



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)
December 2010 Meeting Summary**

Site Name: DuPont Pompton Lakes RCRA
Meeting Location: Borough Council Chambers, Pompton Lakes Municipal Building,
23 Lenox Avenue, Pompton Lakes, New Jersey
Meeting Date: December 1, 2010
Meeting Time: 7:00 p.m. – 9:30 p.m. EST

Future CAG Meeting Times

- Wednesday, January 5, 2011, 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), Liz Kachur (In-Plume Resident), Abby Novak (Pompton Lakes Environmental Committee), Bill Pendexter (Hydrogeologist and Non-Plume Resident), Lisa Riggiola (Citizens for A Clean Pompton Lakes), Tim Troast (In-Plume Resident), Dana Patterson (Edison Wetlands Association), Michele Belfiore (alternate for Jack Sinsimer, Pompton Lakes Residents for Environmental Integrity).

Ex Officio Members Present:

New Jersey Department of Environmental Protection (NJDEP): Frank Faranca, Stephen Maybury, Mindy Mumford, Anne Pavelka
U.S. Environmental Protection Agency (EPA): David Kluesner, Clifford Ng, Barry Tornick, Barbara Finazzo, Adolph Everett, Amelia Jackson
Pompton Lakes Borough Council: Richard Steele
Agency for Toxic Substances and Disease Registry (ATSDR): Elena Vaouli, Racquel Stephenson
New Jersey Department of Health and Senior Services (NJDHSS): Joe Eldridge, Christa Fontecchio

Observers Present:

Gary Charyak, Gitta Curtiss, Michael Garbe, Leiry Gonzalez, Jacky Grindrod, Angel Hertslet, Joseph Intintola Jr., Bill Kaig, Darcy Kamp, Michael A. Keough, Rich Lombardo, Karen Magee, Helen Martens, Edward Meakem, Ed Merrill, Cheryl Rubino, Mike Simone, Jennifer Sneed, John V. Soojian, Lem Srolovic, James Tacinelli, Anne Tacinelli.

There was one other name on the list, but it was not legible.

I. Welcome and Administrative Updates

Mr. Bill Logue, facilitator, welcomed everyone to the Environmental CAG meeting. He acknowledged today's holiday, the first day of Hanukkah, and thanked everyone for attending the meeting. Mr. Logue welcomed Ms. Barbara Finazzo, EPA Region 2, Director of Environmental Planning and Protection. Ms. Finazzo thanked the CAG for its invitation to join the meeting and noted that she will report back to Ms. Judith Enck, EPA Region 2 Regional Administrator. Mr. Logue acknowledged the attendance of representatives from the health agencies: Mr. Joe Eldridge and Ms. Christa Fontecchio (NJDHSS) and Ms. Elena Vaouli and Ms. Racquel Stephenson (ATSDR).

Mr. Logue reminded the CAG of the full agenda for the evening and the multiple opportunities for observer comments throughout the meeting.

Mr. Logue asked the CAG members for comments on the November 3, 2010 CAG meeting summary. Ms. Lisa Riggiola provided feedback on some spelling errors. The meeting summary was accepted with revisions. Ms. Riggiola also expressed an interest in attributing comments to the specific CAG members who stated them in the meeting summaries. The CAG agreed that this is something that should be tried.

II. Vapor Intrusion Sampling

Mr. Logue introduced the first agenda item, vapor intrusion sampling, and asked the members to hold their questions until after the three presentations.

Mr. Steve Maybury, NJDEP, began by discussing the three options for sampling.¹ NJDEP and EPA agree that residents can have the option of testing moving forward for the 61 contaminants in the sub slab. **Within the Vapor Mitigation area (plume)**, DuPont has agreed and will pay for vapor mitigation systems and install the systems regardless if the 10 contaminants for which DuPont is responsible are found or if any other contaminants are found. If the Licensed Site Remediation Professional (LSRP) finds contaminants outside of the 10 for which DuPont is responsible, NJDEP will be notified. This may result in an investigation because a new contaminant represents an unknown source of contamination. **Outside the plume in the expanded investigation area (buffer zone)**, a third-party sampler can also sample the sub slab for all 61 contaminants. If contaminants other than the 10 for which DuPont is responsible are detected above criteria, the resident can either choose to request that the NJDEP conduct indoor air sampling or hire a third party contractor to conduct indoor air sampling and the homeowner can seek reimbursement under the New Jersey spill fund program. If a mitigation system is required in the buffer zone for unknown source chemicals, the homeowner can also seek reimbursement under the New Jersey spill fund program if a third party contractor is used to install a mitigation system.

Ms. Anne Pavelka, geologist with NJDEP, reviewed handouts that cover the constituents of concern.² Ms. Pavelka provided a handout with a timeline of well installations and sampling

¹ Presentation available at: http://www.epa.gov/region02/waste/duPont_pompton/cag.html.

² All documents can be found at: http://www.epa.gov/region02/waste/duPont_pompton/cag.html.

conducted on the DuPont Site since 1981. Ms. Pavelka discussed the 1995 Comprehensive Monitoring Program and the steps that occurred for NJDEP to reduce the sampling parameters to 10 volatile organic compounds and lead. Ms. Pavelka discussed an article posted on the NJDEP website about the split sampling that occurred during the week of May 26, 2009 with DuPont and NJDEP and the similarities of sample results. Ms. Pavelka reviewed the Classification Exception Area (CEA) Contaminant List updated from the previous handout to include 2009 maximum values and New Jersey Ground Water Quality Standards. CEAs are shown on the map that was also handed out.

Mr. Barry Tornick, EPA, discussed the status of sampling for vapor intrusion.³ He discussed the three options for sampling:

- Licensed Site Remediation Professional (currently three have been approved by EPA and NJDEP – one has an approved Quality Assurance Project Plan) with EPA overseeing the contractors.
- NJDEP contractor (Handex) with EPA observing the sampling.
- DuPont's contractor (O'Brien & Gere) who follows sampling procedures approved by NJDEP and NJDEP observing the sampling.

Ms. Amelia Jackson, an EPA Chemist, discussed quality assurance procedures. Ms Jackson talked about the three phases of quality assurance: planning, implementing and evaluating. During the planning period, Ms. Jackson and her staff have been involved in developing pre-qualifications for third-party contractors to ensure contractor qualifications. A quality assurance project plan contains specific procedures that must be followed for sampling and conducting laboratory analyses. Sampling procedures are per the NJDEP Sampling Manual Laboratory and analytical methods are certified by NJDEP. The quality assurance plan includes names of the sampling crew and the laboratory that will be used. Once the quality assurance project plan is completed, it is submitted to EPA for approval. For implementation, the vapor intrusion sampling begins with a canister installed overnight for collection of the sample. When EPA staff members oversee installation and pick up of the canisters, they complete a checklist of items to be sure the sampler is following the procedures in the quality assurance plan. In addition, a chain of custody form is completed that documents who is in possession of the sample from the time the canister is in the home through shipping to the lab and among all of the departments in the lab. In the evaluation phase, sample results are submitted to the field contractor who submits the data package to EPA. Ms Jackson's group reviews the data package documents and calculations to ensure the results are accurate. A report is written within 30 days of receipt of the completed data package from the third-party contractor to validate the data. Ms. Jackson offered to discuss this process in more detail at a later date.

CAG Discussion

Keeping Plume Residents Informed of Their Options

Ms. Michele Belfiore asked if the list of the 450 homes [note: EPA and NJ DEP refer to the number of plume homes as 439] within the plume is available, if it is public information and if the vapor mitigation contractors will be given this list. She is concerned that some of the older residents are confused about their options and would benefit from the distribution of a brochure

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

including information on all of the contractors. Mr. Richard Steele, Pompton Lakes Borough Council, confirmed that there is a list and it is publicly available. Ms. Lisa Riggiola expressed concern that providing a list of people in the plume to the contractor is solicitation and would be inappropriate.

Mr. Logue summarized that the underlying interest of concern of the CAG seemed to be ensuring that a communication plan be in place for the residents to gain a better understanding of the contractors that are available for the vapor mitigation systems. Ms. Mindy Mumford, NJDEP, explained that contractors can call NJDEP and ask if a specific home is in the plume. Mr. Dave Kluesner explained that a brochure was distributed to homes in the buffer zone and in the plume providing the three options for vapor mitigation systems. Mr. Steve Grayberg suggested that a workgroup of CAG members draft an information sheet on the contractor options that could be distributed to the community. The CAG agreed that this would be a good idea but after discussion felt that sufficient information was available about the contractors available to install vapor mitigation systems and the CAG could encourage ways to have plume residents understand their options. The CAG can announce new information at its meetings and the agencies agreed to widely distribute the information and to host another public meet and greet with the vapor mitigation contractors.

Contaminants of Concern and Technical Advisor to the CAG

Ms. Belfiore asked for validation of DuPont's responsibility for the 10 chemicals instead of all 61 chemicals. She was directed to Ms. Pavelka's handouts and discussion from the previous CAG meeting. Ms. Dana Patterson asked for a list of the 10 chemicals for which DuPont is responsible. NJDEP offered to provide this list. Mr. Logue suggested this as a topic for the future and reminded the CAG that an independent advisor can be hired through the Technical Assistance Services for Communities (TASC) program. Ms. Riggiola suggested Mr. David Folkes as a vapor intrusion specialist. Ms. Riggiola also believes that Pompton Lakes needs an independent investigation of the properties and neighborhoods. A conversation about the difference between Technical Assistance Grants (TAG) and TASC support ensued. Mr. Kluesner is going to provide a document that compares TAG and TASC grants. The CAG agreed to e-mail a request to EPA requesting a technical advisor to examine and provide an opinion on the ground water monitoring data and how the agencies arrived at the 10 contaminants of concern. The facilitator will draft an e-mail request.

Areas of Concern

Ms. Belfiore asked for the list of 205 areas of concern (AOCs). Mr. Kluesner offered to provide the Remedial Investigation (RI) reports on CD to all of the CAG members, which includes the AOCs. Dr. Bill Pendexter reminded the CAG that AOCs can include any potential contamination such as from underground storage tanks, dumpsters or downspouts of buildings and it is not unusual for a large facility to have over 200 AOCs.

Mr. Frank Faranca mentioned that there is a regulatory requirement that each AOC is tracked on a Case Inventory Document Sheet that is submitted with each document sent to the NJDEP. Each Case Inventory Document sheet also lists the potential contaminants of concern at each AOC. The RI reports submitted in June 2010 provide information about each operating area and include an inventory of AOCs at the beginning of the document. Information about the tunnels is

included in the report pertaining to the operating area where the tunnels are located. Mr. Maybury reminded the CAG that DuPont was required to video inside the tunnels.

CAG Resolution on Unannounced Audits

Mr. Grayberg introduced the resolution that he and Dr. Bill Pendexter drafted for this meeting requesting that NJDEP and EPA develop and implement unannounced audits to evaluate sampling methods and collect and analyze split samples. A discussion followed clarifying the purpose of the resolution and advantages and disadvantages of audits. The discussion also included jurisdiction on fining the responsible party. Ms. Finazzo described how the agencies follow procedures and the responsible party is required to pay for the cleanup. Mr. Tornick explained that DuPont could be fined if it does not follow its plans and take corrective action when instructed to do so.

Ms. Patterson provided alternate wording for parts of the resolution. The CAG approved the resolution pending an e-mail review. The resolution will be edited and distributed to the CAG for final approval. CAG members will have several days to respond and lack of response was agreed to be acceptance. Once approved, the facilitator will send the resolution to EPA and NJDEP.

Observer Comments

Edward Meakem: Mr. Meakem asked if the water treated by DuPont's pump and treat system meets today's standards. He believes that the tunnels should be tested more than just filming. He asked if NJDEP or EPA has the statutory authority to go on the DuPont site unannounced. He stated that there are more than 10 chemicals of concern in ground water and asked if the daughter products of the contaminants have been found. He asked for the dates and names of the people who supervised O'Brien & Gere when they first started their inspections. He supports having a public meeting with the contractors and using reverse 911 to announce the meeting. He has found information on the Internet that is unclassified and is interested in material that is classified.

Gitte Curtiss: Ms. Curtiss stated that DuPont should be sued because the community is unable to swim in the lake or eat fish from the lake. The resulting funds can handle the cleanup and testing and then they would not have to deal with the government.

Cheryl Rubino: Ms. Rubino asked if the people who have already had the testing for 10 contaminants can have testing conducted for the other 51 contaminants.

Darcy Kamp: Ms. Kamp stated that an independent company should be hired to go on the property to test for all of the contaminants. She is concerned that only two CAG members attended the permit by rule meeting, there were few Town Council members there and that the Mayor was not present. She asked the CAG to consider changing its membership. She believes the Environmental CAG is a joke to appease plume members that are being stonewalled.

Michael Garbe: Mr. Garbe stated that he was at the permit by rule meeting and is proud of his neighbors for coming together to stop DuPont. When the CAG was formed he thought that there were not enough members from the plume. He believes that the CAG has failed. It was bad enough that the Mayor and Borough Council were not at the permit by rule meeting and only two

CAG members were in attendance. He believes that because the facilitator and the rest of the CAG knew that this meeting was happening they should have attended especially because of the history of mistrust and neglect in Pompton Lakes. The majority on the CAG don't live with what plume residents live with every day and every year so they don't really care. He believes CAG members are more interested in having their names associated with a group. He believes that if the CAG cannot show up for a meeting, they can't deal with the difficult issues like getting our neighborhoods and the DuPont property actually cleaned up. By joining the CAG members agreed to give nothing less than 100% of time and energy to safeguard our health, piece of mind, and our freedom to enjoy our homes. He demanded that the members who chose not to attend the permit by rule meeting should tender their resignation immediately and be replaced with people who care. If the members chose not to resign he demands that the CAG remove them or disband them because the CAG has had its first important test.

Michael Keough: Mr. Keough stated that he strongly objects to only having 60 seconds to talk. He is interested in the amount Federal and State tax dollars spent for the facilitation. He believes the observers should be participants in the process and not prevented from speaking and that the community did not ask or vote for the CAG. He believes that it is the people who get things done. He stated he agreed with Mr. Garbe 1000%. He believes this should be disbanded. The entire DuPont site should be tested independently above and beyond EPA, DEP and above and beyond the control of this CAG.

Richard Lombardo: Mr. Lombardo stated that the community doesn't trust DuPont. He would like an investigation of why DEP has been letting DuPont call the shots for so many years. He believes is just repackaging and unacceptable. He believes that DuPont should pay the bill, but we don't want them on our properties any more. Third party systems are a myth because there are none that are completed. He is waiting for sampling and a third party contractor. EPA is pushing the O'Brien & Gere systems. He stated that when DuPont was drilling in the lake – afterward there were dead fish in the lake. DEP did not respond to his calls or do an autopsy on the fish. DEP told him that oxidation and toxicity levels were ok. To establish our trust, start over.

Joseph Intintola, Jr.: Mr. Intintola stated he heard that DuPont was ordered to bury the tunnel. DuPont has been found guilty of burying radioactive material on one of their plant sites in the early 1980s. He wants to know why the CAG was promised a site tour and a tour has not happened. When a tour is decided on, he believes that CAG member alternates should be included in the tour.

5 minute break

Mr. Logue reminded the CAG of the time and recognized that there would not be enough time to cover all of the agenda items.

Ms. Riggiola asked a question about the letter that was handed out from the State of New Jersey to Mayor Cole dated May 26, 2010 describing a second inspection to determine if allegations of electrical code violations existed in homes where vapor mitigation systems were installed. She

referenced a letter written on May 1, 2010 acknowledging violations of the electrical code. The letter was provided to Mr. Kluesner.

Mr. Logue suggested the group remember that the CAG was formed to provide suggestions to the agencies and that the CAG needs to work together and respect one another.

Mr. Logue suggested the last portion of the meeting be spent on an update of vapor intrusion and mitigation and then a discussion of administrative tasks.

III. Vapor Intrusion and Mitigation Update

Mr. Barry Tornick provided a presentation describing applications for vapor mitigation systems that have been submitted and the process that the applications go through. There have been 17 of 32 system install applications approved by NJDEP so far. Six designs were submitted to EPA and one has been approved and 218 homes have had vapor mitigation systems installed or are in the process of having a system installed.

Mr. Dave Kluesner discussed the inspections program. EPA's contractor, Langan Engineering, is providing inspections of all previously installed and newly installed systems. At this point 43 of 49 homeowner requests have been completed. Mr. Kluesner described the process for inspections and suggested that this could be an agenda item in the future. The CAG agreed.

Ms. Riggiola asked for Anastasia Mastriani's (Langan Inspector) credentials. Mr. Tornick responded that she has extensive qualifications. It was also clarified that Langan Engineering is in charge of inspecting the performance of the vapor mitigation systems, not performing the building inspection.

Ms. Patterson asked if Langan Engineering could attend the next meeting if this is going to be a meeting topic. Mr. Kluesner suggested the CAG submit questions for Langan Engineering before a meeting and then perhaps attendance by Langan could be arranged.

IV. Preliminary Discussion of CAG Work Plan

Mr. Logue introduced potential committees and workgroups under the Operating Procedures such as the Administrative Committee. Mr. Logue explained that it can be beneficial to have a subgroup work on a topic between meetings to bring information back to the CAG. The CAG still makes all decisions. A summary must be published for any committee meetings that occur between meetings. Ms. Riggiola reminded the CAG of the concern that there are not enough plume members represented on the CAG and Ms. Patterson described the number of members on other CAGs. Mr. Kluesner reminded the CAG that the members were chosen through an assessment conducted by E² Inc. Mr. Logue reminded the CAG that because they have agreed on Operating Procedures, the Administrative Committee needs to be in place if the CAG wishes to make changes such as adding new members. The CAG was reminded that its membership needs to reflect all of the different interests within the area.

Mr. Logue reviewed the roles of the Administrative Committee on page 5 of the Operating Procedures and asked the CAG members who would like to serve on the Administrative Committee. After some discussion, the CAG decided that because there are only nine members

of the CAG that they would all serve on the Administrative Committee for the time being (the CAG did not elect a Committee Chair).

Based on a poll, Environmental CAG meetings will be held the first Wednesday of every month. Possible topics for the next meeting include:

- CAG composition.
- Topics for the next six months of CAG meetings.
- Inspection program discussion.
- The upcoming Western Manufacturing RI Report release.

Ms. Belfiore asked the CAG when the observers' questions get answered. She reminded the CAG that there is an obligation to find out the answers to these questions because the CAG members are representing the community. Mr. Kluesner acknowledged that some questions require information gathering and that a list of questions and answers could be compiled.

Ms. Patterson asked about the timing for the CAG tour of the DuPont Site. She asked if the site could be toured on foot or if vehicles would be necessary. Mr. Grayberg asked if there are objectives for the site tour and stated that determining the objectives could be a good first step. The site visit will be discussed at a later date.

Ms. Liz Kachur explained that she is concerned about the current atmosphere of the meetings and she hopes that more will be accomplished during future meetings.

Mr. Logue reviewed the CAG's accomplishments from this meeting.

Ms. Patterson thanked everyone who attended the permit by rule meeting and announced that Edison Wetlands Association created a video about the meeting which will be available on its website. She believes that the tour should be conducted as soon as possible especially because visibility will be better with no leaves on the trees.

The meeting was adjourned at 9:30 p.m.

An observer, Ms. Tacinelli, asked why a CAG has to advise EPA. Mr. Kluesner explained that the CAG provides an opportunity for community involvement in EPA's decisions.

Action Items

Item	Who; Date
Post meeting documents on EPA Pompton Lakes CAG website.	Kluesner; 12/13/2010
Prepare and circulate draft meeting summary.	Webster; 12/29/2010
Edit resolution for approval.	Webster; 12/10/10

Item	Who; Date
List of 10 contaminants for which DuPont is responsible.	NJDEP; 12/10/10
Table explaining differences between TAG and TASC.	Kluesner; 1/5/10

Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue; 12/1/2010
Agency Presentation	NJDEP/EPA; 12/1/10
Final Meeting Summary from October 6, 2010	Webster; 12/1/10
Final Operating Procedures	Logue/Holland; 12/1/10
Draft Meeting Summary from November 3, 2010	Webster; 12/1/10
<p>NJDEP materials supporting presentation</p> <ul style="list-style-type: none"> • Summary of 11/3/10 CAG Presentation Updated 12/1/10 with Summary of the 1995 Comprehensive Monitoring Program on back. • Copy of “NJDEP and DuPont Pompton Lakes Split Ground Water Sampling Data.” • CEA Contaminant List including 2009 Maximums and Quality Standards. • Map of CEAs. 	NJDEP; various dates
<p>Documents supporting vapor mitigation presentation</p> <ul style="list-style-type: none"> • Letter to Mayor Cole regarding allegations of electrical code violations in vapor mitigation systems. • Example of vapor mitigation system inspection. • Vapor intrusion oversight checklist. 	EPA/NJDEP; various dates
Updated timelines of Pompton Lakes Cleanup Activities	EPA; 12/1/10