State of New Jersey

DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND ENERGY
Bureau of Underground Storage Tanks
CN-028
401 East State Street
Trenton, NJ 08625

CHRISTINE TODD WHITMAN
Governor

ROBERT C. SHINN, JR.
Commissioner

AUG 12 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Lori A. Connors
Bressler, Amery & Ross
Counselors at Law
P.O. Box 1980
Morristown, New Jersey 07962

Mr. Daniel Winters
101 West Elizabeth Avenue Corporation
581 Rahway Avenue
Union, New Jersey 07083

Re: Allied Building Supplies
101 West Elizabeth Avenue
Linden, Union County
Case Number 93-06-24-1425; UST Number 0129486

Dear Ms. Connors:

On June 24, 1993, the New Jersey Department of Environmental Protection (Department) received notification of a discharge of hazardous substances, regulated under the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq), which occurred from the above referenced facility. On September 23, 1993 and October 7, 1993, the Department sent letters stating the requirements for the proper investigation and the initiation of corrective action at Allied Building Supply's facility. The Department received a report from Tri-State Environmental Consultants, Inc. dated May, 1993 a report from Sailer Environmental Incorporated dated August 11, 1993 and two reports from Vectre Corporation dated February, 1994 and May, 1994 for Allied Building Supply indicating that the following steps were taken in compliance with our requirements.

In June, 1993, a 2,000-gallon steel gasoline underground storage tank (UST) was removed by JBC Environmental and Tri-State Environmental Consultants. Holes were discovered in the tank and visually stained soils observed. Approximately 70 tons of soils were excavated and stockpiled on site. The NJDEP hotline was notified of the discharge. A 550-gallon heating oil UST was abandoned in place at the same time as the 2,000-gallon tank was removed. In July, 1993, seven soil samples were collected from the base and sidewalls of the gasoline tank excavation by Sailer Environmental. Xylene was found to exceed the soil cleanup criteria in two samples and a duplicate. The base sample reported 48 ppm xylenes and the sidewall sample reported 47 ppm xylenes with the sidewall duplicate reporting 194 ppm xylenes. In August, 1993, American Resource Consultants installed three borings around the excavation area and collected six soil samples. All samples were within soil cleanup criteria except sample 105-MW1-11 which exhibited 131 ppm xylenes. This boring was developed into a monitoring well (MW-1). In December, 1993, Vectre Corporation installed three additional groundwater monitoring wells, collected one confirmatory soil sample from the 2,000-gallon gasoline UST excavation and collected three soil samples from the 550-gallon fuel oil tank excavation as well as collecting one soil sample from each soil pile. All soil sample results were below soil cleanup criteria.

Four groundwater monitoring wells are located on site. MW-1 is adjacent to and upgradient of the 2,000-gallon gasoline UST excavation area and recorded elevated levels of BTEX in September, 1993 (7.8 ppm) and December, 1993 (18.150 ppm). MW-2, MW-3 and MW-4 were sampled in December, 1993 with results below the method detection limits for all parameters. December 7, 1993 groundwater data indicates that depth to groundwater is between nine feet and eleven feet and groundwater flow is in an easterly/southeasterly direction. Given the groundwater flow direction, no downgradient wells exist for MW-1 or the 2,000-gallon gasoline UST excavation. No free phase product was observed in the groundwater monitoring wells.

The Allied Building Supply facility is located at 101 West Elizabeth Avenue in a commercial section of Linden, New Jersey. The site is bordered to the northeast and southeast by the new Jersey Transit Parking Lots, to the northwest by Elizabeth Avenue and to the southwest by commercial properties. A well search of the area indicated ninety-three monitoring wells, seven industrial wells, one potable well, six piezometers, one recovery well and three domestic wells within a one mile radius of the site.

Pursuant to the Authority vested in the Commissioner of the New Jersey Department of Environmental Protection (Department) by the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.) and duly delegated to the Chief of the Bureau of Underground Storage Tanks, the above referenced Remedial Investigation Workplan, submitted on behalf of Allied Building Supply, is hereby approved by the Department as conditioned below:

I. Remedial Investigation

A. Soil

Allied Building Supply should indicate the linear distance between sample point GT-1 and former sample point 105-MW1-11.

B. Ground Water

Allied Building Supply shall install additional ground water monitoring wells to fully delineate the horizontal and vertical extent of ground water contamination. Contamination shall be delineated to the Ground Water Quality Standards, N.J.A.C. 7:9-6, unless otherwise approved by the Department. At a minimum, ground water monitoring wells shall be installed within the 2,000-gallon gasoline UST excavation area and downgradient of the 2,000-gallon gasoline UST excavation area given that MW-1 is upgradient of the excavation area and contains elevated levels of BTEX. If it is necessary to install wells off-site, Allied Building Supply shall provide documentation of written requests seeking access to install said monitoring wells on off-site properties within thirty (30) calendar days of receipt of this correspondence. Please be advised that N.J.S.A. 58:10B, a statute concerning site remediation, provides a cause of action for persons to obtain access to properties not owned by that person for the purpose of conducting remedial activities at that site. Please see the attached information on this provision of N.J.S.A. 58:10B for further information.

Allied Building Supply shall submit boring logs and the monitoring well construction details (Well Certification Forms A and B, enclosed) for all newly installed monitoring wells.

Allied Building Supply shall sample every monitoring well which does not contain free product and analyze the samples for volatile organics, methyl tertiary butyl ether (MTBE) and tertiary butyl alcohol (TBA) using EPA Method 624 calibrated for xylenes, with a library search (VOs) and for lead using EPA Method 200.7 (ICAP) or EPA 239.2 (Graphite Furnace) calibrated to achieve a method detection limit of 10 ppb. The SW-846 equivalent for this procedure is ICAP 3010/6010, sample prep 3050/6010 Furnace 3020/7421 sample prep 3050/2421.

For each sampling event, Allied Building Supply shall submit a table to include for each monitoring well: 1.) top of casing elevation; 2.) top of screen elevation; 3.) ground water elevation (corrected for free phase product if present); 4.) free phase product elevation (if present); and 5.) free phase product thickness (if present).

For each sampling event, Allied Building Supply shall construct a scaled isopleth map of free product thickness where free product exists, and scaled isopleth maps for dissolved product concentrations. Allied Building Supply shall submit the updated maps with each subsequent submittal.

Allied Building Supply shall construct and submit scaled, ground water table contour maps for each ground water sampling event.

C. Receptor Evaluation

The Department has no further requirements at this time.

II. Quality Assurance

All data submitted shall conform to the Reduced Laboratory Deliverables Format in accordance with the "Technical Requirements for Site Remediation", N.J.A.C. 7:26E (also see Enclosure #2), except where specifically indicated.

III. Other

A. Certification Requirements

It is important to note that effective April 25, 1992, all persons performing tank services must be certified per N.J.S.A. 58:10A-24.1-8. **All work related to any tank service must now be conducted by, or under the on-site immediate supervision of an individual certified in the activity being conducted.** All documents (permit applications, reports, proposals) submitted to BUST must be prepared and signed by a certified individual.

B. Field Activity Notification

Allied Building Supply shall notify the assigned BUST Case Manager at least 14 calendar days prior to implementation of all field activities. If Allied Building Supply fails to initiate sampling within 30 calendar days of the receipt of this letter, any requests for an extension of the required time frames may be denied.

C. Billing

On April 5, 1993, the UST Fee Rule (Amendments and New Rules at N.J.A.C. 7:14B) was proposed. This rule appeared in the February 22, 1994, New Jersey Register. Effective February 22, 1994, the Department will be billing you for the Department's oversight of all work conducted at your site. Documents submitted to the Department in accordance with the "Technical Requirements for Site Remediation" (N.J.A.C. 7:26E) will help reduce the time necessary for the Department oversight of your case. At this time, the Department intends to process bills on a semi-annual basis. Please consult the April 5, 1993 and February 22, 1994, State Registers for details. Copies can be obtained by contacting the Office of Administrative Law at (609) 588-6500. Your case manager should be contacted with any additional questions.

IV. Administrative Requirements

Based upon the above requirements and the data generated to date, Allied Building Supply is required to submit a RAW in accordance with N.J.A.C. 7:26E-6.2 and P.L. 1993, c.139 (S-1070). This document shall be submitted to this Bureau at the above address, within **ninety (90)** days upon receipt of this letter. The RAW shall detail all activities conducted to achieve compliance with the requirements listed in this letter (in the form of a Remedial Investigation Report (RIR) in accordance with N.J.A.C. 7:26E-4.9) and present a comprehensive remedial proposal for all soil and ground water contamination present as the result of the discharge(s) based upon all data collected to date. Please note that only one copy of the Quality Assurance/Quality Control Deliverables is needed. Guidance regarding the minimum requirements and presentation format for this document are provided below and in the enclosures.

It should be noted that if Allied Building Supply completes all of the above requirements and the data indicate that the remedial investigation has not been completed (i.e. contamination not completely delineated), Allied Building Supply shall submit a Remedial Investigation Workplan (RIW) in accordance with N.J.A.C. 7:26E-4.8 within the specified time frame. The RIW shall include a schedule of implementation of the remaining remedial investigation required and the submittal date of the RAW. Allied Building Supply also has the option of completing the remaining remedial investigation in accordance with N.J.A.C. 7:26E-4, followed by the submission of the RIR/RAW. If the latter option is selected, Allied Building Supply shall notify the Case Manager listed below, in writing, within two weeks prior to the specified time frame referenced above. This notification shall include a generic discussion of activities conducted to date and activities to be conducted, as well as a detailed schedule of implementation which includes the submission of the RIR/RAW.

The "Technical Requirements for Site Remediation" rules (N.J.A.C. 7:26E) appeared in the June 7, 1993, New Jersey Register and became effective on July 1, 1993. These rules contain the minimum technical requirements concerning the environmental investigation and remediation at contaminated sites or sites at which contamination is suspected. These rules are being used as the Department's primary technical document, replacing the Division of Responsible Party Site Remediation's Remedial Investigation Guide, the ECRA Cleanup Plan Guide, the Bureau of Underground Storage Tanks' (BUST) Scope of Work document (and appendices) and the BUST Technical Guidance Document.

It should be noted that technical requirements are included in subchapters 7, 8 and 9 of the regulations implementing the Underground Storage of Hazardous Substances Act (N.J.A.C. 7:14B-1-13 and 15). The responsible person(s) that are conducting an environmental investigation/remediation should be following the "Technical Requirements for Site Remediation" to accomplish the investigation. This will allow for consistent evaluation of any discharges and potential impacts.

V. Cleanup Criteria

The Department's most recent general guidance on contaminant cleanup criteria can be found in the April, 1994, edition of the Site Remediation Newsletter. It must be remembered, however, that the actual cleanup goal at a particular site is determined by the Department on a case-by-case basis and may be different than that in the above referenced newsletter. This variation may be due to many factors, including site specific human health and environmental exposure pathways, the presence of site contaminants not addressed in the newsletter, and site specific physical characteristics. In case specific situations, when cleanup criteria are modified from one previously established for that specific site, the Department will make every effort to expeditiously notify the responsible party. Please consult the Case Manager listed below to discuss any modifications which may impact your remedial actions.

If the person conducting a cleanup does not wish to remediate a contaminated site consistent with the newsletter, they shall submit a proposal to the Case Manager listed below that details the site specific circumstances and technical rationale for cleanup goals on a case-by-case basis.

Please note that the Ground Water Quality Standards (N.J.A.C. 7:9-6) have been adopted and appeared in the February 1, 1993, New Jersey Register. This rule adoption may impact requirements for ground water remediation and soil cleanup (i.e. where the soil may contribute contaminants to the ground water above the applicable standards) for a particular site and should be referenced and discussed with the Case Manager listed below.

VI. Remedial Action Workplan Submission

A. The Remedial Action Workplan Format (N.J.A.C. 7:26E-6)

To ensure a complete and timely review of the submittal, the RAW shall be a self-supporting document. As a guide to this process, the following elements shall be included in the formation of the plan:

1. Table of Contents

2. Introduction. Include site acreage, site use during the release, current site use, local land use, local topography, geology, and hydrogeology.

3. Summary of UST-Related Environmental Concerns. This shall include the results of all previous soil and ground water sampling in tabular form, including scaled site maps in the form of a Remedial Investigation Report in accordance with N.J.A.C. 7:26E-4.9. A detailed presentation of the items required (above) in this letter shall be included.

4. Effectiveness Analysis and Certification. This shall include an analysis and certification that the proposed remedial action meets the criteria contained in Section 35 (g) of P.L. 1993, c.139, including an analysis of long and short term effectiveness, implementability, timeliness, cost differential of permanent and nonpermanent remedies (if applicable), and community concerns. Please note that the Effectiveness Analysis and Certification supersedes the Remedial Alternative Analysis in N.J.A.C. 7:26E-5.

5. Summary of Proposed Remedial Actions. This shall include a detailed description of the remedial action and remedial technology(s) to be utilized for each area of concern for site cleanup, the media to be affected by each technology, scaled site maps detailing the areas where remedial action will be conducted (N.J.A.C. 7:26E-6.2(a)6), supporting technical information appropriate to the technology and volumes of each media to be remediated (including vertical and horizontal extent). The following technical information shall be included, where applicable to the remedial technology chosen:

   a. the hydraulic conductivity of the affected aquifer(s), including calculations;
   b. calculations and maps showing the predicted capture zones;
   c. calculations of the optimum pump rate and number of ground water and/or air withdraw points, or trench configuration required to control the plume;
   d. calculation of the ground water velocity prior to pumping;
   e. grain size analyses; and,
   f. soil total organic carbon content and pH.

   Also included shall be a map(s) and description of the ground water monitoring wells to be used to monitor the effectiveness of the remediation, both at the source and at down gradient compliance points.

6. Identification of the treatment and disposal methods to be employed for any ground water or soil to be removed.

7. Cleanup levels to be achieved. Be specific with regard to media and compounds.

8. Summary of any permits necessary to implement the cleanup. Please note that the Department will not approve a RAW which proposes to discharge to a publicly-owned treatment works (POTW) without the prior written consent of the POTW.

9. The RAW shall detail the specific activities that will be used to complete the proposed cleanup objectives.

10. A post-remedial sampling and monitoring plan for each media to be remediated.

11. A specific Schedule of Implementation of the RAW which includes milestones in the project in accordance with N.J.A.C. 7:26E-6.5(a).

12. A proposal for Quarterly Remedial Action Progress Reports for the duration of the cleanup in accordance with N.J.A.C. 7:26E-6.5(b) and (c).

13. Estimate of costs for the proposed remedial actions, which shall include:

a. capital costs;
b. operation and maintenance costs;
c. monitoring system costs;
d. laboratory costs;
e. engineering, legal and administrative costs;
f. contingency costs; and
g. summary of all remedial costs incurred to date (see below).

14. A summary of the **total** costs of the remedial actions conducted to date shall be submitted with any RAW or request for No Further Action. These costs shall be broken down as follows:

    a. tank removal and disposal costs;
    b. capital costs including monitoring systems and equipment;
    c. mobilization costs, operation and maintenance including labor, utilities and repairs;
    d. consulting and labor costs including engineering, environmental, legal and administrative costs;
    e. analytical/laboratory costs;
    f. sample collection costs; and
    g. disposal costs including transportation, waste transfer fees and facility tipping fees.

15. A quality assurance plan including proposed sampling and analytical methods pursuant to N.J.A.C. 7:26E-2.2.

16. A description of the soil and sediment erosion control and monitoring plan, and dust and odor control and monitoring plan, if applicable.

17. An administrative checklist is provided (Enclosure #1) and should be used as additional guidance when formulating the RAW.

B. Data Presentation

Summarized analytical results shall be provided in accordance with N.J.A.C. 7:26E-4.9. Please note that N.J.A.C. 7:26E-4.9 includes, but is not limited to, the requirement that compound specific data presentation is provided in tabular form. The Department recommends that Allied Building Supply refer to the attached "Guidelines for Data Presentation" for additional guidance in the preparation of its submittal (Enclosure #2). Allied Building Supply shall collect all samples in accordance with the sampling protocol outlined in the May 1992 edition of the "NJDEPE Field Sampling Procedures Manual".

C. Permit Applications

All appropriate permit applications shall be submitted either prior to or in concert with the RAW submission. Copies of all permit application cover letters shall be provided with the RAW. In addition, the Department has recently established the Office of Permit Information Assistance (OPIA). OPIA's responsibilities include providing permit information to the public and assisting permit applicants through the permit coordination process when a project requires permits from various programs. OPIA can be reached at (609) 984-0857.

As a reminder, a New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Ground Water (DGW) permit will be required for any remedial system which involves a direct discharge to ground water (re-injection, overland flow, etc.) and some on-site soil treatment technologies which include a discharge to ground water. Since the case manager will be processing the NJPDES-DGW permit, the NJPDES-DGW permit application shall be submitted directly to the BUST Case Manager listed below. The DGW Permit for re-injection will also act as the Treatment Works Approval for the site. However, a licensed operator is required for the treatment system in accordance with N.J.A.C. 7:10-13 et seq. Please note that if ground water remediation activities result in a discharge to surface water, Allied Building Supply shall also obtain a NJPDES Discharge to Surface Water Permit (DSW), Category B (Industrial/Commercial Surface Water Discharge) or Category B4B (General Ground Water Petroleum Products Clean-up (GPPC) Permit). Any

discharge to a POTW in excess of 25,000 gallons per day requires a NJPDES Significant Indirect User Permit (NJPDES-SIU), Category L (Indirect Discharge to POTW). If ground water will be treated prior to discharge to surface water or to a POTW, a Treatment Works Approval (TWA) shall also be obtained. Air discharges from any remedial systems also require permit applications to be submitted to the Bureau of New Source Review. Finally, surface or ground water withdrawal in excess of 100,000 gallons per day (or 10,000 gallons or more in critical aquifers) requires approval by the Department. For further information contact, the Bureau of Permit Management (NJPDES-DSW or SIU) at (609) 984-4428, the Bureau of Connection and Construction (TWA) at (609) 984-4429, the Bureau of New Source Review (Air Permits) at (609) 292-6716, or the Bureau of Water Allocation (ground water withdrawal) at (609) 292-2957.

If Allied Building Supply fails to submit the required report within the referenced due date, this case will be referred to the Bureau of Applicability and Compliance (BAC) for review. The Department may initiate enforcement action including, but not limited to, the assessment of penalties and revocation of tank operating registrations pursuant to N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B-12. The Department reserves the right to implement all enforcement measures, including the right to revoke tank operating registrations and assess penalties from the original due date.

If the tank(s) at the referenced facility is/are regulated under the federal Hazardous and Solid Waste Amendments of 1984 and Allied Building Supply fails to comply with the above requirements, this case may be referred to the United States Environmental Protection Agency (USEPA) for violations of 40 CFR Part 280.

Please note, pursuant to N.J.S.A. 58:10A-21 et seq. and N.J.A.C. 7:14B et seq., the owner and operator of the regulated underground storage tanks are strictly liable for compliance with these requirements. Violators are liable for penalties of up to $50,000 per day for each day of continuing violation and revocation of tank registrations.

If you should have any questions regarding this matter, please contact Allan Motter, Case Manager, of the Bureau of Underground Storage Tanks at (609) 984-3156.

Sincerely,

Erick P. Kinsel

Erick P. Kinsel, C.P.G., Unit Supervisor
Bureau of Underground Storage Tanks

enclosures:
Enclosures 1 & 2
Off Site Access Document
Well Forms A & B

c: Linden Board of Health, w/o enclosures