

58:10-23.11u

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 58:10-23.11u

('Spill
Compensation &
Control Act--
amend penalties')

LAWS OF: 1990

CHAPTER: 75

Bill No: S2517

Sponsor(s): Van Wagner

Date Introduced: March 15, 1990

Committee: Assembly: -----

Senate: Environmental Quality

Amended during passage: No Senate Committee Substitute enacted.

Date of Passage: Assembly: June 18, 1990

Senate: June 11, 1990

Date of Approval: July 21, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: Yes

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(over)

974.90
p77
1990b

New Jersey. Legislature. Senate. Environmental Quality &
New Jersey. Legislature. Assembly. Environmental Quality &
Energy Committee
Joint public hearing, held 1-23-90 and 2--90, Woodbridge &
Middletown, NJ, 1990.

P974.90
p777
1989e

New Jersey. Legislature. Senate. Committee on Energy &
Environment Committee.
Public hearing on oil spill prevention, held 4-19-89. Camden,
1989.

See newspaper clippings--attached:

KBG/SLJ

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2517

STATE OF NEW JERSEY

ADOPTED MAY 17, 1990

Sponsored by Senator VAN WAGNER

1 AN ACT concerning penalties under the "Spill Compensation and
2 Control Act," and amending and supplementing P.L.1976, c.141.

3

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

6 1. Section 22 of P.L.1976, c.141 (C.58:10-23.11u) is amended
7 to read as follows:

8 22. a. [Any person who knowingly gives or causes to be given
9 any false information as a part of, or in response to, any claim
10 made pursuant to this act for cleanup costs, removal costs, direct
11 damages or indirect damages resulting from a discharge who
12 otherwise violates any of the provisions of this act or any rule
13 promulgated thereunder shall be liable to a penalty of not more
14 than \$50,000.00 for each offense, to be collected in a summary
15 proceeding under "the penalty enforcement law" (N.J.S.2A:58-1
16 et seq.), or in a court of competent jurisdiction wherein
17 injunctive relief has been requested. The Superior Court shall
18 have jurisdiction to enforce "the penalty enforcement law." If
19 the violation is of a continuing nature, each day during which it
20 continues shall constitute an additional, separate and distinct
21 offense.

22 b. If any person violates any of the provisions of this act, the
23 department may institute civil action in the Superior Court for
24 injunctive relief to prohibit and prevent the continuation of the
25 violation or violations and said court may proceed in a summary
26 manner.

27 c.]

28 (1) Whenever, on the basis of available information, the
29 department determines that a person is in violation of a provision
30 of P.L.1976, c.141 (C.58:10-23.11 et seq.), including any rule,
31 regulation, plan, information request, access request, order or
32 directive promulgated or issued pursuant thereto, or that a person
33 knowingly has given false testimony, documents or information to
34 the department, the department may:

35 (a) bring a civil action in accordance with subsection b. of this
36 section;

37 (b) levy a civil administrative penalty in accordance with
38 subsection c. of this section; or

39 (c) bring an action for a civil penalty in accordance with
40 subsection d. of this section.

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 Use of any remedy specified in this section shall not preclude
2 use of any other remedy. The department may simultaneously
3 pursue administrative and judicial remedies provided in this
4 section.

5 b. The department may commence a civil action in Superior
6 Court for, singly or in combination:

7 (1) a temporary or permanent injunction;

8 (2) the costs of any investigation, cleanup or removal, and for
9 the reasonable costs of preparing and successfully litigating an
10 action under this subsection;

11 (3) the cost of restoring, repairing, or replacing real or
12 personal property damaged or destroyed by a discharge, any
13 income lost from the time the property is damaged to the time it
14 is restored, repaired or replaced, and any reduction in value of
15 the property caused by the discharge by comparison with its value
16 prior thereto;

17 (4) the cost of restoration and replacement, where practicable,
18 of any natural resource damaged or destroyed by a discharge; and

19 (5) any other costs incurred by the department pursuant to
20 P.L.1976, c.141.

21 Compensatory damages for damages awarded to a person other
22 than the State shall be paid to the person injured by the discharge.

23 c. (1) The department may assess a civil administrative
24 penalty of not more than \$50,000 for each violation, and each day
25 of violation shall constitute an additional, separate and distinct
26 violation. A civil administrative penalty shall not be levied until
27 a violator has been notified by certified mail or personal service
28 of:

29 (a) the statutory or regulatory basis of the violation;

30 (b) the specific citation of the act or omission constituting the
31 violation;

32 (c) the amount of the civil administrative penalty to be
33 imposed;

34 (d) the right of the violator to a hearing on any matter
35 contained in the notice and the procedures for requesting a
36 hearing.

37 (2) (a) A violator shall have 20 calendar days following receipt
38 of notice within which to request a hearing on any matter
39 contained in the notice, and shall comply with all procedures for
40 requesting a hearing. Failure to submit a timely request or to
41 comply with all departmental procedures shall constitute grounds
42 for denial of a hearing request. After a hearing and upon a
43 finding that a violation has occurred, the department shall issue a
44 final order assessing the amount of the civil administrative
45 penalty specified in the notice. If a violator does not request a
46 hearing or fails to satisfy the statutory and administrative
47 requirements for requesting a hearing, the notice of assessment
48 of an civil administrative penalty shall become a final order on
49 the 21st calendar day following receipt of the notice by the

1 violator. If the department denies a hearing request, the notice
2 of denial shall become a final order upon receipt of the notice by
3 the violator.

4 (b) A civil administrative penalty may be settled by the
5 department on such terms and conditions as the department may
6 determine.

7 (c) Payment of a civil administrative penalty shall not be
8 deemed to affect the availability of any other enforcement
9 remedy in connection with the violation for which the penalty
10 was levied.

11 (3) If a civil administrative penalty imposed pursuant to this
12 section is not paid within 30 days of the date that the penalty is
13 due and owing, and the penalty is not contested by the person
14 against whom the penalty has been assessed, or the person fails to
15 make a payment pursuant to a payment schedule entered into
16 with the department, an interest charge shall accrue on the
17 amount of the penalty from the 30th day that amount was due
18 and owing. In the case of an appeal of a civil administrative
19 penalty, if the amount of the penalty is upheld, in whole or in
20 part, the rate of interest shall be calculated on that amount as of
21 the 30th day from the date the amount was due and owing under
22 the administrative order. The rate of interest shall be that
23 established by the New Jersey Supreme Court for interest rates
24 on judgments, as set forth in the Rules Governing the Courts of
25 the State of New Jersey.

26 (4) The department may assess and recover, by civil
27 administrative order, the costs of any investigation, cleanup or
28 removal, and the reasonable costs of preparing and successfully
29 enforcing a civil administrative penalty pursuant to this
30 subsection. The assessment may be recovered at the same time
31 as a civil administrative penalty, and shall be in addition to the
32 penalty assessment.

33 d. Any person who violates a provision of P.L.1976, c.141
34 (C.58:10-23.11 et seq.), or a court order issued pursuant thereto,
35 or who fails to pay a civil administrative penalty in full or to
36 agree to a schedule of payments therefor, shall be subject to a
37 civil penalty not to exceed \$50,000.00 per day for each violation,
38 and each day's continuance of the violation shall constitute a
39 separate violation. Any penalty incurred under this subsection
40 may be recovered with costs in a summary proceeding pursuant to
41 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) in the
42 Superior Court or a municipal court.

43 e. All conveyances used or intended for use in the willful
44 discharge of any hazardous substance are subject to forfeiture to
45 the State pursuant to the provisions of P.L.1981, c.387
46 (C.13:1K-1 et seq.).

47 (cf: P.L.1986, c.170, s.2)

48 2. (New section) In addition to the the penalties, charges, or
49 other liabilities imposed pursuant to the provisions of P.L.1976,

1 c.141 (C.58:10-23.11 et seq.), any person whose intentional or
2 unintentional act or omission proximately results in an
3 unauthorized releasing, spilling, pumping, pouring, emitting,
4 emptying, or dumping of 100,000 gallons or more of a hazardous
5 substance, or combination of hazardous substances, into the
6 waters or onto the lands of the State, or entering the lands or
7 waters of the State from a discharge occurring outside the
8 jurisdiction of the State, is liable to a civil administrative penalty
9 or civil penalty of not more than \$10,000,000, to be collected in
10 accordance with the procedures set forth in section 22 of
11 P.L.1976, c.141 (C.58:10-23.11u). The penalty provisions of this
12 section are in addition to assessments authorized by law for costs
13 incurred by the State or local governmental agencies in the
14 cleanup and removal of an unauthorized release or discharge,
15 including supervision or oversight of the violator's cleanup
16 activities, or compensation or damages recoverable for the loss
17 of wildlife or destruction of the environment, and the restoration
18 thereof. In assessing a penalty pursuant to this section, the
19 department shall take into account the circumstances of the
20 discharge, the conduct and culpability of the discharger, or both,
21 prior to, during, and after the discharge, and the extent of the
22 harm resulting from the discharge to persons, property, wildlife,
23 or natural resources.

24 The provisions of this section shall not apply to any discharge
25 which is contained in a containment area or areas approved by, or
26 otherwise meeting the requirements of, the department, or which
27 containment area is designed to, and reasonably capable of
28 preventing the hazardous substance from entering the waters of
29 the State or otherwise entering the lands of the State, except
30 where 100,000 or more gallons of one or more hazardous
31 substances escapes beyond the containment area.

32 3. This act shall take effect immediately.

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ENVIRONMENT

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37 Amends and supplements the penalty provisions of the "Spill
38 Compensation and Control Act."

SENATE, No. 2517

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1990

By Senator VAN WAGNER

1 AN ACT concerning penalties under the "Spill Compensation and
2 Control Act," and amending and supplementing P.L.1976, c.141.

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

6 1. Section 18 of P.L.1976, c.141 (C.58:10-23.11u) is amended
7 to read as follows:

8 18. a. (1) Any person who knowingly gives or causes to be
9 given any false information as a part of, or in response to, any
10 claim made pursuant to this act for cleanup costs, removal costs,
11 direct damages or indirect damages resulting from a discharge
12 who otherwise violates any of the provisions of this act, including
13 section 2 of P.L. , c. (C.) (pending in the
14 Legislature as Assembly Bill No. , or Senate Bill No.), or
15 any rule or regulation promulgated , or order issued, thereunder
16 shall be liable [to] for a civil penalty of not more than \$50,000.00
17 for each offense [, to] . The penalty may be assessed by a civil
18 administrative order, as hereinafter provided, or may be
19 collected in a summary proceeding in the Superior Court under
20 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), or in a
21 court of competent jurisdiction wherein injunctive relief has been
22 requested. [The Superior Court shall have jurisdiction to enforce
23 "the penalty enforcement law."] If the violation is of a
24 continuing nature, each day during which it continues shall
25 constitute an additional, separate, and distinct offense.

26 (2) No civil administrative penalty shall be levied pursuant to
27 this subsection until after the alleged violator has been notified
28 by certified mail or personal service. The notice shall include a
29 reference to the section of the statute, regulation, or order
30 violated; a concise statement of the facts alleged to constitute a
31 violation; a statement of the amount of the civil penalties
32 imposed; and a statement of the party's right to a hearing. The
33 violator shall have 20 days from receipt of the notice within
34 which to deliver to the commissioner a written request for a
35 hearing. After the hearing and upon finding that a violation has
36 occurred, the commissioner may issue a final order after
37 assessing the amount of the fine. If no hearing is requested, the
38 notice shall become a final order after expiration of the 20-day

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 period. Payment of the assessment is due when a final order is
2 issued or the notice becomes a final order. Collection of a civil
3 administrative penalty shall be enforceable in a summary
4 proceeding in the Superior Court.

5 b. If any person violates any of the provisions of this act, the
6 department may institute civil action in the Superior Court for
7 injunctive relief to prohibit and prevent the continuation of the
8 violation or violations and said court may proceed in a summary
9 manner.

10 c. All conveyances used or intended for use in the willful
11 discharge of any hazardous substance are subject to forfeiture to
12 the State pursuant to the provisions of P.L.1981, c.387
13 (C.13:1K-1 et seq.).

14 d. If a civil administrative penalty imposed pursuant to this
15 section is not paid within 30 days of the date that the penalty is
16 due and owing, and the penalty is not contested by the person
17 against whom the penalty has been assessed, or the person fails to
18 make a payment pursuant to a payment schedule entered into
19 with the department, an interest charge shall accrue on the
20 amount of the penalty from the 30th day the penalty was due and
21 owing. In the case of an appeal of a civil administrative penalty,
22 if the amount of the penalty is upheld, in whole or in part, the
23 rate of interest shall be calculated on that amount as of the 30th
24 day from the date the penalty was due and owing under the
25 administrative order. The rate of interest shall be that
26 established by the New Jersey Supreme Court for interest rates
27 on judgments, as set forth in the Rules Governing the Courts of
28 the State of New Jersey.

29 (cf: P.L.1986, c.170, s.2)

30 2. (New section) Notwithstanding the provisions of section 18
31 of P.L.1976, c.141 (C.58:10-23.11u), any person responsible for a
32 catastrophic discharge resulting in the unauthorized discharge or
33 release, or a series of related discharges or releases, to water or
34 land of 100,000 gallons or more of one or more hazardous
35 substances shall be liable to a civil administrative penalty or civil
36 penalty of not more than \$10,000,000, to be collected in
37 accordance with section 18 of P.L.1976, c.141 (C.58:10-23.11u).
38 The penalty provisions of this section shall be in addition to
39 assessments authorized by law for costs incurred by the State or
40 local governmental agencies in removing, correcting or
41 terminating the adverse effects of an unauthorized release or
42 discharge, including supervising or overseeing the violator's
43 cleanup activities, or for the loss of wildlife or destruction of the
44 environment, and any restoration thereof.

45 3. This act shall take effect immediately.

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Sponsors STATEMENT

This bill amends and supplements the penalty section of the "Spill Compensation and Control Act." Among other things, the bill provides for a penalty of up to \$10,000,000 for any catastrophic discharge of a hazardous substances, and authorizes the imposition by the department of civil administrative penalties for violations of the "Spill Compensation and Control Act." Catastrophic discharge is a discharge or release, or a series of related discharges or releases, to water or land of 100,000 gallons or more of one or more hazardous substances.

ENVIRONMENT

Amends and supplements the penalty provisions of the "Spill Compensation and Control Act."

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2517

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate Environmental Quality Committee favorably reports the Senate Committee Substitute for Senate Bill No. 2517.

This bill:

(1) authorizes imposition of civil administrative penalties for violations of the "Spill Compensation and Control Act," and establishes procedures therefor;

(2) establishes interest charges for the failure to pay a civil administrative penalty when due and owing, and provides procedures for appeals of civil administrative penalties;

(3) establishes a civil or civil administrative penalty of \$10,000,000 for catastrophic discharges, which are defined as direct or indirect discharges of 100,000 gallons or more of a hazardous substance into the lands or waters of the State.

The substitute bill also:

(1) extends the catastrophic spill provisions to spills originating outside of but entering the waters or lands of the State if the discharge entering the State's lands or waters is 100,000 gallons or more;

(2) authorizes recovery in a civil or civil administrative action of compensatory damages for injuries to persons and damages to property, wildlife, and natural resources, and the replacement thereof;

(3) authorizes the Department of Environmental Protection to recover the costs of investigation and successful prosecution of a civil or civil administrative action;

(4) requires that, in determining the amount of penalty to be assessed for a catastrophic spill, the department consider conduct and culpability of the discharger, the circumstances of the discharge, and the extent of the harm to persons, property, wildlife, or natural resources; and

(5) exempts from catastrophic spill penalties discharges into designated containment areas unless 100,000 gallons or more are released beyond the designated containment areas.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
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Saturday
July 21, 1990

FLORIO SIGNS BILLS IMPOSING RECORD FINES FOR OIL SPILLS AND TOUGHER INDUSTRY RULES

PORT ELIZABETH -- On the heels of yet another incident in the Arthur Kill, Governor Jim Florio today signed a package of bills that impose record fines of up to \$10 million for oil spills and toughen industry procedures.

Specifically the bills:

IMPOSE RECORD PENALTIES FOR SPILLS

(S 2517/A 3264; Sponsored by Senator Richard Van Wagner, Assemblyman John Villipiano and Assemblywoman Marlene Lynch Ford)

Currently the law allows for penalties of up to \$50,000 per day for each violation, and does not take into account the size of the spill. This bill amends the Spill Compensation and Control Act to allow a penalty of up to \$10 million for a catastrophic spill of a hazardous substance, defined as a spill of 100,000 gallons or more.

The penalties apply to anyone whose discharge reaches New Jersey waters or lands, whether or not the spill actually occurred outside of the state. The bill directs the Department of Environmental Protection to take into account the conduct of the discharge and the extent of the damage in determining the level of the fine.

The bill also provides DEP with other enforcement tools. It authorizes DEP to assess civil administrative penalties to recover costs of investigation or cleanup, instead of having to go to court to collect penalties. It also expands the list of damages for which a polluter must pay to include the cost of restoring or replacing personal property, lost income resulting from damage caused by the spill, and the cost of repairing or replacing damaged and destroyed natural resources.

PROHIBIT NIGHTTIME TRANSFERS WITHOUT PROPER LIGHTING

(A 3268/ S 2478; Sponsored by Senator Richard Van Wagner, Assemblyman George Otlowski)

In order to address the problem of detecting oil spills at night, this bill prohibits nighttime transfers of petroleum products through underwater pipelines unless there is proper lighting.

Within one year, the Department of Environmental Protection (DEP) must promulgate rules requiring lighting of transfer connection points, adjacent facilities and vessel areas and surrounding waters for all nighttime transfers of hazardous substances. The DEP may also require, if necessary, to have lighting at the point at which underwater pipelines emerge onto the land. The DEP regulations are to mirror the Coast Guard's guidelines on lighting to the maximum extent possible.

DEPLOY BOOMS AS A PRECAUTION DURING TRANSFERS

(S 2520/A 3263; Sponsored by Senator Richard Van Wagner/ Assemblymen Tom Duch and Louis Gill)

This bill requires the Department of Environmental Protection to adopt regulations that containment booms or other safety devices must be in place for any transfer of a hazardous liquid.

Within one year, DEP will provide a list of hazardous liquids and identify the circumstances for which booms must be in place, based on criteria such as the safety record and degree of danger the transfer poses. DEP may also require that specific equipment or chemicals be on hand to contain a spill. For flammable substances and other transfers when it would be dangerous to use booms, DEP will prescribe other safety measures.

Companies must incorporate these safety measures in the Discharge Prevention Control and Countermeasure plans they are required to file with the DEP. Within 31 days after DEP adopts the regulations, companies must have in place or on stand-by, all equipment and personnel required.

If the transfer is occurring at a land-based facility, the facility is responsible for ensuring that the equipment and personnel are in place. If the transfer is between two vessels, each vessel is responsible.

ELIMINATE TAX WRITE-OFFS FOR CLEANUPS

(A 3265/S 2519; Sponsored by Assemblyman Joe Doria/Senator Richard Van Wagner)

This bill amends the New Jersey Gross Income Tax Act to provide that treble damages paid for cleaning up a spill, and fines and penalties paid for a spill will not be tax deductible as a business expense.

Any fine collected for a violation of a state or federal environmental law, an administrative consent order, a local penalty or fine, or any economic benefit gained as a result of a violation can not be deducted as a business expense from net profits. This does not apply if the fine was for a violation that resulted from an act beyond the control of the violator or if the violation was caused by a person outside the control of the violator, such as a fire or flood.

The bill also prohibits deducting the treble damages paid to the Department of Environmental Protection for the cost of removing or cleaning up a spill. (This occurs when DEP does the cleanup and then assesses damages on the polluter at three times the cost of the cleanup.)

IMPOSE TOUGHER REGULATIONS FOR STORAGE AND TRANSFER

(A 3262/S 2518; Sponsored by Assemblyman Bob Smith and Neil Cohen/Senator Richard Van Wagner)

This bill is the main regulatory bill strengthening the Discharge Prevention Control and Countermeasures (DPCC) program at DEP. The program requires that facilities that refine, store or transfer hazardous substances submit cleanup and removal plans to DEP. This bill beefs up the program and puts greater and more specific burdens on facilities in doing their plans.

The bill requires that the plans must be more specific in identifying areas that might be damaged by a spill. Companies must identify environmentally sensitive areas and come up with plans to protect and assess the damage of those areas.

ENFORCE BETTER PIPELINE SAFETY

(S 2516/A 3266/A 3257; Sponsored by Senator Ray Lesniak/Assemblyman George Hudak and Tom Deverin)

This bill requires facilities to register all pipelines in New Jersey, and directs DEP to conduct a study to make recommendations for regulating pipelines for safety.

Currently, the federal government regulates interstate pipelines, but there is no regulation of intrastate pipelines.

Within 18 months, DEP must adopt regulations establishing a registration program for all intrastate pipelines. Within 6 months after the regulations are issued, facilities must submit the pipeline information, including maps, types of pipes, descriptions of the materials transported through pipes, and any other necessary information.

Within 3 years, DEP must conduct a study to determine the appropriateness of establishing a program similar to the federal interstate pipeline safety program for intrastate pipelines. This study must include an assessment of state-of-the-art leak detection systems, of the closure and removal of abandoned pipelines, of the need for secondary containment devices for underwater pipelines, and of automatic internal leak detection devices. The report will be submitted to the Legislature and the Governor, making specific recommendations of necessary legislative and administrative action.

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REMARKS PREPARED FOR DELIVERY BY GOVERNOR JIM FLORIO
OIL SPILL PREVENTION AND PENALTIES BILL SIGNING
ELIZABETH, NEW JERSEY
SATURDAY, JULY 21, 1990

I THOUGHT I'D SEEN THE LAST OF THE ARTHUR KILL OIL SPILLS, BUT ONCE AGAIN, WE'RE STANDING AT THE SCENE OF YET ANOTHER ASSAULT AGAINST THE ENVIRONMENT.

I DON'T KNOW ABOUT YOU, BUT I'VE HAD IT UP TO HERE WITH THE CARELESSNESS, NEGLECT AND INDIFFERENCE WE'VE SEEN FROM THOSE RESPONSIBLE FOR MOVING OIL HERE.

YOU'D THINK BY NOW, THESE COMPANIES UNDERSTOOD THE POINT.

EVEN CHILDREN GET THE POINT. LET ME READ JUST A FEW LINES FROM LETTERS I RECEIVED THE OTHER DAY FROM SOME YOUNG STUDENTS AT THE ASCENSION SCHOOL IN NEW MILFORD:

CRISTINA RODRIGUEZ: "I AM CONCERNED ABOUT THESE OIL SPILLS. WHAT'S GOING TO HAPPEN TO MY WORLD, MY CHILDREN'S WORLD, OR MAYBE EVEN MY GRANDCHILDREN'S WORLD?"

REY CRUZ: "I AM VERY UPSET ABOUT OIL SPILLS. FISH ARE DYING, AND IF THIS KEEPS UP, OUR CHILDREN WON'T EVEN KNOW WHAT A FISH IS."

HOW MUCH PLAINER COULD IT BE? THE ENVIRONMENT CAN'T TAKE THIS KIND OF ABUSE ANY MORE. THE PEOPLE OF NEW JERSEY CAN'T TAKE IT ANY MORE. AND I SURE WON'T TAKE IT ANY MORE.

UNFORTUNATELY, SOME PEOPLE STILL DON'T GET THE MESSAGE.

NOW THEY WILL.

IN A MOMENT, I'M GOING TO SIGN A PACKAGE OF BILLS INTO LAW THAT'S GOING TO MAKE PEOPLE THINK TWICE -- MAYBE MORE -- BEFORE THEY ACT IRRESPONSIBLY TOWARD OUR ENVIRONMENT.

THESE LAWS CARRY A VERY SIMPLE MESSAGE.

YOU SPILL, YOU PAY.

NOT A LITTLE BIT, BUT A LOT.

UP TO \$10 MILLION.

IT'S TIME TO HIT THESE COMPANIES WHERE IT HURTS -- WITH STIFF PENALTIES AND FINES.

AND WHEN THEY'RE FORCED TO PAY FOR THE CLEANUP, AND PAY TRIPLE DAMAGES, WE'RE NOT GOING TO LET THEM DEDUCT THAT AS THE COST OF DOING BUSINESS.

BECAUSE THE COST OF DOING BUSINESS SHOULDN'T COME AT OUR EXPENSE, OR THAT OF THE NATURAL ENVIRONMENT. WE'RE GOING TO PUT THE COST BACK WHERE IT BELONGS -- IN THEIR POCKETS.

AND WHEN THEY FEEL THAT STING, MAYBE -- JUST MAYBE -- THEY'LL WAKE UP AND REALIZE THAT IT'S IN THEIR BEST INTEREST TO PAY ATTENTION TO WHAT THEY'RE DOING.

I KNOW I SPEAK NOT JUST FOR THE PEOPLE OF NEW JERSEY, BUT FOR THE FUTURE CHILDREN -- AND GRANDCHILDREN -- OF CRISTINA AND REY AND ALL THE OTHER CHILDREN WHO ARE CONCERNED.

IT'S NOT GOING TO BE BUSINESS AS USUAL ANY MORE. THESE LAWS ARE GOING TO TEACH INDUSTRY A NEW VERSION OF THE THREE "R'S:"

RESPONSIBILITY FOR ITS ACTIONS.

RESPONSIBILITY TO THE ENVIRONMENT.

AND RESPONSIBILITY AS GOOD NEIGHBORS.

THAT MEANS NO MORE TRANSFERS OF OIL WITHOUT CONTAINMENT BOOMS. IT MEANS NO MORE NIGHT TIME TRANSFERS OF OIL INTO PIPELINES WITHOUT PROPER LIGHTING.

IT MEANS THAT THE INDUSTRY JUST GOT A NEW PARTNER -- THE DEP. WE'RE GOING TO STRENGTHEN ITS HAND, AND IT'S GOING TO USE THAT STRENGTH TO HOLD THE INDUSTRY'S FEET TO THE FIRE.

I'VE ASKED THE CHILDREN WHO WROTE TO ME TO HELP ME TODAY, SO IF THEY WOULD COME FORWARD, WE'LL SIGN THESE BILLS INTO LAW.

AFTER SIX MONTHS AND NEARLY ONE MILLIONS GALLONS OF OIL, WE GOT THE MESSAGE. THIS IS OUR ANSWER.

NONE OF THIS WOULD HAVE BEEN POSSIBLE WITHOUT THE HARD WORK AND PERSISTENCE OF SOME OF OUR LEGISLATORS, WHO ARE HERE TODAY.

I ESPECIALLY WANT TO THANK SENATOR VAN WAGNER FOR HIS EFFORTS. AND I WANT TO THANK SENATOR LESNIAK AND ASSEMBLYMAN SMITH FOR THEIR PART IN THIS LEGISLATION.

AND NOW, I'D LIKE SENATOR VAN WAGNER AND ASSEMBLYMAN SMITH TO COME UP AND SAY A FEW WORDS.