

CHAPTER 7E

COASTAL ZONE MANAGEMENT

Authority

N.J.S.A. 12:5-3, 13:1D-9, 13:1D-29 et seq.,
13:9A-1 et seq., and 13:19-1 et seq.

Source and Effective Date

Effective: May 29, 2013.
See: 45 N.J.R. 1651(a).

Chapter Expiration Date

Chapter 7E, Coastal Zone Management, expires on May 29, 2020.

Chapter Historical Note

Chapter 7E, Coastal Zone Management, was adopted as R.1978 d.292, effective September 28, 1978. See: 10 N.J.R. 184(a), 10 N.J.R. 384(a).

Public Notice: Federal ruling on N.J.A.C. 7:7E. See: 14 N.J.R. 1467(b).

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1985 d.422, effective July 24, 1985. See: 17 N.J.R. 1465(a), 17 N.J.R. 1797(c), 17 N.J.R. 2021(a).

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1990 d.413, effective July 24, 1990. See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).

Public Notice: Notice of Routine Program Implementation. See: 25 N.J.R. 1010(a).

Subchapter 3A, Standards for Beach and Dune Activities, Subchapter 3B, Information Required in Wetland Mitigation Proposals, and Subchapter 3C, Assessing Impacts to Endangered and Threatened Wildlife Species in Environmental Impact Assessments, were adopted as New Rules by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994). See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).

Appendix to Chapter 7E: Figures 1 through 16 were adopted as a part of R.1994 d.380 and form the Appendix to N.J.A.C. 7:7E. The Figures are not reproduced in this chapter, but can be reviewed by contacting the Office of Administrative Law, Rules and Publications, PO Box 301, Trenton, NJ 08625-0301, or the Department of Environmental Protection.

Pursuant to Executive Order No. 66(1978), Chapter 7E, Coastal Zone Management, was readopted as R.1995 d.405, effective June 23, 1995. See: 27 N.J.R. 417(a), 27 N.J.R. 2738(a).

Notice of Routine Program Change. See: 30 N.J.R. 2087(a), 30 N.J.R. 2780(b), 30 N.J.R. 4284(a).

Subchapter 5A, Impervious Cover Limits and Vegetative Cover Percentages in the Upland Waterfront Development Area; Subchapter 5B, Impervious Cover Limits and Vegetative Cover Percentages in the CAFRA Area, were adopted as R.2000 d.45, effective February 7, 2000. See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

The expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from June 23, 2000 to March 31, 2001. See: 32 N.J.R. 2591(c).

The expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from March 31, 2001 to March 31, 2002. See: 33 N.J.R. 1370(a).

The expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from September 27, 2002 to January 7, 2003. See: 34 N.J.R. 3641(a).

Chapter 7E, Coastal Zone Management, was readopted as R.2003 d.60, effective January 7, 2003. As part of R.2003 d.60, Subchapter 2,

Location, Use and Resource Rules, was repealed. See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

Public Notice: Routine Program Change for Coastal Management Program. See: 35 N.J.R. 4917(a).

Public Notice: Routine Program Change for Coastal Management Program. See: 36 N.J.R. 3304(b).

Public Notice: Coastal Management Office: determination on routine program change to the Coastal Management Program. See: 38 N.J.R. 1587(a).

Subchapter 8A, Information Required to Demonstrate Compliance with the Public Trust Rights Rule, N.J.A.C. 7:7E-8.11; Conservation Restrictions and Public Access Instruments, was adopted as new rules by R.2007 d.374, effective December 17, 2007. See: 38 N.J.R. 4570(a), 39 N.J.R. 5222(a).

Public Notice: Coastal Management Office: notice of routine program change to the Coastal Management Program. See: 41 N.J.R. 1272(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from January 7, 2008 to July 7, 2009. See: 40 N.J.R. 781(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from July 7, 2009 to July 7, 2010. See: 41 N.J.R. 2894(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 7E, Coastal Zone Management, was extended by gubernatorial directive from July 7, 2010 to July 7, 2011. See: 42 N.J.R. 468(a).

Public Notice: Plan Endorsement. See: 42 N.J.R. 523(a).

Petition for Rulemaking. See: 42 N.J.R. 2277(a), 2332(a), 2992(a), 2992(b).

Public Notice: Routine Program Changes for Coastal Management Program. See: 42 N.J.R. 2638(a).

Petition for Rulemaking. See: 43 N.J.R. 451(a).

Public Notice: Determination on Routine Program Changes for Coastal Management Program. See: 43 N.J.R. 681(a).

Subchapter 8A, Information Required to Demonstrate Compliance with the Public Trust Rights Rule, N.J.A.C. 7:7E-8.11; Conservation Restrictions and Public Access Instruments, was repealed by R.2012 d.182, effective November 5, 2012. See: 43 N.J.R. 772(a), 44 N.J.R. 614(a), 44 N.J.R. 2559(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 7E, Coastal Zone Management, was scheduled to expire on July 7, 2013. See: 43 N.J.R. 1203(a).

Chapter 7E, Coastal Zone Management, was readopted, effective May 29, 2013. See: Source and Effective Date.

Case Notes

Department of Environmental Protection (DEP) must make findings under the standards in the statute governing the issuance of permits for development in coastal zones, even if DEP finds that a Coastal Area Facility Review Act (CAFRA) permit application complies with its specific regulations. In the Matter of the Protest of Coastal Permit Program Rules, 807 A.2d 198, 354 N.J.Super. 293.

Department of Environmental Protection (DEP) was required to amend its implementing rules with respect to Coastal Area Facility Review Act (CAFRA) to set forth requirement that it make findings under standards set forth in CAFRA prior to issuing permit for development thereunder. In the Matter of the Protest of Coastal Permit Program Rules, 807 A.2d 198, 354 N.J.Super. 293.

Department of Environmental Protection (DEP) did not invalidate Coastal Zone management (CZM) rules by giving regulatory effect to state development and redevelopment plan by presuming that boundaries established by state planning commission would function as boundaries pursuant to Coastal Area Facility Review Act (CAFRA), and then by us-

ing those boundaries to establish impervious cover limits in CZM rules. In the Matter of the Protest of Coastal Permit Program Rules, 807 A.2d 198, 354 N.J.Super. 293.

Coastal zone management rules preempted township ordinance governing placement and length of docks. *Tumino v. Long Beach Township*, 319 N.J.Super. 514, 725 A.2d 1173 (N.J.Super.A.D. 1999).

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Amended by R.2007 d.340, effective November 5, 2007.
See: 38 N.J.R. 3950(a), 39 N.J.R. 4573(a).
Rewrote (b)3.

7:7E-8.22 Solid and hazardous waste

(a) Solid waste means any garbage, refuse, sludge or other waste material, including solid, liquid, semi-solid or contained gaseous material. A material is a solid waste if it is "disposed of" by being discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters. Solid waste becomes a hazardous waste when it exhibits any of the characteristics which are specified in the Federal Regulations on Identification and Listing of Hazardous Waste (40 C.F.R. 261). The general characteristics of hazardous waste include, but are not limited to, characteristics of ignitibility, characteristics of corrosivity, characteristics of reactivity and characteristics of toxicity.

1. Solid waste shall not include the following:

- i. Source separated food waste collected by livestock producers approved by the State's Department of Agriculture who collect, prepare and feed such wastes to livestock on their own farms, or recyclable materials that are exempt from regulation pursuant to N.J.A.C. 7:26A;
- ii. Materials approved for beneficial use or categorically approved for beneficial use pursuant to N.J.A.C. 7:26; and
- iii. Spent sulfuric acid which is used to produce virgin sulfuric acid, provided at least 75 percent of the amount accumulated is recycled in one year.

(b) Coastal development shall conform with all applicable State and Federal regulations, standards and guidelines for the handling and disposal of solid and hazardous wastes, including the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Solid Waste Management rules, N.J.A.C. 7:26, the Recycling rules, N.J.A.C. 7:26A, and the Hazardous Waste rules, N.J.A.C. 7:26G.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

New Rule, R.2002 d.60, effective February 3, 2003.
See: 34 N.J.R. 74(a), 35 N.J.R. 632(a).

SUBCHAPTER 8A. (RESERVED)

APPENDIX 1

DESIGN STANDARDS AND SPECIFICATIONS

(OAL NOTE: None of the figures comprising N.J.A.C. 7:7E Appendix 1 are reproducible in the New Jersey Admin-

istrative Code, but may be reviewed or a copy obtained by contacting the Office of Administrative Law, PO Box 049, Trenton, NJ 08625-0049.)

Amended by R.2000 d.45, effective February 7, 2000.
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).
Amended by R.2007 d.340, effective November 5, 2007.
See: 38 N.J.R. 3950(a), 39 N.J.R. 4573(a).
Repealed Figure 6.
Amended by R.2008 d.82, effective April 7, 2008.
See: 39 N.J.R. 725(a), 40 N.J.R. 1836(a).
Repealed Figure 11.

APPENDIX 2

(RESERVED)

New Rule, R.2000 d.45, effective February 7, 2000.
See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).
Administrative change.
See: 32 N.J.R. 1803(b).
Administrative change.
See: 32 N.J.R. 3828(a).
Petition for Rulemaking.
See: 33 N.J.R. 329(b), 33 N.J.R. 590(b).
Amended by R.2001 d.81, effective March 5, 2001.
See: 32 N.J.R. 352(a), 32 N.J.R. 682(a), 33 N.J.R. 843(a).
Rewrote the section.
Amended by R.2001 d.152, effective May 7, 2001.
See: 33 N.J.R. 156(a), 33 N.J.R. 1371(a).
Rewrote the section.
Petition for Rulemaking.
See: 33 N.J.R. 1475(a).
Administrative change.
See: 34 N.J.R. 1421(b).
Administrative change.
See: 34 N.J.R. 4196(a).
Petition for Rulemaking.
See: 35 N.J.R. 3720(a), 4786(a).
Administrative change.
See: 36 N.J.R. 5674(a).
Amended by R.2006 d.46, effective February 6, 2006.
See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).
Heading was "Boundaries of Coastal Centers in the CAFRA Area Not Located on Barrier Islands, Oceanfront Spits, or Peninsulas"; rewrote the section.
Administrative changes.
See: 38 N.J.R. 1669(a).
Administrative change (effective March 5, 2007 and operative April 4, 2007).
See: 39 N.J.R. 768(b).
Administrative change. (Administrative notice that Appendix 2 expired.)
See: 39 N.J.R. 2018(b).

APPENDIX 3

BOUNDARIES OF NON-MAINLAND COASTAL CENTERS IN THE CAFRA AREA

For purposes of N.J.A.C. 7:7E-5 and 5B, this appendix sets forth the boundaries of the non-mainland coastal centers in the CAFRA area.

In accordance with N.J.A.C. 7:7E-5.3(c), the impervious cover allowed on a site within a Department-delineated coastal center must be placed on the net land area of the site, as determined under N.J.A.C. 7:7E-5.3(d). The placement of impervious cover on a site in a coastal center may be further

restricted by other provisions of this chapter, including the Special Area rules at N.J.A.C. 7:7E-3.

The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the non-mainland coastal centers are listed alphabetically.

I. Atlantic County coastal centers on barrier islands, spits, and peninsulas

A. Brigantine coastal town

1. The coastal town boundary follows the municipal boundary of the City of Brigantine, but does not include any bay islands or the Absecon Wildlife Management Area.

II. Cape May County coastal centers on barrier islands, spits and peninsulas

A. Lower Township coastal centers

1. Diamond Beach coastal town

a. The coastal town boundary extends from the intersection of the Wildwood Crest/Lower Township municipal boundary and Park Boulevard thence southwest on Park Boulevard to North Station Avenue, thence southeast on North Station Avenue to Ocean Drive (County route 621), thence southwest on Ocean Drive (County route 621) to Madison Avenue, thence southeast on Madison Avenue to its end, thence southeast on the same bearing to the water's edge, thence northeast along the water's edge to the municipal boundary, and thence northwest along the municipal boundary to Park Boulevard.

B. Sea Isle City coastal town

1. The coastal town boundary follows the municipal boundary of Sea Isle City, but does not include the area north of a line that extends along 22nd Street and along the same bearing from either end of 22nd Street to the mean high water line.

III. Monmouth County coastal centers on barrier islands, spits and peninsulas

A. Monmouth Beach coastal town

1. The coastal town boundary follows the municipal boundary of the Borough of Monmouth Beach, but does not include any bay islands.

B. Sea Bright coastal town

1. The coastal town boundary follows the municipal boundary of the Borough of Sea Bright, but does not include any bay islands.

IV. Ocean County coastal centers on barrier islands, spits and peninsulas

A. Barnegat Light coastal village

1. The coastal village boundary follows the municipal boundary of Barnegat Light Borough, but does not include any bay islands or Barnegat Light State Park.

B. Bay Head coastal town

1. The coastal town boundary follows the municipal boundary of Bay Head Borough.

C. Beach Haven Borough coastal town

1. The coastal town boundary follows the municipal boundary of Beach Haven Borough, but does not include any bay islands.

D. Berkeley Township coastal town

1. The coastal town boundary circumscribes that part of Berkeley Township that is east of Barnegat Bay, north of Island Beach State Park and south of Seaside Park Borough.

E. Brick Township coastal centers

1. South Mantoloking coastal village

a. The coastal village boundary circumscribes that part of Brick Township that is east of Barnegat Bay, north of Toms River Township, and south of Mantoloking Borough, but does not include any bay islands.

F. Toms River Township coastal centers

1. Normandy Beach/Chadwick coastal town

a. The coastal town boundary circumscribes that part of Toms River Township that is east of Barnegat Bay, north of Lavallette Borough and south of Brick Township, but does not include any bay islands.

2. Ortley Beach coastal town

a. The coastal town boundary circumscribes that part of Toms River Township that is east of Barnegat Bay, north of Seaside Heights Borough, and south of Lavallette Borough, but does not include any bay islands.

G. Harvey Cedars coastal town

1. The coastal town boundary follows the municipal boundary of Harvey Cedars Borough, but does not include any bay islands.

H. Lavallette coastal town

1. The coastal town boundary follows the municipal boundary of Lavallette Borough, but does not include any bay islands.

I. Long Beach coastal town

1. The coastal town boundary circumscribes those non-contiguous parts of Long Beach Township that are east of Barnegat Bay, but does not include any bay islands or the Holgate Unit of the Edwin B. Forsythe National Wildlife Refuge.

J. Mantoloking coastal village

1. The coastal town boundary follows the municipal boundary of Mantoloking Borough, but does not include any bay islands.

K. Seaside Park coastal town

1. The coastal town boundary follows the municipal boundary of Seaside Park Borough, but does not include any bay islands.

L. Ship Bottom coastal town

1. The coastal town boundary follows the municipal boundary of Ship Bottom Borough, but does not include any bay islands.

M. Surf City coastal village

1. The coastal village boundary follows the municipal boundary of Surf City, but does not include any bay islands.

New Rule, R.2000 d.45, effective February 7, 2000.

See: 31 N.J.R. 2042(a), 32 N.J.R. 503(a).

Administrative change.

See: 32 N.J.R. 1803(b).

Administrative change.

See: 36 N.J.R. 5674(a).

Amended by R.2006 d.46, effective February 6, 2006.

See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).

Heading was "Boundaries of Coastal Centers in the CAFRA Area Located on Barrier Islands, Oceanfront Spits, or Peninsulas"; rewrote the introductory paragraph.

Administrative change.

See: 39 N.J.R. 2018(b).

Administrative change (effective April 19, 2010 and operative May 19, 2010).

See: 42 N.J.R. 787(a).

APPENDIX 4

(RESERVED)

New Rule by R.2006 d.46, effective February 6, 2006.

See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).

Former N.J.A.C. 7:7E Appendix 4, CAFRA Centers, recodified as N.J.A.C. 7:7E Appendix 5.

Administrative changes.

See: 38 N.J.R. 1669(a).

Amended by R.2006 d.363, effective October 2, 2006.

See: 38 N.J.R. 1921(a), 38 N.J.R. 4214(a).

Added the second paragraph; and inserted asterisks following multiple entries in the list of coastal centers with expired boundaries.

Administrative change. (Administrative notice that Appendix 4 expired.)

See: 39 N.J.R. 2018(b).

APPENDIX 5

CAFRA CENTERS

This non-regulatory appendix contains the list of CAFRA centers the boundaries of which have been accepted by the Department under N.J.A.C. 7:7E-5B.3(b), and which are incorporated into and shown on the CAFRA Planning Map. As required under N.J.A.C. 7:7E-5B.4(b), an applicant shall refer to the CAFRA Planning Map in order to determine the location of a site for the purposes of determining the applicable impervious cover limits under this chapter.

The Department will update the list of CAFRA centers, in this Appendix by notice of administrative change as part of the New Jersey Register notice required in N.J.A.C. 7:7E-5B.3(b). The appendix is organized as follows: Counties are listed alphabetically. Within each county, the municipalities are listed alphabetically. Within each municipality, the CAFRA centers are listed alphabetically.

I. Atlantic County CAFRA centers and CAFRA cores

A. Atlantic City

1. Atlantic City CAFRA urban center

B. Galloway Township CAFRA centers and CAFRA cores

1. Galloway Downtown CAFRA core
2. Oceanville CAFRA village
3. Smithville CAFRA core
4. Smithville CAFRA town
5. Wrangleboro CAFRA town

II. Cape May County CAFRA centers

A. Avalon Borough

1. Avalon Borough CAFRA town

B. Cape May City

1. Cape May City CAFRA town

C. Cape May Point Borough

1. Cape May Point CAFRA village

D. City of Ocean City

1. Ocean City regional center

E. Middle Township

1. Cape May Court House CAFRA Regional Center
2. Del Haven CAFRA Village Center
3. Goshen CAFRA Hamlet
4. Green Creek CAFRA Village Center
5. Hildreth CAFRA Village Center
6. Rio-Grand-Whitesboro-Burleigh CAFRA Regional Center

7. Swainton CAFRA Village Center

F. Stone Harbor Borough

1. Stone Harbor Borough CAFRA town

G. Upper Township

1. Seaville CAFRA Town
2. Marmora CAFRA Town
3. Petersburg CAFRA Village
4. Tuckahoe CAFRA Village

H. Wildwood City/North Wildwood City/Wildwood Crest Borough/West Wildwood Borough

1. The Wildwoods CAFRA regional center

III. Cumberland County CAFRA centers

A. Bridgeton City

1. Bridgeton CAFRA Regional Center

B. Commercial Township CAFRA centers

1. Mauricetown-Haleyville CAFRA village

C. Lawrence Township

1. Cedarville CAFRA Village

D. Maurice River Township

1. Mauricetown Station CAFRA hamlet

E. Millville City/Vineland City

1. Millville-Vineland CAFRA regional center

IV. Monmouth County CAFRA centers

A. Asbury Park City

1. Asbury Park CAFRA urban center

B. Atlantic Highlands Borough

1. Atlantic Highlands Borough CAFRA town

C. Long Branch City

1. Long Branch CAFRA regional center

D. Manasquan Borough

1. Manasquan Borough CAFRA town

- E. Red Bank Borough
 - 1. Red Bank CAFRA regional center
- V. Ocean County CAFRA centers
 - A. Brick Township
 - 1. Brick CAFRA town
 - B. Berkeley Township
 - 1. Berkeley CAFRA Town Center
 - 2. Berkeley CAFRA Core
 - 3. Berkeley CAFRA Node
 - C. Barnegat Township
 - 1. Barnegat CAFRA Town Center
 - 2. Barnegat CAFRA Core
 - D. Little Egg Harbor Township
 - 1. Mystic Island CAFRA town
 - 2. Parkertown CAFRA village
 - E. Little Egg Harbor Township/Tuckerton Borough
 - 1. Tuckerton CAFRA town
 - F. Ocean Township
 - 1. Waretown CAFRA Town Center
 - G. Seaside Heights Borough
 - 1. Seaside Heights CAFRA Town
 - H. Stafford Township
 - 1. Stafford/Manahawkin CAFRA regional center
- VI. Salem County CAFRA centers and CAFRA nodes
 - A. Lower Alloways Township CAFRA centers
 - 1. PSE & G Energy Facility node

- B. Salem City
 - 1. Salem City CAFRA regional center

New Rule, R.2001 d.81, effective March 5, 2001.
 See: 32 N.J.R. 352(a), 32 N.J.R. 682(a), 33 N.J.R. 843(a).
 Administrative change.
 See: 34 N.J.R. 1421(b).
 Administrative change.
 See: 34 N.J.R. 4196(a).
 Administrative change.
 See: 36 N.J.R. 5674(a).
 Administrative change.
 See: 37 N.J.R. 4435(a).
 Recodified from N.J.A.C. 7:7E Appendix 4 by R.2006 d.46, effective February 6, 2006.
 See: 37 N.J.R. 2351(a), 2985(a), 38 N.J.R. 928(c).
 Administrative change (effective March 5, 2007 and operative April 4, 2007).
 See: 39 N.J.R. 768(b).
 Administrative correction.
 See: 39 N.J.R. 2536(a).
 Administrative change (effective March 3, 2008 and operative April 2, 2008).
 See: 40 N.J.R. 1085(a), 1088(a).
 Administrative correction.
 See: 40 N.J.R. 4320(a).
 Administrative change (effective September 8, 2009 and operative October 8, 2009).
 See: 41 N.J.R. 3245(a).
 Administrative change (effective April 19, 2010 and operative May 19, 2010).
 See: 42 N.J.R. 787(a).
 Administrative change (effective May 7, 2012 and operative June 6, 2012).
 See: 44 N.J.R. 1521(a), 1524(a).
 Administrative change (effective January 22, 2013 and operative February 21, 2013).
 See: 45 N.J.R. 115(a).

APPENDIX 6

(RESERVED)

New Rule, R.2009 d.34, effective January 20, 2009.
 See: 39 N.J.R. 5145(a), 41 N.J.R. 546(a).
 Repealed by R.2012 d.182, effective November 5, 2012.
 See: 43 N.J.R. 772(a), 44 N.J.R. 614(a), 44 N.J.R. 2559(a).
 Section was "Public Access Requirements for Marinas through December 31, 2010".