



Vol. 22 No. 1

# Update to Clients

## Update

### **Sixty-Nine Reasons for DEP to Reopen Your NFA**

**By Marwan M. Sadat,  
Ph.D., P.E.**

On May 7, 2007, DEP proposed new Soil Remediation Standards, which would replace, supplement and add to the May 1999 Soil Cleanup Criteria (SCC). The history of these standards is somewhat convoluted. They evolved from soil "action levels" first developed in 1985 under the Environmental Cleanup Responsibility Act (ECRA). Although Soil Cleanup Standards proposed by DEP in February 1992 were never adopted, these same proposed criteria were used by DEP for any cleanup required under its Site Remediation Program and the Industrial Site Recovery Act (ISRA), the successor program to ECRA. As an aside, "isra" in Arabic means "Prisoners of War," and I leave it to the reader to interpret the statement as he or she wishes.

In 1993, DEP was granted the authority to "reopen" any DEP approved remediation (which DEP does with a No Further Action (NFA) letter if newly adopted "standards" exceed the old standards by an order of magnitude). It will be up to the legal profession and the courts to determine if the old cleanup "criteria" (SCC) were actually standards, which would

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## **SAI Designs Equivalent Closure for Major Warehouse Project**



*Artist's rendering of the finished warehouse at the former PJP Landfill in Jersey City, NJ.*

AMB Property Corporation selected SAI to assist in determining the feasibility of substituting an 880,000 square-foot warehouse redevelopment project for a previously approved landfill cap at the former PJP Landfill in Jersey City. Susan Goetz, SAI's Project Manager, worked closely with the Client to understand the permitting issues involved in redeveloping this landfill site.

The PJP Landfill was in the news in the early 1980s when Dr. Sadat ran the NJDEP cleanup program. NJDEP had to take charge of extinguishing a subterranean fire at the site when it was discovered that there were drums of chemicals within the burning wastes. Extinguishing the fire required excavation and wetting the waste to cool the intense heat (up to 1,000 degrees Fahrenheit) and removal of thousands of chemical drums. Remaining waste was then covered with layers of dirt and compacted, and an interim clay cap installed across a portion of the landfill. Later,

the site was included on the Superfund list. A responsible party group completed plans for capping the 90-acre landfill. Recognizing the benefits of a large parcel of undeveloped land in this portion of the State, AMB pursued a series of approvals and in June 2007 secured site plan approval for redeveloping a 50-acre portion of the site. SAI was retained by AMB based on its reputation and experience in landfill management and redevelopment as well as its relationship with the regulatory agencies. SAI's involvement focused on gaining concurrence from NJDEP that the redevelopment plan could be substituted for a conventional closure. SAI also assisted the Client in reaching agreement with the responsible party group on AMB's role in performing a major portion of the remediation.

SAI is now designing the details of the Closure Plan. One of the main concerns in the redevelopment is the presence of landfill gas, which will be recovered and vented from beneath the building.

As the project progressed AMB, a leading global developer and owner of industrial real estate, realized that Susan Goetz's talents could be applied at other projects throughout the East Coast and Europe. Susan took up AMB's offer to become Director, Environmental and Development Services. As she had been at SAI for more than 12 years, we will miss her here but will also enjoy the opportunity of working for her as a Client.

"Sadat has provided unique opportunities for my career and given me the opportunity to learn from

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## **INSIDE**

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# Cotton Mills Associates, LLC Redevelop After Devastating Factory Fire

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be modified by the 2007 standards.

SAI carefully examined the 2007 Soil Remediation Standards for residential use, non-residential use, and impact to groundwater relative to the 1999 SCC. We have counted 69 standards for 50 hazardous substances that have been reduced by one order of magnitude or more. The breakdown of these changes are: 37 standards have decreased by one order of magnitude; 28 standards have decreased by two orders of magnitude; and 3 standards have decreased by three orders of magnitude. The largest standard decrease is for the pesticide lindane, for which the impact to groundwater concentration has been reduced four orders of magnitude from 50,000 parts per billion to 2 parts per billion, a decrease of 25,000 times. If these standards are adopted DEP will have 69 reasons to reopen your NFA.

One final note – if your residence was constructed before 1988, a termite control company probably injected chlordane into your foundation. The 1999 SCC had no standard for chlordane. The 2007 standard for unrestricted use (residential) is 200 parts per billion, and any future sale of the property could require a cleanup of your foundation to meet this standard.

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Sadat Associates, Inc., is providing environmental consulting services for Cotton Mill Associates, LLC, the redeveloper of the former Wheaton Plastics facility in Mays Landing, Atlantic County. The recently approved plan includes the restoration of the original structures at the six-acre vacant manufacturing facility, to be converted to approximately 140-180 residential units.

Tragedy struck, however, in the form of a fire that destroyed much of the original historic site.

SAI's services to the redeveloper have included Strategic Due Diligence as well as the oversight and coordination of the ongoing soil and groundwater remediation activities by the responsible party under the NJDEP ISRA program. In addition, SAI provided immediate on-site project management and coordination with local, county, and NJDEP emergency responders regarding the potential presence of hazardous materials. SAI will continue to manage the project during the reconstruction of the historic buildings and throughout the redevelopment process.

## SAI Employees Active in Local Environmental Commissions

Environmental Commissions in New Jersey are appointed bodies that advise municipal governing bodies and boards on planning and zoning, and undertake educational and other environmental projects.

SAI has always encouraged its employees to take part in community environmental affairs. Currently Suzanne Macaoay, Sr. Project Manager, and Joe Wiley, VP of Operations, both serve on their local environmental commissions.

Suzanne has been a member of the Environmental and Open Space Commission in Franklin Township,



*Artist's rendering of the finished project at May's Landing*

The Site was formerly the location of the Mays Landing Water Power Company cotton mill, dating to circa 1833. Water from Lake Lenape was used to power the water wheel. The oldest remaining building on the site is a three-story brick building with a square water tower. The site also housed a hotel at the turn of the century, which is no longer standing, and an electric powerhouse that supplied supplementary power to

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Warren County, since its establishment in 2004. As part of these groups, she has been involved primarily in assisting local farmers with the preservation of their farmland. At this point, Franklin has more than 1,900 acres of farmland preserved.

The Commission was also successful earlier this year in acquiring 60 acres of open space in the middle of the Township to be used as recreation fields for the Township youth.  
Site. Ms.

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## SAI Assists Highlands Area Factory Owner in Redevelopment

SAI has completed a Site Investigation Report Addendum/Limited Remedial Investigation Workplan for Oxford Textiles in Oxford Township, Warren County. Oxford closed its manufacturing operations a number of years ago and has been undergoing an ISRA investigation.

The factory area is approximately 50 acres and has buildings dating back to the Civil War. It also includes some virgin land and almost 200 acres of wetlands.

Mario Guarriello, Sr., and his sons, Mario, Jr. and Nick, wanted to redevelop the Site but were not sure how best to pursue the opportunity. With the skilled advice of Attorney Jim Broschious of Washington, NJ, SAI and the Guarriellos worked with the Township Council to become designated as redeveloper. Joe Wiley provided assistance to the Guarriellos and met with Township officials to explain the successes that the firm had enjoyed in prior redevelopment projects, such as Canal Crossing in South Bound Brook. Joe explained that a viable redevelopment effort needs both a cooperative municipality and a property owner with a team of skilled professionals. The details of the development project can be worked out when an end use developer is selected by the property owners.

Nick Guarriello is meeting with some potential end use developers. Nick explained that despite being in the Highlands, the Site has been identified as a brownfield area and can be redeveloped for residential use.

“We were pleased to learn the redevelopment process from the experts and be designated as redevelopers. Now we are working closely with municipal officials and completing our cleanup plans with end uses in mind.”

*Postscript --*

*Since the beginning of SAI's involvement in the project, Jim Broschious, Esq., passed away unexpectedly. Jim was sincerely community*



*An aerial view of the Oxford Textiles site in Warren County, NJ (courtesy of NJDEP's iMap program).*

*mindful and took on great challenges like the Oxford Project because, as he said, “It was the right thing to do and for people I like.”*

## May's Landing

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the company town. The site is currently listed on the National Historic Register. It was owned and operated by Wheaton Plastics and their successors from 1951 through 1994, when production ceased in the original complex. Wheaton's operation included the manufacturing of plastic coated glass bottles and injection molding of plastic bottles. The site has stood vacant since 1994.

In spite of the fire, the developer will still be able to use most of the buildings that were planned for redevelopment. Those that were lost will be rebuilt to resemble as closely as possible the original structures. “It's not what we wanted to see,” said Mark Bellin, president of Fieldstone Development Group of Newark, who called it a terrible loss. Despite the destruction, Bellin said his company plans to continue with the condominium project after figuring out the extent of the damage and what can be salvaged. “We're going to build it,” he said.

## Warehouse Project

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extremely talented and creative professionals. I am confident that they will continue to apply this talent and committed project management skills to AMB's projects going forward. Plus, I'm glad I'll have a chance to continue working with my former colleagues while learning a new side of the redevelopment business with a leading global developer,” said Susan.

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Consequently, while DEP has only targeted home oil tanks and residential wells in the past, household soils could be next.

For further information, please contact Dr. Marwan Sadat at SAI.

## In Memoriam

*On June 25, 2007, we were deeply saddened by the loss of our dear friend and colleague Harold Hardaway. Harold joined SAI in October 1989 and was a mainstay of our firm. In addition to all his hard work, Harold never wavered in his loyalty, generosity of spirit, and goodness of heart. We miss him greatly. In his name, we are continuing Harold's annual holiday tradition of collecting food, essentials, and monetary donations for the Trenton Area Soup Kitchen.*

## Welcome!

### Lisa Thompson.

Ms. Thompson has joined SAI as an Environmental Scientist. She earned a B.A. degree from the University of Virginia in International Relations and French, and an M.S.P.H. from the University of North Carolina at Chapel Hill in Environmental Policy and Management. Ms. Thompson's expertise is in wetlands issues. She has worked on a wide range of projects, from individual homeowners to large developments, and has assisted SAI with an after-the-fact general wetland permit for the Pennington School. She is also assisting Joe Wiley in the marketing department.



### Janine Lipski.

SAI is pleased to welcome Ms. Lipski as the most recent addition to our staff. Ms. Lipski is assisting us in our administrative and project support needs. In addition to working at SAI full time, she is pursuing a degree in Office Technology from Mercer County Community College.



## Congratulations!

### Javier Ramirez, Ph.D.

SAI would like to congratulate Javier on his recent publication in Compost Science and Utilization. His article, co-authored by Peter F. Strom and Uta Krogmann, is entitled, "Horse Manure And Cranberry Fruit Composting Kinetics And Measures Of Stability". The entire article is available online at [http://www.jgpress.com/compostscience/archives/\\_free/001444.html#more](http://www.jgpress.com/compostscience/archives/_free/001444.html#more).

## Environmental Commissions *Continued from page 2*

Suzanne worked as the representative from the Environmental and Open Space Committee during the performance of an assessment of the strength and effectiveness of the municipality's land use ordinances, particularly those relating to environmental issues. She assisted with drafting the section of this assessment pertaining to issues such as steep slopes, woodlands, and stormwater management. Because of her training as a geologist, she was the principal author of the section of this report evaluating the Township's limestone ordinance.

Outside her work on the Commission, Suzanne has also assisted the Township's elementary school with understanding a vapor intrusion issue associated with groundwater contamination by TCE in what is known as the Pohatcong Valley Superfund Site. Suzanne met with school and USEPA officials regarding the EPA's testing data and its proposal to install a mitigation system in the school.

Joe has been a member of the Delaware Township, Hunterdon County Environmental Commission

since 2005. He has helped draft a new Woodlands Protection Ordinance that encourages maintenance of existing woodlands in new development. Joe and the environmental professionals on this Commission reviewed other "model" ordinances on the subject and realized they were very prescriptive and did not reflect the principles of ecological design, so they drafted a new ordinance.

Joe also worked on a National Scenic Trails Grant application on behalf of the Township. A grant of \$19,500 was just awarded to the Township. The grant will be used to create a 2.5 mile trail connecting the Bulls Island recreation area (on the Delaware River) to a county park. The trail will traverse preserved properties and offer a variety of upland and stream corridor habitats. Volunteers will do most of the work on the project. Grant monies will be used for signs, maps and trail guides.

If you are interested in the role of Environmental Commissions and how you can help in your community, please contact Suzanne or Joe.

## Life on the River -- A Fish Story

We here at SAI are growing accustomed to hearing about unusual wildlife sightings outside our office, such as the Beluga Whale that visited for four days in the spring of 2005, or the sturgeon caught illegally that same year. So we always wonder what we'll see next.

We weren't surprised when a fisherman caught a very interesting fish outside the SAI offices in July -- a black piranah. This piranah (*Serrasalmus niger*), native to the Amazonian basin, is needless to say extremely rare in the waters of the Delaware River. This sharp-toothed carnivorous fish was caught just south of our office.

Piranahs are meat-eating fish that, when swimming in large schools, can become aggressive and attack humans. DEP spokesperson Mary Cervantes said that this fish was probably just an aberration and the ecosystem of the Delaware River isn't threatened. She surmised that the fish had been a pet that was released to the river when the owner tired of it.

"If we start to get more sightings of these then we would possibly take a look into it," she said. "This is definitely an anomaly. It's an exotic fish that is not one we find on our waters here."

*Details courtesy of [www.Trentonian.com](http://www.Trentonian.com)*



*A guide holds open the jaws of the red-bellied piranah -- a relative of the black piranah and one of the Amazon's most notorious species. (Photo courtesy of [www.junglephotos.com](http://www.junglephotos.com).)*

From the Editor -

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