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March 15, 2013 ***VIA ELECTRONIC & US MAIL***

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

***Re: Monthly Progress Report No. 6 – February 2013***
***Lower Passaic River Study Area (LPRSA)***
***River Mile 10.9 Removal Action***
***CERCLA Docket No. 02-2012-2015***

Dear Ms. Vaughn:

***de maximis, inc.*** is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the month of February, 2013.**

**Meetings/Conference Calls**

- On February 5, CPG discussed the RM 10.9 Removal Action with the Nereid Boat Club in Rutherford, NJ.
- On February 6, CPG held a conference call with NJDEP to discuss the Waterfront Development and Tideland application process.
- On February 14, CPG had a phone conversation with a NJDEP Land Use Regulation Program (LURP) representative regarding the necessity to conduct a flooding assessment for the RM 10.9 Removal Action proposed cap.
- On February 15, CPG held a conference call with EPA to review status of recent interactions with NJDEP and to discuss active layer design procedures for the cap.

**Correspondence**

- On February 1, CPG requested and received clarification from NJDEP regarding their request for TCDD/PCB analysis of 0-2 foot cores when implementing RM 10.9 Characterization QAPP Addendum D (QAPP Addendum D).
- On February 3, CPG submitted a revised QAPP Addendum D to EPA.
- On February 4, EPA approved revised QAPP Addendum D.

- On February 5, CPG requested NJDEP comments on Clean Earth's stabilization testing protocol.
- On February 7, CPG requested NJDEP approval of sediment core compositing schemes for generation of stabilization testing samples.
- On February 7, NJDEP provided CPG a test method for predicting dredge water quality associated with the Removal Action.
- On February 8, CPG obtained from the Township of Lyndhurst a certified list of upland property owners adjacent to the River Mile 10.9 Removal Area.
- On February 8. CPG provided NJDEP a revised sediment core compositing scheme to support the stabilization testing protocols.
- On February 9, CPG provided a status report to EPA on QAPP Addendum D field activities conducted February 5 – 8.
- On February 9, CPG provided EPA a draft technical memorandum describing how pore water is proposed to be extracted and handled from the sediment cores collected pursuant to QAPP Addendum D.
- On February 11, NJDEP provided comments to CPG on the sediment core compositing procedures recommended for the stabilization tests.
- On February 11, CPG submitted revised sediment core compositing procedures to NJDEP.
- On February 11, CPG received comments from NJDEP Bureau of Flood Control on the low likelihood that the engineered cap would create any increase in upstream flooding potential and forwarded a summary of the subsequent conversation to the Permitting groups in NJDEP.
- On February 12, CPG provided to EPA a document describing the design process that will be used for design of the cap active layer.
- On February 12, NJDEP provided its conditional approval of the sediment core compositing scheme proposed for stabilization testing, with a request to consider minor modifications to that scheme. CPG responded that it would make those modifications.
- On February 12, EPA provided CPG with comments on the proposed pore water extraction methodology.
- On February 13, NJDEP provided its full approval to the modified sediment core compositing scheme for stabilization test samples.
- On February 14, NJDEP requested that CPG contact the LURP Division to discuss flood hazard analyses. CPG subsequently provided cap cross-sections from the draft RM 10.9 Removal Action Final Design Report pursuant to a phone conversation.
- On February 15, CPG requested confirmation from NJDEP that the RM 10.9 Removal Action project was reviewed and cleared by the State Historical Preservation Office (SHPO).
- On February 15, CPG submitted the January Progress Report to EPA.
- On February 19, CPG provided EPA a revised Technical Memorandum with details on proposed methods for pore water generation methods.

- On February 19, CPG provided EPA a schedule of near term activities for completing specific elements of the RM 10.9 Removal Action design.
- On February 20, EPA responded to the proposed pore water generation methodology with questions and comments.
- On February 22, CPG provided NJDEP with 5 hard copies and 5 CD's containing complete Tidelands and Waterfront Development application packages.
- On February 22, CPG mailed letters to 4 owners of upland properties located adjacent to the Removal Area, to provide notification of CPG's application for a Tidelands license and request their approval.
- On February 22, CPG mailed letters to 17 entities including landowners within 200 feet of the Removal Action area, Township of Lyndhurst and Bergen County officials and agencies, and the US Army Corps of Engineers, to notify them of CPG's application for a Waterfront Development Permit Equivalent.
- On February 26, CPG re-requested NJDEP review of Clean Earth's sediment stabilization testing protocol for RM 10.9 sediment.
- On February 27, NJDEP provided CPG comments and questions concerning the Clean Earth sediment stabilization testing methodology.
- On February 27, CPG provided EPA a revised pore water extraction methodology.
- On February 27, NJDEP acknowledged receipt of the Tideland and Waterfront Development applications.
- On February 27, CPG uploaded the draft RM 10.9 Removal Action Final Design Report and Appendices to the EPA SharePoint site.
- On February 28, CPG discussed bench-scale stabilization testing procedures with Clean Earth.
- On February 28, CPG provided NJDEP a revised Clean Earth stabilization testing protocol, and NJDEP responded that the revised protocol was acceptable.
- On February 28, CPG provided EPA a revision to the pore water extraction methodology.

**Work**

- CPG finalized QAPP Addendum D for collection of additional cores from the RM 10.9 Removal Area to conduct pore water, TCLP analyses and stabilization testing.
- CPG conducted initial QAPP Addendum D field work from February 5 – 11.
- CPG documented the design process for cap design, including how pore water analytical results will be utilized in this process.
- CPG finalized and submitted Waterfront Development and Tidelands application packages to NJDEP.
- CPG notified upland property owners and agencies required by CPG's application for NJDEP permit equivalents and licenses to conduct the RM 10.9 Removal Action.
- CPG received and reviewed bids from subcontractors for dredging, capping, marine transport, stabilization, overland transport, wastewater treatment and landfill work.

- CPG completed and submitted to EPA the draft RM 10.9 Removal Action Final Design Report with Appendices including a Community Health and Safety Plan.

**(b) Results of Sampling and Tests**

No analytical results were obtained or submitted in February 2013.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion**

- CPG will complete field sampling and analytical activities associated with QAPP Addendum D.
- CPG will respond to comments on the draft Final RM 10.9 Removal Action Design Report.
- CPG will continue evaluation of design and materials options for the cap active layer.
- CPG will draft a Cap Maintenance and Monitoring Plan.
- CPG will coordinate vendor stabilization bench-scale testing.
- CPG will continue working with potential stabilization vendors to assist them in NJDEP air and Alternative Use Determination permit applications associated with handling RM 10.9 Removal Action sediments.
- CPG will continue discussions with Passaic River boat clubs and the Lyndhurst Fire Department how the Removal Action will be implemented and how to minimize impacts on their respective uses of the River.
- CPG will evaluate bids received for implementing the RM 10.9 Removal Action and recommend which vendors should be selected.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays**

- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

***de maximis, inc.***

Stan Kaczmarek, PE
RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Jay Nickerson, NJDEP
Roger McCready, CH2M Hill

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