



State of New Jersey

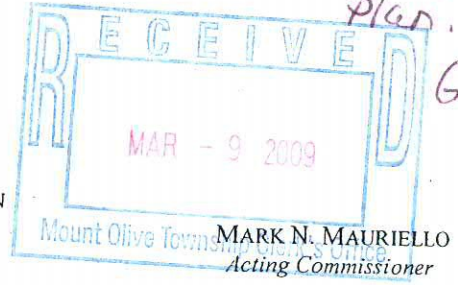
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

C

cc: Adm.
Plan.

Genes



JON S. CORZINE
Governor

Mr. Thomas Auffenorde
EcolSciences, Inc.
75 Fleetwood Drive – Suite 250
Rockaway, New Jersey 07866

MAR 03 2009

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 2
File No.: 1427-04-0017.3 (FWW 080001)
Applicant: Mount Olive Industrial Realty Company, L.L.C.
Block: 107; Lot: 3
Mount Olive Township, Morris County
Nearest Waterway: Wills Brook
Musconetcong River Watershed

Dear Mr. Auffenorde:

The Division of Land Use Regulation (Division) has reviewed the referenced application for a Statewide General Permit No. 2 authorization pursuant to the requirements of the Freshwater Wetlands Protection Act (FWPA) rules at N.J.A.C. 7:7A. The **proposed activity is authorized by Statewide General Permit No. 2**, which allows activities in freshwater wetlands, transition areas, and/or State open waters necessary for the construction and/or maintenance of an underground utility line.

Per the Letter of Interpretation – Line Verification issued for this property on May 12, 2005, File No. 1427-04-0017.1 (FWW 040001), the wetlands affected by this permit authorization are of **Intermediate** resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet.

Limit of Authorized Disturbance

Based on the plan entitled: **“Wetland Permitting Plan, 650 International Drive, Lot 3, Block 107, Township of Mount Olive, Morris County, New Jersey”**, dated **September 30, 2008, unrevised, and prepared by Chester, Ploussas, Lisowsky Partnership, LLP**, the authorized activity involves the disturbance of approximately 0.02 of an acre of wetland transition area to install a sanitary sewer line to serve a proposed commercial development. The proposed commercial development is located outside of the wetlands and transition areas. Any additional disturbance of freshwater wetlands, State open waters and/or transition areas shall be considered a violation of the FWPA unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division.

Please be advised that since the activities proposed within the transition area on site do not meet the definition of a "major development" under the Stormwater Management rules at N.J.A.C. 7:8-1.2, the Department has not reviewed the project for conformance with those rules. The Stormwater Management rules may apply as part of municipal review of the project.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the FWPA (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

1. The activities shall not cause any change in pre-construction elevation of the freshwater wetland transition area. [N.J.A.C. 7:7A-5.2(c)5]
2. All excess soil or bedding material shall be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas. [N.J.A.C.7:7A-5.2(d)1]
3. The uppermost 18 inches of any excavation shall be backfilled with the original topsoil material and replanted with indigenous vegetation. [N.J.A.C.7:7A-5.2(d)2&3]
4. In order to avoid direct impacts to foraging/roosting Indiana bats, the clearing of trees may not occur within the entire project area from April 1 to November 15. Limited tree clearing during this time may be allowed subject to review and approval by the United States Fish and Wildlife Service (USFWS). You may call Carlo Popolizio, USFWS, at (609) 383-3938, Extension 32, to inquire about limited tree clearing.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A 5.2, the following general conditions must be met for the activity authorized under this Statewide General Permit No. 2:

General Conditions:

5. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
6. This permit is revocable in accordance with DEP regulations and State law.

7. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
8. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
9. No change in plans or specifications shall be made except with the prior written permission of the Department.
10. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
11. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
12. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
13. The permittee shall allow the Division the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP, Highlands Office, 100 North Road, Chester, NJ 07830, with written notification 7 days prior to the start of the authorized work.
14. This authorization is **valid for five years** from the date of this letter unless more stringent standards are adopted by rule prior to this date.
15. Acceptance of this decision and all conditions shall be assumed, unless the permittee requests an adjudicatory hearing to contest the permit and/or permit conditions, in accordance with the requirements of the FWPA rules at N.J.A.C. 7:7A-1.7.

Consistency with the Areawide Water Quality Management Plan

This project has not been reviewed for consistency with the relevant Water Quality Management Plan or Statewide Water Quality Management Planning rules (N.J.A.C. 7:15). As such, there is no intended or implied approval regarding additional permits which may be required from the Department. For treatment works approvals, the consistency determination will be performed by the Bureau of Engineering and Permitting (North/South) which may be contacted at (609) 292-6894 for North (Middlesex, Hunterdon and Counties north) or (609) 633-1139 for South (Mercer, Monmouth and Counties south). For general information concerning the water quality management planning process, please contact the Division of Watershed Management at (609) 984-6888.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

If you have any questions regarding this authorization, please contact Susan Michniewski of our staff at (609) 777-0454 or susan.michniewski@dep.state.nj.us. Please reference the above file number.

Sincerely,



Daniel Bello, Principal Environmental Specialist
Bureau of Inland Regulation

- c. Andrew Mele (Mount Olive Industrial Realty Company, LLC, 300 Conshohocken State Road, Suite 250, West Conshohocken, PA 19428)
Mount Olive Township Construction Official