



Wetland

WASHINGTON TOWNSHIP

MUNICIPAL OFFICES
MORRIS COUNTY
LONG VALLEY, N. J. 07853

43 Schooley's Mtn. Rd.
P. O. Box 216

Area Code 201
876-3315

39842

January 21, 1981

Mr. Joseph Hudek
Environmental Protection Agency
IRA Room 1642
26 Federal Plaza
New York, N. Y. 10278

Subject: Landfilling of wetlands by Combe-Fill South

Dear Mr. Hudek:

The Combe-Fill South Landfill, located in Washington Township and Chester Township in Morris County, New Jersey, has become a matter of great concern to both municipalities during the past several months. The matter of landfilling a wetland area is one of particular and immediate concern to us. It is in this regard that Washington Township seeks assistance from your agency.

Regarding our telephone conversation of January 13, 1981, it sounds as if the only way we can obtain assistance from the Environmental Protection Agency in this matter is if Combe-Fill Corp. actually fills in the wetland area with landfill materials. This assistance would come after the fact and would certainly come too late.

It is the opinion of this department that Combe-Fill Corp. has indeed already entered the area, as surveys have been made to prepare the area for clearing and subsequent filling.

Mr. Gary Molchan, manager of the Combe Landfill has made public statement at a public meeting that "Yes, he did intend to fill that area". During the joint meeting between Washington and Chester Townships on November 6, 1980, Gary Molchan was asked by Washington Township resident, Peter Joseph, if there were plans to fill in a 35 acre "swamp" that is part of the 195 acre landfill, which was approved by the New Jersey Department of Environmental Protection in 1972. It was stated the wetland area has two streams running through it.

Mr. Molchan said that the D.E.P. had approved that area as part of the landfill, he has the right to expand into that area, and he intends to do so. Mr. Molchan agreed the area into which he intends to expand the dumping operation is a "swamp". This meeting was recorded and these words are documented on tape.

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The threat has been made and preparation to carry out that threat is now underway. We need assistance from the E.P.A. to stop this action and we need this assistance now.

The Combe-Fill people have pleaded economic hardship several times in the past to the N. J. D. E. P. in order to be relieved of the financial burdens such as drilling new monitoring wells, using liners, and other environmental safeguards normally utilized at sanitary landfills. Once the landfill has proceeded into this wetland area, they very well may once again argue economic hardship if ordered to stop. This argument can be avoided if the landfill was prevented from entering this area now.

Putting a halt to this action immediately will also prevent expensive and lengthy legal entanglements on the parts of your agency, this Township and the Combe Landfill as well.

You verified to me on the phone that the landfilling of a wetland would be in direct violation of federal regulations. You indicated that Combe will need either a 402 or 404 before they proceed into this area. We would like you to officially notify the landfill of this fact. A formal notice from the E.P.A. will cause them to cease and desist their preparations to fill this area in order to avoid legal conflict with the federal government and all parties involved.

Your assistance to this Township in this matter is urgently needed and will be greatly appreciated.

Maps showing the existing landfill as well as the wetland areas is enclosed for your information, as you have requested.

Very truly yours,

Mary Lou Caffarra

Mary Lou Caffarra
Sanitarian

MLC:sl

cc: William Slezak
Washington Twp. SWAC

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DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
26 FEDERAL PLAZA
NEW YORK, N. Y. 10278

RECEIVED

JAN 22 1981

REPLY TO
ATTENTION OF:

NANOP-E

WASHINGTON TOWNSHIP
HEALTH DEPT.

16 JAN 1981

Mr. Raynour H. Rudolph
Health Officer
Washington Township Health Dept.
Municipal Offices, Morris County
Long Valley, NJ 07853

Dear Mr. Rudolph:

This is in reference to your letter dated 4 December 1980 regarding the extent of Regulatory jurisdiction by the Corps of Engineers over a proposed expansion of the Combe Landfill into wetland located at the head waters of Tanner's and Trout Brooks in Washington Township, New Jersey.

Authorization from the Corps of Engineers is required for the discharge of dredged or fill materials into waters of the United States pursuant to Section 404 of the Clean Water Act. Discharges specifically associated with the disposal of wastes, however, such as the landfill operation described in your letter, are not considered "fill material" by the Corps of Engineers for purposes of Section 404. Rather this activity has in the past been regulated under Section 402 of the Clean Water Act, which is under jurisdiction of the United States Environmental Protection Agency (EPA).

recognize that EPA in its consolidated permit regulations published in the Federal Register on 19 May 1980 eliminated the "primary purpose" test from the definition of "fill material" such that all discharges with the effect of fill will be handled under the Corps 404 program. However, the Corps of Engineers has neither changed its definition of "fill material" for purposes of administering its 404 program nor has it agreed to the change contained in EPA's Consolidated Regulations. Efforts are presently underway between EPA and the Corps to develop a consistent approach to this issue.

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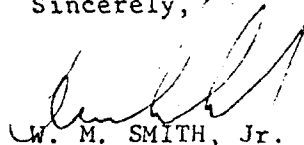
NANOP-E

Mr. Raynour H. Rudolph

We are forwarding a copy of your correspondence to Region II - EPA for their appropriate review and consideration. It is our understanding that EPA would view the encroachment of the Combe Landfill into the wetland as being a violation of Section 301 of the Clean Water Act. Therefore, if enforcement action is warranted, EPA would take the lead.

I trust the foregoing has been satisfactory for your present needs.

Sincerely,



W. M. SMITH, Jr.
Colonel, Corps of Engineers
District Engineer

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MORRIS COUNTY SOIL CONSERVATION DISTRICT

WILLIS BOCKOVEN, CHAIRMAN
JAMES P. VREELAND, JR.
LEONARD J. ROENRICH
ROBERT D. ASHLEY
CAROL J. FARRAND
TED ROMAN, DIRECTOR



Mailing Address:

COURT HOUSE
MORRISTOWN, NEW JERSEY 07960

Location:

CHEST CLINIC BLDG.
W. HANOVER AVENUE
MORRIS TOWNSHIP, N. J.

PHONE: (201) 285-6110

December 4, 1980

RECEIVED

DEC 5 1980

WASHINGTON TOWNSHIP
HEALTH DEPT.

Mr. Peter Joseph, Chairman
Washington Township Solid & Hazardous
Waste Committee
Valley Brook Road
Washington Township, N.J. 07853

Re: Combe Hill Sanitary Land Fill
Chester-Washington Townships

Dear Mr. Joseph:

In response to our discussion on December 2, 1980, the enclosed information is that involving the given area shown on the attached USGS map.

The area in question meets the federal criteria to be classified as a wooded swamp. This area can be described as a flat upland with an abundance of red maple, balsam and ash. Outer reaches of the area are composed of primarily oak, alder and hemlock.

The soils on the site are waterlogged at least to within a few inches of the surface during the growing season and, depending on rainfall and season, some areas are entirely underwater or saturated. There is also a stream fed by this swamp that makes up part of the headwaters in Trout Brook which feeds the Laminston River at Hacklebarney State Park. With the use of a planimeter the swamp size was determined to be a conservative 47 acres.

Yours Truly,

Joseph D. Rotola
Joseph D. Rotola
Urban Conservationist

JDR:je

Enc.
cc: Washington Twsp. Board of Health
Army Corp. of Engineers

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WASHINGTON TOWNSHIP

MUNICIPAL OFFICES
MORRIS COUNTY
LONG VALLEY, N. J. 07853

43 Schooley's Mtn. Rd.
P. O. Box 216

Area Code 201
876-3315

December 4, 1980

Mr. Clifford G. Day, Biologist
Department of Interior
P. O. Box 534
Absecon, N. J. 08201

Dear Mr. Day:

Please find enclosed a copy of my letter to Mr. William Slezak, Chief Permit Section of the United States Army Corps of Engineers.

The area in question is a watershed area that supplies water for recreational and potable water usage and poses a real hazard to human health should the landfill be permitted to expand into this area.

The bog area in question is an exceptionally suitable habitat for deer, horned owl and other wild life. To lose this area would be a tremendous loss.

Very truly yours,

Raymour H. Rudolph
Health Officer
Washington Twp. Health Dept.

RHR:sl
encl.

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WASHINGTON TOWNSHIP

MUNICIPAL OFFICES
MORRIS COUNTY
LONG VALLEY, N. J. 07853

43 Schooley's Mtn. Rd.
P. O. Box 216

Area Code 201
876-3315

December 4, 1980

Mr. William Slezak, Chief Permit Section
U. S. Army Corps of Engineers
26 Federal Plaza
New York, N. Y. 10278

Subject: Combe Landfill South's expansion into a bog area from which
tributaries of Tanner's and Trout Brook originate

Dear Mr. Slezak:

We are interested in determining the extent, if any, of the Army Corps of Engineers' jurisdiction over proposed landfill expansion into a watershed, wetlands area, under section 404 of the Clean Waters Act of 1977.

The wetlands encompass an area of between 72 to 100 acres. The watershed that is affected by this proposed landfill expansion is considerably larger. The exact size has yet to be determined by the Morris County Soil Conservation representative. We will forward this information to you under separate cover within a week or two, along with plant types and descriptions of the plant life in and around the bog and wetlands.

We are in urgent need of assistance by your service for an objective evaluation and review of this proposed intrusion into wetland virgin area.

Although we do not know their time schedule, we believe that the Combe Landfill Corp. has made all needed surveys for the landfill operation in this bog, and may begin at any time.

Mr. Peter Joseph, chairman of the Washington Township Solid Waste Advisory Committee has researched the "Clean Water Act of 1977" with the help of Mr. Joseph Hudek, E.P.A., New York City, N. Y.

It is my understanding that a recent memorandum was received by your office re the above, and, that the act extends to cover just such a situation.

We would appreciate your advice in this matter as soon as possible. We are working with other agencies of government at various levels and we hope to merge all forces by January 15, 1981 for a suitable remedy for

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the sake of the health and safety of the citizens in the immediate area and others down the water chain who use this source of water for drinking purposes.

Thank you for your anticipated cooperation,

Very truly yours,



Raymond H. Rudolph
Health Officer

Washington Township Health Department

RHR:sl

cc: Joseph Hudek, EPA
Charles Culp, U. S. Fish & Wildlife Serv.
Joseph Rotola, Morris Co. Soil Cons.
Senator Bill Bradley
Senator Harrison A. Williams
Rep. Jim Courter
Senator Walter E. Foran
Assemblywoman Barbara W. McConnell
Assemblyman Karl Weidel
Clifford G. Day, Dept. of Interior

100222



ECOLOGICAL SERVICE
FISH AND WILDLIFE SERVICE
DEPARTMENT OF THE INTERIOR

CLIFFORD G. DAY
BIOLOGIST

P.O. Box 534
White Horse Pike
New Jersey 08201

COPY

(609) 646-9310
(FTS) 483-4313

P. O. BOX 534
705 WHITE HORSE PIKE
ABSECON, NEW JERSEY 08201

December 1, 1980

Mr. William Slezak, Chief
Permits Branch
New York District Corps of Engineers
26 Federal Plaza
New York, NY 10278

Dear Mr. Slezak:

This is in reference to a proposal by Combehill Landfill, Parker Road, Chester Township, Morris County, New Jersey, to expand their active sanitary landfill by approximately 100 acres in Chester and adjacent Washington Township. This proposal was brought to our attention by Mr. Joseph Rotola (201/285-6110) of the Soil Conservation Service (SCS).

The Fish and Wildlife Service is opposed to projects that destroy, damage or degrade fish and wildlife or their supporting ecosystems. Expanding Combehill Landfill by 100 acres would adversely impact two streams, Tanners Brook and Trout Brook, headwater tributaries of the Lamington (Black) River, a subbasin in the Raritan River Drainage. Trout Brook flows into Hacklebarney State Park and is classified as trout production waters by the State of New Jersey. Furthermore, according to our recent National Wetlands Inventory, much of the habitats along these tributaries contain palustrine wetlands. In addition, Combehill Landfill does not contain an impervious barrier to leachates. These leachates may be contaminating local groundwater sources.

This Service, therefore, requests that the Corps of Engineers investigate the proposed project, and, since stream and associated wetland habitats are involved, determine whether such construction is consistent with federal laws and regulations. By copy of this letter, we are requesting that the Environmental Protection Agency (EPA) also investigate the expansion of Combehill Landfill, specifically in regard to water quality degradation.

Please advise this office of your findings. If you desire an interagency field inspection, we suggest that the meeting should be attended by representatives of the EPA, SCS, the State of New Jersey Bureau of Solid Waste Management and Bureau of Freshwater Fisheries, Chester and Washington Townships, Combehill Landfill and this Service.

Sincerely,

ES:Absecon:Day:amt(11/25/80)

CC: ASO files

EPA, New York, NY (Melvin Haulttman)

SCS, Morristown, N.J. (Joseph Rotola)

N.J. Div. FG&W, Trenton, N.J.

N.J. Bureau of Freshwater Fisheries, Lebanon

ES: N.J. Bureau of Solid Waste Management, Trenton, N.J. (Walter Burshtin)

Chester Township, N.J.

Washington Township, N.J.

Combehill Landfill, Chester, N.J.

Oliver T. Edstrom
Assistant Field Supervisor

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COMBE LANDFILL



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
JOHN FITCH PLAZA, CN 027, TRENTON, N. J. 08625
Solid Waste Administration

RECEIVED

November 26, 1980

DEC 12 1980

Gary A. Molchan, Vice President
and General Manager, Combe Fill Corp.
Post Office Box 418
Chester, New Jersey 07930

WASHINGTON TOWNSHIP
HEALTH DEPT.

RE: Combe Fill South Landfill, Chester Township, Morris County,
Facility Registration Number 1407A

Dear Mr. Molchan:

It has come to my attention that the continued operation of this facility in the manner you are undertaking may result in the filling of various wetlands or marsh areas. The approved registration issued by this Department in 1972 allows the operation of this facility in accordance with the plans dated July, 1971 to the extent that no conflicts or violations with the revised regulations of the Bureau of Solid Waste Management (N.J.A.C. 7:26-1 et seq.) shall occur. I would like to advise you at this time that filling of any wetlands or marsh areas on your subject landfill will result in a violation of N.J.A.C. 7:26-2.5.4 in that solid waste of non-permissible categories would be deposited in contact with the surface or ground waters of the State of New Jersey. In addition, disposal of this nature would result in a violation of N.J.A.C. 7:26-2.2.4.

Therefore, you are hereby notified that any landfilling in areas that would permit solid waste to be in contact with the surface or ground waters of this State would be considered a violation of the rules and regulations, and appropriate legal relief will be sought by this Department.

Should you have any further questions, please contact Mr. Walter Burshtin of my staff at (609) 292-7744.

Very truly yours,

Lino F. Pereira
Administrator
Solid Waste Administration

100224



WASHINGTON TOWNSHIP

MUNICIPAL OFFICES
MORRIS COUNTY
LONG VALLEY, N. J. 07853

43 Schooley's Mtn. Rd.
P. O. Box 216

Area Code 201
876-3315

State of New Jersey,
Department of Environmental Protection,
Division of Environmental Quality,
Solid Waste Administration,
32 East Hanover St.,
Trenton,
N. J. 08625

November 13, 1980

Attention: Mr. Walter Burshtin
Chief Enforcement Officer

Subject: Combe Landfill-Washington Township-Morris County, N. J.

Dear Mr. Burshtin;

Several questions regarding the above subject landfill are of deep concern to me, and need, in my opinion, immediate investigation by your department.

First of all, the presence of two streams originating in close proximity to the landfill pose a very real problem as to surface and ground water pollution. These streams have been polluted by spills from the landfill since 1972. See attached letter.

Tanners brook runs from the bog behind the landfill, is on landfill property, and flows in a northerly direction, feeds into the Lammington River and thence to Bound Brook where the Elizabethtown Water Company draw water from it.

Trout brook flows in a southwesterly direction and also supplies water to the Elizabethtown Water Company.

The Elizabethtown Water Company supplies water to 1,000,000 consumers.

At a joint meeting of the Washington Township and Chester Township Committees, held on November 6, 1980, Mr. Gary Molchan manager of the Combe Landfills; when asked if he planned to fill in the bog area with landfill materials, this bog area being the point where Tanners brook and Trout brook originate; said "Yes he did".

I feel that this entire application regarding the Combe Landfill be reviewed due to the hazard to the surface waters of this area, as well as the mixing of the surface waters with the ground water. In any case, the landfill operation should be restricted to the area they are now in, and not permitted any

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MUNICIPAL OFFICES
MORRIS COUNTY
LONG VALLEY, N. J. 07853


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876-3315

(2)

broadening of their operation, until such time as their entire permit has been reviewed to check the accuracy of the information furnished on the original application.

Very Truly Yours,


Raynour H. Rudolph, Health Officer
Washington Township Board of Health

Enc-(1)

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