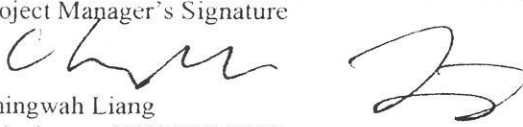




STATE OF NEW JERSEY
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF LAND USE REGULATION
 501 East State Street, Station Plaza 5, 2nd Floor
 P.O. Box 439, Trenton, New Jersey 08625-0439
 Fax: (609) 777-3656 or (609) 292-8115
 www.state.nj.us/dep/landuse



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 MAY 01 2008
		Expiration Date MAY 01 2013
Permit Number/s 1428-07-0001.1 FHA 080001 IP 1428-07-0001.1 FWW 080001 GP 7 1428-07-0001.1 FWW 080002 GP 11	Type of Approval/s Flood Hazard Area Freshwater Wetlands	Enabling Statute/s NJSA 13:1D-1 NJSA 13:9B-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant NJ Department of Transportation Attn: Al Eugene 1035 Parkway Avenue Trenton, NJ 08625	Owner (if different from applicant)	
Description of Authorized Activities and Limit of Disturbance This permit grants permission to conduct grading within the floodplain of an unnamed tributary to the Musconetcong River, in connection with intersection roadway improvements, at the intersection of Route 46 & Main Street, in the Borough of Netcong, Morris County. This permit also authorizes the total disturbance of 0.036 of an acre of State open water, freshwater wetlands, and wetland transition areas, under Freshwater Wetlands General Permit Nos. 7 & 11, for the grading activities in a swale and the construction of an outfall structure.		
Project Location Route 46 & Main Street Borough of Netcong, Morris County	Received by County Clerk	
Project Manager's Signature  Chingwah Liang Telephone: (609) 777-0454		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

STANDARD CONDITIONS:

1. **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.
2. **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.
3. **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.
4. **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.)
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of this chapter, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit.
6. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
8. **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.
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit.
10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions.

11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit 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. Upon completion or abandonment of the work, the permittee and/or its agents 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.
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit.
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege.
14. **Duty to provide information:** A copy of the general permit and other authorizing documents 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 immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit.
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
 - i. 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;
 - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
 - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19.
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
 - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
 - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
 - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and 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; and
 - iv. **Other information:** 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.

17. **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.
18. This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation of the Flood Hazard Area Control Act or the Flood Hazard Area Control Act rules has occurred onsite. N.J.A.C. 7:13-19.1(e), (b)

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

19. All excavated material and dredged spoils must be disposed of in a lawful manner outside of any regulated 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.
20. The permittee will be responsible for installing and maintaining a sediment barrier around all soils disturbed by construction, sufficient to prevent the sedimentation of the stream.
21. The permittee must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, and the stormwater management detention basin at least 4 times a year and after every storm exceeding 1 inch of rainfall, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
22. The time limit for backfilling and stabilizing all earth work and for the removal of all temporary fill and other appurtenances in connection with the placement of stormwater outfall structures and pipelines shall be thirty (30) days after the commencement of construction for each individual stream crossing and/or section of the project along any stream channel. However, if the construction is located within an acid producing area, the backfilling must be completed without exposing any acid producing deposits for more than eight (8) hours.
23. 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.
24. Provisions of the Freshwater Wetlands Statewide General Permit Nos. 7 & 11

This portion of the permit authorizes the total disturbance of 0.036 of an acre of freshwater wetlands and/or State open waters. Specifically, this Freshwater Wetlands General Permit 7 authorizes the disturbance of a maximum of 0.001 acres of State open water, freshwater wetlands, and wetland transition area. The Freshwater Wetlands Statewide General Permit No. 7 authorizes the impacts to the existing swale due to the parking lot construction. In addition, this Freshwater Wetlands General Permit 11 authorizes the disturbance of a maximum of 0.035 acres of State open water, freshwater wetlands, and wetland transition area. The Freshwater Wetlands Statewide General Permit No. 11 authorizes the placement of a headwall with associated rip-rap. The authorization of activities under these Freshwater Wetlands Statewide General Permits includes a wetland transition area waiver for disturbance which has been determined by the Department to be necessary to accomplish the authorized activities. In addition, this permit to conduct regulated activities in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

Stream Encroachment Permit No.:

1428-07-0001.1 FHA 080001 IP
1428-07-0001.1 FWW 080001 GP 7
1428-07-0001.1 FWW 080002 GP 11

25. The drawings hereby approved are twenty (20) sheets prepared by the RBA Group, undated and unrevised, unless otherwise noted, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE U.S. 46 & MAIN STREET,
CONTRACT NO. 030950375”

“TYPICAL SECTIONS”, sheet nos. 5 to 8 of 32

“STREAM ENCROACHMENT PLANS”, sheet nos. 9 and 10 of 32, both sheets last revised April 30, 2008

“RIPARIAN ZONE PLAN”, sheet no. 10A of 32

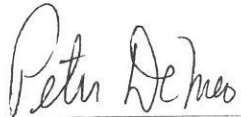
“CONSTRUCTION DETAILS”, sheet nos. 11 to 13

“METHOD OF CROSS SECTIONS”, sheet no. 14

“CROSS SECTIONS”, sheet nos. 15 to 21

“RETAINING WALL GENERAL PLAN & ELEVATION”, sheet no. 22 of 32

“RETAINING WALL SECTION & DETAILS”, sheet no. 23 of 32



Peter DeMeo, PE
Supervisor
Bureau of Urban Growth and Redevelopment

5/11/08

Date

