Message

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Sent: 2/4/2020 6:21:40 PM
To: Fisher, Susan [Fisher.Susan@epa.gov]
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Subject: Main points for Vogel briefing

Susan and team,

Here are some of my thoughts on the main points to convey to Jim on Thursday. Please include these in the briefing sheet you are preparing. There are a few highlighted bullets that need attention. We need to submit the briefing sheet to Julia no later than COB Wednesday so please get me your draft by noon on Wednesday. Thanks!

Purpose of Briefing: Discuss Diamond Vogel's recent letters and our plan to address their concerns

Site History and Background:

- Vogel Pain and Wax facility operates in nearby Orange City (a few miles from the site)
- Paint wastes and solvents disposed in a 2-acre pit between 1971-1979 on a non-contiguous 80-acre parcel
- Site listed in late 1980's with IDNR serving as lead agency since 1990 (EPA is the support agency under the NCP).
- Site soils and groundwater contaminated with VOCs (BETX) and metals. 1989 ROD called for excavation and bio-remediation of soils and groundwater extraction and treatment. 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.
- ESDs were signed in 1994 and 2000 calling for various remedy modifications. The 2000 ESD established the point of compliance for achieving MCLs at the site boundary. EPA concurred on ROD and ESDs.
- Add something about required Ics.
- IDNR signed CD with Vogel in ---- whereby Vogel agreed to implement the selected remedies for soils and GW at the site.
- IDNR allowed Vogel to intermittently shut down the pump and treat system over the course of many years, which has led to offsite migration of contamination in excess of MCLs.
- Nearby residents on rural water supply; private wells used for non-household purposes do not show impacts from the site.
- Surrounding land use is predominantly agricultural.
- EPA took back the lead for FYRs in 2014 due to conflicts between EPA and IDNR regarding the status of the GW remedy.

Vogel's Concerns:

1. Recent Five Year Review process
    a. Vogel asserts that EPA failed to provide Vogel an opportunity for "meaningful stakeholder participation".
    b. The CERCLA FYR process and agency guidance require public notice at the start and completion of the FYR process and making the final report available to the public. There is no requirement for public comment or for PRP review of draft reports.
    c. EPA met or exceeded all NCP requirements for public involvement in the FYR process.
    d. EPA provided draft FYRs to IDNR (consistent with agency guidance); IDNR shared subsequent drafts with Vogel (not consistent with agency guidance).
    e. Vogel and IDNR submitted various comment letters, which EPA considered prior to finalizing the FYR.
2. Recent FYR content:
    a. Vogel asserts that EPA erred in its conclusions in the FYR.

b. EPA's FYR is not erroneous; rather Vogel and IDNR do not agree with EPA's conclusions and some statements made in the FYR.

3. Groundwater Point of Compliance and requirements for deletion
    a. Existing remedy decisions call for cleaning up groundwater to achieve MCLs within the property boundary, the "point of compliance".
    b. EPA policy calls for restoring groundwater to its beneficial use throughout entire plume. This national policy presents a potential barrier to deletion.
    c. Vogel is pushing for site deletion and is strongly opposed to changing the "point of compliance" approach to groundwater remediation.
    d. Due to periods of shutting down the pump and treat system, contamination has migrated beyond the point of compliance.
    e. Vogel is implementing pilot studies to address the offsite contaminant plume; IDNR and EPA are overseeing that work.
    f. The main issue revolves around whether the point of compliance remedy can meet the criteria for deletion.
4. Path Forward
    a. EPA has arranged a face to face meeting with Vogel and IDNR for Feb 12 in Des Moines.
    b. The purpose of the meeting is to establish a constructive dialogue regarding future work and/or remedy modifications that would enable site deletion.
    c. Complete environmental covenant for the property; ICs must be fully implemented to support deletion.
    d. Region 7 will continue to coordinate with OSRTI to build consensus on a path for deletion.
5. Key Take-aways
    a. EPA fulfilled requirements for public involvement in the Sept 2019 FYR and the conclusions in the FYR are sound; there is no basis to rescind the FYR.
    b. EPA supports site deletion and will work with Vogel and IDNR toward that end, but must ensure consistent application of national policy on groundwater and site deletion.

Mary P. Peterson, Director

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