

**WEST CHICAGO INTERGOVERNMENTAL FORUM**  
**March 7, 2008**  
**Minutes**

**ATTENDEES**

Barbara Magel, Counsel for Local Communities  
Jamie Geils, CBBEWL, Local Communities  
John Coakley, City of Warrenville  
Tom Williams, IEPA  
Chuck Grigalauski, IEPA  
Gary McCandless, IEMA/DNS  
Gerald Karr, Illinois Attorney General's Office  
Mary Fleming, DuPage County State's Attorney's Office  
Don Feld, TAG  
Mark Krippel, Tronox  
Sandra Riess, West Chicago resident/property owner  
Richard Riess, West Chicago resident/property owner  
Mark Sargis, Bellande & Sargis  
Tim Fischer, U.S. EPA, Superfund  
Rebecca Frey, U.S. EPA, Superfund  
Mary Fulghum, U.S. EPA, Office of Regional Counsel

**INTRODUCTIONS / COMMENTS**

Becky notified forum members that, due to a reorganization within EPA's Office of Public Affairs, the community involvement coordinators (CICs) from that office are moving to different programs (some to Superfund, some to RCRA, etc). As a result, the CICs at some sites are changing. For the Kerr-McGee Superfund sites, EPA's CIC assigned to the sites will be Janet Pope (312-353-0628) as of the end of March.

**RESIDENTIAL AREAS SITE**

Recap of "old cleanup residual" issue: 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. 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.

At the December forum meeting Becky had explained the results of the initial evaluation of available records for the 96 privately-owned residential properties (out of the 119

properties) involved in the 1980s cleanup. Properties with “suspect areas” based on the 1980s information were put into one of 3 categories: (1) suspect areas were not addressed during the Superfund cleanup; (2) uncertain whether suspect areas were addressed during the Superfund cleanup; or (3) suspect areas were addressed during the Superfund cleanup. Following the initial evaluation, there were 41 properties that appeared to need further evaluation (i.e., the “not addressed” and “uncertain” categories).

Since the last forum meeting, EPA has been continuing the evaluation of all the properties involved in the 1980s cleanup and gearing up for the Spring 2008 field effort to conduct additional testing at properties that need further evaluation. Becky said that she is personally rechecking all the prior “initial evaluation” work that was done by other EPA team members for the 96 privately-owned residential properties. She is also reviewing Kerr-McGee field logbooks from the Superfund cleanups, which sometimes contain information such as detailed sketches that further clarify the areas of the property excavated during the Superfund cleanup. (The logbooks were not in EPA’s possession during the initial review process.) Based on Becky’s second review of these properties (including review of the field logbooks), some properties are moving from one category to another. For example, properties in the “uncertain” category, where it was initially unclear whether certain suspect areas were addressed, could move to either the “suspect areas addressed” or “suspect areas not addressed” categories. As a result, there may end up being fewer than 41 properties (out of the 96 privately-owned residential) that need additional testing.

Following Becky’s second review of the properties, those that remain in either the “uncertain” or “not addressed” categories are the ones that will need additional testing. For each property that needs additional testing, Becky is also specifically delineating the areas to be tested. The areas to be tested will include all of the areas that were excavated in the 1980s, even if the “suspect areas” on the property represent just a small portion of the excavated area. Becky is working with other EPA team members to input onto aerial images in ARC GIS (a computer-based geographic information system) the areas to be tested. Use of this system will facilitate easy mapping of areas to be tested, sampling locations, etc.

Becky said she also has been working on issues related to access. EPA needs to get access from the property owners before conducting the additional testing. EPA had prepared an access form prior to the October 30<sup>th</sup> property owner meeting at City Hall; that form has now been translated into Spanish. EPA has also prepared an access letter (in both Spanish & English) that describes and explains the additional testing. Becky said the access letters will be sent out in batches based on her second review of properties. Currently there are 26 properties that definitely need testing and for which access letters are ready to be sent. Becky said those 26 access letters should go out in the mail today or early next week. Becky will follow up with phone calls and door-to-door attempts as needed. Barbara Magel offered the city’s assistance with access if needed.

EPA is planning to start the additional testing around late March if weather allows and depending on access.

Also since the last forum meeting, EPA sent out all the prior correspondence to the owners of the 96 privately-owned residential properties involved in the 1980s cleanup. The letters were resent on February 19<sup>th</sup> in both English and Spanish, with a cover letter explaining why the information was being resent. The cover letter also included information on who the current Spanish-speaking point of contact is at EPA (Pablo Valentin, 312-353-2886). Pablo will not be out on site during the fieldwork, but will be available to help translate telephone conversations between Becky and Spanish-speaking property owners.

Becky also reported that EPA met with the City and Tronox in January and again in February to continue discussions between those parties about the Residential Areas site. Another conference call meeting is scheduled for later in March.

EPA has also been gearing up for the spring field effort. As mentioned at the last forum meeting, Becky will be using a combination of contractors (Weston) and EPA in-house staff to accomplish the additional work related to the testing. Weston is already an EPA contractor under the START contract, and getting them on-board to do the work at this site will be a fairly quick process.

The first phase of the additional testing will consist of a surface gamma walkover survey, which will be conducted by the EPA in-house staff. Weston will assist with the second phase of the testing, which consists of down-hole gamma logging, by installing the boreholes on properties and by collecting soil samples if needed and as directed by EPA. EPA's in-house staff will conduct the actual down-hole gamma logging in the boreholes, and EPA will evaluate the down-hole data to determine where soil samples are needed. Becky said that how the work will be batched – i.e., whether all the gamma walkover surveys will be done first at all the properties before any of the downhole work is conducted – depends on access. The work will be scheduled in a way that makes the most sense based on the access that has been obtained.

EPA will provide results letters to the property owners. If owners want the full data package for their property they can also get that information.

Sandra Riess asked about the status of EPA's review of which basements in the area had been tested. Becky said that the student aide she had helping with this has finished looking through all 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. The results of the student aide's review have not yet been compiled or summarized. Becky noted that EPA's access letter for the additional testing (discussed above) requests permission for basement/crawlspace testing if such testing was not done previously.

Sandy said there are people who were not part of the 1980s cleanup who want their basements tested. She also said that some people claim they called Becky but their calls were not returned. Becky replied that she returns phone calls if people leave a voicemail

message. Property owners who want their basements tested can either call Becky to request the testing or send her a written request (email or letter). EPA has not yet developed its game plan for basement testing, but Becky said that the focus will probably be on properties in the neighborhoods immediately surrounding the Rare Earths Facility.

Mark Sargis asked how many of the 119 properties involved in the 1980s cleanup have had basement testing. Becky said that EPA has that information, but she didn't have it with her at the forum meeting. She said she seems to recall that approximately half of the properties had basement testing. Also, not all of the 119 properties have basements (e.g., some are vacant lots, some are streets, etc). *[NOTE FOR MINUTES: Based on a preliminary tally, 58 of the 119 properties had basement testing, 42 homes did not have basement testing, and 19 appear to be "not applicable" (vacant lots or other properties without basements). These numbers are subject to refinement following further review.]*

Sandy said that it seems the City and Barbara Magel have access to a lot more information from EPA than the general public does regarding which properties are affected, etc. Becky said that Barbara and the City do not have access to any property-specific information, including which specific properties are being tested. Becky said that Barbara called EPA for an update prior to the City Council meeting, and EPA gave her a verbal update of general information for purposes of presenting at the City Council meeting. EPA is not releasing property-specific information due to privacy concerns.

Sandy also asked about "no further action" letters for those properties that were not part of the 1980s cleanup and where no additional basement testing is needed. Becky said that those property owners can get their final letter, but because she would be the one sending out all such letters, there is a manpower issue involved. It is more important right now for her to be focusing her time 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, Becky can and will send that letter.

Richard Riess expressed dismay that residents were not informed of the issue regarding possible buried residual contamination although EPA and the City were aware of it for five years. He claimed that it wasn't until their situation started getting publicity that the issue started being dealt with. Sandy Reiss added that no public documents regarding the Residential Areas site (articles, DOJ factsheets, NPL factsheets, etc.) mention anything about 119 homes that need to be revisited; they say only that there are three properties in the Residential Areas site study area that have not yet been tested. Barbara Magel and Becky said that the issue was discussed at the West Chicago Intergovernmental Forum as an outstanding issue that needed to be addressed, and those discussions were reflected in the meeting minutes. Barbara added that the publicity certainly helped move it up the priority list, but EPA and the City and all the other Intergovernmental parties were aware of the issue and knew it needed to be addressed before the Residential Areas site could be considered complete, but the priority was on getting rid of the known contamination first.

There was a discussion about whether EPA should force homeowners to allow access for basement testing even if the homeowner doesn't want testing inside their home. Mary Fulghum said that there is plenty of case law, especially in the 7<sup>th</sup> Circuit, where the courts have denied EPA access to private property it wanted to test where there was not clear evidence of contamination. It may appear that EPA's access is unfettered, but Mary assured forum members that is not the case.

Mark Sargis asked about whether the Community Relations Plan (CRP) for this site should be updated. Becky said she would discuss it with the newly-assigned CIC (Janet Pope). The CRP is typically established early-on at a Superfund site so EPA can learn about the community, its concerns, and the best way to communicate site information. (The CRP for this site was developed around the mid-1990s.) Development of a CRP includes interviews with local and elected officials, environmental groups, some private residents, and other parties who may have relevant information about the site. At this point in the Superfund process at the Residential Areas site, most of the remaining communication will be between EPA and individual property owners regarding information about their specific property. Updating the CRP now will not necessarily change the way EPA is communicating information about the site with the affected property owners. However, Becky said she would discuss it with Janet Pope.

Mark Sargis asked whether EPA has let affected property owners know that yard and basement testing is available for those people who have a more immediate need for such testing. Becky said that message was included in the October 30<sup>th</sup> meeting at City Hall and is in the powerpoint presentation available on the city's website. She said she routinely gets phone calls from people (owners, realtors, lenders) when there are specific needs such as testing or documentation of past test results at a specific property. Mark suggested that EPA communicate to everyone that EPA can respond to more immediate concerns if needed. Mary Fulghum said that EPA can't do everything at once, and that the priority right now is to focus on the subset of the 119 properties that need additional testing. Basement testing will likely be the next step in the process. If someone in the meantime wants a surface survey and/or basement testing, they can call Becky.

Sandy said that she is thinking of organizing a community meeting for both Spanish and English speaking residents to explain exactly what the situation is and what they need to do, and asked if Becky would be willing to attend. Becky said that she would be willing to attend as long as her schedule was open, and to check her availability before setting the meeting date.

Mark Sargis asked how it has been communicated to people that private property owners can make use of the City's technical consultant for assistance with technical information about their properties. At the last forum meeting, Barbara Magel said that property owners should request the services of the city's technical consultant by directing requests to her. Barbara also said that at the October 30<sup>th</sup> meeting at City Hall she let people know that they could make use of the city's technical consultant. Barbara said that she does not have a way to individually notify the affected property owners because the city does not know which properties are affected. Becky and Mary said that EPA would be willing to

send out to the affected property owners a City letter that lets them know that they can make use of the city's technical consultant and that provides details on how to access the consultant, if the city provides them with such a letter.

Mark also asked whether the city would be privy to the discussions between the owner and the consultant. Would there be a confidentiality agreement? Barbara Magel said she would be willing to put in writing to the city's consultant that they are not to share with anyone the data that the property owner gives them; she is willing to do that, but she is not going to enter into complex relationships between the consultant and each property owner. Mark Sargis suggested that when the owner calls Barbara Magel, they be informed of the various options available with regard to sharing or not sharing their information with the city. Barbara said she would be willing to do that.

Richard Riess expressed his anger that the city did not help them when they needed it, that cleaning up the creek and river before dealing with the residential issue made no sense, and that EPA and the city have covered up the issue and don't care about the people who live there.

Becky said that the past cannot be changed and we need to move forward productively from here. The residential issue is being dealt with now, the process is moving forward, and the additional testing is about to start. Sandy Riess said all they are asking for is honesty. The delays and beating-around-the-bush are more than frustrating, and she will continue to fight.

### **REED-KEPPLER PARK SITE**

At the last forum meeting Tim reported that groundwater samples were collected from the nine groundwater monitoring wells at the RKP site the first week of December. The results came back in January, and all nine wells were below the cleanup goal of 30 micrograms per liter (ug/L) for uranium. That was the third consecutive sampling event since the record of decision (ROD) where all wells were below the cleanup standard, so the post-ROD monitoring work is complete. On January 28<sup>th</sup> EPA gave Tronox permission to abandon the monitoring wells. If the weather cooperates, the wells will be abandoned on March 18<sup>th</sup>. Tronox will notify affected property owners in advance, as a few of the wells are located on or in front of private property. Following abandonment of the wells and receipt of a final report from Tronox, EPA can move forward with a final close-out report. The site would then be eligible for deletion from the National Priorities List. Tim said that it is unclear whether an additional five-year review needs to be completed (there was still one round of groundwater monitoring that needed to be conducted when the 2007 five-year review report was issued) or whether the final close-out report can serve that purpose.

### **SEWAGE TREATMENT PLANT SITE, river portion**

Tim said there's not much to update since the last forum meeting. The only outstanding issue is the draft completion report for Reach 5A. Tronox submitted the draft completion

report last May, both the local communities and EPA have provided comments, and we're now awaiting Tronox's response to comments and the revised report.

## **KRESS CREEK/WEST BRANCH DUPAGE RIVER SITE**

### **Cleanup Progress**

Tim said there is no field update since the site has been in winter shutdown mode since the December forum meeting.

### **Public Information Meeting**

Tim said there will be a public information session on March 25<sup>th</sup> at Warrenville City Hall to kick off the 2008 construction season. The information presented will be similar to what was presented at the September 2007 information session, but will be updated to reflect the progress made so far in Reach 5E. The meeting will be advertised in the local newspaper and postcards will be sent to everyone on the site mailing list.

### **Design Activities**

Tim reported that the next design that will be reviewed is for Reach 7 of the river (Butterfield Road to Warrenville Dam). The draft design will probably be submitted in the March/April timeframe. This will allow enough time to finalize it before the start of cleanup work in that reach, currently scheduled for August 2008.

## **NEXT FORUM MEETING**

The next meeting of the West Chicago Intergovernmental Forum is scheduled for **Friday, May 9, 2008, at 10 a.m.** in West Chicago City Council Chambers, West Chicago.