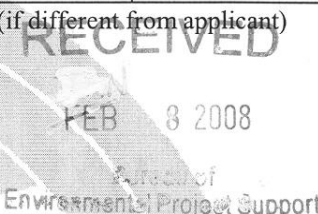
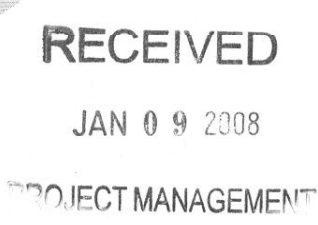
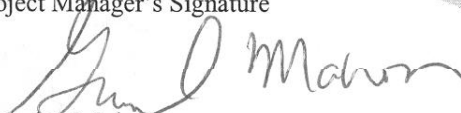




STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse



PERMIT

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."		Approval Date DEC 12 2007
		Expiration Date DEC 12 2012
Permit Number/s 0200-07-0003.1 FHA070001 0200-07-0003.1 FWW070001 (GP10A) 0200-07-0003.1 FWW070002 (GP11) 0200-07-0003.1 FWW070004 (FWTW4L) 0200-07-0003.1 FWW070005 (FWTW4R) 0200-07-0003.1 CSW070001 (GP #24)	Type of Approval/s Stream Encroachment Freshwater Wetlands Coastal Zone Management	Enabling Statute/s NJSA 13:19-1 NJSA 13:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant NJ Department of Transportation / Charles Henry 1035 Parkway Avenue Trenton, NJ 08625-0600	Owner (if different from applicant) <div style="text-align: center;">  </div>	
Description of Authorized Activities and Limit of Disturbance This permit grants permission construct roadway and drainage improvements to Route 17 and several intersections along Berry's Creek and West Riser Ditch, and to disturb approximately 0.306 acres of Freshwater Wetlands, State Open Water, and Transition Areas for said construction, in the Boroughs of Hasbrouck Heights, Teterboro, Rutherford, and East Rutherford, Bergen County , New Jersey.		
Project Location Borough of Hasbrouck Heights Borough of Teterboro Borough of Rutherford Borough of East Rutherford Bergen County	Received by County Clerk <div style="text-align: center;">  </div>	
Project Manager's Signature  Gabriel Mahon Telephone: (609) 984-0194 Email: gabriel.mahon@dep.state.nj.us		
This permit is not valid unless authorizing signature appears on the last page.		

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Freshwater Wetlands Permit No. 0200-07-0003.1 FWW070003 (FWTW4L)
Freshwater Wetlands Permit No. 0200-07-0003.1 FWW070004 (FWTW4R)
CZM Permit No. 0200-07-0003.1 CSW070001 (GP #24)

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STANDARD CONDITIONS:

1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Department. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **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.
3. **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.
4. **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.
5. **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.)
6. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **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.

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SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

8. 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.
9. Soil erosion controls shall be installed prior to construction and maintained for the duration of the disturbance until soils have been stabilized.
10. 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.
11. 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.
12. In order to protect general game fishery resources within Berrys Creek or the West Riser Ditch, construction activities within the State open waters of these or any other watercourses on site are prohibited between **May 1 thru June 30** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to these watercourses, which could introduce sediment into said watercourses 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.
13. The streambed shall be left intact and any in-stream disturbances must be restored using native streambed substrate.
14. The streambed is not to be disturbed between any cofferdams that may be utilized. Dewatering of any cofferdams must ensure that the water quality of the receiving watercourse is maintained by adhering to the following:
 - a) Turbidity barrier shall 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

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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 shall be routed to temporary sediment basins or filter membrane containers.
- c) The temporary filtering mechanisms shall 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 shall be discharged to an area that is encompassed by turbidity barrier or silt fence to prevent migration of turbidity or soil erosion.
- e) The permittee shall monitor for suspended sediments in nearby streams on a daily basis when any construction/demolition and dewatering is taking place. If sediment discharge is detected, then the project must cease until more appropriate preventative measures are put in place.
- f) The NJDEP reserves the right to suspend all work activities if turbidity levels of the stream are increased because of the regulated activities.

15. Provisions of the Freshwater Wetlands General Permit Nos. 10A and 11

This portion of the permit authorizes the total disturbance of 0.013 acres of freshwater wetlands and State open waters. This includes the disturbance of 0.008 acres (338 square feet) of State open water and freshwater wetlands for the construction of additional turning/ through lanes within the Route 17/Williams Avenue project area under General Permit 10A and 0.005 acres (232 square feet) of State open water for the construction of a new 15-inch outfall at Williams Avenue and the reconstruction of an existing outfall at Highland Cross Avenue under General Permit 11. These permits also include a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish these authorized activities. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

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- a. The uppermost 18 inches of any excavation shall be backfilled with the original topsoil material.
- b. Any excavation shall be backfilled to the preexisting elevation.
- c. The permittee shall ensure the various regulated activities do not create pathways to drain the wetlands.
- d. 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 or fiber matting.
- e. The disturbed area shall be replanted with indigenous wetland plants.

16. Transition Area Special Activities Waiver for Linear Development

The Transition Area Special Activities Waiver for Linear Development authorizes certain activities that include the expansion, widening, or upgrading of one or more existing linear developments, including attendant features such as embankments. The activities allowed by this authorization are associated with the addition of through lanes on Route 17 northbound and southbound and the widening of the off-ramps to Franklin/Malcolm Avenues as shown on the approved drawings. These activities shall not exceed 0.199 acres (8,672 square feet) of wetland transition area disturbance.

The stated impacts are the minimum necessary to provide for safe vehicular movements along Route 17 within the project area. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Division of Land Use Regulation prior to the start of the disturbance. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

17. Transition Area Special Activities Waiver for Redevelopment

The Transition Area Special Activities Waiver for Redevelopment authorizes activities in transition areas that have been significantly disturbed such as impervious surfaces covered by pavement or gravel and are not functioning as transition areas. The activities allowed under this authorization are associated with the reconstruction of existing paved

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areas within Route 17/Williams Avenue project area to accommodate the new through and turning lanes. These activities shall not exceed 0.049 acres (2,132 square feet).

The stated impacts are the minimum necessary to provide for safe vehicular movements along Route 17 within the project area. Where practicable, any remaining disturbed transition area shall be converted from impervious and planted with indigenous plants. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Division of Land Use Regulation prior to the start of the disturbance. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

18. Coastal General Permit No. 24 for Legalization of Tidelands Fill

This Coastal General Permit No. 24 authorizes the the legalization of 0.045 acres (1,960 square feet) of filled lands formerly flowed by the tide within the Route 17 project area associated with Berrys Creek. The fill appears on the Tidelands Map adopted by the Tidelands Resource Council known as Map # 721-2154 and are identified as Area # 1 and Area #2. The placement of fill occurred after April 8, 1914. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

- a. This permit does not legalize any structures existing at this site.
- b. Public access as per Section 7:7-7.24 of the Coastal Permit Program Rules shall not be required.
- c. This coastal general permit authorization is issued conditionally based upon the application for N.J. Tidelands "Statement of No Interest". This permit shall not be valid until the permittee has received confirmation from the Bureau of Tidelands Management, Land Use Management, NJDEP regarding the "Statement of No Interest."

19. The drawings hereby approved are twelve (12) sheets prepared by The RBA Group, undated, unrevised, unless otherwise noted, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 17 BERGEN COUNTY INTERSECTIONS"

"ENVIRONMENTAL PERMIT PLANS", sheet no. EPP-1 through EPP-8, and EPP-10,

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“ENVIRONMENTAL PERMIT PLANS”, sheet no. EPP-9, last revised November 9, 2007,

“STORMWATER WETLAND BASIN LANDSCAPE PLAN”, sheet no. EPP-11,

“DETAILS”, sheet no. EPP-12, and

three (3) sheets prepared by HNTB Corporation, undated, unrevised, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION CONSTRUCTION
DETAIL WATER QUALITY CHAMBER ROUTE 17 BERGEN COUNTY
INTERSECTION IMPROVEMENTS CONTRACT NO. 005043264”, sheet nos. CD-
3, CD-4, and CD-5.



Peter DeMeo, PE, Acting Section Chief
Bureau of Urban Growth and Redevelopment

12/12/07

Date

RECEIVED

FEB 08 2008

Bureau of
Environmental Project Support

