UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

JUN 13 2016

Peter P. Brussock, Ph.D.
The ELM Group, Inc.
4920 York Road, Suite 290
P.O. Box 306
Holicong, PA 18928-0306

Re: Berry's Creek Study Area – Phased Approach to Remedy Implementation

Dear Dr. Brussock:

This letter summarizes understandings that have been developing between the Environmental Protection Agency (EPA) and the Berry's Creek Cooperating Potentially Responsible Party Group (BCG). The Remedial Investigation (RI) for the Berry's Creek Study Area (BCSA) has provided information indicating that certain sediment areas of the BCSA present a risk to human health and the environment and act as a source of contaminants to other portions of the BCSA. The RI also included efforts to characterize the interaction of the marshes within the system. Despite such efforts, there remain substantive uncertainties regarding the mechanisms that drive risks within the marshes. Furthermore, questions remain as to the efficacy of cleanup alternatives for the marshes.

EPA's *Contaminated Sediment Remediation Guidance for Hazardous Waste Sites* (2005) outlines approaches for managing sites that have separable source areas and encourages taking action at the source areas, while the more complex decision making for the rest of a site is ongoing. Accordingly, EPA initiated discussions with the BCG on developing an iterative approach to address sediment source areas, while collecting additional information to reduce uncertainties associated with the other portions of the site. We understand from our discussions that the BCG agrees in theory with such an approach.

On April 13, 2016, the BCG presented the RI findings which provided further confirmation to EPA that an iterative or adaptive approach is appropriate for the BCSA. The risk to receptors is highest from the waterway sediments in Upper and Middle Berry's Creek. These sediments appear to be contributing to the surface contamination in the marshes. Therefore, these areas should be addressed first, while further evaluations are conducted. Such evaluations will address uncertainties associated with the marshes and less-contaminated waterway sediment. In addition, since the marsh area in Upper Peach Island Creek has high contaminant concentrations at the sediment surface, it should be addressed as part of the first phase.

538141

EPA anticipates that a phased approach to addressing the BCSA will require several decision documents. The first Record of Decision (ROD) for the BCSA will be an interim ROD to implement the source control action for the waterways and to address the marsh in Upper Peach Island Creek. The interim remedy will prevent further migration of contaminants and will be a major component of a final remedy for the site. However, given the uncertainties about the interactions between the waterways and the marshes and the nature of the risk in the marshes, a final remedy for the site may incorporate additional actions. Further actions required for the site, including appropriate remedial actions for the marshes and the final decision for the waterways, will be selected in a subsequent ROD(s) after conducting remedy effectiveness monitoring. This approach will clean up the areas presenting the greatest risk more expeditiously and the use of adaptive management will help ensure that the overall site remedy will be successful.

In accordance with the existing RI/FS Administrative Settlement Agreement and Order (2008), the evaluation of remedies will be part of the Feasibility Study (FS). The FS for a source control action may streamline certain portions of the analysis that are typically included in an FS. In order to ensure that the source control FS provides the necessary evaluations, the BCG should submit an RI/FS Work Plan Addendum, including a project schedule, for EPA review and approval. EPA requests that the RI/FS Work Plan Addendum be submitted within 90 calendar days of receipt of this letter.

EPA looks forward to working with you and the BCG as we proceed with work on the BCSA. If you have any concerns or questions, please call Douglas Tomchuk, the Remedial Project Manager for the site, at 212-637-3956.

Sincerely,

Carole Petersen, Chief
New Jersey Remediation Branch