

Environment—Wastewater Pretreatment—N.J. Stat. Ann. §§ 58:10A-6, -38 to -43 (West Supp. 1989).

The New Jersey Legislature has enacted legislation to require land-based sludge management criteria for sludges that are currently ocean dumped in an effort to minimize ocean dumping of sludge.¹ All sludge generated by the state must meet quality standards established by the Department of Environmental Protection.²

Each municipal treatment system was required to submit a plan for land-based disposal of all sludge currently ocean dumped to the New Jersey Department of Environmental Protection no later than April 30, 1989.³ These plans were to include an analysis of the pretreatment, air pollution control, residuals management and funding requirements necessary for the termination of ocean disposal by March 17, 1991.⁴ The New Jersey Department of Environmental Protection was then required to establish compliance schedules and to approve or deny permit applications within six months of the submittal of the plans.⁵ The Department was then required to submit these plans, together with any comments and recommendations, to the Governor and legislature by June 30, 1989 for their approval.⁶

The Act further required each sewage treatment plant currently disposing of sludge in the ocean to procure pretreatment permits.⁷ These permits limit the types and amounts of pollutants allowed to be discharged and insure that the system produces sludge of a quality that can be disposed of in a land-based manner without harming the environment or threatening human

¹ N.J. STAT. ANN. § 58:10A-38 to -43. "Sludge" means the solid residue and associated liquid resulting from physical, chemical or biological treatment of domestic or industrial wastewaters. *Id.* § 58:10A-39.

² *Id.* § 58:10A-38.

³ *Id.* § 58:10A-42.

⁴ *Id.*

⁵ *Id.* § 58:10A-43. Compliance schedules will include deadlines for submittal of the permit applications, awarding of the construction contract and date of commencement and completion of construction. *Id.* § 58:10A-43.

⁶ *Id.* § 58:10A-42.

⁷ *Id.* § 58:10A-38. "Pretreatment permit" means a permit issued by either the department or by a municipal treatment works or by both, for the discharge of industrial wastewater into a sewerage system. *Id.* § 58:10A-39.

health.⁸

Additionally, the Act amended section 6 of the Water Pollution Control Act⁹ in an effort to further control current ocean dumping practices. This amendment first made it unlawful for any person to discharge any pollutant without a valid permit issued pursuant to this Act or a permit issued by the federal government.¹⁰ The amendment also afforded the commissioner the power to grant, deny or reissue permits, as well as the power to grant exemptions subject to the type of pollutants discharged.¹¹ Further, the amendment defined a permit holder's rights and responsibilities.¹² Where appropriate, the permit holder is required to follow mandated schedules and to install, use and maintain specific equipment necessary in the treatment of sludge suitable to land-based disposal methods.¹³ All treatment plants holding permits are required to notify the commissioner of the nature and quantity of all recent introductions of pollutants.¹⁴ All permit holders are required to limit the discharge of heavy metals, pesticides, organic chemicals and other such contaminants in conformance with land-based disposal standards.¹⁵

To achieve the goals of this legislation, the legislature has encouraged the development of comprehensive regional sewerage facilities which will serve the needs of the regional community.¹⁶

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⁸ *Id.* § 58:10A-40.

⁹ *Id.* § 58:10A-6.

¹⁰ *Id.* § 58:10A-6(a).

¹¹ *Id.* § 58:10A-6(c). Exemptions include sewage dumped into a system currently complying with pretreatment standards, pollutants discharged from marine vessels incidental to normal operations, discharges from private septic tanks, discharges from dredges or fills, nonpoint source discharges, uncontrolled water runoff, and discharges conforming to a national contingency plan for removal of oil and hazardous substances pursuant to federal law. *Id.* § 58:10A-6(d).

¹² *Id.* § 58:10A-6(f).

¹³ *Id.* § 58:10A-6(f)(5).

¹⁴ *Id.* § 58:10A-6(h)(1).

¹⁵ *Id.* § 58:10A-6(f)(7).

¹⁶ *Id.* § 58:10A-6(j).