



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)

P E R M I T *

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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 No. 2010-05-0001.1 FHA 050001 (SE) 2010-05-0001.1 FWW 050001 (GP #11) 2010-05-0001.1 FWW 050002 (GP #20)	Application No.
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Issuance Date APR 07 2005	Effective Date APR 07 2005	Expiration Date APR 07 2010
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Name and Address of Applicant New Jersey Dept. of Transportation Attn: Douglas Fadool 1035 Parkway Avenue, PO Box 600 Trenton, NJ 08625	Name and Address of Owner	Name and Address of Operator
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Location of Activity/Facility (Street Address) Lots 1 & 10, 1 Blocks 14 & 23C Borough of Mountainside, Union County	Issuing Division Land Use Regulation Program	Statute(s) NJSA 13:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
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Type of Permit Stream Encroachment Freshwater Wetlands	Maximum Approved Capacity, if applicable
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This permit grants permission to:

construct one stormwater outfall structure, replace one stormwater outfall structure, construct a riprap swale, and stabilize a stream bank along an unnamed tributary to the Nomahegan Brook, at a location approximately 100 feet southeasterly of the intersection of Evergreen Court and U.S. Route 22 within Lot No. 1 and 10 of Block No. 14, and to replace a stormwater outfall structure along Echo Lake Brook at a location approximately 100 feet southerly of the intersection of U.S. Route 22 and Walnut Avenue, within Lot No. 1 of Block No. 23C, and to disturb approximately 0.055 acres of freshwater wetlands and state open water for the outfall construction, and to temporarily disturb approximately 280 square feet of state open water for the streambank stabilization, in the Borough of Mountainside, Union County, New Jersey.

Prepared By: 
Gabriel Mahon

(See page 6 for Principal Environmental Engineer's signature.)

Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature _____ Title _____
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This permit is subject to the following terms and 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 any 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.
9. 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.

10. 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.

11. 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.
- b. No construction authorized by this permit may begin until the enclosed **permit acceptance form** has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed **construction notice** shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed **completion report** shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.

12. 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.
13. 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:
 - Any necessary legal consent from the owners of any affected lot/s for the construction of said work.
14. Any discharge of dredged 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.
15. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.
16. In order to protect the warmwater aquatic resources for the State open waters of the Nomahegan Brook, grading or construction activities within the State open waters of this or any other stream on site are prohibited between **May 1 thru 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.
17. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the waters of Nomahegan Brook or Echo Lake Brook.
18. Disturbed stream banks and adjacent areas are to be restored using native plant materials to ensure stabilization of the banks of the Nomahegan Brook or Echo Lake Brook in the project area.
19. Floating turbidity barrier must not cross more than 50% of the stream cross sectional area at any time during construction phases. The barrier must encompass work areas while allowing for free flow of the stream channel outside the work zone.
20. Dewatering of cofferdams or other construction areas must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the stream channel.

21. This Freshwater Wetlands General Permit 11 authorizes the disturbance of approximately 0.055 acres of freshwater wetlands and State open water for the installation of one new stormwater outfall and replacement of two stormwater outfalls in the Nomahegan Brook and Echo Lake Brook. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a wetland transition area waiver for disturbance which has been determined by the Department to be necessary to accomplish the authorized activities as shown on the approved plans. 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 Land Use Regulation Program.
22. This permit does not authorize the placement of riprap at the area of replacement of two 12 inch stormwater pipe outfalls with the construction of a single 24 x 38 inch elliptical pipe outfall. Existing stones within the streambed can be relocated by hand for stabilization at this outfall.
23. 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 riprap is required.
24. The upper-most 18-inches of any temporary trench excavation is backfilled with the original native streambed material, 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.
 - a) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.
25. This Freshwater Wetlands General Permit No. 20 authorizes the temporary disturbance of approximately 280 square feet of State open water area for the placement of riprap to stabilize 70 linear feet of streambank located on the westerly bank of Nomahegan Brook near the proposed outfall structure. The placement of riprap has been determined by the Department to be necessary to stabilize bank erosion. 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 Land Use Regulation Program.
26. The riprap stabilization must not alter the existing channel of the Nomahegan Brook. Riprap must meet existing streambed elevations at the limit of placement shown on the approved plans and not extend into the stream channel.

27. The drawings hereby approved are nine (9) sheets prepared by Schoor Depalma Engineers and Consultants, undated, unrevised, unless otherwise noted, entitled:

“NEW JERSEY DEPARTMENT OF TRANSPORTATION”

“ENVIRONMENTAL PLAN ROUTE U.S. 22 CONTRACT NO. 00XXXXX”, sheet nos. EP-2, EP-3, EP-4, EP-5, EP-6, and EP-7 of EP-7, dated December 23, 2004, and

“CONSTRUCTION DETAILS, sheet nos. CD-616-1, CD-602-1, and CD610-1.

Nabil Andrews

Nabil M. Andrews, Principal Environmental Engineer
Bureau of Inland Regulation

4/7/2005

Date