

SENATE, No. 786

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator MATHEUSSEN

1 AN ACT creating the Big Timber Creek Watershed Management
2 Commission, supplementing Title 58 of the Revised Statutes and
3 making an appropriation.

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

7
8 1. The Legislature finds and declares that the lakes in Camden and
9 Gloucester counties have become increasingly eutrophic, once open
10 waters have become swamp-like bodies of water which do not allow
11 swimming, boating or other activities associated with lakes; that the
12 homeowners on these lakes have been deprived of the resource for
13 which they purchased their homes at a cost significantly higher than if
14 this resource had not been part of the property; that the properties
15 have been significantly devalued by this loss of use resulting from the
16 eutrophication; that the development of the area, including the
17 construction of highways, roads, housing and parking lots, has been a
18 significant factor contributing to this eutrophication, although, without
19 proper study and assessment of the watershed, it is impossible to
20 delineate the main causes of, and best solutions for, the eutrophication
21 problems in the lakes; that it has become an emphasis for the State in
22 addressing these types of water quality problems to take a watershed
23 management approach to the problem; and that the area in Camden
24 and Gloucester counties, referred to locally as the Big Timber Creek
25 Watershed, is particularly threatened by pollution problems requiring
26 State attention.

27 The Legislature further finds and declares that its intent in
28 addressing the environmental problems of the Big Timber Creek
29 Watershed through this act is to establish a pilot project for watershed
30 management that will serve as a Statewide example of a watershed
31 approach to pollution problems and a learning experience from which
32 other areas of the State that seek to address their pollution problems
33 can benefit; and that its intent is also to facilitate municipal and county
34 dealings with the Department of Environmental Protection, direct the
35 department to give priority to the projects developed pursuant to this
36 act, and establish a cooperative basis for the department, the counties
37 and the municipalities involved to identify, isolate and solve the water

1 quality problems of the Big Timber Creek Watershed.

2 The Legislature therefore determines that in order for the lake
3 owners to restore and preserve the lakes, the towns in the area to
4 overcome pollution problems sufficiently to restore and preserve the
5 viability of the watershed, to prevent further eutrophication of both
6 public and private lakes in the watershed, and to facilitate cooperation
7 between the municipalities, counties and the Department of
8 Environmental Protection, it is necessary for the State to assist them
9 in developing a watershed management plan for the Big Timber Creek
10 Watershed area, in coordination with the mayors and councils, boards
11 of chosen freeholders, county planning departments, and the other
12 entities involved in the management and preservation of the watershed;
13 and that it is in the interest of the people of this State to develop
14 watershed management programs that are responsive to environmental
15 problems caused, even in part, by actions taken for the benefit of the
16 State.

17

18 2. a. There is established, in the Department of Environmental
19 Protection, the Big Timber Creek Watershed Management
20 Commission for the purpose of developing a watershed management
21 program for the watershed in Camden and Gloucester counties
22 referred to locally as the Big Timber Creek Watershed. For the
23 purpose of complying with the provisions of Article V, Section IV,
24 paragraph 1 of the New Jersey Constitution, the commission is
25 allocated to the Department of Environmental Protection, but,
26 notwithstanding that allocation, the commission shall be independent
27 of any supervision or control by any department or by the
28 commissioner or any officer or employee thereof. The commission
29 shall constitute an instrumentality of the State exercising public and
30 essential governmental functions, and the exercise by the commission
31 of the powers conferred by this or any other act shall be deemed and
32 held to be an essential governmental function of the State.

33 For the purposes of this act, the area referred to as the "Big Timber
34 Creek Watershed" shall comprise of the watershed area to be defined
35 by the commission within the following municipalities:

36 (1) The Camden county municipalities of Barrington, Bellmawr,
37 Berlin Borough, Berlin Township, Brooklawn, Clementon, Gloucester
38 city, Gloucester Township, Haddon Heights, Hi-Nella, Laurel Springs,
39 Lawnside, Lindenwold, Magnolia, Mount Ephraim, Pine Hill, Pine
40 Valley, Runnemede, Somerdale, Stratford, and Winslow; and

41 (2) The Gloucester county municipalities of Deptford Township,
42 West Deptford Township, Westville, and Washington Township.

43 The Big Timber Creek Watershed shall also include, but not be
44 limited to, within the municipalities listed in paragraph (1) and (2) of
45 this section, the following bodies of water, known as Bell's Lake, Big
46 Lebanon Lake, Blackwood Lake, La Cascata Lake, Dramesi Lake,

1 Grenloch Lake, Irvin's Lake, Jones Lake, Lakeland Lake, Lake
2 Mathilde, Nash's Lake, Lake Renee and Stoner's Pond.

3 b. The commission shall consist of 17 voting members as follows:
4 four mayors, two of whom shall be appointed by the Camden County
5 Mayors Association from Camden county municipalities located within
6 the Big Timber Creek Watershed, and two of whom shall be appointed
7 by the Gloucester County Mayors Association from Gloucester county
8 municipalities located within the Big Timber Creek Watershed; one
9 member from the Camden County Board of Chosen Freeholders who
10 is the freeholder who represents the county on the Tri-County Water
11 Quality Commission; one member from the Gloucester County Board
12 of Chosen Freeholders who is the freeholder who represents the
13 county on the Tri-County Water Quality Commission; the director of
14 the Camden County Planning Department or a representative whom
15 the director may appoint; the director of the Gloucester County
16 Planning Department or a representative whom the director may
17 appoint; the district manager of the Camden County Soil Conservation
18 District; the district manager of the Gloucester County Soil
19 Conservation District; four private lake property owners, two from
20 Camden county municipalities, to be appointed by the Camden County
21 Mayors Association, and two from Gloucester county municipalities,
22 to be appointed by the Gloucester County Mayors Association; one
23 member from the South Jersey Transportation Authority to be
24 appointed by the authority; the Commissioner of the Department of
25 Environmental Protection or the commissioner's designee; and the
26 Commissioner of the Department of Transportation or the
27 commissioner's designee.

28 The representative elected to the United States House of
29 Representatives from the State's congressional district in which the Big
30 Timber Creek Watershed is located, or a designee that the
31 representative may appoint, may serve as an ex-officio, non-voting
32 member to the commission. In the event congressional redistricting
33 places the Big Timber Creek Watershed in more than one
34 congressional district, the representatives from each of the
35 congressional districts in which parts of the Big Timber Creek
36 Watershed are located, or their designees, may serve as ex-officio,
37 non-voting members.

38 Each of the members of the commission shall serve ex-officio,
39 except for the private lake owners who shall serve a term of two years,
40 after which they may be reappointed or private lake owners that have
41 not been previously appointed may be appointed. The mayors
42 appointed by the Camden County Mayors Association and the
43 Gloucester County Mayors Association shall serve a term of two
44 years, after which the respective county mayor association may
45 reappoint the mayors, or appoint mayors from other municipalities in
46 the watershed, to serve on the commission.

1 A member or an appointed designee of the member, as provided for
2 hereinabove, may delegate that member's authority to a representative
3 in order to attend a meeting in the member's stead, however, this
4 appointment shall be temporary and shall not constitute an
5 appointment to the commission. The person delegated the member's
6 authority in this manner may vote on the member's behalf.

7 The Governor may remove any member of the commission for
8 cause and appoint another member to replace the removed member.

9 c. Nine members, a majority of the membership, shall constitute a
10 quorum for the transaction of commission business. Action may be
11 taken and motions and resolutions adopted by the commission at any
12 meeting thereof by the affirmative vote of a majority of the full
13 membership of the commission.

14 d. The commission shall meet regularly as it may determine, and
15 shall also meet at the call of the chair of the commission or upon
16 petition by a majority of the governing bodies of the municipalities in
17 the watershed. There shall be minutes kept of each meeting of the
18 commission. Copies of the minutes shall be distributed to each of the
19 mayors and councils of municipalities within the watershed prior to the
20 next meeting of the commission, with notice of the next meeting and
21 an invitation to submit comment on the minutes.

22 e. The commission shall elect a chair from among its members and
23 such other officers as may be necessary. The commission may, within
24 the limits of any funds appropriated or otherwise made available to it
25 for this purpose, appoint such staff or hire such experts as it may
26 require.

27 f. Members of the commission shall serve without compensation,
28 but the commission may, within the limits of funds appropriated or
29 otherwise made available for these purposes, reimburse its members
30 for necessary expenses incurred in the discharge of their official duties.

31
32 3. a. The commission shall establish an advisory group consisting
33 of five subcommittees concerned with specific problems or issues
34 raised by the development of the watershed management plan, as
35 follows:

36 (1) one subcommittee to consider and research the environmental
37 problems and issues involved in restoring and preserving the
38 watershed;

39 (2) one subcommittee to consider and research the
40 intergovernmental problems and issues involved in restoring and
41 preserving the watershed;

42 (3) one subcommittee to consider and research the private lake
43 problems and issues involved in restoring and preserving the
44 watershed;

45 (4) one subcommittee to consider and research the problems and
46 issues involving streets, roadways, and stormwater runoff involved in

1 restoring and preserving the watershed; and

2 (5) one subcommittee to consider and research any other problems
3 and issues of concern to the commission involved in restoring and
4 preserving the watershed.

5 The advisory group and each of its subcommittees shall gather
6 information, conduct research and devise solutions to the various
7 problems and issues involved in restoring and preserving the
8 watershed.

9 b. The membership of the advisory group and its subcommittees
10 shall be appointed from individuals in the watershed area, the counties
11 involved and the State who have particular interest or expertise that
12 is significant in addressing any issue being addressed by the
13 commission.

14 c. Each subcommittee shall select a chair and report back to the
15 full commission as it deems appropriate or as requested by the
16 commission. After selecting a chair, each subcommittee shall devise
17 a regular schedule of working sessions to address the problems and
18 issues in its area on which the commission requires further information
19 and research. Each subcommittee shall submit the schedule to the
20 other members of the advisory group.

21 d. The advisory group and its subcommittees shall participate in
22 commission meetings as a whole or as subcommittees as required by
23 the commission.

24

25 4. The commission shall develop a watershed management plan,
26 with an emphasis on the restoration and preservation of eutrophic
27 lakes in the area. The plan shall include:

28 a. A study and assessment of the boundaries of the Big Timber
29 Creek Watershed and a definition of an area within the Big Timber
30 Creek Watershed to be known as the "Big Timber Creek Watershed
31 Management Area," which shall comprise the areas and bodies of
32 water in which restoration and preservation efforts are of the highest
33 priority in the watershed;

34 b. A description and identification of the problems in the area
35 affecting the viability of the watershed, including, but not limited to,
36 an identification of the pollutants of concern in the watershed, flooding
37 problems, dam degradation problems, point source pollution,
38 non-point source pollution, and water quality problems;

39 c. An outline and description of possible solutions to the problems
40 identified pursuant to subsection b. of this section, including, but not
41 limited to, methods to implement projects to solve these problems,
42 methods of funding, programs to educate the public about
43 pollution-reduction methods, the local, State and federal agency
44 coordination required, and a prioritized project list to implement these
45 projects in terms of their importance to the restoration and
46 preservation of the watershed;

1 d. An outline and description of pilot projects on individual lakes
2 to remedy individual problems, including, but not limited to, methods
3 to implement these projects, methods of funding, the local, State and
4 federal agency coordination required, and a prioritized project list to
5 implement these projects in terms of their importance to the
6 restoration and preservation of the watershed, including the project's
7 priority within the list developed pursuant to subsection c. of this
8 section;

9 e. A determination and analysis of all long term, stable funding
10 sources, including, but not limited to, an assessment and analysis of
11 the distribution of costs between the entities involved with the
12 commission, based on each entity's contribution to the problem being
13 remedied; and

14 f. Recommendations for the implementing and financing of the
15 plan, including a plan for implementation which incorporates the use
16 of the long term, stable funding sources determined and analyzed
17 pursuant to subsection e. of this section.

18 While developing the outline, description and prioritized list of
19 individual lake pilot projects required by subsection d. of this section,
20 every effort shall be made to give first priority to projects affecting the
21 body of water known as Big Lebanon Lake.

22
23 5. a. The commission shall prepare a report every six months of its
24 progress in developing a watershed management plan and solutions to
25 the problems confronting the viability of the watershed, and shall
26 submit this report to the Department of Environmental Protection, the
27 Camden County Board of Chosen Freeholders, the Gloucester County
28 Board of Chosen Freeholders, and each of the mayors and councils of
29 the municipalities in the watershed.

30 b. Upon completion of the watershed management plan, the
31 commission shall submit the plan to the Department of Environmental
32 Protection for approval, and the department shall determine, within 60
33 days of the receipt thereof, if the plan is approved and may be
34 implemented. If no action is taken within 60 days, the plan shall be
35 deemed approved.

36 c. Upon approval of the watershed management plan, the
37 commission shall coordinate, oversee and negotiate the implementation
38 of the plan, including applying for necessary funding, proceeding with
39 the development of the pilot projects outlined, and taking any other
40 action necessary to assist in the restoration and preservation of the
41 watershed in accordance with the plan and local, State and federal
42 laws.

43
44 6. For the purposes of improving the coordination of permit
45 approvals and other applications required by separate divisions of the
46 Department of Environmental Protection, the Department of

1 Environmental Protection may adopt, pursuant to the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
3 regulations it deems necessary to coordinate flood abatement projects,
4 point source and non-point source pollution abatement projects, dam
5 maintenance and safety projects, water quality projects, the application
6 of the rules and regulations involved in developing and implementing
7 these projects, and wetland and watershed protection and
8 management regulations, in order to implement more efficiently the
9 watershed management plan developed pursuant to this act.

10
11 7. The commission shall expire one year from the date of the
12 approval of the watershed management plan by the Department of
13 Environmental Protection, unless at a meeting of the commission, a
14 two-thirds majority of the members of the commission vote for the
15 commission to remain in existence. Each year thereafter, at a meeting
16 of the commission, a two-thirds majority of the members of the
17 commission must vote for the commission to remain in existence, or
18 the commission shall expire on the anniversary date of the
19 department's approval of the watershed management plan in the year
20 that the commission does not meet or fails to have a two-third majority
21 vote for the commission to remain in existence.

22
23 8. There is appropriated to the Department of Environmental
24 Protection from the General Fund the amount of \$1,400,000 for the
25 development of the watershed management plan for the Big Timber
26 Creek Watershed Management Area pursuant to section 4 of this act.

27
28 9. This act shall take effect immediately.

29
30
31 STATEMENT

32
33 This bill creates an 18-member Big Timber Creek Watershed
34 Management Commission within the Department of Environmental
35 Protection for the purpose of developing a watershed management
36 program for the watershed surrounding the portion of the Atlantic
37 City Expressway in Camden and Gloucester Counties. This
38 management plan shall include:

39 (1) A study and assessment of the boundaries of the Big Timber
40 Creek Watershed and a definition of an area within the Big Timber
41 Creek Watershed to be known as the "Big Timber Creek Watershed
42 Management Area";

43 (2) A description and identification of the problems in the area
44 affecting the viability of the watershed, including an identification of
45 the pollutants of concern in the watershed, flooding problems, dam
46 degradation problems, point source pollution, non-point source

1 pollution and water quality problems;

2 (3) An outline and description of possible solutions to these
3 problems, including, but not limited to, methods to implement projects
4 to solve these problems, methods of funding, the local, State and
5 federal agency coordination required, and a prioritized project list to
6 implement these projects in terms of their importance to the
7 preservation and restoration of the watershed;

8 (4) An outline and description of pilot projects on individual lakes
9 to remedy individual problems, including, but not limited to, methods
10 to implement these projects, methods of funding, the local, State and
11 federal agency coordination required, and a prioritized project list to
12 implement these projects in terms of their importance to the
13 preservation and restoration of the watershed, including the project's
14 priority within the overall watershed project list developed for and
15 included in this management plan;

16 (5) A determination and analysis of all long term, stable funding
17 sources, including, but not limited to, an assessment and analysis of
18 the distribution of costs between the entities involved with the
19 commission, based on each entity's contribution to the problem being
20 remedied; and

21 (6) Recommendations for the implementing and financing of the
22 plan, including a plan for implementation which incorporates the use
23 of the long term, stable funding sources determined, analyzed and
24 included in this management plan.

25 For the purposes of this act, the area referred to as the "Big Timber
26 Creek Watershed" is defined as the municipalities of Clementon, Pine
27 Hill, Pine Valley, Berlin Township, the Borough of Berlin, Gloucester
28 Township, the City of Gloucester, Brooklawn, Mount Ephraim,
29 Bellmawr, Runnemede, Haddon Heights, Barrington, Lawnside,
30 Magnolia, Somerdale, Hi-Nella, Stratford, Laurel Springs,
31 Lindenwold, and Winslow in Camden County; the municipalities of
32 West Deptford Township, Deptford Township, Westville, and
33 Washington Township in Gloucester County; inclusive of the bodies
34 of water known as Bell's Lake, Big Lebanon Lake, Irvin's Lake, Jones
35 Lake, Nash's Lake, Lake Mathilde, Stoner's Pond, Blackwood Lake,
36 Lake Renee, Grenloch Lake, Lakeland Lake, La Cascata Lake, and
37 Dramesi Lake.

38 The bill provides that the membership of the commission be as
39 follows: the representative elected to the United States House of
40 Representatives from the congressional district in which the Big
41 Timber Creek Watershed is located would serve as one non-voting
42 ex-officio member, and 17 voting members would be appointed as
43 follows: four mayors, two of whom shall be appointed by the Camden
44 County Mayors Association from Camden County municipalities
45 located within the Big Timber Creek Watershed, and two of whom
46 shall be appointed by the Gloucester County Mayors Association from

1 Gloucester County municipalities within the Big Timber Creek
2 Watershed; one member from the Camden County Board of Chosen
3 Freeholders who is the freeholder who represents the county on the
4 Tri-County Water Quality Commission; one member from the
5 Gloucester County Board of Chosen Freeholders who is the freeholder
6 who represents the county on the Tri-County Water Quality
7 Commission; the director of the Camden County Planning Department
8 or a representative whom the director may appoint; the director of the
9 Gloucester County Planning Department or a representative whom the
10 director may appoint; the district manager of the Camden County Soil
11 Conservation District; the district manager of the Gloucester County
12 Soil Conservation District; four private lake property owners, two
13 from Camden county municipalities, to be appointed by the Camden
14 County Mayors Association, and two from Gloucester county
15 municipalities, to be appointed by the Gloucester County Mayors
16 Association; one member from the South Jersey Transportation
17 Authority to be appointed by the authority; the Commissioner of the
18 Department of Environmental Protection or the commissioner's
19 designee; and the Commissioner of the Department of Transportation
20 or the commissioner's designee.

21 The bill further provides that the commission shall establish an
22 advisory group of individuals with expertise in the problems and issues
23 being addressed by the commission, to assist the commission in
24 gathering information and devising solutions to problems in the
25 watershed. The commission shall report on its progress every six
26 months to the Department of Environmental Protection, the county
27 freeholders and the mayor and council of each of the municipalities in
28 the watershed management area. Upon completion of the plan, the
29 commission shall submit the plan to the department for approval. If
30 no action is taken within 60 days the plan is deemed approved.
31 Following the approval, the commission shall coordinate, oversee and
32 negotiate the implementation of the plan, including applying for
33 necessary funding, proceeding with the development of the pilot
34 projects outlined, and taking any other action necessary to assist in the
35 restoration and preservation of the watershed in accordance with the
36 plan and local, State and federal laws.

37 The commission shall expire one year from the date of the approval
38 of the watershed management plan by the Department of
39 Environmental Protection, unless a two-third majority of the
40 membership votes for the commission to continue. Each year
41 thereafter, the commission must meet and vote to continue by
42 two-thirds majority, or the commission shall expire that on the
43 anniversary date of the department's approval of the watershed
44 management plan.

45 The bill also provides that the department may adopt any rules and
46 regulations necessary to coordinate flood abatement projects, point

1 and non-point source pollution projects, dam maintenance and safety
2 projects, water quality projects and wetland and watershed protection
3 and management regulations, in order to properly implement the
4 watershed management plan developed pursuant to this bill.

5 Finally, the bill makes a \$1.4 million appropriation to the
6 department for the development of the watershed management plan by
7 the commission.

8

9

10

11

12 Creates the Big Timber Creek Watershed Management Commission;
13 appropriates \$1.4 million.