



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

November 28, 2016

Scott Heck, Borough Manager
Borough of Ringwood
60 Margaret King Avenue
Ringwood, New Jersey 07456

Dear Mr. Heck:

Thank you for your letter of November 22, 2016, responding to my letter of August 8, 2016, in which I requested that the Borough make a definitive decision about whether it will move forward with the proposed recycling center on the O'Connor Disposal Area (OCDA) portion of the Ringwood Mines Superfund site. Your November 22 letter does not indicate that a definitive or final decision has been made, leaving EPA to interpret your intentions and take steps to ensure that this important cleanup is not delayed.

Your November 22 letter includes the following three specific statements expressing the Borough's continued commitment to the recycling center and the Contingency Remedy¹ for the OCDA:

"To date, the [Borough] 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...." *Page 1.*

"The Council maintains its support for the Contingency Remedy at OCDA...." *Page 2.*

"[T]he Council sees no reason at present not to continue their support of the Contingency Remedy and the proposed recycling center at OCDA." *Page 3*

The EPA is interpreting these three statements to represent a clear commitment to the recycling center and Contingency Remedy. However, your November 22 letter includes some equivocation, associated with the Council's concerns about the presence of 1,4-dioxane in some monitoring locations at the site. Your letter states that the Council will await the outcome of four

¹ The Contingency remedy is described in EPA's June, 2014 Record of Decision (ROD) and April, 2015 Explanation of Significant Differences (ESD).

events to make a final decision on the Contingency Remedy. These are:

1. EPA's Fact Sheet of November 9, 2016. As you note in your November 22 letter, this fact sheet was consistent with EPA's prior statements that the concentrations of 1,4-dioxane detected at the Ringwood Mines site do not present a risk to human health or the environment.
2. Re-sampling of monitoring wells RW-33D and OB-22. Your letter correctly notes that resampling of RW-33D has occurred, and the result is consistent with the earlier conclusion that the one reported 152 ppb result from the August, 2016 sampling event was not representative. As you also note, due to drought conditions there is currently not enough water in the OB-22 well to take a sample. The EPA does not expect that to change in the near future.
3. Soil sampling and testing in a certain portion of the OCDA. You note that Ford has proposed to sample soil in an area of the OCDA immediately up-gradient of OB-17. The EPA has approved Ford's proposed work plan for this sampling. Weather permitting, the sampling will be carried out in December, with results available by about late January, 2017.
4. EPA's informational public meeting scheduled for December 6.

The first two of these events have already occurred, and therefore present no further basis for delay. The EPA informational meeting on December 6 will not provide any new information that the Council does not already have. Only the soil sampling has the potential to provide the Council with any additional information about 1,4-dioxane in the OCDA. Please note that, based on data we have now, the EPA thinks it somewhat unlikely that a discrete source of 1,4-dioxane will be discovered, the excavation of which would quickly eliminate the presence of that contaminant in the OB-17 monitoring well. On the contrary: even if a source is located for which excavation is an appropriate action, it could take many months or years for us to detect the beneficial effects of such excavation on the levels in the down-gradient OB-17 monitoring well.

While we will certainly review the soil sampling data when we receive it,² EPA's position is unchanged: the concentrations of 1,4-dioxane identified in the OB-17 monitoring well (and elsewhere at the site) present no risk to human health or the environment. The Contingency Remedy will be fully protective of human health and the environment.

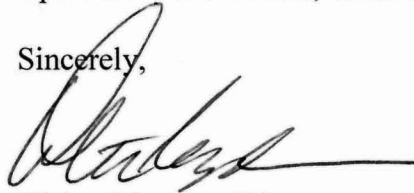
While your November 22 letter confirms that the Borough is still committed to the Contingency Remedy, that position is not characterized as the Council's "final decision." If the Council's final decision were to result in a change of position the cleanup would be delayed. In order to address that possibility, the EPA will require that design of the Contingency Remedy continue without interruption, *and* that the parallel design of the underlying excavation remedy also now resume. Design of both alternatives was initiated pursuant to administrative orders EPA

² EPA will, of course, continue to review all environmental data collected at the site. Groundwater monitoring is expected to continue into the foreseeable future, and EPA will always evaluate such data to confirm that site conditions are protective of human health and the environment.

issued to Ford and the Borough in October, 2014. After EPA issued its April, 2015 ESD the design of the excavation remedy was halted.

EPA will now require that the design of the excavation remedy resume until such time as the Council makes an unequivocal final decision. This parallel design work will provide the Council with the additional time it seeks to consider the results of the forthcoming soil sampling work in a portion of the OCDA, while avoiding further delay of the eventual cleanup work at the OCDA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter Mugdan', written over a horizontal line.

Walter Mugdan, Director
Emergency & Remedial Response Division

cc: Joe Gowers, U.S. EPA Region 2, Emergency & Remedial Response Division
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