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February 3, 2021

Borough of Morris Plains Planning Board

531 Speedwell Avenue
Morris Plains, NJ 07950
Attention: Karen Coffey, Board Secretary

Re: **Tabor Road Owner, LLC, PB-1-19**
Resolution 19-09, 20-10 amendment
Block 151 Lot 2.01
201 Tabor Road
Morris Plains, NJ 07950
FPA No. 11608.005

Dear Ms. Coffey:

I have reviewed the above referenced request for amendment of Resolution 19-09. Regarding soil disturbance, the Applicant is exporting soil to the M&M at Morris Plains site, Block 121, Lot 1 under the current soil disturbance permit.

The Applicant has been completing demolition of the existing buildings since 2019. The resolution dated December 20, 2019, Paragraph 1B, requires the Applicant to provide a copy of the pre – demolition environmental sampling results to the Construction Official. Paragraph F requires the Applicant to provide a Site Plan which depicts the location of the storage areas for demolition material. To my knowledge, these requirements have not been met. I recently have received some limited environmental concrete sampling reports from the Applicant’s consultant. PCB’s, Arsenic, Beryllium and Mercury have been detected within former Building E over the NJDEP Remediation Standards. PCB’s and Naphthalene were also detected in Building A. These buildings have since been demolished. To date, the reports that I have reviewed in my opinion are incomplete and non - conclusive. Considering the minimal sampling which has been completed and contamination that has been detected in Building A and Building E, additional sampling is warranted.

Resolution 19-09, Condition 8(n) requires the Applicant to conduct soil sampling and analysis after demolition. The Applicant has requested a modification for this soil sampling and analysis to be completed after signing of the site plan and the start of site work. I object to having an open ended time frame for this request.



My recommendation to the Board is as follows:

1. Upon completion of demolition, Applicant shall sample the recycled concrete aggregate (RCA) as per the NJDEP Guidance for Characterization of Concrete and Clean Material Certification for Recycling. Sampling shall be completed as per section V of the guidance. Composite samples should be collected at a rate of 1 per 500 cubic feet +8, ex. 5,000 total yds³ requires: $(5000/500) + 8 = 18$ samples. At a minimum, RCA shall be analyzed for PAH, TAL Metals and PCB's
2. Within 30 days of the signing of the Site Plan, initiate the soil sampling and analysis of post demolition areas of concern (AOC's) including former concrete stockpile areas in accordance with N.J.A.C. 7:26E The Technical Requirements for Site Remediation. Samples should be completed at a rate of 1 / 900 ft² grids within the building footprint. Analysis should be for contaminants of concern as determined by previous environmental investigations, to include PAH, TAL Metals and PCB's.
3. At least 30 days *prior to* the start of any site work provide a comprehensive final report from a Licensed Site Remediation Professional or Qualified Environmental Consultant with a summary of laboratory results to the Borough Soil Consultant and Borough Engineer.
4. The Applicant shall provide a certification statement for concrete designated for recycling as per NJDEP Guidance for Characterization of Concrete and Clean Material Certification for Recycling, Addendum 2 (attached).

Sincerely,

A handwritten signature in blue ink that reads 'Joseph Norton'. The signature is fluid and cursive, with the first name 'Joseph' and last name 'Norton' clearly legible.

Joseph Norton, LSRP
Borough Soil Consultant

C: L. Hall via email
C. Falcon, via email

ADDENDUM 2:
The New Jersey Department of Environmental Protection
Solid and Hazardous Waste Management Program

CERTIFICATION STATEMENT FOR CONCRETE DESIGNATED
FOR RECYCLING

"I certify under penalty of law that I have personally examined and am familiar with the information related to this material characterization documentation concerning the self Certification of the site named herein and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, complete and meets the requirements of the latest, **“Guidance for Characterization of Concrete and Clean Material Certification for Recycling”** issued by the New Jersey Department of Environmental Protection that all of the concrete and concrete materials contain contamination of PCBs and PAHs, and other contaminants as directed by the SRP Case Manager, below the Department’s Soil Remediation Standards. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that, in addition to criminal penalties, I may be liable for a civil administrative penalty pursuant to N.J.A.C. 7:26-5 and that submitting false information may be grounds for denial, revocation or termination of any solid waste facility permit, vehicle registration or other Department authorization for which I may be seeking approval or now hold."

Note below whether Sampling was conducted and/or the “Clean Building Checklist” was completed:

Sampling Conducted: Complete “Clean Building Checklist:

NAME OF SITE

ADDRESS

CITY, STATE & ZIP CODE

NAME OF CERTIFYING PERSON (must be a corporate officer) **TITLE**

SIGNATURE OF CERTIFYING PERSON (must be a corporate officer) **DATE**

TELEPHONE **FAX**

INTERNET WEBSITE ADDRESS **EMAIL**

IMPORTANT

Pursuant to N.J.S.A. 47:1A-1 et seq. the information provided in this form and its attachments shall be available to the public for review unless a specific claim of confidentiality is submitted pursuant to the procedures set forth in N.J.A.C. 7:26-17 et seq. and is approved by the Department. For assistance regarding confidentiality claims, please contact the Solid and Hazardous Waste Management Program at (609) 984-6985.

SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Certification of Concrete Sampling as of the date first written above.

[If Owner is an individual]

WITNESS:

[Signature]

[Print name below signature]

[If Owner is a corporation]

ATTEST:

[Name of corporation]

By _____

[Print name and title]

[Signature]

[If Owner is a general or limited partnership]

WITNESS:

[Name of partnership]

[Signature]

By _____, General
[Print name] Partner

[If Owner is an individual]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person [or if more than one person, each person]

(a) is named in and personally signed this document; and

(b) signed, sealed and delivered this document as his or her act and deed.

_____, Notary Public
[Print Name and Title]

[If Owner is a corporation]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [secretary/assistant secretary] of [Owner], the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 20__

_____, Notary Public

[Print name and title]

[If Owner is a partnership]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

(a) is a general partner of [Owner], the partnership named in this document;

(b) signed, sealed and delivered this document as his or her act and deed in his capacity as a general partner of [owner]; and

(c) this document was signed and delivered by such partnership as its voluntary act, duly authorized.

[Signature]

_____, General Partner

[Print Name]

_____, Notary Public

[Print name and title]