



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)
PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 0249-04-0001.1 FHA-040001
0249-04-0001.1 FWW-040001 (GP#11)
0249-04-0001.1 FWW-040002 (FW TW) Application No.

Issuance Date **MAY 05 2004** Effective Date **MAY 05 2004** Expiration Date **MAY 05 2009**

Name and Address of Applicant: New Jersey Department of Transportation, P.O. Box 600, 1035 Park Avenue, Trenton, NJ 08625, Attention: Manu Patel, P.E.
Name and Address of Owner: [Blank]
Name and Address of Operator: [Blank]

Location of Activity/Facility (Street Address): Lot: various, Block: Various
Issuing Division: Land Use Regulation Program
Statute(s): N.J.S.A. 13:9B-1, N.J.S.A. 13:1D-1, N.J.S.A. 58:10A-1, N.J.S.A. 58:16A-50, et. seq.

Type of Permit: Stream Encroachment, Freshwater wetlands

This permit grants permission to:

widen and upgrade the existing roadway and sidewalk and to improve the existing drainage system, in the Route 1 & 9 Section 28, within various Lots and Blocks, in the Township of North Bergen in Hudson County and Boroughs of Fairview, Ridgefield and Palisades Park, Bergen County. A Freshwater Wetlands General Permit No. 11 authorization for disturbance of 0.014 of an acre of wetlands/ State open water for the above work and Freshwater wetlands for Transition Area Waiver for Linear Development authorization for the above works are also included as part of this permit.

Prepared By: Govind Ramamurthy
Govind Ramamurthy

(See page 6 for Manager's signature.)

Revised Date: _____
Approved by the Department of Environmental Protection
Name (Print or Type) _____ Title _____
Signature _____ Title _____

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provisions of this permit.

- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.

12. 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.

13. All necessary local, Federal, and other state approvals must be obtained by the applicant

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prior to the commencement of the herein permitted activities. Approvals from the following may be required:

a. Bergen County Soil Conservation District

14. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on site. This includes, but is not limited to, the cleaning and inspection of all water quality inlets at least twice a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any grassed swales, storm water outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways
15. Soil erosion controls will be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized.
16. 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.
17. 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.
18. In order to protect the general fishery resources for the State open waters of the Wolf Creek, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **May 1 to 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 stream(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.
19. Dewatering operations, if necessary, must ensure that the water quality of Wolf Creek 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.

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- 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.
20. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the waters of the Wolf Creek.
21. Disturbed stream banks and adjacent areas are to be restored using native plant materials to ensure stabilization of the banks of this section of Wolf Creek in the project area.
22. Freshwater Wetlands General Permit 11
- The total amount of permanent wetland disturbance associated with this authorization shall not exceed 0.014 acres.
23. The amount of riprap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 5.43 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. More detailed drawings (plan and profile) of riprap and disturbance at the headwall must be submitted by NJDOT and be approved by the Bureau of Inland Regulation prior to undertaking any work at Wolf Creek.
24. 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 rip rap is required.
27. Freshwater Wetlands Transition Area Special Activities Waiver for Linear Development
- This Transition Area Waiver for Linear Development authorizes certain activities that include the expansion, widening, or upgrading of one or more existing paved or unpaved roads, including attendant features such as sidewalks, curbs, and guiderail. Based on the plans entitled, "~~Route 1 & 9 Section 28 Contract No. 058960135~~" signed by ~~David A. Barbone~~ and dated ~~November 11, 2003~~, the authorized activities includes minor impacts to transition areas as a result of sidewalk, guiderail, and curb reconstruction in the immediate vicinity of Wolf Creek.
28. The drawings hereby approved are thirty eight (38) sheets prepared by TAMS Consultants, Inc., dated April 30, 2004, unrevised, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION PLANS OF ROUTE 1 & 9 SECTION 28 CONTRACT NO. 058960135",

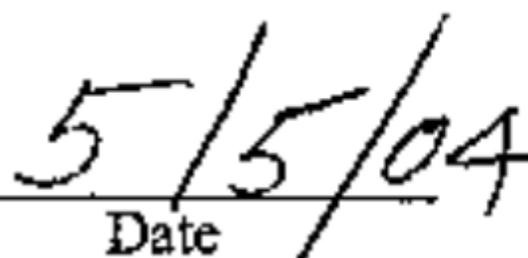
"CONSTRUCTION DRAWINGS" sheet nos. C-1 to C-37 of 37 and

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"DETAILS", sheet no. CD 24 of 24.



Robert B. Piel, Manager
Bureau of Inland Regulation


Date



State of New Jersey

Department of Environmental Protection

Land Use Regulation Program

P.O. Box 439, Trenton, New Jersey 08625

FAX # (609) 777-3656

Web Site: www.state.nj.us/dep/landuse

James E. McGreevey
Governor

Grade
Co

MAY 05 2004

Dear Sir or Madam:

Enclosed is your approved construction permit. Please read it carefully and return the attached *permit acceptance form* if you agree with our decision. Construction may begin only after you have completed and returned this form. The project manager listed on the first page is available to discuss any concerns or questions you may have. If you consider yourself aggrieved by our decision, you may also request a hearing by completing the requirements of the attached *administrative hearing request checklist and tracking form*.

Please keep your permit and any approved drawings at the construction site for the duration of the project. It is helpful if you have the proper documentation readily available when my staff inspects your work. If you have received a stream encroachment permit, please complete and return the attached *construction notice* at least fourteen days before construction is scheduled to begin. For all permits, please complete and return the attached *completion notice*, properly signed and sealed by a professional engineer licensed in New Jersey, within thirty days of the completion of the project.

If a tidelands grant, lease or license is required as a permit condition, this permit is not valid until the Bureau of Tidelands Management has delivered the necessary conveyances. Construction prior to the receipt of the necessary conveyances is a violation of State law and will subject you to fines up to \$1000.00 plus \$100.00 per day. Furthermore, the cost for the tidelands instrument may be higher since the property claimed will be appraised as improved property. You may also be required to remove unauthorized structures placed in the tidelands claimed areas.

A copy of your permit will be shared with appropriate federal and local agencies to promote inter-governmental cooperation in the management of our natural resources.

Sincerely,

Mark D. Maurill

CONSTRUCTION REPORT

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey, 08625

Review Engineer: _____

Engineer Section: _____

Permit Number/s: _____

Date Issued: _____

Applicant: _____

Name of Project: _____

Municipality/County: _____

Date Construction is to Begin: _____

I hereby give notice that construction will begin on the above noted project on the date stated above (must give at least 14 days notice). Also, as required by condition 7 of stream encroachment permit, a copy of the above referenced permit/s along with all approved drawings shall be available for inspection at the project site throughout construction.

Engineer's Signature and Seal: _____

New Jersey License Number: _____

COMPLETION REPORT

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineer Section: _____

Permit Number/s: _____

Date Issued: _____

Applicant: _____

Name of Project: _____

Municipality/County: _____

Date of Completion: _____

The undersigned hereby certifies that all activities approved by the Department with the above referenced permit/s have been constructed and completed in accordance with the plans approved therein, that said project is in compliance with all terms and conditions of the same, and that all unauthorized encroachments have been removed.

Engineer's Signature and Seal: _____

New Jersey License Number: _____

Date: _____

ACCEPTANCE OF REVOCABLE CONSTRUCTION PERMIT/S

Mail to:

State of New Jersey
Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, New Jersey 08625

Review Engineer: _____

Engineering Section: _____

Permit Number(s): _____

Date Issued: _____

The undersigned hereby accepts the above referenced revocable permit/s, subject to the terms and conditions included therein, including but not limited to the right of the State to revoke said permit/s with cause, and also subject to all provisions of law, rules, and regulations of any applicable government agency.

Signature: _____

Printed Name: _____

Title/Affiliation: _____

Attest: _____

(To be properly witnessed, sign)

**Adjudicatory Hearing Request Checklist
and Tracking Form**

I. Permit Decision or Other Department Decision Being Appealed:

Issuance Date of Decision Document

Document Number (if any)

II.

Name of Person Requesting Hearing

Name of Attorney (if applicable)

Address

Address

Telephone No.

Telephone No.

III. If you are the applicant or permittee, please include the following information with your hearing request:

- A. The date you received the permit decision or other decision which you are appealing;
- B. A copy of the decision document;
- C. The findings of fact and conclusions of law you are appealing;
- D. A statement as to whether or not you raised each legal and factual issue during the permit application process;
- E. Suggested revised or alternative permit conditions;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street
P.O. Box 402
Trenton, NJ 08625-0402;

with a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
501 E. State Street
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of your participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form, completed, signed and dated with all the information listed above, including attachments to:

1. 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

with a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
501 E. State Street
P.O. Box 439
Trenton, NJ 08625-0439

V. Signature: _____ Date: _____