Message

From: McKenzie, Jill [DEP] [Jill.McKenzie@dep.nj.gov]
Sent: 8/23/2021 6:19:58 PM
To: Kaur, Supinderjit [Kaur.Supinderjit@epa.gov]
Subject: Re: MOU

Flag: Follow up

OK. Thanks Supinder!

Can you tell me if my assumptions (highlighted, below) are correct in regard to whether the restrictive covenant signed by EPA and the Miele Trust restricts open public access to the RK site? Or does it only restrict certain broader uses of the property?

From: Kaur, Supinderjit <Kaur.Supinderjit@epa.gov>
Sent: Monday, August 23, 2021 1:21 PM
To: McKenzie, Jill [DEP] <Jill.McKenzie@dep.nj.gov>
Subject: [EXTERNAL] RE: MOU

Thanks, Jill. We are aware of the MOU and are actively discussing next steps. We will keep you posted and will reach out, as necessary, to discuss any questions or concerns.

From: McKenzie, Jill [DEP] <Jill.McKenzie@dep.nj.gov>
Sent: Thursday, August 19, 2021 1:04 PM
To: Kaur, Supinderjit <Kaur.Supinderjit@epa.gov>
Subject: MOU

Hi Supinder. Attached please find a copy of a signed MOU established between the local municipality, USFWS, the GSWA, and the Miele Trust in regard to the "preferred" future use of the privately owned portion of the Rolling Knolls site. This was sent to me by the USFWS. Can I assume that you have received a copy of this, as well?

I just wanted to reach out to you to clarify that the Alternate Remediation Standards (ARSs) which were developed for the site were based on certain use / exposure assumptions that do not include open access use of the property by the public. As you may recall, the ARSs were developed using a trespasser scenario which included restricted access and the use of physical barriers to achieve this access restriction. The current ARSs would not be valid for a site-use as described in the MOU. I just wanted to get out in front of this issue to ensure that everyone involved is aware that future site uses, as described in the MOU, would not be supported by the ARSs that were developed for the site.

As has been stated in several NJDEP comment letters, we require proof of property owner concurrence with any remedy that is proposed / selected for a site. Without going back into the archives, it was my understanding that the Miele Trust (as owner of approximately 135 acres of the site) had agreed (through the restrictive covenant) to a remedy that would limit access to the private portions of the RK site. Can you verify as to whether that understanding is correct?

And, of course, the requirement that any final remedy meets the criteria of the NJ Solid Waste Rules in regard to proper closure (capping) of the landfill remains. As stated, above, I just wanted to get out in front of this MOU to ensure that everyone involved is aware of the basis on which the ARSs were developed.

Thanks! - Jill