

# 12:6B-9

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2003                    **CHAPTER:** 146  
**NJSA:** 12:6B-9                (Beneficial reuse of dredged materials)  
**BILL NO:** S235

**SPONSOR(S):** McNamera and Suliga

**DATE INTRODUCED:** Prefiled

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

**SENATE:** Environment

**AMENDED DURING PASSAGE :** No

**DATE OF PASSAGE:**                **ASSEMBLY:** June 23, 2003

**SENATE:** March 25, 2002

**DATE OF APPROVAL:** August 15, 2003

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                                [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 292-6220 or <mailto:refdesk@njstatelib.org>.

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

P.L. 2003, CHAPTER 146, *approved August 15, 2003*  
Senate Committee Substitute for  
Senate Bill No. 235

1 AN ACT concerning the beneficial use of dredged materials, and  
2 supplementing Title 58 of the Revised Statutes.

3

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

6

7 1. a. Any dredged materials removed from the New York and  
8 New Jersey harbor area may be reused for a beneficial purpose,  
9 including, but not limited to, landfill cover for a sanitary landfill  
10 facility, contaminated site remediation, or construction fill, provided  
11 that the use of the dredged materials is otherwise consistent with  
12 provisions of federal and State law, or any rule or regulation adopted  
13 pursuant thereto.

14 b. The Department of Transportation and the Department of  
15 Environmental Protection, and any other State department or agency,  
16 as appropriate, shall consider the beneficial use of dredged materials  
17 in any State-funded project, where appropriate, including, but not  
18 limited to, road construction projects and publicly funded site  
19 remediation projects.

20

21 2. This act shall take effect immediately.

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26 Authorizes beneficial reuse of dredged materials.

# SENATE, No. 235

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator JOSEPH SULIGA**

**District 22 (Middlesex, Somerset and Union)**

**Senator HENRY P. MCNAMARA**

**District 40 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

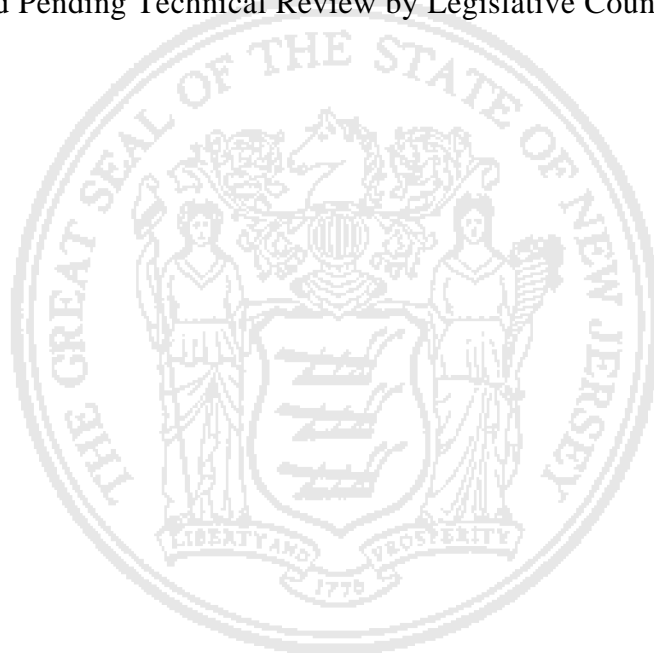
**Senator Ciesla**

**SYNOPSIS**

Allows for the beneficial use of dredged material.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/19/2002)**

1 AN ACT concerning the beneficial use of dredged materials and  
2 supplementing Title 58 of the Revised Statutes.

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

6  
7 1. The provisions of the "Solid Waste Management Act,"  
8 P.L.1970, c.39 (C.13:1E-1 et seq.), "The Wetlands Act of 1970,"  
9 P.L.1970, c.272 (C.13:9A-1 et seq.), the "Freshwater Wetlands  
10 Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water  
11 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), the  
12 "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et  
13 seq.), or any rule, regulation, order, agreement, or permit issued  
14 pursuant thereto, or of any other statute, rule, or regulation, to the  
15 contrary notwithstanding, any dredged material removed from the bed  
16 of the New York and New Jersey Harbor area, regardless of the  
17 category of the dredged material, may be used for fill material in any  
18 upland construction activity, daily landfill cover for any sanitary  
19 landfill, and in wetland reclamation and mitigation projects. The  
20 dredged material may be used for the purposes authorized pursuant to  
21 this act only if the use of the dredged material is consistent with other  
22 requirements of law unrelated to the type of fill material.

23

24 2. This act shall take effect immediately.

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26

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STATEMENT

28

29 This bill would authorize the beneficial use of dredged material  
30 taken from the New York and New Jersey Harbor. The beneficial uses  
31 authorized in this bill are construction fill, landfill cover, and for  
32 wetland mitigation and restoration projects. The beneficial use of  
33 these dredged materials would be allowed even if the dredged  
34 materials were designated as contaminated under the testing  
35 procedures of the federal "Marine Protection, Research, and  
36 Sanctuaries Act of 1972," 33 USC §1401 et seq. Some dredged  
37 materials have been deemed contaminated under that federal act thus  
38 preventing the ocean disposal of the material. However, because of  
39 the different environments involved, this material is not a "hazardous"  
40 contaminant under either the State's or the federal government's  
41 definition when applied to the land. Thus, even though the dredged  
42 material may be considered contaminated for the purpose of ocean  
43 disposal, the use of these materials upland poses no danger to the  
44 public health or the environment.

45 The beneficial use of these dredged materials would provide an  
46 immediate option for safe management of the most contaminated

1 sediment and thus would facilitate the safe and necessary dredging of  
2 the harbor. The beneficial use of these dredged materials would  
3 reduce the amount of dredged material going to decontamination  
4 plants, containment areas, and the Mud Dump site while improving the  
5 environmental quality of the harbor estuary. Similar beneficial use  
6 projects have been performed at the Fresh Kills Landfill, in Jamaica  
7 Bay, in Pelham Bay, in the Des Plaines River, and as part of the Arthur  
8 Kill Natural Resources Restoration project.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 235**

**STATE OF NEW JERSEY**

DATED: MAY 8, 2003

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 235 (SCS).

This bill would authorize the beneficial use of dredged material taken from the New York and New Jersey Harbor. The bill would provide that dredged materials may be reused for a beneficial purpose, including, but not limited to, landfill cover for a sanitary landfill facility, contaminated site remediation, or construction fill, provided that the use of the dredged materials is otherwise consistent with provisions of federal and State law, or any rule or regulation adopted pursuant thereto. The bill would also provide that the Department of Transportation and the Department of Environmental Protection, and any other State department or agency, as appropriate, shall consider the beneficial use of dredged materials in any State-funded project, where appropriate, including, but not limited to, road construction projects and publicly funded site remediation projects.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 235**

**STATE OF NEW JERSEY**

DATED: MARCH 18, 2002

The Senate Environment Committee reports favorably a committee substitute for Senate Bill No. 235.

This committee substitute would authorize the beneficial use of dredged material taken from the New York and New Jersey Harbor. The substitute would provide that dredged materials may be reused for a beneficial purpose, including, but not limited to, landfill cover for a sanitary landfill facility, contaminated site remediation, or construction fill, provided that the use of the dredged materials is otherwise consistent with provisions of federal and State law, or any rule or regulation adopted pursuant thereto. The committee substitute would also provide that the Department of Transportation and the Department of Environmental Protection, and any other State department or agency, as appropriate, shall consider the beneficial use of dredged materials in any State-funded project, where appropriate, including, but not limited to, road construction projects and publicly funded site remediation projects.