

# GENERAL PERMIT 1



**DRCC #:**20-4059A

**DATE:** November 19, 2020

**PROJECT NAME:** Hermitage Avenue Bridge over Delaware and Raritan Canal --  
Emergency Repairs

**Latest Submission Received:** September 24, 2020

**Applicant:**

New Jersey Department of Transportation (NJDOT)

951 Parkway Avenue

Ewing, NJ 08625

[Brendan.Brock@dot.nj.gov](mailto:Brendan.Brock@dot.nj.gov)

**Project Location:**

Road	Municipality	County	Block(s)	Lot(s)
Hermitage Avenue	Trenton City	Mercer	N/A	N/A

**Jurisdictional Determination:**

Zone A	Minor	Governmental
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**Documents Received:** Application received September 24, 2020.

The Delaware and Raritan Canal Commission has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Regulations for the Review of the Delaware and Raritan Canal State Park at N.J.A.C. 7:45-6.2. The proposed project is authorized by General Permit No. 1, which authorizes projects in Zone A that are necessary to carry out the repair, rehabilitation, maintenance or reconstruction of a structure, road, utility line, or stormwater management measure or basin lawfully existing prior to January 1980 or approved under this Chapter by the Commission.

The project authorized under this general permit shall not be put to any use other than as specified in any approval authorizing its original construction. Projects authorized under

**PO BOX 539**

**STOCKTON, NJ 08559**

**609-397-2000**

[www.nj.gov/dep/drcc/](http://www.nj.gov/dep/drcc/)

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the general permit shall not visibly change, expand, widen or deepen the feature, and shall not deviate from any plans of any prior project approvals, except for minor deviations due to changes in materials or construction techniques. Any such deviations must be shown as necessary to fulfill the purpose of the proposed project and must be consistent with the Master Plan.

**Description of the authorized project:** NJDOT undertook emergency repairs on the bridge which carries Hermitage Avenue over the Delaware and Raritan Canal in the City of Trenton, Mercer County.



The project, which has already been completed, included the removal and repair of loose and deteriorated concrete on the bridge deck and asphalt on the approach roadways. The project also included the covering/replacement of deteriorated timber sheeting with fiber-reinforced polymer (FRP) sheeting, with backfill behind the sheeting to fill voids.

This General Permit No. 1 authorizes the removal and repair of loose and deteriorated concrete on the bridge deck and asphalt on the approach roadways. It does not authorize the replacement of the damaged timber sheeting with FRP sheeting, which does not meet the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, <http://www.nps.gov/history/hps/tps/standguide/>, as supplemented or amended, which require that replacement features "shall match the old in design, color, texture, and other visual qualities and, where possible, materials." According to the Department of Environmental Protection State Historic Preservation Office (SHPO), FRP sheeting is not an acceptable replacement for wood, which is a readily available material.

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NJDOT is advised that the Commission's regulations at N.J.A.C. 7:45-5.3(b)1 directs that in order to be eligible for a General Permit, a project shall not adversely affect properties that are listed or are eligible for listing on the New Jersey or National Register of Historic Places. The project is located within the boundaries of the Delaware and Raritan Canal Historic District, which encompasses the canal bed and all structures located within 300 feet of the centerline of the canal. The use of FRP without authorization from SHPO makes that portion of the project ineligible for a Commission General Permit No. 1.

The repairs did not impact existing clearances with respect to the underside of the road deck.

**Permit Conditions:** The project allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the "Delaware and Raritan Canal State Park Law of 1974" (N.J.S.A. 13:13A-1 et seq.).

1. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rules prior to this date.
2. The project as described shall be constructed and/or executed in conformity with the application.
3. No change in plans or specifications shall be made except with prior written permission from the Commission.
4. The permittee shall allow the Commission the right to inspect the construction site and shall provide the Commission with written notification seven days prior to the start of the authorized work.
5. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
6. The issuance of this permit shall not be deemed to affect in any way other actions by the Commission on any future application.
7. The Delaware and Raritan Canal is used as a raw water source for several water companies downstream, and as such, water quality and flow shall be maintained.
8. If work in the canal is required, the NJDOT shall following any recommendation by the New Jersey Water Supply Authority (NJSWA) that such work shall be conducted during times of low flow through the canal.
9. During the work, the contractor shall ensure that no debris, soil or vegetation from the work shall fall, drop, be placed or dumped in the canal. The applicant shall ensure that a boom or other method is employed to contain any debris in the canal and remove any debris from the water.
10. It shall be the contractor's responsibility to ensure that all debris caused by the work is removed from the canal.
11. The contractor shall not pierce or puncture the clay liner or the bed of the canal.
12. The NJDOT shall periodically inform and update the NJSWA on the status of the work schedule for the project.
13. Access to the canal, towpath and adjacent NJSWA buildings for NJWSA personnel shall be maintained.
14. Any damage to the canal caused by the contractor or any subcontractor shall be repaired to the satisfaction of the NJSWA.

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15. The NJDOT shall obtain a Special Use Permit from the Superintendent of the D&R Canal State Park.
16. The contractor shall obtain general liability insurance in the amount of \$1 million, which shall list the State of New Jersey, the Department of Environmental Protection, the Division of Parks and Forestry, the State Park Service and the NJWSA as additionally insured.
17. When available, NJDOT shall provide the name of the contractor undertaking the project to the Commission, NJWSA and the State Park Superintendent.
18. The contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend and save harmless the State of New Jersey, the NJDEP, the NJWSA and any of their divisions, councils, bureaus, or other agencies or subdivisions, and their officers, directors, trustees, employees and contractors, as the case may be, from and against any and all claims, demands, suit, actions, recoveries, judgements, costs and expenses in connection therewith on account of the loss of life, property or injury or damage to the person, body, or property of any person or persons whatsoever, which shall arise from or result directly or indirectly from work performed in connection with this permit. The indemnification obligation is not limited by, but is in addition to, the insurance obligation contained in this permit.

**Expiration Date:** November 19, 2025.

**Appeal of Decision:** In accordance with N.J.A.C. 7:45- 7.1, any person who is aggrieved by this decision may request a hearing within 30 days of the date of decision.

If you have any questions regarding this authorization, please contact the Commission at (609) 397-2000 and reference the above file number.

Sincerely,



John Hutchison  
Executive Director

- c. Mike Sellar, Facility Manager, Delaware & Raritan Canal, NJSWA  
Julie Shelley, Property & Permit Administrator, NJWSA  
Patricia Kallessner, Superintendent, Delaware & Raritan Canal State Park  
Jesse West-Rosenthal, Ph.D., Historic Preservation Specialist 2, DEP/SHPO  
Stephanie Fox, Natural Resource Specialist, D&R Canal State Park