

CHAPTER 90**STATE SOIL CONSERVATION COMMITTEE****Authority**

N.J.S.A. 4:24-3, 4:24-42 and 4:1C-24.

Source and Effective Date

R.1995 d.382, effective June 21, 1995.
See: 27 N.J.R. 1506(a), 27 N.J.R. 2685(a).

Executive Order No. 66(1978) Expiration Date

Chapter 90, State Soil Conservation Committee, expires on June 21, 2000.

Chapter Historical Note

Subchapter 1, General Provisions, was filed and became effective January 1, 1976 as R.1975 d.360. See: 8 N.J.R. 3(b). Revisions became effective January 1, 1976 as R.1975 d.366. See: 8 N.J.R. 5(a). Further revisions became effective January 5, 1978 as R.1978 d.5. See: 9 N.J.R. 554(a), 10 N.J.R. 54(b). Further revisions became effective July 3, 1980 as R.1980 d.305. See: 12 N.J.R. 301(b), 12 N.J.R. 451(a). Subchapter 2, Soil and Water Conservation Project Cost Sharing: Eligible Projects, was originally adopted as R.1984 d.452, effective October 15, 1984. See: 16 N.J.R. 1416(a), 16 N.J.R. 2781(a). Subchapter 3, Soil and Water Conservation Project Cost Sharing: Procedural Rules, was originally adopted as R.1985 d.158, effective April, 1985. See: 17 N.J.R. 7(a), 17 N.J.R. 807(a). Subchapter 1 was readopted pursuant to Executive Order No. 66(1978) effective June 24, 1985. See: 17 N.J.R. 1160(a), 17 N.J.R. 1756(a). Chapter 90 was readopted as R.1990 d.356, effective June 22, 1990. See: 22 N.J.R. 1299(a), 22 N.J.R. 2142(a). Chapter 90 was readopted as R.1995, d.382, effective June 21, 1995. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

Cross References

Flood control, spoil material to be stabilized, see N.J.A.C. 7:13-2.7.

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SUBCHAPTER 1. GENERAL PROVISIONS**2:90-1.1 Purpose**

These rules and regulations are to implement P.L.1975, chapter 251, N.J.S.A. 4:24-39 et seq., hereinafter referred to

as the act, to secure timely decisions by the soil conservation districts on application for development as defined therein, to assure adequate public notice of procedures thereunder and to continue effective administration of the law.

2:90-1.2 Definitions

All definitions in chapter 251, Laws of 1975, are incorporated in these regulations. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Appeal” means a request for review of district function.

“Hearing body” means the State Soil Conservation Committee.

2:90-1.3 Standards for Soil Erosion and Sediment Control

(a) The State Soil Conservation Committee adopts and hereby incorporates into these rules by reference as standards for soil erosion and sediment control those standards published in the “Standards for Soil Erosion and Sediment Control in New Jersey”, and identified as adopted or revised September 9, 1974, September 1979 and April 6, 1987 as the technical basis for local soil conservation district certification of soil erosion and sediment control plans. Specifically, these standards include the following.

1. Vegetative Standards:

- Temporary Vegetative Cover for Soil Stabilization 3.1.1
Revised April 6, 1987
- Permanent Vegetative Cover for Soil Stabilization 3.2.1
Revised April 6, 1987
- Stabilization with Mulch Only 3.3.1
Revised September 1979
- Permanent Stabilization with Sod 3.4.1
Revised September 1979
- Topsoiling 3.5.1
Revised September 1979
- Maintaining Vegetation 3.6.1
Adopted September 1974
- Dune Stabilization 3.7.1
Revised April 6, 1987
- Trees, Shrubs and Vines 3.8.1
Adopted June 1974
- Protecting Trees During Construction 3.9.1
Revised April 6, 1987

2. Structural Standards:

- Land Grading 4.1.1
Revised April 6, 1987
- Diversions 4.2.1
Revised April 6, 1987
- Grassed Waterway 4.3.1
Revised April 6, 1987
- Sediment Basin 4.4.1
Revised April 6, 1987
- Slope Protection Structures 4.5.1
Revised April 6, 1987
- Channel Stabilization 4.6.1
Revised April 6, 1987

- Detention Basin 4.8.1
Revised April 6, 1987
- Subsurface Drainage 4.8.1
Revised April 6, 1987
- Traffic Control 4.9.1
Revised April 6, 1987
- Dust Control 4.10.1
Revised April 6, 1987
- Lined Waterway 4.11.1
Revised April 6, 1987
- Riprap 4.12.1
Revised April 6, 1987
- Sediment Barrier 4.13.1
Revised April 6, 1987
- Conduit Outlet Protection 4.14.1
Revised April 6, 1987
- Stabilized Construction Entrance 4.15.1
Revised April 6, 1987
- Storm Sewer Inlet Protection 4.16.1
Revised April 6, 1987
- Grade Stabilization Structure 4.17.1
Adopted April 6, 1987
- Parking Lot Storage 4.18.1
Adopted April 6, 1987
- Rooftop Storage 4.19.1
Adopted April 6, 1987
- Underground Tanks 4.20.1
Adopted April 6, 1987

3. Copies of the Standards may be obtained by contacting the State Soil Conservation Committee or any of the soil conservation districts as follows:

- i. Bergen County Soil Conservation District;
- ii. Burlington County Soil Conservation District;
- iii. Camden County Soil Conservation District;
- iv. Cape-Atlantic Soil Conservation District (Cape May and Atlantic Counties);
- v. Cumberland County Soil Conservation District;
- iv. Freehold Soil Conservation District (Middlesex and Monmouth Counties);
- vii. Gloucester County Soil Conservation District;
- viii. Hudson, Essex and Passaic Soil Conservation District (Hudson, Essex and Passaic Counties);
- ix. Hunterdon County Soil Conservation District;
- x. Mercer County Soil Conservation District;
- xi. Morris County Soil Conservation District;
- xii. Ocean County Soil Conservation District;
- xiii. Salem County Soil Conservation District;
- xiv. Somerset-Union Soil Conservation District (Somerset and Union Counties);
- xv. Sussex County Soil Conservation District;
- xvi. Warren County Soil Conservation District.

(b) Where it can be satisfactorily demonstrated by the applicant that unique or innovative control measures or procedures not specified in this chapter may be applicable to specific sites, such measures may be proposed for consideration and utilized subject to approval by the soil conservation district and the State Soil Conservation Committee. Such approval may be granted only where it is determined that strict application of the standards as herein specified

will not result in the most practical and effective control of soil erosion, sedimentation and stormwater damages.

(c) The location, address, and telephone number of the local soil conservation district may be obtained from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625-0330, 609-292-5540.

As amended, R.1978 d. 5, eff. January 5, 1978.
See: 9 N.J.R. 554(a), 10 N.J.R. 54(b).

As amended, R.1980 d. 305, eff. July 3, 1980.
 See: 12 N.J.R. 301(b), 12 N.J.R. 451(a).
 Amended by R.1987 d. 171, effective April 6, 1987.
 See: 18 N.J.R. 2081(a), 19 N.J.R. 513(a).
 Completely revised vegetation standards.

2:90-1.4 Application

(a) Application for soil erosion and sediment control plan certification shall be made to the local district utilizing standard application forms adopted by the Committee. Such application shall indicate the information required to make a decision on certification of plans. Application forms are available at locations listed at N.J.A.C. 2:90-1.3.

(b) Applications for certification of soil erosion and sediment control plans shall include the following items:

1. One copy of the complete subdivision, site plan or construction permit application, including key map as submitted to the municipality (architectural drawings, plans and specifications for buildings not required) which includes the following:

i. The location of present and proposed drains and culverts with their discharge capacities and velocities and supporting computations and identification of conditions below outlets;

ii. A delineation of any area subject to flooding from the 100-year storm in compliance with the Flood Plains Act, N.J.S.A. 58:16A or applicable municipal zoning;

iii. A delineation of streams, wetlands pursuant to N.J.S.A. 13:9B and other significant natural features within the project area;

iv. The soils and other natural resource information used (delineation of the project site on soil map is desirable);

v. The land cover and use of area adjacent to the land disturbance; and

vi. All hydraulic and hydrologic data describing existing and proposed watershed conditions and a completed copy of the Hydraulic and Hydrologic Data Base Summary Form SSCC 251 HDF1. Where HEC 1 and HEC 2—U.S. Army Corps of Engineers or TR20 and WSP2—USDA Natural Resources Conservation Service computer programs are used for modeling watershed hydrology and hydraulics, a copy of electronic input files shall be included. The Data Base Summary Forms and information regarding these computer programs are available at the locations listed at N.J.A.C. 2:90-1.3 above.

2. Four copies of the soil erosion and sediment control plan at the same scale as the site plan submitted to the municipality or other land use approval agency which includes the following information detailed on the plat:

i. The proposed sequence of development including duration of each phase in the sequence;

ii. A site grading plan delineating land areas to be disturbed including proposed cut and fill areas together with existing and proposed profiles of these areas;

iii. Contours at a two foot interval, showing present and proposed ground elevation;

iv. The locations of all streams and existing and proposed drains and culverts;

v. A stability analysis of all channels below all points of stormwater discharge which demonstrates that a stable condition will exist or there will be no degradation of the existing condition;

vi. The location and detail of all proposed erosion and sediment control structures including profiles, cross sections, appropriate notes, and supporting computations;

vii. The location and detail of all proposed non-structural methods of soil stabilization including types and rates of lime, fertilizer, seed, and mulch to be applied;

viii. Erosion control measures for non-growing season stabilization of exposed areas where the establishment of vegetation is planned as the final control measure;

ix. For residential development, erosion control measures which apply to dwelling construction on individual lots with notation on the final plat that requirement for installation of such control measures shall apply to subsequent owners if title is conveyed; and

x. Plans for maintenance of permanent soil erosion and sediment control measures and facilities during and after construction, which include the designation of persons or entity responsible for such maintenance;

3. Appropriate fees as adopted by the individual district and approved by the Committee (see N.J.A.C. 2:90-1.8); and

4. Additional information as may be required by the district depending upon the scope, topography and complexity of the project.

(c) The applicant shall certify and agree that the applicant shall:

1. Certify that all soil erosion and sediment control measures are designed in accordance with current Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the Committee and found at N.J.A.C. 2:90-1.3 and will be installed in accordance with the plan as approved by the district;

2. Acknowledge that structural measures contained in the soil erosion and sediment control plan are reviewed

for adequacy to reduce offsite soil erosion and sedimentation and not for adequacy of structural design;

3. Retain full responsibility for any damages which may result from any construction activity notwithstanding district certification of the soil erosion and sediment control plan;

4. Require that all engineering related items of the soil erosion and sediment control plan be prepared by or under the direction of and be sealed by a professional engineer or architect licensed in the State of New Jersey in accordance with N.J.A.C. 13:27-6;

5. Assure that any conveyance of the project or portion thereof is conditioned upon transfer of full responsibility for compliance with the certified plan to any subsequent owners;

6. Maintain a copy of the certified plan on the project site during construction;

7. Allow district agents to go upon project lands for inspection; and

8. Notify the district in writing at least 48 hours in advance of any land disturbance activity and upon completion of the project.

(d) If the person submitting the application is not the project owner, a notarized authorization by the owner or authorized corporate officer must be submitted with the application. For public agency projects, such authorization shall be made by the principal executive officer or elected official of the agency.

Amended by R.1993 d.13, effective January 4, 1993.

See: 24 N.J.R. 3587(a), 25 N.J.R. 65(a).

Revised (a); added new (b)-(d).

Amended by R.1995 d.382, effective July 17, 1995.

See: 27 N.J.R. 1506(a), 27 N.J.R. 2685(a).

2:90-1.5 Procedure

(a) The district shall carry out the provisions of sections 5 through 7 of the act.

(b) No project shall be undertaken by any person, partnership, or corporation, or other private or public agency unless the applicant has submitted to the district with local jurisdiction a plan for soil erosion and sediment control for such project, and the plan has been certified by the district as conforming to the standards promulgated by the New Jersey State Soil Conservation Committee. The plan shall provide for the control of soil erosion and sedimentation and utilize the standards for soil erosion and sediment control adopted by the New Jersey State Soil Conservation Committee.

(c) Approval by a municipal officer or agency for an application for development for any project shall be conditioned upon certification by the district for a plan for soil erosion and sediment control.

(d) The district shall review all soil erosion and sediment control plans submitted with a complete application and provide the applicant with a written notice indicating that:

1. The plan was certified;
2. The plan was certified subject to the attached conditions; or
3. The plan was denied certification with the reasons for the denial stated.

(e) The district shall include in the notice of certification or on the certified plan the following clause: "This certification is limited to the controls specified in this plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency."

(f) The district shall furnish the municipal planning board a copy of the certification or denial including all conditions and statements.

(g) The district shall grant or deny certification within 30 days from submission of a complete application. The district may be granted an additional 30 day review period through mutual written agreement with the applicant. Failure of the district to grant or deny certification within such period or such extension thereof shall constitute certification.

(h) The district shall require a new submission of the plan and application when a major revision is made.

(i) District certification of a soil erosion and sediment control plan for any project shall be valid only for the duration of the initial project approval granted by the municipality or other land use approval agency but in no case shall exceed three and one-half years. All such municipal or other agency renewals of the project will require resubmission of the project plan and recertification approval by the district.

Amended by R.1987 d.222, effective May 18, 1987.

See: 19 N.J.R. 395(a), 19 N.J.R. 861(a).

New (e) added; renumbered old (e)-(g) as (f)-(h).

Amended by R.1993 d.13, effective January 4, 1993.

See: 24 N.J.R. 3587(a), 25 N.J.R. 65(a).

Added new (i).

2:90-1.6 Appeal process

(a) The State Soil Conservation Committee may, on its own motion or at the request of any person aggrieved of any action by the district, review the decision of any soil conservation district and make whatever determinations it deems appropriate in the matter. Any person aggrieved of any decision of a soil conservation district shall have 10 days to appeal to the State Soil Conservation Committee which shall schedule a hearing and make a determination within 45 days of the petition for review. Any person against whom a stop-construction order is issued by any district shall also have the right to appeal to the State Soil Conservation Committee. Requests for appeal shall be addressed to: