

**PASSAIC RIVER COALITION**  
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Re: Pompton Lake Sediment Cleanp Proposal/ DuPont Works Site Permit Modification

The Region II U.S. EPA Region staff are to be congratulated on running a hearing which contained considerable emotional testimony and yet provided critical information for the decision-making process. While the hearing focused on the plans for Pompton Lake, the citizens had their first opportunity to publicly state their concerns and frustrations with their needs and worries. The hearing provided the venue to hear their plight and will lead to a better solution.

According to the corrective action plan: DuPont is responsible to cleanup releases of hazardous wastes including any releases that have migrated off-site.

Initially, DuPont proposed to remove only the upper layers of portions of the 26 acre site designated as their perceived responsibility. After in-depth discussion at the CAG meeting, led by myself, they decided to remove much of the sediment to the peat bottom of this 26-acre site --- a big improvement in the plan.

However, several elements have not been properly assessed as it relates to the entire ecosystem of the lake.

1. Mercury and perhaps other toxic materials are entering the lake as deposition from the Ramapo River. These may or may not be attributed to DuPont, but they are there and should be removed.
2. Traces of mercury have been found along the border of the lake in Wayne, across from Pompton Lake. They seem to be mercury from DuPont that has migrated across the lake. This should be removed.
3. Mercury deposits are moving towards, under and over Pompton Lake Dam, which is flowing toward drinking water intakes, a part of the Wanaque-South project. This possibility presents a major danger to the drinking water supplies of millions of people in northern New Jersey. If this is so, corrective actions **MUST** be taken immediately to prevent additional deposition. Having flows under the gates (dam) is a high risk.
4. The lake is not a static system, and in times of significant flow, elements move according to the turbulence of the waters. EPA's strategy should be consistent related to re-examination of the effects of storms such as Irene, Lee, and the

Halloween snow storm. In the Lower Passaic (after I presented the question), the consultants were required to re-examine the damage done by these storms. The same should apply to Pompton Lake.

5. Consultation regarding the lake with the Fish and Wildlife Service would provide technical information as to strategies to be followed. No other federal or state agency has the expertise readily available as the Fish & Wildlife Service. Their opinion should be obtained.
6. While this project is guided by RCRA, because this lake is also a reservoir for water supply in times of drought, the objectives of the Clean Water Act and the Safe Drinking Water Act should be included in the decision-making process for this project. Since the lake has been used for fishing and swimming, and is still considered in EPA summary statements as a recreational lake, it is imperative that the final result meet these federal statutes. Thus, there is a clear reason for the entire lake to be dredged, and that DuPont be the responsible party to do so.
7. This lake, as so many others, is not a static ecosystem. It is dynamic and contains a vast variety of organisms which it should support. Clearly the gross contamination found in the 26 acres did not end at the lines drawn on the map. Thus it is laudable that DuPont has decided to go a small distance outside this line. However, the impact of the gross contamination is not isolated to the animals and fish which use these waters and the nutrients therein. They are mobile. Your report recognizes the fact that some of these toxins have entered the food chain. Hence, it cannot be stated that only the 26 acres of this lake are contaminated. The lake in its entirety has been contaminated by the mercury, lead, and other toxins that have permeated through the soils from the parent site into the lake. From a public health point of view, the entire lake must be dredged by DuPont.
8. The bioaccumulation as it relates to mercury takes on a major concern. Studies have shown that raptors (some still on the federal endangered list) have begun to fly the skies of northern New Jersey. This lake is physically located in the Highlands. American eagles are being monitored for their reproduction within this region. Other similar species can use Pompton Lake as a feeding ground. Has the issue of the bioaccumulation of the toxins in the benthics and fish show that they have or have not affected migratory and resident avian life?
9. Statements of fact within documents distributed at the public hearing can give the impression that while mercury is the element of concern, the fact that it becomes less as it gets farther away from the Acid Brook delta, the task becomes less is a complete lack of responsibility. Mercury is a neurotoxin, one of the most egregious elements on this planet. No matter where in this ecosystem it is found, it should be removed, and those responsible for getting it there should take it out.
10. EPA should examine the location of Pompton Lake to the remainder of the Passaic River Watershed. It sits in the heart of this critical watershed. If this project is not handled in a super careful manner, the ramifications could totally destroy the improvements made over the past 40 years. For example, the interpretation of the "sole source aquifer" designation as interpreted in the 1980's should no longer apply. EPA recognized the total dependence on ground water of not only the people of Pompton Lakes of the aquifer within this watershed, known

as the Buried Valley Aquifer Systems but of the greater public to whom some of these toxins could migrate to. The lake and the aquifer are at high risk, and cleanup must be thorough and not leave a little bit here and a little bit there, as we all know that water is fluid and tends to move things around.

11. Consider the public implications of doing only a partial job on dredging the lake. People will think all is well when it is not. People want to use the lake for boating, fishing, and swimming. Even if only the 26 acres are dredged, the lake will not be suitable for these recreational uses let alone water supply. It seems incongruous that EPA should not require the complete dredging of the lake by DuPont, which created the greatest part of the mercury pollution. Any additional deposition is minor compared to the high levels found in the lake and admitted to have gotten there as a result of the profit-making ambitions of this giant corporation.
12. Finally, once the lake is completely dredged, a long term plan should be established whereby it is monitored for the introduction of future contaminants and for which the corporation should again remove such toxic materials. The protection of the ecological health of the lake and the health of the people using it and drinking its waters should be the paramount concern of the EPA.

Hopefully, these comments will have an effect on the decisions this agency must make. We cannot be influenced by the wishes of a company that grew to its current status through its operations in Pompton Lakes and now that the facility is no longer an active plant, allow the company to treat the damage it caused and profited by to take the easy road. We believe there is a responsibility to the public good, and EPA should use all of its powers to see that this lake and its co-commitant land-based sites are completely cleaned-up.

- i. Very truly yours,
- ii.
- iii. *Ella F. Filippone*
- iv. Ella F. Filippone
- v. Executive Director