



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Coastal and Land Use Planning
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

JUN 24 2013

Date: JUN 19 2013

Anthony Giordano, President
Mount Olive Township Board of Education
89 Route 46
Budd Lake, New Jersey 07828

Re: Morris County Renewable Energy Projects - Tinc Road School
Block: 7100, Lot(s): 67
24 Tinc Road
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434
Activity No.: CSD130004

**Agency Determination: Highlands Act – Exempt
Exemption #6
Water Quality Management Plan – Not Addressed**

Dear Mr. Giordano:

This letter is forwarded in reply to your recent request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted, it has been determined that your proposed project/activity is located within the Highlands Preservation Area. Therefore, your project/activity 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/activity subject to this review includes the proposed installation of ground mounted solar panels within a grassy area on the existing Tinc Road School site, located on Block 7100, Lot 67, in Mount Olive Township, Morris County. [Note: The name of the project was submitted as the "Sussex County Renewable Energy Projects – Tinc Road School", but should have been the "Morris County Renewable Energy Projects – Tinc Road School. Thus, this proposal was previously identified as

“Sussex County Renewable Energy Projects – Tinc Road School.”] The total acreage of the project site is 29.92 acres. The proposed project is as shown on the set of plans (6 sheets total), certified by Joseph D. Hanrahan, P.E., of Hammer Land Engineering, dated March 6, 2013 (unrevised), “COVER SHEET” titled: “SITE PLAN FOR THE MORRIS COUNTY RENEWABLE ENERGY PROJECTS TINC SCHOOL TOWNSHIP OF MOUNT OLIVE - BLOCK 7100, LOT 67 24 TINC ROAD FLANDERS, MORRIS COUNTY, NEW JERSEY”, Drawing No.: SP-01. Drawing No.: SP-02, entitled: “OVERALL PLAN” depicts the aerial location of the proposed solar panels and Drawing No.: SP-03, entitled: “SITE LAYOUT PLAN”, shows an enlarged view of the proposed solar panels and provides system information.

The Department of Environmental Protection (Department) reviewed the materials submitted to determine the applicability of the provisions of the Highlands Rules. As a result, the Department has determined that your project/activity is potentially affected because it meets the definition of “Major Highlands Development,” as defined at N.J.A.C. 7:38-1.4 since it is a non-residential development in the preservation area. However, the Highlands Rules at N.J.A.C. 7:38-2.3 sets forth various exemptions. After a careful review of the information submitted, it has been determined that the project described above qualifies for the following exemption:

Any improvement for non-residential purposes to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school or hospital, in existence on August 10, 2004, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

Supporting documentation includes the following:

- A copy of the JCP&L Summary Account Detail List showing Tinc Road School as a Service Address for a Billing Period of 6/18/2004 to 7/19/2004.
- The aforementioned site plans certified by Joseph D. Hanrahan, P.E., of Hammer Land Engineering dated March 6, 2013 (unrevised).
- The NJDEP 2002 aerial photography showing the existing buildings/structures on the property.

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

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 project/activity.

The improvements exempted shall not be used for residential purposes.

The Department also reviewed your project/activity 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/activity. It is hereby noted that this determination applies solely to the proposed activity and not to wastewater associated with the existing facilities.

A copy of this determination letter must be enclosed with any future permit application(s) filed with the Department.

This Highlands Applicability and Consistency Determination is subject to the following limitations:

- (1) 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 project/activity.
- (2) This determination shall be considered null and void if changes are made to the project that would increase the scope or area disturbed by the project, or result in a change in the use or change the method of wastewater treatment; or if the information submitted to obtain this determination from the Department is later determined to be inaccurate.

Let it be noted that this project, Sussex [*sic*] County Renewable Energy Projects - Tinc Road School, was published in the May 8, 2013 DEP Bulletin and no public comments were received.

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 of Coastal and Land Use Planning. If you have any questions or require further assistance, please call Jennifer Desmond at (609) 984-6888.

Sincerely,



Elizabeth Semple, Acting Director
Division of Coastal and Land Use Planning

Enclosure

c: Peter Dubro, P.E., Project Manager, Sunlight General Morris Solar, LLC
Mount Olive Township Clerk
Mount Olive Township Construction Official
Mount Olive Township Planning Board
Mount Olive Township Environmental Commission
Morris County Planning Board

Morris County Environmental Commission
New Jersey Highlands Council
Division of Coastal and Land Use Planning - File

Copy via Email:

Barbara Baus, NJDEP, Bureau of Coastal & Land Use Compliance & Enforcement (w/o encl.)
Armand Perez, NJDEP, Bureau of Coastal & Land Use Compliance & Enforcement (w/o encl.)
Dan Bello, NJDEP, Bureau of Inland Regulation (w/o encl.)
Donna Milligan, NJDEP, Division of Land Use Regulation (w/o encl.)
Barbara Greenhalgh-Weidman, NJDEP, Division of Coastal and Land Use Planning (w/o encl.)
Jennifer Desmond, NJDEP, Division of Coastal and Land Use Planning (w/o encl.)