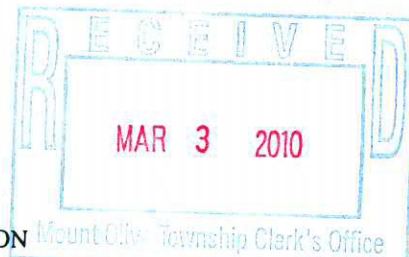




State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Natural and Historic Resources
Office of Engineering & Construction



BOB MARTIN
Acting Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

MAR 01 2010

Mr. Bruce A. Mueller
Mt. Olive Complex Inc.
40 Wolfe Road
Budd Lake, NJ 07828

Re: Morris County YMCA Dam
NJ DEP File No. 25-67

Dear Mr. Mueller:

This is in reference to the Department's May 19, 2009 letter and the January 25, 2010 letter prepared by Christopher S. Adams, P.E. Civil Dynamics Inc. requesting a waiver of the dam inspection that was due in 2009 for the Morris County YMCA Dam located within Mount Olive Township, Morris County.

According to the Department's letter dated May 19, 2009, the Mt. Olive Complex Inc. was granted a time extension until March 31, 2009, and again until July 31, 2009 to submit a Dam Safety Permit Application for the permanent removal or the rehabilitation of the Morris County YMCA Dam. As of this date, a permit application has not been received by this office. Additionally, the January 25, 2010 letter states that a Design Report will be completed by April 15, 2010 and then final design documents will be completed within six months of receiving approval of the Design Report from the Bureau. Since the last inspection was completed in 2007 and due to the length of the schedule for project completion, the request to waive the 2009 regular dam inspection can not be granted. Even in its lowered state, the dam continues to pose a safety concern due to its potential to impound water during storm events.

Therefore, in accordance with the provisions of the Dam Safety Standards, a visual dam safety inspection must be submitted to this office by April 15, 2010. The inspection and report must be completed by a New Jersey licensed professional engineer experienced in the design and construction of dams. A copy of the Department's Guidelines for the Inspection of Existing Dams is available as a Microsoft Word Document which may be downloaded from the Department's web site at www.state.nj.us/dep/damsafety.

Failure to submit the previously requested information by **April 15, 2010** will result in the assessment of administrative penalties and/or the referral to the Office of the Attorney

E-Mail Address: DamSafety@dep.state.nj.us

Internet Address: www.state.nj.us/dep/damsafety

Mailing Address: 501 East State Street, P.O. Box 419, Trenton, NJ 08625

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General for adjudication. The recently amended Safe Dam Act, N.J.S.A. 58:4 allows the Department to assess a civil administrative penalty of up to \$25,000 each day the violation continues.

Please note that the lake surface elevation must be maintained at a reduced elevation until a permit application is approved and construction is undertaken

Should you have any questions regarding this matter, please contact this office at (609) 984-0859.

Sincerely,

A handwritten signature in black ink that reads "John H. Moyle". The signature is fluid and cursive, with a long horizontal line extending to the right.

John H. Moyle, P.E., Manager
Bureau of Dam Safety and Flood Control

Enclosures Department's May 19, 2009 letter

c: Christopher S. Adams, P.E. Civil Dynamics Inc.
Mount Olive Township Engineer & Clerk
Morris County Engineering

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