



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
FEB 23 2012

Expiration Date
FEB 23 2017

Permit Number/s

2112-09-0001.1 FHA110001
 2112-09-0001.1 FWW120001

Type of Approval/s

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

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 et seq.

Applicant

NJDOT
 Attn: Z. Asadpour
 1035 Parkway Avenue
 Trenton, NJ 08625-0600

Owner (if different from applicant)

Description of Authorized Activities and Limit of Disturbance

This permit grants permission to replace the existing Route 46 culvert crossing the Hatchery Brook, widen and resurface the approaches along said road, in the Township of Independence, Warren County, New Jersey. A Freshwater Wetlands Statewide General Permit No. 10B authorization for the permanent disturbance of 0.082 of an acre of transition areas and 0.018 of an acre of State open waters for the replacement of said road crossing, is included in this permit.

Project Location

Route 46 crossing over Hatchery Brook
 Township of Independence
 Warren County

Received by County Clerk

Project Engineer's Signature

Stephen Olivera

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

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)*

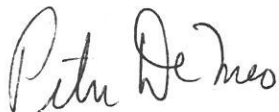
17. In order to protect the trout maintenance waters within Hatchery Brook, no grading, construction, or clearing is permitted within any watercourse on-site between March 15th and June 15th of each year. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the 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.
18. Vegetation within 300 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 300 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.
19. Upon completion of the project, all temporarily disturbed areas within 300 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).
20. If access to the channel results in topographic changes to the bank, the grade of the bank shall be restored to its pre-construction topography.
21. Construction may only be performed in the dry or-dewatered conditions. No work may be performed in the wet.
22. Raw concrete shall not come into contact with the waters of Hatchery Brook.
23. The articulated concrete block mattress (ACBM) proposed within the channel shall be carefully imbedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg, and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, the permittee is required to imbed habitat enhancement devices within a few of the void spaces of the ACBM and fill the remaining void spaces with native substrate from the channel. By April 20, 2012, the permittee must submit plans, and receive written approval illustrating the ACBM design with the aforementioned aquatic enhancement devices, detailing the dimensions and location of each habitat enhancement device.
Note: no work may commence onsite until the Department provides written notice that this condition has been satisfied.
24. Provisions of the Freshwater Wetlands General Permit

This portion of the permit authorizes the permanent disturbance of 0.082 of an acre of transition areas and 0.018 of an acre of State open waters, and the temporary disturbance of 0.003 of an acre of freshwater wetlands, 0.022 of an acre of transition areas, and 0.025 of an acre of State open waters for the replacement of Route 46 culvert crossing over Hatchery Brook under General Permit No. 10B. 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.

25. The drawings hereby approved are ten (10) sheets prepared by AECOM Technical Services, undated, unrevised, and entitled:

“ROUTE 46 OVER HATCHERY BROOK CONTRACT NO. 020103820”

- TYPICAL SECTIONS, sheet 2 of 21,
- CONSTRUCTION PLANS, sheet 3 of 21,
- ENVIRONMENTAL & SOIL EROSION & SEDIMENT CONTROL PLANS, sheet 4 of 21,
- FRESHWATER WETLANDS PERMIT PLAN, sheet 5 of 21,
- FLOOD HAZARD AREA PERMIT PLAN, sheet 6 of 21,
- ELEVATIONS AND SECTIONS PERMIT PLAN, sheet 7 of 21,
- PROFILES, sheet 8 of 21,
- GRADES, sheet 9 of 21,
- GENERAL PLAN AND ELEVATION I, sheet 11 of 21,
- GENERAL PLAN AND ELEVATION II, sheet 12 of 21.



Peter DeMeo, Supervising Environmental Engineer
Urban Growth & Redevelopment, Bureau of Inland Regulation

2/23/12

Date