



MUNICIPAL GOVERNMENT/NGO OVERVIEW

THE HEADWATERS GUARDIAN ACT (S-4897/A-6093 Identical Bills)

A simple guide for municipalities that contain NJ drinking-water headwaters

What This Bill Does

- Identifies municipalities that contain **critical drinking-water headwaters**
- Requires NJDEP to conduct **enhanced environmental diligence** for development near those headwaters
- Allows a **30-day public comment period** before designations are finalized
- Provides towns with **stronger factual and regulatory support** when facing intense development pressure
- Authorizes (but does not mandate) DEP to provide **technical assistance or grants**

What This Bill Does *Not* Do

- Impose mandates on municipalities
- Require changes to local zoning or ordinances
- Create new unfunded obligations
- Add administrative burdens to small volunteer governments

Why It Matters

- Many towns lack the technical capacity to evaluate hydrology, stormwater, and groundwater recharge.
- Builder-remedy pressure often targets exactly the areas that require the greatest environmental care.
- The bill provides a **powerful new tool** for responsible planning — without requiring municipalities to take any specific action.

How It Helps Municipalities

- Gives towns a **stronger basis** for decisions in sensitive areas
- Ensures NJDEP evaluates applications with **complete and accurate hydrologic data**
- Helps municipalities defend against **builder-remedy challenges**
- Reinforces local planning authority with **state-validated environmental analysis**

What We Ask of You

- Submit supportive comments during the DEP's 30-day review period
- Consider a resolution supporting Headwater Guardian designation
- Share examples of headwater-related development pressures
- Help connect us with key lawmakers

A Bipartisan Approach

Clean drinking water and sound environmental review benefit every community.

Identical Bills: S-4897 & A-6093 were written to win support across party lines.

SENATE, No. 4897

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED NOVEMBER 24, 2025

Sponsored by:

Senator ANTHONY M. BUCCO
District 25 (Morris and Passaic)

SYNOPSIS

Requires DEP to designate municipalities with critical headwaters as headwater guardians.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning critical headwaters and supplementing Title 58
2 of the Revised Statutes.

3

4 **BE IT ENACTED** by the *Senate and General Assembly of the State*
5 *of New Jersey*:

6

7 1. a. As used in this section:

8 “Critical headwater” means a headwater that is designated by the
9 Department of Environmental Protection as a critical headwater
10 pursuant to subsection b. of this section.

11 “Highlands Region” means the same as the term is defined in
12 section 3 of P.L.2004, c.120 (C.13:20-3).

13 “Pinelands area” means the same as the term is defined in section
14 3 of P.L.1979, c.111 (C.13:18A-3).

15 b. Within one year of the effective date of this section, the
16 Department of Environmental Protection shall develop a process to
17 identify and designate municipalities within the State where critical
18 headwaters are located as headwater guardians. The designation of
19 a municipality as a headwater guardian shall signal the role of a
20 municipality’s critical headwater in providing clean drinking water
21 to residents of the State and ensure any environmental protections
22 that may be necessary to protect the continued, effective
23 environmental functioning of the critical headwater. In developing
24 this process, the department shall locate headwaters in
25 municipalities of the State and designate certain headwaters as
26 critical headwaters if the headwater provides a primary source of
27 drinking water for a population of at least 1,000,000 New Jersey
28 residents according to the most recent federal decennial census. In
29 designating critical headwaters, the department shall:

30 (1) consider watershed significance, water quality designation,
31 wetland and riparian buffer presence, and location within the
32 Highlands Region, pinelands area, or other environmentally
33 sensitive planning areas using verified data from the United States
34 Geological Survey, the New Jersey Water Quality Monitoring
35 Network, and other scientifically recognized sources; and

36 (2) ensure that the designation process and any subsequent
37 protective measures align with:

38 (a) any applicable standards adopted pursuant to any law, rule, or
39 regulation concerning flood hazard areas, stormwater management,
40 and wetlands protection;

41 (b) the New Jersey Statewide Water Supply Plans prepared and
42 adopted by the department pursuant to section 13 of P.L.1981, c.262
43 (C.58:1A-13); and

44 (c) the Integrated Water Quality Assessment reports prepared by
45 the department and submitted to the United States Environmental
46 Protection Agency pursuant to the federal “Clean Water Act” (33
47 U.S.C. s.1251 et seq.); and

1 (3) provide complete information about the department's process
2 in designating critical headwaters to the public, including making
3 publicly available any geographic information system data or other
4 data used.

5 c. No later than 30 days after the establishment of the
6 identification and designation process pursuant to subsection b. of
7 this section, the department shall designate any municipality within
8 the State where a critical headwater is located as a headwater
9 guardian. The department shall publish the list of municipalities
10 that are designated headwater guardians on the department's
11 Internet website and shall update the list as necessary.

12 d. Within six months of the designation of a municipality as a
13 headwater guardian, the department shall make a determination as
14 to whether any environmental protections, which protections may
15 include, but are not limited to, enhanced stormwater management
16 requirements, groundwater recharge standards, impervious cover
17 limits, or vegetative buffer maintenance, are required to be
18 implemented to protect a municipality's critical headwater's ability
19 to provide clean drinking water to residents of this State. In making
20 this determination, the department shall also consider the
21 municipality's role in enhancing climate resilience through natural
22 resource conservation, groundwater recharge, flood mitigation and
23 control, and drought protection. If the department determines that
24 environmental protections are necessary, the department shall
25 publish information related to the environmental protections on the
26 department's Internet website.

27 e. All designations of headwater guardians pursuant to
28 subsection c. of this section and environmental protection
29 determinations pursuant to subsection d. of this section shall be
30 subject to a public comment period of not less than 30 days.

31 f. Any considerations, benefits, or protections allowed for a
32 headwater, critical headwater, or headwater guardian pursuant to
33 any law, rule, or regulation shall apply to a municipality that is
34 designated by the department as a headwater guardian pursuant to
35 this section. A headwater guardian designation shall be recognized
36 as a material planning factor under the "Municipal Land Use Law,"
37 P.L.1975, c.291 (C.40:55D-1 et seq.) and under the State
38 Development and Redevelopment Plan, required pursuant to the
39 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.).

40 g. The department may establish a program, in a form and
41 manner determined by the department, to highlight certain
42 municipalities that have been designated as headwater guardians
43 pursuant to subsection c. of this section and that have demonstrated
44 exemplary watershed stewardship.

45 h. The department may make grants or technical assistance
46 available to municipalities that are designated as headwater
47 guardians to support watershed protection measures.

1 i. No later than two years after the effective date of this section,
2 and annually thereafter, the department shall prepare and submit a
3 report to the Governor, and to the Legislature pursuant to section 2
4 of P.L.1991, c.164 (C.52:14-19.1), that includes, at a minimum,
5 information concerning:

6 (1) all headwater guardian designations;

7 (2) any environmental protections required for headwater
8 guardians;

9 (3) recommendations for improving the headwater guardian
10 designation process;

11 (4) recommendations for interagency coordination, including, at
12 a minimum, interagency coordination with the Board of Public
13 Utilities, Department of Transportation, and Department of
14 Community Affairs; and

15 (5) measurable outcomes, such as reductions in pollutant
16 loadings, flood damage avoided, or acres of riparian buffers
17 preserved.

18

19 2. This act shall take effect immediately.

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STATEMENT

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24 This bill would require, within one year of the bill's effective
25 date, the Department of Environmental Protection (department) to
26 develop a process to identify and designate municipalities within
27 the State where critical headwaters are located as headwater
28 guardians. The designation of a municipality as a headwater
29 guardian would signal the role of a municipality's critical
30 headwater in providing clean drinking water to residents of the
31 State and ensure any environmental protections that may be
32 necessary to protect the continued, effective environmental
33 functioning of the critical headwater. In developing this process,
34 the department would be required to locate headwaters in
35 municipalities of the State and designate certain headwaters as
36 critical headwaters if the headwater provides a primary source of
37 drinking water for a population of at least 1,000,000 New Jersey
38 residents according to the most recent federal decennial census.

39 No later than 30 days after the establishment of the identification
40 and designation process, the department would be required to
41 designate any municipality within the State where a critical
42 headwater is located as a headwater guardian. The department
43 would be required to publish the list of municipalities that are
44 designated headwater guardians on the department's Internet
45 website and update the list as necessary.

46 Within six months of the designation of a municipality as a
47 headwater guardian, the department would be required to make a
48 determination as to whether any environmental protections are

1 required to be implemented to protect a municipality's critical
2 headwater's ability to provide clean drinking water to residents of
3 this State. If the department determines that environmental
4 protections are necessary, the department would be required to
5 publish information related to the environmental protections on the
6 department's Internet website. All designations of headwater
7 guardians and environmental protection determinations would be
8 required to be subject to a public comment period of not less than
9 30 days.

10 The bill also provides that any considerations, benefits, or
11 protections allowed for a headwater, critical headwater, or
12 headwater guardian pursuant to any law, rule, or regulation would
13 apply to a municipality that is designated by the department as a
14 headwater guardian.

15 Under the bill, the department may establish a program, in a
16 form and manner determined by the department, to highlight certain
17 municipalities that have been designated as headwater guardians
18 and that have demonstrated exemplary watershed stewardship.

19 Finally, no later than two years after the bill's effective date, and
20 annually thereafter, the department would be required to prepare
21 and submit a report to the Governor and the Legislature that
22 includes, at a minimum, information concerning: (1) all headwater
23 guardian designations; (2) any environmental protections required
24 for headwater guardians; (3) recommendations for improving the
25 headwater guardian designation process; (4) recommendations for
26 interagency coordination, including, at a minimum, interagency
27 coordination with the Board of Public Utilities, Department of
28 Transportation, and Department of Community Affairs; and (5)
29 measurable outcomes, such as reductions in pollutant loadings,
30 flood damage avoided, or acres of riparian buffers preserved.

31 This bill would provide cost-savings for municipalities and the
32 State through avoided flood damages, improved resilience, and
33 reduced long-term infrastructure costs. The intent of the bill is not
34 to impose any new mandates, but rather to elevate municipalities
35 that are already protecting their headwaters, while allowing the
36 department to tailor protections as necessary.