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RULE PROPOSALS

**AGRICULTURE
DIVISION OF AGRICULTURAL AND NATURAL RESOURCES
STATE SOIL CONSERVATION COMMITTEE**

44 N.J.R. 2015(a)

Proposed Amendments: *N.J.A.C. 2:90-1.1 through 1.5, 1.8, 1.9, 1.11, 1.13, 1.14, and 1.16*

[Click here to view Interested Persons Statement](#)

Notice of Administrative Corrections and Extension of Public Comment Period

Soil Erosion and Sediment Control on Land Disturbance Activities

Take notice that the Department of Agriculture, Division of Agricultural and Natural Resources, and the State Soil Conservation Committee discovered errors of omission occurred in the second, third, and fourth paragraphs of the Summary and in the Economic Impact statement in above-referenced notice of proposal published in the July 2, 2012 New Jersey Register at *44 N.J.R. 1813(a)*. This notice of administrative corrections, published pursuant to *N.J.A.C. 1:30-2.7*, revises the Summary and the Economic Impact statement to provide the additional information inadvertently left out of the proposal. By this notice, the Summary and Economic Impact Statement are being revised and the comment period on the proposal is being extended for 60 days, to October 5, 2012.

Submit comments by October 5, 2012 to:

Frank Minch
Coordinator, Soil and Water Conservation Programs
State Soil Conservation Committee
New Jersey Department of Agriculture
PO Box 330
Trenton, NJ 08625-0330
Email: SSCCrules@ag.state.nj.us

Full text of the corrected Summary paragraphs and the Economic Impact statement follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Summary

. . .

The State Soil Conservation Committee (SSCC) is empowered and required to promulgate technical and administrative standards for such controls for Statewide implementation. The proposed amendments [establish] **propose to incorporate by reference all of the** revised and new Standards for Soil Erosion and Sediment Control (Standards) as the basis for design and installation of vegetative and engineering practices applicable to construction, mining, and other related land disturbance activities.

[Ten] **All 10** vegetative standards and 22 engineering standards (a reduction from the current 25 engineering standards) are proposed **for incorporation by reference** as a comprehensive listing of practices applicable to controlling soil erosion and sedimentation. The [proposed] amendments to the Standards [have been] **were** developed with the assistance of a technical advisory group comprised of representatives from professional engineering, building and landscape associations, Rutgers Cooperative Extension (Rutgers), New Jersey soil conservation districts, the State Department of Environmental Protection (NJDEP), the State Department of Transportation (NJDOT), the United States Department of Agriculture Natural Resources Conservation Service (NRCS), and other advisors.

[The proposed] **Certain amendments to the Standards proposed for incorporation by reference into the rules** also address the soil restoration requirements of the Soil Restoration Act. **In fact, this Act mandated the State Soil Conservation Committee (Committee) to modify its standards to include soil restoration measures and incorporate them into its rules.** Those amendments **to the standards** were developed with the assistance of a subcommittee of representatives from Rutgers, NJDEP, the Department of Agriculture (Department), NJDOT, the New Jersey Builders Association, New Jersey Nursery and Landscaper Association, State soil conservation districts, Pinelands Commission, Pinelands Preservation Alliance, Site Improvement Advisory Board, NRCS, and consulting professional engineers. **All of the amendments proposed for incorporation by reference into the Committee's rules, including the Top Soiling Standard and the Land Grading Standard which provide a means of providing soil restoration measures mandated by the Soil Restoration Act, are subject to public comment.**

. . .

Economic Impact

The proposed amendments, that prescribe the Soil Erosion and Sediment Control Act rules, will have a favorable impact on the public by reducing the loss of soil and preventing sediment damage from construction, mining, and other land disturbances. Protection of water quality will continue. Persons engaging in land disturbances will be required to prevent offsite damages at their own cost, thereby eliminating or reducing public costs for correcting such damages.

N.J.A.C. 2:90-1.13 sets forth enforcement actions with the goal of securing

applicant compliance without resorting to the costs for litigation actions. Where the applicant fails to achieve reasonable compliance with the plan the cost associated with enforcement will increase. **Amended standards were also developed and are proposed for incorporation by reference into the rules.**

Two amended standards proposed for incorporation by reference concern soil restoration and were mandated to be developed by the Soil Restoration Act (P.L. 2010, c. 113). The soil restoration measures [page=2016] required by this law have additional costs. The amended standards proposed for incorporation into these rules include additional soil amendments, specialized equipment, and testing. The related costs may be significant in some areas due to the potential degree of restoration the new law requires through amended standards. Preliminary cost estimates suggest potential additional cost for soil restoration to a depth of one foot at as much as approximately \$ 16,000 per acre.