PHILIP D. MURPHY
Governor

TAHESHA WAY
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
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MATTHEW J. PLATKIN
Attorney General

MICHAEL T. G. LONG
Director

April 25, 2024

Via Electronic Filing
Camden County Superior Court
Chancery/General Equity
Camden County Hall of Justice
101 South 5th Street
Camden, New Jersey 08103

Re: State of New Jersey, New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection v. F M Equities, LLC
Docket No. CAM-C-

Dear Sir/Madam:

Enclosed please find a Case Information Statement, Order to Show Cause, Verified Complaint, Brief, Exhibits and Proposed Form of Order regarding the above captioned matter.

If you have any questions please do not hesitate to contact me at 609-376-2789.

Respectfully yours,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ William T. Rozell
William T. Rozell
Deputy Attorney General

MATTHEW J. PLATKIN
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By: William T. Rozell
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(609) 376-2789
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STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiff, v. F M EQUITIES, LLC, Defendant.	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION – CAMDEN COUNTY DOCKET NO. C 52-24 **CIVIL ACTION** VERIFIED COMPLAINT TO ENFORCE FINAL AGENCY ORDER AND FOR IMPOSITION OF CIVIL PENALTIES IN A SUMMARY PROCEEDING PURSUANT TO R. 4:67-6 and R. 4:70

Plaintiff State of New Jersey, Department of Environmental Protection ("Department"), by and through its attorney, brings this Verified Complaint against F M Equities, LLC ("FM"), and alleges as follows:

STATEMENT OF THE CASE

1. The Department brings this civil action against FM to remedy its longstanding noncompliance with environmental laws and regulations at a commercial property in Pennsauken Township, which has exposed the surrounding community to environmental and public health hazards for decades.

2. The property, referred to by the Department as Program Interest #G000002721, is located at 1400 Suckle Highway, Pennsauken Township, Camden County, also known as Block 2103, Lot 7 ("Site"). The Site is currently owned by Defendant FM.

3. A prior owner and operator discharged hazardous substances at the Site.

4. Sampling by the Department revealed excessive levels of hazardous contaminants in the soil and groundwater at the Site.

5. FM purchased the Site in 2003 and has failed to remediate the contaminated soil and groundwater. According to the most recent sampling results, collected by the Environmental Protection Agency ("EPA"), hazardous substances remain in the soil and groundwater at the Site at levels high enough to potentially cause health concerns at and near the Site.

6. Remediation of the Site will protect human health and is necessary to prevent contaminated groundwater from affecting nearby properties through the migration of volatile organic

compounds found in the groundwater from the subsurface into the overlying buildings. Volatile organic compounds have been linked to neurological, reproductive, developmental, cardiovascular, respiratory, and immunological damage in humans. Volatile organic compounds can linger in the groundwater for an extended period of time and can migrate into subsurface air spaces as vapors that can then intrude into homes and businesses.

7. For nearly a decade, the Department has attempted to compel FM to bring the Site into compliance, but FM has failed to satisfy its statutory and regulatory obligations.

8. On July 12, 2021, the Department issued FM an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") that identified specific, unmet remediation-related regulatory obligations at the Site, including the payment of overdue annual remediation fees, the submission of a remedial investigation report and remedial action report, and the retention of a Licensed Site Remediation Professional ("LSRP"). FM did not contest the AONOCAPA and, on or about August 24, 2021, the AONOCAPA became a Final Agency Order ("FAO"), which by law is fully enforceable in Superior Court. Nor did FM appeal the FAO.

9. Despite the FAO's clear requirements, FM has failed to investigate and remediate known contamination at the Site. The Department now seeks to enforce the FAO and collect civil penalties

against FM. The historical and ongoing failure of FM to remediate the Site in compliance with applicable laws and regulations violates the Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.24, and the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 to -31 ("Brownfield Act'), as amended by the Site Remediation Reform Act ("SRRA"), N.J.S.A. 58:10C-1 to -29, as well as regulatory requirements codified at N.J.A.C. 7:26C and 7:26E.

10. The community adjacent to the Site has a significant low-income, minority or limited English proficiency population such that it is considered an "overburdened community" within the meaning of N.J.S.A. 13:1D-158.[1] Historically, such communities across New Jersey have been exposed to disproportionately high levels of air, water, and soil pollution, with accompanying increased negative public health impacts.

11. Residents of all communities should receive fair and equitable treatment in matters affecting their environment, community, homes, and health, without regard to race, language, or income. See, e.g., Exec. Order No. 23 (April 20, 2018), 50 N.J.R.

[1] "'Overburdened community' means any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency." N.J.S.A. 13:1D-158. The Site is located within an area of Pennsauken, Camden County, New Jersey that is listed as an overburdened community on the Department's website pursuant to N.J.S.A. 13:1D-159.

1241(b) (May 21, 2018); Environmental Justice Law, N.J.S.A. 13:1D-157 to -161.

12. The Department now brings this civil action to enforce the FAO against FM. The Department also seeks the imposition of additional civil penalties for FM's violation of an FAO, pursuant to N.J.S.A. 58:10-23.11ua and d.

13. With regard to the Department's claim against FM, the Spill Act, Brownfield Act, SRRA, Penalty Enforcement Law, N.J.S.A. 2A:58-10 to -12, and Rules 4:67-6 and 4:70 authorize the Department to seek enforcement of the FAO and imposition of civil penalties in a summary manner.

THE PARTIES

14. The Department is a principal agency within the Executive Branch of the State vested with the authority to conserve natural resources, protect the environment, prevent pollution, and protect the public health and safety. N.J.S.A. 13:1D-9.

15. The Department maintains its principal office at 401 East State Street, Trenton, Mercer County, New Jersey.

16. FM is a limited liability company formed in the Commonwealth of Pennsylvania on January 24, 2003. Its main business address is 2587 Huntingdon Pike, Huntington Valley, Pennsylvania 19006. An additional mailing address for FM is 4405 Frosthoffer Avenue, Pennsauken, New Jersey 08109, c/o John Fitzpatrick.

17. FM is the current owner of the Site and purchased it on January 31, 2003. FM is therefore a person "in any way responsible for a hazardous substance" that was discharged at the Site pursuant to the Spill Act, and a person responsible for conducting remediation pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-2.

FACTUAL ALLEGATIONS

18. The Site was owned by Wetler Corporation ("Wetler") from 1981 until 2003. Wetler operated a sheet metal fabrication business at the Site from approximately 1962 until 1992. Wetler filed for Chapter 11 bankruptcy in 1996. The bankruptcy was converted to a Chapter 7 bankruptcy in 1998. The bankruptcy was closed in 2002.

19. Penler Anodizing, Inc. ("Penler") operated an electroplating business at the Site from 1965 until 1992. Penler declared Chapter 7 bankruptcy in November 1992. The bankruptcy closed in 1994.

20. In 1985, Department inspectors conducted inspections of the Site and observed discharges of process wastewater that were not permitted pursuant to the New Jersey Pollutant Discharge Elimination System ("NJPDES") regulations, N.J.A.C. 7:14A. Specifically, process wastewater was being discharged into an unlined pit prior to entry into the sanitary sewer line connected to the Pennsauken Sewage Authority treatment plant. In addition,

process wastewater from a degreasing tank was being discharged to the ground surface from a separate pipe near the pit.

21. During the Site inspections, the Department sampled the discharge process water effluent from the pipe. Individual compounds detected by the sampling included, but were not limited to, trichloroethylene ("TCE") at 76 parts per billion ("ppb"), tetrachloroethylene ("PCE") at 31 ppb, 1,2 dichloroethene at 76 ppb, benzene at 57 ppb and hexavalent chromium at 404 ppb.

22. In 1985, the Department collected soil samples from the areas of concern related to the previously observed discharges and a drum storage area at the Site, and the analytical results demonstrated the presence of chromium up to 1,000 ppm, which exceeded the Action Level for the Cleanup of Contaminated Soils in effect at the time of 100 ppm.

23. On July 15, 1992, the Department issued a Directive and Notice to Insurers to Penler directing Penler to arrange for the cessation of a continuing threat to human health and the environment by identifying and addressing all areas of concern contributing to groundwater and soil contamination at the Site, and to institute measures to ensure contamination did not further migrate off site.

24. In August 1992, Penler submitted a General Information Submission and a Site Evaluation Submission for its cessation of operations pursuant to the Industrial Site Recovery Act ("ISRA"),

N.J.S.A. 13:1K-6 to -13. ISRA requires owners of certain industrial facilities to investigate and remediate prior to property transfers or when the business ceases operations or is sold. The Department assigned ISRA case # E92052 to Penler.

25. Penler's bankruptcy case was closed in 1994.

26. In January 1999, Wetler submitted a General Information Notice and a Site Evaluation Submission for its 1996 bankruptcy, and its 1992 cessation of operations pursuant to ISRA. The Department assigned ISRA case # E99012 to Wetler.

27. Wetler submitted a Site Investigation Report to the Department in June 2000. The report referenced groundwater samples collected at the Site on July 1, 1980, October 7, 1981, May 16, 1985, and July 30, 1985. The groundwater samples showed confirmed TCE and PCE above their applicable Ground Water Quality Standards ("GWQS") at the Site as early as 1980. By 1985, the samples showed confirmed TCE, PCE, 1,2-dichloroethene, vinyl chloride, 1,2-dichloroethane, 1,1-dichloroethane, and benzene above their applicable GWQS, with concentrations of 49.7 ppb, 19.8 ppb, 146 ppb, 75.9 ppb, 7.75 ppb, 3.74 ppb, and 72.8 ppb, respectively.

28. On October 4, 2002, Wetler's bankruptcy case was closed.

29. FM purchased the Site on January 31, 2003.

30. In 2008, the United States Environmental Protection Agency ("USEPA") conducted soil and groundwater sampling at the Site. Analytical results of the soil sampling revealed hexavalent

chromium up to 30 parts per million ("ppm") in soil samples collected at the Site, which exceeded the Non-Residential Soil Cleanup Criteria in effect at the time. Analytical results of the groundwater sampling revealed multiple contaminants above the applicable GWQS, including but not limited to TCE up to 1,600 ppb, PCE up to 10 ppb, 1,1,1-TCA up to 59 ppb, and chromium up to 880 ppb. The GWQS for TCE, PCE, 1,1,1-TCA, and chromium are 1 ppb, 1 ppb, 30 ppb, and 70 ppb, respectively.

31. As a current owner of a contaminated Site, FM is a person in any way responsible for any hazardous substance discharged at the Site pursuant to the Spill Act, and a person responsible for conducting remediation pursuant to the SRRA.

32. Pursuant to N.J.A.C. 7:26C-2.3(a)1 and 2, FM was required to retain an LSRP for the remediation of the contaminated Site and to notify the Department, within 45 days after May 7, 2012, or by June 21, 2012, of the name and license number of that LSRP.

33. Pursuant to the SRRA, FM was required to complete the remedial investigation for all discharges discovered at the Site by May 7, 2014.

34. On May 13, 2014, July 14, 2014, and September 29, 2014, the Department issued letters notifying FM of its obligation to remediate the Site.

35. On May 6, 2020, the Department issued a Notice of Violation ("NOV") to FM for failure to complete the remedial investigation and submit the remedial investigation report to the Department by the statutory timeframe of May 7, 2014, and to comply with the direct oversight requirements pursuant to N.J.A.C. 7:26C-14.2b.

36. On July 12, 2021, the Department issued an AONOCAPA, identified as PEA180001-G000002721, to FM, which was delivered via certified mail/return receipt requested on August 3, 2021.

37. The AONOCAPA cited FM for the following violations:

- N.J.A.C. 7:26C-2.3(a)1 & 2 - Failure to retain a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required;
- N.J.A.C. 7:26C-2.3(a)3 - Failure to conduct remediation as required;
- N.J.A.C. 7:26C-3.3(b) - Failure to comply with the mandatory timeframe for the submittal of an initial receptor evaluation;
- N.J.A.C. 7:26C-3.3(a) - Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58:10C-27a(3) and N.J.A.C. 7:26C-3.3(a);

- N.J.A.C. 7:26C-3.2(a) – Failure to comply with the regulatory timeframe for the submittal of a remedial action report;
- N.J.A.C. 7:26C-14.2(b) – Failure to comply with the requirements for direct oversight; and
- N.J.A.C. 7:26C-2.3(a)4 – Failure to pay fees and oversight costs as required.

38. The AONOCAPA ordered FM to comply with the following remediation requirements:

a. Conduct the remediation of the Contaminated Site, with Department oversight and approval, in accordance with N.J.A.C. 7:26C-2.3(a)3.i.(2) and the direct oversight requirements of N.J.A.C. 7:26C-14.2(b);

b. Proceed as the Department directs to remediate all discharges at the Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E, including, without limitation in accordance with the following initial timeframes:

i. Within 30 days after receipt of this AONOCAPA, provide to the Department the name and license information of a Licensed Site Remediation Professional retained to remediate the discharges at the Site and the scope of remediation, including the number of contaminated areas of concern and impacted media known at the time the form is submitted pursuant to N.J.A.C. 7:26C-4.2;

ii. Within 90 days after receipt of this AONOCAPA, submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7), that contains a strategy for soliciting public comment concerning the remediation of the discharges at the Site from the members of the surrounding community;

iii. Within 90 days after receipt of this AONOCAPA, submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5/10(a);

iv. Within 90 days after receipt of this AONOCAPA, establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;

v. Within 90 days after receipt of this AONOCAPA, pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;

vi. Within 90 days after receipt of this AONOCAPA, submit a Case Inventory Document (CID), a direct oversight summary report, a scope of work for the remaining

remediation and a detailed schedule for completion of the remediation;

vii. Within 90 days after the receipt of this AONOCAPA as an expedited site-specific timeframe established pursuant to N.J.A.C. 7:26C-3.4, submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12;

viii. Conduct a remedial investigation and submit a remedial investigation report pursuant to N.J.A.C. 7:26C-3.3(a);

ix. Conduct a remedial action and submit a remedial action report pursuant to N.J.A.C. 7:26E-5.8(b); and

c. Within 30 days after receipt of the AONOCAPA, pay required annual remediation fees of $12,310 and submit an updated Annual Remediation Fee Reporting Form that indicates the presence of groundwater contamination at the Site.

39. The AONOCAPA also assessed $152,310.00 in civil administrative penalties.

40. The Department informed FM in the AONOCAPA that it had a right to request a hearing within twenty days and that, if it failed to do so, the AONOCAPA would become a FAO on the twenty-first day following FM's receipt of the AONOCAPA.

41. FM did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of

the AONOCAPA. As such, on August 24, 2021, the AONOCAPA became a FAO. See N.J.A.C. 7:26C-9.10(b); 9.12(d)(2). Nor did FM appeal the FAO.

42. To date, FM has failed to comply with any of the remediation requirements set forth in the AONOCAPA.

43. Remediation is crucial because it ensures exposure pathways are controlled or eliminated by identifying any receptors that are in close proximity to the contamination. The Department is entitled to enforce the FAO against FM, and to pursue relief against FM under the Spill Act.

COUNT I

ENFORCEMENT OF FINAL AGENCY ORDER AGAINST FM ON A SUMMARY BASIS

44. The Department repeats each allegation in the preceding paragraphs as though fully set forth herein.

45. The AONOCAPA issued on July 12, 2021 required FM to remediate the Contaminated Site and pay the fees and penalties assessed therein.

46. Pursuant to N.J.A.C. 7:26C-9.10(b) and 9.12(d)(1), the AONOCAPA became a FAO on August 24, 2021 because FM did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA.

47. FM's failure to comply with the requirements of the AONOCAPA, which is now an FAO, constitutes a violation of the FAO.

48. Pursuant to Rule 4:67-6, the Department is entitled to summary enforcement of the FAO in Superior Court.

WHEREFORE, the Department demands judgment against FM Equities LLC:

a. Finding FM in violation of the FAO;

b. Ordering FM to comply with the FAO, as follows:

i. Pay all required fees, including all outstanding annual remediation fees pursuant to N.J.A.C. 7:26C-2.3(a)4;

ii. Pay the outstanding $152,310.00 in penalties assessed in the AONOCAPA.

iii. Provide to the Department the name and license information of a LSRP retained to remediate the discharges at the Site pursuant to N.J.A.C. 7:26C-4.2;

iv. Submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7);

v. Submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5/10(a);

vi. Establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;

vii. Pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;

viii. Submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12;

ix. Conduct a remedial investigation and submit to the Department a remedial investigation report pursuant to N.J.A.C. 7:26E-4; and

x. Conduct a remedial action and submit to the Department a remedial action report pursuant to N.J.A.C. 7:26E-5;

c. Reserving the right to bring a claim in the future for any costs incurred by the Department in investigating the discharge of hazardous substances at the Site and emanating from the Site;

d. Reserving the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site

e. Awarding the Department its costs and fees in this action; and

f. Granting such other relief as the Court deems just and proper.

SECOND COUNT

IMPOSITION OF ADDITIONAL CIVIL PENALTIES AGAINST DEFENDANT FM ON A SUMMARY BASIS

49. The Department repeats the allegations in the foregoing paragraphs as though set forth in their entirety herein.

50. Pursuant to N.J.S.A. 58:10-23.11ua and d, any person who violates the Spill Act, or who fails to pay a civil administrative penalty in full or to agree to a schedule of payments therefor, shall be subject to a civil penalty of up to $50,000 per day for each violation, and each day's continuance of the violation constitutes a separate violation.

51. FM is a "person" within the meaning of the Spill Act, N.J.S.A. 58:10-23.11b.

52. As set forth above, FM has failed to comply with the AONOCAPA, which is now an FAO.

53. The Department may bring an action against FM in Superior Court seeking the imposition of penalties pursuant to N.J.S.A. 58:10-23.11u, which, along with costs, may be recovered by the Department in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to -12, N.J.S.A. 58:10-23.11u.d., and R. 4:70.

WHEREFORE, the Department demands judgment against FM:

a. Finding FM in violation of the FAO;

b. Imposing upon FM, pursuant to Rule 4:70 and N.J.S.A. 58:10-23.11ua and d, a civil penalty for each day that the violations continued at the Site;

c. Reserving the right to bring a claim in the future for any costs incurred by the Department in investigating the discharge of hazardous substances at the Site and emanating from the Site;

d. Reserving the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Site;

e. Awarding the Department its costs and fees in this action; and

f. Awarding such other relief as the Court deems just and proper.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for New Jersey Department of Environmental Protection

By: */s/* William T. Rozell
William T. Rozell
Deputy Attorney General

Dated: April 25, 2024

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, the Court is advised that William T. Rozell, Deputy Attorney General, is hereby designated as trial

counsel for Plaintiff New Jersey Department of Environmental Protection.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with Rule 4:5-1(b)(2), that the matters in controversy in this action are not the subject of any other pending or contemplated action in any court or arbitration proceeding known to Plaintiff Department of Environmental Protection at this time, nor is any non-party known to Plaintiff Department of Environmental Protection at this time who should be joined in this action pursuant to Rule 4:28, or who is subject to joinder pursuant to Rule 4:29-1. If, however, any such non-party later becomes known to Plaintiff Department of Environmental Protection, an amended certification shall be filed and served on all other parties and with this Court in accordance with Rule 4:5-1(b)(2).

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for New Jersey Department
of Environmental Protection

By: /s/ William T. Rozell
William T. Rozell
Deputy Attorney General

Dated: April 25, 2024

VERIFICATION

Stephen Bogan, by way of certification, states that:

1. I am an Environmental Specialist, assigned to Enforcement and Information Support Element, Bureau of Enforcement and Investigations of the Contaminated Site Remediation & Redevelopment Program for the New Jersey Department of Environmental Protection.

2. I have read the Verified Complaint.

3. I certify that all factual allegations contained in paragraphs 18 through 43 of the Verified Complaint are true and correct.

4. I am aware that if the foregoing statements made by me are willfully false, I may be subject to punishment.

Stephen Bogan

Dated: April 24, 2024

New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only

Payment type	Charge/Check Number	Amount	Overpayment	Batch Number
☐ check ☐ charge ☐ cash		$	$	

Attorney/Pro Se Name	Telephone Number	County of Venue
William T. Rozell	(609) 376-2789 ext.	Camden

Firm Name (if applicable)	Docket Number (when available)
NJ Office of Attorney General	

Office Address - Street	City	State	Zip
25 Market Street, PO Box 093	Trenton	NJ	

Document Type	Jury Demand
Verified Complaint-Order to Show Cause	■ Yes ☐ No

Name of Party (e.g., John Doe, Plaintiff)	Caption
NJ Dept. of Environmental Protection	State of NJ, Department of Environmental Protection v. F M Equities, LLC

Case Type Number (See page 3 for listing) 801

Are sexual abuse claims alleged?	☐ Yes	■ No
Does this case involve claims related to COVID-19?	☐ Yes	■ No
Is this a professional malpractice case?	☐ Yes	■ No
If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.		
Related Cases Pending?	☐ Yes	■ No
If "Yes," list docket numbers		
Do you anticipate adding any parties (arising out of same transaction or occurrence)?	☐ Yes	■ No
Name of defendant's primary insurance company (if known)	☐ None	■ Unknown

The Information Provided on This Form Cannot be Introduced into Evidence.

Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation

Do parties have a current, past or recurrent relationship? ☐ Yes ■ No

If "Yes," is that relationship:

☐ Employer/Employee ☐ Friend/Neighbor ☐ Familial ☐ Business

☐ Other (explain) _____

Does the statute governing this case provide for payment of fees by the losing party? ☐ Yes ☐ No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.

Do you or your client need any disability accommodations? ☐ Yes ■ No

If yes, please identify the requested accommodation:

Will an interpreter be needed? ☐ Yes ■ No

If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Attorney/Self-Represented Litigant Signature: Wm. T. Reff II

Civil Case Information Statement (CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES

(Choose one and enter number of case type in appropriate space on page 1.)

Track I - 150 days discovery

151	Name Change
175	Forfeiture
302	Tenancy
399	Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502	Book Account (debt collection matters only)
505	Other Insurance Claim (including declaratory judgment actions)
506	PIP Coverage
510	UM or UIM Claim (coverage issues only)
511	Action on Negotiable Instrument
512	Lemon Law
801	Summary Action
802	Open Public Records Act (summary action)
999	Other (briefly describe nature of action)

Track II - 300 days discovery

305	Construction
509	Employment (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD))
599	Contract/Commercial Transaction
603N	Auto Negligence – Personal Injury (non-verbal threshold)
603Y	Auto Negligence – Personal Injury (verbal threshold)
605	Personal Injury
610	Auto Negligence – Property Damage
621	UM or UIM Claim (includes bodily injury)
699	Tort – Other

Track III - 450 days discovery

005	Civil Rights
301	Condemnation
602	Assault and Battery
604	Medical Malpractice
606	Product Liability
607	Professional Malpractice
608	Toxic Tort
609	Defamation
616	Whistleblower / Conscientious Employee Protection Act (CEPA) Cases
617	Inverse Condemnation
618	Law Against Discrimination (LAD) Cases

Track IV - Active Case Management by Individual Judge / 450 days discovery

156	Environmental/Environmental Coverage Litigation
303	Mt. Laurel
508	Complex Commercial
513	Complex Construction
514	Insurance Fraud
620	False Claims Act
701	Actions in Lieu of Prerogative Writs

Multicounty Litigation (Track IV)

282	Fosamax
291	Pelvic Mesh/Gynecare
292	Pelvic Mesh/Bard
293	DePuy ASR Hip Implant Litigation
296	Stryker Rejuvenate/ABG II Modular Hip Stem Components
300	Talc-Based Body Powders
601	Asbestos
624	Stryker LFIT CoCr V40 Femoral Heads
626	Abilify
627	Physiomesh Flexible Composite Mesh
628	Taxotere/Docetaxel
629	Zostavax
630	Proceed Mesh/Patch
631	Proton-Pump Inhibitors
633	Prolene Hernia System Mesh
634	Allergan Biocell Textured Breast Implants
635	Tasigna
636	Strattice Hernia Mesh
637	Singulair
638	Elmiron
639	Pinnacle Metal-on-Metal (MoM) Hip Implants

If you believe this case requires a track other than that provided above, please indicate the reason on page 1, in the space under "Case Characteristics".

Please check off each applicable category

☐ **Putative Class Action** ☐ **Title 59** ☐ **Consumer Fraud**

☐ **Medical Debt Claim**

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street, PO Box 093
Trenton, New Jersey 08625-0093
Attorney for Plaintiff

By: William T. Rozell
Deputy Attorney General
Attorney ID: 178172015
(609) 376-2789
William.Rozell@law.njoag.gov

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiff, v. F M EQUITIES, LLC, Defendant.	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION – CAMDEN COUNTY DOCKET NO. C 52-24 **CIVIL ACTION** **ORDER TO SHOW CAUSE SUMMARY ACTION**

THIS MATTER being brought before the Court by Matthew J. Platkin, Attorney General of New Jersey, attorney for the Plaintiff, State of New Jersey, Department of Environmental Protection ("the Department"), (William T. Rozell, Deputy Attorney General, appearing), seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the Verified Complaint filed herewith; and the Court having determined

that this matter may be commenced by order to show cause as a summary proceeding pursuant to the Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.24, and the Brownfield and Contaminated Site Remediation Act, ("Brownfield Act"), N.J.S.A. 58:10B-1 to -31, as amended by the Site Remediation Reform Act ("SRRA"), N.J.S.A. 58:10C-1 to -29, and for good cause shown,

IT IS on this _____ day of April, 2024:

ORDERED that the defendant appears and shows cause on the ___ day of _____, 2024 before the Superior Court at the Camden County Courthouse in Camden, New Jersey at ____o-clock in the _____noon, or as soon thereafter as counsel may be heard, why judgment should not be entered for:

A. An Order requiring the defendant to fully comply with all requirements set forth in the Administrative Order and Notice of Civil administrative Penalty Assessment ("AONOCAPA") issued to the defendant by the plaintiff on July 12, 2021, for violations of the Spill Act, Brownfield Act, SRRA, and regulatory requirements codified at N.J.A.C. 7:26C and 7:26E;

B. An Order requiring defendant to take the steps required by the AONOCAPA to remediate the contaminated Site and bring it into compliance with all applicable laws;

C. Payment of all costs and fees assessed in the AONOCAPA; and

D. Payment of a penalty of $152.310.00, pursuant to the plaintiff's July 12, 2021 final order, with interest of $_____;

And it is further *ORDERED* that:

1. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the defendant personally within _____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The plaintiff must file with the court its proof of service of the pleadings on the defendant no later than three (3) days before the return date.

3. Defendant shall file and serve a written answer to this order to show cause and the relief requested in the verified complaint and proof or service of the same by _____, 2024. The answer must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge _____.

4. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 2024. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of reply papers must be sent directly to the chambers of Judge _____.

5. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, and proof of service before the return date of the order to show cause. These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a $_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your answer to the plaintiff's attorney whose name and address appear above. A telephone call will not protect your rights; you must file and serve your answer, (with the fee) or judgment may be entered against you by default.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than ____ days before the return date.

_____
,J.S.C.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street, PO Box 093
Trenton, New Jersey 08625-0093
Attorney for Plaintiff

By: William T. Rozell
Deputy Attorney General
Attorney ID: 178172015
(609) 376-2789
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STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiff, v. F M EQUITIES, LLC, Defendant.	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION – CAMDEN COUNTY DOCKET NO. C 52-24 **CIVIL ACTION** **ORDER**

THIS MATTER being brought before the Court by Matthew J. Platkin, Attorney General of New Jersey, attorney for the Plaintiff, State of New Jersey, Department of Environmental Protection ("the Department"), (William T. Rozell, Deputy Attorney General, appearing), by way of an Order to Show Cause against F M Equities,

LLC, and the Court having previously entered relief on this matter under Docket No. _____,

IT IS on this _____ day of _____, 2024, hereby ORDERED as follows:

1. Defendant shall fully comply with all requirements set forth in the Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") issued to the defendant by the plaintiff on July 12, 2021 for violations of the Spill Compensation and Control Act ("Spill Act"), the Brownfield and Contaminated Site Remediation Act ("Brownfield Act"), the Site Remediation Reform Act ("SRRA"), as well as regulatory requirements codified at N.J.A.C. 7:26C and 7:26E;

2. Within thirty (30) days of this Order, Defendant shall provide the Department with the name and license information of a LSRP retained to remediate the discharges at the Site pursuant to N.J.A.C. 7:26C-4.2;

3. Within ninety (90) days of this Order, Defendant shall:

   a. Submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7);

b. Submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5.10(a);

c. Establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;

d. Pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;

e. Submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12;

f. Conduct a remedial investigation and submit to the Department a remedial investigation report pursuant to N.J.A.C. 7:26E-4;

g. Conduct a remedial action and submit to the Department a remedial action report pursuant to N.J.A.C. 7:26E-5; and

4. Within thirty (30) days of this Order, Defendant shall make full payment of the penalty of $152,310.00, pursuant to the plaintiff's August 24, 2021 final order, with interest of $_____;

_____

, J.S.C.

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street, PO Box 093
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Attorney for Plaintiff

By: William T. Rozell
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STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiff, v. F M EQUITIES, LLC, Defendant.	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION – CAMDEN COUNTY DOCKET NO. C 52-24 **CERTIFICATION OF STEPHEN BOGAN**

I, Stephen Bogan, hereby certify as follows:

1. I am an Environmental Specialist within the Enforcement and Information Support Element, Bureau of Enforcement and Investigations of the Contaminated Site Remediation & Redevelopment Program for the New Jersey Department of Environmental Protection ("DEP" or "the Department"). I am also

the enforcement manager assigned to the underlying matter giving rise to the Department's Order to Show Cause against F M Equities LLC ("FM"). As such, I submit this certification based on my personal knowledge in support of the Department's Order to Show Cause.

2. My present job duties include analyzing Sites that are not in compliance with the suite of laws that regulate remediation of contamination to the air, soil, and/or water of the State, determining enforcement strategies, and when appropriate, taking enforcement actions, such as issuing notices of violation and administrative orders.

3. FM is the current owner of the Penler Anodizing Incorporated site located at 1400 Suckle Highway, Pennsauken Township, Camden County, known as Block: 2103, Lot: 7, which the Department refers to as Program Interest #G000002721 ("Site"). FM purchased the Site on January 31, 2003. See, Exhibit A, July 12, 2021 AONOCAPA, ¶¶ 1-2; ¶ 6; Exhibit B, Deed Registration for Block 2103, Lot 7, recorded April 16, 2003.

4. FM is a limited liability company formed in the State of Pennsylvania on January 24, 2003. Its main business address is 2587 Huntingdon Pike, Huntington Valley, Pennsylvania 19006. An additional mailing address for FM is 4405 Frosthoffer Ave, Pennsauken, New Jersey, 08109, c/o John Fitzpatrick. See, Exhibit A, ¶ 5.

5. Wetler Corporation ("Wetler") owned the Site from December 26, 1981 until January 31, 2003. Wetler operated a sheet metal fabrication business at the Site from approximately 1962 until 1992. Wetler filed for Chapter 11 bankruptcy in 1996. The bankruptcy was converted to a Chapter 7 bankruptcy in 1998. The bankruptcy was closed in 2002. Ibid. at ¶ 7; ¶ 11; ¶ 12.

6. Penler Anodizing, Inc. ("Penler") operated an electroplating business at the Site from 1965 until 1992. Penler declared Chapter 7 bankruptcy in November 1992. The bankruptcy was closed in 1994. Ibid. at ¶ 8; ¶ 10; Exhibit C, Pacer Status Report for Penler Anodizing Inc. Bankruptcy Petition #92-1125-GMB.

7. In 1985 Department inspectors conducted an inspection of the Site and observed unpermitted discharges. Specifically, process wastewater was being discharged into an unlined pit prior to entry to the sanitary sewer line connected to the Pennsauken Sewage Authority treatment plant. In addition, wastewater from a degreasing tank was discharged to the ground surface from a separate pipe near the pit. Ibid. at ¶ 14.

8. During the Site inspections on May 16 and October 10, 1985, the Department sampled the discharge process water effluent from the pipe. Individual compounds detected by the sampling included, but were not limited to, trichloroethylene (TCE) at 76 parts per billion ("ppb"), tetrachloroethylene (PCE) at 31 ppb,

1,2 dichloroethene at 76 ppb, benzene at 57 ppb and hexavalent chromium at 404 ppb. Ibid. at ¶ 15.

9. On October 10, 1985 and February 6, 1986, the Department collected soil samples from the areas of concern related to the previously observed discharges and a drum storage area at the Site, and the analytical results demonstrated the presence of chromium up to 1,000 parts per million ("ppm"), which exceeded the Action Level for the Cleanup of Contaminated Soils, N.J.A.C. 7:26D-1 et seq., in effect at the time of 100ppm. Ibid. at ¶ 16.

10. On July 15, 1992, the Department issued a Directive and Notice to Insurers to Penler directing Penler to arrange for the cessation of a continuing threat to human health and the environment by identifying and addressing all areas of concern contributing to groundwater and soil contamination at the Site, and to institute measures to ensure contamination did not further migrate off site. Ibid. at ¶ 18.

11. In August 1992, Penler submitted a General Information Submission and a Site Evaluation Submission for its cessation of operations pursuant to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 to -13. The Department assigned ISRA case # E92052 to Penler. Ibid. at ¶ 9.

12. ISRA requires owners of certain industrial facilities to investigate and remediate prior to property transfers or when the

business ceases operations or is sold. See, N.J.A.C. 7:26B-1.10(a)-(b).

13. In January 1999, Wetler submitted a General Information Notice and a Site Evaluation Submission for its 1996 bankruptcy and its 1992 cessation of operations pursuant to ISRA. The Department assigned ISRA case # E99012 to Wetler. Ibid. at ¶ 13.

14. Wetler submitted a Site Investigation Report to the Department in June 2000. The report referenced groundwater samples collected at the Site on July 1, 1980, October 7, 1981, May 16, 1985, and July 30, 1985. The groundwater samples showed confirmed TCE and PCE about their applicable Ground Water Quality Standards ("GWQS"), N.J.A.C. 7:9C-1 et seq., at the Site as early as 1980. By 1985, the samples showed confirmed TCE, PCE, 1,2-dichloroethene, vinyl chloride, 1,2-dichloroethane, 1,1-dichloroethane, and benzene above their applicable GWQS, with concentrations of 49.7 ppb, 19.8 ppb, 146 ppb, 75.9 ppb, 7.75 ppb, 3.74 ppb, and 72.8 ppb, respectively. Ibid. at ¶ 19.

15. In 2008 (the AONOCAPA erroneously states 2010) the United States Environmental Protection Agency ("USEPA") conducted soil and groundwater sampling at the Site as part of the continuing investigation into the source(s) of the Puchack Municipal Well Field contamination. Analytical results of the soil sampling revealed hexavalent chromium up to 30 parts per million ("ppm") in soil samples collected at the Site, which exceeded the Non-

Residential Soil Cleanup Criteria, N.J.A.C. 7:26D-1 et seq., in effect at the time. Analytical results of the groundwater sampling revealed multiple contaminants above the applicable GWQS, including but not limited to TCE up to 1,600 ppb, PCE up to 10 ppb, 1,1,1-TCA up to 59 ppb, and chromium up to 880 ppb. The GWQS for TCE, PCE, 1,1,1-TCA, and chromium are 1 ppb, 1 ppb, 30 ppb, and 70 ppb, respectively. Ibid. at ¶ 20; Exhibit D, Data Tables for October 1, 2010 EPA Report.

16. These volatile organic compounds have been linked to neurological, reproductive, developmental, cardiovascular, respiratory, and immunological damage in humans and can linger in the groundwater for an extended period of time and can migrate into subsurface air spaces as vapors that can then intrude into homes and businesses.

17. Pursuant to N.J.A.C. 7:26C-2.3(a)1 and 2, FM was required to retain a Licensed Site Remediation Professional ("LSRP") for the remediation of the contaminated Site and to notify the Department, within 45 days after May 7, 2012, or by June 21, 2012, of the name and license number of the LSRP. Ibid. at ¶ 21.

18. Pursuant to the Site Remediation Reform Act ("SRRA"), N.J.S.A. 58:10C-1 et seq., FM was required to complete the remedial investigation for all discharges discovered at the site by May 7, 2014. Ibid. at 32.

19. On May 13, 2014, July 14, 2014, and September 29, 2014, the Department issued letters notifying FM of its obligation to remediate the site. Ibid. at ¶ 3.

20. On May 6, 2020, the Department issued a Notice of Violation ("NOV") to FM for failure to complete the remedial investigation and submit the remedial investigation report to the Department by the statutory timeframe of May 7, 2014, and to comply with the direct oversight requirements pursuant to N.J.A.C. 7:26C-14.2b. Ibid. at ¶ 4.

21. On July 12, 2021, the Department issued an AONOCAPA identified as PEA180001-G000002721, to FM, which was delivered via certified mail/return receipt requested on August 3, 2021. See, Ex A; Exhibit E, August 3, 2021 United States Postal Service Tracking Form.

22. The AONOCAPA cited FM for the following violations:

- N.J.A.C. 7:26C-2.3(a)1 & 2 - Failure to retain a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required;
- N.J.A.C. 7:26C-2.3(a)3 – Failure to conduct remediation as required;

- N.J.A.C. 7:26C-3.3(b) – Failure to comply with the mandatory timeframe for the submittal of an initial receptor evaluation;
- N.J.A.C. 7:26C-3.3(a) – Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58:10C-27a(3) and N.J.A.C. 7:26C-3.3(a);
- N.J.A.C. 7:26C-3.2(a) – Failure to comply with the regulatory timeframe for the submittal of a remedial action report;
- N.J.A.C. 7:26C-14.2(b) – Failure to comply with the requirements for direct oversight; and
- N.J.A.C. 7:26C-2.3(a)4 – Failure to pay fees and oversight costs as required.

See, Exhibit A, ¶ 60.

23. The AONOCAPA ordered FM to comply with the following remediation requirements:

a. Conduct the remediation of the Contaminated Site, with Department oversight and approval, in accordance with N.J.A.C. 7:26C-2.3(a)3.i.(2) and the direct oversight requirements of N.J.A.C. 7:26C-14.2(b);

b. Proceed as the Department directs to remediate all discharges at the Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E, including, without limitation in accordance with the following initial timeframes:

i. Within 30 days after receipt of this AONOCAPA, provide to the Department the name and license information of a Licensed Site Remediation Professional retained to remediate the discharges at the Site and the scope of remediation, including the number of contaminated areas of concern and impacted media known at the time the form is submitted pursuant to N.J.A.C. 7:26C-4.2;

ii. Within 90 days after receipt of this AONOCAPA, submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7), that contains a strategy for soliciting public comment concerning the remediation of the discharges at the Site from the members of the surrounding community;

iii. Within 90 days after receipt of this AONOCAPA, submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5/10(a);

iv. Within 90 days after receipt of this AONOCAPA, establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;

v. Within 90 days after receipt of this AONOCAPA, pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;

vi. Within 90 days after receipt of this AONOCAPA, submit a Case Inventory Document (CID), a direct oversight summary report, a scope of work for the remaining remediation and a detailed schedule for completion of the remediation;

vii. Within 90 days after the receipt of this AONOCAPA as an expedited site-specific timeframe established pursuant to N.J.A.C. 7:26C-3.4, submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12;

viii. Conduct a remedial investigation and submit a remedial investigation report pursuant to N.J.A.C. 7:26C-3.3(a);

ix. Conduct a remedial action and submit a remedial action report pursuant to N.J.A.C. 7:26E-5.8(b); and

c. Within 30 days after receipt of the AONOCAPA, pay required annual remediation fees of $12,310 and submit an updated Annual Remediation Fee Reporting Form that indicates the presence of groundwater contamination at the Site.

Ibid. at, ¶ 61.

24. The AONOCAPA also assessed $152,310.00 in civil administrative penalties. Ibid. at ¶ 63.

25. The Department informed FM in the AONOCAPA that it had a right to request a hearing within twenty days and that, if it failed to do so, the AONOCAPA would become a Final Order on the Twenty-first day following FM's receipt of the AONOCAPA. Ibid. at ¶¶ 65; 67.

26. FM did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA. As such, on August 24, 2021, the AONOCAPA became a FAO. See, N.J.A.C. 7:26C-9.10(b); 9:12(d)(2). FM did not appeal the FAO.

27. To date FM has failed to comply with any of the remediation requirements set forth in the AONOCAPA.

28. Remediation is crucial because it ensures that exposure pathways are controlled or eliminated by identifying any receptors that are in close proximity to the contamination. Remediation of the Site will protect human health, safety, and the environement by preventing contaminated groundwater from migrating to nearby properties and preventing volatile organic compounds in the groundwater from rising through the subsurface into buildings above.

CERTIFICATION

I certify that the foregoing statements made by me are true. I further certify that any exhibits attached hereto are true and correct copies of records in the possession of the New Jersey Department of Environmental Protection or its counsel. I further certify that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Stephen Bogan

Date: 4/19/2024

EXHIBIT A

STATE OF NEW JERSEY
DEPT. OF ENV. PROTECTION
ENFORCEMENT AND
ASSIGNMENT ELEMENT
BUREAU OF ENFORCEMENT
AND INVESTIGATIONS
PO BOX 028
401 E. STATE STREET
TRENTON, NJ 08625-0028

F M Equities LLC
2587 Huntingdon Pike
Huntingdon Valley, Pennsylvania 19006

State of New Jersey
Department of Environmental Protection
Site Remediation and Waste Management Program
Bureau of Enforcement & Investigation
Mail Code 401-06U
Trenton, New Jersey 08625-0420

F M Equities, LLC
c/o John Fitzpatrick
4405 Frosthoffer Ave
Pennsauken, NJ 08109

State of New Jersey
Department of Environmental Protection
Site Remediation and Waste Management Program
Bureau of Enforcement & Investigation
Mail Code 401-06U
Trenton, New Jersey 08625-0420

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Postage $
Total Postage and Fees $

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Sent To FM Equities, LLC
Street and Apt. No., or PO Box No. 2587 Huntingdon Pike
City, State, ZIP+4® Huntingdon Valley, Pennsylvania 19006

PS Form 3800, April 2015 PSN 7530-02-000-9047 — See Reverse for Instructions

9590 9402 3426 7227 5419 13

7019 1120 0000 8608 5066

CERTIFIED MAIL®
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
FM Equities LLC
2587 Huntingdon Pike
Huntingdon Valley, Pennsylvania 19006

9590 9402 3426 7227 5419 13

2. Article Number (Transfer from service label)
7019 1120 0000 8608 5066

PS Form 3811, July 2015 PSN 7530-02-000-9053 — Domestic Return Receipt

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A. Signature
X ☐ Agent ☐ Addressee

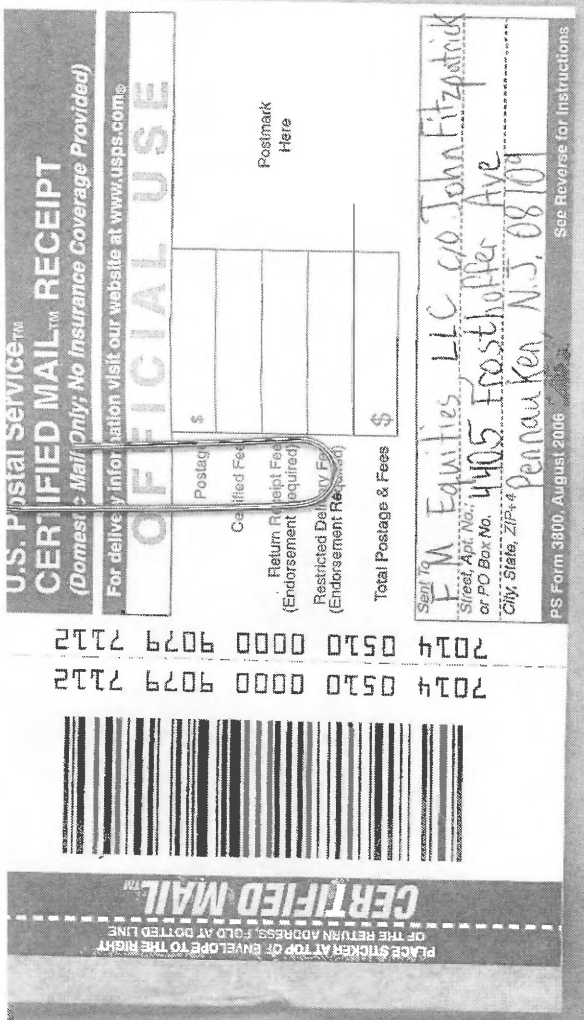
B. Received by (Printed Name) C. Date of Delivery

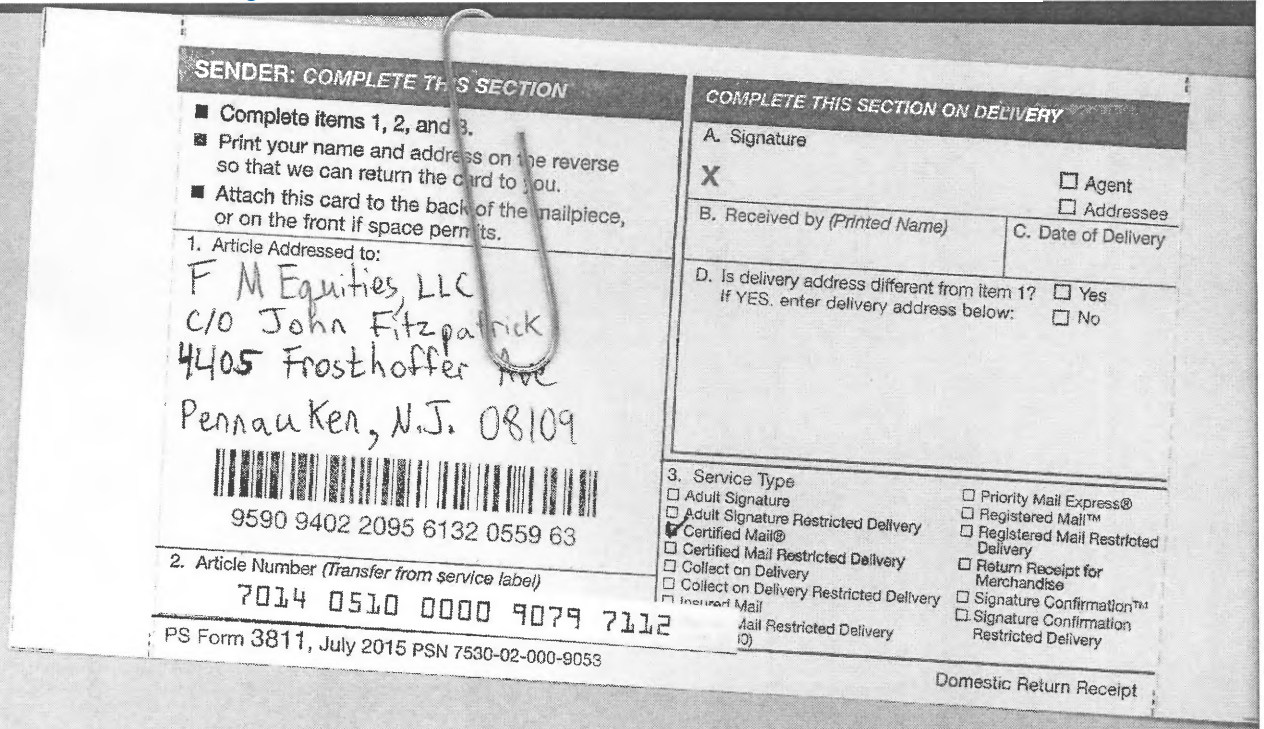
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

F M Equities, LLC
c/o John Fitzpatrick
4405 Frosthoffer Ave
Pennsauken, NJ 08109

State of New Jersey
Department of Environmental Protection
Site Remediation and Waste Management Program
Bureau of Enforcement & Investigation
Mail Code 401-06U
Trenton, New Jersey 08625-0420





F M Equities LLC
2587 Huntingdon Pike
Huntingdon Valley, Pennsylvania 19006

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Site Remediation and Waste Management Program
Bureau of Enforcement and Investigations
Mail Code 401-06U
P.O. Box 420
Trenton, New Jersey 08625-0420

SHAWN M. LATOURETTE
Commissioner

CERTIFIED MAIL/RRR
7014 0510 0000 9079 7112
F M Equities, LLC
c/o John Fitzpatrick
4405 Frosthoffer Ave
Pennsauken, NJ 08109

CERTIFIED MAIL/RRR
7019 1120 0000 8608 5066
F M Equities LLC
2587 Huntingdon Pike
Huntingdon Valley, Pennsylvania 19006

Re: ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
Penler Anodizing Incorporated
1400 Suckle Hwy
Pennsauken Twp., Camden County 7-12-21
PI#: G000002721 Case#: PEA180001 – G000002721

Dear John Fitzpatrick:

Enclosed for service upon F M Equities LLC is an Administrative Order and Notice of Civil Administrative Penalty Assessment issued by the New Jersey Department of Environmental Protection ("Department").

Notice is hereby given that F M Equities, LLC is entitled to request an administrative hearing. The requirements to request an administrative hearing are explained in the enclosed document. Failure to request a hearing within twenty (20) calendar days after receipt of this document will result in the loss of your right to a hearing.

Please be advised that the Department is willing to discuss settlement of this matter. If you would like to discuss settlement, or have any questions concerning this matter, please contact Adam Zakrzewski at the address above, or by telephone at (609) 984-6894.

Sincerely,

Kevin F. Kratina

Kevin F. Kratina, Assistant Director
Enforcement and Information Support Element

c: Adam Zakrzewski, Enforcement Manager, BEI

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Enforcement and Information Support Element
Bureau of Enforcement and Investigations
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Telephone: (609) 633-1480
Fax: (609) 292-1975

SHAWN M. LATOURETTE
Commissioner

IN THE MATTER OF PENLER ANODIZING INCORPORATED 1400 SUCKLE HIGHWAY PENNSAUKEN TOWNSHIP CAMDEN COUNTY AND F M EQUITIES LLC	ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT AND NOTICE TO INSURERS

EA ID # PEA180001 - G000002721

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter "AONOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter the "Department") by N.J.S.A. 13:1D-1 et seq., the Spill Compensation and Control Act, N.J.S.A 58:10-23.11a et seq., the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.3, and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq., and the regulations promulgated thereunder, and duly delegated to the Assistant Director of the Enforcement and Information Support Element pursuant to N.J.S.A. 13:1B-4 with the Site Remediation and Waste Management Program.

FINDINGS

Contaminated Site

1. The Penler Anodizing Incorporated site is located at 1400 Suckle Highway, Pennsauken Township, Camden County, known as Block: 2103, Lot: 7, which the Department refers to as Program Interest # G000002721 ("Site"). The Site and all other areas to which any hazardous substance discharged on the Site has migrated, shall hereinafter be referred to as the "Contaminated Site."

2. F M Equities LLC is the current owner of the Site and, therefore is a person in any way responsible for any hazardous substance discharged at the Site pursuant to the Spill Act,

and a person responsible for conducting remediation pursuant to the Site Remediation Reform Act, N.J.S.A. 58:10C-2.

3. On May 13, 2014, July 14, 2014 and September 29, 2014 the Department issued letters notifying F M Equities LLC of its obligation to remediate the Contaminated Site.

4. On May 6, 2020, the Department issued a Notice of Violation to F M Equities LLC for failure to complete the remedial investigation and submit the remedial investigation report to the Department by the statutory timeframe of May 7, 2014 and to comply with direct oversight requirements pursuant to N.JA.C. 7:26C-14.2b.

Violator

5. F M Equities LLC is a limited liability company formed in the State of Pennsylvania on January 24, 2003. Its main business address is:

F M Equities LLC
2587 Huntingdon Pike
Huntingdon Valley, Pennsylvania 19006

An additional mailing address is:

F M Equities LLC
c/o John Fitzpatrick
4405 Frosthoffer Ave
Pennsauken, NJ 08109

Violators' Relationship to the Site

6. F M Equities LLC purchased the Site on January 31, 2003 and is the current owner.

Ownership and Operational History

7. Wetler Corporation was the owner of the Site from December 26, 1981 until January 31, 2003.

8. Penler Anodizing, Inc. operated an electroplating business at the site from 1965 until 1992.

9. In August 1992, Penler Anodizing, Inc. submitted a General Information Submission and a Site Evaluation Submission for its cessation of operations pursuant to the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 to -13. The Department assigned ISRA case # E92052 to the Penler Anodizing industrial establishment.

10. Penler Anodizing, Inc. declared Chapter 7 bankruptcy in November 1992.

11. Wetler Corporation operated a sheet metal fabrication business at the Site from approximately 1962 until 1992.

12. Wetler Corporation filed for Chapter 11 bankruptcy in 1996. The bankruptcy was converted to a Chapter 7 bankruptcy in 1998. The bankruptcy was closed in 2002.

13. In 1999, Wetler Corporation submitted a General Information Notice and Preliminary Assessment for its cessation of operations pursuant to the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 to -13. The Department assigned ISRA case number E99012 to the Wetler Corporation industrial establishment.

Contamination

14. In 1985 the Department conducted an inspection of the Site and observed unpermitted New Jersey Pollutant Discharge Elimination System (NJPDES) discharges. Process wastewater was discharged to an unlined pit prior to entry to the sanitary sewer line connected to the Pennsauken Sewage Authority treatment plant. In addition, wastewater from a degreasing tank was discharged to the ground surface from a separate pipe near the pit.

15. The Department sampled the effluent from the pipe discharging process wastewater. Individual compounds detected included, but were not limited to, trichloroethylene (TCE) at 76 parts per billion (ppb), tetrachloroethylene (PCE) at 31 ppb, 1,2 dichloroethene at 76 ppb, benzene at 57 ppb and hexavalent chromium at 404 ppb. Individual compounds detected in soils include TCE up to 320 ppb, and 1,1,1-trichloroethane (1,1,1-TCA) up to 495 ppb.

16. Also, in 1985, the Department collected soil samples from a drum storage area at the Site. Analysis of soil samples collected from this area showed elevated levels of chromium, indicating a discharge to the ground through spills or leaks. Chromium concentrations detected in soil samples obtained from the site range up to 1,000 parts per million (ppm).

17. On October 31, 1991, and May 7, 1992, the Department issued a Directive to Penler Anodizing, Inc. as well as numerous other parties. Penler Anodizing, Inc. was named as one of the responsible parties for the Puchack Well Field contamination in Pennsauken, New Jersey.

18. On July 15, 1992, the Department issued a Directive to Penler Anodizing, Inc. directing them to arrange for the cessation of a continuing threat to human health and the environment by identifying and addressing all sources contributing to groundwater, and soil contamination at the Site, and institute measures to ensure contamination does not further migrate off site.

19. Wetler Corporation submitted a Site Investigation Report to the Department in June 2000. This report referenced groundwater samples collected by the US Geological Survey on July 1, 1980 and October 7, 1981, and groundwater samples collected by the Department on May 16, 1985 and July 30, 1985. The samples were collected from the

on-site production well and are as follows:

Sampling Event/Analytical Parameter	7/1/80 (ppb)	10/7/1981 (ppb)	5/16/1985 (ppb)	7/30/1985 (ppb)
Trichloroethene	14	Not Detected	36	49.7
Tetrachloroethene	23	Not Detected	26	19.8
1,2-Dichloroethene	Not Detected	120	83	146
Vinyl Chloride	Not Analyzed	Not Detected	Not Detected	75.9
1,2-Dichloroethane	Not Detected	Not Detected	2.5	7.75
1,1-Dichloroethene	Not Analyzed	Not Detected	1.5	3.74
Benzene	Not Detected	4.0	18	72.8
Chromium	Not Analyzed	Not Analyzed	Not Detected	Not Analyzed

20. In 2010, the federal Environmental Protection Agency (EPA) conducted an investigation at the Site as part of the continuing investigation into the source(s) of the Puchack Municipal Well Field contamination. The EPA found 20 ppm hexavalent chromium in the soil samples collected at the site and TCE in the ground water at levels between 1,100 ppb and 1,600 ppb. The EPA also reported chromium in the ground water samples up to 8,780 ppb.

Obligation to Retain a Licensed Site Remediation Professional

21. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-2.3(a)1 and 2, F M Equities LLC was required to retain a Licensed Site Remediation Professional for the remediation of the Contaminated Site and to notify the Department, within 45 days after May 7, 2012, of the name and license number of that Licensed Site Remediation Professional. F M Equities LLC was required, therefore, to notify the Department by June 21, 2012.

22. As of the date of this AONOCAPA, F M Equities LLC has not retained a Licensed Site Remediation Professional for the Site.

Failure to Remediate

23. Since F M Equities LLC has never retained a Licensed Site Remediation Professional, F M Equities LLC has not conducted remediation pursuant to N.J.A.C. 7:26C-2.3(a)3. As of the date of this AONOCAPA, F M Equities LLC has not yet conducted remediation.

Applicable Mandatory Timeframe and Direct Oversight

24. As of November 4, 2009, the Department's Technical Requirements for Site Remediation rules, N.J.A.C.7:26E and Administrative Rules for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-3.3(b) established mandatory timeframes that apply to all remediation, including this Site.

Initial Receptor Evaluation Report Missed Mandatory Timeframe

25. As part of the required remediation, F M Equities LLC was required to conduct a receptor evaluation pursuant to N.J.A.C. 7:26E-1.12 through 1.16.

26. The mandatory timeframe for F M Equities LLC to submit the initial receptor evaluation report to the Department was March 1, 2012 pursuant to N.J.A.C. 7:26C-3.3(a)2.

27. F M Equities LLC did not submit the initial receptor evaluation report to the Department by the mandatory timeframe of March 1, 2012, therefore triggering compulsory direct oversight.

28. As a result of triggering compulsory direct oversight, F M Equities LLC is required to comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).

Remedial Action Report Missed Regulatory Timeframe

29. Pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.7 and 5.8, F M Equities LLC was required to conduct a remedial action and submit a final remedial action report to the Department by the regulatory timeframe of May 6, 2019.

30. F M Equities LLC did not complete the remedial action and submit a final remedial action report to the Department by the regulatory time frame May 6, 2019.

31. As of the date of this AONOCAPA, F M Equities LLC has not yet submitted a remedial action report to the Department.

Applicable Statutory Timeframe and Direct Oversight

32. As of May 7, 2009, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. established a statutory timeframe of May 7, 2014 for completion of the remedial investigation for all discharges discovered before May 8, 1999. The Site Remediation Reform Act requires the Department to undertake Direct Oversight of any site where the remedial investigation was not completed by its statutory timeframe of May 7, 2014.

Remedial Investigation Report Missed Statutory Timeframe

33. Based upon the October 1985 date of discovery of the discharge at the Site during a Department inspection, the Site Remediation Reform Act required F M Equities LLC to complete the remedial investigation for the entire Contaminated Site and submit a remedial investigation report to the Department by May 7, 2014, pursuant to N.J.S.A.

58:10C-27(a)3.

34. As of the date of the AONOCAPA, F M Equities LLC has not yet submitted the remedial investigation report pursuant to N.J.S.A. 58:10C-27(a)3 and N.J.A.C. 7:26C-3.3(a).

35. F M Equities LLC's violation of this statutory timeframe triggered the statutory requirement for the Department to undertake direct oversight of the remediation of the discharges at the Site. See N.J.S.A. 58-10C-27 and N.J.A.C. 7:26C-14.2(b).

36. As a result of triggering compulsory direct oversight, F M Equities LLC is required to comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).

37. F M Equities LLC did not comply with the direct oversight requirements and N.J.A.C. 7:26C-14.2(b).

Direct Oversight Requirements

38. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14.2(b)2iii and v, F M Equities LLC was required to submit a public participation plan, with a schedule, within 90 days after triggering compulsory direct oversight.

39. As of the date of this AONOCAPA, F M Equities LLC has not yet submitted the public participation plan and schedule.

40. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14.2(b)2i, F M Equities LLC was required to submit an initial remediation cost review, pursuant to N.J.A.C. 7:26C-5.3, within 90 days after triggering compulsory direct oversight.

41. As of the date of this AONOCAPA, F M Equities LLC has not yet submitted the initial remediation cost review.

42. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-14.2(b)2ii, F M Equities LLC was required to establish a remediation funding source, pursuant to N.J.A.C. 7:26C-5.2, within 90 days after triggering compulsory direct oversight.

43. As of the date of this AONOCAPA, F M Equities LLC has not yet established the remediation funding source.

Obligation to Remediate the Contamination

44. The substances referenced in the paragraphs above are hazardous substances pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b.

45. F M Equities LLC is responsible for the hazardous substances that were discharged at the Site and/or for the remediation of the hazardous substances which were discharged to the lands and waters of the state pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b, and N.J.A.C. 7:1E-5.7(a)2ii.

46. F M Equities LLC is a person responsible for conducting the remediation pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-2.

47. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, any person who triggers a remediation requirement shall remediate all contamination at the site pursuant to N.J.A.C. 7:26C-2.3(a)1 through 9.

48. Pursuant to N.J.S.A. 58:10-23.11g.c., F M Equities LLC is strictly liable, without regard to fault, for all cleanup and removal costs.

49. F M Equities LLC's noncompliance with the mandatory timeframe for submittal of the Initial Receptor Evaluation triggered the requirement for the Department to undertake direct oversight of the remediation of the discharge at the site. See N.J.S.A. 58:10C-27 and N.J.A.C. 7:26C-14.2(b).

50. F M Equities LLC's noncompliance with the statutory timeframe for submittal of the Remedial Investigation Report triggered the requirement for the Department to undertake direct oversight of the remediation of the discharge at the site. See N.J.S.A. 58:10C-27 and N.J.A.C. 7:26C-14.2(b).

51. As a result of triggering compulsory direct oversight, F M Equities LLC is required to comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).

52. F M Equities LLC did not comply with the direct oversight requirements at N.J.A.C. 7:26C-14.2(b).

Accounting of the Department's Cost I – Annual Remediation Fees

53. F M Equities LLC did not complete the remediation of the discharges at the Site by May 7, 2012; therefore, F M Equities LLC was required to pay an annual remediation fee, pursuant to N.J.A.C. 7:26C-4.3(a)4.

54. Based upon the number and types of areas of concern at the Site that Wetler Corporation reported to the Department, the applicable contaminated area of concern category is Category 2 due to the presence of a discharge and a contaminated ground water media fee. The applicable contaminated area of concern fees for Category 2 and the contaminated ground water media fees are respectively as follows:

Year	Billed Contaminated Area of Concern Fee
2012-2014	$900 x 3 = $2,700
2015	$1,130
2016	$1,410
2017	$1,760
2018	$1,780
2019	$1,780
2020	$1,750
Total	$12,310

55. On October 3, 2014; June 21, 2015; June 20, 2016; June 20, 2017; June 20, 2018; June 20, 2019; and June 21, 2020, the Department sent invoices totaling $12,310 to F M Equities LLC for annual remediation fees at the Site for calendar years 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020. To date, F M Equities LLC has not paid the invoiced amount as required by N.J.A.C. 7:26C-4.3.

Liability for Cleanup and Removal Costs

56. The substances referenced above are hazardous substances pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11b, and its regulations, N.J.A.C. 7:1E, Appendix A.

57. F M Equities LLC is a discharger of hazardous substances or person in any way responsible for the discharged hazardous substances, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g.c, for the hazardous substances discharged at the Site, and, therefore, liable for all cleanup and removal costs incurred by the Department as a result of the hazardous substances discharged at the Site.

58. F M Equities LLC, is therefore, strictly liable, jointly and severally, without regard to fault, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11g.c.(1), for all cleanup and removal costs no matter by whom incurred for the discharges at the Site.

59. The Department, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11u.c.(4), may assess and recover three times the costs of any investigation, cleanup or removal, and the reasonable costs of preparing and successfully enforcing a civil administrative penalty at the same time as its assessment of a civil administrative penalty, which costs shall be in addition to the penalty assessment.

Violations

60. The Department conducted a follow-up compliance evaluation on May 26, 2021. To date, F M Equities LLC has not corrected the violations. Therefore, F M Equities LLC has failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:26C- 2.3(a)1 & 2, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a site pursuant to N.J.A.C. 7:26C-1.4(a) shall retain a licensed site remediation professional and within 45 days shall notify the Department of the name and license information and the scope of remediation, including the number of contaminated areas of concern and impacted media.

Description of Noncompliance: Failure to retain a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required.

Requirement: Pursuant to N.J.A.C. 7:26C- 2.3(a)3, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a site pursuant to N.J.A.C. 7:26C-1.4(a) shall conduct the remediation, without prior Department approval unless required, in accordance with N.J.A.C. 7:26C-1.2(a) and by addressing all deficiencies identified by the Department in any submittals made by the person responsible for conducting remediation or by a licensed site remediation professional on their behalf.

Description of Noncompliance: Failure to conduct remediation as required.

Requirement: Pursuant to N.J.A.C. 7:26C- 3.3(b), the person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 5 shall comply with each applicable mandatory timeframe of N.J.A.C. 7:26C-3.3(b)1 through 6.

Description of Noncompliance: Failure to comply with each applicable mandatory timeframe. Specifically, failure to comply with the mandatory timeframe for the submittal of an initial receptor evaluation report.

Requirement: Pursuant to N.J.A.C. 7:26C-3.3(a), the person responsible for conducting the remediation shall comply with the applicable timeframe for sites subject to N.J.S.A. 58-10C-27a(3).

Description of Noncompliance: Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58-10C-27a(3) and N.J.A.C. 7:26C-3.3(a).

Requirement: Pursuant to N.J.A.C. 7:26C- 3.2(a), the person responsible for conducting the remediation who meets the criteria in N.J.A.C. 7:26C-1.4(a)1 through 8 shall comply with each applicable regulatory timeframe of N.J.A.C. 7:26C-3.2.

Description of Noncompliance: Failure to comply with each applicable regulatory timeframe. Specifically, failure to comply with the regulatory timeframe for the submittal of a remedial action report.

Requirement: Pursuant to N.J.A.C. 7:26C-14.2(b), the person responsible for conducting the remediation shall comply with the statutory requirements for direct oversight pursuant to N.J.S.A. 58:10C-27 upon the occurrence of any of the events listed in N.J.A.C. 7:26C-14.2(a)1 through 3.

Description of Noncompliance: Failure to comply with the requirements for direct oversight.

Requirement: Pursuant to N.J.A.C. 7:26C- 2.3(a)4, upon the occurrence of any of the events listed in N.J.A.C. 7:26C-2.2(a), the person who is responsible for conducting the remediation at a site pursuant to N.J.A.C. 7:26C-1.4(a) shall pay all applicable fees and oversight costs as required pursuant to N.J.A.C. 7:26C-4.

Description of Noncompliance: Failure to pay fees and oversight costs as required.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

61. F M Equities LLC shall comply with the following:

a. Conduct the remediation of the Contaminated Site, with Department oversight and approval, in accordance with N.J.A.C. 7:26C-2.3(a)3.i.(2) and the direct oversight requirements of N.J.A.C. 7:26C-14.2(b);

b. Proceed as the Department directs to remediate all discharges at the Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E, including, without limitation in accordance with the following initial timeframes:

i. Within 30 days after receipt of this AONOCAPA, provide to the Department the name and license information of a Licensed Site Remediation Professional retained to remediate the discharges at the Site and the scope of remediation, including the number of contaminated areas of concern and impacted media known at the time the form is submitted pursuant to N.J.A.C. 7:26C-4.2;

ii. Within 90 days after receipt of this AONOCAPA, submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7), that contains a strategy for soliciting public comment concerning the remediation of the discharges at the Site from the members of the surrounding community;

iii. Within 90 days after receipt of this AONOCAPA, submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5.10(a);

iv. Within 90 days after receipt of this AONOCAPA, establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;

v. Within 90 days after receipt of this AONOCAPA, pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;

vi. Within 90 days after receipt of this AONOCAPA, submit a Case Inventory Document (CID), a direct oversight summary report, a scope of work for the remaining remediation and a detailed schedule for completion of the remediation;

vii. Within 90 days after the receipt of this AONOCAPA as an expedited site-specific timeframe established pursuant to N.J.A.C. 7:26C-3.4, submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12.

viii. Conduct a remedial investigation and submit a remedial investigation report pursuant to N.J.A.C. 7:26C-3.3(a).

ix. Conduct a remedial action and submit a remedial action report pursuant to N.J.A.C. 7:26E-5.8(b); and

c. Within 30 days after receipt of this AONOCAPA, pay required annual remediation fees of $12,310 and submit an updated Annual Remediation Fee Reporting Form that indicates the presence of groundwater contamination at the Site.

62. This Order shall be effective upon receipt by F M Equities LLC or someone on their behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

63. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C-9.5, and based upon the above FINDINGS, the Department hereby assesses a civil administrative penalty against F M Equities LLC in the amount of **$152,310.00**. See the Penalty Assessment Worksheet, which is attached hereto and included herein by reference.

NOTICE TO INSURERS

64. BE ON NOTICE THAT, pursuant to N.J.S.A. 58:10-23.11s., any claims for costs of cleanup or civil penalties by the State and any claim for damages by any injured person, may be brought directly against the bond, insurer or any other person providing evidence of financial responsibility. F M Equities LLC is therefore urged to contact such insurers and notify them of the issuance of this Order and Notice to Insurers.

NOTICE OF RIGHT TO REQUEST A HEARING

65. Pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C-9.10, F M Equities LLC is entitled to request a hearing on this AONOCAPA. F M Equities LLC shall, in the request for a hearing, complete and submit the enclosed "Administrative Hearing Request and Checklist Tracking Form," along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this AONOCAPA. The Department shall deny your attempt to request a hearing if you do not comply with these requirements.

66. If F M Equities LLC's response to the AONOCAPA is that it has complied with some or all of the violations cited herein, as part of the hearing request F M Equities LLC shall describe any such compliance, including the specific dates relative to any such allegations.

67. If no request for a hearing is received within twenty calendar days from receipt of the AONOCAPA, it shall become a Final Order upon the twenty-first calendar day following its receipt, and the penalty shall be due and payable.

68. If a timely request for a hearing is received, payment of the penalty is due when F M Equities LLC receives a notice of the denial of the request, or, if the hearing request is granted, when F M Equities LLC withdraws the request or abandons the hearing, or, if the hearing is conducted, when F M Equities LLC receives a final decision from the Commissioner in this matter.

69. F M Equities LLC shall make payment of the civil administrative penalty by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

    Department of Treasury
    Division of Revenue and Enterprise Services
    P.O. Box 417
    Trenton, NJ 08646-0417

DATE: 7-12-21

/Kevin F. Kratina

Kevin F. Kratina, Assistant Director
Enforcement and Information Support Element
New Jersey Department of Environmental Protection

ADMINISTRATIVE HEARING REQUEST CHECKLIST

I. **Enforcement Document Being Appealed (EA ID Number):**_____

Date of Issuance of Document: _____ **Date Document Received:** _____

II. **Contact Information and Hearing Requirements**

A.

_____ Name of Alleged Violator	_____ Name of Attorney (if applicable)
_____ Company	_____ Law Firm
_____ Street Address	_____ Street Address
_____ Municipality, State, Zip Code	_____ Municipality, State, Zip Code
_____ Email Address	_____ Email Address
_____ Telephone Number	_____ Telephone Number
_____ Fax Number	_____ Fax Number

B. Time Required for the Hearing: _____ hours/days (Circle one)

C. Is a Barrier-free Location Required? _____Yes _____ No (Check one)

III. Required Submissions

A. Have I attached a copy of the Enforcement Document? Yes _____ No _____

B. Have I attached a list of all issues being appealed? Yes _____ No _____

C. Have I attached a document in which I have admitted, denied, or made a statement of insufficient knowledge for each of the Findings in **[paragraphs** _____] in the attached Enforcement Document? Yes _____ No _____

D. Have I attached a list of, or specific reference to, all information, or copies of written documents, I intend to rely on to support my appeal of the Enforcement Document? If "No", is selected, provide this information within 60 days from the date of the hearing request being granted. Yes _____ No _____

E. Have I attached a list of all my defenses, stated in short and plain terms, to each of the Findings in **[paragraphs** _____] in the attached Enforcement Document? If "No", is selected, provide this information within 60 days from the date of the hearing request being granted.

Yes _____ No _____

IV. Willingness to Negotiate Settlement (Select all that apply)

Am I willing to negotiate a settlement with:

A. The Bureau of Enforcement and Investigations (Site Remediation Program)? **Yes** _____ **No** _____

B. Mediation through the NJDEP's Office of Dispute Resolution*? (*see www.nj.gov/dep/odr) **Yes** _____ **No** _____

V. I understand that if I have answered "No" to any of the items listed in III. A through C, above, that the Department will deny my hearing request and the Enforcement Document will become a final order.

Signature:_____ Date:_____

Submit this completed, signed and dated Administrative Hearing Request Checklist, along with the information identified above, including all required attachments in III. above, to:

NJDEP - Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Requests
401 East State Street, 7th Floor
Mail Code 401-04L
P.O. Box 402
Trenton, NJ 08625-0402

And submit a copy to:
NJDEP – Site Remediation and Waste Management Program
Bureau of Enforcement and Investigation
ATTENTION: Bureau Chief
401 East State Street
Mail Code 401-06U
P.O. Box 420
Trenton, New Jersey 08625-0420

PENALTY ASSESSMENT WORKSHEET

VIOLATOR NAME:	F M Equities, LLC
LOCATION:	Penler Anodizing Incorporated 1400 Suckle Hwy, Pennsauken, Camden Co.
PROGRAM INTEREST #:	G000002721
CASE MANAGER/COMPLIANCE MANAGER:	Adam Zakrzewski
DATE OF VIOLATION:	May 26, 2021

RULES VIOLATED:

Specifically, the following violations and the associated penalties are noted herewith:

1.) Failure to retain a licensed site remediation professional upon the occurrence of one of the events listed in N.J.A.C. 7:26C-2.2(a), and to provide the required information to the Department within 45 days as required pursuant to N.J.A.C. 7:26C- 2.3(a)1 & 2.
Penalty **$15,000.00**

2.) Failure to conduct remediation as required pursuant to N.J.A.C. 7:26C-2.3(a)3.
Penalty **$15,000.00**

3.) Failure to comply with each applicable mandatory timeframe pursuant to N.J.A.C. 7:26C-3.3(b). Specifically, failure to comply with the mandatory timeframe for submittal of the initial receptor evaluation report.
Penalty **$20,000.00**

4.) Failure to comply with each applicable statutory timeframe pursuant to N.J.A.C. 7:26C-3.3(a). Specifically, failure to comply with the statutory timeframe for the submittal of a remedial investigation report.
Penalty **$20,000.00**

5.) Failure to comply with each applicable regulatory timeframe pursuant to N.J.A.C. 7:26C-3.2(a). Specifically, failure to comply with the regulatory timeframe for the submittal of a remedial action report.
Penalty **$20,000.00**

6.) Failure to comply with the requirements for direct oversight pursuant to N.J.A.C. 7:26C-14.2(b).
Penalty **$50,000.00**
Base penalty: $25,000.00; penalty assessed for violations on May 25, 2021 and May 26, 2021

7.) Failure to pay fees and oversight costs as required pursuant to N.J.A.C. 7:26C- 2.3(a)4.
Penalty **$12,310.00**

PENALTY RECOMMENDATION:
The results of and/or documentation from the above referenced activities were not submitted to the Department. The responsible party was notified on May 13, 2014 of these violations. Penalties are hereby assessed for the referenced violations as listed above.

TOTAL CIVIL ADMINISTRATIVE PENALTY: $152,310.00

PREPARED BY: Adam Zakrzewski DATE: May 26, 2021

Let's protect our earth

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENFORCEMENT-SITE REMEDIATION AND WASTE MANAGEMENT

INVOICE NO.
210956230

Program Interest
PENLER ANODIZING INCORPORATED 1400 SUCKLE HWY Pennsauken Twp, NJ. 08110 G000002721

Type of Notice	Amount Due
ORIGINAL(NON-INITIAL)	$ 152,310.00

Billing Date	Due Date	NJEMS Bill ID
07/15/21	08/24/21	000000225854100

Summary	
Total Amount Assessed	152,310.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	0.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
Total Amount Due	152,310.00

REMINDER:
SHOULD YOU HAVE ANY QUESTIONS, DEP CONTACT INFORMATION CAN BE FOUND IN THE AC
COMPANYING ENFORCEMENT DOCUMENT
MAKE CHECKS PAYABLE TO: TREASURER - STATE OF NEW JERSEY
WRITE PROGRAM INTEREST ID ON YOUR CHECK (SEE BOTTOM STUB)
RETURN THE BOTTOM STUB WITH YOUR PAYMENT
MAIL PAYMENT AND STUB TO: NJ DEPARTMENT OF TREASURY (SEE BOTTOM STUB)

See Back Of Page for Billing Inquiries

INVOICE NO.
210956230

D9901F (R 3/14/02)

Let's protect our earth

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENFORCEMENT-SITE REMEDIATION AND WASTE MANAGEMENT

INVOICE NO.
210956230

NJEMS Bill ID
000000225854100

Program Interest ID	Type of Notice	Billing Date	Due Date	Amount Due
G000002721	ORIGINAL(NON-INITIAL)	07/15/21	08/24/21	$ 152,310.00

For name and/or address change, check box and write corrections on the back of this invoice. ☐

DO NOT FOLD, BEND OR MARK

Enter the Amount of your payment → $

RETURN THIS PORTION with your check made payable to:

TREASURER - STATE OF NEW JERSEY
and mail to:
NJ DEPARTMENT OF TREASURY
DIVISION OF REVENUE
PO BOX 417
TRENTON, NJ 08646-0417

FM EQUITIES LLC
S2
4405 FROSTHOFFER AVE
Pennsauken NJ 08109-1528

EP10101010101700000000000207020111111101523100000001521095623065 24

Let's protect our earth

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENFORCEMENT-SITE REMEDIATION AND WASTE MANAGEMENT

INVOICE NO.
210956230

Program Interest
PENLER ANODIZING INCORPORATED 1400 SUCKLE HWY Pennsauken Twp, NJ. 08110 G000002721

Type of Notice
ORIGINAL(NON-INITIAL)

Amount Due
$ 152,310.00

Billing Date	Due Date	NJEMS Bill ID
07/15/21	08/24/21	000000225854100

AONOCAPA
Prescribed Enforcement Action
This bill was created by the Assessments Trigger.

ASSESSMENTS
Start-End Date: 07/14/2021-07/14/2021 Activity: PEA180001
Assessment Type: PENALTY(Spill Fund) Status: Open (Pending Payment)
Regulatory Basis: Amount: $ 152310.00

Total Amount Assessed: $ 152,310.00

D9902F (R 3/14/02)

EXHIBIT B

DATE	COUNTY	DISTRICT
00/00/00	CAMDEN	0427 PENNSAUKEN

DEED REGISTRATION						R.T.E.
BOOK	PAGE	DEED DATE	DATE RECORDED	DEED FEE	PRICE	EXEMPT
7001	1900	01/31/03	04/16/03	1.75	100	

GRANTOR	GRANTEE
MCLAUGHLIN MICHAEL W SHERIFF CAMDEN COUNTY NJ	F M EQUITIES LLC 1751 EASTERN RD WILLOWGROVE, PA 19009

TAX MAP & LIST DESCRIPTIONS		PROPERTY CLASSIFICATION	
BLOCK	2103	CLASS	4A
LOT	7	CL. 4 TYPE	330
QUAL		CONDO	N

ASSESSED VALUE			
YEAR SAME AS DEED	LAND	BUILDINGS	TOTAL
2003	113700	86300	200000

PROPERTY LOCATION	FLOOR AREA	YEAR BUILT
1400 SUCKLE HWY	0	0

REMARKS:	RATIO:
SHERIFF SALE	0

ADDITIONAL BLOCKS/LOTS

BLOCK	LOT	QUAL	LAND	BUILDINGS	TOTAL
			0	0	0
			0	0	0
			0	0	0
			0	0	0
			0	0	0

NONUSABLE CODE		SERIAL NO.
12		1111

EXHIBIT C

U.S. Bankruptcy Court
District of New Jersey (Camden)
Bankruptcy Petition #: 92-11251-GMB

Date filed: 03/11/1992
Date terminated: 06/16/1994

Assigned to: Judge Gloria M. Burns
Chapter 7
Voluntary

Debtor
Penler Anodizing, Inc.
1400 Suckle Hwy
Pennsauken, NJ 08110
CAMDEN-NJ
Tax ID / EIN: 22-1839117
***dba* Penler Anodizing and Zinc**

represented by **David P. Cline**
Washington Professional Campus
728 Black Horse Pike
Suite C-3
Washington Township, NJ 08012
(609) 228-8877

Trustee
David Krell
Lummis, Fisher & Krell
56 Fayette Street
Bridgeton, NJ 08302
(609) 455-6000

represented by **Lummis, Fisher, Krell & Baker**
Lummis, Fisher & Krell
56 Fayette Street
Bridgeton, NJ 08302
(609) 455-6000

U.S. Trustee
Thomas E. Ross

represented by **Robert J. Schneider**
United States Trustee's Office
60 Park Place
Suite 210
Newark, NJ 07102
(201) 645-5912

Proceedings for case 92-11251-GMB are not available

PACER Service Center			
Transaction Receipt			
03/26/2024 09:24:40			
PACER Login:	sn0458EEEJ	**Client Code:**	Wilson
Description:	Docket Report	**Search Criteria:**	92-11251-GMB Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	1	**Cost:**	0.10

EXHIBIT D

APPENDIX J

Data Tables

FROM 10/1/10 Report

List of Tables

List of Tables (continued)

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP10-SB-00 5/7/2008 0 to 3 ft bgs	WP10-SB-05 5/7/2008 4 to 5 ft bgs		WP11-SB-00 5/7/2008 0 to 3 ft bgs	WP11-SB-05 5/7/2008 4 to 5 ft bgs	WP11-SB-10 5/7/2008 10 to 11 ft bgs
(Group Code)	**(Group Description)**								
1-TCL-S-VOC	**Volatile Organic Compounds**								
75-71-8	Dichlorodifluoromethane	TCL-S-VOC	mg/kg		0.0059	U			
74-87-3	Chloromethane	TCL-S-VOC	mg/kg		0.0059	U			
75-01-4	Vinyl Chloride	TCL-S-VOC	mg/kg		0.0059	UJ			
74-83-9	Bromomethane	TCL-S-VOC	mg/kg		0.0059	U			
75-00-3	Chloroethane	TCL-S-VOC	mg/kg		0.0059	U			
75-69-4	Trichlorofluoromethane	TCL-S-VOC	mg/kg		0.0059	U			
75-35-4	1,1-Dichloroethene	TCL-S-VOC	mg/kg		0.0059	U			
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	TCL-S-VOC	mg/kg		0.0059	U			
67-64-1	Acetone	TCL-S-VOC	mg/kg		0.012	U			
75-15-0	Carbon Disulfide	TCL-S-VOC	mg/kg		0.0059	U			
79-20-9	Methyl Acetate	TCL-S-VOC	mg/kg		0.0059	U			
75-09-2	Methylene Chloride	TCL-S-VOC	mg/kg		0.0059	U			
156-60-5	trans-1,2-Dichloroethene	TCL-S-VOC	mg/kg		0.0059	U			
1634-04-4	Methyl Tert-Butyl Ether	TCL-S-VOC	mg/kg		0.0059	U			
75-34-3	1,1-Dichloroethane	TCL-S-VOC	mg/kg		0.0059	U			
156-59-2	cis-1,2-Dichloroethene	TCL-S-VOC	mg/kg		0.0059	U			
78-93-3	2-Butanone	TCL-S-VOC	mg/kg		0.012	U			
74-97-5	Chlorobromomethane	TCL-S-VOC	mg/kg		0.0059	U			
67-66-3	Chloroform	TCL-S-VOC	mg/kg		0.0059	U			
71-55-6	1,1,1-Trichloroethane	TCL-S-VOC	mg/kg		0.0059	U			
110-82-7	Cyclohexane	TCL-S-VOC	mg/kg		0.0059	U			
56-23-5	Carbon Tetrachloride	TCL-S-VOC	mg/kg		0.0059	U			
71-43-2	Benzene	TCL-S-VOC	mg/kg		0.0059	U			
107-06-2	1,2-Dichloroethane	TCL-S-VOC	mg/kg		0.0059	U			
123-91-1	1,4-Dioxane	TCL-S-VOC	mg/kg		0.12	R			
79-01-6	Trichloroethene	TCL-S-VOC	mg/kg		0.0059	U			
108-87-2	Methylcyclohexane	TCL-S-VOC	mg/kg		0.0059	U			
78-87-5	1,2-Dichloropropane	TCL-S-VOC	mg/kg		0.0059	U			
75-27-4	Bromodichloromethane	TCL-S-VOC	mg/kg		0.0059	U			
10061-01-5	cis-1,3-Dichloropropene	TCL-S-VOC	mg/kg		0.0059	U			
108-10-1	4-Methyl-2-pentanone	TCL-S-VOC	mg/kg		0.012	U			
108-88-3	Toluene	TCL-S-VOC	mg/kg		0.0059	U			
10061-02-6	trans-1,3-Dichloropropene	TCL-S-VOC	mg/kg		0.0059	U			
79-00-5	1,1,2-Trichloroethane	TCL-S-VOC	mg/kg		0.0059	U			
127-18-4	Tetrachloroethene	TCL-S-VOC	mg/kg		0.0059	U			
591-78-6	2-Hexanone	TCL-S-VOC	mg/kg		0.012	U			
124-48-1	Dibromochloromethane	TCL-S-VOC	mg/kg		0.0059	U			

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP10-SB-00 5/7/2008 0 to 3 ft bgs		WP10-SB-05 5/7/2008 4 to 5 ft bgs		WP11-SB-00 5/7/2008 0 to 3 ft bgs		WP11-SB-05 5/7/2008 4 to 5 ft bgs		WP11-SB-10 5/7/2008 10 to 11 ft bgs	
106-93-4	1,2-Dibromoethane	TCL-S-VOC	mg/kg			0.0059	U						
108-90-7	Chlorobenzene	TCL-S-VOC	mg/kg			0.0059	U						
100-41-4	Ethylbenzene	TCL-S-VOC	mg/kg			0.0059	U						
95-47-6	O-Xylene	TCL-S-VOC	mg/kg			0.0059	U						
179601-23-1	m,p-Xylenes	TCL-S-VOC	mg/kg			0.0059	U						
100-42-5	Styrene	TCL-S-VOC	mg/kg			0.0059	U						
75-25-2	Bromoform	TCL-S-VOC	mg/kg			0.0059	U						
98-82-8	Isopropylbenzene	TCL-S-VOC	mg/kg			0.0059	U						
79-34-5	1,1,2,2-Tetrachloroethane	TCL-S-VOC	mg/kg			0.0059	U						
541-73-1	1,3-Dichlorobenzene	TCL-S-VOC	mg/kg			0.0059	U						
106-46-7	1,4-Dichlorobenzene	TCL-S-VOC	mg/kg			0.0059	U						
95-50-1	1,2-Dichlorobenzene	TCL-S-VOC	mg/kg			0.0059	U						
96-12-8	1,2-Dibromo-3-chloropropane	TCL-S-VOC	mg/kg			0.0059	U						
120-82-1	1,2,4-Trichlorobenzene	TCL-S-VOC	mg/kg			0.0059	U						
87-61-6	1,2,3-Trichlorobenzene	TCL-S-VOC	mg/kg			0.0059	U						

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP10-SB-00 5/7/2008 0 to 3 ft bgs	WP10-SB-05 5/7/2008 4 to 5 ft bgs	WP11-SB-00 5/7/2008 0 to 3 ft bgs	WP11-SB-05 5/7/2008 4 to 5 ft bgs	WP11-SB-10 5/7/2008 10 to 11 ft bgs
Chromium	**Inorganic Analyte**							
7440-47-3	Chromium	Chromium-A4	mg/kg	43	24	124	20.3	15.1
18540-29-9	Chromium (Hexavalent Compounds)	CR-Katahdin	ug/kg	1600	1000	3200	1400	1300
Soil-Percents	**Add'l Parameters**							
Tot-Solids	Total Solids	D2216	%	86	75	86	78	83

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP11-SB-15 5/7/2008 14 to 15 ft bgs	WP11-SB-20 5/7/2008 19 to 20 ft bgs	WP11-SB-30 5/7/2008 29 to 30 ft bgs	WP11-SB-38 5/7/2008 36 to 38 ft bgs	WP12-SB-00 5/7/2008 0 to 3 ft bgs
(Group Code)	**(Group Description)**							
1-TCL-S-VOC	**Volatile Organic Compounds**							
75-71-8	Dichlorodifluoromethane	TCL-S-VOC	mg/kg					
74-87-3	Chloromethane	TCL-S-VOC	mg/kg					
75-01-4	Vinyl Chloride	TCL-S-VOC	mg/kg					
74-83-9	Bromomethane	TCL-S-VOC	mg/kg					
75-00-3	Chloroethane	TCL-S-VOC	mg/kg					
75-69-4	Trichlorofluoromethane	TCL-S-VOC	mg/kg					
75-35-4	1,1-Dichloroethene	TCL-S-VOC	mg/kg					
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	TCL-S-VOC	mg/kg					
67-64-1	Acetone	TCL-S-VOC	mg/kg					
75-15-0	Carbon Disulfide	TCL-S-VOC	mg/kg					
79-20-9	Methyl Acetate	TCL-S-VOC	mg/kg					
75-09-2	Methylene Chloride	TCL-S-VOC	mg/kg					
156-60-5	trans-1,2-Dichloroethene	TCL-S-VOC	mg/kg					
1634-04-4	Methyl Tert-Butyl Ether	TCL-S-VOC	mg/kg					
75-34-3	1,1-Dichloroethane	TCL-S-VOC	mg/kg					
156-59-2	cis-1,2-Dichloroethene	TCL-S-VOC	mg/kg					
78-93-3	2-Butanone	TCL-S-VOC	mg/kg					
74-97-5	Chlorobromomethane	TCL-S-VOC	mg/kg					
67-66-3	Chloroform	TCL-S-VOC	mg/kg					
71-55-6	1,1,1-Trichloroethane	TCL-S-VOC	mg/kg					
110-82-7	Cyclohexane	TCL-S-VOC	mg/kg					
56-23-5	Carbon Tetrachloride	TCL-S-VOC	mg/kg					
71-43-2	Benzene	TCL-S-VOC	mg/kg					
107-06-2	1,2-Dichloroethane	TCL-S-VOC	mg/kg					
123-91-1	1,4-Dioxane	TCL-S-VOC	mg/kg					
79-01-6	Trichloroethene	TCL-S-VOC	mg/kg					
108-87-2	Methylcyclohexane	TCL-S-VOC	mg/kg					
78-87-5	1,2-Dichloropropane	TCL-S-VOC	mg/kg					
75-27-4	Bromodichloromethane	TCL-S-VOC	mg/kg					
10061-01-5	cis-1,3-Dichloropropene	TCL-S-VOC	mg/kg					
108-10-1	4-Methyl-2-pentanone	TCL-S-VOC	mg/kg					
108-88-3	Toluene	TCL-S-VOC	mg/kg					
10061-02-6	trans-1,3-Dichloropropene	TCL-S-VOC	mg/kg					
79-00-5	1,1,2-Trichloroethane	TCL-S-VOC	mg/kg					
127-18-4	Tetrachloroethene	TCL-S-VOC	mg/kg					
591-78-6	2-Hexanone	TCL-S-VOC	mg/kg					
124-48-1	Dibromochloromethane	TCL-S-VOC	mg/kg					

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP11-SB-15 5/7/2008 14 to 15 ft bgs	WP11-SB-20 5/7/2008 19 to 20 ft bgs	WP11-SB-30 5/7/2008 29 to 30 ft bgs	WP11-SB-38 5/7/2008 36 to 38 ft bgs	WP12-SB-00 5/7/2008 0 to 3 ft bgs
106-93-4	1,2-Dibromoethane	TCL-S-VOC	mg/kg					
108-90-7	Chlorobenzene	TCL-S-VOC	mg/kg					
100-41-4	Ethylbenzene	TCL-S-VOC	mg/kg					
95-47-6	O-Xylene	TCL-S-VOC	mg/kg					
179601-23-1	m,p-Xylenes	TCL-S-VOC	mg/kg					
100-42-5	Styrene	TCL-S-VOC	mg/kg					
75-25-2	Bromoform	TCL-S-VOC	mg/kg					
98-82-8	Isopropylbenzene	TCL-S-VOC	mg/kg					
79-34-5	1,1,2,2-Tetrachloroethane	TCL-S-VOC	mg/kg					
541-73-1	1,3-Dichlorobenzene	TCL-S-VOC	mg/kg					
106-46-7	1,4-Dichlorobenzene	TCL-S-VOC	mg/kg					
95-50-1	1,2-Dichlorobenzene	TCL-S-VOC	mg/kg					
96-12-8	1,2-Dibromo-3-chloropropane	TCL-S-VOC	mg/kg					
120-82-1	1,2,4-Trichlorobenzene	TCL-S-VOC	mg/kg					
87-61-6	1,2,3-Trichlorobenzene	TCL-S-VOC	mg/kg					

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP11-SB-15 5/7/2008 14 to 15 ft bgs		WP11-SB-20 5/7/2008 19 to 20 ft bgs		WP11-SB-30 5/7/2008 29 to 30 ft bgs		WP11-SB-38 5/7/2008 36 to 38 ft bgs		WP12-SB-00 5/7/2008 0 to 3 ft bgs	
5-A4-Chromium	**Inorganic Analyte**												
7440-47-3	Chromium	Chromium-A4	mg/kg	31.6		1.1		2.2		3.9		195	
18540-29-9	Chromium (Hexavalent Compounds)	CR-Katahdin	ug/kg	870		620	U	620	U	700	U	30000	
Soil-Percents	**Add'l Parameters**												
Tot-Solids	Total Solids	D2216	%	90		96		96		87		86	

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP12-SB-05 5/7/2008 4 to 5 ft bgs		WP12-SB-10 5/7/2008 10 to 11 ft bgs		WP12-SB-15 5/7/2008 14 to 15 ft bgs	
(Group Code)	**(Group Description)**								
1-TCL-S-VOC	**Volatile Organic Compounds**								
75-71-8	Dichlorodifluoromethane	TCL-S-VOC	mg/kg	0.0052	U				
74-87-3	Chloromethane	TCL-S-VOC	mg/kg	0.0052	U				
75-01-4	Vinyl Chloride	TCL-S-VOC	mg/kg	0.0052	UJ				
74-83-9	Bromomethane	TCL-S-VOC	mg/kg	0.0052	U				
75-00-3	Chloroethane	TCL-S-VOC	mg/kg	0.0052	U				
75-69-4	Trichlorofluoromethane	TCL-S-VOC	mg/kg	0.0052	U				
75-35-4	1,1-Dichloroethene	TCL-S-VOC	mg/kg	0.0052	U				
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	TCL-S-VOC	mg/kg	0.0052	U				
67-64-1	Acetone	TCL-S-VOC	mg/kg	0.01	U				
75-15-0	Carbon Disulfide	TCL-S-VOC	mg/kg	0.0052	U				
79-20-9	Methyl Acetate	TCL-S-VOC	mg/kg	0.0052	U				
75-09-2	Methylene Chloride	TCL-S-VOC	mg/kg	0.0052	U				
156-60-5	trans-1,2-Dichloroethene	TCL-S-VOC	mg/kg	0.0052	U				
1634-04-4	Methyl Tert-Butyl Ether	TCL-S-VOC	mg/kg	0.0052	U				
75-34-3	1,1-Dichloroethane	TCL-S-VOC	mg/kg	0.0052	U				
156-59-2	cis-1,2-Dichloroethene	TCL-S-VOC	mg/kg	0.0052	U				
78-93-3	2-Butanone	TCL-S-VOC	mg/kg	0.01	U				
74-97-5	Chlorobromomethane	TCL-S-VOC	mg/kg	0.0052	U				
67-66-3	Chloroform	TCL-S-VOC	mg/kg	0.0052	U				
71-55-6	1,1,1-Trichloroethane	TCL-S-VOC	mg/kg	0.0052	U				
110-82-7	Cyclohexane	TCL-S-VOC	mg/kg	0.0052	U				
56-23-5	Carbon Tetrachloride	TCL-S-VOC	mg/kg	0.0052	U				
71-43-2	Benzene	TCL-S-VOC	mg/kg	0.0052	U				
107-06-2	1,2-Dichloroethane	TCL-S-VOC	mg/kg	0.0052	U				
123-91-1	1,4-Dioxane	TCL-S-VOC	mg/kg	0.1	R				
79-01-6	Trichloroethene	TCL-S-VOC	mg/kg	0.0052	U				
108-87-2	Methylcyclohexane	TCL-S-VOC	mg/kg	0.0052	U				
78-87-5	1,2-Dichloropropane	TCL-S-VOC	mg/kg	0.0052	U				
75-27-4	Bromodichloromethane	TCL-S-VOC	mg/kg	0.0052	U				
10061-01-5	cis-1,3-Dichloropropene	TCL-S-VOC	mg/kg	0.0052	U				
108-10-1	4-Methyl-2-pentanone	TCL-S-VOC	mg/kg	0.01	U				
108-88-3	Toluene	TCL-S-VOC	mg/kg	0.0052	U				
10061-02-6	trans-1,3-Dichloropropene	TCL-S-VOC	mg/kg	0.0052	U				
79-00-5	1,1,2-Trichloroethane	TCL-S-VOC	mg/kg	0.0052	U				
127-18-4	Tetrachloroethene	TCL-S-VOC	mg/kg	0.0052	U				
591-78-6	2-Hexanone	TCL-S-VOC	mg/kg	0.01	U				
124-48-1	Dibromochloromethane	TCL-S-VOC	mg/kg	0.0052	U				

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP12-SB-05 5/7/2008 4 to 5 ft bgs		WP12-SB-10 5/7/2008 10 to 11 ft bgs		WP12-SB-15 5/7/2008 14 to 15 ft bgs	
106-93-4	1,2-Dibromoethane	TCL-S-VOC	mg/kg	0.0052	U				
108-90-7	Chlorobenzene	TCL-S-VOC	mg/kg	0.0052	U				
100-41-4	Ethylbenzene	TCL-S-VOC	mg/kg	0.0052	U				
95-47-6	O-Xylene	TCL-S-VOC	mg/kg	0.0052	U				
179601-23-1	m,p-Xylenes	TCL-S-VOC	mg/kg	0.0052	U				
100-42-5	Styrene	TCL-S-VOC	mg/kg	0.0052	U				
75-25-2	Bromoform	TCL-S-VOC	mg/kg	0.0052	U				
98-82-8	Isopropylbenzene	TCL-S-VOC	mg/kg	0.0052	U				
79-34-5	1,1,2,2-Tetrachloroethane	TCL-S-VOC	mg/kg	0.0052	U				
541-73-1	1,3-Dichlorobenzene	TCL-S-VOC	mg/kg	0.0052	U				
106-46-7	1,4-Dichlorobenzene	TCL-S-VOC	mg/kg	0.0052	U				
95-50-1	1,2-Dichlorobenzene	TCL-S-VOC	mg/kg	0.0052	U				
96-12-8	1,2-Dibromo-3-chloropropane	TCL-S-VOC	mg/kg	0.0052	U				
120-82-1	1,2,4-Trichlorobenzene	TCL-S-VOC	mg/kg	0.0052	U				
87-61-6	1,2,3-Trichlorobenzene	TCL-S-VOC	mg/kg	0.0052	U				

Table J1-3
Stage 1 Penler Soil Borings
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP12-SB-05 5/7/2008 4 to 5 ft bgs		WP12-SB-10 5/7/2008 10 to 11 ft bgs		WP12-SB-15 5/7/2008 14 to 15 ft bgs	
5-A4-Chromium	**Inorganic Analyte**								
7440-47-3	Chromium	Chromium-A4	mg/kg	11.5		9.4		3.3	
18540-29-9	Chromium (Hexavalent Compounds)	CR-Katahdin	ug/kg	1600		540	J	630	U
Soil-Percents	**Add'l Parameters**								
Tot-Solids	Total Solids	D2216	%	80		85		96	

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP01-GW-56 5/13/2008 56 ft bgs		WP02-GW-60 5/13/2008 60 ft bgs		WP03-GW-70 6/20/2008 70 ft bgs		WP04-GW-70 6/23/2008 70 ft bgs		WP05-GW-63 6/19/2008 63 ft bgs	
(Group Code)	**(Group Description)**												
TCL-TRACEVOC	**Volatile Organic Compounds**												
75-71-8	Dichlorodifluoromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
74-87-3	Chloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.26	J	0.5	U
75-01-4	Vinyl Chloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
74-83-9	Bromomethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-00-3	Chloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-69-4	Trichlorofluoromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-35-4	1,1-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.75		0.31	J	0.5	U
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
67-64-1	Acetone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
75-15-0	Carbon Disulfide	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-20-9	Methyl Acetate	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-09-2	Methylene Chloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
156-60-5	trans-1,2-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
1634-04-4	Methyl Tert-Butyl Ether	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	1.2		0.47	J	0.6	
75-34-3	1,1-Dichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.15	J	0.5	U	0.5	U
156-59-2	cis-1,2-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	1.3		0.48	J	0.5	U
78-93-3	2-Butanone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
74-97-5	Chlorobromomethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
67-66-3	Chloroform	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
71-55-6	1,1,1-Trichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.78		0.3	J	0.5	U
110-82-7	Cyclohexane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	2.8		2.7		2.8	
56-23-5	Carbon Tetrachloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
71-43-2	Benzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.15	J	0.5	U
107-06-2	1,2-Dichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.52		0.5	U
79-01-6	Trichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	15		6.5		1.2	
108-87-2	Methylcyclohexane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
78-87-5	1,2-Dichloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-27-4	Bromodichloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
10061-01-5	cis-1,3-Dichloropropene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
108-10-1	4-Methyl-2-pentanone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
108-88-3	Toluene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	4.6		0.5	U	3.8	
10061-02-6	trans-1,3-Dichloropropene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-00-5	1,1,2-Trichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.59		0.21	J	0.66	
127-18-4	Tetrachloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	25		7.5		5.3	
591-78-6	2-Hexanone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
124-48-1	Dibromochloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
106-93-4	1,2-Dibromoethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP01-GW-56 5/13/2008 56 ft bgs		WP02-GW-60 5/13/2008 60 ft bgs		WP03-GW-70 6/20/2008 70 ft bgs		WP04-GW-70 6/23/2008 70 ft bgs		WP05-GW-63 6/19/2008 63 ft bgs	
108-90-7	Chlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
100-41-4	Ethylbenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
95-47-6	O-Xylene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
179601-23-1	m,p-Xylenes	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
100-42-5	Styrene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.11	J	0.5	U
75-25-2	Bromoform	TCL-W-TRACEVOC	ug/L	0.5	UJ	0.5	UJ	0.5	U	0.5	U	0.5	U
98-82-8	Isopropylbenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-34-5	1,1,2,2-Tetrachloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
541-73-1	1,3-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
106-46-7	1,4-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
95-50-1	1,2-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
96-12-8	1,2-Dibromo-3-chloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
120-82-1	1,2,4-Trichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
87-61-6	1,2,3-Trichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
106-93-4	1,2-Dibromoethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
96-12-8	1,2-Dibromo-3-chloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP01-GW-56 5/13/2008 56 ft bgs		WP02-GW-60 5/13/2008 60 ft bgs		WP03-GW-70 6/20/2008 70 ft bgs		WP04-GW-70 6/23/2008 70 ft bgs		WP05-GW-63 6/19/2008 63 ft bgs	
5-Met-icp-23	**Inorganic Analytes**												
7440-36-0	Antimony	ICP-MS	ug/l	2	UJ	2	UJ	2	U	2	U	2	U
7440-38-2	Arsenic	ICP-MS	ug/l	7.5	J	5.7	J	3.4	R	2.5	R	4	R
7440-39-3	Barium	ICP-MS	ug/l	122		95.2		63.4		463	J	96.2	
7440-41-7	Beryllium	ICP-MS	ug/l	0.71	J	1.4		1		3.6		0.8	J
7440-43-9	Cadmium	ICP-MS	ug/l	1.5		0.78	J	0.54	J	2.3		1.4	
7440-70-2	Calcium	ICP-MS	ug/l	31900		23100							
7440-47-3	Chromium	ICP-MS	ug/l	82.3		56.4		2890	J	213	J	435	J
7440-48-4	Cobalt	ICP-MS	ug/l	51	J	33.6	J	31.9	J	72.2	J	81.5	J
7440-50-8	Copper	ICP-MS	ug/l	41.6	J	48.7	J	14.1	J	149	J	10	J
7439-92-1	Lead	ICP-MS	ug/l	3.1		4.2		4.5		35.8		2.5	
7439-95-4	Magnesium	ICP-MS	ug/l	10300		7930							
7439-96-5	Manganese	ICP-MS	ug/l	942	J	530	J	479	J	861	J	1030	J
7439-97-6	Mercury	ICP-MS	ug/l	0.2	U	0.26		0.28		0.12	J	2	
7440-02-0	Nickel	ICP-MS	ug/l	33.6	J	18.7	J	18.1	J	27.8	J	23.7	J
7440-09-7	Potassium	ICP-MS	ug/l	3820	J	5190							
7782-49-2	Selenium	ICP-MS	ug/l	5	UJ	5	UJ	5	U	2.5	J	5	U
7440-22-4	Silver	ICP-MS	ug/l	1	U	1	U	1	UJ	1	UJ	1	UJ
7440-23-5	Sodium	ICP-MS	ug/l	53500		79200		14200		11100		81400	
7440-28-0	Thallium	ICP-MS	ug/l	1	U	1	U	1	U	0.78	J	1	U
7440-62-2	Vanadium	ICP-MS	ug/l	71.5		249		25	J	59.7	J	19.8	J
7440-66-6	Zinc	ICP-MS	ug/l	579	J	328	J	23.9	J	29.8	J	45.1	J
18540-29-9	Chromium (Hexavalent Compounds)	CR-DESA	ug/l	100	UJ	10	U	4800		60	L	730	

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP06-GW-65 6/24/2008 65 ft bgs		WP07-GW-70 6/26/2008 70 ft bgs		WP08-GW-95 6/24/2008 95 ft bgs		WP09-GW-65 6/25/2008 65 ft bgs		WP10-GW-56 5/6/2008 56 ft bgs	
(Group Code)	**(Group Description)**												
TCL-TRACEVOC	**Volatile Organic Compounds**												
75-71-8	Dichlorodifluoromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
74-87-3	Chloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-01-4	Vinyl Chloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
74-83-9	Bromomethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-00-3	Chloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-69-4	Trichlorofluoromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.32	J
75-35-4	1,1-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	4.3		9.9	J
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
67-64-1	Acetone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
75-15-0	Carbon Disulfide	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-20-9	Methyl Acetate	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-09-2	Methylene Chloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
156-60-5	trans-1,2-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
1634-04-4	Methyl Tert-Butyl Ether	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-34-3	1,1-Dichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.14	J	0.79		0.91	
156-59-2	cis-1,2-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.69		0.51		7.3	J
78-93-3	2-Butanone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
74-97-5	Chlorobromomethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
67-66-3	Chloroform	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	1.7	
71-55-6	1,1,1-Trichloroethane	TCL-W-TRACEVOC	ug/L	0.16	J	0.5	U	0.5	U	5		50	
110-82-7	Cyclohexane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
56-23-5	Carbon Tetrachloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
71-43-2	Benzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.27	J
107-06-2	1,2-Dichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-01-6	Trichloroethene	TCL-W-TRACEVOC	ug/L	0.73		0.78		63		3.8		1100	
108-87-2	Metylcyclohexane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
78-87-5	1,2-Dichloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-27-4	Bromodichloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
10061-01-5	cis-1,3-Dichloropropene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
108-10-1	4-Methyl-2-pentanone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
108-88-3	Toluene	TCL-W-TRACEVOC	ug/L	10		0.41	J	2.5		0.5	U	0.5	U
10061-02-6	trans-1,3-Dichloropropene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-00-5	1,1,2-Trichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.26	J
127-18-4	Tetrachloroethene	TCL-W-TRACEVOC	ug/L	1		0.41	J	0.5	U	0.5	U	1.4	
591-78-6	2-Hexanone	TCL-W-TRACEVOC	ug/L	5	U	5	U	5	U	5	U	5	U
124-48-1	Dibromochloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
106-93-4	1,2-Dibromoethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP06-GW-65 6/24/2008 65 ft bgs		WP07-GW-70 6/26/2008 70 ft bgs		WP08-GW-95 6/24/2008 95 ft bgs		WP09-GW-65 6/25/2008 65 ft bgs		WP10-GW-56 5/6/2008 56 ft bgs	
108-90-7	Chlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
100-41-4	Ethylbenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
95-47-6	O-Xylene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
179601-23-1	m,p-Xylenes	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
100-42-5	Styrene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
75-25-2	Bromoform	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
98-82-8	Isopropylbenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
79-34-5	1,1,2,2-Tetrachloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
541-73-1	1,3-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
106-46-7	1,4-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
95-50-1	1,2-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
96-12-8	1,2-Dibromo-3-chloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
120-82-1	1,2,4-Trichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
87-61-6	1,2,3-Trichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
106-93-4	1,2-Dibromoethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U
96-12-8	1,2-Dibromo-3-chloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U	0.5	U	0.5	U	0.5	U

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP06-GW-65 6/24/2008 65 ft bgs		WP07-GW-70 6/26/2008 70 ft bgs		WP08-GW-95 6/24/2008 95 ft bgs		WP09-GW-65 6/25/2008 65 ft bgs		WP10-GW-56 5/6/2008 56 ft bgs	
5-Met-icp-23	**Inorganic Analytes**												
7440-36-0	Antimony	ICP-MS	ug/l	2	U	4	U	2	U	2	U	2	U
7440-38-2	Arsenic	ICP-MS	ug/l	1.9	R	2.5	R	2.2	R	1.5	R	26.8	J
7440-39-3	Barium	ICP-MS	ug/l	104		141		575		504		223	
7440-41-7	Beryllium	ICP-MS	ug/l	1.3		2	U	35.4		20.2		2.6	
7440-43-9	Cadmium	ICP-MS	ug/l	0.5	J	2	U	2		0.77	J	6.1	
7440-70-2	Calcium	Metals-AES	ug/l									19400	
7440-47-3	Chromium	ICP-MS	ug/l	4.2	J	126	J	8.2	J	3.1	J	348	J
7440-48-4	Cobalt	ICP-MS	ug/l	46.5	J	160	J	53.2	J	107	J	124	J
7440-50-8	Copper	ICP-MS	ug/l	28.3	J	14.9	J	192	J	48.2	J	334	J
7439-92-1	Lead	ICP-MS	ug/l	1.7		2	J	15.2		1.5		33.9	J
7439-95-4	Magnesium	Metals-AES	ug/l							14700		24500	
7439-96-5	Manganese	ICP-MS	ug/l	751	J	1480	J	102	J	1390	J	4130	J
7439-97-6	Mercury	ICP-MS	ug/l	0.63		0.099	J	0.067	J	0.37		0.24	
7440-02-0	Nickel	ICP-MS	ug/l	10.7	J	12.2	J	72.2	J	26	J	237	J
7440-09-7	Potassium	Metals-AES	ug/l									6830	
7782-49-2	Selenium	ICP-MS	ug/l	5	U	10	U	5	U	5	U	3.5	J
7440-22-4	Silver	ICP-MS	ug/l	1	UJ	2	UJ	1	UJ	1	UJ	1	U
7440-23-5	Sodium	ICP-MS	ug/l	9750		23800		2860	J	40500		29600	
7440-28-0	Thallium	ICP-MS	ug/l	0.74	J	2	U	1	U	1		1	U
7440-62-2	Vanadium	ICP-MS	ug/l	37	J	5.1	J	133	J	70.9	J	170	J
7440-66-6	Zinc	ICP-MS	ug/l	18.8	J	21.4	J	86.9	J	49.5	J	7990	R
18540-29-9	Chromium (Hexavalent Compounds)	CR-DESA	ug/l	10	UJ	68		10	UJ	10	UJ	10	UJ

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP11-GW-64 5/12/2008 64 ft bgs		WP12-GW-56 5/7/2008 56 ft bgs	
(Group Code)	**(Group Description)**						
TCL-TRACEVOC	**Volatile Organic Compounds**						
75-71-8	Dichlorodifluoromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
74-87-3	Chloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-01-4	Vinyl Chloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	UJ
74-83-9	Bromomethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-00-3	Chloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-69-4	Trichlorofluoromethane	TCL-W-TRACEVOC	ug/L	0.45	J	0.5	U
75-35-4	1,1-Dichloroethene	TCL-W-TRACEVOC	ug/L	19	J	7.3	J
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
67-64-1	Acetone	TCL-W-TRACEVOC	ug/L	5	U	5	U
75-15-0	Carbon Disulfide	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
79-20-9	Methyl Acetate	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-09-2	Methylene Chloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
156-60-5	trans-1,2-Dichloroethene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
1634-04-4	Methyl Tert-Butyl Ether	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-34-3	1,1-Dichloroethane	TCL-W-TRACEVOC	ug/L	1.9		0.58	
156-59-2	cis-1,2-Dichloroethene	TCL-W-TRACEVOC	ug/L	37	J	24	J
78-93-3	2-Butanone	TCL-W-TRACEVOC	ug/L	5	U	5	U
74-97-5	Chlorobromomethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
67-66-3	Chloroform	TCL-W-TRACEVOC	ug/L	2.1		0.91	U
71-55-6	1,1,1-Trichloroethane	TCL-W-TRACEVOC	ug/L	49		59	
110-82-7	Cyclohexane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
56-23-5	Carbon Tetrachloride	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
71-43-2	Benzene	TCL-W-TRACEVOC	ug/L	0.39	J	0.5	U
107-06-2	1,2-Dichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
79-01-6	Trichloroethene	TCL-W-TRACEVOC	ug/L	1600		1100	
108-87-2	Metylcyclohexane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
78-87-5	1,2-Dichloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-27-4	Bromodichloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
10061-01-5	cis-1,3-Dichloropropene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
108-10-1	4-Methyl-2-pentanone	TCL-W-TRACEVOC	ug/L	5	U	5	U
108-88-3	Toluene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
10061-02-6	trans-1,3-Dichloropropene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
79-00-5	1,1,2-Trichloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
127-18-4	Tetrachloroethene	TCL-W-TRACEVOC	ug/L	2.9		10	
591-78-6	2-Hexanone	TCL-W-TRACEVOC	ug/L	5	U	5	U
124-48-1	Dibromochloromethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
106-93-4	1,2-Dibromoethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code / Sample Name / Sample Date / Unit \\ Depth	WP11-GW-64 5/12/2008 64 ft bgs		WP12-GW-56 5/7/2008 56 ft bgs	
108-90-7	Chlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
100-41-4	Ethylbenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
95-47-6	O-Xylene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
179601-23-1	m,p-Xylenes	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
100-42-5	Styrene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
75-25-2	Bromoform	TCL-W-TRACEVOC	ug/L	0.5	UJ	0.5	U
98-82-8	Isopropylbenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
79-34-5	1,1,2,2-Tetrachloroethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
541-73-1	1,3-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
106-46-7	1,4-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
95-50-1	1,2-Dichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
96-12-8	1,2-Dibromo-3-chloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
120-82-1	1,2,4-Trichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
87-61-6	1,2,3-Trichlorobenzene	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
106-93-4	1,2-Dibromoethane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U
96-12-8	1,2-Dibromo-3-chloropropane	TCL-W-TRACEVOC	ug/L	0.5	U	0.5	U

Table J4-2a
Groundwater Screening - Well Points
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Cas Rn	Chemical Name	Analytic Method	Sample Code Sample Name Sample Date Unit \\ Depth	WP11-GW-64 5/12/2008 64 ft bgs		WP12-GW-56 5/7/2008 56 ft bgs	
5-Met-icp-23	**Inorganic Analytes**						
7440-36-0	Antimony	ICP-MS	ug/l	2	UJ	2	U
7440-38-2	Arsenic	ICP-MS	ug/l	32.8	J	3.3	J
7440-39-3	Barium	ICP-MS	ug/l	298	J	81.7	
7440-41-7	Beryllium	ICP-MS	ug/l	8.8		8.5	
7440-43-9	Cadmium	ICP-MS	ug/l	185		211	
7440-70-2	Calcium	Metals-AES	ug/l	37000		8780	
7440-47-3	Chromium	ICP-MS	ug/l	880	J	89.7	
7440-48-4	Cobalt	ICP-MS	ug/l	88.4	J	146	J
7440-50-8	Copper	ICP-MS	ug/l	218	J	54.1	J
7439-92-1	Lead	ICP-MS	ug/l	124		4.8	J
7439-95-4	Magnesium	Metals-AES	ug/l			5330	
7439-96-5	Manganese	ICP-MS	ug/l	4090	J	1590	J
7439-97-6	Mercury	ICP-MS	ug/l	0.52		0.087	J
7440-02-0	Nickel	ICP-MS	ug/l	110	J	68.5	J
7440-09-7	Potassium	Metals-AES	ug/l	31700		5320	
7782-49-2	Selenium	ICP-MS	ug/l	8.5	J	1.9	J
7440-22-4	Silver	ICP-MS	ug/l	2.1		1	U
7440-23-5	Sodium	ICP-MS	ug/l	65100		39000	
7440-28-0	Thallium	ICP-MS	ug/l	1	U	1	U
7440-62-2	Vanadium	ICP-MS	ug/l	381	J	16.7	
7440-66-6	Zinc	ICP-MS	ug/l	3880	J	3310	R
18540-29-9	Chromium (Hexavalent Compounds)	CR-DESA	ug/l	100	U	10	UL

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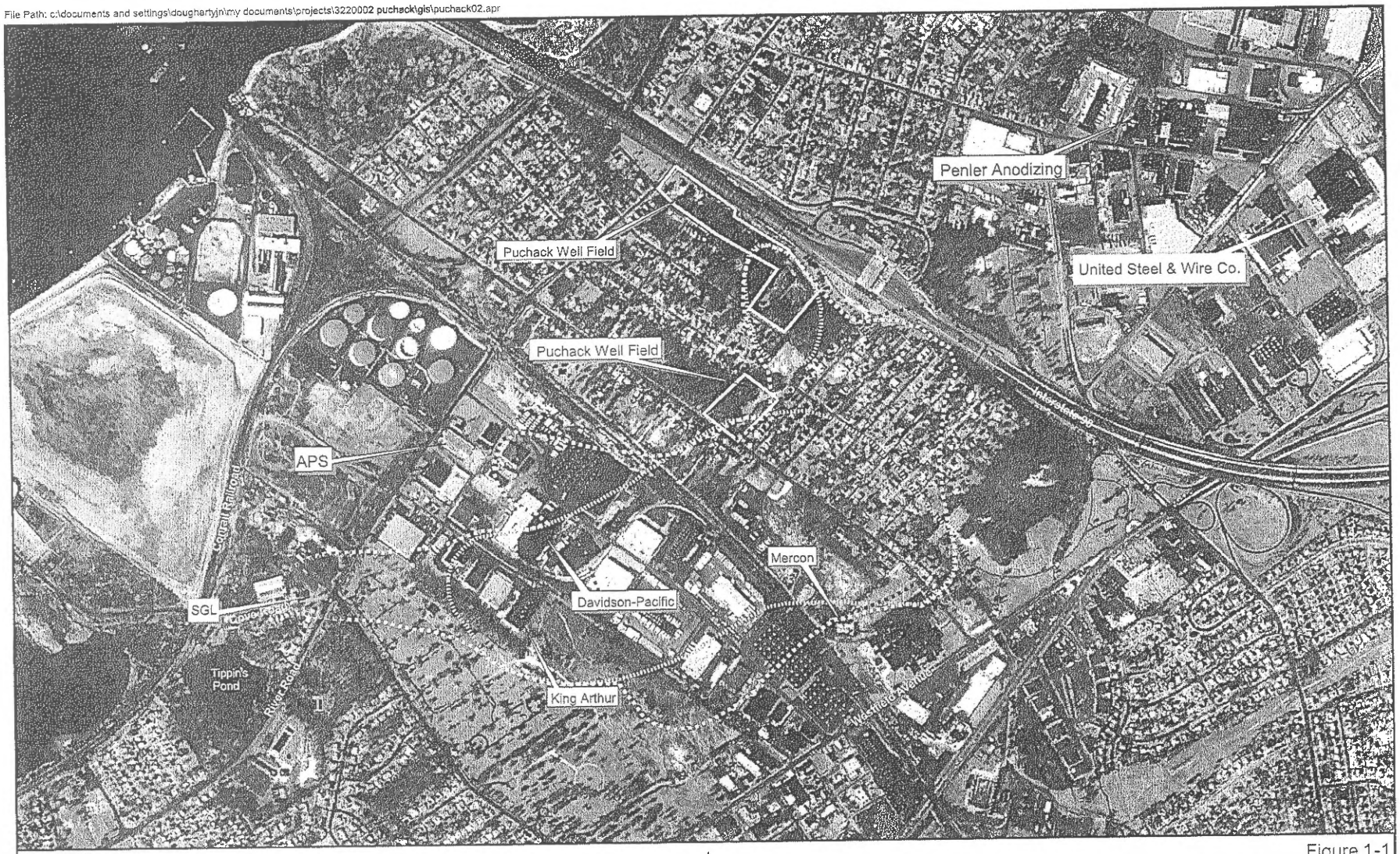


LEGEND

Approximate Operable Unit (OU1) Boundary
Chromium > 70 µg/L Middle aquifer, 1999-2001
Chromium > 70 µg/L Intermediate Sand aquifer, 1999-2001
Chromium > 70 µg/L Lower aquifer, 1999-2001

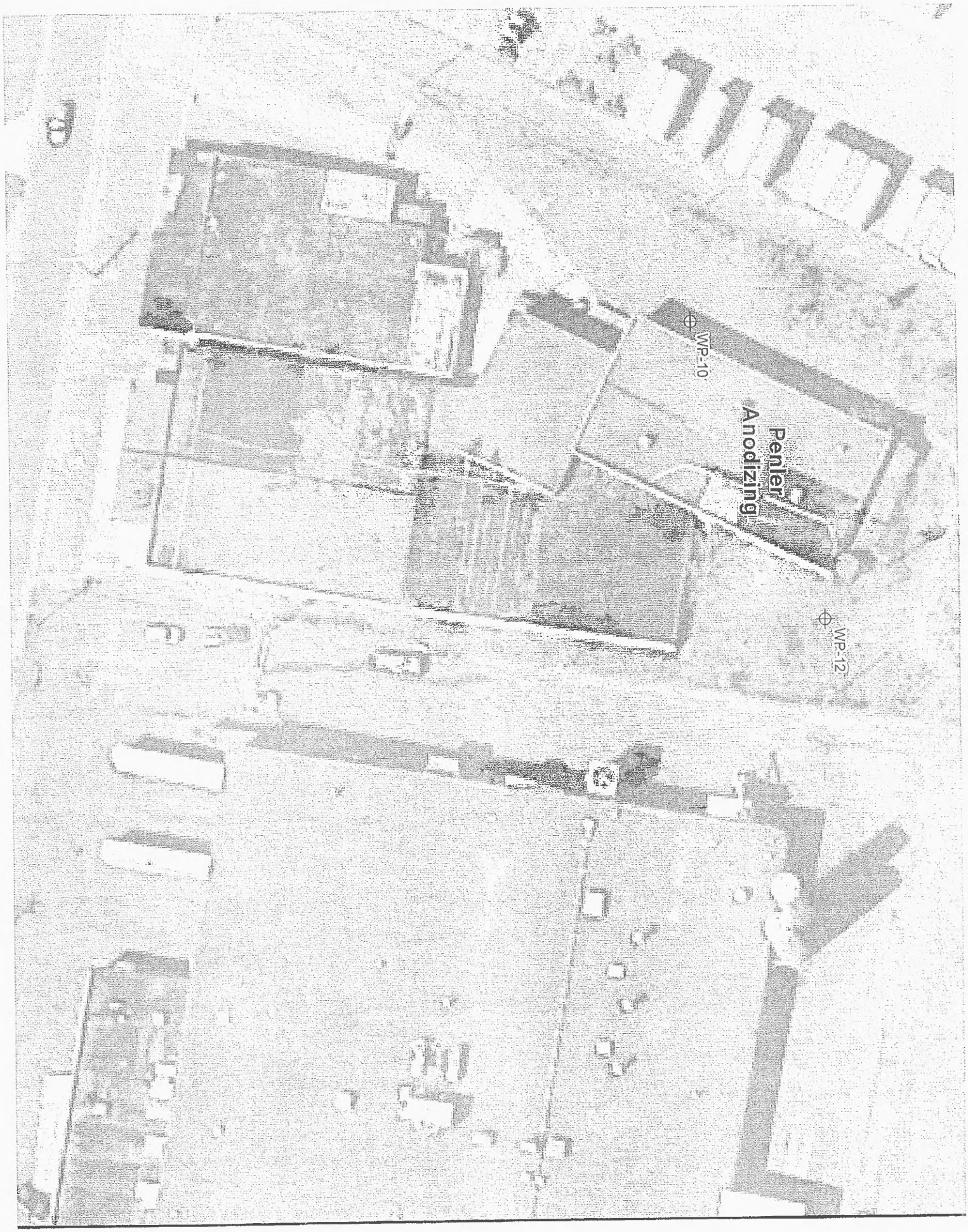
N

0 1000 2000 Feet

CDM

Figure 1-1
2001 Areal Extent of Chromium Contaminated Groundwater and Potential Source Area Locations
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey


P-MW-18D
Penler Anodizing
P-MW-21S
P-MW-8M
Puchack Well Field
P-MW-21M/I/D
P-MW-20I/D
P-MW-17I/D
P-MW-16M/I/D
P-MW-22I/D
P-MW-10M/D
CC-MW-4A/B
Puchack Well Field
CC-MW-4I
P-MW-6D
APS
APS-MW-04
APS-MW-02
APS-MW-03
APS-MW-05
P-MW-23M/I/D
P-MW-11I/D
P-MW-5M/D
River Road
P-MW-15M/I/D
MW-204M
P-MW-27M/I/D
Davidson Pacific
P-MW-25M/I/D
P-MW-36I
CC-MW-2A/B/D
MW-205M/I
KA-MW-5S/D
CC-MW-1A/B/D
-1S/M/D
King Arthur
P-MW-14I/D
P-MW-37I
MW-14
Mercon
P-MW-26M/I
MW-207M
KA-MW-3
P-MW-24M/I
P-MW-34M/I/D
Cove Road
KA-MW-6D
P-MW-4M/I/D
P-MW-14-BETHEL


WP-10
Renter
Anodizing
WP-12


P-MW-18D
WP-11
WP-12
WP-10
Penler Anodizing
P-MW-21S
P-MW-8M
P-MW-21M/I/D
Puchack Well Field
P-MW-20I/D
P-MW-17I/D
P-MW-16M/I/D
P-MW-22I/D
P-MW-10M/D
CC-MW-4A/B
Puchack Well Field
CC-MW-4I
P-MW-6M/I/D
WP-09
APS
P-MW-11I/D
APS-MW-02
APS-MW-04
APS-MW-03
APS-MW-05
P-MW-23M/I/D
P-MW-5M/I/D
River Road
P-MW-15M/I/D
WP-08
Davidson Pacific
P-MW-27M/I/D
MW-204M
WP-06
P-MW-25M/I/D
IMW-205M/I
KA-MW-5S/D
P-MW-36I
CC-MW-2A/B/D
WP-03
King Arthur
CC-MW-1A/B/D
WP-04
P-MW-26M/I
P-MW-37I
P-MW-14I/D
KA-GW01-90
KA-MW-3
IMW-207M
P-MW-24M/I
Mercon
P-MW-34M/I/D
KA-MW-6D
P-MW-4M/I/D
P-MW-14-BETHEL

Table 1-5
Penler Anodizing Historical Groundwater Sample Results
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Production Well	Date	TCE	PCE	1,2-DCE	VC	1,2-DCA	1,1-DCE	Benzene	Chromium	Other
Production Well	July 1980	14.00	23.00	ND	NA	ND	NA	ND	NA	15.00
Production Well	October 1981	ND	ND	120.00	ND	ND	ND	4.00	NA	4.00
Production Well	May 1985	36.00	26.00	83.00	ND	2.50	1.50	18.00	ND	101.60
Production Well	July 1985	49.70	19.80	146.00	75.90	7.75	3.74	72.30	NA	234.70

Notes:
All values are in µg/L
No figure illustrating the production well is available

Abbreviations:
TCE = Trichloroethene
PCE = Tetrachloroethene
1,2-DCE = 1,2-dichloroethene
VC = Vinyl Chloride
1,2-DCA = 1,2-dichloroethane
1,1-DCE = 1,1-dichloroethene
ND = Not Detected
µg/L =microgram per liter

Table 2-2
Stage 1 Soil Samples
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Location	X-Coordinate	Y-Coordinate	Sample ID	Depth (ft bgs)	Sample Date	Total Chromium	Hex. Chromium	Percent Total Solids	TCL VOC
King Arthur Stage 1 Soil Borings									
KA-SB01	335669.913	414422.889	KA-SB01-00	0 - 2	5/14/08	x	x	x	
			KA-SB01-05	3 - 5	5/14/08	x	x	x	x
			KA-SB01-05-DUP	3 - 5	5/14/08	x	x	x	x
			KA-SB01-10	8 - 10	5/14/08	x	x	x	
			KA-SB01-14	12 - 14	5/14/08	x	x	x	
KA-SB02	335699.284	414463.943	KA-SB02-00	0 - 2	5/14/08	x	x	x	
			KA-SB02-05	3 - 5	5/14/08	x	x	x	
			KA-SB02-10	8 - 10	5/14/08	x	x	x	
			KA-SB02-14	12 - 14	5/14/08	x	x	x	
KA-SB03	335754.796	414487.726	KA-SB03-00	0 - 2	5/14/08	x	x	x	
			KA-SB03-05	3 - 5	5/14/08	x	x	x	
			KA-SB03-10	8 - 10	5/14/08	x	x	x	
			KA-SB03-14	12 - 14	5/14/08	x	x	x	
KA-SB04	335763.126	414546.138	KA-SB04-00	0 - 2	5/14/08	x	x	x	
			KA-SB04-05	3 - 5	5/14/08	x	x	x	
			KA-SB04-10	8 - 10	5/14/08	x	x	x	
			KA-SB04-13	11 - 13	5/14/08	x	x	x	
KA-SB05	335787.957	414583.723	KA-SB05-00	0 - 2	5/14/08	x	x	x	
			KA-SB05-05	3 - 5	5/14/08	x	x	x	
			KA-SB05-10	8 - 10	5/14/08	x	x	x	
Tippin's Pond Stage 1 Surface Soil Samples									
SS-01	333528.804	414364.019	SS-01	0 - 0.5	5/5/08	x	x	x	
SS-02	333514.526	414399.119	SS-02	0 - 0.5	5/5/08	x	x	x	x
SS-03	333477.068	414401.103	SS-03	0 - 0.5	5/5/08	x	x	x	
SS-04	333134.312	414360.75	SS-04	0 - 0.5	5/5/08	x	x	x	
SS-05	333111.347	414315.715	SS-05	0 - 0.5	5/5/08	x	x	x	
SS-06	333082.416	414274.42	SS-06	0 - 0.5	5/5/08	x	x	x	
SS-07	333052.082	414241.128	SS-07	0 - 0.5	5/5/08	x	x	x	
SS-08	333019.007	414199.433	SS-08	0 - 0.5	5/5/08	x	x	x	
SS-09	332991.489	414156.52	SS-09	0 - 0.5	5/5/08	x	x	x	
SS-10	332989.679	414110.427	SS-10	0 - 0.5	5/5/08	x	x	x	
SS-11	333020.879	414075.295	SS-11	0 - 0.5	5/5/08	x	x	x	
SS-12	333022.944	414125.656	SS-12	0 - 0.5	5/5/08	x	x	x	x
SS-12	333022.944	414125.656	SS-12-DUP	0 - 0.5	5/5/08	x	x	x	x
SS-13	333135.39	414278.642	SS-13	0 - 0.5	5/5/08	x	x	x	
SS-14	333161.089	414324.543	SS-14	0 - 0.5	5/5/08	x	x	x	
Penler Stage 1 Soil Samples									
WP10	340313.355	418275.206	WP10-SB-00	0 - 3	5/7/08	x	x	x	
			WP10-SB-05	4 - 5	5/7/08	x	x	x	x
WP11	340381.87	418394.347	WP11-SB-00	0 - 3	5/7/08	x	x	x	
			WP11-SB-05	4 - 5	5/7/08	x	x	x	
			WP11-SB-10	10 - 11	5/7/08	x	x	x	
			WP11-SB-15	14 - 15	5/7/08	x	x	x	
			WP11-SB-20	19 - 20	5/7/08	x	x	x	
			WP11-SB-30	29 - 30	5/7/08	x	x	x	
			WP11-SB-38	36 - 38	5/7/08	x	x	x	
WP12	340441.527	418331.309	WP12-SB-00	0 - 3	5/7/08	x	x	x	
			WP12-SB-05	4 - 5	5/7/08	x	x	x	x
			WP12-SB-10	10 - 11	5/7/08	x	x	x	
			WP12-SB-15	14 - 15	5/7/08	x	x	x	

Notes:
DUP - duplicate
Hex. - hexavalent
KA - King Arthur
SB - soil boring
SGL - SGL Modern Hard Chrome
SS - surface soil
TCL - Target Compound List
VOC - volatile organic compounds
WP - well point
Coordinate system is New Jersey State Plane NAD83 (feet)

Table 2-4
Groundwater Samples
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Location	X-Coordinate	Y-Coordinate	Depth	Depth Unit	Sample Date	Hexavalent Chromium	TCL VOC (Trace)	SVOC	SVOC-W-SIM	Pesticide/PCBs	TAL Metals (ICP MS&AES)	Hexavalent Chromium (HACH8023)	Ferrous Iron (HACH8146)	Alkalinity Bicarbonate	Alkalinity Carbonate	Nitrogen, Ammonia	Chloride	Fluoride	Nitrate	Nitrite	DOC	TOC	Phosphorus, Tot.	Orthophosphate [As P]	Sulfate
Existing Well Sampling																									
ABS-MW-01	333769.76	414868.81	-11.2	ft MSL	4/2/08	x	x				x														
ABS-MW-02	333647.64	415105.23	-14.2	ft MSL	4/2/08	x	x				x	x													
APS-MW-02	335095.53	415762.08	-11.5	ft MSL	4/3/08	x	x				x	x													
APS-MW-03	335340.15	415700.76	-11.9	ft MSL	4/3/08	x	x				x	x													
APS-MW-04	335338.94	415772.63	-12.3	ft MSL	4/3/08	x	x				x	x													
P-MW-01S	414736.35	334069.11	-14.0	ft MSL	4/1/08	x	x				x	x													
P-MW-26M	334965.80	414612.60	-23.4	ft MSL	4/3/08	x	x				x	x													
SGL-MW-01A	333987.14	414754.02	-44.2	ft MSL	4/1/08	x	x				x	x													
SGL-MW-01A-DUP					4/1/08	x	x				x	x													
SGL-MW-03	333849.07	414911.59	-45.0	ft MSL	4/1/08	x	x				x	x													
SGL-MW-04A	333601.49	414616.18	-40.1	ft MSL	4/2/08	x	x				x	x													
Well Point/Piezometer Sampling																									
PZ01-GW-45	333406.79	415015.90	45	ft bgs	5/12/08	x	x				x														
PZ01-GW-45-DUP	333406.79	415015.90	45	ft bgs	5/12/08	x	x				x														
PZ02-GW-43	333924.15	414744.55	43	ft bgs	5/5/08	x	x				x	x													
PZ03-GW-36	333394.40	414547.19	36	ft bgs	5/5/08	x	x				x	x													
KA-GW01-90	335682.58	414464.43	90	ft bgs	6/19/08	x	x				x	x													
WP01-GW-56	333964.06	414268.67	56	ft bgs	5/13/08	x	x				x														
WP02-GW-60	334092.15	414480.93	60	ft bgs	5/13/08	x	x				x														
WP03-GW-70	334488.06	414701.19	70	ft bgs	6/20/08	x	x				x														
WP04-GW-70	334717.90	414707.77	70	ft bgs	6/23/08	x	x				x	x													
WP04-GW-70-DUP					6/23/08	x	x				x														
WP05-GW-63	334275.10	414690.93	63	ft bgs	6/19/08	x	x				x														
WP06-GW-65	334452.41	414843.87	65	ft bgs	6/24/08	x	x				x	x													
WP07-GW-70	334473.80	415142.26	70	ft bgs	6/26/08	x	x				x	x													
WP08-GW-95	334913.09	415277.49	95	ft bgs	6/24/08	x	x				x	x													
WP09-GW-65	335067.30	415941.53	65	ft bgs	6/25/08	x	x				x	x													
WP10-GW-56	340313.36	418275.21	56	ft bgs	5/6/08	x	x				x														
WP11-GW-64	340381.87	418394.35	64	ft bgs	5/12/08	x	x				x														
WP12-GW-56	340441.53	418331.31	56	ft bgs	5/7/08	x	x				x	x													

Table 2-4
Groundwater Samples
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Location	X-Coordinate	Y-Coordinate	Depth	Depth Unit	Sample Date	Hexavalent Chromium	TCL VOC (Trace)	SVOC	SVOC-W-SIM	Pesticide/PCBs	TAL Metals (ICP MS&AES)	Hexavalent Chromium (HACH8023)	Ferrous Iron (HACH8146)	Alkalinity Bicarbonate	Alkalinity Carbonate	Nitrogen, Ammonia	Chloride	Fluoride	Nitrate	Nitrite	DOC	TOC	Phosphorus, Tot.	Orthophosphate [As P]	Sulfate
Monitoring Well Sampling																									
ABS-MW-01-R1	333769.76	414868.81	-10.0	ft MSL	12/15/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
ABS-MW-02-R1	333647.64	415105.23	-13.6	ft MSL	12/15/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
APS-MW-02-R1	335095.53	415762.08	-11.6	ft MSL	12/11/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
APS-MW-03-R1	335340.15	415700.76	-11.9	ft MSL	12/11/08	x	x																		
APS-MW-04-R1	335338.94	415772.63	-13.3	ft MSL	12/11/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
KA-MW-3-R1	414418.64	335521.03	-57.6	ft MSL	12/12/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
KA-MW-5D-R1	414724.40	335133.73	-66.3	ft MSL	12/10/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
KA-MW-05S-R1	414724.40	335133.73	-14.4	ft MSL	12/10/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-201M-R1	333379.96	414538.85	-11.0	ft MSL	12/12/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-202M-R1	333443.57	415075.21	-7.8	ft MSL	12/17/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-203I-R1	333693.16	414884.27	-48.5	ft MSL	12/12/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-204M-R1	334497.91	415124.68	-11.7	ft MSL	12/11/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-205I-R1	334735.01	414739.46	-75.5	ft MSL	12/15/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-205M-R1	334734.03	414744.18	-20.5	ft MSL	12/15/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
MW-207M-R1	414421.74	335751.10	-11.4	ft MSL	12/9/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-01D-R1	414730.51	334043.23	-128.4	ft MSL	12/16/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-01S-R1	414736.35	334069.11	-14.5	ft MSL	12/17/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-01S-R1-DUP					12/17/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-1M-R1	414730.51	334043.23	-51.4	ft MSL	12/16/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-26I-R1	414603.40	334974.70	-70.6	ft MSL	12/10/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-26I-R1-DUP					12/10/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-26M-R1	334965.80	414612.60	-23.9	ft MSL	12/10/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-27D-R1	415070.40	335294.90	-148.1	ft MSL	12/9/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-27I-R1	415077.29	335285.83	-53.3	ft MSL	12/9/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
P-MW-27M-R1	415084.22	335275.34	-14.6	ft MSL	12/9/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
SGL-MW-01A-R1	333987.14	414754.02	-41.7	ft MSL	12/16/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
SGL-MW-03-R1	333849.07	414911.59	-40.0	ft MSL	12/12/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
SGL-MW-04A-R1	333601.49	414616.18	35.0	ft MSL	12/16/08	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

Notes:

ABS - A. Barry Steel
APS - Advanced Process Supply
DOC - dissolved organic carbon
DUP - duplicate
ft bgs - feet below ground surface
ft MSL - feet mean sea level
KA - King Arthur
PZ - piezometer
SGL - SGL Modern Hard Chrome
SVOC - semivolatile organic compound
TAL - Target Analyte List
TCL - Target Compound List
TOC - target organic carbon
VOC - volatile organic compounds
WP - well point
Coordinate system is New Jersey State Plane NAD83 (feet)

Table 4-7
Penler Soil Chromium Results Summary
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

WP10		
feet bgs	Chromium (mg/Kg)	Hex Chrom (mg/Kg)
0-0.5	43	1.6
5	24	1.0

WP11		
feet bgs	Chromium (mg/Kg)	Hex Chrom (mg/Kg)
0-0.5	124	3.2
5	20.3	1.4
10	15.1	1.3
15	31.6	0.87
20	1.1	0.62 U
30	2.2	0.62 U
38	3.9	0.7 U

WP12		
feet bgs	Chromium (mg/Kg)	Hex Chrom (mg/Kg)
0-0.5	195	30
5	11.5	1.6
10	9.4	0.54 J
15	3.3	0.63 U

Legend:

	Hex Chrom (mg/kg)
	>20 - 100
	>100

Acronyms:
mg/kg - milligram per kilogram
bgs - below ground surface
J - Estimated
U - non-detect

Table 4-9
Selected Sample Results in Existing Monitoring Wells
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

Chemical	Unit	NJ GQS	ABS-MW-01		ABS-MW-02		APS-MW-02		APS-MW-04		APS-MW-03	
Trichloroethene	µg/L	1	1.4		-----	U	26		1.9		5.4	
Tetrachloroethene	µg/L	1	1.2		-----	U	-----	U	3.2		47	
Total Chromium	µg/L	70	2070	J	89.5	J	25	J	16.4	J	16.3	J
Hexavalent Chromium	µg/L	70	2300		73		10		10		10	

Chemical	Unit	NJ GQS	P-MW-01S		P-MW-26M		SGL-MW-01A		SGL-MW-03		SGL-MW-04A	
Trichloroethene	µg/L	1	34		2.6		-----	U	-----	U	-----	U
Tetrachloroethene	µg/L	1	120		2.4		0.36	J	-----	U	-----	U
Total Chromium	µg/L	70	1290	J	44	J	8.5	J	-----	UJ	15.9	J
Hexavalent Chromium	µg/L	70	1400		27		10		10		10	

Notes:
----- Non-detect
U non-detect
J Estimate
NJ GQS - New Jersey Groundwater Quality Standards

Table 4-10
Selected Sample Results from Groundwater Screening Locations
Puchack Well Field Site, OU2
Pennsauken Township, New Jersey

		NJ GQS	WP01-GW-56		WP02-GW-60		WP03-GW-70		WP04-GW-70		WP05-GW-63		WP06-GW-65	
Chemical Name	Unit		56 ft bgs		60 ft bgs		70 ft bgs		70 ft bgs		63 ft bgs		65 ft bgs	
Trichloroethene	µg/L	1	-----	U	-----	U	15		6.5		1.2		0.73	
Tetrachloroethene	µg/L	1	-----	U	-----	U	25		7.5		5.3		1	
Total Chromium	µg/L	70	82.3		56.4		2890	J	213	J	435	J	4.2	J
Hexavalent Chromium	µg/L	70	-----	UJ	-----	U	4800		60	L	730		-----	UJ

		NJ GQS	WP07-GW-70		WP08-GW-95		WP09-GW-65		WP10-GW-56		WP11-GW-64		WP12-GW-56	
Chemical Name	Unit		70 ft bgs		95 ft bgs		65 ft bgs		56 ft bgs		64 ft bgs		56 ft bgs	
Trichloroethene	µg/L	1	0.78		63		3.8		1100		1600		1100	
Tetrachloroethene	µg/L	1	0.41	J	-----	U	-----	U	1.4		2.9		10	
Total Chromium	µg/L	70	126	J	8.2	J	3.1	J	348	J	880	J	8780	
Hexavalent Chromium	µg/L	70	68		-----	UJ	-----	UJ	-----	UL	-----	U	-----	UL

Notes:
----- Non-detect
U non-detect
J Estimate
ft feet
bgs below ground surface
µg/L microgram per liter
NJ GQS - New Jersey Groundwater Quality Standards

Table 4-11b
Selected Monitoring Well Results for Intermediate Sand
Puchack Well Field Site, Operable Unit 2
Pennsauken Township, New Jersey

Compounds	Unit	NJ GQS	KA-MW-3-R1		KA-MW-5D-R1		P-MW-26I-R1		P-MW-27I-R1		MW-205I-R1	
Trichloroethene	µg/L	1	11		220		1.1		1		0.48	J
Tetrachloroethene	µg/L	1	2.6		0.31	J	0.88		0.11	J	0.46	J
Total Chromium	µg/L	70	158		14.6		10.1		524		2.5	
Hexavalent Chromium	µg/L	70	150		21		21		470		-----	U

Compounds	Unit	NJ GQS	SGL-MW-01A-R1		SGL-MW-03-R1		SGL-MW-04A-R1		P-MW-1M-R1		MW-203I-R1	
Trichloroethene	µg/L	1	0.12	J	-----	U	-----	U	-----	U	-----	U
Tetrachloroethene	µg/L	1	0.69		-----	U	-----	U	-----	U	-----	U
Total Chromium	µg/L	70	8.4		3.1		1.2	J	2.7		0.96	J
Hexavalent Chromium	µg/L	70	-----	U	-----	U	-----	U	-----	U	-----	U

Notes:
---- Non-detect
U - non-detect
J - Estimate
NJ GQS - New Jersey Groundwater Quality Standards
µg/L microgram per liter

Table 4-11c
Selected Monitoring Well Results for Lower Aquifer
Puchack Well Field Site, Operable Unit 2
Pennsauken Township, New Jersey

Compounds	Unit	NJ GQS	P-MW-01D-R1		P-MW-27D-R1	
Trichloroethene	µg/L	1	-----	U	-----	U
Tetrachloroethene	µg/L	1	-----	U	-----	U
Total Chromium	µg/L	70	3.3		6.1	
Hexavalent Chromium	µg/L	70	-----	U	-----	U

Notes:
---- Non-detect
U - non-detect
J - Estimate
NJ GQS - New Jersey Groundwater Quality Standards
µg/L microgram per liter

Superfund Program
Proposed Plan

U.S. Environmental Protection Agency, Region 2

Puchack Well Field Superfund Site
June 2011

EPA ANNOUNCES PROPOSED PLAN

This Proposed Plan identifies the Preferred Alternative for cleaning up the soil that acts as a source of contamination to the plume of chromium-contaminated groundwater at the Puchack Well Field Superfund Site (Site), in Pennsauken Township, New Jersey. In addition, this Proposed Plan includes summaries of the soil cleanup alternatives that were evaluated for use at the Site. This document is issued by EPA, the lead agency for Site activities, and the New Jersey Department of Environmental Protection (NJDEP), the support agency. EPA, in consultation with NJDEP, will select the final remedy for the Site after reviewing and considering all information submitted during a 30-day public comment period. EPA, in consultation with NJDEP, may modify the preferred alternative or select another action presented in this Proposed Plan based on new information or public comments. Therefore, the public is encouraged to review and comment on all the alternatives presented in this document.

EPA is issuing this Proposed Plan as part of its community relations program under Section 117(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund). This Proposed Plan summarizes information that can be found in greater detail in the OU2 Remedial Investigation and Feasibility Study (RI/FS) reports as well as in other documents contained in the Administrative Record for this Site (see box on this page).

SITE DESCRIPTION

The Site is located in a commercial, industrial and residential neighborhood of Pennsauken Township, Camden County, New Jersey and is comprised of a plume of chromium-contaminated groundwater as well as the source areas of that contamination. The source areas include soil characterized by chromium concentrations that will cause an unacceptable risk to human health, either through direct contact or as a source of groundwater contamination.

Based on the most recent data, the chromium source area includes contaminated soils within roughly two acres located between Zimmerman Avenue and River Road, on the north side of Cover Rd. The area, which is zoned for commercial use, is approximately three-quarters of a mile southwest of the Puchack Well Field (Figure 1).

MARK YOUR CALENDAR

PUBLIC COMMENT PERIOD:
June 14, 2011 – July 13, 2011
EPA will accept written comments on the Proposed Plan during the public comment period.

PUBLIC MEETING: June 21, 2011
EPA will hold a public meeting to explain the Proposed Plan and the alternatives presented in the Feasibility Study. Oral and written comments will also be accepted at the meeting. The meeting will be held in the Fine Arts Building, 314 Linden St, Room 110, at Rutgers University Camden Campus at 7:00pm.

For more information, see the Administrative Record at the following locations:

U.S. EPA Records Center, Region 2
290 Broadway, 18th Floor.
New York, New York 10007-1866
(212) 637-4308
Hours: Monday-Friday - 9 am to 5 p.m., by appointment.

Pennsauken Free Public Library
5605 N. Crescent Boulevard
Pennsauken, NJ 08110
(856) 665-5959

SITE HISTORY

Groundwater contamination was first detected at a limited number of wells at the Puchack Well Field in the early 1970s. Subsequent sampling in the early 1980s showed contamination in additional wells. In 1984, use of the well field as a source of potable water was terminated. However, controlled pumping of some wells was continued in order to contain the contaminant plume. This pumping was discontinued in 1998 due to difficulties in meeting treatment requirements. Other well fields, which are not impacted by the chromium plume, continue to be used to meet local and regional water needs.

In 1997, the United States Geological Survey (USGS), in cooperation with NJDEP, initiated a field investigation of the groundwater contamination in the Pennsauken Township area. The Puchack Well Field Site was placed on the National Priorities List (NPL) on March 6, 1998.

After several rounds of groundwater studies performed by NJDEP, USGS and EPA, the OU1 field investigations were completed and final Remedial Investigation (RI) and Feasibility Study (FS) reports were released in 2006. In September 2006, EPA issued the OU1 Record of Decision (ROD), which selected a remedy involving injection of a reducing agent into the groundwater to treat the chromium contamination. After the pre-design investigation and bench/field-scale studies were completed, lactate was selected as the reducing agent. The OU1 Remedial Design was finalized in April 2011. EPA expects that the OU1 Remedial Action will begin in late 2011.

WHAT IS A "PRINCIPAL THREAT"?

The NCP establishes an expectation that EPA will use treatment to address the principal threats posed by a site wherever practicable (NCP Section 300.430(a)(1)(iii)(A)). The "principal threat" concept is applied to the characterization of "source materials" at a Superfund site. A source material is material that includes or contains hazardous substances, pollutants or contaminants that act as a reservoir for migration of contamination to ground water, surface water or air, or acts as a source for direct exposure. Contaminated ground water generally is not considered to be a source material; however, Non-Aqueous Phase Liquids (NAPLs) in ground water may be viewed as source material. Principal threat wastes are those source materials considered to be highly toxic or highly mobile that generally cannot be reliably contained, or would present a significant risk to human health or the environment should exposure occur. The decision to treat these wastes is made on a site-specific basis through a detailed analysis of the alternatives using the nine remedy selection criteria This analysis provides a basis for making a statutory finding that the remedy employs treatment as a principal element.

The main objective of the OU2 RI for the Site was to identify and delineate areas of soil contamination serving as a direct exposure risk or as sources of groundwater contamination. These areas contain what is known as "principal threat" waste (see box above).

Prior to beginning the OU2 RI, EPA identified six inactive industrial facilities as possible sources of chromium contamination. These facilities were SGL Modern Chrome (SGL), King Arthur, Penler Anodizing Company (Penler), Advanced Process Supply Company, Inc. (APS), Mercon Industries (Mercon) and Davidson-Pacific (Figure 1). Using data from all known historical investigations, EPA determined that APS, Mercon and Davidson-Pacific were not potential sources and therefore did not warrant further investigation. Data gaps were identified for SGL, King Arthur and Penler that required additional investigations.

The OU2 RI was completed in April 2011. The results of the OU2 RI are summarized below, and form the basis for the development of the FS report, which was released concurrently with this Proposed Plan. Both documents can be found in the Administrative Record for the Site and are also available on line at www.epa.gov/region2/superfund/npl/puchack/docs.html.

SITE CHARACTERISTICS

The field investigations consisted of soil and groundwater sampling from the areas in and around the SGL, King Arthur and Penler properties. Surface water and sediment samples were also collected to determine if overland flows of chromium from SGL had impacted nearby Tippin's Pond. At King Arthur, samples of soil were collected in an area that had been identified as a past disposal area. At Penler, soil samples were collected at three locations to determine if a chromium source was present on the property.

Sampling Results

Levels of hexavalent chromium were not detected above the screening level for soil at the King Arthur or Penler properties, nor in soil, sediments or surface water at Tippin's Pond. Elevated concentrations of hexavalent chromium were only detected in surface and subsurface soils in and down-gradient from the SGL property.

The volatile organic compound (VOC) concentrations were below screening levels for soil at the King Arthur and Penler properties. VOCs were generally detected at low levels in the SGL area, suggesting it is a minimal source area for VOC contamination. Nevertheless, the areas that contain VOCs above screening levels at SGL will likely be cleaned by any action taken to remedy the chromium contamination.

The levels of chromium at or near the SGL property were as high as 6,500 parts per million (ppm) and as deep as 42 feet below the ground surface. Overall, the sampling results indicate that the SGL property was and remains a source of chromium contamination to the groundwater.

Chromium Contamination at SGL

The primary contaminant of concern at the Site is chromium in the hexavalent form (Cr(VI)), which is far more soluble (i.e., mobile) and far more toxic than the trivalent form (Cr(III)). Sampling results indicate that approximately 71,000 cubic yards of soil exist at the Site where Cr(VI) concentrations exceed the preliminary remediation goal of 20 ppm.

There are no longer any active operators at the SGL property; however, from the 1960s through the early 1980s, a chrome plating facility operated on the property. The facility actively discharged-chromium contaminated wastewater to the ground surface. The chromium migrated down through the top soil layers into the Middle aquifer where it contaminated groundwater. The groundwater plume then continued to migrate vertically until its movement was impeded by an impermeable layer of sediments known as a confining unit. After encountering this impediment, the plume moved in the direction of the groundwater's flow until it reached a

permeable area of the confining unit and was able to migrate downward into the lower levels of the aquifer where it eventually impacted the Puchack Well Field's wells. (Figure 2).

SCOPE AND ROLE

EPA is addressing the cleanup of the entire Site in two phases, called Operable Units. This Proposed Plan is for Operable Unit 2 (OU2) soil, which, as stated above, addresses the chromium source areas at the Site. Operable Unit 1 (OU1) addresses the groundwater contamination. EPA selected a remedy for OU1 in 2006. That remedy, which EPA expects to begin implementing this year, calls for injecting lactate into the aquifers in order to remediate the chromium contamination in the groundwater. The Remedial Action Objectives for OU2 are to prevent or current and future exposure to contaminated media through treatment of soil in and around the SGL property. Through the use of treatment technologies, this response will permanently reduce the toxicity, mobility, and volume of those source materials that constitute the principal threat wastes at the site.

SUMMARY OF OPERABLE UNIT 2 RISKS

The purpose of the risk assessment is to identify potential cancer risks and noncancer health hazards at the site assuming that no further remedial action is taken. A baseline human health risk assessment was performed to evaluate current and future cancer risks and noncancer health hazards based on the results of the Remedial Investigation.

A screening-level ecological risk assessment was also conducted to assess the risk posed to ecological receptors due to site-related contamination.

Human Health Risk Assessment

As part of the RI/FS, a baseline human health risk assessment was conducted to estimate the risks and hazards associated with the current and future effects of contaminants on human health and the environment. A baseline human health risk assessment is an analysis of the potential adverse human health effects caused by hazardous-substance exposure in the absence of any actions to control or mitigate these under current and future land uses.

A four-step human health risk assessment process was used for assessing site-related cancer risks and noncancer health hazards. The four-step process is comprised of: Hazard Identification of Chemicals of Potential Concern (COPCs), Exposure Assessment, Toxicity Assessment, and Risk Characterization (see adjoining box "What is Risk and How is it Calculated").

WHAT IS RISK AND HOW IS IT CALCULATED?

A Superfund baseline human health risk assessment is an analysis of the potential adverse health effects caused by hazardous substance releases from a site in the absence of any actions to control or mitigate these under current- and future-land uses. A four-step process is utilized for assessing site-related human health risks for reasonable maximum exposure scenarios.

Hazard Identification: In this step, the contaminants of concern at the site in various media (i.e., soil, groundwater, surface water, and air) are identified based on such factors as toxicity, frequency of occurrence, and fate and transport of the contaminants in the environment, concentrations of the contaminants in specific media, mobility, persistence, and bioaccumulation.

Exposure Assessment: In this step, the different exposure pathways through which people might be exposed to the contaminants identified in the previous step are evaluated. Examples of exposure pathways include incidental ingestion of and dermal contact with contaminated soil. Factors relating to the exposure assessment include, but are not limited to, the concentrations that people might be exposed to and the potential frequency and duration of exposure. Using these factors, a "reasonable maximum exposure" scenario, which portrays the highest level of human exposure that could reasonably be expected to occur, is calculated.

Toxicity Assessment: In this step, the types of adverse health effects associated with chemical exposures, and the relationship between magnitude of exposure (dose) and severity of adverse effects (response) are determined. Potential health effects are chemical-specific and may include the risk of developing cancer over a lifetime or other non-cancer health effects, such as changes in the normal functions of organs within the body (e.g., changes in the effectiveness of the immune system). Some chemicals are capable of causing both cancer and non-cancer health effects.

Risk Characterization: This step summarizes and combines exposure information and toxicity assessments to provide a quantitative assessment of site risks. Exposures are evaluated based on the potential risk of developing cancer and the potential for non-cancer health hazards. The likelihood of an individual developing cancer is expressed as a probability. For example, a 10^{-4} cancer risk means a "one-in-ten-thousand excess cancer risk"; or one additional cancer may be seen in a population of 10,000 people as a result of exposure to site contaminants under the conditions explained in the Exposure Assessment. Current Superfund guidelines for acceptable exposures are an individual lifetime excess cancer risk in the range of 10^{-4} to 10^{-6} (corresponding to a one-in-ten-thousand to a one-in-a-million excess cancer risk). For non-cancer health effects, a "hazard index" (HI) is calculated. An HI represents the sum of the individual exposure levels compared to their corresponding reference doses. The key concept for a non-cancer HI is that a "threshold level" (measured as an HI of less than 1) exists below which non-cancer health effects are not expected to occur.

The current land use scenarios included the following exposure pathways and populations:

- Site Workers: incidental ingestion, dermal contact, and inhalation of surface soil at King Arthur property;
- Trespassers: incidental ingestion, dermal contact, and inhalation of surface soil at the SGL and King Arthur properties;
- Recreational Users: incidental ingestion, dermal contact, and inhalation of surface soil; incidental ingestion and dermal contact with surface water; incidental ingestion and dermal contact with sediment at Tippin's Pond for children, adolescents, and adults.

Under the future land use scenario, the exposure pathways and populations included the exposure pathways listed for the current land use scenario and the following additional pathways:

- Site Workers: incidental ingestion, dermal contact, and inhalation of surface soil at SGL and King Arthur facility
- Adult/Child Residents: incidental ingestion, dermal contact, and inhalation of surface soil at SGL and King Arthur facility
- Construction Workers: incidental ingestion, dermal contact, and inhalation of surface and subsurface soil at SGL and King Arthur

The site was divided into three separate parcels for this investigation. The three parcels included the SGL facility, the King Arthur facility, and Tippin's Pond. In this assessment, exposure point concentrations were estimated using either the maximum detected concentration of a contaminant or the 95% upper-confidence limit (UCL) of the average concentration. Chronic daily intakes were calculated based on the reasonable maximum exposure (RME), which is the highest exposure reasonably anticipated to occur at the site. The RME is intended to estimate a conservative exposure scenario that is still within the range of possible exposures. Central tendency exposure (CTE) assumptions, which represent typical average exposures, were also developed. A complete summary of all exposure scenarios can be found in the baseline human health risk assessment.

SGL

Risks and hazards were evaluated for current and future exposure to surface and subsurface soil at the SGL Facility. The populations of interest included site workers, trespassers, construction workers, and adult/child residents. All of the hazards and risks were below or within EPA acceptable ranges except for future residential use (Table 1). Benzo[a]pyrene and chromium VI were identified as Chemicals of Concern (COCs).

Table 1. Summary of hazards and risks associated with the SGL facility.

Receptor	Hazard Index	Cancer Risk
Site Worker - Adult	0.2	8×10^{-5}
Trespasser - Adolescent	0.1	7×10^{-6}
Construction Worker – Adult	0.9	3×10^{-6}
Resident – Adult/Child	**3**	**7×10^{-4}**
The COCs identified for the SGL facility were benzo[a]pyrene and chromium VI.		

King Arthur

Risks and hazards were evaluated for current and future exposure to surface and subsurface soil from the King Arthur facility. The populations of interest included site workers, trespassers, construction workers, and adult/child residents. All of the hazards and risks were below or within EPA acceptable ranges (Table 2) and there were no COCs identified for the King Arthur facility.

Table 2. Summary of hazards and risks associated with the King Arthur facility.

Receptor	Hazard Index	Cancer Risk
Site Worker - Adult	0.1	8×10^{-6}
Trespasser - Adolescent	0.06	8×10^{-7}
Construction Worker - Adult	0.2	5×10^{-7}
Resident - Adult	1	3×10^{-5}
There were no COCs identified for the King Arthur facility.		

Tippin's Pond

Risks and hazards were evaluated for current and future exposure to surface soil, surface water and sediment from Tippin's Pond. The populations of interest included child, adolescent, and adult recreational users. All of the hazards and risks were below or within EPA acceptable ranges (Table 3) and there were no COCs identified in Tippin's Pond.

Table 3. Summary of hazards and risks associated with Tippin's Pond

Receptor	Hazard Index	Cancer Risk
Recreational User – Child	0.6	2×10^{-5}
Recreational User – Adolescent	0.2	1×10^{-5}
Recreational User – Adult	0.1	2×10^{-5}
There were no COCs identified for Tippin's Pond.		

Summary of Human Health Risks

The results of the human health risk assessment indicate that action is necessary to reduce the risks associated with contamination at the SGL facility. In addition, it is EPA's judgment that the Preferred Alternative identified in this Proposed Plan is necessary to protect public health or welfare from actual or threatened releases of hazardous substances into the environment.

Ecological Risk Assessment

A screening-level ecological risk assessment was conducted to evaluate the potential for ecological effects from exposure to surface soil, surface water and sediment. Surface soil, surface water, and sediment concentrations were compared to ecological screening values as an indicator of the potential for adverse effects to ecological receptors. A complete summary of the methodology utilized can be found in the screening level ecological risk assessment (SLERA).

This investigation was undertaken to locate potential sources of the contaminants detected in the groundwater (i.e., chromium, tetrachloroethylene, and trichloroethylene) although additional analytes were included in the analytical suite of compounds and in the ecological analysis.

Chromium was detected in surface soils at concentrations above ecological screening criteria at the SGL facility with an HQ of 42 for total chromium and 1.5 for hexavalent chromium. Chromium did not exceed ecological screening criteria at the King Arthur facility or in sediment from Tippin's Pond. One of the three surface water samples from Tippin's pond had chromium detected at 15 ppb, just above the screening criteria of 12 ppb. The other two surface water samples were below the screening criteria. Tetrachloroethylene and trichloroethylene were not detected above screening criteria in any media.

Summary of Ecological Risks

The results of the SLERA indicate that concentrations of site-related contaminants (total chromium and hexavalent chromium) detected in surface soil at the SGL facility may cause adverse ecological effects to soil invertebrates or animals that may prey on soil invertebrates. The results from the other areas that were investigated indicate that surface soil, surface water, and sediment are unlikely to pose any unacceptable risks to terrestrial or aquatic ecological receptors at the King Arthur facility and Tippin's Pond.

It is EPA's judgment that the Preferred Alternative identified in this Proposed Plan is necessary to limit potential ecological risks from actual or threatened releases of hazardous substances into the environment.

REMEDIAL ACTION OBJECTIVES

Based on the site specific human health risk assessment results, only hexavalent chromium found in the soil at the SGL facility posed an unacceptable risk. Therefore the following remedial action objectives (RAOs) address the human health risks and environmental concerns posed by hexavalent chromium-contaminated soil at the Site:

- Prevent or minimize the direct contact threat associated with exposure to contaminated soils;
- Prevent or minimize further contamination of the groundwater due to the contaminated soil; and
- Minimize ecological risks.

The cleanup of this Site is based on remediating the hexavalent chromium contaminated soils to within EPA's acceptable cancer risk range for a reasonable maximum exposure if the property were used in the future for residential purposes. The level would also have to be protective of the 70 parts per billion (ppb) New Jersey Groundwater Quality Standard for total chromium. EPA has selected a Preliminary Remedial Goal (PRG) for hexavalent chromium in the soil of 20 parts per million (ppm). This number is consistent with NJDEP's guidance number for the remediation of chromium-contaminated soil. EPA has determined that this cleanup goal will reduce the risk associated with exposure to hexavalent chromium in the soil to an acceptable level while ensuring minimal migration of the contaminant to surface water or groundwater.

SUMMARY OF REMEDIAL ALTERNATIVES

Potential applicable technologies were identified and screened using effectiveness, implementability and cost as the criteria, with emphasis on the effectiveness of the remedial action. Those technologies that passed the initial screening were then assembled into four remedial alternatives.

The time frames below for construction do not include the time for designing the remedy or the time to procure

necessary contracts. Because each of the action alternatives are expected to take longer than five years, a Site review will be conducted every five years (Five-Year Reviews) until remedial goals are achieved.

Alternative 1 - No Action

The No Action alternative was retained for comparison purposes as required by the National Oil and Hazardous Substance Pollution Contingency Plan (NCP).

Total Capital Cost	$0
Operation and Maintenance	$0
Total Present Net Worth	$0
Timeframe	0 years

Alternative 2 – Geochemical Fixation

In this alternative, a chemical reductant would be applied to the contaminated soil to reduce hexavalent chromium by converting it to immobilized trivalent chromium. A reductant can be applied in place (*in-situ* treatment); or the contaminated soil could be excavated and treated (*ex-situ* treatment), and then backfilled. A bench-scale study would be performed to determine the type and quantity of reductant to be used. In addition, a pre-design investigation would be performed to further define the horizontal and vertical extent of the contamination. The structures on the SGL and the adjacent ABS properties would be demolished to access the contaminated soil. Post-treatment soil samples would be collected and analyzed to ensure the remedy was effective and to demonstrate compliance with remediation goals. The underlying aquifer would be monitored to demonstrate that the soil no longer represents a source of groundwater contamination.

Total Capital Cost	$20.4 million
Operation and Maintenance	$ 0.3 million
Total Present Net Worth	$20.7 million
Timeframe	7 years

Alternative 3 – Excavation and Offsite Disposal

In this alternative, hexavalent chromium-contaminated soil would be excavated and disposed of at an offsite non-hazardous or and/or hazardous waste disposal facility. Depending on the level of contamination, the facility may treat the soil prior to disposal. A pre-design investigation would be conducted to determine the final areas and depths of excavation. The structures on the SGL and the adjacent ABS properties would be demolished to access the contaminated soil. The Site would be backfilled with clean fill and restored. Post excavation samples would be collected to verify that the remediation goals are achieved.

Total Capital Cost	$26.5 million
Operation and Maintenance	$ 0.3 million
Total Present Net Worth	$26.8 million
Timeframe	7 years

Alternative 4 – Capping

In this alternative, areas with contaminated soil would be excavated to three feet, graded, and then covered with a low permeability cap and approximately two feet of clean soil or asphalt as determined during the design. The cap would minimize infiltration of rainwater reaching the hexavalent chromium-contaminated soil, thereby preventing further contamination of the groundwater. A drainage system would be installed on top of the impermeable barrier to collect rainwater and discharge it

THE NINE SUPERFUND EVALUATION CRITERIA

1. **Overall Protectiveness of Human Health and the Environment** evaluates whether and how an alternative eliminates, reduces, or controls threats to public health and the environment through institutional controls, engineering controls, or treatment.

2. **Compliance with Applicable or Relevant and Appropriate Requirements (ARARs)** evaluates whether the alternative meets federal and state environmental statutes, regulations, and other requirements that pertain to the site, or whether a waiver is justified.

3. **Long-term Effectiveness and Permanence** considers the ability of an alternative to maintain protection of human health and the environment over time.

4. **Reduction of Toxicity, Mobility, or Volume (TMV) of Contaminants through Treatment** evaluates an alternative's use of treatment to reduce the harmful effects of principal contaminants, their ability to move in the environment, and the amount of contamination present.

5. **Short-term Effectiveness** considers the length of time needed to implement an alternative and the risks the alternative poses to workers, the community, and the environment during implementation.

6. **Implementability** considers the technical and administrative feasibility of implementing the alternative, including factors such as the relative availability of goods and services.

7. **Cost** includes estimated capital and annual operations and maintenance costs, as well as present worth cost. Present worth cost is the total cost of an alternative over time in terms of today's dollar value. Cost estimates are expected to be accurate within a range of +50 to -30 percent.

8. **State/Support Agency Acceptance** considers whether the State agrees with the EPA's analyses and recommendations, as described in the RI/FS and Proposed Plan.

9. **Community Acceptance** considers whether the local community agrees with EPA's analyses and preferred alternative. Comments received on the Proposed Plan are an important indicator of community acceptance.

away from the contaminated areas. A limited pre-design investigation would be conducted to determine the final area of capping.

As with the other action alternatives, the SGL building and the ABS buildings would be demolished.

An inspection and monitoring program would be developed and filed with NJDEP. A deed notice would also need to be filed with NJDEP and Camden County to ensure that the area over the cap is not used in a way that would comprise its effectiveness. The cap and groundwater would be monitored regularly to ensure contamination under the cap does not further impact the groundwater.

Total Capital Cost	$ 9.5 million
Operation and Maintenance	$ 2.4 million
Total Present Net Worth	$11.9 million
Timeframe	>30 Years

EVALUATION OF ALTERNATIVES

EPA uses nine evaluation criteria to assess remedial alternatives individually and against each other in order to select a remedy. The criteria are described in the box on the previous page. This section of the Proposed Plan profiles the relative performance of each alternative against the nine criteria, noting how it compares to the other options under consideration. A detailed analysis of each of the alternatives is in the FS report. A summary of those analyses follows:

Overall Protection of Human Health and the Environment

Alternative 1 (no action) would not provide protection of human health and the environment, since contamination would persist in the source area. Alternatives 2 (treatment) and 3 (removal) would eliminate human health risk through treatment or removal of the contaminated soil. The contaminated area would be cleaned and restored to beneficial use. Alternative 4 (capping) would eliminate human health risk only if the cap and deed notice requirements are adequately maintained in perpetuity. Since Alternative 4 would not include a bottom liner, there is a possibility that the contaminated soil could further contaminate the groundwater, especially during periods of high water table levels. Alternative 4 would also limit the long-term use of the properties.

Alternatives 2 and 3 would comply with the RAOs (see page 4). Alternative 4 would meet the RAOs if the deed notice and other institutional controls are maintained. Alternative 1 is not protective of human health and the environment, and was therefore eliminated from consideration under the remaining eight criteria.

Compliance with Applicable or relevant and Appropriate Requirements (ARARs)

Alternatives 2 and 3 would comply with chemical-specific ARARs through either treatment or removal of contaminated soils. Alternative 4 would partially comply with chemical-specific ARARs by preventing direct contact risks and infiltration of water if the cap is properly maintained and the deed notice is enforced. Alternatives 2, 3 and 4 would comply with action-specific ARARs by implementing health and safety measures during the remedial action and by meeting transportation, storage and disposal requirements for excavated soils, clean fill and/or reductants.

Long-Term Effectiveness and Permanence

Alternatives 2 and 3 would provide long-term effectiveness and permanence since under both these alternatives contamination is either treated on site or removed from the Site. Alternative 2 would significantly reduce hexavalent chromium contaminant concentrations through geochemical fixation technology. Alternative 3 would remove the contaminated soil through excavation, off-site disposal and backfill with clean fill. Therefore, both Alternatives 2 and 3 would result in unrestricted land use.

In Alternative 4, long-term protectiveness and permanence is conditional since most of the contamination is left in place, and would require monitoring over the long term to ensure continuous protection.

Reduction of Toxicity, Mobility, or Volume Through Treatment

Alternative 2 would reduce toxicity and mobility through *in-situ* or *e- situ* treatment. Alternative 3 would reduce the volume of on-site contaminated soil through removal; the toxicity and mobility of the chromium would be reduced only if the disposal facility treated the soil. Alternative 4 would not reduce the toxicity or volume of the contaminated soil; however, the mobility would be reduced by preventing infiltration through capping.

Short-Term Effectiveness

Alternatives 2, 3 and 4 would have some impact to the community during pre-design investigations, soil mixing, excavation/disposal and capping operations. Alternative 3 would have the biggest impact to the community since it would involve heavy traffic on local roads during the transportation of imported soil and disposal of contaminated soil off-site.

Implementability
All the alternatives are easily implementable. Alternative 2 would require bench scale testing and possibly field

pilot-scale testing to determine the best way to treat the soil at the Site. Alternatives 3 and 4 use conventional construction equipment and therefore their implementation would be less complicated than Alternative 2.

Cost
Alternative 3 would have the highest capital cost due to transportation and disposal of the contaminated soil. Alternative 2 would have the second highest cost. Alternative 4 has the smallest capital costs, but would require long-term monitoring and maintenance in perpetuity.

State/Support Agency Acceptance
NJDEP finds that treatment is an acceptable remedy but defers formal concurrence pending the results of the post-ROD pilot study.

Community Acceptance
Community acceptance of the preferred alternative will be evaluated after the public comment period ends and will be described in the Record of Decision for this site. The Record of Decision is the document that formalizes the selection of the remedy for a site.

SUMMARY OF THE PREFERRED ALTERNATIVE

The Preferred Alternative for cleanup of the groundwater at the Puchack Well Field Site is Alternative 2, Geochemical Fixation.

Geochemical-fixation treatment of hexavalent chromium contaminated soils has worked successfully at other sites using a wide variety of reductants including ferrous chloride, calcium polysulfide, molasses and lactate.

If this remedy is selected, a reductant will either be mixed *in-situ*, or the contaminated soil will be removed, the reductant mixed *ex-situ* and the soils backfilled. As the contamination in some areas extends as deep as 42 feet, a combination of *in-situ* and *ex-situ* treatment may be used. After treatment, post-remediation sampling will be performed to confirm that the cleanup goal is met. Once the cleanup results are confirmed, the Site will be restored allowing unrestricted use.

Groundwater will be sampled on a semi-annual basis for at least two years to confirm that the soil no longer acts as a source of chromium contamination.

Because an estimated five to ten years would be required before remediation and restoration of the source area, as per EPA policy, five year reviews will be performed until remedial goals are achieved.

The preferred remedy was selected over other remedies because it is expected to achieve substantial and long-term risk reduction through treatment, and is expected to allow the property to be used without restriction.

Based on information currently available, EPA believes the Preferred Alternative meets the threshold criteria and provides the best balance of tradeoffs among the other alternatives with respect to the balancing and modifying criteria. EPA expects the Preferred Alternative will satisfy the statutory requirements of CERCLA Section 121(b).

Consistent with EPA Region 2's Clean and Green policy, EPA will evaluate the use of sustainable technologies and practices with respect to implementation of the selected remedy.

COMMUNITY PARTICIPATION

EPA and NJDEP provided information regarding the cleanup of the Puchack Well Field Superfund Site to the public through meetings, the Administrative Record file for the Site and announcements published in the Courier-Post. EPA and NJDEP encourage the public to gain a more comprehensive understanding of the Site and the Superfund activities that have been conducted there.

The dates for the public comment period, the date, the location and time of the public meeting, and the locations of the Administrative Record files, are provided on the front page of this Proposed Plan.

For further information on EPA's preferred alternative for the Puchack Well Field Superfund Site:

Jon Gorin	Natalie Loney
Remedial Project Manager	Community Relations
(212) 637-4361	(212) 637-3639

U.S. EPA
290 Broadway 19th Floor
New York, New York 10007-1866

The dates of the public comment period; the date, the location and the time of the public meeting; and the locations of the Administration Record files are provided on the front page of this Proposed Plan.

The OU1 and OU2 RI/FS can also be found on line at:
www.epa.gov/region2/superfund/npl/puchack/docs.html.

Appendix A
Section 6

Penler Anodizing
Historical Information

FIGURE 1
LOCATION MAP

FIGURE PENLER-1. FACILITY MAP
Source: NJDEP, 1990

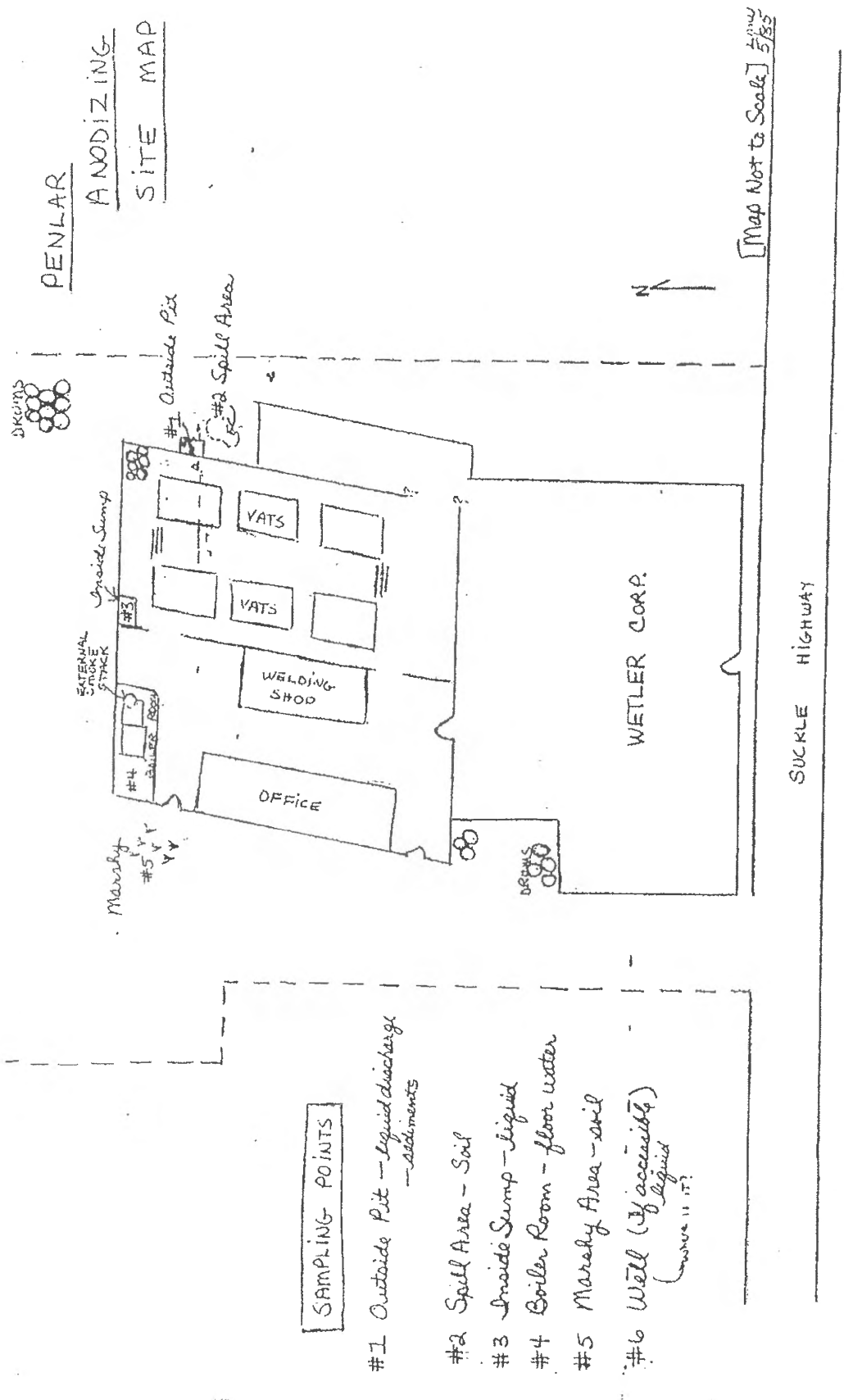
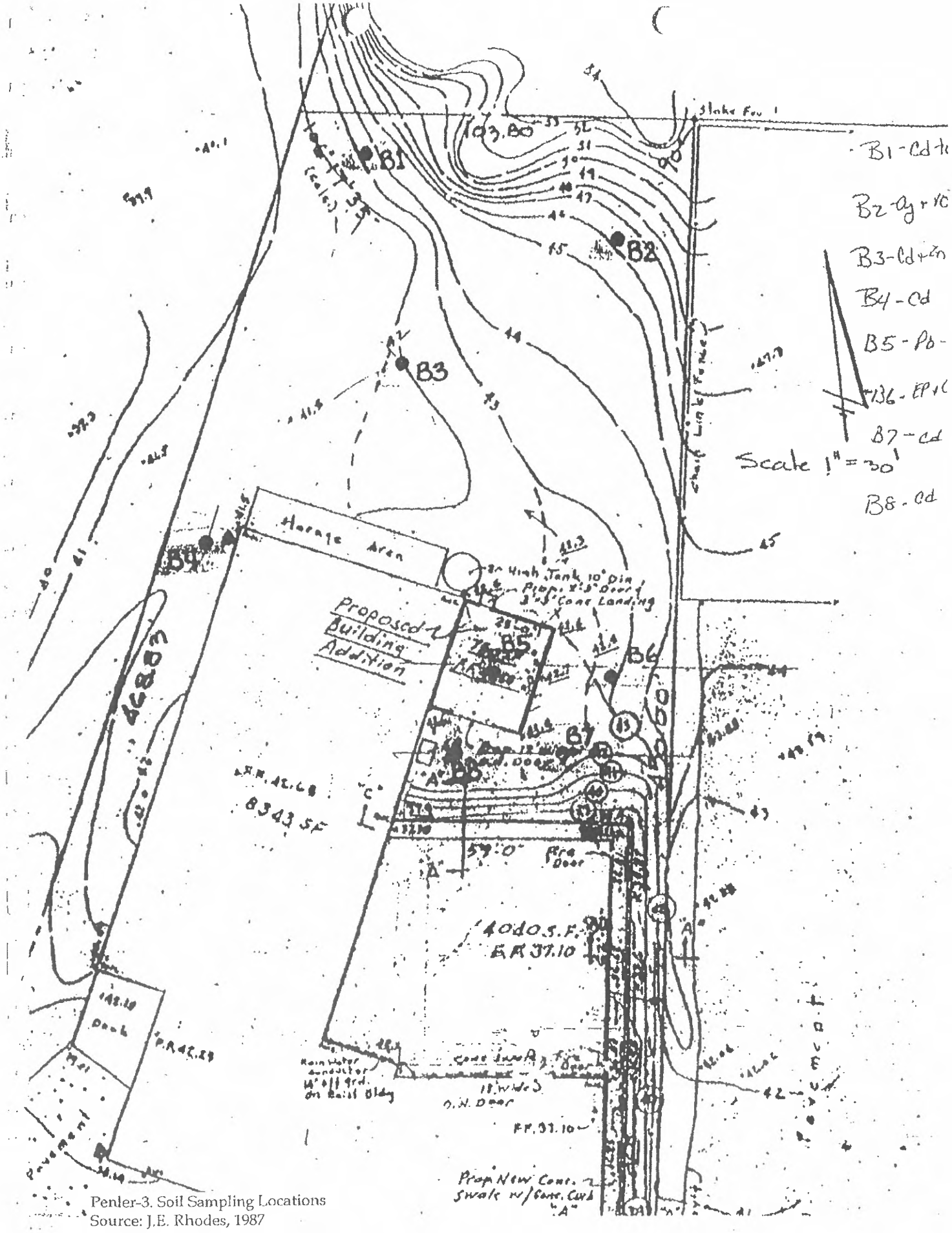


FIGURE PENLER-2. SITE PLAN
Source: NJDEP, 1990



Penler-3. Soil Sampling Locations
Source: J.E. Rhodes, 1987

REVISED REPORT

CENTURY LABORATORIES, INC. DATE: 2/4/87

CLIENT: Penler Anodizing
REPORT NO'S: E2029-E2058

ANALYSIS NO.	SAMPLE I.D. (SOIL SITE)	(MG/KG) CYANIDE /2	(MG/KG) LEAD /100	(MG/KG) ZINC 350	(MG/KG) CADMIUM 3	(MG/KG) NICKEL /00	(MG/KG) TOTAL CHROMIUM /0C	(MG/L) E.P.TOX LEACHATE CHROMIUM (HEXA)
E2029	B1-S1 (0-2')	<.10	36	36.4	7.7	9.6	46.5	<0.05
E2030	B1-S2 (2-4')	2.9	31	37	12	9.5	132	0.34
E2031	B1-S3 (4-6')	0.47	34	27	4.5	7.4	24.5	0.14
E2032	B2-S1 (0-2')	29	52	169	54	16	102	0.44
E2033	B2-S2 (2-4')	<.10	25	74	10	7.7	31.1	0.27
E2034	B2-S3 (4-6')	0.19	28	27	7.4	9.3	24.7	0.24
E2035	B3-S1 (0-2')	7.9	21	111	17	6.3	73.5	0.21
E2036	B3-S2 (2-4')	10	39	802	157	10	152	0.35
E2037	B3-S3 (4-6')	3.4	27	127	24	11	19.3	<0.05
E2038	B4-S1 (0-2')	0.14	14	29	<2.0	<2.0	6.8	<0.05
E2039	B4-S2 (2-4')	<.10	39	33	8.8	14	35.2	0.19
E2040	B4-S3 (4-6')	<.10	18	28	<2.0	5.4	14.8	<0.05
E2041	B5-S1 (0-1')	0.23	643	253	4.0	10	178	0.27
E2042	B5-S2 (1-2')	HOLD**	410	43	23	40	45	<0.05
E2043	B5-S3 (2-4')	1.0	7.0	54	3.0	<2.0	15.3	<0.05
E2044	B5-S4 (4-5')	HOLD**					40	0.10
E2045	B5-S5 (5-6')	0.26	31	189	14	7.8	36.7	0.31
E2046	B6-S1 (0-2')	3.1	62	190	31	3.1	183	0.21
E2047	B6-S2 (2-4')	1.4	5.9	11.6	7.6	<2.0	26.3	1.07
E2048	B6-S3 (4-5')	HOLD**						
E2049	B6-S4 (5-6')	0.15	9.0	23	11	<2.0	7.7	<0.05
E2050	B7-S1 (0-2')	3.7	<2.0	96	10	<2.0	39.7	0.19
E2051	B7-S2 (2-4')	HOLD**						
E2052	B7-S3 (2-4')	0.18	6.9	47	18	<2.0	22.2	<0.05
E2053	B7-S4 (4-6')	0.30	24	27	14	<2.0	28.7	0.13
E2054	B8-S1 (0-2')	100	195	1871	112	15	384.8	0.26
E2055	B8-S2 (2-4')	2.10HOLD**	28	42	<10	38		0.12
E2056	B8-S3 (4-4')	2.4	28	44	12	4.5	21.8	0.03
E2057	B8-S4 (4-5')	HOLD**						
E2058	B8-S5 (5-6')	2.0	<2.0	21	3.8	<2.0	14.2	<0.05

* Sample analyzed separately

** Sample held at laboratory and analyzed

Penler-4. Soil Sampling Results
Source: J.E. Rhodes Associates, 1987

EXHIBIT E

USPS Tracking®

FAQs >

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiff, v. F M EQUITIES, LLC, Defendant.	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION: CAMDEN COUNTY C 52-24 Civil Action

PLAINTIFF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S BRIEF IN SUPPORT OF VERIFIED COMPLAINT TO ENFORCE FINAL AGENCY ORDER AND TO COLLECT CIVIL PENALTIES IN A SUMMARY PROCEEDING

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PRELIMINARY STATEMENT

Defendant F M Equities, LLC ("FM") has repeatedly refused to comply with an Administrative Order and Notice of Civil Administrative Penalty Assessment ("AONOCAPA") issued by Plaintiff New Jersey Department of Environmental Protection ("DEP" or "Department") in 2021. The AONOCAPA now constitutes a Final Agency Order ("FAO"), and FM's chance to appeal has expired. As such, the Defendant may no longer assail the merits of the FAO.

Prior industrial activities, specifically, sheet metal fabrication and electroplating resulted in the discharge of hazardous substances at the contaminated Site located in Pennsauken, New Jersey. FM purchased the Site in 2003 and has failed to remediate the contaminated soil and groundwater. According to the most recent sampling results, collected by the Environmental Protection Agency ("EPA"), hazardous substances remain in the soil and groundwater at the Site at levels high enough to potentially cause health concerns at and near the Site. Remediation of the Site will protect human health and is necessary to prevent contaminated groundwater from affecting nearby properties through the migration of volatile organic compounds found in the groundwater from the subsurface into the overlying buildings. These volatile organic compounds have been linked to neurological, reproductive, developmental, cardiovascular, respiratory, and immunological damage in humans and can linger in

the groundwater for an extended period of time and can migrate into subsurface air spaces as vapors that can then intrude into homes and businesses.

The Department seeks an order from the Court enforcing the FAO pursuant to the Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.24, and the Brownfield and Contaminated Site Remediation Act, ("Brownfield Act"), N.J.S.A. 58:10B-1 to -31, as amended by the Site Remediation Reform Act ("SRRA"), N.J.S.A. 58:10C-1 to -29, as well as regulatory requirements codified at N.J.A.C. 7:26C and 7:26E, and Rule 4:67-6 and Rule 4:70. Pursuant to those statutes, rules, and regulations, the Department can enforce FAOs and seek the imposition of civil penalties through summary proceedings.

STATEMENT OF FACTS

FM is the current owner of the Penler Anodizing Incorporated ("Penler") site located at 1400 Suckle Highway, Pennsauken Township, Camden County, New Jersey, also known as Block: 2103, Lot: 7 ("Site"). See, Bogan Cert. ¶ 3. Wetler Corporation ("Wetler") owned the Site from December 26, 1981 until January 31, 2003, and operated a sheet metal fabrication business at the Site from approximately 1962 until 1992. Ibid. at ¶ 5. Wetler filed for bankruptcy in 1996. Id. The bankruptcy was closed in 2002. Id.

Penler operated an electroplating business at the Site from 1965 until 1992. Ibid. at ¶ 6. Penler declared bankruptcy in November 1992. Id. The bankruptcy was closed in 1994. Id.

In 1985 Department inspectors conducted an inspection of the Site and observed discharges of process wastewater that were not permitted pursuant to the New Jersey Pollutant Discharge Elimination System ("NJPDES") regulations, N.J.A.C. 7:14A-1 et seq. Ibid. at ¶ 7. Specifically, process wastewater was discharged to an unlined pit prior to entry to the sanitary sewer line connected to the Pennsauken Sewage authority treatment plant. Id. In addition, wastewater from a degreasing tank was discharged to the ground surface from a separate pipe near the pit. Id.

The Department tested the effluent from the pipe discharge process wastewater. Ibid. at ¶ 8. Individual compounds detected by the testing included, but were not limited to, trichloroethylene ("TCE") at 76 parts per billion ("ppb"), tetrachloroethylene ("PCE") at 31 ppb, 1,2 dichloroethene at 76 ppb, benzene at 57 ppb and hexavalent chromium at 404 ppb. Id. These compounds have been linked to neurological, reproductive, developmental, cardiovascular, respiratory, and immunological damage in humans and can linger in the groundwater for an extended period of time and can migrate into subsurface air spaces as vapors that can then intrude into subsurface air spaces as vapors that can then intrude into homes and businesses. Ibid. at ¶ 16.

Also in 1985, the Department collected soil samples from the areas of concern related to the previously observed discharges and a drum storage area at the Site. Ibid. at ¶ 9. The analytical results demonstrated the presence of chromium up to 1,000 ppm, which exceeded the Action Level for the Cleanup of Contaminated Soils, N.J.A.C. 7:26D-1 et seq., in effect at the time of 100 ppm. Id.

On July 15, 1992, the Department issued a Directive to Penler directing it to identify and address all areas of concern contributing to groundwater and soil contamination at the Site, and to institute measures to ensure contamination does not further migrate offsite. Ibid. at ¶ 10. In August 1992, Penler submitted a General Information Submission and a Site Evaluation Submission for its cessation of operations pursuant to the Industrial Site Recovery Act ("ISRA"), N.J.S.A. 13:1K-6 to -13. Id.

In January 1999, Wetler submitted a General Information Notice and a Site Evaluation Submission for its 1996 bankruptcy and its 1992 cessation of operations pursuant to ISRA. Ibid. at ¶ 13. Wetler then submitted a Site Investigation Report to the Department in June 2000. Ibid. at ¶ 14. The report referenced groundwater samples collected at the Site on July 1, 1980, October 7, 1981, May 16, 1985, and July 30, 1985. Id. The groundwater samples contained TCE and PCE above New Jersey's applicable Ground Water Quality Standards ("GWQS"), N.J.A.C. 7:9C-1 et seq., at the

Site as early as 1980. Id. By 1985, the samples confirmed TCE, PCE, 1,2-dichloroethene, vinyl chloride, 1,2-dichloroethane, 1,1-dichloroethane, and benzene above New Jersey's applicable GWQS, with concentrations of 49.7 ppb, 19.8. ppb, 146 ppb, 75.9 ppb, 7.75 ppb, 3.74 ppb, and 72.8 ppb, respectively. Id.

FM purchased the Site in 2003. Ibid. at ¶ 3. In 2008 the United States Environmental Protection Agency ("USEPA") conducted soil and groundwater sampling at the Site. Ibid. at ¶ 15. Analytical results of the soil sampling revealed hexavalent chromium up to 30 parts per million ("ppm") in soil samples collected at the Site, which exceeded the Non-Residential Soil Cleanup Criteria, N.J.A.C. 7:26D-1 et seq., in effect at the time. Id. Analytical results of the groundwater sampling revealed multiple contaminants above the applicable GWQS, including but not limited to TCE up to 1,600 ppb, PCE up to 10 ppb, 1,1,1-TCA up to 59 ppb, and chromium up to 880 ppb. The GWQS for TCE, PCE, 1,1,1-TCA, and chromium are 1 ppb, 30 ppb, and 70 ppb, respectively. Id.

Pursuant to N.J.A.C. 7:26C-2.3(a)`and 2, FM was required to retain a Licensed Site Remediation Professional ("LSRP") to remediate the contaminated Site and to notify the Department, within 45 days after May 7, 2012, or by June 21, 2012, of the name and license number of the LSRP. Ibid. at ¶ 17. Pursuant to the SRRA, FM was also required to complete the remedial investigation

for all discharges discovered at the Site by May 7, 2014. Ibid. at ¶ 18.

On May 13, 2014, July 14, 2014, and September 29, 2014, the Department issued letters notifying FM of its obligation to remediate the Site. Ibid. at ¶ 19. On May 6, 2020, the Department issued a Notice of Violation ("NOV") to FM for failure to complete the remedial investigation and submit the remedial investigation report to the Department by the statutory timeframe of May 7, 2014, and to comply with the direct oversight requirements pursuant to N.J.A.C. 7:26C-14.2b. Ibid. at ¶ 20.

On July 12, 2021, the Department issued the AONOCAPA to FM, which was delivered via certified mail/return receipt requested on August 3, 2021. Ibid. at ¶ 21. The AONOCAPA cited FM for the following violations:

- N.J.A.C. 7:26C-2.3(a)1 & 2 - Failure to retain a licensed site remediation professional and provide the required information to the Department within 45 days as required;
- N.J.A.C. 7:26C-2.3(a)3 – Failure to conduct remediation as required;
- N.J.A.C. 7:26C-3.3(b) – Failure to comply with the mandatory timeframe for the submittal of an initial receptor evaluation;

- N.J.A.C. 7:26C-3.3(a) – Failure to comply with the applicable timeframe for sites subject to N.J.S.A. 58:10C-27a(3) and N.J.A.C. 7:26C-3.3(a);
- N.J.A.C. 7:26C-3.2(a) – Failure to comply with the regulatory timeframe for the submittal of a remedial action report;
- N.J.A.C. 7:26C-14.2(b) – Failure to comply with the requirements for direct oversight; and
- N.J.A.C. 7:26C-2.3(a)4 – Failure to pay fees and oversight costs as required.

Ibid. at ¶ 22.

The AONOCAPA ordered FM to comply with the following remediation requirements:

a. Remediate the Contaminated Site, with Department oversight and approval, in accordance with N.J.A.C. 7:26C-2.3(a)3.i.(2) and the direct oversight requirements of N.J.A.C. 7:26C-14.2(b);

b. Remediate all discharges at the Site in accordance with N.J.A.C. 7:26C and N.J.A.C. 7:26E, including, without limitation in accordance with the following initial timeframes:

i. Within 30 days, provide to the Department the name and license information of a LSRP retained to remediate the discharges at the Site and the scope of

remediation, including the number of contaminated areas of concern and impacted media known at the time the form is submitted pursuant to N.J.A.C. 7:26C-4.2;

ii. Within 90 days, submit to the Department a proposed public participation plan, with a schedule, pursuant to N.J.S.A. 58:10C-27c(7), that contains a strategy for soliciting public comment concerning the remediation of the discharges at the Site from the members of the surrounding community;

iii. Within 90 days, submit an initial remediation cost review prepared and certified by an LSRP, pursuant to N.J.A.C. 7:26C-5/10(a);

iv. Within 90 days, establish and maintain a direct oversight remediation funding source, pursuant to N.J.A.C. 7:26C-5.2(k), in the amount of the LSRP-certified estimated cost of the remediation;

v. Within 90 days, pay an annual remediation funding source surcharge, pursuant to N.J.A.C. 7:26C-5.9, in the amount of one percent of the LSRP-certified estimated cost of the remediation;

vi. Within 90 days, submit a Case Inventory Document ("CID"), a direct oversight summary report, a scope of work for the remaining remediation and a detailed schedule for completion of the remediation;

vii. Within 90 days as an expedited site-specific timeframe established pursuant to N.J.A.C. 7:26C-3.4, submit the initial receptor evaluation report to the Department in accordance with N.J.A.C. 7:26E-1.12;

viii. Conduct a remedial investigation and submit a remedial investigation report pursuant to N.J.A.C. 7:26C-3.3(a);

ix. Conduct a remedial action and submit a remedial action report pursuant to N.J.A.C. 7:26E-5.8(b); and

c. Within 30 days, pay required annual remediation fees of $12,310 and submit an updated Annual Remediation Fee Reporting Form that indicates the presence of groundwater contamination at the Site.

Ibid. at ¶ 23. The AONOCAPA also assessed FM $152,310 in civil administrative penalties. Ibid. at ¶ 24.

The Department informed FM in the AONOCAPA that it had a right to request an administrative hearing within twenty (20) days and that, if it failed to do so, the AONOCAPA would become a Final Agency Order {"FAO") on the twenty-first day following FM's receipt of the AONOCAPA. Ibid. at ¶ 25. FM did not request an administrative hearing or otherwise contest the AONOCAPA within twenty days of receipt of the AONOCAPA. Accordingly, on August 24, 2021, the AONOCAPA became a FAO. Ibid. at ¶ 26. Moreover, FM did not appeal the FAO. Id.

To date, FM has failed to comply with any of the remediation requirements set forth in the AONOCAPA/FAO. Ibid. at ¶ 27. Remediation is crucial because it ensures exposure pathways are controlled or eliminated by identifying any receptors that are in close proximity to the contamination. Remediation of the Site will protect human health and is necessary to prevent contaminated groundwater from affecting nearby properties through the migration of volatile organic compounds found in the groundwater from the subsurface into the overlying buildings. Ibid. at ¶ 28.

LEGAL ARGUMENT

POINT I

THE DEPARTMENT IS ENTITLED TO ENFORCEMENT OF THE FAO BECAUSE DEFENDANT NEITHER REQUESTED AN ADMINISTRATIVE HEARING ON THE AONOCAPA NOR FILED AN APPEAL ON THE FAO.

The Department issued the AONOCAPA on July 12, 2021, nearly three (3) years ago. To date, the Department has not received a hearing request from FM. The twenty (20) day time period to request a hearing has long since passed, and therefore, the AONOCAPA is now a FAO. FM did not appeal this FAO.

Rule 4:67-6 applies to "all actions by a state administrative agency . . . brought to enforce a written order or determination made by it, whether final or interlocutory, and whether the order to be enforced requires the payment of money or imposes a non-monetary requirement or includes a combination of monetary and

non-monetary remedies." The Department obtained its FAO nearly three (3) years ago when FM failed to request a hearing on the AONOCAPA.

In a summary action to enforce a FAO, Rule 4:67-6 does not permit any review of the validity of the underlying agency order. Rule 4:67-6(c)(3) states in pertinent part that "the validity of an agency order shall not be justiciable in an enforcement proceeding." Rather, pursuant to Rule 2:2-3(a), the Appellate Division has exclusive jurisdiction to review the merits of final state agency determination. R. 2:2-3(a); see also Matter of Valley Road Sewage Co., 295 N.J. Super. 278, 290-91 (App. Div. 1996) aff'd 154 N.J. 224 (1998) (holding that only the Appellate Division has jurisdiction to review the merits of a final State agency action and that such review by a trial court is precluded by Rule 4:67-6(c)(3)); Mazza v. Bd. Of Trs., 142 N.J. 22, 25 (1995); State Farm v. Dept. of Public Advocate, 227 N.J. Super. 99, 131 (App. Div. 1988), aff'd 118 N.J. 336, 344 (1990); Dept. of Community Affairs v. Wertheimer, 177 N.J. Super. 595 (App. Div. 1980). When enforcement of a FAO is before the trial court, the trial court may not allow a challenge to the validity of the underlying facts supporting the order.

In the analogous case of State, Department of Environmental Protection and Energy v. Dopp, 268 N.J. Super. 165 (App. Div. 1993), the defendant failed to request an administrative hearing

to contest an AONOCAPA the Department issued for freshwater wetlands violations, and thus the AONOCAPA became a FAO. The Department subsequently sought to enforce the FAO by summary action and the Appellate Division concluded that the defendant was not permitted to challenge the factual basis for the order or the civil administrative penalty, stating that:

> [the] right to a review of the penalties was provided by a timely request for an administrative hearing, with appellate review in the Appellate Division . . . [Defendant] had a right to contest the validity of the order at an administrative hearing but, having failed to do so, is now barred from challenging the factual predicate underlying it.
>
> [Dopp, 268 N.J. Super. At 175.]

Here too, FM failed to exercise its right to contest the validity of the AONOCAPA in an administrative hearing, resulting in the AONOCAPA becoming an FAO. FM then failed to appeal the FAO in the Appellate Division. Because of FM's failure to challenge the AONOCAPA, as well as its failure appeal the FAO, it is now barred from contesting the validity of the FAO. Accordingly, because FM has failed to fully comply with the FAO, the Department requests the Court issue an order pursuant to Rule 4:67-6 enforcing the FAO, requiring FM to take the steps required by the AONOCAPA to remediate the Site and bring it into compliance with all applicable laws, pay all costs and fees assessed in the AONOCAPA, and pay the civil administrative penalty of $152,310.

POINT II

THE DEPARTMENT IS ENTITLED TO AN ORDER ISSUED PURSUANT TO RULE 4:70 ASSESSING A CIVIL PENALTY AGAINST THE DEFENDANT BECAUSE THE DEFENDANT HAS PERSISTENTLY VIOLATED AN AONOCAPA/FAO ISSUED NEARLY 3 YEARS AGO.

The Department issued the AONOCAPA, now a FAO, nearly three (3) years ago. During that time, FM has persistently failed to satisfy its obligations to complete the required remediation and pay the $152,310 civil administrative penalty. Each day FM fails to satisfy its obligations constitutes an additional, separate and distinct violation of the AONOCAPA, and the Court should assess a civil penalty accordingly. N.J.S.A. 58:10-23.11u(a) and (d).

Rule 4:70 provides for summary proceedings to collect statutory penalties. These summary proceedings are to be brought in accordance with Rule 4:67-6, unless the applicable statute requires a plenary action. R. 4:70-1. The statue applicable to the instant matter assesses penalties for violations and does not require a plenary hearing. Pursuant to N.J.S.A. 58:10-23.11ua(1)(c), "[w]henever, on the basis of available information, the department determines that a person is in violation of a provision of [the Spill Act], . . . the department may . . . bring an action for a civil penalty in accordance with subsection d. of this section." And pursuant to N.J.S.A. 58:10-23.11ud:

> Any person who violates a provision of [the Spill Act], or a court order issued pursuant thereto, or who fails to pay a civil

> administrative penalty in full or to agree to a schedule of payments therefore, shall be subject to a civil penalty not to exceed $50,000.00 per day for each violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.) in the Superior Court or a municipal court.

FM has repeatedly failed to comply with its obligations since the Department issued the AONOCAPA on July 12, 2021. Thus, in accordance with N.J.S.A. 58:10-23.11ua and d, and Rule 4:70, the Department requests that the Court assess a civil penalty against FM proportionate to its repeated failure to comply with the AONOCAPA.

CONCLUSION

Based on the foregoing, the Department asks the Court to enforce the FAO, ordering FM to: (1) take the steps required by the AONOCAPA to remediate the Site and bring it into compliance with all applicable laws; (2) pay all costs and fees assessed in the AONOCAPA; and(3) pay the civil administrative penalty of $152,310;, as well as granting the Department such other relief as the Court deems just and proper. The Department also asks the Court to issue a civil penalty against FM in accordance with the provisions of N.J.S.A. 58:10-23.11ua and d as a result of its persistent failure to comply with the obligations set forth in the FAO.

Respectfully submitted,

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By: */s/ William T. Rozell*
William T. Rozell
Deputy Attorney General

Dated: April 24, 2024