

**Interfaith Community Organization, Inc.**  
601 Jackson Street #2, Hoboken, NJ 07030

**COMMENTS OF INTERFAITH COMMUNITY ORGANIZATION, INC.  
ON PROPOSED STATE CONSENT JUDGMENT CONCERNING PPG SITES  
April 13, 2009**

The Interfaith Community Organization, Inc. ("ICO") submits these comments on the proposed Consent Judgment concerning the PPG sites. ICO represents people who live and work in the neighborhoods where PPG Industries dumped hundreds of thousands of tons of cancer-causing chromium waste decades ago. PPG has failed to protect local residents and workers from exposure to these wastes, despite the fact that it is required to do so under the cleanup agreement reached with the state of New Jersey in 1990.

To protect the health of people who live and work in this community – now and in future generations – a complete, permanent cleanup is needed, along the lines of the Honeywell cleanup on Route 440 accomplished by ICO through litigation. That cleanup is proceeding under federal court supervision, and involves removal of one million tons of contaminated soil, as well as complete remediation of contaminated groundwater. The soil component of the cleanup will be completed this summer (ahead of schedule), at an approximate cost to Honeywell of \$400 million.

Two things are needed to achieve such a cleanup of PPG's chromium sites: First, a clear, specific cleanup order with strict enforcement provisions. Second, the involvement of parties that can be trusted to enforce the agreement. The 1990 agreement between PPG and the state satisfied the first requirement, but not the second; the state failed to enforce it. The settlement now proposed by PPG, the state, and the city of Jersey City achieves neither objective – and therefore falls far short of a satisfactory settlement.

Here are the standards any cleanup agreement should meet:

**A CLEAN-UP PLAN THAT WILL PROTECT PUBLIC HEALTH & THE ENVIRONMENT**

1. Excavation and removal of all contaminated soil at the 900 Garfield Avenue site and all surrounding sites that were part of the PPG chromate plant complex and stockpile area. (After removal, wastes could either be safely transported off-site for disposal at a RCRA-licensed hazardous

waste landfill, or could be transported to a treatment facility to be detoxified using a validated thermal treatment process. "In situ" treatment -- treatment on site -- is not a safe option at the Garfield sites.)

The cleanup standard is critically important at this site. A standard of 10 ppm hexavalent chromium and 75 ppm total chromium was in effect at NJDEP until the polluters mounted a successful lobbying campaign to weaken it. Since then, NJDEP's unofficial "standards" have been based on political negotiations and pressure rather than public health.

The recent findings by the National Toxicology Program should be incorporated into the soil standard used at the Garfield Ave. site, which would likely tighten the applicable standard far below 20 ppm for hexavalent chromium. NJDEP has unnecessarily delayed the process of revising its standards in light of the NTP findings.

NJDEP's stated policy of not requiring excavation of chromite ore processing residue (COPR) below 20 feet is arbitrary and based on faulty assumptions, and should have no bearing on a cleanup agreement at Garfield Avenue.

2. Treatment of chromium-contaminated groundwater. Contaminated groundwater is a threat to public health because it migrates laterally and vertically, resulting in the well-documented phenomenon where chromium-bearing fine particles concentrate on soil and other surfaces where they can become airborne. The federal courts have found contaminated groundwater to constitute environmental damage, in and of itself.

PPG must establish a pump-and-treat system to remediate the groundwater emanating from the Garfield sites for as long as necessary. At the Honeywell sites, groundwater remediation will take a century or more.

[The proposed PPG/city/state settlement does not even contemplate groundwater remediation.]

3. The same remedial measures outlined above must be taken at all sites for which PPG is responsible. There are two categories of these "satellite" sites: the dump sites where COPR was used as fill (both known and unknown by DEP), and the places that have been contaminated with airborne and water-borne chromium emanating from PPG's Garfield sites.

A full program of soil sampling and analysis surrounding PPG's Garfield sites must be undertaken to find the scope of contamination, using the most protective standard (using NTP findings).

4. Households, businesses and other structures in the vicinity of the Garfield sites that are contaminated with ANY measurable hexavalent chromium must be completely remediated. As in #3, this will require a comprehensive effort to sample and analyze dust from area homes and businesses.

[The recent dust sampling program funded by the state used the absurd premise that dust found in homes with concentrations less than 20 ppm hexavalent chromium was not a problem. 20 ppm is the current NJDEP standard for a toxic waste site -- NOT a safe threshold level for household dust. Anything over zero parts per million hexavalent chromium in household dust should be considered hazardous.]

#### **ENFORCEABILITY BY TRUSTED PARTIES**

Any agreement must be enforceable in court by trusted parties such as ICO and NRDC. Because residents' groups are not party to the state settlement, they cannot enforce its provisions.