



New Jersey Department of Environmental Protection  
Bureau of Coastal and Land Use Compliance and Enforcement



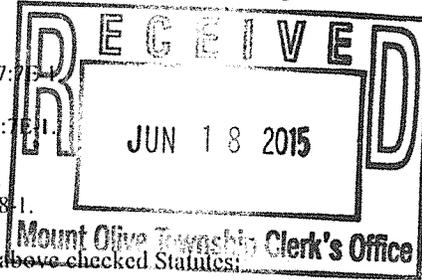
**NOTICE OF VIOLATION**

NJDEP File # 1407-13-0005.2

**Site Name:** Chester Riding Club/Toys 'R' Us Distribution Center  
**Site Location:** 80 Route 206, Chester Twp, Block 44 Lot 7 – Chester Riding Club site; Mount Olive Twp, Block 6600, Lot 1 – Toys 'R' Us site; Morris County, NJ  
**Responsible Entity:** Surgurdur Farms LLC, also known as Chester Riding Club, James C. & Emily Maillet  
**Responsible Entity Address:** 80 Route 206, PO Box 520, Chester, NJ 07930  
**Responsible Entity Phone:** (908) 879-0578 – Business No.

On May 28, 2015, a Representative from the NJDEP's Bureau of Coastal & Land Use Compliance & Enforcement (CLUE) conducted an investigation into this site/matter. This **NOTICE** is issued based on facts observed by or known to the Department's Representative issuing this **NOTICE**, to warn you that violations of the Statutes and Rules checked below have been found:

- Freshwater Wetland Protection Act:** N.J.S.A. 13:9B-1 et seq. and rules at N.J.A.C. 7:7A-1.
- Coastal Area Facility Review Act:** N.J.S.A. 13:19-1 et seq. and rules at N.J.A.C. 7:7-1 and N.J.A.C. 7:7-1.1.
- Flood Hazard Area Control Act:** N.J.S.A. 58:16A-52 et seq. and rules at N.J.A.C. 7:13-1.
- Flood Hazard Area Development Statutes:** N.J.S.A. 12:5-1 et seq. and rules at N.J.A.C. 7:7-1 and N.J.A.C. 7:7-1.1.
- Riparian Lands Statutes:** N.J.S.A. 12:3-1 et seq.
- The Wetlands Act of 1970:** N.J.S.A. 13:9A-1 et seq. and rules at N.J.A.C. 7:7-1 and N.J.A.C. 7:7E-1.
- The Highlands Water Protection and Planning Act:** N.J.S.A. 13:20-1 et seq. and rules at N.J.A.C. 7:38-1.



**EXPLANATION OF THIS NOTICE** - Violations with citation(s) to the specific Rules issued under the above checked Statutes:

The unauthorized disturbance of soil, destruction of vegetation, and the placement of fill material in the form of horse manure and wood chips within approximately 2 acres of freshwater wetlands to a depth of 4 feet was documented. Please be advised that a majority of the violation appears to be located on Block 6600, Lot 1, which is owned by Toys R Us Corporation.

**PURPOSE OF THIS NOTICE** - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, voluntarily take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal enforcement orders and penalties issued by the Department (see violations marked with an asterisk above \*). This **NOTICE** does not constitute a formal enforcement order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal enforcement order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

**RESPONDING TO THIS NOTICE** - Voluntary corrective actions taken in response to this **NOTICE** can affect the Department's determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk \* above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that are not subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

**CORRECTIVE ACTIONS PAGE(S)** - The Corrective Action Page(s) outlines the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be outlined on this form

Not Provided for this Notice  
 See Page 2

**COMPLIANCE RESPONSE FORM** - Submission of a Compliance Response Form if checked below is voluntary. Completed forms should be sent to the Department contact indicated at the bottom of this **NOTICE**.

Not Applicable  
 If received within \_\_\_ days of receipt it will preserve your protection from penalty under Grace Period Law.  
 If timely received in accordance with the schedule on Page 2 of this Notice, it will be considered in potential future Department action regarding the violations cited herein.

**FOR QUESTIONS REGARDING THIS NOTICE**, please contact the Department representative issuing this **NOTICE** at the location in bold:

- Trenton Office  
P.O. Box 422, Trenton, NJ 08625  
Tel. (609) 292-1240 FAX (609) 633-6798
- Toms River Office  
1510 Hooper Ave. Toms River, NJ 08753  
Tel. (732) 255-0787 FAX (732) 255-0877
- Chester Office**  
**100 North Road, Chester, NJ 07930**  
**Tel. (908) 879-3769 FAX (908) 879-6797**

Via USPS Certified Mail #: 7014 1200 0001 6521 2147 Date: June 15, 2015

Signature: \_\_\_\_\_

New Jersey Department of Environmental Protection  
Bureau of Coastal and Land Use Compliance and Enforcement

NOTICE OF VIOLATION Attachment  
CORRECTIVE ACTIONS PAGE ( 2 of 3 )

Site Name/NJDEP File #: Chester Riding Club for Toys 'R' Us Site/1407-13-0005.2      Date: June 15, 2015

Corrective Actions:

In accordance with schedule set forth below, please complete the following:

- 1) By Friday, June 26, 2015, Chester Riding Club shall provide the undersigned with a completed copy of the "Compliance Response Form", which can be found on Page 3 of this Notice.
- 2) By Friday, July 10, 2015, Chester Riding Club shall fully implement the following corrective actions/restoration measures to address the violations cited herein:
  - a. Secure written permission authorizing the restoration work on Block 6600, Lot 1, from the property owner, Toys R Us Corporation;
  - b. Remove all manure and wood chip material, disposal of manure shall occur in accordance with all applicable law;
  - c. In accordance with the "Standards for Soil Erosion and Sediment Control in New Jersey" last revised December 2013, implement the necessary soil erosion and sediment control measures throughout the course of restoration work;
  - d. Upon removal of the fill material in violation, stabilize the restoration area in accordance with the appropriate stabilization measures pursuant to the "Standards for Soil Erosion and Sediment Control in New Jersey";
  - e. Install a fence or the equivalent barrier at the end of the access way, on the Chester Riding Club side of the property line, as a measure to prevent future access to offsite properties.

**Additional Recommendations**

It is strongly recommended that Chester Riding Club contacts the Natural Resources Conservation Service ("NRCS") to assist in the preparation of a Farm Conservation Plan ("FCP") that incorporates manure management for your facility. Further information regarding the NRCS and FCPs can be found at [www.nrcs.usda.gov/wps/portal/nrcs/main/nj](http://www.nrcs.usda.gov/wps/portal/nrcs/main/nj) or by contacting the NRCS's North Jersey office at (908) 782-4614.

**Additional Resources**

NJDEP, Coastal & Land Use Compliance & Enforcement, <http://www.nj.gov/dep/enforcement/lu.html>  
NJDEP, Division of Land Use Regulation, <http://www.nj.gov/dep/landuse/>

Please contact the Department's Land Use Technical Support Center at (609) 777-0454 for questions pertaining to permitting and/or regulatory questions regarding the following Statutes:

- Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.
- Flood Hazard Area Control Act, N.J.S.A. 58:16A-52 et seq.
- Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.

Issuer of this Notice: David Sumba, NJDEP, Bureau of Coastal Land Use Compliance & Enforcement

Issuer's Signature: \_\_\_\_\_

Date: 6/15/15

