



**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.nj.gov/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 AUG 07 2018
		Expiration Date AUG 06 2023
Permit Number(s): 1400-18-0002.1 FWW180001	Type of Approval(s): Freshwater Wetlands Individual Permit Water Quality Certificate	Enabling Statute(s): N.J.S.A. 13:9B-1 et seq. N.J.S.A. 58:10A-1 et seq. N.J.S.A.40:55D-93-95 et seq.
Permittee: Amber Cheney (NJDOT) P.O. Box 600 Trenton, NJ 08625	Site Location: Block(s) & Lot(s): [N/A, N/A] Municipality: Jefferson Twp, Roxbury Twp County: Morris	
<p>Description of Authorized Activities:</p> <p>This permit authorizes the permanent disturbance of 2090 SF (0.049 of an acre) of freshwater wetlands transition areas to reconstruct the US Route 80 Eastbound and Westbound bridge decks and superstructure over the Rockaway River. The impacts are necessary to place nonvegetative surfaces under the guiderails and construct a foot width expansion of the eastbound structure. The project will also result in the temporary impact of 22,140 SF (0.509 of an acre) of freshwater wetland transition areas and 32,847 SF (0.754 of an acre) of state open waters necessary to construct a temporary bypass road and temporary three span bridge in the median of US Route 80 over the Rockaway River. These activities are authorized under a Freshwater Wetlands Individual Permit as shown on the plans referenced on the last page of this permit.</p> <p>This authorization to conduct activities in freshwater wetlands includes the issuance of a Water Quality Certificate.</p>		
Prepared by: <i>Matthew Resnick</i> Matthew Resnick	Received and/or Recorded by County Clerk:	
<p>If the permittee undertakes any regulated activity authorized under a permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the permit and all conditions therein.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

FRESHWATER WETLAND SPECIAL CONDITIONS:

1. The total amount of disturbance associated with this authorization shall not exceed the permanent disturbance of 0.049 of an acres (2090 SF) of freshwater wetland transition area, and the temporary disturbance of 0.509 of an acre (22,140 SF) of freshwater wetland transition areas and 0.754 of an acre (32,847 SF) of state open waters for the construction of a temporary bypass road and bridge in the median of US Route 80 over the Rockaway River, and the replacement of the US Route 80 east and westbound bridge decks and superstructures.
2. This authorization is valid for a term not to exceed five years from the date of this permit. 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 permit extension or a new permit, prior to the permit's expiration in accordance with N.J.A.C. 7:7A-20.4.
3. The regulated activities shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
4. In order to protect general warm water game fish within the Rockaway River, no grading, construction or clearing is permitted within any watercourse onsite between May 1st and July 31st. 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 restrictions stated above, construction within the cofferdams may proceed during the restricted period(s).
5. 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
6. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet. Construction equipment shall not be stored, staged or driven within the Rockaway River
7. 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
8. Prior to in-water work, the permittee will be responsible for installing and maintaining a full depth floating turbidity curtain with a weighted bottom edge around the immediate work area to restrict the movement of sediment downstream of the channel.
9. This permit to conduct a regulated activity in a State open water includes the Division's approval of a Water Quality Certificate for these activities.
10. All temporarily disturbed regulated areas must be restored to previously existing conditions following the completion of construction activities.

STANDARD CONDITIONS:

1. The issuance of a 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 or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area. In addition, a permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. 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.
6. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any noncompliance within twelve hours of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware 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. The written notice shall include:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
8. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - a. 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;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall

be considered a violation of this chapter and subject the permittee to enforcement action under.

9. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
10. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
11. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
12. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
13. A permit shall be transferred to another person only in accordance with the regulations N.J.A.C. 7:7A-20.5.
14. A permit can be suspended or terminated by the Department for cause as specified at N.J.A.C. 7:7A-20.8 and 20.9.
15. The submittal 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 a permit.
16. 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. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, seven days prior to the commencement of site preparation or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.
18. The permittee shall not cause or allow 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 while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
19. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

- 20. Best management practices (defined at N.J.A.C. 7:7A-1.3 shall be followed whenever applicable.
- 21. If the permittee, before or during the work authorizes, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource and immediately notify the Department and proceed as directed.
- 22. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth at N.J.A.C. 7:7A-1.4.

APPROVED PLANS:

The drawings hereby approved are eight (8) sheets prepared by Kevin W. Doyle, of Stantec Consulting Services, dated August 2018 unrevised, collectively entitled:

“STATE DEPARTMENT OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, PLANS OF ROUTE 80 BRIDGES OVER ROCKAWAY RIVER, ROUTE 80 FROM THE VICINITY OF INTERCHANGE C.R. 615 (HOWARD BOULEVARD) TO ROUTE 15 (UNION TURNPIKE), CONTRACT NO. 032144410, GRADING, PAVING & STRUCTURES, TOWNSHIP OF JEFFERSON, MORRIS COUNTY”

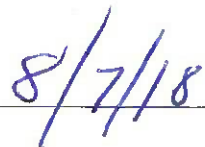
In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department’s website at www.state.nj.us/dep/bulletin. 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 on this process.

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:



 Christopher Jones
 Division of Land Use Regulation



 Date

Original sent to Agent to record

c: Permittee
Construction Official