



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

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." Please note that 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.

Approval Date

JUL 22 2011

Expiration Date

JUL 22 2016

Permit Number/s

1400-10-0002.1 FHA100002
1400-10-0002.1 FWW100001

Type of Approval/s

Flood Hazard Area Individual Permit
Freshwater Wetlands General Permit No. 10A

Enabling Statute/s

N.J.S.A. 13:1D-1 et seq.
N.J.S.A. 58:10A-1 et seq.
N.J.S.A. 58:16A-50 et seq.
N.J.S.A. 13:9B-1 et seq.

Applicant

Zakrollah Asadpour
1035 Parkway Avenue
Trenton, NJ 0865

Owner (if different from applicant)

Description of Authorized Activities and Limit of Disturbance

This permit grants permission to replace the existing I-280 eastbound and westbound bridge decks, construct a temporary roadway and bridge crossing the Whippany River, in the Townships of Parsippany-Troy Hills and East Hanover, Morris County, New Jersey. A Freshwater Wetlands Statewide General Permit No. 10A authorization for the disturbance of 0.02 of an acre of freshwater wetlands for the construction of a three-span bridge over Whippany River, is included in this permit.

Note: You must notify the Department in writing at least seven (7) days prior to undertaking any activity authorized by this document. Please direct your notification to the project manager listed below, using the address or fax number shown above.

Project Location

I-280
Townships of Parsippany-Troy Hills and East Hanover
Morris County; Mercer County

Received by County Clerk

Project Manager's Signature

Stephen Olivera

Document Prepared By: Stephen Olivera
Telephone: (609) 777-0454

Note: This document must be recorded in the Office of the County Clerk for each county in which the project is located. Once all necessary stamps have been obtained, please mail or fax a copy of this page to the project manager noted to the left within 30 days of the issuance date (or within 90 days if multiple counties are involved). Please note that additional information must be filed with each County Clerk if this approval includes a flood hazard area verification, as described in the following conditions.

APPROVAL NOT VALID UNLESS AUTHORIZING SIGNATURE APPEARS ON LAST PAGE

STANDARD CONDITIONS:

1. **Other necessary approvals:** Activities regulated under the Flood Hazard Area Control Act rules may also be subject to other Federal, State and/or local rules, plans and ordinances. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project. *N.J.A.C. 7:13-1.1(e)*
2. **Acceptance of approval:** If you undertake any activity authorized by this document, you thereby accept this document in its entirety and agree to adhere to all terms and conditions listed below. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal of this decision within a limited time as discussed in condition #3 below. You may also contact the project manager shown on the first page of this approval if you have any questions or concerns. *N.J.A.C. 7:13-9.5(a)*
3. **Appeal of approval:** In accordance with N.J.A.C. 7:13-18.1 (and N.J.A.C. 7:7A-1.7 for freshwater wetlands approvals), any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: 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. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at www.state.nj.us/dep and the Checklist is available through the Division's website at www.state.nj.us/dep/landuse/forms/index.html. *N.J.A.C. 7:13-18.1*
4. **Duration of approval:** This document is valid for five years from its issuance date and shall not be extended. However, the Department can transfer an individual permit and/or verification with the sale of a property to a new owner pursuant to N.J.A.C. 7:13-14.1. *N.J.A.C. 7:13-9.4(a)*
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 the Flood Hazard Area Control Act rules, 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. *N.J.A.C. 7:13-9.5(b)1*
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. *N.J.A.C. 7:13-9.5(b)2*
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. *N.J.A.C. 7:13-9.5(b)3*
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. *N.J.A.C. 7:13-9.5(b)4*
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. *N.J.A.C. 7:13-9.5(b)5*

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. *N.J.A.C. 7:13-9.5(b)6*
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. *N.J.A.C. 7:13-9.5(b)7*
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. *N.J.A.C. 7:13-9.5(b)8*
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege. *N.J.A.C. 7:13-9.5(b)9*
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. *N.J.A.C. 7:13-9.5(b)10*
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 the Flood Hazard Area Control Act rules and subject the permittee to enforcement action pursuant to *N.J.A.C. 7:13-19. N.J.A.C. 7:13-9.5(b)11*
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 the Flood Hazard Area Control Act rules; 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. *N.J.A.C. 7:13-9.5(b)12*

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS *N.J.A.C. 7:13-9.5(c)*

17. In order to protect the general game fishery resources within the Whippany River, no grading, construction or clearing is permitted within any watercourse onsite between **May 1st** and **June 30th**. 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.
18. In order to protect the federally listed Indiana bat, a timing restriction for tree clearing is required from **April 1st** to **September 30th** of each year.
19. All excavated material, and dredged spoils, shall be disposed of in a lawful manner outside of any flood hazard area, riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
20. 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.
21. Vegetation within **50 feet** of the top of bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 50 feet of the top of bank of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
22. Upon completion of the project and the removal of the temporary road and bridge, all temporarily disturbed areas within **50 feet** of the top of any stream bank on-site shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).
23. The temporary road and bridge must be immediately removed upon the completion of I-280 eastbound and westbound bridge deck replacements.
24. 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.
25. Provisions of the Freshwater Wetlands Statewide General Permit

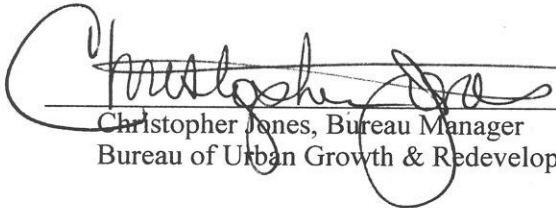
This portion of the permit authorizes the permanent disturbance of 0.02 of an acre of freshwater wetlands, for the construction of a temporary bridge and roadway under Freshwater Wetlands General Permit No. 10A. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver which allows encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the authorized activities. 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.
26. Riparian Zone Compensation
 - a. The permittee shall compensate for the permanent disturbance to 0.14 acres of forested riparian zone through an on-site restoration project as shown on the approved "MITIGATION PLAN" referenced below.

- b. **The compensation project must be conducted prior to or concurrent with the construction of the approved project.** Concurrent means that at any given time, the compensation must track at the same or greater percentage of completion as the project as a whole.
 - c. **Prior to the initiation of regulated activities authorized by this permit, the permittee shall sign a Department approved conservation restriction to protect the compensation area from future development that would remove the vegetation planted. (N.J.A.C. 7:13-10.2(t)3) The conservation restriction shall conform to the format and content of the Riparian Zone Compensation Area model located at <http://www.nj.gov/dep/landuse/forms/index.html>. The restriction shall be included on the deed and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties) in the county wherein the lands of the compensation project are located. A metes and bounds description shown on a map must be included within the recorded conservation restriction. **Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Department for verification.****
 - d. The permittee shall monitor the riparian project for at least 3 years beginning the year after the riparian zone compensation project has been completed (N.J.A.C. 7:13-10.2(u)5). The permittee shall submit monitoring reports to the Division of Land Use Regulation, no later than December 31st of each full monitoring year.
 - i. All monitoring reports except the final one must include documentation and field data demonstrating that the goals of the riparian zone compensation project will be achieved as stated in the approved riparian zone compensation proposal and the permit requirements will be satisfied. If the permittee is finding problems with the compensation project and does not anticipate the site will be a full success, recommendations on how to rectify the problems shall be included in the report with a time frame in which they will be completed.
 - ii. The final monitoring report must include documentation and data demonstrating the following:
 - 1) That the goals of the riparian zone compensation project as stated in the approved riparian zone compensation proposal and the permit conditions have been satisfied.
 - 2) That at least 85 percent of the compensation plantings have survived and that at least 85 percent of the compensation area is established with native species similar to ones identified on the compensation planting plan. All plant species in the compensation area must be healthy and thriving. All trees must be at least 5 feet in height; and
 - 3) That the site is less than 10 percent occupied by invasive or noxious species.
 - e. If the riparian compensation project does not meet the success criteria established above the project shall be considered a failure and the permittee shall submit a revised riparian compensation plan. The revised plan shall be submitted within 60 days of receipt of notification from the Division indicating the riparian compensation project was a failure.
 - f. If the Division determines that the riparian zone compensation project is not constructed in conformance with the approved plan, the permittee will be notified in writing by the Department and will have 60 days to submit a proposal to indicate how the project will be corrected.
27. The drawings hereby approved are six (6) sheets prepared by HNTB Corp., undated, certified March 18, 2011, unrevised, unless noted otherwise, entitled:

“ROUTE 280 OVER WHIPPANY RIVER DECK REPLACEMENT CONTRACT NO.

002083200"

- ENVIRONMENTAL & SOIL EROSION & SEDIMENT CONTROL PLAN, sheet 2, certified July 5, 2011, last revised June 30, 2011,
- WB DIVERSIONARY ROAD AND SOIL EROSION & SEDIMENT COCONTROL PLAN, sheet 3,
- EB DIVERSIONARY ROAD AND SOIL EROSION & SEDIMENT COCONTROL PLAN, sheet 4,
- MITIGATION PLAN, sheet 6,
- TEMPORARY BRIDGE – GENERAL PLAN & SECTION, sheet B38 OF B40,
- TEMPORARY BRIDGE – FOUNDATION PLAN, sheet B39 OF B40.



Christopher Jones, Bureau Manager
Bureau of Urban Growth & Redevelopment

7/22/11
Date