Today’s Presentation

- Overview of the structure of the Division of Land Use Regulation
  - Contacts
- A brief description of regulations
  - Details will be provided in the upcoming presentations
- Overview of anticipated amendments
General Questions

- Web Site  http://www.nj.gov/dep/landuse/
- Call Center (609) 777-0454
  - How to fill out an application
  - Information on the regulations
  - Status of an application
Detailed Questions

- Jurisdictional (Applicability) Determinations
- Pre-application Meetings

- For regular mail:
  Mail Code 501-02A
  Department of Environmental Protection
  Division of Land Use Regulation
  P.O. Box 420 Trenton, New Jersey 08625-0420
Contacts

Division of Land Use Regulation

- David Fanz, Assistant Director (609) 984-3444
  - Chris Jones (609) 984-6216
  - Rick Reilly (609) 633-6563
- Madhu Guru, Assistant Director (609) 984-0921
- Suzanne Dietrick, Office of Dredging and Sediment Technology, Manager (609) 633-6801
Contacts

Office of Dredging and Sediment Technology
Site Remediation Program
P.O. Box 420, Mail Code 401-04P
Trenton, NJ  08625-0420
Land Use Statutes and Regulations

- Freshwater Wetlands Protection Act
  - N.J.S.A. 13:9B
  - N.J.A.C. 7:7A
- Flood Hazard Area Control Act
  - N.J.S.A. 58:16A
  - N.J.A.C. 7:13
Land Use Statutes and Regulations

- Coastal Area Facility Review Act (CAFRA)
  - N.J.S.A. 13:19
  - N.J.A.C. 7:7 and N.J.A.C. 7:7E

- Waterfront Development Act
  - N.J.S.A. 12:5-3
  - N.J.A.C. 7:7 and N.J.A.C. 7:7E
Land Use Statutes and Regulations

Tidelands Act
• N.J.S.A. 12:3
• No Corresponding Regulations

Highlands Water Protection and Planning Act
• N.J.S.A. 13:20
• N.J.A.C. 7:38

Wetlands Act of 1970
• N.J.S.A. 13:9A
• N.J.A.C. 7:7 and N.J.A.C. 7:7E
Proposed Amendments to Coastal Rules

- Combines 7:7 & 7:7E
- Transforms LU regulations
  - aligns the administrative process of 3 LU rules
- Transforms LU business processes
  - streamlines administrative process
    - sets the platform for e-submission
Proposed Amendments to Coastal Rules Environmental Dredging

Dredging that is specifically undertaken to remove contaminated sediments from a waterway for remediation purposes and in accordance with a remediation plan that is approved by the Department.

- Remedial Action Work Plan approved by the Department or approved by a licensed site remediation professional or
- The Comprehensive Environmental Response, Compensation and Liability Act (CERLCA)
Additional Proposed Amendments to Coastal Rules

- Modified General Permits to incorporate LSRP
- Wetland Mitigation
  - Definition of temporary
  - Monitoring requirements
Anticipated Amendments to Flood Hazard Rules

Delete all references to acid-producing soil deposits

- Eliminate special requirements for work in areas with acid soils
- Reduce riparian zone along streams with acid soils from 150 feet to 50 feet
- Defer to local soil conservation districts for review of impacts to areas with acid soils
Anticipated Amendments to Flood Hazard Rules

- Delete special water resource protection area from stormwater management rule
  - No more Functional Value Analysis
  - No reliance on USGS maps or soil surveys to determine location of SWRPA
  - No prohibition on development within inner 150’
  - Rule will rely on existing riparian zone requirements for determining allowable disturbance (with some edits)
Anticipated Amendments to Flood Hazard Rules

Add standards to regulations to allow for remediation

Project must comply with Technical Requirements for Site Remediation N.J.A.C. 7:26E

All permanently placed material must meet residential direct contact soil remediation standards at N.J.A.C. 7:26D with some exceptions
Anticipated Amendments to Flood Hazard Rules

- Unlimited riparian zone disturbance as justified under remediation plan
  - Must mitigate for disturbances

- Up to 20% net fill
Anticipated Amendments to Flood Hazard Rules

Provide additional riparian zone mitigation options

- **Creation**: day-lighting” streams (removing structures that enclose a stream, such as a culvert)
- **Restoration**: removing structures and planting trees
- **Enhancement**: planting trees to upgrade ecologic benefits of area devoid of trees
- **Preservation**: placing a conservation easement on forested land
- **Banking**: credit system, like FWW rules, for riparian zones planted with trees
Anticipated Amendments to Freshwater Wetlands Rules

Modified General Permits to incorporate LSRP

Wetland Mitigation

- Definition of temporary
- Monitoring requirements
Rulemaking Schedule

Coastal Rules
- Published June 2, 2014
- Adopt within one year

Flood Hazard Rules
- Filing with OAL November 2014

Freshwater Wetlands Rules
- Filing with OAL March 2015
Questions?