



## State of New Jersey

Department of Environmental Protection

P.O. Box 402

Trenton, New Jersey 08625

PHILIP D. MURPHY  
*Governor*

CATHERINE R. MCCABE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

May 1, 2019

Dear Resident:

The New Jersey Department of Environmental Protection (DEP) appreciates the opportunity to provide you with information regarding the Apple Ridge Golf Course Development Site cleanup and soil erosion and sediment controls in the vicinity of the site.

### **Remediation of the Apple Ridge Golf Course Development Site**

The contamination identified at the Apple Ridge Golf Course Development Site was associated with the legal application of historically applied pesticides at the golf course, formerly an apple orchard. Historically applied pesticides, or HAP, refers to chemicals that have been used and are no longer used for pest control. In this case, arsenic was the primary contaminant of concern.

The remediating party, Apple Ridge Mahwah, LLC, hired a licensed site remediation professional (LSRP) to conduct the remediation. Pursuant to the Site Remediation Reform Act, LSRPs have responsibility for oversight of environmental investigations and cleanups. An LSRP's highest priority is the protection of public health and safety and the environment. An LSRP must follow all applicable regulations and pertinent guidance and apply professional judgement where appropriate. For more information regarding the LSRP program, please see the attached fact sheet.

In this case, the LSRP for the Apple Ridge Golf Course Development Site removed the most heavily contaminated HAP-containing soil at this site. Blending of HAP-contaminated soil at former agricultural properties, as well as former golf courses, has been and will continue to be, an appropriate remedy as outlined in DEP's Historically Applied Pesticide Site Technical Guidance document. Over 1,100 environmental samples were collected at the site in accordance with DEP guidance and, based on the results, an entire site, unrestricted Response Action Outcome (RAO) was issued on January 30, 2018, concluding the remediation.

The LSRP and a representative from Apple Ridge Mahwah, LLC, certified all key documents submitted to the DEP concerning the remediation of the identified contaminants as true, accurate and complete. Copies of all submitted documents can be requested through the Office of Record Access at <https://www.nj.gov/dep/opra/>.

Upon receipt of the certified key documents, the DEP inspected the documents and reviewed pertinent components of the documents to ensure the LSRP adhered to applicable regulations and applied appropriate technical guidance. Upon completion of the inspection and review process, the DEP determined that the remediation conducted, and the RAO issued, were protective of public health and safety and the environment. As such, the remediation associated with the Apple Ridge Golf Course was considered complete.

The DEP is aware that Upper Saddle River Borough collected surface water samples per the request of some residents to try to alleviate their concerns. The sampling locations for the sampling event that occurred on October 16, 2018 were acceptable. The concentrations of arsenic detected in both the filtered and unfiltered samples are well below the Surface Water Quality Standards Freshwater Aquatic Chronic number of 150 parts per billion. Although it is inappropriate to compare the surface water sampling results to the New Jersey Drinking Water Standards, the results are also below those much more conservative standards. These results are believed to be representative of naturally occurring arsenic in native soil and not indicative of arsenic associated with historically applied pesticide use. The difference between the arsenic concentrations detected in the filtered and unfiltered samples is associated with suspended soil particles (turbidity) in the water sample. Controlling the surface water turbidity can be accomplished with improved soil conservation and construction practices, not through any action associated with the implemented remedial action.

Also, Upper Saddle River Borough conducted five additional sampling events between October 2018 and March 2019. The results are consistent with the previous sampling event and are all well below the Surface Water Quality Standards Freshwater Aquatic Chronic number of 150 parts per billion.

It should also be noted the sampling results confirm DEP's determination that the historically applied pesticides at the Apple Ridge Golf Course have been satisfactorily remediated and the final remediation document issued by the LSRP is protective. Consequently, DEP's Site Remediation and Waste Management Program considers this case to be closed.

### **Soil Erosion and Sediment Control**

The Bergen County Soil Conservation District (Bergen County SCD) has been involved with the site since March 2017 and, due to their statutory responsibility to implement the New Jersey Soil Erosion and Sediment Control Act, is the lead agency working with the developer to ensure that temporary soil erosion and sediment controls were installed and maintained as required by

the developer's approved soil erosion and sediment control plan. The DEP Water Enforcement Bureaus work closely with all New Jersey soil districts and join the work of the local soil districts when requested. A January 2018 storm and changing site conditions highlighted issues with the temporary soil erosion and sediment controls at the site. Since that time, the Bergen County SCD, working in conjunction with the New Jersey Department of Agriculture - State Soil Conservation Committee (NJDA-SSCC), have required enhanced soil erosion and sediment control measures. Bergen County SCD and NJDA-SSCC have performed numerous site visits and have been working closely with the developer to create and implement additional, enhanced soil control measures necessary to minimize erosion. However, it is not possible for temporary control measures to completely prevent all soil erosion; some soil migration is to be expected until the site is permanently stabilized.

On April 16, 2018, a major storm generated significant amounts of rainfall, with an estimated four inches of rain in 15 hours, overwhelming the soil erosion and sediment control basins. The developer, with concurrence from the municipal engineer and Bergen County SCD and using best management practices, lowered the water levels in the basins in order to prevent the breaching of the dams, in accordance with their construction permit. On April 26, 2018, Bergen County SCD and the NJDA-SSCC met at the site with the developer's representatives to review site conditions and ensure existing erosion control measures were still effective in the wake of the storm. All present were satisfied with the existing control measures in place.

Further, DEP representatives performed a site visit on May 3, 2018, and determined that the temporary soil erosion and sediment control measures were effective in minimizing soil migration and protecting water quality. Allegations of unauthorized discharges of soil and sediment, into Pleasant Brook, including allegations of "mud" being dumped and/or pumped directly into Pleasant Brook, have been investigated and DEP has determined these allegations to be unfounded. The development work at the site continues to be monitored by Bergen County SCD, NJDA-SSCC, and DEP in accordance with standard practices to ensure compliance with respective regulations.

As outlined above, remediation of this site was consistent with DEP regulations. DEP considers the remediation case to be closed. This letter will conclude DEP's response to correspondence on this matter. In addition, site visits have determined temporary sediment control measures are in accordance with the State's objective to protect water quality.

Copies of all documentation associated with this site can be obtained through the Office of Public Records Access ([www.nj.gov/dep/opra](http://www.nj.gov/dep/opra)). I hope you find this information helpful.

Sincerely,



Debbie Mans  
Deputy Commissioner

Cc: Assemblywoman Holly T. Schepisi  
Secretary Douglas Fisher, SSCC Chairman  
Mayor Joanne Minichetti, Upper Saddle River  
Mayor John Roth, 475 Corporate Drive, Mahwah, NJ 07430  
Lloyd Naideck, DEP Office of Government Relations  
Brendon Shank, DEP Communications  
Kerry Kirk Pflugh, DEP Local Government Assistance  
Richelle Wormley, DEP Compliance & Enforcement  
Mark Pedersen, DEP Site Remediation & Waste Management  
Bergen County Soil Conservation