

58:12A-4

LEGISLATIVE HISTORY CHECKLIST

WJSA 58:12A-4 ("Safe Drinking Water Act"--regulations--
Amend conditions for exemption)

LAWS OF 1979 CHAPTER 313

Bill No. A3533

Sponsor(s) McConnell and others

Date Introduced July 19, 1979

Committee: Assembly Agriculture and Environment

Senate Energy and Environment

Amended during passage Yes No

Date of Passage: Assembly Dec. 3, 1979

Senate Dec. 17, 1979

Date of approval Jan. 17, 1980

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

9/1/78

1980

ASSEMBLY, No. 3533

STATE OF NEW JERSEY

INTRODUCED JULY 19, 1979

By Assemblywoman McCONNELL, Assemblymen STEWART,
SCHWARTZ, STOCKMAN and Assemblywoman TOTARO

Referred to Committee on Agriculture and Environment

AN ACT to amend the "Safe Drinking Water Act," approved
September 17, 1977 (P. L. 1977, c. 224).

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

1 1. Section 4 of P. L. 1977, c. 224 (C. 58:12A-4) is amended to
2 read as follows:

3 4. a. The commissioner shall prepare, promulgate and enforce
4 and may amend or repeal (1) State primary drinking water
5 regulations that at any given time shall be no less stringent than
6 the complete interim or revised national primary drinking water
7 regulations in effect at that time; (2) State secondary drinking
8 water regulations; and (3) other regulations to protect potable
9 waters, regulate public and nonpublic water systems, and carry
10 out the intent of this act in any one or more areas of the State re-
11 quiring a particular safe drinking water program.

12 b. Subject to section 5. of this act, State primary drinking water
13 regulations shall apply to each public water system in the State,
14 except that such regulations shall not apply to a public water
15 system:

16 (1) Which consists only of distribution and storage facilities
17 and which does not have any collection and treatment facilities;

18 (2) Which obtains all of its water from, but is not owned or
19 operated by, a public water system to which such regulations
20 apply; **[or]**

21 (3) Which does not sell water to any person; *and*

22 (4) *Which does not provide water for potable purposes to any*
23 *carrier which conveys passengers in interstate commerce.*

24 c. The commissioner shall adopt and implement adequate pro-
25 cedures, promulgate appropriate rules and regulations, and issue

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

26 such orders as are necessary for the enforcement of State primary
27 drinking water regulations and for the provision of potable water
28 of adequate volume and pressure; such regulations and procedures
29 to include but not be limited to:

30 (1) Monitoring and inspection procedures;

31 (2) Maintenance of an inventory of public water systems in the
32 State;

33 (3) A systematic program for conducting sanitary surveys of
34 public water systems throughout the State or in a part thereof
35 whenever the commissioner determines that such surveys are
36 necessary or advisable;

37 (4) The establishment and maintenance of a program for the
38 certification of laboratories conducting analytical measurements of
39 drinking water contaminants specified in the State primary and
40 secondary drinking water regulations; and the assurance of the
41 availability to the department of laboratory facilities certified by
42 the administrator and capable of performing analytic measure-
43 ments of all contaminants specified in the State primary and sec-
44 ondary drinking water regulations;

45 (5) The establishment and maintenance of a program concern-
46 ing plans and specifications for the design and construction of new
47 or substantially modified public water systems, which program (a)
48 requires all such plans and specifications, or either, to be first
49 approved by the department before any work thereunder shall be
50 commenced and (b) assures that all such projects, upon completion,
51 will comply with any rules and regulations of the department con-
52 cerning their construction; will be capable of compliance with the
53 State primary drinking water regulations or such requirements of
54 the State secondary drinking water regulations as the commissioner
55 deems applicable, and will deliver water with sufficient volume and
56 pressure to the users of such systems.

57 d. The commissioner shall keep such records and make such
58 reports with respect to his activities under subsections a. and c. of
59 this section as may be required by regulations established by the
60 administrator pursuant to the Federal act;

61 e. The commissioner may require any public water system to
62 install, use, and maintain such monitoring equipment and methods,
63 to perform such sampling, to maintain and retain such records of
64 information from monitoring and sampling activities, to submit
65 such reports of monitoring and sampling results, and to provide
66 such other information as he may require to assist in the establish-
67 ment of regulations under this act, or to determine compliance or
68 noncompliance with this act or with regulations promulgated pur-
69 suant to this act;

70 f. The commissioner shall have the right to enter any premise
 71 upon presentation of appropriate credentials during regular
 72 business hours, in order to test, inspect or sample any feature of
 73 a public water system and in order to inspect, copy or photograph
 74 any monitoring equipment or records required to be kept under
 75 provisions of this act.

76 g. The department shall further transmit copies of all rules and
 77 regulations proposed pursuant to this act to the Senate and General
 78 Assembly on a day on which both Houses shall be meeting in the
 79 course of a regular or special session. The provisions of the afore-
 80 said "Administrative Procedure Act" or any other law to the con-
 81 trary notwithstanding, no such rule or regulation shall take effect
 82 if, within 60 days of the date of its transmittal to the Senate and
 83 General Assembly, the Legislature shall pass a concurrent resolu-
 84 tion stating in substance that the Legislature does not favor such
 85 proposed rule or regulation.

1 2. This act shall take effect immediately.

STATEMENT

This bill amends the "Safe Drinking Water Act" to bring it into conformity with the Federal "Safe Drinking Water Act," P. L. 93-523, 42 U.S.C. § 300 et seq.

Specifically, the bill adds one condition to the three currently in the law which a public water system must meet to qualify for exemption from State primary drinking water regulations, and makes a technical correction which makes it clear that a public water system must satisfy *all* the enumerated conditions to qualify for such exemption.

Because New Jersey's "Safe Drinking Water Act" in its present form does not meet the Federal requirement that State law be at least as stringent as the Federal act, the Environmental Protection Agency is holding in escrow \$128,875.00 of the \$515,500.00 allotted to it pursuant to a State Water Supply Supervision Program grant. Failure to pass this measure by October 1, 1979 will jeopardize the \$128,875.00 from this year's allotment. Nor will the State receive any portion of next year's allotment, \$562,800.00, until this amendment is made. These moneys are needed to fund 18 positions in the Department of Environmental Protection, and to cover certain operating expenses of the Bureau of Potable Water.

A. 3533 (1979)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 17, 1980

PAT SWEENEY

Governor Brendan Byrne today signed the following bills into law:

A-3039, sponsored by Assemblywoman Barbara W. McConnell (D-Hunterdon), which repeals the statutory provisions requiring the licensing of commercial poultry dealers.

A-3042, also sponsored by Assemblywoman McConnell, which strengthens and clarifies the powers of the State Superintendent of Weights and Measures to issue subpoenas to compel testimony and records of persons involved with the weighing and measuring of poultry.

A-3119, sponsored by Assemblyman Robert E. Littell (R-Sussex), which extends the registration period for public accountants for six months under the "Public Accounting Act."

A-3255, sponsored by Assemblyman Richard F. Visotcky (D-Bergen), which authorizes the Division of Youth and Family Services (DYFS), within the Department of Human Services, to enter into written agreements with public, private or voluntary agencies to provide "youth facility aid."

The bill appropriates \$310,000, which the Governor vetoed with a line-item.

A-3275, sponsored by former Assemblywoman Rosemarie Totaro (D-Morris), which appropriates to the Department of Environmental Protection from the State Water Development Fund \$1,013,519 to conduct studies in the furtherance of the statewide water supply master plan.

A-3448, sponsored by Assemblyman Robert P. Hollenbeck (D-Bergen), which extends the jurisdiction of the Natural Resources Council.

The bill clarifies the authority of the Council to issue riparian grants, leases and licenses for lands between the bulkhead line and the three-mile seaward jurisdiction of the State. The bulkhead line is a line fixed by the Council marking the farthest distance from the shore that piers and solid fill can be placed in the waters.

A-3481, sponsored by Assemblyman Robert Burns (D-Bergen), which permits the Commissioner of Insurance to conduct written examinations as a prerequisite for filing a license application.

A-3533, sponsored by Assemblywoman McConnell, which provides that under the "Safe Drinking Water Act" the regulations shall not apply to a public water system which does not provide water for potable purposes to any carrier which conveys passengers in interstate commerce.