

June 29, 2007

Lisa P. Jackson, Commissioner
Department of Environmental Protection
401 East State Street
CN 401
Trenton, New Jersey 08625

Re: Bergen Machine and Tool
Hackettstown ISRA case – immediate environmental concern (IEC)

Dear Commissioner Jackson:

I am writing to bring a serious matter to your attention and request that the Department take immediate enforcement and emergency response actions to prevent potential further ongoing direct contact toxic exposures at the Bergen Machine and Tool site in Hackettstown.

The site warrants attention as an immediate environmental concern. The site poses an unacceptable threat to human health due to dermal contact, inhalation and/or ingestion of contaminated materials (see: NJAC 7:26E-1.8)

The site is subject to the Industrial Site Recovery Act (ISRA) cleanup requirements and was used for various heavy industrial manufacturing purposes for about 100 years. Abandoned buildings, soil, and groundwater at the site are known to be contaminated with PCB's, PAHs, volatile organic compounds, lead, chromium, arsenic, petroleum hydrocarbons, and other pollutants above the Department's soil cleanup criteria. The site is directly adjacent to a residential neighborhood – some homes are less than 50 – 75 feet from the property line. Several areas of the site show evidence of trespass, ongoing recreational use, and direct contact exposures.

I visited and walked the site last Saturday (June 23, 2007) and conducted a file review yesterday (June 28, 2007) and am compelled to report the following:

- Waste piles known to be contaminated by polycyclic aromatic hydrocarbons above soil cleanup criteria are honeycombed with bike trails and are being used by neighboring children. The waste piles have been disturbed and excavated in places and are being used as bike jumps. There appear to be ongoing direct contact and inhalation exposures. **The Department was made aware of this situation in a July 14, 2003 site characterization Report.**
- Bergen Tool's (hereafter "company") site characterization reports deleted and changed the Department's description of these "waste piles" (Area of Concern #10) to "sand piles". The company has not adequately even characterized these areas, despite closing the facility and triggering ISRA over 4 years ago. The

company claimed that the source of the PAH is “due to the use of motorbikes on the piles” (July 14, 2003). **It is my understanding that a conference call between the company’s consultant and the ISRA case manager to resolve the status of these piles is imminent. The Company recently was granted another extension to submit final site characterization reports.**

- A small ball field is shoehorned between the waste piles. Waste pile AOC #10 drains to the field. The waste piles are located on land directly behind the facility and are visually screened and therefore pose a high risk of classic historic “out back” chemical/waste dumping. The company has been located there since 1950, and can produce no records for transport and disposal of wastes generated on site, or the proper closure and excavation of underground storage tanks and piping. Records show the site was used for heavy industry since 1909.
- The company’s characterization reports claim, based solely on the company’s representations and no data, that **the Department approved “no further investigation” for the ball field on January 5, 2004.** I could find no data to support this claim.
- **There were no hazard warnings posted at the site.**
- **There were no fences restricting access to the waste piles and ball fields.**
- The waste piles and ball field were readily accessible to the neighborhood. I observed small “no trespassing” signs and a thin rope strung across an access road to the site. I was told that the signs and rope were very recently installed.
- The site was freely accessible via an open gate in the front of the building and via an access road in the rear northeastern portion of the site adjacent to the waste piles and ball field.
- Despite being aware of the presence of contamination in excess of the soil cleanup criteria and serious potential exposures associated with the site, **I could find no documents in the file demonstrating that the community and nearby residents had been warned of the risks, directed not to access the site, or provided an opportunity to be aware of or participate in the ISRA cleanup process overseen by the Department.**
- **The company ceased operations and triggered ISRA over 4 years ago, yet the site has not been fully characterized.**
- **I found no enforcement documents or field inspection reports in the file.**
- **The site is an attractive nuisance and presented numerous safety hazards. Dilapidated structures were falling down; contaminated unsafe buildings**

were unsecured and showed signs of trespass. A 6 foot deep pit was covered by plywood.

- **Windows in buildings were broken and doors open, thereby inviting unauthorized access into unsafe buildings as well as **allowing contaminants within buildings to be released into and migrate in the environment.****
- **Potentially hazardous cleanup waste and industrial demolition debris were deposited in a DEP regulated solid waste box labeled “municipal residual waste” (Gary W. Gray Box 48 NJ # 07833).**

Based on the above, I request that the Department immediately:

1. Send compliance inspection staff to the site and take enforcement action;
2. Assure that toxic hazard warning signs are posted immediately;
3. Assure that the waste piles and ball field access points are fenced and posted with toxic hazard warning signs;
4. Sample and characterization contamination of the surface and subsurface soils on the ball field.
5. Sample the drainage swale along the northeastern site border that drains the waste piles towards a storm drain that discharges to the Musconetcong River;
6. Conduct off site sampling in neighboring yards and homes to assess off site impacts;
7. Demolish unsafe dilapidated contaminated structures
8. Issue an Administrative Order & Spill Act Directive pursuant to N.J.S.A. 58:10-23.11 et seq., that specifies immediate corrective actions and sets deadlines and an enforceable schedule to expedite final ISRA site characterization and cleanup of the site. Given proximity to a residential neighborhood, sensitive receptors, and drainage to the “Category One” Musconetcong River, the Directive/Order shall mandate an unrestricted use permanent remedy for the site, complete excavation of all waste piles on site, active groundwater cleanup, and excavation of all abandoned underground storage tanks and extensive underground piping.
9. Conduct public hearings with the community to advise them of the risks posed by the site; the status and schedule for final of the cleanup; and solicit their input into the cleanup process, particularly regarding remedy selection.

I appreciate your immediate attention to this matter. I have site photos I would be glad to share.

Sincerely,

Bill Wolfe, Director
New Jersey Public Employees for Environmental Responsibility (PEER)