

58:10A-1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 58:10A-1

(Requires DEP
action against
certain water
polluters)

LAWS OF: 1991

CHAPTER: 109

Bill No: S391

Sponsor(s): Van Wagner

Date Introduced: Pre-filed

Committee: Assembly: Energy & Environment

Senate: Environmental Quality

Amended during passage: Yes

Date of Passage: Assembly: February 25, 1991

Senate: October 1, 1990

Date of Approval: April 19, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator VAN WAGNER

1 AN ACT concerning water pollution control and supplementing
2 P.L.1977, c.74 (C.58:10A-1 et seq.).

3

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

6 1. Whenever the commissioner finds that effluent limitations
7 ¹[or prohibitions for point source discharges]¹ under ¹[an
8 NJPDES] a discharge¹ permit ¹, issued pursuant to P.L.1977,
9 c.74 (C.58:10A-1 et seq.),¹ are being exceeded by a county or
10 municipal utilities authority organized pursuant to P.L.1957,
11 c.183 (C.40:14B-1 et seq.), which provides disposal or discharge
12 but not treatment ¹[services for] of¹ the effluent of one or more
13 municipal treatment works, and the commissioner further finds
14 that the violation of the effluent limitation ¹[or prohibition]¹ is
15 caused by effluents discharged by one or more municipal
16 treatment works into the disposal facilities of the county or
17 municipal utilities authority, the commissioner shall, in
18 accordance with the provisions of subsection a. of section 10 of
19 P.L.1977, c.74 (C.58:10A-10), issue an order for compliance to, or
20 take such other action authorized thereunder against, the owner
21 or operator of the municipal treatment works determined to be
22 discharging pollutants into the utilities authority's facilities in
23 violation of ¹[NJPDES] the discharge¹ permit limitations ¹of the
24 municipal treatment works¹. The commissioner shall prescribe
25 uniform sampling and reporting requirements for the county or
26 municipal utilities authority and each of the municipal treatment
27 works discharging effluents into the disposal facilities of the
28 authority for the purpose of determining the source and extent of
29 violation of ¹[NJPDES]¹ permit requirements.

30 ¹["Treatment services" means the treatment by a municipal
31 treatment works of sewage by chemical, biological or other
32 means in order to reduce the pollutant content of sewage in
33 compliance with the effluent limitation standards for discharge
34 sources contained in the municipal treatment works NJPDES
35 permit. "Treatment services" does not include any reduction of
36 pollutants incidental to the discharge or disposal of effluents into
37 the waters of the State.]¹

38 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEE committee amendments adopted November 29, 1990.

ENVIRONMENT

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Requires DEP to proceed directly against certain generators of effluents that exceed NJPDES permit limitations on pollutant levels.

SENATE, No. 391

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator VAN WAGNER

1 AN ACT concerning water pollution control and supplementing
2 P.L.1977, c.74 (C.58:10A-1 et seq.).

3

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

6 1. Whenever the commissioner finds that effluent limitations
7 or prohibitions for point source discharges under an NJPDES
8 permit are being exceeded by a county or municipal utilities
9 authority organized pursuant to P.L.1957, c.183 (C.40:14B-1 et
10 seq.), which provides disposal or discharge but not treatment
11 services for the effluent of one or more municipal treatment
12 works, and the commissioner further finds that the violation of
13 the effluent limitation or prohibition is caused by effluents
14 discharged by one or more municipal treatment works into the
15 disposal facilities of the county or municipal utilities authority,
16 the commissioner shall, in accordance with the provisions of
17 subsection a. of section 10 of P.L.1977, c.74 (C.58:10A-10), issue
18 an order for compliance to, or take such other action authorized
19 thereunder against, the owner or operator of the municipal
20 treatment works determined to be discharging pollutants into the
21 utilities authority's facilities in violation of NJPDES permit
22 limitations. The commissioner shall prescribe uniform sampling
23 and reporting requirements for the county or municipal utilities
24 authority and each of the municipal treatment works discharging
25 effluents into the disposal facilities of the authority for the
26 purpose of determining the source and extent of violation of
27 NJPDES permit requirements.

28 "Treatment services" means the treatment by a municipal
29 treatment works of sewage by chemical, biological or other
30 means in order to reduce the pollutant content of sewage in
31 compliance with the effluent limitation standards for discharge
32 sources contained in the municipal treatment works NJPDES
33 permit. "Treatment services" does not include any reduction of
34 pollutants incidental to the discharge or disposal of effluents into
35 the waters of the State.

36 2. This act shall take effect immediately.

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STATEMENT

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40 This bill would require the Commissioner of Environmental
41 Protection to proceed against the users of a sewage disposal
42 facility operated by a county or municipal utilities authority for

1 violation of effluent limitations under a New Jersey Pollutant
2 Discharge Elimination System permit, if the utilities authority
3 merely disposes and does not treat the effluent of the users of its
4 facilities and the violation by the utilities authority of its permit
5 effluent limitations is caused by the improper treatment of
6 discharges by the users of the utilities authority's facilities.
7 Appropriate action would include prescribing uniform standards
8 concerning the frequency and quality of water sampling, to be
9 conducted by each of the concerned parties. A comparison of
10 water samples taken by each of the parties would assist the
11 commissioner in discharging his statutory responsibilities under
12 federal and State laws.

13 This bill is prompted by a problem being experienced by the
14 Monmouth County Bayshore Outfall Authority. The authority
15 operates pumping stations that discharge into the ocean effluent
16 from sewage collected and treated by the Middletown Township
17 Sewerage Authority and the Bayshore Regional Sewerage
18 Authority. The Bayshore Outfall Authority operates wet
19 well/balancing ponds in conjunction with the pumping services but
20 lacks the capacity to treat the effluent from the authorities using
21 its services. These provisions of the bill provide that if the
22 Bayshore Outfall Authority is in violation of the effluent
23 limitations in its NJPDES permit because of excessive pollutants
24 in the effluent of either or both of the user authorities, the
25 commissioner would take appropriate action against the authority
26 or authorities causing the violation.

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29 ENVIRONMENT

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31 Requires DEP to proceed directly against certain generators of
32 effluents that exceed NJPDES permit limitations on pollutant
33 levels.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 391

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 26, 1990

Senate Bill No. 391, with Assembly committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill requires that an enforcement or related action authorized pursuant to section 10 of the "Water Pollution Control Act" (C.58:10A-10) for permit limit exceedances by a facility of a county or municipal utilities authority shall be taken, by the Commissioner of Environmental Protection, against one or more municipal treatment works discharging into the facility if:

(1) the facility does not provide treatment for the effluent discharged into the facility by the municipal treatment works; and

(2) the commissioner determines that one or more municipal treatment works are the source of the exceedance or violation.

The commissioner is charged with ascertaining the source and extent of the pollutants resulting in the permit violation by the authority. In order to do so, the commissioner shall prescribe uniform sampling and reporting requirements for the authority and each of the municipal treatment works discharging into the authority's facility.

The department has construed current law as authorizing it to proceed against a wastewater works that exceeds its permit limits even where the source of the violation is a user of the wastewater works. Under such a situation, the wastewater works--in the instant case, the authority--has the responsibility for determining and taking enforcement action against the discharger to the works causing the violation. Under the provisions of this bill, the commissioner is compelled to take appropriate enforcement action against one or more of the parties, including the facility, causing the exceedance by the facility.

The provisions of this bill apply to municipal treatment works that treat wastewater or sewage before discharging the wastewater.

The committee amendments are primarily of a technical nature, and are intended to conform the language of the bill to that of the "Water Pollution Control Act." The amendments also delete the reference to, and definition of, treatment services, which, as written, would exclude an exceedance resulting from contamination of a holding or settling pond.

As amended, this bill is identical to A718 [1R].

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

SENATE, No. 391

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate Environmental Quality Committee favorably reports Senate Bill No. 391.

This bill would require the Commissioner of Environmental Protection to proceed against sewage treatment plants that are the users of a sewage disposal facility for violation of the facility's discharge permit, if the facility disposes the effluent without providing any treatment, and if the violation is a result of improper treatment of the effluents by the users of the disposal facility. The bill would also require uniform sampling and reporting requirements for the purposes of identifying which entity causes a permit violation.

This bill was prefiled for the 1990 session and has therefore been technically reviewed, as required.