

Delaware Township Quarry Compliance Committee (QCC) Meeting Notes
February 22, 2022

Attendees: Chad Bower, Joe Chrobak, Kathy Katz, Richard Macomber

A. Membership

QCC members welcomed Richard Macomber to the committee. Member Katz asked if anyone had any corrections to the contact information on the membership list. There were no corrections. Member Katz said she would forward the membership list to the Deputy Clerk.

B. Finalize Minutes from the February 22th Meeting

Member Chrobak and Member Bower said they had no changes to the minutes and members approved the minutes as drafted with Member Macomber abstaining. Member Katz said she would provide the minutes to the Deputy Clerk for posting on the township's website.

C. 2022 License Application

Deputy Clerk Tiffany Crivelli said she had referred the insurance certificate to the township's insurance agent. In a February 18 email, the insurance agent identified some concerns with the insurance. Member Bower asked Deputy Clerk Crivelli to forward the insurance agent's comments to the Township Attorney for his input. If the Township Attorney has any concerns, Deputy Clerk Crivelli will then let Member Chrobak know so he can have Trap Rock's insurance agent contact the township's insurance agent so the matter can be resolved.

Deputy Clerk Crivelli said she completed her administrative completeness review of the application. Deputy Clerk Crivelli said she thought the application was deficient because there was a problem with the insurance certificate. Members discussed that the administrative completeness review only requires that the insurance certificate be submitted, not that it be deemed acceptable. Therefore members said the application should be deemed administratively complete. Deputy Clerk Crivelli said she would send the administratively completeness letter to Trap Rock and copy the QCC.

Members then discussed a draft memo to the Planning Board referring the 2021 ground water monitoring data for review by the Planning Board's Hydrogeologist. Member Katz asked members to review and get her any changes by tomorrow. This is so Member Katz can send the memo to the Planning Board by Thursday so it can get on the agenda for discussion at the Planning Board's meeting on March 1st. This will ensure that the Planning Board's Hydrogeologist has all data prior to the reclamation plan hearing on April 5th.

Members also discussed that the Planning Board has not received a response from the hydrogeologist on ground water monitoring data that had been previously referred for review on June 4, 2019 (2016-2018 data) and May 4, 2021 (2019-2020 data). Member Bower suggested that the Township Committee should intervene to ensure that the review of the data occurs prior to the reclamation plan hearing. Member Katz indicated that the Planning Board's Administrative Officer has reached out to Collier's on the status of their review, with the latest email being on February 1st. Member Bower asked Member Katz to forward Mayor Waltman, Township Committee Member Vocke and himself the latest email the Planning Board's Administrative Officer sent to Colliers regarding the status of their review of the data.

D. April Semi-Annual Inspection

Member Katz said she would send the Inspection Checklist to Member Bower. Member Bower will then advise the Township Engineer of the need to do the inspection and provide him with the Inspection Checklist.

E. NJDOL/HCSCD Letters

Members reviewed the revised letters and found the letters acceptable provided one change is made. The date of the license needs to be changed from “July 1, 20XX through June 30, 20XX” to “August 1, 20XX through July 31, 20XX”.

Member Katz said she would make the change to both letters and then forward the letters to Member Bower. Member Bower will then provide the letters to the Deputy Clerk to use.

F. December 20, 2006 Settlement Agreement

Member Chrobak indicated that he has not had a chance to discuss with Trap Rock’s attorney how changes to the reclamation plan will affect the settlement agreement. Member Chrobak is hoping to have this discussion in the next week.

G. Recommendation for Ordinance Changes

Member Chrobak circulated a memo dated February 21, 2022 from Brain Montag, Trap Rock’s Attorney. Trap Rock’s Attorney had reviewed the QCC’s January 18, 2022 “*Recommended Revisions to the Quarry Ordinance*” document and was provided feedback on the recommendations.

Trap Rock’s Attorney indicated in his memo that the proposal to revise the quarry ordinance is beyond the scope and purpose of the QCC. Member Katz indicated that in Section 272-13 Quarry Compliance Committee, in the fourth paragraph it specifically states that “more frequent meetings may be held, as needed, in order to review possible revisions to this Chapter”. Member Katz indicated that making recommendations to the Township Committee on possible revisions to the ordinance is within the role of the QCC.

Members then briefly discussed the four bullet points raised in the memo from Trap Rock’s Attorney.

With regards to the first bullet point, Member Chrobak indicated that Trap Rock has been and will continue to submit all permit and insurance renewals. Members Bower and Macomber said that should suffice. Member Katz acknowledged that Trap Rock has been doing this and thanked Member Chrobak. However, Member Katz said that the language in the ordinance is unclear as to when the copies of the renewal permits should be submitted. In the application section, Section 272-4, the language only requires copies to be submitted with the license application, not as the permits expire throughout the year. And there is no requirement in either Sections 272-4 or 272-6 to submit the updated insurance certificate (only required to be submitted by January 31st of the year). Member Katz said the Quarry Inspector and the Township Committee can only enforce those requirements in the Quarry Ordinance. And while Trap Rock has been very willing to submit the updates to the township, who knows what future owners will do.

Members then discussed bullet two. Member Katz indicated that the current ordinance requires that the number and frequency of blasts for the license year be submitted as part of the license application. The QCC had discussed this at their June 7, 2022 meeting and members were unclear what was meant by “license year”; the upcoming year or the 10-year license period? And at the June 7, 2022 meeting it was Members Chrobak and Mayor Waltman who wanted the additional language added to the ordinance about submission of an amended schedule.

Bullet three, number of copies was then discussed. Member Katz said Section 272-4C. already specifies that 12 copies of the reclamation plan are required. Member Katz said that by adding this to Section 272-5 it would make it clear as to the number of copies that are required for both the initial and renewal license applications. Member Katz said that the current ordinance already states how many copies of the license initial and renewal applications are required. However, the current ordinance does not indicate the number of copies of the Annual Submittal Requirements Form that is required. Deputy Clerk Crivelli inquired as to why electronic pdf copies are not required in lieu of paper copies. Member Katz said that the previous ordinance had required electronic copies however, Trap Rock had indicated how expensive it was to provide the disks with the engineering drawings, especially when the township was not using them. So in 2012, the requirement was removed from the ordinance. Deputy Clerk Crivelli indicated that she would prefer to have a pdf of the submissions as it makes easier for her to circulate as needed. Deputy Clerk Crivelli suggested that electronic copies be required with the exception of drawings, which hard copies should be submitted. Members said they would discuss and take this into consideration when recommending proposed changes to the ordinance.

Lastly, members discussed the fourth bullet. Member Katz reiterated that the current ordinance does task the QCC with making recommendation for revisions to the ordinance. As for as the other proposed language, Member Katz said that the QCC has historically reviewed memos and resolutions from the Planning Board and made recommendations to the Township Committee so the proposed language was broad to cover all the functions that the QCC has historically been providing to the Township Committee.

Member Katz said she would revise the January 18, 2022 “*Recommended Revisions to the Quarry Ordinance*” document to clarify and reflect the discussions from the meeting. Member Chrobak said he would talk to Trap Rock’s attorney about the items discussed at the meeting.

H. Standard Operating Procedures Manual

Member Katz said she had provided the new Section 5 “Role of the Planning Board” to the Planning Board’s Administrative Officer for review. Member Katz indicated that the Planning Board’s Administrative Officer had to changes.

Member Katz said the latest draft of the SOP is dated 12/9/21. Member Katz said she had outlined some key items for discussion on the agenda. However, due to time constraints, this discussion will be tabled until the next meeting.

I. Next Meeting Date

Members agreed to meet at 12:00 on Wednesday March 23, 2022