



ASSEMBLY, No. 795

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1970

By Assemblymen KEAN, WILSON, DENNIS, FIORE, GOLDFARB,  
RINALDI, CAPUTO and KALTENBACHER

Referred to Committee on Agriculture, Conservation and  
Natural Resources

AN ACT concerning waters and water supply, amending R. S.  
58:12-3 and supplementing chapter 12 of Title 58 of the Revised  
Statutes.

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

1 1. R. S. 58:12-3 is amended to read as follows:

2 58:12-3. Except under such conditions as shall be approved by  
3 the department, no person, corporation or municipality shall build  
4 any sewer, drain or sewerage system from which it is designed that  
5 and sewage, *industrial waste waters* or other harmful and  
6 deleterious matter, solid or liquid, shall flow into any of the waters  
7 of this State, or build, cause to be built or operate any plant for  
8 the treatment of sewage or other polluting substance from which  
9 the effluent is to flow into any of such waters, or, after the date  
10 specified in the notice provided for by section 58:12-2 of this Title,  
11 permit any sewage or other polluting matter to flow into such  
12 waters from any sewer, drain or sewerage system under its control.  
13 Before the building of any plant for the treatment of sewage or  
14 other polluting substance as aforesaid, any new plans therefor  
15 shall be submitted to the department.

16 In reviewing plans submitted in compliance with this section and  
17 in determining conditions under which such plans may be approved,  
18 the department shall give due consideration to community develop-  
19 ment of comprehensive regional sewerage facilities in order to be  
20 assured insofar as is practicable that all proposed sewerage works  
21 shall conform to reasonably contemplated development of com-  
22 prehensive community or regional sewage facilities.

1 2. Whoever violates the provisions of chapter 12 of Title 58 of  
2 the Revised Statutes shall be liable to a penalty of not less than

3 \$500.00 nor more than \$2,500.00 to be collected in a civil action by  
4 a summary proceeding under the Penalty Enforcement Law  
5 (N. J. S. 2A:58-1 et seq.) or in any case before a court of competent  
6 jurisdiction wherein injunctive relief has been requested. If the  
7 violation is of a continuing nature, each day during which it con-  
8 tinues shall constitute an additional separate and distinct violation.  
1 3. This act shall take effect immediately.

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#### STATEMENT

The purpose of the amendment to R. S. 58:12-3 proposed in this bill is to clarify the existing law by making clear that industrial waste waters are harmful and deleterious as those terms are used in this section.

This bill further provides penalties for violations of chapter 12 of Title 58, dealing with sewerage systems and water pollution.

ASSEMBLY COMMITTEE AMENDMENTS TO

**ASSEMBLY, No. 795**

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 30, 1970

Amend page 1, section 1, line 3, after "build", insert "or use".

Amend page 1, section 1, line 5, after "waters", insert ", municipal waste waters".

Amend page 2, section 2, line 3, omit "\$500.00", insert "\$1,000.00"; omit "\$2,500.00", insert "\$3,000.00".

Amend page 2, section 2, line 5, after "(N. J. S. 2A:58-1 et seq.)", insert ".".

Amend page 2, section 2, lines 5 and 6, delete "or in any case before a court of competent jurisdiction wherein injunctive relief has been requested."

Amend page 2, section 2, line 8, after "violation.", insert the following: "The Superior Court, County Court, county district court and the municipal courts shall all have jurisdiction to enforce said Penalty Enforcement Law in connection with this act."

CHAPTER 91      N. J. 1970

APPROVED 6/8/70

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6 *waste waters\** or other harmful and deleterious matter, solid or  
7 liquid, shall flow into any of the waters of this State, or build, cause  
8 to be built or operate any plant for the treatment of sewage or other  
9 polluting substance from which the effluent is to flow into any of  
10 such waters, or, after the date specified in the notice provided for  
11 by section 58:12-2 of this Title, permit any sewage or other pollut-  
12 ing matter to flow into such waters from any sewer, drain or sewer-  
13 age system under its control. Before the building of any plant for  
14 the treatment of sewage or other polluting substance as aforesaid,  
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3 \***[\$500.00]**\* \*\$1,000.00\* nor more than \***[\$2,500.00]**\* \*\$3,000.00\*  
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5 Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.) \***[or in any**  
6 case before a court of competent jurisdiction wherein injunctive  
7 relief has been requested]\*. If the violation is of a continuing  
8 nature, each day during which it continues shall constitute an addi-  
9 tional separate and distinct violation. \**The Superior Court,*  
10 *County Court, county district court and the municipal courts shall*  
11 *all have jurisdiction to enforce said Penalty Enforcement Law in*  
12 *connection with this act.\**

1     3. This act shall take effect immediately.