

Transfer Station Task Force Interim Report dated March 27, 2020

OVERVIEW AND RECOMMENDATION

In July 2018, the Common Council of the City of Summit (the “City”) created a Transfer Station Task Force (the “Task Force”). The Task Force was charged with making comprehensive recommendations to Common Council concerning the use of the 53 acres of the Transfer Station property (the “Property”), including addressing environmental concerns, maintaining the current transfer station and recycling center uses, and providing recommendations for active and passive recreation uses and environmental education uses. It was ultimately discovered that the Property is the habitat to a protected and endangered species, the Indiana bat. Since that factor will likely significantly limit development at the Property due to wetland delineation and restricted tree removal, the only feasible recommendations the Task Force could make concerning the Property at this time are limited to conservation uses and light recreation. Therefore, it is recommended that (i) the Task Force be disbanded, and (ii) the task to further explore conservation and light recreation uses be commissioned to a separate group comprised mostly of members with relevant experience – such as the Environmental Commission or a subcommittee thereof. This Interim Report provides some basic background information relating to the Property, and summarizes the activities and findings of the Task Force.

BACKGROUND INFORMATION

- The Property is owned by Union County and is leased to the City pursuant to a long-term lease.
- The Property is subject to Green Acres restrictions on use, which generally means it is protected as open space/outdoor recreational facilities and conservation.
- Some environmental remediation is required at the Property due to prior uses of and activities that took place on the Property. The City retained the services of a Licensed Site Remediation Professional (“LSRP”), to oversee an environmental investigation of the Property, and to identify areas of the Property that require remediation.
- The City is part of the Hazardous Discharge Site Remediation Fund (“HDSRF”), which is a state-level program to help communities rehabilitate environmentally compromised sites. Funding for up to 75% of the costs of remedial action required at the Property may be available if a proposed redevelopment plan, which would coordinate with the remediation plan, meets certain conditions. Currently, the City is required to develop an Administrative Consent Order (“ACO”), which would advise HDSRF of the City’s intentions and timeline to undertake necessary remediation. The City would review and consider the Task Force’s recommendations when drafting the remediation and redevelopment plans to include in its ACO.
- In order to understand the location and extent of wetlands on the Property, and hence understand the scope of any possible development on the Property, in the fall of 2018 the City ordered a Wetlands Study. Such study resulted in a letter of interpretation (“LOI”) regarding the establishment of a buffer to protect the wetlands. The New Jersey Department of Environmental Protection (“NJDEP”) ultimately has to approve the LOI,

and currently the LOI is complete, awaiting approval from NJDEP since summer 2019. There had been a site visit by NJDEP in early 2020, but no progress since.

- The City suspected that the Property was home to the Indiana bat, an endangered and threatened species. In February 2019, a consultant engaged by the City confirmed that most of the Property has been mapped as documented habitat for the Federal and State-endangered Indiana bat. It is our understanding that in many instances, the presence of Indiana bat habitat has led the NJDEP to classify wetlands as “exceptional resource value” with an associated 150-foot transition area (or buffer), as recently occurred in New Providence. For historical reference, a 2007 LOI for the Property classified the delineated wetlands as “intermediate resource value” with an associated 50-foot buffer. In addition to impacting the size of the wetlands buffer, the presence of Indiana bat habitat on the Property will likely impose limitations on any tree removal at the Property.

ACTIVITIES AND FINDINGS OF THE TASK FORCE

The Task Force is comprised of thirteen members who represent a broad cross-section of interests and stakeholders in the City’s community, including representatives from Common Council, Department of Community Services, Department of Community Programs, Environmental Commission, Recycling Advisory Committee, and citizens-at-large. The Task Force initially discussed its directive from Common Council, as well as general background information regarding the Property. The Task Force as a whole group met four times between October 2018 and March 2019, and then was adjourned in the summer of 2019 while waiting for NJDEP to approve the LOI.

The Task Force understood that: (1) a remediation plan for the Property was required; (2) the remediation plan would likely be costly; and (3) if a parallel redevelopment plan met certain conditions under the HDSRF, HDSRF could potentially provide funding for up to 75% of the costs of the remediation plan. Therefore, simply stated, the ideal recommendation for a redevelopment plan would meet HDSRF conditions and allow for the possibility of up to 75% of the remediation plan to be funded. It is important to note that one such HDSRF condition is that the redevelopment plan had to include a “new use.”

In addition to the Task Force’s general meetings, three subcommittees were formed to focus on three separate areas: Operations, Active Recreation, and Passive Recreation. These subcommittees met separately and then reported back to the full committee. However, the results from the Wetlands Study/LOI and the presence of the Indiana bat were new integral environmental aspects that unfolded during 2019 – both of which would significantly inform redevelopment and remediation plans.

The following summarizes the findings of the three subcommittees, as well as other topics of note that were explored:

Operations Subcommittee:

- While considering recommendations for the Property, the Task Force was required to maintain the current functions of the Property. These functions include “recycling, brush disposal, and leaf composting, which generates revenue for the City and provides

essential services to the public.” If any of these services were eliminated to clear space for redevelopment that would qualify for HDSRF funding, the costs of replacing such services has to be factored in. A representative from Common Council advised that in 2018, the City’s Department of Public Works estimated that alternative methods of disposal, including transport, of leaves and other debris, as well as the cost of purchasing processed compost, mulch, woodchips, etc. to continue to provide to Summit residents would cost \$500,000 per year. Common Council could embark upon a new study of the exact cost of outsourcing some of those services. However, neither the Operations Subcommittee nor the full Task Force proposed a redevelopment plan to justify eliminating any current functions of the Property, which would warrant pursuing this cost analysis.

- Consideration was given to updating the recycling area in the lower level of the Property. Suggestions included paving the portion of the recycling area where Summit residents drive, and creating a one-way, counter-clockwise loop through and around the dumpster area with clear lines and parking spaces to allow for a safer flow of traffic. Pedestrian safety and eliminating the chances of a vehicle collision caused by the inability to see around dumpsters were identified as high priorities. Another suggestion was to add fencing to prevent wind-blown debris from ending up in the leaf rows/windrows and adjacent woods. Paving would constitute a low-cost method of remediation, however the updates to the recycling area would not be considered new uses, and therefore not eligible for HDSRF funding.
- The prospect of adding organics composting (for example, an aerobic in-vessel rotary digester) to the Property was supported, given that organic waste comprises a significant amount of the waste stream. However, organics composting would not be considered a new use, and therefore would not qualify for HDSRF funding. Again, Common Council might want to consider this suggestion in its long-term plans for the Property, particularly given the current state of recycling markets, and possible long-term “zero waste” goals.
- A suggestion from our LSRP was to use a fabric material and dirt as remediation of the land currently used for the leaf rows. This could be done when the land is as clear of leaves as possible, and then the leaf rows can be built on top of this fabric material.
- Planting pollinator-friendly plants/shrubs/grasses along the perimeter of the open field area as well as along areas on the far side of the field could be accomplished without impacting the leaf rows or other operations. The exact location would have to be determined by Summit’s Department of Public Works, and would depend on the wetlands buffer determined in the currently pending LOI. This concept constitutes a new conservation use and the idea should be further pursued; the possibility for HDSRF funding exists.
- A point to note is that updating/renovating the transfer station building on the Property remains outside the jurisdiction of this Task Force.

Active Recreation Subcommittee:

- Many of the meetings included robust discussion surrounding recreation, including the possibility of building a baseball complex comprised of one to four fields, one of which would be a multi-purpose field. This suggestion had support following an active recreation sub-committee meeting, but did not have majority support from the entire Task Force. The pending environmental restrictions on the site also make this infeasible.

Additional concerns regarding playing fields included fertilizer/pesticide run-off from grass fields or rubber pellets from turf going into the surrounding wetlands and Passaic River; land stability of the site; the potential for capping method of remediation to fail and for children to be exposed to harmful chemicals, which had been a problem at Meisel Park in Springfield; and the undesirable smell of the compost from the leaf rows during warmer seasons and windy days.

- The existing trails in the woods on the acreage of the Property should be enhanced by adding the appropriate level of mulch to the trails to remediate, along with signs advising users to remain on the trails in areas of concern, to be specified by the LSRP. LSRP would need to advise on areas where this would satisfy a “new use.” Of note, the City now has a tub-grinder that can make some of the material needed.
- Improving river access for canoes and kayaks along the roadside of Mt. Vernon Avenue was another proposal that garnered broad support during discussions. Such improvement could be accomplished by adding crushed rock on the south side of the road for parking between the Passaic River overpass and the train trestle, and bolstering the trail to the river where it is best to “drop-in.” This concept constitutes a new use and the idea should be further pursued; the possibility for HDSRF funding exists.

Passive Recreation Subcommittee:

Generally, there was consistent support during the meetings for building a dog park adjacent to the parking lot of the Summit Free Market building, which is currently under construction. The dog park would be accessed through that parking lot, as well as from the current trails. Exploration of the finer details of a dog park would be required to ensure we adhere to applicable guidelines, including whether this proposed location would be large enough. The site proposed would be on a “hot spot” that requires remediation; it would qualify as passive recreation for a discount on the remediation costs involved. This concept constitutes a new use and the idea should be further pursued; the possibility for HDSRF funding exists.

Additional Topics of Note:

All of the suggested plans would be impacted by the environmental restrictions relative to wetlands and the Indiana bat. Moreover, with respect to possible HDSRF funding, only the remediation of the ground beneath the proposed improvements would be eligible for HDSRF funding – structures themselves would NOT be eligible for HDSRF funding.

- Solar Panels: Generally, there is an overwhelming demand for solar panels to be installed wherever possible in the City. It is recommended that the City consider solar panels whenever the transfer station building is updated, which is outside the jurisdiction of this Task Force. Solar options should be considered for any structures that may ultimately be included in a redevelopment plan. Surprisingly, solar panels fall outside of Green Acres use guidelines.
- Sports Bubble: The concept of a sports bubble was recommended as a new recreation use and had broad-based support. A sports bubble could be a location for indoor winter training, or rented out by the City, or serve as a warming station in the case of power outages or community emergencies. Opponents to the sports bubble idea felt it would be a visually unappealing eyesore. A sports bubble would fall under the jurisdiction of the Department of Community Programs and it was researched at length by supporting members of the Task Force; the cost would approximate \$5,000,000, but only the part of

the structure involved in covering the ground needing remediation would be eligible for HDSRF funding.

CONCLUSION

While there are parallel tracks and overlapping concerns with respect to the Property's remediation and redevelopment, the path ahead may be summarized as follows:

- The City is required to develop an ACO regarding remediation.
- The City is long awaiting NJDEP's review and approval of the LOI regarding wetlands, since the LOI results impact any plan for redevelopment.
- The presence of the Indiana bat habitat would be considered during the permitting process and would impact any plan for redevelopment.
- The fact that HDSRF funding for a project would only offset the costs of the ground beneath any structures and not the structures themselves, means that the City would be responsible for financing all such structures that are part of any redevelopment, or rely on private funding from interested parties.

After the Task Force learned that the Property is the habitat of a protected and endangered species, the Task Force was adjourned pending NJDEP approval of the LOI. The fact that there is a protected species at the Property significantly limits development because of the protected wetlands buffer and the restrictions regarding tree removal. Several proposed plans to redevelop the main space, and potential parking locations related to that development would be significantly impacted. Therefore, given all relevant information known at this time, the only viable recommendations the Task Force could make concerning the Property are limited to conservation uses and light recreation.

In conclusion, it is recommended that (i) the Task Force be disbanded, and (ii) the task to further explore conservation and light recreation uses be commissioned to a separate group comprised mostly of members with relevant experience (perhaps the Environmental Commission or a subcommittee thereof). The three options noted above under the "Active Recreation Subcommittee" and "Passive Recreation Subcommittee" headings, namely enhancement of the trails, building a dog park, and improving river access for canoes and kayaks, and the pollinator-friendly plantings option noted above under the "Operation Subcommittee" heading, are some viable options worthy of pursuing. These options, and others in the vein of conservation and light recreation, would be eligible for HDSRF funding, which would make such a plan even more palatable.

Adam Zucker
Chair, Transfer Station Task Force