**Potential HRS Addition – Vapor Intrusion Listening Session**

**Arlington, Virginia February 24, 2011**

*Session Transcript*

**Introductions**

*Barnes Johnson, Deputy Director of the U.S. Environmental Protection Agency’s (EPA) Office of Superfund Remediation and Technology Innovation (OSRTI)*

*[Inaudible audio: approximate time stamp 0:00:00]* We’re here to talk about and present information, but I think more importantly, hear from folks that we want to work very closely with, during this process of our consideration of adding vapor intrusion to the Hazard Ranking System (HRS). I just want to start off presenting that kind of information, sort of like when you get on the airplane and people say this is the plane to Buffalo and you always see that one guy get up and walk off the plane. Folks are here to talk about potentially adding a vapor intrusion component to the HRS, so if you’re here to talk about any other EPA issue, that’s what we are here to talk about today. So, we’re looking forward to the conversation this morning, and I want to start off by giving you a very basic introduction to what this is all about.

The first question is, “What is vapor intrusion?” And I’m sure this is no mystery to everybody in this audience, but in general, what we’re thinking about at the moment, is a very broad view of intrusion into buildings and try to see and try to learn more about that and ask ourselves the question of whether we should look at this pathway and include it in the Hazard Ranking System. This is a graphic that depicts the vapor intrusion issue, where we have subsurface area contamination and either through volatilization, or in some cases direct migration into living spaces, humans are exposed to that contamination. For even more background, we know broadly that the purpose of Superfund is to look at releases into the environment of hazardous substances and look at the kind of issues that pose a threat to human health and the environment.

What we have in the Superfund program, as many of you know, is a list of high priority releases and we refer to that basically as the NPL. We use a system, one of the major ways that we get releases onto that high priority list, is through something called the Hazard Ranking System, the HRS. This is a numerically-based system that we use to evaluate releases and judge their priority. So the question before us and what we’re trying to get our arms around and what we’re trying to get more information on, is whether we should add this pathway, that is the vapor intrusion pathway, to the system instead of just the releases that we now focus on. I think most people here are probably aware that in May 2010, the Government Accounting Office, the GAO, did a broad-based review of the Superfund program, primarily looking at cost, but one of the issues that they did look at in their report, was the entrance into the Superfund system. Of course that focused their attention directly on the NPL and directly on the HRS. They concluded after having looked at that in some detail that EPA ought to look at vapor intrusion issues. I think most people know this has been a growing issue that has risen in a number of sites across the country and GAO asked the question of whether we should have this pathway formally included in the HRS. They recommended that the Agency take a close look at this pathway and determine whether we should include it. So, that I think together with a lot of strong views that we have heard over a number of years from our states that we work quite closely with and our tribal partners who have been encouraging us to explore this have sort of set us on this path.

So, last month we had a Federal Register notice that sort of kicked off our efforts, in this regard, and part of that is a series of listening sessions. This is the first one of those, and we have plans now for two others. One will be in San Francisco on March the 16th. We’ll have a third session in Albuquerque, New Mexico on March the 30th and we’re very much looking towards these opportunities to talk with people, hear from folks, get information about this problem and people’s view on it, and so I think we look forward to these with great anticipation. All of the information that we get during these listening sessions we’re going to consider very closely. We’re recording this session. We’re going to be taking voluminous notes and listening very closely to what folks have to say.

Of course this is a bit of a two way street here. We have our illustrious panel of experts here that are here to engage with you when the hard questions come. I’ll just start right here with David Yogi. David is one of the principals on our effort to take a close look at this. David has also been instrumental in setting up the listening sessions. We have Brenda Nixon Cook from our South Central Region which is headquartered in Dallas. They work on issues in New Mexico, Texas, Louisiana and Arkansas. Brenda is a long time national expert on the HRS and brings just a wealth of knowledge. So, all of the tough questions on HRS and how it operates, you can direct to her. She’ll be able to answer them. Dennis Munhall is from our upper mid-Atlantic region, and they have responsibility for New York and New Jersey, so Dennis has listed quite a few sites in his day, as well as the Caribbean. Dennis too is an expert on the HRS. Terry Jeng is our listing Team Leader and the lead on this effort. She has been working on the listing program for quite some time. So, Terry is here as well. Finally, we have Dr. Bartenfelder, who is a soil scientist and our lead technical expert on vapor intrusion issues in the Office of Superfund Remediation and Technology Innovation (OSRTI). I guess I should probably introduce myself. Did I do that? I’m Barnes Johnson, and I’m the Deputy Director of Office of Superfund Remediation and Technology Innovation. Finally, we have our moderator Jean Balent, from the Technology Innovation and Field Services Division in my office. So, these folks are here to make this a fruitful discussion and dialogue this morning. Anyway, we’re looking forward to it and appreciate you being here. At this point I think I will turn things over to David.

*David Yogi*, *EPA OSRTI*

Thank you very much Barnes. As Barnes just mentioned, my name is David Yogi, and I’m with the Office of Superfund Remediation and Technology Innovation Site Assessments Program, and I’ll be leading the rest of the presentation today on the Hazard Ranking System and the vapor intrusion topics EPA has requested input on in its Federal Register notice. For the sake of the few speakers who have requested to present oral comments today and to ensure we keep to our schedule I gave you today, I’d like to briefly review the agenda for today’s listening session and then move into the remainder of today’s presentation. So for the next 15 minutes or so, I’ll go over a brief presentation on the Hazard Ranking System and the topics we published within the Federal Register January 31, and at the conclusion of this presentation, I will then open the floor up to a brief question and answer period in which we would invite all of you to ask any clarifying questions on the material presented in my forthcoming presentation. I would just like you to know that the question and answer period is not intended to be a forum for debating any detailed analytical techniques associated with vapor intrusion, but rather just to clarify the information presented in my presentation.

As this is a listening session, EPA would appreciate that all comments be presented in written form via EPA’s docket at regulations.gov, and I’ll be going over in further detail how to do that a little bit later on in my presentation. After the question and answer period, we will then open the floor to oral comments. As of yesterday, EPA received eight requests to present oral comments. Presenters will be allowed to deliver their comments in the chronological order in which they sent their registration form to EPA. So as such, commenters will present in this order. First will be Robert Spiegel, next will be Dana Patterson, following will be Makia Burns, fourth will be Lisa Riggiola, sixth will be Michael Keough, seventh will be Cheryl Rubino, eighth will be Barry Durand, and finally we will have Gitte Curtiss speaking last. I apologize if I mispronounced any of the names there.

So as we mentioned, presenters will have fifteen minutes each to present comments to EPA. EPA has designated a note taker for today’s listening session to record comments presented. However, to ensure that EPA properly sees each of your oral comments, I would like to request that if you haven’t done so already, again please submit your comments to EPA’s docket on regulations.gov. If there’s additional time remaining after all presenters have presented their comments, EPA will receive additional oral comments from those that have already presented if they choose to do so, or from those previously not registered to speak. And finally as a preface to today’s format, I would like reiterate what Barnes said, the Agency has not yet made any decision on whether to add a vapor intrusion mechanism to the Hazard Ranking System. All comments received today will be thoroughly considered as the Agency moves forward in its decision making process. Great, so I will begin my presentation.

The Superfund program was established to address the release or the potential release of hazardous substances that pose a significant threat to human health and the environment. The main mechanism for identifying potential sites that could be included on the National Priorities List is the Hazard Ranking System. The HRS is a measure of the relative risk posed by sites across the nation. It is a screening tool not a site-specific risk assessment. Sites that are listed on the National Priorities List are then eligible for federal funding for site cleanup.

Before I go into the rest of the discussion, I would like to note that the information we’re providing here in the next few slides does not go into in-depth detail of the structure of the HRS and its intricacies. A basic HRS 101 course spans five days, so if you would like additional information on the HRS or EPA’s site assessment program, please visit our site assessment website at epa.gov. Last night when I checked on Google, if you just type in, “EPA site assessment,” the first hit will be the site assessment page, so feel free to do so after the presentation.

Now I will go into a few more details about how the HRS evaluates whether sites are eligible to be included on the NPL. The Hazard Ranking System, or HRS, is a scoring system used to assess the relative threat associated with actual or potential releases of hazardous substances. When evaluating a site, EPA evaluates four HRS pathways. The first is ground water migration. The next is surface water migration, which includes three threats: drinking water, human food chain, and environmental. The third is soil exposure, which is composed of two threats: resident population and nearby population, and the fourth is air migration. It should be noted that the air evaluated in the HRS is defined as ambient air, not air in indoor structures. Each of the four HRS pathways is scored using three factor categories: likelihood of release, waste characteristics, and targets. The likelihood of release factor determines whether hazardous substances have been or could be released; meaning visually observing hazardous substances entering the media of concern and being able to attribute the substance to the site being evaluated. The second way of scoring this factor is by documenting that a site source has a potential to release hazardous substances to the migration pathway. Waste characteristics are also used to evaluate and score quantity and characteristics; for example, toxicity, mobility and persistence of hazardous substances at a site. And finally, targets consist of people, sensitive environments, fisheries, and resources that can potentially be affected by hazardous substances. These targets also vary by pathway.

What threats does the present HRS evaluate? So up in the far right are the four pathways I just mentioned. Now I’ll briefly describe the various threats that each of these pathways evaluates. The ground water evaluation pathway is used to evaluate the threat posed by contamination entering ground water and migrating to drinking water wells. In general, this pathway score is rated based on both distance from a source and the type of aquifer under evaluation. For the surface water pathway, it reflects the threat posed by contaminants entering surface water and migrating to drinking water withdrawals, sensitive environments along the surface water, or human food chain fisheries. The pathway score here is weighted based on surface water volume and flow rate. The air migration pathway reflects the threat posed by contaminants entering ambient air and migrating to affect human health and sensitive environments. The score for this pathway is rated based on both distance and dilution, and finally, the soil exposure pathway measures the threat posed by humans and sensitive environments coming into contact with outdoor surficial contamination. With this pathway, the score is rated based on the travel distance to the contaminated surface. How does it all add up? After EPA has evaluated a site in terms of these four pathways, it inputs values assigned to various site characteristics into an HRS formula. The mathematical model used in this process generates a single site score. If the site score is equal to or greater than 28.50, the site is eligible for inclusion on the National Priorities List.

Now I will present the main question of our conversation today: the topics on which we requested public input on in our January 31st Federal Register notice. The first topic EPA has requested input on is the level and extent of vapor intrusion contamination that would warrant evaluation for placement on the NPL, as well as the identification of screening level information sufficient to perform this evaluation. In general, EPA is asking how extensive would the level of site contamination have to be for a site to become a Superfund site and what information does EPA need to document as such. So for example, EPA is requesting information on topics, such as: the number of structures with vapor intrusion, the concentration of the vapors, how to determine the extent of the vapor plume, etc. Second, EPA requests public input on methods for incorporating vapor intrusion into the HRS while to the extent possible, maintaining the structure of the other pathways in the current HRS and retaining that same structure throughout the new mechanism for vapor intrusion. EPA believes these methods could include, for example, the addition of vapor intrusion as a migration pathway or as part of an exposure pathway, such as a threat within the direct exposure pathway for soil. Also, when I mentioned maintaining the structure of the HRS, I was referring to the components identified for each pathway: likelihood of release, waste characteristics, and targets. In general, EPA is seeking input on the possible methods for incorporating vapor intrusion within the HRS, while minimizing the impact such an addition would have to the structure and scope of the existing HRS; it’s important to note that if EPA does choose to move forward with this initiative, its intent is for this to be an addition to the HRS, not a wholesale change to the entirety of the structure itself. Also note that we have copies of the Federal Register notice outside this room for you, as well as a list of these topics if you haven’t seen them already. For those of you joining us on the web, it is also available on our website.

The third topic is the consideration of the importance of evaluating the potential threat to populations not demonstrated to be exposed to contaminant intrusion. Basically, how would we, EPA, account for potential exposures to vapor intrusion. The next topic is the identification of sampling procedures available which may include Summa canisters for basement sampling events, sub-slab sampling, indoor air samples in living spaces, hazardous pathway sampling procedures and soil gas sampling. EPA requests that such sampling procedures also take into consideration the limited budget and scope of site assessment evaluations, that is, preliminary assessments and site inspections.

The fifth topic is the availability of screening sampling strategies that can adequately compensate for the variability in vapor intrusion rates under different climatic and seasonal conditions. Such climatic and seasonal conditions may include variable sample selection periods, sampling during heating season, and multi-seasonal sampling.

The next topic is the identification of analytical methods that are sufficiently precise and accurate to demonstrate a significant increase in contamination levels from vapor intrusion. EPA is looking for information to basically identify existing analytical methods for indoor air samples that have been sufficiently tested and demonstrated to have the quantitative precision and accuracy to show a significant release of contaminants. Basically, we’re looking for methods that can separate contamination from vapor intrusion from other factors, such as substances that may be typically found in structures.

The seventh topic is the importance of the threat posed by exposure to contaminant vapor intrusion via inhalation, dermal contact with the vapors or condensate on surfaces, and ingestion. While many vapor intrusion discussions have focused on inhalation of intruded vapors as the most important threat, EPA asks whether there is also a need to consider other exposure routes, for example, those resulting from dermal contact with condensed vapors or ingestion of contamination resulting from absorption through *[Inaudible audio: approximate time stamp 22:04]*.

The eighth topic is the identification of what environmental factors, for example, porosity of soil, presence of a contaminated aquifer, climate and structural and lifestyle factors, houses with basements, should be appropriately considered in determining whether a site warrants sampling for contaminant vapor intrusion.

The ninth topic is, in addition to residences, schools and other occupied structures, the identification of other structures in which contaminant vapor intrusion could result in a significant threat to human health, for example, community recreation centers, cultural centers, museums, and athletic facilities.

And finally, the tenth topic is the possible need to consider not only contaminant vapor intrusion, but also intrusion of contaminants in solids, such as particulates and liquid forms. For example, EPA has recently found hexavalent chromium particulates in structures at a site in Garfield, New Jersey due to ground water infiltration into basements. In addition to these 10 topics, EPA also solicits input on community outreach methods that would be most effective in gathering and disseminating information regarding this potential addition to the HRS and the identification of possible vapor intrusion sites.

In addition to the oral comments presented here today, EPA again highly encourages the public to submit comments to EPA’s docket at regulations.gov. EPA again will fully consider received comments as it moves forward with its decision making process. If anyone has any written comments today that they would like to submit, EPA will be accepting them right outside here at our check-in table, and we will insert them into the docket for you. So if you are interested in submitting a comment via our website, all you do is go to regulations.gov, and there is a section there for you to plug in our docket number. This is also available in the Federal Register notice and on our website, and from there it is just simple mouse clicking, and you can add a comment or upload a document. Okay, just to reiterate, commenters will have 15 minutes each to present comments and again, we have a designated note taker to record comments.

For further information, we would like to encourage you all to visit our “Potential Addition of Vapor Intrusion” website, the link is right here (<http://www.epa.gov/superfund/sites/npl/hrsaddition.htm>). Again this is a very easy Google search, you can just type it in, and it will be the first thing to pop up. I want to thank you all very much in advance for your insights and comments. EPA will now begin the 15 minute question and answer period on this presentation. I’ll turn things over to Jean Balent to go over how this will work for our audience members participating over the phone or on the web.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Thank you very much David, I appreciate that. I am going to take over control, and I’m going to share my screen, if you guys will bear with me for just one second. There will be a lot of me running backwards and forwards as I un-mute the lines and start sharing my computer. Okay, so as David mentioned, my name is Jean Balent you guys, if you heard me on the phone earlier, my primary role here is to help serve as meeting moderator. If you’re not aware already, there are people who are participating, obviously in the room with us, but we also have over 50 people that are participating remotely online right now.

So I have set up instructions for both our in-room participants as well as our online participants. I am sort of the in-room representative for those who are on the web participating. Those of you that are sitting in the room right now I would ask that number one, you turn off cell phones and other electronic devices so that we won’t disrupt any of the dialogue that may happen, and I’m reminding all of you, these reminders are up on the wall right there, that the session is being broadcast and being recorded online. If you are coming forward to make a public comment, your voice and your image will be captured and broadcast as well as recorded. If you feel very uncomfortable with sharing your image with the rest of the world, please pick up the sign that says only voice will be shared and I will turn the webcam off so that we will only hear your voice and won’t look at your smiling faces. If you’re coming up and are going to ask a question or make a comment in the room, I would ask that you would click the button on the microphone, wait until you see the red light and talk into that microphone. The remote participants can only hear what’s said into the microphone. There will be no questions from the back of the room, so please come forward and ask that question into the microphone. This is just for fairness, to let everyone hear and so that everyone has an equal opportunity to make comments and respond.

We do appreciate everyone’s patience as we try a brand new approach to broadcast viewing online to encourage viewer participation. We are testing this approach, and we will ask for your feedback, as well as talk afterwards to see if this would be useful to do in the future. For those of you that are remote, *[inaudible audio: approximate time stamp 27:50]* as we have those comments coming in to make a comment or question, otherwise we’re goingto hear side conversations**,** paper rustling, and multi-taskers who are typing on their computers and nobody wants that, so, please, please, please I ask you one last time to use your own mute button or press star sixright now. I’ll provide instruction on how to un-mute in a moment. Again we appreciate your patience as you work with us as we try out this new approach.

If you would like to ask a question or make a comment remotely, you have two options. There’s a tab interface that is up and has been running. If you haven’t pulled it up already, you should have seen little bars appearing at the top of your screen indicating *[inaudible audio: time stamp 28:42]*. There’s a green tab that appears at the very top of your screen that should say you are viewing my computer. If you click on that bar, a window will pop up that has a button on it that says “chat”. That will open up a small window, and you can actually type up a message to indicate that you have a comment or a question. As David mentioned, he has a number of people that have already submitted comments, and we’re going to go in that order. So for those of you that are participating remotely and are on this list, I’ll call out your name, and I’ll be able to take you off of mute so that you can make your comment or ask your questions directly through the phone. Then after we do the in-room and after we do the designated list, we’ll turn to open comments and questions from the rest of the remote audience.

The other option, if you don’t feel like talking directly you can also type up your comment or question into that chat interface, and I will read it out loud on your behalf so that the speakers in the room can answer your question. Either indicate by typing a message that you have a comment or question or actually type the comment or question itself, and I’ll read it out loud on your behalf. Again, this is a screen shot here. You should see a small bar that if you hover over it will pull down, and you will be able to click on the chat button. The chat window will open up and you can type your message, send it and the comments will come to me so that I can read them out loud. Hopefully that’s clear with everybody. So, what I’m going to do is let David segue over to the open questions, and we’re going to get started with the in-room participants. And remember, David, to keep the microphone on.

*David Yogi*, *EPA OSRTI*

Thank you, Jean.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

So we’ll have the remote people on mute for a few moments while we go through the in-room clarifying questions. When we turn it over to you, I’ll provide instructions on how to un-mute and ask your question. Those of you in the room that have a clarifying question, we will ask you to come forward.

**Clarifying Questions**

*Pat Casano, General Electric Company*

I’m not sure if this is technically a clarifying question, but I have two questions related to data that you may or may not choose to answer if it’s not a clarifying question. The GAO report identified that there are up to 37 sites that might be included on the NPL if vapor intrusion was added as a pathway, but it didn’t identify those sites. I’m wondering if there is a list somewhere, and then the other question I have is, I know that you’re asking for data from the public, but I’m curious to ask what data collection EPA has engaged in within the agency. For example, polling the regions to find out if there are sites that the regions have thought would have been listed if vapor intrusion were part of the HRS.

*Terry Jeng, EPA OSRTI*

I believe that the GAO survey was kind of an informal survey of our regional offices. We don’t know exactly what information GAO got, but I don’t believe that they have names of sites. There is no list of the 37 sites. We are just beginning out efforts to collect data, so we don’t really have anything formal that we can share with the public right now.

*Robert Spiegel, Edison Wetlands Association*

As you’re developing these criteria for vapor intrusion, I understood that you said you’re not going to be adjusting the Superfund criteria of 28.50; is that also going to apply to Superfund sites, I think it’s one that has that hazard index? And additionally, has any thought been given to going beyond soil exposure, which I think you discussed. How are you going to incorporate vapor intrusion in a numerical way into the Superfund process?

*Dennis Munhall, EPA Region 2*

What you’re referring to as the hazard index comes much later in the Superfund process. That’s during the remedial phase to determine whether or not a cleanup action should be taken, and that’s for non-cancer risks. What we’re talking about here, is whether a site is eligible for the NPL. A risk assessment isn’t done prior to a site being included on the National Priorities List. So the hazard index is not even a consideration in this discussion.

*Robert Spiegel, Edison Wetlands Association*

What about the second question regarding the numerical scoring of vapor intrusion itself? I understood from your presentation, that you’re not going to be looking at adjusting the 28.5 number, but have you looked at different scenarios beyond the one soil exposure scenario that you discussed, to incorporate that into the actual ranking?

*Dennis Munhall, EPA Region 2*

The goal is not to change the score from 28.5. The HRS was originally introduced in 1982 and then revised in 1990, and we kept the score at 28.5. How we did that was, we tested sites across the country against the revision. What we think we would do if we decide to go forward with this addition to the HRS is find sites we can test the model against, to ensure that we’re not impacting the basic structure of the HRS. We want to keep that intact.

*Robert Spiegel, Edison Wetlands Association*

Currently, don’t they evaluate vapor intrusion during the removal assessment as part of the Superfund process to see if folks in fact need the immediate use of a mitigation system? Is that already done through the Superfund process?

*Dennis Munhall, EPA Region 2*

Our removal program, as a bit of review, it’s an odd name I think for the program. It’s really kind of the emergency response end of the Superfund program. They most often initiate a removal action when a site is referred to EPA from a state or a tribe or even a citizen petition of some kind. If there is the likelihood of vapor intrusion, our removal program will conduct a vapor intrusion study. They also have the ability to respond if there a problem by installing venting systems in structures to mitigate the situation.

*Robert Spiegel, Edison Wetlands Association*

Thank you.

*Jean Balent, EPA OSRTI EPA’s,* *Technology and Field Services Division*

Again if there is a clarifying question in the room, feel free to come forward.

*Pat Casano, General Electric Company*

This one is actually a clarifying question following up on what you said about maintaining the basic structure of the HRS under the VI addition. The vapor intrusion score would be included in the 28.5, correct? You’re not contemplating that you would have to have a basic score of 28.5 on the four existing pathways to have vapor intrusion *[inaudible audio: approximate time stamp 37:20]*. Is my understanding correct?

*Dennis Munhall, EPA Region 2*

That decision has not been made. Right now we’re at the stage where we’re deciding whether or not adding vapor intrusion should be part of the HRS, and that’s why we’re holding this first listening session, to get feedback as to what the best mechanism is. Internally, the EPA, if we move forward with this, will have a workgroup look at the different ways adding vapor intrusion would impact the structure. One of the questions that we’re asking today is, just what you’re asking now, what would this look like in the HRS?

*Pat Casano, General Electric Company*

Thank you.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Any other in-room questions? And with that I’ll transition over to the phone lines and allow our remote participants to ask some questions. Again you have two options, so if you’ve forgotten, if you’re looking at the computer screen, along the top it should say, you are viewing Jean Balent’s application. If you move your mouse cursor to that, a window will drop down and you will have a chat button that you can click on. Click on that and it will open up the chat window that you type a message into saying that you have a question or you can type up the question itself, and I’ll ask it on your behalf. At this time what I’m going to do because we also have some phone participants that chose to only dial in is to un-mute the phone lines. If you’re on the phone, I would ask that you hit pound 6 to un-mute your line, identify yourself and ask your clarifying question. So again, it’s pound 6 to un-mute your line and ask a question.

Again if you have a question, un-mute your line, identify yourself and ask your question.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes*

Jean?

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Yes, I’m here.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes*

Lisa Riggiola, Citizens for a Clean Pompton Lakes in Pompton Lakes, New Jersey *[inaudible audio: approximate time stamp 40:15]*. I have a question. We have three pollution sources here. We have soil, ground water, and vapor intrusion and the findings for the soil and ground water date back over two decades. We’ve been waiting many, many years for an HRS to be done here. And my question is to the EPA, why has it not occurred, even though we have soil and ground water which are two of the ingredients for that? But do we have to wait until this vapor intrusion contamination is added to the HRS? That’s my question. Thank you.

*Dennis Munhall, EPA Region 2*

This is Dennis Munhall, I work in the New York City office. That’s a site specific question. We should probably talk about that offline. My number is on EPA’s website, but I’ll also give it right now. It’s area code, 212-637-4343. I won’t be in the office tomorrow, but I will be in the office Monday through Friday of next week. And we can talk about that site specific issue.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Ok, thank you. Again if you are on the phone lines, and you have a comment or question, please un-mute your line by hitting pound 6, identifying yourself and asking the question. I do have a note here from Alana Lee. Alana if you’re on the line and you’d like to ask a question, go ahead. Okay, well if Alana is still working on it, you can type it up.

*Steven Aufdenkampe, Georgia Power Company (via online chat interface)*

For existing sites that were previously scored and did not make the NPL, is EPA proposing to re-score sites using VI? I know for new sites, VI will be considered in ranking.

*Dennis Munhall, EPA Region 2*

Thathas not been decided. Again, what our purpose here today is to determine whether or not adding vapor intrusion to the HRS is something that EPA should undertake. And then if we do go forward and somehow add vapor intrusion to the HRS, the question has to be answered whether sites we have looked at previously should be reevaluated now that we have an additional threat in the HRS. That discussion hasn’t taken place yet.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Again, are there are any clarifying questions or comments from the participants on the phone line? No? Anybody else in the room? If you have a question in the room, please come forward. What I am going to do, for those of you on the phone lines, I’ve had a lot of complaints. I apologize, but I will be muting all the lines again. Bear with me. Please go ahead, thank you.

*Barry Durand, CTS of Asheville / Mills Gap Ground Water Contamination Site CAG*

The question I had is, as you consider vapor intrusion as a factor, have you considered how you’re going to weight it. Will it be equally weighted among all other risk factors, is it going to be additive? I just wondered about that. That was just a clarifying question I had about how you’re going to consider that.

*Brenda Nixon Cook, EPA Region 6*

Currently, we’re evaluating all the options, and we’re seeking input from the public on the questions that we have. The current HRS allows for one single pathway because we use a root mean squared method to score sites. So we would anticipate that if we keep a similar type of structure that all of the pathways would be weighted much like they are now.

*Barry Durand, CTS of Asheville / Mills Gap Ground Water Contamination Site CAG*

Okay, that was my main question. Is there going to be more time later to ask questions about this or is this just clarifying questions from the presentation? Can we ask general questions?

*Brenda Nixon Cook, EPA Region 6*

Right now we are clarifying the presentation, but we will have time at the end after all of the presenters speak to ask more general questions.

*Barry Durand, CTS of Asheville / Mills Gap Ground Water Contamination Site CAG*

Okay, alright. Thank you.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Again, any other comments or questions from those in the room during the clarifying questions session? And it looks like that global mute is now making everybody on the phone lines happy, so I’m glad we were able to deal with those side conversations. One last call for those of you on the phone lines, if you have a clarifying question, please hit pound 6 and ask your question directly. Okay.

*David Yogi*, *EPA OSRTI*

Great, thanks Jean. Now we’ll move into the oral comments portion of our presentation. As I mentioned earlier, we’re going to go in chronological order from which we received requests to present comments, so first up will be Robert Spiegel. I don’t know if he’s here today or he’s…oh he spoke before. That’s right.

*Robert Spiegel, Edison Wetlands Association*

Good morning. My name is Bob Spiegel. I’m the Executive Director of the Edison Wetlands Association. The Edison Wetlands Association is a grassroots group that was founded in 1989 to protect human health and the environment in Central New Jersey. Currently, our organization works on over 75 hazardous waste sites, 16 of them are Superfund sites, and we work throughout the state of New Jersey. One of the reasons why this directly impacts us more than any other state is that New Jersey is number one in a lot of the wrong ways. We’re number one in contaminated sites; we have about 30,000. Subsequently, we also have one of the highest cancer rates in the country and the highest population density, so this issue of vapor intrusion directly impacts us and every resident of the state of New Jersey. Before I post my detailed comments, I guess the question or the biggest statement I want to say is, “Is there anybody in the regulatory community or any elected official that doesn’t think that vapor intrusion should be added to the HRS score?”

This is something that is 15 years overdue. For well over 15 years, we’ve been talking in both the environmental and regulatory community about this issue. We’ve known about this issue. This is something that has been well-known, well documented, and has been occurring at military bases, Superfund sites, industrial sites, in residential areas, business areas and daycare centers. This is something that is extremely pervasive at many, many sites. When you look at the various ways that you rank Superfund sites with the HRS score, as you went through in that presentation, one of the things I think that is most important to keep in mind is, if you have contaminated water and you’re drinking it, you can stop. If you have soil that’s contaminated, you can just avoid it or put a fence around it. If you have contaminated food or some other contaminated medium, you can more or less try to avoid it, if it’s possible. But, you can’t stop breathing, and so vapor intrusion is very insidious, in that, it impacts everybody. It’s an equal opportunity offender, and it’s something that you really cannot deal with, especially if it’s in your house, like Lisa Riggiola said from Pompton Lakes; they have 450 homes that have vapor intrusion in their homes, 450. Because it’s not on the NPL, EPA doesn’t have the authority to dictate remedies to go in and hold DuPont accountable for that specific remedy. And people up there are getting sick as a result. They’re trapped in their homes because nobody wants to buy them, and it’s a situation that really, everyday, it degrades even further; turning neighbor against neighbor, person against person. And it’s something that if the HRS score was incorporated into the NPL process, I’m certain Pompton Lakes would probably, more than likely, more than qualify for the Superfund list.

One of the other things that you had mentioned was that vapor intrusion is only one type of impact resulting from contaminated ground water. EPA should be looking far beyond just TCE, PCE and other things that deal with vapor intrusion because we do know that there are other chemicals that enter the ground water that people come in contact with, and it really should be any substance that’s in the ground water that impacts public health. Whether you’re breathing it in, whether it’s in the dust, whether it’s in the air, or whether it’s coming into people’s homes, it should be included in the HRS score. If it’s something that impacts public health, it shouldn’t just be limited to looking at things like TCE or PCE, but should incorporate other types of contaminants. Regulators in New Jersey and I, as well as elected officials in New Jersey and I, have talked about this issue. It’s something that is very troublesome because you really don’t want to limit what gets included in the HRS score just to vapor intrusion. Another thing that I think EPA has to really look at is coming up with additional funding to address the sites that are likely going to be added to the Superfund list. Currently there is no dedicated Superfund tax. It is being funded through the general fund, and as many of you know, those funds are already stretched and limited. I think most people in the United States don’t really truly understand the risks that these sites pose to their health, and if it was truly explained to them, I think they would more than support the reauthorization of the Superfund tax, the polluters paying, which we’ve been trying to get re-implemented for a number of years. Most people in the United States don’t understand that Superfund sites affect them directly, and that these sites are leaking and causing major, major problems to both human health and the environment.

I’m sure I don’t have to tell you, but just for the members of the audience that may not be familiar with it, one of the major contributors to vapor intrusion is trichloroethylene, which is a colorless liquid used as a solvent for cleaning metals. Breathing in TCE may cause nervous system effects, liver effects, lung damage, abnormal heartbeat, coma and ATSDR…. *[Mr. Spiegel did not complete his statement].* TCE has been found in at least 852 of the 1,430 sites that are currently on the Superfund list. TCE dissolves in a little water, but it can remain in ground water, or I should say, it dissolves in water, but it remains in ground water for a very long time. It quickly evaporates from the surface as well, and so it’s commonly found in vapors in the air. According to the National Toxicology Program, trichloroethylene is reasonably anticipated to be a human carcinogen, and while the International Agency for Research on Cancer determined that TCE is a probable human carcinogen, what we know is clear is that breathing TCE over a long time can cause impaired heart function; unconsciousness; nerve, kidney and liver damage; and even death. TCE also acts as a solvent for other chemicals, such as polychlorinated biphenyls, or PCBs.

At one of the sites that we work on, the Cornell Dubilier Superfund Site in South Plainfield, New Jersey; TCE actually dissolved the PCBs at the site, and now we have a PCB ground water problem that has expanded underneath residential areas and commercial businesses. And we don’t know if there is a co-solvent affect between the TCE and the PCBs and whether they might in fact be entering homes through foundations. Those are unknowns at that site, but what we do know is because of the TCE at that site, we now have very high levels of PCBs in the ground water, which normally you don’t see. At another one of the sites we work on, the Raritan Arsenal in Edison, vapor intrusion caused by TCE and other contaminants threaten a number of buildings, businesses, and daycare centers. That’s a DoD site, which also should have been put on the NPL, but because TCE is not considered towards the ranking, it was not. At the DuPont site, the DuPont Public Works site in North Jersey, hundreds of families are being forced to deal with poison gases coming directly into their homes because EPA did not designate that site as a Superfund site and has limited authority as I’ve said before.

I mean when we talk about vapor intrusion, I think its kind of a technical term, but what it really means to the American public and to the American people, is that we have poison gas coming up into our buildings, into our homes, into our daycare centers and into our businesses. Poison gas. So the idea of vapor intrusion kind of gives it a cutesy name. We’re dealing with vapor intrusion, but I think if you really said what it is, which are poison gases, I think the American public would more than support this because it’s something that directly impacts our health.

I’ll go through the rest of my testimony and submit it, but I’ll want to come back later on as well. With each passing year, thousands of families, and possibly more, are being unknowingly impacted by TCE and other contaminants through vapor intrusion and through direct exposure to contaminated ground water through consumption, dermal contact and inhalation. U.S. EPA’s request for additional research on the health effects of TCE exposure should not in any way result in further delays by the EPA to protect the public health for countless American families. In fact, the GAO has noted that further delays can result in substantial harm to human health, safety, and the environment, and with each day that passes without action by the EPA, many Americans are getting unnecessarily impacted by dangerous TCE and other hazardous chemicals.

I ask that the EPA act now and prevent further tragedies and devastation for the families in the United States that count on you as their line of defense. Now, any detractors that may in fact speak out against adding vapor intrusion to the score, they say we don’t have money to do this, they may say that this is something that the taxpayer shouldn’t be paying for, I say this. You know when it comes to building bombs, when it comes to blowing up other countries, we can borrow 500 million dollars a day from the Chinese government to facilitate two wars that are going to never end and that nobody wants to be in. We can borrow 500 million dollars a day to do that. So, we certainly should have the money to do whatever we need to do to implement this into the HRS score, to clean up these additional sites and to make communities across to the country safe again.

We have a lot of technology now that exists to cleanup these types of plumes. We have technologies that are being developed to address vapor intrusion in people’s homes, and these technologies should be brought to bear at these sites across the country. I know EPA has something called the TAGA bus that they use, which gives you the ability to go out and immediately do readings in communities and detect those trace gases. EPA can bring these to communities around the country, and each Region should in fact have a TAGA bus, so that hopefully when this does get added, EPA will have the tools to immediately go to these communities that are affected, like Pompton Lakes, and be able to use the technology that these TAGA buses have, to see exactly the magnitude of the problems. With that I’m going to end my testimony for right now, but later on I would like to come up and ask a few questions of the panel as part of this presentation, as time permits. Thank you.

Where do we submit our testimony *[inaudible audio: approximate time stamp 59:55]*? Thank you.

*David Yogi*, *EPA OSRTI*

Thanks very much, Bob. Next we’ll have Dana Patterson.

*Dana Patterson, Edison Wetlands Association, Toxics Coordinator*

Thank you for giving me the opportunity to speak today. My name is Dana Patterson, and I’m the Toxics Coordinator for Edison Wetlands Association. We’re an environmental nonprofit as Bob mentioned that has been working for the last 21 years to clean up toxic waste sites and protect human health and the environment in New Jersey and beyond. I personally have been involved in a community advisory role at the Pompton Lakes DuPont work site located in Pompton Lakes, New Jersey for the last two and a half years. Here, residents have been suffering from trichloroethylene (TCE) contaminated ground water for many years and breathing in toxic vapors rising through their basements into their homes. The Pompton Lakes DuPont work site is a top priority site led by EPA and the New Jersey Department of Environmental Protection. Some background, this site has been evaluated by the ATSDR and the NJDOHSS for cancer risks. Their 2009 assessment showed a high number of kidney *[inaudible audio: approximate time stamp 1:01:32]* manufacturing plants. In addition to this site-specific report, as you know, trichloroethylene, the main cause of vapor intrusion in Pompton Lakes, may cause impaired heart failure; nerve, kidney and liver damage; unconsciousness; and abnormal fetal development in pregnant women; and even death.

As of right now, there are 450 homes that sit atop a toxic TCE plume, only one-third of which have installed vapor mitigation systems. Families continue to breathe in these harmful vapors because there is a lack of trust between the community and the polluter. A mistrust caused by decades of devastating illnesses feared to be potentially caused by the site contaminants. This site caused the residents to hesitate to allow the polluter’s consultants in their home to install mitigation systems, exasperating the issue of vapors entering their home. Only recently was this dire situation resolved.

Those are the cold facts of Pompton Lakes, but they don’t begin to describe what is really at stake here. I see the real life impacts of this on a more personal level every time I meet with the families in Pompton Lakes. I see the mothers who are inconsolable because their children are dying all too young. I see the daughter losing a parent in an agonizing painful battle with a host of cancers. I see people who speak out in public meetings and wonder why they can get no real help, only a pass- the- buck mentality that deflects all real decisions and accountability, and life and death issues are lost in the bureaucratic labyrinth net of confusion. I am not saying that those state and federal health officials don’t care or don’t want to do the right thing, but rather their hands are tied, until U.S. EPA includes vapor intrusion within the Superfund ranking system.

Working with the two grassroots not-for-profit groups, the Citizens for a Clean Pompton Lakes and the Pompton Lakes Residents for Environmental Integrity, I have listened to the communities concerns and seen firsthand the issues, lack of regulations, lack of enforcement and lack of urgency for vapor intrusion to be added as a criterion for listing a contaminated site on the Superfund NPL. I was also selected to serve on the monthly U.S.EPA Pompton Lakes Environmental Community Advisory Group, and the ATSDR Health CAG. If vapor intrusion were previously included in the HRS, the Pompton Lakes DuPont work site would absolutely rank high above the minimum for Superfund listing, and the dynamic between the community would be different.

Under U.S. EPA’s complete leadership, the residents would not be burdened by the polluter’s attempts to slow the cleanup. The polluter would not have the opportunity to request less oversight and monitoring through the state’s Safe Permit-by-Rule program. The community would have an increased amount of public comment opportunities. The EPA could order the responsible parties to clean up the site in a manner that is most protective of human health, and if they refuse to do it U.S. EPA’s way, the EPA could perform the work themselves and bill the RPs for trebled damages or three times the cost. There is also the ability for EPA to develop more precise robust screening values for TCE and PCE in shallow ground water.

As of right now, Pompton Lakes is suffering because this is not happening. All of the above mentioned are critical at sites that are blighted by vapor intrusion; especially since EPA’s developing new guidelines and regulations for vapor intrusion. Such as the recent historic decision for the residents in Pompton Lakes to use a third party contractor for sub-slab sampling and the installation of mitigation systems. In addition, the inclusion of major vapor intrusion sites will make it easier to move beyond mere mitigation, such as sub-slab depressurization, which is a temporary band-aid measure. In the Superfund program, sites like Pompton Lakes would be subject to strategies for permanent remediation of soil and ground water, which is the source of the toxic vapors.

Pompton Lakes is just one of over 800 EPA-led sites around the country, not to mention probably thousands of state-led sites in the United States that suffer from vapor intrusion and contaminated ground water. In fact, the EPA Region 2 center in Edison, New Jersey is a victim of vapor intrusion and currently has vapor mitigation systems on several of its buildings, which are sitting on top of a plume of contaminated ground water that emanated from the former U.S. Army’s Raritan Arsenal. Evidence is clearly emerging throughout the entire country that proves that vapor intrusion from large volatile organic compound plumes is a completed pathway of exposure where families are suffering, including Endicott, New York; Camp Lejeune, North Carolina; and Hopewell Junction, New York.

The recognition of vapor intrusion as a full migration pathway is long overdue, and it is time that the EPA uses their full suite of response tools, including Superfund Removal and Remedial Actions to deal with the severity of these sites. With the amount of data showing the impact vapor intrusion has had in destroyed homes and the hundreds of thousands of children and adults that have been exposed to these toxic gases, where in some cases there have been links to cancer clusters, it is absolutely necessary for EPA to include this criterion in the Superfund Hazard Ranking System. I know my generation is counting on you to do the right thing. Please don’t let us and all Americans down. Thank you.

*David Yogi*, *EPA OSRTI*

Thank you very much, Dana. Next we’ll have Makia Burns, and after her comment, we’ll take a short 15 minute break.

*Makia Burns, Center for Health, Environment and Justice (CHEJ)*

Good morning everyone. I would like to first thank EPA for allowing us to make comments today. My name is Makia Burns. I’m the Childproofing Our Communities campaign coordinator for the Center for Health, Environment, and Justice; CHEJ. CHEJ is a national organization committed to environmental health headquartered in Falls Church, Virginia. We were founded by Lois Gibbs, the community leader of the Love Canal relocation fight, which led to the creation of the federal Superfund program. For the last 30 years, CHEJ has worked with communities across the county concerned about toxic chemicals and their neighborhoods at Superfund sites and from other sources of pollution. We work with families and neighborhoodsacross the country concerned about the impact by vapor intrusion from legacy industrial sites, military sites, gas stations, dry cleaning facilities and other sources of hazardous vapors. I personally work with parents, teachers and students across the country concerned about safe and healthy schools. There are many schools across the country, which are impacted by vapor intrusion from current and legacypollution.

CHEJ strongly supports EPA’s proposal to add the vapor intrusion pathway as a component of the Hazard Ranking System, used for listing properties on the Superfund National Priorities List. Increasingly, a number of states have been considering vapor intrusion at contaminated sites, such as in New York City. On the flipside, many places do not have the political will, technical or financial resources to conduct vapor intrusion investigations. We are very happy to see EPA finally including this in the federal Superfund program, this is long overdue.

Including vapor intrusion, is critically important, as at many sites residents or workers are often exposed to multiple chemicals from vapor intrusion and other exposure pathways. For example, PCE is often found at a vapor intrusion site, which is also found in conjunction with TCE, vinyl chloride, and/or TCA. The EPA needs to take into consideration the cumulative and synergistic exposure to multiple hazardous chemicals of concern at potential Superfund sites. Recently, the National Academy of Sciences recommended in a report that the EPA evaluate cumulative exposure to chemicals. EPA should investigate how this approach could be incorporated into evaluating vapor intrusion and other exposure pathways at potential Superfund sites. In summary, we strongly support EPA’s proposal to add the vapor intrusion pathway as a component of the Hazard Ranking System, used for listing a property on the Superfund National Priorities List. Once again, thank you for giving me the opportunity to make comments today. Thank you.

*David Yogi*, *EPA OSRTI*

Great, thank you very much, Makia. We’ll just take a short 15 minute break now and then we’ll come back and receive more comments. Thank you.

**BREAK**

*David Yogi*, *EPA OSRTI*

One of the things that we requested input on in our Federal Register notice, were sites that did have vapor intrusion issues. So, we’d like to encourage you all if you have sites that you think have vapor intrusion issues to please submit them to our docket. OK, great. Next on the list, we have Lisa Riggiola, who isn’t here, but I believe she’s on the teleconference line.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Yes, Lisa’s on the phone. Lisa you should have gotten instructions already, so it’s your turn to speak. If you can hit pound 6 and go ahead and say something into your phone, make sure we can hear you.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes, Director/Founder*

Jean, I’m here. Can you hear me?

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

We can hear you loud and clear. Go ahead. Thank you.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes, Director/Founder*

Okay. I’m Lisa Riggiola, Citizens for a Clean Pompton Lakes, Executive Director, a non-profit organization that was founded in 2008 when the vapor intrusion information was released and I’m the founder. What I want to say today is about Pompton Lakes. Pompton Lakes was a place that many people moved to back in the 1950s and the 1960s, to move to a better environment to raise their families. Beautiful place, mountains, lakes. I was one of those people that swam in Pompton Lake, which actually now has an estimated 68,000 cubic yards of lead and mercury in it, and that’s on 26 acres of the lake. I’ve been living here since 1962. Unfortunately, I’ve seen a lot of people get very ill. On my street today, which is my old neighborhood, around the corner from my mom, which I moved back to in 2006; we have five cases of women with cancer. Actually it was six and we lost a woman who had two young children about three weeks ago and one unfortunately was a Down Syndrome child and that family is left without a mom. There’s another case right directly by the DuPont site where there were six people that passed away from brain tumors.

So, what I want to say to you today is, DuPont the site itself, there’s evidence they knew in the thirties that it wasn’t good for people. In 1968, they received a violation. And in the 1970s their own employees were protesting because they were getting sick. So here we sit, a hundred years of pollution, three decades later come the findings of soil and ground water and in 2008, the discovery to the public of vapor intrusion. We’ve sat a long time without an HRS evaluation. And its mind boggling to me and the residents of this community, and especially those that live in the contaminated neighborhoods; why, why, why. At the CAG meeting last night, the Environmental Community Advisory Group, I asked this question to Miss Barbara Finazzo, a wonderful nice lady from the EPA, on why we still wait. And the answer is not clear to the public why. If it means vapor intrusion being included in the HRS is the only way for us to get this to happen, I feel, and many residents here feel the same, we’ve waited long enough. How many more people have to get sick and die here for something to be done? Many people here are hard working residents, all they own is their homes. They don’t have the fancy retirements and the 401(k) s. They are suffering in health related ways, as well as their safety, and the huge financial burden of knowing their only investment in their life is now basically worthless. I am begging you to please help us. My life itself for the last three years has been dedicated to this fight. And I am telling you please we need your help. We need the DuPont site and our neighborhoods to become a top priority for the United States of America and the Environmental Protection Agency. Human life has to come first and I’m asking you please for your help. And really, that’s all I have to say. Thank you.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Thank you very much. This is just a reminder to re-mute your line. You can hit your own mute button or hit star 6.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes, Director/Founder*

Thank you, Jean.

*David Yogi*, *EPA OSRTI*

Great, Thank you very much Lisa. Next we’ll have Michael Keough.

*Michael Keough, Citizens for a Clean Pompton Lakes*

Good afternoon, or good morning I should say. I greatly appreciate you listening to us and I also personally know Lisa and Bob Spiegel and Dana. I heard Dana talking when she came in and I reiterate what she said there, I believe in what she said there *[inaudible audio: approximate time stamp 1:28:30]*. What Lisa Riggiola just said couldn’t be more true. I myself have been in Pompton Lakes since 1967. I’m also an expert in real estate values, but people, from the view of a tax assessor, are afraid of stigma and all of this. The stigma is not going to change if we go Superfund through the National Priorities List. I mean, it is so high profile. It’s Chinese torture. I’ve been going to meetings since 1988 about this DuPont situation in Pompton Lakes. It’s probably much, much bigger than they ever admitted so far. The only efficacy we had was speaking to other people. We need the EPA to step up and put some teeth into this and put this ranking system in and look at Pompton Lakes long and hard. It is probably one of the foremost places that is contaminated on your list. Now, I know the government is short on money. The ranking system, if we go leaps and bounds ahead of everyone else that’s on it, from what I understand, Pompton Lakes won’t go to the top of it, but it is a step in the right direction and that’s what we need. What Lisa said, I’ll say the same thing. The people she’s talking about, I know person after person after person that is ill; people have brain tumors; people are dying. People under 40 years old, under 50 years old, some of them in their 30s. There are people that are ill right next to the Lakeside School where there is 50,000 cubic yards of infiltrated lead, mercury, and other contaminants. The lake is so contaminated it’s unbelievable. Basically, under the properties, the ground water from areas up a little bit in elevation, 500 acres needs to be thoroughly checked, thoroughly checked, for all 53 chemicals to see what is going on under those properties. But we need this ranking system. We need EPA to look at this harder than they ever did. We need help here. It’s been dragging feet and its Chinese torture and people are ill and people are dying in Pompton Lakes. Thank you.

*David Yogi*, *EPA OSRTI*

Thank you very much Michael. Next we’ll have Cheryl Rubino, who I believe is also on the phone.

*Jean Balent EPA OSRTI,* *Technology and Field Services Division*

That is correct. Cheryl, you can go ahead and hit pound 6 to un-mute your line and let us know you’re on the phone. Again, Cheryl, if you’re on the phone line you want to hit pound 6 or use your own mute button.

*Cheryl Rubino, Citizens for a Clean Pompton Lakes*

Alright, I hit it, can you hear me?

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Yes, we can definitely hear you. Go ahead.

*Cheryl Rubino, Citizens for a Clean Pompton Lakes*

Alright, excellent. Yes, my name is Cheryl Rubino. I’m actually a board member on the Citizens for a Clean Pompton Lakes group as well. I am a former resident of Pompton Lakes. I currently live in Middlesex, New Jersey and I have to reiterate exactly what Bob Spiegel and Dana had mentioned, that New Jersey is one of the most contaminated states in the United States. So, it’s a unique situation because my mother still lives in what’s considered the Pompton Lakes plume.

We know that New Jersey as a whole has issues with contamination, obviously my passion is around the Pompton Lakes site; the DuPont site. The main thing for me is I think I’m perplexed as to why we’re even asking whether VOCs should be added to the HRS ranking system. As Bob Spiegel had mentioned, they really are a hidden killer. These people in Pompton Lakes have been living with VOC contamination and not being made aware of it until 2008. People are dying every day of cancer at this site. The TCEs and the PCEs are the main contaminants in the Pompton Lakes site; that DuPont has claimed ownership of, and they are known carcinogens. It also explains the results of the study that the New Jersey Department of Health and Senior Services published in 2009, which stated that Pompton Lakes, and particularly the 450 houses that constitute the plume residents, had significantly elevated kidney and non-Hodgkin’s Lymphoma cancer rates compared with the whole state of New Jersey’s population. We all know that people are dying every day. It upsets me that much and I don’t even live there anymore. There’s no reason for us to be having this conversation when it’s the public’s life at stake.

I can honestly say every time I turn around I hear of another VOC issue. In my town in Middlesex, we have the Middlesex Sampling Plant Site, which happened to have been part of the Manhattan Project. There is a parcel of land that sits basically unusable, with a fence around it, and the Presbyterian Church that sits next to it has a VOC issue. This is a place where people are going for solace and are being poisoned while they’re there. I really do believe that because the plume moves, and the VOCs move with the plume in Pompton Lakes, that it absolutely should not be a topic of discussion as to the VOCs being added to the HRS. It should be a mandatory topic and subject that no one should be talking about, it should just be done immediately. Thank you.

*David Yogi*, *EPA OSRTI*

Thank you very much, Cheryl. Next we will be having Barry Durand.

*Barry Durand, CTS of Asheville / Mills Gap Ground Water Contamination Site CAG*

Good morning everyone. My name is Barry Durand, and I am here on behalf of oursite in Asheville, North Carolina. It is the Mills GapRoadGround Water Contamination Site, and it’s a very unique site because it has an awful lot of TCE; the source is situated at the top of a hill which feeds into a watershed. We have a situation where we have a lot of potential energy and likelihood for distribution and spreading of the contamination, so it’s a very unique situation here. Unfortunately, the Hazard Ranking System doesn’t incorporate all the potential risks our site presents. This is a slight aside, our site is one that probably should get even higher priority because of the potential energy resulting from the gravity-fed situation. Camp Lejeune and other sites don’t have the same probability of spreading contamination or will spread in the future. The other issue we have is a fractured bedrock system where the contaminants can move through the bedrock system and basically relocate to another location in high concentrations. You can have globs in many areas, so these are other factors that make it a higher priority, I believe, we believe.

But, I just wanted to address the main thing that Dennis started out as basically framing the main question; should we include it? Now the answer is, let me just preface it, if it is an endangerment to human life, then the answer is absolutely. We’re finding that more and more to be the case, and we’re finding Brownfields sites that weren’t properly cleaned up where this is becoming an issue. The question, I believe basically, should more appropriately be asked; yes, but how do we implement that? How do we weight it? That’s how I hear the question, about weighting it.

I had the fortunate opportunity to attend the national vapor intrusion forum in Philadelphia in January of 2009, and it was a very enlightening experience, and particularly I am thankful for the contribution of Henry Schuver, who is one of the folks on the vapor intrusion board on the national level. He made some very pertinent points about vapor. For vapor, there is an equivalence between ingestion of a contaminant, such as ingesting ground water with TCE, and the inhalation aspect. In fact, you probably know a little bit more about how that’s calculated. When you’re breathing TCE, you’re obviously absorbing some of that into your body. When you’re drinking it you are too, and as I understand it, the ratio of the amount that you need to breathe in is in *[inaudible audio: approximate time stamp 1:38:40]* theparts per billion. It’s an equivalent to what you would drink. For example the MCL maximum contaminant level for TCE in drinking water is five parts per billion, and for the absorption from inhalation, you get a much lower level of parts per billion volume to get the equivalent biological absorption rate, hence the biological impact and the human impact. I think that was very enlightening to hear that. So the answer I would say, is absolutely yes to anything that does affect human life. To not include vapor intrusion would be an incomplete assessment of the risks. You have a real risk posed when you have a release of a contaminant in the environment, but you have to factor all of the potential pathways, and to not incorporate it as an evaluation would be an incomplete view of the real effects of the release, so absolutely it does need to be included. Again the question is, how you incorporate it? I think that’s up to you folks to figure out the biological equivalents of absorptions of different types of chemicals from breathing versus drinking.

The other point, this is just a quick aside, when terms are used, this doesn’t have anything to with this particular topic, but I think it goes to the score or something. EPA uses the term targets, and it’s a very impersonal way to describe potential exposed risks. You really ought to call them human life factors or something like that. The other target of course is the environment. The environment feeds back and affects human life, it affects the livability of the environment and that is really what the key is here; livability and safety, so I recommend that there be some review of that. I think targets are…. *[Mr. Durand did not complete his statement].* Anyway, I’ll leave that.

The other thing I wanted say; our situation in Asheville is quite dire because none of the evaluations that have been done incorporates the number of brain tumors in the area, which is an unusually high number. Right across from the plant, there is a family where both parents had brain tumors. On the adjacent property on the other side, there have been two people with brain tumors. Downstream in the other direction, there are people with brain tumors, and they seem to be similar. Of course the other situation we have related with our TCE contaminants is there are still some associated with heavy metals, but we have also associated with it a fair amount of vinyl chloride. As you know, it is strongly linked to the occurrence of brain tumors.

The other thing I wanted to mention that I learned from the vapor intrusion forum in Philadelphia is the importance of a proper vapor assessment. In the inequity, that’s not the right word, the differences in information across different states matters. For example, New York State has the highest degree of awareness of the topic and has a very active program. I think California does also. Pennsylvania does also. Our state, of course North Carolina, is very, very deficient in evaluating this. One of the things I noted earlier is that one of the things that gets you to the NPL is you get a recommendation from the state level, and unfortunately, we almost have no knowledge base of the vapor issue from our state officials. At the vapor forum in Philadelphia, North Carolina did not show up. I think it’s an important goal we can work towards.

I’ll just say one other very important point that I think needs to be made. That is when you acknowledge that vapor intrusion is a risk factor that it is indeed a component that matters and make that acknowledgement because what we’re adding today is an issue. One of the things that was brought up at the vapor forum is that a lot of Brownfields developments that were established ten years ago are now beginning to be recognized as having issues with vapor. Not only does vapor intrusion need to be addressed in terms of adding it to the HRS, it also needs to be acknowledged on a larger, broader scale because it is indeed a risk factor. When Brownfields certifications are awarded, and there is not an acknowledgement of that, you run the risk of a problem not being acknowledged. I think the sooner that this is recognized for the problem that this is, the better off, the more clear people will be about how to deal with this problem and how to contend with it and how to redevelop properties. The Brownfields program for example incorporating this idea. One of the things in North Carolina is that we’ve got an awful lot of Brownfields projects happening, and we’re very concerned about whether these Brownfields projects are considering the vapor intrusion component because of our deficiency at the state level., Going back to what you said, Dennis, should we include it? Absolutely. Not to do so would be an incomplete assessment of the real risk posed by these contaminants in the environment. That concludes my statements and I really thank you for proposing and having this hearing. I think it’s much appreciated, and it’s wonderful to be here. So, thank you so much.

*David Yogi*, *EPA OSRTI*

Great, thank you Barry. I would like also to note that in addition to requesting information on sites that have vapor intrusion issues, EPA is also interested in accepting any information you may have regarding cancer clusters associated with VI. So next on our list, is actually our last scheduled oral presenter, Gitte Curtiss, who I believe is on the telephone.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

If you’re on the phone line, I have you on global mute, soif you’re there pleasehit pound 6 toun-mute yourself and speak up to let us know that you’re on the line. They don’t seem to be on the participant roster right now.

**Additional Comments**

*David Yogi*, *EPA OSRTI*

OK, well Gitte isn’t here, and that was all of the scheduled presenters for today. We’ll now open it up to those that have already presented and hear anything additional they wanted to say. OK, Bob Spiegel has raised his hand so he’ll come up first. Then we’ll open it up to the rest of those that are here in person and then we’ll go to the phones.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

I’m just going to globally mute everyone once again, so bear with me.

*Robert Spiegel, Edison Wetlands Association*

During the break I had an opportunity to speak to Terry about the timeline for looking at the incorporation of VI into the HRS scoring methodology and it seems that there’s going to be a significant amount of time between these hearings and the potential for adding this to the HRS score. So I would like EPA to look at, as a part of this process, maybe something a little different, outside of their normal bureaucratic box and come up with a way to look at and go through the process as it’s developed. Look at any ways to shortcut the process, so that once the comments are reviewed and a determination has been made, come up with a way to have a process to use this in the HRS scoring while you complete the more formalized process of going through everything that is required in the rulemaking process. We don’t want to wait several years to see this added to the HRS score.

As I said in my earlier testimony, this is something that has been talked about for over 15 years. They know about this. Science has known about this. Scientists have known about this. The regulatory community has known about this. I had a conversation on my way down here with somebody from the New Jersey Department of Environmental Protection who is in charge of all types of remediation. And he was talking about participating in conversations as part of his regulatory job 16 years ago when they were talking about vapor intrusion as a potential contaminant and the implications of vapor intrusion to the health and the environment. And he would ask us to put together a list of sites where we know vapor intrusion is taking place and we will certainly do that. Many of the other speakers that you talk to as part of this listening session will time and time again raise the issue of VI, the health implications that it has, how it has destroyed families, communities, and hurt properties values. And so it really behooves the EPA to look at streamlining this process beyond the way that they currently do when they implement new rules. We understand that there is a need for process. We understand that sometimes it takes longer than we would like. However, with this particular issue, we need to have a way to implement this in a much quicker and more proactive fashion. We think that when EPA takes a real look at this, they will see other communities and will see the full scope of the problem. I think you’re going to be surprised. Because, as much as you think this is a nationwide problem, one that affects a lot of people, I think that the sheer magnitude of the problem with vapor intrusion from various chemicals like TCE and PCE, the health implications on vast communities from the east coast to the west coast, is going to be staggering; absolutely staggering.

As I said, we only work on 75 sites. That’s a lot of sites to work on in New Jersey. But in New Jersey we have 30,000 sites, which is just the tip of the iceberg. One of the big issues in Jersey right now is what’s called the LSRP Program; the Licensed Site Remediation Professionals. And what that basically means in a nutshell is that the state of New Jersey is in the process of privatizing toxic waste site cleanup so that they can redevelop properties faster. So what they’re doing is putting the decision making process for cleaning up sites, many of them with vapor intrusion issues, in the hands of the polluters with no oversight; with no oversight. They’re going to audit a very small percentage of the sites, perhaps ten percent if we’re lucky. But what their goal is, is to remediate these 25 or 30 thousand toxic waste sites that are in every single community. And my count alone is about 170 contaminated sites in one town – Edison, New Jersey. And that’s not even our highest number. In our urban areas like Newark and Camden, those numbers are even higher, as well as at the Superfund sites, unfortunately. There is not one town whether you’re in the Highlands or Pompton Lakes or Ringwood or Camden or anywhere that is not touched by contamination in New Jersey. Now they call it the Garden State, it’s not really the Garden State anymore, because there is no safe place to live in the state. But we can clean it up. The problem is at the same time, there are groups and people and advocacy groups that we work with, community groups like the hard working groups that are in Pompton Lakes, we’re fighting a bureaucracy at the state level that’s looking to turn over cleanup and evaluations of cleanup to private polluters and their consultants. Anytime that you have a vested interest, a vested financial interest in the outcome of cleaning up a contaminated site, it’s been our experience that corners are cut, that shortcuts are made, and that things do not get looked into. And so vapor intrusion is certainly one of those items that we think would have corners cut.

We need to have this put in place. We need to have a way for the public to petition the EPA directly when it comes to vapor intrusion. So that if there’s a site where we suspect its like a Pompton Lakes, or we suspect that there are hundreds of homes, or even one home for that matter, we need a way to petition EPA to make them aware of these vapor intrusion sites, so that EPA can look at these sites and decide if they constitute a critical path where we have people being exposed whether it’s a church, school, home or business. It needs to be looked at and we need a way to be able to have EPA as our last line of defense because we know that this LSRP program is going to fail. And it’s going to put our residents and our families in New Jersey at risk. We need to have a way to have EPA, when we have an egregious situation when the public is being exposed especially with vapor intrusion, to be able to step in and look at it, and be that stop gap that we need.

In addition, as I mentioned before, I’m sure that you’re familiar with the TAGA bus, but I’ll go into a little more detail about what a TAGA bus does. A TAGA bus gives EPA the ability to mobilize and go into communities where there is a vapor intrusion issue to get real-time data as well as be able to collect data from the sub-slab with this TAGA bus. They have one in Regions 1 and 2, and I think each region should have one. It’s an incredible piece of machinery. It’s something that is using best science and it’s something that can be mobilized immediately at sites where there is vapor intrusion, to see in fact, where this is taking place.

Now we’ve asked in the past for this TAGA bus to be brought to Pompton Lakes and that request has gone unheeded. But this is something that EPA should be doing right now, even while they are going through this process for the vapor intrusion addition. They should be able to mobilize this TAGA bus where you have significant vapor intrusion threats and be able to give these communities real-time, on-hand data and data once any mitigation systems are installed, because that’s a whole other issue unto itself. Because, once the systems are installed, how does that change the ambient air when you have a community of 500 homes where you have TCE coming out of the ground normally and then there’s TCE being vented from people’s homes into the air as a result of these systems? Well, how does that change the ambient air? Using the TAGA bus, you can actually collect this ambient air, and once the systems are installed they can actually go back and look and see in fact if the ambient air has changed. You can see if there are high levels of TCE now in the ambient air as a result of these units being installed. Sometimes the cure can be worse than the disease, but you have something that you can use right now and I suggest that EPA invest in more of these units and make them available to communities around the country so that we can start to develop baseline vapor levels. We can collect data from communities that suspect that they have a problem even while you are developing these criteria.

And then lastly I would like to not exclude necessarily the responsible parties from this discussion, but certainly I think in the way these comments are evaluated, I think that the communities and the people that have been living with this, first and foremost, should be the number one concern of the EPA. Number one. Communities in Pompton Lakes, the communities mentioned by the gentleman that was up here before where you have people that have illnesses, the communities in California you’re going to hear about when you go out there – that’s a significant problem area. These community groups should be first and foremost. And certainly the scientists and their technical advisors, and people like that that work with them, like CHEJ, Lois Gibbs and Steven Lester, these people are the real experts and you should be listening to them and taking what they have to say into account.

But certainly, I don’t think that polluters like DuPont and others who are going to be railing against this because it’s obviously going to have to make them spend money to clean up their toxic messes. They should not be given the same footing as the people and the communities that they poisoned. Certainly if they have technical comments that have merit, they should be included, but that should be the limit of what they’re allowed to present, because obviously they are going to be lobbying long and hard to try and come out against this. They are going to try and do what they can to influence this process and drag it out just like they did with the National Academy of Sciences when they were reviewing TCE and they dragged that out forever. And it’s still being dragged out because the big polluters don’t want to see this taken into account. They don’t want to see TCE fully evaluated. They don’t want to see this thing put into the HRS score. And I firmly believe that they should have the ability to comment, but those comments should be tempered with the fact that they have a financial interest in not cleaning up these sites.

So I would ask that EPA look for ways to streamline this process so that it doesn’t take years, but maybe months to be able to give relief to the people that are suffering so much and to the communities that we work in. When you see the faces of the families and the children that are dying of cancer and other grave illnesses, the people that suffer because they can’t sell their homes; we need to give them relief now. As I said, this is long overdue. So I would ask this board, as you move forward with the listening sessions in these other communities, to look at these issues that I put out. I’m sure California is going to have a lot to say about their VI *[inaudible audio: approximate time stamp 1:49:19]…* He’s been one of the few people that have really been leading the charge nationwide to let everybody know that this is a problem. The more people that are talking, the more communities are realizing that it’s such a widespread problem. It’s throughout the whole country. It’s not unique to New Jersey. It’s not unique to New York. It’s not unique to California, but it’s widespread. I would ask that this is something that you look at and next time that you do have a hearing, maybe you could include New York. We are a pretty big area, the tri-state area, and you know we did travel in from New Jersey to come here at our expense, because we thought it was extremely important. I do appreciate the teleconferencing ability and I do think we should look to do more like that. But the New York, New Jersey, Connecticut area has our share of toxic issues. So I would ask that the next time EPA has a hearing like this that they include New York or New Jersey as a spot for doing future hearings. Thank you.

*David Yogi*, *EPA OSRTI*

Okay, thank you Bob.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Just a reminder to those in the room, if you have comments, please come forward, come up to the microphone and make sure the red light is on. We would ask you to identify yourself. You’re good to go Michael. You can go ahead and speak.

*Michael Keough, Citizens for a Clean Pompton Lakes*

What Bob just said reminded me of a couple of things. I drove straight up here. Its five and a half hours and I had a little trouble finding the building, so I came in after the first speaker spoke and I am slightly burned out from jetlag and from driving. But, I too was at the CAG meeting last night, at least the second half of it. The CAGs in Pompton Lakes, in my opinion, have to be reformatted, reorganized and replaced. They are just stalling things and in my opinion, counterproductive so far. I was also at, when you first came out with it two years ago, the LSRP/ADP/ Brownfields meeting. And I do believe in what Bob just said. The LSRP, what they were telling us at the time, I didn’t believe it would be too effective and I believe what Mr. Spiegel just said is exactly right; it’s probably going to fail. It seems to me that what they are pushing for is to fast-track the process and let the polluter develop properties.

The Permit-By-Rule program that they tried to do a few months ago and the people spoke up. I was one of them, and Bob was one of them, and everyone that came up to the microphone was against it. The NJDEP was just going to go ahead and let DuPont ease offtheregulations. This is the problem; DuPont has been behind all of the inspections, behind the driver’s seat. And we need someone other than the polluter, than the “fox”, to be behind the driver’s seat. With the way it’s been going, as I said earlier, I’ve been going to meetings since 1988, this is too much. You watch shell game after shell game after shell game. Sorry I have to put it that way, but the NJDEP is really not very effective on the people’s part. And hopefully the EPA can step up and do something about that. The survey (I’m sorry I don’t have my glasses on, Mr. Yogi.) that you mentioned earlier with the cancer clusters–we have been trying to get the Health CAG to do a survey. They brought it up about a year ago, about the cancer clusters and what causes the cancers in Pompton Lakes and everything else. Every time it comes up again they say they’re going to talk about it and think about it. At the next meeting they’re going to do that again. Then they talk about how much it’s going to cost. They had six months between two meetings. They came up with this sample survey, then they came up with the same sample survey with one line changed and a year later we’re talking about the same thing. In the meantime, people are dying.

We need it streamlined to say the least. We need something. We need to not just think about doing things, especially in my town. I don’t want to be selfish, but I know there are just as many people that feel the same way and there are as many people that aren’t with us anymore that can’t feel the same way. They were at these meetings since I started going in 1988 and person after person after person that spoke up, either they’re so ill they can’t speak up anymore, or they’re dead. This is just ridiculous. We need some attention; some real teeth. We need somebody other than the polluter to be in control. I’d be remiss if I didn’t say that I also represent, besides myself, the CCPL. All of the organizations, all the people in Pompton Lakes and the EWA organization, these are all great organizations and without these people speaking up, we would have had nothing done over the years. It’s just not enough. We need to be a partner. These CAGs for instance, they call us observers. They don’t even call us participants. The people were speaking out and we were getting the press in town and all of a sudden, they want to make the people observers. We didn’t vote for this. We didn’t have a say in this. The agency, the NJDEP, and the EPA put it together. The people need to have a review period. The people need to be participants. The people need to be listened to more than they have been. We need the polluter out of the driver’s seat and somebody to push some real effective remediation. Thank you.

*David Yogi*, *EPA OSRTI*

Thank you very much Michael. Is there anyone else here? Barry, you can come forward.

*Barry Durand, CTS of Asheville / Mills Gap Ground Water Contamination Site CAG*

Thank you very much. The gentleman from New Jersey, I didn’t catch his name, was talking about how in New Jersey, there’s sort of a conflict of interest with the companies doing the cleanups. That got me to thinking, that what I said before is just to underscore this point; if you don’t establish the standard, that this is a concern, this filters through your whole process of how to deal with contaminated properties across the country. And one of the ways that you are dealing with contaminated properties is the Brownfields program, which is a loan incentivized program to leverage private monies to take on the challenge of cleaning up these sites. But the Brownfields program itself doesn’t recognize the vapor intrusion issue as significant as it is. Again, that is one of the things that came up in the vapor forum. Some of the officials from Pennsylvania were talking about now having vapor intrusion problems. You now have a situation where you have a legitimized cleanup with EPA approval that hadn’t recognized the vapor issue and now it’s become a problem. If you’ve got homes and businesses that have significant vapor problems and it’s not a factor, then you’re going to have greater disease presence.

So, for all these reasons, the standard has to be set for vapor. Should vapor be included as a risk factor, absolutely. So there is spillover or spin-off from the decision that you make about the NPL because that’s the standard. You’re setting the standard for the health risk. That’s what the HRS is. If you do not include it, like I said before, it’s going to be an incomplete assessment of the real risk posed from the release of the contamination. In, for example, North Carolina we have Brownfields projects that aren’t properly incorporating it, getting EPA approval and go ahead and green lighting a project. North Carolina isn’t confident, or knowledgeable about the vapor factor issue. We’re laying seeds for a time bomb. In a few years down the road, these Brownfields become a problem – will be recognized as the problem they are. I really do think you have a tremendous responsibility to call this one correctly, and to be complete and put human life and health in proper perspective. These are factors that actually do materially affect human life. There are scientific studies going on all the time about whether these factors are human cancer causing agents or not. But with a lot of these contaminants, like TCE, vinyl chloride, and now I understand PCE, these are indeed problems. I really think this is a very important and significant step that you’re taking to consider this. And it’s the right step. It is a complete assessment and it promotes the value of human life when you consider the value of human life fully. Anyway, that’s what I wanted to add. I appreciate that.

*David Yogi*, *EPA OSRTI*

Thank you, Barry. Is there anyone else in the room that would like offer any additional comments? Okay, I guess now we’ll go to the phones.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

And just as a reminder, we globally muted the phone lines. So if you are on the phone, you can do one of two things. You can type up a message on the chat to let me know that you would like to make a comment. Right now I don’t have anybody virtually raising their hand. If you would also like to type your comment, I’ll read it out loud. But in the interim, before we get anything submitted on the chat, if you are on the phones you can certainly, simply un-mute your line. You want to be sure to hit pound 6 to un-mute, identify yourself and make a public comment.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes*

Jean?

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Yes, I can hear you.

*Lisa Riggiola, Citizens for a Clean Pompton Lakes*

I just wanted to point out a recent article that appeared in the Niagara Gazette. And it does involve Lois Gibbs and her fight with Love Canal. Thirty years later, there’s evidence of contamination in the sewer lines. I’ve been told by many environmental people that this stuff can move through our underground infrastructure, such as sewer lines. So, it is truly imperative that the HRS be expanded to include vapor intrusion. We have a very unusual situation here. And last night in our community advisory group, ECAG, the Environmental CAG meeting, (we have a Health CAG also), it was stated by the EPA, and I’m glad that they did, that Pompton Lake which used to be a swimming facility, which I swam in actually until 1967. That lake itself will pretty much never be swimmable again.

We have a borough environmental officer by the name of Mr. Ed Merrill and it’s a very confusing situation, because the corporation of DuPont pays the Borough of Pompton Lakes the salary of Mr. Merrill and then Mr. Merrill is then paid by the Borough of Pompton Lakes. But Mr. Merrill states that the lake is safe for swimming. Mr. Merrill has also told numerous people that have bought houses in the plume that these houses are safe to live in. Meanwhile, we still have people buying homes in the plume that do not know that they are buying in contamination. We have people crying that they can’t afford a lawyer, because they just bought a home, to fight this issue. So our situation is very complicated here, and it’s just really imperative that something be done for us and others around this country.

The situation in regard to DuPont; DuPont in the ‘90s was able to petition the NJDEP to have the mercury level lowered to increase the amount of mercury needed to make it unsafe. That is not acceptable. It’s just not acceptable. So, I’ll end this basically by saying that by no matter what the solution is, no human being should have to live in this manner and the EPA is there for us. For us, to protect us and we do need your help. We really need your help. And I want to thank people like Mr. Bob Spiegel, Ms. Lois Gibbs, and people that live in this horrible, horrible mess that we live in today. Thank you very much.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Ok, thank you. Lisa, just a reminder to go ahead and re-mute your line. If there’s anybody else on this phone that would like to make a comment, you’ll want to use the pound 6 command to un-mute your line and then identify yourself and make your comment.

*Cheryl Rubino, Citizens for a Clean Pompton Lakes*

Jean?

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

Yes, I’m here.

*Cheryl Rubino, Citizens for a Clean Pompton Lakes*

A couple of last things to end with. “We the people” need “we the government”, whom we support and pay their salaries to help “we the people”. And as we sit here and we listen, “we the people” across the United States deserve the respect of our elected officials and the ones that are paid by the hard working citizens to respect the need for life. And unfortunately with the articles and the cancer clusters and all the things that have come to light over the last how many years that shows that VOCs are indeed linked to cancers. And the cluster that has come up in Pompton Lakes as one of the ones that enlighten the situation, “we the people” of the United States would like our government to please help us and save our lives. So with that being said, I want to thank you all for giving us the opportunity to speak. We do appreciate it and obviously you can hear the outcry from Pompton Lakes, but it truly is an issue everywhere in the United States. We shouldn’t even really be talking about whether it should be added. It should be added and as that gentleman form North Carolina had stated, we should be talking about how quickly we can add it and implement it into the HRS system. Thank you.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

OK, thank you very much. Just a reminder to hit your mute button or simply hit star 6 to re-mute your line. Again another call for those of you participating remotely, you can type up comments electronically and I’ll read them out loud or you can type a message that you have a comment that you would like make. Until we get one of those, is there anyone else who is on the phone line that would to make a comment directly, go ahead and hit pound 6 and un-mute your phone line. Or if you use your own mute button, take it off of mute and hit pound 6 and identify yourself and make your comment. Okay, David it’s your call.

*David Yogi*, *EPA OSRTI*

Okay, great. Thanks Jean. So I guess we’ll conclude today’s listening session. I would just like to remind everyone to please submit any written comments through regulations.gov. I gave the docket number for this initiative during my slide presentation. And EPA will be conducting two more listening sessions as Barnes Johnson mentioned at the beginning. Our next listening session will be held on March 16th in San Francisco and the listening session following that will be on March 30th in Albuquerque, New Mexico. So on behalf of everyone here, I want to thank everyone for attending today and for those of you who joined us remotely, thank you very much. And is there anything else from anyone else on the panel? No, okay, great. We’re going to adjourn today’s listening session then. Just one other note; we did record today’s session, so that will be posted on our website in about a week. So if you just check back…question? *[We assume the question was regarding if the other listening sessions will have webcast capabilities][inaudible audio: approximate time stamp 2:08:15]* Unfortunately they won’t. This room is specially equipped to handle the webcast. *[inaudible audio: approximate time stamp 2:08:42]* We’ll look into seeing what’s available for the other listening sessions. The San Francisco listening session is not going to be at our EPA office. The next listening session is in Albuquerque and is going to be at the BIA office there, the southwest regional office, so we have to look into what’s available to us. Any other questions? *[inaudible audio: approximate time stamp 2:09:27]* Thank you very much everyone.

*Jean Balent, EPA OSRTI,* *Technology and Field Services Division*

And this will be the formal conclusion of the online meeting as well. I just want to thank everyone who joined us remotely. We had almost 75 people who participated remotely. I shared with everyone a URL to submit feedback online. So if you would like to continue to have opportunities like this, to participate remotely either online or with an online interactive forum, please take a moment to fill out that feedback form. When you signed up today, you were asked to identify yourself with your email address. So I will be sending out a summary email to everyone with that link as well. So if you don’t have access to the chat or a chance to fill out the feedback form just now, you will get an email with the URL to submit feedback. You can also certainly send an email to myself or to David and give us your comments directly by email if you would like. So again, thank you all so very much for joining us remotely. I appreciate everybody’s patience with us as we try out a new technology and this will be the formal conclusion of the online meeting. I’ll wave goodbye to everybody and hope you have a good day where you’re located and I will officially close things out. Thank you very much.