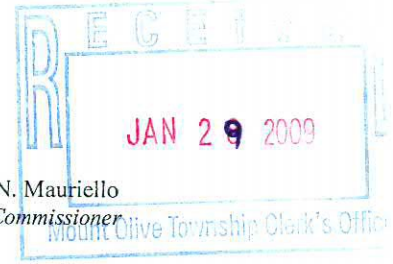




(C)

cc: Admin



JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Brownfields Remediation and Reuse
Northern Bureau of Field Operations
7 Ridgedale Avenue
Cedar Knolls, NJ 07927-1112
973-631-6401

Mark N. Mauriello
Acting Commissioner

January 27, 2009

Eugene Torres
118 Waterloo Road
Budd Lake, NJ 07828

NOTICE OF DEFICIENCY

Re: Remedial Action Report (RAR) Addendum for 29 Fire Tower Road
29 Fire Tower Road, Mount Olive, Morris County
PI # 447668
Incident # 07-05-02-1100-16
File # 14-27-245

Dear Mr. Torres :

The New Jersey Department of Environmental Protection (Department) acknowledges receipt on September 30, 2008 of the Remedial Action Report (RAR) addendum which addresses the items noted in the Department's May 28, 2008 letter. This documentation was submitted pursuant to the Memorandum of Agreement effective on September 7, 2007, the Spill Compensation & Control Act at N.J.S.A. 58:10-23.11 et seq. (Spill Act), and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

Deficiencies

The Department has completed its review of your submittal and identified the following deficiencies:

1. Description of Deficiency: Pursuant to N.J.A.C. 7:26C-3.3(a)3iii, failure to conduct remediation in accordance with N.J.A.C. 7:26E.
2. Description of Deficiency: Pursuant to N.J.A.C. 7:26E-2.1(a)13, failure to provide N.J.A.C. 7:26E-Appendix A laboratory deliverables, as specified.

Corrective Actions

To correct these deficiencies please take the following actions or make the required submittals within the timeframes indicated:

1. Comply with rule/regulation within 30 days after receipt of this notice as indicated below.
[N.J.A.C. 7:26C-3.3(a)3iii]

2. The laboratory data deliverables submitted to the Department were the reduced version; however, full data deliverables are required pursuant to N.J.A.C. 7:26E-2.1(a)13 for all potable well samples. The case manager forwarded the laboratory deliverables to the Office of Data Quality (ODQ) on October 28, 2008 and has attached ODQ's January 14, 2009 response to the submission. The Department also emailed the environmental contractor on January 8, 2009 and has not received a response (also attached). The laboratory shall be contacted and the data deliverables must be upgraded to full data deliverables. Comply with the requirement within 30 days after receipt of this notice by submitting to the Department the required full laboratory data deliverables. [N.J.A.C. 7:26E-2.1(a)13]

Please address the noted corrective actions by submitting the required full laboratory data deliverables within 30 days after receipt of this letter. Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department may terminate the MOA pursuant to N.J.A.C. 7:26C-3.3(c)2-4. Subsequent to MOA termination the Department may initiate enforcement action pursuant to the Spill Act.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet at <http://www.state.nj.us/dep/srp>. If you have any questions regarding this matter contact your **Case Manager, Amy DaSilva, at (973) 656-4433, or at amy.dasilva@dep.state.nj.us**, prior to the date indicated.

Sincerely,



Gloria Grant, Section Chief
Northern Bureau of Field Operations

Attachments

- c: Mount Olive Municipal Clerk
204 Flanders-Drakestown Road, PO Box 450
Budd Lake, NJ 07828
 - Mount Olive Health Department
204 Flanders-Drakestown Road, PO Box 450
Budd Lake, NJ 07828
 - CORE Environmental Services, LLC
74 Fredon-Marksboro Road
Newton, NJ 07860
 - David Norrie & Associates, Esq.
500 International Drive, Suite 125
Budd Lake, NJ 07828
 - Ms. Denise Torres
24 Mulberry Lane
Mount Arlington, NJ 07856
 - Current Residents
29 Fire Tower Road
Budd Lake, NJ 07828
- File # 14-27-245



State of New Jersey

Department of Environmental Protection

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

Site Remediation Program
Office of Data Quality
P. O. Box 413
Trenton, New Jersey 08625-0413
Phone: (609) 633-0752
Fax: (609) 292-0848

MEMORANDUM

TO: Amy DaSilva
Bureau of Northern Field Operations

THROUGH: Greg Toffoli, Section Chief
Joseph Sanguiliano
Office of Data Quality

FROM: Bridget Sweeney
Office of Data Quality

SUBJECT: Data validation of the **potable water** sampling event conducted at the **29 Fire Tower Road, Mount Olive Township** site on July 3, 2008.

Sample Reviewed

<u>Lab ID</u>	<u>Field ID</u>	<u>Sampling Date</u>
28070154-002	Well	7/3/2008

The Office of Data Quality has reviewed the above-mentioned **potable water** sample for Volatile Organics and Base Neutral Organics. Sampling and analyses were performed by Aqua Pro-Tech Laboratories according to USEPA Method 524.2 for Volatile Organics and 525.2 for Base Neutral Organics. Comments are provided below.

Volatile Organics and Base Neutral Organics

The data are conditionally rejected pending the receipt of a full deliverables data package. The laboratory supplied reduced deliverables as requested on the chain of custody document. Please contact the laboratory concerning this deficiency.

Please contact this office at 3-0752 if you have any questions concerning this review.

From: Amy DaSilva
To: core@ptd.net
Date: 1/8/2009 4:17:09 PM
Subject: 29 Fire Tower Road, Budd Lake

Mr. Pomerance,

Core Environmental sampled the potable well located at 29 Fire Tower Road in Budd Lake on July 3, 2008 (the former Torres residence). The laboratory data package for potable well sampling should be full deliverables; however, the reduced deliverables were submitted. If you could please contact the laboratory and have them upgrade the data package, the Office of Data Quality can resume their review of the laboratory data. Please call me at your earliest convenience. Thank you.

-Amy DaSilva