

**Draft Natural Resources Restoration Plan and Environmental Assessment
for the Chemical Leaman Tank Lines, Inc. Superfund Site
Operable Unit 1
Logan Township, Gloucester County, New Jersey**

June 2018

Prepared by:

U.S. Fish and Wildlife Service
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and the

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**DRAFT NATURAL RESOURCES RESTORATION PLAN
AND ENVIRONMENTAL ASSESSMENT FOR THE CHEMICAL LEAMAN
TANK LINES, INC., SUPERFUND SITE OPERABLE UNIT 1,
LOGAN TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY**

June 2018

I. INTRODUCTION

The U.S. Fish and Wildlife Service (Service), acting as the Natural Resource Trustee (Trustee) on behalf of the Department of the Interior (DOI), and the New Jersey Department of Environmental Protection (NJDEP), acting as the Trustee on behalf of the State of New Jersey, have prepared this Draft Restoration Plan and Environmental Assessment (RP/EA) for the Chemical Leaman Tank Lines, Inc. (CLTL) Superfund Site (Site) Operable Unit 1 (OU1), located in Bridgeport, Logan Township, Gloucester County, New Jersey. The purpose of this Draft RP/EA is to address natural resources, including ecological services, injured, lost, or destroyed due to releases of hazardous substances at or from the CLTL Site.

This Draft RP/EA describes natural resources injured by hazardous substances released from, and/or as a result of the remediation of, the CLTL Site. It also identifies and evaluates alternatives considered by the Trustees to restore those injured natural resources and provides an explanation of the basis for the Trustees' choice of the preferred alternative(s). In addition, it provides an explanation of how the preferred alternative meets the Trustees' restoration goals and the mandates of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended (42 U.S.C. 9601 *et seq.*).

One purpose of restoration is to return natural resources (including the services provided by those resources) to the condition they would have been in had the injury not occurred (the "baseline" condition). Restoration actions are appropriate to ensure the public is properly compensated for these injuries to the natural resources and losses of natural resource services. In addition to the cost of restoring resources to their baseline condition, CERCLA authorizes Trustees to recover compensation for losses suffered by the public between the date of injury to the natural resources and the date when natural resources return to baseline (hereinafter referred to as "interim lost use") and to use those funds for additional restoration actions including the acquisition, rehabilitation, and/or replacement of natural resources (42 U.S.C. 9607 (f)(1)).

II. AUTHORITY

This Draft RP/EA was prepared pursuant to the authority and responsibilities of the natural resource trustees under CERCLA; the Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*); Subpart G of the NCP (40 C.F.R. Parts 300.600 through 300.615); DOI's natural resource damage

assessment (NRDA) regulations (43 C.F.R. Part 11); and other applicable Federal and State laws.

Section 111(i) of CERCLA requires the Trustees to develop a restoration plan describing proposed restoration actions and to obtain public comment on that plan. This Draft RP/EA describes and analyzes a number of possible alternatives considered by the Trustees for accomplishing the restoration of natural resources injured at OU1 of the CLTL Site. In addition, it identifies the Trustees' preferred alternative(s) and the rationale for that preference.

III. NEPA COMPLIANCE

Actions undertaken by a Federal Trustee to restore natural resources or services under CERCLA and other Federal laws are subject to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the regulations guiding NEPA implementation at 40 C.F.R. Parts 1500 through 1517. This Draft RP/EA has integrated NEPA requirements by: summarizing the affected environment; describing the purpose and need for action; identifying alternative actions; assessing each alternative's applicability and environmental consequences; and summarizing opportunities for public participation in the decision-making process.

IV. PUBLIC NOTIFICATION AND REVIEW

Under CERCLA and NEPA, the Trustees, in this case the Service and the State of New Jersey, must notify the public and any Federal, State, or local agencies with special interests or expertise of the availability of this Draft RP/EA. To satisfy this requirement, the Trustees published a Notice of Availability of the Draft RP/EA in the Gloucester County Times and on the website of the Service's New Jersey Field Office (NJFO) (<https://www.fws.gov/northeast/njfieldoffice/index.html>) on July 29, 2018. This Draft RP/EA was made available for review at the Gloucester County Library System's Logan Township Branch, the Logan Township Municipal Building (the designated CLTL Superfund Site repository), and the NJFO website.

Logan Township Branch

Gloucester County Library System

101 Beckett Road

Swedesboro, New Jersey 08085

Telephone: (856) 467-0111

Hours: Monday-Thursday	10:00 am to 9:00 pm
Friday	10:00 am to 5:00 pm
Saturday	10:00 am to 2:00 pm
Sunday	Closed

Township Clerk's Office

Logan Township Municipal Building
3 Main Street
Bridgeport, New Jersey 08014
Telephone: (856) 467-3424
Hours: Monday – Thursday 8:00 am to 4:00 pm
Friday 8:00 am to 12:30 pm

Public comments on the Draft Restoration Plan/Environmental Assessment

Written comments on the Draft RP/EA will be accepted for a period of 30 days, ending on July 30, 2018. The Trustees will consider all written comments received during the public comment period prior to preparing a Final RP/EA. An additional opportunity for public review of the RP/EA will be provided, if warranted, in the event that the Trustees decide to make substantive changes to the document based on the initial public comments. Written comments received, and the Trustees' responses to those comments, whether in the form of plan revisions or written explanations, will be summarized in the Final RP/EA.

Written comments (email is acceptable) can be submitted to the following address.

U.S. Fish and Wildlife Service

Mailing address:
U.S. Fish and Wildlife Service, New Jersey Field Office
4 Jimmie Leeds Road, Suite 4
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V. BACKGROUND

Site History

The CLTL Bridgeport terminal is located in Logan Township, Gloucester County, New Jersey, approximately two miles south of the Delaware River and one mile east of the town of Bridgeport. The CLTL property encompasses approximately 31.4 acres. It includes an active terminal used for the dispatching, storing, maintaining, and cleaning of tanker trucks and trailers; fallow farmland adjacent to the terminal; and wetlands (Cedar Swamp) bordering the terminal to the east and southeast. Moss Branch Creek drains portions of Cedar Swamp into Cooper Lake, which is located approximately 1,000 feet north of the CLTL terminal. Infrastructure at the CLTL property includes the terminal building, an enclosed wastewater settling tank building, and a concrete wastewater

holding tank. Former subsurface structures include seven earthen settling and aeration lagoons, which have been backfilled and graded.

In operation since the early 1960s, CLTL transports chemical commodities, some of which are classified as hazardous, in bulk quantities. Past wastewater handling and disposal practices at the CLTL Site have resulted in organic and inorganic contamination of soil, groundwater, and the adjacent wetlands. Prior to 1975, wastewater generated by the tanker-truck washing and rinsing operations was impounded in a series of unlined lagoons and subsequently discharged to the adjacent wetlands. In 1975, the lagoons were taken out of service when CLTL was required to install a wastewater containment system at the terminal. In 1977, liquid and sludge were removed from the primary settling lagoons and the lagoons backfilled with fill and construction debris. The aeration and final settling lagoons were drained and backfilled, but no materials were removed prior to backfilling. In 1982, CLTL excavated visible sludge and contaminated soil from the former primary settling lagoons to an approximate maximum depth of twelve feet below the surface and the excavated area was backfilled with sand.

In 1985, the U.S. Environmental Protection Agency (EPA) added the CLTL Site to the National Priorities List of Superfund sites. As with many Superfund sites, the environmental cleanup issues at the CLTL Site are complex. Consequently, EPA divided the site remediation into three phases or OUs. Operable Unit 1 addresses groundwater, OU2 addresses the former lagoon soils and residual sludge, and OU3 addresses the wetlands on and adjacent to the CLTL property. An Administrative Order on Consent (Index No. II CERCLA 50111) between EPA and CLTL was signed in July 1985, pursuant to which CLTL conducted a Remedial Investigation and Feasibility Study (RI/FS) to delineate the nature and extent of site-related contamination in groundwater, soils and surface water.

A Record of Decision (ROD) for remediation of OU1 was signed in September 1990. The remedy included extraction and treatment of contaminated groundwater and discharge of the treated groundwater via pipeline to the Delaware River, along with 30 years of oversight and monitoring to ensure the effectiveness of the remedy. The selected remedy for OU3 was completed in 2006. The remedy included off-site disposal of contaminated sediments and soils; wetland restoration and construction of a berm around the active facility to protect the remediated and restored wetlands; and natural attenuation of contamination in remaining forested wetlands. The remedial action for OU-2, which calls for an Electrical Resistivity Heating (“thermal treatment”) and Multi Phase Extraction (ERH-MPE) system to addresses remaining soil contamination in three former disposal areas, began in 2015. However, due to problems encountered during operations, the OU2 soils remedy is currently undergoing a design modification.

The Affected Environment

The affected environment addressed in this Draft RP/EA is the groundwater contaminated by hazardous substances released at the CLTL Site, designated as OU1. Contaminants of Concern (COCs) in groundwater include volatile organic compounds

(VOCs) such as benzene, vinyl chloride, methylene chloride, trichloroethene, and tetrachloroethene, as well as inorganics such as arsenic, chromium, lead, and zinc. Many of the same contaminants have been found in private wells in the vicinity of the CLTL facility. Residents who use water from VOC-contaminated wells for drinking, bathing, or clothes washing may ingest, inhale, or dermally absorb contaminants. Risks to residents and workers exposed to hazardous substances released at the CLTL facility were deemed to be greater than the EPA-identified acceptable range as specified by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP; 40 C.F.R. Part 300), warranting a remedial action for this OU.

Migrating COCs in the groundwater have also impacted the Cedar Swamp ecosystem, located adjacent to the facility. Surface water in Cedar Swamp was found to contain elevated levels of several site-related contaminants. While the remediation of wetlands was the focus of OU3, the attainment of Applicable or Relevant and Appropriate Requirements (ARARs) for the CLTL Site, the Ambient Water Quality Criteria for surface water, were only expected to be maintained if the OU1 groundwater treatment remedy was implemented (EPA 1993).

The remedy for OU1 included construction of a full-scale groundwater extraction, treatment, and reinjection system (GWETS), which involves extraction of groundwater; treatment through chemical precipitation, air stripping, and granulated activated carbon; and discharge of the treated groundwater into an unnamed tributary to the Delaware River (EPA 2017). Construction of the GWETS was completed in 2007, although equipment difficulties required re-fabrication and replacement. The treatment system started again in 2010 and operated for five weeks, when it was shut down due to air emission exceedances. Following system modifications, it was restarted in 2011 and continues to operate, effectively treating approximately 200 gallons per minute of contaminated groundwater to applicable standards (EPA 2017). In addition, EPA connected neighboring residential homes to the public water supply, eliminating risks to human health from contaminated groundwater.

Natural resource injuries

The natural resource injuries resulting from the release of hazardous substances and subsequent remediation of OU1 of the CLTL Site involve groundwater contamination, concentrated in the shallow and intermediate subzones, that exceed New Jersey ground water quality standards (N.J.A.C. 7:9C) . In New Jersey, groundwater is a natural resource considered to be solely under the Trusteeship of the State. However, in accordance with the terms of a Memorandum of Agreement (MOA) between the DOI and NJDEP regarding natural resource restoration for the CLTL Site (New Jersey Department of Environmental Protection and U.S. Fish and Wildlife Service 2001), as well as the consent decree signed and entered by the U.S. District Court for the District of New Jersey on March 16, 2001 (United States of America and the State of New Jersey, Department of Environmental Protection v. Chemical Leaman Tank Lines, Inc.; Civil Action No. 00-CV-5715), natural resource restoration for the CLTL Site requires unanimous trustee decision-making, with expenditures subject to the unanimous approval

of the Trustees. Further, in accordance with the Responsibilities of the Trustees detailed in 40 CFR Part 300.615, development of a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of natural resources under trusteeship is subject to public participation requirements. Therefore, the Trustees for the CLTL Site have prepared this Draft RP/EA to provide the public with information on the natural resource injuries and service losses assessed in connection with OU1 of the site, the restoration objectives that have guided the Trustees in developing this plan, the restoration alternatives that were considered, the process used by the Trustees to identify the preferred alternative, and the rationale for its selection. Public review of this Draft RP/EA is an integral and important part of the restoration planning process and is consistent with all applicable State and Federal laws and regulations, including the guidance for restoration planning found within 43 C.F.R. Part 11.

Damages recovered

In compliance with the requirements of the aforementioned consent decree, monies CLTL, Inc. paid to the State of New Jersey "...shall only be spent for the purchase of and restoration, restoration planning, implementation, oversight and monitoring of wetlands and associated uplands, and pursuant to the Memorandum of Agreement...between the DOI and the State, which MOA shall require unanimous trustee decision making and shall identify property acquisition of the equivalent as a priority restoration option to be considered."

This Draft RP/EA addresses only restoration projects to be conducted using the settlement funds received by the State of New Jersey related to OU1, and does not pertain to the use of settlement refunds received by the DOI. Uses of monies paid to the DOI are addressed in the Final RP/EA for OU3 (U.S. Fish and Wildlife Service and New Jersey Department of Environmental Protection 2007). In contrast, this Draft RP/EA addresses injury related specifically to groundwater contamination from the CLTL Site, remediated under OU1.

VI. PROPOSED RESTORATION

This Draft RP/EA is provided to explain the Trustees' decision-making process in establishing the preferred restoration alternative(s). Under CERCLA and its implementing regulations, the purpose of restoration is to restore, rehabilitate, replace, or acquire the equivalent of the injured resource(s). Unless otherwise indicated, the term "restoration" is used to refer generally to any and all of these types of actions (*i.e.*, to restore, rehabilitate, enhance, replace, or acquire). Each of the possible alternatives consists of actions, individually or in combination, that would achieve these purposes through site-specific projects.

The Trustees have identified the following as primary criteria for evaluating potential projects:

- priority is given to project(s) in relatively close proximity to the CLTL Site;

- priority is given to project(s) that involve the purchase (acquisition) of property, as specified in the Consent Decree and MOA;
- priority is given to project(s) involving the acquisition of land that provides groundwater recharge potential and that could provide similar services to the injured habitat at the CLTL Site before it was impacted; and
- priority is given to project(s) that provide long-term or perpetual benefits to the injured natural resource.

In addition, the DOI's Natural Resource Damage Assessment and Restoration (NRDAR) regulations (43 CFR Part 11) were also considered in the evaluation of alternatives.

Those regulations include the evaluation of an alternative's:

- technical feasibility;
- relationship between the expected costs and the expected benefits;
- potential for any additional injury;
- natural recovery period;
- impact on the ability of the resources to recover with vs. without the action;
- potential effects on human health and safety;
- benefits to more than one natural resource and/or service; and,
- compliance with applicable Federal and State laws.

Based on these characteristics and on the NEPA guidance, the Trustees identified and considered several restoration alternatives.

Descriptions of Restoration Alternatives Considered

The following restoration alternatives were considered: (A) Acquisition of Land for Groundwater Recharge; (B) On-site Wetland Restoration; (C) Off-site Wetland Restoration; and (D) No Action. The basic components of each alternative are provided below.

Alternative A: Acquisition of Land for Groundwater Recharge

The Trustees considered an alternative to restore groundwater recharge through the acquisition of land that would be protected in perpetuity. While acquisition may result in the preservation of existing resource values rather than the replacement of lost resource values, protection can be an appropriate mechanism to secure restoration gains over time by decreasing future direct and indirect impacts to resources in areas facing imminent threats of development, which would adversely affect groundwater recharge or groundwater quality. Under Alternative A: Acquisition of Land for Groundwater Recharge, property containing wetlands similar to those injured at or adjacent to the CLTL Site offered at fair-market value would be acquired and the title transferred to a natural resource agency or local municipality for use as open space. The acquired property would be protected with a perpetual conservation easement, deed restriction, or other legally binding mechanism, and managed to conserve, protect and promote the natural resource values of the property.

Alternative B: On-site Wetland Restoration

The Trustees considered the alternative of restoring emergent and/or forested wetlands at the same location as the injury. Possible restoration activities ranged from the promotion of vegetative succession to intensive management actions to restore, replace, or enhance natural resources and the services they provided prior to contamination at the CLTL Site.

Alternative C: Off-site Wetland Restoration

The Trustees considered the alternative of restoring emergent and/or forested wetlands at an off-site location. Possible restoration activities ranged from the promotion of vegetative succession to intensive management actions to restore, replace, or enhance natural resources and the services they provide beyond the boundaries of the CLTL Site, on land that could be protected in perpetuity by a conservation easement or other legally binding agreement.

Alternative D: No action

The Trustees addressed this alternative to fulfill requirements under NEPA, and to be consistent with the damage assessment process under the NRDAR regulations. Under Alternative D, no action would be taken to restore resources injured due to contamination at the CLTL Site or to replace or acquire additional natural resources to restore ecological and human services provided by the injured resources. Restoration of the natural resources and their ecological functions would be completely dependent upon natural processes.

Evaluation of Restoration Alternatives Considered

Alternative A: Acquisition of Land for Groundwater Recharge

Development pressures and changing land uses leading to increased urbanization along the Lower Delaware River are adding to the loss of open space and wildlife habitat. Some estimates suggest that New Jersey may reach full build-out in 20 to 30 years (Association of New Jersey Environmental Commissions 2015; Mansnerus 2003). Therefore, acquiring and holding undeveloped land in perpetuity ensures the preservation and conservation of the State's natural resources and is more cost-effective today than it will be in the future. Moreover, the acquisition of land for the purposes of maintaining open space, protecting the environment, and conserving natural resources as public assets is consistent with and implements the New Jersey State Development and Redevelopment Plan ("Smart Growth"). This alternative provides for the acquisition of natural resources (*i.e.*, wetlands) to replace those injured at the CLTL Site, and the acquisition of additional resources to compensate the public for the lost use of those resources.

Under Alternative A: Property Acquisition, land parcels that provide high-quality groundwater recharge and offered at fair-market value by willing sellers would be acquired and protected in perpetuity. The Trustees would use settlement funds to acquire

parcels adjoining lands currently owned and managed by a Federal or State natural resource agency, or a local municipality, as open space. The acquired land would be transferred to the appropriate natural resource agency, municipality, or non-government organization as a natural resource conservation area. The acquired property would be managed to prevent future injury or degradation to the resources of concern.

This action expedites the restoration, replacement, and enhancement of lost resources and services associated with OU1 of the CLTL Site. Such land may have the potential for additional restoration, rehabilitation, or enhancement of functional and sustainable wetlands which could be conducted under the habitat management plans of the land management agency having jurisdiction. This equates to land management in perpetuity, a value-added benefit to protection of the natural resources on the acquired land(s). If settlement funds in excess of the purchase price are available, they may also be applied to implement additional habitat enhancement on the acquired property or to supplement the acquisition of additional parcels. Furthermore, land selected for acquisition may contain desirable natural resources possessing the potential for protection, buffering, or otherwise supporting the ecological integrity, maturation, function, or sustainability of desirable wetlands and the surrounding watershed.

Acquisition also provides habitat for a wide variety of wildlife species, including rare or endangered flora and fauna. By virtue of their inherent privacy and natural settings, parcels suitable for building adjacent to lands held as a natural resource conservation area (*e.g.*, State forests, parks, wildlife management areas; National Wildlife Refuges; preserves; natural areas) are difficult to find and are highly sought after for residential development. Acquisition of property under this option can genuinely benefit resources similar to those injured at the CLTL Site by preventing further habitat fragmentation, construction of impervious cover (*i.e.*, pavement, sidewalks, buildings, dwellings), and degradation of water quality associated with suburban and urban development. This alternative would also facilitate the buffering of environmental impacts associated with rapid urban development (*e.g.*, increased amounts of impervious cover, road run-off, and toxicant deposition; reduced groundwater recharge; loss of wildlife habitat) within the watershed and adjacent to the currently protected and managed lands.

The consequence of implementing this alternative would be the preservation and conservation in perpetuity of open space, a rapidly vanishing, valuable and irreplaceable natural resource in the lower Delaware River watershed. Another consequence would be that the acquired land, held in restricted public ownership, would no longer be available for commercial, residential, or economic development, potentially elevating the market value of other properties in the area. The acquired property would almost certainly be exempt from local and State property taxes. Acquisition of property and any associated restoration activities are not expected to create any potential for causing additional injury to natural resources. In addition, acquisition is not expected to have any adverse impact on human health and safety but rather enhance it, since it will provide passive open space recreation and wildlife habitat. Finally, given the intensive trend towards urbanization in the lower Delaware River watershed, land acquisition is a cost-effective and beneficial action capable of protecting the public's current use of natural resources (*i.e.*, fish,

wildlife, wetlands, surface water, and uplands) and the future stewardship of those resources.

This alternative is intended to maximize the benefits in relation to the cost of acquiring desirable properties through leveraging acquisition funds from other sources (*i.e.*, New Jersey's Green Acres Program and non-governmental organizations). The implementation of Alternative A is dependent upon current real estate market values; locality; availability of willing sellers; parcel size; and development potential. Consideration of parcel-specific costs compared to the benefits that may be realized through their acquisition will be made on a parcel-specific basis as properties become available. Parcels selected under this alternative, when possible, should:

- adjoin public lands currently owned and managed by a natural resource agency or local municipality as open space;
- be offered at fair market value by a willing seller;
- be free of hazardous wastes and the liabilities thereof;
- contain natural resources similar to those injured at the CLTL Site; and,
- be located within the groundwater recharge area of the CLTL Site.

The Trustees have identified a variety of potential parcels that may meet the acquisition criteria. Several (Liberty, Daniels, Deringer, Signal Hill, Roselin Bridge, and Keijdan) have met the criteria of having excellent groundwater recharge in the same watershed as the CLTL Site (Watershed Management Area 18) and being available to purchase. The injuries caused by discharges at the CLTL facility will be indirectly restored through the improvement and preservation of groundwater quality, as afforded by the purchase of these properties.

Implementation of Alternative A targets maximizing the acreage that compensates the public for interim lost uses in addition to replacing and protecting the natural resources injured at and/or from the CLTL Site in perpetuity. To that end, additional parcels meeting the acquisition criteria may be purchased as circumstances and availability allow. However, to avoid jeopardizing potential acquisition negotiations with willing sellers, identification of other specific parcels under consideration for acquisition will not be disclosed at this time.

Alternative B: On-site Wetland Restoration

Wetland restoration on-site was deemed an inviable alternative to offset injuries to groundwater. As detailed in U.S. Fish and Wildlife Service and New Jersey Department of Environmental Protection (2007), the Trustees have been unable to identify on-site wetland restoration actions that would not impede the proper functioning of the EPA-selected remedial action. Furthermore, the EPA remedial action did not address all wetland areas impacted by contamination: higher quality wetlands were left intact to undergo natural attenuation because cleanup activities would likely have caused more damage to the habitat than could be offset by subsequent and costly restoration actions. For these reasons, the On-site Restoration Alternative is inconsistent with the intent

of the Consent Decree and the NRDAR guidance and further evaluation of this alternative is unnecessary.

Alternative C: Off-site Wetland Restoration

The Trustees considered habitat restoration of land suitable for groundwater recharge as part of restoration actions associated with the CLTL Superfund Site OU1. The projects would likely consist of a series of actions, singularly or in combination, to restore, create, or enhance habitat similar to that injured at the CLTL Site. Generally, such restoration actions would include:

- modifying site hydrology by removing dikes and levees, diverting water flow toward or away from the site, and / or regulating the site's hydrologic regime through flooding and drawdown;
- modifying site pedology (soil morphology) by excavating and grading site topography to a desirable elevation, salvaging and relocating wetland soils, and / or adding organic matter or other soil supplements;
- modifying vegetative cover by allowing natural revegetation, seeding or planting desirable species, removing or controlling invasive plant species, controlling herbivores and disease, and / or installing temporary buffers and protective structures; and,
- monitoring the ecological response to restoration actions and making mid-course corrections as warranted.

This alternative is technically feasible, would have no effect on human health and safety, and would not cause further injury to natural resources. However, the costs associated with mobilization/demobilization of earthmoving equipment, obtaining multiple permits, and engineering and logistical support (*i.e.*, construction of access roads) for wetland restoration in this area would be extremely high. Additionally, the direct benefits to groundwater may be limited. Thus, this alternative is not considered to be cost-effective and is not expected to yield substantial restoration benefits. Therefore, the Off-site Restoration Alternative is inconsistent with the intent of the Consent Decree and the NRDAR guidance and further evaluation of this alternative is unnecessary.

Alternative D: No Action

This alternative is addressed to fulfill requirements under the NEPA, and is consistent with the damage assessment process under the NRDAR regulations. Under Alternative D, no action would be taken to restore resources injured due to contamination at the CLTL Site or to replace or acquire additional natural resources to restore ecological and human services provided by the injured resource. Restoration of the resource and resource function would be completely dependent upon natural processes. The funds recovered for New Jersey's natural resource damages claim for the CLTL Site would not be spent. This alternative is technically feasible and has no cost, but also would result in no benefit from the funds specifically recovered for restoration.

By implementing this alternative, the Trustees would take no action to restore injured natural resources or compensate for lost services pending environmental recovery. Instead, compensation to the public would rely on natural processes for recovery of the injured natural resources. While natural recovery would occur over varying time scales for various injured resources, the interim losses suffered would have no compensatory restoration under the no action alternative. This alternative has no direct environmental consequences, because by definition, no manipulations to the environment would take place. However, the no action alternative may negatively affect injured resource indirectly if particular anthropogenic activities, independent of site restoration processes, take place. For example, the no action alternative precludes the use of restoration funds to purchase land that would directly protect groundwater recharge. If that land was developed, groundwater would be negatively impacted.

This alternative would do nothing to offset injuries resulting from the contamination and results of response actions. No additional natural resource injuries would be caused by this alternative, but injuries resulting from the CLTL Site would go unaddressed. This alternative would have no effect on human health and safety. It is, however, inconsistent with both Federal and State policies to restore natural resources injured by hazardous substances, and is inconsistent with the CERCLA requirement that funds recovered by Trustees for natural resource injuries be spent on restoration or replacement of those resources. Based on the aforementioned facts, the Trustees rejected the No Action alternative.

VII. ENVIRONMENTAL ASSESSMENT

The Service's *Final Revised Procedures* for implementing the NEPA, published in the Federal Register on January 16, 1997, provide a categorical exclusion for NRDA restoration plans when only minor or negligible change in the use of the affected area(s) (the area[s] undergoing restoration) is planned. Categorical exclusions are classes of actions that do not individually or cumulatively have a significant impact on the human environment.

The Service has determined that the preferred restoration alternative will result in little or no change in the use of the affected areas. Accordingly, the preferred alternative as set forth herein is a categorical exclusion under NEPA and further assessment under NEPA is not warranted.

VIII. USE OF THE SETTLEMENT FUNDS

The Preferred Alternative

As indicated previously, pursuant to the Consent Decree, monies paid to the State of New Jersey are to be spent only “...for the purchase of and restoration, restoration planning, implementation, oversight and monitoring of wetlands and associated uplands, and pursuant to a Memorandum of Agreement...between the DOI and the State, which MOA shall...identify property acquisition of the equivalent as a priority restoration option to

be considered.” Therefore, the Trustees have selected Alternative A: Property Acquisition, as the preferred alternative. To implement and accomplish Alternative A, the Trustees plan to allocate funds received for injury sustained in OUI to property acquisition, which may be augmented by other leveraged funds (*i.e.*, the State's Green Acres Program, non-governmental partners, or other NRDAR-related settlement funds that are otherwise eligible for parcel acquisition). Parcels selected according to the acquisition criteria, defined under Alternative A, above, will be purchased as they become available. The allocated funds may, upon unanimous agreement of the trustees, also be used for the operational cost to implement and oversee all restoration actions taken pursuant to the Consent Decree. These costs include, but are not limited to: property surveys, title searches, due-diligence inquiries, and property posting; technical assistance; regulatory compliance; and engineering and logistical services.

If the Trustees obtain new information indicating that any of these projects should not be implemented, that the allocation of funds among these projects should be significantly adjusted, or that another project or projects should be substituted for any of the projects discussed herein, the Trustees may select alternative projects for implementation or significantly modify fund allocations. In that event, they will provide further public notice to the extent required by CERCLA and/or NEPA.

IX. LIST OF PREPARERS

This Draft RP was prepared by representatives of the Natural Resource Trustee agencies listed below.

U.S. Fish and Wildlife Service

Clay Stern
Melissa Foster
New Jersey Field Office

NJ Department of Environmental Protection

Grace Jacob
Office of Natural Resource Restoration

X. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS CONTACTED FOR INFORMATION

New Jersey Department of Environmental Protection
Gloucester Township/Department of Community Development and Planning
New Jersey Conservation Foundation
South Jersey Land and Water Trust
Township of Logan, New Jersey

XI. LITERATURE CITED

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XII. SIGNATORY

Regional Director / DOI designated Authorized Official

Date

Assistant Commissioner, New Jersey Department of
Environmental Protection

Date