

BOROUGH OF MORRIS PLAINS

APPLICATION FOR SOIL DISTURBANCE AND IMPORTATION OF SOILS

I. GENERAL ACCEPTANCE CRITERIA

- A. Soils are defined as all unconsolidated mineral and organic material of any origin, including earth, sand, clay, loam, sediment, muck, gravel, stone, humus, rock or dirt. All soils imported into Morris Plains must be uncontaminated "clean fill" from a known source of virgin material, or decontaminated recycled soil, as per the definition outlined in N.J.A.C. 7:26 - 1.4: "Clean fill" means uncontaminated non-water soluble, non decomposable, inert solid such as rock, soil, gravel, concrete, glass, and/or clay or ceramic products.

To be acceptable as "clean", soil must:

1. Be similar in physical properties to the soil in or adjacent to the area of concern. (Fill used for new building foundations or other construction in remediated areas is exempt from this requirement);
2. Be free from extraneous debris or solid waste;
3. Be of equal or less permeability than the native soil in or adjacent to the area of concern;
4. Have source documentation as required by the Technical Requirements for Site Remediation, N.J.A.C. 7:26E as follows:

N.J.A.C. 7:26E-6.4 (b)2 iv - Documentation of the quality of the fill shall be provided by a certification stating that it is virgin material from a commercial or noncommercial source or decontaminated recycled soil.

N.J.A.C. 7:26E-6.4 (b)2 vi - The bills of lading shall be provided to the Borough to document the source(s) of fill. The documentation shall include:

- (1) The name of the affiant and relationship to the source of the fill;
- (2) The location where the fill was obtained, including the street, town, lot and block, county, and state, and a brief history of the site which is the source of the fill; and

N.J.A.C. 7:26E-6.4 (b)3 - A statement that to the best of the affiant's knowledge and belief the fill being provided is not contaminated pursuant to any applicable remediation standards and a description of the steps taken to confirm such.

- B. Soils represented as virgin material and or "clean fill" shall be certified as uncontaminated by the Generator (and all commercial sources) as follows:

"The undersigned does hereby warrantee and certify to the best of my knowledge and belief, the fill material as described above is from a virgin source. The soil is free from extraneous debris or solid waste, and does not contain any hazardous materials. Furthermore I certify that the soils are not contaminated above any applicable NJDEP or Federal soil remediation standard. The soil can be categorized as clean fill".

- C. For all material to be imported into the Borough, that is not virgin material from a commercial source, Soil analysis will be required according to section III below.

II. APPLICATION

- A. Generators must apply to the Borough of Morris Plains prior to disturbance of soils.
- B. Application will consist of the following:
- Name and address of Owner / Generator of soil.
 - Name and address of transport company.
 - Address / location of soil disturbance.
 - Address / location of final destination of soil, if applicable
 - History of the Generator site.
 - Soil characterization (% clay, sand, gravel, topsoil, debris).
 - Certification of Generator.
- C. The Borough Soil Consultant and or Engineer will inspect all (non – quarry) "borrow" sites which will produce over 250 cubic yards of soil, prior to approval.

III. TESTING & ANALYTICAL REQUIREMENTS FOR SOILS OBTAINED FROM A NON – COMMERCIAL SOURCE:

- A. All soils shall be tested for priority pollutants (EPA SW864) pursuant to N.J.A.C. 7:26E "Technical Requirements for Site Remediation", sec 2.1{c} 2. Sampling techniques shall follow NJDEP Field Sampling Procedures Manual, 2005, section 6.6. Testing shall be completed by a competent individual as per the Soil Disturbance Ordinance, Section 164-4, P.
- B. At a minimum, soil shall be analyzed for USEPA TCL/TAL list plus RCRA characteristics and hydrocarbons via NJEPH method. The analysis must include the following:
- Volatile Organics
 - Semi-Volatiles (PAH)
 - TAL Metals
 - Herbicides/Pesticides.
 - Total Petroleum Hydrocarbons via NJEPH
 - PCB's
 - Reactivity, corrosivity, ignitability
- C. Frequency of samples:

Discreet samples shall be obtained from within soils stockpiles, at mid pile depths, at regular intervals or grids, dividing the pile by 20 yard grids (roughly a truckload). Composite samples from the grids for the required sample frequency as in the table below. For unexcavated soils, samples shall be obtained via test pits, or in – situ borings conducted at "mid-excavation" depths, or biased to staining, odors, or otherwise suspected areas of contamination.

Volume of Soil (Yd ³)	Sampling Frequency	Minimum # of Samples
100 – 500	1 Sample per 100 yd ³	1
501-2500	1 Sample per 250 yd ³	5
> 2,500	1 Sample per 500 yd ³	11

Sampling frequency may be reduced for soil volumes which exceed 10,000 cubic yards, depending on the history and use of the borrow location. The applicant must submit a map indicating soil sample locations and depths.

IV. TESTING OF MATERIAL FROM A COMMERCIAL SOURCE:

Where the "clean" fill can be documented to be from a pristine source, such as a commercial quarry, the potential for elevated naturally occurring arsenic must still be investigated. Sampling for arsenic is required at a rate of one sample per 250 yd³, up to 2500, then 1 per 1000 yd³.

V. APPLICATION FORM

A. Applicant Information:

Name of individual or company: DENISE YULIANO

Contact Individual: SAME

Title: _____

Address: PO BOX 865

City, State, Zip: MORRIS PLAINS NJ 07950

Telephone/Fax: 973-525-8519

B. Site of Disturbance:

Company or Owner Name DENISE YULIANO, TRUSTEE

Address: 49 DOBWOOD ROAD

City, State, Zip: MORRIS PLAINS, NJ 07950

Lot / Block: BLK 2, LOT 12

Contact Person: DENISE YULIANO

Address PO BOX 865

MORRIS PLAINS, NJ 07950

C. Soil Importation: *Not applicable*

Location of source soils:

Lot / Block _____

Address: _____

Site History: *Vacant land*

Residential Commercial Agricultural

**D.* Quantities and Trucking of Soil:

Will the delivery of soil be ongoing? Yes No

Proposed dates of soil movement: *To be determined*

Maximum amount delivered per day: *To be determined* yd³

_____ trucks

Estimated Total amount to be delivered: *575* yd³ (*to be exported out of Morris Plains*)

_____ trucks

** Waiver requested until prior to construction*

E. Sources of Soil: *Not applicable. Soil being exported from properties*

- ◇ Quarry operation
- ◇ Construction / Landscaping excavations
- ◇ Utility excavations
- ◇ Recycling facility
- ◇ Farm
- ◇ Other, describe _____

1. Soil is characterized as:

- | | |
|--------------------|-------------------|
| ◇ Primarily Clay | ◇ Primarily Sand |
| ◇ Primarily Gravel | ◇ Topsoil |
| ◇ Clay and Gravel | ◇ Sand and Gravel |
| ◇ Clay and Sand | ◇ Silt |
| ◇ Dredging | ◇ Other: _____ |

F. Transportation Information

Company Name: *To be determined*
Address: _____
Phone _____

G. For Relocated Soils Only :

Soil from Applicant's site are being relocated to: *a yet to be determined location outside of the Borough of Morris Plains*
Lot / Block _____
Address: _____

H. Applicant Certification:

The undersigned does hereby warrantee that with respect to this soil disturbance application, and/or all soils imported into, or relocated within the Borough: 1) Such materials contain no contaminants; 2) that all required descriptive and analytical documents including test results submitted by the applicant concerning such material are accurate and genuine; and 3) that the applicant has lawful title to such material.

I, the Undersigned, under penalty of law do hereby certify to the best of my knowledge, the soils as outlined within this document do not contain contamination pursuant to any applicable federal or state remediation standards, and are free of extraneous debris or solid waste.

Print Name: DENISE YUWANO

Company: _____

Title: APPLICANT

Signature: [Signature]

Date: 10/16/20

SUBMITTAL CHECKLIST:

- Map / Site Plan, with soil boring / test pit locations and engineering data.
- Morris County Soil Conservation District Permit, if applicable.
- N/A Stream Encroachment and / or Wetlands Disturbance Permit, if applicable.
- N/A Laboratory Analytical Report for Soil Sampling.
- Required information per Soil Disturbance Ordinance, Section 164-4.
- Application fee.

X To be provided if applicable

RICHARD L. MARCICKIEWICZ, LLC

ATTORNEY AT LAW

45 SOUTH PARK PLACE #146

MORRISTOWN, NEW JERSEY 07960

TELEPHONE 973-292-1007

FACSIMILE 973-292-1009

EMAIL RLM@RLMESQLLC.COM

RICHARD L. MARCICKIEWICZ

October 26, 2020

Morris Plains Board of Adjustment

Attention: Leon Hall

Borough of Morris Plains

531 Speedwell Ave.

Morris Plains, NJ 07950

Re: Yuliano Application 42 Dogwood Road, Block 72, Lot 12 – Soil Disturbance app.

Dear Mr. Hall:

As you are aware, this firm represents the applicant in this matter on an application for variances for steep slopes and as the property does not front on an approved street. Based upon Mr. Smith's telephone conversation with you, I have submitted a revised Soil Disturbance Application together with the following supplemental information to comply with the requirements of Section 19-3 (j) as follows:

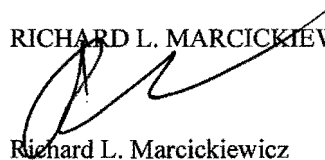
1. Be advised that all truck utilized on behalf of the applicant in the soil removal process shall be tarped and covered in accordance with NJDOT requirements.
2. The applicant agrees to repair any damage to public and or private property that may result during the soil movement.
3. If required, the applicant will arrange that police be posted as required to address any traffic concerns related to the soil movement.
4. The applicant will obey all posted weight limits on public streets.

Be further advised that the applicant requests a waiver from Section 19-3(1) to provide the proposed sequence of operations indicating the time allotted to each phase subject to the approval of the Borough engineer and the application has been amended to request a waiver from the provisions of Section 19-3(f) on the size and number of truckloads of soil as the size of the trucks to be utilized is presently unknown. The applicant will submit the Morris County Soil Conservation District Permit, if applicable.

Thank you for your consideration in this matter. If you have any question, please contact me.

Very truly yours,

RICHARD L. MARCICKIEWICZ, LLC



Richard L. Marcickiewicz

Enclosures