

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. 0707-00-0020.1 Application No.

Issuance Date JAN 29 2001 Effective Date Jan 29 2001 Expiration Date JAN 29 2006

Name and Address of Applicant: New Jersey Department of Transportation, 1035 Parkway Avenue, CN 600, Trenton, NJ 08625
Name and Address of Owner: [Blank]
Name and Address of Operator: [Blank]

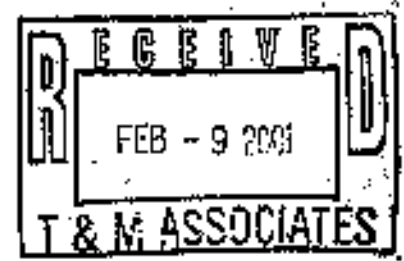
Location of Activity/Facility: (Street Address) Lot _____ Block _____
Issuing Division: Land Use Regulation Program
Statute(s): NJSA 13:1D-1, NJSA 58:10A-1, NJSA 58:16A-50 et. sec.

Type of Permit: Stream Encroachment
Maximum Approved Capacity, if applicable: [Blank]

This permit grants permission to:

widen and improve Fairfield Road and Route 46 between Fairfield Road Connector Road and Two Bridges Road, and to reconstruct an existing stormwater outfall structure along an unnamed ditch, all in the flood plain of the Passaic River, in the Township of Fairfield, Essex County, New Jersey.

Prepared By: Madhu Guru
Madhu Guru



(See page 4 for Manager's signature.)

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

*The word permit means "approval, certification, registration, etc." (General Conditions are on the Reverse Side)

This permit is subject to the following general conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of this permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection of the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

STREAM ENCROACHMENT PERMIT 0707-00-0020.1

TERMS AND CONDITIONS:

IN ADDITION TO THE GENERAL CONDITIONS PRINTED ON THE BACK OF PAGE ONE OF THIS PERMIT, THE FOLLOWING CONDITIONS SHALL ALSO APPLY:

9. Limit and Extent of Approval

- a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
- b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.

10. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the 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 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

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TERMS AND CONDITIONS:

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 enclosed 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. The applicant must obtain Freshwater Wetlands permits for the proposed construction within transition areas and State open waters on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Land Use Regulation Program. Specifically, a review of this project indicates that a Special Activities Statewide General

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TERMS AND CONDITIONS:

Permit No. 10 for the disturbance of transition area and a Statewide General Permit No. 11 for the proposed outfall, shall be obtained prior to the construction within these areas.

13. 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.
14. The drawings hereby approved are fifty five (55) sheets prepared by T&M Associates, undated, unrevised, entitled:

"ROUTE 46 CONTRACT NO. 055960382 ROUTE U.S. 46/FAIRFIELD ROAD IMPROVEMENTS",

"PLAN SHEET INDEX AND BORING LOCATION PLAN", Sheet No. PSI-1 of PSI-1.

"DRAINAGE PLANS ENVIRONMENTAL PLANS", Sheet Nos. D&EP1 through C&EP15,

"GRADES", Sheet Nos. G-1 through G-9,

"PROFILE", Sheet No. X- of X-,

"METHOD OF CROSS SECTIONS", Sheet No. MS-1 of MS-1,

"CROSS SECTIONS", Sheet No. X-7 through X-28, X-29 of X-30 and X-30 of X-30,

"GENERAL PLAN AND ELEVATION", Sheet No. B-1 of B-4,

"SECTIONS AND DETAILS", Sheet No. B-2 of B-4,

"FOUNDATION REINFORCEMENT LAYOUT", Sheet No. B-3 of B-4, and

"HEADWALL AND FOUNDATION REINFORCEMENT LAYOUT AND SCHEDULE", Sheet No. B-4 of B-4.

Richard C. Reilly

Robert B. Piel, Jr., Manager
Bureau of Inland Regulation

1-29-01

Date



State of New Jersey

Department of Environmental Protection

501 East State Street, Station Plaza Five, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625
(609) 292-0060 Fax (609) 777-3656
www.state.nj.us/dep/landuse

Robert C. Shinn, Jr.
Commissioner

Christine Todd Whitman
Governor

JAN 29 2001

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 in 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 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,

Richard H. Kropp, Director
Land Use Regulation Program

PERMIT ACCEPTANCE FORM

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
P.O. BOX 439, TRENTON, NJ 08625
(609) 292-0060

1. PLEASE COMPLETE THIS FORM AND RETURN IT TO THE ABOVE ADDRESS UPON RECEIPT OF YOUR PERMIT.

NJDEP PROJECT MANAGER _____

PERMIT NUMBER(S) _____

ISSUANCE DATE _____

APPLICANT NAME _____

PROJECT NAME _____

2. THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ADHERE TO ALL TERMS, CONDITIONS AND LIMITATIONS OF THE ABOVE PERMIT(S):

SIGNATURE OF PERMITTEE _____ DATE _____

NAME AND AFFILIATION _____

ADDRESS _____

TELEPHONE _____ FAX _____

CONTACT PERSON (if different than permittee) _____

3. PERMITS ARE REVOCABLE:

THE STATE OF NEW JERSEY RESERVES THE RIGHT TO REVOKE THE ABOVE PERMIT(S) WITH DUE CAUSE AT ANY TIME IF THE APPLICANT OR ITS AGENT HAS VIOLATED ANY TERM, CONDITION OR LIMITATION.

4. RECORDING OF PERMIT:

YOUR PERMIT MAY REQUIRE THAT YOU SUBMIT PROOF THAT YOU HAVE RECORDED YOUR PERMIT AT THE OFFICE OF THE COUNTY CLERK OR THE REGISTRAR OF DEEDS AND MORTGAGES FOR EACH COUNTY INVOLVED.

CONSTRUCTION NOTICE

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
P.O. BOX 439, TRENTON, NJ 08625
(609) 292-0060

1. PLEASE COMPLETE THIS FORM AND RETURN IT TO THE ABOVE ADDRESS AT LEAST 14 DAYS BEFORE CONSTRUCTION.

PERMIT PREPARED BY (see front of permit) _____

PERMIT NUMBER _____

ISSUANCE DATE _____ EXPIRATION DATE _____

PERMIT/S ISSUED TO _____

DATE CONSTRUCTION IS SCHEDULED TO BEGIN _____

2. THE UNDERSIGNED:

- 1) HEREBY GIVES NOTICE THAT CONSTRUCTION ON THIS PROJECT IS SCHEDULED TO BEGIN AS INDICATED ABOVE, AND
- 2) UNDERSTANDS THAT ALL WORK AUTHORIZED BY THIS PERMIT MUST BE COMPLETED BY THE EXPIRATION DATE.

SIGNATURE _____ DATE _____

NAME AND AFFILIATION _____

DESIGNATED CONTACT PERSON (if different) _____

ADDRESS _____

ADDRESS _____

TELEPHONE _____ FAX _____

3. PLEASE NOTE:

THE STATE OF NEW JERSEY RESERVES THE RIGHT TO REVOKE THE ABOVE PERMIT/S WITH DUE CAUSE AT ANY TIME IF THE APPLICANT OR ITS AGENT HAS VIOLATED ANY TERM, CONDITION OR LIMITATION. PLEASE KEEP A COPY OF THIS AND ALL NJDEP PERMITS AND APPROVED DRAWINGS ON SITE THROUGHOUT CONSTRUCTION.

COMPLETION REPORT

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
P.O. BOX 430, TRENTON, NJ 08625
(609) 292-0060

1. PLEASE COMPLETE THIS FORM AND RETURN IT TO THE ABOVE ADDRESS WITHIN 30 DAYS OF THE COMPLETION OF THE PERMITTED ACTIVITIES.

PERMIT/S PREPARED BY (see front of permit) _____

PERMIT NUMBER/S _____

ISSUANCE DATE _____ EXPIRATION DATE _____

PERMIT/S ISSUED TO _____

DATE CONSTRUCTION WAS COMPLETED _____

2. TO BE COMPLETED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW JERSEY:

THE UNDERSIGNED HEREBY CERTIFIES THAT ALL ACTIVIES AUTHORIZED BY THE ABOVE PERMIT/S HAVE BEEN COMPLETED IN ACCORDANCE WITH THE TERMS, CONDITIONS AND LIMITATIONS OF SAID APPROVALS, AND AS SHOWN ON THE CONSTRUCTION DRAWINGS APPROVED THEREIN, EXCEPT AS NOTED BELOW AND/OR ON THE ATTACHED SHEETS.

SIGNATURE AND SEAL _____

NJ LICENSE NUMBER _____ DATE _____

NAME AND AFFILIATION _____

ADDRESS _____

TELEPHONE _____ FAX _____

NOTES (attach more sheets if necessary) _____

ADMINISTRATIVE HEARING REQUEST CHECKLIST AND TRACKING FORM

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM
P.O. BOX 439, TRENTON, NJ 08625
(609) 292-0060

TO FILE AN APPEAL OF A DECISION: SIGN, DATE AND COMPLETE THIS FORM, AND SEND IT TO THE FOLLOWING ADDRESSES ALONG WITH THE MATERIAL LISTED IN ITEM THREE BELOW:

NJDEP Office of Legal Affairs
Attn: Adjudicatory Hearing Requests
PO Box 402
Trenton, NJ 08625
Telephone: (609) 292-0716
Fax: (609) 984-3488

NJDEP Land Use Regulation Program
Attn: Richard Kropp, Director
PO Box 439
Trenton, NJ 08625
Telephone: (609) 292-0000
Fax: (609) 777-3656

WATERFRONT DEVELOPMENT, COASTAL WETLANDS, CAFRA AND STREAM ENCROACHMENT: This completed form and all necessary information must be received by the Office of Legal Affairs within 10 days of publication of notice of the decision in the DEP Bulletin, or within 10 days of publication of notice of the decision by the permittee, whichever occurs first (pursuant to N.J.A.C. 7:1C-1.8, N.J.A.C. 7:7-5.1, and N.J.A.C. 7:13-4.10).

FRESHWATER WETLANDS: This completed form and all necessary information must be received by the Office of Legal Affairs within 30 days of the DEP Bulletin publishing date, or within 30 days of the date of receipt of the permit decision, whichever occurs later (pursuant to N.J.A.C. 7:7A-12.7).

1. DOCUMENT BEING APPEALED

Type of application and decision made _____
Issuance date of document _____
Document number/s _____

2. PARTY REQUESTING HEARING

Name/Company _____
Address _____
Telephone _____
Name of Attorney (if applicable) _____
Address _____
Telephone _____

3. PLEASE PROVIDE THE FOLLOWING INFORMATION

- The date the document being appealed was received by the permittee/applicant;
- A copy of the document being appealed and a list of all issues being appealed;
- The legal and factual questions at issue;
- A statement as to whether or not the permittee/applicant raised each legal and factual issue during the public comment period of the permit application;
- Suggested revised or alternative permit conditions;
- An estimate of the time required for a hearing;
- A request for a barrier-free hearing location for disabled persons if necessary; and
- A clear indication of any willingness to negotiate a settlement with the Department prior to the processing of this hearing request.

4. SIGNATURE _____ DATE _____