

**Technical Review Panel (TRP)
Decision Document
Site Remediation and Waste Management Program**

Technical Review Request #3

Panelists: Barry Frasco, Assistant Director, Hazardous Site Science Element
Ed Putnam, Assistant Director, Remedial Response Element
Kevin Kratina, Acting Assistant Director, Responsible Party Remediation Element

Remediating Party: Frank and Gail Tondo
Consultants: Hudson Environmental Services, Inc.
4 Mark Road, Suite C
Kenilworth, NJ 07033

Date of Request: 11/6/03
Date of Meeting: 1/29/04

Alman Management Group
Stokes Road
Medford, NJ

Site Address: Jetaer Corporation
100 Sixth Ave.
Paterson, Passaic County
ISRA Case # E86574
PI#:G000001574

Background:

The property was operated by Jetaer from 1966 to 1986 at which time the closure of the facility triggered the Environmental Cleanup and Responsibility Act (ECRA). Jetaer's operation consisted primarily of filling aerosol cans with various cleaners and household chemicals. Since this ECRA Case had not received a Negative Declaration or Letter of No Further Action, in 1991, the property was sold to the current property owners with the prior owner's execution of an Administrative Consent Order. Since 1991, the current owners have been funding the remediation.

Numerous Areas of Concern have been addressed at this location including floor drains, above ground tank farm, drum storage area, and contaminated soils in the rear yard. Materials stored in the drums and above ground tanks were used in the blending and packaging operations. Poor housekeeping practices were noted in a 1987 Department inspection as visual evidence of contamination was observed on walls and floors. The main area of contamination at this location involves the above ground tank farm (consisting of 15 tanks)/rear yard. Remedial activities have included soil excavation and enhanced bioremediation with soil vapor extraction in the source area.

Disputed Technical Issues Per the Technical Review Request

The Department will not allow the use of modeling alone to define the extent of ground contamination. The parties remediating this site do not want to be held responsible for the investigation and delineation of contamination that they feel is not attributed to the discharges from this site. Specifically a leaking sewer line is reported adjacent to and immediately downgradient of the Jetaer facility. Due to the concern for other sources impacting ground water and the heavy industrialized nature of this area, the parties remediating this site want to rely on ground water modeling to confirm the extent of contamination rather than install additional monitoring points.

Decision of the Technical Review Panel

The Site Remediation and Waste Management Program has established policy in the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) that contamination in any affected media must be delineated both horizontally and vertically and remediated to the appropriate cleanup criteria. In addition, the Spill Act establishes “joint and several” liability (N.J.S.A 58:10-23.11g.). In this case, upgradient monitoring wells show minor exceedances of the of the State’s Ground Water Quality Standards (N.J.A.C. 7:9-6 or GQWS) which eliminates the potential for any significant relief that may be afforded under the Brownfield and Contaminated Sites Remediation Act (N.J.S.A 58:10B-12) for contamination found coming onto this property.

Onsite source area ground water contamination associated with discharges at this site has been significant and is not disputed. Contaminant levels in the early 1990s in shallow ground water included 1,1,1- Trichloroethane at 530,000 parts per billion (ppb), Tetrachloroethene at 100,000 ppb; methylene chloride at 21,000 ppb, Trichlorofluoromethane at 12,000 ppb, Toluene at 7,100 ppb and trans-1, 2-Dichloro-ethene at 25,000 ppb. In July 1995 ground water at the source area included 1,1,1- Trichloroethane at 560,000 ppb, Tetrachloroethene at 290,000 ppb, Trichloroethene at 8,900-ppb, 1,1-Dichloroethylene at 26,000-ppb and methylene chloride at 22,000(j) ppb. More recent ground water data have shown that shallow source area contamination has decreased with total volatile organics detected at 2,526 ppb in November 2001.

Shallow and intermediate depth delineation efforts conducted with the installation of temporary well points and other deeper wells (above bedrock) have not attained the ground water quality standards for the contaminants associated with onsite discharges. The same suite of chlorinated compounds detected at the source are characteristically found downgradient; both on and offsite. While the parties remediating this site contend that there is a contribution from the leaking sewer, the Department is not convinced that onsite process discharges could not have contributed to the contamination detected near the leaking sewer line. Regardless of the potential sewer line contribution, the discharged contaminants detected at the source area on this property have not been fully delineated to the State’s GWQS; neither horizontally nor vertically. The heavy industrialized nature of this area is not a reason to justify the use of a model to confirm the extent of contamination that has been discharged. The commingling of contamination from other reported potential sources does not diminish the obligation of the responsible parties to define and remediate the full extent of contamination. Should other responsible parties in

this area be identified for the same contaminants, they too would be held jointly and severally responsible. The TRP acknowledges the efforts of the parties remediating this site and the financial difficulties with undertaking a major cleanup. The TRP finds that there is no compelling reason for this site to receive an exemption or variance from the requirement to install additional monitoring wells to define the full extent of ground contamination associated with this site.