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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. 70 – February 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) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On February 26, EPA and CPG held a conference call to review and finalize the February 28 EPA/CPG Modeling Collaboration Meeting Agenda
- On February 28, EPA, CPG, and EPA and CPG contractors held a Modeling Collaboration Meeting.

Correspondence

- On February 12, EPA provided CPG with meeting minutes from the September 2012 model collaboration meeting and a proposed agenda for the scheduled February 28 EPA/CPG Modeling Collaboration meeting.
- On February 15, CPG submitted the January Monthly Progress Report to EPA.

- On February 19, CPG and EPA exchanged e-mails regarding discussion topics for the next Modeling Collaboration Meeting.
- On February 22 EPA provided CPG comments on the CPG's Sediment Transport Model Review Report.
- On February 26, CPG notified EPA that the hydrograph predictions indicated that flow associated a predicted storm will exceed 3,000 cubic feet per minute and that CPG is mobilizing for the Small Volume (SV) Chemical Water Column Monitoring (CWCM) High Flow Event #1 field activities.
- On February 27, CPG provided EPA a summary of River flow conditions indicating conformance with the CWCM QAPP requirements for the SV CWCM High Flow Event #1 and its decision to continue the survey.
- On February 27, CPG sent EPA the 2012 Bathymetry Survey data on a portable hard drive.
- On February 28, CPG provided notification to EPA that Anchor QEA is joining the CPG Modeling Team and provided a copy of Anchor QEA's Statement of Qualifications.
- On February 28, CPG submitted an update of the field activities for February 26 and 27 for the SV CWCM High Flow Event #1 to EPA.

Work

- CPG completed analysis of samples from SV CWCM Routine Flow Event #5.
- CPG initiated validation of data from the SV CWCM Routine Flow Event #5.
- CPG continued analysis of samples from LPRSA and NBSA portions of the High Volume (HV) CWCM Event #1.
- CPG initiated the SV CWCM High Flow Event #1 field sampling activities.
- CPG initiated analysis of samples from the SV CWCM High Flow Event #1.
- .CPG continued validation of the sediment chemistry data from the Benthic Background Sediment Survey.
- CPG completed toxicity testing on the Benthic Background Sediment Survey SQT samples and began to evaluate upstream toxicity.
- CPG continued taxonomy testing on the Benthic Background Sediment Survey SQT samples.
- CPG completed evaluation of the Dissolved Oxygen Monitoring Survey data.
- CPG continued development of the background and reference site example outline requested by EPA.
- CPG continued work on the 2011 Post-Hurricane Irene and 2012 Bathymetry Survey reports.
- CPG worked on 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

- On February 27, CPG uploaded validated and raw data collected pursuant to the Background Benthic Survey QAPP Addendum (sediment data) to the EPA LPR SharePoint site.

(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 analysis of samples from the LPRSA and NBSA portions of the HV CWCM field events.
- CPG will complete the SV CWCM High Flow Event #1 field sampling.
- CPG will continue analysis of samples from the SV CWCM High Flow Event #1.
- CPG will initiate drafting a data report for the DO Monitoring Survey.
- CPG will complete validation of sediment data from the Benthic Background Sediment Survey.
- CPG will complete taxonomy testing on the Benthic Background Sediment Survey SQT samples.
- CPG will initiate drafting a data report for the results of the upstream sediment chemistry testing associated with the Benthic Background Sediment Survey.
- CPG will initiate drafting a data report for the results of the upstream toxicity testing associated with the Benthic Background Sediment Survey.
- CPG will initiate 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 after agreeing on compositing and analytical protocols for the tissue samples with EPA.
- CPG will continue drafting the Preliminary CSM Report.

- CPG will initiate updating the Screening Level Ecological Risk Assessment and evaluation of benthic data from various surveys.
- CPG will complete drafting the Post-Hurricane Irene Bathymetry Survey Report.
- CPG will complete drafting the 2012 Bathymetry Survey Report.
- 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 and development of cost estimating tools.
- CPG will complete its technical memorandum that summarizes the status of the LPR/NB sediment transport model for the RI/FS.

(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 anticipates conducting an external peer review of the model beginning in February 2013 which will take several months to complete. 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 indicated that it would provide Newark Bay Sedflume data and FFS Model input files in March. 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 early 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. 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 an April submission of a revised RARC assuming that the CPG receives the revised background and reference definitions in March 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

cc: Pat Hick, EPA Office of Regional Counsel
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