

- D. Zone:
- E. Acreage of Entire Tract:
- F. Acreage of Area Proposed for Filling.
- G. Reason or stated purpose for importation / exportation activity.

SECTION 4 – INFORMATION REGARDING APPLICATION

Cubic Yards to be Imported / Exported:

Roads to be used for travel to and front he site:

Hours of operation and days of the week:

Purpose or reason of importation/removal.

Start of work: _____

End of work: _____

It should be noted that this permit is invalid after six months.

SECTION 5 – INFORMATION REGARDING SOURCE PROPERTY

(Note: Where Soil or Fill Material is coming from or going to)

Source of Material:

Address of Property:

Municipality:

County:

OWNER (or Representative of Owner)

Name:

Address:

Telephone No. / Fax No.:

Email address:

Detailed description of the methods, conveyances and machinery to be employed for the soil removal / importation activity.

State the source/origin of soil/fill material and reason for its removal:

Provide documentation from the soil or fill material supplier(s) certifying that the material is imported is free of contaminants.

For Soil removal only - provide a plan showing existing and finished contours of the site of removal and disposition of the soil, shown at a scale of not less than one inch equals 100 feet and a contour interval of two feet.

Warren County Soil Conservation District:

Date Approved:

Date Denied:

Not Applicable:

All applicable sections of the Knowlton Code Article IV Section 156-26 must be met. Ordinance is attached to this Application.

SECTION 6 – AUTHORIZATION AND VERIFICATION

Certification of contractor that he will comply with Reclamation Plan or Soil Filling Plan.

Signature Date

I, _____, certify that the statements contained in this application are true.
Applicant's name or agent

Signature Date

Owner authorization for soil importation in accordance with submitted plans.

Signature Date

Approved/Disapproved Date

*Township of Knowlton, NJ
Friday, May 24, 2024*

Chapter 156. Soil Removal and Deposit

Article IV. Soil Importation

§ 156-26. Permit required; expiration.

- A. Permit required. No person shall import soil to a site within the Township of Knowlton in quantities of 100 cubic yards or more without first having procured a permit by filing of an application for such soil importation with the Township Clerk. In no event shall trash, waste material, construction or demolition debris be permitted to be imported into the Township unless expressly authorized by vote of the Township Committee.
- B. Expiration. Permits issued hereunder for soil importation shall expire six months after issuance. A person holding an expiring permit who intends to continue operations past the date of expiration must complete a renewal application in a timely manner so as to ensure that no lapse occurs. Each day of such a lapse may incur penalties pursuant to § 156-33 hereunder.

§ 156-27. Application for permit; renewal.

- A. Application. The application shall disclose the following:
 - (1) Name and address of the applicant.
 - (2) Name and address of the owner, if other than the applicant.
 - (3) The description and location of the land in question, including the tax map block and lot.
 - (4) The purpose or reason for placement of soil/fill.
 - (5) The nature and quantity, in cubic yards, of soil/fill to be imported.
 - (6) The source of material to be used as soil/fill.
 - (7) Certificate of clean fill, if available.
 - (8) Source from where the soil/fill is coming from to be shown on the plans, including tax lot and block, owner's name and municipality.
 - (9) The location to which the soil/fill is to be placed.
 - (10) The proposed date of completion of the soil/fill.
 - (11) An approved soil erosion/sediment control permit (if applicable).
 - (12) Permit fee and escrow deposit.
- B. Renewal. Any permit under this article shall be renewed every six months upon submission of the following information and completion of the following actions by the applicant/permittee:

- (1) Submission of application fee pursuant to § 156-28. Such fee must be paid upon each renewal.
- (2) Statement that the applicant/permittee has not permitted or suffered a condition which would violate this article to go uncorrected. Unabated violations of this article shall be grounds for denying renewal of the application.
- (3) Any updates to the information described in Subsection A.
- (4) Proof that taxes on the subject property are current and paid.
- (5) Statement that the applicant/permittee is not in violation of any state, county or municipal law, ordinance or health regulation as a result of any activity or operations under the article.
- (6) Payment of all escrow fees required by § 156-28 hereunder.

§ 156-28. Fees; escrow.

- A. Permit fee. The fee for issuance of a permit under this article shall be a minimum of \$100 plus \$10 per thousand cubic yards in excess of 100 cubic yards.
- B. Escrow. No application under this article shall be considered unless the applicant has deposited with the Township Clerk initial escrow moneys in the amount of \$2,000 for engineering, legal and other costs generated by an application. A minimum escrow balance of \$1,000 shall be maintained.
- C. Fees waived. Where there is an approved site plan and said site plan approval includes the importation of soil, no permit, fee, or escrow deposit fee will be required.

§ 156-29. Application review; source testing; responsibility for expenses.

- A. The Township Engineer shall review all such applications and, if in the opinion of the Township Engineer, professional review of the application, including physical examination or testing of soil is required, the Engineer shall forward all pertinent materials to a soil consultant or environmental consultant for review and for a certified testing soil laboratory report which shall be delivered to the Township Committee within 30 days from the date of completion of the application. Every load of incoming fill material must meet current New Jersey Department of Environmental Protection ("NJDEP") residential direct contact soil remediation standards (N.J.A.C. 7:26D, Appendix 1, Table 1A), and be certified by the consultant as clean fill after testing that conforms to NJDEP's Technical Requirements for Site Remediation N.J.A.C. 7:26E-1 et seq.).
- B. The report of the consultant shall be accompanied by an invoice for the services performed. All expenses connected with such testing are to be borne by the applicant and shall be deducted from the escrow account established pursuant to § 156-28.
- C. Processing deadline. Within 30 days of the date of submission of a complete application, the Township Engineer shall review the application in accordance with the procedures established in this article and provide any testing results and a recommendation to the Township Committee. The Township Committee shall then decide whether to issue the permit at the first regular Committee meeting after submission of the recommendation and findings by the Township Engineer.

§ 156-30. Placement and disturbance standards.

- A. All soil movement and filling operations must be conceived and operated in such a way that there will be no appreciable harmful effects to the environment.
- B. Nuisances and Unsafe Conditions. All soil movement and filling operations shall be conducted as not to constitute a nuisance, and in no event shall said operation create any hazardous or unsafe condition with regard to any person or persons.
- C. Use of Streets. In the placement of soil or fill operation, the applicant shall cause streets to be kept free from dirt and debris resulting from the soil or fill operation. Applicants are solely responsible for cleaning up street.

§ 156-31. Exceptions and exemptions.

- A. The provisions of this article shall not apply to the following:
 - (1) Excavations or fill for septic tanks or sanitary inspections, provided that no excavation or construction of any kind shall take place until a site plan or permit has been approved by the Construction Official and/or Warren County Department of Health as required by law.
 - (2) Prior to the delivery of soil, an applicant shall provide to the Township Engineer a certificate of clean fill for each load. Every certificate of clean fill must include the following for every incoming load: the source location of the fill, the name and relationship of the affiant to the source of the fill, a statement to the best of the affiant's knowledge and belief that the fill is not contaminated, a description of the steps taken to confirm that the fill meets the requirements of NJDEP's "Fill Material Guidance for SRP Sites" dated May 1, 2015 and as may be updated in the future.
 - (3) The storage of sand, soil, stone, topsoil, mulch or other similar materials on lawfully existing landscaping and contractor yards, provided that the outdoor storage of materials on said property has previously been lawfully established, received a zoning permit, or received site plan approval pursuant to Chapter 11, Land Development Subcode of the Township of Knowlton.
- B. Nothing in this article shall be construed to affect or apply to any person engaged in a state-mandated cleanup plan; provided that all soil moving, removal operations, and fill operations are performed in accordance with said cleanup plan and provided further that notice of the state-mandated cleanup plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- C. This article does not supersede any rights granted under the New Jersey Right to Farm Act.^[1]
[1] *Editor's Note: See N.J.S.A. 4:1C-1 et seq.*

§ 156-32. Revocation or suspension of permit.

- A. Revocation or suspension. Any permit issued under this article may be revoked or suspended by the Township Committee or Township Engineer:
 - (1) Where the applicant or permittee has violated or refused to comply with any provision of this article.
 - (2) Where the permittee conducts unpermitted soil deposition activities on another piece of property within the Township.
 - (3) Where the permittee has failed to pay or caused to be paid any taxes upon the lands covered by his, her or its permit.
 - (4) Where the permit is in violation of any federal, state, county or municipal law or ordinance

or health regulations as a result of any activity or operation under this article.

- (5) Where any operations of the permittee under this article endangers the person or property of adjoining landowners or other persons in the Township.
 - (6) Where it is found that the applicant submitted false, incomplete or misleading information.
- B. In the event that the permit is revoked in accordance with Subsection **A** above, all soil movement operations shall cease until such time as the revocation is reversed after a hearing before the Township Committee or an abatement of the violations.
- C. Procedure.
- (1) Notice of violation. Whenever the Township Engineer and/or Township Committee determine that there are reasonable grounds to believe that there has been a violation of any provisions of this article, they shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be in writing, include a statement of the reasons why it is being issued, allow up to 30 days for the performance of any act it requires, be served upon the owner or his agent, and contain an outline of remedial action which, if taken, shall effect compliance with the provisions of this article. Such notice shall be deemed to be properly served upon such owner or agent if a copy thereof is served upon him personally, if a copy thereof is sent by certified mail to his last known address as shown on the application, if a copy thereof is posted in a conspicuous place in or about the licensed premises involved, or if he is served with such notice by any other method authorized or required under the laws of this state.
 - (2) Stop-work order. Upon service of notice that a permit under this article has been revoked or suspending, all operations under the application and permit are to cease immediately. Upon consultation with the Township Engineer, permittee may take actions to abate the violations that involve soil movement.
 - (3) Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this article may request and shall be granted a hearing on the matter before the Township Committee, provided that such person shall file written notice of the request with the Township Clerk, setting forth a brief statement of the grounds therefore, within 10 days after service of notice upon him. Upon receipt of such written request, the Township Clerk shall set a time and place for such hearing and shall give the petitioner written notice thereof. After such hearing the Township Committee shall sustain, modify or withdraw the notice. If the Township Committee sustains or modifies such notice, it shall be deemed to be an order which, at the discretion of the Township Committee, may operate as a revocation of the license. Any notice served pursuant to this article shall automatically become an order if a written request for a hearing is not filed with Township Clerk within 10 days after such notice is served.

§ 156-33. Enforcement; violations and penalties.

- A. Enforcement. For purposes of enforcing this article, the Township Engineer is designated as the enforcing officer. It shall be the duty of the Township Engineer to make physical inspections in connection with any application for a permit, maintenance of the permit, or renewal permit hereunder at any time at the Engineer's discretion. It is an express condition of any permit granted pursuant to this article that the enforcing officer be permitted unlimited and unconditional access to the operation and any fill source locations at any time.
- B. Violations and penalties. In addition to the revocation provided for herein, any person who violates this article shall, upon conviction thereof, be subject to a maximum fine of \$2,000. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.

§ 156-34. Other permits.

Nothing contained in this article shall be construed to affect the applicant or owner's application for soil erosion and sediment control permits or any other state or federal regulations or permits as required.