WASHINGTON TOWNSHIP
PLANNING BOARD

SOIL DISTURBANCE APPLICATION

Contents:

- Application for Soil Disturbance and Importation of Soils
- Chapter 164 of the Washington Township Code Book

Washington Township Planning Board
43 Schooley’s Mountain Road
Long Valley, New Jersey 07853

908-876-3315  x 1241
landuse@wtmorris.net
Please review Chapter 164 of the Washington Township Codebook.

I. GENERAL ACCEPTANCE CRITERIA

A. Soils are defined as all unconsolidated mineral and organic material of any origin, including earth, sand, clay, loam, sediment, muck, gravel, stone, humus, rock or dirt. All soils imported into Washington Township must be uncontaminated "clean fill" from a known source of virgin material, or decontaminated recycled soil, as per the definition outlined in N.J.A.C 7:26 - 1.4: "Clean fill" means uncontaminated non-water soluble, non decomposable, inert solid such as rock, soil, gravel, concrete, glass, and/or clay or ceramic products. Products generated from an approved Class B recycling facility are considered clean fill.

B. The soil shall be certified as uncontaminated by the Generator.

C. Soil analysis for all soils imported or relocated within the township will be complete by the Generator.

II. APPLICATION

A. Generators must apply to Washington Township Planning Board prior to disturbance of soils for approvals.

B. Application will consist of the following:

- Name and address of Owner / Generator of soil.
- Name and address of transport company.
- Address / location of soil disturbance.
- Address / location of final destination of soil, if applicable
- History of the Generator site.
- Soil characterization (% clay, sand, gravel, topsoil, debris).
- Certification of Generator.

C. The Washington Township Soil Consultant and or Engineer will inspect all commercial / industrial sites, as well as any sites which will produce over 250 yards of soil, prior to approval.

D. Applicant must notify adjacent property owners at least 10 days prior to Planning Board hearing as specified in Chapter 164-7.
III. ANALYTICAL REQUIREMENTS

A. All soils shall be tested for priority pollutants (EPA SW864) pursuant to N.J.A.C. 7:26E "Technical Requirements for Site Remediation", sec 2.1(c) 2. Sampling techniques shall follow NJDEP Field Sampling Procedures Manual, 1992. Testing shall be completed by a competent individual as per the Soil Disturbance Ordinance, Section 164-4, P.

B. At a minimum, soil shall be analyzed for the following:

- Volatile Organics
- Semi-Volatiles (PAH)
- Priority Pollutant Metals
- Herbicides/Pesticides.
- Total Petroleum Hydrocarbons
- PCB's

C. Frequency of samples:

Discreet samples shall be obtained from within soils stockpiles, at mid pile depths, at regular intervals or grids. For unexcavated soils, samples shall be obtained via test pits, or in-situ borings conducted at "mid-excavation" depths.

<table>
<thead>
<tr>
<th>Volume of Soil (Yd^3)</th>
<th>Sampling Frequency</th>
<th>Minimum # of Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 - 500</td>
<td>1 Sample per 100 yd3</td>
<td>1</td>
</tr>
<tr>
<td>501-2500</td>
<td>1 Sample per 250 yd3</td>
<td>5</td>
</tr>
<tr>
<td>&gt; 2,500</td>
<td>1 Sample per 500 yd3</td>
<td>11</td>
</tr>
</tbody>
</table>

The applicant must submit a map indicating soil sample locations and depths.
Block __________ Lot __________
of the Washington Township land parcel where soil is being disturbed

IV. APPLICATION FORM

A. Applicant Information

Name of individual or company: ________________________________

Contact Individual: ________________________________

Title: ________________________________

Address: ________________________________

City, State, Zip: ________________________________

Telephone: ________________________________

Email Address: ________________________________

B. Site Owner, if different

Company or Owner Name ________________________________

Address: ________________________________

City, State, Zip: ________________________________

Telephone: ________________________________

Email: ________________________________
C. Soil Information, fill out applicable section:

FOR SOILS IMPORTED INTO TOWNSHIP:

Location of source soils:
Lot / Block: 
Address: 
Site History: ____________________________

◊ Residential ◊ Commercial ◊ Agricultural

FOR RELOCATED SOILS (WITHIN OR OUTSIDE TOWNSHIP):

Soil delivery location:
Lot / Block: 
Address: ____________________________

1. Quantity of Soil

Will the delivery of soil be ongoing?  ___Yes  ___No

Proposed dates of soil movement: 

Maximum amount delivered per day: 

____ yd³ 

____ trucks 

Total amount to be delivered: 

____ yd³ 

____ trucks
2. Sources of Soil.

◊ Quarry operation
◊ Construction / Landscaping excavations
◊ Utility excavations
◊ Recycling facility
◊ Other, describe _______________________________

3. Soil is characterized as:

◊ Primarily Clay        ◊ Primarily Sand
◊ Primarily Gravel      ◊ Topsoil
◊ Clay and Gravel       ◊ Sand and Gravel
◊ Clay and Sand         ◊ Silt
◊ Dredging              ◊ Other: _____________

D. Transportation Information

Company Name: ______________________________

Address: ________________________________

Phone ________________________________

E. Reason for soil disturbance: ______________________________

________________________________________

________________________________________
F. Generator Certification for Importation or Relocation within Washington Township

The undersigned does hereby warrantee that with respect to the soils imported into, or relocated within, Washington Twp: 1) Such materials contain no contaminants; 2) that all descriptive and analytical documents including test results submitted by the applicant concerning such material are accurate and genuine; and 3) that the applicant has lawful title to such material.

I, the Undersigned, under penalty of law do hereby certify to the best of my knowledge, the soils as outlined within this document do not contain contamination pursuant to any applicable federal or state remediation standards, and are free of extraneous debris or solid waste.

Print Name: ________________________________

Company: ________________________________

Title: ________________________________

Signature: ________________________________

Date: ________________________________
V. Process

a. Applicant provides 12 copies of application, application fee ($100) and escrow review fee ($1,000) to the Washington Township Municipal Clerk. Checks should be made payable to ‘Washington Township’. Application submission and fees are recorded by the Municipal Clerk and sent to the Planning Office.

b. Planning Office will work with Township Professionals review application for completeness. Applicant will be notified by Township Professionals or the Township Planning Office if additional information is needed. If additional escrow funds are required, the Planning Office will communicate with the applicant on monies due and the reason for the additional funds. If applicant is required to provide revised or additional documents or escrow fees, those documents/fees can be submitted to the Municipal Clerk to be recorded and forwarded to the Planning Office.

c. Within 15 days of a completed application on file at Washington Township, Township Professionals will provide, in writing, a recommendation to the Planning Board. The Municipal Clerk will be copied on these recommendations.

d. Within 30 days of a completed application on file at Washington Township, the Planning Board will hold a public hearing. The Planning Board Secretary will notify applicant of meeting date. At least 10 days prior to the public hearing, applicant must notify adjacent property owners of application (per Chapter 164-7). Proof of notification must be provided at the public hearing.

e. Within 10 days of the public hearing, Planning Board must provide recommendation to the Township Committee (via the Municipal Clerk) if application should be granted or denied.

f. At a Regular Meeting of the Township Committee, within 35 days of receipt of the Planning Board recommendations, the Township Committee must grant or deny the application.

g. The Municipal Clerk will notify the applicant within a few days of the Township Committee Meeting of the application status. If approved, the Municipal Clerk will collect the permit fee (calculated by the Township Engineer) and provide copies of approval documentation to the applicant.
SUBMITTAL CHECKLIST

___ Twelve (12) copies of application packets including:

___ Map / Site Plan, with soil boring / test pit locations and engineering data.

___ Morris County Soil Conservation District Permit, if applicable.

___ Stream Encroachment and / or Wetlands Disturbance Permit, if applicable.

___ Laboratory Analytical Report for Soil Sampling.

___ Required information per Soil Disturbance Ordinance, Section 164-4.

___ Application fee of $100 via check payable to ‘Washington Township’.

___ Escrow review fee of $1,000

Submit application and copies to Washington Township Clerk’s Office, 43 Schooley’s Mountain Road, Long Valley, NJ 07853

Questions about application details and the process can be directed to the Planning Office,
43 Schooley’s Mountain Road, Long Valley, NJ 07853.
908-876-3315 x1241
landuse@wtmorris.net
To request a list of adjacent property owners, fill out this form, and submit it, along with $10 to the Tax Assessors Office.

Date _________________________

I request a certified list of property owners within 200 feet of

Block _________, Lot ____________

Please mail to: __________________________________________

_______________________________________________________

_______________________________________________________

_______________________________________________________

Signature

Will pick up: _____________________________________________

__________________________

Signature

Fee = $10.00
Please make checks payable to 'Washington Township'

Paid _______ Check

_______ Cash
SAMPLE

NOTIFY ADJACENT PROPERTY OWNERS
OF INTENDED WORK

Send a letter to each adjacent property owner. Send the letters via Certified Mail. Proof of Certified Mail must be submitted to the Planning Board.

June 30, 2017

Your Name
Your Address
Your City, State, Zip

Dear Neighbors,

In accordance with Washington Township regulations, I am writing to notify you as an adjacent property owner; I applied for a permit with Washington Township to repair an existing pond or my property (specify your project).

I have a small pond, about 100 feet across in size, with a stone/cement dam that has been damaged by heavy rains and old age. My permit seeks to repair the dam and remove sediment which entered from the pond from heavy rains. (specify the details of your project)

This matter is being held in front of the Washington Township Planning Board at a meeting scheduled for Date & Time. The Washington Township Planning Board meets at 43 Schooley’s Mountain Road. It’s a public meeting and you are welcome to attend if you have any comments or issues pertaining to my application.

Thank you,

Your Name

cc: Washington Township Planning & Zoning Office
Chapter 164. Soil Disturbance

§ 164-1. Title.

This chapter shall be known and may be cited as the "Soil Disturbance Ordinance of the Township of Washington."

§ 164-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**SOIL**

All unconsolidated mineral and organic material of any origin, including earth, sand, clay, loam, sediment, muck, gravel, stone, humus, rock or dirt.

**SOIL DISTURBANCE**

To dig, excavate, remove, deposit, fill, grade, replace, level or otherwise alter or change the location or contour of land or to transport or supply soil.

§ 164-3. Permit/waiver required.

No person shall perform soil disturbance without first having procured a permit from the Township Committee. Any waiver to this permit requirement must be submitted in writing to the Township Committee with a detailed explanation as to why a waiver should be granted. Waiver approval shall be memorialized by resolution from the Township Committee. Soil disturbance permits shall not be required for the following:

A. Soil disturbance, other than for installation of a driveway, in connection with the construction of a building on such premises and excavation or grading incidental thereto, provided that no soil is transferred to or from the lot.

B. Soil disturbance in connection with construction for an approved subdivision or site plan, provided that the applicant submits to the Planning Board/Board of Adjustment all information required by this chapter, the performance bond required by § 164-10 and the approval resolution includes approval of soil disturbance. If an applicant/developer wishes to amend his/her approval under this provision, then the applicant shall apply to the Board that granted the original soil disturbance approval for an amended approval.

C. Soil disturbance in connection with projects on municipal land and/or rights-of-way.

D. Soil disturbance of insignificant amounts, wherein "insignificant" is defined as less than 100 cubic yards in any twelve-month period.

E. Soil disturbance in connection with agricultural uses, except that agricultural activities that do not procure plants, animals or their products worth $2,500 or more annually shall not be entitled to import or export more than 100 cubic yards of soil in any twelve-month period without securing a soil disturbance permit. [Amended 6-17-2013 by Ord. No. 15-13]

F. Soil disturbance in connection with septic system repairs to existing building.
A. Upon submission of a completed application for soil disturbance in accordance with § 164-4, the Township Clerk shall forward one copy to the Township Engineer, one copy to the Township Soil Consultant and one copy to the Washington Township Environmental Commission for their review and comment. In addition, one copy shall be submitted to the Washington Township Planning Board.
[Amended 11-21-2011 by Ord. No. 17-11]

B. In reviewing the application, the Environmental Commission, the Soil Consultant and the Township Engineer shall be guided by a general concern for the public health, safety and welfare. In addition, specific consideration shall be given to the following factors, rules and minimum standards:

(1) The potential for soil erosion by water and wind.

(2) The prevention of silt and sediment from entering brooks, streams, ponds, lakes, rivers and other bodies of water.

(3) The existing drainage of the site involved and any changes in drainage patterns that may result from the establishment of new contours.

(4) Types and fertility of the soil to be removed and the use to which it will be put.

(5) Lateral support slopes and grades of abutting streets and lands.

(6) Land values and uses of those properties affected directly or indirectly by the proposed disturbance of soil.

(7) No soil disturbance for transport off site shall be done in any area within 100 feet of any residential property line, and the buffer area shall remain in its natural state.

(8) The grade of excavated slopes shall not be steeper than 3 to 1 (three feet horizontal to one foot vertical).

(9) The possible need for any soil disturbance excavation to be completely fenced with a six-foot-high chain-link-type fence or approved equivalent where necessary to protect the safety and welfare of the public.

(10) No more than four acres shall be scheduled for disturbance at any time, and any previously disturbed area must be stabilized and completed to the approved proposed contours and the provisions of § 164-9 complied with before further disturbance.

(11) Satisfactory soil test results, below the current NJDEP residential, or most stringent, soil cleanup criteria.

C. If the soil tests have not been completed, any approval will be subject to satisfactory soil test results.

D. No later than 15 days after receipt of the application, the Township Engineer and the Township Soil Consultant shall determine whether the application is complete or whether additional information is required, in which event the Township Clerk shall communicate the request for additional information to the applicant. No later than 15 days after the application has been deemed complete by the Township Engineer and the Township Soil Consultant, the Township Engineer, the Township Soil Consultant and the Environmental Commission shall submit comments on the application, in writing, to the Township Planning Board and may recommend that the permit applied for be either granted or denied. Any conditions for approval or the reasons for denial shall be included in the recommendations.
[Added 11-21-2011 by Ord. No. 17-11]

§ 164-6. Public hearing on application.

[Amended 11-21-2011 by Ord. No. 17-11]

A. The Township Clerk shall refer an application that has been deemed complete by the Township Engineer and the Township Soil Consultant to the Washington Township Planning Board.
A. Before any permit for soil disturbance shall be issued, the owner or applicant shall file with the Township Committee a performance guarantee in cash or by letter of credit in such amount as in the opinion of the Township Committee shall be sufficient to insure the faithful performance of the work to be undertaken pursuant to the permit granted according to the provisions of this chapter.

B. In no event shall the guarantee be in an amount less than $1 per cubic yard of proposed disturbance or $1,000, whichever is greater.

C. Before any guarantee shall be released to the permittee, the authorized soil disturbance must be completed to the approved contours, the permittee must submit an as-built plan, including contours, prepared by a professional engineer licensed to practice in the State of New Jersey and any damage to public and private roadways and other improvements must be repaired to the satisfaction of the Township Engineer.

§ 164-11. Conformity with provisions required.

No soil disturbance shall be made under the provisions of this chapter unless a permit therefor shall have been first obtained as provided herein, and no soil disturbance shall be made except in conformity with the provisions of this chapter.

§ 164-12. Fees.

A. Each applicant shall pay the following fees to the Clerk for the use of the Township of Washington:

(1) A filing fee of $120 to be paid at the time of application.

(2) An escrow review fee in the amount of $1,000 for the review of the application by the Township Soil Consultant and Township Engineer and any other professional retained by the Township or the Planning Board in connection with the application. The balance of the review fee, if any, shall be refunded to the applicant at the conclusion of the soil disturbance operation. The escrow fee deposit shall be administered by the Township in accordance with the requirements set forth in the Municipal Land Use Law for escrow deposits.

[Amended 11-21-2011 by Ord. No. 17-11]

(3) A permit fee of $0.10 per cubic yard of soil proposed to be disturbed, with a minimum fee of $100, to be calculated by the Township Engineer as hereinafter provided and to be paid upon issuance of the permit, which permit shall be valid for a period of one year from date of issuance, at which time application shall be made to the Township Committee for renewal.

§ 164-13. Violations and penalties.

[Amended 4-16-2007 by Ord. No. 9-07]

Any person, firm or corporation violating any of the provisions of this chapter shall be subject, upon conviction, to the penalties provided in § 1-3 of this Code. Each and every violation or a nonconformance with this chapter or each day that any provision of this chapter shall have been violated shall be construed as a separate and distinct violation thereof.