



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



(See Issuing Division below)

PERMIT*

The New Jersey Department of Environmental Protection hereby issues this permit, accompanied by the supporting documents which are agreed to by the Permittee upon acceptance of the permit.

application, attachments and further conditions and stipulations enumerated in the supporting documents which are agreed to by the Permittee upon acceptance of the permit.

Permit No. 0230-08-0005.1 WFD080001, FHA080002, WQC080001		Application No. 0230-08-0005.1 WFD080001, FHA080002, WQC080001	
Issuance Date SEP 22 2008	Effective Date Same as issuance date	Expiration Date SEP 22 2013	
Name and Address of Applicant NJDOT 1035 Parkway Avenue, P.O.Box 600 Trenton, NJ 08625-0600		Name and Address of Owner Applicant	Name and Address of Operator Applicant
Location of Activity/Facility (Street Address) Borough of Little Ferry Bergen County		Issuing Division Division of Land Use Regulation	Statute(s) NJSA 12:5-3 (WDA) NJSA 13:1.1 (FHA) NJSA 58:10A (WQCA)
Type of Permits: FHA, Waterfront Development, Water Quality Certificate		Maximum Approved Capacity, if applicable	
<p>This permit grants permission to: Replace the existing Little Ferry Circle at the intersection of Route 46 and Bergen Turnpike with a new signalized intersection, widen Route 46 from Mile Post 69.8 to 70.1 to accommodate a center left lane, and a 4' wide center island with raised concrete curb and improve drainage to alleviate flooding by reconstructing the existing drainage system with a storm sewer pump and an outfall structure, in the Borough of Little Ferry, Bergen County.</p> <p>The proposed outfall structure construction will temporarily impact 0.011 acres (494.05 sq.ft.) of mapped coastal wetlands.</p> <p>Under this permit, the flood hazard elevation has been verified at elevation 9 feet NGVD. The floodway is located at the top of bank.</p> <p>The authorized work is as shown on plans entitled, " State of New Jersey Department of Transportation, Plans of Route U.S. 46 From Frederick Street to East of Bergen Turnpike, Contract No. 070950373, Borough of Little Ferry, County of Bergen", dated June 24, 2008, unrevised and prepared by NJDOT, specifically those sheets listed below:</p> <p>1. "NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U.S. 46 CONTRACT NO. 070950373"</p>			
Prepared By: <u>Priya Sundaram</u> Priya Sundaram			
Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) <u>Charlie Welch</u> Title <u>Supervisor</u> Signature <u>SEE FINAL PAGE</u> Date _____		

*The word permit means "approval, certification, registration, etc."

(General Conditions are on Page 3)

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2. "ENVIRONMENTAL PERMIT PLAN SHEETS CONSTRUCTION DETAILS", sheet no. 3 of 10,
3. "ENVIRONMENTAL PERMIT PLAN SHEETS", sheet nos. 4, 5, 6, 8, 9, and 10 of 10, and
4. "ENVIRONMENTAL PERMIT PLAN SHEETS RIPARIAN ZONE", sheet no. 7 of 10.

A Tidelands Instrument is not required for this project.

The issuance of this permit is in no way construed as a relinquishment by the State of New Jersey of any tidelands right, title or interest in the subject property or in any land surrounding it.

This permit is authorized under and in compliance with the applicable Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et seq.).

PERMIT CONDITIONS

The Director of the Division of Land Use Regulation hereby finds the applicable findings as required by the Rules on Coastal Zone Management will be met to the satisfaction of the Division of Land Use Regulation. The issuance of this permit is contingent upon compliance with the conditions below and failure to comply with any or all conditions may result in appropriate enforcement action and revocation of this permit. Compliance with Administrative Conditions shall be determined once copies of all specified permits, certifications, plans, agreements, etc. have been received, not less than 30 days prior to construction, and approved by the Division of Land use Regulation. All other conditions are subject to on-site compliance inspection by the Bureau of Coastal and Land Use Compliance and Enforcement. As per N.J.A.C. 7:7E-1.4, the permittee must notify the Bureau of Coastal and Land Use Compliance and Enforcement, (1510 Hooper Avenue, Toms River, N.J. 08753), in writing at least three (3) days prior to commencement of construction.

GENERAL PERMIT CONDITIONS:

1. Permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgment of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
3. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
4. The granting of this permit shall not be construed to, in any way, affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
5. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
6. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
7. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

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8. Limit and Extent of Approval

- a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by

the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.

- b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.

9. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

10. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.

ADMINISTRATIVE CONDITIONS

1. Acceptance of permit: If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled

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to request an appeal within a limited time as detailed on the attached Administrative Hearing Request Checklist and Tracking Form.


2. This permit, including all conditions listed herein, shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after receipt of the permit by the applicant. A copy of the recorded permit shall be forwarded to the Land Use Regulation Program immediately thereafter.
3. Prior to any construction activities, the Permittee must obtain a Department of the Army authorization. You are advised to contact the New York District at (212) 264-3622.
4. Prior to any construction activities, the permittee must receive authorization from the Bergen County Soil Conservation District.

PHYSICAL CONDITIONS:

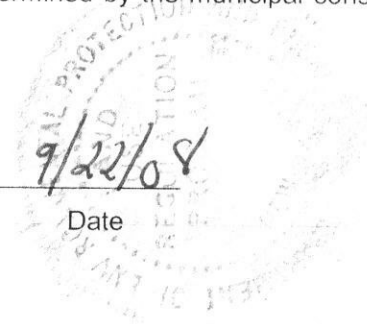
1. The proposed activities shall not disturb more than 0.011 acres of Coastal wetlands allowed by this permit.
2. All wetland and wetland transition areas disturbed for access must be vegetated upon completion of the activity. The disturbed wetland should be allowed to naturally re-vegetate, however, if it is necessary to prevent erosion, the area may be seeded with wetland seed mixture to stabilize the ground until natural vegetation re-establishes. Re-vegetation with native species is required only when disturbances within the work area have resulted in destruction of vegetation and disturbance to the soil, which would preclude natural re-vegetation within one growing season.
3. Soil and erosion controls shall be installed in accordance with the approved plans prior to any earth moving activity and maintained for the duration of the disturbance until the soils are stabilized. The permittee shall monitor all erosion and sediment controls daily and repair as needed to maintain compliance with the approved plans and conditions contained in this permit to ensure that sediment release from decanted or filtered water is near zero prior to being discharged into wetlands or State open water.
4. In order to protect the anadromous fisheries resources of Overpeck Creek, any instream sediment generating activities within the State open waters on site are prohibited between **April 1 to June 30** of each year. 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.
5. All demolition materials must be disposed of at an approved site. The permittee is advised to contact Mr. Hugh Carberry of the Division of Fish and Wildlife's Artificial Reef Program at 609-784-2022 for the disposal of uncontaminated concrete and asphalt free rubble which can be utilized to build artificial reefs in the ocean. Under no circumstances should material be disposed of in wetlands, state open waters, or other environmentally sensitive areas.
6. 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.

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- 7. All foundations, slabs, footings and walls of the pump station shall be designed to resist uplift and lateral loads associated with hydrostatic pressure resulting from flooding to the design flood elevation of 9 feet NGVD. Furthermore, all structural components shall be designed to resist hydrodynamic forces resulting from the design flood. Compliance with this condition shall be determined by the municipal construction official.



Charles Welch, Supervisor
Roadway and Infrastructure Unit
Division of Land Use Regulation



Date

- C: Bureau of Coastal and Land Use Compliance and Enforcement
Gabriel Mahon, Bureau of Urban Development

RECEIVED

OCT 01 2008

Bureau of
Environmental Project Support