



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
LAND USE REGULATION PROGRAM**  
501 East State Street, Station Plaza 5, 2<sup>nd</sup> 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

<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."</p>		Approval Date <b>AUG 15 2006</b>
		Expiration Date <b>AUG 15 2011</b>
Permit Number/s 1429-05-0005.2 FHA060001 1429-05-0005.2 FWW060001 (GP #10A) 1429-05-0005.2 FWW060001 (GP #11)	Type of Approval/s Stream Encroachment Freshwater Wetlands	Enabling Statute/s NJSA 13:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant New Jersey Department of Transportation 1035 Parkway Avenue, P.O. Box 600 Trenton, NJ 08625		Owner (if different from applicant)
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit grants permission to construct a new outfall structure and replace an existing culvert in the floodplain of the Malapardis Brook, and to disturb approximately 0.013 acres of state open water and freshwater wetlands transition areas for said work, at a location along Route 10 between mile post 14.03 and 14.37 within various Lots and various Blocks in the Township of Hanover, Morris County, New Jersey.</p>		
Project Location Route 10 Mile Posts 14.03 and 14.37 various Lots and various Blocks Hanover Township Morris County		Received by County Clerk
Project Manager's Signature  Gabriel Mahon Telephone: (609) 984-0194 Email: gabriel.mahon@dep.state.nj.us		
<p align="center"><b>This permit is not valid unless authorizing signature appears on the last page.</b></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. All excavated material and dredged spoils 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.
9. The footing of the headwall associated with the outfall structure to be constructed in the floodplain of Malapardis Brook must be three (3) feet in depth at minimum. Also, the rip-rap associated with the headwall must have a three (3) foot deep by three (3) foot wide toe wall.
10. Soil erosion controls will be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized. A soil erosion control plan approval must be obtained from the Soil Erosion Control District for the project.
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. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings. Such use of regulated areas applies to 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 not approved for use by this permit.
13. In order to protect warmwater fishery resources within Malapardis Brook construction activities within the State open waters of this or any other watercourse on site are prohibited between **May 1 thru June 30** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to this watercourse which could introduce sediment into said watercourse(s) 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.
14. The streambed shall be left intact and any in-stream disturbances must be restored using native streambed substrate.
15. The streambed is not to be disturbed between the cofferdams. Dewatering of cofferdams must ensure that the water quality of Malapardis Brook is maintained by adhering to the following:
  - a) Turbidity barrier will 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 will be routed to temporary sediment basins or filter membrane containers.
- c) The temporary filtering mechanisms will 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 will be discharged to an area that is encompassed by turbidity barrier or silt fence to prevent migration of turbidity or soil erosion.
- e) The Permittee 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.

16. The proposed scour-holes for the stormwater outfalls shall be placed into the banks to the maximum extent feasible in order to reduce intrusion into the streambed/banks.

17. Provisions of Freshwater Wetlands Statewide General Permit 10A

This Freshwater Wetlands General Permit 10A authorizes the disturbance of 0.003 acre (155 square feet) of State open water for the improvements to the drainage system of Route 10 between MP 14.031 and MP 14.372. This permit also includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. 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 Division of Land Use Regulation. 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.

18. No riprap is proposed for the work proposed under General Permit 10A, therefore the use of riprap is not authorized for the work authorized under General Permit 10A.

19. Provisions of Freshwater Wetlands Statewide General Permit 11

This Freshwater Wetlands General Permit 11 authorizes the disturbance of 0.01 acre (327 square feet) of State open water and wetlands transition area for the improvements to the

drainage system of Route 10 between MP 14.031 and MP 14.372. This permit also includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. 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 Division of Land Use Regulation. 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.

20. The amount of rip-rap or other energy dissipating material for use with the work authorized under General Permit 11 shall be the minimum necessary to prevent erosion, and shall not exceed 16.1 cubic yards of fill, 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.
21. Areas of temporary excavation must be restored with native, indigenous species. 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.
22. The uppermost 18 inches of any excavation shall be backfilled with the original topsoil material.
23. The disturbed area shall be replanted with indigenous wetland plants.
24. Any excavation shall be backfilled to the preexisting elevation.
25. The permittee shall ensure the various regulated activities do not create pathways to drain the wetlands.
26. All pipes laid shall be properly sealed so as to prevent leaking or infiltration.
27. The drawings hereby approved are four (4) sheets prepared by Cherry, Weber & Associates, undated, unrevised, certified March 31, 2006, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 10 PARSIPPANY RD. DRAINAGE N.J.D.E.P. PERMIT PLANS"

"PLAN", sheet nos. 2, 3, and 4, and

"SOIL EROSION NOTES AND DETAILS", sheet no. 5.



Peter DeMeo, Acting Section Chief  
Bureau of Inland Regulation



Date