



BOROUGH OF RINGWOOD

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VIA ELECTRONIC AND REGULAR MAIL

November 22, 2016

Walter Mugdan, Director Emergency and Remedial Response Division
United States Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Dear Mr. Mugdan:

As requested in your letter dated August 8, 2016, please accept this letter as a response on behalf of the Borough of Ringwood. Since your letter, much has occurred at the Ringwood Site, with the Citizen's Petition action (which you are aware was invalidated by Judge Caposela by order dated September 19, 2016, a copy of which was provided to you along with a copy of the transcript of the hearing held before Judge Caposela by the parties on September 16, 2016 containing Judge Caposela's reasoning behind his decision) and with additional investigation of the groundwater and surface water at the Site. Also, we have had several conference calls with you and the EPA Ringwood case team concerning these new events and data and how they relate to the Contingency Remedy for the O'Connor Disposal Area.

Most recently, the Borough Council held its regular monthly public meeting on November 17, 2016 where it provided its current position regarding the Contingency Remedy for OCDA. To date, the Council has consistently maintained its support of the Contingency Remedy for OCDA, including the Borough's commitment to construct, operate and maintain the new proposed recycling center atop the remediated OCDA as part of the Contingency Remedy selected by EPA as set forth in the EPA's April 15, 2015 Explanation of Significant Differences. However, in light of the 1,4 dioxane detections beginning in 2015, on May 17, 2016, the Council passed Resolution Number 2016-158 which stated that:

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NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Borough of Ringwood is hereby suspending any work regarding the Recycling Center until a complete investigation and understanding of the source of 1,4 dioxane has been determined; and

BE IT FURTHER RESOLVED that the Municipal Council of the Borough of Ringwood after reviewing the data investigation report with our professionals and the public only then will the Borough make a determination as to the path forward at the O'Connor Disposal Area.

The Council maintains its support for the Contingency Remedy at OCDA and consistent with the above resolution, wants to carefully consider the following new information and upcoming events:

1. EPA Fact Sheet dated November 9, 2016

The EPA issued a Fact Sheet on November 9, 2016 for the Site which stated in pertinent part:

“The results from Aug. 2016 sampling appear consistent with the results of previous sampling events. They show a similar distribution of benzene and 1,4 dioxane in groundwater at the site.”

“Although benzene and 1,4 dioxane continue to be detected, the levels do not present an imminent health threat as the water is not used for drinking.”

“In the Peter’s Mine Area, which had been previously identified as having 1,4 dioxane, an isolated sample showed an unusually elevated level of 1,4 dioxane. This sample was retested and determined to be an anomaly. The well will be sampled again soon to confirm this assessment.”

“The next round of sampling will be conducted in August 2017.”

This Fact Sheet was consistent with your prior statement in your August 8th letter that “As the EPA has previously stated, the concentrations of 1,4-dioxane detected at the Ringwood Mines site present no risk to human health or the environment.”

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2. Re-sampling of RW-3DD and OB-22

On November 9, 2016, EPA contacted Ford and requested that Ford re-sample for 1,4 dioxane only in RW-3DD (well downgradient of PMP Air Shaft that had “unusually elevated level of 1,4 dioxane” [152 ppb]) and OB-22 (upgradient of SR area entirely within OCDA that is upgradient of OB-17 which has consistently shown low double digits of 1,4 dioxane) which has not been sampled since 2011.

On November 18, 2016, Cornerstone submitted a letter report to EPA documenting the resampling of groundwater monitoring well RW-3DD, which showed 25.9 ppb of the 1,4 dioxane consistent with prior sampling events, further supporting their contention that the 152 ppb result in the August, 2016 was not representative of groundwater quality at RW-3DD. Cornerstone also reported that a sufficient sample from OB-22 and OB-23 was not possible due to the drought conditions for the past several months.

3. Soil Sampling and Testing for 1,4 dioxane at OCDA

On November 21, 2016, Cornerstone submitted to EPA a workplan for soil sampling and testing for 1,4 dioxane at OCDA to determine whether there is a source of 1,4 dioxane remaining within OCDA which is impacting OB-17. This work is expected to take 5 days in the field and can be scheduled upon EPA’s approval of the workplan. The Borough has advised that if a source of 1,4 dioxane is found within the OCDA that same should be excavated and disposed of off-site. The Council will not permit source material for 1,4 dioxane to be consolidated and remain under the cap of the Contingency Remedy.

4. EPA Public Meeting to Discuss Site-Related Groundwater

EPA has advised that they will conduct a public meeting in Ringwood to discuss Operable Unit 3, Site-Related Groundwater, including the draft Annual Report for Groundwater from the August, 2016 annual sampling event. EPA confirmed an informational meeting on December 6th at the Ryerson School in Ringwood.

At their meeting on November 17, 2016, the Council advised the public that in consultation with their environmental professionals, the Council sees no reason at present not to continue their support of the Contingency Remedy and the proposed recycling center at OCDA. However, the Council will await the outcome of the above-referenced events to make any final decision on the Contingency Remedy, including the EPA presentation on December 6th about the site-related groundwater and 1,4 dioxane issues. We expect this may occur during the first quarter of 2017.

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There has been no delay whatsoever in the remedial design work for OU-2, including the Contingency Remedy, or with the proposed new recycling center, despite all that has occurred in the past several months. We do not anticipate or see any reasons for any delay on the part of the Borough or Ford on this work continuing on schedule. The Council continues to maintain an open view to carefully and thoroughly consider and evaluate all information relevant to these very important environmental issues and will work to ensure protection for the health and safety of its residents and the environment.

Please feel free to contact me at (973 475 7101) if you have any questions.

Regards,



Scott Heck, C.P.W.M.
Borough Manager

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