



State of New Jersey

Jon S. Corzine
Governor

Department of Environmental Protection

Mark N. Mauriello
Acting Commissioner

Bureau of Operation Maint & Monitoring
401 East State Street
P.O. Box 413
Trenton, NJ 08625-0413
Phone #: 609-984-2990
Fax #: 609-633-2360

August 13, 2009

Mr. Maurice Horne
Corporation Procurement Section
NJ Transit Corporation
1 Penn Plaza E
Newark, NJ 07105-2246

RE : Classification Exception Area (CEA) Biennial Certification Due
Former Allied Building Supply Co
Currently NJ Transit Rail Station - Linden
101 Elizabeth Ave
Linden, NJ 07036
SRP PI# 012948
Activity # PFR000001 - 012948

Dear Mr. Horne:

Based upon further research and a site inspection of the above referenced facility conducted on July 17, 2009, which were activities in follow-up to the New Jersey Department of Environmental Protection (Department)'s previous attempts to contact the proper responsible person in correspondences dated March 21, 2007, February 8, 2008, March 24, 2009, the Department has determined that you are a person responsible for continuing obligations related to the remediation of the above referenced site. Note that the original site has been developed as a commuter parking lot. For contaminated sites where the remedy includes leaving ground water contamination at levels that exceed the applicable Ground Water Quality Standards in conjunction with the establishment of a Classification Exception Area (CEA), the remedy must be monitored and a Biennial Certification Monitoring Report must be submitted to the Department every 2 years from the date that the CEA was established. Parties responsible for this obligation are specified at N.J.A.C. 7:26E-8.4(a)1 and 2, and include the party who conducted the remediation as well as subsequent owners and operators.

Recall that a Biennial Certification to confirm the protectiveness of the remedy pursuant to N.J.A.C. 7:26E-8.6(c) is overdue and you are required to submit it **within 90 days of your receipt of this letter**. Failure to evaluate site conditions and submit this biennial certification is a violation, subject to penalty assessment in accordance with subchapter 10 of the Department Oversight of the Remediation of Contaminated Sites (Oversight Rules), N.J.A.C. 7:26C.

The Biennial Certification form and directions for completing and submitting the biennial certification can be found on the Department's website at <http://www.nj.gov/dep/srp/forms/>. The website also contains links to the Technical Requirements (including N.J.A.C. 7:26E-8) and the Oversight Rules, which contain information regarding penalties. Completed Biennial Certifications shall be submitted within **90 days** to:

New Jersey Department of Environmental Protection

Bureau of Operation Maint & Monitoring
401 East State Street , P.O. Box 413
Trenton, NJ 08625-0413
Attn: Robert Soboleski, Bureau Chief

Please be advised, for the purposes of compliance with N.J.A.C. 7:26E-8.6(a)2.i and ii only, regarding the requirement to review the New Jersey Statewide Water Supply Plan, the Department has determined that, relative to the purpose of this section, there are no significant changes in the 25 year ground water use planning horizon for the State's aquifers. Therefore, persons responsible for Biennial Certifications for Classification Exception Areas do not need to review the New Jersey Water Supply Master Plan. However, the local municipality and/or county governments, and water purveyors should be contacted regarding any changes that have occurred or may be planned.

Well searches are also required as part of the evaluation pursuant to N.J.A.C. 7:26E-8.6(a)3. However, the Department is experiencing a delay in the processing of well search requests made through the Bureau of Water System and Well Permitting. In an effort to reduce the number of requests, the Department has developed a web-based tool that identifies new well permits in a given area. This tool is available at <http://www.nj.gov/dep/srp/guidance/ceacompliance/>, and is an acceptable means of meeting your requirements outlined in N.J.A.C. 7:26E-8.6(a)3. If you prefer to satisfy the well search requirements using the traditional means, information regarding Department's well searches may be found in the Division of Water Supply's website at <http://www.nj.gov/dep/watersupply> under "forms" and "well permitting."

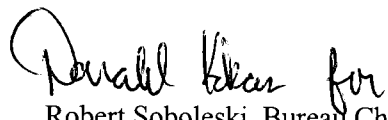
Please note, persons responsible for meeting the monitoring and reporting requirements identified above, as defined pursuant to N.J.A.C. 7:26E-8.4(a), should notify the Department if they are relinquishing the obligation for these requirements and identify the person who is assuming the obligation. Names, addresses and telephone numbers of the relinquishing and assuming parties should be reported to the Department at the address identified above for submittal of the Biennial Certification.

In addition, please note the Department will not consider the Biennial Certification submittal complete without the \$375 fee in accordance with N.J.A.C. 7:26C-9.2(a).

Lastly, please note that since the expiration date for the Classification Exception Area has already passed, the person responsible for submitting the Biennial Certification should propose in Section 6 entitled 'CEA Status' the intent to assess the current ground water quality by complying with N.J.A.C. 7:26E-8.6(a)7, by collecting at least two rounds of ground water samples such that the time between sampling events shall account for seasonal fluctuations in the ground water table and the number of ground water samples collected are representative of the entire horizontal and vertical extent of the ground water classification exception area.

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 Donald Kakas, Case Manager at (609) 633-2279 prior to the date indicated.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Kakas for", written over the typed name of Robert Soboleski.

Robert Soboleski, Bureau Chief
Bureau of Operation Maint & Monitoring

c: Donald Kakas, Bureau of Operation Maint & Monitoring
David N. Miele, Inspector, BOMM