

4:24-39 et. seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 4:24-39 to 4:24-55 (Soil Erosion & Sediment Control Act)

Laws of 1975 Chapter 251

Bill No. S 806

Sponsor(s) Martindell & others

Date Introduced Feb. 11, 1974

Committee: Assembly Agriculture & Environment

Senate Energy, Agriculture & Environment; Revenue, Finance & Approp.

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly May 1, 1975

Senate Nov. 25, 1974

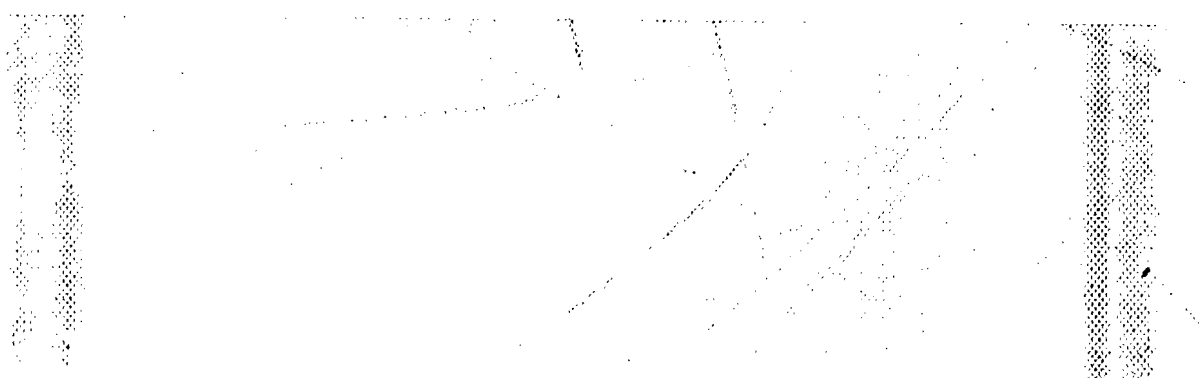
Date of approval Nov. 12, 1975

Following statements are attached if available:

- Sponsor statement No
Committee Statement: Assembly No, Senate Yes EAE and RFA
Fiscal Note No
Veto message No
Message on signing Yes
Following were printed:
Reports No
Hearings No

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LAW OF NEW JERSEY

CHAPTER 251 LAWS OF N. J. 1975

APPROVED 11-12-75

[FOURTH OFFICIAL COPY REPRINT]

SENATE, No. 806

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1974

By Senators MARTINDELL, MERLINO, PARKER,
HUGHES and ZANE

Referred to Committee on Energy, Agriculture and Environment

AN ACT providing for soil erosion and sediment control and supplementing chapter 24 of Title 4 of the Revised Statutes ****[and making an appropriation]****.

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

1 1. This act may be cited and referred to as the "Soil Erosion and
2 Sediment Control Act."

1 2. The Legislature finds that sediment is a ****[pollutant]****
2 ****source of pollution**** and that soil erosion continues to
3 be a serious problem throughout the State, and that rapid shifts
4 in land use from agricultural and rural to nonagricultural and
5 urbanizing uses, construction of housing, industrial and com-
6 mercial developments, and other land disturbing activities have
7 accelerated the process of soil erosion and sediment deposition
8 resulting in pollution of the waters of the State and damage
9 to domestic, agricultural, industrial, recreational, fish and wildlife,
10 and other resource uses. It is, therefore, declared to be the policy
11 of the State to strengthen and extend the present erosion and
11A sediment control activities and programs of this State for both
12 rural and urban lands, and to establish and implement, through the
13 State Soil Conservation Committee and the Soil Conservation
14 Districts, in cooperation with the counties, the municipalities and
15 the Department of Environmental Protection, a Statewide compre-
16 hensive and coordinated erosion and sediment control program to
17 reduce the danger from storm water runoff, to retard nonpoint
18 pollution from sediment and to conserve and protect the land,
19 water, air, and other environmental resources of the State.

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 3. For the purposes of this act, unless the context clearly indi-
2 cates a different meaning:

3 a. "Application for development" means a proposed subdivision
4 of land, site plan, special exception, zoning variance, planned unit
5 development or building permit.

6 b. "Certification" means (1) a written endorsement of a plan
7 for soil erosion and sediment control by the local Soil Conservation
8 District which indicates that the plan meets the standards promul-
9 gated by the State Soil Conservation Committee pursuant to this
10 act or (2) that the time allotted in section 7 of this act has expired
11 without action by the district.

12 c. "District" means a Soil Conservation District organized pur-
13 suant to R. S. 4:24-7 et seq.

14 d. "Disturbance" means any activity involving the clearing,
15 **excavating, storing,** grading, filling or transporting of soil or any
16 other activity which causes soil to be exposed to the danger of
16A erosion.

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

19 f. "Plan" means a scheme which indicates land treatment
20 measures, including a schedule of the timing for their installation,
21 to minimize soil erosion and sedimentation.

22 g. "Project" means the disturbance of more **[that 1,000]**
23 **than 5,000** square feet of the surface area of land for the ac-
24 commodation of construction for which the Standard Building
25 Code of the State of New Jersey would require a building
25A permit***, *except that the construction of a single-family dwelling*
25B *unit shall not be deemed a "project" under this act unless such*
25C *unit is part of a proposed subdivision, site plan, special exception,*
25D *zoning variance, planned unit development or building permit*
25E *application involving two or more such single-family dwelling*
25F *units***.*

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

29 i. "Soil" means all unconsolidated mineral and organic material
30 of any origin.

31 j. "Standards" means the standards promulgated by the com-
32 mittee pursuant to this act.

33 k. "Committee" means the State Soil Conservation Committee
34 in the Department of Agriculture established pursuant to R. S.
35 4:24-3.

1 4. The committee shall have the power*, *subject to the approval*
2 *of the Secretary of Agriculture and the Commissioner of Environ-*
3 *mental Protection,** to formulate, promulgate, amend and repeal
4 standards for the control of soil erosion and sedimentation, pur-
5 suant to the Administrative Procedure Act, P. L. 1968, c. 410
6 (C. 52:14B-1 et seq.). ***【The committee shall consult with the**
7 Department of Environmental Protection and its Division of
7A Water Resources prior to promulgating, amending or repealing
7B such standards.】*

8 a. Such standards shall be based upon relevant physical and
9 developmental information concerning the watersheds and topog-
10 raphy of the State, including, but not limited to, data relating to
11 land use, soils, slope, hydrology, geology, size of land area being
12 disturbed, proximate water bodies and their characteristics.

13 b. Such standards shall include criteria, techniques and methods
14 for the control of erosion and sedimentation resulting from land
15 disturbing activities for various categories of soils, slopes and land
16 uses.

1 5. Approval of an application for development for any project by
2 a municipal officer or agency shall be conditioned upon certification
3 by the local district of a plan for soil erosion and sediment control.

1 6. The district shall certify such plan if it meets the standards
2 promulgated by the committee pursuant to this act. The district
3 shall provide written notice to the applicant indicating that:

4 a. the plan was certified;

5 b. the plan was certified subject to the attached conditions; or

6 c. the plan was denied certification with the reasons for denial
7 stated.

1 7. The district shall grant or deny certification within a period of
2 30 days of submission of a complete application unless, by mutual
3 agreement in writing between the district and the applicant, the
4 period of 30 days shall be extended for an additional period of 30
5 days. Failure of the district to grant or deny certification within
6 such period or such extension thereof shall constitute certification.
7 For purposes of this section, a major revision of the plan by the
8 applicant shall constitute a new submission.

1 8. The district shall adopt a fee schedule and collect fees from
2 applicants for the certification of plans and for on-site inspections
3 of the execution of certified plans. Such fees shall bear a reasonable
4 relationship to the cost of rendering such services.

1 9. The district or the municipality may issue a stop-construction
2 order if a project is not being executed in accordance with a certified
3 plan.

1 ***[10. The local building inspector is authorized to exempt any
2 single-family dwelling from the provisions of this act.]***

1 ***[11.]*** ***10.*** Any municipality, which adopts an ordinance
2 that conforms to the standards promulgated pursuant to this act
3 within 12 months of their promulgation and obtains the approval
4 of the committee thereto, shall be exempt from sections 5 through 9
5 of this act, until such time as the local district determines that the
6 municipality is not enforcing said ordinance.

1 ***[12.]*** ***11.*** No certificate of occupancy for a project
2 shall be issued by a municipality unless there has been compliance
3 with the provisions of a certified plan for permanent measures to
4 control soil erosion and sedimentation.

1 ***[13.]*** ***12.*** In those counties where the district does
2 not maintain its central office, the board of freeholders may, by
3 resolution, direct the county planning board to act as an agent of
4 the district within that county and to administer the powers
5 granted to the district pursuant to this act, until such time as a
6 district is established within that county. The committee shall
7 establish guidelines to implement this section.

1 ***[14.]*** ***13.*** The districts and the committee are
2 authorized to cooperate and enter into agreements with any Fed-
3 eral, State or local agency to carry out the purposes of this act.
4 The districts and the committee are authorized to receive financial
5 assistance from any Federal, State, county or other public or pri-
6 vate source for use in carrying out the purposes of this act.

1 ***[15.]*** ***14.*** The committee is authorized to make
2 grants of State aid to districts and to municipalities to carry out
3 the purposes of this act.

1 ***[16.]*** ***15.*** If any person violates any of the provi-
2 sions of this act, any standard promulgated pursuant to the provi-
3 sions of this act, or fails to comply with the provisions of a certified
4 plan the municipality or the district may institute a civil action in
5 the Superior Court for injunctive relief to prohibit and prevent
6 such violation or violations and said court may proceed in a sum-
7 mary manner. Any person who violates any of the provisions of this
8 act, any standard promulgated pursuant to this act or fails to
9 comply with the provisions of a certified plan shall be liable to a
10 penalty of not **less than \$25.00 nor** more than ***[\$500.00]***
11 **\$3,000.00** to be collected in a summary proceeding pursuant to
12 the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.). The
13 Superior Court, County Court, county district court and municipal
14 court shall have jurisdiction to enforce said Penalty Enforcement

15 Law. If the violation is of a continuing nature, each day during
16 which it continues shall constitute an additional separate and
17 distinct offense.

1 ***[17.]*** ***16.*** This act shall be liberally construed to
2 effectuate the purpose and intent thereof.

1 ***[18.]*** ***17.*** If any provision of this act or the appli-
2 cation thereof to any person or circumstances is held invalid, the
3 remainder of the act and the application of such provision to
4 persons or circumstances other than those to which it is held
5 invalid, shall not be affected thereby.

1 ***[19.]*** ****[***18.***] There is hereby appropriated to the
2 Department of Agriculture for the purposes of this act the sum of
3 **[\$100,000.00]** **\$25,000.00** ****.

1 ***[20.]*** ****[***19.***]**** ****18.**** This act shall take
2 effect on January 1, next following its enactment except that sec-
3 tions 4 and 19 shall take effect immediately.

SENATE ENERGY, AGRICULTURE AND
ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 806

SENATE COMMITTEE AMENDMENT

—◆—
STATE OF NEW JERSEY
—◆—

DATED: SEPTEMBER 19, 1974

The Soil Erosion and Sediment Control Act provides that the approval of a subdivision, site plan, special exception, zoning variance, planned unit development or building permit for any construction project which disturbs over 5,000 square feet of the surface area of land shall be conditioned upon certification by the local soil conservation district of a plan for soil erosion and sediment control. The district shall certify such plan, if it meets the standards promulgated by the State Soil Conservation Committee. The act authorizes that committee to formulate, promulgate, amend and repeal standards for the control of soil erosion and sedimentation, subject to the approval of the Secretary of Agriculture and the Commissioner of Environmental Protection. A municipality may however obtain an exemption from the certification procedure, administered by the local soil conservation district, if it adopts and enforces an ordinance approved by the State committee. A municipality may not issue a certificate of occupancy for a project unless there has been compliance with the provisions of a certified plan for permanent measures to control soil erosion and sedimentation. The act appropriates \$100,000.00 to the Department of Agriculture to implement this program.

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SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 806
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STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1974

The Senate Revenue, Finance and Appropriations Committee concurs in the Senate Energy, Agriculture and Environment Committee Statement on Senate Bill No. 806 (Official Copy Reprint), but wishes comment with regard to the fiscal impact of the bill.

The Senate Revenue, Finance and Appropriations Committee amended the appropriation contained in the bill reducing the appropriation from \$100,000.00 to \$25,000.00. The \$25,000.00 level is sufficient for start-up costs in the current fiscal year. It is expected that in the long run, the program will be self-sufficient, funded through fees to be established by soil conservation districts as provided by section 8 of the bill. The only possible exception to self-sufficiency would be the cost of a Department of Agriculture Statewide overview activity. Additionally, section 15 authorizes grants of State aid to districts and municipalities to carry out the purposes of the act. This is not a built-in cost center, does not commit State Government to any grant-in-aid program, and where funding is requested in the future, the Legislature will be in a position to review the appropriation, either through the Joint Appropriations Committee or by separate bill.

FROM THE OFFICE OF THE GOVERNOR

~~SECRET~~
SECRET

NOVEMBER 12, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne today signed into law a bill designed to help protect the environment and provide for more effective flood control in new construction.

The bill S-806, sponsored by Senator Anne Martindell, D-Mercer, requires developers to submit a plan for soil erosion and sediment control which must be approved by the local soil conservation district.

The measure applies to projects in which more than 5,000 square feet of the land surface is being disturbed.

Municipal approval of an application for development would be conditioned on certification by the local soil conservation district that the project meets standards established by the State Soil Conservation Committee.

The Committee, an agency in the State Department of Agriculture, would promulgate the standards, subject to the approval of the Secretary of Agriculture and the State Commissioner of Environmental Protection.

The measure requires the local district to act on an application within 30 days, except that this period can be extended for an additional 30 days upon the mutual agreement of the district and the applicant.

The municipality would be empowered to halt construction if it is not being conducted in accordance with an approval soil erosion control plan.

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