



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

December 8, 2015

BY ELECTRONIC MAIL

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

Re: River Mile (RM) 10.9 Post Construction Monitoring
Administrative Agreement and Order on Consent for RM 10.9 Removal Action –
CERCLA No. 02-2012-2016 (Order)

Dear Dr. Law:

The U.S. Environmental Protection Agency (EPA) is in receipt of your December 4, 2015 letter related to post-construction porewater sampling at the RM 10.9 removal area that is scheduled to be conducted this week. Your letter was sent shortly after a telephone conversation between you, me, Bill Potter (de maximis), Doug Simmons (AECOM) and Stephanie Vaughn during which we discussed the program and came to verbal agreement on how to proceed. However, the letter provides a number of conditions for the CPG to commence the installation of porewater samplers on December 9, 2015 that are inconsistent with the verbal agreements we reached, including that the revised QAPP be reviewed and approved in advance of the scheduled fieldwork and that the installation locations are final.

The CPG's response to EPA's August 26, 2015 comments on the draft Post-Construction Monitoring Quality Assurance Plan (QAPP) was included with the December 4th letter, and the revised QAPP was posted to SharePoint on behalf of the CPG after close of business day that day. It appears that revision of the QAPP was done after Stephanie Vaughn reminded you during the December 4, 2015 telephone conversation that the CPG had not submitted the QAPP for approval to EPA, but that EPA would approve (as appropriate) the portions that relate to the upcoming sampling so that porewater sampler installation could proceed this week. EPA has now reviewed the newly revised portions of the QAPP that relate to the field work to be conducted December 9th through 11th, and is hereby providing conditional approval for the work to proceed. EPA is not willing or able to approve the entire QAPP as final on such short notice, and this condition is not consistent with our December 4, 2015 telephone conversation.

Additionally, EPA's oversight contractor, CDM, will be present in the field during the December 9th through 11th sampling effort and will provide direction as to any deviations and/or modifications proposed by the CPG with respect to the placement of the porewater sampler locations in consideration of maintaining health and safety requirements. As discussed during the December 4, 2015 telephone conversation, EPA expects that the CPG and CDM field personnel will assess field conditions and schedule the installation of samplers so as to maximize the number placed. EPA also expects that the CPG will employ efforts during the sampling event to collect a sample at location 602. EPA anticipates that the sampler locations will meet the QAPP's Data Quality Objectives but reserves the right to ask that the CPG resample porewater

sample locations at a later date, or to identify additional locations if the sampled locations do not yield meaningful results.

If the CPG does not proceed with the sampling scheduled for later this week, EPA may consider options under the Order, including work takeover of the post-construction monitoring at RM10.9.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jennifer LaPoma". The signature is written in a cursive style with a large, looped initial "J".

Jennifer LaPoma, Remedial Project Manager
Lower Passaic River Study Area RI/FS