



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Waste & UST Compliance & Enforcement
Bureau of Solid Waste Compliance & Enforcement
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Lt. Governor

Transmitted on November 8, 2024 via email to:

Melissa Feury, Project Manager of Matrix New World Engineering at:
mfeury@mnwe.com and to Keith Kazmark, Village Manager, Village of Ridgewood at:
kkazmark@ridgewoodnj.net

**Re: Conditional Approval for Solid Waste Sampling (page 1 of 4)
Matrix New World Sampling Plan of November, 2024
Schedler Property at 460 West Saddle River Road, Ridgewood Village
Solid Waste Program Interest # U4347**

Dear Ms. Feury and Mr. Kazmark,

The New Jersey Department of Environmental Protection's Bureau of Solid Waste Compliance and Enforcement (BSWC&E) has completed our review of the referenced document and approves same under the conditions noted herein.

- 1.) As further delineation sampling of the contaminants found at concentrations that trigger the definition of solid waste within the soil berm is not proposed, the BSWC&E is presuming that the soil berm will be addressed in a Corrective Action Workplan (CAW). Accordingly, any comments noted herein are limited to the portions of the site not encompassed by the soil berm.
- 2.) This conditions of this approval which address sampling and analyses protocol are limited to the determination of whether the soil/fill materials being sampled meet the portion of the definition of solid waste that addresses contaminant concentrations as referred to in N.J.A.C. 7:26-1.6(a)6. As such, analytical results from **any one** sample that indicate concentrations of contaminants that are above the Residential Ingestion-Dermal or Residential Inhalation soil remediation standards at N.J.A.C. 7:26 D are indicative of solid waste. While delineation of such contamination is acceptable with a plan approved by BSWC&E, **no compliance averaging** is accepted for the purpose of making a solid waste determination.
- 3.) The BSWC&E does not make determinations regarding whether or not soils or materials can be considered as Clean Fill pursuant to N.J.A.C. 7:26E -1.8. As such, upon receipt of acceptable data that indicates contaminant concentrations that do not trigger the definition of solid waste at N.J.A.C. 7:29-1.6(a)6, the

BSWC&E will acknowledge same by noting field compliance has been achieved (any penalty settlement aside) with respect to the particular solid waste violation associated with the quality of the soil/fill materials. The BSWC&E does not make determinations regarding whether or not a site has been remediated.

- 4.) The BSWC&E understands the strategy presented in the subject plan is to first visually determine if subsurface solid waste is present within an inner ring of borings surrounding the borings that previously were found to trigger the definition of solid waste. If solid waste is visually observed within the inner ring of borings will then move outwards to attempt to find subsurface conditions without a visual indication of solid waste within the subsurface to establish the locations of outer borings which will be used to collect samples to chemically determine if the materials sampled trigger the definition of solid waste. If such samples do not trigger the definition of solid waste, the BSWC&E would agree that subsurface delineation of solid waste has been appropriately addressed for the purpose of developing a CAW for the BSWC&E's review and approval prior to implementation. Any visual solid waste, whether that be in the subsurface or the surface of the site, shall be addressed in the CAW along with areas that chemically trigger the definition of solid waste.
- 5.) Unless rectification of the Quality Control issue associated with the Matrix Spike pesticides analysis can be resolved to the satisfaction of the BSWC&E, that is, the reported low recoveries for Alpha-BHC, Delta-BHC, Lindane, 4,4-DDD, 4,4-DDT, and Endrin Aldehyde during the previous grid sampling event, an additional Matrix Spike sample shall be collected and analyzed for Target Compound List pesticides within an area representative of the imported fill at this site. If this analysis proves to show acceptable spike recovery ranges, the BSWC&E will consider this data anomaly to have been appropriately addressed. If, however, insufficient matrix spike recovery is demonstrated, additional sampling and analyses for Target Compound List pesticides shall occur in at least the following areas with the understanding that further delineation sampling and analyses for such pesticides will be required if the samples noted below generate data that triggers the definition of solid waste:
 - within the imported fill at all original grid sample locations for which further sampling has not been proposed by Matrix; and,
 - within the locations and depths for the vertical delineation samples proposed by Matrix.

In order to reduce the mobilizations to the site for additional delineation sampling to address potential pesticide contamination, Ridgewood Village may want to consider collecting contingency samples based upon the results of the samples required to be analyzed as noted above.

- 6.) Unless otherwise specified herein, all sampling shall be performed in accordance with the latest version of the NJDEP's Field Sampling Procedures Manual and N.J.A.C. 7:26 E – The Technical Requirements for Site Remediation.

- 7.) All analyses shall be performed by a laboratory that has at least the following two certifications:
 - a.) Overall Laboratory Certification from the State of New Jersey; and,
 - b.) Certification from the State of New Jersey for the particular test method being employed.

- 8.) Any proposed analytes shall incorporate the test methods associated with EPA's Contract Laboratory Program (CLP) and shall be those analytes included in the respective Target Analyte List (TAL) or Target Compound List (TCL) of the CLP. For example, any proposal to analyze for "Metals" shall be inclusive of all metals in the TAL. For solid waste determinations, the BSWC&E will not be reviewing the Tentatively Identified Compounds (TIC) data as such data is not tied to the definition of solid waste. Hexavalent chromium analysis may be substituted for total chromium analysis, however, since there is no promulgated Residential Soil Remediation Standard within N.J.A.C. 7:26D for either total or hexavalent chromium and therefore chromium analyses does not address the definition of solid waste, the BSWC&E will not be commenting on the results of such analyses. Rather, interpretation of both chromium analyses and TICs would fall within the purview of the Licensed Site Remediation Professional (LSRP) retained pursuant to N.J.A.C. 7:26C.

- 9.) The Quality Assurance Plans shall incorporate quality control provisions while providing at least the Reduced Regulatory Deliverables pursuant to Attachment A-II of N.J.A.C. 7:26 E. The locations of the Laboratory Non-Conformance Summary (NCS), Sample Receipt Form and Chain of Custody shall be readily identified in the laboratory report. Please take particular note of the need to document a conclusion of the review of the NCS for which a certification is required as noted on the attached Data Documentation Review form.

- 10.) To expedite the BSWC&E's data review, in addition to the full scale laboratory report, a separate table shall be submitted which compares the data to the Residential Ingestion-Dermal and Residential Inhalation soil remediation standards at N.J.A.C. 7:26D. Any comparison to either default or site specific Migration to Ground Water pathway soil remediation standards would not be performed by the BSWC&E, but rather by the LSRP retained pursuant to N.J.A.C. 7:26C. Further, if the site is located within or the contaminants from the fill could migrate to an Environmentally Sensitive Natural Resource, the LSRP would compare the analytical results to the Ecological Screening Criteria instead of the BSWC&E as such criteria is not tied to the definition of solid waste.

- 11.) Within ninety (90) days upon receipt of this conditional approval, a Report of Findings shall be submitted which includes at a minimum:
 - a.) text describing the activities conducted, sampling techniques employed and observations made;
 - b.) a scaled Site Map noting all sample locations and plotting the analytical results that trigger the definition of solid waste at such locations;

- c.) boring logs depicting subsurface material descriptions, soil gas readings and the depth of sample collection;
 - d.) tabulated laboratory data comparing the analytical results to the Residential Soil Remediation Standards;
 - e.) a laboratory report replete with Tier 2 Reduced Laboratory Data Deliverables consistent with Appendix A of N.J.A.C. 7:26E;
 - f.) a letter of interpretation of the laboratory's Non-Conformance Summary providing an opinion on the reliability of the data generated;
 - g.) a completed Data Review Documentation form;
 - h.) calibration log for the soil gas direct reading instrument; and,
 - i.) a proposed schedule to submit a CAW.
- 12.) The BSWC&E intends on observing the field work. If there are any changes to the planned implementation of this sampling event which is understood to take place on November 21 and 22nd of this year, please notify the undersigned upon determination of same.
- 13.) This conditional approval does not and should not limit the scope of work that a LSRP retained to remediate the subject site pursuant to N.J.A.C. 7:26C may advise their client to be performed in support of a Response Action Outcome.
- 14.) Ridgewood Village and/or their representatives shall apply for and obtain any requisite federal, State or local permits or approvals that may be necessary prior to performing the work associated with this conditional approval.

Should you have any questions, please contact me at (609) 633-1237.

Regards,

Tom Farrell, Chief



Bureau of Solid Waste Compliance & Enforcement

C: Gina Lugo, David Ongaro – BSWC&E
Sana Qureshi, Sanjay Sinha, NJDEP
Mike Hastry, W&USTC&E