




**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 JUL 21 2008
		Expiration Date JUL 21 2013
Permit Number/s 0906-08-0009.1 FHA 080002 IP 0906-08-0009.1 FHA 080001 VER 0906-08-0009.1 WFD 080001 IP 0906-08-0009.1 FWW 080001 GP10B	Type of Approval/s Flood Hazard Area IP Verification Waterfront Development Freshwater Wetlands	Enabling Statute/s NJS 13:1D-1 NJS 13:9B-1 NJS 58:10A-1 NJS 12:5-3 NJS 58:16A-50, et. seq.
Applicant NJ Department of Transportation Attn: David Ahdout 1035 Parkway Ave., P.O. Box 600 Trenton, NJ 08625	Owner (if different from applicant)	
Description of Authorized Activities and Limit of Disturbance This permit grants permission to construct one outfall structure within the bank of the Hackensack River and to construct new roadways and improvements within the floodplain of said watercourse, along Route 7, located from M.P. 0.12 to M.P. 0.33, along Route 1&9T, located from M.P. 3.39 to M.P. 4.35, along Route 139, located from M.P. 0.0 to M.P. 0.31, and along Route 1&9, located from M.P. 54.44 to 55.08, in the City of Jersey City, Hudson County. This permit also authorizes the total disturbance of 0.114 of an acre of Freshwater wetlands, State open waters, and/or transition areas, under Freshwater Wetlands General Permit No. 10A, for the construction of the roadway improvements. This permit includes a verification of the Flood Hazard Elevation of 9ft. NGVD 29, the floodway location at the top of bank of said watercourse, and the riparian buffer zone as measured 50ft. landward from the top of bank of said watercourse.		
Project Location Route 7, located from M.P. 0.12 to M.P. 0.33; Route 1&9T, located from M.P. 3.39 to M.P. 4.35; Route 139, located from M.P. 0.0 to M.P. 0.31; Route 1&9, located from M.P. 54.44 to 55.08 City of Jersey City, Hudson County	Received by County Clerk	
Project Manager's Signature  Chingwah Liang Telephone: (609) 777-0454		
This permit is not valid unless authorizing signature appears on the last page.		

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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.

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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

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- 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(a), (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 applicant will be responsible for installing and maintaining a sediment barrier around all soils disturbed by construction, sufficient to prevent the sedimentation of the watercourse.
21. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. 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.
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 storm water outfall structures and pipelines shall be thirty (30) days after the commencement of construction for each 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. Provisions of the Freshwater Wetlands Statewide General Permit No. 10A

This portion of the permit authorizes the disturbance of 0.114 of an acre of freshwater wetlands, wetland transition areas and state open waters for the construction of the new roadway alignment project under General Permit No. 10A. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a wetland transition area waiver for disturbance which has been determined by the Department to be necessary to accomplish the 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.

24. **PRIOR TO ANY CONSTRUCTION ACTIVITIES ON SITE**, the Permittee must obtain authorization from the Army Corp. of Engineers. Please contact the New York District at (212) 264-3622.
25. The permittee must mitigate for the loss of 0.005 acres of intertidal and subtidal shallows by creating .005 acres or more of open water at the location of the outfall structure.

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26. In order to protect the anadromous fish run and warmwater fish during migration and spawning downstream within the Hackensack River, any proposed grading or construction activities within the banks of this or any other watercourse on site are prohibited between **March 1 through June 30** of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse, which could introduce sediment into said watercourse 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.
27. Any and all precautions must be taken to prevent raw concrete associated with the construction of the outfall structure, which is toxic to fish, from coming in contact with the waters of the Hackensack River.
28. All disturbed stream banks and adjacent areas must be restored using native plant materials to ensure stabilization of the banks of the Hackensack River in the project area.
29. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work for 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.
30. Design and construction of the project approved by this permit must adhere to the stipulations of the Memorandum of Agreement between the New Jersey Division of Federal Highway Administration and the NJ State Historic Preservation Office as signed by Dorothy P. Guzzo, Deputy State Historic Preservation Officer on January 21, 2002.
31. Design and construction of the project approved by this permit must adhere to the stipulations of the 1989 Memorandum of Understanding between the NJDOT and the NJDEP for Management of Contaminated Soil and Groundwater and in accordance with the NJDEP Technical Requirements for Site Remediation (N.J.A.C. 7:26 E).
32. Prior to any construction activities within the NJ Meadowlands, the Permittee must submit to the Commission for review of this project and obtain an approval with a copy of the final project plans, as appropriate.
33. All temporarily disturbed areas must be planted with a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment. The local soil conservation service can provide information on the appropriate mixture based on the planting date and drainage.
34. The permittee must maintain all soil erosion and turbidity controls for the life of the project and these controls shall be put in place prior to any construction activities. A silt fence with wire backing shall be placed at the limits of land disturbances.
35. Any discharge of dredged or fill material must 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.
36. The riprap proposed within the channel shall be carefully imbedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap shall be filled with native substrate from the channel.

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37. This permit authorizes a verification of the flood hazard area design flood elevation to be 9ft. NGVD 29, the floodway location at a location equivalent to the top of bank of the Hackensack River, and the riparian zone to be located up to a distance of 50ft as measured landward from the top of bank.
38. The applicant shall make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater management measures onsite. This includes the inspection (and cleaning where necessary) of any and all constructed basins and inlets at least four times per year and after every major storm totaling 1 inch of rainfall or more, the use of appropriate soil conservation practices onsite, and any other reasonable effort required to maintain the stormwater management system in good working order.
39. By issuance of this permit, the Department acknowledges the permittee's receipt of a Tidelands License for the herein approved project.
40. The drawings hereby approved are thirty nine (39) sheets prepared by PB Americas, Inc., dated May 26, 2004, last revised September 21, 2004, unless otherwise noted, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9T, SECTION (25), CONTRACT NO. 005970114"

"PERMIT PLANS, INDEX SHEET", sheet no. 2 of 12

"PERMIT PLANS LEGEND AND NOTES", sheet no. 3 of 12

"PERMIT PLANS", sheet no. 4 to 12 of 12

"NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 1&9T, SECTION (25), CONTRACT NO. 003970114", undated, unrevised

"DRAINAGE PLAN", sheet nos. 159 to 184

"CONSTRUCTION DETAIL", sheet nos. 684 and 701



Peter DeMeo, PE
Supervisor
Bureau of Urban Growth and Redevelopment

7/21/08

Date