

SENATE, No. 1074

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires DEP to evaluate cumulative impact of stormwater when reviewing applications associated with warehouse and other high-density development projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the evaluation of stormwater impacts from
2 warehouse and other high-density development and
3 supplementing Title 13 of the Revised Statutes.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. As used in this section:

9 “Development” means the same as the term is defined in section
10 3.1 of P.L.1975, c.291 (C.40:55D-4).

11 “High-density development” means a development proposed at a
12 greater concentration of density or intensity of land use than
13 authorized within the area, section, or sections, under the current
14 master plan and development regulations.

15 “Stormwater” means the same as the term is defined in section 3
16 of P.L.2019, c.42 (C.40A:26B-3).

17 “Warehouse” means a building that stores cargo, goods, or
18 products of any type on a short-term or long-term basis for later
19 distribution to wholesale or retail customers, and includes, but is
20 not limited to, a distribution center, flex-warehouse, or any other
21 type of warehouse.

22 “Watershed” means the same as the term is defined in section 3
23 of P.L.1997, c.261 (C.58:29-3).

24 b. Notwithstanding any other law, or rule or regulation adopted
25 pursuant thereto, to the contrary, whenever the Department of
26 Environmental Protection reviews an application for a permit,
27 authorization, or any other type of approval from the department
28 that, if approved, would allow the development of a warehouse or
29 other high-density development, the department shall evaluate the
30 cumulative impact of stormwater that would result from the
31 construction of the warehouse or other high-density development.
32 When evaluating the cumulative impact of stormwater pursuant to
33 this subsection, the department shall:

34 (1) consider the stormwater impacts that would result from the
35 development on property located within: the municipality in which
36 the development would be located; any adjoining municipalities,
37 whether located in the same county as the proposed development or
38 in an adjacent county; and the watershed in which the property is
39 located; and

40 (2) ensure that stormwater shall be managed to, at a minimum:

41 (a) induce water recharge into the ground where practical;

42 (b) minimize offsite stormwater runoff in order to not impact
43 property located in an adjacent municipality;

44 (c) maintain the integrity of stream channels for their biological
45 functions, as well as for drainage; and

46 (d) to prevent, to the greatest extent feasible, an increase in
47 nonpoint pollution in the watershed in which the proposed
48 development would occur.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would require the Department of Environmental
7 Protection (DEP) to evaluate the cumulative impact of stormwater
8 when reviewing applications for permits, authorizations, or other
9 approvals for applications that, if approved, would result in the
10 construction of a warehouse or other high-density development
11 project.

12 The DEP would be required to consider the stormwater impacts
13 that would result from the development on property located within
14 the municipality in which the development would be located, any
15 adjoining municipalities, and the watershed in which the property is
16 located. The DEP would also be required to ensure that stormwater
17 be managed to, at a minimum: (a) induce water recharge into the
18 ground where practical; (b) minimize offsite stormwater runoff in
19 order to not impact property located in an adjacent municipality; (c)
20 maintain the integrity of stream channels for their biological
21 functions, as well as for drainage; and (d) prevent, to the greatest
22 extent feasible, an increase in nonpoint pollution in the watershed in
23 which the proposed development would occur.

24 The development of warehouses, and other high-density
25 development, often results in environmental, land use, traffic,
26 economic, fiscal, and social equity effects in municipalities adjacent
27 to the one in which the development is located. The construction of
28 such development facilities has, at times, resulted in significant
29 negative regional impacts. This bill is intended to ensure that any
30 stormwater resulting from intense development is carefully
31 scrutinized, not only for its impacts on the municipality in which
32 the development is located, but also adjoining municipalities and
33 the watershed as a whole.