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P.L.2015, CHAPTER 210, *approved January 11, 2016*
Assembly, No. 3507 (*First Reprint*)

1 AN ACT concerning stream cleaning and amending P.L.1993, c.376.

2

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

5

6 1. Section 1 of P.L.1993, c.376 (C.58:16A-67) is amended to
7 read as follows:

8 1. a. The provisions of any other law, or any rule or regulation
9 adopted pursuant thereto, to the contrary notwithstanding, a county
10 or municipality, or designated agency thereof, before undertaking
11 any project to clean, clear, or desnag a stream within its
12 jurisdiction, shall submit to the Department of Environmental
13 Protection or to any State agency requiring a stream cleaning permit
14 or an application for the proposed stream cleaning, clearing, or
15 desnagging project, a written notice of intent to undertake a project
16 to clean, clear, or desnag a stream and a certification attested to by
17 the county or municipal engineer or the local soil conservation
18 district, provided that the certification is made by a licensed
19 professional engineer. The engineer shall certify that:

20 (1) the project is being undertaken solely for the purpose of
21 stream cleaning, clearing, or desnagging;

22 (2) the removal of any material will not extend below the
23 natural stream bed;

24 (3) the activities will not alter the natural stream banks;

25 (4) the activities will consist of the removal only of accumulated
26 sediments, debris, and garbage from a stream with a natural stream
27 bed or the removal of any accumulated material from a stream
28 previously channelized with concrete or similar artificial material;

29 (5) every effort will be made to perform work from only one
30 stream bank and that vegetation and canopy on the more southerly
31 or westerly banks will be preserved for stream shading; and

32 (6) the activities are necessary and in the public interest.

33 The notice shall also include a description of the nature of the
34 project, a description, including a photograph, of the reach of the
35 stream in which the activity is to take place, and an identification of
36 the regulatory water quality classification of the stream in which the
37 activity is to take place. The reach of the stream may be provided
38 by the submission of a photostatic copy of the United States
39 Geological Survey topographic quadrangle.

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:

¹Senate floor amendments adopted August 13, 2015.

- 1 b. For any project that includes sediment removal, in addition
2 to the conditions enumerated in subsection a. of this section, the
3 following conditions must be met:
- 4 (1) ~~the applicant shall provide a statement from the engineer~~
5 ~~that the stream floods and that such flooding results or can result in~~
6 ~~property damage necessitating the proposed cleaning, clearing, or~~
7 ~~desnagging;~~ (Deleted by amendment, P.L. , c.) (pending
8 before the Legislature as this bill)¹
- 9 (2) the stream to be cleaned, cleared, or desnagged is not
10 classified as pinelands waters or category one waters;
- 11 (3) the stream bed is ~~15~~ 30 feet or less in average width;
- 12 (4) the stream corridor to be cleaned, cleared, or desnagged is :
- 13 (a) in the case of a project undertaken by a municipality, or a
14 designated agency thereof, located wholly within the jurisdictional
15 boundaries of that municipality; or
- 16 (b) in the case of a project undertaken by a county, or a
17 designated agency thereof, (i) located wholly within the
18 jurisdictional boundaries of one municipality, or (ii) less than 500
19 feet in length if located within more than one municipality ;
- 20 (5) the stream is not in a municipality, as defined by the
21 department, that is known to have federally or State listed
22 threatened or endangered species associated with its wetlands.
23 Regulated activities in these municipalities shall be coordinated
24 with federal agencies;
- 25 (6) the applicant shall provide a certification by the engineer
26 that the material to be removed is not beyond the natural stream
27 bed;
- 28 (7) the applicant shall submit surface color photographs of the
29 areas of the stream to be cleaned, cleared, or desnagged and of the
30 access points; and
- 31 (8) the applicant shall incorporate appropriate timing restrictions
32 as required by the department.
- 33 c. Upon receipt of a notice and certification submitted pursuant
34 to this section, the department, or any other State agency requiring a
35 stream cleaning permit or an application for the proposed stream
36 cleaning, clearing, or desnagging project, as the case may be, shall,
37 except as provided otherwise in this subsection, have 15 days to
38 notify the applicant if particular circumstances mandate that the
39 stream cleaning, clearing, or desnagging not be done in this
40 particular case. For a project involving the removal of sediment,
41 the department shall have 60 days prior to the commencement of
42 activities to notify the applicant if particular circumstances mandate
43 that the stream cleaning, clearing, or desnagging not be done in that
44 particular case. If the department, or any other State agency
45 requiring a stream cleaning permit or an application for the
46 proposed stream cleaning, clearing, or desnagging project, as the
47 case may be, makes such a determination, it shall provide the
48 applicant with the technical reasons therefor. For the purposes of

1 this subsection, if the department's technical reasons therefor are
2 based upon the inability to determine the natural stream bed, the
3 department shall, at the request of the applicant, assist in identifying
4 the natural stream bed. The department may not prohibit the
5 removal of any garbage no matter how long it has been in the
6 stream, nor shall the department require extensive mapping or other
7 engineering services which involve significant expense to the
8 municipality.

9 d. Upon completion of the project to clean, clear, or desnag a
10 stream involving the removal of sediment within its jurisdiction, the
11 applicant shall submit to the department a written notice that the
12 project has been completed in accordance with the conditions
13 outlined in subsection b. of this section. The notice shall contain a
14 certification attested to by the county or municipal engineer or the
15 local soil conservation district, provided that the certification is
16 made by a licensed professional engineer. The engineer shall
17 certify that all the conditions in subsection b. of this section have
18 been adhered to.

19 e. As used in this section:

20 "Applicant" means a county or municipality, or designated
21 agency thereof;

22 "Category one waters" means, for the purposes of sediment
23 removal, those waters designated by the Department of
24 Environmental Protection, for purposes of implementing the
25 antidegradation policies of the "Water Pollution Control Act,"
26 P.L.1977, c.74 (C.58:10A-1 et seq.), for protection from measurable
27 changes in water quality characteristics because of their clarity,
28 color, scenic setting, other characteristics of aesthetic value,
29 exceptional ecological significance, exceptional recreational
30 significance, exceptional water supply significance, or exceptional
31 fisheries resources. These waters may include, but are not limited
32 to:

33 (1) Waters originating wholly within federal, interstate, State,
34 county, or municipal parks, forests, fish and wildlife lands, and
35 other special holdings that have not been designated by the
36 department as FW1;

37 (2) Waters classified by the department as FW2 trout production
38 waters and their tributaries;

39 (3) Surface waters classified by the department as FW2 trout
40 maintenance waters or FW2 nontrout waters that are not more than
41 750 feet upstream of waters classified by the department as FW2
42 trout production waters;

43 (4) Shellfish waters of exceptional resource value; or

44 (5) Other waters and their tributaries that flow through, or
45 border, federal, State, county or municipal parks, forest, fish and
46 wildlife lands, and other special holdings;

47 "Department" means the Department of Environmental
48 Protection;

1 "FW" means the general surface water classification applied to
2 fresh waters;

3 "FW1" means those fresh waters that originate in and are wholly
4 within federal or State parks, forests, fish and wildlife lands, and
5 other special holdings, that are to be maintained in their natural
6 state of quality and not subjected to any man-made wastewater
7 discharges;

8 "FW2" means the general surface water classification applied to
9 those fresh waters that are not designated as FW1 or pinelands
10 waters;

11 "Trout maintenance waters" means waters designated by the
12 department for the support of trout throughout the year; and

13 "Trout production waters" means waters designated by the
14 department for use by trout for spawning or nursery purposes during
15 their first summer.

16 f. Any person or governmental entity violating the provisions
17 of this section shall be subject to penalties imposed for violations of
18 the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50
19 et seq.).

20 ¹g. Nothing in this section shall be construed to prohibit the
21 department from requiring a county or municipality, or designated
22 agency thereof, to obtain a permit pursuant to the "Flood Hazard
23 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.) for a
24 proposed stream cleaning, clearing, or desnagging project involving
25 any activity that does not adhere to the conditions and requirements
26 set forth in subsections a. and b. of this section.¹

27 (cf: P.L.1997, c.286, s.1)

28

29 2. This act shall take effect immediately.

30

31

32

33

34 Amends law concerning county and municipal stream cleaning
35 activities.

ASSEMBLY, No. 3507

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JULY 11, 2014

Sponsored by:

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman HOLLY SCHEPISI

District 39 (Bergen and Passaic)

Assemblyman SCOTT T. RUMANA

District 40 (Bergen, Essex, Morris and Passaic)

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

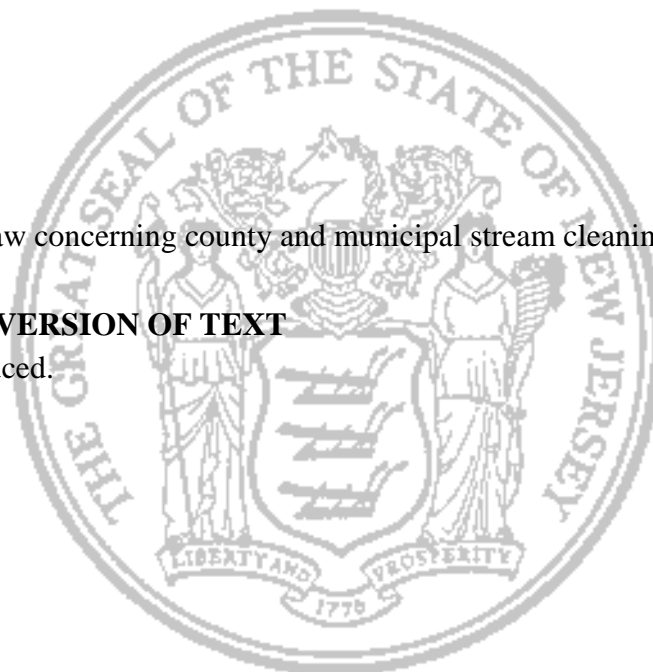
**Assemblymen Russo, Johnson, Space, Assemblywoman McHose,
Assemblyman Coughlin and Senator Oroho**

SYNOPSIS

Amends law concerning county and municipal stream cleaning activities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/14/2015)

1 AN ACT concerning stream cleaning and amending P.L.1993, c.376.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
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6 1. Section 1 of P.L.1993, c.376 (C.58:16A-67) is amended to
7 read as follows:

8 1. a. The provisions of any other law, or any rule or regulation
9 adopted pursuant thereto, to the contrary notwithstanding, a county
10 or municipality, or designated agency thereof, before undertaking
11 any project to clean, clear, or desnag a stream within its
12 jurisdiction, shall submit to the Department of Environmental
13 Protection or to any State agency requiring a stream cleaning permit
14 or an application for the proposed stream cleaning, clearing, or
15 desnagging project, a written notice of intent to undertake a project
16 to clean, clear, or desnag a stream and a certification attested to by
17 the county or municipal engineer or the local soil conservation
18 district, provided that the certification is made by a licensed
19 professional engineer. The engineer shall certify that:

20 (1) the project is being undertaken solely for the purpose of
21 stream cleaning, clearing, or desnagging;

22 (2) the removal of any material will not extend below the
23 natural stream bed;

24 (3) the activities will not alter the natural stream banks;

25 (4) the activities will consist of the removal only of accumulated
26 sediments, debris, and garbage from a stream with a natural stream
27 bed or the removal of any accumulated material from a stream
28 previously channelized with concrete or similar artificial material;

29 (5) every effort will be made to perform work from only one
30 stream bank and that vegetation and canopy on the more southerly
31 or westerly banks will be preserved for stream shading; and

32 (6) the activities are necessary and in the public interest.

33 The notice shall also include a description of the nature of the
34 project, a description, including a photograph, of the reach of the
35 stream in which the activity is to take place, and an identification of
36 the regulatory water quality classification of the stream in which the
37 activity is to take place. The reach of the stream may be provided
38 by the submission of a photostatic copy of the United States
39 Geological Survey topographic quadrangle.

40 b. For any project that includes sediment removal, in addition
41 to the conditions enumerated in subsection a. of this section, the
42 following conditions must be met:

43 (1) the applicant shall provide a statement from the engineer that
44 the stream floods and that such flooding results or can result in
45 property damage necessitating the proposed cleaning, clearing, or
46 desnagging;

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.

- 1 (2) the stream to be cleaned, cleared, or desnagged is not
2 classified as pinelands waters or category one waters;
- 3 (3) the stream bed is ~~15~~ 30 feet or less in average width;
- 4 (4) the stream corridor to be cleaned, cleared, or desnagged is :
 - 5 (a) in the case of a project undertaken by a municipality, or a
6 designated agency thereof, located wholly within the jurisdictional
7 boundaries of that municipality; or
 - 8 (b) in the case of a project undertaken by a county, or a
9 designated agency thereof, (i) located wholly within the
10 jurisdictional boundaries of one municipality, or (ii) less than 500
11 feet in length if located within more than one municipality ;
- 12 (5) the stream is not in a municipality, as defined by the
13 department, that is known to have federally or State listed
14 threatened or endangered species associated with its wetlands.
15 Regulated activities in these municipalities shall be coordinated
16 with federal agencies;
- 17 (6) the applicant shall provide a certification by the engineer
18 that the material to be removed is not beyond the natural stream
19 bed;
- 20 (7) the applicant shall submit surface color photographs of the
21 areas of the stream to be cleaned, cleared, or desnagged and of the
22 access points; and
- 23 (8) the applicant shall incorporate appropriate timing restrictions
24 as required by the department.
- 25 c. Upon receipt of a notice and certification submitted pursuant
26 to this section, the department, or any other State agency requiring a
27 stream cleaning permit or an application for the proposed stream
28 cleaning, clearing, or desnagging project, as the case may be, shall,
29 except as provided otherwise in this subsection, have 15 days to
30 notify the applicant if particular circumstances mandate that the
31 stream cleaning, clearing, or desnagging not be done in this
32 particular case. For a project involving the removal of sediment,
33 the department shall have 60 days prior to the commencement of
34 activities to notify the applicant if particular circumstances mandate
35 that the stream cleaning, clearing, or desnagging not be done in that
36 particular case. If the department, or any other State agency
37 requiring a stream cleaning permit or an application for the
38 proposed stream cleaning, clearing, or desnagging project, as the
39 case may be, makes such a determination, it shall provide the
40 applicant with the technical reasons therefor. For the purposes of
41 this subsection, if the department's technical reasons therefor are
42 based upon the inability to determine the natural stream bed, the
43 department shall, at the request of the applicant, assist in identifying
44 the natural stream bed. The department may not prohibit the
45 removal of any garbage no matter how long it has been in the
46 stream, nor shall the department require extensive mapping or other
47 engineering services which involve significant expense to the
48 municipality.

1 d. Upon completion of the project to clean, clear, or desnag a
2 stream involving the removal of sediment within its jurisdiction, the
3 applicant shall submit to the department a written notice that the
4 project has been completed in accordance with the conditions
5 outlined in subsection b. of this section. The notice shall contain a
6 certification attested to by the county or municipal engineer or the
7 local soil conservation district, provided that the certification is
8 made by a licensed professional engineer. The engineer shall
9 certify that all the conditions in subsection b. of this section have
10 been adhered to.

11 e. As used in this section:

12 "Applicant" means a county or municipality, or designated
13 agency thereof;

14 "Category one waters" means, for the purposes of sediment
15 removal, those waters designated by the Department of
16 Environmental Protection, for purposes of implementing the
17 antidegradation policies of the "Water Pollution Control Act,"
18 P.L.1977, c.74 (C.58:10A-1 et seq.), for protection from measurable
19 changes in water quality characteristics because of their clarity,
20 color, scenic setting, other characteristics of aesthetic value,
21 exceptional ecological significance, exceptional recreational
22 significance, exceptional water supply significance, or exceptional
23 fisheries resources. These waters may include, but are not limited
24 to:

25 (1) Waters originating wholly within federal, interstate, State,
26 county, or municipal parks, forests, fish and wildlife lands, and
27 other special holdings that have not been designated by the
28 department as FW1;

29 (2) Waters classified by the department as FW2 trout production
30 waters and their tributaries;

31 (3) Surface waters classified by the department as FW2 trout
32 maintenance waters or FW2 nontrout waters that are not more than
33 750 feet upstream of waters classified by the department as FW2
34 trout production waters;

35 (4) Shellfish waters of exceptional resource value; or

36 (5) Other waters and their tributaries that flow through, or
37 border, federal, State, county or municipal parks, forest, fish and
38 wildlife lands, and other special holdings;

39 "Department" means the Department of Environmental
40 Protection;

41 "FW" means the general surface water classification applied to
42 fresh waters;

43 "FW1" means those fresh waters that originate in and are wholly
44 within federal or State parks, forests, fish and wildlife lands, and
45 other special holdings, that are to be maintained in their natural
46 state of quality and not subjected to any man-made wastewater
47 discharges;

1 "FW2" means the general surface water classification applied to
2 those fresh waters that are not designated as FW1 or pinelands
3 waters;

4 "Trout maintenance waters" means waters designated by the
5 department for the support of trout throughout the year; and

6 "Trout production waters" means waters designated by the
7 department for use by trout for spawning or nursery purposes during
8 their first summer.

9 f. Any person or governmental entity violating the provisions
10 of this section shall be subject to penalties imposed for violations of
11 the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50
12 et seq.).

13 (cf: P.L.1997, c.286, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would amend the provisions of the current stream
21 cleaning law that allow a county or municipality, or a designated
22 agency thereof, to undertake certain stream cleaning projects that
23 include sediment removal.

24 The current stream cleaning law restricts a county or municipal
25 stream cleaning project that includes sediment removal to stream
26 beds of 15 feet or less in average width. Under this bill, the average
27 width of a stream bed that would be allowed to be part of any such
28 project would be increased to 30 feet.

29 This bill would also revise the provision in the law that limits the
30 availability of the procedure set forth in the law to a county or
31 municipal stream cleaning project that includes sediment removal to
32 a stream corridor to be cleaned, cleared, or desnagged of less than
33 500 feet in length. Under the bill, in the case of a project
34 undertaken by a municipality, the procedure set forth in the law
35 would be applicable if the stream corridor to be cleaned, cleared, or
36 desnagged is located wholly within the jurisdictional boundaries of
37 that municipality, or in the case of a project undertaken by a county,
38 the procedure would be applicable if the stream corridor to be
39 cleaned, cleared, or desnagged is either located wholly within the
40 jurisdictional boundaries of one municipality, or less than 500 feet
41 in length if located within more than one municipality.

42 These changes to current law will assist counties and
43 municipalities to quickly and economically engage in stream
44 cleaning projects that include sediment removal activities in order
45 to help reduce or prevent future flooding events.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3507

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2014

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 3507.

This bill would amend the provisions of the current stream cleaning law that allow a county or municipality, or a designated agency thereof, to undertake certain stream cleaning projects that include sediment removal.

The current stream cleaning law restricts a county or municipal stream cleaning project that includes sediment removal to stream beds of 15 feet or less in average width. Under this bill, the average width of a stream bed that would be allowed to be part of any such project would be increased to 30 feet.

This bill would also revise the provision in the law that limits the availability of the procedure set forth in the law to a county or municipal stream cleaning project that includes sediment removal to a stream corridor to be cleaned, cleared, or desnagged of less than 500 feet in length. Under the bill, in the case of a project undertaken by a municipality, the procedure set forth in the law would be applicable if the stream corridor to be cleaned, cleared, or desnagged is located wholly within the jurisdictional boundaries of that municipality; or in the case of a project undertaken by a county, the procedure would be applicable if the stream corridor to be cleaned, cleared, or desnagged is either located wholly within the jurisdictional boundaries of one municipality, or less than 500 feet in length if located within more than one municipality.

STATEMENT TO
ASSEMBLY, No. 3507

with Senate Floor Amendment
(Proposed by Senator GORDON)

ADOPTED: AUGUST 13, 2015

These floor amendments would delete the requirement in current law (added by P.L.1993, c.376), known commonly as the “Stream Cleaning Act,” that a local government unit engaged in a stream cleaning project that involves removal of sediment provide a statement from an engineer stating that the stream the local government unit is seeking to clean floods, and that the flooding results or can result in property damage.

The floor amendments also would provide that nothing in the “Stream Cleaning Act” should be construed to prohibit the Department of Environmental Protection from requiring a county or municipality, or designated agency thereof, to obtain a permit pursuant to the “Flood Hazard Area Control Act” for a proposed stream cleaning, clearing, or desnagging project involving any activity that does not adhere to the conditions and requirements set forth in the “Stream Cleaning Act.”

SENATE, No. 2677

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 22, 2014

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Amends law concerning county and municipal stream cleaning activities.

CURRENT VERSION OF TEXT

As introduced.



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12 jurisdiction, shall submit to the Department of Environmental
13 Protection or to any State agency requiring a stream cleaning permit
14 or an application for the proposed stream cleaning, clearing, or
15 desnagging project, a written notice of intent to undertake a project
16 to clean, clear, or desnag a stream and a certification attested to by
17 the county or municipal engineer or the local soil conservation
18 district, provided that the certification is made by a licensed
19 professional engineer. The engineer shall certify that:

20 (1) the project is being undertaken solely for the purpose of
21 stream cleaning, clearing, or desnagging;

22 (2) the removal of any material will not extend below the
23 natural stream bed;

24 (3) the activities will not alter the natural stream banks;

25 (4) the activities will consist of the removal only of accumulated
26 sediments, debris, and garbage from a stream with a natural stream
27 bed or the removal of any accumulated material from a stream
28 previously channelized with concrete or similar artificial material;

29 (5) every effort will be made to perform work from only one
30 stream bank and that vegetation and canopy on the more southerly
31 or westerly banks will be preserved for stream shading; and

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34 project, a description, including a photograph, of the reach of the
35 stream in which the activity is to take place, and an identification of
36 the regulatory water quality classification of the stream in which the
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38 by the submission of a photostatic copy of the United States
39 Geological Survey topographic quadrangle.

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42 following conditions must be met:

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44 the stream floods and that such flooding results or can result in
45 property damage necessitating the proposed cleaning, clearing, or
46 desnagging;

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44 the natural stream bed. The department may not prohibit the
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46 stream, nor shall the department require extensive mapping or other
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48 municipality.

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2 stream involving the removal of sediment within its jurisdiction, the
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30 waters and their tributaries;

31 (3) Surface waters classified by the department as FW2 trout
32 maintenance waters or FW2 nontrout waters that are not more than
33 750 feet upstream of waters classified by the department as FW2
34 trout production waters;

35 (4) Shellfish waters of exceptional resource value; or

36 (5) Other waters and their tributaries that flow through, or
37 border, federal, State, county or municipal parks, forest, fish and
38 wildlife lands, and other special holdings;

39 "Department" means the Department of Environmental
40 Protection;

41 "FW" means the general surface water classification applied to
42 fresh waters;

43 "FW1" means those fresh waters that originate in and are wholly
44 within federal or State parks, forests, fish and wildlife lands, and
45 other special holdings, that are to be maintained in their natural
46 state of quality and not subjected to any man-made wastewater
47 discharges;

1 "FW2" means the general surface water classification applied to
2 those fresh waters that are not designated as FW1 or pinelands
3 waters;

4 "Trout maintenance waters" means waters designated by the
5 department for the support of trout throughout the year; and

6 "Trout production waters" means waters designated by the
7 department for use by trout for spawning or nursery purposes during
8 their first summer.

9 f. Any person or governmental entity violating the provisions
10 of this section shall be subject to penalties imposed for violations of
11 the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50
12 et seq.).

13 (cf: P.L.1997, c.286, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would amend the provisions of the current stream
21 cleaning law that allow a county or municipality, or a designated
22 agency thereof, to undertake certain stream cleaning projects that
23 include sediment removal.

24 The current stream cleaning law restricts a county or municipal
25 stream cleaning project that includes sediment removal to stream
26 beds of 15 feet or less in average width. Under this bill, the average
27 width of a stream bed that would be allowed to be part of any such
28 project would be increased to 30 feet.

29 This bill would also revise the provision in the law that limits the
30 availability of the procedure set forth in the law to a county or
31 municipal stream cleaning project that includes sediment removal to
32 a stream corridor to be cleaned, cleared, or desnagged of less than
33 500 feet in length. Under the bill, in the case of a project
34 undertaken by a municipality, the procedure set forth in the law
35 would be applicable if the stream corridor to be cleaned, cleared, or
36 desnagged is located wholly within the jurisdictional boundaries of
37 that municipality, or in the case of a project undertaken by a county,
38 the procedure would be applicable if the stream corridor to be
39 cleaned, cleared, or desnagged is either located wholly within the
40 jurisdictional boundaries of one municipality, or less than 500 feet
41 in length if located within more than one municipality.

42 These changes to current law will assist counties and
43 municipalities to quickly and economically engage in stream
44 cleaning projects that include sediment removal activities in order
45 to help reduce or prevent future flooding events.

STATEMENT TO
SENATE, No. 2677

with Senate Floor Amendments
(Proposed by Senator GORDON)

ADOPTED: AUGUST 13, 2015

These floor amendments would delete the requirement in current law (added by P.L.1993, c.376), known commonly as the “Stream Cleaning Act,” that a local government unit engaged in a stream cleaning project that involves removal of sediment provide a statement from an engineer stating that the stream the local government unit is seeking to clean floods, and that the flooding results or can result in property damage.

The floor amendments also would provide that nothing in the “Stream Cleaning Act” should be construed to prohibit the Department of Environmental Protection from requiring a county or municipality, or designated agency thereof, to obtain a permit pursuant to the “Flood Hazard Area Control Act” for a proposed stream cleaning, clearing, or desnagging project involving any activity that does not adhere to the conditions and requirements set forth in the “Stream Cleaning Act.”

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Governor Christie Takes Action On Pending Legislation

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Trenton, NJ – Governor Chris Christie today took action on legislation, including a bill aimed at helping inmates who were victims of domestic violence and a second bill designed to help non-violent drug offenders reclaim their lives by streamlining the process for expungement of their criminal records.

The Governor suggested minor changes to strengthen Senate Bill No. 995, which seeks to help domestic violence victims who have been convicted of crimes against their abusers by establishing a community reentry program to assist victim-offenders assimilate into society upon release from custody and prevent further victimization.

Governor Christie conditionally vetoed the bill, proposing that the program be established solely in the Department of Corrections.

"The goal of this bill is commendable and I sincerely support its objective," Governor Christie said. "Domestic violence is tragic, and victims deserve support and counseling. However, the bill conflates the statutory and regulatory responsibilities of the Department of Corrections and the State Parole Board, combining the agencies' separate residential program functions. Accordingly, I suggest minor amendments, in accordance with the intent of the legislation to establish this program within the Department of Corrections, consistent with its existing reintegration programming and tailored to the specific needs of this limited inmate population."

The bill as written also called for an automatic early release program for this specific subset of inmates upon successful completion of the reentry program, an element of the bill that Governor Christie does not support.

"I cannot support the creation of early release programs because they would begin to chisel away at the long-standing function of the State Parole Board," Governor Christie said. "For decades, the State Parole Board has faithfully fulfilled its charge to carefully review and consider the underlying facts and circumstances of each applicant for parole. While I continue to encourage the Legislature to explore reforms that will create efficiencies in State government, I remain grounded in my belief that the review of parole applications is best accomplished through the reasoned, compassionate, experienced and individualized judgment of the State Parole Board and not through an automatic process based upon one factor."

Governor Christie similarly took action to strengthen the Assembly Committee Substitute for Assembly Bills Nos. 206, 471, 1663, 2879, 3060 and 3108, and urged quick approval from the Legislature.

The bill proposes to allow those who have successfully completed the Drug Court program to expunge the related criminal charges, and it further aims to make the expungement process more efficient.

Seeking to balance the needs of non-violent ex-offenders with public safety, Governor Christie conditionally vetoed the bill, retaining the current waiting period for expungements for indictable offenses, currently 10 years, or five years if a court determines that expungement is in the public's interest.

"While I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety," Governor Christie said. "As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offense, while also ensuring that public safety is not compromised."

Governor Christie further suggested retaining the five-year waiting period for disorderly persons offenses, while adopting the bill's provision to lower this waiting period to three years, if a court determines that expungement is in the public interest.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-475/A-3223 (Madden, Sweeney/Mosquera, Webber, Moriarty, Mukherji, Garcia, Munoz, Lampitt) - Requires certain information regarding Down syndrome be provided to certain parents and families

S-650 (Doherty, Beach/DiMaio, Andrzejczak, Peterson, DeAngelo) - Designates State Route 173 between Clinton and Phillipsburg as "173rd Airborne Brigade Highway"

S-835/A-1972 (Bateman/Garcia, Danielson) - Enhances penalties for false incrimination and making fictitious reports

S-939/A-2913 (Bateman, A.R. Bucco/Caride, Dancer, A.M. Bucco) - Designates Black Swallowtail butterfly as State Butterfly

S-1940/A-2893 (Oroho, Van Drew/Burzichelli, Space) - Exempts board of education and local government payments to entities under BPU jurisdiction from certain certification requirements

S-2145/A-631 (Van Drew, Madden/Moriarty, Burzichelli, Tucker, DeAngelo, Danielson, Mukherji) - Authorizes hiring preference for veterans in non-civil service jurisdictions

S-2301/A-3522 (Greenstein, Stack/Stender, Mukherji, Lagana, Diegnan) - Regulates pharmacy benefits managers and requires certain disclosures concerning multiple source generic drug pricing

S-2432/A-4720 (Madden/Moriarty, Mosquera) - Requires notification of member or retiree of State-administered retirement system under certain circumstances when member or retiree requests change in beneficiary for group life insurance

S-2453/A-3805 (Weinberg, Allen/Burzichelli, Singleton) - Requires earlier mandatory polling hours for school elections; requires discretionary additional polling hours be consistent with current primary and general elections

S-2523/A-3917 (Gill, Greenstein, Benson/DeAngelo, Johnson) - Permits municipalities and municipal parking authorities to create Senior Citizen Priority Parking Program

SCS for S-2586, 2587, A-3217, and 3218 (Stack, Cunningham, Mukherji, Pintor Marin, Garcia) - Requires certain sanitary and protective procedures for used mattresses

SCS for S-2668/A-4270 (Beach, Madden/Lampitt, Vainieri Huttle, Benson, Spencer, Wimberly, Mosquera) - Establishes "MVP Emergency Alert System" for missing persons with mental, intellectual, or developmental disabilities

SS for S-2770/AS for A-3956 (Sweeney, Addiego/Lampitt, Greenwald, Vainieri Huttle, Benson, Mazzeo) - Authorizes establishment of Achieving a Better Life Experience accounts for persons with certain disabilities

S-2940/A-4531 (Singer, Sweeney/Spencer, Benson, Casagrande, Muoio) - Creates new criminal offenses concerning endangering another person; repeals N.J.S.2C:12-2 and N.J.S.2C:24-7

S-2961/A-4188 (Codey, Vitale/Garcia, Lagana, Taliaferro, Vainieri Huttle, Danielsens, Holley, Benson, Jimenez) - Clarifies that Alzheimer's disease and related disorders may be listed as secondary cause of death on death certificate when appropriate

S-2978/A-4194 (Van Drew, Oroho/Burzichelli, Spencer, Rumana, Webber, Benson) - Authorizes mobile electronic waste destruction units to operate without DEP permit

S-3004/A-4685 (Cunningham, Van Drew/Andrzejczak, Johnson, Muoio, Wimberly) - Permits municipality with UEZ to participate in Downtown Business Improvements Zone Loan Fund

S-3076/A-4621 (Weinberg, Bateman/Johnson, Caride) - Increases maximum legal fee to represent victims from \$1,000 to \$3,000

S-3110/A-4617 (Scutari/Johnson, Webber) - Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements

S-3117/A-4781 (Gordon, Bateman, Sweeney, T. Kean/Vainieri Huttle, Eustace, Gusciora, Lampitt, Angelini, Moriarty) - Prohibits Division of Developmental Disabilities from compelling transfers of individuals with developmental disabilities from out-of-State to in-State facilities unless certain exceptions apply

S-3220/A-4790 (Sweeney, O'Toole, Vitale/Greenwald, Conaway, Vainieri Huttle, Handlin, Garcia) - Establishes a process to integrate certain health data and other data from publicly supported programs for population health research

S-3232/A-4834 (Sarlo, Oroho/Lagana, Burzichelli, Schaer, DeAngelo, Phoebus) - Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant

S-3270/A-4705 (Gill, Bateman/Schaer, Coughlin, Lagana, S. Kean, Ciattarelli) - "Certificates of Insurance Act;" governs use of certificates of insurance; provides DOBI with enforcement authority

SJR-81/AJR-122 (Barnes/Vainieri Huttle, Schaer, Lampitt) - Condemns Boycott, Divestment, and Sanctions movement against Israel

A-308/S-2203 (Russo, Rumana/O'Toole, Smith) - Prohibits escrow agent evaluation services from charging escrow agents fees

A-1098/S-671 (Vainieri Huttle, Eustace, Diegnan, Giblin/Pou, Sarlo, Weinberg) - Requires DHS and DMVA to conduct or contract for follow-up studies of former residents transitioning to community from their facilities

A-1355/S-2963 (Stender, Lampitt, Holley, Moriarty/T. Kean, Vitale) - Requires DOH to provide information about crib safety on its Internet website

A-1783/S-2020 (McKeon, Rible, Sumter, Moriarty/Vitale, Cunningham) - "Art Therapist Licensing Act"

A-2023/S-2675 (Greenwald, Benson/Cruz-Perez) - Revises definition of "responsible charge" as it pertains to licensed professional engineers and licensed architects

A-2229 (Wisniewski, Diegnan) - Concerns contracts for asphalt work under the "Local Public Contracts Law"

A-2301/S-1481 (Andrzejczak/Van Drew) - Designates certain interchanges of Garden State Parkway in honor of Melvin M. Loftus and Christopher Meyer

A-3052/S-1090 (Mazzeo, Pinkin, Mukherji, Wimberly/A.R. Bucco, Whelan) - Concerns property taxes due and owing on real property damaged or destroyed during, or as the result of, a natural disaster when a state of emergency is declared by the Governor

A-3246/S-3069 (Dancer, Burzichelli, Vainieri Huttle/Oroho, Sarlo) - Requires timeframe of standardbred mare residing in New Jersey breeding farm be inclusive of foaling instead of between foal's conception and birth

A-3293/S-2146 (Mazzeo, Andrzejczak, Pinkin, Webber, Simon, Mukherji/Van Drew, Doherty) - Allows military personnel and veterans to present certain identifying documents in lieu of municipal beach tags to gain admission to certain beaches

A-3331/S-3111 (Benson, Rodriguez-Gregg, Coughlin/Gill, Beach) - Requires health benefits coverage for synchronization of prescribed medications under certain circumstances

A-3390/S-2309 (Coughlin, Pinkin, Webber, Diegnan/Vitale) - Permits transmittal of certain land use documents via email

A-3395/S-2294 (Wisniewski/Sacco) - Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances

A-3499/S-2256 (Andrzejczak, Mazzeo, Johnson, Pinkin, DeAngelo/Van Drew) - Requires DMVA to encourage and facilitate returning service members' registration with VA

A-3507/S-2677 (Eustace, Webber, Munoz, Schepisi, Rumana/Gordon, Sarlo) - Amends law concerning county and municipal stream cleaning activities

A-3749/S-2568 (Lampitt, Mazzeo, Andrzejczak, Mukherji, Pinkin/Beach, Allen) - Establishes program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to medical counseling in State

A-3849/SCS for S-2466 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Requires BPU to provide links to pricing information to customers from electric and gas public utilities, and third-party electric power and gas suppliers

A-3950/S-2832 (Prieto, Jimenez, Quijano/Greenstein, Turner) - Permits correctional facilities to utilize body imaging scanning equipment

A-4079/S-2819 (Eustace, Andrzejczak, Taliaferro, Benson, Dancer/Van Drew, Beach) - Directs Department of Agriculture to publish on its website "New Jersey Gleaning Week" and "Farmers Against Hunger Day" page

A-4094/S-2884 (Conaway, Singleton, Wimberly, Lampitt, Benson/Whelan, Madden) - Permits administration of epinephrine auto-injector device by persons who complete approved educational program

A-4438/S-3202 (Mukherji, Burzichelli/Scutari, Madden) - Raises maximum workers' compensation fees for evaluating physicians

A-4518/S-3010 (Schaer, Eustace, Benson, Pintor Marin/Sarlo) - Modifies and clarifies provisions of certain economic incentive programs

AJR-57/SJR-42 (Space/Oroho) - Designates April of each year as "Sarcoidosis Awareness Month"

AJR-93/SJR-73 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates third week of September as "New Jersey Gleaning Week"

AJR-94/SJR-74 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates Wednesday of third week of September as "Farmers Against Hunger Day"

AJR-100/SJR-70 (Andrzejczak, Tucker, DeAngelo, Mazzeo/Van Drew, Whelan) - Designates first week in August of each year as "Coast Guard Week" and honors Cape May as U.S. Coast Guard's enlisted accession point and recruit training center

BILLS VETOED:

S-264/A-1347 (Greenstein, Cunningham/Stender, Egan, O'Donnell, Wimberly) – **ABSOLUTE** - "Thomas P. Canzanella Twenty First Century First Responders Protection Act"; concerns workers compensation for public safety workers

S-374/A-3403 (Scutari, Beck/Rible, DeAngelo, Mukherji) - **ABSOLUTE** - Concerns attorney fees for workers' compensation awards

SCS for S-779, 1952/ACS for A-2474 (Weinberg, Sarlo, Lesniak/Johnson, Garcia, Vainieri Huttie, Lagana, Mukherji, Moriarty) - **ABSOLUTE** - "Garden State Film and Digital Media Jobs Act" expands existing film and digital media production tax credit programs

S-995/A-1677 (Weinberg, Allen/Johnson, Vainieri Huttie, Lampitt, Mosquera) – **CONDITIONAL** - Establishes in DOC, supervised community reintegration program for certain victims of domestic abuse

S-1346/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey) - **CONDITIONAL** - Concerns the recording of mortgages

S-2260/A-688 (Scutari, Cardinale/Schaer) - **CONDITIONAL** - Modifies certain fees charged by, and requirements imposed on, check casher licensees

S-2524/A-4067 (Gill, Allen/Lagana, Singleton, Moriarty) - **CONDITIONAL** - The "Municipal Volunteer Property Tax Reduction Act"; permits certain municipal property owners to perform volunteer services in return for property tax vouchers

S-2577/ACS for A-4139 (Stack, Schaer/Mazzeo, Andrzejczak, Mukherji, Quijano) - **CONDITIONAL** - Establishes temporary mortgage relief programs for certain owners of real property impacted by "Superstorm Sandy"

S-2867/A-4248 (Ruiz, Pou/Jasey, Sumter, Vainieri Huttie, Green, Holley, Wimberly) - **ABSOLUTE** - Permits municipal land banking in conjunction with online property database development

S-3024/A-4463 (Scutari/Giblin, Diegnan, Jimenez, Caputo, Vainieri Huttie) – **CONDITIONAL** - Revises laws concerning real estate licensees

S-3282/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson) - **CONDITIONAL** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives

ACS for A-206, 471, 1663, 2879, 3060, and 3108/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou) - **CONDITIONAL** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements

A-3257/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew) - **CONDITIONAL** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

A-4103/S-2840 (Mazzeo, Andrzejczak, Giblin/Allen, Whelan) - **ABSOLUTE** - Creates workforce training program for former casino workers

A-4233/S-2435 (Jasey, McKeon, Vainieri Huttie, Mukherji, Lampitt/Codey, Vitale) - **ABSOLUTE** - Provides Medicaid coverage for advance care planning

A-4275/S2831 (Prieto, Eustace, Lagana, Greewald, Quijano, Danielsen, Mukherji/Sweeney, Turner, Sarlo) – **CONDITIONAL** - "New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers

A-4326/S-2942 (Schaer, Lagana, Eustace, Prieto/Gordon, Barnes) - **ABSOLUTE** - Reforms annual State revenue estimating and reporting, and executive State budget presentation and revenue certification processes

A-4386/S-3042 (Coughlin, Pinkin/Vitale, Singer) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

A-4638/S-3118 (Vainieri Huttie, Singleton, Holley, Mosquera, Tucker, Benson/Sweeney, Madden) - **ABSOLUTE** - Requires DCPP to implement policies and procedures to ensure caseworker safety; "Leah's Law"

A-4703/S-3172 (Spencer, Tucker, Pintor Marin, Egan, Muoio, Gusciora/Rice, Smith) - **ABSOLUTE** - Increases tax credit cap by \$165 million for certain qualified residential projects under Economic Redevelopment and Growth Grant program and restricts increase to certain projects

###

Press Contact:

Brian Murray
609-777-2600



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Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000