



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 777-3656
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor



Charles Digney
Dig Engineering Co.
30 Second Street
Budd Lake, NJ, 07828

MAY 29 2009
cc Admin Plan Steve B.

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 25
and Waiver of Transition Area for Access
DLUR File No.:1427-09-0004.1-FWW90001
Applicant: Joseph Henry
Block: 7801 Lot: 44
Mount Olive Township, Morris County

Dear Mr. Digney:

The Division of Land Use Regulation has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Statewide General Permit No.25, which authorizes the repair or alteration of malfunctioning individual subsurface sewage disposal systems.

Limit of Authorized Disturbance

Based on plans entitled "SEPTIC ALTERATION DESIGN; BLOCK 7801, LOT 44, 112 MT OLIVE ROAD, MOUNT OLIVE TOWNSHIP, NEW JERSEY", dated March 9, 2009, last revised March 25, 2009 and prepared by Charles Digney P.E. the authorized activity involves disturbance of .0643 acres (2802.5 S. F.), within the presumed transition area/freshwater wetlands, only to the extent necessary for the replacement of a malfunctioning individual subsurface sewage disposal system. Any additional disturbance of freshwater wetlands, State open waters or transition area shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation.

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 Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

1. The total amount of disturbance associated with this permit shall be only that which is necessary for the replacement of a malfunctioning individual subsurface sewage disposal system up to 0.25 acres of wetland and transition area as per at Section 7:7A-5.25(c) of the Rules.
2. This authorization for construction of an individual subsurface septic system is valid only if the existing system has been determined to be malfunctioning as defined at Section 7:7A-5.25(b)2 of the Rules.
3. This authorization for construction of an individual subsurface septic system does not authorize expansion or change in the use of the building or facility that will result in an increase in the volume of sanitary sewage as per Section 7:7A-5.25(d) of the Rules.
4. Prior to the commencement of site clearing, grading or construction, the Permittee must obtain a permit pursuant to the Flood Hazard Area Control Act Rules N.J.A.C. 7:13 for the placement of individual subsurface sewage disposal system.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. 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.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. 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.

5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. 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.
7. 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.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. 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 with written notification 7 days prior to the start of the authorized work.
10. 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.

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 Matthew Resnick at (609) 777-0454 Please reference the above file number.

Sincerely,



Andrew Gale
Supervisor

Division of Land Use Regulation

May 29, 2009

- cc. Mount Olive Municipal Clerk
Mount Olive Municipal Construction Official