

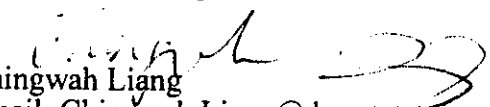


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**
501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse

Welch



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 MAR 02 2010
		Expiration Date MAR 02 2015
Permit Number/s 1221-09-0007.1 FHA 090001 IP 1221-09-0007.1 FWW 090001 GP10B	Type of Approval/s Flood Hazard Area IP Freshwater Wetlands	Enabling Statute/s NJSA 13:1D-1 NJSA 13:9B-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant New Jersey Department of Transportation Attn: Joseph Sweger PO Box 600 1035 Parkway Avenue Trenton, NJ 08625	Owner (if different from applicant)	
Description of Authorized Activities and Limit of Disturbance <p>This permit grants permission to replace the existing Route 1 crossing over Heathcote Brook with a 4-sided box culvert, located near Milepost 15.29, in the Township of South Brunswick, Middlesex County, New Jersey. In addition, this permit also authorizes the total disturbance of 0.156 of an acre of freshwater wetlands, State open waters, and transition areas for said replacement and for a streambank & channel stabilization, under Freshwater Wetlands Statewide General Permit #10B.</p>		
Project Location Route 1 Township of South Brunswick Middlesex County	Received by County Clerk	
Project Manager's Signature  Chingwah Liang Email: Chingwah.Liang@dep.state.nj.us Telephone: (609) 777-0454		

This permit is not valid unless authorizing signature appears on the last page.

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;

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- 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.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

18. All excavated material and dredged spoils 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.
19. 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.
20. 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.
21. Provisions of the Freshwater Wetlands General Permit No. 10B

This portion of the permit authorizes the disturbance of **5,024 sq. ft. (0.115 acres)** of State open waters, **3 sq. ft.** of freshwater wetlands, and **1,772 sq. ft. (0.041 acres)** of freshwater wetlands transition areas for a culvert replacement and bank & channel stabilization, under a Freshwater Wetlands Statewide General Permit #10B. 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.

22. In order to protect the *general game fisheries resource* of Heathcote Brook, any proposed grading or construction activities within the banks of this or any other stream on site are prohibited between **May 1** and **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 stream 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.
23. In order to protect the federally listed endangered Indiana bat, a timing restriction on clearing trees greater than 5 inches in diameter shall apply from **April 1** to **September 30** or each year.
24. Trees, shrubs, grasses, and other vegetation within **50 feet** of the top of bank of Heathcote Brook shall not be disturbed for any reason, except as shown on the approved site plans. All temporary disturbances to riparian zone vegetation associated with construction access shall be replanted during the next appropriate planting season with indigenous, non-invasive vegetation.
25. The drawing hereby approved are eighteen (18) sheets prepared by Hatch Mott MacDonald, certified April 22, 2009, unrevised, unless otherwise noted, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION, US ROUTE 1 OVER HEATHCOTE BROOK, CONTRACT NO. 153083570"

"FLOOD HAZARD AREA PLAN", sheet 2 of 16

"WETLAND DELINEATION PLAN", sheet 3 of 16

"STREAM PROFILE", sheet 4 of 16, last revised February 17, 2010

"STREAM CROSS SECTIONS", sheets 5 to 8 of 16

"CONSTRUCTION PLANS", sheets 9 to 11 of 16

"PROFILE", sheet 12 of 16

"TYPICAL SECTIONS", sheet 13 of 16

"CULVERT GENERAL PLAN AND ELEVATION", sheet 14 of 16, last revised February 17, 2010

"CONSTRUCTION DETAILS", sheet 14A of 16, certified February 17, 2010

"SOIL EROSION AND SEDIMENT CONTROL PLAN", sheet 15 of 16

"SOIL EROSION AND SEDIMENT CONTROL DETAILS", sheet 16 of 16

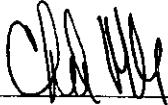
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“NEW JERSEY DEPARTMENT OF TRANSPORTATION, BUREAU OF STRUCTURAL ENGINEERING, US ROUTE 1 OVER HEATHCOTE BROOK, CULVERT REPLACEMENT, ROUTE 1 SECTION 4, SOUTH BRUNSWICK TOWNSHIP, MIDDLESEX COUNTY”, certified September 29, 2009, unrevised

“CULVERT PROFILES AND SECTION”, sheet 37

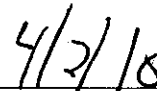
“UTILITY DETAILS”, sheet 44



Charlie Welch

Supervisor

Bureau of Urban Growth and Redevelopment



Date