Clean Ocean Action

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Ocean Advocacy Since 1984

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March 6, 2009

Kara Turner
NJ Department of Environmental Protection
Division of Land Use Regulation
401 East State Street
Trenton, NJ 08625

RE: Federal Consistency for Fort Monmouth Landfill Stabilization Permits

VIA: EMAIL AND FAX

Dear Ms. Turner;

Clean Ocean Action (COA) is a broad-based coalition of 125 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups and also represents concerned citizens and businesses. Our goal is to improve the degraded water quality of the marine waters off the New Jersey/New York coast. COA has reviewed General #4 and Flood Hazard Area permit applications for landfill stabilization at Fort Monmouth and has several environmental and public health concerns about how and what remediation efforts will occur.

COA cannot support these stabilization permits, until a comprehensive remediation and containment plan for the landfills and surrounding impacted areas is in place. The proposed piece-meal permitting process is like putting a band-aid on a festering wound and expecting it to heal. A strong environmental policy that protects coastal waters and the public health is needed for Fort Monmouth's closure process to ensure proper remediation for now and in the future. The landfill sites are also located in flood areas that are vulnerable to predicted rising sea level and inundation,[1] which needs to be anticipated in the plan. In the meantime, COA supports an immediate, temporary "containment" system to reduce erosion effects in the short term to allow the swift implementation of actions to address the issues below.

COA requests documentation of the formal and proper closure of the landfills. Background information on the closure status of the landfills and their classifications are not available in the permits. The U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth states that "Most of the disposal sites

[1] USEPA 2009. Coastal Sensitivity to Sea Level Rise: A Focus on the Mid-Atlantic Region. US Climate Change Program, Synthesis and Assessment Product 4.1 http://www.epa.gov/climatechange/effects/coastal/sap4-1.html

were out of use by the 1960s to early 1970s, with one in use (M-8) until approximately 1981" and does list closure dates.[2] However, on page 4-22, the report states "The incinerator operated until 1990. The incinerator ashes were taken to the FTMM landfills, such as Landfill M-8." Did disposal of these ashes still occur at FTMM landfills from 1981 to 1990? Did any remediation or covering occur when these sites were listed as closed? Do these sites also comply with the US Environmental Protection Agency's landfill and solid waste regulations?

COA is concerned about the long-term lack of containment of these landfills, given the high levels of contamination identified within and lack of regulation in the past of disposed materials.[3] For example, the following items have been reported to have been disposed at the M-8 landfill: scrap metal, asbestos containing materials, vegetative waste, unwashed containers which previously held hazardous materials/wastes, outdated photographic chemicals, small quantities of outdated drugs, sludge from the sewage treatment plant, soot and boiler scale, incinerator ash, oil spill debris, oil filters, batteries, fluorescent tubes, and electronic components. Similar such items were disposed at the other landfills as well. Benzene and chlorobenzene were detected at levels above NJDEP ground water criteria in multiple down gradient wells from the M-8 landfill. Metals such as lead and aresenic were detected above ground water criteria downstream the M-2 landfill. Trichloroethane and tetrachloroethane were above surface water criteria near M-2, and PCBs were also documented in soil samples of M-2 and M-8.

These landfill sites have had minimal soil covering and are located along streambanks in flood areas with shallow groundwater tables that fluctuate with tides. Therefore, water inundates the soil during flooding and rain events and likely leaches out contaminants as it passes into the waterways from these sites. In addition, extensive erosion has occurred along these sites. The General Permit #4 highlights the ineffectiveness of soft-scaping efforts stating that "the biologs have since disappeared and virtually all of the original plantings associated with the biologs are absent."

And yet, no testing of sediments in the nearby creeks has been conducted to assess whether contamination from leaching and erosion of landfill sites has occurred or is proposed as part of Fort Monmouth's remediation efforts. While the proposed remediation activities in these permits may not necessarily "destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species (N.J.A.C. 7:7A-4.3)," pollution from these landfills already could have accumulated in the food chain and could be negatively impacting fish and endangered species, such as bald eagles that have foraging habitat in the region. We strongly encourage the NJDEP to require an investigation of nearby creeks and streams and the remediation of contaminated sediments where identified.

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[2] U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth Monmouth County, New Jersey Final 29-January-2007 http://www.monmouth.army.mil/C4ISR/ecp/FortMonmouthECPJan-07Final.pdf

[3] U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth Monmouth County, New Jersey Final 29-January-2007 http://www.monmouth.army.mil/C4ISR/ecp/FortMonmouthECPJan-07Final.pdf

In addition to past contamination of sediments, the stabilization design plans must include methods for containment of landfill materials, soils, and sediments during and after stabilization. COA supports efforts to control pollution from occurring during grading of banks and installation of rip rap. Turbidity barriers are described in the General #4 permit, and sediment and pollution control measures are also mentioned in the Environmental Report. However, the Engineering Design Report included in the permits omits these pollution control measures. The NJDEP must ensure that these controls are used for consistency with the NJDEP's Water Quality Management Plan and rules as well as Sediment Control Standards. Stabilization efforts should also require lining to prevent contaminant leaching in addition to the proposed geotechnical fabric, as the landfills do not have any containment lining.

Any potential up or downstream effects of installing riprap or removing the concrete rubble that could lead to shore instability should be identified and minimized.

The capping permits for the site are not currently available. However, the capping and stabilization process need to be considered as a whole to be carried out effectively. These permits refer to the eventual landfill capping of 12 inches of clean topsoil. This is not consistent with N.J.A.C. 7:26-2A.7(i) regulations for sanitary landfills which require a cover of 2 feet and that is "designed and constructed to minimize long term infiltration and percolation of liquid into the sanitary landfill throughout the closure and post-closure periods." Even if these regulations do not apply to these landfill sites, the NJDEP has a responsibility to protect the environment from pollution and should require these capping provisions that prevent leaching of contaminants. It is also critical that the stabilization measures are capable of withstanding this larger and impermeable capping requirement. Also, removal of areas with highly contaminated soils and materials prior to capping is necessary to reduce potential pollution.

COA is aware that this area is intended for passive recreational use in the future. The ecological and human health risks of these sites and adjacent streams needs to be assessed by NJDEP. Effective remediation of these landfill sites and surrounding impacted areas must occur to reduce identified dangers to the aquatic life and the public.

In conclusion, these permits should not be approved until there is a comprehensive remediation for landfills at Fort Monmouth that should include the following for consistency with New Jersey Coastal Management regulations. Highly contaminated soils and materials need to be removed from these landfills. Impermeable and sufficient capping material and stabilization efforts need to be coordinated to be effective. Stabilization efforts must include additional containment measures to prevent leaching of contaminants. Sediments in streams need to be assessed for contamination and dredged where necessary. Once these actions are taken, the final bank stabilization and capping can take place. In the meantime, a temporary containment system can be implemented to address erosion of the landfill sites in the short term.

A written response to these comments is requested.

Sincerely,

Heather Saffert, Ph.D.
Staff Scientist

Cc: Representative Rush Holt
Representative Frank Pallone
Ed Dlugosz
Tom Mahedy
Fort Monmouth Restoration Advisory Board