



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLICLY FUNDED REMEDIATION ELEMENT
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JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

September 10, 2009

Mr. Frank Cosentino, Executive Director
Fort Monmouth Economic Redevelopment Planning Authority
2-12 Corbett Way, Suite C
Eatontown, NJ 07724

RE: Landfill Streambank Stabilization - Birdsall letter

Dear Frank:

As requested in your letter dated September 3, 2009, this letter is NJDEP's interim response to the letter sent to you by Birdsall Engineering, Inc., dated August 12, 2009.

The Birdsall letter addresses concerns with the streambank stabilization project currently being undertaken by Fort Monmouth. Most of the stream banks included in the project also happen to be landfill banks, which is causing some confusion. As I explained at the July 21, 2009 Environmental Advisory Committee (EAC) Meeting (which Birdsall attended), the streambank stabilization project is just that – a streambank stabilization project. The project was meant to stabilize various stream banks that are being threatened by erosion.

Birdsall and others are operating under the misguided notion that the streambank stabilization project was undertaken as a remedial action, or cleanup, of the landfills involved. It wasn't. The project **was not** intended to be a cleanup or containment of the waste deposits or the low-level contaminants present at the various landfills.

As such, Fort Monmouth applied to the NJDEP Division of Land Use Regulation (DLUR) for the appropriate permit to construct the streambank stabilization project. This occurred after an on-site pre-application meeting, and a site inspection of many of the affected stream banks by DLUR representatives. After one DLUR request for additional information was promptly fulfilled by Fort Monmouth, the permit application was reviewed and approved and the appropriate permit was issued.

New Jersey's Technical Requirements for Site Remediation require that remedial actions protective of human health and the environment be implemented at contaminated sites. Responsible parties (the Army in this case) are required to propose remedial actions for NJDEP approval. As you know, NJDEP has been discussing the environmental condition of the Fort Monmouth landfills with the Army, the FMERPA, and others over the past couple of years. Those discussions, our ongoing review of existing environmental sampling data, and the Army's acquisition of new data will eventually lead us to a point where the Army can propose remedial actions for the Fort Monmouth landfills.

At that point, NJDEP will review the Army's proposals in accordance with all relevant **site remediation** requirements, and the applicable requirements will also be followed as any cleanup projects move forward.

To address the specific questions in your September 3, 2009 letter:

- **Normally, are site specific studies to include high and low water elevations, flow velocities, shear stress, etc., performed as a prerequisite to approval of work of this nature proceeding?:** NJDEP will look into this and respond later.
- **On what basis is NJDEP satisfied that the use of the design materials will reasonably provide long-term prevention of pollutants from entering the streams?:** As explained above, the streambank stabilization project wasn't intended to, and won't, stop pollutants from entering the streams.
- **With regard to the question of sequence, does NJDEP agree that the landfill cap should precede the streambank stabilization effort? If not, please explain. If so, why was the current sequence allowed to proceed?:** Ideally, a landfill cap and proper streambank stabilization would be done concurrently, as part of the same design and construction effort. However, since remedial actions for the landfills are not yet approved, the Army is not ready to proceed with the construction of landfill caps. In the meantime, the stream banks in question were in need of stabilization/repair. I saw no reason to oppose the stabilization of the stream banks. Appropriate remedial actions (cleanups) for the landfills can still be implemented in the future.
- **Why was a Landfill Disruption Permit not required of the Applicant in this case?:** NJDEP will look into this and respond later.

- **Will an operation and maintenance plan be required of the Applicant? If so, when?:** Yes. An operation and maintenance plan will be required as part of the design of any remedial action for the landfills. Design would occur after a proposed remedial action is approved by NJDEP.

NJDEP will follow up on the remaining questions in the near future. Hopefully this response will answer some questions and assuage some concerns in the meantime. NJDEP will continue to work closely with the FMERPA, Fort Monmouth and others on the environmental concerns at Fort Monmouth. Please feel free to contact me at 609-633-0766 with any other questions.

Sincerely,



Larry Quino, P.E., Site Manager

Bureau of Investigation, Design and Construction

C:

Ken Petrone, SRP, NJDEP

Kara Turner, DLUR, NJDEP

Joseph Fallon, Fort Monmouth