



U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2

October 23, 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 *the Draft Final Interim Remedy (IR) Feasibility Study (FS) Report*, dated September 30, 2020 prepared by Integral Consulting Inc. on behalf of the Cooperating Parties Group (CPG) for the Lower Passaic River Study Area (LPRSA) Remedial Investigation (RI)/FS. In accordance with Section X, Paragraph 44(d) of the Agreement, EPA has enclosed an evaluation of CPG's draft final *FS Report* with this letter.

Please proceed with revisions to the draft final *FS Report* within 30 calendar days consistent with the enclosed comment evaluations. The responses may be made with individual changes to specific pages in the IR FS. In other words, for comment number 4, the CPG can send page 7-1 as opposed to the entire Section 7 to EPA. There are no comments from NJDEP incorporated in this letter. If there are any questions or clarifications needed on EPA's enclosed comment evaluations, 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)

No.	Section	General or Specific	Page No.	Comment
1.	Executive Summary	General	n/a	<p>Use “sediment” (singular) as opposed to “sediments” (plural), where appropriate, consistent with the CPG’s prior decision to use the singular. As examples:</p> <ul style="list-style-type: none"> ○ In the first paragraph under Rationale for a Source Control Interim Remedy, revise the final sentence to read “...which would in turn...reduce concentrations in surface sediment sediments where...”. ○ In the first paragraph under Nature and Extent of Contamination in the Upper 9 Miles, revise the final sentence to read “Sediment Sediments with the highest...were was deposited in the 1960s...”. <p>Review and revise the Executive Summary, and the remainder of the document beyond the Executive Summary, to ensure consistency.</p>
2.	Executive Summary	General	n/a	<p>The following acronyms/abbreviations are not defined in the Executive Summary:</p> <ul style="list-style-type: none"> • DDT • USACE • ng/kg • mg/kg • in. <p>Review and revise the Executive Summary, and the remainder of the document beyond the Executive Summary, to ensure that acronyms/abbreviations are properly defined at their first usage.</p>
3.	Executive Summary	Specific	xxi	<p>The bulleted descriptions of Alternatives 2, 3, and 4 are confusing in suggesting that the total PCBs RAL would be attained, as opposed to incorporated in order to attain a total PCBs SWAC at or below background. This could be particularly confusing in light of the expressed intent to attain a specific 2,3,7,8-TCDD SWAC target for each alternative and the definition of RAL in Section 1.3.1. Revise these bulleted descriptions (and make the same revisions in Section 7) to reflect “Alternative X: Targeted dredge and cap from RM 8.3 to RM 15 to attain a post-IR 2,3,7,8-TCDD SWAC of X ng/kg and incorporating a total PCBs RAL of 1 mg/kg”.</p>
4.	7	Specific	7-1	<p>The bulleted descriptions of Alternatives 2, 3, and 4 are confusing in suggesting that the total PCBs RAL would be attained, as opposed to incorporated in order to attain a total PCBs SWAC at or below background. This could be particularly confusing in light of the expressed intent to attain a specific 2,3,7,8-TCDD SWAC target for each alternative and the definition of RAL in Section 1.3.1. Revise these bulleted descriptions to reflect “Alternative X: Targeted dredge and cap from RM 8.3 to RM 15 to attain a post-IR 2,3,7,8-TCDD SWAC of X ng/kg and incorporating a total PCBs RAL of 1 mg/kg”.</p>
5.	7.1.1	Specific	7-4	<p>As previously communicated to the CPG via e-mail, revise the final sentence in number 1 under “The following steps would be performed to determine the areas where dredging without capping would be employed:” to read “These depths would be used to refine define the termination depth of the PDI borings in each area of the river, if greater than the nominal PDI boring depth (see Section 7.1.6); it which is anticipated that data would need to extend 1-ft beyond the depth at which the costs of the two dredging options are equal.”</p>
6.	7.1.6	Specific	7-10	<p>As previously communicated to the CPG via e-mail, revise the third sub-bullet under “The PDI is anticipated to include:” to read “Sediment sampling is anticipated to include coring to a nominal depth of 4 ft. Anticipated coring intervals are 0 to 0.5 ft, 0.5 to 1.5 ft, 1.5 to 2.5 ft, and 2.5 to 4 ft. Core depths may be extended and/or core intervals may be refined during the PDI to ensure achievement of the data use objectives:” Also as previously communicated to the CPG, delete footnote 48 (“Subsurface cores would be archived...”) from the IR FS.</p>
7.	8.1.4.2	Specific	8-12	<p>In the second, third and fourth bullets for the metric Transport under Short-Term Effectiveness, correct the footnote number in the parenthetical “(model initiation to year 8^{Error! Bookmark not defined.})” to refer to footnote 60 instead of 53.</p>
8.	8.1.4.2	Specific	8-13	<p>The text under Cost suggests the most recent OMB 30-year discount rate was used in the cost analysis. The OMB circular was updated in 2019, and the discount rate for a 30-year project from the 2019 circular is 0.4 percent (compared to 1.5 percent from the 2018 OMB circular). The IR FS cost estimate was prepared prior to the release of the 2019 circular and the 2018 rate is reasonable for purposes of the IR FS, but the discount rate used is not the most recent. Update the IR FS, here and wherever else relevant (e.g., Sections 8.3.2.2, 8.3.3.2, 8.3.4.2, 8.3.5.2, and 8.4.2.5), to remove the language that the 30-year discount rate is “the most recent”. For example, revise the language in Section 8.1.4.2 to read “The EPA-default discount rate of 7 percent was compared to 1.5 percent, the most recent a reasonable expected discount rate for a 30-year project based on information published by the U.S. Office of Management and Budget (OMB) (OMB 2018).”</p>
9.	8.3.2.2	Specific	8-28	<p>Under Reduction in Toxicity, Mobility, or Volume through Treatment, the text states that Alternative 2 would result in the removal of 590 g of 2,3,7,8-TCDD (of the approximately 1,570 g in the upper 2.5 ft of the sediment bed from RM 8.3 to RM 15) and 810 kg of PCBs (of the approximately 3,300 kg in the upper 2.5 ft of the sediment bed from RM 8.3 to RM 15). CPG has verified separately that the total mass inventory of 2,3,7,8-TCDD and PCBs as referenced (1,570 g and 3,300 kg, respectively) reflects all depth from RM 8.3 to RM 15 and not only the upper 2.5 ft of the sediment bed from RM 8.3 to RM 15 versus all depth from RM 8.3 to RM 15. If and as necessary, r Revise here (and throughout the IR FS) to provide the accurate value for total mass inventory for the upper 2.5 ft of the sediment bed. This comment also applies to Sections 8.3.3.2 (Alternative 3), and 8.3.4.2 (Alternative 4), and 8.3.5.2 (Alternative 5), and to other portions of the document where these values are relevant (e.g., Section 8.4.2.2).</p>
10	4.2.1	Specific	9	<p>EPA provided a prior comment to revise the first sentence in Section 4.2.1 of Appendix B to read “The subsurface RAL for RAO 2 was established by USEPA and CPG and was set to twice the surface RAL for both 2,3,7,8-TCDD and total PCBs (USEPA 2019a) as a site management decision.” The CPG indicated that this revision was made but did not provide a revised version of Appendix B for EPA to verify the edit. EPA is reiterating the comment for certainty.</p>

EPA Comments – October 2020

Draft Final Upper 9-Mile Source Control Interim Remedy Feasibility Study dated September 30, 2020
Lower Passaic River Study Area Remedial Investigation/Feasibility Study

No.	Section	General or Specific	Page No.	Comment
11	Table 5-1	Specific	n/a	Revise footnote c to read “Risk driver identified in the USEPA-approved LPRSA BERA (Windward 2019a)”. Also, delete the abbreviation for FFS from the table notes.
12	2	Specific	3	The fifth paragraph of this section references the use of a “pig mill”. It appears the intent here would be to reference a “pug mill”. Revise the text accordingly.