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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
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Governor

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Commissioner

KIM GUADAGNO
Lt. Governor

DEC 06 2013

Stephen Hammond
Engineering Division
County Engineer, Morris County
10 Court Street
Morristown, New Jersey 07963

Re: Replacement of County Bridge 1401-107
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434 Activity No.: CSD130017
Division Findings: Highlands Act – Exempt #9 Water Quality Management Plan – Not Addressed

Dear Mr. Hammond:

This letter is in reply to your request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted and Division of Land Use Regulation (Division) review, it has been determined that the project described below qualifies for the Exemption #9 and since it does not generate any wastewater discharge, the project is considered "NOT Addressed" in the Water Quality Management Plan.

Your proposed project is located within the Highlands Preservation Area on Flanders-Drakestown Road where it crosses over the South Branch of the Raritan River, and joins River Road in Mount Olive Township. The bridge replacement proposal has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules), as well as the requirements defined in the Statewide Water Quality Management Planning rules at N.J.A.C. 7:15 (WQMP rules).

The project consists of the replacement of the Flanders-Drakestown Road Bridge and reconstruction of the north approach in the immediate vicinity of the bridge and the south approach, including the intersection of Flanders-Drakestown Road and River Road. The total length of the project is approximately 225 feet as shown on a site plan, entitled "CONSTRUCTION PLANS FOR REPLACEMENT OF MORRIS COUNTY BRIDGE NO. 1401-107 ON FLANDERS-DRAKESTOWN ROAD OVER THE SOUTH BRANCH OF THE RARITAN RIVER, TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY" signed and sealed by Donald A. Scott, Jr., P.E., Keller & Kirkpatrick, Inc., dated September 19, 2013, without revision, sheets SE-1, SE-5, SE-20 through SE-24, and RZD-1(The "Project").

The Division has determined that the Project is potentially regulated by the Highlands act because it meets the definition of "Major Highlands Development," as defined at N.J.A.C. 7:38-1.4, since it is not a residential development and is a capital project of a local government unit that requires environmental land use permits. However, the Highlands Rules at N.J.A.C. 7:38-2.3 set forth various exemptions. After a careful review of the information submitted, it has been determined that the Project described above qualifies for exemption #9 for the "routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the goals and purposes of the Highlands Act and does not result in the construction of any new through-capacity travel lanes."

This Project was published in the October 16, 2013 DEP Bulletin and no public comments were received.

Therefore, the proposed Project is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

If the Division subsequently determines the information submitted to obtain this decision is inaccurate, the exemption shall be void.

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, county or municipal review agency with jurisdiction over this activity, including, but not limited to, freshwater wetlands or flood hazard permits or review of stormwater management.

The exempt Project may not result in the construction of any new through-capacity or travel lanes. Alterations to the exempted Project that would increase the capacity of the exempt Project or add travel lanes shall void this exemption.

The Division also reviewed your Project for consistency with the WQMP rules and the provisions and recommendations of the Upper Raritan WQMP. Based on our review, the proposed Project is "NOT Addressed" by the WQMP and is in accordance with the WQMP rules. This determination is made based on the following: No wastewater will be generated from this project.

If the applicant disputes the Department's factual findings or any of its conditions or if anyone is aggrieved by this determination, that person may request an adjudicatory hearing. A request for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provides verification of the date of delivery to the Department, within 30 days of notice of this decision published in the DEP Bulletin in accordance with N.J.A.C. 7:38-1.5. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Checklist and Tracking Form (form enclosed).

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division Land Use Regulation. If you have any questions or require further assistance, please call Donna Milligan at (609) 292-2573.

Sincerely,



Madhu Guru, PE

Assistant Director

Division of Land Use Regulation

- C: Mount Olive Township Clerk, Construction Official, Environmental Commission
Mount Olive Township Municipal Planning Board Official
Morris County Planning Board Official, Morris County Environmental Commission
New Jersey Highlands Council
Donald A. Scott, Jr. P.E. Keller & Kirkpatrick