

JUNE 9, 2020

ROLLING KNOLLS LANDFILL – CHATHAM TOWNSHIP/MORRIS COUNTY (PI# G000004411)

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION RESPONSE TO:

REVISED DRAFT FEASIBILITY STUDY REPORT (JULY 2018)

The New Jersey Department of Environmental Protection (NJDEP) has completed its review of the Revised Draft Feasibility Study Report (FS) for the Rolling Knolls Landfill Site (Site) dated July 2018. The FS Report, which was prepared and submitted by Geosyntec Consultants, Inc. on behalf of Chevron Environmental Management, Kewanee Industries, Alcatel-Lucent USA, Inc., and Novartis Pharmaceuticals Corporation (collectively known as The Group) was submitted to the NJDEP and the United States Environmental Protection Agency (USEPA) as an updated version of the May 2018 Draft FS Report.

**A. GENERAL COMMENTS:**

1. The objective of the FS Report is to conduct an evaluation of each remedial alternative previously identified in the Development and Screening of Remedial Alternatives (DSRA) process for soil and ground water. The evaluation is based on the expectation that the landfilled portions of the Site will not be used in the future for any residential, commercial, industrial, recreational or other purposes, nor will there be any ground water usage at the Site. Based on this expectation, it is assumed that the only potential human receptors on the landfilled portions of the Site will be trespassers. In regard to ecologic concerns, the low potential risk that was identified in regard to certain vermivorous birds and mammals is expected to be reduced to below minimum via any remedy that involves actively remediating (via either excavation or capping and use restrictions) the 25-acre northern portion of the site as discussed in Alternatives 3, 4 and 5 of the FS.

2. In response to questions raised regarding the application of the Solid Waste Rules as Applicable and Relevant and Appropriate Requirements (ARARs), an evaluation of both the Solid Waste Rules and the Legacy Landfill Law was conducted by the NJDEP. This review included input from the NJDEP Division of Solid & Hazardous Waste, NJDEP in-house legal counsel, and the New Jersey Division of Law (DOL). The result of this evaluation concluded that the Solid Waste Rules are ARARs that must be applied when selecting the final remedy. This includes, but is not limited to, the landfill closure requirements that stipulate the construction of a final cover system over any area of the landfill at which solid waste will remain and addressing the solid waste debris in the Surficial Debris Area. Please note that the Department cannot concur with any remedy that does not properly comply with the Solid Waste Rules as ARARs.

3. As per previous discussions between the USEPA Project Managers and the NJDEP Case Manager, any outstanding delineation issues, including but not limited to, refinement of the full vertical delineation of the identified contamination and the completion of the previously requested sampling transects, will be accomplished during the Pre-Design Phase. Please refer to the NJDEP comments that were submitted as part of its Date Gaps Sampling Plan reviews and follow-up emails regarding this issue.

4. During the April 2019 site visit with USEPA and NJDEP staff, evidence of a possible discharge was noted adjacent to the outlet of a half-buried culvert located in the northeastern portion of the site. The NJDEP is not aware that this culvert was discussed in any of the previous reports. The standing water at the outlet of this half-buried structure exhibited a red discoloration and possible sheen. The closest existing sample to this immediate area is SS-53 (located approximately 150 feet east of the aforementioned "outlet"). It should be noted that SS-53 exhibits 1,110 mg/kg of Lead and 10.9 mg/kg of PCBs at 0-1 feet below grade.

Please incorporate an evaluation of this drainage feature into the Pre-Design Phase. This evaluation should include, but not be limited to: a determination of the length, orientation, construction specifications and purpose of this culvert; characterization of the material being transported within this drainage structure; and sampling of both the water and sediment/soil at the outlet of this culvert. This will enable a determination as to whether, and how, this feature should be incorporated into the long-term remedial strategy for the Site.

5. NJDEP comments regarding Appendix A (*Development of Alternate Remediation Standards – ARSs*); Appendix B (*Selection of the Area for Remedial Action and Supporting Human Health Risk Assessment*); and Appendix C (*Ecological Risk Evaluation Technical Memo*) were provided to USEPA under separate cover. The NJDEP requests that these previous comments be incorporated into the next revision of the Draft FS if they have not already been.

6. The appropriate report sections, tables, etc. shall be updated to stipulate that any areas where contamination exceeding the NJ Residential Direct Contact Site Remediation Standards (RDCSRS) will remain following remedy implementation, requires a deed notice or equivalent institutional control. Please note that verification of property owner acceptance of the proposed remedial strategy including, but not limited to, the acceptance of an institutional control as discussed here, is necessary prior to NDEP concurrence with the proposed remedy.

The revised FS Report shall also include language which stipulates that all Deed Notices (or equivalent institutional controls), established for the Site will clearly indicate all land uses that are restricted under the selected remedial action conditions.

7. As was previously discussed with the USEPA, a small portion of the northern end of the Surface Debris Area may extend onto an adjacent private/residential property. As such, this area will be sampled during Pre-Design Investigation (PDI) activities. If contamination is found at concentrations exceeding the RDCSRS in this area, remedial actions will be implemented such that this area will meet the most stringent NJDEP Soil Remediation Standards. The FS Report shall be revised to include mention of this area when discussing the Site.

8. The NJDEP requests that SED-007 and surrounding area be included as an Area of Particular Concern (APC) slated for remedial action. All appropriate sections of the FS Report should be revised accordingly.

9. The fence configuration presented in the Draft FS extends only partially around the landfilled portions of the Site. Although USEPA has verbally indicated that the eastern, southeastern and southern portions of the Site will rely on natural barriers as an engineering control to prevent access to large portions of the Site, this was not discussed in the FS.

10. The appropriate sections of the FS shall be revised to include a discussion of the effectiveness of each of the natural barriers that are being considered in lieu of a fence. The NJDEP requests that signage also be utilized in those areas where natural barriers, alone, are being relied upon for access control. A description of all engineering controls associated with the Site, including natural barriers, signage, fencing, etc. will also need to be included in any deed notice / deed notice equivalents filed for the site as will a mapped location of the different controls being relied upon and a discussion as to how these controls will be maintained.

11. The Department of the Interior (DOI) has objected to any remedy that restricts use on its portion of the Site. As the Site is surrounded on three sides by the Great Swamp National Wildlife Refuge (GSNWR), it is apparent that the inherent access limitations associated with this portion of the Refuge are being considered as an engineering control. The NJDEP requests additional information as to how the use of natural barriers as an engineering control will be implemented when the owner of the property (DOI) on which those natural barriers are located is refusing to accept or acknowledge any access restrictions.

## **B. SPECIFIC COMMENTS:**

1. *Page xv, Soil Remedial Alternative Table:* As discussed above, the NJDEP has determined that the Solid Waste Rules are ARARs and, as such, must be used when determining whether the Soil Remedial Alternatives meet the National Contingency Plan (NCP). The NJDEP believes that that only FS Alternative 5 (which includes Capping of All Landfilled Material) adequately incorporates the Solid Waste Rules into the proposed remedies. This table should be revised to reflect this.

2. *Section 2.2, Page 3:* This section states that “The Miele Trust will continue to allow the disposal companies the use of a portion of the property that is outside of the landfill boundary for a laydown area.....”. Please verify that this laydown area is outside of the area affected by past disposal practices at the Site. The revised Site Plan (Figure 1-2) submitted, via email, by Geosyntec on July 31, 2018 indicates that this laydown area straddles the boundary of the landfill. Existing RI data also indicates Benzo(a)Pyrene (BaP) exceedances within the laydown area as portrayed on revised Figure 1-2. Clarification is requested as to where the laydown area will be located in relation to the landfill boundaries and the identified contamination.

3. *Section 2.2, Page 4, 1st full paragraph in regard to the Baseball Field and the Shooting Range owned by the Green Village Fire Department (GVFD):* This paragraph should be revised to acknowledge that although these areas of the site are outside of the landfill boundary, BaP contamination was identified above criteria in the Shooting Range at 0.77 mg/kg, and in the Ball Field at 1 mg/kg. These concentrations

are greater than the RDCSRS of 0.5 mg/kg for BaP. Additional information is needed as to how these contaminant exceedances will be addressed prior to stating that these areas are deemed appropriate for future unrestricted recreational use.

**4. Section 2.7.3, Page 11, top of page and 2nd bullet:** It is the Department's understanding that both MW-6 and MW-7 have been physically compromised in regard to total depth and/or ability to be sampled. These wells, and any other site monitoring wells that have been compromised, will need to be repaired or replaced.

**5. Section 2.7.5.1, Page 13, 1st paragraph:** A statement was added to this section that references a culvert that potentially connects the western pond (which accepts runoff from the landfill) to the wooded wetlands west of the pond. Please clarify if the outfall area of this culvert was specifically evaluated in any fashion or if additional assessment of this feature will be included in the Pre-Design Phase.

**6. Section 4.1 (Calculation of Alternate Remediation Standards), Page 28:** Add wording to this section that stipulates the requirement to establish a deed notice (or other institutional control), as well as access restrictions (or other engineering controls), to any area where the site specific Alternate Remediation Standards (ARSs) will be applied.

**7. Section 4.2.1 (Soil), Page 28:** For the sake of completeness, when discussing the standards to which the soil data is compared, include the RDCSRS as well as the Non-Residential Direct Contact Soil Remediation Standards (NRDCSRS). The NJDEP notes that the New Jersey Impact to Ground Water Soil Screening Levels (IGWSSLs) are discussed farther down in this section.

**8. Section 6 (Detailed Analysis of Soil Remedial Alternatives), Page 43:** All subsections and associated tables that discuss compliance with ARARs should be revised to acknowledge that any remedial alternative that does not include capping of landfill waste will not be compliant with all action-specific ARARs, specifically the Solid Waste Rules which requires capping of all landfilled materials.

This section shall also be revised to include a brief discussion as to how the contamination that is above the site-specific ARSs, but below the 3X multiplier used to define Areas of Particular Concern (APCs), will be addressed.

**9. Section 6.2, Page 46:** The revised language associated with the use of institutional controls does not address the concerns raised by the NJDEP in its June 29, 2018 FS comment letter. Please revise this section to state that a deed notice, as per N.J.A.C. 7:26-E (NJ Technical Requirements for Site Remediation), will be filed for all private properties on which a use restriction is implemented as part of the final remedy.

It is also noted that previous NJDEP comments associated with the proposed use of the Wilderness Act [Public Law 88-857 (16 U.S.C. 1131-1136)] as a deed notice equivalent for that portion of the site that is located on the GSNWR property have not yet been addressed. While the Wilderness Act does prohibit certain property uses, the NJDEP could not identify any legally binding language in the Act that specifically prohibits public access to refuge property. In regard to the GSNWR, the issue associated with property owner concurrence with the proposed remedy including, but not limited to, the establishment of a deed notice or deed notice equivalent as part of the remedy, remains unresolved.

**10. Section 6.3 (Soil Alternative 3), Page 51, 2nd paragraph:** A sentence was added to this section which states that “... the area of TP-09 will be excavated to the water table...”. As the contamination that continues to operate as a source of ground water contamination in this area has not yet been vertically delineated, this sentence should be revised to state that: *.....the area of TP-09 will be excavated to the depth necessary to remove the full vertical extent of the contamination which continues to operate as a source of ground water contamination.....*. The NJDEP is of the opinion that it cannot be assumed that the contamination requiring excavation at TP-09 is limited to the unsaturated zone.

This comment also applies to all subsequent references to excavation activities at TP-09 (i.e. page 62, page 73, page 91, page 97, page 98, and page 107) in sections where excavation to the water table at TP-09 is discussed or referenced.

Please incorporate the above comments into your response to the PRPs in regard to the July 2018 Revised Draft FS Report. Thank you for your continued cooperation in this matter. If you should have any questions associated with this correspondence, contact Jill McKenzie, via email, at [Jill.McKenzie@dep.nj.gov](mailto:Jill.McKenzie@dep.nj.gov).

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