



cc: Admin  
J. Dersee

State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

Division of Watershed Management  
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JUL 23 2008

**Certified Mail No.** 7005-1160-0004- 0965-2390  
**Return Receipt Requested**

Lee Purcell, Jr., P.E.  
Lee T. Purcell Associates  
353C Route 46 West  
Suite 240  
Fairfield, NJ 07004

Re: Combe Fill North Landfill  
Block: 4100, Lot: 10  
Mount Olive Township, Morris County  
Upper Delaware Water Quality Management Plan (WQMP)  
Musconetcong Sewerage Authority Wastewater Management Plan (WMP)  
Program Interest No.: 435437  
Activity No.: AMD070003  
Last Correspondence Dated: December 20, 2007  
**Amendment Disapproval**

Dear Mr. Purcell:

On December 20, 2007 the New Jersey Department of Environmental Protection (Department), as the Statewide Water Quality Management Planning Agency, disapproved your WQMP Revision Application dated July 24, 2007. That letter formally notified you that the proposed project did not qualify as a revision and outlined significant issues that needed to be addressed as required under N.J.A.C. 7:15 and Executive Order 109 before the application could be declared a complete proposed amendment. Furthermore, the Department indicated that although an amendment application record for this proposal was established, a formal application requesting an amendment rather than a revision was necessary to make this transition official. To date, the Department has not received an amendment application.

This letter serves to formally notify you of our disapproval of the above referenced pending WQMP amendment proposal pursuant to N.J.A.C. 7:15-3.4 (g) 2i.

The Department has recently readopted the Water Quality Planning Rules, N.J.A.C. 7:15 which took effect with their publication in the New Jersey Register on July 7, 2008. For areas not in compliance with the schedule in N.J.A.C. 7:15-5.23, the Department cannot adopt a proposed amendment under the new rules unless public notice in the New Jersey Register had been filed with the Office of Administrative Law on or before July 7, 2008, the date that the new rules took effect. We were unable to file for publication by this date for the following reason(s):

- No formal application for this amendment request has been received.
- Failure to respond to the deficiencies as indicated by the Department in our December 20, 2007 letter in order to meet the requirements of Executive Order 109 including a Non-point Source Pollution and Hydromodification Analysis, Riparian Corridor Analysis, Threatened and Endangered Species Habitat Analysis, and Consumptive and Depletive Water Use Analysis.

Moreover, Musconetcong Sewerage Authority (MSA) WMP, which was adopted by the Department in 1993, is out of compliance with the schedule established in N.J.A.C. 7:15-5.23, which requires the submission of a new WMP at least once every six years from the date of the previous submission. Under the new rules, the Morris County Board of Chosen Freeholders is now the WMP agency for the entire County. WMP agencies are aware of their responsibility to prepare and submit an updated WMP to the Department.

N.J.A.C. 7:15-5.1(a) states that the Department will reject applications for amendments and revisions in areas where a WMP has not been adopted in accordance with the schedule established in N.J.A.C. 7:15-5.23. This provision would result in the Department not processing site specific amendments until the non-compliance is remedied and allow the processing of only a limited scope of revisions. The Department is working with Morris County to assist them in submitting the WMP. During Morris County's efforts to prepare their WMP, your proposed project may be incorporated into the draft WMP (depending on potential environmental impacts), which will be submitted to the Department for review. Contact the Morris County Planning Department for information on their WMP preparation.

All correspondence related to this application should include the Program Interest and Activity numbers that are listed on this letter's first page. If you have any questions or concerns, please call Clay Sherman at (609) 984-6888.

Sincerely,

  
Lawrence J. Baer, Director

Division of Watershed Management

- c: Dulce S. Miguel, Langan Engineering and Environmental Services
- Michael G. Luchkiw, Esq., DeCotiis, Fitzpatrick, Cole and Wisler
- Darren Eppley, Esq., DeCotiis, Fitzpatrick, Cole and Wisler
- Musconetcong Sewerage Authority
- Morris County Planning Board
- Mount Olive Township Clerk
- Chris Ross, Highlands Council
- Patricia Baxter, USEPA
- Diane Dow, DEP, LURP
- Sue Boyle, DEP, OSP
- Ruth Foster, DEP, Permit Cord.
- Terry Pilawski, DEP, BWR
- Phyllis Singleton, BWR
- Deborah Bechtel, BWR
- Clayton Sherman, BWR
- File, BWR