

ASSEMBLY, No. 2386

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblyman SULIGA

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

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

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

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24 2. This act shall take effect immediately.

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STATEMENT

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29 This bill would authorize the beneficial use of dredged material
30 taken from the New York and New Jersey Harbor. The beneficial uses
31 authorized in this bill are construction fill, landfill cover, and for
32 wetland mitigation and restoration projects. The beneficial use of
33 these dredged materials would be allowed even if the dredged
34 materials were designated as contaminated under the testing
35 procedures of the federal "Marine Protection, Research, and
36 Sanctuaries Act of 1972," 33 USC §1401 et seq. Some dredged
37 materials have been deemed contaminated under that federal act thus

1 preventing the ocean disposal of the material. However, because of
2 the different environments involved, this material is not a "hazardous"
3 contaminant under either the State's or the federal government's
4 definition when applied to the land. Thus, even though the dredged
5 material may be considered contaminated for the purpose of ocean
6 disposal, the use of these materials upland poses no danger to the
7 public health or the environment.

8 The beneficial use of these dredged materials would provide an
9 immediate option for safe management of the most contaminated
10 sediment and thus would facilitate the safe and necessary dredging of
11 the harbor. The beneficial use of these dredged materials would
12 reduce the amount of dredged material going to decontamination
13 plants, containment areas, and the Mud Dump site while improving the
14 environmental quality of the harbor estuary. Similar beneficial use
15 projects have been performed at the Fresh Kills Landfill, in Jamaica
16 Bay, in Pelham Bay, in the Des Plaines River, and as part of the Arthur
17 Kill Natural Resources Restoration project.

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Allows for the beneficial use of dredged material.