SYNOPSIS

Authorizes Ocean County Planning Board and municipal planning boards in Ocean County to take certain measures to control stormwater runoff and nonpoint source pollution in Barnegat Bay watershed.

CURRENT VERSION OF TEXT

As amended by the General Assembly on February 17, 2011.
AN ACT concerning stormwater management and nonpoint source pollution in the Barnegat Bay watershed, and supplementing Title 58 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that the Barnegat Bay estuary covers over 42 miles of shoreline from the Point Pleasant Canal to Little Egg Harbor Inlet; that the flow of fresh water from rivers, creeks and groundwater into the bay produces the special conditions that are important for the survival of crabs, fish, birds, and other wildlife; that the average depth of the bay is six feet; and that the flow of water from inland areas affects the quality of the bay waters.

The Legislature also finds and declares that the Barnegat Bay watershed drains from an area of approximately 550 square miles; that most of that area is within Ocean County, and is home to over 500,000 people; and that the population doubles in the summer months.

The Legislature further finds and declares that the economic and environmental vitality of the watershed is intertwined; that the estuary supports a vital component of the State's tourism industry; and that the estuary is also home to populations of commercially and recreationally important fish and rare and endangered species.

The Legislature further finds and declares that scientific studies of the estuary have determined that the water quality is impaired for the support of aquatic life and for human use; and that the cause of the impairment is due in large part to excess nitrogen and siltation caused by non-point source pollution and surface run-off.

The Legislature therefore determines that there is an immediate need to provide additional tools to local government entities within the Barnegat Bay watershed to prevent non-point pollution, to repair existing stormwater control facilities, and to provide for the costs of those efforts.

2. a. The Ocean County Planning Board may, in conjunction with each municipality within the Barnegat Bay watershed, develop a stormwater and nonpoint source pollution management plan for the Barnegat Bay watershed. The stormwater management and nonpoint source pollution plan shall be designed to reduce siltation and prevent pollution caused by stormwater runoff or nonpoint sources that could degrade the water quality of the Barnegat Bay and its tributaries, interfere with water-based recreation, or

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
5Senate SEN committee amendments adopted August 23, 2010.
5Assembly floor amendments adopted February 17, 2011.
adversely affect aquatic, estuarine and marine life. The goals and purposes of the plan shall be to improve the quality of stormwater runoff entering the Barnegat Bay, identify cost effective measures to control stormwater runoff and nonpoint source pollution, and identify funding mechanisms for implementation of such measures.

b. The plan shall:
   (1) identify existing stormwater control facilities and any other drainage structure, pipe, culvert or other facility used to control or carry stormwater runoff or nonpoint source pollution;
   (2) assess the efficacy of existing such facilities;
   (3) identify the need for additional such facilities; and
   (4) estimate the costs for any improvements, repairs or new facilities required to improve the water quality of the Barnegat Bay.

c. The plan shall include a formula for the assessment of a fee for any new development within the Barnegat Bay watershed to be paid to the Ocean County Planning Board for the improvement, maintenance, repair, or construction of stormwater control facilities and any other drainage structure, pipe, culvert or other facility used to control or carry stormwater runoff or nonpoint source pollution to assure that new development results in a net positive impact on the water quality of the bay \( ^1 \) and to create a program to provide incentives to property owners with existing development within the watershed to reduce stormwater runoff from their property \( ^1 \). The formula shall be based upon the size of the development and the extent to which the development increases the impervious cover on the site.

\( ^2 \) No later than 90 days after the date of enactment of this act, the Department of Environmental Protection shall provide to the Ocean County Planning Board a detailed map of the Barnegat Bay watershed area.\( ^3 \)

\( ^3 \) The Ocean County Planning Board may assess a fee in an amount based upon the formula developed pursuant to subsection c. of section \( ^4 \) of this act, upon any developer who receives an approval \( ^4 \) from any municipal agency, as defined pursuant to section 3.2 of P.L.1975, c.291 (C.40:55D-5), of an application for development pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in the Barnegat Bay watershed after the formula is adopted by the board.

\( ^4 \) a. Each municipality in Ocean County, through its planning board, may develop a stormwater and nonpoint source pollution management plan for that portion of the Barnegat Bay watershed lying within the jurisdiction of the municipality.
   b. A plan developed by a municipality pursuant to subsection a, of this section shall be designed in the same manner and include the
same goals, purposes, and elements as set forth in subsections a, and b. of section 2 of this act.

c. Any such plan shall include a formula for the assessment of a fee for any new development in that portion of the municipality lying within the Barnegat Bay watershed, to be paid to the municipal planning board, or other applicable municipal agency as defined pursuant to section 3.2 of P.L.1975, c.291 (C.40:55D-5), for the improvement, maintenance, repair, or construction of stormwater control facilities and any other drainage structure, pipe, culvert or other facility used to control or carry stormwater runoff or nonpoint source pollution to assure that new development results in a net positive impact on the water quality of the bay and to create a program to provide incentives to property owners with existing development within the watershed to reduce stormwater runoff from their property. The formula shall be based upon the size of the development and the extent to which the development increases the impervious cover on the site.2

5. A municipal planning board that develops a stormwater and nonpoint source pollution management plan pursuant to section 4 of this act may assess a fee in an amount based upon the formula developed pursuant to subsection c. of section 4 of this act, upon any developer who receives an approval from any municipal agency, as defined pursuant to section 3.2 of P.L.1975, c.291 (C.40:55D-5), of an application for development pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in that portion of the municipality lying within the Barnegat Bay watershed, after the formula is adopted by the board.2

6. No later than 90 days after the date of enactment of this act, the Department of Environmental Protection shall provide to the Ocean County Planning Board, and to each municipal planning board within Ocean County, a detailed map of the Barnegat Bay watershed area.2

This act shall take effect immediately.