

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



(See Issuing Division below)

PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the Permittee upon acceptance of the permit.

Permit No. 2004-03-0003.1, 030001WFD IP Uplands, Application No.
030002WFD IP In-water, 030001 FWGP10B

Issuance Date Effective Date Expiration Date
Same as issuance date

Name and Address of Applicant	Name and Address of Owner	Name and Address of Operator
Chris Manz New Jersey Department of Transportation 1035 Parkway Avenue Trenton, NJ 08625-0600	NJ Department of Transportation	Applicant

Location of Activity/Facility (Street Address)	Issuing Division	Statute(s)
Elizabeth River Viaduct City of Elizabeth, Union County	Land Use Regulation Program	NJSA 13:9-1 NJSA 13:9B-1 NJSA 12:5-3 NJSA 13:9A-1

Type of Permits: Waterfront Development and Freshwater Wetlands General Permit 10B Maximum Approved Capacity, if applicable

This permit grants permission to: Replace the Elizabeth River Viaduct to provide for six travel lanes, shoulders and road improvements from Hetfield Avenue to East Grand Street. Permanent impacts to intertidal/subtidal shallow areas of 323 square feet are in association with the supplementation of riprap area at an outfall structure to be upgraded. Filling of approximately 75 square feet of State open water, filling of approximately 227 square feet of freshwater wetlands, and shading of approximately 3,714 square feet of freshwater wetlands are authorized under this Freshwater Wetlands General Permit No. 10B for a total of 4,016 square feet (0.09 acres) of wetland disturbance. **A Water Quality Certification is provided as part of this authorization.**

Issuance of this permit is in no way construed as a relinquishment by the State of New Jersey of any tidelands right, title or interest in the subject property or in any land surrounding it.

This permit is authorized under and in compliance with the applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.), and subsequent amendments up to January 1, 2003 (Town Centers), provided permit conditions contained herein are met.

The Permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.

The plans hereby approved shall consist of the set of sixteen (16) plan sheets of drawings entitled "Route 1 & 9 (1953) Section 4T," prepared by TAMS Consultants, Inc. and further defined as:

- "Environmental Plan," Sheets EP-01, EP-02, EP-06, EP-07 dated February 24, 2003,
- "Environmental Plan," Sheets EP-03, EP-04, EP-05, dated July 31, 2003,
- "Drainage Plan," Sheets DR-3, DR-7, DR-8, dated February 24, 2003,
- "Drainage Plan," Sheets DR-4, DR-5, DR-6, dated July 31, 2003, and
- "Demolition Plan," Sheets 232 to 234, dated July 31, 2003.

Prepared by: William Mc Laughlin
William Mc Laughlin, Project Manager

Revised Date	Approved by the Department of Environmental Protection		
	Name (Print or Type)	<u>Robert N. Cubberley</u>	Title <u>Environmental Scientist 2</u>
	Signature	<u>SEE FINAL PAGE</u>	Date

Coastal Permit General Conditions

1. The permittee shall notify the Department in writing within five working days prior to the beginning of construction on the site or site preparation.
2. 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity or development resulting from any permit.
3. A permittee shall allow the authorized representatives of the Department free access to the site at all times when construction activity is taking place, and at other times upon notice to the permittee. The permittee shall provide free of charge to the Department all of its equipment reasonably necessary for inspection of the site.
4. No change in plans or specifications upon which a permit is issued shall be made except with the prior written permission of the Department, in accordance with N.J.A.C. 7:7-4.10.
5. The notice of authorization shall be posted prominently at the site during construction and a copy of the permit and approved plans shall be kept on the construction site and shall be exhibited upon request to any person.
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. 7:7-4.11.
7. Plans and specifications in the application and conditions imposed by a permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified pursuant to N.J.A.C. 7:7-4.10.
8. If any condition or a permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest.
9. A permit is subject to suspension or revocation for violations of its terms and conditions. A permittee shall, upon receipt of a notice of suspension or revocation, comply with the terms of such notice and shall, if required, cease such construction.
10. The Department may issue a modified permit in accordance with N.J.A.C. 7:7-4.10.
11. In the event of rental, lease, sale or other conveyance of the site by the permittee, the permit shall be continued in force and shall apply to the new tenant, lessee, owner, or assignee so long as there is no change in the site, proposed construction or proposed use of the development, as described in the original application. No such change shall be implemented unless an application for a permit modification is filed pursuant to N.J.A.C. 7:7-4.10.
12. 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 (Noise control).

13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion & Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. And N.J.A.C. 2:90-1.3 through 1.14. These standards are hereby incorporated by reference.

ADMINISTRATIVE CONDITIONS

Prior to initiation of site preparation for the following conditions:

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.
2. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Land Use Regulation Program at P.O. Box 439, Trenton, NJ 08625.
3. Prior to construction activities within jurisdictional areas, the permittee must obtain a Department of the Army authorization. You are advised to contact the New York District at (215) 656-6728.
4. Prior to construction activities in areas of known or suspected contamination, the permittee must obtain any necessary approvals from the NJDEP Bureau of Hazardous Site Remediation.
5. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work for the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers.
6. In order to avoid degradation of the water quality in the streams receiving stormwater runoff from the roadway, the stormwater management system shall require periodic inspections and maintenance. The Permittee is advised to conduct additional inspections, and maintenance of inlets as necessary following major storm events.
7. Any acid soils encountered must be stockpiled separately from non-acid soils as excavation proceeds. Acid soils, if present must be handled in accordance with the NJDEP Stream Encroachment Technical Manual, Section 3.6, and the requirements of the local National Resource Conservation District.
8. Construction vehicle traffic shall be minimized in wetlands and wetlands transition areas to be temporarily disturbed. No storage of chemicals, oil, fuel or refueling of equipment shall occur within 100 feet of the wetlands along the project route.
9. The applicant must adhere to the stipulations of the Memorandum of Agreement between the FHWA and NJDEP Historic Preservation Office and signed by NJDOT on February 7, 2000.

10. Prior to construction, the application for a tidelands conveyance must be completed for file application #01-0203-T.
11. Prior to construction, coordination with the Green Acres Program must be completed.

TURBIDITY AND SEDIMENTATION CONDITIONS

12. **PRIOR TO COMMENCEMENT OF DEMOLITION OF ANY PORTION OF THE EXITING BRIDGE AND ITS SUPPORT STRUCTURE INCLUDING THE PIERS**, the Permittee is required to provide the following: 1) a shield to prevent falling material from entering the water during removal of the superstructure; 2) pier and pile removal shall be done in a manner that minimizes disturbance of the stream bottom; 3) A turbidity barrier/silt curtain will be placed around all work areas, The barrier shall not restrict the flow of the waterway by more than 50% of its cross-section, 4) **Coordination with NJDEP (Bill Figley 609-748-2020) to determine what, if any, construction debris may be appropriate for disposal at sea as part of NJDEP's Artificial Reef program.**
13. Unless directed otherwise by the NJDEP Bureau of Hazardous Site Remediation, dewatering of pier and abutment construction areas shall use filter bags to trap sediments in addition to the use of land-based temporary dewatering basins that are sized appropriately to provide retention of water for a duration sufficient to ensure settling of suspended particulates prior to return discharge. The return water will be discharged to an area of the stream that is encompassed by turbidity barrier as an additional precaution.
14. Heavy-duty silt fence with wire backing shall be used to encompass work activities on land and shallow water areas where feasible. Deep water areas of construction shall be encompassed by floating turbidity barrier.
15. The amount of riprap or other energy dissipating material used shall be the minimum necessary to prevent erosion, and shall not exceed 200 cubic yards of fill below the top of bank or high water mark or 10 cubic yards of fill per outfall, unless a larger amount is required in order to comply with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.

PHYSICAL CONDITIONS

16. In association with this authorization, the total amount of wetland impacts shall not exceed 227 square feet of permanent impacts and 1,098 square feet of temporary impacts to freshwater wetlands, 398 square feet of impacts to State open waters, including 323 square feet of impact to intertidal and subtidal shallows.
17. Temporarily disturbed areas must be restored through grading and landscaping as necessary to include:
 - (a) The area of temporary disturbance to transition areas must be replanted with native, indigenous species. The areas should be planted with native trees that are known to grow to sufficient height to provide partial shade for open water areas in the vicinity. This replanting shall be performed immediately after activities that temporarily disturb the

environment are complete. The LURP Mitigation Section should be contacted for assistance in determining the appropriate species for replanting disturbed areas.

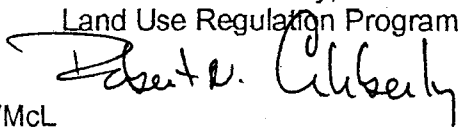
- (b) All temporarily disturbed areas shall include plantings with a mixture of warm and cool seasonal grasses containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment.
- (c) Water quality swales must be vegetated using species appropriate to variable conditions of saturation and inundation and include at least 20% warm season grasses.

18. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc., except where riprap is required.
19. In order to protect the anadromous fish run during migration and spawning down stream within the Elizabeth River, any proposed grading or construction activities within the banks of this or any other stream on site are prohibited between **April 1 and June 30** of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse, which could introduce sediment into said streams or which could cause an increase in the natural level of turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
20. All excavated materials must be disposed of at an approved site. Under no circumstances is excess material to be disposed of in wetlands, transition areas to wetlands, stream corridors, or other environmentally sensitive areas.
21. The Permittee shall maintain all soil erosion and turbidity controls for the life of the project and these controls shall be put in place prior to any construction activities.
22. The Permittee shall monitor for suspended sediments in the water column on a daily basis when construction/demolition is taking place. If a large sediment plume is detected, then the project must cease until more appropriate preventative measures are put in place.
23. Raw uncured concrete is toxic to fish and other aquatic organisms, therefore raw uncured concrete must not come in contact with the waters of the Elizabeth River.
24. ~~The upper-most 18-inches of any temporary excavation is backfilled with the original soil material if feasible, and otherwise with clean suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material.~~
 - a) Excavations must be backfilled to the preexisting elevation.
 - b) The area above the excavation must be replanted with native, indigenous species.
 - c) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.

With adherence to the above permit conditions, this project is considered to be consistent with the Coastal Zone Management Rules (N.J.A.C. 7:7E 1.1 et seq.).



Robert N. Cubberley, Environmental Scientist 2
Land Use Regulation Program



WMcL

~~October 24, 2003~~
Date

November 6, 2003

C: Ken Sass, Bureau of Tidelands (Tidelands # 01-0203-T)
Bureau of Enforcement
City of Elizabeth Municipal Clerk

C: w/o plans
City of Elizabeth Planning Board
Union County Planning Board