



State of New Jersey

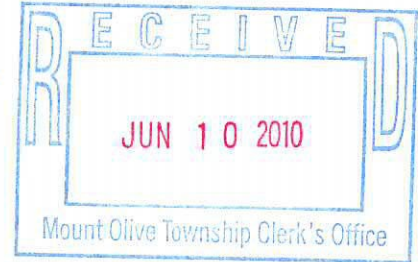
CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

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



cc: Admin
Plan
Eng.
Bldg.
Health

June 8, 2010

Barbara Typinski
100 Valley Rd
Oxford, NJ 07863

NOTICE OF DEFICIENCY

Re: Cherokee Trading Post
67 Rt 46
Mount Olive, Morris County
SRP PI# 224836
Activity Number Reference: BFO070001
Communication Center #: 04-03-09-1059-03
BFO File # 14-27-240

Dear Ms. Typinski :

The New Jersey Department of Environmental Protection (Department) acknowledges receipt on May 10, 2007 of the Remedial Action Report dated March 23, 2007 submitted pursuant to the Memorandum of Agreement (MOA) effective on May 4, 2007, Spill Compensation & Control Act at N.J.S.A. 58:10-23.11 et seq. (Spill Act), and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (Tech Rule).

Deficiencies

The Department has completed its review of your submittal and identified the following deficiencies:

Description of Deficiency: Pursuant to N.J.A.C. 7:26C-3.3(a)3iii, failure to conduct remediation in accordance with N.J.A.C. 7:26E.

Description of Deficiency: Pursuant to N.J.A.C. 7:26E-3.11(a), failure to conduct a baseline ecological evaluation according to general technical requirements.

Description of Deficiency: Pursuant to N.J.A.C. 7:26E-4.4(a), failure to conduct a Remedial Investigation of ground water when required.

Corrective Actions

To correct these deficiencies please take the following actions or make the required submittals within the timeframes indicated:

1. Please note that the requirements provided herein shall be addressed prior to the Department's determination of no further actions for the subject property. Comply with rule/regulation within 90 days after receipt of this notice. [N.J.A.C. 7:26E-6]
2. A baseline ecological evaluation (BEE) shall be completed for each contaminated site or area of concern, except an area of concern that consists of an underground storage tank storing heating oil for on-site consumption in a one to four family residential building. Comply with rule/regulation within 90 days after receipt of this notice. [N.J.A.C. 7:26E-3.11]
3. Contamination detected within two feet of bedrock requires the investigation of potential impacts to ground water. The Department would like to note that the soils from ten (10) to twelve (12) feet below the final excavation were predominantly grey stained clay and bedrock/refusal was determined at a depth of twelve feet below surface grade (bsg). Also it was noted that a potable well located thirty five (35) feet from the former UST supplies drinking water to the subject property. The well construction details for the potable well shall be submitted. Due to the fact that the date and duration of any discharges from the UST is not known, a bedrock ground water investigation is required, pursuant to N.J.A.C. 7 6E. Therefore, at a minimum a boring shall be installed through the excavation to a depth of twenty five (25) feet into bedrock. Approximately 24 hours after installation, the borehole shall be checked for the presence of groundwater and free product. If groundwater or free product has seeped into the borehole, a monitor well shall be installed, developed and sampled. If ground water is not encountered, the boring shall be sealed and no further action will be required. Please note that the potable well may be required to be sampled pending receipt of the ground water investigation. Comply with rule/regulation within 90 days after receipt of this notice. [N.J.A.C. 7:26E-4.4(a)]

Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department may terminate the MOA pursuant to N.J.A.C. 7:26C-3.3(c)2-4. Subsequent to MOA termination the Department may initiate enforcement action pursuant to the Spill Compensation and Control Act.

If you require copies of Department Guidance Documents or applications, many of these are available on the internet <http://www.state.nj.us/dep/srp>. If you have any questions regarding this matter contact Brent Vonroth Case Manager, at (973) 656-4431, or at Brent.Vonroth@dep.state.nj.us, prior to the date indicated.

Sincerely,



Gary Greulich, Section Chief
Bureau of Northern Field Operations

cc: BFO File Number: 14-27-240
Mount Olive and Morris County Health Department(s)
Town Clerk, Mount Olive
Care Environmental Remediation Services, Inc.