

2

**Gouveia, Susan**

---

**From:** Lashway, Lisa  
**Sent:** Monday, June 01, 2015 3:31 PM  
**To:** Canning, Sean  
**Cc:** Gouveia, Susan  
**Subject:** FW: NJDEP Press Release - Proposed Flood Hazard Area Rule Revision  
**Attachments:** Flood Hazard Rules -- P49.pdf

CORRESPONDENCE

Michelle Masser  
Deputy Clerk

973-691-0900 Ext. 7291  
FAX 973-691-2080  
PO Box 450  
Budd Lake, NJ 07828

---

**From:** Rogers, Joseph [mailto:Joseph.Rogers@dep.nj.gov] **On Behalf Of** Randazzo, Cindy  
**Sent:** Monday, June 01, 2015 2:53 PM  
**To:** Randazzo, Cindy  
**Subject:** NJDEP Press Release - Proposed Flood Hazard Area Rule Revision

Dear Municipal Official:

Please see that attached NJDEP Press Release concerning the Proposed Revisions to the Flood Hazard Area Control Act Rules.

If you have any questions, please contact me directly.

Sincerely,

Cindy W. Randazzo  
Director  
Office of Local Government Assistance  
New Jersey Department of Environmental Protection  
401 E. State Street  
P.O. Box 402

Trenton, NJ 08625-0402  
Office: 609-633-7700  
Cell – 609-575-3806  
email: [cindy.randazzo@dep.state.nj.us](mailto:cindy.randazzo@dep.state.nj.us)

[www.nj.gov/dep/](http://www.nj.gov/dep/)

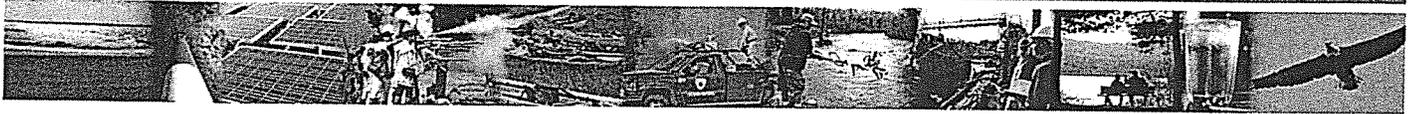
**NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents may be Privileged & Confidential due to the Attorney -Client Privilege, Attorney Work Product, Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.**



# DEP NEWS RELEASE

New Jersey Department of Environmental Protection

Chris Christie, Governor  
Kim Guadagno, Lt. Governor  
Bob Martin, Commissioner



## IMMEDIATE RELEASE

June 1, 2015

**Contact:** Lawrence Hajna (609) 984-1795  
Bob Considine (609) 292-2994  
Caryn Shinske (609) 984-1795

### **CHRISTIE ADMINISTRATION PROPOSES COMMON SENSE REVISIONS TO FLOOD HAZARD AREA CONTROL ACT REGULATIONS** *CHANGES PROVIDE FLEXIBILITY WHILE MAINTAINING HIGH STANDARDS FOR ECOLOGICAL AND FLOOD PROTECTION*

**(15/P49) TRENTON** – The Department of Environmental Protection today proposed revisions to its Flood Hazard Area Control Act rules that will reduce complexity, correct conflicting regulations, and streamline the permitting process for project applicants while continuing New Jersey’s high standards for flood mitigation and ecological protection of river and stream corridors.



The revisions, based on recommendations made by stakeholder study groups, are part of the Christie Administration’s ongoing effort to add common sense and predictability to overly burdensome state rules and regulations. The full proposal appears in the New Jersey Register issued today, and is now open for public comment.

“Our streams and rivers provide the state with many benefits, but many aspects of the way the rules are currently structured have not achieved their stated goals,” DEP Commissioner Bob Martin said. “These rule changes will correct those problems while maintaining our high standards for protection of our waterways and mitigation of flooding.”

For example, the rule proposal will defer enforcement of soil erosion and sediment control standards to local Soil Conservation Districts in areas that have highly acidic soils. These areas primarily parallel the New Jersey Turnpike corridor through central and southern New Jersey.

“Local Soil Conservation Districts have much greater expertise than the DEP in management practices to control erosion and runoff of acidic soils that can have significant negative impacts on water quality and aquatic life,” said DEP Assistant Commissioner for Land Use Regulation Ginger Kopkash. “Current regulations requiring discharges of stormwater outside the 150-foot

riparian zone along streams where these soils exist, in many cases, has actually caused erosion of acidic soils into streams that are supposed to be protected by our regulations.”

In some cases, this process has resulted in the scouring away of deep gullies that have carried acid-bearing soils into streams. This severely degrades aquatic habitats, making it difficult or even impossible for many species of fish and plants to live in impacted waters.

“This rule change is an example of the DEP spending time in the field and finding that there is a better way to protect the state’s surface waters,” said Bill Brash, Director of the Mercer County Soil Conservation District. “I commend the Department for its willingness to review the riparian zone requirements and make the changes necessary to better protect water quality in those watersheds with complex resource problems of highly erosive soils underlain by acid-producing soils.

Other elements of the proposed rule include:

- Amending requirements for the placement of stormwater discharges within riparian zones to address concerns raised by local Soil Conservation Districts regarding downstream erosion.
- Making it easier to restore impaired riparian zones by encouraging such efforts as “daylighting” streams by removing culverts that enclose them.
- Consolidating the Special Water Resource Protection Area and 300-foot riparian zone into a hybrid buffer with predictable standards to better protect the State’s most ecologically sensitive streams and rivers
- Streamline the flood hazard area permitting process by converting six existing general permits to general permits-by-certification and converting four existing general permits to permits-by-rule.
- Making the permit review process more efficient and time sensitive for certain applications.
- Making it easier to do projects such as minor road widening and bridge or culvert replacement projects.
- Encouraging the preservation and creation of terrestrial crossings under bridges and within culverts.

In 2011, Governor Christie launched the bi-partisan Red Tape Review Commission which worked in conjunction with the Legislature to streamline regulatory processes across state government by eliminating burdensome red tape, thus promoting a more vibrant New Jersey.

In developing this rule proposal, the DEP held numerous stakeholder meetings that included representatives from local government, state and federal agencies; the development community; and the environmental community.

Various working groups were formed to analyze and make recommendations for improving the regulatory framework of the Flood Hazard Area Control Act, adopted in 1980. Many of the amendments the DEP is currently proposing reflect the recommendations of the subcommittees and stakeholders. The complete rule proposal is available at:

<http://www.nj.gov/dep/rules/proposals/20150601a.pdf>

Today's publication in the Register triggers a 60-day public comment period ending July 31, 2015. Comments may be submitted electronically at [www.nj.gov/dep/rules/comments](http://www.nj.gov/dep/rules/comments)

**Comments may be submitted on paper to:**

Gary J. Brower, Esq.  
Attn.: DEP Docket No. 05-15-04  
Office of Legal Affairs  
NJ Department of Environmental Protection  
401 East State Street, 7th Floor  
Mail Code 401-04L; P.O. Box 402  
Trenton, NJ 08625-0402

**The DEP has scheduled two public hearings:**

**Tuesday, June 22, 2015, 10 a.m.**

NJ Department of Environmental Protection  
Public Hearing Room  
401 East State Street  
Trenton, NJ 08060

**Thursday, June 25, 2015, 5:30 p.m.**

City of Long Branch Municipal Building  
Council Chambers  
344 Broadway, 2nd Floor  
Long Branch, NJ 07740

###