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August 13, 1991

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Mr. James Haklar
New Jersey Superfund Branch II
U.S. Environmental Protection Agency
26 Federal Plaza - Room 747
New York, NY 10278

RE: Chemsol, Inc. (Tang Realty Superfund Site) Middlesex County, New Jersey

Dear Mr. Haklar:

As you are aware, this law firm represents the interests of Marvin Mahan and Tang Realty (hereinafter "Respondents") in connection with the Chemsol, Inc. Superfund site.

Please accept this letter for inclusion in the Administrative Record as the respondents' comment as to the proposed interim remedy for this Superfund site.

Firstly, the respondents respectfully request that all correspondence or other submissions which they have directed to the EPA and the New Jersey Department of Environmental Protection or which has been forwarded to such agencies by their representatives, including, but not limited to Harding Lawson & Associates, be incorporated in the Administrative Record for the site. A review of the existing Administrative Record, including the Focused Feasibility Study prepared by EPA's contractor, indicate that a great deal of work undertaken by the respondents' and their contractors has been both considered and utilized by EPA's contractor in connection with the Focused Feasibility Study. Accordingly, all such submissions ought to be included in the Administrative Record.

The respondents respectfully suggest that EPA should adopt Alternative no. 4 as the appropriate interim site remedy as opposed to Alternative no. 2 which the EPA has embraced. As you will recall, Alternative no. 4 involves groundwater extraction, treatment and disposal through discharge of the treated groundwater to the publicly - owned treatment works (POTW).

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Alternative no. 2 involves groundwater extraction, treatment of disposal through discharge of the treated groundwater to an on-site surface water body.

Respondents believe that adoption of Alternative no. 4 is consistent with any permanent future remedy for the site and is sensitive to the criteria which the EPA utilizes to evaluate alternatives. Also, Alternative no. 4 best addresses the concerns raised by the public as to the selection of the safest and most expeditious Alternative.

Respondents assert that in addition to being the most-cost effective Alternative, Alternative no. 4 is best suited to address the concerns of public safety and the overall protection of human health and the environment.

In reviewing the Administrative Record, correspondence between EPA and NJDEP seems to suggest that Alternative no. 2 may require some "relaxation" of ARARs for discharge of on-site treated water to the surface. See letter from John S. Frisco, Deputy Director of New Jersey Programs, USEPA, to Lance R. Miller, Assistant Commissioner for Hazardous Wastes Management of NJDEP dated September 27, 1991. It further appears from a review of the Administrative Record file that ARARs for discharge to the POTW have not yet been provided by DEP or MCUA. See letter from John S. Frisco, Deputy Director for New Jersey Programs, USEPA to Lance R. Miller, Assistant Commissioner for Hazardous Wastes Management, NJDEP dated April 26, 1991. Finally, it appears that NJDEP is willing to waive the ARARs for the interim remedy pursuant to CERCLA Section 121 (d) (4). The respondents believe that as a result of such factors or developments, the EPA has chosen a more expensive remedy in the form of Alternative no. 2 with more relaxed ARARs while Alternative no. 4 provides a less expensive remedy with equivalent or even more stringent ARARs.

The respondents acknowledge the EPA's concerns regarding the implementability of Alternative no. 4 based upon the agency's perceptions of the willingness on the part of MCUA to accept the discharge from the site. However, nothing in the Administrative Record suggests that MCUA has refused to accept the discharge from the site. Based upon the respondents' contacts with MCUA in the past relative to the site, it is the respondents' belief that the POTW will accept the treated groundwater from the site.

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Respondents wish to highlight that in addition to the utility and cost-effectiveness of Alternative no. 4, Alternative no. 4 will best alleviate the concerns of the public regarding EPA's selection of an interim remedy for the site. During the course of the recent public meeting regarding the selection of an interim remedy, many members of the public expressed concerns or reservations regarding both the effectiveness and safety of Alternative no. 2. Adoption of Alternative no. 4 certainly would go a long way to engendering greater public confidence in the interim remedy.

Finally, in light of the complex hydrogeology which apparently dominates the site and the region, discharge of the treated groundwater to the publicly owned treatment works as opposed to the on-site surface water body would reduce concerns of the public regarding further migration of contaminants off-site at the same time not requiring further stream studies or other investigation which might be required prior to the implementation of Alternative no. 2.

The respondents respectfully request adoption of Alternative no. 4.

Very truly yours,

SCHENCK, PRICE, SMITH & KING



Michael K. Mullen

MKM:bs

Enclosures

cc: Edward W. Ahart, Esq.
Amelia Wagner, Esq.
Tang Realty
Mr. Marvin Mahan

Via Federal Express

APR 26 1991

Mr. Lance R. Miller
Assistant Commissioner for Hazardous Waste Management
New Jersey Department of Environmental Protection
401 East State Street
CN-028
Trenton, New Jersey 08625-0028

Re: Tang Realty/Chemsol Superfund Site

Dear Mr. Miller:

This will serve to follow-up on my correspondence of November 28, 1990 (see enclosed) regarding the development of State applicable or relevant and appropriate requirements (ARARs) for the above-referenced site. In that correspondence, I asked that the New Jersey Department of Environmental Protection (NJDEP) provide the Environmental Protection Agency (EPA) with ARARs for the following scenarios:

1. Discharge of treated groundwater to surface water;
2. Discharge of treated groundwater to the Middlesex County Utilities Authority publicly-owned treatment works (POTW); and
3. Rejection of treated groundwater back into the ground.

During the EPA/NJDEP meeting on April 11, 1991, it was agreed that NJDEP would develop final ARARs for the surface water discharge scenario based on EPA's 8-week surface water sampling program. However, since this sampling data is not yet available for the Chemsol site, EPA's contractor would use the NJDEP water quality standards for FW2-NT waters to prepare the Focused Feasibility Study (FFS) and, based on treatability studies, develop a conceptual design and cost estimate of the best available technology to treat the water. We further discussed the possibility that any NJDEP-developed limit not technically achievable within the range of the system identified in the FFS report and Record of Decision could be waived pursuant to CERCLA Section 121(d)(4).

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With regard to the scenarios for discharging treated groundwater to the POTW or reinjecting it back into the ground, we have not yet received a response to our request for the associated ARARs. I would appreciate your help on this ARAR request to ensure that the FFS report is not delayed. As you may recall, it is our intent to expeditiously develop and implement an interim remedy at this site. Therefore, your prompt attention to this matter would be very much appreciated.

Should you have any questions or require additional information, please feel free to contact me at (212) 264-2220 or have your staff contact Mr. James Haklar, of my staff, at (212) 264-8736.

Sincerely yours,

**John S. Frisco, Deputy Director for New Jersey Programs
Emergency & Remedial Response Division**

Enclosure

cc: Paul Harvey, NJDEP
Sandy Kreitzman, NJDEP

bcc: Amelia Wagner, ORC-NJSUP

Mr. Lance Miller, Director
Division of Hazardous Waste Management
New Jersey Department of Environmental Protection
CN-028
Trenton, New Jersey 08625-0028

Re: Tang Realty/Chemsol Superfund Site

Dear Mr. Miller:

This will serve to follow-up on our recent discussions concerning appropriate effluent limitations for discharging treated groundwater to surface water bodies.

In particular, I want to confirm the approach agreed upon for developing effluent limitations for the Tang Realty/Chemsol Superfund site. As discussed, completion of the Focused Feasibility Study may be delayed pending development of surface water discharge limitations by the NJDEP. These limitations will influence the types of treatment systems considered during the development and analysis of remedial alternatives.

For the Tang/Chemsol site, it was agreed that EPA will consider the appropriate water quality standards (WQS) for the receiving water body and the ambient water quality criteria (WQC) as the most stringent Applicable, Relevant and Appropriate Requirements (ARARs) for the surface water discharge. However, surface water and sediment sampling will be performed in accordance with NJDEP's "Procedures and Requirements for Conducting Water Quality Analysis Programs and Dilution Studies" with the understanding that the results of such monitoring may justify a relaxation of the ARARs.

Should you wish to discuss this matter further, please contact me at (212) 264-2220.

Sincerely yours,

John Frisco, Deputy Director for
New Jersey Programs

cc: Sandy Krietzman, NJDEP
Paul Harvey, NJDEP

bcc: Amelia Wagner, ORC-NJSUP
Richard Caspe, WMD
KATHY CHLAFFA, EFRD