



OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Public Liaison Report

Environmental Justice Concerns and Communication Problems Complicated Cleaning Up Ringwood Mines/Landfill Site

Report 2007-P-00016

April 2, 2007



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Abbreviations

Borough	Borough of Ringwood, New Jersey
CIC	Community Involvement Coordinator
CRP	Community Relations Plan
EPA	U.S. Environmental Protection Agency
Ford	Ford Motor Company
NJDEP	New Jersey Department of Environmental Protection
NPL	Superfund National Priorities List
OIG	Office of Inspector General
PRP	Potentially Responsible Party
RPM	Remedial Project Manager

Cover photo: Warning signs at one of the sludge removal areas at the site (taken by OIG staff in August 2006).



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

Three members of the New Jersey congressional delegation requested that the Office of Inspector General “conduct an investigation into the history and continued inadequate characterization and remediation of the Ringwood Mines/Landfill Superfund site.” This report addresses whether environmental injustice exists and if EPA employed effective community relations. Environmental justice is fair treatment and meaningful involvement of all people in implementing environmental laws.

Background

About 500 acres around the Ringwood mines became a Superfund site in 1983 because of dumped hazardous paint sludge. Paint sludge was removed several times, and the water was being monitored, so EPA deleted it from the list of such sites in 1994. Cleanup activities at the site resumed after residents reported finding more paint sludge in 2004.

For further information, contact our Office of Congressional and Public Liaison at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2007/20070402-2007-P-00016.pdf

Environmental Justice Concerns and Communication Problems Complicated Cleaning Up Ringwood Mines/Landfill Site

What We Found

We did not find evidence to indicate that the U.S. Environmental Protection Agency’s (EPA’s) actions or decisionmaking to investigate or remediate environmental conditions at the Ringwood Mines/Landfill site were affected by the area’s racial, cultural, or socioeconomic status. However, residents living near the site continue to believe they were unfairly treated because of their racial makeup and socioeconomic status. Several residents believe their health was adversely affected by exposure to site contamination. Ringwood residents said that multiple cleanups at the site beginning in 1987, and a lack of effective communication with EPA Region 2, contributed to this perception. Additionally, residents believe that EPA is pursuing the current activity because of outside pressures. Region 2 plans to address environmental justice concerns by cleaning up the site.

Problems with communications and relationships impeded effective cooperation between EPA and residents. Although Region 2 has increased its community relations efforts at the site, the new community relations plan being prepared must address these impediments.

What We Recommend

We recommend that the Regional Administrator, Region 2:

- Address the Ringwood community’s perception of unfair treatment and concerns regarding completely cleaning up the site by ensuring that the new Record of Decision includes a detailed comparison of current and prior site investigations and cleanups.
- Prepare and implement a new community involvement plan for the Ringwood site.
- Help the community correct the deficiencies in the Community Advisory Group so its meetings are regularly held and productive.
- Increase communication with the community about Region 2 efforts to ensure that the Ford Motor Company properly performs the correct work at the site.

Region 2 concurred with our recommendations.




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

April 2, 2007

MEMORANDUM

SUBJECT: Environmental Justice Concerns and Communication Problems
Complicated Cleaning Up Ringwood Mines/Landfill Site
Report No. 2007-P-00016

FROM: Eileen McMahon 
Assistant Inspector General for Congressional and Public Liaison

TO: Alan J. Steinberg
Regional Administrator
Region 2

This is our final report on the subject review conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). Congressman Frank Pallone, and Senators Frank Lautenberg and Robert Menendez of New Jersey requested in March 2006 that we conduct the review. This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and the findings contained in this report do not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established resolution procedures.

The findings in this report are not binding in any enforcement proceeding brought by EPA or the Department of Justice under the Comprehensive Environmental Response, Compensation, and Liability Act to recover costs incurred not inconsistent with the National Contingency Plan.

The estimated cost of this report – calculated by multiplying the project's staff days by the applicable daily full cost billing rates in effect at the time – is \$254,713.

Action Required

In accordance with EPA Manual 2750, you are required to provide this office with a written response within 90 days of the date of this report. You should include a corrective action plan for agreed-upon actions, including milestone dates. We have no

objections to the further release of this report to the public. This report will be available at <http://www.epa.gov/oig>.

If you or your staff have any questions, please contact me at 202-566-2391; or Paul McKechnie, Product Line Director for Public Liaison, at 617-918-1471 or mckechnie.paul@epa.gov.

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Chapter 1

Introduction

Purpose

We conducted this review in response to a request dated March 3, 2006, from three members of the New Jersey congressional delegation: Congressman Pallone, Senator Lautenberg, and Senator Menendez. They requested that the Office of Inspector General (OIG) review various issues concerning the actions of the U.S. Environmental Protection Agency (EPA) at the Ringwood Mines/Landfill Superfund site in Ringwood, New Jersey. This review addresses the following two objectives.

- Did racial, cultural, or socioeconomic factors at Ringwood have any bearing on timely investigating and remediating environmental concerns at the Ringwood site?
- How effective were Region 2's community relations activities at the Ringwood site?

The OIG (Office of Program Evaluation) will issue a separate report on EPA oversight of site cleanup efforts, remedy selection, and conditions which resulted in relisting the site on the Superfund National Priorities List (NPL).

Background

From 1967 into 1971, waste material from the Mahwah, New Jersey, factory of the Ford Motor Company (Ford) was deposited in the Borough of Ringwood, New Jersey, in and around the shafts of abandoned iron ore mines that had operated from the 1700s through the 1930s. The waste materials included car parts, solvents, and paint sludge. A subsidiary of Ford had purchased 800 acres of this land in 1965, with the intention of developing it. However, the development plans were not approved.

In 1970, Ford donated about 300 acres of the area to the Borough of Ringwood (Borough), specifically to the Ringwood Solid Waste Management Authority. On part of this land, the Borough started a municipal landfill in 1972. The landfill was closed in 1976, at the request of the New Jersey Department of Environmental Protection (NJDEP).

Figure 1. Paint sludge around a tree.



Source: Photo taken by OIG staff in August 2006.

Testing by NJDEP in 1982 found that groundwater and surface water in the area were contaminated with volatile organic compounds, lead, and arsenic. This testing led to EPA adding the Ringwood Mines/Landfill site (Ringwood site or site) to the NPL in 1983. The NPL is a list of the most serious hazardous waste sites in the United States identified for possible long-term cleanup. The Ringwood site consists of approximately 500 acres in a block of land about one-half mile wide and one and one-half miles long. It consists of rugged forest

areas, open areas overgrown with vegetation, abandoned mine shafts and surface pits, an inactive landfill, an industrial refuse disposal area, a municipal recycling area, the Ringwood maintenance garage, and about 50 private homes.

EPA has the legal authority to identify potentially responsible parties (PRPs) linked to the site and negotiate settlements with PRPs for site cleanup work or to issue administrative orders directing them to do so. In 1984, through EPA enforcement actions and the oversight of staff from EPA's Region 2, Ford started investigating the contamination of the Ringwood site as a PRP, and in 1987, removed 7,000 cubic yards of surficial paint sludge containing lead and arsenic from four areas. In September 1988, the Acting Regional Administrator for Region 2 decided, via a Record of Decision, to require long-term monitoring of surface water and groundwater at the site, as well as confirmatory soil sampling in areas where sludge and soil were removed. Additional paint sludge and other debris were removed in 1990. In 1993, Region 2 concluded the requirements had been met to delete the site from the NPL. The State of New Jersey concurred with the decision to delete the site from the NPL. The Ringwood site was deleted from the NPL in 1994. Ford later removed additional paint sludge from the site in 1995 and 1997, in response to requests from residents and the Borough.

In 2004, the local community alerted EPA to the presence of additional paint sludge at the Ringwood site. Ford and the Borough are re-investigating the site under the oversight of an EPA Region 2 Remedial Project Manager (RPM), based on EPA enforcement actions dated September 2005. Ford is identified as the performing party. Thus, Ford is also removing additional paint sludge from several locations at the site. Some of these locations were next to the sites of earlier removal actions. As of July 2006, 16,000 tons of paint sludge and soil had been removed. In addition, New Jersey agencies are overseeing the possible

remediation of residential properties or the relocation of residents related to the Ringwood site. Effective October 2006, the Ringwood site was again added to the NPL.

Scope and Methodology

We performed this review in accordance with Government Auditing Standards, issued by the Comptroller General of the United States, except that we limited our review of management controls and compliance to those directly relating to the issues identified in the congressional request.

We performed our work from June 2006 through November 2006. As part of our work, we interviewed EPA employees in the Region 2 Office of Regional Administrator, the Public Affairs Division, and the Emergency and Remedial Response Division; NJDEP employees of the Environmental Justice Program; eight current or former residents who lived on or near the Ringwood site (site residents); several consultants for the residents; and officials of the Borough. To perform this review in a timely manner and still comply with the requirements of the Paperwork Reduction Act, we limited the number of interviews conducted. However, to offset this limitation, we held two open meetings in Ringwood during October 2006, to obtain more information from the community about community relations and environmental justice. Approximately 55 people came to these meetings, and 30 people spoke during the sessions. Those who attended included site residents, consultants for the site residents, residents living elsewhere in the Borough (Borough residents), Borough officials, other elected officials, a representative of an environmental organization, and residents of nearby communities.

Besides talking to people, we toured the Ringwood site with staff from Region 2 and other organizations. We also reviewed documents provided by those who spoke to us, documents from Region 2's site files for the Ringwood site, documents in the Ringwood site information repository at the Ringwood Public Library, and information obtained through the Internet, particularly the Websites of EPA and the Websites specifically for the Ringwood site. In a few cases, we relied on information obtained by the other OIG team working on the Ringwood congressional request. Finally, we obtained information related to the Ringwood site from EPA's financial management system.

We issued a draft report to the Regional Administrator of Region 2 on February 12, 2007. The Assistant Regional Administrator for Policy and Management responded in a memorandum dated March 16, 2007. This memorandum is attached as Appendix A. The Region 2 official concurred with all of the recommendations, and cited actions the Region has taken to start implementing two of the recommendations. The response also provided several factual corrections and suggested content revisions. We revised the report as we considered appropriate, and discuss some of these items at the end of Chapters 2

and 3. In addition, the Region's response requested that we change the title of the report so it would be neutral, reflecting the subject of the review. We did not do so because it is OIG procedure that the report title should reflect our position on the matter under review.

Chapter 2

Ringwood Residents Have Environmental Justice Concerns

Contrary to the strong opinions expressed by Ringwood site residents, we found no evidence that EPA's actions or decisionmaking were affected by the area's racial, cultural, or socioeconomic status. We did find that in 1984, EPA Region 2 did not take the actions needed to foster a feeling among the residents that EPA was committed to protecting their health and the environment. Additionally, the residents believe that outside pressures have caused the latest cleanup initiative. Region 2's past interactions with Ringwood residents, together with the fact that EPA is back for the fifth time in 20 years to clean up the site, have contributed to the residents' feelings of mistrust.

No Evidence of Discrimination

Based on our extensive review of site files and interviews, we did not find evidence that Region 2 discriminated against Ringwood site residents. Of the seven people we interviewed who currently live on the site, six indicated their heritage included American Indian (i.e., the Ramapough Mountain Indians), African American, or both. These are considered minority populations. Six indicated their household income could be categorized as lower income. Information provided by the Borough Manager supported the characterization of the neighborhood as lower income. He indicated that 560 people are living in 44 homes there, or an average of 12 people per home. Also, the assessed values of homes in the neighborhood of the site are lower than for the Borough as a whole: an average of \$68,000 versus \$180,000.

Racial and socioeconomic factors did not appear to have any bearing on EPA efforts to clean up the Ringwood site. One Region 2 supervisor involved with the earlier cleanup efforts at the site said that he was aware some of those living at the site were members of the Ramapough Mountain Indian community. He said the fact that they were members of a minority community had no effect on the work that EPA needed to do at the site. He added that Agency staff did not treat them differently. He explained that it was EPA's job to clean up the site regardless of who lived there, and even if no one lived there.

Region 2 Actions Contributed to Perception of Unfair Treatment

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to developing, implementing, and enforcing environmental laws, regulations, and policies. Seven individuals, though, who spoke at our public availability session and included two residents we had previously interviewed, felt that the Ringwood site would have been cleaned up more timely and effectively if the site had been located in a nonminority, more affluent neighborhood. Of the current residents we interviewed or who provided comments at our public availability sessions, most felt they had not been treated fairly by EPA for varying reasons. First, EPA performed previous cleanups of the site, but it is still contaminated. Second, during earlier cleanups of the site, EPA did not communicate formally with the residents. Third, residents believe outside pressure is forcing Region 2's current actions.

Five Cleanup Actions Required

EPA is conducting a fifth cleanup action at the Ringwood site, because all contamination was not identified and removed during the previous four cleanups. A brief summary of the prior four cleanup actions follows:

- Beginning in October 1987, Ford excavated and removed 7,000 cubic yards of paint sludge containing lead and arsenic from the surface of four areas of the site.
- Additional paint sludge was discovered at the O'Connor Disposal Area of the site in October 1989, and in January 1990, drums of waste material were discovered there. As a result, 51 drum remnants and 727 tons of additional paint sludge were removed. In 1992 and 1993, geophysical surveys and test pit work were conducted in the area, but no additional barrels or hazardous substances were discovered.
- In 1995, residents notified Borough officials that more paint sludge was at the site. Ford removed five cubic yards of paint sludge from a residential property.

Figure 2. Removal activity at SR-3 (sludge removal area 3), just north of the O'Connor Disposal Area.



Source: Photo taken by OIG staff in August 2006.

- In December 1997 and January 1998, an additional 30 cubic yards of paint sludge and soil were removed from the hillside adjacent to the O'Connor Disposal Area.

Lack of Communication During Original Cleanup

While the Superfund program was relatively new at the time, Region 2 staff were required to establish an effective dialog with the community during the original cleanup of the Ringwood site. When the Region did not effectively communicate with the community, the residents began to mistrust EPA and believed they were not being treated fairly. We discuss problems regarding EPA communications and community relations at the Ringwood site further in Chapter 3.

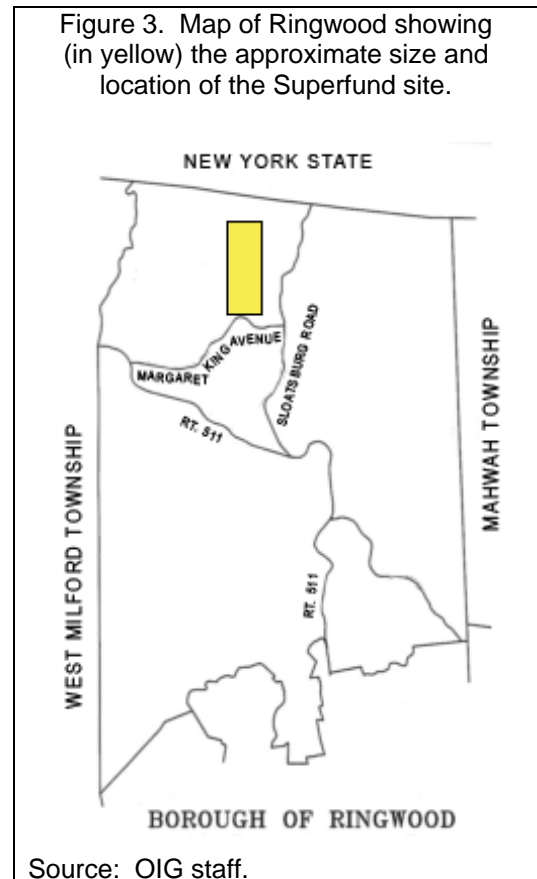
Many Believe Outside Pressure Was Needed for Current EPA Actions

According to many individuals whom we interviewed or who spoke at our public availability session, not only has EPA not cleaned up the site, but also it is not voluntarily doing so now. These individuals believed that EPA would not have taken the current actions without outside pressure. They believed EPA responded to various sources of pressure, including pressures from elected officials, residents' lawyers, environmental groups, and the media.

Ringwood site residents are sensitive to the manner in which they are treated. The Borough covers an area of more than 25 square miles. Yet several facilities are concentrated in the same area around the Ringwood mines. This includes a landfill (now closed), a recycling center, the Borough maintenance garage, and radio and power line towers. In the 1990s, the area was a proposed site for a power plant and a chemical company.

Site Residents Believe Health Was Adversely Affected

Several residents believe their health, or the health of family members or neighbors, was adversely affected by exposure to contamination at the site. For the adults, this exposure has now



lasted 40 years, that is, since 1967. Four people gave us examples of such health problems.

In May 2006, the New Jersey Department of Health and Senior Services completed a public health assessment and concluded that the Ringwood site posed a public health hazard because exposure to paint sludge and soil may continue to occur at levels of health concern. The report also noted a higher proportion of children with elevated blood lead levels compared to the rest of the Borough. However, the overall incidence of cancer was not elevated. The report recommended that an exposure investigation be conducted because of the potential for exposure to metals from paint sludge and contaminated soils at the site. However, in a June 2006 letter, attorneys representing some Ringwood residents indicated that they had advised their clients not to participate in interviews or physical exams requested by the Agency for Toxic Substances and Diseases Registry, due to ongoing litigation regarding the Ringwood site. The lawyers proposed an alternative method to provide information on their clients' past and current medical condition.

In May 2006, EPA Region 2 issued a draft environmental justice assessment which concluded that Ringwood was an adversely impacted area based on a report issued by the Agency for Toxic Substances and Diseases Registry in 1989. The report concluded that the Ringwood site posed a potential health concern because of the risk to human health that could result from possible exposure to hazardous substances at levels that may result in long term adverse health effects. However, the Region indicated that because of the current limitation of localized health information about the community resident population, it could not satisfactorily distinguish the area from other communities to perform a comparative assessment to determine if environmental injustice occurred or exists. The Region indicated that to make such a determination it needed to conduct a refined environmental justice assessment, including cumulative and risk assessments, when localized health data on the residents have been collected by the State of New Jersey and a comparable "reference" community is identified.

Region 2 Plans to Address Concerns by Cleaning Up the Site

Region 2 believes that cleaning up the Ringwood site will be the most effective way to address any concerns or perceptions regarding environmental injustice. Regional staff informed Ringwood site residents that they plan to effectively clean up the site this time. This intention appears to be supported by the Agency's relisting of the site on the NPL. However, residents doubt the Agency's abilities to do so, considering EPA's past cleanup efforts at Ringwood. Residents cited concerns that all sludge and debris may not have been identified; limited monitoring of streams flowing into the Wanaque Reservoir was occurring; and there was a lack of testing of local wildlife and plants, some of which are consumed by site residents.

Region 2's RPM for the Ringwood site said that testing for waste disposal areas has been extended to areas not previously surveyed, additional monitoring wells are being installed, and testing wildlife and plants began in October 2006. On January 30, 2007, EPA, together with Federal and State health agencies, held a public information session to discuss results of the EPA's biota study at the Ringwood site; about 50 people attended the session. On March 9, EPA released the initial results of its study of deer from the Ringwood site. Recently collected deer from off the site are being analyzed. According to a Region 2 official, additional wildlife, including wild turkeys, rabbits, and squirrels, will be collected and analyzed; they plan to present these findings to the public later this spring.

While the Region plans to address environmental justice concerns by cleaning up the site, we believe the Region can take additional action to alleviate these concerns. When the current investigation of the site is completed, Region 2 will consider options for cleaning up the site. The remedy the Region selects will be documented in a Record of Decision. According to a Region 2 official, a Record of Decision routinely includes a summary of prior investigation and cleanup actions. And any future Record of Decision issued for the Ringwood site will discuss all prior investigation and cleanup actions implemented at the site and demonstrate why the selected cleanup action, once implemented, will protect human health and the environment. We believe the new Record of Decision should not just summarize the prior actions, but provide a detailed comparison of the current and prior investigations and cleanup actions. We believe such a detailed comparison will better address residents' concerns about the scope of the current cleanup.

Recommendation

We recommend that the Regional Administrator, Region 2:

- 2-1 Address the Ringwood community's perception of unfair treatment and concerns regarding completely cleaning up the site by directing his staff to ensure that the new Record of Decision includes a detailed comparison of current and prior site investigations and cleanups.

Agency Response and OIG Comments

In the response to the OIG draft report, the Assistant Regional Administrator for Policy and Management concurred with the above recommendation, and suggested replacing the description of the recommendation in the "At a Glance" section of our report with the actual recommendation. We concurred and revised the final report accordingly.

The Region's response also indicated that although New Jersey health officials noted that children living near the Ringwood site had higher levels of lead in their

blood than children in other parts of the borough, only one child in the study had an elevated level in his/her blood that was possibly related to paint sludge from the Ringwood site.

According to the New Jersey Public Health Assessment, 909 Ringwood children were tested for blood lead between July 1999 and October 2005. Of these children, 45 lived in the Ringwood Mines area (“Focus Area”); 861 lived in other areas of Ringwood (“non-Focus Area”); and 3 lacked sufficient address information to determine residential location.

The study noted that although most children had a blood lead level below 10 µg/dL, there appeared to be slightly higher levels in the distribution of blood lead levels in the Focus Area children, which could have resulted from the relatively small sample size or could indicate that the children had slightly more exposure to lead in the environment than non-Focus Area children.

The Ringwood Health Department followed up on two Focus Area children whose blood lead levels exceeded 10 µg/dL and determined that the elevated level for one child was attributed to potential exposure to lead in paint sludge, while for the other child the likely cause was lead paint during home renovation. However, the New Jersey Public Health Assessment also noted that if 1,000 children had been tested, the rate of elevated blood level for non-Focus Area children was 8 children per 1,000, while the rate for Focus Area children was 44 children per 1,000.

The Region’s response also indicated that Upper Ringwood was an adversely impacted area solely as a result of it being part of a Superfund site. However, as noted on pages 8 and 9 of this report, the Region’s environmental justice assessment concluded that the site exhibited an adverse health effect on the Ringwood Mines community based on a report issued by the Agency for Toxic Substances and Diseases Registry in 1989. This report concluded that the Ringwood site posed a potential health concern because of the risk to human health that could result from possible exposure to hazardous substances at levels that may result in long term adverse health effects.

Chapter 3

Region 2 Must Overcome Impediments to Good Community Relations

Despite recent efforts by Region 2 staff to increase communications with residents, three factors impede good relations. First, during earlier cleanups of the Ringwood site, Region 2 staff missed opportunities to establish a good relationship with the community by not promptly developing a community relations plan in 1984, and then not updating it in the early 1990s to reflect changes in the situation. Second, there are concerns about EPA's relationship with Ford, the performing potentially responsible party (PRP) for the site. Third, other legal concerns are also impacting communications. Specifically, the site residents' lawyers want communications with some site residents to go through them, and the Borough's status as a PRP complicates communications with Borough officials. For an effective working relationship with the community, the new community relations plan for the Ringwood site must address the current impediments.

At most sites, the success of community involvement has a direct impact on the success of the overall cleanup.

Source: April 2002 *Superfund Community Involvement Handbook*

Region 2 Did Not Promptly Establish Community Relations

Despite requirements to the contrary, the Region 2 community relations staff did not become involved in site activities until 1988 - 5 years after the site was listed on the NPL and shortly before the remedy was selected for the site. Earlier dialog with community members might have laid a foundation for good relations, perhaps leading to locating and removing more contamination during the original site cleanup; according to one of the site residents, they have pointed out half of the areas that are now being cleaned up.

In September 1983, EPA added the Ringwood site to the NPL. According to EPA's May 1983 *Superfund Community Relations Policy*, the objectives of the Superfund community relations program are to:

- gather information about the community in which a site or incident is located,
- inform the public of planned and ongoing actions,
- give the public the opportunity to be involved in decisionmaking, and
- focus and resolve controversy.

For all Superfund-financed cleanup actions, the policy stated EPA regional offices must develop a community relations plan (CRP). The CRP is a management and

The RPM is the overall project manager with responsibility for everything that occurs at the site. The Community Involvement Coordinator is responsible for advising the project manager on required community involvement activities and recommending activities that will ensure the community has every opportunity to be involved. Involvement by all members of the Site Team in community involvement planning and implementation activities ensures integration of community involvement in the cleanup process and furthers public participation.

Source: April 2002 *Superfund Community Involvement Handbook*

planning tool which outlines the specific communications activities to be used during a Superfund response and the integration of these activities with the technical work at a site. The Remedial Action Master Plan for a site must include a community relations assessment with steps needed to prepare the CRP.

EPA drafted a Remedial Action Master Plan for the Ringwood site in August 1983. It included the required community relations assessment. The first item in the

assessment was to identify community concerns by interviewing local officials and community members. It did not include the required schedule for completing the community relations plan.

Seven months after the Remedial Action Master Plan was prepared, Ford became responsible for cleaning up the site. Since the cleanup was led by the PRP, it was no longer a Superfund-financed action. Consequently, EPA's 1983 policy did not apply, so the Region 2 staff may have considered a CRP unnecessary. Effective February 1986, the requirements changed; for cleanup actions at NPL sites, including enforcement actions, a CRP must be implemented before field activities start. However, the Region 2 staff did not immediately start preparing the CRP for the Ringwood site.

The interviews needed to prepare the CRP were performed in early 1988. They were conducted by a member of the Region 2 Office of External Affairs and an EPA contractor. In Region 2, the community relations staff are not part of the Superfund program division. The CRP for the Ringwood site was issued in July 1988. The delay from 1983 to 1988 in preparing the CRP was not explained in the site files, although we found documents dated 1985 and 1986, informing Region 2 staff of potential community relations problems at the site and urging them to prepare a CRP. These documents came from staff in the New Jersey Department of Environmental Protection.

Although community relations staff were not involved until 1988, Region 2 technical staff were involved. There was little evidence that the Region 2 technical staff informed the community about site activities. We found two handouts about site activities dated before the July 1988 CRP: February 1984 and October 1987. The latter announced the start of excavating and removing paint sludge. It was mailed to residents by local officials. The first public meeting with residents during that period was in August 1988, to discuss the options for

cleaning up the site. There was no evidence in Region 2's site files of any other meetings with residents.

The lack of evidence concerning communication with the community during the original cleanup was consistent with what community members told us. We interviewed eight people who were adults living in Ringwood at that time. Six of these individuals lived on or very near the site. None of the eight people recalled efforts by EPA to inform them about what was going on at the site. Three said they were unaware of the original cleanup activity. Five site residents said they did not know about the original cleanup until they saw trucks or workers at the site.

Community Relations Plan Did Not Change with the Situation

Region 2 staff did not re-evaluate community relations activity in 1992 and 1995 when community members brought additional concerns to their attention. The community issues and concerns identified in the 1988 Ringwood CRP were limited. Two local organizations, the Families of the Ringwood Mines and the Ringwood Neighborhood Action Association, expressed additional concerns about the site in 1992 and 1995, respectively. Although EPA's 1988 *Community Relations Handbook* indicates that a community relations plan should be revised if community attitudes change, the Region 2 staff have never changed the Ringwood CRP.

In a letter dated April 1992, a representative of the Families of the Ringwood Mines told the Region 2 project manager that the citizens living near the Ringwood mines were concerned about the possible health effects of the substances dumped at the mines. The letter noted the presence of noxious odors and vapors. This group apparently started collecting health information from community members. Because he was concerned about the issue, in June 1992 the Region 2 project manager requested that a fact sheet be prepared. A fact sheet dated July 1992 was prepared. It summarized the results of monitoring activities at the site. There was no evidence of other community relations activity concerning the matter.

In late February 1995, the president of the Ringwood Neighborhood Action Association informed the Borough Council that paint sludge remained at the Ringwood site despite two previous removal actions. After visiting the site, the health officer from the Borough contacted EPA about the sludge. The Region 2 project manager visited the site in April 1995, and promised to investigate further. There was no evidence of other community relations activity concerning the matter. These events in 1995 were similar to how the current cleanup actions at the site started.

EPA's Relationship with Ford Is Perceived As Inappropriate

Some Borough residents and officials, and others, perceive EPA's relationship with Ford to be inappropriate. According to them, Ford appears to be making the decisions about cleaning up the site, not EPA.

Several people, including site residents, their consultants, and Borough officials, expressed concern about the relationship between EPA and Ford (including Ford's technical consultant). They characterized the relationship between EPA and Ford in several ways, or combinations of ways, including that EPA:

- Protected or defended Ford, or let Ford off the hook.
- Let Ford make the decisions.
- Was lax, or not forceful enough, with Ford.
- Did not ensure that Ford's technical consultant performed adequately.

Some of these individuals also expressed concern about funding the cleanup if Ford backs out or goes bankrupt; this concern was cited as a possible reason for EPA being lax with Ford.

According to several people, the actions of the current Region 2 RPM contributed to their perception of an inappropriate relationship. Under the current settlement agreement between EPA and Ford, EPA (i.e., the RPM designated in the agreement) must approve the plans prepared by Ford, as well as the work performed. Thus, the RPM must work closely with Ford. At the same time, we believe the Region 2 staff must demonstrate to the community that they are directing this work, not Ford or its technical consultant. Some ways they may do this are as follows:

- When meeting with Borough residents, fully answer questions about work at the site in an open and direct manner, without referring to representatives of Ford or its consultant. According to a Region 2 official, their representatives answer the vast majority of questions, and refer questions to Ford or its consultant on the rare occasions EPA staff are unable to answer a specific comment. Despite these efforts, several Borough residents and officials believe the RPM does not fully answer some of the questions he addresses.
- Promptly convey testing results to the community, and explain the implications of these results to them. According to a Region 2 official, Region 2 releases data after the quality is verified, so it usually takes 21 days to process a sample. At the public meeting on July 25, 2006, Region 2 staff explained to the community why it takes longer for EPA to release results than it takes the site residents' consultant. Once Region 2 has the results,

though, the community wants them as soon as possible, along with what they mean.

- In the cover letter providing the site residents' representative with the monthly progress report, clearly explain in detail when and how upcoming site activity will impact the neighborhood. Although Region 2 staff have expanded distribution of these progress reports, apparently site residents (and, as discussed later, Borough officials) are not satisfied with their content. For example, according to the progress report for August 2006, in September 2006, Ford's consultant anticipated performing site-wide groundwater sampling. In the letter dated September 19, 2006, that conveyed this progress report to the community's representative, the RPM noted that Ford's consultant "will be collecting groundwater samples from all viable monitoring wells at the Site, starting on Monday, September 25, 2006." The RPM repeated this information in a letter to the site residents' representative dated September 21. Starting on October 3, and continuing for several days, a crew using large equipment that partially blocked a residential street performed work in the Ringwood site. Site residents were upset about this activity for several reasons, one of which was they believed no one had warned them about it in advance. Even with the RPM's notice, they had not connected this activity with the groundwater sampling.
- Inform the community when EPA approves plans for work at the site, highlighting the review EPA performed and any changes to the plan that EPA requested.

Other Legal Considerations Complicate Communication

EPA's communications with Borough residents and officials are impacted by two other issues, which are of a legal nature. First, lawyers representing past and present residents of the Ringwood site want contacts with the site residents coordinated through them. This sometimes slows efforts by Region 2 staff to meet with site residents. Second, site residents sometimes rely on Borough officials to inform them about site activities. These officials do not always know about the activities because, since the Borough is also a PRP, Region 2 staff must follow legal protocols in communicating with them.

Shortly after the RPM's site visit in April 2004, lawyers representing the site residents contacted the Region 2 staff. They asked Region 2 to keep them apprised concerning EPA's activities as they affect the residents, and to coordinate Region 2's contacts with these residents through them. According to the lawyers, the site residents had sought counsel "in large part due to EPA's 22-year record of failing to clean the contaminated site on which they reside, failing to protect their health, and failing even to speak to them." In January 2006, the site residents filed a lawsuit against Ford.

The Region 2 staff must take the lawyers' requests into account when dealing with site residents. According to a Region 2 official, they try to communicate with site residents as directly as possible while accommodating their needs for legal representation. However, accommodating the lawyers' requests sometimes delays meetings between the Region 2 staff and site residents. For example, according to the Community Involvement Coordinator (CIC) for the Ringwood site, she tried to set up a meeting with the site residents (and their lawyers) in March 2005. The meeting was not held until May 2005.

There is a communication network for the PRPs. It includes the Borough because in 1990, EPA formally notified the Borough that it was a PRP. A single person was identified in the enforcement orders to serve as the official contact for the PRPs related to the Ringwood site. The official contact is a Ford official. All technical matters must go through this person. Ford, therefore, is responsible for keeping the Borough informed about what is going on at the site on a day-to-day basis, not EPA. Each month, Ford's technical consultant prepares a summary on site activity. The Borough Manager receives these monthly reports. Thus, the Borough is regularly informed about site activity.

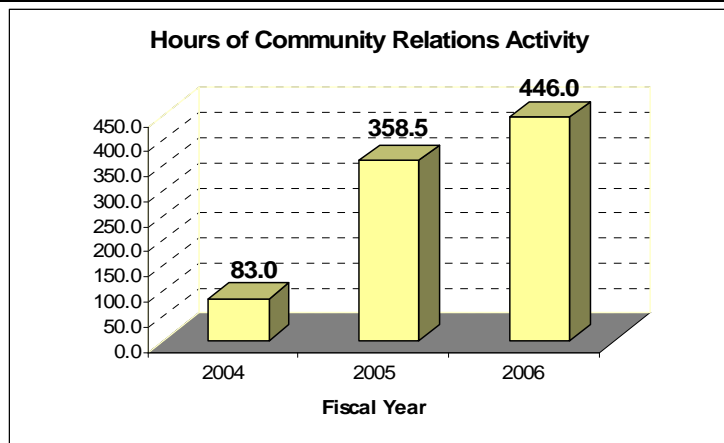
The Borough officials with whom we spoke believed they were not receiving enough information about site activities. When unexpected activity occurs at the site, some site residents contact Borough officials. The Borough officials do not always have information about the activity in question. The Region 2 RPM is aware of the concern about communication among the PRPs, and is working with Borough officials to resolve it. In addition, according to him, Region 2 sends a copy of all correspondence with residents to the Borough.

Continued Improvement in Communication Is Needed

The Region 2 community relations staff have increased interaction with site and Borough residents. Because of these efforts, some site residents believe communication has improved regarding their involvement in site activities. The new CRP being prepared for the Ringwood site must further a good relationship with site and Borough residents.

Since April 2004, when the Region 2 employee who later became the RPM for the Ringwood site toured the area with site residents, the Region 2 community relations staff have spent more time each year on community relations activities for the Ringwood site. In fiscal 2004, they spent 83 hours, in 2005 almost 360 hours, and in 2006 almost 450 hours. Most of the time in 2006 was performed by the CIC for the site. Of her time working on various Region 2 Superfund sites during 2006, she spent over a quarter on Ringwood.

Figure 4. Time Spent by Region 2 on Community Relations Recently Increased



Source: OCFO Reporting and Business Intelligence Tool

The increased effort on community relations activities is reflected by the number of contacts with site and Borough residents. Besides several meetings in 2004 and 2005, with just site residents and their lawyers, the Region 2 staff:

- held four larger-scale public information meetings with those interested in the site;
- helped site residents create a Ringwood Community Advisory Group (CAG), which then met four times;

- arranged for the Regional Administrator for Region 2 to visit Ringwood in October 2005 and January 2006;
- prepared six handouts about activities at the site; and
- established a Website for the Ringwood site in addition to the EPA Website and a Website maintained by Ford.

Some of the site residents who spoke to us believed EPA is now doing a better job keeping them informed and involved.

Several setbacks have occurred in the recent relations between the EPA staff and the residents. For example, although the CAG started off with monthly meetings, none were held since March 2006, and the reason they were discontinued is in dispute. One resident said the EPA staff no longer wanted them; the EPA staff contend a community lawyer requested the CAG meetings stop. Also, several people who attended community or CAG meetings told us some of the meetings degenerated because of conflicts between participants. Despite the improved communications, some site residents told us they believe the EPA staff are not always open, frank, or timely in letting them know about site activities.

Changes Needed to Community Advisory Group

As noted earlier, the Region 2 staff helped the site residents form a CAG. A CAG is intended to be a public forum for community members to present and discuss

their needs and concerns related to the Superfund decisionmaking process. Thus, a CAG seems appropriate for the Ringwood site. However, the CAG

A community with a high level of interest and concern about remedial activities or significant environmental justice concerns related to the site should be a strong candidate for a CAG.

Source: April 2002 *Superfund Community Involvement Handbook*

meetings, and some of the other Ringwood site meetings, were variously described in interviews as degenerating or deteriorating, out of control, shouting matches between EPA staff and residents, awful dynamics, and the community was hostile. This must be reversed if the CAG is to be a successful forum.

When the Ringwood CAG was established, it was not given enough form to function effectively. According to EPA guidance, each CAG should develop a mission statement describing the CAG's specific purpose, scope, goals, and objectives. Each CAG also should develop a set of procedures to guide day-to-day operations. CAG members may select a chairperson from within their ranks and determine an appropriate term of office. The primary functions of the CAG chairperson are to conduct CAG meetings in a manner that encourages open and constructive participation by all members; to ensure that all pertinent community concerns are raised for consideration and discussion; and to attempt, whenever possible, to achieve consensus among CAG members. If meeting facilitation is needed, it is preferable to use someone from the community with facilitation experience or a professional meeting facilitator. A neutral facilitator is particularly effective at sites where some controversy is anticipated.

The Ringwood CAG was missing several of the above attributes. It does not have a mission statement or operating procedures. The duties of a chairperson were not defined, nor was a chairperson selected. Also, given the poor relationships of those involved, a meeting facilitator is needed. These deficiencies should be corrected.

A New Community Relations Plan Is Being Prepared

According to the CIC for the Ringwood site, Region 2 plans to prepare a new CRP for the site. Under EPA's current guidance, the April 2002 *Superfund Community Involvement Handbook*, such plans are now called community involvement plans. One must be prepared after a site is listed on the NPL. The community involvement plan should identify the community's issues, needs, and concerns, and identify specific activities, outreach products, or programs EPA will use to address the community's concerns. The *Handbook* identifies a variety of communication strategies and techniques that can be used by the RPM and CIC to ensure the community is informed about, and involved in, site activities. For example, it states:

Person-to-person interaction is necessary for the community to get to know Site Team members and vice versa. Personal interactions, either by telephone or in person, contribute more to the development of trust and cooperative working relationships than any other form of outreach. Availability sessions, public meetings, workshops, and TV or radio appearances work well.

As noted earlier, the Region 2 staff have initiated personal interaction at the Ringwood site. Much more such interaction will be needed because many site residents believe the Region 2 staff are not open and frank with them about site activities. They based this belief on a variety of incidents in which the Region 2 staff seemed to evade questions, or did not provide information in a timely manner. In fact, a few site residents do not acknowledge that communications have recently improved.

The community involvement plan for the Ringwood site should be promptly drafted, thoroughly discussed with residents and Borough officials, and quickly implemented. We believe it should include multiple avenues of communication, especially personal interaction. According to a Region 2 official, they plan to address re-establishing the CAG in the new community involvement plan, and they have already begun work on this plan.

Recommendations

We recommend that the Regional Administrator, Region 2, direct his staff to:

- 3-1 Prepare and implement a new community involvement plan for the Ringwood site.
- 3-2 Help the community correct the deficiencies in the Community Advisory Group so its meetings are regularly held and productive.
- 3-3 Increase communication with the community about Region 2 efforts to ensure that Ford properly performs the correct work at the site.

Agency Response and OIG Comments

In the response to the OIG draft report, the Assistant Regional Administrator concurred with the above recommendations. Concerning the factual corrections and revisions requested, we generally agreed and changed the report accordingly. One comment was about a statement in the OIG draft report that the April 1992 letter from the Family of the Ringwood Mines mentioned that State authorities had determined that the residents' drinking water was contaminated. Although the statement was correct, we deleted it because the 1988 Record of Decision confirmed that the residents receive water from a municipal water supply.

Regarding EPA's relationship with the PRP, Region 2 indicated in its response to our draft report that regional staff have interacted with Ford and its contractors according to all EPA regulations and guidance for dealing with a PRP at a Superfund site. The Region added that while there are variations in the Region's relationships with PRPs from site to site, the Region's relationship with Ford at Ringwood is typical for a Superfund site of this complexity.

Regarding the CAG, the Region's response noted that the Region had secured the services of a professional facilitator for the CAG.

Regarding the community involvement plan, Region 2 indicated in its response that regional staff conducted several interviews for the new plan on March 2 and March 13, 2007.

Regarding the Agency's oversight of the PRP, Region 2's response noted that since 1983, EPA issued five administrative orders to Ford, requiring Ford to perform various investigatory and cleanup actions at the site.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date	Claimed Amount	Agreed To Amount
2-1	9	Address the Ringwood community's perception of unfair treatment and concerns regarding completely cleaning up the site by directing his staff to ensure that the new Record of Decision includes a detailed comparison of current and prior site investigations and cleanups.	O	Regional Administrator, Region 2			
3-1	19	Prepare and implement a new community involvement plan for the Ringwood site.	O	Regional Administrator, Region 2			
3-2	19	Help the community correct the deficiencies in the Community Advisory Group so its meetings are regularly held and productive.	O	Regional Administrator, Region 2			
3-3	19	Increase communication with the community about Region 2 efforts to ensure that Ford properly performs the correct work at the site.	O	Regional Administrator, Region 2			

¹ O = recommendation is open with agreed-to corrective actions pending
 C = recommendation is closed with all agreed-to actions completed
 U = recommendation is undecided with resolution efforts in progress

Agency Response to Draft Report

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

DATE: March 16, 2007

SUBJECT: Region 2 Comments on OIG Draft Report - Ringwood Mines

FROM: Donna J. Vizian
Assistant Regional Administrator for Policy and Management

TO: Paul McKechnie
Office of Inspector General

EPA Region 2 welcomes the opportunity to comment on the Office of the Inspector General's draft report on the Ringwood Mines/Landfill Superfund site.

Region 2's responses to each recommendation in the draft report are as follows:

OIG Recommendation #2-1

"We recommend that the Regional Administrator, Region 2, address the Ringwood community's perception of unfair treatment and concerns regarding completely cleaning up the site, by directing his staff to ensure that the Record of Decision includes a detailed comparison of current and prior site investigations and cleanups to demonstrate how the current investigation and cleanup will differ from those conducted in the past."

Region 2 Response

Region 2 concurs. Any future Record of Decision issued for the Ringwood Mines site will discuss all prior investigation and cleanup action implemented at the site, and provide a comparison of the current and prior investigations and cleanup actions.

OIG Recommendation #3-1

"We recommend that the Regional Administrator, Region 2, direct his staff to prepare and implement a new community involvement plan for the Ringwood site."

Region 2 Response

Region 2 concurs. For additional information, please see the below section entitled "Update on Community Involvement Work."

OIG Recommendation #3-2

"We recommend that the Regional Administrator, Region 2, direct his staff to help the community correct the deficiencies in the Community Advisory Group so its meetings are regularly held and productive."

Region 2 Response

Region 2 concurs. Again, for additional information, please see the below section entitled "Update on Community Involvement Work."

OIG Recommendation #3-3

"We recommend that the Regional Administrator, Region 2, direct his staff to increase communication with the community about Region 2 efforts to ensure that Ford properly performs the correct work at the site."

Region 2 Response

Region 2 concurs.

Additionally, we are providing several factual corrections and suggested content revisions that we would like to see incorporated into the final version of the report.

Title of report draws an inaccurate conclusion

The title of the OIG's draft report, "Environmental Justice Concerns and Communication Problems Complicated Cleaning Up Ringwood Mines/Landfill Site," suggests that EPA's cleanup work at the Ringwood site has been affected by environmental justice or communication issues. The report, however, does not present any findings that EPA's daily cleanup efforts have been impacted by these issues. In addition, the title is a statement of a conclusion rather than a statement that conveys the subject of the report. We request that the OIG consider a new title for the report that more accurately represents its content. For example "A Review of Environmental Justice and Communications Efforts at the Ringwood Mines/Landfill Site," would more accurately describe the content of the report.

Record of Decision (ROD) recommendation

The OIG's recommendation for the new ROD in Chapter 2 (currently at the bottom of page 8) should replace the description of that recommendation in the "At a Glance" section as the language in Chapter 2 is more complete.

EPA's relationship with Ford

We agree with the OIG that EPA's relationship with Ford as a potentially responsible party (PRP) is an important issue at the Ringwood site. However, Chapter 3's presentation of EPA's relationship with Ford, which is based solely on perceptions of interviewees, does not reflect the reality of this relationship. Region 2 staff have interacted with Ford and its contractors according to all agency regulations and guidance for dealing with a PRP at a Superfund site, and it is imperative that the final report reflect this. Although there are variations in our relationship with PRPs from site to site, our relationship with Ford at Ringwood is typical for a Superfund site of this complexity. It should be noted that since 1983, EPA has issued five administrative orders to Ford, which require Ford's performance of investigatory and cleanup actions at the site. In fact, investigations are currently being conducted at the site by Ford's contractor pursuant to the requirements of a September 2005 administrative order. Furthermore, all work plans developed by Ford's contractor are subject to review and approval by EPA. To ensure compliance with the approved work plans, all fieldwork is overseen by the U.S. Army Corps of Engineers for EPA.

Update on community involvement work

EPA and federal and state health agencies held a public information session on January 30, 2007 to discuss results of the agency's biota study at the Ringwood site, which was attended by about 50 people. At that meeting, EPA also announced plans to conduct community interviews as part of its revised community involvement plan (CIP). Several interviews took place on March 2 and March 13 (please note, however, that as of today, none of the Upper Ringwood residents has agreed to be interviewed for the revised CIP). EPA has secured the services of a professional facilitator for the community advisory group. EPA also released the initial results of its deer study at Ringwood site on March 9 and is analyzing recently-collected deer from off of the site. Additional wildlife, including wild turkeys, rabbits and squirrels, will be continued to be collected and analyzed. We will likely present our findings to the public later this spring.

Factual corrections for the final report

- In the "At a Glance" section, the first item in the left column should specify that three members of the New Jersey congressional delegation asked the OIG to conduct this investigation.
- On page 2 of the draft, the second paragraph should be revised to reflect that in 1987, 7,000 cubic yards of superficial paint sludge and soil were removed from four areas of the site.
- On the same page, the OIG notes that Region 2 concluded the requirements had been met to delete the site from the NPL in 1993. The report should reflect that the New Jersey Department of Environmental Protection concurred with our findings.
- The photograph on page 5 is from the SR-3 removal area, not the O'Connor Disposal Area.
- The third paragraph on page 7 discusses a 2006 study by New Jersey health officials that noted children living near the Ringwood site had higher levels of lead in their blood than in other parts of the borough. Please note that only one child in the study had an elevated level in their blood that was possibly related to paint sludge from the Ringwood site.

- The last sentence in this paragraph notes that ATSDR recommended an exposure investigation be conducted. Please note that attorneys representing some Ringwood residents subsequently indicated in a June 2, 2006 letter that they had advised their clients not to participate in physical exams being coordinated by ATSDR, due to litigation concerns.
- The last paragraph on page 7 of the draft should mention that Region 2 concluded that Upper Ringwood was an adversely impacted area solely as a result of it being part of a Superfund site.
- The third full paragraph on page 11 mentions a 1992 letter where New Jersey state authorities determined Ringwood residents' drinking water to be contaminated. However, it is EPA's understanding that Upper Ringwood residents were connected to the municipal water supply during the 1980s, which was not contaminated.
- The report should discuss, perhaps in the "Other Legal Considerations Complicate Communication" section in Chapter 3, that New Jersey agencies are overseeing the possible remediation of residential properties or relocation of residents related to the Ringwood site.

If you have any questions, please let me know or contact John Svec at (212) 637-3699.

Distribution

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Audit Followup Coordinator, Region 2
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