

13:1D-149

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 20

NJSA: 13:1D-149 (Requires DEP Commissioner to periodically study and make recommendations concerning blue roofs and green roofs)

BILL NO: A2305 (Substituted for S1416)

SPONSOR(S) DeAngelo and others

DATE INTRODUCED: February 6, 2014

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste

SENATE: Environment and Energy

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 15, 2014

SENATE: February 5, 2015

DATE OF APPROVAL: February 6, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A2305

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1416

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE:

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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No

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No

LAW/RWH

P.L.2015, CHAPTER 20, *approved February 6, 2015*
Assembly, No. 2305 (*First Reprint*)

1 AN ACT concerning blue roofs and green roofs ¹and
2 supplementing P.L.1981, c.32 (C.40:55D-93 et seq.) and
3 P.L.1975, c.217 (C.52:27D-119 et seq.)¹ .
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ¹1. a. Within one year after the date of enactment of this act,
9 the Department of Community Affairs, in consultation with the
10 Department of Environmental Protection, shall adopt a subcode,
11 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
12 (C.52:14B-1 et seq.), setting forth building standards for the
13 installation of a blue roof or green roof. The subcode shall not
14 preclude the use of energy conservation, energy efficiency, or
15 renewable energy technologies or other components of green
16 building, provided that the technologies and other components of
17 green building do not interfere with the functions of the blue roof or
18 green roof. The Commissioner of Community Affairs shall, upon
19 adoption of the subcode, incorporate the building standards for the
20 installation of a blue roof or green roof as part of the State Uniform
21 Construction Code.

22 b. As used in this section:

23 “Blue roof” means a roof constructed with mechanical controls
24 that drain stormwater, including but not limited to gravel beds,
25 perforated pipes, rooftop detention systems, or weirs, designed to
26 improve stormwater management.

27 “Green building” means those building construction practices
28 that significantly reduce or eliminate the negative impact of
29 buildings on the environment and their occupants and may consider,
30 but need not be limited to five broad areas: sustainable site
31 planning; safeguarding water and water efficiency; energy
32 efficiency and renewable energy; conservation of materials and
33 resources; and indoor environmental quality.

34 “Green roof” means a roof that includes, among other things, a
35 growth medium and a vegetation layer of drought resistant and
36 hardy plant species, designed to improve stormwater
37 management.¹

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 amendments adopted in accordance with Governor's recommendations September 11, 2014.

1 ¹[2. a. Any person who installs or operates a blue roof or green
2 roof shall comply with the provisions of P.L. , c. (C.)
3 (pending before the Legislature as this bill) and any rule or
4 regulation adopted pursuant thereto.

5 b. A storm water management planning agency shall permit the
6 installation and operation of a blue roof or green roof that complies
7 with the provisions of P.L. , c. (C.) (pending before the
8 Legislature as this bill) and any rules or regulations adopted
9 pursuant thereto, and shall incorporate requirements related to the
10 use of a blue roof or green roof into any adopted storm water
11 management plan or storm water management ordinance.

12 c. Within one year after the date of enactment of this act, the
13 Department of Environmental Protection shall adopt rules and
14 regulations, pursuant to the “Administrative Procedure Act,”
15 P.L.1968, c.410 (C.52:14B-1 et seq.), to include the consideration
16 of any planned or operational blue roof or green roof in the
17 calculation of runoff volume and rate control, groundwater
18 infiltration, water quality, and nonstructural storm water
19 management strategies.

20 d. As used in this section:

21 “Blue roof” means the same as the term is defined pursuant to
22 subsection b. of section 1 of P.L. , c. (C.) (pending before the
23 Legislature as this bill).

24 “Green roof” means the same as the term is defined pursuant to
25 subsection b. of section 1 of P.L. , c. (C.) (pending before the
26 Legislature as this bill).

27 “Storm water management planning agency” means a public
28 body authorized by law to prepare storm water management
29 plans.]¹

30

31 ¹1. The Commissioner of Environmental Protection shall
32 periodically study the availability and efficiency of blue roofs and
33 green roofs as stormwater management tools, and make, as
34 necessary and as appropriate, recommendations to the Governor
35 that will help foster and maintain efficient and effective stormwater
36 management in the State.¹

37

38 ¹[3.] 2.¹ This act shall take effect immediately.

39

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42

43 Requires DEP Commissioner to periodically study and make
44 recommendations concerning blue roofs and green roofs.

ASSEMBLY, No. 2305

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators B.Smith and Bateman

SYNOPSIS

Requires adoption of certain rules and regulations by DCA and DEP concerning blue roofs and green roofs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2014)

1 AN ACT concerning blue roofs and green roofs and supplementing
2 P.L.1981, c.32 (C.40:55D-93 et seq.) and P.L.1975, c.217
3 (C.52:27D-119 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. Within one year after the date of enactment of this act,
9 the Department of Community Affairs, in consultation with the
10 Department of Environmental Protection, shall adopt a subcode,
11 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
12 (C.52:14B-1 et seq.), setting forth building standards for the
13 installation of a blue roof or green roof. The subcode shall not
14 preclude the use of energy conservation, energy efficiency, or
15 renewable energy technologies or other components of green
16 building, provided that the technologies and other components of
17 green building do not interfere with the functions of the blue roof or
18 green roof. The Commissioner of Community Affairs shall, upon
19 adoption of the subcode, incorporate the building standards for the
20 installation of a blue roof or green roof as part of the State Uniform
21 Construction Code.

22 b. As used in this section:

23 "Blue roof" means a roof constructed with mechanical controls
24 that drain stormwater, including but not limited to gravel beds,
25 perforated pipes, rooftop detention systems, or weirs, designed to
26 improve stormwater management.

27 "Green building" means those building construction practices
28 that significantly reduce or eliminate the negative impact of
29 buildings on the environment and their occupants and may consider,
30 but need not be limited to five broad areas: sustainable site
31 planning; safeguarding water and water efficiency; energy
32 efficiency and renewable energy; conservation of materials and
33 resources; and indoor environmental quality.

34 "Green roof" means a roof that includes, among other things, a
35 growth medium and a vegetation layer of drought resistant and
36 hardy plant species, designed to improve stormwater management.
37

38 2. a. Any person who installs or operates a blue roof or green
39 roof shall comply with the provisions of P.L. , c. (C.)
40 (pending before the Legislature as this bill) and any rule or
41 regulation adopted pursuant thereto.

42 b. A storm water management planning agency shall permit the
43 installation and operation of a blue roof or green roof that complies
44 with the provisions of P.L. , c. (C.) (pending before the
45 Legislature as this bill) and any rules or regulations adopted
46 pursuant thereto, and shall incorporate requirements related to the
47 use of a blue roof or green roof into any adopted storm water
48 management plan or storm water management ordinance.

1 c. Within one year after the date of enactment of this act, the
2 Department of Environmental Protection shall adopt rules and
3 regulations, pursuant to the “Administrative Procedure Act,”
4 P.L.1968, c.410 (C.52:14B-1 et seq.), to include the consideration
5 of any planned or operational blue roof or green roof in the
6 calculation of runoff volume and rate control, groundwater
7 infiltration, water quality, and nonstructural storm water
8 management strategies.

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11 subsection b. of section 1 of P.L. , c. (C.) (pending before the
12 Legislature as this bill).

13 “Green roof” means the same as the term is defined pursuant to
14 subsection b. of section 1 of P.L. , c. (C.) (pending before the
15 Legislature as this bill).

16 “Storm water management planning agency” means a public
17 body authorized by law to prepare storm water management plans.

18
19 3. This act shall take effect immediately.
20

21
22 STATEMENT
23

24 This bill would require the Department of Community Affairs
25 (DCA), in consultation with the Department of Environmental
26 Protection (DEP), to adopt a subcode setting forth building
27 standards for the installation of blue roofs and green roofs, within
28 one year after the date of enactment of this bill into law. Upon
29 adoption of the subcode, the DCA Commissioner is required to
30 incorporate the building standards for the installation of a blue roof
31 or green roof into the State Uniform Construction Code.

32 The subcode would not preclude the use of energy conservation,
33 energy efficiency, or renewable energy technologies or other
34 components of green building, provided that the technologies and
35 other components of green building do not interfere with the
36 functions of the blue roof or green roof.

37 The bill would provide that any person who installs or operates a
38 blue roof or green roof must comply with the provisions of the bill
39 and any rule or regulation adopted pursuant thereto. This bill also
40 would require a storm water management planning agency to permit
41 the installation and operation of a blue roof or green roof that
42 complies with the provisions of this bill and any rules or regulations
43 adopted pursuant thereto, and require the agency to incorporate
44 requirements related to the use of a blue roof or green roof into any
45 storm water management plan or storm water management
46 ordinance.

47 Lastly, the bill would require the DEP to adopt rules and
48 regulations to include the consideration of any planned or

A2305 DEANGELO, PINKIN

1 operational blue roof or green roof in the calculation of runoff
2 volume and rate control, groundwater infiltration, water quality, and
3 nonstructural storm water management strategies.

4 The bill defines a “blue roof” as a roof constructed with
5 mechanical controls that drain stormwater, including but not limited
6 to gravel beds, perforated pipes, rooftop detention systems, or
7 weirs, designed to improve stormwater management. A “green
8 roof” is defined as a roof that includes, among other things, a
9 growth medium and a vegetation layer of drought resistant and
10 hardy plant species, designed to improve stormwater management.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2305

STATE OF NEW JERSEY

DATED: MARCH 10, 2014

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 2305.

This bill would require the Department of Community Affairs (DCA), in consultation with the Department of Environmental Protection (DEP), to adopt a subcode setting forth building standards for the installation of blue roofs and green roofs, within one year after the date of enactment of this bill into law. Upon adoption of the subcode, the DCA Commissioner is required to incorporate the building standards for the installation of a blue roof or green roof into the State Uniform Construction Code.

The subcode would not preclude the use of energy conservation, energy efficiency, or renewable energy technologies or other components of green building, provided that the technologies and other components of green building do not interfere with the functions of the blue roof or green roof.

The bill would provide that any person who installs or operates a blue roof or green roof must comply with the provisions of the bill and any rule or regulation adopted pursuant thereto. This bill also would require a storm water management planning agency to permit the installation and operation of a blue roof or green roof that complies with the provisions of this bill and any rules or regulations adopted pursuant thereto, and require the agency to incorporate requirements related to the use of a blue roof or green roof into any storm water management plan or storm water management ordinance.

Lastly, the bill would require the DEP to adopt rules and regulations to include the consideration of any planned or operational blue roof or green roof in the calculation of runoff volume and rate control, groundwater infiltration, water quality, and nonstructural storm water management strategies.

The bill defines a “blue roof” as a roof constructed with mechanical controls that drain storm water, including but not limited to gravel beds, perforated pipes, rooftop detention systems, or weirs, designed to improve storm water management. A “green roof” is defined as a roof that includes, among other things, a growth medium and a vegetation layer of drought resistant and hardy plant species, designed to improve storm water management.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2305

STATE OF NEW JERSEY

DATED: MAY 19, 2014

The Senate Environment and Energy Committee favorably reports Assembly Bill No. 2305.

This bill would require the Department of Community Affairs (DCA), in consultation with the Department of Environmental Protection (DEP), to adopt a subcode setting forth building standards for the installation of blue roofs and green roofs, within one year after the date of enactment of this bill into law. Upon adoption of the subcode, the DCA Commissioner is required to incorporate the building standards for the installation of a blue roof or green roof into the State Uniform Construction Code.

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This bill is identical to Senate Bill No. 1416 which was also reported by the committee.

SENATE, No. 1416

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Requires adoption of certain rules and regulations by DCA and DEP concerning blue roofs and green roofs.

CURRENT VERSION OF TEXT

As introduced.



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1 c. Within one year after the date of enactment of this act, the
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16 “Storm water management planning agency” means a public
17 body authorized by law to prepare storm water management plans.

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19 3. This act shall take effect immediately.

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22 STATEMENT

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10 hardy plant species, designed to improve stormwater management.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1416

STATE OF NEW JERSEY

DATED: MAY 19, 2014

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1416.

This bill would require the Department of Community Affairs (DCA), in consultation with the Department of Environmental Protection (DEP), to adopt a subcode setting forth building standards for the installation of blue roofs and green roofs, within one year after the date of enactment of this bill into law. Upon adoption of the subcode, the DCA Commissioner is required to incorporate the building standards for the installation of a blue roof or green roof into the State Uniform Construction Code.

The subcode would not preclude the use of energy conservation, energy efficiency, or renewable energy technologies or other components of green building, provided that the technologies and other components of green building do not interfere with the functions of the blue roof or green roof.

The bill would provide that any person who installs or operates a blue roof or green roof must comply with the provisions of the bill and any rule or regulation adopted pursuant thereto. This bill also would require a storm water management planning agency to permit the installation and operation of a blue roof or green roof that complies with the provisions of this bill and any rules or regulations adopted pursuant thereto, and require the agency to incorporate requirements related to the use of a blue roof or green roof into any storm water management plan or storm water management ordinance.

The bill would require the DEP to adopt rules and regulations to include the consideration of any planned or operational blue roof or green roof in the calculation of runoff volume and rate control, groundwater infiltration, water quality, and nonstructural storm water management strategies.

The bill defines a “blue roof” as a roof constructed with mechanical controls that drain stormwater, including but not limited to gravel beds, perforated pipes, rooftop detention systems, or weirs, designed to improve stormwater management. A “green roof” is defined as a roof that includes, among other things, a growth medium and a vegetation layer of drought resistant and hardy plant species, designed to improve stormwater management.

This bill is identical to Assembly Bill No. 2305 which was also reported by the committee.

ASSEMBLY BILL NO. 2305

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2305 with my recommendations for reconsideration.

This bill is part of a package of bills that were passed together ostensibly to set standards for, and promote the installation of, "blue" and "green" roofs. As defined in this legislation, blue and green roofs are building components that endeavor to improve the management of storm water flowing from building structures through mechanical controls or vegetative materials. Without question, improper storm water management can cause undesirable erosion, overburden sewer systems, and transport pollutants into local bodies of water. But while I agree that effective storm water management is an important public policy goal for our State, I cannot support any of these bills because they are, at best, unnecessary, and, at worst, counterproductive.

First, Assembly Bill No. 2305 would require the Departments of Environmental Protection and Community Affairs to jointly develop and issue building standards for the installation of blue and green roofs. Specifically, under the bill, any person who installs or operates a blue or green roof would be required to comply with the potentially restrictive provisions envisioned in the legislation, as well as any rule or regulation adopted pursuant thereto. In addition, the bill would require local storm water management planning agencies to incorporate these State requirements into their storm water management plans and ordinances.

I believe that mandating State standards and requirements for the installation and operation of blue and green roofs is

inadvisable at this time. As acknowledged by the bill's advocates, blue and green roofs incorporate innovative techniques to address storm water management issues. Accordingly, rather than stifle innovation through prescriptive State codes and standards, government should encourage the further development of these technologies by stepping aside and giving engineers, manufacturers, and installers of blue and green roofs sufficient room to innovate.

Next, Assembly Bill No. 2303 would require State departments and agencies to "consider" using a blue or green roof when constructing a new State building. The bill's provisions would apply to any new building, facility, or structure having at least 15,000 square feet in total floor area, and would be in addition to other statutory requirements that mandate State buildings meet high performance green building standards. While this bill purports to promote the use of blue and green roofs in State government buildings, it is important to note that nothing set forth in current law prohibits the State from considering the installation of blue or green roofs. Accordingly, because State law is already sufficiently flexible to allow for the use of innovative storm water management techniques in State buildings, this bill would do nothing to advance blue and green roof technologies in our State.

Lastly, Assembly Bill No. 2307 would require the Environmental Infrastructure Trust ("EIT") – an entity that finances water supply and waste water management projects – to give "additional points" to proposals that include a blue or green roof. Like Assembly Bill No. 2303, nothing set forth in current law prohibits that which this bill seeks to mandate. In fact, in its current practice, the EIT already affords

greater weight to projects that incorporate energy-saving or environmentally innovative technologies, including projects that use blue or green roofs. Accordingly, this bill is also unnecessary.

While I am not persuaded that mandatory State standards are advisable at this time, I do agree that blue and green roof technologies can be useful in managing storm water and preventing pollution caused by runoff. As such, I recommend revising Assembly Bill No. 2305 to require the Commissioner of Environmental Protection to periodically study the availability and efficiency of blue and green roofs as storm water management tools, and make, as necessary and appropriate, recommendations to the Governor that will help foster and maintain efficient and effective storm water management in the State.

Accordingly, I herewith return Assembly Bill No. 2305 and recommend that it be amended as follows:

<u>Page 2, Title, Line 1:</u>	Delete "and supplementing" and insert "."
<u>Page 2, Title, Lines 2-3:</u>	Delete in their entirety
<u>Page 2, Section 1, Lines 8-36:</u>	Delete in their entirety
<u>Page 2, Section 2, Lines 38-48:</u>	Delete in their entirety
<u>Page 3, Section 2, Lines 1-17:</u>	Delete in their entirety and insert "1. The Commissioner of Environmental Protection shall periodically study the availability and efficiency of blue and green roofs as stormwater management tools, and make, as necessary and as appropriate, recommendations to the Governor that will help foster and maintain efficient and effective stormwater management in the State."

Page 3, Section 3, Line 19:

Delete "3." and insert
"2."

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor