

# Pompton Lakes CAG Meeting

October 17, 2011

## Minutes

*Meeting commenced at 7:11 PM.*

Robert Spiegel welcomes everyone to the meeting. CAG members introduce themselves:

- Lisa Riggiola Executive Director, Citizens for Clean Pompton Lakes, Plume resident
- Richard Chapin, technical adviser
- Cheryl Rubino from Citizens for Clean Pompton Lakes, former Plume resident
- Dana Patterson from the Edison Wetlands Association, toxics coordinator
- Richard Lombardo, Plume resident
- Karen Dean, Plume resident
- Ruth Paez, Plume resident

Lisa Riggiola nominates Craig Plowman to the CAG, Dana Patterson and Rich Lombardo second, CAG unanimously approve.

Plowman introduces himself as a resident of Pompton Lakes for 31 years and a former member of the Pompton Lakes Planning Board. While he was on the planning board, DuPont first came forward and asked for a soil removal permits for Acid Brook. A couple of years ago, right before the vapor intrusion was publicly announced, he and his family moved. However, he remains concerned about potential medical problems because he and his wife raised three children in their house in Pompton Lakes. It was this concern that moved him to contact Riggiola and offer his services to help the committee.

Paez requests anyone who can to offer a donation to help cover the cost of the room rental.

Riggiola moves to approve the July 25<sup>th</sup> minutes, Rubino seconds, all members approved but Plowman, who necessarily abstained. The September 19<sup>th</sup> minutes, being not yet complete, will be put forth for approval at the next meeting.

Spiegel goes through the action items:

1. Letters to Municipal Utilities Authority (MUA)/Environmental Protection Agency (EPA) regarding Acid Brook:
  - a. MUA reply was that an address must be provided to receive a formal response.
  - b. Lombardo gives a brief update on the content of the MUA letter:
    - i. The Pompton Lakes CAG had sent the letter requesting information on the history of contamination in the Pompton Lakes drinking wells.
    - ii. The Pompton Lakes MUA attorney mailed the letter back to the return address in Edison stating that the authorities had received the letter but do not know who it is from and need the names of who wrote the letter. This is in spite of the fact that the letter states that it is from the Pompton Lakes CAG, prompting Lombardo to suggest that this is a smokescreen from the MUA authority.
    - iii. Spiegel explains that they have an address they will be using and will resend the letter.
2. Letter to the Pompton Lakes Borough:

- a. No response from the Pompton Lakes Borough about the letter, even though it was sent two months ago.
  - b. Spiegel suggests that the CAG members go to the council meeting and publicly request a response to the letter.
  - c. Riggiola says she will read the letter on the public record at the next council meeting and invited all the CAG members to join her in asking why the council has not responded and how long they have known about the vapor intrusion problem. Current evidence suggests that the vapors have been a known problem since 2001, yet the public was not told for another seven years.
3. Spiegel discussed the OPRA request for DEP documents on Pompton Lakes
    - a. The state was reluctant to release the documents and EWA needed to pay approximately \$700 to view and copy the documents
    - b. There were numerous documents and the CAG is still reviewing them
      - i. Spiegel states that the documents were turned over to Chapin for review
      - ii. Spiegel requests CAG members to help with going through the documents
  4. Carolyn Fefferman (Menendez) & Assad Akhter (Pascrell) will follow up on resolutions 001 and 002
    - a. One resolution requesting EPA, DEP and other agencies to come to the CAG meetings
    - b. The other resolution was to have the EPA update the repository with all of the documents they got from the OPRA request
  5. Barbara Finazzo from the EPA to put out a summary on the flood related incident
    - a. Patterson read the email that Finazzo sent to her day (Mon, Oct 17, 2011 4:06 pm)

*"Hi Dana,*

*David Kluesner posted the following update on 9/23/11 about the tank:*

***FYI, here's an update on a fuel tank discovered in Pompton Lake that received local and media interest: On September 19 a resident kayaking on Pompton Lake emailed Lisa Riggiola to report his observation of a fuel oil tank floating in Pompton Lake. Lisa Riggiola forwarded the email to EPA. That same day an EPA federal on scene coordinator covering New Jersey flood response efforts spoke with the resident to confirm that he found a 275 gallon home heating oil tank in Pompton Lake. The tank is located along a stream/canal on the Oakland (Bergen County) side of the lake, stuck in bushes. The tank was laying on its site and not accessible from land. It was unknown at the time whether the tank had material in it. More info on the exact location of the tank was obtained later on the 20th and EPA coordinated with New Jersey DEP, who took the lead for the tank removal. NJ DEP dispatched a contractor on Sept 20 and removed it that same day. According to NJ DEP the tank contained residual oil. NJ DEP cleaned the tank and disposed of the tank off-site as scrap metal.***

*Re the flooding, I did follow-up with EPA's emergency response manager, Eric Mosher, who was involved in the flooding activities in northern NJ including the issue of the diesel smell in Pompton Lakes. EPA and NJDEP On-Scene Coordinators were not able to pinpoint the exact source of oil that caused the odors. There are several possible sources; it is believed home heating oil was the most significant source. There is no direct link back to the fuel that spilled from the tank farm in Tuxedo, NY. It is not the normal practice to fingerprint the oil during major flooding events. The more immediate concern is to act quickly by treating the this type of problem as a nonpoint source pollution incident.*

*If you have any questions, please let me know. And if you are not on David's distribution list and would like to be placed on it, please let me know as well.*

*Best regards,  
Barbara"*

- b. A resident says that she recently attended a council meeting where the mayor discussed the flood related oil incident. The resident says that the oil spill came from Tuxedo, New York. After

some residents had expressed concern to her due to difficulty breathing, she contacted the EPA and the congressman's office and spoke with Bonnie Bello. Bello told her that vacuum-like machines had been sent to the lake to suck up the oil. Bello also said that they thought that some of the oil had come from an area at the south end of the lake where there are oil tanks.

6. Tag grant application:

- a. Spiegel said that PLREI, the other environmental organization in town, had gotten a \$10,000 NJDEP TAG grant to hire a technical adviser. However, as of yet, no technical advisor has been hired and no additional information has been disseminated to the community.
- b. Spiegel also explained that EWA is still waiting to hear from EPA on TAG grant for the site

7. Resolution to the EPA regarding groundwater sampling #005:

- a. "Whereas there is a 570 acre contaminated site, Pompton Lakes-DuPont work site located at 2000 Cannonball Road in Pompton Lakes, New Jersey, and whereas the residents of Pompton Lakes have suffered for decades from exposure to toxic chemicals from the legacy of manufacturing lead, aluminum, copper shells, and others including unknowns, and whereas the residents have formed the Pompton Lakes Community Advisory Group to understand the cleanup process, and to advise the federal and state agencies, and disseminate information to the public, and let their voices be heard, and whereas the USEPA has agreed to perform split samples with DuPont including the next round of November 2011 groundwater samples, so therefore, be it resolved that the Pompton Lakes Community Advisory Group respectfully requests that when the USEPA completes the split sampling with DuPont of the November 2011 groundwater testing that the USEPA include the entire suite of full priority pollutants, including uranium and plutonium."
- b. Raggiola seconds the resolution and it receives unanimous approval.
- c. Plowman asks if they going to test for cadmium or mercury? Who has established the full suite of chemicals? At the last CAG meeting, the EPA was still debating what should be included in the full list of contaminants to test for.
- d. Chapin explains that a full suite of contaminants usually involves a Total Analyte List (TAL) and a Total Contaminant List (TCL)- this includes 23 metals, a total contaminant list of organic volatiles, base neutrals, semi-volatiles, pesticides, and PCBs. Overall, this is over 100 different chemicals; although this could not be all of the possible contaminants, analyses for these chemicals should capture important peaks of contamination.
  - i. Plowman: In 1995, the EPA allowed DuPont to reduce the list of potential contaminants from 312 to 34 and benzene was not among the 34 listed.
  - ii. Chapin responds that this is very typical given the cost of analytical protocols; if companies look for everything and they find something that they do not believe is rightly theirs then they will put in the time, expense and effort to figure it out and explain it away or become responsible for something that they may not think is theirs- that's how the environmental business works. Therefore, it is not atypical for DuPont to say that they have a target sweep and want to stick to it, and for the EPA to allow this if they feel that there is sufficient justification. Therefore, Chapin explains that he cannot say whether or not it was justified for the EPA to remove benzene from the list of potential contaminants.
  - iii. Raggiola supports Plowman's concerns in stating that in a 1982 document the Hazard Record Score (HRS) included benzene as a contaminant. She questioned why it was taken off the list if DuPont/EPA knew that it was a concern.

- iv. Chapin explains that in monitoring groundwater over the years, there are some chemicals that consistently show up, and others that only occasionally appear. Therefore, when DuPont petitioned for fewer chemicals, they were trying to target those that don't come up often. This is a business practice and, having not viewed the data yet, Chapin explains that he can not say whether or not DuPont's actions were justified. Chapin says that they must review data from the time benzene was listed in 1982 to the time it was documented as being taken away in 1995.
- v. Raggiola states that benzene is showing up in private tests, and Chapin replies that the fact that benzene was removed doesn't mean that it shouldn't be put back on the list, but the data must first be reviewed before making that statement.

Raggiola gives an update on the last council meeting. She explained: In the second comment session, Councilwoman Riecker (?) gave a report of the other CAG and neglected to talk about the failure of the pilot study on the soybean oil plan. Also, in their reports they were using old groundwater data from 1995 that was provided by DuPont.

Chapin gives the technical advisor presentation, including information on his receipt of the hydraulic report in the newspaper, the Acid Brook workplan and the Barbara Drive pilot study:

1. Acid Brook workplan:
  - a. Chapin discussed Acid Brook schedule for work over 13-14 months, unlike 4-5 years as proposed prior.
2. Barbara Drive soybean oil pilot study:
  - a. Chapin explains the pilot test- they tried to put the soybean oil in the ground to test the hydraulic capacity of the soil to accept the oil and let it move around- the study failed. The implication of the DuPont document is therefore that the whole idea of insitu degrading using biological methods will not work; Chapin disagrees. He explains three types of soil zones – Shallow, Intermediate and Deep. DuPont is claiming that the intermediate zone is too tight to get the emulsified oil through the soil, and this is therefore not a viable method to clean up the contaminants. However, Chapin doubts first that the soil is too tight, and second that most of the contaminants are in the intermediate zone. Chapin passed out three handouts to explain that this approach has worked in soils that are much tighter.
  - b. Chapin describes the mechanisms of insitu bioremediation. It is a process of putting something into the ground to release hydrogen, which causes existing bacteria to use that material, thus removing all of the oxygen from the groundwater. Once the oxygen is removed from the groundwater, the bacteria that will degrade the chemicals, TCE, etc. start to flourish. Emulsified soybean oil is only one way to do this. Therefore, the only thing that the pilot study showed is that using soy bean oil didn't work in the way that they tried to apply it, but it does not show that this approach of insitu bioremediation will not work.
  - c. Chapin explains that the upfront part of the report was written by a technical person, while the conclusions at the back were written by a lawyer or nontechnical person.
  - d. Chapin describes that they also used water to flush the stuff through – how do they expect to move water through if they couldn't get soybean oil through.
  - e. Spiegel asks what the next steps will be. Chapin says they should try alternatives and examine the variables to make sure the pilot study was done correctly. The public should not accept the current response.

- f. Raggiola expresses concerns about the idea of using water to flush the soil because the homeowners may need flood insurance. Chapin replies that they would probably develop a reasonable flow rate and monitor the effects.
  - g. Resident Rich states that the residents of Pompton Lakes are not being treated fairly. The public was not openly informed of the failure of the soybean study and their CAG meeting announcements are being censured and misinterpreted by Channel 77.
  - h. Raggiola explains that environmental officer, Ed Merrill, has told them that this is the third pilot study to have failed, and that the data they are using is indeed from the 1995 groundwater tests.
  - i. Rubino asks two questions: why DuPont thinks water would flush the soil better than soybean oil, and why DuPont has not publicly released a new proposal that they have developed?
    - i. Chapin replies he will talk with the DEP tomorrow. Additionally, he does not know exactly why the proposal has been not been released, but they may be reluctant to disclose the proposal before further review.
  - j. Plowman asks why they are not carrying out multiple pilot studies at the same time to see which works the best.
    - i. Chapin replies that he does not know. He goes on to explain that many general statements have been made by those conducting the study and, in considering the holes in this report, it warrants further investigation.
3. Chapin explains the Pompton Lakes Acid Brook work plan written by Severson, the group that will be doing the remediation.
- a. They will isolate the area they want to dredge with sheet pilings, use netting to remove all fish and critters within 5 days, and dredge. The dredge materials will be dewatered with a filter press, forming a 90% solid sludge before they ship it out to a lab in Pennsylvania.
    - i. Chapin reads from under the header “Noise” – “overall noise levels from construction should be similar to noise from routine truck traffic in the area.” However, there is no truck traffic in that part of town.
    - ii. They need to dredge the lake, and the material may be removed in trucks. Chapin speculates on whether there are any other options available.
    - iii. Spiegel recounts a related story at a Superfund Site in South Plainfield where a child was hit by a car because there was no one to signal traffic.
    - iv. Chapin explains that everyone should read the plan, paying particular attention to comments such as “Cleaning if necessary.”
    - v. Plowman explains that there are no wide local roads to take trucks from the lake to the turnpike.
      - 1. [AQ - Comment] At a Shade Tree Meeting they explained that the trucks were going out through Jefferson to Colfax to 287 (through a neighborhood).
    - vi. Spiegel asked if anyone would be able to work with the CAG for counting trucks.
      - 1. Lombardo explains that they cannot count them until they know what route the trucks are taking.
      - 2. [AQ Comment]– It doesn’t matter which way they go, they still have to go through the residential neighborhood.
      - 3. [AQ comment] – They said 20 trucks a day, and either way the dredge material needs to be removed. She explained that it was interesting that they gave more information than necessary.

4. Rubino suggested that they sit at Lakeside Park and Lombardo offered to organize groups to track the trucks.
  5. Chapin says that as a practical matter, you would pick a number of spots, have someone sit at each, and fill out the form to track the traffic. You need a crew of people to provide relief so one person does not have to sit there for 8 hours. At the end of the day, you will have a total number.
  6. [AQ] How many days will we do this?
  7. Chapin says they would bracket the noise ordinance of 7:30am – 8:00pm, start with one day, and then take a look at the data.
  8. Spiegel suggests that they start in the next week, collate the data and get it to USEPA.
- vii. Plowman met with Mayor and asked how they would get the trucks out, and her plan puts them downtown on Colfax. He told her it was too congested, and a better route would be to take Lakeside all the way to 202 (a state highway) to Hamburg Turnpike to Riverdale to 287. He told the mayor that going through downtown is out of the question.
  - viii. Plowman explained that the police department is on the streets everyday, and in the past the police and fire departments have produced traffic studies. The planning board or council will have to request this.
    1. Spiegel suggested putting the request for the traffic and capacity analysis in as a resolution for the CAG. Plowman said it should be more of a letter. He will draft it and send to Patterson.
  - ix. Chapin said that the people who wrote the report are from Niagara Falls, and not here in Pompton Lakes, so they don't realize how much their traffic could disturb the community.
  - x. [AQ Comment]- They cannot drive trucks near the school.
    1. [AQ Comment] – Children will still have to walk to school and so it is necessary to address that, perhaps by limiting the hours the trucks can drive to when kids are not walking to school. Additionally, kids go out to play at lunch and the high school students are able to go home for lunch.

[AQ – Charlie] – What about the park – Rotary park

- xi. Plowman explains that Rotary Park and all the trees will be gone.

Lombardo and audience member discuss the capacity of the bridge to hold all the trucks, and Spiegel explains that these questions can all be put in the letter to the town.

Patterson says that these reports are on the EPA website to download, and if anyone has concerns they want included in the letter, they can email them to [info@Pomptonlakescag.org](mailto:info@Pomptonlakescag.org) or call any one of the CAG members. Spiegel adds that we put a link to the reports on [www.PomptonLakes.org](http://www.PomptonLakes.org).

Spiegel raises concerns about the remainder of the contamination that DuPont is claiming they are not responsible for.

Lombardo asks about the possibility of the brook re-contaminating the lake. Chapin says that this is a good question that needs to be addressed, and has not yet been looked into. Spiegel adds that there is a concern that the lake can be re-contaminated. Acid Brook was remediated in 1998, and it could have been re-contaminated.

Riggiola explained that there was a letter sent to the USEPA regarding the Acid Brook/ Delta but there has been no response. Patterson added that it was sent with a return request, and the EPA has received it.

Lombardo asks if anyone from the EPA is present- no one is.

Riggiola asks Lombardo to provide an update on the vapor intrusion warranty letter they received.

Riggiola reads Rubino's letter that she received and explains that it seems like it was trying to deter the public from using the 3<sup>rd</sup> party contractors.

Lombardo explains that they did this at the last minute as a form of intimidation, and urges residents not to be discouraged if they have a 3<sup>rd</sup> party system on the way.

Fefferman asks who put in this language. Riggiola explains that USEPA sent the letter, and it seems as if DuPont is telling Barry Tornik what to put in the letter.

Lombardo explains that the whole point of getting the third party systems was to get away from the Obrien and Gere systems. However, when DuPont agreed to pay for 3<sup>rd</sup> party systems, they retained the right to review system and would give it back to Obrien and Gere for reviewing. Thus, Tom Hatton's work has been reviewed by the very people they are trying to get away from. It seems that DuPont is stalling. After 2.5 years, there is still no one who has 3<sup>rd</sup> party systems. R

Riggiola says that she will not sign the warranty from the USEPA, and recommends that no one else sign it either.

Audience members [Loreal] and Lombardo have not received the warranty.

Rubino explains that it is a 5 year warranty, and Riggiola explains that it is not what they were promised.

Spiegel asks if there are any more questions.

[AQ] asks when the schedule would start for the lake and Chapin explains that it is scheduled to go from January 2012 to January 2013.

Spiegel announces that on October 20<sup>th</sup>, that Thursday, the EPA will be hosting two public information sessions at the council chambers regarding the cleanup of the contaminated sediment. Those interested can go and ask more specific questions, and put their concerns on the record.

[Evelyn] Asks if anyone is a realtor and how this will affect the value of the homes. Someone in the audience responds that the information is already public enough to have lowered the values of the homes, so the cleanup efforts will not have any further negative effects on values. Additionally, she claims to know of several people who have successfully sold their homes.

Lombardo thanks Fefferman for coming and Riggiola thanks Assad for coming.

Riggiola explains that people are getting turned down for mortgages and refinancing, and they can't sell their homes. There is a serious problem with home values, especially for people who have already paid off their homes and were planning on retiring in Pompton Lakes. She does not know how people were able to sell their homes, or anyone who has been able to get refinancing.

Spiegel opens the public portion:

Joe Intintola asks if there was a response from the MUA in requesting information on the drinking water. Spiegel explains that they received a response stating that the MUA could not respond because a mailing address for the CAG was not provided. Riggiola explains that the MUA attorney is Jeffery Kassoover.

Intola asks about the failed bioremediation. Chapin responds that the use of emulsified soybean oil as a hydrogen donor apparently does not work, but that does not mean that insitu bio does not work. There are many other options available. Soybean oil is too viscous to move and so they could seek another hydrogen oil that is not as thin.

AQ] Why don't they try using molasses? Chapin explains that molasses is another alternative as a hydrogen donor and, additionally, when you look at the history of insitu bioremediation, people have realized that it was more cost effective than pumping groundwater. However, the people leading the charge on this were all DuPont PhD researchers.

Spiegel states that November 14<sup>th</sup> will be the last meeting for the year.

*Thanked everyone for coming to the meeting, adjourned at 8:50 PM*