

SENATE, No. 1934

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator CARMEN F. AMATO, JR.

District 9 (Ocean)

SYNOPSIS

Allows municipalities to administer responsibilities of Soil Erosion and Sediment Control Act under certain conditions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning soil erosion and sediment control and
2 supplementing P.L.1975, c.251 (C.4:24-39 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. a. Notwithstanding the provisions of P.L.1975, c.251
8 (C.4:24-39 et seq.), or any rule or regulation adopted pursuant
9 thereto, to the contrary, a municipality, upon passage of an
10 ordinance and designation of an applicable local official, and in
11 compliance with the rules and regulations adopted pursuant to
12 subsection c. of this section, may apply to the State Soil
13 Conservation Committee for authority to administer the provisions
14 of the "Soil Erosion and Sediment Control Act," P.L.1975, c.251
15 (C.4:24-39 et seq.), and the rules and regulations adopted pursuant
16 thereto, within the boundaries of that municipality.

17 b. Upon receipt of an application from a municipality pursuant
18 to subsection a. of this section, the State Soil Conservation
19 Committee shall review the application and, if found in compliance
20 with the rules and regulations adopted pursuant to subsection c. of
21 this section, enter into a written agreement with the municipality for
22 the municipality to administer the powers granted to a district
23 pursuant to P.L.1975, c.251 (C.4:24-39 et seq.), and the rules and
24 regulations adopted pursuant thereto.

25 c. Within one year after the effective date of this section, the
26 State Soil Conservation Committee shall adopt, pursuant to the
27 Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et
28 seq.), rules and regulations establishing a procedure and criteria for
29 a municipality to apply to administer the provisions of the "Soil
30 Erosion and Sediment Control Act," P.L.1975, c.251 (C.4:24-39 et
31 seq.), and the rules and regulations adopted pursuant thereto, within
32 the boundaries of that municipality. These rules and regulations
33 shall include, but not be limited to: the manner and form of the
34 ordinance to be adopted by the municipality; the qualifications for
35 the local official designated by the municipality; and requirements
36 for the municipality to administer and enforce the standards for the
37 control of soil erosion and sedimentation adopted pursuant to
38 section 4 of P.L.1975, c.251 (C.4:24-42) and section 2 of P.L.2010,
39 c.113 (C.4:24-42.1).

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41 2. This act shall take effect immediately.

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STATEMENT

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46 This bill would allow a municipality, upon passage of an
47 ordinance and designation of an applicable local official, and in
48 compliance with the rules and regulations adopted pursuant to the

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1 bill, to apply to the State Soil Conservation Committee (committee)
2 for authority to administer the provisions of the "Soil Erosion and
3 Sediment Control Act," P.L.1975, c.251 (C.4:24-39 et seq.), and the
4 rules and regulations adopted pursuant thereto, within the
5 municipality.

6 The bill directs the committee, within one year after the bill is
7 enacted into law, to adopt rules and regulations establishing the
8 procedure and criteria for a municipality to apply to the committee
9 for authority to administer the provisions of the Soil Erosion and
10 Sediment Control Act pursuant to the bill. These rules and
11 regulations would include, but not be limited to: the manner and
12 form of the ordinance to be adopted by the municipality; the
13 qualifications for the local official designated by the municipality;
14 and the requirements for the municipality to administer and enforce
15 the standards for the control of soil erosion and sedimentation
16 adopted pursuant to section 4 of P.L.1975, c.251 and section 2 of
17 P.L.2010, c.113 (C.4:24-42.1).

18 Under current law, the Soil Erosion and Sediment Control Act is
19 administered by the committee and local soil conservation districts.
20 The law, when enacted in 1975, included a provision that authorized
21 a municipality to adopt an ordinance that conforms with the
22 standards for the control of soil erosion and sedimentation to
23 enforce the standards, instead of the applicable district, provided
24 that the ordinance was adopted within 12 months of the adoption of
25 the standards. This bill would provide another opportunity for a
26 municipality to assume the responsibility for the implementation of
27 the standards.