

23:5-28

LEGISLATIVE HISTORY CHECKLIST  
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(Scrap steel pollution)

NJSA: 23:5-28

LAWS OF: 1991 CHAPTER: 495

BILL NO: A4270

SPONSOR(S): Duch

DATE INTRODUCED: December 6, 1990

COMMITTEE: ASSEMBLY: Waste Management

SENATE: Land Use

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: February 21, 1991

SENATE: January 13, 1992

DATE OF APPROVAL: January 18, 1992

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

KBG/pp

1 AN ACT concerning scrap steel and amending R.S.23:5-28.

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

5 1. R.S.23:5-28 is amended to read as follows:

6 23:5-28. a. No person shall put or place into, turn into, drain  
7 into, or place where it can run, flow, wash, or be emptied into, or  
8 where it can find its way into, any of the fresh or tidal waters  
9 within the jurisdiction of this State any petroleum products,  
10 debris, hazardous, deleterious, destructive, or poisonous  
11 substances of any kind; provided, however, that the use of any  
12 chemical by any State, county, or municipal government agency  
13 in any program of mosquito or other pest control or the use of  
14 any chemical by any person on agricultural, horticultural, or  
15 forestry crops, or in connection with livestock, or aquatic weed  
16 control or structural pest and rodent control, in a manner  
17 approved by the [State] Department of Environmental Protection,  
18 or discharges from facilities for the treatment [,] or [the] disposal  
19 of sewage or other wastes in a manner [which] that conforms to  
20 rules and regulations promulgated by the [State] Department of  
21 Environmental Protection, shall not constitute a violation of this  
22 section. Unintentional dropping of scrap steel into fresh or tidal  
23 waters of the State during loading of such scrap steel at ports  
24 within the State shall also not constitute a violation of this  
25 section if the dropped scrap steel is removed from the waters  
26 when that area of the port is next dredged.

27 b. In case of pollution of [said] fresh or tidal waters by any  
28 substances injurious to fish, birds, or mammals, it shall not be  
29 necessary to show that the substances have actually caused the  
30 death of any of these organisms.

31 c. A person violating this section shall be liable to a penalty of  
32 not more than \$6,000 for each offense, to be collected in a  
33 summary proceeding under [the Penalty Enforcement Law  
34 (N.J.S.2A:58-1 et seq.)] "the penalty enforcement law,"  
35 N.J.S.2A:58-1 et seq., and in any case before a court of  
36 competent jurisdiction wherein injunctive relief has been  
37 requested. The Superior Court [, County Court, and county  
38 district court] shall have jurisdiction to enforce [said Penalty  
39 Enforcement Law.] "the penalty enforcement law." If the  
40 violation is of a continuing nature, each day during which it  
41 continues shall constitute an additional, separate, and distinct  
42 offense. The department is hereby authorized and empowered to  
43 compromise and settle any claim for a penalty arising under this

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.

1 section in such amount in the discretion of the department as  
2 may appear appropriate and equitable under all of the  
3 circumstances. The department may institute a civil action in a  
4 court of competent jurisdiction for injunctive relief to prohibit  
5 and prevent any person from violating the provisions of this  
6 section and [said] the court may proceed in the action in a  
7 summary manner.

8 (cf: P.L.1971, c.173, s.11)

9 2. This act shall take effect immediately.

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STATEMENT

14 This bill would exempt from the provisions of R.S.23:5-28,  
15 which is concerned with pollution of State waters, the  
16 unintentional dropping of scrap steel into fresh or tidal waters  
17 during loading of such scrap steel at ports within the State if the  
18 dropped scrap steel is removed from the waters when that area of  
19 the port is next dredged.

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WASTE MANAGEMENT

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Exempts unintentional dropping of scrap steel into State waters  
from provisions of R.S.23:5-28.

ASSEMBLY WASTE MANAGEMENT, PLANNING  
AND RECYCLING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4270

STATE OF NEW JERSEY

DATED: JANUARY 24, 1991

The Assembly Waste Management, Planning and Recycling Committee favorably reports Assembly Bill No. 4270.

This bill would exempt from the provisions of R.S.23:5-28, which is concerned with pollution of State waters, the unintentional dropping of scrap steel into fresh or tidal waters during loading of such scrap steel at ports within the State if the dropped scrap steel is removed from the waters when that area of the port is next dredged.

SENATE LAND USE MANAGEMENT  
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4270

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 4270.

This bill would exempt from the provisions of R.S.23:5-28, which is concerned with pollution of State waters, the unintentional dropping of scrap steel into fresh or tidal waters during loading of such scrap steel at ports within the State if the dropped scrap steel is removed from the waters when that area of the port is next dredged.