



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.state.nj.us/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>App Date JUN 05 2014</p>
		<p>Expiration Date JUN 04 2019</p>
<p>Permit Number(s): 0400-14-0002.1, WFD140001 WFD140002 FWW140001</p>	<p>Type of Approval(s): WFD In-water Individual Permit WFD Upland Individual Permit FWGP18 Dam Repairs</p>	<p>Enabling Statute(s): NJSA 12:5-3 WFD NJSA 13:9B FWPA NJSA 40:55D-93-99 WQPA NJSA 58:10A WPCA</p>
<p>Permittee: NJDOT c/o Mike Kasbekar P O Box 600 Trenton, NJ 08625</p>	<p>Site Location: Route 168 Newton Lake Dam Municipality: Borough of Oaklyn, Township of Haddon & Borough of Audubon Park County: Camden</p>	
<p>Description of Authorized Activities:</p> <p>This permit authorizes the following repairs to Newton Lake Dam:</p> <ul style="list-style-type: none"> • The reconstruction of the dam spillway • The construction of a fishway through the dam • The placement of scour protection within Newton Lake and Newton Creek • The construction of a sheetpile wall along Route 168 on both sides of the dam • The construction of a temporary construction access on the northwest embankment of Route 168 <p>This permit also authorizes the permanent impact of 3,802 SF (0.087 acres) of State open waters and 198 SF (0.005 ac) of wetlands for the reconstruction of the spillway and associated conduit outlet protection on the upstream and downstream sides of the spillway. The permit authorizes the temporary impact of 2,071 SF (0.048 ac) of wetlands transition areas and 1,165 SF (0.027 acres) of State open waters for temporary construction impacts.</p>		
<p>Prepared by: <i>Becky Mazzei</i> Becky Mazzei</p>	<p>Received and/or Recorded by County Clerk:</p>	
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

PRE-CONSTRUCTION CONDITIONS:

1. **Timing:** If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Division that such condition(s) cannot be satisfied.
2. Prior to the start of any construction on this project, the permittee shall obtain a permit from the NJDEP Bureau of Dam Safety.
3. Prior to manipulating water levels of any lake or impoundment, the permittee shall obtain a current and valid Water Lowering Permit from the Bureau of Freshwater Fisheries (BFF) [see N. J. S.A. 23:5-29]. Call 908-236-2118 for an application and/or consultation; additional timing constraints, rates of lowering/refilling and fish/aquatic biota salvage requirements, if applicable, are found in this permit; preliminary consultation with the BFF is highly recommended to avoid delays or complications with a Water Lowering Permit.
4. Prior to construction, the permittee shall enter into a temporary construction easement with the Camden County Parks Department that states that no permanent conveyances of Green Acres land will occur. The temporary construction easement should be limited to 2 years, since a portion of Newton Lake Park will be removed from public access during the duration of the project. Upon completion of the dam reconstruction, the permittee shall restore the parkland to either pre-easement condition or to an improved condition.
5. Prior to construction within Federally regulated areas, the permittee must obtain appropriate authorization from the US Army Corps of Engineers, Philadelphia District.
6. The permittee shall notify the NJDEP Bureau of Coastal and Land Use Compliance and Enforcement, in writing, at Mail Code 401-04C, 401 East State Street, PO Box 420, Trenton, NJ 08625-0420, at least three working days prior to beginning any construction on the site or any site preparation.

SPECIAL CONDITIONS:

7. **Recording of Permit:** This permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Division immediately thereafter.
8. **Material Disposal:** All excavated material and dredge material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
9. In order to protect anadromous fisheries resources within Newton Lake and Newton Creek, no grading, construction or clearing is permitted within any watercourse onsite between **March 1 and June 30** of any year. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

10. A general timing restriction on mechanical trimming or removal of trees shall apply from 3/15 – 7/31 in order to protect nesting birds covered under the Migratory Bird Treaty Act. Non-mechanical tree trimming may be permitted once the tree is checked for nesting activity.
11. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.
12. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
13. If a geodetic control reference mark is found onsite which must be moved, raised or lowered to accommodate construction, the NJ Geodetic Control Survey shall be contacted at least 60 days prior to disturbance, and arrangements shall be made to protect the position.
14. The permittee shall minimize impacts on freshwater wetlands, transition areas, and State open waters through the use of best management practices including, but not limited to: replanting disturbed areas with indigenous wetland plants, stabilizing disturbed soils, and backfilling the uppermost 18 inches of any excavation with the original topsoil material.
15. At the completion of the project, the permittee shall remove the temporary construction driveway and revegetate this area with native, non-invasive plants.
16. The placement of ACBM between Kendall Blvd/C.R. 650 and Peter Creek is located within the floodplain of Peter Creek, and is authorized under the FHA permit-by-rule at N.J.A.C. 7:13-7.2(b)4. In order to comply with this permit-by-rule, the applicant shall ensure that the ACBM is installed at grade and does not constitute fill within the floodplain.
17. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the project design, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes such as, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
18. This permit is authorized under, and in conditional compliance with the Rules on Coastal Zone Management, N.J.A.C 7:7E-1.1 et seq.
19. This permit is issued subject to compliance with N.J.A.C 7:7-1.5 Permits and Permit conditions.

STANDARD CONDITIONS:**20. Responsibilities:**

- a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.
- b. A copy of this permit, other authorizing documents, records and information including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents upon request.

21. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.
22. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit
23. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary.
24. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.
25. **Rights of the State:**
 - a. This permit does not convey any property rights of any sort, or any exclusive privilege.
 - b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.
 - c. The issuance of this permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.
26. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.

- 27. **Transfer of Permit:** This permit may not be transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
- 28. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.
- 29. **Noncompliance:**
 - a. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
 - b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 420, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter.
- 30. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

APPROVED PLANS:

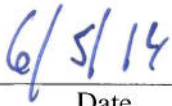
The drawings hereby approved is one (1) plan sheet entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION, PERMIT PLAN, NJ ROUTE 168 NEWTON LAKE DAM M.P. 9.52," undated, last revised on May 8, 2014, and prepared by McCormick Taylor, Inc.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:



 Charlie Welch, Supervisor
 Division of Land Use Regulation



 Date

Original sent to Agent to record
 c: Permittee
 Municipal Construction Officials