

58:4-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:4-1

(Reservoirs and dams--
construction and repair-
exempt small projects from
permit requirements)

LAWS OF: 1985

CHAPTER: 33

Bill No: A1554

Sponsor(s): Haines and others

Date Introduced: March 15, 1984

Committee: **Assembly:** Energy and Natural Resources

Senate: Energy and Environment

Amended during passage: No

Date of Passage: **Assembly:** May 17, 1984

Senate: Dec. 17, 1984

Date of Approval: February 1, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Veto to S.1497 (1982)--attached

ASSEMBLY, No. 1554

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1984

By Assemblymen HAINES, PANKOK, BENNETT and VILLANE

AN ACT concerning the construction or repair of certain reservoirs and dams, and amending R. S. 58:4-1.

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

1 1. R. S. 58:4-1 is amended to read as follows:

2 58:4-1. No municipality, corporation or person shall, without the
3 consent of the Commissioner of Environmental Protection, here-
4 after in this chapter designated as the commissioner, build any
5 reservoir or construct any dam on any river or stream in this State
6 or between this and any other such state which will raise the waters
7 of such river or stream more than **[5]** *five* feet above their usual
8 mean low-water height, nor repair, alter or improve existing dams
9 which so raise the water, without such consent, *but this shall not*
10 *affect or relate to a dam or reservoir in the pinelands area, as*
11 *designated by subsection a. of section 10 of P. L. 1979, c. 111 (C.*
12 *13:18A-11), which will raise the waters of any river or stream less*
13 *than eight feet above the surface of the ground where the drainage*
14 *area above the same is less than one square mile in extent and*
15 *where the water surface created by the dam or reservoir is less than*
16 *100 acres in extent except that the commissioner may investigate*
17 *and take appropriate action regarding any dam or reservoir about*
18 *which he has a security or safety concern. With respect to dams*
19 *and reservoirs located on lands utilized for agricultural or horti-*
20 *cultural purposes within the pinelands area, the commissioner's*
21 *actions shall be undertaken after consultation with the Secretary of*
22 *Agriculture.*

1 2. This act shall take effect immediately.

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 printed in italics thus is new matter.

STATEMENT

This bill would exempt persons who construct or repair reservoirs or dams below a certain size from the requirement of obtaining a permit from the Commissioner of Environmental Protection.

The bill would also exempt dams or reservoirs in the Pinelands area which will raise the waters of any river or stream less than eight feet above the surface of the ground where the drainage area above the same is less than one square mile in extent, and where the water surface created by any such dam or reservoir is less than 100 acres in extent.

This bill is identical to Senate Bill No. 1497 of 1982 and it incorporates the Governor's recommendations thereon.

ASSEMBLY, No. 1554

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1984

By Assemblymen HAINES, PANKOK, BENNETT and VILLANE

AN ACT concerning the construction or repair of certain reservoirs and dams, and amending R. S. 58:4-1.

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

1 1. R. S. 58:4-1 is amended to read as follows:

2 58:4-1. No municipality, corporation or person shall, without the
3 consent of the Commissioner of Environmental Protection, here-
4 after in this chapter designated as the commissioner, build any
5 reservoir or construct any dam on any river or stream in this State
6 or between this and any other such state which will raise the waters
7 of such river or stream more than **[5]** *five* feet above their usual
8 mean low-water height, nor repair, alter or improve existing dams
9 which so raise the water, without such consent, *but this shall not*
10 *affect or relate to a dam or reservoir in the pinelands area, as*
11 *designated by subsection a. of section 10 of P. L. 1979, c. 111 (C.*
12 *13:18A-11), which will raise the waters of any river or stream less*
13 *than eight feet above the surface of the ground where the drainage*
14 *area above the same is less than one square mile in extent and*
15 *where the water surface created by the dam or reservoir is less than*
16 *100 acres in extent except that the commissioner may investigate*
17 *and take appropriate action regarding any dam or reservoir about*
18 *which he has a security or safety concern. With respect to dams*
19 *and reservoirs located on lands utilized for agricultural or horti-*
20 *cultural purposes within the pinelands area, the commissioner's*
21 *actions shall be undertaken after consultation with the Secretary of*
22 *Agriculture.*

1 2. This act shall take effect immediately.

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 printed in italics thus is new matter.

STATEMENT

This bill would exempt persons who construct or repair reservoirs or dams below a certain size from the requirement of obtaining a permit from the Commissioner of Environmental Protection.

The bill would also exempt dams or reservoirs in the Pinelands area which will raise the waters of any river or stream less than eight feet above the surface of the ground where the drainage area above the same is less than one square mile in extent, and where the water surface created by any such dam or reservoir is less than 100 acres in extent.

This bill is identical to Senate Bill No. 1497 of 1982 and it incorporates the Governor's recommendations thereon.

A1554 (1985)

ASSEMBLY ENERGY AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1554

STATE OF NEW JERSEY

DATED: APRIL 30, 1984

The bill would provide that no permit is required for the construction or repair of dams or reservoirs in the Pinelands area which alterations will raise the waters of any river or stream less than eight feet above the surface of the ground the drainage area of which is less than one square mile in extent, and where the water surface created by any such dam or reservoir is less than 100 acres in extent.

With respect to dams and reservoirs located on lands utilized for agricultural or horticultural purposes within the pinelands area, the commissioner's consent for alterations which raise the water level more than five feet above the mean low-water height shall be granted only after consultation with the Secretary of Agriculture.

This bill is identical to Senate Bill No. 1497 of 1982 and it incorporates the Governor's recommendations thereon.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1554

STATE OF NEW JERSEY

DATED: JUNE 28, 1984

Assembly Bill No. 1554 would exempt persons constructing small dams or reservoirs in the pinelands area (as defined in the "Pinelands Protection Act," P. L. 1979, c. 111; C. 13:18A-1 et seq.) from the requirement to obtain the permission of the Department of Environmental Protection.

Specifically, this exemption would apply to dams or reservoirs in the pinelands area which would raise the surface of a river or stream less than eight feet, where the drainage area would be less than one square mile, and where the surface area of the body of water created would be less than 100 acres. This bill, however, authorizes the Department of Environmental Protection to take any action concerning such dam or reservoir on safety grounds. If the dam or reservoir is located on land used for agricultural or horticultural purposes, the Department must consult with the Department of Agriculture before taking action.

The Governor conditionally vetoed Senate Bill No. 1497 of 1982, which contained provisions similar to this bill. This bill incorporates the recommendations contained in the Governor's conditional veto.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 9, 1984

SENATE BILL NO. 1497 (OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 1497 (OCR) with my objections for reconsideration by the Legislature.

This bill would exempt persons who construct or repair certain reservoirs or dams located in the Pinelands from having to obtain a permit from the Commissioner of Environmental Protection as required pursuant to the Safe Dam Act. However, the bill provides that when a written complaint is received by the Commissioner concerning the safety or security of any such dam, the Commissioner may investigate the complaint and take appropriate action.

While I am sympathetic to the intent of this bill and the concerns expressed by certain agricultural interests in the Pinelands which have sought the legislative change which this bill would provide, I believe that it is essential that the Commissioner of Environmental Protection be authorized to investigate the safety or security of any dam regardless of whether a written complaint has been received or not. Therefore, I believe that the requirement that a written complaint be received before the Commissioner can act should be eliminated from the bill.

Additionally, the bill requires technical amendment in order to more clearly define the criteria which must be met by a dam in order to qualify for the exemption granted pursuant to the bill.

Accordingly, I herewith return Senate Bill No. 1497 (OCR) with the following amendments for enactment by the Legislature:

- Page 1, Section 1, Line 20: After "(C.13:18A-11)," INSERT "which will raise the waters of any river or stream less than 8 feet above the surface of the ground,"
- Page 1, Section 1, Line 22: DELETE "." and INSERT ", and"
- Page 2, Section 1, Line 23: DELETE "Where" and INSERT "where"
- Page 2, Section 1, Lines 24 thru 28: DELETE entirely and INSERT "is less than 100 acres in extent."
- Page 2, Section 1, Line 29: DELETE "to the security or safety of any dam or reservoir," and INSERT "Notwithstanding the foregoing,"