



**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

<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 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.</p>		<p>Approval Date December 30, 2021</p>
		<p>Expiration Date December 29, 2026</p>
<p>Permit Number(s): 0807-21-0002.1 LUP210001</p>	<p>Type of Approval(s): Flood Hazard Area Individual Permit Waterfront Development Individual Permit (Commercial/Industry/Public (Landward) Coastal Wetlands Permit Water Quality Certificate</p>	<p>Governing Rule(s): N.J.A.C. 7:7-1.1(a) N.J.A.C. 7:13-1.1(a)</p>
<p>Permittee: Delaware River Partners 200 North Repauno Avenue Gibbstown, NJ 08027</p>		<p>Site Location: Rail Infrastructure Project Block: Lot: [8:1,2,4] Municipality: Greenwich Township County: Gloucester</p>
<p>Description of Authorized Activities:</p> <p>The construction of 11,600 linear feet of a new double track rail loop following the alignment of an existing unpaved roadway that runs parallel to the Sand Ditch and another unpaved roadway on top of a levee system that runs parallel to the Delaware River.</p> <p>This permit includes the State's Water Quality Certification pursuant to Section 401 of the federal Water Pollution Control Act (33 USC 1251 et seq.).</p> <p>This permit is authorized under, and in compliance with, the Coastal Zone Management (CZM) Rules (N.J.A.C. 7:7-1.1, et seq.) as amended on October 5, 2021.</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the Flood Hazard Area Control Act (FHACA)/CZM 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 National Flood Insurance Program (NFIP) standards, regardless of any state-issued permits. The Federal Emergency Management Administration (FEMA) requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
<p>Prepared by: Suzanne U. Biggins</p>		<p>Received and/or Recorded by County Clerk:</p>
<p>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.</p>		
<p align="center">This permit is not valid unless authorizing signature appears on the last page.</p>		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described below. 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. 7:7-2.1; N.J.A.C. 7:13-2.1.

Riparian Zone Vegetation	Area of riparian zone (Acres)
Permanent Disturbed	0.14
Temporary Disturbed	0

WFD IP- Commercial/Industrial/ Public (Landward)	Permanent Disturbance (Acres)	Temporary Disturbance (Acres)
Coastal Wetlands	0.019	0

PRE-CONSTRUCTION CONDITIONS:

1. This permit does not authorize any disturbance of freshwater wetlands and transition areas regulated under the Freshwater Wetlands Protection Act. Prior to the start of any disturbance to freshwater wetlands and transition areas regulated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), the permittee shall obtain the pending Freshwater Wetland Individual Permit from the Division of Land Resource Protection (DLRP File No. 0807-21-0002.1 LUP210002).
2. Within 30 days of permit issuance and/or prior to any construction or site preparation (whichever occurs first), the permittee shall submit to the Division for review and approval a proposal for providing public access in accordance with the Public Access Law, N.J.S.A. 13:1D-150 to -156. The Division approved public access project must be constructed prior to, or concurrent with, the construction of the project authorized by this permit.

FLOOD HAZARD AREA PERMIT SPECIAL CONDITIONS:

1. The Department has determined that the required riparian zone adjacent to the regulated waters affected by the project is 50 feet from the top of the bank. This permit authorizes the permanent disturbance to 0.14 acres (6,246 square feet) of riparian zone vegetation for the construction of rail infrastructure. Any additional disturbance to the riparian zone shall be considered a violation of the Flood Hazard Area Control Act Rules (FHACAR) unless a permit is obtained, prior to the start of the disturbance, from the Division of Land Resource Protection.
2. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved site plan, which would affect water quality, shall be reviewed and approved by the Department prior to construction.

3. The Department has approved this permit because the project satisfies the requirements of the Flood Hazard Area Control Act Rules and Coastal Rules. The Department has not reviewed the proposed structure/s to determine compliance with the International Building Code or any other local construction codes or flood ordinances. Please contact your municipal construction official for further information.
4. All foundations, slabs, footings and walls of the proposed structure/s shall be designed to resist uplift, flotation, collapse and displacement due to hydrostatic and hydrodynamic forces resulting from flooding up to an elevation 10.0 feet NAVD. Furthermore, all structural components shall be designed to resist the same forces.

WATERFRONT DEVELOPMENT PERMIT SPECIAL CONDITIONS:

1. To protect sensitive habitat for the State-listed Bald Eagle, the Permittee shall adhere to a seasonal restriction on the use of heavy construction equipment/machinery within 300 meters (1000 feet) of any bald eagle nest along the project limit of disturbance from January 1 through July 31 of each calendar year. Adherence to this seasonal restriction shall also be applied if nest building and nest occupancy is observed at any nest location during the months of December and January of the given calendar year of work.
2. To protect sensitive habitat for the State-listed Osprey:
 - a. The Permittee shall adhere to a seasonal restriction on the use of heavy construction equipment/machinery within 300 meters (1000 feet) of any active osprey nest along the project limit of disturbance from April 1 through August 31 of each calendar year. Adherence to this seasonal restriction shall also be applied if nest building and nest occupancy is observed at any given osprey nest location during the months of March and April of the given calendar year of work.
 - b. Avian nest structures sufficient to support osprey nesting and currently exist along Sand Ditch shall be relocated as illustrated on site plan sheet WP-01 dated 24 May 2021, last revised and signed on 9 December 2021. No component of authorized activities along the rail loop, inclusive of project site preparation, clearing, grading, or other site disturbance, may take place until after the Permittee has demonstrated to the Department that the effort to protect nesting habitat has been completed.
3. This permit is issued subject to compliance with N.J.A.C. 7:7-27.2 Conditions that apply to all coastal permits.

COASTAL WETLANDS MITIGATION CONDITIONS:

1. The permittee shall mitigate for the permanent loss of **0.019 acres** of coastal wetlands through an on-site or off-site creation, restoration or enhancement project with the purchase of credits from a mitigation bank serving the appropriate watershed management area.
2. At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options. **Within 60 days and prior to initiation of regulated activities**, the permittee shall submit proof of purchase for the amount of mitigation credits listed above to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Resource Protection at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

- *Abbot Creek-Contact Mark Renna, Evergreen Environmental, LLC, at (201)644-7302 (office) or 973-356-7164 or by email at mrenna@evergreenenv.com*

3. If mitigation credits are no longer available from the above referenced mitigation bank, the permittee shall contact the Division of Land Resource Protection, Mitigation Unit to arrange for an alternative mitigation option **prior to the initiation of regulated activities.**

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 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 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:
 - 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 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 issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. 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.
14. 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.

15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. 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.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. 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.
19. 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.
20. 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.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. 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.
25. 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.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code

401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.

APPROVED PLAN(S):

The drawing(s) hereby approved consist of six (6) sheet(s) prepared by Nester D. Soler, P.E. of Ramboll dated 5/24/2021, last revised 12/9/2021, and entitled:
“PERMITTING PLANS, PROPOSED RAIL INFRASTRUCTURE, DRP GIBBSTOWN LOGISTICS CENTER, BLOCK 8, LOTS 1, 2 AND 4, TOWNSHIP OF GREENWICH, GLOUCESTER COUNTY, NEW JERSEY”

- “RAIL ALIGNMENT OVERALL PLAN”, Sheet WP-01
- “RAIL ALIGNMENT - NORTHEAST QUADRANT”, Sheet WP-02
- “RAIL ALIGNMENT – SOUTHEAST QUADRANT”, Sheet WP-03
- “RAIL ALIGNMENT – NORTHWEST QUADRANT”, Sheet WP-04
- “RAIL ALIGNMENT – SOUTHWEST QUADRANT”, Sheet WP-05
- “RAIL PROFILES AT WATER CROSSINGS”, Sheet WP-06

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 www.nj.gov/dep/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 www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Resource Protection 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 the Division of Land Resource Protection’s Technical Support Call Center at (609) 777-0454.

Approved By:

Janet Stewart, Section Chief
Bureau of Coastal Permitting
Division of Land Resource Protection

c: Municipal Clerk, Greenwich Township, clerk@greenvichtownship.org
Construction Official, Greenwich Township, clerk@greenvichtownship.org
Ms. Laura George, lgeorge@ramboll.com