



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



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.		Approval Date JAN 23 2018
		Expiration Date JAN 22 2023
Permit Number(s): 1713-17-0001.1 FWW170001	Type of Approval(s): FWTW4L transition SAW linear development	Enabling Statute(s): N.J.S.A. 13:9B FWPA
Permittee: Brenna Fairfax NJDOT 1035 Parkway Ave Trenton, NJ 08625	Site Location: Block(s) & Lot(s): [N/A, N/A] Municipality: Carneys Point Twp. County: Salem	
Description of Authorized Activities: This permit authorizes the permanent disturbance of 13,788 SF (0.316 acres) of freshwater wetlands transition area for the replacement of substandard existing roadway guiderail and installation of hot-mix asphalt pavement and/or polyester matting underneath of guiderails to prevent weed growth and simplify roadway maintenance. This permit also authorizes the temporary disturbance of 9,901 SF (0.228 acres) of transition area for clearing of vegetation to restore sight distance along the roadway and the temporary disturbance of 19,186 SF (0.441 acres) of transition area for grading of roadway berms and embankments to accommodate new guiderails and matting. All authorized work is associated with the Route 295 Northbound bridge over the New Jersey Turnpike, U.S. Route 40 and the Salem Canal, located in Carneys Point Township, Salem County, New Jersey. The project is authorized under a Special Activity Transition Area Waiver for linear development at N.J.A.C. 7:7A-6.3. Section 7:7A-6 of the Freshwater Wetlands Protection Act Rules discusses the conditions under which the standard transition area may be modified if the Department determines that the modification will result in minimal environmental impact and that the modified transition area will continue to feature the purposes and functions set forth in N.J.A.C. 7:7A-2.5. Based upon a review of the submitted information, the Division of Land Use Regulation (Division) has determined that the proposed modified transition area as shown on the plans referenced below will continue to serve the functions of a transition area as detailed in the Act and implementing rules, provided that standard conditions set forth in section 7:7A-6 and all permit conditions are met. Any additional un-permitted disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans referenced herein shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.		
Prepared by: <u>Andrew Dromboski</u> Andrew Dromboski	Received and/or Recorded by County Clerk:	
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.		
This permit is not valid unless authorizing signature appears on the last page.		

The Division has determined that the freshwater wetlands present on the project site are of Exceptional resource value and have a standard required transition area of 150 feet.

PRE-CONSTRUCTION CONDITIONS:

1. **Timing:** If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Division that such condition(s) cannot be satisfied.
2. Prior to the commencement of site clearing, grading or construction, the permittee shall have a silt fence or sediment barrier erected at the limits of disturbance authorized herein and at the limits of the modified transition area as authorized herein. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the wetland and modified transition area from encroachment by construction vehicles or activities. These fences shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized. No regulated activities, including grading or clearing may occur in the wetland or modified transition area on site without the prior approval of the Department.

SPECIAL CONDITIONS:

1. The transition area associated with on the subject site may be reduced only as shown on the referenced plan.
2. All temporary disturbances must be permanently discontinued within six months after they are begun, and all temporary disturbed areas must be restored to their original condition.
3. **Material Disposal:** All excavated material and construction debris 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.
4. The clearing of any trees greater than 8 inches diameter at breast height is prohibited.
5. The Department has received guidance from USFWS requesting that the clearing of vegetation should not occur onsite between April 1 and August 31 in order to avoid "take" of migratory birds, which are protected under the federal Migratory Bird Treaty Act (16 USC 703-712). The Department recommends adherence to this guidance to the extent feasible in order to ensure compliance with this federal regulation.
6. 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.
7. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8 without the use of any structural BMPs. Any future expansion or alteration of the approved site layout or land cover, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any

basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

STANDARD CONDITIONS:

1. 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.
- c. 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

2. Noncompliance:

- a. Any additional un-permitted disturbance of freshwater wetlands, State open waters and/or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.
- b. 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
- c. 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 086259 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:

3. Proper site maintenance:

- a. 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.

- b. 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.
 - c. 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.
4. **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 or development resulting from any permit.
5. **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 Notify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.
6. **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.
7. **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.
8. **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.
9. **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>. The checklist is available

through the Division 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:

Eighteen (18) sheets prepared by Arora and Associates, P.C., dated August 2017 entitled:

“PLANS OF ROUTE I-295 NORTHBOUND BRIDGE OVER NEW JERSEY TURNPIKE, U.S. ROUTE 40 AND SALEM CANAL CONTRACT 001153150 DECK REPLACEMENT AND RESURFACING CARNEYS POINT SALEM COUNTY”

“TYPICAL SECTIONS”, Sheets 2, 3, 4, 5, 6, 7

“CONSTRUCTION PLAN”, Sheets 9, 10, 11

“LIMIT OF DISTURBANCE PLAN”, Sheets 19, 20, 21, 22

“WETLAND AND TRANSITION AREA IMPACT PLAN”, Sheets 23, 24, 25, 26

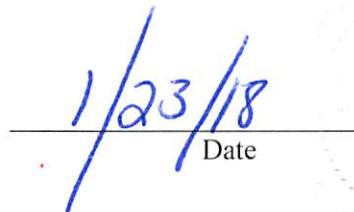
“CONSTRUCTION DETAILS”, Sheet 36

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, Manager
Division of Land Use Regulation



Date



Original sent to Agent to record
c: Permittee