

Pompton Lakes CAG meeting

November 14, 2011

Final Minutes

The meeting commenced at 7:14 PM.

David Wheeler introduced himself and explained that Robert Spiegel and technical advisor Rich Chapin had an emergency and had to be at another site. He explained that any technical questions will be recorded and responded to in the next few weeks.

The CAG members introduced themselves.

Riggiola made a motion to approve the September 19, 2011, Rubino seconded.

Rubino made motion to approve the October 17 minutes, 2011. Lombardo seconded.

Patterson went through the action items.

- Outstanding resolution regarding sampling of flood-prone areas (tabled from September meeting) – Riggiola to draft
 - a. Tabled to November
- Finazzo (USEPA) to look into additional signage at Pompton Lakes
 - a. Finazzo was not present, CAG will follow up
- Resend letter to the Municipal Utilities Authority
 - a. Resent, copies available for public
- CAG members to follow up w/ Borough at council meeting regarding the letter sent to Mayor and Council 3 months ago
 - a. Riggiola attended the Oct 26th council meeting and read the MUA & this letter into the record.
 - b. Mayor and council opted not to respond to the letter
 - c. CAG will resend letter, CC borough attorney
- Carolyn Fefferman (Menendez) & Assad Akhter (Pascrell) will follow up on resolutions #001 and #002
 - a. No one from Senators and Congressman's offices were present
- Chapin to speak with NJDEP regarding the pilot study. Specifically in response to Rubino's question: "Why does DuPont think water would flush the soil better than soybean oil, and why DuPont has not publicly released a new proposal that they have developed?"
 - a. Chapin exchanged calls with Anthony Cinque from NJDEP, and Chapin will follow up with USEPA because NJDEP could not answer the questions
 - b. Martens asked about molasses
 - c. Riggiola spoke with Ed Merrill and he told her that there have been 3 pilot studies that have failed, including the use of molasses
- Letter to the Planning Board requesting a traffic study
 - a. Sent a letter Nov 9th, no response yet
- Resolution #004: DuPont's emissions
 - a. Passed at September 2011 meeting, finalized and sent out.
 - b. Patterson read resolution 004 into the record. Riggiola explained that there is no filter on the emission stack.
 - c. Riggiola requested we send a resolution for the TAGA unit to test the ambient air in Pompton Lakes to find out what it is in the air

- d. Riggiola introduced the resolution, Martens seconded. CAG unanimously passed the resolution (#007)
- Resolution #005: Response to Finazzo regarding split sampling
 - a. No response yet from USEPA
 - b. CAG asked if anyone sees USEPA in the field, to please let them know.

Technical advisor:

Rich Lombardo: Regarding the air stripper not having a filter, are there any test to know the backup efficiency of this? Is it working properly?

Wheeler explained we will take this question to the technical advisor.

Martens: Is there anything else that Chapin suggests that would break down the chemicals? Patterson responded biological vs. chemical. She is unsure if they have tried chemical methods. She explained Chapin gave handouts at the last meeting about different options, and there is a company called Re-Genesis that markets a product.

Riggiola asked that we request copies of those studies that and asked Plowman if he was privy to that. Plowman said he was not, and June 1993 he found a study about how to do it. It was submitted as a package to the environmental officer in town. He doesn't know if that was for the chemicals in the soil or in the groundwater.

Plowman explained that he went through the documents several times to understand.

Wheeler clarified Riggiola's request. Riggiola would like to pass a resolution to get copies of the pilot studies conducted.

Patterson explained we can put in an OPRA and or FOIA to Pompton Lakes and NJDEP/EPA for the pilot studies. She explained that

Riggiola suggests that we would like to do a file review of all documents related to the DuPont Works Site.

Wheeler explains that by put it in writing that you have it on record that you tried and/or there is nothing there.

The CAG agrees to submit an OPRA request to the town for a review of all the documents.

Lombardo said that he believes this town should have an environmental officer that is fully qualified with a correct background in Pompton Lakes given all the contamination issues.

Lombardo thinks we should make a movement to have a qualified officer. Riggiola explained Merrill's contact was just renegotiated.

Wheeler asked any more technical questions.

Martens showed newspaper article where DuPont article explains the plans for redevelopment. She expresses concerns over how they just want to make a tax dollar.

Riggiola adds that at the last council meeting John Soojan (redeveloper) and Steve Grayberg (also connected) and they also sit on the other CAG that USEPA is funding. She explained you can watch the council minutes on the TV station or online. Riggiola asks public to fight back.

Lombardo explains that there are different standards for remediation: Industrial vs. Residential. They are looking to use the less strict cleanup standards, and we have to be sure that the property is cleaned up to residential standards.

Riggiola explains our homes are close to the site, and if they don't clean it up the right way, and it is capped, it will never be cleaned up the right way. She added TCE was just proven in California to cause Parkinson's disease. She suggests an equity protection program for the residents.

Martens explains that they are not interested in cleaning our properties. Martens says DuPont is just walking all over us, and we need to get on TV to let people know. We need publicity and a 60-minute special.

Riggiola explains that Erin Brockovich was on Good Day New York speaking about her new book and when she was asked about what town she was concerned about, she mentioned Pompton Lakes.

Lisa Riggiola will send out link to Wolfe Notes DuPont story in Washington in next CCPL article.

DP acknowledged Assad from Congressman's Pascrell's office just joined the meeting and he introduced himself.

Lisa Riggiola gave update on the 3rd party mitigation systems. She introduced Kevin Harrison who worked with residents on vapor mitigation issues. She continued about issues with the permits. Tom Hatton put permits for the system on September 6, 2011, and by end of October, no permits were approved. Riggiola went to council meeting and requested that permits get accelerated. Riggiola makes call to building department and Riggiola's gets approved, but 5 permits have not been approved.

Plowman explains there is a state law that there is a certain amount of time that the building department has a certain amount of time to issue the permits. He explained a story of his apartment complex and was only a few days away from the deadline, he thinks it might be 21 days, and this may fall under the same law. Riggiola explains that there was a promise by Mayor and Council to have the upmost priority.

Plowman has read that the Pompton Lakes Borough has wanted to fast track the installation of VMS, so he doesn't understand why there is a hold up.

Kevin Harrison explained his situation. DuPont wanted him to sign off on waivers that no one using DuPont's contractor had to do with. They lied to Congressman Pascrell's face stating that it was the 3rd party contractor who wanted the waiver, and wasted Harrison's and Hatton's time. Pascrell met with DuPont in Washington DC, to tell them to stop playing games and now there are no where waivers. Harrison and Riggiola urged residents not to sign any waivers and to ask for help first. Riggiola thanked the Congressman's office for helping.

Resident Joe Intintola explained there is no delay on O'Brien & Gere (OBG)'s permits or Obar's permits.

Mrs. Riggiola explained that the seniors should not be given a run around and OBG should not be allowed in their houses.

Intintola explained that a resident received a letter in the mail explaining that Tom Hatton's systems are not the same as OBG trying to deter residents from using Tom Hatton's systems. OBAR also was standing in the background and did not come forward to OBG. It seems as if OBG and DuPont are going after DuPont.

Intintola explains the days are 30 days for the building permits to be approved.

Lombardo explained that Tom Hatton explained that no matter what he will not take any short cuts, and will make sure the job is done right. Anyone that will or is going to put the system in, know that Hatton will no do the job if he can not do it correctly.

Martens explained that she is still waiting on an approval because she has different areas, and use a muffler system because the motor has to be high powered and they are having trouble approving it.

Intintiola said DuPont is jerking them around because DuPont does not want to warranty them.

Lombardo explained Hatton's qualifications. Martens explains she needs a special system, and she is still waiting the approval because she needs special pipes, high power motor, and Hatton has been going back and forth with EPA & others to pass. Hatton wants to use low flow structures, and DuPont is giving them trouble with warranting Hatton's systems.

Lombardo gave a history of the Vapor Mitigation System's 3rd party contractors. DuPont said they have a right to review the documents because they are paying for it. Only 2 people who are qualified to do a peer review on Hatton, and they were not part of DuPont's review, instead OBG was the one reviewing it.

Wheeler suggest that we write a letter from the CAG acknowledging the concerns of the Vapor Mitigation systems, unnecessary delays, permit delays and how Hatton is singled out.

Riggiola says if it wasn't for Harrison and Lombardo and herself writing letters and advocating for it. Harrison and Rubino explained they still do not have permits.

Lombardo said he already wrote emails to Enck.

Intintola explained all the polluters across the U.S. are watching Pompton Lakes, and watching that if Pompton Lakes gets their 3rd party way, residents with Vapor Intrusion will want their own. He bets that they are banking on this failing, including USEPA. There is a race on who gets the most done so OBG and OBAR can say they get them done faster.

Riggiola is explaining that OBAR is going door to door soliciting to Hatton's contacts. She also explained that you need permits to solicit door to door if you are not a community group, politician or girl scout.

Intintola explained that you need an expert David Faux was hired to review; he would say it was find. He said NJDEP wants to see it fail. USEPA didn't want to approve it, and Congressman forced the issued. So they can all say the largest vapor intrusion site in the U.S. failed, so go back to the original plan where the polluter is in control.

Plowman clarified what Intintola said about the 30 days, and said that the building department is hired by the town, but they are working for the state. If they are no responding in 30 days with the permit, then they are in violation of the law.

Lombardo made a motion that the building inspector must have radon and or vapor intrusion/mitigation experience – state approved. The current Building Inspector that is inspecting all of the projects has no experience prior to this.

Rigliola explained that of 136 vapor mitigation systems, 100 had not received an interior electrical inspection via a closed door meeting when she was council meeting. Town inspectors only concern is that the system is installed.

Rubino said find out why permits are not issued, if they are in violation, and what's going on.

Intintola suggests the CAG write a letter to the DCA in Trenton.

Patterson made a motion to send a letter to DCA regarding this issue. Rubino seconded it.

Intintola explains that he has results that the drinking water results are not safe, despite what the newspaper article says. Has Uranium 18x the health limit. 64x Radium-226 over the health limit 100x over radium 228, issues with sulfate and manganese. He did a control experiment. Sanitized 2 toilet bowls – 1 with direct sunlight, 2nd with indirect did not. They can inject a chemical to reduce the manganese in the water. The second toilet grew algae showing there is no chlorinated treatment in the water.

The Uranium is coming from a source on DuPont's property. From 81-89 DuPont was hired by the DOD to developed armor piercing ammunition. The experiment was done underground in a cave. During the processing, it would not go into the atmospheric cave. Up to 50 caliber into aircraft round. If you fire this in the open air, you will hear it in Willow Brook mall 10 miles away. In the cave, at the end was a well that was more than 100 feet deep.

A relative that worked for DuPont had full clearance for the entire site. He had two items, someone broke into his home, and there was a struggle, knocked unconscious. No 911 call, no EMS, no police record. Person had a stroke for the attacked, presently under federal protection, not the FBI 24-7 armed guard. Person that broke into his home looking for the items was a law enforcement agent in Pompton Lakes still employed. Weapons grade 2 machine gun rounds that he took. The cave in 1994 during remediation removed 55 gallon drums, yellow powder. Gov't plated car got out of the car, military dressed, EPA person, NJDEP person instructed the contractor to put the drums back in the cave and seal the cave with earth and boulder. During the tour they showed the two tunnels, but there are two more where they are not buried. EPA person was Barry Tornik in 1994.

Wheeler moved to next agenda item: Acid Brook Delta permits remediation from USEPA. Wheeler read the email sent 11/14/11 from David Kluesner of USEPA. There is a Public meeting on December 15, 2011 and comment period closed on December 28, 2011. Wheeler strongly encouraged the public to come and rally their neighbors to come out.

Rigliola reminded public about NJDEP DuPont Permit by Rule hearing last year, where it was overturned because of passionate public comment. Riggiola suggests meeting should be held in the high school, open public area.

Patterson explains you can download the Statement of Basis on the EPA Pomtpon Lakes website. Patterson conveyed message from Chapin that the maps DuPont is proposing show a "line in the sand" where they are responsible for, and needs to be further examined. They need to address the source and explain how they came up with the line because sediment moves especially after Hurricane Irene. They also need to identify other contributing sources and background sources. Patterson asks public to send over questions and concerns to CAG so we can forward to Chapin to include in commets.

Resident asks if Wayne Township is involved. Riggiola agreed, and questions where the water commission is, and if they are involved, and Patterson suggests residents should go to Wayne Council meetings.

Patterson explains Intintola to send an email about concerns he explained with results. Intintola explained he will be corresponding with lab in next few days and he will send everything to Riggiola. Intintola explained there will be a press release, and will send to Riggiola.

Wheeler opens public comment period.

Confirmation on Acid Brook hearing location and time is discussed.

Karen Dean encourages people to come to the council meetings. Riggiola explains that more people need to come. She said that when residents are not present in numbers, they talk bad about the CAG and redevelopment. Next date of meetings is (2nd and 4th week), Wednesday nights -Next meeting is Mon, Nov 21st because of Thanksgiving.

CAG will send an email to USEPA regarding the location and request a change for bigger venue.

Rubino suggests we send the EPA email to Wayne Mayor and Council and local media as well as water commission.

The meeting ended at 8:50 pm.