

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

501 East State Street, Station Plaza 5, 2nd Floor
P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
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."</p>		<p>Approval Date</p> <p align="center">JUN 14 2010</p>
		<p>Expiration Date</p> <p align="center">JUN 14 2015</p>
<p>Permit Number/s</p> <p>0000-10-0036.1 WFD100001 (IP In-water)</p>	<p>Type of Approval/s</p> <p>Waterfront Development Water Quality Certificate</p>	<p>Enabling Statute/s</p> <p>NJSA 12:5-3 NJSA 13:19-1 NJSA 58:10A-1</p>
<p>Applicant</p> <p>NJDOT c/o Zakrollah Asadpour 1035 Parkway Ave Trenton, NJ 08625</p>	<p>Owner (if different from applicant)</p>	
<p>This permit authorizes the complete replacement of the Route 3 Westbound Bridge deck, and the in-kind restoration of areas of spalled, cracked, and deteriorating concrete on the abutments and piers of both the Westbound and Eastbound Bridges over the Hackensack River. This permit also authorizes the temporary disturbance of 75,298 SF (1.73 acres) of wetlands, 30,994 SF (0.712 acres) of riparian zone, and 410 SF (0.009 acres) of State open waters.</p> <p>This permit is authorized under, and in compliance with, the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq. By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7E-1.5(b)4.</p>		
<p>Project Location</p> <p>Route 3 Hackensack River Bridges</p> <p>Borough of East Rutherford and Township of Secaucus Bergen and Hudson Counties, New Jersey</p>	<p>Received by County Clerk</p>	
<p>Project Manager's Signature</p> <p><i>Becky Ehrenfeld</i></p> <p>Becky Ehrenfeld Telephone: 609-777-0454 Email: Becky.Ehrenfeld@dep.state.nj.us</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

STANDARD CONDITIONS:


1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Division. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not begin** construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Division showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Division's address and fax number are shown on the first page of this permit.
4. **Notice of Construction:** You must notify the Division in writing at least 7 days before you begin any work approved by this permit. The Division's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Division for further information.)
6. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

8. All necessary local, Federal, and other state approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities. Approvals from the following agencies may be required:
 - a. New York District of the Army Corps of Engineers
 - b. U.S. Coast Guard
9. Prior to the start of any construction activities within Tidelands encumbered properties, the permittee must obtain a Tidelands Instrument from the Bureau of Tidelands Management. Failure to comply with this condition will result in fines up to \$1000 plus \$100 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's Office and pay use and occupancy charges.
10. Raw or unset concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota. Tarps must be in place prior to the use of Shotcrete, to ensure the concrete spray does not come into contact with the Hackensack River.
11. In order to protect the *anadromous fisheries resource* within the Hackensack River, no grading, construction or clearing is permitted within the banks of this or any other stream on site between **April 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.
12. No trees shall be removed within **50 feet** of top of bank of the Hackensack River. The temporary disturbance to **30,994 SF (0.712 acres)** of riparian zone vegetation shall be replanted in-kind during the next appropriate growing season.
13. All temporarily disturbed sections of the Hackensack River channel shall be restored to pre-construction conditions. Characteristics that shall be replicated include channel shape, width and meandering, ratio of shallow areas to deep areas, anticipated flow rate and velocity, and substrate type. Additionally, the channel bottom shall be restored to pre-construction elevations to ensure there is no loss of intertidal/subtidal shallows.
14. The temporary disturbance to **75,298 SF (1.73 acres)** of wetlands vegetation shall be replanted in-kind within 6 months of the date of disturbance.
15. All diesel on-road vehicles and diesel non-road construction equipment used at the site shall not idle for more than 3 minutes in accordance with N.J.A.C. 7:27-14 (diesel vehicles) and N.J.A.C. 7:27-15 (gasoline vehicles).
16. The following requirements apply to all projects within urban areas or within 500 feet of a school, hospital, daycare facility, elderly housing, convalescent facility or similar sensitive receptor. An urban area is a location within two miles of an urban center or urban complex, as designated by the State Planning Commission (see list at www.stopthesoot.org).

- a. All diesel on-road vehicles and diesel non-road construction equipment used at the site shall use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Nonroad Diesel Rule, 40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068.
 - b. All diesel on-road vehicles that are used on the project for more than ten days shall have engines that meet the United States Environmental Protection Agency's (USEPA) 2007 on-road emission standards or the best available emission control technology that is verified by the USEPA or the California Air Resources Board (CARB) to reduce particulate matter emissions. A list of verified emission control technologies can be found at <http://www.epa.gov/otaq/retrofit/verif-list.htm> for USEPA and at <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm> for CARB.
 - c. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days shall have engines that meet the USEPA Tier 4 non-road emission standards or the best available emission control technology verified by the USEPA or the CARB to reduce particulate matter emissions.
 - d. If there is no technologically feasible emission control technology verified by USEPA or CARB for specific diesel on-road vehicles or diesel non-road construction equipment, the contractor may use the best available emission control technology verified by the Mine Safety and Health Administration or the Switzerland BUWAL program (VERT Filter List) to reduce particulate matter emissions.
 - e. If there is no technologically feasible and appropriate emission control technology, or installation of a control technology would create a safety hazard, including impaired visibility for the operator, the contractor may request a waiver from (*agency in charge of contract or permittee*)
 - f. (*The contracting agency or permittee*) shall send bi-annual reports to NJDEP, Diesel Risk Reduction Program, PO Box 418, Trenton, N.J. 08625-0418. The bi-annual reports shall include summaries of the vehicles/equipment retrofitted, the types of retrofit devices used, any problems encountered with installation or operation of the devices, estimate of emissions reduced, and results of field audits or testing done to ensure compliance with these diesel emission reduction requirements. The reporting shall be done using forms on www.stophesoot.org.
 - g. For construction projects lasting more than one year, an air quality dispersion modeling analysis shall be conducted using the most recent USEPA emissions model for estimating emissions from on-road and non-road mobile sources, and the most recent guidance from the USEPA for quantifying the emission reductions achieved through the use of diesel emission control technology. The purpose of the analysis is to determine the impact of construction phase emissions on local and regional air quality and quantify the reductions achieved through the use of diesel emission control technology. The analysis shall be submitted to NJDEP, Bureau of Technical Services.
17. The repair, rehabilitation, and replacement activities described in the submitted Route 3 Bridges over the Hackensack River Rehabilitation Project (Structures 0204-151 and 0204-152) shall be responsive to the guidance and recommendations contained in the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)*. The New Jersey Department of Transportation (NJDOT) shall document the engineering need or reason for the replacement

- rather than the repair of any character defining features of the bridges, and shall submit this information to the Historic Preservation Office (HPO).
18. Prior to the initiation of any repair, rehabilitation or replacement activities, and with concurrence from the HPO on necessity, the NJDOT shall photographically document any character defining features that may be permanently removed or substantially altered.
 19. The NJDOT shall consult with and afford the HPO an opportunity to review project plans and specifications and comment for their conformity with the *Standards* at the three (3) points delineated in your letter of July 15, 2007 (initial plan stage, final plans and specifications, and final contract).
 20. This permit authorization includes the Division's approval of a Water Quality Certificate for these activities.
 21. ***Prior to the commencement of site clearing***, grading or construction, the permittee shall erect a silt fence and a construction debris fence, such as an orange snow fence, at the limits of disturbance. These fences shall remain in place and be maintained throughout the duration of construction, and until such time as the site is stabilized.
 22. 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.
 23. The approved drawings are seven (7) sheets entitled, "NJDOT, NJ ROUTE 3 OVER THE HACKENSACK RIVER AND MEADOWLANDS PARKWAY, CONTRACT NO. 008994170," dated March 3, 2010, unrevised, and prepared by DEWBERRY-GOODKIND, INC.
 - a. ENVIRONMENTAL PERMIT PLANS, SHEETS EP-1 THROUGH EP-5
 - b. BRIDGE ELEVATION AND SECTIONS, SHEETS B-1 & B-2



Charlie Welch, Supervisor
Roadways & Infrastructure Unit
Bureau of Urban Growth & Redevelopment



Date

cc: Borough of East Rutherford Construction Official
Township of Secaucus Construction Official
Applicant

IV. If you are a person other than the applicant or permittee, please include the following information with your hearing request:

- A. The date you or your agent received notice of the permit decision, and a copy of the permit decision;
- B. Evidence that a copy of your hearing request has been delivered to the applicant for the permit decision which is the subject of your hearing request (e.g., certified mail return receipt);
- C. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
- D. A description of our participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
- E. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or an explanation of how your interests are affected by the permit decision;
- F. Suggested revised or alternative permit conditions;
- G. An estimate of the time required for the hearing;
- H. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- I. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of the hearing request to the Office of Administrative Law; and
- J. This form completed, signed and dated with all the information listed above, including attachments to

1. New Jersey Department of Environmental Protection Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street
P.O. Box 402
Trenton, NJ 08625-0402:

With a copy to:

2. New Jersey Department of Environmental Protection
Land Use Regulation Program
Attention: Director
P.O. Box 439
Trenton, NJ 08625-0439

Signature: _____

Date: _____