

# Ringwood Mines Superfund Site

## **FINAL CAG Meeting Summary**

**November 23, 2010 6:30 PM Ringwood Borough Hall**

**Members and Alternates Attending:** Robert Spiegel, Rich Chapin, Wenke Taule, Vivian Milligan, Wayne Mann, Robin O’Hearn, E.J. Walker, John Speer, Jay Van Dunk

**CAG Liaisons Attending:** Joe Gowers (EPA), Pat Seppi (EPA), Sal Badalamenti (EPA), Scott Heck (Borough of Ringwood), Elena Vaouli (ATSDR)

**Others Attending:** Christine Casella (ARCADIS), Susan Gyarmati (Resident), Dana Patterson (EWA), Teresa Edmond (Suburban Trends), Jeanine Mann (displaced resident), Thomas Mann (displaced resident), Shontel Mann (displaced resident), Maxine Milligan (resident), Wanda Monahan, Matthew Mauro (Excel/Ringwood)

Copies of the (1) ARCADIS Ringwood Mines/Landfill Site Monthly Report – October 2010, (2) EPA Responses to ARCADIS’ Proposal for Targeted Removal Activities within the Peters Mine Area, (3) ARCADIS’ Work Plan for the Excavation of Test Trenches within the New London Pit, and (4) Rich Chapin’s Comments to the Soil Investigation Work Plan, St. Georges Pit Area were distributed.

6:33 PM – Robert Spiegel opened the meeting. Introductions were made by the members of the CAG and all those in attendance, and a sign-in sheet was passed around.

6:35 PM – Robert Spiegel asked if everyone had a chance to review the minutes from the October meeting, and whether anyone had any comments or revisions. Vivian Milligan repeated her comment from the October meeting and asked that Roger be changed to Robert on page 7 of the October minutes. There were no additional revisions to the minutes. Robert Spiegel motioned to accept the October minutes including the one change suggested by Vivian. Rich Chapin seconded the motion, and the October minutes were approved with one revision.

6:36 PM – Robert Spiegel asked if there were any CAG members who had any items to add to that night’s meeting agenda. Wenke Taule said that Thomas and Jeanine Mann were present at that night’s meeting and would like to address the CAG before the end of the meeting. Robert Spiegel replied that they would couple the Mann’s statement with action item G of the current agenda.

Robert Spiegel began discussing the action items from the October meeting, beginning with Rich Chapin’s evaluation of the amount of waste disposed of at the site. Robert Spiegel summarized that Rich Chapin had just relayed that information to the EPA that evening. Rich Chapin asked whether it would be possible for the EPA to review the information by the January CAG meeting. Joe Gowers replied he thought that would be possible. Rich Chapin asked if the amount of waste removed and documented by ARCADIS was presented in a table format that could be e-mailed to him. Joe Gowers replied that the information was in a table format, and he would send that information to Rich. Robert Spiegel asked if there were any other information sources that could be used to potentially assess the amount of waste present onsite. Joe Gowers said that the EPA had received some information from Ford a while back regarding how much waste had been disposed of in the O’Connor Disposal Area, but that documented volume is less than what has

currently been taken offsite. Rich Chapin asked if the volumes were reported as total waste or sludge. Joe Gowers replied that the volumes were reported as total waste, which also included any soils that may have been present within the waste. Joe Gowers continued that the information had been from Fords 401E response, and had indicated how much waste was disposed of in the O'Connor Disposal Area for 3 of the 4 years that material was sent there. Joe Gowers said that the last year had been extrapolated, but the total amount theoretically disposed of onsite was still less than the total that had been removed from the site to date. Joe Gowers said this was because the volumes included a certain volume of soil, and not just waste. Rich Chapin asked whether ARCADIS had made any attempt to determine how much of the total was sludge and how much was soil. Joe Gowers replied that the reported values are only presented as totals, and that there is a note at the bottom of the table that indicates that the percent soil ranges anywhere from 10 percent to 50 percent, depending upon the area. Rich Chapin said that it will probably be necessary to discuss the individual areas with the field guys. Robert Spiegel said that the EPA can present their evaluation of the information at the January CAG meeting.

Robert Spiegel moved onto the next action item, which was for ARCADIS/Ford to send the O'Connor Disposal Area leachability data to Rich Chapin and Robert Spiegel. Robert Spiegel said that he did not receive a copy of this data. Joe Gowers said that data was distributed to Rich Chapin at that night's meeting. Robert Spiegel asked what the results of the leachability data were. Joe Gowers replied that one in three samples had failed for lead, so the waste had to be disposed of as characteristically hazardous. Robert Spiegel asked where the waste was ultimately disposed of, to which Joe Gowers replied that it had been disposed of at the EQ disposal facility in Michigan. Robert Spiegel asked whether any of the waste was disposed of in Canada, to which Joe Gowers replied that none had been. Joe Gowers said that the only waste that was disposed of in Canada was the soft paint sludge from the SR-3 area. Robert Spiegel asked whether any of the wastes from Sludge Hill had to be disposed of in Canada, to which Joe Gowers replied that none had been and all had been disposed of at the EQ facility in Michigan. Joe Gowers said that he would will go back and double check this information.

Robert Spiegel discussed the next action item, which was that the EPA would email Rich Chapin a copy of the approved Feasibility Study/Work Plan. Joe Gowers and Rich Chapin both said that they were all set with that action item. Robert Spiegel said that they would try to have Rich's review of the document by the next CAG meeting. Rich Chapin asked where the EPA was in their review of the document. Joe Gowers replied that the document had been conditionally approved, and they were currently working on the identification of a candidate for the Memorandum of Candidate Technologies. Joe Gowers said that the revised version of this document is on the disc that had been distributed to Rich Chapin that evening. Robert Spiegel asked if there had been any further discussion regarding breaking out the O'Connor Disposal Area into a Focused Feasibility Study to speed up the process. Joe Gowers said that at this point in time, it will most likely be the Peter's Mine Pit area that will be the first area to move forward with a Feasibility Study. Joe Gowers said that the EPA can certainly look into doing a Focused Feasibility Study in the O'Connor Disposal Area, but he would also recommend that Rich Chapin and Robert Spiegel make that comment during their review of the Feasibility Study/Work Plan.

Robert Spiegel then discussed the next action item, which was that ARCADIS would bring photos of the wetlands restoration areas to that night's meeting. Joe Gowers said that before and after photos had been distributed at that night's meeting. Joe Gowers added that some of the photos may not be the most recent because all of the areas have been seeded, and a few of the photos that were distributed do not show the seeded areas. Robert Spiegel asked what the date of the last photos was, and Joe Gowers replied he did not know the exact date, but he did know it was after the restoration was complete. Joe Gowers added that

ARCADIS had just sent the photos today. Robert Spiegel asked if the SR-3 Area still had rust colored water coming out of it. Joe Gowers said that he believed that the seep still had some rust coloring to it. Robert Spiegel asked if there was going to be additional surface water sampling of that seep next year. Joe Gowers said that they could certainly do additional sampling next year during the regularly scheduled surface water sampling event. Robert Spiegel asked Wayne Mann if the rust coloring had always been present at that location, to which Wayne Mann replied that it had not. Robert Spiegel asked if Wayne Mann could recall when the discoloring started, but he could not.

Robert Spiegel moved onto the next action item, which was the CAGs request for additional sampling during the upcoming work at the Peter's Mine Pit Area. Joe Gowers said that the EPA had discussed the request and decided that they do not believe that additional sampling is necessary at this time because the proposed work is very similar to the removal completed in the O'Connor Disposal Area, which was simply a bulk removal in an area that will need to be addressed later down the line anyway. Joe Gowers said that an additional reason was that they are also moving forward with the Feasibility Study process with the understanding that enough data has already been collected from the area to move forward with the remediation process. Joe Gowers said that samples have also already been collected at ten-foot intervals all the way to the bottom of the pit, which indicates to the EPA that there is enough information and data to accurately characterize the pit. Robert Spiegel said that the waste was actually present in the area around the pit, not in the actual pit itself. Joe Gowers said that the area where the test trenches will be installed is actually the shallower part of the pit. Joe continued that the pit has already been characterized, and the EPA is under the impression that we will be dealing with the same situation throughout the pit, except for the bottom of the pit, which appears to contain mostly mine tailings. Robert Spiegel summarized that the reason there will not be additional sampling during the upcoming removal work is because we already know that there is sludge present almost to the bottom of the pit. Robert Spiegel summarized that the reason there will not be additional sampling is because we already know that there will be paint sludge in the pit to depths greater than the removal action will address. Joe Gowers replied that the assumption has to be that there will be paint sludge present in the pit. Joe continued that ARCADIS will complete the removal action, but there is no way that they will be able to prove that there is not any sludge left in the pit once the removal is complete. Sal Badalamenti added that they do not expect this removal to impact the evaluation of alternatives for the area in any way. Robert Spiegel asked why the removal action is being completed in the first place, if not to make the case that the surficial material has been removed, eliminating an exposure pathway, and therefore allowing for closure in place. Joe Gowers said that Robert Spiegel would have to ask Ford specifically why they are completing this removal action, but the EPA is operating under the assumption that Ford volunteering to complete the removal will be a benefit to the community. Rich Chapin asked whether this removal would sway the EPA one way or another in their evaluation of the potential remediation alternatives. Joe Gowers replied that the bottom line is that the EPA has already indicated to Ford that they cannot eliminate potential exposure pathways just from this removal action.

E.J. Walker asked if this removal action will be completed to the bottom of the pit. Rich Chapin replied that the removal will be completed only from the surface to the water table. Rich Chapin said that they will not be digging under the water. Robert Spiegel said that the EPA is assuming that there will be paint sludge in the pit regardless of what is taken out, so it does not matter whether additional samples are collected or not. Joe Gowers replied that was correct. Joe Gowers said that there is evidence from soil borings that paint sludge is present at 60-foot pit depths, so the EPA will be operating under the assumption that there will be paint sludge remaining in the pit. EJ Walker said that he thinks they should open the whole hole up. Vivian Milligan said that she wanted to back up the conversation to when Joe Gowers had said that Ford was doing the residents a favor by performing this work. Joe Gowers replied that he was trying to say that Ford

was doing the work voluntarily, and are not under an order to do so. Vivian Milligan asked if doing this removal would allow Ford to just cap the waste in place. Joe Gowers said that Ford will be required to look at a certain number of alternatives for the area, including no action, regardless of whether they complete this removal action or not. Joe Gowers said that evaluating no action is something that is required of all sites. Joe Gowers continued that the full range of alternatives will be evaluated before a final decision is made. Robert Spiegel added that the final decision is something that the CAG and the community will be able to weigh in on as well. Robert Spiegel added that he and Rich Chapin would be looking at the Feasibility Study and discussing the content at the January meeting.

Robert Spiegel discussed the next action item, which was that the EPA would bring aerial photographs of the Saint George's Pit Area to the meeting that night for Wayne Mann and Vivian Milligan. Joe Gowers said that he had already given Wayne Mann hard copies of the photographs prior to the meeting. Vivian Milligan asked Wayne Mann where the photos were, and Wayne Mann replied that the photos were at his house. Rich Chapin asked whether the photos were actual photos or copies. Joe Gowers replied that they were actual photos that were taken from a report that had been completed back in 1983. Joe Gowers added that he has very limited copies of the photos, and he does not have any electronic copies. Joe Gowers said that he believed that Ford may have some additional copies of the photos as well. Robert Spiegel asked if it would be possible for Rich Chapin to get a copy of the photos. Joe Gowers said that the EPA could lend out one of their copies for Rich to make a copy of. Robert Spiegel said that he would make additional copies for distribution, as well as electronic copies of the photos. Rich Chapin said that he and Robert Spiegel would bring copies to the January meeting.

Robert Spiegel moved onto the last action item for the meeting, which was a discussion regarding the status of the displaced residents. Robert Spiegel asked if the letter that had been put together on behalf of the Mann's as a result of discussions at the October CAG meeting had been sent out to the Borough. Wenke Taule responded that the letter had been sent to the Borough via certified mail. Robert Spiegel asked Wenke if she had a copy of the letter that the CAG could keep for their records. Wenke Taule said that the letter she had distributed through e-mail was the final version of the letter, but also said that she would bring a hard copy to the next meeting. Wenke Taule added that she has not yet gotten any type of response letter from the Borough. Wenke Taule then asked Jennine Mann if she would like to address the CAG.

Jennine Mann began by providing the CAG with a brief historical summary of what has happened to her and her family over the past years. Jennine said that back in November of 2006, her family was removed from their house and was relocated to RV trailers where they remained until the end of February 2007. Jennine Mann continued that after February 2007, her family was removed from the RV trailers and placed into temporary housing at 41B Mathews Avenue in Riverdale, New Jersey, where they currently reside. Jennine Mann said that it is now 3.5 years later, and they are still living in the temporary housing. Jennine Mann said that the Borough has been paying her families rent out of old small city grants. Jennine Mann said that for the last 3.5 years, she has continued to tell the Borough that she wants her house replaced. Jennine said that it does not make sense to her to keep renting, and she feels as though the Borough should keep the rent money and put it towards a permanent home. Jennine Mann said that she has specifically requested this of the Borough.

Jennine Mann continued that the first offer that the Borough had made to her was for \$15,000.00, which is not enough money to buy a house. Jennine Mann said that the Borough then applied for a \$400,000.00 NPP Grant about 2.5 years ago. Jennine continued that the NPP Grant stipulated that the Borough needed community involvement in order to obtain the grant money, so a committee was formed. Jennine said that

the committee recommended a procedure for using the grant money, and the recommendations of the committee were ignored. Jennine summarized that the committee requested that she and her family get \$120,000.00 of the grant money, and the rest of the money would go to satisfy the bank that held her mortgage, and the Borough would not get any money for demolition. Jennine continued that the Borough had then submitted their own plan, and in that plan, it stated that if an agreement could not be reached, then the Mann's would receive nothing. Jennine Mann said that over this past summer, she and her family had met with the Bank and the Borough approximately four times. Jennine explained that they were hoping that the bank would take \$15,000.00 to \$30,000.00 to satisfy her mortgage, and then transfer the mortgage to a healthy property. Robert Spiegel asked if there were any stipulations on the term "healthy property". Jennine Mann said that the property had to be lower in value than the current property, and Robin O'Hearn added that it would ideally be another foreclosed property. Jennine Mann continued that the bank had rejected that agreement.

Jennine Mann said that she and her family came to an agreement that they would accept \$95,000.00, which was the amount that the DCA commissioner Doria had essentially promised them. Jennine explained that this meant that out of the \$200,000.00 grant money, the Mann's would get \$95,000.00, the bank would get \$85,000.00, and the Borough would receive \$20,000.00 for demolition purposes. At that time, Jennine Mann asked Borough Clerk Kelley Rohde to put the agreement in writing, which she promised to do. However, Jennine Mann never received anything in writing from the Borough. Jennine continued that, very recently, Ms. Rohde had contacted the Mann's to tell them that in order to get any grant money, the Mann's will need a mortgage commitment. Jennine Mann explained that this was never told to her or her family throughout the entire process, and was never a requirement from the DCA. Jennine Mann said that, in recent emails from the DCA, she was also told that she will have to pay back almost all of the rent money that the Borough had paid while she and her family had been living in temporary housing, and she would only receive \$35,000.00 of the total \$200,000.00 grant money. Jennine added that the DCA had also said that they want her and her family to move out of their rental home by December 7<sup>th</sup>, even though they do not have anywhere to go.

Jennine Mann continued that it is obvious to her that the Borough is not willing to help her family, and it is clear that the municipality, not the DCA, decides how the grant money will be spent. Jennine Mann said that she is asking the Borough to find their consciences and do what they know in their heart is the right thing to do. Jennine said that this will be the fifth Christmas that her family will be without a home, and the only issue holding them back from getting a new home is about the money. Jennine Mann said that the money has been available to the Borough, but the Borough refuses to help her and replace her home. Jennine said that all she has asked for from day one is for the Borough to do what is right and replace the home that they took from her kids and her family.

Robert Spiegel said that he is truly sorry for the situation that the Mann's are in, and said that somehow a letter does not seem adequate to address the situation. Robin O'Hearn added that there have been several letters sent out, and resolutions as well, and nothing has been done to address any of them. Robin O'Hearn said that the situation is so discouraging, difficult and frustrating, and it is heartbreaking to see the Mann's in a situation where they may be out of their home in a week and they cannot get anything in writing indicating what they will be receiving out of the agreement. Robin O'Hearn continued that verbal agreements have been made, but nothing has been put in writing. Robin said that anytime information is needed, the Mann's have to file a formal request to obtain that information. Wenke Taule added that the Mann's have not even received the information they requested from the DCA. Wenke Taule said that Paul Stridick had also been invited to that night's meeting, but nobody ever received any responses back from him.

to their requests. Robin O'Hearn added that the last meeting the Mann's were able to get with the DCA was when Governor Corzine was in office, and the Mann's were told at that meeting that the NPP Grant money is totally dependent upon the plan, and it does not seem like the plan was ever even looked at.

Robert Spiegel asked if Carolyn Fefferman had anything to add to the discussion. Carolyn Fefferman said that a promise is a promise, and she knows members of the media are present at the meeting, and she hopes that they will be reporting on the story because the Mann's were promised \$120,000.00 from Commissioner Doria, and Paul Stridick had been present for those conversations, and it is unconscionable that this situation is still going on. Vivian Milligan asked whether Carolyn Fefferman thought it would be a good idea to hold a press conference. Wenke Taule said that she thinks that it does matter when an administration changes on a local and State level. Wenke Taule continued that it should not matter because the grant money was awarded for specific reasons, but what she realizes now is that if a grant is awarded, the municipality and the State are in a situation where the municipality is like a client of the State. Wenke Taule said that if the municipality decides that they are going to move the money around, the DCA is complicit. Wenke Taule continued that the same thing happened with Mr. DeGroat, who still has a sinkhole on his property even after the governor, the assemblymen, the senators, the congressman, and everyone else was on his side had awarded him the money. Wenke Taule said that once the administration changed, \$177,000.00 of that money was diverted to pay for other things going on in Upper Ringwood. Wenke Taule said that they now want to take part of Mr. DeGroat's property and fence it off, and only partially remediate his property, and now the same thing is being done with the Mann's. Wenke Taule said that the Mann's have lost part of their grant money, which can only be attributed that to the fact that the Borough is dragging their feet. Wenke Taule said that the issue was not that the money was not there, the issue was the lack of the will to do the right thing. Wenke Taule said that the current offer to the Mann's of \$30,000.00 and the fact that they may have to pay back their rent money is crazy. Robin O'Hearn added that if the Mann's had been aware that they were going to have to pay back their rent money, they would have found other housing options up front. Wenke Taule said that the problem is that the Borough used the old grant money to pay the rent when they were really not supposed to do that.

Robert Spiegel asked if the Township had anything to add to the discussion. John Speer said that what happened to the Mann's is terrible, but it has to be addressed on a different level than the rather petty political disagreements that are going on at the meeting. John Speer said that the commentary at the meeting is not appropriate at this point. John Speer said that the latest news is that the Borough thought that they had worked out an agreement to get approval from the DCA, but the DCA took a red line to the agreement and ultimately said no. John Speer said that from the beginning, it has always been clear that there is \$200,000.00 available for 23 Van Dunk and \$200,000.00 available for 27 Van Dunk, and the Borough was working under that assumption. John Speer said that the DCA had unilaterally changed that assumption, and there is very little the Borough can do about that. John Speer continued that it is not that the Borough has stopped trying to get the agreement back to full funding, but there is no guarantee that there is anything that the Borough can do at this point to get that money back in place to use on the Mann's property.

Wenke Taule said that the conversation is not political, it is factual. John Speer replied that we should just leave it at political, and that the facts are in the political realm. Wenke Taule said that the conversation is factual. John Speer said that it is silliness and delusional. Vivian Milligan asked if the DCA had given the Borough information about the change in agreement in writing, to which John Speer replied that the DCA had sent out an email at the end of October, which should have been immediately forwarded to Robin O'Hearn and Wenke Taule. Robin O'Hearn replied that no e-mails had been sent out until after the Mann's

had met with Kelley Rohde. Robin O'Hearn said that the emails that she has do not really paint the picture that John Speer is painting to maintain the \$200,000.00. Vivian Milligan suggesting asking the DCA to pull all of their information together and put everything in writing.

Robert Spiegel asked if it would be possible to ask the DCA to come up to the next CAG meeting. John Speer replied that the DCA used to come to the meetings but they do not anymore. Wenke Taule said that the DCA had been invited to that night's meeting. Robert Spiegel asked if the Township would be able to extend the invitation to the DCA, and John Speer replied that he would do it personally. Robert Spiegel asked if he could be copied on the correspondence between the Township and the DCA, and John Speer said that would be fine, and asked Robert Spiegel to distribute the correspondence to the appropriate people. Wenke Taule requested that the DCA bring all documentation that they have between Borough and the DCA from the beginning of the time they were awarded the grant. John Speer said that might be one request too many but he would ask. Pat Seppi said that the next meeting will not be until the end of January, and John Speer added that the grant money may be gone by that time. John Speer said that the DCA has put everything in writing to date, and they have the grant paper work which is pretty straightforward, but the paper work had been changed during the last week of October. Wenke Taule said that the CAG wanted to see those changes, and John Speer replied that the changes were outlined in the email he had referred to earlier in the discussion. Wenke Taule said that she thought that if grant paper work was going to be changed, a public hearing had to be held. John Speer said that may be the case, and that the DCA may not know their rules as well as we think they do. Wenke Taule said that we are definitely in silly season now. John Speer said that his reference was in regard to what had happened at Sheehan Drive, where a ceremonial check was presented and was promised to be used to fix the private property, but prior to completing any work on the private property, the promise was reversed and the property owner was told that the funds could not be used for those purposes. John Speer said that situation was later refuted by Federal HUD, and the DCA to this day will say that the representative in Newark does not know what she is talking about, and her rules clearly state such. Robin O'Hearn said to let the DCA come to the meeting and tell that to the CAG, and John Speer replied that the DCA does not want to get involved in this silliness. Wenke Taule said it is not silliness when we are talking about unsafe conditions and people being forced out of their homes. Vivian Milligan said that it does not matter whether the DCA wants to get involved or not because they are already involved. Jay Van Dunk said that he thought that the Sheehan Drive issue happened long after Mr. DeGroat's yard has collapsed.

Wenke Taule said that she understood that there were some discussions between State Senator O'Toole and the Borough, and the CAG would like to know what those discussions entailed because Jennine Mann had reached out to Senator O'Toole and it sounds like he may be helpful. John Speer replied that if the Borough has a problem with the State government, they will go directly to their elected representative, meaning that the Borough's first call would be to Senator O'Toole. Robin O'Hearn said that the Senator had called the Borough before the Borough had called the Senator. Scott Heck said that the Borough had participated in their meeting the same day that the Senator had called. Scott Heck said that the moment the Borough Manager had received the letter she had set a meeting up with Senator O'Toole to discuss how they could revise things to resolve the issue. Scott Heck said that the Borough Manager is trying very hard to resolve this issue.

Robert Spiegel asked if it would be possible to continue this discussion with the Mann's outside of the meeting. Robert Spiegel said that it is unfortunate that the Mann's are in the position that they are in, but at this point all that the CAG can really do is take whatever steps are possible to keep the Mann's from being

removed from their property, and keep them whole as much as possible. Robert Spiegel said that he knows there is more to this discussion, but it should be discussed directly with the Mann's outside of the meeting.

7:22 PM – Robert Spiegel began discussing the next agenda item for the meeting, which was Rich Chapin's presentation of his review of and findings from the Soil Investigation Work Plan for the Saint George's Pit Area. Rich Chapin summarized that the work plan had been submitted to the EPA, and he had been copied on the correspondence. Rich Chapin said that he had also distributed a memo at that night's meeting that summarized his comments to the work plan. Rich Chapin noted that when he was reviewing the work plan, he did not have a copy of the scope of work that the work plan is addressing. Rich Chapin said that during his review of the document, he got a distinct opinion for what they are trying to do in the area. Rich Chapin said that his first comment was regarding the use of the term "suspected fill material" throughout the work plan. Rich said that this term is not really all that accurate. Rich Chapin said that we know there is "stuff" buried in the area, and the whole investigation was started to characterize this "stuff". Rich suggested using a more accurate term moving forward. Rich Chapin said that the work plan is actually three documents rolled into one, including the work plan itself, the health and safety plan, and the quality assurance plan. Rich Chapin said that in each section of the document, there is a brief summary of the history of the site. Rich Chapin said that, in all cases, the history of the site section ends in the year 2004. Rich Chapin said that there is no mention of the relisting of the site as a Superfund site. Rich Chapin said that this may have been omitted because the section was just copied from an available source to get the document done, which he understands, but the document, and specifically the site history section, should be more accurate than it is.

Rich Chapin said that the document discusses the installation of trenches across the area, and contains a figure that depicts the location of these trenches. Rich Chapin said that the figure shows trenches where the CAG would like to see them, so the locations are good to go. Rich Chapin continued that there is discussion in the text of the work plan of doing up to 1,200-linear feet of trenching, however, the text also states that if the field personnel run into obstacles, the work will not continue beyond the estimated timeframe. Rich Chapin explained that the time estimated to complete the work is five days in the field, and the work will entail using a track hoe to trench 1,200-linear feet. Rich Chapin said, in an 8-hour day, which Rich added is probably the greatest amount of time that the day will allow this time of year, to trench 1,200-linear feet in five working days, the field staff will have to trench 30-linear feet per hour. Rich Chapin said that in his opinion, this is an overly ambitious goal. Rich Chapin said that if the work plan says that 1,200-linear feet will be trenched, the field staff should trench 1,200-linear feet no matter what, even if it takes more than 5 days.

Rich Chapin continued that the other language in the work plan text that he is concerned with is regarding taking specific samples of industrial waste and sampling the soils underneath. Rich Chapin said that the way the work plan is currently written, it gives the impression that samples will only be collected if something unknown is uncovered and there is a field indication that the waste uncovered is an industrial waste or a hazardous waste. Rich Chapin said that there are very types of waste that you can tell are hazardous just by looking at them, and a laboratory test is required to confirm whether the waste is hazardous or not. Rich Chapin said that he is also concerned because there is no place in the document that specifies a number of samples that will be collected, or a percentage of the total number of samples collected that will be analyzed. Rich Chapin said that he understands that sampling is expensive, but there is no commitment in the document for a number of samples that will be collected. Rich Chapin continued that the guidance in the State's technical regulations states that when doing an investigation of waste pits, 1 sample every 900 square feet of bottom should be collected and one sample every 30-linear feet of sidewall should be collected. Rich Chapin said that this guidance would result in a tremendous number of samples which is

why he feels that there needs to be a number commitment in the work plan. Rich Chapin said that analyzing the samples will indicate whether things are good and bad in the pit, which is why they need to be analyzed. Rich Chapin said that the document needs to make sure that, at the end of the day; we know what is present in the pit.

Rich Chapin said that he thinks that work needs to be done on the work plan, but he does not think it is necessary to go back and re-write the whole document and hold things up. Rich Chapin said that he agrees that we need to get out into the field as soon as possible to avoid weather conflicts. Rich Chapin suggested that the document be conditionally approved, and the conditions under which it is approved be listed out. Rich Chapin said that he understands that there are financial constraints on this work, but the way the document is written goes a little too far into trying to not spend money. Rich Chapin reiterated that the whole purpose of the investigation is to determine what is present in the subsurface.

Rich Chapin said that the work plan states that the sample results will be compared to the State of New Jersey Soil Cleanup Criteria; however, there is more than one cleanup criteria. Rich Chapin asked which criteria the analytical results will be compared to. Rich Chapin said that if sludges and wastes are uncovered and samples are collected to characterize them, it may be a good idea to compare the sample analytical results to other waste characterization data from Ford-related waste samples that had been collected from other areas of the site to see if there are comparable ranges of materials. Rich Chapin said that he does realize that there are different materials that have similar characteristics, but he does feel that it would be appropriate to at least take a look at a comparison of results.

Robert Spiegel asked what would be done with drums and sludge that may be uncovered in the pit. Rich Chapin replied that investigation derived wastes are going to be put on plastic, which Rich felt was a good thing. Rich Chapin said that the work plan states that, for health and safety reasons, drums with unknown contents will not be handled. Rich Chapin said that he agrees that if a totally intact drum is uncovered, and there is no indication as to what the drum may contain, the field staff need to be careful. Rich Chapin said that he does not recall many intact drums being uncovered historically, and remembers mostly drum remnants being uncovered. Rich Chapin said that the chances of finding drum remnants are much higher than the chances of finding totally intact drums, and this issue needs to be addressed in the work plan. Rich Chapin said that keeping a few over packs on the truck is a simple fix to this issue.

Jay Van Dunk said that the reason that everyone is still here today is because of miswordings and the way papers were sent to the residents, and Rich Chapin just summarized that the work plan for the investigation of the Saint George's Pit Area is missing information. Jay Van Dunk said that this shows that everyone is sitting in the same place that they were five years ago. Rich Chapin said that part of the problem is that the subcontractor has not been in the middle of site activities for as long as the CAG members have, which is probably the reason why lots of little details have been omitted. Jay Van Dunk said that he is tired of hearing it. Robert Spiegel said that the work plan seems to be missing a lot of important information. Scott Heck responded to the concerns of the CAG by stating that he had just received Rich Chapin's comments to the work plan that day, so was not, at that time, ready to address them. Scott Heck did say that the work plan is a comprehensive document, and the reason that the CAG was invited to the initial site visit was because they wanted to keep them fully involved in the entire process. Scott Heck said that part of the reason that the work plan was sent to the CAG at the same time as the DEP/EPA was because the Borough wanted to know what the CAG was thinking before the work plan went through the entire EPA review process. Scott Heck added that this was done in an effort to not hold up field activities. Scott Heck

continued that the Borough is committed to this project and are trying to get the investigation done this year.

Scott Heck said that he would like to take everyone through the timeline for this process so that they can see what the Borough has done so far to get us where we are. Scott Heck said that on October 15, 2010, the Borough received the draft Administrative Order on Consent from the EPA's attorney, on October 19, 2010 the Borough received the draft Statement of Work from the EPA's attorney, on October 20, 2010 the Borough council passed a resolution permitting the Borough to continue with the investigation and enter into the Administrative Order on Consent with EPA, on November 8, 2010 the Borough executed the Administrative Order on Consent after negotiations were discussed and revisions incorporated into both the Administrative Order on Consent and the Statement of Work, on November 15, 2010 the EPA executed the Administrative Order on Consent, on November 16, 2010 Excel Environmental received the draft proposal from the EPA, on November 17, 2010 Excel Environmental submitted, via overnight mail, the Soil Investigation Work Plan to the EPA for comments, the receipt of which was acknowledged by Joe Gowers of the EPA on November 18, 2010. Scott Heck said that the Borough is hopeful to start work on the 13<sup>th</sup> of December. Scott Heck said that the reason he outlined this timeline for the CAG was to show that the Borough is trying their best to get this investigation completed quickly. Scott Heck said that he is not prepared to address any comments at the meeting, however, the Borough's engineer and attorney are present at the meeting and are writing down and listening to everything that has been said and everything will be discussed and incorporated as necessary. Scott Heck said that he does want to impress upon the EPA that they should review the plan as quickly as possible since the Borough has jumped through hoops to try to get this work completed before the weather gets bad. Scott Heck continued that the Borough does want to know what is present in the subsurface in the area so that we can this question behind us once and for all. Scott Heck said that with quick responses from the EPA, the Borough should be able to accomplish this goal.

Wenke Taule asked if Rich Chapin's comments outlined that evening would be incorporated into the work plan. Pat Seppi and Joe Gowers responded that the EPA and the State of New Jersey both still need to review and comment on the work plan. Rich Chapin asked whether the State of New Jersey had received the work plan yet. Joe Gowers replied that the State has received it, but he believes that Ken Petrone is out that week so will probably not get to review it until next week. Robert Spiegel asked whether the CAG should send Ken Petrone an electronic copy of Rich Chapin's comments to the work plan, and Joe Gowers replied that would be a good idea.

Wenke Taule asked if it was true that the Borough's insurance company would be paying for this investigatory work. Scott Heck replied that it is true that there is some insurance coverage available to use for the work. Wenke Taule asked if he knew how much was available. Scott Heck replied that at this point, the Borough does not even know how much the effort will cost. Scott Heck said that once the EPA has finalized and approved the work plan, the Borough will have a better idea of the costs, but he can say that there is some insurance coverage available.

Rich Chapin said that he does not view his comments to the work plan as any sort of a show stopper, and the issues brought up by his comments should be easily settled. Rich Chapin said that his changes could even be outlined in a conditional approval letter and the work plan approved as is. Rich Chapin said that there is no reason why the Borough should not be able to move forward with their clearing work that needs to be completed before starting the investigatory portion of the work. Rich Chapin said that the locations of

the test trenches are known, so clearing and pre-clearing activities could begin as soon as possible while the details of the investigatory work are being finalized.

Robert Spiegel asked how the CAG would get an update on the incorporation of these comments into the final work plan since the next CAG meeting will not be until the end of January. Rich Chapin suggested that the EPA email him a copy of their email that includes their comments to the work plan. Joe Gowers replied that he would do that. Rich Chapin said that there is no reason to stop the forward progress of this work and prevent the work from being completed this year just to work out logistics. Robert Spiegel asked if the CAG would be alright with Rich Chapin being present for the field work and reporting back to the CAG with the results and a summary of the work plan revisions during the January meeting. Wayne Mann said that would be acceptable. Jay Van Dunk said that would be fine with him, and he does not want to stand in the way of progress.

Robert Spiegel asked if there were any other comments to add to the discussion, and there were none.

#### 7:45 PM – EPA Site Update

Joe Gowers began the site update by summarizing that the EPA is currently reviewing the draft work plan that they had received from the Borough for the Saint George's Pit Area Investigation on November 18, 2010. Joe Gowers said that the document under review includes the work plan, health and safety plan, and quality assurance plan for the work. Joe Gowers said that plan is currently being reviewed by the EPA and the NJDEP. Rich Chapin added that he had forgotten to mention that one additional comment he had to the work plan was that there was no mention of the collection of any duplicate samples.

Joe Gowers discussed the next site update item, which was the proposal for the targeted removal efforts in the Peter's Mine Pit Area. Joe Gowers said that the EPA had approved the proposal on November 19, 2010 with the recommendation that the work include two additional test trenches: test trench number two and test pit number nine, which were not included in the original proposal. Joe Gowers said that these locations were added to the proposal because data exists that shows that these locations have historically shown the presence of paint sludge. Joe Gowers said that the EPA has asked for a revised schedule to be provided within two weeks of the date of the approval letter. Rich Chapin asked when the work is expected to begin. Joe Gowers replied that Ford/ARCADIS would like to start the work in the near future, but may have to start after the holidays.

Joe Gowers continued the site update by discussing the New Miller Pit investigation. Joe Gowers said that ARCADIS has put together a proposal to do test trenching in the New London Pit Area. Joe Gowers said that the current proposal calls for the installation of two test trenches across the New London pit area down to a maximum depth of 15-feet. Joe Gowers said that the proposal also states that a total of three waste samples will be collected. Rich Chapin asked why this work was being proposed. Joe Gowers said that the issue is that when the 2006 site wide test pit investigation work had been completed, the EPA had instructed Ford to install a test pit in the New London Pit. Joe Gowers said that test trenches had been installed in the area of the New London Pit; however, none were actually installed inside the pit itself. Joe Gowers said to account for this discrepancy, the EPA is now directing Ford/ARCADIS to go back and install two test trenches in the New London Pit. Robert Spiegel asked if two test trenches would be sufficient. Joe Gowers explained that the two test trenches would criss-cross each other, and run across the entire length of the pit. Joe Gowers said that the New London Pit appears to be much smaller than the Cannon Pit. Robert Spiegel asked

if the EPA would be present while this work is being completed. Joe Gowers replied that the EPA would be providing oversight for the work.

Vivian Milligan asked where the Cannon Mine Pit they were referring to was, since she does not recall the Cannon Pit being larger than the New London Pit. Jay Van Dunk described the location of the Pit as being near sludge hill. Robert Spiegel clarified that the New London Pit was in that location. Robert Spiegel then showed Vivian Milligan the location on a map. Jay Van Dunk explained that historically, the residents have called the pits different names than what they are called now, which is the reason for the confusion.

Robert Spiegel asked what the sampling frequency was for the upcoming work. Joe Gowers explained that ARCADIS had included in their draft proposal the collection of up to three waste samples from the pit, if waste is encountered. Robert Spiegel said that Rich Chapin would take a look at this proposal and send his comments to the EPA. Joe Gowers said to keep in mind that ARCADIS would like to conduct this work concurrently with the targeted removal work in the Peter's Mine Pit Area. Robert Spiegel said that would be fine.

Joe Gowers continued the site update by discussing the Memorandum of Candidate Technologies. Joe Gowers said that the EPA had received ARCADIS' revised proposal on November 12, 2010. Joe Gowers explained that the document essentially evaluates the alternatives/technologies that will be looked at for all four areas of concerns on the site (Peter's Mine Pit, O'Connor Disposal Area, Cannon Mine, and groundwater) during the Feasibility Study. Joe Gowers asked the CAG to please provide any comments they had on that specific document. Robert Spiegel said that the CAG would review the document and discuss it at the January meeting. Robert Spiegel explained to the CAG that the document outlines the technologies that ARCADIS will propose for each area, including no action which is required by CERCLA. Robert Spiegel said it is important for the CAG to look at this document and provide comments because once the Feasibility Study is completed and a decision is made, then it is simply a regulatory road to achieve cleanup. Robert Spiegel noted that this is a key milestone for the Ringwood community since we are nearing a decision point and progress should be made soon. Joe Gowers requested that the CAG look at and comment on the Peter's Mine Pit area first. Joe Gowers said it would be helpful for the EPA to receive comments to the Peter's Mine Pit area within the next week or so.

Joe Gowers continued the site update by discussing the residential property investigation. Joe Gowers said that he knows that the State has begun surface soil sampling. Joe Gowers said that Ken Petrone is not present at the meeting that night to give a more detailed update.

Rich Chapin asked about the paint TCLP data that had been given to him at the beginning of that night's meeting. Rich Chapin said that the data included only three sample results. Rich Chapin asked how many times TCLP sampling was completed at the site. Joe Gowers asked if Rich was referring to the O'Connor Disposal Area only or the entire site and Rich Chapin replied he was referring to the entire site. Joe Gowers said that the data that was given to Rich that evening was the data from the removal effort in the O'Connor Disposal Area that had been completed earlier this year. Rich Chapin asked if there was a compilation of all historical TCLP data from the site. Joe Gowers said that the EPA could request that information. Rich Chapin said that comprehensive data tables are going to be important moving forward. Joe Gowers said that comprehensive data tables are generated for groundwater results as part of the groundwater monitoring reports, but comprehensive tables have not been developed for TCLP data since that data is usually used for offsite disposal purposes. Rich Chapin reiterated that it will be important to put together comprehensive data tables summarizing TCLP results moving forward. Rich Chapin said that the data should be critically

evaluated during the upcoming removal efforts to determine whose waste is being uncovered. Joe Gowers said that the EPA would look into it.

Robert Spiegel asked whether the EPA has been monitoring the DEP work being completed on the residential properties onsite. Joe Gowers replied that he has not been overseeing the work, but does plan to get out to the site in the near future. Robert Spiegel asked if Joe Gowers knew how long the work was supposed to last for. Joe Gowers replied that he does not know for sure, but he does know that it is being completed in components, and right now the subcontractor is mobilized to complete the surface soil sampling component of the work.

End of EPA Site Update.

8:00 PM – Wenke Taule then asked to go on record stating how much money the Borough has received to date for the sinkhole remediation and the displaced residents. Wenke said that \$238,000.00 had been given to the Borough in July 2006 for the sinkhole remediation, \$400,000.00 in February 2009 for the displaced residents, and \$204,000.00 in an old grant from the 1980s that was agreed to by the DCA to be used for both situations. Wenke Taule said that is a total of \$842,000.00, and the groups who were supposed to benefit from that money still have not received anything. Wenke Taule said that there was a lot of other money that came into Ringwood as well, but the money she had just outlined was specifically grant money. Robert Spiegel reiterated that John Speer will be sending a letter to the DCA requesting their presence at the next meeting.

Robert Spiegel asked if there were any other discussion items for the evening, and there were none.

Robert Spiegel set the date of the next meeting for January 25, 2011. Robert Spiegel asked Joe Gowers to ask the DEP to send the CAG an electronic update on the status of the residential properties investigation work. Joe Gowers replied that he would.

Wenke Taule added that she had forgotten to mention an \$180,000.00 DOT grant that the Borough had also received for the repair of Sheehan Drive.

Robert Spiegel thanked everyone for coming to the meeting that evening.

8:02 PM – Meeting adjourned.

Action Items for the January 2011 CAG Meeting:

1. The EPA will e-mail Rich Chapin ARCADIS evaluation of the amount of waste removed from the site. The EPA will review Rich Chapin's evaluation of the amount of waste disposed of onsite prior to the January meeting and present their findings at the January meeting.
2. The EPA will provide Robert Spiegel and/or Rich Chapin with the aerial photographs of the Saint George's Pit Area prior to the next meeting. Rich Chapin/Robert Spiegel will make copies of the photographs to distribute to the CAG at the next meeting, and will also return the EPA their copies.
3. Wenke Taule will bring a hard copy of the letter that was submitted to the DCA on behalf of the Mann's to the next CAG meeting to keep in the CAG files.
4. The CAG will provide Ken Petrone an electronic copy of Rich Chapin's comments to the Soil Investigation Work Plan for the Saint George's Pit Area.
5. The EPA will e-mail Rich Chapin a copy of their comments to the Soil Investigation Work Plan for the Saint George's Pit Area once they complete their review of the document.
6. Rich Chapin will provide the CAG with a brief summary of how his comments to the Soil Investigation Work Plan for the Saint George's Pit Area were addressed and how the field work went during the January meeting.
7. Rich Chapin will review the proposal for the removal actions in the New Miller Pit Area and send any comments to the EPA prior to the January meeting.
8. The CAG will review the draft Memorandum of Candidate Technologies, specifically the section related to the Peter's Mine Pit Area, and send comments to the EPA as soon as possible.
9. Joe Gowers will request that the NJDEP send an electronic update to the CAG summarizing the status of the residential properties investigation work.