

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

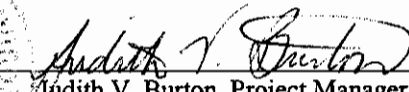
UPC 960133



(See Issuing Division below)



**PERMIT\***

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.		
Permit Nos.: 0000-06-0015.1 FHA 060001 WFD IP Upland 060001; FWGP2 060001; FWGP7 060002; FWGP10B 060003	Application Nos.: 0000-06-0015.1 FHA 060001 WFD IP Upland 060001; FWGP2 060001; FWGP7 060002; FWGP10B 060003	
Issuance Date September 18, 2006	Effective Date September 18, 2006	Expiration Date September 18, 2011
<b>Name and Address of Applicant</b> David Zmoda NJ Department of Transportation P.O. Box 600, 1035 Parkway Avenue Trenton, New Jersey 08625	<b>Name and Address of Owner</b>  Applicant	<b>Name and Address of Operator</b>  Applicant
<b>Location of Activity/Facility (Street Address)</b> US Route 1&9 over NYS&W Railway  Waterway: Wolf Creek	<b>Issuing Division</b> Division of Land Use Regulation	<b>Statute(s)</b> NJSA 12:5-3 NJSA 58:10-1 NJAC 7:7A NJAC 7:13 NJSA 58:16A-50, et seq
Type of Permit: Waterfront Development Permit, Stream Encroachment, Statewide General Permits & Water Quality Certificate	Maximum Approved Capacity, if applicable	
<p>This permit(s) grants permission to: Conduct improvements to US Route 1&amp;9 over the New York Susquehanna &amp; Western (NYS&amp;W) Railway. These improvements include roadway realignment and widening, bridge reconstruction/widening, retaining walls placement, drainage improvements and utility relocations. The proposed project will result in the disturbance of 0.121-acre (5,271 square feet) of State open waters.</p> <p>The project area is located on US Route 1&amp;9 over NYS&amp;W Railway between 91<sup>st</sup> Street in Township of North Bergen, Hudson County and Fairview Avenue in the Borough of Fairview, Bergen County (MP 60.58 to MP 61.10).</p> <p>The authorized work is shown on:</p> <p>Ten (10) plan sheets (5 of 18 - 11 of 18, 16 of 18, 17 of 18 and 18 of 18) entitled "NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE U.S. 1&amp;9 (SECTION 23) OVER NYS&amp;W RAILWAY CONTRACT NO. 0201504 CONSTRUCTION PLAN", signed by Eric Boschen, P.E., dated 4/21/06 and unrevised.</p> <p>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.) provided permit conditions contained herein are met.</p> <p>The permittee shall allow an authorized representative of the Department of Environmental Protection the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.</p>		
Prepared by:  Judith V. Burton, Project Manager		
Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) _____	Title _____
	Signature _____ <b>SEE FINAL PAGE</b>	Date _____

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

(General Conditions are on Page Two)

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.

### **Coastal Permit General Conditions**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

### **CONDITIONS OF THE WATERFRONT DEVELOPMENT PERMIT**

#### ADMINISTRATIVE CONDITIONS

1. This Waterfront Development Permit authorizes activities within the waterfront area and results in permanent maximum disturbance of 0.121-acre of State open water.
2. This permit 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 (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Land use Regulation program immediately thereafter.
3. Prior to the start of any construction activities, the applicant must receive a Tidelands grant, lease or license 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 to remove authorized structures and pay use and occupancy charges.
4. This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the Division of Land Use Regulation at P.O. Box 439, Trenton, NJ 08625.
5. Prior to any construction activities, the permittee must receive authorization from the Hudson and Bergen Counties Soil Conservation Districts.

6. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
7. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
8. The activities shown on the approved 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 any notes and details on said plans and any conditions stipulated herein.
9. No change in plans or specifications shall be made except with the prior written permission of the Department.
10. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
11. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.

#### SPECIAL CONDITIONS

1. 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 State open water.
2. All areas disturbed for access must be vegetated upon completion of the activity. The disturbed area should be allowed to naturally re-vegetate, however, if it is necessary to prevent erosion, the area may be seeded 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. Any discharge of dredge or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill materials.

#### **CONDITIONS OF THE STREAM ENCROACHMENT PERMIT**

4. All excavated material 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.
5. In order to protect warmwater fisheries resources of Wolf Creek, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **May 1 to June 30** of each year. In addition, any activity within the 100-year floodplain or flood hazard area draining to this watercourse which could introduce sediment into said stream(s) or which could cause an increase in the natural level of turbidity is also prohibited during this period. 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.
6. The streambed is not to be disturbed between the cofferdams. Dewatering of cofferdams must ensure that the water quality of Wolf Creek is maintained by adhering to the following:
  - a) Turbidity barrier will be placed around all work areas, but the barrier will not restrict any stream channel by more than 50% of its cross-section. The turbidity barrier should be placed parallel with the stream flow and anchored at the shorelines at points upstream and downstream of the work areas so that stream flows can be maintained at the channel center and outside the work areas.

- b) Turbid water from cofferdam and/or other excavation area dewatering will be routed to temporary sediment basins or filter membrane containers.
  - c) The temporary filtering mechanisms will be sized appropriately to provide retention or filtration of water sufficient to ensure removal of suspended particulates prior to return discharge.
  - d) The return water from the filtering facilities will be discharged to an area that is encompassed by turbidity barrier or silt fence to prevent migration of turbidity or soil erosion.
  - e) The Permittee shall monitor for suspended sediments in nearby streams on a daily basis when any construction/demolition and dewatering is taking place. If sediment discharge is detected, then the project must cease until more appropriate preventative measures are put in place.
  - f) The NJDEP reserves the right to suspend all work activities if turbidity levels of the stream are increased because of the regulated activities.
7. Trees, shrubs, grasses, and other vegetation within 25 feet from the top of all stream banks on site shall not be disturbed for any reason, except where approved by the Department. This applies to all streams and waterways on site, regardless of contributory drainage area.
  8. All rip-rap is to be embedded into stream bed.

#### **Freshwater Wetlands General Permit No 2**

##### Limit of Disturbance General Permit No. 2

This Freshwater Wetlands General Permit 2, authorizes the disturbance of 0.004 acre (174 square feet) of State open water for the relocation of a 36-inch gas main, as well as, a 24-inch and 36-inch water mains at the downstream side of Culvert 1 at Route 1&9 along Wolf Creek tributary. This permit also includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

##### Special Conditions General Permit No. 2

The following special conditions must be met for the activity to be authorized under this permit:

- 1.) The activities shall not cause any change in pre-construction elevation of a freshwater wetland, transition area, or State open water.
- 2.) All excess soil or bedding material shall 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.
- 3.) The upper-most 18-inches of any temporary trench excavation is backfilled with the original soil material if feasible, and otherwise with clean suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill material. Excavations must be backfilled to the preexisting elevation, where feasible.
- 4.) The area above the in-stream excavation must be restored using native streambed substrate.
- 5.) All pipes shall be properly sealed so as to prevent leaking and or infiltration.

**Freshwater Wetlands General Permit No 7**Limit of Disturbance

This Freshwater Wetlands General Permit 7 authorizes the disturbance of 0.01 (305 square feet) of State open water for the construction of an adjacent retaining wall and the relocation of the affected portion of the swale. This permit also includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

Special Conditions General Permit No. 7

The following special conditions must be met for the activity to be authorized under this permit:

- 1.) The permittee shall ensure the regulated activity does not result in the isolation of wetlands or State open waters, which were not previously isolated.

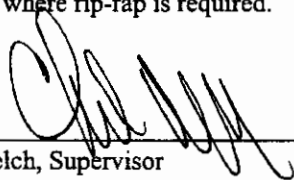
**Freshwater Wetlands General Permit No 10B**Limit of Disturbance

This Freshwater Wetlands General Permit 10B authorizes the disturbance of 0.11-acre (5,750 square feet) of State open water for the replacement of two (2) culverts and reconstruction of a concrete flume associated with improvements to US Route 1&9 across NYS&W Railway along a tributary to Wolf Creek. This permit also includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

Special Conditions General Permit No. 10B

The following special conditions must be met for the activity to be authorized under this permit:

- 1.) The amount of rip-rap or other energy dissipating material placed shall be the minimum necessary to prevent erosion, and shall not exceed 150 cubic yards of fill, unless a larger amount is required in order to comply with the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.
- 2.) The placement of riprap at the outfall for Culvert # 2 into Wolf Creek tributary shall be placed/shaped/imbedded into the streambed so as to not create a barrier to the movement of aquatic biota during low flow/low tide events.
- 3.) Areas of temporary excavation must be restored with native, indigenous species. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc., except where rip-rap is required.

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

  
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Date

9/18/06