



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

October 18, 2007

Mr. Paul J. Bluestein, P.E.
Facility Coordinator
Tierra Solutions, Inc.
(On behalf of Occidental Chemical Corporation)
2 Tower Center Blvd., 10th Floor
East Brunswick, NJ 08816

RE: Administrative Order on Consent, U.S. EPA Index No. CERCLA-02-2004-2010
for Newark Bay Study Area – *Remedial Investigation Work Plan, Revision 2,*
October 2007

Dear Mr. Bluestein:

We reviewed Tierra Solutions, Inc.'s (TSI) submittal entitled the "Newark Bay Study Area Remedial Investigation Work Plan; Sediment Sampling and Source Identification Program, Newark Bay, New Jersey, Phase II; Volumes 1, 1a, and 2 of 2; Revision 2, October 2007". Pursuant to Paragraph 54.a. of the Administrative Order on Consent, the U.S. Environmental Protection Agency (EPA) hereby approves the Phase II Remedial Investigation Work Plan (RIWP) with the modifications agreed upon and documented in the electronic final proofs submitted by TSI on October 17, 2007. We expect the modifications documented in these proofs will be reflected in final revised RIWP hard copies to be submitted by TSI. In the meantime, please proceed with the pre-mobilization/mobilization stage of this Phase II program.

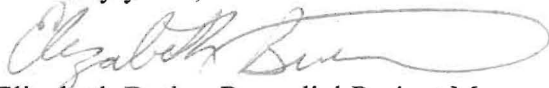
Since the primary intention of this Phase II program is to address data gaps remaining from Phase I for Remedial Investigation Goal 1 as specified in the AOC (*Determine the horizontal and vertical distribution and concentration of PCDDs, PCDFs, PCBs, PAHs, pesticides and metals, for the Newark Bay Study Area sediments...*), approval of RIWP Revision 2 only pertains to the Phase II sampling program. Specifically, this approval does not extend to preliminary data evaluations, which are discussed in the RIWP, regarding the following topics: contaminants and solids fate and transport, sources of contamination, interpretations of the Phase I sediment profile imagery camera data and depth of the biologically active zone, interpretations of the Phase I radiochemistry data (including usage of utility grades and calculated sedimentation rates), and interpretations of the Phase I analytical chemistry data.

On August 3, 2007, TSI submitted documentation to EPA for three laboratories proposed to perform analyses for Phase II of the Remedial Investigation of the Newark Bay Study Area. On August 16, 2007, EPA approved use of the three laboratories. In particular, EPA approved the hiring of TestAmerica Analytical Testing Corp. (TestAmerica) by TSI

as the laboratory to perform many of the chemical analyses and all of the geotechnical analyses for Phase II. TestAmerica was selected for their ability to perform the broad array of sampling and testing required under Phase II. TestAmerica was previously employed by EPA for the limited purpose of performing the analyses of split samples under Phase I of the Newark Bay Study. However, EPA will choose another laboratory to analyze its split samples under Phase II.

We appreciate your cooperation in the various phases of reviews and in the coordination meetings with us, Malcolm Pirnie, and the U.S. Army Corps of Engineers. We look forward to continuing to work in this cooperative manner as we finish final preparations and initiate the field work phase of this project. If you have any questions, feel free to contact me.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Elizabeth Butler". The signature is written in dark ink and is positioned above the typed name.

Elizabeth Butler, Remedial Project Manager
Emergency and Remedial Response Division