

Rolling Knolls Landfill Site CAG Meeting Summary

September 23, 2019

Introduction

On September 23, 2019, the Rolling Knolls Landfill Community Advisory Group (CAG) met from 6pm-8:00 pm at Harding Township Library (44 Blue Mill Road, Harding, New Jersey). The meeting included:

- 1) presentation of DOI consultants' assessment of draft feasibility study implications for the Great Swamp National Wildlife Refuge; and
- 2) a presentation from DOI Solicitor's Office regarding natural resource damage assessment and settlement process in the context of a CERCLA remedy.

Sally Rubin announced that the Chatham Township Planner was not able to attend the meeting and she would try to have him give a presentation at a future meeting.

DOI Assessment of Rolling Knolls Landfill Draft Feasibility Study

Kim Childe from DOI opened the meeting with a brief presentation explaining DOI's view that all the landfill waste at the Rolling Knolls Landfill needed to be capped consistent with EPA's presumed Superfund remedy for landfills to protect the ecologically sensitive natural resources and recreational users of the federally protected wilderness area of the Great Swamp National Wildlife Refuge (NWR).

Ms. Childe then introduced Preston Sowell, Geotic Solutions, who presented a Feasibility Study Assessment prepared for DOI, which had been provided to the CAG members before the meeting. DOI noted that this assessment had previously been provided to EPA and the NJ Department of Environmental Protection. Mr. Sowell's presentation focused primarily on how the landfill waste has impacted the Great Swamp NWR wilderness area.

Key Concerns with the Draft Feasibility Study (FS)

Mr. Sowell explained that in addition to the draft FS, the consultants had reviewed the remedial investigation and the baseline human health and ecological risk assessments for the Rolling Knolls Landfill Site to evaluate the impact to the Great Swamp NWR wilderness area of the proposed alternatives in the draft FS, which would not remove or cap the landfill waste within the wilderness area. He noted the following key issues:

- Ecological Risk to Refuge Wildlife: Mr. Sowell briefly summarized the findings from the baseline risk assessments, which documented that the landfill waste poses unacceptable risks to wildlife and recreational users at the Great Swamp NWR.
- Data Gaps: Mr. Sowell then discussed the sampling that had been conducted and explained that significant areas of the refuge impacted by the landfill waste were not evaluated. He also showed that site soil data collected on the refuge significantly exceeded ecological benchmarks for lead, as well as other contaminants. He explained that elevated contaminant levels in sediment in Black and Loantaka Brooks in the vicinity of the landfill and the potential for migration of contaminants in shallow groundwater from the landfill into refuge surface water were concerns.

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- Draft FS Alternatives: Mr. Sowell explained that only one proposed remedial alternative would cap all the landfill waste, although it would not address all the impacted areas on the refuge. He noted that the proposed alternatives could be modified to fully address the impacts to the refuge from the landfill waste.

Discussion

Following the DOI consultant's presentation, CAG members questioned how the information presented would be used in finalizing the feasibility study. Both DOI and EPA advised that discussions were ongoing between the agencies in an effort to ensure the feasibility study would address the concerns. EPA noted that FWS has commented on the documents generated during the RI/FS process and that EPA has considered those comments in finalizing documents. EPA also noted that the groundwater was not going to be addressed in this feasibility study but would be considered as a separate operable unit. Rich Ricci, the attorney representing the companies preparing the feasibility study, advised that their consultant is awaiting comments from EPA on the draft FS and will finalize the document based on those comments.

Natural Resource Damages Assessment Process

Kim Childe from DOI then provided a brief 15-minute presentation that highlighted the Superfund process for assessing natural resource damages (NRD) and restoring those damages. She noted that the process includes the following steps:

- Preassessment
- Injury Assessment;
- Damages Determinations;
- CERCLA Restoration Claim;
- Settlement or Litigation;
- Restoration Planning;
- Restoration Implementation;
- Monitoring

Ms. Childe explained that the NRD process is separate from the remedial process at a Superfund site but that remedy implemented at a site has consequences when assessing natural resource damages and the amount of money necessary to restore the damaged resources and compensate for the public's lost use of those resources.

Discussion

The CAG members had time for a few questions following the presentation. They questioned the timing of the NRD process related to the issuance of the record of decision for the site remedy and the State's role. Ms. Childe explained that the NRD process typically follows remedy selection and would involve all the federal and state agencies that serve as trustees for impacted natural resources. She explained that the Fish and Wildlife Service would be a key federal trustee because of the refuge and that any claim for natural resource damages would be filed in federal court by the U.S. Department of Justice.

Wrap-up and Next Steps

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The facilitator acknowledged that the presentations provided a lot of information for the CAG members to digest. The meeting concluded with the following updates and notices:

- EPA noted that the status of the draft feasibility study is unchanged and could not project at date at this time for when a revised FS would be complete.
- CAG Chair and the facilitator agreed that it was not possible to identify a future CAG meeting date at this time.
- Sally Rubin noted that the Great Swamp Watershed Association is hosting an annual gala celebration on October 3, 2019 and Mikie Sherrill is the honored guest.
- Mike Horne, Refuge manager announced that FWS would be hosting a public meeting at the GSNWR visitor center on October 21, 2019 at 6pm for a discussion about the Rolling Knolls Landfill and future management. [Note that this open house was subsequently cancelled at the request of EPA.]