

April 24, 2018

Honorable Joanne Minichetti and Councilmembers
Borough of Upper Saddle River
376 W. Saddle River Road
Upper Saddle River, NJ 07458

RE: The Preserve at Upper Saddle River
Former Apple Ridge Golf Course
Borough of Upper Saddle River
Bergen County, New Jersey
Our File No. USRES-367

Dear Mayor Minichetti and Members of the Council:

There have recent inquiries regarding the status of the environmental remediation for the above referenced project as well as concerns raised following a recent rainstorm. This correspondence is intended to be responsive to both of those concerns while also providing a general status report for the project.

The Preserve at Upper Saddle River is part of a 110 acre development within the Borough of Upper Saddle River and the Township of Mahwah. It occupies the former Apple Ridge Golf Course and is being developed by Toll Brothers for single family homes. 34 of those homes are within Mahwah while 44 lots are being developed within Upper Saddle River. An existing single family home in Upper Saddle River on Meadowbrook Drive is also being reconstructed for a total of 79 homes. Toll Brothers purchased a fully approved subdivision from an entity which purchased the golf course and secured all approvals for the residential development.

At the time the golf course was sold to the purchasing entity, Kenneth N. Paul, a Licensed Site Remediation Professional (LSRP) was retained to perform a detailed environmental study of the site. In the State of New Jersey, a LSRP is retained by a private party but acts as an agent of the NJDEP and is professionally, as well as personally, liable to insure appropriate protocols and regulations are followed. Mr. Paul's report indicated soil test results performed on the property noted the presence of lead and arsenic in excess of the NJDEP standards. The property was utilized as an apple orchard prior to being developed as a golf course and these findings were consistent with certain pesticides that were routinely used at that time.

Mr. Paul developed a Remedial Action Workplan (RAW) to address the lead and arsenic concern. In order for the site to be used for single family residential, it must be remediated to a Remedial Action Type: Unrestricted Use. The RAW called for a process known as soil blending to till the soil in order to reduce the concentrations of lead and arsenic to meet NJDEP residential standards.

The RAW was implemented during the summer of 2017 and completed on December 22, 2017. Mr. Paul issued a Response Action Outcome (RAO) on January 30, 2018. A copy of the RAO is attached to this correspondence for your reference. This document formally terminates the remediation process and the site, pursuant to NJDEP regulations, is considered to be suitable for the intended single family use.

The soil blending process required the removal of the majority of the trees onsite and exposed large areas of soil. Soil stabilization is our primary concern at this time.

As of February 1, 2018, the portion of the project within Upper Saddle River is currently subject to a conditional stop work order. The developer is only permitted to work on stabilizing the site and constructing the storm water detention and water quality basins. The developer has implemented a number of measures to address our concerns regarding wind or water-borne sediment leaving the site. These measures were implemented in consultation with the Bergen Soil Conservation District as well as the NJ State Soil Conservation Engineer. Five temporary detention basins were built onsite to control flows and maintain water quality. Perimeter reinforced fencing, wood chips, earthen berms and seeding of the entire site were also implemented. These interim measures were implemented as part of the Stormwater Pollution Prevention Plan (SPPP) until such time as the permanent detention/water quality basin for the project is complete and operational.

On the evening of April 15th a major rainstorm occurred in the region. Nearby rain gauges measured 3-4.2 inches of rainfall during a 12 hour period. The Saddle River Gauging station, which normally reports a flowrate of 10 CFS, reported a flowrate of 2000 CFS during this period. Numerous local, county and state roads were closed due to flooding.

The five temporary basins onsite were temporarily inundated. A breakthrough of the earthen berm along Carlough Road also occurred. Carlough Road was stabilized and the roadway was cleaned the following day while the developer's crews installed various filter systems to address muddy water exiting the site via the Pleasant Brook.

A consultant retained by the developer applied flocculent to the ponds to improve sediment removal. The lowest pond continued to receive high flows from the site and it was pumped to lower the level of the water below a spillway in order to allow flocculants to be more effective. The discharge of the pumped water went through a combination of gravel, hay bales and sediment filter bags to improve sediment removal prior to discharge to the Pleasant Brook. The pumping operations ceased at 9:30 AM on the morning of April 20, 2018.

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Our office consulted both the Bergen County Soil Conservation District as well as the NJ State Soil Conservation Engineer yesterday. We reviewed all of the recent events in detail with these officials. They noted there were no breaches of protocols or violations of any regulations relating to the means and methods discussed.

At 2:30 PM yesterday afternoon there was an onsite meeting with the developer, Borough Administrator, Bergen County Soil Conservation District and our office. We established a deadline to complete the permanent detention/water quality pond by May 7, 2018, weather permitting. We also scheduled another site meeting on that date to review the work performed at that time.

We were contacted by NJDEP enforcement earlier today and reviewed the status of this project in detail with that individual. We are scheduling an onsite meeting to review all of their concerns.

All County and State officials concur the RAO issued by the LSRP for the site effectively concluded the environmental contamination concern for this site. The current concern is for the site to be stabilized and for the permanent storm water detention and water quality systems to be operational. The developer remains subject to the limitation that all work be focused on accomplishing these objectives.

Thank you for your attention in this matter. If you should have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

BOSWELL ENGINEERING

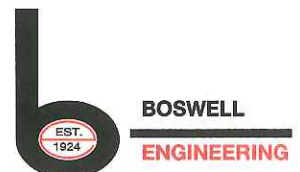


Kevin J. Boswell, P.E.

KJB/lk

Attachment

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EcolSciences, Inc.
Environmental Management & Regulatory Compliance

Toll NJ IV, LLC
96 Route 173 – Suite 1B
Hampton, New Jersey 08827
Attention: Mr. Craig Cherry

January 30, 2018

Re: Response Action Outcome

Remedial Action Type: *Unrestricted Use*
Scope of Remediation: *Entire Site*
Case Name: Apple Ridge Country Club
Address: 269 East Crescent Avenue
Municipality: Township of Mahwah and Borough of Upper Saddle River
County: Bergen
Block: 127 Lots: 1 and 3-7 (Mahwah) and Block: 401 Lots: 2 and 4 (Upper Saddle River)
Preferred ID: 708732
Communication Center # 17-07-12-1224-34

Dear Mr. Cherry:

As a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey, I hereby issue this Response Action Outcome for the remediation of the site specifically referenced above. I personally reviewed and accepted all of the referenced remediation and based upon this work, it is my professional opinion that this remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C), that is protective of public health, safety and the environment. Also, full payment has been made for all Department fees and oversight costs pursuant to N.J.A.C. 7:26C-4.

This remediation includes the completion of a Preliminary Assessment, Site Investigation, and Remedial Action as defined pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E),

My decision in this matter is made upon the exercise of reasonable care and diligence and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time these professional services are performed.

As required pursuant to N.J.A.C. 7:26C-6.2(b)2ii, a copy of all records related to the remediation that occurred at this location is being simultaneously filed with the New Jersey Department of

Environmental Protection (Department). These records contain all information upon which I based my decision to issue this Response Action Outcome.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B -13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, Toll NJ IV, LLC and any other person who is liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. shall inform the Department in writing, on a form available from the Department, within 14 calendar days after its name or address changes. Any notices you submit pursuant to this paragraph shall reference the above case numbers and shall be sent to:

New Jersey Department of Environmental Protection
Bureau of Case Assignment and Initial Notice
Mail Code 401-05H
401 East State Street, 5th floor
PO Box 420
Trenton, New Jersey 08625-0420

NOTICES

Building Interiors Not Addressed (Non-Child Care)

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.

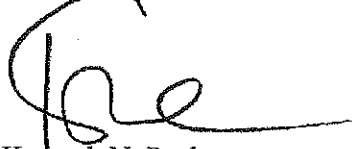
In concluding that this remediation has been completed, I am offering no opinions concerning whether either primary restoration (restoring natural resources to their pre-discharge condition) or compensatory restoration (compensating the citizens of New Jersey for the lost interim value of the natural resources) has been completed.

Pursuant to N.J.S.A. 58:10C-25, the Department may audit this Response Action Outcome and associated documentation up to three years following issuance. Based on a finding by the Department that a Response Action Outcome is not protective of public health, safety and the environment, the Department can invalidate the Response Action Outcome. Other justifications for the Department's invalidation of this Response Action Outcome are listed in the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-6, including, but not limited to, a Department audit following issuance of this document may be initiated at any time if: a) undiscovered contamination is found that was not addressed by the Response Action Outcome, b) if the Site Remediation Professional Licensing Board conducts an

investigation of the Licensed Site Remediation Professional issuing the Response Action Outcome or, c) if the license of that person is suspended or revoked.

Thank you for your attention to these matters. If you have any questions, please contact me at (973)366-9500.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Paul', with a long horizontal flourish extending to the right.

Kenneth N. Paul,
Licensed Site Remediation Professional # 574879

c: County Health Department
Mayor/Clerk/Town Council, Township of Mahwah and Borough of Upper Saddle River
NJDEP Bureau of Case Assignment and Initial Notice
Mr. Frank Rossi, LSRP – Boswell Engineering