MEMORANDUM OF UNDERSTANDING BY AND AMONG THE MIELE TRUST, GREAT SWAMP NATIONAL WILDLIFE REFUGE, TOWNSHIP OF CHATHAM AND GREAT SWAMP WATERSHED ASSOCIATION REGARDING THE ROLLING KNOLLS LANDFILL SUPERFUND SITE

WHEREAS, the Rolling Knolls Landfill Superfund Site (Site) is approximately 170 acres located at the end of Britten Road on Lot 189, Block 48.20 and Lot 189.02, Block 48, Township of Chatham, Morris County, New Jersey;

WHEREAS, in December 1968, the Landfill ceased operations, and in 2003 the United States Environmental Protection Agency (USEPA) included the Site on the National Priority List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);

WHEREAS, the Miele Trust owns approximately 135 acres of the Site that is subject to the provisions of a Declaration of Restrictive Covenants dated September 12, 2019 and filed with the Morris County Clerk's Office on November 15, 2019 in Book 23656, Page 1199 ("Restrictive Covenant"), which dedicates this land to open space;

WHEREAS, the United States owns approximately 35 acres of the Site, which is part of the Great Swamp National Wildlife Refuge (Refuge) and is managed by the U.S. Fish and Wildlife Service (USFWS) as wilderness open to the public pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. §§ 668dd-ee, the Wilderness Act, 16 U.S.C. §§ 1131-1136, and other applicable federal laws, regulations, policies and plans;

WHEREAS, the Site has been studied by designated Potentially Responsible Parties (PRPs) through the Remedial Investigation/Feasibility Study (RI/FS) process since the NPL designation and the Draft FS is currently being evaluated by USEPA before a final draft is released for a public hearing and a Record of Decision (ROD) is issued;

WHEREAS, the Township of Chatham supports public use of the private portion of the Site for open space, including for wildlife conservation and passive public recreation consistent with wildlife conservation and the purposes of the adjacent Refuge, following implementation of the CERCLA remedial action to be selected by the USEPA;

WHEREAS, the Great Swamp Watershed Association was founded in 1981 to protect the Great Swamp and supports public use of the private portion of the Site for open space, including for wildlife conservation and passive public recreation consistent with wildlife conservation and the purposes of the adjacent Refuge, following implementation of the CERCLA remedial action to be selected by the USEPA;

WHEREAS, the Miele Trust, USFWS, Township of Chatham, and the Great Swamp Watershed Association (collectively, the Parties) have been and are engaged in discussions related to future use of the private portion of the Site dedicated to open space for wildlife conservation and passive public recreation, both for current and future generations, consistent with wildlife conservation

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and the purposes of the adjacent Refuge, including for year-round recreational activities such as hiking, fishing, birding, nature study and other similar activities;

WHEREAS, the Parties intend to fully evaluate and further negotiate the best means to provide for wildlife conservation and passive public recreation at the private portion of the Site dedicated to open space, including issues related to appropriate future Site ownership, conservation and/or access easements, wildlife habitat management, and recreational facility maintenance, as well as possible sources of funds to support wildlife conservation and consistent public recreational use following remediation;

NOW, THEREFORE, BE IT RESOLVED, the Parties to this Memorandum will work together and engage in negotiations to achieve use of the private portion of the Site dedicated to open space for wildlife conservation and year-round passive public recreation consistent with wildlife conservation and habitat restoration following implementation of the remedial action selected by the USEPA for the Site;

AND BE IT FURTHER RESOLVED that the parties hereto hereby seek to achieve the stated objectives herein to ensure a remedy for the Site that there will be a year-round, publicly available open space for passive recreation for current and future generations;

AND BE IT FURTHER RESOLVED that the parties hereto, consistent with CERCLA, commit themselves, with the guidance and direction of the USEPA, to create a cost effective model that returns damaged land and habitat to useful purposes that enhance the environment and quality of life in surrounding communities and can serve as a model for other Superfund sites across the United States.

AND BE IT FURTHER RESOLVED that nothing in this Memorandum shall be construed as obligating funds by any of the Parties or admitting or accepting liability for any response or other costs associated with the Site;

AND BE IT FURTHER RESOLVED that nothing in this Memorandum shall be construed as obligating the Miele Trust to take or otherwise consent to any action or course of conduct that would violate either the Restrictive Covenant or any other contractual obligations that the Miele Trust may have.

Paul Miele, The Miele Trust	7/26/2021 Date
Michael Horne Michael Horne, Refuge Manager, USFWS	7-21-21 Date

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Stacey Ewald, Mayor,
Township of Chatham

7/20/2021
Date

Sally Rubin
Great Swamp Watershed Association

7.21.21
Date