



STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 LAND USE REGULATION PROGRAM
 501 East State Street, Station Plaza 5, 2nd Floor
 P.O. Box 439, Trenton, New Jersey 08625-0439
 Fax: (609) 777-3656 or (609) 292-8115
 www.state.nj.us/dep/landuse



PERMIT

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."		Approval Date AUG 15 2007
		Expiration Date AUG 15 2012
Permit Number/s 1409-07-0002.1 FHA 070001	Type of Approval/s Stream Encroachment Permit	Enabling Statute/s NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant Nicholas Dogias, Project Manager NJDOT 1035 Parkway Avenue PO Box 600 Trenton, NJ 08625-0600		Owner (if different from applicant)
Description of Authorized Activities and Limit of Disturbance This permit authorizes the replacement of the Route 46 crossing over the Rockaway River, associated road improvements to both Routes 46 and 15, and the discharge of stormwater to the flood plain of the Rockaway River and Jackson Brook, within the Township of Dover, Morris County, New Jersey.		
Project Location Routes 46 and 15 Dover Township Morris County		Received by County Clerk
Project Manager's Signature <i>Gabriel Mahon</i> Gabriel Mahon Telephone: (609)984-0194 Email: gabriel.mahon@dep.state.nj.us		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

STANDARD CONDITIONS:

1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Department. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

8. Soil erosion controls shall be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized.

9. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
10. All excavated material temporarily stockpiled shall be analyzed for determination of waste classification and disposal option in accordance with applicable rules and regulations. Manifest of materials showing both characterization and disposition shall be submitted to the NJDEP.
11. 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 materials.
12. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures on site at least four times per year and after every major storm equaling or exceeding 1 inch, and the continuous implementation of appropriate soil conservation practices within any grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
13. Any and all precautions must be taken to prevent raw concrete, which is toxic to aquatic biota, from coming in contact with the waters of the Rockaway River.
14. In order to protect the trout maintenance fishery resource within the Rockaway River, any proposed grading or construction activities within the banks of this or any other watercourse on site are prohibited between March 15 and June 15 of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse that could introduce sediment into said watercourse or that 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.
15. In order to protect roosting Indiana bats (*Myotis sodalis*), tree clearing activities on the project site shall be prohibited from April 1 to November 15 of each year. If clearing of trees cannot be avoided during this period, further consultation will be required with the U.S. Fish and Wildlife Service.
16. Trees, shrubs, grasses, and other vegetation within 300 feet from the top of all C1 stream banks on site shall not be disturbed for any reason, except as approved by the Department and as shown on the approved site plans. This condition applies to all C1 streams and waterways on site, regardless of the contributory drainage area.
17. The streambed shall be left intact irrespective of activities associated with the removal of the pier stems, and all in-stream disturbances must be restored using native streambed substrate.
18. Repair of the trash rack on Jackson Brook shall be performed during low flow stream conditions (during the summer). Debris removal shall be accomplished by manual methods, use of heavy equipment is not approved. The applicant shall monitor for potential flooding resulting from stream diversion and implement corrective measures if required.
19. The streambed is not to be disturbed between the cofferdams. Dewatering of cofferdams must ensure that the water quality of the Jackson Brook and the Rockaway River is maintained by adhering to the following:

- a) A turbidity barrier shall be placed around all work areas, but the barrier will not restrict any stream channel by more than 50% of its cross-section. The turbidity barrier should be placed parallel with the stream flow and anchored at the shorelines at points upstream and downstream of the work areas so that stream flows can be maintained at the channel center and outside the work areas.
 - b) Turbid water from cofferdam and/or other excavation area dewatering shall be routed to temporary sediment basins or filter membrane containers.
 - c) The temporary filtering mechanisms shall be sized appropriately to provide retention or filtration of water sufficient to ensure removal of suspended particulates prior to return discharge.
 - d) The return water from the filtering facilities shall be discharged to an area that is encompassed by turbidity barrier or silt fence to prevent migration of turbidity or soil erosion.
 - e) The applicant shall monitor for suspended sediments in nearby streams on a daily basis when any construction/demolition and dewatering is taking place. If sediment discharge is detected, then the project must cease until more appropriate preventative measures are put in place.
 - f) The NJDEP reserves the right to suspend all work activities if turbidity levels of the stream are increased because of the regulated activities.
20. Temporary shielding shall be installed to the underside of the existing bridge and proposed bridge in order to prevent debris and other materials from entering any watercourse during bridge demolition and construction activities.
 21. The applicant shall implement a landscape plan with native species to compensate for tree and shrub removal within 50 feet of top of the bank of the Rockaway River.
 22. The applicant must obtain a Freshwater Wetlands permit or Transition Area Waiver for the proposed construction within freshwater wetlands, wetland transition areas or State open waters on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Division of Land Use Regulation. Specifically, a review of this project indicates that a General Permit 10B shall be obtained prior to the construction of the proposed work within these areas. This stream encroachment permit has been approved because the project satisfies the requirements of the Flood Hazard Area Control Act rules. This decision does not in any way indicate that the required Freshwater Wetlands permits will also be approved. No construction may begin within the wetlands, transition areas, or open waters until all necessary approvals are obtained from the Department.
 23. The drawings hereby approved are eighteen (18) sheets prepared by the HNTB Corporation, undated, unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 46 AND ROUTE 15,
CONTRACT NO. 038960701”

“DRAINAGE PLANS”, Sheets D1 through D7 of D7,

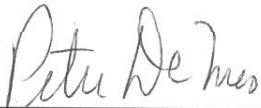
“GRADES”, Sheets G1 through G7 of G7,

“OUTFALL STRUCTURE DETAILS, CONSTRUCTION DETAILS”, unnumbered sheet,

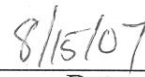
“STORMWATER MANUFACTURED TREATMENT DEVICE, TYPE 1, 1.7 CFS TREATMENT CAPACITY, CONSTRUCTION DETAILS”, Sheet CD1 of CD8,

“STORMWATER MANUFACTURED TREATMENT DEVICE, TYPE 2, 3.0 CFS TREATMENT CAPACITY, CONSTRUCTION DETAILS”, Sheet CD1 of CD8, and

“DRAINAGE AND SOIL EROSION DETAILS, CONSTRUCTION DETAILS”, Sheet CD9 of CD9.



Peter DeMeo, PE, Acting Section Chief
Bureau of Urban Growth and Redevelopment



Date

