

Raskin, Morgan

From: William Lindner <William.Lindner@dep.nj.gov>
Sent: Tuesday, September 23, 2014 11:04 AM
To: Raskin, Morgan; Shaw, Heather
Cc: Kim McEvoy
Subject: Conditional Clearance for NCR39562
Attachments: NJDEP Free Product Guidance_NCR39562_09222014.pdf; BLP Draft Deed Notice 021214.pdf

Date: 09/23/2014

Applicant # NCR39562

Applicant Name: Jersey City Redevelopment Agency

Contaminated Site Name: Berry Lane Park

Contaminated Site Address: 942 Garfield Avenue, Jersey City, Hudson County

SRP PI # 568229

The Applicant's property is an active NJDEP Contaminated site. Berry Lane Park is a 17-acre city park bounded by Garfield, Communipaw, Woodward Streets and Railroad Tracks in the Lafayette Neighborhood of Jersey City. When completed, Berry Lane Park will include two basketball courts, two tennis courts, a baseball field, a soccer field, and a playground. Additional park amenities will include 600 new trees and a rain garden. Acquisition of 11 properties comprised the first phase of the Berry Lane Park project. All of the acquired properties were contaminated Brownfield sites, that were vacant, abandoned, or underutilized former industrial or commercial properties. Environmental investigations were required to assess any potential contamination due to historical uses at the acquired properties.

The Applicant has retained a Licensed Site Remediation Professional (LSRP) to address environmental concerns at the property in accordance with NJDEP Requirements and Timeframes. A cleanup was required by NJDEP due to historical discharges of metals and petroleum constituents at the acquired properties. Remediation activities such as excavation of contaminated soil, off-site soil disposal and installation of engineering controls were implemented at the property. Groundwater investigation and remediation is ongoing. Light-Non-Aqueous Phase Liquid (LNAPL) has been identified in groundwater at approximately 8.5 to 12-feet below ground surface (bgs) on a portion of the property. For construction purposes, groundwater encountered with LNAPL (>0.01 feet) will be recovered and disposed of at a permitted facility. It should be noted that currently the Applicant's environmental consulting firm, Dresdner Robin, is performing LNAPL recovery from a source area monitoring well on a weekly to monthly basis, as necessary. The attached DRAFT, unsigned Deed Notice (drafted 02/14/2014) addresses soil contamination that will remain on the property but does not address groundwater impacted by LNAPL since there is no intent to leave LNAPL on the property.

If the Deed Notice is properly implemented on the property a "Conditional Clearance" for the property would be automatically granted without the need for further review from NJDEP. The NJDEP Free Product/Contaminant Discovery Guidance provides additional protocols that are to be used by the construction contractor if free product or another contaminant discharge is discovered.

Document Action

1. In the **Summary Statement of Findings and Conclusions** Section of the EA Form, include the following language:

“Based upon completing this EA, environmental review of the proposed project indicates, the Applicant’s property is an active, in-compliance NJDEP Contaminated site. The NJDEP has determined that contamination discharged at the HUD Applicant’s property has impacted soil but the future use of the property is restricted to be maintained as open space. A Deed Notice will be implemented at the site which addresses soil contamination that remains on the property. Free product recovery has impacted groundwater on a limited portion of the property. Under NJDEP Guidelines, free product cannot remain in groundwater on the property. Ongoing free product recovery is being conducted by the Applicant’s LSRP on a limited portion of the property. There is no intent to leave free product on the property and there are no vapor intrusion concerns due to groundwater contamination since no permanent, inhabitable structures are planned for the park.”

2. Under the **Required Mitigation and Project Modification Measures** Section, the following language is required:

“The Applicant’s property has been issued a “Conditional Clearance” by NJDEP. In order to maintain this “Conditional Clearance”, the following NJDEP documents must be reviewed prior to construction, and complied with during construction, to ensure potential hazardous conditions on the Applicant’s property are understood and mitigated:

- Conditional Clearance Email
- HUD Toxics Clearance Spreadsheet
- Draft Deed Notice (draft date 02/12/2014)
- Free Product / Contaminant Discovery Guidance at HUD Funded Projects: Applicant #NCR39562

These documents must be included in the Applicant’s file.

LSRP Contact Information:

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