

Community Relations Plan
for the
New Jersey Zinc/Mobil
Chemical Superfund Site

In DePue, Illinois

March 2012

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Community Relations Plan for the New Jersey Zinc/Mobil Chemical Superfund Site in DePue, Illinois

March 1996 (Revised March 2012)

Community relations activities are required by the U.S. Environmental Protection Agency (U.S. EPA) for any site that is a candidate for, or is included on, the National Priorities List (Superfund). These activities, which are to be conducted during various phases of site investigation and development of the remedy or remedies, are described and outlined in this Community Relations Plan (CRP).

Community relations facilitate two-way communication between the responsible parties, involved government agencies and affected individuals in the community. Community relations activities promote public participation by sharing timely and accurate information among all concerned parties, and when possible, by incorporating community concerns into the investigation and response plans.

This CRP:

Describes the site in question and provides background information explaining what is known about the origin of contamination;

Identifies and describes the demographics of the area;

Identifies the key issues of community concern;

Describes what previous community relations activities have occurred, and what ones still need to be performed;

Describes what Illinois EPA expects to accomplish by community relations efforts;

Includes a timeline of planned community relations activities and a contact list of local, State and federal officials and the site repository.

This plan is an update of the original (March 1996) Illinois Environmental Protection Agency (Illinois EPA) community relations plan for the New Jersey Zinc/Mobil Chemical Superfund site in DePue, Illinois. The Illinois EPA has prepared this CRP to structure the community relations program to the needs of residents and public officials living near the former New Jersey Zinc site.

1. Description of Site and Site Background

The New Jersey Zinc/Mobil Chemical site was the location of a primary zinc smelter that began operations in the early 1900s. Operations at times also included sulfuric acid production, diammonium phosphate fertilizer production, secondary zinc smelting and lithopone pigment production. In 1990, the facility ceased operation and shortly after that, New Jersey Zinc demolished most of the remaining structures. Through various corporate mergers, acquisitions and the bankruptcy of Horsehead Industries, responsibility for the site has fallen to CBS Corporation and the ExxonMobil Corporation. These two companies have formed an entity known as “The DePue Group,” which collectively represents the potentially responsible parties (PRPs) for the site. In 1995, the DePue Group entered into an Interim Consent Order with Illinois EPA and the Illinois Attorney General’s Office (IAGO) for investigation of the site and evaluation of possible remedial actions.

The plant property is located north of Lake DePue in Bureau County and in the middle of the Village of DePue. It includes approximately 950 acres, including the former plant area which includes the interim water treatment plant, zinc slag pile, and lithopone ridges; a phosphogypsum “stack” and treatment wetlands; former cooling ponds and drainage ditch; and discharge line to the Illinois River. The site is bordered by residential property on the west, agricultural property on the north, a bluff with residences on the east and Marquette Street and a railroad on the south. The site is connected to Lake DePue on the south by a channel known as the South Ditch.

Due to the site’s complexity, it has been organized into five operable units for investigation and remedy purposes:

- **Operable Unit 1: the South Ditch**
 - The South Ditch conveyed surface water and groundwater from the plant area to Lake DePue for discharge. A previous interim remedial action conducted in 2005 removed grossly contaminated sediment from the ditch.

- **Operable Unit 2: the Phosphogypsum Stack**
 - On the north side of Highway 29 is a 125-acre phosphogypsum pile—a by-product of the diammonium phosphate fertilizer production. The pile is covered in part by fescue and in part by a mix of native prairie grasses and mushroom compost. Upper and lower swale ponds and a clearwater pond collect surface water and groundwater from the stack area, which is then routed to a wetlands area for treatment and discharge via the River Water Line.

- **Operable Unit 3: the Former Plant Site Area**

- Partially vegetated zinc slag pile covers approximately 14 acres and extends to about 50 feet above grade. Adjacent areas where slag has been placed at and below grade include approximately another 10 acres.
- Ridges of lithopone left over from paint pigment production cover about 10 acres, and extend to approximately 10 feet above grade.
- The interim water treatment plant collects groundwater from the site, treats it to remove metals, and discharges treated water to the Illinois River via the River Water Line.

- **Operable Unit 4: Off-site Soils**

- Includes plant area residue used as fill throughout the Village of DePue, including in residential yards, public parks and other public areas, alleys, etc.
- Additional metal contamination is present as a result of air deposition of contamination from the plant area.

- **Operable Unit 5: Lake DePue Sediments and Floodplain**

- Lake DePue is a 524 acre backwater lake situated along the Illinois River.
- Hosts the annual National Power Boat Racing Association for its National Championship races.
- Was partially dredged during 1985-85 to allow for the boat races to continue.
- Has sediment that is contaminated from historical plant discharge.

An electronic Information Repository for the site is located at the Selby Township Library in DePue. Illinois EPA periodically updates the repository by providing copies of documents on compact disc.

2. Community Background

DePue is a village of 1,838 persons (2010 Census). There are a total of 689 households, 43 percent of these households speak a language other than English at home. Most of the non-English speaking people speak Spanish. Because of the high percentage of Spanish speaking residents, there is a need to translate information about the site into Spanish and to provide interpreters for public meetings and face-to-face interviews.

In 1961, New Jersey Zinc employed 380 people. The Mobil fertilizer plant initially employed 117 people in 1972 and 98 people in 1986. Since the New Jersey Zinc/Mobil

Chemical facilities were the primary employers of the community, their downsizing and ultimate closure was a great economic loss to the community. The Village is now looking for other commercial and industrial ventures to increase their tax base.

DePue has its own school system, kindergarten through grade 12. Because of the diminished tax base, the system has experienced economic hardship. There have been several proposals to merge with surrounding communities, but these proposals have been rejected by the community.

3. Environmental Concerns and Investigations

Environmental concerns were created by waste disposal activities and discharges from the former smelter, sulfuric acid plant, paint pigment plant and the diammonium phosphate fertilizer plant. These activities produced a primary zinc smelter slag pile in excess of 616,000 tons; several ridges of paint pigment plant waste, sometimes referred to as the lithopone ridges, containing in excess of 702,000 tons; a layer of industrial waste varying from 6 inches to several feet over the entire 195-acre former plant site; a more than 140-acre phosphogypsum stack; discharges of wastewater and sediment to DePue Lake; and many other impoundments and waste piles. Significant discharges of metals to groundwater and surface water have occurred and were found to contain elevated levels of metals including arsenic, barium, cadmium, copper, iron, lead, manganese, nickel and zinc. In addition to iron, manganese, and vanadium contamination, there are also elevated concentrations of ammonia, fluoride, sulfate, elevated total dissolved solids associated with the phosphogypsum stack. The following investigations and actions have taken place.

- December 1980: A Preliminary Assessment was conducted.
- July 1983: A second Preliminary Assessment was conducted.
- March 1992: The Illinois EPA conducted an Expanded Site Inspection.
- 1994 – 1996: Perimeter air monitoring study to verify if airborne metals were being released off-site.
- 1995 – 1997: The Remedial Investigation/Feasibility Study (RI/FS) for the South Ditch was conducted.
- 1999: A site-wide remedial investigation work plan was developed and approved. Site efforts were re-organized into separate efforts for each operable unit; however, this work plan has provided the basis for much of the work in OU3.
- A Phase 1 RI report was completed in 2006 and a Phase 2 RI report is expected early in 2012. These reports are for remedial investigations for OU3, the former plant area.

- 2006 – 2007: Soil sampling in the DePue area was conducted to establish background conditions and support the forthcoming off-site soils investigation
- 2006 – 2009: The remedial investigation for Lake DePue was conducted.
- 2000 – 2012: The hydrogeologic investigation of the Phosphogypsum Stack was initiated and is in its last stages of data collection, including sampling in off-site areas.
- 2007 – 2012: Consistent with the 1999 work plan, a remedial investigation for the plant area is currently underway and is in its last stages of data collection, including data collection in off-site areas.

4. Issues of Community Concern

Discussions with the community members, community interviews, community surveys and meetings with the Citizens Advisory Group (CAG) have indicated the following areas are in need of improvement. They are listed in the order of preference from past public surveys.

1. Slowness of progress.
2. Possible harm to human health.
3. The safety of garden vegetables grown in residential yards.
4. Possible link between site contaminants and a suspected multiple sclerosis cluster in DePue.
5. Dredging of Lake DePue.
6. The safety of eating Lake DePue fish.
7. Possible decrease in property values.
8. Return of the former plant property to economic productivity.
9. Removal of all contaminated materials including the slag pile from the plant property.
10. Translation of information into Spanish.
11. Dissatisfaction with the decision-making process.
12. Distrust of the Illinois EPA.
13. Dissatisfaction with the project information.
14. Distrust in the PRPs.
15. Dust control during South Ditch remedial action.
16. Concern that if the lake is allowed to silt in and become a wetland, mosquitoes will multiply.

5. Community Relations Activities

The overall goal of Illinois EPA's community relations program is to promote two-way communication between residents and the Illinois EPA and to provide opportunities for meaningful and active involvement by the community in the cleanup process.

Below is list of various areas of concern that community relations have been focusing on within the DePue community:

Community Advisory Group (CAG). In late 2010, the Agency assisted the citizens of DePue in reestablishing the CAG which consists of the citizens of DePue. The CAG has served as a forum for those who want to express their concerns or questions to the Illinois EPA pertaining to the site and or the PRPs. Representatives of the Illinois EPA attend the monthly CAG meetings providing updates on each of the operable units and answer any questions that the group may have.

Meetings with the Hispanic Community. In September 2011, the Agency began holding meetings with the Hispanic community on a quarterly basis. With the help of a translator from the USEPA, documents and maps were handed out to the citizens in attendance to help explain the Superfund process and how the cleanup at each of the operable units is progressing. The response from the Hispanic community has been very positive as more members are participating each quarter.

Translation of information into Spanish. Most of the non-English speaking people of DePue are Spanish speaking. Representatives of the Spanish speaking community have requested that information on the Superfund site be translated into Spanish and distributed throughout the community.

The IEPA will be translating the following documents into Spanish for the Hispanic community and they will be available through Fr. Creegan at the St Mary Parish and the local grocery stores:

- Questions and Answers from the CAG and Hispanic Community
- Quarterly Legislative updates
- Fact sheets

6. Summary of Events

In November 1995, an Interim Consent Order was entered between the State of Illinois and representatives of CBS, ExxonMobil and Horsehead Industries. Through various corporate mergers, acquisitions and the bankruptcy of Horsehead Industries, responsibility for the site belongs to the CBS Corporation and the ExxonMobil Corporation. The consent order provided for the completion of interim measures, including: fencing the site, initiating dust control, grading and draining the site, reducing discharge of contaminated groundwater to surface water, conducting a remedial investigation, risk assessment and feasibility study of the ditch and surrounding area, conducting a remedial investigation and feasibility study or design study for the zinc slag pile and lithopone ridges, closing the vanadium pentoxide catalyst disposal area, and proceeding with closure of the phosphogypsum stack.

While some of these measures are ongoing, many have been completed. The remedial investigations/feasibility studies are being conducted on an operable unit-basis, rather than site-wide, though some coordination of FSs and remedial actions will need to occur.

REMEDIATION ACTIVITIES

The following remedial activities have been conducted:

- In the early 1980s, Horsehead Industries regraded, reconfigured, and vegetated the slag pile and lithopone ridges and installed piping in order to better manage storm water that contacted the waste piles. This work was completed under a 1981 consent order.
- 1989-1991, Horsehead Industries installed three Iron-Rich Material trenches “IRM walls” south of the zinc slag pile, which act as a permeable reactive barrier to remove metals from the groundwater and improve the water quality of the South Ditch.
- In the early 1990s, closure of the Phosphogypsum Stack was initiated. The stack was partially regraded, capped, and vegetated.
- While the consent order was being negotiated in the mid 1990’s:
 - The DePue Group fenced the plant site area and installed locking gates, and partially fenced the South Ditch.
 - The DePue Group took steps to control fugitive dust.
 - Implemented perimeter air monitoring around the plant area.
 - Implemented dust suppression, and initiated daily dust inspections.
- Pursuant to the consent order, the DePue Group has:
 - Completed the closure of the vanadium pentoxide area.
 - Revegetated about 90 percent of the plant area to control fugitive dust.

- Completed an air monitoring program that was terminated in 1996. Results from samples indicated air quality at the site boundary was consistent with background conditions for Illinois.
- Diverted storm and surface water from the upland area, bluffs and plant area, such that it is directed to the South Ditch or drained and piped to the Water River Line.

The DePue Group constructed and began operation of the Interim Water Treatment Plant (IWTP). The IWTP can treat up to 100 gallons per minute of contaminated surface water and groundwater intercepted from the North Ditch, slag pile drains, and shallow interceptor trenches associated with the IRM walls. Treated effluent had been discharged to the South Ditch until June 1, 2000, when the treated effluent was rerouted to the Illinois River via the River Water Line.

Operable unit-specific remediation activities include:

Operable Unit 1: South Ditch

- Removal of metals-contaminated sediment occurred in 2005. Contaminated sediment was removed to a visual standard, and dewatered, stabilized and placed into a capped containment cell located on the plant area property. This action was conducted as an interim action pursuant to a Record of Decision. The first five-year review was conducted in 2010 and the next is planned for 2015.

Operable Unit 2: Phosphogypsum Stack

- The stack has been capped, partially with a mushroom compost/fescue cover and partially with a soil/native prairie vegetation cover. Controlled burns have been used to maintain the prairie cover.
- The clearwater pond was dewatered, lined and put back in service.
- A treatment wetland was constructed to treat water collected in the clearwater pond and is discharged to the River Water Line.
- A hydrogeological study is ongoing to determine the nature and extent of groundwater contamination associated with the stack.

Operable Unit 3: Former Plant Site Area

- As stated above, the IWTP was constructed and is operational.
- Stormwater and surface water have been re-routed and controlled
- A Phase 1 remedial investigation has been conducted and the Phase 2 remedial investigation report was submitted to Illinois EPA for review the end of January 2012. The investigation has addressed:

- slag pile and lithopone ridges
- IRM walls and trenches
- municipal dump area
- on-site and off-site groundwater

Operable Unit 4: Off-Site Soils

- The DePue Group has sampled select properties and determined that concentrations of metals, above background levels, are present on private property throughout the Village.
- Additional sampling work is planned for 2012, including private property within the Village, public property within the Village, and open space associated with the plant area.

Operable Unit 5: Lake DePue

- The remedial investigation has been completed and the human health and ecological risk assessments are under review.

7. Future Remedial Activities

Operable Unit 1: South Ditch

- Continue required five-year reviews
- Complete final removal actions, as determined necessary, as part of the OU 5 action

Operable Unit 2: Phosphogypsum Stack

- Continue routine dewatering activities for the phosphogypsum stack
- Evaluate groundwater data and determine appropriate closure activities

Operable Unit 3: Former Plant Site Area

- Continue routine operation of the IWTP
- Conduct Risk Assessments
- Conduct Feasibility Study
- Remediate as determined through CERCLA remedy selection process

Operable Unit 4: Off-Site Soils

- Investigate and remediate, as appropriate, private and public properties within the Village
- Investigate and remediate, as appropriate, bluff area property and other open space associated with the plant area

Operable Unit 5:

- Initiate the Feasibility Study
- Remediate as determined through CERCLA remedy selection process

8. Reuse Efforts

The Village of DePue was awarded a grant of services in July 2002 by the U. S. EPA. The purpose of the grant was to assist the community in developing a set of future land use recommendations for the DePue/New Jersey Zinc/Mobil Chemical Superfund site. The consultant team guiding this process was E2 Inc. who, after meeting twice with Village officials and residents, released a project report in August 2004 with the following recommendations:

- Adapt the former New Jersey Zinc plant facility as a museum of history and industry that showcases DePue's natural and industrial heritage
- Promote DePue as a tourist destination and emphasize ecotourism
- Create recreational opportunities at the site and link the site to regional recreational amenities
- Provide opportunities for ecological restoration, wildlife habitat enhancements and general environmental education
- Create new economic opportunities in DePue

The report outlines challenges to site reuse and resources that can help DePue reach its redevelopment goals.

9. Current Issues

During 1984 and 1985, Illinois DNR removed approximately 400,000 cubic yards of contaminated sediment from the lake. The dredged area is used by the National Power Boat Racing Association for its National Championship races, an event that draws participants and spectators from across the nation. The Village of DePue reports attendance for the three days of races ranging from 35,000 to 50,000 persons. Dredging was undertaken to prevent the loss of these races at Lake DePue due to shallow water. The contaminated sediment was placed on state-owned property in dredge spoil lagoons. These lagoons are currently used as waterfowl habitat and public hunting areas.

The dredging was funded by an appropriation from the state legislature. The primary sponsor of this bill was former Representative Richard Mautino. Current State Representative Frank Mautino has explored the possibility of a second dredging bill. The dredged race oval is filling with sediment at a rate of 3 inches per year.

In August 2006, the Village posted Notices to Abate Nuisance at the site. The notices ordered Exxon to remove the materials and clean the site of all contaminants to the satisfaction of the Village within ten days. If Exxon failed to comply within ten days, the notices required Exxon to pay a nuisance fine of \$750 per day until the site cleanup was complete and the site was removed from the NPL. The notices did not define the terms "materials" or "contaminant." In 2007, the Village of DePue filed a complaint against Exxon in Illinois state court, asserting that Exxon had violated and continued to be in violation of the Village's nuisance ordinance. It sought three forms of relief: a judgment declaring that Exxon had violated the ordinance, daily fines of up to \$750 for that alleged violation and injunctive relief requiring Exxon immediately to clean the site and have it removed from the NPL. Exxon moved the case to U.S. District Court and filed a motion to dismiss the complaint because the causes of action stated in the complaint were preempted by federal and state law. The district court agreed. In 2008, the Village of DePue appealed the District Court's decision to the U.S. Court of Appeals, 7th Circuit and the District Court's verdict was affirmed because the Village's claims are preempted by Illinois law.

On September 8, 2008, the Village of DePue enacted a new ordinance against hazardous waste, and on November 4, 2008, the Village became a home-rule municipality under the Illinois constitution. The Village filed a new suit in Illinois circuit court making claims against the PRPs based on the new ordinance. The PRPs moved the case to U.S. District Court, which dismissed the Village's claims because the new ordinance was an invalid exercise of home-rule authority under the Illinois constitution. The Court also dismissed the Village's common law trespass and nuisance claims. The Village filed an amended complaint on July 27, 2009, re-alleging its trespass and nuisance claims under Illinois law. The District Court dismissed this complaint on May 12, 2010. The Village is currently pursuing an appeal.

The Village and CAG have expressed frustration with the pace and results of the Superfund process. The Village has requested more input into the process. Draft technical documents are being provided to the Village of DePue and the CAG for their review and comment. The Village is represented by the Northwestern University Bluhm Legal Clinic, which has retained technical experts and graduate students to assist in document review.

10. Steps in the Superfund Process

Following is a brief list of the major steps in the Superfund Process for investigation and clean-up.

1. Preliminary Assessment/Site Inspection: This involves gathering information, including history of the site and past uses, how operations were conducted, and analytical data from environmental samples. The data are used in the Hazard Ranking Score scoring package for USEPA.
2. The site is nominated for inclusion on the National Priorities List (Superfund) if it scores high enough. The score is based, in part, on the kinds and concentrations of contaminants on the site and whether completed exposure pathways exist to persons or other receptors off-site.
3. Remedial Investigation- An investigation into the nature and extent of contamination at the site, including sampling and analysis of environmental media, such as soil, sediment, surface water, groundwater and air. Often, a public availability session and fact sheets are used to present findings to the community.
4. Proposed Plan- A Proposed Plan is released to the public to describe the proposed remedial action for the site. Questions and comments from the public are addressed during the hearing, and the public has the opportunity to provide written comments during the public comment period following the hearing.
5. Record of Decision – This is the formal document explaining the chosen remedy for the site. A responsiveness summary addressing public comments received during the public comment period is also included.
6. Remedial Design/Remedial Action - Illinois EPA, IOAG and USEPA negotiate with the potentially responsible parties to do design and cleanup work or apply for Superfund monies if enforcement negotiations were to fail.
7. Five Year Reviews: Conducted by the lead government agency, in this case, Illinois EPA, to ensure implemented remedies are protective.

11.List of Contacts for the Site

Illinois Environmental Protection Agency

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Mr. Jay A. Timm
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Illinois Department of Public Health

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U.S. Environmental Protection Agency

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Ms. Patricia Krause
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Village Officials

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DePue, IL 61322

Mr. Terry Libby
Village Board Trustee
DePue, IL 61322

Mr. Lyle Behm
Village Board Trustee
DePue, IL 61322

Ms. Susan Spayer
Village Board Trustee
DePue, IL 61322

Mr. Gerald Favero
Village Board Trustee
DePue, IL 61322

Ms. Jane Ann Vickers
DePue Village Clerk
PO Box 500
DePue, IL 61322

Mr. Daniel Hoffert
Village Board Trustee
DePue, IL 61322

Mr. Steve Rauh
DePue Fire Chief
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DePue, IL 61322

Mr. Michael West
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DePue, IL 61322

County Officials

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County Board Chair
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Mr. Tom Dobrich
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State Officials

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103 Fifth Street
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Peru, IL 61354

The Honorable Frank Mautino
State Representative, Dist. 76
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Spring Valley, IL 61362

Federal Officials

The Honorable Richard Durbin
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Chicago , IL 60604

The Honorable Mark Kirk
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Chicago , IL 60604

The Honorable Adam Kinzinger
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Potentially Responsible Parties

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Media Contacts

Newspapers

Bureau County Republican
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316 S. Main
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815/875-4661
815/875-1235 Fax

Luz Latina
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5411 E. State St.
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LaSalle News Tribune
Princeton Office
401 S. Main St.
Princeton, IL 63156
815/879-5200
815/875-3821 Fax

Peoria Journal Star
One News Plaza
Peoria, IL 61643
309/686-3110
309/686-3296 Fax

Radio

WCMY
216 W. Lafayette
Ottawa, IL 61350
815/434-6050

WMBD
News Room
3131 N. University
Peoria, IL 61604
309-688-3131

WLPO
Attn: News Room
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LaSalle, IL 61301
815/223-3100

WZOE
Rt. 5 Box 69
Princeton, IL 61356
815/875-8014

Television

WEEK TV Channel 25
News Editor
2907 Springfield RD
Peoria, IL 61611
(309) 698-3737

WTVP TV Channel 17
News Room
1501 W. Bradley
Peoria, IL 61625
309-677-4747

Other Information Resources

FREEDOM OF INFORMATION (FOIA) REQUESTS TO VIEW ILLINOIS EPA FILES

Appointments to view the files must be made in advance.

Illinois EPA
FOIA Coordinator
1021 North Grand Ave.
P.O. Box 19276
Springfield, IL 62794-9276
217/782-9878
2217/782-9290 Fax

REPOSITORY

Selby Township Library
P.O. Box 49
101 Depot Street
DePue, IL
815/447-2660

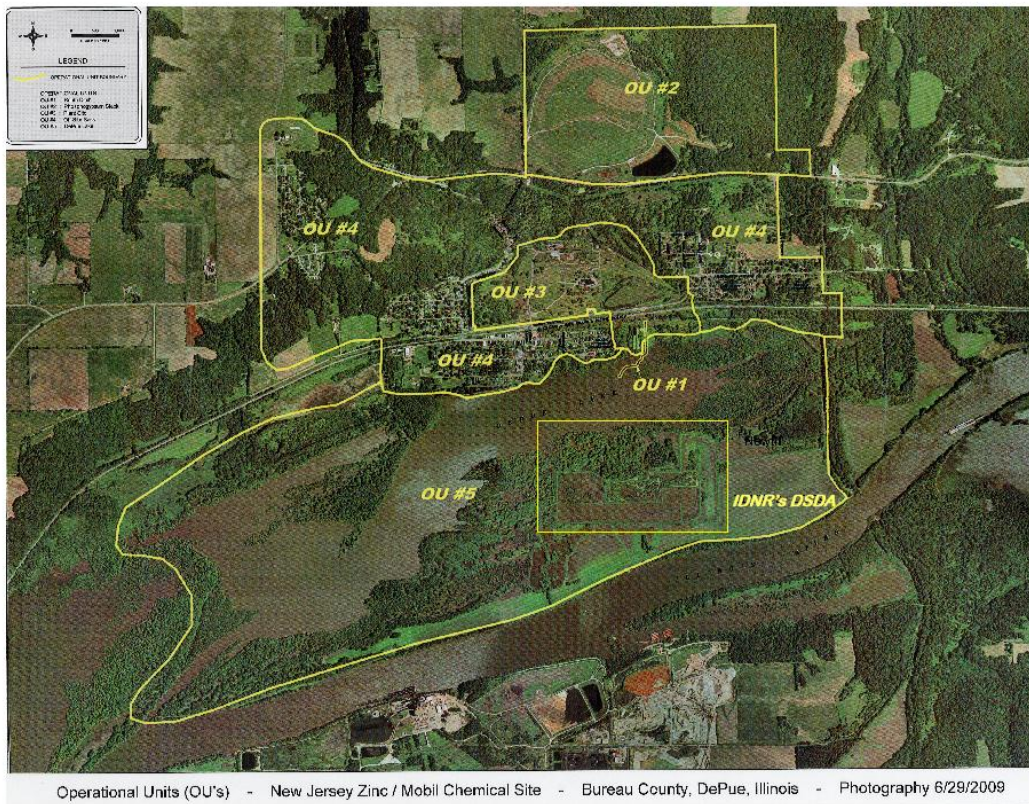
OTHER WEBSITES

Illinois EPA project fact sheets
<http://goo.gl/2YAeF>

Los Folletos en Español
<http://www.epa.state.il.us/community-relations/es/fact-sheets/new-jersey-zinc/index.html>

Information on Superfund with links to U.S. EPA
<http://www.epa.state.il.us/land/cleanup-programs/cleanups-superfund.html>

New Jersey Zinc/Mobil Chemical Site



Legend

- OU #1: South Ditch
- OU #2: Phosphogypsum Stack
- OU #3: Plant Site
- OU #4: Off-Site Soils
- OU #5: DePue Lake
- DSDA: Illinois Department of Natural Resources Dredged Soil Disposal Area

Site: **New Jersey Zinc/Mobil Chemical – NPL**

Listed Final: June 9, 1999

DePue, Illinois

0110300003 – Bureau County