

ASSEMBLY, No. 5218

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 23, 2023

Sponsored by:
Assemblyman PARKER SPACE
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Requires DEP to evaluate extending sewer service in Lake Hopatcong region; allows gross income tax deduction for septic system maintenance under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning Lake Hopatcong and its watershed, and
2 supplementing Title 54A of the New Jersey Statutes and Title 58
3 of the Revised Statutes.

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

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8 1. a. Within 90 days after the effective date of this act, the
9 Department of Environmental Protection shall study the feasibility
10 of extending sewer service in the area surrounding Lake Hopatcong
11 and its watershed and make a determination as to whether the
12 expansion of sewer service in the watershed would result in a
13 significant improvement to the water quality of Lake Hopatcong.

14 b. In conducting the study and making the determination
15 required pursuant to this section, the department shall:

16 (1) consider whether expansion of sewer service in the area
17 surrounding Lake Hopatcong and its watershed would comply with
18 the applicable provisions of the “Water Pollution Control Act,”
19 P.L.1977, c.74 (C.58:10A-1 et seq.), and the “Water Quality
20 Planning Act,” P.L.1977, c.75 (C.58:11A-1 et seq.);

21 (2) determine the cost and availability of financial assistance
22 from the State for the expansion of sewer service; and

23 (3) consult with the governing body of each of the
24 municipalities in the affected area and the Lake Hopatcong
25 Commission created pursuant to section 3 of P.L.2000, c.175
26 (C.58:4B-3).

27 c. If the Department of Environmental Protection determines
28 that the extension of sewer service in the area surrounding Lake
29 Hopatcong and its watershed will not result in a significant
30 improvement to the water quality of the lake or is otherwise not
31 appropriate, the commissioner shall:

32 (1) notify the State Treasurer and the Director of the Division of
33 Taxation of the decision;

34 (2) provide a delineation to the Director of the Division of
35 Taxation of the geographic area encompassing Lake Hopatcong and
36 its watershed in which properties eligible for the tax deduction
37 provided pursuant to section 2 of P.L. , c. (C.) (pending
38 before the Legislature as this bill) are located; and

39 (3) conduct a public education campaign to notify the
40 municipalities and residents of the availability of the tax deduction
41 provided pursuant to section 2 of P.L. , c. (C.) (pending
42 before the Legislature as this bill), which shall include, but not be
43 limited to, notifying the governing body and local health
44 department of each municipality with property located within the
45 area delineated pursuant to paragraph (2) of this subsection of the
46 availability of the tax deduction and the types of septic system
47 maintenance eligible. This information shall also be posted in a
48 prominent location on the department’s website.

1 2. a. Commencing in the taxable year beginning on or after the
2 January 1 next following notification by the Commissioner of
3 Environmental Protection to the State Treasurer and the Director of
4 the Division of Taxation pursuant to subsection c. of section 1 of
5 P.L. , c. (C.) (pending before the Legislature as this bill), a
6 taxpayer shall be allowed to deduct from the taxpayer's gross
7 income an amount equal to one-half the amount paid by the
8 taxpayer during the taxable year for maintenance of a septic system
9 located within the area delineated pursuant to paragraph (2) of
10 subsection c. of section 1 of P.L. , c. (C.) (pending before
11 the Legislature as this bill).

12 In the case of married individuals who file separately, each
13 individual shall be permitted to claim one-half of the deduction
14 allowed pursuant to this section for amounts paid in connection
15 with a primary residence occupied by both individuals during the
16 taxable year.

17 b. To be eligible for the deduction pursuant to subsection a. of
18 this section, a taxpayer shall submit to the director a receipt of work
19 done and amounts paid for septic system maintenance. The receipt
20 shall include sufficient detail to indicate the work was conducted in
21 compliance with rules and regulations governing the repair and
22 operation of individual septic systems adopted by the Department of
23 Environmental Protection pursuant to the "The Realty Improvement
24 Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23
25 et seq.) and the "Water Pollution Control Act," P.L.1977, c.74
26 (C.58:10A-1 et seq.).

27 c. The director, in consultation with the Commissioner of
28 Environmental Protection, shall adopt standards by which taxpayers
29 shall document proof of eligibility for the deduction.

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31 3. This act shall take effect immediately.

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STATEMENT

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36 This bill would require the Department of Environmental
37 Protection (DEP) to evaluate extending sewer service in areas
38 surrounding Lake Hopatcong and its watershed. If the DEP
39 determines installation of sewer service would not significantly
40 improve water quality of the lake or is otherwise not feasible, this
41 bill would provide a gross income tax deduction for one-half of the
42 cost of the maintenance of a septic system performed at a taxpayer's
43 primary residence located in an area that may impact Lake
44 Hopatcong and its watershed.

45 Specifically, this bill would require the DEP, within 90 days
46 after the date the bill is enacted into law, to study the feasibility of
47 extending sewer service in the area surrounding Lake Hopatcong
48 and its watershed and make a determination as to whether the

1 expansion of sewer service in the watershed would result in a
2 significant improvement to the water quality of Lake Hopatcong.
3 The bill directs the DEP to consult with the appropriate local
4 governing bodies and the Lake Hopatcong Commission in
5 conducting the study and making the determination required by the
6 bill.

7 If the DEP determines that installation of sewer service is not
8 feasible or would not result in a significant improvement to the
9 water quality of Lake Hopatcong, the DEP Commissioner would
10 notify the Director of the Division of Taxation of the finding. A
11 homeowner would then be eligible for a gross income tax deduction
12 for one-half of the cost of performing maintenance of a septic
13 system at the taxpayer's primary residence located within the
14 watershed.

15 The bill would require the DEP Commissioner to delineate the
16 geographic area encompassing Lake Hopatcong and its watershed in
17 which properties eligible for the tax deduction are located.

18 To be eligible for the deduction, the bill would require a taxpayer
19 to submit a receipt of work done and amounts paid for septic system
20 maintenance. In addition, the bill would require the Director of the
21 Division of Taxation, in consultation with the DEP Commissioner,
22 to adopt standards by which taxpayers would demonstrate that they
23 qualify for the tax deduction.

24 In the early summer of 2019, the DEP detected cyanobacteria, a
25 form of harmful algal bloom, in Lake Hopatcong and subsequently
26 advised against making any contact with the water. Exposure to
27 these harmful algal blooms can cause a range of health effects,
28 including rashes, allergy-like reactions, flu-like symptoms,
29 gastroenteritis, respiratory irritation, skin rashes, and eye irritation.
30 A major contributor to harmful algal blooms is excessive nutrient
31 loading in the water caused by runoff into Lake Hopatcong.
32 Primary sources of nutrients include septic systems, lawn fertilizers,
33 and animal wastes. In a press release issued in July 2019, the DEP
34 urged property owners in the area to, among other things, have a
35 wastewater professional perform a comprehensive evaluation of
36 their septic system and fix any issues and have septic systems
37 pumped out if this hasn't been done for three to five years.