



State of New Jersey
DEPARTMENT OF STATE
NEW JERSEY STATE PLANNING COMMISSION
PO Box 820
TRENTON NJ 08625-0820

CHRIS CHRISTIE
Governor

GERRY SCHARFENBERGER, PH.D.
Director

KIM GUADAGNO
Lieutenant Governor

Resolution No. 2013-04
Page 1 of 2

Date: January 16, 2013

RESOLUTION

AUTHORIZING AN AMENDMENT TO THE STATE PLAN POLICY MAP IN MOUNT OLIVE TOWNSHIP, MORRIS COUNTY

WHEREAS, pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. (the Act), the State Planning Commission (the Commission) has prepared and adopted a State Development and Redevelopment Plan (the State Plan) which includes a State Plan Policy Map; and

WHEREAS, the Commission is empowered, pursuant to N.J.S.A. 52:18A-203, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes; and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the Commission has adopted regulations set forth in N.J.A.C. 5:85-8.3 et seq., that establish a process for amendments to the State Plan Policy Map of the State Plan as a means to implement the State Plan and to foster cooperation and coordination of planning activities between State agencies and county and local governments; and

WHEREAS, on October 17, 2012 the Commission chose to initiate a State Plan Policy Map amendment to a Planning Area designation and to resolve a planning area discrepancy in Mount Olive Township, Morris County described in the attached document entitled "Justification for State Planning Commission Initiated Map Amendment"; and

WHEREAS, public notice of the hearing concerning the proposed map amendment was made pursuant to N.J.A.C. 5:85-1.7(b) where the above referenced document was referenced and made available; and

WHEREAS, after public notice was made the required public hearing was held on Tuesday December 11, 2012 at 7:00 p.m. in the Mount Olive Township municipal building, 204 Flanders-Drakestown Road, Budd Lake, NJ. A copy of the report and associated exhibits were made available for public inspection in the New Jersey Department of State, Office for Planning Advocacy, 225 West State Street, P.O. Box 820, Trenton, New Jersey 08625-0820 and were also available electronically on the Office for Planning Advocacy's website; and

WHEREAS, the public were given the opportunity to comment orally at the public hearing and in written form until January 13, 2013; and

WHEREAS, Over 50 members of the public attended the public hearing, and questions were asked and comments made to the proposal by the State Planning Commission to amend the State Plan Policy Map were voiced during the public hearing; and

WHEREAS, representatives from Mount Olive Township and Morris County testified or wrote in support of the proposal by the State Planning Commission to amend the State Plan Policy Map; and

WHEREAS, over 750 comments were received in letter or e-mail regarding the amendment;

NOW THEREFORE BE IT RESOLVED, that the Commission hereby agrees to authorize a State Plan Policy Map amendment to the Planning Area designation and to reconfigure the planning area consistent with and based on the justification provided in the attached document entitled "Justification for State Planning Commission Initiated Map Amendment"; and

BE IT FURTHER RESOLVED, that the members of the Commission and the Director and staff of the Office for Planning Advocacy are hereby authorized and directed to execute such documents and to take such other actions as may be necessary or appropriate for the implementation of this resolution.



State of New Jersey

DEPARTMENT OF State
New Jersey State Planning Commission
PO Box 820
TRENTON NJ 08625-0820

CHRIS CHRISTIE
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FINAL - JUSTIFICATION
FOR STATE PLANNING COMMISSION INITIATED
MAP AMENDMENT:
MT. OLIVE TOWNSHIP, MORRIS COUNTY

Proposed Map Amendment

The State Planning Rules at N.J.A.C. 5:85-8.3 allow the State Planning Commission to initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, and policies and delineation criteria of the State Plan provided that the new information alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area or areas.

The map amendment would result in 396.5 acres in Mt. Olive Township being changed from a Planning Area (PA) 5 to a Planning Area (PA) 1. This map amendment would be contiguous to the existing PA 1 to the Northeast in Roxbury Township and supported by existing infrastructure and local zoning. OPA staff would like to request that the SPC initiate this amendment now. This amendment is likely to have a positive impact on redevelopment opportunities that will positively impact the region. Although the Draft Final State Strategic Plan (SSP) calls for a transition away from the State Plan Policy Map (PM), amendments like this are contemplated as an interim measure. (Exhibit A)

Background Information & Existing Conditions

The area of 400 tax parcels is essentially existing development, 334 of which are residential properties, including senior housing. Approximately 65 acres are commercially taxed with a shopping center, office and factory. Nine (9) properties are either a church or synagogue. There is a 2 acre municipal park. An additional 18 acres are undeveloped with growth potential. (Exhibit B)

In 2004 the State of New Jersey passed the Highlands Water Protection and Planning Act, (Act) N.J.S.A. 13:20-1 et seq. The Act divided the region into the Highlands Planning Area and Preservation Area to protect drinking water. The area under consideration is all within the Highlands Planning Area which continues to be under the purview of the State Planning Act. The Highlands Council has examined this area and in their Regional Plan 298.1 acres are in an Existing Community Zone, 31.2 Acres in an Existing Community Preservation Zones and 27.7 acres in a Protection Zone. The remaining 39.6 acres of the 396.5 acres of the area being considered for the Planning Area change are within rights of way that were not part of their analysis. (Exhibit C)

Current NJDEP landscape data indicates that approximately 350 acres have no signs of habitat. The other 46.6 acres with signs of habitat are broken down accordingly

- Rank 1 – 0 Acres
- Rank 2 Special Concern – 38.10 Acres
- Rank 3 State Threatened – 1.08 Acres
- Rank 4 State Endangered – 7.42 Acres
- Rank 5 – 0 Acres (Exhibit F)

The area is served by the Cloverhill Treatment facility. It is in the WQMP that Morris County submitted to DEP. (Exhibit E)

The Zoning in this area is Light Industrial, Residential or Commercial. (Exhibit F)

Justification for Consideration

The underlying assumption had been that this area is environmentally sensitive. The data we have today shows that approximately 95% of the area is built with additional sewer service capacity for modest redevelopment and development. Adhering to our mapping conventions this area is adjacent to the existing PA 1 in Roxbury. The area is still subject to DEP and Highland Council's oversight that will ensure that water quality will not negatively impacted by over development.

In addition, the following information was considered by staff prior to making this recommendation:

1. Mapping convention to attach planning areas with similar characteristics if less than 1 square mile
2. The area's infrastructure and capacity for growth
3. The Municipality and County have written letters stating that the amendment would be consistent with the Municipal Master Plan and the Proposed County Wastewater Management Plan, pending DEP approval. (See Exhibits I & J)
4. The Highlands Council has verified that the area in question is in the Highland Planning Area
5. Future development is also subject to review by Morris County Planning Board, Morris County Soil Conservation District and various State agencies i.e. NJDEP and NJDOT
6. Mount Olive Master Plan establishes the basis for the Township's Land Use Plan which reflects the concerns identified in the Natural Resource Inventory concerning environmentally sensitive areas. List of key existing zoning controls:
 - a. Wellhead Protection regulations §400-76.1
 - b. Critical Areas regulations (steep slopes, etc.) §400-40
 - c. Protection of natural features §400-56
 - d. Protection of soils §400-64
 - e. Tree protection and replacement §400-75
 - f. Control of Stormwater runoff §400-67
 - g. Surface Water Management §400-74
 - h. Stream Corridors & Surface Water Buffers §400-6; §400-8
 - i. Only 20% of Township remains in the Highland Planning Area and the Township needs to effectively plan where development can occur.
 - j. There is no additional environmental enforcement based on CES and HCS

Areas that are PA 5 typically contain large contiguous land areas with valuable ecosystems, geological features and wildlife habitats. This area is built up and without significant environmental constraints. While all urban centers are PA 1, there are many PA 1 areas that do not have the same high concentration as urban centers. Since the current State Plan looks to PA1 areas where growth can be accommodated and this site matches those mapping convention, we believe that this area should be amended to the PA 1, contiguous to the PA that already exists in neighboring Roxbury Township.

OPA is recommending that the SPC initiate a map amendment consistent with the process outlined in the State Planning Rules.

ASSOCIATED EXHIBITS:

Exhibit A: Map, Aerial Photograph

Exhibit B: Map, Planning Area

Exhibit C: Map, Highlands

Exhibit D: Map, Ranked Habitat, Landscape Data, Version 3.1

Exhibit E: Sewer Service Area

Exhibit F: Map, Zoning

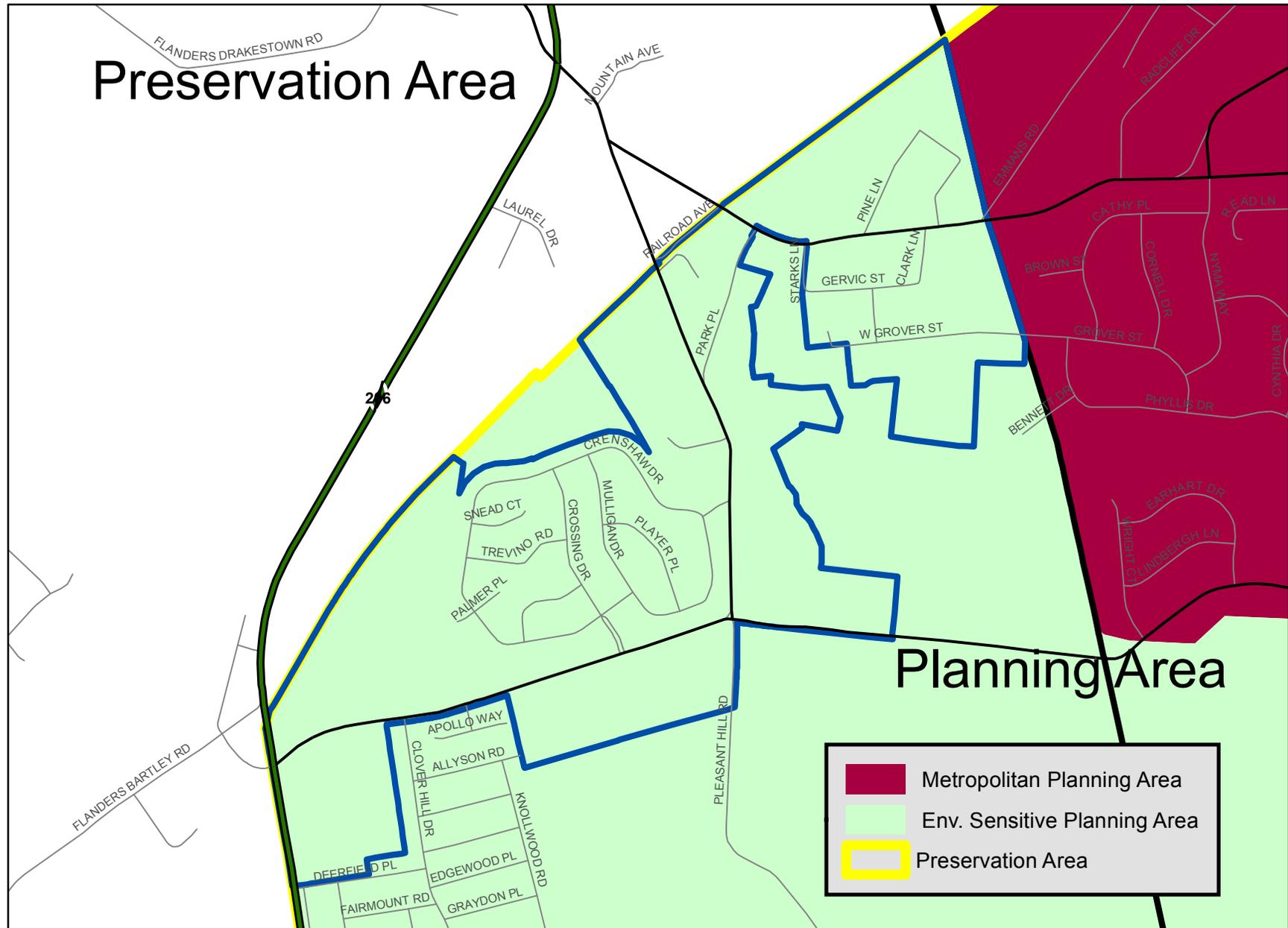
Exhibit I: Mt. Olive Letter

Exhibit J: County Letter

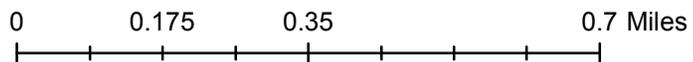
Exhibit K: Wellhead Ordinance

Exhibit M: Interim Draft Zoning

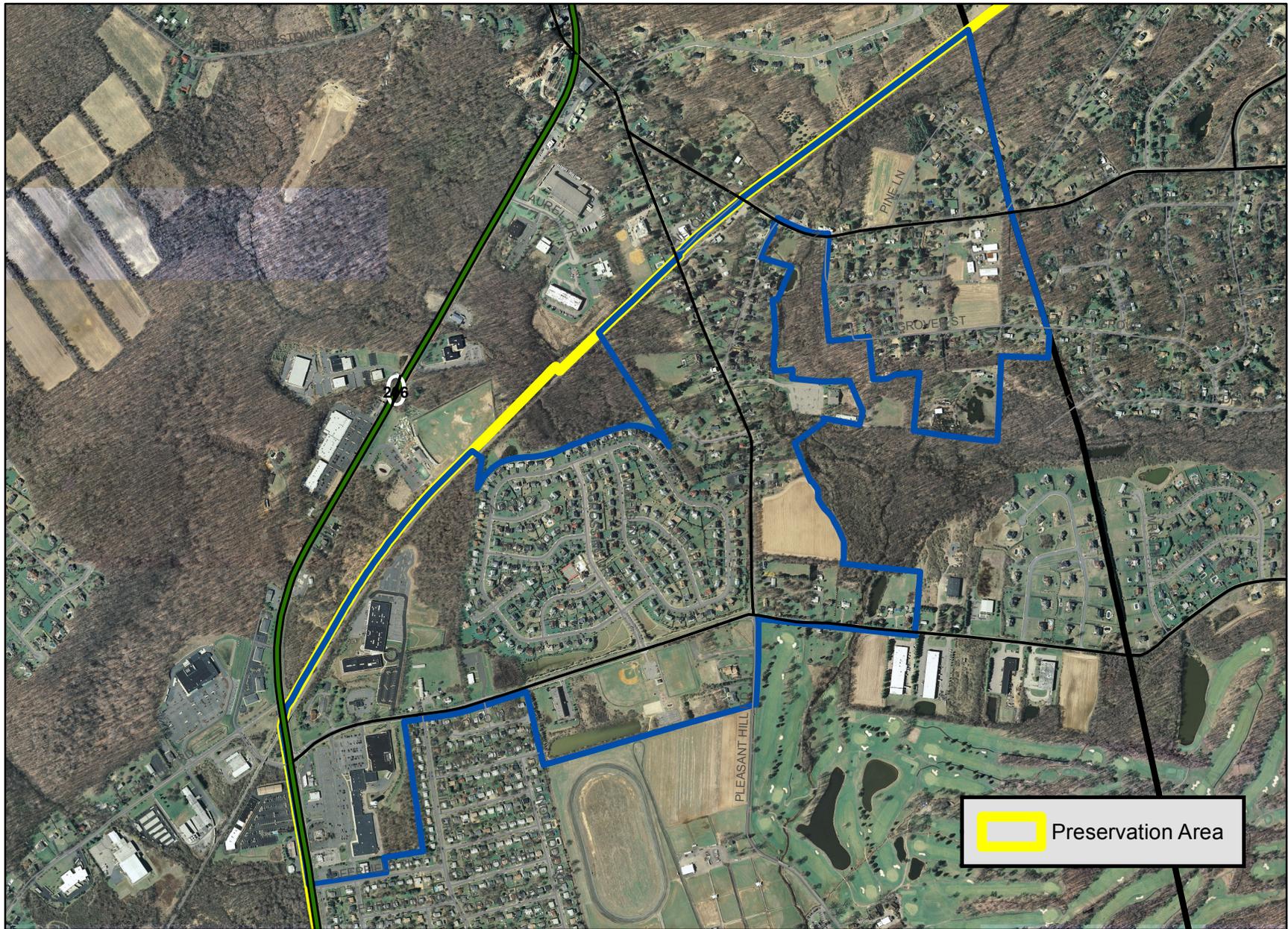
EXHIBITA: Area of the Proposed Planning Area Change State Plan 2001



Source:
NJ Dept. of State
Business Action Center
Office for Planning Advocacy
October 2012



EXHIBITA : Area of the Proposed Planning Area Change Aerial Overview

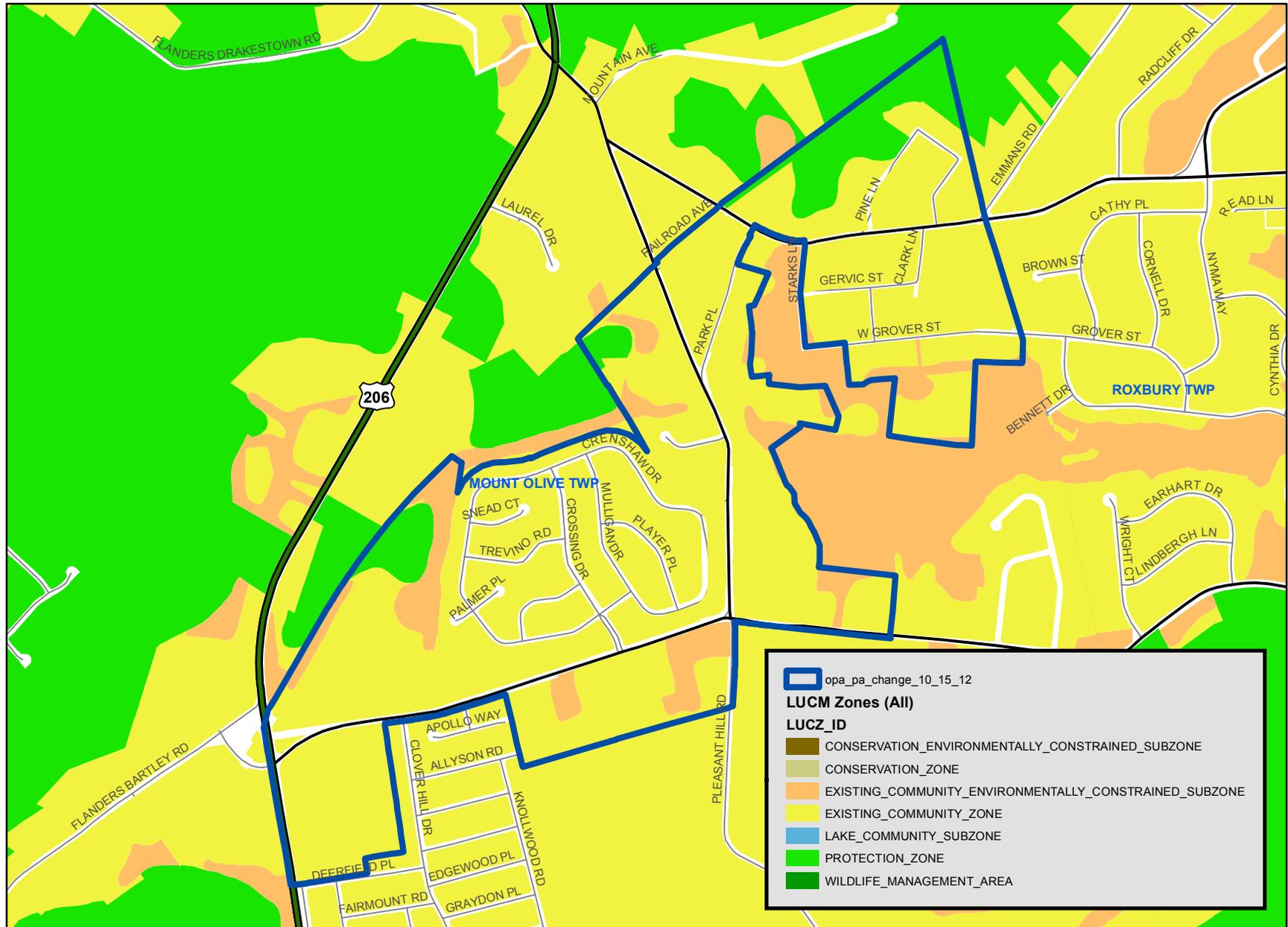


Source:
NJ Dept. of State
Business Action Center
Office for Planning Advocacy
October 2012

0 0.175 0.35 0.7 Miles



EXHIBIT C: Highlands Zones in the Area of the Proposed Planning Area Change



Source:
Office for Planning Advocacy
October 2012

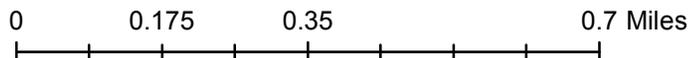
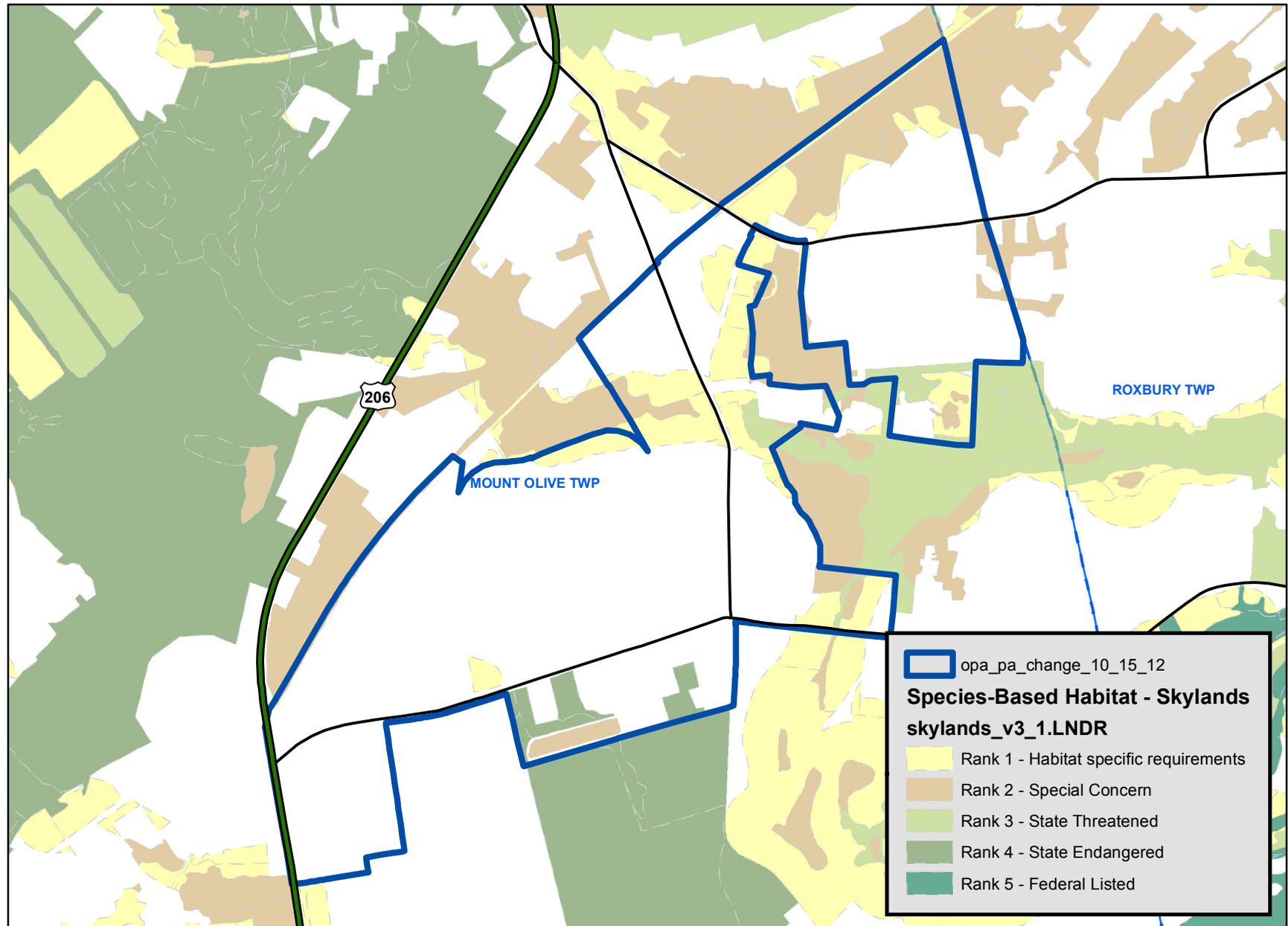


EXHIBIT D: Ranked Habitat in the Area of the Proposed Planning Area Change

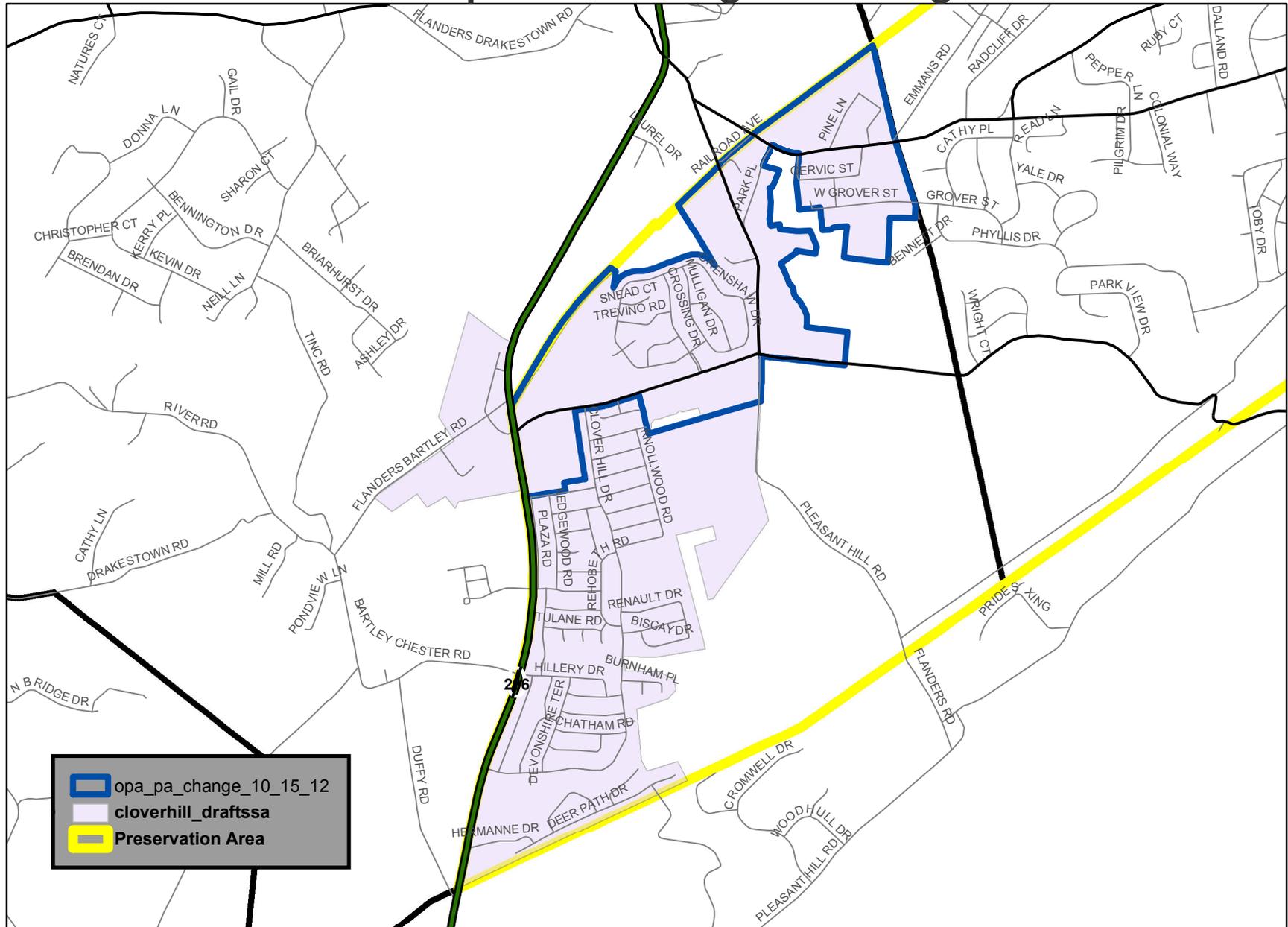


Source:
Office for Planning Advocacy
October 2012

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EXHIBIT : Draft Proposed Cloverhill Sewer Service Area and Proposed Planning Area change in Mt. Olive



Source:
 NJ Dept. of State
 Business Action Center
 Office for Planning Advocacy
 October 2012

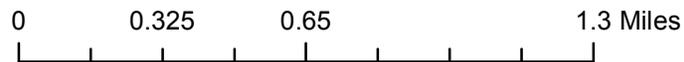
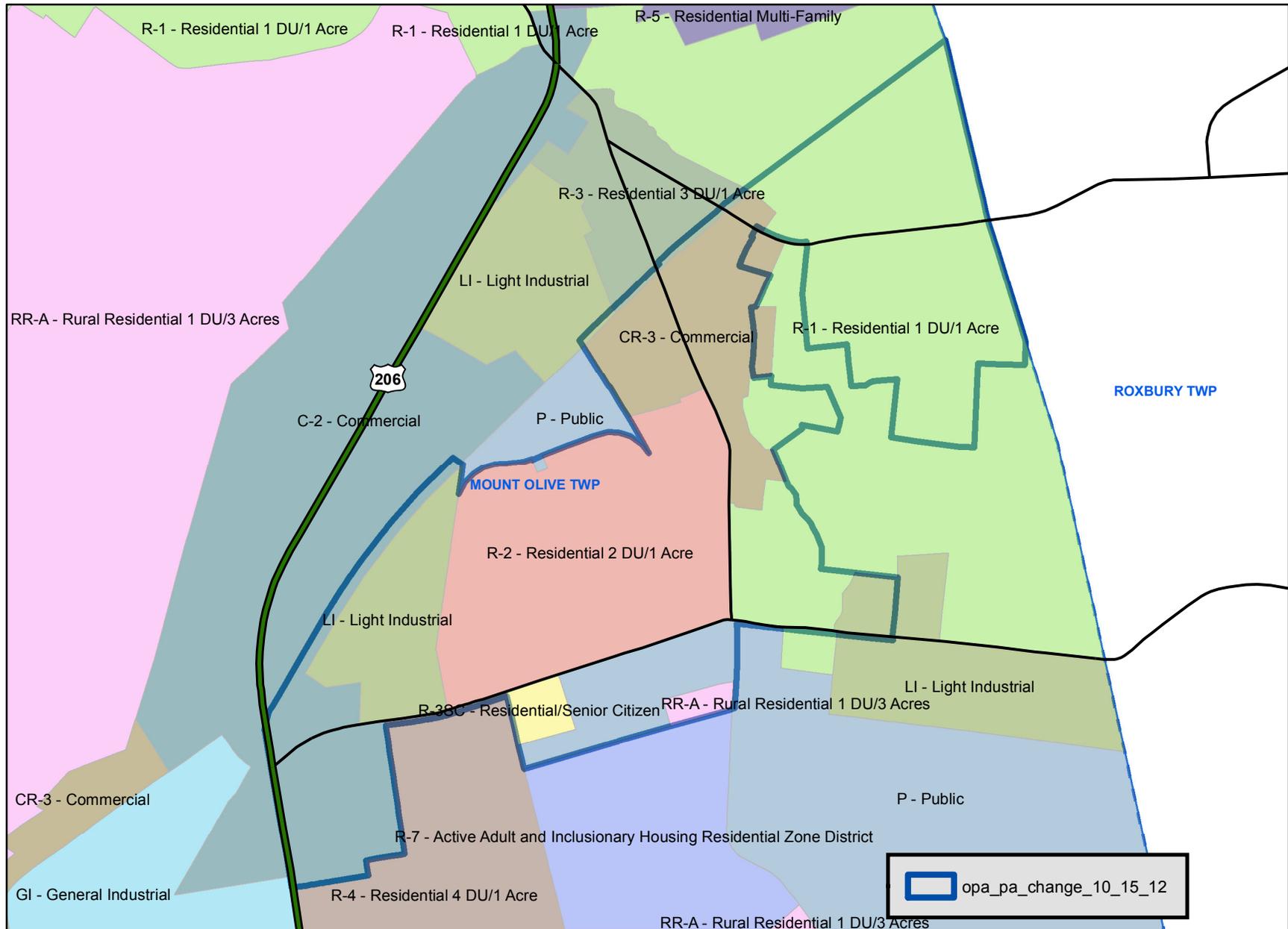
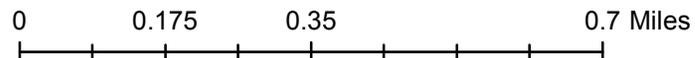


EXHIBIT F: Current Zoning with the Proposed Planning Area Change



Source:
 Business Action Center
 Office for Planning Advocacy
 October 2012





TOWNSHIP OF MOUNT OLIVE

Office of the Mayor
ROBERT GREENBAUM

January 11, 2013

Dr. Gerard Scharfenberger, PhD.
New Jersey State Planning Commission
Office for Planning Advocacy
Department of State
225 W. State Street
P.O. Box 820
Trenton, New Jersey 08625-0820

Re: Mount Olive Township, Morris County
State Plan Policy Map Corrections

Dear Dr. Scharfenberger:

As Mayor of the Township of Mount Olive in Morris County, I fully support the proposed map corrections to modify a section in the International Trade Center/Foreign Trade Zone from Planning Area 5 to Planning Area 2 and to revise a portion in Flanders from Planning Area 5 to Planning Area 1. Both areas are significantly developed and are served by public water and sanitary sewerage facilities. The proposed PA2 designation will provide a far better fit for the existing and ultimate build-out of the ITC/FTZ consistent with the new State Strategic Plan's policy of recognizing foreign trade zones as Priority Growth Area. In Flanders, the change to PA1 is certainly a more accurate depiction as applied to the existing residential neighborhoods and the office and retail development that are situated on or in proximity to U.S. Highway 206.

With 80 percent of our Township now restricted under the Highlands Preservation Area designation, it is imperative that we have in place a sensible economic development posture for the remaining 20 percent in the Planning Area. The proposed State Plan Policy Map corrections support this effort. I am aware that some opposition has been expressed fueled by charges that the State Planning Commission and Mount Olive are indifferent to the impact upon our environment. Nothing can be farther from the truth. Mount Olive has actively supported the acquisition of open space such that, when supplemented with State parklands, results in 6,957 preserved acres comprising 35 percent of the total land area in Mount Olive. We take great pride in the precious environmental resources within our municipal borders and employ an array of land use tools such as wellhead protection measures, exacting tree protection and replacement requirements, controls to limit disturbance to steep slopes and natural features, surface water management provisions and stream corridor buffer standards to ensure sensible, sensitive, and sustainable development.



TOWNSHIP OF MOUNT OLIVE

Office of the Mayor
ROBERT GREENBAUM

The proposed map corrections are entirely consistent with the goals established for the Highlands Planning Area as set forth in the *Highlands Water Protection and Planning Act*, particularly No. 9 which reads as follows:

Encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof...

Our desire to see the map changes implemented date back to the Cross Acceptance process thus I am very encouraged to have reached this point thanks to you and your very capable staff. I trust the State Planning Commission will support our efforts to plan wisely for our community and adopt the map changes.

Sincerely,



Robert Greenbaum
Mayor

/cm

cc: Sean Canning, Business Administrator
Catherine Natafalusy, Planning Administrator
Senator Steven Oroho
Assemblywoman Alison Littell McHose
Assemblyman Gary R. Chiusano

COUNTY OF MORRIS
DEPARTMENT OF PLANNING & DEVELOPMENT
DIVISION OF PLANNING

Board of Chosen Freeholders

Director

Thomas J. Mastrangelo

Deputy Director

David Scapicchio

Douglas R. Cabana

John Cesaro

Ann F. Grossi

John Krickus

Hank Lyon

P.O. Box 900

Morristown, New Jersey 07968-0900



County Administrator

John Bonanni

Director, Planning & Development

Deena Leary

Director

Christine Marion

973-829-8120

FAX 973-826-9025

cmarion@co.morris.nj.us

January 11, 2013

Edward J. McKenna, Jr., Chair
New Jersey State Planning Commission
New Jersey Department of State
225 West State Street
P.O. Box 820
Trenton, NJ 08625-0820

RE: Township of Mount Olive (Morris County) State Plan Policy Map Amendments

Dear Chairman McKenna:

I am writing on behalf of the Morris County Planning Board to express support for the amendments to the State Plan Policy Map for the Township of Mount Olive to be considered by the State Planning Commission on January 16, 2013. These amendments are consistent with the map amendments requested by the Morris County Planning Board on behalf of the Township of Mount Olive during the 2006-2007 cross-acceptance process. The basis for this support remains unchanged; therefore, the Morris County Planning Board requests that the State Planning Commission approve Resolution No. 2013-3 and Resolution No. 2013-4 identified on the State Planning Commission agenda of January 16, 2013 for the map amendments requested by the Township of Mount Olive.

Sincerely,

Christine G. Marion, PP/AICP
Planning Director

cc: Morris County Planning Board
Honorable Rob Greenbaum, Mayor, Mt. Olive
Sean Canning, Mt. Olive Administrator
Deena Leary, Director, Morris County Planning & Development
Gerard Scharfenberger, Director, OPA
Dan Kennedy, Deputy Director, OPA

Ord. #22-2010

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 400, LAND USE, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF NEWLY CREATED SECTION 400-76.1 ENTITLED "WELLHEAD PROTECTION"

BE IT ORDAINED by the Municipal Council of the Township of Mount Olive, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 400, Land Use, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of newly created Section 400-76.1, "Wellhead Protection", to read as follows:

§ 400-76.1 Wellhead Protection.

- A. Statement of findings. The governing body of the Township of Mount Olive finds that:
- (1) The ground water underlying this municipality is a major source of existing and future water supplies, including drinking water. The ground water underlying this municipality lies within several bedrock aquifers within the Township consisting of the Flanders Valley Aquifer, the Buried Valley Aquifer and the Green Pond Conglomerate Aquifer systems. These areas are defined in detail in Section 2.8 of the "Township of Mount Olive Natural Resource Inventory," dated October 2006.
 - (2) The ground water aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams, which also constitute a major source of water drinking, commercial and industrial needs.
 - (3) Spills and discharges of toxic or hazardous materials may contaminate or pollute ground water supplies and related water sources.
 - (4) Contaminated water from any source is a detriment to the health, welfare and comfort of the residents of this municipality, and other users of these water resources.
- B. Purpose. The purpose of this Ordinance is to protect the public health, safety and welfare through the protection of the ground water resources underlying the municipality to ensure a supply of safe and healthful drinking water for the present and future generations of local residents, employees and the general public in this municipality, as well as users of these water supplies outside this municipality. Areas of land surrounding each public community well and nontransient noncommunity well, known as Well Head Protection Areas (WHPAs), from which contaminants may move through the ground to be withdrawn in water taken from the well have been delineated. Through regulation of land use, physical facilities, placement of toxic and hazardous materials, and other related activities within these areas, the potential for ground water contamination can be reduced and any such contamination can be more readily found and remediated before reaching a public well. The

purpose of the regulations contained in this Ordinance is to protect public community wells and public nontransient noncommunity wells from contamination.

C. Statutory authority. The municipality of the Township of Mount Olive is empowered to regulate these activities under provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use to secure a safe and adequate drinking water supply for its residents. Under provisions of the Underground Storage of Hazardous Substances Act, N.J.S.A. 13:1D et seq., a municipality may adopt, with state approval, a municipal ordinance that is more stringent than N.J.A.C. 7:14B but is obligated to ensure the provisions of the ordinance are not carried out in a manner that is inconsistent with N.J.A.C. 7:14B. The Board of Health of this municipality has autonomous power granted by the State Legislature to develop this Ordinance to protect public health, safety and welfare, as set forth in the New Jersey Local Boards of Health Law, N.J.S.A. 26:3-1 et seq., and the New Jersey County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

D. Definitions.

Administrative Authority – The Planning Board and the Board of Health, acting jointly and in consultation, with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Applicant – Person applying to the Board of Health, Planning Board or the Construction Office and proposing to engage in an activity that is regulated by the provisions of this Ordinance, that would be located within a regulated Well Head Protection Area.

Aquifer – A formation, group of formations, or part of a formation that contains sufficient saturated permeable rock, sand, or gravel which is capable of storing and transmitting usable quantities of water to wells and springs.

Best Management Practices (BMP) – Performance or design standards established to minimize the risk of contaminating ground water or surface waters while managing the use, manufacture, handling or storage of hazardous substances or hazardous wastes.

Contamination – The degradation of natural water quality so that the water is not suitable for human consumption.

Development -- Any construction, reconstruction, alteration of surface or structure or change in the nature or intensity of land use.

Discharge – Any intentional or unintentional action or omission, unless pursuant to and in compliance with the conditions of a valid and effective Federal or State Permit, resulting in the releasing, spilling, pumping, emitting, emptying or dumping of a hazardous substance into the waters or lands of the State or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State.

Ground Water – Water contained in interconnected pores of a saturated zone in the ground that is available for wells and springs. A saturated zone is a volume of ground in which the voids in the rock or soil are filled with water.

Hazardous Substance – Any substance designated under 40 CFR 116 pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act) (Public Law 92-500; 33 U.S.C. 1251 et seq.), the Spill Compensation and Control Act, N.J.S.A. 58:10-23.1 et seq., or “hazardous pollutant” as defined by the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.). Substances listed include petroleum, petroleum products, pesticides, solvents and other substances.

Hazardous Waste – Any solid waste that is defined or identified as a hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E et seq., N.J.A.C. 7:26-8, or 40 CFR Part 261.

Maximum Contaminant Level (MCL) – Maximum permissible level of a contaminant in water measured at the point of entry to the distribution system or at the free-flowing outlet of the ultimate user of a public water system or other water system to which State primary drinking water regulations apply. Any contaminant added to the water under circumstances controlled by the user, except a contaminant resulting from corrosion of piping and plumbing caused by water quality, is excluded from this definition. (New Jersey Safe Drinking Water Act N.J.A.C. 7:10)

NJDEP – New Jersey Department of Environmental Protection.

Person – Any individual, public or private corporation, company, partnership, firm, association, owner or operator, political subdivision of this State, and any State, Federal or interstate agency or an agent or employee thereof.

Polluted Water – Drinking water exceeding a Federal and/or State maximum contaminant level (MCL).

Potential Pollutant Source (PPS) – An activity or land use which may contribute to contamination of a source of drinking water. For the purposes of this ordinance Potential Pollutant Sources are defined in §213-20.

Public Community Well – A public water supply well which services at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Public Nontransient Noncommunity Well – A public water supply well that is not a public community well and that regularly serves at least 25 of the same persons for more than six months in any given calendar year.

Sole Source Aquifer – Any drinking water aquifer upon which more than 50% of a population group depends and for which there is no practicable or affordable alternate water supply.

Time of Travel (TOT) – the average time that a volume of water will take to travel in the saturated zone from a given point to a pumping well.

Tier 1 Well Head Protection Area – That area of land within a WHPA from which ground water may enter the well within 2 years. (See maps referenced under §213-18.)

Tier 2 Well Head Protection Area -- That area of land within a WHPA from which ground water may enter the well within 5 years. (See maps referenced under §213-18.)

Tier 3 Well Head Protection Area -- That area of land within a WHPA from which ground water may enter the well within 12 years. (See maps referenced under §213-18.)

Well Head – The well borehole and appurtenant equipment.

Well Head Protection Area (WHPA) – An area described in plan view around a well, from which ground water flows to the well and ground water pollution, if it occurs, may pose a significant threat to the quality of water withdrawn from the well.

- E. Establishment of wellhead protection areas and maps.
- (1) Well Head Protection Area Map:
 - a) The delineations of Well Head Protection Areas for public community wells and public nontransient noncommunity wells, which were published by the New Jersey Geological Survey and the New Jersey Department of Environmental Protection, are incorporated herein and made a part of this Ordinance. The Department of Environmental Protection will periodically update the WHPA maps and these maps, published by the New Jersey Geological Survey, will be available at the web-site; www.state.nj.us/dep/njgs/geodata/. The most recent WHPA maps available through the New Jersey Geological Survey should replace the maps used for reference in this ordinance. A map of the Well Head Protection Areas located within the Township of Mount Olive is included in the "Mount Olive Township Natural Resource Inventory, dated October 2006," Figure 9, entitled "Well Head Protection Areas". The Mount Olive Township Natural Resource Inventory which includes the Well Head Protection Areas shall be on file and maintained by the office of the Clerk of the Township of Mount Olive.
 - b) Well Head Protection Areas, as shown on the maps described in §213-18(A)(1), or as periodically updated and delineated by the Department of Environmental Protection and published by the New Jersey Geological Survey shall be considered to be superimposed over any other established zoning district. Land in a Well Head Protection Area may be used for any purpose permitted in the underlying district, subject to the additional restrictions presented herein.
 - (2) Assignment of Restrictions within Well Head Protection Areas: Properties located wholly or partially within a Well Head Protection Area shall be governed by the restriction applicable to the more restrict Well Head Protection Area Tier, if partially within one or more Tiers.
 - (3) Inclusion of Well Head Protection Area Zoning into Master Plan:

The municipal Master Plan provides the legal basis for zoning and land use regulation at the local level. The technical foundation for local well head protection in this municipality should be incorporated into the Master Plan. A technical report of the need for well head protection the Township of Mount Olive may be adopted as part of the Master Plan (N.J.S.A. 40:55D-28b(11)). The technical report should include the following information:

- a) A statement setting forth the rationale and need to protect the public water supply through a program of well head protection for public community wells and public nontransient noncommunity wells.
- b) Reference to the method used to delineate the Well Head Protection Areas according to the "tiered" level of protection for public community wells and public nontransient noncommunity wells based upon the time of travel for ground water, as developed by the New Jersey Geological Survey.

F. Regulation of wellhead protection areas for public wells.

- (1) The Administrative Authority for administering the provisions of this Ordinance shall be the Planning Board and the Board of Health of the Township of Mount Olive acting jointly and in consultation.
- (2) Any applicant for a permit requesting a change in land use or activity which is subject to review under the provisions of the Municipal Land Use Law and other pertinent regulations of the Township of Mount Olive and which is located within a delineated WHPA as defined in Section V, and involves a Potential Pollutant Source as defined in §213-20, shall comply with the requirements of this ordinance.
- (3) Any applicant for a permit requesting a change in land use or activity, which is subject to the requirements of this ordinance, shall file an Operations and Contingency Plan, as required by §213-22, with the Administrative Authority. No permit that allows a change in land use or activity, which is subject to the requirements of this ordinance, shall be granted unless and Operations and Contingency Plan for the proposed change has been approved by the Administrative Authority. Any plan approved by the Administrative Authority shall be kept on file in the office of the Planning Administrator of the Township of Mount Olive, and shall be available to the public for inspection.
- (4) Any change in land use or activity that introduces a Major or Minor Potential Pollutant Source, as defined in §213-20, shall be prohibited within a Tier 1 WHPA.
- (5) Any change in land use or activity that introduces a Major PPS, as defined in §213-20, shall be prohibited within a Tier 2 WHPA.
- (6) Any change in land use or activity that involves any Major or Minor PPS, as defined in §213-20, within any WHPA, that is not prohibited pursuant to

§213-19(D) or §213-19(E) shall comply with the Best Management Practice Standards, as defined in §213-21.

- (7) This Ordinance is supplementary to other laws and Ordinances in this municipality. Where this Ordinance or any portion thereof imposes a greater restriction than is imposed by other regulations, the provisions of this Ordinance shall supersede. These Rules and Regulations shall in no way affect the limitations or requirements applicable in the underlying municipal land use and zoning districts.
- (8) The use limitations noted herein shall be considered as limitations stipulated in the permitted list of uses in each zone. The activities regulated herein shall be considered limitations accessory to permitted uses in each zone.

G. Potential pollutant sources listed. The following are Major and Minor Potential Pollutant Sources subject to the requirements of this Ordinance. These listings are consistent with the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-11.4(a)4).

- (1) Major Potential Pollutant Sources include the types of facilities and land uses listed in Appendix A.
- (2) Minor Potential Pollutant Sources include the types of facilities and land uses listed in Appendix B.

The Administrative Authority of the Township of Mount Olive may determine whether any other proposed change in land use or activity is of sufficient risk to the water supply to be considered a Major or Minor Pollutant Source.

H. Best management practice performance standards.

- (1) Any applicant proposing any change in land use or activity that involves any Major or Minor PPS as defined in §213-20, which would be located either wholly or partially within any WHPA shall demonstrate that they have applied for all required State permits or control documents. No final approvals under the authority of the Municipal Land Use Law shall be issued until all required State permits or control documents are issued final. Underground storage tanks regulated at N.J.A.C. 7:14B shall also be operated in a manner consistent with N.J.A.C. 7:14B.
- (2) Any new or modified activity that involves a Major or Minor PPS located wholly or partially within any WHPA shall comply with an operate in a manner consistent with the following Best Management Practices:
 - a. All portions or areas of a facility in which hazardous substances or hazardous wastes are stored, processed, manufactured or transferred outdoors, shall be designed so that the discharges of hazardous substances will be prevented from overflowing, draining, or leaching into the ground water or surface waters.

- b. Outdoor storage dispensing, loading, manufacturing or processing areas of hazardous substances or hazardous wastes must be protected from precipitation, stormwater flows or flooding.
- c. Wherever hazardous substances are stored, processed, manufactured or transferred outdoors, the design features shall include secondary containment and/or diversionary structures which may include by not be limited to:
 - i. Containers, dikes, berms or retaining walls sufficiently impermeable to contain spilled hazardous substances for the duration of a spill event.
 - ii. Curbing.
 - iii. Gutter, culverts and other drainage systems.
 - iv. Weirs, booms and other barriers.
 - v. Lined diversion ponds, lined lagoons and lined retention basins, holding tanks, sumps, slop tanks and other collection systems.
 - vi. Drip pans.
- d. Secondary containment and/or diversionary systems, structures or equipment must meet the following standards:
 - i. The system must block all routes by which spilled hazardous substances could be expected to flow, migrate, or escape into the ground water or surface waters.
 - ii. The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater.
 - iii. In order to prevent the discharge of hazardous substances into ground water, all components of the system shall be made of or lined with impermeable materials sufficient to contain the substance for the duration of a spill event. Such material or liner must be maintained in an impermeable condition.
 - iv. No manufacturing area, processing area, transfer area, dike storage area or other storage area, or secondary containment/diversion system appurtenant thereto shall drain into a watercourse or into a ditch, sewer, pipe or storm drain that leads directly or indirectly into a surface or subsurface disposal area, unless provision has been made to intercept and treat any spilled hazardous substances in an NJDEP approved industrial wastewater or pre-treatment facility, or other NJDEP approved facility.
 - v. Catchment basins, lagoons and other containment areas that may contain hazardous substances should not be located in a manner that would subject them to flooding by natural waterways.
- e. Stormwater shall be managed so as to prevent contamination of ground water and so as to be in accordance with applicable laws

and regulations of the State of New Jersey and of the Township of Mount Olive.

- I. Operations and contingency plan.
 - (1) An applicant proposing a change in land use or activity that involves a PPS, as defined in §213-20, that would be located either wholly or partially within any WHPA shall submit an Operations and Contingency Plan to the Administrative Authority. This Operations and Contingency Plan shall inform the Administrative Authority about the following aspects of the proposal:
 - a) Types of PPS proposed for the site;
 - b) Types and quantities of hazardous substances or hazardous wastes that may be used or stored on site;
 - c) Means to be employed to contain or restrict the spillage or migration of hazardous substances or hazardous wastes from the site into ground water;
 - d) Means to be used to remediate accidental spillage of such materials;
 - e) Means to notify Administrative Authority about any accidental spillage of such materials;
 - f) Demonstration that the proposed use and/or activity would employ, to the maximum extent possible, Best Management Practices as set forth in Section VIII to protect ground water contamination.
 - (2) The Administrative Authority shall review and approve any Operations and Contingency Plan prior to final approval of the application for a land use change or activity.
 - (3) Any Operations and Contingency Plan submitted shall be available for public review and comment.
- J. Enforcement. A prompt investigation shall be made by the appropriate personnel of the Engineering Office in conjunction with the Board of Health of the Township of Mount Olive of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Civil Part of the Superior Court, or in the Superior Court if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude a municipality's right, pursuant to N.J.S.A. 26:3A-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

K. Nonconforming regulated activities.

- (1) An otherwise lawful usage or activity which exists at the time of the effective date of this Ordinance that does not conform to this Ordinance shall be considered an allowed nonconforming activity and may continue.
- (2) No allowed nonconforming activity shall be expanded, enlarged or modified in any way which is deemed by the Zoning Officer in conjunction with the Board of Health of the Township of Mount Olive to increase its threat to groundwater or otherwise contravene the purposes and intent of this Ordinance.
- (3) In the event that an allowed nonconforming activity is stopped, suspended or abandoned for a period of twelve (12) months or longer, the activity shall permanently desist and shall be subject to the requirements of this Ordinance.
- (4) Notwithstanding the foregoing, if any allowed nonconforming activity is found to pose an imminent health hazard or threat to the municipality's water supply, it shall be deemed a violation of this Ordinance.

Appendix A

Types of Facilities or Uses that are deemed to be Major Potential Pollutant Sources

- 1 Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills.
- 2 Collection and transfer facility for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials.
- 3 Any use or activity requiring the underground storage of a hazardous substance or waste and regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.), which includes farm or residential underground storage tanks of motor fuel for noncommercial purposes with a capacity greater than 1,100 gallons.
- 4 Above-ground storage or treatment facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
- 5 Underground heating oil storage for on-site consumption with a capacity greater than 2,000 gallons.
- 6 Unlined retention/detention pond that receives stormwater discharge from a highway.
- 7 Industrial or sanitary wastewater treatment plant.
- 8 Pipeline, except natural gas.
- 9 Automotive service center (repair & maintenance), car or truck washing facility, truck, bus, or locomotive maintenance yard or terminal.
- 10 Petroleum refinery, bulk station, terminal, or fuel dispensing or loading facility.
- 11 Road salt storage facility.
- 12 Site for storage and maintenance of heavy construction equipment and materials.
- 13 Junkyard, auto recycling, scrap metal, or scrap industry facility.
- 14 Resource Conservation Recovery Act (RCRA) treatment, storage, and disposal facility.
- 15 Toxic Catastrophe Prevention Act facility.
- 16 Solid waste recovery facility (SWRRF), solid waste transfer facility (SWE), or Class B recycling facility.

- 17 Solid waste recovery facility (SWRRF), solid waste transfer facility (SWE), or Class B recycling facility.
- 18 Compost facility excluding individual household compost units.
- 19 Disinfecting and pest control service.
- 20 Solvents recovery service.
- 21 Industrial or commercial laundry, dry cleaner, or carpet/upholstery cleaner.
- 22 Quarry and/or mining facility.
- 23 Textile mill with finishing operations (dyeing, coating, etc.) or leather tanning and finishing.
- 24 Manufacturing, repair or product processing facility using hazardous substances for wood preserving, reconstituting wood products, furniture, or fixtures with metal finishing.
- 25 Manufacturing or processing facility for inorganic chemicals, alkalis, chlorine, industrial gases, inorganic pigments, plastic materials, synthetic resins, pharmaceuticals, soaps, detergents, paints, gum and wood chemicals, industrial organic chemicals, pesticides and agricultural chemicals, photographic chemicals, adhesives, sealants, rubber or plastic.
- 26 Steel mill.
- 27 Metal foundry, smelter, forging, fabricating, plating, coating, or finishing facility.
- 28 Manufacturing, assembly or packing of ordinance with explosive load.
- 29 Manufacturing or processing facility for electronic equipment, carbon and graphite products, cathode ray tubes, printed circuit boards, semiconductors, electronic crystals, controlling instruments or batteries.
- 30 Manufacturing or processing facility for transportation equipment or ship building.
- 31 Repair shop with metal finishing.
- 32 Pulp, paper, and paperboard mill.
- 33 Printing and publishing facility.
- 34 Weapons testing grounds.
- 35 Military facility.
- 36 Electrical power plant or substation.
- 37 Hospital or medial laboratory.
- 38 Research organization using hazardous substances.
- 39 Cemetery or funeral home or such facilities with embalming facilities.
- 40 Site for storage and maintenance of equipment and materials for landscaping.
- 41 Livestock operation.
- 42 Agricultural use that does not use NJDEP approved Best Management Practices for agricultural chemical bulk storage, mixing or loading, including crop dusting or spraying.
- 43 Nursery that does not use NJDEP approved Best Management Practices.
- 44 Golf course that does not use NJDEP approved Best Management Practices.

Appendix B

Types of Facilities or Uses that are deemed to be Minor Potential Pollutant Sources

- 1 Underground storage of hazardous substance or waste of less than 50 gallons.
- 2 Underground heating oil storage tank for on-site consumption with a capacity of less than 2,000 gallons.
- 3 Farm or residential underground storage tanks used for storing motor fuel for noncommercial purposes with a capacity of 1,100 gallons or less.

- 4 Sanitary sewer system, including sewer line, manhole, pump station within 100 feet of a regulated well. (See conditions below.)
- 5 Industrial waste line (See conditions below.)
- 6 Septic leaching field.
- 7 Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C. 7:14A et seq., unless required for remediation of a contaminated site.
- 8 Stormwater retention-recharge basin.
- 9 Dry well (See conditions below).
- 10 Storm water line within 100 feet of a regulated well. (See conditions below.)
- 11 Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
- 12 Any "industrial establishment" facility subject to the rules of the Industrial Site Remediation Act (N.J.A.C. 7:26B) and listed in Appendix A that is deemed by the Administrative Authority of the Township of Mount Olive to be of sufficient risk to the water supply to be considered a Minor Potential Pollutant Source.

Conditions:

- a. Sanitary sewer lines, industrial waste lines and storm water lines may be located within 100 feet of a regulated well, unless they are constructed of watertight materials and joints and provided with suitable corrosion protection.
- b. Manholes and/or connections to a sanitary sewer system are prohibited within 100 feet of a regulated well.
- c. Dry wells dedicated to roof runoff and serving residential properties or commercial or industrial properties not listed in Appendix A are permitted in any Tier may not be located within 100 feet of a regulated well.
- d. Above ground heating oil storage tanks, 2,000 gallons or less, shall be permitted in any tier subject to approval by the Administrative Authority of containment provisions in accordance with Section VIII herein and shall not be located within 100 feet of a regulated well. The new above ground tank and containment measures as specified herein shall be exempt from impervious coverage requirements for the zone. The above ground containment volume shall be at least as large as required to contain a spill of the contents of an above ground tank. The above ground tank is permitted within any side or rear yard but shall conform to the minimum setback requirement for accessory structures. The above ground tank site shall also be include fencing or landscaping sufficient to provide a screen of the proposed above ground tank and containment apparatus from adjacent properties.
- e. An above ground fuel storage tank for emergency electrical generators with maximum fuel storage capacity of 2,000 gallons or less shall be permitted in any Tier subject to approval by the Administrative Authority of containment provisions in accordance with Section VIII herein and shall not be located within 100 feet of a public community or public nontransient noncommunity well.

SECTION 2. All ordinances of the Township of Mount Olive which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

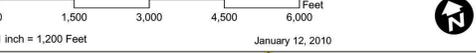
**TOWNSHIP OF MOUNT OLIVE
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ATTEST:

Lisa Lashway, Clerk

By: _____
Phil Tobey, Council President

Exhibit M

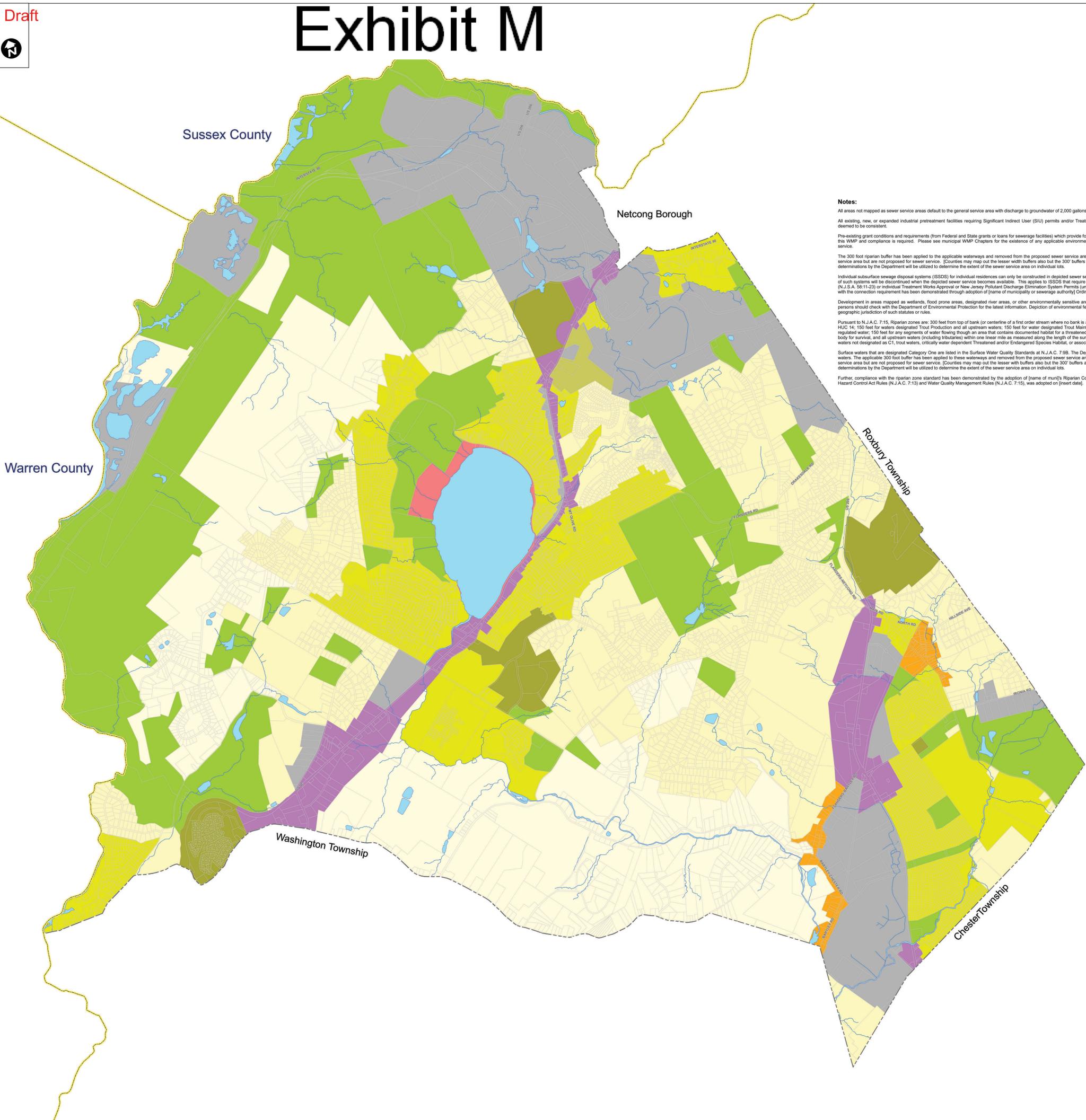


- Legend**
- Wastewater Management Planning Area
 - Municipal Boundaries
 - Parcels
 - Lakes/Ponds
 - Rivers/Streams
- Existing Zoning**
- Large Lot Single-Family
 - Medium Lot Single-Family
 - Small Lot Single-Family
 - Low Density Multi-Family
 - Medium Density Multi-Family
 - High Density Multi-Family
 - Mixed Use
 - Retail/Service
 - Commercial/Industrial
 - Commercial/Private Recreation
 - Public/Institutional

Data Sources:
 NJ Department of Environmental Protection
 - Lakes/Ponds; Rivers/Streams; NJDEP SWQS
 Dated approx. 2006

Morris County Planning & Development - GIS
 - Wastewater Management Planning Area
 - Municipal Boundaries
 - Parcels
 - Major Roads (Labels)
 - Existing Zoning/Overlay Zones**

** Data contains municipal input and quality control



Notes:

All areas not mapped as sewer service areas default to the general service area with discharge to groundwater of 2,000 gallons per day less.

All existing, new, or expanded industrial pretreatment facilities requiring Significant Indirect User (SIU) permits and/or Treatment Works Approvals, and which are located within the specified sewer service area, are deemed to be consistent.

Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this WMP and compliance is required. Please see municipal WMP Chapters for the existence of any applicable environmentally sensitive areas in which Federal 2011 grant limitations prohibit the extension of sewer service.

The 300 foot riparian buffer has been applied to the applicable waterways and removed from the proposed sewer service areas on the mapping. Lesser width buffers have not been graphically removed from the sewer service area but are not proposed for sewer service. Counties may map out the lesser width buffers also but the 300' buffers are the minimum, the lesser buffers are removed during the build-out analysis. Jurisdictional determinations by the Department will be utilized to determine the extent of the sewer service area on individual lots.

Individual subsurface sewage disposal systems (ISSDS) for individual residences can only be constructed in depicted sewer service areas if legally enforceable guarantees are provided, before such construction, that use of such systems will be discontinued when the depicted sewer service becomes available. This applies to ISSDS that require certification from the Department under the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23) or individual Treatment Works Approval or New Jersey Pollutant Discharge Elimination System Permits (under N.J.A.C. 7:14A). It also applies to ISSDS which require only local approvals. Compliance with the connection requirement has been demonstrated through adoption of (name of municipality or sewerage authority) Ordinance [insert ordinance #].

Development in areas mapped as wetlands, flood prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features is for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

Pursuant to N.J.A.C. 7:15, Riparian zones are: 300 feet from top of bank (or centerline of a first order stream where no bank is apparent) for waters designated as Category One and all upstream tributaries within the same HUC 14; 150 feet for waters designated Trout Production and all upstream waters; 150 feet for water designated Trout Maintenance and all upstream waters within one linear mile as measured along the length of the regulated water; 150 feet for any segments of water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; 150 feet for waters that run through acid-producing soils; and 50 feet for all waters not designated as C1, trout waters, critically water dependent Threatened and/or Endangered Species Habitat, or associated with acid soils.

Surface waters that are designated Category One are listed in the Surface Water Quality Standards at N.J.A.C. 7:9B. The Department's "Surface Water Quality Standards" GIS data layer was utilized to determine these waters. The applicable 300 foot buffer has been applied to these waterways and removed from the proposed sewer service areas on the mapping. Lesser width buffers have not been graphically removed from the sewer service area but are not proposed for sewer service. Counties may map out the lesser width buffers also but the 300' buffers are the minimum, the lesser buffers are removed during the build-out analysis. Jurisdictional determinations by the Department will be utilized to determine the extent of the sewer service area on individual lots.

Further, compliance with the riparian zone standard has been demonstrated by the adoption of (name of munj)'s Riparian Corridor Ordinance [insert ord #], which has been updated to be in compliance with the Flood Hazard Control Act Rules (N.J.A.C. 7:13) and Water Quality Management Rules (N.J.A.C. 7:15), was adopted on [insert date].

