

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

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Trenton, New Jersey 08625-0420
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." Please note that violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date SEP 09 2016</p>
		<p>Expiration Date SEP 09 2016</p>
<p>Permit Number/s 1500-11-0002.1 FHA110002 IP 1500-11-0002.1 FHA110001 VER</p>	<p>Type of Approval/s Flood Hazard Area Individual Permit Flood Hazard Area Verification</p>	<p>Enabling Statute/s N.J.S.A. 13:1D-1 et seq. N.J.S.A. 58:10A-1 et seq. N.J.S.A. 58:16A-50 et seq.</p>
<p>Applicant NJ Department of Transportation Attn: Tina Shutz 1035 Parkway Ave., PO Box 600 Trenton, NJ 08625</p>	<p>Owner (if different from applicant)</p>	
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit grants permission to conduct grading activities within the floodplain of regulated watercourses, in connection with the widening of the Route 72 Westbound Emergency Evacuation Route, from MP 13.74 to MP 20.28, in the Townships of Barnegat and Stafford, Ocean County. In addition, this permit also includes a Verification of the flood hazard area and the riparian zones for the waters located within the project area, specifically, the Yellow Dam Branch, the Unnamed Tributary to the Yellow Dam Branch, the Oswego River, the Unnamed Tributary to the Oswego River, the Eight Mile Branch, the Unnamed Tributary to the Eight Mile Branch, and the Unnamed Tributary to Mill Creek.</p> <p>Note: You must notify the Department in writing at least seven (7) days prior to undertaking any activity authorized by this document. Please direct your notification to the project manager listed below, using the address or fax number shown above.</p>		
<p>Project Location Route 72, MP 13.74 to MP 20.28 Townships of Barnegat and Stafford, Ocean County</p>	<p>Received by County Clerk</p>	
<p>Project Manager's Signature <i>Chingwah Liang</i> Document Prepared By: Chingwah Liang Telephone: (609) 777-0454 Email: chingwah.liang@dep.state.nj.us</p>		
<p align="center">APPROVAL NOT VALID UNLESS AUTHORIZING SIGNATURE APPEARS ON LAST PAGE</p>		

STANDARD CONDITIONS:

1. **Other necessary approvals:** Activities regulated under the Flood Hazard Area Control Act rules may also be subject to other Federal, State and/or local rules, plans and ordinances. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project. *N.J.A.C. 7:13-1.1(e)*
2. **Acceptance of approval:** If you undertake any activity authorized by this document, you thereby accept this document in its entirety and agree to adhere to all terms and conditions listed below. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal of this decision within a limited time as discussed in condition #3 below. You may also contact the project manager shown on the first page of this approval if you have any questions or concerns. *N.J.A.C. 7:13-9.5(a)*
3. **Appeal of approval:** In accordance with N.J.A.C. 7:13-18.1 (and N.J.A.C. 7:7A-1.7 for freshwater wetlands approvals), any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: 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. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at www.state.nj.us/dep and the Checklist is available through the Division's website at www.state.nj.us/dep/landuse/forms/index.html. *N.J.A.C. 7:13-18.1*
4. **Duration of approval:** This document is valid for five years from its issuance date and shall not be extended. However, the Department can transfer an individual permit and/or verification with the sale of a property to a new owner pursuant to N.J.A.C. 7:13-14.1. *N.J.A.C. 7:13-9.4(a)*
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 the Flood Hazard Area Control Act rules, 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. *N.J.A.C. 7:13-9.5(b)1*
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. *N.J.A.C. 7:13-9.5(b)2*
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. *N.J.A.C. 7:13-9.5(b)3*
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. *N.J.A.C. 7:13-9.5(b)4*
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. *N.J.A.C. 7:13-9.5(b)5*
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. *N.J.A.C. 7:13-9.5(b)6*

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. *N.J.A.C. 7:13-9.5(b)7*
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. *N.J.A.C. 7:13-9.5(b)8*
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege. *N.J.A.C. 7:13-9.5(b)9*
14. **Duty to provide information:** A copy of the 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. *N.J.A.C. 7:13-9.5(b)10*
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 the Flood Hazard Area Control Act rules and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19. *N.J.A.C. 7:13-9.5(b)11*
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;
 - 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 the Flood Hazard Area Control Act rules; 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. *N.J.A.C. 7:13-9.5(b)12*

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS *N.J.A.C. 7:13-9.5(c)*

17. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
18. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
19. In order to protect the general game fish within Yellow Dam Branch, Yellow Dam Branch UNT, Oswego River, Oswego River UNT, Dry Branch, Mill Creek, Mill Creek UNT, Eight Mile Branch or Fawn Lake, no grading, construction or clearing is permitted within any watercourse onsite between May 1st and June 30th. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. 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.
20. In order to protect the endanger species, Northern Pine Snake, (*Pituophis melanoleucus melanoleucus*) the permittee must construct and maintain an exclusion fence (four-feet high, heavy-duty silt fence) around all proposed construction and staging areas to preclude NPS (and timber rattlesnakes) from entering the project area. Additionally, a qualified herpetologist must inspect the area for snakes prior to the commencement of work. Any snakes found within the project area shall be safely relocated outside of the work area.
21. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
22. Vegetation within 150 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 150 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
23. 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. 10.2(u).
24. 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.
25. 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 infiltration swales/trenches, and inlets 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.
26. 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.
27. **Provision of the Flood Hazard Area Verification**

The flood hazard area design flood elevation referenced in this verification was conservatively approximated using Method 5 at N.J.A.C. 7:13-3.5. The flood hazard elevations are summarized in the following table:

Regulated Watercourses	FHE (ft.)
Yellow Dam Branch (Sta.735+5)	124
Unnamed tributary to Yellow Dam Branch (Sta.753+5)	121.5
Oswego River (Sta.775+5)	121
Unnamed tributary to Oswego River (Sta.783+75)	124
Eight Mile Branch (Sta. 1000)	92.5
Unnamed Tributary to Eight Mile Branch (Sta.1027)	84.5
Unnamed Tributary to Mill Creek (Sta.1070)	66.5

The limits of the floodway cannot be determined using this method. As such, any future work, other than shown on the approved plans, may possibly be located within the floodway onsite and may be prohibited or restricted. The Department has also determined the riparian zone on this site, as shown on the approved plans.

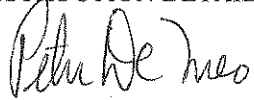
28. The drawings hereby approved are twenty-six (26) sheets prepared by Arora and Associates, P.C., dated September 2011, unrevised and certified September 8, 2011, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BARNEGAT TOWNSHIP, STAFFORD TOWNSHIP, OCEAN COUNTY, ROUTE 72 WESTBOUND, SHOULDER REHAB AND OPERATIONAL IMPROVEMENTS”

“DRAINAGE, ENVIRONMENTAL AND BORING LOCATION PLANS”, sheets DR-1 to DR-24 of 24

“TYPICAL SECTIONS”, sheet unnumbered

“CONSTRUCTION DETAILS”, sheet unnumbered



Peter DeMeo
Supervising Environmental Engineer
Bureau of Urban Growth and Redevelopment

9/9/11

Date