



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY
P.O. BOX 420 MAIL CODE 401-06
TRENTON, NEW JERSEY 08625
(609) 292-1250
FAX: (609) 777-1914

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

August 14, 2012

Ms. Valerie Montecalvo
President
Bayshore Recycling Corporation
75 Crows Mill Road
P.O. Box 290
Keasbey, New Jersey 08832

RE: Waterfront Development Permit/Water Quality Certificate/Acceptable Use Determination
Application No(s): 1225-04-0013.1 WFD120001
Project: Bayshore Recycling Corporation – In-Barge Dredge Material Processing Facility
Keasbey, Middlesex County

Dear Ms. Montecalvo:

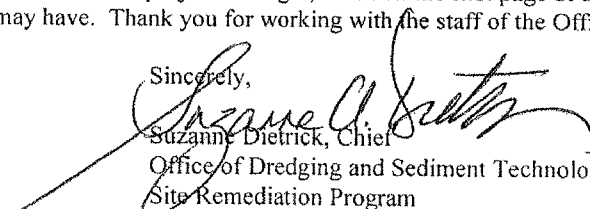
Enclosed, please find an approved construction permit. Please read the permit and its terms and Conditions carefully.

You are required to keep a copy of your permit and the approved drawings at the construction site for the duration of the project. Failure to do so is a violation of the permit.

If you are required to record a Grant of Conservation Restriction/Easement, you must present the Department with proof that you have recorded it within ninety (90) days of issuance of this permit. You may NOT COMMENCE CONSTRUCTION until you have properly recorded the Division of Land Use Regulation approved Grant of Conservation Restriction/Easement documents and fulfilled the pre-construction conditions of this permit.

Please do not hesitate to contact the Office's project manager, listed on the first page of the permit, to discuss any concerns or questions you may have. Thank you for working with the staff of the Office to protect our state's natural resources.

Sincerely,


Suzanne A. Dietrick, Chief
Office of Dredging and Sediment Technology
Site Remediation Program

C: New York Army Corps of Engineers – Christopher Mallery (w/plans)
Woodbridge Township Municipal Clerk (w/plans)
Woodbridge Township Construction Official (w/plans)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

MAIL CODE 401-02C

Division of Solid & Hazardous Waste

P.O. Box 420

Trenton, New Jersey 08625-0420

Telephone: (609) 292-9880 Telecopier: (609) 984-0565

<http://www.state.nj.us/dep/dshw>

CHRIS CHRISTIE

Governor

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Commissioner

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Lt. Governor

**RECYCLING CENTER GENERAL APPROVAL
FOR CLASS B RECYCLABLE MATERIALS
FOR CONCRETE, ASPHALT, BRICK, BLOCK, SLAG, GLASS CULLET
PETROLEUM CONTAMINATED SOILS, STREET SWEEPINGS, POTABLE WATER
TREATMENT RESIDUALS, CARBON FILTRATION MEDIA & UNTREATED WOOD**

Under the provisions of N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-99.11 et seq., known as the Solid Waste Management Act and New Jersey Statewide Mandatory Source Separation and Recycling Act, respectively, and pursuant to N.J.A.C. 7:26A-1 et seq., known as the Recycling Regulations, this approval is hereby issued to:

Bayshore Recycling Corp.

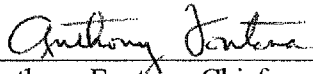
Facility Type:	Recycling Center for Class B Materials
Lot & Block Nos.:	Lots 1, 1-B, 1-R, 2-B & 2-C; Block 51 Lot 1; Block 52 Lots 3-B, 3-R & 4-B; Block 41-C
Municipality:	Township of Woodbridge
County:	Middlesex
Facility ID No.:	132397
Permit No.:	CBG110004

This General Approval is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection (Department).

This General Approval shall not prejudice any claim the State may have to riparian land nor does it allow the registrant to fill or alter, or allow to be filled or altered, in any way, lands that are deemed to be riparian, wetlands, stream encroachment or flood plains, or within the Coastal Area Facility Review Act (CAFRA) zone or are subject to the Pinelands Protection Act of 1979, nor shall it allow the discharge of pollutants to waters of this State without prior acquisition of the necessary grants, permits, or approvals from the Department.

March 26, 2014
Issuance Date

February 1, 2017
Expiration Date


Anthony Fontana, Chief
Bureau of Transfer Stations &
Recycling Facilities



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SITE REMEDIATION PROGRAM
OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY**



401 East State Street
P.O. Box 420, Mail Code 401-06
Trenton, NJ 08625
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>		<p>Approval Date: August 14, 2012</p>
		<p>Expiration Date: August 13, 2017</p>
<p>Permit Number/s: 1225-04-0013.1 WFD120001</p>	<p>Type of Approval/s: Waterfront Development – IP In - Water Acceptable Use Determination Water Quality Certificate</p>	<p>Enabling Statute/s NJSA 12:5-3 NJSA 58:10A</p>
<p>Applicant: Bayshore Recycling Corporation 75 Crows Mill Road, Box 290 Keasbey, Middlesex County</p>	<p>Project Location: Dredge Material Storage and Handling Facility 75 Crow Mill Road Keasbey, Middlesex County Block: 51 Lots 1, 1R 2B, 2 and 2C</p>	
<p>Description of Authorized Activities and Limit of Disturbance: The construction of a dredge material processing facility on an existing pier at the facility. The dredge material processing facility will operate through an "in-barge" stabilization system that incorporates Portland cement to dewater and chemically stabilize dredge material. All processing equipment will be located on the off-loading facility which consists of the following moored structures; one 120' long by 60' wide deck barge, one 366' long by 40' wide deck barge, an access ramp, and one 80' long by 30' wide deck barge. Four bollards will be located on the barges and on the adjacent upland area of the property. Dewatered raw dredge material will be delivered to the facility in scows and moored along the deck barge. All surface water that accumulates on the deck barge and any additional water that accumulates on the dewatered raw dredge material during transport will be pumped to the dedicated "decant scow." The decant scow will be towed back to the dredge site for discharge. Debris that is removed from raw dredge material will be placed in roll-off containers for disposal at a designated facility. Cement will be supplied to the facility by truck and placed into a pug mill system. The cement will be introduced into the dredge material scows via slurry which will be pumped through the mixing head. Once the material has been processed it will be loaded onto trucks for transport directly to an identified upland placement site, or the material may be temporarily stored in the stockpile area located on Block 41C, Lot 3B and Block 52, Lot 1. The dredge material stockpile area has the capacity to store approximately 143,000 cy to a height of 40'.</p> <p>The Acceptable Use Determination (AUD) issued with the previous permit (1225-04-0013.1 WFD 040001) for off-loading raw dredged material from the Bayshore Region have been incorporated into this permit as a means to ensure compliance with all applicable conditions imposed on the facility as it relates to the acceptance, off-loading, processing, storage and transport of dredge material/processed dredged material at the site.</p> <p>This permit is authorized under, and in compliance with the following Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., specifically: Finfish migratory pathways (7:7E-3.5), Navigation Channels (7:7E-3.7), Ports (7:7E-3.11), Docks and piers for cargo and commercial fisheries (7:7E-4.4), Commercial facility use rule (7:7E-7.10), Marine Fish and Fisheries (7:7E-8.2), Water Quality (7:7E-8.4)</p> <p>Prepared by <i>Suzanne U. Getul</i></p> <p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT PURSUANT TO N.J.A.C. 7:7E-1.5(b) 4.</p>		
<p>Received or Recorded by County Clerk</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

CONDITIONS APPLICABLE TO ALL LAND USE PERMITS:

1. In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at <http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf>. 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 the website www.nj.gov/dep/odr for more information about this process;
2. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, supporting documents and approved drawings; and
 - a. Plans and specification in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the department in writing;
 - b. If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Department that such condition(s) cannot be satisfied; and
 - c. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as suspension and/or termination of the permit; This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation has occurred onsite;
3. It shall not be a defense for this 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;
4. 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;
5. The issuance of this 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, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any 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 this 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. This permit can be modified, suspended or terminated for cause. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit;
8. This permit does not convey any property rights of any sort, or any exclusive privilege;
9. 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.
 - a. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and
 - b. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit;

10. The permittee shall allow an authorized representative of the Department, upon notification under current rule and 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 this 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 section shall be considered a violation of this chapter and subject the permittee to enforcement action;
 - d. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules;
11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department;
12. The permittee shall provide reports to the Department as follows:
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit;
 - b. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, 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 this chapter;
 - c. 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;
13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. and must obtain any required approvals from the local Soil Conservation District;
14. If any condition or this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest;
15. This permit is not transferable to any person unless the transfer is approved by the Department;
16. The permittee must obtain any and all other Federal, State and/or local approvals. 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;
17. 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 feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. 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. Only clean non-toxic fill shall be used where necessary;
18. All excavated material and dredge material shall be disposed of in a lawful manner. (For example, it should 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);

19. This permit or verification 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 project is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.

CONDITIONS APPLICABLE TO WATERFRONT DEVELOPMENT PERMIT:

20. The permittee shall obtain an Air Pollution Control Pre Construction Permit from the NJDEP Air Quality Permitting Program Bureau of Preconstruction Permits. The Bureau of Preconstruction permits can be reached at (609) 633-2829 and application forms are available at <http://www.state.nj.us/dep/daqpp/applying.html>.
21. Prior to initiation of any site disturbance, pre-construction, earth movement or any construction activities authorized in this permit, the permittee shall obtain Army Corps of Engineers authorization for the project.
22. This permit does not authorize the discharge of decant water to surface waters of the State at the Bayshore Recycling Corporation unless specifically authorized under a NJPDES/DSW permit. Decant water may be discharged at the site of origin of the dredged material provided the project has received a separate Waterfront Development Permit.
23. The permittee shall comply with all conditions imposed in the Recycling Center General Approval issued to the facility on December 7, 2007 and any modifications thereto as required by this permit.
24. The permittee must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
25. No dredging is authorized by this permit.
26. This facility may only off-load dredge material and process dredge material at the location that is depicted on approved plans.
27. Within 30 days of the effective date of the permit, the permittee shall prepare and submit an Operation and Management (O&M) Plan to this Office for review and approval. That plan shall deal comprehensively with procedures for clean-up of any dredged material, processed dredged material or additive mixture, which is accidentally spilled at the site. The plan must also specify all arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on site. This includes, but is not limited to, a schedule for the cleaning of all sump pits, pumps, and storage tanks. The plan shall also include health and safety procedures. A copy of the O&M plan shall be kept on site and all employees involved in the dredged material processing facility shall be briefed on the contents of the plan.
28. The drawings hereby approved are:
- “Dredge Materials Processing Facility, Keasbey, New Jersey” prepared by Allen W. Cadden, Schnabel Engineering consisting of two (2) sheets entitled:
- Site Plan” dated September 20, 2011, unrevised
 - Process Schematic” dated September 20, 2011, unrevised

Acceptable Use Determination (Dredged Material Processing Facility)

29. This AUD authorizes the processing at the subject facility provided all conditions included herein are met. No dredged material may be processed at this site unless that dredged material has received a Waterfront Development Permit and/or an Acceptable Use Determination, or a written waiver from these requirements.
30. Any dredged material from New Jersey that is processed at the Bayshore Recycling Dredge Material Processing facility that is to be placed at a location out of State shall receive written authorization from the applicable State agency for transport and use at that out of State location.
31. All dredged material to be processed at the Bayshore Dredge Material Processing facility shall be tested in accordance with the attached protocol entitled "Protocol for the Testing of Processed Dredged Material for Use as Structural Fill". Additional testing may be required to meet other NJDEP regulatory requirements for placement of the material at a specific location.
32. Spill plates and other best management practices shall be employed during the off-loading of material from the dredge scows. The spill plates shall remain in place during the entire off-loading and transfer process.
33. All debris sifted from dredged material within a scow shall be placed in roll-off containers and disposed of at an approved construction material disposal facility.
34. Any dust emissions from the dredged material stockpile area/end product stockpile area shall be controlled via use of a water truck.
35. No dredged material shall be processed at this facility unless all permits and approvals have been issued for the designated placement site if it is located in the State of New Jersey.
36. This AUD only authorizes a minimum of 8% Portland Cement as the additive used in the processing of dredged material at the facility. If another additive is to be used at the facility, Bayshore Recycling shall submit a request to amend this AUD and receive written approval from the Department prior to its use at the facility. That application must include all relevant information found in the Department's dredging technical manual, and any subsequent amendments thereto including but not limited to: the source of additives, Material Data Safety Sheets, etc.
37. Any raw or processed dredged material accidentally spilled on the processing area shall be immediately cleaned up and re-introduced in the processing operation.
38. Bayshore Recycling shall maintain daily records noting the transportation vehicle identification number (truck and scow), material quantity, source and destination for all dredged material and admixtures entering and leaving the facility. Weeks Marine shall submit a semi-annual report that details this information to the Department.
39. Any major accidental release of dredged material, admixture or processed dredged material in non-processing areas (surface waters of the state, interstate roadways, etc.) shall be immediately reported to the DEP Emergency Response 24-Hour Hotline at 1-877-927-6337. The report must specify the type of substance discharged, estimated quantity, nature of the discharge, location of the discharge, any action being taken to mitigate the discharge and any other information the Department may request at the time of notification.

40. The Department reserves the right to revise or terminate this authorization at any time as a response to any: complaints, violations of this authorization or its conditions, any violation of any related permit and their conditions and / or failure to comply with the Department's Acceptable Use Criteria for the end use site.

Acceptable Use Determination (Raw Dredge Material Off-Loading Facility)

41. The in-situ bulk sediment chemistry analysis of all raw dredged material accepted at the Bayshore Recycling Corporation facility shall meet the NJDEP's Residential-Soil Remediation Standards as promulgated on June 2, 2008 and any amendments thereto. Any dredged material determined to be greater than 90% sand by the Department shall not be required to provide in-situ bulk sediment chemistry analyses to meet this condition.
42. No dredged material may be accepted at the Bayshore Recycling Corporation facility unless the material has received a Waterfront Development Permit and/or an Acceptable Use Determination from the Department, or a written waiver from these requirements.
43. No dredged material may be accepted at the Bayshore Recycling Corporation facility unless the Department is provided with the beneficial use location(s) for the end product (blended dredged material/Class B material). Said information shall be provided in the AUD application submitted for a specific dredging project.
44. No processed dredged material may be accepted at the Bayshore Recycling Corporation facility from another dredged material processing facility unless an Acceptable Use Determination is received from the Department, or a written waiver from these requirements is obtained.
45. Bayshore Recycling Corporation shall maintain daily records noting the transportation vehicle identification number (truck and scow), material quantity, source and destination for all dredged material and/or end product (blended dredged material/Class B material) entering and/or leaving the facility. Bayshore Recycling Corporation shall maintain daily records of all Class B recyclable material that is placed in the "Unprocessed/Processed Class B Material" Stockpile Area located on Block 41C, Lot 3B. Said records shall be provided to the Office on a yearly basis. Bayshore Recycling Corporation shall provide the Office with a copy of the yearly monitoring reports submitted to the Solid and Hazardous Waste Management Program which provides detailed information on final use location for any end product (blended dredged material/Class B material) exported from the site.
46. Any major accidental release of dredged material or processed dredged material shall be immediately reported to the DEP Emergency Response 24-Hour Hotline at (609) 292-7172. The report must specify the type of substance discharged, estimated quantity, nature of the discharge, location of the discharge, any action being taken to mitigate the discharge and any other information the Department may request at the time of notification.
47. The Department reserves the right to revise or terminate this authorization at any time as a response to any: complaints, violations of this authorization or its conditions, any violation of any related permit and their conditions and / or failure to comply with the Department's Acceptable Use Criteria for the end use site.

Mitigation Requirements:

48. The permittee shall mitigate for the loss of 0.54 acres of intertidal subtidal shallows through an off-site enhancement project.
49. All mitigation shall be conducted prior to or concurrent with the construction of the approved project (N.J.A.C. 7:7E-3.27h(3)). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.
50. At least 30 days prior to the initiation of regulated activities authorized by this permit, for an off-site individual mitigation project, the permittee must submit a mitigation proposal to the Division of Land Use Regulation (Division) for review and approval. Prior to commencement of regulated activities authorized by this permit, the Division must approve of the proposed mitigation project in writing. The permittee has identified the Woodbridge Township Supplemental Environmental Project approved by the Department as a potential off-site mitigation project for the impacts to intertidal-subtidal shallows.
51. If the applicant is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Department's conceptual review of any land being considered as a potential mitigation area.
52. If the permittee is considering purchasing credits from a mitigation bank to satisfy a mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee must submit proof of the purchase of 0.54 mitigation credits to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.
53. The following conditions shall apply to the proposed SEP project:
 - a. Prior to the initiation of regulated activities authorized by this permit the permittee shall submit a final design of the mitigation project for approval and include all of the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located at <http://www.nj.gov/dep/landuse/forms/index.html>.
 - b. The permittee shall obtain a secured bond or other financial surety acceptable to the Division from a firm licensed to provide such services in New Jersey. (N.J.A.C. 7:7A-15.13)
 - c. Prior to the completion of the mitigation project, the permittee shall complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction that meets the requirements of N.J.A.C. 7:7E-3.27(h)6. The conservation restriction shall include the wetland and required transition area and conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: <http://www.nj.gov/dep/landuse/forms/index.html>. The applicant is required to include a metes and bounds description shown on a map. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Mitigation Unit, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-15.14(a))
 - d. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing at least 30 days prior to the start of construction of the wetland mitigation project to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.
 - e. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of mitigation construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.
 - f. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants. Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site to the mitigation area. In addition, soil containing root fragments and above-ground vegetative

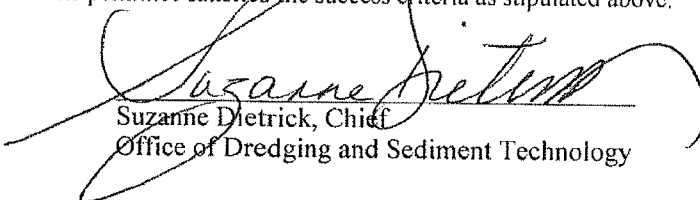
material from invasive plants shall be carefully managed during earthmoving activities and disposed of at a suitable off site location rather than mulched and reused or stockpiled elsewhere on the site. For information on the specific species that are considered to be invasive, please refer to the Invasive Plant Atlas at <http://www.invasiveplantatlas.org/index.html>.

- g. In the event that changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-15.15. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
- h. Within 30 days of final grading of the mitigation site and prior to planting, the permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing to arrange a post-grading construction meeting among the permittee, contractor, consultant and the Division.
- i. Within 30 days following the final planting of the mitigation project, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7E-3B.5(b) and N.J.A.C. 7:7E-3B.5(c)1). The Construction Completion Report shall contain, at a minimum, the following information:
 - i. A completed Wetland Mitigation Project Completion of Construction Form. This form is located at <http://www.nj.gov/dep/landuse/forms/index.html> and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
 - ii. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
 - iii. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983; and
 - iv. For ISS creation projects only:
 - (1) Documentation that the mitigation site meets the definition of an intertidal subtidal shallow, that it is permanently or twice daily submerged from the Spring high tide to a depth of four feet below mean low water.
- j. Within 30 days following final planting of the mitigation project, the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department's permit number.
- k. The permittee is required to monitor the mitigation project according to the following schedule, and to submit monitoring reports to the Division of Land Use Regulation no later than November 15 of each full monitoring year (see N.J.A.C. 7:7E-3B.5(d)):
 - i. The intertidal subtidal portion of the mitigation project shall be monitored for a lunar month after construction until the Department has determined that the project has been successfully completed (see N.J.A.C. 7:7E-3B.5(c)1). If the Department determines that intertidal subtidal shallows mitigation is not successful, then the post construction monitoring shall be repeated the following lunar month (s) until the site has been deemed successful.

- ii. Other wetland mitigation projects shall for monitored for 5 full growing seasons and emergent wetland or State open water mitigation projects for 3 full growing seasons) beginning the year after the mitigation project has been completed.
 - i. The monitoring report, required in k. above, shall include all of the following information for the intertidal subtidal shallows portion of the project:
 - i. A USGS quad map showing the location of the mitigation site; a county road map showing the location (including lot and block) of the mitigation site; copy of an aerial photograph of the mitigation site. The point(s) of access to the mitigation site must be clearly indicated on all maps;
 - ii. A copy of the permit that included the mitigation requirement;
 - iii. A brief description of the mitigation;
 - iv. Photographs of the mitigation site with a location map indicating the location and direction for each photograph and indicating the tidal stage at the time the photo was taken;
 - v. An assessment of the planted vegetation (if any was required) and any species that are naturally colonizing the site. This assessment shall include data sheets from the sampling points which describe the vegetation present, the percent coverage of the vegetation and the location of the water table;
 - vi. Based on the approved water budget prepared in accordance with N.J.A.C 7:7E-3B.2(a)7, documentation demonstrating that the mitigation site is a wetland or intertidal or subtidal shallows. The documentation shall include, as appropriate, monitoring well data, stream gauge date, photographs and/or field observation notes collected throughout the post-construction monitoring period;
 - vii. Documentation, based on field data, that the approved goals of the mitigation project prepared pursuant to N.J.A.C. 7:7E-3B.2(a), are satisfied;
 - viii. A narrative evaluating the success/failure of the project in accordance with N.J.A.C. 7:7:E-3B.5;
 - ix. In the event that the mitigation is a failure in accordance with N.J.A.C. 7:7:E-3B.5, a narrative description of proposed actions that will permanently rectify the problems.
 - m. For the non intertidal subtidal shallows portion of the project, all monitoring reports shall include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist and the information requested below. The Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist are located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>
 - n. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure (see N.J.A.C. 7:7E-3B.5(b)3). This mitigation project will be considered successful if the permittee demonstrates all of the following:
 - i. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;
 - ii. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;
 - iii. The site is less than 10 percent coverage by invasive or noxious species.

- iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
- v. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.
- o. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7E-3B.5(d)9). The Division will notify the permittee in writing if the mitigation project is considered to be a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

8/14/12
Date


Suzanne Dietrick, Chief
Office of Dredging and Sediment Technology

**PROTOCOL FOR THE TESTING OF PROCESSED DREDGED
MATERIAL FOR USE AS STRUCTURAL FILL**
Revision (10/08)

The analytes which must be tested for are listed in the tables found at:

- http://www.nj.gov/dep/srp/regs/rs/rs_appendix1.pdf
- Hexavalent and Trivalent Chromium
- Attachment 2 - 6 NYCRR Part 371.3(e)(1) - Maximum Concentration of Contaminants for the Toxicity Characteristic (IF PROCESSED DREDGED MATERIAL IS TO BE BENEFICIALLY USED IN THE STATE OF NEW YORK)

The specific sampling plan will identify the pollutants that are to be analyzed for the dredging project.

Laboratories selected to perform required analyses must be certified by the Department for the particular analytical method to be performed. Please verify current certification status with the Office of Quality Assurance (Phone: (609) 292-3950).

Since the dredged material will be treated with other materials that will alter its physical and chemical composition, additional tests must be performed on the end product. The required tests are as follows:

- Bulk sediment chemistry, grain size, total organic carbon, and percent moisture analyses must be performed on each raw sediment composite/core sample or vertically stratified sample. Any water which separates from the raw sediment sample during transport/storage (i.e., porewater) must be re-mixed with the solid components of the sediments prior to forming the core or composite samples; this porewater must not be decanted from the sediment sample.
- For each core/composite sample/vertically stratified sample, a sample of the processed dredged material product will be created by combining measured amounts of proposed additive with a pre-weighed sample of the sediments to be dredged. The mixing time will, to the greatest extent possible, replicate the residence time in the blending facility/operation to be used in the actual full-scale project. The ratio of proposed additive to composite sediment sample, by weight, will be recorded. The dredged material product to be tested will be formed using the "recipe" (proportions of dredged material and proposed additive) which replicates the actual dredged material product to be used as structural fill on the site. The dredged material product will be pulverized, and each composite sample will be subjected to bulk sediment analyses.
- The dredged material product samples will be pulverized, and each sample subjected to a Synthetic Precipitation Leaching Procedure (SPLP) using the USEPA Method 1312.

A final report, including the results of the raw sediment and dredged material product testing, will be submitted to the Department in a series of three (3) summary data tables:

- Raw sediment bulk sediment chemistry
- Dredged material product bulk sediment chemistry
- Dredged material product SPLP results