

13:1E-54

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13: 1E-SS.1

(Hazardous waste  
clean-up--audit)

LAWS OF: 1989

CHAPTER: 243

Bill No: A1579

Sponsor(s): Bennett

Date Introduced: Pre-filed

Committee: Assembly: Environmental Quality; Appropriations

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: October 27, 1988

Senate: December 21, 1989

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[FIRST REPRINT]  
ASSEMBLY, No. 1579

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman BENNETT

1 AN ACT concerning the review of expenditures for the cleanup  
of hazardous discharges, amending P. L. 1985, c. 247,  
3 amending and supplementing P.L. 1981, c. 279, and making an  
appropriation.

5

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

1. Section 6 of P.L. 1981, c. 279 (C. 13:1E-54) is amended to  
9 read as follows:

6. a. There is established in the department a Hazardous  
11 Waste Advisory Council which shall consist of 17 members, on  
which the State Auditor and the Director of the Office of  
13 Management and Budget in the Department of Treasury shall  
serve ex officio, and [13] 15 members appointed by the Governor  
15 with the advice and consent of the Senate. Each of these  
members shall be appointed for a term of three years, provided  
17 that of the members of the council first appointed by the  
Governor, four shall serve for terms of one year, five shall serve  
19 for terms of two years, and four shall serve for terms of three  
years. Of these members, three shall be appointed from persons  
21 recommended by recognized environmental or public interest  
organizations; two from persons recommended by recognized  
23 organizations of municipal elected and appointed officials; two  
from persons recommended by recognized organizations of  
25 county elected and appointed officials; one from persons  
recommended by recognized community organizations; one from  
27 persons recommended by recognized organizations of  
firefighters; one from persons recommended by recognized  
29 organizations of industries which utilize on-site facilities for  
the treatment, storage or disposal of hazardous waste; one from  
31 persons recommended by recognized organizations of industries

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.

Matter enclosed in superscript numerals has been adopted as follows:  
Assembly AEQ committee amendments adopted January 21, 1988.

1 which utilize major hazardous waste facilities for the treatment,  
2 storage or disposal of hazardous waste; one from persons  
3 recommended by recognized organizations of persons licensed by  
4 the department to transport hazardous waste, or by individual  
5 licensed hazardous waste transporters; [and] one from persons  
6 recommended by recognized organizations of persons licensed by  
7 the department to operate major hazardous waste facilities, or  
8 by individual licensed major hazardous waste facility operators;  
9 one from persons employed in the private sector with expertise  
10 in the financial management of public funds; and one from  
11 persons in the academic community with expertise in program  
12 and management evaluation techniques. In the event that no  
13 recommendations for a particular category of membership are  
14 made to the Governor within 60 days of the effective date of  
15 this act, in the case of the initial appointments, or within 60  
16 days of the date of the expiration of the term of office of any  
17 member or the occurrence of any vacancy, in the case of  
18 subsequent appointments, the Governor shall appoint as a  
19 member or members for that category of membership such  
20 person or persons whom he believes shall be representative  
21 thereof.

22 b. A majority of the membership of the council shall  
23 constitute a quorum for the transaction of council business.  
24 Action may be taken and motions and resolutions adopted by the  
25 council at any meeting thereof by the affirmative vote of a  
26 majority of the full membership of the council.

27 c. The council shall meet regularly as it may determine, and  
28 shall also meet at the call of the chairman of the commission or  
29 the commissioner.

30 d. The council shall appoint a chairman from among its  
31 members and such other officers as may be necessary. The  
32 council may, within the limits of any funds appropriated or  
33 otherwise made available to it for this purpose, appoint such  
34 staff or hire such experts as it may require.

35 e. Members of the council shall serve without compensation,  
36 but the council may, within the limits of funds appropriated or  
37 otherwise made available for such purposes, reimburse its  
38 members for necessary expenses incurred in the discharge of  
39 their official duties.

(cf: P.L. 1981, c. 279, s. 6)

1        2. Section 7 of P. L. 1981, c. 279 (C. 1:13E-55) is amended to  
read as follows:

3        7. The council shall:

5        a. Advise the commission concerning the preparation and  
adoption of the plan, the proposal and adoption, by the  
commission, of all sites for major hazardous waste facilities,  
7        and the implementation of the public information program;

9        b. Advise the department concerning the preparation and  
adoption of criteria for the siting of new major hazardous waste  
facilities and make recommendation for departmental action on  
11        applications for the approval of registration statements and  
engineering designs for new major hazardous waste facilities;  
13        [and]

15        c. Develop, in conjunction with the department, a protocol  
for the fiscal analysis and evaluation of the hazardous waste site  
cleanup program;

17        d. Review the report on the expenditure of funds provided for  
the cleanup of hazardous discharges prepared by the State  
19        Auditor pursuant to P. L. 1988, c. (C. ) (pending before the  
Legislature as this bill) and advise the department concerning  
21        the expenditure of those funds;

23        <sup>1</sup>[e. Identify, utilizing the criteria adopted by the department  
pursuant to section 4 of P. L. 1988, c. (C. ) (pending before  
the Legislature as Assembly Bill No. 4110 of 1987), a "qualified  
25        community group" for the purpose of making a grant for  
technical assistance thereto;

27        f. Provide, upon application from a "qualified community  
group," pursuant to section 5 of P. L. 1981, c. (C. ) (pending  
29        before the Legislature as Assembly Bill 4110 of 1987), up to a  
maximum of \$50,000.00 for any one hazardous discharge site  
31        identified under the hazardous waste management program  
developed by the department, and within the limits of funds  
33        made available to the council for these purposes, grants for  
activities carried out by the "qualified community group"  
35        consistent with the purposes of that act;]<sup>1</sup> and

37        [c] <sup>1</sup>[g.] e.<sup>1</sup> Review all matters submitted to it by the  
commission or the department and state its position on the  
matter within 60 days of the submission thereof.

39        (cf. P.L.1981, c. 279, s. 7)

1        3. Section 1 of P.L. 1985, c. 247 (C. 58:10-23.34) is amended  
to read as follows:

3        1. a. There is established in the Department of  
Environmental Protection a fund to be known as the  
5 "Hazardous Discharge Site Cleanup Fund." All interest earned  
on moneys in the fund shall be credited to the fund. Moneys in  
7 the fund shall be used by the Department of Environmental  
Protection for the purposes of preparing feasibility studies,  
9 engineering designs, and undertaking other work necessary to  
the cleanup or mitigation of hazardous discharge sites in this  
11 State included on the National Priorities List of hazardous  
discharge sites adopted by the federal Environmental Protection  
13 Agency pursuant to the "Comprehensive Environmental  
Response, Compensation, and Liability Act of 1980," Pub. L.  
15 96-510 (42 U. S. C. § 9601 et seq.) or other hazardous discharge  
sites approved by the department.

17        b. Any moneys received by the department from the federal  
government or from responsible parties as reimbursement for  
19 costs incurred by the department in connection with the cleanup  
of a hazardous discharge site on the federal National Priorities  
21 List shall be deposited by the department for additional  
hazardous discharge site cleanup activities.

23        c. Moneys in the fund may also be appropriated to the  
"Hazardous Waste Advisory Council" for the purpose of making  
25 grants to "qualified community groups" identified pursuant to  
<sup>1</sup>[P.L. 1987] P. L. 1988<sup>1</sup>, c. (C. ) (pending before the  
27 Legislature as Assembly Bill <sup>1</sup>[No.4110 of 1987] 1580 of 1988<sup>1</sup> );  
provided that no more than \$2,000,000.00 may be appropriated  
29 in any one year, and no more than \$50,000.00 may be used by a  
"qualified community group" for activities related to any one  
31 hazardous discharge.

(cf. P.L.1985, c. 247, s. 1)

33        4. (New section) a. The Director of the Office of  
Management and Budget shall annually conduct an analysis of  
35 the program established in the Department of Environmental  
Protection for the cleanup of hazardous discharges in the State.  
37 This program analysis shall include an evaluation of the staff  
levels necessary to efficiently carry out the program and an  
39 analysis of the most efficient use of the various sources of funds  
dedicated to the cleanup program.

1       b. The program analysis shall be submitted to the  
Commissioner of Environmental Protection and to the  
3 Hazardous Waste Advisory Council for review and to the State  
Auditor for utilization in the preparation of the report required  
5 under section 4 of this amendatory and supplementary act.

7       c. The advisory council may request the Director of the  
Office of Management and Budget to conduct additional  
program analyses consistent with this section if the council  
9 determines, based on the report submitted by the State Auditor  
pursuant to section 5 of this amendatory and supplementary act,  
11 that an additional analysis is required.

13       5. (New section) a. The Hazardous Waste Advisory Council  
shall, on an annual basis, contract with an independent auditor  
and supervise the audit, analysis and evaluation of the  
15 expenditure of funds provided the Department of Environmental  
Protection for the cleanup of hazardous discharges and provided  
17 "qualified community groups" for the retaining of technical  
assistance with respect to the remediation of hazardous  
19 discharge sites. The Hazardous Waste Advisory Council shall  
annually submit a report to the Senate Energy and Environment  
21 Committee and the General Assembly Environmental Quality  
Committee, or their designated successors, detailing the results  
23 of the audit, analysis, and evaluation.

25       b. The Hazardous Waste Advisory Council may, within the  
limits of funds provided for these purposes, contract for such  
legal, financial, scientific, or other services as deemed  
27 necessary to carry out the responsibilities established in this  
amendatory and supplementary act.

29       6. (New section) The Department of Environmental  
Protection shall, pursuant to the "Administrative Procedure  
31 Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt any rules  
and regulations necessary to implement the recommendations of  
33 the council for the improvement of the cleanup program  
consistent with the provisions of this amendatory and  
35 supplementary act.

37       7. There is appropriated from the "Hazardous Discharge Site  
Cleanup Fund" created pursuant to P.L. 1985, c. 247 (C.  
58:10-23.34), to the Hazardous Waste Advisory Council the sum  
39 of \$200,000.00, for the purpose of carrying out its  
responsibilities under this amendatory and supplementary act.

41       8. This act shall take effect immediately.

1

**ENVIRONMENT**

**Hazardous Waste**

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5

Provides for the audit, analysis and evaluation of expenditures by DEP for cleanup of hazardous discharge sites, and appropriates \$200,000.

1

## STATEMENT

2 The amount and diversity of the sources of revenue provided  
3 to the Department of Environmental Protection by recent  
4 enactments for the cleanup of hazardous waste sites requires a  
5 thorough and continuing review of their expenditure. This bill  
6 would mandate that review and provide the department with a  
7 source of information on fiscal management which it currently  
8 does not have.

9 This bill increases the membership of the Hazardous Waste  
10 Advisory Council by four members: two of whom would be the  
11 State Auditor and the Director of the Office of Management and  
12 Budget, serving ex officio; one of whom would be a person  
13 employed in the private sector with expertise in the financial  
14 management of public funds; and one of whom would be an  
15 academic with expertise in program and management evaluation  
16 techniques. The purpose of these new appointments would be to  
17 facilitate the council's newly authorized responsibility to develop  
18 procedure for the analysis and evaluation of the fiscal  
19 management of the State's hazardous waste site cleanup  
20 program.

21 The bill further directs the Director of the Office of  
22 Management of Budget to conduct a program analysis of the  
23 Department of Environmental Protection with respect to  
24 cleanup program, which would be utilized by the council and by  
25 the State Auditor for recommendations relating to the  
26 improvement of the cleanup program by the department. The  
27 department is directed to adopt rules and regulations necessary  
28 to implement the recommendations of the council.

29 The bill further expands the functions of the Hazardous Waste  
30 Advisory Council to include the identification of "qualified  
31 community groups" eligible to receive \$50,000.00 grants to  
32 secure technical assistance for reviewing documents relating to  
33 recommendation plans develop for hazardous discharge sites.  
34 The bill amends the "Hazardous Discharge Site Cleanup Fund,"  
35 created pursuant to P.L. 1985, c. 247 (C. 58:10-23:34), to  
36 authorize the use of moneys in that fund for this purpose. The  
37 grants would be made in accordance with criteria established in  
38 P.L. 1987, c. (C. ) (pending before the Legislature as  
39 Assembly Bill No. 4110 of 1987). These criteria are identical,

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1     except in certain technical respects, to the criteria for making  
2     grants to persons affected by hazardous discharge sites  
3     identifies under section 117 of the "Superfund Amendments and  
4     Reauthorization Act," Pub. L. 99-499 (42 U. S. C. 9617).

5     The bill appropriates from the Hazardous Discharge Site  
6     Cleanup Fund" to the Hazardous Waste Advisory Council the  
7     sum of \$200,000.00 for the purpose of carrying out its  
8     responsibility under this bill.

9

11

ENVIRONMENT  
Hazardous Waste

13

14     Provides for the audit, analysis and evaluation of expenditures  
15     by DEP for cleanup of hazardous discharge sites, and  
16     appropriates \$200,000.

17

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ASSEMBLY ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1579**

with Assembly Committee Amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 21, 1988

Assembly Bill No. 1579, as amended, is reported favorably by the committee.

The purpose of Assembly Bill No. 1579 is to improve the program elements and financial management of hazardous waste site cleanups, and to provide financial assistance to qualified community groups for the retention of technical assistance in reviewing plans and procedures for the cleanup of individual hazardous discharge sites.

Section 1 of the bill increases from 13 to 17 the membership of the Hazardous Waste Advisory Council (hereinafter referred to as the advisory council). The new members shall include the State Auditor and the Director of the Office of Management and Budget, in the Department of the Treasury, who shall serve as ex officio members, and two additional public members, appointed by the Governor, one of whom shall be from the private sector and have expertise in public funds management, and one of whom shall be from the academic community with expertise in program and management evaluation.

Section 2 of the bill requires the advisory council to:

- (1) assist in the development of a protocol for a fiscal analysis and evaluation of the hazardous waste site cleanup program; and
- (2) review State Auditor's report on expenditures of hazardous discharge cleanup monies and advise the Department of Environmental Protection (DEP) thereon.

Section 3 authorizes monies in the hazardous discharge site cleanup fund to be appropriated to the advisory council for use in making grants to qualified community groups.

Section 4 directs the Director of the Office of Management and Budget annually to conduct a program analysis of the State's hazardous discharge site cleanups. The program analysis shall be

submitted to the Commissioner of Environmental Protection, the advisory council and the State Auditor who shall utilize the analysis in his report. The advisory council may request the director to conduct additional program analyses, if the council so determines, based on the State Auditor's report.

Section 5 requires the advisory council on an annual basis to contract with an independent auditor for an audit, analysis and evaluation of the expenditure of hazardous discharge site cleanup funds available to DEP, and of funds provided to qualified community groups. The advisory council shall supervise the work of the independent auditor. The advisory council may, within the limits of monies available therefor, contract for designated professional services that it deems necessary to carry out its responsibilities under this bill. The advisory council shall submit an annual report to the appropriate committees of the Legislature detailing the results of the audit, analysis and evaluation.

Section 6 authorizes DEP to adopt any rules and regulations that may be necessary to implement the recommendations of the advisory council in accordance with this bill for improvement of the cleanup program.

Section 7 appropriates \$200,000, from the hazardous discharge site cleanup fund to the advisory council, for the purpose of carrying out its responsibilities hereunder.

The Assembly Committee Amendments delete the authority granted to the advisory council to identify qualified community groups and to provide technical assistance grants thereto.

This bill was pre-filed for introduction in the 1988 session. As reported the bill includes the changes required by technical review which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**ASSEMBLY, No. 1579**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 22, 1988

The Assembly Appropriations Committee favorably reports Assembly Bill No. 1579 (1R) with Assembly committee amendments.

Assembly Bill No. 1579 (1R), as amended, provides for the review, analysis and evaluation of activities and expenditures related to the cleanup of hazardous waste sites, and appropriates \$15,000 to the Hazardous Waste Advisory Council.

This bill adds four members to the Hazardous Waste Advisory Council: the State Auditor and the Director of the Office of Management and Budget, serving ex officio; a person employed in the private sector with expertise in the financial management of public funds; and an academic with expertise in program and management evaluation techniques. The Advisory Council is directed to assist in the development of procedures for analysis and evaluation of the fiscal management of the State's hazardous waste site cleanup program, and to review the State Auditor's report on the program.

The bill further directs the Director of the Office of Management of Budget to conduct an annual program analysis of the Department of Environmental Protection with respect to the cleanup program, which shall be submitted to the department, the Advisory Council and the State Auditor.

FISCAL IMPACT

This bill, as amended, appropriates \$15,000 from the "Hazardous Discharge Site Cleanup Fund" to the Hazardous Waste Advisory Council to administer the provisions of the bill.

COMMITTEE AMENDMENTS:

The Committee amended the bill, at the recommendation of the sponsor, to reduce the appropriation to \$15,000 since the bill's purpose now concerns the audit and review of the financial operations and management related to the cleanup of hazardous waste sites. The public participation portion as provided through "qualified community groups" and grants are addressed in Assembly Bill No. 1580 of 1988 and therefor deleted from this bill.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1579

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1989

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 1579.

This bill would provide for the review, analysis and evaluation of activities and expenditures related to the cleanup of hazardous waste sites, and appropriates \$15,000 to the Hazardous Waste Advisory Council, established pursuant to the "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279.

This bill would add four members to the Hazardous Waste Advisory Council: the State Auditor and the Director of the Office of Management and Budget, serving ex officio; a person employed in the private sector with expertise in the financial management of public funds; and an academic with expertise in program and management evaluation techniques. This bill would also direct the Council to develop, in conjunction with the Department of Environmental Protection, procedures for the analysis and evaluation of the fiscal management of the State's hazardous waste site cleanup program. In addition, the Council would be required to review the State Auditor's report on the program.

The bill would also require the Director of the Office of Management of Budget to conduct an annual program analysis of the Department of Environmental Protection with respect to the cleanup program, which shall be submitted to the department, the Advisory Council and the State Auditor.

This bill also would appropriate \$15,000 from the "Hazardous Discharge Site Cleanup Fund" established pursuant to P.L.1985, c.247 to the Hazardous Waste Advisory Council to administer the provisions of the bill.