



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

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BOB MARTIN
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Buena Vista Township
890 Harding Highway
PO Box 605
Buena, NJ 08310

September 24, 2015

Re: Buena Vista Township Department of Public Works Yard
430 Union Road
Buena Vista Township, Atlantic County, New Jersey
Block 7101, Lot 25
SRP PI: 660004
Incident Number: 150924094744 (operator 25)

To whom it may concern:

The New Jersey Department of Environmental Protection (Department) is charged with responding to the release or threatened release of hazardous substances and with enforcing the requirements of the Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.), the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.) and the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.). The Department has documented the release of hazardous substances at the former Buena Vista Solid Waste Landfill, currently known as Buena Vista Township Department of Public Works Yard.

Case Summary

In 2014 groundwater contamination was detected in private potable wells in the vicinity of the 430 Union Road property. As a result, the Atlantic County Health Department and New Jersey Department of Environmental Protection (NJDEP) sampled potentially impacted private wells in the area and detected a suite of contaminants above the New Jersey Drinking Water Maximum Contaminant Level (MCL) for trichloroethene (TCE), vinyl chloride, cis-1,2-dichloroethene, cis-1,2-dichloropropane, benzene, mercury and perchlorate.

In an effort to locate the source of chlorinated solvents, perchlorate, and mercury contamination in the private potable wells, NJDEP Bureau of Site Assessment and Environmental Measurements (BEMSA) performed a groundwater investigation at the former Buena Vista Solid

Waste Landfill located at 430 Union Road in Buena Vista Township. Records indicate this small, municipal landfill ceased operation as a landfill between 1977 and 1982, though it was never properly closed. The property is currently used as the Department of Public Works Yard for Buena Vista Township.

Groundwater samples were collected at the behest of Buena Vista Township from 4 on-site monitoring wells on April 4, 2014 and on October 23, 2014. NJDEP BEMSA conducted two groundwater sampling events in association with the Department of Public Works Yard by means of a Geoprobe using a vertical profiling technique. The first began on October 20, 2014 and the second began on February 18, 2015. Contamination was shown to be present on site through these samples, some of which are mentioned below in Table 1.

Table 1: Ground Water Sampling Results at the Buena Vista Township Department of Public Works Yard and Adjoining Down-gradient Field
430 Union Road, Buena Vista Township, Atlantic County, New Jersey

Analytical Results in Parts Per Billion (PPB)*				
Sample	PCE	TCE	Cis-1,2-DCE	Vinyl Chloride
MWA – 10.24.14	ND	ND	ND	0.79
MWB – 10.24.14	1.29	936	1,284	195
MWC – 10.24.14	ND	ND	ND	ND
MWD – 10.24.14	ND	ND	ND	ND
MWA – 4.14.14	ND	ND	ND	5.08
MWB – 4.14.14	ND	82.5	410.8	102.3
MWC – 4.14.14	ND	ND	ND	ND
MWD – 4.14.14	ND	ND	ND	ND
GW3A	ND	ND	ND	ND
GW3B	ND	ND	ND	ND
GW3C	ND	ND	ND	ND
GW3D	ND	ND	ND	ND
GW6A	2.8	ND	ND	6
GW6A - dilution	ND	940	410	ND
GW6B	ND	1.4	87	120
GW6C	ND	13	30	2.1
GW8A	ND	ND	ND	ND
GW8B	ND	ND	ND	ND
GW8C	ND	ND	ND	ND
GW8D	ND	ND	ND	ND
GW10A	ND	33	65	ND
GW10B	ND	50	140	21
GW10C	ND	47	130	9.8
GW11A	ND	ND	1100	290
GWQS	<i>1</i>	<i>1</i>	<i>70</i>	<i>1</i>

**Bold values exceed New Jersey Ground Water Quality Standard (GWQS)*

All monitoring well (MW) samples are located within the Buena Vista Township Department of Public Works Yard's (DPW) property boundary. MWA is located at the the midpoint of the site's western property line and is up and side gradient of the area of contamination. MWB is located in the southwest corner of the site near the property boundary. It is within the former landfills area of contamination. MWC Is located at the midpoint of the site perimeter bordering Union Road and is up and side gradient of the area of contamination. MWD is located in the northwest corner of the site near the property boundary and is up-gradient in the northeast quadrant of the property. GW3 is up-gradient of site's southwest corner, near the center of the DPW's property. GW6 samples were collected in the field, 3 feet down-gradient from the property boundary of the DPW property's southwest corner. GW8 is side-gradient of the site. It is located in the farmfield to the west of the DPW property. GW10 is down-gradient of the site, located in the farm field to the southwest of the DPW. GW11 is located in the southwest corner of the DPW property, 2 feet northeast of MW-B.

Responsibility

Based on the above, Buena Vista Township may have responsibility under the New Jersey Spill Compensation and Control Act for investigation and remediation of contamination at the subject site.

Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq)

On May 7, 2009, the Site Remediation Reform Act (SRRA) was enacted. The SRRA establishes criteria for the licensing of site remediation professionals who will assure that contaminated sites are remediated in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and related Department guidance.

The legislature also amended the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3 to compel responsible parties to address discharges of hazardous substances by establishing an affirmative obligation to conduct remediation. The SRRA authorizes the Department to establish mandatory timeframes for the completion of each phase of remediation. These timeframes, as well as other requirements of the act, have been codified in regulations that became effective on November 4, 2009. See N.J.A.C. 7:26C, the Administrative Requirement for the Remediation of Contaminated Sites, ("ARRCS Rule") and N.J.A.C. 7:26E the Technical Requirements for Site Remediation (Tech Regs.). The regulations can be found at <http://www.nj.gov/dep/srp/regs/>.

Pursuant to section 30 of SRRA (N.J.S.A. 58:10B-1.3.30.a.), the owner or operator of an industrial establishment that is subject to the Industrial Site Recovery Act; the discharger of a hazardous substance, or those in any way responsible for a hazardous substance pursuant to provisions of the Spill Compensation and Control Act; and the owner or operator of an underground storage tank that is subject to the provisions of the Underground Storage of Hazardous Substances Act, that has discharged a hazardous substance, shall remediate the discharge(s) of hazardous substances.

Responsible parties who initiate remediation after November 4, 2009, or have who have not continuously remediated their contaminated site must use the services of a Licensed Site Remediation Professional. Specific requirements can be found at N.J.A.C. 7:26C, Subchapter 2. The ARRCs Rule establishes the criteria that determine how remediation must proceed. Since you have not continuously conducted remediation you are currently out-of-compliance with the law. To return to compliance you must immediately hire a LSRP and conduct remediation in accordance with N.J.A.C. 7:26C. Remediation must be completed within timeframes established by the Department.

The LSRP you hire will conduct remediation of your site without the need for Department involvement. The Department will however, be available to provide compliance assistance to you and your LSRP as you move forward with the remediation. A list of Licensed Site Remediation Professionals (LSRP) is available at:

http://www.state.nj.us/dep/srp/srra/lrsp/temporary_lsrp_list.htm.

To document the hiring of a LSRP, submit a completed "LSRP Notification of Retention or Dismissal Form" (available at: <http://www.nj.gov/dep/srp/srra/forms/>) to the Department using the NJDEP on-line business portal at: <http://www.nj.gov/dep/online/> .

Be advised that Department records indicate that the discharge(s) at the site occurred on, or before May 7, 1999 and a remedial investigation (RI) of the site has not been completed. As such, this discharge is subject to the statutory timeline from the SRRRA legislation which requires the RI be completed by May 7, 2014. If the remedial investigation of the site is not completed before May 7, 2014, your site will become subject to direct Department oversight. Information concerning the May 7, 2014 deadline can be found at:

<http://www.state.nj.us/dep/srp/timeframe/index.html> .

Failure to comply with the obligations of SRRRA may result in the Department taking direct oversight of the remediation of the contaminated site. Once a site or a portion of a site is under direct Department oversight, the responsible party forfeits all rights in the decision making process regarding the remedial investigation and remedial action to be performed at the site, including remedy selection. Additionally, the responsible party will be required to post a remediation funding source (RFS) and the Department will control the disbursements from the RFS.

Compliance/Enforcement

Should you fail to submit the required documentation or decide not to comply with all remedial requirements the case will be evaluated for enforcement action pursuant to the above referenced statutory authorities. Failure to complete the required remediation may result in the Department conducting the remediation using public funds. If public funds are expended to conduct the remediation, the Responsible Party may be held responsible for up to three times the costs incurred by the Department.

Please contact Frank Sorce at 609-530-2457 if you have questions regarding this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Annie Dunham". The signature is fluid and cursive, with a large initial "A" and "D".

Annie Dunham

Bureau of Environmental Measurements and Site

Assessment

c: Lista Tilton, Buena Vista Township Clerk/Registrar)

NJDEP Bureau of Case Assignment and Initial Notice (BCAIN)