

58:10A-56 to 58:10A-60

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:10A-56 to 58:10A-60

(Boats &
watercraft--certain--prohibit
sewerage
discharges)

LAWS OF: 1988

CHAPTER: 117

Bill No: A2851

Sponsor(s): Villane

Date Introduced: March 21, 1988

Committee: Assembly: Environmental Quality

Senate: Energy & Environment

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

Date of Passage: Assembly: May 23, 1988

Senate: June 27, 1988

Date of Approval: September 1, 1988

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: Yes

Hearings: Yes

(over)

- 974.90
B365
1989
New Jersey. Legislature. Assembly. Select
Committee on Ocean and Beach Protection.
Public meeting...on current status of "clean ocean"
legislation, held 2-14-89. Trenton, 1989.
- 974.90
B365
1988a
New Jersey. Legislature. Senate. Special
Committee to Study Coastal & Ocean Pollution.
Preliminary report...January, 1988. Trenton, 1988.
- 974.90
B365
1987a
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean Pollution.
Public hearing concerning problems of Middletown, N.J.,
1987.
- 974.90
P777
1986n
New Jersey. Legislature. Senate. Special Committee
to Study Coastal and Ocean Pollution.
problems, causes...concerning debris...held 9-24-86.
Woodbridge, N.J., 1986.
- 974.90
P777
1987S
New Jersey. Legislature. Senate. Special Committee to
to Study Coastal and Ocean Pollution.
Public hearing, held 1-7-87, Long Branch, 1987.
- 974.90
P777
1987r
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean Pollution.
Public hearing, held 8-26-87, Trenton, 1987.
- 974.90
P777
1987l
New Jersey. Legislature. Senate. Special Committee
to Study Coastal and Ocean Pollution.
Public hearing on vessel pollution, held 6-16-87,
Trenton, 1987.
- 974.90
P977
1987k
New Jersey. Legislature. Assembly. Coordinating Panel.
Review of Legislative bills...
Ocean pollution, held 12-1-87. Toms River, 1987.

SLJ

[SECOND REPRINT]
ASSEMBLY, No. 2851

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1988

By Assemblyman VILLANE

1 AN ACT concerning ¹watercraft¹ sewage ¹[discharge from
2 certain watercraft] disposal¹ and supplementing P.L. 1977, c.
3 74 (C. 58:10A-1 et seq.).

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

7 1. No person may discharge sewage ¹[into the waters of the
8 State]¹ from a watercraft ¹[unless the sewage meets at least the
9 level of secondary treatment required for a treatment works or
10 facility as determined] into any coastal water area designated as
11 a "no discharge" area by the Administrator of the federal
12 Environmental Protection Agency pursuant to an application
13 filed¹ by the Department of Environmental Protection ¹in
14 accordance with 33 U.S.C. §1322¹.

15 ¹2. 2a.² Within 90 days of the effective date of this act, the
16 Department of Environmental Protection shall ²[assess] conduct a
17 study of² the availability and location of, and demand or need
18 for, sewage pumpout devices for Type III marine sanitation
19 devices, and portable toilet emptying receptacles at public or
20 private marinas and boatyards, or at other locations in coastal
21 estuaries and their tributaries within the State's jurisdiction.¹
22 ²This study shall include an identification of the wastewater
23 treatment facilities at which waste from Type III marine
24 sanitation devices and portable toilet emptying receptacles shall
25 be disposed of and treated.

26 b. Within nine months of the completion of the study conducted
27 pursuant to subsection a. of this section, the Department shall
28 adopt, pursuant to the "Administrative Procedure Act," P.L.
29 1968, c. 410 (C. 52:14B-1 et seq.) rules and regulations
30 identifying the public or private marinas at which sewage
31 pumpout devices for Type III marine sanitation devices and

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 AEQ committee amendments adopted May 16, 1988.

² Senate SEN committee amendments adopted June 16, 1988.

1 portable toilet emptying receptacles shall be located, and
2 requiring the owners or operators of those public or private
3 marinas to install or provide the required sewage pumpout
4 devices or portable emptying receptacles, as the case may be.²

5 ²[¹2.] 3.¹ Every marina ¹[or dock that berths for profit at
6 least one watercraft that contains a marine sanitation device]
7 owned or operated by the State or a local government unit
8 providing docking facilities to watercraft required to be equipped
9 with marine sanitation devices¹ shall provide ¹[a tank or other
10 container approved by the Department of Environmental
11 Protection, of sufficient capacity to temporarily hold sewage
12 pumped from such watercraft] , within one year of the effective
13 date of this act, sewage pumpout facilities for Type III marine
14 sanitation devices and portable toilet emptying receptacles¹. A
15 marina ¹[or dock required to provide a sewage holding tank or
16 other container pursuant] subject¹ to this section shall dispose of
17 the sewage ¹[contained therein]¹ at a treatment works or facility
18 approved by the department or, if applicable, in the sewer of a
19 treatment works or facility servicing the marina ¹[or dock].

20 "Local government unit" means a county or municipality, or
21 any political subdivision thereof¹.²

22 ²[¹4.] 3.² Not later than May 1, 1989, the department shall
23 submit to the Assembly Environmental Quality Committee and
24 the Senate Energy and Environment Committee the assessment
25 study required pursuant to section 2 of this act, along with its
26 recommendations for any legislative and administrative action
27 that may be necessary to assure watercraft, using the coastal and
28 intracoastal waters of the State, reasonable access to sewage
29 pumpout facilities and portable toilet emptying receptacles. The
30 recommendations shall include proposals for an information
31 program to acquaint boaters with proper sewage disposal and the
32 location of marine sewage disposal facilities.¹

33 ¹[^{3.}] ²[^{5.}1] 4.² A person who violates ²[¹sections 1 or 3 of¹] the
34 provisions of section 1 of² this act², or who violates the
35 provisions of any rule and regulation adopted by the department
36 pursuant to section 2 of this act,² shall be subject to the
37 penalty¹ provisions of section 10 of P.L. 1977, c. 74 (C.
38 58:10A-10).

39 ²[¹6. The Department of Environmental Protection shall
adopt, in accordance with the "Administrative Procedure Act,"

1 P.L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations
2 necessary or useful in implementing the provisions of this act.¹²

3 ¹[4.] ²[7.1] ^{5.}² The department shall apply², within six months
4 of the effective date of this act,² to the United States
5 Environmental Protection Agency for such approval as is
6 necessary to implement the provisions of ¹section 1 of¹ this act
7 ¹[pursuant to the provisions of 33 U.S.C. §1322]¹.

8 ¹[5.] ²[8.1] ^{6.}² This act shall take effect ¹[one year from the
9 date of enactment] immediately¹, but those provisions requiring
10 federal approval shall remain inoperative until that approval has
11 been obtained in accordance with section ¹[4] ^{1.}¹ of this act.

13

ENVIRONMENT

15

Boats, Vessels, Waterways

17 Requires DEP to study the Statewide need for marina sewage
disposal facilities, and designate no-discharge areas.

ASSEMBLY, No. 2851
STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1988

By Assemblyman VILLANE

1 AN ACT concerning sewage discharge from certain watercraft
and supplementing P.L. 1977, c. 74 (C. 58:10A-1 et seq.).

3

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

1. No person may discharge sewage into the waters of the
7 State from a watercraft unless the sewage meets at least the
level of secondary treatment required for a treatment works or
9 facility as determined by the Department of Environmental
Protection.

11 2. Every marina or dock that berths for profit at least one
watercraft that contains a marine sanitation device shall provide
13 a tank or other container, approved by the Department of
Environmental Protection, of sufficient capacity to temporarily
15 hold sewage pumped from such watercraft. A marina or dock
required to provide a sewage holding tank or other container
17 pursuant to this section shall dispose of the sewage contained
therein at a treatment works or facility approved by the
19 department or, if applicable, in the sewer of a treatment works
or facility servicing the marina or dock.

21 3. A person who violates this act shall be subject to the
provisions of section 10 of P.L. 1977, c. 74 (C. 58:10A-10).

23 4. The department shall apply to the United States
Environmental Protection Agency for such approval as is
25 necessary to implement the provisions of this act pursuant to the
provisions of 33 U.S.C. §1322.

27 5. This act shall take effect one year from the date of
enactment, but those provisions requiring federal approval shall
29 remain inoperative until that approval has been obtained in
accordance with section 4 of this act.

31

STATEMENT

33

This bill would prohibit a watercraft from discharging its
35 sewage into the waters of the State unless the sewage met at
least the level of secondary treatment required for a treatment

1 works or facility in this State. A watercraft not meeting that
level or having a holding tank system would be required to
3 discharge the contents of its marine toilet into temporary holding
tanks that marinas or docks berthing these watercraft for profit
5 would be required to provide. The sewage collected in a
temporary holding tank would be disposed of only at a treatment
7 works or facility approved by the department or, if applicable, in
the sewer of a treatment works or facility servicing the marina
9 or dock.

A violator of the bill's provisions would be subject to penalties
11 imposed pursuant to the "Water Pollution Control Act." Federal
approval of some of the bill's provisions would be required.

13 Many persons live on their boats for long periods of time, and
legally flush minimally treated, or illegally flush untreated,
15 sewage into the State's waters. This bill will help insure that
treated sewage from watercraft meets an acceptable State
17 standard and that there are a sufficient number of pump-out
facilities around the State to service those watercraft with
19 holding tank type marine sanitation devices.

21

ENVIRONMENT

23

Boats, Vessels, Waterways

25 Prohibits sewage discharges from certain watercraft; requires
marinas to provide sewage holding tanks.

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2851

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 1988

Assembly Bill No. 2851, as amended, is reported favorably by the committee.

This bill prohibits the discharge of sewage from watercraft into any coastal water area designated by the federal Environmental Protection Agency as a "no discharge" area.

Within 90 days of bill's enactment, the Department of Environmental Protection (DEP) shall assess the availability and location, and demand or need for, (1) sewage pumpout facilities for marine sanitation devices and (2) marine portable toilet emptying receptacles.

Marinas owned or operated by the State or a local government unit shall provide sewage pumpout facilities and emptying receptacles within one year of the bill's enactment. A marina shall dispose of the sewage at a treatment works or facility approved by DEP or in the sewer of a treatment works or facility servicing the marina.

Violations of the requirements of the "no discharge" area and marina provisions of the bill shall be subject to the penalty provisions of the Water Pollution Control Act. The monetary penalty provisions of that act provide for fines of up to \$50,000.

DEP is directed to obtain approval of United States Environmental Protection Agency pursuant to 33 U.S.C. §1322 to the extent necessary to implement "no discharge" area provisions, which shall remain inoperative until federal approval is secured.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2851

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1988

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 2851 1R with Senate committee amendments.

As amended by the committee, this bill prohibits the discharge of sewage from watercraft into any coastal water area designated by the federal Environmental Protection Agency as a "no discharge" area. This bill also requires the department to apply to the Environmental Protection Agency for such a designation within six months.

Within 90 days of bill's enactment, the Department of Environmental Protection (DEP) would be required to conduct a study assessing the availability and location, and demand or need for, (1) sewage pumpout facilities for Type III marine sanitation devices and (2) marine portable toilet emptying receptacles. Within nine months of the completion of the study, the department would be required to adopt rules and regulations identifying the private or public marinas where such facilities should be located, and requiring the owners or operators of the identified marinas to install the appropriate facilities of devices.

Violators of the provisions of this bill would be subject to the penalty provisions of the "Water Pollution Control Act," the monetary penalty provisions of which provide for fines of up to \$50,000.