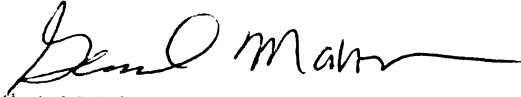




**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**  
501 East State Street, Station Plaza 5, 2<sup>nd</sup> Floor  
P.O. Box 439, Trenton, New Jersey 08625-0439  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse



## 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>JUN 19 2009</b>
		Expiration Date <b>JUN 19 2014</b>
Permit Number/s 2100-09-0001.1 FHA090001 (VER) 2100-09-0001.1 FHA090002 (IP) 2100-09-0001.1 FWW090001 (GP #11) 2100-09-0001.1 FWW090002 (TW4L)	Type of Approval/s Flood Hazard Area 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 Dept. of Transportation 1035 Parkway Ave., 2 <sup>nd</sup> Floor, E&O Building Trenton, NJ 08625-0600		Owner (if different from applicant)
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit grants permission to upgrade the existing truck weigh station along I-80 Eastbound in the floodplain of the Delaware River, and to disturb 0.004 of an acre of state open waters and 0.111 of an acre of freshwater wetland transition areas for said construction, within the Townships of Knowlton and Hardwick, Warren County, New Jersey.</p>		
Project Location I-80 Eastbound Township of Knowlton & Hardwick Warren County		Received by County Clerk
Project Manager's Signature  Gabriel Mahon Telephone: (609) 292-0060 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>		

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#### STANDARD CONDITIONS:

1. **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.
2. **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.
3. **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.
4. **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.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **Duty to minimize environmental impacts:** The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses.

caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the general permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
  - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
  - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
  - i. Planned changes: The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;

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- ii. Transfers: The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
  - iii. Noncompliance: The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter; and
  - iv. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
17. **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:**

18. Provisions of the Freshwater Wetlands General Permit No. 11 and Transition Area Waiver for Linear Development

This portion of the permit authorizes the disturbance of 0.004 acre of State open waters under a Freshwater Wetlands Statewide General Permit No. 11 and the disturbance of a maximum of 0.111 acre of transition areas under a Transition Area Waiver for Linear Development. The above impacts are associated with upgrading the existing truck weigh station along I-80 in Knowlton and Hardwick Townships. This permit to conduct regulated activities in a freshwater wetland or open water includes the Department's approval of a Water Quality Certificate.

19. 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.
20. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.

21. 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.
22. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands, or transition areas, unless expressly approved by this permit and/or described on the approved plans.
23. Downstream areas must be protected from excess turbidity during construction. A dewatering basin must be installed for any instream work requiring dry conditions where return discharges can release turbid water downstream.
24. Any dewatering requires use of a temporary sediment basin to settle out suspended sediments. The return water is to be discharged to a point of the stream encompassed by turbidity barrier. The dewatering conduit leading into the basin is to be fitted with a sediment filter bag.
25. The upper-most 18 inches of any temporary excavation in non-stream areas is backfilled with the original soil material where feasible and otherwise with suitable material. The excavation must be backfilled to the pre-existing elevations except where steep, unstable stream bank areas may require more gradual slope gradients for stability as according to "Standards for Soil Erosion and Sediment Control in New Jersey."
26. Areas of upland and wetland excavation, such as for the access road, must be restored with native, indigenous species.
27. Disturbed stream banks must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc. in accordance with manufacturers recommendations. The use of a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses, should be used to stabilize the soil.
28. Unset or raw cement shall not come into contact with water in the channel during construction.
29. Upon completion of the project, all temporarily disturbed areas within 150 feet of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-10.2(u).
30. 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.
31. For any excavated area in freshwater wetlands, transition areas, and/or State open waters, the following requirements apply:
  - The excavation shall be backfilled to the preexisting elevation;

- The uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible; and
  - The area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous wetlands species.
32. Any pipes laid through wetlands, transition areas, or State open waters shall be:
- Properly sealed so as to prevent leaking or infiltration;
  - Designed so as not to form a path for groundwater to be discharged or drained from the wetland; and
  - Placed entirely beneath the pre-existing ground elevation unless the applicant shows that placing some or all of the pipe above ground would be more environmentally beneficial.
33. Archaeological data recovery work at 28-WA-290 shall be conducted and completed per the MOA between FHWA, NJDOT, and the HPO dated 1/04/2006. NJDOT shall provide the HPO with a progress report by May 30, 2009, summarizing the data recovery project accomplishments to date and the schedule for completion. NJDOT shall provide the HPO with a copy of the draft final report of investigations specified in Section VII of the Scope of Work dated August 24, 2005, when it is completed by Hunter Research. When the final report is completed, NJDOT shall provide the HPO with a hard copy suitable for shelving plus a PDF version for accessioning in the HPO digital report archive. Another copy of the final report shall be provided to the National Park Service archaeologist at the Delaware Water Gap National Recreation Area.
34. In order to protect the general game fishery of the Delaware River, no construction, excavation, filling or grading, is permitted within the channel of the River or within any of the unnamed tributaries leading to the Delaware River between April 1 through June 30, and September 1 through November 30 of each year. Furthermore, no construction, excavation, filling or grading is permitted in the riparian zone unless the applicant demonstrates that appropriate soil erosion control measures are in place that prevent sediment from reaching the channel. All proposed measures shall meet the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
35. Mitigate for the permanent loss of 0.952 acres (41,469 square feet) at a ratio of at least 2:1 and the temporary loss of 0.19 acres (8276 square feet) at a ratio of at least 1:1 of riparian zone through an on-site enhancement project as shown on the plans entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION, LANDSCAPE PLAN FOR RIPARIAN ZONE MITIGATION, ROUTE I-80" sheet L-1/L-1, dated 5/4/09 and unrevised and prepared by Greenman-Pederson, Inc.
36. If the Division determines that the riparian project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected.
37. The permittee shall monitor the riparian project for 3 full growing seasons beginning the year after the riparian project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31<sup>st</sup> of each full monitoring year.

38. The final monitoring report must include documentation that the site has an 85 percent survival and 85 percent area coverage of the riparian plantings. The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees, demonstrate that the trees are at least five feet in height.
39. If the riparian project is considered a failure, the permittee is required to submit a revised riparian plan in order to meet the success criteria identified in Condition No. 38 above. The plan shall be submitted within 30 days of receipt of the letter from the Division indicating the riparian mitigation project was a failure.
40. This project has not been reviewed for consistency with the applicable Areawide Water Quality Management Plan or the Statewide Water Quality Management Planning Rules at N.J.A.C 7:15. As such, this authorization shall not be construed as any type of consistency determination for any sewage generating structures on the project site. There shall be no development unless and until the proposed sewage generating structures have been found to be consistent with the appropriate Areawide Water Quality Management Plan. For information regarding the water quality planning process, please contact the Department's Division of Watershed Management at (609) 984-6888.
41. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed swales, basins, inlets, and mechanical treatment devices at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order. **The proposed subsurface infiltration basin and the manufactured treatment device preceding the basin must be inspected (and cleaned where necessary) at a minimum of once per month.** All other maintenance requirements remain unchanged.
42. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved stormwater management system, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.
43. This portion of the permit verifies the flood hazard area design flood elevation, the floodway limits and the riparian zone limits onsite as shown on the approved plans.
44. CDS model numbers 2020, 2025, 2015, and 3030 may not be used. These models are specifically in-line models. All models must be configured in an off-line manner.

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45. The drawings hereby approved are thirty two (32) sheets prepared by Greenman-Pederson, Inc., dated February 19, 2009, unrevised, unless otherwise noted, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROTE I-80 CONTRACT NO. 001998500”

“FHAZ PERMIT PLANS”, sheet nos. 3 through 15,

“RIPARIAN PERMIT PLANS”, sheet nos. 16 through 23,


“GRADING, DRAINAGE AND SESC PLANS”, sheet nos. 24 through 31, and

“DETAILS”, sheet nos. 34, 35, and 36.



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Peter DeMeo, PE  
Supervising Environmental Engineer  
Bureau of Urban Growth and Redevelopment



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Date