NEW JERSEY SENATE

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February 28, 2012

Robert Martin
Commissioner, NJ DEP
401 E. State Street
7th Floor, East Wing
PO Box 402
Trenton, New Jersey 08625-0402

Dear Commissioner Martin:

I am writing to you with regard to a very important project in the Borough of Carteret, a community which I represent. I am also writing at the request, and with the strong support of Carteret's Mayor, Daniel J. Reiman. The project in question is slated for a portion of an approximately 125 acre tract just off of Exit 12 on the New Jersey Turnpike. As presently intended, this project is seeking permitting from the Department to operate a Class-B Recycling facility on a portion of the larger site, all in an effort to properly remediate and recapture an environmentally and geotechnically challenged, yet significant, tract of land along the Rahway River. This project is being advanced by Rahway Arch Properties ("Rahway Arch"), the property owner, in conjunction with Soil Safe, Inc. ("Soil Safe"), Rahway Arch's remediation contractor. The property in question was formerly owned by Cytec Industries ("Cytec").

This site was formally used by Cytec to dispose of approximately two million tons of alum and yellow prussaite of soda ("YSP") sludge from the 1930's to the 1970's. From the documents I have seen, it appears that a limited "No Further Action Letter" was issued for the site back on September 24, 2002. However, by letter to the Department of November 22, 2011, Rahway Arch was compelled to decertify the most recent biennial reporting on the site required under the issued NFA because more recent environmental investigations revealed that the site is not in compliance with various regulations issued by the Department. Most importantly, it was determined that the NFA as presently constituted is not protective of human health and the environment. These investigations, confirming

prior findings, including those of the New Jersey Turnpike Authority, revealed that the site remains extensively contaminated. They further determined that the geotechnical instability of remaining sludge material and its retaining system poses a threat to human activity and poses direct impacts to the environment, including impacts to groundwater and the Rahway River. As a result, Rahway Arch opted to include the site in the Licensed Site Remediation Professional program and is in the process of initiating the contemplated remedial actions under the Site Remediation Reform Act. As I understand what is being proposed, Soil Safe is seeking approval to receive only non-hazardous recyclable ID27 soil and use the Class B facility to process and manufacture the soil product to construct an engineered cap for the compromised portion of the site, obviously all in strict compliance with Department of Environmental Protection requirements.

In its current and long-standing condition, this property has remained unusable. Mayor Reiman advises me that despite the intense efforts of his administration over the past decade, all efforts to remediate and productively redevelop the site have been unsuccessful. He has indicated that prior to Rahway Arch, the property had been in review or under contract several times in the past number of years, most recently as part of Phase II of the IPORT 12 redevelopment with which the Department has been involved, but all these efforts have been abandoned because of the insurmountable geotechnical and environmental challenges posed by the property's present condition.

There is little question that Carteret has a significant stake in seeing that this property is remediated in a manner that meets both the environmental requirements, as well as the economic needs of the community in these difficult times we face. Environmentally, an individual need only visit the site to observe the exposed alum and other contaminants that pose a threat to the Rahway River and the community as a whole. Economically, it is important that this parcel be remediated and potentially redeveloped in such a manner as to provide for the productive use of some portion of this property which is the largest vacant industrial property in the Borough.

Mayor Reiman has been impressed with the efforts of both Rahway Arch and Soil Safe in including Carteret as a significant stakeholder in the study of the problems facing this property. They have actively included the Borough in the development of a remediation plan which balances the interests of all concerned. Numerous meetings have been conducted between the property owner and the Borough, including Carteret's engineering and environmental professionals. As a result of these meetings, the Mayor is very confident that Rahway Arch/Soil Safe is committed to the much needed remediation and stabilization of the site, along with the creation of a habitat enhancement proposed in reports by both The NY/NJ Baykeeper and Rutgers University, "Brownfields to Greenfields" and the "Rahway River Greenway Plan." From Carteret's extensive experience with this site, the Rahway Arch project represents the only real opportunity to achieve these substantial goals, while also allowing some recapturing of this property for

much needed job creation and the development of a significant new tax ratable for the community.

I recognize that this vital project is subject to the extensive regulatory control of the Department, following the required approvals from both the Middlesex County Solid Waste Advisory Committee and the Middlesex Board of Chosen Freeholders. I believe this project is an important undertaking for Carteret and my district and ask that it receive the thorough attention of the Department.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Joseph F. Vitale
Senator, 19th Legislative District

Cy: Mayor Daniel J. Reiman
Middlesex County Board of Chosen Freeholders