

Pompton Lakes Community Advisory Group

April 30, 2012

Final Minutes

7:00 PM

Meeting commenced at 7:09 pm.

Patterson began introductions of each CAG member (Rich Chapin, Lisa Riggiola, Helen Martens, Rich Lombardo, Karen Dean, and Dana Patterson)

Patterson announced that she would be facilitating the meeting as Robert Spiegel could not attend.

The CAG conducted the Pledge of Allegiance.

Patterson announced the draft minutes were sent out, no CAG members were opposed. Riggiola made a motion to approve the minutes, Plowman seconded. All in favor.

Patterson announced CAG procedure for Action Items. She explained that all of EPA's action items will be moved to after their presentation, then began with item (a). Riggiola came forward to read the letter to the Lakeside School parents. Member of the public noted that CAG should add issue of perfuming agent. Patterson asks if anyone else from the CAG had anything to add. Plowman asked what should be listed; Chapin said all contaminants should be listed in order to bring residents up to speed. Martens made a motion to approve, seconded by Karen, accepted by all.

Riggiola added an extra item, addressing Senator Menendez letter's response from Lisa Jackson, USEPA Administrator. Clean up was done under 1988 administrative consent order between DuPont and DEP. Primary reason for ACO [Administrative Consent Order] was to avoid RCRA compliance. ACO was entered in NJ State clean up laws, bill of compensation and control act, not RCRA. ACO was used as a shield by NJDEP and DuPont against federal RCRA enforcement.

EPA RCRA Office deferred all cleanup decisions at the site to NJDEP ACO. Latter is incomplete for it fails to note that the formal EPA policy is involved (1). RCRA enforcement strategy and (2). the RCRA Superfund deferral policy. The letter also fails to note that the releases of hazardous waste at the DuPont site are uncontrolled and violate EPA's now RCRA indicators that they are required to report to congress about. EPA continues to work with NJDEP despite the negative findings on NJDEP's cleanup performance by EPA's on Inspector General. Vapor intrusion is not even mentioned.

Riggiola then read the CCPL's letter to Pascrell. Riggiola has heard from Jacqueline Grindrod from Congressman Pascrell's office and she has yet to hear responses from either.

Patterson announced copies are available if anyone would like a copy, she then addressed action item (b). Item has not been fully addressed yet, will address at the next meeting. Lombardo noted that the main concern is about drinking wells, Patterson said this should be addressed in the EPA presentation.

Patterson moved onto action item (c) and read Resolution #008 aloud. Riggiola made motion to approve pending edits, Plowman seconded. All in favor. Patterson stated this will be sent to EPA via email.

Plowman questioned Menendez letter, whether DuPont was already operating or not when the hazardous ranking was released. Iglesias came up to microphone to clarify. RCRA does not require a facility to be in

operation at the time that corrective action is necessary- it is a facility that has had an operation permit at some point, which DuPont had, which opened the door for remedial actions to be governed by RCRA. Plowman asked when the EPA found out & how it could be held up if it was under RCRA.

Next Action Item (d) concern over drinking water quality and testing, Lombardo stated it might not be necessary if EPA could just address this now. Water monitoring needs to be posted at the actual drinking wells and to be done by EPA, not by DuPont. Bellows said the USEPA reached out to their water program staff and all water authorities must be in compliance with federal law. But stated they would look into getting this addressed. There is no reason why a local authority should not send reports that are public information. Bellows said they would go back and address this with the agency.

Chapin came up to clarify. Advised Bellows to come back with A280 data summaries. Stated that the people are concerned about their drinking water and the scent. Need to give assurance that the water is OK.

Member of the public came up to make a point about wells. Found out property was contaminated despite DuPont saying it was not. Interrupted by another member of the public and informed that DuPont was supposed to seal basements and it was not done. The first member of the public is upset about circumstances; contaminated property, loss of wife, and feels that the EPA is unresponsive. Is informed by yet another member of public that this story is one of many similar ones. Additionally, another member of the public asks what the ranking of the Pompton site is and is informed by Patterson that this site is the largest vapor intrusion site of region two, and likely the entire country.

Patterson interrupts and thanks the EPA for coming and informs the public that EPA is going to be giving a presentation on the updates of the timeline and the Acid Brook sampling

USEPA Presentation:

Ariel Iglesias from EPA explained the process of listing a contaminated site. He said the start of the process is facility realizes there was a release of contaminants. However many releases occurred before RCRA was enacted by Congress thus left with having to make sure that the facility investigates and addresses the releases. Once initial documentations that there is a potential discharge the EPA has the facility initiate a remedial investigation which is an investigation where they find the main extent of the contamination; what are the contaminants that are there, define what they are, etc. Establish the risk to human health and how are the contaminants going to be addressed; what are the alternatives/techniques that exist that can be used towards contaminants to do a remediation. If during the process of remediation it is discovered that there is a contaminant that needs immediate attention the EPA does entering measures; ask the facility to start doing any remedies for contaminants that present risk that cannot wait for this to be completed.

Process is: (1). Define nature and extent of contamination, (2). Find the contamination that is present that presents a risk to humans or the environment (3). Evaluate alternatives that exist for towards these contaminants (4). Propose Remedy.

Next, they will incorporate remedy into the permit, which is the legal instrument that will make sure that facility with implant this remedy. Facility obligated to provide some financial insurance that the remedy will be implemented. EPA then decides how remedy will be implemented in that specific place. He explained what operable units are & how they are being used.

CAG & members of the public interjected with numerous questions, Patterson stepped in and suggested holding questions until the end of the presentation so that USEPA representatives can have a chance to present within the time, and many questions may be answered.

Adolph Everett came up to go through timeline. Presented floor draft remediation report. Covered four operable units that deal with onsite soils. Four draft remedial investigation reports that characterize the nature of the

contamination for the Onsite Soils Cleanup. They are still reviewing these drafts. As of right now the EPA is requiring DuPont to complete some additional investigation work to better characterize what is going on onsite. They expect to have something to review from in the forth quarter of this calendar year. Once the agencies, DEP and EPA, review this information and approve of the remediation investigation reports, DuPont is required to submit the corrected measures study. After DuPont submits the corrected measures studies there will be public involvement.

Following this would be the implementation phase. Step 1) real designs or the implementation work plans. Step 2) once agency approves work plans the facility is required to implement.

However the EPA is still in the evaluation phase. Final decision on the work plan expected to be completed in December or January.

Pilot test being done at the intermediate aquifer; bioremediation- it is not subject to state public hearing process for it is only a 90 day pilot test.

After Everett completed his portion of the presentation, opened up to questions. Lombardo asked for a list of the contaminants on-site. Chapin wanted a yes or no from Ariel Iglesias. Patterson interjected that the only documents people have are from our own NJDEP file review. It is being requested of the EPA to compile a single list of contaminants from their report summaries and to then make this list available to the public. Iglesias addressed question from the public about vapor mitigation systems and how she was misled to believe the DuPont site was cleaned up.

Patterson interjected to get back to the questions, Chapin read aloud. He wanted a historic timeline since NJDEP first got involved. Cannot answer.

EPA is trying to find out what is getting most affected in terms of treatment with the pilot test and they feel this is the safest way to test it out. The timeline is a combination of DuPont's schedule and their input. In 30 years, only three pilot tests were done, all failed; EPA is now on their fourth. It is asked why more pilot tests cannot be done at a time and it is also mentioned that DuPont is a tax evader.

EPA claims that they are not simply going by what DuPont is saying but that they have national experts looking at the groundwater, are reviewing the work plans, and that there were disagreements that required some additional measures to be taken.

It is brought up that the public is bothered by the fact that even after all this time they are still waiting on another pilot study.

Patterson asked EPA to report back on MUA issues.

Patterson brought attention back to agenda issues/ EPA action items.

1. EPA to address all prior CAG resolutions.
 - a. Resolution 001: That EPA and DEP provide a complete copy of the entire file and record into CAG's library. EPA's response is that they will share information that is missing.
 - b. Resolution 002: Emphasized need for EPA to attend all meetings. Bellows stated that resources are not there for USEPA to commit to attending all meetings. Martens read letter on behalf of citizens asking citizens to sign ledger to EPA to formally commit support to the real CAG. Lombardo asks the EPA what is the downside of supporting this CAG over the other CAG that very few attend. Patterson asked people to sign Helen's letter that would encourage the EPA to come to CAG's meetings.
 - c. Resolution 004: Requested that EPA test the pump and treat systems emissions and compare emissions to the current regulations and whether they require a stack builder. EPA's response was that none of these present a problem and they are formalizing a response.

- d. Resolution 005: EPA complete the split sampling with DuPont during the November groundwater testing and that the EPA include the entire suite of full prior pollutants. EPA's response was that they did split sampling and that they were done based on the contaminants of concern and that this was included on the list. Was interrupted by Chapin, who said that the EPA did not comply with what was asked of them. Patterson asks if there was a reason as to why the EPA did not do the full suite. EPA says that they start with a light list of contaminants of concern and start narrowing them down as they progress through remediation occurring to the results. So it is not typical to keep the whole list of all contaminants of concern for it is very expensive. Instead it is narrowed down and this is typical of remediation investigation cases.
 - e. Resolution 006: The CAG request that the EPA immediately perform independent testing in the flood prone neighborhoods of Pompton Lakes. A full suite of contaminants and also based on severe flooding issues, flood induced discharges of raw and partially treated sewage is a concern so testing of that is asked of as well and that the EPA provide CAG with the results. EPA's response was that they would send a response to that but there is no reason to go sampling over pathogens and that they are taking up a broader position after evaluating this with their technical people that it is not something that is necessary. Patterson says that once the EPA makes a formal response that CAG will respond in turn.
 - f. Resolution 007: Which was passed in February, that CAG ask that EPA bring the TAGA Bus to Pompton lakes to test the ambient air. EPA's response was that a risk assessor looked at the results and none of them present an issue. It is also made aware that third party contractors were hired to do the testing of over 600 data points.
2. Putting addition fishing advisories signs around Pompton Lakes. EPA's response is that they are working on that and wish to work on that with the borough. Patterson asked the EPA if they followed up on their order of DuPont putting up these signs and asked for a deadline.
 3. If there was Acid Brook Erosion with EPA performed site inspection. EPA's response was that the information on that was in the next presentation. Patterson asks if they will be presenting that in their next meeting to which the EPA responded that they can provide the information for the next meeting but cannot commit to coming to present it.
 4. EPA staff to update the main email list serve. CAG email did start to receive updates.
 5. DuPont's use of depleted uranium in production of armor piercing shells. EPA's response was this was in their next presentation but in a nutshell, they are looking into this issue and are looking into historical records of use of depleted uranium but it will take several months to investigate.
 6. Comprehensive idea of the operable units
 7. Well information as it relates to the river.
 8. Question from member of the public: not be able to get drinking water records and if EPA could assist in collecting records under the Sacred Water Act.
 9. Lombardo asked if Aerial Iglesias could have a member of the public's property sampled and the results back by the next meeting. This property was not tested because the EPA did not feel it was necessary for they looked at their testing site and looked at the location of this property.
 10. Pat Seppi was to follow up with the CAG on why New Park was closed. Seppi was told through calls that it was not closed, it was still available to use, but the soccer fields that the kids use to practice/ have their games on have been moved to another part of town which is why they do not use those fields anymore. Martens interjected that the kids stopped using the fields prior to the new soccer fields being built. That over in that area, in the mountains, there are cement walls and pass that there are mountains with blown off sides and there are also paths that go through them.
 11. Spiegel suggested that Seppi look into available drinking water.

Patterson also asked if EPA could provide presentations on the website. Seppi to post & email to listserv. And bring copies to next meeting for those without computers.

The EPA is being asked from the other CAG to update the timeline, being able to present the case of that and then as the investigation advances they have to update themselves. Evaded answering if the other CAG is as interested in the cleanup as they are.

Seppi explained that CAGs should contain members who have different perspectives (local, etc.).

Iglesias said that EPA makes decisions based on science and that politics exist, and we may have our disagreements but our decision making process is basically a science. He thinks that it is important that we break the barrier, that we need to make sure we get set information, and get that information to the public in a way so there can be open discussions. He says we need to make sure we move forward and ahead. EPA makes sure we move forward site investigations as fast as they can. They cannot fine DuPont for the releases were done prior to the law's existence.

Patterson brings up that DuPont can be fined if they do not adhere to the deadlines in the RCRA permit. It is also mentioned after concern of DuPont breaking up their property and selling it off to clean their hands of it. Patterson brings up that DuPont is in a legal agreement with the EPA and are required under that administrative consent order in the RCA permit to clean the property, thereby making them responsible.

Rigliola addresses the EPA and brings up that at council meeting they were talking about forming a committee to develop the DuPont site. It is the other CAG that is making a decision on how the DuPont property should be developed. But is informed that that the other CAG cannot make a sole decision on how this property is developed. Once site wide cleanup standards are established they are put out to public meetings to get public's input. If the council, the government, the community, decides that they want to rezone that property the EPA will decide the cleanup will be based on what is rezoned and they will receive a capita low standard rate.

Patterson explained that since the meeting was running very late, need to wrap up and that if there are any more questions or concerns to email them to CAG and that they will email the EPA or to email them directly to the EPA.

Rest of the Agenda: Tabled the technical advisor question and the vapor mitigation system

Member of public made a public announcement on behalf of Wayne citizens and handed out flyers. The announcement was a symposium at William Patterson University. Scientific and public policy implications of clay in the Passaic River Basin. There was going to be FEMA representatives, chief water supply modeler from the DEP, public officials, and emergency management specialists. A flyer was made for those that want questions answered there. A particular question for him was what the impact of the flood gates have been on down stream flooding and have some very complying data to show that there is an effect despite the 600 page report denying that there were effects.

Motion to close public session. All in favor. Motion to close meeting. All in favor.

Meeting adjourned at 10:24pm.

ACTION ITEMS:

1. CAG to send Resolution #008 to USEPA
2. Action Item B from April 30 meeting
3. Chapin requested Bonnie Bellows (USEPA) provide CAG with A280 data summaries regarding the drinking water testing/ standards.
4. CAG requested for EPA to compile a single list of contaminants from their report summaries and to then make this list available to the public.
5. EPA to update repository with new documents, via CAG's resolution 001 request.
6. EPA formalizing a response to Resolution 004, and will send to CAG (pump and treat stack emissions)

7. EPA formalizing a response to Reslution 006, will send to CAG (flood prone area sampling)
8. EPA working with Borough of Pompton Lakes to put up additional fish advisories
9. EPA to post Acid Brook & other powerpoint presentations online & send to listserve.
10. Seppi to further look into closure of New Park