



**Technical Assistance Services for Communities**  
**Contract No.: EP-W-07-059**  
**TASC WA No.: TASC-3-R2**  
**Technical Directive No.: TASC-3-R2 DuPont Pompton Lakes RCRA**

**Pompton Lakes Environmental Community Advisory Group (CAG)**  
**May 2011 Meeting Summary**

**Site Name:** DuPont Pompton Lakes RCRA  
**Meeting Location:** Carnevale Center, 10 Lenox Avenue, Pompton Lakes, New Jersey  
**Meeting Date:** May 4, 2011  
**Meeting Time:** 7:00 p.m. – 9:30 p.m. EDT

Future CAG Meeting Times

- Wednesday, June 1, 2011, 7:00 p.m. – 9:30 p.m. EDT  
Location: Carnevale Center, 10 Lenox Avenue, Pompton Lakes, New Jersey

**Members and Alternates Present:** Steve Grayberg (Pompton Lakes Lake Restoration Committee), Liz Kachur (In-Plume Resident), Art Kaffka (Chamber of Commerce), Abby Novak (Pompton Lakes Environmental Committee), Bill Pendexter (Hydrogeologist and Non-Plume Resident), Michele Belfiore (Pompton Lakes Residents for Environmental Integrity), Timothy Newton (In-Plume Resident, alternate for Tim Troast)

**Technical Assistance Services for Communities (TASC) Team:** Bill Logue and Kirby Webster

**Ex Officio Members Present:**

Pompton Lakes Borough Council: Richard Steele  
United States Environmental Protection Agency (EPA): David Kluesner, Clifford Ng, Barry Tornick, Barbara Finazzo, Adolph Everett  
New Jersey Department of Environmental Protection (NJDEP): Mindy Mumford, Anthony Cinque

**Public Present:** Jamie Keenan, Marie Cadeau, Bettina Joseph, W. Dorestan, Barbara Doka, Ella Filippone, Edward Meakem, Jacky Grindrod, George Popov, Jimmy Rose, Carolyn Fefferman, Aurelia Ioneseci, Karen Murphy, Zoe Baldwin, T. Reicher, Regina Sisco, Jefferson H. LaSala, Michael Keough, John Soojian

## **I. Welcome and Administrative Updates**

Bill Logue reviewed the meeting materials<sup>1</sup> and reminded everyone of the Operating Procedures and Commitment to Civility. Mr. Logue introduced Tim Newton, Tim Troast's alternate. He reminded the public to sign in. CAG members will review the April 6 meeting summary and comment by May 6. Comments will be circulated for approval before the meeting notes are finalized. The CAG reviewed and approved the April 20 meeting summary.

Barbara Finazzo (EPA Region 2) read a statement dated April 28, 2011 on EPA's position regarding the CAG and formation of a new stakeholder group:

*"A duly constituted Environmental Community Advisory Group (CAG) was formed in 2010 to advise EPA and NJ DEP on site investigation and cleanup matters most important to the Pompton Lakes community. The Environmental CAG has broad representation of interests from the Borough of Pompton Lakes and other stakeholders with a vested interest in the cleanup of the DuPont Pompton Lakes Works site. EPA has supported the Environmental CAG since its inception and will continue to support the CAG as we move forward toward resolution of the environmental problems that have burdened the community for a terribly long time.*

*EPA respects the right of groups to form outside of the official CAG process. Stakeholder groups can request assistance from EPA if they have specific questions or information needs and EPA will do its best to meet those requests in a timely and thorough manner. We look forward to helping the entire community, including the Environmental CAG and all stakeholder groups, to work together towards a common goal of accelerating the investigation and cleanup of the site."*

The April meeting action items were reviewed. EPA will provide a list of sites using enhanced anaerobic bioremediation and a list of sites in New Jersey with vapor intrusion.

## **II. Agency Response to CAG Actions**

Anthony Cinque (NJDEP) announced that NJDEP is planning a split sampling event between May 17 and 19 and that drilling of the wells for the pilot study will begin on May 23, 2011. EPA is planning to work with their enforcement division to conduct unannounced visits in response to the CAG's January 2011 resolution requesting unannounced audits.

Dave Kluesner (EPA Region 2) reviewed the CAGs request for a technical advisor to review documents to determine if the list of 10 contaminants of concern is a comprehensive list of contaminants originating from the DuPont site. Potential documents for the technical advisor to review were discussed. Mr. Kluesner explained that the technical advisor would be contracted through Skeo Solutions (the TASC contractor) to review documents and provide written summary analyses and an in-person presentation to the CAG. The advisor will not collect samples, lobby or provide legal advice or representation.

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<sup>1</sup> The materials, presentation and prior meeting information may be found at:  
[http://www.epa.gov/region2/waste/dupont\\_pompton/cag.html](http://www.epa.gov/region2/waste/dupont_pompton/cag.html)

EPA will produce a list of potential documents for the technical advisor to review, NJDEP will review the list and then the CAG will comment on the list of documents for the technical review. Bill Pendexter suggested the Ground Water Monitoring Report as a comprehensive document for the technical advisor to review and that DuPont's contractors should have historical data for each well. The results of the split sampling will also be important for the technical advisor to review.

The CAG discussed the timeframe for the split sample results. The NJDEP contract has a 60 day turnaround of the samples and then the data is validated. Timeframes for different laboratories and different pricing for faster turnaround were discussed. Dr. Pendexter explained the process of data validation that includes reviewing samples and duplicates of samples on a variety of different instruments to ensure that the equipment is functioning correctly. Data is reviewed individually for each sample, which is why the validation process takes so long. Mindy Mumford (NJDEP) and Mr. Cinque agreed to provide updates on the progress of the split sample results. Ms. Mumford noted that the 2009 samples have been validated. She reminded the CAG that historical information will be analyzed to assess how the original 10 contaminants of concern were determined.

### **III. Expectations DuPont Works Site Tour**

Mr. Kluesner reminded the CAG of the CAG site tour agenda and waiver for the May 10 Site Tour (rain date May 12) for CAG members, alternates and government officials. DuPont will have additional site tours in the future for other people. Mr. Kluesner stated that the more people who see the site the better. A van will take the group through the Eastern Manufacturing Area and, weather permitting, there will be a walking part of the tour in the Western Manufacturing Area.

### **IV. DuPont Works Site – Areas of Concern (AOC)**

Mr. Kluesner suggested CAG members review the June 2010 draft RCRA Facility Investigation Reports (RFIs) Tables for the Areas of Concern for the Eastern, Western, and Northern Manufacturing Areas to understand the 205 AOCs. There are two AOCs in the 70-acre Northern Manufacturing Area, 29 AOCs in the 56-acre Western Manufacturing Area and 174 AOCs in the 254-acre Eastern Manufacturing Area. The nature and extent of the contamination is reported in the RFIs. The size of AOCs was discussed. It was clarified that size of an AOC does not indicate the concentration of contamination; an AOC can be as small as a drain.

Mr. Kluesner explained that the site tour will begin with an orientation in the administrative building, including a health and safety demonstration. He offered to have the DuPont videos of the blasting tunnels available for viewing prior to the tour. The CAG asked to view the videos. EPA will be making videos of the blasting tunnels in the future.

Barry Tornick (EPA Region 2) described the permit process for the on-site areas. The RCRA Permit consists of: RFI approval (not approved yet), a Corrective Measures Study, Permit Modification, and Corrective Measures Implementation Work Plan (decides how each area is remediated with detailed proposal of activities). Soil cleanup starts after the Corrective Measures Implementation Work Plan is approved. Work is subject to a compliance schedule and site restoration work will commence after soils are cleaned up.

Updated timelines for the soil cleanup in the Northern, Eastern and Western Manufacturing Areas were discussed. Dr. Pendexter asked if the NJDEP ground water soil standards are in place even though this is a RCRA site. He explained that there has been a reevaluation of chemicals that travel and impact ground water. New standards are more restrictive, for example trichloroethylene (TCE) had a cleanup standard of 1 part per million (ppm) in the soil, so 1 ppm TCE could remain in the soil after the cleanup was completed. The new standard for TCE is 5 parts per billion (ppb). The standards are set for industrial or residential use, and unrestricted or restricted deeds. A restricted site means there is an institutional/engineering control that notifies people that there are restrictions for the land based on the contamination that is still present. If the site has unrestricted use then exposure is not a concern and activities are not limited. He explained that, at an industrial site, building residential properties on capped areas with deed notices has become more common. Many million dollar town homes and condos are on old industrial sites with protections in place from the contamination. Cleanup levels may change over time based on the intended property use.

Much of the contamination on the DuPont site is metals which do not volatilize, or turn into vapor, so vapor intrusion will not be an issue. Eating the contaminated dirt would pose a health risk. Another issue with metals in the soil is that they can leach through the ground via rain water into the ground water. Ms. Mumford explained that both excavation and capping could occur on site. She suggested CAG members ask DuPont about these issues on the site tour. The source of contamination to the lake as been cut off and Acid Brook and the Wanaque River have been remediated. The accumulated contamination in the Acid Brook Delta has not yet been addressed.

Elizabeth Kachur requested that there not be a cap on anything and that if things can be removed they should be removed. If it isn't possible to remove it then that is a different story. Mr. Kluesner explained that the Remedial Action Selection Report will show the proposed remedy and there will be opportunity for public comment.

### **Public Comment**

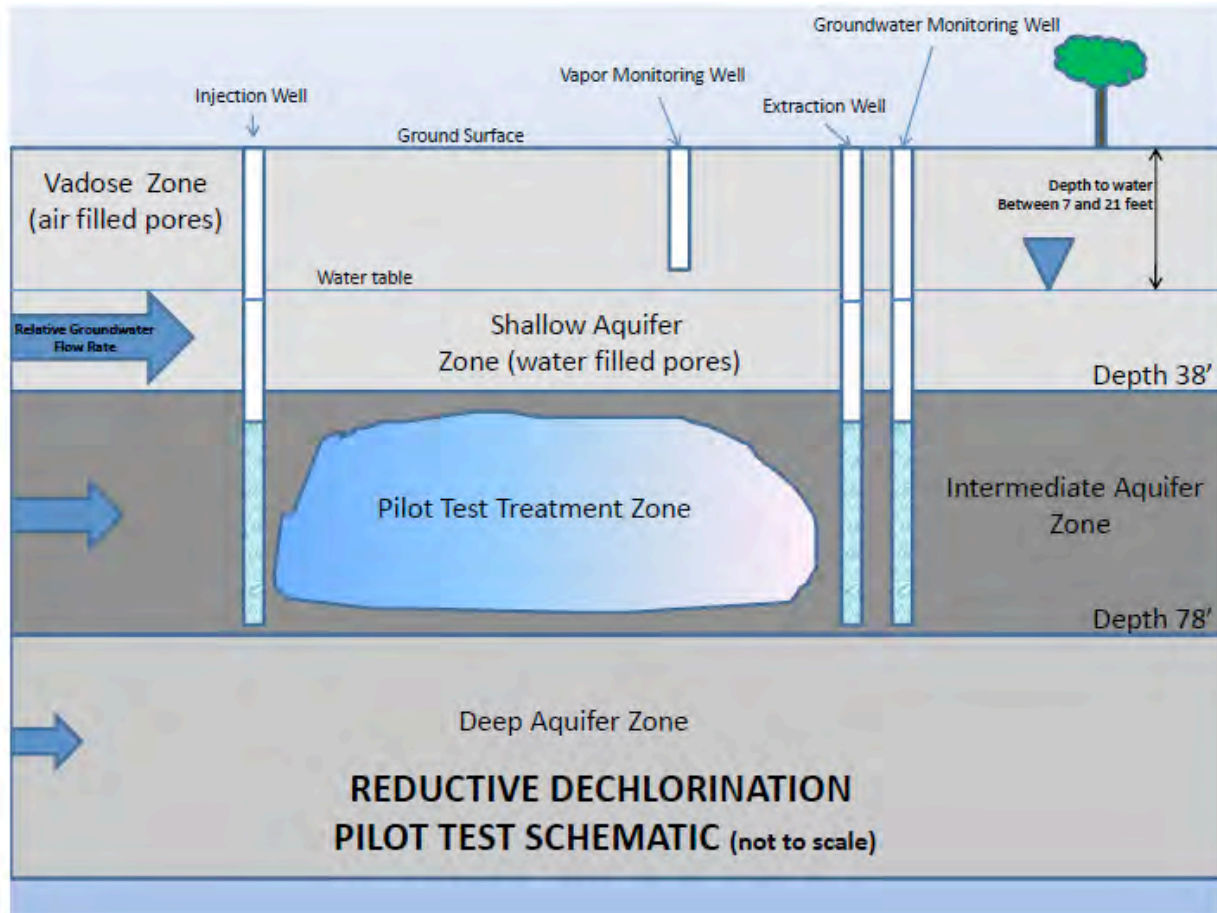
Michael Keough: asked if the presentation will be online. Mr. Kluesner confirmed that the presentation will be available online.

Ella Filippone: stated that in her understanding, for the dioxin site on the Lower Passaic, the cap has a 30-year limit that then it is not evaluated for problems. She asked for an explanation of the standard monitoring and maintenance procedures for caps. It was explained that biennial certification of any deed notice must occur.

### **V. Technical Work Group**

Dr. Pendexter explained that the meeting summary from the Technical Work Group's recent meeting is not yet available. Dr. Pendexter gave an overview of the pilot test for ground water. He explained that well installation for the pilot will occur later in May and that this is a first step where wells and equipment are installed but that the testing would not start immediately. It is likely that water will be pumped in and out of the wells to model how water flows through the test area. This information will be used in a computer model to better understand the characteristics of the aquifer. A secondary benefit to conducting the pilot test in the area that needs to be remediated is that successful results mean that the remediation has begun. With 20

years experience in the industry, Dr. Pendexter has seen similar pilot tests. He acknowledged the high level of community concern about how the homes above the pilot study area will be affected and he wanted to show pictorially how the study will occur. Dr. Pendexter then explained the figure below:



The arrows represent relative ground water flow rates with the highest rate occurring in the shallow aquifer and the lowest rate in the deep aquifer. Ground water flow in this area is horizontal. As the water gets close enough to a lake or discharge point, ground water can move upward. The pilot test will focus on the intermediate aquifer and the shallow aquifer will provide a protective buffer from reactions occurring in the intermediate aquifer zone. Vapor intrusion originates in the shallow aquifer, where tetrachloroethylene (PCE), TCE or other volatile compounds move out of solution to the vapor phase in the vadose zone above the water table. This does not happen in the intermediate aquifer. Water will be pumped out of extraction wells to help the ground water move more quickly than its natural flow rate of 0.1 to 1 foot per day. Extraction well pumping will also help move additional materials for enhanced anaerobic bioremediation and produce results in a more timely fashion. The pilot study will evaluate effectiveness by sampling water to determine if the concentration of contaminants is decreasing. Although this is called experimental it has been conducted all over the country. The bacteria introduced during the bioremediation process are naturally occurring and are the most efficient at converting PCE through vinyl chloride to ethene or ethane. Mr. Newton asked if the water layer

will provide protection from any side reaction. Dr. Pendexter agreed and acknowledged that he doesn't expect there will be any side reactions. Ms. Finazzo explained that a series of monitoring wells will monitor activity.

Ms. Mumford explained that if the pilot study is not successful there are other options for remediation. Mr. Kluesner stated that the pilot study results will be available in June 2012. Ms. Mumford explained that there have been conversations with DuPont as to other viable options and that this is a good question for the community to ask DuPont. Mr. Cinque clarified that the ground water flow study will result in a detailed operation design plan. He sent a separate letter to DuPont stating that NJDEP would like to see remediation options for the shallow aquifer, expected in August 2011. Ms. Finazzo reminded the CAG that there is going to be public outreach before this happens.

#### **VI. Sole Source Aquifer Status**

Adolph Everett (EPA Region 2) explained that EPA has a sole source aquifer program to protect drinking water. Pompton Lakes is over the Buried Valley Sole Source Aquifer. Consequently, if federal loans or grants are used, a formal review would be triggered under the National Environmental Policy Act (NEPA). There are no federal funds being used in the project. He assured all meeting participants that the cleanup activity taking place under RCRA takes ground water protection issues into account. The NEPA program is a more comprehensive program and the RCRA process is more focused on the site; however, the result is the same. A threat to the sole source aquifer would be documented in the remedial investigation. Dr. Pendexter added that the EPA level of review is similar in terms of cleanup standards under NEPA and RCRA. The NJDEP is the steward of ground water so the cleanup goals are the same regardless of the applicable environmental law.

#### **VII. Reservoir Status**

Mr. Everett explained the reservoir status of the lake. The North Jersey District Water Supply Commission (NJDWSC) sells water to cities in New Jersey including Paterson, Clifton and Passaic. When necessary, raw water is pumped from the pump station at the dam of Pompton Lake into the Wanaque Reservoir, mixed with water from other sources and then treated. Another way the commission works is that they may supply water from Pompton Lake to the Oradell Reservoir to be sold to other communities and it would be mixed with water from other sources and treated. In both cases, the water would be part of a larger supply. Based on monitoring, mercury has not been an issue in the water. EPA informed NJDWSC of the upcoming public notice of the draft RCRA Permit Modification and encouraged NJDWSC to become involved with the CAG and the Lake Remediation Work Group. Steve Grayberg stated that NJDWSC has not been responsive to the Lake Restoration Committee. He feels that the remediation as it is defined is enclosed and does not impact the reservoir status.

#### **VIII. Lake Remediation Resolution Discussion**

Mr. Grayberg reviewed the draft resolution regarding the Acid Brook Delta Corrective Measures Implementation (CMI) Work Plan. Previous discussions indicate the CAG would like direct discussion with DuPont and one method would be to have DuPont attend work group meetings but concerns were expressed by the CAG about the transparency of this method so DuPont was invited to attend a future CAG meeting. Mr. Logue explained that he recently held a conference

call with Mr. Kluesner and DuPont to extend an invitation to DuPont. Because of the short notice, appropriate DuPont staff and contractors were not available to attend the May environmental CAG meeting but DuPont expressed interest in having direct conversation with the CAG through CAG and work group meetings. Dupont suggested that advance notice of the agenda will help them prepare for discussion. Mr. Logue encouraged CAG members to ask DuPont informally on the site tour how to best communicate with them in the future. Mr. Kluesner suggested that DuPont could send their contractors to CAG meetings as a first step. At the end of the discussion the CAG asked that DuPont and its contractors be invited to the June CAG meeting.

Mr. Grayberg discussed his concern about effectively communicating with those directly affected by the lake remediation. He asked Al Evangelista, Coordinator of the Office of Emergency Management (OEM), to advise the CAG on communicating about the remediation of the lake. Mr. Evangelista explained that there is going to be publicity of the remediation through the newspaper and media in general. He explained that reverse 911 can be directed by location of homes to notify the people with direct proximity, but should not be overused to bother people. He offered to work with the CAG and town officials to ensure people are informed. Notification could also come from DuPont by mail. If there is an emergency the town will notify people.

Mr. Grayberg asked the CAG for input on the resolution. He explained that there are two groups that need to be notified about the lake remediation: 1) people that will be directly impacted who live nearby the remediation and 2) people who will not be directly impacted but are interested in the remediation. The CAG could assist in communicating with the people who are generally interested. The Board of Education could also assist in the communications.

The location of the possible staging area was discussed. It will be identified in the Operational Plan, which is not yet completed.

Mr. Grayberg continued discussing the resolution based on the CMI work plan at the section which proposes that public input be gathered before the contractor is selected and the CMI Work Plan drafted. He explained that there are only a few qualified contractors and all are specialized, therefore selecting a contractor will limit the activities that can occur. The draft resolution proposes the CMI be changed so that the public can be educated and comment before the CMI is developed. The CAG agreed that meetings would be a good place to begin this discussion on community requests for the remediation and then a broader public meeting could occur. Mr. Grayberg suggested this conversation start at the June CAG meeting. The draft resolution will be shared with DuPont prior to the meeting. Mr. Grayberg is concerned that the same contractor conducts the baseline measure as well as the follow up measurements to determine if objectives have been met. He believes that a third party contractor should assure cleanup goals are met. Ms. Finazzo committed to split samples for verification and put oversight and quality assurance activities in the work plan.

The CAG discussed the resolution section on the restoration of private property. The CAG decided to leave it in the resolution although it is most appropriate for the Planning Board to address this topic. Ms. Mumford explained that an access agreement would ensure that private property would be returned to its original condition or better.

## **IX. Other Business**

The June CAG agenda will include a discussion and reflection on the site tour and discussion of the lake remediation with DuPont. Other upcoming topics: work group reports, public education on vapor mitigation systems, new CAG nominations. The CAG discussed use of DuPont's advertisement in the *Trend* to solicit new CAG nominations.

### **Public Comment**

Michael Keough: asked for clarification that lead and mercury would be left intact in the Acid Brook Delta remediation. He asked for an explanation of the proposed lake remediation of lead and mercury. He asked how the contaminants can be left. In response, he was advised that the contaminants will be removed with the sediments but dewatering might occur in place.

John Soojian: asked if anything has been discussed for on-site ground water remediation. He asked about the pump-and-treat remediation. In response it was explained that if the treatment works well off site, the treatment could be used on site since pump-and-treat is a fairly expensive remedy.

Regina Sisco: reiterated the importance of notifying Barbara Drive home owners before the pilot study. Ms. Sisco also asked if the effects on a human regarding the test pilot are known if a home does not have a vapor intrusion system (VMS). Dr. Pendexter explained that the pilot study should not cause any change in vapor intrusion. Ms. Sisco suggested that one reason why residents are not getting VMS is that testing was negative and they are given the option of monitoring instead of getting a VMS. This is her situation. Ms. Mumford explained that some monitoring may be for limited duration.

Ella Filippone: explained that she wrote the petition on sole source aquifers. She emphasized to the public the importance of recognizing this aquifer as a sole source aquifer. EPA accepted the petition because they found that this is the primary drinking water source for this community and while it isn't something that has to be considered it needs to be remembered that this resource is very important to the community. The ground water protection committee is concerned because ground water travels very slowly and migration from one place to another is slow; inches per day. She suggested this classification as a resource. She stated her concern about sediment treatment with dewatering: if the contaminants are in the water they could be lost, the contaminants would come out of the soil in the water and may not be treated appropriately.

Edward Meakem: stated that, for the permit-by-rule application, pilot studies do not have a public comment period because it is on a short time line. Applications require a deed for property that is worked on. He asked if the Borough of Pompton has passed a resolution that allows bioremediation so that DuPont has an access agreement to public property. Mr. Cinque explained that the permit-by-rule application has not been submitted yet. Dupont is required to get all their local permits and he doesn't know if this has happened or not. Mr. Meakem asked the CAG to get applications for permit-by-rule before permission is given. His understanding is that work is going to be done on public lands that belong to people. Do you get a waiver from the community for permission? Because if you use 180-day rule the public doesn't have comment period.



Jefferson LaSala: stated that for the permit-by-rule, the intention is that work is going to begin May 23 and he would like to reiterate that any time there was permit-by-rule that involved DuPont that there be a public comment period, regardless of the length. We have been told this would happen at two separate meetings. Mr. Cinque explained that they are simply drilling wells now.

George Popov: asked if the CAG has established a baseline on contaminants. The report does not identify interactions between contaminants or pH. He is concerned that mercury is going to be capped and six inches of sand is going to be put down. He is concerned that 26 acres are being cleaned while Pompton Lakes is 250 acres. He stated that when only six inches of material is removed it is scraping, not dredging. He would like to see a list of the contaminants in the lake and their interactions. He would also like an independent analysis of what the base contaminants are. Documents containing this information were offered by EPA.

The meeting was adjourned.

**Written Public Comments**

- George Popov: 1. Has the CAG established a baseline for contaminants in Pompton Lakes. DuPont only identified 5??  
 2. Mercury + Selenium = toxic cocktail? How can we cap why not remove.  
 3. Over \$1 billion in losses in 5 years – stop the small thinking and incremental fixes. Thing long term! Dredge all of Pompton Lakes!  
 4. PL 250 acres – DuPont clean up 26 acres = 199 acres?

**Action Items**

<b>Item</b>	<b>Who; Date</b>
Post meeting documents on EPA Pompton Lakes CAG website.	Kluesner; 5/13/2011
Prepare and circulate Draft Meeting Summary.	Webster; 5/25/2011
Provide information about other sites where enhanced anaerobic bioremediation has been used.	EPA and NJDEP; 5/20/2011
List of sites in New Jersey with vapor intrusion.	EPA and NJDEP; 5/20/2011
Draft June agenda.	Executive Committee; 5/20/2011
Ability to advertise for members.	EPA/Logue; 5/16/2011
Set nominations/elections schedule.	Admin Committee

**Documents Distributed**

<b>Document Description</b>	<b>Generated by; Date</b>
Meeting Agenda	Logue; 5/4/2011
Draft April 20 Special Meeting Summary	Webster; 4/27/2011
Lake Remediation Work Group Resolution	Work Group; 4/6/2011