

CHAPTER 116

AN ACT concerning the use of certain lands acquired or developed by a local unit for recreation and conservation purposes and supplementing Title 13 of the Revised Statutes.

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

C.13:8C-53a Municipally owned, operated water utility, authority, well, drinking water, treatment equipment, facilities, lands acquired, developed, recreation, conservation purposes.

1. a. Notwithstanding the provisions of section 13 of P.L.1961, c.45 (C.13:8A-13), section 13 of P.L.1971, c.419 (C.13:8A-31), section 13 of P.L.1975, c.155 (C.13:8A-47), sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through 13:8C-35), section 11 of P.L.2016, c.12 (C.13:8C-53), or any other applicable law, or any rule or regulation adopted pursuant thereto, concerning the conveyance, disposal, or diversion of lands acquired, developed, or held for recreation and conservation purposes, a municipally owned and operated water utility or authority may use a well for the supply of drinking water and associated treatment equipment or facilities located on lands acquired or developed by a local government unit for recreation or conservation purposes and this additional use of a pre-existing well utilized for drinking water shall not be deemed to constitute a disposal or diversion of those lands; provided that:

(1) the municipally owned and operated water utility or authority has a pre-existing well utilized for drinking water on the land;

(2) there is an exceedance or expected exceedance of a maximum contaminant level for, among other things, perfluorooctanoic acid, or such other contaminant established by the Department of Environmental Protection pursuant to the “Safe Drinking Water Act,” P.L.1977, c.224 (C.58:12A-1 et seq.);

(3) as a result of an exceedance or expected exceedance pursuant to paragraph (2) of this subsection, the municipally owned and operated water utility or authority shall be expressly permitted to install on such lands improvements required to address the exceedance or expected exceedance, as approved, by the Department of Environmental Protection;

(4) no other improvements shall be made to the land except as deemed reasonably necessary, and approved by the Department of Environmental Protection, to address the exceedance of a maximum contaminant level, and any such improvements shall be sited in a manner to minimize disturbance to the environment;

(5) the additional use of the lands and any improvements made pursuant to this section shall not substantially impact the use of the lands for recreation and conservation purposes, including public access to the land; and

(6) the governing body of the municipality applies, in writing, to the commissioner setting forth and demonstrating to the Department of Environmental Protection’s satisfaction that it meets the criteria set forth in this subsection.

b. Within 45 days after receipt of an application from a governing body of a municipality pursuant to paragraph (6) of subsection a. of this section, the commissioner, after the municipality holds at least one public hearing in the municipality wherein the lands are located, shall grant approval, in writing, to the municipality, if the criteria set forth in subsection a. of this section are met, specifying that this additional use shall not be deemed to constitute a disposal or diversion of the lands.

c. The commissioner may revoke any approval granted pursuant to this section if the facts or findings upon which the approval was based have changed to the extent that the requirements for approval as prescribed in this section are no longer met.

2. This act shall take effect immediately.

Approved July 20, 2023.