

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: Yes

NEWSPAPER ARTICLES: Yes

974.90 S861 2010

Committee meeting of Senate Environment and Energy committee [and] Assembly Environment and Solid Waste Committee : Senate Bill no. 1410, Senate bill no. 1411, Senate bill no. 1815, and Senate bill no. 1856 [and] Assembly bill no. 2209, Assembly meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit.

"Christie signs regulations to protect Barnegat Bay," The Press of Atlantic City, 1-6-11

"N.J. Begins Barnegat Bay rescue," Asbury Park Press, 1-6-11

"Barnegat Bay Bills Signed by Governor Christie," New Jersey 101.5, 1-6-11

"Bay bill signed; runoff targeted," Courier-Post, 1-6-11

"Christie signs nation's toughest fertilizer pollution law," The Times, 1-6-11

"Fertilizer restrictions take effect," The Record, 1-6-11

"Environmentalists Happy Over Bay Bills, Want More Done," New Jersey 101.5, 1-7-11

LAW/KR

[Second Reprint]

ASSEMBLY, No. 2501

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MARCH 15, 2010

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Co-Sponsored by:

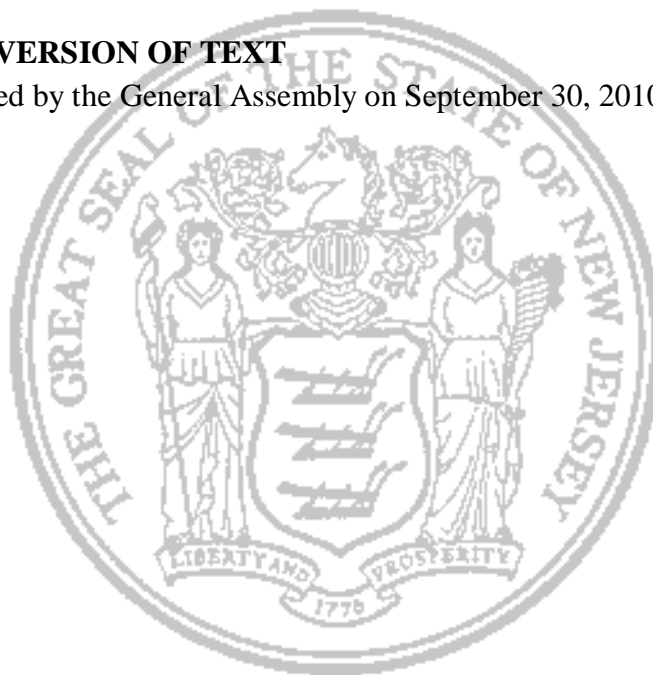
**Assemblywoman Voss, Assemblyman Diegnan, Assemblywoman Jasey,
Assemblyman P. Barnes, III, Senators B.Smith, Bateman, Singer, Connors
and S.Kean**

SYNOPSIS

Requires State Soil Conservation Committee to adopt standards concerning soil restoration measures.

CURRENT VERSION OF TEXT

As amended by the General Assembly on September 30, 2010.



(Sponsorship Updated As Of: 12/21/2010)

1 AN ACT concerning ¹**['post-construction']**¹ soil restoration
2 ¹measures¹ and amending and supplementing P.L.1975, c.251.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1975, c.251 (C.4:24-41) is amended to read
8 as follows:

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

11 a. "Application for development" means a proposed
12 subdivision of land, site plan, conditional use zoning variance,
13 planned unit development or construction permit.

14 b. "Certification" means (1) a written endorsement of a plan for
15 soil erosion and sediment control by the local Soil Conservation
16 District which indicates that the plan meets the standards
17 promulgated by the State Soil Conservation Committee pursuant to
18 this act, (2) that the time allotted in section 7 of this act has expired
19 without action by the district or (3) a written endorsement of a plan
20 filed by the State Department of Transportation with the district.

21 c. "District" means a Soil Conservation District organized
22 pursuant to chapter 24 of Title 4 of the Revised Statutes.

23 d. "Disturbance" means any activity involving the clearing,
24 excavating, storing, grading, filling or transporting of soil or any
25 other activity which causes soil to be exposed to the danger of
26 erosion , or ¹['which may result in accelerated movement of
27 sediment due to.]¹ compaction of soil ¹['which degrades soil so as to
28 make it less conducive to vegetative ²['stabiliation'] stabilization² .

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

31 f. "Plan" means a scheme which indicates land treatment
32 measures, including a schedule of the timing for their installation,
33 to minimize soil erosion and sedimentation , and which specifies the
34 soil restoration measures, consistent with the standards established
35 by the committee pursuant to section 2 of P.L. , c. (C.)
36 (pending before the Legislature as this bill) ¹[' , that will be applied
37 after the completion of a project]¹ .

38 g. "Project" means any disturbance of more than 5,000 square
39 feet of the surface area of land (1) for the accommodation of
40 construction for which the State Uniform Construction Code would
41 require a construction permit, except that the construction of a
42 single-family dwelling unit shall not be deemed a "project" under
43 this act unless such unit is part of a proposed subdivision, site plan,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted May 13, 2010.

²Assembly floor amendments adopted September 30, 2010.

1 conditional use, zoning variance, planned development or
 2 construction permit application involving two or more such single-
 3 family dwelling units, (2) for the demolition of one or more
 4 structures, (3) for the construction of a parking lot, (4) for the
 5 construction of a public facility, (5) for the operation of any mining
 6 or quarrying activity, ²~~1~~¹ or² (6) for the clearing or grading
 7 of any land for other than agricultural or horticultural purposes ²~~1~~¹,
 8 or (7) for the installation of solar panels¹².

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

12 i. "Soil" means all unconsolidated mineral and organic
 13 material of any origin.

14 j. "Standards" means the standards promulgated by the
 15 committee pursuant to this act.

16 k. "Committee" means the State Soil Conservation Committee
 17 in the Department of Agriculture established pursuant to R.S. 4:24-
 18 3.

19 l. "Public facility" means any building; pipeline; highway;
 20 electricity, telephone or other transmission line; or any other
 21 structure to be constructed by a public utility, municipality, county
 22 or the State or any agency or instrumentality thereof.

23 m. ¹["Responsible person" means any person who is
 24 responsible for supervising on-site land disturbance activities and
 25 soil restoration measures for sediment control associated with a
 26 project and who is trained and certified by the committee, or an
 27 organization designated by the committee, pursuant to section 3 of
 28 P.L. , c. (C.) (pending before the Legislature as this bill)]
 29 "Soil restoration measures" means those measures taken to ensure,
 30 to the maximum extent possible, ²cost-effective² restoration of the
 31 optimal physical, chemical, and biological functions for specific
 32 soil types and the intended land use¹ .

33 (cf: P.L.1979, c.459, s.1)

34

35 2. (New section) The committee shall, within one year ¹[of]
 36 after¹ the date of enactment of P.L. , c. (C.) (pending before
 37 the Legislature as this bill), and in consultation with the New Jersey
 38 Agricultural Experiment Station at Rutgers, the State University,
 39 the Secretary of Agriculture and the Commissioner of
 40 Environmental Protection, adopt standards pursuant to the
 41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
 42 seq.) ²,² which shall ¹modify the existing soil erosion and sediment
 43 control standards to¹ include ¹[the following:

44 a. Identification of the optimal physical, chemical and
 45 biological functions for specific soil types for the purpose of
 46 defining a full-functioning soil;

- 1 b. Soil amendment specifications and soil restoration standards
2 for disturbed or compacted soil necessary to restore soil to the
3 moisture-holding capacity of original undisturbed soil native to the
4 site to the maximum extent practicable based on soil usage within
5 the completed project;
- 6 c. Practical and cost-effective techniques to restore disturbed
7 and compacted soils; and
- 8 d. Procedures for post-disturbance inspection and certification
9 of compliance with the soil restoration standards] soil restoration
10 measures¹ .

11

12 ¹[3. (New section) a. The committee, in consultation with the
13 New Jersey Agricultural Experiment Station at Rutgers, the State
14 University, shall establish a soil health training and certification
15 program for persons who will be responsible for supervising on-site
16 land disturbance activities and soil restoration measures for
17 sediment control associated with a project. The certification
18 program shall provide responsible persons with training and
19 information concerning at least the following:

20 (1) the impact of disturbed and compacted soils on water
21 quality; and

22 (2) the standards established pursuant to section 2 of
23 P.L. , c. (C.) (pending before the Legislature as this bill) to
24 restore and sustain functioning soils on disturbed lands.

25 b. In establishing a training and certification program, the
26 committee may:

27 (1) charge reasonable fees to cover costs associated with the
28 certification process;

29 (2) designate one or more qualified organizations to train and
30 certify responsible person and provide that a designated
31 organization may charge fees to cover reasonable costs associated
32 with the certification process; and

33 (3) recognize the training program of any person employing
34 responsible person as meeting the certification criteria established
35 by the committee.

36 (4) establish criteria regarding the attendance and completion of
37 approved training courses in soil erosion and sediment control and
38 soil restoration for responsible persons, including criteria for
39 continuing education or recertification.]¹

40

41 ¹[4. Section 5 of P.L.1975, c.251 (C.4:24-43) is amended to
42 read as follows:

43 5. a. Approval of an application for development for any
44 project by the State, any county, municipality, or any
45 instrumentality thereof shall be conditioned upon certification by
46 the local district of a plan for soil erosion and sediment control.
47 Any person proposing to engage in any project not requiring

1 approval by the State, any county, municipality, or any
2 instrumentality thereof shall, prior to commencing such project,
3 receive certification by the local district of a plan for soil erosion
4 and sediment control. Any public utility, municipality, county or
5 the State or any agency or instrumentality thereof, other than the
6 State Department of Transportation, which proposes a project shall,
7 prior to the construction of such project submit to and receive
8 certification by the district of a plan for soil erosion and sediment
9 control. The State Department of Transportation shall certify a plan
10 for any project that it proposes to construct and shall file such
11 certification with the district. Certification by the Department of
12 Transportation shall be pursuant to soil erosion control standards
13 developed jointly by the Department of Transportation, the
14 Department of Environmental Protection and the committee and
15 promulgated by the Department of Transportation.

16 b. A plan for soil erosion and sediment control shall (1) include
17 measures for post-construction soil restoration which comply with
18 the standards adopted by the committee pursuant to section 2 of
19 P.L. , c. (C.) (pending before the Legislature as this bill), and
20 (2) identify at least one person who shall function as the responsible
21 person.

22 (cf: P.L.1979, c.459, s.3)]¹

23

24 ¹[5.] 3. This act shall take effect on the first day of the 13th
25 month after the date of enactment.

ASSEMBLY, No. 2501

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 15, 2010

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

SYNOPSIS

Requires post-construction restoration of optimal soil conditions under the “Soil Erosion and Sediment Control Act.”

CURRENT VERSION OF TEXT

As introduced.



A2501 CHIVUKULA

2

1 AN ACT concerning post-construction soil restoration and amending
2 and supplementing P.L.1975, c.251.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1975, c.251 (C.4:24-41) is amended to read
8 as follows:

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

11 a. "Application for development" means a proposed
12 subdivision of land, site plan, conditional use zoning variance,
13 planned unit development or construction permit.

14 b. "Certification" means (1) a written endorsement of a plan for
15 soil erosion and sediment control by the local Soil Conservation
16 District which indicates that the plan meets the standards
17 promulgated by the State Soil Conservation Committee pursuant to
18 this act, (2) that the time allotted in section 7 of this act has expired
19 without action by the district or (3) a written endorsement of a plan
20 filed by the State Department of Transportation with the district.

21 c. "District" means a Soil Conservation District organized
22 pursuant to chapter 24 of Title 4 of the Revised Statutes.

23 d. "Disturbance" means any activity involving the clearing,
24 excavating, storing, grading, filling or transporting of soil or any
25 other activity which causes soil to be exposed to the danger of
26 erosion, or which may result in accelerated movement of sediment
27 due to compaction of soil.

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

30 f. "Plan" means a scheme which indicates land treatment
31 measures, including a schedule of the timing for their installation,
32 to minimize soil erosion and sedimentation, and which specifies the
33 soil restoration measures, consistent with the standards established
34 by the committee pursuant to section 2 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), that will be applied
36 after the completion of a project.

37 g. "Project" means any disturbance of more than 5,000 square
38 feet of the surface area of land (1) for the accommodation of
39 construction for which the State Uniform Construction Code would
40 require a construction permit, except that the construction of a
41 single-family dwelling unit shall not be deemed a "project" under
42 this act unless such unit is part of a proposed subdivision, site plan,
43 conditional use, zoning variance, planned development or
44 construction permit application involving two or more such single-
45 family dwelling units, (2) for the demolition of one or more

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

Matter underlined thus is new matter.

A2501 CHIVUKULA

1 structures, (3) for the construction of a parking lot, (4) for the
2 construction of a public facility, (5) for the operation of any mining
3 or quarrying activity, or (6) for the clearing or grading of any land
4 for other than agricultural or horticultural purposes.

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

8 i. "Soil" means all unconsolidated mineral and organic
9 material of any origin.

10 j. "Standards" means the standards promulgated by the
11 committee pursuant to this act.

12 k. "Committee" means the State Soil Conservation Committee
13 in the Department of Agriculture established pursuant to R.S. 4:24-
14 3.

15 l. "Public facility" means any building; pipeline; highway;
16 electricity, telephone or other transmission line; or any other
17 structure to be constructed by a public utility, municipality, county
18 or the State or any agency or instrumentality thereof.

19 m. "Responsible person" means any person who is responsible
20 for supervising on-site land disturbance activities and soil
21 restoration measures for sediment control associated with a project
22 and who is trained and certified by the committee, or an
23 organization designated by the committee, pursuant to section 3 of
24 P.L. , c. (C.) (pending before the Legislature as this bill).
25 (cf: P.L.1979, c.459, s.1)

26

27 2. (New section) The committee shall, within one year of the
28 date of enactment of P.L. , c. (C.) (pending before the
29 Legislature as this bill), and in consultation with the New Jersey
30 Agricultural Experiment Station at Rutgers, the State University,
31 the Secretary of Agriculture and the Commissioner of
32 Environmental Protection, adopt standards pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.) which shall include the following:

35 a. Identification of the optimal physical, chemical and
36 biological functions for specific soil types for the purpose of
37 defining a full-functioning soil;

38 b. Soil amendment specifications and soil restoration standards
39 for disturbed or compacted soil necessary to restore soil to the
40 moisture-holding capacity of original undisturbed soil native to the
41 site to the maximum extent practicable based on soil usage within
42 the completed project;

43 c. Practical and cost-effective techniques to restore disturbed
44 and compacted soils; and

45 d. Procedures for post-disturbance inspection and certification
46 of compliance with the soil restoration standards.

A2501 CHIVUKULA

1 3. (New section) a. The committee, in consultation with the
2 New Jersey Agricultural Experiment Station at Rutgers, the State
3 University, shall establish a soil health training and certification
4 program for persons who will be responsible for supervising on-site
5 land disturbance activities and soil restoration measures for
6 sediment control associated with a project. The certification
7 program shall provide responsible persons with training and
8 information concerning at least the following:

9 (1) the impact of disturbed and compacted soils on water
10 quality; and

11 (2) the standards established pursuant to section 2 of
12 P.L. , c. (C.) (pending before the Legislature as this bill) to
13 restore and sustain functioning soils on disturbed lands.

14 b. In establishing a training and certification program, the
15 committee may:

16 (1) charge reasonable fees to cover costs associated with the
17 certification process;

18 (2) designate one or more qualified organizations to train and
19 certify responsible person and provide that a designated
20 organization may charge fees to cover reasonable costs associated
21 with the certification process; and

22 (3) recognize the training program of any person employing
23 responsible person as meeting the certification criteria established
24 by the committee.

25 (4) establish criteria regarding the attendance and completion of
26 approved training courses in soil erosion and sediment control and
27 soil restoration for responsible persons, including criteria for
28 continuing education or recertification.

29

30 4. Section 5 of P.L.1975, c.251 (C.4:24-43) is amended to read
31 as follows:

32 5. a. Approval of an application for development for any
33 project by the State, any county, municipality, or any
34 instrumentality thereof shall be conditioned upon certification by
35 the local district of a plan for soil erosion and sediment control.
36 Any person proposing to engage in any project not requiring
37 approval by the State, any county, municipality, or any
38 instrumentality thereof shall, prior to commencing such project,
39 receive certification by the local district of a plan for soil erosion
40 and sediment control. Any public utility, municipality, county or
41 the State or any agency or instrumentality thereof, other than the
42 State Department of Transportation, which proposes a project shall,
43 prior to the construction of such project submit to and receive
44 certification by the district of a plan for soil erosion and sediment
45 control. The State Department of Transportation shall certify a plan
46 for any project that it proposes to construct and shall file such
47 certification with the district. Certification by the Department of
48 Transportation shall be pursuant to soil erosion control standards

1 developed jointly by the Department of Transportation, the
2 Department of Environmental Protection and the committee and
3 promulgated by the Department of Transportation.

4 b. A plan for soil erosion and sediment control shall (1) include
5 measures for post-construction soil restoration which comply with
6 the standards adopted by the committee pursuant to section 2 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), and
8 (2) identify at least one person who shall function as the responsible
9 person.

10 (cf: P.L.1979, c.459, s.3)

11

12 5. This act shall take effect on the first day of the 13th month
13 after the date of enactment.

14

15

16

STATEMENT

17

18 This bill requires the State Soil Conservation Committee to adopt
19 standards for the restoration of optimal soil conditions, to the
20 maximum extent practicable, after the completion of construction
21 projects subject to the "Soil Erosion and Sediment Control Act."
22 The bill authorizes the committee to establish procedures for post-
23 construction inspection to certify compliance with these soil
24 restoration standards. Additionally, the bill requires that plans for
25 soil restoration be included in any plan for soil erosion and
26 sediment control submitted to the committee for approval in
27 connection with any development project subject to the act.
28 Finally, the bill requires that the committee establish a training and
29 certification program for project supervisors identified in the plan
30 as responsible persons in order to ensure compliance with soil
31 restoration standards.

32

33 Erosion and sedimentation present serious problems to the water
34 resources of the State. Removal of a stable ground cover in
35 conjunction with the decrease in the infiltration capability of soils
36 resulting from the creation of additional impervious areas
37 accelerates the process of soil erosion and sediment deposition,
38 resulting in water pollution. Some of these impervious surfaces are
39 created from the soil itself, resulting from compaction due to the
40 removal of topsoil and the weight of heavy machinery traveling
41 over the land during development. If the soil is not restored to
42 optimal conditions, the result will be decreased water infiltration
43 and increased stormwater runoff, leading to further pollution of the
44 State's waterways. By establishing standards for the restoration of
45 soil health after land disturbance activities, water pollution will be
46 reduced, and the State's water resources will be better protected for
future generations.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2501

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2010

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2501.

As amended, this bill requires the State Soil Conservation Committee to adopt standards modifying the current soil erosion and sediment control standards under “Soil Erosion and Sediment Control Act” to include soil restoration measures. The bill defines “soil restoration measures” to mean those measures taken to ensure, to the maximum extent possible, restoration of the optimal physical, chemical, and biological functions for specific soil types and the intended land use.

The bill also amends the definitions of “disturbance,” “plan,” and “project” as used in the “Soil Erosion and Sediment Control Act.” As amended, “disturbance” would include the compaction of soil which degrades soil so that it is less conducive to vegetative stabilization, and “plan” would include the specification of soil restoration measures consistent with the standards to be established pursuant to the bill. The term “project” is amended to clarify that it includes the installation of solar panels that involve a disturbance of more than 5,000 square feet of surface area of land.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) make changes to the definition section to amend the definitions of “disturbance,” “plan,” and “project,” delete the definition of “responsible person,” and add a definition of “soil restoration measures”;

2) revise section 2 of the bill concerning the types of standards to be adopted by the State Soil Conservation Committee;

3) delete section 3 of the bill which would have required the State Soil Conservation Committee to establish a training and certification program for project supervisors identified in the plan as responsible persons in order to ensure compliance with soil restoration standards; and

4) delete section 4 of the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2501

with Assembly Floor Amendments
(Proposed by Assemblyman CHIVUKULA)

ADOPTED: SEPTEMBER 30, 2010

These floor amendments: (1) delete the language concerning the installation of solar panels from the definition of “project,” thus returning the definition to its form in current law; (2) add the term “cost-effective” to the definition of “soil restoration measures”; and (3) make technical corrections. These amendments make the bill identical to Senate Bill No. 1410 (1R).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 2501

STATE OF NEW JERSEY

DATED: DECEMBER 20, 2010

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2501 (2R).

The bill requires the State Soil Conservation Committee to adopt standards modifying the current soil erosion and sediment control standards under “Soil Erosion and Sediment Control Act” to include soil restoration measures. The bill defines “soil restoration measures” to mean those measures taken to ensure, to the maximum extent possible, restoration of the optimal physical, chemical, and biological functions for specific soil types and the intended land use.

This bill is identical to Senate Bill No. 1410 (1R), as also considered by the committee.

FISCAL IMPACT:

The Office of Legislative Services estimates that the bill will not have any direct or immediate impact on State or local government budgets. Since the promulgation of new or modified standards is an activity normally performed by the State Soil Conservation Committee, its operating budget, which is primarily supported by federal funding, should not be affected by the bill. Any potential fiscal impacts incurred by public entities resulting from complying with the modified standards cannot be determined at this time.

SENATE, No. 1410

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 11, 2010

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Co-Sponsored by:

Senator Singer

SYNOPSIS

Requires post-construction restoration of optimal soil conditions under the "Soil Erosion and Sediment Control Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/24/2010)

1 AN ACT concerning post-construction soil restoration and amending
2 and supplementing P.L.1975, c.251.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1975, c.251 (C.4:24-41) is amended to read
8 as follows:

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

11 a. "Application for development" means a proposed
12 subdivision of land, site plan, conditional use zoning variance,
13 planned unit development or construction permit.

14 b. "Certification" means (1) a written endorsement of a plan for
15 soil erosion and sediment control by the local Soil Conservation
16 District which indicates that the plan meets the standards
17 promulgated by the State Soil Conservation Committee pursuant to
18 this act, (2) that the time allotted in section 7 of this act has expired
19 without action by the district or (3) a written endorsement of a plan
20 filed by the State Department of Transportation with the district.

21 c. "District" means a Soil Conservation District organized
22 pursuant to chapter 24 of Title 4 of the Revised Statutes.

23 d. "Disturbance" means any activity involving the clearing,
24 excavating, storing, grading, filling or transporting of soil or any
25 other activity which causes soil to be exposed to the danger of
26 erosion, or which may result in accelerated movement of sediment
27 due to compaction of soil.

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

30 f. "Plan" means a scheme which indicates land treatment
31 measures, including a schedule of the timing for their installation,
32 to minimize soil erosion and sedimentation, and which specifies the
33 soil restoration measures, consistent with the standards established
34 by the committee pursuant to section 2 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), that will be applied
36 after the completion of a project.

37 g. "Project" means any disturbance of more than 5,000 square
38 feet of the surface area of land (1) for the accommodation of
39 construction for which the State Uniform Construction Code would
40 require a construction permit, except that the construction of a
41 single-family dwelling unit shall not be deemed a "project" under
42 this act unless such unit is part of a proposed subdivision, site plan,
43 conditional use, zoning variance, planned development or
44 construction permit application involving two or more such single-
45 family dwelling units, (2) for the demolition of one or more

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

Matter underlined thus is new matter.

1 structures, (3) for the construction of a parking lot, (4) for the
2 construction of a public facility, (5) for the operation of any mining
3 or quarrying activity, or (6) for the clearing or grading of any land
4 for other than agricultural or horticultural purposes.

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

8 i. "Soil" means all unconsolidated mineral and organic
9 material of any origin.

10 j. "Standards" means the standards promulgated by the
11 committee pursuant to this act.

12 k. "Committee" means the State Soil Conservation Committee
13 in the Department of Agriculture established pursuant to R.S. 4:24-
14 3.

15 l. "Public facility" means any building; pipeline; highway;
16 electricity, telephone or other transmission line; or any other
17 structure to be constructed by a public utility, municipality, county
18 or the State or any agency or instrumentality thereof.

19 m. "Responsible person" means any person who is responsible
20 for supervising on-site land disturbance activities and soil
21 restoration measures for sediment control associated with a project
22 and who is trained and certified by the committee, or an
23 organization designated by the committee, pursuant to section 3 of
24 P.L. , c. (C.) (pending before the Legislature as this bill).
25 (cf: P.L.1979, c.459, s.1)

26

27 2. (New section) The committee shall, within one year of the
28 date of enactment of P.L. , c. (C.) (pending before the
29 Legislature as this bill), and in consultation with the New Jersey
30 Agricultural Experiment Station at Rutgers, the State University,
31 the Secretary of Agriculture and the Commissioner of
32 Environmental Protection, adopt standards pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.) which shall include the following:

35 a. Identification of the optimal physical, chemical and
36 biological functions for specific soil types for the purpose of
37 defining a full-functioning soil;

38 b. Soil amendment specifications and soil restoration standards
39 for disturbed or compacted soil necessary to restore soil to the
40 moisture-holding capacity of original undisturbed soil native to the
41 site to the maximum extent practicable based on soil usage within
42 the completed project;

43 c. Practical and cost-effective techniques to restore disturbed
44 and compacted soils;

45 d. Procedures for post-disturbance inspection and certification
46 of compliance with the soil restoration standards; and

1 3. (New section) a. The committee, in consultation with the
2 New Jersey Agricultural Experiment Station at Rutgers, the State
3 University, shall establish a soil health training and certification
4 program for persons who will be responsible for supervising on-site
5 land disturbance activities and soil restoration measures for
6 sediment control associated with a project. The certification
7 program shall provide responsible persons with training and
8 information concerning at least the following:

9 (1) the impact of disturbed and compacted soils on water
10 quality; and

11 (2) the standards established pursuant to section 2 of
12 P.L. , c. (C.) (pending before the Legislature as this bill) to
13 restore and sustain functioning soils on disturbed lands.

14 b. In establishing a training and certification program, the
15 committee may:

16 (1) charge reasonable fees to cover costs associated with the
17 certification process;

18 (2) designate one or more qualified organizations to train and
19 certify responsible person and provide that a designated
20 organization may charge fees to cover reasonable costs associated
21 with the certification process; and

22 (3) recognize the training program of any person employing
23 responsible person as meeting the certification criteria established
24 by the committee.

25 (4) establish criteria regarding the attendance and completion of
26 approved training courses in soil erosion and sediment control and
27 soil restoration for responsible persons, including criteria for
28 continuing education or recertification.

29

30 4. Section 5 of P.L.1975, c.251 (C.4:24-43) is amended to read
31 as follows:

32 5. a. Approval of an application for development for any
33 project by the State, any county, municipality, or any
34 instrumentality thereof shall be conditioned upon certification by
35 the local district of a plan for soil erosion and sediment control.
36 Any person proposing to engage in any project not requiring
37 approval by the State, any county, municipality, or any
38 instrumentality thereof shall, prior to commencing such project,
39 receive certification by the local district of a plan for soil erosion
40 and sediment control. Any public utility, municipality, county or
41 the State or any agency or instrumentality thereof, other than the
42 State Department of Transportation, which proposes a project shall,
43 prior to the construction of such project submit to and receive
44 certification by the district of a plan for soil erosion and sediment
45 control. The State Department of Transportation shall certify a plan
46 for any project that it proposes to construct and shall file such
47 certification with the district. Certification by the Department of
48 Transportation shall be pursuant to soil erosion control standards

1 developed jointly by the Department of Transportation, the
2 Department of Environmental Protection and the committee and
3 promulgated by the Department of Transportation.

4 b. A plan for soil erosion and sediment control shall (1) include
5 measures for post-construction soil restoration which comply with
6 the standards adopted by the committee pursuant to section 2 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), and
8 (2) identify at least one person who shall function as the responsible
9 person.

10 (cf: P.L.1979, c.459, s.3)

11
12 5. This act shall take effect on the first day of the 13th month
13 after the date of enactment.

14
15
16 STATEMENT

17
18 This bill requires the State Soil Conservation Committee to adopt
19 standards for the restoration of optimal soil conditions, to the
20 maximum extent practicable, after the completion of construction
21 projects subject to the "Soil Erosion and Sediment Control Act."
22 The bill authorizes the committee to establish procedures for post-
23 construction inspection to certify compliance with these soil
24 restoration standards. Additionally, the bill requires that plans for
25 soil restoration be included in any plan for soil erosion and
26 sediment control submitted to the committee for approval in
27 connection with any development project subject to the act.
28 Finally, the bill requires that the committee establish a training and
29 certification program for project supervisors identified in the plan
30 as responsible persons in order to ensure compliance with soil
31 restoration standards.

32 Erosion and sedimentation present serious problems to the water
33 resources of the State. Removal of a stable ground cover in
34 conjunction with the decrease in the infiltration capability of soils
35 resulting from the creation of additional impervious areas
36 accelerates the process of soil erosion and sediment deposition,
37 resulting in water pollution. Some of these impervious surfaces are
38 created from the soil itself, resulting from compaction due to the
39 removal of topsoil and the weight of heavy machinery traveling
40 over the land during development. If the soil is not restored to
41 optimal conditions, the result will be decreased water infiltration
42 and increased stormwater runoff, leading to further pollution of the
43 State's waterways. By establishing standards for the restoration of
44 soil health after land disturbance activities, water pollution will be
45 reduced, and the State's water resources will be better protected for
46 future generations.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1410

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 12, 2010

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1410 with committee amendments.

This bill, as amended, requires the State Soil Conservation Committee to adopt standards modifying the current soil erosion and sediment control standards under the “Soil Erosion and Sediment Control Act” to include soil restoration measures. The bill defines “soil restoration measures” to mean those measures taken to ensure, to the maximum extent possible, cost-effective restoration of the optimal physical, chemical, and biological functions for specific soil types and the intended land use.

The bill also amends the definitions of “disturbance” and “plan,” as used in the “Soil Erosion and Sediment Control Act.” As amended, “disturbance” would include the compaction of soil which degrades soil so that it is less conducive to vegetative stabilization, and “plan” would include the specification of soil restoration measures consistent with the standards to be established pursuant to the bill.

The committee amendments to the bill: (1) make changes to the definition section to amend the definitions of “disturbance” and “plan,” delete the definition of “responsible person,” and add a definition of “soil restoration measures”; (2) revise section 2 of the bill concerning the types of standards to be adopted by the State Soil Conservation Committee; (3) delete section 3 of the bill which would have required the State Soil Conservation Committee to establish a training and certification program for project supervisors identified in the plan as responsible persons in order to ensure compliance with soil restoration standards; and (4) delete section 4 of the bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1410 STATE OF NEW JERSEY 214th LEGISLATURE

DATED: OCTOBER 6, 2010

SUMMARY

Synopsis: Requires State Soil Conservation Committee to adopt standards concerning soil restoration measures.

Type of Impact: None.

Agencies Affected: State Soil Conservation Committee and the Department of Agriculture

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Costs	Indeterminate – See comments below		

- The bill requires the State Soil Conservation Committee (SSCC) to adopt standards modifying the current soil erosion and sediment control standards under the “Soil Erosion and Sediment Control Act” to include soil restoration measures.
- The bill also amends the definitions of “disturbance” and “plan,” as used in the “Soil Erosion and Sediment Control Act.”
- The SSCC, located in the Department of Agriculture, administers the State’s natural resource conservation program. Under the guidelines and financial support of the federal Natural Resources Conservation Service, it coordinates and supports the work of the State’s 15 Soil Conservation Districts.
- The Office of Legislative Services estimates that the bill will not have any direct or immediate impact on State or local government budgets. Any potential fiscal impacts incurred by public entities from complying with the modified standards cannot be determined at this time.

BILL DESCRIPTION

Senate Bill No. 1410 (1R) of 2010 requires the SSCC to adopt standards modifying the current soil erosion and sediment control standards under the “Soil Erosion and Sediment Control Act” to include soil restoration measures. The bill defines “soil restoration measures” to mean those measures taken to ensure, to the maximum extent possible, cost-effective restoration of the optimal physical, chemical, and biological functions for specific soil types and the intended land use.

The bill also amends the definitions of “disturbance” and “plan,” as used in the “Soil Erosion and Sediment Control Act.” As amended, “disturbance” would include the compaction of soil which degrades soil so that it is less conducive to vegetative stabilization, and “plan” would include the specification of soil restoration measures consistent with the standards to be established pursuant to the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that the bill will not have any direct or immediate impact on State or local government budgets. Since the promulgation of new or modified standards is an activity normally performed by the SSCC, its operating budget, which is primarily supported by federal funding, should not be affected by the bill. Any potential fiscal impacts incurred by public entities resulting from complying with the modified standards cannot be determined at this time.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Richard M. Handelman
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1410

STATE OF NEW JERSEY

DATED: DECEMBER 20, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1410 (1R).

This bill requires the State Soil Conservation Committee to adopt standards modifying the current soil erosion and sediment control standards under the “Soil Erosion and Sediment Control Act” to include soil restoration measures. The bill defines “soil restoration measures” to mean those measures taken to ensure, to the maximum extent possible, cost-effective restoration of the optimal physical, chemical, and biological functions for specific soil types and the intended land use.

This bill is identical to Assembly Bill No. 2501 (2R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services estimates that the bill will not have any direct or immediate impact on State or local government budgets. Since the promulgation of new or modified standards is an activity normally performed by the State Soil Conservation Committee, its operating budget, which is primarily supported by federal funding, should not be affected by the bill. Any potential fiscal impacts incurred by public entities resulting from complying with the modified standards cannot be determined at this time.