

Environmental Committee Meeting 07APR09:

Tuesday, April 7, 2009. Called to order at 4:15 pm. Committee Member Attendance, Laurie Cannon (Chair), Frank Barricelli and Ben Forest; FMERPA staff member Diane Canterbury; NJDEP Representative Larry Quinn; Garrison Representative, Joe Fallon; Public attendees Greg Pollack and Tom Mahedy

The Environmental Advisory Committee (“EAC”) approved the 07Apr09 agenda and 03Mar09 minutes.

Ben Forest reported on the Landfills. He provided research and came up with many good discussion points for the meeting. Ed Dlugosz and Merwin Kinkade could not attend the meeting. Laurie Cannon will email them to ask if they can forward their reports on UST's and Stream Banks to be reviewed before the next committee meeting to facilitate next month's discussion. The need to inform the Chairman of the Committee if you cannot attend was reiterated as well as the need to keep public comments at the end meeting with a 10 minute time limit. Ed Dlugosz will also report on the Eatontown Environmental Commission's concerns at the May meeting and Merwin Kinkade will be asked to provide any feedback he has from the Tinton Falls Council members and/or Environmental Commission as well. Diane Canterbury informed the committee that Birdsall Engineering was hired by Eatontown to review the environmental conditions of the Fort property as it pertains to Eatontown and stated that, since our meetings are open to the public, it may be helpful if they could attend; Birdsall was invited to attend by ED Cosentino at the RAB meeting. Diane also noted the need for a County environmental representative to be added to this committee. She will find out which County department could provide such a person so that we have a link to the County concerns, expertise and ability to share environmental information/status. She will contact Freeholder Lillian Burry as a starting point. A discussion took place concerning landfills in relation to the County Park systems: what will happen when the state grants NFA's and the landfills may not continue to be monitored but will still require maintenance?

Ben Forest submitted a review of the Fort Monmouth landfills (see Attachment A).

Questions and discussion that took place based on Landfill Review:

- If this committee wanted to recommend that there be further investigation of a landfill, or landfills, would it be possible to do that, as it pertains to the contents within the landfills? Larry Quinn, NJDEP, did not think that would be something that would be likely to happen. The bottom line is: you have to look at the possible risk versus the financial investment that would be required.
- Ben stated that he felt we should keep the monitoring wells in place long after the army is gone, if we can. Reference was made to underground wells in relation to drinking consumption, irrigation, etc. and Joe Fallon, Fort Monmouth, stated that they have not identified any underground wells within a 2 mile radius that have been affected. Discussion of landfills M2 and M5 centered on bio-remediation techniques to consume

benzene and chlorobenzene in M2 and tetrachlorethylene in M5. Laurie Cannon questioned how long monitoring would continue and what the levels of contamination would have to be for monitoring to be required. Larry Quinn, NJDEP, stated that remedial action would be required if the levels were very high and that, at the very least, monitoring would continue if the contaminants were not below allowable levels. If clean-up is reduced to monitoring, the monitoring can continue for many years based on the possible life of the identified contaminants. If the levels started to go up again, for some reason, the Army could then be required to go back to remedial action. Joe Fallon added that the Army can request discontinuation of monitoring wells only after 8 consecutive quarterly tests with results of compliance within allowable levels. If any water wells were ever identified as having been impacted by migrating contamination, the DEP would make recommendations to add more monitoring wells to cover this. There is always a possibility that contamination could migrate off site to adjacent municipalities, but even if something like this were discovered, it would have to be proven that it was an original problem related to Fort Monmouth contaminants for the Army to be responsible. The NJDEP will determine if the current monitoring wells are in the best locations and will make on-going recommendations. A few monitoring wells are being added and none scheduled to be closed at this time. They can only be closed if approved to be closed by the NJDEP. Ben Forest stated that it should be part of the new owner's agreements that they should continue monitoring for a reasonable amount of time. As an example, if a groundwater Classification Exception Area "CEA" was in place, then the new owner would take on that CEA as negotiated in his/her contract.

- According to Joe Fallon, the Army is currently exploring additional landfill covering (as opposed to capping) because they were capped already, years ago. The discussion of impermeable caps (one or two feet of clay or liners) centered on DEP requirements. Larry Quinn, NJDEP, stated that he still wanted to test more sediment, surface water, soil, and groundwater samples before the DEP will decide on what is acceptable cover for these landfills. Joe Fallon stated that he is just preparing a memo on the landfills and that the Army is leaning towards an additional 2 feet of cover, but that will come into play when and if the DEP decides a more heavy duty clay cap is not required. Larry Quinn added that based on the nature of the landfills and the contaminants that have been seen to date, he does not think an impermeable cap will be required.
- Again, the concern of liability was discussed, as in the case of a bankruptcy proceeding; for example, if a company had taken on a clean up issue in their contract of sale but then subsequently went bankrupt, who would then be responsible for clean up costs-----the municipality, the county, the state, or the Army? Ben Forest stated in his report that the other option is for the Army to remain the owner of some or all of these landfills to which Joe Fallon replied that the Army's intent is to transfer all the land, including the landfills.

Frank Barricelli, in reference to the Oceanport Environmental Commission's concerns in regard to Fort Monmouth property: His most pressing concern is that the County and or the towns maintain the landfills properly until they are taken over by the new owners. As a member of the Restoration Advisory Board, he has reviewed all of the environmental situations at the Fort very closely and feels comfortable with the job the Army has been doing up until this point. Frank agreed to review and present information/ questions/ concerns to the Committee on the monitoring wells for discussion at the May or June meeting.

A question went to Larry Quinn, NJDEP, about previous NFA's; if they still stand, even if they were granted pre-BRAC? Larry stated that early NFA's were far less formal than those that are currently issued, but based on everything he has reviewed of the previous NFA's, he doesn't see any reason for those to be revisited. However, should there be a justifiable reason for FMERPA to revisit based on planned land usage, then it will be addressed at that time. This includes ensuring that the law is adhered to, NJDEP regulations/guidelines are followed, and the provision of justification for re-testing an NFA site has been met.

By the next meeting, Joe Fallon should have a report on the Army's proposal to move forward on the underground storage tanks.

The next Environmental Committee meeting will take place on Tuesday, May 12th, 4:00 pm, in the FMERPA offices.

Public Remarks:

Greg Pollack: When is Matrix's end date? If there are technical questions to be asked, we should get them to Matrix ASAP. Diane Canterbury stated that these questions should be submitted to FMERPA staff and they will get the answers or have Matrix available either in person or on telecom, as appropriate and as stated in the previous EAC meeting. Is there a GIS data base on all the wells at Fort Monmouth? Joe Fallon stated that there are location maps available of all the wells and that Shaw Environmental Group can provide those maps. Greg felt that the County Division of Planning could provide environmental members that could attend our meetings. In reference to liability issues: Greg stated that the new owner would have environmental liability unless previously negotiated differently in the contract. Greg also brought up a point about lab costs. The Fort has a lab for unlimited testing; which should be kept based on the process of certifying environmental labs and the current amount and location of state certified environmental labs. What happens when the Army is gone and not absorbing those costs? Some of the analytical testing can be up to \$1200.00 for each sample. He also stated that we cannot ask for more testing to be done than is legally required by the NJDEP. We would need new legislation specific to Fort Monmouth for that area to be treated differently than the NJDEP regulations for the rest of the state....otherwise environmental clean-up requirements are universal. Greg added that, as for the 2 feet cover issue: 2 feet is actually the requirement for any public area; 1 foot is the requirement for restricted areas. Greg added that PCB's could come from many sources: carbon paper, electrical cable, etc. The list of possible landfill contaminants should be looked at closely.

Tom Mahedy: deferred to Ben Forest for some initial comments. Ben asked the NJDEP to err on the side of caution with all of this. Recommendations for more monitoring wells, rather than less, would be desirable now that the property is being turned over to the public. He requested that the NJDEP be more aggressive with their review of the monitoring wells for the sake of the public. Tom thanked the Chair for allowing Greg Pollack to go over the time limit because of the important information he was able to share. The Chair responded that it was her intent to be flexible with the time limit when the information being presented was informative and relative to the agenda items for that particular meeting. Tom asked that we eliminate the time limit, noting that the Chair may change over time, and a new Chairperson may not be as accommodating. Ben

Forest explained that we already discussed that at length at a previous meeting and the recommendation was 5 minutes and that the Chair decided to extend it to 10 minutes and it seemed that a consensus had already been reached. Tom went on to note that he was grateful for the dialogue between Larry Quinn and Joe Fallon today and he wanted to know if they could continue to attend the meetings. Joe thanked Tom and stated that it would either be him or a member of his staff, but that he intended to have his office represented at these meetings. Tom stated that it would be a great loss to have anyone other than Joe, himself, representing the Army because of his expertise and vast knowledge on all of the environmental issues at the Fort. Tom then referenced a report that was distributed at the RAB meeting: Groundwater and Surface water Monitoring Results up to the third quarter, 2008, noting that everyone should get a copy. He stated that the Army should be clear on the language used when referring to a landfill cap versus a cover because he thought that Wanda Green had stated that all the landfills had been previously "capped" and he wasn't sure that was so. Discussion ensued about the physical debris that is sticking out of some of the landfills (pipes, concrete, steel, etc.). Joe Fallon agreed that some of these items will have to be physically removed or cut down before a new cover is applied. He added that the covers that were there were proper and followed standard practices for the time. Greg Pollack added that "some" landfills require impermeable caps; "all" landfills require cover.

The meeting was adjourned at 6:35 pm.

Attachment A

TO: Environmental Advisory Committee

FROM: Ben Forest

RE: Landfills at Fort Monmouth

DATE: April 7, 2009

I have reviewed much of the paperwork and reports regarding the landfills at Fort Monmouth. I have been onsite including direct access to the landfills during the winter months, when plant coverage is at a minimum. While I have experience as an advocate on solid-waste issues; I hold no special certifications or professional qualifications in the field. I want to thank the Army for its accessibility and openness in providing information.

What is in the "landfills? The Army did its own on-site trash disposal as the various "landfill" location at the base. The reports contain incomplete information about what was dumped in the landfills. There was no thorough record keeping for decades.

It should be noted that these are not modern landfills, with proper cover, lined or leachate collection systems. The army has made improvements and plans additional steps to contain the sites.

It is my opinion that these eleven "landfills" must continue to be monitored for decades, for how long needs to be determined by experts in the field. Any leaching or plumes need to be tracked and appropriate remedial action taken.

We need to confirm that the following questions are answered to our satisfaction:

Given the lack of past records, should we do a closer inspection of what is in the landfill?

Is anyone getting his or her water from underground wells in the area? For what purpose - drinking consumption, irrigation, or other uses?

What level of hazards and range of contaminants do the monitoring wells show? Given what we do/don't know about the landfills and their contents, are there additional contaminants that should be in the monitoring regime?

Are the water wells in areas that might be impacted by migrating contamination?

Could the landfill contamination migrate off site, off the base and into adjacent municipalities? Has it already?

Are the monitoring wells in the best locations to gauge movement trends of any underground plumes of contamination?

Should we be closing (or adding) any of the monitoring wells?

Is the Army's work to date and other planned steps to stabilize the landfills good enough? What more should they do?

Other considerations:

We need to make sure there are resources that will carry-on monitoring these landfills and take whatever steps are needed to protect our health and environment of the area, regardless of what the future holds for the next landowner. I am concerned what happens under a bankruptcy proceeding. Could neighboring municipalities end up with costly liabilities.

If there is a discovery of unacceptable contamination leaching from any of these landfills in the future, there must be a legal entity that is funded, or has access to funding that can take action to remediate and or clean up the site.

As discussed at our last meeting, we cannot reasonably expect owners of disposed of properties do any more than the legal minimum, for an environmental cleanup point of view. The other option of course is for the Army to remain the owner of some or all of these landfills.