

APPENDIX M - AGENCY COORDINATION AND PERMITS

Pertinent permitting requirements are addressed in the following subsections. Please be further advised that this project does not fall under the jurisdiction of any of the following agencies:

- Pinelands Commission
- Coastal Area Facilities Review Act
- NJ Meadowlands Commission
- Delaware and Raritan Canal Commission
- Delaware and Raritan Basin Commission
- NJ Highlands Water Protection and Planning Council

WATERFRONT DEVELOPMENT PERMIT - NJDEP DIVISION OF LAND USE

The NJDEP regulates tidal water activities under N.J.A.C 7:7E - Coastal Zone Management Rules. In central to northern New Jersey, the NJDEP has jurisdiction from the *“mean high water line of a tidal water body to the first paved public road, railroad or surveyable property line existing on September 26, 1980 generally parallel to the waterway, provided that the landward boundary of the upland area shall be no less than 100 feet and no more than 500 feet from the mean high water line”*. *“Within this zone, DEP must review construction, reconstruction, alteration, expansion or enlargement of structures, excavation, and filling.”*

As part of the waterfront development permit application, a NJDEP Natural Heritage Program (NHP) response letter was received on July 22, 2014, indicating the species and habitats of concern for the project site.

Please note that no tidal waters or navigable waters of the United States would be impacted and therefore, no coordination with the U.S. Army Corps of Engineers is required.

Please review the site plan included as Appendix D for details of wetland and waterfront areas.

COASTAL WETLANDS PERMIT - NJDEP DIVISION OF LAND USE

The Wetlands Act of 1970 required coastal wetlands to be delineated and mapped by NJDEP. Aerial photographic mapping was completed in the early 1970s and the regulatory boundaries are shown as “upper wetlands boundary” lines on the NJDEP Geo-Web layers. Wetlands permits are required for all activities located within the mapped coastal wetland areas.

Coastal wetlands that are mapped adjacent to the MCUAEPS would be impacted by the temporary construction road for the installation of the northwest tunnel access shaft riser ring, but no permanent impact would occur. A permit will be obtained as part of the NJDEP permit application package.

FRESHWATER WETLANDS PERMIT - NJDEP DIVISION OF LAND USE

Freshwater wetlands are mapped by NJDEP adjacent to the MCUAEPS and subsequently, freshwater wetlands were delineated and surveyed in July 2014 by HMM. Due to NJDEP NHP response letter indicating threatened and endangered species at the site, HMM assumed a 150-foot transition area (buffer) offset from freshwater wetlands.

HMM proposes to only impact freshwater wetland transition areas within the MCUAEPS fenceline and temporary wetland and transition area impacts outside of the fenceline for the construction road access.

FLOOD HAZARD AREA PERMIT - NJDEP DIVISION OF LAND USE

This project is regulated by the NJDEP under a Waterfront Development Permit (WFD) as such no Flood Hazard Area (FHA) permit is required. However, compliance with the FHA rules is required as a condition of the WFD permit. Therefore, compliance statements and supporting documentation will be prepared for the relevant portions of the FHA rules. The FHA rules regulate projects on an activity by activity basis. The following is a description of the general permitting requirements and then the requirements associated with specific activities.

The project must demonstrate that is done no have an adverse impact on the flooding of other properties. Typically this is accomplished by showing that the hydraulics of the river are not impacted by the project and that the displacement of any fill in the floodplain has been compensated for. In this case the proposed project is located outside the floodway and will not have an impact on the hydraulics. The project is also located in a tidal flood hazard area so it is not required to compensate for fill in the floodplain.

The FHA rules also regulate a strip of vegetation measure inland from the top of bank. Since this project is located in the Raritan formation, which has been identified as acid producing the riparian zone has been determined to be 150 feet. Table C in the FHA rules specifies the limits of disturbance for each activity within the riparian zone.

The floodwall and Raritan River tunnel shaft raising are located in the floodplain and will be permitted as a flood control project. Calculations will be required to demonstrate the floodwall is designed to withstand the expected hydrostatic and hydrodynamic loads. The flood wall will be limited to 9,000 sf of riparian zone disturbance.

The discharge from the interior drainage pumping station will be permitted as a new stormwater outfall. New stormwater outfalls are permitted although there placement in 150 foot riparian zones is limited. The outfall will be limited to a permanent disturbance of 1,000 sf and a temporary disturbance of 3,000 sf of riparian zone vegetation.

Demolition of the gas booster pump will be permitted as a permit-by-rule for demolition outside the floodway. The construction of the new booster pumps will be permitted as a structure. It is anticipated that the requirements to withstand the hydrostatic and hydrodynamic loads will be

met be being within the floodwall. The loss of maintained lawn from the new booster pumps will be offset by planting lawn where the demolished pumps stood.

The bypass pumping station will be permitted as a building. The proposed first floor elevation is currently set to the 500-year which exceeds the NJDEP requirements. It is anticipated that the requirements to withstand the hydrostatic and hydrodynamic loads will be met by being within the floodwall. The bypass pumping station is located outside the riparian zone so there are no disturbance requirements.

The remaining site work is at or below grade utility work and is either ancillary to the flood control project or covered as a permit-by-rule (N.J.A.C. 7:13-7.2(a) 4) and N.J.A.C. 7:13-7.2(c)6, for utilities below pavement in a riparian zone and below grade in a flood hazard area.

TIDELANDS INSTRUMENTS - NJDEP DIVISION OF LAND USE

Tidelands, also known as riparian lands, are all lands that are currently and formerly flowed by the mean high tide of a natural waterway. Based on the NJDEP tidelands mapping, areas currently and formerly flowed by tides exist near the northern and eastern property boundaries. Since none of these mapped riparian lands would be impacted, no grant lease or license would be required.

TEMPORARY WATER ALLOCATIONS FOR DEWATERING -NJDEP DIVISION OF WATER SUPPLY AND GEOSCIENCE

At this time, it is not anticipated that a temporary dewatering permit will be required for the project, as projected dewatering will take place for fewer than thirty (30) days in any year; however, if unexpected difficulties result in a permit being required, it will be obtained from the Bureau of Water Allocation at NJDEP.

EASEMENTS AND ACQUISITIONS

MCUA will seek temporary easements from the adjoining property owner as required for the proposed construction activities.

TREATMENT WORKS APPROVAL - NJDEP DIVISION OF WATER QUALITY

A treatment works approval is required for the addition of two (2) bypass pumps, the addition of two (2) wet well pumps, and the modification of one (1) main pump as this work would be considered a modification of the existing MCUAEPS wastewater conveyance process.

SOIL EROSION AND SEDIMENT CONTROL CERTIFICATION - FREEHOLD SOIL CONSERVATION DISTRICT

This permit will be required for soil disturbance on the site during construction activities. A Soil Erosion and Sediment Control Plan Certification will be required from the Freehold Soil Conservation District.

GENERAL STORMWATER MANAGEMENT/CONSTRUCTION PERMIT - FREEHOLD SOIL CONSERVATION DISTRICT

This permit will be required and will be submitted to the Freehold Soil Conservation District with the Soil Erosion and Sediment Control Plan Application. A Stormwater Permit for Construction Activities (5G3) will be required to authorize point source discharges. The permit is required in conjunction with the development of the Soil Erosion and Sediment Control Plan to eliminate the flow of contaminated rainwater into streams and rivers. Because the project proposes to disturb more than one acre, authorization to discharge will be required from the NJDEP.

TOWNSHIP OF WOODBRIDGE PLANNING BOARD REVIEW

Construction of the flood wall along the perimeter of the existing MCUAEPS property bounds as proposed may prompt MCUA to request a local use variance from the Woodbridge Planning Board; however, the MCUA is exempted from the local Planning Board review process.

CONSISTENCY WITH THE WATER QUALITY MANAGEMENT PLAN

The NJDEP has enacted the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15) in conjunction with the Statewide WQM Plan. The Water Quality Management Planning Program's goal is to, "Restore, enhance and maintain the chemical, physical and biological integrity of the waters of the State, including ground waters, and the public trust therein, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water." According to the Water Quality Management Planning rule, the NJDEP, shall not undertake or authorize any projects or activities that affect water quality and conflicts with the applicable sections of adopted Water Quality Management Plans or rules. The Flood Wall alternative does not increase any flow or releases, but rather embodies the nature of the Water Quality Management Planning rules in that it will serve to protect waters, public health and aquatic health by and removing potential to release sewage into surface waters.

CONSISTENCY WITH STORMWATER MANAGEMENT RULES

Major Developments are regulated under Woodbridge's local municipal stormwater management ordinance, Article III 150-82. The local ordinance defines a Major Development as follows:

“Major Development — Any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.”

This project proposes to disturb more than one acre as defined above and therefore is not subject to the local stormwater ordinance.

Since the project is receiving State funding and requires State landuse permits, it will also need to meet the requirements of N.J.A.C. 7:8 which regulates major developments defined as:

““Major development" means any "development" that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

Since the Proposed Action will disturb more than one acre, it is therefore defined as a Major Development and is subject to the requirements of N.J.A.C. 7:8.

The municipal and State stormwater management rules require the design to address erosion, water quantity, water quality and groundwater recharge. The erosion requirement is addressed through the soil erosion and sediment control plan. The quantity requirements do not apply because the project discharges directly to a tidally control water. The water quality requirements are not triggered because the project will create less than one quarter acre of new impervious area. Finally, the groundwater recharge requirements are not applicable because the project is in a previously disturbed portion of a metropolitan planning area and as such is exempt from the groundwater recharge requirement. Therefore, the project will be consistent with both the State and local stormwater management requirements.

PROJECT CONDITIONS

Any substantive change to the approved scope of work requires re-evaluation by FEMA and the NJEITFP for compliance with NEPA and other laws and executive orders. The MCUA shall not initiate construction activities until 15 days after the date that the FONSI has been signed as "APPROVED." The following conditions must also be adhered to during project implementation:

1. The flood wall must be designed at an elevation at or above the estimated design 500-year flood elevation of 23.0-feet in accordance with the HMM Basis of Design Memorandum included as Appendix L.
2. Any proposed construction in the floodplain must be coordinated with the local floodplain administrator and must comply with Federal, State, and local floodplain laws and regulations.
3. Excavated soil and waste materials shall be managed and disposed of in accordance with applicable Federal, State, and local regulations. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the MCUA and its contractors will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. The MCUA will inform the New Jersey Office of Emergency Management (Grantee), New Jersey State Historic Preservation Office and FEMA immediately. The MCUA must secure all archaeological findings and shall restrict access to the area. Work in sensitive areas may not resume until consultations are completed or until an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards determines the extent and historical significance of the discovery. Work may not resume at or around the delineated archaeological deposit until the MCUA is notified by the Grantee to proceed.
4. The MCUA must submit to Grantee and FEMA a copy of the wetland mitigation plan for review and comment concurrent with its submission to NJDEP.
5. The MCUA shall submit copies of all obtained permits to the Grantee/FEMA at or prior to final closeout of the public assistance grant.
6. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.

ANTICIPATED PERMITTING SCHEDULE

Permit	Anticipated Submission Date	Anticipated Completion Date
Waterfront Development	5/1/2015	11/1/2015
Coastal Wetlands	5/1/2015	11/1/2015
Freshwater Wetlands	5/1/2015	11/1/2015
Treatment Works Approval	5/1/2015	8/1/2015
Soil Erosion and Sediment Control / General Stormwater Management/Construction	5/1/2015	7/1/2015