

**Pudelko, Walter S.**

DEP ①  
3/26/14 - mtg.

**From:** Pudelko, Walter S.  
**Sent:** Friday, February 21, 2014 10:30 AM  
**To:** Robert S. Guzek (rguzek@parkermccay.com)  
**Cc:** Silverstein, Mark; Frank Cavallo; 'Pete Calvo'  
**Subject:** FW: GIS and DEP

Robert,

I have reviewed Dudley Warner's summary below and as a result have the following comments/concerns.

As we already know, remediation of the fuel oil, in lieu of capping/providing a deed restriction is a far more lucrative option for our LSRP, French & Parrello. Can we truly rely upon F&P to look out for our best interests if it jeopardizes their business opportunities?

Before we begin to commit significant tax payer resources to remediation, are we not entitled to know who will be responsible and when will the gasoline contamination be fully remediated? Clearly the gasoline contamination poses a far greater threat to the students and staff of the Intermediate School than does to fuel oil. This can be confirmed by the immediate response by the DEP to do the vapor intrusion testing. In addition, in my opinion, I feel that we are entitled to a complete explanation as to how the gasoline could be left in the ground for all of these years when the DEP was fully aware of prior remediation attempts as well as the shifting of property ownership on two occasions.

In summary, since we have a high level of gasoline contamination on our property that could pose a risk to students and staff, have we reached a point where we need to consider legal action as a remedy? Particularly in light of the fact that there are potentially numerous responsible (or should I say irresponsible) parties, inclusive of the DEP.

Walt.

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**From:** Dudley Warner [mailto:Dudley.Warner@FPAengineers.com]  
**Sent:** Thursday, February 20, 2014 8:52 AM  
**To:** Pudelko, Walter S.  
**Cc:** Robert S. Guzek; Edward Hamilton  
**Subject:** GIS and DEP

Walter,

I had a conversation yesterday with the 3 gents from NJDEP. We discussed the follow-up items from our meeting last month.

I provide the following summary:

- 1 DEP looked into capping the EPH concentrations beneath the school. However, since several of the sample concentrations exceed 8000 ppm, DEP would not agree to capping as an effective remediation. So we can consider this scenario down the road, if for instance, we were to inject and had residual concentrations between the cleanup action level of 5100 ppm and 8000 ppm.

- 2 Our remedial strategy, as we discussed, still remains as injections. However, DEP did not have  
3 advice for how best to proceed in light of the gasoline presence and its impact on our remediation.  
4 I updated DEP about my conversations with 2 LSRPs from adjacent sites. Since both sites do not  
5 have plans to investigate GIS at this time, NJDEP will proceed with a second indoor air/soil gas  
6 survey at the cost of the state (for now). DEP would like to perform the study during heating  
season, so Walter please take a look at your school calendar and let me know ASAP of a preferred  
date (ie vacation day) between now and March 31.
- 4 DEP will again reach out to both offsite responsible parties and LSRPs with a bit more vigor and  
concern about remaining contamination. It sounds like they will be asking Mr. Nocera from the  
Walgreens site to withdraw his RAO.
- 5 DEP seems to think the DOT site is in compliance at this time? Not sure I agree. We would need to  
perform an NJDEP file review ( I recommend for both sites) to see where or when DOT dropped the  
ball, if that's the case.
- 6 Since it appears that the finger pointing may continue, I recommend we prepare a Preliminary  
Assessment (PA) for the GIS site. Assuming there are no historical gasoline or other environmental  
areas of concern at the GIS site, except the fuel oil tank, then the PA will show without a doubt that  
the gasoline issue is not from our site. As part of the PA process we will also perform a file review  
of DEP records for both adjacent sites. FPA will prepare a scope of work and cost estimate to  
prepare the PA.

Please give this some thought and we should speak again early next.

Regards,

C. Dudley Warner, III LSRP

Vice President

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