

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 275

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Environment, Science and Technology Committee favorably reports the Senate Committee Substitute for Senate Bill No. 275 (1R) with committee amendments.

The bill, as amended, simplifies the process for counties and municipalities, and their agencies, to get a permit or approval from the Department of Environmental Protection or any other State agency in order to engage in a stream cleaning, clearing or desnagging project upon nontrout waters and intermittent, or small, streams.

The bill, as amended, would require notification to the Department of Environmental Protection prior to the commencement of a project and provides for the removal of sediments. Current 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, clearing, or desnagging not be done.

The bill, as amended, would also provide 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 bill, as amended, would extend 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 bill, as amended, requires that a notice and certification be sent to the department after the completion of a stream cleaning activity involving sediment removal, and adds a definition of category one waters so as to limit the streams that would be subject to the bill.

The bill, as amended, would also prohibit the department from refusing to allow for the removal or any garbage no matter how long it has been present in a stream.

The bill, as amended, 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.

The bill, as amended, provides that, in the case of new development, the standards adopted pursuant to P.L.1993, c.32 (C.40:55D-40.1 et seq.) (the uniform site standards law) would be applicable, and would be limited to municipally-owned flood control facilities constructed on public property. Any plan established by a municipality to maintain the level of water in a lake or reservoir would require the approval of the Department of Environmental Protection, and, where applicable, the New Jersey Water Supply Authority. Finally, such a plan would involve maintenance of the water level for the purposes of providing effective yield and protection against flooding.

The committee amendments made technical and clarifying corrections to the changes made to Senate Bill No. 275 by the Senate committee substitute and the Senate floor amendments, and specified that no municipal plan to maintain the water level in a lake or reservoir can be approved by the Department of Environmental Protection if it jeopardizes safe yield and the provision of adequate water supply.

As amended and reported by the committee, this bill is identical to the Assembly committee substitute for Assembly Bill No. 2608 of 1996 as also reported by the committee.