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cc: Catherine
Gene

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Coastal and Land Use Compliance and Enforcement

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

Chester Office

100 North Road

Chester, New Jersey 07930

Telephone: (908) 879-3769 Fax: (908) 879-6797

December 24, 2009

CERTIFIED MAIL/RRR
7007 0220 0002 1039 7055

Jet Mountain Development, LLC
c/o Eric Cross
US Highway 46 West
Hackettstown, New Jersey 07840

Re: Jet Mountain Development
Notice of Violation
Enforcement Action ID #: PEA090001 - 1427-09-0009.1
438 & 440 sand Shore Road, Block 8300, Lots 11 & 11.01 ("site")
Township of Mount Olive, Morris County, New Jersey, 07840

Dear Mr. Cross:

Enclosed for service upon you is a Notice of Violation issued by the Department.

Should you have any questions concerning the enclosed Notice of Violation you may contact David Sumba of my staff at (908) 879-3769 or via correspondence at the address above.

Sincerely,

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

c: Via Facsimile

Lisa Lashway, Municipal Clerk, Township of Mount Olive
Catherine Natafalusy, Planning/Zoning Department, Township of Mount Olive
Eugene Bucznski, PE, Municipal Engineer, Township of Mount Olive
Sheila Hall, Morris County Soil Conservation District
Laura Eudell, Division of Watershed Management, NJDEP
Susan Michniewski, Division of Land Use Regulation, NJDEP
Bureau File



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50 US Highway 46 West
Hackettstown, New Jersey 07840

NOTICE OF VIOLATION

Enforcement Action ID #: PEA090001 - 1427-09-0009.1

Name of Entity: Jet Mountain Development, LLC
Location: 438 & 440 Sand Shore Road,
EA Identifying #: PEA090001 - 1427-09-0009.1
Block and Lot: [8300, 11, 11.1]

You are hereby NOTIFIED that during a compliance inspection at the above location on November 6, 2009, the following violation of the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 ("HWPPA") and implementing Rules, N.J.A.C. 7:38-1 et seq. was observed. These alleged violations shall be recorded as part of the permanent enforcement history of Jet Mountain Development at the above location.

- a. Requirement: Pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 7:38-1 et seq., all major development conducted within the Highlands Preservation Area shall require a Highlands Preservation Area approval from the Department.

Description of Noncompliance: Conducting regulated activities within the Highlands Preservation Area without first obtaining a Highlands Preservation Area Approval. More specifically, the regulated activities involve the unauthorized disturbance of soil and excavation for the construction of a detention basin within approximately 18,000 square feet of Highlands Preservation Area.

Unless and until the Respondent can demonstrate exemption from the HWPPA or until a Highlands Area Approval is issued, the Respondent must take the following corrective actions:

1. Immediately cease and desist all regulated activities.

- 2. Immediately stabilize all disturbed areas in accordance with the "Standards for Soil Erosion and Sediment Control in New Jersey" as required by the Morris County Soil Conservation District.

- 3. Within 30 days of receipt of this document, submit the necessary documentation to the Department's Division of Watershed Management ("DWM") as well as a copy of the submittal to this office, for an applicability determination to demonstrate that the activities are exempt as described at N.J.S.A. 13:20-1 et seq., Section 30. For more information regarding the documentation required for this submittal contact the DWM at (609) 633-3812.

OR

Within 30 days of receipt of this document, submit to this office for approval, a restoration plan to restore the site to its pre-disturbance condition, then implement the restoration plan as approved by the Bureau. [N.J.S.A. 13:20-1 et seq.]

Please be advised that land and vegetation have been disturbed on your property. Please contact of the Morris County Soil Conservation District at (973) 285-2953 and implement appropriate soil erosion and sediment control measures to prevent further degradation of onsite and downstream water resources.

Within 10 calendar days of receipt of this Notice of Violation, you shall submit **in writing** to the Case Manager, David Sumba, an explanation of the corrective measures you have taken or will take to achieve compliance.

Issuance of this Notice of Violation serves as notice to you that the Department has determined that a violation(s) has occurred and does not preclude the State of New Jersey or any of its agencies from initiating additional administrative or judicial enforcement action, or from assessing penalties or from modifying this Notice of Violation, with respect to this or other violations. Violations of the above regulations are subject to penalties of up to \$25,000 per day for each violation.

Issued by: ARMAND PEREZ
Print Name

Date: December 24, 2009

Signature: 
Sign Name