# ­Memorandum

**Date:** May 31, 2018

**To:** Sally Rubin,Chair, Rolling Knolls Community Advisory Group
Rolling Knolls Community Advisory Group
Pat Seppi, Community Involvement Coordinator, EPA Region 2
Betsy Donovan, Remedial Project Manager, EPA Region 2
Stephanie Vaughn, Section Chief, EPA Region 2

**From:** Matt Robbie, Skeo

**Re:** Rolling Knolls Landfill Site CAG Meeting (May 13, 2019)

# Introduction

On May 13, 2019, the Rolling Knolls Landfill Community Advisory Group (CAG) met from 6pm-8:00 pm at Chatham Township Municipal (58 Meyersville Road, Chatham, New Jersey). The meeting included technical briefings on the types and roles of potentially responsible parties in the Rolling Knolls Landfill Site cleanup process, as well as review and discussion of CAG operating principles and future meeting plans and timing.

# Site Status Update

Stephanie Vaughn, EPA Region 2, provided a brief status update on the Rolling Knolls Landfill Site’s feasibility study, which is still underway. She explained that EPA was still awaiting NJDEP comments and that internal discussions among EPA, PRP group and U.S. Department of Interior are ongoing. Ms. Vaughn indicated that EPA would be prepared to, at a minimum, discuss the FS process in general at the July CAG meeting, including the types of alternatives that may be considered for a site such as Rolling Knolls. She stated that, if possible, additional specific details on the draft FS being developed for the site would be provided, but that she did not anticipate being at this point by July. CAG members indicated they are anxious to hear the current status of the remedial alternative development and if there are any significant differences between how the alternatives are being developed now and the preliminary overview provided prior to the formation of the CAG in June 2018.

# Potentially Responsible Parties Overview

Next, the facilitator introduced Juan Fajardo, EPA Region 2, Site Attorney, who explained several types of potentially responsible parties involved at Superfund sites and the role of EPA enforcement and performing PRPs at the Rolling Knolls Site.

* Initially, he explained that Superfund is a cleanup program, rather than a restoration program. EPA’s job is to assess human health or environmental risks posed by contaminants at the site and if there are unacceptable risks present, identify response actions to address the unacceptable risks. Part of EPA’s role is enforcing the Superfund law that holds certain parties liable for contamination at the site including those involved in generating, transporting or disposing of contaminants, as well as current owners of the site and owners at the time that contaminants were disposed of at the site.
* He explained four main types of responsible parties or PRPs.
	+ Owner-Operator – owner or operator of site property at the time of cleanup activities.
	+ Owner-Operator- owner or operator at the time that hazardous substances, pollutants or contaminants were disposed of at the site.
	+ Generators – companies or individuals that generated hazardous substances, pollutants or contaminants released at the site.
	+ Transporters or Waste Haulers – companies or individuals that transported hazardous substances to the site for disposal or treatment.
* Mr. Fajardo also explained that EPA identified roughly 10-12 potentially responsible parties at the Rolling Knolls site who were sent notice letters. In 2005, a group of three companies entered into a settlement agreement and consent order with EPA and are now performing the remedial investigation/feasibility study. Those thee companies are often referred to as the PRP Group.
* Participants discussed whether all of the possible PRPs had been identified, and EPA clarified that the list of 10-12 PRPs did not necessarily include all parties. He also explained how Superfund’s “joint and several liability” structure creates the possibility that any single potentially responsible party may be financially responsible for all cleanup costs at a site, even if multiple parties exist.
* Mr. Fajardo said that EPA can, among other things, enter into settlements with PRPs to perform and finance response work, as it has done with the PRP Group, or can issue unilateral orders to PRPs requiring them to perform cleanup actions.
* Participants asked questions about the role of municipalities. Mr. Fajardo explained that municipalities may also be PRPs, and that many municipalities may have arranged to have municipal solid waste transported to the site for disposal. There may also have been municipalities that participated in operations of the landfill itself, which could be consistent with owner-operator PRP status. EPA notes there are specific provisions that give EPA authority to limit the share of liability for cleanup costs that may be placed on municipalities that are solely responsible for municipal solid waste. In such case, EPA tends to view and treat municipalities differently that other PRPs.

# Role of the Rolling Knolls Landfill Group or PRP Group

Next, Richard Ricci, legal counsel for the Rolling Knolls Landfill Group described the role and work to date of the site’s PRP group. He noted that he represents three companies that entered into the Settlement Agreement and Order on Consent with EPA in 2005. These include: Chevron, Nokia, and Novartis. Waste Management and Chatham Disposal declined to participate.

In 2005, EPA asked the PRPs to pay for the RI/FS. All work is done with direct EPA oversight and approval.

He then described the PRP group’s perspective on the history of the site, the type of waste disposed in the landfill and general landfill operations. Key points are listed below.

 Mr. Ricci reiterated that they must address unacceptable risks, not every item dumped.

* Rolling Knolls operated as a landfill and town dump from 1938-1968.
* Many municipalities and waste hauling companies throughout the region hauled municipal solid waste to the site. Most of the waste disposed at the site was municipal refuse.
* The landfill operated like a large town dump for the region.
* A portion of the landfill was transferred to DOI in 1964; disposal operations continued at the property.
* Reuse assessment determined that property is not appropriate for development because wetlands, endangered species, lack of sewer infrastructure.
* After the ROD, the PRPs may look to join other responsible parties.
* The PRPs are negotiating with the Miele Trust about long-term ownership.

**Questions and Discussion:**

CAG members asked, how is the Miele Trust (property owner/owner operator) involved in the PRP Group for the site? Rich and Juan both explained that the Miele Trust owns the property at the Rolling Knolls site, and that is the Trust’s only asset. The Miele Trust is expected to cooperate with the PRP Group and with EPA as the Superfund process continues and the site is cleaned up by providing access to the site and by establishing an easement to limit the future use of the site property. In addition, participants discussed in general the landfill’s history, and the PRP Group shared its perspective on the types of waste and the landfill’s operation.

# Additional CAG discussion items

The Facilitator then worked to with CAG members to review and confirmed the CAG’s operating principles (See Attachment A. Rolling Knolls Landfill CAG Operating Principles for additional information). Several items warranted further discussion.

**Meeting Location:** The CAG agreed that either the Chatham Township Municipal Building or the Harding Township Library could be listed as locations where CAG meetings are held. The Chatham municipal building has been difficult to reserve in the past and the CAG felt it would be best to have two options for meeting spaces.

**Facilitation and Note Taking:** The CAG members also discussed how the members will handle note taking and facilitation moving forward (the facilitator is available for one more CAG meeting; expected to be held in July 2019). The options would be for the CAG members to assign or share the duties of note taking, and meeting facilitator. CAG members felt that they would prefer to continue to have a neutral facilitator to coordinate/facilitate meetings and provide meeting summaries up through the proposed plan.

Participants briefly discussed possible timelines for the next meeting and when facilitation would be necessary. The CAG considered several factors, including: the timing and potential for EPA to award a Technical Assistance Grant to the Great Swamp Watershed Association; timing of the feasibility study; potential purpose and scope of the next CAG meeting; and EPA’s schedule for the proposed plan.

# Next Steps

The CAG agreed to hold its next meeting in July 2019. The purpose of the meeting will be an EPA presentation on the FS process in general and the types of remedial options for a site such as Rolling Knolls, prior to the completion of the revised Feasibility Study. The meeting date, time and location is to be determined.