

58:11B-1

LEGISLATIVE HISTORY CHECKLIST

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(NJ Environmental Trust)

NJSA: 58:11B-1 et al

LAWS OF: 1997 CHAPTER: 224

BILL NO: A1511

SPONSOR(S): Gibson and others

DATE INTRODUCED: February 8, 1996

COMMITTEE: ASSEMBLY: Appropriations; Agriculture

SENATE: Budget; Environment

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: October 21, 1997

SENATE: May 16, 1997

DATE OF APPROVAL: August 20, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 5-13-96 & 2-22-96

SENATE: Yes 1-14-97 & 12-16-96

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"Whitman signs wastewater bills," 8-21-97, Atlantic City Press.

KBP:pp

§23  
C. 58:11B-10.1  
§24  
C. 58:11B-20.1  
§25  
C. 58:11B-21.1  
§§26,27  
C. 58:11B-22.1 &  
58:11B-22.2

P.L. 1997, CHAPTER 224, *approved August 20, 1997*  
Assembly, No. 1511 (*Second Reprint*)

1 AN ACT concerning the financing of environmental infrastructure  
2 projects, and amending and supplementing the title and body of  
3 P.L.1985, c.334.  
4

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

7  
8 1. The title of P.L.1985, c.334 is amended to read as follows:

9 AN ACT establishing the New Jersey [Wastewater Treatment]  
10 Environmental Infrastructure Trust, defining the functions, duties  
11 and powers thereof, including the authorization to issue bonds,  
12 notes and other obligations and to establish any reserve funds  
13 necessary therefor, and to make loans to and guarantee debt  
14 incurred by local government units for [wastewater treatment  
15 system] environmental infrastructure projects.

16 (cf: P.L.1985, c.334, title)  
17

18 2. Section 1 of P.L.1985, c.334 (C.58:11B-1) is amended to read  
19 as follows:

20 1. This act shall be known and may be cited as the "New Jersey  
21 [Wastewater Treatment] Environmental Infrastructure Trust Act."

22 (cf: P.L.1985, c.334, s.1)  
23

24 3. Section 2 of P.L.1985, c.334 (C.58:11B-2) is amended to read  
25 as follows:

26 2. a. The Legislature finds that the steady deterioration of older  
27 sewage and sewer systems and wastewater treatment plants endangers  
28 the availability and quality of uncontaminated water resources of the  
29 State, thereby posing a grave danger to the health, safety and welfare  
30 of the residents of the concerned communities and the State; that the

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AAW committee amendments adopted February 22, 1996.

<sup>2</sup> Senate SEN committee amendments adopted December 16, 1996.

1 construction, rehabilitation, operation, and maintenance of modern and  
2 efficient sewer systems and wastewater treatment plants are essential  
3 to protecting and improving the State's water quality; that in addition  
4 to protecting and improving water quality, adequate wastewater  
5 treatment systems are essential to economic growth and development;  
6 that many of the wastewater treatment systems in New Jersey must be  
7 replaced or upgraded if an inexorable decline in water quality is to be  
8 avoided during the coming decades; that the United States Congress  
9 in recognition of the crucial role wastewater treatment systems and  
10 plants play in maintaining and improving water quality, and with an  
11 understanding that the cost of financing and constructing these systems  
12 must be borne by local governments and authorities with limited  
13 sources of revenues, established in the "Federal Water Pollution  
14 Control Act Amendments of 1972," P.L.92-500 (33 U.S.C. §1251 et  
15 al.) a program to provide local governments with grants for  
16 constructing these systems; that during the last several years the  
17 amount of federal grant money available to states and local  
18 governments for assistance in constructing and improving wastewater  
19 treatment systems has sharply diminished; that the current level of  
20 federal grant funding is inadequate to meet the cost of upgrading the  
21 State's wastewater treatment capacity to comply with State water  
22 quality standards; that the collective needs of the State and local  
23 governments for capital financing of wastewater treatment systems far  
24 exceed the sums of money presently available through revenue  
25 initiatives and State and federal aid programs; and that it is fitting and  
26 proper for the State to encourage local governments to undertake  
27 wastewater treatment projects through the establishment of a State  
28 mechanism to provide loans at the lowest reasonable interest rates and  
29 to guarantee or insure local capital improvement bonds.

30 b. The Legislature finds that stormwater runoff and combined  
31 sewer overflows are among the major sources of ocean pollution,  
32 contributing to beach closings; that combined sewer systems discharge  
33 untreated wastewater and stormwater into rivers, streams and coastal  
34 waters during wet weather, resulting in water pollution; that some  
35 combined sewer systems have deteriorated to the point that overflows  
36 occur regularly, even during dry weather; that many sewer systems are  
37 on inadequate repair and replacement programs, which may cause  
38 disturbances at sewage treatment plants; that many municipalities are  
39 under building moratoriums due to the inadequacy of their sewage and  
40 stormwater collection systems, which severely affect municipal  
41 budgets; and that large unmet capital expenses exist for combined  
42 sewer system separation and abatement projects.

43 The Legislature further finds that funding at the federal level for  
44 wastewater treatment, stormwater management and combined sewer  
45 system rehabilitation projects is insufficient; that State funds available  
46 for these projects are inadequate to meet current needs; that local

1 revenues are insufficient to meet these expenses; and that additional  
2 funding at the State level is necessary to meet this financial obligation.

3 c. <sup>2</sup>[The Legislature finds that the proper in-state disposal of solid  
4 waste and the maximum practical recovery of recyclable materials from  
5 solid waste are matters of basic concern to all citizens of this State,  
6 and ensuring the implementation of an efficient solid waste  
7 management strategy is a governmental function thoroughly imbued  
8 with the public interest; that the continued exportation of a significant  
9 portion of New Jersey's solid waste stream to out-of-state disposal  
10 sites is a short-sighted expedient; and that for self-evident economic,  
11 environmental and public health considerations, it is imperative that  
12 the State renew its commitment to, and provide the resources for,  
13 achieving self-sufficiency with respect to solid waste disposal.

14 The Legislature further finds that the environmentally sound and  
15 proper closure of municipal solid waste landfills, including the  
16 remediation of contamination problems posed by terminated but  
17 improperly closed municipal landfills, is a governmental function  
18 affected with the public interest; that while the "Sanitary Landfill  
19 Facility Closure and Contingency Fund Act," P.L.1981, c.306  
20 (C.13:1E-100 et seq.) provided a means by which the owners and  
21 operators of sanitary landfill facilities would provide financial  
22 assurance for proper closure, it provides no funds for municipal solid  
23 waste landfills terminated prior to its enactment; <sup>1</sup>that while municipal  
24 solid waste landfills located in the Pinelands area were required to  
25 terminate operations by August 8, 1990 in accordance with the  
26 "National Parks and Recreation Act of 1978" (PL 95-625), the  
27 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), and  
28 the comprehensive management plan prepared and adopted by the  
29 Pinelands Commission pursuant thereto, financial assurances for the  
30 proper closure of these terminated municipal landfills as required by  
31 the "Sanitary Landfill Facility Closure and Contingency Fund Act"  
32 were not adequate due to the limited time in which they were accrued; <sup>1</sup>  
33 that while the responsibility for the proper closure of municipal solid  
34 waste landfills that ceased operating prior to the enactment of  
35 P.L.1981, c.306 should ideally rest with the users thereof, the  
36 considerable closing costs, including the cost of remediating  
37 contamination problems, required to ensure the proper closure of these  
38 facilities are, in many cases, beyond the financial capabilities of  
39 affected municipalities; that the various environmental problems  
40 resulting from terminated municipal landfills, including methane gas  
41 migration, soil erosion, and ground and surface water contamination,  
42 affect the quality of life of all citizens of this State; and that since the  
43 proper closure and post-closure care required at each terminated  
44 municipal landfill will ultimately enhance the quality of life of all  
45 citizens of New Jersey, the State has the responsibility to provide  
46 financial assistance to municipalities to stabilize these costs in an

1 efficient and equitable manner.

2 The Legislature further finds that in many cases it may be beneficial  
3 for local governments to mine sanitary landfills for the purposes of (1)  
4 extracting materials to be used, reused, recycled, sold or composted;  
5 (2) reclaiming land; or (3) recovering landfill disposal capacity; that it  
6 is in the public interest for local governments to mine certain sanitary  
7 landfills; and that State financial assistance may be necessary for local  
8 governments to initiate landfill mining projects.

9 The Legislature therefore determines that it is appropriate for the  
10 State to encourage local governments to undertake solid waste  
11 management projects, landfill mining projects and the environmentally  
12 sound closure of municipal solid waste landfills, including the cost of  
13 remediating contamination problems posed by terminated but  
14 improperly closed municipal landfills, and in the public interest to  
15 establish a State mechanism to provide loans at the lowest reasonable  
16 interest rates and to guarantee or insure local capital improvement  
17 bonds for these purposes.

18 d.]<sup>2</sup> The Legislature finds that construction, rehabilitation,  
19 operation and maintenance of modern and efficient water supply  
20 facilities are essential to protecting and improving the State's water  
21 quality; that the citizens of this State, in recognition of the crucial role  
22 the construction of new and the upgrading of existing water supply  
23 facilities play in maintaining and augmenting the natural water  
24 resources of the State, and with an understanding that the cost of  
25 financing and constructing these systems is beyond the limited financial  
26 resource capabilities of local governments and authorities and must be  
27 subsidized by the State and repaid through a system of water supply  
28 user charges, approved the enactment of the "Water Supply Bond Act  
29 of 1981" (P.L.1981, c.261); that the water supply needs of the State  
30 are so great that the funds allocated for this purpose from the "Water  
31 Supply Fund" established by that 1981 bond act should be augmented  
32 and maximized, to the extent practicable, through the use of  
33 alternative methods of State financing to offset the costs of water  
34 supply projects and for the construction of new or the rehabilitation of  
35 antiquated or inadequate existing water supply facilities <sup>2</sup>; that the  
36 United States Congress in recognition of the essential role that safe  
37 drinking water plays in protecting the public health, and with an  
38 understanding that financing, constructing and maintaining water  
39 systems that meet the requirements of the "Safe Drinking Water Act,"  
40 42 U.S.C. §300f et seq. exceed the financial and technical capacity of  
41 the operators of some water systems, has established in the "Safe  
42 Drinking Water Act Amendments of 1996," P.L.104-182, a program  
43 to provide public water systems with financial assistance to meet  
44 national primary drinking water regulations or to otherwise further the  
45 health protection objectives of the federal law and that the State must,  
46 in order to make use of the federal funds, provide State funds for the

1 program; and therefore, State funding for the program is necessary to  
2 meet this financial obligation<sup>2</sup> .

3 <sup>2</sup>[e.] d.<sup>2</sup> The Legislature therefore determines that it is in the  
4 public interest to establish a State authority authorized to issue bonds,  
5 notes and other obligations and to establish any reserve funds  
6 necessary therefor, and to make loans to and guarantee debt incurred  
7 by local government units for [wastewater treatment system]  
8 environmental infrastructure projects.

9 (cf: P.L.1985, c.334, s.2)

10

11 4. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read  
12 as follows:

13 3. As used in [this act] sections 1 through 27 of P.L.1985, c.334  
14 (C.58:11B-1 through 58:11B-27) and sections 23 through <sup>2</sup>[34] 27<sup>2</sup>  
15 of P.L. ., c. (C. )(before the Legislature as this bill):

16 [a.] "Bonds" means bonds issued by the trust pursuant to [this act]  
17 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. ., c. (C. ) (before  
18 the Legislature as this bill);

19 <sup>2</sup>["Closure" means all activities associated with the design,  
20 purchase, construction or maintenance of all measures required by the  
21 department, pursuant to law, in order to remediate, prevent, minimize  
22 or monitor pollution or health hazards resulting from municipal solid  
23 waste landfills subsequent to the termination of operations at any  
24 portion thereof, including, but not limited to, the placement of final  
25 earthen or vegetative cover, groundwater remediation, the installation  
26 of methane gas vents or monitors and leachate monitoring wells or  
27 collection systems, and long-term operations and maintenance:]<sup>2</sup>

28 "Combined sewer system" means a sewer system designed to carry  
29 sanitary <sup>2</sup>[sewage] wastewater<sup>2</sup> at all times, which is also designed to  
30 collect and transport stormwater runoff from streets and other sources,  
31 thereby serving a combined purpose;

32 "Combined sewer overflow" means the discharge of untreated or  
33 partially treated stormwater runoff and wastewater from a combined  
34 sewer <sup>2</sup>system<sup>2</sup> into a body of water;

35 <sup>2</sup>["Commercial solid waste" means any nonhazardous solid waste  
36 derived from wholesale, retail or service establishments, including  
37 stores, markets, theaters, offices, restaurants, warehouses, or from  
38 other non-manufacturing commercial activities:]<sup>2</sup>

39 [b.] "Commissioner" means the Commissioner of the Department  
40 of Environmental Protection;

41 <sup>2</sup>["Composting facility" means a solid waste facility at which the  
42 organic components of solid waste are processed and separated  
43 utilizing manual or mechanical methods and broken down into their  
44 chemical elements and compounds to form humus for the purposes of  
45 beneficial use or reuse as approved by the department:]<sup>2</sup>

46 [c.] "Cost" means the cost of all labor, materials, machinery and

1 equipment, lands, property, rights and easements, financing charges,  
2 interest on bonds, notes or other obligations, plans and specifications,  
3 surveys or estimates of costs and revenues, engineering and legal  
4 services, and all other expenses necessary or incident to all or part of  
5 [a wastewater treatment system] an environmental infrastructure  
6 project;

7 **[d.]** "Department" means the Department of Environmental  
8 Protection;

9 <sup>2</sup>["Designated agency" means the public authority, or the  
10 department, unit or committee of the county government, which is  
11 designated by the board of chosen freeholders to supervise the  
12 implementation of the district solid waste management plan pursuant  
13 to section 12 of P.L.1975, c.326 (C.13:1E-21), including the  
14 implementation of the district recycling plan required pursuant to  
15 section 3 of P.L.1987, c.102 (C.13:1E-99.13), and which has statutory  
16 power to enter into contracts or agreements and to borrow money;

17 "Environmentally sound sanitary landfill facility" means a sanitary  
18 landfill facility that meets State and federal design criteria, and is  
19 equipped with a liner or liners, a leachate control and collection  
20 system, and a groundwater pollution monitoring system, or any other  
21 pollution control or other engineering device required by the  
22 department pursuant to law or rule and regulation, and which is  
23 identified and included in a district solid waste management plan  
24 pursuant to the provisions of the "Solid Waste Management Act,"  
25 P.L.1970, c.39 (C.13:1E-1 et seq.);

26 "Household solid waste" means any solid waste derived from  
27 households, including but not limited to single and multiple residences,  
28 hotels and motels, bunkhouses, ranger stations, crew quarters,  
29 campgrounds, picnic grounds and day use recreation areas, except that  
30 "household solid waste" shall not include septic waste as defined in  
31 section 3 of P.L.1970, c.40 (C.48:13A-3);

32 "Industrial solid waste" means any solid waste derived from  
33 manufacturing, industrial and research and development processes and  
34 operations that is not a hazardous waste as defined in section 1 of  
35 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall  
36 not include mining waste, oil waste, gas waste, or cement kiln dust  
37 waste;

38 "Landfill mining project" means any work relating to the  
39 environmentally sound excavation and removal of materials from a  
40 sanitary landfill facility for the purposes of recycling, use, reuse, sale,  
41 or composting that meets the requirements set forth in sections 25, 26,  
42 27 and 33 of P.L. . c. (C. ) (before the Legislature as this  
43 bill);]<sup>2</sup>

44 **[e.]** "Local government unit" means (1) a county, municipality,  
45 municipal or county sewerage or utility authority, municipal sewerage  
46 district, joint meeting, improvement authority, or any other political

1 subdivision authorized to construct, operate and maintain wastewater  
2 treatment systems; <sup>2</sup>[(2) a county, designated agency, public authority  
3 or any other political subdivision of the State authorized to construct,  
4 operate or maintain a resource recovery facility, composting facility,  
5 materials recovery facility, recycling center, or an environmentally  
6 sound sanitary landfill facility; (3) a county, municipality, designated  
7 agency, public authority or any other political subdivision of the State  
8 authorized to undertake a landfill mining project or a municipal solid  
9 waste landfill closure project, and to borrow money therefor.]]<sup>2</sup> or  
10 <sup>2</sup>[(4)] (2)<sup>2</sup> a State authority, district water supply commission, county,  
11 municipality, municipal or county utilities authority, municipal water  
12 district, joint meeting or any other political subdivision of the State  
13 authorized pursuant to law to operate or maintain a public water  
14 supply system or to construct, rehabilitate, operate or maintain water  
15 supply facilities or otherwise provide water for human consumption:

16 <sup>2</sup>["Materials recovery facility" means a transfer station or other  
17 authorized solid waste facility at which nonhazardous solid waste,  
18 which material is not source separated by the generator thereof prior  
19 to collection, is received for onsite processing and separation utilizing  
20 manual or mechanical methods for the purposes of recovering  
21 compostable, reusable or recyclable materials for disposition and  
22 recycling prior to the disposal of the residual solid waste at an  
23 authorized solid waste facility;

24 "Municipal solid waste landfill" means a landfill that received for  
25 disposal household solid waste and at least one of the following: (1)  
26 commercial solid waste; (2) industrial solid waste; or (3) waste  
27 material that was received for disposal prior to October 21, 1976 and  
28 that is included within the definition of hazardous waste adopted by  
29 the federal government pursuant to the "Resource Conservation and  
30 Recovery Act," at 42 U.S.C. §6921; except that "municipal solid waste  
31 landfill" shall not include any landfill that is approved for disposal of  
32 hazardous waste and regulated pursuant to Subchapter III of the  
33 "Resource Conservation and Recovery Act," 42 U.S.C. §6921 et seq;

34 "Municipal solid waste landfill closure project" means any work  
35 relating to the environmentally sound and proper closure of a  
36 municipal solid waste landfill that meets the requirements set forth in  
37 sections 25, 26, 27 and 32 of P.L. , c. (C. ) (before the  
38 Legislature as this bill);]]<sup>2</sup>

39 **[f.]** "Notes" means notes issued by the trust pursuant to **[this act]**  
40 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
41 the Legislature as this bill);

42 **[g.]** "Project" or "environmental infrastructure project" means the  
43 acquisition, construction, improvement, repair or reconstruction of all  
44 or part of any structure, facility or equipment, or real or personal  
45 property necessary for or ancillary to any (1) wastewater treatment  
46 system **[**which meets the requirements set forth in sections 20, 21 and



1 22 of this act] project, including any stormwater management or  
2 combined sewer overflow abatement projects; <sup>2</sup>[(2) solid waste  
3 management project, including any landfill mining project or municipal  
4 solid waste landfill closure project; ]<sup>2</sup> or <sup>2</sup>[(3)] (2)<sup>2</sup> water supply  
5 project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et  
6 seq.) or P.L. , c. (C. )](before the Legislature as this bill);

7 <sup>2</sup>["Public authority" means a solid waste management authority  
8 created pursuant to the "solid waste management authorities law,"  
9 P.L.1968, c.249 (C.40:66A-32 et seq.); a municipal or county utilities  
10 authority created pursuant to the "municipal and county utilities  
11 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); an incinerator  
12 authority created pursuant to the "incinerator authorities law,"  
13 P.L.1948, c.348 (C.40:66A-1 et seq.); a county improvement authority  
14 created pursuant to the "county improvement authorities law,"  
15 P.L.1960, c.183 (C.40:37A-44 et seq.); a pollution control financing  
16 authority created pursuant to the "New Jersey Pollution Control  
17 Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or any other  
18 public body corporate and politic created for solid waste management  
19 purposes in any county or municipality pursuant to the provisions of  
20 any law;]<sup>2</sup>

21 "Public water utility" means any investor-owned water company or  
22 small water company that is subject to the jurisdiction or rate  
23 regulation of the Board of Public Utilities as a public utility;

24 <sup>2</sup>["Recycling center" means any facility designed and operated  
25 solely for receiving, storing, processing or transferring source  
26 separated recyclable materials;

27 "Resource recovery facility" means a solid waste facility  
28 constructed and operated for the incineration of solid waste for energy  
29 production and the recovery of metals and other materials for reuse,  
30 or a mechanized composting facility, or any other facility constructed  
31 or operated for the collection, separation, recycling, and recovery of  
32 metals, glass, paper, and other recyclable materials for reuse or for  
33 energy production, and which is identified and included in a district  
34 solid waste management plan pursuant to the provisions of the "Solid  
35 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);

36 "Sanitary landfill facility" means a solid waste facility at which solid  
37 waste is deposited on or in the land as fill for the purpose of  
38 permanent disposal or storage for a period exceeding six months,  
39 except that it shall not include any waste facility approved for the  
40 disposal of hazardous waste;]<sup>2</sup>

41 "Small water company" means any company, purveyor or entity,  
42 other than a governmental agency, that provides water for human  
43 consumption and which regularly serves less than 1,000 customer  
44 connections;

45 <sup>2</sup>["Solid waste management project" means any work relating to the  
46 acquisition, construction, improvement, repair or reconstruction of all

1 or part of any structure, facility or equipment, or real or personal  
2 property necessary for or ancillary to any resource recovery facility,  
3 composting facility, materials recovery facility, recycling center, or  
4 environmentally sound sanitary landfill facility that meets the  
5 requirements set forth in sections 25, 26 and 27 of P.L. , c.  
6 (C. )(before the Legislature as this bill); any work relating  
7 to any municipal solid waste landfill closure project that meets the  
8 requirements set forth in sections 25, 26, 27 and 32 of P.L. , c.  
9 (C. )(before the Legislature as this bill); or any work relating  
10 to any landfill mining project that meets the requirements set forth in  
11 sections 25, 26, 27 and 33 of P.L. , c. (C. )(before  
12 the Legislature as this bill);]<sup>2</sup>

13 "Stormwater management system" means any equipment, plants,  
14 structures, machinery, apparatus, management practices, or land, or  
15 any combination thereof, acquired, used, constructed, implemented or  
16 operated by a local government unit to prevent nonpoint source  
17 pollution, abate improper cross-connections and interconnections  
18 between stormwater and sewer systems, minimize stormwater runoff,  
19 reduce soil erosion, or induce groundwater recharge, or any  
20 combination thereof;

21 [h.] "Trust" means the New Jersey [Wastewater Treatment]  
22 Environmental Infrastructure Trust created pursuant to section 4 of  
23 [this act] P.L.1985, c.334 (C.58:11B-4);

24 [i.] "Wastewater" means residential, commercial, industrial, or  
25 agricultural liquid waste, [sewerage] sewage, septage, stormwater  
26 runoff, or any combination thereof, or other liquid residue discharged  
27 or collected into a sewer system or stormwater [runoff] management  
28 system, or any combination thereof;

29 [j.] "Wastewater treatment system" means any equipment, plants,  
30 structures, machinery, apparatus, or land, or any combination thereof,  
31 acquired, used, constructed or operated by, or on behalf of, a local  
32 government unit for the storage, collection, reduction, recycling,  
33 reclamation, disposal, separation, or other treatment of wastewater or  
34 sewage sludge, or for the [separate] collection or treatment, or both,  
35 of stormwater runoff and [sewerage] wastewater, or for the final  
36 disposal of residues resulting from the treatment of wastewater,  
37 including, but not limited to, pumping and ventilating stations,  
38 treatment plants and works, connections, outfall sewers, interceptors,  
39 trunk lines, stormwater [runoff collection] management systems, and  
40 other personal property and appurtenances necessary for their use or  
41 operation; "wastewater treatment system" shall include a stormwater  
42 management system or a combined sewer system;

43 "Wastewater treatment system project" means any work relating to  
44 the acquisition, construction, improvement, repair or reconstruction  
45 of all or part of any structure, facility or equipment, or real or personal  
46 property necessary for or ancillary to any wastewater treatment system

1 that meets the requirements set forth in sections 20, 21 and 22 of  
2 P.L.1985, c.334 (C.58:11B-20, 58:11B-21 and 58:11B-22); or any  
3 work relating to any of the stormwater management or combined  
4 sewer overflow abatement projects identified in the stormwater  
5 management and combined sewer overflow abatement project priority  
6 list adopted by the commissioner pursuant to section 28 of P.L.1989,  
7 c.181; or any work relating to any other project eligible for financing  
8 under the Federal Water Pollution Control Act Amendments of 1972  
9 (33 U.S.C. §1251 et seq.), or any amendatory or supplementary acts  
10 thereto;

11 "Water supply facilities" means and refers to the real property and  
12 the plants, structures, interconnections between existing water supply  
13 facilities, machinery and equipment and other property, real, personal  
14 and mixed, acquired, constructed or operated, or to be acquired,  
15 constructed or operated, in whole or in part, by or on behalf of a  
16 public water utility, or by or on behalf of the State <sup>2</sup>[, or of a political  
17 subdivision of the State or any agency thereof] or a local government  
18 unit<sup>2</sup>, for the purpose of augmenting the natural water resources of  
19 the State and making available an increased supply of water for all  
20 uses, or of conserving existing water resources, and any and all  
21 appurtenances necessary, useful or convenient for the collecting,  
22 impounding, storing, improving, treating, filtering, conserving or  
23 transmitting of water, and for the preservation and protection of these  
24 resources and facilities, whether in public or private ownership, and  
25 providing for the conservation and development of future water supply  
26 resources, and facilitating incidental recreational uses thereof;

27 "Water supply project" means any work relating to the acquisition,  
28 construction, improvement, repair or reconstruction of all or part of  
29 any structure, facility or equipment, or real or personal property  
30 necessary for or ancillary to water supply facilities that meets the  
31 requirements set forth in sections <sup>2</sup>[28, 29 and 30] 24, 25 and 26<sup>2</sup> of  
32 P.L. , c. (C. )(before the Legislature as this bill); or any work  
33 relating to the purposes set forth in section 4 of P.L.1981, c.261.  
34 (cf: P.L.1985, c.334, s.3)

35  
36 5. Section 4 of P.L.1985, c.334 (C.58:11B-4) is amended to read  
37 as follows:

38 4. a. There is established in, but not of, the Department of  
39 Environmental Protection a body corporate and politic, with corporate  
40 succession, to be known as the "New Jersey [Wastewater Treatment]  
41 Environmental Infrastructure Trust." The trust is constituted as an  
42 instrumentality of the State exercising public and essential  
43 governmental functions, no part of whose revenues shall accrue to the  
44 benefit of any individual, and the exercise by the trust of the powers  
45 conferred by [this act] the provisions of P.L.1985, c.334 (C.58:11B-1  
46 et seq.) or P.L. , c. (C. )(before the Legislature as this bill).

1 shall be deemed and held to be an essential governmental function of  
2 the State.

3 b. The trust shall consist of a seven-member board of directors  
4 composed of the State Treasurer, the Commissioner of the Department  
5 of Community Affairs, and the Commissioner of the Department of  
6 Environmental Protection, who shall be members ex officio; one  
7 person appointed by the Governor upon the recommendation of the  
8 President of the Senate and one person appointed by the Governor  
9 upon the recommendation of the Speaker of the General Assembly,  
10 who shall serve during the two-year legislative term in which they are  
11 appointed; and two residents of the State appointed by the Governor  
12 with the advice and consent of the Senate, who shall serve for terms  
13 of four years, except that the first two appointed shall serve terms of  
14 two and three years respectively. Each appointed director shall serve  
15 until his successor has been appointed and qualified. A director is  
16 eligible for reappointment. Any vacancy shall be filled in the same  
17 manner as the original appointment, but for the unexpired term only.

18 With respect to those public members first appointed by the  
19 Governor, the appointment of each of the two members upon the  
20 advice and consent of the Senate shall become effective 30 days after  
21 their nomination by the Governor if the Senate has not given advice  
22 and consent on those nominations within that time period; the  
23 President of the Senate and the Speaker of the General Assembly each  
24 shall recommend to the Governor a public member for appointment  
25 within 20 days following the effective date of this act, and a  
26 recommendation made in this manner shall become effective if the  
27 Governor makes the appointment in accordance with the  
28 recommendation, in writing, within 10 days of the Governor's receipt  
29 thereof. In each instance where the Governor fails to make the  
30 appointment, the President of the Senate and the Speaker of the  
31 General Assembly shall make new recommendations subject to  
32 appointment by the Governor as determined in this section.

33 c. Each appointed director may be removed from office by the  
34 Governor for cause, upon the Governor's consideration of the findings  
35 and recommendations of an administrative law judge after a public  
36 hearing before the judge, and may be suspended by the Governor  
37 pending the completion of the hearing. Each director, before entering  
38 upon his duties, shall take and subscribe an oath to perform the duties  
39 of his office faithfully, impartially and justly to the best of his ability.  
40 A record of oaths shall be filed in the office of the Secretary of State.

41 d. The Governor shall designate one of the appointed members to  
42 be the chairman and chief executive officer of the trust and the  
43 directors shall biannually elect a vice-chairman from among the  
44 appointed directors. The chairman shall serve as such for a term of  
45 two years and until a successor has been designated. A chairman shall  
46 be eligible to succeed himself for one additional two year term. The

1 directors shall elect a secretary and treasurer, who need not be  
2 directors, and the same person may be elected to serve as both  
3 secretary and treasurer.

4 The powers of the trust are vested in the directors in office from  
5 time to time and four directors shall constitute a quorum at any  
6 meeting. Action may be taken and motions and resolutions adopted by  
7 the trust by the affirmative majority vote of those directors present,  
8 but in no event shall any action be taken or motions or resolutions  
9 adopted without the affirmative vote of at least four members. No  
10 vacancy on the board of directors of the trust shall impair the right of  
11 a quorum of the directors to exercise the powers and perform the  
12 duties of the trust.

13 e. Each director and the treasurer of the trust shall execute a bond  
14 to be conditioned upon the faithful performance of the duties of the  
15 director or treasurer in a form and amount as may be prescribed by the  
16 State Treasurer. Bonds shall be filed in the office of the Secretary of  
17 State. At all times thereafter, the directors and treasurer shall maintain  
18 these bonds in full effect. All costs of the bonds shall be borne by the  
19 trust.

20 f. The directors of the trust shall serve without compensation, but  
21 the trust shall reimburse the directors for actual and necessary  
22 expenses incurred in the performance of their duties. Notwithstanding  
23 the provisions of any other law to the contrary, no officer or employee  
24 of the State shall be deemed to have forfeited or shall forfeit his office  
25 or employment or any benefits or emoluments thereof by reason of his  
26 acceptance of the office of ex officio director of the trust or his  
27 services thereon.

28 g. Each ex officio director may designate an officer of his  
29 department to represent him at meetings of the trust. Each designee  
30 may lawfully vote and otherwise act on behalf of the director for  
31 whom he constitutes the designee. The designation shall be delivered  
32 in writing to the trust and shall continue in effect until revoked or  
33 amended in writing and delivered to the trust.

34 h. The trust may be dissolved by law; provided the trust has no  
35 debts or obligations outstanding or that provision has been made for  
36 the payment or retirement of these debts or obligations. The trust shall  
37 continue in existence until dissolved by act of the Legislature. Upon  
38 any dissolution of the trust all property, funds and assets of the trust  
39 shall be vested in the State.

40 i. A true copy of the minutes of every meeting of the trust shall be  
41 forthwith delivered by and under the certification of the secretary  
42 thereof to the Governor and at the same time to the Senate and  
43 General Assembly. The time and act of this delivery shall be duly  
44 recorded on a delivery receipt. No action taken or motion or  
45 resolution adopted at a meeting by the trust shall have effect until 10  
46 days, exclusive of Saturdays, Sundays and public holidays, after a copy

1 of the minutes has been delivered to the Governor, unless during the  
2 10-day period the Governor shall approve all or part of the actions  
3 taken or motions or resolutions adopted, in which case the action or  
4 motion or resolution shall become effective upon the approval.

5 If, in the 10-day period, the Governor returns the copy of the  
6 minutes with a veto of any action taken by the trust or any member  
7 thereof at that meeting, the action shall be of no effect. The Senate or  
8 General Assembly shall have the right to provide written comments  
9 concerning the minutes to the Governor within the 10-day period,  
10 which comments shall be returned to the trust by the Governor with  
11 his approval or veto of the minutes.

12 The powers conferred in this subsection upon the Governor shall be  
13 exercised with due regard for the rights of the holders of bonds, notes  
14 and other obligations of the trust at any time outstanding, and nothing  
15 in, or done pursuant to, this subsection shall in any way limit, restrict  
16 or alter the obligation or powers of the trust or any representative or  
17 officer of the trust to carry out and perform each covenant, agreement  
18 or contract made or entered into by or on behalf of the trust with  
19 respect to its bonds, notes or other obligations or for the benefit,  
20 protection or security of the holders thereof.

21 j. No resolution or other action of the trust providing for the  
22 issuance of bonds, refunding bonds, notes or other obligations shall be  
23 adopted or otherwise made effective by the trust without the prior  
24 approval in writing of the Governor and the State Treasurer. The trust  
25 shall provide the Senate and General Assembly with written notice of  
26 any request for approval of the Governor and State Treasurer at the  
27 time the request is made, and shall also provide the Senate and General  
28 Assembly written notice of the response of the Governor and State  
29 Treasurer at the time that the response is received by the trust.

30 (cf: P.L.1987, c.459, s.1)

31

32 6. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read  
33 as follows:

34 5. Except as otherwise limited by **[this act]** the provisions of  
35 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
36 the Legislature as this bill), the trust may:

37 a. Make and alter bylaws for its organization and internal  
38 management and, subject to agreements with holders of its bonds,  
39 notes or other obligations, make rules and regulations with respect to  
40 its operations, properties and facilities;

41 b. Adopt an official seal and alter it;

42 c. Sue and be sued;

43 d. Make and enter into all contracts, leases and agreements  
44 necessary or incidental to the performance of its duties and the  
45 exercise of its powers under **[this act]** the provisions of P.L.1985,  
46 c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the

- 1 Legislature as this bill), and subject to any agreement with the holders  
2 of the trust's bonds, notes or other obligations, consent to any  
3 modification, amendment or revision of any contract, lease or  
4 agreement to which the trust is a party;
- 5 e. Enter into agreements or other transactions with and accept,  
6 subject to the provisions of section 23 of [this act] P.L.1985, c.334  
7 (C.58:11B-23), grants, appropriations and the cooperation of the  
8 State, or any State agency, in furtherance of the purposes of [this act]  
9 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before  
10 the Legislature as this bill), and do anything necessary in order to avail  
11 itself of that aid and cooperation;
- 12 f. Receive and accept aid or contributions from any source of  
13 money, property, labor or other things of value, to be held, used and  
14 applied to carry out the purposes of [this act] P.L.1985, c.334  
15 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature as  
16 this bill), subject to the conditions upon which that aid and those  
17 contributions may be made, including, but not limited to, gifts or  
18 grants from any department or agency of the State, or any State  
19 agency, for any purpose consistent with [this act] the provisions of  
20 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before  
21 the Legislature as this bill), subject to the provisions of section 23 of  
22 [this act] P.L.1985, c.334 (C.58:11B-23);
- 23 g. Acquire, own, hold, construct, improve, rehabilitate, renovate,  
24 operate, maintain, sell, assign, exchange, lease, mortgage or otherwise  
25 dispose of real and personal property, or any interest therein, in the  
26 exercise of its powers and the performance of its duties under [this  
27 act] the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. ,  
28 c. (C. ) (before the Legislature as this bill);
- 29 h. Appoint and employ an executive director and any other officers  
30 or employees as it may require for the performance of its duties,  
31 without regard to the provisions of Title [11 of the Revised] 11A of  
32 the New Jersey Statutes;
- 33 i. Borrow money and issue bonds, notes and other obligations, and  
34 secure the same, and provide for the rights of the holders thereof as  
35 provided in [this act] the provisions of P.L.1985, c.334 (C.58:11B-1  
36 et seq.) or P.L. , c. (C. )(before the Legislature as this bill);
- 37 j. Subject to any agreement with holders of its bonds, notes or  
38 other obligations, invest moneys of the trust not required for  
39 immediate use, including proceeds from the sale of any bonds, notes  
40 or other obligations, in any obligations, securities and other  
41 investments in accordance with the rules and regulations of the State  
42 Investment Council or as may otherwise be approved by the Director  
43 of the Division of Investment in the Department of the Treasury upon  
44 a finding that such investments are consistent with the corporate  
45 purposes of the trust;
- 46 k. Procure insurance to secure the payment of its bonds, notes or

1 other obligations or the payment of any guarantees or loans made by  
 2 it in accordance with [this act] the provisions of P.L.1985, c.334  
 3 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature  
 4 as this bill), or against any loss in connection with its property and  
 5 other assets and operations, in any amounts and from any insurers as  
 6 it deems desirable;

7 l. Engage the services of attorneys, accountants, engineers, and  
 8 financial experts and any other advisors, consultants, experts and  
 9 agents as may be necessary in its judgment and fix their compensation;

10 m. (1) Make and contract to make loans to local government units  
 11 to finance the cost of wastewater treatment system projects<sup>2</sup>[, solid  
 12 waste management projects]<sup>2</sup> or water supply projects and acquire  
 13 and contract to acquire notes, bonds or other obligations issued or to  
 14 be issued by local government units to evidence the loans, all in  
 15 accordance with the provisions of [this act] P.L.1985, c.334  
 16 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the  
 17 Legislature as this bill);

18 (2) Make and contract to make loans to public water utilities to  
 19 finance the cost of water supply projects in accordance with the  
 20 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
 21 (C. ) (before the Legislature as this bill);

22 n. Subject to any agreement with holders of its bonds, notes or  
 23 other obligations, purchase bonds, notes and other obligations of the  
 24 trust and hold the same for resale or provide for the cancellation  
 25 thereof, all in accordance with the provisions of [this act] P.L.1985,  
 26 c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the  
 27 Legislature as this bill);

28 o. (1) Charge to and collect from local government units or public  
 29 water utilities any fees and charges in connection with the trust's loans,  
 30 guarantees or other services, including, but not limited to, fees and  
 31 charges sufficient to reimburse the trust for all reasonable costs  
 32 necessarily incurred by it in connection with its financings and the  
 33 establishment and maintenance of reserve or other funds, as the trust  
 34 may determine to be reasonable. The fees and charges shall be in  
 35 accordance with a uniform schedule published by the trust for the  
 36 purpose of providing actual cost reimbursement for the services  
 37 rendered;

38 (2) Any fees and charges collected by the trust pursuant to this  
 39 subsection may be deposited and maintained in a fund separate from  
 40 any other funds held by the trust pursuant to section 10 of P.L.1985,  
 41 c.334 (C.58:11B-10) or<sup>2</sup>[sections] section<sup>2</sup> 23<sup>2</sup>[and 24]<sup>2</sup> of P.L. ,  
 42 c. (C. ) (before the Legislature as this bill) and shall be available  
 43 for any corporate purposes of the trust;

44 p. Subject to any agreement with holders of its bonds, notes or  
 45 other obligations, obtain as security or to provide liquidity for payment  
 46 of all or any part of the principal of and interest and premium on the



1 bonds, notes and other obligations of the trust or for the purchase  
2 upon tender or otherwise of the bonds, notes or other obligations,  
3 lines of credit, letters of credit and other security agreements or  
4 instruments in any amounts and upon any terms as the trust may  
5 determine, and pay any fees and expenses required in connection  
6 therewith;

7 q. Provide to local government units any financial and credit advice  
8 as these ~~governmental~~ local government units may request;

9 r. Make payments to the State from any moneys of the trust  
10 available therefor as may be required pursuant to any agreement with  
11 the State or act appropriating moneys to the trust; and

12 s. Take any action necessary or convenient to the exercise of the  
13 foregoing powers or reasonably implied therefrom.

14 (cf: P.L.1985, c.334, s.5)

15

16 7. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to read  
17 as follows:

18 6. a. Except as may be otherwise expressly provided in the  
19 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. \_\_\_\_\_, c.  
20 ~~(C.\_\_\_\_\_)~~ (before the Legislature as this bill), the trust may from time  
21 to time issue its bonds, notes or other obligations in any principal  
22 amounts as in the judgment of the trust shall be necessary to provide  
23 sufficient funds for any of its corporate purposes, including the  
24 payment, funding or refunding of the principal of, or interest or  
25 redemption premiums on, any bonds, notes or other obligations issued  
26 by it, whether the bonds, notes or other obligations or the interest or  
27 redemption premiums thereon to be funded or refunded have or have  
28 not become due, the establishment or increase of reserves or other  
29 funds to secure or to pay the bonds, notes or other obligations or  
30 interest thereon and all other costs or expenses of the trust incident to  
31 and necessary to carry out its corporate purposes and powers.

32 b. Whether or not the bonds, notes or other obligations of the trust  
33 are of a form and character as to be negotiable instruments under the  
34 terms of Title 12A of the New Jersey Statutes, the bonds, notes and  
35 other obligations are made negotiable instruments within the meaning  
36 of and for the purposes of Title 12A <sup>1</sup>of the New Jersey Statutes,  
37 subject only to the provisions of the bonds, notes and other obligations  
38 for registration.

39 c. Bonds, notes or other obligations of the trust shall be authorized  
40 by a resolution or resolutions of the trust and may be issued in one or  
41 more series and shall bear any date or dates, mature at any time or  
42 times, bear interest at any rate or rates of interest per annum, be in any  
43 denomination or denominations, be in any form, either coupon,  
44 registered or book entry, carry any conversion or registration  
45 privileges, have any rank or priority, be executed in any manner, be  
46 payable in any coin or currency of the United States which at the time

1 of payment is legal tender for the payment of public and private debts,  
2 at any place or places within or without the State, and be subject to  
3 any terms of redemption by the trust or the holders thereof, with or  
4 without premium, as the resolution or resolutions may provide. A  
5 resolution of the trust authorizing the issuance of bonds, notes or  
6 other obligations may provide that the bonds, notes or other  
7 obligations be secured by a trust indenture between the trust and a  
8 trustee, vesting in the trustee any property, rights, powers and duties  
9 in trust consistent with the provisions of P.L.1985, c.334 (C.58:11B-1  
10 et seq.) or P.L. , c. (C. )(before the Legislature as this bill) as  
11 the trust may determine.

12 d. Bonds, notes or other obligations of the trust may be sold at any  
13 price or prices and in any manner as the trust may determine. Each  
14 bond, note or other obligation shall mature and be paid not later than  
15 20 years from the effective date thereof, or the certified useful life of  
16 the project or projects to be financed by the bonds, whichever is less.

17 All bonds of the trust shall be sold at such price or prices and in  
18 such manner as the trust shall determine, after notice of sale, a  
19 summary of which shall be published at least once in at least three  
20 newspapers published in the State of New Jersey, and at least once in  
21 a publication carrying municipal bond notices and devoted primarily to  
22 financial news, published in New Jersey or the city of New York, the  
23 first notice to be at least five days prior to the day of bidding. The  
24 notice of sale may contain a provision to the effect that any or all bids  
25 made in pursuance thereof may be rejected. In the event of such  
26 rejection or of failure to receive any acceptable bid, the trust, at any  
27 time within 60 days from the date of such advertised sale, may sell  
28 such bonds at private sale upon terms not less favorable to the State  
29 than the terms offered by any rejected bid. The trust may sell all or  
30 part of the bonds of any series as issued to any State fund or to the  
31 federal government or any agency thereof, at private sale, without  
32 advertisement.

33 e. Bonds, notes or other obligations of the trust may be issued  
34 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
35 P.L. , c. (C. )(before the Legislature as this bill) without  
36 obtaining the consent of any department, division, board, bureau or  
37 agency of the State, and without any other proceedings or the  
38 happening of any other conditions or things, other than those consents,  
39 proceedings, conditions or things which are specifically required by  
40 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before  
41 the Legislature as this bill).

42 f. Bonds, notes or other obligations of the trust issued under the  
43 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
44 (C. )(before the Legislature as this bill) shall not be a debt or  
45 liability of the State or of any political subdivision thereof other than  
46 the trust and shall not create or constitute any indebtedness, liability

1 or obligation of the State or any political subdivision, but all these  
2 bonds, notes and other obligations, unless funded or refunded by  
3 bonds, notes or other obligations, shall be payable solely from  
4 revenues or funds pledged or available for their payment as authorized  
5 in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. \_\_\_\_\_, c. \_\_\_\_\_  
6 (C. \_\_\_\_\_)(before the Legislature as this bill). Each bond, note and  
7 obligation shall contain on its face a statement to the effect that the  
8 trust is obligated to pay the principal thereof or the interest thereon  
9 only from its revenues, receipts or funds pledged or available for their  
10 payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or  
11 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(before the Legislature as this bill), and that  
12 neither the State, nor any political subdivision thereof, is obligated to  
13 pay the principal or interest and that neither the faith and credit nor the  
14 taxing power of the State, or any political subdivision thereof, is  
15 pledged to the payment of the principal of or the interest on the bonds,  
16 notes or other obligations.

17 g. The [aggregate principal amount of bonds, notes or other  
18 obligations, including subordinated indebtedness of the trust, shall not  
19 exceed \$600,000,000.00, except that, for the purpose of implementing  
20 the Fiscal Year 1996 Financial Plan as approved by the Legislature  
21 pursuant to SCR No. 105 of 1995 and ACR No. 15 of 1995, and in  
22 compliance with subsection j. of this section, the trust may exceed the  
23 foregoing limitations. In computing the foregoing limitations there  
24 shall be excluded all the] <sup>2</sup>[ trust may issue] aggregate principal  
25 amount of bonds, notes or other obligations, including subordinated  
26 indebtedness of the trust, shall not exceed \$1,000,000,000.00. In  
27 computing the foregoing limitations there shall be excluded all the<sup>2</sup>  
28 bonds, notes or other obligations, including subordinated indebtedness  
29 of the trust, which shall be issued for refunding purposes, whenever  
30 the refunding shall be determined to result in a debt service savings, as  
31 hereinafter provided:

32 (1) Upon the decision by the trust to issue refunding bonds, and  
33 prior to the sale of those bonds, the trust shall transmit to the Joint  
34 Appropriations Committee's Subcommittee on Transfers, or its  
35 successor, a report that a decision has been made, reciting the basis on  
36 which the decision was made, including an estimate of the debt service  
37 savings to be achieved and the calculations upon which the trust relied  
38 when making the decision to issue refunding bonds. The report shall  
39 also disclose the intent of the trust to issue and sell the refunding  
40 bonds at public or private sale and the reasons therefor.

41 (2) The Joint Appropriations Committee's Subcommittee on  
42 Transfers shall have the authority to approve or disapprove the sales  
43 of refunding bonds as included in each report submitted in accordance  
44 with paragraph (1) of this subsection. The subcommittee shall notify  
45 the trust in writing of the approval or disapproval as expeditiously as  
46 possible.

1 (3) No refunding bonds shall be issued unless the report has been  
2 submitted to and approved by the Joint Appropriations Committee's  
3 Subcommittee on Transfers as set forth in paragraphs (1) and (2) of  
4 this subsection.

5 (4) Within 30 days after the sale of the refunding bonds, the trust  
6 shall notify the Subcommittee on Transfers of the result of that sale,  
7 including the prices and terms, conditions and regulations concerning  
8 the refunding bonds, the actual amount of debt service savings to be  
9 realized as a result of the sale of refunding bonds, and the intended use  
10 of the proceeds from the sale of those bonds.

11 (5) The subcommittee shall review all information and reports  
12 submitted in accordance with this subsection and may, on its own  
13 initiative, make observations to the trust, or to the Legislature, or  
14 both, as it deems appropriate.

15 h. Each issue of bonds, notes or other obligations of the trust may,  
16 if it is determined by the trust, be general obligations thereof payable  
17 out of any revenues, receipts or funds of the trust, or special  
18 obligations thereof payable out of particular revenues, receipts or  
19 funds, subject only to any agreements with the holders of bonds, notes  
20 or other obligations, and may be secured by one or more of the  
21 following:

22 (1) Pledge of revenues and other receipts to be derived from the  
23 payment of the interest on and principal of notes, bonds or other  
24 obligations issued to the trust by one or more local government units,  
25 and any other payment made to the trust pursuant to agreements with  
26 any local government units, or a pledge or assignment of any notes,  
27 bonds or other obligations of any local government unit and the rights  
28 and interest of the trust therein;

29 (2) Pledge of rentals, receipts and other revenues to be derived  
30 from leases or other contractual arrangements with any person or  
31 entity, public or private, including one or more local government units,  
32 or a pledge or assignment of those leases or other contractual  
33 arrangements and the rights and interest of the trust therein;

34 (3) Pledge of all moneys, funds, accounts, securities and other  
35 funds, including the proceeds of the bonds, notes or other obligations;

36 (4) Pledge of the receipts to be derived from the payments of State  
37 aid, payable to the trust pursuant to section 12 of P.L.1985, c.334  
38 (C.58:11B-12);

39 (5) A mortgage on all or any part of the property, real or personal,  
40 of the trust then owned or thereafter to be acquired, or a pledge or  
41 assignment of mortgages made to the trust by any person or entity,  
42 public or private, including one or more local government units and  
43 the rights and interest of the trust therein.

44 i. The trust shall not issue any bonds, notes or other obligations, or  
45 otherwise incur any additional indebtedness, on or after November 5,  
46 2005.

1 j. [For the purpose of implementing the Fiscal Year 1996 Financial  
2 Plan as approved by the Legislature pursuant to SCR No. 105 of 1995  
3 and ACR No. 15 of 1995, the trust shall provide the Senate Budget  
4 and Appropriations and the Assembly Appropriations Committee, or  
5 their successors, with a detailed statement by the trust of the costs of  
6 issuance of any bonds issued to implement the Fiscal Year 1996  
7 Financial Plan, within thirty days of the issuance thereof, with specific  
8 reference, where applicable, to itemized costs for the following  
9 services:

- 10 (1) bond counsel, tax counsel and special counsel;
- 11 (2) financial advisor;
- 12 (3) paying agent and registrar;
- 13 (4) rating agencies;
- 14 (5) official statement printing;
- 15 (6) bond printing;
- 16 (7) trustee;
- 17 (8) credit enhancement;
- 18 (9) liquidity facility; and
- 19 (10) miscellaneous issuance costs; and

20 a calculation of underwriters' spread, broken down into the following  
21 components, and accompanied by a list of underwriters' spreads from  
22 recent comparable bond issues:

- 23 (1) management fees;
- 24 (2) underwriters' fees;
- 25 (3) selling concessions;
- 26 (4) underwriters' counsel; and
- 27 (5) other costs.] <sup>2</sup>~~[(Deleted by amendment, P.L. , c. ) (pending~~  
28 in the Legislature as this bill)] (Deleted by amendment, P.L.1996,  
29 c.88).<sup>2</sup>

30 (cf: P.L.1996, c.88, s.1)

31

32 8. Section 7 of P.L.1985, c.334 (C.58:11B-7) is amended to read  
33 as follows:

34 7. In any resolution of the trust authorizing or relating to the  
35 issuance of any of its bonds, notes or other obligations, the trust, in  
36 order to secure the payment of the bonds, notes or other obligations  
37 and in addition to its other powers, may by provisions therein which  
38 shall constitute covenants by the trust and contracts with the holders  
39 of the bonds, notes or other obligations:

40 a. Secure the bonds, notes or other obligations as provided in  
41 section 6 of [this act] P.L.1985, c.334 (C.58:11B-6);

42 b. Covenant against pledging all or part of its revenues or receipts;

43 c. Covenant with respect to limitations on any right to sell,  
44 mortgage, lease or otherwise dispose of any notes, bonds or other  
45 obligations of local [governmental] government units, or any part  
46 thereof, or any property of any kind;

- 1 d. Covenant as to any bonds, notes or other obligations to be  
2 issued by the trust, and the limitations thereon, and the terms and  
3 conditions thereof, and as to the custody, application, investment and  
4 disposition of the proceeds thereof;
- 5 e. Covenant as to the issuance of additional bonds, notes or other  
6 obligations of the trust or as to limitations on the issuance of  
7 additional bonds, notes or other obligations and on the incurring of  
8 other debts by it;
- 9 f. Covenant as to the payment of the principal of or interest on  
10 bonds, notes or other obligations of the trust, as to the sources and  
11 methods of payment, as to the rank or priority of the bonds, notes or  
12 other obligations with respect to any lien or security or as to the  
13 acceleration of the maturity of the bonds, notes or other obligations;
- 14 g. Provide for the replacement of lost, stolen, destroyed or  
15 mutilated bonds, notes or other obligations of the trust;
- 16 h. Covenant against extending the time for the payment of bonds,  
17 notes or other obligations of the trust or interest thereon;
- 18 i. Covenant as to the redemption of bonds, notes and other  
19 obligations by the trust or the holders thereof and privileges of  
20 exchange thereof for other bonds, notes or other obligations of the  
21 trust;
- 22 j. Covenant to create or authorize the creation of special funds or  
23 accounts to be held in trust or otherwise for the benefit of holders of  
24 bonds, notes and other obligations of the trust, or reserves for other  
25 purposes and as to the use, investment, and disposition of moneys held  
26 in those funds, accounts or reserves;
- 27 k. Provide for the rights and liabilities, powers and duties arising  
28 upon the breach of any covenant, condition or obligation and prescribe  
29 the events of default and terms and conditions upon which any or all  
30 of the bonds, notes or other obligations of the trust shall become or  
31 may be declared due and payable before maturity and the terms and  
32 conditions upon which the declaration and its consequences may be  
33 waived;
- 34 l. Vest in a trustee or trustees within or without the State any  
35 property, rights, powers and duties in trust as the trust may determine,  
36 which may include any or all of the rights, powers and duties of any  
37 trustee appointed by the holders of any bonds, notes or other  
38 obligations of the trust pursuant to section 18 of [this act] P.L.1985,  
39 c.334 (C.58:11B-18), including rights with respect to the sale or other  
40 disposition of notes, bonds or other obligations of local government  
41 units pledged pursuant to a resolution or trust indenture for the benefit  
42 of the holders of bonds, notes or other obligations of the trust and the  
43 right by suit or action to foreclose any mortgage pledged pursuant to  
44 the resolution or trust indenture for the benefit of the holders of the  
45 bonds, notes or other obligations, and to limit or abrogate the right of  
46 the holders of any bonds, notes or other obligations of the trust to

1 appoint a trustee under [this act] the provisions of P.L.1985, c.334  
2 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature  
3 as this bill), and to limit the rights, duties and powers of the trustee;

4 m. Pay the costs or expenses incident to the enforcement of the  
5 bonds, notes or other obligations of the trust or of the provisions of  
6 the resolution authorizing the issuance of those bonds, notes or other  
7 obligations or of any covenant or agreement of the trust with the  
8 holders of the bonds, notes or other obligations;

9 n. Limit the rights of the holders of any bonds, notes or other  
10 obligations of the trust to enforce any pledge or covenant securing the  
11 bonds, notes or other obligations; and

12 o. Make covenants other than or in addition to the covenants  
13 authorized by [this act] P.L.1985, c.334 (C.58:11B-1 et seq.) or  
14 P.L. , c. (C. ) (pending in the Legislature as this bill) of like  
15 or different character, and make covenants to do or refrain from doing  
16 any acts and things as may be necessary, or convenient and desirable,  
17 in order to better secure the bonds, notes or other obligations of the  
18 trust, or which, in the absolute discretion of the trust, would make the  
19 bonds, notes or other obligations more marketable, notwithstanding  
20 that the covenants, acts or things may not be enumerated herein.

21 (cf: P.L.1985, c.334, s.7)

22

23 9. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read  
24 as follows:

25 9. a. (1) The trust may make and contract to make loans to local  
26 government units in accordance with and subject to the provisions of  
27 [this act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
28 (C. ) (before the Legislature as this bill) to finance the cost of any  
29 wastewater treatment system [projects] project <sup>2</sup>[, solid waste  
30 management project]<sup>2</sup> or water supply project, which the local  
31 government unit may lawfully undertake or acquire and for which the  
32 local government unit is authorized by law to borrow money.

33 (2) The trust may make and contract to make loans to public water  
34 utilities in accordance with and subject to the provisions of P.L.1985,  
35 c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (pending in the  
36 Legislature as this bill) to finance the cost of any water supply project,  
37 which the public water utility may lawfully undertake or acquire.

38 The loans may be made subject to those terms and conditions as the  
39 trust shall determine to be consistent with the purposes thereof. Each  
40 loan by the trust and the terms and conditions thereof shall be subject  
41 to approval by the State Treasurer, and the trust shall make available  
42 to the State Treasurer all information, statistical data and reports of  
43 independent consultants or experts as the State Treasurer shall deem  
44 necessary in order to evaluate the loan. Each loan to a local  
45 government unit or public water utility shall be evidenced by notes,  
46 bonds or other obligations thereof issued to the trust. In the case of

1 each local government unit, notes and bonds to be issued to the trust  
2 by the local government unit (1) shall be authorized and issued as  
3 provided by law for the issuance of notes and bonds by the local  
4 government unit, (2) shall be approved by the Local Finance Board in  
5 the Division of Local Government Services in the Department of  
6 Community Affairs, and (3) notwithstanding the provisions of  
7 N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other  
8 provisions of law to the contrary, may be sold at private sale to the  
9 trust at any price, whether or not less than par value, and shall be  
10 subject to redemption prior to maturity at any times and at any prices  
11 as the trust and local government units may agree. Each loan to a local  
12 government unit or public water utility and the notes, bonds or other  
13 obligations thereby issued shall bear interest at a rate or rates per  
14 annum as the trust and the local government unit or public water  
15 utility, as the case may be, may agree.

16 b. The trust is authorized to guarantee or contract to guarantee the  
17 payment of all or any portion of the principal and interest on bonds,  
18 notes or other obligations issued by a local government unit to finance  
19 the cost of any wastewater treatment system project <sup>2</sup>[solid waste  
20 management project]<sup>2</sup> or water supply project, which the local  
21 government unit may lawfully undertake or acquire and for which the  
22 local government unit is authorized by law to borrow money, and the  
23 guarantee shall constitute an obligation of the trust for the purposes  
24 of [this act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
25 (C. ) (pending in the Legislature as this bill). Each guarantee by  
26 the trust and the terms and conditions thereof shall be subject to  
27 approval by the State Treasurer, and the trust shall make available to  
28 the State Treasurer all information, statistical data and reports of  
29 independent consultants or experts as the State Treasurer shall deem  
30 necessary in order to evaluate the guarantee.

31 c. The trust shall not make or contract to make any loans or  
32 guarantees to local government units or public water utilities, or  
33 otherwise incur any additional indebtedness, on or after [20 years from  
34 the effective date of this act] November 5, 2005.  
35 (cf: P.L.1985, c.334, s.9)

36

37 10. Section 10 of P.L.1985, c.334 (C.58:11B-10) is amended to  
38 read as follows:

39 10. The trust shall create and establish a special fund to be known  
40 as the "wastewater treatment system general loan fund."

41 Subject to the provisions of the legislation appropriating moneys to  
42 the trust, subject to any other provision of [this act] P.L.1985, c.334  
43 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature as  
44 this bill) providing otherwise, and subject to agreements with the  
45 holders of bonds, notes and other obligations of the trust, the trust  
46 shall deposit into the wastewater treatment system general loan fund



1 all revenues and receipts of the trust, including moneys received by the  
2 trust as payment of the principal of and the interest or premium on  
3 loans made from moneys in any wastewater treatment system fund or  
4 account held by the trust under [this act] P.L.1985, c.334 (C.58:11B-1  
5 et seq.) or P.L. , c. (C. )(before the Legislature as this bill),  
6 and the earnings on the moneys in any wastewater treatment system  
7 fund or account of the trust, and all grants, appropriations, other than  
8 those referred to in section 11 of [this act] P.L.1985, c.334  
9 (C.58:11B-11), contributions, or other moneys from any source,  
10 available for the making of loans to local government units. The  
11 amounts in the wastewater treatment system general loan fund shall be  
12 available for application by the trust for loans to local government  
13 units for the cost of wastewater treatment system projects, and for  
14 other corporate purposes of the trust related to wastewater treatment  
15 systems, subject to agreements with the holders of bonds, notes or  
16 other obligations of the trust.

17 (cf: P.L.1985, c.334, s.10)

18

19 11. Section 13 of P.L.1985, c.334 (C.58:11B-13) is amended to  
20 read as follows:

21 13. Neither the directors of the trust nor any person executing  
22 bonds, notes or other obligations of the trust issued pursuant to [this  
23 act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.   
24 (C. )(before the Legislature as this bill) shall be liable personally  
25 on the bonds, notes or other obligations by reason of the issuance  
26 thereof.

27 (cf: P.L.1985, c.334, s.13)

28

29 12. Section 14 of P.L.1985, c.334 (C.58:11B-14) is amended to  
30 read as follows:

31 14. The State does pledge to and covenant and agree with the  
32 holders of any bonds, notes or other obligations of the trust issued  
33 pursuant to authorization of [this act] P.L.1985, c.334 (C.58:11B-1  
34 et seq.) or P.L. , c. (C. )(before the Legislature as this bill)  
35 that the State shall not limit or alter the rights or powers vested in the  
36 trust to perform and fulfill the terms of any agreement made with the  
37 holders of the bonds, notes or other obligations or to fix, establish,  
38 charge and collect any rents, fees, rates, payments or other charges as  
39 may be convenient or necessary to produce sufficient revenues to meet  
40 all expenses of the trust and to fulfill the terms of any agreement made  
41 with the holders of bonds, notes or other obligations, including the  
42 obligations to pay the principal of and interest and premium on those  
43 bonds, notes or other obligations, with interest on any unpaid  
44 installments of interest, and all costs and expenses in connection with  
45 any action or proceedings by or on behalf of the holders, and shall not  
46 limit or alter the rights and powers of any local government unit to pay

1 and perform its obligations owed to the trust in connection with loans  
2 received from the trust, until the bonds, notes and other obligations of  
3 the trust, together with interest thereon, are fully met and discharged  
4 or provided for.

5 (cf: P.L.1985, c.334, s.14)

6

7 13. Section 15 of P.L.1985, c.334 (C.58:11B-15) is amended to  
8 read as follows:

9 15. The State and all public officers, governmental units and  
10 agencies thereof, all banks, trust companies, savings banks and  
11 institutions, building and loan associations, savings and loan  
12 associations, investment companies, and other persons carrying on a  
13 banking business, all insurance companies, insurance associations and  
14 other persons carrying on an insurance business, and all executors,  
15 administrators, guardians, trustees and other fiduciaries may legally  
16 invest any sinking funds, moneys or other funds belonging to them or  
17 within their control in any bonds, notes or other obligations issued  
18 pursuant to [this act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. ,  
19 c. (C. )(before the Legislature as this bill), and those bonds, notes  
20 or other obligations shall be authorized security for any and all public  
21 deposits.

22 (cf: P.L.1985, c.334, s.15)

23

24 14. Section 17 of P.L.1985, c.334 (C.58:11B-17) is amended to  
25 read as follows:

26 17. All property of the trust is declared to be public property  
27 devoted to an essential public and governmental function and purpose  
28 and the revenues, income and other moneys received or to be received  
29 by the trust shall be exempt from all taxes of the State or any political  
30 subdivision thereof. All bonds, notes and other obligations of the trust  
31 issued pursuant to [this act] P.L.1985, c.334 (C.58:11B-1 et seq.) or  
32 P.L. , c. (C. )(before the Legislature as this bill) are declared  
33 to be issued by a body corporate and politic of the State and for an  
34 essential public and governmental purpose and those bonds, notes and  
35 other obligations, and interest thereon and the income therefrom and  
36 from the sale, exchange or other transfer thereof shall at all times be  
37 exempt from taxation, except for transfer inheritance and estate taxes.

38 (cf: P.L.1985, c.334, s.17)

39

40 15. Section 18 of P.L.1985, c.334 (C.58:11B-18) is amended to  
41 read as follows:

42 18. a. If the trust defaults in the payment of principal of, or  
43 interest on, any issue of its bonds, notes or other obligations after  
44 these are due, whether at maturity or upon call for redemption, and the  
45 default continues for a period of 30 days or if the trust defaults in any  
46 agreement made with the holders of any issue of bonds, notes or other

1 obligations, the holders of 25% in aggregate principal amount of the  
2 bonds, notes or other obligations of the issue then outstanding, by  
3 instrument or instruments filed in the office of the clerk of any county  
4 in which the trust operates and has an office and proved or  
5 acknowledged in the same manner as required for a deed to be  
6 recorded, may direct a trustee to represent the holders of the bonds,  
7 notes or other obligations of the issuers for the purposes herein  
8 provided.

9 b. Upon default, the trustee may, and upon written request of the  
10 holders of 25% in principal amount of the bonds, notes or other  
11 obligations of the trust of a particular issue then outstanding shall, in  
12 his or its own name:

13 (1) By suit, action or proceeding enforce all rights of the holders  
14 of bonds, notes or other obligations of the issue, to require the trust  
15 to carry out any other agreements with the holders of the bonds, notes  
16 or other obligations of the issue and to perform its duties under [this  
17 act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. \_\_\_\_\_, c.  
18 (C. \_\_\_\_\_)(before the Legislature as this bill);

19 (2) Bring suit upon the bonds, notes or other obligations of the  
20 issue;

21 (3) By action or suit, require the trust to account as if it were the  
22 trustee of an express trust for the holders of the bonds, notes or other  
23 obligations of the issue;

24 (4) By action or suit, enjoin any acts or things which may be  
25 unlawful or in violation of the rights of the holders of the bonds, notes  
26 or other obligations of the issue;

27 (5) Sell or otherwise dispose of bonds and notes of local  
28 government units pledged pursuant to resolution or trust indenture for  
29 benefit of holders of bonds, notes, or other obligations of the issue on  
30 any terms as resolution or trust indenture may provide;

31 (6) By action or suit, foreclose any mortgage pledged pursuant to  
32 the resolution or trust indenture for the benefit of the holders of the  
33 bonds, notes or other obligations of the issue;

34 (7) Declare all bonds, notes or other obligations of the issue due  
35 and payable, and if all defaults are made good, then with the consent  
36 of the holders of 50% of the principal amount of the bonds, notes or  
37 other obligations of the issue then outstanding, to annul the  
38 declaration and its consequences.

39 c. The trustee shall, in addition to the foregoing, have those  
40 powers necessary or appropriate for the exercise of any function  
41 specifically set forth herein or incident to the general representation of  
42 holders of bonds, notes or other obligations of the trust in the  
43 enforcement and protection of their rights.

44 d. The Superior Court shall have jurisdiction over any suit, action  
45 or proceeding by the trustees on behalf of the holders of bonds, notes  
46 or other obligations of the trust. The venue of any suit, action or

1 proceeding shall be in the county in which the principal office of the  
2 trust is located.

3 e. Before declaring the principal of bonds, notes or other  
4 obligations of the trust due and payable as a result of a trust default on  
5 any of its bonds, notes or other obligations, the trustee shall first give  
6 30 days' notice in writing to the trust and to the Governor, State  
7 Treasurer, President of the Senate and Speaker of the General  
8 Assembly.

9 (cf: P.L.1985, c.334, s.18)

10

11 16. Section 19 of P.L.1985, c.334 (C.58:11B-19) is amended to  
12 read as follows:

13 19. Sums of money received pursuant to the authority of [this act]  
14 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
15 the Legislature as this bill), whether as proceeds from the sale of  
16 particular bonds, notes or other obligations of the trust or as particular  
17 revenues or receipts of the trust, are deemed to be trust funds, to be  
18 held and applied solely as provided in the resolution or trust indenture  
19 under which the bonds, notes or obligations are authorized or secured.  
20 Any officer with whom or any bank or trust company with which those  
21 sums of money are deposited as trustee thereof shall hold and apply  
22 the same for the purposes thereof, subject to any provision as [this  
23 act] the aforementioned acts and the resolution or trust indenture  
24 authorizing or securing the bonds, notes or other obligations of the  
25 trust may provide.

26 (cf: P.L.1985, c.334, s.19)

27

28 17. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to  
29 read as follows:

30 20. a. The Commissioner of Environmental Protection shall for  
31 each fiscal year develop a priority system for wastewater treatment  
32 systems and shall establish the ranking criteria and funding policies for  
33 the projects therefor. The commissioner shall set forth a project  
34 priority list for funding by the trust for each fiscal year and shall  
35 include the aggregate amount of funds of the trust to be authorized for  
36 these purposes. The project priority list may include any stormwater  
37 management or combined sewer overflow abatement project identified  
38 in the stormwater management and combined sewer overflow  
39 abatement project priority list adopted by the commissioner pursuant  
40 to section 28 of P.L.1989, c.181.

41 The project priority list, which shall include for each wastewater  
42 treatment system the date each project is scheduled to be certified as  
43 ready for funding, shall be in conformance with applicable provisions  
44 of the "Federal Water Pollution Control Act Amendments of 1972,"  
45 Pub.L. 92-500 (33 U.S.C. § 1251 et al.), and any amendatory or  
46 supplementary acts thereto, and State law. The project priority list

1 shall include a description of each project and its purpose, impact,  
2 cost, and construction schedule, and an explanation of the manner in  
3 which priorities were established. The priority system and project  
4 priority list for the ensuing fiscal year shall be submitted to the  
5 Legislature on or before January 15 of each year on a day when both  
6 Houses are meeting. The President of the Senate and the Speaker of  
7 the General Assembly shall cause the date of submission to be entered  
8 upon the Senate Journal and the Minutes of the General Assembly,  
9 respectively[, and shall cause]. On or before May 15 of each year, the  
10 trust shall submit the project priority list to be introduced in each  
11 House in the form of legislative appropriations bills, [and shall refer  
12 these bills] which shall be referred to the Senate [Energy and]  
13 Environment Committee and the General Assembly [Agriculture and  
14 Environment] <sup>1</sup>[Solid and Hazardous Waste] Agriculture and Waste  
15 Management<sup>1</sup> Committee, or their successors, for their respective  
16 consideration.

17 b. [Within 60 days of the referral thereof, the] The Senate [Energy  
18 and] Environment Committee and the General Assembly [Agriculture  
19 and Environment] <sup>1</sup>[Solid and Hazardous Waste] Agriculture and  
20 Waste Management<sup>1</sup> <sup>2</sup>Committee<sup>2</sup> shall, either individually or jointly,  
21 consider the legislation containing the project priority list, and shall  
22 report the legislation, together with any modifications, out of  
23 committee for consideration by each House of the Legislature. On or  
24 before [April] July 1 of each year, the Legislature shall approve an  
25 appropriations act containing the project priority list, including any  
26 amendatory or supplementary provisions thereto, which act shall  
27 include the authorization of an aggregate amount of funds of the trust  
28 to be expended for loans and guarantees for the specific projects,  
29 including the individual amounts therefor, on the list[, as modified by  
30 the Senate Energy and Environment Committee and the General  
31 Assembly Agriculture and Environment Committee].

32 c. The trust shall not expend any money for a loan or guarantee  
33 during a fiscal year for any wastewater treatment system project unless  
34 the expenditure is authorized pursuant to an appropriations act in  
35 accordance with the provisions of this section.

36 (cf: P.L.1985, c.334, s.20)

37

38 18. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to  
39 read as follows:

40 21. On or before May 15 of each year, the trust shall submit to the  
41 Legislature a financial plan designed to implement the financing of the  
42 wastewater treatment system projects on the project priority list  
43 approved pursuant to section 20 of [this act] P.L.1985, c.334  
44 (C.58:11B-20). The financial plan shall contain an enumeration of the  
45 bonds, notes or other obligations of the trust which the trust intends  
46 to issue, including the amounts thereof and the terms and conditions

1 thereof, a list of loans to be made to local government units, including  
2 the terms and conditions thereof and the anticipated rate of interest per  
3 annum and repayment schedule therefor, and a list of loan guarantees  
4 or contracts to guarantee the payment of all or a portion of the  
5 principal and interest on bonds, notes or other obligations issued by a  
6 local government unit to finance the cost of a wastewater treatment  
7 system project, and the terms and conditions thereof. The financial  
8 plan shall also set forth a complete operating and financial statement  
9 covering its proposed operations during the forthcoming fiscal year,  
10 including amounts of income from all sources, and the uniform  
11 schedule of fees and charges established by the trust pursuant to  
12 subsection o. of section 5 of [this act] P.L.1985, c.334 (C.58:11B-5),  
13 and the amounts to be derived therefrom, and shall summarize the  
14 status of each wastewater treatment system project for which loans or  
15 guarantees have been made by the trust, and shall describe major  
16 impediments to the accomplishment of the planned wastewater  
17 treatment system projects.

18 (cf: P.L.1985, c.334, s.21)

19

20 19. Section 22 of P.L.1985, c.334 (C.58:11B-22) is amended to  
21 read as follows:

22 22. a. The trust shall submit the financial plan required pursuant  
23 to section 21 of [this act] P.L.1985, c.334 (C.58:11B-21) to the  
24 President of the Senate and the Speaker of the General Assembly on  
25 a day when both houses are meeting. The President and the Speaker  
26 shall cause the date of submission to be entered upon the Senate  
27 Journal and the Minutes of the General Assembly, respectively.

28 b. Unless the financial plan as described in the submission is  
29 approved by adoption of a concurrent resolution of both houses within  
30 the time period prescribed in this subsection, the financial plan shall be  
31 deemed disapproved and the trust shall not undertake any of the  
32 proposed activities contained therein. The President and the Speaker  
33 shall cause a concurrent resolution of approval of the trust's financial  
34 plan to be placed before the members of the respective houses for a  
35 recorded vote within the time period. The time period shall commence  
36 on the day of submission and expire on the forty-fifth day after  
37 submission or for a house not meeting on the forty-fifth day, on the  
38 next meeting day of that house.

39 (cf: P.L.1985, c.334, s.22)

1 20. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to  
2 read as follows:

3 23. a. No funds from State sources or State bond issues used to  
4 capitalize the trust shall be available for use by the trust unless  
5 appropriated by law to the trust.

6 b. No funds shall be expended by the trust for its annual operating  
7 expenses unless appropriated by law to the trust. Unless required to be  
8 otherwise applied pursuant to law, funds generated by the operation  
9 of the trust, including, but not limited to: proceeds from the sale of the  
10 trust's bonds, notes or other obligations; revenues derived from  
11 investments by the trust; loan repayments from local government units;  
12 and fees and charges levied by the trust, may thereafter be applied in  
13 accordance with the provisions of [this act] P.L.1985, c.334  
14 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
15 as this bill) for any corporate purpose of the trust without  
16 appropriation; except that the funds shall only be used to make loans  
17 or guarantees approved by the Legislature in accordance with the  
18 provisions of sections 20, 21 and 22 of [this act] P.L.1985, c.334  
19 (C.58:11B-20, 58:11B-21 and 58:11B-22), <sup>2</sup>[sections 25, 26 and 27  
20 of P.L. , c. (C. )(before the Legislature as this bill),<sup>2</sup> or  
21 sections <sup>2</sup>[28, 29 and 30] 24, 25 and 26<sup>2</sup> of P.L. , c. (C. )  
22 (before the Legislature as this bill).

23 c. The trust shall not apply for[, receive, accept or utilize] any  
24 federal funds, including funds which are authorized pursuant to the  
25 "Federal Water Pollution Control Act Amendments of 1972," Pub.L.  
26 92-500 (33 U.S.C. § 1251 et al.), and any amendatory or  
27 supplementary acts thereto.

28 The trust, with the concurrence of the Commissioner of  
29 Environmental Protection, may receive, accept or utilize moneys  
30 received from local government units as repayments of principal and  
31 interest on loans made from the State Revolving Fund Accounts  
32 established pursuant to section 1 of P.L.1988, c.133.

33 (cf: P.L.1985, c.334, s.23)

34

35 21. Section 25 of P.L.1985, c.334 (C.58:11B-25) is amended to  
36 read as follows:

37 25. The trust shall establish the rules and regulations governing the  
38 making and use of loans or guarantees, including, but not limited to,  
39 procedures for the submission of loan guarantee requests, standards  
40 for the evaluation of requests, provisions implementing priority  
41 systems for projects, reporting requirements of the recipient of any  
42 loan or guarantee concerning the progress and the expenditure of  
43 funds, and limitations, restrictions or requirements concerning the use  
44 of loan funds as the trust shall prescribe; provided that the rules and  
45 regulations shall be in compliance with the terms and provisions of  
46 [this act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.

1 (C. ) (before the Legislature as this bill) relating to the making of  
2 or eligibility for loans or guarantees for environmental infrastructure  
3 projects generally or for any particular type or class of wastewater  
4 treatment system <sup>2</sup>[solid waste management]<sup>2</sup> or water supply  
5 projects.

6 (cf: P.L.1985, c.334, s.25)

7

8 22. Section 27 of P.L.1985, c.334 (C.58:11B-27) is amended to  
9 read as follows:

10 27. The trust shall adopt such rules and regulations as it deems  
11 necessary to effectuate the purposes of [this act] P.L.1985, c.334  
12 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
13 as this bill), including those required pursuant to sections 25 and 26 of  
14 [this act] P.L.1985, c.334 (C.58:11B-25 and 58:11B-26), in  
15 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
16 (C.52:14B-1 et seq.).

17 (cf: P.L.1985, c.334, s.27)

18

19 <sup>2</sup>[23. (New section) The trust shall create and establish a special  
20 fund to be known as the "solid waste management general loan fund."

21 Subject to the provisions of the legislation appropriating moneys to  
22 the trust, subject to any other provision of P.L.1985, c.334  
23 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
24 as this bill) providing otherwise, and subject to agreements with the  
25 holders of bonds, notes and other obligations of the trust, the trust  
26 shall deposit into the solid waste management general loan fund all  
27 revenues and receipts of the trust, including moneys received by the  
28 trust as payment of the principal of and the interest or premium on  
29 loans made from moneys in any fund or account held by the trust  
30 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
31 P.L. , c. (C. )(before the Legislature as this bill), and the  
32 earnings on the moneys in any fund or account of the trust, and all  
33 grants, appropriations, other than those referred to in section 11 of  
34 P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from  
35 any source, available for the making of loans to local government units  
36 for solid waste management projects. The amounts in the solid waste  
37 management general loan fund shall be available for application by the  
38 trust for loans to local government units for the cost of solid waste  
39 management projects, and for other corporate purposes of the trust,  
40 subject to agreements with the holders of bonds, notes or other  
41 obligations of the trust.]<sup>2</sup>

42

43 <sup>2</sup>[24.] 23.<sup>2</sup> (New section) The trust shall create and establish a  
44 special fund to be known as the "water supply facilities general loan  
45 fund."

46 Subject to the provisions of the legislation appropriating moneys to



1 the trust, subject to any other provision of P.L.1985, c.334  
2 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
3 as this bill) providing otherwise, and subject to agreements with the  
4 holders of bonds, notes and other obligations of the trust, the trust  
5 shall deposit into the water supply facilities general loan fund all  
6 revenues and receipts of the trust, including moneys received by the  
7 trust as payment of the principal of and the interest or premium on  
8 loans made from moneys in any fund or account held by the trust  
9 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
10 P.L. , c. (C. )(before the Legislature as this bill), and the  
11 earnings on the moneys in any fund or account of the trust, and all  
12 grants, appropriations, other than those referred to in section 11 of  
13 P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from  
14 any source, available for the making of loans to local government units  
15 or public water utilities for water supply projects. The amounts in the  
16 water supply facilities general loan fund shall be available for  
17 application by the trust for loans to local government units or public  
18 water utilities for the cost of water supply projects, and for other  
19 corporate purposes of the trust, subject to agreements with the holders  
20 of bonds, notes or other obligations of the trust.

21

22 <sup>2</sup>[25. (New section) a. The Commissioner of Environmental  
23 Protection shall for each fiscal year develop a priority system for solid  
24 waste management projects and shall establish the ranking criteria and  
25 funding policies therefor. The commissioner shall set forth a project  
26 priority list for funding by the trust for each fiscal year and shall  
27 include the aggregate amount of funds of the trust to be authorized for  
28 these purposes.

29 (1) Any municipal solid waste landfill closure project on the project  
30 priority list shall be based on the closure program for municipal solid  
31 waste landfills established by the department pursuant to section 32 of  
32 P.L. , c. (C. )(before the Legislature as this bill).

33 (2) Any landfill mining project on the project priority list shall be  
34 based on the landfill mining program for sanitary landfill facilities  
35 established by the department pursuant to section 33 of P.L. , c.  
36 (C. )(before the Legislature as this bill).

37 The project priority list, which shall include for each solid waste  
38 management project the date the project is scheduled to be certified as  
39 ready for funding, shall be in conformance with applicable provisions  
40 of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et  
41 seq.), and any amendatory or supplementary acts thereto.

42 The project priority list shall include a description of each project  
43 and its purpose, impact, cost, and construction schedule, and an  
44 explanation of the manner in which priorities were established. The  
45 priority system and project priority list for the ensuing fiscal year shall  
46 be submitted to the Legislature on or before January 15 of each year

1 on a day when both Houses are meeting. The President of the Senate  
2 and the Speaker of the General Assembly shall cause the date of  
3 submission to be entered upon the Senate Journal and the Minutes of  
4 the General Assembly, respectively. On or before May 15 of each year,  
5 the trust shall submit the project priority list to be introduced in each  
6 House in the form of legislative appropriations bills, which shall be  
7 referred to the Senate Natural Resources and Economic Development  
8 Committee and the General Assembly <sup>1</sup>[Solid and Hazardous Waste]  
9 Agriculture and Waste Management<sup>1</sup> Committee, or their successors,  
10 for their respective consideration.

11 b. The Senate Natural Resources and Economic Development  
12 Committee and the General Assembly <sup>1</sup>[Solid and Hazardous Waste]  
13 Agriculture and Waste Management<sup>1</sup> Committee shall, either  
14 individually or jointly, consider the legislation containing the project  
15 priority list, and shall report the legislation, together with any  
16 modifications, out of committee for consideration by each House of  
17 the Legislature. On or before July 1 of each year, the Legislature shall  
18 approve an appropriations act containing the project priority list,  
19 including any amendatory or supplementary provisions thereto, which  
20 act shall include the authorization of an aggregate amount of funds of  
21 the trust to be expended for loans and guarantees for the specific solid  
22 waste management projects, including the individual amounts therefor,  
23 on the list.

24 c. The trust shall not expend any money for a loan or guarantee  
25 during a fiscal year for any solid waste management project unless the  
26 expenditure is authorized pursuant to an appropriations act in  
27 accordance with the provisions of this section.]<sup>2</sup>  
28

29 <sup>2</sup>[26. (New section) On or before May 15 of each year, the trust  
30 shall submit to the Legislature a financial plan designed to implement  
31 the financing of the solid waste management projects on the project  
32 priority list approved pursuant to section 25 of P.L. , c.  
33 (C. )(before the Legislature as this bill). The financial plan shall  
34 contain an enumeration of the bonds, notes or other obligations of the  
35 trust which the trust intends to issue, including the amounts thereof  
36 and the terms and conditions thereof, a list of loans to be made to local  
37 government units, including the terms and conditions thereof and the  
38 anticipated rate of interest per annum and repayment schedule  
39 therefor, and a list of loan guarantees or contracts to guarantee the  
40 payment of all or a portion of the principal and interest on bonds,  
41 notes or other obligations issued by a local government unit to finance  
42 the cost of a solid waste management project, and the terms and  
43 conditions thereof.

44 The financial plan shall also set forth a complete operating and  
45 financial statement covering its proposed operations during the  
46 forthcoming fiscal year, including amounts of income from all sources,

1 and the uniform schedule of fees and charges established by the trust  
2 pursuant to subsection o. of section 5 of P.L.1985 c.334  
3 (C.58:11B-5), and the amounts to be derived therefrom, and shall  
4 summarize the status of each solid waste management project for  
5 which loans or guarantees have been made by the trust, and shall  
6 describe major impediments to the accomplishment of the planned  
7 solid waste management projects.]<sup>2</sup>

8

9 <sup>2</sup>[27. (New section) a. The trust shall submit the financial plan  
10 required pursuant to section 26 of P.L. , c. (C. ) (before the  
11 Legislature as this bill) to the President of the Senate and the Speaker  
12 of the General Assembly on a day when both houses are meeting. The  
13 President and the Speaker shall cause the date of submission to be  
14 entered upon the Senate Journal and the Minutes of the General  
15 Assembly, respectively.

16 b. Unless the financial plan as described in the submission is  
17 approved by adoption of a concurrent resolution of both houses  
18 within the time period prescribed in this subsection, the financial plan  
19 shall be deemed disapproved and the trust shall not undertake any of  
20 the proposed activities contained therein. The President and the  
21 Speaker shall cause a concurrent resolution of approval of the trust's  
22 financial plan to be placed before the members of the respective houses  
23 for a recorded vote within the time period. The time period shall  
24 commence on the day of submission and expire on the forty-fifth day  
25 after submission or for a house not meeting on the forty-fifth day, on  
26 the next meeting day of that house.]<sup>2</sup>

27

28 <sup>2</sup>[28.] 24.<sup>2</sup> (New section) a. The Commissioner of Environmental  
29 Protection shall for each fiscal year develop a priority system for water  
30 supply projects and shall establish the ranking criteria and funding  
31 policies therefor. The commissioner shall set forth a project priority  
32 list for funding by the trust for each fiscal year and shall include the  
33 aggregate amount of funds of the trust to be authorized for these  
34 purposes. The commissioner <sup>2</sup>[shall not] may<sup>2</sup> include a water supply  
35 project on the project priority list <sup>2</sup>[for funding unless that specific  
36 project shall have been recommended in the New Jersey Statewide  
37 Water Supply Plan] if it meets the eligibility requirements for funding  
38 pursuant to the federal "Safe Drinking Water Act Amendments of  
39 1996," Pub.L.104-182<sup>2</sup>. The project priority list shall include a  
40 description of each project and an explanation of the manner in which  
41 priorities were established. The priority system and project priority list  
42 for the ensuing fiscal year shall be submitted to the Legislature on or  
43 before January 15 of each year on a day when both Houses are  
44 meeting. The President of the Senate and the Speaker of the General  
45 Assembly shall cause the date of submission to be entered upon the  
46 Senate Journal and the Minutes of the General Assembly, respectively.

1 On or before May 15 of each year, the trust shall submit the project  
2 priority list to be introduced in each House in the form of legislative  
3 appropriations bills, which shall be referred to the Senate Natural  
4 Resources and Economic Development Committee and the General  
5 Assembly <sup>1</sup>[Solid and Hazardous Waste] Agriculture and Waste  
6 Management<sup>1</sup> Committee, or their successors, for their respective  
7 consideration.

8 b. The Senate Natural Resources and Economic Development  
9 Committee and the General Assembly <sup>1</sup>[Solid and Hazardous Waste]  
10 Agriculture and Waste Management<sup>1</sup> <sup>2</sup>Committee<sup>2</sup> shall, either  
11 individually or jointly, consider the legislation containing the project  
12 priority list, and shall report the legislation, together with any  
13 modifications, out of committee for consideration by each House of  
14 the Legislature. On or before July 1 of each year, the Legislature shall  
15 approve an appropriations act containing the project priority list,  
16 including any amendatory or supplementary provisions thereto, which  
17 act shall include the authorization of an aggregate amount of funds of  
18 the trust to be expended for loans and guarantees for the specific  
19 water supply projects, including the individual amounts therefor, on  
20 the list.

21 c. The trust shall not expend any money for a loan or guarantee  
22 during a fiscal year for any water supply project unless the expenditure  
23 is authorized pursuant to an appropriations act in accordance with the  
24 provisions of this section.

25  
26 <sup>2</sup>[29.] 25.<sup>2</sup> (New section) On or before May 15 of each year, the  
27 trust shall submit to the Legislature a financial plan designed to  
28 implement the financing of the water supply projects on the project  
29 priority list approved pursuant to section <sup>2</sup>[28] 24<sup>2</sup> of P.L. , c. (C.  
30 ) (before the Legislature as this bill). The financial plan shall  
31 contain an enumeration of the bonds, notes or other obligations of the  
32 trust which the trust intends to issue, including the amounts thereof  
33 and the terms and conditions thereof, a list of loans to be made to local  
34 government units or public water utilities, including the terms and  
35 conditions thereof and the anticipated rate of interest per annum and  
36 repayment schedule therefor, and a list of loan guarantees or contracts  
37 to guarantee the payment of all or a portion of the principal and  
38 interest on bonds, notes or other obligations issued by a local  
39 government unit to finance the cost of a water supply project, and the  
40 terms and conditions thereof.

41 The financial plan shall also set forth a complete operating and  
42 financial statement covering its proposed operations during the  
43 forthcoming fiscal year, including amounts of income from all sources,  
44 and the uniform schedule of fees and charges established by the trust  
45 pursuant to subsection o. of section 5 of P.L.1985 c.334  
46 (C.58:11B-5), and the amounts to be derived therefrom, and shall

1 summarize the status of each water supply project for which loans or  
2 guarantees have been made by the trust, and shall describe major  
3 impediments to the accomplishment of the planned water supply  
4 projects.

5  
6 <sup>2</sup>[30.] 26.<sup>2</sup> (New section) a. The trust shall submit the financial  
7 plan required pursuant to section <sup>2</sup>[29] 25<sup>2</sup> of P.L. , c. (C. )  
8 (before the Legislature as this bill) to the President of the Senate and  
9 the Speaker of the General Assembly on a day when both houses are  
10 meeting. The President and the Speaker shall cause the date of  
11 submission to be entered upon the Senate Journal and the Minutes of  
12 the General Assembly, respectively.

13 b. Unless the financial plan as described in the submission is  
14 approved by adoption of a concurrent resolution of both houses within  
15 the time period prescribed in this subsection, the financial plan shall be  
16 deemed disapproved and the trust shall not undertake any of the  
17 proposed activities contained therein. The President and the Speaker  
18 shall cause a concurrent resolution of approval of the trust's financial  
19 plan to be placed before the members of the respective houses for a  
20 recorded vote within the time period. The time period shall commence  
21 on the day of submission and expire on the forty-fifth day after  
22 submission or for a house not meeting on the forty-fifth day, on the  
23 next meeting day of that house.

24  
25 <sup>2</sup>[31.] 27.<sup>2</sup> (New section) As an alternative to the individual annual  
26 submissions required by the provisions of sections 21 and 22 of  
27 P.L.1985, c.334 (C.58:11B-21 and 58:11B-22) <sup>2</sup>[, sections 26 and 27  
28 of P.L. , c. (C. )](before the Legislature as this bill),<sup>2</sup> and  
29 sections <sup>2</sup>[29 and 30] 25 and 26<sup>2</sup> of P.L. , c. (C. )](before the  
30 Legislature as this bill), the trust may develop and submit to the  
31 Legislature a consolidated financial plan designed to implement the  
32 financing of the wastewater treatment system projects on the project  
33 priority list approved pursuant to section 20 of P.L.1985, c.334  
34 (C.58:11B-20) <sup>2</sup>[, the solid waste management projects on the project  
35 priority list approved pursuant to section 25 of P.L. , c. (C.  
36 )](before the Legislature as this bill),<sup>2</sup> and the water supply projects on  
37 the project priority list approved pursuant to section <sup>2</sup>[28] 24<sup>2</sup> of P.L.  
38 , c. (C. )](before the Legislature as this bill).

39  
40 <sup>2</sup>[32. (New section) a. The department shall establish a closure  
41 program for municipal solid waste landfills, which shall include but not  
42 be limited to:

43 (1) The identification, in consultation with local government units,  
44 of <sup>1</sup>(a)<sup>1</sup> all municipal solid waste landfills in the State that ceased  
45 operations prior to January 1, 1982 and that are not listed on the  
46 National Priorities List pursuant to the "Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980," at 42 U.S.C.  
 2 §9605, and conducting a preliminary site assessment to prioritize the  
 3 municipal solid waste landfills for closure on the basis of the threat  
 4 posed to the public health, safety or welfare <sup>1</sup>; and (b) any municipal  
 5 solid waste landfill that is located in any portion of the Pinelands area  
 6 that ceased operations on or after January 1, 1982 in accordance with  
 7 section 502 of the "National Parks and Recreation Act of 1978"  
 8 (PL 95-625), the "Pinelands Protection Act," P.L.1979, c.111  
 9 (C.13:18A-1 et seq.), and the comprehensive management plan  
 10 prepared and adopted by the Pinelands Commission pursuant thereto<sup>1</sup>;

11 (2) The establishment, at the request of a municipality or  
 12 municipalities within which is located a municipal solid waste landfill  
 13 identified pursuant to paragraph (1) of this subsection, of a community  
 14 advisory committee comprised of local officials and with  
 15 representation of residents living within one mile of the municipal solid  
 16 waste landfill. The department shall work with the committee in  
 17 planning the closure of the municipal solid waste landfill and the  
 18 long-term use of the site after closure;

19 (3) The closure of the municipal solid waste landfills identified  
 20 pursuant to paragraph (1) of this subsection in accordance with the  
 21 remediation standards developed by the department pursuant to  
 22 section 35 of P.L.1993, c.139 (C.58:10B-12); and

23 (4) The undertaking of such other measures as the department  
 24 determines necessary to implement the provisions of this section.

25 b. Whenever the department determines that the landfill closure  
 26 escrow account of an owner or operator of a municipal solid waste  
 27 landfill <sup>1</sup>, which is located outside of the Pinelands area,<sup>1</sup> that ceased  
 28 operations between January 1, 1982 and the effective date of P.L. ,  
 29 c. (C. ) (before the Legislature as this bill) has insufficient funds  
 30 for the proper closure of the municipal solid waste landfill, the  
 31 department may enter into an agreement with the owner or operator  
 32 to close the municipal solid waste landfill under the closure program  
 33 established pursuant to this section.

34 <sup>1</sup>c. No action or measure taken by the department pursuant to the  
 35 provisions of P.L. , c. (C. ) (pending in the Legislature as this  
 36 bill) shall be inconsistent with the provisions of section 502 of the  
 37 "National Parks and Recreation Act of 1978" (PL 95-625), the  
 38 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), or  
 39 any rule or regulation adopted pursuant thereto, or the comprehensive  
 40 management plan prepared and adopted by the Pinelands Commission  
 41 pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8).<sup>1</sup><sup>2</sup>

42  
 43 <sup>2</sup>[33. (New section) a. The department shall establish a landfill  
 44 mining program for sanitary landfill facilities.

45 b. Any local government unit that owns or operates a sanitary  
 46 landfill facility proposing to undertake a landfill mining project shall

1 submit to the department an application package that shall contain a  
2 mining plan and any other information as may be prescribed by the  
3 department.

4 c. An owner or operator of a sanitary landfill facility that  
5 undertakes a landfill mining project shall prepare a written report  
6 concerning the project every six months during the implementation of  
7 the project and a final report within 6 months of its completion, which  
8 shall be submitted to the department, to the Legislature, and to the  
9 Chairmen of the Senate Natural Resources and Economic  
10 Development Committee and the Assembly <sup>1</sup>[Solid and Hazardous  
11 Waste] Agriculture and Waste Management<sup>1</sup> Committee or their  
12 successor committees. The final report shall include but shall not be  
13 limited to an explanation of the procedures used in the project, the  
14 number of tons of recyclable materials recovered, the types of  
15 materials recovered, the number of tons of materials sold, the buyers  
16 of any materials recovered, the materials composted, the number of  
17 tons of materials composted, additional disposal capacity created, cost  
18 effectiveness, the environmental problems revealed, the measures  
19 taken for closure, the materials remaining in the landfill, if any, the  
20 equipment purchased, an accounting of the costs of the projects, and  
21 any other information the department deems appropriate.]<sup>2</sup>

22  
23 <sup>2</sup>[34. (New section) a. The department shall adopt, pursuant to the  
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
25 seq.), any rules and regulations necessary to implement the provisions  
26 of sections 32 and 33 of P.L. , c. (C. )(before the Legislature  
27 as this bill). The department shall adopt these rules and regulations  
28 within 18 months of the effective date of P.L. , c. (C. )(before  
29 the Legislature as this bill).]<sup>2</sup>

30  
31 <sup>2</sup>[35.] 28.<sup>2</sup> This act shall take effect immediately.

32

33

34

35

36 Establishes New Jersey Environmental Infrastructure Trust to finance  
37 wastewater treatment system and water supply projects.

1 disposal capacity created, cost effectiveness, the environmental  
2 problems revealed, the measures taken for closure, the materials  
3 remaining in the landfill, if any, the equipment purchased, an  
4 accounting of the costs of the projects, and any other information the  
5 department deems appropriate.

6  
7 34. (New section) a. The department shall adopt, pursuant to the  
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
9 seq.), any rules and regulations necessary to implement the provisions  
10 of sections 32 and 33 of P.L. , c. (C. )(before the Legislature  
11 as this bill). The department shall adopt these rules and regulations  
12 within 18 months of the effective date of P.L. , c. (C. )(before  
13 the Legislature as this bill).

14  
15 35. This act shall take effect immediately.

#### 16 17 18 STATEMENT

19  
20 This bill permits the New Jersey Wastewater Treatment Trust, a  
21 State financing authority empowered to maximize the use of available  
22 State funds for financing the costs of wastewater treatment system  
23 projects, to provide financial assistance to local governments for most  
24 other types of environmental infrastructure projects as well, including  
25 stormwater management or combined sewer overflow abatement  
26 projects, solid waste management projects, landfill mining projects,  
27 municipal solid waste landfill closure projects, and water supply  
28 projects. The bill also permits the Trust to make loans to private sector  
29 firms (i.e. investor-owned water companies and so-called small water  
30 companies) for water supply projects.

31 The New Jersey Wastewater Treatment Trust, established pursuant  
32 to P.L.1985, c.334 (C.58:11B-1 et seq.), is empowered to issue bonds,  
33 notes and other debt obligations for the purpose of providing loans  
34 with an interest rate at or below the prevailing market rate to local  
35 government units for approximately 50% of the allowable costs of  
36 eligible wastewater treatment system projects. The eligible projects are  
37 those included in the annual "State Fiscal Year Project Priority List"  
38 submitted to the Legislature by the Trust in January of each year. The  
39 bill renames the Trust as the "New Jersey Environmental Infrastructure  
40 Trust."

41 Under the New Jersey Wastewater Treatment Financing Program,  
42 the Department of Environmental Protection (DEP) has utilized State  
43 general obligation bond moneys from the "Wastewater Treatment  
44 Bond Act of 1985," (P.L.1985, c.329), federal moneys received under  
45 the federal "Water Quality Act of 1987," and from fees and penalties  
46 from the federal "Marine Protection, Research and Sanctuaries Act of



1 1972," and bond moneys made available under the "Green Acres,  
2 Clean Water, Farmland and Historic Preservation Bond Act of 1992,"  
3 P.L.1992, c.88, which allocated \$50 million for the financing of  
4 wastewater treatment system projects, to provide zero interest loans  
5 to local governments for up to 50% of eligible project costs for  
6 wastewater treatment system projects. The Trust issues revenue bonds  
7 to provide moneys for low interest loans to local governments for the  
8 remaining balance of eligible project costs for these projects.

9 A local government seeking financial assistance for a wastewater  
10 treatment system project would apply for a loan from each State  
11 agency. In most instances, this combined State financing approach  
12 would be considerably less costly to the average local government than  
13 bonding for the project on its own. Typically, participants in the New  
14 Jersey Wastewater Treatment Financing Program have realized an  
15 average savings of 30% on the financing of the total eligible cost of  
16 the project over what it would cost a local government to secure its  
17 own financing.

18 The bill extends this combined State financing approach to virtually  
19 all environmental infrastructure projects, including stormwater  
20 management or combined sewer overflow abatement projects, solid  
21 waste management projects, including the construction of composting  
22 facilities, materials recovery facilities, recycling centers, resource  
23 recovery facilities and environmentally sound sanitary landfill facilities,  
24 as well as landfill mining projects and municipal solid waste landfill  
25 closure projects, and water supply projects.

26 The proposed funding source for these projects would be several  
27 existing State general obligation bond acts: the "Water Supply Bond  
28 Act of 1981" (P.L.1981, c.261); the "Stormwater Management and  
29 Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989,  
30 c.181); and the "Resource Recovery and Solid Waste Disposal Facility  
31 Bond Act of 1985" (P.L.1985, c.330). These bond acts would be  
32 amended by separate bills to authorize the Trust and the DEP to  
33 jointly administer the bond moneys in order to maximize the pool of  
34 State moneys available for environmental infrastructure projects.

35 The bill requires the DEP to establish a landfill mining program for  
36 sanitary landfill facilities. Any local government that owns or operates  
37 a sanitary landfill facility may undertake a landfill mining project after  
38 filing a mining plan with the department. An owner or operator of a  
39 sanitary landfill facility that undertakes a landfill mining project must  
40 prepare a final report concerning the project within 6 months of its  
41 completion, which would be submitted to the DEP and the Legislature.  
42 The final report must include an explanation of the procedures used in  
43 the project, the number of tons of recyclable materials recovered, the  
44 types of materials recovered, the number of tons of materials sold, the  
45 buyers of any materials recovered, the materials composted, the  
46 number of tons of materials composted, additional disposal capacity

1 created, cost effectiveness, the environmental problems revealed, the  
2 measures taken for closure, the materials remaining in the landfill, if  
3 any, the equipment purchased, an accounting of the costs of the  
4 projects, and any other information the DEP deems appropriate.

5 The bill requires the DEP to establish a closure program for  
6 municipal solid waste landfills. To be eligible for the closure program,  
7 a municipal landfill must have received for disposal household solid  
8 waste and either commercial solid waste, industrial solid waste or  
9 hazardous waste material that was received prior to the effective date  
10 of the federal RCRA program regulating hazardous waste disposal.

11 The municipal landfills that ceased operations prior to the effective  
12 date of the "Sanitary Landfill Facility Closure and Contingency Fund  
13 Act," P.L.1981, c.306 (C.13:1E-100 et seq.) and that are not federal  
14 Superfund sites are specifically included in the closure program.  
15 Landfills that ceased operations between January 1, 1982 and the  
16 effective date of the bill, which are required by law to have a closure  
17 escrow account, may be included in the program if the DEP  
18 determines that they ceased operations before sufficient funds  
19 accumulated in the escrow accounts.

20 The bill also makes a number of technical changes to the provisions  
21 of P.L.1985, c.334 in order to facilitate the transition from a single  
22 purpose wastewater treatment financing program to a greatly  
23 expanded environmental infrastructure project financing program.

24

25

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27

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28 Establishes New Jersey Environmental Infrastructure Trust to finance  
29 wastewater treatment system, solid waste management, and water  
30 supply projects.

[Passed Both Houses]

[Second Reprint]

ASSEMBLY, No. 1511

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# STATE OF NEW JERSEY

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INTRODUCED FEBRUARY 8, 1996

By Assemblyman GIBSON, Assemblywoman BARK,  
Assemblymen LeFevre, Asselta, Blee,  
Senators Kyrillos and Ciesla

1 AN ACT concerning the financing of environmental infrastructure  
2 projects, and amending and supplementing the title and body of  
3 P.L.1985, c.334.

4

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

7

8 1. The title of P.L.1985, c.334 is amended to read as follows:

9 AN ACT establishing the New Jersey **[Wastewater Treatment]**  
10 Environmental Infrastructure Trust, defining the functions, duties  
11 and powers thereof, including the authorization to issue bonds,  
12 notes and other obligations and to establish any reserve funds  
13 necessary therefor, and to make loans to and guarantee debt  
14 incurred by local government units for **[wastewater treatment**  
15 **system]** environmental infrastructure projects.

16 (cf: P.L.1985, c.334, title)

17

18 2. Section 1 of P.L.1985, c.334 (C.58:11B-1) is amended to read  
19 as follows:

20 1. This act shall be known and may be cited as the "New Jersey  
21 **[Wastewater Treatment]** Environmental Infrastructure Trust Act."

22 (cf: P.L.1985, c.334, s.1)

23

24 3. Section 2 of P.L.1985, c.334 (C.58:11B-2) is amended to read  
25 as follows:

26 2. a. The Legislature finds that the steady deterioration of older

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAW committee amendments adopted February 22, 1996.

<sup>2</sup> Senate SEN committee amendments adopted December 16, 1996.

1 sewage and sewer systems and wastewater treatment plants endangers  
2 the availability and quality of uncontaminated water resources of the  
3 State, thereby posing a grave danger to the health, safety and welfare  
4 of the residents of the concerned communities and the State; that the  
5 construction, rehabilitation, operation, and maintenance of modern and  
6 efficient sewer systems and wastewater treatment plants are essential  
7 to protecting and improving the State's water quality; that in addition  
8 to protecting and improving water quality, adequate wastewater  
9 treatment systems are essential to economic growth and development;  
10 that many of the wastewater treatment systems in New Jersey must be  
11 replaced or upgraded if an inexorable decline in water quality is to be  
12 avoided during the coming decades; that the United States Congress  
13 in recognition of the crucial role wastewater treatment systems and  
14 plants play in maintaining and improving water quality, and with an  
15 understanding that the cost of financing and constructing these systems  
16 must be borne by local governments and authorities with limited  
17 sources of revenues, established in the "Federal Water Pollution  
18 Control Act Amendments of 1972," P.L.92-500 (33 U.S.C. §1251 et  
19 al.) a program to provide local governments with grants for  
20 constructing these systems; that during the last several years the  
21 amount of federal grant money available to states and local  
22 governments for assistance in constructing and improving wastewater  
23 treatment systems has sharply diminished; that the current level of  
24 federal grant funding is inadequate to meet the cost of upgrading the  
25 State's wastewater treatment capacity to comply with State water  
26 quality standards; that the collective needs of the State and local  
27 governments for capital financing of wastewater treatment systems far  
28 exceed the sums of money presently available through revenue  
29 initiatives and State and federal aid programs; and that it is fitting and  
30 proper for the State to encourage local governments to undertake  
31 wastewater treatment projects through the establishment of a State  
32 mechanism to provide loans at the lowest reasonable interest rates and  
33 to guarantee or insure local capital improvement bonds.

34 b. The Legislature finds that stormwater runoff and combined  
35 sewer overflows are among the major sources of ocean pollution,  
36 contributing to beach closings; that combined sewer systems discharge  
37 untreated wastewater and stormwater into rivers, streams and coastal  
38 waters during wet weather, resulting in water pollution; that some  
39 combined sewer systems have deteriorated to the point that overflows  
40 occur regularly, even during dry weather; that many sewer systems are  
41 on inadequate repair and replacement programs, which may cause  
42 disturbances at sewage treatment plants; that many municipalities are  
43 under building moratoriums due to the inadequacy of their sewage and  
44 stormwater collection systems, which severely affect municipal  
45 budgets; and that large unmet capital expenses exist for combined  
46 sewer system separation and abatement projects.

1     The Legislature further finds that funding at the federal level for  
2 wastewater treatment, stormwater management and combined sewer  
3 system rehabilitation projects is insufficient; that State funds available  
4 for these projects are inadequate to meet current needs; that local  
5 revenues are insufficient to meet these expenses; and that additional  
6 funding at the State level is necessary to meet this financial obligation.

7     c. <sup>2</sup>[The Legislature finds that the proper in-state disposal of solid  
8 waste and the maximum practical recovery of recyclable materials from  
9 solid waste are matters of basic concern to all citizens of this State,  
10 and ensuring the implementation of an efficient solid waste  
11 management strategy is a governmental function thoroughly imbued  
12 with the public interest; that the continued exportation of a significant  
13 portion of New Jersey's solid waste stream to out-of-state disposal  
14 sites is a short-sighted expedient; and that for self-evident economic,  
15 environmental and public health considerations, it is imperative that  
16 the State renew its commitment to, and provide the resources for,  
17 achieving self-sufficiency with respect to solid waste disposal.

18     The Legislature further finds that the environmentally sound and  
19 proper closure of municipal solid waste landfills, including the  
20 remediation of contamination problems posed by terminated but  
21 improperly closed municipal landfills, is a governmental function  
22 affected with the public interest; that while the "Sanitary Landfill  
23 Facility Closure and Contingency Fund Act," P.L.1981, c.306  
24 (C.13:1E-100 et seq.) provided a means by which the owners and  
25 operators of sanitary landfill facilities would provide financial  
26 assurance for proper closure, it provides no funds for municipal solid  
27 waste landfills terminated prior to its enactment; <sup>1</sup>that while municipal  
28 solid waste landfills located in the Pinelands area were required to  
29 terminate operations by August 8, 1990 in accordance with the  
30 "National Parks and Recreation Act of 1978" (PL 95-625), the  
31 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), and  
32 the comprehensive management plan prepared and adopted by the  
33 Pinelands Commission pursuant thereto, financial assurances for the  
34 proper closure of these terminated municipal landfills as required by  
35 the "Sanitary Landfill Facility Closure and Contingency Fund Act"  
36 were not adequate due to the limited time in which they were  
37 accrued; <sup>1</sup> that while the responsibility for the proper closure of  
38 municipal solid waste landfills that ceased operating prior to the  
39 enactment of P.L.1981, c.306 should ideally rest with the users  
40 thereof, the considerable closing costs, including the cost of  
41 remediating contamination problems, required to ensure the proper  
42 closure of these facilities are, in many cases, beyond the financial  
43 capabilities of affected municipalities; that the various environmental  
44 problems resulting from terminated municipal landfills, including  
45 methane gas migration, soil erosion, and ground and surface water  
46 contamination, affect the quality of life of all citizens of this State; and

1 that since the proper closure and post-closure care required at each  
2 terminated municipal landfill will ultimately enhance the quality of life  
3 of all citizens of New Jersey, the State has the responsibility to provide  
4 financial assistance to municipalities to stabilize these costs in an  
5 efficient and equitable manner.

6 The Legislature further finds that in many cases it may be beneficial  
7 for local governments to mine sanitary landfills for the purposes of (1)  
8 extracting materials to be used, reused, recycled, sold or composted;  
9 (2) reclaiming land; or (3) recovering landfill disposal capacity; that it  
10 is in the public interest for local governments to mine certain sanitary  
11 landfills; and that State financial assistance may be necessary for local  
12 governments to initiate landfill mining projects.

13 The Legislature therefore determines that it is appropriate for the  
14 State to encourage local governments to undertake solid waste  
15 management projects, landfill mining projects and the environmentally  
16 sound closure of municipal solid waste landfills, including the cost of  
17 remediating contamination problems posed by terminated but  
18 improperly closed municipal landfills, and in the public interest to  
19 establish a State mechanism to provide loans at the lowest reasonable  
20 interest rates and to guarantee or insure local capital improvement  
21 bonds for these purposes.

22 d.]<sup>2</sup> The Legislature finds that construction, rehabilitation,  
23 operation and maintenance of modern and efficient water supply  
24 facilities are essential to protecting and improving the State's water  
25 quality; that the citizens of this State, in recognition of the crucial role  
26 the construction of new and the upgrading of existing water supply  
27 facilities play in maintaining and augmenting the natural water  
28 resources of the State, and with an understanding that the cost of  
29 financing and constructing these systems is beyond the limited financial  
30 resource capabilities of local governments and authorities and must be  
31 subsidized by the State and repaid through a system of water supply  
32 user charges, approved the enactment of the "Water Supply Bond Act  
33 of 1981" (P.L.1981, c.261); that the water supply needs of the State  
34 are so great that the funds allocated for this purpose from the "Water  
35 Supply Fund" established by that 1981 bond act should be augmented  
36 and maximized, to the extent practicable, through the use of  
37 alternative methods of State financing to offset the costs of water  
38 supply projects and for the construction of new or the rehabilitation of  
39 antiquated or inadequate existing water supply facilities <sup>2</sup>; that the  
40 United States Congress in recognition of the essential role that safe  
41 drinking water plays in protecting the public health, and with an  
42 understanding that financing, constructing and maintaining water  
43 systems that meet the requirements of the "Safe Drinking Water Act,"  
44 42 U.S.C. §300f et seq. exceed the financial and technical capacity of  
45 the operators of some water systems, has established in the "Safe  
46 Drinking Water Act Amendments of 1996," P.L.104-182, a program

1 to provide public water systems with financial assistance to meet  
 2 national primary drinking water regulations or to otherwise further the  
 3 health protection objectives of the federal law and that the State must,  
 4 in order to make use of the federal funds, provide State funds for the  
 5 program; and therefore, State funding for the program is necessary to  
 6 meet this financial obligation<sup>2</sup> .

7 <sup>2</sup>[e.] d.<sup>2</sup> The Legislature therefore determines that it is in the  
 8 public interest to establish a State authority authorized to issue bonds,  
 9 notes and other obligations and to establish any reserve funds  
 10 necessary therefor, and to make loans to and guarantee debt incurred  
 11 by local government units for **[wastewater treatment system]**  
 12 environmental infrastructure projects.

13 (cf: P.L.1985, c.334, s.2)

14

15 4. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read  
 16 as follows:

17 3. As used in **[this act]** sections 1 through 27 of P.L.1985, c.334  
 18 (C.58:11B-1 through 58:11B-27) and sections 23 through <sup>2</sup>[34] 27<sup>2</sup>  
 19 of P.L. , c. (C. ) (before the Legislature as this bill):

20 **[a.]** "Bonds" means bonds issued by the trust pursuant to **[this act]**  
 21 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
 22 the Legislature as this bill);

23 <sup>2</sup>["Closure" means all activities associated with the design,  
 24 purchase, construction or maintenance of all measures required by the  
 25 department, pursuant to law, in order to remediate, prevent, minimize  
 26 or monitor pollution or health hazards resulting from municipal solid  
 27 waste landfills subsequent to the termination of operations at any  
 28 portion thereof, including, but not limited to, the placement of final  
 29 earthen or vegetative cover, groundwater remediation, the installation  
 30 of methane gas vents or monitors and leachate monitoring wells or  
 31 collection systems, and long-term operations and maintenance;]<sup>2</sup>

32 "Combined sewer system" means a sewer system designed to carry  
 33 sanitary <sup>2</sup>[sewage] wastewater<sup>2</sup> at all times, which is also designed  
 34 to collect and transport stormwater runoff from streets and other  
 35 sources, thereby serving a combined purpose;

36 "Combined sewer overflow" means the discharge of untreated or  
 37 partially treated stormwater runoff and wastewater from a combined  
 38 sewer <sup>2</sup>system<sup>2</sup> into a body of water;

39 <sup>2</sup>["Commercial solid waste" means any nonhazardous solid waste  
 40 derived from wholesale, retail or service establishments, including  
 41 stores, markets, theaters, offices, restaurants, warehouses, or from  
 42 other non-manufacturing commercial activities;]<sup>2</sup>

43 **[b.]** "Commissioner" means the Commissioner of the Department  
 44 of Environmental Protection;

45 <sup>2</sup>["Composting facility" means a solid waste facility at which the

1 organic components of solid waste are processed and separated  
2 utilizing manual or mechanical methods and broken down into their  
3 chemical elements and compounds to form humus for the purposes of  
4 beneficial use or reuse as approved by the department;]<sup>2</sup>

5 [c.] "Cost" means the cost of all labor, materials, machinery and  
6 equipment, lands, property, rights and easements, financing charges,  
7 interest on bonds, notes or other obligations, plans and specifications,  
8 surveys or estimates of costs and revenues, engineering and legal  
9 services, and all other expenses necessary or incident to all or part of  
10 [a wastewater treatment system] an environmental infrastructure  
11 project;

12 [d.] "Department" means the Department of Environmental  
13 Protection;

14 <sup>2</sup>["Designated agency" means the public authority, or the  
15 department, unit or committee of the county government, which is  
16 designated by the board of chosen freeholders to supervise the  
17 implementation of the district solid waste management plan pursuant  
18 to section 12 of P.L.1975, c.326 (C.13:1E-21), including the  
19 implementation of the district recycling plan required pursuant to  
20 section 3 of P.L.1987, c.102 (C.13:1E-99.13), and which has statutory  
21 power to enter into contracts or agreements and to borrow money;

22 "Environmentally sound sanitary landfill facility" means a sanitary  
23 landfill facility that meets State and federal design criteria, and is  
24 equipped with a liner or liners, a leachate control and collection  
25 system, and a groundwater pollution monitoring system, or any other  
26 pollution control or other engineering device required by the  
27 department pursuant to law or rule and regulation, and which is  
28 identified and included in a district solid waste management plan  
29 pursuant to the provisions of the "Solid Waste Management Act,"  
30 P.L.1970, c.39 (C.13:1E-1 et seq.);

31 "Household solid waste" means any solid waste derived from  
32 households, including but not limited to single and multiple residences,  
33 hotels and motels, bunkhouses, ranger stations, crew quarters,  
34 campgrounds, picnic grounds and day use recreation areas, except that  
35 "household solid waste" shall not include septic waste as defined in  
36 section 3 of P.L.1970, c.40 (C.48:13A-3);

37 "Industrial solid waste" means any solid waste derived from  
38 manufacturing, industrial and research and development processes and  
39 operations that is not a hazardous waste as defined in section 1 of  
40 P.L.1976, c.99 (C.13:1E-38), except that "industrial solid waste" shall  
41 not include mining waste, oil waste, gas waste, or cement kiln dust  
42 waste;

43 "Landfill mining project" means any work relating to the  
44 environmentally sound excavation and removal of materials from a  
45 sanitary landfill facility for the purposes of recycling, use, reuse, sale,  
46 or composting that meets the requirements set forth in sections 25, 26,



1 27 and 33 of P.L. , c. (C. )(before the Legislature as this  
 2 bill);]<sup>2</sup>

3 **[e.]** "Local government unit" means (1) a county, municipality,  
 4 municipal or county sewerage or utility authority, municipal sewerage  
 5 district, joint meeting, improvement authority, or any other political  
 6 subdivision authorized to construct, operate and maintain wastewater  
 7 treatment systems; <sup>2</sup>~~[(2) a county, designated agency, public authority~~  
 8 ~~or any other political subdivision of the State authorized to construct,~~  
 9 ~~operate or maintain a resource recovery facility, composting facility,~~  
 10 ~~materials recovery facility, recycling center, or an environmentally~~  
 11 ~~sound sanitary landfill facility; (3) a county, municipality, designated~~  
 12 ~~agency, public authority or any other political subdivision of the State~~  
 13 ~~authorized to undertake a landfill mining project or a municipal solid~~  
 14 ~~waste landfill closure project, and to borrow money therefor;]<sup>2</sup> or  
 15 <sup>2</sup>~~[(4)] (2)~~<sup>2</sup> a State authority, district water supply commission,  
 16 county, municipality, municipal or county utilities authority, municipal  
 17 water district, joint meeting or any other political subdivision of the  
 18 State authorized pursuant to law to operate or maintain a public water  
 19 supply system or to construct, rehabilitate, operate or maintain water  
 20 supply facilities or otherwise provide water for human consumption;~~

21 <sup>2</sup>~~["Materials recovery facility" means a transfer station or other~~  
 22 ~~authorized solid waste facility at which nonhazardous solid waste,~~  
 23 ~~which material is not source separated by the generator thereof prior~~  
 24 ~~to collection, is received for onsite processing and separation utilizing~~  
 25 ~~manual or mechanical methods for the purposes of recovering~~  
 26 ~~compostable, reusable or recyclable materials for disposition and~~  
 27 ~~recycling prior to the disposal of the residual solid waste at an~~  
 28 ~~authorized solid waste facility;~~

29 "Municipal solid waste landfill" means a landfill that received for  
 30 disposal household solid waste and at least one of the following: (1)  
 31 commercial solid waste; (2) industrial solid waste; or (3) waste  
 32 material that was received for disposal prior to October 21, 1976 and  
 33 that is included within the definition of hazardous waste adopted by  
 34 the federal government pursuant to the "Resource Conservation and  
 35 Recovery Act," at 42 U.S.C. §6921; except that "municipal solid waste  
 36 landfill" shall not include any landfill that is approved for disposal of  
 37 hazardous waste and regulated pursuant to Subchapter III of the  
 38 "Resource Conservation and Recovery Act," 42 U.S.C. §6921 et seq;

39 "Municipal solid waste landfill closure project" means any work  
 40 relating to the environmentally sound and proper closure of a  
 41 municipal solid waste landfill that meets the requirements set forth in  
 42 sections 25, 26, 27 and 32 of P.L. , c. (C. ) (before the  
 43 Legislature as this bill);]<sup>2</sup>

44 **[f.]** "Notes" means notes issued by the trust pursuant to **[this act]**  
 45 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
 46 the Legislature as this bill);

1        [g.] "Project" or "environmental infrastructure project" means the  
 2 acquisition, construction, improvement, repair or reconstruction of all  
 3 or part of any structure, facility or equipment, or real or personal  
 4 property necessary for or ancillary to any (1) wastewater treatment  
 5 system [which meets the requirements set forth in sections 20, 21 and  
 6 22 of this act] project, including any stormwater management or  
 7 combined sewer overflow abatement projects; <sup>2</sup>[(2) solid waste  
 8 management project, including any landfill mining project or municipal  
 9 solid waste landfill closure project; ]<sup>2</sup> or <sup>2</sup>[(3)] (2)<sup>2</sup> water supply  
 10 project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et  
 11 seq.) or P.L. , c. (C. )(before the Legislature as this bill);

12        <sup>2</sup>["Public authority" means a solid waste management authority  
 13 created pursuant to the "solid waste management authorities law,"  
 14 P.L.1968, c.249 (C.40:66A-32 et seq.); a municipal or county utilities  
 15 authority created pursuant to the "municipal and county utilities  
 16 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); an incinerator  
 17 authority created pursuant to the "incinerator authorities law,"  
 18 P.L.1948, c.348 (C.40:66A-1 et seq.); a county improvement authority  
 19 created pursuant to the "county improvement authorities law,"  
 20 P.L.1960, c.183 (C.40:37A-44 et seq.); a pollution control financing  
 21 authority created pursuant to the "New Jersey Pollution Control  
 22 Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.); or any other  
 23 public body corporate and politic created for solid waste management  
 24 purposes in any county or municipality pursuant to the provisions of  
 25 any law; ]<sup>2</sup>

26        "Public water utility" means any investor-owned water company or  
 27 small water company that is subject to the jurisdiction or rate  
 28 regulation of the Board of Public Utilities as a public utility;

29        <sup>2</sup>["Recycling center" means any facility designed and operated  
 30 solely for receiving, storing, processing or transferring source  
 31 separated recyclable materials;

32        "Resource recovery facility" means a solid waste facility  
 33 constructed and operated for the incineration of solid waste for energy  
 34 production and the recovery of metals and other materials for reuse,  
 35 or a mechanized composting facility, or any other facility constructed  
 36 or operated for the collection, separation, recycling, and recovery of  
 37 metals, glass, paper, and other recyclable materials for reuse or for  
 38 energy production, and which is identified and included in a district  
 39 solid waste management plan pursuant to the provisions of the "Solid  
 40 Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);

41        "Sanitary landfill facility" means a solid waste facility at which solid  
 42 waste is deposited on or in the land as fill for the purpose of  
 43 permanent disposal or storage for a period exceeding six months,  
 44 except that it shall not include any waste facility approved for the  
 45 disposal of hazardous waste; ]<sup>2</sup>

1 "Small water company" means any company, purveyor or entity,  
2 other than a governmental agency, that provides water for human  
3 consumption and which regularly serves less than 1,000 customer  
4 connections;

5 <sup>2</sup>["Solid waste management project" means any work relating to  
6 the acquisition, construction, improvement, repair or reconstruction  
7 of all or part of any structure, facility or equipment, or real or personal  
8 property necessary for or ancillary to any resource recovery facility,  
9 composting facility, materials recovery facility, recycling center, or  
10 environmentally sound sanitary landfill facility that meets the  
11 requirements set forth in sections 25, 26 and 27 of P.L. \_\_\_\_\_, c.  
12 (C. \_\_\_\_\_)(before the Legislature as this bill); any work relating  
13 to any municipal solid waste landfill closure project that meets the  
14 requirements set forth in sections 25, 26, 27 and 32 of P.L. \_\_\_\_\_, c.  
15 (C. \_\_\_\_\_)(before the Legislature as this bill); or any work relating  
16 to any landfill mining project that meets the requirements set forth in  
17 sections 25, 26, 27 and 33 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)(before  
18 the Legislature as this bill);]<sup>2</sup>

19 "Stormwater management system" means any equipment, plants,  
20 structures, machinery, apparatus, management practices, or land, or  
21 any combination thereof, acquired, used, constructed, implemented or  
22 operated by a local government unit to prevent nonpoint source  
23 pollution, abate improper cross-connections and interconnections  
24 between stormwater and sewer systems, minimize stormwater runoff,  
25 reduce soil erosion, or induce groundwater recharge, or any  
26 combination thereof;

27 **[h.]** "Trust" means the New Jersey [Wastewater Treatment]  
28 Environmental Infrastructure Trust created pursuant to section 4 of  
29 [this act] P.L.1985, c.334 (C.58:11B-4);

30 **[i.]** "Wastewater" means residential, commercial, industrial, or  
31 agricultural liquid waste, [sewerage] sewage, septage, stormwater  
32 runoff, or any combination thereof, or other liquid residue discharged  
33 or collected into a sewer system or stormwater [runoff] management  
34 system, or any combination thereof;

35 **[j.]** "Wastewater treatment system" means any equipment, plants,  
36 structures, machinery, apparatus, or land, or any combination thereof,  
37 acquired, used, constructed or operated by, or on behalf of, a local  
38 government unit for the storage, collection, reduction, recycling,  
39 reclamation, disposal, separation, or other treatment of wastewater or  
40 sewage sludge, or for the [separate] collection or treatment, or both,  
41 of stormwater runoff and [sewerage] wastewater, or for the final  
42 disposal of residues resulting from the treatment of wastewater,  
43 including, but not limited to, pumping and ventilating stations,  
44 treatment plants and works, connections, outfall sewers, interceptors,  
45 trunk lines, stormwater [runoff collection] management systems, and

1 other personal property and appurtenances necessary for their use or  
 2 operation: "wastewater treatment system" shall include a stormwater  
 3 management system or a combined sewer system;

4 "Wastewater treatment system project" means any work relating to  
 5 the acquisition, construction, improvement, repair or reconstruction  
 6 of all or part of any structure, facility or equipment, or real or personal  
 7 property necessary for or ancillary to any wastewater treatment system  
 8 that meets the requirements set forth in sections 20, 21 and 22 of  
 9 P.L.1985, c.334 (C.58:11B-20, 58:11B-21 and 58:11B-22); or any  
 10 work relating to any of the stormwater management or combined  
 11 sewer overflow abatement projects identified in the stormwater  
 12 management and combined sewer overflow abatement project priority  
 13 list adopted by the commissioner pursuant to section 28 of P.L.1989,  
 14 c.181; or any work relating to any other project eligible for financing  
 15 under the Federal Water Pollution Control Act Amendments of 1972  
 16 (33 U.S.C. §1251 et seq.), or any amendatory or supplementary acts  
 17 thereto;

18 "Water supply facilities" means and refers to the real property and  
 19 the plants, structures, interconnections between existing water supply  
 20 facilities, machinery and equipment and other property, real, personal  
 21 and mixed, acquired, constructed or operated, or to be acquired,  
 22 constructed or operated, in whole or in part, by or on behalf of a  
 23 public water utility, or by or on behalf of the State <sup>2</sup>[, or of a political  
 24 subdivision of the State or any agency thereof] or a local government  
 25 unit<sup>2</sup>, for the purpose of augmenting the natural water resources of  
 26 the State and making available an increased supply of water for all  
 27 uses, or of conserving existing water resources, and any and all  
 28 appurtenances necessary, useful or convenient for the collecting,  
 29 impounding, storing, improving, treating, filtering, conserving or  
 30 transmitting of water, and for the preservation and protection of these  
 31 resources and facilities, whether in public or private ownership, and  
 32 providing for the conservation and development of future water supply  
 33 resources, and facilitating incidental recreational uses thereof;

34 "Water supply project" means any work relating to the acquisition,  
 35 construction, improvement, repair or reconstruction of all or part of  
 36 any structure, facility or equipment, or real or personal property  
 37 necessary for or ancillary to water supply facilities that meets the  
 38 requirements set forth in sections <sup>2</sup>[28, 29 and 30] 24, 25 and 26<sup>2</sup> of  
 39 P.L. , c. (C. )(before the Legislature as this bill); or any work  
 40 relating to the purposes set forth in section 4 of P.L.1981, c.261.  
 41 (cf: P.L.1985, c.334, s.3)

42

43 5. Section 4 of P.L.1985, c.334 (C.58:11B-4) is amended to read  
 44 as follows:

45 4. a. There is established in, but not of, the Department of  
 46 Environmental Protection a body corporate and politic, with corporate

1 succession, to be known as the "New Jersey **Wastewater Treatment**  
2 Environmental Infrastructure Trust." The trust is constituted as an  
3 instrumentality of the State exercising public and essential  
4 governmental functions, no part of whose revenues shall accrue to the  
5 benefit of any individual, and the exercise by the trust of the powers  
6 conferred by **this act** the provisions of P.L. 1985, c.334 (C.58:11B-1  
7 et seq.) or P.L. , c. (C. )(before the Legislature as this bill),  
8 shall be deemed and held to be an essential governmental function of  
9 the State.

10 b. The trust shall consist of a seven-member board of directors  
11 composed of the State Treasurer, the Commissioner of the Department  
12 of Community Affairs, and the Commissioner of the Department of  
13 Environmental Protection, who shall be members ex officio; one  
14 person appointed by the Governor upon the recommendation of the  
15 President of the Senate and one person appointed by the Governor  
16 upon the recommendation of the Speaker of the General Assembly,  
17 who shall serve during the two-year legislative term in which they are  
18 appointed; and two residents of the State appointed by the Governor  
19 with the advice and consent of the Senate, who shall serve for terms  
20 of four years, except that the first two appointed shall serve terms of  
21 two and three years respectively. Each appointed director shall serve  
22 until his successor has been appointed and qualified. A director is  
23 eligible for reappointment. Any vacancy shall be filled in the same  
24 manner as the original appointment, but for the unexpired term only.

25 With respect to those public members first appointed by the  
26 Governor, the appointment of each of the two members upon the  
27 advice and consent of the Senate shall become effective 30 days after  
28 their nomination by the Governor if the Senate has not given advice  
29 and consent on those nominations within that time period; the  
30 President of the Senate and the Speaker of the General Assembly each  
31 shall recommend to the Governor a public member for appointment  
32 within 20 days following the effective date of this act, and a  
33 recommendation made in this manner shall become effective if the  
34 Governor makes the appointment in accordance with the  
35 recommendation, in writing, within 10 days of the Governor's receipt  
36 thereof. In each instance where the Governor fails to make the  
37 appointment, the President of the Senate and the Speaker of the  
38 General Assembly shall make new recommendations subject to  
39 appointment by the Governor as determined in this section.

40 c. Each appointed director may be removed from office by the  
41 Governor for cause, upon the Governor's consideration of the findings  
42 and recommendations of an administrative law judge after a public  
43 hearing before the judge, and may be suspended by the Governor  
44 pending the completion of the hearing. Each director, before entering  
45 upon his duties, shall take and subscribe an oath to perform the duties  
46 of his office faithfully, impartially and justly to the best of his ability.

1 A record of oaths shall be filed in the office of the Secretary of State.

2 d. The Governor shall designate one of the appointed members to  
3 be the chairman and chief executive officer of the trust and the  
4 directors shall biannually elect a vice-chairman from among the  
5 appointed directors. The chairman shall serve as such for a term of  
6 two years and until a successor has been designated. A chairman shall  
7 be eligible to succeed himself for one additional two year term. The  
8 directors shall elect a secretary and treasurer, who need not be  
9 directors, and the same person may be elected to serve as both  
10 secretary and treasurer.

11 The powers of the trust are vested in the directors in office from  
12 time to time and four directors shall constitute a quorum at any  
13 meeting. Action may be taken and motions and resolutions adopted by  
14 the trust by the affirmative majority vote of those directors present,  
15 but in no event shall any action be taken or motions or resolutions  
16 adopted without the affirmative vote of at least four members. No  
17 vacancy on the board of directors of the trust shall impair the right of  
18 a quorum of the directors to exercise the powers and perform the  
19 duties of the trust.

20 e. Each director and the treasurer of the trust shall execute a bond  
21 to be conditioned upon the faithful performance of the duties of the  
22 director or treasurer in a form and amount as may be prescribed by the  
23 State Treasurer. Bonds shall be filed in the office of the Secretary of  
24 State. At all times thereafter, the directors and treasurer shall maintain  
25 these bonds in full effect. All costs of the bonds shall be borne by the  
26 trust.

27 f. The directors of the trust shall serve without compensation, but  
28 the trust shall reimburse the directors for actual and necessary  
29 expenses incurred in the performance of their duties. Notwithstanding  
30 the provisions of any other law to the contrary, no officer or employee  
31 of the State shall be deemed to have forfeited or shall forfeit his office  
32 or employment or any benefits or emoluments thereof by reason of his  
33 acceptance of the office of ex officio director of the trust or his  
34 services thereon.

35 g. Each ex officio director may designate an officer of his  
36 department to represent him at meetings of the trust. Each designee  
37 may lawfully vote and otherwise act on behalf of the director for  
38 whom he constitutes the designee. The designation shall be delivered  
39 in writing to the trust and shall continue in effect until revoked or  
40 amended in writing and delivered to the trust.

41 h. The trust may be dissolved by law; provided the trust has no  
42 debts or obligations outstanding or that provision has been made for  
43 the payment or retirement of these debts or obligations. The trust shall  
44 continue in existence until dissolved by act of the Legislature. Upon  
45 any dissolution of the trust all property, funds and assets of the trust  
46 shall be vested in the State.

1 i. A true copy of the minutes of every meeting of the trust shall be  
2 forthwith delivered by and under the certification of the secretary  
3 thereof to the Governor and at the same time to the Senate and  
4 General Assembly. The time and act of this delivery shall be duly  
5 recorded on a delivery receipt. No action taken or motion or  
6 resolution adopted at a meeting by the trust shall have effect until 10  
7 days, exclusive of Saturdays, Sundays and public holidays, after a copy  
8 of the minutes has been delivered to the Governor, unless during the  
9 10-day period the Governor shall approve all or part of the actions  
10 taken or motions or resolutions adopted, in which case the action or  
11 motion or resolution shall become effective upon the approval.

12 If, in the 10-day period, the Governor returns the copy of the  
13 minutes with a veto of any action taken by the trust or any member  
14 thereof at that meeting, the action shall be of no effect. The Senate or  
15 General Assembly shall have the right to provide written comments  
16 concerning the minutes to the Governor within the 10-day period,  
17 which comments shall be returned to the trust by the Governor with  
18 his approval or veto of the minutes.

19 The powers conferred in this subsection upon the Governor shall be  
20 exercised with due regard for the rights of the holders of bonds, notes  
21 and other obligations of the trust at any time outstanding, and nothing  
22 in, or done pursuant to, this subsection shall in any way limit, restrict  
23 or alter the obligation or powers of the trust or any representative or  
24 officer of the trust to carry out and perform each covenant, agreement  
25 or contract made or entered into by or on behalf of the trust with  
26 respect to its bonds, notes or other obligations or for the benefit,  
27 protection or security of the holders thereof.

28 j. No resolution or other action of the trust providing for the  
29 issuance of bonds, refunding bonds, notes or other obligations shall be  
30 adopted or otherwise made effective by the trust without the prior  
31 approval in writing of the Governor and the State Treasurer. The trust  
32 shall provide the Senate and General Assembly with written notice of  
33 any request for approval of the Governor and State Treasurer at the  
34 time the request is made, and shall also provide the Senate and General  
35 Assembly written notice of the response of the Governor and State  
36 Treasurer at the time that the response is received by the trust.

37 (cf: P.L.1987, c.459, s.1)

38

39 6. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read  
40 as follows:

41 5. Except as otherwise limited by [this act] the provisions of  
42 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
43 the Legislature as this bill), the trust may:

44 a. Make and alter bylaws for its organization and internal  
45 management and, subject to agreements with holders of its bonds,  
46 notes or other obligations, make rules and regulations with respect to

- 1 its operations, properties and facilities;
- 2 b. Adopt an official seal and alter it;
- 3 c. Sue and be sued;
- 4 d. Make and enter into all contracts, leases and agreements  
5 necessary or incidental to the performance of its duties and the  
6 exercise of its powers under **[this act]** the provisions of P.L.1985,  
7 c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the  
8 Legislature as this bill), and subject to any agreement with the holders  
9 of the trust's bonds, notes or other obligations, consent to any  
10 modification, amendment or revision of any contract, lease or  
11 agreement to which the trust is a party;
- 12 e. Enter into agreements or other transactions with and accept,  
13 subject to the provisions of section 23 of **[this act]** P.L.1985, c.334  
14 (C.58:11B-23), grants, appropriations and the cooperation of the  
15 State, or any State agency, in furtherance of the purposes of **[this act]**  
16 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before  
17 the Legislature as this bill), and do anything necessary in order to avail  
18 itself of that aid and cooperation;
- 19 f. Receive and accept aid or contributions from any source of  
20 money, property, labor or other things of value, to be held, used and  
21 applied to carry out the purposes of **[this act]** P.L.1985, c.334  
22 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature as  
23 this bill), subject to the conditions upon which that aid and those  
24 contributions may be made, including, but not limited to, gifts or  
25 grants from any department or agency of the State, or any State  
26 agency, for any purpose consistent with **[this act]** the provisions of  
27 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before  
28 the Legislature as this bill), subject to the provisions of section 23 of  
29 **[this act]** P.L.1985, c.334 (C.58:11B-23);
- 30 g. Acquire, own, hold, construct, improve, rehabilitate, renovate,  
31 operate, maintain, sell, assign, exchange, lease, mortgage or otherwise  
32 dispose of real and personal property, or any interest therein, in the  
33 exercise of its powers and the performance of its duties under **[this**  
34 **act]** the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. ,  
35 c. (C. ) (before the Legislature as this bill);
- 36 h. Appoint and employ an executive director and any other officers  
37 or employees as it may require for the performance of its duties,  
38 without regard to the provisions of Title **[11 of the Revised]** 11A of  
39 the New Jersey Statutes;
- 40 i. Borrow money and issue bonds, notes and other obligations, and  
41 secure the same, and provide for the rights of the holders thereof as  
42 provided in **[this act]** the provisions of P.L.1985, c.334 (C.58:11B-1  
43 et seq.) or P.L. , c. (C. )(before the Legislature as this bill);
- 44 j. Subject to any agreement with holders of its bonds, notes or  
45 other obligations, invest moneys of the trust not required for



1 immediate use, including proceeds from the sale of any bonds, notes  
2 or other obligations, in any obligations, securities and other  
3 investments in accordance with the rules and regulations of the State  
4 Investment Council or as may otherwise be approved by the Director  
5 of the Division of Investment in the Department of the Treasury upon  
6 a finding that such investments are consistent with the corporate  
7 purposes of the trust;

8 k. Procure insurance to secure the payment of its bonds, notes or  
9 other obligations or the payment of any guarantees or loans made by  
10 it in accordance with **[this act]** the provisions of P.L.1985, c.334  
11 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature  
12 as this bill), or against any loss in connection with its property and  
13 other assets and operations, in any amounts and from any insurers as  
14 it deems desirable;

15 l. Engage the services of attorneys, accountants, engineers, and  
16 financial experts and any other advisors, consultants, experts and  
17 agents as may be necessary in its judgment and fix their compensation;

18 m. (1) Make and contract to make loans to local government units  
19 to finance the cost of wastewater treatment system projects <sup>2</sup>**[. solid**  
20 waste management projects]<sup>2</sup> or water supply projects and acquire  
21 and contract to acquire notes, bonds or other obligations issued or to  
22 be issued by local government units to evidence the loans, all in  
23 accordance with the provisions of **[this act]** P.L.1985, c.334  
24 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the  
25 Legislature as this bill);

26 (2) Make and contract to make loans to public water utilities to  
27 finance the cost of water supply projects in accordance with the  
28 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
29 (C. ) (before the Legislature as this bill);

30 n. Subject to any agreement with holders of its bonds, notes or  
31 other obligations, purchase bonds, notes and other obligations of the  
32 trust and hold the same for resale or provide for the cancellation  
33 thereof, all in accordance with the provisions of **[this act]** P.L.1985,  
34 c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the  
35 Legislature as this bill);

36 o. (1) Charge to and collect from local government units or public  
37 water utilities any fees and charges in connection with the trust's loans,  
38 guarantees or other services, including, but not limited to, fees and  
39 charges sufficient to reimburse the trust for all reasonable costs  
40 necessarily incurred by it in connection with its financings and the  
41 establishment and maintenance of reserve or other funds, as the trust  
42 may determine to be reasonable. The fees and charges shall be in  
43 accordance with a uniform schedule published by the trust for the  
44 purpose of providing actual cost reimbursement for the services  
45 rendered;

46 (2) Any fees and charges collected by the trust pursuant to this

1 subsection may be deposited and maintained in a fund separate from  
 2 any other funds held by the trust pursuant to section 10 of P.L.1985,  
 3 c.334 (C.58:11B-10) or <sup>2</sup>[sections] section<sup>2</sup> 23 <sup>2</sup>[and 24]<sup>2</sup> of P.L. ,  
 4 c. (C. ) (before the Legislature as this bill) and shall be available  
 5 for any corporate purposes of the trust;

6 p. Subject to any agreement with holders of its bonds, notes or  
 7 other obligations, obtain as security or to provide liquidity for payment  
 8 of all or any part of the principal of and interest and premium on the  
 9 bonds, notes and other obligations of the trust or for the purchase  
 10 upon tender or otherwise of the bonds, notes or other obligations,  
 11 lines of credit, letters of credit and other security agreements or  
 12 instruments in any amounts and upon any terms as the trust may  
 13 determine, and pay any fees and expenses required in connection  
 14 therewith;

15 q. Provide to local government units any financial and credit advice  
 16 as these **[governmental]** local government units may request;

17 r. Make payments to the State from any moneys of the trust  
 18 available therefor as may be required pursuant to any agreement with  
 19 the State or act appropriating moneys to the trust; and

20 s. Take any action necessary or convenient to the exercise of the  
 21 foregoing powers or reasonably implied therefrom.

22 (cf: P.L.1985, c.334, s.5)

23

24 7. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to read  
 25 as follows:

26 6. a. Except as may be otherwise expressly provided in the  
 27 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.   
 28 (C. ) (before the Legislature as this bill), the trust may from time  
 29 to time issue its bonds, notes or other obligations in any principal  
 30 amounts as in the judgment of the trust shall be necessary to provide  
 31 sufficient funds for any of its corporate purposes, including the  
 32 payment, funding or refunding of the principal of, or interest or  
 33 redemption premiums on, any bonds, notes or other obligations issued  
 34 by it, whether the bonds, notes or other obligations or the interest or  
 35 redemption premiums thereon to be funded or refunded have or have  
 36 not become due, the establishment or increase of reserves or other  
 37 funds to secure or to pay the bonds, notes or other obligations or  
 38 interest thereon and all other costs or expenses of the trust incident to  
 39 and necessary to carry out its corporate purposes and powers.

40 b. Whether or not the bonds, notes or other obligations of the trust  
 41 are of a form and character as to be negotiable instruments under the  
 42 terms of Title 12A of the New Jersey Statutes, the bonds, notes and  
 43 other obligations are made negotiable instruments within the meaning  
 44 of and for the purposes of Title 12A <sup>1</sup>of the New Jersey Statutes<sup>1</sup>,  
 45 subject only to the provisions of the bonds, notes and other obligations  
 46 for registration.

1 c. Bonds, notes or other obligations of the trust shall be authorized  
2 by a resolution or resolutions of the trust and may be issued in one or  
3 more series and shall bear any date or dates, mature at any time or  
4 times, bear interest at any rate or rates of interest per annum, be in any  
5 denomination or denominations, be in any form, either coupon,  
6 registered or book entry, carry any conversion or registration  
7 privileges, have any rank or priority, be executed in any manner, be  
8 payable in any coin or currency of the United States which at the time  
9 of payment is legal tender for the payment of public and private debts,  
10 at any place or places within or without the State, and be subject to  
11 any terms of redemption by the trust or the holders thereof, with or  
12 without premium, as the resolution or resolutions may provide. A  
13 resolution of the trust authorizing the issuance of bonds, notes or  
14 other obligations may provide that the bonds, notes or other  
15 obligations be secured by a trust indenture between the trust and a  
16 trustee, vesting in the trustee any property, rights, powers and duties  
17 in trust consistent with the provisions of P.L.1985, c.334 (C.58:11B-1  
18 et seq.) or P.L. , c. (C. )(before the Legislature as this bill) as  
19 the trust may determine.

20 d. Bonds, notes or other obligations of the trust may be sold at any  
21 price or prices and in any manner as the trust may determine. Each  
22 bond, note or other obligation shall mature and be paid not later than  
23 20 years from the effective date thereof, or the certified useful life of  
24 the project or projects to be financed by the bonds, whichever is less.

25 All bonds of the trust shall be sold at such price or prices and in  
26 such manner as the trust shall determine, after notice of sale, a  
27 summary of which shall be published at least once in at least three  
28 newspapers published in the State of New Jersey, and at least once in  
29 a publication carrying municipal bond notices and devoted primarily to  
30 financial news, published in New Jersey or the city of New York, the  
31 first notice to be at least five days prior to the day of bidding. The  
32 notice of sale may contain a provision to the effect that any or all bids  
33 made in pursuance thereof may be rejected. In the event of such  
34 rejection or of failure to receive any acceptable bid, the trust, at any  
35 time within 60 days from the date of such advertised sale, may sell  
36 such bonds at private sale upon terms not less favorable to the State  
37 than the terms offered by any rejected bid. The trust may sell all or  
38 part of the bonds of any series as issued to any State fund or to the  
39 federal government or any agency thereof, at private sale, without  
40 advertisement.

41 e. Bonds, notes or other obligations of the trust may be issued  
42 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
43 P.L. , c. (C. )(before the Legislature as this bill) without  
44 obtaining the consent of any department, division, board, bureau or  
45 agency of the State, and without any other proceedings or the  
46 happening of any other conditions or things, other than those consents,

1 proceedings, conditions or things which are specifically required by  
2 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before  
3 the Legislature as this bill).

4 f. Bonds, notes or other obligations of the trust issued under the  
5 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
6 (C. )(before the Legislature as this bill) shall not be a debt or  
7 liability of the State or of any political subdivision thereof other than  
8 the trust and shall not create or constitute any indebtedness, liability  
9 or obligation of the State or any political subdivision, but all these  
10 bonds, notes and other obligations, unless funded or refunded by  
11 bonds, notes or other obligations, shall be payable solely from  
12 revenues or funds pledged or available for their payment as authorized  
13 in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
14 (C. )(before the Legislature as this bill). Each bond, note and  
15 obligation shall contain on its face a statement to the effect that the  
16 trust is obligated to pay the principal thereof or the interest thereon  
17 only from its revenues, receipts or funds pledged or available for their  
18 payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or  
19 P.L. , c. (C. )(before the Legislature as this bill), and that  
20 neither the State, nor any political subdivision thereof, is obligated to  
21 pay the principal or interest and that neither the faith and credit nor the  
22 taxing power of the State, or any political subdivision thereof, is  
23 pledged to the payment of the principal of or the interest on the bonds,  
24 notes or other obligations.

25 g. The ~~aggregate principal amount of bonds, notes or other~~  
26 ~~obligations, including subordinated indebtedness of the trust, shall not~~  
27 ~~exceed \$600,000,000.00, except that, for the purpose of implementing~~  
28 ~~the Fiscal Year 1996 Financial Plan as approved by the Legislature~~  
29 ~~pursuant to SCR No. 105 of 1995 and ACR No. 15 of 1995, and in~~  
30 ~~compliance with subsection j. of this section, the trust may exceed the~~  
31 ~~foregoing limitations. In computing the foregoing limitations there~~  
32 ~~shall be excluded all the] <sup>2</sup>[ trust may issue] aggregate principal  
33 amount of bonds, notes or other obligations, including subordinated  
34 indebtedness of the trust, shall not exceed \$1,000,000,000.00. In  
35 computing the foregoing limitations there shall be excluded all the<sup>2</sup>  
36 bonds, notes or other obligations, including subordinated indebtedness  
37 of the trust, which shall be issued for refunding purposes, whenever  
38 the refunding shall be determined to result in a debt service savings, as  
39 hereinafter provided:~~

40 (1) Upon the decision by the trust to issue refunding bonds, and  
41 prior to the sale of those bonds, the trust shall transmit to the Joint  
42 Appropriations Committee's Subcommittee on Transfers, or its  
43 successor, a report that a decision has been made, reciting the basis on  
44 which the decision was made, including an estimate of the debt service  
45 savings to be achieved and the calculations upon which the trust relied  
46 when making the decision to issue refunding bonds. The report shall

1 also disclose the intent of the trust to issue and sell the refunding  
2 bonds at public or private sale and the reasons therefor.

3 (2) The Joint Appropriations Committee's Subcommittee on  
4 Transfers shall have the authority to approve or disapprove the sales  
5 of refunding bonds as included in each report submitted in accordance  
6 with paragraph (1) of this subsection. The subcommittee shall notify  
7 the trust in writing of the approval or disapproval as expeditiously as  
8 possible.

9 (3) No refunding bonds shall be issued unless the report has been  
10 submitted to and approved by the Joint Appropriations Committee's  
11 Subcommittee on Transfers as set forth in paragraphs (1) and (2) of  
12 this subsection.

13 (4) Within 30 days after the sale of the refunding bonds, the trust  
14 shall notify the Subcommittee on Transfers of the result of that sale,  
15 including the prices and terms, conditions and regulations concerning  
16 the refunding bonds, the actual amount of debt service savings to be  
17 realized as a result of the sale of refunding bonds, and the intended use  
18 of the proceeds from the sale of those bonds.

19 (5) The subcommittee shall review all information and reports  
20 submitted in accordance with this subsection and may, on its own  
21 initiative, make observations to the trust, or to the Legislature, or  
22 both, as it deems appropriate.

23 h. Each issue of bonds, notes or other obligations of the trust may,  
24 if it is determined by the trust, be general obligations thereof payable  
25 out of any revenues, receipts or funds of the trust, or special  
26 obligations thereof payable out of particular revenues, receipts or  
27 funds, subject only to any agreements with the holders of bonds, notes  
28 or other obligations, and may be secured by one or more of the  
29 following:

30 (1) Pledge of revenues and other receipts to be derived from the  
31 payment of the interest on and principal of notes, bonds or other  
32 obligations issued to the trust by one or more local government units,  
33 and any other payment made to the trust pursuant to agreements with  
34 any local government units, or a pledge or assignment of any notes,  
35 bonds or other obligations of any local government unit and the rights  
36 and interest of the trust therein;

37 (2) Pledge of rentals, receipts and other revenues to be derived  
38 from leases or other contractual arrangements with any person or  
39 entity, public or private, including one or more local government units,  
40 or a pledge or assignment of those leases or other contractual  
41 arrangements and the rights and interest of the trust therein;

42 (3) Pledge of all moneys, funds, accounts, securities and other  
43 funds, including the proceeds of the bonds, notes or other obligations;

44 (4) Pledge of the receipts to be derived from the payments of State  
45 aid, payable to the trust pursuant to section 12 of P.L.1985, c.334  
46 (C.58:11B-12);

1 (5) A mortgage on all or any part of the property, real or personal,  
 2 of the trust then owned or thereafter to be acquired, or a pledge or  
 3 assignment of mortgages made to the trust by any person or entity,  
 4 public or private, including one or more local government units and  
 5 the rights and interest of the trust therein.

6 i. The trust shall not issue any bonds, notes or other obligations, or  
 7 otherwise incur any additional indebtedness, on or after November 5,  
 8 2005.

9 j. ~~For the purpose of implementing the Fiscal Year 1996 Financial~~  
 10 ~~Plan as approved by the Legislature pursuant to SCR No. 105 of 1995~~  
 11 ~~and ACR No. 15 of 1995, the trust shall provide the Senate Budget~~  
 12 ~~and Appropriations and the Assembly Appropriations Committee, or~~  
 13 ~~their successors, with a detailed statement by the trust of the costs of~~  
 14 ~~issuance of any bonds issued to implement the Fiscal Year 1996~~  
 15 ~~Financial Plan, within thirty days of the issuance thereof, with specific~~  
 16 ~~reference, where applicable, to itemized costs for the following~~  
 17 ~~services:~~

- 18 (1) bond counsel, tax counsel and special counsel;
- 19 (2) financial advisor;
- 20 (3) paying agent and registrar;
- 21 (4) rating agencies;
- 22 (5) official statement printing;
- 23 (6) bond printing;
- 24 (7) trustee;
- 25 (8) credit enhancement;
- 26 (9) liquidity facility; and
- 27 (10) miscellaneous issuance costs; and

28 a calculation of underwriters' spread, broken down into the following  
 29 components, and accompanied by a list of underwriters' spreads from  
 30 recent comparable bond issues:

- 31 (1) management fees;
- 32 (2) underwriters' fees;
- 33 (3) selling concessions;
- 34 (4) underwriters' counsel; and
- 35 (5) other costs.] <sup>2</sup>~~[(Deleted by amendment, P.L. , c. )(pending~~  
 36 ~~in the Legislature as this bill)] (Deleted by amendment, P.L.1996,~~  
 37 ~~c.88).<sup>2</sup>~~

38 (cf: P.L.1996, c.88, s.1)

39

40 8. Section 7 of P.L.1985, c.334 (C.58:11B-7) is amended to read  
 41 as follows:

42 7. In any resolution of the trust authorizing or relating to the  
 43 issuance of any of its bonds, notes or other obligations, the trust, in  
 44 order to secure the payment of the bonds, notes or other obligations  
 45 and in addition to its other powers, may by provisions therein which  
 46 shall constitute covenants by the trust and contracts with the holders

- 1 of the bonds, notes or other obligations:
- 2 a. Secure the bonds, notes or other obligations as provided in  
3 section 6 of **[this act]** P.L.1985, c.334 (C.58:11B-6);
- 4 b. Covenant against pledging all or part of its revenues or receipts;
- 5 c. Covenant with respect to limitations on any right to sell,  
6 mortgage, lease or otherwise dispose of any notes, bonds or other  
7 obligations of local **[governmental]** government units, or any part  
8 thereof, or any property of any kind;
- 9 d. Covenant as to any bonds, notes or other obligations to be  
10 issued by the trust, and the limitations thereon, and the terms and  
11 conditions thereof, and as to the custody, application, investment and  
12 disposition of the proceeds thereof;
- 13 e. Covenant as to the issuance of additional bonds, notes or other  
14 obligations of the trust or as to limitations on the issuance of  
15 additional bonds, notes or other obligations and on the incurring of  
16 other debts by it;
- 17 f. Covenant as to the payment of the principal of or interest on  
18 bonds, notes or other obligations of the trust, as to the sources and  
19 methods of payment, as to the rank or priority of the bonds, notes or  
20 other obligations with respect to any lien or security or as to the  
21 acceleration of the maturity of the bonds, notes or other obligations;
- 22 g. Provide for the replacement of lost, stolen, destroyed or  
23 mutilated bonds, notes or other obligations of the trust;
- 24 h. Covenant against extending the time for the payment of bonds,  
25 notes or other obligations of the trust or interest thereon;
- 26 i. Covenant as to the redemption of bonds, notes and other  
27 obligations by the trust or the holders thereof and privileges of  
28 exchange thereof for other bonds, notes or other obligations of the  
29 trust;
- 30 j. Covenant to create or authorize the creation of special funds or  
31 accounts to be held in trust or otherwise for the benefit of holders of  
32 bonds, notes and other obligations of the trust, or reserves for other  
33 purposes and as to the use, investment, and disposition of moneys held  
34 in those funds, accounts or reserves;
- 35 k. Provide for the rights and liabilities, powers and duties arising  
36 upon the breach of any covenant, condition or obligation and prescribe  
37 the events of default and terms and conditions upon which any or all  
38 of the bonds, notes or other obligations of the trust shall become or  
39 may be declared due and payable before maturity and the terms and  
40 conditions upon which the declaration and its consequences may be  
41 waived;
- 42 l. Vest in a trustee or trustees within or without the State any  
43 property, rights, powers and duties in trust as the trust may determine,  
44 which may include any or all of the rights, powers and duties of any  
45 trustee appointed by the holders of any bonds, notes or other  
46 obligations of the trust pursuant to section 18 of **[this act]** P.L.1985,

1 c.334 (C.58:11B-18), including rights with respect to the sale or other  
 2 disposition of notes, bonds or other obligations of local government  
 3 units pledged pursuant to a resolution or trust indenture for the benefit  
 4 of the holders of bonds, notes or other obligations of the trust and the  
 5 right by suit or action to foreclose any mortgage pledged pursuant to  
 6 the resolution or trust indenture for the benefit of the holders of the  
 7 bonds, notes or other obligations, and to limit or abrogate the right of  
 8 the holders of any bonds, notes or other obligations of the trust to  
 9 appoint a trustee under **[this act]** the provisions of P.L.1985, c.334  
 10 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature  
 11 as this bill), and to limit the rights, duties and powers of the trustee;  
 12 m. Pay the costs or expenses incident to the enforcement of the  
 13 bonds, notes or other obligations of the trust or of the provisions of  
 14 the resolution authorizing the issuance of those bonds, notes or other  
 15 obligations or of any covenant or agreement of the trust with the  
 16 holders of the bonds, notes or other obligations;  
 17 n. Limit the rights of the holders of any bonds, notes or other  
 18 obligations of the trust to enforce any pledge or covenant securing the  
 19 bonds, notes or other obligations; and  
 20 o. Make covenants other than or in addition to the covenants  
 21 authorized by **[this act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or  
 22 P.L. , c. (C. ) (pending in the Legislature as this bill) of like  
 23 or different character, and make covenants to do or refrain from doing  
 24 any acts and things as may be necessary, or convenient and desirable,  
 25 in order to better secure the bonds, notes or other obligations of the  
 26 trust, or which, in the absolute discretion of the trust, would make the  
 27 bonds, notes or other obligations more marketable, notwithstanding  
 28 that the covenants, acts or things may not be enumerated herein.  
 29 (cf: P.L.1985, c.334, s.7)

30  
 31 9. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read  
 32 as follows:

33 9. a. (1) The trust may make and contract to make loans to local  
 34 government units in accordance with and subject to the provisions of  
 35 **[this act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
 36 (C. ) (before the Legislature as this bill) to finance the cost of any  
 37 wastewater treatment system [projects] project <sup>2</sup>[, solid waste  
 38 management project]<sup>2</sup> or water supply project, which the local  
 39 government unit may lawfully undertake or acquire and for which the  
 40 local government unit is authorized by law to borrow money.  
 41 (2) The trust may make and contract to make loans to public water  
 42 utilities in accordance with and subject to the provisions of P.L.1985,  
 43 c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (pending in the  
 44 Legislature as this bill) to finance the cost of any water supply project,  
 45 which the public water utility may lawfully undertake or acquire.

46 The loans may be made subject to those terms and conditions as the



1 trust shall determine to be consistent with the purposes thereof. Each  
2 loan by the trust and the terms and conditions thereof shall be subject  
3 to approval by the State Treasurer, and the trust shall make available  
4 to the State Treasurer all information, statistical data and reports of  
5 independent consultants or experts as the State Treasurer shall deem  
6 necessary in order to evaluate the loan. Each loan to a local  
7 government unit or public water utility shall be evidenced by notes,  
8 bonds or other obligations thereof issued to the trust. In the case of  
9 each local government unit, notes and bonds to be issued to the trust  
10 by the local government unit (1) shall be authorized and issued as  
11 provided by law for the issuance of notes and bonds by the local  
12 government unit, (2) shall be approved by the Local Finance Board in  
13 the Division of Local Government Services in the Department of  
14 Community Affairs, and (3) notwithstanding the provisions of  
15 N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other  
16 provisions of law to the contrary, may be sold at private sale to the  
17 trust at any price, whether or not less than par value, and shall be  
18 subject to redemption prior to maturity at any times and at any prices  
19 as the trust and local government units may agree. Each loan to a local  
20 government unit or public water utility and the notes, bonds or other  
21 obligations thereby issued shall bear interest at a rate or rates per  
22 annum as the trust and the local government unit or public water  
23 utility, as the case may be, may agree.

24 b. The trust is authorized to guarantee or contract to guarantee the  
25 payment of all or any portion of the principal and interest on bonds,  
26 notes or other obligations issued by a local government unit to finance  
27 the cost of any wastewater treatment system project <sup>2</sup>[. solid waste  
28 management project]<sup>2</sup> or water supply project, which the local  
29 government unit may lawfully undertake or acquire and for which the  
30 local government unit is authorized by law to borrow money, and the  
31 guarantee shall constitute an obligation of the trust for the purposes  
32 of **[this act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
33 (C. )(pending in the Legislature as this bill). Each guarantee by  
34 the trust and the terms and conditions thereof shall be subject to  
35 approval by the State Treasurer, and the trust shall make available to  
36 the State Treasurer all information, statistical data and reports of  
37 independent consultants or experts as the State Treasurer shall deem  
38 necessary in order to evaluate the guarantee.

39 c. The trust shall not make or contract to make any loans or  
40 guarantees to local government units or public water utilities, or  
41 otherwise incur any additional indebtedness, on or after **[20 years**  
42 **from the effective date of this act]** November 5, 2005.  
43 (cf: P.L.1985, c.334, s.9)

44  
45 10. Section 10 of P.L.1985, c.334 (C.58:11B-10) is amended to  
46 read as follows:

1        10. The trust shall create and establish a special fund to be known  
2 as the "wastewater treatment system general loan fund."

3        Subject to the provisions of the legislation appropriating moneys to  
4 the trust, subject to any other provision of **[this act]** P.L.1985, c.334  
5 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature as  
6 this bill) providing otherwise, and subject to agreements with the  
7 holders of bonds, notes and other obligations of the trust, the trust  
8 shall deposit into the wastewater treatment system general loan fund  
9 all revenues and receipts of the trust, including moneys received by the  
10 trust as payment of the principal of and the interest or premium on  
11 loans made from moneys in any wastewater treatment system fund or  
12 account held by the trust under **[this act]** P.L.1985, c.334  
13 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature  
14 as this bill), and the earnings on the moneys in any wastewater  
15 treatment system fund or account of the trust, and all grants,  
16 appropriations, other than those referred to in section 11 of **[this act]**  
17 P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from  
18 any source, available for the making of loans to local government  
19 units. The amounts in the wastewater treatment system general loan  
20 fund shall be available for application by the trust for loans to local  
21 government units for the cost of wastewater treatment system  
22 projects, and for other corporate purposes of the trust related to  
23 wastewater treatment systems, subject to agreements with the holders  
24 of bonds, notes or other obligations of the trust.

25 (cf: P.L.1985, c.334, s.10)

26  
27        11. Section 13 of P.L.1985, c.334 (C.58:11B-13) is amended to  
28 read as follows:

29        13. Neither the directors of the trust nor any person executing  
30 bonds, notes or other obligations of the trust issued pursuant to **[this**  
31 **act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.   
32 (C. ) (before the Legislature as this bill) shall be liable personally  
33 on the bonds, notes or other obligations by reason of the issuance  
34 thereof.

35 (cf: P.L.1985, c.334, s.13)

36  
37        12. Section 14 of P.L.1985, c.334 (C.58:11B-14) is amended to  
38 read as follows:

39        14. The State does pledge to and covenant and agree with the  
40 holders of any bonds, notes or other obligations of the trust issued  
41 pursuant to authorization of **[this act]** P.L.1985, c.334 (C.58:11B-1  
42 et seq.) or P.L. , c. (C. ) (before the Legislature as this bill)  
43 that the State shall not limit or alter the rights or powers vested in the  
44 trust to perform and fulfill the terms of any agreement made with the  
45 holders of the bonds, notes or other obligations or to fix, establish,  
46 charge and collect any rents, fees, rates, payments or other charges as

1 may be convenient or necessary to produce sufficient revenues to meet  
2 all expenses of the trust and to fulfill the terms of any agreement made  
3 with the holders of bonds, notes or other obligations, including the  
4 obligations to pay the principal of and interest and premium on those  
5 bonds, notes or other obligations, with interest on any unpaid  
6 installments of interest, and all costs and expenses in connection with  
7 any action or proceedings by or on behalf of the holders, and shall not  
8 limit or alter the rights and powers of any local government unit to pay  
9 and perform its obligations owed to the trust in connection with loans  
10 received from the trust, until the bonds, notes and other obligations of  
11 the trust, together with interest thereon, are fully met and discharged  
12 or provided for.

13 (cf: P.L.1985, c.334, s.14)

14

15 13. Section 15 of P.L.1985, c.334 (C.58:11B-15) is amended to  
16 read as follows:

17 15. The State and all public officers, governmental units and  
18 agencies thereof, all banks, trust companies, savings banks and  
19 institutions, building and loan associations, savings and loan  
20 associations, investment companies, and other persons carrying on a  
21 banking business, all insurance companies, insurance associations and  
22 other persons carrying on an insurance business, and all executors,  
23 administrators, guardians, trustees and other fiduciaries may legally  
24 invest any sinking funds, moneys or other funds belonging to them or  
25 within their control in any bonds, notes or other obligations issued  
26 pursuant to **[this act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. ,  
27 c. (C. )(before the Legislature as this bill), and those bonds, notes  
28 or other obligations shall be authorized security for any and all public  
29 deposits.

30 (cf: P.L.1985, c.334, s.15)

31

32 14. Section 17 of P.L.1985, c.334 (C.58:11B-17) is amended to  
33 read as follows:

34 17. All property of the trust is declared to be public property  
35 devoted to an essential public and governmental function and purpose  
36 and the revenues, income and other moneys received or to be received  
37 by the trust shall be exempt from all taxes of the State or any political  
38 subdivision thereof. All bonds, notes and other obligations of the trust  
39 issued pursuant to **[this act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or  
40 P.L. , c. (C. )(before the Legislature as this bill) are declared  
41 to be issued by a body corporate and politic of the State and for an  
42 essential public and governmental purpose and those bonds, notes and  
43 other obligations, and interest thereon and the income therefrom and  
44 from the sale, exchange or other transfer thereof shall at all times be  
45 exempt from taxation, except for transfer inheritance and estate taxes.

46 (cf: P.L.1985, c.334, s.17)

1       15. Section 18 of P.L.1985, c.334 (C.58:11B-18) is amended to  
2 read as follows:

3       18. a. If the trust defaults in the payment of principal of, or  
4 interest on, any issue of its bonds, notes or other obligations after  
5 these are due, whether at maturity or upon call for redemption, and the  
6 default continues for a period of 30 days or if the trust defaults in any  
7 agreement made with the holders of any issue of bonds, notes or other  
8 obligations, the holders of 25% in aggregate principal amount of the  
9 bonds, notes or other obligations of the issue then outstanding, by  
10 instrument or instruments filed in the office of the clerk of any county  
11 in which the trust operates and has an office and proved or  
12 acknowledged in the same manner as required for a deed to be  
13 recorded, may direct a trustee to represent the holders of the bonds,  
14 notes or other obligations of the issuers for the purposes herein  
15 provided.

16       b. Upon default, the trustee may, and upon written request of the  
17 holders of 25% in principal amount of the bonds, notes or other  
18 obligations of the trust of a particular issue then outstanding shall, in  
19 his or its own name:

20       (1) By suit, action or proceeding enforce all rights of the holders  
21 of bonds, notes or other obligations of the issue, to require the trust  
22 to carry out any other agreements with the holders of the bonds, notes  
23 or other obligations of the issue and to perform its duties under [this  
24 act] P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. \_\_\_\_\_, c. \_\_\_\_\_  
25 (C. \_\_\_\_\_)(before the Legislature as this bill);

26       (2) Bring suit upon the bonds, notes or other obligations of the  
27 issue;

28       (3) By action or suit, require the trust to account as if it were the  
29 trustee of an express trust for the holders of the bonds, notes or other  
30 obligations of the issue;

31       (4) By action or suit, enjoin any acts or things which may be  
32 unlawful or in violation of the rights of the holders of the bonds, notes  
33 or other obligations of the issue;

34       (5) Sell or otherwise dispose of bonds and notes of local  
35 government units pledged pursuant to resolution or trust indenture for  
36 benefit of holders of bonds, notes, or other obligations of the issue on  
37 any terms as resolution or trust indenture may provide;

38       (6) By action or suit, foreclose any mortgage pledged pursuant to  
39 the resolution or trust indenture for the benefit of the holders of the  
40 bonds, notes or other obligations of the issue;

41       (7) Declare all bonds, notes or other obligations of the issue due  
42 and payable, and if all defaults are made good, then with the consent  
43 of the holders of 50% of the principal amount of the bonds, notes or  
44 other obligations of the issue then outstanding, to annul the  
45 declaration and its consequences.

46       c. The trustee shall, in addition to the foregoing, have those

1 powers necessary or appropriate for the exercise of any function  
2 specifically set forth herein or incident to the general representation of  
3 holders of bonds, notes or other obligations of the trust in the  
4 enforcement and protection of their rights.

5 d. The Superior Court shall have jurisdiction over any suit, action  
6 or proceeding by the trustees on behalf of the holders of bonds, notes  
7 or other obligations of the trust. The venue of any suit, action or  
8 proceeding shall be in the county in which the principal office of the  
9 trust is located.

10 e. Before declaring the principal of bonds, notes or other  
11 obligations of the trust due and payable as a result of a trust default on  
12 any of its bonds, notes or other obligations, the trustee shall first give  
13 30 days' notice in writing to the trust and to the Governor, State  
14 Treasurer, President of the Senate and Speaker of the General  
15 Assembly.

16 (cf: P.L.1985, c.334, s.18)

17

18 16. Section 19 of P.L.1985, c.334 (C.58:11B-19) is amended to  
19 read as follows:

20 19. Sums of money received pursuant to the authority of **[this act]**  
21 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before  
22 the Legislature as this bill), whether as proceeds from the sale of  
23 particular bonds, notes or other obligations of the trust or as particular  
24 revenues or receipts of the trust, are deemed to be trust funds, to be  
25 held and applied solely as provided in the resolution or trust indenture  
26 under which the bonds, notes or obligations are authorized or secured.  
27 Any officer with whom or any bank or trust company with which those  
28 sums of money are deposited as trustee thereof shall hold and apply  
29 the same for the purposes thereof, subject to any provision as **[this**  
30 **act]** the aforementioned acts and the resolution or trust indenture  
31 authorizing or securing the bonds, notes or other obligations of the  
32 trust may provide.

33 (cf: P.L.1985, c.334, s.19)

34

35 17. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to  
36 read as follows:

37 20. a. The Commissioner of Environmental Protection shall for  
38 each fiscal year develop a priority system for wastewater treatment  
39 systems and shall establish the ranking criteria and funding policies for  
40 the projects therefor. The commissioner shall set forth a project  
41 priority list for funding by the trust for each fiscal year and shall  
42 include the aggregate amount of funds of the trust to be authorized for  
43 these purposes. The project priority list may include any stormwater  
44 management or combined sewer overflow abatement project identified  
45 in the stormwater management and combined sewer overflow  
46 abatement project priority list adopted by the commissioner pursuant

1 to section 28 of P.L.1989, c.181.

2 The project priority list, which shall include for each wastewater  
3 treatment system the date each project is scheduled to be certified as  
4 ready for funding, shall be in conformance with applicable provisions  
5 of the "Federal Water Pollution Control Act Amendments of 1972,"  
6 Pub.L. 92-500 (33 U.S.C. § 1251 et al.), and any amendatory or  
7 supplementary acts thereto, and State law. The project priority list  
8 shall include a description of each project and its purpose, impact,  
9 cost, and construction schedule, and an explanation of the manner in  
10 which priorities were established. The priority system and project  
11 priority list for the ensuing fiscal year shall be submitted to the  
12 Legislature on or before January 15 of each year on a day when both  
13 Houses are meeting. The President of the Senate and the Speaker of  
14 the General Assembly shall cause the date of submission to be entered  
15 upon the Senate Journal and the Minutes of the General Assembly,  
16 respectively[, and shall cause]. On or before May 15 of each year, the  
17 trust shall submit the project priority list to be introduced in each  
18 House in the form of legislative appropriations bills, [and shall refer  
19 these bills] which shall be referred to the Senate [Energy and]  
20 Environment Committee and the General Assembly [Agriculture and  
21 Environment] <sup>1</sup>[Solid and Hazardous Waste] Agriculture and Waste  
22 Management<sup>1</sup> Committee, or their successors, for their respective  
23 consideration.

24 b. [Within 60 days of the referral thereof, the] The Senate  
25 [Energy and] Environment Committee and the General Assembly  
26 [Agriculture and Environment] <sup>1</sup>[Solid and Hazardous Waste]  
27 Agriculture and Waste Management<sup>1</sup> <sup>2</sup>Committee<sup>2</sup> shall, either  
28 individually or jointly, consider the legislation containing the project  
29 priority list, and shall report the legislation, together with any  
30 modifications, out of committee for consideration by each House of  
31 the Legislature. On or before [April] July 1 of each year, the  
32 Legislature shall approve an appropriations act containing the project  
33 priority list, including any amendatory or supplementary provisions  
34 thereto, which act shall include the authorization of an aggregate  
35 amount of funds of the trust to be expended for loans and guarantees  
36 for the specific projects, including the individual amounts therefor, on  
37 the list[, as modified by the Senate Energy and Environment  
38 Committee and the General Assembly Agriculture and Environment  
39 Committee].

40 c. The trust shall not expend any money for a loan or guarantee  
41 during a fiscal year for any wastewater treatment system project unless  
42 the expenditure is authorized pursuant to an appropriations act in  
43 accordance with the provisions of this section.

44 (cf: P.L.1985, c.334, s.20)

1       18. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to  
2 read as follows:

3       21. On or before May 15 of each year, the trust shall submit to the  
4 Legislature a financial plan designed to implement the financing of the  
5 wastewater treatment system projects on the project priority list  
6 approved pursuant to section 20 of **[this act]** P.L.1985, c.334  
7 (C.58:11B-20). The financial plan shall contain an enumeration of the  
8 bonds, notes or other obligations of the trust which the trust intends  
9 to issue, including the amounts thereof and the terms and conditions  
10 thereof, a list of loans to be made to local government units, including  
11 the terms and conditions thereof and the anticipated rate of interest per  
12 annum and repayment schedule therefor, and a list of loan guarantees  
13 or contracts to guarantee the payment of all or a portion of the  
14 principal and interest on bonds, notes or other obligations issued by a  
15 local government unit to finance the cost of a wastewater treatment  
16 system project, and the terms and conditions thereof. The financial  
17 plan shall also set forth a complete operating and financial statement  
18 covering its proposed operations during the forthcoming fiscal year,  
19 including amounts of income from all sources, and the uniform  
20 schedule of fees and charges established by the trust pursuant to  
21 subsection o. of section 5 of **[this act]** P.L.1985, c.334 (C.58:11B-5),  
22 and the amounts to be derived therefrom, and shall summarize the  
23 status of each wastewater treatment system project for which loans or  
24 guarantees have been made by the trust, and shall describe major  
25 impediments to the accomplishment of the planned wastewater  
26 treatment system projects.

27 (cf: P.L.1985, c.334, s.21)

28

29       19. Section 22 of P.L.1985, c.334 (C.58:11B-22) is amended to  
30 read as follows:

31       22. a. The trust shall submit the financial plan required pursuant  
32 to section 21 of **[this act]** P.L.1985, c.334 (C.58:11B-21) to the  
33 President of the Senate and the Speaker of the General Assembly on  
34 a day when both houses are meeting. The President and the Speaker  
35 shall cause the date of submission to be entered upon the Senate  
36 Journal and the Minutes of the General Assembly, respectively.

37       b. Unless the financial plan as described in the submission is  
38 approved by adoption of a concurrent resolution of both houses within  
39 the time period prescribed in this subsection, the financial plan shall be  
40 deemed disapproved and the trust shall not undertake any of the  
41 proposed activities contained therein. The President and the Speaker  
42 shall cause a concurrent resolution of approval of the trust's financial  
43 plan to be placed before the members of the respective houses for a  
44 recorded vote within the time period. The time period shall commence  
45 on the day of submission and expire on the forty-fifth day after  
46 submission or for a house not meeting on the forty-fifth day, on the

1 next meeting day of that house.

2 (cf: P.L.1985, c.334, s.22)

3

4 20. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to  
5 read as follows:

6 23. a. No funds from State sources or State bond issues used to  
7 capitalize the trust shall be available for use by the trust unless  
8 appropriated by law to the trust.

9 b. No funds shall be expended by the trust for its annual operating  
10 expenses unless appropriated by law to the trust. Unless required to be  
11 otherwise applied pursuant to law, funds generated by the operation  
12 of the trust, including, but not limited to: proceeds from the sale of the  
13 trust's bonds, notes or other obligations; revenues derived from  
14 investments by the trust; loan repayments from local government units;  
15 and fees and charges levied by the trust, may thereafter be applied in  
16 accordance with the provisions of [this act] P.L.1985, c.334  
17 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
18 as this bill) for any corporate purpose of the trust without  
19 appropriation; except that the funds shall only be used to make loans  
20 or guarantees approved by the Legislature in accordance with the  
21 provisions of sections 20, 21 and 22 of [this act] P.L.1985, c.334  
22 (C.58:11B-20, 58:11B-21 and 58:11B-22), <sup>2</sup>[sections 25, 26 and 27  
23 of P.L. , c. (C. )(before the Legislature as this bill),<sup>2</sup> or  
24 sections <sup>2</sup>[28, 29 and 30] 24, 25 and 26<sup>2</sup> of P.L. , c. (C.   
25 )(before the Legislature as this bill).

26 c. The trust shall not apply for[, receive, accept or utilize] any  
27 federal funds, including funds which are authorized pursuant to the  
28 "Federal Water Pollution Control Act Amendments of 1972," Pub.L.  
29 92-500 (33 U.S.C. § 1251 et al.), and any amendatory or  
30 supplementary acts thereto.

31 The trust, with the concurrence of the Commissioner of  
32 Environmental Protection, may receive, accept or utilize moneys  
33 received from local government units as repayments of principal and  
34 interest on loans made from the State Revolving Fund Accounts  
35 established pursuant to section 1 of P.L.1988, c.133.

36 (cf: P.L.1985, c.334, s.23)

37

38 21. Section 25 of P.L.1985, c.334 (C.58:11B-25) is amended to  
39 read as follows:

40 25. The trust shall establish the rules and regulations governing the  
41 making and use of loans or guarantees, including, but not limited to,  
42 procedures for the submission of loan guarantee requests, standards  
43 for the evaluation of requests, provisions implementing priority  
44 systems for projects, reporting requirements of the recipient of any  
45 loan or guarantee concerning the progress and the expenditure of  
46 funds, and limitations, restrictions or requirements concerning the use



1 of loan funds as the trust shall prescribe; provided that the rules and  
 2 regulations shall be in compliance with the terms and provisions of  
 3 **[this act]** P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L. , c.  
 4 (C. ) (before the Legislature as this bill) relating to the making of  
 5 or eligibility for loans or guarantees for environmental infrastructure  
 6 projects generally or for any particular type or class of wastewater  
 7 treatment system <sup>2</sup>[, solid waste management]<sup>2</sup> or water supply  
 8 projects.

9 (cf: P.L.1985, c.334, s.25)

10

11 22. Section 27 of P.L.1985, c.334 (C.58:11B-27) is amended to  
 12 read as follows:

13 27. The trust shall adopt such rules and regulations as it deems  
 14 necessary to effectuate the purposes of **[this act]** P.L.1985, c.334  
 15 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
 16 as this bill), including those required pursuant to sections 25 and 26 of  
 17 **[this act]** P.L.1985, c.334 (C.58:11B-25 and 58:11B-26), in  
 18 accordance with the "Administrative Procedure Act," P.L.1968, c.410  
 19 (C.52:14B-1 et seq.).

20 (cf: P.L.1985, c.334, s.27)

21

22 <sup>2</sup>**[23.** (New section) The trust shall create and establish a special  
 23 fund to be known as the "solid waste management general loan fund."

24 Subject to the provisions of the legislation appropriating moneys to  
 25 the trust, subject to any other provision of P.L.1985, c.334  
 26 (C.58:11B-1 et seq.) or P.L. , c. (C. ) (before the Legislature  
 27 as this bill) providing otherwise, and subject to agreements with the  
 28 holders of bonds, notes and other obligations of the trust, the trust  
 29 shall deposit into the solid waste management general loan fund all  
 30 revenues and receipts of the trust, including moneys received by the  
 31 trust as payment of the principal of and the interest or premium on  
 32 loans made from moneys in any fund or account held by the trust  
 33 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
 34 P.L. , c. (C. ) (before the Legislature as this bill), and the  
 35 earnings on the moneys in any fund or account of the trust, and all  
 36 grants, appropriations, other than those referred to in section 11 of  
 37 P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from  
 38 any source, available for the making of loans to local government units  
 39 for solid waste management projects. The amounts in the solid waste  
 40 management general loan fund shall be available for application by the  
 41 trust for loans to local government units for the cost of solid waste  
 42 management projects, and for other corporate purposes of the trust,  
 43 subject to agreements with the holders of bonds, notes or other  
 44 obligations of the trust.]<sup>2</sup>

45

46 <sup>2</sup>**[24.]** 23.<sup>2</sup> (New section) The trust shall create and establish a

1 special fund to be known as the "water supply facilities general loan  
2 fund."

3 Subject to the provisions of the legislation appropriating moneys to  
4 the trust, subject to any other provision of P.L.1985, c.334  
5 (C.58:11B-1 et seq.) or P.L. , c. (C. )(before the Legislature  
6 as this bill) providing otherwise, and subject to agreements with the  
7 holders of bonds, notes and other obligations of the trust, the trust  
8 shall deposit into the water supply facilities general loan fund all  
9 revenues and receipts of the trust, including moneys received by the  
10 trust as payment of the principal of and the interest or premium on  
11 loans made from moneys in any fund or account held by the trust  
12 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or  
13 P.L. , c. (C. )(before the Legislature as this bill), and the  
14 earnings on the moneys in any fund or account of the trust, and all  
15 grants, appropriations, other than those referred to in section 11 of  
16 P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from  
17 any source, available for the making of loans to local government units  
18 or public water utilities for water supply projects. The amounts in the  
19 water supply facilities general loan fund shall be available for  
20 application by the trust for loans to local government units or public  
21 water utilities for the cost of water supply projects, and for other  
22 corporate purposes of the trust, subject to agreements with the holders  
23 of bonds, notes or other obligations of the trust.

24

25 <sup>2</sup>[25. (New section) a. The Commissioner of Environmental  
26 Protection shall for each fiscal year develop a priority system for solid  
27 waste management projects and shall establish the ranking criteria and  
28 funding policies therefor. The commissioner shall set forth a project  
29 priority list for funding by the trust for each fiscal year and shall  
30 include the aggregate amount of funds of the trust to be authorized for  
31 these purposes.

32 (1) Any municipal solid waste landfill closure project on the project  
33 priority list shall be based on the closure program for municipal solid  
34 waste landfills established by the department pursuant to section 32 of  
35 P.L. , c. (C. )(before the Legislature as this bill).

36 (2) Any landfill mining project on the project priority list shall be  
37 based on the landfill mining program for sanitary landfill facilities  
38 established by the department pursuant to section 33 of P.L. , c.  
39 (C. )(before the Legislature as this bill).

40 The project priority list, which shall include for each solid waste  
41 management project the date the project is scheduled to be certified as  
42 ready for funding, shall be in conformance with applicable provisions  
43 of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et  
44 seq.), and any amendatory or supplementary acts thereto.

45 The project priority list shall include a description of each project  
46 and its purpose, impact, cost, and construction schedule, and an

1 explanation of the manner in which priorities were established. The  
2 priority system and project priority list for the ensuing fiscal year shall  
3 be submitted to the Legislature on or before January 15 of each year  
4 on a day when both Houses are meeting. The President of the Senate  
5 and the Speaker of the General Assembly shall cause the date of  
6 submission to be entered upon the Senate Journal and the Minutes of  
7 the General Assembly, respectively. On or before May 15 of each year,  
8 the trust shall submit the project priority list to be introduced in each  
9 House in the form of legislative appropriations bills, which shall be  
10 referred to the Senate Natural Resources and Economic Development  
11 Committee and the General Assembly <sup>1</sup> **[Solid and Hazardous Waste]**  
12 Agriculture and Waste Management<sup>1</sup> Committee, or their successors,  
13 for their respective consideration.

14 b. The Senate Natural Resources and Economic Development  
15 Committee and the General Assembly <sup>1</sup> **[Solid and Hazardous Waste]**  
16 Agriculture and Waste Management<sup>1</sup> Committee shall, either  
17 individually or jointly, consider the legislation containing the project  
18 priority list, and shall report the legislation, together with any  
19 modifications, out of committee for consideration by each House of  
20 the Legislature. On or before July 1 of each year, the Legislature shall  
21 approve an appropriations act containing the project priority list,  
22 including any amendatory or supplementary provisions thereto, which  
23 act shall include the authorization of an aggregate amount of funds of  
24 the trust to be expended for loans and guarantees for the specific solid  
25 waste management projects, including the individual amounts therefor,  
26 on the list.

27 c. The trust shall not expend any money for a loan or guarantee  
28 during a fiscal year for any solid waste management project unless the  
29 expenditure is authorized pursuant to an appropriations act in  
30 accordance with the provisions of this section.]<sup>2</sup>

31

32 <sup>2</sup>[26. (New section) On or before May 15 of each year, the trust  
33 shall submit to the Legislature a financial plan designed to implement  
34 the financing of the solid waste management projects on the project  
35 priority list approved pursuant to section 25 of P.L. , c.  
36 (C. )(before the Legislature as this bill). The financial plan shall  
37 contain an enumeration of the bonds, notes or other obligations of the  
38 trust which the trust intends to issue, including the amounts thereof  
39 and the terms and conditions thereof, a list of loans to be made to local  
40 government units, including the terms and conditions thereof and the  
41 anticipated rate of interest per annum and repayment schedule  
42 therefor, and a list of loan guarantees or contracts to guarantee the  
43 payment of all or a portion of the principal and interest on bonds,  
44 notes or other obligations issued by a local government unit to finance  
45 the cost of a solid waste management project, and the terms and  
46 conditions thereof.

1 The financial plan shall also set forth a complete operating and  
2 financial statement covering its proposed operations during the  
3 forthcoming fiscal year, including amounts of income from all sources,  
4 and the uniform schedule of fees and charges established by the trust  
5 pursuant to subsection o. of section 5 of P.L.1985 c.334  
6 (C.58:11B-5), and the amounts to be derived therefrom, and shall  
7 summarize the status of each solid waste management project for  
8 which loans or guarantees have been made by the trust, and shall  
9 describe major impediments to the accomplishment of the planned  
10 solid waste management projects.]<sup>2</sup>

11

12 <sup>2</sup>[27. (New section) a. The trust shall submit the financial plan  
13 required pursuant to section 26 of P.L. , c. (C. ) (before the  
14 Legislature as this bill) to the President of the Senate and the Speaker  
15 of the General Assembly on a day when both houses are meeting. The  
16 President and the Speaker shall cause the date of submission to be  
17 entered upon the Senate Journal and the Minutes of the General  
18 Assembly, respectively.

19 b. Unless the financial plan as described in the submission is  
20 approved by adoption of a concurrent resolution of both houses  
21 within the time period prescribed in this subsection, the financial plan  
22 shall be deemed disapproved and the trust shall not undertake any of  
23 the proposed activities contained therein. The President and the  
24 Speaker shall cause a concurrent resolution of approval of the trust's  
25 financial plan to be placed before the members of the respective houses  
26 for a recorded vote within the time period. The time period shall  
27 commence on the day of submission and expire on the forty-fifth day  
28 after submission or for a house not meeting on the forty-fifth day, on  
29 the next meeting day of that house.]<sup>2</sup>

30

31 <sup>2</sup>[28.] 24.<sup>2</sup> (New section) a. The Commissioner of Environmental  
32 Protection shall for each fiscal year develop a priority system for water  
33 supply projects and shall establish the ranking criteria and funding  
34 policies therefor. The commissioner shall set forth a project priority  
35 list for funding by the trust for each fiscal year and shall include the  
36 aggregate amount of funds of the trust to be authorized for these  
37 purposes. The commissioner <sup>2</sup>[shall not] may<sup>2</sup> include a water supply  
38 project on the project priority list <sup>2</sup>[for funding unless that specific  
39 project shall have been recommended in the New Jersey Statewide  
40 Water Supply Plan] if it meets the eligibility requirements for funding  
41 pursuant to the federal "Safe Drinking Water Act Amendments of  
42 1996," Pub.L.104-182<sup>2</sup>. The project priority list shall include a  
43 description of each project and an explanation of the manner in which  
44 priorities were established. The priority system and project priority list  
45 for the ensuing fiscal year shall be submitted to the Legislature on or  
46 before January 15 of each year on a day when both Houses are

1 meeting. The President of the Senate and the Speaker of the General  
 2 Assembly shall cause the date of submission to be entered upon the  
 3 Senate Journal and the Minutes of the General Assembly, respectively.  
 4 On or before May 15 of each year, the trust shall submit the project  
 5 priority list to be introduced in each House in the form of legislative  
 6 appropriations bills, which shall be referred to the Senate Natural  
 7 Resources and Economic Development Committee and the General  
 8 Assembly <sup>1</sup> **['Solid and Hazardous Waste] Agriculture and Waste**  
 9 **Management**<sup>1</sup> Committee, or their successors, for their respective  
 10 consideration.

11 b. The Senate Natural Resources and Economic Development  
 12 Committee and the General Assembly <sup>1</sup> **['Solid and Hazardous Waste]**  
 13 **Agriculture and Waste Management**<sup>1</sup> <sup>2</sup> **Committee**<sup>2</sup> shall, either  
 14 individually or jointly, consider the legislation containing the project  
 15 priority list, and shall report the legislation, together with any  
 16 modifications, out of committee for consideration by each House of  
 17 the Legislature. On or before July 1 of each year, the Legislature shall  
 18 approve an appropriations act containing the project priority list,  
 19 including any amendatory or supplementary provisions thereto, which  
 20 act shall include the authorization of an aggregate amount of funds of  
 21 the trust to be expended for loans and guarantees for the specific  
 22 water supply projects, including the individual amounts therefor, on  
 23 the list.

24 c. The trust shall not expend any money for a loan or guarantee  
 25 during a fiscal year for any water supply project unless the expenditure  
 26 is authorized pursuant to an appropriations act in accordance with the  
 27 provisions of this section.

28  
 29 <sup>2</sup> **[29.] 25.**<sup>2</sup> (New section) On or before May 15 of each year, the  
 30 trust shall submit to the Legislature a financial plan designed to  
 31 implement the financing of the water supply projects on the project  
 32 priority list approved pursuant to section <sup>2</sup> **[28] 24**<sup>2</sup> of P.L. , c.  
 33 (C. )(before the Legislature as this bill). The financial plan shall  
 34 contain an enumeration of the bonds, notes or other obligations of the  
 35 trust which the trust intends to issue, including the amounts thereof  
 36 and the terms and conditions thereof, a list of loans to be made to local  
 37 government units or public water utilities, including the terms and  
 38 conditions thereof and the anticipated rate of interest per annum and  
 39 repayment schedule therefor, and a list of loan guarantees or contracts  
 40 to guarantee the payment of all or a portion of the principal and  
 41 interest on bonds, notes or other obligations issued by a local  
 42 government unit to finance the cost of a water supply project, and the  
 43 terms and conditions thereof.

44 The financial plan shall also set forth a complete operating and  
 45 financial statement covering its proposed operations during the  
 46 forthcoming fiscal year, including amounts of income from all sources,

1 and the uniform schedule of fees and charges established by the trust  
 2 pursuant to subsection o. of section 5 of P.L.1985 c.334  
 3 (C.58:11B-5), and the amounts to be derived therefrom, and shall  
 4 summarize the status of each water supply project for which loans or  
 5 guarantees have been made by the trust, and shall describe major  
 6 impediments to the accomplishment of the planned water supply  
 7 projects.

8

9 <sup>2</sup>[30.] 26.<sup>2</sup> (New section) a. The trust shall submit the financial  
 10 plan required pursuant to section <sup>2</sup>[29] 25<sup>2</sup> of P.L. , c. (C. )  
 11 (before the Legislature as this bill) to the President of the Senate and  
 12 the Speaker of the General Assembly on a day when both houses are  
 13 meeting. The President and the Speaker shall cause the date of  
 14 submission to be entered upon the Senate Journal and the Minutes of  
 15 the General Assembly, respectively.

16 b. Unless the financial plan as described in the submission is  
 17 approved by adoption of a concurrent resolution of both houses within  
 18 the time period prescribed in this subsection, the financial plan shall be  
 19 deemed disapproved and the trust shall not undertake any of the  
 20 proposed activities contained therein. The President and the Speaker  
 21 shall cause a concurrent resolution of approval of the trust's financial  
 22 plan to be placed before the members of the respective houses for a  
 23 recorded vote within the time period. The time period shall commence  
 24 on the day of submission and expire on the forty-fifth day after  
 25 submission or for a house not meeting on the forty-fifth day, on the  
 26 next meeting day of that house.

27

28 <sup>2</sup>[31.] 27.<sup>2</sup> (New section) As an alternative to the individual  
 29 annual submissions required by the provisions of sections 21 and 22 of  
 30 P.L.1985, c.334 (C.58:11B-21 and 58:11B-22) <sup>2</sup>[, sections 26 and 27  
 31 of P.L. , c. (C. )](before the Legislature as this bill),<sup>2</sup> and  
 32 sections <sup>2</sup>[29 and 30] 25 and 26<sup>2</sup> of P.L. , c. (C. )](before  
 33 the Legislature as this bill), the trust may develop and submit to the  
 34 Legislature a consolidated financial plan designed to implement the  
 35 financing of the wastewater treatment system projects on the project  
 36 priority list approved pursuant to section 20 of P.L.1985, c.334  
 37 (C.58:11B-20) <sup>2</sup>[, the solid waste management projects on the project  
 38 priority list approved pursuant to section 25 of P.L. , c. (C.  
 39 )](before the Legislature as this bill),<sup>2</sup> and the water supply projects  
 40 on the project priority list approved pursuant to section <sup>2</sup>[28] 24<sup>2</sup> of  
 41 P.L. , c. (C. )](before the Legislature as this bill).

42

43 <sup>2</sup>[32. (New section) a. The department shall establish a closure  
 44 program for municipal solid waste landfills, which shall include but not  
 45 be limited to:

1 (1) The identification, in consultation with local government units,  
2 of <sup>1</sup>(a) all municipal solid waste landfills in the State that ceased  
3 operations prior to January 1, 1982 and that are not listed on the  
4 National Priorities List pursuant to the "Comprehensive Environmental  
5 Response, Compensation, and Liability Act of 1980," at 42 U.S.C.  
6 §9605, and conducting a preliminary site assessment to prioritize the  
7 municipal solid waste landfills for closure on the basis of the threat  
8 posed to the public health, safety or welfare <sup>1</sup>; and (b) any municipal  
9 solid waste landfill that is located in any portion of the Pinelands area  
10 that ceased operations on or after January 1, 1982 in accordance with  
11 section 502 of the "National Parks and Recreation Act of 1978"  
12 (PL 95-625), the "Pinelands Protection Act," P.L.1979, c.111  
13 (C.13:18A-1 et seq.), and the comprehensive management plan  
14 prepared and adopted by the Pinelands Commission pursuant thereto <sup>1</sup>;

15 (2) The establishment, at the request of a municipality or  
16 municipalities within which is located a municipal solid waste landfill  
17 identified pursuant to paragraph (1) of this subsection, of a community  
18 advisory committee comprised of local officials and with  
19 representation of residents living within one mile of the municipal solid  
20 waste landfill. The department shall work with the committee in  
21 planning the closure of the municipal solid waste landfill and the  
22 long-term use of the site after closure;

23 (3) The closure of the municipal solid waste landfills identified  
24 pursuant to paragraph (1) of this subsection in accordance with the  
25 remediation standards developed by the department pursuant to  
26 section 35 of P.L.1993, c.139 (C.58:10B-12); and

27 (4) The undertaking of such other measures as the department  
28 determines necessary to implement the provisions of this section.

29 b. Whenever the department determines that the landfill closure  
30 escrow account of an owner or operator of a municipal solid waste  
31 landfill <sup>1</sup>, which is located outside of the Pinelands area, <sup>1</sup> that ceased  
32 operations between January 1, 1982 and the effective date of P.L. ,  
33 c. (C. ) (before the Legislature as this bill) has insufficient funds  
34 for the proper closure of the municipal solid waste landfill, the  
35 department may enter into an agreement with the owner or operator  
36 to close the municipal solid waste landfill under the closure program  
37 established pursuant to this section.

38 <sup>1</sup>c. No action or measure taken by the department pursuant to the  
39 provisions of P.L. , c. (C. ) (pending in the Legislature as this  
40 bill) shall be inconsistent with the provisions of section 502 of the  
41 "National Parks and Recreation Act of 1978" (PL 95-625), the  
42 "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), or  
43 any rule or regulation adopted pursuant thereto, or the comprehensive  
44 management plan prepared and adopted by the Pinelands Commission  
45 pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8). <sup>1</sup> ]<sup>2</sup>

1 <sup>2</sup>[33. (New section) a. The department shall establish a landfill  
2 mining program for sanitary landfill facilities.

3 b. Any local government unit that owns or operates a sanitary  
4 landfill facility proposing to undertake a landfill mining project shall  
5 submit to the department an application package that shall contain a  
6 mining plan and any other information as may be prescribed by the  
7 department.

8 c. An owner or operator of a sanitary landfill facility that  
9 undertakes a landfill mining project shall prepare a written report  
10 concerning the project every six months during the implementation of  
11 the project and a final report within 6 months of its completion, which  
12 shall be submitted to the department, to the Legislature, and to the  
13 Chairmen of the Senate Natural Resources and Economic  
14 Development Committee and the Assembly <sup>1</sup>[Solid and Hazardous  
15 Waste] Agriculture and Waste Management<sup>1</sup> Committee or their  
16 successor committees. The final report shall include but shall not be  
17 limited to an explanation of the procedures used in the project, the  
18 number of tons of recyclable materials recovered, the types of  
19 materials recovered, the number of tons of materials sold, the buyers  
20 of any materials recovered, the materials composted, the number of  
21 tons of materials composted, additional disposal capacity created, cost  
22 effectiveness, the environmental problems revealed, the measures  
23 taken for closure, the materials remaining in the landfill, if any, the  
24 equipment purchased, an accounting of the costs of the projects, and  
25 any other information the department deems appropriate.]<sup>2</sup>  
26

27 <sup>2</sup>[34. (New section) a. The department shall adopt, pursuant to  
28 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
29 seq.), any rules and regulations necessary to implement the provisions  
30 of sections 32 and 33 of P.L. , c. (C. )(before the Legislature  
31 as this bill). The department shall adopt these rules and regulations  
32 within 18 months of the effective date of P.L. , c. (C. )(before  
33 the Legislature as this bill).]<sup>2</sup>  
34

35 <sup>2</sup>[35.] 28.<sup>2</sup> This act shall take effect immediately.  
36  
37  
38  
39

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40 Establishes New Jersey Environmental Infrastructure Trust to finance  
41 wastewater treatment system and water supply projects.



ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1511**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 22, 1996

The Assembly Agriculture and Waste Management Committee favorably reports Assembly Bill No. 1511 with committee amendments.

Assembly Bill No. 1511 permits the New Jersey Wastewater Treatment Trust, a State financing authority empowered to maximize the use of available State funds for financing the costs of wastewater treatment system projects, to provide financial assistance to local governments for most other types of environmental infrastructure projects as well, including stormwater management or combined sewer overflow abatement projects, solid waste management projects, landfill mining projects, municipal solid waste landfill closure projects, and water supply projects. The bill also permits the Trust to make loans to private sector firms (i.e. investor-owned water companies and so-called small water companies) for water supply projects.

The New Jersey Wastewater Treatment Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), is empowered to issue bonds, notes and other debt obligations for the purpose of providing loans with an interest rate at or below the prevailing market rate to local government units for approximately 50% of the allowable costs of eligible wastewater treatment system projects. The eligible projects are those included in the annual "State Fiscal Year Project Priority List" submitted to the Legislature by the Trust in January of each year. The bill renames the Trust as the "New Jersey Environmental Infrastructure Trust."

Under the New Jersey Wastewater Treatment Financing Program, the Department of Environmental Protection (DEP) has utilized State general obligation bond moneys from the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329), federal moneys received under the federal "Water Quality Act of 1987," and from fees and penalties from the federal "Marine Protection, Research and Sanctuaries Act of 1972," and bond moneys made available under the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, which allocated \$50 million for the financing of

wastewater treatment system projects, to provide zero interest loans to local governments for up to 50% of eligible project costs for wastewater treatment system projects. The Trust issues revenue bonds to provide moneys for low interest loans to local governments for the remaining balance of eligible project costs for these projects.

A local government seeking financial assistance for a wastewater treatment system project would apply for a loan from each State agency. In most instances, this combined State financing approach would be considerably less costly to the average local government than bonding for the project on its own. Typically, participants in the New Jersey Wastewater Treatment Financing Program have realized an average savings of 30% on the financing of the total eligible cost of the project over what it would cost a local government to secure its own financing.

Assembly Bill No. 1511 extends this combined State financing approach to virtually all environmental infrastructure projects, including stormwater management or combined sewer overflow abatement projects, solid waste management projects, including the construction of composting facilities, materials recovery facilities, recycling centers, resource recovery facilities and environmentally sound sanitary landfill facilities, as well as landfill mining projects and municipal solid waste landfill closure projects, and water supply projects.

The proposed funding source for these projects would be several existing State general obligation bond acts: the "Water Supply Bond Act of 1981" (P.L.1981, c.261); the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181); and the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" (P.L.1985, c.330). These bond acts would be amended by separate bills (A-156, A-1512 and A-1126, respectively) to authorize the Trust and the DEP to jointly administer the bond moneys in order to maximize the pool of State moneys available for environmental infrastructure projects.

The bill requires the DEP to establish a landfill mining program for sanitary landfill facilities. Any local government that owns or operates a sanitary landfill facility may undertake a landfill mining project after filing a mining plan with the department. An owner or operator of a sanitary landfill facility that undertakes a landfill mining project must prepare a final report concerning the project within 6 months of its completion, which would be submitted to the DEP and the Legislature. The final report must include an explanation of the procedures used in the project, the number of tons of recyclable materials recovered, the types of materials recovered, the number of tons of materials sold, the buyers of any materials recovered, the materials composted, the number of tons of materials composted, additional disposal capacity created, cost effectiveness, the environmental problems revealed, the measures taken for closure, the materials remaining in the landfill, if any, the equipment purchased, an accounting of the costs of the

projects, and any other information the DEP deems appropriate.

The bill requires the DEP to establish a closure program for municipal solid waste landfills. To be eligible for the closure program, a municipal landfill must have received for disposal household solid waste and either commercial solid waste, industrial solid waste or hazardous waste material that was received prior to the effective date of the federal RCRA program regulating hazardous waste disposal.

The municipal landfills that ceased operations prior to the effective date of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.) and that are not federal Superfund sites are specifically included in the closure program. Landfills that ceased operations between January 1, 1982 and the effective date of the bill, which are required by law to have a closure escrow account, may be included in the program if the DEP determines that they ceased operations before sufficient funds accumulated in the escrow accounts.

The bill also makes a number of technical changes to the provisions of P.L.1985, c.334 in order to facilitate the transition from a single purpose wastewater treatment financing program to a greatly expanded environmental infrastructure project financing program.

Committee amendments make terminated municipal solid waste landfills located in the Pinelands area eligible for inclusion within the municipal solid waste landfill closure program to be established under the bill.

The committee amendments also make changes of a technical nature.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1511**

# **STATE OF NEW JERSEY**

DATED: MAY 13, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1511 (1R).

Assembly Bill No. 1511 (1R) permits the New Jersey Wastewater Treatment Trust, a State financing authority currently empowered to maximize the use of available State funds for financing the costs of wastewater treatment system projects, to provide financial assistance to local governments for most other types of environmental infrastructure projects as well, including stormwater management or combined sewer overflow abatement projects, solid waste management projects, landfill mining projects, municipal solid waste landfill closure projects, and water supply projects. The bill also permits the Trust to make loans to private sector firms (i.e. investor-owned water companies and so-called small water companies) for water supply projects.

The New Jersey Wastewater Treatment Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), may currently issue bonds, notes and other debt obligations to provide low-rate loans to local government units for approximately 50% of the allowable costs of eligible wastewater treatment system projects. The eligible projects are those included in the annual "State Fiscal Year Project Priority List" submitted to the Legislature by the Trust in January of each year.

Under the New Jersey Wastewater Treatment Financing Program, the Department of Environmental Protection (DEP) has utilized State general obligation bond moneys from the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329), federal moneys received under the federal "Water Quality Act of 1987," and from fees and penalties from the federal "Marine Protection, Research and Sanctuaries Act of 1972," and bond moneys made available under the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, which allocated \$50 million for the financing of wastewater treatment system projects, to provide zero interest loans to local governments for up to 50% of eligible project costs for wastewater treatment system projects. The Trust issues revenue bonds to provide moneys for low interest loans to local governments for the remaining balance of eligible project costs for these projects.

Currently, a local government seeking financial assistance for a wastewater treatment system project would apply for a loan from each State agency. In most instances, this combined State financing approach would be considerably less costly to the average local government than bonding for the project on its own. Typically, participants in the New Jersey Wastewater Treatment Financing Program have realized an average savings of 30% on the financing of the total eligible cost of the project over what it would cost a local government to secure its own financing.

This bill renames the Trust as the "New Jersey Environmental Infrastructure Trust," and extends the combined State financing approach discussed above to virtually all environmental infrastructure projects, including stormwater management or combined sewer overflow abatement projects, solid waste management projects, including the construction of composting facilities, materials recovery facilities, recycling centers, resource recovery facilities and environmentally sound sanitary landfill facilities, as well as landfill mining projects, municipal solid waste landfill closure projects, and water supply projects.

The bill funds these projects from several existing State general obligation bond acts: the "Water Supply Bond Act of 1981" (P.L.1981, c.261); the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181); and the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" (P.L.1985, c.330). These bond acts would be amended by separate bills (Assembly Bill Nos. 156, 1512 and 1126, respectively) to authorize the Trust and the DEP to jointly administer the bond moneys in order to maximize the pool of State moneys available for environmental infrastructure projects.

Additionally, the bill establishes two new landfill programs. DEP is required to establish a landfill mining program for sanitary landfill facilities. Any local government that owns or operates a sanitary landfill facility may undertake a landfill mining project after filing a mining plan with the department. A sanitary landfill facility owner or operator undertaking a mining project must prepare a final report concerning the project within 6 months of its completion, which would be submitted to the DEP and the Legislature. The final report must include an explanation of the procedures used in the project, the amount and type of recyclable materials recovered and sold or composted, the buyers of any materials, the additional disposal capacity created, other measures of effectiveness and inefficiency and any other information the DEP deems appropriate.

The bill also requires the DEP to establish a closure program for municipal solid waste landfills. A program eligible municipal landfill must have received for disposal household solid waste and either commercial solid waste, industrial solid waste or hazardous waste material that was received prior to the effective date of the federal RCRA program regulating hazardous waste disposal. The municipal

landfills that ceased operations prior to the effective date of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.) and that are not federal Superfund sites are specifically included in the closure program. Landfills that ceased operations between January 1, 1982 and the effective date of the bill, which are required by law to have a closure escrow account, may be included in the program if the DEP determines that they ceased operations before sufficient funds accumulated in the escrow accounts.

The bill also makes a number of technical changes to the provisions of P.L.1985, c.334 in order to facilitate the transition from a single purpose wastewater treatment financing program to a greatly expanded environmental infrastructure project financing program.

**FISCAL IMPACT:**

The bill was not certified as requiring a fiscal note. The bill does not itself require or authorize the expenditure of additional State revenues. The bill extends the combined State financing approach currently used by the New Jersey Wastewater Treatment Trust to maximize the use of available State funds for financing the costs of wastewater treatment system projects to provide financial assistance to local governments for most other types of environmental infrastructure projects as well.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 1511

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 16, 1996

The Senate Environment Committee reports favorably Assembly Bill No. 1511 (1R) with committee amendments.

The bill permits the New Jersey Wastewater Treatment Trust, a State financing authority currently empowered to maximize the use of available State funds for financing the costs of wastewater treatment system projects, to provide financial assistance to local governments for other types of environmental infrastructure projects as well, including stormwater management or combined sewer overflow abatement projects and water supply projects. The bill also permits the Trust to make loans to private sector firms (i.e. investor-owned water companies and so-called small water companies) for water supply projects. Some of the money for water supply projects would be used to provide the required State matching funds to federal moneys provided to help water systems meet national primary drinking water regulations or otherwise further the health protection objectives of the federal "Safe Drinking Water Act," 42 U.S.C. §300f et seq.

The New Jersey Wastewater Treatment Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), may currently issue bonds, notes and other debt obligations to provide low-rate loans to local government units for approximately 50% of the allowable costs of eligible wastewater treatment system projects. The eligible projects are those included in the annual "State Fiscal Year Project Priority List" submitted to the Legislature by the Trust in January of each year.

Under the New Jersey Wastewater Treatment Financing Program, the Department of Environmental Protection (DEP) has utilized State general obligation bond moneys from the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329), federal moneys received under the federal "Water Quality Act of 1987," and from fees and penalties from the federal "Marine Protection, Research and Sanctuaries Act of 1972," and bond moneys made available under the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, which allocated \$50 million for the financing of wastewater treatment system projects, to provide zero interest loans

to local governments for up to 50% of eligible project costs for wastewater treatment system projects. The Trust issues revenue bonds to provide moneys for low interest loans to local governments for the remaining balance of eligible project costs for these projects.

Currently, a local government seeking financial assistance for a wastewater treatment system project would apply for a loan from each State agency. In most instances, this combined State financing approach would be considerably less costly to the average local government than bonding for the project on its own. Typically, participants in the New Jersey Wastewater Treatment Financing Program have realized an average savings of 30% on the financing of the total eligible cost of the project over what it would cost a local government to secure its own financing.

This bill renames the Trust as the "New Jersey Environmental Infrastructure Trust," and extends the combined State financing approach discussed above to additional environmental infrastructure projects, including stormwater management or combined sewer overflow abatement projects and water supply projects.

The bill, as amended, funds these projects from two existing State general obligation bond acts: the "Water Supply Bond Act of 1981" (P.L.1981, c.261) and the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181). These bond acts would be amended by separate bills (Assembly Bill Nos. 156 and 1512 respectively) to authorize the Trust and the DEP to jointly administer the bond moneys in order to maximize the pool of State moneys available for environmental infrastructure projects.

The bill also makes a number of technical changes to the provisions of P.L.1985, c.334 in order to facilitate the transition from a single purpose wastewater treatment financing program to a greatly expanded environmental infrastructure project financing program.

The bill extends the combined State financing approach currently used by the New Jersey Wastewater Treatment Trust to maximize the use of available State funds for financing the costs of wastewater treatment system projects to provide financial assistance to local governments for other types of environmental infrastructure projects as well.

The committee amendments delete the authority of the Trust to finance solid waste projects and establish a cap on the Trust's debt ceiling at \$1 billion. The Trust currently has a \$600 million cap on its debt that the Legislature has allowed it to exceed for several years.

The bill as amended, is identical to the Senate Committee Substitute for Senate Bill No. 468.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 1511**

# **STATE OF NEW JERSEY**

DATED: JANUARY 14, 1997

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1511 (2R) of 1996.

Assembly Bill No. 1511 (2R) permits the New Jersey Wastewater Treatment Trust, a State financing authority currently empowered to maximize the use of available State funds for financing the costs of wastewater treatment system projects, to provide financial assistance to local governments for other types of environmental infrastructure projects as well, including stormwater management or combined sewer overflow abatement projects and water supply projects. The bill also permits the Trust to make loans to private sector firms (i.e. investor-owned water companies and so-called small water companies) for water supply projects. Some of the money for water supply projects would be used to provide the required State matching funds to federal moneys provided to help water systems meet national primary drinking water regulations or otherwise further the health protection objectives of the federal "Safe Drinking Water Act," 42 U.S.C. §300f et seq.

The New Jersey Wastewater Treatment Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), may currently issue bonds, notes and other debt obligations to provide low-rate loans to local government units for approximately 50% of the allowable costs of eligible wastewater treatment system projects. The eligible projects are those included in the annual "State Fiscal Year Project Priority List" submitted to the Legislature by the Trust in January of each year.

Under the New Jersey Wastewater Treatment Financing Program, the Department of Environmental Protection (DEP) has utilized State general obligation bond moneys from the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329), federal moneys received under the federal "Water Quality Act of 1987," and from fees and penalties from the federal "Marine Protection, Research and Sanctuaries Act of 1972," and bond moneys made available under the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, which allocated \$50 million for the financing of wastewater treatment system projects, to provide zero interest loans to local governments for up to 50% of eligible project costs for

wastewater treatment system projects. The Trust issues revenue bonds to provide moneys for low interest loans to local governments for the remaining balance of eligible project costs for these projects.

Currently, a local government seeking financial assistance for a wastewater treatment system project would apply for a loan from each State agency. In most instances, this combined State financing approach would be considerably less costly to the average local government than bonding for the project on its own. Typically, participants in the New Jersey Wastewater Treatment Financing Program have realized an average savings of 30% on the financing of the total eligible cost of the project over what it would cost a local government to secure its own financing.

This bill renames the Trust as the "New Jersey Environmental Infrastructure Trust," and extends the combined State financing approach discussed above to additional environmental infrastructure projects, including stormwater management or combined sewer overflow abatement projects and water supply projects.

The bill funds these projects from two existing State general obligation bond acts: the "Water Supply Bond Act of 1981" (P.L.1981, c.261) and the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181). These bond acts would be amended by separate bills pending before the Legislature to authorize the Trust and the DEP to jointly administer the bond moneys in order to maximize the pool of State moneys available for environmental infrastructure projects.

The bill also makes a number of technical changes to the provisions of P.L.1985, c.334 in order to facilitate the transition from a single purpose wastewater treatment financing program to an expanded environmental infrastructure project financing program.

The bill increases the cap on the trust's debt ceiling from \$600 million to \$1 billion.

The bill extends the combined State financing approach currently used by the New Jersey Wastewater Treatment Trust to maximize the use of available State funds for financing the costs of wastewater treatment system projects to provide financial assistance to local governments for other types of environmental infrastructure projects as well.

As reported, this bill is identical to Senate Bill No. 468 SCS of 1996 (Kyrillos/Ciesla).

#### FISCAL IMPACT

This bill has not been certified as requiring a fiscal note since it will not have an impact on State expenditures or revenues.