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State of New Jersey

Department of Environmental Protection

Jon S. Corzine  
Governor



Bureau of Underground Storage Tanks  
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P.O. Box 433  
Trenton, NJ 08625-0433  
Phone #: 609-292-8761  
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cc: Adm.  
DPA  
Plan.  
Bldg.

OCT 29 2009

Attn: Fred Mondì  
Bartley Chester Road, Inc.  
P.O. Box 173  
Flanders, NJ 07836

**NOTICE OF DEFICIENCY**

Re: Laidlaw Transit, Inc.  
Bartley Chester Road  
Mount Olive Township, Morris County  
SRP PI# 012131  
Activity Number Reference: USR000001  
Case #: 88-11-21-0100 BUST C2  
SEC #: 5  
Remedial Investigation Workplan Dated: *May 2009*

Dear Mr. Mondì:

The New Jersey Department of Environmental Protection (Department) acknowledges receipt on May 27, 2009, of the Remedial Investigation Workplan (RIW) which was submitted in regard to the above referenced site. The RIW was submitted pursuant to the Underground Storage Tank regulations at N.J.A.C. 7:14B (UST Rule) and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (Tech Rule). The RIW included proposals to complete the investigation of the historic discharges associated with the regulated USTs which were formerly used at the site, as well as proposals to complete a site investigation at several of the areas of concern (AOCs) that were identified during the preliminary assessment (PA) conducted at the site.

**A. Deficiencies**

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

1. *Failure to remediate a discharge pursuant to N.J.A.C. 7:26E.* Specifically, the RIW submitted for the site did not include proposals to adequately assess the AOCs which were identified in the May 2009 PA report.

- a. *Failure to conduct the Remedial Investigation of soil according to general technical requirements.* Specifically, the RIW did not propose to conduct a SI as per N.J.A.C. 7:26E for each AOC identified in the PA report at which it was determined a discharge may have occurred. Also, the location of proposed soil boring C1 is located upgradient of suspected sources for the contamination noted in MW-15 and, as such, may not yield adequate information regarding the source of dissolved phase chlorinated compounds identified in that well.
- b. *Failure to conduct a Remedial Investigation of ground water when required.* Specifically, the RIW did not include a proposal to collect a ground water sample at those AOCs which were designed to discharge or at those AOCs where a discharge of contaminants was noted. The presence of dissolved phase chlorinated compounds in ground water at the site from an unknown source necessitates going beyond the minimum of the Technical Regulations in regard to the SI requirements for these AOCs. As part of an acceptable SI for those AOCs that were identified in the PA as units that were designed to discharge and at those AOCs where a discharge of contaminants were noted, a ground water sample is required to be collected.

## **B. Corrective Actions**

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

1. Within **60 days** of receipt of this notice, submit a RIW Addendum which addresses the following issues:

- a. Submit an addendum to the soil sampling proposal which includes conducting SI soil sampling as per N.J.A.C. 7:26E-3 at the following AOCs:
- ▶ the former garage septic system.
  - ▶ the active garage septic system.
  - ▶ the floor drain system, including the collection areas and the associated piping.
  - ▶ the dry well (CDW1) which was the discharge point for the oil water separator.
  - ▶ that portion of the piping associated with the former heating oil tank which runs beneath the current building footprint.

Modify the location of proposed soil boring C1. A location closer to the building and east of MW-15 will yield better information regarding potential sources for the dissolved phase chlorinated compounds identified in this well. The proposed location is 20 + feet upgradient of any potential sources within the building.

- b. Submit an addendum to the ground water proposal to include the collection of ground water samples at locations appropriate to evaluate potential impacts to ground water from historic discharges associated with the garage septic systems, dry well CDW1, and discharges from the oil water separator. — A stated in **1.b.**, above, a ground water sample is required at each disposal unit which was designed to discharge waste water to the subsurface and at those AOCs at which a discharge of contaminants were noted.

### **C Miscellaneous**

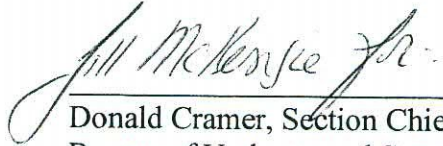
1. A review of the well logs for the site indicate that those wells which historically exhibited the highest dissolved phase contaminant concentrations were completed 10 – 20 feet deeper than the total depths of most of the existing site monitoring wells. Historic well MW-13 (total depth 60 feet below grade), current well MW-13R (total depth 51 feet below grade) and recovery well RW-1 (total depth 80 feet below grade) are examples of deeper wells exhibiting higher contaminant concentrations than the shallower site monitoring wells. In addition, the sustained drop in the water table from what was initially observed at the site in the early 1990's has affected the plume monitoring capabilities of those site wells which were installed to total depths of less than 50 feet below grade. An acceptable addendum to the ground water proposal required in **B.1.b.**, above, shall address this situation by including the installation of cluster wells in those areas where the current site wells are shallower than 50 feet in total depth.
2. The proposal to collect initial ground water samples, via an alternate ground water sampling technique, at those locations where delineation monitoring wells were required in the Department's Match 2009 NOD is acceptable as an initial ground water screening tool provided that the vertical distribution of the dissolved phase plume, as it is currently understood, is taken into account when determining the depths and number of intervals at which ground water sample collection will occur at each point. An acceptable addendum to the ground water proposal required in **B.1.b.**, above, will consider this issue and will discuss how this issue will be addressed.

Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department will consider them to be violations and may assess penalties pursuant to N.J.A.C. 7:26C-10.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet <http://www.state.nj.us/dep/srp>. If you have any questions

regarding this matter contact Jill McKenzie, Case Manager, at (609) 292-1993 prior to the date indicated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald Cramer".

Donald Cramer, Section Chief  
Bureau of Underground Storage Tanks

cc: Jill McKenzie, Case Manager  
Bob Fenz, Betts Environmental  
Mary Mazzocchi, NJ Bus Company  
Municipal Clerk, Mount Olive Township  
Health Officer, Mount Olive Township