

## Storm Debris Removal from Waterways Frequently Asked Questions (FAQs)



### **Who has responsibility for the removal of debris from rivers and streams that has been deposited in the waterways after a storm event?**

The property owner of the land under the river or stream is responsible for debris removal after a storm event. Property owner information is typically found on a survey or a tax map. Contact your municipality for more information. In certain situations, when a state of emergency is declared by the State after a storm event, a municipality, county, or state agency may elect to pursue debris removal for certain stretches of a waterway to alleviate an imminent threat and/or to address an ongoing threat to the community at large.

### **What does “Waters of the State” mean as it relates to legal responsibility to remove debris from river and streams?**

“Waters of the State” means the ocean, and its estuaries, all springs, streams, wetlands, and bodies of surface or ground waters, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction. This term applies to the jurisdiction of the Department of Environmental Protection (DEP) to regulate an entity (private property owner, municipality, other state agency, or federal agency) when work is performed within waters of the state. Even though DEP regulates work within these waters, the State does not generally own waterways and is not responsible to address erosion or other impacts to that waterway after a storm event.

### **Does an entity need a permit from the Department of Environmental Protection to remove debris and storm related sediment from a waterway on private property?**

Certain types of debris and sediment removal do not require a permit from DEP’s Watershed and Land Management (WLM) program. For example, removal of accumulated sediment and debris by hand or removal of a major obstruction with machinery does not require an application to DEP. However, private property owners are encouraged to first contact their municipality to see if a plan for debris removal has been implemented. **Note:** debris that is removed must be staged, transported, recycled and/or disposed of in accordance with appropriate solid waste and recycling regulations. If debris is removed from special areas such as wetlands, best management practices should be utilized, such as avoiding removal of trees and placement of protective marsh matting, to minimize temporary disturbances.

Removal of fallen trees and tree limbs within a channel does not require a permit from WLM. Private property owners are encouraged to first contact their municipality to see if a plan for debris removal has been implemented. **Note:** debris that is removed must be staged, transported, recycled and/or disposed of in accordance with appropriate solid waste and recycling regulations. Woody debris may be chipped; however, wood chips may not be placed within wetlands, transition areas or open waters, and no more than five cubic yards of wood chips may be placed within flood hazard areas or riparian zones.

**For further guidance on removal of debris or sediment removal from waterways, please see [The Guidelines for Stream Cleaning](#).**