



ENVIRONMENTAL & GEOTECHNICAL ENGINEERS & CONSULTANTS

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January 14, 2014

via email

SUPERIOR MANUFACTURING PROPERTY MANAGEMENT, LLC
86 Hobart Avenue
Bayonne, New Jersey 07002

Attention: David Moskovits, Ph.D.

Regarding: ENVIRONMENTAL REGULATORY COMPLIANCE STATUS
18,000 GALLON #2 HEATING OIL UST
86 HOBART AVENUE
BLOCK 359, LOT 10
BAYONNE, HUDSON COUNTY, NEW JERSEY
NJDEP CASE NO.: 98-18-1426-23
WHITESTONE PROJECT NO.: EJ1312798.000

Dear Mr. Moskovits:

Whitestone Associates, Inc. (Whitestone) is pleased to submit for your review this status update regarding environmental regulatory compliance activities associated with the former (closed-in-place) 18,000 gallon heating oil underground storage tank (UST) referenced above.

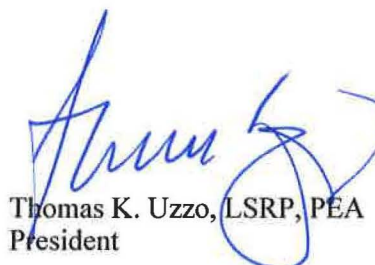
Whitestone witnessed the in-place abandonment of one 18,000 gallon heating oil UST in 1999 and subsequently conducted subsurface evaluation activities in support of the UST closure. More recently, Whitestone reviewed prior documentation regarding environmental investigations and corrective actions relative to the former UST and submitted Licensed Site Remediation Professional (LSRP) Retention, Annual Remediation Fee, and Receptor Evaluation forms pursuant to New Jersey's *Site Remediation Reform Act* and prior directives received from the New Jersey Department of Environmental Protection (NJDEP) on December 20, 2013. Whitestone is in the process of preparing a scope of work and budget for conducting the necessary Remedial Investigation (RI) to evaluate the nature and extent of contamination remaining from the former UST. Upon completion of the RI, a scope and budget will be prepared for addressing residual contamination, if necessary.

Please do not hesitate to contact us at (908) 668-7777 with any questions regarding this matter.

Sincerely,

WHITESTONE ASSOCIATES, INC.


Christopher Seib, LSRP
Director, Environmental Division


Thomas K. Uzzo, LSRP, PEA
President

TKU/np L:\Job Folders\2013\1312798EJ\Reports and Submittals\Superior-Reg Compl Status 1-14-14.docx
Enclosure

Other Office Locations:

■ CHALFONT, PA
215.712.2700

■ STERLING, VA
703.464.5858

■ EVERGREEN, CO
303.670.6905



July 2, 1999

776 MOUNTAIN BOULEVARD
WATCHUNG, NJ 07060
908.668.7777
908.754.5936 FAX

GWYNEDD CORPORATE CENTER
1120 WELSH ROAD
SUITE 200
NORTH WALES, PA 19454
215.393.8200
215.393.8574 FAX

DURAPORT REALTY TWO, L.L.C.
c/o The Alessi Organization
160 East 22nd Street
Bayonne, New Jersey 07002

Attention: Mr. Vincent Alessi

**Regarding: REGULATORY STATUS UPDATE SUMMARY
DC PLASTICS/MATLACK INC. SITE
FOOT OF EAST 2ND STREET AND HOBART STREET
BLOCK 359, LOT 10
FACILITY UST NO. 0073910, TMS NO. C98-1313
BAYONNE, HUDSON COUNTY, NEW JERSEY
WHITESTONE PROJECT NO.: WJ99-2453**

Dear Mr. Alessi:

Whitestone Associates, Inc. (Whitestone) has been retained by DuraPort Realty Two, L.L.C. (DuraPort) to provide environmental consulting services at the above referenced site in order to facilitate DuraPort Realty's obligations under the terms of the December 3, 1998 *Remediation Agreement* with Bayonne Terminals (enclosed as Attachment 1). It is Whitestone's understanding that DuraPort's environmental compliance responsibilities pursuant to the *Remediation Agreement* are limited to completion of the closure of underground storage tanks (USTs) and the remediation of soil contamination associated with those tanks, decommissioning of the five aboveground storage tanks (ASTs), and compliance with the October 30, 1992 Memorandum of Agreement (MOA, enclosed as Attachment 2). Whitestone understands that the agreement addresses other responsibilities including the repair of sidewalks, however, these obligations do not require Whitestone's involvement.

UST CLOSURES & REMEDIATION

UST decommissioning activities originally were initiated by American High-Tech, Inc. (AHT) on May 20, 1998. AHT initiated the abandonment of an 18,000 gallon #2 heating oil UST and removed an 8,000 gallon #2 heating oil UST from the site. Prior to tank closure activities, a Tank Closure Notice was submitted to the New Jersey Department of Environmental Protection (NJDEP), Bureau of Field Operations (Closure Approval # C98-1313) for the removal for an 8,000 gallon UST (Tank ID #0001) and the abandonment of a 15,000 gallon UST (Tank ID #0002). AHT did not complete the abandonment of Tank #0002.

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Whitestone supervised the abandonment (closure-in-place) of Tank #0002 on April 7, 1999 including the reclamation of water from the tank and the filling of the tank with flowable inert material (concrete slurry). Information obtained during tank abandonment (concrete load tickets) by Whitestone indicated that Tank #0002 was actually 18,000 gallons capacity.

Information obtained by Whitestone from the NJDEP, Registration and Billing Unit indicated that Tank #0002 previously was not included on the NJDEP's Registry. A tank registration form for the proper registration of the 18,000 gallon UST and the de-listing of both tanks from the NJDEP Tank Registry subsequently were submitted to NJDEP, Registration and Billing Unit (as required).

Whitestone was provided with a Site Investigation Report (SIR) dated July 1998 prepared by AHT and select information (sample location map, analytical data and boring logs, enclosed as Attachment 3) from AHT regarding a subsequent Remedial Investigation (RI) performed. Outlined below is a summary of findings obtained from investigations and conclusions / recommendations based upon the information provided by AHT.

Summary of Findings - 8,000 Gallon UST (Tank #0001, Removed)

Tank removal activities were initiated by AHT on May 20, 1998 for one 8,000 gallon No. 2 fuel oil UST. No indications of a discharge were reported. Samples were collected from along the limit of the tank excavation and along the associated piping run. One sample (T1-P4) was reported with total petroleum hydrocarbon compound (TPH) concentrations in excess of 1,000 milligrams per kilogram (mg/kg), therefore, supplemental volatile organic compound (VOC) analyses were performed on that sample. Soil samples collected from the former location of the 8,000 gallon UST and appurtenant piping revealed contaminant concentrations below NJDEP's most stringent soil remediation criteria. Based upon the analytical results, no further action is proposed for Tank #0001.

Summary of Findings - 18,000 Gallon UST (Tank # 0002, Abandoned)

AHT initiated abandonment activities (tank emptying and cleaning) for the 18,000 gallon No. 2 fuel oil UST on May 20, 1998. The tank was perforated, and groundwater was observed entering the tank. AHT did not complete tank abandonment (filling with inert material) activities. AHT collected soil samples from around the perimeter of the UST. Results of initial sampling indicated concentrations of TPH, vinyl chloride, methylene chloride, ethyl benzene, total xylenes, and tetrachloroethene in excess of NJDEP's most stringent soil remediation criteria. AHT advanced additional soil borings throughout the loading dock area, within paved yard areas, and within the building. The results of the soil boring study indicated an erratic distribution of contaminants across the study area. Contaminants encountered during the investigations performed by AHT included chlorinated volatile organics typically associated with solvents and thinners and not associated with fuel oil, therefore, additional contaminant source(s) may be located on-site or the site may be impacted from an off-site source. Sampling performed by AHT was performed in the saturated zone and therefore is considered ground water contamination. A discharge incident was reported to the NJDEP Environmental Action Hotline, and Case

No. 98-06-18-1426-23 was assigned.

On April 7, 1999, Whitestone completed the abandonment of the 18,000 gallon No. 2 heating oil UST including pumping approximately 16,000 gallons of oily water from the tank (for off-site treatment and discharge) and filling the tank with 93 cubic yards of concrete/concrete slurry. Based upon the amount of concrete required to fill the tank, it appears that the tank had a non-standard capacity (approximately 18,800 gallons) and not the 15,000 gallon capacity previously reported by AHT. Although the tank was perforated, it does not appear likely that the apparent discrepancy would be attributable to losses through the tank.

ABOVEGROUND STORAGE TANK DECOMMISSIONING

It is Whitestone's understanding that a temporary Court Order prevents DuraPort from decommissioning the five ASTs, at this time. Upon authorization to proceed, Whitestone shall provide required coordination and consulting services associated with the decommissioning of these tanks at the request of DuraPort.

MOA OBLIGATIONS

The October 30, 1992 MOA specifies that only a *Remedial Investigation Workplan* (RIW) and a *Remedial Investigation Report* (RIR) would be compiled and submitted to the Department for the subject property designated as Block 359, Lots 1, 10 and 4.02. As defined by the NJDEP's *Technical Requirement's for Site Remediation* (N.J.A.C. 7:26E-1.8 et. seq.); a *Remedial Investigation* includes "actions to investigate contamination and the problems presented by a discharge". Based upon Whitestone's understanding of the *Remediation Agreement*, MOA provisions, DuraPort appears to be responsible for obtaining approval of a RIW and RIR for those areas of concern (discharge areas) for which the MOA originally was compiled.

Whitestone's, review of limited historical information provided by Bayonne Terminals and NJDEP Northern Field Office indicates that Malcolm Pirnie Inc. originally was retained by Bayonne Terminals, Inc. to provide consulting services in compliance with the intent of the MOA. Two reports which address concerns on Lot 10 were reviewed by Whitestone. The first report was titled *Workplan for Site Investigation Bayonne Terminals, Inc. Bayonne, New Jersey* dated May 1995, and the second report was titled *Site Investigation Results Bayonne Terminals, Inc. Warehouse Parcel Bayonne, New Jersey* dated September 1995 (enclosed as Attachment 4). Although the Malcolm Pirnie reports were not titled RIW and/or RIR, the reports essentially documented "actions to investigate contamination and the problems presented by a discharge" and, therefore, appear to fulfill the reporting requirements of the MOA. Malcolm Pirnie's investigations identified seven areas of concern including the following:

- ▶ Area 1: Ethylene Glycol and Diethylene Glycol Spills;
- ▶ Area 2: Muriatic Acid Spill;

- ▶ Area 3: Caustic Soda Spill;
- ▶ Area 4: Area of Mineral Oil Spill;
- ▶ Area 5: Zirconium Oxide Spill;
- ▶ Area 6: PCE Spill; and
- ▶ Area 7: Sumps.

AOCs 1, 3, 5, 6, and 7 were identified by Malcolm Pirnie, Inc. to be located on the Waterfront Parcel (Lot 1) and, therefore, are not AOCs pertinent to Lot 10.

AOCs 2 and 4 were referenced to the Warehouse Parcel (Lots 4.02 and 10) by Malcolm Pirnie, Inc. Whitestone's review of the maps provided in the Malcolm Pirnie reports in comparison with the Bayonne Tax Map and the Faraldi Group, Inc. survey reveals that AOC 2 actually was located off-site (on Lot 11). Whether or not this AOC is off-site or on-site, NJDEP issued a No Further Action (NFA) letter for AOC 2 (copy enclosed as Attachment 5).

Malcolm Pirnie's *Workplan for Site Investigation* report indicated that Area 4 involved the discharge of 200 gallons of food-grade mineral oil onto the black top near the packaging plant. Malcolm Pirnie indicated that because the material was not a hazardous substance, was cleaned up immediately, and did not impact the environment, no further investigation would be necessary. Also referenced under AOC 4, Malcolm Pirnie indicated that 500 gallons of morpholine were spilled inside the building on the Warehouse Parcel. Similarly, Malcolm Pirnie indicated that since the spill was cleaned up immediately and did not impact the environment, no additional investigation would be necessary.

Based upon the above, no MOA obligations appear to be outstanding to Bayonne Terminals from DuraPort pursuant to the *Remediation Agreement* regarding Lot 10.

CONCLUSIONS AND RECOMMENDATIONS

- ▶ Soil samples collected from the former location of the 8,000 gallon UST and appurtenant piping revealed contaminant concentrations below NJDEP's most stringent remediation criteria. Based upon AHT's analytical results, no further investigation is required for Tank #0001.
- ▶ Soil samples were collected from around Tank #0002, and contaminant concentrations were determined to exceed the NJDEP's most stringent soil remediation criteria. Contaminants encountered during the investigations included chlorinated volatile organics typically associated with solvents and thinners and not associated with fuel oil, therefore, additional contaminant source(s) may be located on-site or the site may have been impacted by an off-site source. AHT performed sampling in the saturated zone which may typically be considered groundwater contamination. As groundwater contamination does not appear to be the responsibility of DuraPort pursuant to the *Remediation Agreement*, it appears that DuraPort's obligations may have been met.

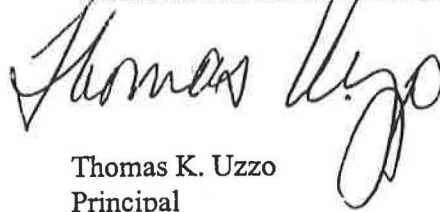
- ▶ The tanks have been delisted properly from the NJDEP's Tank Registry. A *Site Investigation Report* (SIR) should be compiled and submitted to NJDEP for Tank #0001. A RIR is required to be submitted to NJDEP for Tank #0002. These two AOCs could be addressed in one report. As DuraPort's responsibilities appear to be limited to the USTs and associated soil contamination, it may be beneficial to revise the 1992 MOA to include the USTs (Tank #0001 and Tank #0002) and associated soil in an effort to have the NJDEP evaluate specific media (soil). The SIR/RIR should be submitted to the NJDEP with a NFA proposal regarding Tank #0001 and soil associated with Tank #0002.
- ▶ Upon authorization to proceed, Whitestone shall provide any required coordination and consulting services associated with the decommissioning of the ASTs.
- ▶ It appears that Malcolm Pirnie, Inc. sufficiently addressed obligations associated with Lot 10 pursuant to the 1992 MOA, therefore, no further action on the part of DuraPort appears necessary unless the MOA is modified to address the USTs (as referenced above).

Whitestone's interpretation of DuraPort's obligations are opinion only and should be further evaluated by retained legal counsel. Whitestone makes no representation as to the quality or accuracy of any work performed by others. The work performed by AHT or any other consultant is subject to NJDEP's acceptance/approval.

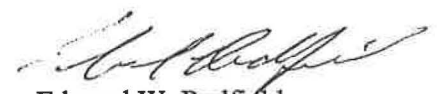
If you have any questions or comments or require additional information, please contact us at (908) 668-7777.

Sincerely,

WHITESTONE ASSOCIATES, INC.



Thomas K. Uzzo
Principal



Edward W. Redfield
Senior Project Manager

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Enclosure
copy: Gordon Duus, Esq.
Mel Keduct, Esq.