de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

August 21, 2015

Stephanie Vaughn
17-mile LPRSA RI/FS Remedial Project Manager
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Via Electronic Delivery

Re: Lower Passaic River Study Area (LPRSA) Draft Baseline Human Health Risk Assessment (BHHRA) – Cooperating Parties Group (CPG) Response to USEPA Region 2 (Region 2) Comments – May 2007 Administrative Agreement and Order on Consent for Remedial Investigation/Feasibility Study – CERCLA Docket No. 02-2007-2009 (AOC)

Dear Ms. Vaughn:

On behalf of the CPG, enclosed please find the CPG's Responses to Region 2's June 5, 2015 Comments on the draft 17-mile BHHRA (RTCs).

The CPG has been working diligently and in good faith toward completing the 17-mile BHHRA. The draft BHHRA, which was submitted to Region 2 on June 6, 2014, fully complied with the Region 2-approved July 2009 Problem Formulation Document, Region 2's February 6, 2012 dispute resolution decision, CPG's October 29, 2013 Revised Risk Analysis and Risk Characterization (RARC) Plan, and the associated Region 2 RARC comments (dated January 31, 2014), as well as USEPA national guidance and policy. Therefore, the CPG was surprised and concerned to have received Region 2's numerous and extensive comments on the draft one year later. The CPG advised Region 2 as to its preliminary concerns regarding the comments by letter dated June 12, 2015. Region 2 provided a consolidated response to this and other communications by the CPG related to the LPRSA risk assessments by letter dated June 19, 2015. The CPG and Region 2 engaged in a series of conference calls on June 15, 2015, June 24, 2015, and July 29, 2015 in an attempt to clarify comments on the draft BHHRA and resolve the issues expeditiously and informally. The enclosed RTCs, including a revised set of exposure assumptions, reflect the CPG's responses following these discussions and review of additional information provided by the Region. The CPG will provide responses to the Region's July 15, 2015 additional comments under separate cover.

The CPG plans to prepare and submit a revised 17-mile BHHRA following review and resolution of the attached RTCs. Pursuant to Region 2's letter dated July 20, 2015 and our recent discussions, the CPG understands Region 2 will conduct a quick review (within 30 days) of the RTCs and upon notice from Region 2 that the RTCs form an acceptable basis from which to revise the draft 17-mile BHHRA, the CPG will submit a revised BHHRA within 45 days. Please let us know if Region 2 will not be able to conduct the review of the RTCs in that timeframe.

The CPG continues to reserve its right to take other steps, such as invoking dispute resolution under Section XV of the AOC to protect its interests, after Region 2 completes its review of the RTCs and advises the CPG of the results of that review.

The CPG requests that Region 2 include this letter into the Administrative Record for the 17-mile LPRSA operable unit of the Diamond Alkali Superfund Site.

Please contact Bill Potter or me with any questions or comments.

Very truly yours,

de maximis, inc.

Robert H. Law, PhD
CPG Project Coordinator

cc: Ray Basso, EPA Region 2
Walter Mugdan, EPA Region 2
Sarah Flanagan, EPA Region 2
CPG Members
William Hyatt, CPG Coordinating Counsel
Willard Potter, CPG Project Coordinator

PAPER