

TECHNICAL REVIEW PANEL
Decision Document
Site Remediation and Waste Management

Technical Review Request #: 1

Panelists: Barry Frasco, Assistant Director, Hazardous Site Science Element
Ed Putnam, Assistant Director, Remedial Response Element
Wayne Howitz, Assistant Director, Responsible Party Remediation Element

Remediating Party Requesting Review: Dock Resins	Date of Request: 6/04/03
Consultant: The Whitman Companies, Inc.	Date Granting TRP: 6/18/03
116 Tices Lane, Unit B-1	Meeting Date: 7/10/03
East Brunswick, NJ 08816	

Address: Dock Resins
1512 West Elizabeth Avenue
Linden City, Union County New Jersey

Phone number: (908) 862-2351

DEP Case Name: Dock Resins

DEP Case Number: E97161
Master Site I.D.#: 00014449
Preferred I.D. #: 00562

Disputed Technical Issue(s) Per Technical Review Request:
(List each issue listed separately)

Remediation of soil and groundwater source material. Dock Resins is requesting a variance from the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) from remediating source material in soil and groundwater and has requested a No Further Action (NFA) determination.

Relevant Regulations: N.J.A.C.7:26E-1.6, 6.1 & 6.3

Pertinent Information Considered: Soil and groundwater data.

Decision of Technical Review Panel: The variance and a NFA cannot be approved.

The variance and a No Further Action cannot be granted since source materials continue to exist in the soil and groundwater, the methods must be "expected to achieve the same results or objectives as the method which it proposes to replace" and must be "consistent with the overall scheme of this subchapter to ensure the remediation of contaminated sites in a manner which is protective of human health and the environment." The Department remains open in the future to specific proposals that satisfy the criteria for variance in accordance with N.J.A.C. 7:26E-1.6.

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The Technical Review Panel evaluated soil and groundwater data for the following:

1. Above Ground Storage Tank Farm/Manufacturing Building; and
2. Vicinity of the office building on West Elizabeth Ave.

1. Above Ground Storage Tank Farm/Manufacturing Building

Groundwater quality in this area has been impacted by chlorinated volatile organics (VOs) and non-chlorinated VOs such as xylene, toluene and ethylbenzene. The two plumes are located in the same area. Dock Resins has suggested that the chlorinated VOs originated from an off-site source. However, currently available data does not support the off-site source argument. The burden is on Dock Resins to demonstrate the VOs originated from an off-site source.

Dock Resins maintains that the groundwater contaminant plume from this portion of the site has not migrated off-site and is therefore stable. Dock Resins' position is that this is an example of "natural containment" and proposes a no further action (NFA) for groundwater in this area.

The Technical Review Panel cannot agree that the ground water plume will be naturally contained. Dock Resins originally proposed containment of the ground water contaminant plume via operation of a sump/trench system, which was installed, but not operated. Subsequently Dock Resins proposed that operation of the sump/trench system was not warranted.

The Technical Review Panel agrees that due to the tight confining nature of the soils, in-situ treatment systems have not proven to be effective. The panel concurs with the case team's recommendations that the most cost-effective method to address the source areas is to excavate and remove the contamination. The panel understands and appreciates the access limitations regarding the current accessibility of source material under the above ground storage tank farm, manufacturing building and office building. The panel requires that the source area be actively contained.

As a result of these circumstances, the panel has determined that Dock Resins establish a Classification Exception Area (CEA) for groundwater and continue to maintain the active containment system until such time that the source areas can be addressed and a natural remediation plan could be reevaluated. Once Dock Resins proposes, and the Department approves shutdown of the active containment system, the source material shall be reassessed. N.J.A.C. 7:26E-6.3(d) provides the minimum requirements for natural groundwater remediation, the panel concurs with this requirement. Natural remediation requires both the remediation of soil to the impact to groundwater standards and eight quarters of groundwater sampling and statistical decrease in area of concern monitoring wells.

The panel advises that since source contamination is remaining with an active containment system in place, the Department can not issue a NFA determination now, but can issue a conditional NFA when conditions for monitored natural attenuation exist.

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2. Groundwater contamination in the vicinity of the office building on West Elizabeth Ave.

Dock Resins has been previously notified that the chlorinated VOCs in this area are from an off-site source. However, Dock Resins has been required to address non-chlorinated volatile organics: benzene, toluene, ethyl benzene and xylene (BTEX) in this area. Dock Resins completed a limited source investigation by installing soil borings through the building floor and did not identify any source areas. A groundwater-monitoring program was then implemented for this area. The groundwater monitoring data currently available indicates it is likely this area would not pass the Mann-Whitney U Test, as required by the Technical Requirements for Site Remediation.

However, at this time the Department will allow Dock Resins to resume the groundwater-monitoring program in an attempt to demonstrate a decreasing trend in the groundwater contamination levels. Dock Resins is cautioned that a lengthy monitoring program may be necessary and it may be more prudent to implement a more aggressive remedial strategy.