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MEMORANDUM

Date: May 10, 2018

To: Licensed Engineers, Architects, and Land Surveyors in the State of New Jersey

From: Michael Kent, Assistant Manager

Re: New Jersey Soil Restoration Act P.L. 2010 Chapter 113

The purpose of this memo is to provide guidance in determining if your project is in a State mapped “urban redevelopment” and therefore excluded from having soil restoration measures on your soil erosion and sediment control plan.

In March 2018, Technical Bulletin 2018-2.0 was released to help clarify which “urban redevelopment”, defined by the NJDEP, will be excluded from having to perform soil restoration measures. These areas can be identified on the State Plan Policy Map and are outlined in the enclosed copy of Technical Bulletin 2018-2.0.

In addition, enclosed is a guidance sheet to a State approved website in helping you to determine if your project is in an excluded area for soil restoration measures.

If you have any questions, please do not hesitate to contact the District office (609) 625-3144.

**NEW JERSEY DEPARTMENT OF AGRICULTURE
STATE SOIL CONSERVATION COMMITTEE
Chapter 251, PL 1975 as amended,
Engineering Policies- Technical Bulletin**

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|---|---|
| <u>Technical Bulletin:</u> 2018-2.0 | <u>Effective Date:</u> March 2018 |
| <u>Subject:</u> Applicability of Soil Restoration Requirements to Urban Redevelopment Areas | <u>From:</u> John E. Showler P.E. State Erosion Control Engineer |

1.01 PURPOSE

To define the applicability of soil compaction remediation measures to areas otherwise exempt areas of the State mapped as “urban redevelopment”

1.02 SUMMARY

The Standard for Land Grading (revised 2017) contains provisions for measures to improve soil quality on construction sites through testing and/or remediation of excessively compacted soil. The Standard also allows for certain areas and land uses to be excluded due to safety, structural or competing environmental reasons. One of these areas is “**urban redevelopment**”¹ and is defined by NJDEP as “**previously developed**” **portions of areas**² that are identified in the State Plan Policy Map (SPPM) as follows:

1. Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. CAFRA Centers, Cores or Nodes;
3. Urban Enterprise Zones; and
4. Urban Coordinating Council Empowerment Neighborhoods.

NJDEP considers an area which has been “previously developed” as a site or portion thereof: “*covered by paved, gravel or dirt driveways, streets, roads and parking areas, gravel, pavement, buildings, impervious surfaces, lawns or structures*”³ Additionally, sites or portions thereof which are covered in woody vegetation (including areas which may have been cleared and regrowth has occurred) are not considered ‘previously developed’ by NJDEP. NJDA intends that the Standard for Land Grading be consistent with rules adopted by NJDEP which affect how stormwater runoff is managed and recharged.

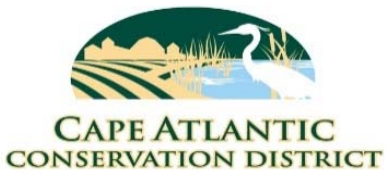
Therefore, soil erosion and sediment control applications which are located within the SPPM areas noted above shall be treated for soil compaction restoration as follows:

1. Any site or portion thereof which contains woody vegetation and is proposed for stabilization with vegetative cover is subject to all applicable provisions for soil compaction remediation in accordance with the Standard for Land Grading.
2. Any site or portion thereof that does not contain woody vegetation is completely excluded from the requirements for soil compaction remediation and therefore no testing or remediation area(s) or notes are to be depicted on the soil erosion and sediment control plan.

¹ Reference: http://www.nj.gov/dep/rules/rules/njac7_8.pdf

² See http://njgin.state.nj.us/OIT_BusinessMap2/index.html for determining the appropriate planning area designation

³ Reference: http://www.nj.gov/dep/stormwater/sw_rule_faqs.htm#6_1



GUIDANCE IN DETERMINING IF YOUR PROJECT IS IN AN EXCLUDED AREA FOR SOIL RESTORATION MEASURES

1. Open the following link: http://njgin.state.nj.us/OIT_BusinessMap2/index.html
2. Search for your project by using one of the options (Parcel Search or Find Location by Address) located in the upper right hand side. If using address search, be sure to include the full address (# street, city, state).
3. Once web page zooms into area of interest click on the *report button* located upper left corner.
4. If you determine that your project does not fall under one of the following four criteria, then you **MUST INCLUDE SOIL RESTORATION MEASURES** on your Soil Erosion and Sediment Control Plan.
 1. Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
 2. CAFRA Centers, Cores or Nodes;
 3. Urban Enterprise Zones; and
 4. Urban Coordinating Council Empowerment Neighborhoods.

If you determine that your project falls under one or more of the four criteria, then you **ARE EXCLUDED FROM INCLUDING SOIL RESTORATION MEASURES** on your Soil Erosion and Sediment Control Plans. If your project is excluded then your plan **must not** contain any soil restoration details or notes when submitting for Soil Erosion and Sediment Control Plan Certification.

The following are a few examples of projects:

Scroll down until you get to the *Planning* section of the report. Here you will be looking at: Designated Centers, Cores, Nodes, and State Planning area to determine if your Soil Erosion and Sediment Control Plan will require soil restoration measures. You may use other sections of the report in determining if a project is in an excluded zone (refer to Technical Bulletin 2018-2.0 for additional excluded areas).

Soil Restoration Measures **Required** (Sample)

| Planning | |
|---------------------------------|---|
| Smart Growth Areas | Yes |
| Endorsed Plans | Not Applicable |
| <u>Designated Centers</u> | Not Applicable |
| <u>Cores</u> | Not Applicable |
| <u>Nodes</u> | Not Applicable |
| Critical Environmental Sites | Not Applicable |
| Historical and Cultural Sites I | Not Applicable |
| <u>State Planning Areas</u> | Planning Area Name: Pinelands Planning Area ID: 10 |

Soil Restoration Measures **Excluded** (Sample)

| Planning | |
|---------------------------------|---|
| Smart Growth Areas | Yes |
| Endorsed Plans | Yes |
| <u>Designated Centers</u> | Ocean City |
| <u>Cores</u> | Not Applicable |
| <u>Nodes</u> | Not Applicable |
| Critical Environmental Sites | Not Applicable |
| Historical and Cultural Sites I | Not Applicable |
| <u>State Planning Areas</u> | Planning Area Name: Env. Sensitive Barrier Is Planning Area ID: 52 |

Soil Restoration Measures **Excluded** (Sample)

| Planning | |
|---------------------------------|---|
| Smart Growth Areas | Yes |
| Endorsed Plans | Not Applicable |
| <u>Designated Centers</u> | Not Applicable |
| <u>Cores</u> | Not Applicable |
| <u>Nodes</u> | Not Applicable |
| Critical Environmental Sites | Not Applicable |
| Historical and Cultural Sites I | Not Applicable |
| <u>State Planning Areas</u> | Planning Area Name: Metropolitan Planning Area ID: 1 |

****IMPORTANT****

Any site or portion thereof which contains woody vegetation and is proposed for stabilization with vegetative cover is subject to all applicable provisions for soil compaction remediation in accordance with the Standards for Land Grading. You **MUST INCLUDE SOIL RESTORATION MEASURES** on your Soil Erosion and Sediment Control Plan regardless of the fact that it is in one of the four excluded areas.

For further assistance or clarification, please feel free to contact the Cape Atlantic District Office at 609-625-3144 or refer to our web site www.capeatlantic.org.