

**Maurice River Township  
Brownfields Quarterly  
Thursday, June 7, 2018 at 10:00 AM**

This meeting has been advertised in accordance with the statutes of the State of New Jersey.

**Call to Order**

**Deputy Mayor Oliver called the meeting to order and the pledge of allegiance followed.**

**Roll Call**      Mr. Oliver, present  
                     Mr. Whildin, present

**Members Present:**    J. Roy Oliver, Chair, Deputy Mayor  
                              Ken Whildin, Committeeman  
                              Mark Pietrucha, Environmental Consultant  
                              Alison Devine, USEPA representative  
                              Nancy Hamilton  
                              Denise L. Peterson, Municipal Clerk

**Discussion Items**

1. Quarterly report on Brownfields Projects

Sapello Foundry

Mr. Pietrucha explained that this project under the Brownfields cleanup grant is almost complete. Currently addressing a deficiency notice issued by the NJDEP regarding drums on site for too long. There is no penalty but the drums must be labeled and removed from the site as soon as accommodations can be made for transportation. Once the final bill is received from the contractor, Active Environmental, Mr. Pietrucha will start the process of closing out this grant.

Mr. Pietrucha stated that HDSRF grant funds will fund 75% of remediation of the site in the future. Mr. Pietrucha stated it will take up to six months to receive a reply on award of the HDSRF grant application submitted. Once received the funds can be used to for delineation and concrete characterization for reuse of the material.

It was discussed that once the two public works employees receive HazWopper training that the brush onsite at Sapello can be chipped and left on site. If moved off-site then characterization of the material should be done. Mr. Pietrucha offered that the two public works employees can work under Woodard & Curran to receive the mandatory three day training to receive certification. Mr. Pietrucha will contact the PW Supervisor directly to make the necessary arrangements.

Mr. Oliver questioned when an engineer could evaluate the big building (east) for rehabilitation. Mr. Pietrucha stated they could go onsite anytime but they should be made aware of the site conditions. More remediation work is to be done on this site.

It was discussed that Mr. Pietrucha will complete paperwork for the final closeout and the clerk will complete the FFR. No remedial action at this time because additional work is needed on the site. The MBE/WBE report (final) will also need to be completed.

### Landfills

Mr. Pietrucha stated the HDSRF grant applications submitted to NJDEP/NJEDA are still pending and they were submitted at the end of 2017. He will follow up on the status of these two applications. Additionally Pinelands was supplied with a copy of the grant applications as they must be kept in the loop on the progression of the project.

### Cheli Sand & Gravel

Mr. Pietrucha stated the Cheli Soil Erosion plan (draft) was complete but final approval is needed then it will be submitted to NJDEP.

Mr. Pietrucha stated a lot of work has been completed with vegetation clearing and the geophysical being come of the work done. The survey showed four areas with subsurface anomalies. Two tanks connected together were located' 3000 gallon tanks. Other structures were concrete underground structure. The NJDEP registry has record of an three tanks (8,000 gallon, 1,000 gallon and 1,000 gallon) being registered. The 3,000 gallon tanks are registered with NJDEP but he believes this is the 8,000 gallon tank. No detection or evidence of exposure has been found; no further action is needed with no ground water investigation needed. They will use of the budgeted amount to locate the two 1,000 gallon tanks. Additionally expansion to the clearing area (east & west of the concrete pad) is necessary to locate these tanks. The concrete structures have been removed.

Information has been received that the Nature Conservancy is taking the necessary measures to remove tanks located on their property also. Mr. Oliver questioned if the Nature Conservancy had expressed interest in acquiring the Cheli property. Mr. Pietrucha denied any conversations to this effect with Nature Conservancy. Mr. Pietrucha stated nothing has been found in the surface soils, surface water or test pits.

Mr. Oliver explained that he approached Assemblyman Land regarding legislation to abate school and county taxes on Brownfields properties until they are remediated and usable properties. Mr. Pietrucha will contact Assemblyman Land to provide additional information on the Cheli property to help with getting this legislation passed.

It was discussed that possibly the NJDEP would be interested in the Cheli property as part of the swap negotiations for the marina properties.

Mr. Pietrucha stated a request for authorization has been submitted to have the septic tank pumped and filled, handle other above ground heating fuel tanks and additional geophysical survey to locate buried objects.

## Ackley Garage

Mr. Pietrucha stated the 'draft' QAPP was on his desk along with 'draft' wetlands mitigation plan for his review.

Mr. Pietrucha reported that the archaeological phase 1A study was good and it was found that the projected work would have no effect on historical data. The report will be sent to ACOE to receive the wetland permit. The paint can and oil filter pile is located in a wetlands area and both the NJDEP General Permit #4 and Nationwide Permit from ACOE are needed to proceed with cleanup of the pile. It was noted that vegetation and seeding must be native to the area.

Mr. Pietrucha stated W&C is working on the bid specifications to complete the necessary work at Ackley. A Remedial Action Work Plan 'draft' is complete. Seven to Eight hotspots have been located on the site and characterization sampling has been complete. The drum located in the garage/store building will be evaluated when the building is taken care of. Mr. Whildin reported that the house and shed on the property will be demolished and removed in the next two weeks. Mr. Whildin will check if the debris from the garage can be disposed of under the derelict housing program.

Mr. Pietrucha stated that upon receipt of the NJDEP and ACOE permits the request for bid proposals can be advertised and requested.

## Matts Landing

Mr. Pietrucha stated the evaluation of the site and a report are complete. Maps and areas of concern were given to the members. Several above ground tanks were located. Mr. Oliver explained that currently the township is negotiating with the NJDEP to swap properties so that the township can acquire the marina properties. Over the years there have been ongoing problems.

Mr. Whildin stated based on the report a big concern is the crab pot 'painting area'. Mr. Pietrucha explained the photos of this area and stated according to the current marina operator the paint used is 'biodegradable'. Mr. Pietrucha pointed out that there are many above ground tanks with piping underground; visible staining is seen on the ground.

Mr. Oliver explained that this area may be designated as a 'redevelopment' area with the ultimate goal to sell the properties to the current marina operators. Mr. Oliver questioned evaluation of the current wells and septic systems. Mr. Pietrucha stated there are a lot of legal questions involved with a property transaction of this type but once the township is in the chain of title there will be potential for responsibility and recommended 'AS IS' sale on the properties. Mr. Oliver asked if the NJDEP would absolve the township of responsibility of the current conditions and Mr. Pietrucha suggested with creativity that possibly the NJDEP would provide grants to do the necessary work. It was further discussed regarding the possibility of contaminated 'historical fill' and the implications and responsibilities for such. Mr. Pietrucha indicated that this should be investigated only if needed and that there is no regulatory law to remediate historical fill. CAFRA concerns with this swap were also discussed.

1. Changes to Brownfields Grant Program based on BUILD Act

This topic was not discussed

**Comments**

The committee requested that the clerk forward all pertinent questions about Matts Landing to the Township Solicitor, Frank DiDomenico.

**Adjournment**

Mr. Whildin called for adjournment.

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Denise L. Peterson, Municipal Clerk

Questions to be forwarded to Township Solicitor:

1. Is there a way in the conveyance of the properties that no liability for testing of the wells or septic systems/cesspools will fall on the township?
2. What liabilities could the township be under if not exempted in the agreement between the township and the NJDEP?
3. In the process can there be a 'safety agreement' made between the marina operator (building owner) and the township preventing their backing out of the transaction to ultimately purchase the property from the township? And can there be in place a mechanism that once township acquires there will be an 'immediate' transfer to the operator (building owner)?
4. Some of the marinas have old septic systems and some have cesspools. Is there a way to have both the old septic system and the cesspools 'grandfathered' in so that the marina operators upon acquiring will not have the immediate cost of upgrading?
5. Can an agreement be made in the property transfer from NJDEP to the Township which over-rides (supersedes) any regulatory/statutory requirements regarding possible contaminations found or other environmental issues?
6. Can the agreement include wording over-riding the requirements of the SPILL Act?
7. Can the agreement include wording that the state ***will not*** impose any violations and/or penalties for issues found on the property after the transfer to the township/future owner?