**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION II**
**290 BROADWAY**
**NEW YORK, NEW YORK 10007-1866**

July 20, 2016

BY ELECTRONIC MAIL & U.S. MAIL

William H. Hyatt, Jr. Esq.
K&L Gates LLP
One Newark Center
Newark, NJ 07102

Re: Diamond Alkali Superfund Site
Lower Passaic River Study Area RI/FS

Dear Mr. Hyatt:

This is to follow up on your letter to Sarah Flanagan dated May 27, 2016 suggesting a meeting between EPA and the Cooperating Parties Group ("CPG") regarding the path forward for the Lower Passaic River Study Area ("LPRSA") Remedial Investigation and Feasibility Study ("RI/FS") being performed by pursuant to Administrative Settlement Agreement and Order on Consent ("AOC") Docket No. CERCLA-02-2007-2009, and subsequent email dated July 13, 2016.

EPA had initially proposed a June 30, 2016 date for the meeting in question. Because of the technical meetings between EPA and the CPG in late June, the CPG suggested postponing the meeting to early July, and in response, EPA proposed July 20. In your email dated July 13, 2016, you state that the CPG has discussed the July 20 date, and now prefers to await EPA's comments on the draft FS technical memoranda, as well as the draft FS, prior to scheduling the meeting with EPA.

We agree that EPA's comments on the draft FS technical memoranda will help provide clarity on the path forward for the RI/FS. We expect to provide comments on the draft RAO/PRG Technical Memorandum by the first week of August and we expect to provide our comments on the draft Alternative Screening Technical Memorandum and the draft Alternative Evaluation Technical Memorandum by the end of the September. Following receipt of EPA's comments on these key technical documents, we believe a constructive meeting on the path forward for the RI/FS can take place.

Regarding the draft FS report, since it was submitted without the benefit of EPA's review and approval of the technical memoranda, as required by the RI/FS Statement of Work, the draft is likely to require such extensive revision that we think it will not be productive for EPA to

comment on it at this time. Rather, we think it will be most useful to meet after the CPG has had an opportunity to review our comments on the technical memoranda, at which time we can discuss the path forward, including how the remedy selected by EPA in the March 2016 Record of Decision for the lower 8.3 miles of the LPRSA will affect aspects of the FS.

As noted above, EPA expects to have comments on the three draft FS technical memoranda to the CPG by the end of September, and we would like to schedule a meeting with the CPG at that time. We share your assessment that progress is being made with the RI and modeling comments discussion, and look forward to meeting with you on the FS to continue that progress.

If you have any questions, please call me at 212.637.3135.

Sincerely,

Frances M. Zizila,
Assistant Regional Counsel

cc: M. Sivak, ERRD
J. LaPoma, ERRD
S. Flanagan, ORC