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**From:** Mickey Faigen [mfaigen@issuesllc.com]  
**Sent:** 9/27/2017 9:11:41 PM  
**To:** Carpenter, Angela [Carpenter.Angela@epa.gov]  
**Subject:** Rolling Knolls - request for meeting

Angela,

Thanks for taking my call during this difficult time. It is very much appreciated. I will be brief, but try to give you enough to properly tee up the group's concerns and the need for the meeting.

As you know, the group is entering the FS phase for evaluation of the remedies to address the unacceptable risks identified in the HHRA. In evaluating the remedies, the group understands that it must also address the promulgated New Jersey soil remediation standards. Compliance with these standards would seem to be required if they are considered to be ARARs, and we have assumed that they are. In attempting to address those standards, we have developed site-specific Alternative Remediation Standards ("ARSs") for soil at the site and proposed to use compliance averaging using spatially weighted averages to demonstrate compliance with the ARSs pursuant to NJDEP rules and guidance. NJDEP seems to be amenable to this approach, which would in no way diminish the manner in which the group proposes to address the risk-based remediation.

The EPA project team has tentatively approved the use of ARSs for the site (once approved by NJDEP), but has indicated that it is unwilling to allow the use of compliance averaging in the FS and underlying technical memoranda. More specifically, NJDEP, at EPA's request, recently asked the group to revise its Proposed ARSs and Compliance Attainment memorandum to delete references to compliance averaging despite the fact that NJDEP requirements allow the use of compliance averaging to demonstrate compliance with both promulgated soil remediation standards and ARSs. If compliance averaging is not included in the FS and technical memorandum, the group will be severely limited in its ability to evaluate remedies as part of the FS because it will need to evaluate remedial actions far beyond those necessary to address the unacceptable risks. The EPA project team has indicated that, once the remedy has been selected, compliance averaging may be employed in the remedial design phase.

As I told you when we spoke, we are at a loss to reconcile these matters and feel that we need a meeting with you and whoever else you wish to include.

Thank you again.

*Mickey Faigen*  
Issues Management

Sent from my iPad