

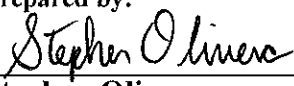


**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

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 JUN 18 2015
		Expiration Date JUN 17 2020
Permit Number: 0000-14-0021.1 FHA 140001 0000-14-0021.1 FWW 140001 0000-14-0021.1 FWW 140002	Type of Approval: Flood Hazard Area Individual Permit Freshwater Wetland General Permit No. 2 Freshwater Wetland General Permit No. 10A	Enabling Statutes: N.J.S.A. 13:1D N.J.S.A. 13:9B N.J.S.A. 58:16A N.J.S.A. 58:10A-1
Permittee: NJDOT Attn: Tina Shutz, E-team Leader 1035 Parkway Avenue, P.O. Box 600 Trenton, NJ 08625	Site Location: Route 27 over Ten Mile Run tributary Municipality: Townships of Franklin and South Brunswick County: Counties of Somerset and Middlesex	
Description of Authorized Activities: <p>This permit grants permission to reconstruct the Route 27 culvert (Structure No. 1216-155) over a tributary to Ten Mile Run, widen said road, and relocate two (2) existing utility crossings, in the Township of Franklin, Somerset County, and the Township of South Brunswick, Middlesex County, New Jersey. Freshwater Wetlands Statewide General Permit Nos. 2 and 10A authorizations for the said activities are included in this permit.</p>		
Prepared by:  Stephen Olivera	Received and/or Recorded by County Clerk	
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT MAY BE UNDERTAKEN UNTIL THE PERMITTEE HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

SPECIAL CONDITIONS:

1. 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. 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.
3. 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.
4. In order to protect the general game fish within Ten Mile Run, no grading, construction or clearing is permitted within any watercourse onsite between May 1st and June 30th of each year. 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.
5. If sediment control structures, turbidity barriers, or cofferdams are constructed prior to the timing restrictions stated above, construction behind the sediment control structures may proceed during the restricted period(s).
6. 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.
7. De-watering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain freeflow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.
8. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
9. Raw, unset, or tremie concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
10. 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.

11. 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).
12. 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.
13. This permit does not verify any flood hazard or floodway limit shown on the approved plans.

14. **Provisions of the Freshwater Wetlands Statewide General Permit 2**

This portion of the permit authorizes the permanent disturbance of **0.010 of an acre (417 square feet)** of freshwater wetland transition areas, and the temporary disturbance of **0.002 of an acre (108 square feet)** of freshwater wetlands, **0.002 of an acre (81 square feet)** of freshwater wetland transition areas, and **0.005 of an acre (214 square feet)** of State open waters, for the relocation of gas and water lines under a freshwater wetlands General Permit 2. 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. Any additional disturbance of freshwater wetlands, wetland transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless a permit is obtained prior to the start of the disturbances from the Division of Land Use Regulation.

15. The relocated utility lines (gas and water) 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 wetlands.
16. The trench into which the utility line is placed shall be no wider than necessary to comply with the federal OSHA safety standards pursuant to N.J.A.C. 7:7A-5.2(c)3.

17. **Provisions of the Freshwater Wetlands Statewide General Permit 10A**

This portion of the permit authorizes the permanent disturbance of **0.056 of an acre (2433 square feet)** of freshwater wetland transition areas and **0.003 of an acre (141 square feet)** of State Open waters, and the temporary disturbance of **0.008 of an acre (367 square feet)** of freshwater wetland transition areas and **0.002 of an acre (104 square feet)** of State open waters for the reconstruction of the Route 27 culvert (Structure No. 1216-155) over a tributary to Ten Mile Run under a freshwater wetlands General Permit 10A. The authorization of activities under this freshwater wetlands statewide general permit includes a transition area waiver which allows encroachment only in that

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. Any additional disturbance of freshwater wetlands, wetland transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless a permit is obtained prior to the start of the disturbances from the Division of Land Use Regulation.

18. Any excavation within the wetland or wetland transition area shall be backfilled to the preexisting elevation and the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material.

STANDARD CONDITIONS:

19. **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.
20. **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.
21. **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.
22. **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.

23. **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.
24. **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.
25. **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.
26. **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.
27. **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.
28. **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.
29. **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. 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 for more information about this process.

APPROVED PLANS:

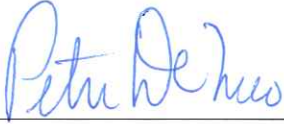
The drawings hereby approved are seven (7) sheets prepared by KS Engineers, P.C., dated October 2014, unrevised, unless noted otherwise, and entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 27 – TEN MILE RUN TRIBUTARY CONTRACT NO. 08-10017”

- FLOOD HAZARD AREA PLAN - 1, sheet 2 of 10, certified April 6, 2015,
- FLOOD HAZARD AREA PLAN – 2, sheet 3 of 10,
- NJDEP FRESHWATER WETLANDS PLAN, sheet 4 of 10,
- CONSTRUCTION PLAN, sheet 5 of 10,
- SOIL EROSION AND SEDIMENT CONTROL PLAN, sheet 6 of 10,
- UTILITY PLAN, sheet 7 of 10,
- PROFILE AND BRIDGE CROSS SECTION, sheet 10 of 10.

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:



Peter DeMeo, Environmental Engineer 4
Division of Land Use Regulation



Date

C: Municipal Clerk
Municipal Construction Official