

July 17, 2019

**The following is a series of questions and answers regarding Keegan Landfill based on questions raised by the public at the NJSEA Board meetings:**

Q: If the gas collection system is installed, will the agency continue to receive tipping fees and if so will the fees be put into an escrow account and will the account be monitored by a third party?

A: Landfill operations were halted pursuant to the Order issued by the Hon. Jeffrey Jablonski. Therefore, there is currently no revenue being generated from disposal of waste. The NJSEA is expending funds on the installation and operation of a gas collection system. There are some cover materials being accepted for the purpose of construction of the gas collection system and compliance with the ACO. Any tipping fees received from the intake of cover materials will be used to offset the costs for installation of the gas collection system along with the other remedial measures being taken at the landfill. An accounting of the tipping fees and offsetting costs will be provided to the Town in accordance with an agreement between the Town and the NJSEA.

Q: The DEP Consent Order requires that the agency take reasonable measures to eliminate the H<sub>2</sub>S odors. Is the agency providing additional cover and excavation and removal of the illegal waste being deposited at the landfill.

A: The agency was unable to take in additional cover material during the original period that the Landfill was closed. After conversations with the Town and the Judge, cover material is being brought in to provide cover as necessary to prevent gas emissions and as backfill during the construction of the gas collection system. The landfill has only taken permitted waste during its operating period. Wallboard is permitted under the permit and the ACO.

Q: The NJSEA received a temporary certificate to operate the landfill. Is it the NJSEA's intention to use the gas collection system to extend the operation of the Keegan Landfill?

A: In the event the landfill reopens, waste disposal operations are only allowed until the permitted elevation or height of the Landfill is attained. NJSEA will not extend the waste disposal operations beyond the permitted elevations. The gas collection system will continue to operate to collect and control gas emissions after waste disposal operations have ceased. The gas collection system will be expanded as necessary to handle new waste that is brought in. Such expansion is feasible and regularly occurs at operating landfills with landfill gas collection systems.

Q: How does the NJSEA propose to comply with the Notice of Violation where corrective action has to be taken immediately to cease emitting H<sub>2</sub>S in concentrations exceeding 30ppb over a 30 minute period beyond the property line?

A: The NJSEA is well ahead of the schedule set in the ACO for construction and installation of a gas collection system which is designed to control gas emissions to prevent further exceedances.

Q: Is waste containing 20% gypsum content allowed at the landfill?

A: We are in compliance with the ACO provision stating that the NJSEA should minimize or eliminate the acceptance of C&D waste which contains gypsum wall board, especially gypsum fines. The ACO does not restrict gypsum to a specific content percentage.

Q: How does the NJSEA determine how much gypsum is in a truck?

A: There is no method for determining how much gypsum wallboard is in a truck. When the landfill was operating, the NJSEA made efforts to reduce gypsum containing wallboard by notifying transfer stations that gypsum containing wallboard was no longer permitted. Furthermore, NJSEA staff conducts visual inspections of incoming trucks in an effort to minimize intake of gypsum containing wallboard.

Q: Was there a gas collection system in place when NJSEA took over the facility?

A: There was no gas collection system in place when NJSEA took over the facility. The NJDEP did not require the installation of a gas collection system at any time during the permitted operation of the landfill.

Q: Do Landfill workers wear special gear like masks?

A: The workers wear a four-gas personal meter that monitors oxygen, carbon monoxide, hydrogen sulfide and lower explosive limit (LEL) for methane. The monitor low alarm signals if oxygen concentration drops to 19.5 percent, carbon monoxide concentration reaches 35 ppm, methane concentration reaches 1 percent, or hydrogen sulfide concentration reaches 10 parts per million (ppm). 10 ppm is the Occupational Safety and Health Administration (OSHA) permissible exposure limit (PEL) for continuous exposure during an 8-hour work day for the construction industry. The meter is worn on the belt or shirt pocket of the worker to monitor in the general vicinity of their breathing zone.

Q: Is there a budget analysis for sulfur extraction versus capping the landfill.

A: There is no plan or budget analysis for extraction of gypsum-containing materials from the Landfill.

Q: Are funds from accrued tipping fees being used to take care of problems that are happening now?

A: Funds from tipping fees are being used to fund the construction of the gas collection system along with other remedial measures.

Q: Has the Board read the Oxford University Study from 2016 on Hydrogen Sulfide?

A: The study has been distributed and is being reviewed.

Q: Is there a record of the truck from Jersey City that dropped the gypsum board the day of the protest?

A: Yes. NJSEA has taken measures to minimize acceptance of the gypsum containing wallboard.

Q: What are the health effects of Hydrogen Sulfide?

A: See the DOH and ATSDR data sheets posted on our website.

Q: Who is the legal counsel for the NJSEA?

A: James Stewart, Esq. of Lowenstein Sandler is counsel of record in the pending Keegan Landfill litigation.

Q: Should the monthly progress reports be posted on the website per the Administrative Consent Order?

A: The monthly progress reports are on the website. Posting is not required by the ACO; however, NJSEA has posted them on the website.