

UPPER RARITAN  
WATERSHED ASSOCIATION

GER CROSS ROAD, RD1 BOX 30-W, GLADSTONE, N.J. 07934  
234-1852

Jan 9 1980

39839

December 3, 1980

Pat Warlick, Mayor  
Chester Township  
P.O. Box 428  
Parker Road  
Chester, New Jersey 07930

- Edward J. Shields, Mayor  
Washington Township  
43 Schooley Mountain Road  
Long Valley, New Jersey 07853

Dear Mayor Warlick and Mayor Shields:

There is indication that the Hills of Chester Landfill is contaminating both surface and groundwaters in both communities. Mercury in concentrations in excess of potable drinking water standards has been discovered in a test well on the property. The situation will become more acute when the Mt. Olive Landfill closes and their waste is sent to the Hills of Chester. It is estimated that this new influx of waste, exceeding 1,000 tons per day, will result in the Chester facility reaching capacity inside of six years. Under their 1972 State permit the landfill is allowed to expand its operations to fill the entire 195 acres. This expansion can legally be done without the installation of groundwater liners and leachate collection and treatment facilities which would protect surface and groundwaters from pollution. However, if it can be demonstrated that the continued operation of the landfill presents a danger to the public health or welfare, the N.J. Department of Environmental Protection can take action to require such improvements or to close down the facility. However, it is incumbent upon the communities and URWA to demonstrate this danger.

The attached proposal outlines a water quality testing program to determine this danger. This program has been worked out with engineers and geologists from the State's Division of Water Resources and Solid Waste Administration. All procedures outlined are consistent with state and federal standards to insure that the results will be admissible as evidence in court. The Solid Waste Administration has stated that they would use the results in court, if necessary, to take action against the landfill.

The testing program will cost \$16,190. We are suggesting that our resources and talent be pooled to deal with the program. If each community, Chester and Washington, would contribute \$6,000 toward the program URWA would contribute the remainder of \$4,190. I would be happy to meet with each of

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Continued

December 3, 1980

you, or together, at your convenience to discuss the proposal further.

Through a sound and cooperative testing program we will be able to protect our waters from severe pollution. Many thanks for your consideration.

Sincerely,



Darryl F. Caputo  
Executive Director

DFC:lm

cc: Gray Bryan, President, URWA  
Lino F. Pereira, Director  
N.J. Solid Waste Administration  
Ed Russo, HALT  
Rita Klinikowsky, President  
Chester Township Board of Health  
Shirley Lipkin, Secretary  
Washington Township Board of Health  
Frank Matteo, Health Officer  
Chester Township  
Raynour Rudolph, Health Officer  
Washington Township  
Dr. Michael McCormack, Chairman  
Chester Township Environmental Commission  
David Freemont, Chester Township  
Environmental Commission  
Nancy Domas, Chairperson  
Washington Twp. Environmental Commission  
Peter Joseph, Solid Waste Advisory Committee  
Washington Township

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Jan 9 1981

# UPPER RARITAN WATERSHED ASSOCIATION

LARGER CROSS ROAD, RD1 BOX 30-W, GLADSTONE, N.J. 07934  
(201) 234-1852

## A PROPOSAL for WATER QUALITY TESTING, at the CHESTER HILLS LANDFILL

### Background:

In 1972 the New Jersey Department of Environmental Protection issued a permit to dispose of solid waste in Chester and Washington Townships to J. Filiberto Sanitation, Inc. subsequently Chester Hills Landfill owned by the Connecticut based Combustion Equipment Corporation. Residents of both townships along with the governing bodies have expressed concern over the operation of the landfill. With the potential closing of the Mount Olive Landfill, Chester Hills is anticipated to increase its operations to 1000 tons per day. The previously mentioned permit gave permission to owners of the landfill to virtually utilize all the 195+ acres of the site as an active landfill. It has been determined that with the closing of the Mount Olive facility Chester Hills will obtain full capacity within six years. Under the permit, the landfill will be allowed to expand without the use of underground liners and leachate collection and treatment facilities. Of course, this expansion must be consistent with solid waste standards in existence at the time the permit was issued; i.e. waste cannot be deposited directly on bedrock or in contact with ground water or pose a potential public health standard. Also, any future expansion must be consistent with requirements of other state or federal permits; i.e. stream encroachment.

It is the opinion of the Upper Raritan Watershed Association that the 1972 landfill permit and other permits which might have to be obtained regarding proposed expansion will not assure protection of ground and surface water from pollution particularly since subsurface liners and leachate collection and treatment facilities are not required. If the landfill operates consistent with the 1972 permit, DEP is powerless to require such facilities in the existing landfill or proposed expansions. However, if it can be demonstrated that the landfill is contributing to a significant public health problem resulting from ground or surface water pollution, then the Department has the authority to require improvements such as mentioned above or even to close the landfill if necessary. A sound testing program following accepted testing procedures and practices admissible as evidence in court, if required, is

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necessary to determine if a potential public health problem exists. URWA, in consultation with representatives from DEP's Solid Waste Administration and Division of Water Resources, has outlined the following testing program.

Testing Program:

Tests are proposed to be conducted at locations shown on the attached map and described below. (Numbers below correspond to map numbers).

1. Surface sample on Barnhardt Brook (eastern tributary of Trout Brook) at Parker Road.
2. Same water course as above but further upstream near subject property boundary line.
3. Shallow subsurface sample along same water course.

The above sample locations are chosen for purposes of intercepting and testing both surface and subsurface drainage from the previous filled section of the property.

4. Surface sample on the western tributary of Trout Brook at Parker Road.
5. Same water course as above but further upstream.
6. Shallow subsurface sample along same water course further upstream.
7. Surface water sample on same water course at property boundary.
8. Shallow subsurface sample along same water course at property boundary.

The locations are chosen for purposes of intercepting surface and subsurface drainage from the portion of the landfill currently being worked.

9. Surface sample at northern portion of property near the power lines.
10. Same as above but further downstream.

These sites are chosen to intercept northerly drainage from the previously filled portion of the property.

11. Deep subsurface sample from underlying rock strata at the southern central property line.

This site is chosen in order to intercept deep ground water flow from a portion of the property where it is believed a trench to bedrock was dug and landfill material was placed directly on the bedrock.

Tests will be conducted by a state certified laboratory following USEPA and NJDEP standards for collection, transport, storage and testing. A chain of evidence from sampler to laboratory will be required to be documented. Sworn affidavits will also be required. A six-inch hole, 100 feet deep will be drilled and appropriately flushed prior to sample collection for sample number 11. Tests will be taken so that the results will be admissible in court if necessary.

The following parameters will be tested for:

1. BOD
2. TDS
3. Arsenic

4. Cadmium
5. Lead
6. COD
7. Chlorides
8. Ph
9. Manganese
10. Mercury
11. Chromium
12. DO
13. TOC
14. Total Coliform
15. Fecal Coliform
16. Fecal Streptococci
17. Kadelhall Nitrogen
18. Nitrate
19. Nitrite
20. Hardness
21. Cyanide
22. All Organic Groupings (All EPA Primary Pollutants)
  - a. volatile
  - b. base neutrals
  - c. acid extractables
  - d. pesticides

**Program Costs:**

The total cost to conduct the above program is estimated to be \$ broken down as follows:

- |   |          |
|---|----------|
| 1. Eleven samples each sample tested for all the above parameters (detailed breakdown is available) | \$14,190 |
| 2. Drilling and flushing test well  | 1,500    |
| 3. URWA program administration and consulting   | no cost  |
| 4. Miscellaneous  | 500      |
| Total   | \$16,190 |

**Summary:**

If Chester Hills Landfill operates consistent with the requirements of their 1972 permit, the New Jersey Department of Environmental Protection will be unable to require subsurface liners and leachate collection and treatment facilities in the proposed expansion area. However, if it can be documented that the current operation of the landfill poses a public health threat, then they can take action to shut down the operation or require the installation of such measures. This paper outlines a testing program for making this determination in a manner whereby the results would be admissible as evidence in court if required.

OPPER RARITAN  
WATERSHED ASSOCIATION

LARGER CROSS ROAD, RD1 BOX 30-W, GLADSTONE, N.J. 07934  
(201) 234-1852

*Water testing  
program*

January 28, 1981

Mr. Lino F. Pereira, Director  
Solid Waste Administration  
32 East Hanover Street  
Trenton, New Jersey 08625

RE: Chester Hills Landfill

Dear Lee:

Many thanks for meeting with us last week regarding the above. We greatly appreciate your offer to assist in the water quality testing program we have outlined.

As I recall from the meeting, your administration would provide the following assistance:

1. Expertise and advise on the testing program including input on when, where, how to do the testing and what to test for.
2. Manpower to assist in gathering samples.
3. Equipment necessary to obtain samples.
4. Confirmation tests at selected sample sites if it is determined to be necessary.

In addition, we understand that SWA will conduct water quality tests within the boundaries of the landfill; surface water samples and monitoring well samples.

We are requesting that SWA make a determination whether or not wetlands exist in the currently unused portion of the landfill. In the event that a determination is made that wetlands do exist, then we are requesting that the landfill owner be required to submit for approval by SWA new engineering designs. We believe that SWA has the authority to require new designs based on the following:

1. N.J.A.C. 7:26-2.5.25(a): Requires each solid waste facility to annually submit a topographic survey, etc. To our knowledge, after reviewing the file, no such topography maps have been submitted. It should be noted that this provision applied to existing as well as new facilities when the regulations went into effect. These topographical maps would have shown the

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existence of the wetlands.

2. 7:26-2.5.4: "No new sanitary landfill shall be conducted, nor shall an existing landfill continue to be conducted where the solid waste, in whole or in part, or the leachate produced as a result of the sanitary landfill, (emphasis added) impairs the quality of the surface or ground waters of this . . . ." As evidenced by copies of the attached memorandum (Pyle to Cook-ingham, dated 4/18/73; Frank Markewica, undated; Hui to Castner, dated 3/9/79; Hofman to Tylutki, dated 3/15/79), leachate pollution from the landfill has been ongoing and observed by DEP officials. In addition, tests taken by the State as well as Chester Township have shown elevated levels of arsenic, mercury and lead in and in proximity to the landfill. In view of the knowledge that the landfill has been and continues to violate this particular regulation, DEP would have the authority to request new engineering plans in the interest of preventing future violations resulting from the utilization of the wetland area.
3. 7:26-2.5.4: "No existing sanitary landfill may continue to deposit solid waste, except those noted in (a),(b),(c) and (d) above where solid waste is or would be in contact with the surface or ground waters of this state." In view of the above history of leachate pollution from the landfill, SWA could prevent the utilization of the wetland area until new plans were submitted and approved. The argument that the owner could deposit five feet of fill in the wetland prior to depositing waste and thereby be allowed to utilize the area under the 1972 permit is not valid. It is known that leachate pollution has occurred in previously filled areas. This should be enough indication that the filling of the wetland would also result in like pollution. If there is pollution from non-wetland areas which also has the five foot backfill requirement, pollution of surface water in the wetland as a result of leachate moving through the backfill in the wetland could be readily anticipated, thus forming the basis for action by SWA.

I hope that this will provide some food for thought regarding the wetland issue and that the SWA will take prompt action to safeguard our surface and ground waters.

Again, many thanks for assistance -

Sincerely,

Darryl F. Caputo  
Executive Director

DFC:prb

Enc.

c.c.: Ms. Brenda Payne  
Mr. Ed. Russo

Mayor Frank Adessa  
Mayor Edward Shields✓

# UPPER RARITAN WATERSHED ASSOCIATION

LARGER CROSS ROAD, RD1 BOX 30-W, GLADSTONE, N.J. 07934  
201) 234-1852

January 20, 1981

Mayor Edward Shields  
Washington Township  
Box 216, Schooley Mountain Road  
Long Valley, New Jersey 07853

RE: Water Quality Testing Program - Chester Hills Landfill

Dear Mayor Shields:

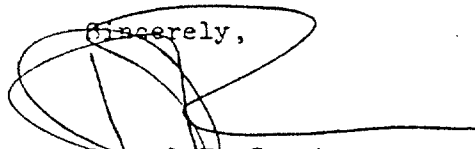
Many thanks for your recent action indicating the township's intent to include \$6000 in the 1981 budget for the above captioned program which we propose. Through such a joint undertaking, we will be assured of a sound and legally defensible water quality testing program which will identify the extent of pollution originating from the landfill.

Recently, Lee Pereira, Director of DEP's Solid Waste Administration, informed us that they are fully committed to assisting in this effort. Mr. Pereira has offered to us manpower, expertise and equipment which we will need when testing begins. We are consulting with them on every step in the process so to insure that the results will be admissible by them in court if necessary.

In addition, they will be doing tests inside the boundary of the landfill and have offered to undertake confirmation tests at our sample sites if such tests are necessary.


Presently, we are awaiting a break in the weather before initiating the tests. In the meantime, we are identifying, exactly, the test locations.

Sincerely,

  
Darryl F. Caputo  
Executive Director

DFC:prb

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# UPPER MERITTAN WATERSHED ASSOCIATION

ARGER CROSS ROAD, RD1 BOX 30-W, GLADSTONE, N.J. 07934  
911 234-1842

RECEIVED

JAN 6 1981

WATER TOWN

December 29, 1980

## MEMORANDUM

TO: Mr. Ed. Russo

FROM: Darryl F. Caputo, URWA Executive Director

RE: Chester Hills Landfill,  
Solid Waste Regulation Violations

Perhaps the case could be made that the following provisions of the Solid Waste Regulations have been violated:

1. N.J.A.C. 7:26-2.5(d)(5) and (6) which provides; "No new sanitary landfill shall be conducted where solid waste is or would be in contact with the surface or ground waters of this state....."

"No existing sanitary landfill may continue to deposit solid waste, except those noted in paragraphs 1 through 4 of this subsection where solid waste is or would be in contact with the surface or ground waters of this state" (Paragraphs 1-4 refer to inert, nonwater soluble material).

"No new sanitary landfill shall be conducted, nor shall an existing landfill continue to be conducted where the solid waste, in whole or in part, or the leachate produced as a result of the sanitary landfill, impairs the quality of the surface or ground waters of this State to a degree that would degrade the quality of either the surface or ground waters of this State beyond the classification established by the Department for the surface water in question or the portable water standard established by the Department in the case of ground water."

2. N.J.A.C. 7:26-2.5(h) which provides; "the operation of a solid waste facility shall not result in odors associated with solid waste being detected off site by sense of smell in any area of human use or occupancy."

There is information which shows that solid waste was placed directly on bedrock in the landfill and thereby in contact with ground waters. I am attempting to secure that information from DEP files. Testing to date, particularly for mercury and lead, indicates that ground water may be contaminated by the landfill. Our proposed testing program will verify any surface or ground-water quality violations. Obviously, it can be shown that the facility pro-

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duces odors.

Perhaps we should not take at face value that the facility is grandfathered in or has "vested rights." Note that the prohibition on water pollution covers existing landfills. Under N.J.A.C. 7:26-1.4 an "existing solid waste facility means that a portion of an active solid waste facility which, as of the effective date of these regulations, possesses a valid approved registration from the Department." This would define the Chester Hills facility as an existing landfill; particularly the active portion. Thus, the water pollution prohibitions would apply. Also note in the definition the phrase "that portion of an active solid waste facility." This might be interpreted that while the active portion might be grandfathered in, the inactive portion would not necessarily be so treated. If that is the case, then liners, leachate collection and treatment facilities, etc., could be required for the expansion area at the time of expansion. Interesting thought! In any event, we will need to show evidence of water pollution from the landfill if we are hopeful of getting DEP to take action or are contemplating action ourselves. Thus the need for our cooperative testing program.

More later -

DFC:prb

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