



New  
Jersey  
Department of  
Environmental  
Protection

## COMPLIANCE ADVISORY

# Enforcement **Alert**

*Making You Aware of Anticipated Enforcement Activities*

Compliance and Enforcement

Issued: June 2007

#2007-06

## **DEP and DCA Partner to Ensure Compliance with Waterfront Land Use Rules**

### **Who is affected by this initiative?**

Marine contractors performing work at a residential site including the construction, replacement, or repair of regulated waterfront structures such as bulkheads, piers, mooring piles, boat and Jet Ski lifts, and docks (including floating docks and Jet Ski ports).

### **Why is DEP focusing on marine construction?**

The Department of Environmental Protection's (DEP) Bureau of Coastal and Land Use Compliance and Enforcement (CLUE) has determined through conducting compliance inspections that a substantial number of permittees and/or marine contractors are failing to comply with the rules and/or permits that are applicable for waterfront work, specifically the:

Waterfront Development Law (N.J.S.A. 12:5-3),  
Riparian Lands Statutes (N.J.S.A. 12:3-1 et seq.), and the  
Coastal Permit Program Rules (N.J.A.C. 7:7-1 et. seq.).

These provisions safeguard sensitive aquatic and land environments near the water's edge vital to fish, shellfish, wildlife and ecological processes.

### **What is DEP doing?**

The DEP and State Division of Consumer Affairs (DCA) are sharing information in order to ensure compliance with the Land Use Rules of New Jersey and DCA's Contractor's Registration Act. Marine contractors who construct piers and bulkheads at residential and non-commercial properties must be properly registered with the DCA.

CLUE will continue to perform unannounced inspections to ascertain compliance, issue violations if appropriate, and assess penalties against permittees and contractors who perform work that is not compliant with the rules and/or permits.

CLUE will also notify both the State and County (including the Consumer Affairs office and the County Prosecutor's office) of any activity conducted by unregistered contractors, and any violations committed by unregistered and registered contractors including notice of all enforcement actions (notices of violation, administrative orders, penalty assessments). When contractors register or renew their registration with the DCA, they must report this information. Contractors who commit violations may subject themselves to additional enforcement action by Consumer Affairs and the Prosecutor's office and/or jeopardize their registration status.

### **What should I do?**

- 1. Obtain the required permit prior to conducting regulated activities like building, replacing, repairing, or expanding waterfront structures.**

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- 2. Comply with all permit administrative conditions** - Do not start activities on a site until the required permit has been obtained and all administrative conditions of the permit have been met. Examples of common administrative conditions may include: a) recording the permit and/or conservation deed restriction onto the deed of the property; b) submitting a permit acceptance form and construction notification; c) completing any mitigation requirements (such as payment of the required monetary contribution for shellfish mitigation); d) obtaining a Tidelands grant, lease, or license, and/or e) obtaining all other required approvals (such as a municipal construction approval).
- 3. Complete the construction in accordance with the approved permit and plans** – The work must be completed as depicted on the approved permit plans. For example, approved structures such as docks, mooring piles and lifts must be constructed to the size and location as depicted on the approved plans. No structures shall be constructed that are NOT depicted on the approved plans. No changes can be made to the approved plans without first obtaining written approval via a permit modification from the DEP’s Division of Land Use Regulation.
- 4. Have a copy of the approved permit and plans onsite during construction.**
- 5. Obtain a permit for dredging activity** - The removal and backfilling of a bulkhead with material taken from below the mean high waterline is considered dredging. **ALL** dredging activity requires a dredging permit from the DEP’s Office of Dredging and Sediment Technology.
- 6. Homeowners should ensure the contractors they hire are properly registered.** Registered contractors are listed on the Division of Consumer Affairs website at [www.nj.gov/lps/ca/contractor.htm](http://www.nj.gov/lps/ca/contractor.htm). Any person who believes a contractor has defrauded them should notify the Division of Consumer Affairs’ Consumer Hotline at the number below.
- 7. Contact the DEP hotline at (877) WARN DEP to report possible violations of the State’s Land Use Laws.**

## Who should I contact with questions?

<b>Coastal &amp; Land Use Compliance and Enforcement</b> Toms River Office	<b>(732) 255-0787</b>
<b>Consumer Affairs</b>	<b>within NJ (800) 242-5846</b> <b>outside NJ (973) 504-6200</b>

## Where can I get more information?

**The following web sites can be accessed for additional information regarding this advisory:**

Division of Consumer Affairs	<a href="http://www.njconsumeraffairs.gov/index.htm">www.njconsumeraffairs.gov/index.htm</a>
Land Use Regulation	<a href="http://www.state.nj.us/dep/landuse/">http://www.state.nj.us/dep/landuse/</a>
Compliance & Enforcement	<a href="http://www.nj.gov/dep/enforcement/">http://www.nj.gov/dep/enforcement/</a>

**Visit the following Web site for general information:**

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

**To comment on this advisory:**

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.