

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION**

501 East State Street, Station Plaza 5, 2nd Floor

PO Box 420 Mail Code 501-02A

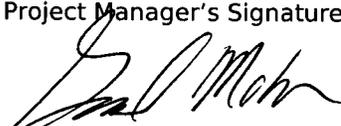
Trenton, New Jersey 08625-0420

Fax: (609) 777-3656 or (609) 292-8115

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." Please note that 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 DEC 22 2010
		Expiration Date DEC 22 2015
Permit Number/s 0112-10-0012.2 FHA100001	Type of Approval/s Flood Hazard Area Individual Permit	Enabling Statute/s N.J.S.A. 13:1D-1 et seq. N.J.S.A. 58:10A-1 et seq. N.J.S.A. 58:16A-50 et seq. N.J.S.A. 13:9B-1 et seq.
Applicant NJDOT, JoAnn Asadpour 1035 Parkway Avenue, P.O. Box 600 Trenton, NJ 08625		Owner (if different from applicant)
<p>Description of Authorized Activities and Limit of Disturbance</p> <p>This permit grants permission to replace the existing Route 322 Bridge over the Big Ditch in the Township of Hamilton, Atlantic County, New Jersey.</p> <p>Note: You must notify the Department in writing at least seven (7) days prior to undertaking any activity authorized by this document. Please direct your notification to the project manager listed below, using the address or fax number shown above.</p>		
Project Location US Route 322 Township of Hamilton Atlantic County		Received by County Clerk
Project Manager's Signature  Document Prepared By: Gabriel Mahon Telephone: (609) 777-0454		
<p>Note: This document must be recorded in the Office of the County Clerk for each county in which the project is located. Once all necessary stamps have been obtained, please mail or fax a copy of this page to the project manager noted to the left within 30 days of the issuance date (or within 90 days if multiple counties are involved). Please note that additional information must be filed with each County Clerk if this approval includes a flood hazard area verification, as described in the following conditions.</p>		
<p>APPROVAL NOT VALID UNLESS AUTHORIZING SIGNATURE APPEARS ON LAST PAGE</p>		

STANDARD CONDITIONS:

1. **Other necessary approvals:** Activities regulated under the Flood Hazard Area Control Act rules may also be subject to other Federal, State and/or local rules, plans and ordinances. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project. *N.J.A.C. 7:13-1.1(e)*
2. **Acceptance of approval:** If you undertake any activity authorized by this document, you thereby accept this document in its entirety and agree to adhere to all terms and conditions listed below. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal of this decision within a limited time as discussed in condition #3 below. You may also contact the project manager shown on the first page of this approval if you have any questions or concerns. *N.J.A.C. 7:13-9.5(a)*
3. **Appeal of approval:** In accordance with N.J.A.C. 7:13-18.1 (and N.J.A.C. 7:7A-1.7 for freshwater wetlands approvals), any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at www.state.nj.us/dep and the Checklist is available through the Division's website at www.state.nj.us/dep/landuse/forms/index.html. *N.J.A.C. 7:13-18.1*
4. **Duration of approval:** This document is valid for five years from its issuance date and shall not be extended. However, the Department can transfer an individual permit and/or verification with the sale of a property to a new owner pursuant to N.J.A.C. 7:13-14.1. *N.J.A.C. 7:13-9.4(a)*
5. **Duty to comply:** The permittee, its contractors and subcontractors shall comply with all conditions of the permit, supporting documents and approved drawings. Any noncompliance with a permit constitutes a violation of the Flood Hazard Area Control Act rules, and is grounds for enforcement action pursuant to N.J.A.C. 7:13-19, as well as suspension and/or termination of the permit. *N.J.A.C. 7:13-9.5(b)1*
6. **Duty to reapply:** If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit. *N.J.A.C. 7:13-9.5(b)2*
7. **Duty to halt or reduce activity:** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. *N.J.A.C. 7:13-9.5(b)3*
8. **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. *N.J.A.C. 7:13-9.5(b)4*
9. **Proper operation and maintenance:** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The operation of back-up or auxiliary facilities or similar systems is only required when necessary to achieve compliance with the permit. The permittee must also properly execute any approved mitigation compensation and/or restoration proposal designed to mitigate losses caused by the permitted activity. The permittee shall maintain the authorized work areas in good condition and in accordance with the permit. *N.J.A.C. 7:13-9.5(b)5*

10. **Proper oversight:** The permittee shall ensure that all approved activities are undertaken using the best management practices available under the supervision and direction of an engineer at all points necessary to ensure compliance with all permit conditions. *N.J.A.C. 7:13-9.5(b)6*
11. **Proper site maintenance:** While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit 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. Upon completion or abandonment of the work, the permittee and/or its agents 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. *N.J.A.C. 7:13-9.5(b)7*
12. **Permit actions:** A permit can be revised, suspended or terminated for cause. The filing of a request by the permittee for a revision, or a notification of planned changes or anticipated noncompliance does not stay any condition of a permit. *N.J.A.C. 7:13-9.5(b)8*
13. **Property rights:** A permit does not convey any property rights of any sort, or any exclusive privilege. *N.J.A.C. 7:13-9.5(b)9*
14. **Duty to provide information:** A copy of the permit and other authorizing documents 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 immediately upon request. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with a permit or to determine whether cause exists for suspension or termination of a permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit. *N.J.A.C. 7:13-9.5(b)10*
15. **Inspection and entry:** The permittee shall allow an authorized representative of the Department, at reasonable times and upon the presentation of credentials, to:
 - i. 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;
 - ii. Have access to and copy any records that must be kept under the conditions of the permit; and
 - iii. Inspect any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of the Flood Hazard Area Control Act rules and subject the permittee to enforcement action pursuant to N.J.A.C. 7:13-19. *N.J.A.C. 7:13-9.5(b)11*
16. **Reporting requirements:** The permittee shall provide reports to the Department as follows:
 - i. **Planned changes:** The permittee shall give notice to the Department prior to any planned physical alterations or additions to the permitted project or activity;
 - ii. **Transfers:** The permit is not transferable to any person unless the transfer is approved by the Department, pursuant to N.J.A.C. 7:13-14.1;
 - iii. **Noncompliance:** The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. The permittee shall report all other noncompliance to the Division of Land Use Regulation by telephone at (609) 292-0060 within two business days of the time the permittee becomes aware of the noncompliance, and 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 the Flood Hazard Area Control Act rules; and

- iv. Other information: 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. *N.J.A.C. 7:13-9.5(b)12*

SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS *N.J.A.C. 7:13-9.5(c)*

17. All excavated material and dredged spoils shall be disposed of in a lawful manner outside of any flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.
18. 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.
19. 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 proposed project for compliance with these rules.
20. In order to protect the *general game fishery resource* within Big Ditch, no grading, construction or clearing is permitted within any watercourse on-site between April 1 and June 30 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
21. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings. No other vegetation within 50 feet of the top of any stream bank on-site shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
22. Upon completion of the project, all temporarily disturbed areas within 50 feet of the top of any stream bank on-site shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 10.2(u).
23. All temporary disturbances must be permanently discontinued within six months after they have begun and all temporarily disturbed areas must be restored to their original condition.
24. A silt fence and a debris barrier fence shall be installed along the limit of disturbance on-site prior to site preparation and/or construction. The fences shall be maintained until such time as any disturbed surfaces have re-established stabilizing vegetation.

Riparian Zone Compensation Conditions:

25. The compensation project must be conducted prior to or concurrent with the construction of the approved project. Concurrent means that at any given time, the compensation must track at the same or greater percentage of completion as the project as a whole. For example, when the project is 50 percent completed, the compensation project cannot be less than 50 percent completed.
26. The permittee must compensate for the impact to 3,722 square feet of grassed riparian zone through an on-site restoration project as shown on the plans entitled "ENVIRONMENTAL PLANS AND SOIL EROSION AND SEDIMENT CONTROL PLANS RT 322 OVER BIG DITCH, BRIDGE REPLACEMENT CONTRACT NO. 043078032" prepared by New Jersey Department of Transportation and dated November 9, 2010.
27. As per N.J.A.C. 7:13-10.2, all permanent impact riparian zone compensation projects must be deed restricted against future development. The conservation restriction shall conform to the format and content of the Riparian Zone Compensation Area model conservation restriction located at <http://www.nj.gov/dep/landuse/forms/index.html>. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in

some counties), in the county wherein the lands of the compensation project are located. A metes and bounds description shown on a map must be included within the recorded conservation easement. If the compensation project is restoration of a temporary impact, a conservation restriction is not required. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Department for verification.

28. In the event that there is a conflict between the permit conditions and the approved riparian zone compensation plans and proposal, the permit conditions take precedent.
29. As per N.J.A.C. 7:13-10.2, the permittee shall monitor the compensation project for at least three (3) years beginning the year after the riparian zone compensation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year.
 - a. All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the riparian zone compensation project, as stated in the approved riparian zone compensation proposal and the permit will be satisfied. If the permittee is finding problems with the compensation project and does not anticipate the site will be a full success, then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed.
 - b. The final monitoring report must document that the site has an 85 percent survival and 85 percent area coverage of the compensation plantings which are species native to the area and similar to ones identified on the compensation planting plan; that all plant species in the compensation area are healthy and thriving; and that all trees are at least five feet in height;
30. If the riparian compensation project is considered a failure, the permittee is required to submit a revised riparian compensation plan in order to meet the success criteria identified in Condition No. 29 above. The plan shall be submitted within 60 days of notification from the Division indicating the riparian compensation project was a failure.
31. The drawings hereby approved are eight (8) sheets prepared by PB Americas, Inc., certified September 22, 2010, unrevised, entitled:

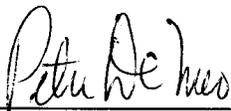
“NEW JERSEY DEPARTMENT OF TRANSPORTATION RT 322 OVER BIG DITCH, BRIDGE REPLACEMENT CONTRACT NO. 043078032”

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLANS DETAILS”, sheet nos. 4 and 5 of 12,

“FLOOD HAZARD AREA INDIVIDUAL PERMIT PLANS”, sheet no. 6, 7, 8, and 9 of 12,

“PROFILES”, sheet no. 10 of 12, and

“ENVIRONMENTAL PLANS & SOIL EROSION & SEDIMENT CONTROL PLANS”, unnumbered sheet, certified November 9, 2010.



Peter DeMeo
Supervising Environmental Engineer
Bureau of Urban Growth and Redevelopment

12/22/10

Date