-R-98-001, March. 126pp.

USEPA, 2000. Methods for Measuring the Toxicity and Bioaccumulation of Sediment-associated Contaminants with Freshwater Invertebrates, Second Edition; Office of Research and Development and Office of Water; EPA/600/R-99/064, March.

Weisberg, S.B., D.M. Dauer, L.C. Schaffner, R.J. Diaz and J.B. Frithsen, 1997. An estuarine Benthic Index of Biotic Integrity (B-IBI) for Chesapeake Bay*; Estuaries* 20(10):149-158.

Thanks,

Jennifer LaPoma