

58:11A-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 58:11A-1 et al.

Laws of 1977 Chapter 75 ("Water Quality Planning Act")

Bill No. S1223

Sponsor(s) McGahn & others

Date Introduced February 23, 1976

Committee: Assembly Agriculture & Environment

Senate Energy & Environment; Revenue, Finance & Approp.

Amended during passage Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Feb. 17, 1977

Senate Nov. 15, 1976

Date of approval April 25, 1977

Following statements are attached if available:

Sponsor statement	XXX	No
Committee Statement: Assembly	XXX	No
Senate	Yes	XXX 5/10/76 & 9/23/76
Fiscal Note	XXX	No
Veto message	XXX	No
Message on signing	XXX	No

Following were printed:

Reports	XXX	No
Hearings	XXX	No

For background see:

974.90 N.J. County and Municipal Government Study Commission
W329 Water supply management in NJ,
1975a summary of findings, conclusions
and recommendations.
Eleventh report. April, 1975

FEB 1978

10/4/76

(over)

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974.90 N.J. County and Municipal Government Study Commission
W329 Water quality management: N.J.'s vanishing options.
1973 A draft report. March, 1973

SENATE, No. 1223

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1976

By Senators McGAHN, RUSSO, DWYER, MUSTO and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning water quality planning and specifying the functions, powers and duties of the Department of Environmental Protection, the county governments and certain areawide planning agencies and repealing parts of the statutory law.

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

1 1. This act shall be known, and may be cited, as the "Water
2 Quality Planning Act."

1 2. a. The Legislature finds that the people of the State have a
2 paramount interest in the restoration, maintenance and preserva-
3 tion of the quality of the waters of the State for the protection
4 and preservation of public health and welfare, food supplies, pub-
5 lic water supplies, propagation of fish and wildlife, agricultural
6 and industrial uses, aesthetic satisfaction, recreation, and other
7 beneficial uses; and that the severity of the water pollution prob-
8 lem in the State necessitates continuing water quality management
9 planning in order to develop and implement water quality pro-
10 grams in concert with other social and economic objectives. The
11 Legislature further finds that water quality is dependent upon
12 factors of topography, hydrology, population concentration, in-
13 dustrial and commercial development, agricultural uses, trans-
14 portation and other such factors which vary among and within
15 watersheds and other regions of the State and that ***[population]***
16 *pollution* abatement programs should consider these natural and
17 man-made conditions that influence water quality. The Legislature
18 further finds that the State's groundwaters are a precious and
19 vulnerable resource.

20 b. The Legislature declares that the objective of this act is,
21 wherever attainable, to restore and maintain the chemical, physical
22 and biological integrity of the waters of the State, including

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

23 groundwaters, and the public trust therein; and that areawide
24 waste treatment management planning processes should be
25 developed and implemented in order to achieve this objective and
26 to assure adequate control of sources of water pollutants in the
27 State. The Legislature further declares that wherever practicable
28 and feasible waste treatment management planning areas shall be
29 coterminous with county boundaries, and that wherever appro-
30 priate county governments shall perform such areawide waste
31 treatment management planning; that the Department of Environ-
32 mental Protection shall conduct areawide waste treatment manage-
33 ment planning for all areas of the State without a designated
34 planning agency, and that said Department of Environmental
35 Protection shall establish a continuing planning process which
36 will encourage, direct, supervise and aid areawide planning and
37 which will also incorporate water quality management plans into a
38 comprehensive and cohesive Statewide program directed toward
39 the achievement of water quality objectives; that the Department
40 of Environmental Protection through the continuing planning
41 process and the planning agencies through the areawide planning
42 process shall coordinate and integrate water quality management
43 plans with related Federal, State, regional and local comprehensive
44 land use, functional and other relevant planning activities, pro-
45 grams and policies; and that opportunities for meaningful public
46 participation shall be provided during all phases of the water
47 quality planning management process.

1 3. As used in this act, unless the context clearly requires a
2 different meaning, the following words and terms shall have the
3 following meanings:

4 a. "Areawide plan" means the areawide water quality manage-
5 ment plan authorized in section 5 of this act;

6 b. "Commissioner" means the Commissioner of the Depart-
7 ment of Environmental Protection.

8 c. "Continuing planning process" means the Statewide planning
9 process conducted by the Department of Environmental Protection
10 as authorized in section 7 of this act;

11 d. "Federal Act" means the "Federal Water Pollution Control
12 Act Amendments of 1972" (Public Law 92-500; 33 U. S. C. 1251
13 et seq.).

14 e. "Planning agency" means a single representative organiza-
15 tion capable of developing effective areawide waste treatment
16 management plans for a designated or nondesignated planning
17 area; and

18 f. "Planning area" means those areas designated or nondesig-
19 nated herein or to be designated pursuant to section 4 of this act;

20 g. "Waters of the State" means the ocean and its estuaries, all
21 springs, streams and bodies of surface or ground water, whether
22 natural or artificial, within the boundaries of this State or subject
23 to its jurisdiction.

1 4. a. ***¶**The counties of Salem, Cape May, Monmouth, Somerset,
2 Hunterdon, Warren and Sussex are each hereby designated as
3 areawide waste treatment management planning areas pursuant
4 to the provisions of section 208 of the Federal Water Pollution
5 Control Act Amendments of 1972 for the entire area of each such
6 county which has not previously been designated as part of another
7 planning area provided further, however, that the Somerset
8 planning area shall include those portions of Morris county drain-
9 ing into the north branch of the Raritan and the Hunterdon
10 planning area shall include those portions of Morris county drain-
11 ing into the south branch of the Raritan. The existing designation
12 of the planning area consisting of Camden, Burlington and
13 Gloucester counties and of the planning areas based on the in-
14 dividual counties of Mercer, Middlesex, Ocean, Atlantic and
15 Cumberland are hereby confirmed as planning areas within the
16 boundaries of said existing designation. The area contained in the
17 Passaic and Hackensack River Basins and in those areas draining
18 into the Kill Van Kull and the Hudson river, which is known as the
19 Northeastern New Jersey Metropolitan Water Quality Manage-
20 ment Study Area, is hereby declared a nondesignated planning
21 area for the purpose of areawide waste treatment management
22 planning; provided, however, that the Governor may designate
23 portions of that area as one or more planning areas at any time
24 after the effective date of this act, after he reviews the existing
25 boundaries of the counties, the sewerage treatment agencies and
26 the river basins and sub-basins located therein.¶* *The Governor*
27 *may designate such areas as he may deem appropriate as areawide*
28 *waste treatment management planning areas pursuant to the pro-*
29 *visions of section 208 of the Federal Act. Said designation should*
30 *to the maximum extent practicable conform to county boundaries,*
31 *with appropriate modifications made to take account of the major*
32 *watersheds, as for example by including the south branch of the*
33 *Raritan in a Hunterdon county designation and the north branch*
33A *of the Raritan in a Somerset county designation. The existing*
33B *designation of certain planning ares is hereby confirmed.** The
33C Governor may also amend the boundaries contained in any of the

33D designated or nondesignated planning areas at any time after the
33E effective date of this act pursuant to the procedures required by the
33F Federal Act after he reviews the existing boundaries of the counties,
33G the sewerage treatment agencies and the river basins and sub-
33H basins located in that area. The Governor shall take whatever addi-
33I tional steps are required to implement this section.

34 b. The Governor shall designate, where practicable and appro-
35 priate and wherever the county conforms to the applicable require-
36 ments of the Federal Act or regulations promulgated pursuant
37 thereto, the county board of chosen freeholders as the designated
38 areawide planning agency in accordance with section 208 of the
39 Federal Act. The existing designation of certain areawide
40 planning agencies for certain planning areas is hereby confirmed.

1 5. Every designated planning agency and the Department of
2 Environmental Protection for all areas of the State without a
3 designated planning agency, shall conduct an areawide waste treat-
4 ment management planning process and submit an areawide plan
5 for that area to the Governor for adoption. Every county planning
6 board may also conduct a countywide waste treatment management
7 planning process and prepare a county water quality management
8 plan, which plan shall be consistent with the areawide plan or plans
9 provided for herein. The areawide plan shall be consistent with the
10 Statewide continuing planning process and shall be in conformance
11 with the rules and regulations promulgated by the commissioner
12 pursuant to section 9 of this act. Each planning agency shall
13 coordinate its work with every other planning agency with which it
14 shares a river basin or sub-basin and shall refer any conflicts
15 between itself and any such planning agency to the commissioner
16 for his mediation. The areawide plan shall include, but not be
17 limited to:

18 a. The identification of treatment works necessary to meet the
19 anticipated municipal and industrial waste treatment needs of the
20 area over a twenty-year period, annually updated, including an
21 analysis of alternative waste treatment systems and any require-
22 ments for the acquisition of land for treatment purposes; the
23 identification of the necessary waste water collection and urban
24 storm water runoff systems; and the determination of a program to
25 provide the necessary financial arrangements for the development
26 of such treatment works;

27 b. The establishment of construction priorities for such treat-
28 ment works and time schedules for the initiation and completion
29 of all treatment works;

30 c. The establishment of a regulatory program:

31 (1) to provide control or treatment of all point and nonpoint
32 sources of pollution, including in-place or accumulated pollution
33 sources, to the extent practicable;

34 (2) to regulate the location, modification, and construction of
35 any facilities within such area which may result in any discharge
36 in such area, and

37 (3) to assure that any industrial or commercial wastes dis-
38 charged into any treatment works in such area meet applicable pre-
39 treatment requirements;

40 d. The identification of those existing or required agencies or
41 political subdivisions necessary to construct, operate and maintain
42 all facilities required by the plan and otherwise necessary to carry
43 out the plan;

44 e. The identification of the measures necessary to carry out the
45 plan, including financing, the period of time necessary to carry out
46 the plan, the costs of carrying out the plan within such time, and
47 the economic, social, and environmental impact of carrying out the
48 plan within such time;

49 f. A process: (1) to identify, if appropriate, agriculturally and
50 silviculturally related nonpoint sources of pollution, including
51 runoff from manure disposal areas and from land used for live-
52 stock and crop production; and (2) to set forth procedures and
53 methods including land use requirements, to control to the extent
54 feasible such sources;

55 g. A process: (1) to identify, if appropriate, mine-related sources
56 of pollution including new, current, and abandoned surface and
57 underground mine runoff; and (2) to set forth procedures and
58 methods, including land use requirements to control to the extent
59 feasible such sources;

60 h. A process: (1) to identify construction activity related
61 sources of pollution; and (2) to set forth procedures and methods,
62 including land use requirements, to control to the extent feasible
63 such sources;

64 i. A process: (1) to identify, if appropriate, salt water intrusion
65 into rivers, lakes, and estuaries resulting from reduction of fresh
66 water flow from any cause, including irrigation, obstruction,
67 ground water extraction, and diversion; and (2) to set forth pro-
68 cedures and methods to control such intrusion to the extent feasible
69 where such procedures and methods are otherwise a part of the
70 waste treatment management plan;

71 j. A process to control the disposition of all residual waste
72 generated in such area which could affect water quality;

73 k. A process to control the disposal of pollutants on land or in
74 subsurface excavations within such area to protect ground and
75 surface water quality.

1 6. a. In every planning area in the State, the designated
2 planning agency or the Department of Environmental Protection
3 for all areas of the State without a designated planning agency,
4 shall consult the concerned county planning board or boards and
5 shall consider the advice of said county planning board or boards
6 for the planning area, and shall prepare all appropriate reports,
7 working papers, and plans in a manner which facilitates such con-
8 sultation with said county planning board or boards.

9 b. To assist the areawide planning agency in formulating its
10 plan, the agency shall appoint one or more policy and technical
11 advisory councils, consisting of selected elective and appointive
12 officials and members of the general public. The areawide plan
13 shall be prepared by the areawide agency only after consultation
14 with its policy or technical advisory council or councils.

1 7. The commissioner shall conduct a continuing planning process
2 which shall:

3 a. Integrate and unify the statewide and areawide water quality
4 management planning processes;

5 b. Conduct a statewide assessment of water quality and establish
6 water quality goals and water quality standards for the waters of
7 the State;

8 c. Develop a statewide implementation strategy to achieve the
9 water quality standards, which shall include, but not be limited to:

10 (1) the determination of effluent limitations and schedules of
11 compliance at least as stringent as those required by the Federal
12 Act;

13 (2) the determination of the total maximum daily load for
14 pollutants necessary to meet the water quality standards;

15 (3) the incorporation of all elements of any areawide waste
16 management plan prepared pursuant to this act;

17 (4) an inventory and ranking of needs, in order of priority, for
18 the construction of municipal waste treatment works needed to
19 meet the water quality goals and standards;

20 (5) methods for controlling all residual wastes from any water
21 treatment processing.

22 The commissioner may delegate aspects of the continuing
23 planning process to other State, Federal, interstate or local

24 agencies. The commissioner shall coordinate and integrate the
 25 continuing planning process with related Federal, State, regional
 26 and local comprehensive, functional and other relevant planning
 27 activities, programs and policies.

1 8. The Department of Environmental Protection and all areawide
 2 waste treatment management planning agencies shall establish a
 3 comprehensive public participation program directed towards in-
 4 forming the public and involving it in the water quality manage-
 5 ment planning process. Opportunities for meaningful public
 6 participation shall be provided during determination of planning
 7 goals, plan development, review, and adoption in accordance with
 8 the policy of this act and all applicable requirements of law.

1 9. The commissioner may, pursuant to the "Administrative
 2 Procedures Act" P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt
 3 rules and regulations for the preparation and adoption of area-
 4 wide plans by the areawide planning agencies and in order to
 5 effectuate the purposes of this act.

1 10. All projects and activities affecting water quality in any
 2 planning area shall be developed and conducted in a manner con-
 3 sistent with the adopted areawide plan. The commissioner shall
 4 not make any grant for construction of a publicly owned treatment
 5 works to any agency not identified as the necessary agency to
 6 construct said facilities pursuant to any adopted areawide plan.
 7 The commissioner shall not grant any permit which is in conflict
 8 with an adopted areawide plan.

1 11. This act shall be liberally construed. If any one or more
 2 sections, clauses, sentences, or parts of this act shall for any reason
 3 be questioned in any court, and shall be judged unconstitutional or
 4 invalid, such judgment shall not affect, impair or invalidate the
 5 remaining provisions thereof, but shall be confined in its operation
 6 to the specific provisions so held unconstitutional or invalid.

1 12. The following sections, acts and parts of acts are hereby
 2 repealed:

- 3 P. L. 1971, c. 132 (R. S. 13:10-7),
- 4 R. S. 40:30-1 to 40:30-17, both inclusive,
- 5 R. S. 40:31-1 to 40:31-3, both inclusive,
- 6 R. S. 40:57-1 to 40:57-11, both inclusive,
- 7 P. L. 1909, c. 269 (R. S. 40:154-1),
- 8 R. S. 40:154-2 to 40:154-13, both inclusive,
- 9 R. S. 40:156-1 to 40:156-8, both inclusive,
- 10 R. S. 58:12-7 to 58:12-40, both inclusive,
- 11 R. S. 58:13-1, 58:13-2.

- 12 P. L. 1940, c. 46 (amending and supplementing P. L. 1909, c. 269
13 saved from repeal by R. S. 54:154-1),
14 P. L. 1951, c. 336, s. 11 (C. 40:154-1.6),
15 P. L. 1955, c. 112 (C. 40:154-1.7 to 40:154-1.10),
16 P. L. 1959, c. 93 (C. 40:154-1(26) to 40:154-1(28)).
1 13. This act shall take effect immediately.

REFERENCE USE ONLY

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1223

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 1976

The "Water Quality Planning Act" establishes a process for planning and managing a comprehensive pollution control program for municipal and industrial wastewater, storm and combined sewer runoff, nonpoint source pollutants and water quality as it relates to land use. The act designates county governments, in most cases, as the proper unit to perform areawide water quality management planning as required by section 208 of the Federal Water Pollution Control Act Amendments of 1972. In a similar manner it authorizes the Department of Environmental Protection to conduct a continuing planning process as required by the Federal act which will integrate and unify the State-wide and areawide water quality management planning processes.

A basic purpose of this bill is to make certain that areawide planning and policy formulation is conducted by areawide personnel familiar with local conditions and that all concerned agencies, such as sewerage treatment agencies, soil conservation districts, health departments and planning boards, be involved in determining our future pollution control strategy for point and nonpoint sources.

The areawide plan includes the identification of needed sewerage and storm water runoff facilities for a 20-year period, the establishment of time schedules for the completion of such facilities, the determination of the agencies necessary to construct and operate the facilities, the determination of a method of financing such facilities and the development of procedures to control agricultural, silvicultural, mine related and construction activity related sources of pollution and residual, solid and hazardous waste.

The act repeals a series of redundant and overlapping local government statutes which were enacted over the time period from 1881 to 1971.

The administration, the County and Municipal Government Study Commission and various environmental groups support this bill.

SENATE COMMITTEE AMENDMENTS

The Senate committee amendments removed the designation of specific areawide waste treatment management planning areas and authorize the Governor to designate areawide planning areas which to the maximum extent practicable conform to county boundaries with appropriate modifications made to take account of the major watersheds.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1223

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1976

The committee concurs in the Senate Energy and Environment
Committee statement on this bill.