

OFFICE

GLENPOINTE CENTRE WEST
500 FRANK W. BURR BLVD. SUITE 31
TEANECK, NEW JERSEY 07666
T: 201.928.1100 F: 201.928.0588
WWW.DECOTIISLAW.COM

DIRECT

KEVIN M. KINSELLA, ESQ.
KKINSELLA@DECOTIISLAW.COM
201.907.5229

VIA E-MAIL AND UPS NEXT DAY AIR

February 27, 2012

Mr. Adolph Everett
Chief, RCRA Programs Branch
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

**Re: Hazardous Waste Permit Modification to Implement
Corrective Action Remedies
Acid Brook Delta Study Area, Pompton Lakes, New Jersey
USEPA ID Number NJD002173946**

Dear Mr. Everett:

This firm serves as General Counsel to the North Jersey District Water Supply Commission ("NJDWSC"), a regional wholesale water purveyor serving over 3 million New Jersey residents. In addition to other sources, NJDWSC is authorized to make diversions of water from the Ramapo River at Pompton Lake via a pump station located adjacent to the Pompton Lake Dam. Raw water that is diverted from the "Ramapo Pump Station," as it is known, is transmitted to NJDWSC's Wanaque Reservoir and undergoes treatment prior to being transmitted to customers. With that in mind, NJDWSC has been closely monitoring the remediation being conducted by E.I. duPont de Nemours & Company ("DuPont") at its Pompton Lakes facility site and the surrounding environs, including the Pompton Lake.

Based on our review of documents posted on the United States Environmental Protection Agency's ("USEPA") website, it appeared that USEPA was preparing to approve a modification to DuPont's Hazardous and Solid Waste Amendments Corrective Action Permit ("Permit") which would allow implementation of proposed remedies for the Acid Brook Delta Study Area this Spring, including the removal of contaminated sediment in a 26-acre segment of Pompton Lake. Recent newspaper articles have reported that the implementation has been delayed by the USEPA until next year to allow for further studies to be conducted. NJDWSC strongly supports that



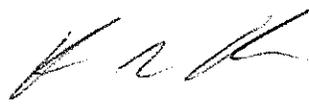
decision and encourages specific studies designed to ensure that the water quality of the Pompton Lake remains suitable for use as a potable water diversion source.

NJDWSC would like to point out that in the Statement of Basis outlining USEPA's proposed Permit modification decision it states that the potential exposure for human receptors to impacted sediments is expected to be minimal. That conclusion was apparently based on current and expected future swimming restrictions placed on Pompton Lake. The Statement of Basis does not, however, mention the use of Pompton Lake as a potential drinking water source. It is our understanding that USEPA previously concluded that the DuPont remediation would not impact the reservoir status of Pompton Lake. Upon issuance of the final Permit modification decision/response to comments, NJDWSC and its constituent municipalities respectfully request that USEPA confirm that prior conclusion in writing and, in so doing, address any potential adverse impacts that the USEPA believes the proposed remediation may have on the future use of the Pompton Lake as a drinking water source.

Thank you for your attention to this matter.

Very truly yours,

DeCotiis, FitzPatrick & Cole, LLP

By: 

Kevin M. Kinsella

CC Clifford NG, USEPA Project Manager
Mindy Mumford, NJDEP Office of Community Relations
Joseph Stroin, Acting Executive Director
Francis Borin, Esq.