



**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 <b>APR 03 2017</b>
		Expiration Date <b>APR 02 2022</b>
<b>Permit Number(s):</b>  0907-14-0002.2 FHA170001 0907-14-0002.2 CDT 170001	<b>Type of Approval(s):</b>  Flood Hazard Area Individual Permit Water Quality Certificate	<b>Enabling Statute(s):</b> NJSA 58:16A NJSA 58:10A NJSA 58:11A-1 NJSA 40:55D-93
<b>Permittee:</b> NJDOT Amber Cheney 1035 Parkway Avenue Trenton, NJ 08625	<b>Site Location:</b> Block(s) & Lot(s): [287, 67] [287, 73] Municipality: Kearny Town County: Hudson	
<b>Description of Authorized Activities:</b>  <p>This permit grants permission to construct a portion of a temporary access road and associated culvert, within the flood hazard area of the Hackensack River, in conjunction with the construction of two inventory storage areas and a security trailer, within Lots 67 and 73 of Block 287, in the Town of Kearny, Hudson County, New Jersey.</p>		
<b>Prepared by:</b>  <u>Anthony Schaffer</u> Anthony Schaffer	<b>Received and/or Recorded by County Clerk:</b>	
<p>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.</p>		
<p><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

**SPECIAL CONDITIONS:**

1. **Upon completion of the proposed project, all areas of disturbance shall be removed and restored to its pre-construction grade, topography, and land coverage.**
2. **This permit does not verify the extent of the size of the contributory drainage area of any watercourse on or near the site.**
3. All excavated 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. 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.
5. 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.
6. 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 may be required: US Army Corps of Engineers.
7. In order to protect the anadromous fishery resources within the Hackensack River any proposed grading or construction activities within the banks of this or any other watercourse on site are prohibited between April 1st through June 30th. 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.

**Provisions of the Hackensack Meadowlands Water Quality Certificate:**

8. Limit of Authorized Disturbance - The authorized activity involves the disturbance of 0.058 of an acre of freshwater wetlands and the temporary impacts to 0.013 of an acre of freshwater wetlands for the construction of a culvert to cross a tidal ditch in order to access the upland portions of the adjoining property. All work is located entirely within the Meadowlands District.
9. Water Quality Certificate - This permit to conduct a regulated activity in a wetland or open water includes the Division's approval of a Water Quality Certificate for these activities.

**STANDARD CONDITIONS:**

1. The issuance of a 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 or structure(s). Neither the State nor the Department shall, in any way, be liable for any

loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.

2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District having jurisdiction over the site.
5. 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.
6. 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 the 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, pursuant to N.J.A.C. 7:13-22.7.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware 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. The written notice shall include:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
  - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
9. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.

10. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
11. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
12. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
  - a. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
13. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris, or structures within or adjacent to the channel while the regulated activity(ies) is being undertaken. Upon completion of the regulated activity(ies), the permittee shall remove and dispose of in a lawful manner, all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
14. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. 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.
15. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
16. Except for an authorization under general permit 1 for channel cleaning under the Stream Cleaning Act at N.J.A.C. 7:13-9.1, the permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address set forth in the rules.

17. The permittee shall perform any mitigation required under the permit prior to or concurrently with regulated activities in accordance with N.J.A.C. 7:13-13.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the regulations.
23. A permit can be suspended or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

**APPROVED PLANS:**

The drawings hereby approved are three (3) sheets prepared by Dewberry Engineers, Inc., undated, unrevised, and entitled:

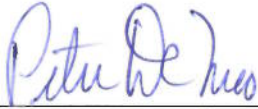
“NEW JERSEY DEPARTMENT OF TRANSPORTATION, FLOOD HAZARD AREA PERMIT PLAN, ROUTE 7 HACKENSACK RIVER WITTPENN BRIDGE PROJECT, CONTRACT 4, TEMPORARY USE OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY PROPERTY,” sheet 3 of 5,

“NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROADWAY PROFILE AND TYPICAL SECTION, ROUTE 7 HACKENSACK RIVER WITTPENN BRIDGE PROJECT, CONTRACT 4, TEMPORARY USE OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY PROPERTY,” sheet 4 of 5, and

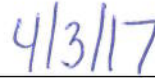
“NEW JERSEY DEPARTMENT OF TRANSPORTATION, WATER QUALITY CERTIFICATE PLAN, ROUTE 7 HACKENSACK RIVER, WITTPENN BRIDGE PROJECT, CONTRACT 4, TEMPORARY USE OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY PROPERTY,” sheet 1 of 1.

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:



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Peter DeMeo, Supervisor  
Division of Land Use Regulation



\_\_\_\_\_  
Date

c: Municipal Clerk & Construction Official