



State of New Jersey
Department of Environmental Protection
GOVERNMENT RECORDS REQUEST FORM



IMPORTANT NOTICE

Please read this entire form carefully as it contains important information concerning the response to your record request, accessing records, disputing denials, and your rights concerning government records. For further information, access WWW.NJ.GOV/DEP/OPRA.

Requestor Information

First Name:	MARC	MI	Last Name	COOPERMAN
Company:	N/A			
Mailing Address:	N/A N/A			
City:	N/A	State:	OTHR	Zip: N/A Email: oprarequest-86602-bc6claa4@requests.opramachine.com
Business Telephone:	<NO DATA FOUND> -			Extension
Facsimile Telephone:	()-			

State Use Only

Tracking #	391885
Received Date	02/03/2026
Access Method	Send Electronic copies
All matters relating to the response and access of any records identified for this request should be directed to: NJDEP – Office of Record Access 401 East State Street PO Box 420 Mail Code 401-06Q Trenton, New Jersey 08625-0420 Tele #: (609) 341-3121 Fax #: (609) 292-1177	

Record Request Details:

I submit this follow-up request concerning my prior OPRA request for railcar traffic volume flowing through the road/rail waste transfer station located at 65 Central Avenue, Kearny, New Jersey. In response to my prior request, NJDEP produced records reflecting only first-quarter (Q1) volume data for a limited period (2023-2025). This follow-up request seeks the complete and corresponding records that capture the full scope of railcar traffic volumes for all reporting periods and all reporting entities. Specifically, I request access to and copies of the following records, whether maintained in paper or electronic form: Complete Railcar Traffic Volume Records (All Reporting Entities) All records reflecting railcar traffic volumes associated with the road/rail waste transfer station at 65 Central Avenue, Kearny, New Jersey, as reported by Interstate Waste Services (IWS) and/or New Jersey Rail Carrier LLC, for: [Addendum- 02/2/26]- See additional information and the original request in the attachment list

Disposition Notes	Record Request Response
Based on this record request, responsive records were located. Some records are exempt pursuant to N.J.S.A. 47:1A-1 and not subject to public access. See Addendum Disposition Notes for further information concerning the exemption and accessibility of the records.	In Progress - Open
	Filled - Closed
	Denied - Closed
	Partial - Closed X
Addendum Disposition Notes: For Request Item # 1, the NJDEP has 136 pages and electronic records for Years 2009 thru 2011, 2016 through 2025. Years 2020 to 2024 were already provided under OPRA Request 382869. Note that no reports were submitted for 2003-2008 and 2013-2015. The NJDEP will provide the electronic records within 3-business days. Please contact this office to identify if you want the 136 pages copied. For Item # 2, volumes are reported in tons. For Items # 2 and # 3, online records for Quartely Reports for Intermodals and Exempt Rail Intermodals can be access at https://dep.nj.gov/dshw/forms-and-info/#solid-waste . Request Item # 4 has been denied on the basis that the request requires the NJDEP to conduct research & correlate data, which is not required pursuant to N.J.S.A. 47:1A-5.g, N.J.S.A. 47:1A-9 & Mag Entertainment v. Div. of Alcoholic Beverage Control 375 N.J. Super 537 (App. Div. 3/05). Additionally, this request item has been denied on the basis that a State Agency does not have to create or provide a record that does not exist pursuant to N.J.S.A. 47:1A-1.1, 47:1A-9 & Mag Entertainment v. Div. of Alcoholic Beverage Control,	 03/05/2026

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375 NJ Super 537 (App. Div. 3/05). In addition, this request has been denied on the basis that the request requires the NJDEP to conduct research & correlate data, which is not required pursuant to N.J.S.A. 47:1A-9 & Mag Entertainment v. Div. of Alcoholic Beverage Control 375 N.J. Super 537 (App. Div. 3/05).	Custodian Signature	Date
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Information Regarding the Requested Records		
If your request is in reference to a single facility, please provide the name of the facility, and the name of the operator name of the facility:	Facility Name:	
	Operator Name:	
Please provide the owner name the facility or parcel of land:	Owner Name:	
If your request is in reference to a specific parcel of land, please provide the street address, block, lot and property owner of the parcel of land: (Note: if the property in question is over multiple blocks and lots, please list all in the description field below)	Street Address 1: 65 Central Ave	
	Street Address 2:	
	Block: Lot:	
If your request is in reference to a facility, site or parcel of land, please provide the Municipality and County where the facility, site or parcel of land is located:	County: Hudson	
	Municipality: Kearny Town	
If the request is in reference to a particular permit issued by NJDEP, please provide the type of permit and any identifying numbers such as permit, incident or case numbers. (i.e. Fishing, Hunting, Hazardous Waste, Solid Waste, Land Use, NJPDES, Pesticides, Stream Encroachment, TWA, UST, Water Allocation)	List Permit Type:	List ID Numbers:
If your request is in reference to an individual, please provide the individual's name and type, and if the individual is a DEP employee, your relationship with the individual:	Individual's name:	
	Type of Individual:	
	Relationship:	
If the an individual was specified above, the individual was DEP Licensed, please specify the license type the individual holds:	License Type:	

The New Jersey Department of Environmental Protection has responded to your submitted Open Public Records Act (OPRA) record request. The following information will help you understand the response and your next available actions.

Tracking #: This is the Department's assigned Tracking # to your OPRA record request, which should be used in all corresponding matters.

Record Request Response:

- **In Progress** – Based on the nature of the request, the records sought, and/or the manner to which the records may exists, the Department requires additional time to investigate and respond to the request.
- **Filled** – Based on the information provided in your request, the Department was able to investigate and respond to your record request.
- **Denied** – Based on the nature of the request and/or the records sought, the Department has denied your request pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.
- **Partial** – The Department has identified both responsive government records and records being denied based on the nature of the request and/or the records sought, that do not meet the definition of a government record pursuant to a specific exemption(s) cited in N.J.S.A. 47:1A-1 seq.

Disposition Notes: Provides detailed information concerning the Department's response to your request.

Accessing Records: Dependent on the volume of records and your interest, there are five (5) methods available to access the responsive government records:

- **File Review** – Schedule a file review with the Department to directly access the records and take notes or tag records of interest for copying. Copying can be performed by either the Department's onsite Copying Unit at State duplication fee costs or by the requester employing a Copy Vendor Service. If there are records stored in archives, a five-day processing period will be included prior to scheduling a review.

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- **Copy Request** – All records of interest will be copied by the Department's onsite Copying Unit at State duplication fee costs unless a Copy Vendor Service is employed.
- **Electronic Records Request** – Dependent on the size & nature of the e-records, the Department will email the records or provide a CD or DVD.
- **Fax Request** – Based on the number of pages, the Department faxes the responsive records.
- **Web Access** – The responsive records can be access directly through the Department's web site. Web address will be provided.

1. The fees for duplication of a government record are specified below. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by check or money order payable to the State of New Jersey and mailed to the address specified below.

Hard Copies:	Letter & Legal size	= \$0.05 per page	Electronic Records:	CDs	= \$0.55 per CD
	Oversized Maps (Color)	= \$5.00 per map		DVDs	= \$0.55 per DVD
	Oversized Maps (B&W)	= \$3.00 per map			

2. Pursuant to OPRA (C.47:1A-5c & C47:1A-5d), the Department will apply special service charge for any extraordinary expenditure of time and effort to accommodate a request. The special service charge will be based on the actual direct cost of providing the records. The requester shall have the opportunity to review and object to the charge prior to it being incurred; however, in the event the requester objects to the special service charge, the request will be closed and access to the records will not be granted.
3. By law, the Department must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
4. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
5. If the Department was unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form.
6. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
7. **Resolution of Disputed Findings:**

In the event that a requester does not agree with the Department's record response, the requester should:

No Records - Reexamined the request details to evaluate if all of the information was provided that could aid the Department in locating records. The Department's ability to identify records of interest is in direct correlation to matching the Department information with the information provided on the request. Such important identifiers are Facility/Site Name, Address, Case #, Permit #, Block/Lot.

Denial - If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Department to deny access. The Department denies access to records only when those records do not meet the definition of a government record and/or public access is not allowed pursuant to the law. At your option, you may either:

- a. Contact the Office of Record Access to re-visit the matter or provide further explanation.
- b. Institute a proceeding in the Superior Court of New Jersey
- c. File a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at GRC@NJ.gov, or at their web site at www.state.nj.us/grc. The Council can also respond to other questions about the law.

8. Information provided on this form may be subject to disclosure under the Open Public Records Act.

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Revised Addendum Disposition Notes: NONE