



Sept 16, 2010

Daniel Montella
Chief, Wetlands Protection Section
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York

Dear Mr. Montella

Re: Salem County Improvement Authority Landfill Expansion (Block 8; Lot 1)

The undersigned groups of the South Jersey Bayshore Coalition are writing to express their opposition to the expansion application of an existing solid waste landfill in Alloway Township (Block 8, Lot 1) submitted by the Salem County Municipal Utilities Authority. We have many concerns regarding this project and oppose the applicant's proposal to clear and fill a 10 acre stand of mature forested wetlands when other alternatives are available. We urge USEPA to maintain their original position against the loss of 10 high quality wetlands acres to a land use that is not water dependent.

Section 404 of the Clean Water Act states that, "except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." Indeed, Section 404 (b) of the Clean Water Act (40 CFR) 230) presumes that an upland alternative exists that will minimize impacts within the aquatic environment. In this instance there are two adjacent upland properties (some owned by the applicant) that appear more than adequate to meet the need and purpose of the project while satisfying the provisions of the guidelines.

Further, the siting of the landfill expansion in the 10 acres wetland site is driven by economics. The Richard A. Alaimo Alternatives Analysis reports (December, 2009) states it clearly (Section 2.3.2) "the development of a transfer station (Alternative #2) at the Salem County Solid Waste Facility Site could be accomplished without substitutive environmental impacts." And "it appears that the transfer station could be developed without triggering the need for the

construction of new stormwater management facilities. The transfer station would be located in the area that currently drains to an expansive detention basin.” The reason the Alternatives Analysis concludes that the expansion should be in the 10 acre wetland is purely to save money.

We are concerned that the economics are given too great a weight when, in fact, it should be the natural resources that have paramount value. Salem County, while still largely rural, is developing quickly. Development in NJ has increased by 7% from 2002 to 2007. And it is accelerating - from 1995 to 2002 NJ lost an average of 15,123 acres per year to urbanization, but that increased to 16,061 acres per year from 2002 to 2007. This loss is especially significant in forested and wetland areas. The loss of forests has increased the fragmentation of habitat and has created more fringe areas. Species that rely on large areas of habitat will have less large areas to hunt, breed and to live. Fringe habitat encourages invasive species to take over.

In fact, according to the Alternatives Analysis (Section 2.1.2), this site is located adjacent to a National Heritage Priority Site. How has the degradation of the Priority Site by the filling of an adjacent 10 acre wetland been calculated considering the comparative ecological value between a larger site and a small one? Also, has the impacts on the Mid-Atlantic Migratory Route been assessed? It is the continual chipping away at the state’s natural resources that cumulatively add to reduced water and air quality, eco-tourism and quality of life. Yes, landfills are necessary for everyone’s quality of life, but this expansion, we believe, misses that balance necessary in managing our natural resources.

We urge EPA to require DEP and/or the applicant to provide full disclosure of their on-site flora and fauna observations and findings so EPA can base their decision on the complete record.

We further request that the U.S. Fish and Wildlife Service be given the opportunity to comment on the applicant’s revised Alternatives Analysis. In order to meet the rigors of the 404 (b) (1) guidelines, this analysis should also consider the use of a waste transfer station as other municipalities are doing. We also request that EPA require a comprehensive biological inventory of the site in order to insure that it has adequate information as a basis for making a decision. For example, while prior surveys of the site indicate habitat that could support one or more state listed species, no studies have yet been conducted for avian or herpetological resources.

In order to receive a No Objections letter from EPA to discharge dredged or fill material into “waters of the United States,” including wetlands, a permit applicant should clearly demonstrate that the proposed discharge is unavoidable and the least environmentally damaging practicable alternative. Failure to do so as required under EPA’s 404(b)(1) Guidelines (40 CFR 230) should result in permit denial. This application has not made those legally required demonstrations and should therefore be denied.

Respectfully,

Tim Dillingham, Director
American Littoral Society

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