



U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2

September 04, 2020

BY ELECTRONIC MAIL

Robert Law, Ph.D.  
de maximis, inc.  
186 Center Street, Suite 290  
Clinton, New Jersey 08809

Re: Draft Final Upper 9-Mile Source Control Interim Remedy Feasibility Study (FS) – Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study (Agreement) CERCLA Docket No. 02-2007-2009

Dear Dr. Law:

The U.S. Environmental Protection Agency (EPA) has reviewed *Appendix D (the Adaptive Management Plan) of the draft final Interim Remedy (IR) Feasibility Study (FS) Report*, prepared by Integral Consulting, Inc. (Integral) on behalf of the Cooperating Parties Group (CPG) for the Lower Passaic River Study Area (LPRSA) Remedial Investigation (RI)/FS. The draft final *Appendix D* and the related response to comment file were received from the CPG on August 7, 2020. Where comments from partner agency New Jersey Department of Environmental Protection (NJDEP) aligned with EPA's comments, NJDEP's comments were incorporated. However, there may be additional NJDEP comments that will arrive at a later date. No comments were received from National Oceanic and Atmospheric Association. In accordance with Section X, Paragraph 44(d) of the Agreement, EPA has enclosed an evaluation of CPG's draft final *Appendix D* with this letter.

Responses determined to be acceptable during the EPA Region 2 evaluation dated June 26, 2020 have been removed from the attached response to comment table. However, the comment numbering has been retained for the remaining comments. Please proceed with the two revisions to the draft final *Appendix D* within 30 calendar days consistent with the enclosed comment evaluations. In addition, EPA provided separate comments on the draft final *Appendix D* via an August 13, 2020 letter. Please also incorporate revisions to the draft final *Appendix D* consistent with the comments in that August 13, 2020 letter. If there are any questions or clarifications needed on EPA's enclosed comment evaluations or the August 13, 2020 letter, please contact me to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Salkie".

Diane Salkie, Remedial Project Manager  
Lower Passaic River Study Area RI/FS

Enclosure

Cc: Zizila, F. (EPA)  
Sivak, M. (EPA)  
Hyatt, B. (CPG)  
Potter, W. (CPG)  
Nickerson, J. (NJDEP)

EPA Region 2 Evaluation of Response to Comments  
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12.	Appendix D, Section 2, Paragraph 1, Sentence 1	Specific	2-1	<p>The Adaptive Management Plan indicates that it provides a number of opportunities to improve the likelihood that a source control IR would succeed in addressing COC sources and site risks, meeting the requirements of CERCLA, and fulfilling the IR RAOs. However, addressing site risks is not a direct goal of the IR. If the intent is to generally introduce that the adaptive management framework would allow mitigation of site risks to be considered through the overall adaptive management process (i.e., through the evaluation of system recovery to PRGs/RGs, through interim goals that might be selected to facilitate communication of risk reduction [see Comment #34], at the final ROD stage when selecting a final remedy, and when demonstrating attainment of final RGs), then the language in the Adaptive Management Plan needs to be revised to more appropriately introduce this. In this first sentence, the language should be revised to reflect that adaptive management provides opportunities to improve the likelihood that a source control IR would succeed in addressing COC sources and fulfilling the IR RAOs. The text should also note that adaptive management provides opportunities to effectively and efficiently mitigate site risks (i.e., through a final ROD that will contain final RGs and through ultimate verification of the attainment of risk- protective conditions) and meet all requirements of CERCLA, while also assessing this mitigation over time following the IR. Revise the document accordingly.</p>	Addressed.	<p>The response and corresponding FS revisions are partially acceptable. Revise the 3<sup>rd</sup> sentence in paragraph 1 of Appendix D to read “Under the CSM, these sources are understood to limit the natural recovery of the upper 9 miles, and also confound the ability to evaluate future sediment/biota interactions following their removal (<i>i.e., relationships between sediment and tissue concentrations may be affected by a source control action</i>).”</p>	Text added	The response and corresponding FS revisions are acceptable.

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24.	Appendix D, Section 2.4, Final Paragraph	Specific	2-5	Revise this paragraph in light of the new structure of the adaptive elements (see Comment #2). Describe that there are uncertainties associated with implementation of the IR and that sampling is anticipated to be performed before, during, and after the IR to evaluate completion of the IR itself (Adaptive Element 1), and then describe that LTM would be performed to address uncertainties in the response of the system to an IR (Adaptive Element 2) and in PRGs and system recovery (Adaptive Element 3).	Addressed.	The response and corresponding FS revisions are partially acceptable. Include in the bulleted list of data collection events under paragraph 2 in Section 2.4 of Appendix D that data would ultimately be collected to verify attainment of RGs and risk-protective conditions.	Bullet on long term monitoring added	The response and corresponding FS revisions are acceptable.
26.	Appendix D, Section 3, Paragraph 2, Sentence 1	Specific	3-1	This sentence implies that PRGs have not been developed simply because the action being considered is an interim action. PRGs have not been developed because risk mitigation is not an explicit goal of the IR. Revise this sentence to convey this concept (e.g., "PRGs are not developed in the IR FS because the goal of the IR is to address higher contaminant concentrations representative of source areas and not specific risks; to this end, and the IR FS develops and compares sediment source control alternatives").	Addressed.	The response and corresponding FS revisions are partially acceptable. Revise footnote 8 in paragraph 1 of Section 5.1 to read <b><i>"Insufficient information is available at this time to develop PRGs; however, PRGs will be developed after the FWM is finalized and peer-reviewed EPA has determined that existing information is insufficient to develop PRGs at this time."</i></b>	Footnote revised	The response and corresponding FS revisions are acceptable.
30.	Appendix D, Section 3.1, Paragraph 1, First Sentence, and Second Paragraph	Specific	3-2	As written, the Decision Question for Development of PRGs and Final RGs is predicated on a range of PRGs and a hypothetical possibility that a remedy with different scope or approach would be dictated by the ends of the range. The question should be framed around reasonable determination of RGs (i.e., sufficiently constrained uncertainty in PRG inputs), and not around selection of a final remedy. Revise this Decision Question to be "Is uncertainty in the key variables that influence PRGs adequately constrained so that RGs can be established?" Revise the language in the second paragraph to be consistent with the revised Decision Question and this understanding of the PRGs/RGs.	The decision question and descriptive text has been revised. The concept of adequate constraints on underlying uncertainty in PRGs to support selection of a final remedy has been retained, as this is the test if the level of certainty is sufficient.	The response and corresponding FS revisions are partially acceptable. Paragraph 3 in Section 5.1.1 states the following, with respect to the question "Is uncertainty in the variables that influence PRGs adequately constrained so that RGs can be established?": "This question provides a mechanism for testing the hypothesis that uncertainty in the PRG inputs is adequately constrained such that RGs can be established with sufficient certainty to support the selection of an appropriate final remedy.	Decision question revised to be consistent with direction provided in Comment 83 and the discussion in Paragraph 3 in Section 5.1.1 has been modified accordingly.	The response and corresponding FS revisions are acceptable.

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						<p>That is, assuming an upper or lower bound value for one or more uncertain PRG inputs would not significantly alter the scope or approach of the final remedy, then the uncertainty on the PRGs would be considered adequately constrained.”</p> <p>EPA generally agrees with the first sentence of paragraph 3. However, EPA does not agree with the second sentence. Input parameters to PRGs may be constrained to the degree possible through new site information, but only as new site information allows and not simply to achieve some desired degree of constraint. Moreover, RGs are not established with a specific intent to support selection of any particular remedy. To the contrary, a remedy is selected to achieve RGs. Ultimately, RGs will be established using an appropriate methodology that accounts for the distribution of potential values for any input parameter (see original comment #27 above). The overall adaptive management process envisioned for the LPRSA will provide the opportunity to revise PRGs based on additional data and improved understanding of the system and consistent with CERCLA. Uncertainty in parameters influencing PRGs at the time of a final FS would be considered in a manner consistent with how uncertainty is addressed at other CERCLA sites and consistent with EPA guidance and</p>		

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						regulations. The PRGs available at the time of the final FS would be used to consider remedial alternatives to achieve risk-protective RGs that would be documented in the final ROD. Framing an appropriate degree of constraint in PRG inputs around what remedy might be required remains inappropriate. Revise the text accordingly, including in Section 5.1.1 and footnote 10 in Section 5.1.3.		
35.	Appendix D, Section 3.2, Paragraph 4, Sentence 1	Specific	3-3	The text suggests that regional background surface water concentrations (i.e., above Dundee Dam) may exceed the New Jersey surface water quality standards (SWQS) for several COCs, including 2,3,7,8-TCDD, 4,4'-DDE, 4,4'-DDT, and total PCBs. Confirm that this is true for TCDD and DDE/DDT and provide the information that supports this conclusion.	Table 5-3 has been added, summarizing regional background and NJSWQS.	The response and corresponding FS revisions are partially acceptable. In the current version of the IR FS, the New Jersey SWQS are not identified as ARARs, therefore delete the 2 <sup>nd</sup> sentence in paragraph 5 of Section 5.1.2. Also, modify the subsequent sentence to "For surface water, although the implementation of sediment remedial actions is expected to contribute to improvements in surface water quality in the LPR over the long term, attainment of the New Jersey surface water quality standards (SWQS), a probable ARAR for a final ROD, solely through remedial actions on sediment..."	Sentence deleted Revision made	The response and corresponding FS revisions are acceptable.
52.	Appendix D, Section 5	Specific	5-1 to 5-4	Revise Section 5 to incorporate the development of PRGs and RGs as a component of the System Recovery adaptive element (see Comment #2 and Comment #4), including the related hypothesis/decision question, relevant figures and tables, and associated discussion of uncertainties, data needs, and potential outcomes and adaptive responses. Also, Section 5 currently states	Addressed.	The response and corresponding FS revisions are partially acceptable.  With respect to the first hypothesis in System Recovery (Section 5.1 related to reducing uncertainty in the range of PRG inputs), see EPA's evaluations of	Comments #26, 30, and 35 addressed.	The response and corresponding FS revisions are acceptable.

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				<p>that “a primary goal of the LTM would be to document system recovery to attainment of PRGs and RGs”, but the narrative does not address ultimate attainment of RGs as a true component of adaptive management. Revise Section 5 to more thoroughly address ultimate attainment of risk-protective conditions as a discrete component of adaptive management, including through an associated hypothesis/decision question and discussion of uncertainties, data needs, and potential outcomes, diagnostic assessments, and adaptive responses (and supported by relevant tables and figures).</p>		<p>the CPG’s responses to comments #26, #30, and #35 above. Also, revise the 2<sup>nd</sup> sentence in paragraph 1 of Section 5.1 to read “Therefore, the IR FS develops and compares remedial alternatives to control <i>sediment</i> <del>contaminant</del> sources” to avoid the suggestion that the IR is intended to address external sources.</p> <p>With respect to the second hypothesis in System Recovery (Section 5.2 related to attaining RGs in a reasonable timeframe), the current narrative focuses on the use of information for predictive purposes and the identification of additional action that might be needed to attain RGs in a reasonable timeframe (i.e., to establish a final ROD). Section 5.2 also acknowledges the actual attainment of RGs (as part of a final remedy, as implemented), but does not provide substantial detail related to the actual attainment of RGs as a component of the adaptive management plan in light of the current uncertainty around the nature and duration of the monitoring that would be used to make that determination. EPA believes the level of information provided in Appendix D pertaining to the assessment of RG attainment is generally reasonable for the time being. However, EPA would also note that the adaptive management plan will need to be revised at some point in the future to more</p>	<p>Revision made</p>	

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						clearly integrate the ultimate attainment of risk-protective conditions as a discrete component of adaptive management, including through an associated hypothesis/decision question (e.g., “have risk-protective levels been attained through implementation of the final ROD?”) and discussion of uncertainties, data needs, and potential outcomes, diagnostic assessments, and adaptive responses. Revise Section 5.2 to reflect this.	Paragraph added to Intro section of 5.2	
55.	Appendix D, Section 5.1, Paragraph 1	Specific	5-1	The decision question for Adaptive Element 3 includes “a reasonable time frame”. Specify what a reasonable time frame is or provide further information as to how this will ultimately be determined. The concept of “reasonable time frame” will be very important to stakeholders and should not be left ambiguous.	The approach to determining a reasonable time frame has been added.	The response and corresponding FS revisions are partially acceptable. Revise the 2 <sup>nd</sup> sentence in paragraph 2 of Section 5.2.1 to read “Expectations for what would be considered a reasonable time frame would initially be established during RD, based on refined model projections, <del>and</del> the initial PRGs, <b>and as approved by EPA in consultation with other project stakeholders.</b> ”	Text added	The response and corresponding FS revisions are acceptable.
58.	Appendix D, Section 5.2, Paragraph 3	Specific	5-3	The text indicates that a diagnostic evaluation will be performed if recovery is not at an acceptable rate. Specify what an acceptable rate is or provide further information as to how this will ultimately be determined.	The approach for determining an acceptable rate has been added.	The response and corresponding FS revisions are not acceptable. No additional information appears to have been added to further define an acceptable rate. Clarify where this information is or revise the appendix to include it as initially requested.	Text in Section 5.2.1 revised:  Expectations for what would be considered a reasonable time frame <b>for attaining protective levels and corresponding estimates of recovery rates for comparison with recovery</b>	The response and corresponding FS revisions are acceptable.

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							<p><b>assessment monitoring results</b> would initially be established during RD, based on refined model projections and the initial PRGs, <b>and as approved by EPA in consultation with other project stakeholders.</b></p>	
64.	Appendix D, Table 2-1	Specific	N/A	<p>Under Decision Question for Development of PRGs and Final RGs, revise the question to be “Is uncertainty in the key variables that influence PRGs adequately constrained so that RGs can be established?”</p> <p>Under Key Inputs for System Response and Development of PRGs and Final RGs, include pre-IR/PDI data</p> <p>Under Key Inputs for System Recovery, remove “ranges of” before “working PRGs”</p> <p>Under Key Inputs for System Response, include RGs as well as PRGs, include sediment data under long-term monitoring data, and include “definition of reasonable timeframe”</p> <p>Under Decision Criteria for Development of PRGs and Final RGs, remove “ranges” from the first and third bullets</p> <p>Under Decision Criteria for System Recovery, first bullet, remove “ranges of” before “working PRGs”</p> <p>Under Decision Time Frame(s) for all elements, acknowledge that decisions may be made outside the five-year review process if and as appropriate and beneficial to the program</p>	Addressed.	<p>The response and corresponding FS revisions are partially acceptable. For IR Design and Implementation decision question #2, include sediment under Construction Monitoring for Key Data Inputs. EPA expects that some limited scope of sediment sampling will be performed during the IR to evaluate residuals and redeposition (and to inform performance improvements). Also for IR Design and Implementation decision question #2, include the remaining source/actionable remaining source assessment under Criteria and Supporting Analyses for Decision-Making.</p>	<p>Sediment sampling added as an input to IR Design and Implementation decision question #2.</p> <p>Added bullet “Assess any remaining sources/actionable sources”</p>	The response and corresponding FS revisions are acceptable.



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65.	Appendix D, Table 2-2	Specific	N/A	<p>Under Activity, include IR performance and post-IR sampling, along with an Adaptive Management Objective of “Evaluation of IR Performance and Confirmation of IR RAO Attainment”; all sampling media should be included for this activity</p> <p>Under Adaptive Management Objective for Long-Term Monitoring to Final ROD, delete “ranges of” before “working PRGs”</p> <p>Under Adaptive Management Objective for Long-Term Monitoring to NFA, specify that this is post- Final ROD</p> <p>For footnote a, specify what would trigger periodic collection of sediment and bathymetric data</p>	Addressed.	The response and corresponding FS revisions are partially acceptable. Include a check mark for sediment for Construction Monitoring.	Check added	The response and corresponding FS revisions are acceptable.
66.	Appendix D, Table 3-1	Specific	N/A	Revise the first note. PRGs should be developed for sediment. Tissue concentrations may be developed for monitoring purposes and to support interim goals that facilitate communication of risk-reduction to stakeholders (see Comment #34) but will not be used as PRGs.	Addressed.	The response and corresponding FS revisions are not acceptable. The table (now Table 5-1) note has not been revised. Revise the note as initially requested.	Footnote added	The response and corresponding FS revisions are acceptable.

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73.	Appendix D, Figure 2-2	Specific	N/A	It is unclear how the uncertainties identified for each phase of the program connect to the adaptive management elements. For example, it is unclear how “constructability”, which is identified as an uncertainty for IR implementation and completion, connects to “overall system response” or to “recovery assessment to attain PRGs/RGs”. Constructability would be a design-phase consideration and it does not appear that the current version of the Adaptive Management Plan conceives of any specific information that would improve the level of certainty. Similarly, it is not clear how “construction completion” would connect to “PRG/RG development and refinement”. Revise Figure 2-2 to convey the new structure of adaptive elements (see Comment #2 and Comment #74).	Addressed.	The response and revisions are partially acceptable. For IR Design and Implementation, add “constructability” for Current Conditions Monitoring, PDI, and Remedial Design; this is an important consideration for the IR as it is for a final remedy. For IR Design and Implementation, add “IR completion” for IR Implementation and Completion; this is a possibly distinct determination as compared to IR RAO attainment. For System Recovery, delete “PRGs” from IR Implementation and Completion; PRGs are not specifically relevant in the consideration of IR Implementation and Completion. For System Recovery, change “Revised PRGs” to simply “RGs” for Development and Implementation of Final ROD; regardless of whether the PRGs are revised, they are still relevant in the transition to RGs and the process of potentially refining PRGs results in what are still the current PRGs.	Added  Added  Deleted  Changed to “PRGs,” RGs already on list	The response and corresponding FS revisions are acceptable.
79.	Appendix D, Figure 3-2	Specific	N/A	Revise this figure to represent the IR Design and Implementation adaptive element.	Addressed.	The response and corresponding FS revisions are partially acceptable. On current Figure 3-1, include the statistical testing of RAO 1 goals and remaining source/actionable remaining source assessment and the potential for further action under the IR to address actionable remaining sources as adaptive management activities during the IR Completion Assessment project activity. Also, on current Figure 3-2, revise the BMPs and Construction Monitoring input to	Note added to Figure 3-1 to clarify that the IR completion assessment includes statistical testing, remaining sources assessment and the potential for further action.	The response and corresponding FS revisions are acceptable.

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						include sediment sampling.	Sediment sampling added as a construction monitoring input on Figure 3-2.	
83.	Appendix D, Figure 3-3	Specific	N/A	The question that states “is uncertainty in the ranges of working PRGs adequately constrained?” is not on its own sufficient to lead to refinement of the PRGs. This question should ask “is additional information available that suggests uncertainty can be further constrained for particular PRG inputs and that refinement of PRGs is warranted?”, and “No” should lead to “Continue using current working PRGs” while “Yes” should lead to “Refine working PRGs”. Add a pathway from the “No” back to “collect LTM data and other new information”.	Addressed.	The response and corresponding FS revisions are not acceptable. The requested revisions to the figure (currently Figure 5-3) have not been made. Revise the figure consistent with the original comment.	Decision question revised per Comment 83 in the text (Sections 5.1.1 and 5.1.3), and on Table 2-1, Figures 2-1 and 5.3. Arrow added from “No” to “Collect LTM data and other information”. Text in the parallelogram on Figure 5-3 revised to recognize that additional data collection to support PRG refinement may or may not be warranted: “Collect LTM data and other information <b>as warranted</b> ”.  Additionally, the text of Section 5.1.3 was modified to reflect the above changes to the decision question and decision tree presented on Figure 5-3.	The response and corresponding FS revisions are acceptable.
92.	Appendix D, Figure 5-2	Specific	N/A	After either case of “Final ROD for LPRSA”, where RGs are documented, there should be an assessment of recovery towards the RGs before construction completion, consistent with Figures 5- 1a and 5-1b. Revise the	Addressed.	The response and corresponding FS revisions are partially acceptable. Revise current Figure 5-4 in each instance where “Final ROD” is referenced to instead	Revised	The response and corresponding FS revisions are acceptable.

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				document accordingly.		reference "Final FS/ROD" to better reflect the process and match the general timeline shown in Figure 2-4 (and elsewhere). Also, revise the question "can risk-protective RGs be attained in a reasonable time frame?" to instead read "can risk-protective conditions be attained in a reasonable time frame?", and make this same revision to this system recovery decision question as posed in Section 5.2.1, Figure 2-1, and Table 2-1.	Revised  Revised	
93.	Appendix D, Section 1, Paragraphs 1 through 3	Specific	1-1	Revise paragraph 1 as follows: "Consistent with the goals of the U.S. Environmental Protection Agency (EPA) Superfund program, the overall objective of adaptive management for the Lower Passaic River Study Area (LPRSA, or site) is to ensure the attainment of risk-protective <del>final remediation goals (RGs)</del> <b>conditions</b> for the site as expeditiously and cost-effectively as possible. To meet this objective, remedial action for the upper 9 miles of the LPRSA will be adaptively managed under a multistep process. The first step would be the design and implementation of a source control interim remedy (IR) for the upper 9 miles. An IR would be followed by a period of recovery assessment monitoring <sup>1</sup> to evaluate the response of the system to an IR and track the recovery of sediment, the water column, and biota <b>to risk-protective conditions</b> . Based on the evaluation of monitoring data and consideration of any final remedial requirements, EPA would issue a final Record of Decision (ROD) to establish risk-based <b>remediation goals (RGs)</b> and specify any additional actions beyond an IR that may be needed to <del>address remaining sources to biota</del> <b>and attain the RGs and address remaining</b>		New comment.	Revisions made	The response and corresponding FS revisions are acceptable.

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				<p><i>site risks.”</i></p> <p>For consistency with the finalized definition of source sediments, revise the 2<sup>nd</sup> sentence in paragraph 2 of Section 1 to read “As described in the IR Feasibility Study (FS), these sources have high contaminant concentrations, a low potential for recovery, and <del>may</del> act as a reservoir for <i>potential</i> migration of contamination to surface water and biota.” Also, revise the latter portion of this paragraph to also briefly describe the expected effect of an IR in terms of addressing PCBs and co-located contaminants.</p> <p>Revise the 1<sup>st</sup> sentence in paragraph 3 of Section 1 to read “This Adaptive Management Plan presents a structured program for identifying key uncertainties that limit the understanding and therefore the remediation of sediment in the upper 9 miles of the LPRSA <i>and surface water throughout the LPRSA.</i>”</p>			Added sentence: Removal of these sources will reduce the SWAC of total polychlorinated biphenyls (PCBs) by more than 80 percent, and reduce the SWACs of other collocated contaminants.	
94.	Appendix D, Section 2, Paragraph 3	Specific	2-1	Revise the 2 <sup>nd</sup> sentence in paragraph 3 of Section 2 to read “...and continue through recovery assessment monitoring to assess system response and track progress toward <del>developing and</del> attaining ( <i>and potentially refining</i> ) PRGs, issuance of a final ROD, and, ultimately, confirmation of the attainment of final RGs.” Also, revise the text to acknowledge that baseline monitoring currently underway will also be relevant to decision-making around IR success/completion and system response and recovery.		New comment.	Text revised and text added regarding baseline monitoring	The response and corresponding FS revisions are acceptable.
95.	Appendix D, Section 2.4.2	Specific	2-8	In the final sentence of Section 2.4.2, provide a few examples of what “other sampling activities” might be implemented to support the RD.		New comment.	Examples added	The response and corresponding FS revisions are acceptable.

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96.	Appendix D, Section 2.4.3	Specific	2-8	Revise the 1 <sup>st</sup> sentence of Section 2.4.3 to read “Construction performance monitoring would include... and water column <i>and sediment</i> sampling to monitor solids and contaminant releases <i>and impacts from residuals</i> during implementation of an IR.” Also, revise paragraph 2 in this section to specify post-IR sediment sampling would be performed to assess construction completion.		New comment.	Section 2.4.3 revised, consistent with revisions to Section 7.1.6 of the IR FS.  Paragraph 2 revised: Sediment sampling would be performed <b>following implementation of an IR</b> to assess construction completion, as described in Appendix H.	The response and corresponding FS revisions are partially acceptable. New footnote 6 in Appendix D differs from the same footnote included in Section 7.1.6 of the IR FS. Revise footnote 6 in Appendix D to be the same as the footnote in Section 7.1.6 of the main text and for both of them make the edits as proposed in the August 7, 2020 CPG cover letter.
97.	Appendix D, Section 3, Paragraph 3	Specific	3-1	Revise #4 in the numbered list of LOEs that follows paragraph 3 in Section 3 to read “That the post-IR sediment data show no evidence of remaining actionable <del>potential</del> source areas (i.e., no sediment above the remedial action level [RAL] <i>that exhibits the characteristics of being actionable per the decision framework in Appendix H</i> ).” Also, include the statistical testing LOE in this numbered list (as #4, moving the actionable remaining source LOE to #5).		New comment.	Revised bullet #4 (now #5) to be consistent with the text in Appendix H, page. 2, last paragraph:  “That the post-IR sediment data show no evidence of <b>potential</b> remaining <del>actionable potential</del> source areas (i.e., no sediment above the remedial action level [RAL]...”  Added text and added 5 <sup>th</sup> LOE, consistent with App H	The response and corresponding FS revisions are acceptable.

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98.	Appendix D, Section 3.1.3	Specific	3-3	Include in the bulleted list of potential adaptive responses the possibility of refining the numerical models based on the current conditions sampling and/or PDI. This should precede the possible use of refined models during the RD.		New comment.	Added	The response and corresponding FS revisions are acceptable.
99.	Appendix D, Section 3.2.2	Specific	3-4	Revise the first sub-bullet under construction performance monitoring to read “Water column monitoring <i>and sediment sampling</i> performed during construction would support resuspension and residuals management, where water column concentrations would be compared with performance standards <i>and sediment sampling would evaluate the redistribution of dredge residuals.</i> ” Also, revise the post-IR sampling bullet to read “Sediment sampling would be performed following IR implementation to assess whether the IR achieved the target SWACs established under RAO 1, <i>to assess the possibility of remaining sources/actionable remaining sources should the RAO 1 goals not be attained,</i> and determine if the IR is complete.”		New comment.	Text revised.	The response and corresponding FS revisions are acceptable.
100.	Appendix D, Section 4, Paragraph 1	Specific	4-1	Revise the 1st sentence to read “...would be <del>greater than existed</del> accelerated relative to pre-IR, and...”.		New comment.	Revised	The response and corresponding FS revisions are acceptable.
101.	Table 2-2	Specific	N/A	Remove the word “working” from describing the established PRGs.		NJDEP comment.	Removed	From EPA’s perspective, the response and corresponding FS revisions are acceptable. Based on an August 20, 2020 email from NJDEP, the CPG responses to NJDEP comments on the May 15, 2020 Revised Draft are not being evaluated by the NJDEP because the NJDEP is reviewing the August 7, 2020 Draft Final and the comments on that version will override the comments on the May 15, 2020 version.

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102.	Table 5-1	Specific	N/A	PRGs should be developed for all site contaminants found to pose unacceptable risk through the project risk assessments. This table needs to be checked against the final risk assessments and corrected as needed.		NJDEP comment.	The CPG understands that PRGs will be developed for COCs identified as risk drivers in the approved risk assessments, not for all contaminants found to pose unacceptable risk. This approach would be similar to limiting the set of sediment remediation goals in the lower 8-mile ROD to four COCs only. No change.	PRGs should be developed for the COCs identified in the <i>Current Conditions Addendum to the Quality Assurance Project Plan Fish and Crab Tissue Collection for Chemical Analysis</i> dated September 13, 2019 and prepared by Windward Environmental LLC. The COCs, as identified in the Addendum, are “2,3,7,8-substituted polychlorinated dibenzo- <i>p</i> -dioxins/polychlorinated dibenzofurans (PCDDs/PCDFs) (and homologues), polychlorinated biphenyl (PCB) congeners (and homologues), select metals (methylmercury, mercury, copper, and lead), select organochlorine pesticides (the six DDX components and dieldrin), and polycyclic aromatic hydrocarbons (PAHs)”. Following the format of Table 5-1 (i.e., four columns identified as Receptor/Exposure Pathway, Category, Risk Driver(s) and PRG Medium), revise the table so that these COCs are captured by the chemicals added to the third column. Also, add a footnote to Table 5-1 indicating “Human health risk is driven primarily by consumption of fish and crab containing the COC 2,3,7,8-TCDD, and to a lesser extent the COC PCBs, and ecological risks are primarily driven by exposure to the COCs PCDDs/PCDFs, PCBs, and DDX. These COCs and other COCs in Table 5-1 have been identified as the chemicals for which PRGs/RGs should be developed. During the IR and monitoring subsequent to the IR, data may be collected so that some chemicals may be removed from the COC list



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								by EPA, thus, at that time, potential further refinement of the PRG and development of an RG would not be warranted for the removed chemical(s)".
103.	Figure 5-3	Specific	N/A	Add surface water for inputs (cylinder) to development of PRGs; both dissolved and particulate contaminant levels should be considered inputs in this evaluation process as well.		NJDEP comment.	Figure 5-3 revised	From EPA's perspective, the response and corresponding FS revisions are acceptable. Based on an August 20, 2020 email from NJDEP, the CPG responses to NJDEP comments on the May 15, 2020 Revised Draft are not being evaluated by the NJDEP because the NJDEP is reviewing the August 7, 2020 Draft Final and the comments on that version will override the comments on the May 15, 2020 version.