

LJAC 063710

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

501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
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."</p>		<p>Approval Date</p> <p style="font-size: 1.2em; font-weight: bold;">AUG 23 2010</p>
		<p>Expiration Date</p> <p style="font-size: 1.2em; font-weight: bold;">AUG 23 2015</p>
<p>Permit Number/s</p> <p>0200-10-0003.1 WFD100001 (IP Upland) FWW100001 (GP-1)</p>	<p>Type of Approval/s</p> <p>Waterfront Development Freshwater Wetlands GP-1 Water Quality Certificate</p>	<p>Enabling Statute/s</p> <p>NJSA 12:5-3 NJSA 13:9B-1 NJSA 58:10A-1</p>
<p>Applicant</p> <p>NJDOT c/o Zakrollah Asadpour 1035 Parkway Ave Trenton, NJ 08625</p>		<p>Owner (if different from applicant)</p>
<p>This permit authorizes the following rehabilitation activities to the Route 46 bridge over the Hackensack River: the replacement of the deck and sidewalk, the rehabilitation of the approach roadway, guide rail, and sidewalk, repair of the bridge fenders, and substructure concrete repair. Work is authorized to take place from the adjacent banks and via barge. This permit also authorizes the temporary disturbance of 21,087 SF (0.484 acres) of freshwater/tidal wetlands, 38,444 SF (0.883 acres) of wetlands transition areas, and 127,607 SF (2.930 acres) of State open waters under a Freshwater Wetlands GP-1.</p> <p>This permit is authorized under, and in compliance with, the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq. By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7E-1.5(b)4.</p>		
<p>Project Location</p> <p>Route 46 Hackensack River Bridge</p> <p>Borough of Little Ferry & Village of Ridgefield Park Bergen County, New Jersey</p>		<p>Received by County Clerk</p>
<p>Project Manager's Signature</p> <p><i>Becky Ehrenfeld</i></p> <p>Becky Ehrenfeld Telephone: 609-777-0454 Email: Becky.Ehrenfeld@dep.state.nj.us</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

STANDARD CONDITIONS:

1. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
2. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
3. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
4. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **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.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel. Upon completion or abandonment of the work, the permittee and/or its agents 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.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the permit and other authorizing documents 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 immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
 - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
 - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
 - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
 - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and 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; and

- iv. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
17. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

18. All necessary local, Federal, and other state approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities. Approvals from the following agencies may be required:
 - a. New York District of the Army Corps of Engineers
 - b. U.S. Coast Guard
19. In order to protect the *general game fisheries resource* within the Hackensack River, no grading, construction or clearing is permitted within any watercourse onsite between **May 1** and **June 30**. 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.
20. Vegetation within **50 feet** of top of the bank of the Hackensack River shall only be disturbed in the areas specifically shown on the approved drawing/s. 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.
21. Upon completion of the project, all temporarily disturbed areas within **50 feet** of top of bank of the Hackensack River, and all temporarily disturbed wetlands and transition areas, shall be restored to original topography and replanted in kind.
22. All temporarily disturbed sections of the Hackensack River channel shall be restored to pre-construction conditions. Characteristics that shall be replicated include channel shape, width and meandering, ratio of shallow areas to deep areas, anticipated flow rate and velocity, and substrate type. Additionally, the channel bottom shall be restored to pre-construction elevations to ensure there is no loss of intertidal/subtidal shallows.
23. Conditions of the Freshwater Wetlands Statewide General Permit #1:
This portion of the permit authorizes the disturbance of **21,087 SF (0.484 acres)** of freshwater/tidal wetlands, **38,444 SF (0.883 acres)** of wetlands transition areas, and **127,607 SF (2.930 acres)** of State open waters for construction access to the Route 46 bridge over the

Hackensack River, under a Freshwater Wetlands Statewide General Permit #1, as depicted on the approved plans.

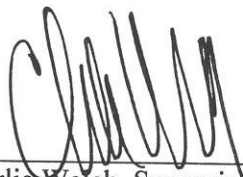
24. The authorization of activities under a Freshwater Wetlands Statewide General Permit #1 includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Division to be necessary to accomplish the authorized activities.
25. This permit to conduct a regulated activity in a wetland or open water includes the Division's approval of a Water Quality Certificate for these activities.
26. All diesel on-road vehicles and diesel non-road construction equipment used at the site shall not idle for more than 3 minutes in accordance with N.J.A.C. 7:27-14 (diesel vehicles) and N.J.A.C. 7:27-15 (gasoline vehicles).
27. The following requirements apply to all projects within urban areas or within 500 feet of a school, hospital, daycare facility, elderly housing, convalescent facility or similar sensitive receptor. An urban area is a location within two miles of an urban center or urban complex, as designated by the State Planning Commission (see list at www.stophesoot.org).
 - a. All diesel on-road vehicles and diesel non-road construction equipment used at the site shall use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Nonroad Diesel Rule, 40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068.
 - b. All diesel on-road vehicles that are used on the project for more than ten days shall have engines that meet the United States Environmental Protection Agency's (USEPA) 2007 on-road emission standards or the best available emission control technology that is verified by the USEPA or the California Air Resources Board (CARB) to reduce particulate matter emissions. A list of verified emission control technologies can be found at <http://www.epa.gov/otaq/retrofit/verif-list.htm> for USEPA and at <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm> for CARB.
 - c. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days shall have engines that meet the USEPA Tier 4 non-road emission standards or the best available emission control technology verified by the USEPA or the CARB to reduce particulate matter emissions.
 - d. If there is no technologically feasible emission control technology verified by USEPA or CARB for specific diesel on-road vehicles or diesel non-road construction equipment, the contractor may use the best available emission control technology verified by the Mine Safety and Health Administration or the Switzerland BUWAL program (VERT Filter List) to reduce particulate matter emissions.
 - e. If there is no technologically feasible and appropriate emission control technology, or installation of a control technology would create a safety hazard, including impaired visibility for the operator, the contractor may request a waiver from (*agency in charge of contract or permittee*)
 - f. (*The contracting agency or permittee*) shall send bi-annual reports to NJDEP, Diesel Risk Reduction Program, PO Box 418, Trenton, N.J. 08625-0418. The bi-annual reports shall include summaries of the vehicles/equipment retrofitted, the types of retrofit devices

used, any problems encountered with installation or operation of the devices, estimate of emissions reduced, and results of field audits or testing done to ensure compliance with these diesel emission reduction requirements. The reporting shall be done using forms on www.stopthesoot.org.

- g. For construction projects lasting more than one year, an air quality dispersion modeling analysis shall be conducted using the most recent USEPA emissions model for estimating emissions from on-road and non-road mobile sources, and the most recent guidance from the USEPA for quantifying the emission reductions achieved through the use of diesel emission control technology. The purpose of the analysis is to determine the impact of construction phase emissions on local and regional air quality and quantify the reductions achieved through the use of diesel emission control technology. The analysis shall be submitted to NJDEP, Bureau of Technical Services.
28. The repair, rehabilitation, and replacement activities shall be responsive to the guidance and recommendations contained in the *Secretary of the Interior's Standards for the Treatment of Historic Properties - Rehabilitation (Standards)*. The New Jersey Department of Transportation (NJDOT) shall document the engineering need and reason for the replacement rather than the repair of any character defining features of the bridges, and shall submit this information to the Historic Preservation Office (HPO).
29. Prior to the initiation of any repair, rehabilitation or replacement activities, and with concurrence from the HPO on necessity, the NJDOT shall photographically document any character defining features that may be permanently removed or substantially altered.
30. The NJDOT shall consult with and afford the HPO an opportunity to review project plans and specifications and comment for their conformity with the *Standards* at the three (3) points - initial plan stage, final plans and specifications, and final contract.
31. Spall patching and concrete repair shall make use of tinted concrete to match extant concrete and replacement concrete shall match Federal Standard 595B Colors Fan Deck (July 1994) number 20460.
32. ***Prior to the commencement of site clearing***, grading or construction, the permittee shall erect a silt fence and a construction debris fence, such as an orange snow fence, at the limits of disturbance. These fences shall remain in place and be maintained throughout the duration of construction, and until such time as the site is stabilized.
33. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
34. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed stormwater management system onsite for compliance with these rules.
35. The drawings hereby approved are nineteen (19) sheets entitled:

“NJDOT, ROUTE 46 OVER HACKENSACK RIVER, CONTRACT NO. 070063710,” signed on May 27, 2010 unless otherwise noted, unrevised unless otherwise noted, and prepared by FRANK A. BARAGONA.

- CONSTRUCTION PLAN, SHEETS C-2 THROUGH C-5,
- ENVIRONMENTAL PERMIT PLANS, SHEETS EP-1 THROUGH EP-5, last revised on August 5, 2010,
- PROFILES, SHEETS P-1 THROUGH P-3,
- GRADES, SHEETS G-1 THROUGH G-4,
- GENERAL PLAN AND ELEVATION, SHEET 22, printed on May 27, 2010,
- CROSS SECTION - 1, SHEET 23, printed on May 27, 2010,
- CROSS SECTION - 2, SHEET 24, printed on May 27, 2010.



Charlie Welch, Supervisor
Roadways & Infrastructure Unit
Bureau of Urban Growth & Redevelopment

8/23/10

Date

cc: Borough of Little Ferry Construction Official
Village of Ridgefield Park Construction Official

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of our participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form completed, signed and dated with all the information listed above, including attachments to

- 1. New Jersey Department of Environmental Protection Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402:

With a copy to:

- 2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____