

Pompton Lakes Community Advisory Group

March 19, 2012

Final Minutes

7:00 PM

- I. Action Items from February 13, 2012 CAG
- II. USEPA Update
- III. Technical Advisor Questions
- IV. Update on Vapor Mitigation System Installations
- V. Public Session

Meeting commenced at 7:07 pm.

Approval of February 13, 2012 CAG Draft minutes. All approved. Dana Patterson briefly noted that those minutes contained a few grammatical errors, mainly misspelled names, noticed after release.

Robert Spiegel officially began the meeting by welcoming the public and starting introductions of each CAG member (Robert Spiegel, Richard Chapin, Lisa Riggiola, Cheryl Rubino, Dana Patterson, Helen Martens, Karen Dean, Craig Plowman, Rich Lombardo) and USEPA representatives that were present, including Ariel Iglesias and Pat Seppi, the new Community Involvement Coordinator.

Spiegel announced that prior to going through the action items, they would discuss a nomination for a CAG seat due to an application received from a member of the public. Patterson then announced the inquiry from Ed Meakem, former councilman on March 14, 2012 to join due to the values of organization and the way it supports the people of Pompton Lakes. Meakem then came forward to address the CAG and express his goals in joining. He explained that he was a member of the USEPA Cag and briefly discussed his issues with the way the USEPA CAG runs their meetings and limits public input, contrary to the PLCAG. A CAG that works with the community will get a better cleanup. Spiegel then asked for a nomination. Riggiola nominated, all members seconded the nomination. Meakem then joined the CAG. Patterson announced that an additional application for nomination was received by Eve Bludik (Goldic), but after looking at the application further she was a former resident, though currently resides in North Carolina. Riggiola explained she's received several requests like this and the CAG should probably consider utilizing virtual conferences so these former residents could stay involved. CAG will look into wireless capabilities for this purpose.

Helen Martens thanked everyone for attending and providing refreshments.

Robert Spiegel then announced Patterson would go through the Action Items and invited Ariel Iglesias to come to the microphone to address any USEPA issues that might arise during this process.

Patterson announced the first action item from February 13, 2012 about putting additional fish advisory signs around Pompton Lake. Iglesias said this is currently being discussed internally at USEPA, and they are trying to figure out what happened to the signs that were previously there. Patterson added that the CAG has discussed & shared with Barbara Finazzo (USEPA) the idea of placing metal signs weighted by cement in the Lake at past meetings.

Patterson moved onto Action Item (b), CAG to post health agencies contact information on the www.PomptonLakesCAG.org website, which has been done in addition to adding contact information for Joel Schectman (reporter from The Record) regarding refinancing troubles in the plume to the CAG website and Senators & Congressmen (Action Items f & g).

Next, Patterson asked Ariel to address Action Item (c), USEPA to update CAG on additional sampling of Acid Brook & provide the data when it becomes available. Last meeting sampling was supposed to have taken place a week after. February 22nd resampling was conducted. Various samples were collected for water & sediments by EPA personnel. The EPA expects to have results within 45-60 days, and results will be posted as soon as they are available. Patterson asked how many samples were collected, Iglesias did not have the information. Iglesias said they would send a link to the site once information is available. Rich Chapin followed with several questions regarding timeline for sampling collection and results. Riggiola brought up major issue about information dissemination. Iglesias will have USEPA staff check main email contact lists (listservs). Chapin raised question about current email listed on EPA website, asking Seppi to explain to the public that they could join list through an email address provided online. Iglesias explained there is a repository at the local library as well.

Patterson moved onto Action Item (d) EPA to conduct site walk of Acid Brook to look for erosion for signs of where contamination may be spreading. Iglesias said this was part of the field work USEPA staff was doing, he has the map of where the samples were taken and offered to show it to whoever wanted to see after the meeting. Chapin reemphasized initial question, asking if there was any erosion viewed. Iglesias explained he will show the map, but could not provide answer regarding evident erosion.

Patterson moved onto Action Item (e) where Iglesias was to check if USEPA is aware of DuPont's used of depleted uranium in production of armor-piercing shells. Iglesias did not have an answer as yet, began preliminary discussions. CAG was not happy with this answer, as the residents still do not know what they have been exposed to. Chapin asked for timely responses to these simple questions, as basic information sharing has been an ongoing issue. Patterson added that this is also the reason why the CAG has formally requested USEPA technical advisors to be present at these meetings so they could answer such questions easily.

Next Action Item (h) announced by Patterson was follow up regarding a letter to the town requesting all Lakeside School students be sent home with correspondence about the dredge plan. Riggiola said since the Acid Brook Permit is on hold, this should also be tabled for the CAG for now. Chapin suggested that the issue is out there, and should remain out there. Parents should be aware of this now. Riggiola added that the Planning Board is still considering the application, even though it has been delayed by EPA.

Patterson asked if anyone from the CAG or the public had questions regarding Action Items already discussed. Question from the public asked for clarification about letter for schools, Patterson said it will be done and just needs to be drafted.

There were no additional questions regarding Action Items, so Spiegel moved on to introduce USEPA presentation. He explained community was expecting an overview/presentation from EPA, from their technical team including a schedule, and asked Iglesias & Seppi to go back and discuss with USEPA staff why this did not happen. Iglesias then came forward to address Superfund and other issues. Explained statement released regarding delay of the permit modification decision, due to public and technical comments, and pending a bathymetric study being conducted by DuPont (and explained it is essentially a study of the bottom of the Lake). Iglesias said they are currently working on timeline for dredging of lake, said to be by late this summer. Iglesias said there is a scouring effect near center of the Lake and Chapin explained to the public what scouring is. Spiegel asked if EPA's position on mercury in the Lake may change based upon new evidence of this scouring effect. Iglesias said it's premature to say now.

Dredging issue was a major concern shared by both public and CAG members. Iglesias said resampling of Acid Brook was conducted to address concerns about recontamination of Lake. Iglesias did not have documentation regarding this. Said review of this new sampling is even more crucial then. Martens expressed that either way, something should be done to have the responsible party stop contaminants from spreading down into the Lake from the site (i.e. iron curtain) before anything is done (mentioned article from another site in NJ with similar situation). Iglesias said they (USEPA) are not concerned that the site is still releasing contaminants. Riggiola then made a point to mention the North Jersey Water Supply Commission owns the water in Pompton Lake and it is a drinking water source for many people in this area of New Jersey.

Craig Plowman asked if EPA is looking at the permit to remediate in its present form, scope, etc. He raised concern about past dredging of the North part of the Lake, how it was done within a year, and it was a larger area. Wanted to know why not another approach. Iglesias said they have not made a decision yet, but said it has been done and it is currently being done at other locations. Reiterated that even when a decision is made, there are still several steps that will include public involvement.

Rich Lombardo wants EPA to address a list of contaminants on the site itself, and if the Department of Defense is involved, to inform the residents of that as well. Said EPA should have brought a team to explain this to the residents. Need to address the emanation point first, echoing Martens' point earlier. Spiegel then asked EPA to come back with a technical team & a schedule of work, which is normal EPA protocol for residents to know when things will be completed.

Riggiola then read a comment from Richard Marsh (former resident) on a Superfund petition for Pompton Lakes. Riggiola then gave Pat Seppi a copy of the Superfund petition.

Iglesias began to address previous questions raised. Said that cleanups take time, and was not aware that the CAG/residents do not have a comprehensive idea of the Operable Units (OUs) that he will get back to CAG about. Then said that there are many answers that EPA does not have itself about how they are going to address the cleanup. Three areas of site that have been

investigated. In one area, the eastern manufacturing area, DuPont was requested to conduct further work to report back to DEP & EPA with more detailed explanations. Those reports should be available by the end of the year. He then briefly explained RCRA vs. Superfund investigations that they are rarely done by EPA. If there is a RP, responsible & liable for implementing investigation & site-cleanup. If the RP is financially and technically capable, they carry this out with agency oversight. Raggiola asked if public/EPA can force the responsible party to pay for what the community chooses, they cannot because Iglesias said it is due to the law.

Iglesias took this time to address the Superfund issue. This site is being cleaned up under RCRA, when EPA has sites that can be cleaned up under RCRA, the site doesn't make Superfund. RCRA cleanups are intended to give the same cleanup entitled under Superfund. Martens wanted to point out that Pompton Lakes does not have that, not even a TAGA (Trace Atmospheric Gas Analyzer) truck available, which was promised under RCRA. Spiegel interjected to explain to Iglesias that the community was promised the same treatment under RCRA as they would through Superfund, and has not received it. Patterson also pointed out that Iglesias was not accurate and there have been RCRA sites that have become Superfund sites in the past, and limitations are not simply due to law (i.e. Vieques site in Puerto Rico). Iglesias said only reason for this was due to "silver bullet" process where the governor can designate a site to the Superfund list immediately & without investigation. CAG members continued to express evident frustration that the RCRA process has **not** worked.

Meakem questioned the bathymetric study further, in consideration of the depths of the Lake and the possibility for contamination to spread. Suggested use of Mr. Dowd's property to access Acid Brook. Member of public, Mr. Dowd explained use of shot-rocks (rip-rap) in the past, and how they need to sample under this to get best results.

Iglesias said the sediment that was sampled was sediment that can't present a transport mechanism of metals to the delta. Lombardo asked if Iglesias can make sure this member of the public, Mr. Dowd could have property sampled & report back at the next meeting.

Rubino then asked if EPA has been to any board meetings to address permit and why they would be moving ahead with it. Iglesias said they typically do not intervene on those permits due to conflict of jurisdiction, even given their permit is based upon the USEPA remedy. Plowman then announced the next Planning Board meeting will be at Lennox School the following night.

Spiegel invited member of public to the microphone to address USEPA about the 12 heavy metal contaminants of concern. Wanted to know if USEPA has developed a baseline (not using volume weighted spatial averaging) to find out what was started with and how contaminated the Lake is, considering all contaminants. In other sites contaminants such as cadmium move, wanted to know what makes it different in Pompton Lakes. Also shared that another laboratory has proven mercury can move, wanted to know if/how that was being taken into consideration here. Urged importance of baseline for all 12 contaminants of concerns.

Iglesias explained in these cleanups, list of contaminants of concern get narrowed down, focus is placed on highest risk, which is why reports may be missing all contaminants. Public wanted to know when each contaminant not currently being tested for were eliminated/cleaned up and no

longer reported as contaminants of concern. Iglesias said analytical methods go below action levels.

Spiegel asked for any requests for resolutions prior to the technical advisor update. Plowman made a motion for a resolution for the EPA to come back to the next CAG meeting with a complete schedule of timelines of future decisions/activities related to the DuPont/Pompton Lakes contamination cleanup. In addition to EPA providing copies of reports for the Operable Units for the areas of concern. Patterson then made a motion to introduce Resolution #008, Spiegel seconded. All in favor. No abstentions or opposed.

Lombardo suggested Iglesias look into EPA monitoring of drinking wells. There is nothing in place now, and municipal water authority has denied information requested. Lombardo to potentially draft a resolution in regards to this for the next CAG meeting, including concern over drinking water quality and testing. Spiegel suggested Pat Seppi to look into who deals with drinking water issues.

Iglesias said he will check back on well information as it relates to the river, then explained the Sacred Water Act (similar to RCRA & Superfund) which requires every operator of drinking water systems to conduct testing of drinking water that is provided to the public. CAG & public again expressed distrust in local service providers and local public officials, discussion ensued about unnatural scent in drinking water. Dean said the M.U.A. recently told her they put extra chlorine in the water, and then took samples. Member of the public asked if the community has not been able to get access to drinking water records, the EPA should assist in collecting records under the Clean Water Act. Iglesias to look into this. Spiegel asked if an audit process could be conducted within government agencies to audit the MUA. Iglesias questioned whether the State Department of Health has been contacted about this. Riggiola said she contacted, nothing came of it.

Spiegel moved onto the next agenda item, Technical Advisor Updates and opened the floor up for questions for the technical advisor. Martens prompted Rich Chapin to explain how to go about cleaning up this site. Chapin acknowledged the breadth of this question, but brought up similar point as mentioned in the previous CAG meeting, that more needs to be done other than just pumping and treating. Suggested bio-remediation alternatives be considered here, i.e. a company called "ReGenesis" that produces materials to be injected in the ground that essentially eat up the contaminants, DuPont was actually the lead company on this. Stated people are not being given the complete story, with complete information. Suggests people look on NJDEP website and OPRA information found in A2-80 about well water quality.

Martens then asked Iglesias for clarification about having a Responsible Party and requirements for cleanup. Iglesias stated that if there is a site with a Responsible Party pursued under RCRA, cannot get Superfund status. Chapin clarified that is a policy. Riggiola pointed out that after 30 years, DuPont has not even been fined while resident's homes are virtually worthless and the community cannot receive compensation from RCRA. Iglesias said EPA doesn't have jurisdiction regarding that under Superfund, only for trustees not residents.

Spiegel said EPA actually can do buy-outs under Superfund. Iglesias said this is under very rare and very extreme circumstances. Riggiola mentioned a book containing a list of Superfund Sites

and all buy-outs throughout the country. Seppi stated she actually did that bio, and acknowledged that buy-outs do happen but reiterated that it is under rare circumstances and unfortunately Pompton Lakes does not fit these circumstances. Member of the public asked if higher cancer rates do not count? Seppi said not in a buy-out. Spiegel asked Seppi to clarify circumstances for buy-outs. Seppi went to the microphone, explained that relocations (temporary and permanent) are very rare for EPA and most are temporary gave examples of site in Hoboken and Manville, NJ (i.e. digging under properties to remove contamination, requiring demolition of homes). In Manville EPA did not have authority to buy-out the entire community, just homes that required contamination removal from underneath.

Spiegel asked under what criteria the federal government declares a site a disaster area, bringing in federal money for remediation (i.e. Love Canal). Seppi said it was the State of New York, not EPA that did so in Love Canal. Riggiola said President Carter at the time signed the bill for the homes. Seppi reiterated that EPA did not have involvement at the time, and criteria in Pompton Lakes does not meet the buy-out criteria.

Riggiola explained it is not just buy-out, but property values, refinancing, etc. Seppi suggested these are valid concerns to discuss with DuPont, as EPA cannot do anything regarding this.

Spiegel again asked for specific criteria for declaration of a disaster. Seppi answered that if there is not another remedy that could be implemented to clean-up the site.

CAG expressed frustrations. Riggiola said they don't necessarily want to leave, just want to know how long it is going to take to have a valid residential clean-up.

Plowman said DuPont has tried bio-remediation, but each time used a medium that didn't seem appropriate (i.e. molasses) so they stopped trying. Plowman stated that someone needs to force DuPont to make it work, and follow-up with legal action, fines, etc. Wanted to know how much longer this would take.

Member of the public asked Seppi what they should do. Seppi said to continue doing what they're doing, Seppi said these groups work, even since the establishment of both CAGs there has been a difference. People are listening more and she said they would bring all the concerns back to the EPA people.

Member of the public expressed frustrations with the process thus far, that new EPA staff has to look at the same things again and again.

Seppi stated that this has been a state-run site for many years and EPA has only been involved for two years.

Riggiola said Judith Enck mentioned there are about 205 areas of concern on the actual DuPont site, and the public has asked and waited, but yet to see this. There was some confusion as to where exactly these areas of concern are, Spiegel clarified that EPA mentioned in a meeting several years ago that there are over 200 areas of concern on the actual DuPont works site., and a

discussion of schedule never took place. Spiegel told Iglesias and Seppi that if EPA were to come back with an actual schedule, it would go a long way.

Discussion took place about what exactly the community wants in terms of a schedule, whether a map, list, etc. CAG asked to have something regarding the site schedule.

Spiegel moved on after saying they would give EPA the opportunity to discuss and for Seppi to catch up on the particulars for this complicated site.

Martens thanked everyone for attending and reminded members of the public to sign in.

Lombardo gave a brief Vapor-Mitigation System update. Took an on-site tour of O'Bryan & Gere systems on February 15 with Iglesias and several others. They found some systems weren't properly secured, problems with electric, easily access cut-off switches, condensation tubes were jammed, silicone was used (after being promised it wouldn't be). Lombardo shared that he sent an email to Phil from EPA expressing disappointment. Lombardo then told the public to come see him after the meeting if they have an O'Bryan and Gere system with aluminum being used as condensation, and to call the EPA to ask to be retrofitted.

Before opening up the floor to the public, Spiegel announced the next meeting will be held on April 17, 2012.

Iglesias then said EPA has a program for people to have their vapor mitigation systems checked. Lombardo said that is exactly the problem. EPA needs to go check. Should not put the responsibility on the public if there are elderly residents that would not understand.

Spiegel then opened the Public Session for Questions & Concerns

- a. Member of public stated that DuPont has other sites in NJ- shouldn't EPA look into that? Spiegel answered that would be something to ask EPA.
- b. Resident said he only has two concerns- health and property values. Time to get the people out to prevent future health problems. Best solution for DuPont. Need to explore options. Spiegel suggested getting involved and talking to CAG members.

Spiegel asked if anyone else had questions. Riggiola asked Seppi about "New Park" and reason why it was closed. Seppi to follow up with the CAG about this.

Spiegel asked if there are any further questions, and then initiated motion to close. Patterson seconded. All in favor. No one abstained.

Meeting adjourned at 9:29pm.

Action Items:

1. Wireless mic for next meeting
2. Draft letter for schools.
3. Iglesias to report back to CAG about:
 - a. Fish advisory signs.
 - b. If there was erosion viewed . Iglesias explained he will show the map, but could not provide answer regarding evident erosion.
 - c. USEPA staff check to update main email listserves
 - d. DuPont's use of depleted uranium in production of armor-piercing shells.
 - e. Comprehensive idea of the Operable Units (OUs)
 - f. Well information as it relates to the river
 - g. Question from member of the public about the not being able to get drinking water records and if EPA could assist in collecting records under the Clean Water Act, and if EPA could assist with this.
4. Lombardo asked if Iglesias can make sure this member of the public (Mr. Dowd?) could have property sampled & report back at the next meeting.
5. Write Resolution #008 for the EPA to come back to the next CAG meeting with a complete schedule of timelines of future decisions/activities related to the DuPont/Pompton Lakes contamination cleanup. In addition to EPA providing copies of reports for the Operable Units for the areas of concern.
6. Lombardo to potentially draft a resolution regarding concern over drinking water quality and testing. Spiegel suggested Pat Seppi to look into who deals with drinking water issues.
7. Seppi to follow up with the CAG about why "New Park" was closed.