

WEST CHICAGO INTERGOVERNMENTAL FORUM
December 14, 2007
Minutes

ATTENDEES

Barbara Magel, Counsel for Local Communities
John Wills, CBBEWL, Local Communities Representative
Jamie Geils, CBBEWL, Local Communities
John Coakley, City of Warrenville
Emily Larson, City of Warrenville
Kelly Grahn, IEMA/DNS
Tom Williams, IEPA
Chuck Grigalauski, IEPA
Gerald Karr, Illinois Attorney General's Office
Mary Fleming, DuPage County State's Attorney's Office
Kim Smart, DuPage River Coalition
Don Feld, TAG
Mark Krippel, Tronox
Paula Neltner, West Chicago resident/property owner
Sandra Riess, West Chicago resident/property owner
Miguel Gallegos, West Chicago resident/property owner
Enrique Rosas, West Chicago resident/property owner
Mayra Rosas, West Chicago resident/property owner
(unidentified man) West Chicago resident
Tim Fischer, U.S. EPA, Superfund
Rebecca Frey, U.S. EPA, Superfund
Mary Fulghum, U.S. EPA, Office of Regional Counsel
Yolanda Bouchee, U.S. EPA, Office of Public Affairs

INTRODUCTIONS / COMMENTS

Everyone in the room introduced themselves because there were some new attendees present.

RESIDENTIAL AREAS SITE

Becky quickly described, for new forum members, the "old cleanup residual" issue, since some attendees may not have the minutes of prior meetings. Kerr-McGee conducted a cleanup of 100+ residential properties in West Chicago in the mid-1980s. The issue is whether there is potentially any low-level residual contamination that was left behind at the bottom of the old excavation in the mid-1980s that was then covered with clean backfill soil. If such residual low-level contamination exists, it would probably be just slightly above EPA's current cleanup standard, and the clean soil that was placed over it may have prevented EPA from detecting it during the Superfund investigation and

cleanup that started in the mid-1990s. This issue was raised and EPA is now working to resolve it.

Becky emphasized that this issue affects only those particular properties that were part of the mid-1980s cleanup. Properties that were not part of the 1980s cleanup are not affected by this issue.

Becky also said that EPA has been referring to the “117” properties that were part of the 1980s cleanup. As the evaluation of these properties progressed, EPA discovered that some of the properties had actually been aggregated into groups in the 1980s. Those groups of properties are now being broken out and evaluated and tracked as separate properties. As a result, the current number of properties involved in the 1980s cleanup is 119 (and is subject to change as the evaluation of the old properties continues). Becky noted that the properties involved in the 1980s did not change; the only change is how those properties are being “counted.”

At the October forum meeting, Becky had reported that EPA had conducted its initial screening evaluation for most of the 1980s properties. Of the 119 properties, there are 96 that are privately-owned residential properties (i.e., a property with a house on it, not city-owned or Tronox-owned, and not a vacant lot or street or some other non-residential type of property). EPA is focusing first on those 96 residential properties. For each of those properties, EPA conducted a two-step evaluation process:

- Step 1: Evaluate the 1980s file for each property to identify if the property had “suspect areas” based on the information available from the old cleanup; and
- Step 2: For properties that had “suspect areas,” evaluate the information from EPA’s Superfund investigation and cleanup to determine whether the “suspect areas” from the 1980s were addressed during the 1990s Superfund cleanup.

Based on this process, properties with “suspect areas” were then put into one of 3 categories:

- Suspect areas not addressed during Superfund cleanup
- Uncertain whether suspect areas were addressed during Superfund cleanup
- Suspect areas clearly were addressed during Superfund cleanup

Properties in the 1st two categories above will need further evaluation. EPA’s initial screening evaluation of the 96 privately-owned residential properties indicated that 55 passed the initial screening (i.e., no suspect areas, or suspect areas addressed) and 41 need further evaluation (i.e., suspect areas not addressed, or uncertain whether addressed).

Since the last forum meeting, EPA sent letters dated October 22, 1997, to the owners of the 96 privately-owned residential properties. The owners of the 55 properties that passed the initial evaluation got a letter saying that, but indicating that this was just a preliminary step and that we would let them know the final outcome. The owners of the

41 properties that need further evaluation also got a letter telling them that, and inviting them to an October 30th evening meeting at City Hall. The October 30th meeting was held, and the purpose was to explain the evaluation process and next steps. Becky noted that the powerpoint slides from her presentation that evening are available on the City's website.

EPA has also requested that Tronox provide some of its files from when it conducted the EPA-ordered Superfund cleanup in the 1990s. Some information in Tronox's files may shed more light on the extent of cleanup at some properties, particularly for those in the "uncertain" category. Tronox has pulled its files from storage, EPA has looked at what kind of information is available in the files, and EPA has decided which part of the files it wants. Becky told Mark Krippel at the forum meeting that EPA would be picking up those files within the next few days for review. Becky noted that some of the properties in the "uncertain" category may move into the "pass" category based on the additional information being reviewed.

The properties that still need further evaluation (following the additional file review) will need additional testing to determine whether there is residual contamination at the base of the old 1980s excavation.

EPA met with the City in early December to discuss some potential testing approaches, and will be meeting with the City and Tronox in January 2008. EPA will conduct any testing that is necessary, and anticipates starting the fieldwork sometime around late March if weather allows. EPA will need to obtain access from all affected property owners.

EPA has been working internally to plan and prepare for the fieldwork. Becky said EPA plans to use a combination of contractors and in-house staff to accomplish the work: contractors for physical labor such as punching holes for down-hole gamma logging, and in-house staff for work plan preparation, radiation expertise, collection of all data, GPS work, data management and mapping. Analysis of soil samples would be conducted by the IEMA/DNS laboratory.

Becky said that EPA had heard that some Spanish-speaking people at a city-council meeting were asking for the EPA letters to be re-sent in Spanish. Becky said that all of the letters that EPA has sent out on this issue since July have been in English, but they included a prominent statement at the top of the letter (in Spanish) that let Spanish-speaking people know who at EPA to contact for a verbal explanation of the letter in Spanish. To make sure that everyone has equal access to the information that was sent out, EPA will be resending the letters in both English and Spanish, including an explanation of why the letters are being resent. Additionally, future letters will be in both English & Spanish.

In response to a question, Becky said that property owners can request the information in EPA's files for their particular property; there is no need to submit a FOIA request for information on property they own. They should just call or email Becky (phone call is

preferred) to discuss their request with her. Paula Neltner said she has been requesting the information regarding her parents' property for months now and they still have not received it. Becky said that she would provide that information to them.

Sandra Riess asked about the status of EPA's review of which basements in the area had been tested. Becky said that she has a part-time student aide combing through the files for the nearly 2,200 properties that EPA tested as part of the study area for the Residential Areas Site to determine which ones had basement/crawlspace testing done. This does not mean that EPA needs to test each and every basement/crawlspace that was not tested. For example, many properties in EPA's study area had no contamination anywhere on the property or even in the neighborhood, so the likelihood of contamination in the basements/crawlspaces of such properties is very low. EPA has not yet developed its game plan for basement testing, but completing the review of which ones were and were not tested is the first step. In the meantime, if individual property owners want to have their basement tested, they can request that it be tested; again, a phone call or email to Becky is all that is required, there is no need to submit a formal letter requesting testing.

EPA will have a Spanish-speaking person available to translate for Spanish-speaking property owners who want their properties &/or basements tested. [NOTE: That person is now Pablo Valentin (he sits next to Becky), and his phone number is 312-353-2886.] Don Feld added that the City has a Spanish translator available for meetings.

Sandra also asked about "no further action" letters for those properties where EPA determines no additional testing &/or cleanup is needed (either in the basement or in the yard). Becky said that the property owners involved in the re-evaluation will get some sort of letter, but those letters will likely not be sent until the entire evaluation is complete. For the properties that are being tested, EPA will be testing not just the "suspect areas" but all areas excavated in the 1980s. EPA wants to gather and fully evaluate all of that data in order to determine whether other properties also need to be tested.

Sandra also asked about the language that will be in those letters and whether it will be more specific than the letters that EPA previously sent to some property owners, which said that all known thorium contamination had been removed from the property. Becky said that EPA probably will never be able to say more than that. EPA will use its best efforts to identify areas of contamination and will clean up what it finds, but cannot make statements about unknown conditions.

Sandra asked whether the City's technical consultant is available to consult with individual property owners. Barbara Magel said that the City's technical consultant on matters related to the Residential Areas Site is Environ (their office is in Chicago), and the best way for property owners to access the technical consultant is to go through Barbara. Property owners should contact Barbara, provide their phone number, and Barbara will have the consultant call them. Mary Fulghum said that neither the City nor the City's consultant has the EPA file information for individual properties, but the

individual property owner can get the information for their property from EPA and then share it with the consultant if they choose to do so. Barbara said that if the property owner does not want the technical consultant to divulge their specific property information to the City he would likely agree to that, but would probably let the City know of general concerns.

Paula Neltor expressed concerns about lifetime exposure to the radiation, saying there is a high cancer rate in the area, and is particularly concerned about the inhalation and ingestion exposure pathways. She claimed that the soil was never watered down during the Superfund cleanup and that she inhaled radioactive contamination. Becky said that the soil was watered down (if it needed it) to suppress dust (no watering was needed if the soil was already moist), and there was perimeter air monitoring around each excavation area. The data from the air monitoring shows there were no exceedances of relevant standards. EPA does not do epidemiological studies, but identifies and cleans up the contamination. Paula wanted to know more about how the contamination got there in the first place. Becky said that the material was used as fill material at some properties, and some properties were contaminated through windblown contamination from the Rare Earths Facility.

Sandra also wondered how the contamination got so deep beneath her basement. Barbara said that no one can answer that question. If there is contamination at depth, it was placed there somehow. No one can say why it was placed there, who placed it there, or when it was placed there. There are no records that answer those questions for each particular property. The people involved now are not the ones that were around when the material was being used and given out as free fill. At this point, knowing how it got there is not really as important as finding it and cleaning it up. Becky noted that some areas at the Rare Earths Facility required fairly deep cleanup. Thorium is very insoluble unless in the presence of very strong acids, and very strong acids were used at the facility for purposes of extracting the thorium from the ores. Some of the waste ponds at the facility therefore needed deeper cleanup than other areas.

Miguel Gallegos said that he knew nothing about any of these issues when he needed to do some digging near the foundation of his house, and when he came to get the city permit no one told him anything about it. (Becky said she would talk to him after the meeting to find out which property was his and whether it was part of the old 1980s cleanup and affected by the reevaluation of those 1980s properties.) He also expressed concern about exposure from the trucks driving past his house. Becky said the trucks are hauling contamination from the creek and river cleanup (Kress Creek/West Branch DuPage River site) and there is no exposure to anyone nearby from the trucks merely driving past. There is no radioactive contamination on the truck tires – they are tested before they leave the creek/river cleanup site to drive on city streets – but the streets are being swept just to keep them clean from the dirt that gets tracked by the truck tires. Miguel also asked about getting a letter saying his property was clean, in case he wants to sell his property. Becky said she needs to find out which property he owns and whether it is one of the properties that was part of the old 1980s cleanup, and that she would talk to him after the meeting.

There was a brief discussion about disclosure requirements for real estate transactions. Barbara said that real estate law is a matter of State law, and requires disclosure of known defects. The City has never said that the information should not be disclosed or that people should lie about what they know regarding the condition of their property. The City does not have any ordinance regarding real estate disclosures. Becky said that EPA also has no laws or regulations regarding real estate disclosures.

Paula said that the property owners who were part of the Superfund cleanup that were not part of the 1980s cleanup would like their “no further action” letters right away. Becky said that EPA needs to at least decide what it will be doing with regard to basement testing for the larger group of properties before it resumes sending out all of the closeout letters for properties that were not part of the 1980s cleanup. Also, Becky would be the one sending out such letters, and she is focusing her time right now on resolving the old cleanup residual issue. If an individual property owner needs their final letter because they are selling their property, and if there are no outstanding issues at the property, she can send out an individual letter.

REED-KEPPLER PARK SITE

Tim said that groundwater samples were collected from the nine groundwater monitoring wells at the RKP site on December 4th and 5th. This will hopefully be the last groundwater monitoring event at the RKP site. At the time of the Record of Decision (ROD) in 2002, there was one well that exceeded the total uranium standard of 30 micrograms per liter (ug/L). Since the ROD there have been three sampling events – the December event will be the fourth – and so far there have been no exceedances of the uranium drinking water standard. If there are no exceedances during the December sampling round, then Tronox will be free to abandon the monitoring wells at the site, EPA would complete a final close-out report, and the site would be eligible for delisting from the National Priorities List.

SEWAGE TREATMENT PLANT SITE, river portion

At the last forum meeting, Tim reported that Reach 5A of the river (from the STP to Gary’s Mill Road) continues in the maintenance and monitoring period, and Tronox submitted a draft of the final completion report for Reach 5A in May. Since the last forum meeting, EPA submitted comments to Tronox (November 20) on the draft report. Arcadis BBL (Tronox’s contractor) is putting together a revised report and response to comments.

For Reach 5B (from Gary’s Mill Road to the confluence with Kress Creek) the planting of replacement trees and shrubs is almost finished. There has been an issue with obtaining some specific trees and shrubs, and this effort will be completed during the spring of 2008.

KRESS CREEK/WEST BRANCH DUPAGE RIVER SITE

Cleanup Progress

Tim reported that Reaches 1, 2 and 3A of the creek (from the storm sewer outfall through Manville Oaks Park), had achieved the maintenance and monitoring period, and that is continuing.

For Reaches 3B and 4 of the creek (from Wilson/Joliet intersection to the confluence), a post-construction inspection was conducted in November. The plantings were completed in those reaches and a punchlist of items was identified for things that needed to be corrected. That was since accomplished. As of November 26th, Reaches 3B and 4 are now in the maintenance and monitoring period.

For Reaches 5C and 5D of the river (from the confluence to River Oaks subdivision), restoration efforts were completed toward the end of October, with the exception of the Reach 5D wetland mitigation area on forest preserve property. The Local Communities and Tronox have been working together on a design for the wetlands mitigation area, and completed that design work in November. The fieldwork in that area is going on now and should be completed by the end of next week before the winter shutdown.

For Reach 5E (River Oaks subdivision to Williams Road), 22 of the 27 “pods” of contamination have been excavated and backfilled. The other 5 areas will be cleaned up in the spring, prior to the start of Reach 6 (Williams Road to Butterfield Road). Arcadis BBL expects that Reach 5E will be completed by the end of April 2008. The cleanup of Reach 6 would then commence and is scheduled for completion by the end of August 2008.

Design Activities

At the last forum meeting Tim reported that we were working on finalizing the Work Plan for Reaches 5E and 6. Since the last forum meeting the Work Plan was finalized and Tim placed copies in the West Chicago and Warrenville information repositories (the libraries).

Tim said that the draft Work Plan for Reach 7 (Butterfield Road to the Warrenville Dam) should be submitted for regulatory review sometime around the end of March 2008, so that cleanup work in Reach 7 can continue immediately after Reach 6 is completed.

Access Issues

Tim reported that we recently obtained access from some Reach 8 property owners to conduct down-hole characterization work, and that field work is occurring now.

Public Information Meeting

John Wills said that river cleanup work is scheduled to begin at the end of March 2008, so EPA and the Local Communities will likely host another public information meeting prior to the start of work, similar to the meetings that have been held in the past. Letters are going out to affected private property owners in Reach 6 over the next week or so, and Tronox expects to be very proactive in communicating with owners and getting final restoration plans for those private properties.

Restoration Issues

Mark Krippel offered the following information to follow-up on a discussion at the last forum meeting regarding property owners getting 3rd-party, independent input on property restoration issues. The next set of letters that is going out to affected property owners along the river will let owners know that they can contact Christopher Burke Engineering (the Local Communities technical representative) for a second opinion about property restoration issues.

OTHER ITEMS

NOAA Grant Projects

This item was not discussed at the forum meeting this time.

NEXT FORUM MEETING

The next meeting of the West Chicago Intergovernmental Forum is scheduled for **Friday, March 7, 2008, at 10 a.m.** in West Chicago City Council Chambers, West Chicago.

West Chicago Intergovernmental Forum Agenda

West Chicago City Council Chambers
December 14, 2007
10:00 am

INTRODUCTIONS / ANNOUNCEMENTS

SITE STATUS UPDATES

- **Residential Areas Site**
- **RKP Site**
- **STP Site (River Portion)**
- **Kress Creek Site**

OTHER AGENDA ITEMS / ISSUES

- **Update on NOAA Grant Projects**

SET NEXT MEETING DATE

ADJOURN