

Delaware Township Quarry Compliance Committee (QCC) Meeting Notes
March 23, 2022

Attendees: Chad Bower (via telephone), Joe Chrobak, Kathy Katz, Richard Macomber

A. Finalize Minutes from the February 22, 2022 Meeting

Members Macomber and Bower indicated that they have not had a chance to review the minutes. So the minutes were tabled until the next meeting.

B. Reclamation Plan

Member Katz indicated that the Planning Board's Engineer deemed the application complete in a 3/15/22 letter and the hearing is scheduled for the April 5th Planning Board meeting.

Member Katz also said that the Planning Board's attorney indicated that the notice requirements are not required for the reclamation plan hearing.

Members then discussed that fact that the Planning Board's Engineer/Hydrogeologist still have not issued their report on the review of the ground water data. Member Bower said he would talk to Mayor Waltman after the meeting about ensuring that the review is conducted prior to the Planning Board's meeting.

C. April Semi-Annual Inspection

Member Bower said the Township Engineer is scheduled to conduct his inspection of the quarry on April 4th.

Member Katz inquired as to whether Member Bower had sent the Township Engineer the inspection checklist. Member Bower said he had not. Member Katz she would send the inspection checklist to Kathy Klink, Planning Board Administrative Officer, and ask her to send it to the Township Engineer to use for his inspection since this is his first inspection.

D. 2022 License Application

Member Katz asked Deputy Clerk Crivelli if she had sent the letters to NJDOL and HCSCD yet. Deputy Clerk Crivelli said she had sent the letters. Member Katz said the QCC has not received the copies of the letters. Deputy Clerk Crivelli said she would provide copies.

Member Katz asked Deputy Clerk Crivelli if she had verified that the taxes had been paid for both Block 59 Lots 3 and 4 because Trap Rock only provided the certification from the tax collector for Lot 3 in their application. Deputy Clerk Crivelli said she did check with the tax collector to ensure the taxes have been paid for all lots that Trap Rock owns.

Member Katz that asked Deputy Clerk Crivelli for an update on whether the insurance certificate is acceptable. Deputy Clerk Crivelli said the Township Attorney referred the issue back to the Township's Insurance Agent. Deputy Clerk Crivelli said the insurance agent still had some questions. Deputy Clerk Crivelli sent him the information on March 16th and is still waiting to hear back from him. Member Bower asked Deputy Clerk Crivelli to let the QCC know what the insurance agent determines once she receives his response.

E. Update from Trap Rock's Attorney on December 20, 2006 Settlement Agreement

Member Chrobak said he spoke with Trap Rock's attorney. Member Chrobak said Trap Rock would like to table this issue until they revise their reclamation plan following approval of their FHAC permit. Member Katz asked whether Trap Rock's attorney felt that if changes to the revised reclamation plan were not in accordance with the settlement agreement, would this mean that a revised settlement agreement would have to be agreed upon by the parties. Member Macomber thought it would but Member Chrobak again stated that Trap Rock wants to differ discussion at this time.

F. Recommendation for Ordinance Changes

Member Chrobak asked if the QCC could table work on recommendations for possible revisions to the ordinance until after the license hearing. Members agreed to table until the summer.

G. Standard Operating Procedures (SOP) Manual

Members discussed the comments that Member Katz had on the 12/9/21 draft of the SOP.

- Page 3 & 4 comments – frequency of meetings; current ordinance requires meetings, at a minimum, to be held on a semi annual basis. Member Katz said when Trap Rock is operational meeting twice per year has occurred. However, in the years that Trap Rock has not been operating the QCC has only historically been meeting once. Members agreed that a recommendation should be made to change the ordinance to requiring annual meetings at a minimum instead of semi annual meetings.
- Page 7 comment - Section 272-6. (annual submittals) has language to require submissions of new and expiring permits. However, section 272-4 only has language to require submission of current permit approvals; it does not address permit approvals that will be expiring during the upcoming 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). As discussed at the last meeting, members said that the “Recommended Revisions to the Quarry Ordinance” document should be revised to include a statement asking the Township Attorney for clarification as to what the current ordinance does in fact require and if changes should be made.
- Page 11 comment - The current ordinance requires a \$7,500 reclamation plan escrow fee in the years that the applicant is notified that the Planning Board is conducting a Master Plan Re-examination review. Member Katz indicated that this scenario is only applicable for existing licensed quarries that are submitting a Renewal Application. It does not cover the scenario where an initial license application is received. An initial license application could require review of the reclamation plan by the Planning Board. Members Bower and Macomber thought that there probably is no scenario where a new quarry would be looking to open in the township so no change to the ordinance would be needed. Member Katz said that an initial license is also required when there is a majority change in ownership of an existing quarry and this scenario could happen at any time in the future, therefore the ordinance should reflect the requirement for the escrow. Members agreed that a \$7,500 reclamation plan escrow fee should also be required for initial license applications.
- Page 14 comment and page 16 first comment - Ordinance does not specify how many copies of the annual submittal requirements form are required to be submitted. Members discussed that the township should move towards requiring electronic document submissions (in a format that could be copied if needed) rather than paper copies of the application and forms. However, members discussed that reviewing engineering drawing and maps on the computer is difficult. Question would be how many hard copies of engineering drawings and prints does the Planning Board need? The QCC will need to discuss with the Planning Board.

- Page 16 second comment – Need to specify the trigger for referring the annual submittal requirements form to the twp engineer. Members agreed that there is no need for the Township Engineer to review the Annual Submittal requirements Form if there are no operations or reclamation activities being conducted during the upcoming year.
- Page 17 comment - The SOP has the insurance certificate being reviewed as part of the license every 10-years, but is this something that should be done annually? This way the insurance agent can not only verify that the insurance is correct but also let the township know if there should be any changes to the ordinance requirements to protect the township. Members agreed that the insurance certificate should be reviewed annually by the Township's Insurance Agent.
- Page 24 comment – who's responsible is it for reviewing the EIS; Twp Engineer or Planning Board Engineer? Members thought the EIS should be reviewed by the Planning Board's Engineer.
- 10-Year License Application Time Line comment – Timing on review by the Twp Engineer and Planning Board. Member Katz said the license does not expire until July 31. So could the license hearing be pushed back until the Township Committee meeting in July to allow sufficient time for the professionals to complete their review? Deputy Clerk Crivelli said that would not work as both the hearing and approval of the resolution have to be done prior to the license certificate being issued. And the resolution cannot be approved until the meeting following the license hearing which would be in August, after the current license expires. Members agreed to not change the timeline.

H. Next Meeting Date

Members discussed having the next meeting in May to review the license application and draft the QCC's recommendation memo for the Township Committee for the license hearing. Member Bower had to leave the meeting prior to a date being set. Member Katz said she would email the QCC about possible dates for the May meeting.