



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)



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. 1614-02-0007.1
FHA020001 (Stream Encroachment) Application No.

Issuance Date **MAY 28 2002** Effective Date **MAY 28 2002** Expiration Date **MAY 28 2007**

Name and Address of Applicant: New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625
Name and Address of Operator

Location of Activity/Facility (Street Address): Lot: 2, 3, 4 and 5; Block: 300; Twp: Wayne; County: Passaic
Issuing Division: Land Use Regulation Program
Statute(s): NJSA 13:9B-1, NJSA 13:1D-1, NJSA 58:10A-1

Type of Permit: Stream Encroachment Maximum Approved Capacity, if applicable

This permit grants permission to:

Construct four (4) stormwater outfall structures to Singac Brook (Preakness Brook), and a water quality basin, also to relocate Fairfield Road, to remove a service road, and to realign two ramps (West Belt overpass), all in the floodplain of the Passaic River, located at the junctions of Routes 46, 23 and Interstate 80, within Block No. 300, Lot Nos. 2, 3, 4 and 5, in the Township of Wayne, Passaic County, New Jersey.

Prepared By: George Davis
George Davis

(See page 5 for Section Chief's signature.)

Revised Date Approved by the Department of Environmental Protection
Name (Print or Type) _____ Title _____
Signature _____ Title _____

Terms And Conditions

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 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

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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.
13. 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.
14. 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 as approved by the Department and as

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shown on the approved site plans. This condition applies to all streams and waterways on site, regardless of the contributory drainage area.

15. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on site. This includes, but is not limited to, the cleaning and inspection of all water quality inlets at least twice a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any grassed swales, storm water outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
16. In order to protect the general game fishery resource within Singac (Preakness) Brook, any proposed grading or construction activities within the banks of this or any other watercourse on site are prohibited between May 1 and June 30 of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse that could introduce sediment into said watercourse or that 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. The applicant will be responsible for installing and maintaining a sediment barrier around all soils disturbed by construction which are sufficient to prevent the sedimentation of the stream and any of the tributaries.
18. In order to prevent the toxic effects of concrete on the aquatic biota, the applicant shall take steps to prevent raw concrete from coming in contact with the waters of the stream.
19. The applicant shall be responsible for preserving and minimizing vegetative disturbances in wetlands, transition areas and along Singac (Preakness) Brook. All temporary disturbances shall be replanted with native herbaceous and woody vegetation.
20. The applicant must obtain a Freshwater Wetlands permit or Transition Area Waiver for the proposed construction within freshwater wetlands, wetland transition areas or State open waters on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Land Use Regulations Program. Freshwater Wetlands Permits are needed for the new roads, ramps and stormwater outfall structures. This stream encroachment permit has been approved because the project satisfies the requirements of the Flood Hazard Area Control Act Rules. This decision does not in any way indicate that the required Freshwater Wetlands permits will also be approved. No construction may begin within the wetlands, transition areas, or open waters until all necessary approvals are obtained from the Department.
21. The drawings hereby approved are sixteen (16) sheets prepared New Jersey Department of Transportation, dated February 25, 2002 unrevised, unless otherwise noted, entitled:
"ROUTE 46 CONTRACT NO. 056960348 INTERCHANGE IMPROVEMENTS"
"ENVIRONMENTAL PLANS" sheet no. 2, undated, last revised May 7, 2002
"ENVIRONMENTAL PLANS" sheet no. 3 of 35

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"GRADES" sheet no. 8, revised May 1, 2002

"GRADES" sheet no. 9 of 35, dated December 7, 2001, unrevised

"CONSTRUCTION DETAILS", sheet no. 11 of 35, dated November 23, 2001, unrevised

"CROSS SECTIONS" sheet no. 25 of 35

"CROSS SECTIONS" sheet no. 26 of 35

"CROSS SECTIONS" sheet no. 27, last revised May 1, 2002

"CROSS SECTIONS" sheet no. 28 of 35, revised April 24, 2002

"CROSS SECTIONS" sheet no. 29 of 35, revised April 24, 2002

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Madhu Guru, PE
Section Chief
Northwest/Central Engineering

5/28/02
Date