

58:10A-47 to 58:10A-51

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:10A-47 to 58:10A-51

(Ocean
dumping--prohibit)

LAWS OF: 1988

CHAPTER: 61

Bill No: S2342

Sponsor(s): Russo and others

Date Introduced: March 28, 1988

Committee: Assembly: -----

Senate: Energy & Environment

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

Date of Passage: Assembly: May 23, 1988

Senate: May 23, 1988

Date of Approval: July 11, 1988

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
B365
1989
New Jersey. Legislature. Assembly. Select
Committee on Ocean and Beach Protection
Public meeting...on current status of
'clear ocean' legislation, held 2-14-89.
Trenton, 1989.
- 974.90
B365
1988a
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean pollution.
Preliminary report...January, 1988.
Trenton, 1988.
- 974.90
P777
1987s
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean Pollution.
Public hearing, held 1-7-87, Long Branch, 1987.
- 974.90
P777
1987r
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean Pollution.
Public hearing, held 8-26-87,
Trenton, 1987
- 974.90
P777
1987i
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean Pollution.
Public hearing on vessel pollution,... held
June 16, 1987, Trenton, 1987.
- 974.90
P777
1987k
New Jersey. Legislature. Assembly. Coordinating Panel on
Review of Legislative bills...ocean pollution,
held 12-1-87, Toms River, 1987.
- 974.90
B365s
1987a
New Jersey. Legislature. Senate. Special Committee
Study Coastal and Ocean Pollution.
Public hearing concerning problems of water
pollution in the New York, New Jersey, metropolitan
region, held 9-29-87, Middletown, NJ 1987.
- 974.90
P777
1986n
New Jersey. Legislature. Senate. Special Committee to
Study Coastal and Ocean Pollution.
Public hearing to inquire into the problems, causes...
concerning debris which wash up on the New Jersey shore,
held 9-24-86, Woodbridge, 1986.

[FIRST REPRINT]
SENATE, No. 2342

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1988

By Senators RUSSO, PALLONE, VAN WAGNER, HURLEY,
CONNORS, GORMLEY, and GAGLIANO

1 AN ACT prohibiting the discharge of certain materials into the
ocean waters and providing penalties therefor.

3

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

1. This act shall be known and may be cited as the "Ocean
7 Dumping Enforcement Act."

2. As used in this act:

9 "Dump" or "dumping" means the disposition of material.
Dumping does not mean: (1) the disposition of any effluent from
11 any outfall structure to the extent that the disposition is
regulated under the provisions of the State "Water Pollution
13 Control Act," P.L. 1977, c. 74 (C. 58:10A-1 et seq.); (2) a routine
discharge of effluent incidental to the propulsion of, or operation
15 of motor-driven equipment on, vessels; (3) the construction of
any fixed structure or artificial island nor the intentional
17 placement of any device in ocean waters, or on or in the
submerged land beneath those waters, for a purpose other than
19 disposal, when the construction or placement is otherwise
regulated by federal or State law or occurs pursuant to an
21 authorized federal or State program; (4) the deposit of fish,
shellfish, and other animals and plants, or their body parts, for
23 the purpose of developing, maintaining, or harvesting fishery,
plant, or shellfish resources and is otherwise regulated by federal
25 or State law or occurs pursuant to an authorized federal or State
program; (5) the discharge of sewage as defined pursuant to
27 33 U.S.C. §1322; or (6) any dumping activity permitted and not
violative of the provisions of the federal "Marine Protection,
29 Research, and Sanctuaries Act of 1972," 33 U.S.C. §1401 et seq.
or other State or federal law;

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:

¹ Senate SEN committee amendments adopted May 19, 1988.

1 "Material" means matter of any kind or description, including,
but not limited to, dredged material, solid waste, incinerator
3 residue, garbage, sewage, sewage sludge, munitions, radiological,
chemical, and biological warfare agents, radioactive materials,
5 chemicals, biological and laboratory waste, wreck or discarded
equipment, rock, sand, excavation debris, and industrial,
7 municipal, agricultural, and other waste;

"Ocean waters" means those waters of the open seas lying
9 seaward of the base line from which the territorial sea is
measured, as provided for in the Convention on the Territorial
11 Sea and the Contiguous Zone, April 29, 1958, 15 U.S.T. 1606,
T.I.A.S. No. 5639.

13 3. a. A person who intentionally dumps any material into the
ocean waters within the jurisdiction of this State, or into the
15 waters outside the jurisdiction of this State, which material
enters the ocean waters within the jurisdiction of this State, is
17 guilty of a crime of the third degree.

b. Of the ¹monetary¹ penalty imposed pursuant to this
19 ¹[subsection] section¹, 10% shall be paid to the ¹[department]
Department of Environmental Protection¹ from the General Fund
21 if the Attorney General determines that a person or persons are
entitled to a reward pursuant to subsection c. of this section.

23 c. Any person who provides information to an enforcing
authority concerning a violation of this act that ¹[approximately]
25 proximately¹ results in the imposition and collection of a
criminal penalty as the result of a criminal action brought
27 pursuant to this act shall be entitled to a reward of 10% of the
penalty collected. The reward shall be paid by the department
29 from moneys received pursuant to subsection b. of this section.
If more than one person is entitled to a reward, the Attorney
31 General shall determine the percentage of the reward that each
person shall receive. The Attorney General shall adopt, pursuant
33 to the "Administrative Procedure Act," P.L. 1968, c. 410
(C. 52:14B-1 et seq.), rules and regulations necessary to
35 implement this section, including procedures to assure the
anonymity of the person or persons providing the information to
37 the enforcing authority when appropriate.

4. The provisions of this act do not apply when the dumping of
39 any material is necessary to secure the safety of human life or of
vessels, aircraft, platform, or other man-made structures at sea

1 in cases of force majeure caused by stress of weather, or in any
2 case that constitutes a danger to human life or a real threat to
3 vessels, aircraft, platforms, or other man-made structures at sea,
4 if dumping appears to be the only way of averting the threat and
5 if there is every probability that the damage consequent upon the
6 dumping will be less than would otherwise occur. In such
7 instances dumping pursuant to this section shall be so conducted
8 as to minimize the likelihood of damage to human or marine life.

9 5. The ¹[Department of Environmental Protection] Attorney
10 General¹ shall submit to the Administrator of the federal
11 Environmental Protection Agency whatever proposals may be
12 necessary pursuant to 33 U.S.C. §1416 in order to allow
13 enforcement of the provisions of this act.

14 6. This act shall take effect immediately.

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ENVIRONMENT
Air and Water Pollution

19

20 Prohibits the dumping of materials into the ocean and provides
21 penalties therefore.

1 if there is every probability that the damage consequent upon the
dumping will be less than would otherwise occur. In such
3 instances dumping pursuant to this section shall be so conducted
as to minimize the likelihood of damage to human or marine life.

5 5. The Department of Environmental Protection shall submit to
the Administrator of the federal Environmental Protection
7 Agency whatever proposals may be necessary pursuant to 33
U.S.C. §1416 in order to allow enforcement of the provisions of
9 this act.

6. This act shall take effect immediately.

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STATEMENT

15 This bill would prohibit the intentional dumping of material
into the ocean waters of the State. Violators would be guilty of a
17 crime of the third degree which entails a jail term of three to
five years and a fine not to exceed \$7500. The bill provides for
19 rewards, of 10% of any penalty imposed, to persons who give
information leading to the imposition and collection of the
21 criminal penalty imposed pursuant to the provisions of this bill.

As drafted, the bill would prohibit the dumping of material
23 from any source; e.g. land, vessel, platform, or aircraft. The bill
also applies to materials dumped outside the State's jurisdiction
25 but which materials enter the State's ocean waters. Thus, a
person would violate the provisions of this bill if that person
27 dumps material six miles out at sea, or in New York's waters,
and that material enters New Jersey's ocean waters.

29 As defined in the bill, materials would include any matter of
any kind. Exceptions are made in the definition of dumping to
31 exclude dumping pursuant to State or federal law, certain
discharges incidental to the operation of a vessel, certain sewage
33 discharges from vessels, the dumping of fish or plants incidental
to fishing activities, and the construction of man-made platforms
35 or other structures not intended for disposal. An exception is
also made for dumping of materials, in limited circumstances,
37 when necessary to save human life or property.

1 Because there may be a potential of preemption by the federal
"Marine Protection, Research, and Sanctuaries Act of 1972," 33
3 U.S.C. §1401 et seq., the Department of Environmental
Protection is directed to make any necessary proposals to the
5 Administrator of the federal Environmental Protection Agency to
allow the enforcement of this bill. This bill was drafted to be
7 consistent with that federal act and applicable international
conventions.

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ENVIRONMENT
Air and Water Pollution

13

Prohibits the dumping of materials into the ocean and provides
15 penalties therefore.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2342

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1988

The Senate Energy and Environment Committee favorably reports Senate Bill No. 2342 with Senate Committee amendments.

S2342, as amended, would prohibit the intentional dumping of material into the ocean waters of the State. Violators would be guilty of a crime of the third degree which entails a jail term of three to five years and a fine not to exceed \$7,500. This bill also provides for rewards of 10% of any penalty imposed to persons who provide information leading to the imposition and collection of the criminal penalty imposed pursuant to the provisions of this bill.

This bill would also prohibit the dumping of material from any source; e.g. land, vessel, platform, or aircraft. The bill also applies to materials dumped outside the State's jurisdiction but which materials enter the State's ocean waters. Thus, a person would violate the provisions of this bill if that person discharges material six miles out at sea, or in New York's territorial waters, and that material enters New Jersey's ocean waters.

As defined in this bill, materials would include any matter of any kind. Exceptions are made in the definition of dumping to exclude dumping pursuant to State or federal law, certain discharges incidental to the operation of a vessel, certain sewage discharges from vessels, the dumping of fish or plants incidental to fishing activities, and the construction of man-made platforms or other structures not intended for disposal. An exception is also made for dumping of materials, in limited circumstances, when necessary to save human life or property.

Because there may be a potential of preemption by the federal "Marine Protection, Research, and Sanctuaries Act of 1972," 33 U.S.C. §1401 et seq., the Attorney General is directed to make any necessary proposals to the Administrator of the federal Environmental Protection Agency to allow the enforcement of this bill.

As reported by the Committee, S2342 is identical to A2848 1R.

974.901
661



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
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TRENTON, N.J. 08625

Release: WED., JULY 13, 1988

Three bills and one resolution, consistent with Governor Kean's 14 point ocean protection plan, were signed by the Governor on Monday and filed today.

S-2351/A-2852, sponsored by Senator Laurence Weiss, D-Middlesex, Assemblyman Edward Salmon, D-Cape May and Assemblyman Patrick Roma, R-Bergen, appropriates \$2 million to the Department of Environmental Protection to accelerate its industrial wastewater pre-treatment program.

S-2342/A-2848, sponsored by Assemblyman Frank LoBiondo, R-Cape May, Assemblyman Robert Smith, D-Middlesex and Senate President John F. Russo, D-Ocean, makes the intentional dumping of material into the ocean a crime of the third degree including a jail term of 3-5 years and fines up to \$7,500.

The legislation also establishes rewards, 10 percent of the penalty collected, for information leading to the imposition of a penalty on a violator.

S-2345/A-2849, sponsored by Senator James Hurley, R-Cumberland, Assemblywoman Dolores Cooper, R-Atlantic and Assemblyman Robert Smith, D-Middlesex, requires the DEP to prepare educational material on the impact of plastics and other pollutants on the marine environment. The legislation appropriates \$50,000 for this program.

SJR-47/AJR-70, sponsored by Senator Richard Van Wagner, D-Monmouth and Assemblyman George Otlowski, D-Middlesex, calls upon the federal Environmental Protection Agency to close the six-mile dredge spoil site by November 1989 and designate a site at least 20 miles out.

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