

Pompton Lakes Community Advisory Group

February 13, 2012

Final Minutes

- I. Action Items from January 9, 2012 CAG
- II. USEPA Update
- III. Technical Advisor presentation
- IV. Update on Vapor mitigation system installations
- V. Public Session

The meeting commenced at 7:08pm. The meeting began with the individual introductions of the various CAG members as well as Ariel Iglesias from the USEPA.

Robert Spiegel started the meeting by briefly describing the CAG process. Following his own introduction, Mr. Spiegel proceeded to open up to the CAG for approval.

Lisa Riggiola then motioned to accept the minutes from January 9, 2012. Cheryl Rubino seconded the motion, which was then accepted unanimously by the remaining CAG members. Spiegel confirmed the acceptance.

Spiegel invited Dana Patterson to introduce the action items. Patterson began by opening up with the outstanding Resolution 006. Riggiola read Resolution 006 to the public, and requested that the USEPA would perform independent and detailed samplings of the flood-prone areas in Pompton Lakes. Riggiola also requested that the testing would be done to completion and that the sampling would be completed before the Acid Brook Delta permit modification is decided upon.

Patterson introduced the next action item, which requested a confirmed receipt of the email sent to the USEPA. Ariel Iglesias of USEPA, responded by stating that he did not have a chance to prepare anything in response to the email, but that he had received it and will have a response by the next CAG meeting. Riggiola explained that she intended to follow up with the Pompton Lakes Borough about adding additional signage at Pompton Lakes.

Patterson then discussed Resolution 001. This resolution dealt with updating the repository records at the public library.

Patterson then discussed Resolution 002 which requests that EPA to attend all PLCAG meetings. Iglesias stated that he or the USEPA could not commit to attending every PLCAG, but that they would attend whenever they could.

Spiegel interrupted by stating that this would be an optimum time to explain to the public the situation between the two CAGs.

One member of the public then suggested a vote to see whether this CAG should stay. [Every hand in the room was raised, with the exception of 2 individuals].

A second member of the public interjected, and urged the USEPA to make the proper decision in regards to the separate CAG's. He clarified his statement by explaining that if the USEPA does not allow the actual public's voice to be heard, then they are just perpetuating the negative process that has been transpiring since the clean up in Pompton Lakes first started.

Spiegel explained that since the USEPA provided a representative for the meeting, it should be recognized as a sign of good faith and that the organization is beginning to take legitimate interest in this specific CAG. Spiegel reassured the public that this is the time to ask questions.

Patterson continued to the next action item regarding Craig Plowman and the Planning Board meeting. Plowman stated that he did not attend the actual meeting but explained to the CAG that he has kept up with the developments. He explained the trucking and transportation plans from the Acid Brook Delta. Plowman also gave a brief description of the past flooding and explained how the potential floods could carry the metals. Plowman then demanded that the residents needed to be reassured that this potential situation would never happen. He also explained how the Planning Board can approve the project as is. Therefore he stressed the need for the general public to attend that specific meeting.

Patterson then presented a letter to the planning board that requested an official traffic study. Riggiola clarified that the Planning Board agreed with the letter, but at that point in time, were not ready to vote on it. Riggiola also urged families to write letters to inform the school community about the risk of contamination and the fact that trucks would be transporting toxic materials within close proximity to the school. Helen Martins also informed the public that the next Planning Board meeting would be held on February 21, 2012.

Joyce, a member of the public, asked whether or not letters have been sent home to the students at Lakeside School informing the parents of what is going on. This question was then addressed to Mr. Iglesias. Spiegel intervened by suggesting that this question be the first question raised to USEPA once the action items had been completed.

Riggiola read Resolution 007 to the public. This resolution requested the USEPA to bring their self-contained mobile laboratory (TAGA) Bus to Pompton Lakes. It also asked the USEPA to complete real-time ambient air sampling and analysis throughout the DuPont Works Site. Riggiola then informed Ariel that this bus has been requested since 2008. She also mentioned that Rich Chapin, the technical advisor to the CAG, has also since requested the bus and it still has not been made available. Riggiola then made motion to accept. Helen Martens seconded the motion, and it was approved by all of the remaining CAG members.

Patterson handed physical copy of all the PLCAG's resolutions and letters to Ariel Iglesias.

Patterson moved to the next action item, and went through the issue of OPRA request submissions. Patterson explained to the CAG that her initial OPRA request was denied. Patterson then asked for suggestions as to how she could clarify her request. She also explained the normal OPRA procedure to members of the public attending the meeting, and how this rejection was inappropriate. Riggiola stated that this action was an attempt to deny the public their fundamental right to information. Patterson ended the conversation by stating that the process is ongoing, and she would get back to the CAG with any updates.

Patterson then stated that there is still no response from the MUA letter. Riggiola proceeded to explain the letter's specific contents. Riggiola restated her previous claim that this letter represents information that should be available to the public, which is once again being withheld.

Spiegel then explained the action items process to clarify for those who are new to the CAG. He explained that the CAG addresses any outstanding items first before moving to any updates, so the CAG and public's questions from the previous meeting can be addressed.

Rigliola explained the status of the Health survey that is supposed to be conducted for the residents of Pompton Lakes by the health agencies. She explained this survey will be conducted although it will not include former residents who had since moved away. Riggiola urged residents to call their representatives in order to get the former residents included in the study. Spiegel then clarified that the representative's contact information would be put up on the CCPL website.

Martins clarified the positive work the CAG and EWA's support of a technical advisory, and passed around a jar to collect any additional donations.

Spiegel then invited Ariel to microphone so he could directly answer and address residents' questions or concerns. Spiegel explained to residents that they need to keep their questions to the point so that Ariel could answer the questions in a precise manner. Spiegel also advised Ariel that if he couldn't provide a resident with an answer, than he should follow up with those individuals at a later date.

Joyce, a member of the public, readdressed her school concerns (letters to the parents) while she concerns about the perfuming agent that would be added to the contaminants and whether it could induce allergies for certain people. Ariel responded by stating that he did not have a specific answer regarding the perfuming agent. Instead he explained the process for remediation that would take place and went into detail when it would take place.

Rigliola then asked when the Acid Brook Delta Permit would be approved. Ariel responded by saying that once the contamination is confirmed than the remedy selection would begin to take place. He continued by saying that after the remedy selection process has been completed than the USEPA would open the decision up for public comment, in order to decide if further evaluation would then be needed. Finally he stated that once the remedy is successfully selected, the EPA would then begin focusing on the remedial design (sheetpiling, excavation, etc.)

Joyce asked whether any of the routes that the EPA would consider would involve driving by the school. Ariel responded by somewhat ignoring the question and continued defining the USEPA procedure for remediation. He stated that the next step (talking generically), would be for the agency to open up to the public to participate. Mr. Iglesias stated that he did not have enough information with him. He also stressed the differences between remedy selection and remedial design. He clarified remedy selection as what will be done to deal with the contamination.

Spiegel clarified Joyce's question by informing Ariel that people have concerns about parents being able to be informed. Furthermore, Spiegel asked Ariel whether parents or the public can be included in the decision-making process. Mr. Spiegel also requested that the USEPA send letters to the parents of the children in the school to inform their families about public meeting that will be held concerning the truck routes, etc. Ariel responded by saying that at the current time he could not say for certain what process the USEPA would use.

A member of public asked whether a document existed that explained the plans for the perfuming agent. Ariel responded by stating that the agency has not approved at that point, and thus does not have the details available to create such a document. Spiegel intervened by suggesting the public that they should raise that issue to the decision-makers.

A member of the public then asked how the Planning Board could make any decisions if there were no details being provided. Ariel responded by stating that before approving any plans there will be a session open to the public.

Spiegel then asked if there was a date by which the public could submit comments available.

Rich Lombardo asked if there is a difference in protocol for a lake cleanup as opposed to a reservoir. Patterson clarified the question- for instance, a reservoir is being used for drinking water- are there stronger cleanup standard? Iglesias responded that his was not aware of a difference.

Lombardo asked if the water has potential to be ingested. He said that Ms. Jackson passed mercury air standards a month ago, need to be sure that whatever the agency does needs to be in compliance. He also asked what will be done with whatever gets removed. He thanked Iglesias for attending and asked Ariel to make it a point to send a representative from the agency to every meeting to strengthen relationship with the community.

Riggiola asked if there protocol for USEPA to respond to residents in writing to concerns rose at public availability sessions. Iglesias said there will not be a public hearing for this.

Riggiola said when the Acid Brook Delta Permit Modification was introduced, it was in a causal format, but the public needs written response to concerns. Spiegel suggested that USEPA continue to come to the CAG meeting and update the public.

Patterson followed up with the resolution, as per phone conversation. Iglesias explained that the agency still discussing this issue. Patterson read this resolution to inform the public. Iglesias said they are pursuing action within the agency. Spiegel asked if USEPA could have an answer to this within 60 days.

A member of the public commented that if risks & remedies are being discussed, there is no discussion on how to clean up the source. Iglesias explained the cleanups of the Lake and Vapor Mitigation. He said they being approached as two parallel tracks.

A member of public commented that back in 1983, papers about contamination were found. They urged USEPA to protect the appropriate individuals. Riggiola explained that the people in this community are tired.

Spiegel asked the audience for the next questions.

Tom from the public asked USEPA why there hasn't there been a single fine against DuPont in 35 years.

Martens said that she doesn't want it to seem that everyone is coming down hard on Iglesias individually, but that the agency needs to take control now. She explained that the PLCAG has a technical advisor who has suggestions. She asked why DuPont is not held responsible. She said they don't want Superfund listing, but knows we need it, and the Pompton Lakes Mayor & Council are just as bad. DuPont needs to be told. Town is forming a committee to decide upon what to do with property that they don't even own.

Spiegel summed the points up by stating that the people are angry. He said that USEPA is privately saying that they want the community relations to improve, but the USEPA has a clear credibility issue. "The tail is wagging the dog." He stated that the relationship needs to be changed so that the community can see that the USEPA is running the show.

Patterson asked Iglesias if under RCRA, EPA has the ability to issue fines & violations for what they've done. Iglesias said they cannot fine DuPont for discharges that happened before the law. However, RCRA has enforcement actions. If cleanup is not pursued according to requirements, then enforcement actions can be looked at.

Spiegel asked Iglesias if USEPA can you bring some sort of schedule to the next meeting? Reasonable follow-up should be done. Iglesias will take this back to EPA.

Martens asked what Bellows meant by "Catastrophic," and urged that this site is catastrophic. Spiegel explained that health agencies are conducting survey to count dead and dying residents.

Lombardo said people are very upset because they drank contaminated water and were not notified. He said there have been many years of anger, disgust, despair in Pompton Lakes. Lombardo addressed Iglesias's presence and thanked him for coming out to the neighborhoods early next week.

Member from the public asked if the health agencies are including the past residents in their assessment? Rigiola explained that the answer is no. She offered help to find the people who lived here during plant operation, and were turned down. Many people wrote the health agencies and elect officials, and were lead to believe they would be included, but are not. Spiegel explained that we need to continue to educate health agencies on this.

Joyce asked if EPA/ DuPont is starting remediation on lake shortly. Iglesias said that USEPA has not made decision on cleanup yet. It is all proposed. USEPA is reviewing the public comments & records, as well as additional information being received. Joyce asked if there is a possibility that the lake will not be remediated, and Iglesias said that it will be remediate at some time.

Sue from the audience reiterated what Kevin said earlier - before the EPA allows this plan to go through, USEPA must to get to the source first.

Spiegel gave USEPA Administrator Judith Enck's phone number to public(212-637-5000). Public needs to be able to voice their concerns.

Karen Dean asked why there are markings for digging out if a decision has not been made (on Lakeside Ave.). Iglesias said he didn't know.

Martens said the Mayor and Council are invited to every single CAG meeting, and only one time have they actually attended. She said the public needs to push them.

Spiegel said "Showing up is 99% of the change."

Rich Chapin, Technical Advisor Update:

He explained that the technical feasibility of solutions being injected:

- Referred to prior experience with USEPA. DuPont was on the cutting edge of cleanup methodologies.
- Institute Bioremediation, "Goose Farm"
- Referred to distributed memo. One attachment discusses "Gene-Trac" testing. Cutting edge technology, with DuPont as a lead.
- No reason they cannot go after this material from their site& clean it up. Bacterial population under the ground will destroy the material. Case studies show support. Cannot accept being told this is a hard problem to solve. As DuPont were the ones doing the work.
- Refers to EPA's PowerPoint presentation on Acid Brook Sampling.
- Cursory at best, not technically supportable.
- Iron wall? Zero-valent wall – A barrier wall that chemically breaks down the chemicals to a non-toxic form.

- Advocate the biological approach, even a combination of biological approach/chemical injection/ and “iron curtain”

Iglesias thanked Chapin for his presentation and said it was very intelligent. He explained that the presentation from EPA was developed to have less information. He explained that the soil results were below detection limits for most of the compounds except lead and mercury.

Chapin explained that DuPont has the capabilities to be much more aggressive than they are. Iglesias went up to explain, and revealed to the CAG and the public that USEPA has made decision to conduct further sampling. USEPA wants to go back to sample (near area 10?). USEPA’s personnel will be testing and comparing to information. He said they data they got confirms that there is not a concern of recontamination of the lake, which might disagree with Chapin.

USEPA will go back and check the post-remediation data. Chapin explained that the clean stuff is now eroding and being re-contaminated, and ecological criteria must govern the lake cleanup. USEPA will need to do more homework. USEPA will be looking to collect additional samples next week and evaluate it.

Lombardo explained that they must do good cross-sectioning, community needs assurance. Iglesias explained that USEPA will not be sampling DuPont’s property, as that will be another study. Lombardo asked why the source is not being addressed first. Joyce asked who initiated the cleanup of the lake verses the site first. Iglesias didn’t know. Martens asked if anyone tested in the tunnels that are sealed. Iglesias did not know. He explained they are aware of the Acid Brook results, there is more information then is in the presentation, and they will compare the results

Spiegel asked how extensive the sampling will be. Chapin asked if they looked at the whole stream for erosion. Iglesias said USEPA can do that, and they can have a further conversation about that.

Joel Schectman (from The Record) stated there aren’t strong areas for contaminants to be transported, but the water tested positive for PCE. Iglesias said the results were marginal. Given the flooding and ability for water to spill over the banks... Iglesias said that he needs to understand that is a snapshot of the results, and the concentrations were marginally above the standards. Schectman asked what would stop the water from the flood event from migrating the contamination further.

Riggiola explained that whether or not the concentration was marginally or high above, it should not be there. Iglesias continued to say the question they are trying to answer is if there is a concern over recontamination, so they are doing further sampling. Based on the 2 results, that data did not present a concern.

Chapin said the sediment and soil standards must not be confused.

Lombardo asked what if there was radiation on the property, and Chapin said if there is it must be addressed. Spiegel asked if they have screened for it. Chapin said there has been speculation that they produced armor-piercing shells which depleted uranium was being used on-site for shells. Spiegel asked if USEPA can frame that question to DuPont so they can get an answer. Iglesias said that USEPA can check to see if they did this, but he is unaware of any at this time.

Spiegel suggested if anyone in the public knows of any information, they need to bring it to the USEPA’s attention. Iglesias said he is unaware, but CAG will follow up. Riggiola suggested getting information for the department of defense.

Spiegel thanked Chapin for his presentation.

Kevin asked if the drinking wells are the same aquifers that are associated with TCE/PCE contaminants. Raggiola said yes, all the aquifers are connected. The wells are artesian drinking water wells. One of PL's drinking wells – Well #3 - was on the contaminated list and then was taken off. She explained whatever PCE was in the Acid Brook is a problem.

A member of the public stated as far as the recontamination of Acid Brook, it may mean it traveled through soil and not from the top of the hill, from some unknown spot.

Spiegel said any DuPont related source needs to be addressed. He asked Iglesias if EPA has a sampling work plan for testing. Iglesias said no, but may be a pre-developed sampling plan. He requested the plan to be given to Chapin to give comment into the plan prior to the sampling. That is the type of public involvement the community wants. Iglesias said he is committed to providing the data.

Spiegel moved onto next agenda item. Lombardo to update regarding the vapor mitigation systems. He stated that Iglesias will be coming out to the community to see the systems that O'Brian & Gere installed everyone to support.

Martens said the PLCAG needs more help, invited public to give contact information to assist with flyers, etc.

Spiegel opened the meeting up for public comment.

Schectman said that he is doing a story about people having issues refinancing in the plume. He invited anyone having trouble to talk to him after the meeting: schectman@northjersey.com. Spiegel offered CAG to put his info on the website.

Raggiola informed Schectman about the 5 banks who have been giving trouble: Wells Fargo, Bank of America Belmont Financial, City Mortgage, and Valley National. Announced that her house is being forced to short sale, and she may have to move. She is trying to find a way to keep it, and is very upset.

Joyce asked if the CAG can petition the USEPA or anyone so that they will not be able to start cleanup of lake. Spiegel said yes, that is something the CAG can discuss. Raggiola said there is a current petition, and everyone needs to sign on the petition, need volunteers to work. Almost 9,000 people who have signed it – it takes a lot of work to do it – using Facebook, Twitter, etc. We need volunteers to work the petition, needs to get over 10,000. If you want the feds to take this over to Superfund, you have to help. Joyce asked for a door to door or in schools. She said she will go to schools & door-to-door to engage public. She will talk to the CAG after the meeting.

Spiegel discussed more community involvement will bring results.

Raggiola thanked many people that have been helping for over 3 years.

Martens explained that USEPA needs to see new faces, and she passed around signature form for TAG.

Spiegel explained the concept of a TAG and why it is useful for the community. Even applies to home/property values because that cannot be done until the site is cleaned up.

A member of the public asked if it is a fact that uranium was present on site. Chapin explained that they used depleted uranium to make the shells that were being produced.

A member asked about the mortgage problems. Riggiola explained that you must have a clean closure certificate in order to sell the house. She said the community needs a property evaluation plan. The member of the public asked about the taxes. Darcy Kamp explained that you can't get it because there are not any comps because nothing is selling. You can get a clean certificate on your home, but not on your property. Spiegel said when the site is cleaned up the property values will go back up, only after the cleanup takes place.

Motion to close public portion made by Patterson, seconded by Craig Plowman. All agreed

Meeting adjourned at 9:48 pm.

Next meeting scheduled for 7:00 on March 19th, 2012.

Motion to close meeting made by Rubino. Seconded by Plowman. All agreed.

Action Items:

1. Ariel Iglesias (USEPA) to follow up with USEPA on putting additional fish advisory signs around Pompton Lake.
2. Patterson to respond to the Borough about the OPRA request.
3. CAG to post health agencies contact information on the www.PomptonLakesCAG.org.
4. EPA to update CAG on additional sampling of acid brook & provide the data when it becomes available.
5. EPA to conduct site walk of Acid Brook to look for erosion.
6. Iglesias to check if USEPA is aware of DuPont's used of depleted uranium in production of armor-piercing shells.
7. CAG to add Schectman's contact regarding refinancing troubles in the plume to the CAG website.
8. CAG to add Senators/ Congressman's contact to the PLCAG website.
9. CAG to talk further about letter to town requesting that all Lakeside School students be sent home with correspondence about the dredge plan.