

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

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

Remediating Parties: Mr. Nathan Milikowsky
New Market Holding Co.
850 Boylston St., Suite 308
Chestnut Hill, MA 02467

Counsel: Lewis Goldshore
Goldshore, Cash, Kalac
3150 Brunswick Pike
Suite 150
Lawrenceville, NJ

Date of Request: 4/30/07
Date of Meeting: 7/24/07

Consultant(s): Harry Elias, Principal
Saile Environmental Engineering and Design, LLC
222 Yale Terrace
Linden, NJ 07036-3933

Site Address: Textile Chemical Co./New Market Holding Co. (New Market Holding Co.)
600 Prospect Avenue
Piscataway, Middlesex County
ISRA Case #: E85162
SRP PI #: G00004777

Disputed Technical Issue(s) Per Technical Review Request:

Saile has proposed a capping remedy to address historic fill contamination at this site. The case team has rejected this proposal due to the elevated levels of arsenic in the soils and groundwater. The site is located adjacent to the Bound Brook surface waters.

Relevant Regulations: N.J.A.C. 7:26E, N.J.A.C. 7:9C, N.J.A.C. 7:26B, N.J.A.C. 7:26C

Pertinent Information Considered:

Remedial Investigation Report dated: May 12, 2000.
Department Response dated: November 12, 2000.
Supplemental Remedial Investigation Report dated: December 7, 2001.
Supplemental Remedial Investigation Report Addendum dated: December 26, 2001.
Classification Exception Area Application dated: March 4, 2002.
Department Response dated: April 25, 2002.
Department Response dated: October 24, 2002.
Site Investigation Report dated: March 6, 2003.
Department Response dated: July 30, 2003.
Additional Ground Water and Surface Water Sampling Report dated: November 21, 2003.
Recommendation for the Removal of High Levels of Arsenic in Soil Surrounding Building 1 dated January 13, 2004.
Additional Soil Sampling/Stream Sampling requirements dated: February 5, 2004.
Remedial Investigation Report (RIR) – Arsenic Soil Delineation dated July 15, 2004.
Remedial Investigation Report Addendum dated: September 22, 2004.
Additional Remedial Activities dated November 18, 2004.
Department Response dated: February 14, 2005.
Request to Reduce Surface Water Sampling Frequency dated: June 29, 2006.
Department Response dated: August 17, 2006.
Semi-Annual Ground Water Sampling Report (1st 2005 Sampling Event) dated July 26, 2005.
Semi-Annual Ground Water Sampling Report (February 2006 Sampling Event) and Quarterly Surface Water Report (3rd Quarter) dated June 5, 2006.
Baseline Ecological Evaluation (BEE) dated: June 6, 2006.
Department Response (Notice of Deficiency) dated: March 13, 2007.
Request for an extension of deadlines to the Departments March 13, 2007 Notice of Deficiency dated: April 18, 2007.
Request to convene the Technical Review Panel dated: April 30, 2007.
Department Response dated: June 1, 2007.
Follow-up Information in Response to Queries Raised at the TRP meeting of 7/24/07, dated: July 30, 2007.
Additional Data in Response to Potential Remedial Options Discussed at the TRP meeting of 7/24/07, dated August 16, 2007.

Decision of Technical Review Panel: Due to the levels of arsenic in soils as high as 138,100 ppm at depth, and levels of arsenic in groundwater monitoring wells as high as 289 ppb in down gradient wells, the Department is requiring New Market Holding Co. to further evaluate remedial options that either remove the arsenic or contain the arsenic so that the remedy is protective of human health and the environment.

Background

Textile Chemical Co./New Market Holding Co. (New Market)
600 Prospect Avenue
Piscataway, NJ
Middlesex County
ISRA Case #: E85162
SRP PI # G00000477

Textile Chemical leased warehouse space from the property owner New Market Holding Co. from June 1978 and ceased operations in 1984. Textile Chemical was a distributor of chemicals. Operations at this site consisted of warehousing and distribution of packaged chemicals for resale to customers. The chemicals were delivered to the warehouse by truck and stored. Shipments were made on the basis of customer requirements; containers were not subdivided or opened at this location.

Textile Chemical remediated an underground storage tank discharge. During the remediation, elevated levels of arsenic were identified in the soils not related to Textile Chemical's warehousing operations. New Market Holding Co, as the property owner took responsibility to address the additional contaminants not related to Textile Chemical's operations.

Prior operations

Phoenix Steel Drum – Steel Drum Manufacturer
Jersey Steel Drum – Steel Drum Manufacturer

New Market Holdings owns the property and has taken on the responsibility to address the levels of arsenic in soils and ground water. Based upon evaluation of aerial photographs, a prior consultant Ecol Sciences determined that this area was filled during the late 1950's and 1960's. The source of the fill material remains unknown. Elevated levels of arsenic have been documented in the fill material at depths ranging from 2 feet below surface grade (bsg) to 10 feet bsg where ground water is encountered. Arsenic has been identified at elevated levels in ground water monitoring wells (MW-2 and MW-9) indicating that the arsenic is moving through the unsaturated zone to the water table and migrating horizontally.

The Technical Review Panel is basing its decision that due to the elevated levels of arsenic identified in the soils and groundwater, additional remedial actions are necessary to protect receptors (including groundwater and the surface waters of the Bound Brook).

The Technical Review Panel has determined that the arsenic levels in the fill material requires the property owner New Market Holdings Co. to go beyond the presumptive remedy of placing an engineering and institutional control provided by N.J.S.A. 58:10-12(h) and develop a remedial action plan that addresses source removal, encapsulation and treatment of the ground water for arsenic. If New Market Holding Co., can demonstrate that it is technically impracticable to either treat or remove this material, they should provide the information to the case manager following the United States Environmental Protection Agency (EPA's) guidance for evaluating technical impracticability or similar document(s). This guidance can be found at the following EPA web site.

<http://www.epa.gov/superfund/health/conmedia/gwdocs/techimp.htm>

The stay provided in departmental correspondence dated June 1, 2007 is now rescinded. Please provide the following information as outlined in the Department's March 13, 2007 letter as follows to William Koba, case manager.

1. New Market Holding Co. shall submit a detailed schedule required by N.J.A.C. 7:26E-6.5 regarding the on-going semi-annual ground water and quarterly surface water monitoring at the site within 30 calendar days of receipt of this letter for NJDEP review.
2. New Market Holding Co. shall submit a RIW/RAW for the historic fill material within 60 calendar days of receipt of this letter. The report shall identify the historic fill delineation activities that have taken place to date with an acceptable map depicting boring location, along with analytical results and property boundaries, including the location of the Bound Brook to the site. The RIW/RAW shall also include a proposal for delineation still needed for the arsenic contamination soil in the fill and a proposal to include removal or other remedial alternatives concerning the contaminated historic fill.
3. New Market Holding Co. shall submit a proposal for an interim ground water RAW to manage/treat the on-site contaminated ground water that is adjacent to the Bound Brook and its' flood plain within 60 calendar days of receipt of this letter.
4. New Market Holding Co. shall submit the corrections regarding the Baseline Ecological Evaluation (BEE) with an Ecological Risk Assessment Workplan pursuant to N.J.A.C. 7:26E-3.11 and N.J.A.C. 7:26E-4.7 within 60 calendar days of receipt of this letter.