




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

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
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." 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>		Approval Date <b>OCT 29 2014</b>
		Expiration Date <b>OCT 28 2019</b>
<b>Permit Number(s):</b>  1808-14-0005.1 FHA140001 1808-14-0005.1 FWW140001 1808-14-0005.1 FWW140002	<b>Type of Approval(s):</b>  Flood Hazard Area Individual Permit Freshwater Wetlands General Permit No. 10A Freshwater Wetlands General Permit No. 2	<b>Enabling Statute(s):</b>  NJSA 13:9B NJSA 40:55D-93-99 NJSA 58:10A NJSA 58:16A NJSA 13:1-D
<b>Permittee:</b>  Tina Shutz New Jersey Department of Transportation 1035 Parkway Ave PO Box 600 Trenton, NJ 08625	<b>Site Location:</b>  Block(s) & Lot(s): [N/A, N/A] Municipality: Franklin Township County: Somerset	
<b>Description of Authorized Activities:</b>  <p>This permit authorizes the replacement of the existing Route 27 Bridge over Carter's Brook and the relocation of existing gas and water lines in connection with the bridge replacement within the Township of Franklin, Somerset County, New Jersey. This permit also authorizes the permanent disturbance of 0.011 of an acre of freshwater wetlands, 0.063 of an acre of freshwater wetland transition areas, and 0.003 of an acre of State open waters and the temporary disturbance of 0.002 of an acre of freshwater wetlands, 0.041 of an acre of freshwater wetland transition areas, and 0.005 of an acre of State open waters under Freshwater Wetlands General Permit Nos. 2 and 10A.</p>		
<b>Prepared by:</b>  _____ <b>Gabriel Mahon</b>	<b>Received and/or Recorded by County Clerk:</b>	
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</p>		
<p><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

1. **Material Disposal:** All excavated material and dredge material shall be disposed of in a lawful manner. The material shall be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
2. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed stormwater management system onsite for compliance with these rules.
3. This permit does not verify the extent of any flood hazard area limits shown on the approved plans.
4. The permittee shall take no more than 30 consecutive days to construct each individual utility crossing of any watercourse. At that time, all temporary fill and machinery shall be removed from the flood hazard area and riparian zone and all disturbed areas shall be properly stabilized. The watercourse shall be backfilled with native substrate only. If acid producing deposits are present, the permittee must follow the guidelines set forth under section 7.6, "Mitigation Procedures along Channels" of the Draft Technical Manual Flood Hazard Area Control Act Rules.
5. 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.
6. 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.
7. In order to protect the general game fish within Carters Brook, 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.
8. Raw, unset, or tremie concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
9. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
10. The existing migration patterns of aquatic life in the watercourse shall not be inhibited as a result of this project. This includes the maintenance and/or creation of a low-aquatic fish passage within the disturbed channel and throughout any proposed in-channel structure wherever possible. In addition, any disturbed areas of the channel shall be restored using native, non-acid producing soils and indigenous, non-invasive vegetation.
11. Vegetation within 50 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 50 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.

12. Upon completion of the project, all temporarily disturbed areas within, 50 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).
13. **Provisions for Freshwater Wetlands General Permit Nos. 2 and 10A**

This portion of the permit authorizes the permanent disturbance of **459 SF (0.010 of an acre)** to freshwater wetlands and **720 SF (0.017 of an acre)** to freshwater wetland transition areas and the temporary impacts of **86 SF (0.002 of an acre)** to freshwater wetlands and **216 SF (0.005 of an acre)** to state open waters under Freshwater Wetlands Statewide General Permit No. 2. This portion of the permit also authorizes the permanent disturbance of **13 SF (0.001 of an acre)** to freshwater wetlands, **2021 SF (0.046 of an acre)** to freshwater wetland transition areas, and **143 SF (0.003 of an acre)** to state open waters and the temporary impacts of **1787 SF (0.041 of an acre)** to freshwater wetland transition area under Freshwater Wetlands Statewide General Permit No. 10A. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver which allows encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the authorized activities. 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.
14. Any pipes laid through wetlands, transition areas, or State open waters shall be, properly sealed so as to prevent leaking or infiltration and designed so as not to form or provide a conduit for groundwater to be discharged or drained from the wetland.
15. For any excavated area in freshwater wetlands, transition areas, and/or State open waters, the excavation shall be backfilled to the preexisting elevation, the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible, the area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous wetlands species. No riprap shall be used to backfill any excavated area within freshwater wetlands, transition area, and/or State open waters.

**STANDARD CONDITIONS:**

1. **Responsibilities:**
  - a. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, authorizing and/or supporting documents and approved plans and drawings.
  - b. A copy of this permit, other authorizing documents, records and information 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 upon request.
2. **Permit modification:** Plans and specifications in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.

3. **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. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit
4. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee, its contractors nor subcontractors shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee, its contractors or subcontractors 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. Only clean non-toxic fill shall be used where necessary.
5. **Sediment control:** Development which requires soil disturbance, creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3-1.14.
6. **Rights of the State:**
  - a. This permit does not convey any property rights of any sort, or any exclusive privilege.
  - b. Upon notification and presentation of credentials, the permittee shall allow Department representatives or their designated agents, to enter upon the project site and/or where records must be kept under the conditions of this permit, inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit, and sample or monitor for the purposes of determining compliance. Failure to allow reasonable access shall be considered a violation of this permit and subject the permittee to enforcement action.
  - c. The issuance of this permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.
7. **Duty to Reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit authorization, the permittee must apply for and obtain a new permit authorization.
8. **Transfer of Permit:** This permit may not be transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
9. **Other Approvals:** The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan or ordinance.

**10. Noncompliance:**

- a. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as modification, suspension and/or termination of the permit.
- b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 420, Mail Code: 401-04C, Trenton, NJ 08625, 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 this chapter.

11. **Appeal of Permit:** In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at [http://www.nj.gov/dep/landuse/download/lur\\_024.pdf](http://www.nj.gov/dep/landuse/download/lur_024.pdf). In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information about this process.

**APPROVED PLANS:**

The drawings hereby approved are five (5) sheets prepared by KS Engineers, P.C., dated March 2014, unrevised, unless otherwise noted, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 27 – CARTER’S BROOK CONTRACT NO. 08-10017”

“FLOOD HAZARD AREA PLAN”, sheet no. 2 of 8, dated October 2014, last revised October 28, 2014

“NJDEP FRESHWATER WETLANDS PLAN”, sheet no. 3 of 8,

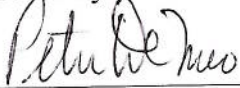
“CONSTRUCTION PLAN”, sheet no. 4 of 8,

“UTILITY PLAN”, sheet no. 6 of 8, and

“PROFILE AND BRIDGE CROSS SECTION”, sheet no. 8 of 8, dated October 2014, last revised October 28, 2014.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:



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Peter DeMeo, Supervisor  
Division of Land Use Regulation

10/29/14

\_\_\_\_\_  
Date