



State of New Jersey
Department of Environmental Protection
Office of the Commissioner

Facsimile Transmittal Form/Cover Sheet
Please forward the attached document

To: Kate Mulsaps

Agency: _____

Telephone # _____

Fax # _____

Date: 8.5.10

No. of pages with cover: 4

From: Marybeth Benne

Agency: _____

Telephone # (609) 292-2885

Fax # (609) 292-7695

as requested



**State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation**



Applicant: Raymond Tripodi
Address: Public Service Electric and Gas Co.
80 Park Plaza T17
Newark, NJ 07102-4194

Date: July 28, 2010

NJDEP File Number: 0000-08-0010.1FWW100001 & FWW100002

Applicant: PSE & G Co
Date Received: June 30, 2010

Dear Applicant: The Department is in receipt of your application for a freshwater wetlands individual permit. Upon review of this application, the Department has determined that all necessary information required by N.J.A.C. 7:7A for a complete application has not been provided and/or one or more submitted items are deficient as noted below. Please address the missing material and/or address any deficiencies and submit the requested information along with the original Lurp-1 Form within 30 days from the date of this letter so that the Department may commence processing this application. If the requested information is not provided within 60 calendar days from the date of this letter, the Department will administratively close the application. The rest of the submitted application is being held by the Department and if the applicant is not going to be resubmitting within the required time frames; please make arrangements to pick up the application or the materials will be recycled. If you have any questions, please contact the Department at (609) 777-0454.

Postal Mailing Address:
NJDEP Division of Land Use Regulation
P.O. Box 439
Trenton, NJ 08625

Street Address (For courier service and hand deliveries only):
NJDEP Division of Land Use Regulation
501 East State Street, Station Plaza Five, 2nd Floor
Trenton, NJ 08609

Please make sure the requested information is submitted to the attention of: Patrick Sheppard

1. The correct application fee required under N.J.A.C. 7:7A has not been provided. Please submit the following additional amount:

\$66,240.00

Fee breakdown:

The fees are based on a few factors that are not fully clear and may need to be adjusted up or down based on resubmitted data. All the needed information to calculate the entire fee is not available in the application. The fee is based on 5.9 acres of wetlands disturbance and 20.8 acres of Transition area disturbance. I saw no reference to any open water disturbance but the applicant requested an Individual Open Water Fill permit. If an Open Water Fill Permit is not needed for this section of the project; please request a withdrawal of this permit. If an open water fill permit is needed add all fees and disturbances to fee calculation sheet. Please provide all needed information to fully calculate the fees.

The fees from the original application submitted in 2009 can not be used for this project as the applicant never requested and obtained a full withdrawal of the original application as required by the Freshwater Water Wetlands Protection Act and the Flood Hazard Area Control rules. The applicant is only allowed to use the fee for a single new application not multiple submissions. The Department is still reviewing an application for an amended project and the existing fee paid was credited to that application. The fees submitted for an amended application that reduces disturbance is not entitled to a refund or credit.

2. A LURP application form, completed in accordance with the directions on the form; The Department requires signatures for property owned by municipalities and others for work taking place outside of the applicant's Right of Way. There are intersections and existing roads that have proposed work to allow construction vehicles to traverse these existing roads.

From: DEP* LAND USE

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3. Proof that the public notice requirements at A and B below have been met. (Note: To prove that an item has been sent to a person, submit either the stamped white postal receipt you receive when you send the item by certified mail, or the signed green certified mail return receipt card.) All of the following must be submitted:
- A. Proof that a display advertisement has been published in the newspaper of record for the municipality in which the site is located. The advertisement shall be at least four column inches in size and shall include all of the information required in the notice letter in Attachment A;
 - To prove that this advertisement has been placed, the application must include a copy of the advertisement, or a copy of an affidavit from the newspaper, stating that the advertisement was published. The notices were not submitted at the time the application was delivered.
 - B. Proof that the list of Landowners within 200 feet of project have no changed. This is required since the lists provided are between six months and a year old.
4. The EIS does not match the submitted plans. The EIS is for the entire line. In addition this portion of the line does not have a determination of need from the BPU. The determination of need from BPU is for the entire line.
5. **The following information on the location of wetlands on the project site outside of the Right of way. This includes the new Fredon School alignment and other areas shown on site plans:**
- A. A line delineation LOI issued under N.J.A.C. 7:7A-3.3, or a line verification LOI issued under N.J.A.C. 7:7A-3.4; or
 - B. If no LOI has been issued for the site, or if only a presence/absence LOI has been issued, include all information required for an application for a line delineation LOI or line verification LOI. The wetlands line shall be show and labeled on the site plan required below;
 - C. The total area, in acres, of wetlands and State open waters on the site before the regulated activity is performed, and the total area, in acres, of wetlands and State open waters, on the site that will remain after the regulated activity is performed.
6. Ten copies of a detailed alternatives analysis for the western project demonstrating compliance with N.J.A.C. 7:7A-7.2. The alternatives analysis shall include:
- A. A description of all alternatives considered, including offsite alternatives as well as onsite alternatives that could minimize environmental impacts on the site, and the reasons for rejecting each alternative;
 - B. Information regarding the history of the property as a whole, as necessary to evaluate the cost to the property owner of various alternatives. Such information may include:
 - i. Document(s) showing when the property as a whole, as defined at N.J.A.C. 7:7A-1.4, was acquired and its purchase price;
 - ii. Documentation of any investments made to maintain and/or develop the property as a whole;
 - iii. Documentation of attempts by the property owner to sell the property or to obtain other property; and
 - C. Documentation of the environmental impacts of the proposed project, and of ways to minimize those impacts
7. Ten Copies of Site Plans showing:
- i. All structures that facility crossing of all open water areas
 - ii. On sheet 17 there seems to be a gap between where the Eastern Portion of the project ends and the western portion of the project begins. Are there any regulated activities in this gap?

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- 6. A copy of the deed and/or other relevant documents pertaining to the site, showing property boundaries, ownership, easements, restrictions, previous approvals by any local, federal, interstate or state agency, and any other information relating to the site that will assist the Department in assessing compliance with the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A;

For more information on application requirements, see the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A-10.

The Application Support Section of the Division of Land Use Regulation functions to improve the time period and quality of application review. In general it is our policy to return incomplete applications when administrative deficiencies exist. Consequently, since your application is administratively deficient as indicated above, your application is being returned for revisions. If the resubmitted application is received 60 days after the date of this letter or you have changed your project, please be sure to include evidence of new public notices.

In accordance with internal controls your check has been automatically deposited. When resubmitting your application, you must submit this copy of the rejection letter. Should you decide not to resubmit your application, kindly return the attached refund form for processing of your refund.

Also, be advised that after the application has been accepted for administrative review, it may be necessary for the project manager or review engineer to request additional information or technical revisions. If this situation occurs, you will be contacted directly by the project manager or review engineer.

As noted above, should you have any questions, please contact the Department (609) 777-0454.

Pre Reviewer: Patrick Sheppard

Signature: Patrick Sheppard

