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DIRECT  
KEVIN M. KINSELLA, ESQ.  
KKINSELLA@DECOTIISLAW.COM  
201.907.5229

September 5, 2014

VIA UPS NEXT DAY AIR

Frank Source  
New Jersey Department of Environmental Protection  
Site Remediation Program  
Bureau of Environmental Measurements & Site Assessment  
380 Scotch Road  
Sierra Office Park  
Ewing, NJ 08628-1301

Re: Glassboro Intermediate School

Dear Mr. Source:

This firm serves as special counsel to the Glassboro Board of Education ("GBOE"). The GBOE owns an approximately 13-acre property located at 202 North Delsea Drive in Glassboro, which is the location of the Glassboro Intermediate School ("GIS"). As you know, the groundwater beneath the GIS is contaminated with gasoline constituents which are not associated with any on-site operations at the GIS. In fact, your office conducted a groundwater investigation in April 2013 in the area up gradient of the GIS to identify the source(s) of the gasoline contamination.

It is my understanding that your office prepared an Unknown Source Investigation ("USI") Summary documenting the release of high levels of gasoline contaminants from certain off-site sources, namely the Walgreens/Auto Magic site located at 201-224 Delsea Drive and the Route 322 Gulf/Clayton Citgo site located at 201 Delsea Drive. It is my further understanding that, on or about January 23, 2014, you issued letters to the owners and/or operators of those sites to advise them of your USI findings and to instruct them that it was necessary to conduct remedial measures to prevent continued impacts to groundwater at the GIS. At your earliest convenience, can you please advise as to whether the referenced parties have complied with your instructions to conduct additional remedial measures to address the groundwater contamination impacting the GIS. If not, the GBOE would like to know whether NJDEP intends to issue more formal directives to them and/or other potentially responsible parties to ensure that appropriate remedial measures are expeditiously implemented.



It is of paramount importance to the GBOE that the groundwater contamination beneath the GIS is addressed in a swift and proactive manner. While the GBOE appreciates the prior vapor intrusion ("VI") sampling work that NJDEP conducted at the GIS to confirm that no vapors from the groundwater contamination are infiltrating the GIS, my client is nevertheless concerned that not enough is being done to expeditiously remediate the source(s) of the groundwater contamination. In order for GBOE to better assess the situation, I would greatly appreciate if you could forward me the following information:

1. Any NFAs or RAOs issued for the Walgreens/Auto Magic site and/or the Route 322 Gulf/Clayton Citgo site.
2. Any UST removal reports for the Walgreens/Auto Magic site and/or the Route 322 Gulf/Clayton Citgo site.

I look forward to hearing from you and appreciate your assistance.

Very truly yours,

DeCotiis, FitzPatrick & Cole, LLP

By: 

Kevin M. Kinsella

KMK:eb

cc: Walter Pudelko  
Edward Hamilton  
Dudley Warner  
William Harla

**Pudelko, Walter S.**

---

**From:** Dudley Warner <Dudley.Warner@FPAengineers.com>  
**Sent:** Wednesday, August 20, 2014 12:04 PM  
**To:** Kevin M. Kinsella (KKINSELLA@decotiislaw.com); Pudelko, Walter S.  
**Cc:** Edward Hamilton  
**Subject:** GIS Site  
**Attachments:** NJDEP LTR to Walgreens-Auto Magic Site 01-23-2014.PDF; NJDEP LTR to RT 322 Gulf Site 01-23-201.PDF

Kevin and Walter,

Attached are the letters that NJDEP sent to the 2 offsite gas stations in Jan. 2014.

Below is a bulleted list of concerns related to the offsite cases.

- 1 Groundwater contour maps from recent monitoring.
- 2 Recent Groundwater results from new wells.
- 3 Presence/absence of free product. (URBAN Engineers report found free product in boring B-22; but none reported by Brilliant.)
- 4 Ongoing annual monitoring of soil gas and indoor air quality due to proximity of GIS.
- 5 Obtain RAO from Walgreens site (I will try to get it from LSRP).
- 6 Phil Brilliant indicated that TWT prepared a UST removal report. We have not found that in our research and will need to obtain.

I researched regulatory and mandatory timeframes for the GIS case. It's a bit of a moving target due to media impacted, trigger dates and case numbers, but in general terms we have 3-5 years from now to complete the remedial action and submit the RA Report. A soils only issue gets 3 years; a combined soil/groundwater issue gets 5 years.

Let me know of any other questions.

Regards,

C. Dudley Warner, III LSRP  
Vice President  
French & Parrello Associates, PA  
1800 Route 34, Suite 101, Wall, New Jersey 07719  
Phone: 732-312-9686 | Cell: 732-690-9175 | Fax: 732-312-9801  
E-Mail: [dudley.warner@fpaengineers.com](mailto:dudley.warner@fpaengineers.com)



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State of New Jersey

Department of Environmental Protection  
Site Remediation Program  
Bureau of Environmental Measurements and Site Assessment  
380-01  
PO Box 420  
Trenton, New Jersey 08625-0420  
(609) 530-2474

CHRIS CHRISTIE  
Governor

Kim Guadagno  
Lt. Governor

Bob Martin  
Commissioner

JAN 23 2014

Mr. Michael Haydinger  
FMG Glassboro Pharmacy Associates LLC  
78 Main Street  
Marlton, NJ 08053

Re: Walgreens/Auto Magic  
201 224 Delsea Drive  
Glassboro, NJ  
Block 15, Lots 1-4  
SRP PI: 005443

Dear Mr. Haydinger:

The New Jersey Department of Environmental Protection (Department) is charged with responding to the release or threatened release of hazardous substances and with enforcing the requirements of the Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.), the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.) and the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.). Enclosed is a copy of an Unknown Source Investigation (USI) Summary completed by the Bureau of Environmental Measurements and Site Assessment (BEMSA) documenting the release of hazardous substances at the above noted site.

#### CASE SUMMARY

Ground water samples collected from three monitoring wells located on the Glassboro Intermediate School property revealed benzene as high as 930 ppb, toluene as high as 9,900 ppb, ethylbenzene as high as 1,700 ppb and total xylenes as high as 9,300 ppb. It was determined that this contamination was the result of an off site source. In April 2013, BEMSA collected ground water samples from the Walgreens property, which was formerly occupied by Auto Magic, and found similarly high levels of these contaminants in ground water.

Based on the information gathered during the USI, the site has been determined to be one of two sources of the ground water contamination found on the Glassboro Intermediate School property. The other source identified was the former Rt. 322/Clayton Citgo site located at 201 Delsea Drive, PI # 004601.

Due to concerns that light non-aqueous phase liquid contamination remains on site, it is necessary that additional remedial measures be conducted to prevent continued impacts to ground water at the nearby school property.

Since a Remedial Action Outcome was previously issued for several areas of concern for the Auto Magic site, you should contact the Bureau of Inspection and Review regarding this matter at 609-633-1479.

Please contact me at 609-530-2457 if you have questions regarding this correspondence.

Sincerely,



Frank Sorce  
Bureau of Environmental Measurements  
and Site Assessment

c: Myrna Campion, NJDEP, Bureau of Inspection and Review  
Patrick Nocera, Arecon Ltd.

Enclosure



State of New Jersey

Department of Environmental Protection  
Site Remediation Program  
Bureau of Environmental Measurements and Site Assessment  
380-01  
PO Box 420  
Trenton, New Jersey 08625-0420  
(609) 530-2474

CHRIS CHRISTIE  
Governor

Kim Guadagno  
Lt. Governor

Bob Martin  
Commissioner

JAN 23 2014

Mr. Alex Prakhim  
ARFA Oil Enterprises Inc.  
4350 Haddonfield Road  
Pennsauken, NJ 08109

Re: Route 322 Gulf/Clayton Citgo  
201 Delsea Drive  
Glassboro, NJ  
Block 15, Lots 4  
SRP PI: 004601

Dear Mr. Prakhim:

The New Jersey Department of Environmental Protection (Department) is charged with responding to the release or threatened release of hazardous substances and with enforcing the requirements of the Spill Compensation and Control Act (N.J.S.A. 58:10-23 et seq.), the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.) and the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.). Enclosed is a copy of an Unknown Source Investigation (USI) Summary completed by the Bureau of Environmental Measurements and Site Assessment (BEMSA) documenting the release of hazardous substances at the above noted site.

#### CASE SUMMARY

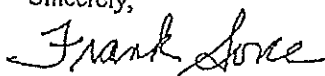
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Based on the information gathered during the USI, the site has been determined to be one of two sources of the ground water contamination found on the Glassboro Intermediate School property. The other source identified was the former Auto Magic site located at 201 223 Delsea Drive, PI # 005443.

Due to concerns that light non-aqueous phase liquid contamination remains on site, it is necessary that additional remedial measures be conducted to prevent continued impacts to ground water at the nearby school property.

Please contact me at 609-530-2457 if you have questions regarding this correspondence.

Sincerely,



Frank Sorce  
Bureau of Environmental Measurements  
and Site Assessment

c: Maria Campoverde, NJDEP, Bureau Case Assignment and Initial Notice  
Myma Campion, NJDEP, Bureau of Inspection and Review

Enclosure



**Pudelko, Walter S.**

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**From:** Kevin M. Kinsella <KKINSELLA@decotiislaw.com>  
**Sent:** Tuesday, September 09, 2014 10:16 AM  
**To:** Pudelko, Walter S.; Edward Hamilton; Dudley Warner  
**Cc:** William Harla  
**Subject:** FW: Glassboro Intermediate School  
**Attachments:** 63140\_005443\_LSD110003\_1\_00\_RAOletter.pdf

Gentlemen – Please see the below response from Frank Source ... I asked Frank to please follow up with me after he has his call with the LSRP on Thursday.

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**From:** Frank Sorce [<mailto:Frank.Sorce@dep.nj.gov>]  
**Sent:** Tuesday, September 09, 2014 9:33 AM  
**To:** Kevin M. Kinsella  
**Subject:** Glassboro Intermediate School

Mr. Kinsella,

I received your letter regarding the ground water contamination beneath the school. Attached is a copy of the RAO issued to Walgreens/Auto Magic. The information regarding the tank removal and remedial activities at the site are attachments in the Unknown Source Investigation (USI) Summary. This report is too large to send via email. I will send a copy of the USI to you via UPS next day air for receipt tomorrow.

Since an RAO was issued to Walgreens in 2011, I am working with the LSRP to have him perform additional studies regarding the ground water contamination. I have a call scheduled for this Thursday with the LSRP to get an update on the status of the additional work performed. The LSRP for the Rt. 322 Gulf is conducting a ground water study independently. I am not monitoring that situation since they are currently in compliance. I understand they installed monitoring wells on the site over the summer. NJDEP is awaiting a submittal of their findings.

*Frank Sorce*  
*Bureau of Environmental Measurements and Site Assessment*



*arecon ltd.*

Environmental Consulting  
Engineering and Design  
Project Management

MR. MICHAEL HAYDINGER  
FIRST MONTGOMERY GROUP GLASSBORO PHARMACY ASSOCIATION, LLC.  
78 E. MAIN STREET  
MARLTON, NJ 08053

NOVEMBER 23, 2011

RE: RESPONSE ACTION OUTCOME

REMEDIAL ACTION TYPE: *UNRESTRICTED USE*

SCOPE OF REMEDIATION: *AREAS OF CONCERN: AOC-1 (VOC CONTAMINATED SOIL), AOC-2 (1,000 GALLON GASOLINE UST, AOC-3 (550 GALLON WASTE OIL UST), AOC-4 (HYDRAULIC LIFT) AND NO OTHER AREAS*

CASE NAME: *AUTO MAGIC*

ADDRESS: *201 N. DELSEA DRIVE*

MUNICIPALITY: *GLASSBORO*

COUNTY: *GLOUCESTER*

BLOCK: *15 LOT: 1, 2, 3, & 4*

PREFERRED ID: *005443*

COMMUNICATION CENTER #: *09-08-18-1513-56*

WELL PERMIT #: *P200907991, P200907992, E201102663*

DEAR MR. HAYDINGER:

As a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey, I hereby issue this Response Action Outcome for the remediation of the area(s) of concern specifically referenced above. I directly oversaw and supervised all of the referenced remediation and personally reviewed and accepted all of the referenced remediation and based upon this work, it is my professional opinion that this remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites -N.J.A.C. 7:26C-6.2(c), that is protective of public health, safety and the environment and full payment has been made for all Department fees and oversight costs pursuant to N.J.A.C.7:26C-4.

This remediation includes the completion of a Remedial Investigation and Remedial Action as defined pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E).

My decision in this matter is made upon the exercise of reasonable care and diligence and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time these professional services are performed.

As required pursuant to N.J.A.C. 7:26C - three electronic copies of all records related to the remediation activities that occurred at this location is being simultaneously filed with the New Jersey Department of Environmental Protection (Department). These records contain all information upon which the decision was based to issue this Response Action Outcome.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B-13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome.

**CONDITIONS**

Pursuant to N.J.S.A. 58:10B-12o, First Montgomery Group and any other person who is liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. shall inform the Department in writing within 14 calendar days of when its name or address changes. Any notices you submit pursuant to this paragraph shall reference the above case numbers and shall be sent to: New Jersey Department of Environmental Protection, Bureau of Case Assignment and Initial Notice – Case Assignment Section, P.O. Box 434, Trenton, N.J. 08625.

## NOTICES

### Well Decommissioning

Pursuant to N.J.S.A. 58:4A, any monitoring wells remaining onsite shall be properly decommissioned after the acceptance of the Remedial Investigation Report by the Department, as confirmed by Mr. Maurizio Migliarino. A New Jersey licensed well driller shall decommission the wells in accordance with the requirements of N.J.A.C. 7:9D-3.1 (et seq.) and submit the decommissioning report on your behalf to the Bureau of Water Systems and Well Permitting. More information about regulations regarding the maintenance and decommissioning of wells in New Jersey can be found at <http://www.nj.gov/dep/watersupply/> For a list of New Jersey licensed well drillers, click on the "reports" button in the left column and select "access the well permit reports." Questions can be emailed to [wellpermitting@dep.state.nj.us](mailto:wellpermitting@dep.state.nj.us).

### Building Interiors Not Addressed

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.

### Contamination Remains On-Site due to Off-site Contamination

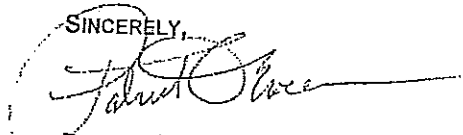
Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a Preliminary Assessment (PA) and Site Investigation (SI) (as applicable), pursuant to N.J.A.C. 7:26E-3, and completion of a background investigation pursuant to N.J.A.C. 7:26E-3.7(g), there is no onsite contribution to this contamination and I have confirmed the source of this contamination is from offsite. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number 04-12-27-1229-24. This ground water contamination is being addressed under Department Program Interest #004601.

In concluding that this remediation has been completed, I am offering no opinions concerning whether either primary restoration (restoring natural resources to their pre-discharge condition) or compensatory restoration (compensating the citizens of New Jersey for the lost interim value of the natural resources) has been completed.

Pursuant to N.J.S.A. 58:10C-25, the Department may audit this Response Action Outcome and associated documentation up to three years following issuance. Based on a finding by the Department that a Response Action Outcome is not protective of public health, safety and the environment, the Department can invalidate the Response Action Outcome. In addition, a Department audit following issuance of this document may be initiated at any time if: a) undiscovered contamination is found that should have been addressed by the Response Action Outcome, b) if the Licensed Site Remediation Professional Board conducts an investigation of the Licensed Site Remediation Professional issuing the Response Action Outcome or, c) if the license of that person is suspended or revoked.

Thank you for your attention to these matters. If you have any questions, please contact me at 609-298-0770.

SINCERELY,



PATRICK NOCERA,  
LICENSED SITE REMEDIATION PROFESSIONAL # 509884



- c: Gloucester County Department of Health and Senior Services  
Glassboro Health and Housing Department  
Mr. Leo McCabe, Mayor  
Ms. Patricia A. Frontino, Municipal Clerk  
NJDEP Bureau of Case Assignment and Initial Notice

