

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON MAY 15, 2014

①

My name is Hank Klumpp. I own 150 acres in the despicable Highlands Preservation Area. Mr. Chairman, perhaps your paid staff could earn their keep by finding the scientific study that put my land into the preservation and showing it to me. I am sure you are sick of hearing me ask for it now for 10 years. I am sick of having to ask for it. Show it to me or be honest and tell me it does not exist. There were no scientific findings used to establish the Highlands legislation on my property.

(2)

If there is any open space funding, at least 30 % should be dedicated to the Highlands because of the estimated 6 billion dollar loss the Highlands landowners have lost and deserve to be compensated for after 10 long years. I don't understand how this council is not standing up and working for fairness for us. You are all intelligent people who should know right from wrong. You know how wrong it is to steal property values from hard-working, honest people.

③

If even one of you could contact me - and answer my question honestly, I would finally believe that you are trying to work on this like you keep telling me when you shake my hand monthly.

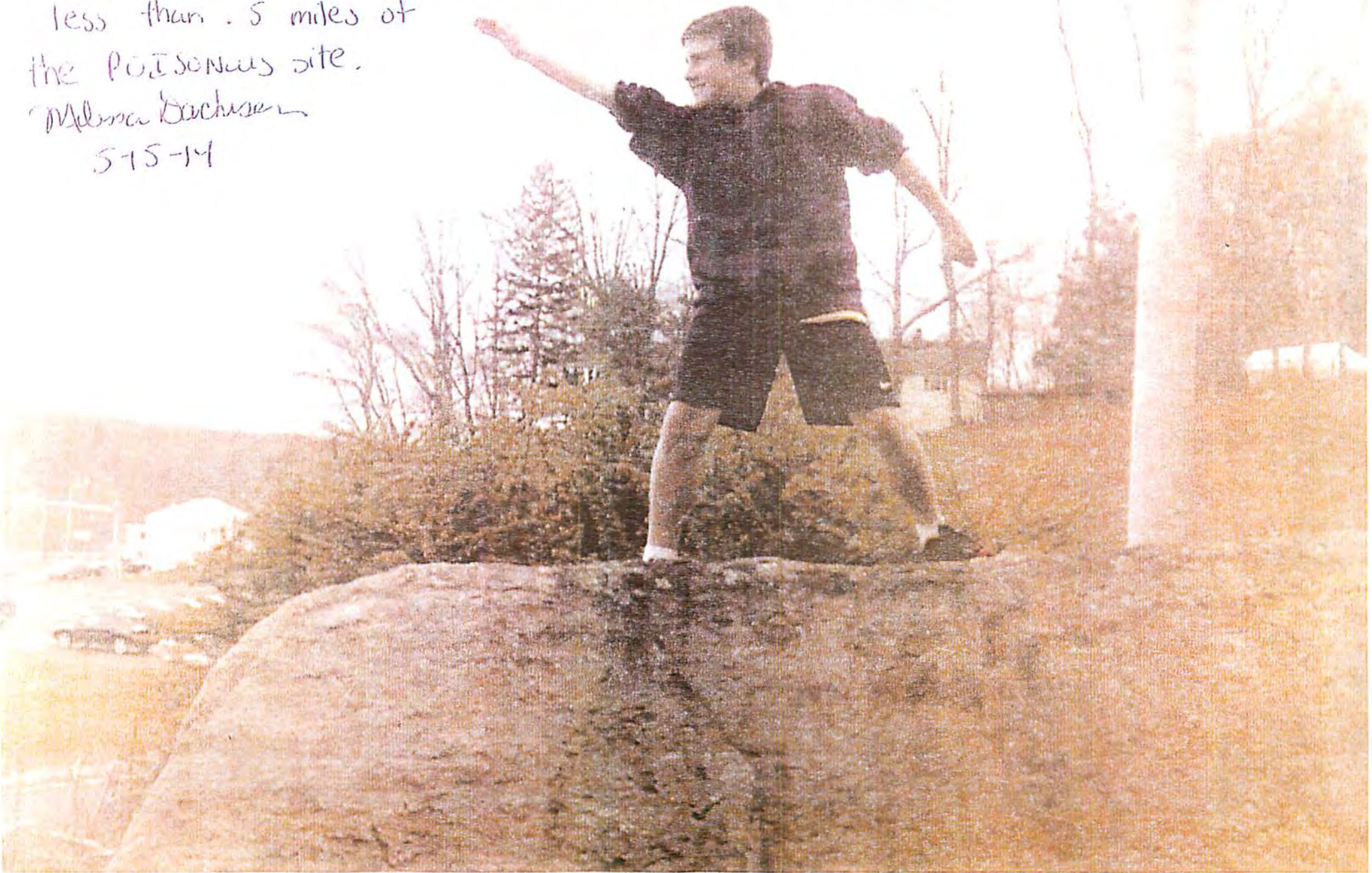
Hank Klumpp

24 Longview Road
Lebanon, N. J. 08833

This is my nephew, Matthew (6th gr.), at the last part of the hike
to the infamous Cliffs Ice Cream (April 2012). Note - The path
we followed is parallel to the TOXIC landfill which I was
not aware of at that time. Matthew lives in Poet's Peak,
less than .5 miles of
the POISONOUS site.

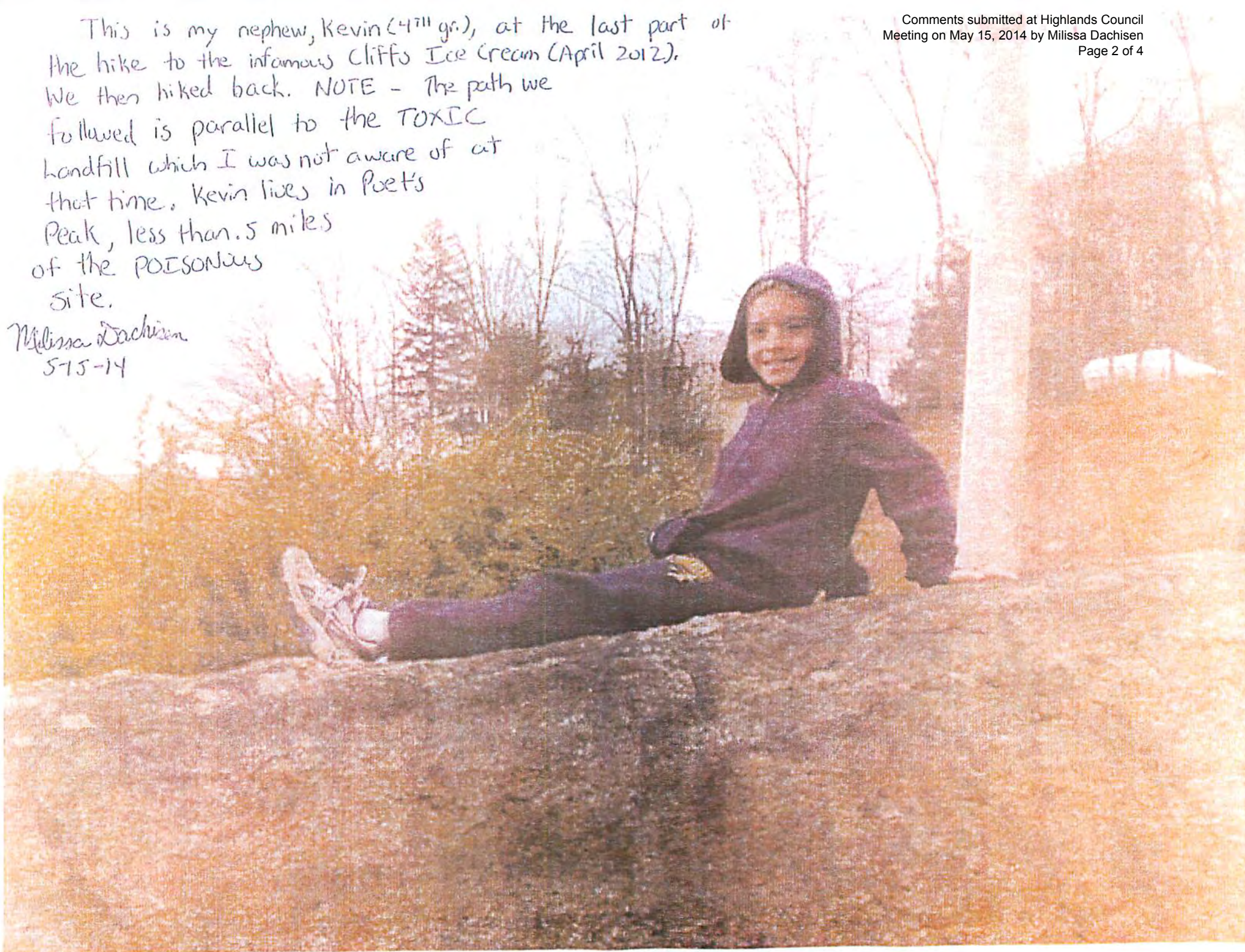
Milissa Dachisen

5-15-14



This is my nephew, Kevin (4th gr.), at the last part of
the hike to the infamous Cliffs Ice Cream (April 2012).
We then hiked back. NOTE - The path we
followed is parallel to the TOXIC
landfill which I was not aware of at
that time. Kevin lives in Poet's
Peak, less than .5 miles
of the POISONOUS
site.

Milissa Dachisen
5-15-14



Aug.

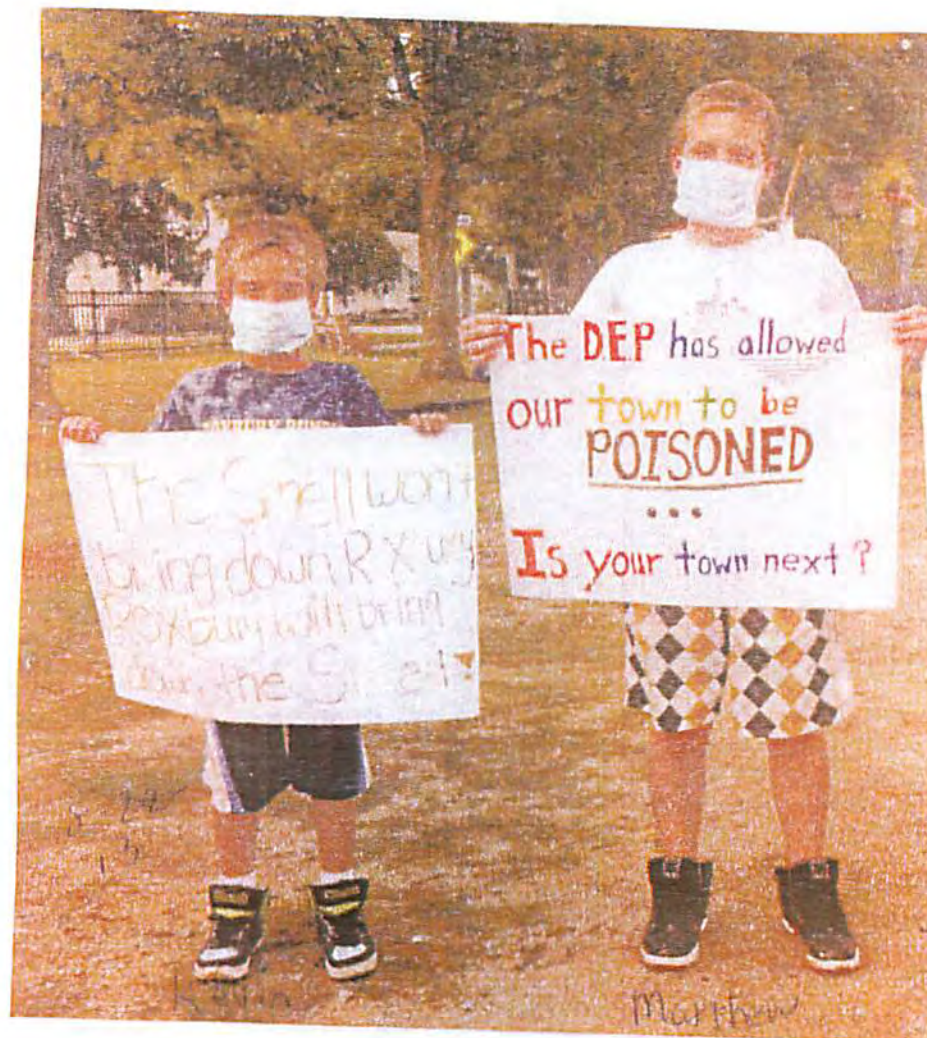
21, 2013

Kevin -
entering
6th gr.

Matthew -
entering 5th gr.

Roxbury Residents Are
Sick
Of The Suffocating Smell
Where Is Our Governor?

The D.E.P. has allowed
our town to be
POISONED
...
Is your town next?



We're all here today pleading for your help. Mistakes have been made by all parties involved in the Fenimore remediation, but just like the Pinelands Commission fighting for their land in the south, we hope you will fight for our water in the North.

The cursory and little researched DEP ACO that allowed a felon to turn an arguable undisturbed brownfield into an active C&D landfill has put the highlands, its water, and its residents at great risk.

The DEP Fenimore emergency order allows only for hydrogen sulfide gas mitigation, not landfill closure. They are now engaging in a taxpayer funded cover-up of their past mistakes from dealing with and putting public health and the highlands at risk.

The current plan is a permanent closure and they are overstepping the emergency order by remediating to standards that do not conform to the Highlands ACT, RMP, and water anti-degradation laws. According to test reports, methane is now an additional concern as it was recorded at hydrogen sulfide wells at combustible levels. The hydrogen sulfide scrubbers do not mitigate the methane risk.

Under your responsibility to implement the Highlands Water Protection and Planning Act, we are asking you to file an injunction against their activities or at minimum undertake or join the state legislature in a scientific bipartisan investigation of the DEP's past and present activities surrounding Fenimore.

If needed we are asking you to please form a special scientific committee to address this issue. While allocated within the DEP, the highlands council is independent of their supervision and control and has the ability to take legal action to protect the highlands.

The brownfield designation, arguably inappropriately granted, as well as the Highlands redevelopment was all based on a house of cards, as set of assumptions that no longer applies. For that reason, the DEP's action should not be allowed to continue without further consistency review.

These assumptions were:

Requirement	Analysis
Would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters;	Up to 60000 gallons of highlands water will be used per day in their gas scrubbers. 50k is the limit in the act. The capping area is more than the limit for impervious surface on the total property and more stormwater runoff will occur. There are minimal leachate controls as is and downstream water wells and trout producing Ledgewood brook are at risk, possibly including the downstream Raritan river.

Would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	It became apparent early in the project that the solar array was never feasible despite all the parties involved hiding behind the ill advised plan. Acres of trees have been clear cut and habitats for endangered and non-endangered species put at risk. Nothing lives around Fenimore now, or if so for very long.
Will result in minimum feasible alteration or impairment of the aquatic ecosystem;	There is no underliner at Fenimore and the water table and tributary streams are at additional risk of contamination from the newer non-historical landfill waste. Besides gypsum wallboard, C&D material, and treated dredge material from water treatment plants and polluted rivers, it appears additional organic waste, asbestos, and other potentially toxic waste from Sandy cleanup was deposited. This material all came from DEP controlled recycling facilities that seem to have been under-regulated.
Is located or constructed as to neither endanger human life or property nor otherwise impair public health, safety and welfare;	The nearby properties are adjacent to the landfill. Gas emissions have traveled to schools and commercial properties. Leachate during storms overflows the catch basin to move down the mountain streams to Drakes Brook.
Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes	Morris Canal and Ledgewood parks and nearby playing fields have been affected by the DEP's inability to control the situation. Events have been cancelled and fields closed for use.
Meets all other applicable NJDEP standards, rules, and regulations and State laws.	Standards are not being met. The DEP has not demonstrated that their actions conform to water anti-degradation laws. Now that the site has been further polluted from a sanitary landfill brownfield to what amounts to a toxic operating C&D facility, the DEP should be held responsible and stricter standards enacted to ensure conformity to the Highlands Act and RMP.

Even in prior public comments issues were raised that should be revisited and investigated to make sure the DEP doesn't get away with their mistakes and permanently damage the highlands and put its residents health at risk. While closure activities are under the jurisdiction of the DEP, how can they be trusted when it is their own mistakes they are remediating?

Some comments made by David Peifer of ANJEC that are now relevant to the DEP's activities since they are performing the duties of a licensed site remediation professional:

- **The site is located in a sensitive hydrologic position. Califon soils overlaying extremely permeably sandy loam allow downward movement of water and pollutants. Since Fenimore has no underliner, these layers cannot be relied upon to contain leachate.**
- **The leachate pond is not a properly constructed water impoundment, has no formal spillway and is located on or beyond the property boundary with municipal parkland.**
- **A steep slope graded and effectively geomembrane capped landfill is essentially 100% impervious to stormwater. No adequate systems are in place to protect the downstream stream channels. To do so will require designing a control facility to approximate post construction run-off equal to that which would result from "forest in good condition". Additionally this extensive control facility will need to be installed within the existing filled area with proper side slopes established. This will necessitate further disturbing unknown fill material.**
- **Allowing redevelopment decisions to be driven by private applicants is contrary to the concept of comprehensive regional planning and is likely to result in uncoordinated, unwise and possibly incomplete projects scattered throughout the Highlands Region. Due to the region's long history of industrial development and the generously vague definition of "Brownfield", ("A brownfield is defined under state law as "any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.""). Such sites may be found in the Protection Zone or the Conservation Zone. This particular site is located in the Protection Zone.**

As Mr. Peifer predicted, the worst has come to pass, but future issues and further long term contamination is still a real possibility due to the ineptness of the DEP.

Please help us and uphold the spirit of the Highlands Act in any manner you are able:

- **Help us stop the DEP from making a bad situation permanently worse**
- **Investigate the series of events that led to this so justice can be served and that it never happens again**

Thank you for your time.