

58:14-35

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:14-35

(Passaic Valley
Sewerage
District--allow
commissioners to
impose civil
penalties)

LAWS OF: 1989

CHAPTER: 237

Bill No: S2575

Sponsor(s): Ambrosio

Date Introduced: May 19, 1989

Committee: Assembly: County Government

Senate: Independent Authorities

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: December 18, 1989

Senate: June 20, 1988

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

LAW LIBRARY COPY
DO NOT REMOVE

[FIRST REPRINT]

SENATE, No. 2575

STATE OF NEW JERSEY

INTRODUCED MAY 19, 1988

By Senator AMBROSIO

1 AN ACT concerning the Passaic Valley Sewerage District and
amending P.L.1976, c.125.

3

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

7 1. Section 1 of P.L.1976, c.125 (C.58:14-35) is amended to
read as follows:

9 1. The commissioners shall have the power to adopt rules and
regulations in conformity with requirements imposed by the
Federal Government as a condition of Federal assistance, which
11 shall be binding upon all contracting municipalities and lessees
delivering or discharging sewage into the system of the
13 commissioners. Such rules and regulations may include
pretreatment requirements, requirements for the adoption of
15 sewer use ordinances and of user charge and industrial cost
recovery systems in accordance with applicable Federal Statutes
17 and the implementing regulations promulgated by the U.S.
Environmental Protection Agency, and requirements concerning
19 infiltration-inflow, as well as such other rules and regulations as
the commissioners may deem to be necessary or proper for the
21 operation of the system or to apply for and receive financial
assistance from the Federal Government or any agency thereof
23 for the construction, acquisition or rehabilitation of waste
treatment works as part of the system, and to enter any
25 agreement with the Federal Government for the purpose of
obtaining such financial assistance.

27 Any person who violates any provision of any rule or regulation
adopted by the commissioners pursuant to this section shall be
29 subject to a civil penalty of up to ¹[\$1,000.00] \$50,000.00¹ per
day for each violation, and each day's continuance of the
31 violation shall constitute a separate violation. Penalties imposed
under this section may be assessed with costs in a summary

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:
1 Assembly floor amendments adopted June 15, 1989.

1 proceeding pursuant to "the penalty enforcement law"
2 (N.J.S.2A:58-1 et seq.). The commissioners may institute a civil
3 action in the Superior Court for injunctive relief to prevent or
4 restrain any act or activity which adversely affects or threatens
5 to adversely affect public health or safety or the operation of the
6 system.

7 (cf: P.L.1976, c.125, s.1)

8 2. This act shall take effect immediately.

9

11 **AUTHORITIES AND REGIONAL COMMISSIONS**

Sewerage

13

14 Authorizes the Passaic Valley Sewerage District commissioners
15 to impose civil penalties for certain violations and to seek
injunctive relief.

1 seq.). The commissioners may institute a civil action in the
2 Superior Court for injunctive relief to prevent or restrain any act
3 or activity which adversely affects or threatens to adversely
4 affect public health or safety or the operation of the system.

5 (cf: P.L. 1976, c. 125, s. 1)

6 2. This act shall take effect immediately.

7

9

STATEMENT

11 This bill authorizes the board of commissioners of the Passaic
12 Valley Sewerage District to impose and collect civil penalties of
13 up to \$1,000.00 per violation per day for any violation of rules or
14 regulations adopted by the commissioners pertaining to
15 pretreatment requirements, user charges, industrial cost recovery
16 systems, infiltration in-flow and such other matters as may be
17 prescribed by federal statute or United States Environmental
18 Protection Agency, or as may be deemed appropriate by the
19 commissioners to the operation of the sewerage system or to
20 retain eligibility for financial assistance.

21 The commissioners are also authorized to institute a civil
22 action in the Superior Court for injunctive relief to prevent or
23 restrain any action which adversely affects or threatens to
24 adversely affect public health or safety or the operation of the
25 sewerage system.

26 The United States Environmental Protection Agency has
27 requested the Passaic Valley Sewerage District to adopt the
28 enforcement provisions of this bill.

29

31

AUTHORITIES AND REGIONAL COMMISSIONS

Sewerage

33

34 Authorizes the Passaic Valley Sewerage District commissioners
35 to impose civil penalties for certain violations and to seek
injunctive relief.

ASSEMBLY COUNTY GOVERNMENT AND REGIONAL
AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 2575

STATE OF NEW JERSEY

LAW LIBRARY COPY
DO NOT REMOVE

DATED: JANUARY 23, 1989

The Assembly County Government and Regional Authorities Committee reports Senate Bill No. 2575 favorably.

Senate Bill No. 2575 authorizes the board of commissioners of the Passaic Valley Sewerage District to impose and collect civil penalties of up to \$1,000.00 per violation per day for any violation of rules or regulations adopted by the commissioners pertaining to pretreatment requirements, user charges, industrial cost recovery systems, infiltration in-flow and such other matters as may be prescribed by federal statute or the United States Environmental Protection Agency, or as may be deemed appropriate by the commissioners to the operation of the sewerage system or to retain eligibility for financial assistance.

The commissioners are also authorized to institute a civil action in the Superior Court for injunctive relief to prevent or restrain any action which adversely affects or threatens to adversely affect public health or safety or the operation of the sewerage system.

The United States Environmental Protection Agency has requested the Passaic Valley Sewerage District to adopt the enforcement provisions of this bill.

Senate Bill No. 2575 is identical to Assembly Bill No. 3423, which also was reported by this committee on January 23, 1989.

SENATE INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 2575
STATE OF NEW JERSEY

DATED: JUNE 13, 1988

LAW LIBRARY COPY
DO NOT REMOVE

The Senate Independent Authorities Committee reports favorably Senate Bill No. 2575.

This bill authorizes the commissioners of the Passaic Valley Sewerage District to impose and collect a civil penalty of up to \$1,000.00 per day for a violation of the rules or regulations adopted by the commissioners in conformity with requirements imposed by the federal government as a condition of federal assistance. These rules and regulations may include pretreatment requirements, requirements for the adoption of sewer use ordinances, user charges, industrial cost recovery systems, infiltration in-flow and such other matters as may be prescribed by federal statute or United States Environmental Protection Agency, or as may be deemed appropriate by the commissioners to the operation of the sewerage system or to retain eligibility for financial assistance.

The commissioners also are authorized to institute a civil action in the Superior Court for injunctive relief to prevent or restrain any action which adversely affects or threatens to adversely affect public health or safety or the operation of the sewerage system.