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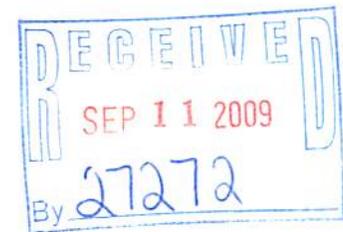
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CLIENT/MATTER NO.

16452-0001

September 10, 2009



Eileen Swan, Executive Director
Highlands Council
100 North Road (Route 513)
Chester, NJ 07930

**RE: Highlands Exemption Request
Tennessee Gas Pipeline – 300 Line Project – Planning Area
Blocks and Lots - Various
Vernon Township
Sussex County**

Dear Ms. Swan:

We submit this letter on behalf of Tennessee Gas Pipeline Company (“Tennessee”), a subsidiary of El Paso Corporation, for a determination by the Highlands Council that the proposed upgrade of Tennessee’s existing natural gas delivery facilities in Northern New Jersey (the “Project”) is exempt from the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 *et seq.*, (the “Highlands Act”), the Highlands Regional Master Plan (“RMP”) and all associated regulations. Consistent with our prior discussion with you, this exemption request application is being submitted September 10, 2009 for placement of the application on the October 15, 2009 Highlands Council meeting agenda.

The Project will consist of approximately 17.27 miles of 30-inch outside diameter underground natural gas pipeline, with approximately 16.02 miles to be located within the Highlands Region. Of the Highlands portion of the Project, approximately 10.95 miles will be located in the Preservation Area and approximately 5.07 miles will be located in the Planning Area. Information regarding the Project including copies of environmental reports and other materials can be found at <http://www.elpaso.com/tgp300lineproject/default.shtm>.

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Eileen Swan, Executive Director
Highlands Council
September 10, 2009
Page 2

This exemption request is specifically limited to that portion of the Project located in the Planning Area of the Highlands Region ("Planning Area Application"). The Planning Area Application includes all Project activities within the Planning Area as described in the enclosed application materials listed below, including, but not limited to Tennessee's 300 Line repair and maintenance program activities. It also extends to the post construction routine Repair and Maintenance ("Repair and Maintenance Application") of Tennessee's pipeline system as discussed with and requested by Staff. Tennessee makes this request as part of its request for exemption of the Project pursuant to Exemption No. 11 of the Act regarding public utilities (N.J.S.A. 13:20-28.a(11)) notwithstanding the fact that underground natural gas pipelines and their related equipment are regulated by a pervasive federal statutory and regulatory scheme. In extending the exemption request to Repair and Maintenance of the pipeline, Tennessee does so without recognition of any delegation of federal authority to either the state of New Jersey or the Highlands Council, and without prejudice and under a reservation of rights with respect to Tennessee's position that maintenance and repair of its pipeline system in the Highlands Region is the subject of federal preemption.

Tennessee previously submitted a Highlands Applicability - Exemption Request application to the New Jersey Department of Environmental Protection ("NJDEP") for the Preservation Area portion of the Project ("Preservation Area Application"). The Preservation Area Application is assigned Program Interest Nos. 435442 and 4343459 and Activity Nos. CSD090016 and CSD090002 and is currently pending before NJDEP. Tennessee requests that the Highlands Council also place the pending Preservation Area Application on the Council's October 15, 2009 meeting agenda for a final Consistency Review Determination by the Council recommending that the Project as described in the Preservation Area Application be found consistent with the goals and purposes of the Act and that NJDEP issue an exemption for the Preservation Area portion of the Project.

Tennessee is taking the approach of submitting the enclosed Planning Area Application as a separate application from the Preservation Area Application after consultation with and at the request of the Highlands Council staff. The Preservation Area Application pending before NJDEP excluded the Planning Area portion of the Project as NJDEP's jurisdiction under the Highlands Act is limited to the Preservation Area. The Highlands Council, in connection with its consistency review of the Preservation Area Application requested that Tennessee submit this application for the Planning Area portion of the Project notwithstanding Tennessee's position that a Planning Area exemption is not required for the Project as the Planning Area municipality where the Project is located has not adopted the RMP. Based on the foregoing, Tennessee submits this application under a reservation of rights.

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Eileen Swan, Executive Director
Highlands Council
September 10, 2009
Page 3

Consistent with our discussions, we are submitting one *hard* copy of the documents and materials listed below in support of the Planning Area Application, not two (2) copies as called for in the Highlands Applicability Determination application form. We are also submitting an electronic copy of the application materials with the routing maps, tax maps and USGS maps on CD. We are not submitting an application fee as we were advised by Council staff that none is required. For convenience, and consistent with our discussions with Council staff, we have utilized the application forms and documents that were previously submitted to NJDEP for the Preservation Area Application, and have incorporated information regarding the Planning Area portion of the Project into those documents. Therefore, the enclosed forms and documents include information related to both the Planning Area and Preservation Area portions of the Project, however, as explained above the enclosed Planning Area Application is limited to the Planning Area portion of the Project. The following documents are enclosed:

1. Completed Highlands Applicability Determination application form. Please note that consistent with the prior application, the Summary Description section of the form references the included Project Narrative. Also, consistent with the prior application, in Section II.1 and III.11, we have clarified, as explained in paragraph 4 below, that signed and sealed Project Route Maps are being submitted in the place of certified site plans. We have left the address and contact information blank in Section I.3 as the project involves numerous properties. The contact person for Tennessee is listed in Section I.4.
2. "Narrative Report in Support of Highlands Applicability Determination – Highlands Exemption Request for the 300 Line Project" prepared by Tennessee dated March 6, 2009, revised September 10, 2009 providing a description of the proposed Project, the purpose of the Project, analysis of consistency with goals and purposes of the Act, and information supporting the request for exemption. *Attachment A* of the Narrative Report is a list of the required tax blocks and lots for the Project.
3. U. S. Geological Survey topographic maps at a scale of 1:14,000 delineating the proposed Project route within the Planning Area. Additionally, we have included on the Quad maps the State Plane coordinates for the endpoints of the proposed 300 Line within the Planning Area and additional coordinates at each 1,000 foot interval. U. S. Geological Survey topographic maps at a scale of 1:100,000 delineating the proposed Project route and showing Highlands Resource Areas.
4. Routing maps entitled "300 Line Project Loop 325, Proposed 30" Natural Gas Pipeline", dated July 17, 2009. The routing maps show the location within the Planning Area of Tennessee's existing pipeline, the proposed 30-inch outside

Eileen Swan, Executive Director
Highlands Council
September 10, 2009
Page 4

diameter underground pipeline loop known as the "325 Loop Segment", existing and proposed right-of-way (easement) areas and work space areas superimposed on aerial photography. The routing maps also include tax block and lot information, profiles and delineation of the proposed work space areas. Per prior agreements with NJDEP, these routing maps are submitted in the place of site plans. Tennessee has not prepared any site plans for the Project as site plans would not adequately depict a linear development as proposed. Additionally, as per prior agreement with NJDEP, the enclosed routing maps have been signed and sealed by a New Jersey licensed professional land surveyor.

5. Municipal tax maps identifying the Planning Area tax blocks and lots through which the Project is proposed. The tax maps are included as part of *Attachment A* of the Narrative Report. The proposed 300 Line/325 Loop Segment Route is a rough approximation as per prior agreements with NJDEP. Furthermore, the location of the proposed 300 Line Project has been depicted on the Quad maps and route maps discussed above, and the tax block and lot information is included on the route maps.
6. Copy of a report entitled "Need for Incremental Pipeline Capacity Tennessee Gas Pipeline Company 300 Line Project" prepared by Tennessee.
7. Report entitled "Comprehensive Mitigation Plan Highlands Region Tennessee Gas Pipeline Company 300 Line Project", prepared by AECOM, Inc. dated September 2009. The Report includes separate impact tables for the Planning Area and Preservation Area, and an overall combined impact table. A copy of the CMP will be submitted under separate cover to NJDEP as a supplement to the pending exemption application for the Preservation Area portion of the Project.
8. Shipment and Delivery Notification receipts documenting that a copy of the Planning Area Application was provided to the following: (1) municipal clerk for Vernon Township ; and (2) the NJDEP.
9. Shipment and Delivery Notification receipts documenting that a copy of the Planning Area Application notice letter was provided to the following: (1) municipal Environmental Commission for Vernon Township (if any exist); (2) the Planning Board for Vernon Township ; (3) the Construction Official for Vernon Township; (4) the County Planning Board for Sussex County; and (5) the Environmental Commission for Sussex County(if any exist).

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Eileen Swan, Executive Director
Highlands Council
September 10, 2009
Page 5

We are simultaneously forwarding a copy of this letter and the above-listed documents to the municipal clerk for Vernon Township and the NJDEP. Based on the materials submitted with this letter, the Project qualifies for the public utility line exemption established under the Highlands Act (N.J.S.A. 13:20-28a(11)), and NJDEP regulations at N.J.A.C. 7:38-2.3(a)11, and is exempted from the Highlands Act, the RMP, NJDEP's regulations implementing the Highlands Act, and any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the RMP. Therefore, we request that the Highlands Council issue a written determination confirming the exemption.

Very truly yours,



STEVEN M. DALTON

SMD/mea
Enclosures

cc: Robin Kline, Vernon Township Municipal Clerk
Lawrence J. Baier, Director, NJDEP, Division of Watershed Management
Vernon Township, Environmental Commission (w/o enclosure)
Vernon Township Planning Board (w/o enclosure)
Vernon Township, Construction Official (w/o enclosure)
Sussex County Planning Board (w/o enclosure)
Sussex County Environmental Commission (w/o enclosure)
Susan King
Mark A. Hamarich
David M. Waterson, Jr., Esq.
Melissa M. Dettling
Jacquelyne M. Rocan, Esq.
Thomas G. Joyce
Robert. B. Wooten
John Zimmer
Michael J. Gross, Esq.

::ODMA\PCDOCS\GHCDOCS\702856\1

For Office Use Only	
Date Received by DEP ___/___/___	Project Identification Number _____

New Jersey Department of Environmental Protection

Highlands Applicability and Water Quality Management Plan (WQMP)
Consistency Determination Application Form
(Highlands Applicability Determination)



PLEASE TYPE OR PRINT CLEARLY

For tips on filling out this application visit: www.nj.gov/dep/highlands/hadshelp.htm

Note: Pursuant to N.J.A.C. 7:38-2.4(a) any person proposing to undertake an activity that constitutes a major Highlands development may stipulate that their proposed project or activity that needs a Department permit is not exempt from the Highlands Act vis-à-vis an application for a Highlands Preservation Area Approval without first obtaining a Highlands Applicability Determination.

This form includes the following four sections:

- Section I.** General Highlands applicant information;
- Section II.** Information for determination whether a project or activity is a major Highlands development;
- Section III.** Information for determination whether Highlands regulatory requirements are applicable to a project or activity; and
- Section IV.** Information for determination whether the project or activity is consistent with the Areawide Water Quality Management Plan (WQMP).

Complete all sections of the form and provide two copies of the form and all attachments:

Section I. General Highlands Applicant Information

1. **NAME OF PROJECT:** 300 Line Project
Property Owner's Last Name or Company Name, Type of Development (Example: Doe, Minor Subdivision; Doe, Single-Family Home)

2. **DATE OF APPLICATION:** September 10, 2009

3. **PROPERTY OWNER:**

NAME/AGENCY/COMPANY: Various properties - See attached line list

ADDRESS: _____
Street Address Apt. or Suite Number

_____ City State Zip

CONTACT PERSON: _____ **TITLE:** _____

PHONE: () _____ **FAX:** () _____ **E-MAIL:** _____

4. **APPLICANT OR AGENCY SUBMITTING REQUEST:**

NAME/AGENT/ENGINEER: N/A

AGENCY/COMPANY: Tennessee Gas Pipeline Company

ADDRESS: 1001 Louisiana Street
 Street Address Apt. or Suite Number
Houston TX 77002
 City State Zip

PHONE: (713) 420-2600 FAX: (713) 445-8641 E-MAIL _____

CONTACT PERSON: Melissa Dettling TITLE: Principal Environmental Scientist

PHONE: (713) 420-3428 FAX: (713) 445-8641 E-MAIL melissa.dettling@elpaso.com

5. **APPLICATION FEE:** There is no fee for applications submitted by the New Jersey Department of Transportation. A fee of \$100.00 for individual applicants proposing improvements costing \$100,000 or less; municipalities; or applicants seeking a determination based on receipt of a woodland management plan or a determination if an agricultural or horticultural activity is not regulated as a major Highlands development and \$750.00 for all other applicants, paid as follows:
- The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - The fee shall be made payable to "Treasurer, State of New Jersey";
 - Each check, purchase order, or money order must be marked with the name of the applicant, and
 - Each check, purchase order, or money order must indicate that the fee is for a Highlands Applicability Determination.

The total project or activity cost for this application is \$_____.

6. **LOCATION OF PROJECT:**

- A. MUNICIPALITY: Vernon, West Milford, and Ringwood
- B. COUNTY: Sussex & Passaic
- C. LOT(S): Various Lot and Block numbers. See attached line list.
- D. BLOCK(S): _____
- E. ADDRESS OF PROJECT LOCATION: Parallels existing Tennessee Gas pipeline - See attached line list.
- F. TOTAL ACREAGE OF PROJECT SITE: Planning Area - 70.89 acres (63.13 temp. / 7.76 perm.)
Preservation Area - 159.53 acres (128.36 temp. / 31.17 perm.)
- G. STATE PLANE COORDINATES OF CENTER OF DEVELOPMENT AREA
 X: Start: X -74.57026 Y 41.2074 Y: Start: X -74.29713 Y 41.12995
 (See item number 7 below for information on obtaining state plane coordinates)
- H. WATER QUALITY MANAGEMENT PLAN: Northeast and Sussex
- I. WATERSHED MANAGEMENT AREA: Walkkill (WMA 2) and Pompton, Pequannock, Wanaque & Ramapo (WMA 3)

7. ADDITIONAL REQUIREMENTS:

- Municipal Tax Map(s) delineating the project site by Lot(s) and Block(s); and
- A copy of a USGS Quad map or portion thereof (1:24,000 scale, include title-name of Quad), with the project site boundaries clearly delineated.

GIS coverage and the State Plane coordinates for a point at the approximate center of the site. Please use NAD 1983. The accuracy of these coordinates should be within 50 feet of the actual point. For assistance in determining the State Plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609) 777-0672 or see the iMAP webpage at nj.gov/dep/gis/depsplash.htm.

(NOTE: a disk containing the USGS Quad map information recorded in a digital GIS format at a minimum scale of 1:12,000 may be submitted in lieu of a hard copy)

8. DESCRIPTION OF PROJECT/ACTIVITY:

PROVIDE A NARRATIVE DESCRIPTION OF THE PROPOSED PROJECT OR ACTIVITY:

(Attach additional pages if necessary) Proposed activities include construction, operation and long-term maintenance of new natural gas pipeline facilities. See attached Project narrative for additional detail.

Highlands Applicability and Water Quality Management Plan (WQMP)
Consistency Determination Application Form
(Highlands Applicability Determination)

Section II. Highlands Major Development Determination

Determination as a major Highlands development located within the Highlands Preservation Area will institute specific design and performance standards. Please provide all of the following:

1. **Site Plan(s) certified by a licensed New Jersey Professional Engineer that clearly detail the following (FOR APPLICABLE PROJECT/ACTIVITIES):**
 - All proposed site improvements
 - Total area of disturbance, existing and proposed—include supporting area calculation
 - A metes and bounds disturbance area delineation description
 - Total area of existing impervious surface at the site
 - Total area of permanent impervious cover to be generated by the project—include supporting area calculation
 - Delineation of all forest on the site—if forest area is being disturbed, include area calculation for the disturbed portion(s)
 - A copy of the official proof of filing for the Site Plan(s) or Subdivision Plat(s) (this includes a county signature and stamp)

2. **Proof that the public notice requirements below have been met. To prove that a document has been sent to a person, submit either the white postal receipt bearing the recipient's name, address, the date material was sent by certified mail and the cost to the sender, or the green certified mail return receipt card. If a project is located in more than one municipality or county, the notice requirements below must be met for each municipality and county in which the site is located.**
 - Proof that the municipal clerk and the Highlands Council were sent a copy of the entire application and supporting documentation submitted to the Department; and
 - Proof that a completed copy of the notice letter (see Attachment A) was sent to:
 - 1) The Municipal Environmental Commission (if one exists);
 - 2) The Municipal Planning Board;
 - 3) The Municipal Construction Official;
 - 4) The County Planning Board; and
 - 5) The County Environmental Commission (if one exists).

3. **Is the project considered a Capital Improvement pursuant to The Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.?**

No Yes

4. **Is the project proposed solely for Agricultural or Horticultural purposes pursuant to N.J.A.C. 7:38-1.4?**

No Yes

5. DEPARTMENT PERMITS REQUIRED (Check all that apply):

- Water Allocation Water Main Extension Freshwater Wetlands
- Flood Hazard Control Area 50 or More Realty Improvements (residential)
- Sewer Extension (TWA) Other type of Treatment Works Approval
- New NJPDES DSW Modification to NJPDES DSW Expansion/Re-rating NJPDES DSW
- New NJPDES DGW Modification to NJPDES DGW Expansion/Re-rating NJPDES DGW
- New NJPDES SIU Modification to NJPDES SIU

No Department permits are required

NOTE HERE which, if any, of the above permits have already been received:

None of the above noted permits have been applied for or received to date.

Tennessee anticipates filing of these permit applications during the 4th quarter 2009.

6. IS THE PROPOSAL REQUIRED AS PART OF AN ADMINISTRATIVE ORDER, COURT ORDER, NJDEP ADMINISTRATIVE CONSENT ORDER (ACO), OR A JUDICIAL CONSENT ORDER TO WHICH THE NJDEP IS A PARTY, FROM A STATE OR FEDERAL COURT?

- No Yes, copy attached

Highlands Applicability and Water Quality Management Plan (WQMP)
Consistency Determination Application Form
(Highlands Applicability Determination)

SECTION III—Highlands Preservation Area Regulatory Requirement
Applicability Determination:

This section of the application form is to be used to apply for a Highlands Applicability Determination letter for any of the following:

- All exemptions under N.J.S.A. 13:20-1 et seq.
- All other activities not regulated by the Highlands Water Protection and Planning Act under N.J.S.A. 13:20-1 et seq.

NOTE: The person who signs the exemption request as the applicant must be the owner of the site, or a person with sufficient legal authority over the site to carry out all requirements of any authorization issued.

EXEMPTION APPLICATION REQUIREMENTS:

In addition to the requirements of Section I and II above and Section IV below, to be deemed administratively complete, an application for a Highlands Applicability Determination letter of exemption from the requirements of the Highlands Water Protection and Planning Act must include the following information for the type of exemption being requested or the non-regulated activity, as listed below. Check off the box to the left of the exemption number for the type of exemption being requested:

1. For an exemption for the construction of a single-family dwelling, for an individual's own use or the use of an immediate family member, the following information is required:
- A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004; or
 - If the applicant does not own the property, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed; and
 - An official document certifying that the single-family dwelling proposed for construction is intended for the applicants own use or the use of an immediate family member of the owner or buyer of the property identified in the certification by name and relationship to the applicant; and
 - A notarized statement, from the property owner, indicating that the property subject to the review has not been subdivided, merged, or in other ways had its lot lines adjusted subsequent to the date of the submitted deed; and
 - A land survey certified by a licensed New Jersey Professional Land Surveyor showing what currently exists on the lot.
2. For an exemption for the construction of a single-family dwelling on a lot in existence on August 10, 2004, not for use by the owner or an immediate family member, provided that construction does not result in the ultimate disturbance of one or more acres or a cumulative increase in impervious surface by one-quarter acre or more the following information is required:
- A copy of a recorded deed or plat, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was created on or before August 10, 2004; and

- A notarized statement, from the property owner, indicating that the property subject to the review has not been subdivided, merged, or in other ways had its lot lines adjusted subsequent to the date of the submitted deed; and
- A land survey certified by a licensed New Jersey Professional Land Surveyor showing the proposed metes and bounds disturbance area delineation, along with a narrative description of that area; and

The metes and bounds disturbance area delineation is the total area of the site to be disturbed (which must be limited to less than 1 acre), including the proposed disturbance and the existing disturbance that is to remain. Existing disturbance beyond the allowable metes and bounds area must be demolished/restored and restricted from future disturbance including mowing, unless that area is exempted by virtue of being agriculture.

- A site plan certified by the appropriate licensed New Jersey Professional showing all existing development (distinguishing between what will be removed and what will remain) and proposed development, including all structures, grading, clearing, impervious surface that doesn't result in 0.25-acre or more, limits of disturbance that do not result in 1 acre or more, and the metes and bounds disturbance area delineation for the project.

Also include supporting calculated values for proposed impervious surfaces, proposed areas of disturbance, and areas of existing disturbance to be restored (if any).

(Note: If a conservation restriction is required as a condition of your applicability determination, you will be notified in your determination letter.)

- 3. For an exemption for the construction of a major Highlands development that has received certain municipal and state approvals on or before March 29, 2004, the following information is required:
 - A. A copy of a resolution by the local authority, granting one of the following approvals on or before March 29, 2004:
 - Preliminary or final site plan approval;
 - Preliminary or final subdivision approval, as applicable, where no subsequent site plan approval or proof of filing is required;
 - Minor subdivision approval where no subsequent site plan approval is required; or
 - A copy of a final municipal building or construction permit.
 - B. In addition to the information provided above, submit proof that the project has obtained at least one of the following DEP permits, if applicable to the proposed major Highlands development, on or before March 29, 2004:
 - A permit or certification pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.;
 - A water extension permit or other approval or authorization pursuant to the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;
 - A certification or other approval or authorization pursuant to the Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq.; or
 - A treatment works approval pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
 - C. If none of the approvals at "B" above are required for the project or activity, submit proof that at least one of these following DEP permits has been obtained on or before March 29, 2004, if applicable to the proposed major Highlands development:
 - A permit or other approval or authorization issued pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; or

- A permit or other approval or authorization issued pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq..
- D. A folded copy of the preliminary site plan or subdivision plat. If the subdivision plat was not filed and the subdivision has expired then a copy of the resolution or a court order extending the subdivision approval prior to the date of its expiration.
- E. A copy of a letter from the local governing body, verifying that the use and zoning of the site have not changed since the approval specified in "A" above, and verifying that municipal approval is still valid, or verifying that the use and zoning have changed, but that the change does not do any of the following:
- Require submittal of a new or amended application for the proposed project; or
 - Require approval of a new or amended application by local authorities.
- F. Any other information necessary to determine if the applicant is eligible for exemption under N.J.S.A. 13:20-1et seq.
4. For an exemption for reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more, the following information is required:
- A site plan certified by the appropriate licensed New Jersey Professional showing all existing impervious surfaces, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity;
 - A land survey certified by a licensed New Jersey Professional Land Surveyor showing all existing impervious surface, including all structures, grading, clearing, impervious surface and disturbance limits, existing on the site on August 10, 2004; and
 - Photographs keyed to the site plan; and
 - A copy of any official documentation indicating the original date of construction of the building or structure or otherwise establishing the lawfulness of existing impervious surfaces (for example: a construction permit with the approved construction plan issued by a municipal official).
5. For an exemption for improvement(s) to a legally existing single-family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system where that improvement shall maintain the use as a single-family dwelling and does not permit use of the structure as a multiple dwelling unit, the following information is required:
- A copy of any official documentation proving the single-family dwelling was in existence on August 10, 2004;
 - A certification from the municipal clerk that the municipality considers the dwelling lawfully constructed and occupied;
 - A description of the proposed improvement; and
 - A certification from the applicant that the property and all improvements will continue to be used for single-family dwelling purposes.

6. For an exemption for 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 a 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, the following information is required:
- A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
 - For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
 - A site plan certified by the appropriate licensed New Jersey Professional showing all existing impervious surfaces, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
 - A certification of occupancy for any existing buildings or structures on the property.

7. For an exemption for any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or for public lands, the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester, the following information is required:

For a private landowner with an approved woodlot management plan:

- A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq.;
- A brief description of the activities for which the exemption is claimed including:
 - The total area of woodlands that is the subject of the approved woodland management plan;
 - The length of time that the area to be managed has been in use for woodland management; and
- A copy of the approved woodlot management plan; or

For public lands with a forest management plan approved by the State Forester:

- A brief description of the activities for which the exemption is claimed including:
 - The total area where the normal harvesting of forest products occurs; and
 - The length of time that the area to be managed has been in use for normal harvesting of forest products; and
- A copy of a forest management plan approved by the State Forester (contact the Department at (609) 292-2531 for information on how to obtain a forest management plan).

8. For an exemption for the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established and filed with the deed for the lots on which the easement exists, the following information is required:
- A site plan certified by the appropriate licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any;
 - A written description of the non-impervious materials to be used; and
 - For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

9. For an exemption 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 Water Protection and Planning Act and does not result in the construction of any new through-capacity travel lanes of 2,640 feet or more not including tapers, the following information is required:
- A site plan certified by the appropriate licensed New Jersey Professional showing the existing and proposed transportation or infrastructure system;
 - A written description of the work to be conducted, the purpose of the activity and how that purpose is consistent with the goals and purposes of Highlands Water Protection and Planning Act; and
 - A brief description of the State entity or local government unit that is sponsoring and overseeing the proposed activities.
10. For an exemption for the construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes of 2,640 feet or more not including tapers, the following information is required:
- A site plan certified by the appropriate licensed New Jersey Professional showing the proposed transportation safety project, bicycle or pedestrian facility;
 - A written description of the specific type of project to be constructed and the purpose of the project; and
 - A brief description of the State entity or local government unit that is sponsoring and overseeing the proposed activities.
11. For an exemption for the 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 of purposes of the Highlands Water Protection and Planning Act, the following information is required:
- A site plan certified by the appropriate licensed New Jersey Professional showing the existing and proposed public utility lines, rights of way, or systems;
 - A written description of the work to be conducted, the purpose of the activity and how that purpose is consistent with the Highlands Water Protection and Planning Act; and
 - The identity of the public utility that is sponsoring the proposed activities.
12. For an exemption for the reactivation of rail lines and rail beds existing on August 10, 2004, the following information is required:
- A site plan certified by the appropriate licensed New Jersey Professional showing the location of the existing rail lines and rail beds; and
 - A brief description of the project for reactivation, including the sponsoring entity, the work to be conducted to accomplish the project, and an estimated schedule for completion.
13. For an exemption for the construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005, the following information is required:
- A copy of the public referendum question as it appeared on the official ballot;
 - Documentation showing that the referendum was approved; and
 - A resolution from the municipal or county governing body or certification by an official in the relevant state department, as the case may be, that describes the proposed project and it's

location and affirms that the proposed project is the same as that approved in the referendum.

- 14. For an exemption for mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004, the following information is required:
 - A site plan certified by the appropriate licensed New Jersey Professional showing the location of existing and proposed activity and development;
 - Any type of official documentation (tax records, local or state permits, bills of sale, lading etc.) demonstrating that the mine or facility was in existence and operating on June 7, 2004, and included the land on which the proposed activity or development will occur; and
 - A copy of a Certificate of Registration issued by the Commissioner of Labor pursuant to N.J.S.A. 34:6-98.4.

- 15. For an exemption for the remediation of any contaminated site pursuant to N.J.S.A. 58:10B-1 et seq., the following information is required:
 - A copy of a site plan certified by the appropriate licensed New Jersey Professional indicating the area above or below ground where contamination will be removed or remediated;
 - A brief description of the remediation activity to be conducted including any structures, impervious surfaces, clearing of vegetation or water diversion being proposed;
 - A copy of a letter, application, order, or any other documentation demonstrating that the remediation activities are required in accordance with N.J.S.A.13:58:10B-1 et seq.; and
 - The name of the case manager handling or supervising remediation at DEP.

- 16. For an exemption for activities on lands of a federal military installation existing on August 10, 2004, the following information is required:
 - A site plan certified by the appropriate licensed New Jersey Professional showing the general location of the proposed activities as being within the borders of a federal military installation and the activity's location with respect to the Highlands Region boundaries; and
 - A letter briefly describing the proposed activities signed by an official of the installation.

- 17. For an exemption for a major Highlands development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban) pursuant to the State Planning Act, 52:18A-196 et seq., as of March 29, 2004, that on or before March 29, 2004 has been the subject of a settlement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issued by the Superior Court, to satisfy the constitutional requirement to provide for the fulfillment of the fair share obligation of the municipality in which the development is located, the following information is required:
 - A copy of the settlement agreement and stipulation of dismissal filed in the Superior Court, or builder's remedy issued by the Superior Court;
 - A copy of any site plans certified by the appropriate licensed New Jersey Professional, maps or other documentation clearly indicating the location of the fair share housing to be provided in accordance with the settlement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issued by the Superior Court and the location of all proposed structures, service or access roads, and infrastructure with respect to the boundaries of Planning Area 1 or 2, as the case may be;
 - A copy of all municipal approvals obtained for the project, or the schedule for applying and obtaining such approvals; and
 - A proposed schedule for completion of the entire project including township approvals, site preparation, installation of utilities and roads, and construction of all buildings.

PROJECTS/ACTIVITIES NOT REGULATED BY THE HIGHLANDS WATER PROTECTION AND PLANNING ACT, N.J.S.A. 13:20-1et seq. APPLICATION REQUIREMENTS:

Major Highlands development" means, except as otherwise provided pursuant to subsection a. of section 30 of this act:

- (1) any non-residential development in the preservation area;
 - (2) any residential development in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
 - (3) any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance of one quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or
 - (4) any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.
- Major Highlands development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the preservation area"

- For a farming or horticulture activity under N.J.S.A. 13:20-1et seq., the following information is required:
- A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq.; and
 - A brief description of the activities for which the exemption is claimed, including:
 - The types of farming or horticulture that will be pursued;
 - Best management practices currently employed and/or to be employed;
 - The length of time that the area to be disturbed has been in use for farming or horticulture; and
 - The square footage or acreage of the entire site, of the impervious surfaces already existing on the site, and the total amount of impervious surface on the site if the proposed activity is permitted. (Note: If the proposed increase in agriculture or horticulture activity will result in 3% or more of the site being covered by impervious surface, applicants should contact the local soil conservation district for additional assistance.)
- For a residential project in the preservation area that does not constitute a major Highlands Development at N.J.S.A. 13:20-3.
- A land survey certified by a licensed New Jersey Professional Land Surveyor showing the proposed metes and bounds disturbance area delineation, along with a narrative description of that are; and

The metes and bounds disturbance area delineation is the total area of the site to be disturbed (which must be limited to less than 1 acre), including the proposed disturbance and the existing disturbance that is to remain. Existing disturbance beyond the allowable metes and bounds area must be demolished/restored and restricted from future disturbance including mowing, unless that area is exempted by virtue of being agriculture.
 - A site plan certified by the appropriate licensed New Jersey Professional showing all existing development (distinguishing between what will be removed and what will remain) and proposed development, including all structures, grading, clearing, impervious surface that doesn't result in 0.25-acre or more, limits of disturbance that do not result in 1 acre or more, and the metes and bounds disturbance area delineation for the project.

Also include supporting calculated values for proposed impervious surfaces, proposed areas of disturbance, and areas of existing disturbance to be restored (if any).

(Note: If a conservation restriction is required as a condition of your applicability determination, you will be notified in your determination letter.)

- Other (explain why the proposal does not constitute a major Highlands development at N.J.S.A. 13:20-3)

Highlands Applicability and Water Quality Management Plan (WQMP)
Consistency Determination Application Form
(Highlands Applicability Determination)

Section IV. Project or Activity WQMP Consistency Determination

This section of the application form is to be used for the determination of whether a project or activity is consistent with the applicable Areawide Water Quality Management Plan.

1. PROJECTED WASTEWATER FLOW:

- No wastewater is generated from this project/activity.

Depending on the type of wastewater treatment and type of development, there are different criteria to use to determine the total projected wastewater flow. Use the attached projected flow criteria under N.J.A.C. 7:14A-23.3 or N.J.A.C. 7:9A-7.4 to determine the **total** amount of wastewater the proposed project will generate. Check the appropriate box to indicate which table was used and complete Table 1 below:

- N.J.A.C. 7:9A-7.4, Standards for Individual Subsurface Sewage Disposal Systems
 N.J.A.C. 7:14A-23.3, The New Jersey Pollutant Discharge Elimination System (NJPDES) Rules

TYPE of DEVELOPMENT (check and complete all that apply):

- Residential
- Type of Dwelling Units _____
 - Number of Dwelling Units _____
 - Bedrooms Per _____
- Commercial/Institutional
- Total Square Footage of Structures _____
 - Maximum Building Occupancy _____
 - Specify Type of Establishment _____
- Industrial
- Total Square Footage of Structures _____
 - Maximum Building Occupancy _____
 - Specify Type of Establishment _____
- Other
- Total Square Footage of Structures _____
 - Specify Type of Establishment _____

Table 1. EXISTING wastewater flows (if applicable)

Establishment Type *	Measurement Unit	Number of Units		Gallons per day (gpd)		Projected Flows (gpd)
			X		=	
			X		=	
			X		=	
			X		=	
Total amount of wastewater being generated					=	

Table 2. PROPOSED wastewater flows

Establishment Type *	Measurement Unit	Number of Units		Gallons per day (gpd)		Projected Flows (gpd)
			X		=	
			X		=	
			X		=	
			X		=	
Total amount of wastewater this project will generate					=	

*If the proposal is for a new or expanded industrial facility that will generate industrial process wastewater which is not provided for on the attached projected flow criteria tables, provide a basis for the total projected wastewater discharge from the proposal site. Where other forms of wastewater (such as domestic, stormwater, non-contact cooling water, etc.) will be generated on site and treated by the proposed industrial wastewater treatment facility, include the basis for these flow projections as well.

2. PROPOSED METHOD OF WASTEWATER TREATMENT (check as indicated): Not Applicable

- A. Individual Subsurface Sewage Disposal Systems < 2,000 gallons per day
- B. New Discharge to Ground Water ≥ 2,000 gallons per day
- C. Conveyance to an existing wastewater treatment facility (DGW or DSW):
 Name and Location of Facility: _____

 NJPDES Permit #: _____
 Permitted Capacity: _____

3. IF THE METHOD OF WASTEWATER TREATMENT PROPOSED IS "C" ABOVE, APPLICANT MUST ALSO PROVIDE THE FOLLOWING: Not Applicable

- A letter from the above facility verifying the existence and extent of wastewater collection infrastructure on August 10, 2004, and that adequate capacity is available, with a written commitment to service the proposed project.
- A copy of a site plan or other appropriately scaled map, showing the point of connection to the wastewater collection system as it existed on August 10, 2004.

4. PROPOSED WATER SUPPLY SOURCE (checks one of the following and fill in the blanks): Not Applicable

- Water Purveyor
 Name of Purveyor _____
 - Residential Wells
 Number of residential wells _____
 - Commercial or Industrial Wells
 Number of wells _____
 - Irrigation Wells
 Number of wells _____
- Projected peak water use in gallons per day _____

CERTIFICATION:

An application shall be signed by the person or persons specified below:

1. For a corporation, by a principal executive officer of at least the level of vice president;
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively;
3. For a municipality, State, Federal, or other public entity, by either a principal executive officer or ranking elected official; or
4. For an entity not covered at (a) 1 through 3 above, by all individual owners of record.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE, TO THE BEST OF MY KNOWLEDGE.

SIGNATURE: _____ DATE: 9/9/09

PRINT OR TYPE NAME Jesus SOTO, Jr

TITLE: VP Operations Services

WHICH OF THE ABOVE CERTIFICATION CATEGORIES IS BEING PROVIDED? (1)

*NO
MATH*

Additional information may be required upon review by the Department
SEND COMPLETED APPLICATION FORM AND ATTACHMENTS TO:
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT
ATTN: HIGHLANDS APPLICABILITY DETERMINATION
401 E. STATE ST. PO BOX 418
TRENTON, NJ 08625-0418