

58:10-46 to 58:10-50

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 58:10-46 to 58:10-50

(Hazardous
liquids--regulate
pipelines)

LAWS OF: 1990

CHAPTER: 77

Bill No: S2521

Sponsor(s): March 15, 1990

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

(over)

974.90
p777
1990b

New Jersey. Legislature. Senate. Environmental Quality
Committee and Assembly. Environmental Quality Committee.
Public hearing, held 1-23-90 and 2-6-90, Woodbridge and
Middletown, 1990.

974.90
p777
1989e

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

See newspaper clippings--attached:

KBG/SLJ

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2521

STATE OF NEW JERSEY

ADOPTED MAY 17, 1990

Sponsored by Senator LESNIAK

1 AN ACT concerning the transportation of hazardous liquids
2 through certain pipeline facilities and supplementing Title 58
3 of the Revised Statutes.

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

7 1. As used in this act:

8 "Department" means the Department of Environmental
9 Protection;

10 "Federal act" means the "Hazardous Liquid Pipeline Safety
11 Act of 1979," 49 U.S.C. §2001 et seq.;

12 "Hazardous liquid" means a hazardous liquid as defined
13 pursuant to the federal act;

14 "Intrastate pipeline facilities" means pipeline facilities that a
15 state may regulate pursuant to the federal act;

16 "Leak detection system" means a system consisting of sensing
17 devices or monitoring devices capable of detecting leaks in
18 pipeline facilities and designed to automatically shut off flow or
19 initiate procedures to shut off flow in a pipeline facility if a leak
20 is detected;

21 "Pipeline facility" means new and existing pipe, rights-of-way,
22 and any equipment, facility, or building used or intended for use
23 in the transportation of hazardous liquids that are intrastate;

24 "Secondary containment" means an additional layer of
25 impervious material creating a space around a pipeline facility
26 wherein a leak of a hazardous liquid from a pipeline facility may
27 be detected before it enters the environment;

28 "Transportation of hazardous liquids" means the movement of
29 hazardous liquids by pipeline, or their storage incidental to that
30 movement.

31 2. Within 18 months of the effective date of this act, the
32 department shall adopt regulations requiring that the owner or
33 operator of each pipeline facility register with the department.
34 Every owner or operator of a pipeline facility shall register the
35 pipeline facility with the department within six months of the
36 adoption of the registration regulations, and shall renew the
37 registration every five years. The registration and renewal shall
38 be on forms prescribed by the department and shall include at
39 least the following information:

40 a. The business name, address, and telephone number, including
41 an operations emergency telephone number, of the operator;

42 b. An accurate map or maps, along with any appropriate

1 geographic description, showing the location of each pipeline
2 facility of that owner or operator in the State and the location at
3 which that pipeline facility leaves the State;

4 c. A description of the characteristics of the owner's or
5 operator's pipeline facilities within the State;

6 d. A description of all products transported through the
7 owner's or operator's pipeline facility within the State;

8 e. An inventory with appropriate information with respect to
9 all types of pipe used for the transmission of hazardous liquids in
10 the owner's or operator's pipeline facility, along with additional
11 information, including the repair, maintenance, and leak history
12 of the pipeline facility. This inventory shall exclude equipment
13 associated only with the pipeline pumps or storage facilities; and

14 f. Any other information the department considers useful and
15 necessary.

16 3. Within 36 months of the effective date of this act, the
17 department shall complete a study on the feasibility and
18 necessity, if any, of the following actions:

19 a. Adopting the pipeline facility safety standards regulations
20 adopted by the United States Department of Transportation
21 pursuant to the federal act, and of applying to the Secretary of
22 the United States Department of Transportation for certification
23 pursuant to the federal act for the regulation of intrastate
24 pipeline facilities;

25 b. Adopting additional standards for accident and safety
26 reporting, design requirements, construction standards,
27 hydrostatic testing, operation and maintenance, and other
28 standards more stringent than those adopted pursuant to the
29 federal act, if otherwise compatible with the standards in the
30 federal act;

31 c. Requiring the retrofitting of pipelines with leak detection
32 systems based upon best available technology, industry standards,
33 or federal requirements, whichever may be most stringent;

34 d. Requiring standards for the pressure, flow, or other
35 applicable variances at which leak detection systems detect and
36 indicate leaks, and maintenance, repair, and operational
37 requirements for leak detection systems;

38 e. Requiring the removal or environmentally sound closure of
39 abandoned pipeline facilities;

40 f. Requiring periodic practice drills of emergency leak
41 response procedures and the submittal of reports thereon;

42 g. Requiring replacement pipeline facilities to be constructed,
43 to the extent practicable, in a manner so as to accommodate the
44 passage through those pipeline facilities of instrumented internal
45 inspection devices commonly referred to as "smart pigs"; and

46 h. Requiring secondary containment for all underwater
47 pipeline facilities.

48 4. Within 3 months of the completion of the study required
49 pursuant to section 3 of this act, the department shall submit to

1 the Governor and the Legislature a written report summarizing
2 the results of the study, including recommendations for
3 administrative or legislative action.

4 5. The provisions of this act shall apply to intrastate pipeline
5 facilities and the transportation of hazardous liquids associated
6 with those facilities. This act shall not apply to the
7 transportation of a hazardous liquid through onshore production
8 or flow lines, refining or manufacturing facilities, storage
9 terminals, or inplant piping systems associated with those
10 facilities or terminals that are within the boundaries of a pipeline
11 facility.

12 6. This act shall take effect immediately.

13

14

ENVIRONMENT

15

16

17 Requires registration of pipelines carrying hazardous liquids and
18 study of pipeline regulation and related issues.

SENATE, No. 2521
STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1990

By Senator LESNIAK

1 AN ACT concerning the transportation of hazardous substances
2 through certain pipelines, and supplementing Title 58 of the
3 Revised Statutes.

4

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

7 1. This act shall be known and may be cited as the "Pipeline
8 Safety Act."

9 2. Within 180 days of the effective date of this act, the
10 Department of Environmental Protection shall adopt, pursuant to
11 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
12 et seq.), the federal safety standards established pursuant to the
13 "Hazardous Liquid Pipeline Safety Act of 1979," 49 U.S.C. §2001
14 et seq., applicable to intrastate pipeline facilities and the
15 transportation of hazardous liquids associated with those
16 facilities.

17 3. Within 210 days of the effective date of this act and
18 annually thereafter, the Commissioner of Environmental
19 Protection shall apply to the federal Secretary of Transportation
20 for certification pursuant to 49 U.S.C. §2004 for the regulation of
21 intrastate pipelines.

22 4. a. The commissioner shall, within 120 days of the effective
23 date of this act and pursuant to the "Administrative Procedure
24 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and
25 regulations to provide for the annual registration of all intrastate
26 pipeline facilities in the State, prescribing the forms and
27 procedures therefor. The registration shall include, but not be
28 limited to, the name of the owner and operator of the pipeline,
29 the year it was constructed and put into operation, a description
30 of any modifications or repairs made to the pipeline since its
31 installation, and a map showing the location of the pipeline.
32 These rules and regulations shall provide for the annual
33 certification by the owner or operator of the pipeline facility
34 that the information contained on the registration remains
35 unchanged.

36 b. The owner or operator of an intrastate pipeline facility
37 shall, within 180 days of the effective date of this act and
38 annually thereafter, on forms and in a manner prescribed by the
39 commissioner, register that facility with the department.

40 5. In addition to the regulations adopted pursuant to sections 2
41 and 4 of this act, the department shall establish procedures for
42 the periodic inspection by the department of intrastate pipeline

- 1 facilities, and shall adopt more stringent regulations that shall
2 include, but need not be limited to, the following:
- 3 a. procedures and standards for the approval, conditional
4 approval, or disapproval of existing or new leak detection or
5 alarm systems on intrastate pipelines; a requirement for the
6 installation of department approved systems on intrastate
7 pipelines not equipped with such systems; and to submit operating
8 procedures for responding to leak detection or alarm system
9 activation;
- 10 b. require the submittal of full plans and specifications of all
11 leak detection systems, sensing devices, automatic shut off
12 equipment, and cathodic protection for each pipeline;
- 13 c. require owners and operators of intrastate pipelines to
14 submit maps of pipeline facilities to the United States Coast
15 Guard;
- 16 d. require owners and operators of intrastate pipelines to
17 submit annual reports of external and internal pipeline
18 inspections;
- 19 e. require owners and operators of intrastate pipelines to,
20 within one year of enactment, submit plans for the removal of
21 abandoned pipelines within five years of enactment and within
22 one year of abandonment thereafter;
- 23 f. require periodic practice drills of emergency response
24 procedures and the submittal of reports thereon;
- 25 g. require the submittal of maps and other information that
26 indicate the size of any intrastate pipeline, the age of its
27 sections, the locations of valves, breakout tankage, pumps, flow
28 recording devices, stream and road crossings, maximum design
29 and operating pressures, periods of use, products to be
30 transported, scale, and date;
- 31 h. require the submittal of quarterly inventories of all
32 transfers made through the pipeline, including, but not limited to,
33 the dates on which transfers were made, the amount, in gallons or
34 barrels, of each transfer, a description of the material
35 transferred, and the operating pressure for each transfer.
- 36 6. Owners and operators of pipeline facilities shall annually
37 update, on its registration forms, the information submitted to
38 the department in the prior year pursuant to section 5 of this
39 act. If none of the information submitted in the prior year
40 changes, the owner or operator shall so certify as required
41 pursuant to section 4 of this act.
- 42 7. The Commissioner of Environmental Protection, pursuant to
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
44 et seq.), may establish and charge reasonable annual
45 administrative fees, which fees shall be based upon, and shall not
46 exceed, the cost of processing, monitoring, and administering the
47 registrations required pursuant to this act, conducting inspections
48 of intrastate pipeline facilities, and for enforcing the provisions
49 of this act.

1 8. The Commissioner of Environmental Protection shall submit
2 an application to the federal Secretary of Transportation
3 pursuant to subsection (d) of 49 U.S.C. §2004 prior to
4 September 30, 1991 requesting a matching grant for the cost of
5 the personnel, equipment, and activities required by the
6 department to carry out a pipeline safety program certified
7 pursuant to section 3 of this act.

8 9. Prior to September 30, 1991, the department shall submit a
9 written report to the Governor and the Legislature on the
10 feasibility of requiring secondary containment for all underwater
11 pipelines.

12 10. a. Each intrastate pipeline facility that at any time
13 transports a hazardous substance, as defined pursuant to section 3
14 of P.L.1976, c.141 (C.58:10-23.11b), shall be equipped with
15 sensing devices capable of detecting leaks and that will
16 automatically terminate flow or initiate procedures to terminate
17 flow in the pipeline when a leak is detected. When a sensing
18 device indicates that a leak of a hazardous substance exists, the
19 person operating the pipeline shall take reasonable steps to
20 determine if the pipeline is in fact leaking. A person who
21 knowingly violates the provisions of this subsection is guilty of a
22 crime of the fourth degree.

23 b. When a sensing device on an intrastate pipeline facility
24 detects a leak of a hazardous substance, the person operating
25 that pipeline facility shall, within one hour of the detection, alert
26 the Department of Environmental Protection whether or not a
27 leak exists. A person who knowingly violates the provisions of
28 this subsection commits a disorderly persons offense.

29 c. A person operating an intrastate pipeline facility who knows
30 that a pipeline is leaking a hazardous substance and who
31 knowingly fails to take all necessary measures to stop the
32 continuation of that leak is guilty of a crime of the third degree.
33 In a prosecution for a violation of this paragraph, the fact finder
34 may infer that a person knew that a pipeline was leaking a
35 hazardous substance upon finding that the person knew that a
36 sensing device indicated the existence of a leak at the time a
37 hazardous substance was being transported through the pipeline.

38 11. a. Whenever, on the basis of any information available to
39 him, the commissioner finds that any person is in violation of any
40 provision of this act, or any rule or regulation adopted pursuant
41 to this act he shall:

42 (1) Issue an order requiring any such person to comply in
43 accordance with subsection b. of this section; or

44 (2) Bring a civil action in accordance with subsection c. of this
45 section; or

46 (3) Levy a civil administrative penalty in accordance with
47 subsection d. of this section; or

48 (4) Bring an action for a civil penalty in accordance with
49 subsection e. of this section; or

1 (5) Petition the Attorney General to bring a criminal action in
2 accordance with subsection f. of this section.

3 Use of any of the remedies specified under this section shall
4 not preclude use of any other remedy specified.

5 b. Whenever, on the basis of any information available to him,
6 the commissioner finds that any person is in violation of any
7 provision of this act, or of any rule or regulation adopted
8 pursuant to this act, he may issue an order (1) specifying the
9 provision or provisions of this act, or the rule or regulation of
10 which he is in violation, (2) citing the action which caused such
11 violation, (3) requiring compliance with such provision or
12 provisions, and (4) giving notice to the person of his right to a
13 hearing on the matters contained in the order.

14 c. The commissioner is authorized to commence a civil action
15 in Superior Court for appropriate relief for any violation of this
16 act. Such relief may include, singly or in combination:

17 (1) A temporary or permanent injunction; and

18 (2) An assessment of the violator for the costs of any
19 investigation, inspection, or monitoring survey which led to the
20 establishment of the violation, and for the reasonable costs of
21 preparing and litigating the case under this subsection.
22 Assessments under this subsection shall be paid to the State
23 Treasurer.

24 d. The commissioner is authorized to assess a civil
25 administrative penalty of not more than \$50,000.00 for each
26 violation and each day during which such violation continues shall
27 constitute an additional, separate, and distinct offense. Any
28 amount assessed under this subsection shall fall within a range
29 established by regulation by the commissioner for violations of
30 similar type, seriousness, and duration. No penalty shall be levied
31 pursuant to this section until after the violator has been notified
32 by certified mail or personal service. The notice shall include a
33 reference to the section of the statute, regulation, order or rule
34 violated; a concise statement of the facts alleged to constitute a
35 violation; a statement of the amount of the civil administrative
36 penalties to be imposed; and a statement of the party's right to a
37 hearing. The ordered party shall have 20 days from receipt of the
38 notice within which to deliver to the commissioner a written
39 request for a hearing. After the hearing and upon finding that a
40 violation has occurred, the commissioner may issue a final order
41 after assessing the amount of the fine specified in the notice. If
42 no hearing is requested, then the notice shall become a final
43 order after the expiration of the 20-day period. Payment of the
44 civil administrative penalty is due when a final order is issued or
45 the notice becomes a final order. The authority to levy a civil
46 administrative penalty is in addition to all other enforcement
47 provisions in this act, and the payment of any penalty shall not be
48 deemed to affect the availability of any other enforcement
49 provisions in connection with the violation for which the penalty

1 is levied. Any civil administrative penalty assessed under this
2 section may be compromised by the commissioner upon the
3 posting of a performance bond by the violator, or upon such terms
4 and conditions as the commissioner may establish by regulation.

5 e. Any person who violates this act or an administrative order
6 issued pursuant to subsection b. or a court order issued pursuant
7 to subsection c., or who fails to pay a civil administrative penalty
8 in full pursuant to subsection d. shall be subject upon order of a
9 court to a civil penalty not to exceed \$50,000.00 per day of such
10 violation, and each day's continuance of the violation shall
11 constitute a separate violation. Any penalty incurred under this
12 subsection may be recovered with costs in a summary proceeding
13 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1
14 et seq.). The Superior Court shall have jurisdiction to enforce
15 "the penalty enforcement law" in conjunction with this act.

16 f. Except as otherwise provided in section 12 of this act, any
17 person who knowingly violates this act shall, upon conviction, be
18 guilty of a crime of the fourth degree and notwithstanding the
19 provisions of N.J.S.2C:43-3 shall be punished by fine of not less
20 than \$5,000.00 nor more than \$50,000.00 per day of violation.

21 12. This act shall take effect immediately.

22
23
24 STATEMENT

25
26 This bill would mandate that the Department of Environmental
27 Protection adopt the federal safety standards for the
28 transportation of hazardous liquids through intrastate pipelines,
29 that the department seek federal certification for the regulatory
30 program, and that the department adopt regulations more
31 stringent than those of the federal pipeline safety program.
32 Furthermore, the bill would grant the department regulatory
33 authority over interstate pipelines.

34 Pursuant to this bill, pipeline facilities would be required be
35 registered annually with the department, and pay an annual fee
36 therefore. The department would be required to conduct periodic
37 inspections of pipeline facilities and set procedures and standards
38 for leak detection systems and the operating procedures
39 therefor. In addition, owners or operators of pipelines would be
40 required to submit plans, specifications, and maps of pipelines,
41 inventories of pipeline use, conduct emergency drills, report the
42 results of external and internal pipeline inspections, report any
43 activation of a leak detection system, and remove abandoned
44 pipelines within 5 years. Owners and operators of pipeline
45 facilities would be required to annually update the information
46 provided to the department pursuant to this bill.

47 The department would also be required to request matching
48 grants from the federal Secretary of Transportation for the cost
49 of the department's pipeline safety program, and would be

1 required to submit a report to the Governor and the Legislature
2 on the feasibility of requiring secondary containment for all
3 underwater pipelines.

4 The bill would impose civil and criminal penalties for violations
5 of its provisions and allows the department to seek injunction
6 relief. Additional criminal penalties are added for failure to
7 respond to indications of a leak of a hazardous substance by a
8 leak detection system. These measures are necessitated by the
9 recent oil spill into the waters of the Arthur Kill, which resulted
10 in significant environmental damage, and which indicated that a
11 regulatory loophole exists for certain pipelines carrying
12 hazardous substances.

13

14

15 ENVIRONMENT

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Regulates pipelines carrying hazardous substances.

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2521

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate Environmental Quality Committee favorably reports the Senate Committee Substitute for Senate Bill No. 2521.

This bill would require that the Department of Environmental Protection (DEP) establish a registration program for intrastate pipeline facilities. Owners or operators of covered facilities would be required to submit identifying information, accurate maps, descriptions of the pipelines and the materials transported through them, inventories of pipe types, information concerning repair, maintenance, and leak histories of pipelines, and any other information the department considers useful and necessary.

In addition, the bill would require the DEP to study the feasibility and necessity, if any, of adopting the federal pipeline facility safety standards and regulations, and more stringent requirements; of applying to the federal government for certification of a State pipeline program; of requiring pipelines to have state-of-the-art leak detection systems and maintenance, repair, and operational standards therefor; of requiring the removal or environmentally sound closure of abandoned pipelines; of requiring that periodic practice drills of emergency leak response procedures be conducted, and that reports thereon be submitted, that replacement pipeline facilities be constructed so as to accommodate the passage of "smart pigs," and that all underwater pipelines be equipped with secondary containment.

Under this bill the department would submit a written report summarizing the results of the study to the Governor and the Legislature, including recommendations for administrative or legislative actions.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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TRENTON, N.J. 08625
Release:

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.