

From: JDF0000@aol.com
Sent: Friday, March 02, 2007 12:02 AM
To: Salahuddin Qazi (DNREC)
Subject: Comments on the Schnabel Report

Common Cause of Delaware

1304 N. Rodney St., Wilmington, Delaware 19806

(302) 521-0394 e-mail: jdf0000@aol.com

Comments on the report regarding Hay Road Sludge Drying Site by Schnabel Engineering

The Schnabel Engineering Company was engaged by the Division of Natural Resources and Environmental Control (DNREC) to provide an objective, third-party report on the adequacy of the testing performed on the “iron-rich” wastepile located at DuPonts Edgemoor plant and the suitability of DuPont's plan to “cap” the pile and leave it at the site.

The recently released report provides a strong, and sometimes scathing, summary of DuPont's failures to properly analyze the health and environmental hazards posed by toxic materials in the pile. By implication, the report also demonstrates DNREC's failure to maintain appropriate regulatory oversight.

Environmental and Health Hazards

In reviewing the technical information supplied by DuPont, the report found that: “The multiple investigative reports [concerning the site] did not provide sufficient information and data to assess the site. Information was haphazardly extracted from prior reports [and] not always effectively presented.....tables appear to be thrown together in an unorganized manner...[making possible] incorrect perceptions and confusion.”

LRM Inc., a consulting firm working under contract to Schnabel on this project, evaluated DuPont's Risk Assessment.

They reported that the sampling done by DuPont was inadequate for a pile of this size and that the company had failed to test for the toxic contaminant pentachlorobenzene. They found that DuPont likely underestimated the risk of contamination of surrounding areas for a number of reasons including:

- o They improperly used dredged material already contaminated by contact with the pile to determine the baseline levels of the contaminants and thus did not properly measure the amount of contamination that has already occurred in surrounding areas.
- o They did not test the permeability of dredged material actually under the pile.
- o Several likely toxic contaminants were not tested for in surface waters.
- o DuPont's analysis improperly ignored risks from wind-blown and water-borne contaminants and

effects on wildlife living in and/or eating the plants growing on and near the pile once it was covered with a polymeric film.

LRM referred to some of the assumptions and approaches used in DuPont's risk analysis as “highly unorthodox and inconsistent with standard procedures”, and “arbitrary” and repeatedly questioned the rationale for excluding a number of toxic contaminants from analysis.

Evaluation of Remedial Approaches

The Schnabel report cites many cases in which the criteria applied to different approaches were not consistent. It concludes that DuPont “did not consider a broad range of available remedial technologies”, but improperly limited consideration to “two extreme choices”. The estimated costs and risks of one of these options (removal of all the material) were made unnecessarily high by considering only trucking for transporting the material. The company then improperly placed cost above other important criteria including protection of public health, welfare and the environment, community acceptance and permanence of the solution.

The Schnabel report suggests that the design life of the cap proposed by DuPont is likely to be only a few decades, which is clearly unacceptable as a long-term solution. Adoption of this solution will also preclude many otherwise feasible uses of this expensive piece of land. Furthermore, even the presence of an intact cap may not prevent migration of toxic materials from the pile into the surrounding land and water. A detailed examination of the prevalence of the toxic chemical hexachlorobenzene (HCB) in the pile and its surrounds suggested that DuPont grossly underestimated its actual concentrations. The discussion shows that HCB may have already contaminated the dredge materials under the pile and surrounding areas. Capping the pile will not prevent further migration of this HCB. Wicking procedures may similarly allow other toxic contaminants to move from the pile to the surrounding area even after capping.

Discussion and Recommendations

The report shows clearly that the risk analysis carried out by DuPont is flagrantly inadequate. What is more disturbing is that DNREC accepted the incomplete analysis and faulty reasoning presented in DuPont's selection of a remedial plan. In doing this they have failed in their duty to protect the environment and the health of Delaware's citizens.

We believe that capping represents an entirely inadequate solution that will fail to protect the environment now and may lead to even more serious problems within a few decades. Instead, the following steps need to be taken:

- o DNREC should hold a formal public hearing in Wilmington to solicit for-the-record comments from the public on the Schnabel report.
- o The IRM pile needs to be entirely removed or remediated on site in such a way that the great bulk of toxic chemicals are separated out and either destroyed or transferred to a more appropriate permanent storage site. All safe and effective methods of transportation, including rail and barge, should be evaluated. Appropriate sampling of the pile should be done by an independent company such as LRM Consulting prior to commencement of this remediation to determine what safety precautions will be required to protect both workers and the public.
- o A proper analysis of the contamination of surrounding ground and water needs to be carried out and remedial action taken. This might include removal of the dredge spoils now under the pile and those

that were under it before consolidation.

o Aresa further away from the pile may also be significantly contaminated. Remediation should be done there when feasible. If the potential damage from a remedial process (e.g., dredging of river banks or bottoms) would cause undue environmental harm, then DuPont should make restitution through DNREC with funds that can be used by the community.

o DNREC should be accompanied in its oversight by one or more independent consulting companies such as Schnabel Engineering and LRM Consulting, which will be funded by DuPont.

o A committee of interested citizens should be appointed and be party to all agreements concerning disposition of the pile and remedial action.

o The Attorney General should be asked to determine if either the gross shortcomings documented in the Schnabel report or the additional damage caused by DuPont's failure to take prompt action are cause for legal action.

Coralie Pryde

Coralie Pryde

Common Cause of Delaware

John Austin

Bob Barry

Vivian Barry

Charles E. Brittingham, NAACP Delaware State Conference President

Mark Brunswick, A. Philip Randolph Institute

Gemma Buckley

Jack Buckley

Richard Connell

Clean Air Council

Joan Deaver

Mike Dore

Paul Falkowski

John Flaherty

Dana Garrett

Raymond W. Haffen

Sunday P. Haffen

Vivian Houghton

David Jaeger

Ellen Lebowitz

Anthony Mangini, Jr

Susan Mangini

Raetta McCall

Maryanne McGonegal

Doris Newman

Tyler Patrick Nixon

Sheryl Ottinger

Bob Reeder

Dottie Reeder

Doanld H. Reiman

Frank Sims
Robin D. Tatum
Brock J. Vinton II
Rosie Volpe
Gloria J. Walls
Pat Webb
Jack Wells
Christine Whitehead
Nancy Willing

Common Cause is a nonpartisan, nonprofit citizens' lobbying organization
dedicated to government reform and accountability.

AOL now offers free email to everyone. Find out more about what's free from AOL at
<http://www.aol.com>.