

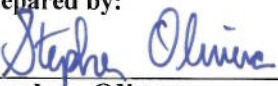


**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

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>		Approval Date <b>JUN 07 2016</b>
		Expiration Date <b>JUN 06 2021</b>
<b>Permit Number:</b>  1100-16-0001.1 FHA 160001 1100-16-0001.1 FHA 160002	<b>Type of Approval:</b>  Flood Hazard Area Individual Permit Flood Hazard Area Verification	<b>Enabling Statutes:</b>  N.J.S.A. 13:1D N.J.S.A. 58:16A N.J.S.A. 58:10A-1
<b>Permittee:</b>  Bakula Patel NJDOT 1035 Parkway Avenue Trenton, NJ 08625	<b>Site Location:</b>  Route 1 Southbound Municipalities: Townships of Lawrence and West Windsor County: Mercer County	
<b>Description of Authorized Activities:</b>  <p>This permit grants permission widen and reconstruct an existing ramp along Route 1 within the floodway of an unnamed tributary to Shipetaukin Creek and to construct overhead utilities within the flood hazard area and riparian zone of Duck Pond Run, in connection with roadway widening, milling and resurfacing, access modifications, and drainage improvements along Route 1, in the Townships of Lawrence and West Windsor, Mercer County, New Jersey. This permit also verifies the flood hazard elevation along the unnamed tributary at 75.2 feet NAVD along the unnamed tributary and 66.3 feet NAVD along Duck Pond Run.</p>		
<b>Prepared by:</b>  _____ <b>Stephen Olivera</b>	<b>Received and/or Recorded by</b> County Clerk	
<b>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT MAY BE UNDERTAKEN UNTIL THE PERMITTEE HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</b>		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**FLOOD HAZARD AREA CONDITIONS:**

1. 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.
2. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
3. 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.
4. In order to protect the general game fish within the unnamed tributary to Shipetaukin Creek and Duck Pond Run, no grading, construction or clearing is permitted within any watercourse onsite from May 1<sup>st</sup> through June 30<sup>th</sup> of each 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.
5. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
6. Upon completion of the project, all temporarily disturbed areas within 50 feet of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).
7. 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 approved stormwater management system, 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 to the discharge characteristics of any basin, 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.
8. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets at least four times per year and after every major storm totaling 1 inch of rainfall or more, the inspection and cleaning of all manufactured treatment devices per Department certification letters as found on [www.njstormwater.org/treatment.html](http://www.njstormwater.org/treatment.html), and

the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.

9. This permit authorizes the permanent disturbance of 433.8 square feet (0.010 of an acre) to scrub shrub riparian zone vegetation, and the temporary impact of 319.7 square feet (0.007 of an acre) to herbaceous riparian zone vegetation for the realignment and reconstruction of Route 1 Southbound in the Townships of Lawrence and West Windsor, Mercer County.

#### **STANDARD CONDITIONS:**

10. **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.
11. **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.
12. **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.
13. **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.

14. **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.
15. **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.
16. **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.
17. **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.
18. **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.
19. **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.

20. **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](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](http://www.nj.gov/dep/odr) for more information about this process.

#### **APPROVED PLANS:**

The drawings hereby approved are thirty-six (36) sheets prepared by Parsons Brinkerhoff, Inc., undated, unrevised, and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 1 SOUTHBOUND NASSAU PARK BOULEVARD TO QUAKER BRIDGE MALL OVERPASS CONTRACT NO. 008013301”

- FLOOD HAZARD AREA INDIVIDUAL PERMIT PLAN, sheet nos. 6 through 17 of 40,
- FLOOD HAZARD AREA UNNAMED TRIBUTARY TO SHIPETAUKIN CREEK PROFILES, sheet no. 18 of 40,
- ROADWAY TYPICAL SECTIONS, sheet nos. 22 through 26 of 40,
- ROADWAY PROFILES, sheet nos. 27 through 32 of 40,
- STORMWATER MANAGEMENT DETAILS, sheet nos. 36 through 38 of 40,
- FLOODWAY/FLOODPLAIN EARTHWORK CROSS-SECTIONS, sheet no. 39 of 40,
- DRAINAGE, drawing nos. DR-1 through DR-8.

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:

  
\_\_\_\_\_  
Christopher Jones, Manager  
Division of Land Use Regulation

  
\_\_\_\_\_  
Date

C: Municipal Clerk  
Municipal Construction Official