Clean Ocean Action

www.CleanOceanAction.org

Ocean Advocacy
Since 1984

☐ **Main Office**
18 Hartshorne Drive, Suite 2
Highlands, NJ 07732-0505
Telephone: 732-872-0111
Fax: 732-872-8041
SandyHook@CleanOceanAction.org

☐ **South Jersey Office**
Telephone: 609-729-9262
732-872-0111
SJProgram@CleanOceanAction.org

May 27, 2009

Public Affairs Office -- EA Comments
IMNE-MON-PA, Bldg. 1207, Room G-07
Fort Monmouth, NJ 07703

Attn: Timothy Rider

RE: Final Environmental Assessment (EA) of the Implementation of Base Realignment and Closure at Fort Monmouth and the draft Finding Of No Significant Impact (FONSI)

VIA: EMAIL and MAIL

Dear Mr. Rider;

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.

The Final Environmental Assessment of the Implementation of Base Realignment and Closure at Fort Monmouth, New Jersey (EA) that reviewed the potential environmental and socioeconomic effects associated with transferring 1,126 acres of Fort Monmouth is incomplete, minimizes impacts without justification, lacks due diligence, and is arbitrary and capricious. In fact, the EA highlights environmental and public health concerns that will likely prove costly to remediate or be harmful, if ignored or if remediation is further delayed. The EA does not include the Phase 2 Environmental Condition of Property (ECP) Assessment.[1] The Phase 2 Assessment recommends further evaluation of several contamination sites for a Baseline Ecological Evaluations that has not been completed and does not appear to have even commenced. Therefore, the Finding of No Significant Impact (FONSI) based on an unacceptable EA is without merit. In fact, the findings to date clearly warrant and demand a complete Environmental Impact Statement (EIS) be conducted to provide a comprehensive assessment of Fort Monmouth and surrounding areas that have been impacted by activities at this facility and remediation plans. Transfer, or "disposal", of the Fort Monmouth property would be arbitrary and capricious without an EIS and comprehensive remediation plans. Failure to do so would be environmentally harmful and could also result in public

[1] U.S. Army 2008 Final BRAC 2005 Site Investigation Report Fort Monmouth http://www.monmouth.army.mil/C4ISR/brac/ecp/ecp.shtml

or private interests investing in the property with unanticipated higher pollution levels and remediation costs.

The EA includes several public health and environmental concerns and yet lacks any summary data to support and justify claims of only "minor" short- and long- term impacts.

- There is a prohibition of ground water use due to contamination in the Classification Exception Areas sites which will stay in effect until remediation activities occur and are certified by appropriate regulatory agencies. No summary monitoring data is provided on the specific contaminants present, their concentrations, or what remediation actions are necessary in the EA.

- The EA describes the water quality of many creeks and waterways on or near Fort Monmouth as poor or impaired. Given that groundwater is contaminated at Fort Monmouth, it is probable that nearby streams and coastal waters and sediments are affected by this groundwater seepage. More summary information on recent monitoring data is needed in the EA.

- In Section 2.3.2, The EA states that "The primary contaminants of concern at Fort Monmouth are trichloroethene; petroleum, oil, and lubricants; lead; tetrachloroethene; polychlorinated biphenyls (PCBs); chlorobenzene; pesticides; benzene; arsenic; 1,2-dichloroethene; and cadmium. ....such as asbestos-containing materials (ACM), lead-based paint (LBP), radon, PCBs, radionuclides, and munitions and explosives of concern (MEC), which includes unexploded ordnance (UXO)." Contamination has been identified in groundwater, surface water, and soils. The EA notes that contamination issues at Fort Monmouth "limit or preclude the transfer of property for unrestricted use."

- To characterize hazardous contamination of and explosives at Fort Monmouth, the EA states that only a "preliminary investigation" has been conducted to date (p.4-71). More comprehensive investigations are clearly needed. The EA refers to sites with "localized hazardous waste contamination" that "could be subject to some levels of continuing cleanup activity" (Section 3.2.3).

- In regard to military munitions, the EA states that "Three closed/inactive ranges were recommended for additional evaluation by the 2006 Historical Records Review" (Section 4.13.1.4). However, there is no evidence that these evaluations ever happened and no results are provided. Heavy metal contamination often is associated with firing ranges, and unexploded ordinances represent a public safety hazard.

- Soil contamination by lead-based paint was identified as occurring above the action level, however the EA does not provide the necessary information to support that the impacts are minor.

- The EA refers to 22 locations which include "open areas" where radioactive materials were "used, stored, or potentially disposed of." However, no analysis is provided on the risks of or remediation plans for these sites.

- The EA section 4.13.16.2 on polychlorinated biphenyls (PCBs) does not mention or include any summary environmental data on the PCBs, such as those that have been identified in samples from two onsite landfills in the Phase 1 Assessment.

- In addition to chemical contaminants, the New Jersey Department of Environmental Protection (NJDEP) Coastal Cooperative Monitoring Program has documented high levels of fecal coliforms and enterococci, which are indicators of fecal matter and associated pathogens, at environmental stations close to Fort Monmouth that exceed the recreational health criteria. The EA recognizes that the waters are impaired but does not directly address this issue. The Phase 1 and 2 ECP reports also have not addressed this issue. Potential fecal pollution sources from Fort Monmouth need to be evaluated in an EIS. The EA indicates that parts of the sanitary sewer system were built in the 1930's and is cause for concern. The sanitary sewer survey mentioned in the EA will be useful for identifying any problems.

- The EA also indicates that the Fort Monmouth's stormwater infrastructure is old and is in need of repair.

The EA fails to recognize that waters surrounding Fort Monmouth have been identified as bald eagle foraging habitat and are designated as critical environmental sites, which is required in section 4.8.1.3 summarizing impacts on threatened or endangered species. These areas are shown in NJDEP's iMAP geographic information system data.[2] This foraging area was also referred to in recent Fort Monmouth landfill stabilization permit applications. These waters may have already been or could be impacted by contaminated groundwater as well as by both leachate from and erosion of the landfills many of which are located in the flood plain near waterways. The letter from the NJDEP included in the EA Appendix E dated February 23, 2009 indicates the presence and state status of bald eagle foraging habitat (endangered species), least tern (endangered species), great blue heron (species of special concern), and wood thrush (species of special concern) on the site. In fact, this NJDEP letter contradicts the EA statement that

> "No preserves, officially designated critical habitats, or special habitats for endangered, threatened, or rare species occur on the site (U.S. Army 2007; USACE, Mobile District 1999)."

In Section 14.13.1.3, the EA lists 17 active Installation Restoration Program (IRP) sites and 26 as "response completed" for a total of 43 identified contaminated sites based on the 2007 report that summarized the Phase 1 Environmental Condition of Property (ECP) Assessment.[3] It is not clear what "response completed" means. Does it mean that these sites now meet residential soil criteria and standards for surface and ground water? Is monitoring still required at these sites? What have been the monitoring results of these sites? Are further actions needed? Has NJDEP approved their status? What are the remaining sites that still require

---

[2] http://njgin.state.nj.us/dep/DEP_iMapNJDEP/viewer.htm.

[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

remediation and what are the remedial plans? How many of the sites are close to waterways and/or are in the flood zone?

COA is aware that many of the landfill sites identified in the Phase I ECP have not been remediated and the piece-meal remediation efforts to stabilize the stream banks of the landfills and to cap the landfills (the capping permit applications have not yet been submitted to or approved by the NJDEP) are inadequate. The long-term lack of containment of the Fort Monmouth landfills, given the high levels of contamination identified within and lack of regulation in the past of disposed materials present serious concerns for the health of the ecosystem and the public.[4] 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, many of which were identified as containing carcinogens, heavy metals, pesticides, and other toxins. 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, do not have lining for containment, 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. Fort Monmouth's General Permit #4 application for landfill stabilization highlighted the ineffectiveness of prior soft-scaping efforts stating that "the biologs have since disappeared and virtually all of the original plantings associated with the biologs are absent." These sites are vulnerable to predicted sea level rise and associated inundation.[5] 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.

The environmental impacts and effective remediation of these landfill sites and surrounding impacted areas must occur to reduce identified dangers to the aquatic life and the public. 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. Sediments in streams need to be assessed for contamination and dredged where necessary. COA is aware that the landfill areas and other contaminated areas are intended for

---

[4] 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

[5] 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

passive recreational use in the future. The ecological and human health risks and impacts of these sites and adjacent streams are warranted.

The EA does not include information from or even reference the 428-page Phase 2 ECP Assessment in the U.S. Army 2008 Final BRAC 2005 Site Investigation Report Fort Monmouth. The Phase 2 Assessment was to further investigate some of the contaminated parcels in the Phase 1 assessment for environmental liability and to fill identified data gaps from the Phase 1 investigation. Several additional contaminated parcels and problems were identified in this Phase 2 Environmental Condition of Property (ECP) Assessment. How many of these additional sites are in need of remediation? How many total samples were above residential standards? It is inexcusable that information from this extensive report has been omitted from the EA.

This report included the following findings:

- Geophysical surveys indentified 24 suspected underground storage tanks and two suspected septic features.
- Groundwater contamination was again confirmed above groundwater screening levels for several dangerous chemicals and further evaluation was recommended.
- Twenty-seven soil gas samples exceeded NJDEP Non-Residential Soil Gas Screening Levels.
- Constituents of Concern (COCs) were above NJDEP Non-Residential Direct Contact Soil Clean Criteria and required further evaluation. Some of the soil testing indicated that some of parcels did meet the Non-Residential Criteria; however it is not clear how many of these sites met residential standards and will require future remediation based on intended use.
- COCs were also identified in sediment data in several parcels above NJDEP criteria and were recommended for further evaluation.

Based on the additional investigations of Phase 2 Assessment, facility-wide Baseline Ecological Evaluations (BEEs) of contaminated parcels were recommended and have not been completed. Funding for the BEEs was only allocated this spring and apparently the BEEs are still in the planning process. According to N.J.A.C. 7:26E-3.11, the Technical Requirements for Site Remediation require that baseline ecological evaluations be conducted to ensure that the remediation activities are indeed protective of the environment. Contaminants of concern and sensitive environmental areas need to be identified and further evaluated, and pathways of contamination to the environment need to be assessed.

As mentioned previously, the Phase 1 remediation efforts for the landfills at least are inadequate and unclear as to what the capping plans will be. The remedial actions and recommendations are not evident but needed based on the results of the Phase 2 Assessment. Since the BEEs have not yet occurred, the remediation necessary from these further evaluations remains undetermined. Given this lack of information, the EA has no basis for determining that mitigation measures are not necessary.

The EA simply does not "provide[s] sufficient evidence and analysis of impacts to determine...[a] finding of no significant impact" as required by federal regulations (40 CFR 1508.9). The FONSI determination must be rescinded. The concerns raised in the EA and its blatant omissions, including bald eagle foraging habitat, critical Phase 1 findings, and the entire Phase 2 Assessment results, confirm that an Environmental Impact Statement is necessary. The omissions in the EA indicate either incompetency during preparation or deliberate interference in the scientific integrity of the review process. President Obama's March 9, 2009 Memorandum on Science Integrity states that

> "Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment.... The public must be able to trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policymaking."

An EIS would provide the critical data and summary information needed to adequately inform private and government interests considering purchasing Fort Monmouth property.

In Section 4.13.2.1, the EA states that "the Army is under a mandate to characterize contamination, define the appropriate remediation in coordination with regulatory agencies..." yet the EA does not include this information and comprehensive remediation efforts are not available in the Assessment reports and cannot even be determined until the BEEs and additional investigations of surrounding waterways are completed. **The EIS must include comprehensive remediation plans based on the Phase 1 and 2 Assessment, the Baseline Ecological Evaluations, and additional investigation of potentially impacted waterways and sediments surrounding the Fort Monmouth region.**

The transfer of property must not occur until the EIS, including comprehensive remediation plans, is completed. The Army has a responsibility to the community to ensure that the environment has not been or will not be damaged due to their activities at Fort Monmouth. Contaminated areas, environmental impacts, and required remediation need to be identified and well-communicated to the public in an EIS. Prompt remediation by the Army or other entities is also necessary to protect the environment and public health. The high costs and liability of the Army's pollution must be publically recognized and not passed on to private and public entities without full disclosure.

Public involvement and transparency in the closure process, remediation plans, and EIS for Fort Monmouth are essential.

In short, transfer, or "disposal", of the Fort Monmouth property would be arbitrary and capricious without an EIS and comprehensive remediation plans. Failure to do so would be environmentally harmful and could also result in public or private interests investing in the property with unanticipated higher pollution levels and remediation costs.

A written response to these comments is requested.

Sincerely,

Heather Saffert

Heather Saffert, Ph.D.
Staff Scientist

Cc: Representative Rush Holt
Representative Frank Pallone
Redacted - Privacy Act
Redacted - Privacy Act
Fort Monmouth Restoration Advisory Board
New Jersey Department of Environmental

Rider, Timothy L CIV USA IMCOM

From: Heather Saffert, Ph.D. (Clean Ocean Action) [Science@cleanoceanaction.org]
Sent: Wednesday, May 27, 2009 5:30 PM
To: Rider, Timothy L CIV USA IMCOM
Subject: Fort Monmouth Environmental Assessment Comments

Attachments: COA EA Comments 052709.pdf

COA EA Comments 052709.pdf (89...

Dear Mr. Rider,

Please find the attached comments on the Fort Monmouth Environmental Assessment Comments. We also submitted a paper copy via the mail today.

Thank you,

Heather Saffert, Ph.D.

Staff Scientist

Clean Ocean Action

18 Hartshore Rd, Suite 2

Highlands, NJ 07732

732.872.0111

www.cleanoceanaction.org

Keep Us Free From LNG!

Sign the PETITION at www.cleanoceanaction.org <blockedhttp://www.cleanoceanaction.org/>