

Memorandum

Date: November 26, 2018

To: Sally Rubin, Great Swamp Watershed Association, Nominated CAG Chair
Betsy Donovan, Remedial Project Manager, EPA Region 2
Supinderjit Kaur, Remedial Project Manager, EPA Region 2
Pat Seppi, Community Involvement Coordinator, EPA Region 2
Stephanie Vaughn, Section Chief, EPA Region 2

From: Matt Robbie, Facilitator, Skeo

Re: Rolling Knolls Landfill Community Advisory Group Information Session Summary

Attachments:

1. Agenda
2. Technical Assistance Services to Communities Overview Presentation
3. CAG Meeting Presentation

Introduction

EPA is overseeing cleanup activities at the Rolling Knolls Landfill Superfund site, located in Chatham Township, New Jersey. On October 29, 2018, EPA and community stakeholders convened a Community Advisory Group (CAG) meeting regarding the formation of the Rolling Knolls Site CAG. The meeting took place at the Helen Fenske Visitors Center (32 Pleasant Plains Road, New Vernon, New Jersey) from 6:30 to 8:30 p.m.

EPA's Conflict Prevention and Resolution Center is providing the services of contractor Skeo Solutions, Inc. (Skeo) to serve as a neutral third-party facilitator to support local stakeholders and EPA in forming a CAG for the site and to facilitate CAG meetings. Matt Robbie, Senior Associate at Skeo, facilitated the meeting and prepared the following summary.

Meeting Purpose and Overview

The meeting was the second meeting held to support the formation of Rolling Knolls Site CAG. The meeting was specifically structured to help stakeholders and EPA to:

- Exchange information regarding site status and stakeholder priorities;
- Learn about and discuss technical assistance resources available to the CAG through EPA's Technical Assistance Services to Communities (TASC) program; and
- Review and refine draft operating principles for the CAG.

Site Status Update

The first portion of the meeting included a brief overview from EPA Region 2 about the status of ongoing remedial activities for the site. Stephanie Vaughn, Section Chief from EPA, provided an update regarding the status and timing of the site's Feasibility Study. Key updates and related discussion items are included below.

- The site includes an approximately 170-acre former unlined landfill located in the rural Green Village section of Chatham Township. Approximately 35 acres of this landfill is located within the Great Swamp National Wildlife Refuge (GSNWR).
- EPA is overseeing the Remedial Investigation/Feasibility Study (RI/FS) being conducted by the potentially responsible parties (PRP group). The outcomes of this phase will establish the basis for a key decision known as the selected remedy, which outlines a cleanup approach for the site.
- The PRP group performing the RI/FS submitted a draft Feasibility Study (FS) report to EPA. That draft FS report was also provided to the USFWS and the agency submitted comments to EPA. The State of New Jersey Department of Environmental Protection (NJDEP) has not completed its review of draft FS report.
- In June 2018, EPA held a public availability session to update the community on the findings of the Remedial Investigation (RI) and risk assessments, to share draft remedial alternatives under consideration for the site and to gather community input. To date, EPA has not released further documents or presented technical information to the community. In June, EPA had anticipated releasing a Proposed Plan in late 2018. However, when the agency received the draft FS document, EPA determined that the Feasibility Study still requires significant work and revision and will not likely be completed until 2019. EPA has not yet set a target date for releasing a Proposed Plan or issuing Record of Decision.

Discussion

- Several CAG members asked if it would be possible to review the draft Feasibility Study that is currently under agency review. Ms. Vaughn stated that the draft, in its current state, requires significant work and revisions. She suggested that stakeholder review at this time would be of little value. She stated that EPA would make the revised Feasibility Study available for CAG review.
- One participant asked what steps would need to be taken in order to gain access to the current draft FS. While EPA advises against reviewing the draft document in its current state, Ms. Vaughn noted that individuals could make that formal request and EPA would discuss the request with involved agencies, PRP group representatives and consider options for making it available.
- Ms. Vaughn suggested that in the interim, EPA could provide several additional technical briefings for the CAG, including:
 - A presentation on the Remedial Investigation findings; and
 - A fact sheet and presentation highlighting the revised remedial alternatives that EPA anticipates will be included in the revised Feasibility Study.

Technical Assistance Resources

Following the CAG questions regarding site status, the facilitator suggested that we hold further discussion on document review until we have a chance to hear about technical assistance and how technical advisory services might fit into the timeline.

Pat Seppi, EPA's Community Involvement Coordinator for the site, introduced Kirby Webster and Terrie Boguski (Skeo) who are technical assistance providers for EPA Technical Assistance Services to Communities (TASC) program. Pat explained that Matt (facilitator) and Kirby and Terrie all work for Skeo but are supporting the Rolling Knolls CAG under different EPA programs and contracts. EPA provides facilitation support through the Conflict Prevention and Resolution Center and provides in-kind technical advisors through the TASC program. These are two resources that CAGs commonly utilize to support technical understanding of the remedial process, productive dialogue, and technical document review needs related to community input at Superfund sites.

Ms. Seppi explained that EPA had initiated requests for TASC program assistance at the Rolling Knolls site in addition to facilitation support at the community's request.

TASC technical assistance provider Kirby Webster gave a brief overview of the TASC program, which is included as Attachment 2, and directed participants to an accompanying hardcopy handout. She explained that EPA has requested TASC support specifically to assist the Rolling Knolls CAG with technical document review, which could include documents related to the Feasibility Study, Proposed Plan, or Remedial Design phases of the remedial process. Ms. Webster explained that TASC technical advisors do not engage in advocacy for a typical perspective or stakeholder group but to provide a third-party assessment to foster community understanding and to facilitate community input. She then introduced Terrie Boguski as the technical advisor who would likely serve as a reviewer for the technical documents.

Discussion

- The facilitator provided a brief recap of key community priorities and interests identified during the September 17th CAG meeting to help orient TASC technical assistance providers to key issues raised by the CAG to date, and then asked to CAG to consider how a technical advisor document review might fit in future CAG discussions.
- Participants asked how TASC or Terrie approach document review. Ms. Boguski explained that CAGs commonly request technical assistance in reviewing technical documents and described some common steps that she regularly includes in a TASC technical document review process:
 - Review technical document;
 - Evaluate narrative, data and recommendations and seek clarification, if necessary, from agencies regarding findings and conclusions;
 - Prepare of a concise summary or fact sheet describing key technical findings of the documents in plain language;
 - Make an accompanying presentation to the CAG;
 - If appropriate, develop technical review comments that outline specific questions, or technical issues for the CAG to consider in discussion.
- Several participants noted that TASC providers are paid by EPA and asked how they are able to remain neutral. Ms. Webster explained that TASC's purpose is to provide neutral technical assistance for communities and that while not an advocacy program, the program is intended to help communities participate meaningfully in the Superfund process.

- Participants asked if a TASC review of the revised FS could be completed in time for the CAG to have input into the process. Ms. Vaughn indicated that CAG review and input on a revised FS could be incorporated into EPA's process either before finalizing the FS or before releasing a proposed plan. She indicated the Region would like to provide the CAG with an opportunity to review, ask questions and engage in discussion regarding the FS and reiterated a previous offer to provide technical briefings as appropriate. She noted also that the CAG might benefit from an in-depth briefing on the Remedial Investigation findings, prior to the revised FS.
- Participants and EPA discussed whether the TASC technical advisor could also review the RI. Ms. Seppi noted the CAG's interest in further review and indicated that the Agency would consider whether it would be possible.
- The facilitator suggested that CAG discussions are intended to provide a forum for EPA to make technical briefings and for stakeholders to ask questions in an open forum and suggested it could be helpful for the CAG to include regular EPA briefings as part of the CAG meetings. One CAG member questioned whether EPA could provide a neutral technical briefing on the RI and suggested that technical advisor review would provide greater comfort. EPA offered to provide a briefing on the RI at an up coming meeting and while some participants were uncertain, most participants agreed having this technical background provide by EPA would be helpful.
- CAG Chair, Sally Rubin noted she would like to organize a tour of the Rolling Knolls Site for the CAG and suggested that she could work with the PRP group to obtain access and organize a tour. Ms. Vaughn noted that it would be appropriate for EPA to be present during the tour. Ms. Rubin also hoped a tour could be arranged before the end of the calendar year to provide members with a chance to see the site as they learn more about the process and documents. Participants also discussed having the facilitator participate in the tour as well. Late November – early December seemed like the most desirable time for a tour.

CAG Operating Principles

The final segment of the meeting focused on discussion of potential operating principles.

The facilitator initiated the operating principles discussion by orienting participants to the CAG formation steps tracking table, which is included in Attachment 1 (see page 2). The facilitator asked participants to quickly review the table, and the group confirmed operating principles would focus on establishing priorities for guiding principles and bylaws, including the following:

- Mission Statement
- Member expectations
- Internal / external communications
- Meeting ground rules

The CAG meeting presentation, included as Attachment 3, notes the key operating principles discussed and considerations for items addressed in the meeting. The summary below reflects key discussion and input regarding operating principles.

Mission Statement

Participants reviewed and discussed a draft mission statement prepared by CAG Chair, Sally Rubin. The mission statement is included below as amended through CAG discussion and agreements.

The mission of the Rolling Knolls Community Advisory Group is to facilitate community stakeholder participation in the Superfund cleanup process and planning for the site's future use, and to ensure all cleanup is adequately protective of human health and the environment and provides ecological revitalization ~~to the fullest extent possible~~.

- Several participants noted the need to include future use as a priority component of the mission. Participants discussed a range of future use related considerations. One key priority relates to the site's reuse assessment and reuse assessment addendum, which conclude that open space and passive recreational use as the reasonably anticipated future land use for the site. Participants considered whether to state a future land use preference in the mission statement but decided that participating in the planning of future uses was a more appropriate aim for the CAG.
- Participants also noted that the mission statement should also reflect that the anticipated future use does not include residential (typically considered as a proxy for cleanup standards that are protective of the broadest range of future uses and exposure scenarios and therefore most thorough cleanup).
- Participants agreed to amend the final wording by adding the phrase "and planning for the site's future use," and also striking the last phrase "to the fullest extent possible."

Member Expectations

- Participants reviewed a table listing the CAG membership by affiliation (see Attachment 3, slide 11). Several participants noted that Chatham Township had requested that volunteers on various township committees not be listed as township committee affiliates but rather as residents of the township or other stakeholder affiliation if applicable.
- The facilitator then reviewed the resource member roles, and in response, the EPA Community Involvement Coordinator suggested that the CAG consider whether Great Swamp National Wildlife Refuge staff (USFWS) would be an appropriate stakeholder to include as a member of the CAG. Participants shared a range of perspectives on this topic. Some noted that USFWS could be considered a local stakeholder and would be a valuable stakeholder to have on the committee. Others suggested that it would be more appropriate for USFWS to serve as a technical resource, rather than member, citing that including the agency or a NWR representative as a member may appear to be a conflict of interest. Another noted that USFWS is an important regional stakeholder and the steward of significant resources for the region, therefore having them on the CAG provides the group with more power. Given the range of perspectives, the CAG chair called for a vote on USFWS membership status. The majority of participants felt USFWS should be a CAG member. The facilitator notes that the tally was approximately 13 in favor and 9 against USFWS serving as a full member. Participants all agreed that USFWS would designate one staff member to serve as member.

Meeting Ground Rules

Participants discussed and agreed to the meeting and discussion ground rules outlined below.

- Engage in open respectful dialogue, communicating concerns, interests and ideas openly and making reasons for disagreements clear.
- Work to understand various perspectives, including those of other members, agency liaisons and the public.
- When speaking, emailing or posting on social media, outside of CAG meetings, members are expected to represent their views as individuals or organizational representatives, not as those of the CAG.
- Participants also discussed internal and external communication protocols for CAG members. The facilitator indicated that bylaws addressing the press, and CAG member communications to outside stakeholders can be used to clarify expectations. The group felt having a specific time and designated individual to speak with the press would be a key step. One participant suggested providing a designated space for the media. Participants agreed the CAG Chair should be the designated person to speak with the press or media. The facilitator asked EPA if there would be concerns with having EPA speak to the press. EPA Region 2 staff will likely need to discuss this question internally.
- Participants discussed what decision-making process to use when there are a range of perspectives or as disagreements arise. Most participants agreed that the CAG would not need to be a consensus-based group. Several individuals felt it was important for a range of perspectives to be heard and considered and documented through meeting summaries or minutes. The group preferred not to use Robert's Rules of Order as a meeting structure. However, when decisions are needed, participants agreed that a vote would be appropriate, as long as the majority and dissenting opinions are documented.

Next Steps

Following the meeting ground rules discussion, participants discussed the following next steps.

- Rolling Knolls Landfill Site Tour and the next CAG meeting will be held on December 3, 2018. Site tours will be at 1:45pm and 2:45pm and will begin at the site property located at the end of Britton Road in Green Village. All participants must sign a liability release prior to touring the site. The CAG meeting will be held later in the evening at 6pm-8pm at the Chatham Township Offices (58 Meyersville Road, Chatham, NJ).
- At the December 3 meeting, EPA Region 2 will provide a presentation on RI findings, and the CAG will finalize operating principles.