



Technical Assistance Services for Communities
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TASC WA No.: TASC-3-R2
Technical Directive No.: TASC-3-R2 DuPont Pompton Lakes RCRA

Pompton Lakes Environmental Community Advisory Group (CAG)
November 2010 Meeting Summary

Site Name: DuPont Pompton Lakes RCRA
Meeting Location: Carnevale Center, 10 Lenox Avenue, Pompton Lakes, New Jersey
Meeting Date: November 3, 2010
Meeting Time: 7:00 p.m. – 9:30 p.m. EDT

Future CAG Meeting Times

- Wednesday, December 1, 2010, 7:00 p.m. – 9:30 p.m. EST
Location: Borough Council Chambers, Pompton Lakes Municipal Building, 23 Lenox Avenue, Pompton Lakes, New Jersey

Members and Alternates Present:

Steve Grayberg (Pompton Lakes Lake Restoration Committee), Liz Kachur* (Plume Resident), Art Kaffka (Chamber of Commerce), Abby Novak (Pompton Lakes Environmental Committee), Dana Patterson (Edison Wetlands Association), Bill Pendexter (Hydrogeologist and Non-Plume Resident), Lisa Raggiola (Citizens for A Clean Pompton Lakes), Jack Sinsimer (Pompton Lakes Residents for Environmental Integrity), Tim Troast (In-Plume Resident), Jimmy Rose (Alternate for Liz Kachur, Plume Resident).

*Jimmy Rose served as Liz Kachur's alternate until she arrived to the meeting a few minutes after it started.

Ex Officio Members Present:

New Jersey Department of Environmental Protection (NJDEP): Frank Faranca, Stephen Maybury, Mindy Mumford, Anne Pavelka, John Boyer
U.S. Environmental Protection Agency (EPA): Clifford Ng, Barry Tornick, Cecilia Echols, Michael McGowan, Adolph Everett
Agency for Toxic Substances and Disease Registry: Racquel Stephenson

Observers Present:

Gunnar Barr, David Terry, Helen Martens, Barbara Doka, Millie Torsiello, Karen Dean, Ruth Paez, C. Raggiola, Carolyn Fefferman, Jefferson H. LaSala, J. Grindrod, Michael A. Keough,

John V. Soojian, Patricia Doyle, Rich Lombardo, Erik DeLine, Evelyn Profit, Robert Walker, Jessica Doka, Darcy Kamp.

I. Welcome and Administrative Updates

Facilitator Bill Logue welcomed everyone to the second meeting of the Pompton Lakes Environmental CAG. He reviewed the agenda and noted changes in the order of items. Comments from the last meeting suggested having an observer comment period at the beginning of the meeting as well as at the end for people who cannot stay until the end of the meeting. With approval of the CAG, Mr. Logue opened the floor for brief comments. Carolyn Fefferman from Senator Mandendez' office introduced herself. CAG Members and Ex-Officio members introduced themselves. Mr. Logue explained that Liz Kachur would be arriving late, so her alternate, Jimmy Rose, would fill in for her until her arrival.

Mr. Logue asked the CAG members of their availability on the first Wednesday of every month. There was no problem with this day, although some were concerned that Wednesday night Bingo is a potential conflict for some observers. The facilitators will do a brief poll to confirm future dates.

Two corrections concerning a name spelling and an affiliation were noted on the October 6 Meeting Summary. With the corrections, the meeting summary was approved by the CAG.

II. NJDEP, EPA, NJDHSS and ATSDR Oversight Roles and Responsibilities

Steve Maybury (NJDEP), Adolph Everett (EPA Region 2) and Raquel Stephenson (ATSDR) explained the roles of the different agencies at this site. The New Jersey Department of Health and Senior Services (NJDHSS) was not represented at the meeting.

Mr. Maybury, NJDEP, introduced himself and explained that DuPont is required under a 1988 Administrative Consent Order to clean up the site. DuPont submits work plans to NJDEP for approval. Work plans include what they are sampling, how it is going to be done, quality assurance and control plans, how samples are collected and what laboratories will analyze the samples. Once a work plan is implemented, a report is submitted to NJDEP including results, quality control, and the certified laboratory that was used (required in New Jersey). NJDEP reviews the results to be sure standards are met. NJDEP has a team of four people assigned to the site to ensure work at the site is performed according to the plans and in accordance with legal requirements.

Mr. Everett, Chief of the EPA Region 2 Resource Conservation and Recovery Act (RCRA) program explained that this site is regulated by RCRA. The RCRA permit was issued in 1992, and since then EPA and NJDEP have worked very closely on the site. Currently EPA and NJDEP have adopted a co-lead approach to the remediation. EPA is the lead agency for remediation of Acid Brook Delta and co-lead with NJDEP on ground water both on and off the site. Where NJDEP is the lead, such as with soils management, there is always coordination

between the agencies. The requirements that DuPont has to meet are incorporated into the RCRA permit.

CAG members asked Ms. Stephenson (ATSDR) questions about the Health CAG. In response she noted that the next meeting of the Health CAG was being scheduled, and a door-to-door health study is being discussed by NJDHSS and ATSDR.

III. Timeline and Significant Milestones

Representatives of EPA and NJDEP reviewed the timeline of activities and significant milestones for work on: the DuPont Works site investigation and cleanup; sediment cleanup in Pompton Lake; ground water contaminant plume cleanup; and vapor intrusion investigation and third party sampling program.¹ The facilitator asked if a brief handout could be prepared by the next meeting summarizing these in graphic form.

Mr. Everett agreed to e-mail the CAG regarding any public meeting or public hearings concerning the site. A CAG member asked if under RCRA, any corrective action or measure has ever been needed by DuPont or a fine levied. Mr. Everett responded that revisions can be incorporated through a permit renewal or permit modification over time. Mr. Tornick replied that if the agencies find errors in a work plan or improper work the agencies inform DuPont. DuPont has corrected any changes that have been asked for in work plans so there has been no enforcement needed because DuPont has responded to EPA's comments. If a responsible party fails to make corrections, the agencies have the option of instituting enforcement actions.

A CAG member expressed concern from residents about the limited level of oversight and monitoring by EPA and NJDEP of DuPont. Mr. Maybury responded that with the limited resources, NJDEP reviews reports and checks to see that documents submitted match what is observed in the field. In the past, "split sampling" has been conducted concurrently by EPA and DuPont with samples sent to separate labs. The results have matched.

A CAG member asked if there is a protocol for surprise audits on the site and if there is a document showing the audits that have occurred over the past five years. Mr. Everett responded that EPA and NJDEP can go on the site at any time but there is not currently an audit protocol in place. Compliance and enforcement is dealt with through a different department. A discussion ensued on the need for audits and the logistical challenges associated with conducting surprise observations of sampling efforts. A number of CAG members believe that this could be a way to build trust within the community and DuPont if it was ensured that sampling is being conducted appropriately. A CAG member explained that DuPont is required to inform NJDEP two weeks before sampling and there is always the possibility that NJDEP will show up. This, in combination with consultants needing to maintain their reputation, is incentive to adhere to plans and processes. NJDEP and EPA staff walked a portion of the site prior to the CAG meeting.

A CAG member mentioned the existence of chemical drums on the site and requested a list of what is on the site and if any of it is radioactive.

¹ The presentation is available at http://www.epa.gov/region02/waste/dupont_pompton/cag.html.

A CAG member made a clarification from the previous meeting that ‘lake restoration’ was on the CAG’s priority list. Lake restoration (in Pompton Lakes) is actually the general health of waterways and general education of the community for long-term health of waterways. Instead of ‘lake restoration’ the CAG member suggested the term “lake contamination remediation” or “acid brook delta remediation.” CAG members concurred with this clarification.

IV. Ground Water Contamination and Cleanup Overview and CAG Discussion

Mr. Tornick (EPA Region 2) provided an overview of ground water contamination and cleanup.²

A CAG member asked if the area labeled Section 1 (the Former Western Valley Manufacturing Area) is fenced off because of concern of seeing pictures of kids in a building on this piece of the property. Mr. Tornick responded that the entire property is fenced but hunters have also been observed on the property. CAG members suggested posting of contamination, no hunting and no trespassing signs. A discussion continued about the need for postings and better security around the property.

CAG members asked the types of contamination that remain on the property. CAG members gave examples of existing issues with remediation including blasting caps and mercury contamination in sediments along the southern portion of the Wanaque River. Mr. Tornick explained that remnants of buildings exist on the property and the contamination is not an immediate threat to people walking through the property. Most contamination is buried or at low levels.

A CAG member asked clarifying questions on the movement of ground water and if the pump and treat system is moving the contamination. A more detailed discussion of ground water movement and contamination will be on a future agenda.

In response to questions about the timing of the ground water remediation pilot study, Mr. Tornick replied that the geology is complicated and information needs to be gathered before a pilot study can be conducted. The ground water cleanup pilot study will begin in February 2011, with initial results available in Spring 2011. The final pilot study report including all of the data will be available in June 2012. Due to the depth of the ground water and contamination, sampling and treatment for the pilot study is not impacted by seasonal temperature or frozen surface conditions.

Anne Pavelka (NJDEP) described well installation and sampling that has occurred since the 1980s and the results of this sampling.² Ms. Pavelka explained how regulators have determined the contaminants for which DuPont is responsible. Ten compounds have consistently been found in the ground water samples as coming from the DuPont site. NJDEP and DuPont have split samples, and found the same 10 contaminants that have been found in the past. NJDEP has established four Classification Exception Areas (CEAs) related to the DuPont site, where the ground water exceeds the Ground Water Quality Standards. These areas are shown in the

² Available at http://www.epa.gov/region02/waste/duPont_pompton/cag.html.

handout.³ The CEAs are formally reviewed every two years in a Biennial Certification Report. NJDEP agreed to modify the table in the handout to include the most recent year of ground water sampling results and the New Jersey Ground Water Quality Standards.

V. Update: Vapor Intrusion / Third Party Sampling

Mr. Boyer (NJDEP) discussed vapor intrusion and how vapor intrusion relates to ground water. He described the different types of sampling including ground water, soil gas sampling, sub slab sampling and vapor intrusion. He spoke to the sub slab and indoor air sampling. Contaminants can come from many different sources including: cleaners that are used in houses, dry cleaning and cigarettes. Mr. Boyer discussed a study that was conducted by Rutgers University over the span of two years. One hundred samples from houses away from contaminated sites all over the state in rural and suburban areas were sampled. The average concentration of benzene in the homes sampled was 4.07 micrograms per cubic meter. The New Jersey standard for indoor air is 1 microgram per cubic meter. The study showed that the concentration of benzene in the average house in the state of New Jersey is four times the standard. The average concentration of benzene in houses in the Pompton Lakes plume is 2.41 micrograms per cubic meter, less than the state average. The Rutgers study will be made available to the CAG.

Tetrachloroethylene (PCE) is the other contaminant often found in indoor air samples, which is used in dry cleaning. It has a sweet smell and when you can smell it is 1,000 times higher than the health standard. The level of PCE in a dry cleaners is much higher than that and it off gases from clothes that have been dry-cleaned. PCE is also found in brake cleaner, Liquid Wrench[®], windshield cleaner and carpet cleaner.

A CAG member asked what the average level of benzene is in homes and if paneling or carpeting influences this level. Mr. Boyer responded that benzene is sometimes in paint in trace levels but is mostly found in cigarette smoke, gasoline and potentially fuel oil. Mr. Tornick reminded the CAG that acetone is much less toxic than benzene.

A conversation ensued regarding the reason why only 10 contaminants are being tested for in homes if the cost is the same to test for all of the contaminants and what the protocol for this testing includes. A member suggested that the CAG adopt a resolution encouraging sampling for the full suite of 61 chemicals. Other members expressed concern that they did not have sufficient information at this time to adopt a resolution but understood residents' concerns that having more information would build understanding and trust. NJDEP offered to provide additional information at the next meeting. Mr. Logue reminded the CAG that it can make recommendations to EPA for what it thinks DuPont should be testing for once it has operating procedures in place.

Mr. Tornick described the third-party sampling. Currently 27 applications have been received and 10 have been approved by NJDEP. Three designs are being reviewed.

³ Available at http://www.epa.gov/region02/waste/dupont_pompton/cag.html.

VI. CAG Operating Procedures

Mr. Logue walked through the suggestions for the operating procedures from Dana Patterson and Lisa Riggiola. Many of the suggestions were agreed upon without discussion. Those suggestions will be incorporated into the operating procedures. The phrase “There should not be 2 members of the same household serving on the CAG at a given meeting” was agreed upon. The issue of changing the CAG membership will be reopened once the CAG has agreed upon the operating procedures. Suggestions resulting in a discussion included:

- Recording meetings. The procedures will not be changed but a member offered to make digital audio recordings and make them available. The CAG will revisit this issue after seeing how this works.
- A CAG website. The facilitators will discuss what can be done through EPA, specifically through the TASC contract.

Mr. Logue asked if with the edits, the operating procedures were agreeable. The operating procedures were approved. Mr. Logue will make the edits and send them to CAG members.

VII. Observer Comments

Oral Comments

Jacky Grindrod: Ms. Grindrod stated that Congressman Pascrell’s office has been contacted by many people who want their homes to be tested for the 61 chemicals. In homes where systems have already been installed, DuPont should pay for more testing if the homeowners are asking for it. Lastly, EPA and NJDEP need to be more creative as to what they can and can not do with DuPont. She suggested the agencies analyze the law to find ways of having DuPont purchase homes from those wanting to sell. She expressed concern that a necessary sense of urgency has gone away, but people are suffering and dying.

Rich Lombardo: Mr. Lombardo thanked everyone for their time. He read an e-mail letter that he recently wrote to John Boyer about the vapor mitigation remediation that is going on. His list of concerns included:

- a. Different chemical compounds require different cleanup, we want an independent contractor.
- b. Closed tunnels and armed guards – we don’t know what is in there.
- c. Take list of chemicals found on site and test with sub slab and drinking water.
- d. Test for full spectrum of 61 chemicals to design mitigation system.
- e. Why would EPA and NJDEP want to look at only a few chemicals? There should be an opportunity for a building inspector who has vapor mitigation experience to examine systems.

Helen Martens: Ms. Martens stated that she is concerned because she wants to have a vapor mitigation system put in but she is not sure if she is getting the right one because of the chemicals that should be tested. Contractors need to go through too many hoops.

Karen McGee: Ms. McGee stated that last January she visited EPA in New York City. EPA Regional Administrator Judith Enck mentioned that there are 205 points of concern on the DuPont property. She asked if this information could be made available. Mr. Maybury responded that this information can be made available.

Jefferson LaSala: Mr. LaSala stated that he is a plume resident and the community does not trust DuPont. Community members need to have health screenings and the contractors need to be paid. The company is making profits while homes are losing value. We have been waiting too long and attending funerals of our neighbors. The property needs to be fenced. Our homes should be tested seasonally and in two and half years they have not yet been tested.

Michael Keough: Mr. Keough stated that he has been living in town since 1967. He had a petition calling for an independent investigation that almost 500 people signed. He believes that the CAG should have more than just an audio recording, that there should be a voice activated camera at the CAG meetings. He asked what EPA was doing on the property today. Mr. Faranca responded that EPA conducted an inspection in the northern manufacturing area to follow up on a recently released report.

Index Card Comments from Observers

1. “Start public opinion early. Many Senior and working people cannot stay up late! Second Request.”
2. “If you are so sure that the sub slab test will come up clean for background chemicals, why won’t you allow the results for all 61 chemicals and don’t say because you know already and you want to cut corners. Humor me by accepting all 61 for sub slab testing.”
3. “Can we have Rutgers’ study posted on website?”

VIII. Upcoming Issues for Future Meetings

Upcoming issues included:

- Historic contamination and remediation of the Wanaque River.
- A deeper discussion on ground water (potentially from a geologist).
- Information and further discussion of testing for 61 chemicals.

Action Items	Who; Date
Post meeting documents on EPA Pompton Lakes CAG website, including EPA and NJDEP presentations and facilitator presentation.	Kluesner; 11/12/2010
Prepare and circulate draft meeting summary.	Logue; 11/24/2010
Make final edits to agreed upon Operating Procedures	Logue; 11/24/2010
Create and distribute graphic summary of timelines and milestones	EPA; 12/1/2010
Post Rutgers statewide contamination study conducted for NJDEP	NJDEP; 11/24/2010
Edit handout on contamination concentrations to include State and Federal guidelines	NJDEP; 12/1/2010

Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue; 11/3/2010
Agency Presentation	EPA/NJDEP; 11/3/2010