



United States Department of the Interior

Office of the Solicitor
1849 C Street, NW
MS 6412
Washington, DC 22043

VIA Electronic Mail

February 6, 2018

Juan M. Fajardo, Esq.
Assistant Regional Counsel
Environmental Protection Agency, Region 2
Fajardo.Juan@epa.gov

Supinder Kaur
Remedial Project Manager
Environmental Protection Agency, Region 2
Kaur.Supinderjit@epa.gov

Re: United States Fish and Wildlife Comments on Draft Feasibility Study Report for the Rolling Knolls Landfill Superfund Site in Chatham, New Jersey

Dear Mr. Fajardo and Ms. Kaur:

On behalf of the United States Fish and Wildlife Service ("FWS"), this letter transmits FWS comments on the Draft Feasibility Study Report ("Draft FS") for the Rolling Knolls Landfill Superfund Site ("Site") in Chatham, New Jersey, prepared by the Rolling Knolls Landfill Settling Parties¹ ("PRP Group") and submitted to the Environmental Protection Agency ("EPA") in December 2017. As we briefly discussed on January 17th, FWS is generally disappointed and frustrated with the Draft FS. After three years of what FWS believed were good-faith discussions with EPA and the PRP Group regarding Site conditions, future use of the FWS-managed portion of the Site, and potential remedy alternatives, it appears as though information shared in those discussions was mischaracterized or simply ignored.

Attached are FWS's more detailed comments on the Draft FS, however, I wanted to highlight some of the major concerns. First, I want to express our surprise and disappointment that input and collaboration from FWS is not reflected in the draft FS. This appears to be a significant deviation from the general process that EPA and FWS have taken at other mixed-ownership sites and from the process envisioned in the attached Statement of Principles for Collaborative Decision-Making at Mixed Ownership Sites entered by both EPA and DOI ("Statement of Principles").² As you know, approximately thirty acres of the Site is on the Great Swamp National Wildlife Refuge ("GSNWR" or "Refuge"), and FWS has both hazardous release response authority pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") and Executive Order 12580, as amended, and specific land management obligations pursuant to, *inter alia*, the National Wildlife Refuge System Improvement Act

¹ Chevron Environmental Management Company, Kewanee Industries, Alcatel-Lucent USA, Inc., and Novartis Pharmaceuticals Corporation.

² Two copies are attached. One has the OSWER Directive No. (but my copy is unsigned), and the second doesn't have the OSWER Directive (it was issued by Interior's Office of Environmental Policy and Compliance) but it is signed.

("NWRSA"), 16 U.S.C. § 668dd, as to this portion of the Site. Thus, as to those thirty acres, the Refuge Manager has an obligation to, "ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans."³ The Statement of Principles recognizes not only that each of the land management agencies has relevant authorities and responsibilities, but also that interagency coordination results in more efficient and effective enforcement and land management to the benefit of all parties. FWS believes that these sort of cost-efficient goals are vital in practicing "good government," and consider continued discussions between EPA and FWS regarding coordination and cooperation to be critical to this project as we move forward.

In addition to the general discussions on collaboration, the FWS remedial project manager and GSNWR Refuge Manager provided specific information to the parties which has been wholly disregarded in the Draft FS. For example, the potential use of on-Site materials that would be ideally suited if a cap was determined to be necessary. This on-Site material has been utilized at another site close-by and has a proven track record for its effectiveness, documented through the CERCLA Five-Year Review process. Instead, the Draft FS spends a great deal of time discussing the truck traffic and other concerns of bringing in off-Site materials. In addition, the Draft FS portrays the majority of on-Site habitats as if they consist of native vegetative communities of exceptional habitat value. This is simply not true. There are several locations on the landfill where surficial refuse is found alone or intermixed with vegetation. Any suggestions that the destruction of these habitats during remedial activities would cause some sort of irreparable harm is simply incorrect. FWS has expressed these views to the parties on several occasions, and has explained that the long-term benefits of the removal of contaminated soil and waste outweigh any short-term disruption of the Refuge portion of the Site or those areas adjacent to the Refuge. Ultimately, FWS is the entity that is responsible for making such determinations of appropriateness and compatibility of actions to be taken within National Wildlife Refuge System, not EPA or private parties.⁴

Another major issue that needs to be resolved is that the proposed alternatives in the Draft FS do not comply with all of the Applicable or Relevant and Appropriate Requirements ("ARARs") provided by FWS in August 2016 and presented in Table 4-1. Most notably, the Wilderness Act of 1964 and Great Swamp Wilderness Act of 1968. These laws were enacted to preserve the "wilderness character" of the specific portions of the Refuge for the "use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as Wilderness." None of the alternatives proposed in the Draft FS include full removal of contaminated materials from the Refuge, so as to leave this portion "unimpaired to future use and enjoyment," and therefore, none of the currently drafted alternatives comply with these important ARARs for the Refuge portion of the Site. Finally, although the Wilderness Act expressly states that Wilderness Areas are for the "use and enjoyment of the American people," the Draft FS fails to include recreational use for the Refuge portion of the Site.

³ 16 U.S.C. § 668dd(a)(4)(b). NWRSA also requires FWS to adopt a Comprehensive Conservation Plan ("CCP") for each unit or complex of units within the System and, once adopted, FWS must manage each unit of the System in accordance with the requirements of its respective CCP. 16 U.S.C. § 668dd(e).

⁴ See 16 U.S.C. § 668dd(c)-(d), requiring the Refuge Manager to evaluate and make a determination of whether proposed activities are compatible with the overall mission of the National Wildlife Refuge System as well as the purposes for which the specific refuge was established.

A final note: as we mentioned to EPA almost two years ago, DOI issued an Environmental Compliance Memorandum ("ECM") concerning authorizing CERCLA response action on Department-managed lands, and I have attached it hereto. As I pointed out when I first discussed the ECM with you, its purpose is to ensure that actions are not taken on DOI-managed land that would be inappropriate or incompatible with its purpose or mission. Again, ensuring such compatibility is not just good policy, it is a requirement imposed by various land management statutes. As with all of the issues outlined in this correspondence, if you have any questions, I would be happy to discuss the ECM process with you.

FWS appreciates that these comments will be part of the Administrative Record for the Rolling Knolls Site and is committed to continuing discussions on these and all other issues raised in the attached comments. In the end, we believe that better collaboration among the parties will result in a more protective response action for the Site that will also prove to be far more time and cost efficient for all stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Papasavvas", with a stylized flourish at the end.

Melissa D. Papasavvas

cc (via email): George Molnar
Michael Horne
Lois Godfrey Wye

Attachments



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Great Swamp National Wildlife Refuge
241 Pleasant Plains Road
Basking Ridge, NJ 07920



February 6, 2018

United States Fish and Wildlife Service Comments on the Draft Feasibility Study Report for the Rolling Knolls Landfill Superfund Site, Dated December 2017

General Comments

1. The United State Fish and Wildlife Service (Service or FWS) has on multiple occasions over the past three years, met with representatives of the United States Environmental Protection Agency (EPA) and the Site PRP Group (collectively, the Parties) and advocated for the complete removal of contaminated soil and waste material from the portion of the Site located on the Great Swamp National Wildlife Refuge (Refuge or GSNWR). The Refuge is owned by the United States and managed by FWS and includes a designated National Wilderness Area. However, none of the alternatives proposed in the Draft Feasibility Study (FS) prepared by the PRP Group and submitted to EPA in December 2017, remotely acknowledge any of the approaches discussed between the Parties. Alternative 5 proposes remediation of the Refuge portion of the Site with a cap; however, this is not a remedy that FWS supports. The FWS will continue to advocate for a remedy that includes removal of all waste material from the Refuge portion of the Site followed by restoration of the remedial footprint, which would be the most appropriate and protective remedy for both ecological receptors and future recreational users utilizing the portion of the Site on GSNWR. The FWS reiterates its willingness to cooperate in both a technical and administrative manner to ensure that remedial activities within the area go as unimpeded as possible.
2. The Draft FS opines that the implementability of Alternatives 3, 4 and 5 would be considerably reduced due to excessive truck traffic from hauling in material and increases in costs and emissions associated with such activities, and the destruction of on-Site habitats. Again, the FWS, Group, and EPA, have discussed on several occasions the use of on-Site material for a landfill cap. It is well-documented that the underlying clay unit at the Site is far in excess of 25 feet thick. Use of on-Site material would eliminate most, if not all of the concerns related to hauling in material from off-Site sources, potentially resulting in a significant cost savings. The construction of landfill caps utilizing what is expected to be the same geologic unit that underlies the area has been used and successfully implemented at Operable Unit 3 of the Asbestos Dump Superfund Site and Harding Landfill site located a short distance away at the GSNWR. FWS provided these same comments in April 2017 in response to the PRP Groups similar claims in the Draft Development and Screening of Remedial Alternative (DSRA) Technical Memorandum.

In addition, the text portrays on-Site habitats as if they consist of a native, intact plant

community of exceptional habitat value. This couldn't be further from the truth. The Site is dominated by a plant community comprised primarily of invasive, ruderal species providing limit habitat value. There are also several locations on the landfill where surficial refuse is found alone or intermixed with vegetation. Any suggestions that the destruction of these habitats during remedial activities would be damaging is simply incorrect. Moreover, FWS is the entity that is responsible for making determinations of appropriateness and compatibility of actions to be taken on National Wildlife Refuges, not EPA or private parties.

Furthermore, the text implies that restoration of areas undergoing remediation with grasses would not be reflective of the naturally-occurring habitat. Again, the PRP Group is not empowered to make such determinations. FWS, utilizing its Comprehensive Conservation Plan (CCP), determines the strategic management direction for the Refuge that best achieves the Refuge's purposes, including future uses, contributions to the National Wildlife System mission, and management actions needed to achieve desired conditions at GSNWR. While landfill operations (e.g., the placement of refuse and swamp muck cover) may have created conditions suitable for the colonization of upland invasive vegetative species which dominate the landscape today, revegetation with native forbs and/or grasses would greatly improve the Site in terms of habitat value and wildlife usage. This is important to note, as the Site is bounded by environmentally sensitive habitats and is potentially host to, or is utilized by Federally-listed species as noted in the Draft FS.

3. The proposed alternatives do not comply with all of the Applicable or Relevant and Appropriate Requirements (ARARs) provided by FWS in August 2016 and presented in Table 4-1. Most notably, the Wilderness Act of 1964 and Great Swamp Wilderness Act of 1968. These laws were enacted to preserve the "wilderness character" of the specific portions of the Refuge for the "use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as Wilderness." None of the alternatives proposed in the Draft FS include full removal of contaminated materials from the Refuge, so as to leave this portion "unimpaired to future use and enjoyment," and therefore, none of the currently drafted alternatives comply with these important ARARs for the Refuge portion of the Site.
4. The Draft FS fails to include passive recreationalists utilizing the Wilderness Areas as potential receptors. Thus, the remedy selected for the portion of the Site on FWS-managed land should be protective of these and ecological receptors.
5. Throughout the Draft FS, results of the short-tailed shrew and American robin models are referenced and suggest calculated risks are specific and limited only to these receptors. This is misleading, as the models are used to represent specific assessment endpoints or feeding guilds, vermivorous birds and mammals. All text in the document should be revised to read that risks to vermivorous birds and mammals were noted based on short-tailed shrew and American robin models.

Specific Comments

1. Page 3, Section 2.2: Language with respect to the future use of the portion of the Site on GSNWR must be amended to be consistent with the Refuge's CCP, including acknowledgment of the Wilderness Area designation and the associated future recreational use.
2. Pages 4-5, Section 2.4, second paragraph: The text primarily discusses the history of the portion of the Site situated on Refuge property and correspondence that allegedly occurred between Chatham Township and the United States regarding proper closure of the 30 acres on the Refuge. This section reads less like site history and more like an advocacy piece for future liability discussions. The text even makes the following quote "nature should now be allowed to take its course" taken presumably from some communication between DOI and Chatham. The only reference made for the above is the Site Characterization Summary Report (SCSR) (Arcadis 2012). However, review of the SCSR indicated none of the above information. If a proper reference cannot be cited or provided regarding communication between DOI and Chatham, history of waste disposal at the site, and the dispute over the handling of the landfill closure, then this text should be removed.
3. Page 10, Second paragraph, last sentence: The text states that there are no downgradient receptors for groundwater. This may be the case for humans; however, groundwater is relatively shallow and flows from the landfill in a radial fashion into adjacent wetlands and streams. Thus, there is potential for exposure to ecological receptors especially those present at the GSNWR. Revise both this and other text in the document as appropriate to include ecological receptors.
4. Page 12, Second paragraph: Please clarify what type of agreement (e.g., deed restriction) was negotiated between the Group and Miele Trust restricting the Site from future residential use.
5. Page 18, First paragraph, third sentence: Not all literature-based uptake factors overestimate risk as the text states. Revise the sentence to read "The use of literature-based uptake factors may under, or overestimate the potential exposure (and calculated risk) because they do not reflect Site-specific bioavailability, conditions, or actual prey items consumed." Revise the text accordingly both here, and elsewhere as appropriate.
6. Page 20, Third paragraph: The text states that risks to piscivorous mammals were noted based on the mink model; however, it does not discuss the risk drivers as noted in other paragraphs for other receptors. For informational purposes and for consistency include risk drivers from the mink models.
7. Page 21, Section 3.2.3: The text states there is a low potential for risks to short-tailed shrews and American robins. The text should be revised to read "... risks to vermivorous birds and mammals from exposure to metals and PCBs were noted based on food chain models for the

short-tailed shrew and American robin.”

Furthermore, although uncertainty is inherent in all risk assessments and should be discussed, the remainder of the text discusses just that, and not a summary of the results. The section should be revised to summarize (as the section title suggests) all noted risk drivers for each assessment endpoint evaluated.

8. Page 23, Section 4.2.1: Since risks to vermivorous birds and mammals were noted, were any of the preliminary remedial goals (PRGs) calculated done so to be protective of these receptors? Please clarify, as it doesn't appear any PRGs specific to the protection of ecological receptors were developed. If not, then values should be calculated and the lowest of those and the non-residential values should be used in order to be protective of both groups of receptors.

In addition, the table provided only lists humans as the receptor for exposure to lead in the surface debris area. It is unclear why ecological receptors are not included, as direct contact with debris is expected. In addition, incidental ingestion of contaminated soil and food items needs to be included as an exposure pathway for ecological receptors for both the landfill surface and surface debris areas.

9. Page 27, Section 4.5, Remedial Action Objective (RAO) 1 is to: “Prevent or minimize current [and?] potential future unacceptable risks to human and ecological receptors through direct contact or ingestion of contaminated soil.” In order to meet this RAO, were PRGs developed to be protective of ecological receptors ingesting contaminated soil and/or food items? Risk to vermivorous birds and mammals were noted, and these models were run using site-specific soil invertebrate data. Since Site-specific data were used in lieu of literature-based values, it is likely that risks calculated are representative of current Site conditions. Ensure that the PRGs are protective to all receptors to satisfy the objectives of this RAO.
10. Page 29, Section 5.1, First paragraph, third sentence: The text states “the landfill is the only area with exceedances requiring remediation.” Please clarify if the GSNWR portion of the Site is included in the “landfill”.
11. Page 29, Section 5.1, Second paragraph: In its current form, the text reads as if the entire Site is located in the Refuge. Revise the text to read that the small portion of the Site that lies within the GSNWR includes environmentally-sensitive areas, such as a designated National Wilderness Area. Furthermore, the Draft FS must acknowledge FWS's position that there is a current and active exposure pathway to ecological receptors and recreational users on the Refuge portion, and the protection of these receptors and restoration of the Wilderness Area should take precedent over temporary disturbances resulting from any removal and subsequent restoration activities which would eliminate future exposure and restore the area.

12. Page 30, First bullet: The statement is incorrect if “the landfill portion of the Site” includes the GSNWR. If the Refuge is included in this statement, it cannot be ruled out that recreationalists using the Refuge would enter the Site and are, therefore, potential receptors.
13. Page 30, Third bullet: Define what is meant by “minor” risks and revise the sentence to read”....to vermivorous birds and mammals exist in...” Risks are present for a variety of birds and mammals within this feeding guild, not just shrews and robins.
14. Page 31, Second bullet: See General Comment 2.
15. Page 35, First paragraph, third sentence: The paragraph fails to mention risks to ecological receptors. Revise the sentence accordingly.
16. Page 38, Last bullet: Note the FWS is a stakeholder, land manager, and has CERCLA authority over the portion of the Site on FWS-managed land. This bullet and the paragraph that follows should include FWS acceptance as part of the Modifying Criteria in the overall nine evaluation criteria as per the NCP.
17. Page 41, Section 6.2: Alternative 2 will include both institutional controls and access restrictions. Review of Figure 6-1 shows the proposed fence location ending abruptly where it meets FWS property, leaving the entire eastern and southern portion of the site accessible to wildlife and potentially recreational hikers utilizing the Wilderness Area. This alternative is not protective of either, especially ecological receptors as it allows wildlife to forage and come into direct contact with contaminated media.

Moreover, the placement of a deed restriction or equivalent institutional control would not be allowed on the federal property. Please clarify in the text that this alternative would only pertain to the portion of the Site currently held by the Miele Trust.
18. Page 42, Section 6.2.1, second bullet: Revise the text to read vermivorous birds and mammals, not robins and shrews. In addition, delete any reference regarding the destruction of on-Site habitats. See General Comment 5.
19. Page 43, Section 6.2.3, second bullet: Please describe how an open-ended fence would minimize direct contact of Site media to ecological receptors. Figure 6-1 depicts the proposed fence ending at GSNWR property leaving the entire eastern and southern portion of the Site accessible to wildlife.
20. Page 45, Section 6.3, first sentence: The text states that the area targeted for remediation is where soils contribute the majority of risk to trespassers. Why wasn’t risk to ecological receptors used in the decision process to determine the area of proposed capping? Since utilization and access of the Site by wildlife is far greater than trespassers, the footprint of the area for proposed capping should be protective for both receptors. In addition,

recreational users are expected to utilize portions of the Site located on the GSNWR. Thus, the remedy selected for this area must be protective for these receptors as well.

21. Page 46, first paragraph: The text discusses “the need for potentially thousands of truck trips” that would be needed to haul in outside material for use of a cap. The parties have discussed on multiple occasions the possible use of on-Site material for a landfill cap. It is well-documented that the underlying clay unit at the Site is well in excess of 25 feet thick. Use of this on-Site material would eliminate most, if not all of the concerns related to hauling in material from off-Site sources. The construction of landfill caps utilizing the same clay unit that underlies the area has been successfully implemented at two former landfills located a short distance away from the Site.

In addition, the text is suggestive in nature and portrays on-Site habitats as if they consist of a native, intact plant community of exceptional habitat value. This could not be further from the truth. The Site is dominated by a plant community comprised primarily of invasive, ruderal species providing limit habitat value. In addition, there are several locations on the landfill where refuse is present at the surface and is intermixed in these habitats. Any suggestions that the destruction of these habitats, and subsequent revegetation be avoided is misleading and should be removed from the text.

Furthermore, the text implies that restoration of areas undergoing remediation with grasses would not be reflective of the naturally-occurring habitat. The PRP Group is not empowered to make such determinations. FWS, utilizing its CCP, determines the strategic management direction for the Refuge that best achieves the Refuge’s purposes, including future uses, contributions to the National Wildlife System mission, and management actions needed to achieve desired conditions at GSNWR. While landfill operations (e.g., the placement of refuse and swamp muck cover) may have created conditions suitable for the colonization of upland invasive vegetative species which dominate the landscape today, revegetation with native forbs and/or grasses would greatly improve the Site in terms of habitat value and wildlife usage. This is important to note, as the Site is bounded by environmentally sensitive habitats and is potentially host to, or is utilized by Federally-listed species as noted in the Draft FS.

22. Page 47, continuation of Section 6.3.1: See General Comment 2 and Specific Comment 21 regarding the destruction of on-Site habitats and restoration with grasses.
23. Page 47, Section 6.3.2: See General Comment 3, regarding the alternative’s non-compliance with the Wilderness Act of 1964 and Great Swamp Wilderness Act of 1968 ARARs. These laws were enacted to preserve the “wilderness character” of the specific portions of the Refuge for the “use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as Wilderness.”
24. Pages 48 and 49, Section 6.3.5, first and third bullets: See General Comments 2 and Specific Comment 21 regarding trucks and destruction of on-Site habitats and restoration with

grasses.

25. Page 49, Section 6.3.6, first bullet: The text discusses the construction challenges associated with the presence of “high-value wildlife habitats”. The presence of high-value habitats are extremely limited and it is misleading to make such a statement. See General Comment 2 and Specific Comment 21 regarding current conditions and use of grasses for post remedial restoration.

In addition, provide more detailed specifics as to why a storm water detention basin will be required.

26. Page 52, first paragraph: See General Comment 2 and Specific Comment 21 regarding truck traffic and use of on-Site material.
27. Page 53, first paragraph, second sentence: The text suggests that after capping, the Site would create conditions for the “development of non-native habitat”. Currently, the majority of on-Site habitats are non-native. See General Comment 2 and Specific Comment 21 regarding the conditions and destruction of current on-Site habitats and delete this sentence. In addition, delete that last sentence or clarify how there would be an increase in greenhouse emissions given that any loss of habitat would be revegetated as noted several times in the document.
28. Page 53, Section 6.4.2: See General Comment 3, regarding the alternative’s non-compliance with the Wilderness Act of 1964 and Great Swamp Wilderness Act of 1968 ARARs. These laws were enacted to preserve the “wilderness character” of the specific portions of the Refuge for the “use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as Wilderness.”
29. Page 54, Section 6.4.5, first bullet: See General Comment 2 and Specific Comment 21 regarding use of on-Site materials and concerns related to hauling in material from off-Site sources.
30. Page 55, Section 6.5: Alternative 5 includes the capping of the entire landfill. Provide clarification as to why the entire 140 acres (as noted) would need to be capped. It would seem more feasibly from several perspectives to consolidate all landfilled material into a centralized portion of the Site consisting of one or several areas and then cap. This would greatly reduce the landfill footprint.
31. Page 55, First bullet: See General Comment 2 and Specific Comment 21 regarding the conditions and destruction of current on-Site habitats.
32. Page 55, Section 6.4.6, first bullet: See Specific Comment 25.
33. Page 57, Section 6.5, second paragraph: See General Comment 2 and Specific Comment 21

regarding the conditions and destruction of current on-Site habitats.

34. Page 58, Section 6.5.1, second bullet: See General Comment 2 Specific Comments 21 and 27 regarding revegetation with grasses and increase in greenhouse emissions.
35. Page 58, Section 6.5.2: See General Comment 3, regarding the alternative's non-compliance with the Wilderness Act of 1964 and Great Swamp Wilderness Act of 1968 ARARs. These laws were enacted to preserve the "wilderness character" of the specific portions of the Refuge for the "use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as Wilderness."
36. Page 60: second bullet: See General Comment 2 and Specific Comment 21 regarding restoration of areas with grasses.
37. Page 61, first paragraph: See General Comment 2 and Specific Comments 21 and 25 regarding truck traffic, presences of "high-value" habitats, and detention basins.
38. Page 63, second paragraph, last three sentences: See General Comment 2 and Specific Comments 21 and 27.
39. Page 63, Section 6.6.2: Alternatives 3 through 5, as currently drafted, will not comply with the Wilderness Act of 1964 and Great Swamp Wilderness Act of 1968 ARARs. These laws were enacted to preserve the "wilderness character" of the specific portions of the Refuge for the "use and enjoyment of the American people in a way that will leave those areas *unimpaired* to future use and enjoyment as Wilderness." The FWS has, on multiple occasions, discussed with the Group its willingness to cooperate in both a technical and administrative manner to ensure that remedial activities within the Wilderness Area go as smoothly as possible. With that context in mind, discuss in detail the "additional challenges" and costs with any remedial activities to be conducted on GSNWR property.
40. Page 64, Section 6.6.7, third sentence: The text states the Alternative 5 will include "the most extensive work in the GSNWR". The FWS fully supports the removal of contaminated media and refuse followed by restoration within the portion of the site located on the Refuge.
41. Page 65, Section 6.6.8: The summary repeats many of the problematic discussions that are highlighted in previous comments.
42. Page 80, second paragraph, second and third sentences: The text needs to clarify if the GSNWR portion of the Site is included as part as of the landfill in this discussion. If it is, then the expectation that the area will not be used for recreational purposes is incorrect as the Wilderness Area of the GSNWR is open to hiking and other passive recreational activities.

43. Appendix A. Risks from exposure to Site contaminants to ecological receptors were noted in the BERA; however, the remediation goals used in the FS were calculated based on human exposure. Clean up levels should be derived so they are protective of all receptors.

Please clarify the risk management decisions/agreements that were made prior to the development of the clean-up goals presented in the FS. In other words, were the risk drivers retained from the risk assessments and remedial investigation agreed upon and approved by the regulatory agencies and then used in the development of the proposed alternatives and areas targeted for remediation?

44. Appendix B: Appendix B disregards risks identified in the BERA resulting in the 25 acre “Selected Area” for remediation to be based only on human health risks. The remedy should be protective of all receptors which utilize the site. In addition, in the section “Anticipated Future Use” the text states that recreational users are not anticipated. This is incorrect as a portion of the site is located with the GSNWR Wilderness Area which is open to passive recreation. In addition, after review of the proposed alternatives, no measures would be established to keep visitors in the Wilderness Area from entering other portions of the site as any fencing installed would end once it reaches Refuge boundaries allowing full access to the portion of the Site outside Refuge property.
45. Table 4.1: The following two TBCs were not included from FWS’s list and should be re-inserted into the ARARs Table in the Draft FS: (1) Policy on the Appropriateness of Refuge Uses (603 FW 1). This policy elaborates on the appropriate uses of a NWR, ensuring that such uses contribute to fulfilling the specific refuge’s purposes and the National Refuge System’s mission. (2) Policy on Compatibility (603 FW 2). This policy specifies the guidelines for determining the compatibility of proposed uses of a NWR. This determination is done once a proposed use is deemed appropriate.
46. Table 4.1: Several cultural resource ARARs from FWS’s list were not included in the Draft FS, including the Native American Graves Protection and Repatriation Act (NAGPRA) and the National Archaeological and Historic Preservation Act. FWS continues to advocate for these ARARs. If remediation activities at the Rolling Knolls Landfill Site result in the discovery of Indian human remains or historical and archaeological data which might otherwise be irreparably lost or destroyed, requirements of these cultural statues should be met.
47. Table 4.1: The “Final Comprehensive Conservation Plan, Great Swamp National Wildlife Refuge, November 2014,” should be an Applicable ARAR for the Refuge portion of the Site (not just a TBC). The National Wildlife Refuge System Improvement Act requires FWS to adopt a Comprehensive Conservation Plan for each unit or complex of units within the System and, once adopted, FWS must manage each unit of the System in accordance with the requirements of its respective CCP. 16 U.S.C. § 668dd(e).