



NEW JERSEY HIGHLANDS COALITION

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Ms Rebecca Hill
NJDEP Bureau of Watershed Regulation
P.O. Box 418
Trenton, NJ 08625-0418

July 3, 2008

**Re: Proposed Mt. Hope Biomass Power Plant
Rockaway Township, Morris Township
Highlands Applicability Determination (Exemption #4)**

Dear Ms Hill:

The following comments are those of the New Jersey Highlands Coalition on the proposed Biomass Power Plant and the request by Mt. Hope Biomass, Inc. for a Highlands Preservation Area Exemption.

The wood fired plant, as described by the applicant, may be broadly defined as a "biomass" power plant. More succinctly stated however, the proposed project is an incinerator. For the many reasons listed below, this project is highly inappropriate for the Highlands Preservation Area and it is at odds with the preservation goals of the Highlands Act.

The applicant seeks exemption #4, "for reconstruction of any building or structure...within 125% of the footprint of lawfully existing impervious surfaces". In the project narrative, the applicant claims the entire site is impervious. However, according to the NJDEP iMap's 2002 Impervious Surfaces overlay, approximately 15% of the property is shown to be less than 20% impervious, the remainder of the property, including the project site is mapped as not-impervious.

Further, the last item of the exemption #4 checklist, "official documentation...establishing the lawfulness of the existing impervious surfaces," is missing from the application. If however, the 1951 and 1952 analyses of mine tailing samples distributed throughout the site (appendix G) are meant to serve this purpose--these documents, over 50 years old and written while the Mt. Hope Mine was in full operation, are obtuse if not entirely irrelevant.

The property is entirely within the Highlands Protection Zone. The eastern portion of the property borders the Lake Community Sub-zone of White Meadow Lake.

The entire property is considered "Environmentally Sensitive" by the NJ Office of Smart Growth's State Planning Map. Per NJDEP's Landscape Project 3.0, the entire site is habitat for State Endangered, State Threatened, or Federally Listed Endangered Species.

The site is entirely within the Beaver Brook HUC-14 subwatershed (02030103030110). Beaver Brook is one of the most critically "deficit" subwatersheds in the Highlands with a net water availability of negative 2.5 million gallons per day (Draft Technical Report Addenda, Nov. 2007, "Water Availability by HUC14", NJ Highlands Council). The applicant claims to have an existing permit to pump 100,000 gallons per day and anticipates a need for 250,000 gpd to operate the incinerator. The applicant casually foresees that either a modification to their existing water allocation permit will be required, or they "may be able to purchase water from an adjacent user." Clearly, the applicant has little regard for the water resource protection mandates of the Highlands Water Protection and Planning Act. As NJDEP continues in its efforts towards "harmonization" with the Highlands Regional Master Plan (which the Highlands Council anticipates adopting on July 17, 2008), the Highlands Act should be duly considered in all decisions NJDEP makes concerning the Highlands.

In the section of the application requiring information for a WQMP consistency determination, the applicant states a proposed wastewater flow of 360,000 gpd. We are concerned by this discrepancy between the stated anticipated need for 250,000 gpd and a wastewater flow of 360,000 gpd. By copy of these comments to the Highlands Council, we alert the Council to this preliminary discrepancy that may factor in with their WQMP finding of consistency with the Regional Master Plan.

Comments by The New Jersey Highlands Coalition on Mt. Hope Biomass
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The property, known as “the peninsula” is surrounded on three sides by an NJDEP mapped Category-1 waterway, Mount Hope Lake and is hydrologically connected to a series of other C-1 lakes and tributaries including Lake Denmark and White Meadow Lake.

Granting the requested exemption may put NJDEP at odds with local zoning ordinances. The site is within Rockaway Township’s mining zone. Per the Township Engineer, operation of a power plant is not a permitted use within this zone.

As a historical and cultural resource, the proposed site was formerly occupied by operations connected with the Mount Hope Mine, which had been in operation from the early 19th century until the 1950’s. The site is part of the Rockaway Township Open Space Master Plan, as a potential acquisition.

For these reasons, the New Jersey Highlands Coalition strongly urges NJDEP to deny the request by Mt. Hope Biomass, Inc. for a Highlands Preservation Area exemption.

Sincerely,

Elliott Ruga, Grassroots and Program Coordinator
New Jersey Highlands Coalition

And:
Association of New Jersey Environmental Commissions
Sandy Batty, Executive Director

Burnham Park Association
Dr. Lynn Siebert, President

Morris County Trust for Historic Preservation
Marion Harris, President

Morris Land Conservancy
David Epstein, President

New Jersey Audubon Society
Eric Stiles, Vice President for Conservation and Stewardship

New Jersey Conservation Foundation

Comments by The New Jersey Highlands Coalition on Mt. Hope Biomass
Highlands Applicability Determination

Wilma Frey, Highlands Project Manager

New Jersey Environmental Federation
David Pringle, Campaign Director

Musconetcong Mountain Conservancy
Susan Wilder, President

South Branch Watershed Association
Bill Kibler, Executive Director

Cc: Lisa Jackson, Commissioner, NJDEP
Eileen Swan, Executive Director, NJ Highlands Council
The Hon. Louis Sceusi, Mayor, Rockaway Township
James Lutz, Municipal Engineer, Rockaway Township