



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

August 20, 2013

DRAFT-SUBJECT TO REVISION

David E. Epps, Project Director
DuPont Pompton Lakes Works
2000 Cannonball Road
Pompton Lakes, NJ 07442

**RE: Draft 2013 Sediment Sampling Plan – July 2013
EPA Review/Conditional Approval**

Dear Mr. Epps:

On December 19, 2012, EPA issued a final RCRA Corrective Action Permit Modification (“Permit Modification”) regarding the DuPont Pompton Lakes Works. The permit modification addressed several remedial components including the dredging of sediment in the Acid Brook Delta (ABD).

On January 31, 2013, DuPont submitted a Petition for Review to contest the final RCRA Corrective Action Permit Modification, particularly the proposed scope of the remedial action in the ABD. On March 8, 2013 EPA’s Environmental Appeals Board (EAB) in response to a Stipulation and Motion To Stay filed by EPA, and Petitioners DuPont and the Passaic River Coalition, issued an Order staying the effectiveness of the permit modification and further action by the EAB until October 25, 2013, pending the parties’ efforts to resolve matters. The Stay allows time for DuPont and EPA to undertake technical work, analyses and discussions in an effort to cooperatively resolve issues.

To that end, in July 2013, DuPont submitted the *2013 Sediment Sampling Plan* (“Sampling Plan”) which describes specific tasks to be completed and identifies methods used to address areas of uncertainty regarding the conditions in Pompton Lake. The Sampling Plan was submitted in response to EPA’s request for additional sediment investigations to determine current conditions within Pompton Lake and as a result of a series of meetings between EPA and DuPont between April and June 2013 to discuss the scope of the additional investigations.

EPA has completed its review (that includes input from the United States Fish and Wildlife Service) and is approving the Sampling Plan with certain conditions. As of August 12, 2013; DuPont has moved forward with the implementation of the field work to collect sediment


samples in order to advance the progress of the project and with the understanding that EPA was preparing this approval letter with the conditions provided herein.

EPA's comments and conditions for the approval of the Sampling Plan are provided as follows:

1. Four additional sediment samples should be collected/analyzed (see attached figure for locations) to address concerns about data gaps in erosional and depositional areas shown in the figure.
2. Please note that on page 2 of the Sampling Plan, the item 3 area of uncertainty discusses the need to collect sediment data is, in part, to confirm ecological exposure and receptors in order to assess impacts or changes to the ecological evaluation. EPA would like to reaffirm that the relevance of the sediment data is more wide -ranging in terms of its utility (e.g. characterization, nature and extent as well as for risk evaluation purposes) and is not limited to being used for the ecological evaluation.
3. In order for there to be clarity on the data quality objectives, DuPont should provide an updated Quality Assurance Project Plan ("QAPP"). As has been discussed, DuPont can utilize its existing QAPP, which EPA understands is dated and update it with information provided in the Sampling Plan as well as incorporate elements of EPA's UFP-QAPP guidance (specific elements to incorporate to be discussed with EPA). DuPont should submit the updated QAPP by September 6, 2013.
4. EPA and DuPont have discussed the need to do a sediment stability assessment. Sedflume testing is one approach to perform such an assessment and would be an important part of determining whether sediments at depth are relatively more or less likely to be remobilized. DuPont has proposed an approach to the sediment stability assessment that is phased and begins with developing an understanding of the hydrodynamics and sediment bed properties. The elements of this approach were conceptually discussed on a conference call with DuPont's contractor, Anchor/QEA on August 12, 2013. It was agreed that DuPont would next meet with EPA in order to present the results of a report in preparation by Anchor/QEA that describes their proposed approach to assessing sediment stability in greater detail. DuPont and EPA should schedule and have this meeting by August 30, 2013. Based on this meeting and further discussions, EPA will work with DuPont and make a determination about utility of Sedflume.
5. Please confirm that sufficient sediment is being archived from each analytical sample to allow for reanalysis, if needed.
6. DuPont should provide an updated Health and Safety Plan for the project. The Project Safety Analysis for the sediment sampling that DuPont provided its field team on August 8, 2013 should also be provided. The updated Health and Safety Plan should be provided by September 6, 2013. The Project Safety Analysis should be forwarded to EPA as soon as possible.

DuPont should provide a response to the outstanding comments and confirm its intent to address the conditions of the Sampling Plan approval as outlined in this correspondence by August 23, 2013. Please feel free to contact me at 212-637-4426 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry Katz", with a long horizontal flourish extending to the right.

Perry Katz, Remedial Project Manager
New Jersey Remediation Branch

