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February 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. 69 – January 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 January 7, EPA and CPG held a meeting to discuss the Background Fish and Tissue Analysis Plan.
- On January 28, EPA and CPG held a conference call to discuss Human Health Risk Assessment cooking loss considerations.

Correspondence

- On January 2, EPA provided comments on the Background Fish Tissue Analysis Plan to CPG.
- On January 8, CPG submitted comments on the Newark Bay Study Area (NBSA) Problem Formulation Document (PFD) to EPA.
- On January 9, CPG provided maps to EPA showing proposed locations for collection of background fish tissue samples.

- On January 9, CPG provided daily reports for activities conducted on January 8 and 9 related to the High Volume Chemical Water Column Monitoring (HV CWCM) program in Newark Bay to EPA.
- On January 9, CPG submitted a memorandum to EPA on the status of CPG's Sediment Transport Model for the Lower Passaic River Study Area (LPRSA) and the NBSA.
- On January 11, EPA provided formal approval of the HV CWCM QAPP.
- On January 15, CPG submitted the December Monthly Progress Report to EPA.
- On January 17, EPA provided CPG with a copy of the NBSA PFD comments submitted to Tierra.
- On January 24, EPA provided additional comments on the Background Fish Tissue Analysis Plan to CPG.

Work

- CPG initiated chemical analysis of samples from Small Volume (SV) CWCM Routine Flow Event #5.
- CPG initiated chemical analysis of samples from LPRSA portion of the HV CWCM Event #1
- CPG conducted the NBSA portion of the HV CWCM Event #1 the week of January 7.
- CPG continued discussions with associated labs for additional QA/QC testing suggested by EPA for the LPRSA HV CWCM field program.
- CPG provided oversight of the patch test for the post-holiday resumption of the Newark Bay Bathymetry Survey.
- CPG completed chemical analysis on the Benthic Background Sediment Survey sediment chemistry samples.
- CPG continued toxicity testing and taxonomy testing on the Benthic Background Sediment Survey SQT samples.
- CPG initiated evaluation of the Dissolved Oxygen Monitoring Survey data.
- CPG initiated development of the background and reference site example outline requested by EPA.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- 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 support for design activities for the SV CWCM High Flow Events.

- 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 January 17, CPG uploaded 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 continue analysis of samples from the SV CWCM Routine Flow Event #5.
- CPG will continue analysis of samples from the LPRSA and NBSA portions of the HV CWCM field events.
- CPG will initiate validation of data from the SV CWCM Routine Flow event #5.
- CPG will initiate validation of data from the HV CWCM Event #1.
- CPG will validation of Benthic Background Sediment Survey sediment chemical data.
- CPG will continue evaluation of the DO Monitoring Survey data.
- 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 developing the background and reference site example outline requested by EPA.
- CPG will complete drafting the Post-Hurricane Irene Bathymetry Survey of the LPR 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 in September, 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 January, March, June, and September 2012; these 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. 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. Further CPG understands that 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 RI/FS schedule impacts associated with the current Phase 1 sampling schedule (which is now forecast for early 2013) and with a likely phase 2 field schedule is significant and will prevent a timely completion of the LPRSA RI/FS if the CPG us required to wait for the completion of the Tierra CSO Study. 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 on 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 the RARC can be submitted for EPA approval.

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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