

ASSEMBLY, No. 1100

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman CORODEMUS

1 AN ACT concerning the regulation of surface water discharges and  
2 supplementing Chapter 10A of Title 58 of the Revised Statutes.

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

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7 1. a. The Commissioner of Environmental Protection shall impose  
8 an annual surcharge on the fee imposed for each permit issued  
9 pursuant to P.L. 1977, c.74 (C.58:10A-1 et seq.) for the operation of  
10 a facility which discharges into Newark Bay or Raritan Bay, or into  
11 waters that flow into either of these bays. Any monies collected by the  
12 department pursuant to this act shall be deposited into a special,  
13 non-lapsing fund, which shall be used only to offset the costs  
14 associated with the disposal of contaminated material dredged from  
15 such waters. For the purposes of this act, no surcharge shall be  
16 imposed on a local agency, as defined pursuant to section 3 of  
17 P.L.1977, c.74 (C.58:10A-3).

18 b. The amount of the surcharge authorized pursuant to this act  
19 shall be determined by the commissioner, on a case-by-case basis, and  
20 in consultation with the Commissioner of Commerce and Economic  
21 Development, who shall consider the following criteria:

22 (1) The number of permit holders who meet the conditions of  
23 subsection a. of this section;

24 (2) The costs of contaminated dredged material disposal;

25 (3) Any other sources of revenue or financing that could be used to  
26 offset the cost of contaminated dredged material disposal; and

27 (4) Any economic conditions or circumstances which may affect the  
28 ability of the permit holder to pay the surcharge.

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30 2. This act shall take effect immediately.

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32 STATEMENT

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34 This bill would require the Commissioner of Environmental  
35 Protection to impose a surcharge, to be determined pursuant to criteria

1 set forth in the bill, on the fee imposed for each New Jersey Pollutant  
2 Discharge Elimination System (NJPDES) permit issued pursuant to the  
3 "Water Pollution Control Act," P.L. 1977, c.74 (C.58:10A-1) for the  
4 operation of a facility which discharges into Newark or Raritan Bays,  
5 or into the waters that flow into either of these water bodies. The  
6 surcharge would not be assessed local agencies, which includes  
7 municipal treatment works. The amounts collected from the surcharge  
8 would be used to defray the costs associated with disposal of  
9 contaminated materials dredged from these waters.

10 In determining the amount of the surcharge to be imposed, the  
11 commissioner, in consultation with the Commissioner of Commerce  
12 and Economic Development, would consider the number of permit  
13 holders, the costs of disposal, other sources of revenue or financing  
14 that could be used to pay for the costs of disposal, and any economic  
15 conditions or circumstances that could affect the ability of the permit  
16 holder to pay the proposed surcharge.

17 The bill is intended to target those polluters who contribute to the  
18 contamination of sediment in these ports and impose a fee to offset the  
19 costs of removing (i.e., dredging) and safely disposing of this  
20 contaminated sediment.

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25 Imposes surcharge on certain regulated entities; requires surcharge to  
26 be used for contaminated dredged material disposal.

WITHDRAWN