

## **6.0 PERMITS AND APPROVALS REQUIRED**

### **6.1 Overview**

The Stadium Project will be located on the West Site of the Meadowlands Sports Complex that is owned by the NJSEA. The NJSEA's enabling legislation allows the NJSEA to determine the location, type and character of a project and all other matters in connection with a project, notwithstanding any land use plan, zoning regulation, building code or similar regulation adopted by the State, any municipality, county, public body politic and corporate, including the NJMC, or any other political subdivision of the State (N.J.S.A. 5:10-5x). The NJSEA's enabling legislation also requires it to consult with the NJMC and the NJDEP "with respect to the ecological factors constituting the environment of the Hackensack meadowlands to the end that the delicate environmental balance of the Hackensack meadowlands may be maintained and preserved" (N.J.S.A. 5:10-23). However, the NJSEA's enabling legislation also requires that it undergo a consultation process with the NJDEP and NJMC for all new development projects.

The Meadowlands Sports Complex is located within the HMD where land use/zoning and construction are typically regulated by the NJMC. However, NJMC's enabling legislation also exempts the area of the Meadowlands Sports Complex from its direct jurisdiction. The role of the NJMC, in this instance, is limited to its role in the consultation process as discussed above.

This Stadium Project is subject to federal rules and regulations. Some of the federal regulatory requirements have been delegated to the NJDEP which eliminates the need to seek approvals from federal agencies. However, the delegated programs require that the project obtain certain environmental permits and approvals from the NJDEP to address certain federal requirements.

The Stadium Project is a stand-alone project, separate and distinct from the other ongoing and planned developments within the Meadowlands Sport Complex. The Stadium Project will coordinate closely with the overall developments around it including the future NJ Transit rail alignment and station platform, Meadowlands Racetrack, Continental Airlines Arena, and Meadowlands Xanadu Redevelopment Project. However, the permits required for the Stadium Project will be independent of, and distinct from, the permits already issued for the Railroad Project and Meadowlands Xanadu Redevelopment Project and permit applications pending for improvements to Route 3 and Interchange 16W proposed by the New Jersey Turnpike Authority.

The Stadium Project requires a number of Federal, State and regional permits, approvals and certifications which are further discussed below in Section 6.2.

## **6.2 Required Regulatory Approvals**

In addition to the NJSEA consultation process with the NJDEP and NJMC described above and in detail in Section 7.1, the Stadium Project plans to comply with a variety of federal and state permit and approval processes. This section discusses each of the required regulatory approvals for the Stadium Project, as well as the current status of the applications. Additionally, Table 6-1 at the end of this section summarizes the required permits and approvals. Additional permits to those listed and discussed below may also be required for construction and operation of the Project.

### **6.2.1 FAA Notification for Air Navigation Obstructions**

Under Part 77 of the Federal Aviation Administration (FAA) regulations, navigable airspace for areas in proximity to airports is subject to certain restrictions. An application to FAA is required to be submitted when a project includes tall structures or requires the use of tall construction equipment that may result in a hazard to air navigation. The Project Area is approximately 1¼ miles from Teterboro Airport and is located within a zone around the airport where the Part 77 height restrictions apply. The height of the replacement stadium, including flag poles and antennae above the stadium lights, will be approximately 225 feet above ground level and therefore requires approval from the FAA. A Notice of Proposed Construction Application was submitted to the FAA on November 14, 2006 for the new Stadium structure. FAA published a Public Notice on January 3, 2007 which states that they are performing an aeronautical study of the structure (see Appendix A). It is anticipated that additional applications will be submitted to the FAA for cranes and any other tall temporary construction equipment exceeding the height limitation. In both situations, the location of the Project Area is sufficiently distant from the Airport so that the structures should not present a hazard to air navigation and only marking and lighting of these structures is anticipated to be required by the FAA.

### **6.2.2 Army Corps of Engineers Section 10/404 Jurisdictional Determination**

Based upon a review of available information and a site reconnaissance of the Project Area, the approximately 270-acre Project Area does not contain any jurisdictional wetlands and/or waters of the United States that are regulated by the U.S. Army Corps

of Engineers (USACE). A Jurisdictional Determination (JD) request was submitted to the USACE on July 28, 2006 to confirm the absence of federally regulated waters of the United States within the Project Area (Langan, 2006h) (Appendix B of PEIS). The USACE inspected the site on November 22, 2006 and indicated that they agree there are no jurisdictional wetlands or other Waters of the United States within the Project Area. A JD letter confirming this finding is being prepared by the USACE. Neither a Section 10 or a Section 404 permit from the USACE will be required for the Stadium Project, since no impacts to wetlands or other waters of the United States are necessary for the Project.

### 6.2.3 NJDEP Land Use Permits

Land use activities associated with the Stadium Project will require a Stream Encroachment Permit from the NJDEP Land Use Regulation Program (LURP). Under the Flood Hazard Area Control Act regulations (N.J.A.C. 7:13-1.1 et seq.), a Stream Encroachment Permit is required for development activities in floodplains and floodways. Portions of the Stadium Project will be performed within areas designated as tidally-influenced floodplains (see Section 4.4.2). The Stream Encroachment Permit Application, which included a compliance statement addressing the applicable policies at N.J.A.C. 7:13 and the State Stormwater Management Rules at N.J.A.C. 7:8, was submitted to NJDEP LURP on December 29, 2006. This application is pending.

No federal permits are required for the project nor are any federal funds to be used for the project; therefore a Coastal Zone Management Consistency Determination pursuant to the Federal Coastal Zone Management Act (16 U.S.C. 1451 et seq.) is not required from the NJDEP. A Jurisdictional Determination request was submitted to NJDEP on January 25, 2007 to confirm that a Coastal Zone Management Consistency Determination is not required. The Jurisdictional Determination letter also requested confirmation from NJDEP that a Waterfront Development Permit is not required for the Stadium Project as it does not involve any work below the mean high water line of any tidal waters.

A Water Quality Certificate is not required for the Stadium Project, as the Project will not require the filling of any wetlands or waters (see Section 4.3 for further discussion). Additionally, a tidelands or riparian conveyance instrument will not be required from the NJDEP Bureau of Tidelands since the NJSEA was issued a tidelands grant in 1982 from the State of New Jersey for the entire Meadowlands Sports Complex (see Section 4.5 for further discussion).

#### 6.2.4 NJDEP Water Quality Management Plan Consistency Determination

The Stadium Project is situated within a designated sanitary sewer service area for the Bergen County Utilities Authority (BCUA) (see Section 4.10.1.2). Therefore, the Stadium Project is within an acceptable service area and no amendment will be required to the existing Area-wide Water Quality Management Plan. A consistency determination application was submitted to the NJDEP on January 4, 2007 to confirm that the Stadium Project is consistent with the Area-wide Water Quality Management Plan. This application is under review by the NJDEP.

#### 6.2.5 New Jersey Pollutant Discharge Elimination System Permits

Under the New Jersey Water Pollution Control Act, a New Jersey Pollutant Discharge Elimination System Permit (NJPDES) is required for discharges into surface waters of the State. The NJSEA holds a valid NJPDES permit (Permit No. NJ0023345) for the discharge of stormwater from the Meadowlands Sports Complex lagoon system into Berry's Creek. As the new Stadium is a replacement for the existing Giants Stadium, the stormwater flows proposed to be discharged to these lagoons are anticipated to be in compliance with the current requirements of Permit NJ0023345. Therefore, an amendment or modification will not be required to the existing NJPDES permit for the Stadium Project.

#### 6.2.6 NJDEP Treatment Works Approval

At this time, wastewaters from the Project Area, including the existing Giants Stadium, utilize existing approved sanitary sewer lines and a pumping station that discharge to the BCUA wastewater treatment plant in Little Ferry, New Jersey. Although existing approved sanitary sewerage facilities are available to serve the Stadium Project, additional on-site improvements will be necessary as part of the Stadium Project.

The NJDEP Treatment Works Approval (TWA) regulations specifically address sanitary sewer systems and their associated discharges. Sewerage infrastructure relocation and expansion will be required on the Meadowlands Sports Complex to accommodate the increase in flows from the Stadium Project. Two separate TWA applications will be submitted to the NJDEP: one for the relocation/construction of approximately 2,200 linear feet of sewer main from within the proposed Stadium footprint and a second to construct new sewer laterals and use the relocated sewer line to convey flows required for the Stadium Project.

Additionally, it is anticipated that construction dewatering of temporary deep excavations for the relocated sewers and other utilities will be necessary. These temporary dewatering activities will require a separate TWA and NJPDES permit for proper discharge or disposal of the dewatering discharge. These applications will be submitted to NJDEP.

#### 6.2.7 NJDEP Well Permits

Well Permits are being obtained from NJDEP for the purpose of conducting pre-construction subsurface investigations including geotechnical and environmental sampling.

#### 6.2.8 NJDEP Water Main Extension Certification

Under the New Jersey law and NJDEP regulations, NJDEP approval for the construction of new water main extensions is required. The Stadium Project will include a water main extension. Therefore, a Water Main Extension application will be submitted to NJDEP for improvements, modifications and/or additions to the existing potable water infrastructure for the Stadium Project. (See Section 4.10.2.3 for further discussion).

#### 6.2.9 NJDEP Remedial Action Workplan Approval

As discussed in detail in Section 4.8, recent investigations, including those identified in the Preliminary Assessment Report (Langan, 2006b) and the Site Investigation Report / Remedial Action Work Plan for the Stadium Project (Langan, 2006c), have identified that several contaminated "hot spots" are located within the Project Area. It has also been identified that soils in the Project Area will be classified as "historic fill" and, therefore, minimizes any direct cleanup requirements. Since the construction of the Stadium Project will include the disturbance of contaminated media, a Memorandum of Agreement (MOA) was sent to the NJDEP to facilitate the review and approval of a Remedial Action Work Plan and other investigatory documents under the Brownfields Redevelopment Program. Pursuant to the MOA, a Preliminary Assessment Report and Site Investigation Report / Remedial Action Workplan were submitted to the NJDEP for review in May 2006. NJDEP issued a comment review letter on August 9, 2006 requesting additional information and soil sampling (Appendix A). A written response was submitted to NJDEP on December 12, 2006 addressing their comments. The

NJSEA will not commence any remediation work prior to NJDEP approval of the Remedial Action Workplan.

#### 6.2.10 New Jersey Uniform Construction Code Plan Approval

The design of the buildings and structures for the Stadium Project will have to conform to the New Jersey Uniform Construction Code, including the barrier free sub-code and security requirements, and a construction permit will need to be obtained from the New Jersey Department of Community Affairs (NJDCA). The appropriate applications, plans and specifications will be prepared and submitted to the NJDCA to obtain a construction permit.

#### 6.2.11 Bergen County Soil Conservation District Approvals

In conformance with the Soil Erosion and Control Act of 1975, an application for Soil Erosion and Sediment Control Plan Certification will be submitted to the Bergen County Soil Conservation District (BCSCD). As part of this certification package, a Request for Authorization (RFA) for the use of the NJPDES General Permit for Construction Activity Stormwater (NJ0088323) will also be submitted to the Soil Conservation District. A Stormwater Pollution Prevention Plan (SPPP) will be prepared and implemented as part of the NJPDES General Permit. No construction activities will commence onsite prior to the implementation of the Certification issued by the BCSCD.

#### 6.2.12 NJDOT Major Access Permit

Proposed transportation improvements that require significant improvements and access to State roads require a Major Access Permit from the New Jersey Department of Transportation (NJDOT). A Major Access Permit from the NJDOT will be required for the modification of existing access points to and from state highways associated with the Stadium Project. A Scope of Study was submitted to NJDOT in August 2006, revised in November 2006, and approved by NJDOT on December 20, 2006. The new improvements presented in the Traffic Impact Study will be coordinated with other regional roadway improvements proposed by the NJDOT and New Jersey Turnpike Authority (NJTA) in proximity to the Meadowlands Sports Complex. Interaction with other government entities involved in the transportation planning and review process, including the NJTA and NJ TRANSIT are also ongoing.

### 6.2.13 NJDEP Air Permits

Pursuant to NJDEP regulations, pre-construction permits will be required from the NJDEP for the installation and operation of stationary air emission sources including boilers and emergency generators associated with the Stadium Project. None of these emission sources are anticipated to be classified as major sources as per NJDEP regulations. The required applications and engineering plans will be prepared and submitted to the NJDEP for this purpose.

**Table 6-1****List of Required Permits and Approvals**

<b>Regulatory Agency</b>	<b>Permit/Approval</b>	<b>Law/Regulation</b>	<b>Regulated Activity</b>
New Jersey Meadowlands Commission and New Jersey Department of Environmental Protection	Consultation Process	NJSEA enabling legislation (Chapter 137, Laws of 1971, N.J.S.A. 5:10-1 et seq.)	Maintaining ecological balance of Hackensack Meadowlands and compatible land use; location, type and character of project
Federal Aviation Administration	Obstruction Approval/ Notice of Proposed Construction	Part 77 of the Federal Aviation Regulations (14 CFR Part 1)	Height of Buildings and Construction Cranes for obstructions to navigable airspace
New Jersey Department of Environmental Protection	Stream Encroachment Permit	Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.; N.J.A.C. 7:13 et. seq.)	Construction of structures and placement of fill within flood hazard areas including floodplains and floodways
	Water Quality Management Plan Consistency Determination	Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.; N.J.A.C. 7:15-1 et. seq.)	Projects approved or authorized by NJDEP are consistent with Statewide and Areawide Water Quality Management Plan
	New Jersey Pollutant Discharge Elimination System Permit	New Jersey Water Pollution Control Act (N.J.S.A. 58:10A1 to 13; N.J.A.C. 7:14-1 et. seq.)	For discharges to surface waters of the State
	Treatment Works Approval	New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.)	Sanitary sewerage system improvements, modifications and upgrades

**Table 6-1**  
**List of Required Permits and Approvals**

Regulatory Agency	Permit/Approval	Law/Regulation	Regulated Activity
	Well Permit	Well Drilling and Pump Installers Licensing Act (N.J.S.A. 58:4A-14; N.J.A.C. 7:8-3.11)	Drilling, boring, coring or excavation of any well
	Water Main Extension Certification	Water Supply Laws (N.J.S.A. 58:12A-1 et. seq.; N.J.A.C. 7:10-10); Safe Water Drinking Act	Potable water system improvements and upgrades
	Remedial Action Work Plan	Technical Requirements for Site Remediation (N.J.A.C. 7:26E)	Reuse of Soils / Containment of Historic Fill
	Pre-Construction Air Emission Permits	Air Pollution Control (N.J.A.C. 7:27-8)	Emergency generators and boilers
New Jersey Department of Community Affairs	Plan Approval	New Jersey Uniform Construction Code (N.J.A.C. 5:23 et seq.)	Conformance with applicable building codes and security requirements

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Bergen Soil Conservation District	Soil Erosion and Sediment Control Plan Certification  NJPDES General Permit for Construction Activity Stormwater	Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-1 et. seq.)  New Jersey Water Pollution Control Act (N.J.S.A. 58:10A1 to 13; N.J.A.C. 7:14-1 et. seq.)	Certification of soil erosion and sediment control plan for development projects; stormwater pollution prevention plan required during construction phase
New Jersey Department of Transportation	Major Access Permit	New Jersey State Highway Access Management Code (N.J.A.C. 16:47)	New access or modifications to access to and from state highways