



State of New Jersey

Department of Environmental Protection
Land Use Regulation Program
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James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

JAN 30 2004

NJ Department of Transportation
c/o Steven Manera
1035 Parkway Avenue
Trenton, NJ 08628-0600

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 10B
LURP File No. 1612-03-0004.1 030001 FWW GP10B
Applicant: New Jersey Department of Transportation
Attn: Steven Manera, Project Manager
1035 Parkway Avenue
Trenton, NJ 08628
Project: **Route 46/Union Blvd./Lackawanna Avenue Interchange
Improvements**
Location: Borough of Totowa, Passaic County
Lower Passaic River

Dear Mr. Manera:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by **Statewide General Permit No. 10B** which authorizes activities in freshwater wetlands, transition areas, and/or State open waters for the construction or expansion of road crossings, including attendant features such as shoulders, sidewalks, and embankments.

Limit of Authorized Disturbance

General Permit 10B authorizes certain activities in freshwater wetlands, transition areas, and/or State open waters. Such activities include the expansion, widening, or upgrading of one or more existing paved or unpaved roads, including attendant features such as shoulders, sidewalks, and embankments. Based on the plans entitled "General Permit Plan U.S. Route 46 and Union Boulevard Intersection Improvements", twelve (12) sheets dated August, 2003, and signed by William J. Haggerty and Wassim Y. Nader, the authorized activity involves the disturbance of 0.22 acres of wetlands for the interchange improvements as shown on the plans and quantified according to documents dated October, 2003. The stated impacts are the minimum necessary to provide for the safe management of traffic at the intersection of Route 46 and Union Boulevard involving four wetland crossings. The project will provide a redesigned Union

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Avenue intersection of Route 46 westbound exit and entrance ramps, and the realignment and widening of both Furler Street and Lackawanna Avenue to provide one signalized intersection with Union Boulevard. In addition, the redesign will provide greater turning radii for acceleration and deceleration lanes. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

1. This Freshwater Wetlands General Permit 10B authorizes the disturbance of a maximum of 0.22 acres of freshwater wetland area. The Freshwater Wetlands Statewide General Permit No. 10B authorizes four wetland crossings to accommodate the redesign of the Union Avenue intersection of Route 46 westbound exit and entrance ramps, and the realignment and widening of Furler Street, Lackawanna Avenue, and acceleration and deceleration lanes. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area which has been determined by the Department to be necessary to accomplish the authorized activities. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
2. Any discharge of dredged or fill material shall consist of 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.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.

7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area

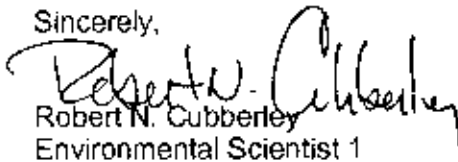
The wetlands affected by this permit authorization are of intermediate resource value and the standard transition area or buffer required adjacent to it is 50 feet. This General Permit includes a transition area waiver that allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within standard transition areas shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, at the address listed above, or by email William.McLaughlin@dep.state.nj.us. Please reference the above file number in all correspondence.

Sincerely,


Robert N. Cubberley
Environmental Scientist 1
Land Use Regulation Program

WMcL

c. Bureau of Enforcement
Borough of Totowa, Municipal Clerk

c: w/o plans
Borough of Totowa Municipal Construction Official

DAVE ZMEDA, E TEAM SUPERVISOR