

## 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 2:90 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, CN 330, Trenton, New Jersey 08625, 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).

Amended by R.1986 d.190, effective May 19, 1986.  
See: 18 N.J.R. 449(a), 18 N.J.R. 1099(a).  
(e) added.

#### 2:90-3.10 Project completion and payment

(a) Upon project or project component completion, the applicant shall notify the SCD and request payment.

(b) The SCD shall secure technical agency verification that the project(s) or project component(s) has been completed in accordance with technical standards and specifications and also verify applicants payment claims. If payment claims are satisfactory, the SCD shall forward the payment request with the payment claim voucher, itemized bills, and related documentation that substantiates all costs incurred to the SSSC.

(c) The SSSC shall verify that program provisions have been satisfied prior to recommending SADC payment to the applicant.

#### 2:90-3.11 Maintenance

(a) The applicant shall be responsible for maintaining the project(s) for eight years following date of completion.

(b) The SCD shall be responsible for inspecting the project(s) for maintenance in accordance with guidelines provided by the SSSC. Such inspections shall be performed annually on at least five percent of each practice installed under the program within the SCD.

(c) The applicant shall allow SCD and other program agents reasonable access to the project site for the purpose of site inspections.

#### 2:90-3.12 Violations

(a) If the SCD determines that an applicant fails to comply with the provisions for maintenance of the project, the SCD shall advise the landowner of required corrective measures. The SCD shall forward a copy of such notification to the SSSC.

(b) The landowner shall not be liable for inadequate maintenance or destruction of a project(s) if caused by a natural disaster that could not have been reasonably anticipated.

#### 2:90-3.13 Records

The SCD shall retain application forms, plans, performance reports, and all other related information pertaining to the applicant and approved projects.