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## **ENVIRONMENTAL PROTECTION**

### **DELAWARE AND RARITAN CANAL COMMISSION**

#### **Notice of Readoption**

#### **Regulations for the Review Zone of the Delaware and Raritan Canal State Park**

#### **Readoption with Technical Changes: N.J.A.C. 7:45**

Authority: N.J.S.A. 13:13A-1 et seq.

Authorized By: Shawn LaTourette, Commissioner, Department of Environmental Protection, and Bruce Stout, Ph.D., Vice Chairman, Delaware and Raritan Canal Commission.

Effective Dates:                      March 23, 2023, Readoption;  
   April 17, 2023, Technical Changes.

New Expiration Date:              March 23, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the Regulations for the Review Zone of the Delaware and Raritan Canal State Park at N.J.A.C. 7:45 are readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on April 28, 2023. The Department of Environmental Protection (Department) and the Delaware and Raritan Canal Commission (Commission) have reviewed the rules and have determined the rules should be readopted because they are necessary, reasonable, and proper for their originally promulgated purpose. The Delaware and Raritan Canal State Park Law of 1974, N.J.S.A. 13:13A-1 et seq. (the Act), gives the Commission authority to promulgate rules to identify the types of projects eligible for general and individual permits, establish the criteria for the approval or rejection of general and individual permits, and establish and charge fees. The Act authorizes the

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Department, with the approval of the Commission, to promulgate rules and regulations for the use and protection of the Canal State Park (Park). Accordingly, both the Department and the Commission are readopting the rules.

The Regulations for the Review Zone of the Delaware and Raritan Canal State Park, N.J.A.C. 7:45, implement the Act to protect the Canal State Park, including the historic canal, which is a drinking water source for approximately 1.5 million users. The rules require compliance with the Master Plan of the Delaware and Raritan Canal State Park and delineate a review zone within which the Commission will review public and private projects that might adversely affect the Park to determine their conformity with the master plan. Specifically, the review for individual permits addresses four specific types of impact: stormwater runoff and water quality impact; stream corridor impact; visual, historic, and natural quality impact; and traffic impact. The rules set forth the standards, procedures, and scope of review applicable to projects within the review zone. An applicant may apply for an individual permit based upon the standards as applied to the specific project or may apply for authorization to conduct activities in accordance with one of two general permits. The general permits apply to maintenance and repair of existing features, and single-family residential additions. The rules also provide a procedure and standards pursuant to which the Commission may waive strict adherence to the review standards, and a schedule of fees applicable the components of an application.

The rules are readopted with technical changes to update the Commission's website, remove the Commission office fax number that is no longer in service, update the Department's digital map website, and update outdated municipality names.

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**Full text** of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL INFORMATION

### 7:45-1.2 Forms and information

(a) Application forms or other information related to this chapter may be obtained from the Commission as follows:

1. Through the Commission's website at [[www.dandrcanal.com](http://www.dandrcanal.com)]  
<https://www.nj.gov/dep/drcc/>; or by contacting the Commission at:  
D&R Canal Commission  
[P.O.] **PO** Box 539  
Stockton, NJ 08559  
609-397-2000  
[Fax: 609-397-1081]

(b) – (c) (No change.)

### 7:45-1.3 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

...

“Review Zone” means that region designated by the Commission appertaining to, and including, the Park in which proposed projects may cause an adverse drainage, aesthetic, or other ecological impact on the Park. The Review Zone includes subzones designated as Zone A and Zone B as

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follows:

1. Zone A is the area within 1,000 feet on either side of the center line of the Canal except in **the Municipality of Princeton** [Township] where the west bank of Carnegie Lake shall be the boundary of Zone A, and where the Raritan River is within 1,000 feet, its furthest bank being the boundary. If any part of a project site is within Zone A, then the entire project shall be considered to be in Zone A; and
2. Zone B is the balance of the Review Zone. The Review Zone is delineated on maps available for review at the Commission's office in Stockton, New Jersey. It can also be viewed on the Department's digital map at [[www.state.nj.us/dep](http://www.state.nj.us/dep)] <https://www.nj.gov/dep/gis/geoweb splash.htm>. All or parts of the following counties and municipalities are included in the Review Zone:

In Hunterdon County: Delaware, East Amwell, Franklin, Kingwood,  
Lambertville, Raritan, Stockton, West Amwell.

In Mercer County: East Windsor, Ewing, Hamilton, Hightstown, Hopewell  
Borough, Hopewell Township, Lawrence, Pennington, **Municipality of Princeton** [Borough, Princeton Township], Trenton, [Washington,]  
**Robbinsville Township**, West Windsor.

In Middlesex County: Cranbury, Monroe, New Brunswick, North Brunswick,  
Plainsboro, South Brunswick.

In Monmouth County: Millstone.

In Somerset County: Franklin, Hillsborough, Manville, Millstone, Montgomery,  
Rocky Hill, South Bound Brook.

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## SUBCHAPTER 5. GENERAL PROVISIONS FOR GENERAL PERMITS

### 7:7A-5.2 Using a general permit to authorize specific projects

(a) To apply for authorization under a general permit, an applicant shall submit the following:

1. An application form. The application form requires basic information regarding the applicant and the proposed project, such as the name and address of the applicant and any designated agents, the specific location of the project, other types of governmental permits that may be required of the applicant for the project, and a brief description of the proposed project.

The application form can be found on the Commission's website at [[www.dandrcanal.com](http://www.dandrcanal.com)]

**<https://www.nj.gov/dep/drcc/>**.

2.– 4. (No change.)

(b)– (l) (No change.)

## SUBCHAPTER 8. STORMWATER RUNOFF AND WATER QUALITY IMPACT REVIEW

### 7:45-8.4 Specific nonstructural stormwater management strategies

(a)– (b) (No change.)

(c) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual available from the Department [through [www.dandrcanal.com](http://www.dandrcanal.com)] at **<https://www.nj.gov/dep/drcc/>**. The applicant may submit the Department's Nonstructural Stormwater Strategies Point System worksheet (available at [[www.dandrcanal.com](http://www.dandrcanal.com)] **<https://www.nj.gov/dep/drcc/>**) to show compliance with this section of

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the chapter.

#### 7:45-8.7 Specific water quality standards

(a) (No change.)

(b) For purposes of TSS reduction calculations, Table 2 below is the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP manual may be obtained from the Commission's website at [\[www.dandrcanal.com\]](http://www.dandrcanal.com) <https://www.nj.gov/dep/drcc/>. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the Commission.

(c)– (e) (No change.)