

**Maurice River Township
Sapello Foundry Cleanup Grant
November 15, 2011**

Threshold Criteria for Cleanup Grants

1. Applicant Eligibility

- a. The Maurice River Township is a General Purpose Unit of Local Government.
- b. Site Ownership
The site is solely owned by the Township of Maurice River. The Township acquired the property on December 13, 2001 as a result of tax foreclosure.

2. Letter from the State

See attached letter from the State of New Jersey Department of Environmental Protection (NJDEP).

3. Site Eligibility and Property Ownership Eligibility

a. Basic Site Information

Name of Site: Sapello Foundry Site

Address and Zip Code: 65 Broadway Street, Township of Maurice River, NJ 08237

Current Owner: Township of Maurice River

b. Status and History of Contamination at the Site

- (a) The site is contaminated by hazardous substances.
- (b) *Operational History and Current Use:* The site was developed for use as an iron pump manufacturing foundry by Dale P. Sapello as early as 1930. Site improvements associated with the on-site foundry included four (4) masonry block and sheet metal buildings which currently remain in the north portion of the site. The remaining portions of the site historically did not contain any site improvements. Foundry operations continued at the Site until as late as 1993 and the site has been vacant since then. It is currently overgrown with vegetation. Remnants of former site operations including two warehouse buildings, a storage building and an office building are present in the northern portion of the site. A large sand casting disposal area occupies the central portion of the site. The southern portion of the site is densely wooded. With the exception of the vacant structures on site, the property consists entirely of pervious surfaces.
- (c) *Environmental Concerns:* Assessments and investigations of the site conducted to date identified twenty-six Areas of Concern (AOCs) in connection with the site. Results of the investigation suggest that no further action is required for twelve of the twenty-six identified AOCs. Two priority cleanup AOCs have been identified based on potential direct contact threats. These include a sand casting waste pile and drum storage areas. The sand casting waste pile that encompasses an approximate 54,375 square foot area. Materials encountered during investigation of the sand casting waste pile included miscellaneous metallic debris, chemically-altered black sandy material, a large piece of concrete, sheet metal, a round metal object, powdery white material, rubber and a metal cable. Approximately 150, 55-gallon drums are located in the four drum storage areas identified on site. Some of the drum contents are open to the environment. The drums are in varying conditions and leaking has been observed in several locations.
- (d) *Nature and Extent of Contaminates:* Lead, naphthalene, nickel, several polynuclear aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs) were identified in soil at concentrations exceeding their respective Residential Direct Contact Soil

Remediation Standard (RDSCRS) and/or Non-Residential Direct Contact Soil Remediation Standard (NRDCRS) for soil samples collected to investigate the above outlined priority cleanup areas. In addition, total chromium was reported at a concentration exceeding the hexavalent chromium Non-Residential Soil Cleanup Criteria (SCC).

c. Sites Ineligible for Funding

This site is (a) not listed or proposed for listing on the National Priorities List; (b) is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and (c) is not subject to the jurisdiction, custody or control of the United States government.

d. Sites Requiring a Property Specific Determination

This site does not require a property specific determination.

e. Environmental Assessment Required for Cleanup Proposals

The Township of Maurice River received a New Jersey Department of Environmental Protection (NJDEP) Hazardous Discharge Site Remediation Fund (HDSRF) grant in 2002 to conduct a Preliminary Assessment (PA) and Site Investigation (SI) of the Sapello Foundry property. CMX conducted a PA of the subject site on behalf of the Township of Maurice River in accordance with N.J.A.C. 7:26E, Sections 3.1 and 3.2. This report is equivalent to a Phase II site assessment.

f. CERCLA 107 Liability

The Township of Maurice River is not potentially liable for contamination at the Sapello Foundry under CERCLA 107 under the bonafide prospective purchaser liability protection. As required by the regulations:

- All disposal of hazardous substances at the site occurred before acquisition by MRT
- MRT does not have, nor did it have, any affiliation with the parties responsible for the contamination
- MRT has been diligent in securing the site to prevent future releases and exposures

g. Enforcement of Other Actions

There are no ongoing or anticipated enforcement actions related to this site. MRT is not aware of any party, federal, state, or city orders regarding responsibility of any party for the contamination of hazardous waste at this site.

h. Information on Liability and Defenses/Protections

i) Information on the Property Acquisition

MRT acquired the property through involuntary means (tax foreclosure) on December 13, 2001 by fee simple title. The site was acquired from Dale P. Sapello. There was no prior familial, contractual, corporate, or financial relationship or affiliations with PREVIOUS OWNER or any other previous owner or operator (or other potentially responsible party) of the property (including the person or entity from which MRT acquired the property).

ii) Timing and/or Contribution Toward Hazardous Substances Disposal

All disposals of hazardous substances at the site occurred prior to the acquisition by MRT. MRT did not cause or contribute to any release of hazardous substances at the site and at no time arranged for disposal of hazardous substances at the site or transported hazardous substances to the site.

iii) Pre-Purchase Inquiry

There were no site assessments performed prior to the Township taking ownership by tax foreclosure in 2001.

iv) Post-Acquisition Uses

The site has been vacant since MRT acquired the site. There have been no post-acquisition uses.

v) Continuing Obligations

MRT has taken reasonable steps to stop any continuing releases and/or prevent any future threatened releases. The entrance of the property has a fence and locked gate. There is DEP regulated signage that warns the site is a potential hazardous substance area and there are no trespassing signs. In addition, New Jersey State Police patrol the area frequently. MRT has and will continue to comply with all land-use restrictions and institutional controls; assist and cooperate with those performing cleanup and provide access to the site; comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; provide all legally required notices.

i. Petroleum Sites – Not Applicable

4. Cleanup Authority and Oversight Structure

a. Cleanup Oversight

The cleanup will be managed by Environmental Professionals licensed by the State of New Jersey to provide site remediation consulting services. The Site Remediation Reform Act (SRRA) signed into law by Governor Corzine on May 7, 2009, which also amends the Brownfield and Contaminated Sites Act, contains a provision at Section 30a which establishes an affirmative obligation on persons to remediate any discharge for which they would be liable pursuant to the Spill Compensation and Control Act. As such, the “voluntary cleanup program” has been eliminated. Section 30b also requires persons conducting a remediation to proceed through the process without waiting for New Jersey Department of Environmental Protection (NJDEP) approvals, unless otherwise directed by the NJDEP. To assist the regulated community in understanding what is required to comply with the Site Remediation Program process and laws, the Act establishes a Licensed Site Remediation Professional (LSRP) Program that will result in the licensing of LSRPs who will supervise the day-to-day operations associated with site cleanups. The Township will retain the services of a LSRP to supervise day-to-day site remediation operations. Linda Costello, MRT Deputy Municipal Clerk will act as the Project Director and will oversee cleanup planning and activities, ensuring that all required reports are submitted to the EPA. Ms. Costello brings more than 19 years of experience in managing complex municipal projects and in bringing stakeholder groups together to move municipal projects forward. A minimum of 3 bids for technical expertise will be solicited (consistent with 40 CFR Part 30) for cleanup of the site.

b. Cleanup Response Activities

Most likely, access to neighboring properties will not be needed. However, if access is needed, MRT will make every attempt to voluntarily obtain an access agreement for each site in private ownership. If the owners cannot be located or will not sign an access agreement, the Township may legally gain entry to the property through local public health ordinances. This will be used only as the last resort to gain access. Township officials will make every attempt to voluntarily gain access to the site.

5. Cost Share

a. Statutory Cost Share

i) Funding for Required Cost Share

MRT will meet the required 20% cost share (\$40,000) through a combination of grants (Hazardous Discharge Site Remediation Fund, New Jersey Environmental Infrastructure Trust, etc.), in kind services and cash match.

ii) Hardship Waiver – Not Applicable

6. Community Notification

Analysis of Brownfields Cleanup Alternatives (ABCA)

Community Notification (Copy of Ad)

Summary of Brownfields Comments and Response

Community Meeting Notes

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