



State of New Jersey

Department of Environmental Protection

Bureau of Northern Field Operations
7 Ridgedale Avenue
Cedar Knolls, NJ 07927
Phone #: 973-631-6401
Fax #: 973-656-4440

Mark N. Mauriello
Acting Commissioner

July 14, 2009

Jon S. Corzine
Governor

Received

JUL 15 2009

Twp. of Bernards
Municipal Clerk

Millington Quarry Inc
George Thompson, Vice President
135 Stonehouse Rd
Bernards Twp, NJ 07920

Handwritten notes: To Messena, Delgado, O. Turano, D. Krunkley, mca...

Response to Fill Characterization Work Plan

Re: Fill Characterization Work Plan
Millington Quarry Inc
Stonehouse Rd
Bernards Twp, NJ 07946
SRP PI# 005602
EA ID #: SUB090001
BFO File Number: 18-02-273

Dear Mr. Thompson:

The New Jersey Department of Environmental Protection (Department) has completed review of the Fill Characterization Work Plan received on May 20, 2009, and the report submitted by Icon Engineering on June 2, 2009 that supplied additional information concerning the fill. The Department provides the following comments on the Work Plan.

The Work Plan is specific to the sampling and characterization of imported fill. If any of the imported fill is found to be contaminated, further remediation may be required.

The Work Plan proposes 29 borings (although 31 boring locations are indicated on the site map) and from those borings the collection of 78 samples for laboratory analysis consisting of Base Neutrals, Metals, Pesticides, and PCB's. The 22 samples exhibiting the highest indication of contamination would then be analyzed for Synthetic Precipitation Leaching Procedure (SPLP). The deep borings would be screened every 20 to 25 feet and the shallow borings screened every 10 to 15 feet. Although certain specific elements of the Work Plan are acceptable, the Department finds this Work Plan insufficient for the characterization of the imported fill material.

Based on the volume of imported fill and the sample results from random truck loads brought to the site, the Department will require 75 soil borings at the site: 20 deep and 40 shallow in area A, 6 shallow in area B, and 5 deep and 4 shallow in area C. All shallow borings shall be continuously screened for any indication of contamination. The Department hereby approves the proposed use(s) of a PID and X Ray Diffraction as screening tools. For the deep borings, the Department recommends 20% (5 borings) be split spooned every 5 feet below the final depth of the shallow borings completed in that area. The remaining 20 borings may be completed as proposed (screened every 20 to 25 feet). Once again the fill material would be screened by PID, X Ray Diffraction, and by visual observation.

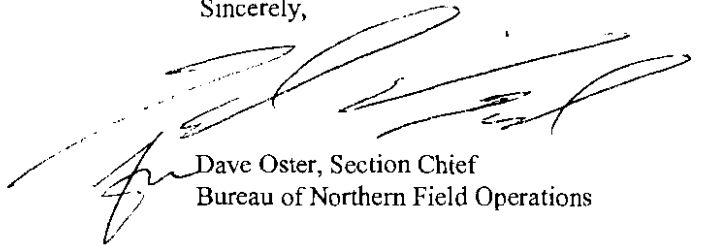
The Department approves the sample collection frequency of 2 samples per shallow boring and 5 samples per deep boring; however the new total number of samples collected for laboratory analysis will be 225. The Department also approves the proposal that 22 samples exhibiting the highest indication of contamination be analyzed for SPLP, as stated in the submitted Work Plan. All samples submitted for laboratory analysis must be analyzed for Base Neutrals (BN+25), Metals, Pesticides, and PCB's. Additionally, 25% of samples with the highest results for Chromium must be analyzed for Hexavalent Chromium. Depending on the findings, additional sampling may be required.

The Department is available for a meeting to further discuss requirements for fill characterization or other site issues.

Millington Quarry Inc must submit a revised schedule or a Fill Characterization Work Plan Addendum incorporating the above requirements within 60 days of the date of this letter. Please submit the document by that date, or submit a written request for an extension at least 2 weeks prior to the due date. Failure to submit the schedule or Fill Characterization Work Plan Addendum may result in the initiation of enforcement action. For your convenience, the regulations concerning the Department's remediation requirements can be found at <http://www.state.nj.us/dep/srp/regs/>.

Thank you for your cooperation in this matter. If you have any questions, call Steve Mason at 973-656-4425.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Oster", is written over a horizontal line.

Dave Oster, Section Chief
Bureau of Northern Field Operations

cc:

File # 18-02-273
J M Sorge, Inc. Environmental Consultants
Clerk, Bernards Twp
Bernards Township Health Dept
Great Swamp Watershed Association



Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
Phone: 908-204-3001; Fax: 908-204-3015; Website: www.bernards.org

**BERNARDS TOWNSHIP COMMITTEE
STATEMENT REGARDING
NJDEP STAFF RESPONSE TO MQI AND TILCON REQUEST
FOR QUARRY TESTING FOR CONTAMINATION**

The New Jersey Department of Environmental Protection's staff recently reviewed and responded to the request by Millington Quarry, Inc. (MQI) and Tilcon, Inc. (Tilcon) to obtain the DEP's agreement to permit testing for contaminants at the Millington Quarry under DEP oversight.

The Bernards Township Committee and its advisors have reviewed the DEP staff response. The Township Committee is pleased that the DEP agrees with the Township that the proposed testing plan is inadequate; It does not provide the level of assurances that our community requires and that a good corporate citizen would provide.

However, The Township has steadfastly insisted that prompt and thorough testing of the existing site is an essential, next step for the protection of our community. The Township Committee is disappointed with the DEP's proposed changes to the testing. The DEP will require an increased number of tests of the soil, and required the tests to be broader in nature, to include testing for heavy metals and pesticides. While the DEP staff's proposed changes are important, they are not sufficient. Significantly, the DEP's proposed changes do not require testing of the soil other than in the three relatively small piles that applicants identified in its application as having been brought to the site in the last few years. The applicants have by their own admission brought in materials to the site over many years with inadequate documentation and conducted activities and moved soils around the site for years. Therefore, soil testing needs to be conducted throughout the large site. Also, the DEP's proposed changes do not require testing of the groundwater. While the DEP apparently believes that testing of groundwater will be required of the applicant at a later stage, the Township believes that groundwater testing should be done at the same time as soil testing. Groundwater testing results can provide important additional data as to what is in the soil, and not just as to the three piles.

The Township will seek further discussions and administrative review of the DEP staff response and will continue to consider other remedies that may be available.

07/28/2009