

JOSH GOTTHEIMER

5TH DISTRICT, NEW JERSEY

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Congress of the United States  
House of Representatives  
Washington, DC 20515-3005

October 12, 2018

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The Honorable Catherine McCabe  
Commissioner  
New Jersey Department of Environmental Protection  
401 E. State St.  
7th Floor, East Wing  
P.O. Box 402  
Trenton, NJ 08625

Dear Commissioner McCabe:

On August 20, 2018, I wrote to request that the New Jersey Department of Environmental Protection (DEP) test the soil at a property on Silver Spruce Drive in Vernon Township, at which the property owner has engaged in dumping of what residents believe to be solid waste. On October 3, 2018, I received a response from then-Acting Commissioner Kathleen Frangione stating that “the DEP generally does not regulate fill material that does not contain solid wastes and/or is contaminated below certain standards unless it is placed on regulated land areas, such as wetlands, flood hazard areas or other identified areas.”

Acting Commissioner Frangione said that DEP’s review of the waste pile on Silver Spruce Drive “indicates it is not mixed with solid waste” and “does not appear to be contaminated above the DEP’s soil remediation standards,” based on multiple site inspections since 2014 “with staff from four different programs.” However, the letter indicates that DEP “will respond accordingly... if more information about the existing onsite fill becomes available...”

Attached are the results of testing conducted by Agra Environmental and Laboratory Services (AELS) at 1 Silver Spruce in Vernon, a property adjacent to the waste pile at 3 Silver Spruce Drive. AELS met with the owner of 1 Silver Spruce Drive, Mr. Eric Gorovy, on August 15, 2018. From the side of the waste pile, Mr. Gorovoy and AELS observed a constant stream of water running out of the pile onto the driveway at 1 Silver Spruce Drive and beyond into adjacent wetlands. These wetlands eventually run into Lake Wallkill, and concerned residents of Lake Wallkill previously wrote to DEP on May 26, 2018, and received a response from Michael Hastry, DEP Director of Waste Enforcement, on June 1, 2018.

AELS sampled the water stream for metals, volatile organic compounds, nitrates, conductivity, and pH. The sample had high levels of iron and manganese, which can be found naturally in groundwater. It also had high conductivity, which is also indicative of a groundwater source. However, the sample results demonstrated an alarming level of lead in the water: 78.6 micrograms per liter, far above the New Jersey groundwater site remediation standard of 5

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65 HARRISTOWN ROAD  
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GLEN ROCK, NJ 07452  
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RINGWOOD, NJ 07456  
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21 CHURCH STREET  
VERNON, NJ 07462  
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WASHINGTON BOROUGH  
100 BELVEDERE AVENUE  
WASHINGTON BOROUGH, NJ 07882  
PHONE (201) 389-1100

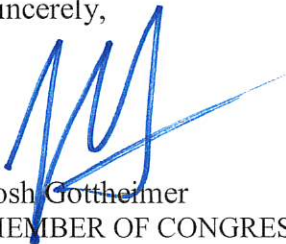
micrograms per liter. Lead is not typically found in groundwater or surface water sources; rather, it generally indicates corrosion of various pipe material.

Because of the elevated level of lead in the water running from the waste pile into adjacent wetlands, I again join Mayor Harry Shortway and many concerned residents of Vernon in calling for discrete core soil sampling at 3 Silver Spruce Drive, as well as monitoring wells around the property to determine impact to groundwater. AELS' test results constitute "more information about the existing onsite fill," and they therefore merit a more thorough DEP investigation of the waste pile. Additionally, we must ensure the runoff of the waste pile does not drain into residents' drinking water or into one of the most environmentally important parts of our state, the Highlands Region. The residents of Vernon deserve to know that the water in their town is safe for their children and families.

Acting Commissioner Frangione's response also acknowledges "brick and block" and "possible trace amounts of asphalt" in the waste pile, but dismisses this material as "de minimis" in quantity. I respectfully request more information on the methodology DEP used to determine that the amount of construction waste in the pile is de minimis, particularly if minimal physical testing was conducted.

I look forward to your response to this matter, and to partnering with DEP to protect the health and safety of Vernon families and children.

Sincerely,



Josh Gottheimer  
MEMBER OF CONGRESS

CC: Governor Philip Murphy  
Mayor Harry Shortway  
Council President Jean Murphy  
Council Vice President Dan Kadish  
Councilman John Auberger  
Councilwoman Sandra Ooms  
Councilman Mark Van Tassel  
Senator Steve Oroho  
Assemblyman Parker Space  
Assemblyman Harold Wirths



Environmental and Laboratory Services  
 90 1/2 West Blackwell St., Dover, New Jersey 07801  
 (973) 989-0010 P, (973) 989-0156 F

## Analytical Results

Date: September 4, 2018

Client: Eric Gorovoy  
 Address: 1 Silver Spruce  
 Vernon, NJ 07462

Sample description: Ground Water / 18081625-01  
 Sample location: Roadway Runoff from 3 Silver Spruce Dirt Pile  
 Sampled by: M. Furrey  
 Sample date: 08/15/18  
 Time: 17:15  
 Analyst: J. Filan / B. Moraga / M. Schrieks / J. MacDonald

Parameter	Method	Sample Result	NJDEP Limit	Date Analyzed	Time Analyzed	Reporting Limit
VOC	EPA524.2	<0.5 µg/L	See Attached	08/17/18	02:50	0.5 µg/L
Iron	SM3111B	3.11 mg/L	0.3 mg/L	08/30/18	17:30	0.2 mg/L
Manganese	SM3111B	0.206 mg/L	0.05 mg/L	08/31/18	10:31	0.04 mg/L
Lead	SM3113B	78.6 µg/L	5 µg/L	08/30/18	01:34	20 µg/L
Nitrate	EPA300.0	6,440 µg/L	10,000 µg/L	08/17/18	05:26	500 µg/L
Conductivity	SM2510B	768 uMho/cm	--	08/16/18	14:57	5 uMho/cm
pH (1)	SM4500HB	8.5 su	6.5-8.5 su	08/15/18	--	--

µg/L = micrograms per liter  
 mg/L = milligrams per liter  
 uMho/cm = micro mhos per centimeter  
 su = standard units

Notes: (1) Analysis completed at time of collection by field sample technician

All testing was done within the required holding time.

I certify that these samples were analyzed in accordance with procedures approved by the New Jersey Department of Environmental Protection.

*Susan VanVeen*  
 Susan VanVeen, Lab Manager  
 NJ Laboratory Certification ID # 14013

*September 6, 2018*  
 Date



**Environmental and Laboratory Services**  
 90 ½ West Blackwell Street, Dover, New Jersey 07801  
 P: (973) 989-0010 F: (973) 989-0156  
 NJDEP Lab ID # 14013

**Volatile Organics USEPA Method 524.2**

Sample Name: Gorovoy – 1 Silver Spruce (Roadway Runoff)  
 Data File: DV1454  
 Date Analyzed: 08/17/18 02:50  
 Date Collected: 08/15/18 17:15

Lab ID: 18081625-01  
 Matrix: Water  
 Initial Volume: 25 ml  
 Dilution Factor: 1

CAS Number	Compound	MDL (µg/L)	Sample Concentration (µg/L)	NJDEP MCL (µg/L)	Sample Exceed MCL?	
					N	Y
71-43-2	Benzene	0.50	U	1	N	
56-23-5	Carbon Tetrachloride	0.50	U	2	N	
108-90-7	Chlorobenzene	0.50	U	50	N	
95-50-1	1,2-Dichlorobenzene	0.50	U	600	N	
541-73-1	1,3-Dichlorobenzene	0.50	U	600	N	
106-46-7	1,4-Dichlorobenzene	0.50	U	75	N	
75-35-3	1,1-Dichloroethane	0.50	U	50	N	
107-06-2	1,2-Dichloroethane	0.50	U	2	N	
75-35-4	1,1-Dichloroethene	0.50	U	2	N	
156-59-2	cis-1,2-Dichloroethene	0.50	U	70	N	
156-60-5	trans-1,2-Dichloroethene	0.50	U	100	N	
78-87-5	1,2-Dichloropropane	0.50	U	5	N	
100-41-4	Ethylbenzene	0.50	U	700	N	
75-09-2	Methylene Chloride	0.50	U	3	N	
1634-04-4	Methyl-t-butyl Ether	0.50	U	70	N	
91-20-3	Naphthalene	0.50	U	300	N	
100-42-5	Styrene	0.50	U	100	N	
79-34-5	1,1,2,2-Tetrachloroethane	0.50	U	1	N	
127-18-4	Tetrachloroethene	0.50	U	1	N	
108-88-3	Toluene	0.50	U	1000	N	
120-82-1	1,2,4-Trichlorobenzene	0.50	U	9	N	
71-55-6	1,1,1-Trichloroethane	0.50	U	30	N	
79-00-5	1,1,2-Trichloroethane	0.50	U	3	N	
79-01-6	Trichloroethene	0.50	U	1	N	
75-01-4	Vinyl Chloride	0.50	U	2	N	
95-47-6	o-Xylene	0.50	U	NA	NA	NA
108-38-3; 106-42-3	m,p-Xylene	0.50	U	NA	NA	NA
1330-20-7	Total Xylenes	0.50	U	1000	N	
<b>Total Target Concentration:</b>			<b>0</b>			

Column: RTX-624, 40m, 0.18mm, 1µm film

MDL – method detection limit

MCL – maximum contaminant limit

U – Indicates the compound was analyzed for but not detected

J – Indicates an estimated value when a compound is detected at less than the MDL

B – Indicates that the compound was also present in the method blank

  
 Susan VanVeen, Laboratory Manager  
 NJ Laboratory Certification ID # 14013

8/17/18  
 Date

# CHAIN OF CUSTODY / SAMPLE ANALYSIS REQUEST

- # Asc./HCl Vials pH: \_\_\_\_\_
- # HCl Vials pH: \_\_\_\_\_
- # Na<sub>2</sub>S<sub>2</sub>O<sub>3</sub> Cl<sub>2</sub>: \_\_\_\_\_
- # HNO<sub>3</sub> pH: \_\_\_\_\_
- # H<sub>2</sub>SO<sub>4</sub> pH: \_\_\_\_\_
- # NaOH pH: \_\_\_\_\_
- # unpreserved \_\_\_\_\_
- # other \_\_\_\_\_
- # other \_\_\_\_\_

Customer Name: ERIC GORDON report to: M. Furley  
 Address: 1 SILVER SPRUCE  
 County/Municipality: VERMONT NJ 07467  
 Phone: \_\_\_\_\_  
 Work: \_\_\_\_\_

Agra Environmental Services  
 90 1/2 West Blackwell Street  
 Dover, NJ 07801  
 Phone: (973) 989-0010  
 Fax: (973) 989-0156

Matrix Abbreviations: D - Drinking Water G - Groundwater W - Wastewater S - Soil SL - Sludge P - Pool L - Lake  
 Project: 18081625 PWSID# NJ for laboratory use only

Field ID	Lab ID	Date	Time	Grab	Comp	Matrix	# of Bottles	Preservative	ANALYSIS REQUESTED	Cl <sub>2</sub>	pH/T °C
<u>1 SILVER SPRUCE</u>	<u>ROADWAY RUNOFF</u>	<u>8/15/18</u>	<u>1715</u>						<u>VDCS</u>		<u>PIT-85</u>
	<u>FROM 3 SILVER SPRUCE DIRT PILE</u>								<u>METALS - GREEK 1CP/MS</u>		
	<u>A.A. Results</u>								<u>NITRATES 6.440 mg/L 8/17/0526 MS</u>		
	<u>Fe: 3.11 mg/L 8/30/18 1730 5M</u>								<u>CONDUCTIVITY 76.6 umhos/cm 8/16</u>		<u>1457 JIN</u>
	<u>Mn: 0.206 mg/L 8/31/18 1031 J</u>								<u>MN: 3.32 mg/L 8/19/18 1348 CF</u>		<u>1:10 ML</u>
	<u>Pb: 78.6 ug/L 8/30/18 0134 017</u>		<u>1:10</u>						<u>Fe: 44.30 mg/L 8/19/18 1137 CF</u>		<u>1:50 ML</u>
									<u>Pb: 45.3 mg/L 8/19/18 1345 CF</u>		
									<u>MS: 1.40 mg/L 8/19/18 1343 CF</u>		

State Forms Needed (circle one): Yes or No  
 NJDEP Laboratory Certification (Dover, NJ) #14013  
 NJDEP Laboratory Certification (Marlboro, NJ) #13033  
 Reporting Requirements (Check Box):  
 Cooler Temperature Upon Receipt at Lab: N/A

Sample Custody Exchanges (Please use full legal signature)

Relinquished By:	Date:	Time:	Received By:	Date:	Time:	Scanned
<u>[Signature]</u>	<u>8/15/18</u>	<u>1715</u>	<u>[Signature]</u>	<u>8/16/18</u>	<u>1325</u>	
Relinquished By:	Date:	Time:	Received By:	Date:	Time:	Date Faxed Invoice Number
Relinquished By:	Date:	Time:	Received By:	Date:	Time:	Is sample known to be hazardous? (circle one) Yes or No