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Cc: senbobsmith@njleg.org, asmmckeeon@njleg.org

Sent: Thursday, September 10, 2009 7:24:39 PM GMT -05:00 US/Canada Eastern

Subject: School exposure - vapor intrusion

Dear Commissioner:

For many months, the Department has known that children in the **Atlantic Highlands elementary school (AHES)** are being exposed to unsafe indoor toxic air pollutants that exceed DEP's vapor intrusion (VI) guidance levels. (see attached and below).

As you know, the Department's VI guidance levels for indoor air exposure are not based on children's health risks, pharmacokinetics, and metabolism, as required by P.L. 2007, c.1 (AKA, the "Kiddie Kollege" law, which mandated that DHSS adopt such standards by July 2008), and therefore may not be adequately protective.

The AHES indoor air levels exceed levels that have triggered active indoor vapor mitigation systems in other NJ schools, such as the EPA Pohatcong Valley Superfund site in Franklin Township. The AHES levels also exceed those found in DEP's oversight of vapor intrusion into homes from Dupont's Pompton Lakes site, where active vapor recovery systems have been installed. They exceed protective science based risk levels by 30 to 3,000 times for TCE. The AHES subslab levels also exceed DEP VI groundwater and soil gas screening criteria.

A plume has migrated under the school building from a site across the street that is the suspected source of the problem. Groundwater standards and soil cleanup criteria are exceeded as well. While indoor air has been monitored, the Department approved remedial action at the site is not designed to reduce indoor air levels or protect children's health.

Indoor air exceedences are for multiple parameters, but cumulative risks to children have not been quantified or considered as a basis for taking action to prevent needless ongoing toxic exposures of children while at school.

For several months now, an organized group of parents has chosen to work quietly and cooperatively with the DEP case manger and local schools officials - they were led to believe that a sub-slab depressurization system would be installed **BEFORE** the start of this school year.

Unfortunately, DEP has not enforced cleanup laws and mandated that this system be installed.

As a result, parents are considered drastic action, including mounting an aggressive public campaign focused on the Department's failure to protect their children and enforce cleanup laws (something, frankly, I've urged them to do many months ago. But they have chosen to work with the Department. But their patience is exhausted and they are feeling betrayed.)

I am giving you this heads up in hopes of preventing a train wreck and to try to secure what should be a fairly simple and cost effective remedy installed immediately.

Please direct your staff to issue a Spill Act Directive to the Responsible Party (with a compliance schedule and stipulated penalties). The Directive should order the revision of the remedial action workplan for the site to mandate that a sub-slab depressurization system needed to protect the health of children at AHES is installed immediately. In the event that the RP does not timely comply, the Department should be prepared to take emergency action and install the system.

Thank you.

Bill Wolfe, Director
NJ PEER (Public Employees for Environmental Responsibility)