



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

cc: DPW Admin 6/3/15 [Signature]

BOB MARTIN
Commissioner
MAY 28 2015

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Bruce D. Smith, Executive Director
Hackettstown Municipal Utilities Authority
424 Hurley Drive
Hackettstown, New Jersey 07840

Re: Water Main Pipeline Replacement
Block(s), Lot(s): Indian Lane, John Street and Francis Terrace in Mt. Olive Township, Morris county
Upper Delaware Water Quality Management Plans (WQMP)
Program Interest No.: 1427-15-0002.1 Activity No.: APD150001

Agency Determination: Highlands Act – Exemption # 11 Exempt
Water Quality Management Plan – Not Addressed

Dear Mr. Smith:

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 #11 and the project is considered "Not Addressed" in the Water Quality Management Plan.

Your proposed project is located within the Highlands Preservation Area on the Indian Lane, John Street and Francis Terrace Rights of Way in Mt. Olive Township, Morris County, New Jersey. The water main pipeline 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 is shown on the aerial photo plan entitled: "Hackettstown Municipal Utilities Authority Site Plan for Water main Replacement Mount Olive, Morris County, New Jersey" dated March 17, 2015, unrevised and signed and sealed by Thomas A. Lausten, P.E.

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 a non-residential development. 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 #11 for "routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights-of-way, or systems by a public utility, provided that the activity is consistent with the goals and purposes of the Highlands Act."

This Project was published in the April 15, 2015 DEP Bulletin and positive comments from the Highlands Council were received on May 21, 2015.

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 storm-water management.

The Division also reviewed your Project for consistency with the WQMP rules and the provisions and recommendations of the Morris County and Upper Delaware 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 fact this project does not generate wastewater.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to our hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

If you have any questions or require further assistance, please call Andrew Gale at (609) 777-0456 or by email at andrew.gale@dep.state.nj.us.

Sincerely,


Suzanne Dietrick
Manager
Division of Land Use Regulation

- C:
- Mt. Olive Township Clerk, Construction Official, Environmental Commission
 - Mt. Olive Township Municipal Planning Board Officials
 - Morris County Planning Board Officials, Morris County Environmental Commission
 - Margaret Nordstrom, New Jersey Highlands Council Agent