



State of New Jersey

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June 29, 2018

Attn: Ms. Betsy Donovan
United States Environmental Protection Agency
New Jersey Remediation Branch
290 Broadway, 19th Floor
New York, NY 10007-1866

Re: Rolling Knolls Landfill
35 Britten Road
Chatham Township, Morris County
PI #: G000004411
Activity Number: RPC080001
Document Reviewed: *Feasibility Study Report Final Draft – May 2018*

Dear Ms. Donovan:

The New Jersey Department of Environmental Protection (NJDEP) has completed its review of the above referenced Feasibility Study Report (FS Report) dated May 2018. This document, 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, was submitted to the New Jersey Department of Environmental Protection (NJDEP) and the United States Environmental Protection Agency (USEPA) is a revision to the December 2017 Draft Feasibility Study Report.

The Rolling Knolls Landfill is located in a predominantly residential and light commercial area in Chatham, Morris County. The landfill, which is surrounded by wooded wetlands, covers roughly 170 acres, 140 of which are covered with up to 18 feet of waste material overlying Site soil. The remaining 30 acres on the western portion of the Site has isolated areas of surface debris. The landfill was used for disposal of (mostly) municipal waste from Chatham Township and nearby municipalities from the 1930s to approximately 1968.

The objective of the FS Report is to conduct a detailed evaluation of each remedial alternative previously identified in the Development and Screening of Remedial Alternatives (DSRA) process for soil and groundwater. The evaluation is based on the expectation that the landfill portion of the Site will not be used in the future for any residential, commercial, industrial, recreational or other purposes, nor will there be any groundwater usage at the Site. Therefore, the only potential human receptors on the landfill portion of the Site are assumed to be trespassers.

The following five Remedial Alternatives for soil were evaluated in the FS:

- 1) No Action;
- 2) Site Controls (i.e., Institutional Controls and Access Restrictions);
- 3) Site Controls, Capping of Selected Area to Reduce Overall Risk, Remediation of Areas of Potential Concern (APCs) and Remediation of Non-Vegetated Areas with Soil Sample Results Above Remediation Goals;
- 4) Site Controls, Excavation and Off-Site Disposal of Select Area to Reduce Overall Risk, Remediation of APCs, and Remediation of Non-Vegetated Areas with Soil Sample Results Above Remediation Goals; and,
- 5) Site Controls and Capping of All Landfill Material.

The following four Remedial Alternatives for groundwater were evaluated in the FS:

- 1) No Action;
- 2) Source Control and Monitoring;
- 3) Biological Treatment and Monitoring; and,
- 4) Chemical Treatment and Monitoring.

The NJDEP offers the following comments on the May 2018 FS Report:

A. Report Comments

1. Information and data in the FS Report are presumed to be accurate as presented.
2. USEPA has verbally communicated to NJDEP that the small area of land at the northern end of the Surface Debris Area, approximately 4,000 square feet but not surveyed, extending onto a private/residential property will be sampled during Pre-Design Investigations (PDI) and necessary remedial actions implemented so that there will be no exceedances of NJDEP Residential Direct Contact Soil Remediation Standards (RDCSRs) remaining in this area.

NJDEP concurrence with the FS in regard to this portion of the site is contingent upon the appropriate PDI sampling and necessary remedial actions being implemented as was discussed with USEPA.
3. USEPA has verbally acknowledged to the NJDEP that the Deed Notice for the Rolling Knolls Landfill Site will clearly indicate all land uses that are restricted under the selected remedial action conditions.
4. The BERA Summary (Section 3.2.2) needs to explain why the area around sediment sample location SED007 is not included as an Area of Particular Concern (APC) and to be further evaluated for potential remediation. The FS Report (page 24) states that this sample had the largest mean HQ_{sed} of the evaluated sediments; however, this sample was not evaluated for acute toxicity using *Hyalella* and chironomid bioassays, so the potential for toxicity at this location could not be verified empirically.
5. Deed Notices are required to be established on any property where Alternate Remediation Standards (ARSs) are applied. This includes, but is not limited to, the Baseball Field and the

Shooting Range properties. The requirement for a deed notice should be discussed in the FS in any section where the application of ARSs is discussed. While USEPA has verbally communicated to NJDEP the expectation that additional PDI sampling and application of compliance attainment methods will likely be used to assess compliance with NJDEP Residential Direct Contact Site Remediation Standards (RDCSRS) on the Ballfield and Shooting Range properties, this approach was not discussed in the FS.

Therefore, unless the FS Report includes discussion regarding either the establishment of a deed notice in conjunction with application of the ARSs or the future potential use of Compliance Attainment methods to determine compliance with the NJDEP RDC-SRS for the Ballfield and Shooting Range properties (which would negate the need for the ARS at these properties), the use of ARSs in these areas should be eliminated from the FS.

6. Page 29, Section 4.1 – For completeness, the FS Report needs to state that the calculated ARSs replace both the NRDCSRSs *and* the RDCSRSs.
7. Pages 31-32 of the FS Report mention that any future use of ground water is unlikely. This being the case, the Hunt Club well should be properly abandoned as per NJDEP requirements.
8. NJDEP reviewed information provided by the USEPA regarding the Wilderness Act [Public Law 88-857 (16 U.S.C. 1131-1136)] to evaluate the extent to which the Wilderness Act or designation as a Wildlife Area may restrict access and uses of Great Swamp National Wildlife Refuge Property adjacent to the landfill, ergo precluding access by trespassers or recreators. The Act describes use restrictions prohibiting or limiting commercial development and uses, emergency management incursions, and construction of roads or trails, but NJDEP could not identify any legally-binding language in the act that specifically prohibits public access to refuge property.

It is therefore NJDEP's opinion that, in this case, the Wilderness Act does not provide engineering or institutional controls equivalent to physical access restrictions (e.g., fencing) and a Deed Notice, respectively.

9. The USFWS has stated that it will not accept a Deed Notice or Deed Notice equivalent on its Great Swamp National Wildlife Refuge (Refuge) property. Therefore, the issue of how to best deal with site related contamination on the Refuge property remains unresolved if the PRPs do not remediate said property to unrestricted-use remediation standards (i.e., RDC-SRS).

In consideration of the USFWS's statement that it will not accept a Deed Notice or Deed Notice equivalent restrictions on Refuge property, NJDEP recommends that adjacent impacted Refuge property be designated as an Area of Particular Concern (APC); that the property be remediated to unrestricted use SRSs; and that the access controls (i.e. fencing) already proposed for the northern boundary of the Miele property be extended along the eastern, southern and western boundaries of the Miele property shared with the Refuge property to restrict access by trespassers and/or recreators. This recommended revision to the fence configuration will provide more reliable access restriction than what would be realized by the proposed reliance on the administratively and legally-undefined "natural barrier" that the surrounding environment and terrain of the swamp may or may not provide.

B. Appendix A Comments

Development and Use of Alternative Remediation Standards Memorandum

1. To more accurately reflect the content of the referenced ARS Memorandum, please revise the title of the Memorandum to: *Development of Alternative Remediation Standards Memorandum*. Since all reference / discussion as to how the ARSs will be applied have been removed from the ARS memorandum, the requested name change is necessary. Other than this issue, the NJDEP notes that the revised memorandum appropriately incorporated both NJDEP and EPA recommendations from previous comment letters.

Be advised that the establishment of a deed notice (or deed notice equivalent) is required on any parcel for which use of an ARS is intended as part of the remedy.

C. Appendix B Comments

Development and Use of Risk-Based Concentrations to Select an Area for Remedial Action

Although the NJDEP has verbally communicated its concerns regarding Appendix B to EPA, the comments are included here for sake of completeness.

1. Appendix B describes the development and use of site-specific risk-based concentrations (RBCs) to identify the area where remedial action is appropriate for soil at the site. An iterative approach was used by Geosyntec to compare exposure point concentrations (EPCs) of polychlorinated biphenyls (PCB) outside the proposed area to be remediated to a site-specific RBC. NJDEP cautions against the use of this approach and has identified below several aspects within it that conflict with current Departmental Regulations and Guidance.
 - a. The RBC calculated by Geosyntec was 10 mg/kg, which is two times the alternative soil remediation standard (ARS) of 5 mg/kg approved by the Department. The RBC is not protective of human health and does not meet the target cancer risk of 10^{-6} , as mandated by the New Jersey Brownfield Act (N.J.S.A. 58:10B-1 et seq.).
 - b. The proposed approach removed the use of 5 functional areas for determining compliance with the Department's soil remediation standards. Instead of using 5 functional areas, which were requested by the Department, it appears that only two areas were used to determine compliance - the 25-acre portion to be remediated with excavation and/or cap and everywhere else on the 140-acre landfill. This approach ignores previous recommendations by the Department and underestimates the potential exposure to trespassers on the site.
 - c. The Department does not use EPCs in the evaluation of soil analytical data. While the USEPA may do this, the Department evaluates soil sample concentrations in relation to the soil remediation standard and the need for remedial actions as outlined in the *Technical Guidance for the Attainment of Remediation Standards and Site-Specific Criteria*.

Please incorporate these comments into your response to the PRPs in regard to the May 2018 Draft Feasibility Study. Thank you for your cooperation in this matter. If you should have any questions regarding this correspondence, contact Jill McKenzie at (609)292-1993, or email at Jill.McKenzie@dep.nj.gov.

Sincerely,



Jill McKenzie
Bureau of Case Management

cc: Jill McKenzie, BCM
Steve Byrnes, BEERA
Erica Snyder, BEERA-ETRA
Dave VanEck, BGWPA
Supinder Kaur, EPA