

58:10A-38 to 58:10A-43

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:10 A-38 to 58:10 A-43

(Industrial wastewater--require limits for pollutants discharged)

LAWS OF: 1988

CHAPTER: 56

Bill No: S2338

Sponsor(s): Pallone and others

Date Introduced: March 28, 1988

Committee: Assembly: -----

Senate: Revenue, Finance & Appropriations; Energy & Environment

DO NOT WRITE IN THESE SPACES

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 23, 1988

Senate: May 23, 1988

Date of Approval: July 11, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes 4-28-88 & 5-19-88

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: Yes

(over)

- 974.90
p777
1987s
New Jersey Legislature. Senate. Special Committee to Study Coastal and Ocean Pollution.
public hearing, held 1-7-87,
Long Branch, N.J., 1987.
- 974.90
p777
1986l
New Jersey. Legislature. Senate. Special Committee to study Coastal and Ocean Pollution.
Public hearing, held 7-30-86. Trenton. 1986.
- 974.90
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1986n
New Jersey. Legislature. Senate. Special Committee to study Coastal and Ocean Pollution.
Public hearing, held 9-24-86,
Woodbridge, 1986.
- 974.90
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1987e
New Jersey. Legislature. Senate. Special Committee to study Coastal and Ocean Pollution.
public hearing, held 2-18-87.
Trenton, 1987.
- 974.90
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1987l
New Jersey. Legislature. Senate. Special Committee to Study Coastal and Ocean Pollution.
public hearing.. held 6-16-87.
Trenton, 1987.

[FIRST REPRINT]

SENATE, No. 2338

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1988

By Senators PALLONE, RUSSO, VAN WAGNER,
CONNORS, GORMLEY, GAGLIANO, and HURLEY

1 AN ACT concerning industrial pretreatment standards and
sewage sludge quality, ¹and¹ amending and supplementing P.L.
3 1977, c. 74¹[, and making an appropriation]¹.

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

7 1. (New section) The Legislature finds that ¹[only the most]¹
contaminated sludges¹[, those containing heavy metals,
9 pesticides, organic chemicals, and other contaminants]¹ are
¹often¹ ocean dumped; that land-based disposal methods for
11 sludge are environmentally preferable to the current practice of
ocean dumping; that land-based disposal of sludge requires the
13 removal of contaminants from the waste stream; that by
requiring ¹[land application] land-based sludge management¹
15 criteria for sludges which are currently ocean dumped, the
sewage treatment plants will have the option to cease ocean
17 dumping in favor of a land-based disposal method; and that even
if ocean dumping of sludge continues, it is prudent to minimize
19 the presence of contaminants in the sludge.

The Legislature further finds that the State should work toward
21 developing alternatives to ocean disposal of sludge in the event
that the practice is prohibited, and that the ¹[land application]
23 land-based sludge management¹ criteria already established for
sludge should be used to develop the standards for limiting the
25 levels of contaminants discharged by industrial establishments
into the sewerage systems, which limits should be incorporated in
27 the discharge permits issued to facilities.

The Legislature therefore determines that all sludge generated
29 in the State from the operation of ¹[sewage treatment plants]
municipal treatment works¹ should meet the quality

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 Senate SEN committee amendments adopted May 2, 1988.

1 standards established by the Department of Environmental
2 Protection for the ¹[land application] land-based sludge
3 management¹ of sludge and that the attainment of these
4 standards should be reflected in the permits issued for
5 pretreatment discharges.

2. (New section) As used in this act:

7 ¹["Department" means the Department of Environmental
8 Protection;]¹

9 ¹[Land application]¹ Land-based sludge management¹
10 criteria" means those standards established by the department in
11 the Statewide Sludge Management Plan adopted pursuant to the
12 "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et
13 seq.), ¹[for Class A or Class B sludges] or established pursuant to
14 the Federal Water Pollution Control Act Amendments of 1972, (
15 33 U.S.C. §1251 et seq.), or any regulations adopted pursuant
16 thereto¹ .

17 "Pretreatment permit" means a permit issued by either the
18 department or by a ¹[sewage treatment plant] municipal
19 treatment works¹ or by both for the discharge of industrial
20 wastewater into a sewerage system;

21 ¹["Sewage treatment plant" means any equipment, facilities,
22 structures, machinery, apparatus, or land, or any combination
23 thereof, acquired, used, constructed, or operated by a public or
24 private entity for the storage, collection, reduction, recycling,
25 reclamation, disposal, separation, or other treatment of
26 wastewater;]¹

27 "Sludge" means the solid residue and associated liquid resulting
28 from physical, chemical, or biological treatment of domestic or
29 industrial wastewaters;

30 "Wastewater" means residential, commercial, industrial, or
31 agricultural liquid waste, sewage, stormwater runoff, or any
32 combination thereof, or other residue discharged to or collected
33 by a sewerage system.

34 3. (New section) ¹[Within one year of the effective date of
35 this act, all] All¹ pretreatment permits shall include limits on the
36 discharge of ¹[contaminants] pollutants¹ , which limits shall be
37 based on the attainment of ¹[land application] land-based sludge
38 management¹ criteria for sludge from the ¹[sewage treatment
39 plant] municipal treatment works¹. Sludge that meets the ¹[land

1 application] land-based sludge management¹ criteria shall be of
2 sufficient quality to be disposed of in a land-based manner
3 without degrading the environment or posing a threat to human
4 health.

5 4. (New section) On or after March 17, 1991, all sludge
6 generated in this State by ¹[sewage treatment plants] municipal
7 treatment works¹ shall conform to the ¹[land application]
8 land-based sludge management¹ criteria. ¹[The department shall
9 establish interim sludge quality standards, for assessing progress
10 towards meeting the March, 17 1991 deadline. Every sewage
11 treatment plant shall comply with the interim standards by March
12 17, 1990.]¹

13 5. (New section) ¹[The Department of Environmental
14 Protection] Each municipal treatment works¹ shall prepare a plan
15 for the land-based management of sludges currently ¹[ocean]¹
16 disposed ¹of in the ocean¹ . The plan shall provide for the
17 termination of ocean disposal by March 17, 1991 and shall
18 include, but need not be limited to, an analysis of the
19 pretreatment, air pollution control, residuals management,
20 funding requirements and potential sources thereof ¹necessary¹
21 for the implementation of the land-based management
22 ¹[alternatives] methods¹ chosen ¹[for each sewage treatment
23 plant currently disposing sludge in the ocean] by the municipal
24 treatment works¹ . ¹[The]¹ Not later than April 30, 1989, each
25 municipal treatment works shall develop a plan to implement
26 land-based sludge management methods and shall so certify to
27 the Department of Environmental Protection. Not later than
28 June 30, 1989, the department shall ¹[within 6 months of the
29 effective date of this act,]¹ submit the ¹[plan] several plans¹ to
30 the Governor and the Legislature, together with ¹it comments¹
31 thereon and any¹ recommendations for legislative or
32 administrative action deemed appropriate.

33 6. (New section) The Department of Environmental Protection
34 shall establish compliance schedules for ¹[the sewage treatment
35 plants in the plan required pursuant to section 5 of this
36 amendatory and supplementary act] municipal treatment works¹.
37 The compliance schedules shall include deadlines for submittal of
38 the permit ¹[application(s)] application or applications¹ for the
39 chosen land-based sludge management ¹[alternative] method or

1 methods¹, awarding of the construction contract, commencement
of construction, and completion of construction. The department
3 shall act either to approve, conditionally approve or deny permit
applications within 6 months of their submittal. ¹[If the
5 department fails to submit the plan required pursuant to section 5
of this act or act on a permit application within the 6 month
7 periods allotted, the deadline imposed of the sewage treatment
plants for termination of ocean disposal shall be extended
9 correspondingly.]¹

11 7. Section 6 of P.L. 1977, c.74 (C. 58:10A-6) is amended to
read as follows:

13 6. a. It shall be unlawful for any person to discharge any
pollutant, except in conformity with a valid New Jersey Pollutant
Discharge Elimination System permit that has been issued by the
15 commissioner pursuant to this act or a valid National Pollution
Discharge Elimination System permit issued by the administrator
17 pursuant to the Federal Act, as the case may be.

19 b. It shall be unlawful for any person to build, install, modify
or operate any facility for the collection, treatment or discharge
of any pollutant, except after approval by the department
21 pursuant to regulations adopted by the commissioner.

23 c. The commissioner is hereby authorized to grant, deny,
modify, suspend, revoke, and reissue NJPDES permits in
accordance with this act, and with regulations to be adopted by
25 him. The commissioner may reissue, with or without
modifications, an NPDES permit duly issued by the Federal
27 Government as the NJPDES permit required by this act.

29 d. The commissioner may, by regulation, exempt the following
categories of discharge, in whole or in part, from the requirement
of obtaining a permit under this act; provided, however, that an
31 exemption afforded under this section shall not limit the civil or
criminal liability of any discharger nor exempt any discharger
33 from approval or permit requirements under any other provision
of law:

35 (1) Additions of sewage, industrial wastes or other materials
into a publicly owned sewage treatment works which is regulated
37 by pretreatment standards;

39 (2) Discharges of any pollutant from a marine vessel or other
discharges incidental to the normal operation of marine vessels;

1 (3) Discharges from septic tanks, or other individual waste
2 disposal systems, sanitary landfills, and other means of land
3 disposal of wastes;

4 (4) Discharges of dredged or fill materials into waters for
5 which the State could not be authorized to administer the section
6 404 program under section 404 (g) of the "Federal Water
7 Pollution Control Act Amendments of 1972," as amended by the
8 "Clean Water Act of 1977" (33 U.S.C. §1344) and implementing
9 regulations;

10 (5) Nonpoint source discharges;

11 (6) Uncontrolled nonpoint source discharges composed entirely
12 of storm water runoff when these discharges are uncontaminated
13 by any industrial or commercial activity unless these particular
14 storm water runoff discharges have been identified by the
15 administrator or the department as a significant contributor of
16 pollution;

17 (7) Discharges conforming to a national contingency plan for
18 removal of oil and hazardous substances, published pursuant to
19 section 311(c)(2) of the Federal Act.

20 e. The commissioner shall not issue any permit for:

21 (1) The discharge of any radiological, chemical or biological
22 warfare agent or high-level radioactive waste into the waters of
23 this State;

24 (2) Any discharge which the United States Secretary of the
25 Army, acting through the Chief of Engineers, finds would
26 substantially impair anchorage or navigation;

27 (3) Any discharge to which the administrator has objected in
28 writing pursuant to the Federal Act;

29 (4) Any discharge which conflicts with an areawide plan
30 adopted pursuant to law.

31 f. A permit under this act shall require the permittee:

32 (1) To achieve effluent limitations based upon guidelines or
33 standards established pursuant to the Federal Act or this act,
34 together with such further discharge restrictions and safeguards
35 against unauthorized discharge as may be necessary to meet
36 water quality standards, areawide plans adopted pursuant to law,
37 or other legally applicable requirements;

38 (2) Where appropriate, to meet schedules for compliance with
39 the terms of the permit and interim deadlines for progress or

1 reports of progress towards compliance;

2 (3) To insure that all discharges are consistent at all times
3 with the terms and conditions of the permit and that no pollutant
4 will be discharged more frequently than authorized or at a level
5 in excess of that which is authorized by the permit;

6 (4) To submit application for a new permit in the event of any
7 contemplated facility expansion or process modification that
8 would result in new or increased discharges or, if these would not
9 violate effluent limitations or other restrictions specified in the
10 permit, to notify the commissioner of such new or increased
11 discharges;

12 (5) To install, use and maintain such monitoring equipment and
13 methods, to sample in accordance with such methods, to maintain
14 and retain such records of information from monitoring
15 activities, and to submit to the commissioner such reports of
16 monitoring results as he may require;

17 (6) At all times, to maintain in good working order and operate
18 as effectively as possible, any facilities or systems of control
19 installed to achieve compliance with the terms and conditions of
20 the permit;

21 (7) To limit concentrations of heavy metals, pesticides,
22 organic chemicals and other contaminants in the sludge in
23 conformance with ¹[land application] the land-based sludge
24 management¹ criteria established ¹by the department¹ in the
25 Statewide Sludge Management Plan adopted pursuant to the
26 "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et
27 seq.)¹, for Class A or Class B sludges] or established pursuant to
28 the Federal Water Pollution Control Act Amendments of 1972 (33
29 U.S.C. § 1251 et seq.), or any regulations adopted pursuant
30 thereto¹.

31 g. The commissioner shall have a right of entry to all premises
32 in which a discharge source is or might be located or in which
33 monitoring equipment or records required by a permit are kept,
34 for purposes of inspection, sampling, copying or photographing.

35 h. In addition, any permit issued for a discharge from a
36 municipal treatment works shall require the permittee:

37 (1) To notify the commissioner in advance of the quality and
38 quantity of all new introductions of pollutants into a facility and
39 of any substantial change in the pollutants introduced into a

1 facility by an existing user of the facility, except for such
introductions of nonindustrial pollutants as the commissioner may
3 exempt from this notification requirement when ample capacity
remains in the facility to accommodate new inflows. Such
5 notifications shall estimate the effects of such changes on the
effluents to be discharged into the facility.

7 (2) To establish an effective regulatory program, alone or in
conjunction with the operators of sewage collection systems, that
9 will assure compliance and monitor progress toward compliance
by industrial users of the facilities with user charge and cost
11 recovery requirements of the Federal Act or State law and
toxicity standards adopted pursuant to this act and pretreatment
13 standards;

(3) As actual flows to the facility approach design flow or
15 design loading limits, to submit to the commissioner for his
approval, a program which the permittee and the persons
17 responsible for building and maintaining the contributory
collection system shall pursue in order to prevent overload of the
19 facilities.

i. All owners of municipal treatment works are hereby
21 authorized to prescribe terms and conditions, consistent with
applicable State and Federal law, upon which pollutants may be
23 introduced into such works, and to exercise the same right of
entry, inspection, sampling and copying with respect to users of
25 such works as are vested in the commissioner by this act or by
any other provision of State law. Terms and conditions shall
27 include limits for heavy metals, pesticides, organic chemicals and
other contaminants in industrial wastewater discharges based
29 upon the attainment of ¹[land application] land-based sludge
management¹ criteria, established ¹by the department¹ in the
31 Statewide Sludge Management Plan adopted pursuant to the
"Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et
33 seq.)¹, for Class A or Class B sludges] or established pursuant to
the Federal Water Pollution Control Act Amendments of 1972 (33
35 U.S.C. §1251 et seq.), or any regulations adopted pursuant
thereto¹.

37 j. In reviewing permits submitted in compliance with this act
and in determining conditions under which such permits may be
39 approved, the commissioner shall encourage the development of

1 comprehensive regional sewerage facilities which serve the needs
of the regional community and which conform to the adopted
3 areawide water quality management plan for that region.

(cf: P.L. 1987, c. 156, s. 32).

5 ¹[8. (New section) For a period not to exceed 12 months
following enactment of this 1988 amendatory and supplementary
7 act, the Department of Environmental Protection is authorized to
hire persons with specialized scientific training necessary to
9 implement the provisions of this act without regard to the
provisions of Title 11A, Civil Service, of the New Jersey
11 Statutes.]¹

¹[10. (New section) There is appropriated from the General
13 Fund to the Department of Environmental Protection the sum of
\$100,000 to be used by the department to prepare the plan
15 required pursuant to section 5 of this 1988 amendatory and
supplementary act.]¹

17 ¹[11.] 8.¹ This act shall take effect immediately.

19

ENVIRONMENT

21

Sewerage

23 Requires permit limits for pollutants in industrial wastewater
discharges to sewerage systems, requires that sludges meet land
25 application criteria, mandates preparation of plan for land-based
sludge disposal; appropriates \$100,000.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2338

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 28, 1988

The Senate Energy and Environment Committee favorably reports Senate Bill No. 2338 with Senate Committee amendments.

S-2338, as amended by the Committee, establishes a program designed to improve the quality of sludge produced by wastewater treatment plants to insure that the sewage sludge produced at these plants can be safely disposed of using land based methods (such as incineration or composting). This bill would apply to wastewater treatment systems which currently dispose of their sludge in the ocean due to its contamination with chemical wastes discharged into the system by industrial customers of the system. In general, this bill would require public wastewater treatment systems to require their industrial customers to pretreat (ie. remove contaminants) their wastewater before discharging it into the wastewater treatment system, thus reducing the contaminants present in the sludge produced by the wastewater treatment system.

Specifically, S-2338 would require each public wastewater treatment system currently disposing of its sludge in the ocean to issue industrial pretreatment permits based on standards which would result in the system producing sludge which could be safely disposed of using land-based methods. This bill also requires that as of March 17, 1991 all sludge generated in this state must comply with land-based disposal standards. In addition, this bill requires each public wastewater treatment system to prepare, by April 30, 1989, a plan to effect the transition from ocean disposal to land-based disposal by March 17, 1991. By June 30, 1989, the Department of Environmental Protection would be required to submit these plans, with its comments and recommendations, to the Governor and the Legislature. Also, the Department of Environmental Protection would be required to establish a compliance schedule which public wastewater treatment systems would be required to meet in

changing from ocean disposal to land-based disposal. This bill also amends the "Water Pollution Control Act," P.L. 1977, c. 74 (58:10A-1 et seq.), to require limits on the discharge of heavy metals, pesticides, organic chemicals and other contaminants in all pretreatment permits issued under that act in conformance with land-based disposal criteria.

As amended by the Committee, S-2338 is identical to A-2842 1R.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2338

STATE OF NEW JERSEY

DATED: MAY 19, 1988

The Senate Revenue, Finance and Appropriations Committee reported Senate Bill 2338 (1R) favorably.

Senate Bill 2338 (1R) establishes a program designed to improve the quality of sludge disposed of in the ocean by wastewater treatment plants to insure that the sewage sludge produced at these plants can be safely disposed of using land-based methods, such as incineration or composting. In general, this bill would require public wastewater treatment systems to require their industrial customers to pretreat their wastewater before discharging it into the wastewater treatment system. Pretreatment reduces the contaminants present in the sludge that are produced by the wastewater treatment system.

The bill requires that as of March 17, 1991 all sludge generated in this State must comply with land-based disposal standards. In addition, the bill requires each public wastewater treatment system to prepare, by April 30, 1989, a plan to effect the transition from ocean disposal to land-based disposal by March 17, 1991. By June 30, 1989, the Department of Environmental Protection would be required to submit these plans, with its comments and recommendations, to the Governor and the Legislature. Also, the Department of Environmental Protection would be required to establish a compliance schedule which public wastewater treatment systems would be required to meet in changing from ocean disposal to land-based disposal. Further, this bill amends the "Water Pollution Control Act," P.L. 1977, c. 74 (58:10A-1 et seq.), to require limits on the discharge of heavy metals, pesticides, organic chemicals and other contaminants in all pretreatment permits issued under that act in conformance with land-based disposal criteria.

FISCAL IMPACT

As received by the committee, this bill contains no appropriation.

1 entry, inspection, sampling and copying with respect to users of
such works as are vested in the commissioner by this act or by
3 any other provision of State law. Terms and conditions shall
4 include limits for heavy metals, pesticides, organic chemicals
5 and other contaminants in industrial wastewater discharges
6 based upon the attainment of land application criteria,
7 established in the Statewide Sludge Management Plan adopted
8 pursuant to the "Solid Waste Management Act," P.L. 1970, c. 39
9 (C. 13:1E-1 et seq.), for Class A or Class B sludges.

10 j. In reviewing permits submitted in compliance with this act
11 and in determining conditions under which such permits may be
approved, the commissioner shall encourage the development of
13 comprehensive regional sewerage facilities which serve the
needs of the regional community and which conform to the
15 adopted areawide water quality management plan for that
region.

17 (cf: P.L. 1987, c. 156, s. 32).

18 8. (New section) For a period not to exceed 12 months
19 following enactment of this 1988 amendatory and supplementary
act, the Department of Environmental Protection is authorized
21 to hire persons with specialized scientific training necessary to
implement the provisions of this act without regard to the
23 provisions of Title 11A, Civil Service, of the New Jersey
Statutes.

25 10. (New section) There is appropriated from the General
Fund to the Department of Environmental Protection the sum of
27 \$100,000 to be used by the department to prepare the plan
required pursuant to section 5 of this 1988 amendatory and
29 supplementary act.

30 11. This act shall take effect immediately.

31

33

STATEMENT

35 Over 50% of the sludge produced in the State is currently
dumped in the ocean because it contains high levels of heavy
37 metals, pesticides, and organic chemicals, among other
contaminants. The ocean is not a suitable repository for this
39 contaminated sewage sludge and federal permits for this

1 disposal expire in 1991, requiring that land-based alternatives be
found. The implementation of land-based alternatives
3 necessitates the reduction of the concentrations of
contaminants in the sludge. Contaminants in sludge are a
5 consequence of the disposal of inadequately pretreated
industrial wastewaters to sewerage systems. This bill requires
7 pretreatment permits for the discharge of industrial wastewater
to include limits for contaminants frequently found in these
9 discharges. The bill also requires that the limits set be based
upon the attainment of land application criteria for the sludge.

11 Because the permit to ocean dump is controlled by the federal
government and because the existing pretreatment program is
13 not adequately reducing the amounts of contaminants in sludge,
this measure is necessary to force additional pretreatment of
15 industrial wastes, to reduce these discharges to sewage
treatment plants, and to insure that the ocean is not used for
17 the permanent disposal of the State's most contaminated
sludges.

19 By March 17, 1991, all sludge must meet land application
criteria. By March 17, 1990, sludge must meet interim
21 standards to be established by the department, indicating
progress towards meeting the 1991 deadline. This time period is
23 necessary in order to allow the plants and the industrial
dischargers to upgrade their pretreatment methods or change
25 their disposal practices. This bill amends the "Water Pollution
Control Act," P.L. 1977, c. 74 (58:10A-1 et seq.), to require
27 limits on the discharge of heavy metals, pesticides, organic
chemicals and other contaminants in all pretreatment permits
29 issued under that act in conformance with the land application
criteria.

31 Furthermore, the department is directed to prepare a plan for
the land-based disposal of sludges, which are currently ocean
33 disposed. The plan must include an analysis of other
requirements for the implementation of land-based
35 technologies, such as air pollution control considerations for
sludge incineration, and must be submitted within 6 months of
37 the effective date of this act. Strict compliance schedules are
established for the department and for the sewage treatment
39 plants to assure progress towards the ultimate goal of

1 terminating ocean disposal of sludge. The amount of \$100,000 is
3 appropriated to the department to prepare this plan.

3

5

ENVIRONMENT

Sewerage

7

9 Requires permit limits for pollutants in industrial wastewater
11 discharges to sewerage systems, requires that sludges meet land
application criteria, mandates preparation of plan for
land-based sludge disposal; appropriates \$100,000.