

13:19-2

October 20, 1975

Legislative Notes on N.J.S.A. 13:19-2
(Coastal Area Facility Review Act)

Laws of 1973, Chapter 185, Bill No. A1429

- July 17, 1972 - Introduced by Kean, Apy, Mabie, Fay and Bassano
Dec. 11, 1972 - Public hearing held.
974.90 N.J. Legislature. Assembly.
B365 Committee on Air & Water Pollution &
1972a Public Health. Public hearing on A1429
"Major Coastal Area Facilities Review Act," held December 11, 1972.
- April 9, 1973 - Reported with committee amendments.
April 12, 1973 - Amended again.
April 16, 1973 - Passed in Assembly as amended.
April 26, 1973 - Amended in Senate.
- Laid over.
May 21, 1973 - Amended again.
June 7, 1973 - Senate amendments passed in Assembly.
June 20, 1973 - Approved.

Statement to A1429.

The Major Coastal Area Facilities Review Act recognizes that New Jersey's coastal area constitutes a unique and priceless natural resource to the entire State. It establishes a procedure for reviewing the environmental impact of proposed major facilities.

Governor's Statement on signing enclosed (6/20/73.)

Similar Bills

- A722 - "Coastal Areas Protection Act"
- Introduced by Kean, Apy, Kennedy, Robertson, Fay, Bedell on Feb. 14, 1972.
- Public Hearing held April 19, 1972.
- Died in Committee.
- No statement.

974.90 N.J. Legislature. Assembly.
P777 Committee on Air, Water, Pollution and
1972 Public Health. Public hearing on A722,
April 19, 1972.

Newspaper Articles - N.J. Vertical File: N.J.--Jersey Shore -
Industrial Development

"Coastal Zone Bills Get Nod," Atlantic City Press, June 8, 1973

DEPOSITORY COPY

Do Not Remove From Library

"State ready to enforce coastal protection law," Newark Star Ledger,
September 17, 1973.

"Assembly OKays Coastal Measure," Camden Courier-Post, April 17, 1973.

"Coastline bills die in Senate, " Bergen Record, March 27, 1973.

"Coastal Controls Passed by Senate," Asbury Park Press, May 22, 1973.

"Dissent: Chamber says coastal bill sidesteps local government,"
Newark Star-Ledger, April 25, 1973.

See also New Jersey vertical file.
N.J.--Jersey Shore--Industrial Development

Similar law in other state
Delaware law-Coastal Zone Act
58 Del. Laws, Ch. 175

MS/JAA/ks
10/20/75

CHAPTER 185 LAWS OF N. J. 1973
APPROVED 6-20-73

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1429

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of ***[major]*** **certain** facilities
in the coastal area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "***[Major]***
2 Coastal Area ***[Facilities]*** **Facility** Review Act."

1 ***[2.** The Legislature finds and declares that New Jersey's coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-

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

20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.]*

1 *2. *The Legislature finds and declares that New Jersey's bays,*
2 *harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline*
3 *or partially saline streams and tributaries and their adjoining*
4 *upland fastland drainage area nets, channels, estuaries, barrier*
5 *beaches, near shore waters and intertidal areas together constitute*
6 *an exceptional, unique, irreplaceable and delicately balanced phys-*
7 *ical, chemical and biologically acting and interacting natural en-*
8 *vironmental resource called the coastal area, that certain portions*
9 *of the coastal area are now suffering serious adverse environmental*
10 *effects resulting from existing facility activity impacts that would*
11 *preclude or tend to preclude those multiple uses which support*
12 *diversity and are in the best long-term, social, economic, aesthetic*
13 *and recreational interests of all people of the State; and that,*
14 *therefore, it is in the interest of the people of the State that all of*
15 *the coastal area should be dedicated to those kinds of land uses*
16 *which promote the public health, safety and welfare, protect public*
17 *and private property, and are reasonably consistent and compatible*
18 *with the natural laws governing the physical, chemical and bio-*
19 *logical environment of the coastal area.*

20 *It is further declared that the coastal area and the State will*
21 *suffer continuing and ever-accelerating serious adverse economic,*
22 *social and aesthetic effects unless the State assists, in accordance*
23 *with the provisions of this act, in the assessment of impacts,*
24 *stemming from the future location and kinds of facilities within*
25 *the coastal area, on the delicately balanced environment of that area.*

26 *The Legislature further recognizes the legitimate economic*
27 *aspirations of the inhabitants of the coastal area and wishes to*
28 *encourage the development of compatible land uses in order to*
29 *improve the overall economic position of the inhabitants of that*
30 *area within the framework of a comprehensive environmental*
31 *design strategy which preserves the most ecologically sensitive and*
32 *fragile area from inappropriate development and provides adequate*
33 *environmental safeguards for the construction of any facilities in*
34 *the coastal area.**

1 3. For the purposes of this act, unless the context clearly requires
2 a different meaning, the following words shall have the following
3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
5 mental Protection.

6 b. "Department" means the State Department of Environmental
7 Protection.

8 c. *["Major facility"]* "'Facility'"* includes any of the facili-
9 ties designed or utilized for the following purposes:

10 (1) Electric power generation—

11 Oil, gas, or coal fired or any combination thereof.

12 Nuclear facilities.

13-14 (2) Food and food byproducts—

15 Beer, whiskey and wine production.

16 Fish processing, including the production of fish meal and fish oil.

17 Slaughtering, blanching, cooking, curing, and pickling of meats
18 and poultry.

19 Trimming, culling, juicing, and blanching of fruits and vege-
19A tables.

20 Animal matter rendering plants.

21 Operations directly related to the production of leather or furs
22 such as, but not limited to, unhairing, soaking, deliming, baiting,
23 and tanning.

24 Curing and pickling of fruits and vegetables.

25 Pasteurization, homogenization, condensation, and evaporation
26 of milk and cream to produce cheeses, sour milk, and related
27 products.

28 Coffee bean and cocoa bean roasting.

29 (3) Incineration wastes—

30 Municipal wastes (larger than or equal to 50 tons per day).

31 Automobile body (20 automobiles per hour or larger).

32 (4) Paper production—

33 Pulp mills.

34 Paper mills.

35 Paperboard mills.

36 Building paper mills.

37 Building board mills.

38 (5) Public facilities **and housing**—

39 Sanitary landfills,

40 Waste treatment plants (sanitary sewage).

41 Road, airport, or highway construction.

42 New housing developments of 25 or more dwelling units or
43 equivalent.

44 Expansion of existing developments*[, wherever present, or
45 future development plans projects by the construction]* **by the*
46 *addition** of 25 or more dwelling units or equivalent.

- 47 ***[Any subdivision of parcels of land in sections 5.4 and 5.5 for**
48 **residential or any other purpose.]***
- 49 (6) Agri-chemical production—
- 50 Pesticides manufacture and formulation operations or either
51 thereof.
- 52 Superphosphate animal feed supplement manufacture.
- 53 Production of normal superphosphate.
- 54 Production of triple superphosphate.
- 55 Production of diammonium phosphate.
- 56 (7) Inorganic acids and salts manufacture—
- 57 Hydrofluoric acid and common salts.
- 58 Hydrochloric acid and common salts.
- 59 Nitric acid and common salts.
- 60 Sulfuric acid and common salts.
- 61 Phosphoric acid and common salts.
- 62 Chromic acid, including chromate and dichromate salts.
- 63 (8) Mineral products—
- 64 Asphalt batching and roofing operations including the prepara-
65 tion of bituminous concrete and concrete.
- 66 Cement production, including Portland, natural, masonry, and
67 pozzolan cements.
- 68 Coal cleaning.
- 69 Clay, clay mining, and fly-ash sintering.
- 70 Calcium carbide production.
- 71 Stone, rock, gravel, and sand quarrying and processing.
- 72 Frit and glass production.
- 73 Fiberglass production.
- 74 Slag, rock and glass wool production (mineral wool).
- 75 Lime production, including quarrying.
- 76 Gypsum production, including quarrying.
- 77 Perlite manufacturing, including quarrying.
- 78 Asbestos fiber production.
- 79 (9) Chemical processes—
- 80 Ammonia manufacture.
- 81 Chlorine manufacture.
- 82 Caustic soda production.
- 83 Carbon black and charcoal production, including channel, furnace,
84 and thermal processes.
- 85 **Varnish, paint, lacquer, enamel, organic solvent, and inorganic or**
86 **organic pigment manufacturing or formulating.**

- 87 Synthetic resins or plastics manufacture including, but not
88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
89 and polyvinylchloride.
- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
92 synthetics such as viscose, rayon, and acetate, and true synthetics
93 such as, but not limited to, nylon, orlon, and dacron, and the dyeing
94 of these semi and true synthetics.
- 95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.
- 98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.
- 100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.
- 103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.
- 105 Used motor or other oil or related petroleum product reclamation
106 operations.
- 107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.
- 110 Organic dye and dye intermediate manufacturing.
- 111 Hydrogen cyanide or cyanide salts manufacture or use.
- 112 Glue manufacturing operations.
- 113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.
- 116 (10) Storage—
- 117 Bulk storage, handling, and transfer facilities for crude oil*, *gas**
118 and finished petroleum products not on the premises where petro-
119 leum refining occurs.
- 120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.
- 123 (11) Metallurgical processes—
- 124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.
- 126 Production of titanium metal, salts, and oxides.
- 127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.

- 129 Copper, lead, zinc, and magnesium smelting and processing.
- 130 Ferroalloys manufacture such as, but not limited to, those com-
131 bined with silicon, calcium, manganese and chrome.
- 132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.
- 135 Melting, smelting, refining, and alloying of scrap or other sub-
136 stances to produce brass and bronze ingots.
- 137 Gray iron foundry operations.
- 138 Steel foundry operations.
- 139 Beryllium metal or alloy production, including rolling, drawing
140 and extruding operations.
- 141 Operations involving silver, arsenic, cadmium, copper, mercury,
142 lead, nickel, chromium, and zinc including, but not limited to, pro-
143 duction, recovery from scrap or salvage, alloy production, salt
144 formation, electroplating, anodizing, and metallo-organics com-
145 pound products preparation.
- 146 Stripping of oxides from and the cleaning of metals prior to
147 plating, anodizing, or painting.
- 148 (12) Miscellaneous—
- 149 Operations involving the scouring, desizing, cleaning, bleaching,
150 and dyeing of wool.
- 151 Wood preserving processes which use coal or petroleum based
152 products such as, but not limited to, coal tars and/or creosotes.
- 153 Manufacture, use, or distillation of phenols, cresols, or coal tar
154 materials.
- 155 Manufacture of lead acid storage batteries and/or storage
156 batteries produced from other heavy metals, such as nickel or
157 cadmium.
- 158 Installation of above or underground pipelines designed to
159 transport petroleum, natural gas, and sanitary sewage.
- 160 Operations involving the dyeing, bleaching, coating, impregnat-
161 ing, or glazing of paper.
- 162 Dyeing, bleaching, and printing of textiles other than wool.
163 Chemical finishing for water repelling, fire resistance, and mildew
164 proofing, including preshrinking, coating and impregnating.
- 165 Sawmill and planing mill operations.
- 165A **Marine terminal and cargo handling facilities.**
- 166 d. "Person" means and shall include corporations, companies,
167 associations, societies, firms, partnerships and joint stock companies
168 as well as individuals and governmental agencies.

169 e. "Governmental agencies" means the Government of the United
 170 States, the State of New Jersey, or any other states, their political
 171 subdivisions, agencies, or instrumentalities thereof, and interstate
 172 agencies.

1 4. The "coastal area" shall consist of all that certain area lying
 2 between the line as hereinafter described and the line formed by the
 3 State's **seaward (Atlantic Ocean) territorial jurisdiction on the*
 4 *east thereof, the State's bayward (Delaware Bay) territorial juris-*
 5 *diction on the south and southwest thereof, and the State's river-*
 6 *ward (Delaware River) territorial jurisdiction on the west thereto.*
 7 *Beginning at the midpoint of the Garden State Parkway bridge*
 8 *crossing the Raritan River; thence southeasterly along the Garden*
 9 *State Parkway to its intersection with Everett Road (County 52);*
 10 *thence southerly on Everett Road (County 52) to its intersection*
 11 *with County Road 520; thence westerly along County Road 520 to*
 12 *its intersection with S. R. 34; thence southeasterly along S. R. 34*
 13 *to its intersection with County Road 537 at Colts Neck; thence*
 14 *northeasterly along County Road 537 to its intersection with the*
 15 *Garden State Parkway; thence southerly along the Garden State*
 16 *Parkway to its intersection with Spur 549; thence northwesterly*
 17 *along Spur 549 to its intersection with County Road 547; thence*
 18 *southwesterly along County Road 547 to its intersection with the*
 19 *tracks of the Central Railroad of New Jersey; thence south-*
 19A *westerly]* ****riverward (Arthur Kill) territorial jurisdiction on**
 19B *the east thereof, the State's]**** *seaward (Raritan Bay and Atlantic**
 19C *ocean) territorial jurisdiction on the east thereof, the State's bay-*
 19D *ward (Delaware Bay) territorial jurisdiction on the south and*
 19E *southwest thereof, and the State's riverward (Delaware River)*
 19F *territorial jurisdiction on the west thereto. ****Beginning at the**
 19G *confluence of Noes Creek and the Arthur Kill; thence northwesterly*
 19H *along the north bank of the Noes Creek to its intersection with*
 19I *Roosevelt Avenue; thence southwesterly along Roosevelt and Port*
 19J *Reading Avenues (Carteret Road) to its intersection with the New*
 19K *Jersey Turnpike; thence southwesterly on the New Jersey Turn-*
 19L *pike to its intersection with the tracks of the Penn Central R.R.;*
 19M *thence southeasterly along the tracks of the Penn Central R.R. to*
 19N *its intersection with Outerbridge Crossing; thence easterly along*
 19O *Outerbridge Crossing to its intersection with the tracks of the*
 19P *Lehigh Valley R.R.; thence southwesterly and northwesterly along*
 19Q *the tracks of the Lehigh Valley R.R. to its intersection with King*
 19R *Georges Post Road; thence southwesterly along King Georges*
 19S *Post Road to its intersection with U.S. 95 (SR 440); thence westerly*

19T along U.S. 95 to its intersection with Woodbridge Avenue (County
 19U 514); thence southwesterly along Woodbridge Avenue to its inter-
 19V section with the New Jersey Turnpike; thence southwesterly along
 19W the New Jersey Turnpike to its intersection with Schoolhouse
 19X Lane; thence easterly and northeasterly along Schoolhouse Lane
 19Y to its intersection with Weston Place; thence southerly and westerly
 19Z along Weston Place and Edgeboro Road to its intersection with
 19AA SR 18 and the Old Bridge-New Brunswick Turnpike (County 527);
 19BB thence southeasterly along the Old Bridge-New Brunswick Turn-
 19CC pike to its intersection with Burton Avenue; thence easterly along
 19DD Burton Avenue to its intersection with William Street; thence
 19EE southerly along William Street to its intersection with Belmont
 19FF Avenue; thence easterly along Belmont Avenue to its intersection
 19GG with Maple Avenue; thence southerly along Maple Avenue to its
 19HH intersection with Reid Street; thence northeasterly and south-
 19II easterly along Reid Street to its junction with Ferry Street;
 19JJ thence southeasterly along Ferry Street to its junction with
 19KK Whitehead Avenue; thence southeasterly along Whitehead
 19LL Avenue to its junction with River Street; thence southerly along
 19MM River Street to its intersection with Main Street (Bordentown
 19NN and Spotswood Turnpike); thence southwesterly along Main
 19OO Street to its intersection with SR 18; thence southeasterly along
 19PP SR 18 to its intersection with Matawan Road (County 516); thence
 19QQ easterly along Matawan Road to its intersection with Jake Brown
 19RR Road; thence northerly and easterly along Jake Brown Road to
 19SS its intersection with Cheesequake Browntown Road; thence
 19TT northerly along Cheesequake Browntown Road to its intersection
 19UU with SR 34 and U.S. 9; thence southerly along SR 34 to its inter-
 19VV section with Washington Avenue; thence easterly and south-
 19WW easterly along Washington Avenue to its intersection with Euclid
 19XX Road; thence southeasterly along Euclid Road to its intersection
 19YY with the Road to Steamboat Landing; thence southwesterly along
 20 the Road to Steamboat Landing to its intersection with SR 34;
 20A thence easterly along SR 34 to its intersection with Morristown
 20B Road (Cheesequake Road); thence easterly and northeasterly along
 20C Morristown Road to its intersection with Gordon Road and Cliff-
 20D wood Avenue; thence northeasterly along Clifford Avenue to its]***
 20E ***[***Tract I: Beginning at the bayward (Raritan Bay) point
 20F of the boundary between Middlesex and Monmouth counties; thence
 20G southwesterly along the boundary line between Middlesex and
 20H Monmouth counties to its*** intersection with the Garden State
 20I Parkway;]*** ***Beginning at the confluence of Cheesequake

20I-A Creek with the Raritan Bay; thence southwesterly along the cen-
 20I-B ter line of Cheesequake Creek to its intersection with the Garden
 20I-C State Parkway;*** thence southeasterly along the Garden State
 20J Parkway to Exit 117 at State Highway 36; thence northeasterly
 20K along State Highway 36 to the intersection of Middle Road (County
 20L 516); thence easterly along Middle Road to the intersection of
 20M Palmer Avenue (County 7); thence northeasterly on Main Street
 20N to the intersection of State Highway 36; thence easterly on State
 20O Highway 36 to the intersection of Navesink Avenue; thence south-
 20P erly on Navesink Avenue to the intersection of Monmouth Avenue at
 20Q Navesink; thence westerly on Monmouth Avenue to its intersection
 20R with Browns Dock Road; thence southerly on Browns Dock Road
 20S to its intersection with Cooper Road; thence southwesterly on
 20T Cooper Road to the intersection of State Highway 35; thence
 20U southerly on State Highway 35 to its intersection with State High-
 20V way 71; thence southeasterly on State Highway 71 to its crossing
 20W of the Central Railroad of New Jersey tracks; thence southerly
 20X along the Central Railroad of New Jersey tracks to its intersection
 20Y of 6th Avenue (County 2); thence westerly on 6th Avenue (County
 20Z 2) to the intersection of State Highway 33; thence westerly along
 21A State Highway 33 to the crossing of State Highway 18; thence
 21B southerly on State Highway 18 to its intersection of Marconi Road;
 21C thence southeasterly on Marconi Road to Adrienne Road, continu-
 21D ing south on Adrienne Road to Belmar Boulevard; thence easterly
 21E on Belmar Boulevard and 16th Avenue to the intersection of State
 21F Highway 71; thence southerly on State Highway 71 to the intersec-
 21G tion of State Highway 35; thence northwesterly along State High-
 21H way 35 to State Highway 34 at the Brielle Circle; thence north-
 21I westerly along State Highway 34 to the Garden State Parkway at
 21J Exit 96; thence southwesterly along the Garden State Parkway to
 21K the intersection of the Monmouth, Ocean County boundary; thence
 21L westerly along said boundary to the intersection of the Central
 21M Railroad of New Jersey tracks; thence southwesterly* along
 21N the tracks of the Central Railroad of New Jersey to its junc-
 21O tion with the tracks of the Pennsylvania Railroad near Whiting;
 22 thence easterly along the tracks of the Pennsylvania Railroad to its
 23 intersection with the Garden State Parkway near South Toms
 24 River; thence southerly along the Garden State Parkway to its
 25 intersection with County Road 539 at Garden State Parkway exit
 26 58; thence northerly along County Road 539 to its intersection with
 27 Martha-Stafford Forge Road; thence westerly along Martha-
 28 Stafford Forge Road to its intersection with Spur 563; thence
 29 northerly along Spur 563 to its intersection with County Road 563;

30 thence southerly along County Road 563 to its intersection with
 31 County Road 542 at Green Bank; thence northwesterly along County
 32 Road 542 to its intersection with Weekstown-Pleasant Mills road;
 33 thence southeasterly along Weekstown-Pleasant Mills Road to its
 34 intersection with County Road 563 at Weekstown; thence south-
 35 easterly along County Road 563 to its intersection with Clarks
 36 Landing Road leading to Port Republic; thence easterly along
 37 Clarks Landing Road to its intersection with the Garden State
 38 Parkway; thence southerly along the Garden State Parkway to its
 39 intersection with Alt. 559, and thence northwesterly along Alt. 559
 40 to its intersection with ***[County Road 559 at Gravelly Run;
 41 thence northwesterly along County Road 559 to its intersection with
 42 U. S. 40 and S. R. 50 at Mays Landing; thence westerly along com-
 43 bined U. S. 40 and S. R. 50 to its intersection with S. R. 50;]***
 44 ***[***Route 51; thence southwesterly along Route 51 to Jeffers
 45 Landing; thence northwesterly generally following the line of the
 46 Great Egg Harbor River to the confluence of its westerly and east-
 47 erly branches; thence following its westerly branch to its inter-
 48 section with S. R. 50 south of Mays Landing***]*** ***County
 49 Road 559 at Gravelly Run; thence northwesterly along County Road
 50 559 to its intersection with U. S. 40 and S. R. 50 at Mays Landing;
 51 thence westerly along combined U. S. 40 and S. R. 50 to its inter-
 52 section with S. R. 50;*** thence southerly on S. R. 50 to its inter-
 53 section with ***[Buck Hill Road near Buck Hill; thence westerly
 54 along Buck Hill (River Road) Road to its intersection with S. R.
 55 49; thence southerly along S. R. 49 to its intersection with County
 56 Road 585; thence southwesterly along County Road 585 to its
 57 intersection with S. R. 47 at Dennisville;]*** ***[***the Garden
 58 State Parkway (Exit 20S); thence southwesterly along the Garden
 59 State Parkway to the Cape May Canal; thence westerly along the
 60 Cape May Canal to the Delaware Bay. Tract II: Beginning on
 61 the Delaware Bay at the mouth of Dennis Creek; thence north-
 62 easterly along Dennis Creek to S. R. 47;***]*** ***Buck Hill Road
 63 near Buck Hill; thence westerly along Buck Hill (River
 64 Road) Road to its intersection with S. R. 49; thence south-
 65 easterly along S. R. 49 to its intersection with S. R. 50; thence
 65A southeasterly along S. R. 50 to its intersection with County
 66 Road 585; thence southwesterly along County Road 585 to
 66A its intersection with S. R. 47 at Dennisville;*** thence north-
 66B westerly along S. R. 47 to its intersection with ***[County Road
 66C 78; thence northerly along County Road 78 to its intersection with
 66D County Road 548***; thence south on County Road 548 to its inter-
 66E section with County Road 15; thence westerly along County Road
 66F 15 to***]*** ***[and to its intersection of County Road 46; thence

66G to the intersection with the tracks of the Pennsylvania-Reading
 66H Seashore Lines; thence northwesterly along the tracks of the
 66I Pennsylvania-Reading Seashore Lines to its intersection with S. R.
 67 49 at Millville; thence through Millville along S. R. 49 to its inter-
 67A section with County Road 555; thence southerly along County Road
 67B 555 to its intersection with County Road 27; thence southerly along
 67C County Road 27 to its intersection with County Road 70; thence
 67D southerly on County Road 70 to the Center of **]***** *State Road*
 67E *49 at Millville; thence through Millville along State Road 49 to*
 67F *its intersection with County Road 555; thence southerly along*
 67G *County Road 555 to its intersection with County Road 27; thence*
 67H *southerly along County Road 27 to its intersection with County*
 67I *Road 70; thence southerly on County Road 70 to the Center of****
 67J *Mauricetown; thence through Mauricetown westerly on County*
 67K *Road 548 to its intersection with the tracks of the Central Railroad*
 67L *of New Jersey; thence northwesterly on the tracks of the Central*
 67M *Railroad of New Jersey to its intersection with County Road 98;*
 67N *thence ***[***westerly along the course of the Cohansey River to*
 67O *the Delaware.***]*** ****[easterly along County Road 93 to the*
 67P *intersection with County Road 38; thence northerly along County*
 67Q *Road 38 to its intersection with S. R. 49 east of Bridgeton; thence*
 67R *westerly along S. R. 49 through Bridgeton to its intersection with*
 67S *County Road 5; **[thence westerly along County Road 5 to]**
 68 ***(Roadstown Road); thence westerly along S. R. 49 through*
 68A *Bridgeton to its intersection with County Road 5 (Roads-*
 68B *town Road); thence westerly along County Road 5*
 68C *(Roadstown Road) to Roadstown; thence northwesterly along*
 68D *the Roadstown Road to the first unnamed road intersection;*
 68E *thence southwesterly along the first unnamed road to its intersec-*
 68F *tion with Canton Road; thence along Canton Road northwesterly to*
 68G *Gum Tree Corner; thence northwesterly along Canton Road from*
 68H *Gum Tree Corner across Stowe Creek to its intersection with*
 68I *County Road 59 (Hancock's Bridge Road); thence northwesterly*
 68J *along County Road 59 to its intersection with County Road 51 at*
 68K *Coopers Branch; thence northeasterly along County Road 51 to its*
 68L *intersection with S. R. 49 at Quinton; thence northwesterly along*
 68M *S. R. 49 to its intersection with County Road 50; thence southwest-*
 68N *erly along County Road 50 to its intersection with County Road 58;*
 68O *thence southerly on County Road 58 to its intersection with County*
 68P *Road 24; thence westerly along County Road 24 to its intersection*
 68Q *with County Road 65; thence northerly along County*
 68R *Road 65 (Walnut Street) to its intersection with Route 4;*
 68S *thence westerly along Route 4 and northerly along Route 4***

68T and thence easterly along Route 4 to its intersection with
 68U Route 49; thence northerly along Route 49 (Front Street)
 68V to its intersection with Route 57; thence easterly along
 68W Route 57 to its intersection with Route 45; thence northerly along
 68X Route 45 to its intersection with County Road 540 at Pointers;
 68Y-Z thence northerly and northwesterly along County Road 540 (Deep-
 69 water-Slapes Corner Road) to its intersection with the New Jersey
 69A Turnpike; thence westerly along the New Jersey Turnpike to its
 69B intersection with County Road 33; thence southerly along County
 69C Road 33 to its intersection with S.R. 49; thence southeasterly along
 69D S. R. 49 to its intersection with County Road 26; thence northwest-
 69E erly along County Road 26 to the Killcohook National Wildlife
 69F Refuge; thence northwesterly along this northeasterly boundary to
 69G the limits of the State's territorial jurisdiction on the Dela-
 69H ware River.**]*** * [Roadstown; thence northerly on County Road
 69I 20 to its intersection with S. R. 49 at Shiloh; thence northwesterly
 70 on S. R. 49 to Burdens Hill; thence northerly along unnamed road
 71 to its intersection with County Road 581; thence northeasterly along
 72 County Road 581 through Alloway to its intersection with County
 73 Road 3; thence northerly on County Road 3 to the intersection with
 74 the tracks of the Pennsylvania-Reading Seashore Lines; thence
 75 northerly along the tracks of the Pennsylvania-Reading Seashore
 76 Lines east of Woodstown to its intersection with County Road 551
 77 southwest of Swedesboro; thence northeasterly along County Road
 78 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection
 79 with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45
 80 to its intersection with U. S. 130 at Westville; thence northerly
 81 through Westville on U. S. 130 to the intersection with County
 82 Road 551; thence northerly along County Road 551 (Broadway)
 83 through Gloucester and Camden to its intersection in Camden with
 84 County Road 537 (Federal Street); thence easterly along County
 85 Road 537 through Camden to its intersection with County Road 543
 86 (River Avenue); thence northerly along County Road 543 to its
 87 intersection with S. R. 73; thence southeasterly along S. R. 73 to its
 88 intersection with U. S. 130; thence northeasterly along U. S. 130 to
 89 its intersection with U. S. 206 at Bordentown; thence northerly
 90 along U. S. 206 at Bordentown to its intersection with County Roads
 91 533 and 524 at White Horse; thence northerly along U. S. 206
 92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
 93 Lalor Street in Trenton; thence Westerly along Lalor Street in
 94 Trenton to its intersection with Lambertton Street in Trenton;
 95 thence northwesterly along Lambertton Street to its intersection
 96 with S. R. 29 (John Fitch Way); and thence northwesterly along

97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1]*
 98 **[*County Road 47; thence southwesterly on County Road 47 to
 99 County Road 19; thence northwesterly on County Road 19, across
 100 Stowe Creek, continuing on County Road 59 to County Road 58;
 101 thence northwesterly on County Road 58 to County Road 24; thence
 102 northwesterly on County Road 24 to County Road 4; thence north-
 103 westerly on County Road 4 to SR 49 in Salem City; thence north-
 104 westerly on S. R. 49 to County Road 26; thence northwesterly on
 105 County Road 26 to the Killcohook National Wildlife Refuge; thence
 106 along the northern border of Killcohook National Wildlife Refuge
 107 to the Delaware River.*]** ***easterly along County Road 98 to
 108 the intersection with County Road 38; thence northerly along
 109 County Road 38 to its intersection with S. R. 49 east of Bridgeton;
 110 thence westerly along S. R. 49 through Bridgeton to its inter-
 111 section with County Road 5 (Roadstown Road); thence westerly
 112 along County Road 5 (Roadstown Road) to Roadstown; thence
 113 northwesterly along the Roadstown Road to County Road 47;
 114 thence southwesterly along County Road 47 to its intersection
 115 with County Road 19; thence along County Road 19 northwesterly
 116 to Gum Tree Corner; thence northwesterly along County Road 19
 117 from Gum Tree Corner across Stowe Creek to its intersection with
 118 Salem County Road 59 (Hancock's Bridge Road); thence north-
 119 westerly along County Road 59 to its intersection with County
 120 Road 51 at Coopers Branch; thence northeasterly along County
 121 Road 51 to its intersection with S. R. 49 at Quinton; thence north-
 122 westerly along S. R. 49 to its intersection with County Road 50;
 123 thence southwesterly along County Road 50 to its intersection with
 124 County Road 58; thence southerly on County Road 58 to its inter-
 125 section with County Road 24; thence westerly along County Road
 126 24 to its intersection with County Road 65; thence northerly along
 127 County Road 65 (Walnut Street) to its intersection with County
 128 Road 4; thence westerly along County Road 4 and northerly along
 129 County Road 4 and thence easterly along County Road 4 to its
 130 intersection with State Road 49; thence northerly along State Road
 131 49 (Front Street) to its intersection with County Road 57; thence
 132 easterly along County Road 57 to its intersection with State Road
 133 45; thence northerly along State Road 45 to its intersection with
 134 County Road 540 at Pointers; thence northerly and northwesterly
 135 along County Road 540 (Deepwater-Slapes Corner Road) to its
 136 intersection with the New Jersey Turnpike; thence westerly along
 137 the New Jersey Turnpike to its intersection with County Road 33;
 138 thence southerly along County Road 33 to its intersection with
 139 State Road 49; thence southeasterly along S. R. 49 to its inter-

140 section with County Road 26; thence northwesterly along County
 141 Road 26 to the Killcohook National Wildlife Refuge; thence north-
 142 westerly along this northeasterly boundary to the limits of the
 143 State's territorial jurisdiction on the Delaware River; provided,
 144 however, that the coastal area shall not include all that certain
 145 area in Cape May County lying within a line beginning at the inter-
 146 section of S. R. 47 and County Road 54; thence westerly on County
 147 Road 54; to the intersection of County Road 3; thence southeasterly
 148 on County Road 3 through the intersection of County Road 3 with
 149 County Road 13 to the intersection with County Road 47; thence
 150 easterly and northerly along County Road 47 to its intersection
 151 with State Road 9; thence northerly along State Road 9 to its
 152 intersection with State Road 47; thence westerly along State Road
 153 47 to its intersection with County Road 54.***

1 ***[5. No person shall construct*[, expand or utilize]* or cause
 2 to be constructed*[, expanded or utilized]* a *[major]* facility
 3 in the coastal *[areas]* *area* until he has applied for and received
 4 a permit issued by the commissioner*[; however, this shall not
 5 apply to major facilities which were constructed or utilized as such
 6 on the effective date of this act]*.***

1 ***5. No person shall construct or cause to be constructed a
 2 facility in the coastal area until he has applied for and received
 3 a permit issued by the commissioner; however, the provisions of
 4 this act shall not apply to facilities for which on-site construction,
 5 including site preparation, was in process on or prior to the effective
 6 date of this act.***

1 6. Any person proposing to construct*[, expand or utilize]* or
 2 cause to be constructed*[, expanded or utilized a major facility]*
 3 *a facility in the coastal area* shall file an application for a permit
 4 with the commissioner, in such form and with such information as
 5 the commissioner may prescribe. The application shall include an
 6 environmental impact statement as described in this act.

1 7. The environmental impact statement shall provide the in-
 2 formation needed to evaluate the effects of a proposed project upon
 3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
 6 project site and in the surrounding region which shall describe air
 7 quality, water quality, water supply, hydrology, geology, soils,
 8 topography, vegetation, wildlife, aquatic organisms, ecology,
 9 demography, land use, aesthetics, history, and archeology; *for
 9A housing, the inventory shall describe water quality, water supply,
 9B hydrology, geology, soils and topography;*

10 b. A project description which shall specify what is to be done
11 and how it is to be done, during construction and operation ;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each ;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a. ;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided ;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region ;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability ;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within *~~30~~* *15** days of declaring the
11 application complete for filing, shall set a date for the hearing. The
12 date for the hearing shall be set not later than *~~75~~* *60** days
13 after the application is declared complete for filing.

14 *~~c.~~ The commissioner, within 15 days after the hearing, may re-
15 quire an applicant to submit any additional information necessary
16 for the complete review of the application.]*

1 9. *a.* The commissioner, or a member of the department desig-
2 nated by him, shall hold a hearing to afford interested parties stand-
3 ing and the opportunity to present, orally or in writing, both their
4 position concerning the application and any data they may have
5 developed in reference to the environmental effects of the proposed
6 facility.

7 *b.* The commissioner, within 15 days after the hearing, may re-
8 quire an applicant to submit any additional information necessary
9 for the complete review of the application.*

1 10. The commissioner shall review filed applications, including the
2 environmental impact statement and all information presented at

3 public hearings. He shall issue a permit only if he finds that the
4 proposed facility ***[or activity]***:

5 a. Conforms with all applicable air, water and radiation emission
6 and effluent standards and all applicable water quality criteria and
7 air quality standards.

8 b. ***[Air]*** **Prevents air** emissions and water effluents ***[do**
9 **not exceed]*** **in excess of** the existing ***[natural]*** dilution,
10 assimilative, and recovery capacities of the air and water environ-
10A ments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
12 refuse in such a manner as to minimize adverse environmental
13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
15 tive capacity of water aquifers or other ground or surface water
16 supplies.

17 e. Would cause minimal feasible interference with the natural
18 functioning of plant, animal, fish, and human life processes at the
19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
21 or property nor otherwise impair the public health, safety, and
22 welfare.

23 g. Would result in minimal practicable degradation of unique or
24 irreplaceable land types, historical or archeological areas, and exist-
25 ing scenic and aesthetic attributes at the site and within the
26 surrounding region.

1 11. ***[If]*** **Notwithstanding the applicant's compliance with the*
2 *criteria listed in section 10 of this act, if** the commissioner finds
3 that the proposed facility would violate or tend to violate the ***[pur-**
4 **poses and intent of the act,]*** **purpose and intent of this act as*
5 *specified in section 2, or if the commissioner finds that the proposed*
6 *facility would materially contribute to an already serious and*
7 *unacceptable level of environmental degradation or resource*
8 *exhaustion,** he may ***[deny the application, or he may approve**
9 **the permit and impose such conditions as are necessary to promote**
10 **the public safety, health and]*** **deny the permit application, or he*
11 *may issue a permit subject to such conditions as he finds reasonably*
12 *necessary to promote the public health, safety and** welfare, to
13 protect public and private property, wildlife and marine fisheries,
14 and to preserve, protect and enhance the natural environment.
15 ****In addition, the construction and operation of a nuclear*
16 *electricity generating facility shall not be approved by the com-*
17 *missioner unless he shall find that the proposed method for disposal*
18 *of radioactive waste material to be produced or generated by such*

19 *facility will be safe, conforms to standards established by the*
 20 *Atomic Energy Commission and will effectively remove danger to*
 21 *life and the environment from such waste material.****

1 12. The commissioner shall notify the applicant within ***[90]***
 2 ***60*** days after the hearing as to the granting or denial of a permit.
 3 The reasons for granting or denying the permit shall be stated. In
 4 the event the commissioner requires additional information as pro-
 5 vided for in section ***[8]* *9***, he shall notify the applicant of his
 6 decision within 90 days following the receipt of the information.

1 ***13.** *There is hereby created the Coastal Area Review Board, in*
 2 *but not of the Department of Environmental Protection, which shall*
 3 *consist of three voting members who shall be the Commissioner*
 4 *of Environmental Protection or his designated representative, the*
 5 *Commissioner of Labor and Industry or his designated representa-*
 6 *tive and the Commissioner of Community Affairs or his designated*
 7 *representative. No vote on a permit request shall be taken unless*
 8 *all voting members are present.*

9 *The Coastal Area Review Board shall have the power to hear*
 10 *appeals from decisions of the commissioner pursuant to section 12.*
 11 *The board may affirm or reverse the decision of the commissioner*
 12 *with respect to applicability of any provision of this act to a pro-*
 13 *posed use; it may modify any permit granted by the commissioner,*
 14 *grant a permit denied by him, deny a permit granted by him, or*
 15 *confirm his grant of a permit. The board shall review filed applica-*
 16 *tions, including the environmental impact statement and all in-*
 17 *formation presented at public hearings and any other information*
 18 *the commissioner makes available to the board prior to the affirma-*
 19 *tion or reversal of a decision of the commissioner.**

1 ***[13.]* *14.*** In the event of rental, lease, sale or other convey-
 2 ances by an applicant to whom a permit is issued, such permit, with
 3 any conditions, shall be continued in force and shall apply to the new
 4 tenant, lessee, owner, or assignee so long as there is no change in
 5 the nature of the facility set forth in the original application.

1 ***[14.]* *15.*** The denial of an application shall in no way ad-
 2 versely affect the future submittal of a new application.

1 ***[15.** The commissioner shall be authorized to prepare an environ-
 2 mental design which shall consist of an inventory of the environ-
 3 mental resources of the coastal area and their interrelationships.
 4 The commissioner shall develop from this design long-term alter-
 5 native environmental management strategies for the coastal area
 6 which promote the purposes and intent of this act.]**

1 ***16.** *The commissioner shall, within 2 years of the taking effect*
 2 *of this act, prepare an environmental inventory of the environ-*

3 mental resources of the coastal area and of the existing facilities
 4 and land use developments within the coastal area and an estimate
 5 of the capability of the various area within the coastal area to
 6 absorb and react to man-made stresses. The commissioner shall,
 7 within 3 years of the taking effect of this act, develop from this
 8 environmental inventory alternate long-term environmental man-
 9 agement strategies which take into account the paramount need
 10 for preserving environmental values and the legitimate need for
 11 economic and residential growth within the coastal area. The com-
 12 missioner shall, within 4 years of the taking effect of this act, select
 13 from the alternate environmental management strategies an en-
 14 vironmental design for the coastal area. The environmental design
 15 shall be the approved environmental management strategy for the
 16 coastal area and shall include a delineation of various areas appro-
 17 priate for the development of residential and industrial facilities
 18 of various types, depending on the sensitivity and fragility of the
 19 adjacent environment to the existence of such facilities. The en-
 20 vironmental inventory, the alternate long-term environmental man-
 21 agement strategies and the environmental design for the coastal
 22 area shall be presented to the Governor and the Legislature within
 23 the time frame indicated herein.*

1 ***[16.]*** *17.* The department is hereby authorized to adopt,
 2 amend and repeal rules and regulations to effectuate the purposes
 3 of this act.

1 ***[17.]*** *18.* If any person violates any of the provisions of this
 2 act, rule, regulation or order promulgated or issued pursuant to the
 3 provisions of this act, the department may institute a civil action in
 4 the Superior Court for injunctive relief to prohibit and prevent such
 5 violation or violations and said court may proceed in a summary
 6 manner. Any person who violates any of the provisions of this act,
 7 rule, regulation or order promulgated or issued pursuant to this act
 8 shall be liable to a penalty of not more than \$3,000.00 to be collected
 9 in a summary proceeding or in any case before a court of competent
 10 jurisdiction wherein injunctive relief has been requested. If the
 11 violation is of a continuing nature, each day during which it con-
 12 tinues shall constitute an additional, separate and distinct offense.
 13 The department is hereby authorized and empowered to compromise
 14 and settle any claim for a penalty under this section in such amount
 15 in the discretion of the department as may appear appropriate and
 16 equitable under the circumstances.

1 ***[18.]*** *19.* The provisions of this act *shall not be regarded*
 2 *as to be in derogation of any powers now existing and* shall be
 3 regarded as supplemental and in addition to powers***[**, including

4 municipal zoning authority,]* conferred by other laws, *[and shall
5 not be regarded to be in derogation of any powers now existing,
6 except that those areas]* **including municipal zoning authority.*
7 *The provisions of this act shall not apply to those portions of the*
8 *coastal areas* regulated pursuant to enforceable orders under the*
9 *Wetlands Act, C. 13:9A-1 et seq., *[shall be exempt from com-*
10 *pliance with this act.]* **section 16 however shall apply to the entire*
11 *area within the boundaries described herein.***

1 **[19.]* *20.* This act shall be liberally construed to effectuate*
2 *the purpose and intent thereof.*

1 **[20.]* *21.* If any provision of this act or the application*
2 *thereof to any person or circumstances is held invalid, the re-*
3 *mainder of the act and the application of such provision to persons*
4 *or circumstances other than those to which it is held invalid, shall*
5 *not be affected thereby.*

1 **[21.]* *22.* There is hereby appropriated to the Department*
2 *of Environmental Protection for the purposes of this act the sum*
3 *of \$100,000.00.*

1 **[22. This act shall take effect immediately.]**

1 **23. This act shall take effect 90 days from the date of enactment,*
2 *except that section 22 shall take effect immediately.**

ASSEMBLY, No. 1429

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of major facilities in the coastal
area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Major Coastal
2 Area Facilities Review Act."

1 2. The Legislature finds and declares that New Jersey's coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-
20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.

1 3. For the purposes of this act, unless the context clearly requires
2 a different meaning, the following words shall have the following
3 meanings:

- 4 a. "Commissioner" means the State Commissioner of Environ-
5 mental Protection.
- 6 b. "Department" means the State Department of Environmental
7 Protection.
- 8 c. "Major facility" includes any of the facilities designed or
9 utilized for the following purposes:
- 10 (1) Electric power generation—
11 Oil, gas, or coal fired or any combination thereof.
12 Nuclear facilities.
- 13-14 (2) Food and food byproducts—
15 Beer, whiskey and wine production.
16 Fish processing, including the production of fish meal and fish oil.
17 Slaughtering, blanching, cooking, curing, and pickling of meats
18 and poultry.
19 Trimming, culling, juicing, and blanching of fruits and vege-
19A tables.
20 Animal matter rendering plants.
21 Operations directly related to the production of leather or furs
22 such as, but not limited to, unhairing, soaking, deliming, baiting,
23 and tanning.
24 Curing and pickling of fruits and vegetables.
25 Pasteurization, homogenization, condensation, and evaporation
26 of milk and cream to produce cheeses, sour milk, and related
27 products.
28 Coffee bean and cocoa bean roasting.
- 29 (3) Incineration wastes—
30 Municipal wastes (larger than or equal to 50 tons per day).
31 Automobile body (20 automobiles per hour or larger).
- 32 (4) Paper production—
33 Pulp mills.
34 Paper mills.
35 Paperboard mills.
36 Building paper mills.
37 Building board mills.
- 38 (5) Public facilities—
39 Sanitary landfills.
40 Waste treatment plants (sanitary sewage).
41 Road, airport, or highway construction.
42 New housing developments of 25 or more dwelling units or
43 equivalent.
44 Expansion of existing developments, wherever present, or future
45 development plans projects by the construction of 25 or more dwell-
46 ing units or equivalent.

- 47 Any subdivision of parcels of land in sections 5.4 and 5.5 for
48 residential or any other purpose.
- 49 (6) Agri-chemical production—
- 50 Pesticides manufacture and formulation operations or either
51 thereof.
- 52 Superphosphate animal feed supplement manufacture.
- 53 Production of normal superphosphate.
- 54 Production of triple superphosphate.
- 55 Production of diammonium phosphate.
- 56 (7) Inorganic acids and salts manufacture—
- 57 Hydrofluoric acid and common salts.
- 58 Hydrochloric acid and common salts.
- 59 Nitric acid and common salts.
- 60 Sulfuric acid and common salts.
- 61 Phosphoric acid and common salts.
- 62 Chromic acid, including chromate and dichromate salts.
- 63 (8) Mineral products—
- 64 Asphalt batching and roofing operations including the prepara-
65 tion of bituminous concrete and concrete.
- 66 Cement production, including Portland, natural, masonry, and
67 pozzolan cements.
- 68 Coal cleaning.
- 69 Clay, clay mining, and fly-ash sintering.
- 70 Calcium carbide production.
- 71 Stone, rock, gravel, and sand quarrying and processing.
- 72 Frit and glass production.
- 73 Fiberglass production.
- 74 Slag, rock and glass wool production (mineral wool).
- 75 Lime production, including quarrying.
- 76 Gypsum production, including quarrying.
- 77 Perlite manufacturing, including quarrying.
- 78 Asbestos fiber production.
- 79 (9) Chemical processes—
- 80 Ammonia manufacture.
- 81 Chlorine manufacture.
- 82 Caustic soda production.
- 83 Carbon black and charcoal production, including channel, furnace,
84 and thermal processes.
- 85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
86 organic pigment manufacturing or formulating.
- 87 Synthetic resins or plastics manufacture including, but not
88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
89 and polyvinylchloride.

- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
92 synthetics such as viscose, rayon, and acetate, and true synthetics
93 such as, but not limited to, nylon, orlon, and dacron, and the dyeing
94 of these semi and true synthetics.
- 95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.
- 98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.
- 100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.
- 103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.
- 105 Used motor or other oil or related petroleum product reclamation
106 operations.
- 107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.
- 110 Organic dye and dye intermediate manufacturing.
- 111 Hydrogen cyanide or cyanide salts manufacture or use.
- 112 Glue manufacturing operations.
- 113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.
- 116 (10) Storage—
- 117 Bulk storage, handling, and transfer facilities for crude oil and
118 finished petroleum products not on the premises where petroleum
119 refining occurs.
- 120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.
- 123 (11) Metallurgical processes—
- 124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.
- 126 Production of titanium metal, salts, and oxides.
- 127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.
- 129 Copper, lead, zinc, and magnesium smelting and processing.
- 130 Ferroalloys manufacture such as, but not limited to, those com-
131 bined with silicon, calcium, manganese and chrome.

- 132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.
- 135 Melting, smelting, refining, and alloying of scrap or other sub-
136 stances to produce brass and bronze ingots.
- 137 Gray iron foundry operations.
- 138 Steel foundry operations.
- 139 Beryllium metal or alloy production, including rolling, drawing
140 and extruding operations.
- 141 Operations involving silver, arsenic, cadmium, copper, mercury,
142 lead, nickel, chromium, and zinc including, but not limited to, pro-
143 duction, recovery from scrap or salvage, alloy production, salt
144 formation, electroplating, anodizing, and metallo-organics com-
145 pound products preparation.
- 146 Stripping of oxides from and the cleaning of metals prior to
147 plating, anodizing, or painting.
- 148 (12) Miscellaneous—
- 149 Operations involving the scouring, desizing, cleaning, bleaching,
150 and dyeing of wool.
- 151 Wood preserving processes which use coal or petroleum based
152 products such as, but not limited to, coal tars and/or creosotes.
- 153 Manufacture, use, or distillation of phenols, cresols, or coal tar
154 materials.
- 155 Manufacture of lead acid storage batteries and/or storage
156 batteries produced from other heavy metals, such as nickel or
157 cadmium.
- 158 Installation of above or underground pipelines designed to
159 transport petroleum, natural gas, and sanitary sewage.
- 160 Operations involving the dyeing, bleaching, coating, impregnat-
161 ing, or glazing of paper.
- 162 Dyeing, bleaching, and printing of textiles other than wool.
- 163 Chemical finishing for water repelling, fire resistance, and mildew
164 proofing, including preshrinking, coating and impregnating.
- 165 Sawmill and planing mill operations.
- 166 d. "Person" means and shall include corporations, companies,
167 associations, societies, firms, partnerships and joint stock companies
168 as well as individuals and governmental agencies.
- 169 e. "Governmental agencies" means the Government of the United
170 States, the State of New Jersey, or any other states, their political
171 subdivisions, agencies, or instrumentalities thereof, and interstate
172 agencies.
- 1 4. The "coastal area" shall consist of all that certain area lying
2 between the line as hereinafter described and the line formed by the

3 State's seaward (Atlantic Ocean) territorial jurisdiction on the
4 east thereof, the State's bayward (Delaware Bay) territorial juris-
5 diction on the south and southwest thereof, and the State's river-
6 ward (Delaware River) territorial jurisdiction on the west thereto.
7 Beginning at the midpoint of the Garden State Parkway bridge
8 crossing the Raritan River; thence southeasterly along the Garden
9 State Parkway to its intersection with Everett Road (County 52);
10 thence southerly on Everett Road (County 52) to its intersection
11 with County Road 520; thence westerly along County Road 520 to
12 its intersection with S. R. 34; thence southeasterly along S. R. 34
13 to its intersection with County Road 537 at Colts Neck; thence
14 northeasterly along County Road 537 to its intersection with the
15 Garden State Parkway; thence southerly along the Garden State
16 Parkway to its intersection with Spur 549; thence northwesterly
17 along Spur 549 to its intersection with County Road 547; thence
18 southwesterly along County Road 547 to its intersection with the
19 tracks of the Central Railroad of New Jersey; thence southwesterly
20 along the tracks of the Central Railroad of New Jersey to its junc-
21 tion with the tracks of the Pennsylvania Railroad near Whiting;
22 thence easterly along the tracks of the Pennsylvania Railroad to its
23 intersection with the Garden State Parkway near South Toms
24 River; thence southerly along the Garden State Parkway to its
25 intersection with County Road 539 at Garden State Parkway exit
26 58; thence northerly along County Road 539 to its intersection with
27 Martha-Stafford Forge Road; thence westerly along Martha-
28 Stafford Forge Road to its intersection with Spur 563; thence
29 northerly along Spur 563 to its intersection with County Road 563;
30 thence southerly along County Road 563 to its intersection with
31 County Road 542 at Green Bank; thence northwesterly along County
32 Road 542 to its intersection with Weekstown-Pleasant Mills road;
33 thence southeasterly along Weekstown-Pleasant Mills Road to its
34 intersection with County Road 563 at Weekstown; thence south-
35 easterly along County Road 563 to its intersection with Clarks
36 Landing Road leading to Port Republic; thence easterly along
37 Clarks Landing Road to its intersection with the Garden State
38 Parkway; thence southerly along the Garden State Parkway to its
39 intersection with Alt. 559, and thence northwesterly along Alt. 559
40 to its intersection with County Road 559 at Gravelly Run; thence
41 northwesterly along County Road 559 to its intersection with U. S.
42 40 and S. R. 50 at Mays Landing; thence westerly along combined
43 U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence south-
44 erly on S. R. 50 to its intersection with Buck Hill Road near Buck
45 Hill; thence westerly along Buck Hill (River Road) Road to its

46 intersection with S. R. 49; thence southerly along S. R. 49 to its
47 intersection with County Road 585; thence southwesterly along
48 County Road 585 to its intersection with S. R. 47 at Dennisville;
49 thence northwesterly along S. R. 47 to its intersection with County
50 Road 78; thence northerly along County Road 78 to its intersection
51 with County Road 548 and to its intersection of County Road 46;
52 thence to the intersection with the tracks of the Pennsylvania-Read-
53 ing Seashore Lines; thence northwesterly along the tracks of the
54 Pennsylvania-Reading Seashore Lines to its intersection with S. R.
55 49 at Millville; thence through Millville along S. R. 49 to its inter-
56 section with County Road 555; thence southerly along County Road
57 555 to its intersection with County Road 27; thence southerly along
58 County Road 27 to its intersection with County Road 70; thence
59 southerly on County Road 70 to the Center of Mauricetown; thence
60 through Mauricetown westerly on County Road 548 to its intersec-
61 tion with the tracks of the Central Railroad of New Jersey; thence
62 northwesterly on the tracks of the Central Railroad of New Jersey
63 to its intersection with County Road 98; thence easterly along
64 County Road 98 to the intersection with County Road 38; thence
65 northerly along County Road 38 to its intersection with S. R. 49
66 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton
67 to its intersection with County Road 5; thence westerly along
68 County Road 5 to Roadstown; thence northerly on County Road
69 20 to its intersection with S. R. 49 at Shiloh; thence northwesterly
70 on S. R. 49 to Burdens Hill; thence northerly along unnamed road
71 to its intersection with County Road 581; thence northeasterly along
72 County Road 581 through Alloway to its intersection with County
73 Road 3; thence northerly on County Road 3 to the intersection with
74 the tracks of the Pennsylvania-Reading Seashore Lines; thence
75 northerly along the tracks of the Pennsylvania-Reading Seashore
76 Lines east of Woodstown to its intersection with County Road 551
77 southwest of Swedesboro; thence northeasterly along County Road
78 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection
79 with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45
80 to its intersection with U. S. 130 at Westville; thence northerly
81 through Westville on U. S. 130 to the intersection with County
82 Road 551; thence northerly along County Road 551 (Broadway)
83 through Gloucester and Camden to its intersection in Camden with
84 County Road 537 (Federal Street); thence easterly along County
85 Road 537 through Camden to its intersection with County Road 543
86 (River Avenue); thence northerly along County Road 543 to its
87 intersection with S. R. 73; thence southeasterly along S. R. 73 to its
88 intersection with U. S. 130; thence northeasterly along U. S. 130 to

89 its intersection with U. S. 206 at Bordentown; thence northerly
90 along U. S. 206 at Bordentown to its intersection with County Roads
91 533 and 524 at White Horse; thence northerly along U. S. 206
92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
93 Lalor Street in Trenton; thence Westerly along Lalor Street in
94 Trenton to its intersection with Lamberton Street in Trenton;
95 thence northwesterly along Lamberton Street to its intersection
96 with S. R. 29 (John Fitch Way); and thence northwesterly along
97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1.

1 5. No person shall construct, expand or utilize or cause to be
2 constructed, expanded or utilized a major facility in the coastal
3 areas until he has applied for and received a permit issued by the
4 commissioner; however, this shall not apply to major facilities which
5 were constructed or utilized as such on the effective date of this act.

1 6. Any person proposing to construct, expand or utilize or cause
2 to be constructed, expanded or utilized a major facility shall file an
3 application for a permit with the commissioner, in such form and
4 with such information as the commissioner may prescribe. The
5 application shall include an environmental impact statement as
6 described in this act.

1 7. The environmental impact statement shall provide the in-
2 formation needed to evaluate the effects of a proposed project upon
3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
6 project site and in the surrounding region which shall describe air
7 quality, water quality, water supply, hydrology, geology, soils,
8 topography, vegetation, wildlife, aquatic organisms, ecology,
9 demography, land use, aesthetics, history, and archeology;

10 b. A project description which shall specify what is to be done
11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within 30 days of declaring the application
11 complete for filing, shall set a date for the hearing. The date for the
12 hearing shall be set not later than 75 days after the application is
13 declared complete for filing.

14 c. The commissioner, within 15 days after the hearing, may re-
15 quire an applicant to submit any additional information necessary
16 for the complete review of the application.

1 9. The commissioner, or a member of the department designated
2 by him, shall hold a hearing to afford interested parties standing and
3 the opportunity to present, orally or in writing, both their position
4 concerning the application and any data they may have developed
5 in reference to the environmental effects of the proposed facility.

1 10. The commissioner shall review filed applications, including the
2 environmental impact statement and all information presented at
3 public hearings. He shall issue a permit only if he finds that the
4 proposed facility or activity:

5 a. Conforms with all applicable air, water and radiation emission
6 and effluent standards and all applicable water quality criteria and
7 air quality standards.

8 b. Air emissions and water effluents do not exceed the existing
9 natural dilution, assimilative, and recovery capacities of the air and
10 water environments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
12 refuse in such a manner as to minimize adverse environmental
13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
15 tive capacity of water aquifers or other ground or surface water
16 supplies.

17 e. Would cause minimal feasible interference with the natural
18 functioning of plant, animal, fish, and human life processes at the
19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
21 or property nor otherwise impair the public health, safety, and
22 welfare.

23 g. Would result in minimal practicable degradation of unique or
24 irreplaceable land types, historical or archeological areas, and exist-
25 ing scenic and aesthetic attributes at the site and within the
26 surrounding region.

1 11. If the commissioner finds that the proposed facility would
2 violate or tend to violate the purposes and intent of the act, he may
3 deny the application, or he may approve the permit and impose such
4 conditions as are necessary to promote the public safety, health and
5 welfare, to protect public and private property, wildlife and marine
6 fisheries, and to preserve, protect and enhance the natural
7 environment.

1 12. The commissioner shall notify the applicant within 90 days
2 after the hearing as to the granting or denial of a permit. The
3 reasons for granting or denying the permit shall be stated. In the
4 event the commissioner requires additional information as provided
5 for in section 8, he shall notify the applicant of his decision within
6 90 days following the receipt of the information.

1 13. In the event of rental, lease, sale or other conveyances by
2 an applicant to whom a permit is issued, such permit, with any
3 conditions, shall be continued in force and shall apply to the new
4 tenant, lessee, owner, or assignee so long as there is no change in
5 the nature of the facility set forth in the original application.

1 14. The denial of an application shall in no way adversely affect
2 the future submittal of a new application.

1 15. The commissioner shall be authorized to prepare an environ-
2 mental design which shall consist of an inventory of the environ-
3 mental resources of the coastal area and their interrelationships.
4 The commissioner shall develop from this design long-term alter-
5 native environmental management strategies for the coastal area
6 which promote the purposes and intent of this act.

1 16. The department is hereby authorized to adopt, amend and
2 repeal rules and regulations to effectuate the purposes of this act.

1 17. If any person violates any of the provisions of this act, rule,
2 regulation or order promulgated or issued pursuant to the pro-
3 visions of this act, the department may institute a civil action in
4 the Superior Court for injunctive relief to prohibit and prevent such
5 violation or violations and said court may proceed in a summary
6 manner. Any person who violates any of the provisions of this act,
7 rule, regulation or order promulgated or issued pursuant to this act

8 shall be liable to a penalty of not more than \$3,000.00 to be collected
9 in a summary proceeding or in any case before a court of competent
10 jurisdiction wherein injunctive relief has been requested. If the
11 violation is of a continuing nature, each day during which it con-
12 tinues shall constitute an additional, separate and distinct offense.
13 The department is hereby authorized and empowered to compromise
14 and settle any claim for a penalty under this section in such amount
15 in the discretion of the department as may appear appropriate and
16 equitable under the circumstances.

1 18. The provisions of this act shall be regarded as supplemental
2 and in addition to powers, including municipal zoning authority,
3 conferred by other laws, and shall not be regarded to be in deroga-
4 tion of any powers now existing, except that those areas regulated
5 pursuant to enforceable orders under the Wetlands Act, C. 13:9A-1
6 et seq., shall be exempt from compliance with this act.

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

1 20. 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 21. There is hereby appropriated to the Department of Environ-
2 mental Protection for the purposes of this act the sum of \$100,000.00.

1 22. This act shall take effect immediately.

STATEMENT

The Major Coastal Area Facilities Review Act recognizes that New Jersey's coastal area constitutes a unique and priceless natural resource to the entire State. It establishes a procedure for reviewing the environmental impact of proposed major facilities.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1429

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of ***[major]*** **certain** facilities
in the coastal area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the “***[Major]***
2 Coastal Area ***[Facilities]*** **Facility** Review Act.”

1 ***[2.** The Legislature finds and declares that New Jersey’s coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-
20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.]*****

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 *2. *The Legislature finds and declares that New Jersey's bays,*
 2 *harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline*
 3 *or partially saline streams and tributaries and their adjoining*
 4 *upland fastland drainage area nets, channels, estuaries, barrier*
 5 *beaches, near shore waters and intertidal areas together constitute*
 6 *an exceptional, unique, irreplaceable and delicately balanced phys-*
 7 *ical, chemical and biologically acting and interacting natural en-*
 8 *vironmental resource called the coastal area, that certain portions*
 9 *of the coastal area are now suffering serious adverse environmental*
 10 *effects resulting from existing facility activity impacts that would*
 11 *preclude or tend to preclude those multiple uses which support*
 12 *diversity and are in the best long-term, social, economic, aesthetic*
 13 *and recreational interests of all people of the State; and that,*
 14 *therefore, it is in the interest of the people of the State that all of*
 15 *the coastal area should be dedicated to those kinds of land uses*
 16 *which promote the public health, safety and welfare, protect public*
 17 *and private property, and are reasonably consistent and compatible*
 18 *with the natural laws governing the physical, chemical and bio-*
 19 *logical environment of the coastal area.*

20 *It is further declared that the coastal area and the State will*
 21 *suffer continuing and ever-accelerating serious adverse economic,*
 22 *social and aesthetic effects unless the State assists, in accordance*
 23 *with the provisions of this act, in the assessment of impacts,*
 24 *stemming from the future location and kinds of facilities within*
 25 *the coastal area, on the delicately balanced environment of that area.*

26 *The Legislature further recognizes the legitimate economic*
 27 *aspirations of the inhabitants of the coastal area and wishes to*
 28 *encourage the development of compatible land uses in order to*
 29 *improve the overall economic position of the inhabitants of that*
 30 *area within the framework of a comprehensive environmental*
 31 *design strategy which preserves the most ecologically sensitive and*
 32 *fragile area from inappropriate development and provides adequate*
 33 *environmental safeguards for the construction of any facilities in*
 34 *the coastal area.**

1 3. For the purposes of this act, unless the context clearly requires
 2 a different meaning, the following words shall have the following
 3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
 5 mental Protection.

6 b. "Department" means the State Department of Environmental
 7 Protection.

8 c. *["Major facility"]* ***'Facility'*** includes any of the facili-
 9 ties designed or utilized for the following purposes:

- 10 (1) Electric power generation—
 11 Oil, gas, or coal fired or any combination thereof.
 12 Nuclear facilities.
 13-14 (2) Food and food byproducts—
 15 Beer, whiskey and wine production.
 16 Fish processing, including the production of fish meal and fish oil.
 17 Slaughtering, blanching, cooking, curing, and pickling of meats
 18 and poultry.
 19 Trimming, culling, juicing, and blanching of fruits and vege-
 19A tables.
 20 Animal matter rendering plants.
 21 Operations directly related to the production of leather or furs
 22 such as, but not limited to, unhairing, soaking, delimiting, baiting,
 23 and tanning.
 24 Curing and pickling of fruits and vegetables.
 25 Pasteurization, homogenization, condensation, and evaporation
 26 of milk and cream to produce cheeses, sour milk, and related
 27 products.
 28 Coffee bean and cocoa bean roasting.
 29 (3) Incineration wastes—
 30 Municipal wastes (larger than or equal to 50 tons per day).
 31 Automobile body (20 automobiles per hour or larger).
 32 (4) Paper production—
 33 Pulp mills.
 34 Paper mills.
 35 Paperboard mills.
 36 Building paper mills.
 37 Building board mills.
 38 (5) Public facilities **and housing**—
 39 Sanitary landfills.
 40 Waste treatment plants (sanitary sewage).
 41 Road, airport, or highway construction.
 42 New housing developments of 25 or more dwelling units or
 43 equivalent.
 44 Expansion of existing developments***]**, wherever present, or
 45 future development plans projects by the construction**]*** **by the*
 46 *addition** of 25 or more dwelling units or equivalent.
 47 ***]**Any subdivision of parcels of land in sections 5.4 and 5.5 for
 48 residential or any other purpose.**]***
 49 (6) Agri-chemical production—
 50 Pesticides manufacture and formulation operations or either
 51 thereof.

- 52 Superphosphate animal feed supplement manufacture.
- 53 Production of normal superphosphate.
- 54 Production of triple superphosphate.
- 55 Production of diammonium phosphate.
- 56 (7) Inorganic acids and salts manufacture—
- 57 Hydrofluoric acid and common salts.
- 58 Hydrochloric acid and common salts.
- 59 Nitric acid and common salts.
- 60 Sulfuric acid and common salts.
- 61 Phosphoric acid and common salts.
- 62 Chromic acid, including chromate and dichromate salts.
- 63 (8) Mineral products—
- 64 Asphalt batching and roofing operations including the prepara-
- 65 tion of bituminous concrete and concrete.
- 66 Cement production, including Portland, natural, masonry, and
- 67 pozzolan cements.
- 68 Coal cleaning.
- 69 Clay, clay mining, and fly-ash sintering.
- 70 Calcium carbide production.
- 71 Stone, rock, gravel, and sand quarrying and processing.
- 72 Frit and glass production.
- 73 Fiberglass production.
- 74 Slag, rock and glass wool production (mineral wool).
- 75 Lime production, including quarrying.
- 76 Gypsum production, including quarrying.
- 77 Perlite manufacturing, including quarrying.
- 78 Asbestos fiber production.
- 79 (9) Chemical processes—
- 80 Ammonia manufacture.
- 81 Chlorine manufacture.
- 82 Caustic soda production.
- 83 Carbon black and charcoal production, including channel, furnace,
- 84 and thermal processes.
- 85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
- 86 organic pigment manufacturing or formulating.
- 87 Synthetic resins or plastics manufacture including, but not
- 88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
- 89 and polyvinylchloride.
- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
- 92 synthetics such as viscose, rayon, and acetate, and true synthetics

93 such as, but not limited to, nylon, orlon, and dacron, and the dyeing
94 of these semi and true synthetics.

95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.

98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.

100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.

103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.

105 Used motor or other oil or related petroleum product reclamation
106 operations.

107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.

110 Organic dye and dye intermediate manufacturing.

111 Hydrogen cyanide or cyanide salts manufacture or use.

112 Glue manufacturing operations.

113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.

116 (10) Storage—

117 Bulk storage, handling, and transfer facilities for crude oil*, gas*
118 and finished petroleum products not on the premises where petro-
119 leum refining occurs.

120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.

123 (11) Metallurgical processes—

124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.

126 Production of titanium metal, salts, and oxides.

127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.

129 Copper, lead, zinc, and magnesium smelting and processing.

130 Ferroalloys manufacture such as, but not limited to, those com-
131 bined with silicon, calcium, manganese and chrome.

132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.

- 135 Melting, smelting, refining, and alloying of scrap or other sub-
 136 stances to produce brass and bronze ingots.
- 137 Gray iron foundry operations.
- 138 Steel foundry operations.
- 139 Beryllium metal or alloy production, including rolling, drawing
 140 and extruding operations.
- 141 Operations involving silver, arsenic, cadmium, copper, mercury,
 142 lead, nickel, chromium, and zinc including, but not limited to, pro-
 143 duction, recovery from scrap or salvage, alloy production, salt
 144 formation, electroplating, anodizing, and metallo-organics com-
 145 pound products preparation.
- 146 Stripping of oxides from and the cleaning of metals prior to
 147 plating, anodizing, or painting.
- 148 (12) Miscellaneous—
- 149 Operations involving the scouring, desizing, cleaning, bleaching,
 150 and dyeing of wool.
- 151 Wood preserving processes which use coal or petroleum based
 152 products such as, but not limited to, coal tars and/or creosotes.
- 153 Manufacture, use, or distillation of phenols, cresols, or coal tar
 154 materials.
- 155 Manufacture of lead acid storage batteries and/or storage
 156 batteries produced from other heavy metals, such as nickel or
 157 cadmium.
- 158 Installation of above or underground pipelines designed to
 159 transport petroleum, natural gas, and sanitary sewage.
- 160 Operations involving the dyeing, bleaching, coating, impregnat-
 161 ing, or glazing of paper.
- 162 Dyeing, bleaching, and printing of textiles other than wool.
 163 Chemical finishing for water repelling, fire resistance, and mildew
 164 proofing, including preshrinking, coating and impregnating.
- 165 Sawmill and planing mill operations.
- 165A **Marine terminal and cargo handling facilities.**
- 166 d. "Person" means and shall include corporations, companies,
 167 associations, societies, firms, partnerships and joint stock companies
 168 as well as individuals and governmental agencies.
- 169 e. "Governmental agencies" means the Government of the United
 170 States, the State of New Jersey, or any other states, their political
 171 subdivisions, agencies, or instrumentalities thereof, and interstate
 172 agencies.
- 1 4. The "coastal area" shall consist of all that certain area lying
 2 between the line as hereinafter described and the line formed by the
 3 State's ***l** seaward (Atlantic Ocean) territorial jurisdiction on the

4 east thereof, the State's bayward (Delaware Bay) territorial juris-
5 diction on the south and southwest thereof, and the State's river-
6 ward (Delaware River) territorial jurisdiction on the west thereto.
7 Beginning at the midpoint of the Garden State Parkway bridge
8 crossing the Raritan River; thence southeasterly along the Garden
9 State Parkway to its intersection with Everett Road (County 52);
10 thence southerly on Everett Road (County 52) to its intersection
11 with County Road 520; thence westerly along County Road 520 to
12 its intersection with S. R. 34; thence southeasterly along S. R. 34
13 to its intersection with County Road 537 at Colts Neck; thence
14 northeasterly along County Road 537 to its intersection with the
15 Garden State Parkway; thence southerly along the Garden State
16 Parkway to its intersection with Spur 549; thence northwesterly
17 along Spur 549 to its intersection with County Road 547; thence
18 southwesterly along County Road 547 to its intersection with the
19 tracks of the Central Railroad of New Jersey; thence south-
19A westerly] * *riverward (Arthur Kill) territorial jurisdiction on the*
19B *east thereof, the State's seaward (Raritan Bay and Atlantic ocean)*
19C *territorial jurisdiction on the east thereof, the State's bayward*
19D *(Delaware Bay) territorial jurisdiction on the south and southwest*
19E *thereof, and the State's riverward (Delaware River) territorial*
19F *jurisdiction on the west thereto. Beginning at the confluence of*
19G *Noes Creek and the Arthur Kill; thence northwesterly along the*
19H *north bank of the Noes Creek to its intersection with Roosevelt*
19I *Avenue; thence southwesterly along Roosevelt and Port Reading*
19J *Avenues (Carteret Road) to its intersection with the New Jersey*
19K *Turnpike; thence southwesterly on the New Jersey Turnpike to*
19L *its intersection with the tracks of the Penn Central R.R.; thence*
19M *southeasterly along the tracks of the Penn Central R.R. to its*
19N *intersection with Outerbridge Crossing; thence easterly along*
19O *Outerbridge Crossing to its intersection with the tracks of the*
19P *Lehigh Valley R.R.; thence southwesterly and northwesterly along*
19Q *the tracks of the Lehigh Valley R.R. to its intersection with King*
19R *Georges Post Road; thence southwesterly along King Georges*
19S *Post Road to its intersection with U.S. 95 (SR 440); thence westerly*
19T *along U.S. 95 to its intersection with Woodbridge Avenue (County*
19U *514); thence southwesterly along Woodbridge Avenue to its inter-*
19V *section with the New Jersey Turnpike; thence southwesterly along*
19W *the New Jersey Turnpike to its intersection with Schoolhouse*
19X *Lane; thence easterly and northeasterly along Schoolhouse Lane*
19Y *to its intersection with Weston Place; thence southerly and westerly*
19Z *along Weston Place and Edgeboro Road to its intersection with*

19AA *SR 18 and the Old Bridge-New Brunswick Turnpike (County 527);*
 19BB *thence southeasterly along the Old Bridge-New Brunswick Turn-*
 19CC *pike to its intersection with Burton Avenue; thence easterly along*
 19DD *Burton Avenue to its intersection with William Street; thence*
 19EE *southerly along William Street to its intersection with Belmont*
 19FF *Avenue; thence easterly along Belmont Avenue to its intersection*
 19GG *with Maple Avenue; thence southerly along Maple Avenue to its*
 19HH *intersection with Reid Street; thence northeasterly and south-*
 19II *easterly along Reid Street to its junction with Ferry Street;*
 19JJ *thence southeasterly along Ferry Street to its junction with*
 19KK *Whitehead Avenue; thence southeasterly along Whitehead*
 19LL *Avenue to its junction with River Street; thence southerly along*
 19MM *River Street to its intersection with Main Street (Bordentown*
 19NN *and Spotswood Turnpike); thence southwesterly along Main*
 19OO *Street to its intersection with SR 18; thence southeasterly along*
 19PP *SR 18 to its intersection with Matawan Road (County 516); thence*
 19QQ *easterly along Matawan Road to its intersection with Jake Brown*
 19RR *Road; thence northerly and easterly along Jake Brown Road to*
 19SS *its intersection with Cheesequake Browntown Road; thence*
 19TT *northerly along Cheesequake Browntown Road to its intersection*
 19UU *with SR 34 and U.S. 9; thence southerly along SR 34 to its inter-*
 19VV *section with Washington Avenue; thence easterly and south-*
 19WW *easterly along Washington Avenue to its intersection with Euclid*
 19XX *Road; thence southeasterly along Euclid Road to its intersection*
 19YY *with the Road to Steamboat Landing; thence southwesterly along*
 20 *the Road to Steamboat Landing to its intersection with SR 34;*
 20A *thence easterly along SR 34 to its intersection with Morristown*
 20B *Road (Cheesequake Road); thence easterly and northeasterly along*
 20C *Morristown Road to its intersection with Gordon Road and Cliff-*
 20D *wood Avenue; thence northeasterly along Cliffwood Avenue to its*
 20E *intersection with the Garden State Parkway; thence southeasterly*
 20F *along the Garden State Parkway to Exit 117 at State Highway 36;*
 20G *thence northeasterly along State Highway 36 to the intersection*
 20H *of Middle Road (County 516); thence easterly along Middle Road*
 20I *to the intersection of Palmer Avenue (County 7); thence north-*
 20J *easterly on Main Street to the intersection of State Highway 36;*
 20K *thence easterly on State Highway 36 to the intersection of Navesink*
 20L *Avenue; thence southerly on Navesink Avenue to the intersection*
 20M *of Monmouth Avenue at Navesink; thence westerly on Monmouth*
 20N *Avenue to its intersection with Browns Dock Road; thence*
 20O *southerly on Browns Dock Road to its intersection with Cooper*
 20P *Road; thence southwesterly on Cooper Road to the intersection of*

20Q *State Highway 35; thence southerly on State Highway 35 to its*
 20R *intersection with State Highway 71; thence southeasterly on State*
 20S *Highway 71 to its crossing of the Central Railroad of New Jersey*
 20T *tracks; thence southerly along the Central Railroad of New Jersey*
 20U *tracks to its intersection of 6th Avenue (County 2); thence westerly*
 20V *on 6th Avenue (County 2) to the intersection of State Highway 33;*
 20W *thence westerly along State Highway 33 to the crossing of State*
 20X *Highway 18; thence southerly on State Highway 18 to its inter-*
 20Y *section of Marconi Road; thence southeasterly on Marconi Road*
 20Z *to Adrienne Road, continuing south on Adrienne Road to Belmar*
 20AA *Boulevard; thence easterly on Belmar Boulevard and 16th Avenue*
 20BB *to the intersection of State Highway 71; thence southerly on*
 20CC *State Highway 71 to the intersection of State Highway 35; thence*
 20DD *northwesterly along State Highway 35 to State Highway 34 at*
 20EE *the Brielle Circle; thence northwesterly along State Highway 34*
 20FF *to the Garden State Parkway at Exit 96; thence south-*
 20GG *westerly along the Garden State Parkway to the intersection*
 20HH *of the Monmouth, Ocean County boundary; thence westerly*
 20II *along said boundary to the intersection of the Central Rail-*
 20JJ *road of New Jersey tracks; thence southwesterly* along*
 20KK *the tracks of the Central Railroad of New Jersey to its junc-*
 21 *tion with the tracks of the Pennsylvania Railroad near Whiting;*
 22 *thence easterly along the tracks of the Pennsylvania Railroad to its*
 23 *intersection with the Garden State Parkway near South Toms*
 24 *River; thence southerly along the Garden State Parkway to its*
 25 *intersection with County Road 539 at Garden State Parkway exit*
 26 *58; thence northerly along County Road 539 to its intersection with*
 27 *Martha-Stafford Forge Road; thence westerly along Martha-*
 28 *Stafford Forge Road to its intersection with Spur 563; thence*
 29 *northerly along Spur 563 to its intersection with County Road 563;*
 30 *thence southerly along County Road 563 to its intersection with*
 31 *County Road 542 at Green Bank; thence northwesterly along County*
 32 *Road 542 to its intersection with Weekstown-Pleasant Mills road;*
 33 *thence southeasterly along Weekstown-Pleasant Mills Road to its*
 34 *intersection with County Road 563 at Weekstown; thence south-*
 35 *easterly along County Road 563 to its intersection with Clarks*
 36 *Landing Road leading to Port Republic; thence easterly along*
 37 *Clarks Landing Road to its intersection with the Garden State*
 38 *Parkway; thence southerly along the Garden State Parkway to its*
 39 *intersection with Alt. 559, and thence northwesterly along Alt. 559*
 40 *to its intersection with County Road 559 at Gravelly Run; thence*
 41 *northwesterly along County Road 559 to its intersection with U. S.*

42 40 and S. R. 50 at Mays Landing; thence westerly along combined
43 U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence south-
44 erly on S. R. 50 to its intersection with Buck Hill Road near Buck
45 Hill; thence westerly along Buck Hill (River Road) Road to its
46 intersection with S. R. 49; thence southerly along S. R. 49 to its
47 intersection with County Road 585; thence southwesterly along
48 County Road 585 to its intersection with S. R. 47 at Dennisville;
49 thence northwesterly along S. R. 47 to its intersection with County
50 Road 78; thence northerly along County Road 78 to its intersection
51 with County Road 548 and to its intersection of County Road 46;
52 thence to the intersection with the tracks of the Pennsylvania-Read-
53 ing Seashore Lines; thence northwesterly along the tracks of the
54 Pennsylvania-Reading Seashore Lines to its intersection with S. R.
55 49 at Millville; thence through Millville along S. R. 49 to its inter-
56 section with County Road 555; thence southerly along County Road
57 555 to its intersection with County Road 27; thence southerly along
58 County Road 27 to its intersection with County Road 70; thence
59 southerly on County Road 70 to the Center of Mauricetown; thence
60 through Mauricetown westerly on County Road 548 to its intersec-
61 tion with the tracks of the Central Railroad of New Jersey; thence
62 northwesterly on the tracks of the Central Railroad of New Jersey
63 to its intersection with County Road 98; thence easterly along
64 County Road 98 to the intersection with County Road 38; thence
65 northerly along County Road 38 to its intersection with S. R. 49
66 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton
67 to its intersection with County Road 5; thence westerly along
68 County Road 5 to ***[**Roadstown; thence northerly on County Road
69 20 to its intersection with S. R. 49 at Shiloh; thence northwesterly
70 on S. R. 49 to Burdens Hill; thence northerly along unnamed road
71 to its intersection with County Road 581; thence northeasterly along
72 County Road 581 through Alloway to its intersection with County
73 Road 3; thence northerly on County Road 3 to the intersection with
74 the tracks of the Pennsylvania-Reading Seashore Lines; thence
75 northerly along the tracks of the Pennsylvania-Reading Seashore
76 Lines east of Woodstown to its intersection with County Road 551
77 southwest of Swedesboro; thence northeasterly along County Road
78 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection
79 with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45
80 to its intersection with U. S. 130 at Westville; thence northerly
81 through Westville on U. S. 130 to the intersection with County
82 Road 551; thence northerly along County Road 551 (Broadway)
83 through Gloucester and Camden to its intersection in Camden with

84 County Road 537 (Federal Street); thence easterly along County
 85 Road 537 through Camden to its intersection with County Road 543
 86 (River Avenue); thence northerly along County Road 543 to its
 87 intersection with S. R. 73; thence southeasterly along S. R. 73 to its
 88 intersection with U. S. 130; thence northeasterly along U. S. 130 to
 89 its intersection with U. S. 206 at Bordentown; thence northerly
 90 along U. S. 206 at Bordentown to its intersection with County Roads
 91 533 and 524 at White Horse; thence northerly along U. S. 206
 92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
 93 Lalor Street in Trenton; thence Westerly along Lalor Street in
 94 Trenton to its intersection with Lamberton Street in Trenton;
 95 thence northwesterly along Lamberton Street to its intersection
 96 with S. R. 29 (John Fitch Way); and thence northwesterly along
 97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1]*
 98 *County Road 47; thence southwesterly on County Road 47 to
 99 County Road 19; thence northwesterly on County Road 19, across
 100 Stowe Creek, continuing on County Road 59 to County Road 58;
 101 thence northwesterly on County Road 58 to County Road 24; thence
 102 northwesterly on County Road 24 to County Road 4; thence north-
 103 westerly on County Road 4 to SR 49 in Salem City; thence north-
 104 westerly on SR 49 to County Road 26; thence northwesterly on
 105 County Road 26 to the Killcohook National Wildlife Refuge; thence
 106 along the northern border of Killcohook National Wildlife Refuge
 107 to the Delaware River.*

1 5. No person shall construct*[, expand or utilize]* or cause to be
 2 constructed*[, expanded or utilized]* a *[,major]* facility in the
 3 coastal *[,areas]* *area* until he has applied for and received a
 4 permit issued by the commissioner*[,]; however, this shall not apply
 5 to major facilities which were constructed or utilized as such on the
 6 effective date of this act]*.

1 6. Any person proposing to construct, expand or utilize or cause
 2 to be constructed*[, expanded or utilized a major facility]* *a
 3 facility in the coastal area* shall file an application for a permit
 4 with the commissioner, in such form and with such information as
 5 the commissioner may prescribe. The application shall include an
 6 environmental impact statement as described in this act.

1 7. The environmental impact statement shall provide the in-
 2 formation needed to evaluate the effects of a proposed project upon
 3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
 6 project site and in the surrounding region which shall describe air

7 quality, water quality, water supply, hydrology, geology, soils,
 8 topography, vegetation, wildlife, aquatic organisms, ecology,
 9 demography, land use, aesthetics, history, and archeology; **for*
 9A *housing, the inventory shall describe water quality, water supply.*
 9B *hydrology, geology, soils and topography;**

10 b. A project description which shall specify what is to be done
 11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
 13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
 15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
 17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
 19 during construction and operation, both at the project site and in the
 20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
 22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
 24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
 2 commissioner shall notify the applicant in writing regarding its
 3 completeness. The commissioner may declare the application to be
 4 complete for filing or may notify the applicant of specific defi-
 5 ciencies. The commissioner, within 15 days following the receipt of
 6 additional information to correct deficiencies, shall notify the
 7 applicant of the completeness of the amended application. The
 8 application shall not be considered to be filed until it has been
 9 declared complete by the commissioner.

10 b. The commissioner, within ***[30]*** **15** days of declaring the
 11 application complete for filing, shall set a date for the hearing. The
 12 date for the hearing shall be set not later than ***[75]*** **60** days
 13 after the application is declared complete for filing.

14 ***[c. The commissioner, within 15 days after the hearing, may re-**
 15 **quire an applicant to submit any additional information necessary**
 16 **for the complete review of the application.]***

1 9. **a.** The commissioner, or a member of the department desig-
 2 nated by him, shall hold a hearing to afford interested parties stand-
 3 ing and the opportunity to present, orally or in writing, both their
 4 position concerning the application and any data they may have
 5 developed in reference to the environmental effects of the proposed
 6 facility.

7 ****b. The commissioner, within 15 days after the hearing, may re-***
 8 ***quire an applicant to submit any additional information necessary***
 9 ***for the complete review of the application.****

1 10. The commissioner shall review filed applications, including the
 2 environmental impact statement and all information presented at
 3 public hearings. He shall issue a permit only if he finds that the
 4 proposed facility ***[or activity]***:

5 a. Conforms with all applicable air, water and radiation emission
 6 and effluent standards and all applicable water quality criteria and
 7 air quality standards.

8 b. ***[Air]*** **Prevents air** emissions and water effluents ***[do**
 9 not exceed]* **in excess of** the existing ***[natural]*** dilution,
 10 assimilative, and recovery capacities of the air and water environ-
 10A ments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
 12 refuse in such a manner as to minimize adverse environmental
 13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
 15 tive capacity of water aquifers or other ground or surface water
 16 supplies.

17 e. Would cause minimal feasible interference with the natural
 18 functioning of plant, animal, fish, and human life processes at the
 19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
 21 or property nor otherwise impair the public health, safety, and
 22 welfare.

23 g. Would result in minimal practicable degradation of unique or
 24 irreplaceable land types, historical or archeological areas, and exist-
 25 ing scenic and aesthetic attributes at the site and within the
 26 surrounding region.

1 11. ***[If]*** **Notwithstanding the applicant's compliance with the*
 2 *criteria listed in section 10 of this act, if** the commissioner finds
 3 that the proposed facility would violate or tend to violate the ***[pur-**
 4 poses and intent of the act,]* **purpose and intent of this act as*
 5 *specified in section 2, or if the commissioner finds that the proposed*
 6 *facility would materially contribute to an already serious and*
 7 *unacceptable level of environmental degradation or resource*
 8 *exhaustion,** he may ***[deny the application, or he may approve**
 9 the permit and impose such conditions as are necessary to promote
 10 the public safety, health and**]*** **deny the permit application, or he*
 11 *may issue a permit subject to such conditions as he finds reasonably*
 12 *necessary to promote the public health, safety and** welfare, to

13 protect public and private property, wildlife and marine fisheries,
14 and to preserve, protect and enhance the natural environment.

1 12. The commissioner shall notify the applicant within ***[90]***
2 *60* days after the hearing as to the granting or denial of a permit.
3 The reasons for granting or denying the permit shall be stated. In
4 the event the commissioner requires additional information as pro-
5 vided for in section ***[8]*** *9*, he shall notify the applicant of his
6 decision within 90 days following the receipt of the information.

1 *13. There is hereby created the Coastal Area Review Board, in
2 but not of the Department of Environmental Protection, which shall
3 consist of three voting members who shall be the Commissioner
4 of Environmental Protection or his designated representative, the
5 Commissioner of Labor and Industry or his designated representa-
6 tive and the Commissioner of Community Affairs or his designated
7 representative. No vote on a permit request shall be taken unless
8 all voting members are present.

9 The Coastal Area Review Board shall have the power to hear
10 appeals from decisions of the commissioner pursuant to section 12.
11 The board may affirm or reverse the decision of the commissioner
12 with respect to applicability of any provision of this act to a pro-
13 posed use; it may modify any permit granted by the commissioner,
14 grant a permit denied by him, deny a permit granted by him, or
15 confirm his grant of a permit. The board shall review filed applica-
16 tions, including the environmental impact statement and all in-
17 formation presented at public hearings and any other information
18 the commissioner makes available to the board prior to the affirma-
19 tion or reversal of a decision of the commissioner.*

1 ***[13.]*** *14.* In the event of rental, lease, sale or other convey-
2 ances by an applicant to whom a permit is issued, such permit, with
3 any conditions, shall be continued in force and shall apply to the new
4 tenant, lessee, owner, or assignee so long as there is no change in
5 the nature of the facility set forth in the original application.

1 ***[14.]*** *15.* The denial of an application shall in no way ad-
2 versely affect the future submittal of a new application.

1 ***[15.]** The commissioner shall be authorized to prepare an environ-
2 mental design which shall consist of an inventory of the environ-
3 mental resources of the coastal area and their interrelationships.
4 The commissioner shall develop from this design long-term alter-
5 native environmental management strategies for the coastal area
6 which promote the purposes and intent of this act.*

1 *16. The commissioner shall, within 2 years of the taking effect
2 of this act, prepare an environmental inventory of the environ-

3 *mental resources of the coastal area and of the existing facilities*
 4 *and land use developments within the coastal area and an estimate*
 5 *of the capability of the various area within the coastal area to*
 6 *absorb and react to man-made stresses. The commissioner shall,*
 7 *within 3 years of the taking effect of this act, develop from this*
 8 *environmental inventory alternate long-term environmental man-*
 9 *agement strategies which take into account the paramount need*
 10 *for preserving environmental values and the legitimate need for*
 11 *economic and residential growth within the coastal area. The com-*
 12 *missioner shall, within 4 years of the taking effect of this act, select*
 13 *from the alternate environmental management strategies an en-*
 14 *vironmental design for the coastal area. The environmental design*
 15 *shall be the approved environmental management strategy for the*
 16 *coastal area and shall include a delineation of various areas appro-*
 17 *priate for the development of residential and industrial facilities*
 18 *of various types, depending on the sensitivity and fragility of the*
 19 *adjacent environment to the existence of such facilities. The en-*
 20 *vironmental inventory, the alternate long-term environmental man-*
 21 *agement strategies and the environmental design for the coastal*
 22 *area shall be presented to the Governor and the Legislature within*
 23 *the time frame indicated herein.**

1 ***[16.]*** *17.* The department is hereby authorized to adopt,
 2 amend and repeal rules and regulations to effectuate the purposes
 3 of this act.

1 ***[17.]*** *18.* If any person violates any of the provisions of this
 2 act, rule, regulation or order promulgated or issued pursuant to the
 3 provisions of this act, the department may institute a civil action in
 4 the Superior Court for injunctive relief to prohibit and prevent such
 5 violation or violations and said court may proceed in a summary
 6 manner. Any person who violates any of the provisions of this act,
 7 rule, regulation or order promulgated or issued pursuant to this act
 8 shall be liable to a penalty of not more than \$3,000.00 to be collected
 9 in a summary proceeding or in any case before a court of competent
 10 jurisdiction wherein injunctive relief has been requested. If the
 11 violation is of a continuing nature, each day during which it con-
 12 tinues shall constitute an additional, separate and distinct offense.
 13 The department is hereby authorized and empowered to compromise
 14 and settle any claim for a penalty under this section in such amount
 15 in the discretion of the department as may appear appropriate and
 16 equitable under the circumstances.

1 ***[18.]*** *19.* The provisions of this act **shall not be regarded*
 2 *as to be in derogation of any powers now existing and** shall be

3 regarded as supplemental and in addition to powers***]**, including
 4 municipal zoning authority,**]*** conferred by other laws, ***]**and shall
 5 not be regarded to be in derogation of any powers now existing,
 6 except that those areas**]*** **including municipal zoning authority.*
 7 *The provisions of this act shall not apply to those portions of the*
 8 *coastal areas** regulated pursuant to enforceable orders under the
 9 Wetlands Act, C. 13:9A-1 et seq., ***]**shall be exempt from com-
 10 pliance with this act.**]*** **section 15 however shall apply to the entire*
 11 *area within the boundaries described herein.**

1 ***]**19.**]*** **20.** This act shall be liberally construed to effectuate
 2 the purpose and intent thereof.

1 ***]**20.**]*** **21.** If any provision of this act or the application
 2 thereof to any person or circumstances is held invalid, the re-
 3 mainder of the act and the application of such provision to persons
 4 or circumstances other than those to which it is held invalid, shall
 5 not be affected thereby.

1 ***]**21.**]*** **22.** There is hereby appropriated to the Department
 2 of Environmental Protection for the purposes of this act the sum
 3 of \$100,000.00.

1 ***]**22.**]** This act shall take effect immediately.**]***

1 ***23. This act shall take effect 90 days from the date of enactment,*
 2 *except that section 22 shall take effect immediately.**

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1429

STATE OF NEW JERSEY

ADOPTED APRIL 9, 1973

Amend page 1, title, omit "major", insert "certain".

Amend page 1, section 1, line 1, omit "Major".

Amend page 1, section 1, line 2, omit "Facilities", insert "Facility".

Amend page 1, section 2, lines 1-22, omit in their entirety and insert:

"2. The Legislature finds and declares that New Jersey's bays, harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline or partially saline streams and tributaries and their adjoining upland fastland drainage area nets, channels, estuaries, barrier beaches, near shore waters and intertidal areas together constitute an exceptional, unique, irreplaceable and delicately balanced physical, chemical and biologically acting and interacting natural environmental resource called the coastal area, that certain portions of the coastal area are now suffering serious adverse environmental effects resulting from existing facility activity impacts that would preclude or tend to preclude those multiple uses which support diversity and are in the best long-term, social, economic, aesthetic and recreational interests of all people of the State; and that, therefore, it is in the interest of the people of the State that all of the coastal area should be dedicated to those kinds of land uses which promote the public health, safety and welfare, protect public and private property, and are reasonably consistent and compatible with the natural laws governing the physical, chemical and biological environment of the coastal area.

It is further declared that the coastal area and the State will suffer continuing and ever-accelerating serious adverse economic, social and aesthetic effects unless the State assists, in accordance with the provisions of this act, in the assessment of impacts, stemming from the future location and kinds of facilities within the coastal area, on the delicately balanced environment of that area.

The Legislature further recognizes the legitimate economic aspirations of the inhabitants of the coastal area and wishes to encourage the development of compatible land uses in order to improve the overall economic position of the inhabitants of that area within the framework of a comprehensive environmental design strategy which preserves the most ecologically sensitive and fragile area from inappropriate development and provides adequate environmental safeguards for the construction of any facilities in the coastal area.”

Amend page 2, section 3, line 8, omit “Major facility”, insert “Facility”.

Amend page 2, section 3, line 38, after “Public facilities”, insert “and housing”.

Amend page 2, section 3, lines 44-45, omit “, whenever present, or future development plans projects by the construction”, insert “by the addition”.

Amend page 3, section 3, lines 47-48, omit in their entirety.

Amend page 4, section 3, line 117, after “crude oil”, insert “, gas”.

Amend page 5, section 3, line 165, after line 165, insert “Marine terminal and cargo handling facilities.”.

Amend page 6, section 4, lines 3-19, after “State’s”, omit in their entirety, and insert “riverward (Arthur Kill) territorial jurisdiction on the east thereof, the State’s seaward (Raritan Bay and Atlantic ocean) territorial jurisdiction on the east thereof, the State’s bayward (Delaware bay) territorial jurisdiction on the south and southwest thereof, and the State’s riverward (Delaware river) territorial jurisdiction on the west thereto. Beginning at the confluence of Noes Creek and the Arthur Kill; thence northwesterly along the north bank of the Noes Creek to its intersection with Roosevelt Avenue; thence southwesterly along Roosevelt and Port Reading Avenues (Carteret Road) to its intersection with the New Jersey Turnpike; thence southwesterly on the New Jersey Turnpike to its intersection with the tracks of the Penn Central R.R.; thence southeasterly along the tracks of the Penn Central R.R. to its intersection with Outerbridge Crossing; thence easterly along Outerbridge Crossing to its intersection with the tracks of the Lehigh Valley R.R.; thence southwesterly and northwesterly along the tracks of the Lehigh Valley R.R. to its intersection with King Georges Post Road; thence southwesterly along King Georges Post Road to its intersection with U.S. 95 (SR 440); thence westerly along U.S. 95 to its intersection with Woodbridge Avenue (County 514); thence southwesterly along Woodbridge Avenue to its intersection with the New Jersey Turnpike; thence southwesterly along the New Jersey Turnpike to its intersection with Schoolhouse Lane; thence easterly and

northeasterly along Schoolhouse Lane to its intersection with Weston Place; thence southerly and westerly along Weston Place and Edgeboro Road to its intersection with SR 18 and the Old Bridge-New Brunswick Turnpike (County 527); thence southeasterly along the Old Bridge-New Brunswick Turnpike to its intersection with Burton Avenue; thence easterly along Burton Avenue to its intersection with William Street; thence southerly along William Street to its intersection with Belmont Avenue; thence easterly along Belmont Avenue to its intersection with Maple Avenue; thence southerly along Maple Avenue to its intersection with Reid Street; thence northeasterly and southeasterly along Reid Street to its junction with Ferry Street; thence southeasterly along Ferry Street to its junction with Whitehead Avenue; thence southeasterly along Whitehead Avenue to its junction with River Street; thence southerly along River Street to its intersection with Main Street (Bordentown and Spotswood Turnpike); thence southwesterly along Main Street to its intersection with SR 18; thence southeasterly along SR 18 to its intersection with Matawan Road (County 516); thence easterly along Matawan Road to its intersection with Jake Brown Road; thence northerly and easterly along Jake Brown Road to its intersection with Cheesequake Browntown Road; thence northerly along Cheesequake Browntown Road to its intersection with SR 34 and U.S. 9; thence southerly along SR 34 to its intersection with Washington Avenue; thence easterly and southeasterly along Washington Avenue to its intersection with Euclid Road; thence southeasterly along Euclid Road to its intersection with the road to Steamboat Landing; thence southwesterly along the road to Steamboat Landing to its intersection with SR 34; thence easterly along SR 34 to its intersection with Morristown Road (Cheesequake Road); thence easterly and northeasterly along Morristown Road to its intersection with Gordon Road and Clifford Avenue; thence northeasterly along Clifford Avenue to its intersection with the Garden State Parkway; thence southeasterly along the Garden State Parkway to Exit 117 at State Highway 36; thence northeasterly along State Highway 36 to the intersection of Middle Road (County 516); thence easterly along Middle Road to the intersection of Palmer Avenue (County 7); thence northeasterly on Main Street to the intersection of State Highway 36; thence easterly on State Highway 36 to the intersection of Navesink Avenue; thence southerly on Navesink Avenue to the intersection of Monmouth Avenue at Navesink; thence westerly on Monmouth Avenue to its intersection with Browns Dock Road; thence southerly on Browns Dock Road to its intersection with Cooper Road; thence southwesterly on Cooper Road to the intersection of State Highway 35; thence southerly

on State Highway 35 to its intersection with State Highway 71; thence southeasterly on State Highway 71 to its crossing of the Central Railroad of New Jersey tracks; thence southerly along the Central Railroad of New Jersey tracks to its intersection of 6th Avenue (County 2); thence westerly on 6th Avenue (County 2) to the intersection of State Highway 33; thence westerly along State Highway 33 to the crossing of State Highway 18; thence southerly on State Highway 18 to its intersection of Marconi Road; thence southeasterly on Marconi Road to Adrienne Road, continuing south on Adrienne Road to Belmar Boulevard; thence easterly on Belmar Boulevard and 16th Avenue to the intersection of State Highway 71; thence southerly on State Highway 71 to the intersection of State Highway 35; thence northwesterly along State Highway 35 to State Highway 34 at the Brielle Circle; thence northwesterly along State Highway 34 to the Garden State Parkway at Exit 96; thence southwestward along the Garden State Parkway to the intersection of the Monmouth, Ocean County boundary; thence westerly along said boundary to the intersection of the Central Railroad of New Jersey tracks; thence southwestward”.

Amend pages 7-8, section 4, lines 68-97, after “County Road 5 to”, omit the remainder, and insert “County Road 47; thence southwestward on County Road 47 to County Road 19; thence northwesterly on County Road 19, across Stowe Creek, continuing on County Road 59 to County Road 58; thence northwesterly on County Road 58 to County Road 24; thence northwesterly on County Road 24 to County Road 4; thence northwesterly on County Road 4 to SR 49 in Salem City; thence northwesterly on SR 49 to County Road 26; thence northwesterly on County Road 26 to the Killecohook National Wildlife Refuge; thence along the northern border of Killecohook National Wildlife Refuge to the Delaware River.”.

Amend page 8, section 5, line 1, “, expand or utilize”.

Amend page 8, section 5, line 2, omit “, expanded or utilized”.

Amend page 8, section 5, line 2, omit “major”.

Amend page 8, section 5, line 3, omit “areas”, insert “area”.

Amend page 8, section 5, lines 4-5, after “Commissioner”, omit in their entirety.

Amend page 8, section 6, line 1, after “construct”, omit “, expand or utilize”.

Amend page 8, section 6, line 2, after “constructed”, omit “, expanded or utilized a major facility”, insert “a facility in the coastal area”.

Amend page 8, section 7a, line 9, after “archeology:”, insert “for housing, the inventory shall describe water quality, water supply,

hydrology, geology, soils and topography;”.

Amend page 9, section 8, line 10, omit “30”, insert “15”.

Amend page 9, section 8, line 12, omit “75”, insert “60”.

Amend page 9, section 8, lines 14-16, omit in their entirety.

Amend page 9, section 9, line 1, after “9.”, insert “a.”.

Amend page 9, section 9, line 5, after “faculty”, insert “b. The commissioner, within 15 days after the hearing, may require an applicant to submit any additional information necessary for the complete review of the **application.**”.

Amend page 9, section 10, line 4, omit “or activity”.

Amend page 9, section 10b, line 8, omit “Air”, insert “Prevents air”; omit “do not exceed”, insert “in excess of”.

Amend page 9, section 10b, line 9, omit “natural”.

Amend page 10, section 11, line 1, omit “If”, and insert “Notwithstanding the applicant’s compliance with the criteria listed in section 10 of this act, if”.

Amend page 10, section 11, line 2, omit “purposes and intent of the act,”, insert “purpose and intent of this act as specified in section 2, or if the commissioner finds that the proposed facility would materially contribute to an already serious and unacceptable level of environmental degradation or resource exhaustion,”.

Amend page 10, section 11, lines 3-4, omit in their entirety and insert “deny the permit application, or he may issue a permit subject to such conditions as he finds reasonably necessary to promote the public health, safety and”.

Amend page 10, section 12, line 1, omit “90”, insert “60”.

Amend page 10, section 12, line 5, omit “8”, insert “9”.

Amend page 10, section 12, line 6, insert new section 13 as follows:

“13. There is hereby created the Coastal Area Review Board, in but not of the Department of Environmental Protection, which shall consist of three voting members who shall be the Commissioner of Environmental Protection or his designated representative, the Commissioner of Labor and Industry or his designated representative and the Commissioner of Community Affairs or his designated representative. No vote on a permit request shall be taken unless all voting members are present.

The Coastal Area Review Board shall have the power to hear appeals from decisions of the commissioner pursuant to section 12. The board may affirm or reverse the decision of the commissioner with respect to applicability of any provision of this act to a proposed use; it may modify any permit granted by the commissioner, grant a permit denied by him, deny a permit granted by him, or confirm his grant of a permit. The board shall review filed applications, including the environmental

impact statement and all information presented at public hearings and any other information the commissioner makes available to the board prior to the affirmation or reversal of a decision of the commissioner.”.

Amend page 10, section 13, line 1, omit “13.”, insert “14.”.

Amend page 10, section 14, line 1, omit “14.”, insert “15.”.

Amend page 10, section 15, lines 1-6, omit in their entirety, insert new section as follows:

“16. The commissioner shall, within 2 years of the taking effect of this act, prepare an environmental inventory of the environmental resources of the coastal area and of the existing facilities and land use developments within the coastal area and an estimate of the capability of the various area within the coastal area to absorb and react to man-made stresses. The commissioner shall, within 3 years of the taking effect of this act, develop from this environmental inventory alternate long-term environmental management strategies which take into account the paramount need for preserving environmental values and the legitimate need for economic and residential growth within the coastal area. The commissioner shall, within 4 years of the taking effect of this act, select from the alternate environmental management strategies an environmental design for the coastal area. The environmental design shall be the approved environmental management strategy for the coastal area and shall include a delineation of various areas appropriate for the development of residential and industrial facilities of various types, depending on the sensitivity and fragility of the adjacent environment to the existence of such facilities. The environmental inventory, the alternate long-term environmental management strategies and the environmental design for the coastal area shall be presented to the Governor and the Legislature within the time frame indicated herein.”.

Amend page 10, section 16, line 1, omit “16.”, insert “17.”.

Amend page 10, section 17, line 1, omit “17.”, insert “18.”.

Amend page 11, section 18, line 1, omit “18.”, insert “19.”.

Amend page 11, section 18, line 1, after “act”, insert “shall not be regarded as to be in derogation of any powers now existing and”.

Amend page 11, section 18, line 2, omit “, including municipal zoning authority,”.

Amend page 11, section 18, lines 3-4, omit “and shall not be regarded to be in derogation of any powers now existing, except that those areas”, insert “including municipal zoning authority. The provisions of this act shall not apply to those portions of the coastal areas”.

Amend page 11, section 18, line 6, after “et seq.”, omit remainder and insert “section 15 however shall apply to the entire area within the boundaries described herein.”.

Amend page 11, section 19, line 1, omit "19.", insert "20."

Amend page 11, section 20, line 1, omit "20.", insert "21."

Amend page 11, section 21, line 1, omit "21.", insert "22."

Amend page 11, section 22, line 1, omit in its entirety and insert "23. This act shall take effect 90 days from the date of enactment, except that section 22 shall take effect immediately."

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 1429
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 12, 1973

Amend page 10, section 4, line 67, after "County Road 5", omit "thence westerly along".

Amend page 10, section 4, line 68, omit "County Road 5 to", insert "(Roadstown Road); thence westerly along S.R. 49 through Bridgeton to its intersection with County Road 5 (Roadstown Road); thence westerly along County Road 5 (Roadstown Road) to Roadstown; thence northwesterly along the Roadstown Road to the first unnamed road intersection; thence southwestwardly along the first unnamed road to its intersection with Canton Road; thence along Canton Road northwesterly to Gum Tree Corner; thence northwesterly along Canton Road from Gum Tree Corner across Stowe Creek to its intersection with County Road 59 (Hancock's Bridge Road); thence northwesterly along County Road 59 to its intersection with County Road 51 at Coopers Branch; thence northeasterly along County Road 51 to its intersection with S.R. 49 at Quinton; thence northwesterly along S.R. 49 to its intersection with County Road 50; thence southwestwardly along County Road 50 to its intersection with County Road 58; thence southerly on County Road 58 to its intersection with County Road 24; thence westerly along County Road 24 to its intersection with County Road 65; thence northerly along County Road 65 (Walnut Street) to its intersection with Route 4; thence westerly along Route 4 and northerly along Route 4 and thence easterly along Route 4 to its intersection with Route 49; thence northerly along Route 49 (Front Street) to its intersection with Route 57; thence easterly along Route 57 to its intersection with Route 45; thence northerly along Route 45 to its intersection with County Road 540 at Pointers; thence northerly and northwesterly along County Road 540 (Deepwater-Slapes Corner Road) to its intersection with the New Jersey Turnpike; thence westerly along the New Jersey Turnpike to its intersection with County Road 33; thence southerly along County Road 33 to its intersection with S.R. 49; thence southeasterly along S.R. 49 to its intersection with County Road 26; thence northwesterly along County Road 26 to the Killcohook National Wildlife Refuge; thence northwesterly along this northeasterly boundary to the limits of the State's territorial jurisdiction on the Delaware River."

Amend page 11, section 4, lines 98-107, omit in their entirety.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1429

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of **[major]** **certain** facilities
in the coastal area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "**[Major]**
2 Coastal Area **[Facilities]** **Facility** Review Act."

1 **[2.** The Legislature finds and declares that New Jersey's coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-
20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.]*

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 *2. *The Legislature finds and declares that New Jersey's bays,*
 2 *harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline*
 3 *or partially saline streams and tributaries and their adjoining*
 4 *upland fastland drainage area nets, channels, estuaries, barrier*
 5 *beaches, near shore waters and intertidal areas together constitute*
 6 *an exceptional, unique, irreplaceable and delicately balanced phys-*
 7 *ical, chemical and biologically acting and interacting natural en-*
 8 *vironmental resource called the coastal area, that certain portions*
 9 *of the coastal area are now suffering serious adverse environmental*
 10 *effects resulting from existing facility activity impacts that would*
 11 *preclude or tend to preclude those multiple uses which support*
 12 *diversity and are in the best long-term, social, economic, aesthetic*
 13 *and recreational interests of all people of the State; and that,*
 14 *therefore, it is in the interest of the people of the State that all of*
 15 *the coastal area should be dedicated to those kinds of land uses*
 16 *which promote the public health, safety and welfare, protect public*
 17 *and private property, and are reasonably consistent and compatible*
 18 *with the natural laws governing the physical, chemical and bio-*
 19 *logical environment of the coastal area.*

20 *It is further declared that the coastal area and the State will*
 21 *suffer continuing and ever-accelerating serious adverse economic,*
 22 *social and aesthetic effects unless the State assists, in accordance*
 23 *with the provisions of this act, in the assessment of impacts,*
 24 *stemming from the future location and kinds of facilities within*
 25 *the coastal area, on the delicately balanced environment of that area.*

26 *The Legislature further recognizes the legitimate economic*
 27 *aspirations of the inhabitants of the coastal area and wishes to*
 28 *encourage the development of compatible land uses in order to*
 29 *improve the overall economic position of the inhabitants of that*
 30 *area within the framework of a comprehensive environmental*
 31 *design strategy which preserves the most ecologically sensitive and*
 32 *fragile area from inappropriate development and provides adequate*
 33 *environmental safeguards for the construction of any facilities in*
 34 *the coastal area.**

1 3. For the purposes of this act, unless the context clearly requires
 2 a different meaning, the following words shall have the following
 3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
 5 mental Protection.

6 b. "Department" means the State Department of Environmental
 7 Protection.

8 c. *["Major facility"]* *["Facility"]* includes any of the facili-
 9 ties designed or utilized for the following purposes:

- 10 (1) Electric power generation—
 11 Oil, gas, or coal fired or any combination thereof.
 12 Nuclear facilities.
- 13-14 (2) Food and food byproducts—
 15 Beer, whiskey and wine production.
 16 Fish processing, including the production of fish meal and fish oil.
 17 Slaughtering, blanching, cooking, curing, and pickling of meats
 18 and poultry.
 19 Trimming, culling, juicing, and blanching of fruits and vege-
 19A tables.
 20 Animal matter rendering plants.
 21 Operations directly related to the production of leather or furs
 22 such as, but not limited to, unhairing, soaking, deliming, baiting,
 23 and tanning.
 24 Curing and pickling of fruits and vegetables.
 25 Pasteurization, homogenization, condensation, and evaporation
 26 of milk and cream to produce cheeses, sour milk, and related
 27 products.
 28 Coffee bean and cocoa bean roasting.
- 29 (3) Incineration wastes—
 30 Municipal wastes (larger than or equal to 50 tons per day).
 31 Automobile body (20 automobiles per hour or larger).
- 32 (4) Paper production—
 33 Pulp mills.
 34 Paper mills.
 35 Paperboard mills.
 36 Building paper mills.
 37 Building board mills.
- 38 (5) Public facilities **and housing**—
 39 Sanitary landfills.
 40 Waste treatment plants (sanitary sewage).
 41 Road, airport, or highway construction.
 42 New housing developments of 25 or more dwelling units or
 43 equivalent.
 44 Expansion of existing developments***[**, wherever present, or
 45 future development plans projects by the construction**]*** **by the*
 46 *addition** of 25 or more dwelling units or equivalent.
 47 ***[**Any subdivision of parcels of land in sections 5.4 and 5.5 for
 48 residential or any other purpose.**]***
- 49 (6) Agri-chemical production—
 50 Pesticides manufacture and formulation operations or either
 51 thereof.

- 52 Superphosphate animal feed supplement manufacture.
- 53 Production of normal superphosphate.
- 54 Production of triple superphosphate.
- 55 Production of diammonium phosphate.
- 56 (7) Inorganic acids and salts manufacture—
- 57 Hydrofluoric acid and common salts.
- 58 Hydrochloric acid and common salts.
- 59 Nitric acid and common salts.
- 60 Sulfuric acid and common salts.
- 61 Phosphoric acid and common salts.
- 62 Chromic acid, including chromate and dichromate salts.
- 63 (8) Mineral products—
- 64 Asphalt batching and roofing operations including the prepara-
- 65 tion of bituminous concrete and concrete.
- 66 Cement production, including Portland, natural, masonry, and
- 67 pozzolan cements.
- 68 Coal cleaning.
- 69 Clay, clay mining, and fly-ash sintering.
- 70 Calcium carbide production.
- 71 Stone, rock, gravel, and sand quarrying and processing.
- 72 Frit and glass production.
- 73 Fiberglass production.
- 74 Slag, rock and glass wool production (mineral wool).
- 75 Lime production, including quarrying.
- 76 Gypsum production, including quarrying.
- 77 Perlite manufacturing, including quarrying.
- 78 Asbestos fiber production.
- 79 (9) Chemical processes—
- 80 Ammonia manufacture.
- 81 Chlorine manufacture.
- 82 Caustic soda production.
- 83 Carbon black and charcoal production, including channel, furnace,
- 84 and thermal processes.
- 85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
- 86 organic pigment manufacturing or formulating.
- 87 Synthetic resins or plastics manufacture including, but not
- 88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
- 89 and polyvinylchloride.
- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
- 92 synthetics such as viscose, rayon, and acetate, and true synthetics

93 such as, but not limited to, nylon, orlon, and dacron, and the dyeing
94 of these semi and true synthetics.

95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.

98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.

100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.

103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.

105 Used motor or other oil or related petroleum product reclamation
106 operations.

107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.

110 Organic dye and dye intermediate manufacturing.

111 Hydrogen cyanide or cyanide salts manufacture or use.

112 Glue manufacturing operations.

113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.

116 (10) Storage—

117 Bulk storage, handling, and transfer facilities for crude oil*, gas*
118 and finished petroleum products not on the premises where petro-
119 leum refining occurs.

120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.

123 (11) Metallurgical processes—

124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.

126 Production of titanium metal, salts, and oxides.

127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.

129 Copper, lead, zinc, and magnesium smelting and processing.

130 Ferroalloys manufacture such as, but not limited to, those com-
131 bined with silicon, calcium, manganese and chrome.

132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.

- 135 Melting, smelting, refining, and alloying of scrap or other sub-
136 stances to produce brass and bronze ingots.
- 137 Gray iron foundry operations.
- 138 Steel foundry operations.
- 139 Beryllium metal or alloy production, including rolling, drawing
140 and extruding operations.
- 141 Operations involving silver, arsenic, cadmium, copper, mercury,
142 lead, nickel, chromium, and zinc including, but not limited to, pro-
143 duction, recovery from scrap or salvage, alloy production, salt
144 formation, electroplating, anodizing, and metallo-organics com-
145 pound products preparation.
- 146 Stripping of oxides from and the cleaning of metals prior to
147 plating, anodizing, or painting.
- 148 (12) Miscellaneous—
- 149 Operations involving the scouring, desizing, cleaning, bleaching,
150 and dyeing of wool.
- 151 Wood preserving processes which use coal or petroleum based
152 products such as, but not limited to, coal tars and/or creosotes.
- 153 Manufacture, use, or distillation of phenols, cresols, or coal tar
154 materials.
- 155 Manufacture of lead acid storage batteries and/or storage
156 batteries produced from other heavy metals, such as nickel or
157 cadmium.
- 158 Installation of above or underground pipelines designed to
159 transport petroleum, natural gas, and sanitary sewage.
- 160 Operations involving the dyeing, bleaching, coating, impregnat-
161 ing, or glazing of paper.
- 162 Dyeing, bleaching, and printing of textiles other than wool.
- 163 Chemical finishing for water repelling, fire resistance, and mildew
164 proofing, including preshrinking, coating and impregnating.
- 165 Sawmill and planing mill operations.
- 165A **Marine terminal and cargo handling facilities.**
- 166 d. "Person" means and shall include corporations, companies,
167 associations, societies, firms, partnerships and joint stock companies
168 as well as individuals and governmental agencies.
- 169 e. "Governmental agencies" means the Government of the United
170 States, the State of New Jersey, or any other states, their political
171 subdivisions, agencies, or instrumentalities thereof, and interstate
172 agencies.
- 1 4. The "coastal area" shall consist of all that certain area lying
2 between the line as hereinafter described and the line formed by the
3 State's * [seaward (Atlantic Ocean) territorial jurisdiction on the

4 east thereof, the State's bayward (Delaware Bay) territorial juris-
 5 diction on the south and southwest thereof, and the State's river-
 6 ward (Delaware River) territorial jurisdiction on the west thereto.
 7 Beginning at the midpoint of the Garden State Parkway bridge
 8 crossing the Raritan River; thence southeasterly along the Garden
 9 State Parkway to its intersection with Everett Road (County 52);
 10 thence southerly on Everett Road (County 52) to its intersection
 11 with County Road 520; thence westerly along County Road 520 to
 12 its intersection with S. R. 34; thence southeasterly along S. R. 34
 13 to its intersection with County Road 537 at Colts Neck; thence
 14 northeasterly along County Road 537 to its intersection with the
 15 Garden State Parkway; thence southerly along the Garden State
 16 Parkway to its intersection with Spur 549; thence northwesterly
 17 along Spur 549 to its intersection with County Road 547; thence
 18 southwesterly along County Road 547 to its intersection with the
 19 tracks of the Central Railroad of New Jersey; thence south-
 19A westerly] * *riverward (Arthur Kill) territorial jurisdiction on the*
 19B *east thereof, the State's seaward (Raritan Bay and Atlantic ocean)*
 19C *territorial jurisdiction on the east thereof, the State's bayward*
 19D *(Delaware Bay) territorial jurisdiction on the south and southwest*
 19E *thereof, and the State's riverward (Delaware River) territorial*
 19F *jurisdiction on the west thereto. Beginning at the confluence of*
 19G *Noes Creek and the Arthur Kill; thence northwesterly along the*
 19H *north bank of the Noes Creek to its intersection with Roosevelt*
 19I *Avenue; thence southwesterly along Roosevelt and Port Reading*
 19J *Avenues (Carteret Road) to its intersection with the New Jersey*
 19K *Turnpike; thence southwesterly on the New Jersey Turnpike to*
 19L *its intersection with the tracks of the Penn Central R.R.; thence*
 19M *southeasterly along the tracks of the Penn Central R.R. to its*
 19N *intersection with Outerbridge Crossing; thence easterly along*
 19O *Outerbridge Crossing to its intersection with the tracks of the*
 19P *Lehigh Valley R.R.; thence southwesterly and northwesterly along*
 19Q *the tracks of the Lehigh Valley R.R. to its intersection with King*
 19R *Georges Post Road; thence southwesterly along King Georges*
 19S *Post Road to its intersection with U.S. 95 (SR 440); thence westerly*
 19T *along U.S. 95 to its intersection with Woodbridge Avenue (County*
 19U *514); thence southwesterly along Woodbridge Avenue to its inter-*
 19V *section with the New Jersey Turnpike; thence southwesterly along*
 19W *the New Jersey Turnpike to its intersection with Schoolhouse*
 19X *Lane; thence easterly and northeasterly along Schoolhouse Lane*
 19Y *to its intersection with Weston Place; thence southerly and westerly*
 19Z *along Weston Place and Edgeboro Road to its intersection with*

19AA SR 18 and the Old Bridge-New Brunswick Turnpike (County 527);
 19BB thence southeasterly along the Old Bridge-New Brunswick Turn-
 19CC pike to its intersection with Burton Avenue; thence easterly along
 19DD Burton Avenue to its intersection with William Street; thence
 19EE southerly along William Street to its intersection with Belmont
 19FF Avenue; thence easterly along Belmont Avenue to its intersection
 19GG with Maple Avenue; thence southerly along Maple Avenue to its
 19HH intersection with Reid Street; thence northeasterly and south-
 19II easterly along Reid Street to its junction with Ferry Street;
 19JJ thence southeasterly along Ferry Street to its junction with
 19KK Whitehead Avenue; thence southeasterly along Whitehead
 19LL Avenue to its junction with River Street; thence southerly along
 19MM River Street to its intersection with Main Street (Bordentown
 19NN and Spotswood Turnpike); thence southwesterly along Main
 19OO Street to its intersection with SR 18; thence southeasterly along
 19PP SR 18 to its intersection with Matawan Road (County 516); thence
 19QQ easterly along Matawan Road to its intersection with Jake Brown
 19RR Road; thence northerly and easterly along Jake Brown Road to
 19SS its intersection with Cheesequake Browntown Road; thence
 19TT northerly along Cheesequake Browntown Road to its intersection
 19UU with SR 34 and U.S. 9; thence southerly along SR 34 to its inter-
 19VV section with Washington Avenue; thence easterly and south-
 19WW easterly along Washington Avenue to its intersection with Euclid
 19XX Road; thence southeasterly along Euclid Road to its intersection
 19YY with the Road to Steamboat Landing; thence southwesterly along
 20 the Road to Steamboat Landing to its intersection with SR 34;
 20A thence easterly along SR 34 to its intersection with Morristown
 20B Road (Cheesequake Road); thence easterly and northeasterly along
 20C Morristown Road to its intersection with Gordon Road and Cliff-
 20D wood Avenue; thence northeasterly along Cliffwood Avenue to its
 20E intersection with the Garden State Parkway; thence southeasterly
 20F along the Garden State Parkway to Exit 117 at State Highway 36;
 20G thence northeasterly along State Highway 36 to the intersection
 20H of Middle Road (County 516); thence easterly along Middle Road
 20I to the intersection of Palmer Avenue (County 7); thence north-
 20J easterly on Main Street to the intersection of State Highway 36;
 20K thence easterly on State Highway 36 to the intersection of Navesink
 20L Avenue; thence southerly on Navesink Avenue to the intersection
 20M of Monmouth Avenue at Navesink; thence westerly on Monmouth
 20N Avenue to its intersection with Browns Dock Road; thence
 20O southerly on Browns Dock Road to its intersection with Cooper
 20P Road; thence southwesterly on Cooper Road to the intersection of

20Q *State Highway 35; thence southerly on State Highway 35 to its*
 20R *intersection with State Highway 71; thence southeasterly on State*
 20S *Highway 71 to its crossing of the Central Railroad of New Jersey*
 20T *tracks; thence southerly along the Central Railroad of New Jersey*
 20U *tracks to its intersection of 6th Avenue (County 2); thence westerly*
 20V *on 6th Avenue (County 2) to the intersection of State Highway 33;*
 20W *thence westerly along State Highway 33 to the crossing of State*
 20X *Highway 18; thence southerly on State Highway 18 to its inter-*
 20Y *section of Marconi Road; thence southeasterly on Marconi Road*
 20Z *to Adrienne Road, continuing south on Adrienne Road to Belmar*
 20AA *Boulevard; thence easterly on Belmar Boulevard and 16th Avenue*
 20BB *to the intersection of State Highway 71; thence southerly on*
 20CC *State Highway 71 to the intersection of State Highway 35; thence*
 20DD *northwesterly along State Highway 35 to State Highway 34 at*
 20EE *the Brielle Circle; thence northwesterly along State Highway 34*
 20FF *to the Garden State Parkway at Exit 96; thence south-*
 20GG *westerly along the Garden State Parkway to the intersection*
 20HH *of the Monmouth, Ocean County boundary; thence westerly*
 20II *along said boundary to the intersection of the Central Rail-*
 20JJ *road of New Jersey tracks; thence southwestery* along*
 20KK *the tracks of the Central Railroad of New Jersey to its junc-*
 21 *tion with the tracks of the Pennsylvania Railroad near Whiting;*
 22 *thence easterly along the tracks of the Pennsylvania Railroad to its*
 23 *intersection with the Garden State Parkway near South Toms*
 24 *River; thence southerly along the Garden State Parkway to its*
 25 *intersection with County Road 539 at Garden State Parkway exit*
 26 *58; thence northerly along County Road 539 to its intersection with*
 27 *Martha-Stafford Forge Road; thence westerly along Martha-*
 28 *Stafford Forge Road to its intersection with Spur 563; thence*
 29 *northerly along Spur 563 to its intersection with County Road 563;*
 30 *thence southerly along County Road 563 to its intersection with*
 31 *County Road 542 at Green Bank; thence northwesterly along County*
 32 *Road 542 to its intersection with Weekstown-Pleasant Mills road;*
 33 *thence southeasterly along Weekstown-Pleasant Mills Road to its*
 34 *intersection with County Road 563 at Weekstown; thence south-*
 35 *easterly along County Road 563 to its intersection with Clarks*
 36 *Landing Road leading to Port Republic; thence easterly along*
 37 *Clarks Landing Road to its intersection with the Garden State*
 38 *Parkway; thence southerly along the Garden State Parkway to its*
 39 *intersection with Alt. 559, and thence northwesterly along Alt. 559*
 40 *to its intersection with County Road 559 at Gravelly Run; thence*
 41 *northwesterly along County Road 559 to its intersection with U. S.*

42 40 and S. R. 50 at Mays Landing; thence westerly along combined
 43 U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence south-
 44 erly on S. R. 50 to its intersection with Buck Hill Road near Buck
 45 Hill; thence westerly along Buck Hill (River Road) Road to its
 46 intersection with S. R. 49; thence southerly along S. R. 49 to its
 47 intersection with County Road 585; thence southwesterly along
 48 County Road 585 to its intersection with S. R. 47 at Dennisville;
 49 thence northwesterly along S. R. 47 to its intersection with County
 50 Road 78; thence northerly along County Road 78 to its intersection
 51 with County Road 548 and to its intersection of County Road 46;
 52 thence to the intersection with the tracks of the Pennsylvania-Read-
 53 ing Seashore Lines; thence northwesterly along the tracks of the
 54 Pennsylvania-Reading Seashore Lines to its intersection with S. R.
 55 49 at Millville; thence through Millville along S. R. 49 to its inter-
 56 section with County Road 555; thence southerly along County Road
 57 555 to its intersection with County Road 27; thence southerly along
 58 County Road 27 to its intersection with County Road 70; thence
 59 southerly on County Road 70 to the Center of Mauricetown; thence
 60 through Mauricetown westerly on County Road 548 to its intersec-
 61 tion with the tracks of the Central Railroad of New Jersey; thence
 62 northwesterly on the tracks of the Central Railroad of New Jersey
 63 to its intersection with County Road 98; thence easterly along
 64 County Road 98 to the intersection with County Road 38; thence
 65 northerly along County Road 38 to its intersection with S. R. 49
 66 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton
 67 to its intersection with County Road 5; ** [thence westerly along
 68 County Road 5 to] ** *(Roadstown Road); thence westerly along
 68A S. R. 49 through Bridgeton to its intersection with County Road 5
 68B (Roadstown Road); thence westerly along County Road 5 (Roads-
 68C town Road) to Roadstown; thence northwesterly along the
 68D Roadstown Road to the first unnamed road intersection; thence
 68E southwesterly along the first unnamed road to its intersection with
 68F Canton Road; thence along Canton Road northwesterly to Gum
 68G Tree Corner; thence northwesterly along Canton Road from Gum
 68H Tree Corner across Stowe Creek to its intersection with County
 68I Road 59 (Hancock's Bridge Road); thence northwesterly along
 68J County Road 59 to its intersection with County Road 51 at Coopers
 68K Branch; thence northeasterly along County Road 51 to its inter-
 68L section with S. R. 49 at Quinton; thence northwesterly along S. R.
 68M 49 to its intersection with County Road 50; thence southwesterly
 68N along County Road 50 to its intersection with County Road 58;
 68O thence southerly on County Road 58 to its intersection with County

68P Road 24; thence westerly along County Road 24 to its intersection
 68Q with County Road 65; thence northerly along County
 68R Road 65 (Walnut Street) to its intersection with Route 4;
 68S thence westerly along Route 4 and northerly along Route 4
 68T and thence easterly along Route 4 to its intersection with
 68U Route 49; thence northerly along Route 49 (Front Street)
 68V to its intersection with Route 57; thence easterly along
 68W Route 57 to its intersection with Route 45; thence northerly along
 68X Route 45 to its intersection with County Road 540 at Pointers;
 68Z thence northerly and northwesterly along County Road 540 (Deep-
 69 water-Slapes Corner Road) to its intersection with the New Jersey
 69A Turnpike; thence westerly along the New Jersey Turnpike to its
 69B intersection with County Road 33; thence southerly along County
 69C Road 33 to its intersection with S.R. 49; thence southeasterly along
 69D S. R. 49 to its intersection with County Road 26; thence northwest-
 69E erly along County Road 26 to the Killcohook National Wildlife
 69F Refuge; thence northwesterly along this northeasterly boundary to
 69G the limits of the State's territorial jurisdiction on the Dela-
 69H ware River.** * [Roadstown; thence northerly on County Road 20
 69I to its intersection with S. R. 49 at Shiloh; thence northwesterly
 70 on S. R. 49 to Burdens Hill; thence northerly along unnamed road
 71 to its intersection with County Road 581; thence northeasterly along
 72 County Road 581 through Alloway to its intersection with County
 73 Road 3; thence northerly on County Road 3 to the intersection with
 74 the tracks of the Pennsylvania-Reading Seashore Lines; thence
 75 northerly along the tracks of the Pennsylvania-Reading Seashore
 76 Lines east of Woodstown to its intersection with County Road 551
 77 southwest of Swedesboro; thence northeasterly along County Road
 78 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection
 79 with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45
 80 to its intersection with U. S. 130 at Westville; thence northerly
 81 through Westville on U. S. 130 to the intersection with County
 82 Road 551; thence northerly along County Road 551 (Broadway)
 83 through Gloucester and Camden to its intersection in Camden with
 84 County Road 537 (Federal Street); thence easterly along County
 85 Road 537 through Camden to its intersection with County Road 543
 86 (River Avenue); thence northerly along County Road 543 to its
 87 intersection with S. R. 73; thence southeasterly along S. R. 73 to its
 88 intersection with U. S. 130; thence northeasterly along U. S. 130 to
 89 its intersection with U. S. 206 at Bordentown; thence northerly
 90 along U. S. 206 at Bordentown to its intersection with County Roads
 91 533 and 524 at White Horse; thence northerly along U. S. 206

92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
 93 Lalor Street in Trenton; thence Westerly along Lalor Street in
 94 Trenton to its intersection with Lambertson Street in Trenton;
 95 thence northwesterly along Lambertson Street to its intersection
 96 with S. R. 29 (John Fitch Way); and thence northwesterly along
 97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1]*
 98 **[*County Road 47; thence southwesterly on County Road 47 to
 99 County Road 19; thence northwesterly on County Road 19, across
 100 Stowe Creek, continuing on County Road 59 to County Road 58;
 101 thence northwesterly on County Road 58 to County Road 24; thence
 102 northwesterly on County Road 24 to County Road 4; thence north-
 103 westerly on County Road 4 to SR 49 in Salem City; thence north-
 104 westerly on S. R. 49 to County Road 26; thence northwesterly on
 105 County Road 26 to the Killcohook National Wildlife Refuge; thence
 106 along the northern border of Killcohook National Wildlife Refuge
 107 to the Delaware River.]***

1 5. No person shall construct*[, expand or utilize]* or cause to be
 2 constructed*[, expanded or utilized]* a *[*major]* facility in the
 3 coastal *[*areas]* *area* until he has applied for and received a
 4 permit issued by the commissioner*[,]; however, this shall not apply
 5 to major facilities which were constructed or utilized as such on the
 6 effective date of this act]**.

1 6. Any person proposing to construct, expand or utilize or cause
 2 to be constructed*[, expanded or utilized a major facility]* *a
 3 facility in the coastal area* shall file an application for a permit
 4 with the commissioner, in such form and with such information as
 5 the commissioner may prescribe. The application shall include an
 6 environmental impact statement as described in this act.

1 7. The environmental impact statement shall provide the in-
 2 formation needed to evaluate the effects of a proposed project upon
 3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
 6 project site and in the surrounding region which shall describe air
 7 quality, water quality, water supply, hydrology, geology, soils,
 8 topography, vegetation, wildlife, aquatic organisms, ecology,
 9 demography, land use, aesthetics, history, and archeology; *for
 9A housing, the inventory shall describe water quality, water supply,
 9B hydrology, geology, soils and topography;*

10 b. A project description which shall specify what is to be done
 11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within ***[30]*** **15** days of declaring the
11 application complete for filing, shall set a date for the hearing. The
12 date for the hearing shall be set not later than ***[75]*** **60** days
13 after the application is declared complete for filing.

14 ***[c.** The commissioner, within 15 days after the hearing, may re-
15 quire an applicant to submit any additional information necessary
16 for the complete review of the application.]**

1 9. **a.** The commissioner, or a member of the department desig-
2 nated by him, shall hold a hearing to afford interested parties stand-
3 ing and the opportunity to present, orally or in writing, both their
4 position concerning the application and any data they may have
5 developed in reference to the environmental effects of the proposed
6 facility.

7 **b.* The commissioner, within 15 days after the hearing, may re-
8 quire an applicant to submit any additional information necessary
9 for the complete review of the application.*

1 10. The commissioner shall review filed applications, including the
2 environmental impact statement and all information presented at
3 public hearings. He shall issue a permit only if he finds that the
4 proposed facility ***[or activity]***:

- 5 a. Conforms with all applicable air, water and radiation emission
6 and effluent standards and all applicable water quality criteria and
7 air quality standards.
- 8 b. ***[Air]*** **Prevents air** emissions and water effluents ***[do**
9 not exceed]* **in excess of** the existing ***[natural]*** dilution,
10 assimilative, and recovery capacities of the air and water environ-
10A ments at the site and within the surrounding region.
- 11 c. Provides for the handling and disposal of litter, trash, and
12 refuse in such a manner as to minimize adverse environmental
13 effects and the threat to the public health, safety, and welfare.
- 14 d. Would result in minimal feasible impairment of the regenera-
15 tive capacity of water aquifers or other ground or surface water
16 supplies.
- 17 e. Would cause minimal feasible interference with the natural
18 functioning of plant, animal, fish, and human life processes at the
19 site and within the surrounding region.
- 20 f. Is located or constructed so as to neither endanger human life
21 or property nor otherwise impair the public health, safety, and
22 welfare.
- 23 g. Would result in minimal practicable degradation of unique or
24 irreplaceable land types, historical or archeological areas, and exist-
25 ing scenic and aesthetic attributes at the site and within the
26 surrounding region.
- 1 11. ***[If]*** **Notwithstanding the applicant's compliance with the*
2 *criteria listed in section 10 of this act, if** the commissioner finds
3 that the proposed facility would violate or tend to violate the ***[pur-**
4 **poses and intent of the act,]*** **purpose and intent of this act as*
5 *specified in section 2, or if the commissioner finds that the proposed*
6 *facility would materially contribute to an already serious and*
7 *unacceptable level of environmental degradation or resource*
8 *exhaustion,** he may ***[deny the application, or he may approve**
9 **the permit and impose such conditions as are necessary to promote**
10 **the public safety, health and]*** **deny the permit application, or he*
11 *may issue a permit subject to such conditions as he finds reasonably*
12 *necessary to promote the public health, safety and** welfare, to
13 protect public and private property, wildlife and marine fisheries,
14 and to preserve, protect and enhance the natural environment.
- 1 12. The commissioner shall notify the applicant within ***[90]***
2 ***60*** days after the hearing as to the granting or denial of a permit.
3 The reasons for granting or denying the permit shall be stated. In
4 the event the commissioner requires additional information as pro-

5 vided for in section ***[8]*** *9*, he shall notify the applicant of his
6 decision within 90 days following the receipt of the information.

1 *13. There is hereby created the Coastal Area Review Board, in
2 but not of the Department of Environmental Protection, which shall
3 consist of three voting members who shall be the Commissioner
4 of Environmental Protection or his designated representative, the
5 Commissioner of Labor and Industry or his designated representa-
6 tive and the Commissioner of Community Affairs or his designated
7 representative. No vote on a permit request shall be taken unless
8 all voting members are present.

9 The Coastal Area Review Board shall have the power to hear
10 appeals from decisions of the commissioner pursuant to section 12.
11 The board may affirm or reverse the decision of the commissioner
12 with respect to applicability of any provision of this act to a pro-
13 posed use; it may modify any permit granted by the commissioner,
14 grant a permit denied by him, deny a permit granted by him, or
15 confirm his grant of a permit. The board shall review filed applica-
16 tions, including the environmental impact statement and all in-
17 formation presented at public hearings and any other information
18 the commissioner makes available to the board prior to the affirma-
19 tion or reversal of a decision of the commissioner.*

1 ***[13.]*** *14.* In the event of rental, lease, sale or other convey-
2 ances by an applicant to whom a permit is issued, such permit, with
3 any conditions, shall be continued in force and shall apply to the new
4 tenant, lessee, owner, or assignee so long as there is no change in
5 the nature of the facility set forth in the original application.

1 ***[14.]*** *15.* The denial of an application shall in no way ad-
2 versely affect the future submittal of a new application.

1 ***[15.]** The commissioner shall be authorized to prepare an environ-
2 mental design which shall consist of an inventory of the environ-
3 mental resources of the coastal area and their interrelationships.
4 The commissioner shall develop from this design long-term alter-
5 native environmental management strategies for the coastal area
6 which promote the purposes and intent of this act.]*

1 *16. The commissioner shall, within 2 years of the taking effect
2 of this act, prepare an environmental inventory of the environ-
3 mental resources of the coastal area and of the existing facilities
4 and land use developments within the coastal area and an estimate
5 of the capability of the various area within the coastal area to
6 absorb and react to man-made stresses. The commissioner shall,
7 within 3 years of the taking effect of this act, develop from this
8 environmental inventory alternate long-term environmental man-

9 *agement strategies which take into account the paramount need*
 10 *for preserving environmental values and the legitimate need for*
 11 *economic and residential growth within the coastal area. The com-*
 12 *missioner shall, within 4 years of the taking effect of this act, select*
 13 *from the alternate environmental management strategies an en-*
 14 *vironmental design for the coastal area. The environmental design*
 15 *shall be the approved environmental management strategy for the*
 16 *coastal area and shall include a delineation of various areas appro-*
 17 *priate for the development of residential and industrial facilities*
 18 *of various types, depending on the sensitivity and fragility of the*
 19 *adjacent environment to the existence of such facilities. The en-*
 20 *vironmental inventory, the alternate long-term environmental man-*
 21 *agement strategies and the environmental design for the coastal*
 22 *area shall be presented to the Governor and the Legislature within*
 23 *the time frame indicated herein.**

1 ***[16.]*** *17.* The department is hereby authorized to adopt,
 2 amend and repeal rules and regulations to effectuate the purposes
 3 of this act.

1 ***[17.]*** *18.* If any person violates any of the provisions of this
 2 act, rule, regulation or order promulgated or issued pursuant to the
 3 provisions of this act, the department may institute a civil action in
 4 the Superior Court for injunctive relief to prohibit and prevent such
 5 violation or violations and said court may proceed in a summary
 6 manner. Any person who violates any of the provisions of this act,
 7 rule, regulation or order promulgated or issued pursuant to this act
 8 shall be liable to a penalty of not more than \$3,000.00 to be collected
 9 in a summary proceeding or in any case before a court of competent
 10 jurisdiction wherein injunctive relief has been requested. If the
 11 violation is of a continuing nature, each day during which it con-
 12 tinues shall constitute an additional, separate and distinct offense.
 13 The department is hereby authorized and empowered to compromise
 14 and settle any claim for a penalty under this section in such amount
 15 in the discretion of the department as may appear appropriate and
 16 equitable under the circumstances.

1 ***[18.]*** *19.* The provisions of this act **shall not be regarded*
 2 *as to be in derogation of any powers now existing and** shall be
 3 regarded as supplemental and in addition to powers***[**, including
 4 municipal zoning authority,**]*** conferred by other laws, ***[**and shall
 5 not be regarded to be in derogation of any powers now existing,
 6 except that those areas**]*** **including municipal zoning authority.*
 7 *The provisions of this act shall not apply to those portions of the*
 8 *coastal areas** regulated pursuant to enforceable orders under the

9 Wetlands Act, C. 13:9A-1 et seq., ***[shall be exempt from com-**
10 **pliance with this act.]*** **section 15 however shall apply to the entire*
11 *area within the boundaries described herein.**

1 ***[19.]*** **20.** This act shall be liberally construed to effectuate
2 the purpose and intent thereof.

1 ***[20.]*** **21.** If any provision of this act or the application
2 thereof to any person or circumstances is held invalid, the re-
3 mainder of the act and the application of such provision to persons
4 or circumstances other than those to which it is held invalid, shall
5 not be affected thereby.

1 ***[21.]*** **22.** There is hereby appropriated to the Department
2 of Environmental Protection for the purposes of this act the sum
3 of \$100,000.00.

1 ***[22. This act shall take effect immediately.]***

1 **23. This act shall take effect 90 days from the date of enactment,*
2 *except that section 22 shall take effect immediately.**

CORRECTED COPY
[SECOND OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1429

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of ***[major]*** **certain** facilities
in the coastal area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the “***[Major]***
2 Coastal Area ***[Facilities]*** **Facility** Review Act.”

1 ***[2.** The Legislature finds and declares that New Jersey’s coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-
20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.]*

**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 *2. *The Legislature finds and declares that New Jersey's bays,*
 2 *harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline*
 3 *or partially saline streams and tributaries and their adjoining*
 4 *upland fastland drainage area nets, channels, estuaries, barrier*
 5 *beaches, near shore waters and intertidal areas together constitute*
 6 *an exceptional, unique, irreplaceable and delicately balanced phys-*
 7 *ical, chemical and biologically acting and interacting natural en-*
 8 *vironmental resource called the coastal area, that certain portions*
 9 *of the coastal area are now suffering serious adverse environmental*
 10 *effects resulting from existing facility activity impacts that would*
 11 *preclude or tend to preclude those multiple uses which support*
 12 *diversity and are in the best long-term, social, economic, aesthetic*
 13 *and recreational interests of all people of the State; and that,*
 14 *therefore, it is in the interest of the people of the State that all of*
 15 *the coastal area should be dedicated to those kinds of land uses*
 16 *which promote the public health, safety and welfare, protect public*
 17 *and private property, and are reasonably consistent and compatible*
 18 *with the natural laws governing the physical, chemical and bio-*
 19 *logical environment of the coastal area.*

20 *It is further declared that the coastal area and the State will*
 21 *suffer continuing and ever-accelerating serious adverse economic,*
 22 *social and aesthetic effects unless the State assists, in accordance*
 23 *with the provisions of this act, in the assessment of impacts,*
 24 *stemming from the future location and kinds of facilities within*
 25 *the coastal area, on the delicately balanced environment of that area.*

26 *The Legislature further recognizes the legitimate economic*
 27 *aspirations of the inhabitants of the coastal area and wishes to*
 28 *encourage the development of compatible land uses in order to*
 29 *improve the overall economic position of the inhabitants of that*
 30 *area within the framework of a comprehensive environmental*
 31 *design strategy which preserves the most ecologically sensitive and*
 32 *fragile area from inappropriate development and provides adequate*
 33 *environmental safeguards for the construction of any facilities in*
 34 *the coastal area.**

1 3. For the purposes of this act, unless the context clearly requires
 2 a different meaning, the following words shall have the following
 3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
 5 mental Protection.

6 b. "Department" means the State Department of Environmental
 7 Protection.

8 c. *["Major facility"]* *"Facility"* includes any of the facili-
 9 ties designed or utilized for the following purposes:

- 10 (1) Electric power generation—
 11 Oil, gas, or coal fired or any combination thereof.
 12 Nuclear facilities.
- 13-14 (2) Food and food byproducts—
 15 Beer, whiskey and wine production.
 16 Fish processing, including the production of fish meal and fish oil.
 17 Slaughtering, blanching, cooking, curing, and pickling of meats
 18 and poultry.
 19 Trimming, culling, juicing, and blanching of fruits and vege-
 19A tables.
 20 Animal matter rendering plants.
 21 Operations directly related to the production of leather or furs
 22 such as, but not limited to, unhairing, soaking, deliming, baiting,
 23 and tanning.
 24 Curing and pickling of fruits and vegetables.
 25 Pasteurization, homogenization, condensation, and evaporation
 26 of milk and cream to produce cheeses, sour milk, and related
 27 products.
 28 Coffee bean and cocoa bean roasting.
- 29 (3) Incineration wastes—
 30 Municipal wastes (larger than or equal to 50 tons per day).
 31 Automobile body (20 automobiles per hour or larger).
- 32 (4) Paper production—
 33 Pulp mills.
 34 Paper mills.
 35 Paperboard mills.
 36 Building paper mills.
 37 Building board mills.
- 38 (5) Public facilities **and housing**—
 39 Sanitary landfills,
 40 Waste treatment plants (sanitary sewage).
 41 Road, airport, or highway construction.
 42 New housing developments of 25 or more dwelling units or
 43 equivalent.
 44 Expansion of existing developments***[**, wherever present, or
 45 future development plans projects by the construction**]*** **by the*
 46 *addition** of 25 or more dwelling units or equivalent.
 47 **[*Any subdivision of parcels of land in sections 5.4 and 5.5 for
 48 residential or any other purpose.*]**
- 49 (6) Agri-chemical production—
 50 Pesticides manufacture and formulation operations or either
 51 thereof.

- 52 Superphosphate animal feed supplement manufacture.
- 53 Production of normal superphosphate.
- 54 Production of triple superphosphate.
- 55 Production of diammonium phosphate.
- 56 (7) Inorganic acids and salts manufacture—
- 57 Hydrofluoric acid and common salts.
- 58 Hydrochloric acid and common salts.
- 59 Nitric acid and common salts.
- 60 Sulfuric acid and common salts.
- 61 Phosphoric acid and common salts.
- 62 Chromic acid, including chromate and dichromate salts.
- 63 (8) Mineral products—
- 64 Asphalt batching and roofing operations including the prepara-
- 65 tion of bituminous concrete and concrete.
- 66 Cement production, including Portland, natural, masonry, and
- 67 pozzolan cements.
- 68 Coal cleaning.
- 69 Clay, clay mining, and fly-ash sintering.
- 70 Calcium carbide production.
- 71 Stone, rock, gravel, and sand quarrying and processing.
- 72 Frit and glass production.
- 73 Fiberglass production.
- 74 Slag, rock and glass wool production (mineral wool).
- 75 Lime production, including quarrying.
- 76 Gypsum production, including quarrying.
- 77 Perlite manufacturing, including quarrying.
- 78 Asbestos fiber production.
- 79 (9) Chemical processes—
- 80 Ammonia manufacture.
- 81 Chlorine manufacture.
- 82 Caustic soda production.
- 83 Carbon black and charcoal production, including channel, furnace,
- 84 and thermal processes.
- 85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
- 86 organic pigment manufacturing or formulating.
- 87 Synthetic resins or plastics manufacture including, but not
- 88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
- 89 and polyvinylchloride.
- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
- 92 synthetics such as viscose, rayon, and acetate, and true synthetics

93 such as, but not limited to, nylon, orlon, and daeron, and the dyeing
94 of these semi and true synthetics.

95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.

98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.

100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.

103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.

105 Used motor or other oil or related petroleum product reclamation
106 operations.

107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.

110 Organic dye and dye intermediate manufacturing.

111 Hydrogen cyanide or cyanide salts manufacture or use.

112 Glue manufacturing operations.

113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.

116 (10) Storage—

117 Bulk storage, handling, and transfer facilities for crude oil*, *gas**
118 and finished petroleum products not on the premises where petro-
119 leum refining occurs.

120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.

123 (11) Metallurgical processes—

124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.

126 Production of titanium metal, salts, and oxides.

127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.

129 Copper, lead, zinc, and magnesium smelting and processing.

130 Ferroalloys manufacture such as, but not limited to, those com-
131 bined with silicon, calcium, manganese and chrome.

132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.

- 135 Melting, smelting, refining, and alloying of scrap or other sub-
 136 stances to produce brass and bronze ingots.
- 137 Gray iron foundry operations.
- 138 Steel foundry operations.
- 139 Beryllium metal or alloy production, including rolling, drawing
 140 and extruding operations.
- 141 Operations involving silver, arsenic, cadmium, copper, mercury,
 142 lead, nickel, chromium, and zinc including, but not limited to, pro-
 143 duction, recovery from scrap or salvage, alloy production, salt
 144 formation, electroplating, anodizing, and metallo-organics com-
 145 pound products preparation.
- 146 Stripping of oxides from and the cleaning of metals prior to
 147 plating, anodizing, or painting.
- 148 (12) Miscellaneous—
- 149 Operations involving the scouring, desizing, cleaning, bleaching,
 150 and dyeing of wool.
- 151 Wood preserving processes which use coal or petroleum based
 152 products such as, but not limited to, coal tars and/or creosotes.
- 153 Manufacture, use, or distillation of phenols, cresols, or coal tar
 154 materials.
- 155 Manufacture of lead acid storage batteries and/or storage
 156 batteries produced from other heavy metals, such as nickel or
 157 cadmium.
- 158 Installation of above or underground pipelines designed to
 159 transport petroleum, natural gas, and sanitary sewage.
- 160 Operations involving the dyeing, bleaching, coating, impregnat-
 161 ing, or glazing of paper.
- 162 Dyeing, bleaching, and printing of textiles other than wool.
 163 Chemical finishing for water repelling, fire resistance, and mildew
 164 proofing, including preshrinking, coating and impregnating.
- 165 Sawmill and planing mill operations.
- 165A **Marine terminal and cargo handling facilities.**
- 166 d. "Person" means and shall include corporations, companies,
 167 associations, societies, firms, partnerships and joint stock companies
 168 as well as individuals and governmental agencies.
- 169 e. "Governmental agencies" means the Government of the United
 170 States, the State of New Jersey, or any other states, their political
 171 subdivisions, agencies, or instrumentalities thereof, and interstate
 172 agencies.
- 1 4. The "coastal area" shall consist of all that certain area lying
 2 between the line as hereinafter described and the line formed by the
 3 State's *[] seaward (Atlantic Ocean) territorial jurisdiction on the

4 east thereof, the State's bayward (Delaware Bay) territorial juris-
 5 diction on the south and southwest thereof, and the State's river-
 6 ward (Delaware River) territorial jurisdiction on the west thereto.
 7 Beginning at the midpoint of the Garden State Parkway bridge
 8 crossing the Raritan River; thence southeasterly along the Garden
 9 State Parkway to its intersection with Everett Road (County 52);
 10 thence southerly on Everett Road (County 52) to its intersection
 11 with County Road 520; thence westerly along County Road 520 to
 12 its intersection with S. R. 34; thence southeasterly along S. R. 34
 13 to its intersection with County Road 537 at Colts Neck; thence
 14 northeasterly along County Road 537 to its intersection with the
 15 Garden State Parkway; thence southerly along the Garden State
 16 Parkway to its intersection with Spur 549; thence northwesterly
 17 along Spur 549 to its intersection with County Road 547; thence
 18 southwesterly along County Road 547 to its intersection with the
 19 tracks of the Central Railroad of New Jersey; thence south-
 19A westerly] * *riverward (Arthur Kill) territorial jurisdiction on the*
 19B *east thereof, the State's seaward (Raritan Bay and Atlantic ocean)*
 19C *territorial jurisdiction on the east thereof, the State's bayward*
 19D *(Delaware Bay) territorial jurisdiction on the south and southwest*
 19E *thereof, and the State's riverward (Delaware River) territorial*
 19F *jurisdiction on the west thereto. Beginning at the confluence of*
 19G *Noes Creek and the Arthur Kill; thence northwesterly along the*
 19H *north bank of the Noes Creek to its intersection with Roosevelt*
 19I *Avenue; thence southwesterly along Roosevelt and Port Reading*
 19J *Avenues (Carteret Road) to its intersection with the New Jersey*
 19K *Turnpike; thence southwesterly on the New Jersey Turnpike to*
 19L *its intersection with the tracks of the Penn Central R.R.; thence*
 19M *southeasterly along the tracks of the Penn Central R.R. to its*
 19N *intersection with Outerbridge Crossing; thence easterly along*
 19O *Outerbridge Crossing to its intersection with the tracks of the*
 19P *Lehigh Valley R.R.; thence southwesterly and northwesterly along*
 19Q *the tracks of the Lehigh Valley R.R. to its intersection with King*
 19R *Georges Post Road; thence southwesterly along King Georges*
 19S *Post Road to its intersection with U.S. 95 (SR 440); thence westerly*
 19T *along U.S. 95 to its intersection with Woodbridge Avenue (County*
 19U *514); thence southwesterly along Woodbridge Avenue to its inter-*
 19V *section with the New Jersey Turnpike; thence southwesterly along*
 19W *the New Jersey Turnpike to its intersection with Schoolhouse*
 19X *Lane; thence easterly and northeasterly along Schoolhouse Lane*
 19Y *to its intersection with Weston Place; thence southerly and westerly*
 19Z *along Weston Place and Edgeboro Road to its intersection with*

19AA SR 18 and the Old Bridge-New Brunswick Turnpike (County 527);
 19BB thence southeasterly along the Old Bridge-New Brunswick Turn-
 19CC pike to its intersection with Burton Avenue; thence easterly along
 19DD Burton Avenue to its intersection with William Street; thence
 19EE southerly along William Street to its intersection with Belmont
 19FF Avenue; thence easterly along Belmont Avenue to its intersection
 19GG with Maple Avenue; thence southerly along Maple Avenue to its
 19HH intersection with Reid Street; thence northeasterly and south-
 19II easterly along Reid Street to its junction with Ferry Street;
 19JJ thence southeasterly along Ferry Street to its junction with
 19KK Whitehead Avenue; thence southeasterly along Whitehead
 19LL Avenue to its junction with River Street; thence southerly along
 19MM River Street to its intersection with Main Street (Bordentown
 19NN and Spotswood Turnpike); thence southwesterly along Main
 19OO Street to its intersection with SR 18; thence southeasterly along
 19PP SR 18 to its intersection with Matawan Road (County 516); thence
 19QQ easterly along Matawan Road to its intersection with Jake Brown
 19RR Road; thence northerly and easterly along Jake Brown Road to
 19SS its intersection with Cheesequake Browntown Road; thence
 19TT northerly along Cheesequake Browntown Road to its intersection
 19UU with SR 34 and U.S. 9; thence southerly along SR 34 to its inter-
 19VV section with Washington Avenue; thence easterly and south-
 19WW easterly along Washington Avenue to its intersection with Euclid
 19XX Road; thence southeasterly along Euclid Road to its intersection
 19YY with the Road to Steamboat Landing; thence southwesterly along
 20 the Road to Steamboat Landing to its intersection with SR 34;
 20A thence easterly along SR 34 to its intersection with Morristown
 20B Road (Cheesequake Road); thence easterly and northeasterly along
 20C Morristown Road to its intersection with Gordon Road and Cliff-
 20D wood Avenue; thence northeasterly along Cliffwood Avenue to its
 20E intersection with the Garden State Parkway; thence southeasterly
 20F along the Garden State Parkway to Exit 117 at State Highway 36;
 20G thence northeasterly along State Highway 36 to the intersection
 20H of Middle Road (County 516); thence easterly along Middle Road
 20I to the intersection of Palmer Avenue (County 7); thence north-
 20J easterly on Main Street to the intersection of State Highway 36;
 20K thence easterly on State Highway 36 to the intersection of Navesink
 20L Avenue; thence southerly on Navesink Avenue to the intersection
 20M of Monmouth Avenue at Navesink; thence westerly on Monmouth
 20N Avenue to its intersection with Browns Dock Road; thence
 20O southerly on Browns Dock Road to its intersection with Cooper
 20P Road; thence southwesterly on Cooper Road to the intersection of

20Q *State Highway 35; thence southerly on State Highway 35 to its*
 20R *intersection with State Highway 71; thence southeasterly on State*
 20S *Highway 71 to its crossing of the Central Railroad of New Jersey*
 20T *tracks; thence southerly along the Central Railroad of New Jersey*
 20U *tracks to its intersection of 6th Avenue (County 2); thence westerly*
 20V *on 6th Avenue (County 2) to the intersection of State Highway 33;*
 20W *thence westerly along State Highway 33 to the crossing of State*
 20X *Highway 18; thence southerly on State Highway 18 to its inter-*
 20Y *section of Marconi Road; thence southeasterly on Marconi Road*
 20Z *to Adrienne Road, continuing south on Adrienne Road to Belmar*
 20AA *Boulevard; thence easterly on Belmar Boulevard and 16th Avenue*
 20BB *to the intersection of State Highway 71; thence southerly on*
 20CC *State Highway 71 to the intersection of State Highway 35; thence*
 20DD *northwesterly along State Highway 35 to State Highway 34 at*
 20EE *the Brielle Circle; thence northwesterly along State Highway 34*
 20FF *to the Garden State Parkway at Exit 96; thence south-*
 20GG *westerly along the Garden State Parkway to the intersection*
 20HH *of the Monmouth, Ocean County boundary; thence westerly*
 20II *along said boundary to the intersection of the Central Rail-*
 20JJ *road of New Jersey tracks; thence southwestly* along*
 20KK *the tracks of the Central Railroad of New Jersey to its junc-*
 21 *tion with the tracks of the Pennsylvania Railroad near Whiting;*
 22 *thence easterly along the tracks of the Pennsylvania Railroad to its*
 23 *intersection with the Garden State Parkway near South Toms*
 24 *River; thence southerly along the Garden State Parkway to its*
 25 *intersection with County Road 539 at Garden State Parkway exit*
 26 *58; thence northerly along County Road 539 to its intersection with*
 27 *Martha-Stafford Forge Road; thence westerly along Martha-*
 28 *Stafford Forge Road to its intersection with Spur 563; thence*
 29 *northerly along Spur 563 to its intersection with County Road 563;*
 30 *thence southerly along County Road 563 to its intersection with*
 31 *County Road 542 at Green Bank; thence northwesterly along County*
 32 *Road 542 to its intersection with Weekstown-Pleasant Mills road;*
 33 *thence southeasterly along Weekstown-Pleasant Mills Road to its*
 34 *intersection with County Road 563 at Weekstown; thence south-*
 35 *easterly along County Road 563 to its intersection with Clarks*
 36 *Landing Road leading to Port Republic; thence easterly along*
 37 *Clarks Landing Road to its intersection with the Garden State*
 38 *Parkway; thence southerly along the Garden State Parkway to its*
 39 *intersection with Alt. 559, and thence northwesterly along Alt. 559*
 40 *to its intersection with County Road 559 at Gravelly Run; thence*
 41 *northwesterly along County Road 559 to its intersection with U. S.*

42 40 and S. R. 50 at Mays Landing; thence westerly along combined
 43 U. S. 40 and S. R. 50 to its intersection with S. R. 50; thence south-
 44 erly on S. R. 50 to its intersection with Buck Hill Road near Buck
 45 Hill; thence westerly along Buck Hill (River Road) Road to its
 46 intersection with S. R. 49; thence southerly along S. R. 49 to its
 47 intersection with County Road 585; thence southwesterly along
 48 County Road 585 to its intersection with S. R. 47 at Dennisville;
 49 thence northwesterly along S. R. 47 to its intersection with County
 50 Road 78; thence northerly along County Road 78 to its intersection
 51 with County Road 548 and to its intersection of County Road 46;
 52 thence to the intersection with the tracks of the Pennsylvania-Read-
 53 ing Seashore Lines; thence northwesterly along the tracks of the
 54 Pennsylvania-Reading Seashore Lines to its intersection with S. R.
 55 49 at Millville; thence through Millville along S. R. 49 to its inter-
 56 section with County Road 555; thence southerly along County Road
 57 555 to its intersection with County Road 27; thence southerly along
 58 County Road 27 to its intersection with County Road 70; thence
 59 southerly on County Road 70 to the Center of Mauricetown; thence
 60 through Mauricetown westerly on County Road 548 to its intersec-
 61 tion with the tracks of the Central Railroad of New Jersey; thence
 62 northwesterly on the tracks of the Central Railroad of New Jersey
 63 to its intersection with County Road 98; thence easterly along
 64 County Road 98 to the intersection with County Road 38; thence
 65 northerly along County Road 38 to its intersection with S. R. 49
 66 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton
 67 to its intersection with County Road 5; ****[**thence westerly along
 68 County Road 5 to**]**** *(Roadstown Road); *thence westerly along*
 68A *S. R. 49 through Bridgeton to its intersection with County Road 5*
 68B *(Roadstown Road); thence westerly along County Road 5 (Roads-*
 68C *town Road) to Roadstown; thence northwesterly along the*
 68D *Roadstown Road to the first unnamed road intersection; thence*
 68E *southwesterly along the first unnamed road to its intersection with*
 68F *Canton Road; thence along Canton Road northwesterly to Gum*
 68G *Tree Corner; thence northwesterly along Canton Road from Gum*
 68H *Tree Corner across Stowe Creek to its intersection with County*
 68I *Road 59 (Hancock's Bridge Road); thence northwesterly along*
 68J *County Road 59 to its intersection with County Road 51 at Coopers*
 68K *Branch; thence northeasterly along County Road 51 to its inter-*
 68L *section with S. R. 49 at Quinton; thence northwesterly along S. R.*
 68M *49 to its intersection with County Road 50; thence southwesterly*
 68N *along County Road 50 to its intersection with County Road 58;*
 68O *thence southerly on County Road 58 to its intersection with County*

68P *Road 24; thence westerly along County Road 24 to its intersection*
 68Q *with County Road 65; thence northerly along County*
 68R *Road 65 (Walnut Street) to its intersection with Route 4;*
 68S *thence westerly along Route 4 and northerly along Route 4*
 68T *and thence easterly along Route 4 to its intersection with*
 68U *Route 49; thence northerly along Route 49 (Front Street)*
 68V *to its intersection with Route 57; thence easterly along*
 68W *Route 57 to its intersection with Route 45; thence northerly along*
 68X *Route 45 to its intersection with County Road 540 at Pointers;*
 68Z *thence northerly and northwesterly along County Road 540 (Deep-*
 69 *water-Slapes Corner Road) to its intersection with the New Jersey*
 69A *Turnpike; thence westerly along the New Jersey Turnpike to its*
 69B *intersection with County Road 33; thence southerly along County*
 69C *Road 33 to its intersection with S.R. 49; thence southeasterly along*
 69D *S. R. 49 to its intersection with County Road 26; thence northwest-*
 69E *erly along County Road 26 to the Killcohook National Wildlife*
 69F *Refuge; thence northwesterly along this northeasterly boundary to*
 69G *the limits of the State's territorial jurisdiction on the Dela-*
 69H *ware River.** * [Roadstown; thence northerly on County Road 20*
 69I *to its intersection with S. R. 49 at Shiloh; thence northwesterly*
 70 *on S. R. 49 to Burdens Hill; thence northerly along unnamed road*
 71 *to its intersection with County Road 581; thence northeasterly along*
 72 *County Road 581 through Alloway to its intersection with County*
 73 *Road 3; thence northerly on County Road 3 to the intersection with*
 74 *the tracks of the Pennsylvania-Reading Seashore Lines; thence*
 75 *northerly along the tracks of the Pennsylvania-Reading Seashore*
 76 *Lines east of Woodstown to its intersection with County Road 551*
 77 *southwest of Swedesboro; thence northeasterly along County Road*
 78 *551 through Mickleton, Clarksboro, and Mt. Royal to its intersection*
 79 *with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45*
 80 *to its intersection with U. S. 130 at Westville; thence northerly*
 81 *through Westville on U. S. 130 to the intersection with County*
 82 *Road 551; thence northerly along County Road 551 (Broadway)*
 83 *through Gloucester and Camden to its intersection in Camden with*
 84 *County Road 537 (Federal Street); thence easterly along County*
 85 *Road 537 through Camden to its intersection with County Road 543*
 86 *(River Avenue); thence northerly along County Road 543 to its*
 87 *intersection with S. R. 73; thence southeasterly along S. R. 73 to its*
 88 *intersection with U. S. 130; thence northeasterly along U. S. 130 to*
 89 *its intersection with U. S. 206 at Bordentown; thence northerly*
 90 *along U. S. 206 at Bordentown to its intersection with County Roads*
 91 *533 and 524 at White Horse; thence northerly along U. S. 206*

92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
 93 Lalor Street in Trenton; thence Westerly along Lalor Street in
 94 Trenton to its intersection with Lamberton Street in Trenton;
 95 thence northwesterly along Lamberton Street to its intersection
 96 with S. R. 29 (John Fitch Way); and thence northwesterly along
 97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1]*
 98 **[*County Road 47; thence southwesterly on County Road 47 to
 99 County Road 19; thence northwesterly on County Road 19, across
 100 Stowe Creek, continuing on County Road 59 to County Road 58;
 101 thence northwesterly on County Road 58 to County Road 24; thence
 102 northwesterly on County Road 24 to County Road 4; thence north-
 103 westerly on County Road 4 to SR 49 in Salem City; thence north-
 104 westerly on S. R. 49 to County Road 26; thence northwesterly on
 105 County Road 26 to the Killcohook National Wildlife Refuge; thence
 106 along the northern border of Killcohook National Wildlife Refuge
 107 to the Delaware River.*]**

1 5. No person shall construct*[, expand or utilize]* or cause to be
 2 constructed*[, expanded or utilized]* a *[*major]* facility in the
 3 coastal *[*areas]* *area* until he has applied for and received a
 4 permit issued by the commissioner*[,]; however, this shall not apply
 5 to major facilities which were constructed or utilized as such on the
 6 effective date of this act]*.

1 6. Any person proposing to construct*[, expand or utilize]* or
 2 cause to be constructed*[, expanded or utilized a major facility]*
 3 *a facility in the coastal area* shall file an application for a permit
 4 with the commissioner, in such form and with such information as
 5 the commissioner may prescribe. The application shall include an
 6 environmental impact statement as described in this act.

1 7. The environmental impact statement shall provide the in-
 2 formation needed to evaluate the effects of a proposed project upon
 3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
 6 project site and in the surrounding region which shall describe air
 7 quality, water quality, water supply, hydrology, geology, soils,
 8 topography, vegetation, wildlife, aquatic organisms, ecology,
 9 demography, land use, aesthetics, history, and archeology; *for
 9A housing, the inventory shall describe water quality, water supply,
 9B hydrology, geology, soils and topography;*

10 b. A project description which shall specify what is to be done
 11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within ***[30]*** *15* days of declaring the
11 application complete for filing, shall set a date for the hearing. The
12 date for the hearing shall be set not later than ***[75]*** *60* days
13 after the application is declared complete for filing.

14 ***[c.** The commissioner, within 15 days after the hearing, may re-
15 quire an applicant to submit any additional information necessary
16 for the complete review of the application.]*

1 9. *a.* The commissioner, or a member of the department desig-
2 nated by him, shall hold a hearing to afford interested parties stand-
3 ing and the opportunity to present, orally or in writing, both their
4 position concerning the application and any data they may have
5 developed in reference to the environmental effects of the proposed
6 facility.

7 *b.* *The commissioner, within 15 days after the hearing, may re-*
8 *quire an applicant to submit any additional information necessary*
9 *for the complete review of the application.**

1 10. The commissioner shall review filed applications, including the
2 environmental impact statement and all information presented at
3 public hearings. He shall issue a permit only if he finds that the
4 proposed facility ***[or activity]***:

5 a. Conforms with all applicable air, water and radiation emission
6 and effluent standards and all applicable water quality criteria and
7 air quality standards.

8 b. ***[Air]*** **Prevents air** emissions and water effluents ***[do**
9 **not exceed]*** **in excess of** the existing ***[natural]*** dilution,
10 assimilative, and recovery capacities of the air and water environ-
10A ments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
12 refuse in such a manner as to minimize adverse environmental
13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
15 tive capacity of water aquifers or other ground or surface water
16 supplies.

17 e. Would cause minimal feasible interference with the natural
18 functioning of plant, animal, fish, and human life processes at the
19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
21 or property nor otherwise impair the public health, safety, and
22 welfare.

23 g. Would result in minimal practicable degradation of unique or
24 irreplaceable land types, historical or archeological areas, and exist-
25 ing scenic and aesthetic attributes at the site and within the
26 surrounding region.

1 11. ***[If]*** **Notwithstanding the applicant's compliance with the*
2 *criteria listed in section 10 of this act, if** the commissioner finds
3 that the proposed facility would violate or tend to violate the ***[pur-**
4 **poses and intent of the act,]*** **purpose and intent of this act as*
5 *specified in section 2, or if the commissioner finds that the proposed*
6 *facility would materially contribute to an already serious and*
7 *unacceptable level of environmental degradation or resource*
8 *exhaustion,** he may ***[deny the application, or he may approve**
9 **the permit and impose such conditions as are necessary to promote**
10 **the public safety, health and]*** **deny the permit application, or he*
11 *may issue a permit subject to such conditions as he finds reasonably*
12 *necessary to promote the public health, safety and** welfare, to
13 protect public and private property, wildlife and marine fisheries,
14 and to preserve, protect and enhance the natural environment.

1 12. The commissioner shall notify the applicant within ***[90]***
2 ***60*** days after the hearing as to the granting or denial of a permit.
3 The reasons for granting or denying the permit shall be stated. In
4 the event the commissioner requires additional information as pro-

5 vided for in section ***[8]*** *9*, he shall notify the applicant of his
6 decision within 90 days following the receipt of the information.

1 *13. There is hereby created the Coastal Area Review Board, in
2 but not of the Department of Environmental Protection, which shall
3 consist of three voting members who shall be the Commissioner
4 of Environmental Protection or his designated representative, the
5 Commissioner of Labor and Industry or his designated representa-
6 tive and the Commissioner of Community Affairs or his designated
7 representative. No vote on a permit request shall be taken unless
8 all voting members are present.

9 The Coastal Area Review Board shall have the power to hear
10 appeals from decisions of the commissioner pursuant to section 12.
11 The board may affirm or reverse the decision of the commissioner
12 with respect to applicability of any provision of this act to a pro-
13 posed use; it may modify any permit granted by the commissioner,
14 grant a permit denied by him, deny a permit granted by him, or
15 confirm his grant of a permit. The board shall review filed applica-
16 tions, including the environmental impact statement and all in-
17 formation presented at public hearings and any other information
18 the commissioner makes available to the board prior to the affirma-
19 tion or reversal of a decision of the commissioner.*

1 ***[13.]*** *14.* In the event of rental, lease, sale or other convey-
2 ances by an applicant to whom a permit is issued, such permit, with
3 any conditions, shall be continued in force and shall apply to the new
4 tenant, lessee, owner, or assignee so long as there is no change in
5 the nature of the facility set forth in the original application.

1 ***[14.]*** *15.* The denial of an application shall in no way ad-
2 versely affect the future submittal of a new application.

1 ***[15.** The commissioner shall be authorized to prepare an environ-
2 mental design which shall consist of an inventory of the environ-
3 mental resources of the coastal area and their interrelationships.
4 The commissioner shall develop from this design long-term alter-
5 native environmental management strategies for the coastal area
6 which promote the purposes and intent of this act.]**

1 *16. The commissioner shall, within 2 years of the taking effect
2 of this act, prepare an environmental inventory of the environ-
3 mental resources of the coastal area and of the existing facilities
4 and land use developments within the coastal area and an estimate
5 of the capability of the various area within the coastal area to
6 absorb and react to man-made stresses. The commissioner shall,
7 within 3 years of the taking effect of this act, develop from this
8 environmental inventory alternate long-term environmental man-

9 *agement strategies which take into account the paramount need*
 10 *for preserving environmental values and the legitimate need for*
 11 *economic and residential growth within the coastal area. The com-*
 12 *missioner shall, within 4 years of the taking effect of this act, select*
 13 *from the alternate environmental management strategies an en-*
 14 *vironmental design for the coastal area. The environmental design*
 15 *shall be the approved environmental management strategy for the*
 16 *coastal area and shall include a delineation of various areas appro-*
 17 *prate for the development of residential and industrial facilities*
 18 *of various types, depending on the sensitivity and fragility of the*
 19 *adjacent environment to the existence of such facilities. The en-*
 20 *vironmental inventory, the alternate long-term environmental man-*
 21 *agement strategies and the environmental design for the coastal*
 22 *area shall be presented to the Governor and the Legislature within*
 23 *the time frame indicated herein.**

1 ***[16.]*** *17.* The department is hereby authorized to adopt,
 2 amend and repeal rules and regulations to effectuate the purposes
 3 of this act.

1 ***[17.]*** *18.* If any person violates any of the provisions of this
 2 act, rule, regulation or order promulgated or issued pursuant to the
 3 provisions of this act, the department may institute a civil action in
 4 the Superior Court for injunctive relief to prohibit and prevent such
 5 violation or violations and said court may proceed in a summary
 6 manner. Any person who violates any of the provisions of this act,
 7 rule, regulation or order promulgated or issued pursuant to this act
 8 shall be liable to a penalty of not more than \$3,000.00 to be collected
 9 in a summary proceeding or in any case before a court of competent
 10 jurisdiction wherein injunctive relief has been requested. If the
 11 violation is of a continuing nature, each day during which it con-
 12 tinues shall constitute an additional, separate and distinct offense.
 13 The department is hereby authorized and empowered to compromise
 14 and settle any claim for a penalty under this section in such amount
 15 in the discretion of the department as may appear appropriate and
 16 equitable under the circumstances.

1 ***[18.]*** *19.* The provisions of this act **shall not be regarded*
 2 *as to be in derogation of any powers now existing and** shall be
 3 regarded as supplemental and in addition to powers***[**, including
 4 municipal zoning authority,**]*** conferred by other laws, ***[**and shall
 5 not be regarded to be in derogation of any powers now existing,
 6 except that those areas**]*** **including municipal zoning authority.*
 7 *The provisions of this act shall not apply to those portions of the*
 8 *coastal areas** regulated pursuant to enforceable orders under the

9 Wetlands Act, C. 13:9A-1 et seq., ***【shall be exempt from com-**
10 **pliance with this act.】*** *section 16 however shall apply to the entire*
11 *area within the boundaries described herein.**

1 ***【19.】*** *20.** This act shall be liberally construed to effectuate
2 the purpose and intent thereof.

1 ***【20.】*** *21.** If any provision of this act or the application
2 thereof to any person or circumstances is held invalid, the re-
3 mainder of the act and the application of such provision to persons
4 or circumstances other than those to which it is held invalid, shall
5 not be affected thereby.

1 ***【21.】*** *22.** There is hereby appropriated to the Department
2 of Environmental Protection for the purposes of this act the sum
3 of \$100,000.00.

1 ***【22. This act shall take effect immediately.】***

1 **23. This act shall take effect 90 days from the date of enactment,*
2 *except that section 22 shall take effect immediately.**

SENATE AMENDMENTS TO
ASSEMBLY, No. 1429
[CORRECTED COPY SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 26, 1973

Amend page 7, section 4, line 19A, after “J*”, omit remainder of line 19A.

Amend page 7, section 4, line 19B, omit “east thereof, the State’s”.

Amend pages 7-8, section 4, lines 19F to 20D, after the “.”, omit the remainder of line 19F and all of lines 19G through 20D, and insert “Tract I: Beginning at the bayward (Raritan Bay) point of the boundary between Middlesex and Monmouth counties; thence southwesterly along the boundary line between Middlesex and Monmouth counties to its”.

Amend pages 9-10, section 4, lines 40-43, after “with”, omit remainder of line and all of lines 41 and 42 and on line 43 the words “U. S. 40 and S. R. 50 to its intersection with S. R. 50;”, insert “Route 51; thence southwesterly along Route 51 to Jeffers Landing; thence northwesterly generally following the line of the Great Egg Harbor River to the confluence of its westerly and easterly branches; thence following its westerly branch to its intersection with S. R. 50 south of Mays Landing”.

Amend page 10, section 4, lines 44 to 48, after “with”, omit remainder of the line and all of lines 45 through 48, and insert “the Garden State Parkway (Exit 20S); thence southwesterly along the Garden State Parkway to the Cape May Canal; thence westerly along the Cape May Canal to the Delaware Bay. Tract II: Beginning on the Delaware Bay at the mouth of Dennis Creek; thence northeasterly along Dennis Creek to S. R. 47;”.

Amend page 10, section 4, line 51, after “548”, insert “; thence south on County Road 548 to its intersection with County Road 15; thence westerly along County Road 15 to”, omit “and to its intersection of County Road 46;”.

Amend page 10, section 4, lines 52-58, omit.

Amend page 10, section 4, line 59, omit "southerly on County Road 70 to the Center of".

Amend page 10, section 4, line 63, after "thence", insert "westerly along the course of the Cohansey River to the Delaware."; omit "easterly along".

Amend pages 10-11, section 4, lines 64-69g, omit.

Amend page 11, section 4, line 69h, omit "ware River.**".

[SENATE REPRINT]

ASSEMBLY, No. 1429

[CORRECTED COPY SECOND OFFICIAL COPY REPRINT]

with Senate amendments adopted April 26, 1973

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of ***[major]*** **certain** facilities
in the coastal area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "***[Major]***
2 Coastal Area ***[Facilities]*** **Facility** Review Act."

1 ***[2.** The Legislature finds and declares that New Jersey's coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-
20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.]*

**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 *2. *The Legislature finds and declares that New Jersey's bays,*
 2 *harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline*
 3 *or partially saline streams and tributaries and their adjoining*
 4 *upland fastland drainage area nets, channels, estuaries, barrier*
 5 *beaches, near shore waters and intertidal areas together constitute*
 6 *an exceptional, unique, irreplaceable and delicately balanced phys-*
 7 *ical, chemical and biologically acting and interacting natural en-*
 8 *vironmental resource called the coastal area, that certain portions*
 9 *of the coastal area are now suffering serious adverse environmental*
 10 *effects resulting from existing facility activity impacts that would*
 11 *preclude or tend to preclude those multiple uses which support*
 12 *diversity and are in the best long-term, social, economic, aesthetic*
 13 *and recreational interests of all people of the State; and that,*
 14 *therefore, it is in the interest of the people of the State that all of*
 15 *the coastal area should be dedicated to those kinds of land uses*
 16 *which promote the public health, safety and welfare, protect public*
 17 *and private property, and are reasonably consistent and compatible*
 18 *with the natural laws governing the physical, chemical and bio-*
 19 *logical environment of the coastal area.*

20 *It is further declared that the coastal area and the State will*
 21 *suffer continuing and ever-accelerating serious adverse economic,*
 22 *social and aesthetic effects unless the State assists, in accordance*
 23 *with the provisions of this act, in the assessment of impacts,*
 24 *stemming from the future location and kinds of facilities within*
 25 *the coastal area, on the delicately balanced environment of that area.*

26 *The Legislature further recognizes the legitimate economic*
 27 *aspirations of the inhabitants of the coastal area and wishes to*
 28 *encourage the development of compatible land uses in order to*
 29 *improve the overall economic position of the inhabitants of that*
 30 *area within the framework of a comprehensive environmental*
 31 *design strategy which preserves the most ecologically sensitive and*
 32 *fragile area from inappropriate development and provides adequate*
 33 *environmental safeguards for the construction of any facilities in*
 34 *the coastal area.**

1 3. For the purposes of this act, unless the context clearly requires
 2 a different meaning, the following words shall have the following
 3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
 5 mental Protection.

6 b. "Department" means the State Department of Environmental
 7 Protection.

8 c. *["Major facility"]* *["Facility"]* includes any of the facili-
 9 ties designed or utilized for the following purposes:

- 10 (1) Electric power generation—
 11 Oil, gas, or coal fired or any combination thereof.
 12 Nuclear facilities.
- 13-14 (2) Food and food byproducts—
 15 Beer, whiskey and wine production.
 16 Fish processing, including the production of fish meal and fish oil.
 17 Slaughtering, blanching, cooking, curing, and pickling of meats
 18 and poultry.
 19 Trimming, culling, juicing, and blanching of fruits and vege-
 19A tables.
 20 Animal matter rendering plants.
 21 Operations directly related to the production of leather or furs
 22 such as, but not limited to, unhairing, soaking, deliming, baiting,
 23 and tanning.
 24 Curing and pickling of fruits and vegetables.
 25 Pasteurization, homogenization, condensation, and evaporation
 26 of milk and cream to produce cheeses, sour milk, and related
 27 products.
 28 Coffee bean and cocoa bean roasting.
- 29 (3) Incineration wastes—
 30 Municipal wastes (larger than or equal to 50 tons per day).
 31 Automobile body (20 automobiles per hour or larger).
- 32 (4) Paper production—
 33 Pulp mills.
 34 Paper mills.
 35 Paperboard mills.
 36 Building paper mills.
 37 Building board mills.
- 38 (5) Public facilities **and housing**—
 39 Sanitary landfills.
 40 Waste treatment plants (sanitary sewage).
 41 Road, airport, or highway construction.
 42 New housing developments of 25 or more dwelling units or
 43 equivalent.
 44 Expansion of existing developments***【**, wherever present, or
 45 future development plans projects by the construction**】*** **by the*
 46 *addition** of 25 or more dwelling units or equivalent.
 47 ***【**Any subdivision of parcels of land in sections 5.4 and 5.5 for
 48 residential or any other purpose.**】***
- 49 (6) Agri-chemical production—
 50 Pesticides manufacture and formulation operations or either
 51 thereof.

- 52 Superphosphate animal feed supplement manufacture.
- 53 Production of normal superphosphate.
- 54 Production of triple superphosphate.
- 55 Production of diammonium phosphate.
- 56 (7) Inorganic acids and salts manufacture—
- 57 Hydrofluoric acid and common salts.
- 58 Hydrochloric acid and common salts.
- 59 Nitric acid and common salts.
- 60 Sulfuric acid and common salts.
- 61 Phosphoric acid and common salts.
- 62 Chromic acid, including chromate and dichromate salts.
- 63 (8) Mineral products—
- 64 Asphalt batching and roofing operations including the prepara-
- 65 tion of bituminous concrete and concrete.
- 66 Cement production, including Portland, natural, masonry, and
- 67 pozzolan cements.
- 68 Coal cleaning.
- 69 Clay, clay mining, and fly-ash sintering.
- 70 Calcium carbide production.
- 71 Stone, rock, gravel, and sand quarrying and processing.
- 72 Frit and glass production.
- 73 Fiberglass production.
- 74 Slag, rock and glass wool production (mineral wool).
- 75 Lime production, including quarrying.
- 76 Gypsum production, including quarrying.
- 77 Perlite manufacturing, including quarrying.
- 78 Asbestos fiber production.
- 79 (9) Chemical processes—
- 80 Ammonia manufacture.
- 81 Chlorine manufacture.
- 82 Caustic soda production.
- 83 Carbon black and charcoal production, including channel, furnace,
- 84 and thermal processes.
- 85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
- 86 organic pigment manufacturing or formulating.
- 87 Synthetic resins or plastics manufacture including, but not
- 88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
- 89 and polyvinylchloride.
- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
- 92 synthetics such as viscose, rayon, and acetate, and true synthetics

- 93 such as, but not limited to, nylon, orlon, and dacron, and the dyeing
94 of these semi and true synthetics.
- 95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.
- 98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.
- 100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.
- 103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.
- 105 Used motor or other oil or related petroleum product reclamation
106 operations.
- 107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.
- 110 Organic dye and dye intermediate manufacturing.
- 111 Hydrogen cyanide or cyanide salts manufacture or use.
- 112 Glue manufacturing operations.
- 113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.
- 116 (10) Storage—
- 117 Bulk storage, handling, and transfer facilities for crude oil*, *gas**
118 and finished petroleum products not on the premises where petro-
119 leum refining occurs.
- 120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.
- 123 (11) Metallurgical processes—
- 124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.
- 126 Production of titanium metal, salts, and oxides.
- 127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.
- 129 Copper, lead, zinc, and magnesium smelting and processing.
- 130 Ferroalloys manufacture such as, but not limited to, those com-
131 bined with silicon, calcium, manganese and chrome.
- 132 Integrated steel and iron mill operations including, but not
133 limited to, open hearth, basic oxygen, electric furnace, sinter plant,
134 and rolling, drawing, and extruding operations.

- 135 Melting, smelting, refining, and alloying of scrap or other sub-
 136 stances to produce brass and bronze ingots.
- 137 Gray iron foundry operations.
- 138 Steel foundry operations.
- 139 Beryllium metal or alloy production, including rolling, drawing
 140 and extruding operations.
- 141 Operations involving silver, arsenic, cadmium, copper, mercury,
 142 lead, nickel, chromium, and zinc including, but not limited to, pro-
 143 duction, recovery from scrap or salvage, alloy production, salt
 144 formation, electroplating, anodizing, and metallo-organics com-
 145 pound products preparation.
- 146 Stripping of oxides from and the cleaning of metals prior to
 147 plating, anodizing, or painting.
- 148 (12) Miscellaneous—
- 149 Operations involving the scouring, desizing, cleaning, bleaching,
 150 and dyeing of wool.
- 151 Wood preserving processes which use coal or petroleum based
 152 products such as, but not limited to, coal tars and/or creosotes.
- 153 Manufacture, use, or distillation of phenols, cresols, or coal tar
 154 materials.
- 155 Manufacture of lead acid storage batteries and/or storage
 156 batteries produced from other heavy metals, such as nickel or
 157 cadmium.
- 158 Installation of above or underground pipelines designed to
 159 transport petroleum, natural gas, and sanitary sewage.
- 160 Operations involving the dyeing, bleaching, coating, impregnat-
 161 ing, or glazing of paper.
- 162 Dyeing, bleaching, and printing of textiles other than wool.
 163 Chemical finishing for water repelling, fire resistance, and mildew
 164 proofing, including preshrinking, coating and impregnating.
- 165 Sawmill and planing mill operations.
- 165A **Marine terminal and cargo handling facilities.**
- 166 d. "Person" means and shall include corporations, companies,
 167 associations, societies, firms, partnerships and joint stock companies
 168 as well as individuals and governmental agencies.
- 169 e. "Governmental agencies" means the Government of the United
 170 States, the State of New Jersey, or any other states, their political
 171 subdivisions, agencies, or instrumentalities thereof, and interstate
 172 agencies.
- 1' 4. The "coastal area" shall consist of all that certain area lying
 2 between the line as hereinafter described and the line formed by the
 3 State's ***[**seaward (Atlantic Ocean) territorial jurisdiction on the

4 east thereof, the State's bayward (Delaware Bay) territorial juris-
 5 diction on the south and southwest thereof, and the State's river-
 6 ward (Delaware River) territorial jurisdiction on the west thereto.
 7 Beginning at the midpoint of the Garden State Parkway bridge
 8 crossing the Raritan River; thence southeasterly along the Garden
 9 State Parkway to its intersection with Everett Road (County 52);
 10 thence southerly on Everett Road (County 52) to its intersection
 11 with County Road 520; thence westerly along County Road 520 to
 12 its intersection with S. R. 34; thence southeasterly along S. R. 34
 13 to its intersection with County Road 537 at Colts Neck; thence
 14 northeasterly along County Road 537 to its intersection with the
 15 Garden State Parkway; thence southerly along the Garden State
 16 Parkway to its intersection with Spur 549; thence northwesterly
 17 along Spur 549 to its intersection with County Road 547; thence
 18 southwesterly along County Road 547 to its intersection with the
 19 tracks of the Central Railroad of New Jersey; thence south-
 19A westerly]***[*riverward (Arthur Kill) territorial jurisdiction on
 19B the east thereof, the State's]*** seaward (Raritan Bay and Atlantic
 19C ocean) territorial jurisdiction on the east thereof, the State's bay-
 19D ward (Delaware Bay) territorial jurisdiction on the south and
 19E southwest thereof, and the State's riverward (Delaware River)
 19F territorial jurisdiction on the west thereto. ***[Beginning at the
 19G confluence of Noes Creek and the Arthur Kill; thence northwesterly
 19H along the north bank of the Noes Creek to its intersection with
 19I Roosevelt Avenue; thence southwesterly along Roosevelt and Port
 19J Reading Avenues (Carteret Road) to its intersection with the New
 19K Jersey Turnpike; thence southwesterly on the New Jersey Turn-
 19L pike to its intersection with the tracks of the Penn Central R.R.;
 19M thence southeasterly along the tracks of the Penn Central R.R. to
 19N its intersection with Outerbridge Crossing; thence easterly along
 19O Outerbridge Crossing to its intersection with the tracks of the
 19P Lehigh Valley R.R.; thence southwesterly and northwesterly along
 19Q the tracks of the Lehigh Valley R.R. to its intersection with King
 19R Georges Post Road; thence southwesterly along King Georges
 19S Post Road to its intersection with U.S. 95 (SR 440); thence westerly
 19T along U.S. 95 to its intersection with Woodbridge Avenue (County
 19U 514); thence southwesterly along Woodbridge Avenue to its inter-
 19V section with the New Jersey Turnpike; thence southwesterly along
 19W the New Jersey Turnpike to its intersection with Schoolhouse
 19X Lane; thence easterly and northeasterly along Schoolhouse Lane
 19Y to its intersection with Weston Place; thence southerly and westerly
 19Z along Weston Place and Edgeboro Road to its intersection with

19AA *SR 18 and the Old Bridge-New Brunswick Turnpike (County 527);*
 19BB *thence southeasterly along the Old Bridge-New Brunswick Turn-*
 19CC *pike to its intersection with Burton Avenue; thence easterly along*
 19DD *Burton Avenue to its intersection with William Street; thence*
 19EE *southerly along William Street to its intersection with Belmont*
 19FF *Avenue; thence easterly along Belmont Avenue to its intersection*
 19GG *with Maple Avenue; thence southerly along Maple Avenue to its*
 19HH *intersection with Reid Street; thence northeasterly and south-*
 19II *easterly along Reid Street to its junction with Ferry Street;*
 19JJ *thence southeasterly along Ferry Street to its junction with*
 19KK *Whitehead Avenue; thence southeasterly along Whitehead*
 19LL *Avenue to its junction with River Street; thence southerly along*
 19MM *River Street to its intersection with Main Street (Bordentown*
 19NN *and Spotswood Turnpike); thence southwesterly along Main*
 19OO *Street to its intersection with SR 18; thence southeasterly along*
 19PP *SR 18 to its intersection with Matawan Road (County 516); thence*
 19QQ *easterly along Matawan Road to its intersection with Jake Brown*
 19RR *Road; thence northerly and easterly along Jake Brown Road to*
 19SS *its intersection with Cheesequake Browntown Road; thence*
 19TT *northerly along Cheesequake Browntown Road to its intersection*
 19UU *with SR 34 and U.S. 9; thence southerly along SR 34 to its inter-*
 19VV *section with Washington Avenue; thence easterly and south-*
 19WW *easterly along Washington Avenue to its intersection with Euclid*
 19XX *Road; thence southeasterly along Euclid Road to its intersection*
 19YY *with the Road to Steamboat Landing; thence southwesterly along*
 20 *the Road to Steamboat Landing to its intersection with SR 34;*
 20A *thence easterly along SR 34 to its intersection with Morristown*
 20B *Road (Cheesequake Road); thence easterly and northeasterly along*
 20C *Morristown Road to its intersection with Gordon Road and Cliff-*
 20D *wood Avenue; thence northeasterly along Clifford Avenue to*
 20E *its**** **Tract I: Beginning at the bayward (Raritan Bay) point
 20F *of the boundary between Middlesex and Monmouth counties; thence*
 20G *southwesterly along the boundary line between Middlesex and*
 20H *Monmouth counties to its**** *intersection with the Garden State*
 20I *Parkway; thence southeasterly along the Garden State Parkway*
 20J *to Exit 117 at State Highway 36; thence northeasterly along State*
 20K *Highway 36 to the intersection of Middle Road (County 516);*
 20L *thence easterly along Middle Road to the intersection of Palmer*
 20M *Avenue (County 7); thence northeasterly on Main Street to the*
 20N *intersection of State Highway 36; thence easterly on State High-*
 20O *way 36 to the intersection of Navesink Avenue; thence southerly on*
 20P *Navesink Avenue to the intersection of Monmouth Avenue at*

20Q *Navesink; thence westerly on Monmouth Avenue to its intersection*
 20R *with Browns Dock Road; thence southerly on Browns Dock Road*
 20S *to its intersection with Cooper Road; thence southwesterly on*
 20T *Cooper Road to the intersection of State Highway 35; thence*
 20U *southerly on State Highway 35 to its intersection with State High-*
 20V *way 71; thence southeasterly on State Highway 71 to its crossing*
 20W *of the Central Railroad of New Jersey tracks; thence southerly*
 20X *along the Central Railroad of New Jersey tracks to its intersection*
 20Y *of 6th Avenue (County 2); thence westerly on 6th Avenue (County*
 20Z *2) to the intersection of State Highway 33; thence westerly along*
 21A *State Highway 33 to the crossing of State Highway 18; thence*
 21B *southerly on State Highway 18 to its intersection of Marconi Road;*
 21C *thence southeasterly on Marconi Road to Adrienne Road, continu-*
 21D *ing south on Adrienne Road to Belmar Boulevard; thence easterly*
 21E *on Belmar Boulevard and 16th Avenue to the intersection of State*
 21F *Highway 71; thence southerly on State Highway 71 to the intersec-*
 21G *tion of State Highway 35; thence northwesterly along State High-*
 21H *way 35 to State Highway 34 at the Brielle Circle; thence north-*
 21I *westerly along State Highway 34 to the Garden State Parkway at*
 21J *Exit 96; thence southwesterly along the Garden State Parkway to*
 21K *the intersection of the Monmouth, Ocean County boundary; thence*
 21L *westerly along said boundary to the intersection of the Central*
 21M *Railroad of New Jersey tracks; thence southwesterly* along*
 21N *the tracks of the Central Railroad of New Jersey to its junc-*
 21O *tion with the tracks of the Pennsylvania Railroad near Whiting;*
 22 *thence easterly along the tracks of the Pennsylvania Railroad to its*
 23 *intersection with the Garden State Parkway near South Toms*
 24 *River; thence southerly along the Garden State Parkway to its*
 25 *intersection with County Road 539 at Garden State Parkway exit*
 26 *58; thence northerly along County Road 539 to its intersection with*
 27 *Martha-Stafford Forge Road; thence westerly along Martha-*
 28 *Stafford Forge Road to its intersection with Spur 563; thence*
 29 *northerly along Spur 563 to its intersection with County Road 563;*
 30 *thence southerly along County Road 563 to its intersection with*
 31 *County Road 542 at Green Bank; thence northwesterly along County*
 32 *Road 542 to its intersection with Weekstown-Pleasant Mills road;*
 33 *thence southeasterly along Weekstown-Pleasant Mills Road to its*
 34 *intersection with County Road 563 at Weekstown; thence south-*
 35 *easterly along County Road 563 to its intersection with Clarks*
 36 *Landing Road leading to Port Republic; thence easterly along*
 37 *Clarks Landing Road to its intersection with the Garden State*
 38 *Parkway; thence southerly along the Garden State Parkway to its*

39 intersection with Alt. 559, and thence northwesterly along Alt. 559
 40 to its intersection with ***[County Road 559 at Gravelly Run;
 41 thence northwesterly along County Road 559 to its intersection with
 42 U. S. 40 and S. R. 50 at Mays Landing; thence westerly along com-
 43 bined U. S. 40 and S. R. 50 to its intersection with S. R. 50;]***
 44 ***Route 51; thence southwesterly along Route 51 to Jeffers Land-
 45 ing; thence northwesterly generally following the line of the Great
 46 Egg Harbor River to the confluence of its westerly and easterly
 47 branches; thence following its westerly branch to its intersection
 48 with S. R. 50 south of Mays Landing*** thence southerly on S. R.
 49 50 to its intersection with ***[Buck Hill Road near Buck Hill;
 50 thence westerly along Buck Hill (River Road) Road to its inter-
 51 section with S. R. 49; thence southerly along S. R. 49 to its
 52 intersection with County Road 585; thence southwesterly along
 53 County Road 585 to its intersection with S. R. 47 at Dennis-
 54 ville;]*** ***the Garden State Parkway (Exit 20S); thence south-
 55 westerly along the Garden State Parkway to the Cape May Canal;
 56 thence westerly along the Cape May Canal to the Delaware Bay.
 57 Tract II: Beginning on the Delaware Bay at the mouth of Dennis
 58 Creek; thence northeasterly along Dennis Creek to S. R. 47;***
 59 thence northwesterly along S. R. 47 to its intersection with County
 60 Road 78; thence northerly along County Road 78 to its intersection
 61 with County Road 548***; thence south on County Road 548 to its
 62 intersection with County Road 15; thence westerly along County
 63 Road 15 to*** ***[and to its intersection of County Road 46;
 64 thence to the intersection with the tracks of the Pennsylvania-Read-
 65 ing Seashore Lines; thence northwesterly along the tracks of the
 66 Pennsylvania-Reading Seashore Lines to its intersection with S. R.
 67 49 at Millville; thence through Millville along S. R. 49 to its inter-
 67A section with County Road 555; thence southerly along County Road
 67B 555 to its intersection with County Road 27; thence southerly along
 67C County Road 27 to its intersection with County Road 70; thence
 67D southerly on County Road 70 to the Center of]*** Mauricetown;
 67E thence through Mauricetown westerly on County Road 548 to its
 67F intersection with the tracks of the Central Railroad of New Jersey;
 67G thence northwesterly on the tracks of the Central Railroad of New
 67H Jersey to its intersection with County Road 98; thence ***westerly
 67I along the course of the Cohansey River to the Delaware.***
 67J ***[easterly along County Road 98 to the intersection with County
 67K Road 38; thence northerly along County Road 38 to its intersection
 67L with S. R. 49 east of Bridgeton; thence westerly along S. R. 49
 67M through Bridgeton to its intersection with County Road 5;

67N ******[thence westerly along County Road 5 to]****** ******(Roads-
68 town Road); thence westerly along S. R. 49 through
68A Bridgeton to its intersection with County Road 5 (Roads-
68B town Road); thence westerly along County Road 5
68C (Roadstown Road) to Roadstown; thence northwesterly along
68D the Roadstown Road to the first unnamed road intersection;
68E thence southwesterly along the first unnamed road to its intersec-
68F tion with Canton Road; thence along Canton Road northwesterly to
68G Gum Tree Corner; thence northwesterly along Canton Road from
68H Gum Tree Corner across Stowe Creek to its intersection with
68I County Road 59 (Hancock's Bridge Road); thence northwesterly
68J along County Road 59 to its intersection with County Road 51 at
68K Coopers Branch; thence northeasterly along County Road 51 to its
68L intersection with S. R. 49 at Quinton; thence northwesterly along
68M S. R. 49 to its intersection with County Road 50; thence southwest-
68N erly along County Road 50 to its intersection with County Road 58;
68O thence southerly on County Road 58 to its intersection with County
68P Road 24; thence westerly along County Road 24 to its intersection
68Q with County Road 65; thence northerly along County
68R Road 65 (Walnut Street) to its intersection with Route 4;
68S thence westerly along Route 4 and northerly along Route 4
68T and thence easterly along Route 4 to its intersection with
68U Route 49; thence northerly along Route 49 (Front Street)
68V to its intersection with Route 57; thence easterly along
68W Route 57 to its intersection with Route 45; thence northerly along
68X Route 45 to its intersection with County Road 540 at Pointers;
68y-z thence northerly and northwesterly along County Road 540 (Deep-
69 water-Slapes Corner Road) to its intersection with the New Jersey
69A Turnpike; thence westerly along the New Jersey Turnpike to its
69B intersection with County Road 33; thence southerly along County
69C Road 33 to its intersection with S.R. 49; thence southeasterly along
69D S. R. 49 to its intersection with County Road 26; thence northwest-
69E erly along County Road 26 to the Killcohook National Wildlife
69F Refuge; thence northwesterly along this northeasterly boundary to
69G the limits of the State's territorial jurisdiction on the Dela-
69H ware River.******]******* ******[Roadstown; thence northerly on County Road
69I 20 to its intersection with S. R. 49 at Shiloh; thence northwesterly
70 on S. R. 49 to Burdens Hill; thence northerly along unnamed road
71 to its intersection with County Road 581; thence northeasterly along
72 County Road 581 through Alloway to its intersection with County
73 Road 3; thence northerly on County Road 3 to the intersection with
74 the tracks of the Pennsylvania-Reading Seashore Lines; thence
75 northerly along the tracks of the Pennsylvania-Reading Seashore

76 Lines east of Woodstown to its intersection with County Road 551
 77 southwest of Swedesboro; thence northeasterly along County Road
 78 551 through Mickleton, Clarksboro, and Mt. Royal to its intersection
 79 with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45
 80 to its intersection with U. S. 130 at Westville; thence northerly
 81 through Westville on U. S. 130 to the intersection with County
 82 Road 551; thence northerly along County Road 551 (Broadway)
 83 through Gloucester and Camden to its intersection in Camden with
 84 County Road 537 (Federal Street); thence easterly along County
 85 Road 537 through Camden to its intersection with County Road 543
 86 (River Avenue); thence northerly along County Road 543 to its
 87 intersection with S. R. 73; thence southeasterly along S. R. 73 to its
 88 intersection with U. S. 130; thence northeasterly along U. S. 130 to
 89 its intersection with U. S. 206 at Bordentown; thence northerly
 90 along U. S. 206 at Bordentown to its intersection with County Roads
 91 533 and 524 at White Horse; thence northerly along U. S. 206
 92 (Broad Street) to its intersection of U. S. 206 (Broad Street) with
 93 Lalor Street in Trenton; thence Westerly along Lalor Street in
 94 Trenton to its intersection with Lambertton Street in Trenton;
 95 thence northwesterly along Lambertton Street to its intersection
 96 with S. R. 29 (John Fitch Way); and thence northwesterly along
 97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1]*
 98 ***[*County Road 47; thence southwesterly on County Road 47 to*
 99 *County Road 19; thence northwesterly on County Road 19, across*
 100 *Stowe Creek, continuing on County Road 59 to County Road 58;*
 101 *thence northwesterly on County Road 58 to County Road 24; thence*
 102 *northwesterly on County Road 24 to County Road 4; thence north-*
 103 *westerly on County Road 4 to SR 49 in Salem City; thence north-*
 104 *westerly on S. R. 49 to County Road 26; thence northwesterly on*
 105 *County Road 26 to the Killcohook National Wildlife Refuge; thence*
 106 *along the northern border of Killcohook National Wildlife Refuge*
 107 *to the Delaware River.*]***

1 5. No person shall construct*[, expand or utilize]* or cause to be
 2 constructed*[, expanded or utilized]* a *[,major]* facility in the
 3 coastal *[,areas]* **area** until he has applied for and received a
 4 permit issued by the commissioner*[,]; however, this shall not apply
 5 to major facilities which were constructed or utilized as such on the
 6 effective date of this act]*.

1 6. Any person proposing to construct*[, expand or utilize]* or
 2 cause to be constructed*[, expanded or utilized a major facility]*
 3 **a facility in the coastal area** shall file an application for a permit
 4 with the commissioner, in such form and with such information as

5 the commissioner may prescribe. The application shall include an
6 environmental impact statement as described in this act.

1 7. The environmental impact statement shall provide the in-
2 formation needed to evaluate the effects of a proposed project upon
3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
6 project site and in the surrounding region which shall describe air
7 quality, water quality, water supply, hydrology, geology, soils,
8 topography, vegetation, wildlife, aquatic organisms, ecology,
9 demography, land use, aesthetics, history, and archeology; **for*
9A *housing, the inventory shall describe water quality, water supply,*
9B *hydrology, geology, soils and topography;**

10 b. A project description which shall specify what is to be done
11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within ***[30]*** **15** days of declaring the
11 application complete for filing, shall set a date for the hearing. The
12 date for the hearing shall be set not later than ***[75]*** **60** days
13 after the application is declared complete for filing.

14 ***[c.** The commissioner, within 15 days after the hearing, may re-
 15 quire an applicant to submit any additional information necessary
 16 for the complete review of the application.]*

1 9. *a.* The commissioner, or a member of the department desig-
 2 nated by him, shall hold a hearing to afford interested parties stand-
 3 ing and the opportunity to present, orally or in writing, both their
 4 position concerning the application and any data they may have
 5 developed in reference to the environmental effects of the proposed
 6 facility.

7 *b. *The commissioner, within 15 days after the hearing, may re-*
 8 *quire an applicant to submit any additional information necessary*
 9 *for the complete review of the application.**

1 10. The commissioner shall review filed applications, including the
 2 environmental impact statement and all information presented at
 3 public hearings. He shall issue a permit only if he finds that the
 4 proposed facility ***[or activity]***:

5 a. Conforms with all applicable air, water and radiation emission
 6 and effluent standards and all applicable water quality criteria and
 7 air quality standards.

8 b. ***[Air]*** *Prevents air* emissions and water effluents ***[do**
 9 not exceed]* *in excess of* the existing ***[natural]*** dilution,
 10 assimilative, and recovery capacities of the air and water environ-
 10A ments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
 12 refuse in such a manner as to minimize adverse environmental
 13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
 15 tive capacity of water aquifers or other ground or surface water
 16 supplies.

17 e. Would cause minimal feasible interference with the natural
 18 functioning of plant, animal, fish, and human life processes at the
 19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
 21 or property nor otherwise impair the public health, safety, and
 22 welfare.

23 g. Would result in minimal practicable degradation of unique or
 24 irreplaceable land types, historical or archeological areas, and exist-
 25 ing scenic and aesthetic attributes at the site and within the
 26 surrounding region.

1 11. ***[If]*** *Notwithstanding the applicant's compliance with the*
 2 *criteria listed in section 10 of this act, if* the commissioner finds
 3 that the proposed facility would violate or tend to violate the ***[pur-**

4 poses and intent of the act,] *purpose and intent of this act as
 5 specified in section 2, or if the commissioner finds that the proposed
 6 facility would materially contribute to an already serious and
 7 unacceptable level of environmental degradation or resource
 8 exhaustion,* he may *[deny the application, or he may approve
 9 the permit and impose such conditions as are necessary to promote
 10 the public safety, health and] *deny the permit application, or he
 11 may issue a permit subject to such conditions as he finds reasonably
 12 necessary to promote the public health, safety and* welfare, to
 13 protect public and private property, wildlife and marine fisheries,
 14 and to preserve, protect and enhance the natural environment.

1 12. The commissioner shall notify the applicant within *[90]*
 2 *60* days after the hearing as to the granting or denial of a permit.
 3 The reasons for granting or denying the permit shall be stated. In
 4 the event the commissioner requires additional information as pro-
 5 vided for in section *[8]* *9*, he shall notify the applicant of his
 6 decision within 90 days following the receipt of the information.

1 *13. There is hereby created the Coastal Area Review Board, in
 2 but not of the Department of Environmental Protection, which shall
 3 consist of three voting members who shall be the Commissioner
 4 of Environmental Protection or his designated representative, the
 5 Commissioner of Labor and Industry or his designated representa-
 6 tive and the Commissioner of Community Affairs or his designated
 7 representative. No vote on a permit request shall be taken unless
 8 all voting members are present.

9 The Coastal Area Review Board shall have the power to hear
 10 appeals from decisions of the commissioner pursuant to section 12.
 11 The board may affirm or reverse the decision of the commissioner
 12 with respect to applicability of any provision of this act to a pro-
 13 posed use; it may modify any permit granted by the commissioner,
 14 grant a permit denied by him, deny a permit granted by him, or
 15 confirm his grant of a permit. The board shall review filed applica-
 16 tions, including the environmental impact statement and all in-
 17 formation presented at public hearings and any other information
 18 the commissioner makes available to the board prior to the affirma-
 19 tion or reversal of a decision of the commissioner.*

1 *[13.]* *14.* In the event of rental, lease, sale or other convey-
 2 ances by an applicant to whom a permit is issued, such permit, with
 3 any conditions, shall be continued in force and shall apply to the new
 4 tenant, lessee, owner, or assignee so long as there is no change in
 5 the nature of the facility set forth in the original application.

1 *[14.]* *15.* The denial of an application shall in no way ad-
 2 versely affect the future submittal of a new application.

1 ***[15.]** The commissioner shall be authorized to prepare an environ-
 2 mental design which shall consist of an inventory of the environ-
 3 mental resources of the coastal area and their interrelationships.
 4 The commissioner shall develop from this design long-term alter-
 5 native environmental management strategies for the coastal area
 6 which promote the purposes and intent of this act.]*

1 *16. *The commissioner shall, within 2 years of the taking effect*
 2 *of this act, prepare an environmental inventory of the environ-*
 3 *mental resources of the coastal area and of the existing facilities*
 4 *and land use developments within the coastal area and an estimate*
 5 *of the capability of the various area within the coastal area to*
 6 *absorb and react to man-made stresses. The commissioner shall,*
 7 *within 3 years of the taking effect of this act, develop from this*
 8 *environmental inventory alternate long-term environmental man-*
 9 *agement strategies which take into account the paramount need*
 10 *for preserving environmental values and the legitimate need for*
 11 *economic and residential growth within the coastal area. The com-*
 12 *missioner shall, within 4 years of the taking effect of this act, select*
 13 *from the alternate environmental management strategies an en-*
 14 *vironmental design for the coastal area. The environmental design*
 15 *shall be the approved environmental management strategy for the*
 16 *coastal area and shall include a delineation of various areas appro-*
 17 *priate for the development of residential and industrial facilities*
 18 *of various types, depending on the sensitivity and fragility of the*
 19 *adjacent environment to the existence of such facilities. The en-*
 20 *vironmental inventory, the alternate long-term environmental man-*
 21 *agement strategies and the environmental design for the coastal*
 22 *area shall be presented to the Governor and the Legislature within*
 23 *the time frame indicated herein.**

1 ***[16.]** *17.* The department is hereby authorized to adopt,
 2 amend and repeal rules and regulations to effectuate the purposes
 3 of this act.

1 ***[17.]** *18.* If any person violates any of the provisions of this
 2 act, rule, regulation or order promulgated or issued pursuant to the
 3 provisions of this act, the department may institute a civil action in
 4 the Superior Court for injunctive relief to prohibit and prevent such
 5 violation or violations and said court may proceed in a summary
 6 manner. Any person who violates any of the provisions of this act,
 7 rule, regulation or order promulgated or issued pursuant to this act
 8 shall be liable to a penalty of not more than \$3,000.00 to be collected
 9 in a summary proceeding or in any case before a court of competent
 10 jurisdiction wherein injunctive relief has been requested. If the

11 violation is of a continuing nature, each day during which it con-
 12 tinues shall constitute an additional, separate and distinct offense.
 13 The department is hereby authorized and empowered to compromise
 14 and settle any claim for a penalty under this section in such amount
 15 in the discretion of the department as may appear appropriate and
 16 equitable under the circumstances.

1 ***[18.]*** *19.* The provisions of this act *shall not be regarded*
 2 *as to be in derogation of any powers now existing and* shall be
 3 regarded as supplemental and in addition to powers**[**, including
 4 municipal zoning authority,**]** conferred by other laws, **[**and shall
 5 not be regarded to be in derogation of any powers now existing,
 6 except that those areas**]** *including municipal zoning authority.*
 7 *The provisions of this act shall not apply to those portions of the*
 8 *coastal areas* regulated pursuant to enforceable orders under the
 9 Wetlands Act, C. 13:9A-1 et seq., **[**shall be exempt from com-
 10 pliance with this act.**]** *section 16 however shall apply to the entire*
 11 *area within the boundaries described herein.**

1 ***[19.]*** *20.* This act shall be liberally construed to effectuate
 2 the purpose and intent thereof.

1 ***[20.]*** *21.* If any provision of this act or the application
 2 thereof to any person or circumstances is held invalid, the re-
 3 mainder of the act and the application of such provision to persons
 4 or circumstances other than those to which it is held invalid, shall
 5 not be affected thereby.

1 ***[21.]*** *22.* There is hereby appropriated to the Department
 2 of Environmental Protection for the purposes of this act the sum
 3 of \$100,000.00.

1 ***[22.]** This act shall take effect immediately.*

1 *23. This act shall take effect 90 days from the date of enactment,
 2 except that section 22 shall take effect immediately.*

SENATE AMENDMENTS TO
ASSEMBLY, No. 1429
[CORRECTED COPY—SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 21, 1973

Amend page 8, section 4, line 20E, after “its**】**”, delete remainder of line.

Amend page 8, section 4, lines 20F-20H, delete in their entirety.

Amend page 8, section 4, line 20I, delete “Parkway;”, and insert “Beginning at the confluence of Cheesequake Creek with the Raritan Bay; thence southwesterly along the center line of Cheesequake Creek to its intersection with the Garden State Parkway;”.

Amend page 10, section 4, lines 44-47, delete in their entirety.

Amend page 10, section 4, line 48, delete “with S. R. 50 south of Mays Landing”, and insert “County Road 559 at Gravelly Run; thence northwesterly along County Road 559 to its intersection with U. S. 40 and S. R. 50 at Mays Landing; thence westerly along combined U. S. 40 and S. R. 50 to its intersection with S. R. 50;”.

Amend page 10, section 4, line 54, after “ville;**】**”, delete remainder of line.

Amend page 10, section 4, lines 55-58, delete in their entirety and insert “Buck Hill Road near Buck Hill; thence westerly along Buck Hill (River Road) Road to its intersection with S. R. 49; thence southeasterly along S. R. 49 to its intersection with S. R. 50; thence southeasterly along S. R. 50 to its intersection with County Road 585; thence southwesterly along County Road 585 to its intersection with S. R. 47 at Dennisville;”.

Amend page 10, section 4, line 59, delete “County”.

Amend page 10, section 4, lines 60-63, delete in their entirety.

Amend page 10, section 4, line 67D, before “Mauricetown”, insert “State Road 49 at Millville; thence through Millville along State Road 49 to its intersection with County Road 555; thence southerly along County Road 555 to its intersection with County Road 27; thence southerly along County Road 27 to its intersection with County Road 70; thence southerly on County Road 70 to the Center of”.

Amend page 10, section 4, line 67H, delete “westerly”.

Amend page 10, section 4, line 67I, delete in its entirety.

Amend page 12, section 4, after line 107, insert, easterly along County Road 98 to the intersection with County Road 38; thence northerly along County Road 38 to its intersection with S. R. 49 east of Bridgeton; thence westerly along S. R. 49 through Bridgeton to its intersection with County Road 5 (Roadstown Road); thence westerly along County Road 5 (Roadstown Road) to Roadstown; thence northwesterly along the Roadstown Road to County Road 47; thence southwesterly along County Road 47 to its intersection with County Road 19; thence along County Road 19 northwesterly to Gum Tree Corner; thence northwesterly along County Road 19 from Gum Tree Corner across Stowe Creek to its intersection with Salem County Road 59 (Hancock’s Bridge Road); thence northwesterly along County Road 59 to its intersection with County Road 51 at Coopers Branch; thence northeasterly along County Road 51 to its intersection with S. R. 49 at Quinton; thence northwesterly along S. R. 49 to its intersection with County Road 50; thence southwesterly along County Road 50 to its intersection with County Road 58; thence southerly on County Road 58 to its intersection with County Road 24; thence westerly along County Road 24 to its intersection with County Road 65; thence northerly along County Road 65 (Walnut Street) to its intersection with County Road 4; thence westerly along County Road 4 and northerly along County Road 4 and thence easterly along County Road 4 to its intersection with State Road 49; thence northerly along State Road 49 (Front Street) to its intersection with County Road 57; thence easterly along County Road 57 to its intersection with State Road 45; thence northerly along State Road 45 to its intersection with County Road 540 at Pointers; thence northerly and northwesterly along County Road 540 (Deepwater-Slapes Corner Road) to its intersection with the New Jersey Turnpike; thence westerly along the New Jersey Turnpike to its intersection with County Road 33; thence southerly along County Road 33 to its intersection with State Road 49; thence southeasterly along S. R. 49 to its intersection with County Road 26; thence northwesterly along County Road 26 to the Killcohook National Wildlife Refuge; thence northwesterly along this northeasterly boundary to the limits of the State’s territorial jurisdiction on the Delaware River; provided, however, that the coastal area shall not include all that certain area in Cape May County lying within a line beginning at the intersection of S. R. 47 and County Road 54; thence westerly on County Road 54 to the inter-

section of County Road 3; thence southeasterly on County Road 3 through the intersection of County Road 3 with County Road 13 to the intersection with County Road 47; thence easterly and northerly along County Road 47 to its intersection with State Road 9; thence northerly along State Road 9 to its intersection with State Road 47; thence westerly along State Road 47 to its intersection with County Road 54.”.

Amend page 12, section 5, lines 1-6, omit entire section and insert the following:

“5. No person shall construct or cause to be constructed a facility in the coastal area until he has applied for and received a permit issued by the commissioner; however, the provisions of this act shall not apply to facilities for which on-site construction, including site preparation, was in process on or prior to the effective date of this act.”.

Amend page 15, section 11, after line 14, insert “In addition, the construction and operation of a nuclear electricity generating facility shall not be approved by the commissioner unless he shall find that the proposed method for disposal of radioactive waste material to be produced or generated by such facility will be safe, conforms to standards established by the Atomic Energy Commission and will effectively remove danger to life and the environment from such waste material.”.

[SECOND SENATE REPRINT]

ASSEMBLY, No. 1429

[CORRECTED COPY SECOND OFFICIAL COPY REPRINT]

with Senate amendments adopted April 26, 1973 and

Senate amendments adopted May 21, 1973

STATE OF NEW JERSEY

INTRODUCED JULY 17, 1972

By Assemblymen KEAN, APY, MABIE, FAY and BASSANO

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT to provide for the review of ***[major]*** **certain** facilities
in the coastal area and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the “***[Major]***
2 Coastal Area ***[Facilities]*** **Facility** Review Act.”

1 ***[2.** The Legislature finds and declares that New Jersey’s coastal
2 area constitutes a unique and irreplaceable natural resource, that
3 the economy of the area and of the entire State will suffer serious
4 adverse effects if the environmental impact resulting from the
5 future location of major facilities is not carefully assessed; that
6 decisions, concerning the location of major facilities, have such
7 broad reaching impact that they should not be made solely by one
8 level of government acting unilaterally, and that, therefore, the
9 State must assist in making that necessary assessment in accord-
10 ance with the provisions of this act.

11 It is further declared that it is in the best interests of the people
12 of the State that the coastal area situated along the Atlantic ocean
13 should be dedicated principally to recreational and compatible
14 residential uses; that the coastal area situated along the Delaware
15 bay should be dedicated principally to uses compatible with con-
16 servation and the shellfish industry; that the coastal area situated
17 along the Delaware river between the Delaware Memorial Bridge
18 and the extent of tide at Trenton should be dedicated to mixed uses
19 compatible with the environment of the area, and that future loca-

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

20 tion of major facilities anywhere in the coastal area shall be care-
21 fully assessed to be assured that adverse environmental impact is
22 minimized.]*

1 *2. *The Legislature finds and declares that New Jersey's bays,*
2 *harbors, sounds, wetlands, inlets, the tidal portions of fresh, saline*
3 *or partially saline streams and tributaries and their adjoining*
4 *upland fastland drainage area nets, channels, estuaries, barrier*
5 *beaches, near shore waters and intertidal areas together constitute*
6 *an exceptional, unique, irreplaceable and delicately balanced phys-*
7 *ical, chemical and biologically acting and interacting natural en-*
8 *vironmental resource called the coastal area, that certain portions*
9 *of the coastal area are now suffering serious adverse environmental*
10 *effects resulting from existing facility activity impacts that would*
11 *preclude or tend to preclude those multiple uses which support*
12 *diversity and are in the best long-term, social, economic, aesthetic*
13 *and recreational interests of all people of the State; and that,*
14 *therefore, it is in the interest of the people of the State that all of*
15 *the coastal area should be dedicated to those kinds of land uses*
16 *which promote the public health, safety and welfare, protect public*
17 *and private property, and are reasonably consistent and compatible*
18 *with the natural laws governing the physical, chemical and bio-*
19 *logical environment of the coastal area.*

20 *It is further declared that the coastal area and the State will*
21 *suffer continuing and ever-accelerating serious adverse economic,*
22 *social and aesthetic effects unless the State assists, in accordance*
23 *with the provisions of this act, in the assessment of impacts,*
24 *stemming from the future location and kinds of facilities within*
25 *the coastal area, on the delicately balanced environment of that area.*

26 *The Legislature further recognizes the legitimate economic*
27 *aspirations of the inhabitants of the coastal area and wishes to*
28 *encourage the development of compatible land uses in order to*
29 *improve the overall economic position of the inhabitants of that*
30 *area within the framework of a comprehensive environmental*
31 *design strategy which preserves the most ecologically sensitive and*
32 *fragile area from inappropriate development and provides adequate*
33 *environmental safeguards for the construction of any facilities in*
34 *the coastal area.**

1 3. For the purposes of this act, unless the context clearly requires
2 a different meaning, the following words shall have the following
3 meanings:

4 a. "Commissioner" means the State Commissioner of Environ-
5 mental Protection.

- 6 b. "Department" means the State Department of Environmental
7 Protection.
- 8 c. *["Major facility"]* *"*Facility*"* includes any of the facili-
9 ties designed or utilized for the following purposes:
- 10 (1) Electric power generation—
11 Oil, gas, or coal fired or any combination thereof.
12 Nuclear facilities.
- 13-14 (2) Food and food byproducts—
15 Beer, whiskey and wine production.
16 Fish processing, including the production of fish meal and fish oil.
17 Slaughtering, blanching, cooking, curing, and pickling of meats
18 and poultry.
19 Trimming, culling, juicing, and blanching of fruits and vege-
19A tables.
20 Animal matter rendering plants.
21 Operations directly related to the production of leather or furs
22 such as, but not limited to, unhairing, soaking, deliming, baiting,
23 and tanning.
24 Curing and pickling of fruits and vegetables.
25 Pasteurization, homogenization, condensation, and evaporation
26 of milk and cream to produce cheeses, sour milk, and related
27 products.
28 Coffee bean and cocoa bean roasting.
- 29 (3) Incineration wastes—
30 Municipal wastes (larger than or equal to 50 tons per day).
31 Automobile body (20 automobiles per hour or larger).
- 32 (4) Paper production—
33 Pulp mills.
34 Paper mills.
35 Paperboard mills.
36 Building paper mills.
37 Building board mills.
- 38 (5) Public facilities **and housing**—
39 Sanitary landfills.
40 Waste treatment plants (sanitary sewage).
41 Road, airport, or highway construction.
42 New housing developments of 25 or more dwelling units or
43 equivalent.
44 Expansion of existing developments*[, wherever present, or
45 future development plans projects by the construction]* **by the*
46 *addition** of 25 or more dwelling units or equivalent.

47 ***[Any subdivision of parcels of land in sections 5.4 and 5.5 for**
 48 **residential or any other purpose.]***

49 (6) Agri-chemical production—

50 Pesticides manufacture and formulation operations or either
 51 thereof.

52 Superphosphate animal feed supplement manufacture.

53 Production of normal superphosphate.

54 Production of triple superphosphate.

55 Production of diammonium phosphate.

56 (7) Inorganic acids and salts manufacture—

57 Hydrofluoric acid and common salts.

58 Hydrochloric acid and common salts.

59 Nitric acid and common salts.

60 Sulfuric acid and common salts.

61 Phosphoric acid and common salts.

62 Chromic acid, including chromate and dichromate salts.

63 (8) Mineral products—

64 Asphalt batching and roofing operations including the prepara-
 65 tion of bituminous concrete and concrete.

66 Cement production, including Portland, natural, masonry, and
 67 pozzolan cements.

68 Coal cleaning.

69 Clay, clay mining, and fly-ash sintering.

70 Calcium carbide production.

71 Stone, rock, gravel, and sand quarrying and processing.

72 Frit and glass production.

73 Fiberglass production.

74 Slag, rock and glass wool production (mineral wool).

75 Lime production, including quarrying.

76 Gypsum production, including quarrying.

77 Perlite manufacturing, including quarrying.

78 Asbestos fiber production.

79 (9) Chemical processes—

80 Ammonia manufacture.

81 Chlorine manufacture.

82 Caustic soda production.

83 Carbon black and charcoal production, including channel, furnace,
 84 and thermal processes.

85 Varnish, paint, lacquer, enamel, organic solvent, and inorganic or
 86 organic pigment manufacturing or formulating.

- 87 Synthetic resins or plastics manufacture including, but not
88 limited to, alkyd resins, polyethylene, fluorocarbons, polypropylene,
89 and polyvinylchloride.
- 90 Sodium carbonate manufacture.
- 91 Synthetic fibers production including, but not limited to, semi-
92 synthetics such as viscose, rayon, and acetate, and true synthetics
93 such as, but not limited to, nylon, orlon, and dacron, and the dyeing
94 of these semi and true synthetics.
- 95 Synthetic rubber manufacture, including but not limited to,
96 butadiene and styrene copolymers, and the reclamation of synthetic
97 or natural rubbers.
- 98 The production of high and low explosives such as, but not limited
99 to, TNT and nitrocellulose.
- 100 Soap and detergent manufacturing, including but not limited to,
101 those synthetic detergents prepared from fatty alcohols or linear
102 alkylate.
- 103 Elemental sulfur recovery plants not on the premises where
104 petroleum refining occurs.
- 105 Used motor or other oil or related petroleum product reclamation
106 operations.
- 107 Petroleum refining, including but not limited to, distillation, crack-
108 ing, reforming, treating, blending, polymerization, isomerization,
109 alkylation, and elemental sulfur recovery operations.
- 110 Organic dye and dye intermediate manufacturing.
- 111 Hydrogen cyanide or cyanide salts manufacture or use.
- 112 Glue manufacturing operations.
- 113 Manufacturing, fabricating, or processing medicinal and phar-
114 maceutical products including the grading, grinding, or milling of
115 botanicals.
- 116 (10) Storage—
- 117 Bulk storage, handling, and transfer facilities for crude oil*, *gas**
118 and finished petroleum products not on the premises where petro-
119 leum refining occurs.
- 120 Bulk storage, handling, transfer and manufacturing facilities of
121 gas manufactured from inorganic and organic materials including
122 coal gas, coke oven gas, water gas, producer, and oil gases.
- 123 (11) Metallurgical processes—
- 124 Production of aluminum oxide and aluminum metal and all com-
125 mon alloys, such as those with copper, magnesium, and silicon.
- 126 Production of titanium metal, salts, and oxides.
- 127 Metallurgical coke, petroleum coke, and byproduct coke manu-
128 facturing.

19T along U.S. 95 to its intersection with Woodbridge Avenue (County
 19U 514); thence southwesterly along Woodbridge Avenue to its inter-
 19V section with the New Jersey Turnpike; thence southwesterly along
 19W the New Jersey Turnpike to its intersection with Schoolhouse
 19X Lane; thence easterly and northeasterly along Schoolhouse Lane
 19Y to its intersection with Weston Place; thence southerly and westerly
 19Z along Weston Place and Edgeboro Road to its intersection with
 19AA SR 18 and the Old Bridge-New Brunswick Turnpike (County 527);
 19BB thence southeasterly along the Old Bridge-New Brunswick Turn-
 19CC pike to its intersection with Burton Avenue; thence easterly along
 19DD Burton Avenue to its intersection with William Street; thence
 19EE southerly along William Street to its intersection with Belmont
 19FF Avenue; thence easterly along Belmont Avenue to its intersection
 19GG with Maple Avenue; thence southerly along Maple Avenue to its
 19HH intersection with Reid Street; thence northeasterly and south-
 19II easterly along Reid Street to its junction with Ferry Street;
 19JJ thence southeasterly along Ferry Street to its junction with
 19KK Whitehead Avenue; thence southeasterly along Whitehead
 19LL Avenue to its junction with River Street; thence southerly along
 19MM River Street to its intersection with Main Street (Bordentown
 19NN and Spotswood Turnpike); thence southwesterly along Main
 19OO Street to its intersection with SR 18; thence southeasterly along
 19PP SR 18 to its intersection with Matawan Road (County 516); thence
 19QQ easterly along Matawan Road to its intersection with Jake Brown
 19RR Road; thence northerly and easterly along Jake Brown Road to
 19SS its intersection with Cheesequake Browntown Road; thence
 19TT northerly along Cheesequake Browntown Road to its intersection
 19UU with SR 34 and U.S. 9; thence southerly along SR 34 to its inter-
 19VV section with Washington Avenue; thence easterly and south-
 19WW easterly along Washington Avenue to its intersection with Euclid
 19XX Road; thence southeasterly along Euclid Road to its intersection
 19YY with the Road to Steamboat Landing; thence southwesterly along
 20 the Road to Steamboat Landing to its intersection with SR 34;
 20A thence easterly along SR 34 to its intersection with Morristown
 20B Road (Cheesequake Road); thence easterly and northeasterly along
 20C Morristown Road to its intersection with Gordon Road and Cliff-
 20D wood Avenue; thence northeasterly along Clifford Avenue to its]***
 20E ***[***Tract I: Beginning at the bayward (Raritan Bay) point
 20F of the boundary between Middlesex and Monmouth counties; thence
 20G southwesterly along the boundary line between Middlesex and
 20H Monmouth counties to its*** intersection with the Garden State
 20I Parkway;]*** ***Beginning at the confluence of Cheesequake

20I-A *Creek with the Raritan Bay; thence southwesterly along the cen-*
 20I-B *ter line of Cheesequake Creek to its intersection with the Garden*
 20I-C *State Parkway;*** thence southeasterly along the Garden State*
 20J *Parkway to Exit 117 at State Highway 36; thence northeasterly*
 20K *along State Highway 36 to the intersection of Middle Road (County*
 20L *516); thence easterly along Middle Road to the intersection of*
 20M *Palmer Avenue (County 7); thence northeasterly on Main Street*
 20N *to the intersection of State Highway 36; thence easterly on State*
 20O *Highway 36 to the intersection of Navesink Avenue; thence south-*
 20P *erly on Navesink Avenue to the intersection of Monmouth Avenue at*
 20Q *Navesink; thence westerly on Monmouth Avenue to its intersection*
 20R *with Browns Dock Road; thence southerly on Browns Dock Road*
 20S *to its intersection with Cooper Road; thence southwesterly on*
 20T *Cooper Road to the intersection of State Highway 35; thence*
 20U *southerly on State Highway 35 to its intersection with State High-*
 20V *way 71; thence southeasterly on State Highway 71 to its crossing*
 20W *of the Central Railroad of New Jersey tracks; thence southerly*
 20X *along the Central Railroad of New Jersey tracks to its intersection*
 20Y *of 6th Avenue (County 2); thence westerly on 6th Avenue (County*
 20Z *2) to the intersection of State Highway 33; thence westerly along*
 21A *State Highway 33 to the crossing of State Highway 18; thence*
 21B *southerly on State Highway 18 to its intersection of Marconi Road;*
 21C *thence southeasterly on Marconi Road to Adrienne Road, continu-*
 21D *ing south on Adrienne Road to Belmar Boulevard; thence easterly*
 21E *on Belmar Boulevard and 16th Avenue to the intersection of State*
 21F *Highway 71; thence southerly on State Highway 71 to the intersec-*
 21G *tion of State Highway 35; thence northwesterly along State High-*
 21H *way 35 to State Highway 34 at the Brielle Circle; thence north-*
 21I *westerly along State Highway 34 to the Garden State Parkway at*
 21J *Exit 96; thence southwesterly along the Garden State Parkway to*
 21K *the intersection of the Monmouth, Ocean County boundary; thence*
 21L *westerly along said boundary to the intersection of the Central*
 21M *Railroad of New Jersey tracks; thence southwesterly* along*
 21N *the tracks of the Central Railroad of New Jersey to its junc-*
 21O *tion with the tracks of the Pennsylvania Railroad near Whiting;*
 22 *thence easterly along the tracks of the Pennsylvania Railroad to its*
 23 *intersection with the Garden State Parkway near South Toms*
 24 *River; thence southerly along the Garden State Parkway to its*
 25 *intersection with County Road 539 at Garden State Parkway exit*
 26 *58; thence northerly along County Road 539 to its intersection with*
 27 *Martha-Stafford Forge Road; thence westerly along Martha-*
 28 *Stafford Forge Road to its intersection with Spur 563; thence*
 29 *northerly along Spur 563 to its intersection with County Road 563;*

30 thence southerly along County Road 563 to its intersection with
 31 County Road 542 at Green Bank; thence northwesterly along County
 32 Road 542 to its intersection with Weekstown-Pleasant Mills road;
 33 thence southeasterly along Weekstown-Pleasant Mills Road to its
 34 intersection with County Road 563 at Weekstown; thence south-
 35 easterly along County Road 563 to its intersection with Clarks
 36 Landing Road leading to Port Republic; thence easterly along
 37 Clarks Landing Road to its intersection with the Garden State
 38 Parkway; thence southerly along the Garden State Parkway to its
 39 intersection with Alt. 559, and thence northwesterly along Alt. 559
 40 to its intersection with ***[County Road 559 at Gravelly Run;
 41 thence northwesterly along County Road 559 to its intersection with
 42 U. S. 40 and S. R. 50 at Mays Landing; thence westerly along com-
 43 bined U. S. 40 and S. R. 50 to its intersection with S. R. 50;]***
 44 ***[***Route 51; thence southwesterly along Route 51 to Jeffers
 45 Landing; thence northwesterly generally following the line of the
 46 Great Egg Harbor River to the confluence of its westerly and east-
 47 erly branches; thence following its westerly branch to its inter-
 48 section with S. R. 50 south of Mays Landing***]*** ***County
 49 Road 559 at Gravelly Run; thence northwesterly along County Road
 50 559 to its intersection with U. S. 40 and S. R. 50 at Mays Landing;
 51 thence westerly along combined U. S. 40 and S. R. 50 to its inter-
 52 section with S. R. 50;*** thence southerly on S. R. 50 to its inter-
 53 section with ***[Buck Hill Road near Buck Hill; thence westerly
 54 along Buck Hill (River Road) Road to its intersection with S. R.
 55 49; thence southerly along S. R. 49 to its intersection with County
 56 Road 585; thence southwesterly along County Road 585 to its
 57 intersection with S. R. 47 at Dennisville;]*** ***[***the Garden
 58 State Parkway (Exit 20S); thence southwesterly along the Garden
 59 State Parkway to the Cape May Canal; thence westerly along the
 60 Cape May Canal to the Delaware Bay. Tract II: Beginning on
 61 the Delaware Bay at the mouth of Dennis Creek; thence north-
 62 easterly along Dennis Creek to S. R. 47;***]*** ***Buck Hill Road
 63 near Buck Hill; thence westerly along Buck Hill (River
 64 Road) Road to its intersection with S. R. 49; thence south-
 65 easterly along S. R. 49 to its intersection with S. R. 50; thence
 65A southeasterly along S. R. 50 to its intersection with County
 66 Road 585; thence southwesterly along County Road 585 to
 66A its intersection with S. R. 47 at Dennisville;*** thence north-
 66B westerly along S. R. 47 to its intersection with ***[County Road
 66C 78; thence northerly along County Road 78 to its intersection with
 66D County Road 548***; thence south on County Road 548 to its inter-
 66E section with County Road 15; thence westerly along County Road
 66F 15 to***]*** ***[and to its intersection of County Road 46; thence

66G to the intersection with the tracks of the Pennsylvania-Reading
 66H Seashore Lines; thence northwesterly along the tracks of the
 66I Pennsylvania-Reading Seashore Lines to its intersection with S. R.
 67 49 at Millville; thence through Millville along S. R. 49 to its inter-
 67A section with County Road 555; thence southerly along County Road
 67B 555 to its intersection with County Road 27; thence southerly along
 67C County Road 27 to its intersection with County Road 70; thence
 67D southerly on County Road 70 to the Center of ***** State Road**
 67E 49 at Millville; thence through Millville along State Road 49 to
 67F its intersection with County Road 555; thence southerly along
 67G County Road 555 to its intersection with County Road 27; thence
 67H southerly along County Road 27 to its intersection with County
 67I Road 70; thence southerly on County Road 70 to the Center of ***
 67J Mauricetown; thence through Mauricetown westerly on County
 67K Road 548 to its intersection with the tracks of the Central Railroad
 67L of New Jersey; thence northwesterly on the tracks of the Central
 67M Railroad of New Jersey to its intersection with County Road 98;
 67N thence ***** [*** westerly along the course of the Cohansey River to**
 67O *the Delaware. ***] ***** [easterly along County Road 98 to the**
 67P intersection with County Road 38; thence northerly along County
 67Q Road 38 to its intersection with S. R. 49 east of Bridgeton; thence
 67R westerly along S. R. 49 through Bridgeton to its intersection with
 67S County Road 5; **** [thence westerly along County Road 5 to]****
 68 ****(Roadstown Road); thence westerly along S. R. 49 through**
 68A *Bridgeton to its intersection with County Road 5 (Roads-*
 68B *town Road); thence westerly along County Road 5*
 68C *(Roadstown Road) to Roadstown; thence northwesterly along*
 68D *the Roadstown Road to the first unnamed road intersection;*
 68E *thence southwesterly along the first unnamed road to its intersec-*
 68F *tion with Canton Road; thence along Canton Road northwesterly to*
 68G *Gum Tree Corner; thence northwesterly along Canton Road from*
 68H *Gum Tree Corner across Stowe Creek to its intersection with*
 68I *County Road 59 (Hancock's Bridge Road); thence northwesterly*
 68J *along County Road 59 to its intersection with County Road 51 at*
 68K *Coopers Branch; thence northeasterly along County Road 51 to its*
 68L *intersection with S. R. 49 at Quinton; thence northwesterly along*
 68M *S. R. 49 to its intersection with County Road 50; thence southwest-*
 68N *erly along County Road 50 to its intersection with County Road 58;*
 68O *thence southerly on County Road 58 to its intersection with County*
 68P *Road 24; thence westerly along County Road 24 to its intersection*
 68Q *with County Road 65; thence northerly along County*
 68R *Road 65 (Walnut Street) to its intersection with Route 4;*
 68S *thence westerly along Route 4 and northerly along Route 4**

68T *and thence easterly along Route 4 to its intersection with*
 68U *Route 49; thence northerly along Route 49 (Front Street)*
 68V *to its intersection with Route 57; thence easterly along*
 68W *Route 57 to its intersection with Route 45; thence northerly along*
 68X *Route 45 to its intersection with County Road 540 at Pointers;*
 68Y-Z *thence northerly and northwesterly along County Road 540 (Deep-*
 69 *water-Slapes Corner Road) to its intersection with the New Jersey*
 69A *Turnpike; thence westerly along the New Jersey Turnpike to its*
 69B *intersection with County Road 33; thence southerly along County*
 69C *Road 33 to its intersection with S.R. 49; thence southeasterly along*
 69D *S. R. 49 to its intersection with County Road 26; thence northwest-*
 69E *erly along County Road 26 to the Killcohook National Wildlife*
 69F *Refuge; thence northwesterly along this northeasterly boundary to*
 69G *the limits of the State's territorial jurisdiction on the Dela-*
 69H *ware River.**】*** *【Roadstown; thence northerly on County Road*
 69I *20 to its intersection with S. R. 49 at Shiloh; thence northwesterly*
 70 *on S. R. 49 to Burdens Hill; thence northerly along unnamed road*
 71 *to its intersection with County Road 581; thence northeasterly along*
 72 *County Road 581 through Alloway to its intersection with County*
 73 *Road 3; thence northerly on County Road 3 to the intersection with*
 74 *the tracks of the Pennsylvania-Reading Seashore Lines; thence*
 75 *northerly along the tracks of the Pennsylvania-Reading Seashore*
 76 *Lines east of Woodstown to its intersection with County Road 551*
 77 *southwest of Swedesboro; thence northeasterly along County Road*
 78 *551 through Mickleton, Clarksboro, and Mt. Royal to its intersection*
 79 *with S. R. 45 at Woodbury; thence through Woodbury on S. R. 45*
 80 *to its intersection with U. S. 130 at Westville; thence northerly*
 81 *through Westville on U. S. 130 to the intersection with County*
 82 *Road 551; thence northerly along County Road 551 (Broadway)*
 83 *through Gloucester and Camden to its intersection in Camden with*
 84 *County Road 537 (Federal Street); thence easterly along County*
 85 *Road 537 through Camden to its intersection with County Road 543*
 86 *(River Avenue); thence northerly along County Road 543 to its*
 87 *intersection with S. R. 73; thence southeasterly along S. R. 73 to its*
 88 *intersection with U. S. 130; thence northeasterly along U. S. 130 to*
 89 *its intersection with U. S. 206 at Bordentown; thence northerly*
 90 *along U. S. 206 at Bordentown to its intersection with County Roads*
 91 *533 and 524 at White Horse; thence northerly along U. S. 206*
 92 *(Broad Street) to its intersection of U. S. 206 (Broad Street) with*
 93 *Lalor Street in Trenton; thence Westerly along Lalor Street in*
 94 *Trenton to its intersection with Lambertton Street in Trenton;*
 95 *thence northwesterly along Lambertton Street to its intersection*
 96 *with S. R. 29 (John Fitch Way); and thence northwesterly along*

97 S. R. 29 (John Fitch Way) to its intersection with U. S. 1]*
98 **[*County Road 47; thence southwesterly on County Road 47 to
99 County Road 19; thence northwesterly on County Road 19, across
100 Stowe Creek, continuing on County Road 59 to County Road 58;
101 thence northwesterly on County Road 58 to County Road 24; thence
102 northwesterly on County Road 24 to County Road 4; thence north-
103 westerly on County Road 4 to SR 49 in Salem City; thence north-
104 westerly on S. R. 49 to County Road 26; thence northwesterly on
105 County Road 26 to the Killcohook National Wildlife Refuge; thence
106 along the northern border of Killcohook National Wildlife Refuge
107 to the Delaware River.*]** ***easterly along County Road 98 to
108 the intersection with County Road 38; thence northerly along
109 County Road 38 to its intersection with S. R. 49 east of Bridgeton;
110 thence westerly along S. R. 49 through Bridgeton to its inter-
111 section with County Road 5 (Roadstown Road); thence westerly
112 along County Road 5 (Roadstown Road) to Roadstown; thence
113 northwesterly along the Roadstown Road to County Road 47;
114 thence southwesterly along County Road 47 to its intersection
115 with County Road 19; thence along County Road 19 northwesterly
116 to Gum Tree Corner; thence northwesterly along County Road 19
117 from Gum Tree Corner across Stowe Creek to its intersection with
118 Salem County Road 59 (Hancock's Bridge Road); thence north-
119 westerly along County Road 59 to its intersection with County
120 Road 51 at Coopers Branch; thence northeasterly along County
121 Road 51 to its intersection with S. R. 49 at Quinton; thence north-
122 westerly along S. R. 49 to its intersection with County Road 50;
123 thence southwesterly along County Road 50 to its intersection with
124 County Road 58; thence southerly on County Road 58 to its inter-
125 section with County Road 24; thence westerly along County Road
126 24 to its intersection with County Road 65; thence northerly along
127 County Road 65 (Walnut Street) to its intersection with County
128 Road 4; thence westerly along County Road 4 and northerly along
129 County Road 4 and thence easterly along County Road 4 to its
130 intersection with State Road 49; thence northerly along State Road
131 49 (Front Street) to its intersection with County Road 57; thence
132 easterly along County Road 57 to its intersection with State Road
133 45; thence northerly along State Road 45 to its intersection with
134 County Road 540 at Pointers; thence northerly and northwesterly
135 along County Road 540 (Deepwater-Slapes Corner Road) to its
136 intersection with the New Jersey Turnpike; thence westerly along
137 the New Jersey Turnpike to its intersection with County Road 33;
138 thence southerly along County Road 33 to its intersection with
139 State Road 49; thence southeasterly along S. R. 49 to its inter-

140 section with County Road 26; thence northwesterly along County
 141 Road 26 to the Killcohook National Wildlife Refuge; thence north-
 142 westerly along this northeasterly boundary to the limits of the
 143 State's territorial jurisdiction on the Delaware River; provided,
 144 however, that the coastal area shall not include all that certain
 145 area in Cape May County lying within a line beginning at the inter-
 146 section of S. R. 47 and County Road 54; thence westerly on County
 147 Road 54; to the intersection of County Road 3; thence southeasterly
 148 on County Road 3 through the intersection of County Road 3 with
 149 County Road 13 to the intersection with County Road 47; thence
 150 easterly and northerly along County Road 47 to its intersection
 151 with State Road 9; thence northerly along State Road 9 to its
 152 intersection with State Road 47; thence westerly along State Road
 153 47 to its intersection with County Road 54.***

1 ***[5. No person shall construct*[, expand or utilize]* or cause
 2 to be constructed*[, expanded or utilized]* a *[major]* facility
 3 in the coastal *[areas]* *area* until he has applied for and received
 4 a permit issued by the commissioner*[; however, this shall not
 5 apply to major facilities which were constructed or utilized as such
 6 on the effective date of this act]*.***

1 ***5. No person shall construct or cause to be constructed a
 2 facility in the coastal area until he has applied for and received
 3 a permit issued by the commissioner; however, the provisions of
 4 this act shall not apply to facilities for which on-site construction,
 5 including site preparation, was in process on or prior to the effective
 6 date of this act.***

1 6. Any person proposing to construct*[, expand or utilize]* or
 2 cause to be constructed*[, expanded or utilized a major facility]*
 3 *a facility in the coastal area* shall file an application for a permit
 4 with the commissioner, in such form and with such information as
 5 the commissioner may prescribe. The application shall include an
 6 environmental impact statement as described in this act.

1 7. The environmental impact statement shall provide the in-
 2 formation needed to evaluate the effects of a proposed project upon
 3 the environment of the coastal area.

4 The statement shall include:

5 a. An inventory of existing environmental conditions at the
 6 project site and in the surrounding region which shall describe air
 7 quality, water quality, water supply, hydrology, geology, soils,
 8 topography, vegetation, wildlife, aquatic organisms, ecology,
 9 demography, land use, aesthetics, history, and archeology; *for
 9A housing, the inventory shall describe water quality, water supply,
 9B hydrology, geology, soils and topography;*

10 b. A project description which shall specify what is to be done
11 and how it is to be done, during construction and operation;

12 c. A listing of all licenses, permits or other approvals as required
13 by law and the status of each;

14 d. An assessment of the probable impact of the project upon all
15 topics described in a.;

16 e. A listing of adverse environmental impacts which cannot be
17 avoided;

18 f. Steps to be taken to minimize adverse environmental impacts
19 during construction and operation, both at the project site and in the
20 surrounding region;

21 g. Alternatives to all or any part of the project with reasons for
22 their acceptability or nonacceptability;

23 h. A reference list of pertinent published information relating to
24 the project, the project site, and the surrounding region.

1 8. a. Within 30 days following receipt of an application, the
2 commissioner shall notify the applicant in writing regarding its
3 completeness. The commissioner may declare the application to be
4 complete for filing or may notify the applicant of specific defi-
5 ciencies. The commissioner, within 15 days following the receipt of
6 additional information to correct deficiencies, shall notify the
7 applicant of the completeness of the amended application. The
8 application shall not be considered to be filed until it has been
9 declared complete by the commissioner.

10 b. The commissioner, within ***[30]*** **15** days of declaring the
11 application complete for filing, shall set a date for the hearing. The
12 date for the hearing shall be set not later than ***[75]*** **60** days
13 after the application is declared complete for filing.

14 ***[c. The commissioner, within 15 days after the hearing, may re-**
15 **quire an applicant to submit any additional information necessary**
16 **for the complete review of the application.]***

1 9. **a.** The commissioner, or a member of the department desig-
2 nated by him, shall hold a hearing to afford interested parties stand-
3 ing and the opportunity to present, orally or in writing, both their
4 position concerning the application and any data they may have
5 developed in reference to the environmental effects of the proposed
6 facility.

7 **b. The commissioner, within 15 days after the hearing, may re-*
8 *quire an applicant to submit any additional information necessary*
9 *for the complete review of the application.**

1 10. The commissioner shall review filed applications, including the
2 environmental impact statement and all information presented at

3 public hearings. He shall issue a permit only if he finds that the
4 proposed facility ***[or activity]***:

5 a. Conforms with all applicable air, water and radiation emission
6 and effluent standards and all applicable water quality criteria and
7 air quality standards.

8 b. ***[Air]*** **Prevents air** emissions and water effluents ***[do**
9 **not exceed]*** **in excess of** the existing ***[natural]*** dilution,
10 assimilative, and recovery capacities of the air and water environ-
10A ments at the site and within the surrounding region.

11 c. Provides for the handling and disposal of litter, trash, and
12 refuse in such a manner as to minimize adverse environmental
13 effects and the threat to the public health, safety, and welfare.

14 d. Would result in minimal feasible impairment of the regenera-
15 tive capacity of water aquifers or other ground or surface water
16 supplies.

17 e. Would cause minimal feasible interference with the natural
18 functioning of plant, animal, fish, and human life processes at the
19 site and within the surrounding region.

20 f. Is located or constructed so as to neither endanger human life
21 or property nor otherwise impair the public health, safety, and
22 welfare.

23 g. Would result in minimal practicable degradation of unique or
24 irreplaceable land types, historical or archeological areas, and exist-
25 ing scenic and aesthetic attributes at the site and within the
26 surrounding region.

1 11. ***[If]*** **Notwithstanding the applicant's compliance with the*
2 *criteria listed in section 10 of this act, if** the commissioner finds
3 that the proposed facility would violate or tend to violate the ***[pur-**
4 **poses and intent of the act,]*** **purpose and intent of this act as*
5 *specified in section 2, or if the commissioner finds that the proposed*
6 *facility would materially contribute to an already serious and*
7 *unacceptable level of environmental degradation or resource*
8 *exhaustion,** he may ***[deny the application, or he may approve**
9 **the permit and impose such conditions as are necessary to promote**
10 **the public safety, health and]*** **deny the permit application, or he*
11 *may issue a permit subject to such conditions as he finds reasonably*
12 *necessary to promote the public health, safety and** welfare, to
13 protect public and private property, wildlife and marine fisheries,
14 and to preserve, protect and enhance the natural environment.
15 ****In addition, the construction and operation of a nuclear*
16 *electricity generating facility shall not be approved by the com-*
17 *missioner unless he shall find that the proposed method for disposal*
18 *of radioactive waste material to be produced or generated by such*

19 *facility will be safe, conforms to standards established by the*
 20 *Atomic Energy Commission and will effectively remove danger to*
 21 *life and the environment from such waste material.***

1 12. The commissioner shall notify the applicant within ***[90]***
 2 **60** days after the hearing as to the granting or denial of a permit.
 3 The reasons for granting or denying the permit shall be stated. In
 4 the event the commissioner requires additional information as pro-
 5 vided for in section ***[8]* *9***, he shall notify the applicant of his
 6 decision within 90 days following the receipt of the information.

1 **13. There is hereby created the Coastal Area Review Board, in*
 2 *but not of the Department of Environmental Protection, which shall*
 3 *consist of three voting members who shall be the Commissioner*
 4 *of Environmental Protection or his designated representative, the*
 5 *Commissioner of Labor and Industry or his designated representa-*
 6 *tive and the Commissioner of Community Affairs or his designated*
 7 *representative. No vote on a permit request shall be taken unless*
 8 *all voting members are present.*

9 *The Coastal Area Review Board shall have the power to hear*
 10 *appeals from decisions of the commissioner pursuant to section 12.*
 11 *The board may affirm or reverse the decision of the commissioner*
 12 *with respect to applicability of any provision of this act to a pro-*
 13 *posed use; it may modify any permit granted by the commissioner,*
 14 *grant a permit denied by him, deny a permit granted by him, or*
 15 *confirm his grant of a permit. The board shall review filed applica-*
 16 *tions, including the environmental impact statement and all in-*
 17 *formation presented at public hearings and any other information*
 18 *the commissioner makes available to the board prior to the affirma-*
 19 *tion or reversal of a decision of the commissioner.**

1 ***[13.]* *14.*** In the event of rental, lease, sale or other convey-
 2 ances by an applicant to whom a permit is issued, such permit, with
 3 any conditions, shall be continued in force and shall apply to the new
 4 tenant, lessee, owner, or assignee so long as there is no change in
 5 the nature of the facility set forth in the original application.

1 ***[14.]* *15.*** The denial of an application shall in no way ad-
 2 versely affect the future submittal of a new application.

1 ***[15.]** The commissioner shall be authorized to prepare an environ-
 2 mental design which shall consist of an inventory of the environ-
 3 mental resources of the coastal area and their interrelationships.
 4 The commissioner shall develop from this design long-term alter-
 5 native environmental management strategies for the coastal area
 6 which promote the purposes and intent of this act.]*

1 **16. The commissioner shall, within 2 years of the taking effect*
 2 *of this act, prepare an environmental inventory of the environ-*

3 *mental resources of the coastal area and of the existing facilities*
 4 *and land use developments within the coastal area and an estimate*
 5 *of the capability of the various area within the coastal area to*
 6 *absorb and react to man-made stresses. The commissioner shall,*
 7 *within 3 years of the taking effect of this act, develop from this*
 8 *environmental inventory alternate long-term environmental man-*
 9 *agement strategies which take into account the paramount need*
 10 *for preserving environmental values and the legitimate need for*
 11 *economic and residential growth within the coastal area. The com-*
 12 *missioner shall, within 4 years of the taking effect of this act, select*
 13 *from the alternate environmental management strategies an en-*
 14 *vironmental design for the coastal area. The environmental design*
 15 *shall be the approved environmental management strategy for the*
 16 *coastal area and shall include a delineation of various areas appro-*
 17 *priate for the development of residential and industrial facilities*
 18 *of various types, depending on the sensitivity and fragility of the*
 19 *adjacent environment to the existence of such facilities. The en-*
 20 *vironmental inventory, the alternate long-term environmental man-*
 21 *agement strategies and the environmental design for the coastal*
 22 *area shall be presented to the Governor and the Legislature within*
 23 *the time frame indicated herein.**

1 ***[16.]*** *17.* The department is hereby authorized to adopt,
 2 amend and repeal rules and regulations to effectuate the purposes
 3 of this act.

1 ***[17.]*** *18.* If any person violates any of the provisions of this
 2 act, rule, regulation or order promulgated or issued pursuant to the
 3 provisions of this act, the department may institute a civil action in
 4 the Superior Court for injunctive relief to prohibit and prevent such
 5 violation or violations and said court may proceed in a summary
 6 manner. Any person who violates any of the provisions of this act,
 7 rule, regulation or order promulgated or issued pursuant to this act
 8 shall be liable to a penalty of not more than \$3,000.00 to be collected
 9 in a summary proceeding or in any case before a court of competent
 10 jurisdiction wherein injunctive relief has been requested. If the
 11 violation is of a continuing nature, each day during which it con-
 12 tinues shall constitute an additional, separate and distinct offense.
 13 The department is hereby authorized and empowered to compromise
 14 and settle any claim for a penalty under this section in such amount
 15 in the discretion of the department as may appear appropriate and
 16 equitable under the circumstances.

1 ***[18.]*** *19.* The provisions of this act **shall not be regarded*
 2 *as to be in derogation of any powers now existing and** shall be
 3 regarded as supplemental and in addition to powers***[**, including

4 municipal zoning authority,]* conferred by other laws, *[and shall
 5 not be regarded to be in derogation of any powers now existing,
 6 except that those areas]* **including municipal zoning authority.*
 7 *The provisions of this act shall not apply to those portions of the*
 8 *coastal areas** regulated pursuant to enforceable orders under the
 9 Wetlands Act, C. 13:9A-1 et seq., *[shall be exempt from com-
 10 pliance with this act.]* **section 16 however shall apply to the entire*
 11 *area within the boundaries described herein.**

1 **[19.]* *20.** This act shall be liberally construed to effectuate
 2 the purpose and intent thereof.

1 **[20.]* *21.** If any provision of this act or the application
 2 thereof to any person or circumstances is held invalid, the re-
 3 mainder of the act and the application of such provision to persons
 4 or circumstances other than those to which it is held invalid, shall
 5 not be affected thereby.

1 **[21.]* *22.** There is hereby appropriated to the Department
 2 of Environmental Protection for the purposes of this act the sum
 3 of \$100,000.00.

1 **[22. This act shall take effect immediately.]**

1 **23. This act shall take effect 90 days from the date of enactment,*
 2 *except that section 22 shall take effect immediately.**

FROM THE OFFICE OF THE GOVERNOR

JUNE 20, 1973

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law two major pieces of legislation, one aimed at protecting the State's coastline from misuse and the second geared to deal with New Jersey's developing energy crisis.

The bills signed at a public ceremony were the Coastline Area Facility Review Act (Assembly 1429, sponsored by Assemblyman Thomas H. Kean, R., Essex) and Senate 2075, sponsored by Senator William E. Schluter, (R., Mercer), creating an energy crisis study commission.

"These bills," the Governor said, "demonstrate the complexity of the problems facing our State. We have, on one hand, the need to safeguard our precious natural resources from environmental assault and, on the other hand, we face the necessity of coming up with solutions to the constantly growing demand for energy.

"Both of these measures dealing with the basic questions of economic growth and environmental protection should have far-reaching beneficial effects for the State.

"The Coastal Area Facilities Review Act will provide a balancing mechanism on a long-term regional basis and will provide a forum for the analysis of economic and environmental goals for the coastal regions of New Jersey."

In signing this into law, the Governor said:

"The shape of our land, in large part, determines the shape of our future. The enactment of this legislation insures that our coastal land will be shaped in conformance with its natural capabilities and resources and that in the future this region will continue to enjoy the high quality of environmental amenities it now provides to millions from New Jersey and from other states.

"This zone is a particularly fragile region. Uses incompatible with its natural resources or with its current economic structure could destroy not

only its environment but also its economic well being. By subjecting proposed new developments to intensive environmental review and to extensive public participation through the public hearing process mandated by the law, we will insure that future land uses are compatible with both the economy and the environment."

The Governor noted that during the debate on the bill an argument over the effects of this Act was that it would stop all development in the coastal region which is not true. The Governor pointed out that the Act will provide for a balanced development to meet the legitimate long-term needs of the area.

He further noted that, as a balancing mechanism, the coastal act is similar to other recently enacted legislation including the Flood Plain Act and the Wetlands Act.

"The signing of this bill is an impressive capstone to a four-year period of important environmental accomplishments," the Governor said. "Taken as a whole, the legislation we have passed and the regulations which have been implemented are beginning to shape a new New Jersey. I am confident that the next Administration, or any future Administration, will continue to take care that the measures they adopt will shape a New Jersey of which we can be proud."

The signing into law of the bill creating an energy crisis study commission fulfilled a commitment made by the Governor in his Third Annual Message to the Legislature on January 9, 1973. At that time, the Governor said, "Answers must be found soon to balance the necessary research for electrical power with the equally vital need to protect the environment."

ASSEMBLY, No. 722

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1972

By Assemblymen KEAN, APY, KENNEDY, ROBERTSON,
FAY and BEDELL

Referred to Committee on Air and Water Pollution
and Public Health

AN ACT regulating the use of coastal areas, providing for creation
of the Coastal Areas Protection Board and prescribing its powers
and duties.

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

1 1. This act shall be known and may be cited as the "Coastal
2 Areas Protection Act."

1 2. a. The Legislature finds and declares it to be the public policy
2 of the State of New Jersey that:

3 (1) the unspoiled coastal areas of the State as herein defined and
4 described are among our most critical and vulnerable resources and
5 thus require the direct protection of the State in order that these
6 resources might be preserved against manufacturing and in-
7 dustrial uses incompatible with their ecological and environmental
8 integrity;

9 (2) such coastal areas have been singled out for the only treat-
10 ment likely to maintain them for the purposes which they serve
11 uniquely well, among which are recreation, relaxation, leisure, and
12 the opportunity to appreciate nature and the out-of-doors;

13 (3) the estuaries and wetlands within such coastal areas serve
14 the added purposes of buffers against storms and as sources of
15 fishing for food and sport; and

16 (4) in this densely populated, highly industrialized State, the
17 value of such rare lands is not to be measured as potential sites
18 for manufacturing or industrial development but as the means for
19 improving the quality of life for all of New Jersey's residents,
20 present and future.

21 b. It is further declared that the means for the achievement of
22 these legislative purposes, through the exercise of the police powers

23 of this State, include the division of the State's coastal areas into
24 two general categories; (1) those areas which are currently so
25 heavily developed with industrial, commercial and other uses that
26 the provisions of this act do not apply together with those areas not
27 properly considered as coastal, specifically including that part of
28 the New Jersey coast extending north from the center of the mouth
29 of the Raritan river, and extending north from the point of extreme
30 high tide in the Delaware River Basin near Trenton, and (2) those
31 coastal areas which retain a valuable and preservable character as
32 recreational or natural areas befitting the purposes described in
33 section 2 a. to which the provisions of this statute apply.

1 3. For the purposes of this act, unless the context clearly requires
2 a different meaning, the following words shall have the following
3 meaning:

4 a. The "coastal areas" are defined as all that coastal area of the
5 State of New Jersey, whether land, water or subaqueous land lying
6 between mean high tide and an elevation of 10 feet above sea level,
7 from the center of the Raritan river at its mouth to the southernmost
8 tip of Cape May, which is hereby designated Coastal Area I, a
9 region of predominantly recreational and residential use; from
10 thence to the center of the Delaware Bay Bridge, which is hereby
11 designated Coastal Area II, a region with much land in natural or
12 near-natural condition; and from thence to the head of extreme
13 high tide of the Delaware river at Trenton, which is hereby
14 designated as Coastal Area III; a region of mixed industrial,
15 residential and natural uses.

16 b. "Nonconforming use" means a use whether of land or of a
17 structure, which does not comply with the applicable permit of use
18 provisions in this act where such use was lawfully in existence and
19 in active use prior to the enactment of this act.

20 c. "Environmental impact statement" means a detailed descrip-
21 tion as prescribed in this act of the effect of the proposed use on
22 the immediate and surrounding environment and natural resources
23 such as water quality, fisheries, wildlife and the aesthetics of the
24 region.

25 d. "Manufacturing" means the mechanical or chemical trans-
26 formation of organic or inorganic substances into new or differing
27 products, characteristically but not necessarily limited to the use
28 of power driven machines and materials handling equipment, and
29 including establishments engaged in assembling component parts
30 of manufactured products, provided the new product is not a struc-
31 ture, building, or other fixed improvement upon the site of its
32 construction.

33 e. "Heavy industry use" means a manufacturing use character-
 34 istically employing some but not necessarily all of such equipment
 35 as, but not limited to, smoke stacks, fuel storage tanks, distillation
 36 or reaction columns, chemical processing equipment, scrubbing
 37 towers, pickling equipment, sumping and waste treatment lagoons;
 38 which industry, although conceivably operable without polluting the
 39 environment, has the potential to pollute when equipment malfunc-
 40 tions, deteriorates, or operates inefficiently, or when human error
 41 occurs. Examples of heavy industry are oil and petroleum refin-
 42 eries, basic steel, aluminum and other metals manufacturing and
 43 fabricating plants, basic cellulosic pulp paper mills, and chemical
 44 plants such as petrochemical complexes producing synthetics,
 45 artificial fertilizers and the like. Generic examples of uses not
 46 included in the definition of "heavy industry" are such uses as
 47 garment factories, automobile assembly plants and jewelry and
 48 leather goods manufacturing establishments.

49 f. "Bulk materials transfer facilities" means any port or dock
 50 facility, whether an artificial sland or attached to shore by any
 51 means, for the transfer of bulk materials of any quantity from
 52 vessel to on-shore facility or vice versa. Not included in this
 53 definition is a docking facility or pier for a single industrial or
 54 manufacturing facility for which a permit is granted or which is a
 55 nonconforming use.

56 g. "Person" shall include but not be limited to, any individual,
 57 group of individuals, contractor, supplier, installer, user, owner,
 58 partnership, firm, company, corporation, association, joint stock
 59 company, trust, estate, political subdivision, administrative agency,
 60 public or quasi-public corporation or body, or any other legal
 61 entity, or its legal representative, agent, or assignee.

62 h. "Board" means the Coastal Areas Protection Board.

63 i. "Comprehensive plan" means a plan, comprehensive in scope
 64 and character, not prescriptive in nature, for the preservation of
 65 the coastal areas against future dispoilage and for the promotion
 66 of the most appropriate uses of land in accordance with the goals
 67 and purposes of this act. It shall consist of a map and an inventory
 68 of the precise limits of the coastal areas, the dominant land uses
 69 therein, with particular attention to the nature and extent of all
 70 nonconforming uses.

1 4. Heavy industry uses of any kind not in actual operation on the
 2 date of enactment of this act are absolutely prohibited in Coastal
 3 Areas I and II. In addition, off-shore gas, liquid, or solid bulk
 4 product transfer facilities which are not in operation on the date

5 of enactment of this act are absolutely prohibited in Coastal Areas
6 I, II and III, and no permit may be issued therefore; provided,
7 however, that this section shall not apply to public sewage treat-
8 ment or recycling plants in any coastal area.

1 5. a. Heavy industry uses are not prohibited in Coastal Area
2 III but are allowed by permit only and as subject to the perfor-
3 mance standards established by the board.

4 b. Except for heavy industry uses, as defined in section 3 of this
5 act, manufacturing uses not in existence and in active use on the
6 date of enactment of this act are allowed in Coastal Areas I, II and
7 III by permit only and as subject to the performance standards
8 established by the board. All expansion or extension of noncon-
9 forming uses as defined herein, and all expansion or extension of
10 uses for which a permit is issued pursuant to this act, are likewise
11 allowed only by permit and as subject to the performance standards
12 established by the board; provided, however, that no permit may
13 be granted under this act unless the municipality having jurisdic-
14 tion has first approved the use in question by zoning procedures
15 provided by law.

16 c. In passing on permit requests, the chairman of the board and
17 the board shall consider the following factors:

18 (1) Environmental impact as well as but not limited to probable
19 air and water pollution likely to be generated by the proposed use
20 under normal operating conditions as well as during mechanical
21 malfunction, deterioration, and human error; likely harm to wet-
22 lands, flora and fauna; impact of site preparation on drainage of
23 the area in question; impact of site preparation and facility opera-
24 tions on land erosion; effect of site preparation and facility
25 operations on the quality and quantity of surface ground and sub-
26 surface water resources, such as the use of water for processing,
27 cooling, effluent removal, and other purposes, likelihood of genera-
28 tion of glare, heat, vibration, radiation, electromagnetic inter-
29 ference; and obnoxious odors; in addition, the indirect but no less
30 deleterious effects of new industrial concentrations, such as sudden
31 population growth or concentration with attendant highways, living
32 and recreation quarters, sewage, water supply and quality needs
33 and power needs.

34 All uses, or extension or expansion of nonconforming uses for
35 which permits are granted shall be subject to performance
36 standards which shall not be less restrictive than local zoning
37 requirements and which shall not be adopted by the board until
38 open hearings have been conducted, according to procedures herein
39 outlined.

40 (2) Aesthetic effect, such as impact on scenic and natural beauty
41 of the surrounding area.

42 (3) Number and type of supporting facilities required and the
43 impact of such facilities on all factors listed in this subsection.

44 (4) Effect on neighboring land uses including but not limited to,
45 effect on public access to tidal waters, effect on recreational areas,
46 and effect on adjacent residential and agricultural areas.

47 (5) Compatibility of the proposed use with the comprehensive
48 plan as defined herein as drafted by the State and regional
49 planning agency of the Department of Community Affairs and as
50 adopted by the board.

1 6. a. This act shall be administered by the Coastal Areas Pro-
2 tection Board and the chairman thereof. All requests for permits
3 for manufacturing land uses and for the expansion or extension of
4 nonconforming uses as herein defined shall be directed to the chair-
5 man who shall be the Commissioner of the Department of Environ-
6 mental Protection or his designated representative. Such requests
7 must be in writing and must include: (1) evidence of approval by
8 the appropriate municipal zoning authorities, (2) a detailed
9 description of the proposed location, construction and operation of
10 the use, and (3) an environmental impact statement as herein
11 defined. The chairman shall hold a public hearing and may request
12 further information of the applicant. If the chairman determines
13 that section 5 applies, he shall then reply to the request for a permit
14 within 90 days of the receipt of the said request, denying same, or
15 granting the request for permit but requiring modifications. In
16 each case he shall then state the reasons for his decision.

17 b. The chairman may issue regulations including, but not limited
18 to, regulations governing disposition of permit requests, perfor-
19 mance standards for permitted uses and setting forth the pro-
20 cedures for hearings before himself and the board; provided, how-
21 ever, that all such regulations shall be subject to approval by the
22 board.

23 c. The State and regional planning agency of the Department of
24 Community Affairs shall develop and propose a comprehensive
25 plan and performance standards for the board concerning types of
26 manufacturing uses deemed acceptable in the coastal area and
27 regulations for further elaboration of the definition "heavy in-
28 dustry" in a manner consistent with the purposes and provisions
29 of this act. Such elaboration shall reflect such factors as the grow-
30 ing body of knowledge on the deleterious effects of pollutants, here-
31 tofore considered harmless per se or harmless in quantities or com-
32 binations previously considered as harmless. Such plan, perfor-
33 mance standards and elaborations shall become binding regulations
34 after adoption by the board after public hearing. The Board may

35 alter said regulations at any time after a public hearing; provided,
36 however, that any such regulations shall be consistent with sections
37 4 and 5 of this act.

38 d. The State and regional planning agency and all agencies of the
39 State Government shall assist the board in developing policies and
40 procedures, and shall provide the board with such information as it
41 shall require.

1 7. There is hereby created the State Coastal Areas Protection
2 Board, in but not of the Department of Environmental Protection,
3 which shall consist of three voting members who shall be the Com-
4 missioner of Environmental Protection or his designated repre-
5 sentative, the Commissioner of Labor and Industry or his
6 designated representative and the Commissioner of Community
7 Affairs or his designated representative. There shall also be
8 established a nonvoting advisory staff which shall consist of one
9 representative from each of the following: the Industrial Develop-
10 ment Council, the Natural Resources Council, the Water Policy
11 Council and the Delaware Basin and Marine Commission. No vote
12 on a permit request shall be taken unless all voting members are
13 present. A unanimous vote shall be required to make a final
14 decision on a permit request.

1 8. a. The Coastal Area Protection Board shall have the power
2 to hear appeals from decisions of the chairman under section 6.
3 The board may affirm or reverse the decision of the chairman with
4 respect to applicability of any provision of this act to a proposed
5 use; it may modify any permit granted by the chairman, grant a
6 permit denied by him, deny a permit, or confirm his grant of a
7 permit; provided, however, that the board may grant no permit
8 for uses prohibited in section 4 herein.

9 b. Any person aggrieved by a final decision of the chairman
10 under section 6 a. may appeal same under this section. Appellants
11 must file notice of appeal with the State board within 14 days
12 following announcement by the chairman of his decision. The
13 board must hold a hearing and render its decision in the form of a
14 final order within 60 days following receipt of the appeal
15 notification.

16 c. Whenever a decision of the chairman concerning a permit re-
17 quest is appealed, the board shall hold a public hearing at which the
18 appellant may be represented by counsel. The board shall make
19 findings of fact and shall make its decision in accordance therewith.
20 All proceedings in such a hearing shall be made a matter of record
21 and a transcript or recording of all proceedings kept, and the
22 public shall have the right to attend and be heard as interested
23 parties.

24 d. The board shall, before holding hearings, announce same by
25 giving notice thereof to each owner having a recorded interest in
26 such coastal property in question by mail at least 21 days prior
27 thereto, addressed to his address as shown in the municipal tax
28 office records and by publication thereof at least twice in each of
29 the weeks next preceding the date of such hearing in a newspaper
30 of general circulation in the municipality or municipalities in which
31 such coastal wetlands are located.

1 9. Any person aggrieved by a final order of the State board under
2 section 8 may appeal the board's decision to Superior Court in
3 and for the county of the location of the land in question. Likewise,
4 the chairman may appeal from any modification by the board of his
5 ruling. The appeal shall be commenced by filing notice thereof
6 with the Superior Court not more than 20 days following announce-
7 ment of the board's decision. The court may affirm the board's
8 order in its entirety, modify same, or reverse said order. In either
9 case, the appeal shall be based on the record of proceedings before
10 the board, the only issue being whether the board abused its dis-
11 cretion in applying standards set forth by this act and regulations
12 issued pursuant thereto to the facts of the particular case. The
13 Superior Court may by rule prescribe the procedure by which it will
14 receive, hear, and make disposition of appeals under this act.

15 No appeal under this act shall stay any cease and desist order
16 or injunction issued pursuant to this act.

1 10. If the Superior Court rules that a permit's denial, or restric-
2 tions imposed by a granted permit, or the operation of section 4 or
3 section 5 of this act, is an unconstitutional taking without just
4 compensation, the Commissioner of the Department of Environ-
5 mental Protection may, through negotiation or condemnation pro-
6 ceedings in accordance with the procedure set forth in the
7 "Eminent Domain Act of 1971", P. L. 1971, c. 361, acquire the fee
8 simple or any lesser interests in the land. The commissioner must
9 use this authority within 5 years from the date of the court's rul-
10 ing, for after said 5 years have elapsed the permit must be granted
11 as applied for if the land has not been acquired under this
12 authority.

1 11. The Attorney General shall have the power to issue a cease
2 and desist order to any person violating any provision of this act,
3 ordering such person to cease and desist from such violation; pro-
4 vided, however, that any cease and desist order issued pursuant to
5 this section shall expire a. after 30 days of the issuance, or b.
6 upon withdrawal of said order by the Attorney General, or c. when
7 the order is superseded by an injunction, whichever occurs first.

1 12. Any person who violates any of the provisions of this act, or
2 any rule or regulation promulgated pursuant to this act shall be
3 liable to a penalty of not more than \$50,000.00 for each offense, to
4 be collected in a summary proceeding under the "Penalty Enforce-
5 ment Law" (N. J. S. 2A:58-1 et seq.), and in any case before a
6 court of competent jurisdiction wherein injunctive relief has been
7 requested. If the violation is of a continuing nature each day dur-
8 ing which it continues shall constitute an additional, separate and
9 distinct offense. The board is hereby authorized and empowered
10 to compromise and settle any claim for a penalty under this section
11 in such amount in the discretion of the board as may appear appro-
12 priate and equitable under the circumstances. The Superior Court
13 shall have exclusive original jurisdiction over offenses under this
14 act. In any action to recover such penalty, the certification of any
15 member of the board under the seal of the board, that a violation
16 of this act has occurred, shall be received in evidence and shall be
17 prima facie proof of the facts so certified.

18 Any party aggrieved by such violation shall have standing to
19 seek an injunction against the continuance or maintenance of said
20 violation, and it shall be within the court's discretion to award up
21 to one-half of any penalty judgment to the prosecuting party.

1 13. The Superior Court shall have jurisdiction to enjoin viola-
2 tions of this act.

1 14. All laws or ordinances inconsistent with any provision of
2 this act are hereby superseded to the extent of the inconsistency;
3 provided, however that present and future zoning powers of all
4 municipalities to the extent that said powers are not inconsistent
5 with this act, shall not hereby be impaired; and, provided that a
6 permit granted under this act shall not authorize a use in con-
7 travention of municipal zoning regulations.

8 The provisions of this act shall be regarded as supplemental and
9 additional to powers conferred by other laws, and shall not be
10 regarded as in derogation of any powers now existing.

1 15. If any provision of this act or of any rule, regulation, or
2 order promulgated thereunder, or the application of any such pro-
3 vision, regulation, or order to any person or circumstances shall
4 be invalid, the remainder of this act or any regulations or orders
5 promulgated pursuant thereto or the application of such provision,
6 regulations, or order to persons or circumstances other than those
7 to which it is held invalid, shall not be affected thereby.

1 16. This act shall be liberally construed to effectuate the
2 purposes and intent thereof.

1 17. This act shall take effect immediately.