

LEGAL NOTICE  
BOROUGH OF RINGWOOD  
COUNTY OF PASSAIC  
NEW JERSEY

Ordinance No. 2016-#06

PETITION (COMMITMENT TO FULL  
REMEDICATION OF O'CONNOR DISPOSAL  
AREA & THE CONTAMINATED WATER IN THE  
PETER'S AND CANNON MINES)

NOTICE is hereby given that Kelley Halewicz, RMC, Borough Clerk, certified the sufficiency of the above referenced Petition to the Municipal Council of the Borough of Ringwood pursuant to N.J.S.A. 40:69A-187 on July 19, 2016. The said Municipal Council shall conduct a public hearing on the said Petition and proposed Initiative Ordinance at a Special Meeting pursuant to Resolution Number 2016-187 of said Municipal Council of the Borough of Ringwood to be held on Tuesday, August 2, 2016 at 8:00 pm, or as soon thereafter as same can be considered at the Violet E. Bogert Municipal Annex, 60 Margaret King Avenue, Ringwood, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. Copies of said Petition and proposed Initiative Ordinance are available for inspection to the members of the general public who request same or may be inspected at the office of the Municipal Clerk during regular business hours.

KELLEY HALEWICZ, RMC  
BOROUGH CLERK

1t: Sunday, July 24, 2016  
Fees: \$  
The Bergen Record & The Suburban Trends

**PETITION (COMMITMENT TO FULL REMEDIATION OF O'CONNOR DISPOSAL AREA & THE CONTAMINATED WATER IN THE PETER'S AND CANNON MINES)**

To the Municipal Clerk and the Council of the Borough of Ringwood, Passaic County, New Jersey:

We, the undersigned, registered voters of the Borough of Ringwood, Passaic County, New Jersey, hereby propose the "Commitment to Full Remediation of the O'Connor Disposal Area and Contaminated Water in Peter's and Cannon Mines" ordinance, consisting of three (3) pages (2 double sided pages and 1 single sided page), which is annexed hereto and made part hereof, under the power of initiative granted to voters of the Borough of Ringwood by N.J.S.A. 40:69A-184 et seq. If this ordinance is not passed by the Borough Council within the time prescribed by N.J.S.A. 40:69A-184 et seq., the undersigned voters hereby demand that the same be submitted to the electorate for a vote at a general election in accordance with N.J.S.A. 40:69A-184 et seq., with the question to be put to the voters in this manner:

Shall the "Commitment to full Remediation of the O'Connor Disposal Area and the Contaminated Water in Peter's and Cannon Mines" ordinance, duly submitted by petition to the Borough of Ringwood, which includes, among other provisions, requiring the Borough to: (a) comply with the "selected remedy" involving removal of fill for offsite disposal from the O'Connor Disposal Area, as set forth in the Record of Decision issued June 30, 2014 by the United States Environmental Protection Agency (the "EPA"), and to actively support the full remediation of the contaminated water in the Peter's and Cannon Mines; (b) withdraw the request to the EPA seeking permission to construct, or permit or otherwise support the construction of, a new recycling center upon the O'Connor Disposal Area and to work with the community to find appropriate uses for this area; (c) exhaust all avenues in seeking an exemption to liability for the contamination at the Superfund Site under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); (d) exhaust all avenues to help ensure that Ford Motor Company, the polluter solely responsible for the toxic material at the Ringwood Mines/Landfill Site, is held fully responsible under CERCLA for the remediation and cleanup of the Ringwood Mines/Landfill Site; (e) pursue all available grant funding to defray any portion of the cleanup costs for which the Borough may be responsible, and actively seek maximization the amount paid by the Borough's insurance carriers in connection with such cleanup costs; and (f) commit to keeping Borough residents informed of the status of all of the foregoing items.

Be it Enacted by the Borough of Ringwood, Passaic County:

**PREAMBLE**

WHEREAS, the Ringwood Mines/Landfill Superfund Site, as identified by the United States Environmental Protection Agency ("EPA") (hereinafter "the Ringwood Superfund Site") is the site of many thousands of tons of contaminants, toxic materials, paint sludge, and other dangerous substances (collectively, the "Contamination"), due to the actions of Ford Motor Company; and

WHEREAS, the Contamination has had a significant adverse impact on many residents of the Borough, and has greatly affected members of the indigenous Ramapough Lenape Indian Nation, a Native American tribe recognized by the State of New Jersey, whose community has been located within the land now comprising the Superfund Site for generations, and since well before the Contamination was present; and

WHEREAS, the EPA, in its Record of Decision dated June 30, 2014 (the "ROD") specified that its preferred remedy for the O'Connor Disposal Area is "removal of fill for off-site disposal" resulting in the full remediation of the O'Connor Disposal Area, with the contaminants removed therefrom, citing such remedy as providing "the greatest level of protection of human health and the environment" (ROD, p. 52); and

WHEREAS, the contingency remedy of consolidating the contamination and placing an impermeable or permeable engineered cap on the O'Connor Disposal Area (the "O'Connor Capping Remedy") "will result in hazardous substances, pollutants, or contaminants remaining above levels that allow for unlimited use and unrestricted exposure" (ROD, p. 5) and is therefore insufficient to best ensure the long-term health and well-being of the community; and

WHEREAS, the EPA's acknowledgement of the O'Connor Capping Remedy as a potentially acceptable land use for the O'Connor Disposal Area was contingent upon the proposed change of use of the O'Connor Disposal Area by, and at the specific request of, the Borough of Ringwood, to become a restricted area upon which a recycling center would be required to be constructed, which change is unnecessary and fails to provide the greatest level of protection of human health and the environment; and

WHEREAS, Ford Motor Company is the most appropriate responsible party pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), and the Borough should reasonably be eligible for an exemption from CERCLA liability, due to the nature of its acquisition of portions of the Superfund Site owned by the Borough via tax foreclosure; and

WHEREAS, the water emanating from Peter's and Cannon Mines is contaminated with many dangerous chemicals and substances, including but not limited to arsenic, benzene, lead, 1,4 Dioxane, which chemicals have been detected at various levels and in various combinations in the surface water and groundwater at the Ringwood Superfund Site at various times since testing therefor began in the 1980s, and which surface water ultimately flow into the Wanaque Reservoir, which provides the drinking water for over 2 million New Jersey residents; and

WHEREAS, the Borough of Ringwood is located upon the Highlands Basin Sole Source Aquifer, which supplies water to the Borough's municipal wells, which provide drinking water to the residents of the Borough; and

WHEREAS, the contaminated water from Peter's and Cannon Mines poses a potential threat to the Highlands Aquifer and consequently to the Borough's municipal wells.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ringwood, in the County of Passaic, and State of New Jersey as follows:

#### **10-1 COMMITMENT TO FULL REMEDIATION OF THE O'CONNOR DISPOSAL AREA**

The Borough and its representatives will commit to supporting and, to the full extent of the Borough's control, implementing a full remediation of the O'Connor Disposal Area in accordance with the EPA's selected remedy as set forth in the Record of Decision dated June 30, 2014, including but not limited to the removal of substantially all contaminants therein and thereupon.

#### **10-2 WITHDRAWAL OF REQUEST TO PERMIT RECYCLING CENTER**

The Borough will withdraw its request to the EPA to allow or otherwise permit the capping of the O'Connor Disposal Area in order to allow for the building of a recycling center thereupon, and shall not allow or permit such future use of any portion of the Superfund Site which is not consistent with the EPA's preferred remedy for the O'Connor Disposal Area.

#### **10-3 CHANGE IN USE AND ZONING: FUTURE LAND USE**

The Borough will coordinate with the community, including members of the indigenous Ramapough Lenape Indian Nation, a Native American tribe recognized by the State of New Jersey, who have lived within the area now comprising the Ringwood Superfund Site for generations, to plan future land use that is consistent with the requirement for "unlimited use and unrestricted exposure", as specified by the EPA in the ROD, and is therefore consistent with the current zoning of the O'Connor Disposal Area as residential.

#### **10-4 PURSUIT OF CERCLA EXEMPTION FOR BOROUGH**

The Borough will actively pursue an exemption from liability pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 et seq., which efforts shall include, but not be limited to, the hiring of appropriate and experienced independent experts to facilitate the process, cooperation with all requests made by the EPA for additional information or actions to facilitate the granting of such exemption, and providing and publicizing any information the Borough has in its files or at its disposal which would evidence such exemption (limited only to the extent such information is properly classified as privileged).

#### **10-5 PURSUIT OF ACCOUNTABILITY FOR FORD MOTOR COMPANY**

The Borough will actively seek for Ford Motor Company to be held accountable pursuant to CERCLA for its dumping of toxic waste at the Ringwood Superfund Site. Such efforts shall include, but not be limited to, the hiring of appropriate and experienced independent experts to facilitate the process, cooperation with such experts and the EPA in achieving the identification of Ford as a responsible party, and providing and publicizing any information the Borough has in its files or at its disposal which would assist in proving such liability (limited only to the extent such information is properly classified as privileged).

#### **10-6 PROTECTION OF GROUNDWATER AND RESERVOIRS**

The Borough will continually fulfill its responsibility to its resident as well as to the Highlands Act and the millions of New Jersey residents who rely on the Borough for their water supply, by actively pursuing the full remediation of the contaminated water in the Peter's and Cannon Mines.

#### **10-7 PURSUIT OF GRANTS AND INSURANCE COVERAGE FOR REMEDIATION COSTS**

(a) The Borough will actively pursue the identification of, and application for, all appropriate grants and other programs which could assist in defraying the cost of the Superfund Site cleanup, to the extent any such costs are properly deemed to be the responsibility of the Borough.

(b) The Borough will actively pursue the maximum amounts of coverage and/or reimbursement, as applicable, from each of the Borough's insurance carriers providing coverage relating to the Ringwood Superfund Site, to the extent that any such costs are properly deemed to be the responsibility of the Borough.

#### **10-8 ACTIVELY PROVIDING INFORMATION TO THE COMMUNITY REGARDING STATUS OF SUPERFUND SITE**

The Borough shall provide and publish all information regarding the status of the Superfund Site including but not limited to its progress toward satisfaction of the mandates contained in this Article X (limited only to the extent that such information is properly classified as privileged), on the Borough website and in hard copy on file at Borough Hall. Such information shall be available to all Borough residents and other interested parties, which information shall be provided within a reasonable time after the Borough's receipt of such information.

#### **10-9 SEVERABILITY AND EFFECTIVENESS**

If any sentence, section, paragraph or provision of this Ordinance, or the application of any such provision to any person or circumstance(s), shall be held invalid, or if by legislative action any sentence, paragraph or section of the Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance, which shall remain in full force and effect.

#### **10-10 REPEALER**

All ordinances or portions of ordinances which are inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such inconsistencies.

**10-11 EFFECTIVE DATE**

This Ordinance shall become effective twenty (20) days following the earlier to occur of (a) final adoption thereof by the Borough Council of the Borough of Ringwood, or (b) the date on which the passage of this Ordinance as a public question is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.