VOGEL PAINT & WAX SUPERFUND SITE
MAURICE, IOWA

BACKGROUND:

- The Vogel Paint & Wax Superfund site in rural Iowa was listed on the NPL in June 1986 due to soil and groundwater contaminated with volatile organic compounds (VOCs) and metals from paint waste.
- EPA and Iowa Department of Natural Resources (IDNR) agreed in 1990 that IDNR would be the lead agency and EPA would be the support agency overseeing the site cleanup.
- A 1989 Record of Decision and 2000 Explanation of Significant Differences identified the cleanup objective for groundwater as attainment of Maximum Contaminant Levels (MCLs) for VOCs including 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.
- The site's potentially responsible party, Diamond Vogel, proposed and is currently implementing a pilot study to evaluate the effectiveness of in-situ bioremediation for groundwater cleanup.
- Region 7 issued the Fifth Five Year Review 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 Five Year Review objecting to both findings.

KEY POINTS:

- 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 Five Year Review.
- EPA received a response letter from Diamond Vogel on January 22, 2020, that disagreed with Region 7's Five Year Review findings. Region 7 is meeting with IDNR and the PRP on February 12, 2020, to listen to the PRP's specific concerns and discuss options for a path forward.
- Congressional Interest: EPA received and responded to congressional inquiries from Senator Charles Grassley in September 2019 and from Sen. Joni Ernst in November 2019 regarding the findings of the Fifth FYR.

TALKING POINTS:

- EPA and the Iowa Department of Natural Resources are working to schedule a meeting with Diamond Vogel to discuss EPA's policies, processes, and requirements related to five-year reviews, groundwater cleanup and point of compliance, institutional controls, and requirements related to NPL site deletion.
- EPA has encouraged and continues to support Diamond Vogel's ongoing implementation of the bioremediation pilot study.

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