



State of New Jersey

PHILIP D. MURPHY
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Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

CATHERINE R. McCABE
Commissioner

June 22, 2018

New Jersey Department of Transportation
c/o Mr. Brendan Brock
1035 Parkway Avenue
Trenton, NJ 08625

RE: Application for a Waterfront Development In-Water Individual Permit
Extension Letter
DLUR File No.: 1507-18-0009.1; WFD 180001
Applicant: New Jersey Department of Transportation (NJDOT)
Location: Township of Toms River, Ocean County
Block and Lots: R.O.W.

Dear Mr. Brock:

This letter is in response to your 30-day extension request on June 22, 2018. Pursuant to N.J.A.C. 7:7-26.6(e), the review period for the above referenced application is hereby extended by thirty calendar days to July 23, 2018. Any Additional information requested shall be submitted two weeks prior to July 23, 2018. This will allow the Department sufficient time to continue the review of your application.

Please contact Stephen Olivera via telephone at (609) 984-6216 or via email at Stephen.Olivera@dep.nj.gov should you have any questions regarding this letter. Be sure to reference the Division's file number in any communication.

Sincerely,

Joslin C. Tamagno
Environmental Supervisor, ES4
Bureau of Urban Growth and Redevelopment

cc A. Chhibber, Mott MacDonald, Agent

**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

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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 July 23, 2018
		Expiration Date July 22, 2023
Permit Number(s): 1507-18-0009.1; WFD180001	Type of Approval(s): Waterfront Development Individual Permit (In-Water) and Water Quality Certificate	Enabling Statute(s): NJSA 12:5-3 NJSA 13:19-1 NJSA 13:1D-1
Permittee: NJ Department of Transportation c/o Mr. Brendan Brock 1035 Parkway Ave Trenton, NJ 08625	Site Location: Block(s) & Lot(s): ROW Municipality: Township of Toms River County: Ocean	
<p>Description of Authorized Activities:</p> <p>This permit authorizes a scour protection project beneath the existing Route 166 Bridge Structure No. 1516-152 located in the Township of Toms River, Ocean County. The authorized activities include the removal of approximately 728 cubic yards of native stream bed material and the installation of approximately 357 cubic yards of concrete grout bags and 166 cubic yards of rip-rap below the mean high water line Toms River, as shown on the plans referenced on the last page of this permit.</p> <p>By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.</p>		
Prepared by: <i>Megan Kelly</i> Megan Kelly	Received and/or Recorded by County Clerk:	
<p>If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

SPECIAL CONDITIONS:

1. In order to protect pickerel population within Toms River and tributaries, no grading, excavation, or construction activities is permitted within the watercourse onsite between April 1st through June 30th of each year. In addition, any activity within the 100-year floodplain or flood hazard area of this watercourse or tributaries which would introduce sediment into said watercourse or which could cause more than a minimum increase in the natural level of turbidity is also prohibited anytime, but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
2. This permit is issued subject to the permittee obtaining approval from the NJDEP Bureau of Tidelands Management under pending File no. 1507-18-0009.1; TDI 180001.
3. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with 7:7-12.9 New Dredging will be required to be submitted to this Division.
4. **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.
5. Within 30 days of the permit issuance date, the permittee shall submit a detailed dewatering plan which clearly depicts the method of dewatering along with any necessary equipment and locations of the dewatering materials and equipment required to dewater the area. **No construction is permissible until the Department receives and approves said dewatering plan.**
6. Construction may only be performed in dry or de-watered conditions. No work may be performed in wet conditions.
7. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
8. 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.

STANDARD CONDITIONS:

9. The issuance of a 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 or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.

10. The issuance of a permit does not convey any property rights or any exclusive privilege.
11. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
12. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
13. 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.
14. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware 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. The written notice shall include:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
15. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
16. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
17. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
18. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
19. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and

- c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
20. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
21. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
22. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division's project manager, Megan Kelly via email at Megan.Kelly@dep.nj.gov.
23. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
24. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
25. A permit shall be transferred to another person only in accordance with the regulations.
26. A permit can be suspended or terminated by the Department for cause.
27. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
28. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
29. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

30. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.

APPROVED PLANS:


The proposed project is shown on the following plans entitled: "New Jersey Department of Transportation, Scour Countermeasure, NJ Route 166 Over North Channel Toms River, Structure No. 1516-152", undated, unrevised, and prepared by Mott MacDonald, LLC.

1. "General Notes" (Sheet 1 of 3);
2. "Construction Plan" (Sheet 2 of 3); and
3. "Details" (Sheet 3 of 3).

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this permit may request an adjudicatory hearing within 30 calendar days after public notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Adjudicatory Hearing Request form. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the form is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to requesting a hearing, a request may be filed with the Department's Office of Dispute Resolution to determine whether the matter is suitable for mediation. Information concerning the dispute resolution process is available at www.nj.gov/dep/odr.

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:



Joslin C. Tamagno
Environmental Supervisor, ES4
Division of Land Use Regulation
Bureau of Urban Growth & Redevelopment

7-23-18

Date

Original sent to Agent to record

- c: NJDEP BCLUE, Atlantic Region, 1510 Hooper Ave, Toms River, NJ 08753
Township of Toms River Construction Official
Avishek Chhibber, Mott MacDonald, LLC, Agent

