

40:55D-95

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(Storm water  
detention)

LAWS OF: 1991

CHAPTER: 194

Bill No: A2870

Sponsor(s): Spadaro and others

Date Introduced: January 22, 1990

Committee: Assembly: Conservation

Senate: Law, Public Safety

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: March 8, 1990 Re-enacted 6-13-91

Senate: March 25, 1990 Re-enacted 6-27-91

Date of Approval: July 3, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[SECOND REPRINT]  
ASSEMBLY, No. 2870

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1990

By Assemblymen SPADORO, MECCA, Duch,  
Randall and Pelly

1 AN ACT concerning the public safety of certain storm water  
2 facilities and the development of storm water management  
3 plans by the municipalities of the State, amending P.L.1981,  
4 c.32, <sup>1</sup>and<sup>1</sup> P.L.1975, c.291, and supplementing Title 40 of the  
5 Revised Statutes.

6

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

9 1. Section 3 of P.L.1981, c.32 (C.40:55D-95) is amended to  
10 read as follows:

11 3. A storm water management plan and a storm water  
12 management ordinance or ordinances shall conform to all  
13 relevant Federal and State statutes, rules and regulations  
14 concerning storm water management or flood control and shall be  
15 designed: a. to reduce flood damage, including damage to life  
16 and property; b. to minimize storm water runoff from any new  
17 land development where such runoff will increase flood damage;  
18 c. to reduce soil erosion from any development or construction  
19 project; d. to assure the adequacy of existing and proposed  
20 culverts and bridges; e. to induce water recharge into the ground  
21 where practical; f. to prevent, to the greatest extent feasible, an  
22 increase in nonpoint pollution; [and] g. to maintain the integrity  
23 of stream channels for their biological functions, as well as for  
24 drainage; and h. to minimize public safety hazards at any storm  
25 water detention facilities constructed as part of a subdivision or  
26 <sup>1</sup>pursuant to a<sup>1</sup> site plan. A storm water management plan shall  
27 also include such structural changes and such additional  
28 nonstructural measures and practices as may be necessary to  
29 manage storm water. For purposes of this act "nonpoint  
30 pollution" means pollution from any source other than from any  
31 discernible, confined and discrete conveyance, and shall include,  
32 but not be limited to, pollutants from agricultural, silvicultural,  
33 mining, construction, subsurface disposal and urban runoff  
34 sources.

35 (cf: P.L.1981, c.32, s.3)

36 2. Section 4 of P.L.1981, c.32 (C.40:55D-96) is amended to  
37 read as follows:

38 4. The Commissioner of [the Department of] Environmental

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ANR committee amendments adopted February 8, 1990.

<sup>2</sup> Assembly amendments adopted in accordance with Governor's  
recommendations June 10, 1991

1 Protection may <sup>1,1</sup> upon application by any municipality <sup>1,1</sup> grant  
2 an exception from any requirement of section 3 of <sup>1</sup>[this  
3 supplementary act] P.L.1981, c.32 (C.40:55D-95),<sup>1</sup> provided that  
4 the commissioner shall determine that such exception will not  
5 increase flood damage <sup>1</sup>[[or] , ] <sup>1</sup>or <sup>1</sup>nonpoint pollution, or  
6 constitute a threat to the public safety <sup>1,1</sup> within or without the  
7 municipality.

8 (cf: P.L.1981, c.32, s.4)

9 3. Section 5 of P.L.1981, c.32 (C.40:55D-97) is amended to  
10 read as follows:

11 5. Every municipality shall submit a storm water management  
12 plan and implementing ordinances adopted pursuant to this act to  
13 the county planning agency or county water resources  
14 association, as appropriate. No plan or ordinances shall take  
15 effect without approval by said agency or association. Said  
16 agency or association shall approve, conditionally approve, or  
17 disapprove said plan or ordinances in regard to their compatibility  
18 with applicable municipal, county, regional or State storm water  
19 management plans. No storm water management plan or  
20 ordinances shall be approved <sup>1</sup>[which] that<sup>1</sup> are contrary to  
21 recognized storm water management principles or public safety  
22 regulations adopted pursuant <sup>1to</sup><sup>1</sup> section 5 of P.L. <sup>1</sup>[199]<sup>1</sup> ,  
23 c. (C. ) (now before the Legislature as this bill). The agency  
24 or association shall set forth in writing its reasons for disapproval  
25 of any plan or ordinance, or in the case of the issuance of a  
26 conditional approval, the agency or association shall specify the  
27 necessary amendments to the plan or ordinances. Any plan or  
28 ordinance approved pursuant to this section shall take effect  
29 immediately. Any plan or ordinance conditionally approved  
30 according to this section shall take effect upon the adoption by  
31 the governing body of the amendments proposed by the agency or  
32 association. Where the agency or association fails to approve,  
33 conditionally approve, or disapprove a plan or ordinance within 60  
34 days of receipt of the plan or ordinance, the plan or ordinance  
35 shall be considered approved.

36 (cf: P.L.1981, c.32, s.5)

37 4. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to  
38 read as follows:

39 29. Contents of ordinance. An ordinance requiring approval by  
40 the planning board of either subdivisions or site plans, or both,  
41 shall include the following:

42 a. Provisions, not inconsistent with other provisions of this  
43 act, for submission and processing of applications for  
44 development, including standards for preliminary and final  
45 approval and provisions for processing of final approval by stages  
46 or sections of development;

47 b. Provisions ensuring:

48 (1) Consistency of the layout or arrangement of the subdivision

1 or land development with the requirements of the zoning  
2 ordinance;

3 (2) Streets in the subdivision or land development of sufficient  
4 width and suitable grade and suitably located to accommodate  
5 prospective traffic and to provide access for firefighting and  
6 emergency equipment to buildings and coordinated so as to  
7 compose a convenient system consistent with the official map, if  
8 any, and the circulation element of the master plan, if any, and  
9 so oriented as to permit, consistent with the reasonable  
10 utilization of land, the buildings constructed thereon to maximize  
11 solar gain; provided that no street of a width greater than 50 feet  
12 within the right-of-way lines shall be required unless said street  
13 constitutes an extension of an existing street of the greater  
14 width, or already has been shown on the master plan at the  
15 greater width, or already has been shown in greater width on the  
16 official map;

17 (3) Adequate water supply, drainage, shade trees, sewerage  
18 facilities and other utilities necessary for essential services to  
19 residents and occupants;

20 (4) Suitable size, shape and location for any area reserved for  
21 public use pursuant to section 32 of this act;

22 (5) Reservation pursuant to section 31 of this act of any open  
23 space to be set aside for use and benefit of the residents of  
24 planned development, resulting from the application of standards  
25 of density or intensity of land use, contained in the zoning  
26 ordinance, pursuant to subsection 52c. of this act;

27 (6) Regulation of land designated as subject to flooding,  
28 pursuant to subsection 52e., to avoid danger to life or property;

29 (7) Protection and conservation of soil from erosion by wind or  
30 water or from excavation or grading;

31 (8) Conformity with standards promulgated by the  
32 Commissioner of Transportation, pursuant to the "Air Safety and  
33 Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et  
34 seq.), for any airport hazard areas delineated under that act;

35 (9) Conformity with a municipal recycling ordinance required  
36 pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

37 (10) Conformity with the State highway access management  
38 code adopted by the Commissioner of Transportation under  
39 section 3 of the "State Highway Access Management Act,"  
40 P.L.1989, c.32 (C.27:7-91), with respect to any State highways  
41 within the municipality;

42 (11) Conformity with any access management code adopted by  
43 the county under R.S.27:16-1, with respect to any county roads  
44 within the municipality; [and]

45 (12) Conformity with any municipal access management code  
46 adopted under R.S.40:67-1, with respect to municipal streets;

47 <sup>1</sup>[and]<sup>1</sup>

48 (13) <sup>1</sup>Protection of potable water supply reservoirs from

1 pollution or other degradation of water quality resulting from the  
2 development or other uses of surrounding land areas, which  
3 provisions shall be in accordance with any siting, performance, or  
4 other standards or guidelines adopted therefor by the Department  
5 of Environmental Protection; and

6 (14)<sup>1</sup> Conformity with the public safety regulations concerning  
7 storm water detention facilities <sup>1</sup>[established and defined]  
8 adopted pursuant to section 5 of P.L. , c. (C. ) (now before  
9 the Legislature as this bill) and reflected<sup>1</sup> in storm water  
10 management plans <sup>1</sup>and storm water management ordinances<sup>1</sup>  
11 adopted pursuant to P.L.1981, c.32 (C.40:55D-93 et seq.).

12 c. Provisions governing the standards for grading,  
13 improvement and construction of streets or drives and for any  
14 required walkways, curbs, gutters, streetlights, shade trees, fire  
15 hydrants and water, and drainage and sewerage facilities and  
16 other improvements as shall be found necessary, and provisions  
17 ensuring that such facilities shall be completed either prior to or  
18 subsequent to final approval of the subdivision or site plan by  
19 allowing the posting of performance bonds by the developer;

20 d. Provisions ensuring that when a municipal zoning ordinance  
21 is in effect, a subdivision or site plan shall conform to the  
22 applicable provisions of the zoning ordinance, and where there is  
23 no zoning ordinance, appropriate standards shall be specified in  
24 an ordinance pursuant to this article; and

25 e. Provisions ensuring performance in substantial accordance  
26 with the final development plan; provided that the planning board  
27 may permit a deviation from the final plan, if caused by change  
28 of conditions beyond the control of the developer since the date  
29 of final approval, and the deviation would not substantially alter  
30 the character of the development or substantially impair the  
31 intent and purpose of the master plan and zoning ordinance.

32 (cf: P.L.1989, c.208, s.1)

33 5. (New section) The Commissioner of Environmental  
34 Protection <sup>1,1</sup> pursuant to the "Administrative Procedure Act,"  
35 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to  
36 protect the public safety with respect to storm water detention  
37 facilities, including those aspects of design and operation of  
38 storm water detention facilities <sup>1</sup>[which] that<sup>1</sup> may constitute a  
39 threat to <sup>1</sup>[life or limb] the public safety<sup>1</sup>. In adopting the rules  
40 and regulations, the commissioner shall <sup>1</sup>[provide regulations that  
41 will]<sup>1</sup>, to the maximum extent feasible:

42 a. Promote site-specific solutions to public safety hazards at  
43 storm water detention facilities in keeping with generally  
44 accepted storm water management and engineering principles;

45 b. Deter the general public, especially children, from entering  
46 areas where storm water detention facilities are located;

47 c. Provide guidelines for designing escape aids for individuals  
48 who may become trapped in a storm water detention facility;

1 d. Provide that the declivity of a storm water detention basin  
2 be as gradual as possible, but within the limits of existing water  
3 quality regulations;

4 e. Eliminate, where possible, public safety hazards associated  
5 with storm water detention facilities.

6 The commissioner shall also examine the usefulness of trash  
7 and safety racks, grates, bar screens and lattices <sup>1,1</sup> and fencing,  
8 and recommend their use individually or in combination <sup>1[,]1</sup> with  
9 respect to each <sup>1type of1</sup> design <sup>1[of the inlets]1</sup> for <sup>1an inlet to</sup>  
10 <sup>an1 outlet 1[structures] structure1</sup> of <sup>1a1</sup> storm water detention  
11 <sup>1[facilities] facility1</sup>.

12 16. (New section) a. There is created in the Department of  
13 Environmental Protection the Storm Water Detention Facility  
14 Advisory Council, which shall comprise seven voting members,  
15 appointed by the Governor, with the advice and consent of the  
16 Senate, as follows: a professional engineer licensed by the State,  
17 a representative of the commercial construction industry, a  
18 representative of the residential construction industry, a private  
19 citizen, and three professional engineers employed as county or  
20 municipal engineers.

21 b. <sup>2</sup>[Of the members first appointed, two shall serve for a  
22 term of one year, two for a term of two years, and three for a  
23 term of three years. Thereafter, all terms shall be for three  
24 years.]<sup>2</sup> Each member shall serve for the <sup>2</sup>[term of appointment  
25 and until a successor shall have been appointed and qualified]  
26 duration of the council<sup>2</sup>. Any vacancy shall be filled in the same  
27 manner as the original appointment <sup>2</sup>[for the unexpired term  
28 only]<sup>2</sup>. Any member of the council may be removed by the  
29 appointing authority, for cause, after public hearing.

30 c. The council shall organize as soon as may be practicable  
31 after the appointment of its members. The Governor shall select  
32 a chairperson, vice-chairperson, and secretary from among its  
33 members. The council may, within the limits of any funds  
34 appropriated or otherwise made available to it, appoint such staff  
35 or hire such experts as it may require. The Department of  
36 Environmental Protection shall provide primary staff support.

37 d. A majority of the membership of the council shall  
38 constitute a quorum for the transaction of council business.  
39 Action may be taken and motions and resolutions adopted by the  
40 council at any meeting thereof by the affirmative vote of a  
41 majority of the full membership of the council.

42 e. The council shall meet regularly as it may determine, and  
43 shall also meet at the call of the chairperson of the council, the  
44 Commissioner of Environmental Protection, or the Governor.

45 f. Members of the council shall serve without compensation,  
46 but the council may, within the limits of any funds appropriated  
47 or otherwise made available for such purposes, reimburse its  
48 members for necessary expenses incurred in the discharge of

1 their official duties.<sup>1</sup>

2 <sup>2</sup>g. The council shall expire upon the adoption by the  
3 Commissioner of Environmental Protection of the rules required  
4 to be promulgated pursuant to section 5 of P.L. , c. (C.  
5 )(now before the Legislature as this bill).<sup>2</sup>

6 <sup>17.</sup> (New section) The council shall:

7 a. Advise the Department of Environmental Protection  
8 concerning matters generally relating to storm water detention  
9 facilities, but especially with regard to public safety  
10 considerations;

11 b. Advise the department with regard to the department's  
12 responsibilities under section 5 of P.L. , c. (C. ) (now before  
13 the Legislature as this bill);

14 c. Review, prior to their promulgation, any rules, regulations,  
15 guidelines, or recommendations to be issued by the department  
16 pursuant to section 5 of P.L. , c. (C. ) (now before the  
17 Legislature as this bill), and submit any comments or  
18 recommendations in connection therewith to the department; and

19 d. Review any other matter submitted to it by the department  
20 or the Governor, and state its position thereupon within the time  
21 limits set by the department or the Governor.<sup>1</sup>

22 <sup>1</sup>[6.] <sup>8.</sup><sup>1</sup> This act shall take effect 180 days following  
23 enactment <sup>1</sup>, except paragraph (13) of subsection b. of section 4  
24 of this amendatory and supplementary act shall take effect and  
25 become operative as provided by section 2 of P.L.1989, c.208<sup>1</sup>.

26 <sup>2</sup>[Imposes safety requirements for storm water detention  
27 facilities.]<sup>2</sup>

28

29

30

PUBLIC SAFETY

31

32

Imposes safety requirements for storm water detention facilities.

1 6. This act shall take effect 180 days following enactment.  
2  
3

4 STATEMENT  
5

6 This bill directs the Commissioner of Environmental Protection  
7 to adopt regulations regarding public safety at storm water  
8 facilities. These regulations would take into account generally  
9 accepted storm water management and engineering principles,  
10 and would strive to: deter the general public, especially children,  
11 from entering areas where storm water detention facilities are  
12 located, provide guidelines for designing escape aids for  
13 individuals who may become trapped in a storm water detention  
14 facility, and, when possible, eliminate public safety hazards  
15 associated with storm water detention facilities.

16 This bill also amends the "Municipal Land Use Law," P.L.1975,  
17 c.291 (C.40:55D-1 et seq.) to require that municipal planning  
18 boards shall, when considering the adoption of an ordinance for  
19 development of a subdivision or site plan, to include provisions  
20 ensuring that any storm water detention facilities conform with  
21 public safety regulations adopted by the Department of  
22 Environmental Protection. The municipalities would also be  
23 required to include public safety provisions in their storm water  
24 management plans.

25 Finally, the bill directs the commissioner to examine the  
26 usefulness of existing safety features that could be utilized to  
27 make storm water detention facilities safer.  
28  
29

30 PUBLIC SAFETY  
31

32 Directs municipalities to approve safety of storm water detention  
33 facilities; directs DEP to adopt regulations.  
  
A. 1100



ASSEMBLY CONSERVATION AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2870**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 8, 1990

The Assembly Conservation and Natural Resources Committee favorably reports Assembly Bill No. 2870 with Assembly committee amendments.

This bill would direct the Commissioner of Environmental Protection to adopt regulations to protect the public safety with respect to storm water detention facilities, including those aspects of design and operation of storm water detention facilities that may constitute a threat to the public safety. Specifically, these rules and regulations would strive to promote site-specific solutions to public safety hazards at storm water detention facilities in keeping with generally accepted storm water management and engineering principles; deter the general public, especially children, from entering areas where storm water detention facilities are located; provide guidelines for designing escape aids for individuals who may become trapped in a storm water detention facility; provide that the declivity of a storm water detention basin be as gradual as possible, but within the limits of existing water quality regulations; and eliminate, where possible, public safety hazards associated with storm water detention facilities.

The bill would also direct the commissioner to examine and make recommendations concerning the usefulness of existing safety devices that could be utilized to make storm water detention facilities safer. These devices include trash and safety racks, grates, bar screens and lattices, and fencing.

Finally, the bill would amend the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), and P.L. 1981, c.32 (C.40:55D-93 et seq.), to require every municipality to include public safety provisions and considerations with respect to storm water detention facilities in the municipality's storm water management plan, storm water management ordinances, and general zoning ordinance. These provisions and considerations would be based on the State rules, regulations, guidelines, and recommendations described above. As a result, a municipal agency could not grant approval of a subdivision or site plan unless all storm water detention facilities to be constructed at the development site complied with the appropriate public safety provisions and considerations for such facilities.

The committee amended the bill to add provisions creating a Storm Water Detention Facility Advisory Council, comprised of seven members, appointed by the Governor with the advice and consent of the Senate, as follows: a professional engineer, a representative of the commercial construction industry, a representative of the residential construction industry, a private citizen, and three county or municipal engineers. This council would advise the Department of Environmental Protection concerning matters generally relating to storm water detention facilities, but especially with regard to public safety considerations; advise the department with regard to the department's responsibilities under the bill; review, prior to their promulgation, any rules, regulations, guidelines, or recommendations to be issued by the department pursuant to the bill, and submit any comments or recommendations in connection therewith to the department; and review any other matter submitted to it by the department or the Governor, and state its position thereupon within the time limits set by the department or the Governor. The committee also amended the bill to make certain technical changes and to update it to reflect current law.

The New Jersey Builders Association and an association of professional engineers testified in support of the bill as amended.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2870

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1990

The Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 2870 [1R].

This bill would direct the Commissioner of Environmental Protection to adopt regulations for the design and operation of storm water detention facilities. Specifically, the regulations should address the public safety hazards of these detention facilities in terms of generally accepted storm water management and engineering principles and include guidelines for escape aids in case a person becomes trapped in such a facility.

The bill would also direct the commissioner to examine and make recommendations concerning the usefulness of existing safety devices to make detention facilities safer. Such devices include trash and safety racks, grates, bar screens and lattices, and fencing.

Finally, the bill would amend the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), and P.L.1981, c.32 (C.40:55D-93 et seq.), to require every municipality to include public safety provisions for storm water detention facilities in the municipality's storm water management plan, storm water management ordinances, and general zoning ordinance. These provisions and considerations would be based on the State regulations and recommendations described above. As a result, a municipal agency could not grant approval to a subdivision or site plan unless all storm water detention facilities at the site will comply with the appropriate public safety provisions and considerations for such facilities.

The bill creates a Storm Water Detention Facility Advisory Council. The council will have the following seven members, appointed by the Governor with the advice and consent of the Senate: a professional engineer, a representative of the commercial construction industry, a representative of the residential construction industry, a private citizen, and three county or municipal engineers. This council would advise the Department of Environmental Protection on public safety considerations for storm water detention facilities; advise the department with regard to the department's responsibilities under the bill; review any regulations or recommendations to be issued by the department; and review any other matter submitted to it by the department or the Governor.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

May 23, 1991

ASSEMBLY BILL NO. 2870

(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2870 (First Reprint) with my objections for reconsideration.

This bill would help ensure the safety of our citizens by requiring the development of rules concerning the design and operation of storm water detention facilities. The rules would be promulgated by the Commissioner of Environmental Protection.

Specifically, the rules would: (1) promote site-specific solutions to public safety hazards at these facilities; (2) deter persons, especially children, from entering areas where these facilities are located; (3) provide guidelines for designing escape aids for persons who may become trapped in a storm water detention facility; (4) provide that the declivity of a storm water detention basin be as gradual as possible within the limits of existing water quality regulations; and (5) eliminate, where possible, public safety hazards associated with storm water detention facilities.

The bill would also require that each municipality in the State include public safety provisions and considerations regarding storm water detention facilities in the municipality's storm water management plan, storm water management ordinances, and general zoning ordinance. These provisions and considerations would be based on the State rules. As a result, no subdivision or site plan approval could be granted unless all storm water detention facilities to be built at the site conform with the appropriate public safety provisions and considerations.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

To assist the Commissioner of Environmental Protection in developing these safety rules, the bill would establish a Storm Water Detention Facility Advisory Council. The council would consist of a professional engineer licensed by the State, a representative of the commercial construction industry, a representative of the residential construction industry, a private citizen, and three professional engineers employed as county or municipal engineers. The council would be a permanent entity within the Department of Environmental Protection.

I strongly support the basic goal of this legislation because I recognize the need for rules to protect the public from safety hazards associated with storm water detention facilities. I also believe that the advisory council is needed to assist the Commissioner of Environmental Protection in developing the rules called for in the bill. However, I do not believe the State needs another permanent advisory council.

As part of my administration's effort to trim and make more efficient all State government operations, I have directed that particular attention be focused on the dozens of councils, boards, and other entities that have been established over the years. The purpose was to see whether the function performed by these entities was still needed and, if so, whether that function could be performed more efficiently than through a separate entity.

While continuing with this effort to trim State government, I cannot support the creation of a permanent advisory council when a temporary council is all that is needed. The council's role would be to advise the Commissioner concerning the rules to be adopted pursuant to the bill. Once those rules have been adopted, the need for a formal advisory council would no longer exist.

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Making the advisory council a temporary body will neither prevent the Commissioner from seeking advice in the future from the groups represented on the council nor prevent those groups from providing input to the Commissioner. The administrative procedures currently in place governing agency rule-making will allow ample opportunity for the exchange of views and information between the Commissioner, the groups represented on the council, and any other interested parties.

For these reasons, I herewith return Assembly Bill No. 2870 (First Reprint) and recommend that it be amended as follows:

Page 5, Section 6, Lines 21-23: delete "Of the members first appointed, two shall serve for a term of one year, two for a term of two years, and three for a term of three years. Thereafter, all terms shall be for three years."

Page 5, Section 6, Lines 24-25: delete "term of appointment and until a successor shall have been appointed and qualified" insert "duration of the council"

Page 5, Section 6, Lines 26-27: delete "for the unexpired term only"

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Page 6, Section 6, After Line 1: insert new subsection as follows: "g. The council shall expire upon the adoption by the Commissioner of Environmental Protection of the rules required to be promulgated pursuant to section 5 of P.L. , c. (C. ) (now before the Legislature as this bill)."

Page 6, Section 8, Line 22: delete "Imposes safety requirements for storm water detention facilities."

Respectfully,  
/s/ Jim Florio  
GOVERNOR

[seal]

Attest:  
/s/ Andrew Weber  
Chief Counsel to the Governor