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May 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. 72 – April 2013***
***Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS)***
***CERCLA Docket No. 02-2007-2009***

Dear Ms. Vaughn:

***de maximis, inc.*** is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

**(a) <u>Actions which have been taken to comply with this Settlement Agreement during the previous month.</u>**

**<u>Meetings/Conference Calls</u>**

- On April 8, CPG and EPA held a conference call to review the status of RI/FS deliverables and a second Supplemental Sampling Program (SSP 2).
- On April 23, EPA, Partner Agencies and CPG met to continue discussions regarding SSP.

**<u>Correspondence</u>**

- On April 2, CPG uploaded the 2011 and 2012 Bathymetry Survey Reports to the EPA's SharePoint site.
- On April 5, EPA provided comments on the CPG's Sediment Transport Model Technical memorandum to CPG.

- On April 8, EPA provided CPG a draft list of deliverables they have received and requested CPG update the list with any missing information.
- On April 8, CPG notified EPA's contractor of the availability of fish tissue sample volume from the Background Survey.
- On April 10, CPG notified EPA's contractor of the fish tissue composite sample mass for the EPA requested split sample from the Background Survey.
- On April 11, EPA requested status updates for a number of RI/FS Conceptual Site Model (CSM) items from the CPG.
- On April 12, CPG provided the Organic Carbon simplification modeling code and inputs and Sediment Transport projection outputs on a hard disk to EPA's modeling contractor.
- On April 12, CPG notified EPA's contractor of the fish tissue composite sample mass for the EPA requested split samples from the Background Survey.
- On April 12, CPG uploaded the 2009 Benthic Invertebrate Community Report and the 2010 Habitat Survey Report to the EPA SharePoint Site.
- On April 12, CPG provided a partial update of the deliverable list requested by EPA.
- On April 15, CPG submitted the March Monthly Progress Report to EPA.
- On April 17, CPG provided a modeling status summary to the EPA.
- On April 18, EPA notified CPG of the availability of the Newark Bay Study Area SedFlume report and appendices on the EPA SharePoint site.
- On April 18, EPA requested follow-up information and materials from the February 28, 2013 modeling meeting.
- On April 18, CPG notified EPA's contractor of the fish tissue composite sample mass for the EPA requested split samples from the Background Survey.
- On April 19, CPG notified EPA that they had instructed the laboratory conducting the particle size analysis to begin the analysis.
- On April 19, CPG submitted proposed field modifications to EPA for the Chemical Water Column Monitoring (CWCM) Small Volume (SV) QAPP for the remaining High Flow event.
- On April 22, CPG provided requested figures and maps related to the CPG's proposed approach to the SSP 2 program to the EPA.
- On April 24, CPG provided EPA with a revised meeting summary from the February 23, 2013 EPA/CPG Model Collaboration meeting.
- On April 25, CPG provided clarification to the EPA on the sediment probing and refusal data contained in the figures and maps submitted on April 22 related to the proposed SSP 2 program.
- On April 25, CPG notified EPA that they could provide substantive comments to EPA on the Newark Bay Study Area RI/FS Data Gaps Analysis Report at a later date.

- On April 25, CPG notified EPA's contractor of the fish tissue composite sample mass for the EPA requested split samples from the Background Survey
- On April 25, CPG notified EPA that they could provide comments to the EPA on the Newark Bay Study Area RI/FS Data Gaps Analysis Report on May 3, 2013. EPA responded on April 29 and accepted CPG's schedule to submit comments.

**Work**

- CPG continued validation of data from the SV CWCM Routine Flow Event #5.
- CPG completed analysis of samples from LPRSA and NBSA portions of the High Volume (HV) CWCM Event #1.
- CPG completed analysis of samples from the SV CWCM High Flow Event #1.
- CPG began validation of data from the SV CWCM Event #1.
- CPG continued planning activities for a potential SV CWCM High Flow Event #2 .
- CPG began processing background survey fish tissue samples.
- CPG completed revisions to the 2009 Benthic Invertebrate Survey Report and the 2010 Habitat Survey Report.
- CPG continued taxonomy testing on the Benthic Background Sediment Survey SQT samples.
- CPG continued development of the background and reference site example outline requested by EPA.
- CPG continued development of a preliminary Conceptual Site Model (CSM) deliverable.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team continued work on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.

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

None

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

- CPG will complete validation of data from the SV CWCM Routine Event #5.
- CPG will complete validation of data from the SV CWCM High Flow Event #1.
- CPG will complete validation of data from the HV CWCM Event #1.
- CPG will continue planning activities for potential SV CWCM High Flow Event #2 incorporating changes approved by EPA in a field modification.
- CPG will conduct SV CWCM High Flow Event #2, if River conditions meet SV CWCM High Flow QAPP criteria.
- CPG will continue drafting a data report for the DO Monitoring Survey.
- CPG will complete taxonomy testing on the Benthic Background Sediment Survey SQT samples.
- CPG will continue drafting a data report for the results of the upstream sediment chemistry testing associated with the Benthic Background Sediment Survey.
- CPG will continue drafting a data report for the results of the upstream toxicity testing associated with the Benthic Background Sediment Survey.
- CPG will continue drafting a data report for the results of the upstream taxonomy enumeration associated with the Benthic Background Sediment Survey.
- CPG will conduct chemical analysis of Tissue Background Survey samples.
- CPG will continue drafting the Preliminary CSM Report.
- CPG will initiate early baseline risk assessment activities (update CSM, benthic and wildlife assessments).
- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations.

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

- Based upon discussions with EPA, the CPG understands that EPA considers the calibration of the HQI sediment transport and the chemical fate and transport model sufficient to support the revised FFS for the lower 8 miles of the LPRSA. However, the CPG also understands that EPA provided a revised modeling report to its Partner Agencies for review in November and conducted an external peer review of the model in February and March 2013; the CPG has requested

the results of the peer review especially the comments that may be pertinent to the CPG's LPR/NB model development and is awaiting EPA's decision on releasing the comments. The CPG is continuing to work on both sediment transport model, and the chemical fate and transport model for the LPRSA and incorporating the improvements and other changes that CPG has discussed with EPA. EPA and CPG collaboration meetings were conducted in throughout 2012 and in February 2013; this most recent and previous meetings are providing an opportunity for both modeling teams to understand differences between each team's approaches. The CPG provided a detailed technical memorandum on its progress on the LPR/NB sediment transport modeling in January to EPA as well as providing current code and input and output files which was discussed on February 28. EPA provided Newark Bay SedFlume data and FFS Model input files in March. The CPG requested and is awaiting the EPA's decision to provide FFS Modeling peer review comments pertinent to the CPG's LPR/NB RI/FS Modeling. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.

- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is also the CPG's understanding that the Method Detection Studies proposed by Tierra and other work such as construction of the proposed mobile centrifuge/CSO sampling trailer required for Phase 1 work were completed in late August 2012. It is also CPG's understanding the EPA and Tierra have agreed to delay the Phase I CSO sampling due to the failure of the PVSC treatment system and other regional POTWs. The extent of the LPRSA RI/FS schedule impacts associated with the ongoing delays in the Phase 1 sampling schedule which is now forecast for some time in 2013 is significant. Moreover, there are likely to be significant delays of the Phase 2 CSO field schedule that will prevent a timely completion of the Tierra CSO Study and adversely impact the timely completion of the LPRSA RI/FS. Specifically EPA notified CPG on April 9 of the availability of Tierra's CSO Study schedule included in an approved CSO Study QAPP amendment. The revised CSO Study schedule indicates that validated data from Phase 2 will be available in late 2015 date which is one year after the anticipated Draft RI report submission in 2014 and FS submission in 2015. Tierra's CSO schedule is an unacceptable delay to the LPRSA RI/FS schedule. The CPG is evaluating alternative approaches for CSO/SWO data to be used in the LPR/NB Chemical Fate & Transport Model to maintain a LPRSA RI/FS Study completion date of first quarter 2015.

- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on

fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG implemented the changes specified in the July 2011 directive comments and the results of the dispute resolution in the revised RARC which was submitted on April 13, 2012. The EPA provided comments on the revised RARC on August 30, 2012; the CPG met with EPA on January 7 to discuss remaining background and reference issues and had a telephone call with EPA on January 28 to discuss cooking loss. EPA has promised to provide revised definitions for background and reference that CPG can include in the revised RARC; once this information is provided then the revised RAR can be submitted for EPA approval. The CPG is planning a June submission of a revised RARC assuming that the CPG receives the revised background and reference definitions in May otherwise the completion of the LPRSA RI/FS in Q1 2015 will be affected.

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

Very truly yours,

***de maximis, inc.***

Willard F. Potter
Project Coordinator

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