

Chronological History of the Standards for Soil Erosion and Sediment Control in New Jersey to 1999 & The Early Years of the Soil Erosion and Sediment Control Program in New Jersey

February 2024

(available on the New Jersey Association for Floodplain Management webpage at
<https://www.njafm.org/archive.html>)

Chapter 251 Legislative History Supplement (1972-1975)

By
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formerly NJDEP

**Proposed and Adopted
New Jersey Soil Erosion and Sediment Control Legislation**

Senate No. 1083 and No. 806

**June 26, 1972 –
November 12, 1975**

This is a compilation, prepared in May 2019 by William Minervini, of the following bills (and associated documents) about soil erosion and sediment control that were pending in the New Jersey Legislature on or after June 26, 1972, up to and including the final version of Senate No. 806 approved on November 12, 1975 as the Soil Erosion and Sediment Control Act (Chapter 251, Laws of 1975):

SENATE, No. 1083, introduced June 26, 1972

SENATE, No. 806, introduced February 11, 1974

SENATE, No. 806, with Senate Committee Amendments adopted September 19, 1974

SENATE REVENUE, FINANCE AND APPROPRIATIONS COMMITTEE
STATEMENT TO SENATE, No. 806 dated November 21, 1974

SENATE, No. 806, with Senate Amendments adopted November 25, 1974

SENATE, No. 806, with Assembly Committee Amendment adopted January 27, 1975

SENATE, No. 806, with Assembly Committee Amendment adopted January 27, 1975
AND with Assembly Amendments adopted April 28, 1975

SENATE, No. 806, approved November 12, 1975 as Chapter 251, Laws of 1975, with
accompanying Governor's message on signing

Senate No. 1083 (S-1083) was mentioned in the State Soil Conservation Committee (SSCC) section of the New Jersey Department of Agriculture (NJDA) Annual Report for July 1, 1972 through June 30, 1973. Senate No. 806 was mentioned in the SSCC section of the NJDA Annual Report for July 1, 1973 through June 30, 1974.

Mr. Minervini photocopied these bills from bound paper copies of 1972-1975 bills in the New Jersey State Library, and then scanned these photocopies and processed the scanned pages with basic text recognition software to create searchable PDF files. These files have not been proofread, and have text recognition errors. He obtained the November 21, 1974 Committee statement from the New Jersey State Library website legislative history of Chapter 251, Laws of 1975 at

<https://repo.njstatelib.org/bitstream/handle/10929.1/6005/L1975c251.pdf?sequence=1&isAllowed=y>. (Other documents in this website legislative history include Senate, No. 806 as approved November 12, 1975.)

To help identify and distinguish each bill more easily, each bill is preceded by a cover page prepared by Mr. Minervini. Official lists of amendments in a bill (and the September 19, 1974 Committee statement) are located **after** the text of the bill.

SENATE, No. 1083

Introduced June 26, 1972

SENATE, No. 1083

STATE OF NEW JERSEY

INTRODUCED JUNE 26, 1972

By Senators PARKER and HUGHES

Referred to Committee on Agriculture and Environment

AN ACT requiring certification of soil erosion and sediment control plans prior to approval of subdivisions or issuance of building permits and supplementing chapter 55 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "erosion" means detachment and movement of soil or rock
3 fragments by water, wind, ice and gravity.

4 b. "sediment" means solid material, both mineral and organic,
5 that is in suspension, is being transported, or has been moved from
6 its site of origin by air, water or gravity as a product of erosion.

1 2. No subdivision of land shall be approved or a building permit
2 issued until the soil conservation district within which the land is
3 situate certifies that plans for soil erosion and sediment control for
4 the land to be subdivided or upon which construction is proposed,
5 conform to regulations of the district promulgated by the super-
6 visors thereof under R. S. 4:24-23.

1 3. Application for certification shall be made on forms provided
2 by the soil conservation district within which the land is situate.
3 Each application shall include the following informaton:

4 a. Location and description of existing natural and man-made
5 features on and surrounding the site including general topography
6 and soil characteristics.

7 b. Location and description of proposed changes to the site.

8 c. Measures for soil erosion and sediment control.

9 d. A schedule of the sequence of installation of planned erosion
10 and sediment control measures as related to the progress of the
11 project including anticipated starting and completion dates.

12 e. Such other information as the soil conservation district shall
13 deem necessary.

1 4. This act shall take effect the first day of the calendar month
2 next occurring not less than 90 days after enactment.

SENATE, No. 806

Introduced February 11, 1974

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a pollutant and that
2 soil erosion continues to be a serious problem throughout the State,
3 and that rapid shifts in land use from agricultural and rural to
4 nonagricultural and urbanizing uses, construction of housing, industrial and commercial developments, and other land disturbing
5 activities have accelerated the process of soil erosion and sediment
6 deposition resulting in pollution of the waters of the State and
7 damage to domestic, agricultural, industrial, recreational, fish and
8 wildlife, and other resource uses. It is, therefore, declared to be
9 the policy of the State to strengthen and extend the present erosion
10 and sediment control activities and programs of this State for both
11 rural and urban lands, and to establish and implement, through the
12 State Soil Conservation Committee and the Soil Conservation
13 Districts, in cooperation with the counties, the municipalities and
14 the Department of Environmental Protection, a Statewide comprehensive and coordinated erosion and sediment control program to
15 reduce the danger from storm water runoff, to retard nonpoint
16 pollution from sediment and to conserve and protect the land,
17 water, air, and other environmental resources of the State.

1 3. For the purposes of this act, unless the context clearly indicates a different meaning:

2 a. "Application for development" means a proposed subdivision
3 of land, site plan, special exception, zoning variance, planned unit
4 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
7 for soil erosion and sediment control by the local Soil Conservation
8 District which indicates that the plan meets the standards promul-
9 gated by the State Soil Conservation Committee pursuant to this
10 act or (2) that the time allotted in section 7 of this act has expired
11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
15 grading, filling or transporting of soil or any other activity which
16 causes soil to be exposed to the danger of erosion.

17 e. "Erosion" means the detachment and movement of soil or
18 rock fragments by water, wind, ice and gravity.

19 f. "Plan" means a scheme which indicates land treatment
20 measures, including a schedule of the timing for their installation,
21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more than 1,000 square
23 feet of the surface area of land for the accommodation of construc-
24 tion for which the Standard Building Code of the State of New
25 Jersey would require a building permit.

26 h. "Sediment" means solid material, mineral or organic, that is
27 in suspension, is being transported, or has been moved from its
28 site of origin by air, water or gravity as a product of erosion.

29 i. "Soil" means all unconsolidated mineral and organic material
30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
34 in the Department of Agriculture established pursuant to R. S.
35 4:24-3.

1 4. The committee shall have the power to formulate, promulgate,
2 amend and repeal standards for the control of soil erosion and
3 sedimentation, pursuant to the Administrative Procedure Act, P. L.
4 1968, c. 410 (C. 52:14B-1 et seq.). The committee shall consult with
5 the Department of Environmental Protection and its Division of
6 Water Resources prior to promulgating, amending or repealing
7 such standards.

8 a. Such standards shall be based upon relevant physical and
9 developmental information concerning the watersheds and topo-
10 graphy of the State, including, but not limited to, data relating to
11 land use, soils, slope, hydrology, geology, size of land area being
12 disturbed, proximate water bodies and their characteristics.

13 b. Such standards shall include criteria, techniques and methods

14 for the control of erosion and sedimentation resulting from land
15 disturbing activities for various categories of soils, slopes and land
16 uses.

1 5. Approval of an application for development for any project by
2 a municipal officer or agency shall be conditioned upon certification
3 by the local district of a plan for soil erosion and sediment control.

1 6. The district shall certify such plan if it meets the standards
2 promulgated by the committee pursuant to this act. The district
3 shall provide written notice to the applicant indicating that:

- 4 a. the plan was certified;
5 b. the plan was certified subject to the attached conditions; or
6 c. the plan was denied certification with the reasons for denial
7 stated.

1 7. The district shall grant or deny certification within a period of
2 30 days of submission of a complete application unless, by mutual
3 agreement in writing between the district and the applicant, the
4 period of 30 days shall be extended for an additional period of 30
5 days. Failure of the district to grant or deny certification within
6 such period or such extension thereof shall constitute certification.
7 For purposes of this section, a major revision of the plan by the
8 applicant shall constitute a new submission.

1 8. The district shall adopt a fee schedule and collect fees from
2 applicants for the certification of plans and for on-site inspections
3 of the execution of certified plans. Such fees shall bear a reasonable
4 relationship to the cost of rendering such services.

1 9. The district or the municipality may issue a stop-construction
2 order if a project is not being executed in accordance with a certified
3 plan.

1 10. The local building inspector is authorized to exempt any
2 single-family dwelling from the provisions of this act.

1 11. Any municipality, which adopts an ordinance that conforms
2 to the standards promulgated pursuant to this act within 12 months
3 of their promulgation and obtains the approval of the committee
4 thereto, shall be exempt from sections 5 through 9 of this act, until
5 such time as the local district determines that the municipality is
6 not enforcing said ordinance.

1 12. No certificate of occupancy for a project shall be issued by a
2 municipality unless there has been compliance with the provisions
3 of a certified plan for permanent measures to control soil erosion
4 and sedimentation.

1 13. In those counties where the district does not maintain its
2 central office, the board of freeholders may, by resolution, direct the
3 county planning board to act as an agent of the district within that

4 county and to administer the powers granted to the district pur-
5 suant to this act, until such time as a district is established within
6 that county. The committee shall establish guidelines to implement
7 this section.

1 14. The districts and the committee are authorized to cooperate
2 and enter into agreements with any Federal, State or local agency
3 to carry out the purposes of this act. The districts and the com-
4 mittee are authorized to receive financial assistance from any
5 Federal, State, county or other public or private source for use in
6 carrying out the purposes of this act.

1 15. The committee is authorized to make grants of State aid to
2 districts and to municipalities to carry out the purposes of this act.

1 16. If any person violates any of the provisions of this act, any
2 standard promulgated pursuant to the provisions of this act, or
3 fails to comply with the provisions of a certified plan the munici-
4 pality or the district may institute a civil action in the Superior
5 Court for injunctive relief to prohibit and prevent such violation or
6 violations and said court may proceed in a summary manner. Any
7 person who violates any of the provisions of this act, any standard
8 promulgated pursuant to this act or fails to comply with the pro-
9 visions of a certified plan shall be liable to a penalty of not more
10 than \$500.00 to be collected in a summary proceeding pursuant to
11 the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). The
12 Superior Court, County Court, county district court and municipal
13 court shall have jurisdiction to enforce said Penalty Enforcement
14 Law. If the violation is of a continuing nature, each day during
15 which it continues shall constitute an additional separate and
16 distinct offense.

1 17. This act shall be liberally construed to effectuate the purpose
2 and intent thereof.

1 18. If any provision of this act or the application thereof to any
2 person or circumstances is held invalid, the remainder of the act
3 and the application of such provision to persons or circumstances
4 other than those to which it is held invalid, shall not be affected
5 thereby.

1 19. There is hereby appropriated to the Department of Agri-
2 culture for the purposes of this act the sum of \$100,000.00.

1 20. This act shall take effect on January 1, next following its en-
2 actment except that sections 4 and 19 shall take effect immediately.

SENATE, No. 806

With Senate Committee Amendments adopted September 19, 1974

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a pollutant and that
2 soil erosion continues to be a serious problem throughout the State,
3 and that rapid shifts in land use from agricultural and rural to
4 nonagricultural and urbanizing uses, construction of housing, in-
5 dustrial and commercial developments, and other land disturbing
6 activities have accelerated the process of soil erosion and sediment
7 deposition resulting in pollution of the waters of the State and
8 damage to domestic, agricultural, industrial, recreational, fish and
9 wildlife, and other resource uses. It is, therefore, declared to be
10 the policy of the State to strengthen and extend the present erosion
11 and sediment control activities and programs of this State for both
12 rural and urban lands, and to establish and implement, through the
13 State Soil Conservation Committee and the Soil Conservation
14 Districts, in cooperation with the counties, the municipalities and
15 the Department of Environmental Protection, a Statewide compre-
16 hensive and coordinated erosion and sediment control program to
17 reduce the danger from storm water runoff, to retard nonpoint
18 pollution from sediment and to conserve and protect the land,
19 water, air, and other environmental resources of the State.

1 3. For the purposes of this act, unless the context clearly indi-
2 cates a different meaning:

3 a. "Application for development" means a proposed subdivision

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

4 of land, site plan, special exception, zoning variance, planned unit
5 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
7 for soil erosion and sediment control by the local Soil Conservation
8 District which indicates that the plan meets the standards promul-
9 gated by the State Soil Conservation Committee pursuant to this
10 act or (2) that the time allotted in section 7 of this act has expired
11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
15 *excavating, storing,* grading, filling or transporting of soil or any
16 other activity which causes soil to be exposed to the danger of
16a erosion.

17 e. "Erosion" means the detachment and movement of soil or
18 rock fragments by water, wind, ice and gravity.

19 f. "Plan" means a scheme which indicates land treatment
20 measures, including a schedule of the timing for their installation,
21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more ***[that 1,000]***
23 ***than 5,000*** square feet of the surface area of land for the ac-
24 commodation of construction for which the Standard Building
25 Code of the State of New Jersey would require a building permit.

26 h. "Sediment" means solid material, mineral or organic, that is
27 in suspension, is being transported, or has been moved from its
28 site of origin by air, water or gravity as a product of erosion.

29 i. "Soil" means all unconsolidated mineral and organic material
30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
34 in the Department of Agriculture established pursuant to R. S.
35 4:24-3.

1 4. The committee shall have the power*, *subject to the approval*
2 *of the Secretary of Agriculture and the Commissioner of Environ-*
3 *mental Protection,** to formulate, promulgate, amend and repeal
4 standards for the control of soil erosion and sedimentation, pur-
5 suant to the Administrative Procedure Act, P. L. 1968, c. 410
6 (C. 52:14B-1 et seq.). ***[The committee shall consult with the**
7 **Department of Environmental Protection and its Division of**
7A **Water Resources prior to promulgating, amending or repealing**
7B **such standards.]***

8 a. Such standards shall be based upon relevant physical and

9 developmental information concerning the watersheds and topo-
10 graphy of the State, including, but not limited to, data relating to
11 land use, soils, slope, hydrology, geology, size of land area being
12 disturbed, proximate water bodies and their characteristics.

13 b. Such standards shall include criteria, techniques and methods
14 for the control of erosion and sedimentation resulting from land
15 disturbing activities for various categories of soils, slopes and land
16 uses.

1 5. Approval of an application for development for any project by
2 a municipal officer or agency shall be conditioned upon certification
3 by the local district of a plan for soil erosion and sediment control.

1 6. The district shall certify such plan if it meets the standards
2 promulgated by the committee pursuant to this act. The district
3 shall provide written notice to the applicant indicating that:

4 a. the plan was certified;

5 b. the plan was certified subject to the attached conditions; or

6 c. the plan was denied certification with the reasons for denial
7 stated.

1 7. The district shall grant or deny certification within a period of
2 30 days of submission of a complete application unless, by mutual
3 agreement in writing between the district and the applicant, the
4 period of 30 days shall be extended for an additional period of 30
5 days. Failure of the district to grant or deny certification within
6 such period or such extension thereof shall constitute certification.
7 For purposes of this section, a major revision of the plan by the
8 applicant shall constitute a new submission.

1 8. The district shall adopt a fee schedule and collect fees from
2 applicants for the certification of plans and for on-site inspections
3 of the execution of certified plans. Such fees shall bear a reasonable
4 relationship to the cost of rendering such services.

1 9. The district or the municipality may issue a stop-construction
2 order if a project is not being executed in accordance with a certified
3 plan.

1 10. The local building inspector is authorized to exempt any
2 single-family dwelling from the provisions of this act.

1 11. Any municipality, which adopts an ordinance that conforms
2 to the standards promulgated pursuant to this act within 12 months
3 of their promulgation and obtains the approval of the committee
4 thereto, shall be exempt from sections 5 through 9 of this act, until
5 such time as the local district determines that the municipality is
6 not enforcing said ordinance.

1 12. No certificate of occupancy for a project shall be issued by a
2 municipality unless there has been compliance with the provisions
3 of a certified plan for permanent measures to control soil erosion
4 and sedimentation.

1 13. In those counties where the district does not maintain its
 2 central office, the board of freeholders may, by resolution, direct the
 3 county planning board to act as an agent of the district within that
 4 county and to administer the powers granted to the district pur-
 5 suant to this act, until such time as a district is established within
 6 that county. The committee shall establish guidelines to implement
 7 this section.

1 14. The districts and the committee are authorized to cooperate
 2 and enter into agreements with any Federal, State or local agency
 3 to carry out the purposes of this act. The districts and the com-
 4 mittee are authorized to receive financial assistance from any
 5 Federal, State, county or other public or private source for use in
 6 carrying out the purposes of this act.

1 15. The committee is authorized to make grants of State aid to
 2 districts and to municipalities to carry out the purposes of this act.

1 16. If any person violates any of the provisions of this act, any
 2 standard promulgated pursuant to the provisions of this act, or
 3 fails to comply with the provisions of a certified plan the munici-
 4 pality or the district may institute a civil action in the Superior
 5 Court for injunctive relief to prohibit and prevent such violation or
 6 violations and said court may proceed in a summary manner. Any
 7 person who violates any of the provisions of this act, any standard
 8 promulgated pursuant to this act or fails to comply with the pro-
 9 visions of a certified plan shall be liable to a penalty of not **less*
 10 *than \$25.00 nor* * more than ***[\$500.00]** * **\$3,000.00** to be collected in
 11 a summary proceeding pursuant to the Penalty Enforcement Law
 12 (N. J. S. 2A:58-1 et seq.). The Superior Court, County Court,
 13 county district court and municipal court shall have jurisdiction
 14 to enforce said Penalty Enforcement Law. If the violation is of
 15 a continuing nature, each day during which it continues shall con-
 16 stitute an additional separate and distinct offense.

1 17. This act shall be liberally construed to effectuate the purpose
 2 and intent thereof.

1 18. If any provision of this act or the application thereof to any
 2 person or circumstances is held invalid, the remainder of the act
 3 and the application of such provision to persons or circumstances
 4 other than those to which it is held invalid, shall not be affected
 5 thereby.

1 19. There is hereby appropriated to the Department of Agri-
 2 culture for the purposes of this act the sum of \$100,000.00.

1 20. This act shall take effect on January 1, next following its en-
 2 actment except that sections 4 and 19 shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 806

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 19, 1974

Amend page 2, section 3, line 14, after "clearing," insert "excavating, storing,".

Amend page 2, section 3, line 22, omit "that 1,000", insert "than 5,000".

Amend page 2, section 4, line 1, after "power", insert " , subject to the approval of the Secretary of Agriculture and the Commissioner of Environmental Protection,".

Amend page 2, section 4, line 4, omit "The committee shall consult with".

Amend page 2, section 4, lines 5-7, omit entirely.

Amend page 4, section 16, line 9, after "not", insert "less than \$25.00 nor".

Amend page 4, section 16, line 10, omit "\$500.00", insert "\$3,000.00".

SENATE ENERGY, AGRICULTURE AND
ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 806

SENATE COMMITTEE AMENDMENT

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1974

The Soil Erosion and Sediment Control Act provides that the approval of a subdivision, site plan, special exception, zoning variance, planned unit development or building permit for any construction project which disturbs over 5,000 square feet of the surface area of land shall be conditioned upon certification by the local soil conservation district of a plan for soil erosion and sediment control. The district shall certify such plan, if it meets the standards promulgated by the State Soil Conservation Committee. The act authorizes that committee to formulate, promulgate, amend and repeal standards for the control of soil erosion and sedimentation, subject to the approval of the Secretary of Agriculture and the Commissioner of Environmental Protection. A municipality may however obtain an exemption from the certification procedure, administered by the local soil conservation district, if it adopts and enforces an ordinance approved by the State committee. A municipality may not issue a certificate of occupancy for a project unless there has been compliance with the provisions of a certified plan for permanent measures to control soil erosion and sedimentation. The act appropriates \$100,000.00 to the Department of Agriculture to implement this program.

**SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE
STATEMENT TO SENATE, No. 806**

Dated November 21, 1974

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SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 806
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1974

The Senate Revenue, Finance and Appropriations Committee concurs in the Senate Energy, Agriculture and Environment Committee Statement on Senate Bill No. 806 (Official Copy Reprint), but wishes comment with regard to the fiscal impact of the bill.

The Senate Revenue, Finance and Appropriations Committee amended the appropriation contained in the bill reducing the appropriation from \$100,000.00 to \$25,000.00. The \$25,000.00 level is sufficient for start-up costs in the current fiscal year. It is expected that in the long run, the program will be self-sufficient, funded through fees to be established by soil conservation districts as provided by section 8 of the bill. The only possible exception to self-sufficiency would be the cost of a Department of Agriculture Statewide overview activity. Additionally, section 15 authorizes grants of State aid to districts and municipalities to carry out the purposes of the act. This is not a built-in cost center, does not commit State Government to any grant-in-aid program, and where funding is requested in the future, the Legislature will be in a position to review the appropriation, either through the Joint Appropriations Committee or by separate bill.

SENATE, No. 806

With Senate Amendments adopted November 25, 1974

SENATE, No. 806

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a pollutant and that
2 soil erosion continues to be a serious problem throughout the State,
3 and that rapid shifts in land use from agricultural and rural to
4 nonagricultural and urbanizing uses, construction of housing, industrial and commercial developments, and other land disturbing
6 activities have accelerated the process of soil erosion and sediment
7 deposition resulting in pollution of the waters of the State and
8 damage to domestic, agricultural, industrial, recreational, fish and
9 wildlife, and other resource uses. It is, therefore, declared to be
10 the policy of the State to strengthen and extend the present erosion
11 and sediment control activities and programs of this State for both
12 rural and urban lands, and to establish and implement, through the
13 State Soil Conservation Committee and the Soil Conservation
14 Districts, in cooperation with the counties, the municipalities and
15 the Department of Environmental Protection, a Statewide comprehensive and coordinated erosion and sediment control program to
16 reduce the danger from storm water runoff, to retard nonpoint
17 pollution from sediment and to conserve and protect the land,
18 water, air, and other environmental resources of the State.

1 3. For the purposes of this act, unless the context clearly indicates a different meaning:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

3 a. "Application for development" means a proposed subdivision
4 of land, site plan, special exception, zoning variance, planned unit
5 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
7 for soil erosion and sediment control by the local Soil Conservation
8 District which indicates that the plan meets the standards promul-
9 gated by the State Soil Conservation Committee pursuant to this
10 act or (2) that the time allotted in section 7 of this act has expired
11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
15 *excavating, storing,* grading, filling or transporting of soil or any
16 other activity which causes soil to be exposed to the danger of
16a erosion.

17 e. "Erosion" means the detachment and movement of soil or
18 rock fragments by water, wind, ice and gravity.

19 f. "Plan" means a scheme which indicates land treatment
20 measures, including a schedule of the timing for their installation,
21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more ***[that 1,000]***
23 ***than 5,000*** square feet of the surface area of land for the ac-
24 commodation of construction for which the Standard Building
25 Code of the State of New Jersey would require a building
25a permit***, *except that the construction of a single-family dwelling*
25b *unit shall not be deemed a "project" under this act unless such*
25c *unit is part of a proposed subdivision, site plan, special exception,*
25d *zoning variance, planned unit development or building permit*
25e *application involving two or more such single-family dwelling*
25f *units***.*

26 h. "Sediment" means solid material, mineral or organic, that is
27 in suspension, is being transported, or has been moved from its
28 site of origin by air, water or gravity as a product of erosion.

29 i. "Soil" means all unconsolidated mineral and organic material
30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
34 in the Department of Agriculture established pursuant to R. S.
35 4:24-3.

1 4. The committee shall have the power*, *subject to the approval*
2 *of the Secretary of Agriculture and the Commissioner of Environ-*
3 *mental Protection,** to formulate, promulgate, amend and repeal

standards for the control of soil erosion and sedimentation, pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.). ***[The committee shall consult with the Department of Environmental Protection and its Division of Water Resources prior to promulgating, amending or repealing such standards.]***

a. Such standards shall be based upon relevant physical and developmental information concerning the watersheds and topography of the State, including, but not limited to, data relating to land use, soils, slope, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics.

b. Such standards shall include criteria, techniques and methods for the control of erosion and sedimentation resulting from land disturbing activities for various categories of soils, slopes and land uses.

5. Approval of an application for development for any project by a municipal officer or agency shall be conditioned upon certification by the local district of a plan for soil erosion and sediment control.

6. The district shall certify such plan if it meets the standards promulgated by the committee pursuant to this act. The district shall provide written notice to the applicant indicating that:

- a. the plan was certified;
- b. the plan was certified subject to the attached conditions; or
- c. the plan was denied certification with the reasons for denial stated.

7. The district shall grant or deny certification within a period of 30 days of submission of a complete application unless, by mutual agreement in writing between the district and the applicant, the period of 30 days shall be extended for an additional period of 30 days. Failure of the district to grant or deny certification within such period or such extension thereof shall constitute certification. For purposes of this section, a major revision of the plan by the applicant shall constitute a new submission.

8. The district shall adopt a fee schedule and collect fees from applicants for the certification of plans and for on-site inspections of the execution of certified plans. Such fees shall bear a reasonable relationship to the cost of rendering such services.

9. The district or the municipality may issue a stop-construction order if a project is not being executed in accordance with a certified plan.

*****[10. The local building inspector is authorized to exempt any single-family dwelling from the provisions of this act.]*****

1 ***[11.]*** 10.*** Any municipality, which adopts an ordinance
 2 that conforms to the standards promulgated pursuant to this act
 3 within 12 months of their promulgation and obtains the approval
 4 of the committee thereto, shall be exempt from sections 5 through 9
 5 of this act, until such time as the local district determines that the
 6 municipality is not enforcing said ordinance.

1 ***[12.]*** 11.*** No certificate of occupancy for a project
 2 shall be issued by a municipality unless there has been compliance
 3 with the provisions of a certified plan for permanent measures to
 4 control soil erosion and sedimentation.

1 ***[13.]*** 12.*** In those counties where the district does
 2 not maintain its central office, the board of freeholders may, by
 3 resolution, direct the county planning board to act as an agent of
 4 the district within that county and to administer the powers
 5 granted to the district pursuant to this act, until such time as a
 6 district is established within that county. The committee shall
 7 establish guidelines to implement this section.

1 ***[14.]*** 13.*** The districts and the committee are
 2 authorized to cooperate and enter into agreements with any Fed-
 3 eral, State or local agency to carry out the purposes of this act.
 4 The districts and the committee are authorized to receive financial
 5 assistance from any Federal, State, county or other public or pri-
 6 vate source for use in carrying out the purposes of this act.

1 ***[15.]*** 14.*** The committee is authorized to make
 2 grants of State aid to districts and to municipalities to carry out
 3 the purposes of this act.

1 ***[16.]*** 15.*** If any person violates any of the provi-
 2 sions of this act, any standard promulgated pursuant to the provi-
 3 sions of this act, or fails to comply with the provisions of a certified
 4 plan the municipality or the district may institute a civil action in
 5 the Superior Court for injunctive relief to prohibit and prevent
 6 such violation or violations and said court may proceed in a sum-
 7 mary manner. Any person who violates any of the provisions of this
 8 act, any standard promulgated pursuant to this act or fails to
 9 comply with the provisions of a certified plan shall be liable to a
 10 penalty of not **less than \$25.00 nor** more than **\$500.00**
 11 **\$3,000.00** to be collected in a summary proceeding pursuant to
 12 the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). The
 13 Superior Court, County Court, county district court and municipal
 14 court shall have jurisdiction to enforce said Penalty Enforcement
 15 Law. If the violation is of a continuing nature, each day during

16 which it continues shall constitute an additional separate and
17 distinct offense.

1 ***[17.]*** ***16.*** This act shall be liberally construed to
2 effectuate the purpose and intent thereof.

1 ***[18.]*** ***17.*** If any provision of this act or the appli-
2 cation thereof to any person or circumstances is held invalid, the
3 remainder of the act and the application of such provision to
4 persons or circumstances other than those to which it is held
5 invalid, shall not be affected thereby.

1 ***[19.]*** ***18.*** There is hereby appropriated to the
2 Department of Agriculture for the purposes of this act the sum of
3 **[\$100,000.00]** **\$25,000.00**.

1 ***[20.]*** ***19.*** This act shall take effect on January 1,
2 next following its enactment except that sections 4 and 19 shall
3 take effect immediately.

SENATE AMENDMENTS TO

SENATE, No. 806

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 25, 1974

Amend page 2, section 3, line 25, after "permit", insert " , except that the construction of a single-family dwelling unit shall not be deemed a 'project' under this act unless such unit is part of a proposed subdivision, site plan, special exception, zoning variance, planned unit development or building permit application involving two or more such single-family dwelling units".

Amend page 3, section 10, lines 1-2, omit these lines in their entirety.

Amend pages 3-4, renumber sections 11 through 20 as 10 through 19.

SENATE, No. 806

With Assembly Committee Amendment adopted January 27, 1975

[ASSEMBLY REPRINT]

SENATE, No. 806

[THIRD OFFICIAL COPY REPRINT]

with Assembly Committee Amendment adopted January 27, 1975

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a ****[pollutant]****
2 ****source of pollution**** and that soil erosion continues to
3 be a serious problem throughout the State, and that rapid shifts
4 in land use from agricultural and rural to nonagricultural and
5 urbanizing uses, construction of housing, industrial and com-
6 mercial developments, and other land disturbing activities have
7 accelerated the process of soil erosion and sediment deposition
8 resulting in pollution of the waters of the State and damage
9 to domestic, agricultural, industrial, recreational, fish and wildlife,
10 and other resource uses. It is, therefore, declared to be the policy
11 of the State to strengthen and extend the present erosion and
11A sediment control activities and programs of this State for both
12 rural and urban lands, and to establish and implement, through the
13 State Soil Conservation Committee and the Soil Conservation
14 Districts, in cooperation with the counties, the municipalities and
15 the Department of Environmental Protection, a Statewide compre-
16 hensive and coordinated erosion and sediment control program to
17 reduce the danger from storm water runoff, to retard nonpoint
18 pollution from sediment and to conserve and protect the land,
19 water, air, and other environmental resources of the State.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. For the purposes of this act, unless the context clearly indi-
 2 cates a different meaning:

3 a. "Application for development" means a proposed subdivision
 4 of land, site plan, special exception, zoning variance, planned unit
 5 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
 7 for soil erosion and sediment control by the local Soil Conservation
 8 District which indicates that the plan meets the standards promul-
 9 gated by the State Soil Conservation Committee pursuant to this
 10 act or (2) that the time allotted in section 7 of this act has expired
 11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
 13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
 15 **excavating, storing,** grading, filling or transporting of soil or any
 16 other activity which causes soil to be exposed to the danger of
 16A erosion.

17 e. "Erosion" means the detachment and movement of soil or
 18 rock fragments by water, wind, ice and gravity.

19 f. "Plan" means a scheme which indicates land treatment
 20 measures, including a schedule of the timing for their installation,
 21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more ***[that 1,000]***
 23 **than 5,000** square feet of the surface area of land for the ac-
 24 commodation of construction for which the Standard Building
 25 Code of the State of New Jersey would require a building
 25A permit***, *except that the construction of a single-family dwelling*
 25B *unit shall not be deemed a "project" under this act unless such*
 25C *unit is part of a proposed subdivision, site plan, special exception,*
 25D *zoning variance, planned unit development or building permit*
 25E *application involving two or more such single-family dwelling*
 25F *units***.*

26 h. "Sediment" means solid material, mineral or organic, that is
 27 in suspension, is being transported, or has been moved from its
 28 site of origin by air, water or gravity as a product of erosion.

29 i. "Soil" means all unconsolidated mineral and organic material
 30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
 32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
 34 in the Department of Agriculture established pursuant to R. S.
 35 4:24-3.

1 4. The committee shall have the power*, *subject to the approval*
 2 *of the Secretary of Agriculture and the Commissioner of Environ-*
 3 *mental Protection**, to formulate, promulgate, amend and repeal
 4 standards for the control of soil erosion and sedimentation, pur-
 5 suant to the Administrative Procedure Act, P. L. 1968, c. 410
 6 (C. 52:14B-1 et seq.). ***[The committee shall consult with the**
 7 **Department of Environmental Protection and its Division of**
 7A **Water Resources prior to promulgating, amending or repealing**
 7B **such standards.]***

8 a. Such standards shall be based upon relevant physical and
 9 developmental information concerning the watersheds and topog-
 10 raphy of the State, including, but not limited to, data relating to
 11 land use, soils, slope, hydrology, geology, size of land area being
 12 disturbed, proximate water bodies and their characteristics.

13 b. Such standards shall include criteria, techniques and methods
 14 for the control of erosion and sedimentation resulting from land
 15 disturbing activities for various categories of soils, slopes and land
 16 uses.

1 5. Approval of an application for development for any project by
 2 a municipal officer or agency shall be conditioned upon certification
 3 by the local district of a plan for soil erosion and sediment control.

1 6. The district shall certify such plan if it meets the standards
 2 promulgated by the committee pursuant to this act. The district
 3 shall provide written notice to the applicant indicating that:

- 4 a. the plan was certified;
- 5 b. the plan was certified subject to the attached conditions; or
- 6 c. the plan was denied certification with the reasons for denial
- 7 stated.

1 7. The district shall grant or deny certification within a period of
 2 30 days of submission of a complete application unless, by mutual
 3 agreement in writing between the district and the applicant, the
 4 period of 30 days shall be extended for an additional period of 30
 5 days. Failure of the district to grant or deny certification within
 6 such period or such extension thereof shall constitute certification.
 7 For purposes of this section, a major revision of the plan by the
 8 applicant shall constitute a new submission.

1 8. The district shall adopt a fee schedule and collect fees from
 2 applicants for the certification of plans and for on-site inspections
 3 of the execution of certified plans. Such fees shall bear a reasonable
 4 relationship to the cost of rendering such services.

1 9. The district or the municipality may issue a stop-construction
 2 order if a project is not being executed in accordance with a certified
 3 plan.

1 ***[10. The local building inspector is authorized to exempt any
2 single-family dwelling from the provisions of this act.]***

1 ***[11.]*** ***10.*** Any municipality, which adopts an ordinance
2 that conforms to the standards promulgated pursuant to this act
3 within 12 months of their promulgation and obtains the approval
4 of the committee thereto, shall be exempt from sections 5 through 9
5 of this act, until such time as the local district determines that the
6 municipality is not enforcing said ordinance.

1 ***[12.]*** ***11.*** No certificate of occupancy for a project
2 shall be issued by a municipality unless there has been compliance
3 with the provisions of a certified plan for permanent measures to
4 control soil erosion and sedimentation.

1 ***[13.]*** ***12.*** In those counties where the district does
2 not maintain its central office, the board of freeholders may, by
3 resolution, direct the county planning board to act as an agent of
4 the district within that county and to administer the powers
5 granted to the district pursuant to this act, until such time as a
6 district is established within that county. The committee shall
7 establish guidelines to implement this section.

1 ***[14.]*** ***13.*** The districts and the committee are
2 authorized to cooperate and enter into agreements with any Fed-
3 eral, State or local agency to carry out the purposes of this act.
4 The districts and the committee are authorized to receive financial
5 assistance from any Federal, State, county or other public or pri-
6 vate source for use in carrying out the purposes of this act.

1 ***[15.]*** ***14.*** The committee is authorized to make
2 grants of State aid to districts and to municipalities to carry out
3 the purposes of this act.

1 ***[16.]*** ***15.*** If any person violates any of the provi-
2 sions of this act, any standard promulgated pursuant to the provi-
3 sions of this act, or fails to comply with the provisions of a certified
4 plan the municipality or the district may institute a civil action in
5 the Superior Court for injunctive relief to prohibit and prevent
6 such violation or violations and said court may proceed in a sum-
7 mary manner. Any person who violates any of the provisions of this
8 act, any standard promulgated pursuant to this act or fails to
9 comply with the provisions of a certified plan shall be liable to a
10 penalty of not **less than \$25.00 nor** more than **[\$500.00]**
11 **\$3,000.00** to be collected in a summary proceeding pursuant to
12 the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). The
13 Superior Court, County Court, county district court and municipal
14 court shall have jurisdiction to enforce said Penalty Enforcement

15 Law. If the violation is of a continuing nature, each day during
16 which it continues shall constitute an additional separate and
17 distinct offense.

1 ***[17.]*** **16.** This act shall be liberally construed to
2 effectuate the purpose and intent thereof.

1 ***[18.]*** **17.** If any provision of this act or the appli-
2 cation thereof to any person or circumstances is held invalid, the
3 remainder of the act and the application of such provision to
4 persons or circumstances other than those to which it is held
5 invalid, shall not be affected thereby.

1 ***[19.]*** **18.** There is hereby appropriated to the
2 Department of Agriculture for the purposes of this act the sum of
3 **[\$100,000.00]** **\$25,000.00**.

1 ***[20.]*** **19.** This act shall take effect on January 1,
2 next following its enactment except that sections 4 and 19 shall
3 take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 806

[THIRD OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JANUARY 27, 1975

Amend page 1, section 2, line 1, omit "pollutant", and insert "source of pollution".

SENATE, No. 806

With Assembly Committee Amendment adopted January 27, 1975
AND with Assembly Amendments adopted April 28, 1975

[SECOND ASSEMBLY REPRINT]

SENATE, No. 806

[THIRD OFFICIAL COPY REPRINT]

with Assembly Committee Amendment adopted January 27, 1975
AND with Assembly Amendments adopted April 28, 1975

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes ****[and making an appropriation]****.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a ****[pollutant]****
2 ****source of pollution**** and that soil erosion continues to
3 be a serious problem throughout the State, and that rapid shifts
4 in land use from agricultural and rural to nonagricultural and
5 urbanizing uses, construction of housing, industrial and com-
6 mercial developments, and other land disturbing activities have
7 accelerated the process of soil erosion and sediment deposition
8 resulting in pollution of the waters of the State and damage
9 to domestic, agricultural, industrial, recreational, fish and wildlife,
10 and other resource uses. It is, therefore, declared to be the policy
11 of the State to strengthen and extend the present erosion and
11A sediment control activities and programs of this State for both
12 rural and urban lands, and to establish and implement, through the
13 State Soil Conservation Committee and the Soil Conservation
14 Districts, in cooperation with the counties, the municipalities and
15 the Department of Environmental Protection, a Statewide compre-
16 hensive and coordinated erosion and sediment control program to
17 reduce the danger from storm water runoff, to retard nonpoint
18 pollution from sediment and to conserve and protect the land,
19 water, air, and other environmental resources of the State.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. For the purposes of this act, unless the context clearly indi-
 2 cates a different meaning:

3 a. "Application for development" means a proposed subdivision
 4 of land, site plan, special exception, zoning variance, planned unit
 5 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
 7 for soil erosion and sediment control by the local Soil Conservation
 8 District which indicates that the plan meets the standards promul-
 9 gated by the State Soil Conservation Committee pursuant to this
 10 act or (2) that the time allotted in section 7 of this act has expired
 11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
 13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
 15 **excavating, storing,** grading, filling or transporting of soil or any
 16 other activity which causes soil to be exposed to the danger of
 16a erosion.

17 e. "Erosion" means the detachment and movement of soil or
 18 rock fragments by water, wind, ice and gravity.

19 f. "Plan" means a scheme which indicates land treatment
 20 measures, including a schedule of the timing for their installation,
 21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more ***[that 1,000]***
 23 ***than 5,000*** square feet of the surface area of land for the ac-
 24 commodation of construction for which the Standard Building
 25 Code of the State of New Jersey would require a building
 25a permit***, *except that the construction of a single-family dwelling*
 25b *unit shall not be deemed a "project" under this act unless such*
 25c *unit is part of a proposed subdivision, site plan, special exception,*
 25d *zoning variance, planned unit development or building permit*
 25e *application involving two or more such single-family dwelling*
 25f *units***.*

26 h. "Sediment" means solid material, mineral or organic, that is
 27 in suspension, is being transported, or has been moved from its
 28 site of origin by air, water or gravity as a product of erosion.

29 i. "Soil" means all unconsolidated mineral and organic material
 30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
 32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
 34 in the Department of Agriculture established pursuant to R. S.
 35 4:24-3.

1 4. The committee shall have the power*, *subject to the approval*
 2 *of the Secretary of Agriculture and the Commissioner of Environ-*
 3 *mental Protection**, to formulate, promulgate, amend and repeal
 4 standards for the control of soil erosion and sedimentation, pur-
 5 suant to the Administrative Procedure Act, P. L. 1968, c. 410
 6 (C. 52:14B-1 et seq.). ***[**The committee shall consult with the
 7 Department of Environmental Protection and its Division of
 7A Water Resources prior to promulgating, amending or repealing
 7B such standards.**]***

8 a. Such standards shall be based upon relevant physical and
 9 developmental information concerning the watersheds and topog-
 10 raphy of the State, including, but not limited to, data relating to
 11 land use, soils, slope, hydrology, geology, size of land area being
 12 disturbed, proximate water bodies and their characteristics.

13 b. Such standards shall include criteria, techniques and methods
 14 for the control of erosion and sedimentation resulting from land
 15 disturbing activities for various categories of soils, slopes and land
 16 uses.

1 5. Approval of an application for development for any project by
 2 a municipal officer or agency shall be conditioned upon certification
 3 by the local district of a plan for soil erosion and sediment control.

1 6. The district shall certify such plan if it meets the standards
 2 promulgated by the committee pursuant to this act. The district
 3 shall provide written notice to the applicant indicating that:

4 a. the plan was certified;

5 b. the plan was certified subject to the attached conditions; or

6 c. the plan was denied certification with the reasons for denial
 7 stated.

1 7. The district shall grant or deny certification within a period of
 2 30 days of submission of a complete application unless, by mutual
 3 agreement in writing between the district and the applicant, the
 4 period of 30 days shall be extended for an additional period of 30
 5 days. Failure of the district to grant or deny certification within
 6 such period or such extension thereof shall constitute certification.
 7 For purposes of this section, a major revision of the plan by the
 8 applicant shall constitute a new submission.

1 8. The district shall adopt a fee schedule and collect fees from
 2 applicants for the certification of plans and for on-site inspections
 3 of the execution of certified plans. Such fees shall bear a reasonable
 4 relationship to the cost of rendering such services.

1 9. The district or the municipality may issue a stop-construction
 2 order if a project is not being executed in accordance with a certified
 3 plan.

1 ***[10. The local building inspector is authorized to exempt any
2 single-family dwelling from the provisions of this act.]***

1 ***[11.]*** ***10.*** Any municipality, which adopts an ordinance
2 that conforms to the standards promulgated pursuant to this act
3 within 12 months of their promulgation and obtains the approval
4 of the committee thereto, shall be exempt from sections 5 through 9
5 of this act, until such time as the local district determines that the
6 municipality is not enforcing said ordinance.

1 ***[12.]*** ***11.*** No certificate of occupancy for a project
2 shall be issued by a municipality unless there has been compliance
3 with the provisions of a certified plan for permanent measures to
4 control soil erosion and sedimentation.

1 ***[13.]*** ***12.*** In those counties where the district does
2 not maintain its central office, the board of freeholders may, by
3 resolution, direct the county planning board to act as an agent of
4 the district within that county and to administer the powers
5 granted to the district pursuant to this act, until such time as a
6 district is established within that county. The committee shall
7 establish guidelines to implement this section.

1 ***[14.]*** ***13.*** The districts and the committee are
2 authorized to cooperate and enter into agreements with any Fed-
3 eral, State or local agency to carry out the purposes of this act.
4 The districts and the committee are authorized to receive financial
5 assistance from any Federal, State, county or other public or pri-
6 vate source for use in carrying out the purposes of this act.

1 ***[15.]*** ***14.*** The committee is authorized to make
2 grants of State aid to districts and to municipalities to carry out
3 the purposes of this act.

1 ***[16.]*** ***15.*** If any person violates any of the provi-
2 sions of this act, any standard promulgated pursuant to the provi-
3 sions of this act, or fails to comply with the provisions of a certified
4 plan the municipality or the district may institute a civil action in
5 the Superior Court for injunctive relief to prohibit and prevent
6 such violation or violations and said court may proceed in a sum-
7 mary manner. Any person who violates any of the provisions of this
8 act, any standard promulgated pursuant to this act or fails to
9 comply with the provisions of a certified plan shall be liable to a
10 penalty of not **less than \$25.00 nor** more than **[\$500.00]**
11 **\$3,000.00** to be collected in a summary proceeding pursuant to
12 the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). The
13 Superior Court, County Court, county district court and municipal
14 court shall have jurisdiction to enforce said Penalty Enforcement

15 Law. If the violation is of a continuing nature, each day during
 16 which it continues shall constitute an additional separate and
 17 distinct offense.

1 ***[17.]*** ***16.*** This act shall be liberally construed to
 2 effectuate the purpose and intent thereof.

1 ***[18.]*** ***17.*** If any provision of this act or the appli-
 2 cation thereof to any person or circumstances is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held
 5 invalid, shall not be affected thereby.

1 ***[19.]*** ***[18.*** There is hereby appropriated to the
 2 Department of Agriculture for the purposes of this act the sum of
 3 **[\$100,000.00]** **\$25,000.00**].***.

1 ***[20.]*** ***[19.***]*** ***18.*** This act shall take
 2 effect on January 1, next following its enactment except that sec-
 3 tions 4 and 19 shall take effect immediately.

ASSEMBLY AMENDMENTS TO

SENATE, No. 806

[ASSEMBLY REPRINT]

[THIRD OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 28, 1975

Amend page 1, title, lines 2-3, omit "and making an appropriation".

Amend page 5, section 18, lines 1-3, omit.

Amend page 5, section 19, line 1, omit "19.", insert "18.".

SENATE, No. 806

Approved November 12, 1975 as Chapter 251, Laws of 1975, with accompanying
Governor's message on signing

[FOURTH OFFICIAL COPY REPRINT]

SENATE, No. 806

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes ****[and making an appropriation]****.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a ****[pollutant]****
2 ****source of pollution**** and that soil erosion continues to
3 be a serious problem throughout the State, and that rapid shifts
4 in land use from agricultural and rural to nonagricultural and
5 urbanizing uses, construction of housing, industrial and com-
6 mercial developments, and other land disturbing activities have
7 accelerated the process of soil erosion and sediment deposition
8 resulting in pollution of the waters of the State and damage
9 to domestic, agricultural, industrial, recreational, fish and wildlife,
10 and other resource uses. It is, therefore, declared to be the policy
11 of the State to strengthen and extend the present erosion and
11A sediment control activities and programs of this State for both
12 rural and urban lands, and to establish and implement, through the
13 State Soil Conservation Committee and the Soil Conservation
14 Districts, in cooperation with the counties, the municipalities and
15 the Department of Environmental Protection, a Statewide compre-
16 hensive and coordinated erosion and sediment control program to
17 reduce the danger from storm water runoff, to retard nonpoint
18 pollution from sediment and to conserve and protect the land,
19 water, air, and other environmental resources of the State.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. For the purposes of this act, unless the context clearly indi-
 2 cates a different meaning:

3 a. "Application for development" means a proposed subdivision
 4 of land, site plan, special exception, zoning variance, planned unit
 5 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
 7 for soil erosion and sediment control by the local Soil Conservation
 8 District which indicates that the plan meets the standards promul-
 9 gated by the State Soil Conservation Committee pursuant to this
 10 act or (2) that the time allotted in section 7 of this act has expired
 11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
 13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
 15 **excavating, storing,** grading, filling or transporting of soil or any
 16 other activity which causes soil to be exposed to the danger of
 16A erosion.

17 e. "Erosion" means the detachment and movement of soil or
 18 rock fragments by water, wind, ice and gravity.

19 f. "Plan" means a scheme which indicates land treatment
 20 measures, including a schedule of the timing for their installation,
 21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more ***[that 1,000]***
 23 **than 5,000** square feet of the surface area of land for the ac-
 24 commodation of construction for which the Standard Building
 25 Code of the State of New Jersey would require a building
 25A permit***, *except that the construction of a single-family dwelling*
 25B *unit shall not be deemed a "project" under this act unless such*
 25C *unit is part of a proposed subdivision, site plan, special exception,*
 25D *zoning variance, planned unit development or building permit*
 25E *application involving two or more such single-family dwelling*
 25F *units***.*

26 h. "Sediment" means solid material, mineral or organic, that is
 27 in suspension, is being transported, or has been moved from its
 28 site of origin by air, water or gravity as a product of erosion.

29 i. "Soil" means all unconsolidated mineral and organic material
 30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
 32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
 34 in the Department of Agriculture established pursuant to R. S.
 35 4:24-3.

1 4. The committee shall have the power*, *subject to the approval*
 2 *of the Secretary of Agriculture and the Commissioner of Environ-*
 3 *mental Protection**, to formulate, promulgate, amend and repeal
 4 standards for the control of soil erosion and sedimentation, pur-
 5 suant to the Administrative Procedure Act, P. L. 1968, c. 410
 6 (C. 52:14B-1 et seq.). ***[The committee shall consult with the**
 7 **Department of Environmental Protection and its Division of**
 7A **Water Resources prior to promulgating, amending or repealing**
 7B **such standards.]***

8 a. Such standards shall be based upon relevant physical and
 9 developmental information concerning the watersheds and topog-
 10 raphy of the State, including, but not limited to, data relating to
 11 land use, soils, slope, hydrology, geology, size of land area being
 12 disturbed, proximate water bodies and their characteristics.

13 b. Such standards shall include criteria, techniques and methods
 14 for the control of erosion and sedimentation resulting from land
 15 disturbing activities for various categories of soils, slopes and land
 16 uses.

1 5. Approval of an application for development for any project by
 2 a municipal officer or agency shall be conditioned upon certification
 3 by the local district of a plan for soil erosion and sediment control.

1 6. The district shall certify such plan if it meets the standards
 2 promulgated by the committee pursuant to this act. The district
 3 shall provide written notice to the applicant indicating that:

4 a. the plan was certified;

5 b. the plan was certified subject to the attached conditions; or

6 c. the plan was denied certification with the reasons for denial
 7 stated.

1 7. The district shall grant or deny certification within a period of
 2 30 days of submission of a complete application unless, by mutual
 3 agreement in writing between the district and the applicant, the
 4 period of 30 days shall be extended for an additional period of 30
 5 days. Failure of the district to grant or deny certification within
 6 such period or such extension thereof shall constitute certification.
 7 For purposes of this section, a major revision of the plan by the
 8 applicant shall constitute a new submission.

1 8. The district shall adopt a fee schedule and collect fees from
 2 applicants for the certification of plans and for on-site inspections
 3 of the execution of certified plans. Such fees shall bear a reasonable
 4 relationship to the cost of rendering such services.

1 9. The district or the municipality may issue a stop-construction
 2 order if a project is not being executed in accordance with a certified
 3 plan.

1 ***[10. The local building inspector is authorized to exempt any
2 single-family dwelling from the provisions of this act.]***

1 ***[11.]*** ***10.*** Any municipality, which adopts an ordinance
2 that conforms to the standards promulgated pursuant to this act
3 within 12 months of their promulgation and obtains the approval
4 of the committee thereto, shall be exempt from sections 5 through 9
5 of this act, until such time as the local district determines that the
6 municipality is not enforcing said ordinance.

1 ***[12.]*** ***11.*** No certificate of occupancy for a project
2 shall be issued by a municipality unless there has been compliance
3 with the provisions of a certified plan for permanent measures to
4 control soil erosion and sedimentation.

1 ***[13.]*** ***12.*** In those counties where the district does
2 not maintain its central office, the board of freeholders may, by
3 resolution, direct the county planning board to act as an agent of
4 the district within that county and to administer the powers
5 granted to the district pursuant to this act, until such time as a
6 district is established within that county. The committee shall
7 establish guidelines to implement this section.

1 ***[14.]*** ***13.*** The districts and the committee are
2 authorized to cooperate and enter into agreements with any Fed-
3 eral, State or local agency to carry out the purposes of this act.
4 The districts and the committee are authorized to receive financial
5 assistance from any Federal, State, county or other public or pri-
6 vate source for use in carrying out the purposes of this act.

1 ***[15.]*** ***14.*** The committee is authorized to make
2 grants of State aid to districts and to municipalities to carry out
3 the purposes of this act.

1 ***[16.]*** ***15.*** If any person violates any of the provi-
2 sions of this act, any standard promulgated pursuant to the provi-
3 sions of this act, or fails to comply with the provisions of a certified
4 plan the municipality or the district may institute a civil action in
5 the Superior Court for injunctive relief to prohibit and prevent
6 such violation or violations and said court may proceed in a sum-
7 mary manner. Any person who violates any of the provisions of this
8 act, any standard promulgated pursuant to this act or fails to
9 comply with the provisions of a certified plan shall be liable to a
10 penalty of not **less than \$25.00 nor** more than **[\$500.00]**
11 **\$3,000.00** to be collected in a summary proceeding pursuant to
12 the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). The
13 Superior Court, County Court, county district court and municipal
14 court shall have jurisdiction to enforce said Penalty Enforcement

15 Law. If the violation is of a continuing nature, each day during
 16 which it continues shall constitute an additional separate and
 17 distinct offense.

1 ***[17.]*** **16.** This act shall be liberally construed to
 2 effectuate the purpose and intent thereof.

1 ***[18.]*** **17.** If any provision of this act or the appli-
 2 cation thereof to any person or circumstances is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held
 5 invalid, shall not be affected thereby.

1 ***[19.]*** **18.** There is hereby appropriated to the
 2 Department of Agriculture for the purposes of this act the sum of
 3 **[\$100,000.00]** **\$25,000.00**.

1 ***[20.]*** **19.** **18.** This act shall take
 2 effect on January 1, next following its enactment except that sec-
 3 tions 4 and 19 shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

~~SECRET~~
SECRET

NOVEMBER 12, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne today signed into law a bill designed to help protect the environment and provide for more effective flood control in new construction.

The bill S-806, sponsored by Senator Anne Martindell, D-Mercer, requires developers to submit a plan for soil erosion and sediment control which must be approved by the local soil conservation district.

The measure applies to projects in which more than 5,000 square feet of the land surface is being disturbed.

Municipal approval of an application for development would be conditioned on certification by the local soil conservation district that the project meets standards established by the State Soil Conservation Committee.

The Committee, an agency in the State Department of Agriculture, would promulgate the standards, subject to the approval of the Secretary of Agriculture and the State Commissioner of Environmental Protection.

The measure requires the local district to act on an application within 30 days, except that this period can be extended for an additional 30 days upon the mutual agreement of the district and the applicant.

The municipality would be empowered to halt construction if it is not being conducted in accordance with an approval soil erosion control plan.

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