Vogel Paint & Wax Company Site Briefing

PURPOSE OF BRIEFING:

- Discuss recent letters and concerns from Diamond Vogel and IDNR and agree on next steps to address the concerns. This is primarily an informational briefing.

SITE BACKGROUND AND HISTORY:

- Diamond Vogel is headquartered in Orange City, Iowa, approximately 10 miles from the site.
- Paint wastes and solvents were disposed in a 2-acre pit between 1971-79 on an 80-acre parcel. Site soils and groundwater are contaminated with VOCs (BTEX) and metals.
- The site was listed on the National Priorities List in 1986. IDNR has served as the lead agency since 1989, with EPA functioning as the support agency under the NCP.
- A 1989 ROD called for excavation and bio-remediation of soils, extraction and treatment of groundwater, and listing of the site on Iowa's Registry of Hazardous Waste Disposal Sites.
    - The soil remedy has been fully implemented; treated soils were placed in an onsite repository and capped in place.
    - The groundwater pump and treat system has been in place since 1992.
    - The site was added to Iowa's hazardous waste registry in 1984.
- IDNR executed a consent decree with Diamond Vogel in 1989 for implementation of the selected remedies for soils and groundwater.
- EPA concurred on remedy changes that were documented in 1994 and 2000. The 2000 Explanation of Significant Differences established the property boundary as the point of compliance for achieving groundwater MCLs.
- IDNR allowed Diamond Vogel to intermittently shut down the pump and treat system over the course of many years, leading to off-site migration of contamination in excess of MCLs.
- Surrounding land use is predominantly agricultural. Nearby residents are connected to a rural water supply; private wells used for non-household purposes do not show impacts from the site.
- In 2014, EPA withdrew from IDNR responsibility for drafting the Fourth Five-Year Review due to conflicts between EPA and IDNR regarding the status of the groundwater remedy.
- EPA retained responsibility for drafting the Fifth Five-Year Review, published in September 2019.

STATE & PRP CONCERNS:

- Recent FYR process:
    - Diamond Vogel asserts that EPA failed to provide an opportunity for "meaningful stakeholder participation."
    - The CERCLA FYR process and agency guidance require public notice at the start and completion of the FYR process. EPA must make the final report available to the public, however there is no requirement for public comment or PRP review of draft reports.
    - EPA provided draft FYRs to IDNR (consistent with agency guidance); IDNR shared subsequent drafts with Diamond Vogel (not consistent with agency guidance).
    - Diamond Vogel and IDNR submitted various comment letters, which EPA considered prior to finalizing the FYR.

- Recent FYR content:
  - IDNR and Diamond Vogel primarily contest EPA's FYR finding related to and the point of compliance for groundwater.
    - EPA policy calls for restoring groundwater to its beneficial use throughout entire plume, but existing remedy decisions require groundwater to achieve MCLs only at the property boundary.
    - Headquarters staff (OLEM/OSRTI) advised Region 7 and IDNR that this national policy presents a potential barrier to NPL deletion.
    - Diamond Vogel is pushing for site deletion and is strongly opposed to changing the "point of compliance" for groundwater remediation.
    - Diamond Vogel is implementing a pilot study to address the off-site contaminant plume under IDNR and EPA oversight, but additional effort would be required to achieve MCLs throughout the contaminant plume.
  - IDNR and Diamond Vogel also object to EPA's finding related to institutional controls.
    - EPA recommended implementation of a proprietary control, such as an environmental covenant, concluding that Iowa's Registry of Hazardous Waste Disposal Sites is not adequate to prohibit on-site use of contaminated groundwater.
    - IDNR argues that listing on the state registry is an enforceable land use restriction.

PATH FORWARD:

- EPA has coordinated with IDNR to schedule a face-to-face meeting with Diamond Vogel.
  - The meeting will be held at IDNR's offices in Des Moines next Wednesday, Feb. 12.
  - The purpose of the meeting is to establish a constructive dialogue regarding future work and/or remedy modifications that would enable site deletion.
- Region 7 will continue to coordinate with OLEM/OSRTI to build internal consensus on an acceptable path toward NPL deletion.

KEY TAKE-AWAYS:

- EPA fulfilled requirements for state and public involvement in development of the Fifth FYR.
- EPA supports site deletion and will work with Diamond Vogel and IDNR toward that end while ensuring consistent application of national policy on groundwater and site deletion.