



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

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
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." 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 May 20, 2019
		Expiration Date May 19, 2024
Permit Number(s): 0807-16-0001.2 WFD190001	Type of Approval(s): Waterfront Development IP In-Water	Enabling Statute(s): NJSA 12:5-3 et seq. WFD
<p>Permittee: Gary Lewis Delaware River Partners LLC 1345 Ave of The Americas New York, NY 10105</p>	<p>Site Location: Delaware River Partners Gibbstown Logistic Center – Dock 2 Block(s) & Lot(s): [8, 2] [8, 3] [8, 4.01] [8, 4.02], portions of [8,1] and [8,4] Municipality: Gibbstown, Greenwich Township County: Gloucester</p>	
<p>Description of Authorized Activities:</p> <p>Construction of a new dock consisting of two loading platforms, eight breasting dolphins, 11 mooring dolphins and walkways. The total area of the dock structure is 139,127 square feet as shown on the approved plans on the last page of the permit.</p> <p>Dredge no more than 665,000 cubic yards of sediment within a 45-acre area of the Delaware River. The depth of dredging shall be limited to -45 feet below mean low water (-45' MLW) plus two foot (2') of allowable overdraft and shall be restricted to the limits as depicted on the authorized plans. Dredging shall be accomplished using a closed clamshell environmental bucket.</p> <p>This authorization to conduct activities in the Delaware River includes the issuance of a Water Quality Certificate.</p>		
<p>Prepared by: <i>Suzanne U. Dietrick</i> Suzanne U. Dietrick, Division of Land Use Regulation</p>		<p>Received and/or Recorded by County Clerk:</p>
<p>If the permittee undertakes any regulated activity authorized under a 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 permit and all conditions therein.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

SPECIAL CONDITIONS

1. The Department, the Commissioner of the Department, and Administrator of the Spill Compensation Fund reserve all authority and rights against all parties responsible for the discharges or in any way responsible for the hazardous substances present at the site with respect to liability for all costs and damages, including but not limited to damages for injury to, destruction of, or loss of natural resources (including the costs to conduct primary restoration to pre-discharge conditions and compensatory restoration damages) and for the costs of any natural resource damage assessments. The Department and Commissioner of the Department further reserve their authorities and rights to seek all available relief, including equitable relief and the right to require any person responsible for the contamination at or migrating from the site to address natural resource injuries. Any approvals provided herein are without prejudice to the above-referenced authorities and rights.
2. Prior to the start of any in-water site disturbance authorized in this permit, the permittee shall obtain the following:
 - a. Valid Tidelands Instrument as applied for on March 1, 2019;
 - b. United States Army Corps of Engineering authorization for the project.
3. To minimize impacts to migrating and spawning of anadromous fish, any and all in-water work or sediment generating disturbances is prohibited from March 15 to June 30 of each year.
4. The depth of dredging shall be limited to -45 feet below mean low water (- MLW) plus 2 foot of allowable overdredge.
5. Dredging shall be restricted to the limits as depicted on the authorized plans. The volume of material to be dredged shall not exceed 665,000 cubic yards (cy) as shown on the approved plans.
6. A pre-construction dredging report shall be completed and sent to the Office of Dredging and Sediment Technology 14 days prior to construction. Please refer to the NJDEP, Land Use Regulation Program website.
7. The permittee shall employ the services of an independent dredging inspector to monitor dredging activities twice per week. The permittee shall submit the resume of the dredging inspector to the Department for review and receive written approval prior to the initiation of dredging. The independent dredging inspector shall perform inspections of the dredging contract a minimum of twice per week using the attached WQC Field Inspector form. The permittee shall submit the completed inspection forms to the NJDEP, ODST on at least a weekly basis.
8. Upon completion of dredging, a completion report shall be completed and sent to the Office of Dredging and Sediment Technology. The dredging contractor shall complete and submit the attached Dewatering Form to the independent dredging inspector on a weekly basis as part of the Quality Control Report provided to the permittee. Said Dewatering Form shall be certified by the independent dredging inspector that they have witnessed the dewatering process during the preceding week. The permittee shall submit the completed Dewatering Form with appropriate certifications by email to Mark.Davis@dep.nj.gov of the Office of Dredging and Sediment Technology for the preceding week.

9. REPORTING REQUIREMENTS: At the completion of the dredging project, the permittee shall submit the following information to the Office of Dredging and Sediment Technology. This information shall be submitted within three months of completion of dredging.
- Start and finish date of work order(s)
 - Post-dredge hydrographic survey
 - Completed "Notice of Completion of Work" attached for each work order(s)/completion of Project.

Closed Clamshell Environmental Bucket

10. Any fine-grained sediments dredged within the approved dredge area shall be removed using a closed clamshell environment bucket.
11. The dredge shall be control the rate of descent of the bucket to maximize the vertical cut of the clamshell bucket while not penetrating the sediment beyond the vertical dimension of the open bucket (i.e. overflowing the bucket). This will reduce the amount of free water in the dredged material, will avoid overflowing the bucket, and minimize the number of dredge bucket cycles needed to complete the dredging contract. The dredging contractor shall use appropriate software and sensors on the dredging equipment to ensure consistent compliance with this condition during the entire dredging operation. The independent dredging inspector shall monitor the operation of the software and sensors during the inspections as specified in the below conditions. Any malfunction of the software and sensors on the dredge at any time shall be immediately reported to the independent dredging inspector and the permittee by the dredging contractor and shall be immediately repaired to working order.
12. The closed clamshell environmental bucket shall be equipped with sensors to ensure complete closure of the bucket before lifting the bucket. Said sensors shall be operational during the entire dredging operation.
13. The closed clamshell environmental bucket shall be lifted slowly through the water, at a rate of 2 feet per second or less.
14. Dredged material shall be placed deliberately in the barge to prevent spillage of material overboard.
15. The discharge (i.e. "overflow") of water from the barge/scow into which dredged material is placed is prohibited.
16. All barges or scows used to transport sediment shall be of solid hull construction or be sealed with concrete.
17. The gunwales of the dredge scows shall not be rinsed or hosed during dredging except to the extent necessary to ensure the safety of workers maneuvering on the dredge scow.
18. All decant water holding scows shall be water tight and of solid hull construction.
19. Decant water from this project may only be discharged within the dredge area from where the sediments originated, in proximity to the dredging contract area. Discharge to another receiving

waterbody requires prior approval from the Department, and may require a New Jersey Discharge Pollutant Elimination System/Discharge to Surface Water (NJDPES/DSW) permit.

20. All decant water shall be held in the decant holding scow a minimum of 24 hours after the last addition of water to the decant holding scow. Said water contained in the decant holding scow may only be discharge after this mandatory 24-hour retention time.
 - a. Should the contractor wish to reduce the required holding time, the contractor shall demonstrate that the reduced holding time is sufficient to meet a total suspended solids (TSS) background value of 30 mg/L. The total suspended solids shall be determined through gravimetric analysis. No discharge shall be permitted from the decant holding scow until the results of the gravimetric analysis have confirmed that the 30 mg/L background level has been achieved. No additional water shall be added to the decant holding scow between the time of sample acquisition and discharge. Upon successful demonstration that the reduced holding time is sufficient to meet the TSS background level of 30 mg/L, the monitoring of TSS may be suspended and the demonstrated settling time shall replace the 24-hour minimum. A successful demonstration of the reduced holding time efficiency shall be determined once three consecutive TSS analyses have confirmed that the 30 mg/L action level has been achieved by the reduced holding time.
 - b. Should the contractor wish to demonstrate this reduced holding time, all records including time of last addition of decant water into the scow, time of TSS sampling and the results of TSS sampling shall be submitted to the NJDEP as soon as they become available, together with a request for a reduced holding time.
21. During pumping of the decant water from the holding scow, great care shall be taken to avoid re-suspending or pumping sediment which has settled in the decant holding scow.
22. The dredging contractor shall complete and submit the attached Dewatering Form to the independent dredging inspector on a weekly basis as part of the Quality Control Report provided to the permittee. Said Dewatering Form shall be certified by the independent dredging inspector that they have witnessed the dewatering process during the preceding week. The permittee shall submit the completed Dewatering Form with appropriate certifications by email to the Office of Dredging and Sediment Technology for the preceding week.
23. Acceptable Use Determination for Dredged Material

The 665,000 cubic yards of dredged material to be removed from the berthing facility was sampled in accordance with an approved Sediment Sampling and Analysis Plan (SSAP) dated December 24, 2019. The analytical results of the sediment sampling were submitted with the Waterfront Development Permit on March 20, 2019. The NJDEP has reviewed the analytical results for the project and the document entitled "Dredged Material Management Plan, DRP Gibbstown Logistics Center, - Dock 2 Gibbstown, NJ "(DMMP) dated March 2019. The NJDEP has also reviewed the five sheets entitled "Dredge Material Management Plan, Dock 2, DRP Gibbstown Logistic Center, Gibbstown, New Jersey" dated March 13, 2019, and prepared by Nestor D. Soler, PE of Ramboll Environ.

The following conditions are the Acceptable Use Determination for the 665,000 cy of material to be managed from this project:

- a. Sixty days prior to the initiation of dredging as authorized in this permit, the permittee shall schedule an on-site meeting with the NJDEP and designated contractor (s) performing the dredging, processing and placement of the material to finalize the dredging schedule, disposal and beneficial use site options.
 - b. Fort Mifflin CDF - Placement of the dredged material or processed dredged material from this project at the identified out-of-state placement sites is addressed in separate authorizations and approvals issued by the Pennsylvania Department of Environmental Protection and the owner/operator of the site.
 - c. Whites Rehandling Basin – Placement of the dredged material from this project shall comply with the conditions specified in the Weeks Marine Waterfront Development Permit In-Water, Water Quality Certificate and Acceptable Use Determination (DEP File #0809-08-0010.1 LUP190001 and CDT180001)
 - d. If the permittee proposes to place the dredged material from this project at a location different from that approved in this permit, written authorization in the form of a minor or major technical modification must be obtained from the Department prior to the transport of any dredged material to the alternative placement location.
24. To protect sensitive habitat for the State-listed Osprey, the permittee shall adhere to a seasonal restriction on the use of heavy construction equipment/machinery within 1000 feet (300 meters) of any active osprey nest along the project limit of disturbance from April 1 through August 31 of each calendar year. The initiation and implementation of work which generates disturbance (e.g., sound levels, visual interruption) that is out of character with what currently exists at or surrounding the anticipated work area during the restricted time-period recommended above may result in the permittee being in violation of the “take” clauses within State of New Jersey (Endangered and Nongame Species Conservation Act, NJSA 23:2A-1) and federal (Migratory Bird Treaty Act, 16 USC 703-712) statutes.

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(s). 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 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 by telephone at (877) 927-6337 (Warn DEP Hotline) of any noncompliance that may endanger the public health, safety, and welfare, or the environment. In addition, the permittee shall inform the Division of Land Use Regulation 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:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - d. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
7. 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.
8. 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.
9. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
10. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
11. The permittee shall allow an authorized representative of the Department, 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 the 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 paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action under.
12. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action under, as well as, in the appropriate case, suspension and/or termination of the permit.
13. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect so long as the regulated activity or project, or any portion thereof, is in existence, unless the permit is modified.
14. For Coastal Permits, Flood Hazard Permits and Flood Hazard Verifications, 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 the Division of Land Use Regulation at the address set forth in the rules.

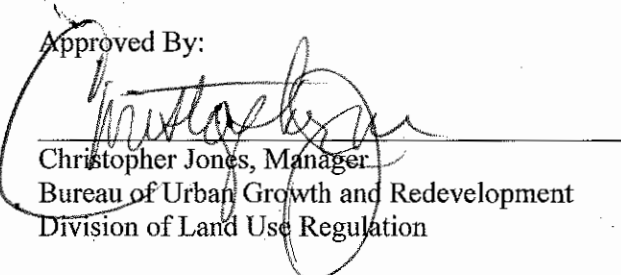
15. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
16. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
17. A permit shall be transferred to another person only in accordance with the regulations.
18. A permit can be suspended or terminated by the Department for cause.
19. 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.
20. 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.
21. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, P.O. Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
22. 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(ies) is being undertaken. Upon completion of the regulated activity(ies), 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.
23. The regulated activity shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.

APPROVED PLANS:

- The drawings hereby approved consist of five (5) sheets prepared by Nestor D. Soler, PE of Ramboll Environ, dated March 13, 2019, unrevised and entitled "DREDGE MATERIAL MANAGEMENT PLAN – DOCK 2, DRP GIBBSTOWN LOGISTICS CENTER, GIBBSTOWN, NEW JERSEY"
- "DRP GIBBSTOWN – LOGISTIC CENTER, DOCK 2", prepared by Thomas Shafer, P.E. Maser Consulting, dated February 21, 2109, unrevised, and entitled:

- INDEX OF DRAWINGS, Sheets 3 of 20,
- PROJECT AREA, Sheet 4 of 20,
- PLAN - DREDGING, Sheet 5 of 20,
- SECTIONS – DREDGING SHEET 1 of 3, Sheet 6 of 20,
- SECTIONS – DREDGING SHEET 2 of 3, Sheet 7 of 20,
- SECTIONS – DREDGING SHEET 3 of 3, Sheet 8 of 20,
- PLAN – GENERAL ARRANGEMENT BERTH A AND BERTH B. Sheet 9 of 20
- PLAN – PILE BERTH A AND BERTH B, Sheet 10 of 20
- PLAN – DECK BERTH A AND BERTH B, Sheet 11 of 20
- PLAN – ENLARGED BERTH A AND BERTH B, Sheet 12 of 20
- PLAN – LANDSIDE TRANSITION BERTH A AND BERTH B, Sheet 13 of 20
- PLAN – SECTION LANDSIDE TRANSITION BERTH AND BERTH B, Sheet 14 of 20
- SECTION – TYPICAL TRESTLE, Sheet 15 of 20
- SECTION – TYPICAL MOORING DOLPHIN, Sheet 16 of 20
- SECTION – TYPICAL BREASTING DOLPHIN, Sheet 17 of 20
- SECTION – TYPICAL SHARED DOLPHIN, Sheet 18 of 20
- SECTION – LOADING PLATFORM, Sheet 19 of 20
- SECTION – TYPICAL WATERWAY SUPPORT, Sheet 20 of 20

Approved By:



Christopher Jones, Manager
Bureau of Urban Growth and Redevelopment
Division of Land Use Regulation

5/20/19

Date

Original sent to Agent to record

c: Permittee

Construction Official