

**From:** Green Delaware [greendel@dca.net]  
**Sent:** Friday, March 02, 2007 4:16 PM  
**To:** Brainard Mark T. (Governor); Hughes John A. (DNREC); jaime.rivera@state.de.us  
**Cc:** Salahuddin Qazi (DNREC); Donnelly Kevin C. (DNREC)  
**Subject:** comments on DuPont Delaware "Dioxin Pile" report  
March 2, 2007

Hon Ruth Ann Minner, Governor of Delaware  
Hon. John E. Hughes, Secretary, DNREC  
Jaime Rivera, MD, Director of Public Health

Regarding: DuPont's Dioxin Pile

Dear Governor Minner, Secretary Hughes, and Dr. Rivera:

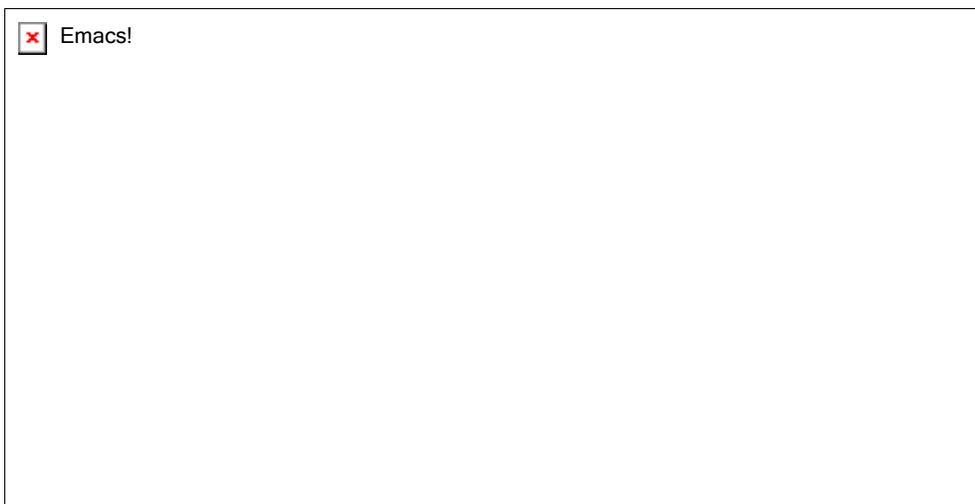


Image of DuPont's "Dioxin Pile"

<http://tinyurl.com/32kh4q>

Recently you released a report (<http://www.awm.delaware.gov/SIRBIronRichSite.htm>) on DuPont's Edge Moor Dioxin Pile and DuPont's proposals, supported so far by DNREC, to leave the Pile forever near the banks of the Delaware River in the City of Wilmington.

(Reference: Report by Schnabel Engineering, "Hay Road Sludge Drying Site, Cherry Island, Wilmington, DE", dated 12.20.06 Schnabel Reference 06150049)

We have reviewed the report with interest and had one conversation with one of authors (Mike Roscoe). However, other calls have not been returned, and we have many questions regarding the report.

You have requested "public comment" on the report. Here is ours:

First, we incorporate by reference the following Green Delaware publications and ask that they all be reviewed along with the relevant citations (links) contained in them. All these are available at [www.greendel.org](http://www.greendel.org). We particularly call your attention to the "Peoples' Dioxin Pile Resolution," calling for removal of the Pile.

Alert 548: Calls for public hearings on Dioxin Pile report, [http://greendel.org/item.xhtml?name=alert\\_0548](http://greendel.org/item.xhtml?name=alert_0548)

Alert 540: "Independent study" of DuPont's Dioxin Pile released, [http://greendel.org/item.xhtml?name=alert\\_0540](http://greendel.org/item.xhtml?name=alert_0540)

Alert 457: Another non-cleanup at DuPont's Edgemoor dioxin factory, [http://greendel.org/item.xhtml?name=alert\\_0457](http://greendel.org/item.xhtml?name=alert_0457)

Alert 433: DuPont: trial in Mississippi, cover-up in Delaware, [http://greendel.org/item.xhtml?name=alert\\_0433](http://greendel.org/item.xhtml?name=alert_0433)

Alert 405: Doing the right thing: New Castle County Council votes against the DuPont Dioxin Pile, [http://greendel.org/item.xhtml?name=alert\\_0405](http://greendel.org/item.xhtml?name=alert_0405)

Alert 404: Dioxin Pile Action Alert 404: Calls needed: DuPont's lobbyists prowling General Assembly, [http://greendel.org/item.xhtml?name=alert\\_0404](http://greendel.org/item.xhtml?name=alert_0404)

Alert 394: DuPont's dioxin pile, continued....., [http://greendel.org/item.xhtml?name=alert\\_0394](http://greendel.org/item.xhtml?name=alert_0394)

Alert 403: Minner administration still protecting DuPont's Dioxin Pile, [http://greendel.org/item.xhtml?name=alert%20\\_0403](http://greendel.org/item.xhtml?name=alert%20_0403)

**Peoples' Dioxin Pile Resolution**, Thursday, April 21, 2005, <http://greendel.org/item.xhtml?name=dioxinpileresolution>

The report as we see it reveals some interesting new problems with the Pile and the proposal to abandon it in place. There are also a number of significant deficiencies and unclear points. Some of these are detailed in Alert 450 and we will not repeat them here as we have incorporated them by reference.

Dioxin is a particular problem. The report notes the presence of dangerous levels of Dioxin: a "TEQ" of over 1000 parts per trillion, but the discussion, frankly, makes no sense to us. The authors seem to be suggesting that the problem should be "solved" by having DNREC change the levels it considers acceptable. This sounds like what happened in the "sneak" raising of arsenic levels by SIRB and is intolerable.

Even more disturbing, DNREC staff have been heard to state that "there is no dioxin" in the Dioxin Pile. This statement is plainly untrue, and such a lack of candor from public officials requires corrective action.

The state should also review information developed in the course of litigation in Mississippi. Approximately 2000 people are suing DuPont, alleging damage to their health. In the first case to go to trial, a multi-million dollar judgement against DuPont was obtained.

The state should review the record of DuPont's management of similar wastes from its New Johnsonville, TN, DeLisle, Miss, and Antioch, CA, plants.

So far we are aware of no plans to sample residents bodies and homes in the area for dioxin, arsenic, hexachlorobenzene, and other Pile contaminants that may have been dispersed into the community over the many years that DuPont has made and discharged harmful wastes. Without knowing the existing health burden in the community it is surely impossible to argue, as does DuPont, that the Pile should remain.

Further, there is a need to investigate the impacts to the Delaware river (bottom sediments), water quality, and aquatic populations.

Green Delaware's position is that the need for complete removal of the Dioxin Pile is already well-established. However, there is a need to determine how to do this with minimum additional hazards to all those potentially exposed during the removal and disposal.

We request that the administration hold AT LEAST one informal "workshop," with the authors of the report present, to allow opportunity to explore and clarify issues regarding the report.

We further request that AT LEAST one formal public hearing be held to further develop the record created by previous public hearings on this matter. Plainly the existing record is incomplete because of the passage of significant time, information developed in the creation of the subject report, and information developed in the course of litigation in Mississippi.

After that, DNREC should formalize a determination that the Dioxin Pile is to be removed and begin the process of determining how to get rid of it safely without harmfully dumping it on another community.

This, then leaves us with questions regarding the appropriate remediation of the site itself. We believe the site should be restored to full function--in the ecological sense.

The site is at the confluence of two waterways (the Delaware River and Shellpot Creek, both being impaired "waters of the United States") and about one-half of the site boundaries are these waterways. (See attached map.) These circumstances give the site exceptional ecological significance and the State should consult with all relevant Delaware, Federal, New Jersey, and international environmental and natural resource agencies including EPA, the US Fish and Wildlife Service, NOAA, and the Atlantic States and Mid-Atlantic fisheries management councils.

Green Delaware is in partial but not complete agreement with the comments submitted by Common Cause.

We ask to be kept fully and regularly informed of the Administration's response to these comments and the removal of the Pile.

If these comments raise any questions please contact us.

Yours very truly,

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