



**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.nj.gov/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>		<p>Approval Date December 6, 2017</p>
		<p>Expiration Date December 5, 2022</p>
<p><b>Permit Number(s):</b>  1107-17-0002.1; FWW 170001</p>	<p><b>Type of Approval(s):</b>  Freshwater Wetlands General Permit 10A and Water Quality Certificate</p>	<p><b>Enabling Statute(s):</b>  N.J.S.A. 13:9B-1 et seq. N.J.S.A. 58:10A-1 et seq.</p>
<p><b>Permittee:</b>  New Jersey Department of Transportation (NJDOT) Attn: Ms. Tina Schutz 1035 Parkway Avenue Trenton, New Jersey 08625</p>	<p><b>Site Location:</b>  Block/Lot: NJDOT ROW Municipality: Lawrence Township County: Mercer</p>	
<p><b>Description of Authorized Activities:</b></p> <p>This permit authorizes 0.01721 acres (749.7 square feet) of permanent disturbance to intermediate resource value freshwater wetlands transition area for the installation of a guiderail along Route 1 in Lawrence Township, Mercer County. Authorized activities also include re-decking Bridge 1B carrying Route 1 Northbound and Southbound over Little Shabakunk Creek. The approved activities are shown on the plans referenced on the last page of this permit.</p> <p>The Division of Land Use Regulation has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-5. The activities allowed by this authorization shall comply with applicable conditions noted at N.J.A.C. 7:7-4.3, 5.10A and 13.1. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetland Protection Act (N.J.S.A. 13:9B-1 et. seq.).</p>		
<p><b>Prepared by:</b>   Tejal Kuray</p>	<p><b>Received and/or Recorded by County Clerk:</b></p>	
<p>If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.</p>		
<p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

### **FRESHWATER WETLAND SPECIAL CONDITIONS:**

1. This authorization for a General Permit is valid for a term not to exceed five years from the date of this permit. 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 permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.
2. Any additional un-permitted disturbance of freshwater wetlands, State Open Waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.

### **STANDARD CONDITIONS:**

1. The issuance of a 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 or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. 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.
5. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any noncompliance within twelve hours of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware 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. The written notice shall include:
  - a. A description of the noncompliance and its cause;

- b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
6. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
7. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - a. 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;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
8. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
9. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
10. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
11. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
12. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-14.2.
13. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A 14.4 and 14.5.

14. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
15. 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.
16. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
17. The permittee shall not cause or allow 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 while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
18. Best management practices as defined at N.J.A.C. 7:7A-1.4, shall be followed whenever applicable. (N.J.A.C. 7:7A-1.4)
19. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-12.2(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource and immediately notify the Department and proceed as directed.

#### **APPROVED PLANS:**

The plans hereby approved are titled:

1. "NEW JERSEY DEPARTMENT OF TRANSPORTATION, FWW GP 10A ENVIRONMENTAL PLANS, US ROUTE 1 OVER US ROUTE 1 BUSINESS NB" (Sheets 2 thru 6 of 6), dated November 16, 2017, unrevised, and prepared by Andrew M. Muldowney, New Jersey Professional Engineer License No. 24GE03576000; and
2. "NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, GENERAL PLAN AND ELEVATION, US ROUTE 1, BRIDGE OVER US ROUTE 1 BUSINESS NB" (Sheet 33 of 45), undated and unrevised, and prepared by Jason C. Salmon, New Jersey Professional Engineer License No. 24GE04490600.

#### **APPEAL OF DECISION:**

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30

calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the form 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 requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr).

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:



Joslin C. Tamagno  
Environmental Supervisor, EA4  
Bureau of Urban Growth and Redevelopment  
Division of Land Use Regulation

12-6-17  
Date

c: Ms. Tina Shutz, NJDOT  
Lawrence Township Construction Official

