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May 15, 2013 ***VIA ELECTRONIC & US MAIL***

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 8 – April 2013
Lower Passaic River Study Area (LPRSA)
River Mile 10.9 Removal Action
CERCLA Docket No. 02-2012-2015

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the month of April, 2013.

Meetings/Conference Calls

- On April 2, CPG and EPA held a teleconference to review EPA comments on the draft Final Design Report.
- On April 2, CPG and NJDEP held a teleconference to discuss the relationship between the Final Design Report and the Waterfront Development Permit equivalent (WDP equivalent) application, and to discuss mechanisms for fulfilling NJDEP's information requests included in March 21 correspondence between CPG and NJDEP.
- On April 17, CPG and NJDEP held a teleconference to discuss requirements contained in their April 12 letter to the CPG.
- On April 17, CPG and EPA held a teleconference to review CPG's ongoing data submission plans associated with its WDP application, and to discuss possible US Army Corps of Engineers (USACE) permit equivalent requirements.

Correspondence

- On April 1, EPA requested CPG consider the installation of piezometers alongside the planned deployment of seepage meters from Coastal Monitoring Associates (CMA).

- On April 1, 4, 12 and 15, at the direction of EPA, CPG contacted United Water to discuss setback requirements around the Jersey City water supply lines running under the RM 10.9 Removal Area.
- On April 2, CPG distributed a notice to Bergen County park officials, to Township of Lyndhurst park, police and fire officials, to Passaic River rowing clubs, to regional schools' rowing teams, and to the public via LPR websites, informing them of the upcoming deployment of seepage meters in the RM 10.9 Removal Area.
- On April 4, EPA requested that CPG consider implementing a Job Training Initiative (JTI) by hiring local laborers for aspects of the RM 10.9 Removal Action, and the EPA's Clean Fuels initiative with its contractors.
- On April 4, CPG requested from NJDEP copies of documents submitted in support of the WDP equivalent application for the Tierra Phase I Removal Action.
- On April 5, pursuant to EPA's April 1 request, CPG informed EPA that there was not enough time to acquire and install piezometers alongside the CMA seepage meters.
- On April 5, CPG requested that NJDEP confirms its understanding was complete and correct as regards NJDEP requests made in the April 2 teleconference for information that would allow NJDEP to conditionally approve the WDP equivalent by April 16.
- On April 5, NJDEP confirmed and clarified CPG's understanding of NJDEP's April 2 information request.
- On April 9, CPG received from NJDEP copies of waste profiles and waste acceptance letters submitted in support of the Tierra Phase I Removal Action.
- On April 9, NJDEP informed CPG that they needed by April 10 all information requested on April 2 and clarified on April 5, to meet the schedule for issuance of a WDP equivalent. NJDEP also stated that it would to approve the Water Quality Monitoring Plan (WQMP) as part of the WDP equivalent approval.
- On April 9, CPG discussed with the NJDEP; its intention to approve a WQMP as part of the WDP equivalent application rather than providing their comments to EPA as part of the draft Final Design report review process.
- On April 9, NJDEP indicated that CPG's concerns on the WQMP were being discussed internally at NJDEP and reiterated the need for all other requested documents to be provided on April 10.
- On April 9 at 5 PM, NJDEP informed CPG that the flood evaluation information needed to be provided by 9 AM on April 10 and stated that its comments to the WQMP would be considered as part of EPA's approval of the Final Design Report. The Department reiterated that 5 copies of signed and sealed design documents would be required as part of the WDP application package. In addition the Department asked CPG to include responses to the Flood Hazard Subchapter 10 checklist in its April 10 submittal, and that the CPG also include acceptance letters from the landfill and water treatment facilities.
- On April 9 after 5 PM, NJDEP left a phone message for CPG indicating that all the information they had requested would now need to be provided by noon on April 10.
- On April 9 after 5 PM, dmi responded to NJDEP with a voice mail message indicating that changing the timelines on such short notice was not possible, and that all requested information was being gathered with a goal to provide it by close of business on April 10.

- On April 10 at 8 AM, CPG provided the requested flood hazard information to NJDEP.
- On April 10 at 3:25 PM, CPG provided NJDEP a letter summarizing all of the available and requested information, and indicated that the expected letters from the landfill and decant water treatment facilities were delayed for reasons beyond CPG's control.
- On April 10 at approximately 4 PM, signed and sealed design drawings were hand delivered to NJDEP.
- On April 11, EPA asked CPG about the schedule for providing pore water results and a Water Quality Monitoring Plan.
- On April 12 at approximately 10:45 AM, CPG provided to NJDEP the requested letter from Clean Harbors regarding their ability to landfill sediment and treat water.
- On April 12 at approximately 3:20 CPG received a letter from NJDEP indicating that the requested submittals were incomplete, and establishing new conditions for review and approval of the WDP equivalent.
- On April 16, NJDEP informed CPG that the Bureau of Tidelands Management would put CPG's Tidelands application on the Tidelands Council May 1 meeting agenda if the Office of Dredging and Sediment Technology (ODST) issued its conditional WDP equivalent by April 26.
- On April 16, United Water suggested meeting dates to discuss utility crossing setback requirements.
- On April 17, CPG asked EPA what steps it should take to comply with USACE permitting requirements, if any.
- On April 19, NJDEP scheduled the RM 10.9 Removal Action for consideration at the May 1 Tidelands Council meeting.
- On April 19, CPG provided NJDEP the information it requested in the April 17 teleconference as supplements to CPG's WDP equivalent application, including a draft WQMP, data on existing water quality in the LPR in the vicinity of RM 10.9, additional details on typical silt curtain installations, further evaluation of existing sediment vs. expected sand roughness, and a slide presentation to support the May 1 presentation at the Tidelands Council.
- On April 22, NJDEP asked CPG for more clarification as to how the sediment roughness coefficients were chosen.
- On April 22, CPG responded to NJDEP requests with a description of the Delft3D model and its use of roughness coefficients.
- On April 22, EPA requested that CPG document for EPA files how the project complies with USACE requirements.
- On April 22, United Water suggested an April 25 meeting date to discuss utility crossing setback requirements.
- On April 23, CPG contacted NJDEP by email to confirm their receipt of all information requested in support of CPG's WDP application. NJDEP replied that it had received all plans that had been requested but that it still had not received hard copies of the transmittal letter and therefore CPG still had *"not submitted specifically what was required"* even though electronic copies of the transmittal letter were sent and received

on April 19, and that a hard copy of it was mailed on April 19 and delivered to NJDEP offices on April 22.

- On April 23, CPG provided EPA with the status of its activities regarding applications for Permit Equivalents from NJDEP.
- On April 23, NJDEP requested for verification purposes a Professional Engineer (PE) "signed and sealed" copy of the model used to determine roughness coefficients in the RM 10.9 Removal Area.
- On April 24, United Water postponed the April 25 meeting with the CPG until May 2.
- On April 24, NJDEP requested information on CPG's selected stabilization vendor to include as a reference on the WDP equivalent.
- On April 24 at 4:34 PM, NJDEP informed CPG that the "signed and sealed" modeling information was required in NJDEP offices by 9 AM on April 25.
- On April 24 at 7 PM, CPG sent an electronic copy and a Federal Express hard copy for morning delivery, of a PE signed and sealed evaluation of the flooding risk associated with replacement of sediment with medium-coarse sand in the RM 10.9 Removal Area, and a description of the model that determined the characteristic roughness of that existing sediment.
- On April 25 at 10 AM, the Federal Express package referenced in the preceding bullet was received by NJDEP.
- On April 26, NJDEP conditionally issued a Limited Permit Equivalency Determination for the WDP aspects of the RM 10.9 Removal Action, with a request for additional information by the end of May on sediment roughness, re-suspension control and CPG's response to NJDEP comments on the draft Final Design Report.
- On April 29, EPA forwarded CPG the CAG's comments on the Community Health and Safety Plan.

Work

- CPG installed 4 seepage meters in the RM 10.9 Removal Area and obtained seepage velocity readings over a 4-day period, April 8 - 12.
- CPG collected resumes of potential JTI candidates from the Ironbound Development Corporation and requested consideration of them by RM 10.9 Removal Action contractors.
- CPG evaluated the hydraulic "roughness" of sediment vs. sand and its impact on flood hazard potential in the RM 10.9 Removal Area.
- CPG completed analysis of pore water from RM 10.9 sediments.
- CPG used pore water and seepage velocity data to finalize design of the active layer in the protective cap.
- CPG developed and submitted a Water Quality Monitoring Plan to support the RM 10.9 Removal Action.
- CPG outlined its Perimeter Air Quality Monitoring Plan and began detailed development.
- CPG outlined its Long Term Monitoring Plan and began detailed development.
- CPG continued its dialogue with Great Lakes Dredge and Dock (GLDD), and Clean Earth Technologies in support of their applications for permits from NJDEP.

- CPG initiated contract discussions with GLDD and Clean Harbors.

(b) Results of Sampling and Tests

- On April 17, CPG provided EPA validated TCLP results from RM 10.9 sediment and un-validated pore water analytical data for 2 pore water composite samples.
- On April 25, CPG provided EPA a summary of data on TCDD data to depth in the northeastern projection of the RM 10.9 Removal Area.
- On April 29, CPG provided EPA a complete validated data set for the RM 10.9 Characterization QAPP Addendum D fieldwork.

(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion

- CPG will respond to comments on the Final RM 10.9 Removal Action Design Report and submit a revised report
- CPG will respond to comments on the draft Water Quality Monitoring Plan and submit a revised plan.
- CPG will propose a Perimeter Air Quality Monitoring program to support dredging activities.
- CPG's dredging, treatment and disposal vendors will draft construction plans for implementation of the approved Final Design.
- CPG will draft a Long Term Maintenance and Monitoring Plan for the cap.
- CPG will continue working with Clean Earth to assist them in NJDEP air permit and Acceptable Use Determination applications associated with handling RM 10.9 Removal Action sediments.
- CPG will continue discussions with Passaic River boat clubs, the Lyndhurst Fire Department and the Lyndhurst community regarding implementation of the Removal Action and minimization of impacts on their respective uses of the River.
- CPG will begin baseline monitoring of water and air quality in the RM 10.9 Removal Area following EPA approval of the Final Design as well as associated QAPPs and work plans.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays

- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.
- CPG had requested NJDEP to issue conditional approval of its WDP equivalent application by April 16, the original deadline set by the Bureau of Tidelands Management so as to have CPG's Tidelands application reviewed at the May Tidelands Council meeting. When approval was not obtained by April 16, the Bureau of Tidelands

Management extended its deadline to April 26, thus enabling CPG to gain conditional approval and have the Tidelands application heard at the May 1 meeting.

- NJDEP continues to question changes in flood potential associated with the RM 10.9 cap, as well as CPG's ability to manage re-suspension of sediment in accordance with NJ regulations. NJDEP has stated that it will not issue a final WDP equivalent until these questions are resolved. CPG will utilize its Delft3D model to demonstrate conclusively to NJDEP that there will be no significant changes in RM 10.9 Removal Area surface roughness and that any change to surface roughness will have negligible impacts on upstream and downstream flood potential. CPG will also provide NJDEP additional details on its marine contractor's planned silt curtain implementation and discuss how it will provide satisfactory controls on re-suspension.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

de maximis, inc.

Stan Kaczmarek, PE
RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Jay Nickerson, NJDEP
Roger McCready, CH2M Hill

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