



**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 MAR 07 2013
		Expiration Date MAR 07 2018
Permit Number(s) 1102-07-0005.1 FWW130002 FWW130001	Type of Approval(s) FWGP11 Outfall structure FWGP20 Bank Stabilization	Enabling Statute(s) NJSA 13:9B FWW
<p>Permittee:</p> <p>NJDOT c/o Tina Shutz 1035 Parkway Ave. P.O. Box 600 Trenton, NJ 08625</p>	<p>Site Location:</p> <p>D&R Canal Repair - Route 29, Milepost 10.1 Municipality: Ewing Twp. County: Mercer</p>	
<p>Description of Authorized Activities</p> <p>This permit authorizes the construction of 97 LF of grouted native stone slope treatment to stabilize the bank of the D&R Canal under a FWW GP-20, and the replacement of an existing headwall under a FWW GP-11. This permit authorizes the permanent disturbance of 138 SF of State open water and the temporary disturbance of 494 SF of State open waters for these activities.</p> <p>The authorized activities are shown on the plan sheet entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ENVIRONMENTAL PLAN, ROUTE 29, CONTRACT NO. 009114020 & 021114020, SHEET EP-1," signed on February 27, 2013, and prepared by THE RBA GROUP.</p>		
<p>Prepared by:</p> <p><i>Becky Mazzei</i> Becky Mazzei</p>	<p>Received and/or Recorded by County Clerk</p>	
<p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT 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>		

CONDITIONS APPLICABLE TO ALL LAND USE PERMITS

1. In accordance with applicable regulations, any person who is aggrieved by this permit or any of the conditions of this permit may request a hearing within 30 days after notice of the permit 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/forms/lurpaahr.pdf>. In addition to the hearing request, a request may be filed with the Office of Dispute Resolution to engage in alternative dispute resolution. Please visit www.nj.gov/dep/odr for more information about this process.
2. The permittee, its contractors, and subcontractors shall comply with all conditions of this permit, supporting documents, and approved drawings.
 - i. Plans and specifications in the permit 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 in writing;
 - ii. If this permit contains any conditions that must be satisfied prior to the commencement of construction, the permittee must comply with said conditions within the timeframe required by the permit or, if no timeframe is imposed, within six months of the effective date of this permit. If these timeframes cannot be met, then the permittee shall provide evidence satisfactory to the Department that such conditions cannot be satisfied; and
 - iii. Any noncompliance with this permit constitutes a violation and is grounds for enforcement action, as well as suspension and/or termination of this permit. 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 has occurred.
3. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with any condition of this permit.
4. The permittee shall take any and all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to this permit and/or from activities conducted that are not in compliance with this permit.
5. 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.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the permit 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.
7. This permit can be modified, suspended, or terminated for cause. The filing 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 this permit. Nor does it extend the expiration date of this permit.
8. This permit does not convey any property rights of any sort or any exclusive privilege.
9. A copy of this permit and other authorizing documents, including all approved plans and drawings, shall be maintained at the authorized site at all times and be made available to Department representatives or their designated agents immediately upon request.
 - i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and

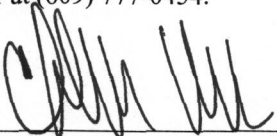
- ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept as a result of this permit.
10. The permittee shall allow an authorized representative of the Department, upon notification under current rules and upon the presentation of credentials, to do the following:
 - 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 this permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - iii. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this permit. Failure to allow reasonable access under this section shall be considered a violation of this permit and the applicable rules and shall subject the permittee to enforcement action; and
 - iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules.
11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department.
12. The permittee shall provide reports to the Department as follows:
 - i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;
 - ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger public health or the environment. In addition, the permittee shall provide notice of all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to any enforcement action taken by the Department if the project is found to be in violation of any chapter of the regulations under which this permit has been issued. The written notice shall include the following:
 - a. A description of the noncompliance and its cause;
 - b. 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
 - c. Steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - iii. 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.
13. For development that requires soil disturbance, the creation of drainage structures, or changes in natural contours, the permittee 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 through 1.14. The permittee must obtain any required approvals from the local Soil Conservation District prior to the start of construction.
14. If any condition of this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest.
15. This permit is not transferable to any person unless the transfer is approved by the Department.

16. 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. It is the permittee's responsibility to obtain all necessary approvals for a proposed project prior to the start of construction.
17. 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 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 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. Only clean non-toxic fill shall be used where fill is necessary.
18. All excavated material and dredged spoils shall be disposed of in a lawful manner, outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetland, and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

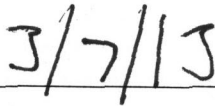
CONDITIONS APPLICABLE TO SPECIFIC PROJECT:

19. Authorization from the D&R Canal Commission may be required for this project.
20. In order to protect the *general game fisheries resource* within the D&R Canal, no grading, construction, or clearing is permitted within any watercourse onsite between **May 1** and **June 30**. 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. If coffer dams are constructed prior to the timing restriction, construction within the cofferdams may proceed during the timing restriction. Dewatering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The water areas receiving 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 free flow of the stream center.
21. Prior to construction, a turbidity barrier shall be constructed around the work area.
22. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
23. All temporarily disturbed vegetation shall be replanted in-kind at the completion of the project.

If you need clarification on any section of this permit or conditions, please contact our Technical Support Call Center at (609) 777-0454.



Charlie Welch, Supervisor
Division of Land Use Regulation



Date

Original sent to Applicant to record

C: Municipal Construction Official
Municipal Clerk