



9

cc: Admin
Gene B.
Plan

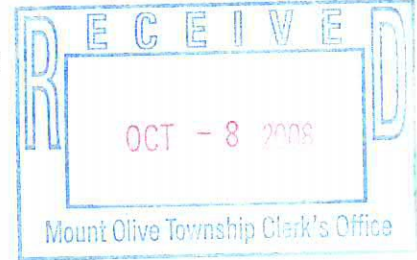
State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Coastal and Land Use Compliance and Enforcement
Highlands Office
100 North Road
Chester, New Jersey 07930
Telephone: (908) 879-3769 Fax: (908) 879-6797

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

October 1, 2008



CERTIFIED MAIL/RRR
7007 0220 0002 1039 4016

Patricia Falgiano
9 Old Budd Lake Road
Budd Lake, New Jersey 07828

Re: Patricia Falgiano Property
June 24, 2008 Inspection
EA Identifying #: PEA080001 – 1427-08-0002.1
9 Old Budd Lake Road, Tax Block: 4103, Lot: 3 (“property”)
Township of Mount Olive, Morris County

Dear Ms. Falgiano:

On June 24, 2008, a Representative of the Department’s Bureau of Coastal and Land Use Compliance and Enforcement (“Bureau”) and the Township of Mount Olive met with you and conducted a joint inspection of the above captioned property. The aforementioned inspection revealed that unauthorized activities regulated under the auspice of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) (“FWPA”) and the Flood Hazard Area Control Act (N.J.S.A. 58:16A-1 set seq.) (“FHACA”) have occurred at the property. Specifically, it was observed that approximately 3,500 square feet of freshwater wetland, freshwater wetland transition area, and riparian buffer have been disturbed without the benefit of a permit from the Department’s Division of Land Use Regulation (“DLUR”). The unauthorized disturbance within the aforementioned regulated areas included soil grading and the replacement of drainage pipe in the side yard.

In accordance with the Regulations implementing the FWPA and FHACA, the above referenced activities are regulated and/or prohibited in areas within the jurisdiction of the FWPA and FHACA. Additionally, significant daily penalties can be assessed for conducting unauthorized, State regulated activities, as described above.

No regulated activities such as, but not limited to, dumping, placing, or filling with any material, disturbance/grading of soil, excavation, clearing of vegetation, and/or the placement of structures should be further conducted within flood hazard areas, State open waters, freshwater wetlands and/or freshwater wetland transition area buffers without prior permit approval from DLUR. In order to correct this disturbance, you are required to stabilize the disturbed freshwater wetlands, transition areas, and riparian buffer and allow the vegetation to naturally regenerate. You may re-establish the pre-existing lawn, but

the lawn may not be expanded into the restored regulated areas. Provided you implement the aforementioned corrective actions, the Bureau will not pursue additional enforcement action. Please be advised, however, that the Bureau will continue to monitor the site to assure compliance with the FWPA and FHACA.

Should you have further questions or concerns regarding this matter, please contact David Sumba of my staff at the address or telephone number atop this correspondence.

Sincerely,



Armand Perez, Acting Supervisor
Bureau of Coastal and Land Use Compliance and Enforcement

Enclosure

C: Arif Akhtar, Chief Environmental Health Specialist, Township of Mount Olive
Frank Wilpert, Jr., Zoning Official, Township of Mount Olive
Eugene Buczynski, P.E., Municipal Engineer, Township of Mount Olive
Bureau File