

JUNE 2, 2005



State of New Jersey

Department of Environmental Protection

Bradley M. Campbell
Commissioner

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Richard J. Codey
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June 2, 2005

Mrs. Beverly Mazzella
Program Coordinator-Land Acquisitions
Schools Construction Corporation
1 West State Street
P.O. Box 991
Trenton, New Jersey 08625-0991

JUN 3 7 REC'D

Re: **Union City High School No. 2**
Union City, Union County
Environmental Assessment

Project No.: 38880600

Dear Mrs. Mazzella:

The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the Environmental Assessment (EA) for the proposed Union City High School No. 2 in the City of Union City, Union County. The EA was prepared pursuant to the environmental review requirements of New Jersey Executive Order No. 215 of 1989 (EO #215). In response to your submittal, we offer the following comments, findings and recommendations.

COMMENTS

Cultural Resources

The NJDEP's Historic Preservation Office (HPO) has completed its review of the EA. Comments included have been based on the following investigation submitted to the HPO as part of the compliance process for EO #215:

Hatch Mott MacDonald
March 2005

Proposed Union City High School #2, New Jersey School Construction Corporation, Environmental Assessment/EO 215, Union City, New Jersey. Hatch Mott MacDonald, Millburn, NJ.

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Prepared for New Jersey Schools Construction Corporation,
Trenton, NJ.

Please note that the cultural resources investigation include as Appendix H within the above referenced Environmental Assessment included only photocopies of photographs and graphics within the investigation. HPO's *Guidelines for Architectural Survey* as well as the Cultural Resources Guidelines distributed by SCC as part of its' *Environmental Guidance Handbook* clearly state that photocopies of photographs and graphics in reports are not acceptable. Photocopies of photographs do not provide the necessary information to get a clear understanding of a resources' current condition and significance. Please note that although a CD with digital images was submitted to HPO, as per the above referenced guidelines, digital files of images used are required in addition to clear prints and are meant to supplement, not replace, the documentation included in the submitted report.

Please submit copy of the entire above referenced document containing original digital prints of all graphics and photographs.

The above-reference investigation identified two resources eligible for listing in the New Jersey and National Registers of Historic Places (R&H Simon Silk Company Mill, and the Bergenline Avenue Commercial Historic District) as located within the area of probable impacts for the proposed project.

The investigation concluded that the proposed project will have no impact on the Bergenline Avenue Commercial Historic District (located immediately adjacent to the proposed project site). *The HPO concurs with this conclusion.*

The proposed project calls for the demolition of the all structures associated with the historic mill on the site. *The proposed demolition will have an adverse impact on the R&H Simon Silk Company Mill which is individually eligible for listing to the New Jersey and National Registers of Historic Places under Criteria A and C.*

The objective of Executive Order 215 is to "reduce or eliminate any potential adverse environmental impacts of projects initiated or funded by the state." The above referenced investigation indicates that the rehabilitation of the R&H Simon Silk Company Mill buildings was investigated as an alternative for the proposed project. The report goes on to state that the alternative was not feasible because the "current structures do not meet applicable building codes for use as a school" and indicates that "it would be cost prohibitive" to make the necessary modifications. However, no specific information on how the investigation reached these findings was provided. *It is therefore recommended by the HPO that alternatives proposing the reuse of the existing school building be studied and considered.*

If rehabilitation of the existing structures is not possible, then a plan to mitigate adverse impacts on the resource should be implemented. Such a plan should include photographic documentation of the resource as well as historic

background and a lesson plan for the school district. Furthermore, design of the new building should be compatible with that of the existing building as well as other properties in the surrounding area. Mitigation plan should be conducted in consultation with the HPO.

No further consideration of archaeological resources will be necessary prior to project implementation.

Site Remediation

The Site Remediation and Waste Management Program (SRWMP) of the NJDEP has completed its review of the above-referenced document. The report was prepared by Hatch Mott MacDonald (HMM) on behalf of the New Jersey Schools Construction Corporation (NJSCC). The SRWMP's review was limited to the Description of the Project Site in the Introduction, and the Site Remediation Environmental Issues discussed Section II under the subheading "Man-Made Resources", and Section III H. The SRWMP offers the following comments:

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The proposed project involves the acquisition of the following properties: Block 229, Lots 1-7, 20-26, and 35-41. The proposed project includes the demolition of the existing structures and construction of a high school. The concept plans present a three to four story typical high school facility including grade and/or subgrade parking, driveways and an outdoor recreation area. The Project Site is currently developed with occupied residential and commercial properties, as well as industrial uses (plastic molding and clothing manufacturing).

NO??

A summary of the environmental database records (EDR) review was included in the EO-215 Report. Two properties (Merit Oil and the Union City Filament Corporation) within the proposed project site limits were identified by the EDR review.

Specifically, one concern raised in the report, regards a portion of the proposed site (Callite Tungsten) that was used to cold-roll uranium metal rods for the "Manhattan Engineering District" (a.k.a. the Manhattan Project), which was a federal government project to develop the first nuclear weapons. Although only limited information about the cold rolling process was presented in the report, cold-rolling generally requires the use of coolants/liquids as the process generates heat. Typically the rolls must be sprayed continuously with a mineral oil/water emulsion, to remove the heat generated by the process. Over a period of time, the coolant becomes contaminated with mineral oil (used to prevent the strip from re-oxidizing after acid pickling), and small metal fragments. As uranium metal rods were used, the coolant would also have been contaminated radioactive materials. It is not clear how the waste products were handled or where they were disposed of. This should be determined prior to moving forward with this project.

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HMM states that additional work is currently being performed, under a separate scope of work to evaluate current site-specific conditions relative to radiological contamination.

Furthermore, soil and groundwater contamination is known to exist (and has been documented) at the Merit Oil/Hess Station located at 39th Street & JFK Boulevard (Block 229, Lots 1, 03, 2, and 3). A Preliminary Assessment (PA) Report has been prepared by HMM, which includes additional areas of concern (AOCs), such as a former dry cleaner. The "Radiological Characterization Survey" supported by the PA Report is currently under review by the NJDEP's Bureau of Environmental Radiation.

Based on the history of the site and the unknown disposition of the waste products, the SRWMP cannot approve the EO-215 Report at this time. It may be determined that the site is not suitable for the construction of a school, pending the results of the radiological studies.



HMM has conducted a PA and Identified environmental areas of concern (AOCs) in the PA Report. The NJDEP reviewed the PA Report and commented on the PA Report in a March 11, 2005 correspondence. As previously noted, the "Radiological Characterization Survey of the Former Gallite Tungsten Corporation Site" is currently under review.

The NJDEP further adds that if the site is deemed suitable by the NJSCC for construction of a school, remediation of the contamination may cause potential delays in the construction schedule.



COST RISK

Regulatory Requirements

The following environmental permits/approvals may be required for the project:

- A Treatment Works Approval from the NJDEP;
- A Public Water Works permit may be required from the NJDEP and;
- A Soil Erosion and Sediment Control Plan Certification from the Somerset-Union County Soil Conservation District.

Upon Land Use Management's review of the referenced EA, it has been determined that there are no 'fatal flaws' associated with construction of the proposed Union City High School #2, located in the City of Union City, Union County. However, prior to construction the NJSCC may or may not have to obtain the following land use authorizations from the NJDEP. Any diversions from or amendments to the information stated within the EA may warrant additional land use regulatory approvals.

Treatment Works:

In accordance with N.J.A.C. 7:14A, any sewer line or force main that will convey 8,000 gallons per day (gpd) or more will require a valid treatment works approval prior to construction. Estimated conveyance rates are based directly



upon the maximum student body enrollment multiplied by 25 gallons per day per student. According to the EA, the proposed school facility will accommodate for a maximum of 1,750 students. Based on the anticipated number of students the estimated effluent discharge will be approximately 43,750 gpd, thus a valid Treatment Works Authorization will be required prior to any project activities.

Safe Drinking Water:

In accordance with N.J.A.C. 7:10-11.10(b)1, any new water service connection that generates a new non-residential average demand of more than 6,000 gpd will require prior authorization. The estimated water demand is calculated pursuant to Table 1 located at N.J.A.C. 7:10-12.6(b), which states that each student will utilize 25 gpd in a school equipped with a cafeteria, showers, and laboratories. The estimated water demand for the proposed school facility is approximately 43,750 gpd, thus a valid Safe Drinking Water Authorization will be required prior to any construction activities.

Stream Encroachment:

No surface water features exist on or within the vicinity of the project site. Furthermore, review of FEMA's Q3 digital Flood Insurance Rate Maps reveal that no floodplains exist on the subject parcel.

Freshwater Wetlands/Transition Areas:

The majority of the site is developed. No regulated wetlands exist on or within the vicinity of the subject site.

Stormwater Management:

Compliance with the State's Stormwater Management Rule (N.J.A.C. 7:9) is required if the proposed activities trigger any Land Use authorizations and meets the definition of "major development" in N.J.A.C. 1.8-1.2. The proposed kindergarten center does not trigger any land use authorizations, nor does it meet the definition of major development, therefore compliance with this rule is not required.

Green Acres:

No funded parkland exists on or within the vicinity of the site.

FINDINGS

Section 4 of EO #215 requires the NJDEP to provide a written response to the proposing agency identifying any probable adverse impacts, permits and regulatory requirements, and a recommendation. Our review has concluded that the EA is deficient for us to concur with its findings.

RECOMMENDATIONS

Pursuant to Section 4(c)iii of EO #215 the NJDEP recommends additional impact assessments of specific environmental consequences. We are recommending the New Jersey Schools Construction Corporation take necessary actions to correct the deficiencies regarding potential cultural resource

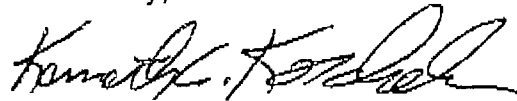
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impacts and site remediation issues noted in the comments section of this letter. The additional information should then be submitted to the NJDEP for our full review.

Section 5 of EO #215 requires, within thirty days of receiving our recommendation, the proposing agency (New Jersey Schools Construction Corporation) provide the NJDEP a written response either accepting our recommendations or setting forth those issues remaining in dispute.

Please contact the Office of Permit Coordination and Environmental Review (609-292-2662) if you have any questions regarding the COMMENTS, FINDINGS or RECOMMENDATIONS of this letter.

Sincerely,



Kenneth C. Koschek
Supervising Environmental Specialist
Office of Permit Coordination and
Environmental Review

Cc: Joe Karpa, NJDEP
Aidita Milsted, NJDEP
Brian Brush, NJDEP



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thanks

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September 22, 2005

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P.O. Box 991
Trenton, New Jersey 08625-0991

**Re: Union City High School No. 2
Union City, Union County
NJSCC Comment Response Letter**

Project No.: 38880600

Dear Mrs. Mazzella:

The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the NJSCC Comment Response Letter for the proposed Union City High School No. 2 in the City of Union City, Union County. Your July 20, 2005 letter responded to our June 2, 2005 and July 5, 2005 letters, which recommended an additional assessment of potential environmental consequences pursuant to the environmental review requirements of New Jersey Executive Order No. 215 of 1989 (EO #215). In response to your submittal, we offer the following comments, findings and recommendations.

COMMENTS

Cultural Resources

The NJDEP's Historic Preservation Office (HPO) has completed its review of the NJSCC Comment Response Letter. The Environmental Assessment (EA) submitted for review identified two resources eligible for listing the New Jersey and National Registers of Historic Places (R&H Simon Silk Company Mill - Certificate of Eligibility 5/3/2004; and the Bergenline Avenue Commercial Historic District - SHPO Opinion 2/21/2003) as located within the area of probable

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impacts from the proposed project. The proposed project, which calls for the demolition of the existing structures associated with the historic mill (located within the proposed project site), will have an adverse impact on the eligible resource.

While Ms. Mazzella's July 20, 2005 letter provided some information regarding upgrading and replacement of systems, which would be required in order to rehabilitate the existing structures, none of the issues presented represents an unusual task in the rehabilitation of the historic buildings. Furthermore, costs associated with these repair upgrades could vary greatly and no information regarding costs or source of information was provided.

As previously stated by the HPO, if rehabilitation of the existing structures is not possible, then a plan to mitigate adverse impacts on the resource should be implemented. Mitigation plan should be developed in consultation with the HPO.

Site Remediation

NOT site safety

Staff of the NJDEP's Radiological Assessment Section (RAS) of the Bureau of Environmental Radiation (BER) performed a radiological review of the following Hatch Mott MacDonald documents for the Proposed Union High School #2 (former Callite site), Union City, NJ:

- Radiological Characterization Survey of the Former Callite Tungsten Corporation Site, Union City, New Jersey, January 28, 2005
- Preliminary Assessment Report, Proposed Union City High School #2, Block 229, Lots 1 to 7, 20 to 26 & 35 to 41, Union City, New Jersey, Volumes I and II, February 3, 2005

The RAS considers the document complete after responses to the following comments are accepted by the BER.

1. There is no apparent radiological survey for potential location of the storage of coolant for the cold rolling of uranium rods. Could the 2000-gallon tank in Appendix J be such a location?
2. After the radiologically contaminated material is removed from Building #4, it must be demonstrated that the building meets the criteria for free release. BER will be looking for material concentrations (for U-234, 235 and 238) less than those referenced in NUREG 1812 ("Generic Environmental Impact Statement, Controlling the Disposition of Solid Material, Draft Report for Comment") and found NUREG 1640 (Radiological Assessment for Clearance of Materials from Nuclear Facilities) that would result in 1 mrem/yr to an individual.

3. Since material was found indicative of Manhattan Project work, the U.S. Department of Energy (DOE) should be notified. Remediation and further investigation of soils and any additional remediation should be conducted with funding under the federal Formerly Utilized Sites Remedial Action Program (FUSRAP).
4. Regardless of who conducts further investigations, the BER request a sampling plan for soils under buildings 4 and 27.

Regulatory Requirements

See the **COMMENTS** – Regulatory Requirements section of our June 2, 2005 letter (attached).

FINDINGS

Section 4 of EO #215 requires the NJDEP to provide a written response to the proposing agency identifying any probable adverse impacts, permits and regulatory requirements, and a recommendation. Our review has concluded that the proposed demolition will have an adverse impact on the eligible resources. The NJDEP requests that an Alternative Analysis including at least one alternative proposing the rehabilitation of the existing structures be submitted. If the alternatives analysis demonstrates that the rehabilitation and reuse of the existing structures is not a viable alternative, a plan should be submitted for review by the HPO that will mitigate the adverse effect of demolition of these structures. The plan should be developed in consultation with the HPO.

We thus concur with the finding of the EA that no significant adverse environmental impacts have been identified for the proposed school project provided an alternative analysis demonstrates that the rehabilitation and reuse of the existing structure is not a viable alternative and the following recommended conditions are met.

RECOMMENDATIONS

Pursuant to Section 4(c)ii of EO #215 the NJDEP recommends a conditional approval for the project provided that:

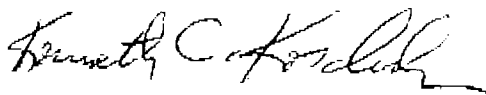
- an alternative analysis including at least one alternative proposing the rehabilitation and reuse of the existing structures is submitted to the NJDEP;
- if the existing structures are to be demolished a mitigation plan is developed and implemented in coordination with the NJDEP's HPO;

- all remedial investigations and remedial actions are conducted in accordance with U.S. DOE regulations to the satisfaction of the NJDEP's BER and Site Remediation Program; and
- permits and approvals identified in the COMMENTS - Regulatory Requirements section of this letter are obtained.

Section 5 of EO #215 requires, within thirty days of receiving our recommendation, the proposing agency (New Jersey Schools Construction Corporation) provide the NJDEP a written response either accepting our recommendations or setting forth those issues remaining in dispute.

Please contact the Office of Permit Coordination and Environmental Review (609-292-2662) if you have any questions regarding the **COMMENTS**, **FINDINGS** or **RECOMMENDATIONS** of this letter.

Sincerely,



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