VOGEL PAINT & WAX SUPERFUND SITE

BACKGROUND:

- The Vogel Paint & Wax Superfund site, located in rural Maurice, Iowa, was listed on the NPL in June 1986 due to contamination found in soils and groundwater. The EPA, and Iowa Department of Natural Resources, or IDNR, agreed in 1990 that IDNR would have the site lead responsibilities to oversee the site cleanup with the EPA as support agency.
- A 1989 Record of Decision and 2000 Explanation of Significant Differences identified the cleanup objective for groundwater as attainment of Maximum Contaminant Levels, or MCLs, for Volatile Organic Compounds, like benzene, toluene, ethylbenzene and xylene, at the property boundary.
- Ethylbenzene was detected above the MCL in one off-site well during sampling events in 2018 and 2019, indicating contaminant migration beyond the property boundary.
- Diamond Vogel proposed and is currently implementing a pilot study to evaluate the effectiveness of in-situ bioremediation for groundwater cleanup and to implement still-pending recommendations from 2014 Five-Year Review report. The results of these efforts will be determined within approximately 18-24 months of implementation.
- Region 7 issued the Fifth Five-Year Review, or FYR, on September 10, 2019.
    - The remedy was found to be short-term protective based on EPA's conclusion that the current institutional control does not include an enforceable prohibition of future use of contaminated on-site groundwater.
    - The Five-Year Review also indicated that the current point of compliance for groundwater (property boundary) may be inconsistent with EPA's expectation to return groundwater to beneficial uses throughout the contaminant plume.
    - IDNR and Diamond Vogel submitted comments on the draft Fifth FYR objecting to both findings.

KEY POINTS:

- Region 7 consulted with OLEM's Office of Superfund Remediation and Technology Innovation during development of the Fifth FYR.
- EPA received and promptly responded to congressional inquiries from Senator Grassley in September 2019 and from Senator Ernst in November 2019 regarding the findings of the Fifth FYR.
- On December 3, 2019, Regional Administrator Jim Gulliford transmitted a letter to Diamond Vogel responding to its concerns with EPA's development of the Fifth FYR.
- EPA received a response letter from Diamond Vogel on January 22, 2020, communicating continued disagreement with Region 7's FYR process.

TALKING POINTS:

- EPA is communicating closely with the lead agency IDNR to coordinate resolution of these issues with Diamond Vogel.
- EPA and IDNR plan to hold a meeting with Diamond Vogel to discuss EPA's policies, processes, and requirements, related to EPA's Five-Year Review guidance, Point of Compliance for groundwater cleanup, Institutional Controls at the site, requirements related to site deletion from NPL, and other issues as may be identified during this meeting.
- EPA has encouraged and continues to support Diamond Vogel's ongoing implementation of the bioremediation pilot study.