



**Gouveia, Susan**

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**From:** Lashway, Lisa  
**Sent:** Tuesday, September 01, 2015 10:21 AM  
**To:** Canning, Sean; Gouveia, Susan; Gene Buczynski  
**Subject:** FW: Notice of Violation  
**Attachments:** 1427-15-0004.1.pdf

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**From:** Maria Worley [mailto:Maria.Worley@dep.nj.gov]  
**Sent:** Monday, August 31, 2015 3:50 PM  
**To:** Lashway, Lisa  
**Subject:** FW: Notice of Violation

Forwarding attachment.

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**From:** Maria Worley  
**Sent:** Monday, August 31, 2015 11:27 AM  
**To:** 'mflora@co.morris.nj.us'; 'clerk@mtolivetwp.org'  
**Cc:** Tanya Hatten  
**Subject:** Notice of Violation

Regarding: Notice of Violation / ITC Shopping Plaza / ID#1427-15-0004.1

Forwarding the enclosed attachment, any questions please contact Tanya Hatten.



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Coastal and Land Use Compliance and Enforcement  
Highlands Office  
100 North Road  
Chester, New Jersey 07930  
Telephone: (908) 879-3769 Fax: (908) 879-6797

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

August 20, 2015

**CERTIFIED MAIL/RRR**  
**7014 1200 0001 6521 2475**

SCI ITC South Fund  
c/o Thomas Reuters PTS  
PO Box 847  
Carlsbad, CA 92018

**CERTIFIED MAIL/RRR**  
**7014 1200 0001 6521 2499**

Mountainview Landscaping and Construction, LLC  
c/o Bob Leitner Jr.  
25 Longview Lane South  
Hamburg, New Jersey 07419

**CERTIFIED MAIL/RRR**  
**7014 1200 0001 6521 2482**

Classic Body Works  
c/o Terry Thompson  
28 Flanders Netcong Road  
Flanders, NJ 07836

**CERTIFIED MAIL/RRR**  
**7014 1200 0001 6521 2505**

Moss Excavating  
165 Fox Hill Road  
Denville, NJ 07834

**RE: NOTICE OF VIOLATION**

ITC Shopping Plaza, Block 4300, Lot 9;  
Mount Olive Township, Morris County  
NJDEP File #: PEA150001 - 1427-15-0004.1

Dear Sir or Madame:

Enclosed for service upon you is a(n) Notice of Violation issued by the Department.

If you have any questions concerning the enclosed Notice of Violation you may contact Tanya Hatten of my staff at (908) 879-3769 or by letter at the address above.

Sincerely,

Armand Perez, Region Supervisor  
Bureau of Coastal and Land Use Compliance and Enforcement

Enclosure

C: Michael Flora, Investigator, Solid Waste Enforcement, Morris County  
Municipal Clerk, Mount Olive Township  
Bureau File



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#### **CERTIFIED MAIL/RRR**

**7014 1200 0001 6521 2475**

**7014 1200 0001 6521 2482**

**7014 1200 0001 6521 2499**

**7014 1200 0001 6521 2505**

#### NOTICE OF VIOLATION

Property Owner: SCI ITC South Fund  
Name of violator(s): Classic Body Works  
Mountainview Landscaping and Construction, LLC  
Moss Excavating

Location: 27 Flanders Netcong Rd,  
Mount Olive Township, Morris County

Block and Lot: Block 4300, Lot 9;  
NJDEP File #: PEA150001 - 1427-15-0004.1

You are hereby NOTIFIED that during a compliance evaluation at the above location on 08/13/2015, the following violation(s) of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and the regulations (N.J.A.C. 7:7A-1 et seq.) was observed.

Requirement: Pursuant to N.J.A.C. 7:7A-2.6(a), the removal, excavation or disturbance of the soil; dumping or filling with any material; erection of structures; placement of pavements; destruction of plant life which would alter the existing pattern of vegetation; and placement of any portion of a residential development project as defined at N.J.A.C. 7:7A-1.4 within a freshwater wetland transition area are regulated activities which require prior permit approval from the Department. [N.J.A.C. 7:7A-2.6(a)]

Description of Noncompliance: the performance of unauthorized regulated activities within a freshwater wetland transition area. More specifically, the regulated activities involve the dumping of approximately 1,400 square feet of sand blasting material, top soil and landscaping debris within freshwater wastelands transition areas.

**ALL UNAUTHORIZED ACTIVITIES MUST CEASE IMMEDIATELY.**

You must take the following corrective actions:

1. Within 30 days of receipt of this document remove the unauthorized material from the site, re-establish the pre-existing grade of the land and stabilize any disturbed area with a grass seed mix and straw mulch. The material removed from the site shall be recycled or in accordance with all State, federal and local requirements, or taken to an approved waste facility. An addition:
  - a. Contact Michael Flora, Investigator, Morris County Solid Waste Enforcement, for instructions on how to proceed in accordance with soil waste requirements;
  - b. Prior to entering onto the site to remove the material, permission must be secured from the property owner, SCI ITC South Fund;
  - c. Care shall be taken to minimize harm to adjacent freshwater wetland and transition area vegetation during the removal of the unauthorized material. Any soil disturbance resulting from the removal of the fill material shall be stabilized with a grass seed mix and straw mulch.
2. Within 7 calendar days of receipt of this Notice of Violation, you shall submit in writing to Tanya Hatten, Environmental Specialist, an explanation of the corrective measures you have taken or will take to achieve compliance.

This **Notice of Violation** serves as notice that the NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement, has determined that a violation has occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You **may** appeal or contest such formal actions. Penalties may be assessed on a daily basis.

Issued by: ARMAND PEREZ Date: 8/20/15

Signature: 