



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND RESOURCE PROTECTION**  
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>  |  | Approval Date<br><b>July 21, 2020</b>   |
|   |  | Expiration Date<br><b>July 20, 2025</b>                                       |
| <b>Permit Number(s):</b><br>1106-20-0001.1 – LUP200001  | <b>Type of Approval(s):</b><br>FHA Individual Permit<br><br>FWW General Permit No. 2 – Underground Utility Lines   | <b>Governing Rule(s):</b><br>N.J.A.C. 7:13-1.1(b)<br><br>N.J.A.C. 7:7A-1.1(a) |
| <b>Permittee:</b><br>Sunoco Pipeline, LP.<br>c/o Colleen Armstrong<br>100 Green Street<br>Marcus Hook, PA 19061   | <b>Site Location:</b><br>Blocks & Lots:<br>In Ewing: [99.01, 6], [99.01, 9], [99.01, 10], [427, 1], [438, 2]; and<br>In Hopewell: [137, 1], [137, 1.01], [137, 7], [437, 3.01]<br>Right-of-ways: NJ State Rt. 29 and Creek Rim Drive<br>Municipalities: Ewing and Hopewell Townships<br>County: Mercer |   |
| <b>Description of Authorized Activities:</b><br><br><p>This document authorizes the replacement and relocation of a 14-inch, welded steel, high-pressure petroleum pipeline which is exposed for approximately 301 linear feet within Jacob's Creek, next to the stream's confluence with the Delaware River. The proposed pipeline will be installed via horizontal directional drilling adjacent to the existing exposed pipeline, which will be cut, grouted, capped, and abandoned in place. After the pipeline exits the ground on the New Jersey side of the Delaware River, the directionally drilled line will tie back into the existing pipeline outside and above the watercourses through open trenching.</p> <p>A total of approximately 2,510 feet will be directionally drilled 80-85 feet below the Delaware River streambed, 35-80 feet deep under Jacob's Creek stream bed, and 75-85 feet below the 24-foot wide concrete arch culvert running over Jacob's Creek which carries NJ State Route 29, the D&amp;R Canal, and the canal's adjacent towpath. Staging and drilling will occur on the parcels referenced above, as depicted on the plans approved herein.</p> |  |   |
| <b>Prepared by:</b><br><br>Erin Signor, Environmental Engineer  | <b>Received and/or Recorded by</b><br>County Clerk:  |   |
| 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.   |  |   |
| <b>This permit is not valid unless authorizing signature appears on the last page.</b>  |  |   |

**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. 7:13-2.1; N.J.A.C. 7:7A-2.1

| <b>FWW GP2 Underground Utility Lines</b> | <b>Permanent Disturbance (Acres)</b> | <b>Temporary Disturbance (Acres)</b> |
|--|--------------------------------------|--------------------------------------|
| <b>Freshwater wetlands</b>               | 0                                    | 0                                    |
| <b>Transition areas</b>                  | 0                                    | 0                                    |
| <b>State open waters</b>                 | 0                                    | 0.543                                |

| <b>Riparian Zone Vegetation</b> | <b>Area of riparian zone (Acres)</b> |
|---------------------------------|--------------------------------------|
| <b>Permanent Disturbed</b>      | 0                                    |
| <b>Temporary Disturbed</b>      | 0.615                                |

**PRE-CONSTRUCTION CONDITIONS:**

1. This document does not authorize any proposed activities in the State of Pennsylvania and does not approve any work on/under the Pennsylvania bank of the Delaware River depicted on any plans related to this project or otherwise.
2. On the plan entitled, “14-INCH TWIN OAKS TO NEWARK JACOBS CREEK PIPELINE RELOCATION; PIPELINE REMOVAL; NEW JERSEY PLAN AND PROFILE; HOPEWELL AND EWING TOWNSHIPS MERCER COUNTY, NEW JERSEY; UPPER MAIKEFIELD TOWNSHIP BUCKS COUNTY, PENNSYLVANIA”, Sheet 2 of 2, all references to the existing floodway and 100-year flood hazard area have not been verified by the Department and are not approved alongside this application.

**FLOOD HAZARD AREA AND RIPARIAN ZONE SPECIAL CONDITIONS:**

1. The Division has determined that the riparian zone adjacent to Jacobs Creek is 50 feet and that the riparian zone adjacent to the Delaware River is 50 feet. **This permit authorizes 0.615 acres (26,789 SF) of riparian zone disturbance, as shown on the approved plans.** Upon completion of the project, all temporarily disturbed areas shall be replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-11.2(z) where applicable. 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 Land Resource Protection.
2. Prior to the commencement of any site preparation, clearing, grading or construction the applicant is responsible for installing and maintaining a silt fence sediment barrier around all soils disturbed by construction, which are sufficient to prevent the sedimentation of Jacobs Creek. These fences shall serve as both a siltation and debris barrier as well as a physical barrier protecting the undisturbed regulated areas from encroachment by construction vehicles or activities. All sediment barriers and other soil erosion control measures shall be maintained on a daily basis in proper working condition throughout the entire duration of the project until such time that the site is stabilized.

3. In order to protect general game fish within the watercourse, no construction, excavation, filling, or grading is permitted within the watercourse onsite between **May 1 through July 31**. In addition, no construction, excavation, filling, or grading is permitted within in the riparian zone of this watercourse or tributaries, which would introduce sediment into said watercourse or which could cause more than a minimum increase in the natural level of turbidity, unless the applicant demonstrates that appropriate soil erosion and sediment control measures, as determined by the local Soil Conservation District having jurisdiction over the site, are in place to prevent sediment from reaching the channel. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
4. All demolition and construction debris shall be disposed of in a lawful manner and outside of any regulated flood hazard area riparian zone, open water, freshwater wetland and adjacent transition area.
5. The applicant shall be responsible for preserving and minimizing vegetation disturbances within regulated areas. All temporary disturbances around the proposed construction shall be replanted with native herbaceous and woody vegetation where applicable.
6. The regulated activity shall not adversely affect low-flow aquatic passage in any regulated water.
7. The regulated activity shall not expose unset or raw cement to flowing water within any channel or regulated water during construction.
8. All riparian zone vegetation that is temporarily cleared, cut, and/or removed to conduct a regulated activity, access an area where regulated activities will be conducted, or otherwise accommodate a regulated activity shall be replanted immediately after completion of the regulated activity, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. The vegetation to be replanted shall:
  - a. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value;
  - b. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
  - c. In cases where replanting would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements to the extent feasible.
9. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
10. After all in-channel activities are completed, native stream bed material shall be replaced within the channel. This material shall be contoured to mimic the original physical characteristics of the channel (such as its shape, width, slope, thalweg, meander, and ratio of shallow areas to deep areas,) in order to provide low-flow aquatic passage throughout the entire disturbed area.

11. De-watering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.
12. Construction may only occur while the stream area is dry or in a de-watered condition. No work may be performed where the stream channel is wet.
13. The sections of watercourse where work is authorized under this permit shall be accessed only in the areas specifically shown on the approved drawing(s). The maximum limit of bank disturbance shown shall be observed and no additional disturbance to the channel is authorized.

**SPECIAL CONDITIONS FOR A FRESHWATER WETLANDS PERMIT:**

1. The total amount of disturbance associated with this authorization shall not exceed 0.543 acres (23,653 SF) of State open water for the removal of an existing exposed pipe within Jacobs Creek.
2. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining State open water.
3. The permanently maintained clearing over the utility line shall be no wider than 6 feet.
4. The trench into which the utility line is placed shall be no wider than necessary to comply with the Federal O.S.H.A. safety standards.
5. Temporary disturbance, as defined at N.J.A.C. 7:7A-1.4, such as temporary storage of dirt or equipment, shall be the minimum size necessary for compliance with applicable laws.
6. Any pipes laid shall be properly sealed so as to prevent leaking or infiltration and designed so as not to form or provide a conduit for groundwater to be discharged or drained from the wetlands.
7. The applicant shall be responsible for ensuring that the back-filling activities do not interfere with the natural hydraulic characteristics of the wetland, such as flow characteristics of groundwater on the site.
8. All temporary disturbances must be permanently discontinued within six months after they are begun, and all temporary disturbed areas must be restored to their original condition.
9. In order to protect fishery resources within the watercourse, no construction, excavation, filling, or grading is permitted within the watercourse onsite between **May 1 through July 31**. In addition, no construction, excavation, filling, or grading is permitted within in the riparian zone of this watercourse or tributaries, which would introduce sediment into said watercourse or which could cause more than a minimum increase in the natural level of turbidity, unless the applicant demonstrates that appropriate soil erosion and sediment control measures, as determined by the local Soil Conservation District having jurisdiction over the site, are in place to prevent sediment from reaching the channel. The Department reserves the right to require additional soil conservation measures if it becomes evident that additional soil conservation measures are required to protect State regulated resources or to suspend all regulated activities on-site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition..

10. **Material Disposal:** All excavated material and construction debris shall be disposed of in a lawful manner. The material shall 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.
11. If the permittee, before or during the work authorized, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(1), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource, and immediately notify the Department and proceed as directed

**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 Resource Protection 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.

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 in order 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:
  - a. 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;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - a. 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
  - c. 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.
27. 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 Resource Protection at the address listed on page one of this permit.

**APPROVED PLAN(S):**

The drawings hereby approved consist of six sheets prepared by STV Inc., dated April 17, 2020, unrevised, and entitled:

**“14-INCH TWIN OAKS TO NEWARK JACOBS CREEK PIPELINE RELOCATION;  
HOPEWELL AND EWING TOWNSHIPS MERCER COUNTY, NEW JERSEY; UPPER  
MAIKEFIELD TOWNSHIP BUCKS COUNTY, PENNSYLVANIA”:**

**“PLAN AND PROFILE STA. 8+00 TO STA. 16+00”, Sheet 2 of 4;  
“PLAN AND PROFILE STA. 16+00 TO STA. 24+00”, Sheet 3 of 4;  
“PLAN AND PROFILE STA. 24+00 TO STA. 30+03.35”, Sheet 4 of 4;  
“PIPELINE REMOVAL; NEW JERSEY PLAN AND PROFILE”, Sheet 2 of 2;  
“CONSTRUCTION DETAILS”, Sheet 1 of 1; and  
“NEW JERSEY POST CONSTRUCTION; STORMWATER MANAGEMENT  
PLAN”, Sheet 15 of 16.**

**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](http://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](http://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](http://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:

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Patrick Ryan, Environmental Supervisor  
Division of Land Resource Protection

- c: Municipal Clerk, Hopewell Township
- Municipal Construction Official, Hopewell Township
- Municipal Clerk, Ewing Township
- Municipal Construction Official, Ewing Township
- Agent (original) – James McGinley