

[First Reprint]

SENATE, No. 765

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Requires, after study, DEP to adopt total maximum daily loads for Barnegat Bay ecosystem, and requires DEP to adopt nutrient standards for NJ marine waters.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on February 4, 2016, with amendments.



(Sponsorship Updated As Of: 2/5/2016)

1 AN ACT concerning the water quality of the Barnegat Bay
2 ecosystem, and supplementing P.L.1977, c.74 (C.58:10A-1 et
3 seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Within one year after the effective date of this act, the
9 Department of Environmental Protection shall conduct a study and
10 prepare a report that evaluates the water quality of the Barnegat Bay
11 ecosystem to determine whether the bay is impaired as described
12 pursuant to section 303(d) of the federal Clean Water Act, 33
13 U.S.C. s.1313. The study shall examine whether the waters of the
14 Barnegat Bay ecosystem meet State water quality standards, and
15 shall focus on the impairments caused by phosphorus, nitrogen and
16 excessive sediment. The study shall also evaluate whether there are
17 declining trends in the water quality of the Barnegat Bay ecosystem.
18 The department shall evaluate the efficacy of (1) controls on point
19 sources that discharge into the bay and its tributaries, and (2)
20 practices and programs that control nonpoint source pollution in the
21 watershed. The department shall also make recommendations for
22 any Legislative action that may be necessary to restore the water
23 quality of the Barnegat Bay ecosystem.

24 The study and report shall be transmitted, pursuant to section 2
25 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, and the chairs
26 of the Senate Environment and Energy Committee and the
27 Assembly Environment and Solid Waste Committee, or their
28 successors.
29

30 2. If the Department of Environmental Protection, pursuant to
31 section 1 of this act, finds that Barnegat Bay is an impaired
32 waterbody, the department shall, within two years after the effective
33 date of this act, develop total maximum daily loads for the Barnegat
34 Bay ecosystem.

35 Any total maximum daily load developed pursuant to this section
36 shall include (1) an implementation plan describing demonstrable
37 reduction measures, and (2) a schedule with annual benchmarks to
38 ensure implementation of the total maximum daily load in a timely
39 manner.
40

41 3. a. Nothing in this act shall delay, or be construed to delay,
42 the implementation of existing or new best management practices to
43 reduce sediments and nutrients from point sources and nonpoint
44 sources affecting the Barnegat Bay ecosystem. The Department of

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:

¹Senate SEN committee amendments adopted February 4, 2016.

1 Environmental Protection shall use existing mechanisms to the
2 maximum extent practicable to reduce sediments and nutrients
3 during the study and the development of the total maximum daily
4 loads pursuant to this act.

5 b. In carrying out its responsibilities pursuant to this act, the
6 Department of Environmental Protection shall use or consider all
7 relevant and available information, including publicly-submitted,
8 peer-reviewed information, and draw upon all existing State and
9 federally funded studies of the Barnegat Bay ecosystem.

10
11 4. The department shall adopt, pursuant to the “Administrative
12 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and within
13 180 days after the effective date of this act, ‘numeric and narrative’¹
14 nutrient standards for the marine waters of the State.

15
16 5. This act shall take effect immediately.