




**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 JUN 28 2016
		Expiration Date JUN 27 2021
Permit Number(s): 0000-15-0013.1 FHA150001 0000-15-0013.1 FWW 150001 0000-15-0013.1 FWW 150002	Type of Approval(s): Flood Hazard Area Individual Permit Freshwater Wetlands General Permit 10B Freshwater Wetlands General Permit 11	Enabling Statute(s): N.J.S.A. 13:1D-1 N.J.S.A. 13:9B-1 N.J.S.A. 58:10A-1 N.J.S.A. 58:16A-50
Permittee: New Jersey Department of Transportation Attn: David Rauzino 1035 Parkway Avenue Trenton, NJ 08625	Site Location: Block(s) & Lot(s): ROW Municipalities: Townships of Gloucester and Washington Counties: Camden and Gloucester	
Description of Authorized Activities: This permit grants permission to replace the Route 168 crossing over the South Branch of Big Timber Creek, within the Township of Gloucester, Camden County and the Township of Washington, Gloucester County. This permit also grants permission to permanently disturb 5378 SF (0.123 of an acre) of freshwater wetlands transition area, temporarily disturb 2331 SF (0.054 of an acre) of transition area, and disturb 800 SF (0.018 of an acre) of State Open Waters for said construction under the Freshwater Wetlands General Permit No. 10B, as well as to permanently disturb 345 SF (0.007 of an acre) of freshwater wetlands and temporarily disturb 200 SF (0.004 of an acre) of transition area for the replacement of associated outfall structures under Freshwater Wetlands General Permit No. 11.		
Prepared by:  Chingwah Liang	Received and/or Recorded by County Clerk:	
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.		
This permit is not valid unless authorizing signature appears on the last page.		

SPECIAL CONDITIONS:

1. As of June 20, 2016, the Department adopted a revised version of the Flood Hazard Area Control Act rules, which eliminated the 150-foot wide riparian zone associated with acid soils. While the decision to authorize this permit was based on the version of the Flood Hazard Area Control Act rules in place prior to June 20, 2016, the fact that the 150-foot riparian zone no longer exists means that a 50-foot wide riparian zone exists along the South Branch of Big Timber Creek. Since the allowable riparian zone disturbance for a road reconstruction crossing a regulated water associated with a 50-foot wide riparian zone is 2,500 square feet, and since the approved disturbance within the riparian zone is 6,411 square feet, the applicant shall provide riparian zone compensation at a ratio of 2:1 for 3,911 square feet (7,822 square feet of compensation required), subject to review and approval by the Department in accordance with N.J.A.C. 7:13-10.2.
2. 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. Therefore, the Department did not review the project for compliance with these rules.
3. All excavated material and dredge material 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. **PROVISIONS OF THE FRESHWATER WETLAND GENERAL PERMIT NOS. 10B AND 11**

This permit authorizes the permanent disturbance of **5378 SF (0.123 of an acre)** of freshwater wetlands transition area, the temporary disturbance of **2331 SF (0.054 of an acre)** of transition area, and the disturbance of **800 SF (0.018 of an acre)** of State Open Waters to replace the Route 168 crossing under Freshwater Wetlands General Permit No. 10B. It also authorizes the permanent disturbance of **345 SF (0.007 of an acre)** of freshwater wetlands and the temporary disturbance of **200 SF (0.004 of an acre)** of transition area for the reconstruction of associated stormwater outfall structures under Freshwater Wetlands General Permit No. 11. Any additional disturbance of freshwater wetlands, wetland transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless a permit is obtained prior to the start of the disturbances from the Division of Land Use Regulation. This permit to conduct regulated activities in a wetland or open water includes the Division's approval of a Water Quality Certificate for these activities.
5. For any excavated area in freshwater wetlands, transition areas, and/or State open waters, the excavation shall be backfilled to the preexisting elevation, the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible, the area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous wetlands species.
6. Any pipes laid through wetlands, transition areas, or State open waters shall be properly sealed so as to prevent leaking or infiltration, designed so as not to form a path for groundwater to be discharged or drained from the wetland, and placed entirely beneath the pre-existing ground elevation.

7. 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.
8. 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.
9. In order to protect the general game fish within the South Branch of the Big Timber Creek, no grading, construction or clearing is permitted within any watercourse onsite from May 1st through June 30th of each year. 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).
10. Raw or unset concrete shall not come into contact with the waters of the South Branch Big Timber Creek for any reason.
11. The existing migration patterns of aquatic life in the watercourse shall not be inhibited as a result of this project. This includes the maintenance and/or creation of a low-aquatic fish passage within the disturbed channel and throughout any proposed in-channel structure wherever possible. In addition, any disturbed areas of the channel shall be restored using native, non-acid producing soils and indigenous, non-invasive vegetation.
12. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
13. Upon completion of the project, all temporarily disturbed areas within 50 feet of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).
14. This permit authorizes the permanent disturbance of approximately 6411 SF (0.14 of an acre) to riparian zone vegetation, and the temporary disturbance to 4674 SF (0.107 of an acre) of herbaceous riparian zone vegetation to reconstruct the Route 168 Bridge over the South Branch Big Timber Creek. It also authorizes the permanent disturbance of approximately 420 SF (0.009 of an acre) to riparian zone vegetation, and the temporary disturbance to 53 SF (0.001 of an acre) of herbaceous riparian zone vegetation to construct three new outfalls along Route 168 Bridge over the South Branch Big Timber Creek.
15. All excavation shall be monitored for the presence of acid-producing soil deposits. If such deposits are encountered, the permittee shall adhere to the mitigation and disposal standards outlined in 7:13-10.7 and the Flood Hazard Area Technical Manual. Furthermore, an annual post planting monitoring program shall be established to ensure that the reestablishment of vegetation in all disturbed areas, and in each individual basin, achieves approximately 85% plant survival and coverage rate after two complete growing seasons. Failure to achieve this survival rate shall require the implementation of additional corrective measures and/or the reevaluation of this acid producing soil mitigation proposal.

STANDARD CONDITIONS:

16. **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.
17. **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 modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.
18. **Duty to minimize environmental impacts:** 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
19. **Proper site maintenance:** 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.
20. **Sediment control:** 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.
21. **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 of development resulting from any permit.
22. **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.
23. **Transfer of Permit:** This permit may not be not transferable to any person unless the transfer is approved by the Department. Please refer to the applicable rules for more information.
24. **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.
25. **Noncompliance:**
- a. 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.
- b. 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 08625, 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.
26. **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> and the Checklist is available through the Division's 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:

The drawings hereby approved are nine (9) sheets, prepared by Urban Engineers, Inc., undated and unrevised, certified as noted, entitled;

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 168 OVER BIG TIMBER CREEK, CONTRACT NO. 001093270”

“PERMIT APPLICATION PLAN,” sheets P-1, P-2, and P-3, with sheets P-1 and P-2 certified December 15, 2015 and sheet P-3 certified May 25, 2016

“CONSTRUCTION PLANS”, sheets C-2, C-3, and C-4, each sheet certified December 15, 2015

“GRADES”, sheet G-1 of 1, certified December 15, 2015

“PROFILE”, sheet P-1 of 1, certified February 29, 2016

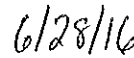
“DETAILS”, sheet D-1 of 1, certified June 20, 2016

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:



Peter DeMeo, Supervisor
Division of Land Use Regulation



Date

C: Municipal Clerk and Construction Official