MAY 21 1991

Mr. Edgar G. Kaup, P.E.
Case Manager
Bureau of Federal Case Management
New Jersey Department of Environmental Protection
401 East State Street, CN 028
Trenton, NJ 08625-0028

Re: Draft Feasibility Study Report for the L. E. Carpenter Company (aka Dayco Corporation) Site in Wharton, NJ

Dear Mr. Kaup:

The purpose of this letter is to provide you with the additional Environmental Protection Agency (EPA) comments that have been generated since my letter of April 18, 1991. The following documents are enclosed:

Enclosure 1 - The April 23, 1991 memo from Patrick Foley of EPA's Air Compliance Branch.

Enclosure 2 - The April 26, 1991 memo from Dore LaPosta of EPA's Drinking/Ground Water Protection Branch.

Enclosure 3 - The May 7, 1991 memo from William Lawler of EPA's Environmental Impacts Branch.

Enclosure 4 - EPA Comments based on the May 8, 1991 draft memo from Frederick J. Luckey of EPA's (Superfund) Program Support Branch.

Enclosure 5 - The May 10, 1991 draft memo from Roland Hemmet, Chairman of the Biological Technical Assistance Group.

Enclosure 6 - The May 13, 1991 memo from Dore LaPosta of EPA's Drinking/Ground Water Protection Branch.

I also wish to make the following clarifications regarding the enclosed comments:

1. Rule 404 (Fugitive Dust) of the Puerto Rico Environmental Quality Board is listed as "to be considered" cleanup standard in the attachment to the April 23, 1991 memo (Enclosure 1). I believe that it would be preferable to require specific provisions to control fugitive dust in the Remedial Design documents rather than to include a generic and a rather subjective standard (i.e., the meaning of "visible emissions" would be depend on the viewer's eyesight and viewpoint) from

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another jurisdiction as a cleanup standard for the New Jersey site.

2. The May 10, 1991 memo (Enclosure 5) was based on the discussions at the May 1, 1991 meeting of the Biological Technical Assistance Group (BTAG). The memo is stamped "draft" because it has not yet been reviewed by most of the BTAG members. After the BTAG members have had the opportunity to review and comment on it, a final version will be distributed.

3. Page 2 of the May 10, 1991 memo states that the language on FS Report page 1-18 that "...sediment remediation will not be considered" should be deleted from the FS Report. Since the FS is near to completion for the soil and groundwater aspects of the L.E. Carpenter Property but has not progressed far with respect to assessing and considering remediation of the sediment contamination, EPA has no objection to removing the consideration of the remediation of Rockaway River sediment from the scope of this FS in order to avoid delays in the remediation of soil and groundwater. However, the sediment contamination should be further investigated and, depending on the findings, it may be appropriate to address the sediments in a another FS as a second operable unit. EPA suggests that the ending of Section 1.6.3 on page 1-18 be changed to language similar to the following: "Direct removal of Rockaway River sediments may not be an efficient remedy, would result in some disruption to the local ecosystem and may facilitate contaminant transport. In view of the need to further study of these and other issues related to the sediment contamination, sediment remediation will not be considered in this report. However, after further study, it may be reconsidered in the future."

4. The May 7, 1991 memo (Enclosure 3) and the May 10, 1991 memo indicate the need for further investigation of present and/or potential future impacts of the site on resources which include the following: wetlands, floodplains, endangered and threatened species, cultural resources and agricultural lands. While EPA has initiated contact with the U.S. Fish and Wildlife Service to identify any endangered and threatened species that may be affected by the site, it is appropriate that L.E. Carpenter and Company initiate the other investigations. Given that these resources could be adversely affected by the remediation under consideration in the FS, the findings of these investigations must be considered in the final version of the FS Report (except as discussed in comment 5, below).

5. Page 1 of the May 10, 1991 memo recommends a sampling program to investigate possible site-related contamination of wetlands. Since this wetlands investigation and a subsequent

remedial planning process (e.g., FS) to address any site-related problems identified would be time consuming, EPA recommends that the wetlands sampling and wetlands remedial planning activities be handled outside of the scope of this FS. The rationale for this approach is similar to that discussed in comment 3, above, for the Rockaway River sediments.

6. Enclosure 4 is based on a May 8, 1991 draft memo which I received from Frederick J. Luckey of EPA's (Superfund) Program Support Branch. A number of editorial changes were made to Mr. Luckey's memo to produce Enclosure 4.

7. General Comment 2 of Enclosure 4 questions the selection of contaminants to be addressed by the FS (as listed in Section 1.6.7 on page 1-20). Page 2 of the May 10 memo indicates concern about the levels of metals in the Rockaway River. However, no metals are listed on page 1-20 as contaminants to be addressed by the FS. If it is agreed that cleanup of the Rockaway River is outside of the scope of the FS (see comment 3, above), the cleanup of metals in the river need not be addressed by the FS. (However, the FS should examine remedies that would adequately control site-related releases to the River.)

   The "preceding analysis" referred to in Section 1.6.7 for identifying the contaminants to be addressed is not explained in the FS report. However, it appears that there are some problems with this analysis:

   - A chief basis that was used for excluding a contaminant in a given medium seems to be a finding that the carcinogenic risk posed by the contaminant is less than 10^{-4} and the hazard index for that contaminant is less than 1.0, when only exposures resulting from that given contaminated medium are taken into account. This approach is incorrect in that: 1) EPA's risk range applies, for a given exposure scenario, to the risk posed by all contaminants through exposures related to all contaminated media, and 2) if remediation is required, the remedy is generally chosen to reduce the risk to 10^{-6} (unless the remedy selection criteria warrant otherwise).

   - Although reference is made to an ECRA action level for PCBs and to an EPA recommended cleanup level for lead, the analysis does not take ARARs fully into account. (ARARs are not discussed until Chapter 2 of the FS Report.) A remedy must attain all contaminant specific ARARs that are within the scope of the operable unit unless a waiver is justified (see discussion on FS page 2-1). The FS Report does not demonstrate that a waiver

is justified. Therefore, ARARs must be considered in the selection of the contaminants to be addressed by the FS.

- The sections preceding Section 1.6.7 frequently note that some contaminants are not related to the manufacturing operations carried out by L.E. Carpenter & Company. To the extent that contaminants were present on the property purchased by L.E. Carpenter & Company, the company is responsible as the property owner for any remediation needed for those contaminants. The fact that metals may not have been related to L.E. Carpenter's operations is not by itself grounds for excluding any metal as a contaminant to be addressed.

The sections related to the selection of the contaminants to be addressed should be revised with the above comments in mind. This may result in additional contaminants being added to the list in Section 1.6.7.

Please contact me at 212 264-8098 if you wish to discuss this matter.

Sincerely yours,

Jonathan Josephs, Project Manager
New Jersey Superfund Branch II
Emergency and Remedial Response Division

Enclosures

bcc: P. Foley
W. Lawler
F. Luckey
S. Stevens
D. LaPosta