

RESOLUTION NO. 98-18

BY: COUNCILMEMBER *Fahoury*

WHEREAS, the New Jersey Department of Environmental Protection (hereinafter "NJDEP" has informed the Borough of Roselle Park of overdue submissions in connection with Program Interest (hereinafter, "PI") #007699; Roselle Park Public Works; and,

WHEREAS, NJDEP has advised that such submissions include reporting on the Initial Receptor Evaluation, Site Investigation, Remedial Investigation, and Remedial Action reports; and,

WHEREAS, the Borough of Roselle Park has been informed by NJDEP that submittal delinquencies have triggered direct NJDEP oversight of site remediation operations; and,

WHEREAS, in light of information received by NJDEP, the Borough of Roselle Park wishes to express its willingness to enter into an adjusted Administrative Consent Order (hereinafter, "ACO") and readiness to fulfill all compliance measures associated with site investigation and remediation through its site-specific Licensed Site Remediation Professional, Langan Engineering & Environmental Services (hereinafter, "LSRP") including:

1. Submit a Public Participation Plan for PI #007699 to NJDEP no later than March 31, 2018
2. Submit a Cost Estimate for a Remedial Action Outcome for PI #007699 to NJDEP no later than April 30, 2018; and,

WHEREAS, the Borough of Roselle Park acknowledges that the above captioned activities shall be funded by existing, encumbered grant monies awarded and received from of the NJDEP's Hazardous Discharge Site Remediation Fund as permitted by NJDEP; and,

WHEREAS, the Borough of Roselle Park acknowledges that the outcome of the Cost Estimate report conducted by the LSRP will result in the NJDEP's expectation that the Borough of Roselle Park is to submit and certify, no later than May 30, 2018, as to the availability of funds to conduct remedial activities associated with PI #007699.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby acknowledge the above captioned requirements and expectations from NJDEP, and agree to enter into an adjusted ACO for remedial activities associated with the site of PI #007699; and,

BE IT FURTHER RESOLVED that Langan Engineering & Environmental Services, 2700 Kelly Road, Warrington, Pennsylvania 18976, the site LSRP, shall utilize existing, encumbered funds awarded to the Borough of Roselle Park through the NJDEP's Hazardous

Discharge Site Remediation Fund to create and submit a "Public Participation Plan" and "Cost Estimate," as noted herein, associated with PI #007699; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign all documentation in furtherance of PI #007699 site compliance with standards promulgated and directed by NJDEP.

ADOPTED: March 8, 2018

I hereby certify that the foregoing resolution was adopted by the Council on March 8, 2018.



Andrew Casais, RMC
Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOKANSON						
PETROSKY			✓			
SHIPLEY			✓			
FAHOURY	✓		✓			
CONNELLY		✓	✓			
NEGRON			✓			
DeLORIO			✓			
ON CONSENT AGENDA			YES	✓ NO		

LANGAN ENGINEERING & ENVIRONMENTAL SERVICES

2700 Kelly Road
Warrington, Pennsylvania
(T) 215-491-6500 (F) 215-491-6501

CONTRACT FOR NJDEP COMPLIANCE SUPPORT SERVICES

DATE: 6 March 2018

REVISED: —

SERVICES DESCRIPTION: NJDEP Compliance Support Services

CONTRACT: 19 June 2014, Resolution 133-14 Site Investigation and LSRP Services, Roselle Park Department of Public Works Yard, Roselle Park, NJ

PROJECT NO. 200071501

TO: Mr. Andrew Casais, Borough Clerk, Roselle Park, New Jersey

STATEMENT OF WORK:

This proposal has been prepared to provide New Jersey Department of Environmental protection (NJDEP) Site Remediation Program (SRP) compliance support services for the Department of Public Works (DPW) Yard Site located in the borough of Roselle Park, New Jersey. Currently, Roselle Park is out of compliance with regulatory and mandatory remediation timeframes to complete remedial investigation (RI) and remedial action (RA) tasks related to the release of petroleum hydrocarbons in 1994 from underground storage tanks (USTs). Based on the telephone discussion between Langan Engineering and Environmental Services, Inc. (Langan), the NJDEP and Roselle Park on 27 February 2018, the NJDEP is requiring Roselle Park to submit a Public Participation Plan (PPP) and a cost estimate and schedule to complete a Response Action Outcome (RAO) for identified impacted media affected by this release to satisfy SRP compliance requirements. The submission and approval of these deliverables will satisfy the requirements of an adjusted Administrative Consent Order (ACO) and will provide Roselle Park a pathway to satisfy SRP compliance requirements and avoid direct oversight of the case by the NJDEP.

Per subsequent email communication from Sandra DeSantis of the NJDEP SRP Bureau of Enforcement and Investigation, the Department has established 1 March 2018 as the initiating date for the SRP compliance timeframe to submit a PPP and RAO budget estimate and schedule to satisfy the requirements of an adjusted ACO. Accordingly, Roselle Park has 30 days (29 March 2018) from that date to submit a PPP and 60 days (30 April 2018) to submit a cost estimate and schedule to the NJDEP to complete tasks necessary to obtain an RAO for media impacted by the documented petroleum release in 1994. The scope of work proposed herein and summarized below is to develop and submit a PPP to the NJDEP and develop a detailed cost estimate and schedule to satisfy SRP requirements for an RAO related to the tank release within the stated timeframes.

SCOPE OF SERVICES:

Public Participation Plan

Langan will coordinate with Roselle Park to develop and submit a PPP to the Bureau of Case Assignment and Initial Notice (BCAIN) no later than 29 March 2018. The submitted PPP will be site-specific, commensurate with site conditions and the level of public interest in the site, but remain flexible to accommodate ongoing changes in community concerns. The PPP will articulate how Roselle Park will solicit public input regarding the Site and include the following components:

- A summary of site operations, conditions and remedial activities completed to date;
- Creation of a mailing list of neighbors within 200 feet of the site and other interested parties;
- A draft notification letter that will be sent to the mailing list;
- Contact info for Roselle Park and the LSRP;
- A specific request for public comment within a 30 day comment period (following PPP approval and notification letter distribution); and
- A statement indicating how remedial documents will be shared (i.e., electronically upon request or placed in a depository).

The NJDEP Public Participation Plan Guidance (Version 1.0) is attached and contains additional details about the PPP requirements.

This task assumes preparation of a draft PPP for Roselle Park's review and participation in a conference call with Roselle Park to finalize the document for submittal to NJDEP.

RAO Budget and Schedule Development

Langan will coordinate with Roselle Park to develop and submit to BCAIN a budget estimate and schedule to complete all tasks, as applicable, to submit an RAO for identified impacts related to the documented release of petroleum products at the Site in 1994. The budget and schedule will be submitted to BCAIN for review no later than 30 April 2018. The cost estimate and schedule will include the following tasks:

- Complete Site Investigation (SI) activities and submit a Site Investigation Report (SIR), including an ecological evaluation and applicable forms and supporting materials, for the Site;
- Complete and submit a Receptor Evaluation (RE) for the Site;
- Complete the remedial investigation (RI) of soil and groundwater and submit a Remedial Investigation Report (RIR) along with all applicable forms and supporting materials;
- Develop a remedial action (RA) strategy to remediate impacted media to applicable standards, if needed, and submit a Remedial Action Workplan (RAW) along with all applicable forms and supporting materials;
- Implement necessary remedial actions and submit a Remedial Action Report (RAR);
- Prepare and submit a Response Action Outcome (RAO);
- Requisite LSRP services; and
- NJDEP fees.

ASSUMPTIONS AND EXCLUSIONS:

Please note, this proposal is to develop and submit the PPP and to estimate the budget and schedule to complete requisite SI/RI/RA and associated activities and does not include costs to complete the work described herein.

PROPOSAL COST:

This additional work will be invoiced on a time and expense basis not to exceed \$9,500.

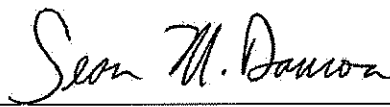
ATTACHMENTS:

NJDEP Public Participation Plan Guidance Version 1.0, September 2016.

LANGAN is prepared to proceed with the scope of work immediately following authorization.



Agreement Authorized By: Andrew Casais, Roselle Park



for Langan: Sean M. Damon, LSRP Langan



New Jersey Department of Environmental Protection
Site Remediation and Waste Management Program

Direct Oversight

Public Participation Plan Guidance

The public participation plan required for sites that are subject to Direct Oversight must be submitted to the Department for approval pursuant to the Administrative Requirements for the Remediation of Contaminated Sites - N.J.A.C. 7:26C-14. Approval will be conditioned upon the plan being site-specific, commensurate with site conditions and the level of public interest in the site, and remaining flexible to accommodate ongoing changes in community concerns. For example, a contaminated site located in an industrial area may not need as comprehensive a public participation plan as one in a residential area, which has an off-site ground water plume that involves vapor intrusion sampling. In other words, a one-size-fits-all approach is not appropriate when preparing a public participation plan.

When developing the public participation plan, a critical factor to evaluate is the likelihood of, or the actual, impact to off-site properties. Experience has shown that heightened community concern in the form of public health and property value questions arise when there is off-site migration of contamination. The public participation plan is an opportunity to provide basic site information and solicit community input in advance of requesting access to conduct investigation activities or potable well or vapor intrusion sampling. Informing the public early allows the person responsible for conducting the remediation (PRCR) and their Licensed Site Remediation Professional (LSRP) to deliver a message that is clear and consistent. Engaging in public dialogue allows the PRCR/LSRP to learn of community concerns and to adjust planned remedial activities accordingly, thus avoiding complications and delays.

The PRCR and their LSRP should use their knowledge of the existing site conditions and experience working in the neighborhood to develop a public participation plan that is appropriate for the individual site and community affected or potentially affected by the site. In addition, to assess the level of public interest the PRCR/LSRP should conduct interviews with local municipal and health officials. They should also inquire as to the existence and level of concern of any community and environmental organizations and conduct interviews with them, accordingly.

- To summarize the Public Participation Plan should:
 - Be site-specific.
 - Meet the ongoing needs of the community in which the site is located.

- Include a strategy for soliciting public comment concerning the remediation from the members of the surrounding community.
 - Be as rigorous as necessary to reflect the level of public concern and severity of site conditions and be proactive in nature to allay concerns.
- At a minimum the plan should include:
 - Establishing and maintaining a mailing list. The list should include:
 - Owners and tenants within 200 feet of the property boundary; and
 - The municipal clerk of each municipality in which the site is located; and
 - The county health department and the local health agency; and
 - Local news media interested in receiving information about the site, if applicable; and
 - Names from sign-in sheets from any public meeting regarding the site; and
 - NJDEP, Office of Community Relations.
 - All correspondence to the public should include:
 - A history of the site operations that caused contamination.
 - A description of the site conditions including the source, type and extent of the contamination.
 - A description of the remedial activities undertaken thus far, currently underway and planned for the future, with a schedule.
 - Contact information for the PRCR and the LSRP.
 - An explicit statement that the PRCR is soliciting public comment via a 30-day public comment period.
 - An explicit statement that comments will be considered and will receive a written response. The PRCR and their LSRP can choose to prepare a response summary and make the summary available to the public instead of preparing individual responses.
 - A description of how the public should submit comments:
 - To the PRCR or LSRP.
 - Via hardcopy or email.
 - An explicit statement that the PRCR and their LSRP will provide electronic copies of remedial documents, upon request. The PRCR and their LSRP may choose to make remedial documents and the public notification letters available by establishing an electronic repository. If so, the notification letter should include a web address for the electronic repository and a statement as to how members of the public who do not have computer or internet access can request documents.
 - Notification letters should be sent to the mailing list within 45 days of plan approval.
 - Letters should be sent using the Certificate of Mailing Service provided by the US Postal Service, or other certification that provides proof of mailing.

- A copy of the letter and proof of mailing should be provided to the Department within 45 days of mailing.
- Notification letters should be updated and resent to the mailing list in advance of any major remedial milestones including:
 - Completion of Remedial Investigation
 - Completion of Remedial Action Workplan (can be combined with completion of Remedial Investigation if timing coincides).
- In the event that a substantive change to site conditions, remedial approach, or impact to receptors is identified, additional letters may be necessary.
- Following the issuance of a Response Action Outcome (RAO), a notification letter should be sent to the mailing list informing the public that the RAO was issued. The RAO notification letter is informational only without a request for public comment.
- The PRCR/LSRP should establish a local or electronic repository for all the above correspondence and appropriate major remedial documents.
- The PRCR/LSRP must develop a Response Summary and distribute copies of the summary to all parties who provide comment, the information repositories and the DEP site file.
- The Public Participation Plan should be flexible and allow for additional public participation in the event that the level of public concern increases.
- In the event of substantial public participation related to the off-site migration of contamination, notification letters should be sent to property owners and tenants within 200 feet of the known extent of contamination.
- If additional public participation is necessary, it can be in any combination of:
 - Public Information Session/Meeting
 - Attending meetings of the local governing body
 - Briefings for local, county or state or elected officials or community groups
 - Webpage
 - News Releases
 - Community Interviews
 - Interviews with environmental organizations, such as Environmental Commission.
 - Telephone Hotlines
 - Fact Sheets
 - Workshops
 - Exhibits
 - Other, based on the needs of the specific community.
- Appropriate local and health officials should be notified that a public meeting would be held upon their request, in the event that the level of public participation warrants a public meeting.

Please note: if in the judgement of the PRCR/LSRP one of the listed option above better fits the needs of the community than the letter(s) described above, the PRCR/LSRP is encouraged to submit a public participation plan that describes how the method selected is best suited to the site and surrounding community.

Additional resources about developing and implementing a public participation or involvement plan:

<http://www.mass.gov/eea/agencies/massdep/cleanup/sites/preparing-a-public-involvement-plan.html>

<https://www.epa.gov/superfund/community-involvement-tools-and-resources>

RESOLUTION NO. 99-18

BY: COUNCILMEMBER Fahoury


WHEREAS, Resolution 84-18 was adopted to accommodate Girl Scouts' participation in the processes of the governing body at the Regular Meeting of Thursday, March 15, 2018; and,

WHEREAS, due to a scheduling conflict the Girl Scouts have informed the Borough Clerk that they cannot participate in the Thursday, March 15, 2018 Regular Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby rescind Resolution 84-18 and restore regular order of the agenda, pursuant to the By-Laws of Mayor and Council, at the Regular Meeting of March 15, 2018.

ADOPTED: March 8, 2018

I hereby certify that the foregoing resolution was adopted by the Council on March 8, 2018.


Andrew Casais, RMC
Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
HOKANSON						
PETROSKY			✓			
SHIPLEY			✓			
FAHOURY	✓		✓			
CONNELLY		✓	✓			
NEGRON			✓			
DeLORIO			✓			
ON CONSENT AGENDA			YES	✓ NO		