

ASSEMBLY, No. 153

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Directs DEP to develop model ordinance for municipalities to regulate deposit and storage of soil and fill materials.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the regulation of soil and fill materials by
2 municipalities and supplementing Title 13 of the Revised
3 Statutes.

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

7
8 1. a. No later than 180 days after the effective date of this
9 section, the Department of Environmental Protection, in
10 consultation with the Department of Community Affairs, shall,
11 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
12 (C.52:14B-1 et seq.) develop and adopt a model ordinance
13 providing for the regulation of the deposit and storage of soil and
14 fill material in a municipality, and the use of lands, buildings, and
15 structures in the municipality for such purposes, to protect the
16 public health, safety, and welfare. Upon adoption of the model
17 ordinance, the department shall transmit a copy thereof to the
18 municipal clerk of each municipality in the State.

19 b. The model ordinance adopted pursuant to subsection a. of
20 this section shall include:

21 (1) an approval process for the use of property on which soil and
22 fill material is deposited or stored;

23 (2) requirements for the identification, monitoring, sampling,
24 testing, management, disposal, or storage of soil and fill material;

25 (3) restrictions or limitations on the amount and type of soil and
26 fill material that may be transported to, or deposited or stored on,
27 property in the municipality;

28 (4) hours of operation for any property or facility where soil and
29 fill material is delivered or stored;

30 (5) provisions related to noise control and the traffic of vehicles
31 used for the transportation of soil and fill material;

32 (6) authority for a municipality to inspect any property, facility,
33 or vehicle used in connection with the deposit or storage of soil and
34 fill material to determine compliance with the ordinance and any
35 other applicable laws;

36 (7) penalties for violations of the ordinance; and

37 (8) any other requirements or provisions as the department
38 deems appropriate.

39 c. After the department adopts the model ordinance pursuant to
40 subsection a. of this section, the governing body of any
41 municipality may adopt an ordinance regulating the deposit or
42 storage of soil and fill material in the municipality. Any such
43 ordinance shall be consistent with the model ordinance adopted by
44 the department. Upon adoption of an ordinance, a municipality
45 shall submit a copy thereof to the department.

46 d. As used in this section, “soil and fill material” means non-
47 putrescible aggregate substitute, including, but not limited to, broken
48 or crushed brick, block, concrete, or other similar manufactured

1 materials; soil or soil that may contain aggregate substitute or other
2 debris or material, generated from land clearing, excavation,
3 demolition, or redevelopment activities that would otherwise be
4 managed as solid waste, and that may be returned to the economic
5 mainstream in the form of raw materials for further processing or for
6 use as fill material.

7
8 2. This act shall take effect immediately.
9

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11 STATEMENT
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13 This bill would direct the Department of Environmental
14 Protection (DEP) to adopt a model ordinance providing for the
15 regulation of the deposit and storage of soil and fill materials in a
16 municipality, and the use of lands, buildings, and structures in the
17 municipality for such purposes. Soil and fill material includes
18 broken or crushed brick, block, concrete, and other similar
19 manufactured materials, and soil or soil that may contain aggregate
20 substitute or other debris or materials.

21 The model ordinance would include: (1) an approval process for
22 the use of property on which soil and fill material is deposited or
23 stored; (2) requirements for the identification, monitoring,
24 sampling, testing, management, disposal, or storage of soil and fill
25 material; (3) restrictions or limitations on the amount and type of
26 soil and fill material that may be transported to, or deposited or
27 stored on, property in the municipality; (4) hours of operation for
28 any property or facility where soil and fill material is delivered or
29 stored; (5) provisions related to noise control and the traffic of
30 vehicles used for the transportation of soil and fill material; (6)
31 authority for a municipality to inspect any property, facility, or
32 vehicle used in connection with the deposit or storage of soil and
33 fill material to determine compliance with the ordinance and any
34 other applicable laws; (7) penalties for violations of the ordinance;
35 and (8) any other requirements or provisions as the DEP deems
36 appropriate.

37 Under the bill, upon adoption of the model ordinance by the
38 department, the governing body of any municipality would be
39 permitted to adopt an ordinance regulating the deposit or storage of
40 soil and fill materials in the municipality. A municipality's soil and
41 fill ordinance would be required to be consistent with the DEP's
42 model ordinance.