

[First Reprint]

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

As reported by the Assembly Environment and Solid Waste Committee on February 3, 2020, with amendments.



1 AN ACT concerning dumping dredge spoils on islands and
2 supplementing P.L.1987, C.156 (C.13:9B-1 et seq.).
3

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

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. ¹**[Currently, Burlington Island comprises the entirety of**
13 **Block 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. ¹**[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 ¹**[d.] c.**¹ The Department of Environmental Protection, in
24 conjunction with the Army Corps of Engineers, intends to subvert
25 the intent of the Legislature and dump potentially hazardous dredge
26 spoils on Burlington Island;

27 ¹**[e.] d.**¹ Any attempt to use Burlington Island as a waste
28 disposal site would be entirely inappropriate and antithetical to the
29 Legislature's attempts to establish local control of the island for the
30 purposes of benefitting the education of the children of the City of
31 Burlington;

32 ¹**[f.] e.**¹ Therefore, it is necessary and appropriate to restrict
33 State action on the island to maintain the protections established by
34 the Legislature for the benefit of the City of Burlington nearly 200
35 years ago.
36

37 2. a. The department shall not approve any dumping of
38 dredge spoils on any portion of a Delaware River island owned or
39 controlled by the State or a political subdivision of the State,
40 including riparian land, located on a Delaware River island
41 controlled in whole or in part by a Board of Island Managers
42 established by the Legislature, unless (1) the department petitions
43 each municipality owning land on that island to authorize the
44 dumping of dredge spoils on or around the island, and (2) each

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 3, 2020.

- 1 municipality petitioned by the department pursuant to this section
2 adopts an ordinance authorizing the dumping of dredge spoils on or
3 around the island. This section shall be applicable to all dumping
4 of dredge spoils, including any proposed dumping on an existing
5 dredge spoil bank.
- 6 b. For the purposes of this section:
- 7 “Department” means the Department of Environmental
8 Protection.
- 9 “Dredge spoils” means unconsolidated, randomly mixed
10 sediments composed of one or more of the following: rock, soil, or
11 shell materials extracted and deposited during dredging and
12 dumping activities.
- 13 “Dredge spoil bank” means a subaerial mound or ridge that
14 permanently stands above the water composed of dredge spoils;
15 randomly mixed sediments deposited during dredging and dumping.
16
- 17 3. This act shall take effect immediately.