



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

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 terms, conditions, and limitations 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.

Approval Date

04/11/2025

Expiration Date

04/10/2030

Permit Number:

0722-24-0002.1 LUP240001

Type of Approvals:

Flood Hazard Area Individual Permit

Freshwater Wetlands General Permit 11 –
Outfall Structures

Water Quality Certificate

Governing Rules:

N.J.A.C. 7:13-1.1(b)

N.J.A.C. 7:7A-1.1(a)

Permittee:

West Orange Township
Attn.: James Abbott
66 Main Street
West Orange, NJ 07052
jabbott@westorange.org

Site Location:

Block & Lot: [78.02, 1.03]
Municipality: West Orange Township
County: Essex County

Description of Authorized Activities:

This document authorizes the reconstruction of two (2) stormwater outfall structures and associated disturbances along the East Branch of the Rahway River, as shown on the approved plans.

This authorization to conduct activities in wetlands and waters includes the issuance of a Water Quality Certificate.

The Department has determined that the herein approved activities meet the requirements of the Flood Hazard Area Control Act rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area (SFHA) is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.

Prepared by:

Audra Didzbalis
Audra Didzbalis

Received and/or

**Recorded by County
Clerk:**

If the permittee undertakes any regulated activity, project, or development authorized under this 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 requirements of the permit and all conditions therein.

This permit is not valid unless authorizing signature appears on the last page.

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below and on the first page of this document. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:13-2.18; N.J.A.C. 7:7A-22.

Freshwater Wetlands General Permit 11 – Outfall Structures	Permanent Disturbance	Temporary Disturbance
Freshwater wetlands	0.000	0.000
Transition areas	0.000	0.000
State open waters	0.036 acres (1559 ft ²)	0.005 acres (219 ft ²)

Riparian Zone Vegetation	Area of riparian zone
Permanent Disturbed	0.080 (3481 ft ²)
Temporary Disturbed	0.032 acres (1398 ft ²)

PRE-CONSTRUCTION CONDITIONS:

1. Prior to site preparation or construction onsite, the permittee shall obtain all necessary consent from any affected offsite and/or easement property owners. No work shall occur without proper permissions.
2. Prior to the commencement of site clearing, grading, or construction onsite, the permittee shall install a sediment barrier at the limits of disturbance authorized herein, which is sufficient to prevent the sedimentation of the remaining freshwater wetlands and transition areas and shall serve as a physical barrier protecting these areas from encroachment by construction vehicles or other soil-disturbing activities. All sediment barriers and soil erosion control measures shall be kept in place and maintained throughout the duration of construction, until such time that the site is stabilized.
3. Timing: If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee shall comply with such conditions within the time required by the permit or, if no time specific requirement is imposed, then the permittee shall comply with such conditions within six months of the effective date of the permit, or provide evidence satisfactory to the Division that such conditions cannot be satisfied.
4. De-watering of cofferdams 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 a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain freeflow of the stream

center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.

SPECIAL CONDITIONS:

1. The Department has determined that the regulated wetland area affected by this permit authorization includes only State open waters and no standard transition area or buffer is required adjacent to a State open water. Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et. seq.*) and implementing rules (N.J.A.C. 7:7A) for additional information.
2. The authorized activities shall comply with the applicable conditions set forth under N.J.A.C. 7:7A-5.7, 7.11, and 20.2. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 *et. seq.*). Any additional unpermitted disturbance of freshwater wetlands, State open waters, or transition areas besides that shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the disturbance.
3. 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.
4. Construction may only occur while the stream area is dry or in a de-watered condition. No work may be performed where the stream channel is wet.
5. The riprap proposed within the channel must be carefully imbedded into the channel substrate and contoured to mimic the original physical characteristics of the channel (such as its shape, slope, thalweg and meander) in order to provide low-flow aquatic passage throughout the entire disturbed area. Furthermore, any void spaces within the riprap must be filled with native substrate from the channel.
6. After all in-channel activities are completed, native stream bed material must be replaced within the channel. This material must be contoured to mimic the original physical characteristics of the channel (such as its shape, width, slope, thalweg, meander, and ratio of shallow areas to deep areas,) in order to provide low-flow aquatic passage throughout the entire disturbed area.
7. The Department has determined that the onsite riparian zone along the East Branch Rahway River is 50 feet. Therefore, vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawings and upon completion of the project, all temporary disturbed areas shall be restored with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z).

8. Vegetation along the East Branch Rahway River onsite shall only be disturbed in the areas specifically shown on the approved drawings and upon completion of the project, all temporarily disturbed areas shall be replanted with native, non-invasive vegetation appropriate for the hydrologic conditions of the area.
9. In order to protect general game and fishery resources within the East Branch Rahway River from sediment generating activities, any grading, excavation, or construction activities within the stream or the banks of the stream are prohibited between May 1st through July 31st of each year. In addition, any activity within the flood hazard area or riparian zone of this watercourse which does not minimize the introduction of sediment into said stream or which could cause more than a minimum increase in the natural level of turbidity, is also prohibited anytime but especially during this period. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional measures are required to protect State-regulated resources, or the right to suspend all regulated activities onsite should it be determined that the permittee has not taken proper precautions to ensure continuous compliance with this condition.
10. Regulated areas onsite feature documented and suitable habitat for the federally listed endangered species Northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*). In order to prevent adverse impacts to these species, the clearing of trees is prohibited onsite between April 1 to September 30 of each calendar year.
11. 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.
12. All excavated material must 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.
13. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area shall be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters.
14. This authorization is valid for a term not to exceed five years from the date of this permit. If the permittee wishes to continue an activity covered by the permit after the expiration date, the permittee must obtain a permit extension or a new permit.

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. 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 or designee 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.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management 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:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. 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.

10. 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.
11. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - iii. 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; and
 - iv. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Federal Act, by the Freshwater Wetlands Protection Act, or by any rule or order issued pursuant thereto, any substances or parameters at any location.
12. 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, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, 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.
13. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
14. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
15. 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.
16. 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.
17. 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.

18. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
19. A permit can be modified, suspended, or terminated by the Department for cause.
20. 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.
21. 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.
22. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.
23. 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 Watershed & Land Management through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://dep.nj.gov/wlm/eservices/lrp-eservices/>.

APPROVED PLANS:

The drawings hereby approved consist of seven (7) sheets prepared by prepared by Sara Miller, P.E. of Colliers Engineering and Design, dated March 13, 2025, unrevised, unless otherwise noted, entitled:

**“PERMITTING PLANS FOR REPLACEMENT OF OUTFALL STRUCTURES
BLOCK 78.02 LOT 1.03 TOWNSHIP OF WEST ORANGE ESSEX COUNTY
NEW JERSEY FWWL PERMITTING PLANS”**

“MCCLELLAN TERRACE” Sheet 1 of 1;

“RANDOLPH PLACE” Sheet 1 of 1;

“PERMITTING PLANS FOR REPLACEMENT OF OUTFALL STRUCTURES BLOCK 78.02 LOT 1.03 MCCLELLAN TERRACE & RANDOLPH PLACE TOWNSHIP OF WEST ORANGE ESSEX COUNTY NEW JERSEY NJFHA PERMITTING PLANS” Sheets 1 and 2 of 2, dated December 13, 2024, last revised March 4, 2025;

“CONSTRUCTION PLANS FOR REPLACEMENT OF OUTFALL STRUCTURES BLOCK 78.02, LOT 1.03 McCLELLAN TERRACE & RANDOLPH PLACE TOWNSHIP OF WEST ORANGE ESSEX COUNTY NEW JERSEY” prepared by Alexander Itkin, P.E. of Colliers Engineering and Design, dated March 2025, last revised March 3, 2025

“SOIL EROSION & SEDIMENT CONTROL PLAN: STR. #1 (McCLELLAN TERRACE)” Sheet 3 of 7;

“SOIL EROSION & SEDIMENT CONTROL PLAN: STR. #2 (RANDOLPH PLACE)” Sheet 5 of 7; and

“SOIL EROSION & SEDIMENT CONTROL DETAILS” Sheet 7 of 7;

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at <https://dep.nj.gov/bulletin/>). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at <https://dep.nj.gov/wlm/forms/>). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. Additionally, a copy of the hearing request shall be submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process. If you need clarification on any section of this permit or conditions, please contact Watershed and Land Management’s Technical Support Call Center at (609) 777-0454.

Approved By:



Digitally signed by dennis contoits
Date: 2025.04.11 14:16:43 -04'00'

Dennis Contois, Supervising Engineer
Watershed and Land Management
Bureau of Flood Hazard and Stormwater Engineering

cc: Michael Warrick – michael.warrick@collierseng.com
Cindy Rivera – cindy.rivera@dep.nj.gov
Alexander Itkin, P.E. – alexander.itkin@collierseng.com
Sara Miller, P.E. – sara.miller@collierseng.com