



State of New Jersey  
Department of Environmental Protection and Energy  
Environmental Regulation  
CN 401  
Trenton, NJ 08625-0401

Scott A. Weiner  
Commissioner

John R. Weingart  
Assistant Commissioner

MAR 14 1992

A. N. Kuntzleman  
Department of the Navy  
NAVFACENCOM  
Building 77-L, Code 1431/ANK  
Philadelphia, PA 19112-5094

Re: Equivalency for Freshwater Wetlands Statewide General Permit #14 and Waiver of Transition Area for Access  
Weapon Station Earle Superfund Site (Leonardo)  
Permit #1331-90-0034.7 N.J.S.A. 13:9B-1 et seq.  
Effective date 3/06/92 Expiration date 3/06/97  
Block 3001, Lot 11, Middletown Twp., Monmouth Co.  
Matawan Watershed, Atlantic Basin  
Ware Creek

Dear Ms. Kuntzleman:

The Land Use Regulation Program has reviewed the referenced application for a Freshwater Wetlands Statewide General Permit equivalency pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. Based on a plan of one sheet, entitled "Aerial Photograph Analysis Showing Surficial Characteristics of Sites 6, 12, 15, and 17, WS Earle, Colts Neck, NJ (Figure 2)", dated 1/14/92, unrevised, and a three page narrative of activities referenced as "Attachment #1", undated, both prepared by the Department of the Navy, the proposed activity is authorized by Freshwater Wetlands Statewide General Permit #14, which allows the disturbance of wetlands associated with the placement of water quality monitoring and testing devices. This letter of authorization to conduct a regulated activity in a wetland or open water includes the Program's determination regarding a Water Quality Certificate for these activities.

Project description

The authorized activity involves the disturbance of less than one acre of wetlands and waters to accomplish the installation of eight monitoring wells, six soil borings, and 10 soil samplings within sites 6 and 17. Any additional disturbance of freshwater wetlands or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless a permit is obtained prior to the start of the disturbance from the Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.)

In addition to the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

Special Conditions:

1. Any excavation or disturbance within wetlands or within the wetland transition area is backfilled with the original topsoil material, if feasible, and otherwise with suitable material within 18 inches of the surface. All disturbances must be backfilled to the preexisting elevation.
2. The drilling of the monitoring wells and soil borings shall be accomplished without discharge of slurry water, backpressure water, well development water, or drilling spoil to the wetlands, waters or transition areas.

General conditions:

1. This permit is revocable, or subject to modification or change at any time, when in the judgement of the Department of Environmental Protection and Energy of the State of New Jersey, such revocation, modification or change shall be necessary.
2. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
3. The activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department.
5. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.

6. This authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this authorization shall be kept at the work site and shall be exhibited upon request of any person.

#### Waiver of Transition Area

The Land Use Regulation Program has determined that the wetlands affected by this permit authorization are of intermediate resource value. The resource value classification is the basis for determining the standard width of transition area required for the wetlands affected by this permit authorization. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver. This waiver allows encroachment only in that portion of the transition area that has been determined by the Program to be necessary to accomplish the authorized activities.

Any additional prohibited activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Program. Prohibited activities within a transition area are defined at N.J.A.C. 7:7A-6.2(a).

#### Duration of Authorization/Notification of Work

This authorization for a Freshwater Wetlands Statewide General Permit is valid for five years from the effective date noted in this letter. The permittee shall allow an authorized Program representative the right to inspect the construction site. The permittee will notify, in writing, the Bureau of Enforcement 7 days prior to commencement of work authorized by this letter.

#### Appeal of Decision

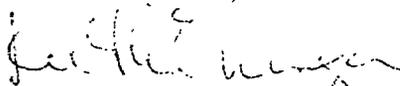
The applicant or other affected party, if aggrieved by this decision to authorize the activities specified in this correspondence, may request a hearing on this decision by submitting a written request for an administrative hearing to the following address: Office of Legal Affairs, Department of Environmental Protection and Energy, CN 402, Trenton, NJ 08625-0402, Attention: Adjudicatory Hearing Requests. This written request must include a completed copy of the attached Administrative Hearing Request Checklist and all information identified in Section III of that list.

Statewide General Permit #14 Equivalency  
File #1331-90-0034.7  
Weapon Station Earle Superfund Site (Leonardo)  
Page 4 of 4

Pursuant to the Freshwater Wetlands Protection Act Rules, specifically N.J.A.C. 7:7A-12.8, written request for an administrative hearing must be received by the Department at the above address within 30 days of the date of the contested decision.

If you have any questions regarding this Freshwater Wetlands Statewide General Permit authorization, please contact Mr. Tim Cochran of our staff at (609) 984-0184. Please reference the permit number in any communication concerning this action.

Sincerely,



Ruth Ehinger, Manager  
Bureau of Coastal Regulation

cc. U.S. Army Corps of Engineers: NY District  
Middletown Township Planning Board  
Middletown Township Construction Official  
Middletown Township Clerk  
Monmouth County Planning Board