

13:8C-53a
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2023 **CHAPTER:** 116

NJSA: 13:8C-53a Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities.

BILL NO: S3444 (Substituted for A5211 (1R))

SPONSOR(S) Schepisi, Holly T. and others

DATE INTRODUCED: 1/10/2023

COMMITTEE: **ASSEMBLY:** Environment & Solid Waste
 SENATE: Community & Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 05/25/2023
 SENATE: 06/20/2023

DATE OF APPROVAL: 7/20/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S3444 Aa (1R) enacted) Yes

S3444

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A5211 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 116, *approved July 20, 2023*
Senate, No. 3444 (*First Reprint*)

1 AN ACT concerning the use of certain lands acquired or developed
2 by a local unit for recreation and conservation purposes and
3 supplementing Title 13 of the Revised Statutes.
4

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

7
8 1. a. Notwithstanding the provisions of section 13 of P.L.1961,
9 c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31),
10 section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of
11 P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), section 11 of
12 P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any rule
13 or regulation adopted pursuant thereto, concerning the conveyance,
14 disposal, or diversion of lands acquired, developed, or held for
15 recreation and conservation purposes, a municipally-owned and
16 operated water utility or authority may use a well for the supply of
17 drinking water and associated treatment equipment or facilities located
18 on lands acquired or developed, by a local government unit, for
19 recreation or conservation purposes and this additional use ¹of a pre-
20 existing well utilized for drinking water¹ shall not be deemed to
21 constitute a disposal or diversion of those lands; provided that:

22 (1) the municipally-owned and operated water utility or authority
23 has a pre-existing well ¹utilized for drinking water¹ on the land;

24 (2) there is an exceedance or expected exceedance of a maximum
25 contaminant level for, among other things, perfluorooctanoic acid, or
26 such other contaminant established by the Department of
27 Environmental Protection pursuant to the “Safe Drinking Water Act,”
28 P.L.1977, c.224 (C.58:12A-1 et seq.);

29 (3) as a result of an exceedance or expected exceedance pursuant
30 to paragraph (2) of this subsection, the municipally-owned and
31 operated water utility or authority shall be expressly permitted to
32 install on such lands improvements required to address the exceedance
33 or expected exceedance, as approved, by the Department of
34 Environmental Protection;

35 (4) no other improvements shall be made to the land except as
36 deemed reasonably necessary, and approved by the Department of
37 Environmental Protection, to address the exceedance of a maximum
38 contaminant level, and any such improvements shall be sited in a
39 manner to minimize disturbance to the environment;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted March 30, 2023.

1 (5) the additional use of the lands ¹and any improvements made
2 pursuant to this section¹ shall not substantially ¹~~inhibit public access~~
3 ~~to~~ impact the use of¹ the lands for recreation and conservation
4 purposes ¹~~or substantially harm the recreation and conservation~~
5 ~~purposes for which the lands were acquired~~ , including public access
6 to the land¹ ; and

7 (6) the governing body of the municipality applies, in writing, to
8 the commissioner setting forth and demonstrating to the Department of
9 Environmental Protection's satisfaction that it meets the criteria set
10 forth in this subsection.

11 b. Within 45 days after receipt of an application from a governing
12 body of a municipality pursuant to paragraph (6) of subsection a. of
13 this section, the commissioner, after the municipality holds at least one
14 public hearing in the municipality wherein the lands are located, shall
15 grant approval, in writing, to the municipality, if the criteria set forth
16 in subsection a. of this section are met, specifying that this additional
17 use shall not be deemed to constitute a disposal or diversion of the
18 lands.

19 c. The commissioner may revoke any approval granted pursuant to
20 this section if the facts or findings upon which the approval was based
21 have changed to the extent that the requirements for approval as
22 prescribed in this section are no longer met.

23

24 2. This act shall take effect immediately.

25

26

27

28

29 _____
30 Allows certain municipal water systems, under certain
31 circumstances, to use lands preserved for recreation and
32 conservation for drinking water wells and associated treatment
equipment or facilities.

SENATE, No. 3444

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 10, 2023

Sponsored by:

Senator HOLLY T. SCHEPISI

District 39 (Bergen and Passaic)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2023)

1 AN ACT concerning the use of certain lands acquired or developed
2 by a local unit for recreation and conservation purposes and
3 supplementing Title 13 of the Revised Statutes.

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

7
8 1. a. Notwithstanding the provisions of section 13 of P.L.1961,
9 c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31),
10 section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35
11 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), section 11 of
12 P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any
13 rule or regulation adopted pursuant thereto, concerning the
14 conveyance, disposal, or diversion of lands acquired, developed, or
15 held for recreation and conservation purposes, a municipally-owned
16 and operated water utility or authority may use a well for the supply
17 of drinking water and associated treatment equipment or facilities
18 located on lands acquired or developed, by a local government unit,
19 for recreation or conservation purposes and this additional use shall
20 not be deemed to constitute a disposal or diversion of those lands;
21 provided that:

22 (1) the municipally-owned and operated water utility or authority
23 has a pre-existing well on the land;

24 (2) there is an exceedance or expected exceedance of a maximum
25 contaminant level for, among other things, perfluorooctanoic acid,
26 or such other contaminant established by the Department of
27 Environmental Protection pursuant to the "Safe Drinking Water
28 Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

29 (3) as a result of an exceedance or expected exceedance pursuant
30 to paragraph (2) of this subsection, the municipally-owned and
31 operated water utility or authority shall be expressly permitted to
32 install on such lands improvements required to address the
33 exceedance or expected exceedance, as approved, by the
34 Department of Environmental Protection;

35 (4) no other improvements shall be made to the land except as
36 deemed reasonably necessary, and approved by the Department of
37 Environmental Protection, to address the exceedance of a maximum
38 contaminant level, and any such improvements shall be sited in a
39 manner to minimize disturbance to the environment;

40 (5) the additional use of the lands shall not substantially inhibit
41 public access to the lands for recreation and conservation purposes
42 or substantially harm the recreation and conservation purposes for
43 which the lands were acquired; and

44 (6) the governing body of the municipality applies, in writing, to
45 the commissioner setting forth and demonstrating to the Department
46 of Environmental Protection's satisfaction that it meets the criteria
47 set forth in this subsection.

1 b. Within 45 days after receipt of an application from a
2 governing body of a municipality pursuant to paragraph (6) of
3 subsection a. of this section, the commissioner, after the
4 municipality holds at least one public hearing in the municipality
5 wherein the lands are located, shall grant approval, in writing, to the
6 municipality, if the criteria set forth in subsection a. of this section
7 are met, specifying that this additional use shall not be deemed to
8 constitute a disposal or diversion of the lands.

9 c. The commissioner may revoke any approval granted pursuant
10 to this section if the facts or findings upon which the approval was
11 based have changed to the extent that the requirements for approval
12 as prescribed in this section are no longer met.

13
14 2. This act shall take effect immediately.

15
16
17 STATEMENT

18
19 This bill would allow certain municipalities to use a well and
20 associated water treatment facilities on lands acquired or developed
21 for recreation or conservation purposes by a local government unit
22 without the additional use being deemed to constitute a disposal or
23 diversion of those lands requiring certain approvals as well as
24 compensation or reimbursement to the State under various laws and
25 regulations implementing the Green Acres Program, i.e., the State's
26 program for the preservation of lands for recreation and
27 conservation purposes.

28 Specifically, the bill would allow a municipally-owned and
29 operated water utility or authority to use a well for the supply of
30 drinking water and certain associated treatment equipment or
31 facilities located on lands acquired or developed, by a local
32 government unit, for recreation or conservation purposes provided
33 that:

34 (1) the municipally-owned and operated water utility or authority
35 has a pre-existing well on the land;

36 (2) there is an exceedance or expected exceedance of a maximum
37 contaminant level for, among other things, perfluorooctanoic acid,
38 or such other contaminant established by the Department of
39 Environmental Protection (DEP) pursuant to the "Safe Drinking
40 Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

41 (3) as a result of an exceedance or expected exceedance pursuant
42 to paragraph (2) of this subsection, the municipally-owned and
43 operated water utility or authority would be expressly permitted to
44 install on such lands improvements required to address the
45 exceedance or expected exceedance, as approved, by the DEP;

46 (4) no other improvements will be made to the land except as
47 deemed reasonably necessary, and approved by the DEP, to address
48 the exceedance of a maximum contaminant level, and any such

1 improvements would be sited in a manner to minimize disturbance
2 to the environment;

3 (5) the additional use of the lands would not substantially inhibit
4 public access to the lands for recreation and conservation purposes
5 or substantially harm the recreation and conservation purposes for
6 which the lands were acquired; and

7 (6) the governing body of the municipality applies, in writing, to
8 the DEP commissioner setting forth and demonstrating to the DEP's
9 satisfaction that it meets the criteria set forth in this subsection.

10 Within 45 days after receipt of an application from a governing
11 body of a municipality, the DEP commissioner, after the
12 municipality holds at least one public hearing in the municipality
13 wherein the lands are located, would be required, under the bill, to
14 grant approval, in writing, to the municipality, if the criteria set
15 forth in the bill are met, specifying that this additional use shall not
16 be deemed to constitute a disposal or diversion of the lands. The
17 DEP commissioner may revoke any approval granted pursuant to
18 the bill if the facts or findings upon which the approval was based
19 have changed to the extent that the requirements for approval are no
20 longer met.

21 Perfluorooctanoic acid (PFOA) is a member of the group of
22 chemicals called per- and polyfluoroalkyl substances (PFAS), used
23 as a processing aid in the manufacture of fluoropolymers used in
24 non-stick cookware and other products, as well as other commercial
25 and industrial uses, based on its resistance to harsh chemicals and
26 high temperatures. PFOA has also been used in aqueous film-
27 forming foams for firefighting and training. It is also found in
28 consumer products such as stain-resistant coatings for upholstery
29 and carpets, water-resistant outdoor clothing, and greaseproof food
30 packaging. Major sources of PFOA in drinking water include
31 discharges from industrial facilities where it was made or used and
32 the release of aqueous film-forming foam. Although the use of
33 PFOA has decreased substantially, contamination is expected to
34 continue indefinitely because it is extremely persistent in the
35 environment and is soluble and mobile in water. In 2018, the
36 Department of Environmental Protection (DEP) adopted
37 amendments to its Safe Drinking Water Act regulations to establish
38 drinking water standards for PFOA at a MCL of 14 parts per
39 trillion.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3444

STATE OF NEW JERSEY

DATED: JANUARY 12, 2023

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 3444.

This bill allows certain municipalities to use a well and associated water treatment facilities on lands acquired or developed for recreation or conservation purposes by a local government unit without the additional use being deemed to constitute a disposal or diversion of those lands requiring certain approvals, as well as compensation or reimbursement to the State, under various laws and regulations implementing the Green Acres Program.

Specifically, the bill allows a municipally owned and operated water utility or authority to use a well for the supply of drinking water and certain associated treatment equipment or facilities located on lands acquired or developed by a local government unit for recreation or conservation purposes, provided that:

1) the municipally owned and operated water utility or authority has a pre-existing well on the land;

2) there is an exceedance or expected exceedance of a maximum contaminant level for, among other things, perfluorooctanoic acid or other contaminant established by the Department of Environmental Protection (DEP) pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

3) as a result of an exceedance or expected exceedance, the municipally owned and operated water utility or authority is to be expressly permitted to install on the lands improvements required to address the exceedance or expected exceedance, as approved by the DEP;

4) no other improvements are to be made to the land except as deemed reasonably necessary and approved by the DEP to address the exceedance of a maximum contaminant level, and any improvements are to be sited in a manner to minimize disturbance to the environment;

5) the additional use of the lands is not to substantially inhibit public access to the lands for recreation and conservation purposes or substantially harm the recreation and conservation purposes for which the lands were acquired; and

6) the governing body of the municipality applies, in writing, to the Commissioner of the DEP (commissioner) setting forth and demonstrating to the DEP's satisfaction that it meets these criteria.

Under the bill, within 45 days after receipt of an application from a governing body of a municipality, the commissioner, after the municipality holds at least one public hearing in the municipality where the lands are located, is to be required to grant approval, in writing, to the municipality if the criteria set forth in the bill are met, specifying that the additional use is not to be deemed to constitute a disposal or diversion of the lands. The commissioner may revoke any approval granted pursuant to the bill if the facts or findings upon which the approval was based have changed to the extent that the requirements for approval are no longer met.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
SENATE, No. 3444

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 3444.

This bill would allow certain municipalities to use a well and associated water treatment facilities on lands acquired or developed for recreation or conservation purposes by a local government unit without the additional use being deemed to constitute a disposal or diversion of those lands requiring certain approvals as well as compensation or reimbursement to the State under various laws and regulations implementing the Green Acres Program.

Specifically, the bill would allow a municipally-owned and operated water utility or authority to use a well for the supply of drinking water and certain associated treatment equipment or facilities located on lands acquired or developed, by a local government unit, for recreation or conservation purposes provided that:

(1) the municipally-owned and operated water utility or authority has a pre-existing well on the land;

(2) there is an exceedance or expected exceedance of a maximum contaminant level for, among other things, perfluorooctanoic acid, or such other contaminant established by the Department of Environmental Protection (DEP) pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

(3) as a result of an exceedance or expected exceedance pursuant to paragraph (2) of this subsection, the municipally-owned and operated water utility or authority would be expressly permitted to install on such lands improvements required to address the exceedance or expected exceedance, as approved, by the DEP;

(4) no other improvements will be made to the land except as deemed reasonably necessary, and approved by the DEP, to address the exceedance of a maximum contaminant level, and any such improvements would be sited in a manner to minimize disturbance to the environment;

(5) the additional use of the lands would not substantially inhibit public access to the lands for recreation and conservation purposes or substantially harm the recreation and conservation purposes for which the lands were acquired; and

(6) the governing body of the municipality applies, in writing, to the DEP commissioner setting forth and demonstrating to the DEP's satisfaction that it meets the criteria set forth in this subsection.

Under the bill, within 45 days after receipt of an application from a governing body of a municipality, the commissioner would be required, after the municipality holds at least one public hearing in the municipality where the lands are located, to grant approval, in writing, to the municipality if the criteria set forth in the bill are met, specifying that the additional use is not to be deemed to constitute a disposal or diversion of the lands. The commissioner may revoke any approval granted pursuant to the bill if the facts or findings upon which the approval was based have changed to the extent that the requirements for approval are no longer met.

As reported by the committee, this bill is identical to Assembly Bill No.5211 as also reported by the committee.

STATEMENT TO

SENATE, No. 3444

with Assembly Floor Amendments
(Proposed by Assemblyman KARABINCHAK)

ADOPTED: MARCH 30, 2023

The floor amendments to the bill clarify that:

- 1) a well to be used pursuant to the bill is a pre-existing well utilized for drinking water; and
- 2) the additional use of the lands authorized by the bill shall not substantially impact the use of the lands for recreation and conservation purposes, including public access to the land.

ASSEMBLY, No. 5211

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 23, 2023

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

SYNOPSIS

Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/30/2023)

1 AN ACT concerning the use of certain lands acquired or developed
2 by a local unit for recreation and conservation purposes and
3 supplementing Title 13 of the Revised Statutes.

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

7
8 1. a. Notwithstanding the provisions of section 13 of P.L.1961,
9 c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31),
10 section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35
11 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), section 11 of
12 P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any
13 rule or regulation adopted pursuant thereto, concerning the
14 conveyance, disposal, or diversion of lands acquired, developed, or
15 held for recreation and conservation purposes, a municipally-owned
16 and operated water utility or authority may use a well for the supply
17 of drinking water and associated treatment equipment or facilities
18 located on lands acquired or developed, by a local government unit,
19 for recreation or conservation purposes and this additional use shall
20 not be deemed to constitute a disposal or diversion of those lands;
21 provided that:

22 (1) the municipally-owned and operated water utility or authority
23 has a pre-existing well on the land;

24 (2) there is an exceedance or expected exceedance of a maximum
25 contaminant level for, among other things, perfluorooctanoic acid,
26 or such other contaminant established by the Department of
27 Environmental Protection pursuant to the "Safe Drinking Water
28 Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

29 (3) as a result of an exceedance or expected exceedance pursuant
30 to paragraph (2) of this subsection, the municipally-owned and
31 operated water utility or authority shall be expressly permitted to
32 install on such lands improvements required to address the
33 exceedance or expected exceedance, as approved, by the
34 Department of Environmental Protection;

35 (4) no other improvements shall be made to the land except as
36 deemed reasonably necessary, and approved by the Department of
37 Environmental Protection, to address the exceedance of a maximum
38 contaminant level, and any such improvements shall be sited in a
39 manner to minimize disturbance to the environment;

40 (5) the additional use of the lands shall not substantially inhibit
41 public access to the lands for recreation and conservation purposes
42 or substantially harm the recreation and conservation purposes for
43 which the lands were acquired; and

44 (6) the governing body of the municipality applies, in writing, to
45 the commissioner setting forth and demonstrating to the Department
46 of Environmental Protection's satisfaction that it meets the criteria
47 set forth in this subsection.

1 b. Within 45 days after receipt of an application from a
2 governing body of a municipality pursuant to paragraph (6) of
3 subsection a. of this section, the commissioner, after the
4 municipality holds at least one public hearing in the municipality
5 wherein the lands are located, shall grant approval, in writing, to the
6 municipality, if the criteria set forth in subsection a. of this section
7 are met, specifying that this additional use shall not be deemed to
8 constitute a disposal or diversion of the lands.

9 c. The commissioner may revoke any approval granted pursuant
10 to this section if the facts or findings upon which the approval was
11 based have changed to the extent that the requirements for approval
12 as prescribed in this section are no longer met.

13
14 2. This act shall take effect immediately.

15
16
17 STATEMENT

18
19 This bill would allow certain municipalities to use a well and
20 associated water treatment facilities on lands acquired or developed
21 for recreation or conservation purposes by a local government unit
22 without the additional use being deemed to constitute a disposal or
23 diversion of those lands requiring certain approvals as well as
24 compensation or reimbursement to the State under various laws and
25 regulations implementing the Green Acres Program, i.e., the State's
26 program for the preservation of lands for recreation and
27 conservation purposes.

28 Specifically, the bill would allow a municipally-owned and
29 operated water utility or authority to use a well for the supply of
30 drinking water and certain associated treatment equipment or
31 facilities located on lands acquired or developed, by a local
32 government unit, for recreation or conservation purposes provided
33 that:

34 (1) the municipally-owned and operated water utility or authority
35 has a pre-existing well on the land;

36 (2) there is an exceedance or expected exceedance of a maximum
37 contaminant level for, among other things, perfluorooctanoic acid,
38 or such other contaminant established by the Department of
39 Environmental Protection (DEP) pursuant to the "Safe Drinking
40 Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

41 (3) as a result of an exceedance or expected exceedance pursuant
42 to paragraph (2) of this subsection, the municipally-owned and
43 operated water utility or authority would be expressly permitted to
44 install on such lands improvements required to address the
45 exceedance or expected exceedance, as approved, by the DEP;

46 (4) no other improvements will be made to the land except as
47 deemed reasonably necessary, and approved by the DEP, to address
48 the exceedance of a maximum contaminant level, and any such

1 improvements would be sited in a manner to minimize disturbance
2 to the environment;

3 (5) the additional use of the lands would not substantially inhibit
4 public access to the lands for recreation and conservation purposes
5 or substantially harm the recreation and conservation purposes for
6 which the lands were acquired; and

7 (6) the governing body of the municipality applies, in writing, to
8 the DEP commissioner setting forth and demonstrating to the DEP's
9 satisfaction that it meets the criteria set forth in this subsection.

10 Within 45 days after receipt of an application from a governing
11 body of a municipality, the DEP commissioner, after the
12 municipality holds at least one public hearing in the municipality
13 wherein the lands are located, would be required, under the bill, to
14 grant approval, in writing, to the municipality, if the criteria set
15 forth in the bill are met, specifying that this additional use shall not
16 be deemed to constitute a disposal or diversion of the lands. The
17 DEP commissioner may revoke any approval granted pursuant to
18 the bill if the facts or findings upon which the approval was based
19 have changed to the extent that the requirements for approval are no
20 longer met.

21 Perfluorooctanoic acid (PFOA) is a member of the group of
22 chemicals called per- and polyfluoroalkyl substances (PFAS), used
23 as a processing aid in the manufacture of fluoropolymers used in
24 non-stick cookware and other products, as well as other commercial
25 and industrial uses, based on its resistance to harsh chemicals and
26 high temperatures. PFOA has also been used in aqueous film-
27 forming foams for firefighting and training. It is also found in
28 consumer products such as stain-resistant coatings for upholstery
29 and carpets, water-resistant outdoor clothing, and greaseproof food
30 packaging. Major sources of PFOA in drinking water include
31 discharges from industrial facilities where it was made or used and
32 the release of aqueous film-forming foam. Although the use of
33 PFOA has decreased substantially, contamination is expected to
34 continue indefinitely because it is extremely persistent in the
35 environment and is soluble and mobile in water. In 2018, the
36 Department of Environmental Protection (DEP) adopted
37 amendments to its Safe Drinking Water Act regulations to establish
38 drinking water standards for PFOA at a MCL of 14 parts per
39 trillion.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5211

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 5211.

This bill would allow certain municipalities to use a well and associated water treatment facilities on lands acquired or developed for recreation or conservation purposes by a local government unit without the additional use being deemed to constitute a disposal or diversion of those lands requiring certain approvals as well as compensation or reimbursement to the State under various laws and regulations implementing the Green Acres Program.

Specifically, the bill would allow a municipally-owned and operated water utility or authority to use a well for the supply of drinking water and certain associated treatment equipment or facilities located on lands acquired or developed, by a local government unit, for recreation or conservation purposes provided that:

(1) the municipally-owned and operated water utility or authority has a pre-existing well on the land;

(2) there is an exceedance or expected exceedance of a maximum contaminant level for, among other things, perfluorooctanoic acid, or such other contaminant established by the Department of Environmental Protection (DEP) pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

(3) as a result of an exceedance or expected exceedance pursuant to paragraph (2) of this subsection, the municipally-owned and operated water utility or authority would be expressly permitted to install on such lands improvements required to address the exceedance or expected exceedance, as approved, by the DEP;

(4) no other improvements will be made to the land except as deemed reasonably necessary, and approved by the DEP, to address the exceedance of a maximum contaminant level, and any such improvements would be sited in a manner to minimize disturbance to the environment;

(5) the additional use of the lands would not substantially inhibit public access to the lands for recreation and conservation purposes or substantially harm the recreation and conservation purposes for which the lands were acquired; and

(6) the governing body of the municipality applies, in writing, to the DEP commissioner setting forth and demonstrating to the DEP's satisfaction that it meets the criteria set forth in this subsection.

Under the bill, within 45 days after receipt of an application from a governing body of a municipality, the commissioner would be required, after the municipality holds at least one public hearing in the municipality where the lands are located, to grant approval, in writing, to the municipality if the criteria set forth in the bill are met, specifying that the additional use is not to be deemed to constitute a disposal or diversion of the lands. The commissioner may revoke any approval granted pursuant to the bill if the facts or findings upon which the approval was based have changed to the extent that the requirements for approval are no longer met.

As reported by the committee, this bill is identical to Senate Bill No.3444 as also reported by the committee.

STATEMENT TO
ASSEMBLY, No. 5211

with Assembly Floor Amendments
(Proposed by Assemblyman KARABINCHAK)

ADOPTED: MARCH 30, 2023

The floor amendments to the bill clarify that:

- 1) a well to be used pursuant to the bill is a pre-existing well utilized for drinking water; and
- 2) the additional use of the lands authorized by the bill shall not substantially impact the use of the lands for recreation and conservation purposes, including public access to the land.

Governor Murphy Takes Action on Legislation

07/20/2023

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S-528/A-2815 (Ruiz, Pou/Murphy, Wimberly, McKnight) - Requires certain additional school district personnel to complete training program on suicide prevention

S-3089/A-4722 (Gopal, A.M. Bucco/McKeon) - Permits certain school districts to establish State military impact aid reserve account

S-3125/A-4947 (Cryan, Gopal/Lopez, Quijano, Atkins) - Expands "Daniel's Law" to prohibit disclosure of personal information concerning child protective investigators

S-3309/A-4832 (Stack, Scutari/Mukherji, Speight) - Raises maximum workers' compensation fees for evaluating physicians; expands circumstances for which physician legal fee permitted

S3406/A-4970 (Gopal, Cryan/Jasey, Carter, McKeon) - Requires public institutions of higher education to submit annual fiscal monitoring report; authorizes Secretary of Higher Education to appoint State monitor of certain institutions; requires higher education chief financial officers complete training; annually appropriates \$100,000

S-3444/A-5211 (Schepisi, Lagana/Karabinchak, Stanley) - Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities

S-3753/A-5299 (Madden, Turner/Murphy) - Designates State Office of Emergency Management as State Agency for Surplus Property

S-3783/A-5541 (Zwicker, Cruz-Perez/Quijano) - Modifies certain provisions of "New Jersey Innovation Evergreen Act" and "Food Desert Relief Act"

S-3796/A-5559 (Greenstein, Stanfield/Mejia, Reynolds-Jackson, Atkins) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY 2024

S-3797/A-5558 (Codey, Greenstein/Lampitt, Swain, Stanley) - Appropriates funds to DEP for environmental infrastructure projects for FY 2024

S-3798/A-5422 (Ruiz, Corrado, Turner/Jasey, Lampitt, Mukherji) - Permits teacher, and professional staff member who provides special services, who retired from TPAF to return employment for up to two years without reenrollment in TPAF if employment commences during the 2023-2024 school year

S-3873/A-5507 (Zwicker, Johnson/Benson, Pintor Marin) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for transportation infrastructure projects for FY2024; makes appropriation

A-4864/S-3795 (Mosquera, Sampson, Quijano/Lagana, Burgess) - Expands scope of Foreclosure Mediation Assistance Program during State of Emergency to allow use of program funds for payment to counselors who help disaster victims process applications for assistance

A-5175/SCS for S-3519 and 3593 (Verrelli, McKnight, Moen/Beach, Turner, Zwicker) - Changes certain General Election deadlines