

**MEMORANDUM OF AGREEMENT
AMONGST THE NEW JERSEY PINELANDS COMMISSION,
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, AND THE
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY**

October 30, 2007

I. PURPOSE

This Memorandum of Agreement (“MOA”) is entered into amongst the New Jersey Pinelands Commission (“Commission”), the New Jersey Department of Environmental Protection (“NJDEP”), the New Jersey Department of Human Services (“NJDHS”), and the Camden County Municipal Utilities Authority (“CCMUA”) pursuant to N.J.A.C. 7:50-4.52(c)2. The NJDHS operates the Ancora Psychiatric Hospital (“APH”) facility located in the Pinelands Rural Development Area (“RDA”) at 202 Spring Garden Road, in Winslow Township, Camden County. As discussed in more detail below, the existing onsite wastewater treatment plant (“WWTP”) is aging and the associated infiltration lagoons are in failure giving rise to a public health problem. Moreover, NJDEP has concluded, in a letter to the NJDHS dated March 17, 2004, that regional geologic conditions preclude reliable recharge of treated wastewater on the APH facility parcel.

To remedy this situation, the NJDHS proposes to decommission the existing wastewater facilities and convey the wastewater via a proposed sewage force main from the APH facility parcel to existing sewerage infrastructure in Winslow Township to the CCMUA for treatment. The wastewater generated from the APH facility parcel will be treated at the CCMUA Water Pollution Control Facility in Camden City and discharged to the Delaware River. The Pinelands Comprehensive Management Plan (“CMP”) permits the development of new wastewater conveyance infrastructure within a Pinelands RDA or Agricultural Production Area (“APA”) to address an identified public health problem. However, such wastewater conveyance facilities may only be designed to accommodate existing wastewater flows. The NJDHS, however, reports that the APH facility must have the flexibility to accommodate future wastewater flows, such as flows resulting from judicially mandated increases in patient and inmate populations.

The unique circumstances at the APH facility parcel, namely the fact that the wastewater disposal needs of existing and future patient and inmate populations at the APH, as well as future development of the APH facility parcel, can not be met onsite due to the failure of the land application of wastewater (“LAW”) facility because of the severe geologic limitations of the parcel, supports a deviation from the requirements of the CMP. Although prohibited under a strict application of the CMP, the wastewater disposal problems at the APH facility parcel can be resolved, while affording the NJDHS the flexibility that it requires, by permitting development of new centralized wastewater conveyance infrastructure within the Pinelands RDA and/or APA to serve existing and future development at the APH facility parcel.

Additionally, if the APH facility were to continue utilizing its existing Kirkwood/Cohansey (“K/C”) Aquifer water supply wells, the wastewater conveyed to the

CCMUA treatment plant would impact this surficial aquifer and would exceed the approved inter-basin wastewater transfer cap set forth in the Camden County Wastewater Management Plan ("WMP") dated April 1999. Thus, this MOA is required in order to permit the proposed extension of wastewater conveyance infrastructure into the Pinelands RDA and/or APA to accommodate current and future wastewater flows from the APH facility parcel and to ensure the NJDHS obtains a non-K/C Aquifer water supply source prior to sewerage service being obtained from the CCMUA.

II. BACKGROUND

Since the APH began operations in 1955, the facility has been served by an onsite sewage treatment plant which originally discharged treated wastewater to the Blue Anchor Brook, a tributary of the Mullica River. In accordance with the water quality requirements of the CMP at N.J.A.C. 7:50-6.84, direct discharge of sewage effluent to a surface water body is not permitted within the Pinelands Area. Consequently, in August 1991, the Commission approved the construction of a LAW facility at the APH facility parcel consisting of a series of effluent spray fields. In order to remedy reoccurring hydraulic failures associated with the effluent spray fields, the Commission approved their replacement with the construction of nine onsite Infiltration/Percolation ("I/P") lagoons in August 1996. In January 2000, the Commission approved modifications to the I/P lagoons in order to address impeded infiltration reportedly caused by underlying clay layers. Subsequent to these modifications, the I/P lagoons continued experiencing hydraulic failure. In response, the NJDEP and NJDHS entered into an Administrative Consent Order ("ACO"), dated May 29, 2000, whereby NJDHS agreed to remedy the hydraulic failures by developing a long-term plan for the treatment and disposal of wastewater. As an interim measure, this ACO allows, in conjunction with continued utilization of the existing I/P lagoons, treated wastewater to be discharged to the adjacent land surface outlined on Attachments 2, 3, 5 & 6 of the emergency permit conditions contained within the ACO, as necessary, to relieve the hydraulic loading of the I/P lagoons. However, treated wastewater discharged to the adjacent land surface has been reported to be reaching the Blue Anchor Brook. Consequently, by letter dated November 2, 2006, the NJDEP granted a Force Majeure to allow the NJDHS to utilize the former "Edgewood Homes" cottages site on Spring Garden Road as an additional LAW area.

In 2003, the NJDHS engaged an engineering consultant to develop a long-term plan and to study the feasibility of various wastewater treatment and disposal alternatives including deep well injection, drip irrigation, and rehabilitation of existing and/or construction of new I/P lagoon facilities. Deep well injection was ruled out by the NJDEP due to the potential for chemical precipitation and the complex system design and management required. Drip irrigation was deemed by the consultant to be unreliable due to the presence of multiple clay lenses in the subsurface. The consultant also reported that continued reliance on I/P lagoons would require extensive soil excavation and replacement, said to be on the order of twenty feet, to penetrate hydraulically restrictive (clay) soils, installation of interceptor drains to address perched water table conditions, and the installation of shallow pumping wells at the corners of the lagoons to minimize effects of groundwater mounding. By letter dated March 17, 2004, the NJDEP

concluded that hydrogeologic conditions at the APH facility are unfavorable for onsite groundwater recharge and recommended that NJDHS abandon these efforts and instead pursue a connection to the CCMUA's wastewater conveyance and treatment system.

III. THE PROPOSAL

This MOA would enable the NJDHS to extend a wastewater conveyance system from the APH facility to the CCMUA's Cedar Brook Pump Station through the Pinelands RDA and/or APA, along a route that is both feasible and avoids environmental impacts that are inconsistent with the standards of the Pinelands CMP, provided all development associated with said extension meets all regulatory requirements, including but not limited to the requirements of the CMP, the regulations of the NJDEP and this MOA. This MOA is not intended to modify or supersede the terms of the May 29, 2003 ACO between NJDEP and NJDHS. Once the APH facility parcel is serviced by the CCMUA treatment system, increases beyond currently permitted wastewater flows from the APH facility parcel would be permitted provided: 1) such increases are consistent with a NJDEP approved Camden County WMP; 2) all future development only occurs within the designated "Development Area" of the APH facility parcel (see Exhibit 1); 3) said development meets the land use and environmental standards of the CMP; and 4) NJDHS submits all required applications to the Commission and the NJDEP and complies with all applicable approvals, permits and regulations, including but not limited to the approved Camden County WMP. Additionally, as a result of NJDHS's commitment herein to work with the Department of Treasury, Division of Property Management and Construction, to grant Winslow Township an easement across the APH facility parcel, this MOA may also facilitate possible future extension of wastewater conveyance infrastructure to other adjacent areas in the same watershed, if deemed necessary in the future to address water quality concerns. Such future sewerage, however, would be subject to the regulatory requirements of the CMP and the NJDEP.

APH FACILITY

The existing wastewater treatment and disposal problems at the APH facility are proposed to be resolved by extending a sewage force main from a proposed pump station at the APH facility parcel to the CCMUA's Cedar Brook Pump Station in Winslow Township. Wastewater would be conveyed from that collection point to the CCMUA's main treatment plant in Camden City and discharged to the Delaware River. This MOA would permit the extension and use of centralized wastewater conveyance infrastructure, sized to accommodate both current and future waste flows generated by the APH facility parcel, in the Pinelands RDA and/or APA, where it would not be permitted under a strict application of the Pinelands CMP.

Upon connection to the CCMUA system, NJDHS proposes to decommission the existing APH on-site wastewater treatment facilities and the associated disposal facilities. In addition, NJDHS proposes to demolish and remove all existing on-site sewage infrastructure not used in the CCMUA connection, including but not limited to, a Pump

Station, Primary Settling Tank, Dosing Tank, two Trickling Filters, Secondary Clarifier; two Chlorine Contact Tanks, Sludge Pumping Building, Control Lab/Chlorine Building, Phragmites Sludge Drying Beds and Effluent Holding Lagoon. NJDHS also proposes to remove all surface features of the existing wastewater conveyance system (i.e. manhole rings and covers) and to decommission in-place non-utilized subsurface sewage lines.

As discussed above, this MOA would allow the proposed wastewater conveyance system to be sized to accommodate both existing flows and any additional future flows generated from the APH facility parcel, which would otherwise not be permitted by the CMP. In order to properly estimate the future wastewater flows and to provide an offset for the additional flow allowance, the NJDHS has delineated a "Development Area" (see Exhibit 1) which surrounds existing development on the parcel and an "Open Space Area" (see Exhibit 1) from which most development will be precluded by deed restriction. Future development is permitted within the "Development Area" without restricting this development on the basis of pre-CMP wastewater flow volumes, provided such development meets all of the other environmental and land use standards of the CMP and any applicable NJDEP regulations. To offset the future wastewater flows that will be generated in the "Development Area", the NJDHS proposes to deed restrict the remainder of the APH facility parcel, subject to certain delineated rights, as permanently protected open space. (See Exhibit 2).

The APH facility currently operates three potable water supply wells, located in the Atlantic Basin and screened within the K/C Aquifer. Withdrawing water from the surficial K/C Aquifer and exporting it to the CCMUA treatment facility, in the Delaware River Basin, would be in conflict with the inter-basin transfer of wastewater cap contained in the April 1999 Camden County WMP and agreed upon in the Lower Camden County Water Supply and Wastewater Planning Project. To prevent such a conflict, the NJDHS proposes to discontinue routine withdrawals from the existing K/C Aquifer water supply wells and to confine the use of such wells to firefighting or other emergencies at the APH facility parcel which threaten human life, health or safety that occur at a time when the Piney Point wells are inoperable. In addition, NJDHS proposes to install new water supply well(s) screened within the deeper Piney Point Aquifer or to obtain water from an alternate non-K/C source.

Subject to NJDHS's submittal of all necessary NJDEP permit applications and compliance with all regulatory requirements, including but not limited to the public notification process, the NJDEP would issue to NJDHS and CCMUA, which is the designated wastewater planning agency for Camden County, all permits and approvals required to extend the wastewater conveyance system and for NJDHS to obtain a non-K/C water source. Such approvals would include, but may not be limited to, a revision to the Camden County WMP and a modification to the NJDHS' current Water Allocation Permit (Permit No. 2175P). The revision to the adopted April 1999 Camden County WMP would eliminate the APH facility's existing onsite groundwater discharge and authorize offsite sewerage and surface water discharge via connection to the CCMUA's Delaware Water Pollution Control Facility (DWPCF). The May 29, 2003 ACO and

existing public health problem at the APH facility parcel renders conveyance of existing sewage flows from the APH facility parcel to DWPCF consistent with N.J.A.C. 7:15-4.2.

Given that the NJDHS intends to eliminate its routine use of its K/C aquifer wells and derive water for use at the APH facility parcel from non-K/C sources, there is no need to address interbasin transfer issues in the WMP revision or updates, at this time. In addition, because water from the K/C aquifer will no longer be used to meet the water supply needs of the APH facility parcel, the wastewater flows generated by the parcel and treated by the CCMUA would not be deducted from the sewer allocation provided to Winslow Township as set forth in the April 1999 Camden County WMP or as may be amended. NJDHS will seek NJDEP approval for a modification to its current K/C Water Allocation Permit. If approved, the Water Allocation permit will allow APH to obtain water withdrawals from the proposed Piney Point wells. If not approved, NJDHS has committed to obtaining water for the APH facility parcel from New Jersey American Water or its successor in interest.

SURROUNDING AREAS

This MOA may also facilitate possible future extension of wastewater conveyance infrastructure to other adjacent areas (Elmtowne and the Village of Elm) in the same watershed, if deemed necessary to address water quality concerns. If the future sewerage of Elmtowne or the Village of Elm becomes necessary, and is subsequently authorized by the Pinelands Commission, the NJDEP and the CCMUA, NJDHS has agreed herein to work with the Department of Treasury, Division of Property Management and Construction to grant Winslow Township, subject to Winslow's payment of any reasonable user fees or other costs, an easement, along the shortest necessary route, on the APH facility parcel. This easement would permit Winslow Township to install sewage infrastructure within the easement area in order to connect Elmtowne and/or the Village of Elm to the CCMUA's wastewater treatment plant. Such future connection would be subject to Pinelands Commission and NJDEP approval, including, but not limited to, the approval of appropriate updates or amendments to the Camden County WMP by the Division of Watershed Management, interbasin transfer requirements, and compliance with all applicable regulatory requirements.

IV. MEASURES PROPOSED TO AFFORD AN EQUIVALENT OR BETTER LEVEL OF PROTECTION FOR THE RESOURCES OF THE PINELANDS

WATER QUALITY: Compliance with this MOA by NJDHS will result in the cessation of discharges of treated wastewater from the APH facility to the Blue Anchor Brook watershed and thereby remove a significant source of pollutant loading to the watershed.

OPEN SPACE: In order to develop the APH facility in the future, NJDHS proposes to permanently protect and deed restrict more than 50% of the available land on the parcel as Open Space (+/- 350 acres). Existing surface improvements (buildings, pavements, other structures) not used in the connection to the CCMUA sewer system in the "Open

Space Area” will be removed and, if necessary, as determined by the NJDEP, NJDHS will remediate any contamination detected in the Open Space Area. Furthermore, all previously disturbed surfaces will be stabilized and vegetated by NJDHS using native Pinelands plant species in accordance with N.J.A.C. 7:50-6.24.

STREAM FLOW: As a condition of this MOA, all water withdrawals at the APH facility from the wells screened in the surficial K/C Aquifer will cease except for temporary withdrawals for firefighting or other emergency situations which endanger human life, health or safety. This cessation shall be accomplished either through non-K/C Aquifer wells, provided said wells receive prior approval from NJDEP and the Pinelands Commission, or by connection to New Jersey American Water.

Decreasing the water demand on the K/C Aquifer will maintain current streamflow conditions within the Blue Anchor Brook, thereby decreasing adverse ecological impacts. As a result of this MOA, no additional inter-basin transfer of wastewater will be permitted, consistent with the requirements of the April 1999 Camden County WMP.

V. THE BASIS OF THE MOA

The Pinelands CMP (N.J.A.C. 7:50-4.52(c)2) authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of the Pinelands CMP. The agency must demonstrate and the Commission must find that any proposed development that may not be fully consistent with the provisions of the Pinelands CMP is accompanied by measures that will, at a minimum, afford a level of protection to the resources of the Pinelands equivalent to that provided through strict application of the standards of the Pinelands CMP. As discussed above in Paragraph IV, this MOA includes measures designed to afford, at a minimum, an equivalent level of protection of the resources of the Pinelands.

VI. AGREEMENTS

A. The NJDHS agrees that:

1. Until the APH facility is conveying all of its wastewater to the CCMUA wastewater treatment plant, it will maximize its efforts to land apply wastewater on-site by aggressively maintaining the existing I/P lagoons and commencing application of wastewater at the former “Edgewood Homes” areas as authorized by the November 2, 2006 Force Majeure letter issued by the NJDEP. Such land application of wastewater shall be conducted in a manner that prevents, at all times, wastewater from entering the Blue Anchor Brook, and shall not result in a ponded, channeling or flowing fluid condition as required by paragraph 7 of the

emergency permit conditions set forth in Attachment A of the May 29, 2003 ACO.

2. Until the APH facility is conveying all of its wastewater to the CCMUA wastewater treatment plant, it will implement, as required by paragraph 2 of the emergency permit conditions set forth in Attachment A of the May 29, 2003 ACO, emergency water conservation actions to reduce the amount of wastewater generated from consumptive water uses at the APH facility. Such actions shall include but shall not be limited to the ongoing practice of converting to low flow fixtures and the timely installation of water conserving "tunnel washer" laundry equipment.
3. It will work with the Department of Treasury, Division of Property Management and Construction, to execute and duly record the Deed of Conservation Restriction, contained in Exhibit 2 and incorporated herein, subject to the approval of the Commission prior to recordation. Said Deed of Conservation Restriction is designed to protect the "Open Space Area" on the APH facility parcel in its natural, scenic, open and existing state, while granting the NJDHS the right to engage in the following limited activities within the "Open Space Area", subject to the terms of the Deed of Conservation Restriction: 1) low intensity recreational uses, as defined in the Pinelands CMP, for use by DHS's and DMAVA's clients and employees, 2) soil and water conservation practices and management activities, 3) construction, maintenance, improvement, replacement or repair of nature paths and trails, 4) reconstruction, maintenance, replacement or repair of any existing structures, roads, utility rights of way, underground utilities serving the parcel, and the perimeter of the parcel, 5) construction, maintenance, improvement, replacement or repair of a sewage force main and associated infrastructure and 6) if necessary, as determined by the NJDEP, remediation of any contamination detected in the Open Space Area. In addition, the Deed of Conservation Restriction would permit the development of a new sewage force main and associated infrastructure to convey wastewater generated by Elmtowne and/or the Village of Elm, if required in the future and authorized by the Pinelands Commission, NJDEP and the CCMUA. Said Deed of Conservation Restriction shall be submitted to the Commission, for its approval, within 60 days after the execution of this MOA by the last signatory and shall be duly recorded within 30 days of its approval by the Commission.
4. A copy of the duly-recorded Deed of Conservation Restriction shall be provided to the Pinelands Commission.
5. If any contamination is detected in the Open Space Area and NJDEP determines that remediation is necessary, it agrees to remediate such

contamination in accordance with the regulatory requirements of the NJDEP and the CMP.

6. Due to the urgency of the existing public health problem at the APH facility parcel and the potential for failure of the WWTP and LAW, immediately upon execution of this Agreement by all parties, it will work expeditiously with the CCMUA to design a sewage force main that will accommodate the daily wastewater flows generated by current and future development within the "Development Area" of the APH facility parcel and will be both feasible and avoids environmental impacts that are inconsistent with the standards of the Pinelands CMP.
7. It, or its agent, shall include in any easements, located within the RDA or APA, acquired for the construction of the proposed sewage force main a prohibition against new connections thereto, with the exception of any connections that are consistent with the requirements of N.J.A.C. 7:50-6.84(a)2.
8. It will expeditiously submit a public development application to the Pinelands Commission for its review and approval for the proposed sewage force main and associated infrastructure in accordance with N.J.A.C. 7:50-4.51 et seq.
9. It will submit applications to the NJDEP for a Treatment Works Approval in accordance with N.J.A.C. 7:14A-22 et seq. and all other approvals required from the NJDEP for the proposed sewage force main and associated infrastructure.
10. If it has not done so already, it will expeditiously install the two test wells in the Piney Point Aquifer and four monitoring wells, which are the subject of Pinelands Public Development Application number 1981-0656.018 that was approved by the Commission with conditions at its August 11, 2006 meeting, and, thereafter, expeditiously commence aquifer tests on the Piney Point Aquifer.
11. Within 90 days of the completion of aquifer tests on the Piney Point Aquifer, it will submit a public development application to the Pinelands Commission for its review and approval for an allocation for withdrawals from the Piney Point Aquifer and to convert the proposed Piney Point Aquifer test wells to production wells. It will also apply to NJDEP for a modification to the existing water allocation permit (Permit No. 2175P) to eliminate the allocation for the K/C aquifer wells and to seek an allocation for withdrawals from the proposed Piney Point production wells. In addition, the NJDHS agrees to file a Safe Drinking Water permit application with NJDEP prior to the construction of such production wells.

12. If all approvals required for the conversion of the test wells to production wells, including any required NJDEP approvals, are received it will promptly complete conversion of the test wells and commence utilization of the Piney Point Aquifer wells as the water supply source for the APH facility parcel, thereby replacing the existing K/C Aquifer water supply wells with a non-K/C Aquifer water source in order to comply with the interbasin transfer restrictions of the April 1999 Camden County WMP and agreed upon in the Lower Camden County Water Supply and Wastewater Planning Project.
13. If the Piney Point Aquifer wells are not approved, it will immediately contract with New Jersey American Water, or its successor in interest, to provide all of the water for the APH facility parcel.
14. Upon completion of the conversion of the test wells to production wells, or utilization of New Jersey American Water as the water source for the APH facility parcel, it will immediately abandon use of the existing K/C Aquifer water supply wells located at the APH facility parcel. Although NJDHS may retain the K/C Aquifer wells, it agrees that such wells will only be used if the Piney Point wells are inoperable, on a temporary basis, to the minimum extent necessary, and for only as long as necessary, for firefighting or to remedy or prevent other imminent threats to human life, health or safety at the APH facility parcel. The NJDEP, in consultation with the Pineland Commission's Executive Director, will include the terms of use, limitations, penalties for unauthorized use and reporting procedures, as conditions within the modified NJDEP water allocation permit for the APH facility. Additionally, all uses of K/C wells shall be subject to the reporting requirements identified in paragraph VI.A.15, below, which will also be included as a condition in the water allocation permit.
15. Within thirty (30) days after utilization of any of the K/C aquifer wells in accordance with the requirements of Paragraph VI.A.12, it will submit a written report to the Pinelands Commission and the NJDEP, Bureau of Water Allocation detailing the usage of the K/C Aquifer wells, including the number of days of use, gallons per day, and the reason for such use and, if applicable, the plans that will be implemented and a schedule for implementation to immediately address the problem with the Piney Point wells and to cease utilization of the K/C Aquifer wells. Water usage from the K/C Aquifer shall also be reported by NJDHS to NJDEP, Bureau of Water Allocation on the quarterly monitoring report.
16. If the Piney Point Aquifer wells are deemed, at anytime, to be unable to accommodate existing or future water demands at the APH facility parcel, it will immediately contract with New Jersey American Water, or

its successor in interest, to provide all additional water required to fulfill the existing and future water demands of the APH facility parcel that is not able to be supplied by the Piney Point wells. During the time period between when the Piney Point wells are deemed inadequate to supply the water needs of the APH facility parcel and when New Jersey American Water, or its successor in interest, commences providing either all of the water for the APH facility parcel or enough water to accommodate the existing or future water demands not served by the Piney Point Aquifer wells, it will cease any and all non-essential consumptive water uses at the APH facility, including but not limited to the laundry services for off-site facilities.

17. Upon receipt of a Public Development Approval from the Pinelands Commission for the proposed sewage force main, and all other required regulatory approvals including, but not limited to, a Treatment Works approval issued by the NJDEP, it will expeditiously commence construction of a sewage force main from the APH facility parcel to the Cedar Brook Pump Station located at Beebetown Road in Winslow Township as authorized by such approvals thereby ceasing discharge of treated wastewater to the Blue Anchor Brook watershed. Conveyance of wastewater from the APH facility parcel to the CCMUA wastewater treatment plant, however, shall not commence until NJDHS is either utilizing Piney Point wells or New Jersey American Water, or its successor in interest, as the water supply source for the APH facility parcel, in accordance with Paragraphs VI.A.12 and 13 above.
18. It will commence conveyance of wastewater to the CCMUA wastewater treatment plant only once the Piney Point Aquifer test wells have been converted to production wells, in accordance with Paragraph VI.A.12 above, and are being utilized as the water supply source for the APH facility parcel or it has contracted with and is utilizing New Jersey American Water, or its successor in interest, as the water supply source for the APH facility parcel, in accordance with Paragraph VI.A.13.
19. It will decommission, demolish and remove, all existing onsite sewerage infrastructure not used to convey sewage to CCMUA, including but not limited to the Pump Station, Primary Settling Tank, Dosing Tank, Two Trickling Filters, Secondary Clarifier, Two Chlorine Contact Tanks, Sludge Pumping Building, Control Lab/Chlorine Building, Phragmites Sludge Drying Beds and the Effluent Holding Lagoon prior to undertaking new development on the APH facility parcel. The I/P Lagoons, which are located within the "Development Area" on the parcel, need not be removed. However, if the I/P Lagoons remain on the parcel, they shall comply with all applicable NJDEP regulations, including but not limited to N.J.A.C. 7:14A-23.34 and N.J.A.C. 7:26C et seq. and N.J.A.C. 7:26E et seq., if applicable.

20. Within six (6) months after completion of the connection to the CCMUA's wastewater collection system, it will remove all other surface features of the existing wastewater treatment and conveyance system (e.g., manhole rings and covers) and all other improvements (e.g. buildings, pavements, and other structures) from the designated Open Space Areas of the APH facility parcel and stabilize and vegetate, via hydro-seeding with grasses listed at N.J.A.C. 7:50-26(a)4, the designated Open Space Areas.
21. If the future sewerage of Elmtowne or the Village of Elm becomes required, and is authorized by the Pinelands Commission, the NJDEP and the CCMUA, it will work with the Department of Treasury's Division of Property Management and Construction, to grant Winslow Township, subject to Winslow Township's payment of any reasonable user fees or other costs, an easement across the APH facility parcel to connect Elmtowne and/or the Village of Elm to the CCMUA's wastewater treatment plant. Such future connection would be subject to Pinelands Commission and NJDEP approval, including, but not limited to, amendments to the Camden County WMP and interbasin transfer requirements.
22. Until the sewage force main to the CCMUA conveyance system is operational, the Piney Point well(s) are operational, use of the K/C Aquifer wells has ceased, the Deed of Conservation Restriction concerning the Open Space Area is duly recorded, and the requirements of VI.A.19 and 20 have been fulfilled, other than for 1) the conversion of the test wells to production wells, 2) the allocation for withdrawals from the Piney Point Aquifer and 3) the development of the sewerage infrastructure that is the subject of this MOA, it will not undertake any development or submit any development or permit applications or permit others to submit such applications for the APH facility parcel that will result in the generation of additional wastewater flows. Further, it will advise all other agencies who presently have or desire to have a physical presence on the APH facility parcel not to make such applications, and it will not permit wastewater generated by any additional development on the APH facility parcel to be treated at its existing on-site wastewater treatment facility.
23. No part of this MOA shall release the NJDHS from its obligations under the May 29, 2003 ACO or from its obligation to obtain all required local, State and/or Federal approvals, including NJDEP approvals, for any of the development activities discussed herein.

B. Pinelands Commission agrees that:

1. It will not limit the intensity of any future development within the "Development Area" on the APH facility parcel on the basis of pre-CMP wastewater flows.
2. If consistent with all standards of the CMP, it will approve applications requesting future increases in allocation from the Piney Point Aquifer or other non- K/C sources to accommodate future development.
3. Based on its review of the proposal, which is the subject of this MOA, the terms of this MOA, and the Commission staff's inspection of the wastewater treatment plant and structures located within the designated Open Space, the proposed demolition and removal of the structures specified in Paragraphs VI.A.19 and 20 appears to be consistent with the standards of the Pinelands CMP and no further application to the Commission for the demolition and removal of such structures is required.

C. The NJDEP agrees that:

1. It will require the decommissioning of the APH facility's onsite wastewater treatment and conveyance system as required by Paragraph VI.A.19 above and N.J.A.C. 7:14A-23.24 and any other applicable law or regulation.
2. If consistent with the applicable regulatory requirements of the NJDEP, it will immediately agree to permit the extension of the CCMUA wastewater conveyance system to the APH facility.
3. It will ensure, through the imposition of appropriate conditions in the Modified Water Allocation Permit for the APH facility parcel in accordance with Paragraph VI.A.14, and enforcement of such conditions, that the K/C Aquifer water supply wells, located on the APH facility parcel are used in accordance with the terms of this MOA.

D. CCMUA agrees:

1. Should the NJDHS and CCMUA agree to the terms of and execute a separate agreement regarding the design and construction of the sewage force main to accommodate the daily wastewater flows generated by current and future development within the "Development Area" of the APH facility parcel, such agreement being independent of this MOA, it will undertake on behalf of the NJDHS construction of the proposed sewage force main, as required by Paragraph VI.A.17 above.
2. It will apply to NJDEP for and secure all necessary revisions or updates to the Camden County Wastewater Management Plan, and any other

NJDEP permits required to effectuate the development of the new sewage force main authorized by this MOA. The connection will be consistent with the WQMP as per N.J.A.C. 7:15-4.2. However, a revision must be applied for and adopted in order to update the mapping to reflect this change in Sewer Service Area.

3. Subject to the Pinelands Commission's approval of the requisite public development application for the new sewage force main, application for and receipt of any approvals required by the NJDEP for the new sewage force main and NJDHS's payment of the required sewer connection fee and ongoing user fees, it will provide sewage conveyance and treatment for the wastewater generated at the APH facility parcel.
4. With the exception of the APH facility parcel and connections that are consistent with the requirements of N.J.A.C. 7:50-6.84(a)2, the CCMUA agrees to prohibit new sewer connections to the sewage force main constructed in accordance with Paragraph VI.A.17 above.


VII. EFFECTIVE DATE AND DURATION

- A. In accordance with N.J.S.A. 13:18A-5(h), this MOA shall take effect following the conclusion of the Governor's review period and approval of the Pinelands Commissions minutes authorizing entry of this MOA and then upon approval and signature by the authorized representatives of all parties.
- B. If construction of the sewage force main as required by Paragraph VI.A.17 has not occurred within three years of the execution of this MOA, and the NJDHS is unable to begin to cure such defect within 30 days, the Commission reserves the right to terminate this agreement.
- C. In addition to termination by the Commission in accordance with Paragraph VII.B., this Agreement may be terminated at any time by the written consent of all parties.

VIII. SIGNATURES

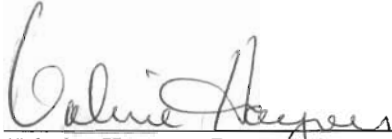
NEW JERSEY PINELANDS COMMISSION

Date: 3/14/08

By: 
John C. Stokes, Executive Director

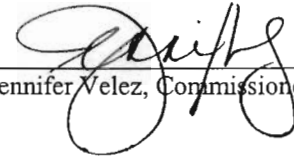
Approved as to form by:

Date: 3/14/08

By: 
Valerie Haynes, Deputy Attorney
General State of New Jersey

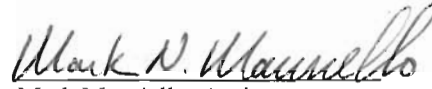
NEW JERSEY DEPARTMENT OF HUMAN SERVICES

Date: 2/7/08

By: 
Jennifer Velez, Commissioner

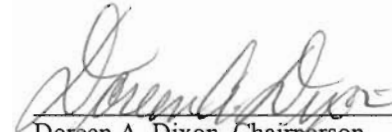
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date: 3/4/08

By: 
Mark Mauriello, Assistant
Commissioner

CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY

Date: 1/22/08

By: 
Doreen A. Dixon, Chairperson