

P.L. 2019, CHAPTER 192, *approved July 19, 2019*  
 Assembly, No. 5456 (*First Reprint*)

1 **AN ACT** authorizing the expenditure of funds by the New Jersey  
 2 Infrastructure Bank for the purpose of making loans to eligible  
 3 project sponsors to finance a portion of the cost of construction  
 4 of environmental infrastructure projects, and making an  
 5 appropriation.

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

9  
 10 1. a. The New Jersey Infrastructure Bank, established pursuant  
 11 to P.L.1985, c.334 (C.58:11B-1 et seq.), is authorized to expend the  
 12 aggregate sum of up to \$655.04 million and any uncommitted balance  
 13 of the aggregate expenditures authorized pursuant to section 1 of  
 14 P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002,  
 15 c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110,  
 16 section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, section 1 of  
 17 P.L.2007, c.140, section 1 of P.L.2008, c.67, section 1 of P.L.2009,  
 18 c.101, section 1 of P.L.2010, c.62, section 1 of P.L.2011, c.95, section  
 19 1 of P.L.2012, c.38, section 1 of P.L.2013, c.94, section 1 of P.L.2014,  
 20 c.26, section 1 of P.L.2015, c.107, section 1 of P.L.2016, c.31 as  
 21 amended by P.L.2017, c.13, section 1 of P.L.2017, c.142 as amended  
 22 by P.L.2017, c.327, and P.L.2018, c.84 as amended by P.L.2019, c.30,  
 23 for the purpose of making loans, to the extent sufficient funds are  
 24 available, to or on behalf of local government units or public water  
 25 utilities (hereinafter referred to as "project sponsors") to finance all or  
 26 a portion of the cost of construction of environmental infrastructure  
 27 projects listed in sections 2 and 4 of this act.

28 b. The trust is authorized to increase the aggregate sums specified  
 29 in subsection a. of this section by:

30 (1) the amounts of capitalized interest and the bond issuance  
 31 expenses as provided in subsection b. of section 7 of this act;

32 (2) the amounts of reserve capacity expenses and debt service  
 33 reserve fund requirements as provided in subsection c. of section 7 of  
 34 this act;

35 (3) the interest earned on amounts deposited for project costs  
 36 pending their distribution to project sponsors as provided in subsection  
 37 d. of section 7 of this act;

38 (4) the amounts of the loan origination fee as provided in  
 39 subsection e. of section 7 of this act; and

40 (5) the amount appropriated to the Department of Environmental  
 41 Protection for the purpose of making zero interest and principal

**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>Assembly AEN committee amendments adopted June 10, 2019.

1 forgiveness loans pursuant to section 3 of P.L. , c. (pending before  
2 the Legislature as Senate Bill No. <sup>1</sup>3820<sup>1</sup> of 2019 and Assembly Bill  
3 No. 5457 of 2019) in connection with the project costs of a particular  
4 project sponsor, to the extent the priority ranking or an insufficiency of  
5 funding prevent the department from meeting program demand as  
6 provided in subsection f. of section 7 of this act.

7 c. (1) Of the sums made available to the trust from the "Water  
8 Supply Trust Fund" established pursuant to subsection a. of section 15  
9 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) pursuant to  
10 P.L.1997, c.223, the trust is authorized to transfer such amounts to the  
11 Department of Environmental Protection as needed for drinking water  
12 project loans pursuant to the "Safe Drinking Water Act Amendments  
13 of 1996," Pub.L.104-182, and any amendatory and supplementary acts  
14 thereto (hereinafter referred to as the "Federal Safe Drinking Water  
15 Act"), under terms and conditions established by the Commissioner of  
16 Environmental Protection and trust, and approved by the State  
17 Treasurer, which loans shall be jointly administered by the trust and  
18 department.

19 (2) Of the sums appropriated to the trust from the "Wastewater  
20 Treatment Trust Fund" established pursuant to section 15 of the  
21 "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329)  
22 pursuant to P.L.1987, c.198, the trust is authorized to transfer such  
23 amounts as needed to the Clean Water State Revolving Fund  
24 established pursuant to section 1 of P.L.2009, c.77 for the purposes of  
25 issuing loans or providing the State match as required for the award of  
26 the capitalization grants made available to the State for clean water  
27 projects pursuant to the "Water Quality Act of 1987" (33 U.S.C.  
28 s.1251 et seq.), and any amendatory and supplementary acts thereto  
29 (hereinafter referred to as the "Federal Clean Water Act").

30 (3) Of the sums appropriated to the trust from the "1992  
31 Wastewater Treatment Trust Fund" established pursuant to section 27  
32 of the "Green Acres, Clean Water, Farmland and Historic Preservation  
33 Bond Act of 1992" (P.L.1992, c.88) pursuant to P.L.1996, c.86, the  
34 trust is authorized to transfer such amounts as needed to the Clean  
35 Water State Revolving Fund for the purpose of providing the State  
36 match as required for the award of the capitalization grants made  
37 available to the State for clean water projects pursuant to the Federal  
38 Clean Water Act.

39 (4) Of the sums appropriated to the trust from the "Stormwater  
40 Management and Combined Sewer Overflow Abatement Fund"  
41 created pursuant to section 14 of the "Stormwater Management and  
42 Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989,  
43 c.181) pursuant to P.L.1998, c.87, the trust is authorized to transfer  
44 such amounts as needed to the Clean Water State Revolving Fund for  
45 the purpose of providing the State match as required for the award of  
46 the capitalization grants made available to the State for clean water  
47 projects pursuant to the Federal Clean Water Act.

1 (5) Of the sums appropriated to the trust from the "2003 Water  
2 Resources and Wastewater Treatment Trust Fund" established  
3 pursuant to subsection b. of section 19 of the "Dam, Lake, Stream,  
4 Flood Control, Water Resources, and Wastewater Treatment Project  
5 Bond Act of 2003" (P.L.2003, c.162) pursuant to P.L.2004, c.110, the  
6 trust is authorized to transfer such amounts as needed to the Clean  
7 Water State Revolving Fund for the purpose of providing the State  
8 match as required for the award of the capitalization grants made  
9 available to the State for clean water projects pursuant to the Federal  
10 Clean Water Act.

11 (6) Of the sums appropriated to the trust from repayments of loans  
12 deposited in any account, including the "Clean Water State Revolving  
13 Fund," "Wastewater Treatment Fund," the "1992 Wastewater  
14 Treatment Fund," the "Water Supply Fund," the "Stormwater  
15 Management and Combined Sewer Overflow Abatement Fund" or the  
16 Drinking Water State Revolving Fund, as appropriate, pursuant to  
17 sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996,  
18 c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of  
19 P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000,  
20 c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70,  
21 section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section  
22 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of  
23 P.L.2007, c.140, section 10 of P.L.2008, c.67, section 10 of P.L.2009,  
24 c.101, section 10 of P.L.2010, c.62, section 10 of P.L.2011, c.95,  
25 section 10 of P.L.2012, c.38, section 10 of P.L.2013, c.94, section 10  
26 of P.L.2014, c.26, section 10 of P.L.2015, c.107, section 10 of  
27 P.L.2016, c.31, section 10 of P.L.2017, c.142 as amended by section  
28 10 of P.L.2017, c.327, section 10 of P.L.2018, c.84 as amended by  
29 P.L.2019, c.30, and section 10 of P.L. , c. (pending before the  
30 Legislature as this bill) for deposit into one or more reserve funds or  
31 accounts established by the trust pursuant to section 11 of P.L.1985,  
32 c.334 (C.58:11B-11), the trust shall transfer to the respective fund of  
33 origin the uncommitted balance of all such moneys no longer utilized  
34 by the trust for such purposes.

35 d. For the purposes of this act:

36 (1) "capitalized interest" means the amount equal to interest paid  
37 on trust bonds which is funded with trust bond proceeds and the  
38 earnings thereon;

39 (2) "debt service reserve fund expenses" means the debt service  
40 reserve fund costs associated with reserve capacity expenses, water  
41 supply projects for which the project sponsors are public water utilities  
42 as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), other  
43 drinking water projects not eligible for, or interested in, State or  
44 federal debt service reserve funds pursuant to the "Water Supply Bond  
45 Act of 1981," P.L.1981, c.261 as amended and supplemented by  
46 P.L.1997, c.223, and any clean water projects not eligible for, or  
47 interested in, State or federal debt service reserve funds from the Clean  
48 Water State Revolving Fund;

1 (3) "issuance expenses" means and includes, but need not be  
2 limited to, the costs of financial document printing, bond insurance  
3 premiums or other credit enhancement, underwriters' discount,  
4 verification of financial calculations, the services of bond rating  
5 agencies and trustees, the employment of accountants, attorneys,  
6 financial advisors, loan servicing agents, registrars, and paying agents,  
7 and any other costs related to the issuance of trust bonds;

8 (4) "loan origination fee" means the fee charged by the  
9 Department of Environmental Protection and financed under the trust  
10 loan to pay a portion of the costs incurred by the department in the  
11 implementation of the New Jersey Environmental Infrastructure  
12 Financing Program; and

13 (5) "reserve capacity expenses" means those project costs for  
14 reserve capacity not eligible for loans under rules and regulations  
15 governing zero interest loans adopted by the Commissioner of  
16 Environmental Protection pursuant to section 4 of P.L.1985, c.329 but  
17 which are eligible for loans from the trust in accordance with the rules  
18 and regulations adopted by the trust pursuant to section 27 of  
19 P.L.1985, c.334 (C.58:11B-27).

20 e. The trust is authorized to increase the loan amount in the future  
21 to compensate for a refunding of the issue, provided adequate savings  
22 are achieved, for the loans issued pursuant to P.L.1995, c.218,  
23 P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173,  
24 P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159,  
25 P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140,  
26 P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95,  
27 P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107,  
28 P.L.2016, c.31 as amended by P.L.2017, c.13, P.L.2017, c.142 as  
29 amended by P.L.2017, c.327, P.L.2018, c.84 as amended by P.L.2019,  
30 c.30, and P.L. , c. (pending before the Legislature as this bill).

31  
32 2. a. (1) The New Jersey Infrastructure Bank is authorized to  
33 expend funds for the purpose of making supplemental loans to or on  
34 behalf of the project sponsors listed below for the following clean  
35 water environmental infrastructure projects:

36

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
North Hudson SA	S340952-19-1	\$525,000	\$700,000
<b>Total projects: 1</b>		<b>\$ 525,000</b>	<b>\$ 700,000</b>

37 (2) The loan authorized in this subsection shall be made for the  
38 difference between the allowable loan amount required by the  
39 project based upon final building costs pursuant to subsection a. of  
40 section 7 of this act and the loan amount certified by the chairman  
41 of the trust in State fiscal year 2017 and for increased allowable

1 costs as defined and determined in accordance with the rules and  
2 regulations adopted by the trust pursuant to section 27 of P.L.1985,  
3 c.334 (C.58:11B-27). The loan authorized in this subsection shall be  
4 made to or on behalf of the project sponsor listed, up to the  
5 individual amount indicated and in the priority stated, to the extent  
6 sufficient funds are available, except as a project fails to meet the  
7 requirements of section 6 of this act.

8 (3) The loan authorized in this subsection shall have priority  
9 over the environmental infrastructure projects listed in subsection a.  
10 of section 4 of this act.

11 b. The trust is authorized to adjust the allowable trust loan  
12 amount for the project authorized in this section to between 25  
13 percent and 75 percent of the total allowable loan amount and such  
14 excess amounts to the extent the priority ranking or an insufficiency  
15 of funding prevent the Department of Environmental Protection  
16 from meeting program demand as provided in subsection f. of  
17 section 7 of this act.

18  
19 3. a. The New Jersey Infrastructure Bank is authorized to  
20 make loans to or on behalf of the project sponsors for the clean  
21 water projects listed in subsection a. of section 2 and subsection a.  
22 of section 4 of this act up to the individual amounts indicated and in  
23 the priority stated, except as any such amount may be reduced by  
24 the trust pursuant to subsection a. of section 7 of this act, or if a  
25 project fails to meet the requirements of section 6 of this act. The  
26 trust is authorized to increase any such amount pursuant to  
27 subsection b., c., d., e. or f. of section 7 or section 8 of this act.

28 b. The trust is authorized to make loans to project sponsors for  
29 the drinking water projects listed in subsection b. of section 4 of  
30 this act up to the individual amounts indicated and in the priority  
31 stated, except as any such amount may be reduced by the trust  
32 pursuant to subsection a. of section 7 of this act, or if a project fails  
33 to meet the requirements of section 6 of this act. The trust is  
34 authorized to increase any such amount pursuant to subsection b.,  
35 c., d., e. or f. of section 7 or section 8 of this act.

36  
37 4. a. The following environmental infrastructure projects shall  
38 be known and may be cited as the “Storm Sandy and State Fiscal Year  
39 2020 Clean Water Project Eligibility List”:  
40

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Loan Amount
Camden County MUA	S340640-17	\$2,625,000	\$3,500,000
Rahway Valley SA	S340547-14	\$7,125,000	\$9,500,000

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Rahway Valley SA	S340547-15	\$1,941,389	\$2,588,518
Elizabeth City	S340942-19	\$5,775,000	\$7,700,000
North Bergen MUA	S340652-14	\$17,250,000	\$23,000,000
Jersey City MUA	S340928-20	\$5,400,000	\$7,200,000
Bayshore RSA	S340697-06	\$11,325,000	\$15,100,000
Ocean County UA	S340372-59	\$5,715,000	\$7,620,000
Hoboken City	S340635-07	\$3,750,000	\$5,000,000
Perth Amboy City	S340435-13	\$637,500	\$850,000
Jersey City	S340928-30	\$2,033,250	\$2,711,000
North Hudson SA	S340952-22	\$13,500,000	\$18,000,000
North Hudson SA	S340952-23	\$2,325,000	\$3,100,000
Riverside SA	S340490-01	\$630,000	\$840,000
Perth Amboy City	S340435-11	\$4,844,513	\$6,459,351
Passaic Valley SC	S340689-39	\$3,612,000	\$4,816,000
Passaic Valley SC	S340689-30	\$2,775,000	\$3,700,000
Passaic Valley SC	S340689-31	\$3,000,000	\$4,000,000
Passaic Valley SC	S340689-32	\$7,500,000	\$10,000,000
Northwest Bergen County UA	S340700-16	\$3,675,000	\$4,900,000
Jersey City MUA	S340928-28	\$2,025,000	\$2,700,000
Jersey City MUA	S340928-31	\$8,294,700	\$11,059,600
Gloucester City	S340958-08	\$1,575,000	\$2,100,000
Roxbury Township	S340381-07	\$5,625,000	\$7,500,000
Raritan Township MUA	S340485-12	\$3,675,000	\$4,900,000
Stafford Township	S344100-03	\$4,200,000	\$5,600,000
Stony Brook RSA	S340400-10	\$4,275,000	\$5,700,000
Ocean County	S344080-09	\$975,000	\$1,300,000
Little Egg Harbor Township	S344060-02	\$3,187,500	\$4,250,000
Ocean County	S344080-10	\$187,500	\$250,000
Ocean County	S344080-11	\$262,500	\$350,000

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Rockaway Valley RSA	S340821-07	\$6,150,000	\$8,200,000
Point Pleasant Beach Borough	S344190-02	\$2,250,000	\$3,000,000
Lakewood Township MUA	S340465-03	\$1,080,000	\$1,440,000
Kearny MUA	S340259-07	\$4,875,000	\$6,500,000
Tuckerton Borough	S340034-03	\$1,053,905	\$1,405,206
Montclair Township	S340837-04	\$1,275,000	\$1,700,000
Middlesex County UA	S340699-13	\$30,000,000	\$40,000,000
Atlantic County UA	S340809-24	\$375,000	\$500,000
Rockaway Valley RSA	S340821-06	\$6,000,000	\$8,000,000
Toms River MUA	S340145-06	\$565,650	\$754,200
Brick Township MUA	S340448-11	\$3,958,723	\$5,278,297
Northwest Bergen County UA	S340700-15	\$5,250,000	\$7,000,000
Northwest Bergen County UA	S340700-18	\$1,500,000	\$2,000,000
Western Monmouth UA	S340128-05	\$5,850,000	\$7,800,000
Old Bridge MUA	S340945-14	\$2,467,500	\$3,290,000
Franklin Township SA	S340839-07	\$1,875,000	\$2,500,000
Montclair Township	S340837-03	\$1,275,000	\$1,700,000
Ocean Township SA	S340750-13	\$412,500	\$550,000
Ocean Township SA	S340750-14	\$1,875,000	\$2,500,000
Ocean Township SA	S340750-12	\$3,075,000	\$4,100,000
Ocean County UA	S340372-58	\$3,323,250	\$4,431,000
Burlington Township	S340712-16	\$720,000	\$960,000
West Deptford Township	S340947-05	\$1,061,250	\$1,415,000
Middlesex Borough	S340698-02	\$1,926,563	\$2,568,750
Glen Ridge Borough	S340861-03	\$334,386	\$445,848
Glen Ridge Borough	S340861-04	\$1,392,109	\$1,856,145
Bradley Beach Borough	S340472-01	\$2,025,000	\$2,700,000
Long Beach Township	S340023-07	\$3,450,000	\$4,600,000

Ship Bottom Borough	S340311-03	\$3,525,000	\$4,700,000
Atlantic County UA	S340809-28	\$3,075,000	\$4,100,000
Somerset Raritan Valley SA	S340801-08	\$12,375,000	\$16,500,000
Aberdeen Township	S340869-02	\$6,750,000	\$9,000,000
Gloucester Township	S340364-15	\$1,087,500	\$1,450,000
Paulsboro Borough	S340164-01	\$2,062,500	\$2,750,000
Bradley Beach Borough	S340472-02	\$1,942,538	\$2,590,050
Perth Amboy City	S340435-18	\$1,327,500	\$1,770,000
Manchester Township	S340650-08	\$2,250,000	\$3,000,000
Point Pleasant Beach Borough	S340479-04	\$1,447,500	\$1,930,000
Allentown Borough	S340567-06	\$498,704	\$664,938
Gloucester County IA	S342016-03	\$10,419,930	\$13,893,240
Somerville Borough	S342013-01	\$8,625,000	\$11,500,000
<b>Total Projects: 72</b>		<b>\$290,502,860</b>	<b>\$387,337,143</b>

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- b. The following environmental infrastructure projects shall be known and may be cited as the “State Fiscal Year 2020 Drinking Water Project Eligibility List”:

<b>Project Sponsor</b>	<b>Project Number</b>	<b>Estimated Allowable Trust Loan Amount</b>	<b>Estimated Total Loan Amount</b>
Newark City	0714001-019	\$9,131,250	\$12,175,000
NJ American Water Co., Inc.	1345001-017	\$7,575,000	\$10,100,000
Newark City	0714001-016	\$10,500,000	\$14,000,000
North Jersey District Water Supply Comm.	1613001-022	\$12,750,000	\$17,000,000
North Jersey District Water Supply Comm.	1613001-025	\$18,000,000	\$24,000,000
Newark City	0714001-018	\$3,862,500	\$5,150,000
Lakehurst Borough	1513001-002	\$813,475	\$1,084,633
Netcong Borough	1428001-007	\$2,775,000	\$3,700,000
Manchester Township	1518005-002	\$4,125,000	\$5,500,000



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Lower Township MUA	0505002-003	\$5,192,555	\$6,923,406
Paulsboro Borough	0814001-003	\$2,100,000	\$2,800,000
North Jersey District Water Supply Comm.	1613001-033	\$3,075,000	\$4,100,000
Netcong Borough	1428001-008	\$825,000	\$1,100,000
Middlesex Water Co.	1225001-028	\$8,400,000	\$11,200,000
Wall Township	1352003-001	\$1,350,000	\$1,800,000
Wall Township	1352003-002	\$2,775,000	\$3,700,000
Clinton Town	1005001-010	\$1,086,140	\$1,448,187
Clinton Town	1005001-011	\$949,355	\$1,265,807
Netcong Borough	1428001-009	\$300,000	\$400,000
Jackson Township MUA	1511001-013	\$15,000,000	\$20,000,000
Berkeley Township MUA	1505004-009	\$1,650,000	\$2,200,000
Jersey City MUA	0906001-015	\$2,691,950	\$3,589,266
Hoboken City	0905001-001	\$6,375,000	\$8,500,000
Jackson Township MUA	1511001-010	\$6,150,000	\$8,200,000
Bellmawr Borough	0404001-006	\$1,725,000	\$2,300,000
Gloucester City	0414001-022	\$900,000	\$1,200,000
Ship Bottom Borough	1528001-002	\$2,812,500	\$3,750,000
Tuckerton Borough	1532002-006	\$1,102,613	\$1,470,150
Long Beach Township	1517001-501	\$1,725,000	\$2,300,000
Long Beach Township	1517001-502	\$8,625,000	\$11,500,000
Moorestown Township	0322001-002	\$10,500,000	\$14,000,000
Brick Township MUA	1506001-009	\$4,446,570	\$5,928,760
Brick Township MUA	1506001-010	\$870,000	\$1,160,000
Stafford Township	1530004-019	\$1,425,000	\$1,900,000

National Park Borough	0812001-004	\$1,275,000	\$1,700,000
Long Beach Township	1517001-015	\$3,119,401	\$4,159,201
Old Bridge MUA	1209002-013	\$3,000,000	\$4,000,000
Aberdeen Township	1330004-001	\$2,925,000	\$3,900,000
Milltown Borough	1212001-005	\$1,350,000	\$1,800,000
Hightstown Borough	1104001-010	\$1,331,759	\$1,775,678
NJ American Water Co., Inc.	2004002-013	\$12,000,000	\$16,000,000
Jackson Township MUA	1511001-012	\$8,250,000	\$11,000,000
Brick Township MUA	1506001-012	\$4,065,000	\$5,420,000
Hampton Borough	1013001-001	\$1,350,000	\$1,800,000
<b>Total Projects: 44</b>		<b><sup>1</sup>[\$200,250,066] <u>\$200,250,068</u><sup>1</sup></b>	<b>\$267,000,088</b>

1 c. The trust is authorized to adjust the allowable trust loan amount  
2 for projects authorized in this section to between zero percent and 75  
3 percent of the total allowable loan amount, and such excess amounts to  
4 the extent the priority ranking or an insufficiency of funding prevent  
5 the Department of Environmental Protection from making the loan as  
6 provided in subsection f. of section 7 of this act, and up to 100 percent  
7 of the total allowable loan amount for projects certified by the  
8 Department of Environmental Protection pursuant to section 1 of  
9 P.L.2013, c.93 (C.58:11B-9.5).

10

11 5. In accordance with and subject to the provisions of sections  
12 5, 6, and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and  
13 58:11B-23) and as set forth in the financial plan required pursuant  
14 to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial  
15 plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-  
16 21.1), any proceeds from bonds issued by the trust to make loans  
17 for priority environmental infrastructure projects listed in sections 2  
18 and 4 of this act which are not expended for that purpose may be  
19 applied for the payment of all or any part of the principal of and  
20 interest and premium on the trust bonds whether due at stated  
21 maturity, the interest payment dates or earlier upon redemption. A  
22 portion of the proceeds from bonds issued by the trust to make  
23 loans for priority environmental infrastructure projects pursuant to  
24 this act may be applied for the payment of capitalized interest and  
25 for the payment of any issuance expenses; for the payment of  
26 reserve capacity expenses; for the payment of debt service reserve

1 fund expenses for the payment of the loan origination fees; and for  
2 the payment of increased costs as defined and determined in  
3 accordance with the rules and regulations adopted by the trust  
4 pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

5  
6 6. Any loan made by the New Jersey Infrastructure Bank  
7 pursuant to this act shall be subject to the following requirements:

8 a. The chairman of the trust has certified that the project is in  
9 compliance with the provisions of P.L.1977, c.224, P.L.1985,  
10 c.334, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.224, P.L.1997,  
11 c.225, P.L.1999, c.175 or P.L.2003, c.162, and any rules and  
12 regulations adopted pursuant thereto, and any amendatory and  
13 supplementary acts thereto, as applicable. In making this  
14 certification, the chairman may conclusively rely on the project  
15 review conducted by the Department of Environmental Protection  
16 without any independent review thereof by the trust;

17 b. The loan shall be conditioned upon inclusion of the project  
18 on a project eligibility list approved pursuant to section 20 of  
19 P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997,  
20 c.224 (C.58:11B-20.1);

21 c. The loan shall be repaid within a period not to exceed 30  
22 years, or 45 years for combined sewer overflow abatement projects,  
23 of the making of the loan;

24 d. The loan, including any portion thereof made by the trust  
25 pursuant to subsection f. of section 7 of this act, shall not exceed the  
26 allowable project cost of the environmental infrastructure facility,  
27 exclusive of capitalized interest and issuance expenses as provided  
28 in subsection b. of section 7 of this act, reserve capacity expenses  
29 and the debt service reserve fund expenses as provided in  
30 subsection c. of section 7 of this act, interest earned on project costs  
31 as provided in subsection d. of section 7 of this act, the amounts of  
32 the loan origination fee as provided in subsection e. of section 7 of  
33 this act, refunding increases as provided in section 8 of this act and  
34 increased costs as defined and determined in accordance with the  
35 rules and regulations adopted by the trust pursuant to section 27 of  
36 P.L.1985, c.334 (C.58:11B-27);

37 e. The loan shall bear interest, exclusive of any late charges or  
38 administrative fees payable to the trust pursuant to subsection o. of  
39 section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors  
40 receiving trust loans, at or below the interest rate paid by the trust  
41 on the bonds issued to make or refund the loans authorized by this  
42 act, adjusted for underwriting discount and original issue discount  
43 or premium, in accordance with the terms and conditions set forth  
44 in the financial plan required pursuant to section 21 of P.L.1985,  
45 c.334 (C.58:11B-21) or the financial plan required pursuant to  
46 section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

47 f. The loan shall be subject to all other terms and conditions as  
48 the trust shall determine to be consistent with the provisions of

1 P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations  
2 adopted pursuant thereto, and with the financial plan required by  
3 section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan  
4 required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

5 The eligibility lists and authorization for the making of loans  
6 pursuant to this act shall expire on July 1, 2020, and any project  
7 sponsor which has not executed and delivered a loan agreement  
8 with the trust for a loan authorized in this act shall no longer be  
9 entitled to that loan.

10  
11 7. a. The New Jersey Infrastructure Bank is authorized to  
12 reduce the individual amount of loan funds made available to or on  
13 behalf of project sponsors pursuant to sections 2 and 4 of this act based  
14 upon final building costs defined in and determined in accordance with  
15 rules and regulations adopted by the trust pursuant to section 27 of  
16 P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the  
17 Commissioner of Environmental Protection pursuant to section 4 of  
18 P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or  
19 section 5 of P.L.1981, c.261. The trust is authorized to use any such  
20 reduction in the loan amount made available to a project sponsor to  
21 cover that project sponsor's increased costs due to differing site  
22 conditions or other allowable expenses as defined and determined in  
23 accordance with the rules and regulations adopted by the trust pursuant  
24 to section 27 of P.L.1985, c.334 (C.58:11B-27).

25 b. The trust is authorized to increase each loan amount authorized  
26 in sections 2 and 4 of this act by the amount of capitalized interest and  
27 issuance expenses allocable to each loan made by the trust pursuant to  
28 this act; provided that the increase for issuance expenses, excluding  
29 underwriters' discount, original issue discount or premiums, municipal  
30 bond insurance premiums and bond rating agency fees, shall not  
31 exceed 0.4 percent of the principal amount of trust bonds issued to  
32 make loans authorized by this act.

33 c. The trust is authorized to increase each loan amount authorized  
34 in sections 2 and 4 of this act by the amount of reserve capacity  
35 expenses, and by the debt service reserve fund expenses associated  
36 with the costs identified in paragraphs (3) and (4) of subsection d. of  
37 section 1 of this act.

38 d. The trust is authorized to increase each loan amount authorized  
39 in sections 2 and 4 of this act by the interest earned on amounts  
40 deposited for project costs pending their distribution to project  
41 sponsors.

42 e. The trust is authorized to increase each loan amount authorized  
43 in sections 2 and 4 of this act by the loan origination fee.

44 f. The trust is authorized to increase each loan amount authorized  
45 in sections 2 and 4 of this act by the amount appropriated to the  
46 Department of Environmental Protection for the purpose of making the  
47 corresponding zero interest loan pursuant to section 3 of P.L. , c.  
48 (pending before the Legislature as Senate Bill No. <sup>1</sup>3820<sup>1</sup> of 2019 and

1 Assembly Bill No. 5457 of 2019) in connection with the project costs  
2 of the project sponsor, to the extent an insufficiency of funding  
3 prevents the department from meeting program demand, and for lead  
4 abatement projects ineligible for department loans under the Federal  
5 Clean Water Act and Safe Drinking Water Act.

6  
7 8. The New Jersey Infrastructure Bank is authorized to increase  
8 the individual amount of loan funds made available to project  
9 sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97,  
10 P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105,  
11 P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85,  
12 P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71,  
13 P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67,  
14 P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62,  
15 P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26,  
16 P.L.2015, c.107, P.L.2016, c.31 as amended by P.L.2017, c.13,  
17 P.L.2017, c.142 as amended by P.L.2017, c.327, P.L.2018, c.84 as  
18 amended by P.L.2019, c.30, or P.L. , c. (pending before the  
19 Legislature as this bill) provided that adequate savings are achieved,  
20 to compensate for a refunding of trust bonds issued to make loans  
21 authorized by the aforementioned acts.

22  
23 9. The expenditure of funds authorized pursuant to this act is  
24 subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et al.),  
25 P.L.1985, c.329, P.L.1985, c.334 (C.58:11B-1 et seq.) as amended  
26 and supplemented by P.L.1997, c.224, P.L.1992, c.88, P.L.1989,  
27 c.181, P.L.1997, c.223, P.L.1997, c.225, P.L.1999, c.175, or  
28 P.L.2003, c.162, and the rules and regulations adopted pursuant  
29 thereto or the Federal Safe Drinking Water Act, as appropriate.

30  
31 10. a. There is appropriated to the New Jersey Infrastructure  
32 Bank, as needed to make short-term or temporary loans, from funds  
33 deposited in any account, including the "Wastewater Treatment Fund,"  
34 the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the  
35 "2003 Water Resources and Wastewater Treatment Trust Fund," the  
36 "Stormwater Management and Combined Sewer Overflow Abatement  
37 Fund," the "Clean Water State Revolving Fund," or the "Drinking  
38 Water State Revolving Fund," as appropriate, and from any net  
39 earnings received from the investment and reinvestment of such  
40 deposits, the sum of up to \$600,000,000, to the extent funds are  
41 available, consisting of:

42 (1) The uncommitted balance currently on deposit as of July 1,  
43 2019 in the special fund (hereinafter referred to as the "Interim  
44 Environmental Financing Program Fund") created and established by  
45 the trust for the short-term or temporary loan financing or refinancing  
46 program (hereinafter referred to as the "Interim Environmental  
47 Financing Program") authorized pursuant to subsection d. of section 9  
48 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been

1 appropriated to the trust for such purpose pursuant to section 11 of  
2 P.L.2018, c.84, less any Interim Environmental Financing Program  
3 Fund amounts appropriated to the Department of Environmental  
4 Protection to supplement the sums appropriated from the Clean Water  
5 State Revolving Fund for clean water projects pursuant to the Federal  
6 Clean Water Act and from the Drinking Water State Revolving Fund  
7 for drinking water projects pursuant to the Federal Safe Drinking  
8 Water Act, provided that at no time shall funds committed pursuant to  
9 this section exceed funds required by the Department of  
10 Environmental Protection to meet long-term obligations; and

11 (2) such other amounts to be deposited in the Interim  
12 Environmental Financing Program Fund, in an aggregate amount that  
13 does not exceed at any time, the amount appropriated, provided that  
14 the amount so reappropriated and appropriated to the trust for deposit  
15 in the Interim Environmental Financing Program Fund shall be utilized  
16 by the trust to make short-term or temporary loans pursuant to the  
17 Interim Environmental Financing Program to any one or more of the  
18 project sponsors, for the respective projects thereof, identified in the  
19 interim environmental financing project priority list (hereinafter  
20 referred to as the "Interim Environmental Financing Program Project  
21 Priority List") in the form provided to the Legislature by the  
22 Commissioner of Environmental Protection.

23 b. The Interim Environmental Financing Program Project Priority  
24 List shall be submitted to the Secretary of the Senate and the Clerk of  
25 the General Assembly at least once each fiscal year. The Secretary of  
26 the Senate and the Clerk of the General Assembly shall cause the date  
27 of submission to be entered upon the Senate Journal and the Minutes  
28 of the General Assembly, respectively. Any environmental  
29 infrastructure project or the project sponsor thereof not identified in  
30 the Interim Environmental Financing Program Project Priority List  
31 shall not be eligible for a short-term or temporary loan from the  
32 Interim Environmental Financing Program Fund.

33 c. The trust may issue market rate interest short-term temporary  
34 loans for wastewater treatment and water supply projects on the  
35 Interim Environmental Financing Program Project Priority List for the  
36 reduction of lead in publicly-owned facilities otherwise ineligible to  
37 receive funding for that purpose pursuant to subsection a. of this  
38 section.

39

40 11. a. There is appropriated to the New Jersey Infrastructure  
41 Bank for deposit in the special fund created and established by the  
42 trust for the short-term or temporary Disaster Relief Emergency  
43 Financing Program loan financing or refinancing program  
44 (hereinafter referred to as the "Disaster Relief Emergency Financing  
45 Program") authorized pursuant to subsection a. of section 1 of  
46 P.L.2013, c.93 (C.58:11B-9.5) such sums as needed consisting of:

47 (1) sums from the "Interim Environmental Financing Program  
48 Fund" as needed by the trust to make short-term or temporary loans

1 pursuant to the Disaster Relief Emergency Financing Program to  
2 any one or more of the project sponsors, for the respective projects  
3 thereof; and

4 (2) such other amounts to be deposited in the Disaster Relief  
5 Emergency Financing Program Fund, provided that the amount so  
6 appropriated to the trust for deposit in the Disaster Relief  
7 Emergency Financing Program Fund shall be utilized by the trust to  
8 make short-term or temporary loans pursuant to the Disaster Relief  
9 Emergency Financing Program to any one or more of the project  
10 sponsors, for the respective projects thereof. Any projects funded  
11 by the Disaster Relief Emergency Financing Program shall be  
12 subject to the approval of the Commissioner of Environmental  
13 Protection.

14 b. The Disaster Relief Emergency Financing Program Project  
15 Priority List shall be submitted to the Legislature pursuant to  
16 section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each  
17 fiscal year. Any environmental infrastructure project or the project  
18 sponsor thereof not identified in the Disaster Relief Emergency  
19 Financing Program Project Priority List shall not be eligible for a  
20 short-term or temporary loan from the Disaster Relief Emergency  
21 Financing Program Fund.

22  
23 12. Notwithstanding the provisions of the "Administrative  
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
25 contrary, the trust shall not be required to adopt rules and  
26 regulations governing the making of Disaster Relief Emergency  
27 Financing Program loans.

28  
29 13. This act shall take effect immediately.

30  
31

32  
33

34 Authorizes NJ Infrastructure Bank to expend certain sums to  
35 make loans for environmental infrastructure projects for FY2020.