

9AM Hudson Co. Court
Administration Bldg.

meeting.
Dispatch 8-14-72

Air Pollution Order Faces Landfill Unit

Hudson Superior Court Judge Theodore I. Botter signed an order yesterday directing Municipal Sanitary Landfill Authority, Harrison av., Kearny, to show cause on Sept. 14 why it should not be penalized for air pollution.

Deputy Atty. Gen. Michael J. Gross obtained the order. According to the complaint filed, the defendant was ordered on July 17, 1969, to cease polluting the air. Subsequently the defendant paid a \$200 penalty for open air burning of refuse on Apr. 19, 1972. Now, the N. J. Department of Environmental Protection alleges the defendant committed another offense, Apr. 11 of this year, burning refuse in the open. The state seeks a \$2,500 penalty this time.

CAAC00001

Essex chooses Kearny dump sites

Interim landfill will be used for 5 years as recycling is developed

By JAMES BENSON

Essex County officials last week chose two sites in the Hackensack Meadows in Kearny to dump county solid wastes over the next five years until a recycling facility is available.

The county's selection of the sites by Friday was required under a timetable in its solid waste management plan which was approved by the state Department of Environmental Protection (DEP).

County officials met with DEP and Hackensack Meadows Development Commission (HMDC) officials Friday in East Rutherford and presented their landfill choices, two sites totaling 87 acres off Harrison Avenue near the New Jersey Turnpike in Kearny.

The HMDC, which supervises garbage dumping in the Meadows, is opposed to the Kearny sites in accordance with its policy of avoiding opening new dumps.

The HMDC wants Essex County to open a dump within its own borders and has suggested numerous locations, but county officials have rejected all of them for various reasons, including environmental concerns, and continue to insist that the two Meadows sites are best suited for Essex garbage.

The DEP will have to approve or reject the county's site selections in the near future. The HMDC, in correspondence with the DEP, has found, however, that the county's choices do have "some potential" as dump sites.

Every Essex County municipality except Essex Fells, which uses a site in Mt. Olive, dumps its garbage either at a site known as MSLA 1-D in the Kearny meadows adjacent to the county's two choices for future disposal, or at a baling facility in the meadows.

...

MSLA 1-D is scheduled to close at the end of this year, but several extensions of the use of MSLA 1-D and other dumps in the meadows have been granted by the state.

Essex officials believe MSLA 1-D could be used well into next year if permitted by the state.

David Hull, deputy director of the Essex County Department of Planning and Economic Development, said county and municipal officials have opposed opening any potential dump site within county borders for zoning, environmental, political or other reasons. Hull said the county might fight the state in court if ordered to open an Essex site.

The largest of the county's two dump site choices is

55 acres and is known as MSLA 1-A. It was an active landfill site but was closed five years ago. Hull said it has the capacity to handle much of the county's garbage over the next five years.

The second site chosen is a triangle of land 33 acres in area bounded by the PATH rail elevated right-of-way, the Turnpike and Harrison Avenue.

MSLA 1-D is immediately opposite the Turnpike to the west of the site.

HMDC found the site had "limited development potential" but that it "should not be substantially impacted by the existing use characteristics." The site was once partly filled illegally by a landfill operator but, on HMDC orders, the illegal waste was removed.

As an alternative to the first two choices, the county has chosen an area of the Kearny meadows known as the Kregan site, which is south of Route 7.

Seating sought on PVSC board

Newark Councilwoman Marie L. Villani has called on the city's legislative delegation in Trenton to sponsor a bill mandating that the city be guaranteed representation on the board of the Passaic Valley Sewerage Commission (PVSC).

Although Newark owns almost 40 per cent of the PVSC stock, not one city resident sits on the board of the seven-member commission, the at-large councilwoman said.

"The multi-million dollar PVSC plant occupies 174 acres of prime industrial land in the Meadowslands," according to Villani, who noted the city expects to pay the PVSC \$7.7 million for fiscal 1980 services, while the increased tax payments from the agency amount to \$393,000 annually.

"Not only does Newark fail to receive its fair share of taxes from the land occupied by the PVSC, but we must live with the environmental effects of having the agency located within our borders," she added.



CAA000004

4

HUDSON REGIONAL HEALTH COMMISSION

313 Harrison Avenue
Harrison, New Jersey 07029

REPORT OF FIELD INVESTIGATION

DATE 9-25-80 TIME 10:30 a.m. FILE# 5.1
REFERENCE TO CHAPTER

FULL BUSINESS NAME Municipal Sanitary Landfill

Location Harrison Ave., Kearny, N.J.
No Street Municipality

Mailing Address as above
No Street Post Office Zip Code

Person(s) Interviewed _____

Title
Title

Comments _____

Report Requested by Ed. Grosvenor Kearny Department of Health

Purpose of Investigation To determine if dumping of drums or chemicals prevalent

Observations Complaint received that possibly Carbone Trucming Co, Passaic
, N.J. may be dropping off 55 gallon drums possibly filled with toxic
chemicals or waste.

Continued surveillance of above location for any trucks entering landfill
that may be of a suspicious nature and carrying drums

Conclusions No trucks at time of inspection entering landfill

Recommendations Continue periodic inspection and surveillance of general area.

CAA000005

Investigated by Chet Potoczny

TIERRA-D-009054

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Kearny, DEP confer on dump controversy

By DONNA LEUSNER

Kearny officials, opposing a state order to open another landfill in the garbage-choked meadowlands, pleaded their case before state authorities yesterday in Trenton.

Although the 20 officials who gathered for a roundtable discussion with members of the state Department of Environmental Protection (DEP) got no concrete answers, Kearny representatives called the information exchange "productive."

Kearny is seeking to have rescinded a Jan. 19 order from the state to open temporary landfills in Newark and Kearny by July 1 to handle a combined total of 3,500 tons daily of Essex County garbage.

DEP Commissioner Jerry English directed the Hackensack Meadowlands Development Commission (HMDC) and Essex County to find a site to accommodate the garbage until Essex County opens a recycling plant in 1985.

The town, arguing that another landfill will discourage proposed industrial development in the region and create a health hazard, has vowed to fight the order in court.

Kearny Mayor Henry Hill said the region slated for a third landfill is the "gateway to a revitalized economy for

Kearny, generating industrial development worth millions of dollars and creating thousands of jobs."

E. Robert Hakim, chairman of the Kearny Industrial Commission, urged English to rescind the dumping order, claiming Kearny has made its contribution to the state over the past 60 years by taking garbage.

"I can't imagine creating thousands of jobs and industrial development amid a sea of garbage," said Hakim. "If they (the state) rescind the directive, Kearny will be happy."

Margaret Hallaway, who has been fighting open dumping in Kearny for 12 years, also called the meeting profitable because "now the state knows how drastic the situation is and how hard we must work to keep the garbage out of Kearny."

Sen. Frank E. Rodgers (D-Hudson) demanded an answer from English after the hourlong meeting on whether the state would seek other sites outside of Hudson and Essex counties to place the garbage.

DEP assistant commissioner George Tyler also called the meeting productive.

"We heard the legitimate concerns expressed by the people of Kearny and will take these into consideration, as we have since the public has been offering them to us."

CAAG00007

DEQ-062
1/88

CAA000014

HUDSON REGIONAL HEALTH COMMISSION
215 Harrison Avenue
Harrison, N.J. 07029

(201) 485-7001-2

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|---------------|-----------------------|
| PLANT ID # | INSPECTOR ASSIGNED |
| | |
| HRHC # | |

FIELD INVESTIGATION ASSIGNMENT REPORT

| | |
|---|--------------|
| DATE ASSIGNED | STATS VOS |
| | Oth |
| DATE COMPLETED | ReIns |
| 5/3/89 | ER |
| TYPE OF ASSIGNMENT | |
| <input type="checkbox"/> Complaint <input type="checkbox"/> APEDS | |
| <input type="checkbox"/> Order Followup | |
| <input type="checkbox"/> Other (by code) _____ | |
| Other _____ | |
| WEATHER | |
| SKY _____ | |
| TEMP _____ | |
| WIND _____ | |

COMPANY NAME _____ Keegan Landfill - Roselli Landfill area
LOCATION _____ NJ Turnpike Exit 15W - Kearny
CONTACT: _____ TEL.#: _____

COMPLAINANT NAME _____ PHONE # _____
COMPLAINANT ADDRESS _____
DATE RECEIVED _____ TIME RECEIVED _____ RECORDED BY _____
ASSIGNMENT _____

PLANT CONTACT _____
TITLE _____
ARRIVAL TIME AT PLANT _____
TOTAL ASSIGNMENT TIME _____
STACKS INSPECTED _____ TEMPS _____
TOTAL SOURCES INSPECTED _____
DEQ-012 COMPLETED FOR SUBCHAPTERS _____
TYPE SAMPLE COLLECTED _____
OF SAMPLES COLLECTED _____
COMMENTS (by code) _____

| SUBCHAPTER | # INSP |
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| COMPLAINT | TYPE NUMBER |
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| Time/Date at Complainant _____ / _____ | |
| Verified: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Give details below | |
| VIOLATION FOLLOWUP INSPECTION | |
| Violation Log # _____ | |
| Order Dated _____ | |
| Subchapter Violated _____ | |
| Compliance Achieved <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Give details below | |

DETAILS OF INSPECTION _____
10:30 a.m. Mike Beard called "Town of Kearny wants a
determination of property lines where underground fires
are located and order from DEP to put fires out."
Reminded him of 7/2/87 letter from the Division of Solid
Waste Management suggesting proper closure requirements
10:50 a.m.: Advised Metro Office of request received
11:15 a.m.: Advised Solid Waste Division of the underground
fires and the request from the Town of Kearny
Pat Ferraro - 1-609-426-0791
12:00 - 1:00 a.m.: Inspected area - underground fires
heaviest in the RT 280 turnpike entrance areas off
Harrison Avenue.
11:45: Pat Ferraro advised that they would send out a
"shot gun" type letter to all property owners of record
2:00: R. Ferraiuolo, HRHC and E. Grosvenor, H.O. Kearny
advised.
5/4/89: Pat Ferraro SW, waiting for ownership list from HMD

| MUNICIPAL CODE | | | |
|-----------------------|---|-------|-----|
| SECTION | # | FEE | AMT |
| 7.9A | | 300 | |
| 9.8 | | 30 | |
| | | 120 | |
| 9.9 | | 120* | |
| 10.2 | | 60 | |
| | | 150 | |
| TOTAL | | | |
| MUNICIPAL VIOLATIONS | | | |
| | | | |
| *MAX. | | | |
| INSPECTOR'S SIGNATURE | | | |
| | | | |
| TITLE: | | | |
| SUPERVISOR'S REVIEW | | | |
| INITIALS: | | DATE: | |
| | | | |

SEE ATTACHED FOR ADDITIONAL INFORMATION: ☐ YES ☐ NO

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HUDSON REGIONAL HEALTH COMMISSION

215 HARRISON AVE., HARRISON, NEW JERSEY 07029
TEL. 201-485-7001 FAX 201-485-1251

Richard Censullo, President

Robert Ferraiuolo, Director

MEMO

TO: Edward Grosvenor, Health Officer
FROM: Robert Ferraiuolo, Director
DATE: September 18, 1995
RE: Keegan Landfill
Landfill ID (Southeast of Drew Chemical)

Over the past several days we have been monitoring conditions at both sites referred to above. Although the Fire Department and Cali Contracting have done an excellent job in extinguishing and/or controlling the fires, I am concerned about potential long term consequences of not properly closing both sites.

We are aware that a number of historical, legal and political factors have served to severely complicate long term remediation scenarios. We are further aware that proper closure could potentially cost tens of millions of dollars for the ID site alone, thus beyond the financial capability of the Town of Kearny.

We made inquiry into possible sources of funding assistance for which the Town might be eligible. The results were not encouraging.

We contacted Pat Ferrara of the DEP as well as other knowledgeable parties and were advised that there were generally no such funds available for such assistance, most particularly where there was a responsible party. There is a Bill (#1111), presently pending, which would provide assistance for the closure of municipal landfills where such landfills were not operated for a profit. From what I understand about the operation of the ID site under the terms of a lease with the Town, this legislation, if adopted, would probably not apply. To the best of our knowledge, neither the 'Keegan' nor 'ID' sites were ever on the 'Superfund List'. Neither are on the most current listing of known contaminated sites maintained by the NJDEP.

CAA000028

RECOMMENDATIONS

It would seem of enormous economic benefit to the Town to have the HMDC assume responsibility for closure of both sites. While it is not within my purview to influence the outcome of negotiations and litigation which have arisen from their proposal, the HMDC might be on top of a short list of entities capable of and willing to take on the substantial burden of closure.

Another option might be to seek assistance from our legislative representatives.

We will continue to monitor conditions at both sites and hope that the Fire Department and contractors engaged by the Town can have continued success in controlling outbreaks. However, even these actions can be quite costly and might ultimately prove futile.

In my opinion, the landfills are an unfortunate legacy of shortsighted environmental management. Only through proper closure will their potential consequences be obviated.

For your further information, I have enclosed a copy of a study of the 'Keegan Site' done by the NUS Corporation in September of 1989.

If I can be of further assistance, please advise.

EXHIBIT I

HEARING OFFICER'S REPORT

1.0 EXECUTIVE SUMMARY

The HMDC, through it's enabling legislation, has been involved with regional disposal of solid waste since our inception. We recognize at this time, that there are certain regulatory processes in the making, that will in all likelihood have a serious impact on the State's ability to send solid waste out-of-state. Proposed federal legislation will make out-of-state disposal for New Jersey either prohibitively expensive or legally impossible. Individual states have imposed restrictions over the past several years that have added to the cost of solid waste transfer operations. More importantly, the reliance on out-of-state disposal as a solution to the State's solid waste crisis will keep solid waste costs on their upward spiral, while increasing truck traffic and air pollution.

In 1988, officials from the HMDC, Hudson County, Bergen County, Essex County, New Jersey Department of Environmental Protection, and the State Board of Public Utilities met to discuss several regional solid waste disposal initiatives.

Over a period of a year, data was gathered and several regional options were explored. The most cost effective option pointed towards establishing a regional non-processable landfill in the Meadowlands. Computer modelling indicated that there would be a savings on the order of \$500 Million to the region over a twenty year planning period. Proportionate savings would occur with the proposed Keegan site with it's minimum ten year estimated life.

One of the assumptions included in the regional study, was that the non-processable landfill had to be approximately 100 acres in size and have a capacity of at least ten years. A review of the other potential "orphan" landfills (inactive but not closed sites in the District), indicated that the Keegan site was the only site large enough to satisfy the criteria. Other sites under consideration were the Malanka Landfill in Secaucus, the MSLA 1-D Landfill in Kearny, the Erie Landfill in North Arlington, the Avon/Viola Landfill in Lyndhurst, and the old Rutherford Landfill in Rutherford.

The Keegan site also has excellent regional access to service the targeted solid waste districts not found with the other sites. Finally, the remediation of this site will stop the environmental degradation of the adjacent Fresh Water marsh. It should be noted that this is the largest fresh water marsh in the District, and that it was formally protected by the Commission in 1985.

After discussions and site visits with representatives of the New Jersey Department of Environmental Protection and Energy, the HMDC decided to proceed with the first step towards formally proposing the Keegan site as a regional materials handling complex that would include the non-processable landfill as well as a construction/demolition recycling facility. This action was also prompted by the recommendations included in the Governor's Task Force report on solid waste, particularly concerning regionalization and construction & demolition waste recycling.

The first of two public hearings was held on January 7, 1992 at the offices of the Commission. A second public hearing was held on February 19, 1992 in the Kearny High School.

1.1 WRITTEN COMMENTS

Prior to the public hearings, written comments were received that requested that the record be held open, another hearing be held, and that the HMDC should consider alternative development for the site. Additional written comments were received from the Bergen County Utilities Authority (BCUA), the Hudson County Improvement Authority (HCIA), and the Town of Kearny. Responses to these comments are addressed at length in the full Report.

The HCIA commented that the HMDC must include any proposed solid waste facility in the Hudson County Solid Waste Management Plan. The HMDC believes that the Solid Waste Management Act is clear and that as a Solid Waste Management District, facilities in the HMDC do not have to be entered into the Hudson County Plan, nor are Interdistrict Agreements required as they had described.

The BCUA comments related to financial impact, waste flow orders, and facility capacity. Responses are addressed herein.

The Town of Kearny passed a resolution on March 11, 1992 "... that the Mayor and Council of the Town of Kearny do formally, and unequivocally, oppose any further landfill operations within the Town of Kearny including specifically the proposed regional solid waste materials handling complex which has been the subject of the proposed amendment to the HMDC solid waste management plan..."

The alternative development proposal by Hudson Meadows Urban Development Corporation included an office complex, shopping mall, hotel, etc. The developer owns approximately 34 acres, and has a developmental lease for another 384 acres with the Town of Kearny. A portion of the proposed development would occur on top of the landfilled portions of the Keegan property, roughly the same area designated by the HMDC for the non-processable landfill. It should be noted that Hudson Meadows has had this property under lease for more than 13 years. No response to a nine-page preliminary findings letter from the HMDC dated May 15, 1987 was ever received.

To date, no action has been taken to develop or remediate this site. The financial implications of remediating, financing, and developing an old landfill site of this size are obvious and help explain why no development has occurred. The HMDC could simply wait no longer to stop the degradation of the surrounding area.

Hudson Meadows had extensive questions, and provided lengthy testimony as to why their proposal should go forward. This included that the public notice process was defective for several reasons. The HMDC has in fact complied with the public hearing process as specified in the Solid Waste Management Act.

In addition, it was stated that the HMDC failed to consider alternative sites for the proposed facility along with an impact assessment. The HMDC response is that after evaluating the existing "orphan" landfills in the District, the Keegan site offers the most capacity of any of these "orphan" landfills. This is based on staff knowledge of the District. Further, access to the site is ideal since the Keegan Site is located adjacent to two major State highways, with the proposed access along a major Hudson County route.

The HMDC has designated 421 acres for the proposed facility. However, the bulk of the property is the Kearny Freshwater Marsh which cannot be disturbed. Landfilling would only occur on top of the existing landfilled portions of the site, or about 110 acres.

The landfill would accept bulky wastes (Type 13), and non-hazardous industrial wastes (Type 27) which includes asbestos. The majority of the waste flow is anticipated to be the non-processable wastes that are redirected from resource recovery facilities, transfer stations, and recycling operations. No incinerator ash will be accepted at this facility, which by design will not be able to accept ash. Waste will only be accepted from New Jersey sources.

A March 3, 1992 letter from Hudson Meadows Urban Development Corporation attached additional comments that were supposed to be submitted in evidence at the February 19, 1992 public hearing. Many of these issues were repeated from earlier correspondences and/or testimony. One question, was whether reopening the landfill was the only means to achieve the HMDC's environmental objective. Clearly, our proposal is the only means to close both the Keegan and MSLA 1-D landfills and maintain them for a minimum 30 year post closure period.

An interesting comment, was that "...if a commercial development were constructed, the Kearny "closure" would not likely require an income stream greater than \$1.5-2.5 million/year over a ten year period. This revenue stream could easily be generated from local taxes on the commercial development that could be dedicated to closure costs." Obviously, this would reduce the potential ratables by 50 percent from what has been promoted by Hudson

Meadows.

Another comment was that development of other areas of the Meadowlands has been at the expense of Kearny. The Kearny portion of the Meadowlands is somewhat unique in that a large percentage of the area is wetlands. The next largest area, unfortunately, has been landfills that predated the existence of the HMDC. Because of the disparities for Kearny as well as areas that have received the bulk of the development over the years, the HMDC set up an inter-municipal tax sharing formula. In 1992, Kearny will receive \$2,568,471 from the tax sharing fund, and to date has received \$21,215,252. Host community benefits from the landfill operations have totalled \$1,512,741 since the host community benefits began to be collected.

While Hudson Meadows stated that we have no basis to conclude that significant adverse environmental impacts are occurring, one only has to walk the site to see that there is leachate flowing from the site, that the color of the water in Frank's Creek gets progressively greener as it flows through the site, and that numerous underground fires over the years have scarred site vegetation. Further evidence of site contamination was found by the USEPA in their investigation of the site.

1.2 PUBLIC COMMENTS

Traffic that would be generated by this proposal was one of the most frequently voiced concerns. Kearny residents believe that their roads are already at capacity, and that there is too much truck traffic. The HMDC has estimated that site operations would generate 200 trucks per day, the majority of which occurs at off-peak hours. The HMDC prepared a traffic modelling report that enables us to predict the impact from a proposed development. Use of this model indicated that the proposed facility would not change the Level of Service of the feeder routes (Harrison Avenue or Belleville Turnpike). In addition, the site is located about one-half mile west of the intersection of Route 280 and the New Jersey Turnpike at the 15W Interchange. It is anticipated that trucks will utilize the major arteries, ie. Harrison Avenue and Belleville Turnpike to access the site. The estimated 200 trucks per day are in stark contrast to the development proposal which would have in excess of 7,000 vehicles per day. It should be noted that the only current access to the site is via a dirt road.

Many residents asked why the site use could not simply be a park instead of either a landfill or another development. The HMDC responded that based on the history of underground fires at the site, leachate emanating from the site, etc. there would have to be a substantial cleanup of the site before any park development, with no viable funding source available.

A September 29, 1989 report commissioned by the USEPA Superfund Division recommended the site for Medium Priority for further action. Further, that a fence should be installed around the site to limit access, and that additional sampling was needed to assess the full extent of pollutants from the site.

Cleanup could not be effected by simply covering the site with several feet of dirt. A perimeter cutoff wall and leachate collection system, as proposed by the HMDC, would be required along with adequate capping of the site before any recreational uses could be contemplated. Obviously, these improvements would require a substantial investment that neither the Town nor the HMDC could make.

The financial impacts of the proposed project were also questioned by several people at the hearings. The HMDC has projected that the landfill will accept 1500 tons per day, 300 days per year, with a tipping fee of approximately \$75 per ton. Using the current State taxes of \$24.35 per ton, taxes would account for 33 percent of the tipping fee. Assuming that the operations at the proposed facility cost the same as the present Baler contract, 28 percent of the funds collected would go towards operations. Closure and post-closure costs for the Keegan and the MSLA 1-D site would account for an additional 36 percent. This would leave 3 percent for contingencies and administration.

Property values were of great concern to the residents of the Town, and especially nearby residents. The HMDC has seen a number of large and small scale developments near landfills in the District and elsewhere. Hudson Meadows pointed out at the public hearing that the Loew's Glenpointe development in Bergen County was built adjacent to an old landfill. The Bellemead Development Corp. has built a number of office buildings in the Meadowlands near old landfills. Housing continues to be built near landfills, most recently in North Arlington within several thousand feet of the Bergen County Landfill.

In addition to the above, and the fact that the area surrounding the Keegan site is largely heavy industrial in nature, the HMDC does not believe that the proposed landfill will negatively impact Kearny properties.

Asbestos will be disposed at the non-processable landfill much the same as it is today at the HMDC Baler. To date, there have not been any incidents of asbestos spills from solid waste vehicles. Asbestos is one of the most highly regulated industries and solid waste streams in the country.

Prior to any asbestos being removed from a demolition project, the licensed asbestos removal company must certify that all asbestos has been removed from the building. At that point, the removed asbestos is wet down and packaged in two 6 mil plastic bags

prior to disposal. At the Baler, the asbestos hauler must make specific arrangements for the time and place of disposal. The same procedure would be followed at this facility. Providing a reasonably priced in-state method of disposing of asbestos is critical to the safe timely removal of this material from our environment.

1.3 RECOMMENDATION

The HMDC staff recommendation, based on our review of the available information, the submitted documentation and public testimony, is that the proposed use of the site as a materials handling complex is the best use of the site.

2.0 FINDINGS

The HMDC is proposing to establish a regional materials handling complex in Kearny with access from Harrison Avenue through Bergen Avenue, to be located on Block 205, Lots 18, 19, 24, 27, 28, 29, 30, 31, 32, and 33. This facility would include a non-processable landfill and construction/demolition recycling operation which would accommodate wastes that have traditionally been landfilled, and which have more recently been transferred out-of-state. These wastes either cannot be recycled or cannot be processed in a resource recovery facility.

The HMDC has discussed the feasibility of establishing such a facility over the last several years with the NJDEPE, Bergen, Hudson and Essex Counties. A Tri-County initiative study conducted in 1988, indicated that if such a facility were established, that the region would stand to save an estimated \$500 Million over a twenty year period.

The proposed non-processable landfill would be located on top of the existing landfilled portions of the lots noted herein. This site is generally referred to as the old Keegan Landfill, or the MSLA 1-B Landfill. The goal of the HMDC is to remediate the old landfill thereby containing and controlling the existing pollutants from the site, while siting a much needed non-processable landfill for the region. Only New Jersey waste would be accepted at this facility.

Tipping (disposal) fees would pay for site remediation and landfill design, construction, operation, closure, post-closure and end-use plans. Additionally, the Hackensack Meadowlands Development Commission intends to collect funds for closure and post-closure for the MSLA 1-D landfill in Kearny.

The proposed construction and demolition recycling facility would accept concrete, wood, brick, etc. from construction and demolition sites. This facility would also serve as a consolidation center for this material. Concrete and brick would be processed into gravel for road base, admixtures, fill, etc. pursuant to State specifications. Wood would be processed, shipped to a secondary processor, or landfilled if it is non-processable (such as pressure treated or creosoted wood). Metal would be magnetically removed and brought to a scrap metal processor. Residual soils would be used as landfill cover whenever possible. Accessory uses may also include a tire shredding/chipping operation.

The old Keegan landfill is approximately 110 acres and this defines the lateral site limits. However, the ultimate capacity of the facility will be determined by extensive geotechnical investigations, wetlands delineation, and design constraints. If certified by the NJDEPE, this amendment to the HMDC Plan would

permit the HMDC to pursue the required engineering and environmental studies necessary to develop the site, to remediate the site, and to develop the new landfill on top of the site.

On January 7, 1992, the HMDC held the first of two public hearings. Public notices were placed in the Bergen Record and the Jersey Journal pursuant to the Solid Waste Management Act.

This document will address the two public hearings, written comments etc. separately. It should be noted that Classic Sanitation/Industrial Haulage removed their application for an amendment to the Plan shortly before the public hearing due to site plan problems.

2.1 JANUARY 7, 1992 HEARING

Written comments were received from: Gary Bennett, attorney for the Town of Kearny requesting that the public hearing be adjourned or that the record be left open and the public hearing be continued at a later date due to a conflict with a Town council meeting; Hudson Meadows Urban Development Corporation submitted a preliminary soils report prepared for Hudson Meadows by Melick-Tully and Associates dated March 30, 1987; a January 2, 1992 letter from Hudson Meadows to Mayor Kenneth Lindenfelser objecting to the proposed facility; a January 6, 1992 letter from Melick-Tully and Associates to Hudson Meadows; and a letter from Thomas Stukane of DeCotiis and Pinto, attorneys for Hudson County Improvement Authority requesting that the public comment period be held open until January 20, 1992.

Hudson Meadows Urban Development Corporation

Hudson Meadows submitted written comments on January 7, 1992 along with several attachments. Among these attachments was a January 6, 1992 letter from Melick-Tully & Associates that highlighted their March 30, 1987 soils report. Their study "...revealed that the majority of ...(the site)... had been previously filled with trash containing wood, grass, newspapers, rags, organic materials and other refuse. The fill had been placed directly over the original surficial organic marsh deposits. The total thickness of the fill and organic deposits varied from approximately 8 to 23 feet. Medium dense to dense sandy silt and sandy silt were encountered beneath the organic deposits and ranged from approximately 28 to 36 feet in thickness. The silt/sandy soils were underlain by soft to very stiff varved silt and clay which extended to depths ranging from approximately 75 to 150 feet beneath the ground surface. Dense competent glacial till and/or shale bedrock was encountered beneath the varved silt and clay.

The development of the site as proposed by Hudson Meadows includes an office complex, shopping mall, hotel and other related

and support structures. This report recommends a variety of necessary improvements for construction. This includes the following:

- 1) All high-rise structures must be supported on piles. Piles would have to be driven to depths ranging from 90 to 150 feet below the existing ground surface. Low to mid-rise structures could be supported by either a controlled fill alternative, or low to moderate capacity piles.
- 2) Excavation and disposal of unsuitable materials from within areas to be developed, controlled fill installation within building areas, the importation of general fill to raise grades within building areas if piles are utilized.
- 3) Design techniques that include ramps to enter structures; exaggeration of surface slopes to develop surface sheet drainage and minimize construction of drainage piping; the use of flexible connections for all utilities.
- 4) The construction of either a passive or active methane venting system for all structures depending on the concentrations of methane found in the fill materials.

Hudson Meadows also submitted the following major written objections to the proposed amendment:

- 1) The site designation by the HMDC constitutes a taking.
- 2) The site designation denies Hudson Meadows due process.
- 3) The public notice is defective because it fails to tell the public about the Hudson Meadows proposal.
- 4) The public notice is defective due to the HMDC reversing its historical opposition to regional facilities and a shift in waste flows.
- 5) There is no substantial evidence.
- 6) The HMDC fails to consider alternative sites in the District, and elsewhere in the county and state.
- 7) The HMDC failed to assess impacts to wetlands, surface water, groundwater, and ambient air quality.
- 8) The site designation is premature because the HMDC cannot obtain a Clean Water 404 permit, nor comply with state wetlands and buffer zone requirements.

RESPONSE

The HMDC provided adequate public notice in two daily newspapers in the region and in the format and timing pursuant to the State Solid Waste Management Act. There are no provisions that require the HMDC to list other potential developments on the effected properties.

As this site is a former landfill operation, there are certain known environmental and engineering liabilities. The HMDC is proposing to absorb all these liabilities through collection of closure and post-closure funds with the tipping fees. In addition, the HMDC will also absorb all liabilities for the MSLA 1-D landfill.

For the HMDC to undertake detailed engineering or environmental studies at this time, would be inappropriate. Sufficient background data exists to support the planning process as conducted to date. This work is proposed to be performed after the NJDEPE certifies this HMDC Amendment. Preliminary discussions with the Army Corps of Engineers indicate a willingness to cooperate with the HMDC in order to eliminate the degradation of the Kearny Freshwater marsh by the leachate from the Keegan Landfill.

For the reasons noted above as well as the other environmental concerns with this site, the HMDC has proposed what we believe to be the only alternative for site development. The development of this site as a landfill will remediate the site, while providing the region the much needed landfill capacity for non-processable solid waste. Additionally, the HMDC proposal addresses the closure of the 1-D landfill as well.

Hudson Meadows has not demonstrated, either in written or oral presentations that they intend to remediate the site to the level that the HMDC is proposing and which we believe will contain the pollutants leaching into the adjacent Kearny freshwater marsh.

The January 2, 1992 letter to Mayor Lindenfelser of Kearny dealt solely on the benefits of the proposed Hudson Meadows development and does not require a response in this document.

PUBLIC COMMENT

The responses to the major questions raised at the public hearing are as follows:

Traffic and Access

There were several questions and concerns raised about traffic and access to the site. The residents wanted to avoid

compounds in various sediment samples. Several inorganic compounds, including mercury, lead, and chromium were detected in surface water samples collected in Frank's Creek.

It was also noted that a member of the Kearny Police Department had worked as a truck driver for DuPont Chemical in Newark in the 1960's. He reported that every morning a least one truck with approximately forty 30-gallon drums went to the Keegan tract. These wastes included chromate and bichromate slurry, pigment wastes, and organic wastes. However during site investigations by the NUS Corporation, no drums were found.

The summary report concluded that the site poses a potential threat of contamination to surface waters. Downstream water samples indicated concentrations of chromium significantly greater than upstream samples. The same could be said for the sediment samples. It was also indicated that there was a potential for direct contact with hazardous substances present on site. In fact during recent inspections with the NJDEPE on the site, there were always people fishing or hunting on the site. Further, there is significant evidence of routine dumping throughout the site.

The report went on to say that "...based on recreational targets from the Hackensack River and the potential for direct contact, the site is recommended for a MEDIUM PRIORITY for further action. A fence should be installed around the site to limit access to the landfill. Note that this report is on file with the NJDEPE Hazardous Waste Division.

A July 2, 1987 letter from Edward Londres, Assistant Director of Enforcement for the NJDEP required that as an immediate, short term remedial measure, be prepared to mitigate the constant fires at the site. Next, a closure plan for the site was to be submitted, to preclude similar events from occurring in the future. It was further recommended that fire access roads be constructed to facilitate fire vehicle entry. Finally, it was recommended that measures to prevent public access to the site, such as fences and/or periodic patrols be put in place. To date, none of the improvements recommended by either the NUS Corporation or the NJDEP were implemented, including submittal of either the conceptual proposal or closure plan.

Ownership

The majority of the site is owned by the Town of Kearny (384 acres), with the remainder of the site in private ownership. Hudson Meadows Urban Development Corporation also has a leasehold interest in all of the Kearny owned land, as well as having direct ownership of about 34 acres. The total area that the HMDC has designated for this facility is 421 acres. Of that amount, only 110 acres are proposed for landfilling. The remaining acreage is the fresh water marsh which will ultimately be incorporated into the reuse of the

additional traffic on local roads which they feel are already congested. The HMDC has proposed that the access to the site be limited to a feeder road on the south of the site, ie. from Harrison Avenue, a major County road that links Harrison to Jersey City and where Route 280 and the New Jersey Turnpike meet at Interchange 15W. This intersection is approximately one-half mile east of the proposed site entrance. We have estimated that about 200 trucks per day will use this facility.

Another question raised related to the proposed extension of Route 17 south from Lyndhurst to the 15W interchange and/or Route 280. This proposal has been talked about for the last 20 years. The final alignments proposed by the NJDOT would not interfere with our proposed facility. In addition, we understand that the NJDOT has abandoned this project due to environmental concerns.

Present Site Conditions

It is believed that landfill operations began on the site in the 1940's or earlier. Operations continued until 1972 at which time disposal was concentrated onto a number of other larger sites. The site was operated by Municipal Sanitary Landfill Authority (a private company) as the MSLA 1-B Landfill under a lease arrangement with the Town of Kearny.

Since the landfill was closed prior to the Solid Waste Management Act, there are no environmental improvements at the site. The HMDC has estimated that there are approximately 65 million gallons of leachate being produced on-site each year. This leachate enters either the Kearny Freshwater Marsh, or Frank's Creek which bisects the site and flows south to Newark Bay. Frank's Creek has often been described as an open sewer, that usually has a green color. Leachate seeps are evident along the banks of the creek and the perimeter of the site.

The site has had a series of underground fires over the years that have caused air pollution problems for local residents. This has forced the town to hire outside contractors to put out the fires at a cost of about \$40,000 per year. The method of putting out the fire is fairly standard. A bulldozer or other heavy equipment are brought in to dig up the fire. Then large quantities of water are pumped onto the exposed area until the fire is out. The last fire in November, 1991 required an area the size of a football field to be disturbed, with water being pumped onto the site for over a week. Obviously, where there are underground fires there is methane, and there are no controls to prevent lateral migration of methane into adjacent structures.

A September 29, 1989 report prepared by the NUS Corporation/Superfund Division for the United States Environmental Protection Agency indicated the presence of mercury, lead, chromium, polychlorinated biphenols (PCBs) and several semivolatile

site as a passive wildlife refuge.

Waste Flow Components

The HMDC is proposing to accept bulky wastes (ID 13), and non-hazardous industrial wastes including asbestos (ID 27). In addition any non-processable wastes directed from either resource recovery facilities, transfer stations, materials recovery facilities, etc. will also be accepted (these are assumed to fall into an ID 13 or 27 category). It is anticipated that much of the cover material that will be used on the landfill will be soil generated from an on-site demolition recycling operation, or from similar sources from the State sponsored Soil Reuse Program.

Waste will be accepted only from New Jersey sources. It is anticipated that the four or five northeastern counties that historically dumped in the Meadowlands will send their non-processables to this facility. No incinerator ash will be accepted at this facility. In fact, by State regulation, a landfill must be specifically designed and operated to accept incinerator ash. The proposed non-processable landfill will not be able to meet those requirements which include dual synthetic liners, double leachate collection systems, etc.

Operations

The HMDC is proposing to operate this facility Monday through Saturday, from 6:00 AM to 4:30 PM. The landfill operations will be conducted in accordance with standard industry practice. Asbestos operations will be conducted separately from other landfill operations, but asbestos waste will only be accepted between the hours of 7:30 AM to 1:30, Monday through Friday.

The site life is estimated to be a minimum of 10 years to an elevation of about 100 feet.

Utilities

There are currently no sewers in this area of Kearny. The HMDC has, however, built a leachate force main from the 1-E landfill on the north of the Keegan site, to the 1-A landfill on the east. This force main will eventually be hooked up to the Kearny south pumping station that will feed directly into the Passaic Valley Sewage Commission facility in Newark, New Jersey. The HMDC is proposing to construct a force main from the Keegan site that would also service the adjacent industrial buildings in Kearny that are now on septic or holding tanks.

Closure Costs

The closure costs for the Keegan site are estimated to be \$30 million, with the post-closure costs estimated to be an equal amount. The HMDC has also proposed to collect enough funds through the tipping fees to provide for the equally costly closure and post-closure of the former MSLA 1-D landfill, owned by the Town of Kearny, and located about one-mile east of the Keegan site. If this proposal is approved by the NJDEPE, the HMDC would absorb all liability from the Town of Kearny for these two sites.

Wetlands

The HMDC proposal includes the Kearny Freshwater Marsh because it is within Block 205, Lot 19. However, the HMDC does not have plans to fill in any portion of the marsh. In fact, in 1985 the Commission passed a resolution forever protecting the marsh from development.

This proposal by the HMDC will have a positive impact on the marsh because it will stop leachate from entering the marsh, as well as the upland pollutants that enter via Frank's Creek. This Creek will be rerouted around the landfill to its present terminus.

Hearing Process

There were several references made that the public hearing process did "...not meet the minimum standard for the process as envisioned by the Solid Waste Management Act and the implementing regulations." This included not having an available record for the public to review.

Pursuant to the Solid Waste Management Act, the HMDC did in fact provide all required notices in two papers in general circulation in the area, specifically the Jersey Journal and the Bergen Record. Notices were placed in these papers once a week for two weeks, with the second notice at least ten days prior to the date of the hearing as prescribed by law.

The record at the time of the public hearing, included site aerial and topographic maps, listing of effected property owners, basic site information, and substantial quantities of background documents. This information included several borings and test pits on the site. Traffic data was also available from a proposed development on Harrison Avenue about one-half mile east of the proposed access road to the Keegan site. Additionally, the HMDC has a traffic model of the entire District which was used to evaluate potential impacts.

The HMDC has maintained that to conduct extensive engineering and environmental studies prior to the initial public hearings and prior to any NJDEPE approvals would be inappropriate. Non site-specific data from other landfills in the District provides adequate baseline data for the Commission to render a decision as to the preliminary acceptability of this site, costs involved with closure and post-closure, traffic and other impacts. The HMDC will proceed with the extensive geotechnical, environmental and other related engineering studies only after the NJDEPE has certified this site for the uses as described in our proposed amendment.

2.2 FEBRUARY 19, 1992 PUBLIC HEARING

A second public hearing was held at the Kearny High School auditorium on February 19, 1992. Public notices were placed in the Jersey Journal, Bergen Record and the Kearny Observer.

Many of the speakers and the questions raised were covered in the original public hearing and were already addressed in this report or Findings. The following topics then relate specifically to the second public hearing. Written comments will be addressed first:

Town of Kearny

The Mayor and Council of Kearny passed a resolution on March 11, 1992, "...that the Mayor and Council of the Town of Kearny do hereby formally, and unequivocally, oppose any further landfill operations within the Town of Kearny including specifically the proposed regional solid waste materials handling complex which has been the subject of the proposed amendment to the HMDC solid waste management plan..."

The resolution also stated that "...the Town has conducted an independent evaluation of the subject site disclosing that it is possible to develop this property using current construction practices; however, this would involve substantial closure costs...". In addition, that "... the Town of kearny would prefer commercial development as opposed to the continued obliteration, devastation and ruination of the Kearny Meadowlands area..."

Hudson Meadows Urban Development Corporation

A January 10, 1992 letter from Hudson Meadows requested information relative to the proposed amendment under the New Jersey Right to Know Law. This information included: environmental impacts of past landfill operations; site remediation costs; site remediation alternatives; economic benefits analysis; feasible commercial development alternatives; traffic impacts; Town of Kearny liability; and wetlands impacts.

In addition, there were eight specific items that were mentioned in the January 10, 1992 letter which the HMDC responded to in a February 5, 1992 letter. They are addressed separately as follows:

1) **Wetlands Contamination** - The HMDC estimates that approximately sixty-five (65) million gallons of leachate per year are contaminating the groundwater and surrounding wetlands on the Keegan site. This figure is based on a depth of twenty to thirty feet of putrescible and industrial waste on site, 40 inches of

precipitation per year, the fact that there are no environmental controls on site and relatively gentle topography.

The quantity of leachate has a particularly detrimental effect on the adjacent fresh water marsh because it is not tidal and does not exchange large volumes of water twice a day. These contaminants tend to stay in the system. Evidence of site contamination can be seen by the results and recommendations in the USEPA report.

2) **Site Remediation Costs** - The HMDC has estimated site remediation costs on the order of \$31 million, not including any post-closure costs. These conflicted with the estimates of Hudson Meadows engineers who stated that costs were more on the order of \$4-5 million. A copy of all correspondences are attached to the HEARING OFFICER'S REPORT including a detailed breakdown of estimated costs. (It should be noted at this point, that these same engineers stated at the second public hearing that the HMDC closure costs were accurate).

3) **Revenues to Kearny** - Hudson Meadows stated that the development that they proposed for the site would generate about \$5 million per year in revenues to the Town. The HMDC stated that the proposed Materials Handling Complex and landfill would generate about \$2 million per year. This is based on the landfill operating 300 days per year accepting 1500 tons of non-processable waste per day, and with a host community benefit of \$4.50 per ton. It should also be restated that the HMDC will absorb all closure and post-closure liability for this site and the MSLA 1-D landfill, a number that is not figured into the revenues to the Town.

A final letter received on March 3, 1992 also stated that the tax revenues to the Town of Kearny would in fact be \$1.5-2.5 million less per year to cover site remediation costs.

4) **Commercial Site Development** - This comment was directed to the HMDC Engineering Division which oversees development in the District. Hudson Meadows has never submitted the required environmental, engineering, traffic, and financial data to support their development. No response to our nine page preliminary findings letter dated May 15, 1987 was ever received. This letter requested information which would be necessary to proceed with the first phase of our zoning application process.

5) **Traffic** - A December, 1990 traffic modelling report prepared for the Commission enables us to predict the traffic impact from a proposed development onto existing roadways. The result of the analysis indicated that there would be no impact on the roadway from truck traffic.

6) **Town of Kearny Liability** - The HMDC stated that as the property owner of the majority of the Keegan site, the Town would be jointly and severally liable for the closure and post-closure

costs. This is consistent with the position taken by the State on other landfills.

7) **Slurry Wall Remediation** - The engineering consultant for Hudson Meadows questioned whether the slurry wall containment as proposed by the HMDC is the only viable remediation control for the Keegan site. While there may be other technologies that have been used elsewhere, the HMDC believes that slurry wall technology coupled with a perimeter leachate collection system, is the most cost effective remediation control available. This system as employed at other similar sites with great success, and creates an inflow condition that precludes the outward flow of leachate. Geotechnical data from several landfills within the District, indicate that a naturally occurring clay layer extends beneath these landfills to bedrock. This clay, up to 300 feet thick in some places, has a very low permeability on the order of 1×10^{-8} cm/sec. This permeability is less than that generally recommended in standard engineering practice. With the "keying in" of the slurry wall to the underlying clay layer, you essentially create a bathtub to collect leachate.

8) **Wetlands** - Hudson Meadows questioned the designation of an area that included the Kearny Freshwater Marsh within the Lots designated for the facility. As noted earlier, the Marsh is part of Block 205, Lot 19 which includes a portion of the Keegan Landfill. The HMDC has absolutely no intention to fill in any portion of the Marsh. In fact one of the goals of the reopening of the Keegan site is to stop the uncontrolled release of contaminants from the site.

Since the Keegan site ceased operations before the Solid Waste Management Act, there are no monies available for closure and post-closure. The HMDC is proposing to collect this money through tipping fees at the site. Additional money will also be collected for the nearby MSLA 1-D Landfill that is owned by the Town of Kearny, and was leased out to MSLA for landfill operations.

Bergen County Utilities Authority

A February 19, 1992 letter from Larry J. McClure, Executive Director of the BCUA had the following questions with respect to the project:

1) **Financial** - Requested information on projected tipping fees and closure and post-closure costs. Tipping fees are projected to be in the \$75-\$80 per ton range. Closure costs are estimated to run about \$30 Million, with post-closure costs expected to run about the same. Estimates for the cost at the MSLA 1-D landfill are about the same, or a total of \$60 Million.

2) **Waste Flow** - Questioned whether or not a generic waste flow order to the facility would be prepared. At this time, the HMDC is not proposing any waste flow orders to this facility. It may be

necessary, however, that controls such as waste flow orders be implemented so that the counties can track non-processable waste flow through their designated disposal facilities.

Additionally, the origin of the waste was questioned. The facility will be only available for waste generated from within the State. It is anticipated that the Northeast counties will be the primary users of this facility.

3) **Financing** - The HMDC will float environmental improvement bonds in order to remediate the site before accepting any waste. Should waste flows fall below the quantity needed to provide adequate closure and post-closure funds for the site, the HMDC will seek waste flow designations to the site.

4) **Residual Soils** - The HMDC will accept residual soils under the State Soils Reuse Program for landfill cover in addition to the soil generated from the proposed construction/demolition waste recycling operations. Soil reuse quantities have been as high as 85,000 cubic yards per year.

5) **Order of Magnitude Study** - Has a study of this nature been prepared to address the capacity of the facility taking into account geotechnical, wetlands, and design constraints? The HMDC has not done the full scale investigations that would be required by the NJDEPE. However, using available data for this site and other District landfill sites, the HMDC has projected that the main portion of the landfill could reach a height of 100 feet. This should provide a site life of at least ten years.

Hudson County Improvement Authority

A February 11, 1992 letter was received from Thomas J. Stukane of DeCotiis & Pinto, attorneys for the Hudson County Improvement Authority with the following comments:

1) Prior to obtaining a permit, the proposed facility must be included in the Hudson County Solid Waste Management Plan.

The HMDC disagrees with this statement insofar as the HMDC is a Solid Waste Management District pursuant to the Solid Waste Management Act and the facility would be within the District. This is why Hudson County was not required to enter into an Interdistrict Agreement with Bergen County to utilize the HMDC baler and balefill.

2) No waste may be accepted at the proposed facility from other counties without obtaining an Interdistrict Agreement with Hudson County.

For the same reasons noted above, the HMDC disagrees with this statement.

PUBLIC COMMENTS

Mayor Lindenfelser of the Town of Kearny stated that the Town has "...had enough dumped in Kearny, regardless of the financial impact and the financial consequences."

Councilwoman Magenheimer questioned how the proposed facility would fit in with plans proposed by the Hudson County Improvement Authority for regional construction and demolition recycling facilities. The HMDC response is that it would complement the facilities proposed by the County because these facilities need a place to take their residuals. Also questioned was the traffic flow to this facility and the impact on Kearny streets. The HMDC response is that there will be no change in the level of service on streets leading to this facility. If necessary, the HMDC will designate specific truck routes, much the same way they are designated for a resource recovery facility.

Asbestos

There were several questions raised about asbestos coming into the proposed facility and whether or not it is mixed in with the demolition material. Also, how releases of asbestos would be controlled from incoming vehicles, what would happen if there was an accident involving a vehicle carrying asbestos, the carcinogenicity of asbestos, etc.

As noted at the public hearing, asbestos removal is one of the most highly regulated operations in the country. No demolition can take place until all asbestos is removed from a building. The asbestos is then wet down and packaged in double bags as required by the Federal Government prior to it being shipped to the disposal facility. In fact, recent Federal legislation requires that the licensed asbestos removal company put the full address of the origin of the asbestos on the bags.

All asbestos removal companies must be licensed by the State, and are required to complete courses in asbestos removal and control. The air is monitored after an asbestos removal project and sampling performed to be certain that there are no residual asbestos fibers in the building. Then and only then can the demolition of a building commence. To date, there have never been any episodes where vehicles containing asbestos waste overturned and/or presented a threat to the health and safety of residents near a landfill. The HMDC has been registered to accept asbestos waste since we began operating the Baler 1980.

A somewhat related issue was the control of lead paint residues on wood. The concern about lead paint entering a landfill on demolition wood has not been addressed by the NJDEPE to our knowledge. However, any wood entering the recycling facility would be suspect, and may be diverted to the landfill. No creosoted or pressure treated wood would be accepted at the recycling facility, and would be diverted to the landfill instead.

Fires

Another concern at the hearing was the possibility of a fire at the proposed facility and how it would be fought. This concern was obviously due to the long history of fires at the Keegan site, and the desire to control these fires once and for all. In fact, there have been seven major fires at the site in the last eight years.

The proposed facility would be operated as a state-of-the-art landfill, and as such would receive at least six inches of daily cover. In the event of a fire, the operator would be required to dig up the effected area and extinguish the fire. Substantial cover would then be placed on top of the effected area to prevent air from entering.

The asbestos disposal area, as required by State regulations would be separate from the main operating area, and would receive a minimum of three feet of cover.

Siting

There was a comment about the siting of the proposed facility, and why not elsewhere in the District.

The HMDC believes this is the best site for a regional non-processable landfill and recycling operation for a number of reasons. First, the site is ideally located to major highways including the New Jersey Turnpike, Interstate Route 280 and a major County road, Harrison Avenue. Second, the site is a former landfill that presents a serious environmental concern to the area. Without the proposed landfill, the full clean-up as proposed by the HMDC will never be realized. Third, the HMDC is proposing to absorb all closure and post-closure liabilities from the Town for the Keegan site and the MSLA 1-D Landfill. Lastly, in order to recoup adequate closure and post-closure money for these sites, a site had to be at least 100 acres. This would provide an estimated 10 year site life at 1500 tons per day.

Regardless of the testimony presented by Hudson Meadows, they have provided no information that indicates an understanding or ability to cleanup the site. References were made to the

construction of high rise structures on the site supported by piles, and the ability of macadam parking lots as a capping method, and the fact that the NJDEPE is comfortable with construction, excavation etc. on landfills.

Any investigations on a landfill, even for borings and testing requires a landfill disruption permit from the NJDEPE. Any project that would be proposed on top of a landfill receives intense scrutiny by the NJDEPE's landfill engineering group.

No testimony was presented that reflected a willingness on the part of Hudson Meadows to prevent the lateral migration of contaminants from the site. These contaminants are entering the adjacent wetlands as evidenced by the USEPA Study. The HMDC has proposed a perimeter slurry trench cut-off wall and leachate collection system that would effectively isolate the landfill from the adjacent Marsh.

We should also note that at the second public hearing the consultants for Hudson Meadows agreed with the closure costs for the landfill; they estimate closure to be "...in the range of 23 to 33 million dollars."

Sanitary Sewers

There were several questions about the leachate from the site and the use of Kearny sewers for leachate.

The HMDC presently trucks leachate from the 1-A Landfill into a manhole near the Keegan site. The HMDC has entered into negotiations with the Kearny Municipal Utilities Authority to accept leachate from our landfill sites into the Kearny South pumping station, and from there into the Passaic Valley Sewage Commission facility in Newark. The draft agreement would require that the HMDC pay for the entire cost of construction of the sewer lines for the Meadowlands area of Kearny to the pumping station. Currently, there are a number of industrial facilities that are on septic or holding tanks in this area including a major regional post-office facility. The HMDC is proposing that all these buildings be hooked up to the sanitary sewer.

Liability

In addition to the information from the first public hearing, liability issues were raised at the second public hearing. This included comments that the State of New Jersey should pay to close the dumps.

The HMDC as a State agency is proposing to effectively close and maintain both the Keegan site and the nearby MSLA 1-D landfill.

There are no other relative funding mechanisms available to close these sites. Both sites ceased operations prior the Solid Waste Management Act. Therefore, no money was put in escrow for this purpose. Further, monies collected for closure and post-closure at the other District landfills has been budgeted and is needed at those sites. As an option, we assume that the Town of Kearny as the landowner could apply for either Spill Fund money and/or Closure Tax money for these sites.

Financial

Several people questioned the amount of money that would be collected through the tipping fees at this facility. Since the HMDC is proposing a facility that would accept 1500 tons per day, 300 days per year, and at a cost of \$75 per ton, the HMDC would collect approximately \$337,500,000 over a ten year lifetime. Where does this money go?

The HMDC responded that a large portion of the tipping fee goes to taxes. Currently, \$24.35 per ton in taxes are collected for Type 10 (Municipal) waste. Assuming no increases in the taxes before the facility begins operations, this translates to 33 percent of the total tipping fee. Included in this amount is a \$4.50 per ton host-community benefit.

Additionally, there will be the operational contract for the landfill. The present contract with GROWS/Waste Management costs about \$775,000 per month or \$9,300,000 per year. Assuming that the contract amount for operations at the Keegan site was the same, this would translate to 28 percent of the total money collected. Closure and post-closure for the Keegan and MSLA 1-D sites accounts for an estimated \$120 Million or about 36 percent of the total money collected. So far, this adds up to 97 percent, or about \$1.0 Million per year remaining. Some of this amount would include the cost for the operations of the Construction & Demolition recycling operations, site access improvements, permitting, contingencies and administration.

As noted at the public hearing, the HMDC is a utility, and must file and justify all base rates and increases with the State. Further, all expenditures are subject to State review and approval.

End Use

The HMDC is proposing that once the facility is at capacity, the site would be capped and become part of a passive open space recreational area in conjunction with the Kearny Freshwater Marsh. Perimeter site improvements will have been completed prior to site operation. Therefore, the environmental quality of the adjacent area will be substantially improved before park conversion.

Property Values

For the residents that live near the proposed site, there was a concern about property values once the landfill is opened.

The HMDC believes that there will be no negative effect on property values in the area for a number of reasons. First, the Keegan site is already a landfill, however it has no environmental controls. There are numerous underground fires annually that require heavy equipment, and there are no security controls. The uses surrounding the Keegan site are primarily heavy industrial, including Port-O-San (a portable toilet storage and repair facility), a construction/demolition recycling operation, solid waste haulers storage yard, junkyards, Town DPW yard, and a number of warehouses.

The HMDC is proposing to remediate the Keegan site, control the underground fires, control the leachate and prevent the unauthorized entry onto the site. The one disadvantage to our proposed vertical expansion of the Keegan site, is the visual impact that a 100 foot landfill would have on the area. This is something that the HMDC cannot control. However, a thousand feet of industrial buildings and an existing railroad embankment that is 20 feet high will provide limited visual screening of the landfill.

We should note that adjacent to the Bergen County landfill and the BCUA Transfer Station, a developer is building 15 two family homes. Obviously, a developer would not build new homes if no one were willing to live there.

The HMDC maintains, however, that the proposed park end use with all the other environmental improvements, will in fact add considerably to a site that the USEPA has designated as Medium Priority for cleanup.

SOLID WASTE ADVISORY COMMITTEE

The Hackensack Meadowlands Municipal Committee is the designated solid waste advisory committee for the HMDC. The Municipal Committee is made up of the mayors of the fourteen towns which form the Meadowlands District.

On February 3, 1992, the HMDC discussed the proposal of the regional materials handling complex with the mayors. Mayor Lindenfelser of the Town of Kearny took exception to Kearny's responsibility in re-opening the landfill, and stated that the municipality objected to the proposal. He also commended the HMDC staff on the manner in which they had presented their position to the citizens of Kearny. P.J. McIntyre of the Town of Kearny objected to the proposed height of the landfill and the traffic that it would generate. The advisory committee took no formal position on this plan amendment.

Additional Written Comments

Written comments were received following the second public hearing from Hudson Meadows Urban Development Corporation. The Comments largely reflected comments received earlier, and testimony made at the two hearings. However, they will be addressed as follows:

1) Closure costs were proposed to be recouped by the developer from tax revenues at a rate of \$1.5-2.5 Million per year over a ten year period. Aside from the fact that this conflicts with previous statements for Hudson Meadows regarding tax income to the Town of Kearny, these revenues will fall far short of the estimates made by the HMDC and Hudson Meadows' own consultant for the proper closure and post-closure of the Keegan site.

2) Impacts from the proposed materials handling complex have been addressed elsewhere in this report in a preliminary nature as required by the planning process. Once certified, the HMDC will undertake all necessary investigations.

3) The scope of the project is very clear as to the wastes that the HMDC will allow into the facility. No hazardous wastes will be permitted to enter the site. Although not necessarily hazardous, incinerator ash will not be allowed at this facility, and in fact the landfill will not be designed for ash.

4) The income to be generated for this facility will be sufficient to cover all costs associated with the two sites. Estimates provided so far will be fine tuned only after full environmental and engineering studies are conducted. No excess money will be collected and the HMDC will substantiate all costs to the NJDEPE before the rate is set.

Dumping, Drug Center Stir Ruckus in Kearny

By ROBERT NESOFF
Evening News Staff Writer

The Kearny council caucus last night heard complaints about dumping near residential areas and placement of a drug treatment program in town.

Mrs. Margaret Hallaway, ejected by State Police from Gov. Cahill's office in Trenton Monday, was ordered out of the council session for continued disruptions of the proceedings.

She was ordered out by Mayor Anthony J. Cavalier, who had issued her at least a dozen warnings to be quiet, after she stood and accused the council of seeking graft from the local dump operators.

As several policemen approached to escort her out, pandemonium broke loose in the crowd of about 300. She screamed at the policemen to take their hands off her. Cavalier recessed the meeting and

the councilmen took temporary refuge in a back room of the Lincoln School, where the meeting had been moved because of the overflow crowd.

Deputy Police Chief Joseph V. Bellini approached the woman as a peacemaker and won a promise that she she would remain silent. Cavalier relented and she made no more noise.

Residents presented the council with a 2,000 signature petition demanding the closing of the Keegan Dumps off Harrison Turnpike. Their prime complaint is that it presents a health menace because of its proximity to homes.

A newly formed group called Citizens Against Pollution brought in an attorney, George Minish of Nutley, to speak for them. Minish won a promise from the council to seek new methods of closing the Keegan

tract, such as by forcing the Hackensack Meadowlands Development Commission to take action.

Mrs. Marie Matus complained that she was manhandled by police while she was picketing Saturday at the dump. A police report said she was pulled from the path of an oncoming truck. Mrs. Matus termed this a falsification.

Joseph Camino complained that a methadone maintenance program recently instituted in town would draw addicts to Kearny. He said he would not be opposed to such a center for treatment of Kearny addicts only.

Daniel Alfieri, program director, told Camino that other programs in other areas are treating Kearny addicts and that the local problem, although not limited to Kearny, would treat mainly town addicts.

The Evening News

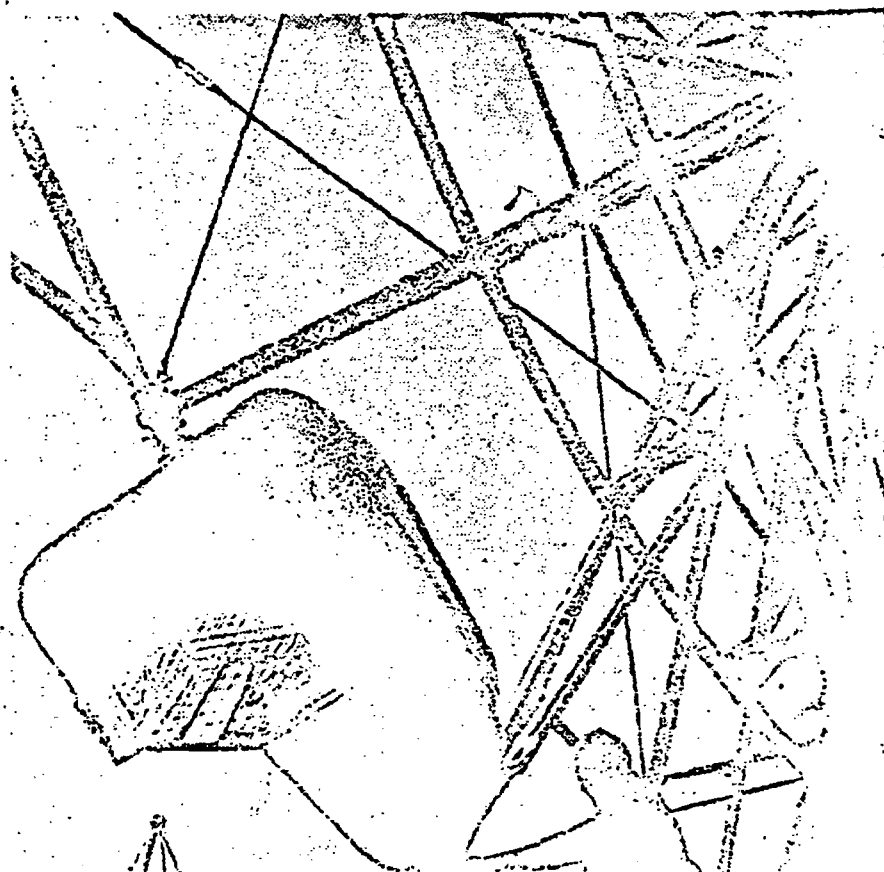
- COMMUNITY NEWS
- EDITORIALS
- COMMENT

Wednesday,
March 21, 1971
Newark, N.J. 21

School Budget Pared

Evening News Staff Writer

WOODBURGH—The Board of Education's budget for 1971-72 has been trimmed almost \$2 million by the Township Council.



HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

TELEPHONE CONVERSATION REPORT

OK.
Good

Date: 8/24/72 Time: _____ By: Mike

Name: _____

Organization: _____

Phone Number: _____

Subject: Ms LA GENERAL

Random dumping on Lot 11
has been cleaned up, access off
road has been blocked off

CAA000038

TELEPHONE CONVERSATION REPORT

Date:

1/11/72

Time:

By:

Mike

Name:

Organization:

Phone Number:

Subject:

New dump Block 284 Lot 31

New dumping of garbage
started on Thomson Ave. Just to
past office, on west side

17.66 Acres

owner

Town of Kew-Forest
402 Kew-Forest Ave
Kew-Forest, N.Y.

Ⓡ
1/12

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

TELEPHONE CONVERSATION REPORT

Date: 3/9/72 Time: _____ By: Mike
Name: _____
Organization: _____
Phone Number: _____
Subject: Dump, Harrison Ave, Next to Post Office

Dumping of garbage now
going on. One truck, Roselle, No 154
dumping on site. 1 dozen on site
No cover material on site. Time
11:40 A.M. I think constant cover
should be applied other wise the
post office will be covered with
papers blowing around.

4:00 spoke to Tony - will set up cover
paper next garbage for a few days
or more if needed.

① 3/14

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

TELEPHONE CONVERSATION REPORT

Date: 3/14/72 Time: _____ By: M. K. E.

Name: _____

Organization: _____

Phone Number: _____

Subject: MSLA # I-B → GENERAL

Site at Post Office

Garbage being dumped at this
site, no cover no cover material
on site, a drag line on site
moving out on westerly side
placing material on westerly side
of dumping area, probably going to
be used for cover.

JK

3/14

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

File

TELEPHONE CONVERSATION REPORT

Date: 4/25/72 Time: _____ By: M. Ke
Name: _____
Organization: _____
Phone Number: _____
Subject: MSLA site 1-B GENERAL Post Office

dumping on South west side
dump pretty well covered. cover
material is of cedar matt obtained
with drag line muckery out ahead
of dumping.

78

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

TELEPHONE CONVERSATION REPORT

FILE

Date: 6/15/72 Time: _____ By: M. Ke.

Name: _____

Organization: _____

Phone Number: _____

Subject: 1h SLA SITE 1-B GENERAL Post Office

There is 2 trailers blocking
entrance to site off Hornsain Ave.
2 signs posted, U.S. Property
No trespassing. Site closed, no
one on site.

SANITARY LANDFILL INSPECTION REPORT

INSPECTOR: Mike Kondratik

DATE:

5/9/72

[] B.C. 71-156 [] MALENKA 71-157 [] MSLA (I-D) 71-175
 [] VIOLA 71-160 [] MSLA (I-A) 71-175
 [] EGAN 71-159 [☒ MSLA (I-B) 71-175
 [] P & M 71-176 [] MSLA (I-C) 71-175

CHARACTERISTICS

| | GOOD | RATING ADEQUATE | FAIR | POOR |
|---------------------------|------|--------------------|------|------|
| | | | | |
| ACCESS ROAD | | ✓ | | |
| DIKE CONSTRUCTION | | | | ✓ |
| LEACHATE CONTROL | | | | ✓ |
| METHANE CONTROL | | | | ✓ |
| FIRE FIGHTING EQUIPMENT | | | | ✓ |
| CONTROL OF BLOWING LITTER | | | | ✓ |
| DUST CONTROL | | | | ✓ |
| RODENT CONTROL | | | | ✓ |
| BULKY WASTE DISPOSAL | | | | ✓ |
| COVER MATERIAL (AMOUNT) | | | ✓ | |
| COVER MATERIAL (QUALITY) | | | | ✓ |

SIDE SLOPES 30 %
 CELL DEPTH 6 FEET

LIQUID WASTE

YES

(over)

NOX

Mucking out ahead of dumping site using truck

As covered material. Insufficient daily cover,

Mud & debris on Harrison Avenue. ~~subject daily~~

~~maintaining~~ Daily cleaning at Entrance to site on

road. be maintained.

MAY 25, 1949

all members present voting "aye" on roll call:

WHEREAS, the Town of Kearny is the owner of certain meadow lands situate in the Town of Kearny, Hudson County, New Jersey; and

WHEREAS, it is the opinion of this Council that said lands can be reclaimed and their value greatly enhanced by depositing thereon a fill composed of garbage and other refuse, properly maintained and supervised;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Kearny, in the County of Hudson, that:

1. The Town of Kearny enter into an Agreement with William A. Keegan to provide for the filling of said meadow lands situated North of Bergen Avenue, and South of Belleville Turnpike and East of the Delaware, Lackawanna and Western Railroad, and being more particularly described as Lot 4A in Block 291 on the Tax Maps of the Town of Kearny, New Jersey, comprising 396 acres, more or less.

2. The manner in which the filling of said lands is conducted shall be in accordance with the terms and provisions of the said Agreement to be entered into, as aforesaid.

3. The Mayor and Town Clerk are hereby authorized to execute said Agreement on behalf of the Town of Kearny.

4. This Resolution shall take effect immediately.

At this point, Town Attorney Koch reported that the foregoing resolution pertained to the same type of dumping agreement as others recently made for the same purpose except that there will be no replacement clause due to the fact that there is no further land available.

Mayor Gilzean presented the following resolution which was adopted, all members present voting "aye" on roll call:

WHEREAS the Hudson County Board of Freeholders recently approved high salaried appointments to county positions and proposes, within the near future, to grant blanket salary increases to a majority of the 2800 Hudson County employees, which action will increase the Hudson County tax budget by the sum of approximately \$1,400,000.00; and

WHEREAS such actions by the Hudson County Board of Freeholders are unwarranted and have been made without regard to the taxpayers of the Town of Kearny; and

WHEREAS such actions are contrary to the current economic trend, inasmuch as many of the citizens of the Town of Kearny have been separated from their employment; and if the policy of such unreasonable increases in an already over-taxed county was pursued, it might not only bankrupt the County of Hudson but each municipality therein, as well;

THEREFORE, BE IT RESOLVED by the Council of the Town of Kearny in the County of Hudson that this Council, on behalf of the citizens of the Town of Kearny, in an effort to protect the citizens of the Town of Kearny from such unwarranted and unreasonable tax increases in an already highly inflated county tax burden, does hereby vigorously denounce the recent action of the Hudson County Board of Freeholders, as aforesaid, and further protests against such unwarranted increases in the share of the county tax burden borne by the Town of Kearny;

AND BE IT FURTHER RESOLVED that Calvin S. Koch, Town Attorney of the Town of Kearny, and William A. Sternkopf, Auditor of the Town of Kearny, are hereby authorized to represent the Town of Kearny in registering its protest to the Hudson County Board of Freeholders, and said Town Attorney and Town Auditor are further authorized to take whatever appropriate action may be necessary to protect the interest of the Town of Kearny in this matter, either before the Hudson County Board of Freeholders or any other agency;

CAA00039

JUNE 8, 1949

ceived, read, ordered noted and referred to the Mayor and Council as a Committee of the Whole.

Health Officer Amos Field, Jr., submitting a report and recommendations in regards to the matter of refuse being dumped on River Road between Bergen Avenue and Afton Street, was received, read, ordered noted and referred to the Mayor and Council as a Committee of the Whole.

Kearny Council for Youth recommending that action be taken on the licensing of juke boxes and action be taken on outdoor fire-places and camping facilities on the 'Old Soldiers Home' property, was received, read, ordered noted and referred to the Mayor and Council as a Committee of the Whole.

Department of Public Utilities advising that a hearing will be held on the application of the Harford Bus Co. Inc., et al for municipal consents to extend their South Hudson County Boulevard Bus Route from Jersey City to the Federal Shipbuilding & Drydock Co., was received, read, ordered noted and referred to the Transportation Committee.

Department of Public Utilities advising that a hearing will be held on the application of the Marion Bus Transportation Co. Inc., for municipal consents to extend their Jersey City Bus Route to the Federal Shipbuilding and Drydock Co., was received, read, ordered noted and referred to the Transportation Committee.

Milton L. Feuer, D.D.S., requesting that five shade trees be removed from the front of his property located at 839 Kearny Avenue, was received, read, ordered noted and referred to the Shade Tree Commission.

The Town Clerk reported having received the following applications for licenses, all of which were received, read, ordered noted and referred to the License Committee:

| | | |
|--------------|--------------------------|-----------------------------|
| Box Lunch | Pasquale Vitale | 250 Boyd Ave. J.C. |
| " " | Preferred Box Lunch | 503 Lyons Ave. Irvington |
| " " (2) | Brody's Box Lunch Inc. | 482 So. 12th St. Newark |
| Milk (4) | Alderney Dairy | 26 Bridge St., Newark |
| Pack Peddler | William D. Ball | 76 Green St., Newark |
| " " | Sam Miller | 418 Belmont Ave. Newark |
| Dumping | Harmon Color Works | 1106 Harrison Ave. Ke. |
| " " | L & R Corporation | 577 Elm Street, Ke. |
| " " | James Hawkins | 326 Highland Ave. Ke. |
| " " | Brixite Manuf. Co. | Jacobus Ave. Kearny |
| " " | Kut-Kleen Lawn Mower Co. | 479 Schuyler Ave. Ke. |
| " " | Daniel De Block | 209 Devon St. Ke. |
| " " | Pays Roofing Co. | Tidewater Term. Jacobus Ave |

JUNE 8, 1949

| | | |
|-----------------------|-----------------------------|-------------------------|
| Dumping | Newark Plaster Co. | Jacobus Ave. So. Ke. |
| Fruit & Vegetable | Carmelo Danzi | 671 Chestnut St. Ke. |
| " | Harry Pappas | 569 Hickory St. Ke. |
| Taxi Cab Business (3) | David Carlson | 526 Elm St. Ke. |
| Ice Cream | H. Perrine & H. Warmenhoven | 408 Kearny Ave. Ke. |
| Dumping (2) | United Cork Co. | Pt. of Central Ave. Ke. |
| Open Air Parking | Moe Cross | 946 Passaic Ave. Ke. |
| Station | | |

The following reports of Town Officers were then read and action taken on same as hereafter set forth:

Chief Engineer Wandras, Police Chief Hemsley, Welfare Director Brierley, submitting their monthly reports for May 1949, all of which were received, read, ordered noted and filed.

The Ordinance Committee by Councilman Cassin, Chairman, moved that the two following ordinances be passed on first reading, ordered published for hearing, and to lie over to the next regular meeting for second reading and final passage, and on roll call all members present voting "aye", the two following ordinances were duly declared passed on first reading and ordered published for hearing:

Ordinance appropriating \$70,000 for various school purposes and authorizing the issuance of school bonds of the Town of Kearny, in the County of Hudson, New Jersey, to meet said appropriation.

Recital

Pursuant to due action of the Board of Education of the Town of Kearny, in the County of Hudson, New Jersey, and the Board of School Estimate of said Town, taken at and pursuant to meetings of said Boards heretofore duly held, various sums, aggregating \$70,000, have been estimated, fixed and determined as the amounts necessary for various school purposes and improvements in the Town, all as more fully appears by the certificates heretofore made by said Board of School Estimate and delivered to this Town Council under dates respectively of June 30, 1948 and May 31, 1949. Said \$70,000 amount has not been appropriated by this Town Council and no part of said amount has been raised and paid to the Custodian of School Moneys.

An Ordinance amending Sections 1, 3 and 4 (c) of an Ordinance entitled, "An ordinance for the grading and construction of chain link fence in the playground situated in the south side of Tappan Street, West of Davis Avenue in the Town of Kearny, County of Hudson, to appropriate funds therefor and to provide financing thereof", adopted April 13th 1949.

The Finance Committee by Councilman Ross, Chairman, moved that the minutes of regular meeting held May 25, 1949 be approved as typewritten, and on roll call all members present voting "aye" it was so ordered.

Councilman Ross further moved that the bills and payrolls be not read and on roll call all members present voting "aye", it was so ordered.

Councilman Ross further reported having examined the following

JUNE 22, 1949

required by law owing to the fact that members of the Council are members of this Post.

The Town Clerk further reported having received the following applications for licenses all of which were received, read, ordered noted and referred to the License Committee:

| | | |
|-------------------|---------------------------------|--------------------------|
| Dumping | Kearny Scrap Metal | 17 Stover Avenue, Ke. |
| " | Gold Star Market | 611 Elm Street, Ke. |
| " | Hyprod Service, Inc. | 600 Forest Street, Ke. |
| " | Gorman's Catering Service | 616 Elm Street, Ke. |
| Pack Peddler | West Hudson Landscape Gardeners | 27 Grand Place, Ke. |
| Junk | James Graham | 244 Highland Ave. Ke. |
| " | Ike Law | 113 Goodwin Ave., Nwk |
| " | Louis Fattorusso | 96 Malvin Street, Nwk |
| Fruit & Vegetable | Joe Borrueto | 26 Cuozzo Street, Belle. |
| Box Lunch | William Strickland | 292 Morris Ave., Newark |
| Gasoline | Klein Bros. Steel Corp. | 936 Harrison Ave. Ke. |
| Restaurant | John Batts | 460 Elm Street, Ke. |
| " | Louis J. Carbone | 1 Kearny Ave., Ke. |

The following report of Town Officers was then read and action taken on same as hereafter set forth:

Building Inspector Warren submitting his monthly report for May 1949, was received, read, ordered noted and filed.

The Ordinance Committee by Councilman Cassin, Chairman, moved that the two following ordinances be passed on second reading and final passage, ordered engrossed in the Ordinance Book, signed by the Mayor, attested by the Clerk, and on roll call, all members present voting "aye", the two following ordinances were duly declared passed on second reading and final passage and so ordered:

Ordinance appropriating \$70,000 for various school purposes and authorizing the issuance of School Bonds of the Town of Kearny, in the County of Hudson, New Jersey, to meet said appropriation.

An ordinance amending Sections 1, 3 and 4 (c) of an ordinance entitled, "An ordinance for the grading and construction of chain link fence in the playground situated in the South Side of Tappan Street, West of Davis Avenue in the Town of Kearny, County of Hudson, to appropriate funds therefor and to provide financing thereof", adopted April 13th, 1949.

Councilman Cassin further moved that the three following ordinances be passed on first reading, ordered published for hearing and to lie over to the next regular meeting for second reading and final passage, and on roll call all members present voting "aye", the three following ordinances were duly declared passed on first reading and ordered published for hearing:

An ordinance to regulate the growth of brush, hedges and other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways in the Town of Kearny, Hudson County, New Jersey, and providing penalties for violation thereof.

JULY 13, 1949

Peter King, holder of Meat Peddler's License for the Town of Kearny, advising that unlicensed vendors are operating in the Town of Kearny and requesting that Police Department check on same, was received, read, ordered noted, and referred to the License and Police Committees.

D. & M. Contracting Company advising that they requested the United Cork Company to eliminate the dumping of cork and that fires caused by said dumping have been extinguished, was received, read, ordered noted and referred to the License Committee.

D. & M. Contracting Company advising that all fires on the dumping grounds have been eliminated and further requesting that they be notified before permits are given to industrial concerns to dump in order that a program might be worked out with the owners for dumping, was received, read, ordered noted and referred to the License Committee.

United Cork Companies advising that they will cooperate with custodian at dumping grounds as to dumping of cork, and therefore requesting their 1949 Dumping Permit be issued, was received, read, ordered noted, and referred to the License Committee.

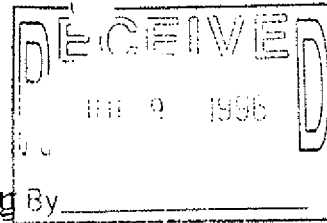
Max and Norman Root making application for transfer of Plenary Retail Distribution License D-17 now owned by Leonard and Sheridan Gersten, at the same licensed premises, 545 Kearny Avenue, was received, read, ordered noted and referred to the License Committee.

The Town Clerk reported having received the following applications for licenses, all of which were received, read, ordered noted and referred to the License Committee:

| | | |
|--------------|-------------------------|----------------------|
| Used Car Lot | River Road Service Co. | 9 Passaic Avenue |
| Restaurant | Regent Theatre | 413 Kearny Avenue |
| Restaurant | Carmela Duca | 414 Kearny Avenue |
| Dumping | Cleair Air Furnace Co. | 68 Stewart Avenue |
| " | Anthony Catena | 242 Highland Avenue |
| " | Antonio Dutillio | 281 Bergen Avenue |
| " | Michael Miller | 28 Arlington Avenue |
| " | Patrick Choffo | 17 Archibald Terrace |
| " | Gaffney Products | 407 Schuyler Avenue |
| Meat Peddler | Peter Knizickwich(King) | 253 Hoyt Street |

The following reports of Town Officers were then read and action taken on same as hereafter set forth:

Building Inspector Warren, Chief Engineer Wandras, Police Chief Hemsley and Welfare Director Brierley submitting their monthly re-



State of New Jersey By _____

Christine Todd Whitman
Governor

Department of Environmental Protection
401 East State Street, 3rd Floor
Trenton, New Jersey 08625-0423
Voice: 609-292-0112
Fax: 609-777-1330
E-mail: pnutkowi@dep.state.nj.us

Robert C. Shinn, Jr.
Commissioner

July 5, 1996

Thomas R. Marturano, P.E.
Director of Solid Waste/Engineering Operations
Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071-3799

**Re: former Keegan Landfill
HMDC, Kearny, Hudson County
Pre-Application Meeting**

Dear Mr. Marturano:

This is a summary of the issues discussed at the pre-application meeting which was held at the Department of Environmental Protection on Thursday, June 27, 1996 at 2:00 p.m.

You began by introducing the project. The Hackensack Meadowlands Development Commission (HMDC) proposes to construct and operate a Materials Handling Complex in Kearny, Hudson County, New Jersey. This facility will consist of a non-processible materials landfill and a construction/demolition recycling facility on the site of the former Keegan Landfill. The former Keegan Landfill is located on land which is primarily owned by the Town of Kearny. The Keegan landfill occupies approximately 110 acres. The landfill currently has twenty to twenty five feet of garbage in it. Next to the landfill is the Kearny Freshwater Marsh, which occupies an area of 300 acres. It is the largest freshwater marsh in the HMDC district. The former Keegan landfill will be a regional facility. The revenues generated from tipping fees will be used to close the 1D landfill and the Keegan landfill. The 1D landfill occupies 100 acres adjacent to the New Jersey Turnpike. There are no environmental improvements to the 1D landfill. There is a 250,000 gallon oil leak in the middle of the landfill. Every year 60 to 70 million gallons of untreated leachate runs off into the Passaic River. A new force main will be built to convey leachate from the facility to the 1-A Landfill east of the site. Another new force main from the 1-A Landfill to the Kearny South Pump Station will permit the leachate to be sent to the Passaic Valley Sewerage Commissioners (PVSC) facility for treatment through the Kearny Municipal Utility Authority (KMUA) sewerage system.

Nelson Hausman, of the Bureau of Landfill, Compost & Recycling Management, commented that we think the landfill should be a Class II landfill. We will send you a letter discussing this issue. You are required to do a Final Environmental and Health Impact Statement (E.H.I.S.). We require a closure and post-closure plan as part of the application. We will act as the permit

application review project manager.

Sue Lawson, of the Bureau of Inland Regulation, commented that you will need a Stream Encroachment Permit (S.E.P.) because of filling in the wetlands. Greater than one quarter acre of wetland fill in the HMDC triggers the S.E.P. When you design the relocation of the stream which will go outside of the cut-off wall, please contact Rick Reilly or Nabil Andrews, LURP, Engineering Support (Stream Encroachment), at 609-984-0194, to discuss permitting/engineering issues related to the top of the hill. You will need a Water Quality Certificate and the USACOE will require it. We have no Freshwater Wetlands Jurisdiction. This is our jurisdiction for activities within the district. But if there are any activities outside of the district, then there may be different requirements.

Nick Horiates, of the Bureau of Construction and Connection Permits, commented that the Department is investigating the relevance of grant conditions pertaining to the KMUA Kearny Point Pump Station in relation to your project. Please contact Mr. Horiates directly if you have any questions.

Eleanor Krukowski, of the Bureau of Operational Ground Water Permits, commented that you know what you are required to do in terms of ground water monitoring. She suggested a more qualitative, descriptive approach to complying with the ground water quality modeling requirements.

Bob Colon, of the Bureau of Stormwater Permitting, commented that you would apply for an Individual Permit (I.P.) for storm water which would cover the construction phase and the operational phase until full closure. At that time we would revoke your I.P., provided that you can meet the terms and conditions of a General Permit. We would then issue a General Permit.

Helen Kushner will be replacing me as the single point of contact for this project within the Permit Coordination and Pollution Prevention Element.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Paul Nutkowitz, Ph.D.

Research Scientist

Permit Coordination and Pollution Prevention Element

copy:

Christopher L. Dour, P.E., HMDC

Henry W. Germann, P.E., P.P., HMDC

Paul Bove, HMDC

Nelson Hausman, DSHW, Bureau of Landfill, Compost & Recycling Management

John Edwards, DSHW, Bureau of Landfill, Compost & Recycling Management

Sue Lawson, LURP, Bureau of Inland Regulation

Nabil Andrews, LURP, Engineering Support (Stream Encroachment)

Nick Horiates, Bureau of Construction & Connection Permits

Eleanor Krukowski, Bureau of Operational Ground Water Permits

Bob Colon, Bureau of Stormwater Permitting
Larry Schmidt, Office of Program Coordination
Helen Kushner, Permit Coordination and Pollution Prevention Element
Jeanne Mroczko, *Administrator*, Permit Coordination and Pollution Prevention Element

u:\pn\pilcommme\keegan_h.mdc p. 4

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

One DeKorte Park Plaza • Lyndhurst, New Jersey 07071-3799
Administrative Offices: (201) 460-1700 Environment Center: (201) 460-8303
Fax: (201) 460-1722



JANE KENNY
Chairman

ALAN J. STEINBERG, ESQ.
Executive Director

March 10, 2000

Mr. Walter M. Smith, Jr.
Hartz Mountain Industries, Inc.
400 Plaza Drive
Secaucus, New Jersey 07094

RE: Kearny/Hartz Mountain Site Improvement
File #00-042

Dear Mr. Smith:

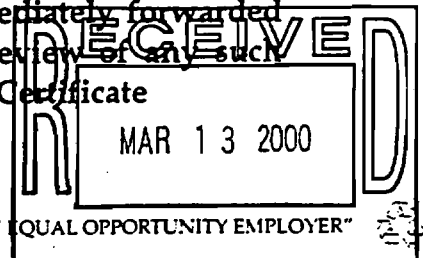
This Office has recently completed its review of your zoning certificate application and related plans for the proposed remediation of the premises identified as Block 286, Lot 4, on Bergen Avenue in the Town of Kearny.

Based on our review, we have determined that the proposed Remedial Action Work Plan (RAWP), as approved by the NJDEP, conditionally complies with the Commission's Highway Commercial Zoning Regulations, and we are therefore approving your Zoning Certificate with conditions.

The approval is subject to the following conditions:

1. This approval is limited to the proposed actions described in the RAWP, entitled "Remedial Action Workplan, Harrison Avenue Landfill, Lot 4 Block 286, Kearny, N.J.", prepared by Envirotech Consultants, Inc., dated May, 1999, and approved by the NJDEP on October 4, 1999. The tasks permitted by this approval include, but are not limited to, the following: the excavation and off-site disposal of contaminated soils, the placement of a surface cap, the collection of leachate and the preparation of institutional controls (deed restrictions).

2. Any document report, plan, study, test result or the like prepared by or for the applicant or others in connection with the work which may have a bearing on this Zoning Certificate approval shall be immediately forwarded by the applicant to this Office for review. Should the review of any such document submitted indicate to this Office that the Zoning Certificate



CCA000037

"NEW JERSEY IS AN EQUAL OPPORTUNITY EMPLOYER"

TIERRA-D-009102

Alf.
C17 w/plas

Mr. Smith
Page 2
March 10, 2000

approval issued herein is or may be materially affected, further clarification may be sought by this Office, and additional or modified approvals may be required.

3. Proposed office use is for illustration purposes to satisfy N.J.A.C. 19:4-6.18(o)1ii. No site development can occur without first obtaining a Zoning Certificate from this Office.

This letter shall serve as your Conditional Zoning Certificate, designated CZC-00-042, and shall be valid for a period of one year. This is not an approval to start construction. Application must be made to the Town of Kearny for a building permit. Enclosed please find a copy of the approved site plans by Macdel Engineering, Sheets C-1, C-3, C-4, C-5, C-8, C-9 and C-10, dated 1/11/00 and sheet C-2 last rev. 1/6/00.

The applicant is hereby advised of their responsibility to investigate and obtain all federal, state, and local permits which may pertain to their proposal or project. The Hackensack Meadowlands Development Commission will not be held liable for any damage which may result from the applicant's failure to obtain the necessary approvals from all respective agencies having jurisdiction. This Office must receive copies of all federal, state, and local permits which may pertain to the proposal, and "as -built" plans, before it will issue a Certificate of Completion.

This letter is an agency determination, decision, and administrative order. Pursuant to N.J.A.C. 19:4-6.25(b), if you wish to appeal this decision, a written notice of appeal must be filed, by certified mail, with the Office of the Chief Engineer within fifteen (15) days of the date of this decision. The notice of appeal shall specify the grounds for such appeal. Upon receipt of the notice of appeal, the Executive Director or his designee shall transmit to the Office of Administrative Law all papers as required by the Office of Administrative Law pursuant to N.J.A.C. 1:1-8.2.

Mr. Smith
March 10, 2000
Page 3

If you should have any questions, please contact Mark W. Skerbetz of this Office.

Sincerely,

OFFICE OF THE CHIEF ENGINEER



RECOMMENDED BY:

Mark W. Skerbetz, P.P. AICP
Staff Planner

APPROVED BY:



John Martinez, P.E., P.P.
Acting Chief Engineer

Enclosure

cc: Robert Armstrong, Kearny Construction Official
Debbie Dakin, HMDC
Bruno Rondi, HMDC
HMMC



608357

State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Division of Solid and Hazardous Waste
CN 414
Trenton, NJ 08625-0414
Tel. #609-984-6664
Fax. #609-777-0769

Robert C. Shinn, Jr.
Commissioner

OCT 11 1996

Mr Jack Pettigrew
185 Devon Street
Kearny, New Jersey 07032

Dear Mr. Pettigrew:

Governor Christine Todd Whitman has asked me to respond to your letter to the editor of September 12, 1996 regarding the reopening of the Keegan Landfill in the Town of Kearny. On behalf of Governor Whitman, I am pleased to respond to your concerns.

The Solid Waste Management Act places the responsibility for closure and long term care of landfills on the property owner. The Town of Kearny, as the primary property owner of the Keegan Landfill, has the responsibility for the proper closure of this site. The improper closure of the Keegan Landfill poses a threat to the Kearny Freshwater Marsh as well as creating other problems, such as the fires that have occurred at the landfill. The nearby 1-D Landfill, which is also owned by Kearny, is also in need of proper closure. The closure cost for the Keegan Landfill alone has been estimated at \$30 million, with the post closure care cost estimated at an additional \$30 million. The closure of both of these landfills would place an enormous economic burden on the residents of the Town of Kearny.

The planned reopening of the Keegan Landfill by the Hackensack Meadowlands Development Commission (HMDC) to provide revenue for closure of that landfill and the 1-D Landfill is an environmentally and fiscally sound proposal. Before the Keegan Landfill reopens, all environmental safeguards required by the Solid Waste Regulations will be in place. Installation of environmental improvements will not be put off until the site is ready for closure. A perimeter cut-off wall and leachate collection system will be installed to protect the adjoining marsh before the site opens. In addition, HMDC will use the revenue generated by the reopened Keegan landfill to fund the environmentally sound closure of the reopened landfill and the 1-D landfill as well as maintenance and environmental monitoring for the 30 year post closure period at both sites.

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The Keegan Landfill is NOT an EPA classified high priority Superfund hazardous waste site as erroneously stated in your letter. The National Priority List (NPL), also known as the Superfund List, contains the country's most hazardous waste sites. In 1989, a study of the landfill was conducted for the EPA by the NUS Corporation. At that time, it was classified as medium priority on the EPA'S CERCLIS List. This list is a comprehensive record of all known contaminated/hazardous sites, including all potential and actual Superfund sites. The NUS study recommended that the Keegan site be fenced and that two feet of clean soil be placed over the landfill. These recommendations were never implemented. The EPA recently eliminated the "medium" priority category; hence, the Keegan landfill was reclassified as a "higher" priority site on the CERCLIS list. The EPA is continuing its evaluation of the Keegan landfill at this time in order to determine its potential eligibility for the NPL.

I hope this answers your questions. If you have any additional questions or comments, please contact me at (609) 984-5950.

Sincerely,



Robert C. Ciolek
Assistant Director
Office of Permitting
and Technical Assistance

file:g238357

00000000



Hackensack Meadowlands Development Commission

Memorandum

TO HMDC COMMISSIONERS AND ANTHONY SCARDINO, JR., EXECUTIVE DIRECTOR
THOMAS R. MARTURANO, DIRECTOR OF SOLID WASTE
FROM GEORGE COHEN, D.A.G. Date MAY 23, 1996
Subject KEEGAN LANDFILL SITE

In an effort to clean up and properly close an old, environmentally harmful landfill, the HMDC proposed a Solid Waste Management Plan (SWMP) amendment for the reopening of the old Keegan landfill in Kearny. The reopening of the landfill meets two basic State policies: 1) the funding and proper closure and post-closure of "orphan" landfills that are polluting the State of New Jersey on a daily basis; and 2) providing in-state regional landfill capacity for non-recyclable solid waste. In addition to the proper closure of the Keegan landfill, the HMDC plan hopes to generate sufficient funds to close the 1-D landfill, another old orphan landfill in Kearny that was never properly closed.

A. Statutory and Regulatory Background

In 1969, the HMDC was created as a regional governmental body to oversee the development of 21,000 acres of marshland located in 14 municipalities in order that this resource would not be lost to the State through unplanned reclamation and development. N.J.S.A. 13:17-1 et seq. Only scattered development had occurred in the District as of 1969. One of the principal reasons that this potential for development had never been realized was that the municipalities in the region had attempted to implement their separate development plans without concern for the coordination of these plans. Thus, the legislation emphasized the urgent need in this area of the State for the HMDC to coordinate the orderly and comprehensive development of land for industrial, commercial, residential, public recreation and other uses. N.J.S.A. 13:17-1. Additionally, the HMDC was authorized to acquire property, acquire or construct solid waste facilities and operate these facilities or contract with persons capable of operating disposal facilities N.J.S.A. 13:17-10.

The Legislature again recognized the HMDC's solid waste management role when it designated the HMDC along with the twenty-one counties of the State as solid waste planning districts that must prepare and implement a ten year strategy for solid waste disposal within their respective jurisdictions. By law, each district's SWMP must be approved by the Commissioner of DEP. N.J.S.A. 13:1E-24. Once a district proposes a SWMP amendment, it shall hold a hearing for the purpose of soliciting public comment, N.J.S.A. 13:1E-23. After obtaining public comment, a district may adopt, modify or reject its proposed amendment. If adopted, the plan is sent to the DEP Commissioner who has 150 days to certify

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his acceptance, modification or rejection of the adopted plan.
N.J.S.A. 13:1E-24.

B. The Plan Amendment Process

In or about the fall of 1988, the HMDC, the DEP, Board of Public Utilities (BPU) and the counties of Bergen, Essex and Hudson undertook a cooperative study to explore the possibilities of a regional solid waste facility in the Meadowlands District. This study resulted in the conclusion that such a regional facility would save the region approximately \$500 million dollars over a twenty-year period. This study also concluded that this facility would be a landfill that could take any solid waste that was not sent to a resource recovery facility (burned), recycled or composted. Such wastes are known as non-processible solid waste.

In the fall of 1991, the HMDC held separate meetings with the principals of Hudson Meadows and the Mayor and officials of the Town of Kearny to inform them of the HMDC's intention to introduce a SWMP amendment for a 10-20 year regional non-processible landfill in Kearny on the abandoned Keegan landfill. In the preceding years, Hudson Meadows had submitted incomplete partial proposals for development of the property. On December 6, 1991, the HMDC provided public notice and advertisement of the proposed SWMP amendment which invited public comment. Prior to the public hearings, written comments were received that requested that the record be held open, that another hearing be held, and that the HMDC consider alternative development for the site. Additional written comments were received from the Bergen County Utilities Authority (BCUA), Hudson County Improvement Authority (HCIA), and Town of Kearny.

The first public hearing was held on January 7, 1992 at the HMDC building. The hearing began with opening statements from the Executive Director of the HMDC, Anthony Scardino, Jr. and a detailed overview of the proposed non-processible landfill by Thomas Marturano. My statement included a description of the site of the proposed landfill by block and lot number and also described the site as the old Keegan landfill in Kearny. In addition, my presentation noted that the landfill would be a non-processible landfill which would not take any items that could be either burned, recycled or composted. I also stated that the Keegan landfill had ceased operations in 1972 before many DEP regulations that currently exist came into effect. Finally, I noted that the existing Keegan landfill is producing significant quantities of leachate and methane gas; and that as an uncontained site, the landfill created serious environmental problems.

The HMDC plan was described as a continuation of the HMDC program where old abandoned "orphan" landfills were taken over, reopened for the purpose of placing solid waste on top of them and then dedicating the "tipping fees" or cost to dump at the landfills

for funding the closure of the landfills. The proposal includes, in addition to the environmental closure of the Keegan landfill, the intention to generate enough funds at the Keegan site to close the 1-D landfill along Harrison Turnpike in Kearny. This landfill is approximately 100 acres and 150 feet high; moreover, there are insufficient closure or post-closure monies available for this site, which is causing serious environmental problems that are degrading the environment of Kearny everyday. Kearny is financially responsible for the closure and post-closure of the Keegan and 1-D landfills.

The Keegan site was chosen because it is an old landfill which needs remediation and it contains the largest available volume in the Meadowlands District. The site was chosen because it would provide the most capacity for non-processible waste, thus generating the most funds for the closure of both the Keegan and the 1-D landfills. The proposed actions of the HMDC for preparing the Keegan site for closure include the construction of a cut-off wall around the entire perimeter of the site and the placement of a leachate collection system on the inside of that wall so that the leachate which is generated from within the site could not flow into the adjacent environmentally sensitive marsh. Leachate is the liquid produced from rain passing through the landfill.

Access to the site is planned to come off of Harrison Turnpike. No access to the site would come off Schuyler Avenue from the residential areas. In summation, the HMDC plan amendment was described as an effort to clean up orphan landfills, to stop leachate from flowing into the wetlands, to control the methane gas from the landfills and to protect a marsh that is a vital environmental area which is being degraded everyday. Finally, the cost of the environmental cleanup of the Keegan landfill was presented. It was estimated that the cost would be measured in tens of millions of dollars for closure. The closure and post-closure of landfills currently under HMDC authority have closure improvements estimated at 300 million dollars and that the ratios of those numbers were similar to what was expected at the Keegan site.

At the public hearing held on January 7, 1992, the HMDC SWMP amendment was available to all who attended. In addition, mounted copies of an aerial photograph of the site as well as still photographs from ground level were presented at the front of the hearing room. Members of the public presented comment at the hearing, including Kearny Town Council members as well as representatives of Hudson Meadows. After the hearing adjourned the record was held open and a second public hearing was held on February 19, 1992. At the March 25, 1992 HMDC meeting, further public comment was taken and the Commission tabled a vote on the plan amendment subject to a visit to the site by then Chairman Melvin R. Primas. The record was closed after the March 25, 1992 hearing.

From the time of the first public notice on December 6, 1991 until a vote by the full Commission on May 27, 1992 approving the HMDC adopted plan amendment, all public comment submitted was accepted as part of the record. Hudson Meadows submitted written and oral comments, as well as consultants' reports at every opportunity. The HMDC adopted the proposed SWMP amendment for the proposed regional non-processible landfill at the Keegan site. The plan amendment was forwarded to the DEP for review by the Commissioner of DEP and his eventual approval, rejection or modification pursuant to N.J.S.A. 13:1E-24.

C. In Lieu of Prerogative Writ Action

On June 26, 1992, while review of the HMDC amendment was underway at the DEP, Hudson Meadows and Kearny filed a complaint in lieu of prerogative writ challenging the adoption of the SWMP amendment by the HMDC and moved to take depositions. The in lieu action claimed that the HMDC plan lacked support, failed to provide a sufficient public comment period, included unnecessary property, did not comply with local zoning, and did not receive sufficient votes from the full HMDC. The HMDC opposed this motion and cross-moved to transfer the matter to the Appellate Division as an appeal of a final administrative action. On August 7, 1992, Judge Seymour Margulies, J.S.C., denied the HMDC's motion to transfer and granted the motion of Hudson Meadows to take depositions. On November 23 and 24, 1993, Hudson Meadows deposed Executive Director Anthony Scardino and Director of Solid Waste Thomas Marturano.

D. DEP Certification of the Plan Amendment

On December 2, 1992, the DEP Commissioner certified the amendment designating the Keegan site for a residual non-processible landfill. The Commissioner found that the HMDC plan to reopen the Keegan site to "remediate existing pollution problems" and develop a modern disposal facility "represents significant positive benefits" locally and to the State. The Commissioner stated that the plan "will improve, not lessen the environmental condition of the site....This facility can be a cornerstone to solving the State's deficiencies in disposal capacity thereby greatly reducing our dependence on out-of-state lands."

Pursuant to N.J.S.A. 13:1E-24, the Commissioner submitted the plan amendment for review and recommendations to the advisory council on solid waste management in the Department and to the agencies, bureaus, and divisions within the Department concerned with, or responsible for, environmental quality. The record reviewed by the DEP during the certification process contained, among other things, the transcripts of the January 7, February 19, and March 25, 1992 public hearings as well as the transcripts from the April 22 and May 27, 1992 HMDC Commission meetings; copies of all comments received by the HMDC from December 6, 1991 until HMDC's resolution adopting the plan amendment on May 27, 1992; the

reports and comments of consultants on behalf of Hudson Meadows and the Town of Kearny and internal Department comments and comments from the USEPA.

E. Appeals

On January 15, 1993, Hudson Meadows and Kearny appealed the Commissioner's December 2, 1993 certification of the May 27, 1992 plan amendment to the Appellate Division. On February 11, 1993, the Honorable George P. Moser, Jr., J.S.C., granted the motion of the HMDC to transfer the Law Division matter to the Appellate Division. The two appeals and the transferred matter were consolidated by Judge Seidman by formal notice dated June 29, 1993. On June 7, 1994, oral argument was held in the Appellate Division.

On July 18, 1994, the Appellate Division affirmed the decision of the DEP Commissioner certifying the HMDC's SWMP amendment. Writing for the Court, Judge Skillman found that: 1) the HMDC properly adopted its SWMP amendment and did not need a "super majority" vote simply because its Solid Waste Advisory Council (SWAC) disapproved the proposal; 2) the DEP Commissioner is required to approve, modify or reject a plan within 150 days and an in lieu of prerogative writ action in no way stays the Commissioner's action; 3) the in lieu action was properly transferred to the Appellate Division; 4) the HMDC provided adequate information to appellants and the public regarding the plan; and 5) the DEP Commissioner properly measured and approved the HMDC's plan amendment against the goals of the Statewide Solid Waste Management Plan. The Court rejected all of appellant's objections to the HMDC adoption and DEP certification of the SWMP amendment. On December 9, 1994, the New Jersey Supreme Court denied Hudson Meadow's petition for certification. The Town of Kearny did not join in the petition.

Subsequent to the Appellate Division decision, the Commission applied to the NJDEP for approval of a Preliminary Environmental and Health Impact Statement. This is required prior to the acquisition of land for a solid waste facility. It was approved on December 28, 1995.

F. Conclusion

Therefore, it is the recommendation of the staff that this resolution authorizing the Executive Director to acquire the properties consistent with the Solid Waste Plan Amendment, either through negotiation or condemnation, be approved.

NEWS

ARMY CORPS HEARS PLEA TO SPARE WETLANDS LANDFILL OPERATOR VS. CARLSTADT MALL

By TINA TRASTER and LISA GOODNIGHT, Staff Writers

05/13/1997

The Record, Northern New Jersey

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CLARIFICATION: An article Tuesday indicated that an exit from the New Jersey Turnpike for a mall proposed by the Mills Corp. for the Meadowlands would be built with public funds. Mills, of Arlington, Va., has said it would pay for a ramp from the turnpike to Route 120A; a planned realignment of that highway _ which would provide access to the Mills site but is not necessarily dependent upon that development _ would be publicly funded. (PUBLISHED, WEDNESDAY, MAY 14, 1997, PAGE a02.)

Why fill wetlands and use public funds to build an exit off the New Jersey Turnpike for a shopping and entertainment complex in the Meadowlands when there is a site in Kearny that offers highway access and enough land to build a 2.1-million-square-foot mall?

That question was put to the Army Corps of Engineers during a public meeting last week by a landfill operator who wants Mills Corp. of Arlington, Va., to shift its proposed mall site from a wetlands tract in Carlstadt to **Keegan landfill** in Kearny.

"We are telling the corps that there is an . . . alternative" that doesn't sacrifice wetlands, said Jeryl Maglio, a principal with Hudson Meadows Urban Renewal Development Corp., which has development rights to **Keegan landfill**.

Because Mills wants to build in wetlands protected under the federal Clean Water Act, the developer must prove that it has sought _ and ruled out _ alternative sites for its project, which include retail, warehouses, hotel space, and a mass transit center.

Maglio told corps officials that developers from Western Corp., as the Mills company was formerly known, considered building on the landfill in 1986. But negotiations fell apart and the developers shifted their plans to the Carlstadt tract, owned by Empire Ltd. of Wood-Ridge.

Edward B. Vinson, Mills' vice president, said the company has no plans to build on **Keegan landfill**, or on any landfill. Vinson acknowledged that "there were some conversations in 1986," but said the company was run by a different group "with a different focus."

Mills says it eliminated 50 sites in North Jersey, mostly due to environmental challenges.

Maglio suggested the landfill site during a public "scoping" meeting. At that meeting, input was sought on the Mills proposal while the developer was preparing an environmental impact statement.

Last month, officials from the U.S. Fish and Wildlife Service sent letters to the corps saying Mills should consider other sites in the New York metropolitan region. Environmentalists say Mills should put its mall in a city such as Newark, Elizabeth, or Paterson.

Maglio says Mills should follow the lead of other developers who are building on landfills, such as mall developers in Elizabeth and Nyack, New York.

"Under the Clean Water Act, Mills has to demonstrate that there is not an alternative site," said corps spokesman Andrew Miller. "Mills will have to take {the **Keegan landfill**} into account when they write their alternatives analysis."

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Both sites are within the boundaries of the Hackensack Meadowlands Development Commission, which oversees zoning for a 32-square-mile district that encompasses portions of 14 towns in Bergen and Hudson counties.

HMDC officials have said the best way to finance "mitigation" or restoration of reed-choked wetlands is by development. Mills, for example, wants to fill 206 acres of wetlands in the Meadowlands, and in exchange, refurbish an adjoining 380 acres.

But Maglia said the landfill site offers development dollars within the district, but does not sacrifice wetlands.

The **Keegan landfill** closed in 1971. Eight years later, Hudson Meadows, a private health-care and real estate company, bought 34 acres of the landfill and leased development rights from Kearny for an additional 384 acres that constitute the landfill and surrounding freshwater marsh.

Hudson Meadows wants to build on the landfill but plans to preserve the wetlands.

The company clashed with the HMDC in 1991, after the agency, which has zoning jurisdiction over the site, proposed reopening the landfill as a dump site for non-organic matter.

HMDC officials argued that reopening **Keegan landfill** was the only way the agency could generate the \$100 million it would take to stop the flow of gases and toxic liquids from the dump. Under the proposal to reopen Keegan, the commission said it could raise enough additional funds in tipping fees to seal and cap another landfill, known as 1-D.

Hudson Meadows and Kearny lost their legal battle to stop the the HMDC from reopening the landfill.

Plans have not proceeded. Rather, the HMDC recently commissioned a study to examine whether the site should be zoned for open space, dumping, or development.

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Hackensack Meadowlands Development Commission

1099 WALL STREET WEST • LYNDHURST, NEW JERSEY 07071 • (201) 935-3250

PATRICIA Q. SHEEHAN
Chairman

WILLIAM D. McDOWELL
Executive Director

January 30, 1975

Mr. Dennis Backus
c/o Municipal Sanitary Landfill Authority
1500 Harrison Avenue
Kearny, New Jersey 07032

RE: MSLA, FILE 71-175

Dear Mr. Backus:

On December 31, 1974, this Office sent a letter to you which required specific information to be submitted no later than January 20, 1975, in order to complete the review of MSLA Landfill operations on Sites I-A and I-D, and complete the close down of Site I-A, in Kearny.

To date, that information has not been forthcoming.

Please be advised that this delay will not alter the scheduling for completion of required improvements as shown on the marked up plans sent to you by this Office on December 31, 1974.

Further, the following is an up-to-date status of your compliance with the revised scheduling as shown on those plans:

1. Site I-A

| <u>SECTION</u> | <u>TO BE COVERED BY</u> | <u>% COMPLETED</u> |
|------------------------|-------------------------|--------------------|
| Dike "A" | October 1, 1974 | 100 |
| Dike "B ₁ " | January 1, 1975 | 50 |
| Dike "B ₂ " | January 1, 1975 | 85 |
| Dike "B ₃ " | January 1, 1975 | 70 |
| Dike "C ₃ " | April 1, 1975 | |
| Dike "D" | July 1, 1975 | |

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Dennis Backus

Page 2

January 30, 1975

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2. Site I-C

| <u>JOB</u> | <u>START</u> | <u>FINISH</u> | <u>% COMPLETE</u> |
|--|--------------|---------------|-------------------|
| A. Construct Dike #4 | Jan. 1, 1975 | July 1, 1975 | 0 |
| B. Install Leachate Pumps 1 and 2 | Jan. 1, 1975 | July 1, 1975 | 0 |
| C. Construct Dikes 3, 5 and 6 | Jan. 1, 1975 | July 1, 1975 | 0 |
| D. Construct Tide Gates 1, 2, 3 and 4 | Jan. 1, 1975 | July 1, 1975 | 0 |
| E. Construct Dikes 1 and 2 | Jan. 1, 1975 | July 1, 1975 | 25 |

3. Site I-D

| <u>JOB</u> | <u>START</u> | <u>FINISH</u> | <u>% COMPLETE</u> |
|---|--------------|---------------|-------------------|
| A. Dike #1 | Immediately | Immediately | 0 |
| B. Leachate Pumps 1 and 2 | Immediately | Immediately | 0 |
| C. Construct Collect/ Recharge Basins 1 and 2 | Immediately | July 1, 1975 | 0 |
| D. North Swale | Immediately | July 1, 1975 | -- |

Therefore, as you are now aware, it will be in your best interest to submit the required information immediately.

We await your prompt response.

Sincerely,
OFFICE OF THE CHIEF ENGINEER


GEORGE D. CASCINO, P.E., P.P.
CHIEF ENGINEER

TIERRA-D-009115

Mr. Dennis Backus

Page 2

January 30, 1975

MA/jc

cc: John McNeil, Esquire

Roger Generazzo

William Hui

Mark First, Esquire, D.A.G.

Mr. A. Lawrik

Maryland Casualty Company

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Hackensack Meadowlands Development Commission

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PATRICIA Q. SHEEHAN
Chairman

WILLIAM D. McDOWELL
Executive Director

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March 7, 1975

Dennis Backus, P.E.
Municipal Sanitary Landfill Authority
1500 Harrison Avenue
Kearny, New Jersey 07032

RE: M.S.L.A., FILE 71-175

Dear Mr. Backus:

We reviewed your letters dated February 15, 1975, and February 19, 1975, both received February 24, 1975, in reference to previous correspondence concerning the several MSLA sites.

I. In response to your letter of February 15, 1975, please be advised of the following:

1. The total perimeter of all MSLA sites is approximately 36,000 feet, of which at least 9,200 feet and as much as 15,000 feet requires diking.

Although 2,200 feet of diking may have been constructed by MSLA, only about 1,100 feet, on Site I-C, is incorporated in the required diking scheme. Therefore, at best, only 12% of the required diking is complete.

2. The Hackensack Meadowlands Development Commission will not verify that MSLA has, at any site, consistently collected and pumped leachate to top-of-landfill recharge basins.

This Office had seen the placement of a pump and hose on the south side of Site I-D, which no longer exists.

BAA000006

Dennis Backus, P.E.
M.S.L.A.
March 7, 1975
Page 2

3. The Commission does take issue to the use of a composite material consisting of organic material as required cover. As stated in our February 3, 1975 letter, its use must be discontinued immediately!

We will, however, entertain an engineer's report, based on detailed analysis of the composite, to determine its acceptability as cover material.

4. HMDC inspections reveal that covering of Site I-A, has been proceeding satisfactorily. However, please be advised that HMDC inspections of this site in the future will also include a determination of the depth of final cover, to insure that 2' has been applied. Prior to giving final approval of the covering, this Office must be able to verify that 2' of cover has been applied throughout the site.

Further, covering of active landfill sites continues to be inadequate, and as stated above, the use of a "compost" as cover must be discontinued immediately. You can be sure the Commission will closely monitor the sites and will continue to strictly enforce Regulations concerning cover.

5. To date, this Office has not received the revised plans, applications, or any other required information necessary for final review and approval of the landfill sites. Please be advised that MSLA will be required to meet all schedules and deadlines as specified on the marked-up set of plans sent to you on December 31, 1974. In addition, if the required information is not forthcoming, in the next few days, this Office will compute and bill you for the required application fees, and will notify you of an estimated dollar amount for the performance bond that must be submitted to insure completion of all required improvements.

Dennis Backus, P.E.
M.S.L.A.
March 7, 1975
Page 3

6. You state that MSLA is a "responsible, experienced leader in solid waste management." Therefore, you should have no problems conducting covering operations at any time of the year, with very little lag time due to poor weather conditions.

In addition, a good display of "responsibility and leadership" by MSLA could be best shown by giving total cooperation to meeting HMDC Landfill Regulations.

II. In response to your letter of February 19, 1975, in reference to the compliance schedules for the several sites, established by HMDC, please be advised of the following:

1. Site I-A: HMDC accepts the revised schedule, with those additional requirements, as shown on the plans as follows:

| | <u>JOB</u> | <u>START</u> | <u>FINISH</u> |
|----|--|----------------|----------------|
| A. | Cover B ₁ | ---- | March 15, 1975 |
| B. | Cover B ₂ | ---- | March 15, 1975 |
| C. | Cover B ₃ | ---- | March 15, 1975 |
| D. | Cover C | ---- | April 1, 1975 |
| E. | Cover D | ---- | July 1, 1975 |
| F. | Take Water Samples | November, 1974 | Monthly |
| G. | Install Methane Vents on Sections B ₁ , B ₂ , B ₃ , C | April 1, 1975 | May 1, 1975 |
| H. | Install Methane Vents on Section D | July 1, 1975 | August 1, 1975 |
| I. | Take Methane Samples | August 1, 1975 | Bi-monthly |

* To date, this Office has not received the results of water sampling at the site. This information must be forthcoming immediately.

2. Site I-D: HMDC cannot accept the MSLA schedule for this site. We restate the HMDC required schedule, with additional requirements as shown on the plans, for the site, as follows:

| <u>JOB</u> | <u>START</u> | <u>FINISH</u> |
|---|---|---------------|
| A. Dike #1 | Immediately | Immediately |
| B. Install leachate pumps 1 and 2 | Immediately | Immediately |
| C. Construct Collect/ Recharge Basins 1 and 2 | Immediately | July 1, 1975 |
| D. North Swale | Immediately | July 1, 1975 |
| E. Install Methane Vents | (as each section reaches final elevation) | |

3. Site I-C: HMDC cannot accept the MSLA schedule, at it is totally unacceptable. What your schedule does, is procrastinate the placement of required improvements for another two (2) years. (Will MSLA stop dumping on this site until the required improvements can be completed?)

HMDC will not entertain a revision of the schedule, as set. Following is the HMDC Schedule with other required deadlines as shown on the plans for the site:

| <u>JOB</u> | <u>START</u> | <u>FINISH</u> |
|-----------------------------------|-----------------|---------------|
| A. Construct Dike #4 | January 1, 1975 | July 1, 1975 |
| B. Install Leachate Pumps 1 and 2 | January 1, 1975 | July 1, 1975 |

Dennis Backus, P.E.
M.S.L.A.
March 7, 1975
Page 5

#3 Site I-C continued:

| <u>JOB</u> | <u>START</u> | <u>FINISH</u> |
|---|--|---------------|
| C. Construct Dikes 3 and 4 | January 1, 1975 | July 1, 1975 |
| D. Construct Tide Gates 1, 2, 3 and 4 | January 1, 1975 | July 1, 1975 |
| E. Construct Dikes 1 and 2 | January 1, 1975 | July 1, 1975 |
| F. Install Leachate Pumps 3 and 4 | April 1, 1975 | July 1, 1975 |
| G. Construct Dike #6 | April 1, 1975 | July 1, 1975 |
| H. Clean Drainage Ditch | April 1, 1975 | May 1, 1975 |
| I. Take Water Samples at Pumps 1, 2 and 3 | July 1, 1975 | Monthly |
| J. Install Methane Vents | (Immediately upon completion of each section) | |
| K. Sample Methane | (Bi-monthly, immediately upon completion of each section) | |

Further as shown on the marked-up plans, sent to you on December 31, 1974, Dike #4 must be completed by July 1, 1975, to the west of the Public Service Electric and Gas Company transmission lines, and on MSLA property, if Dike #4 cannot or will not be constructed utilizing the Public Service Electric and Gas Company's access road.

Dennis Backus, P.E.
M.S.L.A.
March 7, 1975
Page 6

Finally, as can be seen from the above schedules, many items should have already been initiated, and some completed. As stated in previous correspondence, it should now be clear that it will be in your best interest to submit all required information immediately. If required implementation schedules are not followed, this Office will have no recourse but to take further action.

We await your prompt response.

Sincerely,

OFFICE OF THE CHIEF ENGINEER



GEORGE D. CASCINO, P.E., P.P.
CHIEF ENGINEER

MA/jc

cc: John McNeil, Esquire
Roger Generazzo, M.S.L.A.
Mark L. First, Esquire, D.A.G.
Mr. William Hui, N.J.D.E.P.
Mr. A. Lawrik, P.U.C.
Maryland Casulty Company

Certified Mail #293586

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENT PROTECTION
INSPECTION OF SOLID WASTE DISPOSAL AREA

✓ To MARK
K

GENERAL INFORMATION

1. Date of Inspection JUNE 16, 1975. Time _____
2. Name of Solid Waste Disposal Facility MSLA. 1-D
3. Street Location HARRISON AVE
4. Lot and Block No. _____
5. Municipality KEARNEX County HUDSON
6. Name of Owner MSLA.
7. Address of Owner _____
8. Name of Operator MSLA.
9. Address of Operator _____
10. Full Name of Inspector J. BRIAN MCNALLY
(Please Print)

The deficiencies marked "X" below were noted at the subject solid waste disposal area, as related to N.J.A.C. 7:26-1 et seq.

- () Sanitary Landfill Operational Requirements (General)
N.J.A.C. 7:26-2.5. () .1 () .2 () .3 () .4 () .5 () .6 () .7 () .8 () .9 () .10
() .11 () .12 ~~X~~ .13 ~~X~~ .14 () .15 () .16 () .17 () .18
() .19 () .20 () .21 () .22 () .23 () .24 () .25 () .26
- () Sanitary Landfill Operational Requirements (Specific)
Sewage Sludge and Other Materials
N.J.A.C. 7:26-2.6.1. () .1 () .2 () .3
- () Bulky Items
N.J.A.C. 7:26-2.6.2. () .1 () .2 () .3
- () Radioactive Materials and Lethal Chemicals
N.J.A.C. 7:26-2.6.3. () .1
- () Hazardous and/or Chemical Wastes and Other Materials
N.J.A.C. 7:26-2.6.4. () .1 () .2 () .3 () .4
- () Disrupted Landfill Requirements
N.J.A.C. 7:26-2.7. () .1 () .2 () .3 () .4 () .5
- () Smoking, Smoldering or Burning
N.J.A.C. 7:26-2.8. () .1 () .2 () .3 () .4 () .5 () .6 () .7
- () Other _____

BAA000007

J. Brian McNally
Inspector (Signature)

The New Jersey Bureau of Solid Waste Management representative has provided me a copy of this report.

Richard D. Hill
(Signature) (Date)

The disposal area owner and/or operator may, if he so desires, arrange for a conference with the Bureau of Solid Waste Management to discuss the deficiencies noted.

MEMORANDUM

State of New Jersey
Department of Environmental Protection

TO: FILE

FROM: BRIAN McNALLY

DATE: JUNE 16, 1975

SUBJECT: MSLA - HARRISON AVE

I. THE PURPOSE OF THIS INVESTIGATION IS TO DETERMINE IF MSLA'S HARRISON AVE SITE IS IN COMPLIANCE WITH THE REGULATIONS OF THE BUREAU.

II THE INVESTIGATION REVEALED THE FOLLOWING DEFICIENCIES

7:26.2.S.13 - THERE ARE TWO STRIPS OF UNCOVERED REFUSE APPROX 10'-15' WIDE

7:26.2.S.14. - SEVERAL AREAS OCCUR ON THE SURFACE WHERE CONSTRUCTION - DEMOLITION WASTE IS USED AS A COVER MATERIAL, PARTICULARLY ON THE ROADS WHERE IT IS USED AS A BASE.

Reviewed by:
[Signature]

MEMORANDUM

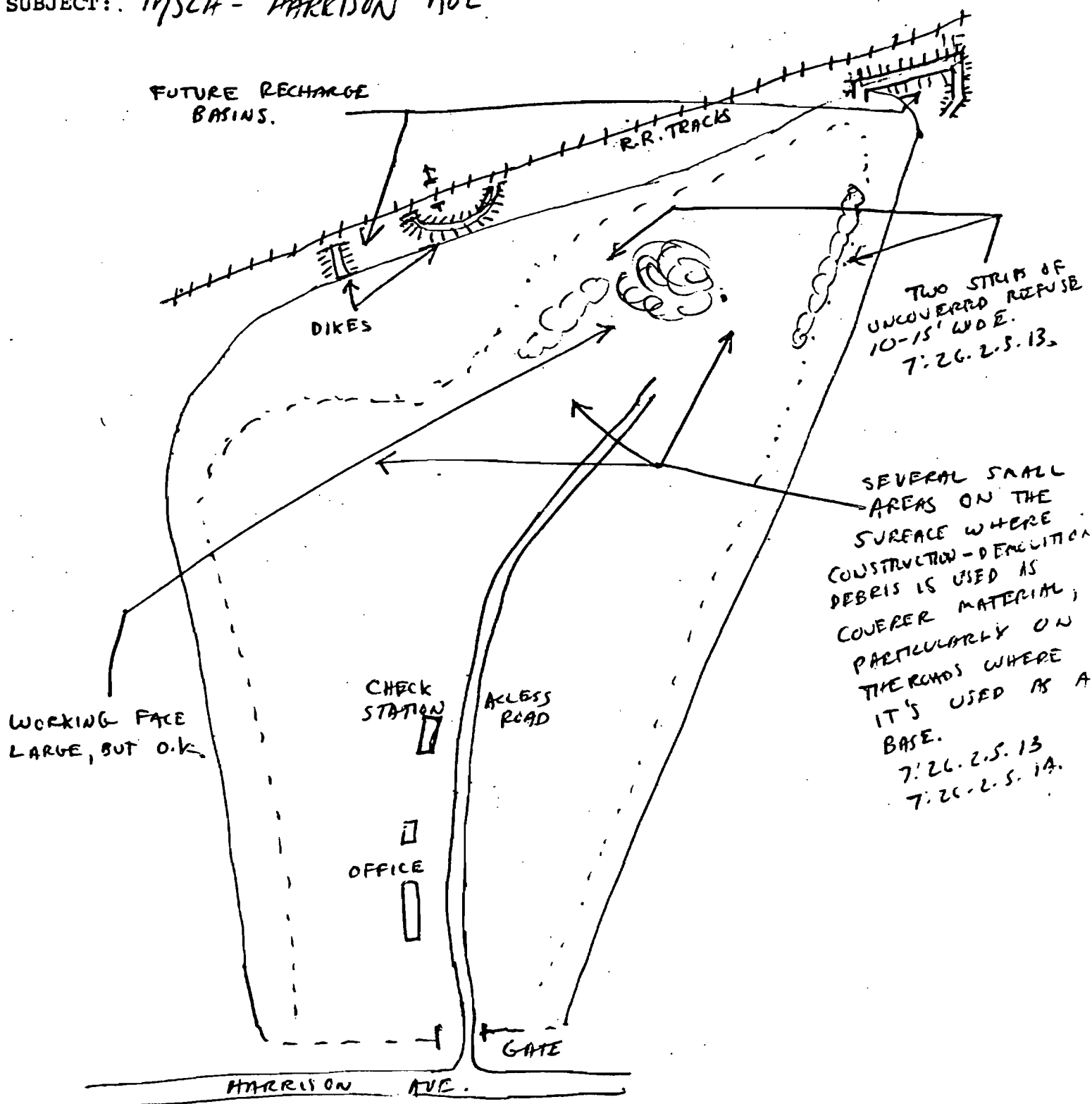
State of New Jersey
Department of Environmental Protection

TO:

FROM:

DATE: JUNE 16, 1975

SUBJECT: MSLA - HARRISON AVE

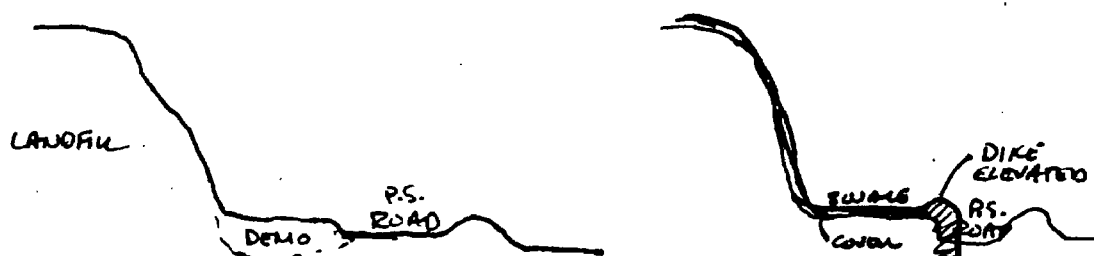


5/9/76

MTG AT THE MSLA SITE I-D

1:00 PM.

HMOC: MIKE & MARK

MSLA: ROGER BENERAZZO, DENNIS BACKUS,
+ 2 FOREMENRe: DRAINAGE, DIGGING, PUMPING, LEACHATE CONTROL
ON SOUTH SIDE OF SITE. IN ADDITION,
GRADING AND COVERING OF SLOPES.1. GRADING & COVERING OF SLOPES HAS BEGUN...
SHOULD BE COMPLETE WITHIN 3 WEEKS.2. A ^{NEW SECTION (2 SECTIONS)} ~~SECTION~~ PLAN WILL BE SUBMITTED BY
DENNIS BACKUS THAT WILL CONSTRUCT A
SWALE OVER RECENT DUMP FILL UP TO NEW
DIKE ELEVATION AS FOLLOWS3. WILL GIVE SPECIAL CONSIDERATION TO PROBLEM OF RISING
DIKE IN GROUND SOUTH-WEST CORNER. INTO COLLECTION BASIN

4. Will submit alternate plan using ditch, etc.

5. Will submit all other necessary info relative
to job plus engineering conclusions. + description
of whole process.

Mark

C. Roger would like a copy every week of the status sent directly to him
 & the one of. Will do. Mark



Hackensack Meadowlands Development Commission

1099 WALL STREET WEST • LYNDHURST, NEW JERSEY 07071 • (201) 935-3250

PATRICIA Q. SHEEHAN
Chairman

WILLIAM D. McDOWELL
Executive Director

June 18, 1976

Mr. Roger Generazzo
Municipal Sanitary Landfill Authority
1500 Harrison Avenue
Kearny, New Jersey

RE: MSLA, FILE 71-175

Dear Mr. Generazzo:

On June 17, 1976, this Office conducted inspections of the MSLA Sites I-A, I-C and I-D, in Kearny. Based on the above, this Office found the following disturbing conditions:

(1) All work has ceased on the drainage and leachate control system along the southerly property line of Site I-D. Specifically, since our last joint inspection, no further covering of the slopes or drainage area has been completed. In addition, the new drainage ditch has been only partially dug and abandoned. Further, the clean fill piled up just south of the new ditch is ineffective as diking, since it is dumped directly over the demo fill. As a result, leachate continues to escape the site through the demo material, and by way of ditches that have been dug to the property south of the PSE&G right-of-way.

We anticipate that work will immediately resume in order that this problem may be corrected as soon as possible.

(2) Active filling on Site I-C has progressed to the easterly slope of the site, along the PSE&G powerline right-of-way. However, the required 50' plateau is not being maintained along that slope and the stakes marking the setback

BAA000015

June 18, 1976

have been removed. Therefore, you are hereby ordered to cease all dumping in the vicinity of the east slope, to immediately stake out a 50' wide plateau from the top of the existing slope and to adhere to the required setbacks during all future filling.

Further, enclosed is a copy of the approved compliance schedule which has been marked to indicate those additional items with which this Office has found deficiencies. We anticipate that you will give all these items your prompt attention in order that they may be resolved as soon as possible.

If there are any questions, please do not hesitate to contact this Office.

Sincerely,

OFFICE OF THE CHIEF ENGINEER



GEORGE D. CASCINO, P.E., P.P.
CHIEF ENGINEER

MA/jo

cc: Dennis Backus, P.E.
Kenneth D. McPherson, Esq.
Mark L. First, Esq., DAG

THOSE DEADLINES UNDERLINED HAVE NOT BEEN MET

MUNICIPAL SANITARY LANDFILL AUTHORITY COMPLAINT SCHEDULE

| <u>START</u> | <u>DEADLINE</u> <u>COMPLETE</u> | <u>SITE I-A</u> |
|------------------|------------------------------------|---|
| | 4/1/76 | Bimonthly to 1/1/79 - Water Sampling (bi-monthly) |
| <u>2/1/76</u> | 7/1/76 | Complete final cover (2') entire site should be completing. |
| <u>2/1/76</u> | 7/1/76 | Construct and/or recondition swales for drainage should be completing. |
| | 8/1/76 | Seed entire site |
| | 1/1/77 | Install methane vents - should be starting. |
| | 1/1/77 | Submittal of diking plan, if necessary. |
| | | <u>SITE I-D</u> |
| <u>IMMEDIATE</u> | <u>IMMEDIATE</u> | Water and methane sampling (monthly) |
| <u>2/1/76</u> | <u>3/1/76</u> | Re-install leachate pumps 1 and 2 pump on southwest corner removed. |
| <u>2/1/76</u> | <u>3/1/76</u> | Construct collection and recharge basins - must be reconditioned. |
| <u>2/1/76</u> | 7/1/76 | Construct barrier berms. |
| | 7/1/76 | Site shall become <u>Inactive</u> . |
| <u>2/1/76</u> | 7/1/76 | Final covering shall be complete (2') - not started. |
| <u>2/1/76</u> | 7/1/76 | Construct new south swale and ditch - has been abandoned |
| <u>2/1/76</u> | 8/1/76 | Install methane vents - not started |
| <u>7/1/76</u> | 9/1/76 | Seed entire site. |
| | <u>DEADLINE</u> | <u>SITE I-C</u> |
| <u>IMMEDIATE</u> | <u>IMMEDIATE</u> | No filling within 200' of P.S.E. & G Company right-of-way (50' plateau) or within limits of HMDC Sawmill Park Landfill Extension. (both limits should be staked immediately) Has been violated ... shall be re-staked and maintained. |
| <u>2/1/76</u> | <u>3/1/76</u> | Clean drainage ditch along Belleville Turnpike side of site - only started recently. |
| | <u>4/1/76</u> | Water sampling (monthly) |
| <u>2/1/76</u> | <u>4/1/76</u> | Block all drainage pipes under P.S.E. & G. towers |

MUNICIPAL SANITARY LANDFILL AUTHORITY COMPLIANCE SCHEDULE CONTINUED

| <u>START</u> | <u>COMPLETE</u> | <u>SITE I-C</u> |
|---------------|-----------------|---|
| <u>3/1/76</u> | <u>4/1/76</u> | Install leachate pumps (along P.S.E. & G side)construct collection and recharge basins. |
| <u>3/1/76</u> | <u>4/1/76</u> | Construct dikes 3 & 5 (P.S. side-south and north of site). |
| <u>4/1/76</u> | <u>6/1/76</u> | Construct flood gates 1,2,3,&4 (southeast corner under P.S. line for Belleville Ditch) |
| <u>2/1/76</u> | <u>7/1/76</u> | Construct swales P.S. side (clean ditch?) |
| | <u>7/1/76</u> | Construct new bridge from Belleville Pike. |
| <u>6/1/76</u> | <u>7/1/76</u> | Install leachate pumps #3 & #4 (Dike #6 at north tip should be complete - no deadline established). |
| | <u>9/1/76</u> | Methane samples - monthly |
| | <u>1/1/77</u> | Revised topos due. |
| <u>2/1/76</u> | <u>1/1/77</u> | Install methane vents |
| <u>4/1/76</u> | <u>4/1/77</u> | Elevate dike #4 (or construct new dike on property) |
| <u>4/1/76</u> | <u>4/1/77</u> | Construct Dikes 1 & 2 |
| <u>9/1/76</u> | <u>5/1/79</u> | Construct barrier berm (Belleville Side) |
| | <u>5/1/79</u> | Construct barrier berm (P.S.E.&G Side) |

THE DEADLINES UNDERLINED HAVE NOT BEEN MET!

COMPLIANCE SCHEDULE (MSLA)

Deadline

SITE I-A

| <u>START</u> | <u>COMPLETE</u> | |
|---------------|-----------------|--|
| | <u>4/1/76</u> | Bimonthly to 1/1/79 - Water Sampling (Bi-Monthly) |
| <u>2/1/76</u> | 7/1/76 | Complete Final Cover (2') Entire Site <i>SHOULD BE COMPLETING</i> |
| <u>2/1/76</u> | 7/1/76 | Construct and/or Recondition Swales for Drainage <i>SHOULD BE COMPLETING</i> |
| | 9/1/76 | Seed Entire Site |
| | 1/1/77 | Install Methane Vents <i>SHOULD BE STARTING</i> |
| | 1/1/77 | Submittal of Diking Plan, if necessary. |

SITE I-D

| <u>IMMEDIATE</u> | <u>Immediate</u> | |
|------------------|------------------|--|
| | | - Water and Methane Sampling (Monthly) |
| <u>2/1/76</u> | <u>3/1/76</u> | Re-install leachate pumps 1 and 2 <i>PUMP ON SOUTH-WEST CORNER REMOVED</i> |
| <u>2/1/76</u> | <u>3/1/76</u> | Construct Collection and Recharge Basins <i>MUST BE RECONDITIONED</i> |
| <u>2/1/76</u> | 7/1/76 | Construct Barrier Berms |
| | 7/1/76 | Site shall become <u>Inactive</u> |
| <u>2/1/76</u> | 7/1/76 | Final covering shall be complete (2') <i>NOT STARTED</i> |
| <u>2/1/76</u> | 7/1/76 | Construct new south swale and ditch. <i>HAS BEEN ABANDONED</i> |
| <u>2/1/76</u> | 8/1/76 | Install Methane Vents <i>NOT STARTED</i> |
| <u>7/1/76</u> | 9/1/76 | Seed Entire Site |

Deadline

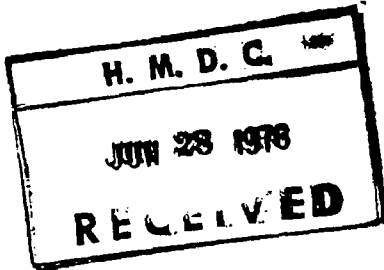
SITE I-C

| <u>IMMEDIATE</u> | <u>Immediate</u> | |
|------------------|------------------|--|
| | | No Filling within 200' of P.S.E.&G. Co. R.O.W. (50' plateau) or within limits of HMDC Sawmill Park Landfill Ext. (Both limits should be staked immediately). <i>HAS BEEN VIOLATED... SHALL BE RE-STAKED AND MAINTAINED</i> |
| <u>2/1/76</u> | <u>3/1/76</u> | Clean Drainage Ditch along Belleville Tpk. side of Site. <i>ONLY STARTED RECENTLY</i> |
| | <u>4/1/76</u> | Water Sampling (Monthly) |
| <u>2/1/76</u> | 4/1/76 | Block all drainage pipes under P.S.E.&G. towers |
| <u>3/1/76</u> | 4/1/76 | Install leachate pumps (along P.S.E.&G. side) construct collection and recharge basins. |
| <u>3/1/76</u> | 4/1/76 | Construct Dikes 3 and 5 (P.S. side-south and north of site). |
| <u>4/1/76</u> | 6/1/76 | Construct flood gates 1, 2, 3, 4 (southeast corner under P.S. line for Belleville Ditch). |
| <u>2/1/76</u> | 7/1/76 | Construct swales P.S. side (Clean ditch?) |
| | 7/1/76 | Construct new bridge from Belleville Pike. |
| <u>6/1/76</u> | 7/1/76 | Install leachate pumps #3 & #4 (Dike #6 at north tip should be complete-no deadline established). |
| | 9/1/76 | Methane Samples - Monthly |
| | 1/1/77 | Revised topos due |
| <u>1/1/76</u> | 1/1/77 | Install methane vents |
| <u>1/76</u> | 4/1/77 | Elevate Dike #4 (or construct new dike on property) |
| | 4/1/77 | Construct Dikes 1 and 2 |
| | 5/1/79 | Construct Barrier Berm (Belleville Side) |

Municipal Sanitary Landfill Authority

1500 HARRISON AVENUE
KEARNY, NEW JERSEY 07032

PHONE: 991-6814



June 23, 1976

*To HMDK
F.Y.I. & File
K*

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, New Jersey 07071

Att: Mr. George D. Cascino, P.E., P.P.

Re: HMDC Letter dated June 18, 1976;
MSLA Sites I-A, I-C, I-D

Dear Mr. Cascino:

This letter is in response to your recent letter citing the results of an inspection of MSLA Sites I-A, I-C, I-D conducted on June 17, 1976.

Within the past week I have met with you at least three (3) times to discuss plans and progress at the subject landfill sites. In our meeting we talked about the problem of dumping on the easterly slope of site I-C. I told you that I would refer to Dennis Backus, our Engineer and cease operation in the immediate area until clearance is given to proceed.

On June 23, 1976 Mr. Backus informed me of the following:

1. The HMDC roadbed, located to HMDC's plan dimensions 200 ft. off the property line, falls directly in the middle of the existing east slope, not on the top shelf as desired by HMDC.
2. HMDC has not given an elevation for this roadbed as "marked-up" on MSLA plan drawing no. 103-0C

*GIVE THEM ONE!
K*

Without the design elevation for this roadbed and without resolution of the incompatibility of this road location with HMDC's Final Elevation Plan "A Recreation Complex" dated January, 1974, MSLA can not proceed with construction. If MSLA had proceeded with construction to HMDC's 200 ft. location dimension, the whole eastern slope (over 5000 ft.) would have been disturbed. Repeatedly you have requested that this slope not be disturbed because of its view-line from the New Jersey Turnpike.

In the interests of resolving this problem at an early date it is requested that HMDC send a representative to meet at the job site with MSLA and see first hand the magnitude of the problem as indicated by our survey stakes. Subsequently, the road plan can be revised to our mutual satisfaction.

BAA000017

Municipal Sanitary Landfill Authority

1500 HARRISON AVENUE
KEARNY, NEW JERSEY 07032

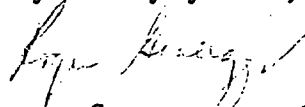
PHONE: 991-6814

In reference to your comments concerning site I-D, in excess of 300 ft. of drainage ditch has been excavated per MSLA's plan. This work was not stopped by MSLA. Construction ceased when the backhoe MSLA specifically purchased for this ditching broke down due to catastrophic failure of the hoe linkage bearing. We have tried unsuccessfully to obtain the necessary parts from two (2) International Dealers and are awaiting a shipment of the necessary parts from the factory. MSLA has not abandoned this construction work at site I-D. As soon as the backhoe is repaired, MSLA will resume work.

Also at site I-D, our engineer informs me that the clean fill you refer to which has been placed there by MSLA to protect the PSEG gas main. The PSEG roadbed serves as a dike and will be effective when the MSLA ditches are drained by the two (2) recirculation pump systems located on the site specifically for this purpose. Any leachate passing through the demolition fill and over the roadbed dikes would have to travel uphill.

In closing, I wish to state that I thought we were working under a plan of cooperation based on our meetings last week. At no time during these meetings did you state that we would receive your referenced letter of complaint. Clearly, your letter was unnecessary and a needless surprise. These items could have been jointly resolved through communication via the telephone.

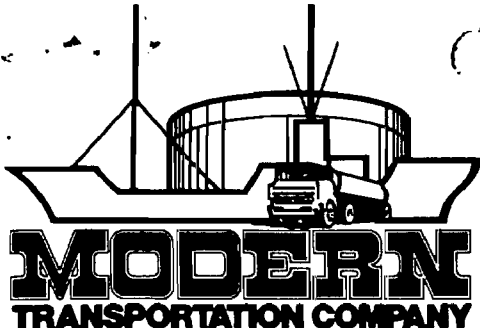
Very truly yours,



Roger Generazzo, Manager
MUNICIPAL SANITARY LANDFILL AUTHORITY

CC D L Backus, Engineer
William McDowell
Waters, McPherson, & Hudzin
Mark First, Deputy Attorney General

RG:nd



75 JACOBUS AVE., S. KEARNY, N. J. 07032 201:589-0277

July 20, 1976

Municipal Sanitary Landfill Authority
1500 Harrison Avenue
Kearny, New Jersey 07032

Attention: Mr. Roger Generazzo
General Manager

RE: Letter Received from Modern Transportation Co.
dated June 14, 1976

Dear Sir:

Pursuant to receiving a copy of a letter that you received from the Hackensack Meadowlands Development Commission dated July 1, 1976, Modern Transportation Co. contracted with United States Testing Company, Inc. to perform the analyses required by Hackensack Meadowlands Development Commission.

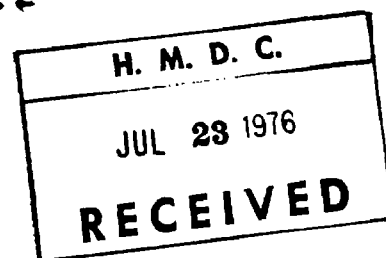
Would you be kind enough to once again request permission of the Hackensack Meadowlands Development Commission to dispose of that phase of our lime slurry material not currently being reused or resold for other purposes. Your cooperation in this matter is appreciated.

Very truly yours,

MODERN TRANSPORTATION CO.

John Wengryn, Jr.
John Wengryn, Jr.
mjd

BAA000022





UNITED STATES TESTING COMPANY, INC.

REPORT OF WATER AND WASTEWATER ANALYSIS

Page 3 of 3

Client: Modern Transportation Co.

Report No.: 86074-282 Date: 7/20/76

Sample No.: 1 Description Powder lime filter material (mg/kg except where noted)

Sample No.: 2 Description Leachate (mg/l of water extract except where noted)

| TEST | SAMPLE NO. | | TEST | SAMPLE NO. | |
|---|------------|-----------|--------------------------------------|------------|--------|
| | Powder | Leachate* | | Powder | Leach. |
| Acidity (as CaCO ₃) | < 10 | < 10 | Surfactants | | |
| Alkalinity, Total (as CaCO ₃) | | | Aluminum | | |
| Alkalinity | | | Antimony | | |
| Hydroxide % | 25.5 | | Arsenic | | |
| Carbonate % | 12.0 | | Beryllium | | |
| Bicarbonate | | | Cadmium | | |
| Bromides | | | Calcium % | 21.2 | |
| Total Organic Carbon | | | Chromium, Total | < 0.02 | < 0.02 |
| Chemical Oxygen Demand (COD) | | 4 | Chromium, Hexavalent | | |
| Chlorides | | | Cobalt | | |
| Chlorine Residual | | | Copper | 72 | 3.0 |
| Chlorinated Hydrocarbons | | | Iron | | |
| Cyanides | | | Lead | < 0.05 | < 0.05 |
| Fluorides | | | Magnesium | 6400 | 210 |
| Hardness, Total | | | Manganese | | |
| Mercuride | | | Mercury | < 0.02 | < 0.02 |
| Nitrogen | | | Molybdenum | | |
| Ammonia | | | Nickel | | |
| Nitrate | | | Potassium | | |
| Nitrite | | | Selenium | | |
| Oil and Grease | | | Sodium | | |
| Oil (Units) | 12.0** | 12.0 | Tin | | |
| Phenols ppb | | 3 | Titanium | | |
| Phosphate, Total | | | Zinc | 7300 | 150 |
| Silica, Dissolved | | | Immediate Oxygen Demand | | |
| Solids | | | Biochemical Oxygen Demand (5 days) | | 10 |
| Moisture % | 9.45 | | Biochemical Oxygen Demand (20 days) | | |
| Suspended % | | 9.00 | Coliform, Total (MPN/100 mls.) | | |
| Total Dissolved | | | Coliform, Fecal (MPN/100 mls.) | | |
| Volatile Suspended | | | Fecal Streptococcus (MPN/100 mls.) | | |
| Settleable Solids | | | Total Plate Count (per ml.) | | |
| Sulfates % | 19.3 | | Odor (Units) | | |
| Sulfides | | | Color (Units) | | 5 |
| Sulfites | | | Specific Conductance (micromhos/cm.) | | |
| Density lbs/ft ³ | 24.3 | | Taste (Units) | | |
| ORP vs. Standard Calomel | | | Turbidity (J.T.U.) | | |
| Electrode | -60 mv | | | | |

REMARKS: * Leachate analysis was performed using 20 gms. of solid & 200 ml of water and conditions per Client's instructions. Leachate concentrations are reported in mg/l of leachate as described. ** 1 powder to 10 distilled water. Note: Powder analyses are reported in mg/kg of dry sample unless otherwise shown.



Hackensack Meadowlands Development Commission

1099 WALL STREET WEST • LYNDHURST, NEW JERSEY 07071 • (201) 935-3250

PATRICIA Q. SHEEHAN
Chairman

WILLIAM D. McDOWELL
Executive Director

July 28, 1976

Mr. Roger Generazzo
Municipal Sanitary Landfill Authority
Belleville Turnpike
Kearny, New Jersey

R: LETTER OF MODERN TRANSPORTATION
DATED JUNE 14, 1976

Dear Mr. Generazzo:

This Office has reviewed the chemical analysis transmitted to this Office by Modern Transportation relative to the disposal of a lime based filter at the MSLA Landfills in Kearny.

Based upon our review, the request of Modern Transportation to dispose of the lime-based filter cake, described in the letter of June 14, 1976, at the MSLA Landfills is hereby approved, subject to the following conditions:

- (1) This approval is valid for a one year period, ending July 27, 1977
- (2) A maximum of 10 twenty yard loads per week is hereby approved. Any increases in the number of loads or cubic yards disposed of at the MSLA Landfills shall be first approved by this Office.
- (3) At least once every six months, the lime-based filter cake (solid) shall be analyzed for the following parameters: Acidity, Hydroxide, Carbonate, pH, % moisture, ORP, Calcium, Copper, Magnesium and Zinc. An analysis report shall be submitted to this Office for review.

BAA000023

July 28, 1976

(4) This approval may be revoked upon two weeks notice
if Modern Transportation violates conditions #1 to #3.

If you have any questions, do not hesitate to contact this Office.

Sincerely,

OFFICE OF THE CHIEF ENGINEER



GEORGE D. CASCINO, P.E., P.P.
CHIEF ENGINEER

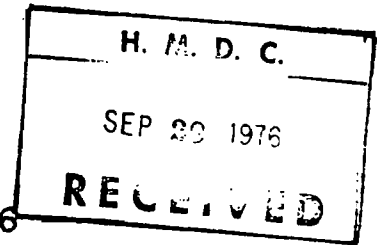
JB/jo

cc: John Wengryn, Modern Transportation

MSLA 24
Municipal Sanitary Landfill Authority

1500 HARRISON AVENUE
KEARNY, NEW JERSEY 07032

PHONE: 991-6814



September 27, 1976

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, New Jersey 07071

Att: Mr. George D. Cascino, P.E., P.P.
Chief Engineer

Re: MSLA Site I-D (1), File 71-175

Dear Mr. Cascino:

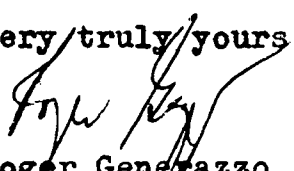
We have obtained the spot elevations requested in your letters of August 23 and September 15, 1976. These are forwarded superposed on a copy of our March 24, 1976 topographical map.

Please note that although as stated in my letter of September 3, "some elevations exceed 50 feet in spots", the majority of the spot elevations do not exceed the maximum approved elevation of 50 feet.

Further, we wish to advise you that we have not finished our work in this area to establish proper drainage. When we have finished spreading, grading and compacting, we expect all of the elevations to fall within the 50 ft. contour.

I expect that these results will meet with your complete satisfaction. If you have any questions, please contact Dennis Backus, of our staff who will be available to discuss this with you.

Very truly yours,


Roger Generazzo, Manager
MUNICIPAL SANITARY LANDFILL AUTHORITY

RG:nd

CC The Joint Venture
Dennis Backus, P.E.

BAAG00024