Memorandum

Date: February 22, 2022

To: Sally Rubin, Chair, Rolling Knolls Community Advisory Group
Rolling Knolls Community Advisory Group
Pat Seppi, Community Involvement Coordinator, EPA Region 2
Rupika Ketu, Remedial Project Manager, EPA Region 2
Stephanie Vaughn, Section Chief, EPA Region 2

From: Matt Robbie, Skeo
Josie Torres, Skeo

Re: February 15 Rolling Knolls Landfill Site CAG Meeting

Introduction

On February 15, 2022, the Rolling Knolls Landfill Community Advisory Group (CAG) met from 6pm-8:00 pm on Zoom. The meeting included a presentation of TAG Consultants Region 2 landfill comparison, as well as review and discussion of the recent correspondence regarding privately-owned areas of the site.

Landfill Comparison Evaluation

Robert Blauvelt, Technical Advisor for the Great Swamp Watershed Association, provided an overview of a comparative evaluation of remedial options at the Rolling Knolls Site with other municipal landfill sites in EPA Region 2 and their closure requirements.

Frances Schultz, Technical Advisor for the Great Swamp Watershed Association, provided a detailed review of the landfill comparison evaluation, reviewing the comparison criteria, explaining the numerical scoring system and discussing the comparative scores of the sites surveyed. The comparison included the following elements:

- Landfill Size
- Current Use
- Remediation Features including:
    - Cap Type
    - Fence
    - Landfill Gas Management
    - Leachate Management
    - Waste Relocation/Area Reduction
    - Waste Compaction
    - Consolidation
    - Compliance Required with NJ Legacy Landfill Act or NYSDEC Inactive Landfill Initiative by the Record of Decision

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- NJ Legacy Landfill Act or NYSDEC Inactive Landfill Initiative Incorporated in the ROD
- Remediation cost per acre of Landfill
- Institutional Controls
    - Deed Notice
    - CEA
- Financial
    - Responsibility
    - Total Cost
- EPA Action: Non-Hazardous Components

The comparison concluded that per the evaluation criteria, the North Sea Municipal Landfill Superfund site, North Sea, New York, was the most similar to the Rolling Knolls Superfund site. The evaluation found that Kin-Buc Landfill, Edison Township, New Jersey was the site least like the Rolling Knolls Superfund site per the evaluation criteria. Other results of the evaluation were that 13 out of 23 sites surveyed had waste reduction or relocation; over 50% of the sites had compaction take place; and that state-based requirements were often written into decision documents.

CAG Landfill Comparison Review and Public Comment

Following the review of the Landfill Comparison, CAG members and EPA asked questions and responded to the comparison.

- EPA Region 2 Superfund Deputy Director John Prince asked where the comparison data was pulled from. TAG consultants responded that they pulled the information from publicly available documents, primarily Five-Year Reviews. Mr. Prince responded that EPA does not write documents, including Five-Year Reviews, to support this level of analysis. EPA noted that remedies for the 1980s and 1990s may not be comparable to remedies today.
- TAG consultants noted that the table comparison is meant to be a starting place for the community to visual the information compiled to understand how Rolling Knolls might compare to other landfills in the Region and the current uses of the other landfills.
- A participant asked why the Legacy Landfill Act regulations are not being considered for the site. EPA response that the Legacy Landfill Act does not apply to Superfund site. Sections of the landfill that are not hazardous waste may be covered by State regulations. EPA will decide about what waste they will cover, and the State will then make a decision about what they cover. Other entities, like the State and the FWS, are waiting for EPA to make their first step before making decisions under their authority.
- CAG members noted that the State does not necessarily agree that their regulations and the Legacy Landfill Act do not apply.
- EPA noted that reuse took place over a long period of time. Michael Sivak, EPA Human Health Assessor, noted that descriptions of land use might have changed over time. Recreational designations might cover all kinds of things, from dirt biking to bird watching.
- CAG members asked what happens if the CAG disagrees with EPA's decision about fencing or other issues. EPA responded that they will present what they think is best. EPA will say this is

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what needs to happen, this is what we expect the remedy to look like, but EPA will solicit comments. EPA's job is to take in the comments and consider them.

- CAG members asked what happens if NJDEP and EPA disagree. EPA responded that EPA will select the remedy.

U.S. Fish and Wildlife Service – National Wildlife Refuge System Update

George Molnar, Contaminants Biologist, provided a brief update about the data gaps investigation results, which will be the topic of the March 29 meeting.

Mr. Molnar started by saying that the Refuge has taken the position that the feasibility study did not capture the extent of contamination on the refuge. FWS identified several areas where additional data was needed to understand the landfill more fully, including:

- Spatial gaps in surface soil and sediment sampling on Refuge.
- Limited sub-surface samples in waste pile.
- Interface between waste, surface water, shallow groundwater and sediment poorly understood.
- Other field-based observations based on a more thorough look at Refuge owned part of the landfill.

Mr. Molnar shared that the total approximate cost of the sampling was $750,000, funded by DOI's Central Hazardous Material Fund. He explained what sampling activities were completed as part of the data gaps analysis. Field collection of additional surface and subsurface soil, sediment, surface water, pore water (to address data gaps) and geotechnical samples (to verify clay layer) on Refuge portion of the site. Field work completed in May 2021.

Goals

- Address data gaps through the collection and analysis of additional sediment, surface water, pore water, surface soils, and subsurface soils in areas identified where sufficient data was lacking.
- Gain a better understanding of the leaching potential of the landfill waste and the fate and transport of redox sensitive metals.
- Collection of select borings to provide geotechnical data to better inform and guide the selection of an appropriate and protective remedy.
- Collect other field-based observations about the nature of the landfill.
- Share results with EPA and the PRP Group with the intent to supplement existing datasets and aide in the development of a remedial alternative.

Investigation

- 31 surface soil samples
- 55 subsurface soil samples
- 47 pore water samples

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- 21 sediment samples
- 10 surface water samples
- Field observations noted Visual evidence of widespread hazardous substances – mixed municipal and industrial waste throughout the refuge, numerous drum carcasses, and active releases of landfill leachate throughout the on- refuge area of the site.

Mr. Molnar's presentation included numerous maps comparing EPA's remedial investigation to the FWS investigation.

Results

- AVS-SEM data suggest bioavailability/toxicity of metals to benthic organisms.
- Results of geotechnical evaluation verify thick clay strata underlying landfill and indicate is suitable for use in cap construction.
- Instead of localized "hotspots" as the RI and FS suggest, elevated levels of several constituents are ubiquitous throughout the study area, including PCBs, suggesting that industrial and municipal waste is co-mingled.

CAG Review and Public Comment

After the presentation, meeting participants had further discussion. Key points are summarized below.

- CAG member asked how deep were the subsurface borings? Mr. Molnar responded that the chemical borings were up to 20 feet, others were 10 to 15 feet deep.
- Robert Blauvelt, Technical Advisor for the Great Swamp Watershed Association, asked what guidance was used in the collection of soil and water samples? Mr. Molnar responded that they followed routine methods used by EPA and their methods were reviewed by NJDEP.
- CAG member requested more information about the clay mentioned during the presentation. Mr. Molnar responded that the clay under the contamination could be considered for use as the contamination cap.
- John Prince with EPA, responded to Mr. Molnar's presentation, clarifying that EPA did not review the QAPP for the sampling, as they did not want to hold up the work. They have looked through the data that FWS provided, and they understand that the PRP is conducting sitewide PFAS sampling. EPA does not think that FWS sampling is showing anything different from what EPA sampling has shown.
- EPA also clarified that while EPA had previously thought that they would select a remedy for the entire site. However, after further consideration, EPA concluded that the nature of the groundwater data that was available did not lead us to any actionable response action. The groundwater is not well defined enough at this point to address, so it will be set aside for future consideration, after the impact of the remedy on the groundwater can be evaluated.

July 2021 MOU

Matt Robbie, Skeo Facilitator, outlined the contents of the July 2021 Memorandum of Understanding (MOU) among the Miele Trust, the owners of the private portion of the site; Great Swamp National

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Wildlife Refuge; Township of Chatham; and the Great Swamp Watershed Association. Mr. Robbie reviewed how the MOU outlined the signing parties support of further evaluating the possibility of passive recreation or open space use of the private portion of the site through an easement or other considerations, as well as to evaluate funding to support this evaluation. The parties resolved through the MOU to work together to achieve public access and support a remedy that supports public access to the site for passive recreation or open space.

Mr. Robbie provided some background about the timing of the MOU, stating that the MOU came a week after the CAG discussion of the use of the Refuge portion of the site compared to the private portion of the site owned by the Miele Trust. The CAG has wondered if the private section of the site will be considered any differently from a risk perspective for public use. EPA has assumed private ownership so far, so generating the MOU may have some baring on how EPA considers the private area of the site moving forward. Mr. Robbie asked EPA, what does the MOU mean for thinking about future use and remedy implementation at the site?

MOU CAG Review and Public Comment

Participants discussed perspectives and communications that have taken place since the signing of the MOU. Key points are summarized below.

- Juan Fajardo, EPA Assistant Regional Counsel, indicated that EPA wanted to hear from the Miele Trust, who were not present. He said he didn't want others speaking for them or for their position to be assumed. CAG members indicated that the Miele Trust and the Chatham Township are not able to comment during the CAG meeting, but that they did sign on to the MOU.
- EPA's EPA did not want to speak broadly, as every site is different and unique, and they do not know what the outcome will be for Rolling Knolls Landfill. EPA is preparing comments to the draft feasibility study and the next step is to incorporate comments and then draft the proposed remedy. After the Proposed Plan is released, there will be a public comment period followed by the Record of Decision outlining the selected remedy. EPA has had discussions with the MOU parties separately since the MOU was signed and thinks that discussing with the MOU parties all together might be a good idea.
- CAG Chair Sally Rubin agreed with EPA's suggestion to join a conversation with all the MOU parties.
- Matt Robbie reiterated that the MOU was a response to the last CAG meeting, but since the MOU was signed, it sounds like maybe more information is needed before the CAG can weight in again, since subsequent conversations have happened between EPA and the MOU parties.
- Jeff Grayzel, a member of the public, suggested considering the remedy and reuse of Cornine Field in Morris Township, New Jersey, which was returned to use as a football field after discovering and remediating contamination. EPA suggested Jeff consider the Rolling Knolls Landfill documents to see what has already been done on the site.
- FWS Refuge Manager Mike Horne, commented that Mr. Robbie did a good job of summarizing the MOU, but wanted to add that the development of the MOU was in reaction from EPA from

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previous CAG meetings. It was the CAG's understanding that EPA could not consider discussions about public future use of the private portion of the site without a document to memorialize public reuse discussions. Putting those discussions on paper to help EPA understand the parties intent for the future use of the site is the goal of this MOU.

- CAG Member Dot Stillinger noted that transparency is called for in this situation, why is there information not available to the CAG? She added that there is potential for a trail from Green Village Road near the Post Office across rolling knolls to the existing refuge trail on Myersville Road.
- Juan Fajardo commented that everything that EPA has gets put into the public record. That EPA has conversation with the property owners as a part of day-to-day business at the site. He expressed that he was taken aback that CAG members thought that there was information that was not being disclosed and expressed concern that the MOU was taking a life of its own and that he did not know what people's expectations are. He reiterated that EPA speaks to the property owners, who have property rights, and the municipality that has municipal responsibility, and that they speak to the community. He added that the Miele's own the property and play a big role in what happens to their property and reiterated that it would be good to hear from them directly.
- CAG Member Matt Palmer added that there are clearly conversations going on relative to the MOU that the CAG doesn't know about. He suggested that the CAG may be able to better weigh in once the CAG has more information about the conversations between EPA and the signing parties since the MOU.
- Mr. Robbie followed up suggesting that the CAG could revisit the MOU or discussions at a future meeting at a more appropriate time.
- CAG Chair Sally Rubin added that she would like to have EPA and MOUs parties discuss the status of the ideas in the MOU together at some point soon. She also stated that she hoped a Feasibility Study was not about to be released imminently and as she would like for the concerns raised in the MOU to be addressed in the revised Feasibility Study.

Next Steps

Topics were discussed for the next CAG Meeting on March 29, 2022, including:

- Full length FWS data gaps presentation and discussion.
- PRP group would like a chance to speak.
- Discussion of CAG ground rules.

Matt Robbie, Skeo Facilitator, let participants know that the next meeting will be March 29th, and that CAG Chair Sally Rubin will distribute materials and Zoom meeting information, as well as materials from this meeting.

Richard Ricci, the council for the PRP, requested to be able to address the CAG at the next meeting or the meeting after that. CAG Chair Sally Rubin requested a summary of the topic that he would like to discuss so that the CAG can decide if they want to hear the comments. They will discuss further offline.

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Mr. Robbie added that meeting will include time to review and revisit if needed the community advisory group's operating principles. Sally Rubin thanked everyone for participating and the meeting was adjourned.

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