



State of New Jersey

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June 4, 2018

SUMMARY OF THE TIFA PROPERTY AND PRISM MILLINGTON, LLC ADMINISTRATIVE CONSENT ORDER, PI # 024069

The purpose of this document is to provide a brief summary of the attached August 28, 2017 Administrative Consent Order between the New Jersey Department of Environmental Protection (“Department”) and Prism Millington, LLC (“Prism”) concerning the remediation¹ of discharges² at the property located at 50 Division Avenue, Long Hill Township, New Jersey (“Property”). This document should not be relied upon in place of the Administrative Consent Order. Prism acquired title to the Property on November 30, 2017.

The Property

- The Property is approximately 12 acres in size and consists of two areas, the Restricted Area and the Redevelopment Area. The Restricted Area (also referred to as the Asbestos Landfill) is approximately five acres in size and consists of an asbestos and asbestos-containing materials landfill surrounded by a fence. The Redevelopment Area is approximately seven acres in size and consists of a multi-tenant business/industrial park with four one to two-story buildings and an asphalt parking area.
- The Property is Operable Unit 1 of the United States Environmental Protection Agency’s (EPA’s) Asbestos Dump Superfund Site³, which was listed on the National Priorities List in 1983 under the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.A §§9601 to 9675. EPA remediated the Asbestos Landfill portion of the Property, pursuant to a 1988 Record of Decision, with which the Department concurred. The Asbestos Dump Superfund Site was removed from the National Priorities List in July 2010.

Asbestos Landfill

- EPA’s remedy for the Asbestos Landfill included construction of a retaining wall, installation of drainage and wetland channels, and installation of a two-foot soil and grass cover (“Asbestos Landfill Remedy”). The 30-year Operation and Maintenance Plan for Operable Unit 1, Asbestos Dump

¹ For information on remediation, visit the Department’s [Site Remediation Program homepage](#).

² A discharge is the intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances into the waters or onto the lands of the State, or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State.

³ For information on the Asbestos Dump Superfund Site and the Superfund process, visit EPA’s [Asbestos Dump Superfund Site website](#).

Superfund Site, prepared for the EPA and the Department by IT Corporation in September 2001 is the guiding document for operation and maintenance activities for the Asbestos Landfill.

- Development (excluding fencing or passive recreation) of the Asbestos Landfill is not allowed without prior approval by the Department.
- Both the Department and the EPA retain authority to inspect the Asbestos Landfill and request repairs of the Asbestos Landfill Remedy.
- Subject to the limitations described in the Administrative Consent Order, Prism will be responsible for the operation and maintenance of the Asbestos Landfill Remedy (“O&M Tasks”) and completion of any needed repairs. Prism will designate \$17,500 annually, in perpetuity, for the performance of the O&M Tasks (“O&M Tasks Funds”). Except as provided in the Administrative Consent Order, the Department will be responsible to fund any needed repairs beyond the available O&M Task Funds.
- In compliance with paragraph 13 of the Administrative Consent Order, Prism submitted an application for a Remedial Action Permit⁴ for the Asbestos Landfill on January 31, 2018. The Remedial Action Permit will detail Prism’s O&M obligations for the Asbestos Landfill Remedy.
- In the event that the Redevelopment Area is sold, the performance and funding of the O&M Tasks will become the responsibility of the new owner of the Redevelopment Area.

Remediation of the Property

- Prism will remediate the discharges at the Redevelopment Area and all other areas where any hazardous substance discharged there has become located. As to the Asbestos Landfill, Prism will only be responsible for the O&M Tasks, except as provided in paragraphs 22 and 30 of the Administrative Consent Order.
- Prism must obtain a Response Action Outcome⁵ for the remediation of the discharges at the Property.
- In compliance with paragraph 13 of the Administrative Consent Order, Prism has retained Francis Rooney as the Licensed Site Remediation Professional⁶ to oversee the remediation.
- Paragraph 14 of the Administrative Consent Order establishes November 2, 2015 as the date from which the remediation timeframes will be initiated. This means that, unless Prism obtains an extension in compliance with applicable rules and regulations, the Preliminary Assessment/Site Investigation Report and Initial Receptor Evaluation are due on November 1, 2018; the Remedial Investigation Report is due November 1, 2018; and the Remedial Action Report is due October 31, 2021.

⁴ A Remedial Action Permit is the regulatory mechanism used by the Department to help ensure the remedial action will be protective of human health and the environment. The permit establishes the monitoring, maintenance, and evaluation requirements for determining the effectiveness of the deed notice's engineering control.

⁵ A Response Action Outcome is a final remediation document issued by a licensed site remediation professional, and filed with the Department, that a contaminated site was remediated in accordance with all applicable statutes, rules and guidance and all applicable permits and authorizations have been obtained.

⁶ For information on the Licensed Site Remediation Professional Program, see the Department's [Overview of the LSRP Program](#).