

Please place report in official minutes of July 25, 1994  
Commission meeting.

REPORT TO: Liberty State Park Public Advisory Commission;  
Commissioner Robert Shinn ; Governor Christine Whitman; Assistant  
Commissioner Division Hazardous Waste Richard Gimello; N.J.  
Attorney General Deborah Portitz; U.S. Environmental Protection  
Agency ; State Legislature and Congressional Delegation.

A HAZARDOUS WASTE CRISIS - STATUS REPORT:

LIBERTY PARK POOL AND CAMP LIBERTY CHROMIUM CONTAMINATION

July 25,

Compiled by Audrey Zapp  
Liberty State Park Commissioner

FINDINGS OF REPORT:

AN IMMEDIATE INVESTIGATION BY THE ENVIRONMENTAL DIVISION OF  
THE NEW JERSEY ATTORNEY GENERAL'S OFFICE AND AN INTENSIVE REVIEW  
BY NJDEPE IS URGED IN ORDER TO PREVENT A 30 YEAR CONTRACT, LEASE  
PROPOSAL WITH LSPDC AND PROPOSED STATE NJ EDA BONDING AGREEMENT  
WHICH WILL PERMIT ALLIED SIGNAL, INC. TO WALK AWAY FROM A \$20-30  
MILLION DOLLAR HAZARDOUS WASTE CLEANUP IN LIBERTY PARK AND WILL  
SERIOUSLY JEOPARDIZE FUTURE NEGOTIATIONS BETWEEN NJDEPE AND  
ALLIED SIGNAL TO ACCOMPLISH A TIMELY CLEANUP OF TOXIC AND  
DANGEROUS CHROMIUM WASTE DEPOSITED IN LIBERTY STATE PARK.

IMMEDIATE REVIEW BY NJDEPE IS URGED IN ORDER TO PREVENT AN  
ILLCONCEIVED LSPDC PROPOSAL THAT WILL FORCE THE N.J. TAXPAYERS  
TO PAY THE CLEANUP COSTS OF ALLIED SIGNAL'S ILLEGAL DUMPING  
OF CHROMIUM IN LIBERTY PARK POOL AND CAMP LIBERTY COMPLEX IN  
VIOLATION OF STATE AND FEDERAL HAZARDOUS WASTE, WATER POLLUTION  
REGULATIONS, AND ENDANGERING THE HEALTH & SAFETY OF THE PUBLIC.

ALLIED SIGNAL HAS BEEN CHARGED AND ORDERED BY NJDEPE IN NUMEROUS  
ADMINISTRATIVE ORDERS TO UNDERTAKE A CLEANUP OF TOXIC CHROMIUM  
ILLEGALLY DUMPED IN THE LIBERTY PARK POOL AND CAMP LIBERTY  
COMPLEX. TO DATE ALLIED HAS REFUSED TO PAY FOR THIS CLEANUP.

Background Information:

NJDEPE CHARGES ALLIED SIGNAL RESPONSIBLE FOR MASSIVE DUMPING  
OF CHROMIUM AT LIBERTY PARK POOL AND CAMP LIBERTY 15 ACRE SITE.  
On June 17, 1993, the NJDEPE Division Of Responsible Party Site  
Remediation and Allied Signal , Inc. entered into an  
Administrative Consent Order. Until sometime in 1954, chromate  
chemical production was produced by Allied Signal's , Mutual  
Chemical Company facility at West Side Avenue & Route 440.

ON JUNE 17, 1991 MR. JOHN F. LESOFSKI A TRUCKER, GAVE SWORN  
TESTIMONY IN A COURT CASE EXXON V. ALLIED, et al. FILED IN  
THE SUPERIOR COURT OF HUDSON COUNTY . LESOFSKI TESTIFIED THAT  
HE HAULED CHROMIUM FROM ROUTE 440'S ALLIED SIGNAL'S MUTUAL  
FACILITY , IN JERSEY CITY TO LIBERTY PARK'S OLD CABANA CLUB  
POOL NOW LIBERTY PARK POOL AND CAMP LIBERTY COMPLEX.  
PRESENTLY USED BY NJDEPE AS A SUMMER RECREATION AREA.

SWORN TESTIMONY IN THE COURT ALSO REVEALED THAT THE ALLIED SIGNAL CHROMIUM STOCK PILE WAS AT LEAST SIX TO TEN STORIES HIGH, ONE HUNDRED YARDS WIDE AND TWO HUNDRED TO THREE HUNDRED YARDS LONG. THE DUMPING OF HAZARDOUS WASTE CHROMIUM ON LIBERTY PARKLAND IS IN VIOLATION OF NJDEPE AIR, WATER, SOLID WASTE AND TOXIC WASTE RULES, REGULATIONS AND LEGAL STATUTES.

The NJDEPE, Division of Responsible Party Site Remediation, under the N.J. Hazardous Waste Division, issued an Administrative Consent Order to Allied Signal Inc. Chemical Company. On Page 2 of the Administrative order it states

"THIS SUPPLEMENTAL DIRECTIVE IS ISSUED IN ORDER TO NOTIFY ALLIED SIGNAL INC. THAT THE NJDEPE, PURSUANT TO THE NJ. SPILL ACT, HAS DETERMINED THAT IT IS NECESSARY TO ARRANGE FOR THE CLEANUP AND REMOVAL OF CERTAIN DISCHARGED HAZARDOUS SUBSTANCES (CHROMIUM DEPOSITS IN LIBERTY STATE PARK) AND TO NOTIFY ALLIED SIGNAL THAT THE NJDEPE BELIEVES IT TO BE RESPONSIBLE FOR THE DISCHARGE OF SUCH HAZARDOUS SUBSTANCES."

On Page 15 of the NJDEPE's supplemental report it states:

"PURSUANT TO NJSA 58:10-23.11 gc. ALLIED SIGNAL IS STRICTLY LIABLE, WITHOUT REGARD TO FAULT, FOR ALL CLEANUP AND REMOVAL COSTS AS A RESULT OF THE HAZARDOUS SUBSTANCES (CHROMIUM) DISCHARGED AT THE (LIBERTY PARK) SITES.

On Page 16 of the Supplemental Report it states:

"IF ALLIED FAILS TO ARRANGE FOR A CLEANUP AND REMOVAL OF HAZARDOUS WASTE (chromium) THE NJDEPE WILL CONDUCT THE REMEDIAL INVESTIGATION USING PUBLIC FUNDS, AND MAY COMMENCE SUIT AGAINST ALLIED SIGNAL FOR REIMBURSEMENT FOR ALL COSTS INCURRED. THE NJDEPE MAY SUE ALLIED SIGNAL FOR THE COST OF THE CLEAN UP IN AN AMOUNT EQUAL TO THREE TIMES (3 Xs) THE COST OF SUCH A CLEAN UP OPERATION AND MAY CAUSE A LIEN TO BE PLACED ON ALLIED SIGNAL'S REAL AND PERSONAL PROPERTY PURSUANT TO THE SPILL FUND ACT. FAILURE BY ALLIED SIGNAL TO COMPLY WITH THIS ORDER MAY RESULT IN ALLIED SIGNAL BEING SUBJECT TO PENALTIES OF UP TO \$50,000. PER DAY AND EACH DAY OF VIOLATION CONSTITUTES AN ADDITIONAL VIOLATION OF THE SPILL FUND ACT."

On Page 17 of the NJDEPE Supplemental Order To Allied Signal it states:

"THE NJDEPE RESERVES THE RIGHT TO DIRECT ALLIED SIGNAL TO TAKE OR ARRANGE FOR THE TAKING OF ANY AND ALL ADDITIONAL REMEDIAL ACTIONS WHICH THE NJDEPE DETERMINES TO BE NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY OR THE ENVIRONMENT."

WHAT IS THE NJDEPE DOING TO FORCE ALLIED SIGNAL COMPLIANCE WITH THIS POWERFUL ADMINISTRATIVE ORDER? HAS NJDEPE FINED ALLIED? WHAT IS ALLIED / NJDEPE DOING TO PROTECT THE PUBLIC HEALTH AT CAMP LIBERTY / LIBERTY POOL? WHAT IS ALLIED / NJDEPE DOING TO SAFEGUARD AND PROTECT THE ENVIRONMENT AT THE CAMP AND POOL? THIS WOULD INCLUDE AIR, GROUND AND SURFACE WATER, LAND AND ENVIRONMENTAL IMPACTS OF CHROMIUM ON PARKLAND SITE.

JULY , 1994 NJDEPE - ALLIED SIGNAL UPDATE

ON SEPTEMBER 24, 1993 ALLIED SIGNAL NOTIFIED THE NJDEPE THAT IT WILL NOT PAY FOR STUDIES OR CLEANUP OF LIBERTY PARK POOL OR CAMP LIBERTY...TO DATE NO COURT ACTION PLANNED BY NJDEPE

INSTEAD NJDEPE ANNOUNCED \$10,000,000 OF TAXPAYERS DOLLARS WILL BE USED TO PAY FOR CLEANUP STUDIES AT LIBERTY POOL & CAMP

STATE UNWILLING TO SEEK LEGAL ACTION TO FORCE ALLIED SIGNAL TO COMPLY WITH STATE LAWS AND PAY FOR STUDIES & CLEANUP.

WHY IS THE STATE GIVING PREFERENTIAL TREATMENT TO ALLIED SIGNAL?

Background :

On August 11, 1992 the NJDEPE conducted a  cursory sampling  of the Liberty Park Pool and Camp Liberty Site. Two samples were taken , one sample at the pool and another sample at the playground in the Camp Liberty complex. The NJDEPE tested for total chromium and found levels of chromium in each sample. The limited sampling completed by NJDEPE does not allow for a comprehensive profile of the chromium contamination at Liberty Park Pool or Camp Liberty complex.

The NJDEPE announced it was undertaking a \$10,000,000. taxpayer funded ,42 month , remedial investigation including sampling, soil and feasibility studies of Allied Signal responsible Party sites including the Liberty Park Pool and Camp Liberty site. The NJDEPE study work plan will be submitted in January , 1995 and the contractor will begin to sample sites in April, 1995.

ALLIED SIGNAL'S LIABILITY TO CLEAN AND RESTORE CAMP LIBERTY:

IT IS CLEAR FROM THE DOCUMENTATION SUBMITTED BY NJDEPE AND FROM NJDEPE'S SUPPLEMENTAL ORDER TO ALLIED SIGNAL THAT ALLIED IS RESPONSIBLE FOR THE SAMPLING, STUDY AND CLEAN UP OF THE CHROMIUM CONTAMINATION AT LIBERTY PARK'S POOL AND CAMP LIBERTY COMPLEX.

FOLLOWING THE CLEAN UP , ALLIED SIGNAL WOULD ALSO BE RESPONSIBLE FOR THE RESTORATION OF THE RECREATIONAL FACILITY TO FULL USE BY THE PUBLIC. THIS WOULD INCLUDE THE CONSTRUCTION OF A NEW SWIMMING POOL, A RESTORED CAMP LIBERTY WITH NEW PLAYGROUNDS, REST ROOMS AND OTHER PUBLIC FACILITIES.

THIS PROCEDURE WAS FOLLOWED BY ALLIED SIGNAL IN JERSEY CITY. ALLIED SIGNAL COMPLETELY REBUILT METRO FIELD, A BASEBALL FACILITY ON WEST SIDE AVENUE FOLLOWING THE EXCAVATION OF THE TOXIC CHROMIUM FROM THE SITE. THE COST TO ALLIED SIGNAL FOR THIS CLEANUP/AND CONSTRUCTION OF FACILITY WAS APPROXIMATELY \$10-\$15 MILLION DOLLARS.

THIS REMEDIATION AND CONSTRUCTION PLAN MUST BE FOLLOWED IN LIBERTY STATE PARK POOL AND CAMP LIBERTY COMPLEX.

PROPOSED NJDEPE 30 YEAR LEASE WITH DEVELOPMENT CORPORATION FOR GOLF COURSE / LEASE OF 215 ACRES OF LIBERTY STATE PARKLAND AND PLAN TO FLOAT \$20,000,000. EDA BOND WOULD ALLOW ALLIED SIGNAL TO WALK AWAY FROM LIBERTY PARK CLEANUP LIABILITY .

The leasing by NJDEPE of 215 acres of land, including the Liberty Park Pool and Camp Liberty complex would trigger a complete State Cleanup , using public dollars.

ECONOMIC DEVELOPMENT BONDING FACTS

The State of New Jersey Contract with New Jersey Economic Development Authority contains a standard legal clause allowing Allied Signal to walk away from responsibility . It states:  
" LIABILITY FOR ENVIRONMENTAL CONDITIONS, REMEDIATION, ALL ENVIRONMENTAL HAZARDS OR DELETERIOUS CONDITIONS, WHICH MAY EXIST ON THE DATE (signing of contract) AND WHICH ARE DECLARED BY AN AGENCY OF THE STATE OF N.J. (NJDEPE Hazardous Waste Division) TO CONSTITUTE A VIOLATION OF N.J. OR FEDERAL LAW SHALL, BE CORRECTED AT THE SOLE EXPENSE OF THE STATE AND ANY EXPENSES OF REMEDIATING ENVIRONMENTAL HAZARDS OR CONDITIONS ON THE LAND OR PROJECT (Liberty Park's Pool & Camp Liberty Complex and other parkland sites) IN ORDER TO BRING THE SAME INTO COMPLIANCE WITH THE REQUIREMENTS OF APPLICABLE LAW (N.J. Hazardous Waste Laws) SO THAT THE PROJECT MAY BE CONSTRUCTED AND OR USED FOR ITS INTENDED PURPOSES SHALL BE DEEMED COSTS OF THE PROJECT , AS PROVIDED IN THE SUBLEASE AND THE BOND RESOLUTION."

THIS CLAUSE WILL ALLOW ALLIED SIGNAL TO WALK AWAY FROM THEIR BINDING , LEGAL, RESPONSIBILITY TO CLEANUP THE CHROMIUM IN LIBERTY STATE PARK POOL, CAMP AND OTHER SITES. ALLIED SIGNAL WILL SAVE APPROXIMATELY \$20- \$30 MILLION DOLLARS IN CLEANUP FUNDS. THE STATE WILL USE MILLIONS OF EDA BOND MONEY TO CLEANUP CONTAMINATED CHROMIUM IT SAYS WAS DUMPED BY ALLIED ON PARKLAND.

CONFLICT OF INTEREST JEOPARDIZES NJDEPE/ ALLIED NEGOTIATIONS IN LIBERTY STATE PARK CLEANUP AND REMEDIATION PLAN / LEASE AND EDA FUNDING PROPOSAL. PUBLIC CONFIDENCE IN PROCESS IS WEAKENED:

ALLIED SIGNAL ,INC. IS REPRESENTED BY THE LAW FIRM OF LOWENSTEIN, SANDLER, KOHL, FISHER AND BOYLAN . IT IS IMPORTANT TO NOTE A CONFLICT OF INTEREST EXISTS IN THE LIBERTY PARK NJDEPE- ALLIED SIGNAL HAZARDOUS WASTE NEGOTIATIONS SINCE ALLIED SIGNAL'S LEGAL REPRESENTATIVES INCLUDE ALAN LOWENSTEIN, ALSO SERVING AS A TRUSTEE OF THE LIBERTY PARK DEVELOPMENT CORPORATION AND ATTORNEY OF RECORD AT THE TIME THE CORPORATION WAS FORMED IN 1986. THE LIBERTY PARK DEVELOPMENT CORPORATION IS ACTIVELY SEEKING A \$20,000,000 EDA BOND TO BUILD A GOLF COURSE AND RENOVATE THE LIBERTY PARK POOL AND CAMP LIBERTY COMPLEX.

REPORT RECOMMENDATIONS TO STATE AND NJDEPE:

CONFLICT OF INTEREST TAINTS THE ENTIRE NJDEPE- EDA- 30 YEAR LEASE - LIBERTY PARK DEVELOPMENT CORPORATION NEGOTIATIONS. THE STATE SHOULD IMMEDIATELY TERMINATE ALL NEGOTIATIONS WITH LSPDC AND REVIEW ALLIED SIGNAL AGREEMENTS FOR TOTAL PARK CLEANUP.

**GROUND LEASE**

between

**THE STATE OF NEW JERSEY**  
Acting Through its  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY**

as Lessor

and

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

as Lessee

Dated as of March 15, 1992

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advantageous basis through the entry by the State into this Ground Lease and the Sublease and the completion of the transactions contemplated hereby and thereby; and

(F) That the Project is necessary to the State in order for it to perform its essential governmental functions relating to public recreation as set forth in the Recreational Facilities Acts.

The State makes no warranty or representation, express or implied, as to whether the past uses of the Land complied with federal, New Jersey or local environmental laws.

Section 2.02. Warranties of the Authority. the Authority represents and warrants to and covenants with the State that the Authority has full power and authority to adopt, to enter into, to execute and to deliver this Ground Lease, the Sublease and the Bond Resolution, and to perform all of its obligations under each, and has duly authorized or adopted the execution and delivery of this Ground Lease, the Sublease and the Bond Resolution.

### ARTICLE III

#### ENVIRONMENTAL CONDITIONS

Section 3.01. Liability for Environmental Conditions; Remediation. All environmental hazards or deleterious conditions, if any, which may exist on the date hereof in respect of the Land, or which may hereafter arise or be discovered to be connected therewith or with the Project, and which are declared by an agency of the State of New Jersey or federal government to constitute a violation of New Jersey or federal law, shall, unless created or suffered to be created through the negligence or willful misconduct of the Authority, be corrected at the sole cost and expense of the State, and any expenses of remediating environmental hazards or conditions in or on the Land or Project in order to bring the same into compliance with the requirements of applicable law so that the Project may be constructed and/or used for its intended purposes shall be deemed Costs of the Project, as provided in the definition of such term in the Sublease and the Bond Resolution.

The State and the Authority intend to enter into a development agreement covering (i) the remediation of certain environmental conditions currently known to be present in or on the Land, and (ii) actions required to be taken under applicable law at this time in the form of testing and analysis of the Land or parts thereof for compliance with various environmental standards. The Sublease shall require that a copy of such agreement be furnished to the Development Corporation for inclusion in the management standards to be established pursuant to Section 13(F) of the Second Sublease.

30 YEARS

NEW JERSEY REGISTER, TUESDAY, JULY 5, 1994

Pool  
CAMP  
PUBLIC  
NOTICE

VOLUME 26 NUMBER 13  
July 5, 1994 Indexed 26 N.J.R. 2693-2828  
(Includes adopted rules filed through June 13, 1994)

(b)

**DIVISION OF PARKS AND FORESTRY**  
**Notice of Public Hearing**  
**Proposed Lease of Land Comprising Part of Liberty State Park**

Take notice that the Department of Environmental Protection will hold a public hearing to seek comment on the proposed lease of state-owned land.

Consistent with the Action Program for Liberty State Park and in cooperation with the Liberty State Park Development Corporation, and the New Jersey Economic Development Authority financing through the sale of certificates of participation in the amount of \$20 million is sought to construct and implement projects at Liberty State Park. These projects include: construction and operation of an 18-hole public golf course; open space and recreation improvements around the golf course and the construction of playing fields at the intersection of Freedom Way and Morris Peain Drive (a site referred to as the "Dog Show Field"). If funds permit, the renovation or partial renovation of the Camp Liberty/Recreation Area will also be included.

In order to secure said financing, the Department of Environmental Protection proposes to lease for a period of thirty years to the State of New Jersey Economic Development Authority and simultaneously lease back from the Authority the following property at Liberty State Park:

(1) All that certain land containing approximately 40 acres of undeveloped land designated as all or a portion of Block 2145, Lots 52, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67 and Block 2154, Lot 3 on the current tax map of the City of Jersey City, County of Hudson, State of New Jersey. The purpose of the lease of this property will be to secure financing to improve the area including picnic areas, playgrounds, a formal garden, walkways and passive open space for general public recreation and enjoyment.

(2) All that certain land containing approximately 10 acres designated as all or a portion of Block 2145, Lot 25 on the current tax map of the City of Jersey City, County of Hudson, State of New Jersey. The purpose of the lease of this property will be to secure financing to construct playing fields to include baseball, football, soccer and other active recreational sports and amenities.

(CITE 26 N.J.R. 2812)

POOL - CAMP LIBERTY

**PUBLIC NOTICES**

(3) All that certain land containing approximately 15 acres designated as all or a portion of Block 2154.2, Lot 6 on the current tax map of the City of Jersey City, County of Hudson, State of New Jersey. The purpose of the lease of this property will be, if funds are available from the sale of certificates of participation after construction of the other park improvements contemplated herein, to renovate or partially renovate the existing Camp Liberty/Recreation Area, which includes the pool and summer day camp complex.

In order to secure financing, the Department of Environmental Protection proposes to lease for a period of 30 years to the Economic Development Authority and simultaneously lease back from the Authority and simultaneously sub-lease to the Liberty State Park Development Corporation, the following property:

(1) All that certain land containing approximately 150 acres of undeveloped land designated as all or a portion of Block 2145, Lots 52, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67 and Block 2154, Lots 1, 2, 3, 4, 5, 6, 7, and 12 on the current tax map of the City of Jersey City, County of Hudson, State of New Jersey currently vacant. The purpose of the lease and sublease of this property will be to secure financing to construct, operate and maintain an 18-hole public golf course and club house facilities.

The public hearings are scheduled as follows:

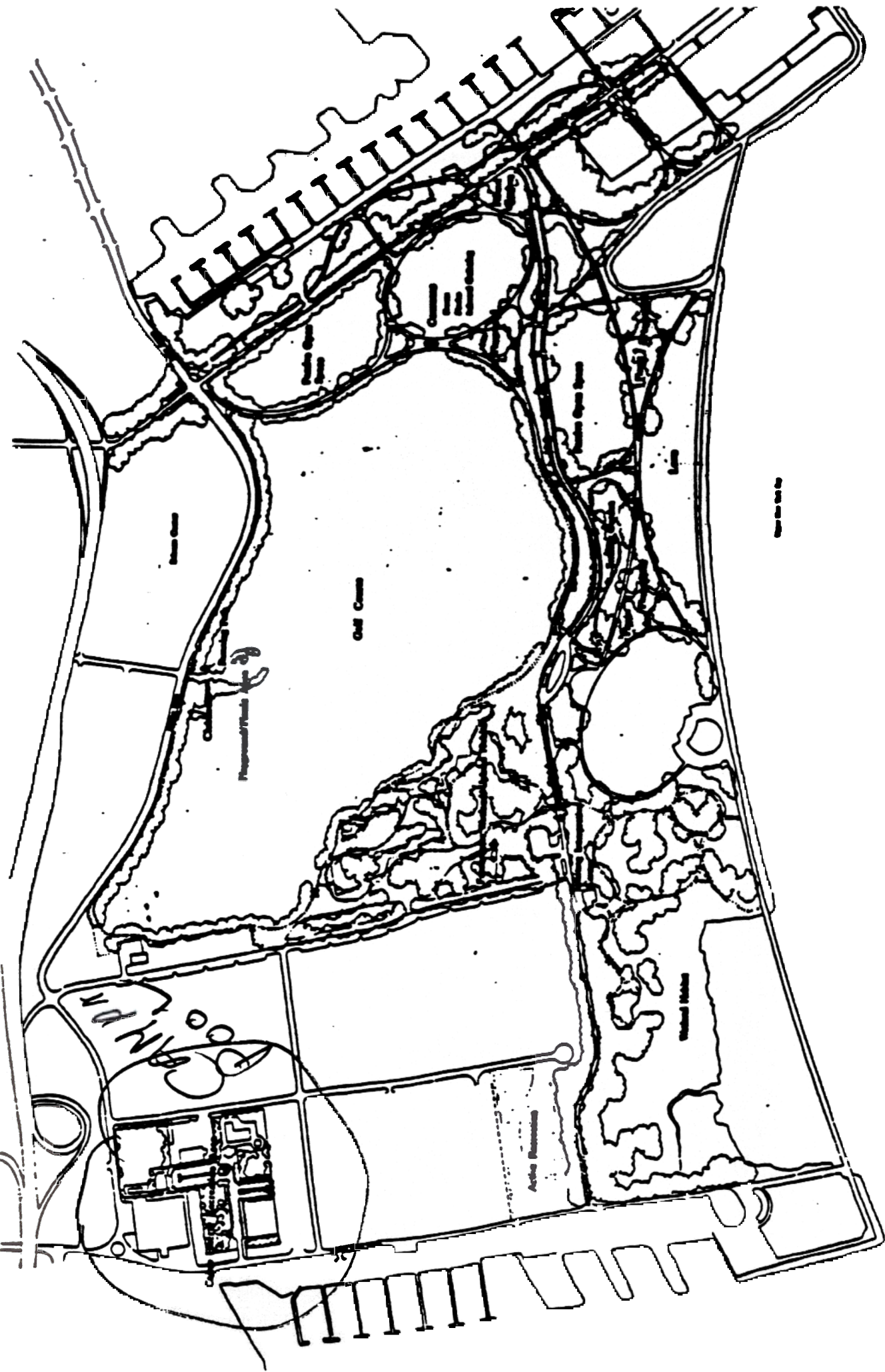
Thursday, August 11, 1994 at 7:00 P.M.  
Liberty State Park  
CRRNU Terminal  
Andrey Zapp Drive  
Jersey City, New Jersey

Thursday, August 25, 1994 at 7:00 P.M.  
City of Trenton  
New Jersey Department of Environmental Protection  
Public Hearing Room  
First Floor  
401 East State Street  
Trenton, New Jersey

Persons wishing to make oral presentations are asked to limit their comments to a five minute time period. Presenters should bring a copy of their comments to the hearing for use by the Department. The hearing record will be kept open for the period of fourteen days following the date of the public hearing for additional written comments.

Interested persons may submit written comments until September 25, 1994 to and request information from:

Gregory A. Marshall, Director  
Division of Parks and Forestry  
Department of Environmental Protection  
CN-404  
Trenton, NJ 08625







STATE OF NEW JERSEY



DEPARTMENT OF ENVIRONMENTAL PROTECTION



DIVISION OF PARKS AND FORESTRY

LIBERTY  
JOB L + CAMP - P 3  
DISCUSSION 4

# Report on Proposed Eighteen-Hole Golf Course and Other Improvements at Liberty State Park

In accordance with  
P.L. 1993 Chapter 38

## **PREFACE**

**This report has been prepared in accordance with P.L. 1993 Chapter 38 signed into law on February 4, 1993.**

**The Department of Environmental Protection (department) may not convey any lands unless the department first:**

**Prepares a report identifying the reasons for, and all advantages and disadvantages and benefits and detriments of, the proposed conveyance; assessing the environmental and recreational impact of that proposed conveyance, including, but not limited to, the impact of endangered species and non-game species as defined and regulated pursuant to P.L. 1973, c.309 (C.23:2A-1 et seq.), and endangered plant species as defined and regulated pursuant to P.L. 1989, c.56 (C.13:1B-15.151 et seq.); and assessing the environmental and economic value of the lands proposed to be conveyed under both their current and proposed uses....**

**The department is required to transmit this report to the chairpersons of the Senate Environment Committee, the Senate State Government Committee, the Senate Budget and Appropriations Committee, the Assembly Environment Committee, the Assembly State Government Committee, the Assembly Appropriations Committee and to the State House Commission.**

**The analysis and information presented in this report was prepared based upon, in part, the recommendation of the Liberty State Park Working Committee dated December 1, 1993, and documents prepared by Goldman Beale Associates, RKG Associates Inc., Coastal Environmental Services Inc., Coe, Lee, Robinson, Roesch Inc., and John Lasser and Associates. The documents are incorporated by reference in this report and are available for review upon request.**

## PROJECT DESCRIPTION

The projects as proposed by the Liberty State Park Development Corporation (LSPDC) to the New Jersey Department of Environmental Protection (NJDEP) to be included in the second EDA Financing Plan for Liberty State Park are primarily focused on the development of an eighteen-hole public golf course and open space and recreation improvements adjacent to the northern edge of the golf course and the construction of playing fields at the intersection of Freedom Way and Morris Pesin Drive; (a site referred to as the "Dog Show Field"). If funds are available, the renovation or partial renovation of the Camp Liberty/Recreation Area will also be included.

The proposed open space and passive recreation improvements will be operated and maintained by the Division of Parks and Forestry. The improvements will include picnic areas, restroom facilities, playgrounds, a formal garden, walkways and passive open space for general public use and enjoyment. The cost of these improvements is approximately \$5 million.

The proposed active recreation area will include multi-purpose playing fields and support facilities for soccer, baseball, cricket, and football with a fieldhouse of approximately 1500 square feet. The costs of these improvements is approximately \$2 million. The operation and maintenance of this area may be through a management agreement with a nonprofit organization or the City of Jersey City.

The proposed golf course and open space/recreational improvements would be developed within the 225 acre center portion of Liberty State Park bordered by Freedom Way, Phillips Drive, Audrey Zapp Drive and the industrial park to the south. The 225 acres would consist of 150 acres for the golf course, forty acres as passive open space and a thirty-five acre wetland habitat area. The playing fields would be developed at the intersection of Freedom Way and Morris Pesin Drive bordered by the Industrial Park. The recreation/maintenance complex is an eleven acre section of the park that is situated within the industrial park and is accessible from Morris Pesin Drive and Thomas Conrad Drive.

The proposed golf course site will be leased to the LSPDC that will be responsible for the development of a public golf course and its subsequent operation through a management agreement with a third party. The course would include a clubhouse, adjacent parking area, as well as, a maintenance complex to service the course. The course would be located on lands purchased through the Green Acres bond program and is expected to cost \$11 million to develop.

LIBERTY  
POOL  
M!

If funds are available from the sale of certificates of participation after the construction of the other park improvements proposed above, the recreation/maintenance complex would be partially or totally redeveloped to provide a new family aquatic center (pool and recreation facilities) to be operated by the Division of Parks and Forestry as well as a new Camp Liberty. The Camp Liberty improvements would include an open multi-purpose recreation area and support facilities. The camp would provide recreational opportunities for the area's disadvantaged youths. The cost of the improvements to the recreation/maintenance complex are approximately \$8 million.

## SECTION ONE

Reasons for, and advantages/disadvantages and benefits/detriments of the proposed conveyance.

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A critical factor in considering this second EDA Financing Plan for Liberty State Park is that it provides for the continued improvement of Liberty State Park without the use of public funds and in an immediate timeframe. The financing plan of approximately \$20 million would provide funds for the development of the golf course, open space and recreational improvements detailed in the previous section. The revenues generated from the golf course operation, according to the consultant's reports, will generate sufficient funds to repay the bonds over the thirty year life of the financing plan.

The development of the golf course on a presently undeveloped and inaccessible area of the park will provide recreational opportunities for all golfers, further the greening of the park, provide construction jobs and additional employment opportunities when the golf course is operational. The other significant attribute of the golf course is that the development of the course would provide final landscape site improvements to this 150 acre central portion of the park.

The open space/passive recreation areas and playing fields would provide additional green public spaces in the park and provide formal recreation facilities.

*Camp Liberty  
Pool*

The improvements to the recreation/maintenance complex will provide a new accessible code compliant family, aquatic center including a pool, multi-purpose recreational facilities and picnic areas. The existing pool must be replaced in order to properly serve the park's visitors. These facilities will be maintained by the Division of Parks and Forestry.

The development of a new Camp Liberty will provide recreational activities and facilities to the area's disadvantaged youths. The multi-purpose recreational field area as well as support facilities is required to continue the successful programs provided in this portion of the park. The camp will be operated by agreement with a nonprofit organization or the City of Jersey City.

The disadvantages or detriments of the golf course improvements are that it precludes the area from being utilized for other park purposes for the period of debt service payment, at a minimum. Additionally the golf course will be limited to the primary use of golfers. The golf course may have some negative environmental impacts if not properly managed.

## SECTION TWO

Assessment of recreational and environmental impacts of the proposed conveyance.

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### Recreational Impacts

The provision of an eighteen-hole public golf course in Jersey City and Hudson County will have a positive recreational impact. Golfers, from seniors to students, will have the opportunity to play golf, take lessons and participate in tournaments. Golf, as a lifetime sport, has a wide range of participants with diverse demographic characteristics.

The passive and active recreation facilities and "green open space", totalling approximately fifty acres, will provide enhanced opportunities for the public enjoyment of the park.

*Pool  
Camp* The recreation/maintenance complex will also have positive recreational impacts by providing recreational programs, the day camp operation, a multi-purpose field and courts, as well as, an aquatic center that can be enjoyed by the entire family. *]*

In contrast to this proposal, future improvements providing increased public accessibility will be limited to future public funding and currently unknown timeframe.

### Environmental Impacts

As stated previously, the golf course and open space/recreation improvements will have a beneficial environmental impact by covering this area of the park with final landscape cover. The golf course shall be required to operate according to "Best Management Practices" thus minimizing potential for adverse environmental impacts. The golf course landscaping improvements and wetlands preservation will provide habitat enhancements over existing conditions. Approximately fourteen acres of the wetlands present on the 225 acre parcel will not be disturbed. In addition, a thirty-five acre wetland habitat area has been delineated within the parcel and is suggested to be retained in its present state.

The creation of a golf course and the planned active recreation areas will alter the floral and faunal communities significantly and consequently alter the levels of use for various endangered and threatened species. Also, the level of human use on the golf course will also affect bird use especially during the spring and fall migrations. The area may continue to provide some habitat for migrating and wintering raptors but it would be significantly less than its current value.



# New Jersey Senate

TRENTON

June 23, 1994

Mr. Mark Smith  
Chief of Staff  
DEPE, Commissioner's Office  
401 E. State Street  
CN-402  
Trenton, NJ 08625-0402

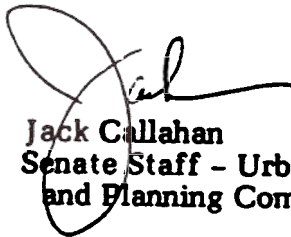
Dear Mark:

As you are aware, the Senate Urban Policy and Planning Committee is having all day forums, which includes public hearings, throughout the state. At the Jersey City meeting, Audrey Zapp, Commissioner, Liberty State Park, Public Advisory Commission testified on the significant problems caused by the toxic and carcinogenic waste found in the area. She requested that the Committee assist in urging the NJDEPE to include the 225 acre parkland site in the \$10,000,000 feasibility study.

Chairman Dick LaRossa requests that you review the attached comprehensive and well documented report on the subject, and contact Commissioner Zapp directly providing us with a copy of the action taken.

We appreciate your assistance in this matter.

Sincerely,



Jack Callahan  
Senate Staff - Urban Policy  
and Planning Committee

cc: Senator Dick LaRossa  
Commissioner Audrey Zapp

This report was presented before Senator Dick La Rosa, Chairman who said he would send on my report to Commissioner Schinn and Senator Ronald Rice who said he would follow up on this.

TESTIMONY OF LIBERTY STATE PARK COMMISSIONER AUDREY ZAPP  
BEFORE THE SENATE URBAN POLICY AND PLANNING COMMITTEE  
June 21, 1994 Salem-Lafayette Community Center, Jersey City

I would like to thank the Senate Urban Policy and Planning Committee Members for arranging to hold this public hearing in Jersey City within the heart of the urban community.

My report, this evening, will focus on one of the most devastating environmental and health problems plaguing Liberty State Park and the city of Jersey City. Specifically, the toxic and carcinogenic chromium waste found within this area. Chromium is a metallic element used in a variety of industrial applications, including the manufacture of dyes , bricks and as a component of stainless steel. Chromite , a mineral ore, is the chief commercial source of chromium and its compounds.

Hudson County, was the chief center of America's production of chromate chemicals. Jersey City had two chromate producers. Allied Signal Incorporated operated a chromate plant on West Side Avenue , Route 440, near Roosevelt Stadium. PPG Industries operated a chromate plant on Garfield Avenue in Jersey City.

During the years of chromate production, the process generated a tremendous amount of chromium-bearing waste. For each pound of chromate production, two pounds of chromate-bearing waste were produced. Reports from manufacturers suggest an estimate of 969,500 tons of chromate waste was produced in Jersey City.

Hills of yellow chromate waste were located at 440 and Garfield Avenue. The public was not told how deadly and devastating this chromate was and how studies would find that lung cancer rates and death rates among the chromate production workers was abnormally high.

Frederick Trum, a former dock worker died in 1987, the N.J. Medical Examiner's office found that exposure to chromium had turned Trum's bones a yellowish color and had listed chromium exposure as a contributing cause to Trum's death. In a recent court case in Hudson County, Trum vs Maxus , a Hudson County jury held Maxus responsible for Trum's death and ordered damages paid to his widow.

A recent study conducted by Dr. Max Costa, Chairman of the Department of Environmental Medicine of the N.Y. University Medical Center, indicates that environmental exposure in Hudson County may be hazardous, in fact more hazardous, than occupational exposure. He wrote NJDEPE, September 10, 1993, that the results of his study with blood tests of 33 individuals living here, show that "these individuals living in Hudson County have had extremely high exposures, probably of chronic nature to chromate, and that they are at a very high risk of developing lung cancer since inhalation is the likely mechanisms for the chromium exposure."

Thousands of tons of chromate waste was hauled from the 440 chromium stockpile into our beautiful jewel, Liberty State Park. On June 17 and September 27, 1991 John F. Lesofski, a trucker, gave sworn testimony in connection with Exxon v. PPg, Allied, etc. filed in Superior court, Hudson County, that he obtained chrome fill from a broker of Allied Signal located at Route 440 in Jersey City and hauled the chromium to Liberty State Park's Cabana Club, now the site of Camp Liberty, where hundreds of Jersey City children swim, and play all summer long. Here the chromium slag was stockpiled in piles 8 to 10 feet high. He testified the toxic chromium waste was used in the construction of sewer lines within Liberty Park. The city dug the ditches for the sewer pipes and Lesofski and others buried the pipeline corridors with the chromium waste. These contaminated pipelines still remain within Liberty State Park

The attached maps will show the locations of the chromium waste backfilled pipelines as follows:

1. Chromium backfilled pipeline going directly through the 225 acre upland area of Liberty State Park, which is currently being discussed as a golf course by the Liberty State park Development corporation and a Central Park Open Space/ Natural Environmental Education parkland by local, statewide and regional community and environmental groups. Philips Drive on the west. Freedom Way on the east, Audrey Zapp Drive on the north.

2. Chromium backfilled pipeline ,in back of the Intrepretive Center between Freedom Way and the Hudson River walkway.

There is a vast difference in the methods and procedures being followed by the NJDEPE in the clean up of these two sites. While the NJDEPE and others have studied the Intrepretive Center chromium for the past five years, taking hundreds of samples, doing risk studies, etc. The NJDEPE has only undertaken a preliminary study at the 225 acre site chromium backfilled pipeline area taking a mere 28 samples in 1990 at the site. Numerous reports from agencies within the NJDEPE have recommended further sampling and study of the site, however, the NJDEPE has continually ignored these reports and has allowed the land to remain in its present contaminated, polluted state.

A recent decision in May 1994 by the NJDEPE to spend approximately \$10,000,000. of New Jersey Spill Fund Dollars for a comprehensive feasibility study of a number of Liberty Park sites including the Cabana/Camp Liberty /Pool complex and the area in back of the Interpretive Center, again completely ignored the study of the 225 acre chromium contaminated site. The NJDEPE has admitted there is a chromium backfilled pipeline on the 225 acre site and they also have stated the site needs studies to determine the extent of the chromium fill, however, they have refused to undertake feasibility studies, or additional sampling of the site.



WHY DIDN'T THE NJDEPE INCLUDE THE 225 ACRE CHROMIUM SITE IN THEIR \$10,000,000. STUDY? THEIR FAILURE TO INCLUDE THIS LIBERTY PARK SITE IS IN VIOLATION OF THE STATE HAZARDOUS WASTE LAWS  
The NJDEPE is presently considering a 30 year lease with the Liberty Park Development Corporation for a golf course. This development will be constructed on a hazardous waste site

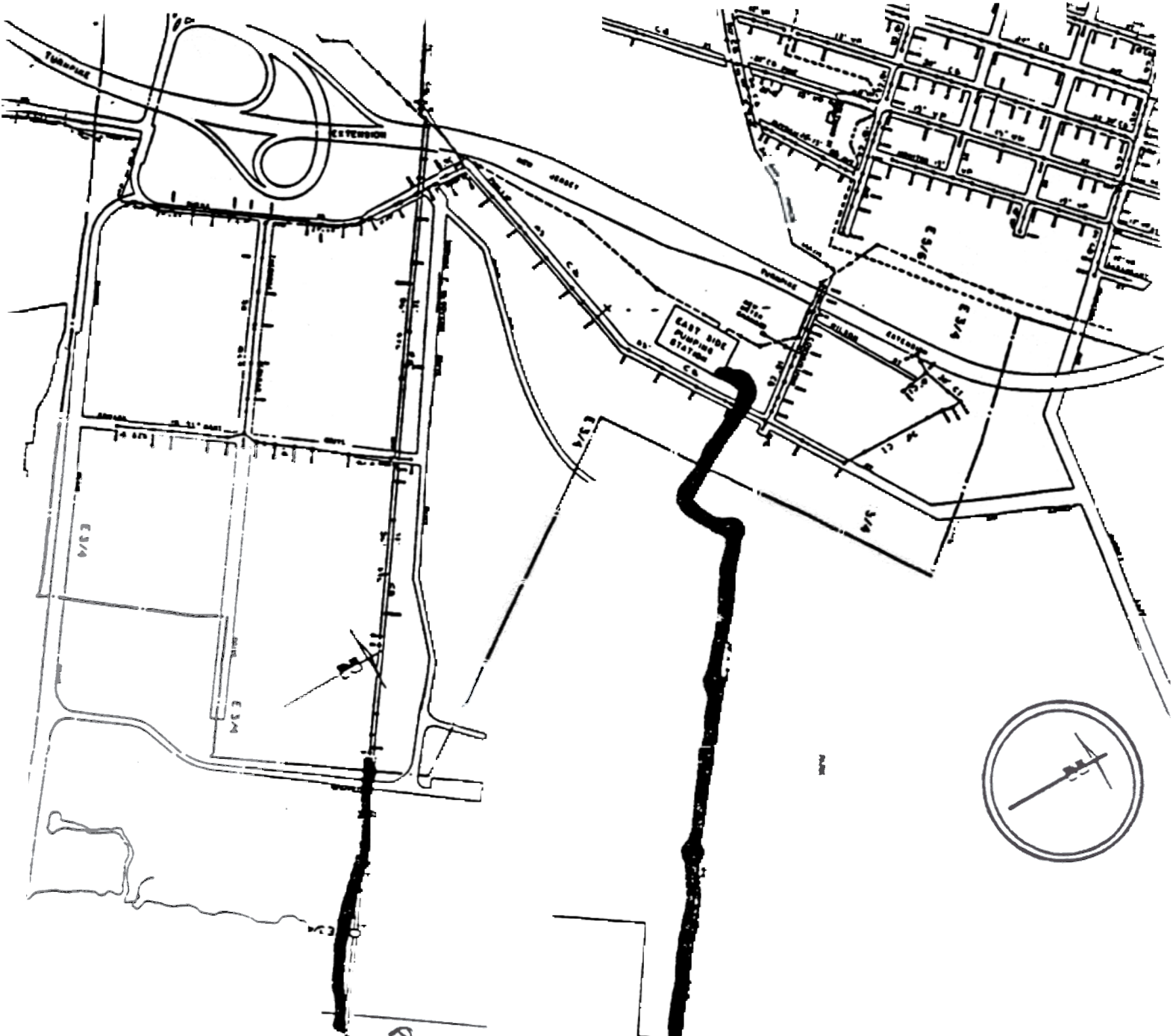
The Hazardous Waste Report attached will illustrate the monstrous failure of the NJDEPE to study the toxic waste problem at Liberty State Park. In retrospect , this report clearly indicates a pattern of administrative ineptitude, with all the defects to be expected when one governmental agency undertakes work in a highly sensitive area without knowledge, consultation or prior review by another agency with heavy responsibilities for the same problem.

The 1991 attached memo from David Barskey, from the Scientific, Technical Division to Ed Putnum , Division of Hazardous Waste recommended a series of studies, assessments that must be completed at the site in order to accurately determine the environmental and scientific impacts of the toxins on the parkland and natural resources found on site. With this report in hand , it might reasonably have been predicted that a concerted, coordinated and intensively organized series in department scientific, environmental, health, natural resource, land use studies would have followed, laying out the problem in all its dimensions and providing a solid base of data as a foundation for public policy in coping with the problem.

Something went wrong, however, and now three years later , we face the same set of urgent questions as were posed at the first recognition of the problem, and the department has no clean-cut, unequivocal answers for the public concerning Liberty Park Hazardous Waste problems on the 225 acre site.

My reports most useful function, at this stage, is to make recommendations for consideration by NJDEPE Commissioner Robert Shinn and Governor Whitman which may assure a more orderly course of scientific and environmental inquiry into the serious hazardous waste problems on the 225 acre parkland site.

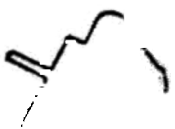
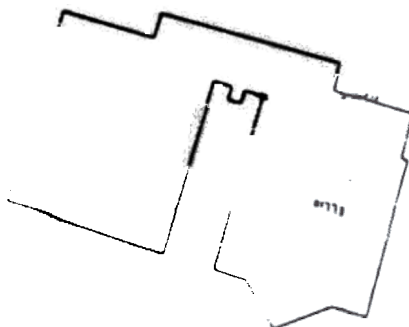
I am requesting the Senate Urban Policy and Planning Committee review my report and assist me in urging the NJDEPE to include the 225 acre parkland site in the \$10,000,000, feasibility study. The justification for ignoring this site and refusing to incorporate the parkland site has not been adequately addressed by the NJDEPE.



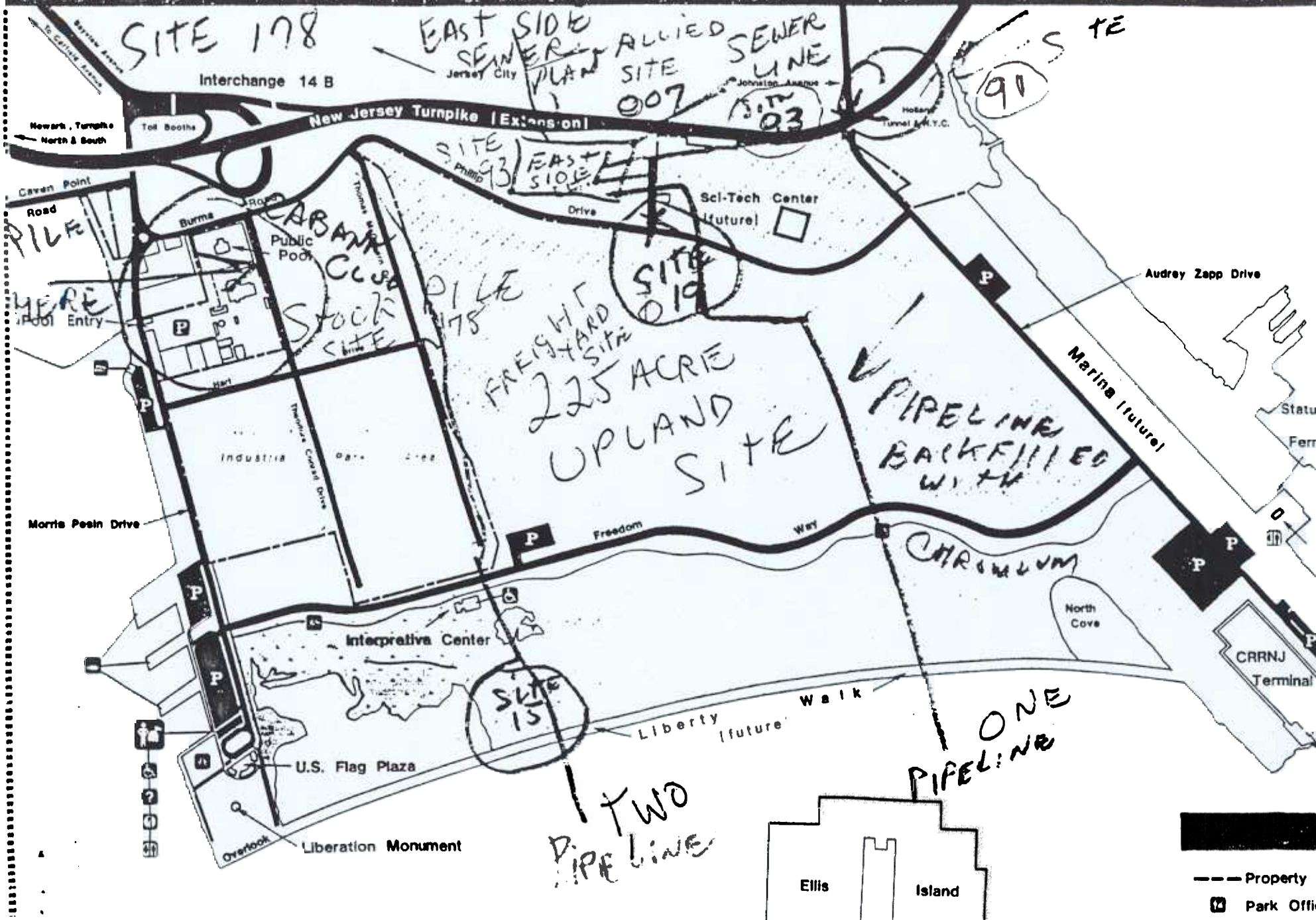
SITE 2

S ONE  
NATURAL AREA  
GOLF COURSE

↓ BERTY PARK  
PELINE  
MA



# Liberty State Park



SITE 178

EAST SIDE SEWER PLAN  
ALLIED SITE 007

SEWER LINE

SITE 93

SITE 019

FREIGHT YARD  
225 ACRE  
UPLAND SITE

SITE 175

STOCK SITE

SITE 15

PIPELINE  
BACKFILLED  
WITH  
CHROMIUM

TWO  
PIPELINE

--- Property  
P Park Office

COMMISSIONER AUDREY ZAPP  
STEVENS AVENUE, JERSEY CITY, N.J.  
332-1872



PLEASE NOTE: ENVIRONMENTAL  
IMPACTS AND ASSESSMENTS OF  
WETLANDS DISCUSSED ON PAGE 2-3  
4-5

IRMAN ENVIRONMENTAL COMMITTEE  
L.S.P.A.C.  
State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF HAZARDOUS SITE MITIGATION  
CN 413, Trenton, N.J. 08625-0413  
(609) 984-2902  
Fax # (609) 633-2360

Anthony J. Farto  
Director

MEMORANDUM

JAN 17 1991

JAN 18 1991

TO: ED PUTNAM, ASSISTANT DIRECTOR, RPDE  
THROUGH: BARRY FRASCO, ACTING ASSISTANT DIRECTOR, HSSE BS 1/17/91  
FROM: DAVID BARSKEY, TECHNICAL COORDINATOR, BEERA (2/3) 1/16/91  
SUBJECT: LIBERTY STATE PARK - QUALITATIVE RISK ASSESSMENT FOR THE  
DEVELOPMENT OF THE PROPOSED GOLF COURSE AT LIBERTY STATE PARK

The Bureau of Planning and Assessment (BPA) in a July 10, 1990 report "Summary of Sampling Data, Liberty State Park, Freight Yard Site" recommended that the Division of Hazardous Site Mitigation perform a risk assessment of the Division of Parks and Forestry's (DPF) plans for a golf course development in this area of the park considering the levels at soil contamination found by BPA. This report was sent to Commissioner Yaskin under cover of a October 5, 1990 memo from Assistant Commissioner Trela. BEERA was verbally instructed to prepare a risk assessment of the golf course development proposal as a result of the recommendation in the BPA report. The purpose of this memo is to present the results of this risk assessment (attached), discuss its limitations, and provide recommendations for future action.

The risk assessment was prepared by Mr. William Lowry of BEERA/ETRA. Because of the small number of samples (1-location per 20-acres) and questionable quality of the analytical data available for input it was not possible to perform a quantitative risk assessment. However, the risks associated with developing a golf course in the freight yards area were qualitatively assessed using a comparative approach based on the three quantitative public health evaluations already performed for the Science Center and Marina development areas of the Park. The advantages and limitations of such an approach are discussed in detail in the uncertainty analysis section of the attached risk assessment.



## Conclusion of the Risk Assessment

Human health risks can not be quantified through the qualitative, comparative approach. However, because soil contaminants, contaminant concentrations, and exposure pathways at the Freight Yard site are similar to the Science Center development, estimated public health risks may also be similar, but the large degree of uncertainty associated with the qualitative comparison does not allow for a high degree of confidence in this conclusion.

## Limitations of Qualitative, Comparative Approach

The limitations contributing to the uncertainty are briefly outlined below:

1. Inadequate site characterization. Although the sampling was biased to an extent, the limited amount of sampling is insufficient for quantitative risk assessment purposes or adequate site characterization.
2. Questionable data quality. Much of the data were qualified in the quality assurance review, which makes the numbers reported an uncertain quantity that could be biased high or low.
3. Lack of adequate design and construction plans. The degree of exposure, particularly via inhalation, to contaminants is directly dependent on the area of fill to be left open and to be disturbed and the type, frequency and duration of site disturbance activities (e.g., grading).

Other limitations to this risk assessment must also be recognized as only public health risks due to golf course construction were evaluated.

1. Impacts to ground water quality from golf course construction and maintenance were not evaluated.
2. Ecological concerns were not evaluated, either from the existing levels of contamination or due to natural resource destruction or disruption effects from the golf course development per se.
3. Potential public health, and environmental risks were not evaluated for the potential use of contaminated ground water for golf course irrigation because of the lack of ground water data.
4. The possibility exists that chromate chemical production waste may exist in some portion of the Freight Yard area. The Bureau of State Case Management (BSCM) is currently evaluating the available information to determine its possible location(s) within the area so it can be sampled and delineated for remediation. The golf course development will be affected if it exists and is within the boundaries of the development. Its presence is apparently associated with the former Disch sawmill facility. If DPF has information on this facility they should contact Frank Faranca or Thomas McKee in BSCM at 3-1480.

5. The Dredge Spoil area (presumed to be part of the golf course development) was not addressed in the RA and the disposition/sampling/remediation of this material must be resolved.

### Recommendations

1. An ecological assessment/environmental impact assessment should be performed, which includes, but is not necessarily limited to, the following.
  - a. Determine presence/absence and extent of any freshwater wetlands (NJSA 13:9B-1 et seq. and NJAC 7:7A et seq.) through proper field surveys.
  - b. Determine presence and extent of unusual, rare, threatened, and endangered species (flora and fauna) and habitat (NJSA 23:2A-1 et seq., NJAC 7:7A-1.4, Natural Heritage Program Database, etc.) through field surveys and literature searches. Map and identify vegetation present using statistically valid sampling techniques for biological surveys.
  - c. Assess the effects of current levels of contamination on the natural resources identified above using survey field observations, scientific literature results, and biota toxicity tests - such as vegetation tissue analysis and mixed function oxygenase tests.
  - d. Determine how any adverse ecological effects can be mitigated or natural conditions improved.
  - e. Compare and contrast the environmental impacts of the golf course development (e.g., natural resource destruction) to any adverse ecological effects from the existing fill contamination.
  - f. Then determine if the golf course development can preserve significant areas of natural resources, enhance natural resource values, or mitigate the effects of current levels of contamination by incorporation of remedial measures, reclamation efforts, or preservation areas into the development plans.
  - g. Evaluate potential of the current Park Natural Area Management Plan to incorporate any significant natural areas found.
  - h. Although this ecological assessment/environmental impact assessment may be performed through the coordination and mobilization of State personnel (e.g., Coastal Resources; Fish, Game, and Wildlife), a more objective and timely study would be obtained by retaining an outside contractor (through DHSM, DPF, or LSPDC) or by requiring the golf course developer to submit it as part of its development plans.

2. Determine the current state of ground water quality in the development area due to fill contamination and evaluate the degree to which golf course construction and operation will exacerbate (disturbance below the water table) or improve ground water quality or hinder any potential future ground water remediation efforts, such as if fill remediation is part of such an effort. Also, because of the shallow water table, insecticide and herbicide use on the golf course could lead to additional ground water contamination which could be important because ground water discharges to the environmentally sensitive NJ/NY harbor estuary. Although not currently regulated under State or Federal law, this issue deserves consideration because the NJ/NY harbor estuary is on the "short list" under the Clean Water Act of water bodies requiring no additional increase in toxics discharge. The effects of ground water pumping for irrigation on water levels and flow should be investigated as this may affect the freshwater wetland by the Science Center and other areas in the Park.
3. Evaluate the cost effectiveness of proceeding with the golf course development compared to enhancing and protecting the natural resources present in this area that are changing through the natural ecological successional stages as nature slowly reclaims this area.
4. Conduct a more thorough soil sampling investigation to adequately characterize the types, areas, and levels of contamination present. Hot spots of soil contamination and other areas of concern (e.g., pit with liquid observed during inspection for location to dump Science Center/Marina drill cuttings), to the extent possible, should be quantified, delineated, and remediated or the golf course design altered to avoid or appropriately handle these areas during construction. If these data and more detailed design plans become available, a quantitative risk assessment can be performed to reduce the uncertainties inherent in the qualitative, comparative risk assessment approach.
5. Design plans should incorporate placement of at least one foot of clean cover over the area in accordance with current DHSM policy where contaminated material is left in place and not remediated. However, after evaluating the results of the ground water investigation and the ecological assessment, a better course of action may be to cover only those areas requiring fill for the golf course and leaving the remainder in a natural state rather than destroying it to conform to this policy. This approach may already be part of the current design thinking based on a sketch DPF provided for use in the RA.
6. Develop a Construction Remedial Plan under the appropriate administrative enforcement instrument (such as an ACO with the developer) to include, but not necessarily be limited to, the following elements:
  - a. Minimize disturbance of the contaminated fill, which will minimize the potential exposure to construction workers.

HAZARDOUS WASTE REPORT ON THE FREIGHT YARD-NATURAL AREA SITE  
LOCATION: LIBERTY STATE PARK

Site Description:

The Freight Yard site, as it is referred to by the N.J. Division of Hazardous Waste, is a 225 acre forested, wetland, natural, upland habitat in Liberty State Park. It is bounded on the west by Philips Drive, on the east by Freedom Way, on the south by Morris Pesin Drive and on the north by Audrey Zapp Drive. Adjacent to the area is a fenced-in 40 acre compound known as the Dredged Spoil site. Here 330,000 cubic yards of sediments from the river are stored. The dredged spoil material was pumped from the river bottom to the land base in order to build the Liberty Park sea-wall and walkway along the park's waterfront. The project began in 1980-81. The site was used as storage for another park dredging project in 1987. (see Liberty State Park Public Advisory Commission report on dredged spoil site: June 29, 1993).

PRELIMINARY SAMPLING INVESTIGATION OF FREIGHT YARD-NATURAL AREA

On February 28 and March 1, of 1990, a total of 57 soil samples including 3 duplicates were collected from 28 sampling locations within the 225 acre freight yard-natural area of Liberty State Park. Two samples were collected at each location 0 to 6 inches and 2 to 3 feet. All samples were analyzed for the full target Compound Listt (TCL) plus 30 peaks volatiles, semi-volatiles, pesticides and PCBS and metals.

The freight yard sampling was strictly preliminary compared to the extensive field investigation conducted by NJDEPE consultants, as part of the Remedial Feasibility Study at the Liberty Science Center, in Liberty State Park. (1990).



SAMPLING INVESTIGATION CHART

Science Center

23 Acres  
82 surface soil samples  
from 39 sampling  
locations(plus 26 soil  
samples from 6 shallow  
observation sites.)

Freight Yard-Nature Site

Chart :P.3

225 Acres  
57 soil samples  
from 28 sampling locations

The Science Center consultants conducted an Environmental Impact Study and an extensive Risk Assessment Study. The NJDEPE has yet to complete an intensive soil sampling and ground water study, undertake a Remedial Feasibility, and Environmental and Risk Assessment Study for the Freight Yard-Natural Area parkland site. Additional soil sampling and remediation feasibility studies, environmental evaluations and risk assessments, as well as ground water and surface water sampling investigations still must be undertaken by the Hazardous Waste Division at Liberty Park's Freight Yard, Natural Area.

PRELIMINARY GROUND WATER SAMPLING AT FREIGHT- YARD NATURAL AREA  
During 1993-94 the NJDEPE took 40 shallow ground water samples from various areas of the park including the freight-yard, natural site. This was taken from a depth of 5-20 feet. The tests were strictly preliminary using a hydro-punch forcing a steel drill down into the earth . The results of this preliminary testing will assist the department in determining the location of the future monitoring wells which will be located throughout the park, including the freight yard-natural area site. Monitoring wells must be installed for Remediation /Feasibility Studies to follow

PRE-REMEDIAL-PRELIMINARY SOIL SAMPLING  
Freight Yard-Natural Area:Liberty Park 1990

SAMPLING RESULTS :SITE INSPECTION

NJDEPE SOIL ACTION LEVELS

VOA:	1 ppm
acetone,methylene,chloride	
2-butanone chloroform, trichloroethene	
and toulene ranging from 0.001 to 0.012ppm	
<u>TOTAL PAHS:</u> 0 to 276ppm	10
<u>TOTAL BN:</u> 0 to 0.50ppm	10
<u>PESTICIDES:</u> 4-4'DDT 0.160 to 2.0ppm	1-10 ppm
4-4' DDE 0.058 to 0.700 ppm.	
dieldrin 0.790 ppm	
PCBs: aroclor 1248 5.90 ppm	1-5 ppm
aroclor 1260 0.650 ppm	
<u>METALS</u>	
arsenic 65 to 1180ppm	20 ppm
beryllium 4.3 ppm	1 ppm
cadium 3.5 ppm	3 ppm
copper 493 ppm	170 ppm
mercury 2.4 ppm	1 ppm
lead 338 to 36,000 ppm	250- 1000 ppm
zinc 695 to 59,000 ppm	350 ppm
barium 1530 ppm	400 ppm
cyanide 213 to 274 ppm	12 ppm
antimony 66 ppm	10 ppm
chromium 130 ppm	100 ppm

PRELIMINARY SAMPLING INCONCLUSIVE

The limitations of preparing a Remediation Management Plan for the Cleanup of the 225 acre Liberty Park upland site, based on limited data provided by the preliminary sampling study undertaken by the NJDEPE, was addressed in a January 28, 1993, letter from Edward Putnam, Assistant Director of Remedial Planning and Design for the N.J. Division of Hazardous Site Remediation, to Liberty State Park Commissioner Audrey Zapp. The letter stated:

" THE PREVIOUS SAMPLING OF THE FREIGHT YARD AREA WAS SUFFICIENT ONLY FOR A PRELIMINARY INVESTIGATION . FUTURE REMEDIAL WORK AT LIBERTY PARK'S SITE WILL FOLLOW THE STATE'S TECHNICAL REQUIREMENTS FOR SITE REMEDIATION. (NJAC 7:26 )"

The three major stages of a hazardous waste site cleanup procedure following the state guidelines are:

1. A feasibility study to determine the extent of the problem and to recommend remedial alternatives. This would include environmental assessments of existing natural resources on site.
2. An engineering design of the selected remedial action to mitigate the problem. Site characterization would be included.
3. The remedial action , or actual physical cleanup process.

On January 17, 1991 a memo from the Hazardous Waste Remediation Scientific, Technical Division was sent to the department. It concluded the preliminary sampling investigation was inadequate. The memo listed the limitations as: 1. Inadequate site characterization. The limited amount of sampling is insufficient. 2. Ecological concerns were not evaluated, either from the existing levels of contamination or due to natural resource destruction or disruption effects of proposed development. 3. Potential public health and environmental risks and contaminated ground water impacts were not assessed.  
INVESTIGATION OF ORIGIN OF CHROMIUM WASTE ON SITE DEFICIENT.

NJDEPE FAILS TO SAMPLE AND INVESTIGATE CHROMIUM BACKFILLED PIPELINE IN FREIGHT YARD-NATURAL AREA IN LIBERTY PARK

THE SAMPLING INVESTIGATION UNDERTAKEN WITHIN THE FREIGHT YARD, NATURAL AREA OF LIBERTY STATE PARK WAS BASED ON INADEQUATE KNOWLEDGE OF THE DISTRIBUTION OF HAZARDOUS SUBSTANCES IN THE SOIL FOUND WITHIN THE PIPELINE CORRIDOR ON SITE.

NJDEPE DIVISION OF RESPONSIBLE PARTY SITE REMEDIATION AND THE THE DEPARTMENT FAILED TO CONSULT TOGETHER CONCERNING THE ALLIED SIGNAL SUPPLEMENTAL DIRECTIVE , ISSUED BY THE NJDEPE AND THE ENVIRONMENTAL PROSECUTOR IN 1993. THIS DIRECTIVE STATED THE DEPARTMENT BELIEVES ALLIED SIGNAL, INC. TO BE RESPONSIBLE FOR THE DISCHARGE OF HAZARDOUS SUBSTANCES AND CHARGED ALLIED SIGNAL INC. PRODUCED THE CHROMATE CHEMICAL WASTE STOCKPILED AT THE CABANA CLUB (LIBERTY PARK POOL AND CAMP LIBERTY SITE). THE DIRECTIVE FOUND THAT NUMEROUS SITES IN JERSEY CITY HAVE BEEN BACKFILLED WITH CHROMATE CHEMICAL WASTE IN CONNECTION WITH THE JERSEY CITY SEWERAGE CONSTRUCTION PROJECT. THE DEPARTMENT FOUND THAT ALLIED SIGNAL, . INC. WAS RESPONSIBLE FOR THE CHROMIUM BACKFILLED PIPELINE AT THE INTERPRETIVE CENTER AT LIBERTY PARK.

THE DIVISION AND THE ENVIRONMENTAL PROSECUTOR FAILED TO INCLUDE THE CHROMIUM BACKFILLED SEWERAGE PIPELINE EXTENDING THROUGH THE UPLAND SITE WITHIN THE FREIGHT-YARD, NATURAL AREA SITE IN LIBERTY PARK. THEIR INVESTIGATION FAILED TO SAMPLE AND REVIEW THE PROJECT TO DETERMINE THE AMOUNT OF CHROMIUM BACKFILL WITHIN THE SEWERAGE PIPELINE CORRIDOR AT THE SITE..

THE DEPARTMENT FAILED TO INCLUDE THE SITE IN THE ALLIED SIGNAL RESPONSIBLE PARTY LIABILITY AND FAILED TO REVIEW THE AVAILABLE DOCUMETS AND EVIDENCE ESTABLISHING THIS CONCLUSION.

INVESTIGATION REVEALED ALLIED SIGNAL RESPONSIBLE FOR CHROMIUM  
BROUGHT TO LIBERTY STATE PARK UPLAND PARKLAND SITE

ALLIED SIGNAL HISTORY : NJDEPE INVESTIGATION RECORDS

Allied Signal Inc., according to NJDEPE records ,is a Delaware Corporation with its principal place of business at Columbia Road and Park Avenue in Morristown, N.J.

In 1954, Mutual Chemical Company of America was acquired by a predecessor of Allied Signal, Allied Chemical and Dye Corporation, and was merged into Allied Chemical and Dye Corporation on March 1, 1955. Allied Signal is the successor to Mutual.

In the mid-1950's Jersey City began an extensive sewage treatment and collection construction project known as the Jersey City Sewerage Construction Project, that included the construction of sewage treatment plants , including the East Side Treatment Plant on Philips Drive west of the Liberty Park Frieght Yard-Natural upland site. Additionally, numerous outfalls, miles of underground sewers were constructed throughout the city and within the Liberty Park site.

THE DEPARTMENT HAS FOUND THAT NUMEROUS SITES IN JERSEY CITY AND LIBERTY STATE PARK HAVE BEEN BACKFILLED WITH CHROMATE CHEMICAL PRODUCTION WASTE IN CONNECTION WITH THE JERSEY CITY SEWERAGE CONSTRUCTION PROJECT. ONE OF THESE SITES, SHOWN ON THE MAPS ATTACHED, IS THE SEWER PIPELINE RUNNING FROM WEST TO EAST WITHIN THE FREIGHT YARD- NATURAL AREA SITE IN LIBERTY STATE PARK.

IT IS IMPORTANT FOR THE NJDEPE TO CONTINUE THE INVESTIGATION OF ALL CHROMIUM BACKFILLED PIPELINES WITHIN LIBERTY PARK.

SALE OF CHROMIUM AS CLEAN FILL BY MUTUAL/ALLIED SIGNAL INC.

During this time frame , Mutual (now Allied Signal) engaged in the sale of its chromate chemical production waste to various truckers to fill in cellars, pipelines and other construction projects. Between 1952 and 1954 Mutual (now Allied Signal) sold chromate chemical production waste from the Mutual (Allied Signal) to William C. Reppenhagen Inc. On June 17, and September 27, 1991 Mr. John F. Lesofski gave sworn testimony in connection with Exxon v. PPG Industries et. al. filed in the Law Division of the Superior Court Hudson County, Docket No. W-001 301-90.

MR. LESOFSKI TESTIFIED THAT HE OBTAINED CHROME FILL FROM REPPEHHAGEN, WHO WAS A BROKER FOR MUTUAL'S CHROMATE CHEMICAL PRODUCTION WASTE (NOW ALLIED SIGNAL), AND DELIVERED IT TO THE JERSEY CITY SEWERAGE CONSTRUCTION PROJECT SITES AND WITNESSED THE BACKFILLING OF PIPELINES WITH THIS MATERIAL. TESTIMONY SHOWED THAT ON AT LEAST 15 DAYS - 8 LOADS OF CHROME FILL FROM MUTUAL WAS BROUGHT TO JERSEY CITY SEWERAGE CONSTRUCTION PROJECTS TO BACKFILL THE PIPELINE CORRIDORS. LESOFSKI TESTIFIED THAT HE HAULED THE CHROMIUM FILL FROM ROUTE 440 AND BROUGHT IT TO LIBERTY PARK TO THE OLD CABANA SWIM CLUB, NOW THE SITE OF THE NJDEPE LIBERTY POOL AND JERSEY CITY CAMP LIBERTY WHERE THOUSANDS OF JERSEY CTIY YOUNGSTERS SWIM AND PLAY. IT WAS USED TO BACKFILL PIPELINE CORRIDORS IN THE PARK. RECORDS SHOW THERE ARE TWO CHROMIUM BACKFILLED SEWERAGE PIPELINES IN LIBERTY STATE PARK:

1. THE LIBERTY STATE PARK PIPELINE EAST OF THE INTERPRETATIVE CENTER. THE SITE IS NOW FENCED IN.

2. THE LIBERTY STATE PARK PIPELINE EAST OF PHILIPS DRIVE EXTENDING FROM THE EAST SIDE SEWERAGE PLANT, CROSSING PHILIPS DRIVE, EXTENDING THROUGH THE NATURAL/FREIGHT YARD SITE

ROBERT MENENDEZ  
13TH DISTRICT, NEW JERSEY

COMMITTEE ON PUBLIC WORKS  
AND TRANSPORTATION

SUBCOMMITTEES:  
SURFACE TRANSPORTATION  
WATER RESOURCES  
ECONOMIC DEVELOPMENT

COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEES:  
WESTERN HEMISPHERE AFFAIRS  
INTERNATIONAL OPERATIONS

CAUCUSES  
ARTS CAUCUS  
HISPANIC CAUCUS  
URBAN CAUCUS

MAJORITY WHIP AT LARGE



Congress of the United States  
House of Representatives  
Washington, DC 20515-3013

July 28, 1994

REPLY TO:  
 1831 LONGWORTH HOUSE O.  
WASHINGTON, DC 20518-30

DISTRICT OFFICES:

911 BERGEN AVENUE  
JERSEY CITY, NJ 07308  
(201) 222-2828

854 AVENUE C  
BAYONNE, NJ 07002  
(201) 823-2900

275 HOBART STREET  
PERTH AMBOY, NJ 08861  
(908) 324-6212

Ms. Barbara Jean Griffin  
Regional Director, Mid-Atlantic Region  
National Park Service  
143 South 3rd Street  
Philadelphia, Pennsylvania 19106

Dear Ms. Griffin:

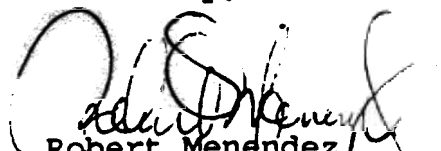
I am writing to express my concern with the proposed plan to develop a golf course on the grounds of Liberty State Park in Jersey City, New Jersey. It is my understanding that although regulations governing the use of parkland acquired using federal Land and Water Conservation Fund monies do not preclude the use of such land as a golf course, the National Park Service does have an oversight role in permitting such a plan to go forward.

I have consistently opposed the development of a golf course at Liberty State Park for a number of reasons, chief among them the dire need to preserve what little open public space remains in Hudson County, the most densely populated area of New Jersey. Hudson County's population of over 600,000 (12,000 people per square mile) has only 800 acres of existing open space parkland. The development of a golf course would remove 150 acres, or one-half of the park's usable open space and two-thirds of the park's center, from free public use.

In addition, questions have been raised concerning the possible presence of chromium contamination at the 150 acre site, due to the alleged backfilling of pipelines running through the site with contaminated fill. The development of a golf course on the site might only compound those problems if they are not investigated and, if necessary, abated.

Given the serious nature of these concerns, I respectfully request your careful review of this matter.

Sincerely,

  
Robert Menendez  
Member of Congress

RM:djw

# State will check for chromium

## Golf course site may be polluted

By Tracey Tully  
Journal staff writer

The proposed golf course site at Liberty State Park will be checked for chromium contamination before clean dirt is put on top, a state official said yesterday.

"If chromium is found, I would guess it would have to be removed before a golf course was built," said Edward Putnam, assistant director for site remediation with the Department of Environmental Protection.

There are three deactivated sewage lines that run through the 150-acre core of the park, Putnam said during yesterday's meeting of the Liberty State Park Public Advisory Commission.

Park activists have ques-

### Nature tour

Liberty State Park birders and nature buffs are invited to a walking tour and slide show on Sunday, Aug. 14.

Frank Gallagher, the park's chief of interpretive services, will lead the tour that will focus on the park's wildlife and history, said Park Ranger Debra Kindervatter.

The free tour begins at 11 a.m. in the Interpretive Center, rain or shine. The walk will end in the Blue Comet Auditorium at the railroad terminal with a slide show. Call 915-3411 for more information.

— Tracey Tully

tioned whether the underground beds that held the sewers were filled in with highly-toxic chromate waste. Although Putnam said there is no evidence this did happen, an investigation is warranted, he said.

"We're finding it . . . at other sewer lines. We just want to make sure," Putnam said.

The state-funded project calls for soil samples to be taken every 100 feet, he said, adding that the state hopes to award the contract by next month and testing could begin by fall.

The contract also includes the study of 23 other sites in Hudson County, but Liberty State Park will be first, he said.

Park planners have proposed covering contaminated sites with one or two feet of clean dirt.

But chromate, a highly-solu-

ble contaminate, leaches easily into surrounding soil, Putnam said. This means "capping," or covering with clean soil or macadam, is not the best way to solve chromium contamination problems, he said.

If chromium is found at the site proposed for the 18-hole golf course, Putnam said the DEP would move to find the responsible party and sue for triple damages.

Putnam said the state suspects that the AlliedSignal company was the original polluter, but the company has not admitted any responsibility for pollution in the park. It is likely that the state will turn to the courts to assess responsibility, Putnam said.

"We will sue them. I think it's just a question of when," Putnam said. "Even 10 years after the clean-up, the responsible party is still liable."