

CHAPTER 77

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making grants, zero interest loans, principal forgiveness or negative interest loans to project sponsors for clean water environmental infrastructure projects consistent with the provisions of the Federal American Recovery and Reinvestment Act.

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

1. a. There is hereby established in the Department of the Treasury the "Clean Water State Revolving Fund" for the purpose of receiving federal funds authorized pursuant to Title VII of the "American Recovery and Reinvestment Act of 2009" (Pub.L. 111-5), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal American Recovery and Reinvestment Act"). The Clean Water State Revolving Fund shall be the depository for the receipt of Federal capitalization grants and other funds made available to the State for clean water projects and set-asides pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

b. The Clean Water State Revolving Fund is a nonlapsing revolving fund. Pending their application to the purposes provided in this act, the moneys in the Clean Water State Revolving Fund may be invested and reinvested as are other funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the Clean Water State Revolving Fund shall be paid to that fund.

c. Any payments of principal and interest on loans made from the Clean Water State Revolving Fund shall be returned to that fund.

d. The Department of Environmental Protection is authorized to make grants, zero interest loans, principal forgiveness or negative interest loans from the Clean Water State Revolving Fund consistent with the provisions of the Federal American Recovery and Reinvestment Act or the Federal Clean Water Act to project sponsors for any clean water environmental infrastructure project listed in the "State Fiscal Year 2009 Clean Water Project Priority List" or the "State Fiscal Year 2010 Clean Water Project Priority List."

2. a. The Department of Environmental Protection is authorized to transfer to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 all available balances in the Clean Water Fund – State Revolving Fund Accounts (hereinafter referred to as the "Clean Water State Revolving Fund Accounts") established pursuant to section 1 of P.L.1988, c.133 and renamed pursuant to section 2 of P.L.1998, c.84 for the purposes of providing clean water project grants or loans pursuant to the provisions of the Federal American Recovery and Reinvestment Act or the Federal Clean Water Act.

b. The Department of Environmental Protection is authorized to transfer to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 all loan repayments due the Clean Water State Revolving Fund Accounts, and loan balances currently on record therein, for the purposes of providing clean water project grants or loans pursuant to the provisions of the Federal American Recovery and Reinvestment Act or the Federal Clean Water Act.

c. Notwithstanding the foregoing, the Department of Environmental Protection shall not transfer any balance or loan repayment from the Clean Water State Revolving Fund Accounts to the Clean Water State Revolving Fund, established pursuant to section 1 of P.L.2009, c.77, which constitute proceeds of State general obligation bonds, repayments of loans made from such proceeds or investment earnings on such bond proceeds or loan repayments.

3. There is appropriated to the Department of Environmental Protection from the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 such amounts as may be provided by the United States Environmental Protection Agency pursuant to the Federal American Recovery and Reinvestment Act.

4. This act shall take effect immediately.

Approved June 29, 2009.