

ASSEMBLY, No. 1205

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman DALTON

1 AN ACT concerning water supply management, and amending
2 P.L.1981, c.262 and P.L.1981, c.277.

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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. Section 4 of P.L.1981, c.262 (C.58:1A-4) is amended to read as
8 follows:

9 4. a. Upon a finding by the commissioner that there exists or
10 impends a water supply shortage of a dimension which endangers the
11 public health, safety, or welfare in all or any part of the State, the
12 Governor is authorized to proclaim by executive order a state of water
13 emergency. The Governor may limit the applicability of any state of
14 emergency to specific categories of water supplies or to specific areas
15 of the State in which a shortage exists or impends.

16 In declaring a state of water emergency, the Governor shall prohibit
17 the transportation of any ground or surface water to any area of the
18 State which is located more than 10 miles north of the boundary of the
19 Pinelands National Reserve. As used in this subsection, "Pinelands
20 National Reserve" means the approximately 1,000,000 acre area so
21 designated by section 502 of the "National Parks and Recreation Act
22 of 1978" (P.L.95-625), and generally depicted on the map entitled
23 "Pinelands National Reserve Boundary Map" numbered NPS/80,011A
24 and dated September 1978.

25 b. The department shall[, within 180 days of the effective date of
26 this act,]adopt an Emergency Water Supply Allocation Plan as a rule
27 and regulation. This plan shall be utilized as the basis for imposing
28 water usage restrictions during a declared state of water emergency
29 and shall include a priority system for the order in which restrictions
30 would be imposed upon the various categories of water usage.

31 c. During the duration of a state of water emergency the
32 commissioner, to the extent not in conflict with the prohibition

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 provided in subsection a. of this section or applicable Federal law or
2 regulation, but notwithstanding any State or local law or contractual
3 agreement, shall be empowered to:

4 (1) Order any person to reduce by a specified amount the use of
5 any water supply; to make use of an alternate water supply where
6 possible; to make emergency interconnections between systems; to
7 transfer water from any public or private system; or to cease the use
8 of any water supply;

9 (2) Order any person engaged in the distribution of any water
10 supply to reduce or increase by a specified amount or to cease the
11 distribution of that water supply; to distribute a specified amount of
12 water to certain users as specified by the commissioner; or to share
13 any water supply with other distributors thereof;

14 (3) Establish priorities for the distribution of any water supply;

15 (4) Adopt rules and regulations as are necessary and proper to
16 carry out the purposes of this section; and

17 (5) Direct any person engaged in the retail distribution of water to
18 impose and collect a surcharge on the cost of that water as a penalty
19 for the violation of any order to reduce water usage issued pursuant
20 to this subsection. The disposition of all sums collected pursuant to
21 this subsection shall be as provided by law; and

22 (6) Otherwise implement the Emergency Water Supply Allocation
23 Plan adopted pursuant to subsection b. of this section.

24 Any order issued by the commissioner pursuant to this subsection
25 shall be based upon fair compensation, reasonable rate relief and just
26 and equitable terms, to be determined after notice and hearing which
27 may occur subsequent to the order and compliance therewith.

28 d. During the existence of a state of water emergency, the
29 Governor may order the suspension of any laws, rules, regulations, or
30 orders of any department or agency in State Government or within any
31 political subdivision which deal with or affect water and which impede
32 [his] the ability of the Governor to alleviate or terminate a state of
33 water emergency.

34 The powers granted to the Governor under this subsection shall not
35 apply or otherwise extend to the provisions of section 1 of P.L.1981,
36 c.277 (C.58:1A-7.1).

37 e. Any aggrieved person, upon application to the commissioner,
38 shall be granted a review of whether the continuance of any order
39 issued by the commissioner pursuant to this section is unreasonable in
40 light of then prevailing conditions of emergency.

41 f. During a state of water emergency the commissioner may require
42 any other department or other agency within State Government to
43 provide information, assistance, resources, and personnel as shall be
44 necessary to discharge [his] the functions and responsibilities of the
45 commissioner under this act, rules and regulations adopted hereunder,
46 or applicable Federal laws and regulations.

1 g. The powers granted to the Governor and the commissioner
2 under this section shall be in addition to and not in limitation of any
3 emergency powers now or hereafter vested in the Governor, the
4 commissioner, or any other State department or agency pursuant to
5 any other laws; except that, upon declaring a state of energy
6 emergency, the Governor may supersede any other emergency powers.

7 h. The state of water emergency declared by the Governor
8 pursuant to this section shall remain in effect until the Governor
9 declares by a subsequent executive order that the state of water
10 emergency has terminated.

11 (cf: P.L.1981, c.262, s.4)

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13 2. Section 1 of P.L.1981, c.277 (C.58:1A-7.1) is amended to read
14 as follows:

15 1. The provisions of any law, rule or regulation to the contrary
16 notwithstanding, no person shall transport, or cause to be transported,
17 more than 10 miles outside the boundary of the Pinelands National
18 Reserve, any ground or surface water therefrom; provided, however,
19 that nothing in this section shall prohibit the continued transportation
20 of any such water utilized for public water supply purposes prior to
21 [the effective date of this act] September 8, 1981.

22 As used in this section, "Pinelands National Reserve" means the
23 approximately 1,000,000 acre area so designated by section 502 of the
24 "National Parks and Recreation Act of 1978" (P.L.95-625), and
25 generally depicted on the map entitled "Pinelands National Reserve
26 Boundary Map" numbered NPS/80,011A and dated September 1978.

27 The prohibition under this section shall not be superseded by a state
28 of water emergency declared by the Governor pursuant to section 4 of
29 P.L.1981, c.262 (C.58:1A-4).

30 (cf: P.L.1981, c.277, s.1)

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32 3. This act shall take effect immediately.
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STATEMENT

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37 This bill would prohibit the Governor from authorizing the
38 transportation of any Pinelands ground or surface water more than 10
39 miles north of the boundary of the Pinelands National Reserve during
40 a declared state of water supply emergency.

41 The Department of Environmental Protection has mandated the
42 implementation of a \$168 million water supply initiative for Water
43 Supply Critical Area II (a designated area in Burlington, Camden and
44 Gloucester Counties) to reduce usage of underground water from the
45 Potomac-Raritan-Magothy aquifer system in the Pinelands area by 22
46 percent. The Tri-County Water Supply Project, a capital project to

1 provide these counties with replacement water from the Delaware
2 River, is slated to be financed by residential users and other ratepayers
3 throughout South Jersey.

4 Thus, it is the sponsor's view that to suspend the existing
5 prohibition on exporting Pinelands water to assist localities in northern
6 New Jersey affected by the drought would be an affront to the
7 counties and municipalities in South Jersey that have already been
8 mandated by the State to take costly measures to ensure adequate
9 water supplies for their residents.

10 Accordingly, this bill would prohibit the Governor, in declaring a
11 state of water emergency, from authorizing the transportation of any
12 Pinelands ground or surface water to any area of the State which is
13 located more than 10 miles north of the boundary of the Pinelands
14 National Reserve.

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19 Prohibits Governor from exporting Pinelands ground or surface water
20 to the northern portions of the State during a declared state of water
21 supply emergency.

WITHDRAWN