

Rolling Knolls Community Advisory Meeting Summary

April 27, 2021

6:00 pm - 8:00 pm

Introduction

The Rolling Knolls Community Advisory Group (CAG) held a zoom meeting on April 27. Prior the meeting, the CAG met on April 15 to hear a presentation from EPA regarding the revised draft Feasibility Study. During the meeting, CAG members posed many questions. Since the April 15 meeting, the CAG Chair and the Technical Advisor have compiled a list of questions and comments for EPA to consider. The purpose of the April 27 meeting was for EPA to respond to the list of comments and questions.

The facilitator kicked off the meeting explaining the purpose and handed off to EPA.

Angela Carpenter from EPA introduced John Prince, Deputy Director of Superfund division at EPA Region 2 who will be helping to address CAG questions compiled since the April 15th meeting. Mr. Prince noted that the very detailed questions are helpful and that there is no way we will get through all questions in 2 hours. He encouraged CAG participants to be assured there's no reason to hurry through, we can have another meeting if there's not enough time.

Meeting Format:

Angela Carpenter then explained she would now read each question and provide responses. Questions are provided in bold italics below. EPA's responses address 20 questions compiled initially. Following those 20 questions, an additional 11 questions address comments entered in chat from CAG members.

- 1. Will EPA commit to not finalizing the draft FS until Fish & Wildlife complete their study and to include (where appropriate) data and findings from Fish & Wildlife's study into the final FS?***

Response: The purpose of the RI is to provide data sufficient to evaluate remedial action alternatives. We have collected data and it is statistically significant and sufficient to select a remedy. The supplemental data collected by FWS can be useful. Additional data will be collected as part of a pre-design investigation. In addition, the RI data did evaluate groundwater. EPA commonly chooses to divide sites up into function operable units in order to study the sites and make cleanup decisions. For the Rolling Knolls Site EPA will evaluate ground water in separate decision after implementing the remedy for soils, sediments and source materials.

- 2. Three out of the four alternatives described in the draft FS allow uncovered trash, garbage, or waste to remain at the surface of the site, including within portions of the***

refuge. This results in not only ecological impacts but also presents a physical hazard to site users. Further, it is inconsistent with even the most basic waste management practices in use throughout New Jersey over the past 50 plus years. On what basis does EPA justify allowing exposed waste to remain at the surface at a federally regulated Superfund site?

Response: This question implies that EPA has selected a remedy. EPA has not yet selected a remedy or preferred alternative. The waste in question is not necessarily hazardous waste. Much of the waste, trash and debris may be an eyesore but much of it cannot be addressed by Superfund. Superfund can only address waste that is listed as hazardous waste or has characteristics of hazardous waste. Non-hazardous waste is to be addressed by NJDEP and the owner.

3. *Would EPA consider developing the following three sub-alternatives to Alternative 5 described in the draft FS?*

Technical advisors proposed the following sub-alternatives, which EPA described and then responded to as summarized below.

- a. Evaluation of the use of on-site subsurface soil as cover material? Under the current Alternative 5, 90 percent of the truck traffic is related to the importation of cover material. If on site, subsurface soil is suitable, its use could result in significant cost savings as well as major reductions in truck traffic.***

Response: EPA can consider an explore this alternative by revisiting truck traffic if local borrow material were available. Regardless, alternative 5 truck traffic aside is still the most intrusive alternative as it involves clearcutting the entire landfill area. Substantial quantities of borrow material is unlikely suitable in the vicinity of the site. The FS does indicate a plan to fully evaluate locally available soil, including on-site but not until design. Some additional material needed in cap – sand and top soil – will need to be brought to the site regardless. Ms. Carpenter also noted a question for future discussion: Is there a particular area to evaluate for borrow material that technical advisor would like EPA to consider?

- b. Evaluate the use of a non-Subtitle D cap, similar to ones that typically are utilized for other landfills around New Jersey. The current estimate in the draft FS for placement of a Subtitle D cap is \$234,000 per acre. This is extraordinarily high when compared to EPA and other industry guidance that places Subtitle D capping costs in the \$250/acre range.***

Response: A Subtitle D cap is used in typical solid waste landfills. There are alternatives that look at subtitle D caps, such as alternative 3 --- capping hazardous

waste area, capping hot spots, vegetated cover. EPA's experience at Superfund sites shows capping costs range from \$175,000 to \$200,000 per acre. EPA has asked PRPs to assess this option. And EPA invites the technical advisor to explain the reference and source of this costing suggestion.

Mr. Prince noted there are some ideas about tweaking alternatives. He suggested that EPA and stakeholders assemble a small group to evaluate a particular idea that could possibly develop into an alternative. EPA would be open to borrow material succeed as a remedial alternative. Low lying marshy areas are not typical borrow areas. Clay lens provides some perching to keep groundwater from moving. Identifying a few different proposals to pursue is certainly reasonable.

c. Removal of waste from the refuge and its consolidation within the landfill? Approximately 100,000 cubic yards of waste is present in the refuge while 700,000 cubic yards of cover material is needed. This sub-alternative should be considered especially if on-site material (see question 3a above) is used for cover as those borrow pits may be suitable places to consolidate and encapsulate waste from the refuge and other areas around the site.

Response: 2 of the action alternatives evaluated proposed removing contamination from the site for disposal off site OR consolidation onsite. Determination of whether onsite subsurface soil can be used as cover is the key question here. EPA has asked PRPs to evaluate whether or not on-site soils have potential for cover. Superfund cannot address waste that does not meet CERCLA waste requirements but FWS may choose to address non-hazardous waste through other authorities.

Mr. Prince followed up noting that EPA's responsibility is to select a remedy for the SITE. EPA hasn't bought into the idea of two special parts of the site. Two remedy selections are not what Superfund typically does. FWS has an important role, and EPA has had many meetings over the years. We understand where the FWS is coming from and, when EPA is ready to select a remedy, will consider particular aspects of the discussions. EPA has heard the notion that the FWS property has special expectations identified from some parties. Recognize the decision is about the whole site and the acreage of the site is 20% federal land/ 80% private land. This is a key consideration in how feasibility study alternatives are developed and refined.

4. The draft FS states that two modifying factors – regulatory acceptance and community acceptance – will be considered in the evaluation of remedial alternatives. Presently, neither NJDEP nor the CAG have accepted any of the proposed alternatives. How will these modifying factors be applied and what is EPA's plan to gain acceptance of at least

one of the remedial alternatives?

Response: To be clear, EPA does use 9 criteria to evaluate and select a remedy. EPA uses first 7 criteria to determine what it believes is the appropriate remedy. The next step, modifying criteria, EPA takes proposed remedy to state for concurrence. Then EPA proposes a preferred alternative, which is accompanied by public comment period. EPA has not identified a preferred alternative.

5. ***How can the EPA select a preferred alternative without key information, including whether on-site clay is usable as a cap, and the affect this would have on cost and community impact? For example: the chart for Alternative 3 appears to call for 22,000-27,000 truck trips on Britten Road with all but 5,000 of these trips needed to bring in outside cap materials. If on-site clay could be used, could truck traffic be reduced from 22,000-27,000 trips to approximately 5,000 trips? What would be the comparable reduction in truck traffic for Alternatives 4 and 5 if on-site clay is used? What would be the cost impact of using on-site clay for each of these alternatives? It was reassuring to see that community acceptance is an important part of the EPA's selection process. As a former mayor I can state unequivocally that community impact from truck traffic is a major issue for Chatham Township.***

Response: EPA has not identified a preferred alternative and will not do so until FS is revised to the agency's satisfaction. EPA recognizes that truck traffic is a major concern for residents and Chatham Township as a whole. It is possible some material may be available on site for use. However if material is not available, then the alternative 3 provides a conservative assessment of an option that can be used to bring material to the site. EPA hears the technical advisors requesting an evaluation of onsite soil availability now, and will direct PRPs to consider this in the near term. Evaluation of onsite soil for any alternative with onsite consolidation was always going to be explored in remedial design. EPA will look at it more closely now.

6. ***Alternatives 2-5 all appear to have a goal of passive recreation. This also was a high priority goal for Chatham Township during my time on the governing body and I am confident it remains so today. Yet all of these alternatives appear to have problems that could make public access for passive recreation impossible. Can these questions be answered before the EPA selects a preferred alternative? Specifically: Can the EPA commit to designing any caps to allow public access, now or in the future? Can the EPA commit that fencing and other "engineering and institutional controls" will allow public access? And can the EPA commit, during the selection process, to work to resolve the issue of private property and its potential to exclude public access?***

Response: So as we have been discussing all along, the site is comprised of public and private land. The alternatives would support public access and use at the Refuge portion. Private land is not proposed for public use, so EPA considered use of private lands would be trespass use. EPA used trespasser risk-based numbers to evaluate private property and chose identical numbers to those used for passive recreation numbers on a publicly accessible open space. Land use is important in the process. Miele property has a restrictive covenant that limits future development presently.

Mr. Prince provided a follow comment: EPA listens to property owners and municipalities as key stakeholders. Without some type of acquisition or plan, EPA cannot create public access alternatives without a plan. EPA is assuming the Miele land is not about to be made available for public use. Please let us know if this is not true. EPA can't speculate about what might happen.

- 7. It was understandable that nobody from the EPA was able to speak authoritatively last night about the timing of the next steps. However, at the upcoming meeting on April 27 we need a better indication on the approximate timing for the announcement of the preferred alternative to allow the EPA to collect and share the important data requested last night. At the very least the EPA should be able to say the previous timetable of "late spring/early summer" is off the table.***

Response: EPA is committed to the CERCLA remedial process when the FS is satisfactory. To the question of when EPA will be ready to propose a remedy, EPA cannot say when but will continue to communicate anticipated milestones and schedules.

- 8. I do not understand why groundwater has been removed from discussion. I see soil and groundwater as being intrinsically linked in this instance and I do not understand why they are being separated. Can this be addressed?***

Response: Separating the site into operable units is not uncommon. For Groundwater certain VOCs, SVOCs, PCBs, pesticide and metals are present at elevated levels. Except for the metals, concentrations in groundwater were found limited areas of the site and are confined by clay confining layer. There is no plume of contamination emanating from the site. Decision was made on ground water to defer decision until after soil remedy selection, implementation and several monitoring and reporting periods. This will help EPA to better evaluate the impact of the remediation on the groundwater and determine if a more active groundwater remedy is needed. This will also help to inform a response to DOI concerns. FWS in tech memo is that a decision to separate ground water was based on conclusion that dissolved metals are non-detect in groundwater but only bound up in soil matrix. This is not the case and is inaccurate. Metals were found not only downgradient from areas where metals were also found in source area and soils but also above, below and up and down

gradient.

9. Why were no substantive changes made in the draft FS after nearly two years of testimony and review that identified numerous holes in the and RI and FS's understanding of the site?

Response: There were extensive comments made on the FS in response to EPA's comments. The intent of the RI has been met. EPA believes its appropriate to move forward with the FS. EPA is evaluating to determine if additional revisions to the revised draft FS are required.

10. Why does the FS continue to say there is quality habitat on the site when we've seen and heard otherwise from numerous people that it's comprised primarily of invasive plant species?

Response: A habitat assessment study was conducted as part of the baseline ecological risk assessment for this site. This study identified areas of high, average and low value habitat in both upland and wetland areas of the site. The FS notes that the existing old field habitat, tree stands and wetlands would be converted to grasslands under a capping alternative depending on the design of alternative and ultimate extent of excavation. EPA will consider the presence of wetlands and high value habitat in areas requiring remediation but may be challenging to implement.

Mr. Prince noted if EPA selects a capping alternative, it's going to be a cap with grass vegetation and limited infiltration. There isn't a middle ground and it's true there are trade-offs with ecosystems value in choosing to cap. Wetlands over landfill are not compatible with a capping alternative.

11. Why does the FS still state that portions of the landfill are covered with soil when it is not?

Response: Many portions of the site have overgrown vegetation – trees, shrubs and trees. For these areas, waste is under the surface.

12. What led EPA and the PRPs to suggest that contaminated waste in the landfill and municipal waste were isolated from one another? How do we know that there isn't more contamination at various depths throughout the landfill?

Response: We know municipal waste is widespread. Extensive samples have been taken and we know which ones have hazardous waste and which ones do not. Regardless of what alternative is selected, additional sampling is going to be needed and that will help refine whatever remedy is selected – for example cap and or excavation.

13. Why isn't the use of onsite material mentioned as an option along with associated cost estimates for a fair comparison between remedies?

Response: Alternatives requiring capping could all consider use of onsite materials. EPA is not ruling out onsite material use during remedy selection. EPA will look at all the ways to reduce impacts to the community. EPA is going to request some evaluation of onsite borrow materials now but we will fully explore in remedial design.

14. After 15 years of investigations that still resulted in not enough information to fully characterize contamination at the site, why is EPA pushing ahead in what appears to be an accelerated timetable to complete the FS when numerous data gaps have been identified and results of FWS additional data collection are anticipated within the next 6 months?

Response: EPA believes sufficient information has been collected to characterize the site, and risks posed by contamination. EPA has determined an action is required. FWS data can be used to inform remedial design or for groundwater operable unit. This was stated in a January 4, 2021 memo to FWS. Once remedy is selected, remedial design gathers additional information to refine the approach and determine things like exact cap size, borrow areas. EPA knows that FWS data collected will be useful during remedial design.

15. Why does it appear that every alternative is actively avoiding an evaluation of the waste in the landfill pile itself, and only addressing a limited number of surficial soil samples?

Response: The alternatives are addressing contamination that has been identified as risks. As stated before, EPA will consider additional data to refine the remedy in remedial design.

16. Why is EPA ignoring long-term land use for the site?

Response: EPA identified the reasonably anticipated future land use by following guidance. Some of the factors considered include historical use, current use, views of the land owners, surrounding land use and zoning. Future land use review considered discussions with town and landowners. The risk assessment considered these factors, and the FS has considered them as well. The deed says no redevelopment – residential, commercial, or industrial use, but regardless of which alternative is selected, the site's remedy will be subject to regular Five-Year Reviews.

17. Why hasn't EPA required an evaluation of consolidation and capping in the FS along with the associated cost estimates as requested by community members, FWS and others?

Response: The FS does evaluate consolidation and capping alternatives for hazardous or contaminated waste at the site. The costs in the current FS were revised from prior versions and are now up to date.

John followed up stating, the version of capping is based on the levels of contamination found on the site, and the idea is that we will cap waste that presents unacceptable risks and waste at higher levels that may be isolated further away from the other waste may be addressed as hotspots. What we understand is that is a request that there be a special decision to remove all the material from some part of the site. EPA will make a decision about the whole site. FWS happened to take ownership of only 35 acres. The waste was there when FWS acquired it. Previously FWS has chosen not to address this waste. Now the agency is asking the area and waste to be treated specially puts EPA in a difficult situation at this point in time. We may have been able to select a remedy sooner, but we've stepped back and helped form the CAG to listen to the GSWA and community. We want to hear this input.

Sally said this is the first time I believe EPA really wants to hear what we have to say.

John responded, to speak to that, EPA's team is very constrained as to what staff can speak to before selecting a remedy. Our role is to make sure we've collected enough data and that we're being transparent, and that we are NOT making any PRE-DECISIONAL determination. The whole team is constrained by not sharing anything that can be considered pre-decisional information. The Site team is doing strong work. John is very supportive of this team and hard work they are doing. EPA is very attuned to what is happening at this site. The CAG can help EPA coalesce around ideas and provide feedback on ideas. EPA can't always share as much that might pre-suppose a decision as the CAG would like.

Sally said she looks forward to continuing dialogue here and in a follow up smaller group conversation.

18. How can EPA maintain that whatever remedial action is chosen it is protective, when inherent in each remedial action there's a wide range of protectiveness?

Response: Protectiveness is an all or nothing criteria, or a threshold consideration in the CERCLA remedial process. The relative protectiveness is not considered. It is a Yes, it's a protective or no it's not protective. EPA uses remedial objectives and the alternatives to address those to mitigate unacceptable risks. All remedial alternatives MUST meet the threshold criteria, which means that alternatives must meet criteria for federal and state and risks to present and future users. To prevent unacceptable risks to human or ecological receptors through ingestion of contaminated soil or sediment. Preliminary remediation

goals were developed based on light recreational user. Ongoing sampling will be conducted to make sure the remedy is protective of human health and the environment.

19. *Why is EPA ignoring DEP's request for closure pursuant to the legacy landfill law?*

Response: EPA has evaluated NJDEP's comment on the legacy landfill law. NJ defines a legacy landfill as one that ceased operation prior to 1982. In 2017, amendments implemented including closure and closure cost provisions are required to be met for non-NPL sites. The Rolling Knolls Landfill site is on the NPL and is not subject to the legacy landfill law and its closure rules.

20. *Why is EPA ignoring the onsite example of OU3?*

OU3 is an OU of a different site, the asbestos dump site which was listed on the NPL for different reasons. FWS conducted the remedial work at OU3 consistent with a CERCLA remedy that EPA concurred on. At the Rolling Knolls Site, if they chose to do so at this site, they could do additional work. EPA only has authority to address CERCLA risk waste. At the OU3 Asbestos Dump, there was widespread hazardous waste across 7 acres. EPA has no ability or authority to require waste cleanup that doesn't exceed specific goals at the Rolling Knolls Site. This site is 170 acres. The waste on the FWS property is about 4 feet thick. The FWS asserts that EPA should consider removing all waste from the FWS property and consolidate it on the private part of the site. If this were done it would equal 6.3 million cubic yards of material. If all the waste were spread out over the entire site, it would form about 1 foot layer across the entire private part of the site.

Questions from 4/15 and 4/27 Meeting Chats

After responding to the initial set of questions, the facilitator and chair requested shifting the question and answer session to focus on outstanding questions posed in chat during the April 15 meeting and during the 4/27 meeting.

21. *Were the vernal pools mapped?*

Response: Yes. The vernal pools were mapped and evaluated. That information is in figures that were included in the baseline eco risk assessment.

22. *The facilitator paraphrased a question from an April 15 set of comments provided by Matt Palmer. Why can't we have ecological restoration goals?*

Response: EPA initially responded indicating they didn't recall the question worded that way. Then Angela Carpenter indicated that ecological restoration is separate from the Superfund. And ecological restoration goals are the purview of natural resource trustees. EPA doesn't speak for the trustees and it wouldn't be appropriate for the agency to respond.

23. Sally indicated you are clearly reading answers. Can we have a copy of your response?

Response: Angela explained that she has notes not fully written answered and they weren't prepared. John responded also indicating if there are specific questions that you you want in writing, you can send us a small subset and EPA can respond.

24. Did EPA find the blue spotted salamander?

Yes. We found it. It was on the site along with bog turtle, wood turtle, bard owl, coopers hawk, red shouldered hawk.

25. How would the habitat at the site be restored with a cap?

The cap would need to be maintained. In order to piece the cap with tree planting or other restoration features. You would need to do continued maintenance. John also responded, EPA is concerned about contact exposure for recreational and trespass users and for ecological receptors. We would not want the capped surface to be filled with trees. Trees eventually fall over and require patching the cap. Typical maintenance would be mowing annually or twice per year.

26. Who is responsible for cutting the grass, property owner or PRPs?

It is generally EPA's responsibility to make sure the remedy is maintained. EPA typically works out through enforcement the various maintenance roles. Usually, EPA enters into an agreement with another party for maintenance in perpetuity.

27. It [the Miele Property] is private property today. The private property owner can deny access, but it can also decide to convey the property to a public entity and that should be a reasonably anticipated future use.

Response: John indicated that EPA would have to speculate about what limitations private property owners are making and sales decisions. EPA has experience at many sites recognizing that owners, municipalities propose uses that would change RAFLU. EPA just doesn't have that information in hand. Sometimes, EPA has reassessed and determined that new uses can move forward, or new uses would need remedy modification. If the party proposing a new use is willing to do work to accommodate the new use or work with EPA to make the changes, then there's a clear way to move forward.

Follow up to previous comment: It is my understanding that the private property owner is willing to transfer ownership to Chatham Township, NWR, and I [Sally] would be willing to take it under GSWA ownership. Only if the restrictive covenant can allow for public access. The restrictive covenant does allow site to be used for open space, which would seem to include public recreation. EPA and PRPs have followed up with Miele's attorney. RAFLU could potentially change before FS is finalized and a ROD is released.

Follow up response: That's helpful to know and more on that would be helpful. EPA can take another look at days on site, and other criteria in risk assumptions. There was an analysis that I read today that looked at whether or not the exposure and number of days on site were sufficient. EPA used the same assumptions about exposure for trespasser and recreational user.

Juan Fajardo with EPA provided a follow up. Spoke with Sedita attorney for Trust. Said he has had conversations about transferring ownership. FWS has not been indicated a willingness to take the property.

To put this site in perspective, say this were an industrial site and a developer came to us and said if you clean this up to residential levels, we can find a buyer. EPA can't do that.

28. If EPA is asking prps to evaluate 5A, doesn't that in itself delay the release of FS?

Response: As we have made clear, EPA is also looking at the Feasibility Study. While we are asking EPA to evaluate certain things, we don't expect the PRPs to study everything. For example, we could say look at potential for capping with 20% onsite soils. We ask what kind of information can we assess now that would inform a decision before the ROD. EPA can't study everything.

29. The last CAG presentation had a visual that mapped out the remediation options. The 25 to 30 acre suggested cap area seems to exclude other nearby hot spots as well as other zones that seem to have a collection of hot spots. How was the 25 to 30 acre area selected and why weren't other sites where there appear to be a collection of hot spots considered in that comprehensive manner.

Response: Stephanie Vaughn responded. Some alternatives use a 25-acre area that could be either capped or excavated. In addition to that, there are red dots that are hot spots. The hotspot delineation is not final. The size of hotspots need refinement and could expand or shrink depending on pre-design data.

30. Thank you, EPA. Did I hear correctly that Mr. Prince hasn't heard from Chatham Township that trail access to the site in the future would be greatly desired by our residents? ...and that if Chatham Township felt that way, he would like to know ASAP? I don't know that I heard that correctly. Could Mr. Prince clarify?

Response: Chatham Township is a very important stakeholder in the process, as they can establish zoning and have authority over land use in many cases. If the Township felt that way, EPA would definitely like to know that. John deferred to Stephanie and Juan. Juan explained that most conversations have been with Trust's attorney, Damien Sedita we have not spoken with township on this issue.

Follow up question: Would an expression by township be of any value in the thought process?

Response: Meiele trust has rights and has a say, so it sounds like both township and owner verification and discussion is needed.

Follow Up: There are representatives from Chatham Township on the zoom meeting tonight, and I am certain they will not comment tonight but this may be a chance to start a future conversation. EPA acknowledged that this information is really helpful.

31. CAG Chair pointed out that the Technical Advisor may have some questions. Robert Blauvelt said he appreciated EPA's willingness to consider some modifications to alternatives. He also acknowledged and pointed out he thinks there is a fundamental disagreement about whether the RI has been completed. That's part of the challenge of what we need to get through in order to select a remedy. There is also a great concern that the remedy will be selected in the FS and that once that decision gets made, it's really rare that EPA changes the details of an FS alternative after public input.

Response: EPA strongly considers perceptions of how EPA decisions could be construed to favor one constituency over another. Take the borrow material issue for example, if EPA were considering use of onsite borrow material, we would not develop only one alternative that looked at borrow material for capping. Those types of approaches would be integrated into every alternative that involves capping or cover.

Meeting Wrap Up:

CAG Chair and Facilitator closed the meeting and thanked EPA for their preparation and responses. The meeting was adjourned.