



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Stephanie Andreescu Marco Finocchiaro	Time In	10:40 AM	Start Date	September 14, 2023
		Time Out	~2:00 PM	End Date	September 14, 2023
Inspector's Organization	U.S. EPA Region 2				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	Hartz Mountian Industries, Inc. Mori Warehouse Site				
Site Address*	Paterson Plank Road and Park Plaza Drive, Block No. 227, Lot No. 9				
City*	Secaucus	County*	Hudson	State*	NJ
				Zip Code*	07096
Mailing Address*	Hartz Mountain Industries, Inc. / 500 Plaza Drive				
City*	Secaucus	County*	Hudson	State*	NJ
				Zip Code*	07096
Latitude*	40.78618	Longitude*	-74.03903		
Estimated Size of Site (acres)	134.45	Is there a home on the site?	☐ Yes ☒ No		
Inspector Signature	Digitally signed by Andreescu, Stephanie Date: 2023.11.17 10:47:56 -05'00'			Date	11/17/23
Supervisor Signature	MARCO FINOCCHIARO Digitally signed by MARCO FINOCCHIARO Date: 2023.11.17 11:02:24 -05'00'			Date	11/17/23

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Site Name	Hartz Mountain Industries, Inc. Mori Warehouse Site	Start Date	September 14, 2023
		End Date	September 14, 2023
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials Name and Title (Use N/A if owner/operator not available to join the inspection) Credentials were on display during the inspection.			
☒ Opening Conference Name of person authorizing access if applicable EPA scheduled the inspection with Curtis Michael, Vice President and Assistant General Counsel for Hartz Mountain Industries, Inc.			
Notes from Opening Conference The opening conference took place in a conference room at the Hartz Mountain Industries, Inc. (Hartz Mountain) offices. The meeting included introductions of the attendees and sign-in. Topics discussed during the meeting included: the status of the Hartz Mountain Warehouse project and permitting; the status of the pre-JD submitted to the U.S. Army Corps of Engineers (Corps); what work had been done by Hartz on the property and Corps/EPA concerns regarding the work; Hartz concerns regarding the timing of a final pre-JD; and USFWS and NJSEA concerns regarding potential migratory bird/red-tailed hawk issues. EPA, NJDEP, NJSEA, and Hart proceeded to the property for an on-site inspection after the meeting.			
☐ Access Issues if Any Describe N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Site owner: Hartz Mountain Industries, Inc. represented by Curtis Michael, Vice President and Assistant General Counsel for Hartz Mountain Industries, Inc., 201-272-5306, Curt.Michael@HartzMountain.com			
Additional Persons Present at Inspection See attached for sign-in sheet.			
General Site Characteristics (layout of property, etc.) The property is a 134.45-acre L-shaped parcel located at Block 277, Lot 9 in the Town of Secaucus, Hudson County, New Jersey. It is bordered by Park Plaza Drive, commercial properties, and I-95 to the west; two undeveloped parcels to the north; right-of-way parcels to the east; and County Road 681/Paterson Plank Road to the south. The property contains undeveloped wetland areas and undeveloped upland areas identified as historic fill. Cromakill Creek, an FW2-NT/SE-2 (freshwater non-trout and saline estuary) stream flows north through the parcel.			

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Site Name	Hartz Mountain Industries, Inc. Mori Warehouse Site	Start Date	September 14, 2023
		End Date	September 14, 2023
Purpose and Need for Discharge of Dredged and/or Fill Material			
Fill material was potentially discharged during the clearing of the property in preparation for development.			
Site Overview (Past inspections, site description, permits, etc.)			
EPA's Wetland Protection Section had not previously inspected the property.			
The Corps has not issued a permit for activities at the property, but is in the process of reviewing a Preliminary Jurisdictional Determination request from Hartz Mountain.			
Scope of Inspection (Areas inspected or not inspected)			
EPA inspected areas in and around four wetlands delineated by Hartz Mountain's environmental consultants. These delineated wetland areas are located near the center of the parcel, west of Cromakill Creek.			

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Site Name	Hartz Mountain Industries, Inc. Mori Warehouse Site	Start Date	September 14, 2023
		End Date	September 14, 2023
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
mid-70's, sunny, clear; precipitation on prior day (9/13/2023)			
Field Work Conducted			
The purpose of the inspection was to document whether there had been a discharge of dredged/fill material into waters of the United States without proper Corps authorization. Data recorded during the inspection included GPS data; handwritten notes of observations; and photographs. Prior to inspecting the property, EPA viewed it from the roof of a parking garage off of Park Plaza Drive. EPA inspected areas in and around four wetlands delineated by Hartz Mountain environmental consultants. These delineated wetlands were identified as Wetlands "B", "C", "D", and "F" by Hartz Mountain and are located near the center of the parcel, west of Cromakill Creek. Safety fencing had been put around the delineated wetlands. Two of the wetlands (Wetlands C and D) had been fenced together due to their proximity to one another. Areas outside of the fencing had been cleared of vegetation with the exception of riparian areas adjacent to Cromakill Creek. Within the safety fencing, dominant vegetation consisted of common reed (<i>Phragmites australis</i>). Vegetation was regrowing in the cleared areas. EPA took a soil sample (SS1) between the Cromakill Creek riparian area and Hartz Mountain's Wetland "D". EPA recorded a GPS point at this location. Soils were disturbed and auger refusal occurred at 14". The top 5" of soil had a Munsell soil color of 7.5 YR 2.5/1. Below that layer was a near equal mixture of Munsell soils colors 10 YR 4/3, 10 YR 5/3, and 10 YR 4/1. Common reed was observed revegetating in the vicinity. While there was some standing water in the vicinity, soil in the pit was dry and no water table was observed. EPA took a second soil sample (SS2) within the fenced area delineated by Hartz Mountain as Wetland "D". EPA recorded a GPS point at this location. Soils were disturbed and generally characterized by a muck layer with a Munsell soil color of 10 YR 2/1. Below this layer, soils were more mineral with a Munsell soil color of 10 YR 3/1. The soil sample met the Black Histic hydric soil indicator. Historic fill material consisting of dirt, concrete, brick, and stones of various sizes was observed. Dominant vegetation within the fenced area consisted of common reed. Water was observed in the soil pit approximately 12.5" below the surface. Based on the presence of wetland vegetation, hydric soils, and hydrology, EPA confirmed that this location was within a wetland. Outside of the fencing, EPA observed vehicle ruts and standing water. EPA observed topography to be at a slightly higher elevation just south of Wetlands C and D. Large piles of woody debris - tree branches, trunks, stumps, and roots - were observed west of Wetlands C and D.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
EPA requested past and current wetland delineations for the property and maps showing the locations of all soil borings from Hartz Mountain.			
Compliance Assistance Provided (If any)			
N/A			

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Site Name	Hartz Mountain Industries, Inc. Mori Warehouse Site	Start Date	September 14, 2023
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Observations Relayed to Site Owner/Operator			
N/A			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
Potential issues of concern included the discharge of fill material into wetlands (via grubbing) without prior Corps authorization.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☒ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachments: Maps of GPS data; Photograph Log; Sign-in sheet			
Additional Notes			

ATTENDANCE

HARTZ/MORI SITE MEETING

9/14/2023

<u>NAME</u>	<u>AFFILIATION</u>
Curt Michael	Hartz - Environmental
Rosita Miranda	USACE, NY District
Kelly McCormick	LANGAN
DANIEL MIOLA	LANGAN
Bob March	LANGAN
KEN TYSON	LANGAN
Zachary Kosik	USACE NY District
Grant Lewis	Hartz
David Wessner	USFWS
Sal Gentle	Hartz
Dennis Toft	CSG Env to Hatz
CHRIS MALLERY	USACE - Regulatory
TERRY DOSS	NOSEA
Michelle Agnoli	NOSEP CLUE
Sharon Mascaro	NJSEA
Marcos Finocchiaro	USEPA
Joshua Rousse	NJ DEP CLUE
David Sumba	NJ DEP BCP
Stephanie Andoescu	USEPA
Rob Davidson	NOSEA



Clean Water Act Section 404 Inspection September 14, 2023

Hartz Mountain Industries Property, Mori Tract
Secaucus, NY
(40.78618, -74.03903)

- 9/14/23 EPA GPS Point
- Site Boundary



**Clean Water Act Section 404 Inspection
September 14, 2023**

Hartz Mountain Industries Property, Mori Tract
Secaucus, NY
(40.78618, -74.03903)

-  Parcel Boundary
-  9/14/23 EPA GPS Point



**Clean Water Act Section 404 Inspection
September 14, 2023**

Hartz Mountain Industries Property, Mori Tract
Secaucus, NY
(40.78618, -74.03903)

-  Parcel Boundary
-  9/14/23 EPA GPS Point

EPA CWA 404 Inspection Photolog
Hartz Mountain Industries
Mori Tract, Secaucus, NJ

September 14, 2023



Date: 9/14/2023
Time: 12:07 PM
Photographer: S. Andreescu
Photo ID: 1 – P9140204

Description:

(1/2) Photo taken from roof of parking garage of Mori Tract



Date: 9/14/2023
Time: 12:07 PM
Photographer: S. Andreescu
Photo ID: 2 – P9140205

Description:

(2/2) Photo taken from roof of parking garage of Mori Tract



Date: 9/14/2023
Time: 12:50 PM
Photographer: S. Andreescu
Photo ID: 3 – P9140206

Description:

(1/3) Panorama of wetlands “C”
and “D” delineated by Hartz
Mountain



Date: 9/14/2023
Time: 12:50 PM
Photographer: S. Andreescu
Photo ID: 4 – P9140207
Description:
(2/3) Panorama of wetlands “C”
and “D” delineated by Hartz
Mountain



Date: 9/14/2023
Time: 12:50 PM
Photographer: S. Andreescu
Photo ID: 5 – P9140208
Description:
(3/3) Panorama of wetlands “C”
and “D” delineated by Hartz
Mountain



Date: 9/14/2023
Time: 1:05 PM
Photographer: S. Andreescu
Photo ID: 6 – P9140209
Description:
Soil Sample Location #1 (SS1)



Date: 9/14/2023
Time: 1:05 PM
Photographer: S. Andreescu
Photo ID: 7 – P9140210

Description:

Soil Sample Location #1 (SS1)
and surrounding area



Date: 9/14/2023
Time: 1:28 PM
Photographer: S. Andreescu
Photo ID: 8 – P9140211
Description:
Soil Sample Location #2 (SS2)



Date: 9/14/2023
Time: 1:28 PM
Photographer: S. Andreescu
Photo ID: 9 – P9140212
Description:
Soil Sample Location #2 (SS2)



Date: 9/14/2023
Time: 1:39 PM
Photographer: S. Andreescu
Photo ID: 10 – P9140213

Description:
(1/5) Panorama of site and elevation break



Date: 9/14/2023
Time: 1:39 PM
Photographer: S. Andreescu
Photo ID: 11 – P9140214

Description:

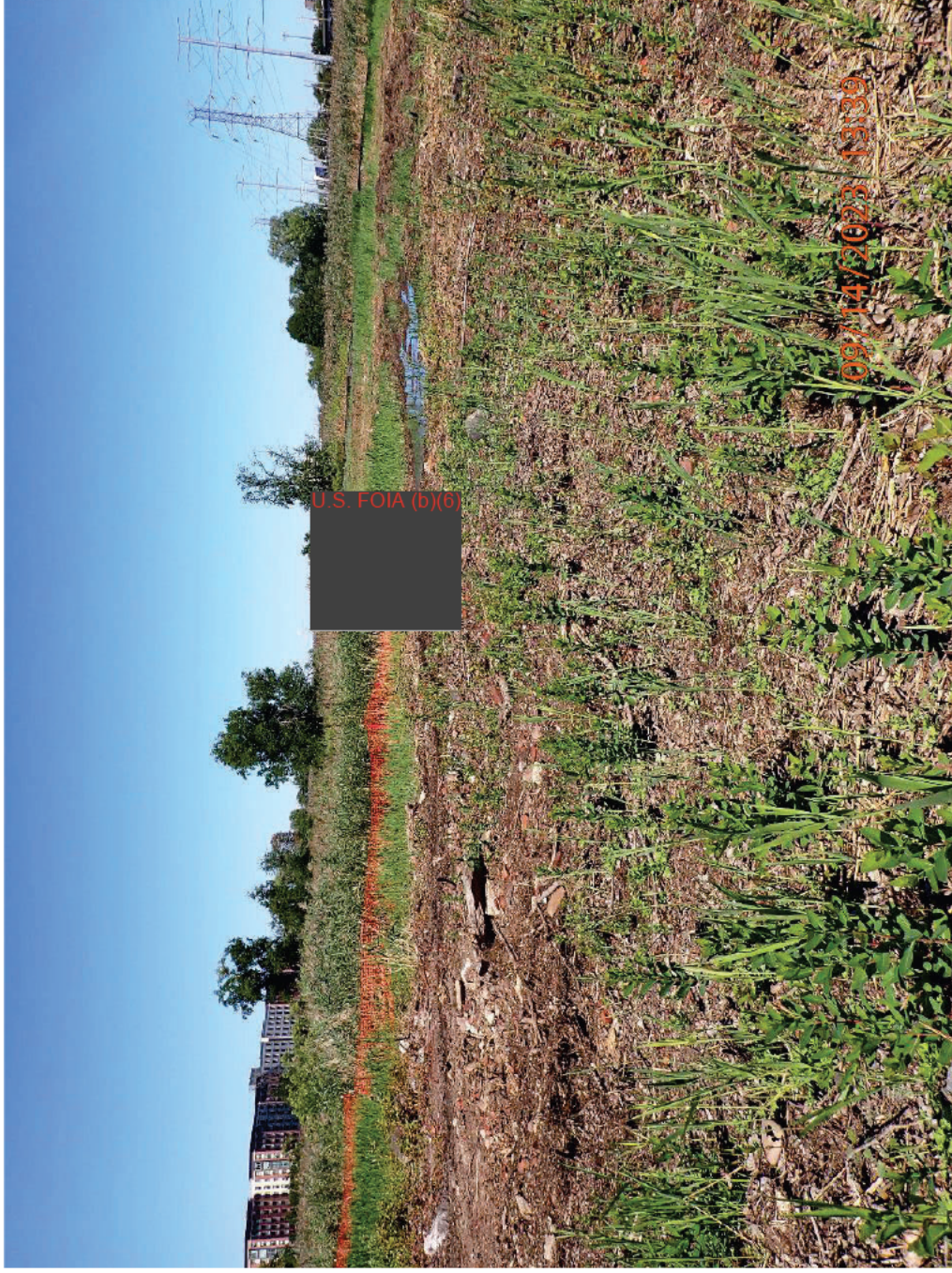
(2/5) Panorama of site and elevation break
Delineated wetlands in the background



Date: 9/14/2023
Time: 1:39 PM
Photographer: S. Andreescu
Photo ID: 12 – P9140215

Description:

(3/5) Panorama of site and elevation break
Delineated wetlands in the background



Date: 9/14/2023
Time: 1:39 PM
Photographer: S. Andreescu
Photo ID: 13 – P9140216

Description:

(4/5) Panorama of site and elevation break
Delineated wetlands “C” and “D”



Date: 9/14/2023
Time: 1:39 PM
Photographer: S. Andreescu
Photo ID: 14 – P9140217

Description:
(5/5) Panorama of site and
elevation break



Date: 9/14/2023
Time: 1:48 PM
Photographer: S. Andreescu
Photo ID: 15 – P9140218
Description:
Equipment on-site



Date: 9/14/2023
Time: 1:48 PM
Photographer: S. Andreescu
Photo ID: 16 – P9140219

Description:

Stumps and woody debris from trees taken down at the site



Date: 9/14/2023
Time: 1:48 PM
Photographer: S. Andreescu
Photo ID: 17 – P9140220

Description:

Stumps and woody debris from trees taken down at the site



Date: 9/14/2023
Time: 1:50 PM
Photographer: S. Andreescu
Photo ID: 18 – P9140221

Description:

Machinery on-site and Area of Concern



Date: 9/14/2023
Time: 1:51 PM
Photographer: S. Andreescu
Photo ID: 19 – P9140222

Description:

Roots from trees removed from the site



Date: 9/14/2023
Time: 1:52 PM
Photographer: S. Andreescu
Photo ID: 20 – P9140223
Description:
Roots from trees removed from
the site