

58:25-23 to 58:25-33

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:25-23 to 58:25-33

("Sewage
Infrastructure
Improvement
Act")

LAWS OF: 1988

CHAPTER: 90

Bill No: A2847

Sponsor(s): Doyle & Sin

Date Introduced: March 21, 1988

Committee: Assembly: Environmental Quality; Appropriations

Senate: -----

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

Date of Passage: Assembly: May 23, 1988

Senate: May 23, 1988

Date of Approval: August 3, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 4-28-89 & 5-11-88

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Kean signs aids bill for sewer upgrades," 8-4-88 Star Ledger

[SECOND REPRINT]
ASSEMBLY, No. 2847

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1988

By Assemblymen DOYLE and SINGER

1 AN ACT concerning stormwater sewers and combined sewer
overflows, supplementing Title 58 of the Revised Statutes, and
3 making an appropriation therefor.

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

7 1. This act shall be known and may be cited as the "Sewage
Infrastructure Improvement Act."

9 2. The Legislature finds and declares that nonpoint sources of
pollution represent a significant environmental problem by
11 contributing greatly to the biological and chemical degradation of
coastal and other surface waters of the State; that nonpoint
13 source discharges into stormwater sewers, particularly during and
after storms, result in elevated levels of bacteria, which are a
15 cause of 80% to 90% of all beach closings; that combined
stormwater and sanitary sewer overflows are another major
17 source of ocean and other surface water pollution; and that¹[, in
the case of coastal waters,]¹ an average of 113 million gallons
19 per day of diluted raw sewage flows into the Raritan-Hudson
Estuary through approximately 150 authorized outfalls ¹₂
21 ultimately degrading the coastal waters of the State¹.

The Legislature declares that such sources of nonpoint and
23 point sources of pollution are a danger to the public and health
and safety of the residents of the State; ¹[and]¹ that ¹[public
25 entities responsible for]¹ stormwater sewers and combined
stormwater and sewage ¹[treatment] conveyance¹ facilities
27 ¹[require financial assistance to control these] discharging
wastewaters into the salt waters of the State are major¹ sources
29 of pollution of the State's ¹[coastal and surface] salt¹ waters ¹₂
and that public entities responsible for stormwater sewers 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 2, 1988.

² Senate floor amendments adopted May 23, 1988.

1 combined stormwater and sewage treatment facilities require
2 financial assistance in order to ²locate and plan for the ²control
3 these sources of pollution¹.

4 3. ²a. Within six months after enactment of this act, the
5 Department of Environmental Protection shall develop standards
6 for the inventory and mapping of stormwater sewers and sanitary
7 sewage lines and, within that period, shall provide these standards
8 to any municipality required to adopt a map pursuant to
9 subsection b. of this section.

10 b.² Within ²[one year from the effective date] 18 months after
11 enactment² of this act, all municipalities with stormwater
12 systems discharging into ¹[coastal or other surface waters within
13 the State's jurisdiction] the salt waters of Monmouth, Ocean,
14 Atlantic and Cape May counties¹ shall adopt a stormwater
15 sewer/sanitary sewage map ²in accordance with the provisions of
16 this act². The map shall locate, list and number all stormwater
17 sewer and sanitary sewage lines within ¹[the municipality's
18 jurisdiction] the geographical boundaries of a municipality,¹
19 which are part of any stormwater system that discharges into
20 surface waters. The map shall also identify all cross-connections
21 between stormwater and sanitary sewage systems, and indicate
22 whether the cross-connections ¹[are of a legal or illegal nature]
23 have received a permit from the Department of Environmental
24 Protection¹.

25 The governing body of any municipality required to adopt a
26 map pursuant to this section may contract for the county health
27 department or other county health agency to prepare the map or
28 to monitor the stormwater sewer outfalls in accordance with
29 section 4 of this act.

30 ¹As used in this act, "salt water" means surface saline waters
31 as defined by the Department of Environmental Protection in
32 regulations adopted pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et
33 seq.) and P.L. 1977, c. 75 (C. 58:11A-1 et seq.).¹

34 4. A municipality ²[¹subject to the provisions of] , upon
35 completion of the map required pursuant to² section 3 of this
36 act¹ ^{2,2} shall provide for the monitoring at least ¹[quarterly]
37 every three months¹ of the water quality at the outfall lines for
38 any stormwater sewers discharging into ¹[surface] salt¹ waters.
39 The water tests shall monitor for the presence of fecal coliform

1 or other contaminants that may result from a sewer line break or
2 an improper or illegal connection to a stormwater sewer line. If
3 fecal coliform or other contaminants are found to exceed the
4 standards therefor established pursuant to P.L. 1977, c. 74 (C.
5 58:10A-1 et seq.), the municipality shall identify the person
6 responsible for, and promptly abate or seek the abatement of, the
7 contamination. Violations of State standards shall be reported to
8 the Department of Environmental Protection in such manner as
9 shall be required by the department.

10 5. A municipality subject to the provisions of section 3 of this
11 act shall eliminate or cause to be eliminated any ¹[illegal]
12 unpermitted¹ interconnections of ¹[stormwaters] stormwater
13 sewer¹ systems and sanitary sewage systems within the
14 municipality. Any ¹[illegal] unpermitted¹ interconnection in
15 existence ²[on or after two years from the effective date] 30
16 months after enactment² of this act shall be subject to the civil
17 penalty provisions of P.L. 1977, c. 74 (C. 58:10A-1 et seq.).
18 Municipalities that fail to take appropriate measures to
19 eliminate, or cause to be eliminated, ¹[illegal] unpermitted¹
20 cross-connections after receiving written or constructive notice
21 thereof, shall also be subject to the civil penalty provisions of
22 P.L. 1977, c. 74. ¹An action to enforce the civil penalty
23 provisions of P.L. 1977, c. 74 may be brought by the department,
24 the municipality, or other public entity controlling or operating
25 the stormwater sewer system with an unpermitted
26 interconnection. The action shall be in the name of the public
27 entity bringing the action. Municipalities within the counties of
28 Monmouth, Ocean, Atlantic, and Cape May shall also take
29 appropriate measures to abate nonpoint sources of pollution
30 directly entering salt waters.¹

31 6. Within ²[two years from the effective date] ²30 months
32 after enactment² of this act, any public entity operating a
33 combined stormwater sewer and sanitary sewage system shall
34 provide ¹[screening and disinfection] abatement measures
35 approved by the department¹ at ¹any¹ combined sewer overflow
36 ¹[points for which permits have been issued] point for which a
37 permit is required¹ pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et
38 seq.). Any public entity that fails to provide, in accordance with
39 standards established therefor by the department, ¹[screening

1 and disinfection] appropriate abatement measures approved by
2 the department¹ at a combined sewer overflow point ²[on or]²
3 after ²[that date] the expiration of the 30 month period² shall be
4 subject to ¹[revocation or suspension of the New Jersey Pollutant
5 Discharge Elimination System (NJPDES) permit therefor, issued
6 pursuant to] the penalty provisions of¹ P.L. 1977, c. 74 (C.
7 58:10A-1 et seq.), and to any other enforcement action that may
8 be appropriate. ²[A public entity currently maintaining and
9 utilizing a combined sewer overflow for which a permit has been
10 issued may apply, in accordance with section 7 of this act, for
11 financial assistance to provide ¹[screening and disinfection]
12 abatement measures¹ at that overflow point.]²

13 7. ²a.² There is established in the Department of
14 Environmental Protection a non-lapsing fund, to be known as the
15 "Municipal Stormwater Management and Combined Sewer
16 Overflow Abatement Assistance Fund ²[,] ²" ²[to assist
17 municipalities ¹, or other public entities controlling or operating
18 stormwater sewer systems,¹ in financing ¹mapping and¹
19 construction work required for the elimination of ¹[illegal]
20 unpermitted¹ cross-connections between stormwater sewer and
21 sanitary sewage systems, ¹to abate nonpoint sources of polluting
22 directly entering salt waters in Monmouth, Ocean, Atlantic, and
23 Cape May counties,¹ and to aid public entities subject to section
24 6 of this act in financing construction work required for the
25 ¹[screening and disinfection] abatement¹ of authorized combined
26 sewer overflow points. Disbursements from the fund shall be in
27 the form of grants not to exceed 50% of the certified eligible
28 construction costs, as defined by the department, of a project.
29 Grant applications shall be made to the department on such forms
30 and in such manner as may be prescribed by the department. All
31 grants shall be conditioned on the receipt by the applicant of
32 requisite permits from the department.] There shall be deposited
33 in the fund, moneys appropriated pursuant to this act, any other
34 appropriations as may be made thereto by law, and any interest
35 earned thereon.² Upon disbursement of all monies in the fund,
36 the fund shall terminate.

37 ²b. The department is authorized, pursuant to the provisions of
38 this act, to provide grants from the fund to municipalities for the
39 inventory and mapping of stormwater systems pursuant to

1 subsection b. of section 3 of this act and for the planning and
2 design necessary to eliminate unpermitted interconnections of
3 stormwater sewer systems and sanitary sewage systems and to
4 abate nonpoint sources of pollution directly entering salt waters
5 pursuant to section 5 of this act. For the purposes of this
6 subsection, planning may include the costs of monitoring water
7 quality at outfall lines for stormwater sewers.

8 c. The department is authorized, pursuant to the provisions of
9 this act, to provide grants from the fund to municipalities and
10 other public entities controlling or operating combined
11 stormwater sewer and sanitary sewage systems for the planning
12 and design of abatement measures at any combined sewer
13 overflow point.

14 d. Prior to the award of any grant, the department shall notify
15 the presiding officers of both houses of the Legislature in writing
16 of the applications received, the grant recipients, the amounts
17 requested, amounts to be granted and the purposes for which the
18 grants shall be used.²

19 ²8. Any municipality or other public entity eligible for a grant
20 pursuant to section 7 may apply to the department for up to 90%
21 of the total inventory, mapping, planning, and design costs to be
22 incurred thereby, as applicable. The municipality or other public
23 entity shall include in its application, the purposes for which the
24 grant shall be used, the method of accomplishing those purposes,
25 a statement that the municipality or public entity shall provide
26 10% of the total cost, any other information the department may
27 require, and if applicable, a statement that the municipality will
28 conform with the department standards for the stormwater
29 system inventory and map. The department shall review and
30 approve an application if the amount requested is reasonable for
31 the work to be accomplished, the municipality or public entity is
32 providing the required match and meets any other department
33 requirements, and, if applicable, the municipality has agreed to
34 conform with the department's inventory and mapping
35 standards. Any application disapproved may be amended and
36 resubmitted to the department.²

37 ²9. a. The Commissioner of the Department of Environmental
38 Protection shall develop a priority system for stormwater sewer
39 system pollution elimination and abatement construction projects

1 and shall establish the ranking criteria and future funding policies
 2 for the construction of projects. The commissioner shall, based
 3 upon the inventory, maps, plans and designs of grant recipients,
 4 develop a stormwater sewer system construction project priority
 5 list for future funding of stormwater sewer system projects.

6 b. The Commissioner of the Department of Environmental
 7 Protection shall develop a priority system for combined sewer
 8 system pollution elimination and abatement construction projects
 9 and shall establish the ranking criteria and future funding policies
 10 for the construction of projects. The commissioner shall, based
 11 upon the plans and designs of grant recipients, develop a
 12 combined sewer system construction project priority list for
 13 future funding of combined sewer system projects.²

14 ²[8.] ^{10.}² The ²Commissioner of the² Department of
 15 Environmental Protection shall adopt, pursuant to the
 16 "Administrative Procedure Act," P.L. 1968, ²c.² 410 (C.
 17 52:14B-1 et seq.), such rules and regulations as ²[it]² may
 18 ²[deem] be² necessary or appropriate for the implementation of
 19 this act.

20 ²[19.] ^{11.}² Any stormwater collection system constructed by
 21 the Department of Transportation or any other state agency ²[,
 22 and which would] that may² discharge stormwater into surface
 23 waters, shall be designed to abate, to the greatest extent
 24 practicable and feasible, any adverse environmental impact on
 25 the quality of the surface water into which the stormwater
 26 ²[would] may² be discharged.¹

27 ¹[9.] ²[10.1] ^{12.}² There is appropriated from the General Fund
 28 to the Department of Environmental Protection the sum of
 29 \$33,500,000 ²to be deposited in the "Municipal Stormwater
 30 Management and Combined Sewer Overflow Abatement
 31 Assistance Fund"² for the ²[purpose of providing grants pursuant
 32 to section ¹[6] ⁷] purposes² of this act. ²[Of the sum
 33 appropriated, \$15,000,000 shall be used for ¹mapping and¹
 34 construction work required for the elimination of ¹[illegal]
 35 unpermitted¹ stormwater and sanitary sewer interconnections
 36 and \$18,500,000 for construction work required for the
 37 ¹[screening and disinfection] abatement¹ of combined sewer
 38 overflows.]²

39 ¹[10.] ²[11.1] ^{13.}² This act shall take effect immediately.

1

ENVIRONMENT

Sewerage

3

Provides for stormwater and sewage facility mapping, inventory,

5

planning and design and appropriates \$33.5 million therefor.

1

STATEMENT

3 Events during the summer of 1987 focused State and national
attention on the problems at the New Jersey shore, problems that
5 resulted in beach closings, property damage, and perhaps even
personal injury. As a result of this increased awareness, an
7 investigation into all possible sources of pollution along the coast
was conducted. Among the findings were that millions of gallons
9 of diluted raw sewage are discharged to coastal waters from
combined sewer overflows and illegal cross-connections from
11 sanitary sewerage systems to stormwater sewerage systems have
been linked to elevated bacterial levels in bathing waters. The
13 problem of ocean pollution is, of course, merely symptomatic of a
much larger problem of nonpoint and point pollution of all surface
15 waters.

The public health and safety of the residents of this State
17 requires that surface water pollution resulting from illegal
stormwater and sanitary sewer connections and from combined
19 sewer overflows should be identified and minimized, if not
eliminated. Accordingly, this bill requires:

21 (1) in the case of nonpoint sources, all municipalities with
stormwater systems discharging into surface waters (a) to locate
23 and map all stormwater and sewerage lines within the
municipality that are connected to a stormwater system that
25 discharges into surface water, and (b) to eliminate or cause to be
eliminated all illegal interconnections of sewage lines with the
27 stormwater system;

(2) in the case of point sources, public entities operating a
29 combined stormwater sewer and sanitary sewage system to
provide screening and disinfection of sewage at combined sewer
31 overflow points.

The bill also appropriates \$15,000,000 to eliminate illegal
33 stormwater and sewage line interconnections, and \$18,500,000 for
the screening and disinfection sewage at combined sewer
35 overflow points. The monies are to be provided to qualified
public entities on a grant basis and shall be used for construction
37 purposes only. The amount of a grant shall not exceed 50% of
eligible project costs.

ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2847

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 28, 1988

Assembly Bill No. 2847, with committee amendments, is reported favorably.

To be known as the "Sewage Infrastructure Improvement Act," this bill, as amended, requires designated municipalities to prepare maps of stormwater and sewage lines, to monitor at least quarterly the water quality at stormwater sewer outfall lines, and to eliminate, or cause to be eliminated, unpermitted cross-connections of stormwater and sewage line. The bill also requires public entities operating a combined stormwater sewer and sanitary sewage system to provide screening and disinfection at combined sewer overflow points. It also provides an appropriation for stormwater and sewer mappings, the elimination of illegal stormwater and sanitary interconnections, and for abatement measures at combined sewer overflow points

Section 3 of the bill requires that within one year of enactment of this bill any municipality with stormwater sewers discharging into saline waters located within Monmouth, Ocean, Atlantic and Cape May counties to adopt a map that locates, lists and numbers stormwater and sewage lines that make up, or are connected to, any stormwater system discharging into the salt waters of the aforesaid counties. The map shall identify all cross-connections and indicate whether a permit has been issued therefor by the Department of Environmental Protection (DEP). A municipality may contract to have a county agency prepare the map. In singling out discharges into salt waters within certain counties, the committee amendments intend to direct attention to special stormwater problems of back bay areas, as, for example, in Barnegat Bay and its several tributaries.

Section 4 requires a municipality to provide for the monitoring at least every three months of the water quality at stormwater outfall lines that discharge into salt waters within Monmouth,

Ocean, Atlantic and Cape May counties. Monitoring shall be for fecal coliform or other contaminants resulting from a sewer line break or improper or illegal connections. If the levels of contaminants exceed State standards, the municipality shall identify the responsible person and promptly abate, or seek the abatement of, the contamination. Violations are to be reported to the Department of Environmental Protection (DEP).

Section 5 requires that unpermitted interconnections of stormwater and sanitary sewage systems shall be eliminated or caused to be eliminated within two-years of the date of enactment of this bill. Unpermitted interconnections existing thereafter shall be subject to the civil penalty provisions of the State's Water Pollution Control Act, which provides for a penalty not to exceed \$50,000 per day for each violation, with each day of violation constituting a separate violation. Municipalities that fail to eliminate, or fail to cause to be eliminated, unpermitted interconnections after receipt of written or constructive notice shall be subject to the civil penalty provisions of that act.

Section 6 requires that, within two years of the bill's enactment, any public entity operating a combined stormwater sewer and sanitary system shall provide abatement measures approved by DEP at any combined sewer overflow point. Any public entity failing to provide such measures within the two year period, shall be subject to the penalty provisions of the Water Pollution Control Act, including the revocation or suspension of its New Jersey Pollutant Discharge Elimination Discharge System (NJPDES) permit.

Section 7 establishes a non-lapsing Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund to assist the financing of the mapping of stormwater sewer and sewage lines, and construction work required to eliminate unpermitted cross-connections, and to install abatement measures at authorized combined sewer overflow points. Fund disbursements shall be in the form of grants which are not to exceed 50% of the certified eligible construction costs of a project. All grants shall be conditioned on receipt by the applicant of requisite permits from DEP.

Section 8 requires DEP to adopt appropriate rules and regulations for implementation of the provisions of the bill, upon enactment.

A new section 9 requires State agencies constructing stormwater collection systems, which would discharge into surface waters, to design the systems, insofar as practicable, to minimize any adverse impacts on surface waters. Section 10 appropriates from the General Fund to DEP the sum of \$33,500,000. Of that amount, \$15,000,000 is to be used to eliminate illegal stormwater-sewage line interconnections and \$18,500,000 for screening and disinfection at combined sewer overflow points.

This bill, as amended, is intended to be identical to Senate, No. 2348 1R.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2847

STATE OF NEW JERSEY

DATED: MAY 11, 1988

The Assembly Appropriations Committee favorably reports Assembly Bill No. 2847 (1R).

Assembly Bill No. 2847 (1R), the "Sewage Infrastructure Improvement Act," appropriates \$33,500,000 to the Department of Environmental Protection (DEP) for grants to municipalities and other public entities.

The bill requires all municipalities with stormwater sewers discharging into saline waters located within Monmouth, Ocean, Atlantic and Cape May counties to: prepare maps of stormwater and sewage lines; monitor, at least quarterly, the water quality at stormwater sewer outfall lines; seek abatement of any unpermitted cross-connections; and report violators to DEP. The bill also requires public entities operating a combined stormwater sewer and sanitary sewage system to provide abatement measures at combined sewer overflow points.

The bill requires State agencies constructing stormwater collection systems, which would discharge into surface waters, to design the systems to minimize any adverse impacts.

The bill establishes a non-lapsing Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund to assist with the financing of the mapping of stormwater sewer and sewage lines, the construction work required to eliminate unpermitted cross-connections and to install abatement measures.

FISCAL IMPACT

This bill appropriates \$33,500,000 from the General Fund to the Department of Environmental Protection for grants to municipalities and other public entities. Of this total, \$15,000,000 is for grants for elimination of unpermitted stormwater-sewage line interconnections and \$18,500,000 is for grants for abatement of combined sewer overflows. Fund disbursements shall be in the form of grants which are not to exceed 50% of the certified eligible construction costs of a project.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: WED. AUG. 3, 1988

Governor Thomas H. Kean today signed legislation allocating \$33.5 million to municipalities to cover the costs of planning, mapping, inventory and design of combined sewer overflows and stormwater systems.

"This legislation, consistent with my 14 point program for ocean protection is an excellent step in our efforts to insure clean water," Governor Kean stated, "but like our other efforts it will fall short of the mark unless we guarantee proper coordination and follow-through of clean ocean programs by establishing the Coastal Commission. I again urge the legislature to move promptly on the adoption of the Coastal Commission legislation."

The legislation authorizes the Department of Environmental Protection to provide municipalities with grants from the fund for inventorying and mapping stormwater systems and for planning and designing measures necessary to eliminate unpermitted interconnections of stormwater sewer systems and sanitary sewage systems and to abate non-point sources of pollution directly entering salt waters.

The legislation is effective immediately.

- more -

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\$33.5 Million to Municipalities to Cover the Costs of Planning & Mapping
Page 2
August 3, 1988

The \$33.5 million will be distributed to municipalities in the form of grants on a 90 percent state funding, 10 percent local funding basis.

The legislation establishing the "Municipal Stormwater Management and Combined sewer overflow Abatement Assistance Fund," A-2847, was sponsored by Assemblyman John Paul Doyle, D-Ocean, Assemblyman Robert Singer, R-Ocean and Senator William Gormley, R-Atlantic.

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