

ASSEMBLY, No. 1089

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

SYNOPSIS

Prohibits dumping dredge spoils on and around islands without municipal approval.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning dumping dredge spoils on islands and
2 supplementing P.L.1987, C.156 (C.13:9B-1 et seq.).

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

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7 1. The Legislature finds and declares:

8 a. Burlington Island, located on the Delaware River, has been
9 under local control since the mid-19th century and activity thereon,
10 since that time, has been subject to restrictions established by
11 general law for the benefit of the City of Burlington;

12 b. Currently, Burlington Island comprises the entirety of Block
13 230 on the Burlington City Tax Map, with title to Lot 1,
14 approximately 242 acres located on the southern portion of the
15 island, held by the City of Burlington, and title to Block 230, Lot 2,
16 approximately 190 acres on the northern section of the island, held
17 by the Board of Island Managers, established by the Legislature in
18 the 19th century;

19 c. Pursuant to P.L.1998, c.119, all land on Burlington Island is
20 to remain exclusively in the public domain for recreational,
21 conservational, educational or cultural use, with supporting
22 facilities permitted;

23 d. The Department of Environmental Protection, in conjunction
24 with the Army Corps of Engineers, intends to subvert the intent of
25 the Legislature and dump potentially hazardous dredge spoils on
26 Burlington Island;

27 e. Any attempt to use Burlington Island as a waste disposal site
28 would be entirely inappropriate and antithetical to the Legislature's
29 attempts to establish local control of the island for the purposes of
30 benefitting the education of the children of the City of Burlington;

31 f. Therefore, it is necessary and appropriate to restrict State
32 action on the island to maintain the protections established by the
33 Legislature for the benefit of the City of Burlington nearly 200
34 years ago.

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36 2. a. The department shall not approve any dumping of
37 dredge spoils on any portion of a Delaware River island owned or
38 controlled by the State or a political subdivision of the State,
39 including riparian land, located on a Delaware River island
40 controlled in whole or in part by a Board of Island Managers
41 established by the Legislature, unless (1) the department petitions
42 each municipality owning land on that island to authorize the
43 dumping of dredge spoils on or around the island, and (2) each
44 municipality petitioned by the department pursuant to this section
45 adopts an ordinance authorizing the dumping of dredge spoils on or
46 around the island. This section shall be applicable to all dumping
47 of dredge spoils, including any proposed dumping on an existing
48 dredge spoil bank.

1 b. For the purposes of this section:

2 “Department” means the Department of Environmental
3 Protection.

4 “Dredge spoils” means unconsolidated, randomly mixed
5 sediments composed of one or more of the following: rock, soil, or
6 shell materials extracted and deposited during dredging and
7 dumping activities.

8 “Dredge spoil bank” means a subaerial mound or ridge that
9 permanently stands above the water composed of dredge spoils;
10 randomly mixed sediments deposited during dredging and dumping.

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12 3. This act shall take effect immediately.

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STATEMENT

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17 This bill would prohibit the Department of Environmental
18 Protection from approving any dumping of dredge spoils on any
19 portion of a Delaware River island owned or controlled by the State
20 or a political subdivision of the State, including riparian land,
21 located on a Delaware River island controlled in whole or in part by
22 a Board of Island Managers established by the Legislature, unless
23 (1) the department petitions each municipality owning land on that
24 island to authorize the dumping of dredge spoils on or around the
25 island, and (2) each municipality petitioned by the department
26 pursuant to this section adopts an ordinance authorizing the
27 dumping of dredge spoils on or around the island. This section
28 shall be applicable to all dumping of dredge spoils, including any
29 proposed dumping on an existing dredge spoil bank.

30 The only current island in the Delaware River that is controlled
31 by a Board of Island Managers established by the Legislature is
32 Burlington Island. Burlington Island, located on the Delaware
33 River, has been under local control since the mid-19th and activity
34 thereon, since that time, has been subject to restrictions established
35 by general law for the benefit of the City of Burlington. Currently,
36 Burlington Island comprises the entirety of Block 230 on the
37 Burlington City Tax Map, with title to Lot 1, approximately 242
38 acres located on the southern portion of the island, held by the City
39 of Burlington, and Block 230, Lot 2, approximately 190 acres on
40 the northern section of the island, is owned by the Island Managers,
41 established by the Legislature in the 19th century.

42 Pursuant to P.L.1998, c.119, all land on Burlington Island is to
43 remain exclusively in the public domain for recreational,
44 conservational, educational or cultural use, with supporting
45 facilities permitted. The Department of Environmental Protection,
46 in conjunction with the Army Corps of Engineers, intends to

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1 subvert the intent of the Legislature and dump potentially hazardous
2 dredge spoils on Burlington Island. Any attempt to use Burlington
3 Island as a waste disposal site would be entirely inappropriate and
4 antithetical to the Legislature's attempts to establish local control of
5 the island for the purposes of benefitting the education of the
6 children of the City of Burlington;

7 Accordingly, it is necessary and appropriate to restrict State
8 action on the island to maintain the protections established by the
9 Legislature for the benefit of the City of Burlington nearly 200
10 years ago.