SENATE, No. 2119

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Senator LYNCH

1	AN ACT concerning flooding and supplementing Title 58 of	the
2	Revised Statutes.	

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

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1. The Legislature finds and declares that flooding of land may result in loss of life, damage to property and unsanitary conditions, all of which are detrimental to the health, safety and welfare of the residents of lands in the area threatened by the flooding. The Legislature therefore determines that it is in the public interest to minimize and prevent the loss of life, property, disruption of commerce and impairment of the tax base by ensuring that reservoirs are kept at levels satisfactory for the public water supply but protective of the public from the dangers and losses attributed to flooding.

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- 17 2. a. The Department of Environmental Protection shall study and 18 assess the stream capacity surrounding each reservoir in the State. 19 The department shall also study and assess the water capacity of each reservoir in the State and the water usage needs of the residents and 20 21 businesses surrounding each reservoir in the State. On the basis of the 22 results of the studies, the department shall determine minimum and maximum water levels to be maintained at each reservoir in the State. 23 24 The minimum and maximum levels for each reservoir shall be set at 25 levels that best protect the area surrounding the reservoir against 26 flooding while ensuring the availability of an adequate water supply for 27 the area served by the reservoir.
- b. The Department of Environmental Protection, pursuant to the 28 29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et 30 seq.), shall adopt rules and regulations necessary for the 31 implementation of this act, including, but not limited to, regulations 32 that establish the minimum and maximum levels for reservoirs 33 throughout the State. The department shall notify every owner of a 34 reservoir in the State of the adoption of the rules and regulations and shall require every owner to comply with the rules and regulations 35 within 90 days after the adoption of the rules and regulations. 36

- 3. a. Notwithstanding any law, or rule or regulation adopted pursuant thereto, to the contrary, the Department of Environmental Protection shall require United Water Resources to maintain the water level of the Woodcliff Lake Reservoir at a level not to exceed that necessary to protect the surrounding area from flooding of the Pascack Brook and other streams in the area during and after storm events.
- b. The water level required pursuant to subsection a. shall be determined by the Department of Environmental Protection and may vary according to the season, but whenever possible, shall not exceed 87 feet above sea level and the computerized gate used at the Woodcliff Lake Reservoir shall be set at 95 feet above sea level. If the Department of Environmental Protection determines that the water level shall be set at a level exceeding 87 feet or that the computerized gate shall be set at a level other than 95 feet above sea level, the department shall issue a notice as to the water level required or the gate level set, and the reason for the level being required or set in this manner. The notice shall be sent to United Water Resources, posted at the reservoir, and published in a newspaper of record circulated in the municipalities surrounding the Woodcliff Lake Reservoir within 10 business days after the issuance of the notice.

4. This act shall take effect immediately.

STATEMENT

This bill directs the Department of Environmental Protection to study and assess the stream capacity and the water usage in the area surrounding each reservoir in the State, and on the basis of the studies, establish minimum and maximum levels for each reservoir. The minimum and maximum levels shall be set at levels that best protect the areas surrounding the reservoirs against flooding while ensuring an adequate water supply. The bill further requires the Department of Environmental Protection to adopt rules and regulations establishing the minimum and maximum levels, notify each owner of a reservoir of the adoption of these regulations, and require compliance within 90 days. The bill also authorizes the Department of Environmental Protection to adopt any other rules or regulations necessary for the implementation of this act.

Finally, the bill directs the Department of Environmental Protection to require United Water Resources to maintain the water level of the Woodcliff Lake Reservoir at a level not to exceed that necessary to protect the surrounding area from flooding of the Pascack Brook and other streams in the area during and after storm events. The bill specifies that the level be determined by the Department of Environmental Protection and may vary according to season, but

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1 whenever possible, shall not exceed 87 feet above sea level and the 2 computerized gate used at the Woodcliff Lake Reservoir shall be set 3 at 95 feet above sea level. If the Department of Environmental 4 Protection determines that the water level should be set at a level 5 exceeding 87 feet or that the computerized gate should be set at a 6 level other than 95 feet above sea level, the department shall issue a 7 notice as to the water level required or the gate level set, and the reason for the level being required or set in this manner. 8 9 10 11 12 13 Requires DEP to study and assess stream capacity and water usage in 14 areas surrounding reservoirs, set minimum and maximum levels for 15 each reservoir, and maintain specific levels at Woodcliff Lake Reservoir. 16