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cc: Adm.

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

LISA P. JACKSON
Commissioner

August 20, 2008

Kenneth Matthews
115 Jennifer Drive
Dalton, PA 18414

NOTICE OF DEFICIENCY



Re: Remedial Action Report (RAR) for 15 Budd Lake Heights Road
15 Budd Lake Heights Road, Mount Olive, Morris County
PI # 435330
Incident # 06-01-27-0900-39
File # 14-27-243

Dear Mr. Matthews :

The New Jersey Department of Environmental Protection (Department) acknowledges receipt on March 19, 2008 of the Remedial Action Report (RAR). This document was submitted pursuant to the Memorandum of Agreement (MOA) effective on May 11, 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.

The Monitoring Requirements that were associated with the New Jersey Pollution Discharge Elimination System (NJPDES) Permit By Rule Discharge Authorization included sampling the potable well. The sampling results of the potable well revealed contaminants associated with fuel oil. Although the results were below the Ground Water Quality Standards (GWQS), the Department is concerned that the results are indicative of plume migration towards the potable well and thus requires further investigation to determine impacts from the treatment on the potable well.

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-6.4(a), failure to document the effectiveness of the remedial action.

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. Comply with the following requirements within 30 days after receipt of this notice. [N.J.A.C. 7:26E-6.4(a)]
- a) The construction details of the potable well shall be submitted.
 - b) The Department is requiring the potable well be sampled again as outlined below. A groundwater sample should be collected via clear bailer from the top of the water table within the potable well, without purging. The water should be visually checked for sheen, product and odors. Information regarding the presence of sheen, product and odors should be submitted. The samples shall be analyzed for volatile organic compounds with forward library search (VO+10) via method 524.2 and base neutral organic compounds with a forward library search (BN+15) via method 625 with full data deliverables.
 - c) In addition, a ground water sample shall be collected between the potable well and the garage to assess the presence of ground water contamination between the former tank and the potable well.
 - d) Please be advised that a video log of the potable well casing to assess the casing integrity may be required pending the Department's review of the ground water results.

Please address the noted corrective actions by completing the required investigation within 30 days and submitting an addendum to the RAR within 45 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

- c: Mount Olive Municipal Clerk
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Budd Lake, NJ 07828
Mount Olive Health Department
204 Flanders-Drakestown Road, PO Box 450
Budd Lake, NJ 07828
Environmental Compliance and Control Inc.
One Emery Avenue
Randolph, NJ 07869
Mr. & Mrs. Dye
15 Budd Lake Heights Road
Budd Lake, NJ 07828
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5 Bear Creek Road
Andover, NJ 07821
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