MEMORANDUM

To: Diane Salkie and Michael Sivak, USEPA

From: Cooperating Parties Group

Date: May 24, 2018

Subject: Upper 9-Mile Interim Action –CPG's Suggested Changes to the Preliminary Remedial Action Objectives (RAOs)

The Lower Passaic River Cooperating Parties Group (CPG) offers the following suggested changes in the attachment to this memorandum to the Preliminary RAOs that USEPA drafted and provided to NJ Department of Environmental Protection (hereafter Department) on May 10 and the CPG on May 17. USEPA has previously stated that its goal is to develop a set of RAOs and remedial alternatives for the Upper 9-Mile Interim Action (IA) Feasibility Study that are acceptable to the Department, USEPA and the CPG.

The first RAO addresses surface sediment and calls for a post construction RM 8.3 to Dundee Dam SWAC reduction of at least 85% and a SWAC that is within 10 times the lower 8-mile remedial goal for 2,3,7,8-TCDD. For total PCBs, the post construction SWAC would be below the established background of 460 ug/kg (see footnote 2 of the attached). The CPG's suggested changes to this RAO are:

1. Clarify that the active remediation will occur between RM 8.3 and RM 15
2. Change from "*...reach a SWAC that is within a factor of ten of the final sediment remediation goal*" to "*...reach a SWAC that is within ten times the final sediment remediation goal...*".
3. Added text to footnote 1 (of the attachment) to clarify the SWAC calculation.

RAO 2 addresses subsurface sediment having elevated concentrations and the potential for erosion to expose these concentrations. The development of this RAO is more complicated than RAO 1; nonetheless the CPG has attempted to simplify the language without losing the objective of remediating and controlling potentially erodible sediment that may contribute to risk. Specifically, the CPG has clarified the area of remediation as RM 8.3 to RM 15 and specified that the subsurface remedial action levels (RALs) for potentially net erodible sediment will be equal to the surface RAL for 2,3,7,8-TCDD (developed in RAO 1) and 2 mg/kg for PCBs (see foot note 3 of the attachment).

The minimum performance goal of 85% of post construction SWAC reduction in RAO 1 provides a quantifiable assessment point to determine the overall success of the IA. Moreover, when combined with an array of remedial alternatives that include No Action, 85%, 90% and 95% SWAC reductions, USEPA, the Department and the CPG will have the opportunity to conduct a fulsome analysis of alternatives for the Upper 9-Mile FS. These alternatives can be further expanded by including varying SWAC reductions in some areas and/or dredge-depth/cap-designs. This results in a wider set of FS alternatives and is consistent with both the NCP and CSTAG's recommendations.

The CPG has made a number of changes to the supporting text for both RAO 1 and RAO 2 in hopes of providing clarification and simplification. In addition, the CPG has provided

proposed language to enhance the description of the Adaptive Management Element that will be implemented following completion of the IA's Active Remediation Element. This includes the performance monitoring program that will evaluate whether the post-construction recovery in combination with IA will result in conditions that are protective or whether additional actions are required to reach acceptable risk levels. In addition, the preliminary risk-based RGs (and final RGs) will be defined for the post Interim Action ROD during the Adaptive Management Element specifically for the upper 9 miles.

The CPG looks forward to continuing discussions with USEPA, and together with the Department, developing RAOs and FS alternatives for the Upper 9-Mile IA in order to proceed with the FS.

Attachments
Preliminary RAOs -CPG's Suggested Changes – dated May 24, 2018
20180524 EPA-CPG RAO Comparison RLSO.doc