

**STATE SOIL CONSERVATION COMMITTEE
NEW JERSEY DEPARTMENT OF AGRICULTURE
MINUTES
NEW BRUNSWICK, NEW JERSEY
JULY 9, 2012**

The July meeting of the State Soil Conservation Committee was called to order by Chairman Douglas Fisher at 9:43 a.m. in the Cook Campus Center, Rutgers University, New Brunswick, New Jersey.

Mr. Minch stated that the Open Public Meetings Act requirements have been met. Pursuant to N.J.S.A. 10:4-6 et seq. adequate notice of this meeting was provided by giving the time, date, location and to the extent known the agenda of this meeting. At least 48 hours in advance this notice has been posted on the third floor bulletin board, Health and Agriculture Building in Trenton; mailed to The Star Ledger, the Courier Post and filed with the Office of Secretary of State.

The Flag Salute was recited.

Call of the Membership Roll indicated the following:

Members Present Associate Members and Others

Douglas Fisher

Ray Cywinski

Tony DiLodovico

Joe Lomax

Dr. Stephanie Murphy (rep. R Goodman)

Jack Rabin (rep. L. Katz)

Brian McLendon

Priscilla E. Hayes

Brian McLendon (rep. B. Martin)

John Kocubinski

Carl Quazza

Sean Moriarity, Deputy Attorney General

Frank Minch, Administrative Analyst

Dr. F. Ali, SSCC, NJDA

Tim Fekete, SSCC, NJDA

Rich Belcher, SSCC, NJDA

John Showler, SSCC, NJDA

R. Reitmeyer, Burlington SCD

Dennis Dougherty, Camden SCD

Cliff Lundin, Sussex SCD

Mario Tridente, HEP SCD

Glen Van Olden, HEP SCD

Joe Dunn, Morris SCD

Marie Banasiak, NJFB

Ines Grimm, Freehold SCD

Charlie Buscaglia, Freehold SCD

Sandra Myers, Warren SCD

Bob Dobbs, Camden SCD

Eileen Gleason, Warren SCD

Phyllis Berger, Rutgers

Christine Raabe, Ocean SCD

Dean Goodman welcomed the SSCC to Rutgers University.

Minutes of May Meeting

A motion was made by Mr. Lomax, and second by Mr. Cywinski, the minutes of the May 14, 2012 meeting were approved.

CHAIRMAN'S COMMENTS

Secretary Fisher commented on the *Improvements To The Delivery Of NJ Conservation District Programs, Findings And Recommendations* document prepared by the NJ Conservation District Work Group. Secretary Fisher acknowledged there was room for improvement but noted the response was extremely critical.

EXECUTIVE SECRETARY'S REPORT

Mr. Minch reported on the following:

1. **2:90 Rule Publication-** The rules were published in the July edition of the NJ Register. The comment period expires the end of August.
The Standards are available electronically on the department web site. OAL has indicated that the Standards are incorporated by reference and consequently do not require a comment period. NJDA feels a comment period is prudent and will take comments until the end of August.
2. **Animal Waste Management Plans-** Currently 557 plans have been submitted. The majority of the plans have been submitted from Hunterdon (130), Salem (102) and Warren (81) County.

SOIL EROSION AND SEDIMENT CONTROL ACT

1. **Warren Fee Schedule Modification-** The Warren SCD has an issue regarding a 251 application denied four (4) years ago which is now requesting a refund of fees. Mr. Minch indicated this issue is not addressed clearly in SCD fee schedules he has reviewed. An extensive discussion was held regarding how various SCDs address this situation.

On motion by Mr. Lomax, second by Ms. Hayes, with final determination and no further action on an application, any unexpended funds will be returned to appt.

Mr. Lomax clarified his motion, upon denial of application any remaining 251 funds will be returned to the applicant in conjunction with the denied letters, this motion was second by Ms. Hayes.

This establishes a uniform statewide policy on this issue.

2. **Basin Mapping Program-** Mr. Showler provided an update on this project. MOU's have been signed by fourteen (14) SCDs for data entry (The Warren SCD will undertake the data entry for the Morris SCD). The 1st phase of this project is completed. The 2nd phase is scheduled for completion by the end of July. SCD training has been targeted for mid- August with data entry scheduled to begin at the end of August. The timeframe for project completion is projected to be November 2013. The SCDs will be polled to determine the most effective way to handle fees for mapping current data.

3. **District Violation Notice Issuance-** This issue was brought up to ensure all SCDs are in compliance. Section 1.13, page 90-8.1 under the enforcement section of the rule states an applicant will be notified of any deficiency and given a specific timeframe to correct the deficiency before a violation notice is issued.
4. **Disturbances on Existing Residential Lots-** There have been several complaints from builders (predominantly in Hunterdon County) that had to file septic retrofits and driveway reconstructions on existing lots. Historically, if construction is on an existing house a 251 application is not required. A lengthy discussion was held and by next meeting SSCC staff along with DAG Moriarity will draft guidelines regarding disturbances on existing residential lots.
5. **NJDEP Stormwater Rules-** There is an on-going issue in Bergen County with a small, 10 - 11 acre, preserved farm in Closter. The farm has changed hands and the new owner wants to install greenhouses. The landowner has been informed there are Category 1 waters on either side of property boundaries. DEP regulations indicate that the area of clearing is considered "major development". Since the activity is also deemed agricultural development the SCD is cited as the entity responsible for assuring compliance to DEP regulations. SSCC staff is assisting the district. The process for assistance is being formalized by a "request form" that will be utilized by all districts in the future.

On motion by Ms. Hayes, second by Mr. Lomax, the "request form" was approved for use by districts requiring SSCC staff assistance.

6. **Village of Ridgewood, Bergen Co. -** There is a small development project that the Bergen SCD has issued an erosion control certification. The applicant indicated that the municipality public works has cited the applicant for failure to maintain erosion control measures on the site. Mr. Minch reviewed the ordinance cited by the municipality and both the district and municipality are inspecting for the same issue. The district inspections found minor infractions that the developer was correcting but in the meantime public works issued a summons to appear in court for violations. The Bergen SCD is requesting guidance and direction from the SSCC on this issue. After a lengthy discussion it was decided that staff would compose a letter to the district indicating "the SCD has the capacity and authority to work with developers on this issue". The municipality will be copied. This letter will not tell the municipality what they should do but rather, emphasizes the roles and responsibilities of the district.
7. **Meadowlands Commission-** Staff from the Bergen and HEP Districts, in addition to Mr. Minch and Mr. Moriarity, will meet with representatives of the Meadowlands Commission in an effort to resolve the long standing issues regarding the Commissions' lack of erosion control plan submission for landfill activities.
8. **Recycling Activities** – The Sussex SCD is requesting direction and guidance regarding the interpretation and applicability of the NJ Soil Erosion and Sediment Control Act on a recycling facility. An extremely large site in the county has been developed into a recycling transfer station. Inspections were conducted and a conditional compliance was issued for one aspect of this operation. The certification is expiring and the district has requested a re-inspection. The applicant has refused. This is an on-going operation with a large amount of exposed soil on the site. In essence, this operation is a sanitary landfill. There is a continuous soil disturbance.

A lengthy discussion was held regarding this issue and question of a continuing recycling facility and and the districts' jurisdiction over this type of operation.

9. **Uncashed SESC Fee Checks-** Guidance was requested regarding checks issued but never cashed. A discussion was held and SSCC staff will have guidance for the September meeting.
10. **Randolph Township Agreement-** The Morris SCD is requesting approval of an agreement between the district and the Township of Randolph regarding the district coordinating all actions related to erosion control activities.

On motion by Mr. Cywinski, second by Ms. Hayes, this agreement was approved.

11. **Engineering Issues-** Mr. Showler provided an overview of several projects he has been involved with over the past two months including, Stormwater Rule Review for Metro Farms, Closter, NJ, Stormwater Basin Database Status, EPA Comments on E&S provisions in NJDEP Construction General Permit, Flood Hazard Area Rule Comments, Soil Health Conference, etc. A topic of lengthy discussion centered on SCD Plan Review Oversight Subject to NJSA 45:8-28. Several districts are not in compliance with the administrative bulletin on engineering oversight. Mr. Showler requested guidance because these There has these districts are essentially practicing engineering without a license. After a lengthy discussion Mr. Showler was instructed to send letters to the districts in compliance acknowledging their cooperation and thanking them for same. In addition, Mr. Showler was instructed to send letters to the districts not in compliance and instructing them they must come into compliance immediately.
12. **Piscataway/Sayreville Exempt Municipality Review-** Mr. Showler and Ms. Grimm provided an update on this issue. The Piscataway situation has been resolved and in Sayreville the issue of bonding in lieu of stabilization is ongoing.

An question was raised regarding Technical Bulletins. It was explained that Technical Bulletins are issued in an effort to clarify issues of confusion and to assist districts in operations.

FARMLAND PRESERVATION AND COST SHARE PROGRAM (FPCSP)

Mr. Fekete reported on the following:

- **New Applications** - On motion by Mr. Lomax, second by Ms. Hayes, the following Priority I applications were approved, pending the funding approval of State Agriculture Development Committee (SADC)*.

PRIORITY I- PERMANENTLY DEED RESTRICTED

County	Name	Purpose	Requested
Middlesex	D Patterson,	Irrigation	\$29,946.60
Middlesex	AH Lowe	Irrigation	\$19,920.00

*All applications will be forwarded to the SADC with a recommendation for funding approval once funds become available. Copies of all applications will be maintained as part of the minutes of this meeting and kept on file at the Office of the Executive Secretary.

- **Cost Share Payments Processed** – Since May three (3) payment requests were processed to the State Agriculture Development Committee (SADC) totaling \$31,007.86 representing the State share for completed and functioning practices. They include 1 irrigation project, 1 animal waste facilities and 1 underground drainage project. The value of these projects exceeds \$67,860.

CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) *

Mr. Fekete reported the following regarding the CREP program.

Conservation Practices	Contracts Approved		Payments Processed	
	This Period	Cumulative	This Period	Cumulative
Filter Strips (acres)	0	313.8	0	282.76
Grassed Waterway (acres)	1	126.8	2.9	103.52
Lined Waterway (feet)	1	67,057	6,238	20,646
Riparian Forest Buffer (acres)	0	221.9	0	191.1
<i>Number of Contracts</i>	2	162	3	147
<i>Funds Obligated/Expended</i>	\$4,411.80	\$365,839.75	\$8,012.97	\$283,589.15

*On February 3, 2004 at the N.J. Agricultural Convention the CREP Program Agreement was signed by the Governor and USDA Farm Services Agency Administrator to establish 30,000 acres of vegetative filter strips with 10-15 year contracts on ag land to protect water quality.

CONSERVATION EDUCATION PROGRAMS

Mr. Belcher reported on the following:

1. **Awards Ceremony-** The awards ceremony was held May 17th at the State Museum Auditorium. Approximately 60 individuals attended.
2. **Canon Envirothon-** The Canon Envirothon will be held July 27 & 28 at Susquehanna University. Two (2) members of New Jersey’s winning team will not be able to make the Canon Envirothon. Two (2) members from the second MATES team will be substituted in their place.

NEW JERSEY ASSOCIATION OF CONSERVATION DISTRICTS

No report.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. McLendon reported on the following:

1. Thanked SSCC staff for having the Standards in electronic format and H & H progress.
2. EPA is utilizing fly overs to identify CAFO’s.
3. 308 Rule (states to report on all CAFO’s) is a big issue nationwide but not in NJ.

SCHOOL OF ENVIRONMENTAL AND BIOLOGICAL SCIENCES

Dr. Murphy reported on the following:

1. The Soil Health Conference was held May 30th.
2. **Fertilizer Applicators Education-** The state mandated training/certification program for professional fertilizer applicators is approaching the 2000 mark for certified applicators and over 700 trained applicators.
3. **Rutgers Ocean floor Study-** In a study funded by the DEP and EPA, Rutgers marine scientists discovered that creatures living in seafloor sediments near the New Jersey coast are doing better than scientists had believed. The scientists did not find that the waters were clean, but they were cleaner than expected. The biotic index and the statistical results indicated that 28 percent of the stations sampled in 2007 and 2009 were rated unpolluted, based on the high percentage of pollution-sensitive animals living there. The remaining 72 percent were considered slightly polluted. Only 6 out of 153 stations showed signs of initial degradation.
4. **Rutger's President-** Robert L. Barchi was named 20th President of Rutgers University. Dr. Barchi, a renowned neuroscientist, currently serves as President of Thomas Jefferson University.
5. **Upcoming Events-** 7/21 & 8/10- "Evening in the Gardens"- 6PM
7/28- Open house & Wine Tasting- 10AM
9/12- Rutgers Gardens Gala- 5:30PM

Rutgers Cooperative Extension

Dr. Rabin reported on the following:

1. Received grants for the Cohansey Watershed to work with both farmers and non-farmers?
2. Extension is working with NRCS regarding Coastal Plains soil health. 60% of NJ is Coastal Plains soil. A meeting is scheduled October 18th @ the Plant Materials Center in Cape May to address the health and productivity of this soil.

Public Comment

Mr. Minch read a letter from Elizabeth George-Cheniara of the Builders Association who was not able to attend the meeting. The Builders Association is disappointed that the Soil Compaction Standards are not being published as part of the rule proposal, thereby losing their ability to comment. NJBA urges the committee to accept comments/concerns as much as possible.

Mr. Cywinski & Mr. Lomax emphasized that the *Improvements To The Delivery Of NJ Conservation District Programs, Findings And Recommendations* is a draft and a working document which will be refined over time.

Secretary Fisher commented on the *Improvements To The Delivery Of NJ Conservation District Programs, Findings And Recommendations*. He is not in total agreement that everything written in that response is accurate.

On motion by Mr. Lomax, second by Dr. Murphy, the meeting was adjourned at 12:52 PM. All actions were by unanimous vote unless otherwise noted.

The next SSCC meeting will be held September 10th in Trenton.

Respectfully submitted,

Frank Minch, Administrative Analyst