

ASSEMBLY, No. 1115

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblywoman Murphy and Assemblyman Conaway

SYNOPSIS

Requires DEP to prioritize funding for environmental infrastructure projects for applicants with established program to employ, at project or related facilities, local residents or residents of nearby urban aid qualifying municipalities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning environmental infrastructure projects and
2 amending P.L.1985, c.334 and P.L.1997, c.224.

3

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

6

7 1. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to
8 read as follows:

9 20. a. (1) The Commissioner of Environmental Protection shall
10 for each fiscal year develop a priority system for wastewater treatment
11 systems and shall establish the ranking criteria and funding policies for
12 the clean water projects to be financed by the New Jersey
13 Environmental Infrastructure Financing Program. The commissioner
14 shall set forth an Interim Clean Water Financing Program Project
15 Priority List, hereinafter referred to as the "clean water project priority
16 list," for funding by the trust for each fiscal year and shall include the
17 aggregate amount of funds of the trust to be authorized for these
18 purposes. The clean water project priority list may include any
19 stormwater management or combined sewer overflow abatement
20 project identified in the stormwater management and combined sewer
21 overflow abatement project priority list adopted by the commissioner
22 pursuant to section 28 of P.L.1989, c.181.

23 The clean water project priority list, which shall include for each
24 wastewater treatment system the date each project is scheduled to be
25 certified as ready for funding, shall be in conformance with applicable
26 provisions of the "Federal Water Pollution Control Act Amendments
27 of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and any amendatory
28 or supplementary acts thereto, and State law, or in the case of a
29 wastewater treatment system project for the reduction of lead in a
30 publicly-owned facility, conformance with requirements established
31 by the Department of Environmental Protection for those projects or,
32 in the case of a wastewater treatment system project financed through
33 another source of funds, conformance with the requirements
34 established by the department and the other source of funds for that
35 project. The clean water project priority list shall include a description
36 of each project and its purpose, impact, cost, and construction
37 schedule, and an explanation of the manner in which priorities were
38 established. The department shall, to the extent consistent with federal
39 law, assign additional priority points to project applicants with an
40 established program to employ at the project facility, or at related
41 offices or facilities, persons who reside in the municipality in which
42 the project is located, the service area of the project, or in surrounding
43 municipalities that meet the criteria for State aid pursuant to P.L.1978,
44 c.14 (C.52:27D-178 et seq.). The priority system and clean water
45 project priority list for the ensuing fiscal year shall be submitted to the

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.

1 Secretary of the Senate and the Clerk of the General Assembly on or
2 before January 15 of each year. The Secretary and the Clerk shall
3 cause the date of submission to be entered upon the Senate Journal and
4 the Minutes of the General Assembly, respectively. Incremental
5 revisions or supplements to the clean water project priority list may be
6 submitted to the Legislature as provided in subsection d. of section 9
7 of P.L.1985, c.334 (C.58:11B-9).

8 (2) The commissioner shall set forth a clean water project
9 eligibility list for long-term funding by the trust and shall include the
10 aggregate amount of funds to be authorized for these purposes. The
11 clean water project eligibility list shall consist of clean water project
12 priority list projects certified by the department that have commenced
13 construction and demonstrated a high likelihood of construction
14 completion on or before the end of the ensuing fiscal year. On or
15 before May 15 of each year, the trust shall submit the clean water
16 project eligibility list for the ensuing fiscal year, including any revision
17 thereof or supplement thereto, to be introduced in each House in the
18 form of legislative appropriations bills, which shall be referred to the
19 Senate Environment and Energy Committee and the Assembly
20 Environment and Solid Waste Committee, or their successors, for their
21 respective consideration. On or before October 15 of each year the
22 trust may submit an additional clean water project eligibility list, to be
23 introduced in each House in the form of legislative appropriations
24 bills, which shall be referred to the Senate Environment and Energy
25 Committee and the Assembly Environment and Solid Waste
26 Committee, or their successors, for their respective consideration.

27 b. The Senate Environment and Energy Committee and the
28 Assembly Environment and Solid Waste Committee shall, either
29 individually or jointly, consider the legislation containing the clean
30 water project eligibility list, and shall report the legislation, together
31 with any modifications, out of committee for consideration by each
32 House of the Legislature. On or before July 1 of each year, the
33 Legislature shall approve an appropriations act containing the clean
34 water project eligibility list, including any amendatory or
35 supplementary provisions thereto, which act shall include the
36 authorization of an aggregate amount of funds of the trust to be
37 expended for long-term loans and guarantees for the specific projects,
38 including the individual amounts therefor, on the list.

39 c. The trust shall not expend any money for a long-term loan or
40 guarantee during a fiscal year for any wastewater treatment system
41 project unless the expenditure is authorized pursuant to an
42 appropriations act as provided in the provisions of this section, or as
43 otherwise set forth in an appropriations act.

44 d. The trust shall submit to the Secretary of the Senate and the
45 Clerk of the General Assembly on or before January 15 of each year a
46 report which shall identify the wastewater treatment system projects
47 financed during the prior fiscal year, including a project description,

1 the amount of the loan provided for each project, and the duration of
2 each loan.

3 (cf: P.L.2021, c.74, s.10)

4
5 2. Section 24 of P.L.1997, c.224 (C.58:11B-20.1) is amended to
6 read as follows:

7 24. a. (1) The Commissioner of Environmental Protection shall
8 for each fiscal year develop a priority system for water supply projects
9 and shall establish the ranking criteria and funding policies for the
10 water supply projects to be financed by the New Jersey Environmental
11 Infrastructure Financing Program. The commissioner shall set forth an
12 Interim Drinking Water Financing Program Project Priority List,
13 hereinafter referred to as the "drinking water project priority list," for
14 funding by the trust for each fiscal year and shall include the aggregate
15 amount of funds of the trust to be authorized for these purposes. The
16 commissioner may include a water supply project on the drinking
17 water project priority list if it is eligible for funding under the "Water
18 Supply Bond Act of 1981," P.L.1981, c.261, as amended, meets the
19 eligibility requirements for funding pursuant to the federal "Safe
20 Drinking Water Act Amendments of 1996," Pub.L.104-182, or, in the
21 case of a water supply project for the reduction of lead in a publicly-
22 owned facility, the project meets the eligibility requirements
23 established by the Department of Environmental Protection for those
24 projects or, in the case of a water supply project financed through
25 another source of funds, conformance with the requirements
26 established by the department and the other source of funds for that
27 project. The drinking water project priority list shall include a
28 description of each project and an explanation of the manner in which
29 priorities were established. The department shall, to the extent
30 consistent with federal law, assign additional priority points to project
31 applicants with an established program to employ at the project
32 facility, or at related offices or facilities, persons who reside in the
33 municipality in which the project is located, the service area of the
34 project, or in surrounding municipalities that meet the criteria for State
35 aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.). The priority
36 system and drinking water project priority list for the ensuing fiscal
37 year shall be submitted to the Secretary of the Senate and the Clerk of
38 the General Assembly on or before January 15 of each year. The
39 Secretary and the Clerk shall cause the date of submission to be
40 entered upon the Senate Journal and the Minutes of the General
41 Assembly, respectively. Incremental revisions or supplements to the
42 drinking water project priority list may be submitted to the Legislature
43 as provided in subsection d. of section 9 of P.L.1985, c.334
44 (C.58:11B-9).

45 (2) The commissioner shall set forth a drinking water project
46 eligibility list for long-term funding by the trust and shall include the
47 aggregate amount of funds to be authorized for these purposes. The
48 drinking water project eligibility list shall consist of drinking water

1 project priority list projects certified by the department that have
2 commenced construction and demonstrated a high likelihood of
3 construction completion on or before the end of the ensuing fiscal
4 year. On or before May 15 of each year, the trust shall submit the
5 drinking water project eligibility list for the ensuing fiscal year,
6 including any revision thereof or supplement thereto, to be introduced
7 in each House in the form of legislative appropriations bills, which
8 shall be referred to the Senate Environment and Energy Committee
9 and the Assembly Environment and Solid Waste Committee, or their
10 successors, for their respective consideration. On or before October 15
11 of each year the trust may submit an additional drinking water project
12 eligibility list, to be introduced in each House in the form of legislative
13 appropriations bills, which shall be referred to the Senate Environment
14 and Energy Committee and the Assembly Environment and Solid
15 Waste Committee, or their successors, for their respective
16 consideration.

17 b. The Senate Environment and Energy Committee and the
18 Assembly Environment and Solid Waste Committee shall, either
19 individually or jointly, consider the legislation containing the drinking
20 water project eligibility list, and shall report the legislation, together
21 with any modifications, out of committee for consideration by each
22 House of the Legislature. On or before July 1 of each year, the
23 Legislature shall approve an appropriations act containing the drinking
24 water project eligibility list, including any amendatory or
25 supplementary provisions thereto, which act shall include the
26 authorization of an aggregate amount of funds of the trust to be
27 expended for long-term loans and guarantees for the specific water
28 supply projects, including the individual amounts therefor, on the list.

29 c. The trust shall not expend any money for a long-term loan or
30 guarantee during a fiscal year for any water supply project unless the
31 expenditure is authorized pursuant to an appropriations act as provided
32 in the provisions of this section, or as otherwise set forth in an
33 appropriations act.

34 d. The trust shall submit to the Secretary of the Senate and the
35 Clerk of the General Assembly on or before January 15 of each year a
36 report which shall identify the water supply projects financed during
37 the prior fiscal year, including a project description, the amount of the
38 loan provided for each project, and the duration of each loan.

39 (cf: P.L.2021, c.74, s.11)

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41 3. This act shall take effect immediately.

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44 STATEMENT

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47 This bill, would direct the Department of Environmental
48 Protection (DEP) to provide additional priority points to certain

1 applicants that seek funding for sewerage and drinking water
2 infrastructure projects from the New Jersey Infrastructure Bank (I-
3 Bank).

4 Specifically, under the bill, project applicants with an established
5 program to employ at the project facility, or at related offices or
6 facilities, persons who reside in the municipality in which the
7 project is located, the service area of the project, or in surrounding
8 municipalities that meet the criteria for State aid pursuant to
9 P.L.1978, c.14 (C.52:27D-178 et seq.) would receive additional
10 priority points. The DEP would factor these additional points into
11 its calculations when establishing the "clean water project priority
12 list" pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) and
13 the "drinking water project priority list," pursuant to section 24 of
14 P.L.1997, c.224 (C.58:11B-20.1).