

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)

PERMIT*



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the Permittee upon acceptance of the permit.

Permit No. 0701-04-0002.1 WFD 040001, FWLI 040002

Application No.

Issuance Date

Effective Date
Same as issuance date

Expiration Date

Name and Address of Applicant

NJDOT Attn: Percival Gayanilo
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

Name and Address of Owner

Applicant

Name and Address of Operator

Applicant

Location of Activity/Facility (Street Address)

Route 21 and Terry Street Interchange
Belleville, Essex County
Waterway: Passaic River Lower

Issuing Division

Land Use Regulation Program

Statute(s)

NJSA 12:5-3 (WDA)
NJSA 13:9A (CWA 1970)
NJSA 13:9B (FWPA)

Type of Permits: Waterfront Development and Letter of Interpretation (presence/absence determination)

Maximum Approved Capacity,
if applicable

This Waterfront Development Individual Permit (upland area) authorizes safety improvements within the waterfront upland area that includes extension of an acceleration lane to 1,070 feet with a 300 foot taper, extension of a deceleration lane to 530 feet with a 180 foot taper, guide rail and highway lighting relocation, new inlets in the highway median that will connect to the existing drainage system, filter fabric and stone non-vegetative surface area between the edge of pavement and the guide rail, relocation of one outfall headwall with no change in the pipe diameter, and landscaping as depicted on plans referenced below. Any additional disturbance of area within 500 feet of the mean high water of the Passaic River and/or tributaries and/or wetlands, transition areas and/or State open waters shall be considered a violation of the Waterfront Development Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

In addition, this authorization includes a Letter of Interpretation presence/absence determination as requested. In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Land Use Regulation Program is the lead agency for establishing the extent of State regulated wetlands and waters. The USEPA and/or USACOE retain jurisdiction over Federally regulated wetlands and retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Prepared by:

William Mc Laughlin
William Mc Laughlin, Principal Environmental Specialist

Revised Date

Approved by the Department of Environmental Protection

Name (Print or Type) Robert N. Cubberley Title Environmental Scientist I

Signature SEE FINAL PAGE Date _____

*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

Based upon the information submitted, and upon a site inspection conducted on September 23, 2004, the Land Use Regulation Program has determined that wetlands are not present within the portion of State-owned right-of-way depicted on the five (5) plan sheets entitled: "Construction Plans Route 21 at Terry Street Contract No. 006038051", dated July 22, 2004, and signed by Frank A. Baragona and Landscape Conceptual Plan Route 21 at Terry Street Contract No. 006038051, unsigned and undated.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Program's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

Coastal Permit General Conditions

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to, in any way, affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

ADMINISTRATIVE CONDITIONS

Prior to initiation of site preparation for the following conditions:

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.
2. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.
3. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work for the storage or staging of construction materials (including debris/spoil piles), equipment, and workers vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers. No storage of chemicals, oil, fuel or refueling of equipment shall occur within 100 feet of the wetlands along the project route.
4. Prior to disturbance of any geodetic control reference marks, NJDOT's Geodetic Survey Unit must be notified at least 60 days prior to the disturbance.
5. Prior to construction, a Stream Encroachment Authorization must be obtained for this project from the NJDEP Land Use Regulation Program for work within a regulated floodplain.
6. This permit authorizes only those activities associated with the reconstruction of the Terry Street Access Ramps, associated drainage improvements, and landscaping for public access. Prior to construction, an Interim License must be obtained from the NJDEP Bureau of Tidelands for this project (file number t 05-0011-T). This permit does not relinquish any claims of ownership by the State of New Jersey and does not relinquish public access to the waterfront requirements associated with historic or future construction activities not specifically authorized by this permit.

TURBIDITY AND SEDIMENTATION CONDITIONS


7. Turbid water from construction area dewatering, if necessary, will be routed through filter bags (dirt bags) or properly sized sediment basin prior to discharge to an area encompassed by turbidity barrier.

PHYSICAL CONDITIONS

8. All temporarily disturbed areas shall be planted with a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment. Your local soil conservation service can provide information on the appropriate mixture based on the planting date.

9. All excavated materials must be disposed of at an approved site. Under no circumstances is excess material to be disposed of in wetlands, transition areas to wetlands, stream corridors, or other environmentally sensitive areas.
10. The Permittee shall maintain all soil erosion and turbidity controls for the life of the project and these controls shall be put in place prior to any construction activities.
11. Raw uncured concrete is toxic to fish and other aquatic organisms, therefore raw uncured concrete must not come in contact with the waters of Passaic River.

With adherence to the above permit conditions, this project is considered to be consistent with the Coastal Zone Management Rules (N.J.A.C. 7:7E 1.1 et seq.).


Robert N. Cubberley, Environmental Scientist 1
Land Use Regulation Program

January 11, 2005
Date

- C: w/plans Bureau of Enforcement
Bureau of Tidelands (William Kresnosky)
Philadelphia District, Army Corps of Engineers
- C: w/o plans Belleville Municipal Clerk
Belleville Planning Board
Essex County Planning Board