




**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.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." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may</p>		Approval Date MAY 26 2017
		Expiration Date MAY 25 2022
Permit Number(s): 1427-17-0002.1 FHA170001 1427-17-0002.1 FWW170001 1427-17-0002.1 FWW170002	Type of Approval(s): Flood Hazard Area GP # 10 Freshwater Wetlands GP # 2 Freshwater Wetlands GP # 10B	Enabling Statute(s): N.J.S.A. 58:10A-1 et seq. N.J.S.A. 58:16A-50 et seq. N.J.S.A. 13:1D-29 et seq. N.J.S.A. 13:1D-1 et seq. N.J.S.A. 13:9B-1 et seq.
Permittee: Amber Cheney New Jersey Department of Transportation 1035 Parkway Avenue Trenton, NJ 08625		Site Location: Block(s) & Lot(s): [N/A, N/A] Municipality: Mount Olive Township County: Morris
Description of Authorized Activities: <p>This permit authorizes the replacement of the Route 206 deck and superstructure over Drakes Brook, in addition to the construction of approximately 3,100 feet of guiderail along Route 206 within the flood hazard area of Drakes Brook and the installation of a gas main beneath said watercourse, in the Township of Mount Olive, Morris County, New Jersey as shown on the plans referenced on the last page of this permit. Authorizations to wetlands, transition areas, and State open waters are included in this permit.</p>		
Prepared by:  Christian Zografos		Received and/or Recorded by County Clerk:
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.		
This permit is not valid unless authorizing signature appears on the last page.		

SPECIAL CONDITIONS:

1. 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.
2. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
3. 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.
4. To protect the trout production habitat within Drakes Brook, no grading, construction or clearing is permitted within any watercourse onsite from September 15th through March 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.
5. The project site lies within the migratory range of the federally listed Indiana Bat. To protect the Indiana Bat from adverse impacts, any tree clearing activity is prohibited from April 1st to September 30th of each calendar year.
6. Vegetation within 300 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. 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.
7. 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.
8. This permit authorizes the permanent disturbance 0.035 acres of permanent disturbance, and 0.012 acres of temporary disturbance, to riparian zones (total of 0.047 acres).

FRESHWATER WETLAND CONDITIONS:

1. Provisions of the Freshwater Wetlands General Permit #2
This permit authorizes the temporary disturbance of 112 square feet of freshwater wetlands transition area for the excavation of jacking pits for the directional drilling to install a gas line. No additional impacts to State open water wetlands and transition areas are permitted.
2. Provisions of the Freshwater Wetlands General Permit 10B
This permit authorizes the permanent disturbance of 0.205 acres of freshwater wetlands transition area and 0.01 acres of State open waters to repair and rehabilitate the Route 206 bridge over

Drakes Brook and to install 3100 linear feet of associated guiderail and footings. No additional impacts to State open waters wetlands and transition areas are permitted.

3. Any additional 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.
4. This permit includes the issuance of a water quality certificate for regulated activities in a wetland or State open water.
5. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area.
6. Any excavation within the wetland or wetland transition area, shall be backfilled to the preexisting elevation and the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material.
7. Any pipes laid shall be properly sealed so as to prevent leaking or infiltration and designed so as not to form or provide a conduit for groundwater to be discharged or drained from the wetlands.

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. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. 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.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit, pursuant to N.J.A.C. 7:13-22.7.

7. 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 other noncompliance within two working days 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.
8. 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.
9. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
10. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
11. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
12. 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.
13. 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.

14. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
15. 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.
16. Except for an authorization under general permit 1 for channel cleaning under the Stream Cleaning Act at N.J.A.C. 7:13-9.1, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the rules.
17. The permittee shall perform any mitigation required under the permit prior to or concurrently with regulated activities in accordance with N.J.A.C. 7:13-13.
18. 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.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. 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.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the regulations.
23. A permit can be suspended or terminated by the Department for cause.
24. 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.
25. 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.

26. 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, at least three working days prior to the commencement of regulated activities.
27. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

APPROVED PLANS:

The drawings hereby approved are four (4) sheets, prepared by NV5, Inc., dated January 2017, unrevised unless noted otherwise and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, PERMIT PLANS, ROUTE 206 OVER DRAKES BROOK, CONTRACT NO. 0859153190,” Sheet Nos. 1 through 4 of 4, with Sheet No. 1 last revised March 23, 2017.

RIGHT TO APPEAL:

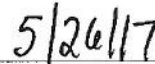
In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30 calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy 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. 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.

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:



Peter DeMeo, Environmental Engineer 4
Division of Land Use Regulation



Date

c: Municipal Clerk and Construction Official