

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 275**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1996

The Senate Environment Committee reports favorably a Senate Committee Substitute for Senate Bill No. 275.

The committee substitute would provide that a county or municipality may remove sediments from a stream pursuant to the expedited permit procedures for doing so adopted by the Legislature in 1993. When originally passed by the Legislature, sediments were allowed to be removed from streams with natural beds, but this provision was removed after a conditional veto of the bill. This committee substitute would partially reverse the changes made by that conditional veto.

Although this committee substitute would allow sediments to be removed from a stream pursuant to the expedited permit procedures, the law would still provide that the procedures could only be used if the project is solely for cleaning, clearing, or desnagging a stream, so long as any material involved will not extend below the stream's natural bed, and if certain other environmentally protective conditions are met. The existing law also affords the Department of Environmental Protection, or any other permitting agency, the opportunity to review the proposed permit and to deny the project if particular circumstances mandate that the stream cleaning not be done.

The committee substitute provides additional environmental safeguards in those situations where sediment is to be removed from a stream. These safeguards include assurances that the stream has a flooding problem, the stream is not a category one or pinelands water, the streambed has an average width of less than 15 feet, the corridor to be cleaned is less than 500 feet, the stream has not been designated as an endangered species habitat, and the applicant submits certain photographs.

The committee substitute also extended the date for the department's response to an application from 30 to 60 days where it involves sediment removal and lessens the review period from 30 to 15 days for all other types of stream cleaning. The committee substitute requires that a notice and certification be sent to the department after the completion of a stream cleaning activity involving sediment removal.

The committee substitute adds a definition of category one waters so as to limit the streams that would be subject to the bill.

The committee substitute would also prohibit the department from refusing to allow for the removal of any garbage no matter how long it has been present in a stream.

Finally, the committee substitute includes provisions that would allow municipalities to establish a plan for the size and location of flood control facilities, including detention basins, in conjunction with any other municipality and the Department of Environmental Protection in order to minimize flood damage, to reduce stormwater runoff from new or existing development, to induce water recharge into the ground, and to establish a plan either alone or jointly with any other municipality and with the Department of Environmental Protection to maintain the water level of any lake or reservoir within its borders at a level necessary to protect against flooding. Finally, the bill would require the Department of Environmental Protection, upon application by a municipality, to identify the natural streambed of any stream in the municipality that floods and which flooding results or can result in property damage and which will be subject to routine maintenance to control flooding. Any maps or data generated by the department shall be sent to the clerk of the municipality.