

July 24, 2015

RE: Weekly Policy Update

Municipal Clerk: Please forward a copy to all Governing Body Members

Dear Mayor:

I. President Authorizes Disaster Aid following June 23 storm

On Wednesday, July 22, President Obama declared a disaster to have existed in New Jersey, due to the June 23 severe weather event. As a result, the U.S. Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) announced that federal disaster aid has been made available to the State of New Jersey to supplement state and local recovery efforts in the area affected by the high winds associated with that storm.

The President's action makes federal funding available to state and eligible local governments and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by the severe storm in Atlantic, Burlington, Camden, and Gloucester counties.

Federal funding is available on a cost-sharing basis for hazard mitigation measures statewide.

Details on available aid programs can be found at

<http://www.fema.gov/newsrelease/2015/07/22/federal-aid-programs-state-new-jersey-declaration>

Seamus K. Leary has been named as the Federal Coordinating Officer for federal recovery operations in the affected area. According to Mr. Leary, additional designations may be made at a later date if requested by the state and warranted by the results of further damage assessments.

Contact: Jon Moran at 609-695-3481, ext. 121 or jmoran@njslom.org

II. Legislation would clarify status of volunteers

The League **supports** [A-4648](#), which would allow public employees in state-administered retirement systems who continue preexisting volunteer relationships with employers from whom they retire, to continue to volunteer for their prior employers without jeopardizing their pensions.

This legislation was introduced following the adoption of [League Conference Resolution 201405](#) and we thank the sponsor, Assemblyman Ron Dancer. The bill is referenced to the Assembly State and Local Government Committee. Please contact your representatives in the State Senate and the General Assembly and urge them to support A-4648.

Contact: Ed Purcell, Esq., 609-695-3481 x 137 or epurcell@njslom.org

III. Spill Act Amendments Poised to Advance

In early June, the Assembly Environment and Solid Waste Committee approved [A-1779](#), which the League **supports**. This legislation clarifies the original intent of the New Jersey Spill Compensation and Control Act to specifically state that any domestic, commercial, or industrial wastewater, sewage, or sewage sludge expelled or released from a public sewer system or a public sewage treatment plant, are exceptions from the Spill Act. This bill now stands at 2nd reading in the Assembly.

Similar legislation, S-444, is advancing in the Senate. [SCS for S-444 and S-2419](#) would provide complete protection to public entities, municipalities and sewerage authorities from being dragged into environmental cases through contribution claims, because it would cover contribution claims based upon other legal causes of action in addition to the Spill Act, such as strict liability, nuisance, trespass and negligence. This bill was approved by the Senate Environment Committee in October and awaits consideration by the Senate Budget and Appropriations Committee.

In late 2005 the NJDEP filed an environmental cleanup suit pursuant to the Spill Act against nine businesses for discharging toxic chemicals, mainly dioxin, from a plant in Newark into the Passaic River. The private companies then filed third party complaints against about 300 public and private entities alleging that those entities had contributed at varying degrees to the contamination of the Passaic River and should bear some of the responsibility. Under the theory that the various public entities contributed, either directly or indirectly, to the contamination of the Passaic River through the discharge of wastewater, a total of 71 municipalities, 6 municipal wastewater entities and 9 State entities were named as third party defendants in the litigation, notwithstanding language in the Spill Act stating that sewage and sewage sludge shall not be considered as hazardous substances.

The municipal entities named as third parties each paid \$95,000 to the State as part of a settlement. It is our contention, however, that the Legislature intended to exempt municipalities from the requirements of the Spill Act with respect to discharges of sewage and sewage sludge. A-1779 clarifies the intent of the Legislature and will assure that taxpayers will not be held liable in similar circumstances going forward.

Contact: Mike Cerra, mcerra@njslom.org, 609-695-3481 x120.

Very truly yours,

Michael J. Darcy, CAE
Executive Director