

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN RE: :
:
POMPTON LAKE SEDIMENT : PUBLIC
CLEANUP PROPOSAL/DUPONT : HEARING
WORKS SITE PERMIT MODIFICATION:

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Thursday, January 5, 2012
Pompton Lakes High School
44 Lakeside Avenue
Pompton Lakes, New Jersey
Commencing at 7:14 p.m.

BEFORE:

ADOLPH EVERETT, HEARING OFFICER

ALSO PRESENT:

ARIEL IGLESIAS, DEPUTY DIRECTOR EPA REGION 2

Job No. NJ370997

1 HEARING OFFICER EVERETT: Good evening
2 and thank you for coming. My name is Adolph Everett.
3 I'm the EPA Region 2 Resource Conservation and
4 Recovery Act or RCRA Programs Branch Chief. I'm here
5 tonight to gather public input on the cleanup of the
6 Acid Brook portion of the DuPont Pompton Lakes site.
7 Cleanup is being conducted using the EPA's
8 authorities under the Conservation and Recovery Act
9 of 1976. Under the provision of federal regulation I
10 am serving as the official Presiding Officer of this
11 hearing and I welcome you all for being part of this
12 session.

13 I also want to introduce my colleagues
14 from EPA here tonight. From our Public Affairs
15 Division, Director Bonnie Bellow --

16 DIRECTOR BELLOW: Here.

17 HEARING OFFICER EVERETT: --
18 Intergovernmental and Community Affairs Branch Chief;
19 Todd Calongne as well as Mike McGowan and Dave
20 Kluesner; and from our Division of Environmental
21 Planning and Protection, Director John Filippelli, in
22 the back; Deputy Director Iglesias; and Cliff Ng, who
23 I believe is at the sign-in table.

24 The purpose of this hearing is to take
25 comment on EPA's tentative determination to select

1 corrective action measures for the Acid Brook Delta
2 sediments and upland areas. These measures would be
3 imposed upon E.I. DuPont de Nemours and Company
4 Incorporated, or DuPont, during modification of the
5 EPA RCRA permit initially issued in 1992 for the
6 Pompton Lakes Works Facility, located at 2000
7 Cannonball Road.

8 As brief background, the Dupont Pompton
9 Lakes facility is regulated under the Resource
10 Conservation and Recovery Act because Dupont managed
11 hazardous waste onsite in regulated process units at
12 the time the regulations under the statute came into
13 effect in the early 1980's.

14 The statute was amended in 1984 to
15 incorporate what are called the Hazardous and Solid
16 Waste Amendments. Among these amendments is an
17 obligation that facilities that manage hazardous
18 waste must take actions to clean up their sites as
19 necessary. The EPA permit requires DuPont to clean
20 up contamination from the facility and remains in
21 effect even though DuPont ceased facility operation
22 in 1994.

23 The permit applies to all on-site and
24 off-site areas affected by operations at the Dupont
25 Pompton Lakes facility.

1 Dupont also has cleanup obligation under
2 New Jersey law resulting in the 1988 Administrative
3 Consent Order entered into with the New Jersey
4 Department of Environmental Protection. The federal
5 and state programs follow similar procedures for site
6 assessment, investigation, evaluation and
7 remediation. EPA and the New Jersey Department of
8 Environmental Protection have a co-lead arrangement
9 for cleanup oversight at the site.

10 The EPA has the lead on the remediation
11 of the Acid Brook Delta sediments and uplands areas.
12 The Acid Brook flows from north to south through the
13 Eastern Valley on the DuPont property. The brook was
14 remediated in the 1990's, however, past discharges
15 into the brook resulted in contamination of delta
16 sediments and Uplands Soils.

17 The EPA hosted public information
18 sessions in October during which we went through
19 technical issues about the project in detail. The
20 presentations from those meetings are available on
21 the EPA Web site for this project. That Web site is
22 included on the handout that was given to you at the
23 sign-in desk.

24 But before we begin, I'd like to take a
25 minute to highlight the key activities and findings

1 which form the basis of EPA's proposed RCRA permit
2 modification.

3 Under the permit, DuPont was required to
4 perform an investigation to determine the nature and
5 extent of contamination caused by facility
6 operations. DuPont performed those investigations
7 and studies for the Acid Brook Delta study area
8 between 1995 and 2008. DuPont looked at three major
9 components: The sediments, the Uplands Soils, and
10 the Shoreline Properties. Under the RCRA permit,
11 DuPont is also required to use its findings of its
12 investigations, upon EPA approval, to propose and
13 evaluate corrective action measures adhering to the
14 criteria prescribed in the permit.

15 For the sediment, mercury and lead were
16 determined to be the key site-related pollutants of
17 concern. We decided to focus our attention on the
18 mercury because when inorganic mercury is processed
19 by certain bacteria, it turns into organic methyl
20 mercury, which is a more toxic form of mercury.
21 Methyl mercury can accumulate in the smaller aquatic
22 organisms and then in fish and other animals of the
23 food chain. As such, this ecological pathway poses a
24 greater risk than direct human contact. Also,
25 mercury and lead are located in the same areas, so

1 cleaning up the mercury will also eliminate the lead.

2 Samples of bottom sediment were taken
3 across the entire lake and channel. Mercury
4 concentrations were determined at the top 6 inches
5 which is the layer most available to plants and
6 animals and most likely to result in mercury getting
7 into the food chain.

8 To address these ecological concerns,
9 DuPont proposed and evaluated remediation to reduce
10 the potential for mercury to turn into methyl mercury
11 in the near shore sediments and to reduce the area of
12 exposure of ecological receptors to elevated
13 concentrations of mercury in the delta sediments.
14 Based on our review of the Study, the EPA is
15 proposing as a final remedy for the Acid Brook Delta,
16 the dredging of at least 68,000 cubic yards of
17 sediments from 26 acres of the lake.

18 The area to be dredged is determined by
19 mercury concentrations within the first 6 inches of
20 sediment. However, within this area the delta will
21 be dredged at least down to the "peat" layer which
22 was present when the delta was submerged following
23 the Pompton Lakes dam enlargement in 1908.

24 The EPA also proposes the excavation of
25 7,800 cubic yards of soil, in 17 separate locations,

1 from approximately one acre of the Uplands area.
2 These locations will be cleaned up to the lower of
3 human health-based direct contact standards or
4 ecological criteria for mercury and other metals.

5 The dredged sediments and excavated soil
6 will be disposed of at an authorized off-site
7 disposal facility. We'll also develop an appropriate
8 post-remediation monitoring program.

9 It was also determined that the
10 Shoreline properties were not impacted by delta
11 sediments during historic storms and no corrective
12 work is being proposed for them.

13 The proposed permit modification is
14 limited to the selection of remedies that I just
15 described. DuPont will also need to obtain state and
16 local permits for this work. Plans to clean up the
17 remaining areas of on-and-off-site contamination will
18 be the subject of future public meetings and public
19 hearings on proposed permit modifications when
20 investigations have been completed and proposals have
21 been drafted and reviewed by the agencies.

22 We're here this evening to listen to you
23 and to take your statements on this proposed permit
24 modification. This hearing is on the record and a
25 transcript will be available. We will also prepare a

1 written summary responding to comments made this
2 evening and comments submitted in writing during the
3 public comments period which ends January 13. All
4 the information that you need to submit comments to
5 EPA is contained in the handout given to you at the
6 sign-in desk. We also have comment cards available
7 for those of you who wish to submit comments to us in
8 writing tonight. All comments will be considered,
9 but it will be asked that you keep your comments and
10 statements focused on the proposed permit
11 modification.

12 Those wishing to make statements should
13 have signed in and received a number. I will call
14 out the number of the speaker. For those with an odd
15 number, I'd ask that while the odd number speaker
16 before you is speaking, please approach the
17 microphone on the right of the auditorium and those
18 with an even number, please use the microphone on the
19 left, on the left side of the auditorium.

20 I ask that you please identify yourself
21 before speaking and I also ask that you keep your
22 statements brief and not to exceed three minutes.
23 This will allow everyone the opportunity to speak.

24 Ariel Iglesias will monitor the time and
25 we'll take a 15-minute break around 9:00. During the

1 break, for those who wish to make a statement tonight
2 but did not sign up and receive a number, please go
3 to the sign-in desk and we'll assign a number to you
4 at that time, after the break.

5 So, with that, we'll get started.

6 I ask that Speaker No. 1, if you can
7 please identify yourself.

8 MR. HARRISON: My name is Kevin
9 Harrison. I'm a resident here in Pompton Lakes. I
10 have two young children and I'm very concerned for my
11 family and that's why I'm here tonight.

12 I want to strongly oppose this permit
13 because nobody lives in the lake and I think that you
14 need to take full control, EPA, meaning, needs to
15 take full control of this contamination, take it away
16 from the State of New Jersey, because they have done
17 nothing in 30 years, and take full control of this so
18 that you clean up the area that families live in
19 before you clean up a lake that nobody lives in.

20 And that's all I would like to say. I
21 oppose this permit and work harder on cleaning up the
22 homes and the soil and the groundwater underneath
23 these homes. Vapor systems, half of them do not work
24 and that's not a solution to the cleanup.

25 HEARING OFFICER EVERETT: Thank you,

1 sir.

2 No. 2.

3 DEPUTY DIRECTOR IGLESIAS: We would ask
4 if you kindly say your full name and spell it for
5 her, the recorder.

6 MR. EVELINA: My name is Thomas Evelina,
7 E-V-E-L-I-N-A. I was a longtime resident of Pompton
8 Lakes. There are a couple of things about the whole
9 issue that I would ask.

10 Number one, I can't believe, it's been
11 going on for 20 years that I know of and we're no
12 closer to cleanup today than we were 20 years ago.

13 Second of all, I think the only thing
14 that really can work in this situation is to have the
15 area declared Type 2 Superfund site because the
16 Superfund Type 2 has a lot more meaning to it than
17 anything else out there as far as legislation
18 enforcement.

19 I'm also a member of the volunteer fire
20 department and serve as a volunteer HAZMAT tech. I
21 just had a local business threatened with a \$10,000
22 fine for pumping out his elevator shaft during a
23 rainstorm that threatened to flood his basement. You
24 have DuPont who is committing the equivalent of
25 environmental murder and they haven't paid a dime

1 yet. And a local business is going to be
2 fined \$10,000 for failure to report to pump out their
3 sewer system. It's small business that keeps our
4 country going right now.

5 (Applause.)

6 If I take a cup of food coloring and
7 dump it in a five-gallon bucket, what are the odds
8 that food coloring stays in one spot? How do you
9 determine that the polluter is responsible for a
10 minute section of the lake?

11 So to dredge a certain portion of the
12 lake that is totally contaminated, it's just devoid
13 of common sense and I think it's detached from
14 reality.

15 That's all I have to say.

16 HEARING OFFICER EVERETT: Thank you,
17 sir.

18 No. 3.

19 MS. SEGRETTO: My name is Lauren
20 Segretto, S-E-G-R-E-T-T-O, and I'm from the Edison
21 Wetlands Association.

22 I would like to convey the continued
23 urgency of listing the Pompton Lakes DuPont site as a
24 Superfund site under the Comprehensive Environmental
25 Response, Compensation, and Liability Act. As the

1 negatively-affected participants in the environmental
2 tragedy, the community deserves to be involved in the
3 decisions regarding the DuPont Works site. Only by
4 doing this, can we successfully promote the continued
5 protection and health and the well-being of these
6 families living in Pompton Lakes, New Jersey.

7 From 1902 to 1994, the DuPont Chemical
8 Company dumped toxic chemicals into Pompton Lakes,
9 New Jersey. Since that time, this company has
10 abandoned this area and there still has not been a
11 cleanup of this site and it's been way too long.
12 DuPont has left a wonderful community with no viable
13 option than to live in more than 450 houses that are
14 affected by vapor intrusion. Meaning that all of
15 these homes and people living in them are constantly
16 surrounded by toxic vapor.

17 Designated as a Superfund site it would
18 call for the Pompton Lakes DuPont Works site to be
19 cleaned up under the supervision of the USEPA.
20 Moreover, the USEPA has stated numerous times that
21 there's little doubt that the Pompton Lakes Dupont
22 Works site would more than qualify for Superfund
23 status. Minimum score to qualify for a Superfund
24 status is 28.5; the Pompton Lakes DuPont Works site
25 is rated 68, almost three times the minimum standard.

1 It's critical that Pompton Lakes be
2 declared a Superfund site both for the health of the
3 environment and the people of Pompton Lakes as well
4 as the safety and well-being of so many mistreated
5 families. Listing Pompton Lakes as a Superfund site
6 would finally help to account for the concerns of the
7 people in the community and to restore their sense of
8 dignity and security. Pompton Lakes has waited way
9 too long and it's time for a change now.

10 (Applause.)

11 HEARING OFFICER EVERETT: Thank you.

12 No. 4, please.

13 MS. GRAZIANO: My name is Lauren
14 Graziano, Assistant Toxic Coordinator with the Edison
15 Wetlands Association. G-R-A-Z-I-A-N-O.

16 I am speaking for the people that are
17 suffering in Pompton Lakes. I urge you to do what is
18 necessary for this Pompton Lakes DuPont site as a
19 federal Superfund under the Comprehensive
20 Environmental Response, Compensation and Liability
21 Act. Under the current Resource Conservation and
22 Recovery Act status, decisions are being made on
23 specific cleanup options and permits behind closed
24 doors without involvement of the public. If listed
25 as a Superfund site, this will guarantee the

1 participation of the community that it's affecting.
2 DuPont's cleanup action under the remediation project
3 has continually failed to address remediation of
4 cancer-causing chemicals.

5 (Interruption.)

6 Cleanup efforts include the restoration
7 of only 26 acres of a 250-acre lake. If the whole
8 lake is not properly remediated, the mercury
9 contamination that is attached and absorbed to the
10 sediment particles will be transferred into other
11 areas and released. DuPont has also claimed that
12 they're only responsible for 26 acres and that there
13 are other background sources responsible for the
14 remaining contamination.

15 Who authorized and sanctioned this fact
16 without public knowledge or input? DuPont is
17 dragging their feet while these residents are
18 continually breathing in toxic gas, for decades,
19 hundreds of families suffer and are still suffering,
20 that have migrated into their basements. This
21 vapor --

22 (Interruption.)

23 DEPUTY DIRECTOR IGLESIAS: Ma'am, if you
24 could speak slower so the reporter could have a
25 chance to report what is said, I'd appreciate it.

1 MS. GRAZIANO: For these reasons I just
2 stated, the federal government needs to get involved
3 and immediately designate the Pompton Lakes DuPont
4 Works site as a federal Superfund site under CERCLA.
5 As hundreds of families suffer from poisonous gasses
6 rising into their home, I urge you to do what is
7 right.

8 Thank you.

9 DEPUTY DIRECTOR IGLESIAS: I'd like to
10 remind the people that are providing statements,
11 we're using a stenographer; she is recording your
12 statements. If you could speak directly into the
13 microphone, and slower, so that she can record what's
14 being stated, we'd appreciate it.

15 HEARING OFFICER EVERETT: No. 5.

16 MR. MENDEZ: My name is Thomas Mendez.

17 I'm going to keep this short and to the
18 point. There's pollution, people are dying and we
19 know who is responsible. This is something that must
20 be rectified. This is really common sense. Fact
21 that we're sitting here having this little meeting is
22 honestly a pawn. You can't even say the time to act
23 is now because this is something that's been
24 happening for years and years now. The time to act
25 has been 30 years ago when this originally happened.

1 And this must be cleaned up.

2 And furthermore, I have one last thing I
3 have to say. The Superfund status is really the only
4 way to go. If you allow the company to do it in
5 conjunction with EPA, it doesn't get done properly.
6 We need the community to be involved. The community
7 will ensure that this is done properly because their
8 lives are the ones at stake. Not DuPont, not the
9 government, people of Pompton Lakes.

10 HEARING OFFICER EVERETT: No. 6, please.

11 MS. BINGHAM: Victoria Bingham,
12 Assistant Program Coordinator for Edison Wetlands
13 Association. B-I-N-G-H-A-M.

14 Tonight, like many of us here, I'm
15 urging the USEPA not to allow this permit
16 modification and decide to discontinue the RCRA
17 regulatory process here because it hasn't been
18 working.

19 I have several issues with the permit
20 modification. First of all, remediation of the lake
21 has to be taken into consideration as a whole. How
22 is it possible that only 26 out of the 250 acres are
23 supposed to be DuPont's responsibility? I want to
24 know where that information came from.

25 Second of all, we're wasting more and

1 more time, really. Like Tom just said, 30 years, 30
2 years; but 30 years, how much has been done in 30
3 years?

4 It's inexcusable, it's really a shame,
5 shameful. We're still waiting.

6 So, you know, suffice it to say, this
7 site is in need of Superfund listing to keep DuPont
8 to be able to self-certify their own cleanup. Cut
9 corners would only put the community in danger of
10 health and safety issues. To round things up in
11 consideration of all the data, the cancer clusters
12 that have been proven, granting Superfund is not only
13 absolutely crucial for the health and safety of
14 Pompton Lakes citizens, but even more so, for future
15 generations.

16 So I'm urging the USEPA not to consider
17 this permit modification at all, but, rather, switch
18 to Superfund. Families are suffering and quality of
19 life is at stake. This is long overdue. Thank you.

20 (Applause.)

21 HEARING OFFICER EVERETT: No. 7, please.

22 MR. WOLFE: I'm No. 7. My name is Bill
23 Wolfe, W-O-L-F-E. I'm director of the group called
24 New Jersey PEER. That's an acronym for Public
25 Employees for Environmental Responsibility.

1 I want to take objection at the outset
2 to the three-minute limit. I think it's arrogant,
3 arbitrary, without basis, and I will not comply with
4 it. You're criticizing people who are forced to
5 speak quickly --

6 (Applause.)

7 -- because they're nervous and they're
8 trying to get in everything they have to say in three
9 minutes, which is an obscenity given the fact that
10 this permit that we're here tonight to discuss was
11 issued in 1992, 20 years ago, and there's been
12 literally no input from this community. And for EPA
13 to stand here and try to limit it to three minutes is
14 totally crazy. That is just a principled position
15 I'm going to stick with.

16 Number two, prior to coming to this
17 hearing, I stood with former Governor Jim Florio, and
18 Congressman Florio, who is the sponsor of the
19 Superfund law. And for him to be here and for those
20 kids to be here and the EPA Administrator not to be
21 here, after she made several commitments to this
22 community about aggressively enforcing RCRA as the
23 alternative to a Superfund listing, again is totally
24 unacceptable. The remedy that the EPA has decided
25 upon is to use the RCRA program in lieu of the

1 Superfund program.

2 And I have a letter from EPA Regional
3 Administrator Enck, which I will introduce in written
4 comments, which pledges her personal commitment to
5 enforce all RCRA requirements. That's clearly not
6 been done and it's unacceptable for a public official
7 to make those representations and not follow through
8 on it.

9 Before I get cut off, which I'm assuming
10 I will be, I want to get specific. EPA did not
11 comply with the RCRA requirements that require
12 consultation with federal entities, including US Fish
13 & Wildlife Service, for review of the draft plan.
14 It's particularly important that US Fish & Wildlife
15 Service participate because we have bioaccumulative
16 mercury that has ecological effects and human health
17 effects due to bioaccumulation and biomagnification
18 through the food chain and they are the experts that
19 are expert on that. They have not submitted
20 comments, I have not been able to review their
21 science and I have not been able to inject their
22 concerns into this process. It violates the RCRA
23 regulations and it violates basic scientific
24 integrity and it's unacceptable. For Region
25 Administrator Enck to make a commitment that she is

1 going to enforce to the letter, all the RCRA
2 regulations and not deal with that fundamental
3 minimum scientific requirement that EPA consult with
4 the experts on bioaccumulative mercury, is totally
5 unacceptable.

6 (Applause.)

7 Second point, I want EPA or anybody else
8 reviewing this transcript to conduct an investigation
9 into DuPont and the EPA and state DEP's disclosure of
10 the vapor intrusion issue, and that could be done
11 through the EPA Inspector General's office or through
12 the Department of Justice. I believe there's been
13 wrongdoing, there's potential fraud, and it may rise
14 to criminal levels. I think that that needs to be
15 looked at because not months after DuPont received a
16 liability waiver from the litigants in this town,
17 then the disclosure of vapor intrusion accidentally
18 just happened to occur.

19 I find that to be --

20 (Applause.)

21 I find that on its face to be
22 implausible given DuPont's scientific expertise and
23 knowledge of the site, EPA's scientific expertise and
24 knowledge of the site, to suddenly, in 2008, after
25 the liability waiver has been issued, to suddenly

1 tell the people and the people who live in those
2 homes that they have a vapor problem. It's just not
3 credible.

4 Personally, I will put on the record, I
5 worked for the Commissioner of DEP, Brad Campbell, in
6 2002. At that time, he was given notice, and I
7 published this memorandum on my Web site, he was
8 given notice by his experts in the site remediation
9 program, that vapor intrusion was a problem, that
10 needed to be addressed at all groundwater
11 contamination sites that involved organics.

12 So, state EPA knew, in 2002, and should
13 have taken all necessary actions to investigate all
14 volatile-organic contaminated sites and to take six
15 years to do that doesn't meet the straight-face test.
16 I believe the EPA perhaps intentionally withheld
17 information to avoid legal liability for the DuPont
18 Corporation. And that is a crime.

19 (Applause.)

20 Third point, I want investigation, and
21 this is on the record, by the Justice Department, of
22 EPA's report to Congress with respect to certifying
23 under RCRA and under the statute that Congress passed
24 requiring RCRA reporting, that the groundwater was
25 under control and that the human exposure was under

1 control. I believe there were false certifications
2 to Congress and I think that's a crime.

3 Okay. So I want that looked into and I
4 want EPA's response on the record as to when they
5 submitted reports to Congress asserting that the
6 groundwater was under control in this town from that
7 site, under RCRA, and that human exposure was under
8 control. Because that determination has since been
9 revised and human exposure is now not under control
10 and we know it's not under control because we have
11 direct contact exposures, in 450 homes, to vapor
12 intrusion.

13 Those are just the basic points before I
14 start talking.

15 I also object to the scope of the
16 hearing being limited to the Acid Brook remedial
17 cleanup plan proposed by DuPont. Okay? That 1992
18 RCRA permit, it's a modification of that permit,
19 therefore, anything within the scope of that permit
20 is fair game for anybody to comment on. And you
21 can't arbitrarily narrow the scope to the Acid Brook
22 portion of the entire DuPont site.

23 (Applause.)

24 And lastly, dispensing with my
25 preliminaries, I want to hear, because I heard the

1 Hearing Officer mention in his summary, the disposal
2 of all soil and sediment be excavated from this
3 community from the DuPont site should be handled as
4 RCRA Subtitle C hazardous waste and disposed of at a
5 hazardous waste facility, not solid waste where it
6 could end up in somebody's compost pile in South
7 Jersey, okay?

8 And that is a serious problem with
9 contaminated soils and sediments in the State of New
10 Jersey. I don't know what it is, where EPA is
11 looking and who they're paying attention to, but
12 everything under the sun is being blended with
13 contaminated soils and sediments and it's all over
14 the place.

15 So you guys have strict controls on
16 every molecule excavated from this site under
17 Subtitle C, cradle to grave, manifested, disposed of
18 under Subtitle C, with proper environmental control.

19 (Applause.)

20 Now the comments on the proposed Acid
21 Brook remedial plan.

22 The EPA modified DuPont's RCRA permit,
23 on May 4th, 2010, to insert a new compliance
24 schedule. That modification was done without public
25 hearing, without public notice, and without public

1 comment. It is therefore bogus and a sham, and it's
2 not a valid permit modification.

3 So you got to go back to the drawing
4 board, take everything you did in that compliance
5 schedule and put it out to this community and see if
6 they're happy with the cleanup, see if they're happy
7 with the dates, see if they're happy with the
8 schedules, see if they're happy with the compliance
9 requirements. And you stealth-ed that thing and you
10 not only stealth-ed it, you stealth-ed it after the
11 Regional Administrator had made a commitment to this
12 community to open up the cleanup process and provide
13 for additional community input on all the remedial
14 activities that were going on at that site. For EPA
15 to unilaterally do that without public comment is
16 worse than arrogant, it is violations of law, because
17 it is a substantive change to the permit. It dealt
18 with the entire soil remediation, groundwater
19 remediation, additional vapor intrusion requirements;
20 it was highly substantive. And to do that without
21 public comment is totally unacceptable.

22 So you got to withdraw this proposed
23 draft permit and go back to square one and propose
24 that compliance schedule modification for public
25 notice and comment.

1 (Applause.)

2 You guys are playing regulatory games
3 here. You see, I want the public to know and I want
4 the record to reflect that I was, in 1985, my first
5 job at the DEP was director of the DEP corrective
6 action program and I was Barry Tornick's counterpart
7 in Trenton. Okay? So I know the little regulatory
8 games that could be played here. And the way you
9 guys are doing this is not in comport with your
10 Regional Administrator's commitment to open this
11 thing up and make it more user-friendly. You're
12 being bureaucratic and you're piecemeal-ing things
13 and you're doing things without adequate
14 consultation.

15 And I don't buy the community advisor
16 group informal model whatsoever. I want a
17 transcript, I want EPA's response to comment, I want
18 everything on the record. Okay? That holds you guys
19 accountable and it makes you honest.

20 Technically, the technical issues on the
21 Acid Brook plan --

22 DEPUTY DIRECTOR IGLESIAS: Mr. Wolfe, we
23 have allowed you for more than six minutes.

24 MR. WOLFE: That's right. That's right.
25 It's been 25 years.

1 A MEMBER OF THE AUDIENCE: I'll give my
2 three minutes to you.

3 DIRECTOR BELLOW: If people feel they
4 want to take more time. We have a limit because we
5 expected a lot of people.

6 A MEMBER OF THE AUDIENCE: We're fine
7 with it. Thank you for your concern.

8 MR. WOLFE: Technically, the
9 characterization of the background level of mercury,
10 that to me is scientifically flawed because there
11 doesn't seem to be any scientific basis for
12 characterizing what portion of the mercury in the
13 environment came from DuPont versus what came from
14 atmospheric deposition. And without valid
15 scientifically-credible methods to determine
16 background, you cannot assign cleanup obligations
17 because you don't know what DuPont contributed versus
18 what was there from the coal-fired power plants in
19 the Midwest or in Michigan.

20 To a related point, the apportionment to
21 DuPont, there are analytical methods that would allow
22 you to evaluate the core samples over time so you
23 could evaluate scientifically what contribution was
24 associated with the point site versus what came
25 through atmospheric deposition. There was not even

1 an attempt to do that. In the documents that I
2 reviewed, I didn't see that. It's a fundamental
3 point.

4 Number three, I didn't see any analysis
5 of the biological mechanisms under which mercury
6 becomes bioavailable. I saw quite a bit of the
7 physical methods about how erosion could scour the
8 cap you're proposing on the mercury you're leaving in
9 place, but I didn't see any evaluation of how the
10 mercury you're leaving in place, outside the 26-acre
11 remedial zone and underneath the stuff you're going
12 to cap and leave in place, how that over time will
13 become bioavailable through biological means.
14 Meaning everything from microscopic organisms to
15 macroinvertebrates who digest that mercury and make
16 it methylized and it therefore becomes bioavailable
17 and moves through the food chain for fish and
18 wildlife and human life. I didn't see any of that.

19 And not only did I not see any of that,
20 but that scientifically completely contradicts EPA's
21 own work in the Great Lakes initiative where they
22 have developed wildlife criteria for mercury,
23 numerical values and scientific methods as the fate
24 and transport in environmental behavior of mercury.
25 None of that was done by DuPont. It conflicts with

1 EPA's mercury report to Congress, in 1999, which
2 reviewed the state-of-art science at that time, and
3 none of that science I saw reflected in the DuPont
4 effort. And what I did see reflected, and I'll talk
5 about that in a moment, contradicted EPA's scientific
6 methods.

7 And EPA, just last month, issued an air
8 max standard for mercury at coal-fired power plants.
9 That max standard came with the scientific evaluation
10 of the current state of the art of science on mercury
11 and bioaccumulation and ecological effects. None of
12 that work that DuPont did was consistent with the
13 EPA's own scientific evaluation that it formed the
14 scientific basis at the mercury site.

15 (Applause.)

16 So, scientifically, I don't think it's
17 possible for the agency to sign off on the DuPont
18 plan because it contradicts the EPA's own science in
19 so many ways. I'll talk about that in a moment.

20 The DuPont work did evaluate some
21 indicators of bioecological effect and
22 biomagnification and bioaccumulation and they did it
23 in two methods that would minimize, and I think
24 misleadingly minimize, the extent of the problem.
25 Because they did macroinvertebrate toxicity as an

1 indicator. And in all the scientific work I've seen
2 at EPA and the DEP, where I was directly involved in
3 some work there, I haven't seen macroinvertebrate
4 toxicity as a major indicator of bioaccumulation and
5 bioaccumulative impacts in mercury in the
6 environment. But DuPont used it to say, since there
7 was relatively little or no macroinvertebrate
8 toxicity, that therefore it was not that big of an
9 acute or chronic problem. I think that's a
10 misleading indicator and I don't think EPA should let
11 them get away with that.

12 The other indicator, that DuPont used,
13 was macroinvertebrate community structure. Again, I
14 don't see macroinvertebrate community structure as a
15 major method for EPA's evaluation of mercury and
16 environmental toxicity. DuPont used fish, but all I
17 could find was young fish, meaning fish that are one
18 year old or less, they haven't lived long enough to
19 bioaccumulate the mercury that's available in the
20 environment.

21 So, of course, if you sample young fish,
22 you're to get arbitrarily low values. Again,
23 misleading science. EPA cannot let that happen.

24 The science I did see came from the DEP,
25 which said that the levels in fish tissue in Pompton

1 Lake were I think 3-to-5 times higher than the
2 highest level found in New Jersey lakes. And on
3 EPA's report to Congress, it was from 5-to-200 times
4 higher.

5 So we have some very high concentrations
6 in fish tissue in Pompton Lakes. And DuPont is not
7 acknowledging that and EPA's not using that as an
8 indicator. I think the remedial plan doesn't
9 adequately deal with that issue.

10 DEPUTY DIRECTOR IGLESIAS: Mr. Wolfe, we
11 do have other people --

12 MR. WOLFE: I told you, I will not abide
13 by your three-minute limit, I'm not going to abide by
14 your six-minute limit. Unless the people want to run
15 me out on a rail, I'm willing to go to the mat. You
16 understand me?

17 (Applause.)

18 Now you're jumping twice now and I don't
19 want to be the yo-yo here --

20 DIRECTOR BELLOW: Go on.

21 MR. WOLFE: No, I've got an objection.
22 I've now entered a personal point of objection.
23 Because I am 55 years old. In 1995, I became honored
24 by Governor Christie Whitman for whistleblowing and
25 leaking documents showing the State of New Jersey

1 covering up freshwater fish concentrations of
2 mercury.

3 (Applause.)

4 That's how I became a, quote/unquote,
5 environmental advocate. I was driven out of the
6 bureaucracy, and I'm not going to deal with
7 bureaucrats stamping on my integrity.

8 (Applause.)

9 My last point, in closing, New Jersey
10 has Surface Water Quality Criteria that apply to
11 Pompton Lakes. Designated use for Pompton Lake is
12 for recreation and water supply. Any remedial
13 activity by DuPont, that affects that water, has to
14 meet the recreational use designation and the water
15 supply designation and the Ambient Surface Water
16 Quality Standards for mercury. None of the documents
17 I read asserted compliance with those state
18 requirements. EPA, under RCRA, is obligated to
19 recognize, under Superfund called ARARS, RCRA,
20 they're a little different, but the point of the
21 matter is, you can't just blow off the water quality
22 standards in the State of New Jersey.

23 I didn't see any compliance
24 demonstration in that document that I looked at. If
25 I made a mistake, you can correct it on the record.

1 The second point on Ambient Water
2 Quality Standards deals with the water concentration.
3 I didn't see any numerical demonstration that there
4 would be compliance with the Ambient Water Quality
5 Standards for the water column.

6 Last point, and I made it earlier, is
7 with respect to wildlife criteria. There are
8 numerical values for wildlife impacts that are in EPA
9 scientific reports to Congress, that have not been
10 evaluated by DuPont and it seems to me that EPA
11 should not be signing off on any private DuPont
12 document if the science doesn't meet EPA's own basic
13 minimum requirements for science.

14 (Applause.)

15 HEARING OFFICER EVERETT: Thank you.

16 No. 8. I believe we actually have two
17 No. 8 by mistake.

18 MS. RUBINO: Cheryl Rubino, R-U-B-I-N-O,
19 for the record. I used to come here speaking as a
20 former member of the town, I'm officially a homeowner
21 in this town now. I own a home here, so I have a
22 very vested interest in what's going on.

23 I am done asking for this town to be put
24 on Superfund, I now want and demand that they put
25 this damned town on Superfund once and for all.

1 Thirty years of my life, I'm 42 years old, 30 years
2 of my life, I've been dealing with the bullshit of
3 DuPont in this town. It's ridiculous. I'm fed up,
4 I've had it, okay?

5 So that's the first thing.

6 I demand you put it on Superfund and you
7 get the town cleaned up and back to the way everybody
8 remembers Pompton Lakes to be. It is a great place
9 to live and grow up. I went to this high school, I
10 sat here and told them, the Excellence in Education
11 sign came the year I graduated. It's a great town;
12 can we get it cleaned up once and for all?

13 Let's talk about the Acid Brook Delta.
14 I look at this lovely little plan. Who the hell drew
15 a line in the sand of a lake that said, hey, DuPont,
16 you're required to do this much but forget about this
17 much? It makes no sense. How do you come up with
18 that distinction of this is what your requirement is
19 and this is what your requirement isn't?

20 Let's be honest, I don't know about you,
21 but water flows, does it not? How the heck can you
22 clean up 26 acres of a 250-acre lake and tell me
23 those 26 acres aren't going to get recontaminated?

24 I just sat here and listened to you talk
25 about how the uplands and the mediation of the Acid

1 Brook, back in I think it was 1997, I was here, I
2 remember it, is possibly recontaminated? How can you
3 not clean up the site where everything flows downhill
4 into the lake? And considering that lake is public
5 drinking water and recreation, why the heck are we
6 not cleaning up the whole lake? There's no sense to
7 do things in piecemeal, it makes absolutely no sense.
8 Clean up the top, take into consideration there are
9 450 homes breathing in vapors in this town. I mean,
10 I won't even live in a house in Pompton Lakes.

11 Everybody asks me, Cheryl, do you drive
12 back to Middlesex every night? Yeah. I get out of
13 here, 10, 11, 12:00 at night, I take that hourlong
14 drive because I don't even want to live or sleep in
15 that house right now. It's bad enough my mother is
16 there.

17 So I stand here and I ask, okay, there's
18 no sense on taking into consideration this permit, it
19 makes absolutely no sense to partially clean up a
20 lake that is just going to be recontaminated. Start
21 at the top, do it in correct order and let's be done
22 with this once and for all.

23 (Applause.)

24 MR. WHEELER: David Wheeler, Edison
25 Wetlands Association.

1 I've been listening to all the speakers
2 and the first two gentlemen who spoke, Pompton Lakes
3 resident and Cheryl kind of echoed it right now,
4 they're on to something exactly right and I've been
5 trying to just put into perspective, just how
6 incredible it is that in the first EPA-driven public
7 meeting in 20-plus years here on the DuPont site,
8 that we're meeting about the Acid Brook Delta.

9 To put it in perspective, it would be
10 like we all found out tonight, Pompton Lakes High
11 School is covered with lead paint but rather than
12 clean up the whole school we're going to start with
13 the janitor supply closet on the third floor and work
14 on that for the next six to twelve months while the
15 kids continue to go to school. It's absolutely
16 incredible that this is the starting point for moving
17 forward on what we all hope is a new era.

18 The one thing that everyone was dead-on
19 about is, the only way this is going to change is for
20 DuPont not to be a half-DEP site, totally led by EPA
21 or anything like that, but for DuPont to be a
22 full-blown Superfund site and not left off the list
23 for whatever political reasons, but for this site to
24 receive the full attention of Superfund, which means
25 public input, public participation like we have

1 tonight and like all the citizens of Pompton Lakes
2 have been for the last two and a half years that we
3 have seen and I'm sure long before that, that the
4 citizens care deeply about this town and they're
5 doing everything they can to make it right. The EPA
6 had the responsibility to do the same.

7 So, as a Superfund site we know that can
8 happen. We know it's not an easy process and as one
9 of the speakers put it, it's not a magic bullet for
10 solving our problems, however, the only place that
11 will give us a legitimate start and will put real
12 timetables to the cleanups and not pick portions of a
13 lake at random and say, all right, this will take the
14 place of doing a real cleanup.

15 So, with all due urgency, I urge you to
16 put the site on the Superfund list, take whatever
17 steps necessary to make that happen.

18 Thank you.

19 (Applause.)

20 HEARING OFFICER EVERETT: No. 9.

21 MR. LaSALA: Good evening. My name is
22 Jefferson Harman LaSala, L-A-S-A-L-A.

23 I'll try to keep this on point. I
24 actually am going to have something to say about the
25 permit modification first, but I also agree with Bill

1 Wolfe, that I don't think that it should be limited
2 to that, I think it's unconscionable that after
3 having as a community dealt with this, not for 30
4 years, but for almost 100 years, that we are being,
5 first of all, given a three-minute time limit at what
6 is, what I was told today, the very first EPA meeting
7 of this kind in this community, which I think is just
8 completely unacceptable. How can we, just now, after
9 30 years of RCRA involvement, of DEP involvement,
10 this is the first meeting that we're having with the
11 EPA of this nature. It's just -- I don't understand
12 that.

13 The permit modification, I think needs
14 to include the entire lake. It is a sole source
15 aquifer and it is a drinking water source and if one
16 of the components is recreation, then why aren't we
17 able to use the lake?

18 I've lived here since I was a little
19 boy. I was brought home from the hospital to the
20 house I live in now. I used to swim in that lake
21 when I was a little kid. I can't do it now. Unless
22 DuPont is bringing this up to the point where I can
23 swim in this lake, this is not enough cleanup.

24 (Applause.)

25 If the town of Oradell is depending on

1 us for emergency water, what are we going to send
2 them? What's in there now, are we going to clean up
3 26 acres and, all of a sudden, magically be able to
4 send them the water from above those 26 acres or is
5 the rest of it polluted as well? What about what is
6 coming down from Oakland and above that from New York
7 State, why isn't that being considered in this?

8 I've sat in public meetings, pretty much
9 all of them, from the EPA, to the ones at the borough
10 council chambers, to the borough council meetings
11 themself. One of the things that I've seen is the
12 lack of behavior of the DuPont Corporation; if they
13 did attend at all, they barely speak. Last time we
14 were in the borough council chambers, one of them did
15 speak and they said: What do they expect, us to
16 clean up the whole lake? I think actually, what do
17 you guys think, I think it's a good idea.

18 (Applause.)

19 After 100 years of being in this town
20 and depositing in billions of dollars from the
21 proliferation of war, yes, I think DuPont company
22 should come in and offer something back to this
23 community. They have taken away the jobs, they have
24 taken away the benefits, they have impacted our
25 groundwater, our land, our homes, our air. Yes, they

1 should clean up the entire damned lake, absolutely.
2 This permit is nowhere near coming up with a
3 modification. What you're changing, from 26 acres to
4 250 acres, that would be a start.

5 Another thing about that is that this
6 idea that the mercury is contained in those 26 acres
7 is patent nonsense and I've been saying this at
8 public meetings over and over again. Robert Ballard,
9 Woods Hole Institute, has done a study that verified
10 that it is possible for heavy metals to attach to
11 soil sediment and taken up by water and moved down
12 and there's no way that the basis by which they
13 arrived at the borderline of that 26 acres -- which,
14 by the way, I've been hearing from a few residents
15 that you don't know how they arrived at that. My
16 understanding of that is that they tested every
17 certain amount of feet and when they found no
18 contamination, that was the line in the sand. That's
19 ridiculous. Because that water, especially after
20 Hurricane Irene, could pick that up and move it right
21 down into the basements of the people on the south.
22 Much less the rest of the lake.

23 I've been saying this over and over
24 again and there are people who keep saying that I'm
25 sensationalizing or somehow what I'm saying is not

1 true. You don't know if there's mercury at the other
2 end of the lake. And PS, the people who have been
3 telling us how much mercury is in the lake has always
4 been DuPont. We've been calling in this town for
5 independent testing for the better part of three and
6 a half years.

7 (Applause.)

8 I would like to know when the EPA is
9 going to respond to the formal request made by the
10 citizens from the Clean Pompton Lakes and the Pompton
11 Lakes Residents for Environmental Integrity, and the
12 hundreds of residents behind those organizations, to
13 have independent testing funded by the polluter
14 happen in this town? When are we going to get that?
15 That absolutely applies to the lake remediation and I
16 demand it on behalf of the residents in my community.

17 (Applause.)

18 I just -- really, I'm at a loss as to
19 what else to say, there are so many different topics
20 here. I, at this point, do this so much in the
21 course of a week, talk to so many people and I have
22 worked on this as a full-time job for three and a
23 half years. It's not what I do, this is not what I
24 love to do, but I've been forced to do it and I do it
25 because I love my community and I love my neighbors

1 and I think that it's important that we be as
2 informed as possible.

3 What I see, instead, is I see people
4 trying to downplay the severity of this. It's a
5 public health emergency. I've been saying this over
6 and over and over again. People who are going --
7 kids that are going to that school or playing in that
8 lake or nearby that lake, they're potentially being
9 contaminated by these substances. This has to stop,
10 we have to apply a different standard for the health
11 of the community. I just don't see it happening.

12 I think this permit falls far short of
13 what it should be. I think that the residents -- I
14 want to back up what was said at the press conference
15 today, I think that we should be given a property
16 valuation plan immediately by the polluter and I
17 think that anybody who wants to be bought out and
18 leave should be given the opportunity to do that.

19 (Applause.)

20 Because the bottom line, while they're
21 spending these decades cleaning up, we have to live
22 with this, we have to be stressed out by this, we
23 have to watch our friends and relatives die of cancer
24 and neurological disorders and depression.

25 By the way, Department of Health and

1 Senior Services, it's not just cancer, it's all these
2 other diseases that are not being addressed. And we
3 live with this every single day and you keep giving
4 the polluter the monicker of the responsible party.
5 Responsible to who? Not to me, not to us.

6 We had four class action lawsuits in
7 this town. The original contamination, that Jack
8 Sinsimer uncovered in 1988, was the first time that
9 DuPont began to do anything about it. Not because
10 that they decided that they were going to help us
11 out, but because they were forced to by law. They
12 have shown lack of cooperation in this community,
13 they have shown arrogance, and yet somehow under
14 RCRA, you're saying that they're doing a good job,
15 they're responsible and we should just give them this
16 permit and let them clean up the 26 acres. When they
17 do that, they'll be done with it and say, no, the
18 rest it is not our responsibility. I say that we
19 hold their feet to the fire and make them clean up
20 the whole damned lake, the entire thing.

21 HEARING OFFICER EVERETT: Let me take a
22 moment to make an announcement. Apparently there are
23 two cars that are blocking, I guess, someone else.

24 (Whereupon, a discussion is held off the
25 record.)

1 HEARING OFFICER EVERETT: We'll proceed
2 with No. 10.

3 MR. PLOWMAN: My name --
4 (Interruption.)

5 My name is Craig P. Plowman,
6 P-L-O-W-M-A-N. I'm a 31-year resident of Pompton
7 Lakes having raised three children from birth all the
8 way through. It was at this high school each time
9 and watched them each individually graduate.
10 Recently, we moved out of town. It had nothing to do
11 with the pollution, we found out about the pollution
12 six months after we moved. We were very lucky. My
13 wife to this day says if there's a God in heaven, he
14 was looking at us.

15 I got back involved again because of a
16 couple things I saw. Basically it all started with
17 the remediation of the Acid Brook Delta. I also
18 wanted to find out what the long-term health effects
19 were, basically for my children, okay? They played a
20 lot in our recreation room, which was in the
21 basement, which now all the residents who live in the
22 plume area are told they have to have remediation
23 systems to remove the toxic vapors from their homes.

24 Now, those of us, prior to this
25 acknowledgment comes out, we never had this, we just

1 had our children play in our basement and in our
2 recreation rooms or whatever and they were subjected
3 to this. This has been going on for a long, long
4 time.

5 Sir, you, yourself, gave us a date
6 before, of 1995, but the gentleman who just spoke
7 indicated that approximately '99 -- 1989, the
8 pollution first came to light in the Acid Brook
9 Delta. That was brought in front of the Planning
10 Board of the Borough of Pompton Lakes for a soil
11 removal permit, exactly the same type of permit that
12 has to be issued for the remediation of the delta
13 area for the removal of the soil.

14 Based on what I've heard tonight, I
15 strongly recommend that the Planning Board of Pompton
16 Lakes table that authorization of that permit. And
17 there has to be a tree removal permit, I believe, to
18 remove all those trees in the delta area. If that
19 hasn't been done, that should be tabled until this --
20 what comes out of this evening is corrected.

21 One thing on your plan is not specified,
22 at least the last copy I saw. It explains about how
23 materials will be trucked out of Pompton Lakes.
24 Yeah, it starts at Hamburg Turnpike and goes out from
25 there. How do you get the trucks from the lake to

1 Hamburg Turnpike? It is not specified. That must be
2 specified in detail.

3 I also would like to know who did the
4 sampling of the soil within Pompton Lakes and how is
5 it done. If it was done by DuPont, throw it out,
6 start over with an independent company. When the
7 Acid Brook remediation was done, not only was the
8 brook cleaned, but the soil in the people's
9 backyards, and, in some cases, homes that didn't have
10 concrete basements, the basements were cleaned out
11 because they were dirty.

12 Why was this done? Because it was found
13 that in times of high water, the heavy metals were
14 lifted up out of the brook area and deposited in
15 their backyards. So that all had to be cleaned.
16 That was done through sampling, starting at the brook
17 and keep going until they found no further
18 contamination. Then they drew lines and they weren't
19 straight lines, they were jagged lines and that's how
20 they did that.

21 That created another whole bunch of
22 problems that had nothing to do with the actual
23 remediation but it had to do with the replacement of
24 homes and whatnot.

25 So why should we believe that those

1 heavy metals, that came out of Acid Brook, now just
2 stayed where they were dumped in that area right
3 around the delta? They were carried by high water
4 down the lake to the dam, possibly over the dam into
5 the river. Has any sampling been done in the river
6 to make sure that the heavy metals did not do that?
7 I haven't seen any information about that at all.
8 That should be done also.

9 Several people here said you can't just
10 do part of the lake. Well, you definitely can't do
11 the part of the lake below the Lakeside Ave. Bridge,
12 you have to do at least the whole thing from the
13 Lakeside Ave. Bridge down. Above the Lakeside Ave.
14 Bridge, most of the lake was already dredged or
15 changed or dug out years ago and one of the same
16 configurations it did below the lake. But there has
17 been no change throughout the lake -- below the
18 bridge.

19 Not too long ago, The Bergen Record
20 newspaper reported a test that failed, that DuPont
21 ran, where they injected material into the soil, to
22 try to produce anaerobic areas that they could use
23 bacteria that does not use oxygen to eat the
24 chemicals in the soil, and it didn't work. Through
25 my research, I found out that happened two times

1 prior to that with two other mediums.

2 Now, why didn't they immediately try
3 something else? We know of a company, I believe
4 they're in Denver or the Midwest, that have some type
5 of material, and it's public knowledge, that worsens
6 different types of soils. Why hasn't this been
7 tried?

8 The first time, according to my
9 research, I believe was 1994. This is 2012, and we
10 did it three times? This is absurd. This is why we
11 need a Superfund designation, we've got to get this
12 ball rolling because nothing is being done.

13 (Applause.)

14 The residents here are totally
15 frustrated. We feel that our appointed officials,
16 our elected -- the ones at different agencies in the
17 U.S. Government, and especially in the state
18 government, don't care. I got the impression that
19 the state government workers are so afraid they are
20 going to be fired, that they don't want to make any
21 commitments and don't want to do anything. They
22 don't want to stick their neck out. Maybe this is
23 all right if you live in Trenton or you live in
24 Alpine or one of those fancy communities, you know,
25 but -- Cherry Hill is what I was thinking of, but we

1 live in North Jersey, these are our homes, this is
2 what everybody has worked all their lives for and
3 virtually they're worth nothing until we can get some
4 type of document that says this area is clean. This
5 cannot go on another 30 years, 10 years, or five
6 years. It's got to be taken care of now. We want to
7 see action now.

8 Thank you.

9 (Applause.)

10 HEARING OFFICER EVERETT: No. 11,
11 please.

12 MS. GIBBS: Lois Gibbs, G-I-B-B-S,
13 Executive Director of the Center For Health,
14 Environment and Justice, in Falls Church, Virginia.
15 I'm also former president of a similar site at Love
16 Canal, in Niagara Falls, New York.

17 And, you know, visiting this site and
18 working with the folks, which we've been for a while,
19 it is really clear to me that what is happening in
20 the last few years is criminal. To invite people in
21 to talk about a permit, where a tiny, little piece
22 that was defined by a corporation, DuPont, and agreed
23 upon by EPA's RCRA program, is a serious problem,
24 it's a serious problem and it's criminal, it's
25 absolutely criminal.

1 In talking to the neighbors, DuPont, if
2 you get DuPont's remediation for your home, you get a
3 remediation right away. If you use the other
4 alternative company to remediate the gasses that are
5 coming up in your basement, it could take you up to,
6 somebody said at dinner, two years. Because DuPont
7 is making its decisions here and the whole thing is a
8 facade that somehow the EPA and RCRA program is
9 running this program. DuPont's running this program
10 and that's why we're hearing --

11 (Applause.)

12 -- over and over again, people saying
13 that this is wrong, you can't clean up a tiny, little
14 piece of the lake and leave the rest of the lake.
15 That's insanity, it's absolutely insanity. To clean
16 up downstream and not upstream where the sources are
17 is insane.

18 I mean this is the only place in which
19 the victim gets treated by the perpetrator. This is
20 like asking a criminal who stabbed somebody to come
21 in and investigate the stabbing and fix the person
22 who was stabbed. It's time to -- 30 years is too
23 long. People have died from cancer; people's lives
24 have been changed; people who want to retire cannot
25 retire because they can't sell their home, or if they

1 can sell their home, they can only sell their home at
2 a marginal amount of money that it's worth.

3 This is one of the most beautiful
4 communities, and I say this, I mean I really feel
5 this, that I have seen in a long time. We drove
6 around for an hour and a half and we looked at your
7 houses, we looked at the lakes, we looked at the
8 river, we looked at the creek. And whether it was a
9 house that was on a fixed income or a mansion up on
10 the hill, people care about this community. The
11 community is well kept; people are talking to one
12 another; it's a beautiful community that DuPont's
13 violating each and every day.

14 It's time to move this out of the RCRA
15 program. It's time to stop letting DuPont control
16 the agenda and control the cleanup. I have been to
17 enough of these communities that at some point is
18 going to do exactly what everybody here knows: Not
19 only will people get sick and die but they won't get
20 loans for their home so they can't fix their roof.
21 When they can't fix their roof, their houses
22 deteriorate more. A beautiful community dead. When
23 people want to put their children through college, to
24 take on a second loan on their house in order to have
25 the children get a better education, they can't do it

1 because their house is worthless and their children
2 suffer as a result.

3 (Applause.)

4 The entire economy will spiral down and
5 this beautiful, gorgeous, well-connected
6 neighborhood, the community, will die. It won't die
7 because of you two fellows sitting in the front or
8 Judy Enck or Lisa Jackson, it will die because of
9 DuPont. Because the DEP, New Jersey Department of
10 Environmental Protection and the RCRA staff are
11 allowing DuPont to control what happens and that's
12 why people in this room have been saying, over and
13 over again, we need to take control out of your
14 hands, out of your hands and into Superfund or
15 another program where DuPont doesn't get to call the
16 shots and DEP doesn't get to bow down every time they
17 walk in the room, oh, we'll only do 36 acres, oh,
18 maybe we'll go do 50. You think the people will buy
19 50 acres? Maybe we'll do 100. No, it's time for the
20 violator, the responsible party that's responsible.
21 That means they did wrong, they did bad. It's time
22 for them to get the heck out of the picture to take
23 this out of the control of the RCRA program, which
24 has been bowing down to NJDEP and DuPont, and move it
25 into a program where these folks can get the lake

1 cleaned up, the source cleaned up, their home values
2 back, their economy up-and-running, and that this is
3 a live, vibrant community again. Because if it
4 doesn't happen, it cannot go another 10, 20, or 30
5 years at this pace because this community will be
6 dead, its people will be dead and a beautiful
7 community in America, our America, will be lost
8 because of DuPont and inaction at the state and the
9 federal level.

10 My comment is, I don't think this permit
11 is enough. This permit is the wrong permit in the
12 wrong place for a wrong thing, it needs to be moved
13 out into a wholistic approach and people should have
14 a say about what the cleanup is and what the future
15 plans and economic growth of this community is, not
16 DuPont.

17 Thank you.

18 (Applause.)

19 HEARING OFFICER EVERETT: Thank you.

20 No. 12, please.

21 MS. RIGGIOLA: Lisa Riggiola, Pompton
22 Lakes, New Jersey. Pretty much born and raised here.

23 I got a couple things to do tonight and
24 I think I'll start with the first one. And before I
25 read this, I want to say to the 220 Pompton Lakes

1 residents that signed the No Superfund petition and
2 our mayor and council that stated that they do not
3 support Superfund, I want to tell you, we have a
4 petition with 8,000 signatures saying we need this
5 here. So, shame on you people that don't sign,
6 because you don't care about us, you don't care about
7 us.

8 (Applause.)

9 A site that isn't even clean yet? Shame
10 on you. You want to make money on it, shame on you.

11 (Applause.)

12 The cover letter, I will read.

13 "I urge you to immediately list the
14 Pompton Lakes DuPont Works site as the federal
15 Superfund site under the Comprehensive Environmental
16 Response, Compensation and Liability Act. As you
17 know, (CERCLA) program. Adding the DuPont Pompton
18 Lakes Works site into the United States Environmental
19 Protection Agency Superfund program will ensure
20 protection for the families living in Pompton Lakes,
21 New Jersey.

22 Unfortunately, under the control of the
23 New Jersey Department of Environmental Protection,
24 for the last two decades, the Pompton Lakes DuPont
25 Works site leaked chemicals, languishing unremediated

1 and DuPont dragged their feet while the residents
2 continued to breathe in toxic, poison gas. While the
3 USEPA is now a co-lead on the remediation, a lack of
4 trust with the State of New Jersey still plagues the
5 community with a stalled installation of vapor
6 mitigation systems."

7 Those of us that want a qualified
8 contractor, mine is going in next week, finally after
9 a very long wait.

10 At numerous public meetings, USEPA
11 stated many times that the Pompton Lakes DuPont Site
12 would more than qualify for Superfund status. In
13 fact, the site was given a Hazard Ranking Score of 68
14 in 1982. What year is it now? Which almost is three
15 times the 28.5 score needed to qualify for Superfund
16 status. This scoring would have likely been worse if
17 it included the mercury contamination, that wonderful
18 mercury contamination that is everywhere, and our
19 vapor intrusion pathway of exposure.

20 In addition, USEPA's Region 2 at the
21 Pompton Lakes DuPont Works Site affects more people
22 by vapor intrusion than any other site. More than
23 450 homes are blighted by toxic vapor gasses rising
24 through their basements from the
25 trichloroethylene-lead contaminated groundwater

1 pollutant.

2 In addition, Superfund means community
3 participation is required by law. Under the current
4 RCRA status, community participation is optional,
5 whereas Superfund requires community involvement and
6 addresses community concerns in writing. Listing
7 this as a Superfund site would guarantee that Pompton
8 Lakes families have real community involvement
9 incorporating the community's input before, not
10 after, decisions are made on specific cleanup options
11 and permits. As we are all here tonight for. A
12 perfect example is the recently-approved cleanup of
13 Pompton Lake, which was approved behind the closed
14 doors without public input."

15 So, here it is, almost 8,000 signatures.
16 I do want to mention, there's a DuPont employee, and
17 God bless this man because he's brave, and there is a
18 doctor that lived in Pompton Lakes, that worked at
19 the DuPont site, Mr. Richard Marsh, 28 years as a
20 DuPont employee, will tell you how they scared him
21 into thinking they'll take his pension, they'll take
22 his health benefits, and he'll tell you all about the
23 chemicals he had to dump.

24 Another person, Mr. Smith, the
25 grandfather of our former chief of police, what that

1 man saw dumped into Lake Inez, God rest his soul.
2 You know, there are people that know what really
3 happened in this town and, unfortunately, there's
4 some that are just letting DuPont do whatever they
5 want. They run this town, it seems.

6 I'll make this quick. Acid Brook Delta
7 comments by me.

8 A hundred years of pollution by E. I.
9 DuPont de Nemours, 30 years later after the
10 contamination was first announced, with the
11 highly-contaminated 250-acre lake. A lake which
12 some, you know, they don't want to seem to talk
13 about, is a reservoir, by the way, that provides
14 drinking water to North Jersey residents.
15 Unfortunately, in this case, it's not Pompton Lakes,
16 but many others. That some obviously don't think
17 about. About 30 years later and we still live in
18 polluted neighborhoods with no cleanup plan in sight.

19 How is this ethical? How is it ethical?
20 How is it humane? And it definitely is not
21 acceptable to the people of this town anymore.

22 So now you bring the so-called lake
23 restoration plan, which is a large body of water, in
24 front of the residents of this community. Lake is a
25 large part of the natural beauty of Pompton Lakes.

1 To call this a lake restoration is a complete farce
2 when only 26 of the 250 acres are being addressed.
3 That is barely 10 percent of the entire lake.
4 Pompton Lake has suffered greatly due to the actions
5 of DuPont I.E. de Nemours and no longer can be
6 enjoyed as it once was and I find this very partial
7 cleanup plan unacceptable to all the hardworking
8 residents of this community that I love.

9 Unless this reservoir is fully cleaned,
10 it will never be restored to its past brilliance and
11 future generations of this community and others'
12 drinking the water will suffer from the loss. In
13 fact, I find this partial cleanup presented here
14 tonight -- today, tonight, to the residents
15 appalling, just as appalling as the fact that there's
16 still no real cleanup plan for the DuPont site and
17 our residential areas after a century of pollution
18 and decades of waiting. I think we deserve a much
19 better plan of action for full remediation.

20 And here are the concerns.

21 Let me ask you a question. If I as the
22 resident, and some other people, maybe we decided to
23 go dump chemicals all over Pompton Lakes, I would be
24 arrested and put in jail immediately. This is a
25 crime, it's a crime, they're killing people and they

1 have been allowed to continue to do it.

2 (Applause.)

3 As was stated in the discussion that we
4 had, we were told there were background sources.
5 Show me the evidence, show me the documentation and
6 tell me who or what or where these background sources
7 are. I do not understand how DuPont, after all these
8 years, only owns 26 acres. And EPA, if you sanction
9 that, show us the evidence.

10 Details need to be provided surrounding
11 the sanctions that DuPont -- I said that, sorry.

12 The fact that Pompton Lakes is a
13 reserved drinking water source in that it has
14 reservoir status, is that being considered in this
15 permit modification? Where is the North Jersey Water
16 District Supply Commission in all this? They sell
17 that water. Shouldn't they be concerned?

18 The lake needs to be completely
19 remediated as if it is not the Acid Brook Delta. But
20 if you don't do the whole lake, it will get
21 recontaminated. We can't think about just us
22 presently, oh, it will be nice to have 26 acres and,
23 yes, I live in the Gold Coast and some of them, some
24 people I hear go swimming in it. Are they just
25 concerned about themselves over in that area? How

1 about the people that are going to live here when
2 we're dead; how about them?

3 Why is this being called a lake
4 restoration? I mean, why would it be called that?
5 It shouldn't even been called that. This is called a
6 PR move to make it look like DuPont's doing
7 something.

8 (Applause.)

9 The procedures in this permit for
10 extricating, taking this stuff out of the water and
11 transporting it, is not acceptable. We have no
12 details, none.

13 Traffic study, a good former resident
14 that was chairman of the planning board, where is the
15 traffic study? Where is this document? We have no
16 idea. We have a school right there; where is this
17 stuff going?

18 Many residents feel that lake channels
19 have been altered from the severity of recent storms,
20 Hurricane Irene, as we know, and some people in this
21 town have been flooded five times since March. If
22 you go down to the south end, it's like a ghost town,
23 a lot of people left their homes and they're running.

24 So, where is the documentation? How can
25 you show me that nothing has changed, that whatever

1 was emanating from the site, it's not going
2 elsewhere? You know, we need to do things a little
3 differently and this permit cannot move forward the
4 way it is.

5 Thank you.

6 (Applause.)

7 MR. DOUGHERTY: Michael Dougherty,
8 Pompton Lakes.

9 I want to thank you for coming here and
10 giving us this opportunity to talk and I also want to
11 thank you for giving us a full 12 seconds for each 30
12 years that we were contaminated. So thank you.

13 This meeting also comes 30 years too
14 late. Twenty-six acres out of 250, as my wife and
15 other people have mentioned, that's barely 10 percent
16 of the lake. I don't understand how you can possibly
17 think that those chemicals, the mercury and lead,
18 hasn't migrated to other areas of the lake and
19 possibly down to the south end. Especially since
20 now, the new dam that was installed, around 2007 or
21 2006, opens from the bottom. So that will cause
22 different currents to run through the water. The
23 water doesn't go over the top, so it's going to force
24 anything underneath to be dragged out that way, which
25 could easily be taken down to the south end.

1 I think we really need to stop this
2 permit now and have further studies done down in the
3 south end, just below the dam there. Also, the other
4 background contaminants, what are they? Why are they
5 not being considered DuPont's? Who said that DuPont
6 gets to call what chemicals are there and what
7 aren't?

8 Basically, this whole plan is typical of
9 what's been going on here for 30 years. It's
10 basically too little too late and much too slow. We
11 need to move forward, we need to get this site on
12 Superfund because we can't keep doing this. I mean
13 there's kids that were born in this town, went to
14 high school here, now are raising their own families
15 and having kids here, since the contamination has
16 been announced, and nothing has been done and I find
17 that 100 percent unacceptable and you sitting there
18 should also feel that it's unacceptable. Our mayor
19 and council should definitely think that it's
20 unacceptable and so should our federal and state
21 government officials. Because it's a travesty what's
22 going on here.

23 That's it; and I'm definitely going to
24 say that we should vote down this permit and it
25 should not be passed as it is.

1 (Applause.)

2 HEARING OFFICER EVERETT: No. 14.

3 MR. POPOV: Good evening. My name is
4 George Popov, Colfax Avenue resident of this town.

5 This permit is an absolute farce the way
6 it's put together. I sincerely hope that your
7 technical people have looked at it. DuPont in its
8 own reports stated: The average and maximum mercury
9 contaminations are, in general, higher in the deeper
10 samples than in the surface samples.

11 Even today, Mr. Everett said we're going
12 to scrape a few inches off the top. We're measuring
13 in inches when the pollution is leached in several
14 feet. We'll take the feet or we won't take the feet.

15 In addition to that, this report does
16 not require DuPont to retest the bottom. All they
17 have to do is survey that they have gotten down to
18 their prescribed depths. Again, it's ridiculous.
19 Their numbers aren't very credible.

20 Now, EPA has also accepted the volume
21 weighted and spacial averaging to arrive at these
22 numbers. Why haven't you gone back and used the raw
23 numbers to really do an analysis of this lake, of the
24 entire contaminated area? How many hot spots in the
25 lake, inside and outside of the proposed dredging,

1 are being concealed or masked over through volume
2 weighted spacial averaging? Anyone who knows
3 mathematics, averaging does one thing, it lowers the
4 numbers. Yet, you have done nothing in order to
5 address that.

6 Matter of fact, DuPont's own information
7 has changed. At the October 19th meeting in the
8 Pompton Lakes Borough Hall, their very map on
9 contamination reduced areas by 30-to-50 percent. Did
10 anyone look at those numbers? It was absurd. And
11 that is a change from their 2010 report. Boring Hole
12 453, in case you want specifics, went from 68.3 parts
13 per million of mercury, down to less than 20.

14 Anyone put a shovel in the ground? I
15 don't think so. I haven't seen one out there.
16 Boring Hole 480 went from 58.5 parts per million of
17 mercury down to less than 20. How many other areas
18 were also changed in color in their presentation?
19 DuPont was playing with the numbers. I can't
20 understand how the EPA and the DEP have not caught
21 that as yet.

22 (Applause.)

23 Your own audit report, dated May 2011,
24 has already pointed out that DuPont groundwater
25 contamination is being addressed with a

1 pump-and-treat system. And at the present rate of
2 treatment, significant attenuation may not be
3 achieved in the near future.

4 Bottom line, it's not working with their
5 pump-and-treat system. There also has been no
6 testing of what is flowing down to gradient flow
7 through the plume into the north side of the lake.
8 We're all talking about south of the Lake Ave.
9 Bridge. What's happening up there, north of it? The
10 old area where someone claimed it was dredged back in
11 the '80s, but it's being recontaminated.

12 I like your term in your report, "riprap
13 technology." Pile up some rocks, that's "riprap
14 technology"? Great terminology. But it does not
15 stop the overland flow that is contaminated from the
16 works site.

17 Again, the dredging in inches and the
18 covering it up with sand in order to protect and
19 create a bio-surface area is just fraught with
20 nonsense. The first flood and storm moved a lot of
21 that sand. Fish swimming holes, anchor drops,
22 opening of the tanker gates, will also disrupt that.
23 Who is going to come back and recover it?

24 Are we going to have to drag people back
25 here kicking and screaming taking us through the

1 legal channels? We pay high enough taxes now, we
2 don't need the ongoing expense of maintaining this
3 bilayer which does nothing to prevent mercury and
4 other toxic chemicals from moving around.

5 I also join the rest of the residents
6 here to say, turn this down, let's focus on cleaning
7 up the 600 acres of contaminated area, the works
8 site, so it stops flowing downhill. You're cleaning
9 up the bottom of the hill; that's wrong, it's
10 foolish, you'll just have to come back because we'll
11 keep screaming about it, to clean this lake, to clean
12 Acid Brook, to clean the Acid Brook Delta again.

13 Thank you.

14 (Applause.)

15 HEARING OFFICER EVERETT: Go ahead.
16 Next.

17 MS. KENT: Maria Kent. I'm the
18 environmental chairwoman in town for the
19 Environmental Protection Committee. I've been doing
20 that for a number of years. I also work for the
21 state DEP. I just want to put that on the record. I
22 do not work for the EPA, I feel it morally -- I feel
23 moral obligation to come speak on this permit and
24 it's ethically appropriate because I don't work for
25 EPA. I want to put that out there on the record.

1 I agree with many people in this
2 community, 30 years is a long time to deal with
3 contamination. The agencies involved have not done
4 an adequate job over a number of years for getting
5 the residents involved. It's a longtime coming.

6 I do believe that there's a lot of
7 suffering that goes on in town, not only the people
8 in the area of where they have designated the plume
9 area but the entire town. Because what you read
10 about in the paper, what you hear about is Pompton
11 Lake. It's not just one section, it's all of us.

12 So I do agree that there's been a lot of
13 suffering, there's been a lot of concern. We have
14 had a lot of people come from different agencies.
15 I'm not really sure whether the cancer or not, you do
16 studies, you don't do studies. It's got to get
17 resolved.

18 Where I will differ is that the
19 resolution, maybe I've been a part of the state
20 government a long time and I do know that this permit
21 won't talk about the vapor intrusion. Not a part of
22 it, and it's unfortunate, but that's the way the
23 rules are written.

24 So what I understand it to be is that
25 this is the first time that we have the EPA dedicated

1 to actually clean up beautiful Pompton Lakes. It
2 hasn't been addressed. And it's high time it is
3 addressed. We need to get rid of the contamination
4 in that lake and clean it up once and for all. And
5 this is the way it's done.

6 Maybe it's not fast enough. It isn't --

7 A MEMBER OF THE AUDIENCE: Thirty years?

8 MS. KENT: I listened to everybody, I
9 appreciate you listening to me. Thank you.

10 But I feel that it's time that EPA and
11 DuPont, DuPont's paying, get them to do it and do it
12 right. EPA, you're responsible for that oversight.
13 For years you said -- Mr. Wolfe is correct, for years
14 you said that there was no problem in the lake. With
15 the vapor intrusion discovery, there's a problem, so
16 let's finish the job. Let's start -- it doesn't mean
17 that you can't -- that DuPont has no obligation to
18 fix any other part of the site, they do. That
19 doesn't absolve them of the contamination, it
20 doesn't, but you have to start and this is one way to
21 start. And this permit is important, that you meet
22 the obligation of RCRA, of the corrective action
23 rules, that the federal government have imposed on
24 companies who have caused these long-term problems.
25 They're not easy to clean up.

1 So for that, I'm hoping you have the
2 best possible in Region 2 to do this job and do it
3 right and get it done. It's time you get it done.

4 I just want to explain something. I've
5 been to a number of Superfund sites myself.

6 Superfund is not panacea, okay? If the Federal
7 Congress does not authorize money to finish a
8 Superfund site, guess what? The contractors walk
9 off. I've personally been there, I've personally
10 seen -- I listened to you. Because this is the
11 truth.

12 A MEMBER OF THE AUDIENCE: You're lying,
13 it's not.

14 MS. KENT: If they don't authorize the
15 money, guess what? The sites are vacated. I've been
16 on sites where there has been holes in the ground and
17 electrical conduits open and they walk away. At
18 least this is being paid for.

19 So, right now, I'm glad that we're going
20 to be going through and getting this thing resolved
21 once and for all. When I look at that lake, I don't
22 want to think about mercury, I don't want to think
23 about lead, I don't want to think about as it is in
24 our open space master plan that I helped authorize,
25 that we want that lake swimmable, we want it clean

1 and we want it usable for recreation and right now
2 it's not.

3 I want a commitment from the federal and
4 state governments, that you're going to abide by our
5 commitment to make that lake acceptable for our
6 residents now and for the residents in the future. I
7 want that commitment and I believe this is the first
8 step to do it.

9 Thank you.

10 HEARING OFFICER EVERETT: We're going to
11 take a break now, a 15-minute break, and we'll come
12 back.

13 (Time noted: 8:52 p.m.)

14 (Whereupon, a recess was taken.)

15 (Time noted: 9:15 p.m.)

16 HEARING OFFICER EVERETT: We're at No.
17 15. Is Speaker 15 here? No. 15, the name we have is
18 Chris Meyers.

19 We'll move on to No. 16 then. I think
20 that's been covered.

21 So, 17.

22 MR. CHAPIN: My name is Richard W.
23 Chapin, C-H-A-P-I-N, a licensed Professional Engineer
24 in the State of New York and the State of New Jersey.
25 I've been practicing environmental engineering for 35

1 years and I am certified by the American Academy of
2 Environmental Engineers as a Hazardous Waste
3 Management Engineer. And I provide technical input
4 to the Citizens Advisory Committee.

5 I'm here to take this a little bit
6 different than what we have heard so far tonight, I'm
7 going to point out a number of serious technical
8 flaws that the permit, proposed permit modification,
9 is based upon that really need to be seriously
10 addressed in order for anything to move forward.

11 That said, I don't believe that just
12 doing a portion of the lake is proper, we need to do
13 the whole thing.

14 The first point I'd like to make is,
15 quote/unquote, background. If you look at the
16 technical documents, there's any number of places
17 where they refer to background, the background, the
18 background is not in the lake, it's not any different
19 than background, the number in this part of the lake.

20 What was background? I spent a fair
21 amount of time looking through the documents trying
22 to determine what they used to establish background.
23 That's a fairly common practice in environmental
24 studies and there are very specific rules and
25 regulations in the state program, under the state

1 technical regs, on how you do that. So how did you
2 do it, guys?

3 Couldn't find anything.

4 I subsequently did find something that
5 indicated that background was based on published
6 literature, for example, mercury levels in fish flesh
7 and mercury levels in lake sediments, around the
8 State of New Jersey.

9 When you typically talk about
10 background, I'm specifically talking about mercury
11 right now, you talk about mercury coming from what
12 they call diverse anthropogenic sources, coal
13 combustion facilities, incinerators, industrial
14 facilities, stuff like that. It gets in the air and
15 the air travels everywhere.

16 So, yes, emissions from a coal-fired
17 furnace in Ohio could get washed in over and wind up
18 being in Pompton Lake. That's typically when you
19 talk about background.

20 But Pompton Lake is distinctly different
21 than any of those. Pompton Lake, about half-mile up
22 the hill, you had DuPont manufacturing mercury
23 fulminate and they did that for decades.

24 Now, mercury fulminate in the production
25 processes, there had to be stacks on the building

1 where the mercury fulminate was manufactured. There
2 had to be vents on the tanks where materials and the
3 mercury fulminate was stored. There had to be
4 atmospheric mercury emissions from DuPont, you can't
5 get around that.

6 Those winding up in the lake are a
7 given. So, if you just write it off to say the lake
8 isn't any much different than some lakes down in
9 South Jersey, that doesn't cut technical muster.

10 Other thing that's flagrantly absent in
11 the data that was used, is any attempt at all to date
12 the age of the sediment. Sediment gets laid down
13 over time in the lake and over time, years, decades,
14 the levels of sediment can build up in the bottom of
15 the lake. There are any number of techniques that
16 are commonly used. Radioisotope dating, for example,
17 that can be used to establish the age or approximate
18 age when those sediments were laid down. Therefore,
19 the contaminants found in those sediments were laid
20 down at the same time. It allows you to establish
21 what went on sequentially in a lake. It can then
22 allow you to back into what was going on that was
23 contributing to the contaminants we found in this
24 particular sediment. That's very common to do that
25 whenever you look at a lake.

1 It wasn't done. It's very conspicuous
2 by its absence. For anybody to make any statements
3 about this much came from here and that much, you
4 can't do it, there's no technical basis in the
5 documentation that I seen. And I looked in the
6 Corrective Action study, I read the remedial
7 investigation report, it's just not there. So that's
8 a very specific technical flaw in what you're talking
9 to do.

10 In looking at the technical data, I went
11 to the Web site and downloaded the document and I
12 printed out, full-size, this is supposed to be a
13 full-size document, the different sediment
14 contaminant profiles in the lake. You need one of
15 these to read your full-size documents. You have a
16 data presentation problem because the way it's
17 presented now, I had to go to my computer to look at
18 the blowup and then look at the data table. It made
19 it very difficult for me to go by what was on the
20 document and I look at these things all the time.
21 When anybody here, who generally will take a look at
22 this, would go -- get very frustrated.

23 Well, in looking at this, I did point --
24 there are some things that exist that I want to point
25 out.

1 Yellow spots, there are yellow spots
2 over on the other shore of the lake. Which happens
3 to be in Wayne Township, which I find fascinating
4 that none of this cleanup is going to be on the other
5 side of the lake.

6 And I ask that question because if you
7 look at the numbers on those yellow spots, those
8 contaminants left are as high as some of the numbers
9 in the area you go to dredge.

10 Well, why over here and not over there?
11 It doesn't seem like a comprehensive view is taken
12 and it needs to be taken.

13 A point of observation, if you take and
14 divide the 68,000 cubic yards of material that will
15 be dredged, the sediments, by the 26 acres over which
16 it will be dredged, that comes up with an average
17 removal of 1.65 feet. That just doesn't make sense
18 in my technical head, it just doesn't make sense. I
19 didn't go back and vigorously look at depth profiles
20 to see maybe there are, but if you've got a 6.5
21 average and you've got a lot of areas that are
22 greater than 5 feet deep, something is not computing
23 here. There appears there could be something wrong.
24 That needs to be checked, please.

25 Last comment I'll make is on methylation

1 of mercury. Methylation of mercury takes place in an
2 anaerobic environment, i.e., there's no air. The
3 bacteria that do that can't survive in air. So that
4 happens down in the sediments in the mud, you get
5 down into the sediments in the mud, all the other
6 organics, the air gets used up, there's no air
7 present and the bacteria that can methylate can do
8 that.

9 The cleanup here, a criteria for cleanup
10 is removing the upper 6 inches, or so, of sediments
11 under the premise that that's where the methylation
12 is taking place.

13 Now, think about this: You got one foot
14 worth of water, you got 6 inches of mercury; in a
15 lake that is shallow like Pompton Lake, you will get
16 a lot of wind-inducing mixing of atmospheric oxygen
17 into the water column, which means that the nearest
18 sediments to the top of the water, are not anaerobic,
19 they're aerobic, which means the methylating bacteria
20 can't survive.

21 Conversely, the report says that at the
22 depth in the sediments, you're not getting
23 methylation. Deeper you go in the sediments, you
24 would expect there to be less oxygen, so you would
25 expect more methylation. Something seems to be

1 fundamentally wrong in that explanation which is a
2 basis for establishment of a cleanup.

3 (Applause.)

4 The other thing that this figure
5 graphically illustrates is the lack of sampling going
6 up the lake. This is the Lake Shore Bridge, it's not
7 even up there.

8 Now, if what the gentleman said, about
9 dredging the upper portion of the lake, is correct,
10 then I put forth the proposition that if you sampled
11 up there now, and found mercury, that would be an
12 indicator of the off-site sources of mercury to
13 Pompton Lake, one of the key components that has to
14 be evaluated as to where the mercury came from.

15 The other thing that I find, there's
16 large voided areas of what seems to be missing data,
17 so I'm not sure how comprehensive the coverage of the
18 lake was. I grant you that using Thiessen polygons
19 to get biometric weighted averages of contaminant
20 levels is a method to do that, but what was pointed
21 out, when you do that math, you dilute the result.

22 I say that because when I looked at this
23 data here, and then I looked at the line -- if you
24 all look at the back of the documents that were
25 handed out, there are documents that show a

1 dark-black line and that's the bright line in the
2 sand that everything north or west of that gets
3 cleaned up and the rest of the lake doesn't. I
4 contemplate in my brain, how that line compared to
5 actual sampling isopleths here. I just couldn't. So
6 I think that needs to be addressed.

7 Each of these questions that I address,
8 I specifically request that a written technical
9 response be included in the response summary for this
10 hearing. I think these are very, very important
11 points.

12 One last thing I'd like to mention. The
13 young lady over there mentioned about Superfund and
14 running out of money you don't finish this project.
15 That's only partially true. In the world of
16 Superfund, money comes from two places, it comes from
17 the responsible party and it comes from the federal
18 government if there's no responsible party.

19 So, if there's a responsible party and
20 the responsible party is paying, responsible party
21 pays.

22 (Applause.)

23 If the responsible -- if there's no
24 responsible party, as in there is an orphaned site,
25 the federal government has to pay. And, yes, in that

1 instance, it's true that the funding for Superfund
2 these days is part of the general appropriations to
3 the EPA for doing that work. So they do have to go
4 to Congress to get that. When Superfund was started,
5 there was a specific tax on petroleum and chemicals
6 that doesn't exist. You have two things going on
7 here. So that previous statement wasn't actually
8 correct.

9 The other thing that I'll mention is
10 that from my experience in working in Region 2, on
11 any number of Superfund sites, Horseshoe Road down by
12 Somerville is one that comes to mind. Once Region 2
13 starts a site, they don't walk away from it. They
14 will find -- if they're funding, they will find the
15 funding. It may take them a long time to get
16 started, because of the funding thing, but in my
17 experience, once they get started, they don't have to
18 complete a job.

19 Thank you.

20 (Applause.)

21 HEARING OFFICER EVERETT: No. 18.

22 MS. PATTERSON: My name is Dana
23 Patterson, P-A-T-T-E-R-S-O-N. I'm the toxic
24 coordinator for Edison Wetlands Association. I've
25 been working on the site for about two and a half

1 years, directly involved and working with the
2 residents.

3 This site, one of the main problems here
4 is that there's been many broken promises and this
5 community is still suffering. Everyday, they go into
6 their houses and they still breathe in vapors that
7 are contaminated from trichloroethylene in their
8 basements and they're being exposed everyday. We
9 have a human health exposure that is not under
10 control. That's the first problem.

11 The second problem is the lake is not
12 cleaned up and there's people still fishing in this
13 lake. And they're still eating the fish from this
14 lake. That needs to be taken care of immediately.
15 Signage is something that should be posted up on the
16 site immediately. Because the lake is not fishable,
17 it's not swimmable, and the exposure is not under
18 control.

19 The second part is that RCRA has not
20 been working at this site. And one of the most
21 important things that RCRA does not include is
22 mandatory public participation, which Superfund does
23 include.

24 I read you from your Statement of Basis,
25 that was handed out today, at the bottom of the page:

1 Opportunities for public participation will continue
2 to be provided through public notices as well as
3 informal meetings.

4 That is unacceptable. We need public
5 hearings where it is written down with a stenographer
6 and then a responsive summary. That is not
7 acceptable under RCRA and that's one reason why we
8 need Superfund. This is the first public hearing
9 under RCRA. That would not happen under Superfund.
10 During every cleanup process step, there's a public
11 hearing and public participation.

12 And if this was working, DuPont -- if
13 DuPont actually wanted to clean this up, they would
14 have cleaned it up the first time they dredged the
15 lake and cleaned up the mercury and lead. EPA is
16 working for us taxpayers, they're not working for
17 DuPont. DuPont is a corporation; you guys need to
18 remember that when DuPont comes to you with a plan,
19 you need to stand up for the public health for this
20 community. And every community in this country, not
21 for the corporations who are putting pressure on you.

22 Several things about this permit that
23 are being proposed, that were mentioned, and I want
24 to mention them again because they're very important.

25 Bill Wolfe mentioned that the fish that

1 were tested were juvenile. How can you use this data
2 appropriately and say that juvenile fish, of course
3 they're going to have low concentrations, if not any.
4 Adult fish must be tested, they must be retested.

5 Second thing is, in addition to this,
6 while they're being retested, we need to bring in US
7 Fish & Wildlife Service and they need to conduct a
8 scientific study in Pompton Lake. They must be
9 brought in. I was appalled to hear that they were
10 not brought in and they're violating the RCRA permit
11 by that. That's unacceptable.

12 The next thing is that this site, when
13 the soil is taken off-site, first of all, there needs
14 to be a traffic study conducted first. Because when
15 I drove through this town today, at 3:00, there was
16 students at every corner of this town walking home
17 from school, and if a traffic study is not conducted
18 during all hours to figure out when the trucks can
19 and cannot be on the road, there's going to be a huge
20 mess and there's extreme amounts of safety concerns
21 for that. There must be a traffic study and it
22 should not be conducted by DuPont, it should be
23 conducted by a private party.

24 The second thing is that RCRA hazardous
25 waste must be taken off-site as hazardous waste. We

1 don't want it to end up under a school somewhere else
2 in the state or in the county for that matter.

3 The next thing is that the entire lake
4 must be cleaned up. Everyone here, and I'm sure
5 you're going to hear this over and over again, 26
6 acres is absolutely unacceptable. And 250 acres,
7 we'll talk, that's when we'll start talking. Entire
8 lake must be cleaned up. As Rich Chapin explained,
9 how can you draw a line in the sand? The sampling
10 data doesn't even match up with it. This needs to be
11 reexamined in more detail.

12 We need to do this right, we need to do
13 it through Superfund. Enough of this RCRA back and
14 forth and enough of these backroom meetings, informal
15 meetings. We're sick of it, we do not want this. In
16 fact, in a letter from Judith Enck, it stated we're
17 not going to look at Superfund in Pompton Lakes at
18 this time. Well, let me tell you, Judith, EPA, our
19 senators, our congressmen, that the town of Pompton
20 Lakes, this is the time for Superfund. We're tired
21 of suffering. Thank you.

22 (Applause.)

23 HEARING OFFICER EVERETT: Thank you.

24 No. 19, please.

25 MR. SOOJIAN: John Soojian.

1 First of all, I'd like to tell you that
2 in the past six months --

3 HEARING OFFICER EVERETT: Speak closer
4 to the mic, John, please.

5 MR. SOOJIAN: In the past six months,
6 the process that's being proposed for the lake has
7 been discussed at several gatherings, there have been
8 presentations at CAG meetings from DEP personnel, EPA
9 personnel. There have been two independent
10 presentations done at the municipal building, one by
11 the EPA and one by the DEP. People who are expert in
12 dredging, people who understand mercury and mercury
13 methylation.

14 All of the things that I've heard have
15 indicated that this project should go off as it's
16 scheduled.

17 Whether or not the entire lake is
18 remediated at this point, I think everyone here
19 agrees that it should be remediated, it would be
20 great if we could get every bit of contamination out
21 of Pompton Lakes and out of the lake. What will be
22 effective, if I understand what I've been listening
23 to for the past six months, is the fact that 26 acres
24 of the lake, the most contaminated portion, the
25 most -- the area that DuPont is most responsible for,

1 will be eliminated from that area, and up to 97
2 percent of all the mercury will be eliminated.

3 I heard Rich Chapin say that there would
4 be an average of 1.6 feet excavated through the 26
5 acres, and two minutes later I heard Rich Chapin say
6 they're only going to be taking 6 inches.

7 A MEMBER OF THE AUDIENCE: That was
8 wrong.

9 MR. SOOJIAN: Sorry. I listened to you;
10 would you give me the courtesy?

11 A MEMBER OF THE AUDIENCE: Don't
12 misquote me.

13 A MEMBER OF THE AUDIENCE: You're
14 changing his words.

15 MR. SOOJIAN: He's changing other
16 people's words.

17 A MEMBER OF THE AUDIENCE: You're lying.

18 MR. SOOJIAN: Heard Mr. Everett, early
19 in the process this evening, telling us that the
20 excavation into 26 acres would be going to the level
21 of peat. He went on to say that the level of peat is
22 basically the organic soils that are left over from
23 the time that that was a land-based area in, I
24 believe it was 1908, the dam was created.

25 DuPont didn't start operating, we're

1 talking western manufacturing, until the late '20s,
2 so if the excavation goes to the peat level, at least
3 in the 26 acres that we're talking about,
4 theoretically the mercury disappears from that area.

5 You know, if something can be done at a
6 later date or between now and the time this process
7 starts, to get funding from DuPont, from the federal
8 government, to clean the entire lake, I think we'll
9 all be very happy. We've been at meetings, I sit and
10 listen to experts tell me that if you got every bit
11 of mercury out of the entire lake, you couldn't swim
12 in that lake. Essentially, the biggest problem to
13 swimming and recreation is septic pollution, sanitary
14 pollution. Oakland is still on septic systems.

15 You've heard people talk about swimming in the lake
16 when we were kids. I've lived here for 57 years;
17 I've swam in the lake; I've swam in all of the
18 rivers, Hershfield Park. Little did we know when we
19 were kids, when I was a kid, Pompton Lakes was on
20 septic systems. That's what's contaminated the water
21 now. There's no way in the world that you can have
22 DuPont dredge the entire lake, it's not going to make
23 it clean for recreation. I'm not defending DuPont --

24 A MEMBER OF THE AUDIENCE: You are, you
25 are.

1 (Indiscernible cross-talk.)

2 HEARING OFFICER EVERETT: Please,
3 let's --

4 A MEMBER OF THE AUDIENCE: Remember,
5 you're a longtime resident, John.

6 MR. SOOJIAN: Gee, thanks.

7 All I'm asking you is that you look at
8 this realistically. For a lot of facts you've been
9 asked to give a technical response. I believe that
10 if you give a technical response to many of the
11 things that I've heard tonight, you will find that
12 the facts are not borne out by what was said.

13 (Applause.)

14 HEARING OFFICER EVERETT: No. 20,
15 please.

16 MR. GRAYBERG: I'm Steve Grayberg. I'm
17 first representing myself. I want to point out, ask
18 the EPA to consider the fact that after hearing
19 detailed presentations from the EPA and from the DEP,
20 an internal review through the environmental CAG,
21 that the CAG itself as a matter of public record --
22 I'm not representing the CAG, I'm representing
23 myself, but this is all public record from the
24 environmental CAG -- that the discussions after
25 reviewing all that material were positive towards

1 continuing the project. And nobody under CAG is
2 going to say, I don't think there's anybody here,
3 that would say, that we don't want to do the whole
4 lake. If you've been considering the practical
5 matters and the science at hand, clearly, this is a
6 good first step. The mood of the CAG, I think if you
7 read from the public record, is that basically the
8 project should go forward.

9 There was a lot of expert testimony here
10 tonight. I'm interested in hearing the responses as
11 well. But I am curious as to why all that expert
12 testimony wasn't also put into the CAG meetings when
13 it could have added to the knowledge that was
14 evaluated.

15 A MEMBER OF THE AUDIENCE: Nobody
16 attends them.

17 MR. GRAYBERG: These are all very public
18 meetings and advertised and all of the information
19 that comes out of them is all published for the
20 public. There's really no reason for anybody to shy
21 away from it.

22 Anyway, secondly, speaking as the chair
23 of the lake restoration committee, I want to say
24 thanks for the opportunity to have had input into the
25 restoration plans for the Lakeside Avenue area, and

1 we think that it's going to be a big improvement
2 after the remediation is done and restoration takes
3 place, we think that it will be an improvement and
4 the lake restoration committee looks forward to the
5 continuation of the project.

6 Thank you very much.

7 (Applause.)

8 HEARING OFFICER EVERETT: No. 21,
9 please.

10 MR. LaSALA: Mary Demarco. I know I'm
11 not going to be able to speak entirely on her behalf,
12 because she gave me a lot of detail, so I suggested
13 to her that she submit comments in writing because I
14 think she had a lot of good points. Her name is Mary
15 Demarco.

16 One of the points was, in your
17 presentation you mentioned that the Shoreline
18 properties were not affected. She's wondering, what
19 about the properties down past the falls. Also,
20 where is the public data on that.

21 Regarding the data that is collected
22 by -- this is actually off-point from the lake, but
23 regarding the data from the vapor mitigation systems,
24 from the testing that O'Brien & Gere does, she said
25 four times a year, where is that data, can that be

1 made public.

2 Also, she wanted to point out that she
3 applied for a vapor mitigation system in June of
4 2010, but did not actually have it installed until
5 April of 2011. And I think that's very telling as to
6 how this is such a problem. It takes way too long, I
7 mean it was almost a full year that she had to wait,
8 whereas vapor mitigation systems were going up, no
9 problem, during that time.

10 Let me make sure I say everything that
11 she asked me to say.

12 She moved to town in 1970, and one of
13 the things that she saw was the -- there was an
14 earlier dredging of the lake and the soil that was
15 taken from that, they used water to keep the dust
16 from moving around and she said that from her
17 observations, that that was not effective. She can
18 explain that better and I would suggest that you
19 contact her. You can reach her through
20 info@plrei.org. You'll find her e-mail on there and
21 you'll be able to address those comments more
22 specifically with her.

23 Mr. Everett, thank you very much. I
24 also asked that I be able to make a follow-up
25 question because I was very nervous when I got up

1 here before, I was very emotional and this has been
2 difficult and I appreciate you giving me a second
3 chance to make additional comments.

4 The thing about the EPA CAG, that really
5 isn't said in these public meetings, is that in April
6 of last year, there was a division between the
7 residents and EPA CAG. There was a witch hunt that
8 went on against Lisa Riggiola, to get her off of the
9 CAG. When that happened, the residents made a very
10 definitive statement that they did not want to attend
11 the EPA CAG meetings.

12 So, with due respect to Mr. Grayberg,
13 the reason that a lot of these people are not at the
14 EPA CAG meetings is because they're angry at how that
15 CAG was set up, they feel that it was --

16 (Applause.)

17 They feel that it was done through an
18 arbiter that's EPA picked, but that the resulting CAG
19 was not arbitrary, that it does not represent the
20 real cross-segment of the population of this town,
21 that it is too geared toward a very specific
22 political and financial agenda. And I agree with
23 that personally.

24 (Applause.)

25 To that end, I would also like to state

1 that that resident CAG has made several resolutions
2 that they have presented to the EPA. I have attended
3 every EPA CAG meeting, because I believe it is my
4 duty to do so as a resident wanting to be informed
5 about this, and I've attempted to go to as many
6 resident CAG meetings as I can, but unfortunately
7 work has been conflicting with that.

8 What I have found is that the EPA itself
9 calls the resident CAG a stakeholder but is not fully
10 recognizing them. If they were, then that
11 information would have been provided to the EPA CAG.
12 In other words, the resolutions that the residents
13 CAG made up and sent to the EPA CAG, would have been
14 addressed at an EPA CAG meeting and everyone seen
15 that happen.

16 (Applause.)

17 I think that there needs to be an
18 acknowledgement that the EPA CAG dropped the ball in
19 April of last year to some extent. I understand that
20 there are some good things being done, but I think
21 that there's not enough being done and not enough
22 that the residents are being included in the
23 conversation because of that. It was never fully
24 addressed. The EPA wasn't present at the meeting.

25 The residents also called for another

1 member of the CAG to step down, at that point, and
2 that member chose not to and the CAG did not choose
3 to make that an issue. That I think is
4 unconscionable. To force one member off when
5 residents stated they did not want that person to
6 remain is wrong and the EPA has never addressed any
7 of this.

8 It is a fundamental flaw in the way that
9 that CAG is run and I think that there are many good
10 things that that CAG could be doing that it's not
11 doing because of that communication gap. And so I
12 ask that you do something to heal that.

13 As far as the remediation goes, I don't
14 want to be here in another week dealing with this
15 problem, much less 20 years from now waiting for this
16 to be cleaned up. It's simply not the way that I
17 want my life to be. We're victims in this town.
18 We're prisoners in our own home. We cannot sell our
19 homes; we cannot mortgage our homes. We cannot get a
20 loan.

21 (Applause.)

22 I've been saying this for three and a
23 half years in public meetings. The time has come,
24 the polluter must give a valued protection plan for
25 the properties, line up the residents who wish to

1 leave. They did this already, there was precedent
2 for it in this town, and it must happen and we don't
3 have to wait for the trucks to bring the soil by that
4 might be further contaminating us than the many
5 decades we have already lived here being
6 contaminated. Enough already. The only way this
7 ends is if we litigate them. That's the only way
8 they have ever done business with us. Jack Sinsimer
9 was able to do negotiations beyond that, however, the
10 person that he spoke to at DuPont was fired
11 immediately after Jack Sinsimer was no longer there.

12 So, we're not getting the same level of
13 negotiation with this polluter that we used to get.
14 And we must put their feet to the fire. It is time
15 for them to pony up and pay the residents of this
16 town for their suffering. I don't mean that we
17 should have to go through a 10-year lawsuit for that
18 to happen, I think they should be responsible morally
19 to the people of this town. You want to take 10
20 years to clean the lake up, fine, but I don't have to
21 live there while it happens if I don't want to. If I
22 do, then I should be completely and utterly protected
23 in that process. That is not happening under this
24 current system, it's just not happening. That must
25 be addressed.

1 So, if you're going to clean up the 26
2 and a half acres of the lake, fine, but you have to
3 address the other nine-tenths of the lake that aren't
4 being done. And you have to protect the residents in
5 the meantime and they are by no means fully protected
6 under this, by no means.

7 Last thing I want to say is about air
8 pollution. Because Lisa Jackson was on TV in
9 November, being interviewed, and said that one of the
10 leading causes of premature death in this country is
11 air pollution, that it is illegal for a company to
12 pollute a town downwind, and yet that's exactly
13 what's happening in Pompton Lakes. Vapors from the
14 vapor mitigation systems are going up and we're being
15 told it's okay to breathe the air in here and the
16 reason is because the pollution is moving on.
17 According to the laws of this country and the EPA's
18 own tenets, that's not right.

19 So why is it being allowed in this
20 situation? There has to be a better answer than
21 what's going on here. In the meantime, we're still
22 living with it, it's still not fully addressed, there
23 are still homes that don't have systems and it's
24 just -- there's too much. We're stressed to the max.
25 You know where the cancer and the depression and the

1 neurological disorders are going to come from? Not
2 just the pollutants but the stress. It has to
3 lighten up. Polluter must be brought to the table
4 without their ability to somehow make this a
5 propaganda statement for the press, to say we've been
6 doing this for so long, we put all this money into
7 it. Nonsense.

8 We're paying overwhelming property taxes
9 in this town while that polluter takes a free ride.
10 They pay next to nothing compared to what we pay. I
11 did a very specific letter in Trenton, stating what
12 that differentiation was, and frankly, I don't have
13 the figures in front of me at the moment, but they
14 pay less than a quarter of what the average resident
15 pays. Just for the property; not the house, just for
16 the property. They're an industry, they should be
17 paying more than we pay fully, but they're paying
18 less than a quarter. That's unconscionable. You
19 know where the money should come from? From them,
20 because they have the deep pockets, they should be
21 paying our taxes while we're living on contaminated
22 land.

23 A MEMBER OF THE AUDIENCE: Yep, exactly.

24 (Applause.)

25 MR. LaSALA: They committed an

1 environmental crime, and I said this before, we're
2 having them do the test, it's like having the rapist
3 do the rape kit. Enough already. Bring this
4 polluter to the table and tell them what they must do
5 for the residents of Pompton Lakes.

6 (Applause.)

7 Thank you.

8 HEARING OFFICER EVERETT: No. 22.

9 MR. KEOUGH: My name is Michael Keough.
10 I've been in Pompton Lakes since 1967, myself. I
11 believe in going to all the meetings. I don't
12 believe in the original CAG. I made that very, very
13 clear and they stonewalled me. But I still do go
14 there and I still do listen to what you say because I
15 want the information. There's a reason why the other
16 one split, it's just a travesty the way it was made
17 to stop the squeaking wheel.

18 Anyhow, in 1988, I came to the first
19 meeting here. We've been told, time and time again
20 by DuPont, you know, they're basically the judge, the
21 people are the jury. The jury has been out since the
22 1980s, but the jury is not being listened to. The
23 majority of those people, which I'm calling the jury,
24 tonight, said something and made a profound
25 statement. Most of them believe in the Superfund.

1 I had a petition, which is still online,
2 which I started in early 2010. There's a new
3 petition that's got 8,000 people, but mine was mostly
4 people in Pompton Lakes and a few experts. All of
5 the CCPL, all of the PLREI. The expert, Mr. Chapin,
6 I think he signed it, Bob Spiegel signed it, on and
7 on and on, for an independent federal investigation
8 in Pompton Lakes. I still believe, wholeheartedly,
9 even more that we need that. And before that's done
10 and thoroughly done, I don't believe we're really
11 going to get true justice.

12 Perhaps because half that lake is Wayne,
13 the can of worms of liability doesn't want to be
14 opened to Wayne Township, but on top of that, right
15 now, if you open up and start stirring up and they
16 say they are going to contain it and all that, I
17 believe Wayne is going to end up getting involved in
18 one way, shape, or form. They're not going to want
19 to, but somehow they're going to.

20 So, when I first brought up the Acid
21 Brook, the lead/mercury back in 2008, when you had
22 your first meeting over at Carnevale Center, I was
23 treated like, oh, that nut doesn't know what he's
24 talking about. I was told by our own environmental
25 agent that the lead/mercury is too heavy to go over

1 there to the Acid Brook. I went to Lakeside School,
2 by the way, went to Pompton Lakes High. I've been
3 here a long time. I don't believe it's only the
4 people in the plume that are affected by this, it's
5 all of Pompton Lakes and in many ways.

6 (Applause.)

7 Just the fact that it's going over to
8 the lake, all of Pompton Lakes has to deal with that
9 lake, people go to Lakeside School, people that go to
10 the high school, on and on and on. I also
11 interacted, since I was 10 years old, around the Acid
12 Brook, with people that lived in the plume right by
13 DuPont, went over to DuPont properties, I walked all
14 over it, so it's all of Pompton Lakes that this
15 affects. And we keep hearing about modification,
16 keep hearing about rule by rule and the people have
17 to beat their heads against the wall coming out and
18 speaking and then it always ends up, it seems to me,
19 that somewhere throughout the scenes it gets put on
20 the back burner and DuPont ends up -- or people like
21 DuPont, all the money, all the influence and all the
22 control they have, they end up getting their way in
23 some shape or form. We have not had the progress
24 that we should have. We've been through Chinese
25 torture since 1988.

1 When I put out my petition, I said,
2 let's get the investigation and find out and let the
3 chips fall where they may and find out if we should
4 go Superfund. I strongly believe, right now, and I'm
5 not expert evaluation, some people say stigma and all
6 this stuff, we won't have stigma. We need that
7 Superfund, we need what goes with it, just like what
8 they did the with the Gowanus Canal over in Brooklyn
9 and they're getting money, I believe, going after 20
10 polluters. They're there and the person that said
11 there's got to be an orphan site, that's totally
12 untrue. Mr. Mutlin (phonetic,) in Ringwood, I spoke
13 to him and he said that's totally untrue. If there's
14 a responsible party, we go after them to get them to
15 pay. You don't take them to court. You ask them,
16 will you pay? You are probably very familiar with
17 the Gowanus Canal in Brooklyn. That's Superfund now.
18 There's been a lot of things go on, a lot of coverups
19 going on over the years over there and I believe
20 there's been a lot of coverups in every place this
21 thing happens. We need a federal, independent
22 investigation and we need it now.

23 Thank you.

24 (Applause.)

25 HEARING OFFICER EVERETT: No. 23.

1 MR. LEICH: My name is Donald Leich,
2 L-E-I-C-H. I'm a resident of Wayne. I work as a
3 software developer for products that does fluid flow
4 analysis and I've learned enough from the physicists
5 I work with, that you introduce a large volume of
6 fluid at a high velocity into a space, it will create
7 turbulence. Every time we have a massive flood up
8 here, we're creating a tremendous amount of
9 turbulence in the lake that's stirring up sediments.
10 To believe that the contamination is restricted to a
11 small area of the lake, such as 26 acres, is patently
12 ridiculous.

13 (Applause.)

14 The entire lake needs to be tested. My
15 own practical concern, being a citizen of Wayne, is
16 the flooding that we get downstream. Someone pointed
17 out earlier that the floodgates open from the bottom
18 where the contaminants will settle. We want to see
19 testing downstream in Wayne.

20 One of the people I'm sitting with,
21 underneath his house in the Riverview section, every
22 time it floods, he's out there afterwards replacing
23 the insulation, crawling around on the ground. I
24 want to know if there's mercury and lead exposure
25 there in the communities downstream that are flooded.

1 Seemingly, every time there's a heavy rain, we're
2 getting an epic flood now.

3 The collusion between the government
4 agencies and industry has been going on for too long.
5 You guys are the new EPA, we want to see you do the
6 right thing by this community and to clean up the
7 whole lake.

8 (Applause.)

9 We want to see it done right. We don't
10 want to see it like the Ford cleanup in Mahwah where
11 they had to close the Superfund site and then had to
12 reopen it because they found that it wasn't cleaned
13 up. There were just trying to cover their tracks,
14 minimize their exposure. It's too late for that, we
15 don't want to see that anymore. We have to clean
16 this mess up.

17 Thank you.

18 (Applause.)

19 HEARING OFFICER EVERETT: No. 24,
20 please.

21 MR. LOMBARDO: My name is Richard
22 Lombardo, Pompton Lakes resident. Been in town for
23 over 26 years.

24 Couple of things. First of all, I
25 understand that, you know, I want to make this clear

1 that the residents do not, will not, honor the EPA
2 CAG, okay? Because they did not do the right thing
3 by us, they did not set up the proposal that we were
4 told initially and I'm just being told that Mr.
5 Maybury is the head of the Pompton Lakes restoration.
6 With all due respect, Mr. Maybury, who died and made
7 you the head? We don't even know, we never elected
8 him. We don't want one person making decisions for
9 all of us in this town. That's what the original
10 intent was behind the CAG. Not so people can be
11 elected and we don't know who the hell and when the
12 hell he was elected. Okay?

13 That's number one.

14 Number two is, the last time they were
15 digging down at the lake, okay, they were down there
16 working and they were digging creek deep that week,
17 they stopped on a Friday. Saturday morning, we had
18 14,000, maybe more, dead fish floating on the lake,
19 of all different kinds. Okay?

20 I'm very confused. We have, I think
21 mayor and council setting up a recreational committee
22 for the lake, but we can't swim in it but we can
23 drink it. You can't swim in it but you can drink it.
24 When you dilute it a little bit. So is dilution the
25 solution to pollution? Is that what it's going to

1 be? Because it's unacceptable how you cannot swim in
2 it, and then, at the same time, sell it as part of
3 the drinking water. It's unbelievable.

4 There are a lot of people, with this bad
5 economy now, there are a lot of people -- just for
6 the record, the mayor has never supported the people
7 here as far as I feel.

8 A MEMBER OF THE AUDIENCE: She just
9 left.

10 (Applause.)

11 MR. LOMBARDO: All right. So when they
12 stopped, we had all these dead fish floating around.
13 I called up Mr. Merrill, our environmental officer,
14 who said that by looking at the water he determined
15 that there was -- the oxidation levels were okay and
16 there was no introduction of pollutants into the
17 water.

18 We want an environmental officer who is
19 certified, knowledgeable, and neutral, not some
20 DuPont shill over here. We deserve better.

21 (Applause.)

22 That's just the start.

23 Second of all -- not second of all, but
24 you made a deal apparently, that either DuPont will
25 only clean up a small portion of the lake. What

1 deal? We don't know of any deal. We never approved
2 of that. And if the rest of the lake is not that
3 bad, then it will be that much easier to clean up.
4 But for some reason, DuPont's contamination always
5 stays in one spot, one spot, either talking about the
6 plume, which has expanded several times over the
7 years, or you're talking about the lake. It's the
8 only contamination that doesn't move, for some
9 strange reason.

10 If you're going to go ahead and honor
11 that backroom deal that the residents and the public
12 were excluded from, if you're going to go ahead and
13 do that, then let's call it a partial lake
14 restoration, let's not call it a lake restoration.
15 Let's not call it something that it's not, let's just
16 call it a partial lake restoration.

17 Now, we want all the sediment tested.
18 Not just for lead and mercury, we want it tested for
19 a full spectrum of chemical testing including any
20 radioactive materials. We've been asking about
21 radioactive materials, that may be emanating from the
22 site, for at least four years now and have never
23 gotten any kind of definitive answer back from the
24 government. We want answers and we want them now.

25 They cannot transport water, so they're

1 going to lift the sediment, they are going to extract
2 the water, the mercury-laden water from the sediment.
3 The sediment will be taken care of, and what happens
4 to the water? What happens to all that juice, that
5 contaminated juice? Where does it go, back into the
6 lake? What's the plan for that? We don't know.

7 You know, last but not least, we want to
8 keep in mind that that lake still has reservoir
9 status. While the Passaic Valley Water Commission
10 doesn't seem to take an interest, it's really beyond
11 us. How it could be safe to drink on one end and not
12 safe for swimming on the other end is just amazing,
13 absolutely amazing.

14 And this is all the reason why we're
15 here and we fully demand that we go Superfund now.
16 Let's cut the nonsense out. We're not here to fight
17 with DuPont, that's not what we're here about, we're
18 here to get things done right, get them done right in
19 the first place. It's more cost-effective that way,
20 DuPont.

21 Thank you.

22 (Applause.)

23 HEARING OFFICER EVERETT: No. 25.

24 We'll just go to 26 then.

25 MR. COLLINS: Good evening, Ariel,

1 Adolph. Thank you for giving me this opportunity to
2 address the EPA regarding this matter. I'm a new kid
3 in town. I just started working here a couple weeks
4 ago. My name is Ken Collins, from Andover, New
5 Jersey. I just started working in town a couple of
6 weeks ago and I found out what's going on here and
7 these EPA hearings are few and far between so I
8 wanted to come down and get a feel for what's going
9 on.

10 And your plan is completely inadequate.
11 You're asking -- you're presenting this dirty
12 bathroom and proposing to clean it up by just
13 scouring around the edge of the toilet bowl. That's
14 just not going to do it, you got to clean the whole
15 bathroom, okay? The toilet bowl, a clean rim on the
16 toilet bowl, is not going to work.

17 So you've got to clean the whole, you
18 got to clean the source of the pollution, you can't
19 just come in here and clean this little area,
20 one-tenth of the lake and then expect it not to get
21 recontaminated. You'll have to come back and do the
22 same job all over again. That's just stupid.

23 So, the EPA needs to stand up and be the
24 Environmental Protection Agency and stop being the
25 pollution permitting agency. You know, this has gone

1 on long enough. Thirty years? That's ridiculous. I
2 mean, when are you going to put a stop to it? You're
3 dividing this community up into factions that are
4 fighting each other and arguing with the mayor and
5 the mayor is walking out in the middle of this
6 meeting. How absurd is that? The mayor just left
7 the most important event in this town in 30 years.

8 (Applause.)

9 I don't get it. Unless the mayor is in
10 someone's pocket and she doesn't want to hear what
11 the community feels, all right?

12 It's up to you to take this monster by
13 the horns and get control of it. 'Cause you owe it
14 to this community. You work for us, all right? This
15 community should not be divided like this. It's a
16 beautiful community of people who love the town and
17 the environment and each other and they have a lot of
18 pride in this town and you're demolishing that by not
19 taking this matter by the horns.

20 You've got to put this under Superfund,
21 you've got to stop letting DuPont call any shots.
22 It's absurd, it's ridiculous, and you've got to put
23 this under Superfund. It's you, it's your job, you
24 have to do this.

25 You're letting these people fight each

1 other and bicker and avoid each other when they go
2 into the parking lot at the supermarket and it's just
3 stupid and you're responsible for what's happening in
4 this community and you're responsible for ending the
5 division in this community and bringing them together
6 by doing what's right.

7 This is simple, it's right and wrong.
8 We all know the difference between right and wrong,
9 it's very simple. You know it right here (gestures.)
10 We all know that the poisoning of this community was
11 wrong, and to make it right, you guys have to make
12 DuPont get the poison out. That's the first step.
13 Not a little bit of the poison and you can't come in
14 here and present some plan that says this is how
15 we're going to clean the toilet bowl. You have to
16 come in with a plan that says this is how we're going
17 to clean up this whole messy bathroom from top to
18 bottom, and we're going to start at the top so the
19 dirt won't come down to the bottom by the time we get
20 to the bottom, we're going to clean the whole thing.
21 This is our plan. You can't just come in here and
22 go, this is the plan for cleaning the rim on the
23 toilet bowl. It's not enough, it's insufficient, and
24 you're not doing your job by coming in with a plan
25 like that and you're not doing right by this

1 community. You got to do what's right by this
2 community. It's your job.

3 Thanks, Ariel. Thanks, Adolph.

4 HEARING OFFICER EVERETT: 27, please --

5 MR. COLLINS: I'm sorry, one more thing.
6 I almost forgot. I came in early so I could get all
7 your paperwork and I gave myself a primer on this
8 whole thing over the last few days and read all your
9 stuff that was online. And I read this whole thing
10 and this is really disturbing.

11 If you people did not read this when you
12 came in, this is on Page 7 and it's Section D:
13 Sediments at Two Lower Ramapo River Channel Areas.

14 "During the remedial investigation
15 mercury delineation studies, sediments in two lower
16 Ramapo River channel areas upstream of the dam with
17 elevated mercury detections were identified for
18 potential inclusion in the remediation area targeted
19 for sediment removal. One area is located on the
20 northern side of an island, and the other area is
21 located adjacent to the western shore at the
22 beginning of the channel."

23 Are you listening?

24 "However, after further delineation
25 sampling in the spring of 2010, we no longer believe

1 that the removal of the sediments at the two areas is
2 needed to meet the qualitative Remedial Action
3 Objectives described in Section VI below. The areas
4 either exhibit low mercury concentration or are
5 overlain by several feet of non-impacted sediment.
6 We expect these conditions will be maintained or
7 improved following implementation of the selected
8 remedies and re-establishment of normal flow
9 conditions over time."

10 So, what they're saying is that we found
11 mercury and we're just going to leave it there. Is
12 that okay? No. Clean all of the mercury, don't come
13 in here and tell these people you're just going to
14 leave contamination there because it's deep enough
15 under dirt. Sediment is called sediment because it
16 migrates to where it is and it migrates from there to
17 somewhere else and it carries the contaminants with
18 it wherever it goes. That is the nature of sediment.
19 You're going to leave mercury there? Come on.

20 (Applause.)

21 HEARING OFFICER EVERETT: No. 27.

22 MR. MEAKEM: Good evening. Ed Meakem,
23 60 Howard Street, Pompton Lakes, New Jersey.

24 I'm here to express my concerns about
25 the partial cleanup of Pompton Lake as it's

1 presented. You all know that many areas of the lake
2 that are in need of remediation are outside the
3 proposed 26 acres. There are areas of contamination
4 outside the work plan that are just as contaminated
5 if not more contaminated. All research that's been
6 done on this project, that includes flow studies,
7 mapping, testing, interpretation, have all been
8 provided for years by the DuPont Corporation. The
9 failure of the DEP or the EPA, over the last 30
10 years, to require DuPont to fund such documents by an
11 independent person, is a major failure and an
12 environmental injustice to the people of Pompton
13 Lakes and all communities south of Pompton Lakes as
14 well.

15 There are numerous fatal flaws, as Ray
16 said before, in the proposed work plan. I can't
17 believe we're working on these documents and came up
18 with the same word. I'm not an environmental
19 engineer, I'm just a person that suffered for the
20 last 29 years, lived through the Acid Brook cleanup,
21 watch my children have to be in special education for
22 lead contamination and lead poisoning. I watched 60
23 percent of the community that lived on the Acid Brook
24 Delta area and the Acid Brook require special help in
25 math and education and it just got turned to a blind

1 eye by the administration in this town.

2 There's been no environmental impact
3 assessment produced by anyone after 100 years of
4 chronic discharge of multiple contaminants that still
5 continue to migrate directly into Pompton Lakes
6 today. Not one fact of evidence has been supplied to
7 the people of Pompton Lakes, that the mercury in the
8 area is outside of the 26 acres of the proposed
9 cleanup area has come from anywhere else besides
10 DuPont. I want a written, proven document, produced
11 by the EPA, that shows me where this background
12 contamination came from just as someone else
13 mentioned before.

14 The only claim that it came from air, to
15 me holds no merit except for the fact that past
16 practices of burning explosives on the 570-acre site
17 were sure to contaminate the air along with the
18 surrounding land within our borough. Has the samples
19 of mercury, located outside the 26 acres, been tested
20 for its chemical makeup to prove beyond a scientific
21 doubt that it was not deposited during the past
22 operational practices of the DuPont plant?

23 Including, but not limited to, the historic explosion
24 of 1913 that blew the doors off of homes in
25 Westchester, New York.

1 So when a person made a comment before,
2 that they weren't using this side of the area, I'm
3 sorry to say that there was doors blown off their
4 hinges and windows blown out way up into New York
5 State during the explosion in 1913 when the
6 nitroglycerin plant blew up, in Wanaque, New Jersey,
7 that was owned by DuPont. I'm sure that spread a
8 little chemicals around here.

9 And including the explosion of 1913 and
10 the direct discharge to the Acid Brook. No natural
11 resource damage assessment has ever been applied for,
12 for the damage to our environment of the lake and
13 many other areas of concern in the Borough of Pompton
14 Lakes, that have yet to be uncovered or revealed.
15 And when I say revealed, a lot of new things come out
16 constantly in this community, that we find out, that
17 aren't told to us by the agencies until after they
18 discuss it with DuPont.

19 We know mercury continues to migrate off
20 the site, along the Wanaque River, because I have it
21 on video where Dave Epps says it and Mr. Kluesner
22 standing in the background when I taped. So if it
23 migrates along the Wanaque River, south to our
24 borough where all our playing fields are for our
25 children and all our recreational facilities are, are

1 you going to come back and tell us, in 10-to-20
2 years, that the mercury in other areas of the river
3 are from somewhere else also?

4 Yes, there was a press release that
5 dealt with an actual resource damage assessment in
6 2005. It was a great smoke-and-mirrors operation by
7 the DEP and in Pompton Lakes we got 70 acres of land,
8 contaminated land, that wasn't in the press release,
9 that was given to the State of New Jersey, located in
10 the Borough of Wanaque, with no public comments or
11 participation. The same deal was done all over the
12 State of New Jersey, between DuPont and the DEP,
13 where other communities were offered and given
14 contaminated lands across the street.

15 Do you call that environmental justice?
16 I don't, I call it fraud. Okay? And it's not fair
17 to the people of this community, who break their
18 backs everyday at work, a blue-collar working town,
19 who dedicate their time to their children and friends
20 and family, when the RCRA program says it's supposed
21 to take the program from the cradle to the grave in
22 Pompton Lakes, it takes the people from the cradle to
23 the grave. And it's not fair to us. We need your
24 oversight in this project and we need it now.

25 As the Natural Resource Damage claim, I

1 was surprised to find out that that land was
2 contaminated too, although the press release from the
3 DEP said it was open, pristine land, that the people
4 could use from 2005. In 2008, I went up there; it
5 was fenced in with an 8-foot fence. Only to find out
6 it was contaminated with arsenic and lead. Wonder
7 where that lead came from on the top of the mountain?

8 As far as I know, when there's mercury
9 and lead on the top of a mountain and you have
10 bedrock, when it rains, and we have flood problems
11 and we are a recharge area, you can only guarantee
12 it's going in one place, it's either going in the
13 runoff or it's going in the ground.

14 I call it a giant injustice and a
15 failure of the agencies that were charged to protect
16 us. In our case, it's looking more like you're
17 protecting the polluter's best interests. In Pompton
18 Lakes, where over 1,300-to-1,400 of our residents,
19 and over 436 homes, were breathing toxic chemicals,
20 DCE, PCE, and a host of 60 more chemicals, if not
21 more than that, for decades, when the information was
22 being withheld by DuPont, the DEP and the EPA, for
23 many years.

24 And I bring that up because we all know
25 that you knew about it in 2001 and our poor people

1 had to suffer until 2008 and before with no
2 information whatsoever. Some still suffer today.
3 And their risk was exposure to cancer-causing
4 chemicals and I'd like you to reference the
5 department of health information on the Pompton Lakes
6 cancer studies and cancer information.

7 We want a full cleanup of the entire
8 lake that will protect the environmental integrity of
9 the future of our borough. The sole source water
10 supplies that migrate through our borough have been
11 impaired by the DuPont company. Just as the one CEA
12 area that we know of, our waterways are a sole-source
13 aquifer and we were supposed to be in the Highlands
14 Planning Area, which is just below the Highlands
15 Protection Area, which was one of the strongest acts
16 to protect water, and this company damaged the most
17 water in North Jersey and our last natural resource.

18 We deserve and demand a cleanup that
19 should require no maintenance by the DuPont company
20 after completion. Work grant proposed requires
21 maintenance on a public waterway for many years to
22 come. It fails to address mercury and other heavy
23 metal chemicals because some are below today's action
24 level standards.

25 I want to stop there for a second.

1 Today's action level standards may be much more
2 stringent in the future. Because standards for
3 groundwater contamination were less stringent in 2000
4 and 1998, and look what we have today. You need to
5 protect us and you need to protect us now. If they
6 dump it, they clean it up. Whether it's below a
7 cleanup standard or above a cleanup standard, if it
8 was used on that property, I want it removed.

9 (Applause.)

10 DEPUTY DIRECTOR IGLESIAS: In the
11 interest of time, we have --

12 MR. MEAKEM: I am going to finish what I
13 got to say.

14 DEPUTY DIRECTOR IGLESIAS: If I may, we
15 have five more residents --

16 MR. MEAKEM: I'm telling you right now,
17 I'm going to finish what I have to say, sir.

18 HEARING OFFICER EVERETT: We ask you to
19 be sensitive to the time.

20 DEPUTY DIRECTOR IGLESIAS: I've been
21 advised that we have to return the facility in 10
22 minutes.

23 MR. MEAKEM: Yet still known to have
24 discharged chemicals that were delivered into areas
25 outside the proposed 26 acres, it's far too obvious

1 that the work plan falls short and has fatal flaws.
2 It's a blatant mistake by the DEP and the EPA to
3 accept it in its present form.

4 I don't want to stop the project from
5 being cleaned up, but I want a full cleanup. I am
6 here tonight to ask you in an effort to fully protect
7 the people of Pompton Lakes, its ecosystem, in the
8 name of environmental justice, and the future
9 property values of our community. Any permit
10 modification shall require a full cleanup of Pompton
11 Lakes, not 26 acres, removal of contamination for
12 Pompton Lake known to be used or discharged by the
13 DuPont plant in the past practices of emissions and
14 any other materials disposed of by the environment by
15 the DuPont site.

16 Thank you.

17 (Applause.)

18 DEPUTY DIRECTOR IGLESIAS: We have five
19 more residents that are registered in speaking. We
20 have to return the facilities in 10 minutes. We
21 would ask for your cooperation. We have short times.

22 HEARING OFFICER EVERETT: No. 28.

23 MS. MARTENS: My name is Helen Martens.
24 I'm a resident of Pompton Lakes. I've been living
25 here for 35 years. When I moved in this town, the

1 lake was beautiful, the people were fishing, and
2 boating, and swimming and all that recreation.
3 Little did I know, my son was fishing off that bridge
4 and catching fish, that now we find out was polluted
5 and that was dangerous to be eating or even playing
6 with the lake, okay?

7 In the meantime, I'm living on the
8 plume. And we haven't seen anything really being
9 done except the mitigation system, which a lot of the
10 residents have been waiting for a long time for the
11 private contractors to be allowed to put the systems
12 in.

13 I can't believe that this committee
14 sitting here and speaking about cleaning up the lake,
15 if you're going to clean the lake up, clean the whole
16 lake up, clean DuPont first, and clean the residents,
17 then clean the lake, but do the whole darn job.
18 Don't put a Band-aid on it.

19 As Mr. Grayberg said, let them do this
20 part of the lake? Why? So that we can be disrupted
21 again and have trucks coming in and out of here and
22 all the inconveniences that go on, to have them come
23 back and do a job they should have done right from
24 the beginning. They have not done anything right,
25 they have done little pieces of Band-aids here and

1 there to try to appease everybody, but in the
2 meantime, they're playing the game.

3 And it's time for them to stop. We want
4 a Superfund site here. I don't know what -- I don't
5 understand, we need to get Superfund in here and get
6 this cleaned up. Because like so many other
7 residents, we're paying high taxes to live on a
8 polluted property, to be sick.

9 I am in remission from cancer. I don't
10 know if it's from here, but I live every day in fear.
11 Me and my husband have to work until the day we die
12 because we can't afford to sell our homes. Nobody
13 will buy the homes. And nobody will refinance the
14 homes. Is this the way to have to live? This is not
15 how I figured my life to be.

16 And I think it's appalling that our town
17 is forming a committee, which I have spoke about at
18 the town meetings, at council meetings, about
19 redeveloping DuPont property. We can't even figure
20 out how to clean the damned property up and they want
21 to redevelop it. They want to make it windmills or
22 something so they don't have to clean it up to the
23 standard that it should be.

24 So, in the meantime, we can continuously
25 be polluted and have these things running through and

1 underneath our grounds and out to the lake that they
2 want to do two-thirds of the cleanup.

3 I think this is just ridiculous and I
4 want to know, what more does it take to get the
5 people to understand, we need Superfund, that's what
6 we need. And that other environmental CAG, nobody
7 attends. If they have 10 people, it's a lot. Our
8 community advisory group have 30-to-40 people, but
9 yet the EPA and that barely attends. Our councils
10 don't even attend. I think it's ridiculous. They
11 don't want to know what we want, they want to do what
12 they want and they have done that for 30 years, if
13 not longer, and I'm tired of it, I am sick of it. We
14 need something done now; not later, now. We have
15 waited long enough.

16 (Applause.)

17 HEARING OFFICER EVERETT: 29, please.

18 MS. KAMP: I've lost all my audience,
19 but my name is Darcy Kamp. I live at 36 Orchard
20 Street, beautiful, polluted Pompton Lakes.

21 Now, I say that all the time at the
22 mayor and council, but the mayor, she told me I'm
23 being mean to the residents by saying it's polluted.
24 I said that she's entitled to her opinion, I'm
25 entitled to mine. It's beautiful and it's polluted.

1 As a two-time cancer survivor, I'm
2 appalled at the progress that DuPont is taking in
3 getting this done, this toxic nightmare, and it is.
4 We've got to get this mess cleaned up as soon as
5 possible and the only way to be able to do it is to
6 have a Superfund. People are dying and we need to
7 get this taken care of as soon as possible.

8 As a two-time survivor, I know the third
9 time is a charm, I want to get out of here before it
10 gets to that. I can't refinance my home. I owe
11 130,000 on my home. Not a lot of money on a
12 five-bedroom, three-bathroom house on the lake. I've
13 had a mitigation system put on, took over a year to
14 do it, by a private contractor. With my house, I owe
15 130 and I've been turned down by five financial
16 institutions due to lack of collateral. So that
17 tells me my house is not worth \$130,000. I've hired
18 a tax appeal company, which the mayor herself has
19 recommended that I hire, little known to her that she
20 knew that I already had hired him but she suggested I
21 use this company due to tax appeal. Because I pay
22 almost \$13,000 a year in property taxes for a house
23 that's contaminated, that is worthless. I will
24 continue this tax appeal, but I don't see it
25 happening because, like I said, my house is

1 worthless. Nobody can buy it because they can't get
2 a clean EPA certificate on it and I can't refinance
3 it for the same reason.

4 We need to clean the site up, the whole
5 site, before we start dredging the lake and cleaning
6 the lake, or should I say, a little bit of the lake.
7 Once the cleanup gets done, then we can think about
8 the lake. You know what, the sooner that cleanup
9 gets done, the sooner I can get the heck out of town.

10 I know the mayor would love to see me
11 gone, because she doesn't like to see me showing up
12 at her council meetings, but until we get the backing
13 of the mayor and council, this is never going to get
14 done. We need to leave it up to you guys, we need to
15 have DuPont be accountable.

16 Ms. Kent said that they are going to
17 leave in the middle because of financial. I think
18 that a couple weeks, I'm sure, I'm going to see the
19 DuPont cash running around the Daytona 500. They
20 have millions of dollars and we don't need to worry
21 about that.

22 Thank you. Get it done.

23 HEARING OFFICER EVERETT: No. 30.

24 MR. SHIMMEL: My name is Jerry Shimmel.
25 If there's anyone here who can't hear me, please

1 raise your hand. I do not live in Pompton Lakes, I
2 live downstream. My drinking water comes from, guess
3 where?

4 A MEMBER OF THE AUDIENCE: Our lake.

5 MR. SHIMMEL: Well, I'm not here --
6 that's one aside. I'm not here to address the EPA,
7 I'm here to address you people. I did not intend to
8 speak when I got here. After hearing what everyone
9 had to say, I realized there was something I had to
10 put forth.

11 I'm passionate about certain things.
12 I'm a Vietnam Veteran. I suffer from a few -- well,
13 I'm a lot luckier than most. But a while back there
14 was a settlement between seven companies who made
15 Agent Orange and the government. One of them was
16 DuPont. Those seven companies paid a total of \$180
17 million. That same year, DuPont's net income was
18 \$600 million, just that one company.

19 I don't like violence, I don't like to
20 inflame people, that's not why I speak, it's just to
21 give a little perspective on things and I don't want
22 to hold up anyone else's time.

23 Thank you.

24 (Applause.)

25 HEARING OFFICER EVERETT: No. 30.

1 MS. DEAN: Karen Dean. I've been in
2 Pompton Lakes all my life in the house I grew up in
3 and I just want everybody to know that I wish DuPont
4 would clean the whole lake up, because that's what
5 they need to do.

6 But I did attend that meeting when they
7 had that at the municipal building, DuPont, and they
8 sat in the back of the room by me and they left. Do
9 they actually think we're going to clean this lake
10 up? And they just chuckled away. That's our DuPont.
11 They're not going to help us. We need you to enforce
12 them to help us.

13 HEARING OFFICER EVERETT: No. 32.

14 MR. INTINTOLA: I'm actually 31, numbers
15 got messed up. She's 32. Joe Intindola, Jr.,
16 I-N-T-I-N-T-O-L-A, 32 Walnut Street, the plume area.

17 When I first moved into Pompton Lakes,
18 back in 2003, I saw that they were cleaning up the
19 Wanaque River over by A&P and that was part of the
20 contaminated area. My understanding is, after they
21 finished the cleanup, they never actually cleaned up
22 the source that contaminated that area, which was one
23 of the tunnels where they were doing blasting, which
24 now has a steel plate over it. They were doing the
25 cladding in that area. And then the tunnel still has

1 not been cleaned up.

2 So, basically what you're trying to do
3 with the lake is a small part and you're only going
4 to recontaminate it again. You have holding points
5 in the site and some of the holding points, DuPont
6 admitted, they haven't cleaned up. So every time it
7 rains, you'd have overflow from all the way down Acid
8 Brook, right back into the lake, bringing more
9 contaminants.

10 I don't understand how they can say that
11 they only have a small portion of lead and mercury in
12 that area, when they tested the entire lake, and when
13 they tested it, they found higher readings just
14 outside of their borderline that they cut off.

15 During your cleanup, I would think that
16 they should do the entire lake regardless. Because,
17 from my understanding from a discussion point with
18 somebody in the DEP during one of the meetings, that
19 the reason they want to clean the delta is that
20 there's a large pool of mercury, approximately 20
21 feet below the surface, which is below the lakebed.
22 To reach that area, you'd have to break the lakebed,
23 which is clay. After you break that, now you're
24 going into soil. After you remove that, what's going
25 to come up is more contamination. And during the

1 time the prior resident said that when they were
2 doing core sampling in the lake, a few days later, a
3 lot of fish died and it was blamed, so-called blamed,
4 for bacteria. But the interesting thing was, back in
5 the '80s, when DuPont did core sampling, two, three
6 days later the exact same thing happened again. And
7 that was from a resident who was in Pompton Lakes
8 since 1981. He remembered the exact same thing, fish
9 were floating on the lake shortly after they did the
10 core sampling. If you punch a hole 3-to-4 inches in
11 diameter, up to 30 feet, and you take out the core
12 tool, you have an open hole, 20, 30 feet deep, and if
13 there's contamination down there, aquifer pressure is
14 going to push it right up into the lake.

15 There was a resident making a comment in
16 reference to it's not the lead and mercury causing no
17 swimming, it's the bacteria in the water. Maybe the
18 lead and the mercury is throwing off the ecosystem in
19 the lake, that will cause that type of atmosphere.

20 When you do a cleanup, the issue that
21 the trucks were going to be leaving the site and
22 there's no direction on where they're supposed to go.
23 In prior experience, 'cause I've worked on an EPA
24 site before, because I worked for an EPA company back
25 in the '90s, the trucks have to be washed down before

1 they even go out on the road. And people who do that
2 are fully-suited HAZMAT teams.

3 Now, how can you guarantee that you
4 don't have anything tracked off on the tires? Even
5 though you wash the truck, the sediment still goes.
6 I think if you tend to move forward and clean the
7 lake, it should be the whole lake, but any roadway
8 that these trucks are on, should be covered while the
9 trucks are going out through the town so that people
10 in the town don't have to get further contamination.

11 The houses that face the lake, as
12 they're doing this cleanup, you're going to have
13 airborne movement. Those people should be moved out
14 and those houses should be covered up and their
15 property covered up.

16 There's a school directly next to the
17 area that they want to clean. They play sports in
18 that field directly next to the lake. That whole
19 area should be covered up and maybe students should
20 be removed from that school and bused or brought to
21 another school during the cleanup.

22 A MEMBER OF THE AUDIENCE: This is
23 over --

24 MR. INTINDOLA: With shore movement, any
25 sediment in the lake, as Mike mentioned before, the

1 design of the floodgates, they open from the bottom
2 because if there's mechanical failure, they can use
3 the force of the water to shut the gate. But in the
4 past, it happened more than once already, tree limbs
5 hang over the gates so water keeps leaving the lake
6 and causes a current on the bottom of the lake.

7 We had two residents, Steve Grayberg and
8 John Soojian, they're on the EPA CAG. There's also a
9 third member on that CAG and when the EPA formed two
10 CAGs, one a health CAG and one an EPA CAG. A
11 facilitator was for each CAG. One of the
12 facilitators came forward and went on record and
13 stated that the mayor approached the facilitator with
14 a list of names and asked those people to be put on
15 that particular CAG.

16 In the EPA environmental CAG, I find it
17 an extreme conflict of interest, that both gentlemen,
18 Steve Grayberg and John Soojian, that spoke tonight,
19 for the positive part of the cleanup, they received
20 money from DuPont on a monthly and yearly basis.
21 Steve Grayberg received a check from DuPont to treat
22 the lake. John Soojian, who is president of the CAG,
23 received money from DuPont. And the chamber of
24 business commerce, his name is Art Kaffka, he
25 receives collection from DuPont as well. All three

1 of these people are on the environmental CAG.

2 You have these people here, and the
3 people that are not here today, mistrusting the
4 administration of this town. They're looking at you
5 for help. I think the site needs to be inspected and
6 cleaned up and made a Superfund site.

7 In your documents you listed that there
8 were particular manufactured products. It one
9 instance, it said copper and shells for ammunition.
10 What's not on your list, that was made on that site
11 in the '80s, is they received a contract from the
12 DOD, was armor-piercing rounds, made out of
13 uranium-235. It's nicknamed, "cake batter." It's
14 still buried in one of the tunnels and there's a
15 person that went into the town tunnel and they also
16 have pictures.

17 DEPUTY DIRECTOR IGLESIAS: We have one
18 more resident. We've been given additional time for
19 the use of the room. I would ask for your
20 cooperation.

21 MR. INTINDOLA: It is radioactive
22 material and the two rounds were obtained by a
23 resident who was presently under federal protection,
24 so it's very real.

25 Thank you.

1 MS. RAY: Hello. My name is Kimber Ray
2 and I'm here with Edison Wetlands Association. It's,
3 R-A-Y.

4 The DuPont facility has operated in the
5 Pompton Lakes site for almost the entirety of the
6 20th Century. In that time, we've had numerous
7 reasons in this country to reevaluate --

8 (Interruption.)

9 Some examples of the problems that we
10 have had in this country include: The tragic Three
11 Mile Island instance of the '60s; countless companies
12 carelessly dumping tons of toxic waste into the
13 environment; chemicals that poison our nation's
14 rivers and plains in the '70s; fish too poisoned to
15 eat and signs across the country telling of
16 contaminated lands and the failure of our
17 corporations and government to hold polluters
18 accountable for the damage they have inflicted on so
19 many families.

20 Now, it's a new century, yet the people
21 of Pompton Lakes are still suffering. We have seen
22 what devastation can be wreaked by toxic
23 contamination in our nation, in the Garden State, and
24 right here in Pompton Lakes. We know better now and
25 it's unacceptable for corporate irresponsibility to

1 continue unchecked. The time of ignorance regarding
2 environmental pollution is over. When will the time
3 of polluters being allowed to shirk their
4 responsibility also be over?

5 You can't write off the real and valid
6 concerns of the community here. They're carrying the
7 physical and psychological burden of this
8 contaminated site every day and there's something
9 fundamentally wrong with extensive influence which
10 has been granted in this cleanup process.

11 Sampling that the DuPont tests are using
12 to evaluate the site are questionable at best. For
13 example, the sediment samples that were used are from
14 before Hurricane Irene and yet the people know that
15 this town was completely flooded after that and so it
16 doesn't make sense for the samples to still be from
17 that time period when they would have moved around by
18 this point. It's time to end backroom dealings and
19 hold DuPont accountable for cleaning up their mess.

20 HEARING OFFICER EVERETT: Thank you very
21 much. Once again, I want to thank everyone for
22 coming to this hearing.

23 Just as a reminder, the public comment
24 period ends January 13th. If you have any comments
25 tonight, on one of the cards, please see one of the

1 EPA people here, we'll take them, but also you still
2 have opportunity to submit written comments, either
3 by e-mail or have them postmarked, and you have the
4 information on the flier that you were given. Again,
5 there will be a transcript of this hearing and there
6 will be a response as well.

7 (Proceedings adjourned.)

8 (Time noted: 10:45 p.m.)

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C E R T I F I C A T E

I, JOANNE M. OPPERMANN, a Certified
Court Reporter and Notary Public of the State of New
Jersey, do hereby state that the foregoing is a true
and accurate transcript of my stenographic notes of
the within proceedings, to the best of my ability.

JOANNE M. OPPERMANN, C.C.R.

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