



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)
October 2010 Meeting Summary

Site Name: DuPont Pompton Lakes RCRA
Meeting Location: Carnevale Center, 10 Lenox Avenue, Pompton Lakes, New Jersey
Meeting Date: October 6, 2010
Meeting Time: 7:00 p.m. – 9:30 p.m. EDT

Future CAG Meeting Times

- Wednesday, November 3, 2010, 7:00 p.m. – 9:30 p.m. EST
Location: Carnevale Center, 10 Lenox Avenue, Pompton Lakes, New Jersey

Members and Alternates Present:

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

Ex Officio Members Present:

New Jersey Department of Environmental Protection (NJDEP): Frank Faranca, Stephen Maybury, Mindy Mumford
U.S. Environmental Protection Agency (EPA): David Kluesner, Clifford Ng, Barry Tornick
Pompton Lakes Borough Council: Richard Steele

Observers Present:

Michele Belfiore, Rich Berdnik, Vojo Cogura, Eric DeLine, Freeholder Terry Duffy, Doug Gope, Marie Gope, Jacky Grindrod, Kevin Harrison, Joseph Intintola, Michael Keough, Jefferson LaSala, Richard Lombardo, Zemeta Ludese, Sandy Mancini, Dorothy Mancini, Ed Meakem, Ed Merrill, Ruth Paez, Terri Reicher, Cheryl Rubino, Mike Simone, Regina Sisco, John Soojian.

I. Welcome

Dave Kluesner of EPA welcomed all present to the first meeting of the Pompton Lakes Environmental Community Advisory Group (CAG) convened by EPA and NJDEP. Mr. Kluesner noted that the format for a CAG is different from other public meetings and that the

CAG was assembled to represent a broad cross section of community interests. He anticipated meetings would be productive and noted that the agencies would continue to use other methods for general public input. Facilitator Bill Logue reviewed the meeting agenda.¹

II. CAG Role and TASC

Mr. Kluesner related his experiences from other CAGs established by EPA and how they have influenced agency decision making as advisory groups. The CAG determines its schedule and agenda, and the agencies are available to make presentations and provide information. As representatives of the community, CAG members are expected to share information with constituents. Facilitation support for this CAG is provided under EPA's Technical Assistance Service for Communities Program (TASC) and is provided by independent contractors.

III. Overview of Assessment Process for CAG Formation, CAG Process

Facilitator Melinda Holland presented a brief overview of the neutral assessment process conducted to form the CAG. In-person and telephone interviews were conducted by the facilitators to identify: areas of concern; the feasibility of a collaborative process; the knowledge of potential participants; informational, technical and educational needs; and key stakeholder interests. She noted that due to budget and time constraints not everyone who wished to be interviewed was able to be interviewed.

The assessment report contains the facilitators' best professional judgment about the areas of concern, goals and recommendations for membership. Interviewees identified a number of areas of concern including: volatile organic compound (VOC) ground water plume remediation, vapor intrusion and mitigation; health concerns; cleanup of the DuPont site; cleanup of Pompton Lake and area waters; economic impacts; lack of trust; and litigation. Interviewee goals for the CAG include: nonpolitical vehicle for civil and collaborative dialogue; to disseminate information; to improve communications with agencies; to encourage residents to take appropriate safety precautions; to develop a common understanding, trust and agreement within the CAG; to review cleanup proposals; and to reach consensus within the CAG on cleanup recommendations.

The assessment report includes recommendations for the balance of CAG membership through core stakeholder interests and design of the process. Productive processes have groups which are small enough to allow dialogue, balance membership with key interests participating, and membership which represents and exchanges information with a broader constituency. Recommendations for membership include: three plume area residents, a representative from a local plume area and environmental advocacy organization, a technical environmental professional Pompton Lakes resident, and one representative each from the Pompton Lakes Lake Restoration Committee, Pompton Lakes Environmental Committee (with realtor experience), the Pompton Lakes business community, and a regional environmental organization. In addition, there are Ex Officio members (e.g., agency representatives) and resources for the CAG.

Facilitator Bill Logue provided a brief overview of collaborative decision-making and reviewed the commitment to civility. The group agreed to abide by this commitment.

¹ Materials handed out at the meeting are listed at the end of this summary and may be found at http://www.epa.gov/region02/waste/dupont_pompton/cag.html.

Facilitator Melinda Holland briefly reviewed proposed operating procedures and asked if the CAG was ready to adopt the procedures or if members had questions or concerns. Two members, Dana Patterson and Lisa Riggiola, indicated they had suggested changes. They agreed to provide suggestions in writing to the facilitators by October 13, 2010. Mr. Sinsimer indicated that Michelle Belfiore will serve as his alternate.

Ms. Holland reviewed how the CAG process provides opportunities for sharing of information and views, understanding of information, providing community input, working collaboratively toward common goals and making advisory recommendations to EPA and NJDEP.

IV. Update on Current On- and Off-Site Cleanup Activities

Barry Tornick of EPA and Frank Faranca of NJDEP made presentations with updates on the current cleanup activities surrounding the site.² In his presentation, Mr. Faranca noted several points:

- First, the pump and treat system has been operating for 12 years. It prevents ground water from leaving the site and, after treatment, the water is returned as clean drinking water. There are minimal contaminants of concern in the ground water. On November 15, 2010 a public meeting on the Permit by Rule will be held pursuant to NJDEP Technical Regulation 7.2. There will be a court reporter taking testimony and NJDEP will respond in writing to valid technical comments. There will not be a question and answer period during the meeting. Second, the ground water plume pilot final work plan is due in November 2010 as is a report. The study will begin in early spring and there will be additional wells and sampling in 2010 on the margins of the plume.
- With respect to home tests for VOCs in the boundary area, the goal is to complete testing in the remaining homes as soon as possible, pending homeowner permission, and make the results public. Results as of this summer are in the Draft Vapor Intrusion Investigation Report made available to the CAG. The agencies stated that the plume is not expanding but that the vapor may move horizontally through more permeable layers of soil. Additional third-party contractors are being approved for testing and for installation of vapor mitigation systems.³ This process was slowed as the agencies analyzed alternative technical approaches. Contractors will provide warranties which will be extended by DuPont. If a contractor ceases to do business, DuPont will be responsible for warranties. A CAG member commented that some third-party testing companies were sampling for more contaminants than the DuPont contractors and asked why the latter could not sample for additional contaminants including benzene which is of concern to residents. The agencies responded that the testing is for the 10 contaminants which are identified as coming from the DuPont site.
- Mr. Tornick noted several points in response to questions concerning the lake cleanup and dredging. After the temporary containment wall is installed to prevent spread of contamination into the lake, a wet dredge process will take place. The permit will detail

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

³ A representative of EPA indicated that residents would be receiving a letter concerning this shortly after the meeting. That letter is now available at: http://www.epa.gov/region02/waste/dupont_pompton/lettertoresidents-10-13-2010.pdf.

dredging and excavation activities. A number of issues related to the small size of the staging area, potential odors from materials, and transportation through residential areas are being resolved. The dredge material will be moved out of the community for disposal. It is yet to be determined whether the materials will be dewatered in the staging area or removed wet. The remediation will not return the lake to swimmable/fishable status because there is other contamination from fertilizer and other sources. He noted that only lead and mercury exceed standards. A CAG member asked to be provided with a list of other contaminants found and their levels relative to standards

In response to CAG member questions, agency representatives were not able to confirm the exact depth of material removal but believed it would be about two feet. Some material will be replaced; however, in most instances the dredge material will not be replaced. A CAG member noted that this would result in beneficial impacts for the environment and potentially reduce flooding.

V. CAG Prioritization

CAG members prioritized issues for discussion using a dot voting process with each member identifying their top three issues of concern to get at relative priorities, the results are as follows:

- Ground water plume remediation - 8 dots
- Vapor intrusion and mitigation - 5 dots
- DuPont site cleanup - 5 dots
- Economic impacts - 5 dots
- Enhancing dialogue and trust - 3 dots
- Lake restoration - 1 dot
- Information sharing - 0 dots

After the prioritization process, members posed several questions for inclusion in future discussions concerning the ground water plume. They are:

- How long will it take? [many asked this question]
- What options exist to clean up the ground water? [several asked this question]
- Can the plume actually be cleaned up – is it really possible?
- How do you protect home owners and how can you clean up ground water safely?

In discussion the issue of transparency and availability of information was of significant concern to most members and several made suggestions concerning CAG related information sharing:

- Meeting summaries and documents should be made available online.
- Video tapes of meetings should be made available.
- E-mails with all meeting-related information should be sent to all who are on the CAG e-mail list.
- A method should be developed to allow people to access large files to avoid clogging up e-mail inboxes with large file attachments, or delivery failure (e.g., loading files on an FTP server).

VI. Upcoming Meetings

Based on the prioritization process, the CAG agreed on the following tentative approach for upcoming meetings.

Topics for November 3, 2010 CAG meeting:

- CAG Operating Procedures
- Ground water plume information and discussion
- EPA/NJDEP master schedule for on- and off-site cleanup [including information on when specific public comment periods will begin/close on which documents and decisions]
- Observer comments

Topics for December CAG meeting:

- Information and discussion on DuPont works site investigation, past and future cleanup
- Economic impacts
- Observer comments

VII. Observer Comments

Oral Comments

Mike Keough: Mr. Keough stated that he is a Pompton Lakes resident, does not live in the plume, and is a licensed real estate appraiser. Mr. Keough feels that the public is weakened by only having an opportunity to comment at the end of meetings. He stated he would like CAG meetings videotaped and made available on a website. He would also like a Web method to respond; papers and other materials should be available in the library.

Jefferson LaSala: Mr. LaSala stated that he believes that this is a public health emergency; mitigation or not, if you're in the plume you are affected. Mr. LaSala questioned why there isn't total Lake cleanup of all contaminants? Why didn't the public hear about the plume until two years ago? Why is benzene found in home air not considered? (EPA response: There is no evidence of benzene in the ground water plume). Mr. LaSala does not trust the data from DuPont; he would like an independent review of the data. (NJDEP response: NJDEP did some of its own testing of the plume). Mr. LaSala stated that NJDEP is not trusted either because it worked with DuPont for 20 years

Ed Meakem: Mr. Meakem thought the assessment and CAG formation was well done. He stated that having two CAG members, even one as an alternate, from the same household is not best for the CAG. The summaries of the investigation reports are "fluff." (EPA response: Full reports can be provided on CDs by request). Mr. Meakem stated that the public needs access to all information. The site should not be capped or covered but have a full cleanup.

Kevin Harrison: Mr. Harrison questioned whether EPA/NJDEP have done sampling. (EPA/NJDEP response: Split samples have been analyzed, results are available, and chemicals have been tested on- and off-site). Mr. Harrison stated that all of the work done by DuPont is a problem. Mr. Harrison is concerned about the veracity of DuPont's information so he would like an independent contractor. He would like more representation from residents in the plume on this CAG.

Joe Intintola: Mr. Intintola stated that he is a plume resident. He inquired whether the site has IEC (immediate environmental contamination) status? IEC Pompton Lakes vapor site status requires an immediate response. Why is O'Brien & Gere using "cans" which are tested on a random batch basis rather than an individual basis? Mr. Intintola believes that random testing of "cans" leads to bad results; alcohol is used to clean the cans which masks the other chemicals so they're not reliable. He recommends using individually certified cans. Mr. Intintola inquired why soil vapor extraction is not being used. Why use the wet method versus damp method?

Cheryl Rubino: Ms. Rubino stated that her mother lives in the plume. Ms. Rubino believes that there should be more plume residents on this CAG. She would like to know from where all the contaminants in the lake are coming. She would like a lifetime warranty on the vapor mitigation systems which go with the homes; third party contractors should provide a written warranty. (EPA response: There is a five-year third party guarantee, then the warranty can be continued). Ms. Rubino asked if the residents have to fill out forms every five years? (EPA response: The contract is between a homeowner and the contractor, not EPA. DuPont maintains responsibility if the contractor goes out of business). Ms. Rubino would like to know where this information is in writing? She would like the details in writing for the homeowners on the third party contractor use.

John Soojian: Mr. Soojian stated that the audience could not hear the CAG discussion and they should face the audience. There are many different opinions in Pompton Lakes. He wondered that if there are 25,000 plume sites in the U.S., how does Pompton Lakes stack up against the other vapor intrusion sites?

Michelle Belfiore: Ms. Belfiore stated that she cannot believe EPA/NJDEP hasn't done some sampling (EPA response: We need to discuss in the future about reliability of data and quality management of how to oversee the polluter). Ms. Belfiore cited the Ringwood site where Ford did one cleanup and had to come back again. As a real estate agent, Ms. Belfiore finds it very hard to sell homes in Pompton Lakes between the site and the flooding. What about 10 years from now, what happens? There should be buyouts for homeowners who want to or provide a guarantee forever.

Index Card Comments from Observers

1. "We were not advised this was not a public meeting where plume residents are not allowed to voice our concerns! This is not acceptable!"
2. "Public opinion comments should be at the beginning of the meeting for the elderly and working residents"
3. "(1) Dr. Pendexter, Not Mister. Consistent use of names [formal or not] needs to be the first part of your rules of conduct. (2) Facilitators and presenters are facing the audience; therefore they are audible to the audience. However, most participants are not projecting loudly enough. It would be very helpful if you ask CAG members to speak louder and the facilitator 'reframes' and paraphrases comments made – not just create tear sheets! You have 2 facilitators, one should scribe and the other reframe if you wish this to be beneficial to the community bystanders. (3) Shouldn't you ask audience to refrain from applause?"

Action Items	Who; Date
Share proposed edits and questions regarding the draft CAG Operating Procedures.	Riggiola, Patterson; 10/13/2010
Post meeting documents on EPA Pompton Lakes CAG website, including EPA and NJDEP presentations and facilitator presentation.	Kluesner; 10/13/2010
Prepare and circulate draft meeting summary.	Logue/Holland; 10/27/2010

Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue/Holland; 10/6/2010
Facilitators' Presentation	Logue/Holland; 10/6/2010
Technical Assistance Service to Communities Fact Sheet	EPA
Executive Summaries of: <ul style="list-style-type: none"> • Draft Remedial Investigation Report: Northern Manufacturing Area • Draft Remedial Investigation Report: Eastern Manufacturing Area • Draft Remedial Investigation Report: Western Manufacturing Area • Draft Remedial Investigation Report: Pompton Lakes Uplands • Draft Vapor Intrusion Remedial Investigation Report • Acid Brook Delta Corrective Measures Implementation Work Plan 	DuPont contractors; various dates