

SOUTH JERSEY LEGAL SERVICES, INC.
745 MARKET STREET
CAMDEN, NJ 08102-1117
PHONE (856) 964-2010, ext. 232 FAX (856) 338-9227
TDD (856) 964-1204 (FOR HEARING OR SPEECH IMPAIRED)

LARRY D. DECOSTA, ESQ.
EXECUTIVE DIRECTOR

OLGA D. POMAR, ESQ.
COMMUNITY ECON. DEV. COORD.

DOUGLAS E. GERSHUNY, ESQ.
Deputy Director - Litigation & Advocacy

DAVID PODELL, ESQ.
SENIOR ATTORNEY

ANN M. GORMAN, ESQ.
Deputy Director - Administration & Finance

Sept. 6, 2006

U.S. EPA

Re: Puchack Well Field remediation plan – public comments

Dear _____:

Please accept these comments submitted on behalf of the South Jersey Environmental Justice Alliance, Inc. and the Puchack Environmental Coalition, Inc., as a written summary of the testimony presented at the public hearing of _____, 2006 and to supplement the technical comments of Dr. Henry Cole.

1. PROCEDURAL AND PUBLIC PROCESS PROBLEMS SHOULD BE REMEDIED

- The time period for public comments should be extended. The time period allowed for the community to submit comments regarding this critical decision to be made by the EPA – the choice of remedy for clean up - was grossly inadequate, and the EPA has subverted the process for public participation by denying the community's request for an additional 90 day extension of the comment period. The EPA has been conducting investigations and preparing its RI/FS for several years, but released the draft report only in July, and allowed only 30 days for comments (subsequently extended for an additional 30 days). The processing of the TAG grant was delayed due to a lapse in communication with the EPA, but has been put back on track. The community should be given the opportunity to obtain independent expert review prior to the deadline for comments.
- EPA did not facilitate opportunity for public comments at hearing. EPA did not properly explain at the public hearing that the public hearing was for purpose of receiving comments and objections to EPA's proposed plan, but instead opened up a discussion for "questions". Community representatives were not properly that the hearing constituted the only opportunity to provide input and criticism of the proposed clean up plan. This is further reason for providing additional opportunity to submit written comments.

2. THE DIVISION OF SITE INTO 2 OPERATIONAL UNITS AND REMEDIATION OF GROUNDWATER BEFORE REMEDIATING SOURCES CREATES RISK OF CONTINUING SPREAD OF CONTAMINATION



- EPA's approach allows continuing contamination of groundwater. It is a major problem that while the groundwater is being treated, the source contamination remains in place and continues to pollute the groundwater. Community members questioned whether it is effective to remediate the groundwater before addressing the sources.
- EPA must prioritize clean up of sources (OU2). EPA needs to prioritize and speed up its proposed process for remediation of the sources (OU2). A delay of 2 years before a RI/FS is even proposed is unacceptable.

3. EPA MUST ADDRESS RISK OF CONTAMINATION OF WATER SUPPLY SYSTEMS PENDING REMEDIATION OF SITE

- Site creates danger of contamination of drinking water supply. As the EPA is aware, there are numerous active well fields in very close proximity to the site. Community members are very concerned about the spread of the contamination plume to drinking water sources. They question whether it is really safe to assume that the plume is not spreading contamination to the Morris-Delair well fields which are currently being used as Camden City's major water source, or other nearby well fields.
- EPA must closely monitor all nearby drinking water sources. As part of the remediation plan, the EPA needs to actively test and monitor nearby water sources to make sure that the contamination is not spreading to other wells and develop a plan for action if it is discovered that wells are or may be soon contaminated.
- EPA must plan for any unexpected spread of plume. Residents are concerned that if it is possible that the remediation activities, changes in use of the well, weather conditions such as droughts, or other factors could cause a change in the direction or speed of the migration of the plume, that EPA must have a way of monitoring for such changes and a plan to address them.

4. EPA'S PLAN FAILS TO REMEDIATE ALL CONTAMINATION AT SITE, ESPECIALLY VOC'S

- VOCs are a dangerous known carcinogen that must be removed from site. The EPA's proposal to address only the chromium at the site is completely unacceptable to the community. VOC's are also a dangerous toxin that are responsible for creating an elevated cancer risk associated with that site, and were found to be present at dangerously high levels.
- Presence of VOC's in area is not a basis for failing to remediate for VOC's. The EPA states that VOCs will not be remediated because they are found to be prevalent in the area and are not necessarily related to the Puchack site. The prevalence of VOC contamination in New Jersey is not grounds to ignore them when remediating a Superfund site. Many Superfund sites are primarily contaminated with VOC's, and the fact that VOC's may also be found elsewhere in the region should not affect plans to remove them from the Superfund site. The remedial plan for this site should provide for removal of VOC's from the VOC plume related to the Puchack wellfield.
- Independent activities by NJ DEP is not a basis for failing to remediate VOC's. EPA also informed the community that the DEP was taking some measures to address VOC's in

the area. If DEP's activities could be incorporated into a comprehensive remediation plan that would result in full remediation of VOC contamination, that could be an acceptable alternative. The EPA has not developed such a comprehensive plan, however. DEP's independent activities to remediate nearby contaminated sites is not a reason to exclude VOC's from the EPA's remediation plan for the Puchack Well Field. .

- Use of air strippers and similar methods to eliminate VOCs at the source is not an acceptable substitute for remediation. EPA has suggested that VOC contamination is not a problem because air strippers can remove VOC's before they enter the drinking water distribution system. This is not a basis for refusing to remediate the VOC's. The contamination left in the groundwater would continue to spread, and therefore poses a danger of exposure either through vapors from the groundwater or from exposure to contaminated soil, as well as the risk of contaminating additional nearby drinking water sources. The Morris Delair Well Field, Camden City's principal water source, has not had a VOC removal system, and even though there have been plans made to upgrade the system, it is not known whether the VOC air strippers are in place and proven to be fully operable. The stripper systems are known to fail occasionally and expose consumers to contaminated water, which has happened at other Camden well fields.
- EPA has rejected the only alternative that would remediate at least those VOC's which are contained within the groundwater contaminated with chromium. Only alternative _____ would simultaneously remove VOC's, but EPA rejected use of that alternative.
- EPA has failed to address manganese and mercury. Manganese and mercury were also found at the site, but the remediation plan does not address remediation of these contaminants.
- EPA's proposed plan fails to meet remedial objectives. Because the EPA has not developed a remediation plan that will address all known contaminants, the clean up will not achieve remedial action objectives, as the groundwater will not be remediated to drinking water standards

5. REMOVAL OF CHROMIUM IS PREFERABLE TO CONVERSION OF CHROMIUM VI TO CHROMIUM III.

- Chromium III is a known toxin. Although the EPA documents occasionally, and misleadingly, refer to chromium III as "non-toxic", chromium III is a contaminant and while considerably less toxic than chromium VI, it is not benign.
- EPA's remediation plan does not protect against conversion of chromium III back to chromium VI. The EPA documents state that chromium III does not under ordinary circumstances convert back to the more toxic form of chromium VI, but do not discuss the possible scenarios under which such a conversion could occur, or how to address it if it does.
- Remediation should provide for removal of chromium. The proposed remediation alternative converts chromium VI to the less toxic form but does not remove it from the site. Removal would be far more protective to health.

6. EPA'S PROPOSED CHROMIUM STANDARDS TO BE USED AT SITE ARE NOT SUFFICIENTLY PROTECTIVE OF HEALTH

- The EPA documents are not clear as to what is standard being used. At the public hearing, the EPA representatives stated that the groundwater would be remediated to a standard of 70 mg/ul, and that the remaining chromium would all be chromium III. The RI, however, refers to a standard of 100 mg/ul, and does not seem to specify whether remediation would be considered complete if the maximum total chromium would be at that 100 mg/ul level, i.e. that most of the remaining chromium were still chromium VI.
- Even the proposed level of 70 mg/ul is not established to be sufficiently protective of health; a stricter standard must be used. There is a great deal of uncertainty about the current chromium standards. The EPA does not distinguish between the highly toxic chromium VI and chromium III, and has recently raised the total chromium standard from 50 to 100. Community members question the validity of this approach to regulating chromium and the basis for raising the standard. They are also concerned about use of this total chromium standard in the unusual situation presented at this site, where over 90% of the chromium is hexavalent. The New Jersey state chromium standards have been shown to have been developed by industry scientists and to be based on junk science, which has led to them being reexamined by the DEP. A more stringent and protective standard is therefore called for at this site.

7. ALL FEASIBLE ALTERNATIVES MUST BE CONSIDERED

- The EPA's chosen remedy should have a demonstrated record of success. At the public hearing, community members questioned the EPA as to where the alternative proposed by EPA been used and with what results. They did not receive any information. The RI does mention some sites where certain technology has been used, but the EPA should evaluate and provide information to the community about the demonstrated success rate of these proposed methods of clean up.
- The EPA must consider all viable alternatives and all combinations of alternatives. The community members also questioned whether EPA considered all possible alternatives and combinations of alternatives. The EPA has justified its selection by presenting information that shows that the remedy selected is both reasonable in cost and one of the quickest methods, but has not explained whether there could be some combination of treatments that would result in more complete remediation, such as combining the in situ treatment with some elements of the pump and treat method.
- The alternative selected must remediate all contaminants and result in full clean up of the site. EPA needs to develop another alternative which provides for remediation of ALL contaminants to drinking water and groundwater standards that are fully protective of health

8. POTENTIALLY RESPONSIBLE PARTIES MUST BE REQUIRED TO PAY FOR CLEAN UP.

- The EPA should develop and present to the community their strategy for securing funding from PRP's. The community representatives questioned the EPA about their plans for securing funding, and encouraging EPA to hold the polluters responsible. EPA should present their strategy to the public.

9. ENVIRONMENTAL JUSTICE MANDATES PROMPT AND COMPLETE REMEDIATION OF THE SITE

- Camden City is a low income, predominately African-American and Hispanic community. Census data shows that Camden City is the poorest city of its size in the country, with a poverty rate of more than 1/3 of the population, and that less than 10% of its residents are non-Hispanic whites.
- Camden residents have suffered from disproportionate environmental burdens. Camden City has served as a dumping ground for undesirable polluting facilities such as the regional incinerator, regional sewage treatment plant, numerous hazardous waste and scrap recyclers, a cement grinding plant and a gypsum plant. It also contains over 100 known contaminated sites.
- Camden residents have health conditions linked to environmental contamination. Camden residents already are exposed to numerous dangerous toxins, as reflected in elevated cancer and asthma rates.
- The EPA has failed to properly protect the health and safety of Camden residents. The EPA's record (as well that of other governmental agencies) with regard to enforcement and clean up at Superfund sites in Camden has been very poor.
 - The Welsbach/General Gas Mantle site, situated partly in South Camden and partly in Gloucester City, was completely ignored for 10 years after radiation was discovered in the early 1980's, even though there were workers at the Camden factory site, being exposed to radiation and continuing to track contamination. Eventually, workers and some residents were relocated and some remediation was performed at both locations. The EPA spent \$165-170 million at the Gloucester City portion of the site and only \$1 million in Camden to date. The EPA has removed the top soil at the former factory in South Camden but still has not cleaned up the hot spots found in the residential area of the neighborhood.
 - The Martin Aaron site was contaminated by continuing illegal dumping and burial of hazardous waste done while under the watch of the EPA and DEP. After the company went bankrupt and the site was put on the NPL, the EPA selected a clean up remedy which calls for some soil removal, but also for capping and restricted use of the site in lieu of full remediation.
- The area surrounding the Puchack Superfund site is a predominately lower income area and also bears a high level of environmental contamination. Pennsauken, while not as impoverished an area as Camden City, is a lower to middle income community with a significant African-American and Hispanic population. There is a significant number of homes near the Puchack site. The area contains other contaminated sites, including the Pennsauken Landfill, and various industrial uses.
- Concerns for environmental justice mandate that the EPA give special priority and consideration to conducting a prompt and thorough remediation of this site. EPA should begin the remedy the disparity in treatment of Camden residents by giving special priority in remediating this third, and hopefully last, Superfund site affecting Camden City.

10. THE PUCHACK WELL FIELD SHOULD NOT BE USED AGAIN AS A DRINKING WATER

- EPA should restrict future use of the site so as to not allow reuse of the well field as a drinking water source. The community finds it completely unacceptable to use the Puchack Wellfield as a water source, given the past history of the site, the contamination found in the area, and the uncertainties associated with remediation. The wells must be permanently closed and decommissioned.

Thank you for your consideration of these comments.

Very truly yours,

Olga D. Pomar, Esq.
SOUTH JERSEY LEGAL SERVICES

cc: South Jersey Environmental Justice Alliance, Inc.
Puchack Environmental Coalition, Inc.