

40:14A-3; 40:14A-7

LEGISLATIVE HISTORY CHECKLIST

(Sewerage authorities--acquire or construct on-site systems located on private property)

40:14A-3; 40:14A-7; 40:14B-3;
NJSA 40:14B-20

LANS OF 1980

CHAPTER 77

Bill No. S1206

Sponsor(s) Dumont

Date Introduced April 17, 1980

Committee: Assembly

Senate County and Municipal Government

Amended during passage Yes

* Substituted for A1514 (not attached since identical to S1206). Amendments during passage denoted by asterisks.

Date of Passage: Assembly June 26, 1980

Senate June 26, 1980

Date of approval July 24, 1980

Following statements are attached if available:

Sponsor statement Yes *x

Committee Statement: Assembly *x *o

Senate Yes *x

Fiscal Note *x *o

Veto message *x *o

Message on signing Yes *x

Following were printed:

Reports *x *o

Hearings *x *o

New Jersey standards cited in sponsor's statement:

N.J.A.C. 7:9-2.1 et seq.

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SENATE No. 1206

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Senator DUMONT

Referred to Committee on County and Municipal Government

AN ACT to amend ***["**An act relating to the authorization, acquisition, financing and operation of sewage disposal systems and compensating reservoirs by or on behalf of any county or any one or more municipalities, providing for the creation of sewerage authorities to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges to meet the expense thereof, repealing article 3 of chapter 63 of Title 40 (sections 40:63-140 et seq.) of the Revised Statutes, and supplementing Title 40 of the Revised Statutes," approved April 23, 1946 (P. L. 1946, c. 138), as said Title was amended by P. L. 1953, c. 177.]* *the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138) and the "Municipal Utilities Authorities Law," approved August 22, 1957 (P. L. 1957, c. 183).**

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

1 1. Section 3 of P. L. 1946, c. 138 (C. 40:14A-3) is amended to
2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
4 from the context:

5 (1) "Municipality" shall mean any city of any class, any
6 borough, village, town, township, or any other municipality other
7 than a county or a school district, and except when used in sections
8 4 or 21 of this act, any agency thereof or any two or more thereof
9 acting jointly or any joint meeting or other agency of any two or
10 more thereof;

11 (2) "County" shall mean any county of any class;

12 (3) "Governing body" shall mean, in the case of a county, the
13 board of chosen freeholders, *or in the case of those counties orga-*
14 *nized pursuant to the provisions of the "Optional County Charter*
15 *Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), the board of chosen*
16 *freeholders and the county executive, the county supervisor or the*

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

17 *county manager, as appropriate*, and, in the case of a municipality,
18 the commission, council, board or body, by whatever name it may
19 be known, having charge of the finances of the municipality;

20 (4) "Person" shall mean any person, association, corporation,
21 nation, State or any agency or subdivision thereof, other than a
22 county or municipality of the State or a sewerage authority;

23 (5) "Sewerage authority" shall mean a public body created
24 pursuant to section 4 of this act;

25 (6) Subject to the exceptions provided in section 4 of this act,
26 "district" shall mean the area within the territorial boundaries of
27 the county, or of the municipality or municipalities, which created
28 or joined in the creation of a sewerage authority;

29 (7) "Local unit" shall mean the county, or any municipality,
30 which created or joined in the creation of a sewerage authority;

31 (8) "Sewerage system" shall mean the plants, structures, *on-*
32 *site wastewater systems*, and other real and personal property
33 acquired, constructed, *maintained* or operated or to be acquired,
34 constructed, *maintained* or operated by a sewerage authority for
35 the purposes of the sewerage authority, including sewers, conduits,
36 pipe lines, mains, pumping and ventilating stations, sewage treat-
37 ment or disposal systems, plants and works, connections, and
38 outfalls, compensating reservoirs, and other plants, structures,
39 boats, conveyances, and other real and personal property, and
40 rights therein, and appurtenances necessary or useful and con-
41 venient for the collection, treatment, purification or disposal in a
42 sanitary manner of any sewage, liquid or solid wastes, night soil or
43 industrial wastes;

44 (9) "Cost" shall mean, in addition to the usual connotations
45 thereof, the cost of acquisition or construction of all or any part
46 of a sewerage system and of all or any property, rights, easements,
47 privileges, agreements and franchises deemed by the sewerage
48 authority to be necessary or useful and convenient therefor or in
49 connection therewith, including interest or discount on bonds, cost
50 of issuance of bonds, engineering and inspection costs and legal
51 expenses, costs of financial, professional and other estimates and
52 advice, organization, administrative, operating and other expenses
53 of the sewerage authority prior to and during such acquisition or
54 construction, and all such other expenses as may be necessary or
55 incident to the financing, acquisition, construction and completion
56 of said sewerage system or part thereof and the placing of the
57 same in operation, and also such provision or reserves for working
58 capital, operating, maintenance or replacement expenses or for

59 payment or security of principal of or interest on bonds during or
 60 after such acquisition or construction as the sewerage authority
 61 may determine, and also reimbursements to the sewerage authority
 62 or any county, municipality or other person of any moneys thereto-
 63 fore expended for the purposes of the sewerage authority or to any
 64 county or municipality of any moneys theretofore expended for in
 65 connection with sanitation facilities;

66 (10) "Real property" shall mean lands both within and without
 67 the State, and improvements thereof or thereon, or any rights or
 68 interests therein;

69 (11) "Construct" and "construction" shall connote and include
 70 acts of construction, reconstruction, replacement, extension, im-
 71 provement and betterment of a sewerage system;

72 (12) "Industrial wastes" shall mean liquid or other wastes
 73 resulting from any processes of industry, manufacture, trade or
 74 business or from the development of any natural resource;

75 (13) "Sewage" shall mean the water-carried wastes created in
 76 and carried, or to be carried, away from, *or to be processed by*
 77 *on-site wastewater systems*, residences, hotels, apartments, schools,
 78 hospitals, industrial establishments, or any other public or private
 79 building, together with such surface or ground water and industrial
 80 wastes as may be present;

81 (14) "*On-site wastewater system*"*"* means any of several works,
 82 facilities, septic tanks or other devices, used to collect, treat,
 83 reclaim, or dispose of wastewater or sewage on or adjacent to the
 84 property on which the wastewater or sewage is produced, or to
 85 convey such wastewater or sewage from said property to such
 86 facilities as the authority may establish for its disposal;

87 **[(14)]** (15) "Pollution" means the condition of water resulting
 88 from the introduction therein of substances of a kind and in
 89 quantities rendering it detrimental or immediately or potentially
 90 dangerous to the public health, or unfit for public or commercial
 91 use;

92 **[(15)]** (16) "Ordinance" means a written act of the governing
 93 body of a municipality adopted and otherwise approved and pub-
 94 lished in the manner or mode of procedure prescribed for ordi-
 95 nances tending to obligate such municipality pecuniarily;

96 **[(16)]** (17) "Resolution" means a written act of the governing
 97 body of a local unit adopted and otherwise approved in the manner
 98 or mode of procedure prescribed for resolutions tending to obligate
 99 such local unit pecuniarily;

100 **[(17)]** (18) "Bonds" shall mean bonds or other obligations
 101 issued pursuant to this act; and

102 **[(18)]** (19) "Compensating reservoir" shall mean the struc-
 103 tures, facilities and appurtenances for the impounding, transporta-
 104 tion and release of water for the replenishment in periods of
 105 drought or at other necessary times of all or a part of waters in or
 106 bordering the State diverted into a sewer, sewage treatment or
 107 sewage disposal system operated by the sewerage authority.

1 2. Section 7 of P. L. 1946, c. 138 (C. 40:14A-7) is amended as
 2 follows:

3 7. Every sewerage authority shall be a public body politic and
 4 corporate constituting a political subdivision of the State estab-
 5 lished as an instrumentality exercising public and essential govern-
 6 mental functions to provide for the public health and welfare and
 7 shall have perpetual succession and have the following powers:

8 (1) To adopt and have a common seal and to alter the same
 9 at pleasure;

10 (2) To sue and to be sued;

11 (3) In the name of the sewerage authority and on its behalf, to
 12 acquire, hold, use and dispose of its service charges and other
 13 revenues and other moneys;

14-17 (4) In the name of the sewerage authority but for the local unit
 18 or units, to acquire, hold, use and dispose of other personal prop-
 19 erty for the purposes of the sewerage authority;

20 (5) In the name of the sewerage authority but for the local unit
 21 or units, to acquire by purchase, gift, condemnation or otherwise,
 22 real property and easements therein, necessary or useful and
 23 convenient for the purposes of the sewerage authority, and subject
 24 to mortgages, deeds of trust or other liens, or otherwise, and to
 25 hold and to use the same, and to dispose of property so acquired
 26 no longer necessary for the purposes of the sewerage authority;

27 (6) To provide for and secure the payment of any bonds and the
 28 rights of the holders thereof, and to purchase, hold and dispose of
 29 any bonds;

30 (7) To accept gifts or grants of real or personal property, money,
 31 material, labor or supplies for the purposes of the sewerage author-
 32 ity, and to make and perform such agreements and contracts as
 33 may be necessary or convenient in connection with the procuring,
 34 acceptance or disposition of such gifts or grants;

35 (8) To enter on any lands, waters or premises for the purpose
 36 of making surveys, borings, soundings and examinations for the
 37 purposes of the sewerage authority, *and whenever the operation*
 38 *of a septic tank or other component of an on-site wastewater system*
 39 *shall result in the creation of pollution or contamination source on*

40 *private property such that under the provisions of R. S. 26:3-19*,**
 41 *a local board of health would have the authority to notify the owner*
 42 *and require said owner to abate the same, representatives of an*
 43 *authority shall have the power to enter, at all reasonable times, any*
 44 *premises on which such pollution or contamination source shall*
 45 *exist, for the purpose of inspecting, rehabilitating, securing samples*
 46 *of any discharges, improving, repairing, replacing, or upgrading*
 47 *such septic tank or other component of an on-site wastewater*
 48 *system;*

49 *(9) To establish an inspection program to be performed ***[not***
 50 *less frequently than]***** *at least* once every 3 years on all on-site*
 51 *wastewater systems installed within its district which inspection*
 52 *program shall contain the following minimum notice provisions:*
 53 *(i) not less than 30 days prior to the date of the inspection of an*
 54 *on-site wastewater system as described herein, the authority shall*
 55-65 *notify the owner and resident of the property that the inspection*
 66 *will occur; and (ii) not less than 60 days prior to the date of the*
 67 *performance of any work other than an inspection, the sewerage*
 68 *authority shall provide notice to the owner and resident of the*
 69 *property on which the work will be performed. The notice to be*
 70 *provided to such owner and resident under this subsection shall in-*
 71 *clude a description of the deficiency which necessitates the work*
 72 *and the proposed remedial action, and the proposed date for be-*
 73 *ginning and duration of the contemplated remedial action;*

74 *(10) To prepare and file in the office of the sewerage authority*
 75 *records of all inspections, rehabilitation, maintenance, and work,*
 76 *performed with respect to on-site wastewater disposal systems;*

77 **[(9)]** *(11) To make and enforce bylaws or rules and regulations*
 78 *for the management and regulation of its business and affairs and*
 79 *for the use, maintenance and operation of the sewerage system and*
 80 *any other of its properties, and to amend the same;*

81 **[(10)]** *(12) To do and perform any acts and things authorized*
 82 *by this act under, through or by means of its own officers, agents*
 83 *and employees, or by contracts with any persons;*

84 **[(11)]** *(13) To enter into any and all contracts, execute any*
 85 *and all instruments, and do and perform any and all acts or things*
 86 *necessary, convenient or desirable for the purposes of the sewerage*
 87 *authority or to carry out any power expressly given in this act*
 88 *subject to P. L. 1971, c. 198 "Local Public Contracts Law"*
 89 *(C. 40A:11-1 et seq.); and*

90 **[(12)]** *(14) To enter into any and all lease agreements with*
 91 *sewerage authorities, and municipalities, and counties operating*

92 sewerage systems, for the rental of equipment owned by authority
 93 and municipality and/or county, together with the personnel to
 94 operate said equipment.

1 *3. Section 3 of P. L. 1957, c. 183 (C. 40:14B-3) is amended
 2 to read as follows:

3 3. As used in this act, unless a different meaning clearly appears
 4 from the context:

5 (1) "Municipality" shall mean any city of any class, any bor-
 6 ough, village, town, township, or any other municipality other than
 7 a county or a school district, and except when used in sections 4, 5,
 8 6, 11, 12, 13, 42 or 45 of this act, any agency thereof or any two
 9 or more thereof acting jointly or any joint meeting or other agency
 10 of any two or more thereof;

11 (2) "County" shall mean any county of any class;

12 (3) "Governing body" shall mean, in the case of a county, the
 13 board of chosen freeholders, or in the case of those counties
 14 organized pursuant to the provisions of the "Optional County
 15 Charter Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), the board
 16 of chosen freeholders and the county executive, the county super-
 17 visor or the county manager, as appropriate, and, in the case of a
 18 municipality, the commission, council, board or body, by whatever
 19 name it may be known, having charge of the finances of the
 20 municipality;

21 (4) "Person" shall mean any person, association, corporation,
 22 nation, state or any agency or subdivision thereof, other than a
 23 county or municipality of the State or a municipal authority;

24 (5) "Municipal authority" shall mean a public body created or
 25 organized pursuant to section 4, 5 or 6 of this act and shall include
 26 a municipal utilities authority created by one or more munici-
 27 palities and a county utilities authority created by a county;

28 (6) Subject to the exceptions provided in section 10, 11 or 12 of
 29 this act, "district" shall mean the area within the territorial
 30 boundaries of the county, or of the municipality or municipalities,
 31 which created or joined in or caused the creation or organization of
 32 a municipal authority;

33 (7) "Local unit" shall mean the county, or any municipality,
 34 which created or joined in or caused the creation or organization
 35 of a municipal authority;

36 (8) "Water system" shall mean the plants, structures and other
 37 real and personal property acquired, constructed or operated or
 38 to be acquired, constructed or operated by a municipal authority
 39 for the purposes of the municipal authority, including reservoirs,

40 basins, dams, canals, aqueducts, standpipes, conduits, pipelines,
41 mains, pumping stations, water distribution systems, compensating
42 reservoirs, waterworks or sources of water supply, wells, purifica-
43 tion or filtration plants or other plants and works, connections,
44 rights of flowage or division, and other plants, structures, boats,
45 conveyances, and other real and personal property, and rights
46 therein, and appurtenances necessary or useful and convenient for
47 the accumulation, supply or distribution of water;

48 (9) "Sewerage system" shall mean the plants, structures, *on-site*
49 *wastewater systems* and other real and personal property acquired,
50 constructed or operated or to be acquired, constructed, *maintained*
51 or operated by a municipal authority for the purposes of the
52 municipal authority, including sewers, conduits, pipelines, mains,
53 pumping and ventilating stations, sewage treatment or disposal
54 systems, plants and works, connections, outfalls, compensating
55 reservoirs, and other plants, structures, boats, conveyances, and
56 other real and personal property, and rights therein, and appur-
57 tenances necessary or useful and convenient for the collection,
58 treatment, purification or disposal in a sanitary manner of any
59 sewage, liquid or solid wastes, night soil or industrial wastes;

60 (10) "Utility system" shall mean a water system, solid waste
61 system, sewerage system, or a hydroelectric system or any com-
62 bination of such systems, acquired, constructed or operated or to
63 be acquired, constructed or operated by a municipal authority;

64 (11) "Cost" shall mean, in addition to the usual connotations
65 thereof, the cost of acquisition or construction of all or any part
66 of a utility system and of all or any property, rights, easements,
67 privileges, agreements and franchises deemed by the municipal
68 authority to be necessary or useful and convenient therefor or in
69 connection therewith, including interest or discount on bonds, cost
70 of issuance of bonds, engineering and inspection costs and legal
71 expenses, cost of financial, professional and other estimates and
72 advice, organization, administrative, operating and other expenses
73 of the municipal authority prior to and during such acquisition or
74 construction, and all such other expenses as may be necessary or
75 incident to the financing, acquisition, construction and completion
76 of said utility system or part thereof and the placing of the same in
77 operation, and also such provision or reserves for working capital,
78 operating, maintenance or replacement expenses or for payment or
79 security of principal of or interest on bonds during or after such
80 acquisition or construction as the municipal authority may deter-
81 mine, and also reimbursements to the municipal authority or any
82 county, municipality or other person of any moneys theretofore

83 expended for the purposes of the municipal authority or to any
84 county or municipality of any moneys theretofore expended for or
85 in connection with water supply, solid waste, water distribution,
86 sanitation or hydroelectric facilities;

87 (12) "Real property" shall mean lands both within or without
88 the State, and improvements thereof or thereon, or any rights or
89 interests therein;

90 (13) "Construct" and "construction" shall connote and include
91 acts of construction, reconstruction, replacement, extension, im-
92 provement and betterment of a utility system;

93 (14) "Industrial wastes" shall mean liquid or other wastes
94 resulting from any processes of industry, manufacture, trade or
95 business or from the development of any natural resource, and
96 shall include any chemical wastes or hazardous wastes;

97 (15) "Sewage" shall mean the water-carried wastes created in
98 and carried, or to be carried, away from, *or to be processed by on-*
99 *site wastewater systems*, residences, hotels, apartments, schools,
100 hospitals, industrial establishments, or any other public or private
101 building, together with such surface or ground water and indus-
102 trial wastes and leachate as may be present;

103 (16) "*On-site wastewater system*" means any of several facili-
104 ties, *septic tanks or other devices, used to collect, treat, reclaim, or*
105 *dispose of wastewater or sewage on or adjacent to the property on*
106 *which the wastewater or sewage is produced, or to convey such*
107 *wastewater or sewage from said property to such facilities as the*
108 *authority may establish for its disposal;*

109 **[(16)]** (17) "Pollution" means the condition of water resulting
110 from the introduction therein of substances of a kind and in quanti-
111 ties rendering it detrimental or immediately or potentially danger-
112 ous to the public health, or unfit for public or commercial use;

113 **[(17)]** (18) "Bonds" shall mean bonds or other obligations issued
114 pursuant to this act;

115 **[(18)]** (19) "Service charges" shall mean water service charges,
116 solid waste service charges, sewer service charges, hydroelectric
117 service charges or any combination of such charges, as said terms
118 are defined in section 21 or 22 of this act or in section 7 of this
119 amendatory and supplementary act;

120 **[(19)]** (20) "Compensating reservoir" shall mean the structures,
121 facilities and appurtenances for the impounding, transportation
122 and release of water for the replenishment in periods of drought
123 or at other necessary times of all or a part of waters in or border-
124 ing the State diverted into a utility system operated by a municipal
125 authority;

126 **[(20)]** (21) "Sewage authority" shall mean a public body created
127 pursuant to the Sewerage Authorities Law (P. L. 1946, c. 138) or
128 the acts amendatory thereof or supplemental thereto;

129 **[(21)]** (22) "County sewer authority" shall mean a sanitary
130 sewer district authority created pursuant to the act entitled "An
131 act relating to the establishment of sewerage districts in first- and
132 second-class counties, the creation of Sanitary Sewer District
133 Authorities by the establishing of such districts, prescribing the
134 powers and duties of any such authority and of other public bodies
135 in connection with the construction of sewers and sewage disposal
136 facilities in any such district, and providing the ways and means
137 for paying the costs of construction and operation thereof,"
138 approved April 23, 1946 (P. L. 1946, c. 123), or the acts amendatory
139 thereof or supplemental thereto;

140 **[(22)]** (23) "Chemical waste" shall mean a material normally
141 generated by or used in chemical, petrochemical, plastic, pharma-
142 ceutical, biochemical or microbiological manufacturing processes
143 or petroleum refining processes, which has been selected for waste
144 disposal and which is known to hydrolyze, ionize or decompose,
145 which is soluble, burns or oxidizes, or which may react with any of
146 the waste materials which are introduced into the landfill, or which
147 is buoyant on water, or which has a viscosity less than that of water
148 or which produces a foul odor. Chemical waste may be either
149 hazardous or nonhazardous;

150 **[(23)]** (24) "Effluent" shall mean liquids which are treated in
151 and discharged by sewage treatment plants;

152 **[(24)]** (25) "Hazardous wastes" shall mean any waste or com-
153 bination of waste which poses a present or potential threat to human
154 health, living organisms or the environment. "Hazardous waste"
155 shall include, but not be limited to, waste material that is toxic,
156 corrosive, irritating, sensitizing, radioactive, biologically infectious,
157 explosive or flammable;

158 **[(25)]** (26) "Leachate" shall mean a liquid that has been in con-
159 tact with solid waste and contains dissolved or suspended materials
160 from that solid waste;

161 **[(26)]** (27) "Recycling" shall mean the separation, collection,
162 processing or recovery of metals, glass, paper and other materials
163 for reuse or for energy production and shall include resource re-
164 covery;

165 **[(27)]** (28) "Sludge" shall mean any solid, semisolid, or liquid
166 waste generated from a municipal, industrial or other sewage
167 treatment plant, water supply treatment plant, or air pollution

168 control facility, or any other such waste having similar charac-
169 teristics and effects; "sludge" shall not include effluent;

170 **[(28)] (29)** "Solid waste" shall mean garbage, refuse, and other
171 discarded materials resulting from industrial, commercial and agri-
172 cultural operations, and from domestic and community activities,
173 and shall include all other waste materials including sludge, chem-
174 ical waste, hazardous wastes and liquids, except for liquids which
175 are treated in public sewage treatment plants and except for solid
176 animal and vegetable wastes collected by swine producers licensed
177 by the State Department of Agriculture to collect, prepare and
178 feed such wastes to swine on their own farms;

179 **[(29)] (30)** "Solid waste system" shall mean and include the
180 plants, structures and other real and personal property acquired,
181 constructed or operated or to be acquired, constructed or operated
182 by an authority pursuant to the provisions of this act, including
183 transfer stations, incinerators, recycling facilities, sanitary land-
184 fill facilities or other property or plants for the collection, recycling
185 or disposal of solid waste and all vehicles, equipment and other real
186 and personal property and rights thereon and appurtenances
187 necessary or useful and convenient for the collection, recycling, or
188 disposal of solid waste in a sanitary manner;

189 **[(30)] (31)** "Hydroelectric system" shall mean the plants, struc-
190 tures and other real and personal property acquired, constructed
191 or operated or to be acquired, constructed or operated by an au-
192 thority pursuant to the provisions of this act, including all that
193 which is necessary or useful and convenient for the generation,
194 transmission and sale of hydroelectric power at wholesale;

195 **[(31)] (32)** "Hydroelectric power" shall mean the production of
196 electric current by the energy of moving water;

197 **[(32)] (33)** "Sale of hydroelectric power at wholesale" shall
198 mean any sale of hydroelectric power to any person for purposes
199 of resale of such power.

1 4. Section 20 of P. L. 1957, c. 133 (C. 40:14B-20) is amended
2 to read as follows:

3 20. Every municipal authority shall be a public body politic and
4 corporate constituting a political subdivision of the State estab-
5 lished as an instrumentality exercising public and essential govern-
6 mental functions to provide for the public health and welfare and
7 shall have perpetual succession and have the following powers:

8 (1) To adopt and have a common seal and to alter the same at
9 pleasure;

10 (2) To sue and be sued;

11 (3) In the name of the municipal authority and on its behalf, to
12 acquire, hold, use and dispose of its service charges and other
13 revenues and other moneys;

14 (4) In the name of the municipal authority but for the local unit
15 or units, to acquire, rent, hold, use and dispose of other personal
16 property for the purposes of the municipal authority;

17 (5) In the name of the municipal authority but for the local unit
18 or units and subject to the limitations of this act, to acquire by
19 purchase, gift, condemnation or otherwise, or lease as lessee, real
20 property and easements therein, necessary or useful and convenient
21 for the purposes of the municipal authority, and subject to
22 mortgages, deeds of trusts or other liens, or otherwise, and to hold
23 and to use the same, and to dispose of property so acquired no
24 longer necessary for the purposes of the municipal authority;

25 (6) To produce, develop, purchase, accumulate, distribute and
26 sell water and water services, facilities and products within or with-
27 out the district, provided that no water shall be sold at retail in
28 any municipality without the district unless the governing body of
29 such municipality shall have adopted a resolution requesting the
30 municipal authority to sell water at retail in such municipality, and
31 the board of public utility commissioners shall have approved such
32 resolution as necessary and proper for the public convenience;

33 (7) To provide for and secure the payment of any bonds and the
34 rights of the holders thereof, and to purchase, hold and dispose of
35 any bonds;

36 (8) To accept gifts or grants of real or personal property, money,
37 material, labor or supplies for the purposes of the municipal au-
38 thority, and to make and perform such agreements and contracts
39 as may be necessary or convenient in connection with the procuring,
40 acceptance or disposition of such gifts or grants;

41 (9) To enter on any lands, waters or premises for the purpose
42 of making surveys, borings, soundings and examinations for the
43 purposes of the municipal authority, *and whenever the operation of*
44 *a septic tank or other component of an on-site wastewater system*
45 *shall result in the creation of pollution or contamination source on*
46 *private property such that under the provisions of R. S. 26:3-49, a*
47 *local board of health would have the authority to notify the owner*
48 *and require said owner to abate the same, representatives of an*
49 *authority shall have the power to enter, at all reasonable times, any*
50 *premises on which such pollution or contamination source shall*
51 *exist, for the purpose of inspecting, rehabilitating, securing sam-*
52 *ples of any discharges, improving, repairing, replacing, or upgrad-*

53 *ing such septic tank or other component of an on-site wastewater*
 54 *system;*

55 *(10) To establish an inspection program to be performed at least*
 56 *once every 3 years on all on-site wastewater systems installed*
 57 *within its district which inspection program shall contain the fol-*
 58 *lowing minimum notice provisions: (i) not less than 30 days prior*
 59 *to the date of the inspection of an on-site wastewater system as*
 60 *described herein, the authority shall notify the owner and resident*
 61 *of the property that the inspection will occur; and (ii) not less*
 62 *than 60 days prior to the date of the performance of any work other*
 63 *than an inspection, the municipal authority shall provide notice to*
 64 *the owner and resident of the property in which the work will be*
 65 *performed. The notice to be provided to such owner and resident*
 66 *under this subsection shall include a description of the deficiency*
 67 *which necessitates the work and the proposed remedial action, and*
 68 *the proposed date for beginning and duration of the contemplated*
 69 *remedial action;*

70 *(11) To prepare and file in the office of the municipal authority*
 71 *records of all inspections, rehabilitation, maintenance, and work,*
 72 *performed with respect to on-site wastewater disposal systems;*

73 **[(10)]** *(12) To make and enforce bylaws or rules and regula-*
 74 *tions for the management and regulation of its business and affairs*
 75 *and for the use, maintenance and operation of the utility system*
 76 *and any other of its properties, and to amend the same;*

77 **[(11)]** *(13) To do and perform any acts and things authorized*
 78 *by this act under, through or by means of its own officers, agents*
 79 *and employees, or by contracts with any person; and*

80 **[(12)]** *(14) To enter into any and all contracts, execute any and*
 81 *all instruments, and do and perform any and all acts or things*
 82 *necessary, convenient or desirable for the purposes of the municipal*
 83 *authority or to carry out any power expressly given in this act*
 84 *subject to P. L. 1971, c. 198 "Local Public Contracts Law"*
 85 *(C. 40A:11-1 et seq.).**

1 ***[3.]* *5.*** This act shall take effect immediately.

STATEMENT

The purpose of this bill is to clarify the powers of sewerage authorities to acquire, operate, construct, repair, rehabilitate, replace, and maintain on-site wastewater systems located on private property, including existing and newly acquired and installed septic tank systems.

Recent State and Federal guidelines with respect to the construction of new sewerage systems have stressed the utilization of alternatives to conventional gravity sewerage systems including a combination of on-site wastewater systems and small diameter septic tank effluent sewers, and the New Jersey Department of Environmental Protection has indicated that it will provide funding preferences for projects utilizing such types of innovative or alternative technology.

51206(1980)

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1206

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 1980

Senate Bill No. 1206, as amended by committee, makes explicit that sewerage authorities and municipal utilities authorities, shall be permitted to inspect, rehabilitate or repair septic tanks on private property in two specific circumstances:

1. When the septic tank is a source of pollution or contamination such that the local health board under R. S. 26:3-49 calls for abatement of the nuisance; or,

2. When the sewerage authority has instituted a regular septic tank inspection program, as provided for in this bill, requiring the inspection of all septic tanks within the sewerage district at least once every 3 years. Under this bill no such regular inspection may be undertaken unless the owner has been given at least 30 days notice by the authority and at least 60 days notice of the work to be done, including a description of the deficiency which necessitates the work, the proposed remedial action, the date for beginning the work, and an estimate of how long the work will take.

Although existing legislation, R. S. 26:3-49, grants to local health boards the authority to abate septic tank nuisances, the sewerage authorities currently have no such explicit authority, notwithstanding that a malfunctioning septic tank may be a significant source of pollution. Because conventional sewer systems are excessively expensive or inappropriate in many areas, sewerage authorities, with the active assistance of State and Federal officials, have begun to stress that on-site wastewater systems and septic tanks may be useful alternatives. To ensure that such on-site wastewater facilities are maintained at the necessary levels, sewerage authorities suggest that the proposed legislation will be helpful.

This bill comes at the particular request of the Ringwood Sewerage Authority.

The committee amendments, proposed by the sponsor, make the bill applicable to "Municipal Utilities Authorities" which in certain cases, exercise much the same functions as sewerage authorities. The committee amendments are the same as those made to Assembly Bill No. 1514, an identical measure.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JULY 24, 1980

JOE SANTANGELO

Governor Brendan Byrne today signed the following bills:

S-1035, sponsored by Senator William J. Hamilton, Jr., (D-Middlesex), which will require the Department of Education to conduct a six-month study of the effectiveness of existing programs which provide special education for autistic children.

At the end of the study the department is to submit a report along with recommendations and any proposed bills to the legislature and the Governor.

S-1206, sponsored by Senator Wayne Dumont, Jr., (R-Warren), which provides explicit authority for sewerage authorities and municipal utility authorities to acquire, operate, construct, repair, rehabilitate, replace and maintain on-site wastewater systems such as septic tanks located on private property.

The bill will provide local sewerage authorities with the legal powers to manage septic tanks within their districts.

Under the bill a local Authority can enter private property to sample, repair or improve an on-site wastewater system that is creating pollution.

The bill also allows an authority to establish an inspection program of at least once every three years on all septic systems within its district. The statute requires specific notice be given persons to be inspected and any remedial work be performed as a result of an inspection.

Currently, local sewerage and municipal utilities have the authorization to charge and collect rents, fees, rates, and charges for direct or indirect servicing of sewerage systems. This bill will amend the definition of "sewerage systems" to include on-site waste water system.

Historically, sewerage authorities and municipal utility authorities have provided for the treatment of sewerage by means of collection systems, interceptor sewers and sewerage treatment plants that empty into surface waters

This bill provides an alternative to having all households tied into regional sewerage systems, by allowing local authorities to engage in innovative approaches of sewerage treatment while still accomplishing the goal of preventing water pollution.

Because of the bill the U.S. Environmental Protection Agency has agreed to provide 85% funding instead of the usual 75% funding to the Ringwood Sewerage Authority.

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