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LICHTENSTEINSTATE 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. 0000-03-0042.1 FHA, WDP 030001

Application No.

Issuance Date

FEB 19 2004

Effective Date

Same as issuance date

Expiration Date

FEB 19 2009

Name and Address of Applicant

New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 0825

Name and Address of Owner

Same as applicant

Name and Address of Operator

Applicant

Location of Activity/Facility (Street Address)

Route 7 over Passaic River
Belleville, Kearny, and North Arlington
Essex, Hudson, and Bergen Counties

Issuing Division

Land Use Regulation Program

Statute(s)

NJSA 13:9-1
NJSA 13:9B-1
NJSA 12:5-3
NJSA 13:9A-1

Type of Permits: Waterfront Development

Maximum Approved Capacity,
if applicable

This permit grants permission to: Install piles, walers, and appurtenant components of a timber fender system for protection of piers for the Route 7 Bridge over Passaic River.

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 four (4) sheets of drawings entitled "Route 7 (1953) Section 1AG," and further defined as:

Sheet B2 of B153, entitled, "General Plan & Elevation," signed by Andrew C. Coates, and dated 9/24/98,

Sheet B3 of B153, entitled, "Bridge Profile, Typical Sections and Notes," signed by Andrew C. Coates, and dated 8/15/96,

Sheet B20 of B153, entitled, "Fender Plan," unsigned, and dated revised 8/30,

Sheet B21A of B153, entitled, "Northwest Fender Revision Supplementary Sheet," signed by Andrew C. Coates, and undated.

Previous permits issued for this project include:

NJDEP File No. 0000-98-0011.1 (SEA) and 0000-98-0011.2 (WDA), issued July 1, 1998 and expires July 1, 2003.

Prepared by:

William Mc Laughlin
William Mc Laughlin, Project Manager

Revised Date

Approved by the Department of Environmental Protection

Name (Print or Type) Robert N. Cubberley Title Environmental Scientist 2Signature SEE FINAL PAGE

Date

*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page Two)

960161-DEP1

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 of 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 any construction activities affecting navigation, the permittee must obtain approval for the project from the U.S. Coast Guard.
4. 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.
5. Construction vehicle traffic is not authorized in wetlands and wetlands transition areas. No storage of chemicals, oil, fuel or refueling of equipment shall occur within 100 feet of the wetlands along the project route.
6. Prior to construction, the application for a tidelands conveyance must be completed for file application #00-0129-T.

PHYSICAL CONDITIONS

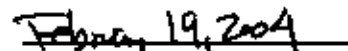
TURBIDITY AND SEDIMENTATION CONDITIONS

1. No dredging is authorized for construction barge access to construction sites. Dredging for construction barge access will require submittal of additional information and modification of this permit.

- Replacement components for the fender systems shall be free of chemical treatments such as creosote or other preservatives, unless the materials have already been purchased under the aforementioned permit that has now expired.
- In order to protect the anadromous fish run during migration and spawning down stream within the Passaic 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.
- 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.
- Installation of piles shall be done in a manner such as hammer driving or vibration that minimizes the resuspension of sediments and buried pollutants.
- The Permittee shall monitor for suspended sediments in the water column on a daily basis when construction/demolition is taking place. If a sediment plume is detected, then the project must cease until more appropriate preventative measures are put in place.

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 1
Land Use Regulation Program


Date

WMcL

C: w/plans Jo Ann Cubberly, Bureau of Tidelands
Bureau of Enforcement

C: w/o Belleville Municipal Clerk
Keamy Municipal Clerk
North Arlington Municipal Clerk
Belleville Planning Board
Keamy Planning Board
North Arlington Planning Board
Bergen County Planning Board
Hudson County Planning Board
Essex County Planning Board

New Jersey Department of Environmental Protection
Land Use Regulation Program
COASTAL AREA FACILITY REVIEW ACT- WATERFRONT DEVELOPMENT LAW
ENVIRONMENTAL REPORT N.J.A.C. 7:7E-1.1 et seq.

Application #s 0000-03-0042.1 WDP (In-water) FHA 030001
Applicant: NJDOT
Consultant: Lichtenstein Consulting Engineers, Inc.
Project: Route 7 over Passaic River
Municipalities: Belleville, Kearny & North Arlington, Essex, Hudson, Bergen Counties-
USGS Quad: Orange
Project Manager: William Mc Laughlin
Project Engineer: N/A
Stream: Passaic River
NJ SWQS Stream Classification: FW-2 NT / SE-2
Site Inspection: GIS.

Project Description: The applicant, the New Jersey DOT is proposing to complete construction of a timber fender system that began as part of the newly-constructed bridge authorized by NJDEP permit No. 0000-98-0011.1 (SE and 11.2 (WDP) which expired on 6/30/03.

Freshwater Wetlands Protection Act Rules (7:7A)

Not applicable

Rules on Coastal Zone Management (7:7E):

"The Director of the Land Use Regulation Program hereby finds the applicable findings as required by Sections 10 and 11 of the CAFRA statute (N.J.S.A. 13:19-1 et. seq.) and the Rules on Coastal Zone Management will be met to the satisfaction of the Bureau of Coastal Regulation. The issuance of these permits are contingent upon compliance with the conditions below and failure to comply with any or all conditions may result in appropriate enforcement action and revocation of this permit."

Finfish Migratory Pathways (7:7E-3.5) – Comment received from the Division of Fish and Wildlife recommending a timing restriction of April 1 thru June 30 is necessary to protect anadromous fish during spawning and migration from any sediment generating activity. Turbidity controls, including turbidity barrier is required. The Program will make these recommendations conditions of the permit. Compliance to this Rule is met subject to carrying out recommended conditions.

Navigation Channels (7:7E-3.7) – Construction and demolition will have temporary short term effects on river traffic. The contractor shall coordinate any construction activities in the navigation channel with the Coast Guard for any short term effects on river traffic. The U.S. Coast Guard coordination and notice to local mariners are to be implemented to mitigate impacts to navigation.

Subchapter 4 – General Water Areas

Acceptability Conditions for Uses (7:7E-4.2)

Subchapter 4 – General Water Areas

Acceptability Conditions for Uses (7:7E-4.2)

(j) Filling – Fill is limited to the placement of piles and associated whalers for the fender system.

(m) Bridges – The Program finds: **1)** there is a demonstrated need that can not be met by the existing facility which is incomplete in protecting existing piers from errant navigation; **2)** The applicant has satisfactorily addressed the applicable Location and Resource Rules regarding secondary impacts and linear development in that maintenance of the existing infrastructure is necessary for continued public use; **3)** Pedestrian and bicycle use is not relevant and therefore not included in the design of the fender system, and **4)** a catwalk area has not been included because fishing access is not appropriate for safety concerns. Therefore, the Program finds Compliance to this Rule is met.

Subchapter 6- General Location Policies

Rule on Location of Linear Development (7:7E-6.1) - The Program finds: **1)** the chosen alternative is the most prudent and feasible alignment; **2)** there are no permanent loss of unique or irreplaceable areas; **3)** the applicant will be avoiding wetlands and minimizing disturbances to open water areas where required; and **4)** the chosen alternative alignment is located within the existing transportation corridor to the maximum extent feasible. Therefore, the Program finds compliance to this Rule is met. No dredging for construction barge access is authorized.

Secondary Impacts (7:7E-6.3) - The Program finds the applicant's proposal to complete construction of the previously approved fender system is necessary to meet existing infrastructure needs. No new access that would have potential for secondary impacts is proposed. The completion of existing structural components should have a positive impact of improved public safety. Therefore, Compliance to this Rule is met.

Subchapter 7 – Use Rules

Transportation Use Rules (7:7E-7.5) – The applicant has defined a clear need for completing the fender system with navigational lighting; the fender system will not include a sidewalk capable of carrying bicycle and pedestrian because of safety concerns; fishing access on the fender system is not provided because of safety concerns; fender system is not the appropriate location for public transportation stop, however the project facilitates a public transportation route; the proposed structure is not expected to impair visual and physical access. The bridge will not induce new development, but will provide a safe passage compatible for navigational and vehicular use. Therefore, compliance to this Rule is met.

Subchapter 8 - Resource Rules

Marine Fish and Fisheries (7:7E-8.2) – The applicant will be required to minimize impacts via instituting a timing restriction of **March 1 to June 30** for anadromous fish. The Program finds by the applicant instituting the timing restriction and other measures (see Water Quality), compliance to this Rule will be met.

Water Quality (7:7E-8.4) – The applicant is required to provide sediment controls to maintain the existing quality of the Passaic River in the vicinity of the project for the duration of the construction activities. Precautions are necessary to prevent the resuspension of sediments that may contain pollutants. Long-term water quality impacts are not expected because of the nature of the regulated activities, which are repair/rehabilitation. The applicant will be required to minimize the potential for short-term temporary impacts by placing turbidity barriers to limit construction activities to the minimum area necessary to perform the reconstruction and operational improvements in the area. Also, timber fender repairs will be done with timber components that have already been contracted. Any new purchases of fender system components shall be for non-chemically treated materials.

Compliance to this Rule is met with the installation of these mitigation techniques prior to construction.



William Mc Laughlin
Principal Environmental Specialist
Land Use Regulation Program

WMcL



State of New Jersey

Department of Environmental Protection

Land Use Regulation Program

P.O. Box 439, Trenton, New Jersey 08625

FAX # (609) 777-3656

Web Site: www.state.nj.us/dep/landuse

James E. McGreevey
Governor

FEB - 19 2004

Hindley
C-441

Dear Sir or Madam:

Enclosed is your approved construction permit. Please read it carefully and return the attached *permit acceptance form* if you agree with our decision. Construction may begin only after you have completed and returned this form. The project manager listed on the first page is available to discuss any concerns or questions you may have. If you consider yourself aggrieved by our decision, you may also request a hearing by completing the requirements of the attached *administrative hearing request checklist and tracking form*.

Please keep your permit and any approved drawings at the construction site for the duration of the project. It is helpful if you have the proper documentation readily available when my staff inspects your work. If you have received a stream encroachment permit, please complete and return the attached *construction notice* at least fourteen days before construction is scheduled to begin. For all permits, please complete and return the attached *completion notice*, properly signed and sealed by a professional engineer licensed in New Jersey, within thirty days of the completion of the project.

If a tidelands grant, lease or license is required as a permit condition, this permit is not valid until the Bureau of Tidelands Management has delivered the necessary conveyances. Construction prior to the receipt of the necessary conveyances is in violation of State law and will subject you to fines up to \$1000.00 plus \$100.00 per day. Furthermore, the cost for the tidelands instrument may be higher since the property claimed will be appraised as improved property. You may also be required to remove unauthorized structures placed in the tidelands claimed areas.

A copy of your permit will be shared with appropriate federal and local agencies to promote inter-governmental cooperation in the management of our natural resources.

Sincerely,

Mark N. Mauriello, Director
Land Use Regulation Program

CONSTRUCTION REPORT

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey, 08625

Review Engineer: _____

Engineer Section: _____

Permit Number/s: _____

Date Issued: _____

Applicant: _____

Name of Project: _____

Municipality/County: _____

Date Construction is to Begin: _____

I hereby give notice that construction will begin on the above noted project on the date stated above (must give at least 14 days notice). Also, as required by condition 7 of the stream encroachment permit, a copy of the above referenced permit/s along with all approved drawings shall be available for inspection at the project site throughout construction.

Engineer's Signature and Seal: _____

New Jersey License Number: _____

Date: _____

COMPLETION REPORT

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineer Section: _____

Permit Number/s: _____

Date Issued: _____

Applicant: _____

Name of Project: _____

Municipality/County: _____

Date of Completion: _____

The undersigned hereby certifies that all activities approved by the Department within the above referenced permit/s have been constructed and completed in accordance with the plans approved therein, that said project is in compliance with all terms and conditions of the same, and that all unauthorized encroachments have been removed.

Engineer's Signature and Seal: _____

New Jersey License Number: _____

Date: _____

ACCEPTANCE OF REVOCABLE CONSTRUCTION PERMIT/S

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineering Section: _____

Permit Number(s): _____

Date Issued: _____

The undersigned hereby accepts the above referenced revocable permit/s, subject to the terms and conditions included therein, including but not limited to the right of the State to revoke said permit/s with cause, and also subject to all provisions of law, rules, and regulations of any applicable government agency.

Signature: _____

Printed Name: _____

Title/Affiliation: _____

Attest: _____

(To be properly witnessed, signed, and sealed)

**Adjudicatory Hearing Request Checklist
and Tracking Form**

I. Permit Decision or Other Department Decision Being Appealed:

Issuance Date of Decision Document

Document Number (if any)

II.

Name of Person Requesting Hearing

Name of Attorney (if applicable)

Address

Address

Telephone No.

Telephone No.

III. If you are the applicant or permittee, please include the following information with your hearing request:

- A. The date you received the permit decision or other decision which you are appealing;
 - B. A copy of the decision document;
 - C. The findings of fact and conclusions of law you are appealing;
 - D. A statement as to whether or not you raised each legal and factual issue during the permit application process;
 - E. Suggested revised or alternative permit conditions;
 - F. An estimate of the time required for the hearing;
 - G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
 - H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
1. This form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street
P.O. Box 402
Trenton, NJ 08625-0402;

with a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
501 E. State Street
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of your participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form, completed, signed and dated with all the information listed above, including attachments to:

1. 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

with a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
501 E. State Street
P.O. Box 439
Trenton, NJ 08625-0439

V. Signature: _____ Date: _____