

[First Reprint]

**SENATE, No. 831**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Senators Beck and Greenstein**

**SYNOPSIS**

Establishes notification requirements for combined sewer overflows.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment and Energy Committee on February 9, 2012, with amendments.



**(Sponsorship Updated As Of: 6/26/2012)**

1 AN ACT concerning combined sewer overflows and supplementing  
2 Title 58 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Combined sewer overflow” means the discharge of untreated or  
9 partially treated stormwater runoff and wastewater from a combined  
10 sewer system into a body of water.

11 “Combined sewer system” means a sewer system designed to  
12 carry sanitary wastewater at all times, which is also designed to  
13 collect and transport stormwater runoff from streets and other  
14 sources, thereby serving a combined purpose.

15 “Department” means the Department of Environmental  
16 Protection.

17 “Permittee” means a person issued, by the department, a  
18 combined sewer systems general permit, or any other general  
19 permit, required pursuant to the “Water Pollution Control Act,”  
20 P.L.1977, c.74 (C.58:10A-1 et seq.) to regulate combined sewer  
21 overflows. A “permittee” includes the owner or operator of a  
22 combined sewer system.

23

24 2. a. A permittee shall report to the department any combined  
25 sewer overflow or potential discharge of raw or diluted sewage into  
26 the surface waters or groundwaters of the State.

27 (1) The report shall be made by telephone or other means  
28 acceptable to the department as soon as practicable and no later than  
29 24 hours after the time that the permittee became aware of the  
30 event.

31 (2) Within 24 hours after receipt of the report to the department  
32 of a combined sewer overflow or potential discharge of raw or  
33 diluted sewage into surface waters or groundwaters of the State  
34 pursuant to paragraph (1) of this subsection, the department shall  
35 notify the public of the event by <sup>1</sup>[broadcasting a public service  
36 announcement on a radio or television station and publishing a  
37 notice in at least one newspaper of general circulation, in the area  
38 affected by the event, and by]<sup>1</sup> posting a notice of the event on the  
39 department's Internet website.

40 (3) Within five calendar days after the notification required  
41 pursuant to paragraph (1) of this subsection is made, the permittee  
42 shall submit to the department a written report on the incident,  
43 which shall include any information required pursuant to rules 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:

<sup>1</sup>Senate SEN committee amendments adopted February 9, 2012.

1 regulations adopted by the department pursuant to subsection d. of  
2 this section.

3 b. A permittee shall provide public notice concerning any  
4 combined sewer overflow as soon as practicable, pursuant to the  
5 rules and regulations adopted pursuant to subsection d. of this  
6 section.

7 c. (1) The Department of Health and Senior Services, in  
8 consultation with the applicable local board of health and the  
9 Department of Environmental Protection, shall make all decisions  
10 and determinations as to public health issues resulting from a  
11 combined sewer overflow, and shall require public notification in  
12 response to a determination of public health concern.

13 (2) A permittee shall not be responsible for making public  
14 health determinations regarding combined sewer overflows.

15 d. The department, in consultation with the Department of  
16 Health and Senior Services, shall adopt rules and regulations,  
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
18 (C.52:14B-1 et seq.), to implement the requirements of this section,  
19 including those concerning public notification and the information  
20 required to be included in an incident report.

21  
22 3. a. Within 180 days after the date of enactment of this act,  
23 the department shall: investigate all combined sewer overflow sites  
24 in the State and determine which sites shall be designated as  
25 recurring overflow sites, based on history of direct discharge,  
26 volume and composition of overflow occurrence, and likelihood of  
27 repetitive discharge; and establish a list of those recurring overflow  
28 sites. Upon completion of the list, the department shall notify a  
29 permittee if the department has listed a combined sewer overflow  
30 site in the permittee's system as a recurring overflow site, and shall  
31 post the list on the department's Internet website.

32 b. A permittee who is responsible for a recurring overflow site,  
33 as determined by the department pursuant to subsection a. of this  
34 section, shall erect a clear and conspicuous sign or signs at each  
35 recurring overflow site within one year after the date of enactment  
36 of this act.

37 c. The department shall adopt rules and regulations, pursuant to  
38 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
39 et seq.), concerning the signage required pursuant to subsection b.  
40 of this section. Each sign shall include information indicating that  
41 the site has been determined to be a recurring overflow site, that the  
42 discharge of untreated or partially treated stormwater runoff has  
43 previously flowed into the body of water, and that combined sewer  
44 overflows can be a threat to public health.

45  
46 4. This act shall take effect immediately.