To: Vaughn, Stephanie[Vaughn.Stephanie@epa.gov]
Cc: Willard Potter[otto@demaximis.com]; Basso, Ray[Basso.Ray@epa.gov]; Marcia Greenblatt[mgreenblatt@integral-corp.com]; Mike Barbara[mab.consulting@verizon.net]
From: Robert Law
Sent: Tue 8/27/2013 3:25:07 PM
Subject: RE: SSP 2 - EPA's August 23 Transmittal

Stephanie:

Thank you the response. There are about 10 locations that were included in the August 23 list that CPG does not believe require further discussion and will incorporate into the QAPP Addendum.

The CPG's concern continues to be that some of the remaining locations are in areas with (1) little or no silt or other fine-grained material and (2) refusal met at a very shallow depth which was clearly demonstrated during the recent probing work.

The CPG proposes that, for locations where probing has indicated that there is only unconsolidated material to a shallow depth (<1 ft) or the material is coarse, a grab be conducted at that location and not a core. Otherwise, the CPG and its contractors will have to make multiple coring attempts which are likely to fail because of either refusal or recovery volume will be insufficient.

The probing data and previous experience clearly indicate that multiple coring attempts will be attempted at many of these locations with the end results being that time and resources will be wasted and at best a surface grab will be collected.

As to the specific data quality objectives and data needs that are being met by the CPG proposed cores and grabs - they are also to provide for a more complete definition of the nature and extent of contamination with the specific goals of characterizing which include areas that have been recently eroded, the nature of contaminant distribution in the cross-sectional axis of the river at several locations etc.

The CPG will incorporate this information into WS 18 of the QAPP Addendum.

If this is acceptable to the EPA then there is no need for further discussions in advance of submitting the QAPP Addendum to EPA.

Please contact me with any questions or comments.

Thank you.

R/

Rob

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>>> "Vaughn, Stephanie" <Vaughn.Stephanie@epa.gov> 8/26/2013 4:59 PM >>>

Hi Rob,

We are certainly willing to speak with you about the August 23rd submittal. I have quickly reviewed your comments below, and there may be some locations that are open for discussion.

However, please note that it seems there may have been a misunderstanding coming out of the last round of discussions. My May 23, 2013 email to you states:

"For locations where the nature and extent of contamination is not adequately defined, but probing indicates that very little silt is present, a grab sample should be collected."

Based on this statement, we anticipated that all, or at least most, locations previously agreed upon would be retained, or adjusted slightly based on the probing, and at a minimum a grab sample would be collected. Most (but not all) of the locations you highlight below were included in the May 23rd email. Unless we have made an error, most of the locations highlighted below should correspond to at least a 1' penetration depth.

In addition, the DQO for all of our sample requests has been, and continues to be, to further define the nature and extent of contamination, both horizontally and vertically.

Again, we are willing to discuss this with you. I am currently available all day Wednesday and Thursday after 2:00.

Thanks,
Stephanie

From: Robert Law [mailto:rlaw@demaximis.com]

Sent: Monday, August 26, 2013 3:34 PM
To: Vaughn, Stephanie
Cc: Willard Potter; Marcia Greenblatt; Mike Barbara
Subject: SSP 2 - EPA's August 23 Transmittal
Importance: High

Stephanie:

The CPG is in receipt of the EPA's August 23 transmittal for SSP 2. The CPG notes that there are several locations that EPA and the Partner Agencies have requested be included in the SSP 2 program despite the fact that the probing data indicate little or no fine-grained sediment present at these areas. The purpose of the probing was to confirm the presence of sufficient fine-grained sediments at proposed sampling locations and then make a decision about whether to collect a sample. The CPG's June 13 response was a good faith proposal submitted as a result of that work. It is unclear to the CPG why some of the Partner Agencies or the EPA propose to advance cores where it has been demonstrated that there is minimal fine-grained sediment present at these locations - EPA may recall that the concept of an "actionable amount of sediment" was originated by EPA earlier this year.

Locations in EPA's August 23 SSP 2 table with limited or no silt include:

- two proposed locations at RM 8.2,
- two to the south of unnamed creek at RM 9.6,
- one on the west bank at RM 9.8,
- two east bank samples around RM 12
- one at RM 13 (east bank).
- The two locations in the center of the channel around RM 13.5-14 are in sandy, rocky areas with pockets of silty sand

For sets of two locations, there apparently appears to be an inconsistency between the May 9 column from the teleconference/web meeting and the EPA/PA position in the August 23 column:

- RM 10.10 (Row 8) - Agreement to do two locations in May and reflected in the June column; a third locations has been added to the August 23 list
- RM 10. 5 (Row 9) - As a results of the May discussions three locations were agreed to and proposed in the CPG's June 13 response based on the CPG's interpretation of the August 23 column - two more locations are now identified.

Also the proposed coring locations advocated by the Partner Agencies do not include any specific data quality objectives or data needs despite the CPG's requests in the past to have specific data needs identified in writing. While it may be clear to the Partner Agencies why they want these locations - it is not to the CPG especially in light of the probing data and other lines of evidence including near-by sediment

chemistry. Moreover, the CPG is required apparently at the request of the Partner Agencies to provide additional justification (apparently beyond that required for the QAPP Addendum's WS 11, 18 etc) for core locations that are proposed by the CPG and have been discussed with the EPA as well as the Partner Agencies. As you may recall, EPA stated to the CPG that the CPG may collect the additional samples it believes it needs throughout the LPRSA (including below RM 8) to complete the RI; these additional justifications required by the Partner Agencies strongly suggest that a Partner Agency can veto a location(s) with no good justification.

The CPG is ready and willing to implement a reasonable and well thought out SSP 2 program and begin immediately in September if all parties participating in the decision-making are contributing in a consistent manner and decisions about core locations are vetted by all parties based on the data.

The CPG would like to speak with EPA at the earliest opportunity to discuss how we can move forward with SSP 2.

Thank you.

R/

Rob

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