VOGEL PAINT & WAX SUPERFUND SITE

BACKGROUND:

- The site, located in rural Maurice, Iowa, was listed on NPL in June 1986. EPA delegated site lead responsibilities to the Iowa Department of Natural Resources, or IDNR, in 1990.
- A 1989 Record of Decision and 2000 Explanation of Significant Differences identified the cleanup objective for groundwater as attainment of Maximum Contaminant Levels for BTEX at the property boundary.
- Ethylbenzene was detected above the MCL in one off-site well, indicating contaminant migration beyond the property boundary.
- The PRP, Diamond Vogel, proposed and is currently implementing a pilot study to evaluate the effectiveness of in-situ bioremediation for groundwater 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 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 to Region 7 comments on the draft Fifth FYR objecting to both findings.

KEY POINTS:

- Region 7 consulted with OLEM's Office of Site Remediation 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.
- 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 the potentially responsible party.
- EPA and IDNR plan to hold a conference with Diamond Vogel to discuss, provide guidance, and achieve resolution of current and anticipated issues.
- EPA has encouraged and continues to support the PRP's ongoing implementation of the bioremediation pilot study.