

Participating Organizations

Alliance for a Living Ocean
American Littoral Society
Arthur Kill Coalition
Asbury Park Fishing Club
Bayberry Garden Club
Bayshore Regional Watershed Council
Bayshore Saltwater Flyrodders
Belford Seafood Co-op
Belmar Fishing Club
Beneath The Sea
Bergen Save the Watershed Action Network
Berkeley Shores Homeowners Civic Association
Cape May Environmental Commission
Central Jersey Anglers
Citizens Conservation Council of Ocean County
Clean Air Campaign, NY
Coalition Against Toxics
Coalition for Peace & Justice/Unplug Salem
Coast Alliance
Coastal Jersey Parrot Head Club
Communication Workers of America, Local 1034
Concerned Businesses of COA
Concerned Citizens of Benshoehurst
Concerned Citizens of COA
Concerned Citizens of Montauk
Concerned Students and Educators of COA
Eastern Monmouth Chamber of Commerce
Fisher's Island Conservancy
Fishermen's Conservation Association, NJ Chapter
Fishermen's Conservation Association, NY Chapter
Fishermen's Dock Cooperative, Pt. Pleasant
Friends of Island Beach State Park
Friends of Liberty State Park, NJ
Friends of the Boardwalk, NJ
Garden Club of Englewood
Garden Club of Fair Haven
Garden Club of Long Beach Island
Garden Club of RFD Middletown
Garden Club of Morristown
Garden Club of Navesink
Garden Club of New Jersey
Garden Club of New Vernon
Garden Club of Oceanport
Garden Club of Princeton
Garden Club of Rumson
Garden Club of Short Hills
Garden Club of Shrewsbury
Garden Club of Spring Lake
Garden Club of Washington Valley
Great Egg Harbor Watershed Association
Green Party of Monmouth County
Green Party of New Jersey
Highlands Business Partnership
Holly Club of Sea Girt
Hudson River Fishermen's Association
Jersey Shore Captains Association
Jersey Shore Parrot Head Club
Jersey Shore Running Club
Junior League of Monmouth County
Keypoint Environmental Commission
Kiwans Club of Manasquan
Kiwans Club of Shadow Lake Village
Leonardo Party & Pleasure Boat Association
Leonardo Tax Payers Association
Main Street Wildwood
Mantoloking Environmental Commission
Marine Trades Association of NJ
Monmouth Conservation Foundation
Monmouth County Association of Realtors
Monmouth County Audubon Society
Monmouth County Friends of Clearwater
National Coalition for Marine Conservation
Natural Resources Protective Association, NY
NJ Beach Buggy Association
NJ Commercial Fishermen's Association
NJ Environmental Federation
NJ Environmental Lobby
NJ Main Ship Owners Group
NJ Marine Education Association
NJ PIRG Citizen Lobby
Nottingham Hunting & Fishing Club, NJ
NYC Sea Gypsies
NY State Marine Education Association
NY/NJ Baykeeper
Ocean Wreck Divers, NJ
PaddleOut.org
Piscataway Saltwater Sportsmen Club
Raritan Riverkeeper
Religious on Water
Riverside Drive Association
Rotary Club of Long Branch
Rotary District #7510-Interact
Saltwater Anglers of Bergen County
Sandy Hook Bay Anglers
Save Barnegat Bay
Save the Bay, NJ
SEAS Monmouth
Seaweeders Garden Club
Shark Research Institute
Shark River Cleanup Coalition
Shark River Surf Anglers
Shore Adventure Club
Sierra Club, NJ Shore Chapter
Sisters of Charity, Maris Stella
Sons of Ireland of Monmouth County
Soprastimist Club of Cape May County
South Jersey Dive Club
South Monmouth Board of Realtors
Staten Island Tuna Club
Strathmere Fishing & Environmental Club
Surfers' Environmental Alliance
Surfrider Foundation, Jersey Shore Chapter
TACK I, MA
Terra Nova Garden Club
Three Harbors Garden Club
Unitarian Universalist Congregation/Monmouth Cnty.
United Boaters of NY/NJ
Village Garden Club
Volunteer Friends of Boaters, NJ
WATERSPIRIT
Women's Club of Brick Township
Women's Club of Keypoint
Women's Club of Long Branch
Women's Club of Merchantville
Women's Club of Spring Lake
Women Gardeners of Ridgewood
Zen Society



Ocean Advocacy
Since 1984

Clean Ocean Action

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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 arsenic 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 biologists have since disappeared and virtually all of the original plantings associated with the biologists 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.

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,

A handwritten signature in cursive script that reads "Heather Saffert".

Heather Saffert, Ph.D.
Staff Scientist

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