



State of New Jersey
 THE PINELANDS COMMISSION
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Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

November 15, 2012

David Patriarca, Mayor
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Re: Application # 1995-1510.002
 Spring Lake Boulevard
 Application # 2012-0113.001
 North Branch Road
 Application # 2012-0122.001
 Pasadena Road
 Pemberton Township

Dear Mayor Patriarca:

On September 28, 2012, we met with representatives of the Township, regarding the placement of asphalt millings along the shoulders of Spring Lake Boulevard. At that meeting we also discussed what road improvement activities did or did not require application to the Commission. In particular, we discussed that normal and customary road and road shoulder maintenance activities did not require application to the Commission.

As agreed to at the meeting, the purpose of this letter is to provide written guidance to the Township regarding what road activities do, or do not, require application to the Commission. The following road activities do not require application to the Commission:

1. Normal and customary road maintenance activities, such as grading of existing sand and gravel roads and in kind repairs to existing road surfaces.
2. Normal and customary road shoulder maintenance activities, such as grading existing sand and gravel shoulders and in kind repairs to existing road shoulder surfaces.
3. Repaving existing paved roads provided there will be no increase in the width of the existing impervious surface.
4. The placement of sand/gravel on existing sand/gravel roads and road shoulders provided there will be no increase in width of the existing road or road shoulder.

The following activities require the completion of an application with the Commission:

1. Widening an existing road/road shoulder regardless of surface composition.
2. Paving an existing sand/gravel road or road shoulder.
3. Surfacing an existing sand/gravel road or road shoulder with a material which differs from the current road or road shoulder composition, such as the surfacing of a sand road with stone.

With regards to the use of asphalt millings for road and road shoulder projects, we have reviewed the New Jersey Department of Environmental Protection's (NJDEP) Asphalt Millings Guidance Document ("Guidance Document"). In addition, we spoke with representatives of NJDEP regarding the use of asphalt millings on roadways and road shoulders.

In accordance with the Guidance Document, the use of asphalt millings on land and roadway surfaces without the placement of a paved top surface is not generally appropriate. The Guidance Document indicates that asphalt millings used alone without a paved top surface have the potential to significantly migrate from the roadway through the actions of water, wind and physical displacement and possibly contaminate surrounding soils and surface water sediment. Please note that NJDEP has advised our office that the use of asphalt millings in a manner that is inconsistent with the Guidance Document is prohibited.

Asphalt millings may be used to surface existing roads and road shoulders provided an appropriate binder is applied to keep the asphalt in place. Please refer to the Guidance Document regarding the use of asphalt millings.

Therefore, the asphalt millings placed along Spring Lake Boulevard must either be removed or, if feasible, the method of application amended to be consistent with the Guidance Document. Within 30 days of the date of this letter, please advise us in writing of the Township's proposal to address the existing situation.

If you have any questions, please contact me.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

c: David Benedetti, Director of Community Development
Kelly-Ann Willis
Nancy Wittenberg, Executive Director
Amy Karpati
Robert Confer, NJDEP